

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. October
4 10, 2013, Display Notice having been published in the Richmond Times-Dispatch
5 on September 23, 2013 and September 30, 2013.
6

Members Present: Mrs. Bonnie-Leigh Jones, C.P.C., Chairman (Tuckahoe)
Mr. Eric Leabough, C.P.C., Vice-Chairman (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Richard W. Glover,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning,
Mr. James P. Strauss, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Anthony E. McDowell, Chief, Division of Fire
Mr. Jason M. Hart, Assistant County Attorney
Mr. John Cejka, Traffic Engineer, Public Works
Mr. Paul Carper, Henrico County Public Schools
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10
11 Mrs. Jones - I'd like to call this meeting of the Planning
12 Commission to order. We are starting a minute or two early due to the nature of
13 our agenda tonight. I welcome all of you who have joined us here this evening. I
14 would ask that you mute or turn off your cell phones. That's as a courtesy to
15 others. I also would ask that you rise and pledge allegiance with me to our flag.

16
17 All of our Commission members are with us this evening; therefore, we do have a
18 quorum and can conduct business. A special welcome to Mr. Glover, the
19 Supervisor from the Brookland District, who is with us on the Planning
20 Commission this year. For the record, he wishes to note that he does not
21 normally vote on rezoning cases since they will come to the Board following
22 Planning Commission action.

23
24 Anyone from the news media? I do not believe so. All right. With that, I will turn
25 our meeting over to our secretary, Mr. Emerson.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

Mr. Emerson - Thank you, Madam Chair. First on your agenda tonight are the requests for withdrawals and deferrals. There are none of those. Next are requests for expedited items, and there are none of those this evening. The first item on your regular agenda is a closed session to meet with the County Attorney to discuss the Federal Migratory Bird Treaty Act and allow him to provide you advice and answer any questions you may have regarding that act. If one of the members would please make a motion for you to go into closed session. Once that motion is made and voted on by the Commission, I would request that you exit out the rear doors to the left, then make a left and go toward Human Resources. We'll meet in the conference room in Human Resources.

Mr. Branin - Madam Chair, I'd like to move that we go into a closed meeting for consultation with the Assistant County Attorney regarding the specific legal matters requiring the provision of legal advice pertaining to the Federal Migratory Bird Treaty Act pursuant to 2.2-3711(a)(7) of the Code of Virginia, 1950, as amended.

Mr. Witte - Second.

Mrs. Jones - Motion Mr. Branin, second by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes. We will go into closed session.

THE PLANNING COMMISSION RECONVENED FROM THE CLOSED SESSION.

Mrs. Jones - Mr. Archer would you read the Certificate of Closed Meeting?

Mr. Archer - Okay.

WHEREAS, Henrico County Planning Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission certifies that to the best of each member's knowledge only the public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the

71 closed meeting were heard, discussed, or considered by the Planning
72 Commission.

73

74 Mr. Glover - Second.

75

76 Mrs. Jones - Motion by Mr. Archer, second by Mr. Glover. All in
77 favor say aye. All opposed say no. The ayes have it; the motion passes.

78

79 Mr. Emerson - Madam Chair, that now takes us to the next item on
80 your agenda, which is REZ2013-00016.

81

82 **REZ2013-00016 Christopher M. Shust for Redco Properties, LLC:**
83 Request to conditionally rezone from B-1C Business District (Conditional), M-1
84 Light Industrial, and M-1C Light Industrial (Conditional) to B-2C Business District
85 (Conditional) part of Parcel 769-756-9510 containing 1.268 acres located on the
86 east line of Staples Mill Road (U.S Route 33) approximately 175' south of its
87 intersection with Old Staples Mill Road. The applicant proposes a restaurant with
88 drive-thru service. The use will be controlled by proffered conditions and zoning
89 ordinance regulations. The 2026 Comprehensive Plan recommends Commercial
90 Concentration. The staff report will be presented by Mrs. Lisa Blankinship.

91

92 Mrs. Jones - Do we have anyone with us this evening in
93 opposition to REZ2013-00016, Christopher M. Shust for Redco Properties LLC?
94 There is no opposition. Good evening.

95

96 Ms. Blankinship - Good evening.

97

98 This is a request to conditionally rezone 1.268 acres to B-2C to allow for a
99 proposed restaurant with drive-thru services. The site is located on the east line
100 of Staples Mill Road approximately 175 feet south of its intersection with Old
101 Staples Mill Road.

