

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. January
4 11, 2018. Display Notice having been published in the *Richmond Times-Dispatch*
5 on December 25, 2017 and January 1, 2018.
6

Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Mr. Gregory R. Baka, Vice Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Erin Puckett, County Planner
Mr. Michael Morris, County Planner

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8 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10
11 Mr. Leabough - I call this meeting of the Henrico County Planning
12 Commission to order. This is our January 11th rezoning meeting. If you all would
13 please mute or silence your cell phones. And as you do that, please rise with the
14 Commission for the Pledge of Allegiance.

15
16 Do we have anyone in the audience from the news media present? I don't think I
17 see anyone but perhaps I missed someone. Okay, no news media present that I
18 can tell. With that, I'd like to recognize Mrs. O'Bannon from the Board of
19 Supervisors who is going to be with us this year. And we have all members of the
20 Commission present, so we can conduct business. With that, I'd like to turn the
21 agenda over to Mr. Emerson, our secretary.

22
23 Mr. Emerson - Thank you, Mr. Chairman. Before we begin the
24 meeting, I'd also like to recognize the newest member of the Commission,
25 Mrs. Adrienne Kotula. She is joining us from the Brookland District. Welcome.

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27 Several - Welcome.

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Mrs. Kotula - Thank you. Happy to be here.

Mr. Emerson - Mr. Chairman, first on your agenda this evening are the requests for withdrawals and deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Strauss - Thank you, Mr. Secretary. We have six requests for deferral this evening, and they are all in the Three Chopt District. The first request for deferral is on page 1 of your agenda. That's REZ2017-00010, Richmond Investors LLC. The applicant is requesting a deferral to the July 11, 2019 meeting.

(Deferred from the November 9, 2017 Meeting)

REZ2017-00010 Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-763-3440, 745-763-4567, 745-763-5481, 745-763-6093 and 745-764-0618 containing 18.580 acres located between the east line of Belfast Road and the west line of Glasgow Road at its intersection with Ireland Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development.

Mr. Leabough - Do we have anyone in the audience in opposition to the deferral request for REZ2017-00010, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC? I see no opposition, Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move that REZ2017-00010, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC, be deferred to the July 11, 2019 meeting at the request of the applicant.

Mr. Baka - Second.

Mr. Leabough - We have a motion by Mrs. Marshall, a second by Mr. Baka.

Mrs. Marshall - 2019?

Male - 2018.

Mrs. Marshall - 2018. I'm sorry.

Mr. Emerson - Nineteen. This is going out 18 months.

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Mrs. Marshall - Okay, so 19.

Mr. Leabough - We have a motion by Mrs. Marshall, a second by Mr. Baka. All in favor, say aye. Those opposed, say no. Hearing no opposition, that motion passes.

At the request of the applicant, the Planning Commission deferred REZ2017-00010, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC, to its meeting on July 11, 2019.

Mr. Strauss - The next request for deferral is also on page 1 of your agenda and also in the Three Chopt District. It's a companion case to the previous case, REZ2017-00011, MS Richmond Investors LLC. Again, the applicant is requesting a deferral to the July 11, 2019 meeting.

(Deferred from the November 9, 2017 Meeting)

REZ2017-00011 Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC: Request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District to R-5AC General Residence District (Conditional) Parcels 744-762-4780, 744-762-5294, 744-762-9757, and 745-762-0472 containing 8.264 acres located between the east line of Belfast Road and the west line of Glasgow Road approximately 155' north of Edinburgh Road. The applicant proposes a zero lot line development with detached homes. The R-5A District allows a maximum density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development.

Mr. Leabough - All right. Do we have anyone in the audience in opposition to the deferral request for REZ2017-00011, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC? I see no opposition, Mrs. Marshall.

Mrs. Marshall - Mr. Chairman, I move that REZ2017-00011, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC, be deferred to the July 11, 2019 meeting, at the request of the applicant.

Mr. Archer - Second.

Mr. Leabough - We have a motion by Mrs. Marshall, a second by Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition, that motion passes.

At the request of the applicant, the Planning Commission deferred REZ2017-00011, Adena Patterson or Ann Neil Cosby for MS Richmond Investors LLC, to its meeting on July 11, 2019.

120 Mr. Strauss - Moving to page 2 of your agenda, the next request for
121 deferral is REZ2017-00034. In this case, the applicant's requesting a deferral to
122 the February 15, 2018 meeting.

123

124 **REZ2017-00034 Andrew M. Condlin for Core Property Capital:**
125 Request to conditionally rezone from A-1 Agricultural District to R-5C General
126 Residence District (Conditional) and B-2C Business District (Conditional) Parcel
127 730-765-6508 containing 22.875 acres located on the south line of W. Broad
128 Street (U.S. Route 250) at the western County Line with Goochland County. The
129 applicant proposes commercial uses and no more than 115 residential units. The
130 uses will be controlled by zoning ordinance regulations and proffered conditions.
131 The 2026 Comprehensive Plan recommends Traditional Neighborhood
132 Development and Environmental Protection Area. The site is in the West Broad
133 Street Overlay District.

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135 Mr. Leabough - Do we have anyone in the audience in opposition to
136 the deferral request for REZ2017-00034, Andrew M. Condlin for Core Property
137 Capital? I see—were you in opposition ma'am? Oh, okay. I see no opposition,
138 Mrs. Marshall.

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140 Mrs. Marshall - Mr. Chairman, I move that REZ2017-00034, Andrew
141 M. Condlin for Core Property Capital, be deferred to the February 15, 2018
142 meeting at the request of the applicant.

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144 Mr. Baka - Second.

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146 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
147 Mr. Baka. All in favor, say aye. Those opposed, say no. Hearing no opposition,
148 that motion passes.

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150 At the request of the applicant, the Planning Commission deferred REZ2017-
151 00034, Andrew M. Condlin for Core Property Capital, to its February 15, 2018
152 meeting.

153

154 Mr. Strauss - Also on page 2 and in the Three Chopt District is a
155 companion case to the previous case, PUP2017-00022. And again, the
156 applicant's requesting deferral to the February 15, 2018 meeting.

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158 **PUP2017-00022 Andrew M. Condlin for Core Property Capital:**
159 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-
160 122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of a
161 proposed convenience store on part of Parcel 730-765-6508 located on the south
162 line of W. Broad Street (U.S. Route 250) at the western County Line with
163 Goochland County. The existing zoning is A-1 Agricultural District. The 2026
164 Comprehensive Plan recommends Traditional Neighborhood Development and

165 Environmental Protection Area. The site is in the West Broad Street Overlay
166 District.

167

168 Mr. Leabough - Is there anyone in the audience in opposition to the
169 deferral request of PUP2017-00022, Andrew M. Conclin for Core Property
170 Capital? I see no opposition again, Mrs. Marshall.

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172 Mrs. Marshall - Mr. Chairman, I move that PUP2017-00022, Andrew
173 M. Conclin for Core Property Capital, be deferred to the February 15, 2018
174 meeting at the request of the applicant.

175

176 Mr. Archer - Second.

177

178 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
179 Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition,
180 that motion passes.

181

182 At the request of the applicant, the Planning Commission deferred PUP2017-
183 00022, Andrew M. Conclin for Core Property Capital, to its meeting on February
184 15, 2018.

185

186 Mr. Strauss - The next request deferral is also on page 2 of the
187 agenda, REZ2018-00005, John Chandler & Company LLC. In this case, the
188 applicants are asking deferral to the February 15, 2018 meeting.

