

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, June 15,**
4 **2023. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **May 29, 2023, and June 5, 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 Ms. Rosemary Deemer
26 Ms. Madison Neisz
27 Mr. Billy Moffett, Police *
28

29 * (Virtually)
30

31 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains on all**
32 **cases unless otherwise noted.**
33

34 Mr. Witte - Good evening, welcome to the June 15, 2023, meeting of the
35 Planning Commission. I want to welcome everybody and ask that you mute or turn off
36 your cell phones and while doing so stand with us for the Pledge of Allegiance.
37

38 [Recitation of Pledge of Allegiance]
39

40 Mr. Witte - Do we have any news media in the audience today? No?
41 Okay. With that we have a quorum. All members are present. We have the honorable
42 Tommy Branin from the Three Chopt District is our representative from the Board of
43 Supervisors. He'll refrain from voting unless otherwise noted. I think with that I'll turn it
44 over to Mr. Emerson.
45
46

47 Mr. Emerson - Thank you Mr. Chairman. I'd like to join with you welcoming
48 everyone to the Henrico County Planning Commission public hearing this evening for
49 June 15. This evening it is requested that all public comments be provided from the lectern
50 at the rear of the room. For everyone who's watching the livestream on the county
51 website, you can participate remotely in the public hearing by following these guidelines.
52 There are also on the screen in front of you. Go to the Planning Department's meeting
53 webpage at henrico.us/planning/meetings. Scroll down under Planning Commission and
54 click on Webex Event. Once you have joined the Webex Event, please click the chat
55 button in the bottom-right corner of the screen. Staff will send a message asking if anyone
56 would like to sign up to speak on an upcoming case. To respond, select Seth Humphreys
57 from the drop-down menu and send him a message. He will get you placed in the queue
58 to speak. For everyone both online and in the room the Commission does have guidelines
59 for its public hearings. The applicant is allowed 10 minutes to present the request and
60 time may be reserved for responses to testimony. The opposition is allowed a cumulative
61 10 minutes to present its concerns. What that means is that everyone who wishes to
62 speak regarding the case must be included in that 10-minute allowance of time.
63 Commission questions do not count into those time limits. The Commission may waive
64 any of the time limits at its discretion. Comments must be directly related to the case
65 under consideration. Commenters must provide their name and address prior to speaking
66 for our record. We do keep verbatim minutes so we like to be able to contact you for any
67 corrections or changes if we can't understand exactly how the recording comes together.
68 Thank you again for your participation and interest in your community this evening. With
69 that Mr. Chairman, we move into requests for withdrawals and deferrals and those will be
70 presented by Mr. Ben Sehl.

71
72 Mr. Sehl - Good evening, Mr. Chairman, members of the Commission.
73 Staff is aware of one deferral request this evening. It's in the Varina District and on Page
74 1 of your agenda. This is PUP2023-00005, Randy Hooker for DRB III Trucking, LLC.

75
76 **PUP2023-00005 Randy Hooker for DRB III Trucking, LLC:** Request for a
77 Provisional Use Permit under Sections 24-4205 and 24-4324 of Chapter 24 of the County
78 Code to allow a truck/trailer parking lot on Parcel 815-699-8388 located at the southeast
79 intersection of Darbytown Road and Miller Road. The existing zoning is B-3 Business
80 District. The 2026 Comprehensive Plan recommends Planned Industry. The site is
81 located in the Airport Safety Overlay District.

82
83 With this request the applicant is asking to be deferred until your August 10, 2023,
84 meeting.

85
86 Mr. Witte - How would you like to proceed sir?

87
88 Mr. Mackey - If there's no opposition to the deferral?

89
90 Mr. Witte - Do we have any opposition to the deferral?

91
92 Ms. Mallow - Mr. Chairman, there's nobody on Webex for this case.

93
94
95 Mr. Mackey - Alright, Mr. Chairman, with there being no opposition I move
96 that PUP2023-00005, DRB III Trucking, LLC be deferred to the August 10, 2023, meeting
97 at the request of the applicant.
98
99 Mr. Archer - Second.
100
101 Mr. Witte - Who seconded?
102
103 Mrs. Thornton - Mr. Archer.
104
105 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer. All
106 in favor say aye.
107
108 Commission - Aye.
109
110 Mr. Witte - Opposed? Motion passes.
111
112 Mr. Emerson - Mr. Chairman, unless the Commission has any other deferrals
113 to enter we will move on to the request for expedited items and those will also be
114 presented by Mr. Sehl.
115
116 Mr. Sehl - Thank you again. There are two items on the expedited
117 agenda this evening. The first is in the Fairfield District on Page 1 of your agenda. It's
118 REZ2023-00018.
119
120 **REZ2023-00018 Jeffrey P. Geiger for Sauer Properties, Inc.:** Request to
121 conditionally rezone from R-2A One-Family Residence District and O-3C Office District
122 (Conditional) to C-1C Conservation District (Conditional) Parcel 785-767-1068 containing
123 6.097 acres located at the northwest intersection of Virginia Center Parkway and J.E.B.
124 Stuart Parkway. The applicant proposes a conservation district. The uses will be controlled
125 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
126 recommends Office/Service and Environmental Protection Area.
127
128 With this case the applicant is proposing a Conservation District to come into compliance
129 with proffers accepted on a rezoning case recently heard by the Commission and
130 approved by the Board of Supervisors. Staff is unaware of any opposition to this request
131 and is recommending approval. I'd be happy to try and answer any questions you might
132 have.
133
134 Mr. Witte - Is there anyone in the audience or on Webex that would like
135 to speak to this for or against?
136
137 Ms. Mallow - Mr. Chairman, there's nobody on Webex for this case.
138

139 Mr. Witte - Mr. Archer.

140

141 Mr. Archer - Mr. Chairman, since there is no opposition, I move that we
142 grant or recommend approval of Sauer Properties Inc., according to the contents of the
143 staff report.

144

145 Mrs. Thornton - Second.

146

147 Mr. Witte - We have a motion by Mr. Archer, a second by Mrs. Thornton,
148 all in favor say aye.

149

150 Commission - Aye.

151

152 Mr. Witte - Opposed? Motion passes.

153

154 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,
155 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
156 Supervisors grant the request because it conforms to the recommendations of the
157 Comprehensive Plan.

158

159 Mr. Sehl - Next on your expedited agenda is REZ2023-00020. This is on
160 Page 2 of your agenda in the Tuckahoe district. This is Grayson Hill Townhome
161 Association, Inc.

162

163 **REZ2023-00020 Barry Hofheimer for Grayson Hill Townhome Association, Inc.:**
164 Request to amend proffers accepted with C-35C-04 on Parcels 746-741-0352, 745-740-
165 6503, 746-741-4166, 745-741-2425, 745-740-8542, 744-740-7756, 745-740-0314, 745-
166 739-4683, 745-740-3747, 744-740-5147, and 745-740-3060 located on the east line of
167 N. Gaskins Road between Patterson Avenue (State Route 6) and Derbyshire Road. The
168 applicant proposes to amend Proffer 28 regarding recreational facilities. The existing
169 zoning is RTHC Residential Townhouse District (Conditional). The 2026 Comprehensive
170 Plan recommends Urban Residential, density ranges from 3.4 to 6.8 units per acre.

171

172 Staff is recommending approval of this request and is unaware of any opposition and I'd
173 be happy to try and answer any questions you have at this time.

174

175 Mr. Witte - Any questions? Is there anyone on Webex or in the audience
176 who would like to speak to this case?

177

178 Ms. Mallow - Mr. Chairman, there's nobody on Webex for this case.

179

180 Mr. Baka - Mr. Chairman, I move that we recommend approval of
181 REZ2023-00020, Grayson Hill Townhome Association, Inc. with the proffers in the staff
182 report.

183

184 Mr. Mackey - Second.

185
186 Mr. Witte - We have a motion by Mr. Baka, a second by Mr. Mackey. All
187 in favor say aye.

188
189 Commission - Aye.

190
191 Mr. Witte - Opposed? Motion passes.

192
193 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the
194 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
195 grant the request because the proffers continue to assure a quality form of development
196 with maximum protection afforded the adjacent properties.

197
198 Mr. Emerson - Mr. Chairman, with those items completed we now
199 move into your regular agenda. For the first case, PUP2023-00007, Andrew M. Condlin
200 for Marshall Land Company, LLC.

201
202 **PUP2023-00007 Andrew M. Condlin for Marshall Land Company, LLC:** Request for
203 a Provisional Use Permit under Sections 24-4205 and 24-3708 of Chapter 24 of the
204 County Code to allow a multi-family residential apartment building on Parcel 777-735-
205 3798 located on the south line of Jacque Street approximately 330' west of Dabney Road.
206 The existing zoning is M-3 Heavy Industrial District. The 2026 Comprehensive Plan
207 recommends Heavy Industry. This site is located in the Westwood Redevelopment
208 Overlay District.

209
210 The staff report will be presented by Ms. Kelly Drash.

211
212 Thank you, Mr. Chairman, members of the Commission. This is a request for a Provisional
213 Use Permit to allow the redevelopment of a property on the south line of Jacque Street,
214 between Dabney Road and Westmoreland Street. The site is zoned M-3 Heavy Industrial
215 District and is within the Westwood Redevelopment Overlay District. With the approval of
216 a Provisional Use Permit, this district allows multifamily residential uses otherwise
217 prohibited by underlying zoning, as well as flexibility in development standards, such as
218 setbacks, building height, and parking. The subject property is currently used as a parking
219 lot with a small office for a car rental company. Adjacent properties to the south and east
220 are zoned M-3 and consist of warehouses and offices. To the west is a warehouse with
221 accompanying offices, zoned M-1 Light Industrial district. An office with storage
222 warehouse is located to the north, across Jacque Street on property zoned M-2 General
223 Industrial District.

224
225 The concept plan, shown here, illustrates a multi-family building which would contain no
226 more than 241 dwelling units. Two concept plans have been submitted, each occupying
227 the same general footprint. Both plans show driveways along the eastern, southern and
228 western property lines, a central courtyard with pool, ground-floor amenity space in the
229 northeast corner of the building, and a five-story parking deck as part of the development.
230 Option 1 would site the parking deck internally, with no portions other than the access

231 points visible from the exterior. The front façade shown on Option 1 would also closely
232 mirror the profile of Jacque Street. Option 2 shows the parking deck in the southwest
233 corner of the building, with a portion of the structure visible from the driveway and adjacent
234 property to the west. Three pages of architectural character exhibits have been submitted
235 showing multi-story modern buildings with multiple exterior building materials and
236 balconies. A streetscape exhibit has also been provided showing the property's frontage
237 on Jacque Street and three surrounding driveways. These exhibits are not unlike those
238 submitted with similar recently approved multi-family developments and would provide a
239 continuance of the character provided by other redeveloped properties in the area.
240 Amenities may include gathering space for residents, bike storage, dog park, grilling
241 stations and outdoor kitchens, benches, fitness center, or business center, among others.

242
243 The overlay district allows for modifications to parking requirements with justification
244 provided by a parking study prepared by a licensed engineer. The parking analysis
245 submitted by the applicant proposes 375 parking spaces, equating to 1.55 spaces per
246 dwelling unit, which is comparable to parking calculations of similar approved
247 developments and is consistent with the recommendations of the Westwood
248 Redevelopment Overlay District. While inclusion of publicly accessible commercial and
249 retail uses in redevelopment projects is an important component of the Westwood
250 Redevelopment Overly District, staff is comfortable with these uses not being included in
251 this project based on the size of the property, future interconnectivity, and a proximity to
252 W. Broad Street.

253
254 Overall, the proposed master-planned development would be in keeping with the findings
255 of the Westwood Area Study and the goals and objectives of the Westwood
256 Revitalization/Reinvestment Opportunity Area. Redevelopment of the site would continue
257 a pattern of reinvestment in the area, as older underutilized properties are redeveloped
258 for new uses. The submitted documents indicate the proposed buildings and site
259 development would provide a level of quality consistent with other recent developments
260 in the county also allowing a more urban form of development than would otherwise be
261 possible. For these reasons, staff believes this request would be reasonable and
262 recommends it be approved subject to the conditions found in the staff report. This
263 concludes my presentation. I'm more than happy to try and answer any questions you
264 may have at this time.

265
266 Mr. Witte - Any questions by the Commission for Ms. Drash? Yes, sir.

267
268 Mr. Branin - Could you pull up option 2?

269
270 Ms. Drash - Yes. This is the ground floor.

271
272 Mr. Branin - Thank you.

273
274 Mr. Witte - Any other questions? Is there anyone in the audience or on
275 Webex who would like to speak to this case?

276

277 Ms. Mallow - Mr. Chairman, we have nobody on Webex for this case.
278
279 Mr. Witte - Anyone in the audience?
280
281 Mr. Branin - Can I ask one more question please? So, the developer can
282 choose Option 1 or Option 2 if this is approved?
283
284 Ms. Drash - Yes, they would be both in the proffers.
285
286 Mr. Branin - What sort of elevation would be on the number 2 to prevent it
287 from looking like a parking deck? Because in option 1 it wouldn't. So, did they specify
288 what the side would look like?
289
290 Ms. Drash - They have provided elevation exhibits...
291
292 Mr. Branin - Those are all elevations of apartments. It's not showing what
293 the actual frontage, the face of the parking deck would be.
294
295 Ms. Drash - I think it's up here actually. Here it is. Sorry. So, these are
296 what the facades would look like and they would be focusing more on these. Trying to
297 avoid this.
298
299 Mr. Branin - But you're going to allow them to have that option? To look
300 like that?
301
302 Ms. Drash - Is the applicant in the audience?
303
304 Mr. Feehan I am. Mr. Chairman, Tim Feehan. My name is Tim Feehan.
305
306 Mr. Witte - Can you speak up a little bit?
307
308 Mr. Yes, sir. My name is Tim Feehan. I am with the law firm of
309 Roth Jackson. I am filling in for Andy Condlin this evening. Mr. Condlin was on his way
310 from Hanover and wanted me to make sure you understood he does not prefer Hanover
311 over being here he simply couldn't make it. With respect to the cladding for the parking
312 deck if that option is chosen my client has already indicated that it will not, it will seek to
313 not make it look and will not choose an option like that in the upper right-hand corner. I
314 believe that was addressed with staff early on. That was one of the concerns. And the
315 goal is not to make it look like a very obvious parking deck if that option is chosen from
316 where the deck is located.
317
318 Mr. Branin - Is it proffered? Is it proffered that they won't make it look like
319 something hideous?
320
321 Ms. Drash - Our conditions...it's condition 18, it's currently saying, "the
322 development of the parking deck, parking garage façade shall be in general conformance

323 with the exhibit titled, “the garage and cladding images...” but if the conditions need to be
324 amended...

325
326 Mr. Branin - So, just to get it straight. They’re saying they’re going to do
327 one of these. But the one that’s the worst is probably what will be end up done because
328 it’s not tightened up.

329
330 Ms. Drash- We will note that going forward.

331
332 Mr. Feehan - My client would agree with that.

333
334 Mr. Branin - Yes, but it’s not written in like that.

335
336 Mrs. Thornton - Or just take the picture out. If they’re saying they can pick any
337 of these per the proffer, correct?

338
339 Mr. Witte - Let me ask you something. Do you have any opposition to just
340 taking that option out?

341
342 Mr. Emerson - Option 2.

343
344 Mr. Witte - Option 2?

345
346 Mr. Feehan - No.

347
348 Mr. Witte - Well, why don’t we just delete option 2?

349
350 Mr. Emerson - If you remove option 2 then option 1 is the only one that you
351 have which would require the parking deck to be fully enclosed in the doughnut.

352
353 Mr. Feehan - I thought you were talking about that picture, the one that...

354
355 Mr. Emerson - No, sir. I believe the request is to remove option 2 as a
356 variable.

357
358 Mr. Feehan - That’s fine. We’ll talk to the architect but that’s fine, we’ll
359 remove option 2.

360
361 Mr. Witte - Alright. Good.

362
363 Mr. Branin - I don’t know if you want to do that. What they need to do is
364 remove the...Mr. Condlin, you want to step up? Come on Andy.

365
366 Mr. Condlin - I apologize, I’m Andy Condlin on behalf of the applicant. I was
367 up in Hanover. Just made it back to Henrico.

