

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, July 14,**  
4 **2022. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **July 4, 2022, and July 11, 2022.**  
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7

8 **Members Present:** Mrs. Melissa L. Thornton, Chairperson (Three Chopt)  
9 Mr. Robert H. Witte, Jr., Vice Chair (Brookland)  
10 Mr. C. W. Archer, C.P.C. (Fairfield)  
11 Mr. William M. Mackey, Jr., (Varina)  
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
13 Secretary  
14 Mr. Daniel J. Schmitt (Brookland)  
15 Board of Supervisors' Representative  
16

17 **Also Present:** Ms. Jean Moore, Assistant Director  
18 Mr. Ben Sehl, Senior Principal Planner  
19 Mr. Livingston Lewis, County Planner  
20 Ms. Kristin Smith \*  
21 Mr. Michael Morris, County Planner \*  
22 Mr. John Cejka, Traffic Engineer, Public Works  
23 Mr. Justin Briggs, Henrico County Public Schools \*  
24 Mr. Billy Moffett, Police \*  
25

26 \* (Virtually)  
27

28 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains on all**  
29 **cases unless otherwise noted.**  
30

31 Mrs. Thornton - I'd like to call the meeting, the Planning Commission meeting  
32 of July 14, 2022, meeting to order. Welcome, everybody. Thanks for coming this evening.  
33 If you could please just check your cellphones and either mute them or turn them off that  
34 would be greatly appreciated and then stand with the Commission for the Pledge of  
35 Allegiance.  
36

37 [Recitation of Pledge of Allegiance]  
38

39 Is there anybody in the audience or on Webex that's with the news media? Okay, this  
40 evening we have all of our members here, so we have a quorum, and we have Mr. Dan  
41 Schmitt from the Brookland District sitting on the Board this year for the Board of  
42 Supervisors so, thank you, Dan. He can make comments, but he will not participate in the  
43 voting for the cases. So, I'm going to turn the meeting over to our secretary, Joe Emerson.  
44

45 Mr. Emerson - Thank you, Madam Chair and I'll join the chair in welcoming  
46 everybody to the Henrico County Planning Commission meeting for July 14. This evening,

it is requested that all public comments be provided from the lectern at the rear of the room.

For everyone who's watching the livestream on the County website, you can participate remotely in the public hearings by following these guidelines and you can also see these on the screen in front of you. Go to the Planning Department's meeting webpage at [henrico.us/planning/meetings](http://henrico.us/planning/meetings). Scroll down under Planning Commission and then click on Webex Event. Once you have joined the Webex Event, please click the chat button in the bottom-right corner of the screen.

Staff will then send you a message asking if you would like to sign up to speak on an upcoming case. To respond, select Mike Morris from the dropdown menu and send him a message.

The Commission does have guidelines for its public hearings, and they are as follows: The applicant is allowed 10 minutes to present the request, and time may be reserved for responses to that testimony. The opposition is allowed a cumulative 10 minutes to present its concerns. The Commission's questions do not count into the time limits. The Commission may waive the time limits at its discretion. Comments must be directly related to the case under consideration and all commenters must provide their name and address prior to speaking. That is for our record which is verbatim, and we do maintain those records in perpetuity.

Thank you for your participation and your interest this evening. And with that said, Madam Chair, we now move on to requests for withdrawals and deferrals and those will be presented by Mr. Ben Sehl.

Mr. Sehl - Good evening, Madam Chair, members of the Commission. Staff is aware of one deferral request this evening. It's on page 2 of your agenda in the Tuckahoe District. This is PUP2022-00010 Hunt Gunter.

**PUP2022-00010 Simon Mueller for Hunt Gunter:** Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration.

The applicant is requesting this item be deferred to the September 15, 2022, meeting.

Mrs. Thornton - Is there anybody in the audience present or on Webex that is opposed to the deferral of PUP2022-00010 Hunt Gunter?

Ms. Smith - Madam Chair, we have no one on Webex for this case.

Mrs. Thornton - Okay. No one in the audience. Thank you so much.

93 Mr. Baka - Madam Chair, I move that PUP2022-00010, Hunt Gunter be  
94 deferred to the September 15, 2022, meeting at the request of the applicant.

95  
96 Mr. Archer - Second.

97  
98 Mrs. Thornton - We have a motion by Mr. Baka, a second by Mr. Archer. All  
99 in favor say aye.

100  
101 The Commission - Aye.

102  
103 Mrs. Thornton - All opposed? Motion passes.

104  
105 Mr. Emerson - Madam Chair. Unless the Commission has additional  
106 deferrals to raise at this time that completes the deferrals for this evening. In being and  
107 appearing there are no more the request for expedited items are the next item appearing  
108 on your agenda and those will also be presented by Mr. Ben Sehl.

109  
110 Mr. Sehl - The first item requesting expedited approval this evening is on  
111 page 1 of your agenda in the Fairfield District. This is REZ2022-00021, HHHunt River  
112 Mill, LLC.

113  
114 **REZ2022-00021 Jon Murray for HHHunt River Mill, LLC:** Request to  
115 conditionally rezone from R-5AC General Residence District (Conditional) to C-1C  
116 Conservation District (Conditional) part of Parcel 779-774-3651 containing 5.11 acres  
117 located approximately 500' northwest of the terminus of Winfrey Road extending  
118 approximately 1,700' north along the floodplain of the Chickahominy River. The applicant  
119 proposes a conservation district. The use will be controlled by zoning ordinance  
120 regulations and proffered conditions. The 2026 Comprehensive Plan recommends  
121 Environmental Protection Area.

122  
123 Staff is recommending approval of this request and is unaware of any opposition.

124  
125 Mrs. Thornton - Okay, thank you. Is there anybody in the audience or on  
126 Webex that is opposed to the approval of REZ2022-00021 HHHunt River Mill, LLC?

127  
128 Ms. Smith - Madam Chair, we have no one on Webex for this case.

129  
130 Mrs. Thornton - Thank you.

131  
132 Mr. Archer - Madam Chair, there being no opposition I move that we  
133 recommend approval of REZ2022-00021 HHHunt River Mill, LLC with the proffers in the  
134 staff report dated June 23, 2022.

135  
136 Mr. Baka - Second.

138 Mrs. Thornton - We have a motion by Mr. Archer, a second by Mr. Baka. All  
139 in favor say aye.

140  
141 The Commission - Aye.

142  
143 Mrs. Thornton - All opposed? Motion passes.

144  
145 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the  
146 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
147 **grant** the request because it is reasonable, and it conforms to the recommendations of  
148 the Land Use Plan.

149  
150 Mr. Sehl - Also, in the Fairfield District and on page 1 of your agenda is  
151 REZ2022-00023, Doswell Ventures, LLC.

152  
153 **REZ2022-00023 Bay Companies Inc. for Doswell Ventures, LLC:** Request  
154 to conditionally rezone from R-4 One-Family Residence District and B-3C Business  
155 District (Conditional) to B-3C Business District (Conditional) Parcels 781-761-6051 and -  
156 4638 containing 2.03 acres located on the west line of Mountain Road approximately 45'  
157 south of its intersection with New York Avenue. The applicant proposes contractor service  
158 and office uses. The uses will be controlled by zoning ordinance regulations and proffered  
159 conditions. The 2026 Comprehensive Plan recommends Commercial Concentration.

160  
161 Staff notes that revised proffers were handed out to you this evening. Those were  
162 received in time. Staff is recommending approval based on those revised proffers and is  
163 unaware of any opposition at this time.

164  
165 Mrs. Thornton - Thank you. Is there anybody on Webex or in the audience that  
166 is opposed to the approval of REZ2022-00023, Doswell Ventures, LLC?

167  
168 Ms. Smith - We have no one on Webex for this case.

169  
170 Mrs. Thornton - Thank you.

171  
172 Mr. Archer - Madam Chair, in that case then I move that we recommend  
173 approval of REZ2022-00023, Doswell Ventures, LLC with the proffers in the staff report  
174 dated July 7, 2022.

175  
176 Mr. Mackey - Second.

177  
178 Mrs. Thornton - We have a motion by Mr. Archer and a second by Mr. Mackey.  
179 All in favor say aye.

180  
181 Commission - Aye.

182  
183 Mrs. Thornton - All opposed? Motion passes.

184

185 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,  
186 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
187 Supervisors grant the request because the employment use supports the County's  
188 economic development policies, and it is appropriate business zoning in this area.  
189

190 Mr. Sehl - The final item on the expedited agenda is in Three Chopt  
191 District on page 2 of your agenda. This is REZ2022-00022, Stanley Martin Homes, LLC.  
192

193 **REZ2022-00022 Andrew M. Condlin for Stanley Martin Homes, LLC:**  
194 Request to rezone from R-5AC General Residence District (Conditional) to C-1  
195 Conservation District part of Parcel 752-773-1086 containing 11.6 acres located  
196 approximately 100' southeast of the terminus of Maben Hill Lane extending approximately  
197 2,486' east and west along the floodplains of Allen's Branch and the Chickahominy River.  
198 The applicant proposes a conservation district. The use will be controlled by zoning  
199 ordinance regulations. The 2026 Comprehensive Plan recommends Environmental  
200 Protection Area.  
201

202 Staff is recommending approval and is unaware of any opposition to this request.  
203

204 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is or  
205 would like to oppose the approval of REZ2022-00022, Stanley Martin Homes, LLC?  
206

207 Ms. Smith - Madam Chair, we have no one on Webex for this case.  
208

209 Mrs. Thornton - Okay, thank you. Well, I move we recommend an approval of  
210 REZ2022-00022, Stanley Martin Homes.  
211

212 Mr. Witte - Second.  
213

214 Mrs. Thornton - We have a motion by Mrs. Thornton, a second by Mr. Witte.  
215 All in favor say aye.  
216

217 Commission - Aye.  
218

219 Mrs. Thornton - All opposed? Motion passes.  
220

221 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,  
222 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
223 Supervisors grant the request because it is reasonable, and it conforms to the  
224 recommendations of the Land Use Plan.  
225

226 Mr. Emerson - Madam Chair, that completes our expedited items for the  
227 evening, and we now move into the regular agenda with your first item appearing at the  
228 bottom of page 1. It is REZ2022-00019, Andrew M. Condlin for Pemberton Investments,  
229 LLC.  
230

**REZ2022-00019**                      **Andrew M. Condlin for Pemberton Investments, LLC:**  
Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 11.85 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road. The applicant proposes a residential development of detached dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Open Space/Recreation (OS/R), Suburban Residential 2, density should not exceed 3.4 units per acre, and Office.

The staff report will be presented by Mr. Livingston Lewis.

Mrs. Thornton -                      Hi, Livingston.

Mr. Lewis -                              Hi, good evening.

Mrs. Thornton -                      Good evening. Is there anybody in the audience or on Webex that would like to speak to the case?

Unknown speaker -                      Yes, ma'am.

Ms. Smith -                              We do have opposition.

Mrs. Thornton -                      Okay, great. We will hear from Mr. Lewis and then we'll get to the audience and then the Webex. Thank you so much.

Mr. Lewis -                              Alright, good evening, Madam Chair, members of the Commission. As stated, this request is to allow single-family homes on 11.85 acres of vacant and partially wooded property around the intersection of John Rolfe Parkway and Pump Road. The A-1 and B-3 zoned site consists of 2 portions of a multi-part tax parcel which remained undeveloped after the county's construction of John Rolfe Parkway and realignment of existing intersections. Two smaller remnant pieces of the property are not included and will be discussed later. They are located here and here.  
In anticipation of the roadway improvements mentioned, the County conducted a Small Area Study in 2004 to determine the appropriate future uses for parcels remaining after completion of the road project. As adopted by the Board of Supervisors and included in the 2026 Comprehensive Plan, the subject site was mostly designated for Open Space / Recreation with the intention of creating a village square for the area. Smaller portions were recommended for Suburban Residential 2 and Office. Since that time, the village square concept has not materialized and the County and nearby residents have repeatedly had to address unauthorized use of portions of the property, some of which has resulted in negative impacts on surrounding residents. Because of this and without a clear public recreational need for the property, the subject site was sold by the County earlier this year. Single-family residential uses surround the site to the west, north, and east and commercial uses are adjacent to the south. The applicant has provided two

conceptual plans, one for each side of John Rolfe Parkway. This western one represents 4.86 acres with 15 proposed residential lots across from a daycare, and the Clay Crest and Timberlake neighborhoods. All lots would be accessed directly from Old Pump Road, and a stormwater retention basin would be built at the corner of Pump Road and John Rolfe Parkway.

This is the layout for the property east of John Rolfe Parkway. It shows 15 proposed residential lots on 6.99 acres backing up to Chapelwood. All of these lots would be accessed from a new privately maintained, one-way road with entry and exit onto John Rolfe Parkway. With this configuration, a right-turn lane would only be required at the access drive's southern end. Other features of this layout include a BMP north of the proposed lots, and general common area proposed for the unused southern part of the site. The proposed homes would have an appearance generally consistent with these architectural examples. The applicant has submitted revised proffers dated July 7, which have been handed out to you this evening. The proffers address all items outlined last month, and also include the following additional changes: maximum number of units reduced to 30; minimum house size increased to 2,100 square feet; 2-car attached garage provided for each home; specified there would be two separate owners' associations; county-required road improvements to be provided along Old Pump Road; further reduced Saturday and Sunday construction hours; increased the residential buffer requirements and added common amenities. These revisions are helpful, and the proffers are generally consistent with those provided in other single-family requests. However, staff would like to highlight several issues for additional consideration by the applicant. These topics include providing additional detail about the potential sale, future use, and long-term maintenance of the remnant pieces of property shown here, and that includes the 2 portions that are not included in the case here and here as well as a large portion which is included in the case. Staff also suggests refining the design of both development areas to create a layout more consistent with adjacent communities, as noted in the staff report, and, including treatments along Pump Road and John Rolfe Parkway which are more consistent with other developments' perimeter buffers in the area.

The applicant held 2 community meetings – the first on May 17th followed by another on May 23rd. During those meetings and through citizen contacts with staff, concerns have been expressed about the following issues: the content and maintenance of common areas, traffic, density, school impacts, removal of trees, landscape buffering, and consistency with surrounding development.

While the request is not fully consistent with the recommendations of the Comprehensive Plan, the pattern of development in the area indicates that a properly designed residential community could be an acceptable alternative. If the applicant is able to address the remaining issues, staff believes the proposed use could be appropriate in this location. This concludes my presentation, and I'm happy to take any questions.

Mrs. Thornton - You all have any questions?

Mr. Witte - No.

323 Mr. Baka - I have one quick question. Thank you, Mr. Lewis. On the east  
324 side of John Rolfe Parkway and just west of that new access road, who would own that  
325 land in between where the access road; would that revert to the homeowner's  
326 association?

327  
328 Mr. Lewis - This here?

329  
330 Mr. Baka - Yes.

331  
332 Mr. Lewis - It's listed as common area on the conceptual layout so I'm  
333 assuming the homeowner's association.

334  
335 Mr. Baka - Okay. Alright, and you mentioned the school capacity was  
336 also a concern but these three schools in this area appear to be under capacity for the  
337 last school year so is that not a significant concern, or?

338  
339 Mr. Lewis - The concerns that I listed were primarily concerns voiced by  
340 residents during the community meeting. It doesn't necessarily reflect capacity issues in  
341 the staff report.

342  
343 Mr. Baka - The staff report.

344  
345 Mr. Lewis - Yes, that's correct.

346  
347 Mr. Baka - Thank you.

348  
349 Mrs. Thornton - Alright, thank you. I'm sure we'll hear about that from the  
350 residents. Let's talk -you heard we have 10 minutes to collectively hear from everybody  
351 here and on Webex that would like to speak to the case. So, opposition, if y'all don't mind,  
352 you have to speak at the back at the lectern and just state your name and your address  
353 and if you hear repetitive you know just try not, you know, to be repetitive.

354  
355 Mr. Williams - Since the clock is ticking, Jeffrey Williams, 12036 Cottage  
356 Creek Court. I sent to the Commission this afternoon late some documents. I don't know  
357 if that got forwarded to y'all or not. If so, thank you for doing that quickly. I do appreciate  
358 the opportunity to speak. I do want to just say a lot of praise for Henrico staff making so  
359 much available online. That did make it very easy to find information. As well as Roth  
360 Jackson has been very good about giving out information. I do have a question though  
361 because I did not see the latest proffer updated on Roth Jackson website. I don't know if  
362 I missed that because the last one, I've seen says 31 homes in that space and I heard it  
363 mentioned that there was 30 in this recent, so I don't know about whether I have the most  
364 up-to-date proffer or not. I'll be quick so as to give other people the opportunity. The  
365 document that I gave to you is the reason why I bought my home in 2018. It is located in  
366 the subdivision of Chapelwood which is just east of the east property up there. The reason  
367 I bought my home is because it was adjacent to land that was owned by the county. I did  
368 not think it was going to be developed. Since that time my family has enjoyed that property



as being open. Everything from having a path that we have cut through there to get to walk to West Broad Village, we walk to Whole Foods and Trader Joe's and by doing this we are very concerned about our inability to enjoy the property that was once accessible to us because it was public property. Since that time, we have kept up this property. We've cleaned out the drains so as to get rid of mosquitoes then going into Barrington. We've just done a lot of stuff to that area. And, so by as this stands now if you'll look on the very back there are 2 lots, Lots 1 and 2, that the development of which would adversely affect the reason why I bought my home. And, if you look on the very front page the very bottom picture that is the view from my office that I built specifically to look over this land and so I respectfully request that this not be approved as is. It sounds like there's still a lot of work that's still to be done with this. I request that that be changed and shifted. I believe there's a way to shift that property a little bit to still get the property and the number of lots the developer would want. Even if the developer can't, I would respectfully ask that it be modified not to do that. A couple of other quick things I would like to ask for a little bit more time to get at some point to get some more information about what is presented in the proffer regarding definitions of "kept naturally". I'd like to know a little bit more information about the BMP and the common spaces because there's a lot of ambiguity there, and I know I would not like to approve something without a little bit more information. So, thank you.

Mr. Mehta - Thank you, Madam Chair and other members of the Council. I am Bhavesh Mehta and I live at 11705 Thaddeus Drive. I'm on the western side of the parcel so I'm on the Old Pump side. I had actually sent in a petition on behalf of a lot of the residents on that side of the road. There were several concerns particularly around the traffic in the area, so I know that there hasn't been, there have been several requests prior to doing a traffic study in that area because of the school that's located there, Chesterbrook Academy. There tends to be a lot of traffic and parking along those streets, and we feel like the density of property that's going to be in that area is really going to negatively affect both the children in that area, because there's a lot of pedestrian traffic, as well as just the overall traffic even at the intersection of Laurel Woods and Thaddeus. So, I actually concur with the previous speaker that I think we definitely need a little bit more time to see what the new proffer looks like. I think reducing the number of homes at least on the western side would be very beneficial to the project and to the safety of the residents. I also wanted to kind of understand what's going on with the BMP and like, how much of a buffer would be available there because there's a ton of road noise as well that goes in there. I think it's going to negatively impact the properties there so. I know that the developer did see the petition and the letter so, but we haven't actually heard anything from them since then so, yeah, I would move to defer this at a minimum to see what more information we can get.

Ms. O'Meara - Hello, my name is Colleen O'Meara. I live at 1121 Lakeland Circle. I think the very first thing that's wrong with this proposal is that it's not consistent with the Comprehensive Plan. The Comprehensive Plan calls for Open Space /Recreation, R-2, and Office and this proposal is none of those things. I understand the history of the county owning that land and then selling it, but there is a legal basis for the Comprehensive Plan, and it comes from the Code of Virginia. You know, a lot of Henrico

County time and resources and money went into putting together that long range plan of how land use should be developed in the county and there are requirements that come from the Code of Virginia that require you to amend that plan but not to ignore it. The only time that you're able to make a Substantially In Accord with the adopted Comprehensive Plan determination is when you're dealing with a proposed public facility and the wording that's in the 2026 Comprehensive Plan for Henrico County is wording that is lifted directly from the Code of Virginia and that's fine. It says that basically if there's a proposed street, park, public building or public utility facility that is not identified on the plan, the Planning Commission must find that the proposal is Substantially In Accord with the adopted Comprehensive Plan. But I can find no legal authority for the Planning Commission to make that sort of, "Well, it's comprehensively, substantially in accord for a commercial private facility," and I ask the Planning Commission right now, if you believe you have this legal authority, please identify it for us. Please point to it. I think that's a fair question with all the time and money that goes into creating that planning document that's supposed to guide development in the county. There are requirements and rules from the Code of Virginia on amending that document. In counties north of us up near Washington, DC they don't ever ignore it they go in and they amend it when they want to make changes, but those amendments require the same thing as when it was initially formed. They require public notification and public hearings and that's not something that you know happens without prior public notification. So, I guess I put my question to you. I hope you can point me to where, what legal authority you have to say, "Hey, this isn't in compliance with the Comprehensive Plan but it's Substantially In Accord." It seems like that very first requirement knocks this development out of contention. And I'll give the floor up to the next speaker.

Mr. Baka - Quick question Madam Chair. Quick question if I may Miss O'Meara. Could you point out the approximate location of your home on this map?

Ms. O'Meara - My home is not on the map. You know where I live, Mr. Baka. I live at 1121 Lakeland Circle, but I am a resident of Henrico County and I think my concern is - and this time I'm answering the question doesn't take away from these women, does it?

Mrs. Thornton - No.

Ms. O'Meara - Ok, thank you. I think the concern I had in Tuckahoe District is the same concern that these fine people are going to have in Three Chopt District and I think it's something that's done consistently but I think it's done consistently wrong. I don't think it was just directed at me and my neighbors in the June meeting. But I think it is something that's done consistently wrong. I don't think it's in accord with the Code of Virginia, and I think maybe, you know, when you guys deal with one-off developments and deal with neighborhoods one by one, you know, we feel very small and very unheard so now I'm back to try to find people who live in other districts and maybe we have a common concern and we are in a common class of our complaint against, "Hey, we should be following that 2026 Comprehensive Plan," and if we're not going to follow it, we should follow the Code of Virginia and require that it be amended with all the required

461 public notice and the public hearings at the Planning Commission and at the Board of  
462 Supervisors. Thank you for listening to me and if you could answer my question about  
463 where you have the legal authority to allow something that isn't in compliance by making,  
464 "Hey, this is Substantially In Accord," if you could answer that for a privately owned  
465 commercial developer something that isn't a public utility, public building. I mean it's in  
466 black and white in your own documents and I am just asking you know and I'm sure these  
467 folks are just asking you to follow your own rules and you know follow the Code of Virginia  
468 which supersedes the County of Henrico's rules. I respectfully thank you for listening to  
469 my concerns. So.