189

190 **REZ2018-00005 John Chandler & Company LLC:** Request to
191 conditionally rezone from A-1 Agricultural District to R-2AC One-Family
192 Residence District (Conditional) Parcels 751-764-6432 and 751-764-6608
193 containing 3.59 acres located on the east line of Thorncroft Drive approximately
194 300' north of its intersection with Chicopee Road. The applicant proposes five (5)
195 single-family residences. The use will be controlled by zoning ordinance
196 regulations and proffered conditions. The 2026 Comprehensive Plan
197 recommends Suburban Residential 1, density should not exceed 2.4 units per
198 acre.

199

200 Mr. Leabough - All right. Is there anyone in the audience in opposition
201 to the deferral request for REZ2018-00005, John Chandler & Company LLC? I
202 see no opposition, Mrs. Marshall.

203

204 Mrs. Marshall - Mr. Chairman, I move that REZ2018-00005, John
205 Chandler & Company LLC, be deferred to the February 15, 2018 meeting at the
206 request of the applicant.

207

208 Mr. Archer - Second.

209

210 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
211 Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition,
212 that motion passes.

213

214 At the request of the applicant, the Planning Commission deferred REZ2018-
215 00005, John Chandler & Company LLC, to its meeting on February 15, 2018.

216

217 Mr. Strauss - Our final request for deferral this evening is on page 3
218 of your agenda, REZ2018-00008, Amir Abbas Khalafalla and Magdi Abbas
219 Khalafalla. In this case, the applicant's requesting deferral to the February 15,
220 2018 meeting.

221

222 **REZ2018-00008 Amir Abbas Khalafalla and Magdi Abbas**
223 **Khalafalla:** Request to rezone from A-1 Agricultural District to R-3 One-Family
224 Residence District Parcel 748-772-6526 containing 1.98 acres located on the
225 south line of Opaca Lane approximately 1,025' east of its intersection with
226 Nuckols Road. The applicant proposes single-family residences. The use will be
227 controlled by zoning ordinance regulations. The 2026 Comprehensive Plan
228 recommends Rural Residential, density should be at least 1 unit per acre.

229

230 Mr. Leabough - Is there anyone present in the audience in opposition
231 to the deferral request for REZ2018-00008, Amir Abbas Khalafalla and Magdi
232 Abbas Khalafalla? I see no opposition again, Mrs. Marshall.

233

234 Mrs. Marshall - Mr. Chairman, I move that REZ2018-00008, Amir
235 Abbas Khalafalla and Magdi Abbas Khalafalla, be deferred to the February 15,
236 2018 meeting at the request of the applicant.

237

238 Mr. Baka - Second.

239

240 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
241 Mr. Baka. All in favor, say aye. Those opposed, say no. Hearing no opposition,
242 that motion passes.

243

244 At the request of the applicant, the Planning Commission deferred REZ2018-
245 00008, Amir Abbas Khalafalla and Magdi Abbas Khalafalla, to its meeting on
246 February 15, 2018.

247

248 Mr. Emerson - Mr. Chairman, I believe that completes the deferrals
249 for this evening, unless the Commission has others they would wish to enter.

250

251 Mr. Leabough - Are there others that commissioners would like to
252 add?

253

254 Mr. Baka - No.

255

256 Mr. Emerson - If not, then we'll move on to the requests for
257 expedited items. Those will also be presented by Mr. Jim Strauss.

258

259 Mr. Strauss - Thank you, Mr. Secretary. We have four requests for
260 approval on the expedited agenda this evening. The first is in the Three Chopt
261 District on page 2 of your agenda, REZ2018-00001, Bacova, LLC and Bacova
262 Texas LLC. This is a request to rezone .96 acres to the C-1 District, as required
263 by the original zoning case. Staff is recommending approval, and we're not
264 aware of any opposition.

265

266 **REZ2018-00001 Andrew Browning for Bacova, LLC and Bacova**
267 **Texas LLC:** Request to rezone from R-5AC General Residence (Conditional) to
268 C-1 Conservation District part of Parcels 736-767-2166 and 736-768-5323
269 containing .969 acres located on the north line of Liesfield Farm Drive
270 approximately 700' east of its intersection with N. Gayton Road. The applicant
271 proposes a conservation district. The use will be controlled by zoning ordinance
272 regulations. The 2026 Comprehensive Plan recommends Environmental
273 Protection Area.

274

275 Mr. Leabough - Okay. Do we have any questions from the
276 Commission? If not, a motion would be in order, Mrs. Marshall.

277

278 Mrs. Marshall - Mr. Chairman, I move that REZ2018-00001, Andrew
279 Browning for Bacova, LLC and Bacova Texas LLC, be forwarded to the Board of
280 Supervisors with a recommendation of approval.

281

282 Mr. Archer - Second.

283

284 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
285 Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition,
286 that motion passes.

287

288 Mr. Strauss - The next request for approval on the expedited
289 agenda is on page 3 of your agenda and is in the Brookland District. This is
290 PUP2018-00002, 4100 Tomlynn Street-Rebkee LLC. This is request for a
291 provisional use permit to allow the installation of some net poles going up to 170
292 feet in height for a golf entertainment facility. Staff is recommending approval.
293 We are not aware of any opposition.

294

295 **PUP2018-00002 James W. Theobald for 4100 Tomlynn Street-**
296 **Rebkee, LLC:** Request for a Provisional Use Permit under Sections 24-66(b),
297 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow net
298 poles 170' in height on Parcel 779-735-1860 located on the north line of
299 Westwood Avenue approximately 470' east of its intersection with Tomlynn
300 Street. The existing zoning is M-1 Light Industrial and M-2 General Industrial

301 District. The 2026 Comprehensive Plan recommends Heavy Industry and
302 Environmental Protection Area.

303
304 Mr. Leabough - Mrs. Kotula, how would you like to proceed?

305
306 Mrs. Kotula - I don't have any questions. Does anyone else have
307 any questions?

308
309 Mr. Leabough - Are there any other questions for the Commissioner?

310
311 Mrs. Kotula - Okay. Mr. Chairman, I move that PUP2018-00002,
312 James W. Theobald for 4100 Tomlynn Street-Rebkee, LLC, be forwarded to the
313 Board of Supervisors with a recommendation for approval.

314
315 Mr. Archer - Second.

316
317 Mr. Leabough - We have a motion by Mrs. Kotula, a second by
318 Mr. Archer. All in favor, say aye. Those opposed, say no. Hearing no opposition,
319 that motion passes.

320
321 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mr.
322 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
323 Board of Supervisors grant the request because when properly developed and
324 regulated by the recommended special conditions, it would not be detrimental to
325 the public health, safety, welfare and values in the area.

326
327 Mr. Strauss - The next request for approval on the expedited
328 agenda is on page 3 of your agenda, and it's REZ2018-00007, New Market
329 Village Land Company, LLC. The applicant's proposing to rezone 23.7 acres to
330 R-5AC and RTHC to allow development of additional townhouse units with the
331 revised proffer to only 1 in the staff report. Note that all previous proffers from the
332 original case remain in effect. Staff is recommending approval, and we are not
333 aware of any opposition to this case.

334
335 **REZ2018-00007 Cameron Palmore for New Market Village Land**
336 **Co., LLC New Market Village Dev. Co., LLC:** Request to rezone from R-5AC
337 General Residence District (Conditional) and RTHC Residential Townhouse
338 District (Conditional) to R-5AC General Residence District (Conditional) and
339 RTHC Residential Townhouse District (Conditional) Parcel 813-701-0217 and
340 part of Parcel 812-700-6628 containing 23.709 acres located on the south line of
341 Darbytown Road approximately 350' west of S. Laburnum Avenue. The applicant
342 proposes a zero lot line and townhouse development. The uses will be controlled
343 by zoning ordinance regulations and proffered conditions. The 2026
344 Comprehensive Plan recommends Urban Residential and Environmental
345 Protection Area. The site is in the Airport Safety Overlay District.

