

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, March 12,
4 2020. Display Notice having been published in the *Richmond Times-Dispatch* on
5 February 24, 2020 and March 2, 2020.
6
7

8 Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
9 Mr. William M. Mackey, Jr., Vice Chairman (Varina)
10 Mr. Gregory R. Baka (Tuckahoe)
11 Mrs. Melissa Thornton (Three Chopt)
12 Mr. Robert H. Witte, Jr. (Brookland)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mr. Tyrone E. Nelson (Varina)
16 Board of Supervisors' Representative
17

18 Also Present: Ms. Jean Moore, Assistant Director of Planning
19 Mr. James P. Strauss, PLA, Senior Principal Planner
20 Mr. Ben Sehl, County Planner
21 Mr. Livingston Lewis, County Planner
22 Mrs. Lisa Blankinship, County Planner
23 Mr. John Cejka, Traffic Engineer, Public Works
24 Mr. William Moffett, CPTED Planner, Police
25 Ms. Sylvia Ray, Recording Secretary
26
27

28 Mr. Archer - The meeting will come to order. Good evening, everyone.
29

30 Mr. Mackey - Good evening.
31

32 Mr. Witte - Good evening.
33

34 Mr. Archer - This is the March 12th meeting for rezoning, and before we
35 get started let us please stand and recognize the flag, and silence or turn off your
36 telephones if you will please.
37

38 Thank you. Anyone here from the media? Don't believe so. So I just want to turn the
39 proceedings over to our secretary, Mr. Emerson.
40

41 Mr. Emerson - Thank you, Mr. Chairman. Just as a matter of note, the
42 Commission did hold a work session this evening. It convened at approximately 5:39,
43 and it was to discuss the updates to the zoning ordinance that are currently underway.
44 And we will be having continuing work sessions regarding that ordinance over the next
45 several months. And that meeting was recessed at around 6:45 to reconvene here at
46 7:00 p.m.
47

With that, Mr. Chairman, the first item on your agenda this evening are the requests for withdrawals and deferrals, and those will be handled by Mr. Jim Strauss.

Mr. Archer - Good evening, Mr. Strauss.

Mr. Strauss - Good evening, and thank you, Mr. Secretary. Staff is aware of two requests for deferral this evening, and the first request is in the Fairfield District on page 1 of your agenda, Rezoning 2020-00008, DealPoint Merrill, LLC.

REZ2020-00008 Nicholas H. Grainger, Esq. for DealPoint Merrill, LLC:
Request to conditionally rezone from B-2 Business District to M-1C Light Industrial (Conditional) Parcel 810-723-3605 containing 9.735 acres located on the south line of Nine Mile Road (State Route 33), approximately 245' west from its intersection with S. Laburnum Avenue. The applicant proposes a self-storage facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. **Staff – Lisa Blankinship (Deferral Requested to the May 14, 2020 Meeting)**

And the applicant is requesting deferral to May 14th, 2020 meeting.

Mr. Archer - To May. Okay, thank you, Mr. Strauss. Is there anyone present who is in opposition to this deferral? Don't see anyone, and with that I will move that Rezoning 2020-00008, DealPoint Merrill, LLC be deferred until the May 14th meeting at the request of the applicant.

Mr. Witte - Second.

Mr. Archer - Motioned by Mr. Archer and seconded by Mr. Witte. All in favor say aye.

The Commission - Aye.

Mr. Archer - Anyone opposed say no. The ayes have it and that motion is passed.

Mr. Strauss - And the second request for deferral this evening is in the Brookland District on page 3 of your agenda. It is Rezoning 2020-00007, SXCW Properties II, LLC.

REZ2020-00007 Andrew M. Condlin for SXCW Properties II, LLC: Request to conditionally rezone from R-3 One-Family Residence District and O-2 Office District to B-3C Business District (Conditional) Parcels 769-755-3049, 769-755-8276, and part of Parcel 769-755-6068 containing 5.333 acres located on the west line of Staples Mill Road (U.S. Route 33), approximately 300' north of its intersection with E. Parham Road. The applicant proposes a car wash and fuel facility. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan

93 recommends Office. **Staff – Ben Sehl (Deferral Requested to the April 9, 2020**
94 **Meeting)**

95
96 And in this case the applicant is requesting deferral to the April 9th, 2020 meeting.

97
98 Mr. Archer - Thank you. Is there anyone present who is in opposition to
99 this deferral? Don't see anyone. Mr. Witte.

100
101 Mr. Witte - Mr. Chairman, I move REZ2020-00007 Andrew M. Condlin for
102 SXCW Properties II, LLC be deferred to the April 9th, 2020 meeting at the request of the
103 applicant.

104
105 Mr. Baka - Second.

106
107 Mr. Archer - Okay, we have a motion by Mr. Witte and a second by Mr.
108 Baka. All in favor of the motion say aye.

109
110 The Commission - Aye.

111
112 Mr. Archer - Anyone opposed say no. The ayes have it and that motion
113 passed.

114
115 Mr. Emerson - Mr. Chairman, that completes the request for withdrawals and
116 deferrals, and the next item on your agenda this evening are the requests for expedited
117 items. There are none of those, so that takes us to the first case to be heard this evening,
118 which appears on page 1 of your agenda. It is REZ2019-00036, Andy M. Condlin for
119 Stanley Martin Homes.

120
121 **REZ2019-00036 Andrew M. Condlin for Stanley Martin Homes:** Request to
122 conditionally rezone from R-5 General Residence District, R-6 General Residence
123 District, and B-3C Business District (Conditional) to R-6C General Residence District
124 (Conditional) Parcels 783-747-8300 and 784-746-3173 containing 11.82 acres located on
125 the west line of Brook Road (U.S. Route 1), approximately 700' west of the intersection
126 of Brook Road (U.S. Route 1) and Brook Run Drive (private). The applicant proposes a
127 52-unit townhouse development. The R-6 District allows a maximum gross density of 12.0
128 units per acre. The use will be controlled by zoning ordinance regulations and proffered
129 conditions. The 2026 Comprehensive Plan recommends Commercial Concentration and
130 Environmental Protection Area. Part of the site is in the Enterprise Zone. The staff report
131 will be presented by Mrs. Lisa Blankinship.

132
133 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is in
134 opposition to this case, REZ2019-00036, Stanley Martin Homes. Seeing no opposition,
135 Ms. Blankinship.

136
137 Ms. Blankinship - Thank you, Mr. Archer. The subject property is located behind
138 Brook Run Shopping Center and is divided by a private drive aisle. A portion of the site

139 to the east of the drive aisle, over here, is -- to the east was to be part of the initial shopping
140 center as an outparcel but was never developed. The remaining portion located to the
141 west of the drive aisle contains the BMP for the shopping center and the Virginia Power
142 easements.

143
144 The eastern parcel is approximately one acre and is zoned B-3C. The western parcel is
145 approximately 10.6 acres, and is zoned B-3C, R-5, and R-6. The applicant proposes to
146 develop 52 townhouses. This development would be the second phase of Lakeside
147 Landing, which is a 130-home townhome-and-condominium development located just to
148 north -- just to the north of the subject site.

149
150 Revised proffers and concept plan have been handed out to you this evening. The
151 concept plan was revised to meet the fire code requirement for a dead-end fire access
152 road and proffer one has been revised to reference the updated plan.

153
154 In terms of site layout, the western portion of the site would not be developed because of
155 wetlands in the BMP. The plan shows the proposed townhouses would be located to the
156 north, east, and south of the existing pond. To enhance the pond an aerator fountain
157 would be added, as well as plantings of river birches and weeping willows along sections
158 of the perimeter.

159
160 The concept plan also shows a row of evergreens along the western line of the power
161 easement, which is important to soften and screen the view of the rear façade of the
162 shopping center. The smaller parcel, located closest to the shopping center, would be
163 developed with a six-unit row of townhomes. To minimize noise and visual impacts on
164 future residents, the proffered concept plan shows a landscape buffer planted to a TB35
165 and a six-foot privacy fence.

166
167 A pedestrian path would also be located along the western portion of the property
168 connecting to the county's proposed Lakeside Community Trail. The Lakeside
169 Community Trail would be a 12-foot-wide, multi-use trail, approximately 2 miles long, that
170 would connect Spring Park to Hilliard Road.

171
172 In addition to the concept plan, the applicant has proffered these building elevations
173 showing the proposed townhouses. The applicant has also provided a number of other
174 proffers consistent with phase one of Lakeside Landing and other townhouse and
175 condominium developments elsewhere in the county.

176
177 The majority of the subject property is designated Commercial Concentration on the 2026
178 Comprehensive Plan. A small portion to the north is designated Environmental Protection
179 Area. This request is not consistent with these designations, however, the project with
180 an equivalent density of 4.4 units per acre could be a logical extension of the existing
181 Lakeside Landing Development.

183 For these reasons staff believes the request could be a reasonable use of the subject
184 property and would not negatively impact adjacent uses. This will -- excuse me. This
185 concludes my presentation. I'll be happy to answer any questions.

186
187 Mr. Archer - Thank you, Ms. Blankinship. Any questions from the
188 commission?