470  
471 Ms. Fender - Hi, my name is Kimberly Fender. My address is 2890 Old  
472 Pump Road. My husband and I are the sole residents on Old Pump Road. So, this western  
473 parcel affects us greatly, I have several areas of concern which my neighbor has  
474 addressed in his petition, so I did want to be brief. I know we're brief on time here. Number  
475 one, in the community meeting I had asked for a traffic study. I don't think a traffic study  
476 has been conducted. I'd like to inquire as to the status of that. Also inquired about an  
477 environmental study. I don't think that has been addressed. And also, on the item of  
478 notification for this meeting tonight, only my parents at 11700 Timbermill, right next door  
479 to my property received notification. We did not. For the previous meeting only 4 residents  
480 adjacent to the property received notification. So, I think that you know it's in line with the  
481 previous speaker's concern about notification, but I would like the committee, the council,  
482 the Commission here to address traffic, environmental impact. Thank you.

483  
484 Ms. Axarlis - Good evening, my name is Ms. Linda Axarlis. I reside at  
485 11724 Church Road. Again, I have the same concerns as the previous speakers. I'm very  
486 concerned about the traffic down John Rolfe Road. We can hear through our property all  
487 the cars that go racing down at night. Traffic in the morning with school buses is a big  
488 concern because the traffic light over there on John Rolfe leading into John Rolfe Square  
489 is a very short light. A lot of times school buses are stuck there, there's traffic in the  
490 intersection. I'm also concerned about the environmental issues. We have 5 1/2 acres on  
491 Church Road, we have a 2-acre pond. I'm concerned if the subdivision is built directly  
492 behind our pond, is the developer going to issue or erect a fence security for our pond?  
493 That easily kids could climb a fence and drown in our pond. If necessary, we do have  
494 cameras, but I'm also concerned about the whole atmosphere of the area where there  
495 are little sub-divisions, but this property seems like it's a mix-up. We have some houses  
496 here on one corner there's going to be some houses on the other corner and the one off  
497 of John Rolfe Road which is only going to have a right turn lane how are all the residents  
498 going to keep going back on Broad Street and exit the expressways? So, I'm asking you  
499 to please not vote on this tonight. There needs to be more studies and I'm also concerned  
500 about the school analysis of only 31 students being entered into the school system. You're  
501 going to build all these houses and there's only going to be 31 children coming affecting  
502 the school system? So, I have concerns about that too. Thank you for hearing my  
503 comments.

504  
505 Ms. Southward - Hi, my name is Lori Southward. I live at 11713 Sandy Bluff  
506 Drive. My property backs up directly to John Rolfe Parkway. I've been there for a little

over 20 years. I went through the project of the John Rolfe Parkway being put in behind my home and worked with the county I think from about 2004 or somewhere around there is when it started. Actually I have a copy of an old plat here, that the county used when they were putting in the John Rolfe Parkway and it actually referred to those 11 acres with a lot of wetlands in there so I'm not sure if there's a concern there as well like she mentioned and there's a pond there but the fact that it's labeled as wetlands is there conservation and things that are there. I too have concerns about it being 30-some houses that are there and then the amount of just blank space that would be there. We were, I was told by RG Madison is one of the gentlemen that we worked with when they put John Rolfe in. Again, referring back to the original plan we were told that it was going to remain either county owned or there was going to be a park there and the conservation that would be there. I see these homes going up as a real privacy thing for me. I already go without a lot of privacy, and I feel like all of us that line up against John Rolfe, we already sacrificially put up with a lot. Like what was mentioned. We put up with a lot of drag racing, we put up with a lot of noise. I put up with the townhouses that were built up a little bit further on the road. The amount of construction, dump trucks, uh, their mufflers, the dirt that is thrown into the air, the silt that lands in my pool and on my siding of my house and just the nuisances that come up from having to live, you know, with that amount of traffic that's already on that road. And at the very least, I would like for you all to consider, that I mean, I don't want to see houses go up there at all but if you have to consider houses being up there that you would consider it being a lot less homes and that you would at the very least require that the mature trees that are there remain there as a large buffer because it is an extremely noisy area. We hear all of the traffic that's down on Broad Street and there are a numerous amount of animals that live in those woods. There's a lot of owls, there's a lot of hawks because those are very large trees that remain over there and the day that they took the trees down behind my house for John Rolfe Parkway was a really devastating sight to see because you saw so many you know birds and stuff that were so misplaced and dis-homed and baby birds that were sitting on my trees and they didn't know where to go or what to do and I just, I'm really disappointed that the county even sold the property. And shame on me if there's public notice out there that you all do that and I'm not aware of it that and I take responsibility for that but just the fact that you sold it I feel like it was done on the sly. I feel like I don't feel good about the county doing that. We need trees in our area to try and just help keep down some of the noise. So, I would just like for you all to take that into consideration for the people that live there just for what we already put up with. We put up with a lot with that road behind us. So, I thank you for your time and consideration.

Mrs. Thornton -                      Alright, thank y'all so much. We are over.

Mr. Emerson -                      We're about at 15.

Mrs. Thornton -                      We're at about 15 minutes, Commission. Would y'all mind extending it 2 more minutes to allow the people that are online to speak?

Mr. Witte -                      Sure.

553 Mr. Mackey - I don't have a problem.

554

555 Mrs. Thornton - Okay, who's on Webex?

556

557 Ms. Smith - Madam Chair, we have 3 people who would like to speak in

558 opposition.

559

560 Mrs. Thornton - Okay, thank you. We're going to allow 2 minutes so if they

561 could please state you know what their concerns are or if they're in support just go ahead

562 and state your name and your address for us, please.

563

564 Ms. Smith - Yes, the first speaker is Todd Iguchi and you're now unmuted.

565

566 Mr. Iguchi - Hi, good evening, Madam Chair and board members. Thank

567 you for taking the time to listen to us about this. I'll echo, I'm on the west side at 117. My

568 name is Todd Iguchi on the west side of Old Pump Road 11713 Timbermill Lane. As was

569 mentioned earlier our concerns are again the noise, the traffic density concerns and

570 generally the concern over pedestrian safety for the residents. It's already challenging as

571 it is. One of the things that we have going up right now is the Flagstop carwash being built

572 so all the traffic from that carwash at least 2/3 of it at any given time along with the

573 residents that'll be potentially on Old Pump Road. If they want to go on John Rolfe Road

574 or on Pump Road, the larger (inaudible) is that all that traffic that comes down Old Pump

575 Road on to Thaddeus on to get to Sunrise to get out to those 2 main arteries.

576 And that is a huge amount of traffic density that's going through there and that's a big

577 concern. My wife is legally, can still walk without assistance, but is legally blind and we've

578 already had some numerous occasions where traffic is coming in into either the carwash

579 or to the daycare center mostly, there are some local residents sometimes going a little

580 bit haphazardly but the intersection at Thaddeus and the road I mean with this I can't

581 remember, I don't have the map up but the other road right there has a yield sign and

582 those cars will come around there wide and going 20 mph around the turn and my wife

583 has been nearly hit on more than we can count on 2 hands and it's a big concern with

584 that along with the noise and etcetera and the environmental and I'll echo what the other

585 woman said about that we have owls and other birds of prey that do live in those trees in

586 that section over there that will be displaced. Thank you very much.

587

588 Mrs. Thornton - Thank you.

589

590 Ms. Smith - The next speaker is David Ralston. You are now unmuted.

591

592 Mr. Ralston - Hi, my name is David Ralston. I live at 2912 Laurel Woods

593 Lane which is at the intersection of Laurel Woods Lane and Sunrise. I won't repeat any

594 of the traffic issues, but I will submit concerns with that. I've addressed that in an email.

595 My largest concern which I don't believe that has been brought up are the lot sizes. The

596 lot sizes at least on the west side are completely inconsistent with all the development

597 that's occurred on the west side since 2007 and 2006 which is when we originally bought

598 our house. We're the original owners. I believe that should be addressed to match at the

599 very least which I think will also help with a lot of the other issues such as traffic. That's  
600 all. Thank you.

601

602 Mrs. Thornton - Thank you.

603

604 Ms. Smith - And the final speaker is Glen Henrichs. You are now unmuted.

605

606 Mr. Henrichs - Hi, can you hear me?

607

608 Mrs. Thornton - Yes.

609

610 Mr. Witte - Yes.

611

612 Mr. Henrichs - Wonderful. Uh, yeah. Our biggest concern. My wife is with me  
613 as well. She was doing the chatting and typing, is the traffic. We live at 11725 Thaddeus  
614 Drive. For us, we're in a cul-de-sac. We bought our house in a cul-de-sac because we  
615 wanted reduced traffic and we wanted really what came with Short Pump. We've lived in  
616 Short Pump since 1989. We lived in the Satterly community which is across the street,  
617 and we moved over here now. I think you guys might have done a traffic study because  
618 on Old Pump you put speed bumps so something must have happened up there that the  
619 county installed speed bumps and if you guys could elaborate on that that would be great.  
620 Well, but again. I'm trying to understand. What is the traffic flow? Is it one where you're  
621 going to cut off where Old Pump runs into, I guess it's Church, or John Rolfe or Pump  
622 Road whatever it dumps into down there by the proposed or the being-built carwash? Is  
623 that going to be closed off?

624

625 Mrs. Thornton - No.

626

627 Mr. Henrichs - Or is that where all the traffic dumps out to?

628

629 Mrs. Thornton - That's where it will go to.

630

631 Mr. Henrichs - Okay, so then but you're going to still have traffic coming down  
632 Thaddeus turning onto Laurel Woods turning onto Sunrise, yes?

633

634 Mrs. Thornton - We'll have Traffic, and Livingston answer that but yes, yes,  
635 that is the plan.

636

637 Mrs. Henrichs - Hi, this is his wife. I'm Maria and I just wanted to share a little  
638 bit with you. I'm actually a realtor here in town and my largest concern and I'd like to echo  
639 what the other gentleman said prior to me and this is that when we moved here we  
640 selected this area specifically because of the lot sizes and because of the privacy and we  
641 thought that that particular area of land was going to remain a park and so I have a lot of  
642 concerns about the economic impact on all of us and as my husband just said the  
643 environmental and then lastly I'm very concerned about safety. You know that there's

644 these new sidewalks which lead from the commercial areas and that just brings in a lot of  
645 concerns for me overall.

646  
647 Mr. Henrichs - We're done.

648  
649 Mrs. Henrichs - Thank you.

650  
651 Mrs. Thornton - Alright, thank you so much.

652  
653 Ms. Smith - Madam Chair, there's nobody further on Webex for this case.

654  
655 Mrs. Thornton - Okay, thank you. Andy, I hope your pen was working.