346

347 Mr. Leabough - Okay. Is there anyone in the audience in opposition to
348 REZ2018-00007, Cameron Palmore for New Market Village Land Company, LLC
349 New Market Village Development Company LLC? I see no opposition. So with
350 that I move for approval of REZ2018-00007, Cameron Palmore for New Market
351 Village Land Co., LLC New Market Village Dev. Co., LLC, subject to the revised
352 condition as noted in the staff report.

353

354 Mr. Baka - Second.

355

356 Mr. Leabough - We have a motion by Mr. Leabough, a second by
357 Mr. Baka. All in favor, say aye. Those opposed, say no. Hearing no opposition,
358 that motion passes.

359

360 **REASON -** Acting on a motion by Mr. Leabough, seconded by
361 Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend
362 the Board of Supervisors **grant** the request because it would not adversely affect
363 the adjoining area if properly developed as proposed.

364

365 Mr. Strauss - The final request for approval on the expedited
366 agenda this evening is on page 4 of your agenda, REZ2018-00002, Peter
367 Francisco. The applicant's requesting to rezone .87 acres from B-1 to B-
368 2 (Conditional) with proffers on page 4 of your staff report. Again, staff is
369 recommending approval. We are not aware of any opposition.

370

371 **REZ2018-00002** **Peter Francisco:** Request to rezone from B-1
372 Business District to B-2C Business District (Conditional) Parcels 781-749-1568,
373 781-749-1765, and 781-749-3471 containing .87 acres located on the east line of
374 Lakeside Avenue (State Route 161) approximately 60' south of Hilliard Road.
375 The applicant proposes retail and office. The uses will be controlled by zoning
376 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
377 recommends Commercial Concentration and Suburban Residential 2, density
378 should not exceed 3.4 units per acre. The site is in the Enterprise Zone.

379

380 Mr. Leabough - Is there anyone in the audience in opposition to
381 REZ2018-00002, Peter Francisco? I see no opposition, Mr. Archer.

382

383 Mr. Archer - Mr. Chairman, I move that REZ2018-00002, Peter
384 Francisco, be forwarded to the Board with a recommendation of approval.

385

386 Mrs. Marshall - Second.

387

388 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs.
389 Marshall. All in favor, say aye. Those opposed, say no. Hearing no opposition,
390 that motion passes.

391

392 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
393 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the
394 Board of Supervisors **grant** the request because it continues a form of zoning
395 consistent with the area and conforms to the goals, objectives and policies of the
396 2026 Comprehensive Plan.

397

398 Mr. Emerson - Mr. Chairman. That completes the expedited items for
399 this evening and brings us to that portion of the agenda for the reorganization of
400 the officers per your procedures.

401

402 With that said, Mr. Chairman, I would like to thank you for your efforts as
403 Chairman this year and your assistance to staff and all the other things that come
404 along with being Chairman. I guess we will open the floor for nominations for the
405 Chairmanship of the Commission for the calendar year 2018.

406

407 Mr. Leabough - Any nominations?

408

409 Mr. Archer - Mr. Secretary, I too would like to thank the Chairman
410 for his wonderful service to us over the year. And I would like place a nomination
411 to name Sandra Marshall.

412

413 Mr. Emerson - We have Mrs. Marshall placed in nomination. Are
414 there any other nominations to be made this evening for Chairman? If not, we
415 would need a second to the nomination.

416

417 Mr. Baka - Second.

418

419 Mr. Emerson - Mr. Baka has seconded that. It was motioned by
420 Mr. Archer. I will now close nominations. We now need a motion to elect for the
421 calendar year 2018.

422

423 Mr. Leabough - I move that we elect Sandra Marshall as Chair of the
424 Planning Commission.

425

426 Mr. Archer - I second.

427

428 Mr. Emerson - Motion made by Mr. Leabough, seconded by
429 Mr. Archer. All in favor? All opposed? Congratulations, Madam Chairman.

430

431 Mrs. Marshall - All right, thank you.

432

433 Mr. Emerson - Madam Chairman, it would now be your next action to
434 hold the election for Vice Chairman for 2018.

435

436 Mrs. Marshall - Planning Commission, I'll open invitations for Vice
437 Chairman

438
 439 Mr. Archer - Chairman Marshall, I would like to nominate Greg
 440 Baka for Vice Chair.
 441
 442 Mr. Leabough - Second.
 443
 444 Mrs. Marshall - A second by Mr. Leabough. So, congratulations.
 445
 446 Mr. Leabough - We have to approve the nomination.
 447
 448 Mr. Emerson - Then you need a motion to elect.
 449
 450 Mrs. Marshall - Okay. Approval of the nomination?
 451
 452 Mr. Archer - I move to approve the nomination of Mr. Baka.
 453
 454 Mr. Leabough - I second.
 455
 456 Mrs. Marshall - All in favor? The ayes have it. Mr. Baka, you are now
 457 Vice Chair.
 458
 459 Mr. Baka - Thank you.
 460
 461 Mr. Emerson - Congratulations to both Mrs. Marshall and Mr. Baka.
 462

463 Madam Chair, we now move into your regular agenda to some of the few
 464 remaining cases starting on page 3 of your agenda with REZ2017-00023, Elisha
 465 Domonic Anderson. The staff report will be presented by Ms. Rosemary Deemer.
 466

467 *(Deferred from the November 9, 2017 Meeting)*

468 **REZ2017-00023 Elisha Domonic Anderson:** Request to rezone from
 469 A-1 Agricultural District to R-3C One-Family Residence District (Conditional)
 470 Parcels 815-722-5368, -6168, and -6856 containing 2.197 acres located on the
 471 north line of Oakleys Lane approximately 350' east of its intersection with
 472 Brandon Bluff Way. The applicant proposes single family residences. The R-3
 473 District allows a minimum lot area of 11,000 square feet and a maximum gross
 474 density of 3.96 units per acre. The use will be controlled by zoning ordinance
 475 regulations and proffered conditions. The 2026 Comprehensive Plan
 476 recommends Suburban Residential 2, density should not exceed 3.4 units per
 477 acre. The site is in the Airport Safety Overlay District.
 478

479 Ms. Deemer - As the secretary indicated, this request is to rezone
 480 2.197 acres from A-1 Agricultural District to R-3C One-Family Residence District
 481 to allow the construction of three single-family homes. The area is recommended
 482 for Suburban Residential 2 in the 2026 Comprehensive Plan.
 483

484 The request was presented at the November 9, 2017 Planning Commission
485 meeting and deferred to allow the applicant time to clarify his intent for the
486 development. He has subsequently provided revised proffers, as well as a
487 proffered concept plan and elevations, as found in the staff report.

488
489 The proposed R-3 zoning would be in keeping with adjacent zoning patterns in
490 the area. The approximate density of 1.36 units per acre is consistent with the
491 2026 Comprehensive Plan, and the revised proffers ensure a level of consistency
492 with other recent requests of this type. For these reasons, staff supports this
493 request.

494
495 This concludes my presentation. I will be happy to answer any questions.

496
497 Mrs. Marshall - Any questions from the Commission? Any opposition
498 in the audience? Mr. Leabough?

499
500 Mr. Leabough - There's no opposition. Could we have the applicant,
501 Mrs. Marshall, come forward please?

502
503 Mrs. Marshall - Yes. Could the applicant please come forward?

504
505 Mr. Anderson - Good evening. I'm Domonic Anderson. Elisha
506 Domonic Anderson.

507
508 Mr. Leabough - Mr. Anderson, do you mind just kind of giving us an
509 update? I know you were here I guess about a month or two ago. We're going to
510 go back and revisit a couple of items. Do you mind just sharing with your
511 Commission your concept and what you're proposing?

512
513 Mr. Anderson - Sure. I have some pictures.

514
515 Mr. Leabough - What are you asking, sir?

516
517 Mr. Anderson - Just the elevations, that's all. That way you have a
518 visual.

519
520 Mr. Archer - We can put them on the board over there.

521
522 Mr. Leabough - They should be in the staff report, right?

523
524 Mr. Anderson - Here are the elevations, the type of homes that we're
525 suggesting that we want to put on the land.

526
527 Mr. Leabough - What are you proposing to do? What's your concept?
528 Do you have a concept plan also?

529

530 Mr. Anderson - Are you referring to this breakdown?
531
532 Mr. Leabough - Yes. I'm asking you just to tell us what you're planning
533 to do.
534
535 Mr. Anderson - Again, we're trying to put three single-family homes
536 there, around 1100 square feet per home. We have enough space to do that. As
537 you see prior to this, those are the style homes we plan on putting there.
538
539 Mr. Leabough - Okay. Any other questions from the Commission? All
540 right. Thank you, sir.
541
542 Mrs. Marshall - Thank you. With no questions from the Commission,
543 Mr. Leabough?
544
545 Mr. Leabough - Yes. I move that REZ2017-00023, Elisha Domonic
546 Anderson, go to the Board of Supervisors with a recommendation of approval
547 subject to conditions 1 through 12 as noted in the staff report.
548
549 Mr. Baka - Second.
550
551 Mrs. Marshall - A second by Mr. Baka. REZ2017-00023, Elisha
552 Domonic Anderson, will be sent to the Supervisors with a positive vote. All in
553 favor say aye. The ayes have it and the case passes.
554
555 Mr. Leabough - I don't think there was anyone in opposition from the
556 Commission, right?
557
558 Mr. Baka - No, there wasn't.
559
560 **REASON -** Acting on a motion by Mr. Leabough, seconded by
561 Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend
562 the Board of Supervisors grant the request because it would not be expected to
563 adversely affect the pattern of zoning and land use in the area and it conforms to
564 the recommendations of the 2026 Comprehensive Plan.
565
566 Mr. Emerson - Madam Chairman, the next item on the agenda would
567 be REZ2018-00003, Basim Matrood for Dzemaal Dukic. The staff report will be
568 presented by Mr. Ben Sehl.
569
570 **REZ2018-00003 Basim Matrood for Dzemaal Dukic:** Request to
571 rezone from A-1 Agricultural District to R-3C One-Family Residence District
572 (Conditional) Parcel 774-766-8746 containing 7.32 acres located on the south
573 line of Mountain Road approximately 950' west of its intersection with Woodman
574 Road. The applicant proposes single family dwellings. The use will be controlled
575 by zoning ordinance regulations and proffered conditions. The 2026

576 Comprehensive Plan recommends Suburban Residential 2, density should not
577 exceed 3.4 units per acre, and Environmental Protection Area.

578

579 Mrs. Marshall - Is there anyone present who is opposed to REZ2018-
580 00003, Basim Matrood for Dzemal Dukic? Would you like to hear from the
581 opposition first?

582

583 Mr. Archer - We'll let Mr. Sehl present first.

584

585 Mr. Sehl - Thank you, Madam Chair, members of the
586 Commission.

587

588 This request, as Mr. Emerson noted, is to rezone 7.3 acres from A-1 to R-3C to
589 allow for the development of up to ten single-family homes. This request is
590 similar to C-8C-12, which rezoned the southern portion of this same property to
591 R-3C and was ultimately developed as Woodman Glen.

592

593 The site is located on the south line of Mountain Road just east of the Mountain
594 Glen subdivision, and is designated Suburban Residential 2 and Environmental
595 Protection Area on the 2026 Comprehensive Plan. SR2 areas are appropriate for
596 single-family developments of up to 3.4 units per acre. This indicates the
597 proposed use and density of 1.37 units per acre could be appropriate and would
598 be similar to single-family communities to the west and south.

599

600 The applicant has submitted proffers that are largely the same as those accepted
601 with C-8C-12. This conceptual plan has also been provided, indicating how the
602 property would be developed. Staff notes the site is constrained by a number of
603 extensive environmental features, as shown on the concept plan. These include
604 large areas of resource protection area—indicated by this black line coming
605 through here—as well as a 100-year floodplain, which is indicated by this red
606 dashed line. So it goes up and back through the site. The concept plan indicates
607 these features can be accommodated as part of the development of the site,
608 although the ultimate number of homes could be reduced should detailed
609 engineering show the home sites south of the floodplain are unable to be
610 developed. Regardless, the applicant will be required to submit subdivision plans
611 showing how they meet local, state, and federal requirements regarding
612 environmental impacts and stormwater management.

613

614 Other proffers address typical development conditions and should help ensure a
615 level of development consistent with adjacent communities.

616

617 Overall, the proposed development would be in keeping with the
618 recommendations of the 2026 Plan and would be consistent with densities and
619 level of quality provided in adjacent communities. For these reasons, staff
620 believes the proposed request is appropriate, supports it, and recommends
621 approval.

622

623 I am happy to answer any questions you may have at this time.

624

625 Mr. Archer - Mr. Sehl, I was going to ask the applicant, but
626 perhaps you could best answer this. Can you indicate to us how lot 6 would
627 access, I guess, the cul-de-sac?

628

629 Mr. Sehl - Both of these lots, Mr. Archer—this is the cul-de-sac
630 that will be located here. As you know, they're required to have 50 feet of
631 frontage and then meet the minimum lot-width requirement at the front setback
632 line.

633

634 So this blue line is the edge of lot 7, and then this is the far edge of lot 6. So this
635 is all lot 6 here, with the home site being located outside of the floodplain,
636 meeting the required setbacks from the floodplain area. Then they could
637 potentially access that through driveways.

638

639 Again, that crossing of that floodplain area will be something that detailed
640 engineering will have to define exactly what's able to be done there. There are
641 wetlands, as I noted. There are Resource Protection Areas. The wetlands would
642 have to be confirmed by the Corps of Engineers. All of those steps would have to
643 be followed when they move to the detailed engineering phase of the
644 development.

645

646 Mr. Archer - Okay. I was just a little bit confused by the dashed red
647 line.

648

649 Mr. Sehl - The color is helpful in that—but yes, it is a little
650 confusing there. But that's what their intent is there.

651

652 Mr. Archer - Okay.

653

654 Mr. Emerson - That lot could be ambitious, Mr. Archer.

655

656 Mr. Archer - Yes, I know.

657

658 Mr. Sehl - And that is noted in the staff report. I think it will
659 depend, and the applicant can maybe speak to that as far as at what point in time
660 those lots are able to actually be developed. But again, we're dealing at this
661 stage with what the maximum might be available, and they requested ten lots as
662 part of this request. So should it be fewer, then that's what is ultimately approved.

663

664 Mr. Archer - Okay. That's all I have unless somebody else does.

665

666 Mr. Baka - Question, if I may, Mr. Sehl. Mountain Road is rapidly
667 traveled road with faster speeds. Sometimes people exceed 40, 45 miles an

668 hour. Does this cul-de-sac have adequate sight distance to the west. There's a
669 curve to the west up here.

670

671 Mr. Sehl - Mr. Baka, they will be required, as shown on here, to
672 dedicate right of way and provide pavement widening, curb and gutter, and
673 sidewalk to the ultimate width of the right-of-way. They'll also have to
674 demonstrate adequate sight distance at the time of subdivision approval. While
675 this plan would not be required to come back to the Commission for conditional
676 approval, it will still have to go through the subdivision process and will be
677 reviewed by the Department of Public Works for those types of details.

678

679 Mr. Baka - Thank you.

680

681 Mrs. Marshall - Any more questions from the Commission?
682 Mr. Archer, would you like to hear from the applicant?

683

684 Mr. Archer - I was debating whether or not to hear from the
685 opposition first. But I'll hear from the applicant first, and maybe he can answer
686 some questions.

687

688 Mrs. Marshall - Would the applicant please come forward?

689

690 Mr. Emerson - Madam Chairman, as the applicant's approaching, I
691 will review the conditions, rules, and guidelines regarding public hearings. The
692 applicant is allowed ten minutes to present the request, and time may be
693 reserved for responses to testimony. The opposition is allowed ten cumulative
694 minutes to present its concerns, meaning all the opposition comments need to fit
695 within ten minutes. Commission questions do not count into the time limits for
696 either parts, and the Commission may waive the limits for either party at its
697 discretion. And of course all comments must be directly related to the case under
698 consideration.

699

700 Mrs. Marshall - Please state your name.

701

702 Mr. Matrood - Good evening. My name is Basim Matrood. I'm from
703 Kam Engineering. We are presenting for Dzemaal Dukic.

704

705 Mr. Archer - Excuse me, sir. Could you say your last name a little
706 slower, please.

707

708 Mr. Matrood - Basim Matrood.

709

710 Mr. Archer - Thank you. Go right ahead.

711

712 Mr. Matrood - Mr. Dzemaal brought us to do rezoning for the A-1 lot
713 he owns and convert it to R-3C. We submitted, as you see on the screen up

714 there, a conceptual design, which we are trying to get the initial approval. After
715 that, we are going to deal with all the engineering work and to follow the code
716 and guidelines by the County and the state to develop this property.

717

718 We are trying to build single-family homes here. The goal, to build ten of them.
719 But it depends on the engineering work, which we are going to finalize later on to
720 determine how many units we are going to build.

721

722 Mr. Archer - Does anybody have any questions? I don't.

723

724 Mr. Baka - Yes.

725

726 Mr. Archer - Go ahead, Mr. Baka.

727

728 Mr. Baka - I have one. Mr. Matrood, if you're not able to build lots
729 6 and 7 below the 100-year floodplain, would you change the configuration of
730 that road, the cul-de-sac? Would that be shortened? Would you revise the
731 concept?

732

733 Mr. Matrood - The public road there, we could make it shorter, or it
734 could stay as it is. Even if we are not going to build anything on lots 7 and 6, we
735 still have to have an access to those lots in the future.

736

737 Mr. Baka - Okay. But if you made it shorter, you wouldn't be able
738 to have any more than eight lots, I presume.

739

740 Mr. Matrood - Yes.

741

742 Mr. Baka - Thank you.

743

744 Mrs. Marshall - Any more questions from the Commission?

745

746 Mr. Archer - I'm done. Don't go too far, sir.

747

748 Mr. Matrood - Okay.

749

750 Mrs. Marshall - Thank you. We are ready for the opposition. If we
751 could have one person at a time, please. And please remember to state your
752 name when you approach the microphone.

753

754 Mr. Moldenhauer - Good evening, Madam Chairperson and
755 commissioners. My name is Allen Moldenhauer. I live at 2608 Pinkerton Place in
756 Glen Allen.

757

758 Mr. Archer - I'm sorry, sir. What is your last name?

759

760 Mr. Moldenhauer - Moldenhauer. M-o-l-d-e-n-h-a-u-e-r. My property
761 backs up to in between lots 8 and 7 on the schematic up there. I asked most of
762 my questions of Mr. Sehl, and he's been very kind in addressing those. But I do
763 want to bring my questions up here to the Commission.

764

765 The rezoning request is for R-3C, which allows for 3.4 units per acre. The
766 request as stated is for ten units with an average of 1.37 units per acre. My
767 question or concern is the proposed request is significantly lower than that
768 allowed. What is to prevent the changing of L6 and L7 to accommodate more
769 homes than that?

770

771 And I do have five questions to go over, and they're all relatively simple like this
772 one.

773

774 Mr. Archer - So let me understand. Are you saying—1.7 [sic] is
775 significantly less than the 3.4 that's allowed.

776

777 Mr. Moldenhauer - You can get 3.4 houses or units per acre on the
778 requested rezoning. And what's proposed is only for 1.37. So my question is if it's
779 possible that you could be allowed to build more homes if you get rezoned R-3C
780 rather than getting rezoned to something a little higher like R-2AC, which is what
781 Mountain Glen is.

782

783 Mr. Archer - Okay. I don't think that could happen, but I
784 understand your concern. Okay. You had other questions?

785

786 Mr. Moldenhauer - Yes, I sure do. The floodplain or reevaluation on page
787 2 at the bottom of the paragraph states "the ultimate extent of the environmental
788 features such as the wetlands and floodplain will not be determined until later in
789 the development process." This implies that a reevaluation will be performed.
790 However, on page 4 it states the Corps of Engineers and DEQ permits may be
791 required. Should be instead of "may be," be "shall be" required?"

792

793 Mr. Archer - Mr. Secretary, can you answer that? I think that's
794 going to have to do with the final layout of the lots, will it not?

795

796 Mr. Emerson - Yes sir, Mr. Archer. I can respond to both of those
797 questions. The first question, sir, I believe the number of lots really will be
798 constrained by the environmental constraints of the property. As you can see
799 from the layouts, at least one of two lots may not be possible until the actual
800 engineering is done.

801

802 As far as any environmental permitting, the next step of this process is to go
803 through the subdivision, which requires additional engineering. It'll be examined
804 by our Department of Public Works once the detailed engineering comes in, and
805 if there are additional impacts to wetlands that require some type of permitting

806 from additional state and/or federal agencies, it'll be required at that time. Until
807 the applicant performs that detailed engineering, we really don't know.

808

809 Mr. Moldenhauer - Okay.

810

811 Mr. Emerson - That's why it says "may be required." We really don't
812 know right now.

813

814 Mr. Moldenhauer - Okay. Question number 3, page 4 states to include
815 curb and gutters and sidewalks. Will there be curbs, gutters, and sidewalks in the
816 subdivision? Generally, in Henrico I see very few sidewalks. So I was just curious
817 if they're going to put in sidewalks.

818

819 Mr. Emerson - There will be curb and gutter. Mr. Sehl, within the
820 proffers, will there be sidewalks in this development?

821

822 Mr. Sehl - Mr. Emerson, the comment that Mr. Moldenhauer is
823 referring to is a Public Works' comment regarding Mountain Road. And they will
824 be required to provide pavement widening, curb and gutter, and sidewalk along
825 Mountain Road. Curb and gutter due to the size of the lots will be required within
826 the subdivision, but sidewalk has not been proffered or would be required interior
827 to the subdivision.