102

103 The applicant has submitted proffers that would regulate the development of the
104 site. These proffers are largely consistent and compatible with surrounding
105 commercial uses and include

106

- 107 • a conceptual plan,
- 108 • architectural elevations,
- 109 • building and parking lot lighting heights,
- 110 • underground utilities,
- 111 • prohibited uses, and
- 112 • the screening of HVAC equipment and central trash receptacles

113

114 The applicant has also committed to a twenty-five-foot landscaped buffer along
115 Staples Mill Road planted to a TB 25 standard with a continuous planting of
116 shrubs in front of the parking area along Staples Mill Road.

117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162

The applicant has proffered a fifty-foot front yard setback from the right-of-way of Staples Mill Road. These commitments continue the landscaping and setbacks approved with adjacent developments.

The 2026 Plan recommends commercial concentration for this site. This request would be consistent with this designation and surrounding uses.

The proffers submitted by the applicant should provide for quality development consistent with recent commercial developments in the area. For these reasons, staff supports this request.

This concludes my presentation. I will be happy to answer any questions.

Mr. Witte - I have no questions.

Mrs. Jones - Any other questions from the Commission for Ms. Blankinship? All right. Mr. Witte?

Mr. Witte - Madam Chair, I move that case REZ2013-00016, Christopher M. Shust for Redco Properties LLC, move to the Board of Supervisors with a recommendation of approval with proffers 1 through 12.

Mr. Leabough - Second.

Mrs. Jones - Motion by Mr. Witte and a second by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Mr. Glover - I abstain.

Mrs. Jones - And Mr. Glover abstains.

REASON - Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the recommendations of the Comprehensive Plan and the proffered conditions will provide appropriate quality assurances not otherwise available.

Mr. Emerson - Madam Chair that now takes you to the next item on your agenda which was deferred from your September 12, 2013 meeting. It is REZ2013-00012.

(Deferred from the September 12, 2013 Meeting)

REZ2013-00012 Andrew M. Condlin or Jennifer D. Mullen for Welwood, LLC: Request to conditionally rezone from A-1 Agricultural District and R-2AC One-Family Residence District (Conditional) to R-2AC One-Family

163 Residence District (Conditional) Parcels 736-769-4930, 736-769-7088, and 737-
164 769-0243 containing 16.61 acres located between the southwest terminus of
165 Porsche Drive and the northeast line of Kain Road approximately 200' west of its
166 intersection with N. Gayton Road. The applicant proposes a single-family
167 residential development not to exceed 2 units per acre. The R-2A district allows a
168 minimum lot size of 13,500 square feet and a maximum gross density of 3.22
169 units per acre. The use will be controlled by proffered conditions and zoning
170 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
171 Residential 1, density should not exceed 2.4 units per acre. The staff report will
172 be presented by Mr. Ben Sehl.

173

174 Mrs. Jones - Is there anyone with us this evening in opposition to
175 REZ2013-00012, Andrew M. Condlin or Jennifer D. Mullen for Welwood LLC?
176 We do have opposition. Mr. Secretary, if you wouldn't mind running through the
177 discussion points for how we handle opposition at the Planning Commission?

178

179 Mr. Emerson - Yes ma'am. The Planning Commission does have
180 rules and regulations governing its public hearing process, and they are as
181 follows. The applicant is allowed ten minutes to present the request, and time
182 may be reserved for responses to testimony. Opposition is allowed ten minutes
183 to present its concerns. Commission questions do not count into the time limits.
184 The Commission may waive the time limits for either party at its own discretion.
185 Comments must be directly related to the case under consideration.

186

187 Mrs. Jones - Thank you. Good evening, Mr. Sehl.

188

189 Mr. Sehl - Thank you, Madam Chair.

190

191 As the Commission will recall, a public hearing regarding this request was held at
192 your September meeting. After public comment was taken, the commission
193 deferred this request in order to address two issues.

194

195 The first issue pertained to staff's concerns regarding the provision of future
196 access to parcels located to the west of the subject property. To address these
197 concerns, the applicant has submitted revised proffers, distributed to you this
198 evening, that commit to providing right-of-way for such a connection—in this
199 location here—at the time of subdivision approval. A bond or other suitable
200 surety would also be provided to cover construction costs for that future
201 connection. The new proffer, Proffer 21, references the access concept plan that
202 has also been provided to you this evening. Shown here (referring to exhibit).

203

204 The second issue was raised during the public hearing, when an adjacent
205 homeowner raised concerns regarding the proposed development's impact on
206 her well. Questions were raised regarding the type of well and any necessary
207 setbacks to the new roadway proposed by the applicant. Staff has received
208 confirmation that the Department of Health has no setback requirements from

209 roadways. In addition, the subject well is a 110-foot-deep drilled Class IIIB well,
210 which requires grouting to 50 feet in depth. These features should help ensure
211 the well is not negatively impacted by the proposed development.

212

213 With these concerns resolved, staff can fully support this application due to its
214 consistency with the recommendations of the 2026 Comprehensive Plan and the
215 quality guarantees that have been provided ensuring a level of development
216 equal to the adjacent Bentley subdivision. For these reasons, staff recommends
217 approval of this request. Staff notes that time limits would need to be waived on
218 the revised proffers in order to accept them this evening.

219

220 Thank you. And I'd be happy to try to answer any questions you might have.

221

222 Mrs. Jones - Questions for Mr. Sehl. Mr. Sehl, both of the
223 remaining issues from last month's hearing have been resolved to your
224 satisfaction.

225

226 Mr. Sehl - Yes ma'am.

227

228 Mr. Branin - I'd like to hear from the opposition first.

229

230 Mrs. Jones - All right. We'd like to hear from the opposition. Would
231 those folks who are neighbors and interested parties come on down. If you don't
232 mind, please state your name and address for the record. And hopefully keep
233 your points on target and not repeat so that we can hear everything you have to
234 say.

235

236 Ms. Cole - My name is Kay Cole.

237

238 Mrs. Jones - Thank you.

239

240 Ms. Cole - My address is 12380 Kain Road. I'm the one that's
241 directly by the road.

242

243 They came out with a person that was surveying the place. And now they're
244 twelve and a half feet closer to my house than they were before. Anyway. I just
245 want to make sure that they're going to get the thing straight as opposed to, you
246 know, pushing me further down the road. And today when I was picking up beer
247 cans along the road, they put the new markers in the middle of where Bowles's
248 driveway was. So I think they are off at least twelve and a half feet. I don't know
249 whether that concerns anybody else, but it does concern me. I went out there
250 and talked to the man who was doing the surveying. He showed a plat of land
251 that had Satterwhite's name on it who I bought the land from in 1995.
252 Mr. Satterwhite has long since been deceased. He had put the original well on
253 Bowles's property and a new well on mine.

254

255 When FiOS was out there doing the telephone stuff that they did two years ago,
256 they were hauling buckets of dirt where they were digging up. And I guess they
257 moved the markers that originally belonged there. None of them spoke English;
258 everybody was speaking Spanish. So I'm not sure what they were doing, but it
259 didn't look like it was legal to me. But who knows. I'm not sure that they put—
260 they might have moved the markers. And they were dumping the stuff that they
261 dug up over on the other side of the road on County property. So I don't know
262 what they did, but I was somewhat concerned about it.

263
264 Mr. Witte - Excuse me, Ms. Cole. Did you have your property
265 surveyed in 1995?

266
267 Ms. Cole - Yes sir, I did. And I know where the line was because
268 when I saw these people coming that were out there digging stuff up, there was a
269 line there and I put little tiny seedlings along that line. So I know where the line
270 used to be. And it was surveyed at that time.

271
272 Mr. Archer - Did you have a plat, Ms. Cole?

273
274 Ms. Cole - The other day I got—what do you call it?—the
275 runaround. Went to three different places and nobody seemed to think that it had
276 ever been surveyed. And I know better.

277
278 Mr. Archer - So you didn't have a plat when you purchased the
279 property or you did?

280
281 Ms. Cole - There was one. But where that went, God knows. I
282 don't know.

283
284 Mr. Archer - Well it should be on file.

285
286 Ms. Cole - I went there and the lady looked and looked and
287 looked. And she couldn't find anything except for something in 1947. And she
288 said they didn't have anything, but there was one. In fact, the people that are
289 doing the developing sent something to my house that had my name on it. If they
290 had that, where in the world did they get that? Somebody had it. I don't know
291 who had it.

292
293 Mr. Branin - All right, Ms. Cole, I'll bring that up with the developer
294 as well. And we'll have staff double check.