189
190 Mr. Witte - I do.

191
192 Mrs. Blankinship - Yes, sir.

193
194 Mr. Witte - The comments on the Division of Fire says layout zoned does
195 not meet the fire code requirement for dead-end fire access roads, and pavement within
196 turning radii will need to meet the Virginia State Fire Prevention Code Requirements. Has
197 that been met?

198
199 Ms. Blankinship - Yes. A concept plan was shared with the Division of Fire, and
200 they said what they saw in the concept plan met their comments.

201
202 Mr. Witte - Well, thank you.

203
204 Mrs. Blankinship - You're welcome.

205
206 Mr. Archer - Thank you, Mr. Witte. Anyone else? Thank you, Mrs.
207 Blankinship. Mr. Condlin, could you come up for a minute, please?

208
209 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin,
210 on behalf of the applicant.

211
212 Mr. Archer - Thank you, sir. We had a neighborhood meeting on, I forget
213 what day it was, and everybody turned out except the neighborhood. But there was one
214 person there who was, I believe, an assistant rector at the Immanuel Church.

215
216 Mr. Condlin - Yes, sir.

217
218 Mr. Archer - And you recall, Mr. Condlin, she had indicated some problems
219 on, what is it, Brook Run Drive?

220
221 Mr. Condlin - Brook Run Drive, yes. I think --

222
223 Mr. Archer - I drove through there the other day, and I think I saw what she
224 was talking about and I think you indicated you'd do some research to see what was going
225 on there? Did you?

226
227 Mr. Condlin - Yeah, so we -- yeah. We've done some research with respect
228 to the title and who has what responsibility. Overlook apartments own part of Brook Run

229 Drive I think generally as it -- as it runs through their property. And then the shopping
230 center owns the remainder of Brook Run Drive, so Brook Road comes off here and Brook
231 Run Drive runs all the way around.

232
233 When we've looked at it there's a -- there's a cross access and maintenance obligation
234 between the original owners and developers of the shopping center, including all the out
235 parcels, and then the apartments. And so each is responsible for the area in which is on
236 their property, for the maintenance. They have cross -- access across all of the -- all of
237 the property, but each has the maintenance. And so the area in which I think the concern
238 is, is related to the apartments. Certainly, we've been chatting with the shopping center
239 to make sure and they -- I think they've been maintaining their portion, but they don't have
240 maintenance rights or obligations on the remainder of Brook Run Drive.

241
242 Mr. Archer - Okay.

243
244 Mr. Condlin - So, but that is an apartment. But the, again, the both of those
245 are -- have been able to have cross access, but also maintenance is split up based on
246 that agreement. We'd be a part of that as part of the overall property that's part of the
247 shopping center property, so we'd contribute to the maintenance obligations with respect
248 to the first part of Brook Run Drive, but it is a private road.

249
250 Mr. Archer - Okay. I do appreciate that response. Driving up from
251 Dumbarton on the left side, going toward the shopping center --

252
253 Mr. Condlin - Yes.

254
255 Mr. Archer - There is some, I don't know if it's construction debris or
256 material or what on the left side, did you notice that?

257
258 Mr. Condlin - Yeah. When I drove around I did see that.

259
260 Mr. Archer - Who do you think that belongs to?

261
262 Mr. Condlin - I have no idea. That's a private road and it comes off of here.
263 I think was the question that she had with respect to the church. I think --

264
265 Mr. Archer - Mm-hmm.

266
267 Mr. Condlin - -- what she was talking about here, and --

268
269 Mr. Archer - Yeah. I don't think she was mentioning that part, but no I just
270 happened to see it over there.

271
272 Mr. Condlin - Yeah. No. I had -- I thought that's where -- generally where
273 it was. I don't have any idea whose that construction debris is, though.

274

275 Mr. Archer - Okay. Anybody else have a question for Mr. Condlin?

276
277 Mr. Condlin - Thank you.

278
279 Mr. Archer - Thank you, sir. Okay. With that, there was no one at the -- at
280 the meeting that objected to anything. And with that and the report given by staff and
281 their recommendation I move that this be sent forward to the Board with a
282 recommendation for approval.

283
284 Mr. Witte - Second.

285
286 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Witte. All in favor
287 of the motion say aye.

288
289 The Commission - Aye.

290
291 Mr. Archer - Anyone opposed say no. The ayes have it. That motion
292 passes.

293
294 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
295 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
296 grant the request because it would permit development of the land for residential use in
297 an appropriate manner and the proffered conditions will provide appropriate quality
298 assurances not otherwise available.

299
300 Mr. Emerson - Mr. Chairman, we now move on to page 2, and we're going to
301 try something here that we haven't done before, because we have two different people
302 representing the cases. But we have three cases here that all deal with the same,
303 essentially the same, piece of property. They're adjoining -- the road improvements
304 impact both of them and the other site-design issues impact both of them. So I'm going
305 to call three cases: they will require separate motions for each case, but we'll hold the
306 public hearing on all three cases at the same time.

307
308 Mr. Archer - Okay.

309
310 Mr. Emerson - And in deference to Mr. Lewis, he wasn't aware that we were
311 going to add the third case until a few minutes ago, so he's quickly trying to sort through
312 his notes so he can -- he can pull this together.

313
314 With that said, Mr. Chairman, the first case is REZ2020-00003, James W. Theobald for
315 Nuckols Road, LLC.

316
317 **REZ2020-00003 James W. Theobald for Nuckols Road, LLC:** Request to
318 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
319 (7.891 acres) and B-2C Business District (Conditional) (8.517 acres) parts of Parcels 748-
320 771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols

Road at its intersection with Fords Country Lane. The applicant proposes a life care facility and retail and/or office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office.

Along with that you have a provisional use permit. Provisional Use Permit 2020-00002. Again, Mr. Theobald for Nuckols Road, LLC.

PUP2020-00002 James W. Theobald for Nuckols Road, LLC: Request for a Provisional Use Permit under Sections 24-36.1(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for a life care facility and outside dining on parts of Parcels 748-771-3527 and 749-771-2999 located on the east line of Nuckols Road at its intersection of Fords Country Lane. The existing zoning is A-1 Agricultural District. R-6C and B-2C zoning are proposed with REZ2020-00003. The 2026 Comprehensive Plan recommends Office.

And the third component of this is REZ2020-00006, and this is Mr. Andrew M. Condlin for HCA.

REZ2020-00006 Andrew M. Condlin for HCA: Request to conditionally rezone from A-1 Agricultural District and B-1 Business District to O-2C Office District (Conditional) Parcels 747-771-7477, 747-771-9469, and 747-771-9985 containing 3.36 acres located at the southeast intersection of Nuckols Road and Hickory Park Drive. The applicant proposes an emergency medical facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office.

The staff report on all three of these items will be presented by Mr. Livingston Lewis, and again at the end of the public hearing we will need separate motions on all three items.

Mr. Archer - Okay. Well done, Mr. Secretary, have I got that? Is there anyone present who is in opposition to any of the three of these cases, or all of them? Don't see anybody. Mr. Lewis, good evening, sir.

Mr. Lewis - Good evening, Mr. Chairman. I'm going to try to deal the cards while I shuffle them, so this could be interesting. First off, I'll cover the Nuckols Road, LLC details. I'll cover the HCA emergency medical facility details after that, and then provide a summary at the end.

As was stated, the applicant wishes to rezone 16.4 acres on the east line of Nuckols Road between Fords Country Lane and Hickory Park Drive. The site is vacant and almost entirely wooded. The 2026 Plan recommends office for the site and, as you'll see, office is recommended for the companion case to the north, which is this corner right here.

Surrounding uses include several residential neighborhoods, as well as small office and commercial uses along Nuckols Road, and the applicant proposes rezoning 7.9 acres of the Nuckols Road, LLC site from A-1 to R-6C, and that's this portion over here, for a life

care facility. The other 8.5 acres toward Nuckols Road would be rezoned from A-1 to B-2C for potential retail and, or office uses.

As illustrated on this proffered conceptual layout, the lifecare facility would be in the southeastern corner of the site, and this is not oriented to the north, this image, so the southeastern portion is right here. North is on the left of this image. With right-in only access from Nuckols Road in this location here, and a full access on Hickory Park Drive in the rear of the site here.

The three other buildings on the subject parcel represent retail and office possibilities, although the location, size, and type of these uses have yet to be determined. Other notable features included on the layout are a 25-foot-wide landscape buffer and sidewalk along Nuckols Road. It's lightly highlighted in orange or yellow.

Proposed landscaping and sidewalks throughout the development and a traffic safety barrier with landscape screening adjacent to Holloway Townes back in this location right here. The fifth building lying outside of the subject area highlighted in red: that is the HCA emergency medical facility that I'll cover in just a moment.

This proffered elevation depicts one potential view of a four-story lifecare building from a ground-level perspective. Several other exhibits are also provided to show the proposed building from all sides. Based on these elevations staff has encouraged the applicant to consider using architectural features that reduce the building's institutional appearance and accentuate its residential character, more in keeping with the surrounding uses.

