

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. January 9,  
4 2014, Display Notice having been published in the Richmond Times-Dispatch on  
5 December 23, 2013 and December 30, 2013.  
6

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

Member Absent: Mr. Richard W. Glover,  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Livingston Lewis, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. Michael Kennedy, County Planner  
Mr. John Cejka, Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 Mrs. Jones - I'd like to call the meeting of the Planning Commission  
9 to order, our rezoning meeting for January 9, 2014. Happy new year to everyone.  
10 This is our first meeting of the year. And as such, we do have a regular agenda,  
11 but we will also have a number of housekeeping issues that we tackle at the first  
12 meeting of each calendar year.

13  
14 I do believe—no, we have no one here from the press. We do have all of our  
15 commissioners here with us this evening. And we do have a quorum, so we can  
16 conduct business. Our supervisor, who has been with us for all of 2013,  
17 Mr. Glover from the Brookland District, most likely will not be able to join us  
18 today. So we will start our proceedings now.

19  
20 I ask you to please turn off your cell phones or mute them as a courtesy to  
21 others. And as you do that, please rise with me and pledge allegiance to our flag.

22  
23 Thank you all very much. So with that, I would like to turn the meeting over to our  
24 secretary, Mr. Emerson.  
25

26 Mr. Emerson - Thank you, Madam Chair. First on your agenda this  
27 evening are the requests for withdrawals and deferrals. Those will be presented  
28 by Mr. Jim Strauss.

29  
30 Mr. Strauss - Thank you, Mr. Secretary. The first request for  
31 deferral this evening is in the Varina District. It's on page two of the agenda. It's  
32 case REZ2013-00022. It's D. Bryant Gammon. The applicant is requesting a  
33 deferral to the February 13, 2014 meeting.

34  
35 **(Deferred from the December 5, 2013 Meeting)**  
36 **REZ2013-00022** **D. Bryant Gammon:** Request to conditionally rezone  
37 from R-3 One-Family Residence District to B-1C Business District (Conditional)  
38 Parcel 815-688-4303 containing 1.88 acres located on the north line of New  
39 Market Road (State Route 5) approximately 970' west of its intersection with  
40 Strath Road. The applicant proposes retail uses. The uses will be controlled by  
41 proffered conditions and zoning ordinance regulations. The 2026 Comprehensive  
42 Plan recommends Commercial Concentration and the site is located in the  
43 Varina Village Mixed-Use/Village Special Focus Area. The site is in the Airport  
44 Safety Overlay District.

45  
46 Mrs. Jones - Is there anyone in the audience who is opposed to the  
47 deferral of REZ2013-00022, D. Bryant Gammon? No opposition.

48  
49 Mr. Leabough - Madam Chair, I move for the deferral of REZ2013-  
50 00022, D. Bryant Gammon. I move that it be deferred to the February 13, 2014  
51 meeting at the applicant's request.

52  
53 Mr. Witte - Second.

54  
55 Mrs. Jones - I have a motion by Mr. Leabough, second by  
56 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion  
57 passes.

58  
59 At the request of the applicant, the Planning Commission deferred REZ2013-  
60 00022, D. Bryant Gammon to its meeting on February 13, 2014.

61  
62 Mr. Strauss - Again in the Varina District, we have a request for a  
63 deferral. This is on page two of the agenda, REZ2013-00023, Michael Sifen  
64 Incorporated. The applicant is requesting a deferral to the March 13, 2014  
65 meeting.

66  
67 **(Deferred from the December 5, 2013 Meeting)**  
68 **REZ2013-00023** **James W. Theobald for Michael D. Sifen, Inc.:**  
69 Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family  
70 Residence District (Conditional) Parcel 821-678-7061 containing 79.813 acres  
71 located at the northwest intersection of Buffin and Kingsland Roads. The

72 applicant proposes a single-family residential development of no more than 120  
73 units. The use will be controlled by proffered conditions and zoning ordinance  
74 regulations. The 2026 Comprehensive Plan recommends Suburban Residential  
75 1; density should not exceed 2.4 units per acre, and Environmental Protection  
76 Area. The site is in the Airport Safety Overlay District.

77  
78 Mrs. Jones - Is there opposition to the deferral of REZ2013-00023,  
79 James W. Theobald for Michael D. Sifen, Inc.? There is no opposition.

80  
81 Mr. Leabough - Madam Chair, I move that REZ2013-00023, James  
82 W. Theobald for Michael D. Sifen, Inc., be deferred to the March 13, 2014  
83 meeting at the applicant's request.

84  
85 Mr. Witte - Second.

86  
87 Mrs. Jones - I have a motion by Mr. Leabough and a second by  
88 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion  
89 passes.

90  
91 At the request of the applicant, the Planning Commission deferred REZ2013-  
92 00023, James W. Theobald for Michael D. Sifen, Inc., to its meeting on March  
93 13, 2014.

94  
95 Mr. Strauss - And finally in the Brookland District, we have a  
96 request for deferral on page three of the agenda, REZ2013-00002, Yunus Vohra.  
97 The applicant is requesting a deferral to the March 13, 2014 meeting.

98  
99 **(Deferred from the November 14, 2013 Meeting)**

100 **REZ2013-00002 Cameron Palmore for Yunus Vohra:** Request to  
101 conditionally rezone from A-1 Agricultural District and R-2A One-Family  
102 Residence District to R-2AC One-Family Residence District (Conditional) Parcels  
103 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14  
104 acres, located on the south line of Hungary Road at its intersection with Hastings  
105 Mill Drive. The applicant proposes a single-family residential development not to  
106 exceed ten residential units. The R-2A district allows a minimum lot size of  
107 13,500 square feet and a maximum gross density of 3.22 units per acre. The use  
108 will be controlled by proffered conditions and zoning ordinance regulations. The  
109 2026 Comprehensive Plan recommends Suburban Residential 2; density should  
110 not exceed 3.4 units per acre.

111  
112 Mrs. Jones - Is there anyone with us this evening in opposition to  
113 the deferral of this case REZ2013-00002, Cameron Palmore for Yunus Vohra?  
114 We do have opposition. What we will do is to take this case off of the deferrals  
115 and hear it, or should we bring folks down now?

117 Mr. Emerson - I would go ahead and hear from the opposition now  
118 as to why they're opposing deferral, Madam Chair.

119  
120 Mrs. Jones - Okay. What I'd like to ask you to do, if you would  
121 please, is to come forward. When we do have public discussion, we limit that to  
122 ten minutes. So if you could have your comments not be the same, please let us  
123 know one by one what your opposition is to the deferral of this case. Okay?  
124 Come forward. These are recorded proceedings, so if you wouldn't mind stating  
125 your name, please, for the record.

126  
127 Mr. Lucas - Yes ma'am. William Lucas, Jr. I live at 9400 Hoehns  
128 Road.

129  
130 What I'd like to say is on August 30, 2013, a sign notifying the public of the  
131 hearing for rezoning request for this property was posted outside at the end of  
132 Hoehns Road. That's nearly five months ago. If the purpose of the sign is to draw  
133 public attention, at this point I think the neighborhoods and the community  
134 around it have gotten numb to it or lost interest.

135  
136 We've attended two prior meetings where requests for deferral have been made  
137 by Mr. Vohra, and a public meeting held by Balzer and Associates, a reputable  
138 and capable developer for him. To date, neither Mr. Vohra, Balzer and  
139 Associates, or legal counsel for Mr. Vohra have been able to make any progress  
140 with resolving the Hoehns Road hurdle with this proposed development and do  
141 not show any signs of resolving this issue in the foreseeable future. We've gotten  
142 no indication that there is anything going that is going to help him with that.

