

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, June 9, 2022.**
4 **Display Notice having been published in the Richmond *Times-Dispatch* on May 23,**
5 **2022, and May 30, 2022.**
6
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 **Members Absent:** Mr. Gregory R. Baka (Tuckahoe)
18

19 **Also Present:** Ms. Jean Moore, Assistant Director
20 Mr. Ben Sehl, Senior Principal Planner
21 Mr. Livingston Lewis, County Planner
22 Mr. Seth Humphreys, County Planner *
23 Ms. Rosemary Deemer, County Planner *
24 Mr. Spencer Norman, County Planner *
25 Mr. John Cejka, Traffic Engineer, Public Works
26 Mr. Justin Briggs, Henrico County Public Schools *
27 Mr. Billy Moffett, Police *
28

29 * (Virtually)
30

31 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains on all**
32 **cases unless otherwise noted.**
33

34 Mrs. Thornton - Good evening. Can everybody hear me? Because
35 sometimes I forget to turn my mic on or turn it up. Okay, I'd like to call the Planning
36 Commission Rezoning Meeting on June 9, 2022, to order. I'd ask you to please silence
37 your cellphones or turn them off and would you please stand with the Commission for the
38 Pledge of Allegiance.
39

40 [Recitation of Pledge of Allegiance]
41

42 Is there anybody in the audience or on Webex from the news media? Okay, well, we
43 have one commissioner out this evening, but we do have enough commissioners to have
44 a quorum and we have Mr. Schmitt from the Board of Supervisors, the Brookland District
45 sitting with us this year, so welcome Mr. Schmitt. Thank you. He can comment on the
46 cases, but he does not vote on them. So, I'll turn the meeting over to our secretary, Joe
47 Emerson.

48
49 Mr. Emerson - Thank you, Madam Chair. I'd like to join with you welcoming
50 everyone to the Planning Commission meeting public hearing for June the 9th this
51 evening. As we move through the meeting this evening, it is requested that all public
52 comments be provided from the lectern to the rear of the room.
53

54 For everyone who's watching the livestream on the County website, you can also
55 participate remotely in the public hearings by following these guidelines. Go to the
56 Planning Department's meeting webpage at henrico.us/planning/meetings. Scroll down
57 under Planning Commission and click on Webex Event. Once you have joined the Webex
58 Event, please click the chat button in the bottom-right corner of the screen.
59

60 Staff will send a message asking if anyone would like to sign up to speak on an upcoming
61 case. To respond, select Rosemary Deemer from the dropdown menu and send her a
62 message.
63

64 The Commission does have guidelines for its public hearings. The applicant is allowed
65 10 minutes to present the request, and time may be reserved for responses to testimony.
66 The opposition is allowed a cumulative 10 minutes to present its concerns. Commission
67 questions do not count into the time limits. The Commission may waive the time limits at
68 its discretion. Comments must be directly related to the case under consideration and all
69 commenters must provide their name and address prior to speaking for the record.
70

71 Thank you again for your participation and interest this evening. And with that, Madam
72 Chair, we move into the first item on your agenda the requests for withdrawals and
73 deferrals, and those will be presented by Mr. Ben Sehl.
74

75 Mr. Sehl - Good evening, Madam Chair, members of the Commission.
76 The first request for deferral that staff is aware of is on page 3 of your agenda. This is
77 PUP2022-00010 Hunt Gunter.
78

79 **PUP2022-00010 Simon Mueller for Hunt Gunter:** Request for a Provisional
80 Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to
81 allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway
82 approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is
83 B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends
84 Commercial Concentration.
85

86 The applicant is requesting a deferral to the July 14, 2022, meeting.
87

88 Mrs. Thornton - Thank you. Is there anybody present or on Webex in
89 opposition to the deferral of PUP2022-00010 Hunt Gunter?
90

