

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. September
4 13, 2012. Display Notice having been published in the Richmond Times-Dispatch
5 on August 27, 2012 and September 3, 2012.
6

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. Dave O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Blankinship, AICP, Principal Planner
Ms. Rosemary Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa T. Blankinship, County Planner
Mr. David Conmy, County Planner
Mr. Jon Clary, Solid Waste Division Director
Ms. Sylvia Ray, Recording Secretary

7 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**

9
10 Mr. Branin - —Commission work session agenda at 5:51 p.m.

11
12 Mr. Emerson - Tonight we've got a short work session on some
13 statutory updates given to us by the General Assembly of the State of Virginia.
14 But the Board of Supervisors did approve a Board paper directing the
15 Commission to take a look at the three items. Those are:

- 16
17 • Extend the periods of validity for approved subdivision plats and plans of
18 development;
19 • Permit occasional helicopter landings for personal use; and,
20 • Permit collection of administrative costs if the County has to use the
21 developer's financial guarantees to complete subdivision requirements.
22

23 All three of these came out of our most recent General Assembly. With that I'll
24 turn it over to Mr. Blankinship to go into it in more detail.

25

26 Mr. Blankinship - Thank you, Mr. Emerson.

27

28 As Joe mentioned, there are three bills that the County Attorney's Office has
29 advised we should at least consider whether we need to address in the Zoning
30 Ordinance. The first, House Bill, 571, is an extension of an extension. You may
31 remember back in 2009 just as the recession was really taking hold, the General
32 Assembly acted to extend all outstanding site plans and subdivision, and a
33 handful of other things, until 2014. And now that 2014 is approaching and the
34 economy hasn't really recovered yet, they've extended it again to 2017. So it's a
35 pretty straightforward amendment. We've been kind of wondering how that was
36 going to play out as 2014 approaches, and now we know. They're kicking the can
37 down the road another three years.

38

39 Senate Bill 179 has to do with the use of bond funds in cases where a
40 subdivision or a POD—most of them have been subdivisions—ends up in
41 foreclosure, and we find ourselves in the position of having to call the bond in
42 order to finish the improvements. We have always had a policy of taking some
43 money for administrative costs, but the General Assembly has clarified when and
44 how we can use those funds to cover administrative costs.

45

46 And finally, there was a bill sponsored by the delegate from York County having
47 to do with people landing helicopters on private property. Apparently there was
48 one individual in York County who occasionally would land his helicopter in his
49 backyard. His neighbors complained, and someone determined it was a zoning
50 violation. So rather than fight it on the local level he went to the General
51 Assembly and had them pass the bill to say that no local zoning ordinance shall
52 pass a total ban on departures and landings within the locality by non-
53 commercial helicopters for personal use.

54

55 Taking them in that order, the extension of approvals, the current language is
56 there before you. Anything outstanding as of January 1, 2009, shall remain valid
57 until July 1, 2014. All we're doing is changing that to July 1, 2017. If we didn't
58 change it in the ordinance it wouldn't make any difference because the state
59 code just says we have to allow those extensions. So this just keeps the two in
60 sync and puts everyone on notice that they have that additional three years to
61 complete outstanding projects.

62

63 Senate Bill 179, the current language is there. The amount of the financial
64 guarantee shall not exceed the estimated cost of construction plus a reasonable
65 allowance for estimated administrative costs. So we've always had that language
66 allowing us to hold money for administrative costs. The new language there,
67 which very closely tracks the new statute, simply says under what circumstances
68 we can collect the allowance for administrative costs to the extent the costs do

69 not exceed the total amount of money available. So it's a little bit more automatic.
70 We don't have to prove that we had administrative costs; we can just use the
71 money for that purpose as necessary.

72
73 And finally, on the helicopter thing, we went through our code and found that
74 there are quite a few different ways where we already allow helicopter landings.
75 As you remember from that previous slide, what it said is that we cannot have a
76 total ban on the landing of private helicopters in the County. And clearly we don't;
77 they're allowed in—well, we allow a helistop where you only have landing
78 facilities in lots of different districts, as you see there. And then a heliport where
79 you have fueling and servicing of helicopters we allow by PUP in the B-3 and all
80 three of the M districts. And of course we have the airport. So anybody who
81 needs to land a helicopter in the County does not have a total ban; they can
82 always land at the airport.

83
84 We had a meeting this morning with the County Attorney's Office and agreed that
85 for now at this time we're not going to recommend any change to address that
86 concern. It's one of those things that could come up in the future. We could get in
87 a fight with somebody over what's allowed where. If that happens then we'll have
88 to address the issue in more detail at that time. But our recommendation at this
89 time is not to be concerned about that.

90
91 Mrs. Jones - Can you refresh my memory? What do we have at
92 Henrico Doctors'? Is there a Conditional Use Permit or?

93
94 Mr. Blankinship - Yes ma'am.

95
96 Mrs. Jones - Oh, okay.

97
98 Mr. Blankinship - There is one at Henrico Doctors', St. Mary's, and
99 there's also one at Innsbrook next to one of the big banking centers there.

100
101 Mr. Branin - Dominion Virginia Power at Innsbrook. I approved, I'm
102 almost positive—didn't I Dave?—for the helipad out at Town Center West for
103 Breeden? I think we did about five years ago.

104
105 Mr. Emerson - It may be; we'll check. We do have several approved.

106
107 Mrs. Jones - Yes.

108
109 Mr. Emerson - We do have several approved. St. Mary's, Henrico
110 Doctors', Innsbrook. I'm missing one. Which one did I miss? Dominion Virginia
111 Power.

112
113 Mrs. Jones - Do we have many on residential?

114

115 Mr. Archer - Do we have one at the racetrack?
116
117 Mr. Emerson - Yes, sir, because they bring them in and out at the
118 racetrack. So they are landed in many different locations in the County. So we
119 don't feel like we're that restrictive. Now the code has been mentioned. The new
120 code is kind of gray. Listening to the stories behind how it came to us, it seems
121 that it was due to an individual wanting to land helicopters essentially behind his
122 house or on his property. That might not be a problem in Varina on twenty acres.
123 If you fly in and drop it in on two acres on River Road that might be a problem for
124 Mrs. Jones. So I think right now based on the legislation, and the attorneys
125 concur when Ben and I met with them, that we're safe under the current
126 legislation. So let's just leave it as it is until such a time that somebody comes in
127 and wants to drop one in their backyard.
128
129 Mr. Witte - There's a private airport down on River Road. The
130 guy has a grass landing strip. Fleetwood Garner.
131
132 Mr. Emerson - Are you aware of that one, Dave?
133
134 Mr. O'Kelly - Isn't that in Goochland?
135
136 Mr. Witte - No. When I was with the fire department we went
137 down there to get his plane out; it was stuck.
138
139 Mr. Emerson - Oh really.
140
141 Mr. Witte - Then we got stuck. With this ordinance I still can't
142 land in my yard; I still have to land at the airport.
143
144 Mr. Blankinship - That's right. Sorry about that.
145
146 Mr. Witte - But since I don't have a helicopter it's not—
147
148 Mr. Blankinship - Unless you file for a PUP.
149
150 Mr. Witte - I have to get a helicopter first.
151
152 Mr. Emerson - But it's still not allowed in a residential zone.
153
154 Mrs. Jones - There is a community in Goochland that has a
155 community landing situation, but nothing on a single private residence.
156
157 Mr. Emerson - Then Luck Stone has a private landing strip off 623.
158
159 Mrs. Jones - Interesting. Sounds like a plan to me.
160

161 Mr. Blankinship - So for a schedule going forward, we'd like to have the
162 public hearings on the two items, really, the extension of the deadlines and the
163 administrative costs. We would like to have a public hearing with the Planning
164 Commission on October 11th. That would set it up for a work session at the
165 Board, if they would like, on November the 8th. And then act on this by the end of
166 year, December 11th with the Board.
167

168 Mr. Emerson - Those are the two items we're recommending the
169 amendments for.
170

171 Mr. Blankinship - Right.
172

173 Mr. Emerson - If the Commission is so inclined, I would need a
174 motion scheduling the public hearing for 7:00 p.m. on October the 11th. We'll just
175 put it on your regular agenda.
176

177 Mr. Branin - I'll entertain a motion.
178

179 Mrs. Jones - I so move.
180

181 Mr. Archer - I second.
182

183 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Archer. All in
184 favor say aye. All opposed say no. The ayes have it; the motion passes.
185

186 Mrs. Jones - Question. West Broad Village. Do I recall discussion
187 of a landing somewhere?
188

189 Mr. Branin - Never had one.
190

191 Mr. Emerson - Well, we talked about possibly putting a helistop on
192 top of the office building, which it would be allowed in Urban Mixed-Use with a
193 provisional use permit.
194

195 Mrs. Jones - But that has not been—
196

197 Mr. Emerson - Well the office building hasn't been built yet. I don't
198 believe that was included in the overall Provisional Use Permit for that
199 development, but I need to go back and look.
200

201 Mr. Branin - I don't think it was.
202

203 Mr. Emerson - But I don't think it was.
204

205 Mrs. Jones - I would imagine this may come up in terms of the
206 changes at Innsbrook?

207

208 Mr. Emerson - It could. We'll be reviewing those in the next month.
209 So we have a new submission under the recently adopted urban mixed-use, but
210 the Board passed it last week. Or actually not last week, on Tuesday. I'm losing
211 track of my weeks. So we did get a new submission compliant with that for
212 approximately forty acres. They've reduced the size of that urban mixed-use. So
213 now it's back down to approximately the same size as the urban mixed-use that
214 was approved there before. So it's substantially less. Based on the size of the
215 buildings they're proposing in that first section, they possibly may want to have a
216 heliport on the roof of one of those buildings. That's all we have for you this
217 evening, unless you have any other items you might like to discuss.

218

219 Mr. Witte - Can you land your helicopter down there in your
220 neighborhood?

221

222 Mr. Leabough: No, I like to land it at the airport.

223

224 Mr. Branin - Without any hesitation I would like to recess.

225

226 Mr. Emerson - Recess to 7:00 p.m.

227

228 Mr. Branin - Recess to 7:00 p.m.

229

230 [Planning Commission recesses until 7:00 p.m. when they reconvene for public
231 hearing.]

232

233 **PLANNING COMMISSION RECESSED AT 6:03 P.M.**

234

235 **PLANNING COMMISSION RECONVENED AT 7:01 P.M.**

236

237 Mr. Branin - Good evening, and welcome to the September 13,
238 2012, Planning Commission meeting. We are actually reconvening. We had a
239 work session earlier and took a recess until now. I don't believe there is any
240 press in the room. If everyone could—which you'll see me do it as well—please
241 put your phones on either mute or off, because if they go off during the meeting I
242 call you out. With that, if everybody would please stand for the Pledge of
243 Allegiance.

244

245 All right, Mr. Secretary.

246

247 Mr. Emerson - Thank you, Mr. Chairman. As you noted, the
248 Commission did hold a work session earlier this evening beginning at 5:30. That
249 was to discuss some statutory changes that were brought to us by the General
250 Assembly primarily concerning the collection of administrative bond costs when
251 the County has to work with developers that have gotten into financial distress
252 and also extension of approvals to 2017. Those are respectively House Bill 571

253 and Senate Bill 179. The Commission did determine and make a motion and
254 approved it to schedule a public hearing at 7:00 p.m. on the 11th of October,
255 which is the next evening meeting of the Commission.

256
257 With that, Mr. Chairman, we'll move to requests for withdrawals and deferrals.
258 Those will be presented by Mr. Jim Strauss.

259
260 Mr. Strauss - Thank you and good evening, members of the
261 Commission. We have one request for withdrawal this evening. It's in the Three
262 Chopt District and it's on page two of the agenda. It's case C-21C-12, Greg
263 Cronkhite. The applicant has requested to withdraw this case and no action is
264 needed.

265
266 **C-21C-12 Bill Johns for Greg Cronkhite:** Request to amend
267 proffered conditions accepted with Rezoning Case C-12C-88 on Parcel 747-760-
268 1291 located at the northwest intersection of W. Broad St. (U.S. Route 250) and
269 Dominion Boulevard. The applicant proposes to amend Proffer 4 regarding
270 landscape buffer and screening. The existing zoning is B-3C Business District
271 (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use.

272
273 Mr. Branin - There is no action needed for that, correct?

274
275 Mr. Emerson - That is correct, yes sir.

276
277 Mr. Strauss - And we have one request for deferral this evening. It's
278 in the Fairfield District on page one of the agenda. That's case C-17C-12,
279 Weatherfield Farms, LLC. The applicant has requested deferral to the November
280 8th meeting.

281
282 **(Deferred from the August 9, 2012 Meeting)**

283 **C-17C-12 Jennifer D. Mullen for Weatherfield Farms, LLC:**
284 Request to conditionally rezone from R-3C One-Family Residence District
285 (Conditional) to R-5AC General Residence District (Conditional) part of Parcel
286 811-732-3013 containing 31.02 acres located on the north line of Creighton Road
287 at its intersection with Carolee Drive and from R-3C One-Family Residence
288 District (Conditional) to C-1 Conservation District part of Parcel 811-732-3013
289 containing 21.22 acres located approximately 1,500' north of Creighton Road at
290 its intersection with Carolee Drive. The applicant proposes no more than 81
291 residential lots and a conservation district. The R-5A District allows a maximum
292 density of 6.0 units per acre. The uses will be controlled by zoning ordinance
293 regulations and proffered conditions. The 2026 Comprehensive Plan
294 recommends Suburban Residential 2, density should not exceed 3.4 units per
295 acre, and Environmental Protection Area.

296
297 Mr. Branin - Is anyone in opposition to the deferral of C-17C-12?
298 No one? Mr. Archer.

299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344

Mr. Archer - Mr. Chairman, I move for deferral of C-17C-12, Jennifer D. Mullen for Weatherfield Farms LLC for sixty days to the November 8th meeting at the request of the applicant.

Mrs. Jones - Second.

Mr. Branin - That motion was made by Mr. Archer, seconded by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

At the request of the applicant, the Planning Commission deferred C-17C-12, Jennifer D. Mullen for Weatherfield Farms LLC, to its meeting on November 8, 2012.

Mr. Emerson - Mr. Chairman, that now takes us to the requests for expedited items, and those will also be presented by Mr. Jim Strauss.

Mr. Strauss - We do have one case requesting approval on the expedited agenda this evening. It's in the Three Chopt District on page two of the agenda, C-24-12, Bacova Road Apartments LLC. The applicant proposes a conservation district for the floodplain area. It's to be zoned C-1 in compliance with Proffer 10 accepted with the original rezoning case. Staff is recommending approval and we are not aware of any opposition.

C-24-12 Andrew M. Condlin for Bacova Road Apartments, LLC: Request to rezone from R-6C General Residence District (Conditional) to C-1 Conservation District part of Parcels 735-766-8340 and 735-767-8435 containing 4.396 acres located on the east line of N. Gayton Road approximately 350' north of its intersection with Bacova Drive. The applicant proposes a conservation district. The uses will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area.

Mr. Branin - Is anyone in opposition to the approval of C-24-12, Bacova Road Apartments LLC? No one? Then I would like to move that C-24-12, Bacova Road Apartments LLC, be approved on the expedited agenda.

Mrs. Jones - Second.

Mr. Branin - That motion was made by Mr. Branin, seconded by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

REASON: Acting on a motion by Mr. Branin, seconded by Mrs. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the

345 Environmental Protection Area land use recommendation of the Comprehensive
346 Plan.

347

348 Mr. Emerson - Mr. Chairman, that now takes us to your regular
349 agenda, the first item appearing on page two.

350

351 **(Deferred from the August 9, 2012 Meeting)**

352 **C-18C-12 James Theobald for Atack WB Investors, LLC:**

353 Request to rezone from A-1 Agricultural District to B-2C Business District
354 (Conditional) part of Parcel 730-765-7288 containing 4.5 acres located along the
355 north line of W. Broad Street (U.S. Route 250) at the Goochland County line;
356 from A-1 Agricultural District to O-3C Office District (Conditional) part of Parcels
357 730-765-7288, 730-766-8989, 731-766-6068, and 731-766-8757 containing 16.6
358 acres located along the north line of W. Broad Street (U.S. Route 250)
359 approximately 730' east of the Goochland County line; from A-1 Agricultural
360 District to R-6C General Residence District (Conditional) part of Parcels 730-766-
361 8989, 731-766-6068, 731-766-8757, and 730-765-7288 containing 38.5 acres
362 located on the north line of W. Broad Street (U.S. Route 250) bounded by the
363 Goochland County line to the west and Interstate 64 to the north; and from A-1
364 Agricultural District to RTHC Residential Townhouse District (Conditional) part of
365 Parcel 730-766-8989 containing 10.6 acres located 1,000' north of the north line
366 of W. Broad Street (U.S. Route 250) bounded by the Goochland County line to
367 the west and Interstate 64 to the north. The applicant proposes a development
368 consisting of office, retail, residential townhouses, and multifamily dwelling units.
369 A maximum of 178 townhouse-style condominiums, 78 townhouses, and 320
370 multifamily residential units are proposed. The R-6 District allows a maximum
371 gross density of 19.8 units per acre. The RTH District allows a maximum gross
372 density of nine (9) units per acre. The uses will be controlled by zoning ordinance
373 regulations and proffered conditions. The 2026 Comprehensive Plan
374 recommends Urban Mixed-Use and Environmental Protection Area. The site is in
375 the West Broad Street Overlay District.

376

377 Mr. Branin - Thank you, Mr. Emerson. Is anyone in opposition to
378 C-18C-12? No one? Mr. Sehl?

379

380 Mr. Sehl - Thank you, Mr. Chairman, members of the
381 Commission.

382

383 This request would rezone a total of approximately seventy acres from A-1 to O-
384 3C, B-2C, R-6C, and RTHC to allow for the development of medical office and
385 business uses, as well as up to 320 multifamily dwellings and 256 townhouses
386 and townhouse-style condominiums.

387

388 The site is bordered by Goochland County to the west and I-64 to the north. West
389 Broad Street is immediately to the south, and adjacent property to the east is

390 zoned A-1. The subject site and adjacent properties are all located within the
391 West Broad Street Overlay District.

392

393 The applicant has submitted recently revised proffers, including this revised
394 conceptual plan, and I'd like to briefly describe each development area, including
395 notable proffers for each portion of the property. Located along the majority of the
396 site's West Broad Street frontage, this area is proposed for O-3C zoning and is
397 approximately sixteen and a half acres in size. Architectural elevations have also
398 been proffered for the proposed medical offices, and are shown here. Exterior
399 materials would be of a high quality consistent with other developments in the
400 corridor, and typical items such as screening of refuse containers and
401 mechanical equipment have also been addressed in the proffers.

402

403 Just to the west of the office area and also along West Broad Street is
404 approximately 4.5 acres proposed for B-2C zoning, which would be developed as
405 retail outparcels as shown on the conceptual plan. No architectural elevations
406 have been proffered, but the revised proffers distributed to you this evening do
407 commit to constructing the retail buildings with design and materials
408 complementary to the proposed office buildings as determined at the time of
409 POD. A number of potentially incompatible uses have been prohibited by the
410 applicant on this portion of the property.

411

412 Immediately to the north of the proposed retail outparcels is one of the two
413 parcels proposed for R-6C zoning on the property. This parcel is eighteen acres
414 in size and could be developed for either townhouse-style condominiums or
415 residential townhouses. No more than 178 units could be constructed, and each
416 home would be a minimum of 1,390 square feet. The recently revised proffers
417 commit to at least 35 percent of the front façade consisting of brick or stone, with
418 only brick, stone, stone veneer, or HardiPlank as permitted exterior materials.
419 Rear-loaded one-car garages would be provided, and the appearance of the
420 proposed buildings would be consistent with the elevations provided as Exhibit C,
421 shown here. There are a number of them so I'll just provide a representative
422 sampling.

423

424 In addition to the proposed townhouse style-condominiums, the applicant
425 proposes a maximum of seventy-eight residential townhouses on a 10.6-acre
426 parcel in the far northwest portion of the site located here. Minimum unit size and
427 exterior materials would be the same as just described for the townhouse style-
428 condominiums, and each unit would continue to have a minimum of a one-car
429 garage, although it could be front-loaded in this portion of the development.
430 These townhouses would be consistent with either Exhibit C, which I just
431 showed, or Exhibit E as shown here. Again, a representative sampling of those.

432

433 The final development area is located here, adjacent to I-64 and the site's
434 eastern boundary, and located north of the office development area. This area
435 would also be zoned R-6C and no more than 320 apartments are proposed. The

436 applicant has committed to minimum unit sizes consistent with other recent
437 developments in the area and has provided for a maximum number of one-
438 bedroom and three-bedroom units. Building materials would be consistent with
439 those proposed in the other residential areas of the project, and the multifamily
440 buildings would be consistent with the elevation proffered as Exhibit D here.

441

442 In addition to the commitments provided for the various development areas, the
443 applicant has committed to providing pedestrian amenities shown on this
444 conceptual plan, including trails and sidewalks, including a connection to the
445 existing sidewalk along West Broad Street and the various project areas. This
446 main spine road, which could ultimately connect to a parallel roadway north of
447 West Broad Street, would be constructed to the eastern property line as shown
448 here. A commitment to providing a number of transportation improvements,
449 including the signalization of the site's main western entrance, has also been
450 provided.

451

452 The 2026 Comprehensive Plan designation for the subject property is Urban
453 Mixed-Use and Environmental Protection Area. The site is also identified as a
454 prime economic development site and located in the West Broad Street-West
455 Mixed-Use/Village Special focus area. While the applicant has not filed an Urban
456 Mixed-Use rezoning request, this proposal is largely consistent with this
457 designation in that it provides for a mixture of residential and non-residential uses
458 with a more urban development style, especially along the site's proposed main
459 access drive. The large percentage of office and retail development also
460 supports the site's designation as a prime economic development site, and the
461 layout of the office portion of the development is such that future redevelopment
462 could be easily accommodated, meaning future development could be even
463 more in keeping with the goals of the 2026 Plan.

464

465 Staff is supportive of this request, since it is generally consistent with the 2026
466 Comprehensive Plan, and the submitted proffers generally provide for a level of
467 development consistent with other requests in the vicinity. However, it should be
468 noted that concerns remain about certain items contained in the most recent
469 version of the proffers submitted today. Specifically, staff notes the following and
470 encourages the applicant to address these concerns:

471

- 472 • Prohibit restaurants with drive-thru windows and convenience stores
473 with gasoline sales, as these uses could cause concerns and would
474 not be in keeping with the site's UMU designation, and could have a
475 negative impact on the proposed residential uses located in close
476 proximity to the north;
- 477 • The applicant is also urged to consider providing for enhanced design
478 for end units that face major internal roadways, in addition to the
479 current commitment regarding the main spine road. Design elements
480 could include an increased amount of brick or stone or a minimum
481 number of windows; and finally

- 482 • The applicant is encouraged to increase the level of sound
483 suppression between multifamily units to be consistent with the
484 proffered minimum in the townhouse portions of the development.
485

486 In conclusion, staff does support this request and could be even more supportive
487 if the items I just noted were addressed. Staff notes the time limits would need to
488 be waived on the proffers as they were submitted today with some additional
489 changes. Otherwise that does conclude my presentation. I'd be happy to answer
490 an questions you might have at this time.
491

492 Mr. Branin - Thank you, Mr. Sehl. Does anybody have any
493 questions for Mr. Sehl?
494

495 Mr. Witte - I have one. What size are the garages? I have an
496 issue with garages that aren't big enough to get a full-size vehicle in.
497

498 Mr. Sehl - Yes sir. They've committed a one-car garage. I don't
499 believe at this time that they have committed a minimum interior clear area for
500 those garages. That's certainly something that you could discuss with the
501 applicant.
502

503 Mr. Witte - Thank you.
504

505 Mr. Sehl - Yes sir.
506

507 Mr. Branin - Does anybody else have any other questions for Mr.
508 Sehl? None? Okay. Since we have no opposition I'd like to hear from the
509 applicant. Sir, would you please state your name for the record?
510

511 Mr. Theobald - I will. My name is Jim Theobald. I'm here on behalf of
512 Atack WB Investors LLC. Fred, could we just go to the other slide, please, the
513 concept plan? Perfect. Great, thank you.
514

515 Good evening, Mr. Chairman, ladies and gentlemen. As you've heard, this is a
516 request to rezone approximately seventy acres on West Broad Street at the
517 Goochland County line and adjacent to Interstate 64 for a mixed-use
518 development consisting of approximately sixteen acres of office, twenty-eight
519 acres of owner-occupied condominium-style townhomes, and twenty acres of
520 multi-family residential. Also included is about five acres of retail and three
521 outparcels across the front.
522

523 Before you is our proffered concept plan, and we believe that as designed and
524 proffered this case does meet the spirit of your Land Use Plan, as I think Mr. Sehl
525 has confirmed. We did engage Doug Cole and Andrew Bleckley with Cite Design
526 to help us create a more sophisticated land use plan that accomplishes the goals
527 of that land use plan in the urban mixed-use look and feel. We think they've

528 succeeded in creating that integrated unified development. And as you'll note,
529 each area sort of overlaps into the next, if you will. And they share the significant
530 common space that has been provided throughout. The unifying element is really
531 this boulevard-style main street, if you will, with planted median. And what you'll
532 note is sidewalks along one side, a linear trail along the other. Most importantly
533 you'll see significant landscaping separating the parking from the roadway, and a
534 linear park or greenway all along the road here that we would hope would be
535 continued down the properties heading to the east. The homes along this side of
536 that boulevard entrance all have rear-loaded garages. So it really acts as a focal
537 point. There's lots of potential gathering areas. We've proffered things like
538 benches. We have water features and sort of a faux bridge element here to slow
539 down traffic and to give the illusion of crossing the water on a bridge.

540

541 We've also tried to take advantage of some of the view quarters. You'll note that
542 we've separated the buildings along the front to look back to what will be the
543 signature building on the site. And this building is designed to really have two
544 fronts—one fronting on the lake and one looking back toward West Broad Street.
545 Our parking areas have been broken up, rather than a large expanse of parking,
546 because it's aesthetically more pleasing, but it also gives us the ability to perhaps
547 build structured parking and additional buildings in the future if that is warranted.
548 And so we tried to think ahead of how the site might mature and evolve, and
549 have built that into the plan.

550

551 Our secondary access point—this is not at a median break; this one is. And this
552 would be the traffic signal. But we've also created a view corridor, done a little bit
553 of a roundabout here in the middle just to add a little more interest. But it
554 ultimately comes back into an amenity center which had been sort of in the
555 middle of the multi-family part, and we've moved out here a little more central.
556 And we've proffered that it will be available to all of the residents in the
557 community.

558

559 You'll note these dotted lines. These are trails that would run through the
560 conservation area so that literally every area of the community is connected.
561 There's a sidewalk along one side of this road back to our townhomes. As you
562 can tell, this is significant environmental feature. And with floodplain and RPA,
563 etcetera, we are obviously respecting those. And over here we have Goochland.

564

565 There are some fifty-eight proffered conditions in this case. We worked very hard
566 with staff and appreciate their efforts. Those proffers assure that this will be a
567 quality development. We have included all of the recommended road
568 improvements suggested by both the County and by VDOT. Our 527 study has
569 been approved. You've seen our elevations in Ben's presentation, and I won't go
570 through those again.

571

572 In summary, I think that we are consistent with your Land Use Plan. This area is
573 also designated as a prime economic development site, which we intend to fulfill.

574 It's been well designed and well proffered. It promotes quality development.
575 Significantly it increases your tax base. This represents over \$150 million dollars
576 worth of value upon completion at a time when neighboring jurisdictions are
577 competing for similar developments. I would respectfully ask that you
578 recommend approval of this case to the Board of Supervisors. And I'd be happy
579 to answer any questions.

580 Mr. Branin - Does anybody have any questions for Mr. Theobald?

581

582 Mr. Witte - I do. Mr. Theobald, do we have a clear area
583 designation for the garages?

584

585 Mr. Theobald - That has not been proffered, sir. These are probably
586 one-car garages, but we have not designed the units so I really don't know what
587 that dimension is. I'll try to find out before the Board.

588

589 Mr. Witte - Thank you.

590

591 Mr. Theobald - I'm aware of your concern about that.

592

593 Mrs. Jones - Mr. Theobald, I was just going over the proffers here
594 and then listening to staff. Could you just touch on the four concerns that staff
595 has mentioned in the presentation and your thoughts about those, please?

596

597 Mr. Theobald - Could you repeat those?

598

599 Mrs. Jones - Oh you want me—sorry. First, restaurants with drive-
600 throughs, convenience stores with gas sales, enhanced designs for the ends of
601 units, and sound suppression for the multi-family apartments that would be the
602 same as the townhomes.

603

604 Mr. Theobald - Yes. We have three outparcels. Those outparcels are
605 intended to serve the needs of that area. We have not proffered out convenience
606 stores with gas, nor fast-food restaurants. We have no users yet for that area. I
607 would note that we are on West Broad Street right at the 288 entrance. So
608 should those uses occur there I would think that there is probably no more
609 appropriate place for those. It could be a drugstore or a bank, sit-down
610 restaurant. But those have not been precluded at this point.

611

612 With regard to the ends of units, the concern as we understood it was that
613 basically the views from primarily this main boulevard—and you'll note that the
614 way we have located our buildings, we really have no ends facing this road. We
615 have proffered that if any of those buildings are turned and those ends do in
616 essence face the road, that we would have to provide the requisite amount of
617 brick or stone. But it's really not been designed to emphasize those end units.
618 We've pulled the garages to the rear there and didn't think that was a necessary
619 element, for instance, back in the townhome section here across the creek.

620

621 The sound, we have differing sound requirements for our townhomes and our
622 apartments. They have different types of construction, as you know. They have
623 different relationships with Interstate 64. And our sound suppression
624 requirements on these units are identical to those proffered in the Bacova case
625 that you all recently approved that was also in proximity with Interstate 64.

626

627 Mrs. Jones - Okay. Well, I'm working with townhome designs now
628 in my district. The reason I ask about the end units is simply because even if it's
629 not a main road, for the sake of interest for those who live and work there, there
630 are some units that would have significantly visible sides on the end. I would
631 think that might be something that you'd want to consider. I don't know whether
632 that's something that's all that essential, but it certainly does add visual interest
633 to the architecture as folks move within the community. And this is a multi-
634 faceted community, so there are many places people will go and receive the
635 benefit of whatever enhancement is appropriate. I just needed to have your
636 answers to those. Thank you.

637

638 Mr. Theobald - Yes ma'am.

639

640 Mr. Branin - Anybody else have any questions? None? Mr.
641 Theobald, can you show me where on the design is the tot lot?

642

643 Mr. Theobald - It is here.

644

645 Mr. Branin - Thank you. To my fellow Commissions, if you
646 remember, the very beginning of the year I had said that especially in multi-family
647 and more urban areas the one thing that I see now that we've been missing a lot
648 of times is areas for children to play in. When this was originally rolled out it didn't
649 have a tot lot. They were gracious enough to provide one. Are there any other
650 questions?

651

652 Mr. Leabough - One quick question, Mr. Chairman. The pedestrian
653 paths that you mentioned, those are proffered conditions?

654

655 Mr. Theobald - Yes they are. They're proffered as part of this concept
656 plan, and they are also separately proffered. We tried to pop out the colors a little
657 bit. This purple color represents the sidewalk along Broad Street, sideway on one
658 side of the main entrance road, sidewalks here coming up this spine, a sidewalk
659 here. Through here, this dotted red line is probably an asphalt or gravel-type path
660 through this linear park. You'll see sidewalks in purple around this area
661 connecting back to the trail, along this street, all along this street back here. And
662 then you'll see this extensive trail system circling the environmental area. So
663 literally every project area we've taken care to connect it.

664

665 Mr. Branin - Any other questions? Okay.

666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710

Mr. Theobald - Thank you.

Mr. Branin - Thank you, sir. All right. Then I would like first to move for the time limit to be waived for C-18C-12, James Theobald for Attack WB Investors LLC.

Mr. Archer - Second.

Mr. Branin - That motion was made by Mr. Branin, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

And secondly I would like to move that C-18C-12, James Theobald for Attack WB Investors LLC, move forward to the Board of Supervisors with a recommendation for approval.

Mr. Leabough - Second.

Mr. Branin - That motion was made by Mr. Branin, seconded by Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

REASON: Acting on a motion by Mr. Branin, 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 objectives and intent of the Comprehensive Plan, would allow development of the land in an appropriate manner, and the proffered conditions will assure a level of development otherwise not possible.

Mr. Emerson - Mr. Chairman, that now takes us to the next item on your agenda, which appears on page three.

RESOLUTION: **SIA-005-11** – Shane and Quioccasin Recycling Facility – Substantially in Accord with the County of Henrico Comprehensive Plan

Mr. Conmy - Thank you, Mr. Chairman, members of the Commission.

At the request of the Department of Public Utilities, the Planning Department conducted this Substantially in Accord study to determine whether a proposed site for a recycling facility to be located at the southwest of the intersection of Quioccasin Road and Shane Road is substantially in conformance with the County’s adopted Comprehensive Plan. This would replace the facility located at the Columbian Center off of Pump Road. This temporary facility was created

711 when a permanent facility was closed due the expansion of Fire Station #9
712 located adjacent to the site.

713

714 Located in the Tuckahoe Magisterial District, the proposed site consists of eight
715 parcels generally bounded by Quioccasin Road to the north, Shane Road to the
716 east, the Farmington neighborhood to the south, and Fire Station #9 to the west.
717 The site is zoned R-3, One-Family Residence District, and the proposed
718 recycling facility would be permitted by right. The 2.04-acre site could provide
719 ample room to accommodate yard and setback requirements.

720

721 The subject property is recommended for Suburban Residential 2 uses in the
722 2026 Comprehensive Plan. The provision of public service facilities, including
723 recycling facilities, is generally compatible and appropriate with this land use
724 designation. However, these improvements should be designed to reduce any
725 potential impacts upon adjacent residential uses.

726

727 The proposed facility has been designed to contain approximately five recycling
728 dumpsters, be surrounded by a four-foot-high vinyl-clad fence, gated at the point
729 of access, and be lit by four light poles to provide light during hours of operation
730 after dusk.

731

732 The conceptual layout plan shows the preservation of approximately 105 feet of
733 dense wooded vegetation between the nearest residents to the south and the
734 proposed recycling facility, thereby mitigating any potential light spillover, sound,
735 and noise issues.

736

737 Staff feels the proposed recycling facility would be compatible with the current
738 and recommended land uses, provide a County public service in a consistent
739 location, and fulfill the goals, objectives, and policies of the Comprehensive Plan.
740 Staff recommends the Planning Commission find the proposed Shane and
741 Quioccasin recycling facility to be substantially in accord with the Henrico County
742 2026 Comprehensive Plan. This concludes my presentation, and I will be happy
743 to answer any questions.

744

745 Mr. Branin - Thank you, Mr. Conmy. I neglected my duties. Is
746 anyone in opposition to SIA-005-11? No one? Fantastic. I didn't get caught there,
747 then. Does anyone have any questions for Mr. Conmy?

748

749 Mr. Witte - I have one. I understand there are lights while the
750 facility is open.

751

752 Mr. Conmy - That's correct.

753

754 Mr. Witte - When the facility is closed is there any lighting on the
755 property?

756

757 Mr. Conmy - I believe that answer to that question could be better
758 answered by John Clary. He's here from the Department of Public Utilities. He's
759 with the Solid Waste Division. So I'll have him come up and answer that.
760

761 Mr. Clary - Mr. Chairman, members of the Commission, at this
762 time I would say no, that they would not be turned on during the after hours. But
763 those details have not been worked out. The site design is not final.
764

765 Mr. Branin - Sir, just for the sake of the minutes, would you please
766 state your name?
767

768 Mr. Clary - Yes, John Clary.
769

770 Mr. Witte - Thank you.
771

772 Mr. Branin - Does anybody else have any questions for John?
773 None.
774

775 Mr. Witte - My only issue was I've seen several times where
776 these recycling facilities have been raided at night. I'm sure that's due to the
777 economy, but there should be some security with a 24-hour fire station right next
778 door.
779

780 Mr. Emerson - Mr. Witte, it will be fenced and the gates will be closed
781 at the time the facility closes. And I assume the lighting will go down to security
782 levels at that time in respect to the neighborhood. But of course as you know, the
783 fire station is next door. So the lights will be able to stay up maybe a little bit
784 brighter than they normally would because of the adjacency of the fire
785 department. But it will be fenced and gated.
786

787 Mr. Witte - Great. Thank you.
788

789 Mrs. Jones - Not so much a question as a comment. This is in my
790 district. This is a challenging piece of property. And there are certainly many folks
791 who recycle in the County and wish to have a facility that's accessible and ready
792 to accomplish that. I think it could be a good match, but our job here is to find
793 whether it is substantially in accord, and in my estimation this meets the need. I
794 don't have any further questions.
795

796 Mr. Branin - Since this is right in the middle of your district, we
797 value your opinion more than anybody.
798

799 Mrs. Jones - Well, I just thought I'd chime in. I do think it's been a
800 comprehensive review. And at the end of the day this was the site that was
801 deemed to be most appropriate of those that were evaluated.
802

803 Mr. Branin - Okay. Well, if there are no more questions I'll
804 entertain a motion.

805
806 Mrs. Jones - Mr. Secretary, do you read the resolution into the
807 record?

808
809 Mr. Emerson - Yes ma'am. If you'd like I'll read the resolution into the
810 record and then you can enter a motion.

811
812 Mrs. Jones - I will.

813
814 Mr. Emerson - This is Resolution SIA-005-11, Shane and Quioccasin
815 Recycling Facility—Substantially in Accord with the Comprehensive Plan.

816
817 WHEREAS, Section 15.2-2232 of the Code of Virginia requires the Planning
818 Commission to review and to consider whether the general or approximate
819 location, character and extent of major public facilities are substantially accord
820 with the County's Comprehensive Plan; and

821
822 WHEREAS, the Planning Commission has reviewed the proposed Shane and
823 Quioccasin recycling facility for conformance with the County's 2026
824 Comprehensive Plan; and

825
826 WHEREAS, a reported dated August 24, 2012, presented by the Planning staff to
827 the Planning Commission, found the proposed use would not be in conflict with
828 or a significant departure from the adopted plans; and

829
830 WHEREAS, the Planning Commission has reviewed the staff recommendations
831 and finds the proposed Shane and Quioccasin recycling facility will further the
832 goals, objectives, and policies of the Comprehensive Plan that identify the need
833 for new public services and facilities based on projected and planned growth in
834 accordance with the 2026 Future Land Use Map; and

835
836 WHEREAS, the Planning Commission finds the proposed use of this site for the
837 Shane and Quioccasin recycling facility would be compatible with adjacent
838 developments, and existing and future developments in the larger vicinity;

839
840 NOW THEREFORE BE IT RESOLVED, the Henrico County Planning
841 Commission finds the proposed Shane and Quioccasin recycling facility
842 substantially in accord with the County's Comprehensive Plan.

843
844 Mrs. Jones - Mr. Secretary, I move the resolution SIA-005-11.

845
846 Mr. Witte - Second.

847

848 Mr. Branin - That motion was made by Mrs. Jones, seconded by
849 Mr. Witte. All in favor say aye. All opposed say no. That motion carries.

850

851 Mr. Emerson - Mr. Chairman, the next item on your agenda tonight
852 would be the approval of the minutes from your Planning Commission meeting of
853 August 9, 2012.

854

855 Mrs. Jones - I so move.

856

857 Mr. Leabough - Second.

858

859 Mr. Branin - That motion was made by Mrs. Jones, seconded by
860 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
861 motion carries.

862

863 That brings us to our wrap-up. Everybody, I'd like to take note we have a very
864 important person in the audience tonight. We have a representative from VDOT
865 here who just stopped speaking. Don't know why, but he's here. And with that,
866 does anybody have any other questions or comments before we close?

867

868 Meeting is adjourned.

869

870

871

872

873

874

Mr. R. Joseph Emerson, Secretary

875

876

877

878

879

880

881

Mr. Tommy Branin, Chairman

882

883