

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico County**
2 **held in the County Administration Building in the Government Center at Parham and**
3 **Hungary Spring Roads, beginning at 6:00 p.m., Thursday, February 13, 2025. Display**
4 **Notice having been published in the Richmond *Times-Dispatch* on February 20, 2025,**
5 **and February 27, 2025.**

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

14
15 **Members Absent:** Ms. Misty D. Roundtree (Three Chopt)
16 Board of Supervisors Representative

17
18 **Also Present:** Ms. Jean Moore, Assistant Director
19 Mr. Ben Sehl, Senior Principal Planner
20 Mr. Scott Jackson, Senior Engineer
21 Mr. Livingston Lewis, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Ali Hartwick, County Planner
24 Ms. Neha Shinde, County Planner
25 Ms. Molly Mallow, County Planner
26 Mr. Lamonte Johnson, Assistant Traffic Engineer

27
28 Good evening. Welcome to the March 13, 2025, meeting of the Planning Commission.
29 We've had a previous meeting up until about 15 minutes ago and we've reconvened. Now
30 we're going to reconvene this meeting. I'm going to ask that everyone turn off or silence
31 your cell phones, please. We have a quorum. Ms. Roundtree, are you still on?

32
33 **Mr. Shippee -** She had to board the flight. She had to sign off.

34
35 **Mr. Witte -** Our county supervisor representative Ms. Roundtree will not
36 be with us this evening. With that, I'll turn it over to Mr. Emerson here.

37
38 **Mr. Emerson -** Thank you Mr. Chairman, and as the chairman noted, the
39 Commission did convene their meeting at 5:00, and that was to conduct a public hearing
40 on the Capital Improvement Program for the FY 25/26 through FY 2034/2035 for the
41 county. This is part of the budget process. The Commission did find the proposed capital
42 improvements plan consistent with the Comprehensive Plan and recommended its
43 approval to the Board of Supervisors. That will again be considered by the board as they
44 move through their budget deliberations. The commission also did approve their minutes
45 from their February 13 regular meeting and work session. With that I will join with the
46 chairman welcoming everybody to the Planning Commission public hearing this evening
47 for the March 13 public hearing. This evening it is requested all public comments be
48 provided from the lectern to the rear of the room. For everyone who's watching the live

49 stream on the county website, you can participate remotely in the public hearings by
50 following these guidelines. Go to the planning department's meeting webpage at
51 henrico.gov/planning/meetings, and you can see these instructions as well on your
52 screen. Scroll down under planning commission and click on WebEx event. Once you
53 have joined the WebEx event, please click the chat button in the bottom right corner of
54 the screen. Staff will send a message asking if anyone would like to sign up to speak on
55 an upcoming case. To respond, please select Neha Shinde from the dropdown menu and
56 send her a message. She will place you in the queue to speak. The Commission does
57 have guidelines for its public hearings. The applicant is allowed 10 minutes to present the
58 request and time may be reserved for responses to testimony. The opposition is allowed
59 to cumulative 10 minutes to present its concerns, meaning that everyone who wishes to
60 speak must be included in the overall 10-minute allowance. Commission questions do not
61 count into the time limits. The Commission may waive the time limits at its discretion.
62 Comments must be directly related to the case under consideration. The Commission
63 maintains verbatim minutes of the meeting. Commentors must provide their name and
64 address prior to speaking for the public record so they will be placed correctly in those
65 verbatim minutes. If we do have questions of you, we have the ability to know who to
66 contact to gain clarification. With that said, the Chairman did note that the board member
67 participating with the Commission this year, Ms. Roundtree was with us remotely as is
68 allowed by state code for the public hearing on the CIP. I believe she's been interrupted
69 with her internet connection. She possibly may be able to reconnect sometime later in the
70 meeting and county staff will advise us if she is able to and they see her pop up on the
71 screen. With that Mr. Chairman, the first item on your agenda this evening are the
72 requests for withdrawals and deferrals. Those will be presented by Mr. Ben Sehl.

73
74 Mr. Witte - Good evening, Mr. Sehl.

75
76 Mr. Sehl - Good evening, Mr. Chairman, members of the Commission.
77 There is one withdrawal on your agenda this evening that's on Page 3 of your agenda. It
78 is PUP-2024-102766, Dr. Erica Flippin.

79
80 **PUP-2024-102766 Dr. Eerica Flippin:** Request for a Provisional Use Permit under
81 Sections 24-4205, 24-4311.C, and 24-2306 of Chapter 24 of the County Code to allow an
82 inpatient treatment facility on Parcel 759-753-1211 located on the south line of N. Parham
83 Road approximately 770' west of its intersection with Fortune Road. The existing zoning
84 is O-2 Office District. The 2026 Comprehensive Plan recommends Office and
85 Environmental Protection Area.

86
87 This was a request for an inpatient treatment facility within an existing office building. That
88 application as been withdrawn by the applicant and no further action is necessary by the
89 Commission this evening.

90
91 Mr. Witte - Thank you.

92

93 Mr. Sehl - Moving into request for deferrals, there are five on your
94 agenda this evening. The first is on Page 1. This is PUP-2024- 102211, 101 Laburnum
95 LLCthe burnum LLC.
96

97 **PUP-2024-102211 101 Laburnum LLC:** Request for a Provisional Use Permit under
98 Sections 24-4324.B and 24-2306 of Chapter 24 of the County Code to allow gasoline
99 sales on Parcel 791-738-2113 located at the southwest intersection of W Laburnum
100 Avenue and Alma Avenue. The existing zoning is B-1 Business District. The 2026
101 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise
102 Zone.
103

104 The applicant is requesting you defer this item to your May 15, 2025, meeting.
105

106 Mr. Witte - Do we have anyone in the audience or on WebEx who would
107 like to speak to this case?
108

109 Ms. Hartwick - There is no one on WebEx for this case.
110

111 Mr. Dandridge - Mr. Chair, I move that PUP-2024-102211, 101 Laburnum
112 LLC, be deferred to the May 15, 2025, meeting at the request of the applicant.
113

114 Mr. Mackey - Second.
115

116 Mr. Witte - We have a motion by Mr. Dandridge, a second by Mr. Mackey.
117 All in favor say aye.
118

119 Commission - Aye.
120

121 Mr. Witte - Opposed? Motion passes.
122

123 Mr. Sehl - Also on Page 1 of your agenda is the first of two companion
124 requests. This is REZ-2025-100115 ProSafe Storage.
125

126 **REZ-2025-100115 Jeffrey P. Geiger for ProSafe Storage:** Request to rezone from R-
127 6C General Residence District (Conditional) to B-3 Business District part of Parcel 784-
128 760-2968 containing 0.049 acre located on the north line of Magellan Parkway
129 approximately 250' east of its intersection with Brook Road (U.S. Route 1). The applicant
130 proposes vehicular access for a proposed self-service storage facility. The use will be
131 controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends
132 Government.
133

134 The applicant is proposing a self-storage facility as part of the companion request. The
135 applicant has requested you defer this item to your April 10 meeting.
136

137 Mr. Witte - Is there anyone in the audience or on WebEx who would like
138 to speak to this case?

139
140 Ms. Hartwick - There is no one on WebEx for this case.
141
142 Mr. Witte - One in the audience.
143
144 Ms. Holland - Good evening, I am, excuse me, Annie Holland, and I live at
145 9272 Magellan Parkway Unit A here in Glen Allen. I apologize. I've missed most of the
146 correspondence regarding this rezoning request that was prior information as a resident
147 there in a condo. We got notification of this particular thing. And so tonight you're
148 mentioning this that I had some questions about, so I'd like to get a little bit more
149 clarification where the proposal is right now to rezone that property.
150
151 Mr. Emerson - Ms. Holland, the action requested tonight is a deferral in order
152 to allow the public more time to gain information and the applicant to work a little bit more
153 on the case and refine it. Either a member of my staff can meet you out in the foyer and
154 discuss and answer your questions regarding this or Mr. Geiger, who is the representative
155 of the applicant, could also possibly speak with you.
156
157 Ms. Holland - Okay.
158
159 Mr. Emerson - But if you're not in opposition to the deferral, which will allow
160 you time to get your questions answered. That's the question in front of the Commission
161 at this time.
162
163 Ms. Holland - Well, I'll tell you that the second part of this of the storage
164 building. I am opposed to anything coming on that piece of property there because of
165 traffic issues. I don't know if this is the time for me to, you know, give my grievance or not,
166 but cause I really don't know the procedure.
167
168 Mr. Emerson - Mr. Lewis can get out in the foyer and talk to you about this
169 case if that's ok
170
171 Ms. Holland - Thank you.
172
173 Mr. Emerson - You're welcome.
174
175 Mr. Witte - You're up again.
176
177 Mr. Dandridge - Mr. Chair, I move that REZ-2025-100115 ProSafe Storage be
178 deferred to the April 10, 2025, meeting at the request of the applicant.
179
180 Mr. Winterhoff - Second.
181
182 Mr. Witte - We have a motion by Mr. Dandridge, a second by Mr.
183 Winterhoff. All in favor, say aye.
184

185 Commission - Aye.
186
187 Mr. Witte - Opposed? Motion passes.
188
189 Next, moving on to Page 2 of your agenda is the companion Provisional Use Permit
190 request, which is PUP-2025-100068, also ProSafe Storage.
191
192 **PUP-2025-100068 Jeffrey P. Geiger for ProSafe Storage:** Request for a Provisional
193 Use Permit under Sections 24-2306 and 24-4330.D of Chapter 24 of the County Code to
194 allow a self-service storage facility on Parcel 784-760-2885 and part of Parcel 784-760-
195 2968 located at the northeast intersection of Brook Road (U.S. Route 1) and Magellan
196 Parkway. The existing zoning is B-3 Business District. The 2026 Comprehensive Plan
197 recommends Government and Environmental Protection Area. A portion of the site is
198 within the Enterprise Zone.
199
200 Again the applicant is requesting you defer this item to your April 10 meeting.
201
202 Mr. Witte - Is there anybody opposed to this case on WebEx or in the
203 audience?
204
205 Mr. Emerson - Again, this is the companion case to the previous case.
206
207 Ms. Hartwick - There is no one on WebEx for this case.
208
209 Mr. Witte - Thank you.
210
211 Mr. Dandridge - Mr. Chairman, I move that PUP-2024-100068 ProSafe
212 Storage be deferred to the April 10, 2025, meeting at the request of the applicant.
213
214 Mr. Shippee - Second.
215
216 Mr. Witte - We have a motion by Mr. Dandridge, a second by Mr.
217 Shippee. All in favor, say aye.
218
219 Commission - Aye.
220
221 Mr. Witte - Opposed? Motion passes.
222
223 Mr. Dandridge - Gentlemen, I do have one thing to state on here though. I
224 know it's saying PUP-2025. It's 2025 on one of the forms and it's 2024 on the other. So
225 we need to make a correction on there.
226
227 Mr. Sehl - I appreciate that. It's correct on the agenda. It's PUP-2025.
228
229 Mr. Dandridge - It should be 2025.
230

231 Mr. Sehl - Yes sir. Thank you. Staying on Page 2 of your agenda is REZ-
232 2025-100032, Biju Mattamana..
233

234 **REZ-2025-100032 Biju Mattamana:** Request to conditionally rezone from R-2 One-
235 Family Residence District to R-4C One-Family Residence District (Conditional) Parcel
236 764-766-6303 containing 1.387 acres located at the southeast intersection of Staples Mill
237 Road (U.S. Route 33) and Courtney Road. The applicant proposes single-family
238 residences. The use will be controlled by zoning ordinance regulations and proffered
239 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1.
240