91 Mr. Norman - Madam Chair, at this time we have no one on Webex wishing
92 to speak on this case.
93

94 Mrs. Thornton - Thank you.
 95
 96 Mr. Mackey - Madam Chair, good evening. Hearing no opposition on
 97 Webex, I move that PUP2022-00010, Hunt Gunter be deferred to the July 14, 2022,
 98 meeting at the request of the applicant.
 99
 100 Mr. Archer - Second.
 101
 102 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Archer.
 103 All in favor?
 104
 105 The Commission - Aye.
 106
 107 Mrs. Thornton - All opposed? Motion passes.
 108
 109 Mr. Sehl - Staying on page 3 and moving into the Three Chopt District is
 110 REZ2022-00019 Pemberton Investments, LLC.
 111
 112 **REZ2022-00019 Andrew M. Condlin for Pemberton Investments, LLC:**
 113 Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to
 114 R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing
 115 11.85 acres located on the west and east lines of John Rolfe Parkway at its intersection
 116 with Pump Road. The applicant proposes a residential development of detached
 117 dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and a
 118 maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance
 119 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Open
 120 Space/Recreation (OS/R), Suburban Residential 2, density should not exceed 3.4 units
 121 per acre, and Office.
 122
 123 The applicant is requesting a deferral to the July 14, 2022, meeting.
 124
 125 Mrs. Thornton - I am so sorry. Is there anyone present? It's Mr. Witte. I
 126 apologize. Is there anyone present who is opposed to the deferral of REZ2022-00004,
 127 Fleettree, LLC.
 128
 129 Mr. Sehl - That's -19, Madam Chair. Pemberton Investments, LLC.
 130
 131 Mrs. Thornton - That would be me. I am so sorry. Mr. Witte, I apologize. Let's
 132 reverse. These new mics have gotten us all confusecl. Okay, is there anybody present
 133 or on Webex who is opposed to the deferral of REZ2022-00019 Pemberton Investments,
 134 LLC?
 135
 136 Mr. Norman - Madam Chair, at this time we have no speakers on Webex
 137 wishing to speak on this case.
 138
 139 Mrs. Thornton - Okay, thank you. Seeing no opposition, I move that we

recommend REZ2022-00019 Pemberton Investments, LLC be deferred to the July 14, 2022, meeting at the request of the applicant.

Mr. Archer - Second.

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

The Commission - Aye.

Mrs. Thornton - All opposed? Motion passes.

Mr. Sehl - The final request for deferral this evening is on page 3 of your agenda in the Fairfield District. This is REZ2022-00004 Fleettree, LLC.

REZ2022-00004 Jack R. Wilson, III PLC for Fleettree, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 807-733-2587, 807-733-4786, 807-733-8078, and 807-734-7750 containing 26.8 acres located at the northeast intersection of Goodell and Harvie Roads. The applicant proposes a residential development of single-family dwellings. The R-5A District allows for a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre for single family dwellings. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The site is in the Airport Safety Overlay District.

The applicant is requesting a deferral to the August 11, 2022, meeting.

Mrs. Thornton - Is there anybody in the audience or on Webex in opposition to the deferral of REZ2022-00004 Fleettree, LLC?

Mr. Witte - Got one.

Mrs. Thornton - Okay.

Mr. Norman - Madam Chair, at this time there's no one on Webex wishing to speak on this case.

Mrs. Thornton - Okay, we have someone in the audience. This is a case that's going to be deferred to next month. It's not going to be heard tonight. It – do you want me to let him –

Mr. Emerson - Yes, you can.

Mrs. Thornton - Okay, would you like to go to the back? State your name and address, please.

186
187 Mr. Suggs - Hello, my name's Maurice Suggs. I live at Clarion Woods off
188 of Harvie Road. The mentioned parcel that is being described to build 102 subdivisions I
189 have a lot of concerns about. I would be parallel to that subdivision and I'm just not
190 comfortable with the information that's been developed by the Planning Commission.
191
192 Mrs. Thornton - Okay, thank you. Do you want to see if a planning person
193 could speak with him?
194
195 Mr. Archer - Yeah, someone could just go and explain to him what's
196 happening with a deferred case and keep moving.
197
198 Mrs. Thornton - Okay, is there -
199
200 Mr. Sehl - Ms. Deemer is here. She can step out to the lobby.
201
202 Mrs. Thornton - Okay, that would be great. Ms. Deemer is the staff for Henrico
203 County that is on this case. She will meet you out in the lobby to discuss something with
204 you. We're not doing the case tonight, though. It won't be heard till next month.
205
206 Mr. Suggs - Okay, it'll be August 11th.
207
208 Mrs. Thornton - August. Two months. I'm sorry.
209
210 Mr. Mackey - Two months.
211
212 Mr. Suggs - Two months? August what?
213
214 Mrs. Thornton - I'm sorry, yes.
215
216 Mr. Sehl - August 11th.
217
218 Mr. Archer - Eleventh.
219
220 Mrs. Thornton - August the 11th.
221
222 Mr. Suggs - All right.
223
224 Mrs. Thornton - And then you can give her your information and you can be in
225 contact just in case it gets deferred again or withdrawn or anything. They'll keep in contact
226 with you.
227
228 Mr. Suggs - Thank you very much. She's out there now?
229
230 Mrs. Thornton - Yes.
231