143  
144 Without Hoehns Road, Mr. Vohra's development is not viable, and therefore  
145 there is no need for rezoning. I'd like to ask the Planning Commission to  
146 withdraw Mr. Vohra's zoning request, rather than defer it, and he can reapply at  
147 some point if he finds a solution.

148  
149 Thank you.

150  
151 Mrs. Jones - Are there questions for Mr. Lucas? All right. Would  
152 someone else like to make further comment about your opposition to the  
153 deferral? You may come forward and do that at this time, if you'd like.

154  
155 Mr. Ray - My name is John Ray, and I also live on Hoehns  
156 Road. I just want to second exactly what he said, that I agree with what he said.  
157 We would like for it to be discontinued—not postponed, but discontinued until  
158 they clear up the problems they have with the zoning. That's all. Thank you.

159  
160 Mrs. Jones - All right. Anything for Mr. Ray? All right. Thank you,  
161 Mr. Ray. I do need to note for the record that I will not be voting on this case. I do

162 have a representational conflict. We have one more person who would like to  
163 come forward?  
164

165 Ms. Wright - My name is Sylvia Wright. I'm actually the designated  
166 21<sup>st</sup> Century exclusive owner—dominant landowner of this right-of-way itself.  
167 Basically, what is going on is a problem in the terms of how Mr. Vohra purchased  
168 some of the greenhouse property and I actually brought a handout. Seth, do you  
169 mind sharing this with the Board?  
170

171 Mr. Emerson - Ms. Wright, this really is in relation to the deferral of  
172 the case?  
173

174 Ms. Wright - Yes sir. Actually, it's the reason as to why it should be  
175 deferred. Basically, the title insurance company identified ten major issues with  
176 the purchase. During this almost two-year time period now, we have walked in  
177 circles with Mr. Vohra and have not been able to come up with any kind of  
178 resolution for it. Now as the executive exclusive owner of the right-of-way, I can  
179 work with him on that. But I'm also one of the twenty-some Bolton Hoehns  
180 [0:08:20]\* heirs who have a shared ownership in this property, and Mr. Vohra's  
181 done nothing to resolve that. He has a mortgage agreement with the original  
182 seller that actually prohibits him from being able to divide and sell this property,  
183 and he would be in immediate breach of contract if he moves forward with this.  
184

185 So there are legal, civil, as well as criminal issues that are presently pending that  
186 have been generated off of this. And I just don't see this as something that's  
187 going to happen in the next sixty days. I think we need to just put it aside and  
188 start working through what other channels that we have to try to bring some kind  
189 of resolution to this so that we can have an ethical land use.  
190

191 Mrs. Jones - Thank you.  
192

193 Ms. Wright - Anybody have any questions?  
194

195 Mr. Emerson - Madam Chair, I would have to note on this that these  
196 are not items that can be considered by the Commission. These are legal, civil  
197 matters and are not within the purview of this group. So therefore, these should  
198 not enter into your thought process. It is not in front of you tonight to withdraw  
199 this case; that's not within your power. That's only within the power of the  
200 applicant themselves to withdraw. Your action can be either to defer, as per the  
201 request, defer and possibly add time to the deferral. But, of course as you know,  
202 that would eat into your allotted time legally to defer, so I would not suggest you  
203 do that since you have a sixty-day request in front of you. You could hear the  
204 case. You could either approve it or deny it. But those are your options.  
205

206 Mrs. Jones - Are there questions or comments from the  
207 Commission?

208

209

210 Mr. Archer - Madam Chair, is there someone here that could argue  
211 the case for the applicant?

212

213 Mr. Witte - That was my concern, if Mr. Vohra doesn't have  
214 representation here. Are you representing Mr. Vohra?

215

216 Mr. Palmore - [Speaking off microphone.] Yes sir. I'm Cameron  
217 Palmore.

218

219 Mr. Branin - Sir, you have to come down.

220

221 Mrs. Jones - If you would please come to the podium, thank you.

222

223 Mr. Palmore - Yes. My name's Cameron Palmore from Balzer and  
224 Associates, and I am here to represent Mr. Vohra.

225

226 Mrs. Jones - Are there questions for Mr. Palmore?

227

228 Mr. Branin - No. I think that our secretary has explained the legal  
229 parameters that we have in not being able to address—we can't withdraw a case.  
230 We legally, as a Commission, cannot withdraw a case; it has to be up to the  
231 applicant. So, Mr. Witte.

232

233 Mr. Witte - Well, in that case, Madam Chair, I move for deferral of  
234 case REZ2013-00002, Cameron Palmore for Yunus Vohra, at the request of the  
235 applicant, to the March 13, 2014 meeting.

236

237 Mr. Leabough - Second.

238

239 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in  
240 favor, 4-0 (one abstention). All opposed say no. I abstain. That would be  
241 recorded as four ayes and one abstention. That motion passes.

242

243 At the request of the applicant, the Planning Commission deferred REZ2013-  
244 00002, Cameron Palmore for Yunus Vohra, to its meeting on March 13, 2014.

245

246 Mr. Branin - Can I ask staff? Seth, could you get with the people in  
247 the back because I understand their frustration of having to come back and the  
248 sign being there so long and it being deferred. Can staff work at keeping them  
249 notified of a deferral, because we should know if this is going to be deferred  
250 again. Because we wouldn't take an action without you all being here. If we say  
251 it's going to be deferred, and allow you the time so you don't have to come. Trust  
252 us that it wouldn't be heard if we're telling you that the applicant has requested  
253 that it be deferred again.

254

255 Mr. Lucas - [Speaking off microphone; unidentified.] Can I ask  
256 [inaudible]? [Speaking on microphone.] My question would be—I understand you  
257 say that legally you can't withdraw it. At what point could you all have the option  
258 to either defer or not to defer based on our comments, at some point if it  
259 becomes month after month after month? When could you actually not defer this  
260 case, or when would you not choose to defer it?

261

262 Mr. Branin - Speaking on behalf of the district and the secretary—  
263 and the other commissioners will probably agree—we don't make it a regular  
264 practice to restrict people from deferring and working out whatever issues they  
265 have simply because if we did make that a practice, it could be seen as unfair.  
266 So it is up to the applicant. As long as the applicant wants to keep paying to  
267 defer, he has that legal right.

268

269 Mr. Lucas - Okay. All right, thank you.

270

271 Mr. Branin - And knowing that, that's why I asked staff to get  
272 everyone's names. It's a waste of your time to come here and hear it's being  
273 deferred, it's being deferred.

274

275 Mr. Lucas - Right. And I think Seth had.

276

277 Mr. Branin - So if the County can keep better in touch with you,  
278 then it can help with your frustration.

279

280 Mr. Lucas - Right. I understand.

281

282 Mr. Branin - Okay?

283

284 Mr. Lucas - Thank you.

285

286 Mr. Archer - Excuse me, sir, before you go back. Have you all  
287 always been notified of the deferrals when they're—

288

289 Mr. Lucas - Well, I believe Seth notified—

290

291 Mr. Archer - Or have you come down here—

292

293 Mr. Lucas - —Ms. Wright, my mother-in-law. So yes, he has  
294 notified her, and she kind of distributes to us if he hasn't notified us directly. We  
295 don't receive a notice in the mail; I'm not sure if we're supposed to or not. We're  
296 on Hoehns Road. We're not necessarily adjacent to the property, but we're off of  
297 Hoehns Road.

298

299 Mr. Archer - I just say that because we generally try to keep  
300 people from traveling here if the case is not going to be heard.

301  
302 Mr. Lucas - Well, one thing is the sign has been out for so long.  
303 The community across the street was interested when this first went out on  
304 August 30<sup>th</sup>, but at this point, they've kind of written it off. They're not here to  
305 support us. And it's not really affecting them other than something may happen in  
306 their community. The purpose of the sign is kind of to bring attention to the case  
307 that's coming up.

