

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. April 9,  
4 2015. Display Notice having been published in the Richmond Times-Dispatch on  
5 March 23, 2015 and March 30, 2015.  
6

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)  
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)  
Mr. Tommy Branin (Three Chopt)  
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)  
Mr. Eric Leabough, C.P.C. (Varina)  
Ms. Jean M. Moore, Assistant Director of Planning,  
Acting Secretary  
Mrs. Patricia S. O'Bannon,  
Board of Supervisors' Representative

Member Absent: Mr. R. Joseph Emerson, Jr., AICP, Director of Planning

Also Present: Ms. Rosemary D. Deemer, AICP, County Planner  
Mr. Seth Humphreys, County Planner  
Mr. Livingston Humphreys, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. William Moffett, County Planner  
Mr. John Cejka, County Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mr. Witte - Good evening. I'd like to call to order the April  
12 9, 2015, meeting of the Planning Commission. This is our Zoning and Provisional  
13 Use Permit meeting. I would ask that you turn off your cell phones or mute them.  
14 While doing that, please stand with us for the Pledge of Allegiance.

15  
16 Thank you. Do we have any media in the audience with us this evening? I see  
17 none.

18  
19 All members are present; we have a quorum. We have Mrs. O'Bannon with us as  
20 the representative of the Board of Supervisors who will generally abstain from  
21 voting at this meeting because she will see them again at the Board.

22  
23 With that, I'd like to turn the meeting over to our secretary, Ms. Moore.

24  
25 Ms. Moore - Thank you, Mr. Chairman. Now we move to the  
26 requests for withdrawals and deferrals. Tonight, those will be presented by Mr.  
27 Seth Humphreys.

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Mr. Humphreys - We have no withdrawals and one deferral request this evening. It is in the Three Chopt District on page 2 of your agenda, PUP2015-00003, RTF Sports and Entertainment Incorporated. It's located on the west line of Pump Road approximately 600 feet north of its intersection with Three Chopt Road. The request is to amend Condition #5 of P-5-10 to reduce the width of a pedestrian path and allow extended hours of operation until 2 a.m. for an existing restaurant. The applicant is requesting deferral to the October 15, 2015 meeting.

**PUP2015-00003 John Mizell for RTF Sports and Entertainment, Inc.:** Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-120, and 24-122.1 of the County Code in order to amend Condition #5 of P-5-10 to reduce the width of a pedestrian path and to allow extended hours of operation until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west line of Pump Road approximately 600' north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District.

Mr. Witte - Do we have any opposition to PUP2015-00003, John Mizell for RTF Sports and Entertainment, Inc.? I see none.

Mr. Branin - Mr. Chairman, I would like to move that PUP2015-00003, John Mizell for RTF Sports and Entertainment, Inc., be deferred to the October 15, 2015 meeting per the applicant's request.

Mr. Archer - Second.

Mr. Witte - We have a motion by Mr. Branin, a second by Mr. Archer. 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 PUP2015-00003, John Mizell for RTF Sports and Entertainment, Inc., to its meeting on October 15, 2015.

Ms. Moore - Mr. Chairman, next would be requests for expedited items. We do not have any requests for those. So with that, we move into your regular agenda tonight. We do have six cases to be heard. The first in your regular agenda for this evening is in the Varina District on page 1 of your agenda. This is REZ2014-00016, Ross Run LLC. This was deferred from you March 12, 2015 meeting. Ms. Lisa Blankinship will be re-presenting this tonight.

74 (Deferred from the March 12, 2015 Meeting)

75 **REZ2014-00016**            **Ross Run, LLC:** Request to conditionally rezone  
76 from R-2AC One-Family Residence District (Conditional) and A-1 Agricultural  
77 District to R-5AC General Residence District (Conditional) part of Parcel 824-  
78 689-0488 and Parcel 824-694-2155 containing 139.66 acres, located between  
79 the south line of Darbytown Road at its intersection with Macallan Parkway and  
80 the east line of Doran Road approximately 960' south of its intersection with  
81 Macallan Parkway. The applicant proposes a single-family residential  
82 development. The R-5A district allows a maximum density of six (6) units per  
83 acre. The use will be controlled by zoning ordinance regulations and proffered  
84 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1,  
85 density should not exceed 2.4 units per acre, and Environmental Protection Area.  
86 The site is located in the Airport Safety Overlay District.

87  
88 Mr. Witte -                            Thank you. Do we have any opposition to REZ2014-  
89 00016, Ross Run, LLC? We have opposition.

90  
91 Ms. Moore -                            Do you want me to read the rules and regs?

92  
93 Mr. Witte -                            If you will, please.

94  
95 Ms. Moore -                            Okay. The Commission does have rules for the public  
96 hearing process and they are as follows: The applicant or the representative is  
97 allowed ten minutes to present their request, and any time may be reserved for  
98 responses to testimony. Opposition is also allowed ten minutes to present its  
99 concerns. This is ten minutes cumulative for all speakers inclusive, not ten  
100 minutes per speaker. The Commission can waive those time limits if needed.  
101 And also any questions that the Commission asks are not counted against that  
102 ten-minute time. Please keep your comments directly related to the case at hand.  
103 Thank you.

104  
105 Mr. Witte -                            Thank you. You have the floor, Mrs. Blankinship.

106  
107 Mrs. Blankinship -                    Thank you, Mr. Chairman, members of the  
108 Commission.

109  
110 As the secretary mentioned, this request was presented in detail at the March 12,  
111 2015 Planning Commission hearing. The case was deferred for one month by the  
112 Commission so the applicant could work through concerns that included  
113 minimum square footages, percentage of homes with brick or stone fronts,  
114 prohibition of cantilevering, and phasing of the construction of amenities.

115  
116 To summarize the request, the applicant proposes to rezone approximately 140  
117 acres from R-2AC to R-5AC with commitments to lot sizes and widths consistent  
118 with the R-3A district. This request would allow smaller lot sizes located to the  
119 north of Ross Run Creek in Castleton for a total of 335 new homes. This is a

120 potential increase of 91 homes from the previously approved conditional  
121 subdivision of 242.

122

123 The applicant has submitted revised proffers, the latest of which have been  
124 handed out to you this evening. The proffers address some of the concerns that  
125 were raised in the staff report and by the Commission.

126

127 • Proffer #8 ensures garage doors would be consistent with the proffered  
128 elevations.

129 • Proffer #10 increases the percentage of homes with partial brick or  
130 stone fronts from 35 percent to 40 percent.

131 • Proffer #11 ensures that the architecture of the homes would be  
132 generally consistent with the proffered elevations.

133 • Proffer #25 pertains to the construction phasing of the recreational  
134 amenities and ensures that all amenities would be completed by the  
135 issuance of the 500th building permit. In addition, the proposed fitness  
136 center would be architecturally consistent with the existing clubhouse.

137 • Proffer #9 commits that only chimneys of wood burning fireplaces,  
138 would have a brick, stone, or cultured stone foundation. However, staff  
139 recommends the applicant prohibit any cantilevering of architectural  
140 features on the first floor to be consistent with the proffered elevations  
141 and recent rezoning cases in the area.

142 • Proffer #5 increases the overall minimum finished floor area at two  
143 different levels. Forty-five percent of the homes would range between  
144 1,800 and less than 2,100 square feet while 55 percent of the homes  
145 would be greater than 2,100 square feet.

146

147 The applicant has submitted a number of proffers that would regulate  
148 development of the property, provide a number of architectural and landscaping  
149 quality assurances, and additional commitments for recreational amenities.  
150 However, staff has concerns regarding the cantilevering of architectural elements  
151 and notes the minimum square footages would be less than the most recently  
152 approved rezoning case in Castleton that requires 2,200 square feet for two-story  
153 homes and is less than the as-built square footage average of 2,679 square feet.

154

155 Staff could be more supportive of this request if the applicant could address  
156 these concerns. Until such time, staff recommends deferral of this request.

157

158 This concludes my presentation, I will be happy to try and answer any questions.

159

160 Mr. Witte - Do we have any questions? Yes, Ms. Jones.

161

162 Ms. Jones - Just to make sure I understand what you just said,  
163 Mrs. Blankinship. The cantilevering is a big concern for staff and has been noted  
164 so in the staff report and going forward. Would you explain why?

165

166 Mrs. Blankinship - The cantilevering, we've had more in recent cases  
167 within the area. Cantilevering has been prohibited out for most of the homes that  
168 we have of the cases.  
169  
170 Ms. Jones - Is it a quality issue—  
171  
172 Mrs. Blankinship - Yes ma'am.  
173  
174 Ms. Jones - —or a structural issue?  
175  
176 Mrs. Blankinship - Yes ma'am, quality.  
177  
178 Ms. Jones - Okay. The other thing I was just trying to speed read  
179 as we all do when we get these proffers put in front of us is #25. What I  
180 understood from what you said was that the amenities—and I think they're really  
181 important parts of a quality community. The amenities need to be complete—I'm  
182 trying to think exactly what you said—by the time that the certificate of occupancy  
183 is issued for the 500th?  
184  
185 Mrs. Blankinship - Yes, for overall for Castleton, the 500th.  
186  
187 Ms. Jones - I'm not sure that that last sentence says that. It says  
188 that upon issuance of the 500th overall building permit, the developer shall  
189 complete the amenities. It doesn't say within what time frame. If it means that  
190 they must be completed by the issuance of that permit, then maybe there needs  
191 to be another look at that wording, that's all. I'm not sure it reads that way. Just a  
192 thought.  
193  
194 Mr. Leabough - There's additional language, Mrs. Blankinship, if I'm  
195 not mistaken, that speaks to basically the amenities shall be commenced by the  
196 160th permit.  
197  
198 Mrs. Blankinship - Right.  
199  
200 Mr. Leabough - But depending upon the comfort level of the  
201 community in terms of whether they can financially support all the amenities at  
202 once or whether it's a phased approach. But at not later than the 500th permit,  
203 those amenities have to be completed by that date.  
204  
205 Mrs. Blankinship - Yes sir.  
206  
207 Mr. Leabough - Now, they could happen sooner.  
208  
209 Mrs. Blankinship - Yes.  
210

211 Mr. Leabough - But at the latest it shall be upon issuance of the 500th  
212 permit.  
213

214 Mrs. Blankinship - Yes.  
215

216 Mr. Leabough - So maybe that needs to be tightened up. I think I  
217 know what you're getting at there. And maybe it's just to nuance the wording to  
218 address the concern.  
219

220 Ms. Jones - And just one other follow-up. The amenities shall be  
221 constructed in phases as agreed upon by the developer and the advisory  
222 committee. Is there a scenario where they couldn't reach agreement?  
223

224 Ms. Moore - Is that still in the handout, the newest one, Mrs.  
225 Jones?  
226

227 Ms. Jones - Yes.  
228

229 Mrs. Blankinship - Okay.  
230

231 Ms. Jones - Just being an ex-English teacher I think of these  
232 things.  
233

234 Mrs. Blankinship - Thank you.  
235

236 Mr. Leabough - Slash attorney, right?  
237

238 Ms. Jones - And I'm learning for future subdivisions in Tuckahoe.  
239

240 Mr. Archer - Mrs. Blankinship, could you repeat again what the  
241 differences were in the total square footages as opposed to as-built square  
242 forages? I heard it, but it escaped me. I think I heard you say that.  
243

244 Mrs. Blankinship - The applicant is proposing 45 percent of the homes  
245 would range between 1,800 square feet and less than 2,100 square feet. And  
246 then 55 percent of the homes would be greater than 2,100 square feet. The as-  
247 built in Castleton is 2,679 square feet.  
248

249 Mr. Archer - That's the part I was looking for. Okay.  
250

251 Mr. Leabough - Mrs. Blankinship, one other question. So currently the  
252 area proposed to be R-5AC—that area was previous zoned through a number of  
253 different zoning cases R-2AC.  
254