656  
657 Mr. Condlin - It was, yes ma'am. Madam chair, members of the commission  
658 my name is Andy Condlin here on behalf of the applicant with respect to this case. Mr.  
659 Lewis, if you don't mind going back to the slide you were on before I'm just going to show  
660 the general area. We may have to go to some of the other ones if you don't mind. I don't  
661 have a formal presentation. Obviously, this is 2 distinct sections and 2 distinct properties.  
662 Mr. Lewis had already referred a little bit to the history of this as has some of the residents,  
663 but this was owned by the county but because of trespassing and unauthorized activities  
664 in the areas that were causing negative impacts on the surrounding homes but there was  
665 a decision which we were not involved with other than our clients working with the county  
666 through the public process just to be able to purchase the property. So, it's now privately  
667 held, and it would certainly be our position that based on what the surrounding uses are  
668 there's been reference to a carwash and a daycare already but predominantly single-  
669 family homes. That single-family detached homes would be appropriate and that's exactly  
670 what we're providing for. Mr. Lewis of course did a very nice job as usual on talking about  
671 some of the significant changes trying to parallel this development with some of the  
672 surrounding properties particularly with the homes being a minimum of 2,100 square feet  
673 and the 2 car garages but also with a lot of the development standards some of which  
674 include a sidewalk on Old Pump Road to help with the pedestrian access. There's already  
675 a sidewalk on John Rolfe Parkway and we're doing significant improvements to Old Pump  
676 and of course, the turn lanes as well required as set forth in the staff report. One of the  
677 things that was mentioned that was concerning with respect to the trees and the buffering  
678 we're providing for along John Rolfe Parkway for the east side. The 35-foot buffer. That's  
679 that area Mr. Baka that you were talking about that would be owned by the association,  
680 maintained as a buffer along John Rolfe Parkway with the private road along there so that  
681 would be a 35-foot buffer. We also have in the rear of those sites against an existing  
682 residential which as you know a little unusual to buffer residential to residential but  
683 because of the concerns that were raised in the staff report we're providing for not only a  
684 10-foot buffer along the property line but also provided for specifically additional  
685 supplemental plantings needed to create an effective screening. Something we've used  
686 in other cases, particularly commercial cases to help screen the existing residential if the  
687 buffer itself doesn't provide for it under the transitional buffer requirements. We've got it  
688 in a proffer that says as part of the landscape plan review if any additional screening is  
689 needed above and beyond what is otherwise required, we'll provide that. We've also got

the 25-foot buffer on the back of Pump Road. That's what makes these properties a little bit unique. On one side where we're surrounded by Old Pump, Pump and John Rolfe Parkway – Pump and John Rolfe obviously heavily trafficked and on the east side along our accesses along John Rolfe Parkway again a heavily trafficked road and why we need the private road from that standpoint. So, we are providing for the road improvements but this property itself is really a transition property, an infill property in development but also a transition between the residential uses and the significant road networks that surround the properties. The two remaining concerns and I will address the concerns that were raised by the residents but going into this meeting we had 2 additional 2 remaining concerns that we thought needed to be addressed. The first was the lot widths. Generally speaking, we believe the homes and the lots themselves are consistent with the surrounding developments but there's a, these are slightly narrower lots as has been pointed out but we're trying to recognize this as an infill site in given what's around it but what we would like to do is that currently we have 30 homes we would like to cut that down to an additional twenty to only 28 homes. Take out the 2 lots. One on each section. In order to add those, add that take out lot out in order to widen the remainder of the lots. As you know there's a balance that you have to achieve whenever you do development. There's a cost to development. Not only with the road improvements and some of the infrastructure to bring the utilities but also with the buffer and the common area and the BMP and the storm water issues and with respect to the eastern side we also have the private road that's provided for that has to be placed in there too so we do have to be able to provide for the amenities and these other capital costs that are coming forward but at the end of day we're at under 2 units an acre on the John Rolfe on the eastern side and 2.6 acres on the Old Pump Road on the western side so you know overall we're at 2.36 units an acre with this drop in the density which is certainly very consistent with the surrounding area from a density standpoint. And I'll talk a little bit about that in response to some of the comments that were made. The final thing and Mr. Lewis if you can go to the very last slide, about the remnant pieces. The concern over first is the sliver along the John Rolfe Parkway. I think it's a legitimate concern that the staff has raised with a large portion of that being in common area, it's quite frankly undevelopable from this development because it's not wide enough to develop. There's not the depth there and it's also based on a topography that I would have difficulty developing that land so it would be. We had originally proposed that right piece that you see that runs along John Rolfe and then curls around to Church Road. Our proposal would be to take that out of the development so that it would not be part of the common area as we've committed to, we're going to try and take each of these remnant pieces; there is adjacent property and provide those to the properties so they would remain specifically as they are today subject to whatever the adjacent properties wanted to do so. Obviously, these properties are undevelopable given its size and that's what the commitment would be to try and convey those over. With the Planning Commission's recommendation, we would like to be able to take as I said take this commission meeting and the Board of Supervisors be able to take that one sliver piece out of the case overall and then reduce the density. With that, also, I would like to address some of the issues. Regarding a traffic study. This property does not require a traffic study there's got to be a certain density and impact. There certainly has been studies and I think Mr. Cejka can speak to some of the terms of the concerns specifically with respect to the access but we are providing for and are required



736 to do certain road improvements which we will be doing and putting in the sidewalks which  
737 will help both pedestrian safety and the vehicular safety. We did do an environmental  
738 study with respect to the wetlands and with respect to the property itself. There'll be no  
739 wetlands impact on this property based on the development and from an environmental  
740 standpoint obviously if you're going to do any development some trees are going to be  
741 taken down. We are trying to retain as many trees as possible which is a reference to the  
742 natural buffers to the extent that any have to be taken down and replanted. That's where  
743 we get into the transitional buffers as required by the code. With respect to the school  
744 impacts we do and as you know the schools have done a very good job and are accurate  
745 with respect to the impacts that they've provided for based on the formula that they come  
746 up with based on other experiences and developments and similar types of  
747 developments. There is capacity based on the county staff report from the schools itself.  
748 To address the Comprehensive Plan, the reference to the Substantial In Accord as it's  
749 already been adequately and accurately references that in public infrastructure and public  
750 property is required from Substantial In Accord determination. That is not required from a  
751 private development. State code and the county code requires only that it be used as a  
752 guide, and it has to be either consistent or with the components of the Comprehensive  
753 Plan just not the map but also with the land use plan also includes a number of  
754 development standards that have to be met. We believe we have met those development  
755 standards with respect to the Comprehensive Plan. That is reflective of the surrounding  
756 property. That's one of the considerations of the Comprehensive Plan as well. There's a  
757 request to change the plan and shifting for example some of those lots on the eastern  
758 side down. We simply can't do that because the access points have to be where they are  
759 given the other access points on John Rolfe Parkway and shifting wouldn't work as the  
760 narrowness of the site itself and the topography. We do obviously use certain proffer  
761 language for BMPs, natural buffers, common areas and they're consistent from one  
762 proffer to the next because it's easier to enforce that way and that's what those are  
763 provided for and with respect, I've already referenced the traffic and the buffers  
764 themselves so, with that I think I believe I've covered everything that was raised by the  
765 residents. But I'll be happy to answer any questions you may have otherwise.

766  
767 Mrs. Thornton - I think that their concerns also a couple of them had questions  
768 about what a BMP is; what is it, how would it affect them?

769  
770 Mr. Condlin - Sure. So, the BMP is the Best Management Practice.  
771 Obviously, it is a stormwater facility with respect to and because of the Chesapeake Bay  
772 Act as a developer when they go in this is the first step of the process is the rezoning that  
773 comes before the Planning Commission and Board of Supervisors. When we do the  
774 subdivision itself, or the plan of development that's when the technical details arise with  
775 respect to the environmental aspects as well as the stormwater facilities and so any  
776 stormwater has to be collected so that it doesn't create any more flow offsite from a  
777 quantity standpoint. It has to be, from a quality standpoint, it has to be better at post-  
778 development than it was pre-development so. The stormwater facilities have not been  
779 designed yet. That's our best guess at this point as to where they are. BMPs can be  
780 different types including wet ponds versus dry and again it just depends on the actual  
781 development in the impervious area and the impact otherwise that you have. To find that

782 the engineers make a proposal as part of the POD to the county staff and that's where  
783 the county staff does a review so that's what the BMPs are so this is our best guess as  
784 to what they are, but we obviously have to design those as part of the POD process and  
785 the site plan process.

786  
787 Mrs. Thornton - Okay. And the buffer, you have a fence along that?

788  
789 Mr. Condlin - So, there's a buffer on the rear and there's already a fence  
790 along the Chapelwood subdivision. We didn't want to have you know 2 fences and didn't  
791 feel a need to have 2 fences because that's on the rear of the lots. We have that going  
792 all the way down. From our standpoint certainly you know we don't have a fence otherwise  
793 on our property.

794  
795 Mrs. Thornton - Okay, because he-the gentleman accesses currently or used  
796 to the property to get over to John Rolfe through the fence.

797  
798 Mr. Condlin - Yes, ma'am. I'm not sure how with the fence and the access  
799 as you can see on that plat and the dashed line that fence goes all the way to the line. I  
800 don't know if it goes, you know, I think it goes or that's what we've been told it goes all  
801 the way to the line but regardless of that we're not proposing any fence in that area—  
802 additional fencing. We're putting in landscaping instead.

803  
804 Mrs. Thornton - Okay. Y'all have any questions for Andy?

805  
806 Mr. Baka - I had one. I'm sorry. I didn't follow clearly. One portion of the  
807 discussion you mentioned you were looking at removing one lot from each of the sides.  
808 Can you clarify that?

809  
810 Mr. Condlin - What we propose. We have 15 lots on either side. Both on the  
811 east and the west side. We propose to take out 1 lot on each side so that we can then  
812 widen the remainder of the lots, you know we'll still have the same 2,100 square feet, 2  
813 car garage, same development standards otherwise. For example, on this one Mr. Lewis  
814 has up. The access points are set you know from the standpoint of where they can be  
815 from distance standpoint so the development itself will just you know widen out otherwise  
816 upon the removal of the lot.

817  
818 Mr. Baka - Okay, thank you.

819  
820 Mrs. Thornton - I'd like to hear from Traffic.

821  
822 Mr. Emerson - Madam Chair, while Traffic's coming up, I'll elaborate a little  
823 more on the Comprehensive Plan and the confusion regarding that. There've been some  
824 statements made this evening regarding Substantially In Accord and State Code and what  
825 is required and not required of this body and the Board of Supervisors. I think there's  
826 some confusion in the terminology. There is language within the State Code and in the  
827 Comprehensive Plan regarding Substantially In Accords. Those do deal with finding, a

828 finding that is done, a study is issued it goes in front of the Planning Commission and the  
829 Board for public projects. This is not a finding of Substantially In Accord. This is a rezoning  
830 process. A rezoning process does follow the State Code. It is advertised for public  
831 hearing. Public hearings are held both at the Planning Commission level and the Board  
832 of Supervisors level. I think it certainly can be argued and there's case law that a, that a  
833 rezoning actually does amend the Comprehensive Plan. If you dig into some of the older  
834 case law in the state of Virginia. Henrico County does not regularly amend its  
835 Comprehensive Plan for zoning cases. It is within the discretion of the Commission and  
836 the Board to deviate from the plan when they feel it's appropriate. And some of those,  
837 those reasons would be if a development plan is in general conformance and that may  
838 be where the confusion lies. A comment of, "This development is in general conformance  
839 with or reasonably compatible with the prevailing development pattern in the area," that  
840 is not a statement that I find this Substantially In Accord. That is a statement that, yes,  
841 the Comprehensive Plan recommends one thing, yet directly adjacent to it there is a  
842 prevailing development pattern that it is generally in conformance with. Over the life of  
843 the Comprehensive Plan, development patterns change, properties change and that will  
844 determine some decisions that are made but don't confuse it with the formal Substantially  
845 In Accord. Again, that is reserved for many, many different things. Ma'am, the public  
846 hearing is closed. We won't be taking any more questions this evening. But that is the  
847 difference and certainly, if anybody has any questions about that process, they're more  
848 than welcome to give me a call tomorrow or talk with any member of my staff. We'll be  
849 happy to help you understand that.

850  
851 Mr. Baka - Thank you.

852  
853 Mrs. Thornton - Thank you, Mr. Emerson. Okay. First question, did you – the  
854 gentleman commented about the speed bumps. I know how they got installed but can  
855 you please tell the citizens how and why they came about?