368

369 Mr. Branin - Can you see the dilemma?
370
371 Mr. Condlin - I caught the last half of it.
372
373 Mr. Branin - I don't know what Brookland tends to do but in Three Chopt
374 we generally don't ever want to see a parking deck that's attached to residential. When
375 you look at option 2 that's still an option.
376
377 Mr. Condlin - Right. The architect who also designed, Kinsale, took the
378 same kind of treatment that they used at the Kinsale building which is just down the street.
379 That's why they did it this way and we're certainly...
380
381 Mr. Branin - Yes, but doesn't your client want to up the game?
382
383 Mr. Condlin - Absolutely.
384
385 Mr. Branin - Doesn't he want it to be a nice-looking building?
386
387 Mr. Condlin - Yes, sir, they absolutely will and we're happy to work with staff
388 to make sure that that's accomplished. By the time we can present at the Board of
389 Supervisors meeting...
390
391 Mr. Branin - Because I'll be waiting.
392
393 Mr. Condlin - I know you never forget anything, so we'll be prepared.
394
395 Mr. Branin - That's right.
396
397 Mrs. Thornton - Well, and I'd make a note that Kinsale they share it as Office
398 and Residential and this would just be exclusively Residential. You would want to make
399 it...
400
401 Mr. Condlin - Residential, yes, ma'am. Absolutely.
402
403 Mr. Branin - I'm done messing with your case, sir.
404
405 Mr. Witte - Well, thank you. Mr. Condlin, will we be able to get some
406 updated elevations before they go to the Board of Supervisors?
407
408 Mr. Condlin - Absolutely, we'll get updated elevations before they go in the
409 staff report for the Board of Supervisors. We'll get that done immediately.
410
411 Mr. Witte - Alright, is there anyone else who would like to speak to this?
412 Here we go.
413

460
461 Commission - Aye.

462
463 Mr. Witte - Opposed? Motion passes. Thank you.

464
465 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Baka, the
466 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
467 grant the request because it is reasonable and when properly developed and regulated
468 by the recommended special conditions it would not be detrimental to the public health,
469 safety, welfare and values in the area.

470
471 Mr. Emerson - Mr. Chairman, we move now to Page 2 of your agenda for
472 REZ2023-00019, NMA Education Trust.

473
474 **REZ2023-00019 NMA Education Trust:** Request to conditionally rezone from B-1
475 Business District to R-4C One-Family Residence District (Conditional) Parcel 779-766-
476 9342 containing 0.445 acres located on the west line of Greenwood Road approximately
477 30' north of its intersection with Francis Road. The applicant proposes a single-family
478 residence. The use will be controlled by zoning ordinance regulations and proffered
479 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2.

480
481 The staff report will be presented by Ms. Kelly Drash.

482
483 Ms. Drash - Thank you Mr. Chairman, members of the Commission. This is
484 a request to conditionally rezone a 0.445-acre site from B-1 to R-4C to allow for the
485 construction of one single-family dwelling. The site is located on the west line of
486 Greenwood Road approximately 30' north of its intersection with Francis Road. The
487 adjacent properties to the north and west are zoned A-1, and the properties to the south
488 and east are zoned B-1. The Fall Line Trail is proposed to run just south of the subject
489 property. The 2026 Comprehensive Plan's designation for this site is Suburban
490 Residential 2, where density should not exceed 3.4 units per acre. While the requested
491 zoning and use is similar to the general surrounding area to the south, staff notes less
492 intense residential zoning could accommodate the proposed home and be more
493 consistent with the lot's existing dimensions and with the neighboring A-1 and R-2A
494 properties.

495
496 The proffered conditions are consistent with similar requests recently approved by the
497 Board of Supervisors. The density shall be no more than one unit and exterior building
498 materials would be limited to brick, stone, hardiplank or vinyl. Additionally, the applicant
499 has proffered a minimum finished area of 1,000 square feet, driveway materials,
500 underground utilities, and hours of construction. The proposed use and density is
501 consistent with the site's 2026 Comprehensive Plan designation of Suburban Residential
502 2 and would be generally compatible with the surrounding area. Should the applicant
503 propose a less intense residential zoning, staff could be more supportive of this request.
504 This concludes my presentation. I am happy to answer any questions you may have.

505

506 Mr. Witte - Any questions for Ms. Drash by the Commission?
507
508 Mr. Archer - Not right now, Mr. Chairman.
509
510 Mr. Witte - Is there anyone in the audience or on Webex that would like
511 to speak to this case?
512
513 Ms. Mallow - Mr. Chairman, there's nobody on Webex for this case.
514
515 Mr. Witte - Alright, anybody on the Commission want to speak to this?
516
517 Mr. Archer - Mrs. Thornton, did you want to say something?
518
519 Mrs. Thornton - You go ahead.
520
521 Mr. Archer - No, I'm done. I just wanted to call the applicant up.
522
523 Mrs. Thornton - Go ahead.
524
525 Mr. Archer - Will the applicant come forward please?
526
527 Mr. Witte - Will the applicant...there we go.
528
529 Mr. Archer - Oh, there you are.
530
531 Mr. Golgari - Good evening.
532
533 Mr. Witte - Good evening.
534
535 Mr. Archer - Good evening.
536
537 Mr. Witte - State your name please.
538
539 Mr. Golgari - My name is Amir Golgari. I'm the trustee of the NMA
540 Education Trust.
541
542 Mr. Archer - Sir, you heard the staff report concerning the less intensive
543 use which could be made more compatible with the zoning classification. I'm trying to
544 establish is there any particular reason why you're opposed to the zoning.
545
546 Mr. Golgari - Our zoning request was due to the fact that it's such a large
547 septic field that needs to be in front of the property and our concern about the rear setback
548 due to the slanted nature of the rear lot. I think Kelly is pulling it up. The difference of the
549 35' versus the 45' setback has a significant effect on our useable footprint area.
550
551 Mr. Archer - Can you explain that in a little more detail?

552
553 Mr. Golgari - Sure. As R-2 zoning requires a 45' rear setback from that rear
554 property line which significantly cuts into our useable space to build to septic field in the
555 front. Whereas the requested R-4 zoning requires a 35' rear setback which gives us 10
556 more feet.
557
558 Mr. Archer - What about something in between?
559
560 Mr. Golgari - I'm sorry?
561
562 Mr. Archer - What about something in between R-2 and R-4?
563
564 Mr. Golgari - We'd be happy with that. Frankly, R-2 is fine. Our only concern
565 is that rear setback. If we were granted some sort of relief for that we'd have no challenge
566 to the R-2.
567
568 Mr. Archer - Is there any way we can make some sort of exception Mr.
569 Chairman? Not Mr. Chairman, Mr. Secretary?
570
571 Mr. Emerson - Mr. Archer, no sir, there's not a way you could make an
572 exception on the setback for this gentleman. That would be a matter that would have to
573 go to the Board of Zoning Appeals. Now, what he could do if you wanted to stay with a
574 lesser zoning requirement, he could proffer an additional 10' in the proffer statement.
575 Then you would meet him essentially halfway if he needs the additional area. That would
576 be the way to approach it from the Planning Commission.
577
578 Mr. Archer - Sounds reasonable to me.
579
580 Mr. Golgari - I agree.
581
582 Mr. Archer - So, you're willing to do that?
583
584 Mr. Golgari - Absolutely.
585
586 Mr. Archer - Okay. Can you just sort of state, for the record, what it is you're
587 willing to do?
588
589 Mr. Golgari - So, we're perfectly happy with the R-2 zoning giving a proffer
590 of that additional 10' for the rear setback.
591
592 Mr. Emerson - So, what you would need to do Mr. Archer is you would stick
593 with the zoning as requested but you would add 10' to it. So, between now and the Board
594 meeting, if the applicant's comfortable with coming in and amending his proffers
595 appropriately to accomplish that task I think we're probably in a reasonably good place.
596
597 Mr. Archer- Alright, is that suitable to you sir?

598
599 Mr. Golgari - Very suitable.
600
601 Mr. Archer - Alright, any questions from anyone else? Alright then. Of
602 course, as you know this goes to the Board and they get final approval on everything. I
603 think they'd probably be happy with the recommendation that the Secretary made. So,
604 with that I will move for approval of REZ2023-00019, NMA Education Trust subject to the
605 information and the proffers that are already exhibited and the proposed proffer that
606 you're agreeing tonight to have done before the Board of Supervisors meets on this.
607
608 Mr. Golgari - Yes, sir.
609
610 Mr. Archer. Alright.
611
612 Mr. Witte - Second. We have a motion by Mr. Archer, a second by Mr.
613 Witte. All in favor say aye.
614
615 Commission- Aye.
616
617 Mr. Witte - Opposed? Motion passes.
618
619 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
620 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
621 grant the request because it reflects the type of residential growth in the area and the
622 proffered conditions will assure a level of development otherwise not possible.
623
624 Mr. Archer - Thank you sir.
625
626 Mr. Golgari - Thank you.
627
628 Mr. Emerson - Mr. Chairman, we now move along to the next cases that are
629 in the Three Chopt District. They are companion cases so I will introduce both of these.
630 There will need to be separate actions by the Commission on these items. At the end of
631 the hearing. The first case is REZ2023-00013, Cindy Weinstock for Legacy Mayland
632 Investments, LLC.
633
634 **REZ2023-00013 Cindy Weinstock for Legacy Mayland Investments, LLC:**
635 Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence
636 District (Conditional) Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-
637 5501 and Part of 754-757-8115 containing 9.491 acres located at the northeast
638 intersection of Pemberton Road (State Route 157) and Mayland Drive. The applicant
639 proposes residential condominiums and mixed-use commercial buildings. The uses will
640 be controlled by zoning ordinance regulations and proffered conditions. The 2026
641 Comprehensive Plan recommends Office.
642

643 In the companion case, PUP2023-00006 again Ms. Weinstock for Legacy Mayland
644 Investments, LLC.

645
646 **PUP2023-00006 Cindy Weinstock for Legacy Mayland Investments, LLC:**
647 Request for a Provisional Use Permit under Sections 24-4205 and 24-4315.C of Chapter
648 24 of the County Code to allow commercial uses and zoning modifications as part of a
649 mixed-use development on Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-
650 757-5501 and Part of 754-757-8115 located at the northeast intersection of Pemberton
651 Road (State Route 157) and Mayland Drive. The existing zoning is A-1 Agricultural
652 District. R-6C General Residence District (Conditional) zoning is proposed with REZ2023-
653 00013. The 2026 Comprehensive Plan recommends Office.

654
655 The staff report will be presented by Mr. Livingston Lewis.

656
657 Mr. Lewis - Good evening, Mr. Chairman, members of the Commission.
658 As mentioned, these companion cases are requesting approval to develop up to 288
659 residential units at the northeast intersection of Mayland Drive and Pemberton Road on
660 property recommended for Office in the 2026 Plan. Surrounding uses include apartments
661 adjacent to the east, single-family homes and townhomes to the south, a self-storage
662 facility to the north and an office/warehouse and light industrial to the west.

663
664 The applicant proposes rezoning from A-1 to R-6C to allow development of an age-
665 restricted multi-family community. A companion provisional use permit request, or PUP,
666 has also been filed to allow modifications to setbacks and density standards to achieve
667 more units. This PUP option is built into the zoning code to provide flexibility to facilitate
668 the creation of mixed-use developments on key properties and is not a tool to simply
669 increase residential density. A commercial building was part of the original request but
670 was later replaced by an additional residential building in the southwest corner after
671 parking and traffic concerns were voiced at the community meetings. The proffered
672 concept plan now shows 12 four-story all-residential buildings, each with a total of 24
673 units. Building #9 in the center would contain a 2,000 square foot ground-floor community
674 space and would sit adjacent to an open lawn area for recreation and neighborhood
675 events. Other amenities would include two of the following: a dog park, gazebo, pavilion,
676 pergola, or fire pit. Site access would be from Mayland Drive and Pemberton Road, and
677 sidewalks would be provided throughout, along with raised pedestrian crosswalks for
678 internal traffic calming. These are shown in red on the layout before you. A stone wall
679 would be built at the southwest corner of the site to help screen views of the surface
680 parking area. While the proffers do require landscaping around the wall to help with
681 screening, the nature and quantity of plantings remains unclear.

682
683 Building exteriors would be consistent with this proffered exhibit showing a four-story
684 structure with walk-out balconies and a mixture of quality exterior materials. Each unit
685 would be accessed via a central lobby and internal hallways. This proffered exhibit
686 illustrates future right-of-way dedication along Pemberton Road for a right-in turn lane
687 and sidewalk. It also identifies the location of a future left-turn lane from southbound
688 Pemberton to eastbound Mayland, subject to approval from VDOT and Henrico County

689 Public Works. Revised proffers handed out this evening also address several issues
690 previously raised by staff. Changes include clarification on the age restriction; the
691 location, material and height of the perimeter fence; and dedicated parking spaces for
692 electric vehicle charging stations.

693
694 As previously noted, the companion PUP would provide significant relief from code-
695 prescribed density and setback standards. The requested total of 288 residential units
696 equates to 30.3 per acre, which is over 50% higher than the R-6 District limit of 19.8 per
697 acre. Additionally, setback reductions are requested along all four sides of the property.
698 While these modifications can be proposed and accepted through the PUP process, the
699 code expectation is that they be accompanied by commercial uses totaling 15% to 35%
700 of total square footage. Staff continues to encourage the applicant to include non-
701 residential uses or make the appropriate density reductions for consistency with other
702 residential-only communities. Additionally, the focal point at the corner should be better
703 defined and sidewalk connections should be completed at both entrances as noted in the
704 staff report. While the proposed residential use would not be fully consistent with the
705 Comprehensive Plan's Office designation, it does include significant quality assurances
706 and would meet other goals of the Plan, such as developing infill sites near existing
707 utilities and providing a variety of residential options for all demographics. Therefore, if
708 the concerns presented this evening are addressed, staff could support the proposed use
709 as an appropriate alternative in this location.

710
711 This concludes my presentation and I'm happy to answer any questions.

712
713 Mr. Witte - Any questions by the Commission at this time?

714
715 Mr. Baka - Yes, I have one question.

716
717 Mrs. Thornton - Go ahead.

718
719 Mr. Baka - One question. On the layout on the previous screen showing
720 the buildings and the layout. Environmental question-They have to comply with DEQ
721 standards so with stormwater management is that entirely underground in this situation,
722 underground storage in detention?

723
724 Mr. Lewis - I did not look at that today but I can only assume so. The
725 applicant I'm sure could confirm that, but in all of the images I've seen of the layout that
726 is what is reflected. But I would want the applicant to confirm.

727
728 Mr. Baka - Thank you. Sorry. Thank you.

729
730 Mr. Witte - Any other?

731
732 Mrs. Thornton - Not at this time.

733

734 Mr. Witte - Is there anyone on Webex or in the audience who would like
735 to speak to this case? We have several.

736
737 Mr. Mallow - Mr. Chairman, there's nobody on Webex for this case.

738
739 Mr. Witte - Mr. Secretary, would you like to explain the time limits?

740
741 Mr. Emerson - Yes, sir. I can do that again. As I noted at the beginning of the
742 meeting there are 10 minutes allocated for the applicant to present the case and time can
743 be reserved to respond to testimony and then there's also 10 minutes set aside for those
744 who wish to speak to the case. That's a cumulative 10 minutes so everyone that wishes
745 to speak to the case must fit into that 10 minutes. Those time limits can be waived by the
746 Commission at any time that they choose.

747
748 Mr. Witte - Alright, thank you. If you'd step up.

749
750 Ms. Willoughby - Good evening. I'm Kelly Willoughby. I live in Andover Hills, the
751 subdivision directly across Mayland Drive. I'm not here necessarily to oppose this
752 development. We actually feel or I, let me speak for myself, I feel like we have been able
753 to have conversation with the developer and we appreciate some of the changes that
754 have been made. I would like to see a few more. I'd like to see the residential density
755 reduced. And also, you know I, the corner that they're talking about of Mayland and
756 Pemberton would like to see a little more dedicated green space there. And then on behalf
757 of the neighborhood I've heard from a number of residents that they're concerned about
758 traffic flow and the fact that the parking for this has been limited to, I think it's now 1.2
759 spots per condo. We don't feel that's sufficient and our concern that people who live here
760 may move across the street to park in our neighborhood because there is no other parking
761 adjacent. Thank you.

762
763 Mr. Floyd - Good evening, Chair and Commission members I am Chuck
764 Floyd with Stonehaven Group, Incorporated and one of the properties we own is Culpeper
765 Farms which is adjacent to this property. Again, we're not in opposition to the overall
766 concept. We just had several concerns we wanted to voice in this. The first is with the
767 previous individual the idea of the parking and I believe they can clarify it's something like
768 1.24 that they've changed it to. Well at Culpeper Farms we've got 1.37 and we fill up all
769 the time and we are concerned that at certain times there could be overflow coming into
770 our parking lots. That's one concern. We do not like a change in the setback particularly
771 if you look on there on the bottom on the right-hand side. Culpeper Farms are the
772 buildings there and a four-story building towering up over our apartments at three levels
773 is a little bit close for us. So, we would prefer not changing any of the setback on the right
774 side there. Our third concern is with the stormwater drain off which is brought up here
775 because on the current property that they're developing there is a pond. That pond I
776 understand is manmade, but it comes from a stream that was there an individual prior to
777 that and a lot of our stormwater runoff from Culpeper Farms goes over that way and into
778 that drainage area and we'd be concerned that if they affect that drainage that it could

779 come back and during storms we could end up with water problems back in our apartment
780 complex. As long as these things are addressed, we're fine with the project. Thank you.

781
782 Mr. Witte - Thank you.

783
784 Mrs. Thornton - I've got a quick question for you. The building that's closest to
785 the street. The apartments that you were talking about. The setback right there.

786
787 Mr. Floyd - That would be really if they could just in that area. The other
788 two buildings up there are set back far enough.

789
790 Mrs. Thornton - Yes, so the building that's closest to Mayland. Does that have
791 windows on the side of the building? Or is it...?

792
793 Mr. Floyd - You mean the Culpeper Farms ones? The apartments come
794 out to the parking lot right in front of it they don't actually have windows. There are some
795 windows on that side, yes.

796
797 Mrs. Thornton - Okay, just wanted to make sure for privacy, landscaping and
798 the setbacks so I'm just trying to clarify.

799
800 Mr. Floyd - I think it's just that bottom one that we're concerned about.

801
802 Mrs. Thornton - So, they do have windows on the side of that building? Okay,
803 that would face this.

804
805 Mr. Floyd - Yes.

806
807 Mrs. Thornton - Okay, great. Thank you.

808
809 Mr. Fox - Hello, my name is Steven Fox. I need an extension of the time
810 because I have a lot of issues about this project.

811
812 Mr. Emerson - Mr. Chair, there are currently approximately six minutes left
813 on their time.

814
815 Mr. Witte - Let's use the six minutes and we'll see how it goes.

816
817 Mr. Fox - Okay, well, I can see right from here Pemberton Road. My
818 issue is the traffic. I live $\frac{3}{4}$ mile down that street.

819
820 Mr. Branin - Mr. Fox?

821
822 Mr. Fox - Yes?

823
824 Mr. Branin - Would you mind? Your name is?

825
826 Mr. Fox - Steven Fox
827
828 Mr. Branin - Steven Fox and where do you live sir?
829
830 Mr. Fox - $\frac{3}{4}$ mile down the road.
831
832 Mr. Branin - Thank you.
833
834 Mr. Fox - Yes, I've talked to quite a few people and I've tried to get more
835 answers and nobody returns my calls and if I could ask the fellow from Traffic. Mr. Terrell
836 Hughes is that correct?
837
838 Mr. Johnson - No, sir.
839
840 Mr. Fox - I wanted to know how many cars go up and down these two
841 lanes of Pemberton every day. I would say a lot, thousands. I can see from here we're
842 going to have a bottleneck right at this intersection. I've called the Planning staff. They
843 said, oh, we have four lanes on Mayland. Well, not true. It's two lanes when you head
844 towards Parham Road on Mayland and I can see from here there's going to be a
845 bottleneck at the intersection going from Mayland to Broad Street. This is my...this is what
846 I have a problem with. I live there. I can tell you it's an interstate out there. You bottleneck
847 right here at this intersection with these 351 cars parked in the parking lot trying to access,
848 ingress and egress onto that two lanes it'll have the cars backed up for miles. I can see
849 from here where the green grass is supposed to be there is no room to make four lanes
850 right there. That needs to be opened right on up. Then getting from Mayland and
851 Pemberton going all the way up is it Starling Drive? Where's that going to Regency?
852 There's two lanes going all the way up there. How far do you want to back it up? Anyway,
853 I'd like to use the commonsense approach. I see you've got nine acres and you look at a
854 $\frac{1}{2}$ acre lots if you propose houses that means you'll have 20 cars coming in and out of
855 there. Wouldn't that be just fine. Seems to me like you have a big sandwich. Who wants
856 to live like that? I wouldn't want to live in those buildings in my opinion. I suggest six
857 buildings makes sense. Don't impair the traffic, restrict current residents in the area with
858 12 buildings. It won't work. Don't put the money above people for profit like this project
859 will do. Too much density. R-6 is too much density for this intersection. No adequate
860 ingress, egress for the current residents on Pemberton Road. This project as-is is like
861 putting a gorilla in a hamster cage. Too much density. Pemberton Road has a lot of cars
862 on there. I still don't have an answer-how many cars go up and down Pemberton Road.
863 There should be an answer for that. It's an interstate out there. You cannot walk across
864 that road without endangering your life. A lot of cars go up them two lanes up in
865 Pemberton and now you want to have 351 cars in that corner. County says merging onto
866 two lanes of Pemberton. This is nuts. It will not work and who will have accountability?
867 Henrico County staff? Not. These buildings will make millions and leave us in a traffic
868 gridlock. Currently coming from Broad Street on Pemberton to Mayland coming from
869 Publix on Broad to Mayland there's a no left turn. Why is that? That's because it's a
870 bottleneck right there and the county's got a sign up there that says, "no left turn". You

871 cannot make a left turn onto Mayland. County prohibits it. See the sign? Now you're
872 proposing 350 cars merge at that intersection at any given time. This is nuts. This will not
873 work. As I told you I live 3/4 mile from this colossal proposal. If it was near your house, you
874 would not take it. You would be taken aback by the impact to your ingress/egress to Broad
875 Street. I talked to a planner. The ones that would talk to me said in leaving this project
876 there is no merging lane inlet exit. There is no exit on either side of this project for people
877 to get on Mayland or Pemberton. So, what does that mean? That means they'll be
878 standing there waiting or pulling out and causing accidents and pulling in front of people.
879 Would you want that? I don't want it. This will not work. Traffic will back up down the road.
880 As a longtime resident restrict this project to six buildings not 12. Don't impede my traffic
881 access to Broad Street. That's all I have to say.

882
883 Mr. Witte - Okay, thank you. Any questions for Mr. Fox?

884
885 Mr. Baka - No questions.

886
887 Mr. Witte - No? Thank you.

888
889 Mr. Fox - Thanks.

890
891 Mrs. Thornton - Anybody on Webex?

892
893 Mr. Witte - Anyone on Webex?

894
895 Ms. Mallow - We still do not have anyone on Webex for this case.

896
897 Mrs. Thornton - Okay, can we hear from the applicant?