308  
309 Mr. Branin - And you also have to understand the legal  
310 parameters with that. As long as this case is in play, that sign has to remain  
311 because you all have to be notified that this is under review, and it is coming to  
312 our attention, and we are looking at it. So we're not going to take the sign down  
313 because legally we have to have that out there as well.

314  
315 Mr. Lucas - Right. I mean based on what you're saying,  
316 essentially deferral is really never an option. Or what circumstances would a  
317 deferral ever be a possibility?

318  
319 Mr. Branin - It is being deferred, sir. And it has been deferred.

320  
321 Mr. Lucas - Excuse me. Not a withdrawal, but a not being  
322 deferred.

323  
324 Mr. Branin - As soon as the applicant withdraws it himself.

325  
326 Mr. Lucas - So that's a withdrawal. Okay, gotcha. Thank you.

327  
328 Mr. Emerson - Madam Chair, I believe that completes our deferrals  
329 and withdrawals. Mr. Strauss, is that correct?

330  
331 Mr. Strauss - Staff is not aware of any other requests at this point.

332  
333 Mrs. Jones - All right.

334  
335 Mr. Emerson - Madam Chair, we have no requests for expedited  
336 items. And that takes us to our next item, which is your reorganization and  
337 election of chairman for the 2014 calendar year.

338  
339 Mrs. Jones - These are the housekeeping issues to which I  
340 referred earlier. It is the way we begin our yearly meetings every year. I will go  
341 ahead and turn this over to you.

342  
343 Mr. Emerson - Okay, we'll see how this goes. I get to hit the gavel,  
344 how about that.

345  
346 Mr. Branin - Once a year, sir.  
347  
348 Mr. Emerson - Once a year, so watch out.  
349  
350 Mr. Branin - The power is in your hand once a year.  
351  
352 Mr. Emerson - Watch out, you're in trouble now.  
353  
354 Mr. Branin - Don't forget it.  
355  
356 Mr. Emerson - We'll proceed to open the floor for a motion for  
357 nomination for Chairman.  
358  
359 Mr. Branin - I'd like to move nominate Eric Leabough from the  
360 Varina District for Chairman.  
361  
362 Mr. Archer - Second.  
363  
364 Mr. Emerson - There's a nomination of Mr. Leabough by Mr. Branin  
365 and a second by Mr. Archer. Are there any other nominations?  
366  
367 Mr. Archer - I move for closure on the nominations, Mr. Secretary.  
368  
369 Mr. Branin - Second.  
370  
371 Mr. Emerson - Nomination are closed—all in favor?  
372  
373 All - Aye.  
374  
375 Mr. Emerson - Nominations are closed. I now need a motion for  
376 election of chairman.  
377  
378 Mr. Archer - I move to elect Eric Leabough for Chairman.  
379  
380 Mr. Branin - And I second.  
381  
382 Mr. Emerson - So we have a motion and a second to elect  
383 Mr. Leabough as the Commission's Chairman for calendar year 2014. All in  
384 favor. All opposed.  
385  
386 Congratulations, Mr. Leabough. It is now your meeting for election of Vice-  
387 Chairman.  
388  
389 Mr. Leabough - I will entertain a motion for the nomination for  
390 Planning Commission vice-chair.

391  
392 Mr. Archer - Mr. Chairman, I move to nominate Mr. Robert Witte  
393 as vice-chair for 2014.  
394  
395 Mr. Branin - Second.  
396  
397 Mr. Leabough - We have a motion by Mr. Archer, a second by  
398 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion  
399 passes.  
400  
401 Now may I have motion for the election of vice-chair.  
402  
403 Mrs. Jones - I so move.  
404  
405 Mr. Branin - Second.  
406  
407 Mr. Leabough - We have a motion by Mrs. Jones, second by  
408 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion  
409 passes. Mr. Witte, you're our vice-chair.  
410  
411 Mrs. Jones - Congratulations, sir.  
412  
413 Mrs. Jones - Mr. Chairman, before we move on to the regular  
414 agenda, those of you who know me well know I never turn down an opportunity  
415 to talk. I simply wanted to say thank you to all of you for making my past year an  
416 orderly, smooth, respectful, and professional one. I enjoy working on this  
417 Commission, and being its Chairman was certainly a privilege. So thank you all  
418 for being with me in this endeavor. It was my pleasure to do it, and I wish you  
419 well, Mr. Leabough, as you take the reins for this year.  
420  
421 Mr. Branin - Mr. Chairman, may I make a comment, please? For  
422 all of you who are in the room—staff knows as well, but there are many that have  
423 watched this process for years and years and years—Mr. Theobald—and know  
424 that it is customary that we always get up, and as a Commission we thank our  
425 outgoing chairperson and welcome our new. Because we have such a humble  
426 chairperson that is leaving, she has requested no gift and no words. But as she  
427 likes to speak, I like to speak more. So, on behalf of the Commission,  
428 Madam Chair, ex-Madam Chair, thank you—  
429  
430 Mrs. Jones - Madam ex-Chair.  
431  
432 Mr. Branin - Madam ex-Chair. Thank you for your service. Thank  
433 you for keeping this Commission orderly, and especially keeping me straight on a  
434 regular basis.  
435  
436 Mr. Archer - I don't know how well she did with that.

437

438 Mr. Branin - That's under question still, how well you did keeping  
439 me straight. And we truly appreciated your leadership and your dedication that  
440 you showed us this past year.

441

442 Mrs. Jones - Thank you very much.

443

444 Mr. Archer - Madam, may I echo that and also say that you guided  
445 us so very well during the year. You have a very user-friendly demeanor, and it  
446 stayed within our comfort zone. We appreciate it. We were going to give you a  
447 motor home, too, by the way.

448

449 Mrs. Jones - Oh, well.

450

451 Mr. Witte - Can somebody explain to me what somebody—I  
452 heard somebody say that she was a rose among the thorns.

453

454 Mrs. Jones - I didn't hear that, what a nice thing. All right. Thank  
455 you all very much.

456

457 Mr. Emerson - Madam Chair, I would also like to add from my  
458 perspective and staff's perspective, thank you very much for a very successful  
459 year. And support and working with you as always is a pleasure.

460

461 Mrs. Jones - Thank you. I appreciate those kind words.

462

463 Mr. Leabough - Big shoes to fill. I don't think there is anybody up here  
464 that works harder than you in terms of reviewing cases and visiting sites, so  
465 definitely big shoes to fill. We appreciate your leadership. One of the things I've  
466 admired about you as a commissioner is that you always are fair. You've always  
467 done a good job of communicating with the community. Even if you make a  
468 decision that they may not agree with, they at least understand where you're  
469 coming from. So I appreciate that. And again, I have big shoes to fill and hope I  
470 am able to do that this year. And thank you all for the nomination; I appreciate  
471 that.

472

473 Mrs. Jones - Thank you. I think it'll be another good year. We hope.

474

475 Mr. Witte - I think everybody said about everything that could be  
476 said.

477

478 Mrs. Jones - I'm fine. Thank you.

479

480 Mr. Archer - Unless you want to say something about yourself.

481

482 Mrs. Jones - I'm a little embarrassed.

483  
484  
485  
486  
487  
488  
489  
490

Mr. Witte - It's bad to be the last one.

Mr. Emerson - Mr. Chairman, congratulations to both you and the new vice-chairman. And we'll move on to our first item on the agenda.