856  
857 Mr. Cejka - Yes, we actually did do a traffic study on Old Pump Road,  
858 between, in early June. We found that there was about 280 cars a day on Old Pump Road  
859 and they were going a little faster than they should be so we put the speed hump or speed  
860 humps in to try and slow them down and possibly reduce the number of cars because  
861 sometimes it diverts traffic so we did that and we're going to wait a couple months and do  
862 another study to determine its effect on the traffic.

863  
864 Mrs. Thornton - Okay, I actually have gone by at different times of the day to  
865 the site and the Laurel Woods is the and then Thaddeus is what the gentleman was talking  
866 about. There is a yield sign. I've already sent an email to Tommy and he's going to be  
867 reaching out, and we both feel or at least I feel it should be a stop sign.

868  
869 Mr. Cejka - We can take care of that.

870  
871 Mrs. Thornton - Yeah, it's quite dangerous, you know especially if you're  
872 saying 280 cars are coming through there so, that is something that I think would help the

873 area, you know to, with children in the cul-de-sac so that was something I just noticed  
874 too, going through there.

875  
876 Mr. Cejka - Yes ma'am. We'll take care of that.

877  
878 Mrs. Thornton - Okay, great. So, a study was done on Old Pump. Is any study  
879 have to be done on John Rolfe just because of the turn lane or how does that work?

880  
881 Mr. Cejka - No, ma'am. Due to the limited number of houses that are  
882 being built no studies are required. Since it is a 4-lane road we do require a right turn lane  
883 to go into the site.

884  
885 Mrs. Thornton - Okay, and they talked about access to this development. Can  
886 you expand on that?

887  
888 Mr. Cejka - It's difficult to try to figure out where a car's going to go.  
889 Obviously, there will be, I won't say a large majority, but a lot of cars going through the  
890 neighborhood to come back out to Pump to go either north there or to come back down  
891 and go John Rolfe but there's also the ability to come out here and make the u-turn and  
892 go back up north or go out Church Road to go up to Three Chopt or to get up to Broad  
893 Street or to get to Gaskins. So, you might be able to just to randomly guess 50% of the  
894 cars would go Thaddeus to Laurel Woods, you know, but coming home most of them will  
895 come straight down and loop back up instead of going through the neighborhood, so you  
896 won't get a total 50/50 mix. It'll probably be a little bit less.

897  
898 Mrs. Thornton - Okay. Does anybody else have any questions?

899  
900 Mr. Baka - No.

901  
902 Mrs. Thornton - Mr. Archer? Okay, thank you so much.

903  
904 Mr. Cejka - You're welcome.

905  
906 Mrs. Thornton - So, we'll look for that stop sign.

907  
908 Mr. Cejka - You'll have it next week.

909  
910 Mrs. Thornton - Okay, thank you. Does anybody else have any questions?

911  
912 Mr. Emerson - Madam Chair, if you do have any school questions, we do  
913 have the school representative online.

914  
915 Mrs. Thornton - Oh, good. Okay, that would be great. Is Justin?

916  
917 Mr. Emerson - Yes, ma'am. It's Justin Briggs.

918

919 Mrs. Thornton - Okay, Mr. Briggs, are you on?

920  
921 Mr. Briggs - Yeah, so, can you hear me?

922  
923 Mrs. Thornton - A little. So, can you answer? We had during the community  
924 meeting a lady's child who was put in a teacher's lounge during school last year at Godwin  
925 High School and your report states that there's plenty of room. Can you expand on why  
926 that happened?

927  
928 Mr. Briggs - Yeah, so, I actually reached out to the Godwin principal when  
929 I heard about that. First of all, originally, the teachers' lounge was a classroom so, the  
930 reason they are, the reason they moved in because Godwin keeps adding more classes  
931 they can offer, and they also have the ability to let every teacher have a classroom. I  
932 believe, let me see what I've got here in my notes, there was a, they added a CTE class  
933 which caused a shift that led to the old teachers' lounge becoming a classroom. The  
934 principal had no problem, had no concern for capacity you know this is a 10, these are 10  
935 students, uh, potentially being added. I was looking around the at some of the other  
936 subdivisions prior to the presentation just to check and see if it consistent. It is consistent.  
937 Normally though, we don't have a lot of development going on in the Godwin area so  
938 schools can definitely accommodate this case.

939  
940 Mrs. Thornton - Okay, thank you so much.

941  
942 Mr. Briggs - You're welcome.

943  
944 Mrs. Thornton - Does anybody else have any other questions? Okay. I  
945 appreciate everybody coming out this evening and getting on Webex and expressing their  
946 concerns because y'all live there, it's your home, you know what's best. I hope that they  
947 answered all your questions this evening, and I feel like they answered most of mine that  
948 I had, we've been on the phone quite often this whole week trying to figure out, about the  
949 common area. That's really a concern for the county and for myself and Mr. Branin. Who  
950 would maintain it? Why would you put that on the HOA? They've committed to in a letter  
951 to take care of that and put good faith to getting the residents and the property where they  
952 need to be, and I hope that that will all be resolved or in better hands by the time it reaches  
953 the Board of Supervisors. The commitment to do 28 lots, I, reducing one on each side is  
954 fine but I don't see it. I need to see the layout, so the meeting tonight is not an approval  
955 it's just a recommendation, then it goes to the Board of Supervisors for final approval. So,  
956 the lot size was a concern for a lot of people, including the staff, including the residents  
957 that live there. They want it to be consistent with the surrounding homes. They want their  
958 value to stay up and they want it to go up even higher with the quality of home they're  
959 looking to build, so I would say if you could, I'm going to tell Mr. Branin, and, to have the  
960 new layout be more consistent with the residents that are there. That will give you, you  
961 know, 30 days to redraw, reduce it to what needs to be done to make it more consistent  
962 with what the homes are in the area. I notice that you took out the front-facing garage so  
963 if you do reduce could you change up the elevation and show us some other elevations  
964 that you might have because all of your elevations are front-facing. Okay, with that I move

that we recommend approval of REZ2022-00019, Pemberton Investments, LLC with the proffers in the staff report dated, July 7, 2022.

Mr. Witte - Second.

Mrs. Thornton - We have a motion by Mrs. Thornton, a second by Mr. Witte.  
All in favor say aye.

Commission - Aye.

Mrs. Thornton - All opposed? Motion passes.

**REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it represents a logical continuation of the one-family residential development which exists in the area.

Mr. Emerson - Madam Chair, that case will be on the Board agenda August the 9th

Mrs. Thornton - Okay, thank you.

Mr. Emerson - Madam Chair, we now move on to the next case on your agenda which appears on Page 2. It's REZ2022-00020, Jeffrey P. Geiger for HHH Land, LLC.

**REZ2022-00020 Jeffrey P. Geiger for HHH Land LLC:** Request to conditionally rezone from A-1 Agricultural District and R-4C One-Family Residence District to R-5AC General Residence District (Conditional) (.872 acres) and R-6C General Residence District (Conditional) (6.409 acres) Parcels 739-766-6963 -8964, -9452, 740-766-0541, and -4846 totaling 7.281 acres located on the east line of Pouncey Tract Road (State Route 271) approximately 370' north of its intersection with Twin Hickory Lake Drive. The applicant proposes residential condominiums and single-family dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The R-6 District allows for multifamily dwellings with a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office and Suburban Mixed Use, density should not exceed 4 units per acre. The site is in the West Broad Street Overlay District.

The Staff Report will be presented by Ms. Lisa Blankinship.

Mrs. Thornton - Hi, Lisa. Is there anybody or on Webex that would like to speak to the case?

Ms. Smith - Madam Chair, we do have opposition on Webex.

1011  
1012 Mrs. Thornton - Okay, we will hear from the staff and then we'll hear from the  
1013 opposition. Thank you. Okay.

1014  
1015 Ms. Blankinship - Good evening, Madam Chair, and members of the  
1016 Commission. As stated, this is a request to allow single-family homes and condominiums  
1017 as part of an extension of the existing Twin Hickory community. Surrounding uses include  
1018 a daycare to the north, the Hickory Woods section of Twin Hickory to the east, and Short  
1019 Pump Manor at Bacova to the west across Pouncey Tract Road. The property to the south  
1020 was recently zoned for Office and up to 105 residential condominium units. That  
1021 development has been named The Pointe at Twin Hickory. The applicant intends to  
1022 combine these properties, excluding the proposed R-5AC lots, and add 65 condominium  
1023 units. The single-family portion would add four lots to Hickory Woods of Twin Hickory.

1024  
1025 The applicant has proffered a conceptual plan which shows how the development would  
1026 be integrated with the two adjacent developments. The proposed condominiums would  
1027 share access to Pouncey Tract Road and Twin Hickory Lake Drive with the previously  
1028 approved development. There would not be a new entrance onto Pouncey Tract Road  
1029 from the subject property. The four proposed single-family lots would front on Turning  
1030 Branch Way. The applicant has submitted elevations for single-family homes and the  
1031 elevations for the condominium units, which have been handed out to you this evening  
1032 along with the revised proffers.

1033  
1034 The four single-family lots would be governed by proffers that address building design  
1035 and landscaping to ensure continuity with the existing homes within Hickory Woods.  
1036 The applicant has also attempted to mitigate potential impacts that were raised at the  
1037 applicant's community meeting held on June 1st by submitting proffers regarding fencing  
1038 and additional landscaping buffers. Other proffers submitted by the applicant are  
1039 consistent with similar recent requests, including those accepted as part of the first phase  
1040 of the proposed development to the south.

1041  
1042 The revised proffers handed out to you this evening are dated June 30 and would not  
1043 need a waiver of time limits. While the revised proffers appear to have extensive changes,  
1044 this is only because the full text of the proffers previously only referenced from previous  
1045 cases have now been included. The only addition with the revised proffers is a clarification  
1046 for the intended road improvements along the property's Pouncey Tract Road frontage.

1047  
1048 The 2026 Comprehensive Plan recommends Office and Suburban Mixed Use for the  
1049 property. The portion of the request which includes detached single-family homes is  
1050 consistent with the Suburban Mixed Use recommendation. Its inclusion with the Hickory  
1051 Woods section of Twin Hickory would complete this section of the community. The  
1052 residential condominiums are not consistent with the recommendation for Office, but it  
1053 would be a logical extension of the adjacent property to the south currently under  
1054 development. For these reasons, staff supports this request.

1056 The community meeting held on June 1st was attended by approximately 30 residents.  
1057 Concerns noted by neighbors included consistency with existing development, impacts  
1058 of the new development on adjacent homes, and safety precautions to be taken in regards  
1059 to any stormwater retention facilities. The applicant held an additional community meeting  
1060 on July 11th, where concerns were discussed including impacts on schools and traffic.

1061  
1062 This concludes my presentation, and I would be happy to try and answer any questions.  
1063

1064 Mrs. Thornton - Okay, thank you. Do you all have any questions right now?  
1065 Okay, we're going to hear from the opposition. I might have a few after that. Thank you,  
1066 Lisa.

1067  
1068 Ms. Blankinship - Thank you.

1069  
1070 Ms. Smith - Madam Chair. The only is Christine Corey and they're now  
1071 unmuted.