295
296 Ms. Cole - I did put those little trees down there, but on my side
297 of where the line was. I used to mow it every day—I mean not every day, but
298 every week.

299

300 Mr. Branin - Okay. And as for the well, we went through and
301 checked on the well. We'll also be keeping a close eye. If there are any issues, if
302 this is developed, you would need to let us know that you're having issues.

303

304 Ms. Cole - Okay.

305

306 Mr. Branin - So we can get it addressed.

307

308 Ms. Cole - Thank you.

309

310 Mr. Branin - Yes ma'am.

311

312 Mr. Rosenthal - Good evening. My name is Brad Rosenthal. I reside
313 at 12511 Perrywinkle Road.

314

315 I am one of the original homeowners in Shady Grove Estates. I reside on the
316 south side of Perrywinkle Road which has a creek that runs through my property.
317 I started this battle back in 2007 with the Corps of Engineers and Henrico
318 County, and nobody wants to take responsibility. All the issues with the creek
319 and it overflowing and eroding my property and several of my neighbors all
320 started with the original section of Bentley. I went through hurricanes, tornados.
321 We never had a problem until Bentley was built. Now the creek comes out of its
322 banks every time we get a decent rain, and it's causing property damage. And
323 my concern is if they do any more am I going to get more stormwater in a creek
324 that cannot handle what it already has.

325

326 I have met with the Corps of Engineers. I have met with representatives from
327 Henrico County. They suggested I come to this meeting and voice my opinion to
328 see if there is anything that can be done to protect our property. I've been there
329 since 1986. And I don't feel like it should be up to me. The Corps of Engineers
330 suggested that I present them a plan and build a retaining wall. My lot's 150 feet
331 wide. If I have to build a retaining wall it's going to be tens of thousands of
332 dollars, not to mention months of planning and engineering to get it by the Corps
333 of Engineers.

334

335 When the original problem came up in 2007, the Corps of Engineers said yes, we
336 had a problem. We made the developer clean up wetlands that were closer to
337 Pouncey Tract Road. But they refused to come in and do anything with the creek.
338 And I'm very concerned that with future development, my problem and my
339 neighbor's problem is only going to get worse. And I have some pictures.

340

341 Mr. Branin - Mr. Rosenthal, does that creek run north or south? I
342 thought watershed-wise it all flows south towards 64?

343

344 Mr. Rosenthal - This is actually part of the Chesapeake Watershed.
345 There is another tributary in another part of Shady Grove Estates. The two of

346 these come together, and go under Kain Road, and head out towards Tuckahoe,
347 and eventually end up in the James.

348
349 Mr. Branin - So flowing south.

350
351 Mr. Rosenthal - They flow more—yes. South, west. They flow a little
352 west from my house, and then they turn and head mostly south.

353
354 Mr. Branin - And you are north of this development, correct?

355
356 Mr. Rosenthal - I am north of Bentley, yes.

357
358 Mr. Branin - Can I get your address?

359
360 Mr. Rosenthal - Yes sir.

361
362 Mr. Branin - Again?

363
364 Mr. Rosenthal - It is 12511 Perrywinkle Road. Those pictures will
365 show you where—I took those after the rain stopped. But you can see silt and
366 stuff up on there. At one point, that water was thirty-five feet up in my yard on my
367 house side. And it has never done that since 1986.

368
369 Mr. Branin - Mr. Rosenthal, if I come by your house, would you
370 mind me walking through your yard?

371
372 Mr. Rosenthal - Absolutely not.

373
374 Mr. Branin - Okay, just making sure.

375
376 Mr. Rosenthal - No sir. Feel free to do so.

377
378 Mr. Branin - Okay. We'll be addressing this as well. Is there
379 anything else?

380
381 Mr. Rosenthal - That would be great. I would appreciate any help.

382
383 Mr. Branin - Okay.

384
385 Mr. Rosenthal - Thank you.

386
387 Ms. Hamilton - My name is Karen Hamilton, for the record. You all
388 know who I am. But I again raise an objection, Mr. Branin, because you
389 specifically said to the people in Bentley 1 that you would make sure that the
390 traffic did not come through their neighborhood when it came to construction, that
391 there would be a barricade. So that's discrimination that you are making sure that

392 all the traffic, the noise will be on Kain Road. That's discrimination. These people,
393 if I have to suffer, they have to suffer.