Elevations are not available for any retail or office buildings, as details for this part of the development remain in flux. In addition to the proffered exhibits, other commitments from the applicant's revised proffers dated March 10, 2020 handed out this evening include for the entire site, and by the entire site I just mean the portion highlighted with the red border: detached signage details and limits on the days and hours of exterior construction and general lot maintenance.

For the life care portion, the largest building here and surrounding property, a lifecare facility would be the only permitted use and would be limited to 179 total units, no more than 92 independent living. Maximum building height of 55 feet, and primary exterior materials to be brick, stone, or cementitious siding.

And proffers for the retail and office section, again, these three buildings here contain a list of permitted exterior materials: Require 40 percent brick or stone on building facades facing Nuckols Road, and provide a list of prohibited uses.

Along with the proffers the development would also be regulated by the companion provisional use permit application, PUP2020-00002, which requires approval of the rezoning case prior to being considered. This PUP application deals with both the life care use and the request for outdoor dining in the proposed retail area, and the

documents handed out this evening provide staff's revised condition -- revised suggested conditions which are comparable to those approved for other similar cases.

Given the life care facility topics already addressed in the rezoning proffers, the only recommended condition for the life care PUP is a reference to those proffers. And as for the outdoor dining component, the 12 suggested conditions are all standard for this type of request.

And now we'll move to the emergency medical facility rezoning request. That's these three parcels combined for 3.36 acres. Again, it's adjacent to the north of the area that I just covered. The Comprehensive Plan recommends office for this site as well, and surrounding uses are very similar, of course: residential neighborhoods, small office, commercial. The applicant promote -- proposes rezoning the site from A-1 and B-1 to O-2C for an HCA 24-hour emergency medical facility.

Back to the same concept plan. Everything is the same, just highlighting a separate portion of it for this subject property. As shown on this proffered conceptual layout, this request is a companion rezoning to the Nuckols, LLC cases, just presented. The HCA facility would be at the northern end. Again, the left-hand side of what you're looking at, the northern end of the larger development adjacent to the proposed retail and office area to the south. The medical facility would be a single 11,000-square-foot and one-story building accessed via Hickory Park Drive.

Two points of access are shown, but only access number one, which is right here, where the hand is indicating. Only access number one, which is closer to Nuckols Road, is required. Access one would be installed as a full access during initial construction. Then, if Access two is later constructed with full ingress-egress, access number one would revert to a right-in, right-out if required by the county.

Other notable features on the layout are a 25-foot-wide landscape buffer and sidewalk along Nuckols Road and Hickory Park Drive, again in this highlighted orange or yellow area. The applicant has also proffered two building elevations which depict the potential appearance of the facility from ground-level perspective.

In addition to the exhibits, other commitments from the applicants revised proffers dated March 10, 2020, handed out this evening, include a list of prohibited uses. Limits on the days and hours of exterior construction and general lot maintenance, submittal of a sign plan, a list of permitted exterior materials, and a requirement that building facades visible from Nuckols Road and Hickory Park Drive be a minimum of 75 percent brick or stone.

While the exterior brick and stone requirement is an important quality assurance, staff has also encouraged the applicant to consider updating the building elevations to reflect this requirement and ensure the building is more consistent with others in the immediate area.

Two community meetings were co-hosted in coordination with the applicant of the previously presented life care cases. During these meetings the overall development concept was generally supported. However, various traffic-related topics were discussed in response to questions about how to best mitigate impacts on the surrounding road network, and the applicant is still working through these details with the county's traffic-engineering division.

The proposed medical facility includes medical office and laboratory components, which are both consistent with the office designation in the 2026 Plan. While the life care and retail uses may not be entirely consistent with the office designation, these uses would continue the recent development pattern in other nearby office designated areas reflecting a transition toward more residential uses complemented by small-scale nonresidential. Recognizing this trend, and the compatibility of the HCA facility with the Comprehensive Plan, staff supports these companion cases with the expectation that the traffic and building elevation issues will be resolved prior to the Board hearing.

This concludes my presentation and I'm happy to answer any questions.

Mr. Archer - Thank you, sir. Are there questions for Mr. Lewis from the Commission?

Mr. Baka - I have a -- go ahead.

Mrs. Thornton - No, go ahead.

Mr. Baka - I have a couple in the rezoning.

Mr. Archer - Go ahead.

Mr. Baka - For back to rezoning case 00003. The proffer reads the development of property shall be in general conformance with a conceptual site plan. But other than the site plan I didn't see another proffer that would necessarily restrict or eliminate any future access down the road to Fords Country Lane. So do we have assurances that this is somewhat a self-contained development that it wouldn't -- it wouldn't have any access off of Fords Country Lane.

Mr. Lewis - We don't have that assurance. This area is interesting from a road network aspect. There is a small area study that envisions Hickory Park Drive being extended further to the south.

Mrs. Thornton - That's okay.

Mr. Baka - Okay.

501 Mr. Lewis - That is not currently part of this concept. But currently, to
 502 answer your specific question, there is no restriction on Fords Country Lane punching
 503 through to this site.
 504

505 Mr. Baka - There'd be no major concerns if there were to be revised in
 506 the future and the applicant may not choose to do that. I was just trying to point that out.
 507 Mainly because of the issue of mixing traffic. I mean, for example, when you turn left out
 508 of Fords Country Lane and you turn back like an adventure.
 509

510 Are there any intersection improvements proposed in not -- either part of this case or by
 511 the county for Fords Country Lane at Nuckols?
 512

513 Mr. Lewis - There are a number of questions and issues that have been
 514 batted around and are still, I guess, pending discussion, as I alluded to in my presentation
 515 regarding the Fords Country Lane intersection with Nuckols, the Nuckols intersection with
 516 Hickory Park Drive, and so on. And those are issues that do still need to be worked out.
 517

518 Mr. Baka - Those are the questions I had.
 519

520 Mr. Archer - All right. Anyone else? Thank you.
 521

522 Mrs. Thornton - Thank you.
 523

524 Mr. Archer - How would you like to proceed, ma'am?
 525

526 Mrs. Thornton - HCA can go first if they'd like.
 527

528 Mr. Archer - All right. We're getting ready to have a convergence here.
 529

530 Mr. Condlin - If you could pull up the PowerPoint that Mr. Theobald
 531 prepared for me. Just for the record, Mr. Theobald and I have worked very well together,
 532 when he did most of the work and I'm going to take as much credit as possible. So thank
 533 you.
 534

535 So, again, my name is Andy Condlin. For the record, I have with me Ryan Jensen (ph)
 536 is a CEO of Henrico, Parham and Retreat Doctors Hospitals on behalf of the applicant,
 537 HCA Virginia, for an emergency medical care center.
 538

539 So this 3.36 acres, and generally here's the property in the area, as Mr. Livingston has -
 540 - or as Mr. Lewis had outlined. But this particular property and this conceptual plan that
 541 we have for this is - hasn't been pointed out of, but I wanted to stress the current zoning
 542 is B-1 and A-1, so it's already been in business zoning, but the Comprehensive Plan calls
 543 for office and we're asking for an O-2 conditional zoning. So this acute care facility is -
 544 has a level 2 trauma center.
 545

546 It's approximately 11,000-square-feet, has 11 exam rooms, a pediatric-dedicated room,
547 and a full range of imaging services that includes x-ray, CT, and ultrasound and outpatient
548 testing, as well as an on-site laboratory. So it is a full working medical facility, not just the
549 emergency room, and it is staffed by a board-certified doctor and, of course, the nursing
550 staff, including nurse practitioners.

551
552 So we have with our -- with respect to the proffers and something a little unique, because
553 as we came forward Mrs. Thornton and Mr. Branin, as we looked at this along with staff
554 said, Well, as we came forward with our case and Mr. Theobald came forward with his
555 client's case over here, they said, Well, you really need to be working together because
556 this is all one quadrant. And particularly with respect to the access we have a number of
557 utility issues that we have to work together on, and so that's why we're coming together
558 despite separate cases and specifically unique uses, but still coming together at the same
559 time.

560
561 With respect to our property, we had originally provided for access out onto -- out onto
562 the Hickory Park Drive at this location with a full working access. At this, what we call,
563 access number one. Primarily because as you look at our traffic report that we've
564 submitted the TIA calls for 12 trips during the AP -- a.m. peak hours, and then 17 trips in
565 the p.m. peak hours. It's a really -- it's a consistent trip generator throughout the day, but
566 it doesn't really have any high peaks or low peaks. And given the size, it's not going to
567 have a big impact, particularly at the a.m. and p.m. peak.

568
569 So while we were planning on as constructing, and we're probably going to be taking --
570 going up a lot faster than the rest of the facility, particularly with the senior age-restricted
571 facility, and then with the retail coming at a later time that Mr. Theobald had talked about,
572 our thought is we would go in first, we'll be building this to be able to use for our facility
573 alone. They will be constructing -- we've got a maintenance and construction and access,
574 cross-access agreements to go with this property, with both of our properties. That they
575 would be then building this as they come forward and do their construction after we've
576 already done our construction.

