

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. November
4 14, 2013, Display Notice having been published in the Richmond Times-Dispatch
5 on October 28, 2013 and November 4, 2013.
6

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning,
Mr. James P. Strauss, PLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Seth Humphreys, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. David Conmy, County Planner
Mr. Greg Garrison, County Planner
Ms. Sylvia Ray, Recording Secretary

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

10
11 Mrs. Jones - The Rezoning meeting for November 14, 2013, of the
12 Planning Commission will please come to order. I welcome you all here with us
13 tonight. Thank you for taking your time to be here this evening and to come join
14 us for this meeting. I'd like to ask that you mute or turn off your cell phones,
15 please, as a courtesy to others. And with that, please rise and pledge allegiance
16 to the flag.

17
18 Thank you. All of our commissioners are with us this evening. We do have
19 quorum and can conduct business. We are joined this year on the Planning
20 Commission by Mr. Glover, who is the supervisor from the Brookland District. He
21 is here as well. He would like to have it noted for the record that he will not vote
22 on these cases as they will—after the disposition at the Planning Commission—
23 come forward to the Board of Supervisors.

24
25 Mr. Glover - Thank you.
26

27 Mrs. Jones - Can you all hear us all right? Okay. All right. With that,
28 I would like to see—do we have members of the media with us tonight? I don't
29 believe we do. So, I will turn the meeting over to our secretary, Mr. Emerson.

30
31 Mr. Emerson - Thank you, Madam Chair. First on your agenda
32 tonight are the requests for withdrawals and deferrals. Those will be presented
33 by Mr. Jim Strauss.

34
35 Mr. Strauss - Thank you, Mr. Secretary. We have two requests for
36 deferrals this evening. The first one is in the Three Chopt District on page two of
37 the agenda. That's REZ2013-00015, Kain Road Incorporated. The applicant is
38 requesting a deferral to the December 5, 2013 meeting.

39
40 **(Deferred from the September 12, 2013 Meeting)**
41 **REZ2013-00015 dAb Engineering Services for Kain Road, Inc.:**
42 Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family
43 Residence District (Conditional) Parcel 738-767-2794 containing 7.45 acres
44 located on the north line of Kain Road approximately 1,100' west of its
45 intersection with Pouncey Tract Road (State Route 271). The applicant proposes
46 a single-family residential development not to exceed 18 units. The R-3 district
47 allows a minimum lot size of 11,000 square feet and a maximum gross density of
48 3.96 units per acre. The use will be controlled by proffered conditions and zoning
49 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
50 Mixed-Use.

51
52 Mrs. Jones - Is anyone here tonight who objects to the deferral of
53 REZ2013-00015, dAb Engineering Services for Kain Road, Inc.? There are no
54 objections.

55
56 Mr. Branin - Madam Chair, I would like to move that REZ2013-
57 00015, dAb Engineering Services for Kain Road, Inc., be deferred to the
58 December 5th meeting per the applicant's request.

59
60 Mr. Archer - Second.

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

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65 At the request of the applicant, the Planning Commission deferred REZ2013-
66 00015, dAb Engineering Services for Kain Road, Inc., to its meeting on
67 December 5, 2013.

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69 Mr. Strauss - Our second request for deferral this evening is in the
70 Brookland District. It's on page three of the agenda. This is REZ2013-00002,
71 Yunus Vohra. The applicant is requesting a deferral to the January 9, 2014
72 meeting.

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(Deferred from the September 12, 2013 Meeting)

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

Mrs. Jones - Is there opposition to the deferral of REZ2013-00002, Cameron Palmore for Yunus Vohra? Ma'am, are you in opposition to the deferral of this case?

Mrs. Dina Brower - [Speaking off microphone.] No, but I would like to ask why it's being deferred.

Mrs. Jones - Just a moment, please.

Mr. Witte - Have her come here.

Mrs. Jones - Ma'am, if you would like to come to the podium, please, ok, if you have a comment about this case so that we can hear you.

Mrs. Dina Brower - I'm not objecting to the deferral; I'm just wondering why is it, because I think this is the second deferral. Is that—

Mr. Witte - Yes.

Mrs. Dina Brower - I just was curious as to why we're doing that.

Mr. Emerson - Yes ma'am. The item is being deferred by the applicant at staff's request while they try to resolve some issues regarding some easements and other things across the property.

Mrs. Dina Brower - Will this be able to just keep being deferred into infinity?

Mr. Emerson - We would like to have that resolved prior to the Commission taking action on the item. Hopefully, that will be resolved in the next three to four months.

119 Mrs. Dina Brower - So it could be deferred again.
120
121 Mr. Emerson - Possibly.
122
123 Mrs. Jones - Ma'am, each deferral has a deferral date. This is
124 requested to be deferred to January 9th of 2014.
125
126 Mrs. Dina Brower - But it would be possible for it to be deferred another
127 time.
128
129 Mrs. Jones - That is correct.
130
131 Mrs. Dina Brower - How many times can it be deferred?
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133 Mrs. Jones - Well, it depends on whether it's a Commission
134 deferral or an applicant deferral. Do you want to go into that?
135
136 Mr. Emerson - The applicant could request deferrals as many times
137 as they like if the Commission is willing to grant that deferral.
138
139 Mrs. Dina Brower - Okay, thank you.
140
141 Mr. Branin - Would you explain that if it is deferred again how she
142 can look it up to know so that she doesn't come and have to go home?
143
144 Mr. Emerson - The deferrals sometimes come to us at the last
145 minute, but certainly you can check with staff. And if you'd like to leave your
146 name with Mr. Strauss, if another deferral occurs we can call and let you know.
147
148 Mrs. Dina Brower - Okay, thank you very much.
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150 Mr. Branin - Just so you don't have to come out time and time
151 again.
152
153 Mrs. Dina Brower - Yes, I appreciate that. Yes. Thank you.
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155 Mr. Branin - It's Mr. Strauss there.
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157 Mrs. Jones - Are there any other requests? Excuse me. Is there
158 anyone else in opposition to the deferral of this case? All right.
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160 Mr. Witte - All right. Madam Chair, I move deferral of REZ2013-
161 00002, Cameron Palmore for Yunus Vohra, to the January 9, 2014 meeting at
162 the request of the applicant.
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164 Mr. Leabough - Second.

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

At the request of the applicant, the Planning Commission deferred REZ2013-00002, Cameron Palmore for Yunus Vohra, to its meeting on January 9, 2014.

Mr. Emerson - Madam Chair, next on your agenda are requests for expedited items, and there are none of those this evening. That takes us into your regular agenda. This item was deferred from your October 23, 2013 meeting.

(Deferred from the October 23, 2013 Meeting)

PLAN OF DEVELOPMENT

POD2013-00103 West Broad Hyundai – Car Storage Addition – 9001 W. Broad Street (U.S. Route 250) (POD-97-93 Rev.)	E.D. Lewis and Associates, P.C. for Page Broad Street, LC and Page Imports, LC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a car storage and display lot at an existing car dealership. The 5.5-acre site is located at the southwest corner of the intersection of W. Broad Street (U.S. Route 250), and Homeview Drive, on parcel 759-755-0982. The zoning is B-3C, Business District (Conditional), and B-3, Business District. County water and sewer. (Three Chopt)
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Mrs. Jones - Good evening, Mr. Garrison.

Mr. Garrison - Good evening.

Mrs. Jones - Is anyone here in opposition to POD2013-00103, West Broad Hyundai – Car Storage Addition? There is no opposition.

Mr. Garrison - The applicant is requesting approval for a car storage lot at the existing West Broad Hyundai car dealership. This POD was deferred from last month's Planning Commission meeting due to some zoning violations that were noted on the site. Staff visited the site on the preparation day of this agenda, as well as today, and found that the zoning violations have been corrected. With this, staff can recommend approval subject to the annotations on the plans, standard conditions for developments of this type, and additional conditions 29 through 31 listed on your agenda.