232 Mr. Emerson - Yes, sir. She should step out and meet you. She's in the side
 233 room right now.
 234
 235 Mrs. Thornton - Okay, thank you so much for coming out.
 236
 237 Mr. Archer - All right, then, Madam Chair. With that, I move that REZ2022-
 238 00004, Fleettree, LLC be deferred to the August 11, 2022, meeting at the applicant's
 239 request.
 240
 241 Mr. Mackey - Second.
 242
 243 Mrs. Thornton - We have a motion by Mr. Archer, a second my Mr. Mackey.
 244 All in favor?
 245
 246 The Commission - Aye.
 247
 248 Mrs. Thornton - All opposed? The motion passes.
 249
 250 Mr. Emerson - Madam Chair, that completes the requests for withdrawals
 251 and deferrals this evening. The next item on your agenda is a request for an expedited
 252 item that will also be presented by Mr. Ben Sehl.
 253
 254 Mr. Sehl - Thank you again. There is one application requesting
 255 approval on your expedited agenda this evening. This is SUB2022-00056. This is a
 256 Chesapeake Bay Resource Protection Area exception request at 1000 – or 10001 Drouin
 257 Street.
 258
 259 **SUB2022-00056 Tuckahoe Place Section B Block C Lot 1 – 10001 Drouin**
 260 **Street Approved Balzer and Associates, Inc. for Benjamin Tanner:** Request for
 261 approval of a Chesapeake Bay Resource Area Exception as required by Chapter 24,
 262 Section 5805 of the Henrico County Code. The 3.08-acre site of the proposal to demolish
 263 a structurally unsafe existing garage and construct a detached garage is located on the
 264 south line of Drouin Drive at its intersection with Westwick Road, on parcel 739-737-4244.
 265 The exception would allow one 1,271 square foot detached garage to encroach within the
 266 landward 50-feet of the required 100-foot-wide Resource Protection Area, a component
 267 of a Chesapeake Bay Preservation Area, adjacent to an unnamed tributary that drains to
 268 Tuckahoe Creek in the James River watershed. The zoning is R-0 One-Family Residence
 269 District. County water and on-site sewage disposal system.
 270
 271 Staff is unaware of any opposition to this request. The applicant has indicated they are
 272 in agreement with the conditions listed in your staff report, and I'd be happy to try and
 273 answer any questions you might have at this time.
 274
 275 Mrs. Thornton - Does anybody have any questions? Is there anybody on
 276 Webex or in the audience that would like to speak to this case?
 277

278 Mr. Norman - Madam Chair, at this time there's no one on Webex wishing
 279 to speak on this case.
 280
 281 Mrs. Thornton - Okay. No one –
 282
 283 Mr. Mackey - What did he say?
 284
 285 Mrs. Thornton - He's the applicant.
 286
 287 Mr. Mackey - Oh, okay. Okay, okay. Mr. Tanner.
 288
 289 Mrs. Thornton - If you have any questions.
 290
 291 Mr. Mackey - All right. With there being no questions or no opposition,
 292 Madam Chair, I move that case SUB2022-00056 Tuckahoe Place Section B Block C Lot
 293 1 Resource Protection Exception Request be approved subject to the following
 294 conditions: annotations on the plans to additional conditions 1 through 3 as listed in the
 295 agenda.
 296
 297 Mr. Witte - Second.
 298
 299 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All
 300 in favor?
 301
 302 The Commission - Aye.
 303
 304 Mrs. Thornton - All opposed? Motion passes.
 305
 306 The Planning Commission approved the Chesapeake Bay Resource Protection Area
 307 exception request, 10001 Drouin Street, subject to the annotations on the plans, and the
 308 following additional conditions:
 309
 310 1. Additional plantings of native trees and shrubs shall be installed within the lower 50-
 311 feet of the RPA buffer to achieve an overall density of woody vegetation within the
 312 lower 50-feet of the buffer of 200 stems per acre.
 313 2. An erosion and sediment control plan, which includes the vegetation enhancement
 314 within the RPA buffer shall be submitted for County review and approval as part of the
 315 proposed project.
 316 3. The applicant will submit a request to the County to vacate the existing 16-foot Public
 317 Utility easement, and vacation of the easement will need to be complete prior to
 318 issuance of a building permit for the new structure.
 319
 320 Mr. Emerson - Madam Chair, that takes us to the final item on your agenda
 321 this evening which appears on page 4 which is the consideration of the approval of your
 322 minutes from the Commission's work session and regular meetings on May 12, 2022. I

don't believe we have an errata sheet. However, any changes that the Commission has found that needs to be made and, of course, we'll make those accordingly.

Mrs. Thornton - Does anybody have any changes?

Mr. Mackey - No. Madam Chair, I move that we accept the minutes as presented.

Mr. Witte - Second.

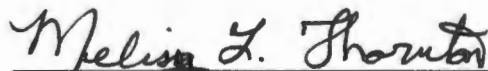
Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All in favor?

The Commission - Aye.

Mrs. Thornton - Any opposed? Motion passes.

Mr. Emerson - Madam Chairman, I – or Chair Lady, I have no – nothing further from the Commission this evening.

Mrs. Thornton - All right. That's it. Meeting's adjourned 7:12.



Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary