

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 6:00 p.m., Thursday, January 9,**
4 **2025. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **December 19, 2024, and December 26, 2024.**

6
7 **Members Present:** Mr. William M. Mackey, Jr., Chairperson (Varina)
8 Mr. Robert . Witte, Jr., Vice Chair (Brookland)
9 Mr. Bob Shippee, (Three Chopt)
10 Mr. Jaron N. Dandridge (Fairfield)
11 Mr. Brian Winterhoff, (Tuckahoe)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary

14
15
16 **Members Absent:** Mr. Tyrone E. Nelson (Varina)
17 Board of Supervisors Representative

18
19 **Also Present:** Ms. Jean Moore, Assistant Director
20 Mr. Ben Sehl, Senior Principal Planner
21 Mr. Livingston Lewis, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Neha Shinde, AICP, County Planner
24 Mr. Matthew Mawyer, Traffic Engineer

25
26 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains from all**
27 **cases unless otherwise noted.**

28
29 **Mr. Mackey -** Good evening. I call the meeting to order. This is the January
30 9, 2025, Planning Commission meeting for Henrico County rezoning cases. If you haven't
31 already done so, would you take a moment to go ahead and silence or turn off your cell
32 phone devices so we don't have any interruptions. If you are willing to and if you can,
33 would you please stand with us for the Pledge of Allegiance.

34
35 [Recitation of the Pledge of Allegiance]

36
37 **Mr. Mackey -** Do we have anyone either in attendance or via WebEx from
38 the news media? I don't see anybody.

39
40 **Mr. Morris -** Mr. Chairman, there is no one on WebEx.

41
42 **Mr. Mackey -** Thank you. Also, if you would indulge me, I'd like to ask you
43 would please join me in a moment of silence as we observe the national day of mourning
44 for the passing of President Jimmy Carter. Thank you. We do not have Supervisor Nelson
45 joining us tonight. As I said before, he's still dealing with a lack of water as many Henrico
46 County residents, City of Richmond residents, Hanover County, Mechanicsville and parts

47 of Chesterfield I believe also. Hopefully, that is rectified most rapidly. It's been a tough
48 week so far. We do have all of our commissioners in place so we do have a quorum so
49 we can conduct business. At this time, I will turn the meeting over to our Secretary, Mr.
50 Joe Emerson.

51
52 Mr. Emerson - Thank you, Mr. Chairman. Welcome and happy new year to
53 everyone. I'd like to join with you again welcoming everybody to the Planning Commission
54 public hearing this evening, January 9. This evening it is requested all public comments
55 be provided from the lectern in the rear of the room. For everyone who's watching the live
56 stream on the county website, you can participate remotely in the public hearings by
57 following these guidelines. Go to the Planning Department's meeting webpage at
58 henrico.gov/planning/meetings. Scroll down under Planning Commission and click on
59 WebEx event. Once you have joined the WebEx event, please click the chat button in the
60 bottom right corner of the screen. Staff will send a message asking if anyone would like
61 to sign up to speak on an upcoming case. To respond, select Mike Morris from the drop-
62 down menu and send him a message. He will place you in the queue to speak. The
63 Commission does have guidelines for its public hearings. The applicant is allowed 10
64 minutes to present the request, and time may be reserved for responses to testimony.
65 The opposition is allowed a cumulative 10 minutes to present its concerns. What that
66 means is that everyone who wishes to speak must fit into that overall 10-minute time
67 allowance. Commission questions do not count into those time limits. The Commission
68 does have the discretion to waive those time limits as it sees fit. Comments must be
69 directly related to the case under consideration. Just so you're aware, the Commission
70 does maintain verbatim minutes of the meetings. Commentors must provide their name
71 and address prior to speaking so we have that correct for the public record and in the
72 event we need to contact you for follow-up. Thank you again for your participation and
73 interest this evening. With that Mr. Chairman, the next item on the agenda are requests
74 for withdrawals and deferrals, and you have none this evening. The next item is requests
75 for expedited items, and you have none of those this evening. This is your annual
76 reorganization meeting. In December you did nominate a slate of officers being Mr. Bob
77 Witte of the Brookland District and Mr. Jaron Dandridge of the Fairfield District as
78 Chairman and Vice Chairman, respectively. At this time, it would be appropriate to move
79 that slate of officers for final confirmations so they can take office.