898
899 Mr. Joyce - Good evening, Mr. Chairman, members of the Planning
900 Commission, Mr. Branin. My name is Chad Joyce and I'm a member of Legacy Mayland
901 Investment. I would love if you guys don't mind putting up the little presentation I could
902 review, and I certainly recognize a lot of people in here that were able to attend the
903 community meetings. They've seen this before, but I would love to explain a few things
904 on here. As Mr. Lewis is putting this together I will... In preparation for this we had like I
905 said a couple community meetings. I appreciate how responsive; they were very
906 productive. We were able to make several changes to the plan from what it initially was
907 set forth and you know one of the biggest things that we did and I think the people that
908 attended the meeting were exactly correct that this commercial component-we originally
909 had a coffee shop, a bagel shop and some medical buildings in there, or a medical
910 building in there, were really going to have a huge impact on traffic. And traffic was
911 certainly something that was at top of mind for everyone in the room at this intersection.
912 So, we changed that and one thing it was causing almost double the traffic with that
913 commercial component and that's one reason we got rid of that. I wanted to address at
914 that point we realized a turning lane could help the traffic situation so going southbound
915 there will be a turning lane. What we're proposing and sending a letter to VDOT there
916 would be a turning lane southbound from Pemberton onto Mayland. There would be a

917 150' of storage there as well as 100' of additional taper. That's what we were
918 recommending and that's what we're going through there. In that we feel what we've seen
919 through traffic studies that will work with the amount of traffic going through there. This
920 could maybe help the last speakers with some data here. VDOT in 2021 said that there
921 were about 9200 vehicles per day going through onto Pemberton and there were about
922 7,000 on Mayland. That intersection in one direction will go up to 14,000 vehicles per day
923 so there is opportunity there to increase traffic that the roads you know the traffic studies
924 would sustain there. One thing that we do not have done at this point is you may have to
925 change that light. That would happen if this was approved, we would do a study on that
926 light to see if that needed to be changed but VDOT controls Pemberton Road there. So,
927 we kept these things certainly top of mind and the last thing we want to do is have a
928 community of 55+ buyers in the middle of a traffic situation. If you're buying a home and
929 you're 55 or better more than likely you really don't want to move into a traffic jam. That's
930 not what we want. We don't want that situation either. I want to make sure, just give
931 me...hit me one more time, one more time. Give you a workout down there. With this
932 layout with I wanted to speak just generally. It's hard to see it with this but you can see
933 it's surrounded by a fence that we've put in we've changed the proffers. There are two
934 entrances. The main entrance will be off of Pemberton, where a turning lane would be as
935 well as there's a gatehouse in the front of that median that you see there that we've
936 proposed. There will be an outdoor pavilion, several amenities in that focal point. We
937 realized that that focal point that we talked about earlier it is such a key factor to make
938 this job work with people sitting at the stoplight. We want to create what we feel is a true
939 trophy property in Henrico County. And that's what that will do. If we go one more. I
940 wanted to talk about the condo building itself. This is the turning lanes. I think we've
941 spoken enough about that. If we go one more. You'll see the actual condo building and
942 this is something I'm pretty passionate about myself. For the lifestyle that it gives for what
943 it does to a lot of members of, citizens of Henrico County that they don't currently have
944 this opportunity. The look of it, the layout. I was on the design team for over a year working
945 on this actual building and having a bunch of meetings with people that are 55 and older
946 and not about what our team wanted but more what they wanted and what they liked
947 about the design and a lot of things that maybe I wouldn't think of myself they want.
948 Currently there's nothing like this in Henrico County. It's interesting and I've shared some
949 of this data before with several people in here but even though this is going to be 55 and
950 older, I want to make sure I'm getting this right, 65% of the people that live here are going
951 to be between 65 and 74 years old. We built this at two different jobs in Chesterfield
952 County and one in Northern Virginia. It's been an extremely successful type of
953 development because this current buyer, that 65 and older, you know they really don't
954 have a lot of options where they can still own, not rent. They want to have that sense of
955 ownership. They want to know their neighbors. It's not constantly people kind of going
956 kind of coming and going. This will become a tight knit group. That's what we were as we
957 were designing this. We want that camaraderie, and we want bridge tournaments in the
958 clubhouse. We want people in the outdoor pavilion, at the fireplace and that's what we're
959 trying to create here is a lifestyle where if you sell your brick ranch in Henrico County that
960 you've lived in for 35 years. That won't have to come up with more money to go buy new
961 for your next home. These are going to range anywhere between \$375,000 and probably
962 \$425,000. That brick ranch you sell it and then you use that, and you go buy a house right

963 down the road where you don't have to find a new doctor, a new pharmacy, a new bank.
964 This is for the citizens of Henrico. I live pretty close to here myself and my mom is 76.
965 This is the type of community I would love for my mom to be in. This is one of those places
966 that I feel is going to create a great lifestyle. A couple more interesting things. Fifty percent
967 of these buyers are cash buyers. A third of these will have a house outside of this
968 somewhere else. There's a lot of snowbirds that buy this that may only stay here 10, 11
969 months out of the year or even 9 months and then they will go maybe south for a couple
970 of months in December, January, February. Most people will have family that are local,
971 but the biggest thing is this buyer wants easy. They want maintenance free, and they
972 want security. That's what we feel like we're bringing to Henrico County here. I want to
973 make sure that I addressed everyone's concerns there, but I don't think I said, these units
974 or these condos are going to be anywhere between 1,150 sq. ft. up to about 1,554 will be
975 the biggest square footage of these. So, it's a lot of different square footages that we're
976 focused on people's different needs here so. We certainly like that and there will be no
977 impact on schools and another big thing is when you go to age restricted residential it has
978 the least amount of traffic impact than any other residential. If this were to be office this
979 community will create, I want to make sure I'm getting this number right too, about 1,300
980 traffic units per day. If you make this a commercial piece with office, it would be more than
981 double that unit. That's if you have one 36,000 sq. ft. office building. This out of 9.34 acres
982 you can easily do three of those buildings. Which would be you know you're talking about
983 quadrupling the number of traffic units the way it's in the Comprehensive Plan. I
984 appreciate your time.

985
986 Mrs. Thornton- Real quick. I don't know if the engineer needs to answer this
987 but about the stormwater drain management system.

988
989 Mr. Joyce - Yes, we had prepared to do an underground stormwater
990 drainage system: a) you won't see it; it will be much more pleasing and b) there's a new
991 type of technology, we'll have this underneath one of the roadways.

992
993 Mr. Baka - So, to kind of follow-up on Mrs. Thornton's question. How do
994 you pick up the drainage at the property line when it's coming uphill from Culpeper Farms
995 I think and then comes into theirs. How do you pick that up at the property line and go
996 underground with it?

997
998 Mr. Joyce - I gave you all my engineering knowledge. Mr. Browning with
999 Youngblood Tyler.

1000
1001 Mr. Baka - Thanks.

1002
1003 Mr. Browning - Good evening. Andrew Browning with Youngblood, Tyler and
1004 Associates. Yeah, the water drains from Culpeper Farms. Let me just bring it up on my
1005 map here. There's a small existing pond on the site. So, we would pick the water up
1006 through pipe network and then pipe it through the site. The underground detention would
1007 probably be under that parking area that's where we're connecting to Mayland. Probably

1008 just to the right of that in that area is where the underground detention would be and then
1009 we would outfall into an existing storm sewer system that's on Mayland Drive.

1010
1011 Mr. Baka - So what I'm hearing is you will not be adversely affecting the
1012 drainage coming off their property, correct?

1013
1014 Mr. Browning - Right. It's coming from their property to our property. We
1015 would detain it and then release it.

1016
1017 Mr. Baka - Okay, thanks. I have one more question about the left turn
1018 lane if I may. It's a question for the applicant. You mentioned and I use Pemberton Road
1019 frequently also, so I'm interested to hear about this. If you're adding 150' of storage on
1020 the southbound left turn lane onto Mayland and 100' of taper, how do you know during
1021 p.m. peak rush hour that that's adequate distance and that it doesn't need to be greater
1022 than that?

1023
1024 Mr. Browning - So, we would need to do a study of that intersection and
1025 determine what the stacking would be required just today if you put a left turn lane in. I
1026 was looking at an email I had from Mr. Hughes and so we have 150' now which would be,
1027 we usually figure 25' per car stacking. So, you can stack six cars now. We had when you
1028 came south of our entrance and then you tapered into a left turn lane, and we had a 100'
1029 taper there. What we could do is continue that turn lane through that intersection and add
1030 some more stacking. It's not preferred a lot of times with VDOT because you know you
1031 may be trying to turn into the entrance or turn at the light but that is an option and Mr.
1032 Hughes had discussed that in an email that was potentially an option to add more stacking
1033 there but we would need to run an analysis on the light, a Synchro on the light, and what
1034 traffic is there today to determine what that stacking would be.

1035
1036 Mr. Baka - Thank you sir.

1037
1038 Mrs. Thornton - So we have a letter in hand stating that they're going to give
1039 the right-of-way for this land for the turning lane and what has been communicated with
1040 VDOT as of today.

1041
1042 Mr. Browning - So, I have not had any conversation with VDOT. I have talked
1043 to Mr. Hughes but we would, it's a VDOT intersection

1044
1045 Mrs. Thornton - Correct.