**SUBDIVISION**

SUB2013-00219  
West Broad Village  
(January 2014 Plan)  
3920 - 3930 Village  
Commons Walk

**Bay Companies, Inc. for Eagle Construction of Virginia, LLC and West Broad Village II, LLC:**  
The 0.202-acre site proposed for a subdivision of 6 residential townhouses for sale is located on the east line of Village Commons Walk (private), south of Old Brick Road (private), on parcels 741-760-2791, 741-760-2584, 741-760-2688, 741-760-2581, 741-760-2686, and 741-760-2479. The zoning is UMUC, Urban Mixed Use District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 6 Lots**

491  
492  
493  
494  
495  
496

Mr. Leabough - Is there anyone here in opposition to SUB2013-00219, West Broad Village (January 2014 Plan)? No opposition. Mr. Kennedy?

497  
498  
499  
500  
501  
502  
503

Mr. Kennedy - Thank you, Mr. Chairman, members of the Commission. Happy New Year.

Planning Commission approval of the proposed conditional plat would permit correction of a minor field survey error that occurred in the staking of the six lots in West Broad Village, Section 12. Due to a field staking error, the foundations of the block were staked six inches into a twenty-nine-foot-wide utility easement. This plat will permit revision of the recorded plat, substituting a twenty-eight-foot easement for the twenty-nine-foot easement that was previously recorded.

504  
505  
506  
507

The Department of Public Utilities has no opposition to the request, and staff recommends approval.

508  
509

Mr. Leabough - Mr. Branin, would you like to hear from the applicant?

510  
511  
512  
513  
514

Mr. Branin - No. Well, yes. Is the applicant here or a representative? Oh, good. Would you please come down? Sir, could you come up here real quick? This is a pencil for you so next time you're drawing your lines, you draw them a little better. Okay? An official Henrico pencil. Thank you.

515  
516  
517

With that, Mr. Chair, I'd like move that SUB2013-00219, West Broad Village (January 2014 Plan), the change on the plans for the easement, be approved.

518 Mr. Leabough - Motion by Mr. Branin.

519

520 Mrs. Jones - Second.

521

522 Mr. Leabough - We have a motion by Mr. Branin, second by Mrs.  
523 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion  
524 passes.

525

526 The Planning Commission granted conditional approval to SUB2013-00219,  
527 West Broad Village (January 2014 Plan), subject to the standard conditions  
528 attached to these minutes for subdivisions served by public utilities, the  
529 annotations on the plans, and the following additional condition:

530

531 15. The proffers approved as a part of zoning cases C-12C-06 and P-02-06  
532 shall be incorporated in this approval.

533

534 Mr. Emerson - Mr. Chairman that now takes us to the next item on  
535 page two of the agenda REZ2013-00014.

536

537 **Deferred from the December 5, 2013 Meeting)**

538 **REZ2013-00014 HHHunt Communities:** Request to conditionally  
539 rezone from A-1 Agricultural District to R-3C One-Family Residence District  
540 (Conditional) Parcels 751-773-2046, 750-773-3322, and part of 749-771-6494  
541 containing 56.43 acres located at the southern terminus of Holman Ridge Road  
542 between the northeast terminus of Opaca Lane and the Chickahominy River. The  
543 applicant proposes a single-family residential development not to exceed 100  
544 residential units. The R-3 district allows a minimum lot size of 11,000 square feet  
545 and a maximum gross density of 3.96 units per acre. The use will be controlled  
546 by proffered conditions and zoning ordinance regulations. The 2026  
547 Comprehensive Plan recommends Suburban Residential 2; density should not  
548 exceed 3.4 units per acre, Office, Rural Residential, and Environmental  
549 Protection Area. The staff report will be presented by Mr. Seth Humphreys.

550

551 Mr. Leabough - Is there anyone here in opposition to REZ2013-  
552 00014, HHHunt Communities? There is no opposition. Mr. Humphreys? Oh, I'm  
553 sorry.

554

555 Male - [Speaking off microphone.] I have a question. It's not  
556 really in opposition.

557

558 Mr. Leabough - Okay. We'll have the Planning staff, Mr. Humphreys,  
559 present the case, and then you can come up. Thank you. Mr. Humphreys?

560

561 Mr. Humphreys - Thank you, Mr. Chairman.

562

563 This request is to rezone approximately 56.43 acres from A-1 to R-3C to allow  
564 the development of up to 100 single-family residences. The subject property is  
565 located at the southern terminus of Holman Ridge Road between the northeast  
566 terminus of Opaca Lane and the Chickahominy River.

567

568 The northern property line is the county's boundary with Hanover County and  
569 Martin's Ridge single-family subdivision, which was rezoned via C-46C-07, is  
570 under construction to the west. A parcel containing a horse farm and single-  
571 family home adjoins the property to the east along with the county's landfill on  
572 Ford's Country Lane. To the south and west are single-family acreage parcels  
573 situated generally along Opaca Lane.

574

575 The 2026 Comprehensive Plan recommends Suburban Residential 2, Office,  
576 Rural Residential, and Environmental Protection Area for the site. This request is  
577 not entirely consistent with all the land use recommendations of the 2026  
578 Comprehensive Plan, specifically the Office and Rural Residential designations  
579 on the southern most portion of the site. However, it would be consistent with the  
580 Suburban Residential 2 designation on the majority of the site and would be  
581 consistent in terms of use and density with the nearby residential developments.

582

583 The 2026 Comprehensive Plan, which you can see here as well, contains the  
584 county's plans for existing and future road network via the Major Thoroughfare  
585 Plan (MTP). The MTP shows two minor collector designated roadways  
586 intersecting on the property. Holman Ridge Road, up here—or Concept Road  
587 58—is shown to extend easterly and would connect to a second road, Concept  
588 Road 135, which would extend south through the subject property, adjacent  
589 property, and ultimately to Nuckols Road. That leads back up at the end of  
590 Opaca Lane.

591

592 The applicant has submitted two new conceptual plans—this is A—dated  
593 December 12, 2013. Both conceptual plans have road networks that accomplish  
594 the conceptual roads laid out in the MTP within the extent of the subject property.  
595 I'll also show you B. The main difference between the two plans is the  
596 configuration of the traffic circle proposed at the intersection of Opaca Lane and  
597 Westward Place. Exhibit B, as shown, shows the future "Road B" also tying into  
598 the traffic circle while Exhibit A does not. You'll see the circle there if I switch it  
599 back and forth.

600

601 The applicant has submitted revised proffers dated January 9, 2014, which have  
602 just been handed out to you. The changes address some typographical errors  
603 and a clarification of Proffers 15 and 22 regarding trees and amenities.  
604 Acceptance of these proffers would require waiving the time limits. Overall, the  
605 proffers address, but are not limited to:

606

- 607 • Minimum house size;
- 608 • Crawl spaces and foundations;

- 609 • Exterior materials;
- 610 • Garages;
- 611 • Irrigation, sod and landscaping;
- 612 • Sidewalks;
- 613 • Restricted construction hours;
- 614 • Amenities;
- 615 • A traffic circle;
- 616 • An entrance sign feature; and
- 617 • A commitment to rezoning flood plain areas to C-1

618  
619 These proffers address some development topics in a manner similar to those  
620 approved with other developments in this area of the County; however, they do  
621 not fully meet the levels of quality exemplified by more recent cases and actual  
622 built features, including:

- 623
- 624 • Dwelling sizes more reflective of what has been constructed in the area.
- 625 • Clear space dimensions for garages
- 626 • Minimum lot widths
- 627 • Amenities, specifically some common areas that are not accessible without  
628 crossing a residential lot.
- 629 • Potential traffic calming measures in addition to the proffered traffic circle,  
630 which could include landscaping and other things of that nature
- 631 • Sidewalks in addition to those proffered along Holman Ridge Road.

632  
633 With the exception of the area designated for office uses, the development of  
634 single-family homes would be generally consistent with the land use  
635 recommendations of the 2026 Comprehensive Plan. Given that a majority of the  
636 property is recommended for Suburban Residential 2 and the presence of the  
637 adjacent single-family developments, it could be an acceptable land use. The  
638 applicant has also provided proffers to help define some aspects of the  
639 development's overall quality and mitigate potential impacts; however, the issues  
640 previously mentioned remain. Should the applicant address concerns noted  
641 above, staff could fully support this request.