577
578 When that happens, and this particular road is open, we'll then have access to that. This
579 will become a right-in, right-out by extending, as you can see here, this median here. And
580 then this will become a full working access for all of this site, as well as the one back here
581 in Hickory Park Drive.

582
583 So we think this makes a lot of sense to have all of these work together and then phased,
584 as we've talked about as well.

585
586 The other issue that has been discussed, that I think is an outstanding issue, is I think, I
587 could be wrong, I thought the elevations were a little bit different than I've shown here.
588 That was a previous one. Turns out county doesn't like any of them. So if -- and I think
589 when we've met with Mr. Emerson, in talking with Mrs. Thornton and Mr. Branin, want to
590 take a look at the -- more of the corridor with the more red brick as opposed to a modern.

591 We were trying to match what I think was on the property next to us that Mr. Theobald's
592 going to be talking about.

593
594 Turns out a little less modern, a little bit more traditional on the Nuckols Road Corridor,
595 so we've already started working on that. And I think, obviously, we're going to have to
596 get a little bit back and forth and we'll get that straight. So those are really just -- that's
597 really, I think, the outstanding issue at this point. Which is, if that's all right with the
598 Commission, we'd like to continue to work on that after the Commission and as we got to
599 the Board of Supervisors. I'm happy to go through the other provisions of the proffers,
600 but I think they're pretty typical of what you find in the corridor, particularly with office
601 development.

602
603 Happy to answer any questions that you might have at this time.

604
605 Mr. Archer - All right. Thank you, Mr. Condlin. Anybody have a question
606 for Mr. Condlin?

607
608 Mrs. Thornton - I think what we'll have to do is just make sure the elevations
609 are updated and also to resolve the traffic.

610
611 Mr. Condlin - Yes, yes, yes. That's right. I think those are the two
612 outstanding issues.

613
614 Mrs. Thornton - Yes.

615
616 Mr. Condlin - And the TIA has been submitted and it's been reviewed, but,
617 you know, they -- I think there's a -- there's some question as to what's the best thing to
618 do up here, and, you know, the impact.

619
620 Mrs. Thornton - Right.

621
622 Mr. Condlin - So, yes ma'am, we'll continue to work on that.

623
624 Mrs. Thornton - Okay.

625
626 Mr. Witte - I do have one question.

627
628 Mr. Baka - Your hours -- oh, go ahead.

629
630 Mr. Witte - What does a tier 2 trauma center involve?

631
632 Mr. Condlin - I'm going to have my tier 1 trauma answer up here.

633
634 Mr. Jensen - Good evening, Mr. Chairman and Commission members. My
635 name's Ryan Jensen. I'm the new CEO at Henrico Doctor's Hospital. So at level 2 we
636 provide emergency care that you would find at any other level 2 trauma hospitals, so we

637 will be connected to Henrico Doctor's Hospital, so if there were to be any type of transfer
638 necessary to provide that care they would be transferred to the main hospital.

639
640 Mr. Witte - Give me an example.

641
642 Mr. Jensen - Well so, just for example, what would -- what would be taken
643 care of there: a lot of the common presentations: cold, cough, general infections, chest
644 pains, shortness of breath, abdominal pain, acute musculo-skeletal injuries. But also at
645 the same level as more critical presentations. For example: heart attack, stroke care,
646 sepsis and other trauma that then would be eventually transferred over to the main
647 campus.

648
649 Mr. Witte - Burns are kind of --

650
651 Mr. Jensen - Burns are not in our purview.

652
653 Mr. Witte - There you go.

654
655 Mr. Jensen - That's the --

656
657 Mr. Witte - That's what I was getting to.

658
659 Mr. Jensen - That's not in our purview at this moment.

660
661 Mr. Witte - I just was kind of aware of the situation, but I didn't know if
662 other people would differentiate.

663
664 Mr. Jensen - Right.

665
666 Mr. Witte - Thank you.

667
668 Mrs. Thornton - I just have a general question.

669
670 Mr. Jensen - Sure.

671
672 Mrs. Thornton - With these emergency, when you go in for an x-ray or such,
673 is a hospital bill tacked onto a regular -- you know you go in and you pay usually the
674 radiologist, the doctor, or you know, like, when you go down to MCV or VCU they tack on
675 a hospital bill. Is this going to be, like, separate? Is this a separate entity type of thing?
676 Or is --

677
678 Mr. Condlin - It is a department of the hospital, so it would --

679
680 Mrs. Thornton - So you will be hospital plus?
681

682 Mr. Jensen - It will be as if you went to the emergency room at the main
683 hospital, you'd receive the same bill from the hospital.

684

685 Mrs. Thornton - Right. Okay. Just curious.

686

687 Mr. Jensen - Yep.

688

689 Mrs. Thornton - Because it's, you know, people don't perceive it as a hospital.
690 Like the Bon Secours one on Broad Street.

691

692 Mr. Jensen - Correct. Correct. I think another question that comes up, for
693 example, if you're transferred, let's say if you get there, you receive your care, but are
694 transferred to the main hospital. Patients are not charged any additional pay to be
695 transferred to the hospital.

696

697 Mrs. Thornton - Okay, well that's good.

698

699 Mr. Witte - No transportation costs?

700

701 Mr. Jensen - No transportation costs.

702

703 Mrs. Thornton - That's good.

704

705 Mr. Jensen - Our goal is to treat and take care of the patients at that facility,
706 and that's why they have a board certified ER doctor.

707

708 Mrs. Thornton - That's all of my questions. Thank you.

709

710 Mr. Archer - Anybody else?

711

712 Mr. Archer - Mr. Condlin, could you put back up the previous slide? Oh,
713 I'm sorry. Go ahead and respond.

714

715 Mr. Condlin - You want that one or the concept plan?

716

717 Mr. Archer - That one, yeah. Looking at the rear-end of the building, that
718 one, there's a break right there in the foliage. Does that mean to connect -- I guess there's
719 access, too, to --

720

721 Mr. Condlin - Yes. Yes, it'll have full access to access two. This way we
722 can --

723

724 Mr. Witte - Okay, just curious.

725

726 Mr. Condlin - Make access otherwise. There's pretty -- two unique distinct
727 uses. I don't -- see a lot of pedestrian cross from there. But it is -- it's certainly vehicular.

728 And that's what's intended so we'd have access to access number two, which would then
729 limit the access number one to the right-in, right-out only.

730
731 Mr. Archer - Okay. I got it. Thank you. Mr. Baka?

732
733 Mr. Baka - Just a quick question of construction hours and activity,
734 you've got 7:00 to 7:00 on weekdays and I, you know, you can't do anything about the
735 traffic on Nuckols with --

736
737 Mr. Archer - Thank you.

738
739 Mr. Baka - -- back to Innsbrook. Does that mean, if it's 7:00 to 7:00, I
740 mean, and I'm assuming that's for daylight hours, so if you have sunset earlier than that,
741 then typically construction activities would cease prior to that.

742
743 Mr. Condlin - Typically, right.

744
745 Mr. Baka - Okay.

746
747 Mr. Condlin - And they're going to try to get it under --

748
749 Mrs. Thornton - Exterior.

750
751 Mr. Condlin - Yeah.

752
753 Mr. Baka - Exterior?

754
755 Mr. Condlin - Yeah. It's all exterior. Under roof as fast as possible.

756
757 Mr. Baka - For exterior hours, okay.

758
759 Mr. Condlin - But this, you know, with the rate and though we're far from the
760 residences that's a -- typical construction hours in these area and, you know, just to be
761 consistent with all the other developments.

762
763 Mr. Baka - Okay. Thanks very much.

764
765 Mr. Condlin - Mm-hmm. You're welcome. Thank you.

766
767 Mr. Archer - Okay. Mr. Secretary, do we have to vote on these separate,
768 or are we going to do all of them first and then vote on them one at a time?

769
770 Mr. Emerson - I think, Mr. Chairman, you should hear all of them and then --

771
772 Mr. Archer - Okay.

774 Mr. Emerson - -- and then vote on them individually at the end of the hearing.

775
776 Mr. Archer - All right. Mr. Theobald?

777
778 Mr. Theobald - Mr. Chairman, members of the Commission, I'm Jim
779 Theobald. I'm here this evening on behalf of CA Senior Living. Chris Russ (ph), the Vice
780 President of Development, is here with me, and they develop upscale senior facilities that
781 include independent living, assisted living, memory care. And I'm also here on behalf of
782 Nuckols Road, LLC, which is essentially an entity owned by the Pruitt family. And so this
783 request is to rezone about 7.89 acres from A-1 to R-6C with a provisional use permit for
784 a lifecare facility, and 8 1/2 acres from A-1 to B-2C for some neighborhood retail
785 opportunities.

786
787 As you know, a life care facility is a term of art in your ordinance, but it does provide those
788 three levels of services, requires certain additional amenities to be provided within it in
789 order to come under this definition. This CA Senior Living you may recall we were before
790 you about a year ago, Parham & Derbyshire (indiscernible), Mr. Baka helped us -- helped
791 us with, and that is breaking ground next week. And so a very high-end, quality
792 development.

793
794 The lifecare facility will be 179 units, that's the cap. 87 of those will be independent living,
795 60 assisted living, and 32 will be for memory care. Interestingly, the average age for the
796 independent living folks is about 75 years of age, and it's 85 years of age for the assisted
797 living and memory care folks.

798
799 This concept plan is showing a four-story building here for the life care facility, retail
800 unknown at this point, but it's clear that these are smaller users designed for
801 neighborhood retail-type opportunities.

802
803 So the plan, you might note in the back here, that there's a significant amount of green
804 space. This is -- this is primarily wetlands back here. So there's a good distance between
805 the townhomes across the road. We have an existing BMP that's there now, so we've
806 tried to thread this road through here. It does not align with this on purpose because of
807 the BMP, and also just to separate the two in terms of the traffic issues.

808
809 There is pedestrian access and landscaping throughout, and we do have the requisite
810 amount of access for health and safety. We are having additional discussions about
811 some transportation issues. We're hoping to resolve those shortly. I think the -- some of
812 the challenges are making sure that this intersection functions in a way that it's fair, if you
813 will, to the folks back in the -- in Holloway and their ability to get out here while not backing
814 up traffic for -- between Hickory and Wyndham. And so it's a balance, and that's what's
815 being discussed currently.

816
817 There was some discussion at the meeting about Fords Country Lane, but mostly we
818 think it was a very good idea to come out on this curve for site business purposes, and
819 once you get here it's -- can be a challenge in peak hour to get out here, et cetera. So

820 it's -- while it's possible I don't think it's probably a viable alternative. But all of those
821 issues are being -- are being discussed and will be -- will be resolved.

822
823 This is just a birds-eye view of the lifecare facility to give you some perspective. This is
824 how it lays into the site. You saw the elevations. These are some view-line drawings just
825 to show what the neighbors -- the neighbors asked us to do these. I know there's none
826 here tonight, but from Holman Ridge Road this is basically what you would and would not
827 see coming out there. And from Opaca to Hickory Park Drive as well, and then Nuckols
828 Road heading south, you're looking over to your left, and then this would be going north
829 at the intersection Ford's Colony Lane, the development being on the right.

830
831 A number of proposed proffered conditions, we proffered the elevations in the plan. We
832 are still refining those elevations consistent with some comments. Interestingly I think --
833 I think Mr. Russ was saying that you really market these facilities to the children whose
834 parents are going to be living in these facilities. And, as such, they might like a little -- a
835 little bit more modern look. But that's to be determined. I think we can add some
836 architectural features and make sure that the brick is complementary with the emergency
837 room facility.

838
839 And so the life care facility is the only permitted use on the R-6 property. As you know
840 you could otherwise do apartments, et cetera, there. Same hours of construction and
841 maintenance as previously discussed. We did agree to put a guard rail, that rear entrance
842 across the way. The neighbors asked us to do that. And to plant over there, that's likely
843 in the association property of the townhomes, which is still controlled by HHHunt whom
844 we also represent and, who is selling us the connecting piece to get -- back up to the
845 road, so I'm sure we will be able to accommodate those commitments to the neighbors.

846
847 We do have a sidewalk along Nuckols. We've prohibited car washes, gasoline stations,
848 fast food with drive-throughs, and a host of additional prohibited uses. We are allowed to
849 do some fast-casual type restaurants like a Paneras or specialty coffee stores or pastry
850 stores.

851
852 There is a request for a provisional use permit to allow outdoor dining on the retail. We
853 don't have the details there, but your PUP conditions address that, and we have to come
854 back, basically, and show how that's going to occur, along with other restrictions that are
855 incident there, too.

856
857 The -- we've had two community meetings. Lots of input. I think we've responsibly
858 responded to those. I've had so many inquiries about this corner over the past many,
859 many, many years. I can't tell you. This is the least impactful of any of those ideas.
860 We've had Wawas, we've had grocery anchored shopping centers and none of that
861 seemed to be able to be integrated in a way that was suitable to the county or its elected
862 officials.

863
864 And, as you know, lifecare facilities generate very, very little traffic. Most of the residents
865 don't drive. You've heard that the emergency room facility also has very limited traffic,

866 and the retail is very small and limited. So I don't know that we can jointly bring you a
867 better package of users here with less impact and more ability to adequately design the
868 site. We are in agreement with the proposed provisional use permit conditions. And, with
869 that, I would respectfully ask that you recommend approval to the Board of Supervisors,
870 and I'd be happy to answer any questions.

871
872 Mr. Archer - All right. Any questions for Mr. Theobald on this particular
873 case? Okay.

874
875 Mr. Theobald - Thank you.

876
877 Mrs. Thornton - All right. Well, I really appreciate all the time and effort that
878 staff has put into this. I know Livingston has done an amazing job, and he continues to
879 do it, on this case. Thank you for both of you cooperating together. It's been a pleasure.
880 In the -- both of the community meetings I feel like they listened to the community and
881 made an adjustment, and everybody seemed -- as you can see nobody's here to oppose.
882 I think that they were happy with everything that went on. We will continue the discussions
883 on elevations and traffic. So with that, I will make a motion.

884
885 Mr. Chairman, I move that REZ2020-00003, James W. Theobald for Nuckols Road, LLC
886 be approved with the proffers number one through 19, dated March 10, 2020 with the
887 exception of the ongoing discussions please regarding the traffic improvements, the
888 building elevations that will be resolved prior to the Board of Supervisors hearing their
889 case.

890
891 Mr. Baka - Second.

892
893 Mr. Archer - All right. Motioned by Ms. Thornton and seconded by Mr.
894 Baka. All in favor of the motion say aye.

895
896 The Commission - Aye.

897
898 Mr. Archer - Those opposed say no. The ayes have it and the motion is
899 carried.

900
901 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
902 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
903 Supervisors **grant** the request because it would provide for appropriate development and
904 the employment use(s) support the County's economic development policies.

905
906 Mrs. Thornton - Okay. I have a few more. Mr. Chairman, I move that PUP
907 2020-00002, James W. Theobald for Nuckols Road, LLC be approved with the conditions
908 dated March 10, 2020.

909
910 Mr. Mackey - Second.

911

912 Mr. Archer - Well that --

913
914 Mr. Mackey - Yes, sir.

915
916 Mr. Archer - Oh, okay. Motioned by Ms. Thornton and seconded by Mr.
917 Mackey. All in favor of the motion say aye. Those opposed say no. That motion passes.

918
919 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr.
920 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board
921 of Supervisors grant the request because it would provide added services to the
922 community and it would not be expected to adversely affect public safety, health or
923 general welfare.

924
925 Mrs. Thornton - Okay, HCA. So, Mr. Chairman, I move that REZ2020-00006,
926 Andy M. Condlin for HCA be approved with the proffers number 1 through 12, dated
927 March 10, 2020 with the exception of the ongoing discussion regarding the traffic
928 improvements and building elevations be resolved prior to the Board of Supervisors
929 hearing.

930
931 Mr. Baka - Second.

932
933 Mr. Archer - Motioned by Ms. Thornton and seconded by Mr. Baka. All in
934 favor of that motion say aye.

935
936 The Commission - Aye.

937
938 Mr. Archer - Anyone opposed say no. No noes, the ayes have it and the
939 motion passed.

940
941 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
942 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
943 Supervisors grant the request because it conforms to the recommendations of the Land
944 Use Plan and the proffered conditions will provide appropriate quality assurances not
945 otherwise available.

946
947 Mr. Theobald - Thank you.

948
949 Mr. Emerson - Mr. Chairman we now move on to two more companion cases:
950 REZ2020-00009, James W. Theobald for Stanley Martin Homes.

951
952 **REZ2020-00009 James W. Theobald for Stanley Martin Homes:** Request to
953 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
954 (Conditional) (16.82 acres) and B-2C Business District (Conditional) (6.09 acres) Parcel
955 730-765-6508 containing 22.91 acres located on the south line of W. Broad Street (U.S.
956 Route 250) at the western County Line with Goochland County. The applicant proposes
957 a condominium and townhome development of no more than 204 units and commercial

uses to include restaurants. The R-6 District allows a maximum gross density of 19.8 units per acre for condominiums and 12.0 units per acre for townhomes. The uses would be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District.

And in a companion case you have PUP2020-00005, again Mr. Theobald for Stanley Martin Homes.

PUP2020-00005 James W. Theobald for Stanley Martin Homes: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow food truck operations and outdoor dining for proposed restaurants on parts of Parcel 730-765-6508 located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The existing zoning is A-1 Agricultural District. B-2C Business District (Conditional) is proposed with REZ2020-00009. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District.

Both cases will be presented by Mr. Livingston Lewis. They will require separate motions, and time limits need to be waved on the REZ2020-00009 case.

Mr. Archer - Thank you, sir. That's quite a bit. Is there anyone in the audience who came to object to any of these cases? Mr. Lewis, seems like you're going to kill five birds with two stones.

Mr. Lewis - Thank you, Mr. Chairman. The applicant wishes to rezone 22.9 acres on the south line of West Broad Street at the Henrico County, Goochland County border. The site is vacant and mostly wooded. The 2026 Plan recommends Traditional Neighborhood Development and Environmental Protection Area for the site. The property is also in the West Broad Street Overlay District.

Surrounding uses include medical office and retail on West Broad Street, as well as the Green Gate Mixed Use Development and Graham Meadows Neighborhood to the south. The applicant proposes rezoning the site from A-1 to B-2C and R-6C for a 6.1-acre retail development and a 16.8-acre residential condominium and townhome community.

As illustrated on this proffered conceptual layout, the development would have two points of access on West Broad, approximately 21,000 square feet of general commercial and restaurant uses are proposed along the front of the site, and the condos and townhomes would be to the south. And this image, as you can see, is oriented with north at the bottom and south at the top.

Other notable features on the site layout are a 35-foot-wide landscape buffer and sidewalk along West Broad Street, outdoor dining patios for two restaurants, and those areas are right here. An open plaza and pavilion for events, music, and food trucks in the

1004 commercial area, the plaza area here and pavilion area somewhere in this location, a
1005 central park amenity as you can see in the residential area, and proposed landscaping
1006 and sidewalks throughout the development, including links to the Green Gate Trail
1007 System, which you can see the gray lines down there.
1008

1009 Four different conceptual elevations are also provided to illustrate the potential
1010 appearance of the residential buildings. These two first ones are the traditional three-
1011 story townhome design, and these following two represent Stanley Martin's two-over-two
1012 condominium design. Elevations are not available for the retail area.
1013

1014 In addition to the proffered exhibits, other commitments from the applicant's revised
1015 proffers dated March 12, 2020 handed out this evening include for the entire site limits on
1016 the days and hours of exterior construction, lot maintenance, and outdoor music,
1017 detached signage details, and commitment to provide various road and signal
1018 improvements.
1019

1020 For the residential area a maximum of 194 dwelling units, but no minimum or maximum
1021 for either type of unit. A minimum of 1,350 finished square feet per unit; 50- to 60-foot
1022 building height maximum depending on the type of roof; a one-car garage with each unit;
1023 brick, stone, or hardy plank exteriors with a minimum of 30 percent brick or stone on each
1024 building, each building front, and 35 percent in the aggregate for all fronts combined; and
1025 a 4-foot-wide sidewalk in front of each building.
1026

1027 And proffers for the commercial area include a list of prohibited uses including gas
1028 stations and fast-food restaurants, a list of permitted exterior materials, 40 percent brick
1029 or stone required on building facades facing West Broad Street, and a 5-foot-wide
1030 sidewalk with pedestrian lighting along West Broad.
1031

1032 Along with the proffers, the B-2C portion of the development would also be regulated by
1033 the companion Provisional Use Permit application, PUP2020-00005, which is a request
1034 for food truck operations and outdoor dining for restaurants. The PUP requires approval
1035 of the rezoning case prior to being considered, and documents handed out this evening
1036 provide staff's revised suggested conditions with several changes, including the
1037 identification of a manager for the food truck area and provisions for grease disposal as
1038 well as water and electrical hookups. After further discussions with the applicant about
1039 the proposed operation, several previous conditions were determined to be unnecessary.
1040 As for the outdoor dining, the 12 suggested conditions before you are similar to those with
1041 other recent requests.
1042

1043 The applicant hosted a community meeting on March 3rd, during which a concern was
1044 raised about the potential visibility of the development from Graham Meadows
1045 neighborhood to the south after the subject property is cleared. This issue was also raised
1046 several years ago during a previous rezoning request on the site, and the proffers of that
1047 case were revised to include supplemental planting along the southern property line.
1048

1049 The applicant is encouraged to similarly address this issue in the current case. Although
1050 the request is not fully consistent with the 2026 Plan's TND designation, it does contain
1051 an appropriate mixture of residential, commercial, and open space components.

1052
1053 The staff believes this combination of uses is reasonably consistent with the 2026 Plan
1054 and considering the many proffered assurances the request would be fully compatible
1055 with surrounding uses, if adequate screening can be provided to the south.

1056
1057 Therefore, staff supports these companion requests. And this concludes my
1058 presentation. I'm happy to answer any questions and reminder that the time limits on the
1059 proffers would need to be waived.

1060
1061 Mr. Archer - All right, thank you, sir. Are there questions?

1062
1063 Mr. Witte - Me.

1064
1065 Mr. Archer - Mr. Witte.

1066
1067 Mr. Witte - I may have missed it, but I believe one of the proffers stated
1068 that each unit will have an attached garage?

1069
1070 Mr. Lewis - Yes.

1071
1072 Mr. Witte - One car?

1073
1074 Mr. Lewis - Pardon?

1075
1076 Mrs. Thornton - One.

1077
1078 Mr. Witte - For one car, or --?

1079
1080 Mr. Lewis - One car. Yes.

1081
1082 Mr. Witte - The two over twos I didn't see a garage.

1083
1084 Mr. Lewis - Well they -- the rears of the units were not shown in the
1085 elevations, and that's where they would be.

1086
1087 Mr. Witte - Let me take a peek here again.

1088
1089 Mr. Lewis - I'll switch back to --

1090
1091 Mr. Witte - And while we're looking at that, have the fire comments been
1092 addressed? Far as the turning radii and --

1094 Mr. Lewis - Yes. They did not have specific comments and seemed
 1095 satisfied with the request as it was.
 1096
 1097 Mr. Witte - I must've read something different. Let me take a peek at this.
 1098 Division of Fire. Road width and turning radii will need to meet the Virginia Statewide fire
 1099 prevention code requirements, specifically emergency vehicle access, aerial of
 1100 operations, road width requirements.
 1101
 1102 Mr. Lewis - Correct.
 1103
 1104 Mr. Witte - So we're good with that.
 1105
 1106 Mr. Lewis - They didn't seem to anticipate that it would -- that it would be
 1107 a problem, they just want to make sure, on record, that those are -- those requirements
 1108 are going to be met.
 1109
 1110 Mr. Witte - Okay, right.
 1111
 1112 Mr. Emerson - Mr. Witte, those will be addressed at the time of Plan of
 1113 Development.
 1114
 1115 Mr. Witte - Okay.
 1116
 1117 Mr. Emerson - Well, you can't really see that -- see that in a conceptual plan,
 1118 but when we get the engineering detail, they will adhere to that.
 1119
 1120 Mr. Witte - All right. And there's two one-car garages behind each one
 1121 of these two-over-twos?
 1122
 1123 Mr. Lewis - That's what I understand. Yes, sir.
 1124
 1125 Mr. Witte - I'm good.
 1126
 1127 Mr. Archer - All right. That does it, Mr. Witte. Anyone else with a question?
 1128 How do you wish to proceed?
 1129
 1130 Mrs. Thornton - Maybe the Stanley Martin. Maybe he -- do you have the
 1131 elevations?
 1132
 1133 Mr. Swing - I don't have the rear elevations on me.
 1134
 1135 Mrs. Thornton - Okay.
 1136
 1137 Mr. Swing - I could --
 1138
 1139 Mrs. Thornton - Sure. I've seen them.

1140
1141 Mr. Archer - I'm sorry?
1142
1143 Mrs. Thornton - I've seen them.
1144
1145 Mr. Archer - Oh, okay.
1146
1147 Mr. Swing - Thank you. Jeremy Swing (ph), Stanley Martin Homes. I
1148 don't have the -- I don't have a copy of the rear elevations on me today, but I -- the
1149 architecture is consistent with other instances within the county where we've built the two-
1150 over-two products. We have different front and side elevation for all of the units unique
1151 to each project and each stack of two over two, so a lower unit and an upper unit, there's
1152 a one-car garage dedicated to each unit as well as a one-car 18-foot -- minimum 18-foot
1153 driveway behind each garage.
1154
1155 Mr. Witte - Great.
1156
1157 Mr. Swing - Thank you.
1158
1159 Mr. Archer - Anybody have a question? Ms. Thornton indicates she has
1160 seen them.
1161
1162 Mrs. Thornton - Yes. And he -- when -- during our community meetings it's
1163 really neat, so they'll come in and they'll share like a common area and then they'll go up.
1164
1165 Mr. Witte - Good. Sounds wonderful.
1166
1167 Mr. Swing - Thank you.
1168
1169 Mr. Archer - Thank you, sir. All right, Ms. Thornton.
1170
1171 Mrs. Thornton - The applicant's going to come.
1172
1173 Mr. Archer - All right, Mr. Theobald.
1174
1175 Mr. Theobald - Yes. Good evening once again. I'm Jim Theobald here on
1176 behalf of Stanley Martin and Markel Eagle. If I could have my PowerPoint, I'd appreciate
1177 it please. We're waiting for my PowerPoint. Fred will take care of that.
1178
1179 Mrs. Thornton - It's behind the glass.
1180
1181 Mr. Archer - -- right.
1182
1183 Mr. Theobald - There we go. Okay. Thank you. So this is a request to rezone
1184 about 16.8 acres to R-6 for the for-sale condominium and townhomes, and six acres to

1185 B-2 for a provisional use permit to allow retail uses, outdoor dining, and a unique and
1186 innovative food-truck court to achieve a mixed-use community.

1187
1188 Site is on the south side of Broad Street between GreenGate, and Goochland County is
1189 on the west, and you're across from Bon Secour, and the plan depicts an integrated
1190 community of retail which is oriented towards Broad Street with the two-over-two
1191 condominiums and townhomes transitioning back to the single-family residences in
1192 Graham Meadows. For your information, these buildings have been converted to
1193 townhomes after further discussions with the Planning Commissioner and supervisors
1194 are just not on this rendering.

1195
1196 So you'll note that there's a large swath of wetlands back in here. This is actually part of
1197 -- part of Green Gate. We'll talk a little bit more about that in a moment. You may have
1198 -- remember on the aerial you just saw that the outline of our property was far short of
1199 Graham Meadows, and that's all that floodplain and RPA area. The ownership has been
1200 pertain -- retained by GreenGate, and so we're not even technically adjacent to that
1201 neighborhood, but we do -- we will discuss some greening here in a little bit.

1202
1203 The plan shows a lot of green space, gathering areas, pedestrian trails that all will connect
1204 with green space. This area in here is a -- is a commons. You'll note the pedestrian
1205 access ways and, again, the vegetation on the edges, largely courtesy of the wetlands
1206 and the RPA.

1207
1208 The retail part is interesting. You have probably a full-service restaurant and a bank, the
1209 drive-through are anticipated users. Maybe a fast-casual type restaurant with a drive-
1210 through, some small shop retail, and again providing access to GreenGate by the trail
1211 system. It's about six acres of open space.

1212
1213 So when you do the math on this, we have basically about 10.9 dwelling units per net
1214 acre, consistent with the R-6 designation. Way under the R-6 designation, but consistent
1215 I think with your Land Use Plan. This is a blow up of the retail. And we wanted to do this
1216 because we wanted to show you, this is really the opposite of the current need for social
1217 distancing. This provides for a place for people to actually gather and enjoy different
1218 foods and drink with perhaps a little music in the background.

1219
1220 We envision these as being possibly sit-down restaurants, the success of GreenGate has
1221 been tremendous with local restauranteurs rather than chain restaurants, desiring the
1222 GreenGate base to the extent that they can't even accommodate all the users. And so
1223 we hope to be able to pull some of those back into this property.

1224
1225 The interesting area is in here where we envision something that has been done in other
1226 jurisdictions not locally, but; San Antonio; Naples, Florida; with six to eight permanent pad
1227 site, a concrete pad sites, for food trucks. And these are not the sort of the food truck you
1228 might be thinking of if you maybe go to your church or something on Wednesday nights
1229 where they have whatever. These are usually local restauranteurs who are trying out
1230 new ideas, new features, new menus. These would exist with hookups for electricity and

water so that you don't have generators, you know, sitting there running. They have access to a common grease trap. It's very well thought out, but a place that people will want to come and congregate.

Building back here, this pavilion, is -- building is designed to accommodate rest rooms, sale of beverages, and to the extent that there were outdoor music, what is envisioned is one or two people playing with an acoustic guitar or whatever. Not big bands, not big equipment. Certainly not concert-level. And we've fairly severely restricted the hours of outdoor music to make sure we're good neighbors.

The facility, this facility, will be professionally managed, and we made note there's plenty of parking. We've basically provided twice the amount of parking that's required for this square footage of retail to make sure we can accommodate this food truck. Okay. So this is, like, 10 spaces per 1000 square feet instead of 5 in a normal -- in a normal shopping center.

So these are just some pictures from Naples (ph) and Austin. It just shows you the type of space and gathering. You've seen the elevations of the hoes on staff's slides. Proffered conditions include proffering the concept plan and elevations so that what you see is what you get. The residential density started out at 231 and we've lowered it to 194 dwelling units. We've limited the hours of construction: no exterior construction on Sundays. Limitation on music: not after 9:00 Sunday through Thursday, not after 10:00 on Fridays, Saturdays, or holidays. So that's pretty limited.

And then we've taken care to try to limit the spread of lighting, particularly on the -- that rear border that overlooks the RPAs.

These are some view-line drawings that we had prepared. And here again, you can see the depiction of the imagined green space in between the back of the proposed townhomes and Graham Meadows, but it's good for scale.

And then we did some view-line drawings showing Graham Meadow homes and actual homes here, and this is all done with topo maps and photo shopping actual pictures with trees at a reasonable amount of greenery. And I think. But you can just see the vantage point from where these shots were taken, and from this particular cul-de-sac we're, to our first building, we're over 1000 feet away.

Again, here from another vantage point, we're almost 600 feet away. And from the last the closest is 528 feet away. So there's significant spacing in between there with some existing greenery. And that's it.

So we believe that the proposal is materially consistent with your TND recommendation in your land use plan as well as the West Broad Overlay district standards. We did meet with representatives and neighbors from Graham Meadows and GreenGate. We are in accord with the proposed provisional use permit conditions as proposed by staff.

1277 And with that, we would respectfully request that you recommend approval of this case
1278 to the Board of Supervisors, and I'd be happy to answer any questions.

1279
1280 Mr. Archer - Thank you, sir. Are there questions?

1281
1282 Mrs. Thornton - My only question is, which you just addressed, is during the
1283 community meetings, I guess the biggest thing was, was the visibility in the wetlands,
1284 Livingston, walked it. It's really just brushy, not much there, and they don't want to see a
1285 four-story building. So they were asking if you could do some sub, you know, some more
1286 landscaping in the rear where it can be put in. And we know you can't put landscaping in
1287 on the wetlands area and not on your property, but --

1288
1289 Mr. Theobald - Correct. Yes, and that'll be the challenge. I mean, I don't --
1290 you're not going to screen out a four-story building. So I think you're going to --

1291
1292 Mrs. Thornton - I understand. Right.

1293
1294 Mr. Theobald - You're going to mitigate the effect of those views, but you're
1295 working with 600 to 1000 feet and some significant topography in there. So what we've
1296 committed to do is you do your landscape plan approval after the site's created, which
1297 means it's -- our plan's been engineered, so now we know the exact location of the --
1298 those buildings and the distance to the property line.

1299
1300 You're correct, we are not able to plant within the RPA or the wetlands, so that whole
1301 green scrubby area, you know, you really can't touch. So the opportunities are either on
1302 our rear lot, on possibly a neighbor's rear line should they choose to allow us to plant and
1303 then maintain, or a combination of the two.

1304
1305 But we are as interested in screening our neighbors from Graham Meadows as they are
1306 to ours, and so I'm confident landscape plan review that you and planning staff will be as
1307 diligent as always and we'll resolve it.

1308
1309 Mrs. Thornton - Well thank you. Thank you for -- evergreens always do
1310 wonders to help people, so I appreciate you putting forth the effort.

1311
1312 Mr. Theobald - It's pretty amazing that we don't have anybody here from
1313 Graham Meadows based on prior cases.

1314
1315 Mrs. Thornton - Yes, it is.

1316
1317 Mr. Archer - Yeah.

1318
1319 Mrs. Thornton - It's the coronavirus.

1320
1321 Mr. Theobald - Well I did leave voice messages for all of them and coughed
1322 just a little bit in that. Just might have had an impact.

1323
1324 Mr. Archer - All right, anything further from the Commission? Okay, very
1325 good.
1326
1327 Mr. Theobald - Thank you.
1328
1329 Mrs. Thornton - Thank you. Mr. Chairman, I -- first, I move that we waive the
1330 time limits for the proffers for REZ2020-00009, James W. Theobald for Stanley Martin.
1331
1332 Mr. Baka - Second.
1333
1334 Mr. Archer - Motioned by Ms. Thornton and seconded by Mr. Baka to
1335 waive the time limits. All in favor say aye.
1336
1337 The Commission - Aye.
1338
1339 Mr. Archer - Anyone opposed say no. The ayes have it. Time limits are
1340 waived.
1341
1342 Mrs. Thornton - Thank you. And, Mr. Chairman, now I would like to move
1343 REZ2020-00009, James W. Theobald for Stanley Martin be approved for -- with the
1344 proffers 1 through 32, dated March 12, 2020 with the expectation that supplemental
1345 landscaping discussed tonight will be provided.
1346
1347 Mr. Mackey - Second.
1348
1349 Mr. Archer - All right. Motioned by Ms. Thornton and seconded by Mr.
1350 Mackey. All in favor of the motion say aye.
1351
1352 The Commission - Aye.
1353
1354 Mr. Archer - Anyone opposed say no. The ayes have it, the motion has
1355 passed.
1356
1357 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr.
1358 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board
1359 of Supervisors **grant** the request because it would permit development of the land for
1360 residential use in an appropriate manner, the business use is compatible with surrounding
1361 development, and the proffered conditions should minimize the potential impacts on
1362 surrounding land uses.
1363
1364 Mrs. Thornton - And, Mr. Chairman, I move that the PUP2020-00005, James
1365 W. Theobald for Stanley Martin be approved with the conditions dated March 10, 2020.
1366
1367 Mr. Witte - Second.

1368
1369 Mr. Archer - Motioned by Mrs. Thornton and seconded by Mr. Witte. All in
1370 favor of that motion say aye.