1072  
1073 Ms. Corey - I'm at 5512 Country Creek Court Glen Allen, which is north of  
1074 this proposal around where Nuckols and Pouncey Tract meet and I was one who attended  
1075 the recent meeting a couple days ago at the Twin Hickory recreation center and the  
1076 concern is that the traffic on Pouncey Tract is very, very heavy, especially when school  
1077 is in session and Pouncey Tract, except for in front of these developments, that keep  
1078 getting built up is only 2 lanes. One going each way and so these proposals that involve  
1079 widening the road in front of the development doesn't really help the situation because  
1080 then everything bottlenecks especially right in front of Short Pump Middle School. It's very  
1081 difficult to get around that area because of the one lane going each way and the added  
1082 developments that keep getting approved. So, now you've got the 105 units that are  
1083 already in the process of being built. In fact, the entire area was clearcut, so I don't - I  
1084 share the concern about clearcutting all the trees in these area. They clearcut all those  
1085 trees, they've got the bulldozers out, the dirt's being moved and then you want to add  
1086 another 65 condos right next to that, so you've got 170 condos planned right there north  
1087 of Twin Hickory Lake. Then my understanding is that you've already approved, the Board  
1088 of Supervisors approved, another subdivision south of Twin Hickory Lake on the left by  
1089 Dog Services. Then, I think you've approved another section of Bacova off on the left of  
1090 Pouncey Tract and then you've approved to go in front of the Board of Supervisors 75-  
1091 unit home plan right north of Kaechele Elementary School on Pouncey Tract. So, all  
1092 these, all this traffic that's being approved is going down this 2-lane road on Pouncey  
1093 Tract and it's only going to cause this to be much worse than it already is. The other  
1094 concern is the schools. Deep Run High School is already over-crowded, even according  
1095 to your numbers. It's, I find it not really to be the case that you're adding 3 high school  
1096 students for 65 condos. That's what the projection is. 65 high school students, sorry, 3  
1097 high school students for 65 condos. There was a gentleman at the meeting the other night  
1098 that said, who said that, he was there for the meeting prior to the development that was  
1099 put across Pouncey Tract where people had said that developers said there wouldn't be  
1100 many children there and its full of children.- This projection that there's only going to be 3  
1101 high school students and 4 middle school students, I think the total projected for 65



condos was 12 students for elementary, middle and high school. Then you have the fact that you approved the 105 next door the ones across Twin Hickory Lake, the one that's projected down Pouncey Tract was 75 homes – all those are going through the approval process at the same time but aren't being accounted for. To my understanding for the overall numbers the fact that you're trying to approve all of these at the same time. Because all of the same numbers are being used for the school level at this point. I agree with the woman who spoke regarding the previous development, and I agree with many of those people regarding traffic, regarding the fact that this is not with the Comprehensive Plan. In listening to all these people speak it is almost as though, these people are Henrico County citizens, and the Board of Supervisors are elected, and it doesn't appear that anybody's listening to what the citizens of Henrico are saying and the attorney for the development at this recent meeting said something to the effect, that, "we just need to keep the developing and we'll deal with the fallout later." And, my comment was, "why would we have a Planning Commission if we're just going to continue developing and not dealing with whether the schools are going to be overcrowded or the traffic plan is not adequate for the level of traffic, you're trying to put down that road? Why aren't those issues being addressed in advance and not after the fact? So, my concerns are traffic, schools, and the environmental issues and I sent an email last week regarding that every time one of these subdivisions happens there's a clearcut of all of the trees. There's no consideration for keeping those resources and it seems to be more of a concern of what does the developer want and not what does the Henrico County citizen want. Those are my concerns. Thank you.

Mrs. Thornton - Thank you. Just to be clear. Just the one 75 units that the Board of Supervisors approved is age restricted. A couple of them had been age-restricted, but yes, you were correct on the other condos so thank you.

Mr. Emerson - Madam Chair, on the, what we refer to as the DelCardayre tract which I think is what she's, the lady is referring to -that has not been approved by the Board yet.

Mrs. Thornton - Oh, correct. The one near your house, that has still that has actually been deferred until August.

Mr. Emerson - August the 9<sup>th</sup>.

Mrs. Thornton - August the 9<sup>th</sup> .

Ms. Corey - I understand that but what I'm saying is that that is all happening at the same time and so the projection that you've given in that document to the Board of Supervisors has the same listing as the school numbers.

Mrs. Thornton - Yes.

Ms. Corey - That the listing is for this. It's not taking into consideration that they're all being all happening at the same time and if you add them all up – I don't know

1148 what they all come to. The 105, the 65. I don't know what the projection was for across  
1149 Twin Hickory Lake on Pouncey Tract, and I understand that the one, the additional of  
1150 Bacova is age restricted but it still has traffic and I understand that those people on  
1151 Bacova objected to that but that didn't matter.

1152  
1153 Mrs. Thornton - I don't recall that one, but yes, no, we totally understand what  
1154 you're saying and we're going to hear from traffic and schools and see their, what they  
1155 have to say after we hear from the applicant. Thank you so much.

1156  
1157 Mr. Geiger - Good evening, Madam Chair, members of the Commission.  
1158 My name is Jeff Geiger. I'm here on behalf of the applicant. I'd like to maybe take the  
1159 order of her comments or provide responses to the comments in the order she presented.  
1160 First, with respect to traffic. As Ms. Blankinship indicated, we have worked with traffic to  
1161 provide an extension, another thru lane for along our frontage. This lane will tie in at Mr.  
1162 Cejka's request to the existing turn lane that's in front of the daycare and the vet providing  
1163 a continuous lane through. That will then serve the middle school. The way we explained  
1164 it at the community meeting is if we have vehicles that are looking to turn toward the  
1165 middle school, we're now providing more storage capacity so the thru lane can operate  
1166 more efficiently. As the commission is aware with the approval of the first phase of The  
1167 Pointe at Twin Hickory and then also the property to the south. There will be extensive  
1168 road improvements that will be made to the intersection, Pouncey Tract and Twin Hickory  
1169 Lake. That will also further benefit the function of Pouncey Tract and then as Mr. Branin  
1170 and Madam Chair indicated at our first community meeting, they are working hard, the  
1171 county is working hard, to bring a new interchange off of Gayton. Right now, residents in  
1172 this area to get to 64 have to use Pouncey to get down to Broad. The ability to use Gayton  
1173 to get over to 64 would benefit the connectivity in this area. The other aspect that was  
1174 brought up, from schools, we are using a condo product here that is not something that  
1175 is attractive to children or families with children. There's not the ability to go out into the  
1176 rear yard and that is the reason why schools see in the data that they collect that this type  
1177 of housing does not generate the same level of housing or students as a traditional single-  
1178 family detached home. On the environmental, we are working hard, we were challenged  
1179 by staff, challenged by our neighbors to preserve trees, to- along our perimeter but at the  
1180 same time internal we do have to do grading within the site in order to stay in compliance  
1181 with the stormwater requirements. And then lastly, yes, I think from our perspective with  
1182 this development we are changing from the designation within the Comprehensive Plan  
1183 but with this change you're actually going to see a lower impact, a reduced impact from  
1184 a traffic perspective as we are going to a less intense residential use instead of the more  
1185 intense office use. With that, I'd be glad to answer any questions that the Commission  
1186 may have.

1187  
1188 Mrs. Thornton - Y'all have any questions?

1189  
1190 Mr. Baka - I have a question. (inaudible) mentioned how clear-cutting  
1191 might be

1192  
1193 Mrs. Thornton - Turn your mic on.

1194  
1195 Mr. Baka - Thank you ma'am. Thank you. Apologize. You mentioned  
1196 some of the clear-cutting might be predicated or caused due to the need to meet  
1197 stormwater management requirements. Can you elaborate on that a little more in other  
1198 words maybe not on this site but are there ways that trees can be retained in the middle  
1199 of sites that you could still meet the drainage requirements on both sides of the islands of  
1200 trees?  
1201

1202 Mr. Geiger - It's really hard. We'd have to have a much larger site do that.  
1203 What we are asked to do with stormwater regulations is to collect water, store it, clean it  
1204 and then release it at a rate that is equal to the predevelopment rate. In order to do that  
1205 we've got to adjust the land at times to get it over to those points that are doing the  
1206 required detention or treatment. As we're doing that we can try and save some trees in  
1207 the middle, but we're going to be disturbing their roots. What we found over time as you  
1208 start disturbing their roots they may not survive. So, what we see over time, and we work  
1209 with the planning staff, is to have a replanting. We get in, we do the work that needs to  
1210 be done, and then we put the new plants in. What was important to our neighbors to  
1211 immediately adjacent to us was the preservation of existing trees within the 35' foot  
1212 perimeter buffer and in fact one of the concerns that we had with that was as we're doing  
1213 work we might have to take out, we might do damage to their roots. So, before our last  
1214 certificate of occupancy we will have an arborist come and look through that perimeter  
1215 buffer to see if there are trees that are not going to survive. And if they're not going to  
1216 survive then we will remove them and then replant them. But that was a way that we  
1217 worked with our immediate neighbors to address their concern about preserving trees but  
1218 at the same time being able to replace the ones that aren't going to survive.  
1219

1220 Mr. Baka - Thanks.  
1221

1222 Mrs. Thornton - Can you talk about timing? So, if phase one right now is under  
1223 construction, when do you see the first resident taking occupancy and for this one if it was  
1224 to go through and everything go accordingly, when would the first occupancy happen?  
1225 Just for schools when we ask the question.  
1226

1227 Mr. Geiger - Yep, great question. We are and as has been indicated we  
1228 are moving dirt and we have gotten our plans approved. We will be doing the site work  
1229 probably looking at about 6 months from now. We could start getting buildings under  
1230 construction, first homes being occupied you know a couple months after that. So, does  
1231 that probably puts us into the spring of 2023 and then if we are approved by the Board of  
1232 Supervisors next month, it takes about a year to get plans approved and so you're looking  
1233 at 23, you're probably looking at first people being able to move in in the fall of 2024  
1234 Phase 2. Ultimate time for full build-out, you know could be a couple of years after that.  
1235

1236 Mrs. Thornton - Okay, thank you. Does anybody else have any questions?  
1237 Okay. Thank you so much. I guess I'll do schools first since they're online.  
1238

1239 Ms. Smith - Alright, Justin, you are now unmuted.

1240  
1241 Mr. Briggs - Hi, can you hear me?  
1242  
1243 Mrs. Thornton - Yes.  
1244  
1245 Mr. Briggs - Okay. So, it is true that condos do not generate the same  
1246 student yields as a single-family home development would. I did ask planning staff to give  
1247 me a list of several other built-out condominium developments that would be similar to  
1248 this. Those are the Four Seasons in Innsbrook, The Hills at Innsbrook, Trellis Crossing  
1249 and the Villas of Autumn Run. There are about 299 units across those 4 developments.  
1250 In those 4 developments, we have 4 elementary school students, 2 middle school  
1251 students and 3 high school students. There's no reason to think that there would be any  
1252 sort of additional, any sort of different student yield generation with this development. So,  
1253 we'd probably be looking at 1 or 2 students coming out of it.  
1254  
1255 Mrs. Thornton - Go ahead.  
1256  
1257 Mr. Baka - Quick comment Mr. Briggs. I don't, you mentioned, I heard  
1258 you mention Trellis Crossing and I'm familiar, generally familiar with this location and have  
1259 toured the facilities there. My understanding is that I think that's 55 plus perhaps.  
1260  
1261 Mr. Briggs - Oh, okay. Well, that's, that would explain why they had zero  
1262 students.  
1263  
1264 Mr. Baka - Oh, yeah.  
1265  
1266 Mr. Briggs - Even, with that, you know there's 9 students across 250 units  
1267 is still minimal impacts on schools.  
1268  
1269 Mr. Baka - Thank you.  
1270  
1271 Mrs. Thornton - Okay, so, if, let's just say that in 2024 what are your plans for  
1272 Deep Run since right now with the citizen's concern is Deep Run's already over capacity  
1273 and then with all the development that has already been approved, how does schools  
1274 look at development and...  
1275  
1276 Mr. Briggs - We do, we do try and track development we call and see if,  
1277 when and where it's occurring, and we do have you know we're aware that we do have  
1278 the Kaine Road property so. If and when it is deemed appropriate to move forward in  
1279 putting a school there, we would recommend that. We also don't want to build a school  
1280 and have it sit at 30% capacity. That would be almost as bad as having a school that  
1281 might be worse than having a school over capacity.  
1282  
1283 Mrs. Thornton - So, as of right now if we're over capacity what is the plan for  
1284 the county to, for going forward because you are having development?  
1285

1286 Mr. Briggs - So, you know we also use, use programming to not- reduce  
1287 capacity. For instance, we've expanded our ACE centers this year. We've also expanded,  
1288 we've also added 2 more specialty centers so those are bringing students out of their  
1289 home schools and into other schools so even if it says that there's-, overcapacity, we're  
1290 about 45 students over capacity, we would have 45 students that are not in school,  
1291 because they're at other schools doing other programs at any given time and schools are  
1292 designed to operate at 100% capacity so.