80
81 Mr. Mackey - I will make a motion that we move forward with the slate of
82 officers and we proceed with a vote.

83
84 Mr. Shippee - Second.

85
86 Mr. Mackey - We have a motion by Mr. Mackey, a second by Mr. Shippee.
87 All in favor, say aye.

88
89 Commission - Aye.

90
91 Mr. Mackey - Any opposed? Motion is granted.
92

93 Mr. Emerson - Thank you, Mr. Chairman and congratulations on a successful
94 2024. Congratulations Mr. Witte and Mr. Dandridge. We do have a little musical chairs
95 set up. Mr. Witte will move down to Mr. Dandridge's seat. Not Mr. Witte, Mr. Mackey will.
96 Mr. Witte and Mr. Dandridge will move down two seats. We'll proceed with our meeting.

97
98 Mr. Witte - It's so unexpected.
99

100 Mr. Emerson - It's a little anti-climactic when you nominate the slate in
101 December but it's helpful when we get to January. Thank you. I appreciate that you're
102 willing to do that. Mr. Chairman, with that action taken, you have two cases to be heard
103 this evening. The first being REZ-2024-102498, The Kittrell Company.
104

105 **REZ-2024-102498 The Kittrell Company:** Request to conditionally rezone from R-2
106 One-Family Residence District to R-4C One-Family Residence District (Conditional)
107 Parcels 783-749-1680 and 783-749-2044 containing 8.40 acres located on the south line
108 of Hilliard Road (State Route 161) approximately 700' east of its intersection with Club
109 Road. The applicant proposes a single-family development. The use will be controlled by
110 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
111 recommends Suburban Residential 2, density should not exceed 3.4 units per acre and
112 Environmental Protection Area.
113

114 The staff report will be made by Ms. Neha Shinde.
115

116 Ms. Shinde - Thank you, Mr. Chairman, members of the Commission. As
117 mentioned, this is a request to conditionally rezone 8.4 acres located on the south line of
118 Hilliard Road from R-2 One-Family Residence District to R-4C One-Family Residence
119 District (Conditional) to allow for a single-family development. The 2026 Comp Plan's
120 designation for this site is SR2, where density should not exceed 3.4 units per acre and
121 EPA. The applicant's proposed use and density of approximately 2.14 units per acre would
122 be consistent with the Plan's SR2 recommendation. The 8.4-acre site is mainly vacant and
123 partially treed along the southern boundary. The property is primarily surrounded by the
124 Belmont golf course to the south, zoned C-1 Conservation District, single-family residential
125 homes to the east and west, zoned R-2 One-Family Residence District, and the Belmont
126 Recreation Center to the north across Hilliard Road.
127

128 In response to the concerns raised in the staff report, the applicant has submitted revised
129 proffers, and a revised concept plan which have been handed out to you this evening. As
130 seen here, the concept plan shows a proposed development layout of 18 lots, with an
131 existing home on Lot 1, which will remain. Access to the home and garage will be provided
132 via a portion of the existing driveway along the site's western edge, while the remainder of
133 the driveway will be removed. The entrance to the subdivision would be from Hilliard Road.
134 A right-of-way dedication has been proffered along the property's frontage on Hilliard Road,
135 along with a no ingress or egress landscape buffer beyond. This landscape buffer shall be

136 planted to a minimum of Transitional Buffer 25, with existing trees and bushes to remain.
137 The subdivision will have an internal road layout with two cul-de-sacs. Five-foot wide
138 sidewalks will also be provided along one side of all roads within the project.
139