1371
1372 The Commission - Anyone opposed say no. The ayes have it and that motion is
1373 passed as well.

1374
1375 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,
1376 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1377 Supervisors grant the request because it would provide added services to the community,
1378 and when properly developed and regulated by the recommended special conditions, it
1379 would not be detrimental to the public health, safety, welfare and values in the area.

1380
1381 Mr. Emerson - Mr. Chairman, we now move on to the final case of the
1382 evening on page 3 of your agenda for REZ2020-00010, Staples Mill Investments, LLC.

1383
1384 **REZ2020-00010 Staples Mill Investments, LLC:** Request to conditionally
1385 rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional)
1386 Parcel 763-768-6597 and part of Parcel 762-768-8288 containing 11.27 acres located on
1387 the east line of Staples Mill Road (U.S. Route 33), approximately 1300' south of its
1388 intersection with Mountain Road. The applicant proposes an age restricted, zero-lot line
1389 single family development of no more than 21 lots. The R-5A District allows a minimum
1390 lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use
1391 will be controlled by zoning ordinance regulations and proffered conditions. The 2026
1392 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
1393 2.4 units per acre. The staff report will be presented by Mr. Ben Sehl.

1394
1395 Mr. Archer - Thank you, Mr. Secretary. Is there present any person who is
1396 opposed to this case: Staples Mill Investments, LLC? No opposition. Good evening, Mr.
1397 Sehl.

1398
1399 Mr. Sehl - Good evening, Mr. Archer, members of the Commission. This
1400 request is to expand an underdevelopment – under development age restriction -- age-
1401 restricted single-family development on the east line of Staples Mill road near Glen Allen
1402 High School. The site is located north of Meadow Pond Lane, which provides access to
1403 the Meadow Farms subdivision to the east.

1404
1405 The site is designated Suburban-Residential 1 on the 2026 Comprehensive Plan, which
1406 recommends single-family dwellings up to 2.4 units per acre. The applicant proposes a
1407 maximum of 21 homes, an equivalent density of 1.86 units per acre. In general, the
1408 proposed density and use are consistent with the recommendations of the
1409 Comprehensive Plan and will be a logical expansion of the adjacent Britlyn North
1410 Subdivision.

1411
1412 As shown on the proffered concept plan, the expansion would not create additional
1413 access points on Staples Mill Road and will be integrated with Britlyn North and provide

opportunities for additional amenities for future residents. A large area between the site and Staples Mill Road would be retained by the current owner and is largely undevelopable due to existing wetlands on the property.

The applicant has also proffered architectural elevations as shown here. These elevations are the same as those approved with REZ2017-29, which approved the existing portion of the subdivision that is currently under development. Other submitted proffers are the same as those accepted with Britlyn North, and address typical items for developments of this type, as well as various quality guarantees.

Overall, staff believes this request is consistent with the recommendations of the Comprehensive Plan and would allow for additional housing options in the area while providing suitable transition from lower density residential uses to Staples Mill Road. For those reasons we support this request, and I'm happy to try and answer any questions you might have at this time.

Mr. Archer - Thank you, Mr. Sehl. Are there questions for Mr. Sehl from the Commission?

Mr. Witte - Mr. Sehl, have we come to any type of resolution with any negative impacts here?

Mr. Sehl - So, Mr. Witte, I believe the applicant can speak more directly to the concerns raised about the neighbors. After the staff report was issued, I did have conversations both with the resident in this home here as well as the resident of the farm property --

Mr. Witte - Show me that again.

Mr. Sehl - This home right here, you can see the area that they've kind of cleared out in front of their home.

Mr. Witte - Right.

Mr. Sehl - My understanding is they relatively recently, within the last few years, purchased that home and have largely expanded it. So we spoke to this resident, and then I also spoke to Dr. Taylor's wife who they're -- both of these sites are accessed via Mountain Road.

Mr. Witte - Right.

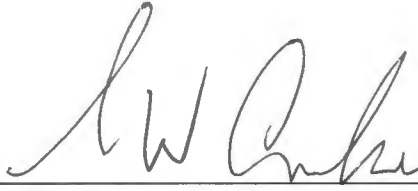
Mr. Sehl - See a little bit easier here. So their access is out towards Mountain. They have some relatively significant vegetation between their homes and the site here as well. For reference, here's the home where my hand -- the hand was just wavering is where the home was on the other site.

1460 Mr. Witte - And which property is that one?
1461
1462 Mr. Sehl - That's Zohl (ph), so that's the same house as shown in here.
1463
1464 Mr. Witte - Okay.
1465
1466 Mr. Sehl - So you can see the separation between the rear of that portion
1467 of the property in the site and then also the large area of common area that's proposed
1468 within the subdivision.
1469
1470 Mr. Witte - Right.
1471
1472 Mr. Sehl - Largely, because of the amount of wetlands on the site, so
1473 they would side on one lot here, and the same for the Taylor property, which is this site
1474 here that goes out towards Staples Mill Road. They are on the side of one lot here as
1475 well. So my understanding is that they've had additional discussions with the applicant
1476 and they -- or with the residents, and they could maybe provide any details of what they
1477 might have -- what those discussions might have entailed.
1478
1479 Mr. Witte - Okay.
1480
1481 Mr. Sehl - But from a staff perspective those distances and the other --
1482 and the consistency with the Comprehensive Plan.
1483
1484 Mr. Witte - And plenty of buffer.
1485
1486 Mr. Sehl - Yes.
1487
1488 Mr. Witte - Okay.
1489
1490 Mr. Archer - That it, Mr. Witte?
1491
1492 Mr. Witte - That's all I have.
1493
1494 Mr. Archer - Anyone else? Mr. Baka?
1495
1496 Mr. Baka - Nope, no questions.
1497
1498 Mr. Archer - You were looking quizzical. Mr. Mackey.
1499
1500 Mr. Mackey - No.
1501
1502 Mr. Archer - Mrs. Thornton? All right.
1503
1504 Mr. Witte - I don't see, unless one of the Commissioners wants to hear
1505 from the applicant, I don't really see the need for it right this time.

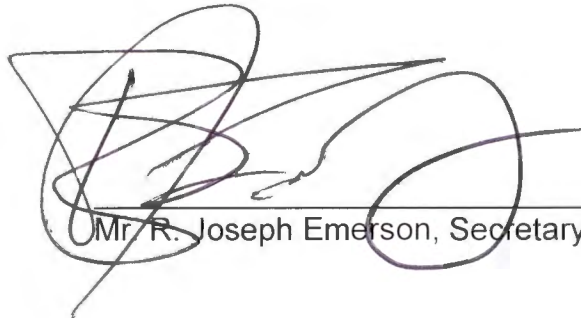
1506
1507 Mr. Archer - Okay.
1508
1509 Mr. Witte - With that, Mr. Chairman, I move that REZ2020-00010 Staples
1510 Mills Investments, LLC move to the Board of Supervisors with a recommendation of
1511 approval, including proffers 1 to 20 that I believe were dated January 14, 2020.
1512
1513 Mr. Archer - Okay.
1514
1515 Mrs. Thornton - I second.
1516
1517 Mr. Archer - All right. Mr. Witte has made the motion and it have been
1518 seconded by Ms. Thornton. All those in favor say aye.
1519
1520 The Commission - Aye.
1521
1522 Mr. Archer - Anyone opposed say no. The ayes have it, and the motion
1523 passes.
1524
1525 **REASON -** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton,
1526 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1527 Supervisors grant the request because it continues a similar level of single family
1528 residential zoning as currently exists in the area and the proffered conditions will assure
1529 a level of development otherwise not possible.
1530
1531 Mr. Theobald - Thank you.
1532
1533 Mr. Archer - You're welcome.
1534
1535 Mr. Emerson - Mr. Chairman, we now move on to the next to final item on
1536 your agenda, which is the consideration of the approval of your minutes from the February
1537 13, 2020 meeting. We have no errata sheet, but as always, we will entertain and make
1538 any corrections the Commission may have.
1539
1540 Mr. Archer - Okay. Anyone with corrections to the minutes? Care to make
1541 a motion to approve them?
1542
1543 Mr. Mackey - Yes, Mr. Chairman. I move that the minutes be accepted as
1544 presented.
1545
1546 Mr. Witte - Second.
1547
1548 Mrs. Thornton - Second.
1549
1550 Mr. Archer - Okay. Motioned by Mr. Mackey and seconded by Ms.
1551 Thornton. All in favor of the motion say aye.

1552
1553 The Commission - Aye.
1554
1555 Mr. Archer - Those opposed say no. The motion passed and the minutes
1556 are approved.
1557
1558 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1559 evening.
1560
1561 Mr. Archer - Anyone care to --
1562
1563 Mr. Witte - I move we adjourn.
1564
1565 Mrs. Thornton - Second. Do I have to second?
1566
1567 Mr. Archer - Motion for adjournment by Mr. Witte and seconded by Mrs.
1568 Thornton. All those in favor say aye.
1569
1570 The Commission - Aye.
1571
1572 Mr. Archer - Those opposed are not here. The motion passes.
1573

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Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Secretary