241 The applicant is requesting you defer this item to your May 15, 2025, meeting.
242

243 Mr. Witte - Is there anyone on WebEx or in the audience opposed to
244 deferral request? .
245

246 Ms. Hartwick - There is no one on WebEx for this case.
247

248 Mr. Witte - I move that REZ-2025-100032, Biju Mattamana, be deferred
249 to the May 15, 2025 meeting at the request of the applicant.
250

251 Mr. Mackey - Second.
252

253 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Mackey. All
254 in favor say, aye.
255

256 Commission - Opposed? Motion passes.
257

258 Mr. Sehl - The final request for deferral staff is aware of this evening
259 begins on Page 2 and carries on to Page 3 of your agenda. This is REZ-2024-102790
260 Godsey Properties Inc.
261

262 **REZ-2024-102790 Daniel Caskie for Godsey Properties, Inc.:** Request to
263 conditionally rezone from R-2AC One-Family Residence District (Conditional) and R-5AC
264 General Residence District (Conditional) to R-5AC General Residence District
265 (Conditional) Parcel 816-729-1884 containing 52.40 acres located at the northern
266 terminus of Westover Avenue. The applicant proposes a single-family residential
267 development. The use will be controlled by zoning ordinance regulations and proffered
268 conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use. The site
269 is located in the Airport Safety Overlay District.
270

271 The applicant is requesting you defer this item to your April 10th meeting.
272

273 Mr. Witte - Do we have anyone in the audience or on WebEx who would
274 like to oppose this deferral?
275

276 Ms. Hartwick - There is no one on WebEx for this case.

277
278 Mr. Mackey - I move that REZ-2024-102790, Gosey Properties Inc., be
279 deferred to the April 10, 2025, meeting at the request of the applicant.
280

281 Mr. Winterhoff - Second.
282

283 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Winterhoff.
284 All in favor, say aye.
285

286 Commission - Aye.
287

288 Mr. Witte - Opposed? Motion passes.
289

290 Mr. Emerson - Mr. Chairman, that completes the request for withdrawals and
291 deferrals. You have no expedited items this evening. We now move into the first case for
292 hearing, which appears on Page 2 of your agenda. It is REZ-2024-102409, Andrew
293 Condlin for VPFW Monument MOB Investors, LLC.
294

295 **REZ-2024-102409 Andrew Condlin for VPFW Monument MOB Investors, LLC:**
296 Request to conditionally rezone from R-3 One-Family Residence District to B-2C
297 Business District (Conditional) Parcel 770-737-6328 containing 1.65 acres located at the
298 northeast intersection of Monument Avenue and Lake Avenue. The applicant proposes a
299 medical office building. The use will be controlled by zoning ordinance regulations and
300 proffered conditions. The 2026 Comprehensive Plan recommends Semi-Public.
301

302 The staff report will be presented by Mr. Michael Morris.
303

304 Mr. Witte - Mr. Morris.
305

306 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. As
307 noted, this is a request to conditionally rezone 1.65 acres from R-3 One-Family Residence
308 District to B-2C Business District (Conditional) to construct a medical office building. The
309 site is located at the northeast intersection of Monument Avenue and Lake Avenue and
310 is currently developed as a place of worship. The applicant has indicated the now vacant,
311 26,000-square foot building would be removed as part of this request. The surrounding
312 area is characterized by a residential neighborhood to the north, offices to the east, and
313 a place of worship to the west. Across Monument Avenue to the south are single-family
314 residences and the Weinstein Jewish Community Center. The St. Mary's Hospital campus
315 is located farther to the west, at the southwest intersection of Monument Avenue and
316 Libbie Avenue. A proffered concept plan shows a two-story, 34,000-square-foot medical
317 office building located in the southeast corner of the site, adjacent to Monument Avenue
318 and Peachtree Boulevard. Two access points would be provided at Lake Avenue and
319 Peach Tree Boulevard, in the general location of the site's existing access.
320

321 Proffered elevations depict a two-story office building composed of brick or masonry, and
322 wood paneling. A pavilion-style roof is shown at the southwest corner, identifying the

323 location of the building's lobby and main entrance. Proffered exterior building materials
324 include brick, glass, stone or stone veneer, and split-face block, among others. Other
325 proffers would restrict uses to those found in the Office Use Category, address signage,
326 limit hours of operation and restrict dumpster pickup and parking lot cleanup hours,
327 among others. Handouts provided this evening include a set of revised proffers, a revised
328 concept plan, and a newly submitted landscape plan. Revised proffers would limit the height
329 of the building to no more than 32' and require sidewalks along Lake Avenue, Monument
330 Avenue and Peachtree Boulevard, as reflected on the two plans. I should also note the
331 applicant is working on providing proffered language related to limiting hours of construction
332 on the property. The property is designated Semi-Public on the 2026 Comprehensive
333 Plan, which is reflective of the historic use on the site and surrounding area. This request
334 is generally consistent with this designation, which typically consists of quasi-public uses
335 including hospitals and medical buildings. The use is also consistent with neighboring
336 office uses and would offer services to the surrounding area. The proposed development
337 is not expected to negatively impact the immediate area, including the adjacent
338 residences. For these reasons, staff supports this request. This concludes my presentation
339 and I'm happy to answer any questions you have at this time._
340

341 Mr. Witte - Any questions from the Commission? Do we have anyone in
342 the audience or on WebEx who would like to speak to this case?
343

344 Ms. Hartwick - There is no one on WebEx for this case.
345

346 Unknown speaker - I am told that there are issues with WebEx.
347

348 Mr. Ryan - My name is Andrew Ryan. I live at 1500 Lake Avenue. Mr.
349 Witte, members of the Commission. Good evening. I'm here as the president of the
350 Monumental Floral Gardens Neighborhood Association. That's our neighborhood that's
351 adjacent to this site. We're here and we're supportive of this project. We think that it's a
352 good use for the site, that it'll complement the neighborhood. I'd also like to note that
353 VPFW's team has worked with our neighborhood extensively on this plan and they've
354 been receptive to neighborhood feedback that we've given them on a number of concerns
355 initially that have been addressed and updated or included in the updated proffers. There
356 are a few other neighbors who are here tonight, and as I said, generally we believe this
357 is a good approach for the site and that we're supportive of this plan.
358

359 Mr. Witte - Thank you. Anyone else? Mr. Condlin, if you would, go over
360 all the changes that...
361

362 Mr. Condlin - Yes, sir. Mr. Chairman, members of the Commission, Mr.
363 Emerson, Andy Condlin here on behalf of Virginia Physicians for Women. We are very
364 pleased to bring to you the proposal to provide for an office building on a former site, a
365 church site for the church of Jesus Christ of Latter Day Saints, which is now closed. We
366 do believe that this is compatible and actually a good benefit for the neighborhood. One
367 of the things that we've talked about and have provided for based on discussions with the
368 Monumental Floral Gardens and some of the neighbors specifically. We limit our use to

369 office use only, which we've put in our proffered conditions. I do want to confess that Mr.
370 Witte pointed out my email summary to the Planning Commission included a misquote on
371 the hours of operation. We're actually limiting our hours of operation. I put in my email
372 Monday through Saturday it should have been Monday through Friday for the hours of
373 operation that I quoted in there. We are specifically limiting our hours of operation from
374 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday and
375 no operations at all on Sunday, so it would not be open to the public on Sunday at all. We
376 think that this is going to be helpful to the surrounding community in the surrounding
377 neighborhood, but we also wanted to add, which we had not yet included in the proffers
378 and I apologize it's something that we missed, with respect to the construction hours to
379 have from construction hours being limited from 7:00 a.m. to 7:00 p.m., Monday through
380 Friday, 9:00 a.m. to 4:00 p.m. on Saturday. Those will be exterior construction hours.
381 That's typical, as you know, from our standpoint, just something that did not come up and
382 I didn't provide for originally, but in discussions with the Monumental Floral Gardens,
383 obviously they wanted us to address that and that's something that we can do after the
384 Planning Commission. Beyond that, we've also added height limitations, provided for
385 specific landscaping, and then sidewalks as has been brought up not only on Monument
386 Avenue and tried to design the landscape including a seating wall, so it's a little bit more
387 ornamental along Monument Avenue, but also providing for sidewalks along the two side
388 streets being Lake Avenue and Peachtree Drive. With that, I think we've certainly
389 complied with the comments that we've received from the Monumental Floral Gardens as
390 well as the county staff. I would ask that you follow staff's recommendations and
391 recommend this to the Board. I'll be happy to answer any questions if I missed anything
392 at this point.

393

394 Mr. Witte - What's the status on the NO parking signs?

395

396 Mr. Conclin - We've contacted and been in contact with DPW. As you know,
397 the question became No Parking signs. We've asked DPW to allow for No Parking on
398 Lake Avenue and Peachtree Boulevard specifically because that's where our access
399 points are. One of the proffers that we provided for at the request of the association was,
400 it's so important I put it in twice, which I didn't realize until today, which is in our proffers
401 that as people exit our site, they have to turn towards Monument Avenue not turn into the
402 neighborhood. There's also a concern that if there's a need for parking that we have that
403 they might go, flow out into the street and they did not want people parking out in the
404 street in the neighborhood. I think DPW and our initial conversation is not to speak for
405 them, but that makes a lot of sense as people are coming off Monument Avenue. They
406 don't want people parking right on that edge of the street. There's office east of us and
407 then there's a church on the west of us with a large parking. We're hopeful that we'll be
408 able to get that. We've asked for it, but we can't force it. It's obviously a county decision
409 at that point.

410

411 Mr. Witte - Any questions by the Commission?

412

413 Ms. James - My name is Virginia Kent James. I live at 1101 Peach Tree
414 Boulevard diagonally across the street from the proposed building. I won't tell you how
415 long I've been there, but anyway, a long time. My concern is parking along West Grace
416 Street between Trebo Avenue and Lake Avenue. Will there be No Parking signs placed
417 there or is this something that we need to go to the county police department or
418 whomever?

419
420 Mr. Witte - Mr. Condlin, would you like to answer that?

421
422 Mr. Condlin - We did not specifically ask for that, but we can amend that in
423 our request to the Department of Public Works. We can work with Mr. Morris in the
424 Planning office to make sure he's aware of the formal request we've made, and we can
425 let your board know from the association know, that I assume, you think that you can
426 support that as well, but I can ask for that specifically. I didn't ask for that specifically from
427 Trebo.

428
429 Ms. James - No, and in addition to this, I know it was addressed that
430 overflow parking could go into the Baptist Church parking lot if that's been talked about
431 or agreed upon.

432
433 Mr. Condlin - I certainly can address that. We have not approached the
434 Baptist Church specifically. They do have a lot of parking that they do allow for additional
435 use for. If we feel like we have to for that purpose. We actually feel like we're over-parked.
436 I know I explained this a little bit during the community meeting and our numbers have
437 changed a little bit, but under the current ordinance, we're limited to no greater than 1.2
438 of what the ordinance otherwise required. We actually have in our facility, excuse me for
439 one second while I pull up my numbers. We've got specific amounts of parking that we
440 already exceed. We're going to have to ask for a waiver during the plan of development
441 process to be able to provide for the additional parking that we actually have proposed
442 on here. Currently, the code itself requires that we have, the parking required is 86 spaces
443 and we're providing 107 which is slightly more than what the code allows for, but again,
444 we feel like we can prove to the county that we have a need for that. That's more than we
445 need based on the services that we're providing and based on our experience that we
446 otherwise have.