140 As seen on the concept plan, there are two areas marked reserved. One is a narrow strip
141 shown behind Lots 6 and 7. The applicant has indicated that this area may change
142 ownership to the property directly adjacent to the north. In the event the transaction does
143 not move forward, this narrow strip will be included in Lots 6 and 7. The other area marked
144 reserved is behind Lot 8, with access shown from the cul-de-sac. The applicant has
145 indicated that this area may also change ownership to the property directly north of it. If the
146 transaction moves forward, the stem portion of the reserved area will not be sold and will
147 instead be included in Lot 8; thus, eliminating the possibility of a double frontage lot. In the
148 event that this transaction does not move forward, this reserved area will become a
149 common area as shown and will be accessed from the cul-de-sac. The issue of both
150 reserved areas can be resolved during the subdivision process. To the southeast portion
151 of the site, labeled open space and tree conservation area, the applicant has proffered to
152 rezone portions that lie within the flood plain to a C-1 Conservation District. Other proffered
153 commitments including finished floor area, foundations, garages and driveways,
154 architecture, elevations, building materials, and landscaping have been submitted and are
155 comparable to and generally reflective of those provided with similar recently approved
156 rezoning requests. In closing, since the proposed use and residential density are consistent
157 with the Plan's SR2 designation, and the submitted proffers provide quality assurances
158 consistent with other recent developments, the proposed subdivision to allow for 18
159 residential lots should ensure compatibility with adjacent properties. For these reasons,
160 staff supports the proposed use at this location. This concludes my presentation. I am
161 happy to answer any questions you may have.
162

163 Mr. Witte - Is there anyone in the audience who would like to speak for or
164 against this case? Would you like to speak?
165

166 Mr. Emerson - Sir, you'll have to approach the lectern and give us your name
167 and address and then make your statements. This would be the time for you to do that.
168 Actually, Mr. Witte, you need to check on procedure I guess and how you want to proceed,
169 whether you want to hear from the applicant or hear from the citizens.
170

171 Mr. Witte - Is there anyone on WebEx for this case?
172

173 Mr. Morris - Mr. Chairman, there is no one on WebEx for this case.
174

175 Mr. Witte - Mr. Dandridge, how would you like to proceed?

176
177 Mr. Dandridge - If we do have anybody in the back that would like to speak.
178
179 Mr. Witte - You can get the opposition, or you can have the applicant.
180 Which would you prefer?
181
182 Mr. Dandridge - We'll have the opposition right now.
183
184 Ms. Swain - I'm LaVaughn Swain, 1902 Timberlake Avenue. I bought my
185 house in 1986. I attended the first meeting. The concern that we had was that neighbors in
186 the direct vicinity were not invited to the meeting. None of the neighbors knew that the
187 meeting was being held. I personally got a letter from one person in the neighborhood who
188 got the letter and copied and handed it out to other neighbors. That's why there were 15 at
189 the meeting. We didn't feel like there was a good representation of the neighborhood to
190 hear what was being planned. We had some concerns that were addressed at the meeting
191 that I didn't feel like were answered to our benefit. One of them, one of the questions was,
192 "Had they considered something in between the R-2 and R-4 such as an R-3?" We were
193 told they had not considered that. We talked about the loss of the environment, loss of the
194 trees and how most people in Lakeside bought their homes because of the view of the golf
195 course. We had the, "Save the Belmont" neighborhood get together and fought to keep
196 developers from building on the golf course. We won that. Now, we are faced with having
197 18 houses that is basically going to distort the view on the other side of the golf course. We
198 had asked if we could see a similar setup of that subdivision that they are proposing. They
199 said, that they "...didn't have one..." that "This is the first of its kind." We also were told they
200 are using this type of house to blend in with Lakeside. We all know, anybody who lives in
201 Lakeside know that those houses were built in 1930, 1940. Those houses do not mirror the
202 typical home in the Lakeside area. We all know that most of the people who live in the area
203 bought the homes because it's got that small town feel. We are all neighbors. We walk our
204 dogs, walk our kids. We like the nice open space. It's also home to many animals, fox,
205 hawks, eagles that live in that area. We also know that area has flooded on several
206 occasions. One being Gaston where the whole Lakeside little league field was flooded,
207 down the hill across Brook Road was flooded. We're concerned about that so anytime you
208 have a loss of trees, loss of any of that environmental area that could impact erosion. We
209 also know that it has historical value; it was all farmland at one point so there could be
210 significant artifacts in that area that will be lost when this construction takes place. We also
211 asked if they were aware of the bike trail and the reducing of the one lane on Hilliard Road.
212 They weren't aware of that. When you've got that much more traffic coming through that
213 area, coming up and down Hilliard Road. We all know that that traffic is crazy any day of
214 the week, so now you're going to have 18 homes in that area where people are going to be
215 turning off of Hilliard Road trying to get in and out of that area. So, we had a lot of concerns.