394

395 And I want you to know that I'm aware that you discriminate in other ways
396 because at another meeting you told some people that you had driven through
397 their neighborhood to try and find them, to rally them together for a meeting.
398 There have been many times that I have had to call Henrico and ask for dates of
399 meetings and been told the wrong information repeatedly.

400

401 So I'm not always sent mailings. You don't always put things on your website.
402 And I no longer have cable, so I don't get the Henrico County Channel 17 on
403 cable anymore. And even when I did, you didn't put every meeting on there
404 either.

405

406 So this is purely discrimination that you intend to make sure that all of the noisy
407 traffic from all of the trucks doing construction work come on Kain Road and not
408 through the Bentley neighborhood. What are you going to do about that?

409

410 Mr. Branin - Is that a question or are you just making a statement,
411 ma'am?

412

413 Ms. Hamilton - No, I'm telling you I object to this because I clearly
414 heard you tell these people at Bentley that you would make sure that they didn't
415 suffer.

416

417 Mr. Branin - Is that the only question you have?

418

419 Ms. Hamilton - That's my objection.

420

421 Mr. Branin - Okay, thank you.

422

423 Ms. Hamilton - I want an answer.

424

425 Mr. Branin - And I'm going to address that, ma'am. Thank you so
426 much. May I have someone from Traffic, please?

427

428 Mrs. Jones - Absolutely.

429

430 Mr. Cejka - Hi. John Cejka, Traffic Engineering.

431

432 Mrs. Jones - Good evening.

433

434 Mr. Branin - Good evening, John. How are you?

435

436 Mr. Cejka - I'm just fine.

437

438 Mr. Branin - Could staff pull up the layout of this project, please?
439 Thank you. John, how far is it from Kain Road to the entrance that—well,
440 actually, let me rephrase that—from North Gayton to where the construction
441 entrance and entranceway would be?
442

443 Mr. Cejka - It's approximately 450 feet.
444

445 Mr. Branin - Four hundred and fifty feet. And what is in that
446 distance between North Gayton and where the construction entrance would be?
447

448 Mr. Cejka - There are two houses on the south side—southwest
449 side.
450

451 Mr. Branin - Two houses. Okay. How many houses,
452 approximately, are in Bentley?
453

454 Mr. Cejka - There are fifty.
455

456 Mr. Branin - And what would the distance be between Pouncey
457 Tract and this project, approximately?
458

459 Mr. Cejka - Half a mile.
460

461 Mr. Branin - Half a mile. Okay. Thank you. Can I hear from the
462 developer, please.
463

464 Mr. Condlin - Madam Chair, members of the Commission, Andy
465 Condlin from Roth Doner, here representing Welwood. I did not have the benefit
466 of being here last month, as I had back-to-school night for two of my high
467 schoolers. So I apologize for that. But I'm glad to be here this evening. I'll be
468 happy to answer any questions that you have.
469

470 Mr. Branin - Mr. Condlin, Ms. Cole has some questions in regards
471 to her property line and what's being marked out. This is for zoning. It will go to
472 the Board, if it passes here. And after the Board level it would go to POD. We
473 have time to confirm. I would ask you all to do your due diligence—
474

475 Mr. Condlin - Yes sir.
476

477 Mr. Branin - —and make sure that the surveys that are being done
478 are proper—
479

480 Mr. Condlin - Yes sir.
481

482 Mr. Branin - —that it is documented at the County,
483

484 Mr. Condlin - Yes sir.
485
486 Mr. Branin - —what the County has on record, and that you all as
487 the developer take the time to go to your neighbor and review the documentation
488 from the County and walk through the survey.
489
490 Mr. Condlin - Yes sir, absolutely. Mr. Grier met with Ms. Cole just
491 yesterday and says she brought this up, and he did not have all the surveys with
492 him. We do have the surveys. Her survey and our survey match, the lines match,
493 as well as being consistent with the County when they did Gayton Road with
494 Kain Road, the Kain Road improvements. So we'll be able to sit down with her,
495 get her all that information. We're confident of that on paper, but sometimes
496 when you put it on the field it looks a little different than what you anticipate. So
497 we'll get with her, and give her all the information, make sure everybody is on the
498 same page. Including the County. We'll get all that information to the County
499 Planning staff as well before we get to subdivision certainly, but there's no
500 reason we can't do it immediately. She been very good about getting with us to
501 talk about that as well.
502
503 Mr. Branin - Okay. Mr. Rosenthal has a question in regards to
504 flooding in this creek. I'm going to ask Public Works to look into it.
505
506 Mr. Condlin - Okay.
507
508 Mr. Branin - But if we do find—that's why I don't want to make any
509 judgment. Mr. Rosenthal, as you're aware, this is zoning. It goes from
510 Commission to the Board, Board then to POD. You've been through the process.
511 I recognize you've been through the process a bunch of times. Public Works will
512 look at this as well. His property is south—I mean north of this project. The
513 topography in that area is running north to south, so it would be more upstream
514 than downstream. But I want you all to be aware of that as well.
515
516 Mr. Condlin - Correct. We'll be happy to be part of those
517 discussions. And if you look at a larger map, you can see exactly what you're
518 talking about, the northern part of Bentley, the existing Bentley. Not knowing
519 exactly where his property is.
520
521 Mr. Branin - And I'm not sure either; that's why I'm going to go
522 walk it. I have no questions.
523
524 Mrs. Jones - Are there other questions from the commission?
525
526 Mr. Branin - We covered this pretty well at the last meeting. Okay?
527
528 Mrs. Jones - Okay.
529

530 Mr. Branin - Then Madam Chair, I'd like to move to waive the time
531 limits for REZ2013-00012, Andrew M. Condlin or Jennifer D. Mullen for Welwood
532 LLC.

533

534 Mr. Witte - Second.

535

536 Mrs. Jones - Motion by Mr. Branin—excuse me. Are there twenty-
537 one or twenty-two?

538

539 Mr. Witte - Twenty-two on the new one.

540

541 Mrs. Jones - The last one should be twenty-two, correct?

542

543 Mr. Branin - Yes.

544

545 Mrs. Jones - All right.

546

547 Mr. Emerson - Yes, it should be twenty-two.

548

549 Mrs. Jones - I have a motion by Mr. Branin, second by Mr. Witte.
550 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
551 The time limits are waived.

552

553 Mr. Branin - Thank you, Madam Chair. Then I would like to move
554 that REZ2013-00012, Andrew M. Condlin or Jennifer D. Mullen for Welwood
555 LLC, move forward to the Board of Supervisors with a recommendation for
556 approval, including the updated proffers 1 through 22.

557

558 Mr. Leabough - Second.

559

560 Mrs. Jones - Motion by Mr. Branin, second by Mr. Leabough. All in
561 favor say aye. All opposed say no. The ayes have it; the motion passes.

562

563 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
564 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
565 the Board of Supervisors **grant** the request because it is appropriate residential
566 zoning at this location, conforms to the recommendations of the Comprehensive
567 Plan, and the proffered conditions will provide appropriate quality assurances not
568 otherwise available.

569

570 Mr. Emerson - Madam Chair, we now move to the next item on your
571 agenda.

572

573 **RESOLUTION: SIA2013-00002, 8511 Jesse Senior Drive:**
574 **Substantially In Accord with the 2026 Comprehensive Plan (Tuckahoe District).**
575 **The staff report will be presented by Ms. Rosemary Deemer.**

576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621

Mrs. Jones - Do we have anyone with us this evening who would like to come forward and make comments about SIA2013-00002, 8511 Jesse Senior Drive? There are not. Okay. Ms. Deemer, good evening.

Ms. Deemer - Good evening, Madam Chair, members of the Commission:

At the request of Henrico County Public Schools, the Planning Department conducted a Substantially In Accord (SIA) Study to determine if a proposed site for uses associated with Douglas Freeman High School is substantially in conformance with the County's adopted Comprehensive Plan. The site is part of an initiative to evaluate the development of future locations of athletic fields, parking and associated road improvements adjacent to the high school.

The 1.03-acre site is located at 8511 Jesse Senior Drive in the Tuckahoe Magisterial District. The property is bounded by Jesse Senior Drive to the north, a vacant property with a communication tower to the east, the Beverly Hills subdivision to the south, and several residential properties and a law office to the west. The subject site, as well as the property directly to the west along Jesse Senior Drive, is zoned O-1C Office District (Conditional), but is currently vacant.

The 2026 Comprehensive Plan designates the subject property Office (OF). The surrounding area is recommended for a combination of Office, Suburban Residential 2, Commercial Arterial, Commercial Concentration, Government, and Semi-Public uses. The provision of school-related uses and improvements are generally compatible and appropriate with these land use recommendations.

After reviewing the proposed site in the context of existing and recommended land uses, the transportation network, and other site characteristics and considerations, staff concludes the proposed use of the site for future athletic fields and parking areas presents no apparent conflict with the intent of the adopted Plan and deems it to be "substantially in accord" with the goals, objectives, and policies of the Henrico County 2026 Comprehensive Plan.

This concludes my presentation and I'd be happy to answer any of your questions. Additionally, Mr. Paul Carper, the Director of Construction and Maintenance with Henrico County Public Schools is here this evening to answer any questions.

Mrs. Jones - Do we have questions for Ms. Deemer? I actually have none. I do agree with the points of the Substantially in Accord study, and I do hope that as our high schools and our school system grows there will be opportunities for expansion at some point in the future. It's always good to plan. Any other comments? Seeing no other questions then, I'd ask the secretary to read the resolution for us, please.

622

623 Mr. Emerson - Absolutely.

624

625 Resolution SIA2013-00002, 8511 Jesse Senior Drive, Substantially in Accord
626 with the Comprehensive Plan.

627

628 **WHEREAS**, Section 15.2-2232(a) of the Code of Virginia requires the Planning
629 Commission to review and to consider whether the general or approximate
630 location, character, and extent of major public facilities are substantially in accord
631 with the County's Comprehensive Plan, and

632

633 **WHEREAS**, the Planning Commission has reviewed the 8511 Jesse Senior
634 Drive site for conformance with the County's 2026 Comprehensive Plan, and

635

636 **WHEREAS**, a report dated September 25, 2013, presented by Planning staff to
637 the Planning Commission found the proposed uses would not be in conflict with
638 or a significant departure from the adopted plan, and

639

640 **WHEREAS**, the Planning Commission has reviewed the staff recommendations
641 and find the proposed use will further the goals, objectives, and policies of the
642 Comprehensive Plan that identified the need for new public services and facilities
643 based on the projected and planned growth in accordance with the 2026 Future
644 Land Use Map, and

645

646 **WHEREAS**, the Planning Commission finds the proposed use of this site for
647 future athletic fields and/or parking would be compatible with the adjacent
648 developments and existing and future residential developments in the large
649 vicinity;

650

651 **NOW, THEREFORE BE IT RESOLVED**, the Henrico County Planning
652 Commission finds the proposed 8511 Jesse Senior Drive site substantially in
653 accord with the County's Comprehensive Plan.

654

655 Mrs. Jones - I move the resolution.

656

657 Mr. Branin - Second.

658

659 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Branin. All in
660 favor say aye. All opposed say no. The ayes have it; the motion passes.

661

662 Mr. Emerson - Madam Chair, the next item on your agenda this
663 evening would be consideration of the approval of your minutes from your
664 September 12, 2013 meeting. You also have at each of your seats an errata
665 sheet of corrections provided prior to the meeting by the Commission members.

666

667 Mrs. Jones - Are there further corrections or additions to the
668 minutes?

669
670 Mr. Leabough - I move that we approve the September 12, 2013
671 minutes subject to the errata sheet distributed.

672
673 Mr. Branin - Second.

674
675 Mrs. Jones - Motion by Mr. Leabough, second by Mr. Branin. All in
676 favor say aye. All opposed say no. The ayes have it; the motion passes. The
677 minutes are approved.

678
679 Is there anything else to come before the Commission this evening?

680
681 Mr. Emerson - Madam Chair, I have nothing more.

682
683 Mr. Leabough - Move for adjournment.

684
685 Mr. Branin - Second.

686
687 Mrs. Jones - I have a motion by Mr. Leabough and a second by
688 Mr. Branin to adjourn the meeting. We are adjourned.

689
690

691
692

693
694

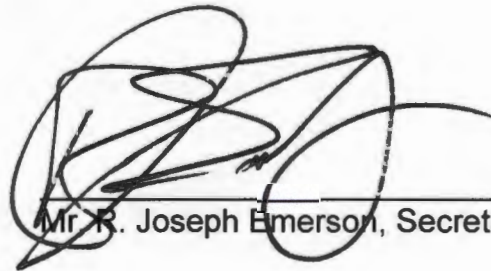
695
696

697
698

699
700

701
702

703
704



Mr. R. Joseph Emerson, Secretary



Mrs. Bonnie-Leigh Jones, Chairman