447
448 Mr. Witte - Does that answer your question?

449
450 Ms. James - Thank you.

451
452 Mr. Witte - Thank you. We have one more. Is there anybody else who
453 would like to speak to this?

454
455 Mr. Cummings - My name is Dan Cummins and I actually don't have really any
456 issue with the building, I think the building is, is wonderful compared to what's there. I
457 can't wait to see what's there get torn down. My only concern is, you mentioned 107
458 parking spaces. Three times I've been over to the identical building, cause this

459 organization told me they have the same building over there next to Costco in Midlothian.
460 I counted 190 parking spaces, and I've been over there three times. You can hardly get
461 a parking space in the 190 spaces that are provided for the identical building over there.
462 Now, 107 sounds good, but I'm trying to think, where would the other 83 cars park, on
463 this particular project? You all just for the fun of it might want to drive over there one day
464 and see that parking lot. I mean it's immense and it's full. Any questions?

465
466 Mr. Witte - Any questions? Thank you for your comment.

467
468 Mr. Condlin - Mr. Chairman, if I may speak to that. I think the particular
469 building that he's referring to is actually from the reference point of an administrative
470 building that provides for their headquarters specifically. It's in Chesterfield. We're actually
471 meeting and exceeding in that location their parking requirements, but because that's an
472 administrative building, it doesn't operate the same way as this will. This will not be
473 administrative. This will be for services only. That is for administration and for services
474 related to ultrasounds and mammograms. They have 70 static employees that are there
475 and we also have based on an average of about 72 patients that come in for each hour
476 from that standpoint based on scheduling. We have access of 190 spaces. It's about 140
477 that we see. It does get filled from time to time. We don't see it as a problem typically, but
478 it's not the same service at all. We will not have administrative there. This will be
479 specifically scheduled for this and we can certainly work around the schedule if it does
480 become a parking problem. As we've talked about before, we can talk to the adjacent
481 Baptist Church as well if there becomes any parking problems, but we're exceeding what's
482 already required for the county. And again, based on our experience, we think that we'll
483 be able to meet that based on how we schedule everything.

484
485 Mr. Cummings - Out of curiosity, how many static employees will be at this
486 one?

487
488 Mr. Witte - Can you speak into the microphone?

489
490 Mr. Condlin - I'm looking over to my client. How many static, that would be
491 people that are the staff that would be there? Thirty to 35 static employees. We have 70
492 specifically in the other location for that for the same purpose, you know, for that purpose
493 though.

494
495 Mr. Cummings - I thought I heard that the one over in Chesterfield had nine
496 physicians that worked out of there. And then I thought I heard the proposal for this is for
497 10 physicians. Is that correct or am I wrong? Can you come up and talk please?

498
499 Mr. Milligan - I'm Ronnie Milligan, the CEO at Virginia Physicians for
500 Women. We currently have 12 positions, room for 12 positions at the Chesterfield
501 location. That's generally, you know, 80% capacity, we generally run 80% capacity at all
502 of our offices. The one we're proposing here is from eight to 10 positions, 10 at the
503 maximum. We don't see that's going to be an issue there.

504

505 Mr. Witte - Thank you. Are there any questions by the Commission? Any
506 comments? Thank you for all the comments. I move, we recommend approval of REZ-
507 2024-102409, VPFW Monument MOB Investors, LLC with revised proffers dated March
508 10, 2025.

509
510 Mr. Dandridge - Second.

511
512 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Dandridge.
513 All in favor say aye.

514
515 Commission - Aye.

516
517 Mr. Witte - Opposed? Motion passes. Do we need to waive any time
518 limits on this?

519
520 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Dandridge,
521 the Planning Commission voted 5-0 (one absence) to recommend the Board of Supervisors
522 **grant** the request because it would not adversely affect the adjoining area if properly
523 developed as proposed and the proffered conditions will provide appropriate quality
524 assurances not otherwise available.

525
526 Mr. Emerson - No, sir, I don't believe so.

527
528 Mr. Witte - Thank you.

529
530 Mr. Chairman, before we move on to the next case I would like to note for the Commission
531 and the audience, we are experiencing some technical difficulties with the WebEx. We're
532 working to correct those. It was working fine earlier, but, like all technology, it's
533 technology. It is not a requirement under the Code of Virginia for public hearings to
534 provide access through remote purposes. That is something that we provide in addition
535 to try to encourage public participation. Your public hearing serves to satisfy those
536 requirements and while it's a little frustrating, this is the Planning Commission hearing.
537 There will be a recommendation from the Commission, then the case will move forward
538 to the Board of Supervisors. There will be a second public hearing. For those of you
539 viewing online that may be having difficulty getting in, you will have a second opportunity
540 to provide comment.

541
542 Mr. Emerson - With that said Mr. Chairman, the next case on your agenda is
543 REZ-2024-102751.

544
545 **REZ-2024-102751 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to
546 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
547 (Conditional) Parcels 820-702-5716 and 820-702-7260 containing 17.528 acres located
548 between Olga Sauer Boulevard extended and the west line of Monahan Road
549 approximately 3600' south of its intersection with Charles City Road. The applicant
550 proposes a warehouse. The use will be controlled by zoning ordinance regulations and

551 proffered conditions. The 2026 Comprehensive Plan recommends Planned Industry. The
552 site is located in the Airport Safety Overlay District.
553

554 The staff report will be presented by Ms. Molly Mallow.
555

556 Mr. Witte - Good evening.
557

558 Ms. Mallow - Good evening, Mr. Chair and members of the Commission.
559 As mentioned, this is a request to conditionally rezone two properties located on Olga
560 Sauer Boulevard and the west line of Monahan Road to allow for a warehouse.
561 Surrounding uses to the east and north include vacant parcels and single-family homes,
562 zoned A-1. To the west and south are two warehouses, part of Sauer Industrial Center 1,
563 zoned M-1C. The applicant has submitted a conceptual plan showing the proposed
564 100,000 square-foot warehouse with a 7,969-square-foot outdoor storage area and 18
565 loading docks. The property would be accessed via an extension of Olga Sauer Boulevard
566 and direct access to Monahan Road would be prohibited. Two BMPs are shown, one
567 located to the west of the proposed warehouse and one to the south of the outdoor
568 storage area. The applicant has provided revised proffers that were included in tonight's
569 handouts. Time limits would not have to be waived as these were received prior to the
570 deadline. These revisions include a change to Proffer 11 further limiting the hours of
571 construction on Saturdays to between 8 a.m. to 5 p.m. Other proffers included with this
572 request include a 6-foot opaque fence that is to be located in the eastern 50-foot
573 transitional buffer along with additional evergreen plantings, further limitations on the uses
574 permitted on the subject property, and building height. Additionally, the proffers state that
575 the hours of use for the loading bays shall be limited to 6 a.m. to 8 p.m.
576

577 On January 30th, the applicant held a community meeting at the Varina Library that was
578 attended by approximately eight residents. At this meeting, residents expressed concerns
579 regarding whether the 50-foot eastern transitional buffer would mitigate potential sound
580 and visual impacts on adjacent properties, stormwater runoff, and loss of greenspace.
581 The 2026 Comprehensive Plan recommends Planned Industry for the subject site. This
582 request is consistent with this designation and would be a reasonable expansion of
583 existing development occurring along S. Airport Drive. Additionally, the revisions to the
584 proffers and conceptual plan should minimize potential impacts on adjacent properties in
585 a manner comparable to other similarly situated industrial sites in the county. For these
586 reasons, staff is generally supportive of this request. This concludes my presentation. I'd
587 be happy to answer any questions.
588

589 Mr. Witte - Any questions?
590

591 Mr. Mackey - Not at this time.
592

593 Mr. Witte - Is there anybody in the audience or on WebEx if it's working?
594 Please raise your hand so we know how many. Two.
595

596 Ms. Bowery - My name is Sherry Bowery, and I reside at 6621 Monahan
597 Road. My husband and I have lived on Monahan Road since 1986. We built our home on

598 the property that once was owned by our great, by his great grandmother. It has always
599 been a special place for us as everyone up and down Monahan Road has some type of
600 ancestor connection to the area, and we all feel like family. We were delighted to see the
601 next generation moving in and building homes along the road. However, I don't know how
602 feasible that is for young families when the Henrico County 2026 updated Comprehensive
603 Plan shows all our areas being identified as planned industrial use for future development
604 over the next 20 years. It's quite devastating to see a large PI stamp over top of my house
605 on the exhibits to the said plan. I have read the revisions to the rezoning case REZ-2024-
606 102751 on Monahan Road and although efforts have been made to modify the initial
607 proposal, there has not been enough consideration given to the plan of this project as to
608 how it will interfere in the enjoyment to all Monahan residents and lack of protection to
609 existing homes. The building of this warehouse isn't even logical for the parcel as the plan
610 shows the warehouse barely squeezes on the property since majority of the property is
611 wetland. Henrico County already approved the prior development of two existing
612 warehouses in the backyards of residents on Monahan Road and it was thought that the
613 acres of mature trees and vegetation would create a barrier between those existing
614 warehouses and surrounding residents. However, we are still affected by loud noises and
615 flashing lights throughout the day and night. The sound barrier for that project is much
616 larger by several hundred feet than the barrier proposed in this rezoning case. My
617 husband and I are now looking forward to retirement and we thought this home would be
618 our forever home as we have raised our family and built many memories on Monahan
619 Road. Now we feel that we are forced to possibly move, which is something that I didn't
620 want to do at this point in my life. It is my dream to sit on my patio and enjoy the vision of
621 wildlife in my backyard, not to walk out of my front door to the site of warehouses and
622 loud truck noises brought to our community from industrial growth. Thank you.

623

624 Mr. Witte - Thank you.

625

626 Ms. Merridew - Hello, my name is Pat Merridew, and I reside at 6620
627 Monohan Road.

628

629 Mr. Mackey - Excuse me, ma'am, what was your last name?

630

631 Ms. Merridew - Merridew.

632

633 Mr. Mackey - Thank you.

634

635 Ms. Merridew - My husband and I own three parcels that border the property
636 regarding this rezoning. I'm a Monahan resident of 57 years, and my husband has lived
637 on Monahan the entire 83 years of his life. His parents and grandparents before him were
638 lifetime residents of Monahan Road. One resident is still living in her childhood home. My
639 daughter and son-in-law are raising our grandchildren on Monahan Road. Many residents
640 are family and/or longtime residents who enjoy our country lifestyle and homes. We
641 choose not to be in a city urban environment. My husband and I own the property on the
642 eastern boundary of this project. No amount of fencing within 50 feet would be sufficient
643 to buffer the noise or lighting that our residents would experience. I know this firsthand

644 because our home borders parcel 820-701-5432 which is 3.2 acres with a boundary on
645 the north side of 522.94 feet into the south of 570.9 feet. Starting on our property, our
646 property now behind our home is to stand of thick, mature trees. This continues onto said
647 parcel up to the opening of the very county sewer main and picks up again over to the
648 two existing warehouses illustrated on that screen up there. We do experience both noise
649 including loud conversations and sometimes loud music and lighting from both facilities.
650 The proposal within the 50-foot offers a 6-foot opaque fence, evergreen planting and
651 unbroken strip at maturity. It would take several years for anything to grow to maturity.
652 Your staff report states applicants are encouraged to consider the inclusion of the
653 property to the north for the proposed future entrances as shown on the conceptual plan.
654 Further stating, by doing so, this request and future development could facilitate the
655 extension of Olga Sauer Boulevard in a manner consistent with the recommendations of
656 the 2026 Major Thoroughfare Plan. The report also states, if redevelopment were to occur
657 along Monahan Road, these entrances could provide access through an extension of
658 Olga Sauer Boulevard to Monahan. If you go back and reference on the 2026 Major
659 Thoroughfare Plan, this redevelopment is already in place on POD2023-00297. There's
660 already stuff in place for that development. There's also access to Monahan Road from
661 that development on Seven Hills Boulevard. The two properties in question about them
662 connecting, having a separate entrance, goes to some property that's gone to tax and it's
663 not gone to auction.

664
665 Our question, has auction been withheld because the county definitely plans to make that
666 extension happen? Is that why it has not gone to auction? I also question why should
667 Monahan residents have their homes and country lifestyle be destroyed and disturbed for
668 major financial profit to one property owner who is not a resident of Henrico County and
669 an applicant who is not a resident of the State of Virginia. I also question why should all
670 of Varina be developed either through huge warehouses, manufacturing facilities, and
671 large housing developments. Must we give up all of our green space, our clean air, and
672 the provisions for wildlife to survive in our area? Just because this proposal falls within
673 the guidelines of the county development plan does not make it right at this location. The
674 structure is far too large for the amount of usable land and this whole proposed project is
675 adverse to the surrounding country environment of Monahan Road. I feel that this
676 rezoning is not about progress. It's about greed. I would appreciate your consideration to
677 our concerns and deny this rezoning request. Thank you for your time.

678
679 Mr. Mackey - Thank you Ms. Merridew.

680
681 Mr. Witte - Any questions by the Commission at this point?

682
683 Mr. Mackey - I guess it was a question and kind of comment. I don't know if
684 Mr. Emerson wanted to speak anything to the comment that was made about the county
685 holding the land up from going to auction.

686
687 Mr. Emerson - I don't think I have a comment to that sir.

688

689 Mr. Mackey - I wanted to give you the opportunity if you did want to say
690 something. I didn't think that was factual, but I just wanted to give you the opportunity to
691 speak on it if you chose to. Thank you. I'd like to hear from the applicant. If the applicant
692 would come and address some of the concerns that we heard.
693

694 Mr. Baker - Good evening, Mr. Chairman, members of the Commission.
695 I'm Mark Baker with Baker Development Resources. I'm here on behalf of the property
696 owner. I want to thank staff for the presentation. They always do a great job, they're great
697 to work with. In terms of the Comprehensive Plan, Planned Industry has suggested for
698 the property was consistent with this proposal. Similarly situated abutting properties within
699 the S. Airport Drive corridor that is properties on three sides of the properties, north, west
700 and south have already been zoned M-1 according to that guidance. This request seeks
701 to do the same. As this is the last remaining parcel east of S. Airport Drive, and without
702 frontage on Monahan that's still zoned A-1. Along those lines, staff notes in their report,
703 this request is consistent with the Planned Industry designation and would be a
704 reasonable expansion of existing development occurring in the S. Airport Drive corridor.
705 To take that just one step further, looking at the big picture, the Comp Plan certainly talks
706 about the relationship between land use and economic development. How that
707 relationship is extremely important to the future financial stability of the county and
708 indicates the industrial areas in the county are strong factors in a local and regional
709 economy. And then finally it states that areas identified in the Future Land Use Plan for
710 industrial uses should be viewed as limited resources. There aren't a lot of them, which
711 should be protected and reserved for revenue generating businesses to maintain the
712 economic health of the county. The proposed facility as a publicly available warehouse
713 would certainly meet the threshold being revenue generating, and then of course what's
714 more the third party logistics that we provide would be helpful to other businesses within
715 the county as they seek to start up or grow and contribute their own share to the county's
716 economic health. Now with that in mind, we enjoyed working with neighbors and staff as
717 we worked through the process and in an attempt to balance concerns both
718 accomplishing the plans, goals while also reducing impacts on nearby property owners.
719 We did hold a meeting on January 30th with nearby property owners, some of whom are
720 in attendance this evening. We've also had subsequent follow up emails about specific
721 neighbor concerns. We requested a continuance at the last meeting in order to address
722 some of those concerns, work on our proffers and exhibits, and as a result, we've now
723 amended the request and where possible, we've addressed what we heard. Just to run
724 through some of the things that I think some of these things may address to some extent
725 some of the concerns you've heard, but in terms of adequacy of buffering, we did hear
726 concerns about it. Our initial submission was to provide a transitional buffer 50, which is
727 what would be required by zoning between an A-1 zoned property and an industrial facility
728 that's over 15,000 square feet in floor area, that has a minimum of landscaping materials
729 that are required within it and so that's seven large deciduous or evergreen trees, four
730 small deciduous or evergreen trees, and then 24 shrubs, and that's for every 100 feet of
731 that buffer.
732

733 There were concerns about the adequacy as was against stated this evening, and we've
734 updated the proffers to enhance the buffer with an opaque fence, 6 feet tall, and as well

735 an unbroken strip of evergreen trees, and so these are things that you might hear about
736 as alternatives that might be used to actually reduce the width of the buffer, but we're
737 proposing them in addition to that 50 foot buffer, and in addition to the landscaping that
738 would already be required within the buffer so it's required landscaping, plus the
739 vegetative screen in terms of the evergreens and then the fence in order to accommodate
740 or accomplish better screening. We did hear concerns about access to Monahan, the
741 initial submission included a narrow parcel, which actually had frontage on Monahan.
742 Access wasn't proposed to Monahan. It was also specifically restricted in our initial
743 proffers. However, that parcel had been historically used to serve this property to access
744 this property from Monahan. I think that obviously raised some concerns and some
745 questions so in response to those concerns, we updated the case and the concept plan
746 to remove that narrow parcel from the case in its entirety as a result that property, the
747 property that's under consideration no longer has frontage on Monahan Road. That parcel
748 being that it would remain A-1 would also not permit access from a zoning perspective as
749 you can't access through A-1 to get to M and we certainly hope that shows additional
750 good faith. It was never the intent to access Monahan, but we've nailed it down such that
751 it would not be possible to utilize that parcel sometime in the future for access under this
752 case. Staff does note in their report again that if redevelopment were to occur along
753 Monahan Road an extension to Olga Sauer Boulevard to Monahan could occur, and that's
754 envisioned by the 2026 Major Thoroughfare Plan. But of course, that's all subject to some
755 other major redevelopment of those properties along Monahan, many of which those
756 owners are here to talk to you today. Absent that at some future date, you know, we've
757 done everything that we can through the proffers to prevent access, certainly not
758 proposed from the site and it's not proposed as part of this case. We also heard about
759 concerns about light pollution. Specifically, we were asked whether cutoff fixtures were
760 going to be provided, there was some mention of lighting concerns in the initial comments
761 tonight. We were able to point out that zoning does have standards for lighting that are
762 designed to limit light pollution on adjacent properties. We will obviously have to meet
763 those, specifically to the concern with regards to the cutoff fixtures. The code does require
764 that all exterior lights will be full cutoff, that they're downward directed. In addition, the
765 proffers before you would limit the height of parking lot lighting fixtures to a maximum of
766 20 feet. And then finally, the proffers would require all lighting to be from a concealed
767 source and would require lighting to be reduced to the minimum-security levels after
768 business hours. In terms of building height, there was some concern that was expressed
769 and I didn't hear it tonight, but I did hear it in meetings yeah M-1 as a just a general rule
770 unproffered allows a 110 feet of height, which is, you know, concerning if you're reading
771 the code but we have proffered a maximum height of 30 feet. That's included in the
772 proffers, and that's actually more restrictive or a lesser height that's permitted by the
773 current A-1 zoning. In terms of after-hours activities, we heard some concerns, there was
774 and I think that was expressed earlier as well, that the nearby Sauer facilities that are
775 similar in some regards, that there was sort of unwanted public access, non-business by
776 the public access or cars, motorcycles driving through revving engines, doing spin outs,
777 those sorts of things, and just being a general nuisance. With our resubmission, the

778 concept plan was updated to include gates, and that's for both the loading areas and the
779 parking areas. To prohibit that kind of access and we found that comment to beneficial
780 as well. In terms of other site activity, we did dial in construction hours from 7:00 a.m. to
781 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday. We also included an
782 additional proffer that would restrict the use of the loading bays for shipping and deliveries
783 and that's between 8:00 p.m. to 6:00 a.m. you could not do it that's sort of the nighttime
784 hours during which that would be restricted. Finally, in terms of site activity, we oriented
785 the loading areas on the western side of the building, so that's the side of the building that
786 is away from the closest A-1 properties and the idea was to move that property away and
787 actually use the building to some extent to buffer as well. That was done in response to
788 both buffering and site activity concerns, noise concerns. I think specifically, as it was
789 mentioned just a moment ago, that there are the other facilities in the area are not
790 designed in that way. They are not designed such that the loading areas are away from
791 their nearest neighbors. And so, I think it's important now, important to point out that the
792 loading orientation and the restriction on its uses are unique to this case and weren't
793 perhaps included in those previous cases and of course, you know, we've heard that as
794 a concern from neighbors. So, we were happy to try to address that. And then last thing
795 is that we had heard, and it was in some of the emails that were floating around that there
796 was a concern about this potentially what if this is a hazmat warehouse? And, you know,
797 from a zoning perspective, it's understanding from staff that the M-1 classification sort of
798 excludes that. Specifically allows warehousing activities that only produce minimal odors,
799 noises, similar adverse impacts on nearby lands. You know it's our understanding the
800 storage of hazardous materials, we probably have more of M-2 or M-3 situation. From a
801 proffers perspective we excluded a number of them when uses that are more intense and
802 character in order to ensure compatibility. We've proffered a safe conduct of operations
803 as a proffer. That's a proffer, you'll see that in other cases as well but that the use will not
804 create any danger to the health, safety or welfare of citizens or cause any material
805 adverse impact on the property surrounding areas by creating an excessive noise,
806 vibration, smoke, dust, odor, heat glare, beyond the boundaries of the property. And of
807 course, again this proffer is consistent with other similar cases in the area. And then
808 finally, I would just say, you know, in terms of the market the property has excellent access
809 to the airport itself, has got great transportation infrastructure, direct access to S. Airport
810 Drive via Olga Sauer. Based on the context in the market, the proposed facility would
811 likely be a public warehouse targeting existing logistics and supply chain needs of local
812 businesses. It could serve startups as well as existing businesses at various sizes. It could
813 provide those businesses, the potential benefits of cost efficiency, flexible storage,
814 inventory management to some extent, the ability for shared facilities with the right group
815 of proprietors or businesses and then other logistics services, potentially shipping
816 distribution fulfillment services, those kinds of things that you'll see in these facilities from
817 time to time. So, all of which is, is again, consistent with Future Land Use goals for the
818 property. I do want to thank staff again for their assistance, the pleasure to work with as
819 we go through the process. We may not have fully addressed every concern of the
820 satisfaction of neighbors. We do want to thank them for meeting us and they were very

821 good about being very clear about what their concerns were, and we always appreciate
822 that. And then, you know, I guess I'd like to thank you for your time and appreciate your
823 consideration. I'll answer any questions you might have.

824
825 Mr. Witte - Anybody have comments, questions?

826
827 Mr. Mackey - I have a couple of comments. I appreciate your presentation.
828 Mostly, what we did hear tonight and at the community meetings was people weren't
829 happy with the 50-foot buffer. I mean, all we can do is ask, you know, for more. By code
830 they're only required to do the 50 feet along with the plantings that are required. They did
831 agree. I know I didn't get the gentleman's name, but I overheard one of the residents
832 talking to, I can't remember if it was you or Harsh at the meeting, were talking about the
833 fence and I think that's how that kind of got started with opaque fence and everything.

834
835 Mr. Baker - Alessandro.

836
837 Mr. Mackey - Okay, Alessandro. You know that was something that was
838 good that came out of the community meeting. I mean, it's always good when people
839 show up to the community meetings and can express their concerns over whatever issues
840 we have. I think you did a good job of trying to answer some of that. The county has no
841 say over when people decide to sell property. All they can do is hold the process that we
842 are currently in and just go through all the steps that are required by law and make sure
843 that we do everything that is required. It's not a situation where the county's out here
844 looking for people to come in and do the type of enterprise stuff in an area that you deem
845 that would be residential. That is not the case. The Comprehensive Plan is a guide that
846 the planners use to look into the future to try to determine what they think is best suited
847 for the properties and that's just something that we go by. I think staff does a great job
848 and you know the tools that they use in their judgment along with the Board of Supervisors
849 and the Commissioners. There was one other thing I had. I didn't write it down, but I feel
850 bad, when you hear some of the accusations that you know is driven by greed and stuff,
851 and I promise you it is not driven by greed. I mean the county and the supervisors try to
852 just be as fair as they possibly can and just try to make good decisions for the county and
853 that's all it's based off of. I don't have any other comments if anybody else had a comment
854 or anything.

855
856 Mr. Witte - Anyone else? You have the floor.

857
858 Mr. Mackey - Mr. Chairman. I move that we recommend approval of REZ-
859 2024-102751 Dorado Capital, LLC with the revised proffers dated March 10, 2025.

860
861 Mr. Winterhoff - Second.

862
863 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Winterhoff.
864 All in favor, say aye.

865
866 Commission - Aye.

867
868 Mr. Witte - Opposed?
869
870 Mr. Shippee - Nay.
871
872 Mr. Witte - Motion passes, four to one, one abstention.
873

874 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Winterhoff,
875 the Planning Commission voted 4-1 (one opposed, one absent) to recommend the Board
876 of Supervisors **grant** the request because it conforms to the recommendations of the
877 Comprehensive Plan and the proffered conditions should minimize the potential impacts
878 on surrounding land uses.

879
880 Unknown speaker - I have a question.

881
882 Mr. Witte - I take that back. One denial.

883
884 Mr. Emerson - You have one abstention. Ms. Roundtree isn't here, but you
885 do have one nay. Ma'am, if you have a question, could you see Ms. Mallow out in the
886 lobby, please? If you have a question, could you meet Ms. Mallow out in the lobby,
887 please? Or Mr. Baker? Ma'am, the public hearing on that is now closed.
888
889

890 Mr. Chairman, the next item on your agenda also appears on Page 2. It is REZ-2025-
891 100073. Brandon Hinton for Henrico County Economic Development Authority.

892
893 **REZ-2025-100073 Brandon Hinton for Henrico County Economic Development**
894 **Authority:** Request to conditionally rezone from A-1 Agricultural District to O-3C Office
895 District (Conditional) Parcel 806-723-4768 containing 15.295 acres located on the north
896 line of Nine Mile Road (State Route 33) approximately 490' west of its intersection with
897 Dabbs House Road. The applicant proposes an inpatient medical treatment facility. The
898 use will be controlled by zoning ordinance regulations and proffered conditions. The 2026
899 Comprehensive Plan recommends Government.

900
901 And I will note this is a county project that fills a need and the location is, as you can see
902 at the Eastern Government Complex. There was a former building there that was referred
903 to as the Glenn Echo building, I believe. With that said Mr. Chairman, the presentation
904 will be made by Mr. Michael Morris.

905
906 Mr. Witte - Mr. Morris.

907
908 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. As
909 noted, this is a request to conditionally rezone a county-owned parcel located on the north
910 line of Nine Mile Road, just west of Dabbs House Road, from A-1 Agricultural District to
911 O-3C Office District (Conditional) to allow an inpatient medical treatment facility. The
912 property is part of the overall Henrico County Eastern Government Complex and is the
913 former site of the Glen Echo School. The immediate surrounding uses are largely

914 government, office, and industrial, with the exception of the Glen Echo Park subdivision,
915 zoned R-4 One-Family Residence District, directly to the west. The A-1 zoned Henrico
916 County Eastern Government Center is located immediately to the north and east. Across
917 Nine Mile Road to the south is a mix of Office and vacant properties zoned O-1 Office
918 District and M-1C Light Industrial. The proposed inpatient medical treatment facility would
919 be located toward the southern end of the subject site. Ownership of the property would
920 be maintained by Henrico County Economic Development Authority and a third party,
921 Pyramid Healthcare, would be responsible for the construction and operation of the facility
922 under a separate development agreement. Uses on the property would be limited to the
923 proposed inpatient medical facility and the continuance of government, office, and civic
924 uses. Pyramid Health has indicated the proposed use would include a 24-hour
925 detoxification, treatment, and recovery center with no more than 60 beds. While treatment
926 would be voluntary, the site would be secured, and the operator would be required to
927 submit a CPTED Plan, which would address and implement site security measures.

928
929 The proffered concept plan and elevations illustrate a one to two-story building located
930 south of the existing Bray Avenue access point, which would be closed to both vehicular
931 and pedestrian traffic. The building's main entrance is oriented to the southeast, towards
932 the site's entrance. A central courtyard would be provided for patient use, and a
933 gymnasium may be provided as a facility amenity. A driveway with parking and sidewalks
934 would surround the facility. Additional proffers address hours of construction and would
935 require a 6' opaque fence along the property's western boundary. The applicant held a
936 community meeting on February 10 of this year, with three residents in attendance.
937 Topics of discussion included buffering, site access, and security measures. The request
938 is generally consistent with the site's 2026 Comprehensive Plan designation of
939 Government which includes non-recreational government-owned public uses and
940 facilities. The use is also consistent with the character of use on the adjacent eastern
941 government center, which is home to county offices and services. The proffers and
942 exhibits would also help mitigate potential impacts on the surrounding area. For these
943 reasons, staff supports this request. I should note that Brandon Hinton, the Deputy County
944 Manager for Administration and Michael Feinmel, Deputy County Manager for Public
945 Safety are in attendance this evening and available to answer questions if needed. This
946 concludes my presentation. I'm happy to try and answer any questions you may have at
947 this time.

948
949 Mr. Witte - Any questions by the Commission?

950
951 Mr. Mackey - Yes, I have a question. When they have to do the CPTED
952 report, would that have to be completed at the POD, or would that come before Mr.
953 Emerson?

954
955 Mr. Emerson - That would be at the plan of development stage.

956
957 Mr. Mackey - That was the only question I had. Thank you.

958

959 Mr. Witte - Anyone else? Anyone in the audience who would like to speak
960 to this case? We don't have WebEx. The applicant.

961
962 Mr. Hinton - Good evening, Mr. Chairman, members of the Planning
963 Commission, Mr. Emerson. I'm here to answer any questions you may have. Mr. Morris
964 did a fantastic job of giving an overview. This is a great opportunity with a company that
965 has had a lot of interest with this project. It's a project we've talked about for several years
966 now, as you all know. We wish it had been done sooner. We ran into some hurdles along
967 the way, but we're back on track. Thanks to a group here, Pyramid Healthcare, who is
968 very interested in having a facility here. The location is ideal. As noted, adjacency to the
969 Eastern Government Center is ideal, but more importantly, down the street is the Mental
970 Health East Facility, which has a lot of benefits to the folks that will be served in this
971 location. With that as a quick overview, Mr. Chairman, members of the Planning
972 Commission I'm happy to answer any questions.

973
974 Mr. Mackey - I think it was mentioned in the report that the county will
975 maintain ownership of the building. The other partner would just run the operations of it.

976
977 Mr. Hinton - That is correct. We own the land, and then we will have an
978 agreement that, as Mr. Feinmel noted, we're on the half-yard line of finishing which gives
979 us a lot of teeth to make sure that Pyramid Healthcare does the job that we want them to
980 do and if they don't, then we will find someone else to operate. Pyramid Healthcare
981 understands that. For the taxpayers, but one thing that we're excited about as a finance
982 guy, I can't help myself, is county taxpayers will pay \$0 a year. The entire risk is on the
983 operator with Pyramid Healthcare. So, from where we started and where we ended, we
984 got a much better product. First conversations we talked about 30 to 32 beds and we're
985 now at 60. We're going to get a bigger facility and another thing that I care about, is the
986 project's going to come in under budget, so Mr. Manager will be happy there as well.

987
988 Mr. Mackey - Thank you sir. I don't have anything else.

989
990 Mr. Witte - Anyone else?

991
992 Mr. Mackey - I would like to say I think you did a great job in answering all
993 the questions of the three people that were at the meeting and everything. I think they
994 had more, it wasn't in any opposition. They were just curious. They had some questions;
995 I think you did a good job of putting them at ease and giving them some peace of mind
996 and everything, and obviously, they didn't show up.

997
998 Mr. Hinton - Yes, sir, I think it's a testament of Pyramid Healthcare. A lot of
999 their leadership team showed up to that meeting. And we outnumbered the folks there by
1000 quite a few people because we had staff there as well, but glad that we alleviated their
1001 concerns, and it actually informed some of the proffers you see in this case.

1002
1003 Mr. Mackey - Thank you. I'm ready to make a motion.