642  
643 This concludes my presentation. I will be happy to answer any questions.

644  
645 Mr. Leabough - Are there any questions from the Commission?

646  
647 Mr. Branin - Not for Seth, but I would like to hear from Jim.

648  
649 Mr. Leabough - Would you like to hear from opposition first or the  
650 applicant?

651  
652 Mr. Branin - Yes, because it's not opposition. I want to see if his  
653 question has been answered. And if not, we can address it immediately. So  
654 please.

655  
656 Mr. Leabough - Sir, would you come to the podium, please? Please  
657 state your name for the record. These are recorded proceedings.  
658  
659 Mr. Rosenberg - Do you need my address too?  
660  
661 Mr. Leabough - Yes.  
662  
663 Mr. Rosenberg - My name is Eric Rosenberg. I live at 12001 Sumner  
664 Court. My question is—and this was addressed during our town hall meeting  
665 prior to Thanksgiving—regarding the proximity of this subdivision to the landfill. I  
666 had requested that more information be provided from DPU regarding  
667 environmental impact as far as any toxic fumes or odors or anything like that that  
668 might come their way, I guess to this subdivision and then further along into the  
669 subdivision. I was not able to get an end date as to when the landfill would be  
670 concluded. I know it's been like a two-year period, but it keeps extending. So I  
671 just wanted to get information to find out when the landfill would be done and if  
672 there is an impact, has that been addressed at all.  
673  
674 Mr. Emerson - Mr. Rosenberg, Public Works did review and provided  
675 comments as they saw relevant regarding this case. As I understand it, there are  
676 no issues regarding any type of toxins and things with the landfill because it's  
677 been run appropriately—lined, sealed, so forth and so on.  
678  
679 The closure date of the landfill I believe is July 1<sup>st</sup> of this year. There will continue  
680 to be a transfer station operated there where individuals will be able to drop off  
681 their garbage, large items, Christmas trees, yard debris, so forth and so on. The  
682 larger loads of refuse from that point forward I believe will go to the landfills in the  
683 eastern end of the County until such a time that they're full. But that is my  
684 understanding right now.  
685  
686 Mr. Rosenberg - Okay. So even with the buffer of trees that will be  
687 removed, it still doesn't pose any risk?  
688  
689 Mr. Emerson - It does not pose any risk.  
690  
691 Mr. Rosenberg - Okay. Toxins are one thing, but smells and things like  
692 that during the summer months, you know, they do travel.  
693  
694 Mr. Emerson - Right. Well, smells are subjective, but—  
695  
696 Mr. Rosenberg - Right.  
697  
698 Mr. Emerson - We haven't received any complaints regarding odor  
699 from the landfill. But, of course, there is an active methane operation on the

700 landfill, and that will continue until the landfill no longer produces methane, which  
701 will be quite a long time.

702

703 Mr. Rosenberg - Okay.

704

705 Mr. Branin - And I have two comments in regards to that. Once the  
706 landfill has stopped taking trash in and doing soil cover, the smells that are there  
707 will be reduced because it will be properly capped. The methane production,  
708 capturing and power production that's used off of that landfill will continue. There  
709 are no environmental issues with that, because I also looked into that as well.  
710 When that methane capturing process was started, it reduced the odors that  
711 were coming off the landfill at that time, but you still have the open trash that is  
712 during the day and then covered in the evenings. Once that's totally capped, the  
713 only fumes that would generally come off that would be noticeable would be from  
714 the leachate. And that leachate is being captured methane-wise and being  
715 processed. So after July, you all should be in better shape smell-wise than you  
716 have ever been.

717

718 Mr. Rosenberg - That's great, because yeah, there are some summer  
719 months in past where we do, you know, catch some of that odor but with an  
720 anticipation of an end date. Being a board president, when things like this  
721 happen I get phone calls, and I don't know how to answer them. So now I have a  
722 little more information that I can share.

723

724 Mr. Branin - Always feel free to call.

725

726 Mr. Rosenberg - Call who?

727

728 Mr. Branin - Either the County, Public Works, or get my number  
729 after the meeting and call me.

730

731 Mr. Rosenberg - Okay.

732

733 Mr. Branin - I'll be happy to find out and get you any answer you  
734 need.

735

736 Mr. Rosenberg - Great.

737

738 Mr. Branin - Okay?

739

740 Mr. Rosenberg - Thank you very much.

741

742 Mr. Branin - Mmm-hmm.

743

744 Mr. Leabough - Mr. Branin, would you like to hear from the applicant?

745

746 Mr. Branin - Absolutely.  
747

748 Mr. Theobald - If we could have the PowerPoint please, Fred, I'd  
749 appreciate it.  
750

751 Mr. Branin - While we're waiting on that, Mr. Theobald, one of the  
752 things I just want to bring up from the start is there's a piece of property behind  
753 this lot that is still a residence with a horse farm.  
754

755 Mr. Theobald - Yes.  
756

757 Mr. Branin - My concern for that property was that they're not  
758 getting boxed in or will have issues in the future with connectivity for if that is  
759 developed in the future. So when you're going through your presentation, if you  
760 could point out the connectivity for that.  
761

762 Mr. Theobald - I will—  
763

764 Mr. Branin - Also the easement for that property has to be  
765 protected so those people can get home at night.  
766

767 Mr. Theobald - Exactly. And there is an easement agreement that's  
768 been negotiated—it hasn't been finally signed yet—that addresses all of those  
769 issues as to access during construction, future alignments, and future stub roads  
770 into the site. I can show you a little of that on the plans.  
771

772 Mr. Branin - If you would address that.  
773

774 Mr. Theobald - We have spent a lot of time making sure that we're  
775 going to be good neighbors with the Doshes. Mrs. Dosh being a Holloway.  
776

777 Good evening, Mr. Chairman. Congratulations. My name is Jim Theobald, and  
778 I'm here this evening on behalf of HHHunt. And I'm very pleased to introduce you  
779 to the community of Holloway at Wyndham Forest. We believe this will be yet  
780 another award-winning HHHunt community, as is Wyndham, Twin Hickory, and  
781 many, many others.  
782

783 This site is approximately fifty-six acres. It's at the end of Opaca Lane. It's  
784 comprised of three different properties. Here you're seeing the star is where our  
785 property is. The horse farm is to the right. This is the Martin Ridge subdivision  
786 and Wyndham Forest. The property is comprised of three separate parcels  
787 owned by Jackie Holloway, Mr. and Mrs. Vanderbush, and Nuckols Road LLC.  
788 The land use plan for this area, as Mr. Humphreys indicated, is primarily SR2,  
789 which would suggest an appropriate density of up to 3.4 units per acre. We're  
790 basically half that at 1.77 units per acre. A lot of the rural residential and EPA  
791 designations are within the various easements and wetlands area of the property.

792

793 This is our initial concept plan showing the traffic circle. The other one, again, just  
794 shows another leg off of that, which we'll show you in a moment. But you'll see  
795 Opaca Lane currently terminating in this area. So you come up Opaca and you'll  
796 hit this traffic circle. It would connect to Westward Place over here to the left and  
797 continue on. And this is basically the alignment of the access road back into the  
798 horse farm this way. And then we've also shown an additional potential stub road  
799 over here on this part of the plan to extend if it were to be developed for  
800 residential and have in excess of fifty lots they would have more than one way  
801 out. But we tried to preserve the Major Thoroughfare Plan with the extension of  
802 Holman Ridge Road, which comes across here and starts to turn back to Nuckols  
803 Road ultimately. The other plan, much the same. Again, with just this additional  
804 leg over here.

805

806 The difference in these two really has to do with the crossing of a gas line  
807 easement and what will be required of the gas company in terms of that crossing.  
808 So we're capable of doing either. But basically, the same connections into the  
809 horse farm and the same alignment.

810

811 And there is a comprehensive agreement that has been drafted and I believe  
812 nearly, if not finally, agreed upon by the parties that covers everything from  
813 access during construction to final alignments to moving a light pole on the  
814 Dosh's property if that's necessary. And so we've all tried to think of everything  
815 so as not to disturb that beautiful horse farm.

816

817 There's a maximum of 100 lots shown on these layouts they actually show a few  
818 lots fewer than that. The homes are Craftsman style, basically. Here are some  
819 representative elevations of the homes, which we anticipate selling for  
820 somewhere between 475 and 550,000 dollars. Very much in hope of being able  
821 to start construction of this project later this year. And we would hope that the  
822 project would be completed prior to the end of 2017.

823

824 We have provided numerous proffered conditions, including the two conceptual  
825 plans; density; minimum square feet of the homes as 2,250; all homes having a  
826 minimum of a two-car garage; garage doors with architectural detail; the circle;  
827 covenants; sidewalks. Twenty-five percent of all home fronts would have 25  
828 percent fronts of brick or stone. We have excluded vinyl as a permitted material.  
829 We would not have the same home elevation side by side. Homes on corner lots  
830 visible from the street would have a minimum of two windows. We've provided for  
831 entrance features; yards trees; street trees; foundation plantings; sod and  
832 irrigation of front yards. All of these are on crawlspaces. And we've addressed  
833 cantilevering, chimneys. We have provided amenities that would include  
834 pedestrian paths, walkways, and a play area with benches to be provided. There  
835 is a significant amount of common area shown on these plans. You are able to  
836 access that common area. If not through sidewalks or streets, we have reserved  
837 common area easements across lots like we've done throughout Wyndham and

838 Twin Hickory. They're maintained by the association. And it's been very  
839 successful. In fact, the pedestrian access ways are consistently voted the  
840 number one amenity for Wyndham.

841

842 Mr. Branin - Can we go back to the—not the houses, the actual  
843 layout? Okay. With these open areas, could you show me a couple examples of  
844 what you're referring to?

845

846 Mr. Theobald - We have open areas along here and all along here.  
847 We have some potential green areas in here, back along the back of lots here,  
848 here, here.

849

850 Mr. Branin - So I would anticipate some sort of trails or something  
851 through those small open areas behind the lots—

852

853 Mr. Theobald - Yes. Pedestrian walkways.

854

855 Mr. Branin - —for walking trails. And where is the park going to  
856 be? Tot lot park?

857

858 Mr. Theobald - I'm not sure exactly where on here it's going to be, but  
859 we've said there has to be a play area. But to decide where in the subdivision we  
860 think collectively the best place is both for access and people. This is being  
861 annexed into Wyndham Forest, by the way, so it's going to be subject to the  
862 same design guidelines as Wyndham Forest, which are basically the Wyndham-  
863 type guidelines.

864

865 Mr. Branin - Actually even better.

866

867 Mr. Theobald - Yes.

868

869 Mr. Branin - I believe. And Wyndham Forest doesn't have—they  
870 have open areas, but they don't have any tot lots or trail systems.

871

872 Mr. Theobald - I think they do have a couple tot lots.

873

874 Mr. Rosenberg - We have two tot lots.

875

876 Mr. Branin - Do you? That was before my time, most of that, so I—

877

878 Mr. Theobald - Okay?

879

880 Mr. Branin - Okay, you can continue.

881

882 Mr. Theobald - Thank you, sir. I think we were pretty much through  
883 itemizing proffered conditions. I believe that this case is extremely well proffered.

884 It will provide a high-quality development, as you have come to expect from  
885 HHHunt. I think it's generally consistent with your land use plan. I would very  
886 much appreciate you recommending approval of this case to the Board of  
887 Supervisors. And I'd be happy to answer any questions.

888

889 Mr. Branin - Mr. Theobald, I do have a question for you. Twenty-  
890 two-fifty.

891

892 Mr. Theobald - Yes sir.

893

894 Mr. Branin - And that is common with any case, taking everything  
895 that's around it and basing around it. And your elevations look very nice. What  
896 are those houses generally going to be?

897

898 Mr. Theobald - The 2250 was consistent with the proffer in Martin's  
899 Ridge. These homes, you could have some homes down in that area depending  
900 upon customer demand. But we anticipate most of the homes being in excess of  
901 2500 square feet up to 3,000 square feet or so. That's pretty much the range that  
902 we're seeing in Wyndham Forest and in Martin's Ridge.

903

904 Mr. Branin - Twenty-five to thirty.

905

906 Mr. Theobald - Yes. Doesn't mean there won't be a couple that will  
907 be below that. So I don't need anybody whipping out the minutes on me four  
908 years from now saying I said everything was going to be 3,000. That could never  
909 happen.

910

911 Mr. Branin - No. I'm just—every developer—I'm sure HHHunt  
912 knows the product that they're putting in there. They know—

913

914 Mr. Theobald - They do.

915

916 Mr. Branin - —about the general size. The proffers are following in  
917 line with what's consistent around it, which is standard operating procedure.

918

919 Mr. Theobald - There was no square footage proffered for Wyndham  
920 Forest.

921

922 Mr. Branin - I know they have about a general number on what  
923 those houses are going to be.

924

925 Mr. Theobald - Right.

926

927 Mr. Branin - So twenty-five to thirty is what I was looking for. Okay.  
928 I have no further questions.

929

930 Mrs. Jones - May I ask just a point of clarification? I just want to  
931 make sure. I've certainly said many times I am a big proponent of traffic circles. I  
932 think they have a lot to offer and a lot of benefits. I just want to understand. The  
933 gas line and the placement of the network around this particular circle, can you  
934 just clarify that for me again so I'm sure I understand?  
935

936 Mr. Theobald - Sure. We have to—I think there's a—let's go back to  
937 this one.  
938

939 Mrs. Jones - And how that decision will be made.  
940

941 Mr. Theobald - It's going to depend on the requirements of the gas  
942 company as to how you engineer a crossing. I think you all have maybe faced  
943 this over in Innsbrook on a case Mr. Tyler had for you.  
944

945 Mr. Branin - We did in Innsbrook. And we also did in West Broad  
946 Village.  
947

948 Mr. Theobald - Right. And so it's a little—from an engineering  
949 perspective, it's a little tricky, and it takes a lot of discussion and negotiation with  
950 the gas company. So depending upon their requirements and how that final  
951 engineering works, we would either connect or not connect. So that's really the  
952 issue.  
953

954 Mrs. Jones - So actually they are going to be the drivers in that.  
955

956 Mr. Theobald - Yes.  
957

958 Mrs. Jones - Okay. Well, I'm happy to see a traffic circle. I see  
959 them coming slowly but surely throughout our area. I honestly think there are a  
960 lot of benefits to be had by including them in communities. Okay, thank you for  
961 the clarification.  
962

963 Mr. Theobald - Sure.  
964

965 Mr. Branin - Mrs. Jones, I think traffic circles are fantastic. And I'm  
966 glad that you like them so much. And for the record, I just want to point out that  
967 the Three Chopt District has the only two that have been approved so far. Just,  
968 you know, breaking the frontier, forging forward in the Three Chopt District.  
969