1293  
1294 Mrs. Thornton - What do you see for the future of Short Pump, Holman then  
1295 feeding into Deep Run- the numbers  
1296

1297 Mr. Briggs - You know we are, even before COVID, we were seeing  
1298 general decline countywide. We had projected a climb in enrollment, and COVID kind of  
1299 accelerated the process a little bit. So, we're monitoring the situation and if the time comes  
1300 that we need additional space or we need to adjust the boundaries then that is also an  
1301 option.  
1302

1303 Mrs. Thornton - Yes, but how long does that option take? You can already see  
1304 what's coming down the pipeline or see what is going to be built out, so how long does it  
1305 take the schools to react?  
1306

1307 Mr. Briggs - Once the redistricting process begins it would all likelihood  
1308 move forward the following year.

1309  
1310 Mrs. Thornton - The following year. So, could, you could see, let's just say,  
1311 Short Pump's over capacity so you know it will be feeding into Deep Run, you will make  
1312 an adjustment, you know, because within the next couple years you will have, you know,  
1313 more development.  
1314

1315 Mr. Briggs - Potentially, yes. This does not mean we're moving forward  
1316 with redistricting, let me be clear.  
1317

1318 Mrs. Thornton - Yes, yes, you would have a lot of people calling if that was the  
1319 case.  
1320

1321 Mr. Briggs - Absolutely.  
1322

1323 Mrs. Thornton - Do y'all have any questions?  
1324

1325 Mr. Emerson - Madam Chair, I might add that too in the 20 plus years that  
1326 I've been here the Board's been very proactive in regards to schools and I was just from  
1327 memory going through some numbers and these are probably low but in the last 20 to 22  
1328 years the county's built 4 high schools, 3 middle schools and at least 6 elementary  
1329 schools. So, the Board is on top of it. They're very proactive and they're acquiring land  
1330 and working with schools to make sure that classroom space is available. We have had

1331 trailers and they're probably some trailers out there right now. They don't stay at Henrico  
1332 schools very long because it gets addressed.

1333  
1334 Mrs. Thornton - Okay, thank you. Okay, thank you Justin. Traffic. Our favorite.

1335  
1336 Mr. Cejka - Good evening.

1337  
1338 Mrs. Thornton - Would you like to address about Pouncey Tract and how, why  
1339 we get it improved sections and why is it a 2-lane road?

1340  
1341 Mr. Cejka - First of all it is a state-maintained roadway, so Virginia  
1342 Department of Transportation has the final say over any improvements on it. All of the  
1343 development that I've dealt with it has been a development-driven widening  
1344 improvements to Pouncey Tract Road so as you see as the development move north the  
1345 4-lane section, 5-lane sections with turn lanes so forth, moves north with it. Up at Shady  
1346 Grove Road where there were a couple of developments put up there with north Gayton  
1347 Road coming through, that intersection was widened also. I've talked to, I've sent out a  
1348 request to VDOT to get information about any potential widening and I haven't heard back  
1349 from them yet. But, if I do get a response from them, I'll be more than happy to pass it on  
1350 to Planning and they can pass it on.

1351  
1352 Mrs. Thornton - Thank you. How long does that typically take? A response  
1353 back from VDOT?

1354  
1355 Mr. Cejka - Sometimes a day, sometimes a week. It shouldn't take too  
1356 long.

1357  
1358 Mrs. Thornton - Okay, so, maybe you'll know by next month? More information  
1359 about

1360  
1361 Mr. Cejka - Oh, yeah. Yes ma'am.

1362  
1363 Mrs. Thornton - Oh, okay and with, when you do your traffic analysis for this  
1364 area and recommendations for let's just say, Twin Hickory, you take into account I think  
1365 she was mentioning all these other developments, I know the answer but could you make  
1366 sure that you explain how does it all, how do you, do you look at the big picture and take  
1367 in all the development and do the numbers or do you just go focus on the development  
1368 that's at large?

1369  
1370 Mr. Cejka - It all depends on the development. We do just start with what  
1371 is being proposed at that point, but we do traffic counts to see what is on the road,  
1372 currently which takes into account the developments to the north. I took into account the  
1373 development that's just to the south parcel there and all the road improvements that  
1374 they're doing with their development. They're doing an incredible amount of improvement;  
1375 it's going to be- if I can zoom in here for you a little more and for the citizens at home and  
1376 online. It's going to be a 5-lane road down here where you see it bottlenecks down to a

1377 single southbound lane drop goes to 2. With this development, in this development it'll be  
1378 5 lanes coming through here all the way up to the school. And like Mr. Geiger said this  
1379 road lane will be a de facto right turn lane into the school during the morning peak when  
1380 all the parents are dropping off kids and stuff. So, that'll keep a thru lane all the way north,  
1381 so it won't obstruct the flow of traffic. So, it will be a great improvement when it's  
1382 completed.

1383  
1384 Mrs. Thornton - Okay, great. I was just informed that Mr. Branin is meeting  
1385 with the Secretary of Transportation and the head of VDOT to discuss Pouncey Tract and  
1386 is going to be one of the topics that they get they're going to cover.

1387  
1388 Mr. Cejka - Yes.

1389  
1390 Mrs. Thornton - So, that's good information. So, thank you.

1391  
1392 Mr. Cejka - Mm. Hmm.

1393  
1394 Mrs. Thornton - Do you have any questions for Mr. Cejka for traffic? I,  
1395 personally, go to Short Pump Middle School every morning so I understand what she was  
1396 talking about with the backup. So, the extra turn lane will be tremendously wanted and  
1397 needed in that area. So, now with this development, all the condos, - how do you perceive  
1398 the traffic? The traffic count and all that good stuff?

1399  
1400 Mr. Cejka - Obviously, with any development, it's going to go up, but I  
1401 think with all the improvements from going from a 1 lane to a 2 lane in each direction, it'll  
1402 be able to handle it. You will get a bottleneck I'm sure when it tapers down to a single  
1403 lane during rush hour traffic but during the rest of the day, I don't envision any kind of  
1404 backups.

1405  
1406 Mrs. Thornton - Based off of the Comp Plan with all of the Office versus what's  
1407 proposed now; what is the difference? He had mentioned less traffic.

1408  
1409 Mr. Cejka - Sixty-five condos only has about 500 cars a day.

1410  
1411 Mrs. Thornton - Okay.

1412  
1413 Mr. Cejka - If it was a large office building or multiple office buildings it  
1414 would generate more traffic

1415  
1416 Mrs. Thornton - and now

1417  
1418 Mr. Cejka - Especially during peak hours. When you have houses there's  
1419 trips all day long. When you have an office, the majority is in the morning and afternoon  
1420 at lunchtime, so you don't have it scattered throughout the day like with houses.

1422 Mrs. Thornton - Okay, thank you. Do you all have any more questions for  
1423 staff? Okay, well I appreciate the lady that came online. She came to the community  
1424 meeting, and we got to hear other residents. They did 2 community meetings and the first  
1425 one a lot of citizens, probably at least 40 citizens came out and expressed their concerns  
1426 and I think the majority of every concern they had you addressed and most of them were  
1427 greatly appreciative from what I've gotten in email and heard so we thank you HHHunt  
1428 for that and putting your best foot forward. Thank you, Jeff, for your voicemail today to  
1429 clarify about the shutters. That was something that came up in the community meeting  
1430 the other day to make sure that we're following Twin Hickory's HOA requirements. So, I  
1431 appreciate that. With that I move that we recommend approval of REZ2022-00020, HHH  
1432 Land LLC with the proffers in the staff report dated June 30, 2022.

1433  
1434 Mr. Witte - Second.

1435  
1436 Mrs. Thornton - We have a motion to approve from Mrs. Thornton, a second  
1437 by Mr. Witte. All in favor, say aye.

1438  
1439 Commission - Aye.

1440  
1441 Mrs. Thornton - All opposed? Motion passes.

1442  
1443 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,  
1444 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1445 Supervisors grant the request because it continues a form of zoning consistent with the  
1446 area and the proffered conditions will assure a level of development otherwise not  
1447 possible.

1448  
1449 Mr. Emerson - Madam Chair, we now move on to the next agenda item and  
1450 which also appears on Page 2. It is PUP2022-00015, Andrew M Condlin for MJF Maywill,  
1451 LLC.

1452  
1453 **PUP2022-00015** Andrew M. Condlin for MJF Maywill, LLC: Request for a  
1454 Provisional Use Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County  
1455 Code to allow a multifamily residential development with commercial uses on Parcel 776-  
1456 737-5035 located on the north line of Thalbro Street at its intersection with Westmoreland  
1457 Street. The existing zoning is M-1 Light Industrial District. The 2026 Comprehensive Plan  
1458 recommends Heavy Industry. The site is in the Westwood Redevelopment Overlay  
1459 District.

1460  
1461 The Staff Report will be presented by Ms. Lisa Blankinship.

1462  
1463 Mrs. Thornton - Is there anybody in the audience or on Webex that would like  
1464 to speak to this case?

1465  
1466 Ms. Smith - Madam Chair, we have no one in opposition to this case on  
1467 Webex.