Mrs. Jones - Are there questions for Mr. Garrison?

199 Mr. Branin - I have one. Mr. Garrison, it was explained to the
200 owner of West Broad Hyundai our rules and regulations on parking in buffer
201 zones and so forth?

202
203 Mr. Garrison - Yes sir, it was.

204
205 Mr. Branin - And he's been notified that after this is approved it still
206 will not be tolerated?

207
208 Mr. Garrison - Yes sir, he was.

209
210 Mr. Branin - And we will be doing spot checks?

211
212 Mr. Garrison - Yes sir. He's aware of that.

213
214 Mr. Glover - Madam Chairman, I will say that on Sunday morning
215 when I went to church, they had six cars parked in the landscaping area. And
216 when I came back, they were not there. So they're still parking them in there.
217 There's twenty-eight feet from the cars that are parked in the lot itself and the
218 curb. And from the landscaping to the curb there is six and a half feet. They have
219 thirty-four and a half feet. If he wants to have a rezoning case, and the Planning
220 Commission agrees to it, and put something in there—put some concrete pads in
221 there to park on. But don't park in the—as a matter of fact, if you'd like to see
222 how they park, they're parked in the right-of-way here. This is the aerial. If they'd
223 like to rezone and take up some of that twenty-eight feet, because that's valuable
224 space on Broad Street and I'm not against it, Mr. Branin. But right now it does not
225 meet the zoning ordinance because C-61C-86 has some conditions on it that
226 they don't meet.

227
228 Mr. Emerson - Mr. Glover, we have brought the violations to the
229 attention of Community Maintenance, and they are making a sweep of Broad
230 Street in regards to this issue. I'll go ahead and pass along the continued
231 violation to them.

232
233 Mr. Glover - I'd like to see them just rezone it and take advantage
234 of that twenty-eight feet. That's a lot of valuable space on Broad Street if he
235 wants to park cars in it. Just put a cement or concrete pad there and park cars on
236 the pad. I've forgotten where I've seen that, but they put one pad and one car on
237 top of that pad, and another pad and a car, and another pad and a car. If he'd
238 like to do that, take advantage of it.

239
240 Mr. Branin - I've seen that in other places as well, Mr. Glover. I
241 don't think anyone has taken advantage of that in Henrico on Broad Street, I
242 don't believe.

243

244 Mr. Glover - When you ride by and see where the cars are parked,
245 the grass is yellow. And I don't care that they park there as long as they have a
246 place that they designate where they want to park it.

247
248 Mr. Branin - And I never even thought of that recommendation. I
249 have another car lot in the district that is about to redo their landscaping plan, so
250 I'm going get staff to recommend—

251
252 Mr. Glover - I've forgotten where I've seen it, Mr. Branin, but it's
253 pretty neat. They just put a round pad of concrete and then park a car on it.

254
255 Mr. Branin - Could be a rectangle or square too.

256
257 Mr. Glover - Well, if you want to do that; I don't care. Rectangular,
258 round, square. You could do a triangle if you want to.

259
260 Mr. Glover - Mr. Garrison, if you could mention it to Mr. Page, and
261 if you could also get me Mr. Page's number.

262
263 Mr. Garrison - Yes sir.

264
265 Mr. Branin - Thank you. I have no further questions.

266
267 Mrs. Jones - Would you like to hear from the applicant?

268
269 Mr. Branin - I don't think it's necessary.

270
271 Mrs. Jones - Are there any other questions from the Commission?

272
273 Mr. Branin - Okay. Then, Madam Chair, I'd like to move that
274 POD2013-00103, West Broad Hyundai – Car Storage Addition, move forward
275 with approval with the annotations on the plans, standard conditions for
276 developments of this type, and the following additional conditions 29 through 31.

277
278 Mr. Witte - Second.

279
280 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Witte. All in
281 favor say aye. All opposed say no. The ayes have it; the motion passes.

282
283 The Planning Commission approved POD2013-00103, West Broad Hyundai –
284 Car Storage Addition, subject to the annotations on the plans, the standard
285 conditions attached to these minutes for developments of this type, and the
286 following additional conditions:

287
288 29. The proffers approved as a part of zoning case C-61C-86 shall be
289 incorporated in this approval.

290 30. The owners shall not begin clearing of the site until the following
291 conditions have been met:

292

293 (a) The site engineer shall conspicuously illustrate on the plan of
294 development or subdivision construction plan and the Erosion and
295 Sediment Control Plan, the limits of the areas to be cleared and the
296 methods of protecting the required buffer areas. The location of
297 utility lines, drainage structures and easements shall be shown.

298 (b) After the Erosion and Sediment Control Plan has been approved
299 but prior to any clearing or grading operations of the site, the owner
300 shall have the limits of clearing delineated with approved methods
301 such as flagging, silt fencing or temporary fencing.

302 (c) The site engineer shall certify in writing to the owner that the limits
303 of clearing have been staked in accordance with the approved
304 plans. A copy of this letter shall be sent to the Department of
305 Planning and the Department of Public Works.

306 (d) The owner shall be responsible for the protection of the buffer
307 areas and for replanting and/or supplemental planting and other
308 necessary improvements to the buffer as may be appropriate or
309 required to correct problems. The details shall be included on the
310 landscape plans for approval.

311 31. The right-of-way for widening of W. Broad Street (U.S. Route 250) and
312 Homeview Drive, as shown on approved plans shall be dedicated to the
313 County prior to any occupancy permits being issued. The right-of-way
314 dedication plat and any other required information shall be submitted to
315 the County Real Property Agent at least sixty (60) days prior to requesting
316 occupancy permits.

317

318 **REZ2013-00017 Chris Wallace for James Roe, Jr.:** Request to
319 conditionally rezone from O-1 Office District to B-1C Business District
320 (Conditional) Parcel 760-754-8754 containing .749 acres located on the west line
321 of Skipwith Road approximately 540' south of its intersection with W. Broad
322 Street (U.S. Route 250). The applicant proposes a beauty salon and office uses.
323 The uses will be controlled by proffered conditions and zoning ordinance
324 regulations. The 2026 Comprehensive Plan recommends Office. The staff report
325 will be presented by Mrs. Lisa Blankinship.

326

327 Mrs. Jones - Good evening.

328

329 Ms. Blankinship - Good evening.

330

331 Mrs. Jones - Is anyone with us tonight in opposition to REZ2013-
332 00017, Chris Wallace for James Roe, Jr.? There is no opposition.

333

334 Ms. Blankinship - Good evening. This is a request to conditionally
335 rezone .749 acres from O-1 to B-1C to allow a beauty salon in addition to office

336 uses at an existing office building. The beauty salon use may also include
337 accessory uses such as skincare, body treatments, nail care, and other services
338 customarily offered at a spa or beauty facility. These uses are first allowed in the
339 B-1 district.

340

341 The existing 6,059 square foot building was constructed in 1976. The applicant
342 has indicated a portion of the building will be used for salon uses while permitting
343 existing medical offices to continue their operation.

344

345 The applicant has submitted proffers that would further regulate the site. These
346 proffers are largely consistent and compatible with surrounding commercial uses
347 and address:

348

- 349 • Prohibited Uses
- 350 • Hours of Operation
- 351 • Architectural Treatment
- 352 • Signage
- 353 • Access
- 354 • Parking lot lighting
- 355 • Screening of HVAC Equipment, and
- 356 • Building Height

357

358 The 2026 Comprehensive Plan recommends Office for this site. This request
359 would not be entirely consistent with this designation. However, the proffers
360 would limit the uses to those permitted in the O-1 district and a beauty salon
361 would be the only B-1 use permitted. A beauty salon is typically a low-impact use
362 with minimal negative impacts. Similar uses exist in the vicinity, and the county's
363 traffic engineer has indicated that the trips generated from this use would be the
364 same as an office use of the same size. For these reasons, staff supports this
365 request.