970 Mrs. Jones - Wait a minute. Don't we have one—  
971

972 Mr. Branin - I just wanted you to be aware of that, madam.  
973

974 Mrs. Jones - Don't we have one at—?  
975

976 Mr. Branin - No, not approved.  
977  
978 Mrs. Jones - At Rocketts Landing.  
979  
980 Mr. Emerson - There's an obelisk or whatever.  
981  
982 Mr. Branin - Oh, oh.  
983  
984 Mr. Leabough - Thank you for pointing that out, Mrs. Jones.  
985  
986 Mr. Witte - We had one in the Brookland District in Britton Woods  
987 too, but that was removed.  
988  
989 Mrs. Jones - Sorry. Thank you for the clarification. Okay.  
990  
991 Mr. Leabough - Are there other questions from the Commission?  
992  
993 Mr. Branin - I have none.  
994  
995 Mr. Leabough - Okay. I think a motion is in order.  
996  
997 Mr. Branin - Okay. Mr. Chairman, I would like to move that we  
998 waive the time limits for REZ2013-00014, HHHunt Communities.  
999  
1000 Mr. Witte - Second.  
1001  
1002 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor  
1003 say aye. All opposed say no. The ayes have it; the motion passes.  
1004  
1005 Mr. Branin - And then, Mr. Chairman, I would like to move that  
1006 REZ2013-00014, HHHunt Communities, move forward to the Board of  
1007 Supervisors with the notation of the new proffers 1 through 22 and annotations  
1008 on the plans for this project.  
1009  
1010 Mr. Witte - Second.  
1011  
1012 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor  
1013 say aye. All opposed say no. The ayes have it; the motion passes.  
1014  
1015 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.  
1016 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board  
1017 of Supervisors **grant** the request because it represents a logical continuation of  
1018 the one-family residential development which exists in the area.  
1019  
1020 **REZ2014-00002 Michael J. Rothermel, Esq. for Continental -**  
1021 **Copper Associates, L.P.:** Request to rezone from B-1C Business District

1022 (Conditional) to O-2 Office District part of Parcel 755-756-9391 containing .015  
1023 acres located approximately 665' south of W. Broad Street (U.S. Route 250) and  
1024 735' east of its intersection with Old Springfield Road. The applicant proposes  
1025 office uses. The uses will be controlled by zoning ordinance regulations. The  
1026 2026 Comprehensive Plan recommends Multi-Family Residential; density should  
1027 not exceed 19.8 units per acre. The staff report will be presented by Ms. Lisa  
1028 Blankinship.

1029  
1030 Mr. Leabough - Is there anyone here in opposition to REZ2014-0002,  
1031 Michael J. Rothermel, Esq. for Continental – Copper Associates, L.P.? There is  
1032 no opposition. Ms. Blankinship.

1033  
1034 Ms. Blankinship - Thank you.

1035  
1036 This request would rezone .015 acres from B-1C to O-2. The subject site is  
1037 located within a former medical office building. A small portion of the medical  
1038 office building was rezoned to B-1C via case C-66C-90 to allow a pharmacy. The  
1039 proffer accepted with that case requires the applicant to request rezoning to O-2  
1040 once the property ceases to be used as a pharmacy, hence the reason for this  
1041 request. Earlier this year, the medical office that had occupied the space,  
1042 relocated. The office building is now vacant.

1043  
1044 The 2026 Comprehensive Plan's designation for this site is Multi-Family  
1045 Residential. This request is not consistent with this designation; however, the  
1046 proposed office use would be consistent with uses permitted within the existing  
1047 building and surrounding office zoning. Overall, staff believes this request would  
1048 satisfy the proffered condition of C-66C-90 and the proposed zoning would be  
1049 compatible with the existing pattern of development and uses in the area.  
1050 Therefore, staff supports this request.

1051  
1052 This concludes my presentation. I will be happy to answer any questions.

1053  
1054 Mr. Leabough - Are there any questions from the Commission?

1055  
1056 Mrs. Jones - No.

1057  
1058 Mr. Leabough - Okay.

1059  
1060 Mr. Branin - I have none. Mr. Chairman, I would like to move that  
1061 REZ2014-00002, Michael J. Rothermel, Esq. for Continental – Copper  
1062 Associates, L.P., move forward to the Board of Supervisors with a  
1063 recommendation for approval.

1064  
1065 Mr. Witte - Second.

1066

1067 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor  
1068 say aye. All opposed say no. The ayes have it; the motion passes.

1069  
1070 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.  
1071 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board  
1072 of Supervisors grant the request because it continues a form of zoning  
1073 consistent with the area and it is reasonable in light of the Office zoning in the  
1074 area.

1075  
1076 **REZ2014-00004 James W. Theobald for Virginia Home for Boys**  
1077 **and Girls:** Request to conditionally rezone from A-1 Agricultural District and B-3  
1078 Business District to B-3C Business District (Conditional) Parcel 760-755-2884  
1079 and part of Parcel 760-757-5611 containing 3.91 acres located on the north line  
1080 of W. Broad Street (U.S. Route 250) approximately 610' west of its intersection  
1081 with N. Skipwith Road. The applicant proposes an automotive dealership and  
1082 accessory uses. The uses will be controlled by proffered conditions and zoning  
1083 ordinance regulations. The 2026 Comprehensive Plan recommends Commercial  
1084 Arterial and Semi-Public. The staff report will be presented by Ms. Lisa  
1085 Blankinship.

1086  
1087 Mr. Leabough - Is there anyone here in opposition to REZ2014-  
1088 00004, James W. Theobald for Virginia Home for Boys and Girls? We have one  
1089 person in opposition.

1090  
1091 Female - [Speaking off microphone.] I'm not in opposition, but I  
1092 may have questions after [inaudible].

1093  
1094 Mr. Leabough - Okay. Yes, you may come down and ask your  
1095 questions after the case is presented. Thank you. Ms. Blankinship.

1096  
1097 Ms. Blankinship - Thank you again.

1098  
1099 This request would rezone 3.91 acres from A-1 and B-3 to B-3C to allow the  
1100 adjacent automobile dealership, Crown Automotive Group, to construct a building  
1101 for an additional dealership, Crown Mini.

1102  
1103 The applicant, Virginia Home for Boys and Girls, currently leases the B-3 portion  
1104 of the subject site to the Crown Automotive Group for the sales and storage of  
1105 automobile inventory. The A-1 portion is used as a soccer field and is located  
1106 approximately 450 feet in front of the Virginia Home for Boys and Girls complex.

1107  
1108 As part of the rezoning request, the applicant has submitted a number of proffers  
1109 including commitments to develop the site consistent with a conceptual plan and  
1110 architectural elevations, as seen here. Other proffers submitted by the applicant  
1111 address lighting, underground utilities, prohibited uses, and the screening of  
1112 trash receptacles and mechanical equipment.

1113  
1114 Proffer #11 commits to landscaping and the continuation of the existing wrought  
1115 iron-style fencing with brick columns along the eastern line of the access road  
1116 and along the northern property lines of the proposed dealership.

1117  
1118 To address staff's concerns mentioned in the staff report, the applicant has  
1119 submitted revised proffers and a schematic landscape plan which have been  
1120 handed out to you this evening.

1121  
1122 The proffered landscape plan, shown here, maintains the character and  
1123 delineates the boundaries of the Virginia Home for Boys and Girls by committing  
1124 to a landscape buffer between eight and ten feet wide along approximately 500  
1125 feet of the access road planted with a variety of over a dozen large and small  
1126 trees and over 150 medium and large shrubs. In addition, the existing landscape  
1127 buffer with the continuous row of hedges along West Broad Street will remain.  
1128 The landscape plan also shows the Code required thirty-five-foot landscape  
1129 buffer along the northern boundary.

1130  
1131 The 2026 Comprehensive Plan's designation for this site is Commercial Arterial  
1132 and Semi-Public. This request would be consistent with the Commercial Arterial  
1133 designation, but not entirely consistent with the Semi-Public designation. The  
1134 proposed use, however, would be consistent with the adjacent zoning and would  
1135 be an expansion of the adjacent dealership. For these reasons, staff supports  
1136 this request.