1046
1047 Mr. Browning - We would need to get the approval from them for these
1048 improvements. Actually, I did have a conversation with Adam Moore just generally about
1049 another project we brought this up and basically, we'd have to submit the application and
1050 full details and he would look for a study on the intersection and then make that
1051 recommendation, so we need to do a more detailed study of it.

1052
1053 Mrs. Thornton - Okay.

1054
1055 Mr. Witte - I have one. Is the setback on that one small area been
1056 addressed? Where I can't remember.
1057
1058 Mr. Browning - I think it's the...
1059
1060 Mr. Witte - Lower, right hand
1061
1062 Mr. Emerson - The easterly corner.
1063
1064 Mr. Browning - So, I think it's possible that we could maybe slide that building
1065 to the left if we, I think it's building # 7. There's some room in there that we could maybe
1066 adjust and tighten that building to the parking lot to give some more setbacks on that
1067 property line. I think there's some opportunity there to gain.
1068
1069 Mr. Witte - Are you willing to do that?
1070
1071 Mr. Browning - Sir?
1072
1073 Mr. Witte - Are you willing to do that?
1074
1075 Mr. Browning - Yes, I think...
1076
1077 Mr. Joyce - Absolutely.
1078
1079 Mrs. Thornton - So, right now you're proposing 20 and by code it's 25? Is that
1080 correct staff? So, right now they're asking for a 20...
1081
1082 Mr. Lewis- Alright, so the east adjacent to the apartment's side yard, code
1083 requires 25 and 20 is currently proposed so a reduction of 5 currently.
1084
1085 Mrs. Thornton - Okay, so I have questions for our Traffic really quick but I'm
1086 going to come back to you because I still have some more but I want to wrap up the traffic.
1087 If you could just wait one minute. If you don't mind joining us.
1088
1089 Mr. Johnson - Yes, ma'am.
1090
1091 Mrs. Thornton - Most of the concerns from the citizens are the traffic, traffic
1092 flow. So, could you tell us what because staff put in the report that they would like to see
1093 commercial or a lower density or they wanted to see a mixed-use. What kind of traffic
1094 typically would come from this type of project versus this project with commercial and how
1095 would it impact that area for the people that live on Pemberton and with the turn lane
1096 would it be sufficient enough for this project?
1097

1098 Mr. Johnson - For this type of project we're expecting 1,320 vehicles per day
1099 and with Mayland being four lanes and the addition of the turn lanes and the turn lane on
1100 Pemberton we feel comfortable it can handle the traffic.
1101

1102 Mrs. Thornton - Okay, so unfortunately if you did a traffic study today you have
1103 the Pemberton bridge under construction so it really wouldn't give true study is that
1104 correct? I mean if people are going to go to Broad they have to go around to get there.
1105 But if we had it flowing, with the bridge working and you feel like with these turn lanes,
1106 the length of them wouldn't have backups from Mr. Fox was saying a bottleneck. We do
1107 not want a bottleneck and cars backing up.
1108

1109 Mr. Johnson - Right, as of right now we have 8,700 vehicles on Pemberton
1110 with the addition of the expected traffic we don't see a backup.
1111

1112 Mrs. Thornton - Okay, and then the timing of lights. Does VDOT control that?
1113

1114 Mr. Johnson - VDOT does control that.
1115

1116 Mrs. Thornton - That light at Mayland and Pemberton, do they control that
1117 light?
1118

1119 Mr. Johnson - Yes.
1120

1121 Mrs. Thornton - Okay, I think that's all I have right now for traffic.
1122

1123 Mr. Johnson - Okay.
1124

1125 Mrs. Thornton - Because they answered me six cars could be stacked in the
1126 lane. So, we have the stormwater. We still have to talk about the density and the green
1127 space. I think the easiest one to talk about first is the sidewalk connectivity per the staff
1128 report. Just making sure that the sidewalks are connecting to if we can tighten that
1129 verbiage up. Just make sure because you want it to be a walkable community you want
1130 it to be walkable on the exterior too if you could just clean that up because I think that's
1131 your intention. I just think that it wasn't clarified about the sidewalks. Let's, I think staff,
1132 the citizens, Mr. Branin and myself feel that the density is still a lot for that area. Is there
1133 any way that we can reduce the density and then that way it would help with the parking
1134 situation. Because right now it's a 1.5 correct? As of today.
1135

1136 Mr. Browning - 1.23
1137

1138 Mrs. Thornton - 1.23
1139

1140 Mr. Emerson - spaces...
1141

1142 Mrs. Thornton - ...spaces per unit. Because you said 24 per building, I know
1143 one of the buildings you had you were going to put 2,000 sq. ft. of some kind of recreation
1144 so that would have to take away...
1145
1146 Mr. Joyce - It's down to 286.
1147
1148 Mrs. Thornton - 286.
1149
1150 Mr. Branin - Mr. Lewis, can you get that corrected in your report before it
1151 comes forward? You have, your staff report states 24 units per building. One of the
1152 buildings does not have 24 but your staff report states 24 per building. Can you have that
1153 fixed before it comes before the Board.
1154
1155 Mr. Lewis - Oh, yes, absolutely.
1156
1157 Mrs. Thornton - Yes. So, thank you for cleaning up the verbiage about the age
1158 restricting, the fence. We have some charging stations. I know this gentleman over here.
1159 The trash, recycles, so the setbacks can be addressed if the density is addressed and
1160 then the green space can be addressed if the density is less. So, I think there's some
1161 things we can work on with the layout and giving that frontage, the corner some more
1162 green space and not having to see parking or just a big building right as you're sitting at
1163 that light, help with the setbacks for this property over here by shifting, getting rid of you
1164 know, so, I would say if you can commit to reducing some density. Would that be
1165 something you could do before it gets to Mr. Branin?
1166
1167 Mr. Joyce - I think we need to dig in, but I think it's something we can do
1168 and certainly work on.
1169
1170 Mrs. Thornton - So, you're willing to reduce?
1171
1172 Mr. Joyce - I think we can do that.
1173
1174 Mrs. Thornton - Because I really do think that if you could of get rid of at least
1175 a building you can shift buildings, pull buildings over, add more parking. Because to me,
1176 if I'm going to pull into a building, there has to at least be 24 spots around, one for each
1177 person. If there's only 12 in front of the building and they've got to walk that's not a very
1178 useable building for... I wouldn't want to buy there in general. It will help the people that
1179 live around there, with the setbacks and then you know everybody loves green space. I
1180 had one other comment just...I think that's it. Do you have any comments?
1181
1182 Mr. Branin - I do and I'm going to put an engineer on the spot. Can you
1183 step up to the mic sir?
1184
1185 Mr. Browning - Yes, sir.
1186

1187 Mr. Branin - This is rough numbers and I'm not going to hold you to it. If
1188 you get rid of one building take first, not staff, how many units taking the two units out
1189 how many units is it?
1190
1191 Mr. Browning - If you eliminate a building?
1192
1193 Mr. Branin - No, right now.
1194
1195 Mr. Browning - 286 units.
1196
1197 Mr. Branin - 286 units. If we take out one of the buildings?
1198
1199 Mr. Browning - 262.
1200
1201 Mr. Branin - 262. What does that do for parking? I got you now. Pull out
1202 the calculator pal.
1203
1204 Mr. Browning - I got it on my phone here. So, if we eliminate a building we're
1205 going to add parking as well.
1206
1207 Mrs. Thornton - I think the layout could be worked on where it would help with
1208 the parking if you could reduce.
1209
1210 Mr. Browning - That would get it up to about 1.34 but we should be able to
1211 add spaces as well potentially if we eliminate...
1212
1213 Mrs. Thornton - And some green space.
1214
1215 Mr. Branin - I have no more. I just want to make sure. Those are... if....
1216 well, you don't have a choice now because you've committed to it. If you have and I'm
1217 sitting here so you're double kind of screwed. If you do, when you remove this building,
1218 we're really going to need to see it as fast as possible. Effective parking increasing,
1219 reduction of units and the additional green space. I would recommend, did you
1220 recommend that back right building?
1221
1222 Mrs. Thornton - The what?
1223
1224 Mr. Branin - The back building.
1225
1226 Mrs. Thornton - Maintenance?
1227
1228 Mr. Branin - And you have nothing for maintenance here too. So, you need
1229 to provide...
1230
1231 Mrs. Thornton - No, not yet.
1232