366

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

368

369 Mrs. Jones - Questions for Ms. Blankinship? None? Okay.

370

371 Mr. Branin - Madam Chair, I'd like to move that REZ2013-00017,
372 Chris Wallace for James Roe, Jr., move forward to the Board with a
373 recommendation for approval.

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375 Mr. Leabough - Second.

376

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

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380 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
381 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend

382 the Board of Supervisors grant the request because the proffered conditions will
383 assure a level of development otherwise not possible and it is reasonable in light
384 of the business zoning in the area.

385

386 **REZ2013-00018 James W. Theobald for Virginia Home for Boys &**
387 **Girls:** Request to conditionally rezone from R-6C General Residence District
388 (Conditional) to B-3C Business District (Conditional) Parcel 759-757-9050
389 containing 5.338 acres located on the north and south lines of Homeview Drive
390 approximately 975' north of its intersection with W. Broad Street (U.S. Route
391 250). The applicant proposes a vehicle storage lot. The use will be controlled by
392 proffered conditions and zoning ordinance regulations. The 2026 Comprehensive
393 Plan recommends Semi-Public. The staff report will be presented by Mr. Ben
394 Sehl.

395

396 Mrs. Jones - Good evening, Mr. Sehl. Is anyone with us tonight in
397 opposition to REZ2013-00018, James W. Theobald for Virginia Home for Boys &
398 Girls? There is no opposition.

399

400 Mr. Sehl - Thank you, Madam Chair.

401

402 This is a request to allow a storage lot for new vehicles on the two existing
403 parking lots shown on this aerial photograph. The property is owned by the
404 Virginia Home for Boys and Girls, located just to the east of the existing lots at
405 the end of Homeview Drive. The lots were previously used as overflow parking
406 for West Tower Cinemas, located just to the west.

407

408 Although the site is currently zoned R-6C and has been used for a number of
409 years as a parking lot, the proposed vehicle storage lot for new cars is first
410 permitted in the B-3 district, giving rise to this request. Adjacent property to the
411 south is zoned B-3, as are a number of new and used car dealerships located
412 along West Broad Street in the vicinity.

413

414 As part of the rezoning request, the applicant has submitted a number of proffers
415 that would regulate the site. These proffers limit the use of the site to the
416 proposed storage lot on the existing parking lots as they are constructed now, or
417 as a charitable institution for human care should the Boys Home expand onto the
418 property. Other proffers address parking lot lighting, hours of delivery for the
419 vehicles, and fencing and buffers. The applicant has committed to retaining
420 existing fencing that borders the subject site, including a masonry wall located to
421 the north of the site in this location that provides protection for adjacent residents.

422

423 The applicant has also committed to constructing a new wrought-iron style fence
424 with masonry piers as shown on this proffered exhibit. This new fence should
425 enhance the appearance of the existing parking lots from Homeview Drive in
426 addition to providing additional security for the proposed use.

427

428 While the requested zoning and use are not entirely consistent with the site's
429 semi-public designation on the 2026 Plan, the proffered conditions ensure that
430 this request would not eliminate the future expansion of the Boys Home in the
431 same way as a business zoning allowing for new construction of retail buildings.
432 For this reason, and because the proposed use is largely consistent with the
433 site's previous use as an overflow parking lot, staff believes the request could be
434 appropriate.

435

436 Therefore, staff recommends approval, and this concludes my presentation. I will
437 be happy to answer any questions you might have.

438

439 Mrs. Jones - Questions?

440

441 Mr. Witte - Mr. Sehl, on the first amended and restated proffered
442 conditions, number one, uses? The last five or six words—"Use as accessory or
443 incidental thereto." What exactly does that mean? What does that reference?

444

445 Mr. Sehl - Mr. Witte, the Boys Home, as you can see from the
446 aerial photograph, has a number of items such as recreational facilities, those
447 types of things that are not strictly related to the buildings constructed on the site.
448 That's what that refers to.

449

450 Mr. Witte - Okay. So this just refers to uses by the Virginia Home
451 for Boys and Girls.

452

453 Mr. Sehl - That is the intent of that proffer, yes sir. The applicant
454 is also here to speak to that, if you would like.

455

456 Mr. Witte - All right. Thank you.

457

458 Mrs. Jones - Other questions for Mr. Sehl? Would you like to hear
459 from the applicant?

460

461 Mr. Witte - Yes, please.

462

463 Mrs. Jones - All right.

464

465 Mr. Theobald - If I could get my PowerPoint, thank you. Thank you.
466 Good evening, Madam Chair, gentlemen. My name is Jim Theobald, and I'm
467 here this evening on behalf of the Virginia Home for Boys and Girls.

468

469 They own these two lots. They used to be used for overflow parking for the
470 theaters. I remember being here one night long ago when those parking lots
471 were approved. They have not been used for the theaters for quite some time,
472 and the Home for Boys owns the property. We're dealing with just these two
473 lots—the one here north of Homeview Drive and this next one here. This one

474 further to the south is owned by someone else. They've entered into an
475 agreement with the BMW owner to lease these lots for storage of vehicles. And
476 as such, it provides a nice income stream for the Home for Boys and Girls, and it
477 allows them to pursue their mission while essentially continuing to use the site
478 exactly they way they were intended to, although with a lot less transient-type
479 traffic.

480

481 We have met with staff and Mr. Witte on site to take a look and walk the edges to
482 see where the existing landscaping appears. You all did a good job long ago with
483 this case. There's a fifty-foot buffer against this neighborhood. You'll note the
484 property line is here, fifty feet before you get to the masonry wall. So quite a
485 distance in here before you get to the lot. We've basically said we're leaving the
486 lots just the way they are. We do need to come back in and resubmit a landscape
487 plan to sort of brush up the landscaping in there and also to get an alternate
488 fence height exception for the wrought iron-appearing fence that you see shown
489 here that would be installed along the road frontage to both dress it up and
490 provide additional security with gates that will keep that facility secure.

491

492 The proffered conditions, we've limited the use to only automobile storage and,
493 again, for the Virginia Home for Boys and Girls. And you're correct in that that
494 language about accessory uses only applies to the Home for Boys and Girls, as
495 they do have playing fields and some ancillary type functions that are performed
496 there.

497

498 The parking lot lighting, we're going to basically keep it the way it is. If we ever
499 have to replace those poles, we'll reduce the height further. I've spoken to some
500 residents and apparently the lighting has not been an issue based on the work
501 that was done previously in the case. In fact, after the theaters left, the lights
502 were turn off, and they asked that they be turned back on for nighttime
503 protection, which they have been.

504

505 We've limited the hours of vehicle deliveries to Monday through Saturday
506 between 8 a.m. and 6 p.m. Nothing on Sundays. That existing masonry wall and
507 all the fencing and landscaping remain just the way they are. We've proffered the
508 conceptual plan that you saw with the wrought iron-appearing fencing with brick
509 columns. That fifty-foot buffer next to the neighborhood also remains.

510

511 So we've tried to make sure we've anticipated any potential impacts. I could
512 suggest to you that this is less of an impact than what the two lots were
513 previously used for. We've worked with staff and Mr. Witte to assure that we're
514 doing the right thing out there.

515

516 There is security. BMW provides off-duty Henrico policemen between 10 p.m.
517 and 6 a.m. to patrol their existing storage lots, and dealership. And this will be
518 added to the list, so an additional level of security.

