

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, July 13,**  
4 **2023. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **June 26, 2023, and July 3, 2023.**  
6  
7

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

18 **Also Present:** Ms. Jean Moore, Assistant Director  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Ms. Molly Mallow, County Planner  
21 Ms. Kelly Drash, County Planner  
22 Mr. Livingston Lewis, County Planner  
23 Mr. Seth Humphreys, County Planner  
24 Mr. Lamont Johnson, Assistant Traffic Engineer  
25 Mr. Billy Moffett, Police \*  
26

27 \* (Virtually)  
28

29 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains on all**  
30 **cases unless otherwise noted.**  
31

32 Mr. Witte - Good evening, welcome to the July 13, 2023, meeting of the  
33 Planning Commission. I'll ask you to stand for the Pledge of Allegiance and while doing  
34 so please turn off or mute your cell phones.  
35

36 [Recitation of Pledge of Allegiance]  
37

38 Mr. Witte - Do we have any news media in the audience? Anybody? No?  
39 You're not news media? Alright, with that I'll turn it over to Secretary, Mr. Emerson.  
40  
41

42 Mr. Emerson - Thank you Mr. Chairman. I'd like to join with the Chairman and  
43 welcome all of you to the Henrico County Planning Commission meeting public hearing  
44 for July 13. This evening it's requested that all public comments be provided from the  
45 lectern to the rear of the room. If you look over your shoulder, you can see it. For everyone  
46 who's watching the livestream on the county website, you can participate remotely in the  
47 public hearings by following these guidelines. You also can view them on the screen in

48 front of you but I'll run over them very quickly here. You go to the Planning Department's  
49 meeting webpage at [henrico.us/planning/meetings](http://henrico.us/planning/meetings). Scroll down under Planning  
50 Commission and click on Webex Event. Once you have joined the Webex Event, please  
51 click the chat button in the bottom-right corner of the screen. Staff will send a message  
52 asking if anyone would like to sign up to speak on an upcoming case. To respond, select  
53 Kelly Drash from the drop-down menu and send her a message. She will get you placed  
54 in the queue to speak on that particular topic. The Commission does have guidelines for  
55 its public hearings. The applicant is allowed 10 minutes to present the request and time  
56 may be reserved for responses to testimony. The opposition is allowed a cumulative 10  
57 minutes to present its concerns meaning that everyone who wishes to speak must be  
58 included in that overall, 10-minute allowance. Commission questions do not count into  
59 those time limits. The Commission may waive those time limits at its discretion.  
60 Comments must be directly related to the case under consideration. Commenters must  
61 provide their name and address prior to speaking for our record. We keep verbatim  
62 minutes, so we need your information in order to make sure that we have you quoted  
63 correctly in case we need to contact you in the future. Thank you again for your  
64 participation and your interest in your community this evening. With that said Mr.  
65 Chairman, the first item on your agenda are the requests for withdrawals and deferrals  
66 and they will be presented by Mr. Ben Sehl.

67  
68 Mr. Sehl - Thank you Mr. Emerson, members of the Commission. Staff  
69 is aware of four deferral request this evening. The first is on Page 1 of your agenda in the  
70 Three Chopt District. This is REZ2023-00022, SKM, LLC.

71  
72 **REZ2023-00022 Andrew M. Conclin for SKM, LLC.:** Request to amend proffers  
73 accepted with REZ2022-00003 on Parcel 733-765-4819 located at the northwest  
74 intersection of W. Broad Street (U.S. Route 250) and N. Gayton Road. The applicant  
75 proposes to amend proffers regarding the concept plan, architecture, minimum finished  
76 floor area, and trees. The existing zoning is R-6C General Residence District (Conditional).  
77 The 2026 Comprehensive Plan recommends Urban Mixed Use and Environmental  
78 Protection Area. The site is located in the West Broad Street Overlay District.

79  
80 The applicant is requesting this item be deferred to your August 10, 2023, meeting.

81  
82 Mr. Witte - Is there anyone in the audience or on Webex who opposes  
83 this case?

84  
85 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

86  
87 Mrs. Thornton - Okay, Mr. Chairman, I move REZ2023-00022, SKM, LLC be  
88 deferred to the August 10, 2023, meeting at the request of the applicant.

89  
90 Mr. Archer - Second.

91  
92 Mr. Witte - We have a motion by Mrs. Thornton, a second by Mr. Archer.  
93 All in favor say a/ye.

94  
95 Commission - Aye.  
96  
97 Mr. Witte - Opposed? Motion passes.  
98  
99 Mr. Sehl - Also on Page 1 of your agenda in the Three Chopt District is  
100 the companion request, PUP2023-00009, also SKM, LLC.

101  
102 **PUP2023-00009 Andrew M. Condlin for SKM, LLC.:** Request for a Provisional  
103 Use Permit under Sections 24-2306 and 24-4315.C of Chapter 24 of the County Code to  
104 allow commercial uses and zoning modifications as part of a master-planned development  
105 on part of Parcel 733-765-4819 located at the northwest intersection of W. Broad Street  
106 (U.S. Route 250) and N. Gayton Road. The existing zoning is R-6C General Residence  
107 District (Conditional). Proffer amendments are proposed with REZ2023-00022. The 2026  
108 Comprehensive Plan recommends Urban Mixed Use and Environmental Protection Area.  
109 The site is located in the West Broad Street Overlay District.

110  
111 The applicant is again requesting a deferral to your August 10, meeting.

112  
113 Mr. Witte - Is there anyone in the audience or on Webex opposed to this  
114 case?

115  
116 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

117  
118 Mrs. Thornton - Okay, Mr. Chairman, I move that PUP2023-00009, SKM, LLC  
119 be deferred to the August 10, 2023, meeting at the request of the applicant.

120  
121 Mr. Archer - Second.

122  
123 Mr. Witte - We have a motion by Mrs. Thornton, a second by Mr. Archer.  
124 All in favor say aye.

125  
126 Commission - Aye.

127  
128 Mr. Witte- Opposed? Motion passes.

129  
130 Mr. Sehl - The next deferral request is in the Brookland District on Page  
131 2 of your agenda. This is REZ2022-00031, Rebkee Company.

132  
133 **REZ2022-00031 Andrew M. Condlin for Rebkee Company:** Request to  
134 conditionally rezone from R-4 One-Family Residence District, R-5C General Residence  
135 District (Conditional), O-2C Office District (Conditional), and B-2C Business District  
136 (Conditional) to B-2C Business District (Conditional) part of Parcels 772-749-3398 and  
137 772-749-6261 containing 8.701 acres located on the west line of Staples Mill Road (U.S.  
138 Route 33) approximately 300' south of Bremner Boulevard. The applicant proposes an  
139 automobile filling station with a convenience store and carwash and general commercial

140 use with drive-thru. The uses will be controlled by zoning ordinance regulations and  
141 proffered conditions. The 2026 Comprehensive Plan recommends Office and Suburban  
142 Residential 2, density should not exceed 3.4 units per acre. Most of the site is in the  
143 Enterprise Zone.

144

145 The applicant is requesting this item be deferred to your November 9, 2023, meeting.

146

147 Mr. Witte - Is there anyone in the audience who is opposed to this case  
148 deferral?

149

150 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

151

152 Mr. Witte - Okay, with that I move that REZ2022-00031, Rebkee  
153 Company be deferred to the November 9, 2023, meeting at the request of the applicant.

154

155 Mr. Baka - Second.

156

157 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Baka. All in  
158 favor say aye.

159

160 Commission - Aye.

161

162 Mr. Witte - Opposed? Motion passes.

163

164 Mr. Sehl - Also requesting deferral is the companion request, PUP2022-  
165 00019, on Page 2 of your agenda.

166

167 **PUP2022-00019 Andrew M. Condlin for Rebkee Company:** Request for a  
168 Provisional Use Permit under Sections 24-4205, 24-4315 and 24-2306 of Chapter 24 of  
169 the County Code to allow a carwash and 24-hour operation on part of Parcels 772-749-  
170 3398 and 772-749-6261 located on the west line of Staples Mill Road (U.S. Route 33)  
171 approximately 300' south of Bremner Boulevard. The existing zoning is R-4 One-Family  
172 Residence District, R-5C General Residence District (Conditional), O-2C Office District  
173 (Conditional), and B-2C Business District (Conditional). B-2C Business District  
174 (Conditional) zoning is proposed with REZ2022-00031. The 2026 Comprehensive Plan  
175 recommends Office and Suburban Residential 2, density should not exceed 3.4 units per  
176 acre. Most of the site is in the Enterprise Zone

177

178 Again, the applicant is requesting a deferral to your November 9, 2023, meeting.

179

180 Mr. Witte - Is anyone in the audience or on Webex who is opposed to this  
181 case?

182

183 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

184

185 Mr. Witte - With that I move that PUP2022-00019, Rebkee Company be  
186 deferred to the November 9, 2023, meeting at the request of the applicant.