1468  
1469 Mrs. Thornton - Okay, we have one here in the audience. Okay, thank you.  
1470

1471 Ms. Blankinship - Thank you. This is a request for a Provisional Use Permit to  
1472 allow for the development of an industrial site with a multifamily residential building,  
1473 parking garage, and commercial space to be located on the ground floor.  
1474

1475 The M-1 zoned site is located on the north line of Thalbro Road at its intersection with  
1476 Westmoreland Street and is part of the Westwood Redevelopment Overlay District, which  
1477 allows for multi-family subject to the approval of a PUP and a master plan.  
1478

1479 The applicant proposes to develop a 5-story multifamily residential building on top of a 2-  
1480 story podium parking garage with 299 spaces, 2,500 square feet of commercial space,  
1481 and 253 multifamily residential units. Amenities would total 10,000 square feet and  
1482 include an interior courtyard and pool, green space, and plaza. The applicant has  
1483 submitted a revised concept plan and corresponding parking study that have been  
1484 handed out to you this evening in addition to revised conditions. The revised concept plan  
1485 addresses fire's concerns regarding emergency access identified in the staff report.  
1486

1487 The revised conditions dated July 14, 2022, updates Condition #13 regarding the date of  
1488 the parking plan analysis and provides additional language to ensure each residential unit  
1489 will be provided a parking space at no additional fee. Overall, the proposed master-  
1490 planned development would be in keeping with the findings of the Westwood Area Study  
1491 and the goals and objectives of the Westwood Revitalization/Reinvestment Opportunity  
1492 Area.  
1493

1494 Because the applicant has addressed Fire's concerns regarding emergency access, staff  
1495 supports this request. This concludes my presentation; I'll be happy to try and answer any  
1496 questions.  
1497

1498 Mrs. Thornton - Thank you. Does anybody have any questions for Mrs.  
1499 Blankinship?  
1500

1501 Mr. Witte - I just want to verify that Fire has signed off on this?  
1502

1503 Ms. Blankinship - Yes, sir.  
1504

1505 Mr. Witte - And the parking amendment? We, well we discussed in the  
1506 meeting on Monday but that's been addressed and taken care of?  
1507

1508 Ms. Blankinship - Yes, sir.  
1509

1510 Mr. Witte - Okay, thank you.  
1511

1512 Mrs. Thornton - How would you like to proceed?  
1513

1514 Mr. Witte - The opposition.  
 1515  
 1516 Mrs. Thornton - Okay.  
 1517  
 1518 Ms. O'Meara - Hi, my name is Colleen O'Meara. I reside at 1121 Lakeland  
 1519 Circle and I raised my hand to oppose because I had received the staff report for the PUP  
 1520 and I noticed that the fire division was against and wanted access and I didn't know that  
 1521 had changed and I would think that it would even come up for vote if you had a staff  
 1522 report that fire department didn't think they could defend a 7 story building with 253  
 1523 families in it adequately. So, I'm glad that's changed. The other question that I had, I know  
 1524 253 dwelling units and the acreage. I think it was 1.8. Let's see. I guess the dwellings is  
 1525 greatly higher than 60 dwellings per acre which is what light industrial plan development  
 1526 district would allow. I know when I read Chapter 24 and I look at section 24-3604, the  
 1527 relationship to overlay districts, I can't see anything in the Westover [sic] Overlay District  
 1528 that tells you what the allowance is it's for dwellings per acre. And I see in this section of  
 1529 Chapter 24 it says that regulations governing development in an overlay zoning district  
 1530 will apply in addition to regulations governing development in the underlying conditional  
 1531 zoning district. That underlying district, my question is that light industrial planned  
 1532 development district; is that 60 dwellings per acre? Because that's much lower than  
 1533 what's currently being proposed and that's a question that I had. My main concern was  
 1534 about fire and access around the building. It's very confusing for people who want to  
 1535 participate because we don't see the last-minute changes that happen on the day of, but  
 1536 my other question concerns the allowance because you can't find it in the table that you  
 1537 find in Chapter 24 where you look up the zoning and you go across you know for the  
 1538 overlay district and it does not give you any sort of upper limit so then I went to light  
 1539 industrial plan development district and it pegs it at 60 dwellings per acre. So, I guess if  
 1540 you could explain to me why that's so much lower than what's being proposed. I have an  
 1541 interest. Thank you very much.  
 1542  
 1543 Mrs. Thornton - Thank you.  
 1544  
 1545 Mr. Emerson - Madam Chair, this, the density in this district is set through the  
 1546 overlay and through the master plan and there's no upper limit on the density. It depends  
 1547 on what the property, what the design and what the property can handle along with the  
 1548 structured parking. So, it will vary but there is no top limit on it.  
 1549  
 1550 Mrs. Thornton - Okay, thank you.  
 1551  
 1552 Mr. Witte - Thank you. Alright, nobody else in opposition? Nobody on  
 1553 Webex?  
 1554  
 1555 Mrs. Thornton - Nobody's on Webex.  
 1556  
 1557 Mr. Witte - Mr. Condlin.  
 1558

1559 Mr Condlin - Madam Chair, members of the Commission. Sorry for  
1560 dropping all my papers and causing a ruckus over there. We had as you know on these  
1561 Provisional Use Permits under the Westwood Area Study, the overlay, the reinvestment  
1562 opportunity focus area there's a lot of detail that goes into these, much more than we  
1563 typically provide for in zoning cases and one of the reasons for that is because of what  
1564 Mr. Emerson is talking about having no upper limit and it's controlled by the use permit  
1565 specifically, so we've done a parking study, provided for one space per bedroom as is,  
1566 as is the kind of standard in the area as well as provided for and rightfully so the fire  
1567 department. We had a number of changes based on their comments including we have  
1568 one below level parking area and one at grade level and those did not have a ramp in  
1569 between and the fire department was very concerned about making sure we had 2 points  
1570 of access and being able to access both. And we've changed all that and had a major  
1571 redesign of the parking area specifically but again with the Fulton Hill development as the  
1572 applicant and the developer, high quality standards, (inaudible), very specific standards  
1573 on the floor plans and you can see in the concept plans we've provided for the street  
1574 pedestrian level environment with respects to sidewalks and the plaza area. Yeah, so, we  
1575 think we've met and exceeded all the requirements necessary. We're in agreement with  
1576 all the conditions including the parking concern regarding each unit having space 1 per  
1577 bedroom as we talked about so with that, we ask that it be recommended to the Board of  
1578 Supervisors, and I'll be happy to answer any questions.

1579  
1580 Mr. Witte - Anybody, have any question for Mr. Condlin?

1581  
1582 Mr. Condlin - Thank you.

1583  
1584 Mr. Witte - Alright. Well, we've had several go arounds with this and with  
1585 the parking and the fire department issues and I think it's going to be an asset that it's a  
1586 very attractive building. It's got the green areas we asked for. I think it's going to improve  
1587 the area and with that, Madam Chair, I recommend approval of PUP2022-00015, MJF  
1588 Maywill, LLC with the revised conditions dated today, July 14, 2022.

1589  
1590 Mr. Mackey - Second.

1591  
1592 Mrs. Thornton - We have a motion by Mr. Witte and a second by Mr. Mackey.  
1593 All in favor say aye.

1594  
1595 Commission - Aye.

1596  
1597 Mrs. Thornton - All opposed? Motion passes.

1598  
1599 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the  
1600 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1601 **grant** the request because it would provide added residential services to the community  
1602 and the conditions should minimize the potential impacts on surrounding land uses.

1604 Mr. Emerson - Madam Chair, the next item on your agenda is the  
 1605 consideration of the approval of your minutes from the Commission meeting on June 9,  
 1606 2022. I have no errata sheet but of course if you have any changes the Commission  
 1607 wishes to make, we'll certainly take care of those.

1608

1609 Mrs. Thornton - Does anybody have any changes to the minutes?

1610

1611 Mr. Witte - No.

1612

1613 Mrs. Thornton - Okay.

1614

1615 Mr. Mackey - Madam Chair, I move that we approve the...

1616

1617 Mr. Emerson - Mr. Archer, do...

1618

1619 Mr. Archer - No, I...

1620

1621 Mr. Emerson - Oh, I'm sorry excuse me, Mr. Mackey

1622

1623 Mr. Mackey - No problem.

1624

1625 Mr. Emerson - Thank you.

1626

1627 Mr. Mackey - That's alright. Madam Chair, I move that we accept the  
 1628 minutes as presented.

1629

1630 Mr. Baka - Second.

1631

1632 Mrs. Thornton - We have a motion by Mr. Mackey and a second by Mr. Baka.  
 1633 All in favor say aye.

1634

1635 Commission - Aye.

1636

1637 Mrs. Thornton - All opposed? Motion passes.

1638

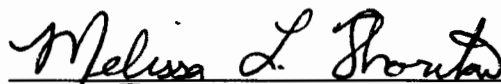
1639 Mr. Emerson - Madam Chair, I have one item for you this evening. Just a  
 1640 short one before you adjourn your meeting. We have with us tonight one of our new staff  
 1641 additions and I'd like to introduce him. If he would like to stand up? Mr. Brendan McDowell.  
 1642 He started with us on May 23<sup>rd</sup>. He is a County Planner I. He's, we started him out working  
 1643 with addressing, we're getting ready to move him over to doing some other duties  
 1644 because of his abilities. He graduated with a Master of Urban Regional Planning from  
 1645 VCU in May. He has a bachelor's degree in International Relations in Global Affairs from  
 1646 Eckerd College in St. Petersburg, Florida. We're certainly happy to have him join our team  
 1647 and I wanted all of you the opportunity to give you the opportunity to meet him.

1648

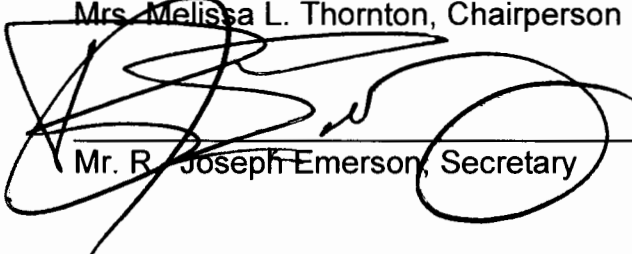
1649 Mr. Witte - Welcome.

1650  
1651 Mrs. Thornton - Welcome.  
1652  
1653 Mr. Mackey - Welcome aboard.  
1654  
1655 Mrs. Thornton - And congratulations.  
1656  
1657 Mr. Witte - Any relation to another McDowell that works for the county?  
1658  
1659 Mr. Emerson - No, sir. Not that I'm aware of. I haven't asked that question.  
1660  
1661  
1662 Mrs. Thornton - Sure, he is. Well, welcome. We look forward to working with  
1663 you in the near future.  
1664  
1665 Mr. Emerson - Madam Chairman, or Madam Chair lady I have nothing further  
1666 for the commission this evening.  
1667  
1668 Mrs. Thornton - Okay, any other business?  
1669  
1670 Mr. Mackey - Oh, we do have a meeting. A work session?  
1671  
1672 Mr. Emerson - Yes, sir. We do have a work session that is, was previously  
1673 scheduled in August. I believe we have it set for 5:30. Mr. Sehl, is that correct?  
1674  
1675 Mr. Sehl - Yes, Mr. Emerson, I believe that is correct time.  
1676  
1677 Mr. Emerson - We will get that information out to you all  
1678  
1679 Mr. Sehl - Yes,  
1680  
1681 Mr. Mackey - Alright, that's  
1682  
1683 Mr. Witte - That's on the 11<sup>th</sup>?  
1684  
1685 Mr. Emerson - Yes, sir. That'll be August the 11<sup>th</sup>.  
1686  
1687 Mrs. Thornton - August the 11<sup>th</sup>.  
1688  
1689 Mr. Baka - Alright, on Monday, going downtown APA Virginia, anybody  
1690 else going Monday, Tuesday? the conference, nope? Going once? Twice?  
1691  
1692 Mrs. Thornton - I'm so sorry. I'm going to go on vacation.  
1693  
1694 Mr. Mackey - Me too.  
1695

1696 Mr. Baka - Fair enough.  
1697  
1698 Mrs. Thornton - I have to go between commissions  
1699  
1700 Mr. Baka - You have staff?  
1701  
1702 Mr. Emerson - We have 2 staff going.  
1703  
1704 Mr. Baka - The price was right, Joe, so, I decided to go.  
1705  
1706 Mr. Emerson - Right, right. I did see that. I believe we do have 2 staff going. I  
1707 believe Aimee Crady and Christina Goggin are going.  
1708  
1709 Mr. Baka - Anyway, just throwing it out there.  
1710  
1711 Mrs. Thornton - We'll have to meet afterwards. You can give us an update.  
1712  
1713 Mr. Baka - I'll tweet them to you.  
1714  
1715 Mrs. Thornton - Yes, perfect. Anybody else have anything? Alright, meeting  
1716 adjourned.  
1717  
1718  
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Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary