

1 Minutes of a work session and the regular monthly meeting of the Planning
2 Commission of the County of Henrico held in the County Administration Building
3 in the Government Center at Parham and Hungary Spring Roads, beginning at
4 7:30 p.m. June 11, 2015. Display Notice having been published in the Richmond
5 Times-Dispatch on May 25, 2015 and June 1, 2015.

6
Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

Members Absent: Mr. Eric Leabough, C.P.C. (Varina)
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

7
8
9 Mr. Witte - Good evening. I'd like to call to order the June 11,
10 2015, meeting of the Planning Commission. This is our Zoning and Provisional
11 Use Permit meeting. I ask that you silence or turn off your cell phones. And while
12 doing that, stand with us for the Pledge of Allegiance.

13
14 Thank you. Other than Mr. Strong, do we have any media in the audience?
15 Welcome, Mr. Strong.

16
17 We have a quorum. Mrs. O'Bannon, our County supervisor, generally sits with
18 us, but she couldn't be with us this evening, and Mr. Leabough is on vacation.
19 With that, I'll turn the meeting over to our secretary, Mr. Emerson.

20
21 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda
22 tonight are the requests for withdrawals and deferrals. Mr. Jim Strauss will
23 present those items.

24
25 Mr. Strauss - Thank you, Mr. Secretary. We do have a request to
26 withdraw this evening. It is in the Three Chopt District and on page 3 of the

27 agenda. It is REZ2014-00035, GAW, LLC. No action is required by the
28 Commission.

29
30 **REZ2014-00035 Andrew M. Condlin for GAW, LLC:** Request to
31 conditionally rezone from B-2C Business District (Conditional) to R-5C General
32 Residence District (Conditional) Parcel 743-762-1862 containing 4.083 acres
33 located at the northern terminus of Tom Leonard Drive. The applicant proposes
34 no more than 48 residential units. The R-5 District allows a maximum density of
35 12 units per acre. The use will be controlled by proffered conditions and zoning
36 ordinance regulations. The 2026 Comprehensive Plan recommends Commercial
37 Arterial. The site is located in the West Broad Street Overlay District.

38
39 At the request of the applicant, REZ2015-00035, Andrew M. Condlin for GAW,
40 LLC, was withdrawn.

41
42 Mr. Strauss - We can now move on to requests for deferrals this
43 evening. The first request for deferral is in the Brookland District on page 1 of the
44 agenda. It's Mr. Bobby Marchetti, PUP2014-00001. The applicant is requesting a
45 deferral to the September 10, 2015 meeting.

46
47 **(Deferred from the January 15, 2015 Meeting)**

48 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for a
49 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
50 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
51 restaurant on part of Parcel 768-757-2032 located 95' east of the east line of
52 Hungary Spring Road approximately 1,025' south of its intersection with Staples
53 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
54 (Conditional). The 2026 Comprehensive Plan recommends Commercial
55 Concentration and Office.

56
57 Mr. Witte - Is there anyone in opposition to the deferral of
58 PUP2014-00001, Malachi M. Mills for Bobby Marchetti? I see none. With that, I
59 move that Malachi M. Mills for Bobby Marchetti, be deferred to the September
60 10, 2015, meeting at the request of the applicant.

61
62 Mr. Archer - Second.

63
64 Mr. Witte - We have a motion by Mr. Witte, a second by Mr.
65 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
66 passes.

67
68 At the request of the applicant, the Planning Commission deferred PUP2014-
69 00001, Malachi M. Mills for Bobby Marchetti, to its meeting on September 10,
70 2015.

72 Mr. Strauss - The second request for deferral this evening is in the
73 Varina District, page 2 of the agenda. That's REZ2015-00016, Michael and
74 Angela Kelly. The applicant is requesting a deferral to the July 9, 2015, meeting.

75
76 **REZ2015-00016 Michael and Angela Kelly:** Request to conditionally
77 rezone from A-1 Agricultural District to R-2AC One-Family Residence District
78 (Conditional) Parcel 823-696-3910 containing 3.955 acres located on the
79 northwest line of Henry Ward Boulevard approximately 490' north of Darbytown
80 Road. The applicant proposes a single family development. The R-2A District
81 allows a minimum lot area of 13,500 square feet and a gross density of 3.22 units
82 per acre. The use will be controlled by zoning ordinance regulations and
83 proffered conditions. The 2026 Comprehensive Plan recommends Suburban
84 Residential 1, density should not exceed 2.4 units per acre. The site is located in
85 the Airport Safety Overlay District.

86
87 Mr. Witte - Is there anyone in the audience opposed to the
88 deferral of REZ2015-00016, Michael and Angela Kelly? I see none.

89
90 Mr. Archer - Mr. Chairman, I move deferral of REZ2015-00016,
91 Michael and Angela Kelly, to the July 9th meeting at the applicant's request.

92
93 Mr. Branin - Second.

94
95 Mr. Witte - We have a motion by Mr. Archer, a second by Mr.
96 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
97 passes.

98
99 At the request of the applicant, the Planning Commission deferred REZ2015-
100 00016, Michael and Angela Kelly, to its meeting on July 9, 2015.

101
102 Mr. Emerson - Mr. Chairman, I believe that completes the
103 withdrawals and deferrals for this evening. Next on the agenda are requests for
104 expedited items, and I believe you have one of those this evening. That will also
105 be presented by Mr. Jim Strauss.

106
107 Mr. Strauss - Thank you, Mr. Secretary. As you said, we do have a
108 request for approval on the expedited agenda this evening. It's in the Tuckahoe
109 District on page 1 of the agenda, REZ2015-00015, MCAP West End LLC. This is
110 a request to amend proffers approved with the original case C-12C-12 to allow
111 an increase in units at the Commonwealth Assisted Living, formerly known as
112 Meadow Glen. The applicant would like to increase the square footage of the
113 existing facility and make some interior improvements. That would result in an
114 increase of units from 70 to 85. Staff is recommending approval. We are not
115 aware of any opposition.

116

117 **REZ2015-00015** **Steven W. Blaine, Esq. for MCAP West End LLC:**
118 Request to amend proffered conditions accepted with rezoning case C-12C-12
119 on part of Parcel 749-754-2538 located on the west line of Gaskins Road
120 approximately 765 feet south of its intersection with Three Chopt Road. The
121 applicant proposes to amend Proffers related to density, and building elevations
122 and materials. The existing zoning is R-6C General Residence District
123 (Conditional). The 2026 Comprehensive Plan recommends Urban Residential,
124 density should range from 3.4 to 6.8 units per acre, and Environmental Protection
125 Area.

126
127 Mr. Witte - Is there anyone in the audience in opposition to
128 REZ2015-00015, Steven W. Blaine, Esq. for MCAP West End LLC? I see none.

129
130 Ms. Jones - Then I would like to move approval to send to the
131 Board of REZ2015-00015, Steven W. Blaine, Esq. for MCAP West End LLC, on
132 the expedited agenda.

133
134 Mr. Archer - Second.

135
136 Mr. Witte - We have a motion by Mrs. Jones, a second by Mr.
137 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
138 passes.

139
140 **REASON -** Acting on a motion by Mrs. Jones, seconded by
141 Mr. Archer, the Planning Commission voted 4-0 (two absent) to recommend the
142 Board of Supervisors **grant** the request because the proffered conditions would
143 provide appropriate quality assurances not otherwise available and would
144 provide for appropriate development.

145
146 Mr. Emerson - Mr. Chairman, we now move into the regular cases on
147 your agenda this evening, beginning on page 2 at the top with REZ2015-00011.
148 The staff report will be presented by Mr. Livingston Lewis.

149
150 **(Deferred from the May 14, 2015 Meeting)**

151 **REZ2015-00011** **Harry Snipes:** Request to amend proffered
152 conditions accepted with rezoning case C-14C-06 on Parcel 759-765-0133
153 located on the south line of Nuckols Road at its intersection with Francistown
154 Road. The applicant proposes to amend proffers to increase the density from 36
155 to 37 lots, and require 50 percent of all homes to have side or rear loaded
156 garages. The existing zoning is R-3C One-Family Residence District
157 (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential
158 2, density should not exceed 3.4 units per acre.

159
160 Mr. Witte - Mr. Lewis, you have the floor.

161

162 Mr. Lewis - Good evening, Mr. Chairman, members of the
163 Commission.
164

165 This request was presented in detail at the May 14, 2015, Planning Commission
166 meeting. As shown on the documents just distributed, the applicant has since
167 made one change in response to a concern raised by the Commission during the
168 previous hearing. Proffer #9 now states all garages shall have a 24-foot-wide
169 interior clear space, as was approved in 2006. All other proposed amendments
170 discussed last month remain part of the request. These include: increasing the
171 number of lots from 36 to 37, allowing detached garages, requiring 50 percent of
172 garages to be side or rear loaded, and ensuring each garage is constructed with
173 the same exterior materials as the home it serves.
174

175 Staff believes the proposed changes are reasonable and supports this request.
176

177 This concludes my presentation. I am happy to answer any questions you may
178 have.
179

180 Mr. Witte - Any questions for Mr. Lewis? Is there anyone in
181 opposition to REZ2015-00011, Harry Snipes? I see none. Would anyone on the
182 Commission like to have Mr. Snipes come forward?
183

184 With that, I move that REZ2015-00011, Harry Snipes, move to the Board of
185 Supervisors, as presented, with a recommendation for approval.
186

187 Mr. Branin - Second.
188

189 Mr. Witte - We have a motion by Mr. Witte, a second by Mr.
190 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
191 passes.
192

193 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
194 Branin, the Planning Commission voted 4-0 (two absent) to recommend the
195 Board of Supervisors **grant** the request because the changes do not greatly
196 reduce the original intended purpose of the proffers.
197

198 Mr. Emerson - Mr. Chairman, we now move on to your next case on
199 the agenda, which also appears on page 2 of your agenda for REZ2015-00014,
200 James W. Theobald for HHH Land, LLC. The staff report will be presented by Mr.
201 Seth Humphreys.
202

203 **(Deferred from the May 14, 2015 Meeting)**

204 **REZ2015-00014 James W. Theobald for HHH Land, LLC:** Request to
205 rezone from A-1 Agricultural District to R-5AC General Residence District
206 (Conditional) and RTHC Residential Townhouse District (Conditional) part of
207 Parcel 749-771-6494 containing 63.409 acres (44.203 acres proposed for R-5AC

208 and 19.206 acres proposed for RTHC) located on the east line of Nuckols Road
209 approximately 800' southeast of its intersection with Opaca Lane. The applicant
210 proposes no more than 130 single family detached homes on zero lot lines and
211 no more than 110 attached townhomes. The R-5A District allows a maximum
212 density of six (6) units per acre and the RTH District allows a maximum density of
213 nine (9) units per acre. The uses will be controlled by zoning ordinance
214 regulations and proffered conditions. The 2026 Comprehensive Plan
215 recommends Office and Environmental Protection Area.

216
217 Mr. Witte - Mr. Humphreys.

218
219 Mr. Humphreys - Thank you, Mr. Chairman, members of the
220 Commission.

221
222 This request is to rezone approximately 63.41 acres from A-1 to R-5AC and
223 RTHC to allow the development of up to 130 single-family residences and 110
224 townhomes. The subject parcel borders Allens Branch along its southeastern
225 border and there may be floodplain in that area. An unnamed stream generally
226 flows from west to east and combines with Allens Branch. A power line easement
227 and gas pipeline easement bisect the property. The remainder of the property is
228 predominantly wooded with deciduous trees and evergreens.

229
230 The surrounding uses include single-family residences along Opaca Lane and
231 Ford's Country Lane, as well as the capped landfill to the southeast. The
232 northeast property line is adjacent to Holloway at Wyndham Forest single-family
233 subdivision, which was rezoned via REZ2013-00014. The first section of that
234 subdivision is currently under construction, and this request would be become an
235 extension of it. Several acreage parcels containing single-family homes and the
236 county's landfill on Ford's Country Lane are located to the southeast. To the
237 northwest are additional single-family homes. The remainder of the subject
238 parcel to the southwest would stay A-1 under this proposal.

239
240 The property is recommended for Office and Environmental Protection Area in
241 the 2026 Comprehensive Plan. The parcel is also part of Prime Economic
242 Development Site #3. This request is not consistent with the land use
243 recommendations of the 2026 Comprehensive Plan. However, after the approval
244 of the Innsbrook Area Study increased the focus of office development in this
245 portion of the County to the Innsbrook area, Planning staff studied alternative
246 recommended uses for the immediate area of this parcel. Staff resolved the most
247 appropriate alternative use for this portion of the parcel would be Suburban
248 Residential 2. The applicant has proffered a maximum of 240 units, which
249 equates to approximately 3.8 units per acre. When combined with the previously
250 rezoned portion of the proposed subdivision—Holloway at Wyndham Forest—the
251 total density would be approximately 2.9 units/acre. Suburban Residential 2
252 recommends a density range up to 3.4 units per acre and a detached single-
253 family form of development. While this request would be consistent with the

254 density recommendation of Suburban Residential 2, it would not be entirely
255 consistent with the recommended form of development.

256
257 The 2026 Comprehensive Plan also contains the County's plans for existing and
258 future road network via the Major Thoroughfare Plan. The MTP shows a Minor
259 Collector Concept Road 135—seen here a designated roadway crossing the
260 property and then replacing Opaca Lane at its current intersection with Nuckols
261 Road. This concept road is essential in providing an adequate road network to
262 serve the planned growth in this area of the County and to relieve Opaca Lane,
263 which serves more rural, large-lot residences as the primary gateway to this
264 development.

265 The conceptual plan submitted with this request shows Holman Ridge Road
266 continuing through the property and intersecting with a proposed collector road,
267 which would then extend to Nuckols Road and replace Opaca Lane at its
268 intersection with Nuckols Road. Opaca Lane would then connect to the proposed
269 collector road further east from its current intersection. And this road network
270 would generally meet the intent of the MTP recommendations for the area.

271
272 The applicant submitted revised proffers dated June 11, 2015. These were
273 distributed to you at the beginning of my presentation and would require waiving
274 the time limits. The new proffers address areas of concern raised in the staff
275 report including:

- 276
- 277 • increased home sizes;
 - 278 • changes to the masonry material percentage on the R-5A lots from 25
279 percent to 50 percent of the homes having at least 25 percent masonry
280 products on the front façade;
 - 281 • increased minimum lot width of the R-5A lots to 55 with 25 percent of
282 them being at least 60 feet wide;
 - 283 • clarification of the landscape buffers in the RTH section;
 - 284 • a decrease of the maximum number of townhomes from 130 to 110;
 - 285 • removal of asphalt as a potential driveway material; and
 - 286 • the addition of proffers addressing future conservation areas, irrigation,
287 street lighting height, a prohibition of central trash receptacles, and a
288 maximum number of townhouses in a single structure.

289
290 Subsequent to the staff report, the applicant submitted a traffic impact analysis
291 for review by the County's traffic engineer. The traffic engineer was able to
292 complete the review by Tuesday of this week and had several comments
293 including the need for a left turn lane from Opaca Lane and the proposed
294 collector to Nuckols Road.

295
296 While this request is not entirely consistent with alternative land use
297 recommendations to the 2026 Comprehensive Plan, as detailed in the analysis
298 conducted by the Planning Department, the proffers submitted by the applicant
299 could make this request an acceptable alternative. With the traffic engineer's

300 review having been finished on Tuesday this week, the applicant may not have
301 had sufficient time to fully assess their response to the issues raised. If the
302 applicant could address the comments of the traffic engineer, Planning Staff
303 could fully support this request.
304

305 This concludes my presentation and I would be happy to answer any questions.
306

307 Mr. Witte - Is there any opposition to REZ2015-00014, James W.
308 Theobald for HHH Land, LLC? Okay. Does the Commission have any questions?
309

310 Mr. Branin - I have none for staff yet, but don't go far.
311

312 Ms. Jones - Can I ask a quick one?
313

314 Mr. Branin - Absolutely.
315

316 Ms. Jones - Did I understand you correctly that all of your
317 concerns which were in the original staff report have been addressed except for
318 the results of the traffic study?
319

320 Mr. Humphreys - Yes ma'am. And those concerns weren't in the staff
321 report because at that time we hadn't received the traffic impact.
322

323 Ms. Jones - Correct. Right. Okay.
324

325 Mr. Witte - All right. Mr. Secretary, would you like to read the
326 rules, please?
327

328 Mr. Emerson - Yes sir, Mr. Chairman. The Commission does have
329 guidelines regarding public hearings, and they are as follows: The applicant is
330 allowed ten minutes to present the request, and time may be reserved for
331 responses to testimony. Opposition is allowed a cumulative ten minutes to
332 present its concerns. Commission questions do not count into the time limits. The
333 Commission may waive the time limits for either party at its discretion. Comments
334 must be directly related to the case under consideration. Again, the opposition is
335 allowed ten minutes cumulative, meaning as many speakers that can be
336 accommodated within a ten-minute time frame.
337

338 Mr. Witte - Mr. Branin, how would you like to proceed?
339

340 Mr. Branin - We're already prepared, so I will hear from the
341 opposition first.
342

343 Mr. Witte - All right.
344

345 Mr. Ford - I'd like to introduce myself. I'm Jeff Ford. If you notice
346 that road right there that says Ford's Country Lane, I am the Ford. It's been in my
347 family since 1830. So I'd like to note that.

348
349 If this goes through—I know it's going through, and I don't have a problem with
350 this development. But it's going to cut my farm and three other parcels right in
351 half. If you look up there, that's my farm on the left. Right there before you get—
352

353 Mr. Witte - Mr. Ford?

354
355 Mr. Ford - Yes sir.

356
357 Mr. Witte - If you'll use the mouse.

358
359 Mr. Ford - Okay. You see this farm right here? That whole piece
360 of property is mine. This is my uncle's, and this is a good friend of mine's right
361 here. It's going to cut that whole place right in half.
362

363 I've never asked this County for one dime. I have done nothing but pay taxes. I
364 spoke to you, Mr. Branin, about getting on the tow list. I own a small tow
365 company in this County. I couldn't get on it. I accepted that; it was full. But I do
366 not think that this County should have one option to bring that road through and
367 cut all of those farms in half. I think there should be one other option to go around
368 these places. It's going to just devalue my property to no end. As of right now,
369 that's probably a \$4 million piece of property. As of right now. And if it cuts in half,
370 who knows what's going to happen.
371

372 Mr. Emerson - Mr. Ford, you do understand that's a concept road.
373 And the road coming across—
374

375 Mr. Ford - I understand that.

376
377 Mr. Emerson - It wouldn't be built at this time.

378
379 Mr. Ford - I understand that. And I knew that I was going to be
380 questioned about that. But the only problem I want to know is can we have
381 another option. That's all I'm asking for.
382

383 Mr. Branin - Mr. Ford, there is a current option.

384
385 Mr. Ford - What is that? I haven't been notified of that.

386
387 Mr. Branin - Ford's Country Lane. That's the current option.

388
389 Mr. Ford - I was told that was going to be shut off. That's exactly
390 what I was told at the last meeting we were at.

391
392 Mr. Branin - And I think I spoke with your son—
393
394 Mr. Ford - No, you weren't there.
395
396 Female - [Off microphone.] Yes he was.
397
398 Mr. Ford - Oh. Well I didn't speak to you.
399
400 Mr. Branin - And I don't believe you ever talked about the towing.
401 Your son was there, right?
402
403 Mr. Ford - No. I have no son.
404
405 Mr. Branin - Okay. Then it was one of your neighbors.
406
407 Mr. Ford - Maybe.
408
409 Mr. Branin - And they brought up the same conversation. This is a
410 concept road. The County has drawn this in as a concept. If this is built, that
411 doesn't mean that road is ever going to be built. The only way that Ford's
412 Country Lane would be closed is if this concept road was ever built.
413
414 Mr. Ford - It's an "if."
415
416 Mr. Branin - That is a true "if." There's no if, ands, or buts about it.
417 We put concept roads for good planning's sake on all sorts of property, and they
418 never come about. This is a proposed—if this develops out, this would be a good
419 place for a good road to come through if it's chosen to be developed out. And at
420 that point when it's developed out and this road is built, at that time Ford's
421 Country Lane would be closed.
422
423 Mr. Ford - Okay. So, all right.
424
425 Mr. Branin - One of your neighbors was there and I don't—
426
427 Mr. Ford - I have no idea who that was.
428
429 Mr. Branin - And they had the exact same concern. And they had
430 heard the same exact thing. And I said that doesn't make any sense. What are
431 you saying? And they repeated it. And I said no, no, no, it's a concept. It's a
432 concept road, which means as we look at the County, as we look at
433 development, and we say okay, as this develops out in the future, if this develops
434 out in the future—your family may choose never to sell or develop, and this road
435 will never go in, and Ford's Country Lane will remain until you all change it.
436

437 Mr. Ford - Okay. Well thank you.
438
439 Mr. Branin - Yes sir.
440
441 Mr. Ford - I appreciate that.
442
443 Mr. Branin - Yes sir.
444
445 Mr. Witte - Is there any other opposition? Would you like to come
446 forward? Please come forward and state your name.
447
448 Mr. Oliver - My name is Thomas Oliver, and I live at 11110 Opaca
449 Lane. I've been there for twenty-five years. For most of those years, it's been a
450 dead-end street, which we really appreciated. But a few years ago, there was a
451 road put through at the end of our street over towards Rivers Edge Elementary. It
452 meant a lot of traffic on the road, something we weren't used to. It means a lot of
453 people walking up and down the road, a lot of people jogging, a lot of people
454 walking their dogs. We don't have any sidewalks. And the traffic concerns me.
455 When I'm out mowing the grass on the road side of my ditch, I surely am careful
456 to see what's coming down the street. Like I say, we don't have sidewalks. I
457 suspect that if it keeps going in the direction it's going, it'll have a similar fate as
458 Twin Hickory did. It will end up with sidewalks and perhaps two lanes in each
459 direction. I don't know. I would really not like to see that.
460
461 I heard some comments about the traffic study that was completed on Tuesday.
462 Unless I'm really, really mistaken, on Tuesday Opaca Lane was closed to
463 through traffic. So I don't know how much good information he could have gotten
464 from the traffic counters.
465
466 So yes, traffic is my concern. And at the meeting that Mr. Branin attended, we
467 discussed some options, and I brought up something that I don't know if any
468 consideration was given to. The proposed road through the rezoned property
469 would kind of wind through and come back on Nuckols, and Opaca would not go
470 out onto Nuckols anymore, but instead would go into this—I think you call it a
471 collector road. That's really not going to stop traffic coming down Opaca very
472 much. Not many people are going to want to wind through the new subdivision to
473 get out to Nuckols Road. I even asked that it be considered that Opaca Lane
474 again be closed off and become a dead-end street and that the traffic from the
475 new subdivisions be routed through the new subdivisions instead of directly down
476 Opaca Lane. I don't know if that proposal or thought was really given any
477 consideration, but I hope it would be.
478
479 That's all I have to say.
480
481 Mr. Branin - Thank you, Mr. Oliver. Mr. Oliver, the comments that
482 came out of that meeting were greatly heard. The original thought and plan that I

483 thought would be—would you take the mouse and show me where your house
484 is?

485

486 Mr. Oliver - I am right here.

487

488 Mr. Branin - Okay. You're right in the middle. Okay. You're almost
489 directly on a diagonal from the Doshes. We had talked in that meeting a couple
490 times about coming down—if you take the mouse down to where the road splits
491 there and opens up—and making it a cul-de-sac down there. With the wisdom of
492 our Public Works and Traffic, they said that is absolutely crazy. And I said really,
493 why is that. And they said you're going to create more traffic for Opaca by doing
494 that because the people coming in off of Nuckols will go down, turn around, and
495 come back and create an issue. If you were going to consider it and do it, you
496 should do it at the other end.

497

498 So if you would take the mouse and put it right next to where the church outlet is.
499 Okay. It would actually work better there.

500

501 Mr. Oliver - What would work better there?

502

503 Mr. Branin - A cul-de-sac.

504

505 Mr. Oliver- Okay.

506

507 Mr. Branin - What that would do is create—people are not going to
508 come in. There would be dead-end signs, of course, saying “No Through Traffic –
509 Dead End” and the other end. And what that would do is it would allow Opaca to
510 become what you originally were, a dead-end road. The only inconvenience
511 would be—and we'll be handling that at the next meeting, which Mr. Kaechele
512 will be at, and Public Works is still reviewing it, and still looking at it, and seeing
513 how it would be funded, and how it could be done. But it is in the works and will
514 be presented to the neighborhood with Mr. Kaechele in regards to putting in a
515 cul-de-sac at that end, which would prevent traffic. The inconvenience for you all
516 will be having to go down to Twin Hickory and come back around. But it will
517 return your street to what it was originally was.

518

519 Mr. Oliver - Well I think what I was asking about was, as it is now,
520 we have—the Hunt development has some models right here, new models. And I
521 was hoping that Opaca Lane could end right there at their models, they wouldn't
522 have access to the models through Opaca Lane if it was dead-ended there, but
523 they would have access through their newly zoned subdivision and through the
524 Rivers Edge development. That's kind of where I was hoping the cul-de-sac
525 would end.

526

527 Mr. Branin - But traffic-flow wise, keeping traffic off of Opaca,
528 reverse back and forth, and actual room to create a cul-de-sac, it actually works

529 better at the top. So that would be discussed with the neighborhood when Mr.
530 Kaechele is with us.

531

532 Mr. Oliver - All right. Well, I expressed my concerns, and I thank
533 you for hearing them.

534

535 Mr. Branin - Yes sir.

536

537 Mr. Witte - Thank you, Mr. Oliver.

538

539 Mr. Branin - I would like to hear from the applicant. While the
540 applicant is coming up, ladies and gentlemen, I apologize. I left Virginia Beach at
541 3:00 this evening and sat inside the tunnel for over an hour and a half. So I
542 apologize for arriving way, way late.

543

544 Mr. Theobald - Good evening, members of the Commission. My
545 name is Jim Theobald, and I'm here this evening on behalf of HHH Land LLC.
546 This is a request to rezone approximately 63 acres from A1 to R5-A and RTH
547 and represents an extension of Holloway at Wyndham Forest, and will be
548 annexed into the greater Wyndham Forest community. I believe this represents
549 an appropriate land use transition as you come from the single-family detached
550 homes with larger lots into single-family detached homes with slightly smaller lots
551 into an RTH owner-occupied townhome community heading towards the landfill
552 and the busy intersection with 295. And of course this portion of the property
553 abuts the landfill. So I think it's a classic transition of uses from less dense to
554 more dense as you hit a more active area.

555

556 The request before you this evening represents 130 single-family detached
557 homes in the R-5A category and 110 townhomes in RTH. When taken together
558 with the previous Holloway rezoning, we believe this request is consistent with
559 the density recommendations of the Planning Department's small area plan,
560 which suggests a density not to exceed 3.4, which we would be under.

561

562 We've had some discussions about the connector road. Please note on this
563 blowup that the plan is to come off of Nuckols Road and curve around to the
564 right, if you will, if you're coming from that direction. This is consistent with the
565 Thoroughfare Plan connection. We're going to build that road to this point. This
566 portion of the road would not be constructed until such time as the property
567 owned by the Pruitt family would be constructed. At this time, we don't know what
568 that use might be, whether it would be office. I know they've had aspirations for
569 retail in the past. Assisted living has been mentioned and a variety of other uses.
570 So at such time as that piece develops, the road would be extended.

571

572 And then as you were explaining to Mr. Ford, and very importantly, this road
573 cannot extend beyond here unless these property owners agree to sell, in which
574 event the developer would continue that road across. And I would suggest that

575 the possibility of this road ending here actually adds value to those parcels
576 should they decide to sell in the future. But that's totally up to them. Nobody's
577 going to extend that road unless that property has been sold and is in
578 development.

579
580 Mr. Branin - Mr. Theobald, when you take the mouse up to the
581 beginning of the portion of road that you all would be asked to build and follow it
582 down—

583
584 Mr. Theobald - The collector road would come down around to the
585 right, if you will, and then it would connect here. This is the extension of Holman
586 Ridge.

587
588 Mr. Branin - Okay. Back up to the right. Down, down. Down, down.
589 Okay. What about that other section of road?

590
591 Mr. Theobald - This section would be built—is going to be still owned
592 by the Pruitts. It's not part of what we're purchasing. And so at such time as the
593 front develops, this would be dedicated and constructed.

594
595 Mr. Branin - And whatever the Pruitts decided to develop in there,
596 whether it's—they haven't submitted anything to the County. So whatever they
597 choose, if they came off of Nuckols, it's feasible to say that that portion of road
598 would never even be built.

599
600 Mr. Theobald - Yes, that's a possibility. If they could justify a curb cut
601 for a lower density use, like an assisted living facility. I don't know what the
602 spacing is. It's a little tight in there, but yes, that's a possibility. And this section
603 would not be needed.

604
605 Mr. Branin - Okay. Okay. Go ahead and take the mouse all the
606 way up like we're going onto Nuckols Road. There we go. You have heard with
607 the report that has come in now the need for a left turn lane with the
608 improvements and the changing of Opaca to curve into this development. Have
609 you given thought, consideration, and planned for that?

610
611 Mr. Theobald - Well, we've done a traffic impact analysis as
612 requested by the County. The results of that analysis suggest that that left turn
613 lane is not needed. I think the traffic engineer, who can speak for himself, desires
614 that left turn lane. But we're at a level of service of B in the morning and C, I
615 think, at night when we build our community. We have planned for the
616 improvements consistent with the impacts that we have for our community. If this
617 were to develop at something more intense, that left turn lane may well be
618 warranted. You have the large horse farm in the back. We don't know what the
619 future use of that might be. If that might be developed, then we might do that.
620 The reason you do a traffic impact analysis is to gauge what improvements might

621 be needed based on your impacts, not the world's impacts. So at this point, we
622 believe that the traffic analysis is correct, and that left turn lane is not warranted
623 by our development. We're still discussing it with the traffic engineer.

624
625 Mr. Branin - Okay. I have no further questions for Mr. Theobald.
626 Anyone else?

627
628 Mr. Witte - Any of the Commission members have questions?

629
630 Mr. Theobald - I just had a couple more comments.

631
632 Mr. Witte - I have a question.

633
634 Mr. Theobald - Go ahead.

635
636 Mr. Witte - In the agenda, it said 130 units. My understanding is
637 it's a maximum of 110.

638
639 Mr. Theobald - Yes sir, of the townhomes.

640
641 Mr. Witte - Okay.

642
643 Mr. Theobald - I'll be quick and go through the rest of these. This is
644 just a slide showing some amenities. It's a paved trail through the community
645 connecting to the trails that will or do exist in Wyndham Forest presently. A
646 community center is proposed to be constructed in this area. A minimum of 2400
647 square feet. That would be for the benefit of the entire Wyndham Forest
648 community.

649
650 Elevations of proposed single-family, the R-5A homes, Craftsman in style. There
651 is no vinyl on these homes. And the proffer was changed so that 50 percent of
652 the homes would have a minimum of 25 percent brick or stone front. The
653 elevations for the townhomes, again, no vinyl and a limitation on the amount of
654 brick—or minimum requirements on the amount of brick.

655
656 I think Mr. Humphreys has summarized these proffers. They're consistent with
657 previous proffers for Wyndham Forest and basically commit to everything that
658 has just been said: cap on number of homes, percentages of brick, foundation
659 plantings, sod and irrigation, etc. Square footages have been increased since the
660 case was originally filed in connection with discussions with Mr. Kaechele, Mr.
661 Branin, and staff.

662
663 We believe this represents a logical transition of uses, it's consistent with the
664 area of zoning, and would be yet another quality and hopefully award-winning
665 HHHunt development.
666

667 With that, I'd be happy to answer any additional questions you might have.
668
669 Mr. Witte - Questions?
670
671 Mr. Branin - No, you're first; you're the chief.
672
673 Mr. Witte - You have the floor.
674
675 Mr. Branin - Okay. Mr. Theobald, I want to thank you and HHHunt.
676 I know in the community meeting we had, we discussed amenities, we discussed
677 road, we discussed Opaca. And one of the things that that neighborhood didn't
678 pick up as I did was square footage. When Mr. Kaechele and I got together in
679 regards to this case, the quality of materials being increasing brick. So I want to
680 thank you on behalf of Mr. Kaechele and myself for lowering the density,
681 increasing lot size, increasing brick, and following the quality assurance that we
682 push for.
683
684 Mr. Theobald - Yes sir.
685
686 Mr. Branin - So I appreciate that. As I let you go and we go on,
687 we're going to have more conversation about the turn lane. Okay?
688
689 Mr. Witte - Don't go too far, Mr. Theobald. I missed one
690 gentleman that had comments to make.
691
692 Mr. Theobald - Okay, sure.
693
694 Mr. Witte - Sir, do you still have comments?
695
696 Mr. Hulcher - [Off microphone.] I do. Thank you.
697
698 Mr. Witte - I'm sorry. Please come to the podium.
699
700 Mr. Branin - These meetings are recorded for minutes, so if you
701 could please state your name for the record.
702
703 Mr. Hulcher - Thanks. I'm Richard Hulcher. My wife and I, Ann
704 Marie Andre, just bought the property at 11152 Opaca back in January, which is
705 adjacent to the entrance to Mount Vernon Baptist Church.
706
707 A couple comments about the traffic study. The traffic study tubes were put right
708 across the road right near our home. I cross over them at least twice a day. But
709 for most of the last month, Opaca has been closed to through traffic. There have
710 been signs posted at Nuckols Road saying Opaca closed to through traffic. So
711 I'm not sure how accurate those traffic studies are in reflecting the amount of
712 traffic there would be if it wasn't closed to through traffic. So I think most of the

713 residents back in the section at the end of Opaca to the left have learned that the
714 road's usually closed, so they're going a different way. So our concern is traffic.
715

716 Also, with all the development at the end of Opaca, to expect people to wind
717 through the new development to exit is unrealistic. Opaca is a straight shot.
718 We're already—as one of the other gentlemen said, we take our lives into our
719 hands when we cut the grass on the other side of the ditch. There's a
720 tremendous amount of construction traffic. And I've also questioned where is
721 construction traffic is going to be routed for this new development. Is it going to
722 come all the way in and come in the back way or is the new road at the front near
723 Nuckols Road going to be built first, and is that going to take all the construction
724 traffic.
725

726 Those were a couple of my concerns. That's all I have.
727

728 Mr. Witte - Any questions?
729

730 Mr. Branin - Mr. Hulcher, what do you think of the concept of
731 shutting Opaca down because the cul-de-sac would be at your house.
732

733 Mr. Hulcher - Well I did like the idea of shutting it down, and I
734 actually was home today about 12:30 and met two gentlemen from Public Works
735 who were looking at that. They both told me that that's really a bad idea for that
736 location because of the large storm drain that crosses the road right in that
737 general area. I also think it's sort of silly to take part of my property, part of the
738 church property, part of Ms. Jones's property across the street to do a cul-de-sac
739 when you can move it down two lots to where there's a piece of property that's
740 been vacant for thirty years, and take a little piece of their property, which is a
741 two-acre lot as opposed to my one acre, and put it in at a substantially lower cost
742 to the County. So I would favor it, but I would favor moving it down and putting it
743 all on one side of the street. Instead of centering it in the middle of the street, just
744 put it on the one side of the street as a turnaround. That seems like a simple,
745 cost-effective way to do it.
746

747 Mr. Branin - Then we'll look at it.
748

749 Mr. Hulcher - Thank you.
750

751 Mr. Branin - Okay.
752

753 Mr. Witte - Any other questions?
754

755 Mr. Branin - Mr. Theobald, I know the first thing you're going to
756 say to me is—
757

758 Male - We have another speaker who's here to speak—

759
760 Mr. Branin - Please come up, sir.
761
762 Mr. Witte - Is there anyone else?
763
764 Mr. Emerson - We have approximately two minutes left.
765
766 Mr. Rosenberg - [Off microphone.] I'm just in support.
767
768 Mr. Branin - How much time?
769
770 Mr. Emerson - Approximately two minutes.
771
772 Mr. Rosenberg - Good evening. My name is Eric Rosenberg. I live at
773 12001 Sumner Court, and I am the president of the Wyndham Forest
774 Homeowners Association. When I was elected to this position by the residents of
775 the community, I was approved also by our existing board of directors. My
776 primary duties include representing the HOA in every way to preserve our quality
777 standards of our community.
778
779 That being said, over this past year or so, I've been invited to sit in on several
780 meetings with HHHunt Development Company and myself to discuss both
781 Holloway phase 1 and Holloway phase 2 as part of the Wyndham Forest
782 community. I want to say that HHHunt has been very, very forthcoming with all
783 information. Anything that's come to light we, as a board, are made aware of it
784 immediately. We very much appreciate their candor in the situation. They've
785 taken the time to come to our board meetings, and meet with us personally, and
786 explain exactly what their intentions are.
787
788 Based on the governing documents, it's HHHunt's right to annex our subdivision
789 with the Holloway phase based on the requirements in our documents. Based on
790 the size of this phase 1/phase 2, they could have easily said no. But by speaking
791 to us and working out the situation that it has, we're kind of grateful that they did.
792
793 By annexing these communities into our subdivision, they've allowed the use of
794 new amenities for us, which will be really nice. Because for the past fifteen years
795 that I've lived in the community, we've never had a central meeting place for
796 meetings or community events or anything like that. So we really, really
797 appreciate it, the land use that we're going to get, as well as the building
798 structure itself. We've always had to the library or to our management company
799 or elsewhere. So we're very grateful for that opportunity.
800
801 Also, by annexing into our subdivision it presents us with an amazing cash flow
802 position enabling us to do many great things to our community to improve and
803 increase our standards of living.
804

805 So I just wanted to thank you for your consideration and say that we're just very
806 much looking forward to this community.

807

808 Mr. Branin - Mr. Rosenberg, at the community meeting, there was
809 discussion between you and some other members of the community about a
810 pool, no pool, community building. You guys are happy with where you are,
811 correct?

812

813 Mr. Rosenberg - I have to be very clear on this. The HOA board is very
814 excited about the planning of a building structure. I do not speak for the individual
815 members of the community. There are some that probably would desire a
816 swimming pool; however, it's not our checkbook.

817

818 Mr. Branin - And I believe Hunt's providing the land if you choose
819 to build one at your community center.

820

821 Mr. Rosenberg - There is space available to do something down the
822 road.

823

824 Mr. Branin - Okay. All right.

825

826 Mr. Witte - Questions? Thank you, sir.

827

828 Mr. Rosenberg - Thank you.

829

830 Mr. Branin - When would this come before the Board?

831

832 Mr. Emerson - It will come before the Board at the July the—

833

834 Mr. Branin - July 8th?

835

836 Mr. Emerson - I'm sorry. No, the eighth is a Tuesday. It would be the
837 seventh.

838

839 Mr. Branin - July 7th?

840

841 Mr. Emerson - Yes.

842

843 Mr. Witte - Eighth.

844

845 Mr. Emerson - It's the fourteenth. Right, it's the second Tuesday. I
846 apologize. It is the fourteenth.

847

848 Mr. Branin - The fourteenth. Okay.

849

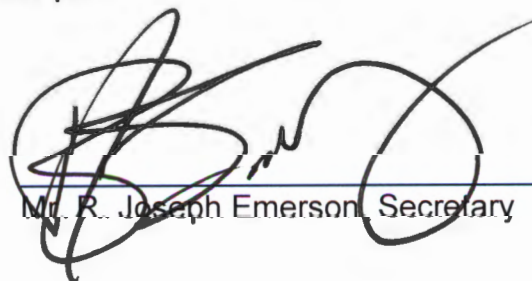
850 Mr. Emerson - July 14th.

851
852 Mr. Branin - Mr. Theobald, the last comment to you. If you and
853 HHHunt would please start now in setting up a meeting with the community for
854 review with Mr. Kaechele.
855
856 Mr. Theobald - Okay.
857
858 Mr. Branin - He was ill for our meeting.
859
860 Mr. Theobald - Right.
861
862 Mr. Branin - And I know he wants to get into the community before
863 this comes before him.
864
865 Mr. Theobald - That's not a problem. I'll be happy to do that. And just
866 one last comment because there was some confusion over this. Those counter
867 bars that are down there now were done by the County. We actually did our
868 counts in April. So this recent closing of Opaca with the counters over there was
869 irrelevant to our study. So ours was done with actual counts back in April.
870
871 Mr. Branin - And I also have made a note to run another study. As
872 soon as I review this with Mr. Kaechele this evening, he's going to say to run
873 another traffic study and check on the construction being close.
874
875 Since you opened the door and spoke about construction, where was the
876 construction traffic going to come in in regards to this project?
877
878 Mr. Theobald - Honestly, we have no real way to keep it off of Opaca.
879 I know there are twelve or more homes there. Some of it will go through there or
880 if it's all going to go through Wyndham Forest, there are scores and scores of
881 homes. So you sort of pick your route. But there's no realistic way to keep that
882 traffic off of there. The sooner we get the road built, the sooner traffic will get off
883 of Opaca.
884
885 Ms. Jones - So is the assumption that between now and the Board
886 the issue of the turn lane or no turn lane and those kinds of traffic-related items
887 will be resolved?
888
889 Mr. Theobald - Well, we're going to continue to discuss it. We may
890 end up agreeing to disagree. That really should be a POD subdivision issue
891 when you know what the surrounding land uses are. But we are going to
892 continue to talk about it.
893
894 Ms. Jones - That's why I was asking.
895
896 Mr. Theobald - Right now I'm building roads to nowhere, so.

897
898 Mr. Branin - I have no further questions.
899
900 Mr. Theobald - Thank you.
901
902 Mr. Witte - How would you like to proceed, sir?
903
904 Mr. Branin - First, to do anything, I would like to move to waive the
905 time limits for REZ2015-00014, James W. Theobald for HHH Land, LLC.
906
907 Ms. Jones - Second.
908
909 Mr. Witte - We have a motion by Mr. Branin, a second by Mrs.
910 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
911 passes.
912
913 Mr. Branin - Then, Mr. Chairman, I'd like to move that REZ2015-
914 00014, James W. Theobald for HHH Hunt Land, LLC, move forward to the Board of
915 Supervisors with a recommendation for approval with the understanding that
916 there will be a community meeting and review of the turn lane.
917
918 Mr. Archer - Second.
919
920 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
921 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
922 passes.
923
924 **REASON** - Acting on a motion by Mr. Branin, seconded by Mr.
925 Archer, the Planning Commission voted 4-0 (two absent) to recommend the
926 Board of Supervisors **grant** the request because it would permit development of
927 the land for residential uses in an appropriate manner.
928
929 Mr. Emerson - Mr. Chairman, we now move on to the next item on
930 your agenda, which appears on page three. That is the consideration of the
931 approval of your minutes of the May 14, 2015 meeting. You also have an errata
932 sheet with those minutes.
933
934 Mr. Witte - Excuse me. Are you all waiting for a specific case?
935
936 Female - [Off microphone.] No. [Inaudible.]
937
938 Mr. Witte - Okay.
939
940 Mr. Archer - You didn't have to leave.
941
942 Mr. Branin - [Off microphone.] What are you waiting for?

943
944 Several - We need [unintelligible].
945
946 Mr. Witte - Hold us up in the beginning; hold us up in the end.
947
948 Mr. Branin - [Off microphone.] All right. I move for adjournment.
949
950 Ms. Jones - That's not what we're voting on.
951
952 Mr. Emerson - We have an action to take yet here, Mr. Branin.
953
954 Ms. Jones - All right. I was moving. Shall I continue?
955
956 Mr. Witte - Yes, absolutely.
957
958 Ms. Jones - I move that we approve the minutes as corrected.
959
960 Mr. Archer - I second what you just said.
961
962 Mr. Branin - I'll third it.
963
964 Mr. Witte - We have a motion by Mrs. Jones, a second by Mr.
965 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
966 passes.
967
968 Mr. Emerson - Mr. Chairman, I have nothing further for the
969 Commission this evening.
970
971 Mr. Branin - Move to adjourn.
972
973 Mr. Archer - Second.
974
975 Mr. Witte - So be it. Thank you, staff.

976
977 The meeting was adjourned at 8:20 p.m.
978
979
980
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982
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986
987
988



Mr. R. Joseph Emerson, Secretary

989
990
991



Mr. Robert H. Witte Jr., Chairman