216 One, that we're a small community. We like the small-town feel. We all feel like this is going
217 to change the face of Lakeside forever. Once you sell that property, it's gone. It won't be
218 replaced. I understand that our community is building, and more people are moving here.
219 We accept that but I think to plop that kind of subdivision right in the middle of Lakeside on
220 the other side of a golf course; we're opposing that. We just don't believe that that's the
221 right feel for our neighborhood. The question I would have too is access to fire hydrants. I
222 didn't see in any of the paperwork where there was access to fire hydrants. That would be
223 one of the questions that I would have.

224
225 Mr. Witte - Thank you. Anybody else? Do we need to go over the...

226
227 Mr. Emerson - I did at the beginning. I can go back over it if you'd like for me
228 to.

229
230 Mr. Witte - No, that's alright.

231
232 Ms. Richardson - Good evening, gentlemen, proposed developers. My name is
233 Tara Richardson, and I have owned a home at 6404 Club Road for over 17 years. Today
234 was the first day that I heard about this, so I happened to find my fortuitous neighbors and
235 others reaching out to me because they know how passionate I am. We were very lucky to
236 find this house and have raised our children and love the Lakeside community. It is an
237 absolute microcosm of what all communities should look like in America. My biggest
238 concerns are the increase in traffic from reducing Hilliard Road down to two lanes to
239 accommodate the awesome new bike trail that's coming but also removing the beauty, the
240 scenery, throwing in cookie cutter, instant popup houses that just will not meet the
241 neighborhood aesthetics or feel. I think there's a lot of opportunities. I understand why
242 people want to come into Lakeside; it's amazing and it is a little-town feel but I do think
243 there are probably other places. Putting myself in the place of somebody who would want
244 to move into Lakeside and procure one of these homes there should be absolute tests done
245 around the soil and how this area is prone to flooding. I think 20 something years ago there
246 was a mobile home park on Brook Rd. that has now turned into a park because they can't
247 put anything there that is structurally sound due to the flooding conditions. That Lakeside
248 little league field floods terribly. I do have concerns over the environmental piece of it from
249 the loss of habitat for the birds, for the wild animals that are around there; foxes, coyotes,
250 raccoons, beavers, squirrels, lots of squirrels. Those are big impacts there. Also, just
251 making sure due diligence is given. That this is the right location. I understand the need for
252 housing but what is the strain on our already overcrowded and under-resourced schools,
253 for our local providers for safety, emergency services, the hospitals and then increasing the
254 traffic which would reduce safety for pedestrians and bicyclists that are sure to come. I feel
255 that there are opportunities to find other locations within the community that we can figure

out how this works, but I do not think this location is amicable to such a development. Thank you.

Mr. Witte - Is there anyone else in the audience who would like to speak to this case? Mr. Dandridge?

Mr. Dandridge - Thank you to the residents for sharing your concerns. The Lakeside community is a very historic community and I'm familiar with that community since my youth and having friends living over in that particular area. I'd like to thank Ms. Shinde for the work, the communication, everything that you've done in preparation to this case. I know there were quite a few questions that were raised along the way and I think you did an excellent job in answering those questions via email so I definitely appreciate that. With that being said, I would at this time also too like to speak with the applicant and maybe have him address some of those questions that the residents have. I appreciate it.

Mr. Hamnett - Good evening, Chairman and members of the Commission. My name is David Hamnett with the Kittrell Company and we're the applicant for this project. I'd also like to thank Ms. Shinde for her presentation, she did an excellent job and staff's work on this case. For the mailers that went out so when the subdivision process starts, the rezoning process starts we get a list of addresses that have gone out from the county so I apologize for anyone who did not get one. We're just going from the addresses that the county gives us. A couple of things to kind of clear up on this. The property right now is zoned R-2. So, you could go in there right now and put a subdivision. What our plan is, is to do an R-4 which is rezoning. It adds some more houses but it also adds some benefits to the neighborhood, we feel. If you could pull up the conceptual plan, please. Doing the R-4 you can see that we were able to add buffers along the south side of the rear that will help buffer it from the Club Road houses as well as on the right and actually add buffers of the area to the adjacent neighbors as well. In doing an R-2 subdivision you would lose these buffers and lose more trees possibly. In doing the R-4 it actually adds more green space and benefits the neighbors around it. Another question was on the flooding of the area. If you can see the dotted line on the south end of that, that is the 100-year flood plain. That is an area you cannot build in. That is outside of where the buildable areas are. That is another that is given by the state as the area where it actually floods there. Another question was fire hydrants. They will be installed in the subdivision according to county specs. The other question was on the VDOT. My engineer has been in touch with VDOT and has given them the proposal on this. They're aware of the changes they're making to it. There's no turn lane warranted with the amount of houses that will be in there and also they're okay with the location of the entrance as well. We'll meet all of the qualifications as the subdivision process to include all the VDOT standards for the road. Any other questions from the Commission?

296
 297 Mr. Witte - Anything?
 298
 299 Mr. Dandridge - Not from me at this time.
 300
 301 Mr. Witte - I have a question. Actually, a couple.
 302
 303 Mr. Hamnett - Yes, sir.
 304
 305 Mr. Witte - What is the reserved area reserved for?
 306
 307 Mr. Hamnett - The adjacent neighbors right there had some interest in
 308 acquiring that land. That's an ongoing negotiation so if the subdivision process does
 309 approve they might want to acquire that land, and, if so, it would become part of their lots.
 310 If not, it will become a common area for the subdivision.
 311
 312 Mr. Witte - It has access through the cul-de-sac; is that correct?
 313
 314 Mr. Hamnett - If it's acquired by the neighbor, the stem part of that will be
 315 absorbed by the new lots.
 316
 317 Mr. Witte - Alright. I think that answered everything.
 318
 319 Mr. Hamnett - Thank you.
 320
 321 Mr. Witte - I'm going to miss losing golf balls over there.
 322
 323 Mr. Hamnett - We'll put the tempered windows in.
 324
 325 Mr. Witte - Mr. Dandridge, how would you like to proceed?
 326
 327 Mr. Dandridge - Mr. Chairman, I move that we recommend approval of REZ-
 328 2024-102498, The Kittrell Company, with the proffers dated January 7, 2025.
 329
 330 Mr. Mackey - Second.
 331
 332 Mr. Witte - We have a motion by Mr. Dandridge, a second by Mr. Mackey.
 333 All in favor, say aye.
 334
 335 Commission - Aye.

336
337 Mr. Witte - Opposed? Motion passes.
338

339 **REASON:** Acting on a motion by Mr. Dandridge, seconded by Mr.
340 Mackey, the Planning Commission voted 5-0 (one absence) to recommend the Board of
341 Supervisors **grant** the request because the proposed use and density of 2.14 units per acre
342 are consistent with the Plan's SR2 recommendation.
343

344 Mr. Emerson - Mr. Chairman, we now move on to the next case on your
345 agenda, REZ-2024-102303, Koontz Bryant Johnson Williams Inc for DRC Properties LLC.
346

347 **REZ-2024-102303 Koontz Bryant Johnson Williams Inc for DRC Properties LLC:**
348 Request to conditionally rezone from B-1C Business District (Conditional) and B-2C
349 Business District (Conditional) to B-2C Business District (Conditional) Parcel 750-745-
350 1577 containing 1.79 acres located on the south line of Quioccasin Road approximately
351 260' east of the intersection with Pemberton Road (State Route 157). The applicant
352 proposes a drive-thru restaurant and an office building. The use will be controlled by
353 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
354 recommends Commercial Concentration.
355

356 The staff report will be presented by Mr. Livingston Lewis.
357

358 Mr. Witte - Is there anybody who would like to speak for this case or
359 against it? Is there anyone on WebEx?
360

361 Mr. Morris - Mr. Chairman, there is no one on WebEx for this case.
362

363 Mr. Witte - Mr. Lewis, you have the floor.
364

365 Mr. Lewis - Thank you, Mr. Chairman, members of the Commission. This
366 is an application to rezone 1.79 acres from B-2C and B-1C to all B-2C Business for the
367 conversion and expansion of a vacant commercial building on Quioccasin Road. The site
368 was last rezoned in 2001 as part of a five-acre retail project which was only partially
369 developed. Surrounding uses include several offices, a veterinary practice, vacant retail
370 and office acreage, and the Farmington residential neighborhood to the south. The 2026
371 Comprehensive Plan designates the site for Commercial Concentration. This exhibit is
372 the revised conceptual layout which the applicant provided to staff earlier this week.
373 Revised proffers were also submitted this morning, and these include other important
374 changes from the information in the staff report. All updated documents have just been
375 distributed to you for consideration. As now proposed, the applicant wishes to convert the

376 former Jiffy Lube building into general retail or a similar undefined use which may include
377 an outdoor seating area in front. Attached to the renovated building would be a new 2,645
378 square-foot addition for a Dunkin'/Baskin Robbins restaurant with a drive-thru. The
379 aggregate square footage for both uses would be 5,209 square feet and a total of 54
380 parking spaces would be provided. The previous concept evaluated in the staff report was
381 for two separate buildings totaling over 7,000 square feet with 44 parking spaces.

382
383 This proffered building elevation illustrates the anticipated front exterior of the completed
384 multi-tenant structure which appears to include a mixture of stone, brick, EIFS, ample
385 windows, and possibly keeping the roll-up garage-style doors. In addition to the
386 conceptual layout and building elevation, the applicant's revised proffers include
387 commitments related to requiring each exterior wall surface to be predominantly brick; a
388 maximum building height of 35 feet; principal uses limited to a single B-2 use, which is
389 the restaurant with drive-through, in addition to allowing most B-1 uses except for those
390 listed in the proffers; landscape buffers to be provided along Quioccasin Road and the
391 western property line; detached signage to be monument style and limited to 5 feet in
392 height; providing a sidewalk connection to the existing sidewalk along Quioccasin; lighting
393 for pedestrian safety throughout the site and along Quioccasin; hours of operation limited
394 to 6:00 a.m. to 10:00 p.m.; parking lot cleaning and leaf blowing limited to Monday through
395 Saturday 7 to 7, and Sundays 11 to 5; and, loudspeakers not audible beyond 100' from
396 the source. These commitments and the revised exhibits before you this evening provide
397 for quality development, mitigate potential impacts, and address most of the questions
398 and issues raised in the staff report, with the exception of exterior construction hours and
399 dumpster servicing hours. These are typical items to consider, particularly based on the
400 proximity of the residential neighborhood to the south. In summary, a drive-thru restaurant
401 and other retail services would be consistent with the 2026 Plan designation, would
402 generally be in keeping with the surrounding development pattern, and would support a
403 variety of economic and revitalization goals in the Plan. For these reasons, staff supports
404 the request but does recommend the consideration of further enhancing the proffers as
405 noted to reduce potential noise impacts. This concludes my presentation and I'm happy
406 to answer any questions. Just as a reminder, time limits would need to be waived to
407 accept the proffers and exhibits.

408
409 Mr. Winterhoff - Thank you very much Mr. Lewis for the preparation of the
410 report and also I know for the great, hard work that went into this, especially this week. I
411 don't have any specific questions for you at this point. Are there any others?

412
413 Mr. Witte - Any questions about it commissioners? I have one. What's
414 the dumpster location? It's houses behind it.

415
416 Mr. Lewis - It is. That's right. The existing location. I'll switch over to the
417 concept plan. It's back here in the southwestern corner and that's where it would remain.

418
419 Mr. Witte - Is that the furthest point? It looks like it would be the closest
420 point.