519

520 I'd be happy to answer any questions that you might have.

521

522 Mr. Witte - Mr. Theobald, I think you already answered my
523 question before I asked it. I just wanted to make sure you are aware that you
524 need a new landscape plan because you're adding the additional fencing.

525

526 Mr. Theobald - We are aware of that and we'll be bringing it back to
527 you.

528

529 Mr. Witte - Okay. Thank you.

530

531 Mr. Leabough - One quick question. Fully operative. Does that
532 exclude damaged vehicles in terms of vehicles that have body damage but—

533

534 Mr. Theobald - This is just for cars that are being held in inventory for
535 sale. If somebody wants to see a blue 325, then they take it to the dealership.
536 Folks don't come here. I've been asked to clarify that before we go to the Board.
537 We don't want customers over there. The thing is locked. So if somebody wants
538 to see a car, they would have to go dig it out and bring it over.

539

540 Mrs. Jones - Is that answer good?

541

542 Mr. Leabough - I guess.

543

544 Mrs. Jones - Other questions?

545

546 Mr. Theobald - Thank you.

547

548 Mrs. Jones - All right. Thank you, Mr. Theobald. Are there any
549 other questions or comments? No.

550

551 Mr. Witte - No, okay. All right, Madam Chair, I move that
552 REZ2013, James W. Theobald for Virginia Home for Boys & Girls, move to the
553 Board of Supervisors with a recommendation for approval as presented.

554

555 Mr. Leabough - Second.

556

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

559

560 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
561 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
562 the Board of Supervisors **grant** the request because it would be in keeping with
563 the existing use and business zoning in the area and the proffered conditions
564 should minimize the potential impacts on surrounding land uses.

565

566 **PUP2013-00013** **Gloria L. Freye, Esquire for Zoës Kitchen: Request**
567 **for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of**
568 **Chapter 24 of the County Code in order to allow outdoor dining for a proposed**
569 **restaurant (Zoës Kitchen) on part of Parcel 773-736-2198 located approximately**
570 **1,020' south of the intersection of W. Broad Street (U.S. Route 250) and Willow**
571 **Lawn Drive. The existing zoning is B-2 Business District. The 2026**
572 **Comprehensive Plan recommends Commercial Concentration. The site is**
573 **located in the Enterprise Zone. The staff report will be presented by Mr. Dave**
574 **Conmy.**

575
576 **Mrs. Jones -** **Is there anyone here tonight in opposition to**
577 **PUP2013-00013, Gloria L. Freye, Esquire for Zoës Kitchen? There is no**
578 **opposition. Good evening, Mr. Conmy.**

579
580 **Mr. Conmy -** **Good evening, Madam Chair. Thank you.**

581
582 **This is a Provisional Use Permit request to allow outdoor dining for Zoës Kitchen,**
583 **a new 2,929-square-foot restaurant proposed in The Shops at Willow Lawn.**

584
585 **The proposed location is zoned B-2 Business District, as are all other portions of**
586 **the shopping center. The site is part of the Enterprise Zone, and the 2026**
587 **Comprehensive Plan recommends Commercial Concentration.**

588
589 **As shown in this rendering, the applicant proposes an outdoor dining area, which**
590 **would be partially created by shifting several exterior walls inward. The outdoor**
591 **dining area would occupy approximately 498 square feet with forty seats and**
592 **would be enclosed by a four-foot high steel railing. Approximately 403 square**
593 **feet of the outdoor area would be covered by an awning. A retractable storefront**
594 **on the western side of the building would allow for additional exposure for the**
595 **outdoor dining area. The outdoor dining area would be elevated above the**
596 **existing grade by up to three feet to be level with the interior restaurant floor**
597 **space. There is an existing dumpster near the western side of the proposed**
598 **restaurant. This would be enclosed by a new wall and doors compatible to**
599 **existing conditions and materials of the building.**

600
601 **On the handout just distributed, Condition #14 has been added to provide**
602 **assurances so the outdoor dining area cannot open and operate prior to the**
603 **opening of the indoor portion of the restaurant. Also, Condition #12 has been**
604 **revised to place any proposed fire pits and other outdoor heating devices under**
605 **administrative plan review by the director of Planning. Recommended design**
606 **features for outdoor heating devices have been inserted into the case file to**
607 **serve as a reference if these features are proposed at a later date.**

608
609 **Similar to other recent outdoor dining cases, if properly regulated, staff believes**
610 **this request would be compatible with adjacent uses, would be an appropriate**

611 extension of the restaurant's services, and would complement the continued
612 redevelopment of this area.

613

614 This concludes my presentation. I am happy to answer any questions you may
615 have.

616

617 Mrs. Jones - Questions?

618

619 Mr. Witte - I have none at this time.

620

621 Mrs. Jones - I must admit it took me a while to figure out what they
622 were doing until I realized the walls were going [unintelligible]. All right. Anybody
623 have a comment or?

624

625 Mr. Witte - I'd like to hear from the applicant.

626

627 Mrs. Jones - If you want to do that, that would be fine. Thank you,
628 Mr. Conmy.

629

630 Mr. Conmy - Thank you.

631

632 Ms. Freye - Good evening, Madam Chair, members of the
633 Commission. My name is Gloria Freye. I'm attorney with McGuire Woods here on
634 behalf of Zoës Kitchen. Also here this evening is Ann Marie Tussey. She's the
635 director of Real Estate for Zoës Kitchen. Their headquarters is in Birmingham,
636 Alabama, but she is from their Texas office. She's very familiar with this area.
637 She is actually from Williamsburg, and she used to work with Circuit City here for
638 six years. So she's real familiar with this area, and she's real excited by Zoës
639 coming to Richmond and coming to Willow Lawn to be part of this shopping
640 center that's really taking off and doing so well.

641

642 There are about a hundred Zoës Kitchen in their chain. The closest one to this
643 area right now that's open is in Woodbridge, but they're planning thirty new
644 restaurants on 2014. So in the spring, they'll have the new Zoës in Williamsburg
645 and Charlottesville—and where's the other one? Lynchburg. Okay. So they're
646 doing well. They're very happy to be here.

647

648 As Mr. Conmy explained, Zoës is requesting a provisional use permit for the
649 outside dining area. It is actually being carved out of that corner of the building,
650 the southwest corner of the old Miller & Rhoads building. So most of that area is
651 going to be under cover of the second floor of the Miller & Rhoads building.
652 Having Zoës in that corner of the building I think is a very creative use of that
653 space, and it does help fill out that establishment of the restaurant row that's
654 coming in there. And I think it'll be a good complement.

655

656 Zoës has reviewed all the conditions. They're in agreement with them, including
657 the changes that were made today and the additional condition.

658
659 We'll be glad to answer any questions. We're not aware of any opposition. We do
660 ask that you do recommend approval.

661
662 Mrs. Jones - Thank you, Ms. Freye. Questions?

663
664 Mr. Witte - I have a question. What type of food do they serve?

665
666 Ms. Freye - They really focus on Mediterranean-inspired dishes.
667 It's a lot of fresh soups, fresh salads, and sandwiches. Pita sandwiches. Humus,
668 chips.

669
670 Mr. Witte - Health food.

671
672 Ms. Freye - Very healthy food, yes sir.

673
674 Mr. Witte - Okay.

675
676 Ms. Freye - Zoës in Greek means *life*.

677
678 Mr. Witte - Okay.

679
680 Ms. Freye - So a healthy lifestyle goes with that.

681
682 Mr. Witte - Thank you.

683
684 Mr. Branin - Ms. Freye, is this going to be the only one that they're
685 going to put in the Richmond Metro area?

686
687 Ms. Freye - For the time being I think so.

688
689 Ms. Tussey - [Speaking off microphone; inaudible.]