255 Mrs. Blankinship - Yes. And I have that illustration, if you'd like to see it,  
256 the map.

257  
 258 Mr. Leabough - The map that kind of shows the different sections and  
 259 the different cases. The area in red as you show it on the screen was previously  
 260 zoned through a number of different cases R-2AC, but the minimum square  
 261 footage that was required was 1,800 square feet, if I'm not mistaken.  
 262  
 263 Mrs. Blankinship - Yes sir.  
 264  
 265 Mr. Leabough - So essentially, 45 percent of the homes would be in  
 266 line with what was already required.  
 267  
 268 Mrs. Blankinship - Yes sir.  
 269  
 270 Mr. Leabough - Another 55 percent would be essentially just 300  
 271 square feet larger.  
 272  
 273 Mrs. Blankinship - Yes sir.  
 274  
 275 Mr. Leabough - Potentially. That's minimum.  
 276  
 277 Mrs. Blankinship - Minimum.  
 278  
 279 Mr. Leabough - That doesn't mean that they can't exceed it. So just  
 280 based on my quick math that I wrote down, right now we have 88 homes in  
 281 recorded section. So the developer is proffering or is going to amend the  
 282 declarations for that subdivision to increase the square footage from 1,200 to  
 283 1,500.  
 284  
 285 Mrs. Blankinship - Yes sir.  
 286  
 287 Mr. Leabough - So you have eight-eight homes there, if I'm not  
 288 mistaken.  
 289  
 290 Mrs. Blankinship - Actually, two have been built, so there are eighty-six.  
 291  
 292 Mr. Leabough - Eighty-six homes there. You have 150 homes, based  
 293 on the map. If I'm not mistaken, that could be 1,800-square-foot minimum. You  
 294 have another 184 that could be, at a minimum, 2,100 square feet. So if you look  
 295 at the community in totality, 56 percent of the homes could be between 1,500  
 296 and 1,800 square feet. Now you just told us a number of 2,600 as the average of  
 297 what's been built there.  
 298  
 299 Mrs. Blankinship - Twenty-six seventy-nine, yes sir.  
 300  
 301 Mr. Leabough - So that means that 44 percent of the homes going  
 302 forward would only be 2,100 square feet at minimum.

303  
304 Mrs. Blankinship - Yes sir.  
305  
306 Mr. Leabough - So, the majority of the homes would be what was  
307 already allowed.  
308  
309 Mrs. Blankinship - Yes sir.  
310  
311 Mr. Leabough - In terms of square footage, it's not a significant  
312 departure from that was already required to be built.  
313  
314 Mrs. Blankinship - Yes sir.  
315  
316 Mr. Leabough - Okay.  
317  
318 Mr. Branin - Just a real quick question because, as you can see,  
319 I'm doing math here, too, trying to figure out #5. Section 3 of Castleton. What is  
320 the current minimum?  
321  
322 Mrs. Blankinship - Twelve hundred square feet.  
323  
324 Mr. Branin - Okay.  
325  
326 Mr. Witte - What's the total number of units in this development?  
327  
328 Mrs. Blankinship - It was originally approved for 494 homes—250 south  
329 of Ross Run Creek, 242 to the north. With this proposal, it was increase the  
330 number on the south by 91, which would be 335, for a total of 585 homes.  
331  
332 Mr. Witte - Thank you.  
333  
334 Mrs. Blankinship - That's the number you were looking for.  
335  
336 Mr. Witte - My math wasn't working. Do we have any other  
337 questions from the Commission? How would you like to proceed, sir?  
338  
339 Mr. Leabough - I'd like to hear from the opposition first, please.  
340  
341 Mr. Witte - Can the opposition please come forward, anybody  
342 that would like to speak in opposition to this. They were sitting there.  
343  
344 Mr. Leabough - Could the applicant please come forward? And if the  
345 opposition comes back, we'll have them raise their concerns.  
346  
347 Mr. Rudiger - I'm David Rudiger. I'm president of Boyd Homes in  
348 Ross Run. I had a really fancy presentation for you all with videos and live music

349 and so forth, but unfortunately I'm a little under the weather tonight, so I'm going  
350 to try to keep this brief and to the point.

351

352 There are a lot of numbers that are flying around here, and they get kind of  
353 confusing. I want to see if I can clarify some of them. In some ways, we're  
354 comparing some apples and oranges.

355

356 With regard to the minimum square footage—I don't know how to use this thing.  
357 Could you bring up the one that showed the old cases? Right. This property has  
358 gotten over the course of time in a number of different cases, and each one of  
359 them had slightly different proffered conditions. I think there are either three or  
360 four cases for the property that we're dealing with tonight. I think that one of  
361 those cases had a minimum of 1,800 square feet. I think some of the others had  
362 a minimum of 1,500 square feet. And then we have the section in the existing  
363 section four that was 1,200 square feet as a minimum on the size of the house.

364

365 We've agreed in every instance to either maintain or increase—and most all of  
366 them, except that one—several homes—increase the minimum size of the  
367 homes. We have agreed to increasing the quality of materials as a base level I  
368 think we're already using quality materials out there. I'm not trying to imply  
369 otherwise. But we've agreed to increase minimums. Now in some cases what  
370 was being given out here were averages, the average size of the house in  
371 Castleton is this. So the average is about 2,600, I think you said. That was  
372 dealing with minimum standards that said that we could build 1,200 square feet.

373

374 So we're not all about trying to build to the minimum. We're trying to build to the  
375 market. And we're trying to give ourselves sufficient flexibility to be able to build  
376 quality homes that people want to buy and live in. And I think for those of you  
377 who have gone out and driven through Castleton, we're proud of the community.  
378 We think it's a good-looking community. And we intend to keep on building it as a  
379 high-quality community in Henrico.

380

381 We've spent a lot of time in this case working with the homeowners association.  
382 The head of the advisory committee—and I see one of our other advisory  
383 committee members is here. We've worked closely with them in coming up with  
384 the set of proffered conditions and the changes to the amenities and trying to  
385 have a community that everyone is going to be happy with. We've also worked  
386 with the County on this in trying to address their concerns. And I think we right  
387 now have a presentation for you to vote on that is good for the community, good  
388 for the County, and it's a quality development.

389

390 I'm happy to answer any questions.

391

392 Mr. Witte - Any questions by the Commission?

393

394 Mr. Branin - In that 1,200 square foot or 1,800 square foot, what  
395 do you anticipate building?

396  
397 Mr. Rudiger - I'm not sure—

398  
399 Mr. Branin - Square-footage wise.

400  
401 Mr. Rudiger - Our lineup now ranges from—I think we have one  
402 house that's about 1,500 square feet—one—up to over 3,000 square feet.

403  
404 Mr. Branin - Okay. I understand market. I understand square  
405 footage. I understand not wanting to be tied down. I know the commissioner of  
406 this district has been wrestling you now for quite a few months in regards to  
407 square footage. And you are doing a good job—the amenities that are going in  
408 are going to be good amenities. And we've all reviewed it. I just never have really  
409 understood why you want to go so low when you could take it 200 to 300 square  
410 foot just to give everybody a better feel of confidence. It's not my district, but it's  
411 kind of mindboggling to me.

412  
413 Mr. Rudiger - We're trying, again, to deliver quality. And some  
414 people just don't need that larger home. They want to be able to buy a smaller  
415 home.

416  
417 Mr. Branin - I get that. But in one hand you just said that this is  
418 about the lowest we're planning to do. But then you're proffering here—I don't  
419 know why you don't take it an extra 200. That's just my opinion.

420  
421 Mr. Leabough - I think you have 238 opportunities to build to that  
422 market. Based on just looking at the square footages of the as-builts, the market  
423 is higher—I think you think the market is somewhere in the middle between 18  
424 and whatever you've built out there today. I think the largest home was 4,000  
425 square feet?

426  
427 Mr. Rudiger - That would have been more of Ryan's Homes.

428  
429 Mr. Leabough - But it's the same development.

430  
431 Mr. Rudiger - Yes, yes.

432  
433 Mr. Leabough - So I think the market is a little bit higher than what  
434 you're proffering, just to be honest.

435  
436 Mr. Rudiger - I believe that it is too. But these are minimums. And I  
437 do want to also clarify one other thing. When Mrs. Blankinship was presenting  
438 the percentages, she was saying that it was going to be 45 percent that were  
439 between 1,800 and 2,100. The way that we've written that is that no more than

440 45 percent. So it might only be 10 percent that falls into that. That's just setting a  
441 maximum.

442

443 Mr. Leabough - I only can react to what's on the paper, though.

444

445 Mr. Rudiger - Right.

446

447 Mr. Leabough - I do want to clarify one thing, so hang tight. Mrs.  
448 Blankinship, my review of the case files for the R-2A sections, whatever case it  
449 is, all those cases have a minimum square footage of 1,800 square feet, correct?

450

451 Mrs. Blankinship - The only one that does not is C-41C-90, which is the  
452 one in purple, which is not part of—

453

454 Mr. Leabough - It's not part of this request.

455

456 Mrs. Blankinship - Right. But also C-20C-99—in the upper left-hand  
457 corner, outlined in yellow—a portion of that is in this section. The proffers on that:  
458 one-story, 1,500 square feet; two-story, 1,800 square feet. And then C-65C-04,  
459 right below that, 1,800 square feet for one story, 2,200 square feet for two  
460 stories.

461

462 Mr. Leabough - So what's required now for two stories is actually  
463 higher than what's being proffered.

464

465 Mrs. Blankinship - In that section, the brown section, C-65C-04.

466

467 Mr. Leabough - Okay.

468

469 Ms. Jones - May I ask something?

470

471 Mr. Leabough - Yes, yes.

472

473 Ms. Jones - I'm getting a little bit lost in the sea of square footages  
474 here. I just have a question for Mr. Rudiger. And maybe Mrs. Blankinship would  
475 know the answer as well. Just looking at the illustrations that were sent to us in  
476 our staff report—I'm sure you're familiar with those particular models that were  
477 given to us—are any of those presented to us as illustrative of what you're doing,  
478 a home that would be 12 or 1,500 square feet?

479

480 Mr. Rudiger - No.

481

482 Ms. Jones - When I look at these illustrations, which are being  
483 provided to us by you as an example of what you are planning to do, I don't see  
484 anything there that looks like it could possibly be what we would consider and

485 what you're saying you'd like to have the option to, which is a smaller home. I  
486 mean, these are all large, lovely homes. Castleton is a beautiful community.

487

488 Mr. Rudiger - This elevation would be an example of a house that is  
489 below 1,800 square feet. So we would not build that elevation at its current  
490 design because it would be under 1,800 square feet.

491

492 Ms. Jones - So that's the only one of the ones that you provided to  
493 us that might qualify for under 1,800 square feet?

494

495 Mr. Rudiger - Yes ma'am.

496

497 Ms. Jones - Well, seems to me if you're providing illustrations and  
498 everything but one is over 1,800 square feet, then that's kind of where you're  
499 headed, it sounds like. Based on what you're giving us to see. That's the way I  
500 interpreted it.

501

502 Mr. Rudiger - Right. So yes, we intend to be over 1,800 square feet.  
503 That was what we proffered. We would love to be in the 2,000s. And probably  
504 most of them will be.

505

506 Ms. Jones - Okay.

507

508 Mr. Archer - Sir, can I ask a question?

509

510 Mr. Rudiger - Yes sir.

511

512 Mr. Archer - In terms of how you market these houses, is the  
513 buyer subject to or does he have the opportunity to choose the lot he wants to  
514 build on?

515

516 Mr. Rudiger - These are semi-custom homes, and so we will build  
517 them to the buyer's specifications or frequently we will start a house and then the  
518 buyer will just end up choosing the final finishes.

519

520 Mr. Archer - But does the buyer have the option of choosing the  
521 lot.

522

523 Mr. Rudiger - Yes sir.

524

525 Mr. Archer - So how would you apportion the different size homes  
526 on lots that the buyer may choose? What I'm driving at is that in communities that  
527 are sort of a mix like this in terms of square footages, usually the idea is not to  
528 put all of the houses of a particular kind right next to each other.