422 Mr. Lewis - It is the closest point to the Farmington neighborhood.
423

424 Mr. Dandridge - Are the dumpsters planned to be fenced in.
425

426 Mr. Lewis - There is currently a masonry surround, a three-side surround
427 with...I don't remember the material of the gate, but it currently is surrounded by typical
428 dumpster screening. If it remains there it would remain screened in that manner. I don't
429 know if we can see it on the aerial. Probably not.
430

431 Mr. Witte - Okay. I've lived not too far from a dumpster when they empty
432 it in the morning. I have no further questions. The commission have any questions? How
433 would you like to proceed?
434

435 Mr. Winterhoff - I do have a couple of questions for the applicant. It'll be great
436 to just talk about that quickly if you have the time. I do appreciate the responsiveness
437 especially over the past couple of days. The updates that have been made to the proffers,
438 seeing the changes to the building elevations, buffers, signage and sidewalk. It's just been
439 great to see. I also was very appreciative, I know there were some conversations earlier
440 this week and previously with Colony Apartment Homes, which is the adjacent property.
441 I just want to make sure I understood. It sounds like there was an agreement that at time
442 of the design phase in the plan of development that some sort of buffer, additional
443 consideration would be made there. Is that correct?
444

445 Mr. Mueller - Good evening, Mr. Chairman, members of the Commission.
446 My name is Simon Mueller with Koontz Bryant Johnson Williams here on behalf of the
447 owner. Yes, I've spoken with Mr. Alexander a couple of times this week and we were open
448 to working something out during the POD, landscape plan process. A couple of things
449 have been floated about additional plantings, possibly a fence but nothing concrete at this
450 point but we are willing to help them out with whatever they would like to see down that
451 property line.
452

453 Mr. Winterhoff - Great. Thank you, Mr. Mueller. I also had a question. Within
454 the proffers related to property maintenance. I did not see included trash service as part
455 of that time. I was curious if you would be opposed to including that.
456

457 Mr. Mueller - I've spoken to my client. He's got 15 locations in the Richmond
458 area, nine of which are in western Henrico. I'm sure many of you are familiar with his
459 stores. We've done five or six rezonings in the past seven years alone and the last I just
460 looked up the last four and we have not proferecd in construction hours or a trash service
461 in any of those. So, it is to be consistent. Again, the trash service, that's not entirely within
462 his control so he didn't really want to go out on a limb and promise something like that if
463 he really couldn't deliver it. It's really up to the refuse company more than him. That's why
464 he wanted to leave that out.
465

466 Mr. Winterhoff - Okay. You did mention the construction hours. That was
467 another topic I wanted to make sure I understood. It was not included. From what you're

referencing in the past last several rezoning cases that's not something that has been included?

Mr. Miller - That's correct. We just did the Dunkin' at Staples Mill was the last one we did. We did the Dunkin' at Tower Plaza. Both were done, I think they were 2023 cases but approved in 2024, maybe. Neither one of those had proffers about trash service or construction hours.

Mr. Winterhoff - I don't consider myself new to the Commission anymore, just hitting a year but I did look back and several similar applications and rezoning cases we've heard over the past calendar year this was something that was common so I would love to have this as a consideration if we decide to move forward with this before it being presented to the Board.

Mr. Miller - Okay, yes. We're not opposed to proffering trash service and construction hours in the final proffers.

Mr. Winterhoff - Wonderful. Additional questions from other board members? Is there anyone in the audience? I just wanted to confirm. No additional questions? First, Mr. Chairman, I move that we grant a waiver of time limits and accept the proffers dated January 9, 2025 for REZ-2024-102303 DRC Properties LLC.

Mr. Dandridge - Second.

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

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

Mr. Winterhoff - Mr. Chairman, I move that we recommend approval of REZ-2024-102303 DRC Properties LLC with the proffers dated January 9, 2025.

Mr. Shippee - Second.

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

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

REASON: Acting on a motion by Mr. Winterhoff, seconded by Mr. Shippee, the Planning Commission voted 5-0 (one absence) to recommend the Board of

Supervisors grant the request because it continues a form of zoning consistent with the area.