828

829 Mr. Moldenhauer - That is my question. Question number 4, exhibit A.
830 This concerns L7 and L6. It's hard to visualize how the houses will be placed on
831 these lots. It's my understanding that they'll be at least a minimum 40-foot
832 setback from the property lines. Lots 7 and 6 there. How will the street extend
833 into this location over and through the floodplains, is my question. I think I've
834 heard that concern before.

835

836 My last question is more geared towards my kids. I have a fourth grader and a
837 third grader. Tonight when I was explaining how I was going to come in front of
838 the Commission and talk about the development behind our house, they asked
839 the question, "Isn't there a law requiring when you take down a tree you have to
840 plant a tree?" I kindly explained no, there's not quite a law. But if you have any
841 advice for further how I can explain that to them, that's fine.

842

843 My last recommendation is I would appreciate if the Commission would
844 disapprove this rezoning until the issue for developing lots 6 and 7 is presented
845 to the Commission.

846

847 Those are all my questions. Thank you for your time.

848

849 Mrs. Marshall - Thank you.

850

851 Mr. Archer - Mr. Moldenhauer, before you are seated—
852 Mr. Secretary, you can help me out here if I'm wrong—I don't think we can
853 suspend the approval based on trying to figure out how this is going to fit. I think
854 we have to do it in a step-by-step basis. If I'm incorrect, you can correct me.

855
856 Mr. Emerson - No sir, you're correct. The next step in the process
857 after you recommend to the Board and the Board takes the final action—if they
858 approve it, the next step would be to go through the subdivision process. And
859 then the determination regarding the final yield of the property and how those lots
860 may or may not be accessed would be made based on more detailed
861 engineering.

862
863 Mr. Moldenhauer - I understand that this is my only time where I can
864 present my concerns?

865
866 Mr. Archer - No it's not.

867
868 Mr. Moldenhauer - Okay.

869
870 Mr. Archer - This would have to go to the Board of Supervisors
871 approximately a month from now. So, whatever happens in the interim, whether
872 we approve it or disapprove it, there will be another public hearing and you will
873 have another opportunity to speak.

874
875 Mr. Moldenhauer - Okay. Thank you.

876
877 Mr. Archer - You're welcome. Thank you for your questions, too.

878
879 Mrs. Marshall - Do we have someone else that would like to speak?
880 You have approximately 4-1/2 minutes.

881
882 Mr. Press - Hello. Good evening. Thank you for the time to speak.
883 My name is Edward Press. I'm Mr. Moldenhauer's neighbor. I live on Pinkerton
884 Place, which backs up to those properties.

885
886 I was going to go on a little bit of a longer spiel on not wanting to develop that
887 land at all for the natural habitat and beauty that is back there. I've lived there 18
888 years and walked through there and the wetlands. I'm very concerned for the
889 drastic way—I feel like it would be a drastic change in the property and the
890 impact on the wetlands, the environment, and the creeks.

891
892 Obviously, I'm most impacted by lots L7 and L6. The whole concept doesn't
893 make a whole lot of sense to me with the amount of work that sounds like would
894 be necessary to accommodate the environment. I didn't have enough time to do
895 diligent research to see if this water goes into the Chesapeake Bay or not. I can
896 only assume it does. But I know there are a lot of requirements there and not

897 being able to disturb that. Hearing about them accessing lots L6 and L7 with
898 driveways doesn't sound like an all-encompassing solution.

899

900 I don't know. I'm all new to this. I just want to voice my opposition to it and would
901 like to say it's not the end of the world if not every spot of natural land is
902 developed. It's okay to say no. Thank you.

903

904 Mrs. Marshall - Thank you.

905

906 Mr. Archer - Mr. Press, before you sit down, you live on Pinkerton,
907 you said?

908

909 Mr. Press - Pinkerton Place, yes sir.

910

911 Mr. Archer - That's the one with the long cul-de-sac. Is that
912 correct?

913

914 Mr. Press - I live right there.

915

916 Mr. Archer - Okay.

917

918 Mr. Press - I noticed the pink ribbons on the trees right behind it. I
919 know the way subdivisions tend to be cut in these days is to cut down everything
920 you possibly can, shove as many houses as you possibly can into it, and
921 everybody gets to see everybody's backyard and what everybody's doing.

922

923 It just seems like just a waste of beautiful land. I understand life moves on and
924 stuff like that has to happen. But it also has the environmental protection areas in
925 it. And like Allen brought up, was very concerned about the engineering and
926 whatnot that—it just seems like that should be done before approval so that you
927 know what you're approving before you move forward. But again, I'm new to this.
928 Anyway.

929

930 Mrs. O'Bannon: Mr. Emerson, could you talk a little bit maybe about
931 the Resource Protection Area requirements and floodplain requirements? And
932 then I don't know if maybe Mr. Sehl could talk about proffer #14, the trees and
933 street trees.

934

935 Mr. Emerson - Sure, we can touch on it briefly. There is a 100-foot
936 protection area that includes a Resource Protection Area for the Chesapeake
937 Bay. It's a 50-landward and 50-seaward type of protection area. That requires a
938 non-disturbance at least within the 50-seaward feet. The 50-landward feet is a
939 little bit easier to encroach into. It does require special measures. So you
940 immediately have those types of protections.

941

942 The County also has on top of that stream protection zones, the areas that are
943 not necessarily Chesapeake Bay areas. And again beyond that you cannot build
944 within floodplains, and you have to stay out of the flood area with structures.

945

946 So, there are constraints and regulations, I guess is a better way to put it, that
947 protect the environmental areas. Those will all be examined by our Department
948 of Public Works, along with any stormwater management that needs to be
949 addressed as far as runoff and impact on streams.

950

951 Mr. Press - Thank you, sir. Could I also ask for consideration to
952 leave some type of buffer between subdivisions, a natural buffer and not cut right
953 up to the line?

954

955 Mr. Archer - Sir, it's not a rule I don't guess you'd say, but we don't
956 try to buffer neighborhoods one from another. If a natural buffer occurs and it's
957 feasible to leave it in place, we usually ask the applicant to do that. But
958 sometimes people even ask if we can build fences between neighborhoods. It's
959 not our policy to want to separate neighborhoods by fences. But natural buffers,
960 I'm thinking the engineer can probably answer that best. If that can be
961 accommodated, I don't see why it wouldn't be.

962

963 Mr. Press - Thank you, sir.

964

965 Mr. Archer - You're welcome. I must say one thing. I thought I had
966 a lot of gumballs in my yard, but that tree at the corner of your cul-de-sac, that is
967 the winner.

968

969 Mr. Press - No kidding. I was surprised as well.

970

971 Mrs. Marshall - You do have some time, yes.

972

973 Mr. Lambert - Good evening. My name is Brice Lambert. I'm also a
974 resident on Pinkerton Place. I am at 2601, which is at the very end of the cul-de-
975 sac.

976

977 I think the Commission asked very appropriate questions. Specifically, I
978 remember the question the Mr. Baka asked. That intersection at Woodman and
979 Mountain Road, I think if you live anywhere near that area, unfortunately
980 historically almost every month we have a very serious accident there. It is a very
981 dangerous intersection. A lot of people travel that road to access 295 and 95,
982 and I'm concerned about adding additional residential homes there and
983 additional traffic. A lot of people come through our subdivision and cut through to
984 get to different parts of the County.

985

986 I think it's a very aggressive plan that's been proposed. The wetland areas and
987 the protected areas that are behind our homes, the County over the past couple

988 of years has actually spent a lot of time just to develop that area to keep the
989 streams flowing. And you can see the improvements. I thought it was brilliant, the
990 steps that they took to do that. And I just want to protect it. I think that's a huge
991 portion of the environmentally protected area that they want to develop.
992 Regardless of the consistency with other areas that have been developed around
993 there, I just don't think they've had the same impact that this one is.

994

995 I appreciate the time. I know that we're almost out, but I just want to thank the
996 Commission. I think you're asking very appropriate questions at this time. Thank
997 you.

998

999 Mrs. Marshall - Thank you.

1000

1001 Mr. Archer - Thank you, Mr. Lambert.

1002

1003 Mrs. Marshall - Mr. Archer, we're right at ten minutes.

1004

1005 Mr. Archer - Did you want to say something, ma'am? Ma'am, we're
1006 nearing the end. Can you take about a minute or so?

1007

1008 Ms. Callahan Yes. I'll take less than that. My name's Patricia
1009 Callahan. I live at 2624 Pinkerton Place. Vehemently opposed to this subdivision
1010 based on the wetlands. One of the reasons most of us bought there is because
1011 of the wetlands and the trees. Progress goes, we all understand that. I just do
1012 want to say that out of our cul-de-sac, which I think has ten houses, you've got
1013 40 percent of the neighbors here. And we only got the mail drop flier about six
1014 days ago. That's how strongly the neighborhood feels.

1015

1016 Thank you so much for your time; we appreciate it.

1017

1018 Mrs. Marshall - Thank you. Mr. Archer, how would you like to
1019 proceed?

1020

1021 Mr. Archer - Well actually, I'd like the applicant to come back up
1022 and see if he can address some of the concerns that the neighborhood has.

1023

1024 Mr. Matrood - Absolutely. Thank you so much for all the comments.

1025

1026 For sure we are going to follow all the regulations, and we are going to protect
1027 the environment in that area where we are going to build the houses. The
1028 floodplain, the environmental protected area is going to be protected also. If there
1029 is no need to cut a tree, we are not going to cut the tree. We want to have
1030 enough clear land to build the house on it. There's no need to harm the
1031 environment around those houses.

1032

1033 I hope this addresses your questions.

1034
1035 Mr. Archer - Okay. Does anybody else have any questions for
1036 him?
1037
1038 Mrs. Marshall - Yes, I have a question. Would you be willing to still
1039 build this subdivision without lots 6 and 7?
1040
1041 Mr. Matrood - If there's room for lots 6 and 7, to build without
1042 violating the code and the environment regulations, I don't see why we could not
1043 build there. But if there is a regulation to prohibit us from building there, then we
1044 don't build there. I hope this will answer your question.
1045
1046 Mrs. Marshall - Okay, thank you. Any questions from the
1047 Commission?
1048
1049 Mr. Archer - Thank you, sir.
1050
1051 Mr. Matrood - Thank you.
1052
1053 Mrs. O'Bannon: I have a question for Mr. Sehl. You had mentioned
1054 sidewalk on Woodman Road. I can't find the information. Where is it?
1055
1056 Mr. Sehl - Yes ma'am. Mrs. O'Bannon, the sidewalk on
1057 Mountain Road would be required per Public Works' policy because it's a major
1058 thoroughfare road and located—
1059
1060 Mrs. O'Bannon: So it's not anywhere in here.
1061
1062 Mr. Sehl - It's not a proffered condition, Mrs. O'Bannon.
1063
1064 Mrs. O'Bannon: Okay. All righty.
1065
1066 Mr. Sehl - It's part of the Public Works' policy regarding that.
1067
1068 Mrs. O'Bannon: Okay, thank you.
1069
1070 Mr. Sehl - You're welcome.
1071
1072 Mrs. Marshall - Mr. Archer?
1073
1074 Mr. Archer - Yes, Madam Chair, I guess I have to make a decision
1075 on this.
1076
1077 Mrs. Marshall - Yes you do.
1078

1079 Mr. Archer - Does anybody know when the Board meeting is for
1080 next month?

1081

1082 Mr. Emerson - The Board meeting will be February 13th.

1083

1084 Mr. Archer - Okay. I will try as best as I can to sum up for the folks
1085 that have expressed opposition how we have to try to move forward. If we make
1086 it through this process with an approval—and it is a tough piece of property—it's
1087 up to the applicant to try to fit whatever it is he wants to do inside of local, state,
1088 and federal constraints. He can't operate outside of them. In going over this piece
1089 of property, it's tough. He'll have a hard time doing that.

1090

1091 The way our process works, we will make a recommendation to the Board of
1092 Supervisors. Regardless of what our recommendation is, they have the ability to
1093 change it. In other words, we could recommend denial, and they could approve.
1094 There's a lot that can be done between now and the time the Board meets.

1095

1096 As far as some of the things that you all have expressed tonight, I appreciate
1097 those things. You're good stewards of your community, and that's commendable.
1098 Unfortunately, there are some things we can't just deny because you have a
1099 preference for them. Everybody has the right to request a rezoning as long as it
1100 fits within the parameters that we have to operate under. So they have that right
1101 also. And then after that part is done, it's really up to them to see whether or not
1102 they can make it work. So it's at their expense.

1103

1104 I can assure you that we will not allow anything that will go beyond those local,
1105 state, and federal jurisdiction levels that don't apply. But with what has been
1106 presented here tonight, and it seems like they're willing to take the chance and
1107 the opportunity to try to move forward with this, my recommendation would be to
1108 send it to the Board with a recommendation of approval. They'll have to proceed
1109 from that point, and you all are all invited to that meeting when it does occur. You
1110 would also have an opportunity, I guess, to discuss things with them between
1111 now and then? Okay. All right. That's my motion.

1112

1113 Mr. Leabough - I second.

1114

1115 Mrs. Marshall - We have a motion by Mr. Archer on REZ2018-00003,
1116 Basim Matrood for Dzermal Dukic, seconded by Mr. Baka. All in favor say aye.
1117 Those opposed say no. Hearing no opposition, that motion passes.

1118

1119 Mr. Leabough - And just for clarification, that was Mr. Leabough.

1120

1121 Mrs. Marshall - Sorry.

1122

1123 Mr. Emerson - So it was seconded by Mr. Leabough.

1124

1125 Mrs. Marshall - Second by Mr. Leabough.
1126
1127 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1128 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1129 the Board of Supervisors **grant** the request because it conforms to the
1130 recommendations of the Comprehensive Plan it continues a similar level of single
1131 family residential zoning as currently exists in the area.
1132
1133 Male - [Off microphone] What time was that meeting on
1134 February 13th?
1135
1136 Mr. Emerson - The meeting begins at 7 p.m.
1137
1138 Male - [Off microphone] Thank you. Same place?
1139
1140 Mr. Emerson - Yes sir, this very same room. That is a Tuesday night,
1141 the thirteenth.
1142
1143 Mr. Emerson - Madam Chair, the next item on your agenda is a
1144 discussion item. It regards scheduling a hearing for the Capital Improvement
1145 Program.
1146
1147 **DISCUSSION ITEM: CAPITAL IMPROVEMENT PROGRAM:** The
1148 Commission will discuss scheduling a Public Hearing for February 15, 2018 at
1149 6:00 p.m., to consider the FY 2018 - 19 through FY 2022 - 23 Capital
1150 Improvement Program.
1151
1152 Mr. Emerson - We do at that time of the year. Again, the County
1153 manager and the Finance staff will come and present the County's Capital
1154 Improvement Plan for 2018 to the Commission for your consideration. That
1155 hearing is normally scheduled for 6 p.m. As you're aware, because of starting
1156 early, I will get some food in here for you so you can have a meal prior to your
1157 meeting. Based on your deferrals and if some of these deferrals stay on tract and
1158 come back in for February, we could possibly have a long evening.
1159
1160 With that said, sometimes we do this by consensus, but since it is the Capital
1161 Improvement Plan, I would like the Commission to place in a motion scheduling
1162 that public hearing for 6 p.m. on February 15, 2018.
1163
1164 Mrs. Marshall - Motion for scheduling the meeting for the Capital
1165 Improvement Plan for the 16th—
1166
1167 Mr. Emerson - Fifteenth.
1168
1169 Mrs. Marshall - The 15th.
1170


1171 Mr. Leabough - So moved, Madam Chair.
1172
1173 Mr. Archer - And I second.
1174
1175 Mr. Emerson - So you have a motion and a second.
1176
1177 Mrs. Marshall - Motion by Mr. Leabough, second by Mr. Archer. All in
1178 favor say aye. All opposed. Hearing no opposition, that motion passes.
1179
1180 Mr. Emerson - Thank you. We'll get the ad in the paper for that
1181 hearing. I'm not sure we have anything we need to discuss, but if it works for the
1182 Commission, I will have some food ready for you in the large conference room in
1183 the Planning Department at 5 p.m. I would suggest that you get there sometimes
1184 between 5 and 5:15 to allow yourself enough time to eat and then get downstairs
1185 for that presentation and public hearing at six.
1186
1187 We'll look at what we have going on. Possibly we may give you an update of
1188 where we are with the Zoning Code Update or some other item of that nature to
1189 help you pass your time while you're having your meal.
1190
1191 With that said, Madam Chair, the next item on your agenda is another discussion
1192 item. As the Commission will recall, several months ago you did tentatively set
1193 February the 15th as a public hearing for the Glen Allen Plan, Comprehensive
1194 Plan amendment and Code amendment.
1195
1196 **DISCUSSION ITEM:** The Planning Commission will discuss changing the
1197 date for a Public Hearing for the Glen Allen Comprehensive Plan Amendment
1198 and Code Amendment.
1199
1200 Mr. Emerson - In deference to Ms. Kotula and Ms. Lynch, I would
1201 suggest to you that we're not ready to have that public hearing. I would like to
1202 give them enough time to read and absorb the plan, and then ask any questions
1203 of staff they may have, and determine how they would wish to proceed.
1204
1205 Currently, I'm not prepared to propose a date to you for that public hearing. So if
1206 it meets with the Commission's liking, I would suggest that we just not hold the
1207 hearing on the 15th, and I will come back to you with a suggested date sometime
1208 in the next 90 days.
1209
1210 Mr. Archer - Works for me.
1211
1212 Mr. Leabough - Works for me.
1213
1214 Mrs. Kotula - And we appreciate the extra time.
1215

1216 Mr. Emerson - I don't believe that needs a motion, if we're all in
1217 agreement that's how we'll proceed.
1218
1219 Madam Chair, the next item would be the consideration of your minutes from
1220 your December 7, 2017 meeting. You do have an errata sheet. If there are any
1221 other changes that you'd like to have entered into the minutes, certainly we will
1222 consider those.
1223
1224 Mrs. Marshall - Any additions?
1225
1226 Mr. Leabough - No, but I do have a question. Who provided the
1227 suggested edits? Was it you, Mrs. Marshall?
1228
1229 Mrs. Marshall - It was me.
1230
1231 Mr. Leabough - Okay.
1232
1233 Mr. Archer - I didn't hear that, Mr. Past Chair. What was that?
1234
1235 Mr. Leabough - I asked who provided the suggested edits to the
1236 minutes.
1237
1238 Mr. Archer - I did one.
1239
1240 Mr. Leabough - You had one and Mrs. Marshall. Okay.
1241
1242 Mr. Archer - So some of us do read them.
1243
1244 Mr. Leabough - Okay. I move approval of the minutes as corrected
1245 with the errata sheet.
1246
1247 Mr. Archer - Second.
1248
1249 Mrs. Marshall - We have a motion by Mr. Leabough, seconded by
1250 Mr. Archer. All in favor, say aye. Those opposed, say no.
1251
1252 Mrs. Kotula - Madam Chair, I abstain.
1253
1254 Mr. Archer - Madam Chair, just to remind everybody. Depending
1255 on how fast the Capital Improvement Plan goes—I think last time, Mr. Secretary,
1256 it ran kind of short, didn't it.
1257
1258 Mr. Emerson - It did, yes sir.
1259

1260 Mr. Archer - We have to wait until seven to start our meeting. We
1261 can't schedule it, I don't think, any later than that because it might run long. You
1262 never know.
1263
1264 Mr. Emerson - Possibly. Normally, we schedule it at 6:00, Mr. Archer.
1265 As you'll recall, in years past it has extended, and in recent it hasn't been quite
1266 as long. But I don't know what we've ever used that full hour.
1267
1268 Mr. Archer - But things have changed. I can remember when the
1269 report used to be that thick too.
1270
1271 Mr. Emerson - Yes sir. After this year, Mr. Archer, I'll raise that
1272 concern with the County manager and see if possibly we could start scheduling
1273 that for 6:30. I think 6:30 would probably more than adequately provide you with
1274 enough time to handle it.
1275
1276 Mr. Archer - Okay. Well we can play it by ear. If you think we're
1277 going to be long, we'll just run it long. It doesn't really matter.
1278
1279 Mr. Emerson - Madam Chair, I have nothing further for the
1280 Commission this evening, unless there's something else the Commission would
1281 like to raise and discuss.
1282
1283 Mrs. Marshall - I would just like to welcome Ms. O'Bannon. Nice to
1284 have you here. Welcome to the Commission. And also Adrienne. Wonderful to
1285 have you here. Excited about a new year. Want to thank staff. I think that staff
1286 just goes above and beyond all the time, and I want to make sure that they get
1287 the credit they deserve. We appreciate everything that you do. With that said—
1288
1289 Mr. Emerson - Madam Chair, I'm sorry. Ms. Moore reminded me; I
1290 was getting ready to bring it up. I had forgotten it. I do want to note to you that
1291 one of our staff members is leaving us who has been with us about 3-1/2 years.
1292 Ms. Puckett's relocating to the Raleigh area. So, we want to bid her adieu and
1293 thank her very much for all the work that she's performed.
1294
1295 Ms. Puckett - Thank you.
1296
1297 Mr. Archer - I think this calls for a farewell speech.
1298
1299 Mr. Leabough - Yes, we have a question for you, Ms. Puckett. Which
1300 district was your favorite district to work in?
1301
1302 Ms. Puckett - [Laughs]
1303
1304 Mr. Leabough - But congrats and good luck to you in Raleigh.
1305

1306 Mrs. Marshall - Absolutely.
1307
1308 Mr. Leabough - That's a fun place.
1309
1310 Ms. Puckett - It's been a pleasure to serve with you all. Thank you
1311 so much.
1312
1313 Mr. Archer - I always get a little bit perturbed with people who clap
1314 with somebody's leaving. I don't understand that.
1315
1316 Ms. Puckett - You can boo me on the way out.
1317
1318 Mr. Emerson - Madam Chair, I'm really done this time.
1319
1320 Mrs. Marshall - Motion to adjourn?
1321
1322 Mr. Baka - So moved.
1323
1324 Mr. Leabough - Second.
1325
1326 Mrs. Marshall - We are adjourned.
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1342

Sandra M. Marshall
Mrs. Sandra M. Marshall, Chairman


Mr. R. Joseph Emerson, Secretary