529

530 Mr. Rudiger - Yes sir.

531  
532 Mr. Archer - Do you see what I'm driving at?  
533  
534 Mr. Rudiger - Yes sir.  
535  
536 Mr. Archer - Do you all have a method of determining how you  
537 would apportion the smaller homes as opposed to the larger ones, particularly if  
538 the buyer has an option to choose whatever lot they want?  
539  
540 Mr. Rudiger - Right. For one thing, we have intentionally on the  
541 layout for this provided for having some lots that are slightly wider and some lots  
542 that are slightly narrower so that still meeting the minimum lot square-footage  
543 requirements, we'll have different houses that will fit on different lots. And so  
544 when someone comes to us with a smaller house, then if they want to put that on  
545 a larger lot, they're going to have to pay premium for that lot. The idea is the  
546 larger lots are for the larger houses.  
547  
548 Mr. Archer - Okay. So there is a price to be paid if they want to do  
549 that.  
550  
551 Mr. Rudiger - They have the freedom of choice, but there is a price  
552 to pay.  
553  
554 Mr. Archer - Okay. Thank you.  
555  
556 Mr. Leabough - Mr. Rudiger, I'm struggling with the case, but I'm  
557 going to work with you here. If we could get you to commit to the 2,200 that's  
558 already required for that one case, if we could bump that up to 2,200 square feet  
559 and then proffer out the cantilevering, is that something that's an option?  
560  
561 Mr. Rudiger - Actually, I was not aware of that section, and certainly  
562 it was not our intention to downgrade any of the sizes. So we would be agreeable  
563 to making sure that the houses that are in that area meet the same standards  
564 that they would meet today.  
565  
566 Mr. Leabough - Okay, that's not what I'm saying.  
567  
568 Mr. Rudiger - Oh, I'm sorry. I thought that's what you were saying.  
569  
570 Mr. Leabough - I'm saying for the overall development, can I get you  
571 to 2,200 and no cantilevering? Or is that something that's totally out of the  
572 question?  
573  
574 Mr. Rudiger - You want a minimum square footage of—  
575

576 Mr. Leabough - No, no, no. For the 55 percent that the minimum  
577 would be 2,100, can we at least be consistent with that section and make it 22  
578 and eliminate cantilevering? The only issue that I see is you have a cantilevered  
579 section over the garage there. That is actually fine because it has those  
580 decorative corbels. So if we could kind of work through that between now and the  
581 Board on the increase on the 55 percent from 2,100 to 2,200, and then work on  
582 the cantilevering piece of it.  
583  
584 Mr. Rudiger - I am agreeable to the change from 21 to 22. Yes.  
585  
586 Mr. Leabough - And then working on the cantilevering in terms of—  
587  
588 Mr. Rudiger - The cantilevering, I would love to hear more from the  
589 County about why that's a problem. We've been doing in Castleton since the  
590 beginning. No one's ever complained about it. We've never had a structural  
591 problem because of it. So I'm open to hearing what the problem is that we're  
592 addressing.  
593  
594 Mr. Leabough - So we can work on the cantilevering piece of it.  
595  
596 Mr. Rudiger - Yes sir.  
597  
598 Mr. Leabough - If I hear you correctly.  
599  
600 Mr. Rudiger - Yes sir.  
601  
602 Mr. Leabough - I think we have someone still in opposition to this  
603 case?  
604  
605 Mr. Archer - Yes, she came back.  
606  
607 Mr. Witte - Please state your name for the record.  
608  
609 Ms. Joan Robinson - Joan Robinson. We live on—this is my sister, Jean  
610 Robinson. We live on Doran Road.  
611  
612 Ms. Jean Robinson - They're in opposition because—  
613  
614 Ms. Joan Robinson - The amount of houses.  
615  
616 Ms. Jean Robinson - There's the ridiculous amount of houses there now.  
617  
618 Mr. Witte - Excuse me. What's your name?  
619  
620 Ms. Jean Robinson - Jean Robinson.  
621

622 Mr. Witte - Okay, thank you.  
623  
624 Ms. Jean Robinson - Already it's too many homes. And then they want to  
625 put these other homes, the smaller ones, in a dense area. And I think it's going to  
626 ruin the integrity of what Castleton has achieved already. The traffic is just  
627 ridiculous right now on that little road that we have. You already have three  
628 developments hitting one little road. You have Castleton and you have Four Mile  
629 Run, and there's Doran Forest.  
630  
631 Ms. Joan Robinson - It's not conducive to all this traffic. It's going to make  
632 more traffic.  
633  
634 Mr. Leabough - So traffic is your main concern?  
635  
636 Ms. Joan Robinson - Right.  
637  
638 Mr. Leabough - And then the density.  
639  
640 Ms. Joan Robinson - With all of these additional homes, where is the  
641 outlet? Is it going to be on Darbytown or Doran? I know we already have one  
642 outlet from Castleton now. And we need to limit the number of homes that keep  
643 coming in and the development.  
644  
645 Ms. Jean Robinson - For one road, it's like enough is enough.  
646  
647 Mr. Leabough - Traffic and density. Thank you.  
648  
649 Mr. Witte - Is there any other opposition?  
650  
651 Mr. Leabough - Mr. Cejka? So, traffic.  
652  
653 Mr. Cejka - Yes sir.  
654  
655 Mr. Leabough - Can you speak to that, please, in terms of what Doran  
656 Road can handle, as well as Darbytown?  
657  
658 Mr. Cejka - Yes. Doran Road currently has approximately 2800  
659 vehicles, and Darbytown Road has approximately 3600 vehicles per day.  
660  
661 Mr. Leabough - That it can handle?  
662  
663 Mr. Cejka - No, that's what it currently has traffic-wise. A two-lane  
664 road can handle up to 10 to 12,000 vehicles.  
665  
666 Mr. Leabough - So in your assessment, this would yield what in terms  
667 of additional vehicles?

668  
669 Mr. Cejka - Trips per day?  
670  
671 Mr. Leabough - Or/and a.m. and p.m. peak.  
672  
673 Mr. Cejka - The a.m. and p.m. peak would be approximately 230  
674 cars for the a.m. peak. That's coming and going—entering and exiting the site.  
675 And the p.m. peak would have about 280 cars added to the existing traffic.  
676  
677 Mr. Branin - What is the width of Doran?  
678  
679 Mr. Cejka - Doran Road is twenty-four feet.  
680  
681 Mr. Leabough - I'm not sure. Give me those numbers again? So 230  
682 a.m. peak.  
683  
684 Mr. Cejka - Correct.  
685  
686 Mr. Leabough - And then 250?  
687  
688 Mr. Cejka - Two hundred and eighty.  
689  
690 Mr. Leabough - Two eighty; I'm sorry.  
691  
692 Mr. Branin - And that's additional.  
693  
694 Mr. Cejka - That's additional.  
695  
696 Mr. Branin - And what is the current count?  
697  
698 Mr. Cejka - For the existing subdivision?  
699  
700 Mr. Branin - Yes. Well, for the existing road count for—when did  
701 you guys do a study?  
702  
703 Mr. Cejka - We did it last year.  
704  
705 Mr. Branin - Last year. And what was count?  
706  
707 Mr. Cejka - It was 2,800 vehicles per day on Doran and 3,600  
708 vehicles per day on Darbytown.  
709  
710 Mr. Branin - So 2,800. So you're saying an additional 280. So  
711 you're saying 3,080 at full build-out for that 24-foot road. And a 24-foot road is  
712 rates for?  
713

714 Mr. Cejka - It will go between 10 and 12,000 vehicles.  
715  
716 Mr. Branin - Okay. So in your estimate?  
717  
718 Mr. Cejka - It can handle the traffic.  
719  
720 Mr. Branin - Okay.  
721  
722 Ms. Jones - Excuse me. Did you say there are 280 cars coming  
723 and going, peak times, for 335 residential units?  
724  
725 Mr. Cejka - That's correct. That's for the p.m. peak.  
726  
727 Ms. Jones - Okay. Just seems to me that that's less than one car  
728 per unit.  
729  
730 Mr. Cejka - That's correct. This is based on the formulas we have,  
731 the federal standard formulas we use. That is just during the p.m. peak. That's  
732 only for the one hour. So some people may come after that one hour or before  
733 that one hour.  
734  
735 Ms. Jones - Okay. Something doesn't quite ring true with me, but I  
736 don't have your formulas to work with. It just seems logical. All right.  
737  
738 Mr. Witte - Any other questions? Thank you, sir. Mr. Leabough.  
739  
740 Mr. Leabough - This has been a tough case. It still is a tough case.  
741 On one hand, density is a concern; it always is a concern. But at the end of the  
742 day, that this is already a large development I think has been stated. It was  
743 already zoned for 500 homes. They're proposing to add another 91. And in  
744 exchange for those 91 homes, I think the community, the people who are  
745 invested here, are getting something in exchange for that. They're getting some  
746 amenities that they thought they were promised when they bought their homes.  
747 And I'm not saying that the developer didn't deliver what they were required to  
748 do, but I think that maybe they were sold one thing or they thought that this  
749 community had more amenities that what are there now. I think at the end of the  
750 day, they're getting the amenities that they thought would be here. And I think the  
751 amenities make a better community.  
752  
753 The other thing that I think they're getting, though, are some assurances in terms  
754 of the level of quality that will be built here. They are actually getting some  
755 percentages of quality architectural materials that I don't think were represented  
756 in the previous cases. It's still a tough case. I think traffic is always an issue.  
757  
758 And counts are high, but it's what the people experience day-to-day getting in  
759 and out of the community. But at the end of the day, I think this is a better case

760 than what it was back in 1989 and 2005 or 2006. I think it's a much better case.  
761 Am I thrilled that it's an R-5A that really resembles and R-3A? No, I would have  
762 loved to have had all R-2A homes. But it is consistent with what's been built there  
763 to date. So it's not a significant departure from what is currently there.

764  
765 With the commitment that Mr. Rudiger shared about looking at increasing the  
766 square footage and looking at the cantilevering—it's not a perfect case, but I  
767 think that I can move forward with recommending this case to the Board of  
768 Supervisors for approval on the condition that we are able to work through those  
769 details between now and then.

770  
771 So with that, I move that REZ2014-00016, Ross Run, LLC, move forward to the  
772 Board of Supervisors with a recommendation of approval subject to the  
773 conditions distributed tonight, numbers 1 through 27. And there is no requirement  
774 to waive the time limits, correct? Okay.

775  
776 Mr. Branin - Second.

777  
778 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.  
779 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion  
780 passes.

781  
782 **REASON -** Acting on a motion by Mr. Leabough, seconded by  
783 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend  
784 the Board of Supervisors **grant** the request because it would permit development  
785 of the land for residential use in an appropriate manner and the proffered  
786 conditions will provide appropriate quality assurances not otherwise available.

787  
788 Mr. Branin - Mr. Rudiger, can you do me a favor? Before this gets  
789 to the Board, could you definitely clean up the language in five? I took at least six  
790 minutes trying to figure out what that was saying.

791  
792 Mr. Rudiger - Yes sir.

793  
794 Ms. Moore - Mr. Chairman, the next case is also on page 1 in the  
795 Varina District. It is REZ2014-00040. The applicant is Steve Smith for Antioch  
796 Plan Developers, LLC. In place of Livingston Humphreys, who is the case  
797 planner, this will be presented by Mr. Seth Humphreys.

798  
799 **(Deferred from the March 12, 2015 Meeting)**  
800 **REZ2014-00040 Steve Smith for Antioch Plan Developers, LLC:**  
801 Request to conditionally rezone from A-1 Agricultural District to R-6C General  
802 Residence District (Conditional) part of Parcel 848-710-9248 containing 8.44  
803 acres located approximately 500' northwest of the intersection of Elko Road and  
804 Elko School Road. The applicant proposes a home for the aged with a maximum  
805 of 118 units. The R-6 district allows a minimum lot size of 2,200 square feet and

806 a maximum gross density of 19.8 units per acre. The use will be controlled by  
807 proffered conditions and zoning ordinance regulations. The 2026 Comprehensive  
808 Plan recommends Semi-Public and Suburban Residential 1, density should not  
809 exceed 2.4 units per acre.

810

811 Mr. Witte - Do we have any opposition to REZ2014-00040. The  
812 applicant is Steve Smith for Antioch Plan Developers, LLC? We have opposition.  
813 Mr. Humphreys.

814

815 Mr. Humphreys - Thank you, Mr. Chairman, members of the  
816 Commission.

817

818 This is a request to rezone 8.44 acres from A-1 Agricultural to R-6C General  
819 Residence (Conditional) to allow a 118-bed home for the aged with independent  
820 living, assisted living, and memory care components.

821

822 The subject site is part of a larger parcel owned by New Bridge Baptist Church,  
823 located to the north of the intersection of Elko Road and Elko School Road. The  
824 Robbin Dale Farms neighborhood is adjacent to the northeast of the church, and  
825 the Old Cannon subdivision is located across Elko Road to the west. Elko Middle  
826 School is southeast of the site.

827

828 The 2026 Comprehensive Plan recommends Semi-Public uses for most of the  
829 subject site, with the remainder designated Suburban Residential 1.

830

831 The facility would be constructed in general conformance with this proffered  
832 conceptual plan (Exhibit A). Site access is proposed through the church property  
833 via a private drive with an access easement leading to a single internal access to  
834 the subject property.

835

836 The one- and two-story, 80,000-square-foot building would be constructed  
837 according to these proffered elevations (Exhibit B). Currently, the applicant  
838 anticipates 12 independent living units, 58 assisted living units, and 40 memory  
839 care units.

840

841 In addition to the layout and building elevations, the applicant's April 3, 2015,  
842 proffers, which have just been handed out to you, also include the following  
843 major items:

844

- 845 • Permitted uses limited to a home for the aged and church-related
- 846 expansion or activities that allowed in the R-6 district;
- 847 • A maximum of 118 units and 118 beds;
- 848 • Exterior materials to include brick veneer, EIFS, vinyl with 0.046"  
849 minimum thickness, and/or cementitious siding;
- 850 • Fifty percent of the exterior façade to be brick veneer;

- 851 • A Transitional Buffer 50 adjacent to Elko Road, along a portion of the  
852 southern property line, and around the back of the BMP. As you can  
853 see, these buffers are outlined in gray on this plan. Around the back of  
854 the BMP, a Transitional Buffer 10 around the remaining perimeter of  
855 the site;
- 856 • Conceptual exhibits for entrance signage and perimeter fencing;
  - 857 • Odor mitigation for cooking and laundering;
  - 858 • Various road improvements as detailed by the Department of Public  
859 Works; and
  - 860 • Interior wall and ceiling sound suppression requirements.
- 861

862 These revised proffers address a variety of issues previously raised in the staff  
863 report.

864

865 The proposed development is consistent with the 2026 Comprehensive Plan's  
866 Semi-Public designation. In addition, because the request is generally residential  
867 in character, it could be a reasonable alternative to the site's partial SR1  
868 recommendation in an area with limited housing options of this type for a growing  
869 senior population. For these reasons, staff believes this could be an appropriate  
870 use for the site and supports this request.

871

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

874

875 Mr. Witte - Does the Commission have any questions?

876

877 Mr. Leabough - I have one question, and that's just a point of  
878 clarification. In reading the proffers that were provided—and I'm going based off  
879 memory, so I may be wrong here—if 50 percent of the building will have either  
880 cementitious or EIFS, or the first level will have—and brick—

881

882 Mr. Humphreys - Let me open to that.

883

884 Mr. Leabough - So the first floor will essentially have brick or  
885 cementitious siding. And then the second floor will either be cementitious or EIFS  
886 and brick. Why are they including vinyl as a potential material when the proffers  
887 essentially eliminate it?

888

889 Mr. Humphreys - Good question.

890

891 Ms. Moore - Can you pull up the elevations, Seth?

892

893 Mr. Humphreys - Yes.

894

895 Mr. Leabough - The first level there. Brick with cementitious siding  
896 above that. Right? Are you trying to zoom in?

897  
898 Mr. Humphreys - Yes.  
899  
900 Mr. Leabough - So on the first level it will be brick and cementitious  
901 siding. For the two stories, it will be brick with the upper portion of that two-story  
902 elevation being brick with a cementitious siding or EIFS. Where would the vinyl  
903 go if you're pretty much taken up the whole wall section with those three  
904 materials?  
905  
906 Mr. Humphreys - That's a good question.  
907  
908 Mr. Branin - Unless they're trying to put it into windows and eaves.  
909  
910 Mr. Humphreys - It does have the vinyl windows there.  
911  
912 Mr. Branin - But that's not siding.  
913  
914 Mr. Humphreys - They do sometimes have those overhangs and things  
915 done in vinyl. That's a good question for the applicant.  
916  
917 Mr. Leabough - I just wanted to make sure I wasn't mistaken.  
918  
919 Ms. Moore - It needs a window for a one-story. I believe that's  
920 where the vinyl could be applied, the sections that are one story.  
921  
922 Mr. Leabough - Cementitious.  
923  
924 Mr. Branin - And brick.  
925  
926 Mr. Witte - Is there shaker siding on the elevation below this? Is  
927 that vinyl?  
928  
929 Mr. Leabough - That's probably a question for the applicant, more  
930 appropriate for the applicant. But I just wanted to make sure that I didn't miss  
931 something when I saw vinyl and I heard it in your presentation.  
932  
933 Mr. Humphreys - Right. And we have had several iterations of these  
934 proffers, so that may be something that was just overlooked.  
935  
936 Mr. Leabough - Okay.  
937  
938 Mr. Humphreys - If that becomes an issue, that's something that we  
939 can work on. I think the applicant may have some answers for those questions.  
940  
941 Mr. Leabough - Okay. Thank you, sir.  
942

943 Mr. Witte - Any other questions? How would you like to proceed?

944

945 Mr. Leabough - I'd like to hear from Mr. Davis first.

946

947 Mr. Witte - Mr. Davis, you have the floor.

948

949 Mr. Davis - Thank you. Mark Davis. I live at 6425 Elko Road. I  
950 appreciate the opportunity to speak before the Planning Commission. I'm not  
951 opposed to the project. What I would like to see that I don't see in the review by  
952 the Planning group is two things. One is a noise review for how this will impact  
953 the adjacent property owners. My concern is that other activities that may occur  
954 because this will be a large facility at one point, unloading and other things may  
955 impact the residential properties adjoining it. And since when I looked at the  
956 buffers, I'm not an engineer in that regard, so my thinking would be to request  
957 that the Planning Commission add an additional requirement to make sure that  
958 this operation would not affect adjacent property owners, especially the  
959 residential people.

960

961 The second thing is water planning. A couple days ago, for those who read the  
962 paper, you saw the Virginia DEQ report on water planning for the state of  
963 Virginia. A lot of impervious surface is going to go in for this particular area.  
964 There is a lot of impervious surface planned for our area in the Elko Road area,  
965 including the Technology Park and other operations. That is going to have an  
966 effect on recharging of the aquifers.

967

968 Most of my neighbors, most of the property owners that surround that area are  
969 not on public water; they're on well. Since the second requirement that I would  
970 like for the Planning Commission to consider is a groundwater study, whether it's  
971 part of this project or whether it's part of an overall project to look at that area. My  
972 concern is that as we continue to change the topography and as we continue to  
973 manage stormwater runoff, are we going to be recharging the aquifers or are my  
974 neighbors five years or ten years down the road going to end up with either a  
975 water quality issue, meaning that their water becomes contaminated, or are they  
976 going to end up with pumping their water out of their wells one day because the  
977 aquifer is not being recharged.

978

979 So I'm not opposed to the project. I think it's a good project for the area. I think  
980 it's a good fit. I just think some additional through should be given to those items.  
981 That's all I have. Thank you for your time.

982

983 Mr. Witte - Any questions for Mr. Davis? Thank you, sir.

984

985 Mr. Leabough - Would the applicant please come forward?

986

987 Mr. Smith - Good evening. My name is Steve Smith, and I  
988 represent Antioch Plan Developers. We're excited about the opportunity here to  
989 work with the church and develop this senior living facility.

990  
991 As far as clarification on those materials, you're right; we had several variations  
992 of the proffers. I believe the soffit area underneath is definitely going to be vinyl.  
993 There may be—we're just not sure about the material. But those shaker areas  
994 might have some vinyl. But I think in general you could probably assume that  
995 we're not going to do any vinyl as far as siding, per se. So that would be the  
996 extent of that.

997  
998 Mr. Leabough - So you go to the extent of putting cementitious—I  
999 would just eliminate vinyl altogether.

1000  
1001 Mr. Smith - We could definitely just strike that.

1002  
1003 Mr. Branin - The eaves and the trim wouldn't be considered vinyl  
1004 in the siding category.

1005  
1006 Mr. Smith - Okay. Yes, I agree, I agree. So we could just  
1007 eliminate the term *vinyl siding*.

1008  
1009 Mr. Witte - You said the soffits are going to vinyl?

1010  
1011 Mr. Smith - Mmm-hmm. But I believe normally you wouldn't really  
1012 consider that in the finishes anyway as far as the look or the image or anything.

1013  
1014 Mr. Witte - I just know that the Fire Department is opposing vinyl  
1015 soffits for fire spread purposes.

1016  
1017 Mr. Branin - That's a valid point.

1018  
1019 Mr. Smith - Do you want to talk on that, Terry?

1020  
1021 Mr. Bailey - Absolutely. I'm Terry Bailey with O'Brien Construction.  
1022 We are the contractor. We're going meet whatever the requirements are of the  
1023 Fire Department. We have used vinyl soffit material, perforated, for a long time.  
1024 We can put a hard siding there and cut in vents. There are many different ways  
1025 to do that. And we're going to work with the Fire Department and the staff to have  
1026 a good quality product.

1027  
1028 Mr. Witte - Thank you.

1029  
1030 Mr. Leabough - Could you speak to the questions that Mr. Davis  
1031 raised regarding noise. A lot of that sounded like operational concerns, if I'm not  
1032 mistaken. So you could address those?

1033  
1034 Mr. Smith - Just the nature of what we're doing, there's not going  
1035 to be a lot of noise generated anyway. But how I could reassure the community,  
1036 I'm not quite sure how I could do that. I know that there is a school right down  
1037 there in the same area that I'm sure is a lot louder than what we would ever  
1038 generate. And that might be one of the reasons for his concern.  
1039  
1040 As far as noise control? I'm open to some suggestions. I'm not sure I can set a  
1041 decibel amount of—  
1042  
1043 Mr. Leabough - I don't think he's talking about the seniors. I think he's  
1044 talking about delivery trucks for food service, dumpsters for refuse service.  
1045  
1046 Mr. Smith - In that case, we're definitely limiting. And we have in  
1047 the proffers delivery times and the activity and things with dumpsters and things  
1048 of that nature. So that would be during the normal working hours.  
1049  
1050 Mr. Leabough - Do you mind pointing us to that because I don't  
1051 think—I think what you're referring to are hours of construction and days of  
1052 construction. I don't see anything regarding operations.  
1053  
1054 Mr. Smith - Okay.  
1055  
1056 Mr. Branin - There are no proffers in it. In a lot of cases here in  
1057 Henrico, when you're putting something—even though this would fit into a  
1058 residential mode and the trend we're seeing is that most assisted livings want to  
1059 go into that neighborhood sort of setting, with that, I know this gentleman doesn't  
1060 have a dumpster truck coming to his house to pick up a dumpster at 6 a.m.  
1061  
1062 Mr. Smith - Right, right.  
1063  
1064 Mr. Branin - And he doesn't have a tractor-trailer—other than  
1065 Lumber Liquidators—coming to his house at 5:00 in the morning to do a delivery  
1066 with backup alarms.  
1067  
1068 Mr. Smith - Right.  
1069  
1070 Mr. Branin - You thought I forgot you from that case, didn't you?  
1071 So those are the sorts of things that you need to try to reflect, setting hours of no  
1072 dumpster pickups between the hours of midnight and 7 a.m. or Monday through  
1073 Friday, no Saturday and Sunday; no delivery trucks between the hours of—  
1074  
1075 Mr. Smith - Yes, I supposed we could just adjust the proffers to  
1076 specify that. One of the advantages is that natural buffer, of course. There are  
1077 some trees in there, and that's going to help the sound as well.  
1078

1079 Mr. Leabough - Do you mind pulling up the site plan, Mr. Humphreys?  
1080 I would imagine that you're probably going to be doing the bulk of that behind the  
1081 building? I'm not imagining that you're going to do your deliveries in the front of  
1082 the building. Where do you imagine the bulk of those deliveries taking place?  
1083 Just point to it with the cursor.  
1084

1085 Mr. Smith - Okay. Well, it's probably going to be coming right in  
1086 here. See where my hand is? It's going to be in this area because this is where  
1087 the kitchen and things are coming in. The kitchen is right in here. This is all of the  
1088 memory care are, so it would not be up here. It would be in this area.  
1089

1090 Mr. Leabough - So further away from the road and where the trees  
1091 are, what you were talking about, the buffer area.  
1092

1093 Mr. Smith - Right, right.  
1094

1095 Mr. Leabough - Okay.  
1096

1097 Mr. Smith - The only way to get in there is right here. So the good  
1098 thing is, is the way this building is configured is the movement of goods and all is  
1099 going to be right in this area here. So there would be a building between them.  
1100 But you're right; you have to actually get the vehicle in there.  
1101

1102 Mr. Leabough - So backup beepers, potentially, which is a concern  
1103 I'm sure you have.  
1104

1105 Mr. Davis - [Off microphone.] Can I clarify my question?  
1106

1107 Mr. Branin - You can't do it from there. You understand the  
1108 process; you're a veteran.  
1109

1110 Mr. Davis - I'm Mark Davis again. My question really is is that I've  
1111 been reading the studies by the Planning group. It's really, to me, a procedural  
1112 thing that I don't see in any of these a noise evaluation. Of any of these projects,  
1113 not just this gentleman's. I see it mentioned, but what I don't see is a systematic  
1114 or scientific method to evaluate the noise impacts on adjacent property owners.  
1115 That's really what I'm asking this group to think about. I'm not saying it has to be  
1116 done for this one, because if his truck deliveries are truly on the front side of the  
1117 road, then I don't think the residential property owners behind him would be  
1118 affected from those operations. And I'm assuming most likely because of his  
1119 clientele he's going to be having those normal business hours, you know, 9 to 5,  
1120 whatever that's going to be for his operation. Unless there's some emergency  
1121 need on the weekends, he's not going to have staff unloading trucks, etc.  
1122

1123 What I'm really asking is for the Planning group and the Board to think about  
1124 making sure that on projects like this that some measure of what noise impact

1125 are going to have to adjacent property owners. As you well know to your other  
1126 reference, we have been dramatically affected by another project in the area with  
1127 noise occurring. In this case, he's actually having to ask for rezoning of the  
1128 property, if I understand the process correctly. So this Board has an opportunity  
1129 to require some additional things if they believe it's necessary. I'm not saying it is  
1130 for this, and I'm really just trying to say something technically should be done to  
1131 look at this process so that we as residents, regardless of where we live in the  
1132 County, get some measure of that this is something in the process.

1133

1134 Did that clarify it or did I leave you—?

1135

1136 Mr. Leabough - I'm curious as to—and this is a question for staff. This  
1137 is a residential use. It's not a commercial use, if you will. But they do have  
1138 operations there. Do you know offhand how many deliveries you would get in  
1139 given day? Do you have a way to estimate that? Or what's the typical—and I say  
1140 that because Mr. Davis is impacted by a much larger facility. So this, in my  
1141 opinion, is a significant departure from that. So do you have an idea of how many  
1142 deliveries?

1143

1144 Mr. Smith - So what do you think, Terry, a couple—

1145

1146 Mr. Bailey - I would think that the trash would be no more than  
1147 twice a week. And we can control that. As far as food services and things like  
1148 that, I don't see huge trucks coming in. I see bobtail trucks coming in. And I don't  
1149 see a great deal of noise there. And they'll stop like Steve was talking about, in  
1150 areas that—it's probably going to be around behind and buffered. And then of  
1151 course you have all the trees and everything on one side. And too, the area, if it's  
1152 on the face side of the building, if there are services that take place there, it's still  
1153 quite a distance from Elko Road. And we'll do some landscaping up in the very  
1154 front with evergreen trees and things like that.

1155

1156 Mr. Smith - But as far as the number of times, I would think more  
1157 than three times a week, as far as stocking the food and the essentials.

1158

1159 Mr. Bailey - There could be some other equipment and goods and  
1160 things like that. So there will be some services that will come. But I think the  
1161 biggest you'll probably see would be a bobtail truck. I think there will vans that  
1162 would come in, and just general traffic. This is not going to generate very much  
1163 traffic just because of the type of product it is.

1164

1165 Mr. Branin - Mr. Chairman, if I may. Mr. Davis, I think you made  
1166 reference—and you can correct me if I'm wrong. You made reference to this  
1167 project, but what you're also asking this Commission and/or Board is to have  
1168 more focus—because of a recent experience you've endured—on more scientific  
1169 means of looking at sound issues with all projects.

1170

1171 Mr. Davis - Correct. That's really what I'm asking. I'm not picking  
1172 on this gentleman because I think his project is good.

1173

1174 Mr. Branin - And you have to appreciate when we're covering a  
1175 case, our focus is on that case. What you wanted a broad—and I got it, and I  
1176 agree, and I think we should look into it, as well as the water.

1177

1178 Mr. Davis - And also in this case though, he just happens to be in  
1179 my area—sorry. So when I read the document, it leaves me as a Henrico  
1180 resident wondering why—not picking on him—we're not looking at issues that  
1181 ultimately will affect us down the road because water quality and water quantity  
1182 certainly is an issue for all of us who lives on wells. So his project potentially  
1183 does have an impact of 8-1/2 acres. I didn't calculate the impervious surface for  
1184 that. I looked at his stormwater stuff. I'm not a stormwater or groundwater  
1185 engineer, but those projects accumulatively over time—and his is the first one  
1186 that I believe the Board has an opportunity to say whether or not something  
1187 should be evaluated or not. In the other case, things were already rezoned; there  
1188 was little the Board could do.

1189

1190 But I'm really asking that this project look at those issues more than what's been  
1191 done in this planning review because the project will have an impact. How much,  
1192 I don't know. But when I read this document, I can't see that as a Henrico County  
1193 resident. Thank you.

1194

1195 Mr. Branin - Good. Got it. Yes sir.

1196

1197 Mr. Archer - Mr. Chairman, may I ask a question?

1198

1199 Mr. Leabough - Please.

1200

1201 Mr. Archer - I see revised proffer 21 that speaks to sound  
1202 suppression that you have proffered a minimum sound coefficient rating of 55,  
1203 which is pretty standard what we do for interior walls. But I think what happens  
1204 often is we tend to overlook the residents who will occupy this building, and they  
1205 need to be able to enjoy some peace and quiet also. Is there a way that you  
1206 could proffer—and we're not supposed to suggest proffers, but could you  
1207 suggest one wherein not just the interior walls but the exterior walls could have a  
1208 sound coefficient so as to protect the value of living for the people who reside  
1209 there? And you may have intended that all along, but that does not speak to it.

1210

1211 Mr. Smith - The sound coefficient for the exterior wall is going to  
1212 be greater than the interior anyway because of it being a brick veneer and the  
1213 mass of the structure.

1214

1215 Mr. Archer - I only mention that because this proffer doesn't speak  
1216 to it. If it's going to be greater than, then the problem has solved itself.

1217  
1218 Mr. Smith - Or we could say "greater than." That's fine.  
1219  
1220 Mr. Archer - I can't suggest it, but you can, sir. Fair enough.  
1221  
1222 Mr. Smith - All right.  
1223  
1224 Mr. Leabough - One other question. The concerns about noise. Even  
1225 though you pretty much have a limited schedule of deliveries, but the hours. Are  
1226 you willing to look at a time frame for deliveries consistent with what your hours  
1227 of construction are?  
1228  
1229 Mr. Smith - Sure, absolutely. I don't have a problem with that. So  
1230 what are hours that we specified there on construction?  
1231  
1232 Mr. Leabough - I think it was like 10 to 2.  
1233  
1234 Mr. Smith - No, I don't think so.  
1235  
1236 Mr. Leabough - No. It was 7 a.m. to 6 p.m.  
1237  
1238 Mr. Smith - Oh yes, yes. Yes, we could do that. We can proffer  
1239 that.  
1240  
1241 Mr. Branin - And then with deliveries or with trash pickup, no  
1242 Saturdays and Sundays is generally what we see with—  
1243  
1244 Mr. Smith - Yes. Yes.  
1245  
1246 Mr. Branin - —with that.  
1247  
1248 Mr. Smith - Yes, that's fair, absolutely.  
1249  
1250 Mr. Witte - Do we have any other questions?  
1251  
1252 Mr. Leabough - With no other questions, I'd like to thank staff and  
1253 thank the developer. We had a large community meeting for this case. I don't  
1254 know how many people were there. There were so many people I couldn't  
1255 remember.  
1256  
1257 Mr. Smith - [Off microphone.] Forty to forty-five.  
1258  
1259 Mr. Leabough - It was more than that, I thought.  
1260  
1261 Mr. Smith - [Off microphone.] There were probably [inaudible].  
1262 Probably a total of about seventy-five.

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Mr. Leabough -                    Seventy-five, yes. So there was a good crowd there. The applicant presented their case, and no one stood up in opposition. So it seems like this is a welcomed use. One of the things I asked staff before we met with the community was—we asked for number in terms of assisted living facilities. They're not nursing homes; they're places for people to age in place. And one of the things that we recognize is that there is no assisted living facility, senior community, if you will, in the Varina District at all other than a couple of options here or there. I don't think there were many at all. So this is a huge opportunity, I think, for people that live in Varina that want to stay in Varina, but still age in place.

With that, I move that REZ2014-00040 Steve Smith for Antioch Plan Developers, LLC, move forward to the Board of Supervisors with a recommendation of approval subject to the conditions that we discussed in terms of trash pickup, hours of deliveries, things of that nature, as well as the removal of the vinyl as potential siding material, and additional conditions 1 through 21.

Ms. Jones -                        Second.

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

**REASON -**                        Acting on a motion by Mr. Leabough, seconded by Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it would not adversely affect the adjoining area if properly developed as proposed and the proffered conditions will provide appropriate quality assurances not otherwise available.

Mr. Davis, thank you for your input.

Ms. Moore -                        Mr. Chairman, the next case in on page 2 of your agenda on the top. It's REZ2014-00007. This will also be presented by Mr. Humphreys.

**REZ2015-00007                    Ralph L. "Bill" Axselle, Jr. & T. Preston Lloyd, Jr. for Elko II, LLC:** Request to conditionally rezone from A-1 Agricultural District to M-2C General Industrial District (Conditional) part of Parcel 845-706-5092 containing 46.045 acres located on the north line of Technology Boulevard at its intersection with Techpark Place. The applicant proposes a warehouse/distribution center with office. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office/Service.

1308 Mr. Witte - Is there any opposition to REZ2015-00007, Ralph L.  
1309 "Bill" Axselle, Jr. & T. Preston Lloyd, Jr., for Elko II, LLC? Noted.

1310

1311 Mr. Humphreys - Thank you Mr. Chairman, members of the  
1312 Commission.

1313

1314 This is a request to rezone 46.045 acres from A-1 Agricultural to M-2C General  
1315 Industrial (Conditional) to construct a distribution warehouse and office. Only the  
1316 southern half of the parcel is included in the request, leaving the wooded  
1317 northern half undeveloped.

1318

1319 Surrounding uses include:

1320

- 1321 • the VDOT Materials Lab to the east (zoned M-2);
- 1322 • the QTS Data Center, U.S. Postal Service, Health Diagnostic  
1323 Laboratory, and Aramark to the south (all M-2C);
- 1324 • vacant A-1 property and U.S. Postal Service (M-1C) to the west; and
- 1325 • A-1 zoned, large-lot residential properties to the north. The closest  
1326 residence is 837 feet to the north.

1327

1328 The 2026 Comprehensive Plan recommends Office/Service, a category which  
1329 includes warehousing and office uses. The parcel is also part of Prime Economic  
1330 Development Site #27 which further encourages economic development of the  
1331 property.

1332

1333 Proffered Exhibit 1 shows a 198,000-square-foot building for Phase 1. That's  
1334 183,000 square feet of warehouse and a 15,000-square-foot footprint for a two-  
1335 story, 30,000-square-foot office area.

1336

1337 This is the proffered exterior elevation for the office portion.

1338

1339 A potential 90,000-square-foot Phase 2 eastward expansion is also illustrated.  
1340 Two points of access would be provided on Technology Boulevard. The primary  
1341 full access would be across from Techpark Place and a right-in/right-out access  
1342 further west.

1343

1344 The master plan also includes three retention ponds, 344 standard parking  
1345 spaces, 28 parking spaces for a fleet of small- to medium-sized box trucks, 8  
1346 tractor-trailer receiving bays along the front of the building, and 9 box truck  
1347 loading bays at the rear of the warehouse. More bays could be added along the  
1348 front and rear of the building to accommodate future expansion.

1349

1350 Perimeter screening consists of a Transitional Buffer 50 along the northern and  
1351 western boundaries, as shown on this exhibit. Minimum 100-foot-wide natural  
1352 buffer with supplemental evergreen understory plantings would be provided  
1353 along Technology Boulevard.

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In addition to the proffered conceptual plan and screening assurances, the applicant's revised proffers dated April 2, 2015, which were just distributed, also include:

- Uses limited to those in the M-1 district and an enclosed vehicle storage area as regulated in the M-2 district. All other M-2 uses would be excluded;
- A maximum of two points of access, and only via Technology Boulevard;
- Proffer language and signage directing delivery trucks to exit by turning right to avoid Elko Road;
- Access configurations designed to minimize loading bay views;
- No speakers to be audible at the property lines; and
- Entrance signage details.

The proposed use is consistent with the 2026 Plan designations which encourage economic development on the site. The request is also compatible with adjacent industrial operations and would be well separated and buffered from residential uses to the north. Given these considerations along with the quality and mitigation assurances in the proffers, staff supports this request.

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

Mr. Witte - Any questions from the Commission? How would you like to proceed, Mr. Leabough?

Mr. Leabough - I'd like to hear from the opposition, please.

Mr. Witte - Mr. Davis, the floor is yours.

Mr. Davis - I'm Mark Davis. I live at 6425 Elko Road. I'm not really in opposition to the project. What I have some concerns about is we have another project coming to our neighborhood with additional truck traffic. And I'm seeing that the applicant has agreed to some restrictions on his traffic coming out Technology Boulevard to Route 60. What I didn't see, as I made in a previous point, is that there is no groundwater study with this project. So we have no idea what this impervious surface impact will be to the aquifers that, again, recharge our neighborhood area's wells.

The second thing I don't see is any evaluation other than for the outdoor speaker system for noise at the property line. And I will give you an example. If you Google my house, and you take their wonderful little map program, and you draw a line from my property line to the former Hewlett-Packard, which is now a warehouse distribution center, you come by my house any night you want, and I

1400 can hear the backup alarms. So even though this project, when you look at it,  
1401 has about the same amount of distance of 890-some feet, give or take whatever  
1402 you want to say, there is still the potential for this project to have an impact if its  
1403 operations are in the evening hours. My understanding from the Planning staff is  
1404 that this zoning would allow a 24/7 operation, theoretically; I'm not saying that  
1405 they are or aren't. But without some measure of understanding what noise impact  
1406 they could have to the residents in the surrounding residential areas, I have no  
1407 way to either endorse the project or not endorse the project.

1408  
1409 I'm not opposed to business; I think business needs to come. But I think we need  
1410 to plan for business so that it does not impact existing property owners and their  
1411 value of their property.

1412  
1413 Just so you know, I went to sell my property on Elko Road. I had a nice,  
1414 wonderful surprise that I have lost \$12,000 in my real estate value due to my new  
1415 neighbor up the road. I don't know if any of my other neighbors have been  
1416 impacted. So I have physical evidence. Had my house appraised. Had two real  
1417 estate agents out. And it is \$12,000 less than what the County currently  
1418 appraises my property. So I am, in essence, a direct impact of what I would view  
1419 as not planning out long-term impact of potential things to residential areas.

1420  
1421 I think the project is fine. The note that I do kind of find funny as a resident is that  
1422 there is more screening and buffer from Technology Boulevard, which is a  
1423 business entrance, than there is from adjacent property owners, than the  
1424 residential areas. Now I realize there are woods already there and it's an A-1  
1425 area. But when you read this, it comes across to me as we're more concerned  
1426 about somebody driving down a business entrance and looking over and seeing  
1427 the business than we are about other property owners around that are not  
1428 businesses. Just a footnote.

1429  
1430 I appreciate your time and consideration. Again, I think it's a good project, but I  
1431 think these issues are not addressed in this Planning staff report.

1432  
1433 Mr. Branin - I want to start by saying thank you. Thank you for  
1434 coming in. You bring up two valid, valid points, especially for this area. I know I  
1435 will be calling Jeff Perry. Have you spoken to anyone from our Environmental  
1436 Department?

1437  
1438 Mr. Davis - No, I have not. I'm not sure who to speak to.

1439  
1440 Mr. Branin - I will be talking to Jeff Perry tomorrow.

1441  
1442 Mr. Davis - Is that P-e-r-r-y?

1443  
1444 Mr. Branin - Yes. And finding out what we can do to get better  
1445 studies so that when cases are coming through what preventative measures we

1446 can take even further than what we are doing now. We hear you. And it will start  
1447 to be addressed tomorrow.

1448

1449 Mr. Davis - Okay.

1450

1451 Mr. Branin - Having been through this process once or twice  
1452 yourself, you know that we'll also—no matter where this case goes with zoning  
1453 and moving forward or deferred or whatever, you know that POD is when we  
1454 really get into the nuts and bolts-

1455

1456 Mr. Davis - Sure, I understand that.

1457

1458 Mr. Branin - —and the detail portion. Because you've been  
1459 through this, some other people might think wait, they're not really addressing it.  
1460 But you know we'll be diving deep.

1461

1462 Mr. Davis - Yes, you'll get to the details down the road. I just want  
1463 to make sure that we get the big picture right now. And then when the Planning  
1464 staff and the applicant look at things, maybe there can be some more attention  
1465 to—

1466

1467 Mr. Branin - Environmental should definitely be playing a bigger  
1468 part. Absolutely.

1469

1470 Mr. Witte - Any other questions?

1471

1472 Mr. Archer - Mr. Davis, may I ask you a question?

1473

1474 Mr. Davis - Yes sir.

1475

1476 Mr. Archer - I want to ask you because you seem to know these  
1477 things. You mentioned backup monitors making noise that you can hear at your  
1478 property. Do you know if there is a minimum decibel requirement from OSHA—

1479

1480 Mr. Davis - That would be in the OSHA standards. Yes, the  
1481 OSHA standards, 1910. I used to do safety—

1482

1483 Mr. Archer - I knew you'd know that.

1484

1485 Mr. Davis - But I don't know the actual decibel alarm number; I'd  
1486 have to go and look it up. But yes sir, it is.

1487

1488 Mr. Archer - So it could be these vehicles are just randomly  
1489 equipped with noise—

1490

1491 Mr. Davis - I would say probably not because that's pretty  
1492 standardized in a fleet vehicle. I work for a Fortune 500 company who has a  
1493 distribution center as big as Lumber Liquidators. But we're in a very residential  
1494 area, and we bought up all the land around us to avoid some of the issues. But  
1495 that's neither here nor there. So those are pretty standard when you buy a truck  
1496 intended—whether it's a 22-foot trailer or whether you're buying a tractor-trailer,  
1497 that noise is intended to be at a set decibel so that it's heard over normal  
1498 operations so that employees don't end up with some unintended consequences.  
1499 And those cannot be adjusted because that's a federal standard. And I  
1500 understand that. I'm just letting you know that even 890 feet doesn't give you a  
1501 measure of sound reduction that you would think. And that's my reason of  
1502 bringing it up before this and the Planning Commission that I experience that  
1503 today.

1504  
1505 Mr. Archer - Right.

1506  
1507 Mr. Davis - And I know that's not their intent; it's a part of  
1508 operations.

1509  
1510 Mr. Archer - I understand. And it's a very antagonizing noise, but I  
1511 guess it's intended to be.

1512  
1513 Mr. Davis - It's intended to be because you don't want to be  
1514 under the trailers.

1515  
1516 Mr. Archer - Thank you, sir.

1517  
1518 Mr. Davis - Thank you. Appreciate your time.

1519  
1520 Mr. Leabough - Would the applicant please come forward?

1521  
1522 Mr. Axelle - Mr. Chairman and members of the Board, Bill Axelle  
1523 on behalf of the applicant. With me is Preston Lloyd in our office. Also with us is  
1524 Brian Felton of Liberty Properties and Dale Farino of Associated Distributors,  
1525 which will be the occupant of this facility.

1526  
1527 A couple of cases ago, I was going to say I can assure this case will not have a  
1528 math test like you went through here in an earlier case. It's a fairly straightforward  
1529 case. This is in Technology Boulevard. It's a commercial/industrial area. We  
1530 invited all of the adjoining and adjacent property owners. We had four people  
1531 show up. Only one of them was a neighbor who was there on behalf of his  
1532 neighbors, and they were supportive. We had a good discussion. It was a  
1533 presentation, but it actually was more of a discussion among everybody there.  
1534 Mr. Leabough was there, as well as representatives of the Planning office.

1535

1536 Everybody accepted the concept, then we worked through the terms and  
1537 conditions of the proffers. And so that's why you see that we worked all of that  
1538 out, hopefully, beforehand.  
1539

1540 A couple of questions or comments. The 800-and-some feet is from the building  
1541 site, it is not from the—from the property line—from the rezoning line to the  
1542 homes is over 1,000. Some of them were 1100 feet. And it's all woods. It's  
1543 wetlands, it's treed. And so, like I said, the two most immediate neighbors  
1544 indicated they had no problems there. The noise is addressed as set forth in the  
1545 proffers, as is everything else.  
1546

1547 One thing I would point out is proffer #3. We have gone out of our way to provide  
1548 that the ingress and egress to the property shall only be via Technology  
1549 Boulevard. There will be two entrances and exits. One is the main one and it is  
1550 configured in such a fashion that it will facilitate the incoming and going out, but it  
1551 also is to shield the tractors and trucks from the front. The other one is to the left  
1552 of the screen, and that is a right-in/right-out. So as your delivery trucks come out  
1553 of there, they must go right, which is towards Williamsburg Road. Also, on both  
1554 exit points, there is signage that they must go to the right. That's in response to,  
1555 quite frankly, the problems we're all familiar with from an earlier case.  
1556

1557 I'll respond to any questions you have, but I'd like to ask Frank Wilson of  
1558 McKinney and Company, who is the engineer, who can address the issue of  
1559 stormwater management and so forth. He knows those details better than I.  
1560 Frank?