1137  
1138 This concludes my presentation. I will be happy to answer any questions.

1139  
1140 Mr. Leabough - Any questions for Ms. Blankinship?

1141  
1142 Mr. Witte - Yes, Ms. Blankinship.

1143  
1144 Ms. Blankinship - Yes sir.

1145  
1146 Mr. Witte - The ingress and egress, is that strictly limited to  
1147 Broad Street?

1148  
1149 Ms. Blankinship - Yes sir. But I noticed in the proffers that they were  
1150 going to allow construction access through the Virginia Home for Boys access  
1151 site.

1152  
1153 Mr. Witte - Okay. The changes to Proffer 11, is that going to  
1154 require waiving the time limits?

1155  
1156 Ms. Blankinship - No sir. It was received outside the forty-eight-hour  
1157 time limit, so we're okay.

1158

1159 Mr. Witte - Okay, thank you. No further questions.  
1160  
1161 Ms. Blankinship - Thank you.  
1162  
1163 Mr. Leabough - Are there any other questions? Mr. Witte?  
1164  
1165 Mr. Witte - I would like to hear from the young lady.  
1166  
1167 Mr. Leabough - If you could, could you please state your name for the  
1168 record?  
1169  
1170 Ms. Vogt - Sure. My name is Jessica Vogt. I live on Darnell  
1171 Road, which is behind all of this. My main concern is that I—and I apologize. I  
1172 can't exactly tell how far back into the Virginia Home property that they currently  
1173 have that construction going to. There are many homes back in that community  
1174 that all share a property line. And I don't want my backyard to turned into a car  
1175 lot.  
1176  
1177 Mr. Branin - Ma'am, can you show us—if you take a hold of that  
1178 mouse and show us where your house is.  
1179  
1180 Ms. Vogt - I'm new to this, so I'm trying. I'm back in here. It looks  
1181 like it's not going to go far back at all. That's why I'm here, to find out. But I just  
1182 wanted to ensure. And I apologize, but what is this currently?  
1183  
1184 Mr. Witte - That's existing.  
1185  
1186 Mr. Emerson - That used to be the Mount Vernon Baptist Church—or  
1187 Mount Vernon Heights Church, I guess. It's currently part of the BMV dealership,  
1188 the former church site.  
1189  
1190 Ms. Vogt - Thank you. That's so much better. Okay. These are  
1191 the homes I'm talking about where all these woods are. Okay.  
1192  
1193 Mr. Branin - It doesn't look like it's going to be—  
1194  
1195 Ms. Vogt - This is a much better view for me. Thank you.  
1196  
1197 Mr. Branin - So, we're good to go.  
1198  
1199 Mr. Witte - I think you let Mr. Theobald off awful easy there.  
1200  
1201 Mr. Leabough - Mr. Witte, would you like to hear from the applicant?  
1202  
1203 Mr. Witte - I don't believe we need to. Mr. Chairman, I move that  
1204 case REZ2014-00004, James W. Theobald for Virginia Home for Boys and Girls,

1205 move to the Board of Supervisors with a recommendation for approval as  
1206 submitted.

1207  
1208 Mr. Archer - Second.

1209  
1210 Mr. Leabough - Motion by Mr. Witte, second by Mr. Archer. All in favor  
1211 say aye. All opposed say no. The ayes have it; the motion passes.

1212  
1213 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.  
1214 Archer, the Planning Commission voted 5-0 (one absent) to recommend the  
1215 Board of Supervisors **grant** the request because it is appropriate business  
1216 zoning in this area and the proffered conditions would provide for a higher quality  
1217 of development than would otherwise be possible.

1218  
1219 Mr. Emerson - Mr. Chairman, the next item on your agenda is a  
1220 discussion item. It's a request from staff. Your rules and regulations need some  
1221 revisions to bring them more in sync with some changes in laws and some  
1222 operational changes. So we're suggesting that the Commission schedule a  
1223 review of proposed revisions to the Planning Commission rules and regulations.  
1224 I am suggesting you do that on February 13 in a work session at five o'clock in  
1225 the manager's conference room. The revisions are minor, but you have to—your  
1226 next discussion item will bring you into the meeting at 6 p.m. on the same  
1227 evening. So it's a good time to get you in to talk about these. They do not require  
1228 a public hearing. It's just a matter of going over them. And if you agree to them  
1229 as a group, they become your rules and regulations. So there is no public  
1230 hearing or anything of that nature required of your rules and regulations; they're  
1231 merely your procedures as to how you operate.

1232  
1233 Mr. Leabough - Is there any action needed?

1234  
1235 Mr. Emerson - If there's a consensus that this works for you, I'm  
1236 comfortable with that.

1237  
1238 Mrs. Jones - I suggest we do it. That sounds like a plan.

1239  
1240 Mr. Archer - That's at five o'clock on—

1241  
1242 Mr. Emerson - Five o'clock.

1243  
1244 Mr. Archer - Manager's conference room?

1245  
1246 Mr. Emerson - Manager's conference room. I already have the room  
1247 reserved.

1248  
1249 Mr. Archer - Okay. Suits me.

1250

1251 Mr. Emerson - Okay. The next item does require action for you to  
1252 schedule a public hearing on the same evening. This is our normal meeting to  
1253 consider the Capital Improvement Program for the County. I am requesting that  
1254 you schedule a public hearing for February 13, 2014, at 6 p.m. to consider the  
1255 fiscal year 2014-2015 through fiscal year 2018-2019 Capital Improvements  
1256 Program.

1257  
1258 Mr. Leabough - I'll entertain a motion.

1259  
1260 Mr. Archer - Mr. Chair, I so move.

1261  
1262 Mrs. Jones - Second.

1263  
1264 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in  
1265 favor say aye. All opposed say no. The ayes have it; the motion passes.

1266  
1267 Mr. Emerson - Mr. Chairman, we will arrange food for the  
1268 Commission at the five o'clock meeting.

1269  
1270 Mr. Leabough - We appreciate that.

1271  
1272 Mr. Witte - Do we have a menu?

1273  
1274 Mr. Emerson - We will see what we can do about that.

1275  
1276 Mrs. Jones - We have a very capable person who puts a great  
1277 variety of wonderful things out there.

1278  
1279 Mr. Leabough - So the next order of business, I believe, are the  
1280 minutes.

1281  
1282 Mr. Emerson - The approval of the minutes, yes sir. And we do not  
1283 have an errata sheet this evening.

1284  
1285 Mrs. Jones - I move approval of the minutes as submitted.

1286  
1287 Mr. Archer - I second Mrs. Jones's motion.

1288  
1289 Mr. Leabough - I have a motion by Mrs. Jones, a second by  
1290 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion  
1291 passes.

1292  
1293 Mr. Emerson - Mr. Chairman, I have nothing further for the  
1294 Commission this evening.

1295  
1296 Mr. Leabough - All right.

1297  
1298  
1299  
1300  
1301  
1302  
1303  
1304  
1305  
1306  
1307  
1308  
1309  
1310  
1311  
1312  
1313  
1314  
1315  
1316  
1317  
1318  
1319  
1320

Mr. Archer -

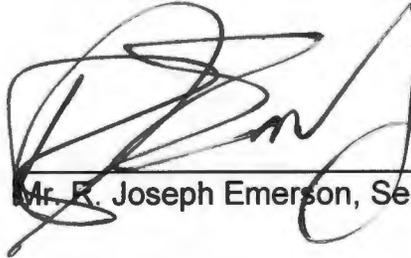
Move for adjournment.

Mrs. Jones -

Second.

Mr. Leabough -

Meeting adjourned.



---

Mr. R. Joseph Emerson, Secretary



---

Mr. Eric Leabough, Chairman