187  
188 Mr. Mackey - Second.

189  
190 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Baka. All in  
191 favor say aye.

192  
193 Commission - Aye.

194  
195 Mr. Witte - Opposed? Motion passes.

196  
197 Mr. Emerson - I think that was Mr. Mackey.

198  
199 Mr. Witte - Oh, excuse me. That was Mr. Mackey that seconded. My  
200 apologies.

201  
202 Mr. Mackey - No problem, sir.

203  
204 Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals  
205 for this evening. The next item on the agenda are requests for expedited items. Those  
206 will also be presented by Mr. Ben Sehl.

207  
208 Mr. Sehl - Thank you again Mr. Emerson. There is one request for  
209 expedited approval on your agenda this evening. It's in the Fairfield District on Page 1 of  
210 your agenda. This is PUP2023-00008, Jack Fleming.

211  
212 **PUP2023-00008 Jack Fleming:** Request for a Provisional Use Permit under Sections  
213 24-4205, 24-4326, and 24-2306 of Chapter 24 of the County Code to allow coffee roasting  
214 on Parcel 782-745-0889 located on the east line of Lakeside Avenue (State Route 161)  
215 approximately 50' north of its intersection with Ginter Street. The existing zoning is B-2  
216 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration.  
217 The site is located in the Enterprise Zone.

218  
219 I will note that revised conditions with a revision to Condition #3 regarding hours of  
220 roasting was provided to you in your packet this evening. Staff is unaware of any  
221 opposition to this request and the applicant has indicated they are comfortable with the  
222 conditions as presented and I'd be happy to try and answer any questions you might  
223 have.

224  
225 Mr. Witte - Any questions by the committee?

226  
227 Mr. Mackey - No, sir.

228  
229 Mr. Witte - Is there anyone on Webex or in the audience opposed to this  
30 case?

231  
232 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.  
233  
234 Mr. Archer - Mr. Chairman, therefore I recommend approval of PUP2023-  
235 00008, Jack Fleming subject to the conditions dated July 12, 2023.  
236  
237 Mrs. Thornton - Second.  
238  
239 Mr. Witte - We have a motion by Mr. Archer, a second by Mrs. Thornton.  
240 All in favor say aye.  
241  
242 Commission - Aye.  
243  
244 Mr. Witte - Opposed? Motion passes.  
245  
246 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,  
247 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
248 Supervisors **grant** the request because it is reasonable in light of the surrounding uses  
249 and existing zoning on the property, and it would provide added services to the  
250 community.  
251  
252 Mr. Emerson - Mr. Chairman, that completes the expedited items for this  
253 evening. We now move on to your regular agenda to Page 2 for REZ2023-00021, Mark  
254 Baker for 401 South, LLC.  
255  
256 **REZ2023-00021 Mark Baker for 401 South, LLC:** Request to conditionally rezone  
257 from R-3 One-Family Residence District to R-4AC One-Family Residence District  
258 (Conditional) Parcel 821-720-0509 containing 2.34 acres located at the southwest  
259 intersection of South Street and Dale Street. The applicant proposes single-family  
260 dwellings. The uses will be controlled by zoning ordinance regulations and proffered  
261 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2. This site  
262 is located in the Airport Safety Overlay District.  
263  
264 The staff report will be presented by Mr. Seth Humphreys.  
265  
266 Mr. Humphreys - Thank you members of the Planning Commission. This is a  
267 request to conditionally rezone 2.34 acres from R-3 to R-4AC to construct nine single-  
268 family homes. The site is located on the south line of South Street between Luther Road  
269 and Dale Street. Surrounding uses include: the remainder of the York Manor subdivision  
270 to the north; the Southern Railway line to the south; and single-family neighborhoods  
271 adjacent to the east and west. The 2026 Comprehensive Plan recommends Suburban  
272 Residential 2 for the subject site, with a recommended density of up to 3.4 units per acre.  
273  
274 Under the site's current R-3 zoning, the property could be developed for seven single-  
275 family homes by right. As illustrated on the proffered layout, the applicant wishes to  
276 rezone to R-4AC for a bit narrower lot widths to allow the construction of two additional

277 homes, for a total of nine. Based on this plan, the average lot size would be 11,744 square  
278 feet and the minimum lot width is proffered to be at least 63 feet, with three lots measuring  
279 87 feet or wider. Three off-street parking spaces would be accommodated in each  
280 driveway, and standard curb and gutter would be installed. All homes would also be  
281 connected to public utilities.

282  
283 These photo examples have been proffered to illustrate the potential appearance of the  
284 homes. Each would be built on a crawl space, would have a minimum of 1,200 square  
285 feet of finished floor area, and would consist of brick, stone, vinyl, or hardi-plank exteriors.  
286 Other proffered assurances include a minimum of 25% brick or stone on each front  
287 façade; a landscape buffer in the rear of each lot 33 feet deep; sound-dampening  
288 construction for the rear wall of each home facing the railroad tracks; individual light poles  
289 in each front yard; and limits on the hours of exterior construction. These proffers provide  
290 assurances that would otherwise not be available with by-right construction, and the  
291 concept plan illustrates a logical design consistent with the surrounding neighborhoods.  
292 The proposed home sizes are also comparable to others in the area, and the proposed  
293 project would be generally in keeping with the existing single-family development pattern.  
294 For these reasons, staff supports this request. This concludes my presentation. I'd be  
295 happy to answer any questions you may have.

296  
297 Mr. Witte - Is there anyone on Webex or in the audience that opposes or  
298 would like to speak to this case? We have one.

299  
300 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

301  
302 Mr. Baka - I have one question for staff if I may for Mr. Humphreys. On  
303 the proffer that specifies a 33-foot natural buffer. Can you explain what occurs if a future  
304 homeowner were to remove the vegetation in that 33-foot buffer? I'm looking at Proffer  
305 #3.

306  
307 Mr. Humphreys - Could you fully read that proffer. I'm sorry. I didn't...

308  
309 Mr. Baka - "Railroad Buffer. A 33-foot natural buffer shall be retained  
310 adjacent to the railroad." So, my question I guess is, I'm just not as familiar with this, I  
311 apologize. What do you mean by retained? Suppose that some of that vegetation was  
312 removed by a future owner maybe years from now, maybe a second or third owner of the  
313 property doesn't know about this proffer. What happens if the yard is cleared one day and  
314 there's no vegetation left?

315  
316 Mr. Humphreys - Without the "at time of construction" clause they would need  
317 to replant that. Part of that I believe is sound protection beyond just that lot.

318  
319 Mr. Baka - Okay, alright, thanks.

320  
321 Mr. Mackey - We had a question about, did we know whether or not the  
322 railroad was still active?

323  
324 Mr. Humphreys - Not very, is my understanding. It is still active but not on a  
325 regular basis. Not like some other rail lines in the county.  
326  
327 Mr. Emerson - Mr. Mackey, I think there's one or two trains possibly a week  
328 that go to West Point. I don't believe there's many more than that on that line.  
329  
330 Mr. Humphreys - It's mostly to serve the paper plant up there, right Joe?  
331  
332 Mr. Mackey - I didn't have any other questions.  
333  
334 Mr. Witte - Any other questions?  
335  
336 Mrs. Thornton - I'm just curious. All the driveways, I guess the curb and gutter,  
337 right around there to the driveway are grayed except for two. Can you tell me why?  
338  
339 Mr. Humphreys - I think those were just ungrayed just to show an example of  
340 where the three cars can go.  
341  
342 Mr. Mackey - Yes, at the community meeting they did state that all the  
343 driveways would be the same size and accommodate three.  
344  
345 Mr. Humphreys - They had concerns about excessive parking or the ability to  
346 park everyone on the driveway or the street. So, they wanted at least three cars off the  
347 street so I think especially in this example here shows how you fit the three cars on there.  
348  
349 Mrs. Thornton - Okay.  
350  
351 Mr. Witte - Any other questions?  
352  
353 Mr. Mackey - No, sir.  
354  
355 Mr. Witte - Would you like to hear from the applicant?  
356  
357 Mr. Mackey - I didn't hear the response because we cut you off. Did they  
358 say there was anybody on Webex?  
359  
360 Mr. Witte - No.  
361  
362 Mr. Emerson - There's no one on Webex.  
363  
364 Mr. Witte - We have a gentleman...  
365  
366 Mr. Mackey - No, that's Mr. Baker. We don't have anyone in the audience  
367 who's in opposition that wants to speak.  
368



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Mr. Witte - No.

Mr. Mackey - Alright then, I'd like to hear from the applicant.

Mr. Witte - Ok.

Mr. Baker - Mr. Chairman, members of the Commission, I'm Mark Baker of Baker Development Resources. I'm here on behalf of the property owner. As staff said the property is on the south side of South Street. It backs up to that Southern Railway property you were just discussing, 2.34 acres, similarly situated properties both to the east and the west have been developed to single-family dwellings. This parcel remains vacant and that's principally due, I believe, to the fact that the sewer was never installed along this section of South Street. The property can be developed by-right as seven lots under the current R-3 guidelines. But there are no existing proffers so there are no quality assurances beyond the minimum code requirements, so this request is really about the tradeoff. The requested R-4A zoning allows for nine dwellings. That makes it more feasible obviously to extend the actual sewer as well as resurface the road, other right-of-way improvements that would be required through the process, curb and gutter, sidewalks. Certainly, more so than would be the case under a seven-lot scenario, and in return for those two additional lots, the proposed proffers guarantee a higher quality development and a higher degree of compatibility as noted by staff than is provided under the unproffered seven lot scenario. So, the request really isn't as much about lot area. The R-4A permits lots as small as 7,500 square feet but the concept plan shows all lots exceeding 10,000 square feet with three of those being over 11,000 square feet. In fact, the lots actually average over 11,000 square feet, which is the R-3 lot area requirement. Of course, as staff notes in their report the density is actually lower than existing adjacent built-out subdivisions. So, the key here is really the lot width. The R-4A lot width allows for the nine dwellings and importantly it also allows for rhythm in terms of lot widths where it can be configured such that an existing VEPCO easement is on the property line between Lot #2 and Lot #3 as shown on the concept plan. So, it deals with that constraint as well, given the flexibility of the more narrow lot widths. We've proffered a set of standards that are consistent with other compatible cases. I won't run through them all. Staff did talk about them, but I would note there are some instances where we exceed the typical in terms of the similar proffers we reviewed. For instance, we've proffered a partial brick frontage on all dwellings, not a percentage of dwellings. You can also see with the tracked changes, we've made a number of changes and upgrades to the proffers as we've moved through the process and that was not only in response to staff concerns and comments, but it was also in response to neighbor comments that we received and that includes the reduction in density. We started at 10 and we ended at nine. An increase in the buffering along the railroad property. The reconfiguration of that parking that you noted and the goal there was neighbors having concerns about parking and wanting to be able to ensure that we could park it all on our side of the street, three spaces on the site and enough room between driveways for two spaces in front of each lot. Additional pedestrian-scaled lighting that was added as a proffer. A greater commitment to roofing material quality. A greater commitment on masonry materials for foundations includes step stoops and porch piers. Sound suppression on the railroad along the railroad

415 property. A reduction in hours of construction. And finally, we provided a greater variety  
416 of elevations to show some better sense of the quality and the character of the detail. In  
417 terms of that neighborhood outreach, we sent out notices to neighbors. We did hold two  
418 neighbor meetings in order to discuss the project. Certainly, to listen and ultimately to  
419 come back with you know some response in terms of some changes in response to  
420 concerns that we had heard. I think specifically in concerns, we certainly made a number  
421 of changes as you can see with the tracked changes on the proffers, but we specifically  
422 in response to concerns over density went from ten to nine. I think that was their biggest  
423 issue and since it was concerns over density that was driving those concerns. Again,  
424 seven dwellings were permitted here. We're only talking about two lots. The request really  
425 doesn't work at eight dwellings, especially with the additional quality assurances which  
426 increase the cost on a per lot basis for the development. Nine dwellings is really the sweet  
427 spot. It's the minimum that allows the pro forma that supports the needed site  
428 infrastructure work along with the additional proffers. So I guess in the end the goal here  
429 is sort of strike a balance between the increased density of the two units and the benefits  
430 of the quality assurance or the proffers in order to work best for both the owner and the  
431 neighbors while also meeting the goals of the county. So, I'll answer any questions you  
432 might have.

433  
434 Mrs. Thornton - I just have one. The little brown ranch on the bottom of Exhibit  
435 A, I guess the second page. You proffer front porches. That one doesn't have any so I  
436 would either take it off or you need to add a front porch. Also, you stated that it's either  
437 going to have brick or stone. Typically, when we have elevations, you would just kind of  
438 give us examples of what it will look like and if that's something new maybe you're going  
439 to update it before you proceed further. I'm sure the Board would appreciate some brick  
440 or stone just so they can see how it would look.

441  
442 Mr. Baker - I'm sorry. The concern is that there are some that don't  
443 actually show the masonry material?

444  
445 Mrs. Thornton - Correct. You've got vinyl on some and then a vinyl, well to me  
446 I see two that actually resemble what you're stating, the brick and stone.

447  
448 Mr. Baker- Maybe we, we could potentially work on that to your  
449 satisfaction. I think the goal was to show variety in form and still keeping them generally  
450 one story. Me and my client, we had pulled those together. We came down the home  
451 stretch and it was trying to show some variety in terms of the actual mass and the form  
452 of the building. With the idea that they would still have to meet that requirement for the  
453 partial brick front on each.

454  
455 Mrs. Thornton - Sometimes it just helps.

456  
457 Mr. Baker - I can see how visually it's confusing if you're just looking at it.

458  
459 Mrs. Thornton - Right, especially if people just see the visual and they don't  
460 really understand the proffers then they might not know how it's going to look or feel, and

461 when you say front porch, that's different than a stoop. So, one of them looks more like a  
462 stoop than a porch. Just things like that.

463  
464 Mr. Baker - I would suggest we can certainly work with staff to address  
465 that as we move forward if that's... I think that's a reasonable concern.

466  
467 Mrs. Thornton - I was just...

468  
469 Mr. Mackey - Absolutely, it did come up a little bit at the community meeting  
470 that some of the elevations didn't fit in with what they were offering, and I understand  
471 what he was saying but he's trying to show what the house may look like in shape but we  
472 want to see what it's going to look like with the shape and the stone. That makes it easier  
473 for everyone to visualize it.

474  
475 Mr. Baker - Makes sense. I apologize for not thinking about that as we  
476 were...

477  
478 Mrs. Thornton - That was just an observation.

479  
480 Mr. Mackey - I didn't have any questions. Did anybody else?

481  
482 Mr. Witte - Anybody else have questions?

483  
484 Mr. Baka - No, sir.

485  
486 Mr. Witte - How would you like to proceed?

487  
488 Mr. Mackey - I'm ready to make a motion but first I'd like to start off with a  
489 statement. I'd like to thank Mr. Baker and staff for all the hard work that they put in working  
490 on this application. Like Mr. Baker said, we did have two community meetings and they  
491 were very good meetings. I wasn't able to make the first one because I was out of town.  
492 But the second one on June 14 went very well. It was only attended by about five or six  
493 people but they were in the neighboring neighborhoods, so they had very good insight  
494 you know on what they were looking for. They even came up with the restriction on the  
495 hours of construction, so I didn't have to come up with that because that's a pet peeve of  
496 mine. They were very in tune with that. I appreciate the applicant for... The density is a  
497 little bit higher than what we're looking for, but I do think the tradeoff is well worth it  
498 because some of the neighboring neighborhoods that are close by this is a little bit higher.  
499 But the quality that we've been given assurances for I think outweighs the marginal  
500 increase in the density and I appreciate that. And adding the extra buffer for the noise  
501 suppression, that was very helpful. I do think that this project will enhance that area, and  
502 for that Mr. Chairman, I move that we recommend approval of REZ2023-00021, 401  
503 South, LLC with the proffers dated June 16, 2023.

504  
505 Mr. Baka - Second.

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

509  
510 Commission - Aye.

511  
512 Mr. Witte - Opposed? Motion passes.

513  
514 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the  
515 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
516 **grant** the request because it is appropriate residential zoning at this location and the  
517 proffered conditions would provide for a higher quality of development than would  
518 otherwise be possible.

519  
520 Mr. Emerson - Mr. Chairman, we now move on to the next item on your  
521 agenda which also appears on Page 2. It is Provisional Use Permit or PUP2023-00011,  
522 Jeffrey P. Geiger for The Marsoby Company.

523  
524 **PUP2023-00011 Jeffrey P. Geiger for The Marsoby Company:** Request for a  
525 Provisional Use Permit under Section 24-4315.E of Chapter 24 of the County Code to allow  
526 a 24-hour operation of a convenience store with fuel sales and car wash on Parcel 823-  
527 720-9629 located on the east line of S. Airport Drive (State Route 156) approximately 390'  
528 north of its intersection with Eastpark Court. The existing zoning is B-2 Business District.  
529 The 2026 Comprehensive Plan recommends Office. The site is located in the Airport Safety  
530 Overlay District and Enterprise Zone.

531  
532 The staff report will be presented by Ms. Molly Mallow.

533  
534 Ms. Mallow - Thank you, Mr. Chairman, and members of the Commission.  
535 This is a request for a Provisional Use Permit to allow for the 24-hour operation of a Royal  
536 Farms. The subject property is located on the east line of S. Airport Drive, approximately  
537 390 feet from its intersection with Eastpark Court. The site is zoned B-2 Business District.  
538 The surrounding uses include Highland Springs High School, Fair Oaks Elementary  
539 School, undeveloped parcels zoned R-4 in the Jackson Terrace subdivision to the south,  
540 and residential parcels, zoned R-3, in the Scottie Farms subdivision to the west.

541  
542 The applicant has submitted plan of development POD2023-00124 for the proposed  
543 development. In addition to the transitional buffers and setbacks required by code, a  
544 number of conditions have been included to protect existing residential and commercial  
545 uses in the surrounding area. These include limiting the hours of operation of the car  
546 wash, equipping all speaker systems with volume control settings, and limiting access  
547 points to being located only facing S. Airport Drive.

548  
549 The applicant has also submitted a security plan that details the security measures that  
550 are to be implemented on the subject property. On June 29, the applicant held a  
551 community meeting at the Sandston Public Library. This meeting was attended by five  
552 community members who voiced concerns regarding traffic noise, roadway congestion  
553 along S. Airport Drive, and the proposed project's proximity to Jennings Road and the

554 residential properties located there. The 2026 Comprehensive Plan recommends Office  
555 for the subject parcel. Although the proposed project does not fully align with this  
556 designation, this use does align with the site's location within the Enterprise Zone, the  
557 existing B-2 zoning of the property and would expand commercial development along S.  
558 Airport Drive. Due to these reasons, staff recommends approval of this request subject to  
559 the conditions outlined in Section 4 of the staff report. This concludes my presentation  
560 and I'd be happy to answer any questions.

561  
562 Mr. Witte - Any questions by the Commission? Is there anybody in the  
563 audience or on Webex who would like to speak to this case?

564  
565 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

566  
567 Mr. Witte - How would you like to proceed?

568  
569 Mr. Mackey - I'd like to hear from the applicant.

570  
571 Mr. Geiger - Good evening, Mr. Chairman, members of the Commission.  
572 My name is Jeff Geiger. I'm here on behalf of the applicant. I'd like to thank the Planning  
573 staff. In particular, your reviewer from the police department. It's been a real collaborative  
574 effort to arrive at conditions that are included with the PUP conditions that address the  
575 community's concerns and the concerns for safety with respect to this use. We believe  
576 that this use will be very beneficial to those residents in the area that might be working  
577 the 3<sup>rd</sup> shift, to travelers to and from the airport in the late evenings or early morning and  
578 then also to commuters on 64. On behalf of the applicant, we'd appreciate a  
579 recommendation of approval of the PUP request before you. Happy to answer any  
580 questions.

581  
582 Mr. Witte - Any questions by the committee?

583  
584 Mrs. Thornton - I just have a question. What are the statistics from other you  
585 know from this company that has other locations of a car wash being from 12:00 am to  
586 6:00 am limited? Who goes and washes their car at 11:00 at night? Just curious. Is there  
587 any background or statistics on this? Why you chose those hours?

588  
589 Mr. Geiger - Staff suggested those hours on the condition because the  
590 underlying B-2 would allow the car wash to operate up until midnight and then restart at  
591 6. As we have done on some other B-2 PUP requests the car wash hours were not  
592 allowed to continue past midnight. Obviously, I think the staff has had concerns that you  
593 don't want that car wash operating at those hours when the residents might be hearing  
594 them.

595  
596 Mrs. Thornton - Yes, I was just curious because you don't want outdoor  
597 speakers from 11:00 to 6:00 but a car wash is just as loud and you're allowing it to go  
598 to midnight. It's just an observation. I'm just curious why we have a car wash going until  
599 12:00 am when people are sleeping.

