

1 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
2 **WORK SESSION.**

3
4 Minutes of the regular monthly meeting of the Planning Commission of the
5 County of Henrico held in the County Administration Building in the Government
6 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. September
7 13, 2018. Display Notice having been published in the *Richmond Times-Dispatch*
8 on August 27, 2018 and September 3, 2018.
9

Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Mr. Gregory R. Baka, Vice Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. William M. Mackey, Jr. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, AICP, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Amy Crady, County Planner
Mr. John Cejka, Traffic Engineer, Public Works
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

10
11 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
12 **on all cases unless otherwise noted.**

13
14 Mrs. Marshall - I call this meeting of the Henrico County Planning
15 Commission to order. This is our rezoning meeting for September 13, 2018. At
16 this time, I ask that you please take a moment to silence your cell phones. And
17 as you do, please stand with the Commission for the Pledge of Allegiance.
18

19 Do we have anyone in the audience with the news media? We do not. We have
20 Mrs. Pat O'Bannon, our representative from the Board of Supervisors with us
21 who is sitting with the Commission. Thank you for being here. At this point, I will
22 turn the agenda over to Mr. Emerson, our secretary.
23

24 Mr. Emerson - Thank you, Madam Chair. The Commission did hold a
25 work session this evening. It began at 5:15 in the Manager's Conference Room.
26 They discussed the consideration of Zoning Ordinance amendments to the R-5A
27 General Residence District, which will be our first item on the agenda this
28 evening after the withdrawals and deferrals and expedited items. We also had a
29 brief discussion about the status of the Route 5 Corridor Study.

30
31 With that, Madam Chair, first on your agenda will be the requests for withdrawals
32 and deferrals, and those will be presented by Mr. Jim Strauss.

33
34 Mr. Strauss - Thank you, Mr. Secretary. We do have two requests
35 for deferral this evening. The first request is in the Brookland District, page 1 of
36 your agenda. This is REZ2017-00032. The applicant is requesting referral to the
37 October 11, 2018 meeting.

38
39 **(Deferred from the July 12, 2018 Meeting)**
40 **REZ2017-00032 Arthur McGurn for The McGurn Company:** Request
41 to conditionally rezone from R-2 One-Family Residence District and [R-6C]
42 General Residence District (Conditional) to R-3C One-Family Residence District
43 (Conditional) Parcel 767-760-8701 and part of Parcel 768-760-1507 containing
44 3.89 acres located at the northeast intersection of Hungary and Hungary Spring
45 Roads. The applicant proposes a single-family development of no more than 5
46 homes. The R-3 District allows a minimum lot area of 11,000 square feet and an
47 overall density of 3.96 units per acre. The use will be controlled by proffered
48 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
49 recommends Suburban Residential 2, density should not exceed 3.4 units per
50 acre.

51
52 Mrs. Marshall - Is there anyone in opposition to the deferral of
53 REZ2017-00032, Arthur McGurn for The McGurn Company? I see no opposition.
54 Mrs. Kotula?

55
56 Mrs. Kotula - I move that REZ2017-00032, Arthur McGurn for The
57 McGurn Company, be deferred to the October 11th meeting at the request of the
58 applicant.

59
60 Mr. Archer - Second.

61
62 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by Mr.
63 Archer. All in favor say aye. Those opposed say no. There is no opposition; this
64 motion passes

65
66 At the request of the applicant, the Planning Commission deferred REZ2017-
67 00032, Arthur McGurn for The McGurn Company, to its meeting on October 11,
68 2018.

69

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15 Commission to order. This is our rezoning meeting for September 13, 2018. At
16 this time, I ask that you please take a moment to silence your cell phones. And
17 as you do, please stand with the Commission for the Pledge of Allegiance.

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20 Mrs. Pat O'Bannon, our representative from the Board of Supervisors with us
21 who is sitting with the Commission. Thank you for being here. At this point, I will
22 turn the agenda over to Mr. Emerson, our secretary.

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24 Mr. Emerson - Thank you, Madam Chair. The Commission did hold a
25 work session this evening. It began at 5:15 in the Manager's Conference Room.
26 They discussed the consideration of Zoning Ordinance amendments to the R-5A
27 General Residence District, which will be our first item on the agenda this
28 evening after the withdrawals and deferrals and expedited items. We also had a
29 brief discussion about the status of the Route 5 Corridor Study.

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31 With that, Madam Chair, first on your agenda will be the requests for withdrawals
32 and deferrals, and those will be presented by Mr. Jim Strauss.

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34 Mr. Strauss - Thank you, Mr. Secretary. We do have two requests
35 for deferral this evening. The first request is in the Brookland District, page 1 of
36 your agenda. This is REZ2017-00032. The applicant is requesting referral to the
37 October 11, 2018 meeting.

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42 General Residence District (Conditional) to R-3C One-Family Residence District
43 (Conditional) Parcel 767-760-8701 and part of Parcel 768-760-1507 containing
44 3.89 acres located at the northeast intersection of Hungary and Hungary Spring
45 Roads. The applicant proposes a single-family development of no more than 5
46 homes. The R-3 District allows a minimum lot area of 11,000 square feet and an
47 overall density of 3.96 units per acre. The use will be controlled by proffered
48 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
49 recommends Suburban Residential 2, density should not exceed 3.4 units per
50 acre.

51
52 Mrs. Marshall - Is there anyone in opposition to the deferral of
53 REZ2017-00032, Arthur McGurn for The McGurn Company? I see no opposition.
54 Mrs. Kotula?

55
56 Mrs. Kotula - I move that REZ2017-00032, Arthur McGurn for The
57 McGurn Company, be deferred to the October 11th meeting at the request of the
58 applicant.

59
60 Mr. Archer - Second.

61
62 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by Mr.
63 Archer. All in favor say aye. Those opposed say no. There is no opposition; this
64 motion passes

65
66 At the request of the applicant, the Planning Commission deferred REZ2017-
67 00032, Arthur McGurn for The McGurn Company, to its meeting on October 11,
68 2018.

70 Mr. Strauss - The second request for deferral this evening is in the
71 Varina District on page 3 of your agenda, REZ2018-00019, Liberty Homes. The
72 applicant is requesting deferral to the October 11, 2018, meeting.

73
74 (Deferred from the August 9, 2018 Meeting)

75 **REZ2018-00019 Mark Rempe for Liberty Homes:** Request to rezone
76 from B-3 Business District to R-3 One-Family Residence District Parcel 825-720-
77 6242 containing .24 acres located on the west line of E. Nine Mile Road (State
78 Route 33) approximately 150' north of its intersection with Elsing Green Way.
79 The applicant proposes a single-family residence. The use will be controlled by
80 zoning ordinance regulations. The 2026 Comprehensive Plan recommends
81 Suburban Residential 2, density should not exceed 3.4 units per acre. The site is
82 in the Enterprise Zone and the Airport Safety Overlay District.

83
84 Mrs. Marshall - Is there anyone in opposition to the deferral of
85 REZ2018-00019, Mark Rempe for Liberty Homes? I see no opposition.
86 Mr. Mackey?

87
88 Mr. Mackey - Madam Chair, I move that REZ2018-00019, Mark
89 Rempe for Liberty Homes, be deferred to the October 11, 2018 meeting at the
90 request of the applicant.

91
92 Mr. Baka - Second.

93
94 Mrs. Marshall - We have a motion by Mr. Mackey, a second by
95 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
96 this motion passes

97
98 At the request of the applicant, the Planning Commission deferred REZ2018-
99 00019, Mark Rempe for Liberty Homes, to its meeting on October 11, 2018.

100
101 Mr. Emerson - Madam Chair, that completes the requests for
102 withdrawals and deferrals this evening. We now move on to the requests for
103 expedited items, which will also be presented by Mr. Strauss.

104
105 Mr. Strauss - Thank you, Mr. Secretary. The first request is in the
106 Brookland District on page 2 of your agenda. It's REZ2018-00034, Marketplace
107 Holdings, LLC. Staff is recommending approval with the proffer in the staff report.
108 We are not aware of any opposition.

109
110 **REZ2018-00034 Marketplace Holdings, LLC:** Request to amend
111 proffers accepted with Rezoning case C-03C-09 on Parcel 767-757-9294 located
112 on the west line of Staples Mill Road (U.S. Route 33) approximately 320' south of
113 its intersection with Hungary Spring Road. The applicant proposes to amend
114 proffers to allow an automobile oil change facility. The existing zoning is B-2C

115 Business District (Conditional). The 2026 Comprehensive Plan recommends
116 Commercial Concentration.

117

118 Mrs. Marshall - Is there anyone in opposition to REZ2018-00034,
119 Marketplace Holdings, LLC? I see no opposition. Mrs. Kotula?