Mr. Emerson- Mr. Chairman, with that action, both cases move forward to the Board of Supervisors at their February meeting with recommendations of approval. The Board has not yet adopted their calendar but I believe this meeting will probably fall on February 11 based on the normal Board schedule but that will be confirmed next week. With that said Mr. Chairman, the next item on your agenda is a discussion item and you have a resolution, PCR-1-25. It is your remote participation policy. What this is, you received it late, the attorneys reminded us. The General Assembly last year in their kindness to us changed the code regarding remote participation and you have to annually review your remote participation policy. There were a couple of updates that the attorneys added to this regarding folks with disabilities and a few just number changes based on the code. Otherwise it hasn't changed. You'll recall you first adopted this or a couple of you will recall you first adopted this during the pandemic. That's when the General Assembly did give us the ability to do it. At that time it was an emergency measure. Subsequently, they gave us the ability to do it permanently. The Commission hasn't had to use it but I can tell you there could be a time that you may want to use it that we might be short an individual for whatever reason that could come in remotely and make a quorum. It's nice as a failsafe to make sure that we don't have to cancel a meeting for a lack of a quorum. There are no substantive changes to it from what you currently have in place. If the Commission is comfortable with this or doesn't have any questions I would appreciate a motion passing this resolution.

Mr. Witte - Any questions, concerns? Would someone like to make a motion to accept the resolution?

Mr. Mackey - I make a motion that we accept the resolution and continue with the remote policy as it is currently written.

Mr. Shippee - Second.

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

Commission - Aye.

Mr. Witte - Opposed? Motion passes.

Mr. Emerson - Thank you, gentlemen. The next item on your agenda is another discussion item. We do have a need for a work session in February to continue our discussions regarding the 2045 Comprehensive Plan. The process of course is better known as the HenricoNext plan update. We are suggesting 5:00 p.m., also included in that, we'll take a few minutes just to go over the Commission's rules and regulations. There's a couple of minor changes that you also need to consider for those. That is an administrative action of the Commission. It isn't a public hearing. We probably wouldn't

559 bring that back after discussing with you until March. We do need to also go over a few
560 of those things with you. If it meets to your liking, we believe 5:00 p.m. would give us
561 plenty of time to go over with you what we have to review. Also, we'll bring in some
562 sandwiches for dinner so you won't have to go through the meeting hungry later on.

563
564 Mr. Witte - Do we need a motion?

565
566 Mr. Emerson - No, sir. If the consensus is that everybody's comfortable with
567 that.

568
569 Mr. Witte - Is there any opposition to it? We have no opposition.

570
571 Mr. Emerson - We'll plan on a 5:00 p.m. work session then for the
572 Commission. Mr. Chairman, the next item and this will require a motion is the
573 consideration for the approval of your minutes for your regular meeting on December 12.
574 We don't have an errata sheet but of course any changes that the Commission has found
575 that need to be made we certainly will be happy to make those.

576
577 Mr. Witte - Do any changes come to mind with anybody? Do we have a
578 motion to accept the minutes?

579
580 Mr. Shippee - So moved.

581
582 Mr. Mackey - Second.

583
584 Mr. Witte - We have a motion by Mr. Shippee, a second by Mr.
585 Dandridge. All in favor, say aye.

586
587 Commission - Aye.

588
589 Mr. Witte - Opposed? Motion passes.

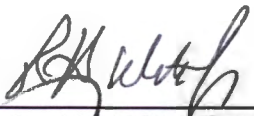
590
591 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission.

592
593 Mr. Witte - I have a comment. I'd like to thank staff for an incredible job
594 last year and the same goes for Mr. Mackey, leading the way. I appreciate it. The
595 Commission wouldn't be successful without our incredible staff and I'm looking forward
596 to another incredible year like that. We wish everybody a happy new year, a safe and
597 happy and healthy new year. Let's do it all. I have nothing further. Does anybody have
598 anything else?

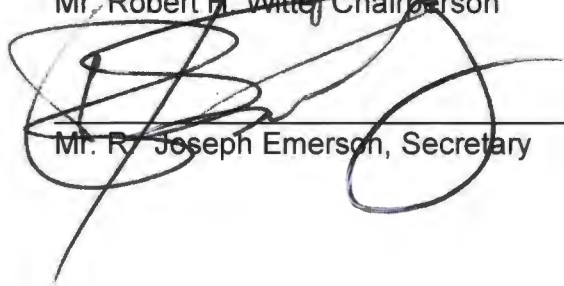
599
600 Mr. Mackey - No, sir.

601
602 Mr. Witte - Meeting adjourned.

603
604
605
606
607
608
609



Mr. Robert H. Witte, Chairperson



Mr. R. Joseph Emerson, Secretary