690
691 Mr. Branin - Ms. Freye, she can't speak unless she's at the
692 microphone.

693
694 Ms. Tussey - Good evening. It'll be one of four that we're planning
695 to open in the Richmond market. We'll open Willow Lawn first. That'll be our first
696 entrance into the market. Our second one will be out in Short Pump. And then
697 we're looking on the south side as well.

698
699 Mr. Witte - I'm not sure if Short Pump would be a good fit.

700
701 Ms. Tussey - That's why we chose Willow Lawn first.

702
703 Mrs. Jones - Uh-oh.
704
705 Mr. Branin - You can scratch Short Pump off your list.
706
707 Mrs. Jones - Other questions for Ms. Freye or for the applicant?
708 No? Mr. Witte?
709
710 Mr. Witte - Madam Chair, I move approval of PUP2013-00013,
711 Gloria L. Freye, Esquire for Zoës Kitchen, to move to the Board of Supervisors
712 with a recommendation for approval as presented.
713
714 Mrs. Jones - All right. I have a motion by Mr. Witte, second by Mr.
715 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
716 passes.
717
718 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
719 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
720 Board of Supervisors **grant** the request because it would provide added services
721 to the community, and properly regulated, is compatible with the surrounding
722 uses and existing zoning on the property.
723
724 **PUP2013-00014** **Garrett Hogan for Travinia Italian Kitchen:** Request
725 for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
726 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
727 restaurant (Travinia Italian Kitchen) on part of Parcel 773-736-2198 located
728 approximately 1050' south of the intersection of W. Broad Street (U.S. Route
729 250) and Willow Lawn Drive. The existing zoning is B-2 Business District. The
730 2026 Comprehensive Plan recommends Commercial Concentration. The site is
731 located in the Enterprise Zone. The staff report will be presented by Mr. Dave
732 Conmy.
733
734 Mrs. Jones - Is anyone with us who is in opposition to PUP2013-
735 00014, Garrett Hogan for Travinia Italian Kitchen? There is no opposition.
736 Mr. Conmy, you are bringing some good food.
737
738 Mr. Conmy - Thank you very much.
739
740 Mrs. Jones - Thank you.
741
742 Mr. Conmy - Thank you Madam Chair.
743
744 This is a Provisional Use Permit request to allow outdoor dining for Travinia
745 Italian Kitchen, a new 6,500-square-foot restaurant proposed in The Shops at
746 Willow Lawn.
747

748 The proposed location is zoned B-2 Business District, as are all other portions of
749 the shopping center. The site is part of the Enterprise Zone, and the 2026
750 Comprehensive Plan recommends Commercial Concentration.

751

752 The applicant proposes an outdoor dining area divided into two spaces. The first
753 outdoor dining space would be at the eastern side of the building and would
754 contain 44 seats within a 672-square-foot area. The second of the two outdoor
755 dining areas would be a 12-seat, 230 square foot area on the southern side of
756 the building. Both outdoor dining areas would be enclosed by a black aluminum
757 wrought iron-style fence approximately thirty-seven inches in height. Portions of
758 both outdoor patio spaces would also be covered by an overhead canopy.

759

760 The applicant proposes several heating elements as features within the outdoor
761 dining area. Approximately four gas heaters and three 4-foot-by-6-foot
762 rectangular gas fire pits are shown in the floor plans. The gas heaters would be
763 securely fastened to the ground and contain a manual override switch. The
764 proposed fire pits would be surrounded by an eighteen-inch-tall black metal
765 screen fence with a wrought iron frame. Recommended design features for
766 outdoor heating devices have been inserted into the case file to serve as a
767 reference as these outdoor heating devices are reviewed prior to their
768 installation.

769

770 On the handout just distributed, Condition #14 has been added to provide
771 assurances so the outdoor dining area cannot open and operate prior to the
772 opening of the indoor portion of the restaurant.

773

774 Also, Condition #12 has been revised to place the design of fire pits and other
775 outdoor heating devices under administrative plan review by the director of
776 Planning.

777

778 Similar to other recent outdoor dining cases, if properly regulated, staff believes
779 this request would be compatible with adjacent uses, would be an appropriate
780 extension of the restaurant's services, and would complement the continued
781 redevelopment of this area.

782

783 This concludes my presentation. I am happy to answer any questions you may
784 have.

785

786 Mrs. Jones - Questions?

787

788 Mr. Witte - Mr. Conmy.

789

790 Mr. Conmy - Yes sir.

791

792 Mr. Witte - The gas heaters. We had discussed that they would
793 be a minimum of eight feet in height from the floor to the heating source, but I
794 didn't see anything in there. Has that been discussed?
795

796 Mr. Conmy - Yes sir, that has been discussed. And as I mentioned
797 in my presentation, with the recommended design features that have been
798 inserted into the case file, that is one of those elements that is listed. So that
799 would be reviewed.
800

801 Mr. Witte - Okay.
802

803 Mr. Emerson - Mr. Witte, it does require an administrative plan, so
804 we would check that and get back with you when that's submitted to make sure
805 that it meets all the criteria that you're looking for.
806

807 Mr. Witte - Great. As does the fire pit.
808

809 Mr. Emerson - Yes sir, absolutely.
810

811 Mr. Witte - Okay. Thank you.
812

813 Mr. Leabough - Would this not have to come back for POD?
814

815 Mr. Branin - No.
816

817 Mr. Leabough - No it wouldn't. So then there's no other approval other
818 than the administrative plan.
819

820 Mr. Emerson - Other than we place a condition on it requiring that we
821 have an administrative plan come back in. It's [unintelligible] with the building
822 permit otherwise.
823

824 Mr. Leabough - Okay. So then what would you be looking for in terms
825 of the design of the fire pit?
826

827 Mr. Emerson - We have some criteria that we've discussed with
828 Mr. Witte in order to enclose it to make sure that it's safe for the public.
829

830 Mr. Leabough - Okay. Thank you, sir.
831

832 Mrs. Jones - Mr. Witte, you bring your fire expertise with you.
833

834 Mr. Leabough - Things that we don't think about all the time, I'm sure.
835

836 Mr. Witte - I'd like to hear from the applicant.
837

838 Mrs. Jones - All right, that would be fine. Thank you, Mr. Conmy.
839
840 Mr. Witte - He made the trip. Might as well give him a chance to
841 put in his two cents.
842
843 Mr. Hogan - Thank you, Mr. Witte. My name is Garrett Hogan. I
844 am the director of Development for Travinia Italian Kitchen. We're a little bit
845 smaller than Zoë's. We have eleven stores at this time. We grow three to four per
846 year. Don't like to open more than one per quarter. We think that might adversely
847 impact operations. So we're growing, but we're trying to do it very carefully. We
848 have stores in Leesburg, Virginia, Woodbridge, Virginia, Charlottesville. And the
849 store after Willow Lawn will be in Newport News. Then we have leases signed
850 after that in Dayton, Ohio. And we're looking at Columbus, Ohio, Cleveland, and
851 Philadelphia suburbs right now.
852
853 The owner likes to say that Travinia is Italian the way that P. F. Chang's is
854 Chinese. And I think that's a pretty good comparison. It's not traditional Italian the
855 way that say a Maggiano's might be. It's updated recipes, more updated, modern
856 interior. So it appeals to families in the evenings. It also appeals to business
857 people for lunches. We have a great reputation. The ownership plans to be up
858 here for the Board of Supervisors' meeting.
859
860 We typically pick a local charity to support, usually having to do with children. I'll
861 have to let them know about the earlier applicant. The two majority owners
862 started a golf tournament about eighteen years ago to raise funds in Greenville,
863 South Carolina, where they're headquartered, to just try and raise money for a local
864 children's charity. They raised a little over a thousand dollars. After the golf
865 tournament four weeks ago, to date they've raised over 1.8 million dollars for
866 those charities. It's grown to quite an event down in Greenville. This one event,
867 after expenses, they expect to raise over 300,000 dollars. So they try very hard
868 to be good neighbors of the community, to be involved in the community.
869
870 Typically, employ plus or minus sixty people. It is a full-service, sit-down
871 restaurant. Primarily food, the vast majority of their sales. Eight percent or more
872 is in food. So it is a restaurant.
873
874 If you have any questions, I'd be very happy to answer them.
875
876 Mrs. Jones - Thank you, Mr. Hogan.
877
878 Mr. Witte - I have none.
879
880 Mr. Glover - Do you have Sunday brunch?
881
882 Mr. Hogan - I don't think we have a Sunday brunch, but we do
883 have a real good small plate menu that a lot of people use for that.