600  
601 Mr. Geiger - We're happy to have the hours, the hours of the speakers go  
602 to 12:00.  
603  
604 Mrs. Thornton - No, that's not the way I would like to see it. I'm trying to help  
605 the residents out here.  
606  
607 Mr. Geiger - One of the things I do want you to recognize when we're  
608 looking at the tax map. It looks like those are residents to our south. Those are old. That's  
609 an old 1950 subdivision that never got built. It's owned by a lumber company right now.  
610 We project that that land will ultimately get assembled and developed for commercial  
611 uses. Kind of expanding upon the use that's here and then on the other side of Airport  
612 there's land that is undeveloped and provides a buffer. From the homes and the  
613 subdivisions across Airport. One of the things we worked with on staff particularly at the  
614 POD level is the landscape plan for what is fronting Airport because there was concern  
615 about you know what would the car wash look like, what would the exposure be? So, we  
616 worked with some landscaping along the frontage of Airport.  
617  
618 Mrs. Thornton - Okay, well, could you find out what other car washes in the,  
619 I'm just curious...for future?  
620  
621 Mr. Geiger - Yes, I'd be happy to provide you that information. It's the same  
622 time requirement that we've done for other B-2 PUPs for the carwash.  
623  
624 Mr. Witte - Anyone else with questions?  
625  
626 Mr. Archer - One second. Can you tell me what other Royal Farms there  
627 are that exist near here? I know they're not in Henrico.  
628  
629 Mr. Geiger - If you're asking built in the Richmond region?  
630  
631 Mr. Archer - Yes.  
632  
633 Mr. Geiger - We have some built in Chesterfield or under construction in  
634 Chesterfield.  
635  
636 Mr. Branin - There's one right on 360, 360 and 288. There's five of them in  
637 Fredericksburg. I got coffee at one today.  
638  
639 Mr. Geiger - Thank you. It's primarily a company that's come out of the  
640 Maryland area and is looking to expand into the Richmond region. Royal Farms is working  
641 on a variety of locations primarily Henrico and Chesterfield.  
642  
643 Mr. Archer - Yes, I rode back to New Jersey with my son-in-law a couple  
644 of years ago and out of all of the chicken places that we passed he had to stop at Royal  
645 Farms because of the chicken. So, I'll have to try it I suppose if we get it.

646  
647 Mr. Mackey - Any other questions? There it is, thank you. I'd like to thank  
648 Mr. Geiger and staff for coming together and working on the case. We had a meeting, I  
649 forget what day it was, we had a meeting with staff and Supervisor Nelson talking about  
650 some of these issues. We were able to come together and agree on everything that we  
651 had received. I think we answered all the questions that the community had about the  
652 sound suppression. Not much you can do about traffic. I mean it is the Enterprise area  
653 and there's going to be some traffic out there. There's nothing you can do about that but  
654 I do think it will be a good addition to that area. Mr. Chairman, I move that we recommend  
655 approval of PUP2023-00011, The Marsoby Company, subject to conditions listed in the  
656 staff report.

657  
658 Mr. Archer - I'll second Mr. Mackey's motion.

659  
660 Mr. Mackey - Thank you sir.

661  
662 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer.  
663 All in favor say aye.

664  
665 Commission - Aye.

666  
667 Mr. Witte - Opposed? Motion passes.

668  
669 Mr. Geiger - Thank you.

670  
671 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Archer,  
672 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
673 Supervisors **grant** the request because when properly developed and regulated by the  
674 recommended special conditions, it would not be detrimental to the public health, safety,  
675 welfare and values in the area.

676  
677 Mr. Emerson - Mr. Chairman, the next item on your agenda this evening is  
678 the consideration of approval of your minutes from your regular meeting on June 15, 2023.  
679 I don't believe we have an errata sheet; is that correct? We do not have an errata sheet  
680 but if there are any changes or corrections the Commission wishes to make certainly let  
681 us know and we will take care of those.

682  
683 Mr. Witte - Anyone have changes? Any more business?

684  
685 Mr. Emerson - We need a motion for approval on the minutes.

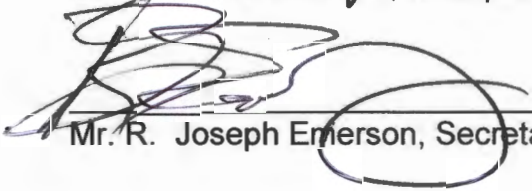
686  
687 Mr. Baka - So moved.

688  
689 Mrs. Thornton - Second.

690

691 Mr. Witte - We have a motion by Mr. Baka, a second by Mrs. Thornton.  
692 All in favor say aye.  
693  
694 Commission - Aye.  
695  
696 Mr. Witte - Opposed? Motion passes.  
697  
698 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this  
699 evening.  
700  
701 Mr. Witte - Anyone else?  
702  
703 Mr. Baka - No sir.  
704  
705  
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707  
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712  
713

  
\_\_\_\_\_  
Mr. Robert H. Witte, Jr., Chairperson

  
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Mr. R. Joseph Emerson, Secretary