120

121 Mrs. Kotula - I move that we approve REZ2018-00034,
122 Marketplace Holdings, LLC, with amended proffer 4R dated August 21, 2018.

123

124 Mr. Archer - Second.

125

126 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by
127 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
128 this motion passes

129

130 **REASON -** Acting on motion by Mrs. Kotula, seconded by Mr.
131 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
132 Board of Supervisors **grant** the request because the proffers continue to assure
133 a quality form of development with maximum protection afforded the adjacent
134 properties and the proposed use is not expected to adversely impact surrounding
135 land uses in the area.

136

137 Mr. Strauss - The next request for approval on the expedited
138 agenda is also in the Brookland District, page 2 of your agenda. This is
139 PUP2018-00011. Again, Marketplace Holdings, LLC. Staff is recommending
140 approval with conditions 1 through 5 in the staff report. We are not aware of any
141 opposition.

142

143 **PUP2018-00011 Marketplace Holdings, LLC:** Request for a
144 Provisional Use Permit under Sections 24-58.2(c), 24-120, and 24-122.1 of the
145 County Code to allow an automobile oil change facility on Parcel 767-757-9294
146 located on the west line of Staples Mill Road (U.S. Route 33) approximately 320'
147 south of its intersection with Hungary Spring Road. The existing zoning is B-2C
148 Business District (Conditional). The 2026 Comprehensive Plan recommends
149 Commercial Concentration.

150

151 Mrs. Kotula - Is there anyone in opposition to PUP2018-00011,
152 Marketplace Holdings, LLC? I see no opposition. Mrs. Kotula?

153

154 Mrs. Kotula - I move that we approve PUP2018-00011,
155 Marketplace Holdings, LLC, with conditions 1 through 5 in the staff report.

156

157 Mrs. Marshall - Second. We have a motion by Mrs. Kotula, and a
158 second by Mrs. Marshall. All in favor say aye. Those opposed say no. There is
159 no opposition; this motion passes

160

161 **REASON -** Acting on a motion by Mrs. Kotula, seconded by
162 Mrs. Marshall, the Planning Commission voted 5-0 (one abstention) to
163 recommend the Board of Supervisors **grant** the request because it would provide
164 added services to the community and would not be expected to adversely affect
165 public health, safety, welfare and values in the area.
166

167 Mr. Strauss - The next request for approval on the expedited
168 agenda is in the Fairfield District, page 3 of your agenda. This is REZ2018-
169 00033, HHHunt River Mill LLC. This is a request to rezone 4 acres to the C-1
170 District. Staff is recommending approval, and we are not aware of any opposition.
171

172 **REZ2018-00033 Timmons Group for HHHunt River Mill LLC:**
173 Request to conditionally rezone from R-5AC General Residence District
174 (Conditional) and RTHC Residential Townhouse District (Conditional) to C-1C
175 Conservation District (Conditional) part of Parcels 780-772-8360, 781-773-2686,
176 and 782-773-0113 containing 14.69 acres located approximately 500' west of the
177 intersection of Brook Road (U.S. Route 1) and Magnolia Ridge Drive. The
178 applicant proposes a conservation district. The use will be controlled by zoning
179 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
180 recommends Environmental Protection Area, Suburban Residential 1 (density
181 should not exceed 2.4 units/acre), and Office.
182

183 Mrs. Marshall - Is there anyone in opposition to REZ2018-00033,
184 Timmons Group for HHHunt River Mill LLC? I see no opposition. Mr. Archer?
185

186 Mr. Archer - Madam Chair, I move that REZ2018-00033, Timmons
187 Group for HHHunt River Mill LLC, be sent to the Board with a recommendation of
188 approval.
189

190 Mrs. Marshall - Second. We have a motion by Mr. Second, and a
191 second by Mrs. Marshall. All in favor say aye. Those opposed say no. There is
192 no opposition; this motion passes
193

194 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
195 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the
196 Board of Supervisors **grant** the request because it conforms to the objectives
197 and intent of the County's Comprehensive Plan.
198

199 Mr. Strauss - The last request for approval this evening on the
200 expedited agenda is on page 2 of your agenda and is in the Three Chopt District.
201 It's REZ2018-00037, West Broad Village IV LLC. This is a request to amend
202 proffers from the original rezoning case. Staff again recommending approval, and
203 we are not aware of any opposition.
204

205 **REZ2018-00037 Nathalie Croft for West Broad Village IV LLC:**
206 Request to amend proffers accepted with Rezoning cases C-12C-06 and C-15C-

207 07 on Parcel 744-760-7007 located on the south line of the entrance ramp from
208 W. Broad Street (U.S. Route 250) to Interstate 64 (West Broad Village). The
209 applicant proposes to amend proffers regarding the Master Plan, sidewalks,
210 density, and construction materials. The existing zoning is UMUC Urban Mixed
211 Use (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-
212 Use and Environmental Protection Area. The site is in the West Broad Street
213 Overlay District.

214
215 Mrs. Marshall - Is there anyone in opposition to REZ2018-00037,
216 Nathalie Croft for West Broad Village IV LLC? I see no opposition. I move
217 REZ2018-00037, Nathalie Croft for West Broad Village IV LLC, be passed to the
218 Board of Supervisors with a recommendation of approval.

219
220 Mr. Baka - Second.

221
222 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by Mr.
223 Baka. All in favor say aye. Those opposed say no. There is no opposition; this
224 motion passes

225
226 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
227 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
228 Board of Supervisors grant the request because it conforms to the
229 recommendations of the Land Use Plan and it is appropriate residential zoning at
230 this location.

231
232 Mr. Emerson - Madam Chair, that completes the expedited items for
233 this evening. We now move on to your regular agenda, the first item being the
234 Ordinance that is under consideration tonight. The staff report will be presented
235 by Mr. Ben Sehl.

236
237 **ORDINANCE -** To Amend and Reordain Section 24-13.4 of the Code
238 of the County of Henrico Titled "Provisional uses permitted" to Allow Detached
239 One-Family Dwellings With Yards on All Sides in the R-5A General Residence
240 District by Provisional Use Permit. Detached one-family dwellings are currently
241 prohibited in the R-5A District unless the dwellings touch an adjacent lot line,
242 resulting in no yard on that side of the dwelling. This ordinance would allow
243 detached one-family dwellings in the R-5A District with yards on all sides of the
244 dwellings, upon the issuance of a provisional use permit by the board of
245 supervisors and subject to requirements for minimum development area, lot area,
246 building setbacks, building size, density of buildings per acre, and parking
247 spaces.

248
249 Mr. Sehl - Good evening again. As Mr. Emerson noted, we did
250 earlier meet at a work session this evening regarding this specific item. But just
251 as a little history, the first Commission work session was some of the history of
252 the R-5A District, what it was intended to do, and why we're looking at amending

253 the ordinance right now. As noted, it was established originally in 1993. While it
254 did incorporate detached dwellings on zero lot lines and semi-detached dwelling
255 that were previously permitted in other districts, it allowed a smaller lot size of
256 5,625 square feet and a smaller lot width of 50 feet than was allowed in our other
257 one-family districts. But the total side yards of 20 feet between structures was
258 comparable to the R-4A District, which was a district that we were rezoning to at
259 that point in time.

260

261 As these developments have come about, and especially in recent years, we
262 have seen some issues with development using the R-5A District. Because of
263 that, we've had some of the development community request we take a look at
264 allowing the homes to not be located on the zero lot line side of the lot. Some of
265 these issues are noted on the screen in front of you, but include confusion
266 regarding zero lot line itself. That's sometimes a tough concept for those that
267 aren't involved in planning to capture in their mind of exactly what they're buying.
268 There have been some issues with fencing; I'll show you a picture here in a
269 second. When the homes are constructed at different times, how the home being
270 constructed next to you impacts your yard because they have to do so in order to
271 construct the adjacent home.

272

273 Then there are conflicts with items such as trash enclosures, electric and gas
274 meters, HVAC equipment. Because they're on the zero lot line, they can't be
275 placed on that side of the home because it would essentially be on your
276 neighbor's property. There is an easement for maintenance, but it doesn't allow
277 the placement of structures such as that.

278

279 I put this here as just kind of an example of one of those issues. You can see this
280 is a home that—this is a reverse corner situation, but where the rear yard of one
281 home is abutting a side yard line for an adjacent home that falls on the zero lot
282 line. And so that home on the right owns the property all the way up to the side of
283 that house, and they're chosen to put a fence up. That's one of the issues.

284

285 This certainly could be addressed through the design of the subdivision itself. It's
286 certainly something that could be addressed in that manner. But it's also
287 something that we feel would be able to be addressed in other matters and
288 through the Code as well.

289

290 So here are the existing standards. I ran through these quickly with you earlier at
291 the work session. In essence, they are the 50-foot-lot width and 5,625 square
292 feet of area. The front yard setback is 25 feet off of public roads and 15 feet off of
293 private roads. The majority of the recent ones have been off of public roads, but
294 we do have R5-A on private roads scattered throughout the County. Those are
295 typically a little bit closer to the street. The side yard, as I noted, is zero feet, but
296 there is a separate requirement of 20 feet between those structures. Then the
297 rear is 35 feet. These are pretty consistent with some of the smaller lot one-
298 family districts we had previously.

299

300 Just as an example, we showed this to you earlier as well. As an example of how
301 a block might look with the existing standards showing the separation. You
302 typically end up with a common area somewhere in the block to allow them to
303 start flipping the homes onto the other zero lot line. But you can see the standard
304 twenty feet between each of the structures located there.

305

306 So as we discussed, the Commission initiated an ordinance review at their
307 August 9th meeting. We distributed a draft to the Commission last week and then
308 also distributed a revision to you tonight to address some comments from County
309 Attorney's Office. Those were relatively minor in nature. I didn't put something in
310 italics, so they chose to make sure that that was consistent with other code
311 language in the Zoning Ordinance. So there are some things like that that were
312 revised. But no real substantive changes to the numbers and those types of
313 things that were distributed to you last week.

314

315 What we've essentially come up with is a process whereby an applicant could
316 come in and request a provisional use permit for an undeveloped project to allow
317 the homes to be located off of the side yard line and to essentially have a one-
318 family detached dwelling not on a zero lot line in the R-5A District. We have
319 proposed a minimum project area of twenty acres. There are various reasons for
320 that. A lot of it goes to the compatibility of some of some of these infill sites, and
321 we feel it is better suited to larger, more planned master planned communities.

322

323 The total side yard would still be twenty feet, but we would allow a minimum side
324 yard of eight feet. So you would have eight feet on one side. And in that instance,
325 you could have twelve on the other. You could have ten and ten. You could have
326 some variation of that. But the minimum side yard would be eight feet, and the
327 minimum sum of side yards would be twenty feet. This is consistent with the R-
328 4A District, which was in place—well it's still in place, but we don't rezone to it
329 since 2001.

330

331 The other development standards—lot area, lot width, parking—all of those
332 features would remain the same, as they are existing for the zero lot line right
333 now.

334

335 The other provision that's there is that 50 percent of the lots would be required to
336 be at least sixty feet wide. That does speak to kind of what I'll show you on the
337 next page where you now could have as little as sixteen feet between some of
338 the structures. We thought it was appropriate that the lot widths, at least for those
339 developments that choose to go to the non-zero-lot-line have a little bit wider lot.

340

341 That results in something kind of like these. You'll see that it kind of allowed you
342 to eliminate the common area mid-block. You'll see the eight and the twelve,
343 adding up to twenty. But you could end up with two homes that abut that have
344 twelve feet. You could have two that abut that have ten feet and ten feet.

345

346 These would still require a plan of development since they are in the R-5A
347 District. So you have additional input up front when that comes back to the
348 Commission.

349

350 That's a quick summary. We've had a couple of meetings now to discuss this
351 specific topic. I believe we have addressed the specific concerns that the
352 development community brought to us regarding this specific topic. We are
353 supportive of the language that was put in front of you this evening, and we
354 would recommend that the Commission recommend approval to the Board of
355 Supervisors, who would be the next step in this process, potentially considering it
356 in October. Then I believe they would probably see shortly thereafter potential
357 applications using this process coming before the Commission as well.

358

359 That concludes my presentation. I'd be happy to try to answer any questions you
360 might have at this time.

361

362 Mrs. Marshall - Is there anyone in the audience that has any
363 questions about the PUP? With there being no questions, I'll close the public
364 hearing at this time.

365

366 Mr. Baka - Madam Chair, I make a motion that we go ahead and
367 recommend approval for the amendment to allow for R-5A as presented by the
368 staff.

369

370 Mr. Mackey - Second.

371

372 Mrs. Marshall - We have a motion by Mr. Baka and a second by
373 Mr. Mackey. All in favor say aye. Those opposed say no. There is no opposition;
374 this motion passes

375

376 Mr. Archer - Madam Chair, Mr. Secretary, provided this is passed
377 by the Board, would it become effective immediately upon their passage?

378

379 Mr. Emerson - Yes sir, it would become effective immediately. I'm
380 not sure what the Board's schedule may be, but certainly it's possible that this
381 could appear on their agenda in October.

382

383 Mr. Archer - Okay. Thank you so much.

384

385 Mr. Emerson - Madam Chair, we now move on to the next item on
386 your agenda, which appears on page 2. This is REZ2018-00031, James W.
387 Theobald for Parham & Broad LLC. The staff report will be presented by Mr. Seth
388 Humphreys.

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(Deferred from the August 9, 2018 Meeting)

REZ2018-00031 James W. Theobald for Parham & Broad LLC:
Request to amend proffers accepted with Rezoning case C-10C-97 on Parcel 762-754-3266 located at the northeast intersection of W. Broad Street (U.S. Route 250) and Parham Road. The applicant proposes to amend proffers to allow automobile sales. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial.

Mrs. Marshall - Is there anyone in opposition to REZ2018-00031, James W. Theobald for Parham & Broad LLC? Mr. Humphreys?

Mr. Humphreys - Good evening, Madam Chairman, members of the Planning Commission.

This request is to amend and restate proffers accepted with Case C-10C-97 to allow automobile sales at the northeast corner of West Broad Street and East Parham Road. The applicant wishes to use the property to expand the adjacent Pearson Jeep/Chrysler/Dodge dealership.

Surrounding uses are all nonresidential. The closest residential zoning is on the other side of the adjacent dealership the applicant wishes to expand. The applicant has submitted revised proffers dated September 11 which have just been handed out to you, and they will not require a waiver of time limits.

If you look in your staff report, proffer #6 was revised to remove display pads in the setback area and to make the setback on the Parham Road side of the development consistent with the existing curb on the property. The existing curb cut for the property here.

Proffer #10 was added to address signage on the property, specifically as to how the existing signage could be replaced and made more consistent with the new requirements of the Zoning Ordinance.

The proffers also address permitted uses, hours of operation, exterior materials, repair areas (within enclosed buildings only), outside speakers, and lighting.

The applicant has submitted an un-proffered conceptual plan. This layout shows the property as an inventory lot integrated with the existing dealership. The conceptual plan shows the access to West Broad Street from the subject parcel remaining. VDOT has raised concerns over the proximity of this entrance to the intersection not meeting current access management standards. This is a concern that will need to be addressed at the time of Plan of Development or sooner.

436 The 2026 Comprehensive Plan recommends Commercial Arterial for this site.
437 The request to allow automobile sales operation is consistent with this
438 designation provided it functions in a coordinated manner as an expansion of the
439 Pearson dealership. Staff recommends support of this request. Sorry about there
440 not being any of those copies.

441
442 Mr. Emerson - Mr. Humphreys, we'll need to know the date of those
443 proffers in order for a motion to be entered.

444
445 Mr. Humphreys - The date of the proffers would be September 11th.
446 What was the other part of that?

447
448 Mr. Emerson - Just in order for a motion to be entered we need to
449 know the date of those of those proffers.

450
451 Mr. Humphreys - It would be September 11th.

452
453 Mrs. Kotula - And it's numbers six and ten in the proffer statement
454 that was changed, just as its making its way.

455
456 Mr. Humphreys - Six was changed and ten was added. So there had
457 been nine, and then they added a tenth to deal with signage.

458
459 Mr. Baka - I have a general question. Are there underground
460 storage tanks that will need to be removed? They're not considered to be part of
461 the proffer. Is that just a standard condition?

462
463 Mr. Humphreys - My understanding, that would be up to the Health
464 Department and state dealing with those types of things. The applicant may have
465 comments about that. I'm sure there are—

466
467 Mr. Baka - As long as they meet those state standards. That's a
468 different regulation, it doesn't need to be proffered. Is that correct?

469
470 Mr. Humphreys - No, not as far as I'm aware.

471
472 Mr. Emerson - Mr. Baka, that would probably be addressed at the
473 time of POD. And certainly it would be done under the requirements of DEQ or
474 any other federal agency that may have jurisdiction as well. And I think the case
475 can be handled in a number of different ways, including they could stay. But they
476 could be filled with sand or they could be removed and taken out. There are a
477 number of different ways to remediate that or continue to use them. So I think
478 that would be addressed at the time of POD.

479
480 Mr. Baka - Thank you.

481

482 Mrs. Marshall - Any more questions for Mr. Humphreys? Mrs. Kotula,
483 would you like to hear from the applicant?
484

485 Mrs. Kotula - I'm comfortable. I don't have any further questions. I
486 move that we approve REZ2018-00031, James W. Theobald for Parham &
487 Broad LLC, with the amended proffers dates September 11, 2018.
488

489 Mr. Baka - Second.
490

491 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by
492 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
493 this motion passes
494

495 **REASON -** Acting on motion by Mrs. Kotula, seconded by Mr.
496 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
497 Board of Supervisors grant the request because it would not adversely affect the
498 adjoining area if properly developed as proposed and is not expected to have a
499 precedent setting effect on the zoning in the area.
500

501 Mr. Emerson - Madam Chair, we now move on to the next item,
502 which also appears on page 2 of your agenda. It is REZ2018-00035, Simon
503 Mueller for Luis Cabral. The staff report will be presented by Mr. Ben Sehl.
504

505 **REZ2018-00035 Simon Mueller for Luis Cabral:** Request to
506 conditionally rezone from B-1 Business District to B-2C Business District
507 (Conditional) Parcel 774-759-0104 containing .85 acres located at the northwest
508 intersection of Woodman and Hungary Roads. The applicant proposes a drive
509 thru restaurant. The use will be controlled by zoning ordinance regulations and
510 proffered conditions. The 2026 Comprehensive Plan recommends Commercial
511 Concentration. The site is in the Enterprise Zone.
512

513 Mrs. Marshall - Is there anyone in opposition to REZ2018-00035,
514 Simon Mueller for Luis Cabral? Mr. Sehl?
515

516 Mr. Sehl - Thank you again, Madam Chair.
517

518 As Mr. Emerson mentioned, this is a request is to conditionally rezone slightly
519 less than one acre from B-1 to B-2C to renovate a former bank building for a
520 Dunkin' Donuts.
521

522 Minor changes to the exterior of the brick building are proposed, including the
523 removal of the drive-thru overhang and a small addition to the rear of the site.
524 The proposed restaurant use would increase the required parking to twenty-four
525 spaces and the applicant has proffered a conceptual plan that shows this parking
526 would be provided.
527

528 Other proffers address building materials and height and would limit other uses to
529 those permitted in the B-1 District.

530

531 The submitted proffers and proposed redevelopment are largely consistent with
532 other recent requests of this type; however, staff notes the submitted conceptual
533 elevations indicate the building addition would not include the same high-quality
534 building materials that are provided for the existing building. This would appear to
535 be inconsistent with the language of Proffer 2, and the applicant is encouraged to
536 clarify their intent for this addition. The applicant is also encouraged to address
537 the Department of Public Works' comments regarding the dedication of right of
538 way along Woodman Road and the provision of sidewalk along both site
539 frontages to ensure these items are provided at the time of plan of development.

540

541 The site is recommended for Commercial Concentration in the 2026
542 Comprehensive Plan. The proposed use and zoning are consistent with this
543 designation and would be compatible with adjacent uses. Should the applicant
544 address items related to the building addition, sidewalk and right of way
545 dedication, staff could support this request.

546

547 This concludes my presentation and I would happy to answer any questions.

548

549 Mrs. Kotula - Mr. Sehl, could you talk in a little bit more detail about
550 the building addition?

551

552 Mr. Sehl - Mrs. Kotula, the building addition is located in this
553 location right here at the rear of the building. It corresponds to this portion of the
554 building. It looks like it's an addition of a walk-in cooler or freezer for the
555 restaurant, something that wouldn't have been necessary for the bank. Those
556 can be just made out of metal, essentially, and we want to ensure that—the
557 proffer language talks about brick and those types of materials. We just want to
558 ensure that any addition is compatible with the building.

559

560 Mrs. Kotula - And then the sidewalk and right of way issues, could
561 you on those in a little more detail?

562

563 Mr. Sehl - Certainly. And the applicant has indicated—Public
564 Works' policy, they've indicated that the sidewalk would be required and the
565 right-of-way dedication would be needed for essentially a right-turn lane from
566 Woodman Road onto Hungary Road. The applicant has indicated they can
567 provide these features, and Public Works' policy would typically require the
568 sidewalk along those roadways because they are both major thoroughfare roads.
569 I think they're both within a mile of a public facility.

570

571 But we are concerned due to the tight constraints at the site, that we might get to
572 the time of plan of development and that might be one of those things that's lost.
573 We went to make sure that sidewalk is provided for and that the right of way is

574 provided for as recommended by Public Works. So our preference would be that
575 those items be proffered.

576

577 Mrs. Marshall - Any more questions for Mr. Sehl? Okay.

578

579 Mr. Sehl - Thank you.

580

581 Mrs. Marshall - Thank you. Mrs. Kotula, would you like to hear from
582 the applicant?

583

584 Mrs. Kotula - Yes I would like to.

585

586 Mrs. Marshall - If the applicant could please come forward. Please
587 state your name.

588

589 Mr. Williams - Good evening. My name's Mark Williams. I'm with
590 Koontz Bryant Johnson Williams.

591

592 Mrs. Kotula - Hi, Mr. Williams.

593

594 Mr. Williams - Hi, how are you?

595

596 Mrs. Kotula - Could you address some of the concerns, specifically
597 with regard to the materials for the building addition and whether or not we could
598 clarify some of the language that's provided.

599

600 Mr. Williams - Sure. The building addition is a cooler. They typically
601 come in coating that's aluminum. So it would be a coated aluminum material. In
602 talking with Lou Cabral, the applicant, he would prefer to keep it coated
603 aluminum and screen it with landscaping. We can provide a landscape detail if
604 that's necessary. If that's not acceptable, then we can also provide a screening
605 wall around the outside of the cooler. We don't really want to use brick because
606 it's really difficult to match the old brick that's there and the new brick. We would
607 rather use some sort of complementary material like Dryvit. Maybe even a base
608 of stone on the screen wall. Something that's not brick where we would have to
609 try to match the existing brick of the building.

610

611 Mrs. Kotula - I apologize; I'm not knowledgeable on all building
612 materials. Could the aluminum be painted?

613

614 Mr. Williams - It comes coated in colors. It would be beige, like a
615 neutral or beige color, which is what's preferred, that we leave it that way. Then
616 we could screen it with arborvitae or something that would be thin where we
617 could group it together and create a screen.

618

619 Mr. Emerson - Mrs. Kotula, in the past when we've had these—the
620 IHOP on Laburnum in Sandston is a good example. It was converted from a
621 bank, and it had a walk-in cooler. The applicant there did proffer to come in and
622 use similar building materials. And I believe they were brick. They didn't have a
623 problem matching the brick.

624
625 Mrs. Kotula - Is that something that your client would be amenable
626 to?

627
628 Mr. Williams - In talking with my client, he was willing to create a
629 screen wall with a material other than brick, faux stone or something. His concern
630 was that the brick—the two different bricks would not match. I can certainly
631 discuss that with him after this meeting. He had a family emergency and couldn't
632 make it tonight. So I apologize.

633
634 Mr. Emerson - I think staff's concern primarily is based on
635 maintenance and the look of the material. Of course aluminum tends to dent and
636 not hold up well. And these coolers, if you've seen them in other places over
637 time, they tend not to age well. We would be looking for a very durable material
638 similar to the materials of the building with which to screen it. I don't think that
639 some of the materials you've mentioned would necessarily meet that standard.

640
641 Mr. Williams - Okay. In talking with him, he didn't have a problem
642 with the brick material. His concern was that it would be difficult to match the
643 1970 building brick that's there now with a brick that it wouldn't be obvious. His
644 concern was that it would be obvious that it was a different type of brick.

645
646 Mrs. Marshall - If you did brick that section, something you could do if
647 it was a concern as far as having the brick match would be to plant some
648 evergreens in front of it and—

649
650 Mr. Williams - Match it as close as possible and then screen it
651 with—

652
653 Mrs. Marshall - Yeah, match as close as possible.

654
655 Mr. Williams - That makes sense.

656
657 Mrs. Marshall - And then make it visually more appealing.

658
659 Mrs. Kotula - Are there any other questions on the building
660 materials? Because I did want to talk about the other piece as well.

661
662 Mr. Baka - Could you do brick and paint the brick to match the
663 older color? I realize that's not natural brick and has a different look.

664

665 Mrs. Marshall - So the question is if you built that in brick, could you
666 paint all of the brick so it would match?

667
668 Mr. Williams - I don't think he would be willing to paint the entire
669 building. I think he would want to keep it the natural brick color. Does the
670 decision have to be made tonight as long as we agree that it would be a masonry
671 material that was acceptable?

672
673 Mrs. O'Bannon - What is the color around the windows? I can't judge
674 by looking at it. The thought would be you could brick it in and then perhaps
675 match the trim, paint it the color of the trim.

676
677 Mr. Williams - Looks like there's a storefront glass all the way up.

678
679 Mrs. O'Bannon - In other words, a contrasting color doesn't have to
680 match the brick, and you don't have to paint all the brick. I understand if you don't
681 want to do that. It could be made attractive.

682
683 Mr. Williams - In talking with Mr. Cabral, he was willing to do
684 something that was complementary to the existing brick. I don't think that the
685 issue was whether it was brick or Dryvit or stone or whatever the material was. It
686 was just that it would be a complement color and not necessarily trying to match
687 it. His concern was just trying to match it and thinking that he wouldn't be able to
688 do that.

689
690 Mrs. Kotula - Would you be willing to amend proffer #2 with that
691 language?

692
693 Mr. Williams - Sure. And work with staff on the specific language
694 prior to Board.

695
696 Mr. Emerson - It might be preferable to wait and work on this and
697 then maybe come back to the Commission on the 11th of October. Sounds like
698 there are some—

699
700 Mrs. Kotula - And then Mr. Cabral could be here since he
701 unfortunately can't be here today.

702
703 Mr. Emerson - And it would give staff time to work with the applicant
704 and discuss with Mrs. Kotula what the options are.

705
706 Mrs. Kotula - And I do still have concerns about the sidewalk and
707 right-of-way dedication piece as well.

708
709 Mr. Williams - So I notice the site layout that was in the packet. We
710 had revised the site layout to show the right-of-way dedication and the ten-foot

711 buffer on Woodman Road. Then we also are showing a four-foot sidewalk
712 consistent with County standards on both Woodman and Hungary Road with the
713 understanding that—the County at son time came in and built a right-turn lane on
714 Hungary Road onto—well I mean it's on Woodman Road unto Hungary Road—
715 that that project would relocate a portion of the sidewalk at that time. But Lou
716 would build the sidewalk with this project. And it would be until such time that the
717 right turn lane was built. I have the layout that shows the right-of-way dedication,
718 the buffer, and the sidewalk.

719

720 Mrs. Kotula - Okay. Well that sounds like you've got some more
721 work to do on that front and then also on the other piece. So I'll go ahead and
722 move to defer to October 11th.

723

724 Mr. Williams - Is there any way to expedite that—can we group it
725 where maybe there's a way where we're also heard in the October Board
726 meeting?

727

728 Mr. Emerson - No, we couldn't advertise and have that happen. And
729 actually, the Board meeting probably occurs prior to the Planning Commission
730 meeting.

731

732 Mr. Williams - Okay.

733

734 Mr. Emerson - So that wouldn't be possible. If you would like to take
735 some time to go with Mr. Sehl out in the hall and come back in a few minutes, the
736 Commission could potentially defer action to later on the agenda. And possibly
737 you could work out some proffer language and bring it back in that would be
738 acceptable.

739

740 Mr. Williams - Okay, that would be great. The applicant is available
741 by phone.

742

743 Mr. Emerson - Maybe we should just give you some time, if that's
744 acceptable to Mrs. Kotula and the Commission of course.

745

746 Mrs. Kotula - Yes, that's fine.

747

748 Mr. Williams - That would be fantastic. I really appreciate that.

749

750 Mrs. Kotula - You're welcome.

751

752 [Case continues on page 26.]

753

754 Mr. Emerson - Madam Chair, we will move on to the next item on the
755 agenda and return to this later at the end of the agenda. So we will now move on

756 to REZ2018-00014, Leroy Chiles for Quality of Life VA LLC. The staff report will
757 be presented by Mr. Seth Humphreys.

758

759

760 **(Deferred from the August 9, 2018 Meeting)**

761 **REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC:**
762 Request to conditionally rezone from R-4 One-Family Residence District, B-1
763 Business District, and M-1 Light Industrial District to R-5AC General Residence
764 District (Conditional) Parcel 805-710-1834 containing 11.7 acres located south of
765 Darbytown Road approximately 300' south of its intersection with Oregon
766 Avenue. The applicant proposes detached dwellings with zero lot lines. The R-5A
767 District allows a minimum lot area of 5,625 square feet and a maximum overall
768 density of 6 units per acre. The use will be controlled by zoning ordinance
769 regulations and proffered conditions. The 2026 Comprehensive Plan
770 recommends Suburban Residential 2, density should not exceed 3.4 units per
771 acre, and Environmental Protection Area.

772

773 Mrs. Marshall - Is there anyone in opposition to REZ2018-00014,
774 Leroy Chiles for Quality of Life of VA LLC? All right.

775

776 Mr. Gunst - [Off microphone] I'm not really opposition, but I have
777 questions.

778

779 Mrs. Marshall - Okay. We're going to let Mr. Humphreys present the
780 case, and then I will have you come forward. Thank you.

781

782 Mr. Humphreys - Good evening, Madam Chair, again, and members of
783 the Planning Commission.

784

785 This request is to conditionally rezone 11.7 acres to permit a detached zero-lot
786 line development containing not more than 4 units per acre or a maximum of 46
787 units. An adjacent B-1 Business District parcel is also being purchased by the
788 applicant. This request would gain access to Darbytown Road through that
789 parcel, and an ingress/egress easement has been recorded to ensure that future
790 access.

791

792 Surrounding uses are primarily residential, with limited commercial uses and
793 vacant commercial land to the north. Residential uses include the Darbytown and
794 Williamsburg Village Apartments located to the west and Edgehill Lawn single-
795 family subdivision located adjacent to this request to the east. The adjacent
796 parcel not subject to this request and zoned B-1 would provide the main access
797 to site from Darbytown Road. The large M-1 parcel to the south is currently
798 unimproved.

799

800 The 2026 Comprehensive Plan recommends Suburban Residential 2 (density
801 should not exceed 3.4 units per acre) and Environmental Protection Area for the

802 site. The proposed zero-lot line, detached homes would be generally consistent
803 with the Plan's recommendation, but the proposed maximum density of 4 units
804 per acre exceeds the recommended density of 3.4 units per acre. In addition to
805 the density proffer, the applicant has submitted proffers relating to density, lot
806 widths, future conservation areas and some architectural items.

807
808 The conceptual layout submitted by the applicant shows two points of access.
809 The primary access is shown from Darbytown Road opposite Oregon Avenue
810 through the adjacent vacant B-1 property. A secondary access would be a
811 continuation of Edgelawn Street. The owner of the adjacent parcel has recorded
812 an ingress/egress easement for use by the subject parcel. The location of this
813 easement is consistent with the proffered conceptual plan. The applicant has
814 also proffered that the roads in the development are to be public. The conceptual
815 plan shows the location for a private access easement to the M-1 land to the
816 south. Due to development to the west, access to this adjacent parcel has been
817 severely limited. If it were to develop for residential uses it would be a typical
818 development pattern to have a stub road from this subject property that is not
819 encumbered by a private access easement. A stub road would also be consistent
820 with the Comprehensive Plan's goal of interconnectivity.

821
822 The applicant has submitted an ingress/egress easement and revised proffers,
823 but staff continues to have concerns regarding the density of the project
824 exceeding the comprehensive plan recommendation and accessibility through
825 the development to the south. For these reasons staff recommends deferral of
826 this request unless these items could be addressed.

827
828 That ends my presentation. I'll be happy to take any questions.

829
830 Mrs. Marshall - Mr. Humphreys, as far as the density goes, why four
831 units per acre instead of 3.4?

832
833 Mr. Humphreys - You'd have to ask the applicant. I don't know.

834
835 Mrs. Marshall - Mrs. Kotula, any questions for Mrs. Humphreys?

836
837 Mr. Mackey - Mr. Humphreys, you've discussed with the applicant,
838 the problem with the maximum density?

839
840 Mr. Humphreys - Yes sir.

841
842 Mr. Mackey - And the possibility of the stub?

843
844 Mr. Humphreys - Yes sir.

845
846 Mr. Mackey - All right. Okay. That's all I have right now.

847

848 Mrs. Marshall - Would you like to hear from the opposition?
849
850 Mr. Mackey - Yes ma'am.
851
852 Mr. Mackey - We do have some rules for when we have opposition
853 and we have people that are for our rezoning. Mr. Emerson, if you could go over
854 those, that would be helpful.
855
856 Mr. Emerson - Yes, Madam Chair. As you mentioned, the
857 Commission does have guidelines for the conduct of its public hearings and they
858 are as follows: The applicant is allowed ten minutes to present the request, and
859 time may be reserved for responses to testimony. The opposition is allowed a
860 cumulative ten minutes to present its concerns. Commission questions do not
861 count into the time limits. The Commission may waive the time limits for either
862 party at its discretion, and comments must be directly related to the case under
863 consideration.
864
865 Mrs. Marshall - If the applicant could please come forward, that would
866 be appreciated.
867
868 Mr. Lee - I'm [unintelligible] Lee. I'm representing Leroy Chiles.
869
870 Mrs. Marshall - Good evening.
871
872 Mr. Lee - Good evening.
873
874 Mr. Lee - We tried to address many of the concerns. I think
875 we've brought down the density quite a bit from the original proposal. In regards
876 to the property in the rear, there is access currently to the city of Richmond. We
877 propose a private access easement for potentially working with that in the future,
878 to not completely eliminate that. But there is access currently through the city of
879 Richmond. And so we're not proposing to provide right of way at this time.
880
881 Regarding the density, we've tried to bring the density down significantly from the
882 original application to get something more in line. The property currently is zoned
883 R-4 and M-1, so we've been looking at other opportunities for dealing with that
884 also.
885
886 I don't know if there are any other questions.
887
888 Mrs. Kotula - You said there is access from the city of Richmond,
889 and maybe I'm just not seeing it. How is that?
890
891 Mr. Lee - The south property, the larger tract to the south. If you
892 see the Powhatan Place.
893

894 Mrs. Kotula - Mmm-hmm.
895
896 Mr. Lee - That's—
897
898 Mrs. Kotula - So that does actually connect?
899
900 Mr. Lee - Correct.
901
902 Mr. Emerson - Yes, it does.
903
904 Mrs. Kotula - Okay.
905
906 Mr. Mackey - I didn't catch your last name.
907
908 Mr. Lee - Lee. The last name is Lee.
909
910 Mr. Mackey - Okay, Mr. Lee. I apologize. What was the problem
911 with getting it down to the 3.4 as recommended?
912
913 Mr. Lee - I don't know that there's a particular problem.
914
915 Mr. Chiles - Getting it down to 3.4, what came into play was the
916 point that we were creating an access from Oregon to come over to have two
917 egress and ingress. Because of the cost, they had to have more density to help
918 with the cost to create that easement that came with certain conditions. So that's
919 what happened there.
920
921 Mr. Archer - Excuse me, sir, what was your name?
922
923 Mr. Chiles - Leroy Chiles.
924
925 Mr. Archer - Thank you.
926
927 Mr. Mackey - I also noticed that on lot 21 there was a 30-by-30
928 building. Would that be single story or two story?
929
930 Mr. Lee - All of them are single story.
931
932 Mr. Mackey - All of them are single story?
933
934 Mr. Chiles - No.
935
936 Mr. Lee - I'm sorry, that's a single story. The smaller one is a
937 single story; the larger are two.
938
939 Mrs. Kotula - I'm looking at exhibit B.

940
941 Mr. Lee - That's a smaller footprint building.
942
943 Mr. Mackey - What is the minimum square footage?
944
945 Mr. Lee - Thirteen, 1300 for one story. It's 15 for—it's in the
946 proffers. It's 15 for two stories. That's the minimum.
947
948 Mr. Baka - How does that lot match the proffers?
949
950 Mr. Mackey - That's only 900 square feet, isn't it.
951
952 Mr. Lee - Well we'll change it if that's a problem. We have two
953 different sized smaller lots.
954
955 Mr. Baka - If it's a 30-by-30—
956
957 Mr. Lee - Build it on a smaller lot, right.
958
959 Mr. Baka - Would that necessitate that that house had to—
960
961 Mr. Lee - It would have to be two stories.
962
963 Mr. Baka - —be two stories in order to meet your—
964
965 Mr. Lee - All of them are two stories. I misspoke. All of them are
966 two stories.
967
968 Mrs. Kotula - So on that same page, the exhibit B, I'm seeing a 50-
969 foot SPA, which I'm not familiar—I'm familiar with the 100-foot RPA, but not the
970 50-foot SPA. Should that be 100 feet? Is this incorrect? And then that would
971 impact—
972
973 Mr. Baka - They may be referring to RPA.
974
975 Mrs. Kotula - It's a hundred feet on either side. And this would then
976 impact the majority of those lots.
977
978 Mr. Lee - I'll say two things. One thing is that this is a stream
979 protection area. But there is a lot of work that needs to be done from an
980 engineering standpoint to actually locate where that stream is. So this is also
981 based off of GIS. So a lot of things will need to have occurred. So if that moves
982 over, then things get adjusted to fit with that. But that is consistent, I believe.
983
984 Mr. Emerson - What is the level of detailed engineering that you've
985 done at this point?

986
987 Mr. Lee - This is conceptual plan, so we look at it conceptually.
988
989 Mr. Emerson - So you may not be able to accomplish the number of
990 lots that you're reflecting?
991
992 Mr. Lee - Correct. That may go up or down. That's why we have
993 the proffers, particularly to control that. So if we can't get this number, then we'll
994 pull them down.
995
996 Mr. Emerson - They're referring to there's a Stream Protection Area,
997 Resource Protection Area. One hundred feet is the bigger issue, not necessarily
998 the way it's referred to.
999
1000 Mr. Baka - Separate from the RPA, I want to talk about floodplain
1001 for a second. Are these lots in this zoning district required to have net acreage
1002 meet the minimum lot acreage standard independent of floodplain areas? That
1003 may be a question for staff.
1004
1005 Mr. Lee - I believe one of their requests was to convert
1006 floodplain areas back to C-1 as we go through the project.
1007
1008 Mr. Emerson - It can contain it, but it has to be outside the buildable
1009 area. It can be part of the lot area.
1010
1011 Mrs. Marshall - Any more questions from the Commission?
1012 Mr. Mackey?
1013
1014 Mr. Mackey - He hasn't used his ten minutes, so we can call him
1015 back up to rebut the—
1016
1017 Mr. Emerson - Yes sir. Your questions do not count into this time.
1018
1019 Mr. Mackey - Okay. All right. Let us hear from the gentleman in
1020 opposition.
1021
1022 Mr. Mackey - Would you please come forward and state your name.
1023
1024 Mr. Gunst - My name is Bob Gunst. I work for Reynolds Real
1025 Estate Ventures, who owns the adjacent M-1 parcel. A small portion of it is in the
1026 city. The bulk of it, roughly twenty acres, is in Henrico County. I have talked to
1027 Seth a while back and noted our concerns about providing adequate access. It's
1028 M-1. The intention is that it would be developed as single-family.
1029
1030 I'm not up on the letter of the law and everything about the access, what exactly
1031 is required. But being that the property is in Henrico County, and if we were to do

1032 similar densities, single-family, we would need two points of access, I believe.
1033 The primary access should—the city access, that's a piece of paper. If you drove
1034 out there, it's very inadequate. And it would appropriate to provide the primary
1035 access to come through Mr. Chile's property. So we want him to reserve—we
1036 think that he should reserve, the County should require him to reserve a public
1037 right of way.

1038
1039 In addition to that, I think they perhaps need to do a little bit of preliminary
1040 engineering because there is that creek there that apparently they haven't really
1041 nailed down. But it's a pretty big creek. We need to make sure that—the fifty-foot
1042 right of way, I don't think would be adequate to actually construct that road. I
1043 don't know what the policy is on who constructs it. But we certainly need to have
1044 the right of way reserved so that we could build the road and access the property
1045 and provide adequate access.

1046
1047 That's basically it. Otherwise, I would support what Mr. Chiles is doing. Have no
1048 problem with his density.

1049
1050 Mrs. Marshall - Thank you.

1051
1052 Mr. Mackey - I have a question for Mr. Gunst [sp]. Were you and
1053 Mr. Chiles able to work out anything going forward?

1054
1055 Mr. Gunst - Well, if he's half as friendly as he says he is then I
1056 think we'll be able to work something out. But no. We just talked in the hallway
1057 earlier for the first time about this.

1058
1059 Mr. Mackey - Okay. All right. Thank you, Mr. Gunst [sp].

1060
1061 Mr. Gunst - Thank you.

1062
1063 Mrs. Marshall - Mr. Chiles, if you could please come forward.

1064
1065 Mr. Mackey - Mr. Chiles, it looks like we have two items at issue.
1066 The access of the connectivity of the other lot and the lot density. Were you able
1067 to work out anything with Mr. Gunst or do you think you would be able to work
1068 out something with him going forward?

1069
1070 Mr. Chiles - I told the gentleman we're under fifty lots. And if we're
1071 under fifty lots we really just need the one access from Edgelawn. I told him we
1072 were willing—we're thinking about the area. And to do the right thing, we decide
1073 to deal with the B-1 and bring in an easement to create that. We have created,
1074 without anyone asking us, a private access.

1075
1076 Now his concern is are we going to let him use it or give it to him. We told him
1077 well we had to buy the B-1 easement that we don't need to create a situation that

1078 if someone wanted to develop it back there it could work, and we could talk about
1079 it. But he insists on it be given to him. I told him the B-1 wasn't given to us that
1080 we didn't have to do in consideration to make it where everything there could be
1081 developed and hopefully be affordable housing to that area. Our purpose is to
1082 help the neighborhood, help the area.

1083

1084 When I told him I was a nice guy, I made it clear to him we can talk about, but
1085 he's clear on he wants it for nothing. I told him well we can talk about it because
1086 that B-1 did not come for nothing, and it's something that I don't need to do less
1087 than fifty houses. So I told him if it comes down to it, I would do what I can do
1088 according to the rule of the law, because part of it already zoned R-4. I would
1089 simply stay within my boundary and do what I can do.

1090

1091 If he has a problem with not talking to be about it to work it out, I understand. But
1092 I'm fine with talking to him.

1093

1094 Mr. Mackey - Okay.

1095

1096 Mr. Chiles - And I explained to him as a real estate broker for
1097 twenty-four years, I know he has access, and it's not landlocked. But I didn't care
1098 about that, because I looked at the entire picture, and I thought that it would be
1099 great if that could be developed for single-family and affordable housing.

1100

1101 Mr. Mackey - I have a question for staff. It's currently R-4 now, but
1102 you're requesting to have it rezoned R-5. Does that change any of his
1103 requirements for the connectivity?

1104

1105 Mr. Emerson - For the connectivity? Well it's encouraged through the
1106 comp plan. And of course through the subdivision process we would encourage
1107 him to provide that. If the property is not landlocked, I'm not certain that he would
1108 be required to provide that. But we certainly would encourage that through the
1109 process.

1110

1111 Mrs. Marshall - Any more questions for Mr. Chiles? Mr. Gunst [sp],
1112 you can please come back up.

1113

1114 Mr. Gunst - Mr. Chiles was telling you what I said, and I don't
1115 think it was entirely accurate.

1116

1117 I think the County and I need to go back and talk with my people. But I don't
1118 know what the policy is for sure in a situation like this. I believe it should be that
1119 the County requires the reservation of the right of way. I never insisted paying for
1120 it or not paying for it; that's another issue. I just want to know what the County
1121 policy should be here and that it be applied and that adequate—what I was telling
1122 him that was important is that we make sure, and he does enough preliminary
1123 engineering to make sure. I just don't see how you could build that road will all

1124 those grades without some temporary construction easements. If they put
1125 houses in there and we come back and have to build that road—maybe the
1126 County would require the developer—I know in past developments we’ve had to
1127 actually build stub roads. I’m not even asking for that. But we certainly need to
1128 have adequate right of way to be able to get in there and build the road. So that
1129 was my point with him. We really didn’t talk about paying for it or not paying for it.
1130 That could be discussed, but we’d rather not, obviously. Any questions?

1131

1132 Mr. Mackey - I have no more questions. Thank you.

1133

1134 Mr. Archer - I have one question. This may not be relevant, but at
1135 this point in time, do you have any proposed uses for that piece of property?

1136

1137 Mr. Gunst - We’re talking about moving ahead with some plans
1138 for single-family. But we don’t have anything right now. We haven’t actually done
1139 anything yet. We’re just responding to what’s going on.

1140

1141 Mr. Archer - That’s all I have.

1142

1143 Mr. Gunst - And of course if we continue doing what he was
1144 doing, we would be in excess of the fifty and would require two points of access.
1145 Well in excess of it. Is that all? Thank you very much.

1146

1147 Mrs. Marshall - Thank you. Mr. Mackey?

1148

1149 Mr. Mackey - Okay. Madam Chair, I move that REZ2018-00014,
1150 Leroy Chiles for Quality of Life of VA LLC, be deferred to the October 11th
1151 meeting at the request of the Commission to allow them a little bit more time to
1152 see if they can hash out this access issue.

1153

1154 Mr. Baka - I’ll second that motion.

1155

1156 Mrs. Marshall - We have a motion by Mr. Mackey for deferral to the
1157 October 11th meeting, and a second by Mr. Baka. All in favor say aye. Those
1158 opposed say no. There is no opposition; this motion passes

1159

1160 At the request of the Commission, the Planning Commission deferred REZ2018-
1161 00014, Leroy Chiles for Quality of Life of VA LLC, to its meeting on October 11,
1162 2018.

1163

1164 Mr. Emerson - Madam Chair, if it meets with the Commission’s liking,
1165 we’ll ask Mr. Sehl if we’re ready to come back to REZ2018-00035.

1166

1167 [REZ2018-00035 continued from page 17.]

1168

1169 Mr. Sehl - Fred, could I have you put the document camera on
1170 please? I apologize that's a little out of focus. I'll try to have Seth address that.
1171 But thank you again, Madam Chair, members of the Commission.

1172

1173 Mr. Williams did provide this plan. It's dated August 9th. It's not a plan that's been
1174 provided to staff previously, and this is to address the first issue regarding the
1175 sidewalk and the right-of-way dedication. I just conferred with the traffic engineer
1176 that the right-of-way dedication could be accommodated along Woodman Road
1177 and that the sidewalk can be provided there. He's comfortable with the distances
1178 that are shown there. So I think this revised plan has addressed that issue. This
1179 plan is dated August 9th, so that would need to be updated.

1180

1181 And then working with Mr. Williams and talking to Mr. Cabral on the phone, they
1182 had proposed language added to the end of proffer 2 that would state something
1183 in this form: The building addition shall be screened with a masonry wall in a
1184 manner approved at the time of plan of development. I will note Mr. Cabral is the
1185 person who signed the proffers and has power of attorney. He did verbally over
1186 the phone state that, but as Mr. Williams notes, he's not available to the
1187 emergency this evening. He wouldn't be able to sign these proffers this evening.
1188 But if the Commission's comfortable with that language I think we could
1189 potentially work on that and make sure that that's in place before we draft
1190 anything for the Board of Supervisors. But that's certainly up the Commission
1191 regarding that. But that was the language that they proposed. I think he indicated
1192 he was willing to provide high-quality materials for it. He just wants to make sure
1193 that it's complementary to the building. I think absent actual elevations that we
1194 can show to the Commission, it's difficult to specify what those materials might
1195 be at this time.

1196

1197 Mr. Emerson - We have two things. There's a new conceptual plan
1198 that the date needs to change in proffer #1?

1199

1200 Mr. Sehl - In proffer 1, yes sir.

1201

1202 Mr. Emerson - And then an addition to proffer #2 specifying the
1203 materials of the screen wall.

1204

1205 Mr. Sehl - Yes. They indicated masonry materials were
1206 appropriate and that that would be further reviewed by the Commission at the
1207 time of plan of development.

1208

1209 Mr. Emerson - What types of masonry materials?

1210

1211 Mr. Sehl - He spoke of stone. I don't know. Mr. Williams might
1212 be able to speak to what they were looking to do. I'd indicated—he had talked
1213 about doing a stone base and a Dryvit or EIFS top. I indicated that that might not
1214 be sufficient by itself. I don't know if Mr. Williams wants to speak to it more

1215 directly; it's his client. I think we're very clear with Mr. Cabral a masonry material
1216 and keeping with the quality of the building itself was what staff and the
1217 Commission was going to want to see.

1218

1219 Mr. Emerson - One hundred percent masonry?

1220

1221 Mr. Sehl - That's what we indicated to them. I do think that
1222 there's probably a desire to visualize that and to provide elevations that show
1223 how that works for the Commission when it comes back. So I think the specific
1224 details of that are something that they're hoping to work on as the plan is refined.

1225

1226 Mr. Emerson - It's unfortunate that the representative doesn't have
1227 power of attorney.

1228

1229 Mr. Sehl - This was a bank that had been sold through various
1230 elements. So I think there might have been some issues with the power of
1231 attorney. But Mr. Cabral is the one who signed the application and the proffers at
1232 this point.

1233

1234 Mrs. Marshall - Mrs. Kotula, would you like to hear from Mr. Williams?

1235

1236 Mrs. Kotula - I think given that we don't have a revised proffer
1237 statement and we're hearing all of this information at the last minute, I think I'm
1238 just going to move that we defer this until next month to the October 11th
1239 meeting. So I move that REZ2018-00035, Simon Mueller for Luis Cabral, be
1240 deferred to the October 11th meeting per the Commission's request.

1241

1242 Mr. Archer - Second.

1243

1244 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by Mr.
1245 Archer. All in favor say aye. Those opposed say no. There is no opposition; this
1246 motion passes

1247

1248 At the request of the Commission, the Planning Commission deferred REZ2018-
1249 00035, Simon Mueller for Luis Cabral, to its meeting on October 11, 2018.