1233 Mr. Branin - Which building are you referring to?
1234
1235 Mrs. Thornton - I was saying #4, saying #4 because #6, #5 could then shift
1236 down and give the residents some little privacy. #4, I'm sorry is the back corner. Upper
1237 right. It's up here.
1238
1239 Mr. Baka - Can you zoom in a little? Thanks.
1240
1241 Mrs. Thornton - And then if you...
1242
1243 Mr. Branin - And that would give you green space down here, give you
1244 green space up top.
1245
1246 Mrs. Thornton - Just curious, for maintenance. There isn't anything proffered
1247 or anything like where maintenance stuff would happen like a little shed or little place?
1248 That would be something Chad needs to...
1249
1250 Mr. Browning - ...separate maintenance building...
1251
1252 Mrs. Thornton - Like, how do you handle all that?
1253
1254 Mr. Joyce - Everything would be in-house, and at this point we're showing
1255 dumpsters and things like that.
1256
1257 Mrs. Thornton - Right, trash.
1258
1259 Mr. Joyce - However, even that, our plan and what we will do with the
1260 other times we've done this. It will be door-to-door trash pickup that's taken out and door
1261 to door trash pickup, it seems to be a maintenance issue. Maintaining the site, we would
1262 want to get people in, get people out as quick as possible. There would be no lawn mower
1263 being stored or anything. It's not the way it looks now.
1264
1265 Mrs. Thornton - Okay. Let me make sure I have all my questions answered.
1266
1267 Mr. Browning - So your recommendation was that we eliminate Building #4?
1268 I was sitting here just thinking of which way was the best way, which one to eliminate to
1269 maybe tighten it up...
1270
1271 Mrs. Thornton - I'm not an engineer, but as a you know real estate, I don't
1272 know I look at it as because if you could because unfortunately #5 you just have parking
1273 like out front. To me #6 you have some straight out front. Like I said before if you don't
1274 have enough spots for just that building itself around the building that's not a to me very
1275 functionable parking.
1276
1277 Mr. Browning - I understand.
1278

1279 Mrs. Thornton - For staff. Thank you. Oh, you have a question.
1280
1281 Mr. Witte - I have a question. I haven't seen the interior layouts. Is there
1282 an elevator in there?
1283
1284 Mr. Joyce - Correct. It's all conditioned space on the four floors with
1285 elevators.
1286
1287 Mr. Witte - Alright. I noticed you said, the majority of people are between
1288 the ages of 65 and 75 and me being close to 75 – elevators are important. I have nothing
1289 further.
1290
1291 Mrs. Thornton - Okay, thank you. I just had one comment, thank you all, for
1292 staff? Can you update the police comments on the staff report?
1293
1294 Mr. Lewis - Yes, I spoke to police today about that.
1295
1296 Mrs. Thornton - Before it gets to Mr. Branin.
1297
1298 Mr. Lewis - ...and they were clarifying...yes, that's when the proposal
1299 included commercial.
1300
1301 Mrs. Thornton - Thank you. Okay, does anybody else have any questions,
1302 comments? Unfortunately, the public portion is done. I'm talking to our Planning. Alright,
1303 so, I think we've addressed some concerns and remember I make a recommendation. It
1304 will go to the Board of Supervisors next month so he will make the final decision with his
1305 peers and tighten everything up and making sure that what we discussed tonight will be
1306 clear so things will change and can continue to change. But what we heard tonight was
1307 they're willing to reduce the density, connect the sidewalks, they told us about the
1308 stormwater drain, the landscaping at the entrance was the only thing we didn't tighten up
1309 but that can be done during our landscaping and design phase to make sure that and I
1310 completely have 100% faith that you want a nice landscape corner to draw people in but
1311 we would probably like to tighten that proffer up too. The sidewalk connectivity and the
1312 parking and the parking was the other big topic tonight so I feel like the parking will be
1313 addressed if we can reduce the density and so will the green space and the connectivity
1314 of the sidewalks to help with your setbacks from your existing residents with reducing the
1315 density, I think that will help the people that already live there. So, we want to be good
1316 neighbors. With that Mr. Chairman, I move that we recommend approval of REZ2023-
1317 00013 Legacy Mayland Investors, LLC with the revised proffers dated June 13, 2023.
1318
1319 Mr. Baka - Second.
1320
1321 Mr. Witte - We have a motion by Mrs. Thornton, a second by Mr. Baka.
1322 All in favor, say aye.
1323
1324 Commission - Aye.

1325
1326 Mr. Witte - Opposed? Motion passes.
1327
1328 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
1329 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1330 Supervisors grant the request because it would not adversely affect the adjoining area if
1331 properly developed as proposed and the proffered conditions will assure a level of
1332 development otherwise not possible.
1333
1334 Mrs. Thornton - Mr. Chairman, I also would recommend approval of
1335 PUP2023-00006, Legacy Mayland Investments, LLC subject to the conditions listed in
1336 the staff report.
1337
1338 Mr. Mackey - Second.
1339
1340 Mr. Witte - We have a motion by Mrs. Thornton, a second by Mr. Mackey.
1341 All in favor, say aye.
1342
1343 Commission - Aye.
1344
1345 Mr. Witte - Opposed? Motion passes.
1346
1347 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr.
1348 Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board
1349 of Supervisors grant the request because it would provide added housing options for the
1350 community and would not be expected to adversely affect public safety, health, welfare
1351 and values in the area.
1352
1353 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
1354 agenda which is the consideration of approval of the minutes of the Commission meeting
1355 on May 11, 2023. I do not believe we have an errata sheet this evening; however, if you
1356 have any corrections we'll certainly be happy to make those.
1357
1358 Mr. Witte - Anyone have corrections? Do we have a motion?
1359
1360 Mr. Mackey - I move Mr. Chairman that we accept the minutes as
1361 presented.
1362
1363 Mr. Archer - Second.
1364
1365 Mr. Witte - We have a motion by Mr. Mackey, a second by Mrs. Thornton.
1366 All in favor, say aye.
1367
1368 Commission - Aye.
1369
1370 Mrs. Thornton - That was Mr. Archer.

1371
1372 Mr. Witte - Oh, Mr. Archer.
1373
1374 Mrs. Thornton - He's not a lady.
1375
1376 Mr. Witte - Motion passes.
1377
1378 Mr. Emerson - Mr. Chairman, I would like to take this opportunity to introduce
1379 you to one of our summer interns. She's a local Glen Allen High School graduate, Madison
1380 Neisz, she can come down to the front if she'd like to. She was working as an intern with
1381 several county agencies this summer. She's currently in the Planning Department. She
1382 started with us last week. From us she'll move on to General Services. She's a graduate
1383 of Appalachian State University and is interested in Community Revitalization and
1384 Environmental...
1385
1386 Mr. Witte - She's been arrested?
1387
1388 Mr. Emerson - Interested, I'm sorry.
1389
1390 Mrs. Thornton - He can't hear.
1391
1392 Mr. Mackey - He needs a hearing aide.
1393
1394 Mr. Witte - Interested.
1395
1396 Mr. Emerson - She is interested in Community Revitalization and
1397 Environmental Planning. Given these interests Madison is looking to further her education
1398 by either a master's program or a law degree. So, since she's been with us thus far, she's
1399 been to several community meetings, helping us out on the Comprehensive Plan process
1400 and she's working on reviewing landscaping requirements in studying native species.
1401 We're wishing her a successful summer learning by Henrico County and her interests and
1402 certainly Madison if you have anything you like to say to this group, you're more than
1403 welcome to come up and do that. Glad to have you.
1404
1405 Mr. Witte - Glad to have you. Can you sing the National Anthem? Okay.
1406
1407 Mr. Emerson - She hasn't been arrested so...Well, at least not to our
1408 knowledge. Mr. Chairman, with that said I have nothing else to offer this evening.
1409
1410 Mr. Witte - Meeting adjourned.
1411
1412
1413
1414

Mr. Robert H. Witte Jr., Chairperson
1415
1416

1417
1418

Mr. R. Joseph Emerson, Secretary