1561

1562 Mr. Wilson - Mr. Chairman, members of the Planning Commission,  
1563 my name is Frank Wilson. I'm with McKinney and Company. I'm the civil  
1564 engineer. Our company has done the plan of development, which was actually  
1565 submitted this afternoon. Part of what we've done is address the stormwater  
1566 issues. They always are major issues for big developments. Since July of last  
1567 year, the state has implemented new regulations that are very much more  
1568 stringent when it comes to water quality and water quantity management.  
1569

1570 Essentially, the way this site has been designed, we have very, very few storm  
1571 drain pipes. On the west, the north, and the east side, stormwater leaving the site  
1572 basically sheds off into side ditches, grass ditches that run into a stormwater  
1573 management pond.  
1574

1575 On the north side is a wet pond, on the south side there is a wet pond, and then  
1576 there is also a smaller dry pond on the north side. So the water that actually  
1577 leaves this site all goes into stormwater ponds. On the north side, the water that  
1578 ultimately leaves these ponds goes into a wetland where it will recharge the  
1579 aquifer. And while the water is in the ponds—they are unlined ponds—the water  
1580 is able to infiltrate into the underground water system.  
1581

1582 On the south side of the building, the Technology Boulevard side, there are some  
1583 short lengths of storm drain pipe to get the water into that pond, which is also an  
1584 unlined wet pond. And for major storm situations, the water would overflow and  
1585 run into an existing stream.

1586  
1587 So we believe that the stormwater that lands on this site, even on the impervious  
1588 areas, ultimately goes into receiving systems that enable the water to be  
1589 infiltrated into the ground. So we believe that that's an effective way of taking  
1590 care of stormwater quality and, of course, quantity as well. That's how we've  
1591 designed that system.

1592

1593 Mr. Witte - Does the Commission have any questions?

1594

1595 Mr. Leabough - I think noise was another question that was raised,  
1596 and I don't know if it was—I think it was addressed partially by the distance to the  
1597 homes. Could you all speak to that more definitively?

1598

1599 Mr. Axselle - It is addressed in one of the proffers, in particularly  
1600 #7. This was worked out with the staff about no outside speakers can be heard  
1601 from—adjacent properties shall be permitted on the property. No outdoor public  
1602 address paging or speaker system outside any building other than an intercom  
1603 system which is not audible on the property line. So those sounds cannot leave  
1604 the property line for those purposes.

1605

1606 And then, of course, you do have the fact that at the front of this property across  
1607 Technology Boulevard is an industrial/commercial area. To this side of it, if you  
1608 will, is the VDOT materials plant. And behind it, it's over 1,000 feet of trees and  
1609 wetlands separating it.

1610

1611 Mr. Leabough - Can you speak to noise from an operational  
1612 standpoint as well in terms of truck movement, truck loading and unloading, and  
1613 so on and so forth?

1614

1615 Mr. Axselle - In a nutshell—and Dale, correct me if I'm wrong—  
1616 basically the over-the-road tractor-trailers, a limited number of those come in.  
1617 They back up and unload into the warehouse area. And then the local box trucks,  
1618 which are the area-type delivery trucks, they come in and they're placed on the  
1619 other side of the facility. They are loaded, again, face to face with the warehouse  
1620 during the night. That's internal. And so what happens is, when the drivers come  
1621 in in the morning, they have a truck, it's already loaded, and it is to go out and go  
1622 to the people on their routes. In the evening when they come back, they come  
1623 back in, and the same process continues.

1624

1625 So there will be truck movement, as you would anticipate in an  
1626 industrial/commercial area. But the loading and unloading is done, as I said,  
1627 face-to-face with the warehouse.

1628  
1629 Mr. Leabough - Okay. So how many trips or tractor trucks a day would  
1630 you estimate?  
1631  
1632 Mr. Axselle - Preston, you have that.  
1633  
1634 Mr. Lloyd - Mr. Chairman, members of the Commission, Preston  
1635 Lloyd with Williams Mullen. There are approximately 28 to 32 box trucks, which  
1636 are the smaller, local delivery trucks that Mr. Axselle mentioned. There would be  
1637 approximately 12 to 15 inbound tractor-trailers within that cycle that was  
1638 described.  
1639  
1640 Mr. Leabough - Okay. So a much smaller number than the previous  
1641 case that we've been mentioning and referring to.  
1642  
1643 Mr. Lloyd - Yes sir.  
1644  
1645 Mr. Leabough - Okay. Mr. Axselle. Noise continues to be a concern.  
1646 It's been raised a number of times with a number of cases, especially in  
1647 reference to the previous case we've been talking about. I'm not saying that we  
1648 have to address it now, but I would like to get a commitment that at POD we can  
1649 look at the noise issue further and address it through potential landscaping  
1650 opportunities that may present themselves. Is that something that we could do?  
1651  
1652 Mr. Axselle - Yes, we can. I think we anticipated being able to do  
1653 that. We don't think that this is going to provide any noise issues because of the  
1654 area that it's in; however, we will be glad to discuss that at POD.  
1655  
1656 Mr. Leabough - If there are ways or strategies to mitigate or lessen  
1657 the impact, I think we should look at that.  
1658  
1659 Mr. Axselle - Okay.  
1660  
1661 Mr. Leabough - So can I get you to agree—  
1662  
1663 Mr. Axselle - Yes.  
1664  
1665 Mr. Leabough - —that we could look at that at POD?  
1666  
1667 Mr. Axselle - Yes.  
1668  
1669 Mr. Leabough - If this is approved. I should preface it with that.  
1670  
1671 Mr. Axselle - Thank you.  
1672  
1673 Mr. Leabough - Thank you, sir.

1674  
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Mr. Witte - Any other questions. Mr. Leabough?

Mr. Leabough - I get all the fun tonight, I see. This was a tough case for me, especially in light of the previous case that I shall not name. But it's a good case. I think the applicant has been more than amenable in terms of trying to work with staff and work with myself and the concerns that were raised as a result of the POD—not the rezoning—that we have experienced some concerns about. It looks like it's a less intense use—a significantly less intense use. And given that, there are a number of other industrial type or distribution-type facilities in the area. It's consistent with that. Staff supports the request.

I move that REZ2015-00007, Ralph L. "Bill" Axselle, Jr. & T. Preston Lloyd, Jr. for Elko II, LLC, move forward to the Board of Supervisors with a recommendation of approval subject to conditions 1 through 14 as noted in the proffers that were distributed tonight.

Ms. Jones - Second.

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

**REASON -** Acting on a motion by Mr. Leabough, seconded by Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is appropriate industrial zoning in this area and the employment use supports the County's economic development policies.

Ms. Moore - Mr. Chairman, moving into the Tuckahoe District on page 2 of your agenda, we have PUP2015-0004. This is Andrew Muhammad for L.I.M. Enterprises, LLC, doing business as Anytime Fitness. This will be presented by Billy Moffett.

**PUP2015-00004 Andrew Muhammad for L.I.M. Enterprises, LLC/DBA Anytime Fitness:** Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow 24-hour operation of an existing fitness facility on part of Parcel 737-742-5676 located in the northwest quadrant of Patterson Avenue (State Route 6) and Lauderdale Drive (Tuckahoe Village Shopping Center). The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration.

Mr. Witte - Is there any opposition to PUP2015-00004? I see none. Mr. Moffett.

1720 Mr. Moffett - Thank you, Mr. Chairman, members of the  
1721 Commission.

1722

1723 This request is for a Provisional Use Permit to allow for extended hours of  
1724 operation for Anytime Fitness, an existing fitness facility in the Tuckahoe Village  
1725 shopping center. The shopping center occupies 11.18 acres, and the tenant  
1726 space for the proposed fitness facility is approximately 4,800 square feet in size.  
1727 The site is located on the north line of Patterson Avenue (State Route 6) at its  
1728 intersection with Lauderdale Drive and is zoned B-2 Business District.  
1729 Businesses in B-2 districts are allowed to operate from 6:00 a.m. to 12:00  
1730 midnight, and extended hours of operation are allowed with approval of a  
1731 provisional use permit.

1732

1733 Mr. Witte - Excuse me, Mr. Moffett. I believe I misstated the  
1734 case. I believe it was PUP2014-00004.

1735

1736 Mr. Moffett - Correct.

1737

1738 Mr. Witte - Is there any opposition to that? My apologies.  
1739 Continue.

1740

1741 Mr. Moffett - Thank you. The 2026 Comprehensive Plan  
1742 recommends Commercial Concentration for the majority of the site and  
1743 Environmental Protection Area for a portion of the parcel on the other side of the  
1744 shopping center along Westbriar Drive. It should be noted, that Anytime Fitness  
1745 has occupied this location for approximately eight years.

1746

1747 The existing pattern of development along this portion of Patterson Avenue  
1748 consists of small-scale commercial and office uses and several residential  
1749 subdivisions. In this area, no business has approval for 24-hour operation. The  
1750 applicant has submitted detailed information regarding the operation of the  
1751 existing facility, including details about security measures and operating  
1752 procedures. While these details indicate the facility is well run, staff believes the  
1753 nature of the proposed 24-hour operation is incompatible with the adjacent  
1754 neighborhoods and could set a negative precedent for this area of Patterson  
1755 Avenue. For these reasons, staff does not support this request.

1756

1757 I am able to answer any questions you may have for me.

1758

1759 Mr. Witte - Any questions for Mr. Moffett?

1760

1761 Ms. Jones - I just want to make sure that we hear you loud and  
1762 clear. Are there any 24-hour businesses in reasonable proximity to this location?

1763

1764 Mr. Moffett - No ma'am, not that staff is aware of.

1765

1766 Ms. Jones - There are, however, other areas where B-3 zoning  
1767 would allow a 24-hour use that are in the Tuckahoe District and certainly, I would  
1768 guess, available for a business who wishes to operate twenty-four hours;  
1769 correct?

1770

1771 Mr. Moffett - Yes ma'am. Two locations approximately 2 to 2-1/2  
1772 miles away have B-3 zoning which would allow 24-hour operation by right.

1773

1774 Ms. Jones - And these are shopping center locations similar to  
1775 where this location is now?

1776

1777 Mr. Moffett - Yes ma'am.

1778

1779 Ms. Jones - Okay. I do think that it's reasonable to note that even  
1780 though B-3 zoning may in fact allow 24-hour operations, many businesses that  
1781 are in B-3 zoning choose not to operate on a 24-hour basis simply because the  
1782 neighborhood that they're in, the community that they're in, does not support it or  
1783 it wouldn't be appropriate. So it doesn't mean everything in B-3 operates twenty-  
1784 four hours.

1785

1786 Mr. Moffett - Correct.

1787

1788 Ms. Jones - They do have that right. Who is here tonight from the  
1789 applicant, do you know?

1790

1791 Mr. Moffett - Mr. Muhammad is here.

1792

1793 Ms. Jones - Mr. Muhammad is here? Okay, all right. Thank you. I  
1794 have no more questions for Mr. Moffett at the moment, unless someone else  
1795 does.

1796

1797 Mr. Witte - Anyone else?

1798

1799 Ms. Jones - Okay. It was my understanding from a phone call that  
1800 I received that there would be some folks here who wished to address the  
1801 Commission. Our Chairman asked for opposition, and it may be that you wish to  
1802 speak otherwise. So anyone who wishes to speak, I'd like to hear from you now.  
1803 If you wouldn't mind just refreshing our memory, Madam Secretary, about the  
1804 length of time we have to talk?

1805

1806 Ms. Moore - Yes. Just real quickly to recap. The applicant or  
1807 representative has ten minutes to present the testimony of their case. Opposition  
1808 also has ten minutes cumulative. And I would imagine if it's for, we can construe  
1809 that to be part of the applicant. But it's separate testimony, so ten minutes  
1810 cumulative. The Planning Commission can extend that time should they choose  
1811 to.

1812

1813 Ms. Jones -

I'm happy to hear what you have to say.

1814

1815 Dr. Lieb -

I'm Dr. Richard Lieb. My address is 12810 Poplar Forest Drive. And that's in the Tuckahoe District. I'm a member of Anytime Fitness. I've been a member for approximately a year. While I don't use the facilities late at night, there are a number of members who find it necessary to work out after midnight because of job obligations. They're not able to get there any other time. And I think it's unfair to limit those people who have already signed up to be allowed to use the facility after midnight.