1004

1005 Mr. Witte - You have the floor.
1006
1007 Mr. Mackey - Mr. Chairman, I move that we recommend approval of REZ-
1008 2025-100073 Henrico County Economic Development Authority with the proffers dated
1009 February 26, 2025.
1010
1011 Mr. Shippee - Second.
1012
1013 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Shippee.
1014 All in favor, say aye.
1015
1016 Commission - Aye.
1017
1018 Mr. Witte - Opposed? Motion approved. Thank you.
1019
1020 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Shippee,
1021 the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
1022 **grant** the request because it would not be expected to adversely affect the pattern of zoning
1023 and land use in the area and the proffered conditions should minimize the potential impacts
1024 on surrounding land uses.
1025
1026 Mr. Emerson - Mr. Chairman, moving on to Page 3 of your agenda to REZ
1027 2024-102145, Jeffrey Geiger for Schell Brothers.
1028
1029 **REZ-2024-102145 Jeffrey Geiger for Schell Brothers:** Request to conditionally
1030 rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional)
1031 Parcel 739-770-1325 containing 9.01 acres located at the northeast intersection of
1032 Pouncey Tract Road (State Route 271) and Shady Grove Road. The applicant proposes
1033 a single-family residential development. The use will be controlled by zoning ordinance
1034 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban
1035 Residential.
1036
1037 The staff report will be presented by Mr. Michael Morris.
1038
1039 Mr. Witte - Mr. Morris.
1040
1041 Mr. Morris - Thank you, Mr. Chairman, members of the Commission
1042 again, as noted. The 9-acre subject property is located at the northeast intersection of
1043 Pouncey Tract Road and Shady Grove Road and consists of a wooded lot bordering two
1044 residential subdivisions. The surrounding area is residential in nature, with single-family
1045 neighborhoods immediately to the north and east, and places of worship across Pouncey
1046 Tract to the west and Shady Grove Road to the south. The applicant proposes to
1047 conditionally rezone the parcel from A-1 Agricultural District to R-5AC General Residence
1048 District (Conditional) to allow a single-family residential neighborhood with no more than
1049 26 individual houses. A proffered concept plan shows a single point of access to the
1050 development at Shady Grove Road. A BMP would be located in the northeast corner of

1051 the subject property, with dry swales running along the northern and eastern property
1052 boundaries. The plan also shows a proffered sidewalk along one side of internal Road A,
1053 connecting to the existing sidewalk along Shady Grove Road which would be about right
1054 here. A proffered continuation of sidewalk along the property's Pouncey Tract Road
1055 frontage is also shown. Additional proffers would restrict construction hours, and address
1056 landscaping and other design-related items. Handouts received this evening note
1057 changes made to the request since the distribution of the staff report, specifically
1058 requiring an aluminum picket fence around the proposed BMP and a commitment to
1059 providing electric vehicle charging infrastructure in garages. Revised proffers would also
1060 increase the Transitional Buffer planting standard along Pouncey Tract Road and Shady
1061 Grove Road to a TB35 level within the 25' wide planting area. While revised proffers
1062 mention the potential installation of berms within this area, staff strongly encourages the
1063 applicant to consider to commit to providing this feature in order to stay consistent with
1064 other residential developments in the area and adequately buffer the subject property.
1065 Proffered elevations show two-story craftsman-style residences with front-loaded, two-
1066 car garages. Proffered exterior building materials include stone or cultured stone, stone
1067 veneer, brick or brick veneer, E.I.F.S., and cementitious siding, among others. Driveways
1068 would be constructed of asphalt, brick, pre-cast pavers, or concrete. The applicant held
1069 two community meetings for this request, with approximately 25 area residents present
1070 at both meetings. Topics of conversation included traffic, density, hours of construction,
1071 access, landscaping, and stormwater and drainage. The applicant has worked to address
1072 residents' concerns, introducing the use of swales and fencing around the BMP. Since
1073 these meetings, staff has received additional comments from area residents regarding
1074 the proposed BMP, clearing of the subject property, stormwater, and the need for
1075 buffering of the Pouncey Tract Road and Shady Grove Road frontages. The proposed
1076 use and density are generally consistent with the 2026 Comprehensive Plan designation
1077 of Urban Residential and would continue the existing pattern of development in the area.
1078 The development would also take advantage of existing infrastructure and provide a
1079 needed pedestrian connection along Pouncey Tract Road. While generally supportive of
1080 this request, staff believes the proffered roadway buffers could be enhanced to provide
1081 additional protections for future residents and increase consistency with development in
1082 the area. Should the applicant address this concern, staff could more fully support this
1083 request. This concludes my presentation and I'm happy to try and answer any questions
1084 you may have at this time.

1085
1086 Mr. Witte - Any questions? Anybody in the audience would like to speak
1087 for or against? I have one, two, three, four. Mr. Emerson, would you like to let these people
1088 know the procedures?
1089

1090 Mr. Emerson - Yes, sir, we can review that again. The Planning Commission
1091 does have guidelines for its public hearings. The applicant is allowed 10 minutes to
1092 present the request. Time can be reserved for responses to testimony. The opposition is
1093 allowed a cumulative 10 minutes to present its concerns. What that means is that all the
1094 comments have to fit within those 10 minutes from everyone. However, questions from
1095 the Commission do not count into the time limits and the Commission can waive those
1096 time limits at its discretion. Again comments must be directly related to the case under

1097 consideration and the Commission maintains verbatim minutes of the meeting, so the
1098 commentators must provide their name and address prior to speaking for the public record,
1099 and we do request that you make your comments from the lectern in the rear of the room.

1100

1101 Mr. Witte - Thank you. One at a time.

1102

1103 Ms. Law - Evening. My name is Amy Law. I live at 11932 Westcott
1104 Landing Court. Before I make my comments, I'd also like to note that I'm aware there's
1105 multiple participants on the WebEx who would like to comment and would have made
1106 other arrangements if they knew it would not be available. First, I want to appreciate that
1107 the developer has, in fact made changes in response to many of the requests and
1108 concerns that people brought up at the community meetings. My requests today focus on
1109 the impact to the adjacent properties, specifically with requests to potential water-related
1110 issues adjacent to the proposed BMP. The current wooded area on this property near the
1111 planned stormwater basin is already a wet area, and disturbance here can materially
1112 negatively impact adjacent properties. Especially with the planned removal of nine acres
1113 of mature trees which are mitigating that impact today. There are a couple of examples
1114 of nearby construction projects which have, in fact had those kinds of impacts to adjacent
1115 neighboring properties. Given this risk, I'd like to request an additional review of the plans
1116 as they get hardened up for that stormwater basin to ensure that there are not unintended
1117 consequences which would be difficult to remediate after the fact. I'd also like to request
1118 the developers take further steps to first preserve trees and next to plant them where
1119 needed to help mitigate this risk of additional water. Specifically, I'd like for the following
1120 to be considered where it's possible in zoning approvals for areas of adjacent
1121 developments of both Gray Oaks and Mason Park included, tree removal of mature trees
1122 of over 6" was limited to areas necessary for the construction of single-family residences.
1123 I'd ask for the same consideration here. The developers have committed to planting
1124 evergreen trees around the perimeter of the property in most places, which we appreciate.
1125 This does not yet extend to that area around the stormwater basin. We'd ask that a similar
1126 planting effort be made in this area to help mitigate that risk of water, even if those have
1127 to be smaller plantings to accommodate the need for maintenance in that stormwater
1128 basin. And finally, where possible, we'd request a buffer zone be left of mature trees
1129 around the perimeter of the parcel to help mitigate those water impacts. In particular, I
1130 know there is a requirement that landscape plans include a minimum of 15% tree
1131 coverage. We'd ask that half of it be from existing mature trees, which will better offset
1132 that water impact, especially near that BMP if those trees could be left near the BMP to
1133 help mitigate that proposed future impact. Again, thank you for your time and
1134 consideration.

1135

1136 Mr. Witte - Thank you.

1137

1138 Ms. Govil - Hi Mr. Chairman and members of the Planning Commission.
1139 My name is Ashish Govil. I reside at 11928 Mason Parkway. My house directly backs into
1140 the proposed property and I currently have beautiful woods in my backyard with some of
1141 the tallest trees in those woods. I'm not going to repeat everything that Amy already talked
1142 about. My primary concern is the direct impact on the mature trees along the property

1143 line. These trees provide a crucial buffer for privacy, noise reduction and erosion control,
1144 and also any damage to these massive trees creates the risk of these trees collapsing on
1145 my house or on my neighbor's house. That is one of my primary concerns, so I'm
1146 requesting that a detailed, legally-binding tree-preservation plan that specifically
1147 addresses the protection of these trees, particularly on my property, during all phases of
1148 construction, including grading and utility installation. I would also like to request
1149 significant tree buffers to ensure these trees, the trees on my property are protected
1150 during all of the construction activity. I need assurances that the root systems of these
1151 trees are protected. Some of my other points I will, because I think Amy has already
1152 covered that, so I will pass it along to the next resident.

1153
1154 Ms. Purvey - Good evening, everyone. I'm Dr. Sneha Purvey, resident of
1155 11936 Westcott Landing Court. I'd like to thank the Planning Commission, who are
1156 hearing us out. I second everything what Mr. Govil and Ms. Amy Law mentioned, but in
1157 addition, I'd like to bring up certain other things. Around the BMP site, there is an
1158 easement area, and there is it is like a direct walking into our residential plot. Currently,
1159 there is a buffer zone between the residential properties, but near the BMP and our
1160 residential plot, there is no evergreen property, evergreen trees buffering, and that would
1161 be very essential. One, for the privacy and to prevent from people to enter into our
1162 residential properties right away. I do understand the need of an easement area around
1163 the BMP site, but it is also critically essential to maintain the safety and privacy of the
1164 residential area and to prevent the swamping. If there is swamping present, what are the
1165 remediations? Who would help us with the remediation? Is it the county or is it the
1166 builders? Those are my major things, you know, to consider extending the buffer around
1167 the BMP site and also give a good easement area. At this point, during all the meetings,
1168 we have not been told what would be the exact size of the BMP site. It would be like it
1169 was told to us that it would be projected based on what the engineers say. If in case the
1170 BMP site goes beyond the buffer zone and if swamping happens, what are the
1171 remediation measures? Will this thing require an additional set of eyes of landscape
1172 engineers or civil engineers to help understand this better?

1173
1174 Mr. Witte - Thank you.

1175
1176 Ms. Purvey - Thank you.

1177
1178 Mr. Witte - Anyone else?

1179
1180 Mr. George - Hello, my name is Tom George. I live at 11905 Mason Park
1181 Way. I'm here on behalf of the Turnberry Mason Park combined Homeowners
1182 Association. We have some concerns about the proposed development, one being the
1183 detention pond that has been mentioned by others. We have experienced another
1184 detention pond in our neighborhood, building our neighborhood, particularly the
1185 playground, which is up against Gray Oaks. That detention pond has led to significant
1186 swapping and oversaturation of our playground rendering it pretty much useless. We're
1187 very concerned about having a second detention pond adjacent to our neighborhood and
1188 in fact we don't see any other neighborhoods in the Short Pump area with two detention

1189 ponds adjacent to them. We're also concerned because the EPA guidance dictates or
1190 suggests, recommends that the drainage areas to require a detention pond be ten acres
1191 or more and this property is only 9.01 acres. We have those concerns regarding the
1192 detention pond. Other concerns, the tree removal, specifically. It's been mentioned by
1193 others, but when Mason Park was approved 20 years ago, there was particular language
1194 in there requiring the developer to leave trees 6" in diameter or more to provide such type
1195 buffer and privacy for future neighborhoods and that is persisted also with the Gray Oaks
1196 development who appear to have similar requirements, and it appears that the current,
1197 the developer of this property would rather not do that. We're also concerned about the
1198 insufficient spacing of the proposed evergreen trees. Ten feet apart, particularly if they
1199 plan to plant youthful two to three foot, three- to four-foot-tall trees, particularly the
1200 Emerald Green Arborvitae which are quite narrow. The 10' apart would not provide a good
1201 screen at all. You also have some safety concerns over the proposed entrance to the
1202 neighborhood because it would require U turns for one direction either exiting or entering.
1203 If it's possible to get another entrance or exit or an alternative entrance or exit on Pouncey
1204 Track Road, that would be preferred. Although I know from what I understand that's a
1205 state road, so it may not be that easy. Lastly, we would like to see the developer provide
1206 a connecting sidewalk in addition to the sidewalk that they plan to build along Pouncey
1207 Track Road to connect to the existing sidewalk which is about 100' or 150' beyond the
1208 current property line of this development just so that there's a connection and there's no
1209 disconnect in the sidewalk for years or decades to come. Thank you.

1210

1211 Mr. Witte - Is there anyone else? One minute left.

1212

1213 Mr. Rangwala - Good evening, honorable Chairman and the committee
1214 member. I can be really short and simple. All the things were brought up and I'm happy
1215 that neighbors were here to do that. My house is 11925 on the adjacent part of the where
1216 the road is there. I wanted to understand two things. When the builders say, he's going to
1217 remove all the evergreen trees, we want to understand why they cannot be left. And also,
1218 I wanted to understand why builder wants to do the... I would like to have two exits for
1219 them so that the exit they are proposing is very near to the intersection. It might cause a
1220 lot of traffic for us. And right now to get a left turn is really hard for us. Thank you.

1221

1222 Mr. Witte - Thank you.

1223

1224 Mr. Shippee - Excuse me, can I just get your name?

1225

1226 Mr. Rangwala- My name is Jignesh Rangwala. I'm from 11925 Mason Park
1227 Way.

1228

1229 Mr. Witte - How would you like to proceed? Would you like to hear from
1230 the applicant?

1231

1232 Mr. Shippee - I'd like to hear from the applicant, please.

1233

1234 Mr. Geiger - Good evening, Mr. Chairman, members of the Commission.
1235 My name is Jeff Geiger here on behalf of the applicant, I appreciate the comments given
1236 by our neighbors. We've heard these at two community meetings, and we believe we've
1237 worked hard to address them both to address them and make changes to the layout to
1238 provide information as to the why. I'd like to, before I get into the answering their specific
1239 questions, I would like to thank Mr. Morris for his time in working with us on finding ways
1240 to address the comments. I'd also like to thank your DPW team. We spent a lot of time
1241 between our 1st community meeting and our second community meeting about three
1242 months with them working on the storm water and working on traffic. With that, I'd like to
1243 kind of use my slides here to talk about some of the topics that were brought up. First,
1244 when we started with this project, we knew that the land plan was Urban Residential.
1245 When we see that, we're generally thinking townhouses because of the upper, more
1246 homes that are closer together, townhouse style because of the higher density that's
1247 called for. But when you look in the area, we just didn't think it was appropriate. We got
1248 two churches across the street from us. There is some height on the continuing care
1249 facility that's catty corner, but the predominant use in the area is single family detached.
1250 We went with the land plan that actually has a density, just 26 homes at less density than
1251 what's called for under the plan. We took inspiration from the community that's just to our
1252 north, that is zoned R-6C or R-5AC as well. What I'd like to do is kind of just, I think Mr.
1253 Morris touched on them, but I'd like to talk about them a little bit more in detail. One of the
1254 things that we heard was a request for evergreen screening between the new lots and
1255 the existing homeowners. We are providing those evergreens in this location. These are
1256 giant arborvitaes or Leyland Cypress. They grow to 10' in height, and what we are told,
1257 this is a plant we use routinely for this type of location, and whether you're in Henrico or
1258 other jurisdictions, the planting standard is that 10' on center, because they'll grow to
1259 about 10' in width. If at the time of plans review, the planning team would like us to locate
1260 them closer together, we're happy to do that. At our second community meeting, we
1261 shared that we were adding these evergreens due to the request of the neighbors, and
1262 some of the neighbors who are located between the stormwater basin that you see at the
1263 upper part of the layout, requested that we extend the evergreens along their property
1264 line as well. That is in your proffers. We have proffered to do that. The proffers do say
1265 that if DPW does not allow the evergreens to be planted there, we will plant a different
1266 type of planting similar to the request that was made this evening. Why would DPW have
1267 a role in that? As you may know, we are required by DPW to put a 20' wide easement
1268 around the basin. And so, in order to accommodate that easement, we have restrictions
1269 that we have to contend with via DPW. The question became also, why is it located where
1270 it is? What's the size of it, those type of comments. What I'd like to let you know is what
1271 we've explained to the community at our community meetings is that we locate these at
1272 the lowest point of the property. We have a channel that's coming off the slide on the
1273 north side that's going out to streams that eventually go out to the Chickahominy. In this
1274 location we have to size, we have to locate our storm water basins. That's a requirement
1275 we are required by law to control and detain our storm water. And that was the same law
1276 that was used when Mason Park and Gray Oaks were developed. But there was an

1277 important change after their plans were approved and they were created. In 2012 we had
1278 enhanced storm water requirements put on us. Not only do we have to detain and clean
1279 it, but we now have to provide energy balance. There's now a model that we have to
1280 create, and that model tells us how much storm water we have to detain. As a result, the
1281 basins have gotten bigger, because we have to hold back more. What we've done is
1282 we've shown the maximum size here. We like to present our cases on kind of a maximum,
1283 and then it'll get sized within that once we get into final engineering.

1284
1285 As you may also know, with these enhanced storm water requirements, we now have to
1286 evaluate the soils underneath because an important part of the new storm water laws is
1287 that they are encouraging infiltration. We want that water to go down into the ground, and
1288 so we have to evaluate the soils to demonstrate that the water will infiltrate down. Some
1289 of the other topics that work, that came up as, as we said to folks. One of the requests
1290 that we got at the first community meeting was to put a fence around the basin. We're
1291 happy to do that. We originally had a board-on-board fence that provided greater
1292 screening, but we received a request to use the more decorative picket style, so we have
1293 done that. Then, as Mr. Morris mentioned, one of the requests we got at our first
1294 community meeting was to really focus on how do we control water, leaving these new
1295 lots and getting them to the basin, so that we don't have the water impact that was raised
1296 at the first community meeting and that you've heard today. And I believe my client has
1297 been very innovative in this approach. They have employed dry swales along the property
1298 line in order to funnel that water down into the basin. This design has been reviewed by
1299 your stormwater team and they didn't have a concern with us meeting the concerns of the
1300 neighbors in this fashion. Your stormwater team also approved the location of the
1301 evergreens along and incorporated within that dry swale another comment that came up
1302 was could we have another location onto Pouncey Tract? As you can see, we don't. At
1303 the first community meeting, we showed a layout that did include a connection to Pouncey
1304 Tract unfortunately VDOT said no. Instead, what we did was we worked with your DPW
1305 traffic team to design the entrance that you see here, including a taper for the entrance. I
1306 know folks might find this a little strange, but a right in, right out entrance, if you're familiar
1307 with Shady Grove, there's a median here. This will be a right in, right out entrance. It's the
1308 preferred movement by traffic engineers, and traffic engineers also prefer the U turn
1309 movement as opposed to left and rights. One of the hardest things that we have to deal
1310 with is a topic that you heard repeatedly from some of the folks today, and we heard
1311 throughout both of our community meetings, is can you leave the trees? As I mentioned,
1312 the storm water laws have gotten harder. We have to funnel all of that water down into
1313 those basins. And as a result of that, as the law, as the storm water laws have gotten
1314 bigger or greater. We have to do more work on the site, and as a result of that, we aren't
1315 even able to save the trees that we know our home buyers would prefer. If you can sell a
1316 house with mature trees in the back you're going to make home buyers better, happier.
1317 In order to meet the regulations that are imposed on us we have to do the things that we
1318 can do. We have to take the trees down. We have to shape the earth in order to get it to
1319 the BMP. We believe that we're doing the best we can, given the regulations that we have
1320 to contend with by providing the evergreen trees and also providing that innovative swale,
1321 in order to address the concerns that were raised this evening about the water.

1322

1323 Mr. Witte - Mr. Geiger?
1324
1325 Mr. Geiger - Yes, sir?
1326
1327 Mr. Witte - You're at 10 minutes. Are we getting close? Thank you.
1328
1329 Mr. Geiger - Yes, sir. I'd like to just note, lastly, that I know there was that
1330 proffer that was provided within the Gray Oaks and Mason Park case. But again, the way
1331 we have to move the earth, adjust the earth, based on these new storm water
1332 requirements, we don't feel that we can safely make that commitment. We are working to
1333 provide the quality of development that we can with the regulations that are provided. I
1334 believe I covered everything that was touched on, but if there are any additional items
1335 you want me to, I'd be glad to. With that I request that the Commission recommend
1336 approval of their request before the Commission.
1337
1338 Mr. Witte - Any questions from the Commission?
1339
1340 Mr. Shippee - I do have some. Anyone else?
1341
1342 Mr. Witte - You have the floor.
1343
1344 Mr. Shippee - Thank you Mr. Geiger. I was looking at Proffer 2b, which
1345 relates to the trees along the additional properties in your list there. I think you're missing
1346 one of the homes in Mason Parkway or I'm sorry, it's at Dry Stack Court. It's 739-770-
1347 3273. I think that's probably just a typo. It's at the point of the property there, but that
1348 would be added to the...
1349
1350 Mr. Geiger - Yes sir.
1351
1352 Mr. Shippee - I do have a question that maybe someone in the county needs
1353 to help me with around this BMP requirement. Is there someone that can help me answer
1354 specifically what Henrico requires and perhaps state and federal as well. I heard from Mr.
1355 George that properties less than ten acres don't have a certain EPA requirement, but I'm
1356 sure there's other requirements. Can you help me understand?
1357
1358 Mr. Jackson - Yes. My name is Scott Jackson. I'm with the Department of
1359 Public Works. We fall under the state's stormwater regulations and our designs and
1360 requirements are in accordance with the Virginia Stormwater Management Handbook.
1361 There's not guidance in there for a strictly detention basin for size. It's strictly they're there
1362 to hold water back and release it at a slower rate. Typically, a retention basin, which is a
1363 wet pond has a minimum drainage area requirement for water balance purposes. When
1364 it rains, it gets enough water to sustain that balance or just sustain the normal pool.
1365
1366 Mr. Shippee - I think maybe the applicant mentioned that this what's shown
1367 here, it could end up being smaller.
1368

1369 Mr. Jackson - It could. We haven't seen any numbers, any calculations at
1370 this point. What's required to get to that point. There's two facets of the storm order
1371 regulations. There's water quality, there's water quantity. The quality they can do through
1372 the nutrient offset process, which is, allows them to purchase credits for lands that have
1373 been preserved off site. It's in accordance with state regulations and in fact the regulations
1374 kind of push them in that direction. The other aspect is storm water quantity. There's two
1375 main topics of that. It's channel protection and flood protection. As by the names flood
1376 protection deals with downstream flooding. They have to analyze each point of discharge
1377 from their property. If there's evidence of downstream flooding or if the downstream
1378 system is not adequate, they have to detain the ten-year storm, which is a storm of record
1379 for the storm regs and release it at a rate that's lower than the existing rate. They'll
1380 calculate based on everything kind of runs to that low point now. They'll calculate the
1381 amount of runoff that's getting to that point, and that's what they'll be able to release it at.
1382 The other is channel protection, which is you can guess by the name deals with the
1383 eroding channels. In this case, since there's wetlands below there, they're required to
1384 energy balance to meet their channel protection requirements, which is a much smaller,
1385 more commonly occurring storm, and it's based on the volume and rate of runoff. That
1386 also has to be decreased from the existing levels. Everything will go to that basin and
1387 then be reduced at a slower rate.
1388

1389 Mr. Shippee - Thanks. I don't want to ask you for a definitive statement here
1390 because I don't think you can give it, but we heard the issues with Mason Park today
1391 having some water issues. In your view, if you have no idea, just say we don't know, we
1392 don't have the information, but would the existence of this BMP help that situation at all?
1393 Would it not have any impact? Are they completely, are they separate enough that it's
1394 just not going to have an impact, it wouldn't help them? They're fairly close, but they may
1395 not be close enough to directly impact each other.
1396

1397 Mr. Jackson - One of the residents talked about, swampy or something to
1398 that effect land around there. If you could see here, this big lot at the end of Dry Stack
1399 Court and this big parcel here are all common area because they're primarily filled of
1400 wetlands. They're federally regulated and protected and by their name, they're wet,
1401 they're going to be swampy. This is what this naturally flows into it's the way water goes
1402 and filters out naturally. They'll be dumping into that, but they'll be mimicking what is going
1403 there now. It should not make this any worse. It will take whatever has been going there
1404 and release it at a slower rate over a longer period of time.
1405

1406 Mr. Shippee - Ok. Could it make it better? It kind of runs into each other but
1407 maybe that's a simplistic...
1408

1409 Mr. Jackson - I don't know that it would make it better because it's going to
1410 be seeing as a similar rate to what it's seeing now. And the overall water and the drainage
1411 to that is much more than this parts right here that we're talking about.
1412

1413 Mr. Shippee - Okay, thanks.
1414

1415 Mr. Jackson - Could I add something else? Some people brought up the
1416 question of existing detention ponds. We have people that will go out and check those for
1417 maintenance and if maintenance needs to be done to make them function better they'll
1418 send them out there and they'll have the developer, or the HOA do the maintenance that's
1419 necessary. One of the reasons he was talking about a 20' access area is so that people
1420 can get in there and do the maintenance. It makes it a lot easier in the long haul we have
1421 found over time and since we started doing BMPs in the early 90s. We've had a lot of
1422 lessons learned and it's much easier to require the access areas around them so that
1423 over time people could get in there and fix because they're going to clog up over time, but
1424 it allows easier access for that. Yes, sir?

1425
1426 Unknown speaker - In our case, it's not a question of the detention ponds
1427 functioning properly, it's just the water is seeping into the adjacent lake because it was
1428 placed there instead of next to the [inaudible].

1429
1430 Mr. Jackson - I don't know.

1431
1432 Unknown speaker - I have pictures.

1433
1434 Mr. Shippee - I think that would be great if you can meet right after the
1435 meeting. This is our last item, so if you should stick around for a couple minutes to stick
1436 around for.

1437
1438 Mr. Jackson - Sure. I'd be glad to stick around and answer questions.

1439
1440 Unknown speaker - [Inaudible]

1441
1442 Mr. Jackson - Correct. We would not allow the tree planting in that 20'
1443 easement.

1444
1445 Mr. Emerson - Ma'am, could you go to the lectern. We can't get you on the
1446 minutes if... You're not being recorded so if this discussion's going to happen, you're going
1447 to have to go to the lectern.

1448
1449 Mr. Geiger - Mr. Emerson, she was asking for the evergreens along that?
1450 It's proffered.

1451
1452 Ms. Purvey - It is only if DPW agrees to it and if it is in addition to 20'. It is
1453 only if the Planning Commission says that there's only 20' and we cannot put the trees
1454 and the retention pond size is already determined, then where will the trees go? It is only
1455 contingent on DPW's approval is what is written in the proffer. It is not written that we will
1456 give 20' of easement area plus, we will include the trees, so which would be like 30'.

1457
1458 Mr. Jackson - Potentially, yes, ma'am.

1459

1460 Mr. Geiger - At the community meeting, that was what we agreed to is that
1461 we would, we would do it as long as DPW said we could. And then you said, if we can't,
1462 can we plant more? Other stuff that DPW would approve, and that's what the proffer says.
1463 The proffer says, we will go in and ask for evergreens. We will ask for it and then if they
1464 say we can't, then we have to pivot to another plan.
1465

1466 Mr. Emerson - All of that would be worked out at the time of Plan of
1467 Development through the landscape plan, which is required.
1468

1469 Mr. Shippee - I think that's helpful. That's another reason I was asking about
1470 the specific size of the BMP. If it's a little bit smaller then I think there is room for the
1471 evergreens. I have three more quick questions and then we can... Oh, thank you so much.
1472 Jeff, the sidewalk question on Shady Grove, there was a small, maybe a 100' extension,
1473 if you will, that would connect. Is that something you're willing to proffer for the Board of
1474 Supervisors meeting?
1475

1476 Mr. Geiger - I think so. One thing, Commissioner Shippee I would like to
1477 ask. We haven't verified that there is right of way. We wouldn't want to go and have to
1478 acquire right of way in making that promise.
1479

1480 Mr. Shippee - ...pending access...
1481

1482 Mr. Geiger - Could I make the promise that we're willing to do it if there's
1483 right of way available?
1484

1485 Mr. Shippee - Agreed.
1486

1487 Mr. Geiger - We would be agreeable.
1488

1489 Mr. Shippee - Thank you. The U-turn. I understand the traffic has to be what
1490 it is. You're turning right onto Shady Grove out of this development, but you want to go
1491 left. You're going to Deep Run High School or something towards Nuckols Road or
1492 whatever, and you don't want to do this huge circle on Pouncey Tract. Where is the U
1493 turn going to be that folks are going to need to make?
1494

1495 Mr. Geiger - If they're heading, if they want to make a...
1496

1497 Mr. Shippee - If they prefer to make a left, they can't cause there's a median
1498 there. Where are they going to make the U turns so that they can head the opposite
1499 direction?
1500

1501 Mr. Geiger - They would have to go through the intersection and then make
1502 a U turn past the intersection and come back.
1503

1504 Mr. Shippee - Okay.
1505

1506 Mr. Geiger - Same thing if you're coming, eastbound on Shady Grove,
1507 you're transitioning from Gayton over to Shady. There's a median break right there's a
1508 turn lane. You go in the turn lane, you make the U turn, and then you would make the
1509 right into the development. For probably the last ten years I've been doing this, VDOTs
1510 been beaten into my head that they prefer the U turn movement instead of full access
1511 movements. A full access movement has more points of conflict than a U turn movement.
1512

1513 Mr. Shippee - I understand. It's not great putting myself in their shoes in
1514 terms of how I'm going to move around in my car, but I understand. Thanks. I think my
1515 last question is around the tree removal. It's come up again and again and it's always a
1516 concern on my mind as well. I think I heard you say that you have to do the grading and
1517 the work to route the water and so on. Is, is there anyone from, I'm not doubting your word
1518 I'm just wondering if there's anyone from the county that can corroborate, there's really
1519 no ability to keep even edges of the property, intact from old growth trees.
1520

1521 Mr. Jackson - From a Public Works standpoint, we want to see that the lots
1522 are going to properly drain and that the water will get to the stormwater facility. If it can
1523 do that without being mass graded and we'd be fine with that. They just have to
1524 demonstrate that they get the drainage where it's supposed to go. We don't want to leave
1525 trees on lots if it's going to mess up the grade to the point where the lot doesn't drain
1526 correctly. As long as they have good fall across and off of the lots from the house, then if
1527 it needs to say it can stay.
1528

1529 Mr. Shippee - Okay, that's great clarification. When could that be
1530 determined? Would it be at the time of Plan of Development or...

1531
1532 Mr. Jackson - Yes, sir.
1533

1534 Mr. Shippee - Okay. That's a great note, and I just ask us to pay attention to
1535 that cause it's on our minds.
1536

1537 Mr. Jackson - Sure.
1538

1539 Mr. Shippee - Thank you.
1540

1541 Mr. Jackson - Yes sir.
1542

1543 Mr. Shippee - Those are my questions. Sorry to extend the meeting.
1544

1545 Mr. Witte - You have the floor.
1546

1547 Mr. Shippee - Mr. Chairman, I think procedurally I need to move that we
1548 grant a waiver of time limits and accept the proffers dated March 12, 2025, for REZ-2024-
1549 102145, Schell Brothers.
1550

1551 Mr. Winterhoff - Second.

1552
1553 Mr. Witte - We have a motion by Mr. Shippee, a second by Mr.
1554 Winterhoff. All in favor, say aye.
1555
1556 Commission - Aye.
1557
1558 Mr. Witte - Opposed? Motion passes.
1559
1560 Mr. Shippee - Mr. Chairman. I want to thank the applicant here. This has
1561 been a complicated back and forth over a period of months. I feel like you've been
1562 responsive to me and to the neighbors. I know Ms. Roundtree wanted to be here tonight
1563 because she's been involved in this case as well. That's another reason why I had a lot
1564 of questions because imagine me being two people asking questions. You know, I think
1565 there's still a little bit of work to be done as we continue the process here, but at this point
1566 I feel good enough about where we are. Mr. Chair that I do move that we recommend
1567 approval of REZ-2024-102145, Schell Brothers, with the revised proffers dated March 12,
1568 2025.
1569
1570 Mr. Mackey - Second.
1571
1572 Mr. Witte - We have a motion by Mr. Shippee, a second by Mr. Mackey.
1573 All in favor, say aye.
1574
1575 Commission - Aye.
1576
1577 Mr. Witte - Opposed? Motion passes
1578
1579 **REASON:** Acting on a motion by Mr. Shippee, seconded by Mr. Mackey,
1580 the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
1581 **grant** the request because it would permit development of the land for residential use in an
1582 appropriate manner and continues a form of zoning consistent with the area.
1583
1584 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
1585 agenda which is the discussion item. This is the consideration of the revisions to the rules
1586 and regulations we discussed at your last meeting. Mr. Sehl is going to very quickly go
1587 over these and they don't require a public hearing. It's really just your consent because
1588 these are your functions as your bylaws. With that said, Mr. Sehl.
1589
1590 Mr. Sehl - Thank you Mr. Emerson I'll try to stay out of the way of the
1591 stampede from the dais. At your work session in February, staff presented some,
1592 discussed some potential amendments, slight amendments to your rules and regulations,
1593 which were last updated in December of 2021. Last week we forwarded a copy of those
1594 draft amendments. The major import of that is to change the meeting time to 6:00 to be
1595 consistent with when we are meeting and some other minor procedural changes in there.
1596 These are consistent with the discussion we had at your work session. You've had a week
1597 or so to look at the proposed revisions and I'd certainly be happy to try and answer any

1598 questions, but staff would recommend that the Commission adopt those amendments this
1599 evening.

1600
1601 Mr. Witte - Thank you.

1602
1603 Mr. Emerson - All we really need is a motion consenting to the changes as
1604 submitted by staff.

1605
1606 Mr. Witte - So moved.

1607
1608 Mr. Mackey - Second.

1609
1610 Mr. Witte - All in favor?

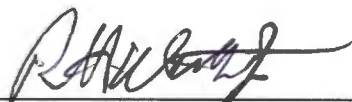
1611
1612 Commission - Aye.

1613
1614 Mr. Witte - Opposed? Motion passes.

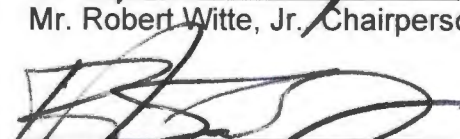
1615
1616 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1617 evening.

1618
1619 Mr. Witte - I appreciate everybody's effort and time. Have a good
1620 evening.

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1630



Mr. Robert Witte, Jr. Chairperson



Mr. R. Joseph Emerson, Secretary