1250

1251 Mr. Emerson - Madam Chair, we now move on to the next item on
1252 your agenda, which appears on page 3. It's REZ2018-00036, James W.
1253 Theobald for HHHunt River Mill LLC. The staff report will be presented by Mr.
1254 Seth Humphreys.

1255

1256 **REZ2018-00036 James W. Theobald for HHHunt River Mill LLC:**
1257 Request to conditionally rezone from A-1 Agricultural District to M-1C Light
1258 Industrial District (Conditional) and C-1C Conservation District (Conditional)
1259 Parcel 782-771-6856 containing 8.51 acres located on the north line of Magnolia
1260 Ridge Drive approximately 470' west of its intersection with Brook Road (U.S.

1261 Route 1). The applicant proposes a self-service storage facility and conservation
1262 district. The uses will be controlled by zoning ordinance regulations and proffered
1263 conditions. The 2026 Comprehensive Plan recommends Office and
1264 Environmental Protection Area.

1265

1266 Mrs. Marshall - Is there anyone in opposition to REZ2018-00036,
1267 James W. Theobald for HHHunt River Mill LLC? Mr. Humphreys?

1268

1269 Mr. Humphreys - Good evening Madam Chair, members of the
1270 Planning Commission

1271

1272 This is a request to rezone 8.51 acres from A-1 to C-1C Conservation District
1273 and M-1C Industrial District to allow for self-service storage on the north line of
1274 Magnolia Ridge Drive. The proposed development would include a single two-
1275 story structure (83,000 square feet) and a fenced and gated area for outdoor
1276 storage.

1277

1278 The proffers that were just handed out to you are dated today, September 13,
1279 2018. These proffers would need to have the time limits waived. And the
1280 changes from the proffers included in your staff report include removal of office
1281 service uses as permitted uses and the addition of proffer #10, which addresses
1282 the discouragement of RV and boat habitation through a prohibition on electrical
1283 hookups and sanitary dump stations.

1284

1285 This is the conceptual plan. You'll see back here is the outside storage area. It
1286 would be in the southwest portion of the property. The applicant has proffered
1287 both this and new elevations that they have submitted. These are different from
1288 ones that are in your staff report and the ones originally submitted with this
1289 application. This is what they would look like. The articulation is much different
1290 than what's in your staff report. And the facade is broken up more, almost like a
1291 townhouse type development, which would fit more in with the residential
1292 character of the area.

1293

1294 The 2026 Comprehensive Plan recommends Office and Environmental
1295 Protection Area for the site. An industrial use, in the traditional manufacturing
1296 sense, would not be appropriate at this location because of the potential impacts
1297 on adjacent residential properties. However, a lower-intensity use such as a self
1298 storage facility with an office component and appearance could be an acceptable
1299 alternative. Staff feels that with the revisions submitted by the applicant they
1300 have accomplished this. And at this time, staff would support this request.

1301

1302 Mrs. Marshall - Any questions for Mr. Humphreys? Mr. Archer?

1303

1304 Mr. Archer - Thank you, Madam Chair. As you all could see from
1305 reading the original staff report, there were several questions that staff had of the

1306 applicant. Due to Mr. Humphreys' dedicated work and the cooperation of the
1307 applicant, we have been able to accomplish all those things.

1308

1309 Also, I received correspondence from members of the community over there that
1310 having this particular facility built would be an asset to them and probably would
1311 also be an asset to some of the new residential housing that's going to be
1312 located in that area.

1313

1314 So I'm thinking that, that being the case then this should be recommended for
1315 approval. But first of all, I need to move to accept the proffers that were
1316 submitted dated today. That's a motion.

1317

1318 Mr. Baka - Second.

1319

1320 Mrs. Marshall - We have a motion by Mr. Archer, seconded by
1321 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
1322 this motion passes

1323

1324 Mr. Archer - All right. And then due to the new proffers that came
1325 in that seemed to have rectified the things that staff was looking for, I move that
1326 REZ2018-00036, James W. Theobald for HHHunt River Mill LLC, be sent to the
1327 Board with a recommendation of approval.

1328

1329 Mrs. Kotula - Second.

1330

1331 Mrs. Marshall - We have a motion by Mr. Archer and a second by
1332 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
1333 this motion passes

1334

1335 **REASON -** Acting on a motion by Mr. Archer, seconded by Mrs.
1336 Kotula, the Planning Commission voted 5-0 (one abstention) to recommend the
1337 Board of Supervisors **grant** the request because it would not adversely affect the
1338 adjoining area if properly developed as proposed.

1339

1340 Mr. Archer, I'd like to say these are the best looking storage facilities I've ever
1341 seen.

1342

1343 Mr. Archer - Well the applicant should remember that for the next
1344 ones. I might add just for information. One of the things that we would
1345 accomplish by this if the Board approves it is there seems to be some pretty
1346 severe violations of the HOA contract based on how they are currently storing
1347 their boats and wherever else. This would alleviate that problem.

1348

1349 Mr. Emerson - Madam Chair, we now move on to the next items on
1350 your agenda appearing on page 4. As we mentioned earlier, you did hold a work
1351 session regarding the Route 5 Corridor study and the status of that study. So I

1352 would ask at this time that the Planning Commission consider scheduling a public
1353 hearing for the Route 5 Corridor study at your October 11th meeting.

1354

1355 **DISCUSSION ITEM:** The Planning Commission will discuss scheduling a
1356 Public Hearing for the Route 5 Corridor Study.

1357

1358 Mr. Mackey - Madam Chair, I make a motion that we schedule a
1359 public hearing of the Route 5 Corridor Study at our October 11, 2018 meeting.

1360

1361 Mrs. Kotula - Second.

1362

1363 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
1364 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
1365 this motion passes

1366

1367 Mr. Emerson - Thank you, Madam Chair. The next item I would like
1368 to discuss with the Commission would be the location of your October 11th
1369 meeting. As you know from our work session, there has been a request from the
1370 Varina community that we hold this hearing in Varina. And of course we do have
1371 a couple of locations available to us, one that does meet our needs. That's where
1372 the school board meets, which is at the New Bridge auditorium. I believe it
1373 formerly the New Bridge Baptist Church. It is located at 59515 Nine Mile Road.
1374 The school board staff has assured me they'll be completed with their meeting
1375 that day by 6 p.m. that evening. So they would be able accommodate the start
1376 time of 7 p.m. for your regularly scheduled October evening meeting. So I would
1377 request that you consider moving the venue for the October 11th meeting to the
1378 New Bridge Auditorium.

1379

1380 **DISCUSSION ITEM:** The Planning Commission will discuss relocating the
1381 Commission's Regular Public Hearing for October 11, 2018 to New Bridge
1382 Auditorium located at 5915 Nine Mile Road.

1383

1384 Mrs. Marshall - I move that we move the October 11th rezoning
1385 meeting to the New Bridge Leaning Center on Nine Mile Road.

1386

1387 Mr. Archer - I second.

1388

1389 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by Mr.
1390 Archer. All in favor say aye. Those opposed say no. There is no opposition; this
1391 motion passes

1392

1393 Mr. Emerson - Thank you, Madam Chair. And we will get information
1394 out to the Commission regarding location, parking accommodations, things of
1395 that nature regarding this venue for October 11th. You will return back to your
1396 regular location as advertised and scheduled for your second October meeting
1397 and from that point forward. This is only for this one meeting.

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With that, Madam Chair, the next item on your agenda would be the consideration of the approval of your minutes from your August 9, 2018 meeting. We have no errata sheet this evening.

Mrs. Marshall - With there being no changes, a motion would be in order.

Mr. Archer - I move that the minutes be approved as written.

Mrs. Kotula - Second.

Mrs. Marshall - We have a motion by Mr. Archer and a second by Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition; this motion passes


Is there any more business to conduct this evening?

Mr. Emerson - Madam Chair, I have nothing further for the Commission this evening.

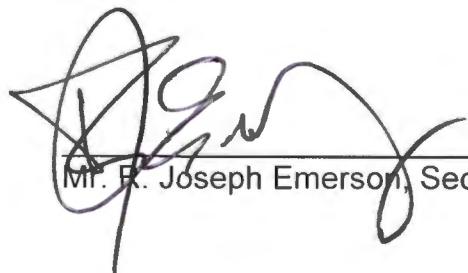
Mr. Archer - Madam Chair, there being nothing further, I move that this meeting be adjourned.

Mr. Mackey - Second.

Mrs. Marshall - We have a motion by Mr. Archer to adjourn the meeting and a second by Mr. Mackey. This meeting is adjourned.



Mrs. Sandra M. Marshall, Chairman



Mr. R. Joseph Emerson, Secretary