884

885 Mr. Branin - How many locations do you have in Greenville?
886

887 Mr. Hogan - We have the one in Greenville. These guys have
888 been in the restaurant business for over eighteen years. They started off doing
889 steakhouses when they noticed when Outback opened Carrabba's. They say
890 they like to watch what the smart people do. And they opened the first Travinia in
891 Greenville. It did very well. You have much better control of your food costs with
892 pasta and chicken primarily then you do with streak primarily. So they really
893 stopped growing the Arizona Steakhouse brand that they had. And recently I
894 brought Steakhouse and Saloon in to by three of those, so they focus on the
895 Travinia brand going forward.
896

897 So they have the original one in Greenville, South Carolina. And the older legacy
898 stores are in Columbia, Myrtle Beach, and Lexington, South Carolina. Then the
899 newer prototypes are in Aiken, Ashville, I mentioned Leesburg, Woodbridge,
900 Charlottesville, Morrisville, which is actually an Raleigh suburb. And we just
901 opened in Sandestin, Florida, up on the panhandle of Florida.
902

903 Mr. Branin - Thank you.
904

905 Mr. Leabough - Where are you located in Greenville?
906

907 Mr. Hogan - In Greenville, South Carolina? On Woodbridge Road.
908

909 Mr. Glover - Right next to Robert Jones.
910

911 Mr. Hogan - Pardon me?
912

913 Mr. Glover - Right next to Robert Jones University?
914

915 Mr. Hogan - That's actually a little bit further north in Greenville.
916 We're more on the south side of Greenville towards Simpsonville. Just outside of
917 385 about maybe a half a mile past the Bone Fish, if you're familiar with that, on
918 the left. There's a change, though that they're going to get rid of that one and
919 rebuild and do a newer one in Greenville. There's a lot of development going on
920 towards the old Greenville Mall. We've talked to some people about possibility
921 starting over again with a new prototype there.
922

923 Mr. Leabough - Thank you.
924

925 Mr. Witte - I have no questions.
926

927 Mrs. Jones - Well, you'll only have to go to Willow Lawn.
928

929 Mr. Glover - Madam Chairman, when do you all expect to have it
930 open, if you got approved?
931
932 Mrs. Jones - Mr. Hogan, I'm sorry; I'm going to have to ask you to
933 come back.
934
935 Mr. Glover - Within the next year, if you get it approved, when do
936 you expect to open it?
937
938 Mr. Hogan - We will be open April 1st. We're in for permitting, so
939 we have to, of course, get that done and everything. And we should have plenty
940 of time to get it open. Being in an existing building, there is certain work that's
941 already done. By our lease, we need to be open by April 1st, and we want it open
942 quicker than that, if we can do that.
943
944 Mr. Glover - Good. Thank you.
945
946 Mrs. Jones - Okay.
947
948 Mr. Hogan - Okay. Anything else? Thanks.
949
950 Mrs. Jones - Thank you. Mr. Witte, it's yours.
951
952 Mr. Witte - Madam Chair, I move that PUP2013-00014, Garrett
953 Hogan for Travinia Italian Kitchen, move to the Board of Supervisors with a
954 recommendation for approval as presented with conditions 1 through 14 dated
955 11/14/2013.
956
957 Mr. Leabough - Second.
958
959 Mrs. Jones - Motion by Mr. Witte, seconded by Mr. Leabough. All
960 in favor say aye. All opposed say no. The ayes have it; the motion passes.
961
962 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
963 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
964 the Board of Supervisors grant the request because it would provide added
965 services to the community, and properly regulated, is compatible with the
966 surrounding uses and existing zoning on the property.
967
968 Mr. Branin - If I may make a comment. I'd like to compliment our
969 neighbors to the east from the Three Chopt District and the Brookland District for
970 taking a landmark shopping center that has aged, and it's gone through three
971 different renovations to keep up with the times, and taking something that's old
972 and breathing new life into it and doing a fine job. So I'd like to compliment the
973 Brookland District for that.
974

975 Mr. Glover - Thank you, sir.

976
977 Mrs. Jones - All right, so noted.

978
979 **REZ2013-00019 James W. Theobald for Womack Properties III,**
980 **LLC:** Request to amend proffered conditions accepted with Rezoning Case C-
981 23C-98 on Parcel 784-766-3463 located on the north line of Francis Road
982 approximately 320' east of Brook Road (U.S. Route 1). The applicant proposes to
983 amend proffers related to prohibited uses, buffers, building setbacks, building
984 height, total square footage of buildings, vehicular drive restrictions, access
985 roads, adjacent property access, exterior materials, covenants, rooftop
986 screening, parking lot lighting, underground utilities, security alarms, detached
987 signage, dumpsters, parking lot cleaning, plan of development, Old Francis Road
988 dedication, and severance. The existing zoning is O-2C Office District
989 (Conditional). The 2026 Comprehensive Plan recommends Office. The staff
990 report will be presented by Mrs. Lisa Blankinship.

991
992 Mrs. Jones - Is there anyone here in opposition to REZ2013-
993 00019, James W. Theobald for Womack Properties III, LLC.? No opposition.
994 Good evening again, Ms. Blankinship.

995
996 Ms. Blankinship - Good evening. This is a request to amend proffers
997 accepted with rezoning case C-23C-98. The site is zoned O-2C and was part of a
998 larger 7.7 acre parcel rezoned in 1998 to allow for a 60,000-square-foot office
999 development that was never constructed.

1000
1001 The applicant has indicated the primary reason for this request is to eliminate
1002 proffers requiring a sixty-five-foot landscape buffer and a sixty-five-foot building
1003 setback line to allow for the redevelopment of the site with a two-story building
1004 that would be residential in character and used for classrooms and/or office
1005 space for the adjacent Bundle of Joy Day Care Center also owned by the
1006 applicant.

1007
1008 The remaining proposed amendments to the proffers are intended to update
1009 outdated proffer language and eliminate language that is no longer applicable.

1010
1011 While the proposed use is likely to be less intense than that proposed with the
1012 original rezoning case, staff is concerned that the complete elimination of a
1013 landscape buffer could negatively impact adjacent residential property owners as
1014 outlined in the staff report.

1015
1016 To address staff's concern, the applicant has submitted revised proffers, which
1017 have been handed out to you this evening. These revised proffers contain an
1018 additional proffer, Proffer #13, which commits to a fifteen-foot-wide landscaped
1019 buffer adjacent to Francis Road planted to essentially a TB 25 standard.

1020

1021 A community meeting was held on November 4, 2013. At that meeting, the
1022 applicant presented the conceptual plan you see here and indicated no
1023 architectural elevations of the proposed building were currently available.
1024 However, at the time of POD, architectural elevations would be provided.

1025

1026 Staff believes the proposed proffer amendments to C-23C-98 will not adversely
1027 affect the intent or implementation of the original proffers and will continue to
1028 provide a quality development with assurances of protection for adjacent property
1029 owners. Therefore, staff supports this request.

1030

1031 This concludes my presentation. I will be happy to answer any questions.

1032

1033 Mrs. Jones - Questions from the Commission? All right. How would
1034 you like to proceed with this, Mr. Archer?

1035

1036 Mr. Archer - Madam Chair, since we have some proffers that are
1037 pretty new, do these have to be approved tonight or are they early enough?

1038

1039 Ms. Blankinship - I'm sorry?

1040

1041 Mr. Archer - Do these proffers have to be approved tonight or are
1042 they early enough?

1043

1044 Ms. Blankinship - They were submitted prior to the time limit.

1045

1046 Mr. Archer - Okay. I have no questions, but in the event that
1047 somebody may have some, I'd like to ask Mr. Theobald if he'd come up and
1048 explain particularly Proffer #13, because I think he did a pretty good job.

1049

1050 Mrs. Jones - That would be fine.

1051

1052 Mr. Archer - And he knows I don't compliment him very often.
1053 Mr. Theobald, since you're here.

1054

1055 Mr. Theobald - Yes sir, Mr. Archer. Good evening, again. I'm Jim
1056 Theobald here on behalf on Womack Properties.

1057

1058 This was zoned fifteen years ago in a case I think Mr. Archer remembers well
1059 because it was a little bit controversial but for an office park for a lot of the land
1060 that is currently now part of the Sauer's retail development. Two years ago the
1061 Sauer's folks came in and rezoned the property behind this, B-3, with lots of
1062 guarantees. Working in conjunction with Mr. Womack, who sold them a lot of that
1063 land developed a really nice conceptual plan for the area.

1064

1065 Bundle of Joy Daycare is on this corner across Bundle of Joy Lane, and this
1066 dead-ends into U. S. Route 1 with a limited access of fencing and whatnot. And

1067

1068 this whole strip along here is unrestricted B-3. But as part of that zoning fifteen
1069 years ago, there was a very vocal opponent who lived directly across the street,
1070 who no longer lives across the street. Sort of the price that was paid to get the
1071 entire office park rezoned with an agreement to put in a sixty-five-foot buffer with
1072 an eight-foot berm with plantings on top, which was pretty significant.

1073

1074 There's an existing home and a garage there now. Mr. Womack is here this
1075 evening with his two daughters who operate Bundle of Joy Daycare, wish to tear
1076 down that old house. The house is being used for administrative offices currently
1077 for the daycare. They would build a two-story residentially appearing building for
1078 additional administrative office space, as well as some classroom and some play
1079 type space.

1080

1081 The gist of the case is really to reduce the buffer down from what was provided
1082 previously to a fifteen-foot wide buffer along Francis Road. It would be planted to
1083 essential TB 25 standards. We did substitute out the shrubbery component there
1084 so that we didn't have to have ten-foot-tall shrubs that would block the first floor
1085 of the building or hide little kids. But we've put in more shrubs than are required
1086 in TB 25.

1087

1088 It's an opportunity, I think, to continue the enhancement of that area. You might
1089 note that in the Sauer's case we have an agreement with them that Bundle of Joy
1090 is going to be extended directly north and will tie back into Virginia Center
1091 Parkway. Now to get to this site, you have to right into Virginia Center Parkway,
1092 come past the Sauer's site, turn right on Battlefield, continue down, turn right
1093 again on Francis Road. So the daycare traffic is making that loop during the day.
1094 And when this roadway is open, it'll be a straight shot back over to Virginia
1095 Center Parkway, which will really help the traffic flows in that area.

1096

1097 The folks walked up and down the street with this plan, knocking on doors
1098 because of the opposition that occurred in the earlier case. Only then did we
1099 have a bigger community meeting, or tried to. We sent over thirty letters, and we
1100 had two folks show up who didn't appear to be opposed that evening, and they're
1101 not here this evening. So I think we've done our homework. The rest of the
1102 proffers continue to restrict the height, the architecture, the lighting, the hours of
1103 trash pickup, etc. It's a great operation there, if you haven't been there.
1104 Mr. Archer joined us up there for the community meeting.

1105

1106 That's really the genesis of the buffer provision. The Sauers have provided
1107 buffers on the other two sides based on their property. So with that I would ask
1108 that you recommend approval to the Board of Supervisors.

1109

1110 Mrs. Jones -

Questions for Mr. Theobald?

1111

1112 Mr. Archer - Mr. Theobald, thank you for explaining that proffer. I
1113 think you did a lot better than I could have. And I appreciate your creativity in
1114 putting that together.

1115
1116 Mr. Theobald - I guess that's a compliment.

1117
1118 Mr. Archer - It may set a precedent for things to come. I don't have
1119 any other questions, Madam Chair.

1120
1121 Mrs. Jones - All right. Mr. Archer?

1122
1123 Mr. Archer - All right, Madam Chair. Well, I'd like to thank staff for
1124 the work that they put into this because we had to do some things to reach some
1125 compromises. And I'd also like to thank the Womack family for the work that
1126 they've put into this by walking up and down the street and talking to the
1127 neighbors to the extent that none of them showed up at the meeting.

1128
1129 With the proffers that have been handed tonight. I think this ready to move
1130 forward to the Board of Supervisors with a recommendation for approval.

1131
1132 Mr. Branin - Second.

1133
1134 Mrs. Jones - Motion from Mr. Archer, second by Mr. Branin. All in
1135 favor say aye. All opposed say no. The ayes have it; the motion passes.

1136
1137 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1138 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
1139 Board of Supervisors grant the request because the changes do not greatly
1140 reduce the original intended purpose of the proffers and the proffers continue to
1141 assure a qualified form of development.

1142
1143
1144 **REZ2013-00020 Andrew M. Condlin for Cedar Grove 5, LLC:**
1145 Request to conditionally rezone from A-1 Agricultural District and R-3C One-
1146 Family Residence District (Conditional) to R-3C One-Family Residence District
1147 (Conditional) Parcels 778-760-0791 and 778-760-5566 containing 15.84 acres
1148 located on the east line of Cedar Grove Way at its intersection with Old Hungary
1149 Road. The applicant proposes a single-family residential development not to
1150 exceed 34 units. The use will be controlled by proffered conditions and zoning
1151 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
1152 Residential 2, density should not exceed 3.4 units per acre, and Environmental
1153 Protection Area. The staff report will be presented by Mr. Livingston Lewis.

1154
1155 Mrs. Jones - Do we have opposition to REZ2013-00020, Andrew
1156 M. Condlin for Cedar Grove 5, LLC.? There is none. Well, good evening.

1157

1158 Mr. Lewis - Good evening to you, Madam Chair.

1159

1160 Mrs. Jones - All right, Mr. Lewis.

1161

1162 Mr. Lewis - This is a request to rezone 15.84 acres from A-1 and
1163 R-3C to R-3C for developing up to thirty-four single-family homes in the final
1164 section of the Cedar Grove subdivision. The site is located along the east side of
1165 Cedar Grove Way at the neighborhood's main entrance on Hungary Road.

1166

1167 The property is surrounded by R-2, R-3, and R-3A zoned single-family
1168 development: Cedar Grove to the north and west, North Run Estates to the east,
1169 and North Run Hills and Hungary Road Estates to the south across Hungary
1170 Road.

1171

1172 The 2026 Comprehensive Plan recommends Suburban Residential 2 - SR2 with
1173 a density of up to 3.4 units per acre for the area where single-family homes are
1174 proposed and Environmental Protection Area where floodplain has been
1175 identified. The applicant's request and proposed density of 2.15 dwellings per
1176 acre is consistent with these designations.

1177

1178 Proffered Exhibit A shows the anticipated layout with a single point of access and
1179 rear yards backing up to an existing hedgerow in a common area along Cedar
1180 Grove Way. Other aspects of the applicant's revised proffers dated November
1181 14, 2013 include the following:

1182

1183 • Assurance of an allotment of homes meeting three different finished
1184 square footage minimums:

1185 ○ 14 homes with 2,000 or more square feet of finished floor area,

1186 ○ 10 homes at 1,800 plus, and

1187 ○ 10 homes at 1,400 plus;

1188 • Fifty percent of homes to have a 1-car garage, with decorative door
1189 features and recessed two feet from the front of the home if attached and
1190 front-loading;

1191 • Vinyl, brick, stone, or concrete-board siding;

1192 • Brick or stone foundations, front steps, stoops, and porch piers;

1193 • Requirements for maintenance and replacement of the existing perimeter
1194 screening hedge, were it to die or become diseased;

1195 • Hard surface driveways;

1196 • Efforts to consolidate adjacent remnant properties into Cedar Grove
1197 common area through right-of-way vacation, deed transfer, and C-1
1198 rezoning;

1199 • Construction hours limited to seven to seven Monday through Saturday;
1200 and

1201 • Commitments related to cantilevered features, foundation landscaping
1202 details tied to Exhibit B before you, yard trees, curb and gutter, and
1203 utilities, among other topics.

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With the most recent proffer revisions, the applicant has sufficiently addressed all of the issues previously raised by staff. Therefore, given the proposal's consistency with the 2026 Plan in combination with the additional assurances provided, staff is able to support this request.

Time limits would need to be waived for the proffers.

This concludes my presentation. I am happy to answer any questions you may have.

Mrs. Jones - I think we're all speed-reading on these new proffers.
Mr. Archer, how would you—

Mr. Archer - Madam Chair, I'll give you all a moment or two to read the revised proffers that were handed out tonight. If you don't have any questions after doing so will depend on whether or not we need to hear from the applicant.

Mrs. Jones - I personally would like to hear from the applicant just to make sure that I understand these changes that have been made.

Mr. Archer - Mr. Condlin, you're on, sir.

Mrs. Jones - And he's been sitting patiently.

Mr. Condlin - Madam Chair, members of the Commission. Andy Condlin from Roth Doner Jackson. I never mind being last; I get to watch everyone else do their presentations; get the mood of the Commission at that point.

This is really just adding thirty-four lots to an existing 191-lot subdivision. We have had to try to—it's a very nice subdivision. It's well maintained. An HOA that is very strong and well capitalized. So this is the fifth section of a subdivision that was doing well until about 2005. And then really pretty much all of the building stopped soon after that. They've had twenty lots since 2007 in this subdivision. And they finally sold out all 191, and they want to obviously start the new section of the subdivision.

What we were trying to do is balance the fact that the existing proffers for the existing subdivision of 191 lots in 1998 were quite a bit different. We're able to still be able to provide a very quality subdivision with, quite frankly, limited proffers. And so having to update that. And based on the staff report and with a lot of work with Mr. Lewis and Mr. Archer to go through the proffers to be able to provide the assurances that you all want to match the existing subdivision. Obviously, we weren't concerned because it's still the same developer, Mr. Windsor, doing these thirty-four lots as were already provided for the 191 lots.

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With that, I would certainly hope that you would recommend this based on the staff recommendation, based on the consistency with the Comprehensive Plan. I'm happy to go through any, and I can go through as many of these proffers as you'd like. I think they're pretty self-explanatory to really pick and choose from some of the more quality subdivision in Henrico County to be able to place in and supplement the existing proffers that existed from 1998.

Mrs. Jones - Thank you. Questions for Mr. Condlin? Okay. All right.
Well, Mr. Archer?

Mr. Archer - Thank you, Madam Chair. First of all, I'd like to thank Mr. Lewis and the staff that participated in this. We had to work on this one quite a bit to get it to the point where it could be acceptable. I think it's a complement to the existing neighborhood and will fill out that area in a nice complementary manner. There were some things that we had to compromise on, and we were able to do it. They say, a good compromise is when everybody goes away equally mad, so. In this case, I think we were equally happy.

So with that I first will move for approval of the revised and additional proffers.

Mrs. Jones - I'm sorry; I didn't hear you, Mr. Archer.

Mr. Archer - I move for approval of the revised and additional proffers that were handed out this evening.

Mr. Emerson - Waiving the time limits.

Mrs. Jones - To waive the time limits.

Mr. Archer - I'm sorry. Yes, I didn't say that right. To waive the time limits on the revised and additional proffers.

Mr. Branin - I'll second that.

Mr. Archer - Thank you. You're very kind.

Mrs. Jones - Do I have a second?

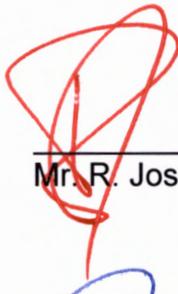
Mr. Branin - I already gave him one.

Mrs. Jones - I'm sorry. I need to listen better. Motion by Mr. Archer, second by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

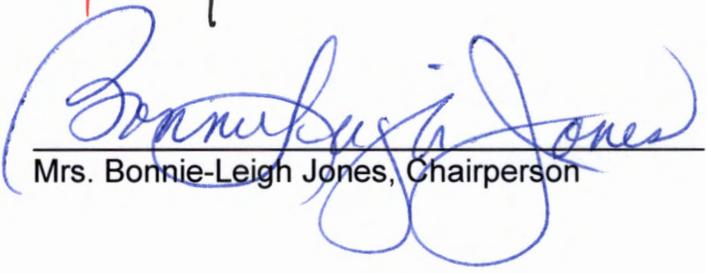
1295 Mr. Archer - And lastly to move to send conditioned case
1296 REZ2013-00020, Andrew M. Condlin for Cedar Grove 5, LLC, to the Board of
1297 Supervisors with a recommendation for approval.
1298
1299 Mr. Branin - Second.
1300
1301 Mrs. Jones - Motion by Mr. Archer, second by Mr. Branin. All in
1302 favor say aye. All opposed say no. The ayes have it; the motion passes.
1303
1304 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1305 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
1306 Board of Supervisors grant the request because it conforms to the
1307 recommendations of the Comprehensive Plan and the proffered conditions will
1308 provide appropriate quality assurances not otherwise available.
1309
1310 Mr. Emerson - Madam Chair, we now move to the consideration for
1311 the approval of minutes from the Planning Commission meeting on October 10,
1312 2013. And you do have an errata sheet containing corrections that have been
1313 provided to staff at this point.
1314
1315 Mrs. Jones - Additional corrections or additions to the minutes? I'll
1316 entertain a motion.
1317
1318 Mr. Branin - I move for approval of the minutes, including the
1319 errata sheet.
1320
1321 Mr. Witte - Second.
1322
1323 Mrs. Jones - Motion by Mr. Branin, second by Mr. Witte. All in favor
1324 say aye. All opposed say no. The ayes have it; the motion passes. The minutes
1325 are approved.
1326
1327 Mr. Witte - Madam Chair, we have some people that are looking
1328 confused that we're finished. I don't know if they're here for something.
1329
1330 Mrs. Jones - Folks, do you have questions or you were here to
1331 watch the proceedings? All right. Happy to have you with us. Thank you. Is there
1332 further business to come before the Commission tonight, Mr. Secretary?
1333
1334 Mr. Emerson - Staff has no further items for the Commission this
1335 evening.
1336
1337 Mr. Leabough - I move for adjournment.
1338
1339 Mr. Branin - Second.
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1341 Mrs. Jones -
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This meeting is adjourned.



Mr. R. Joseph Emerson, Secretary



Mrs. Bonnie-Leigh Jones, Chairperson