1822

The other thing is I don't feel that it's really a 24-hour business the same as a Walgreens that's open to the general public. It's only open to members. And in order to get into the facility—it's actually locked all the time. And to get into the facility, you have to use a special key ring fob that you pass over the door, and it unlocks the door and allows you to get into the facility. And for safety reasons, they request that you use an emergency lanyard so if you happen to be there by yourself and you run into a problem, you can press the lanyard and get help if you need it.

1831

I work out during the day. I'm retired so I don't have a problem with having to go there at night. But there are always people there. The building is locked except when the owner or some of the staff are there; and at that time, there is a door that's open so people who might be interested in looking at the facility or utilizing the facility that don't have the key are allowed to come in and they can sign up. When the staff is gone, you have to have the special key to get into the facility.

1838

It's not really a 24-hour business. I was an endodontist in private practice for twenty-five years. My office had regular hours. But if I had an emergency, I went there at 2:00 in the morning to see the emergency. I mean, it's kind of the same thing.

1843

If anybody has any questions, I'll be glad to answer them.

1845

1846 Ms. Jones -

That's fine. Thank you, Dr. Lieb.

1847

1848 Dr. Lieb -

Okay, thanks a lot.

1849

1850 Ms. Jones -

Anyone else want to address the Commission? Okay, well then I'd like to talk to the applicant.

1852

1853 Mr. Witte -

Would the applicant please come forward?

1854

1855 Mr. Muhammad -

Good evening. Andrew Muhammad. Thank you for taking the time to consider my application.

1857

1858 Ms. Jones - Mr. Muhammad, I am happy to hear from Dr. Lieb,  
1859 and there have been a number of folks who have e-mailed the Planning  
1860 Department expressing their satisfaction with your business and support of you.  
1861 Actually, that makes me very happy. We're all happy when a business is  
1862 successful in Henrico. So it is good to hear from folks that you're serving the  
1863 patrons well.

1864  
1865 I do have a question that actually if this is proprietary information and you choose  
1866 not to answer it, that's fine too. But just so I get a bigger picture of your operation,  
1867 can you share about how many people you have as members? Is it a large  
1868 group?

1869  
1870 Mr. Muhammad - Eight hundred and ninety-one.

1871  
1872 Ms. Jones - Are these active members of this particular location or  
1873 is that Anytime Fitness in the whole area?

1874  
1875 Mr. Muhammad - This particular location.

1876  
1877 Ms. Jones - Okay. You are a franchisee?

1878  
1879 Mr. Muhammad - Yes ma'am.

1880  
1881 Ms. Jones - Okay. Is it possible to give a general idea of how  
1882 many folks are there from midnight to 6 a.m.?

1883  
1884 Mr. Muhammad - Less than 5 percent on a weekly basis.

1885  
1886 Ms. Jones - Okay, less than 5 percent. We're doing a lot of math  
1887 tonight, folks. Okay. I got it, I got it. That much I do get. Okay. I did want to ask  
1888 about—again, I don't mean to get into proprietary things. But as a franchisee—  
1889 obviously, the name is Anytime Fitness. But what are their requirements as far as  
1890 your hours?

1891  
1892 Mr. Muhammad - To have the facility accessible to its members twenty-  
1893 four hours a day, which makes it different from other fitness facilities because  
1894 part of our service to the community is that there are people who, because of  
1895 their schedules, cannot normally attend a fitness center. So we provide that  
1896 service by giving them access to the club. We have certain hours of operation in  
1897 which we're staffed, but we're not doing business twenty-four hours a day. I think  
1898 that is a distinction that should be noted, that after staffed hours, the members  
1899 just have access to the club by scanning their key, and the door unlocks and  
1900 gives them access to the club. But it's not a lot of traffic after hours, so it's just  
1901 giving access to those members that because of their work schedules would not  
1902 normally have access.

1903

1904 Ms. Jones - What are your hours of staffing?  
1905  
1906 Mr. Muhammad - Well, I get there at 4:30 every morning. So, once I get  
1907 there, it's staffed and pretty much until about 5:30 in the afternoon now.  
1908  
1909 Ms. Jones - That's a long day.  
1910  
1911 Mr. Muhammad - It's a very long day.  
1912  
1913 Mr. Archer - We're keeping you up.  
1914  
1915 Mr. Muhammad - I've been up since 3 a.m. I'm still going.  
1916  
1917 Ms. Jones - And so it is certainly your intention to operate 24/7.  
1918 That's required by your franchise.  
1919  
1920 Mr. Muhammad - Yes.  
1921  
1922 Ms. Jones - I see.  
1923  
1924 Mr. Muhammad - And not doing so takes me out of the franchise model.  
1925 It changes the way we market and everything. It's what distinguishes us from  
1926 everyone else.  
1927  
1928 Ms. Jones - Have you been operating twenty-four hours a day  
1929 since you became—you became the owner in what year?  
1930  
1931 Mr. Muhammad - The end of 2009, early 2010.  
1932  
1933 Ms. Jones - Okay. And you've been operating 24/7 since then.  
1934  
1935 Mr. Muhammad - Yes, because it was previously operated like that, for  
1936 about three years before I purchased it. It was an existing business.  
1937  
1938 Ms. Jones - And what hours are you open today?  
1939  
1940 Mr. Muhammad - Today? From 4:30 until about 5:30 p.m.  
1941  
1942 Ms. Jones - No, not when you were staffing it. What hours did  
1943 your members have access.  
1944  
1945 Mr. Muhammad - Twenty-four hours.  
1946  
1947 Ms. Jones - Twenty-four hours today.  
1948  
1949 Mr. Muhammad - Yes, since I purchased it, it's been operating like that.

1950  
1951 Ms. Jones - As we speak. Okay.  
1952  
1953 Mr. Muhammad - I just want to clarify something. When I purchased the  
1954 business, it was already operating like that. And I think on the application when it  
1955 asked operating hours, I was under the impression that those were staffing hours  
1956 and not hours where members would just access to the club, so, I just followed  
1957 the template of the previous owner.  
1958  
1959 Ms. Jones - I will tell you that on your application in 2010 when  
1960 you signed your name to the application saying that you declared that these were  
1961 true, full, correct, and complete statements, and then of course you listed your  
1962 hours as 10 a.m. to 8 p.m.  
1963  
1964 Mr. Muhammad - Right.  
1965  
1966 Ms. Jones - What you're telling me right now—first time I'm  
1967 hearing this—is that was a mistake on your part. You misinterpreted what they  
1968 wanted. However, our County reviewers looked at that and felt, rightly so, that  
1969 you would be within your rights to operate on those hours in the B-2 district. You  
1970 were not intending at all, you just told me, to operate this on anything other than  
1971 a 24-hour basis because that was the requirement as a franchisee.  
1972  
1973 Mr. Muhammad - Correct.  
1974  
1975 Ms. Jones - Okay.  
1976  
1977 Mr. Muhammad - And I just want to note that about fifteen feet away  
1978 from the facility to my left is a 24-hour carwash. I don't know whether that makes  
1979 a difference or not, but people use it all times of the night.  
1980  
1981 Ms. Jones - My understanding is that that carwash has limited  
1982 hours that were put in place when it was approved.  
1983  
1984 Mr. Muhammad - Okay. I didn't know that. But it's lit and it's active after  
1985 hours. People can use it.  
1986  
1987 Ms. Jones - Up until midnight and then after 6 a.m. are the hours  
1988 that are allowed in the B-2 district.  
1989  
1990 Mr. Muhammad - Okay.  
1991  
1992 Ms. Jones - And I can go ahead and get the hours of that  
1993 carwash, but I don't think I have them written down right here. But there are  
1994 limited hours.  
1995

1996 As you can see from the plan that's on the monitor, this is an area that's heavily  
1997 residential. The shopping center caters to the needs of the general community;  
1998 it's not meant to be high density.

1999

2000 My job right now is to assess your application for a provisional use permit to stay  
2001 open twenty-four hours a day. You wish to do that; that's your business model.  
2002 That's the only thing that works with your franchise. And quite honestly, whether  
2003 or not you meant to mislead the County or misrepresent your business plan or  
2004 whatever it is, you put yourself into a district that doesn't allow twenty-four hour  
2005 operation.

2006

2007 I hear from folks that use your business that you operate it well, and I wish you  
2008 every success. I just cannot have a 24-hour business in a zoning district that  
2009 does not allow it. And the problem I'm having right now is because we have the  
2010 area that we do, this precedent-setting issue is not a casual one. If we have a 24-  
2011 hour business approved for 24-hours, then the next folks in are going to be  
2012 maybe not as subtle as you are, maybe not as non-impactful as you are. But we  
2013 can't sit here and pick and choose winners and losers. We have to be true to the  
2014 zoning code we all operate under.

2015

2016 What I would suggest to you is that you have the ability to operate up until  
2017 midnight and then start again at 6 a.m. in your current location. Or there are  
2018 opportunities to operate a 24-hour business in other zoning districts. I hope that  
2019 you can find some kind of a solution that will work for you as well as for your  
2020 patrons because clearly they do appreciate the service you offer. To recommend  
2021 approval of this PUP to the Board would really counteract a longstanding policy  
2022 that we have of not allowing 24-hour businesses in this Patterson Avenue  
2023 corridor simply because it would be too impactful on the residences.

2024

2025 I encourage you to either relocate or try to change your business model, which I  
2026 would guess you clearly would rather not do. With that in mind, I can't support  
2027 something that will be an unfortunate precedent with land use and planning  
2028 principles in place. I simply have to support the existing zoning.

2029

2030 Unless there are other questions from the commission, I'm ready to make a  
2031 motion to the Board.

2032

2033 Mr. Witte - Any other questions?

2034

2035 Mr. Archer - I just want to ask Mr. Muhammad a question. Have  
2036 you looked at the possibility of relocating to another area that would  
2037 accommodate what you need to do?

2038

2039 Mr. Muhammad - I have in the past, and it's just not cost-effective.

2040

2041 Mr. Archer - Do you own the building?

2042  
2043 Mr. Muhammad - No, it's owned by the Wilton Companies.  
2044  
2045 Mr. Archer - Okay. That's all I have.  
2046  
2047 Mr. Witte - All right, Ms. Jones.  
2048  
2049 Ms. Jones - All right. I wish you well, and I am sorry that  
2050 unfortunately I feel I cannot support your request. I will have to move that  
2051 PUP2015-00004, Andrew Muhammad for L.I.M. Enterprises, LLC/DBA Anytime  
2052 Fitness, be recommended to the Board of Supervisors with a recommendation  
2053 for denial.  
2054  
2055 Mr. Leabough - Second.  
2056  
2057 Mr. Witte - We have a motion by Mrs. Jones, a second by Mr.  
2058 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion  
2059 passes.  
2060  
2061 **REASON -** Acting on a motion by Ms. Jones, seconded by Mr.  
2062 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend  
2063 the Board of Supervisors deny the request because the proposed 24 hour  
2064 operation could set a precedent that would adversely impact current and future  
2065 uses in the area.  
2066  
2067 Ms. Jones - Mr. Muhammad, this case will go to the Board of  
2068 Supervisors in approximately a month. You may make your case to the Board.  
2069  
2070 Ms. Moore - Mr. Chairman, the next case is on page 2 of your  
2071 agenda and is in the Brookland District. It is REZ2014-00050. The applicant is R.  
2072 Christian Sowers for RCS Development Corporation. This will be presented by  
2073 Ms. Rosemary Deemer.  
2074  
2075 **(Deferred from the March 12, 2015 Meeting)**  
2076 **REZ2014-00050 R. Christian Sowers for RCS Development**  
2077 **Corporation:** Request to conditionally rezone from [R-6C] General Residence  
2078 District (Conditional) and R-2 One-Family Residence District to RTHC  
2079 Residential Townhouse District (Conditional) Parcels 768-760-1507, 768-759-  
2080 3393 and 767-760-8701 containing 5.432 acres located on the east line of  
2081 Hungary Spring Road between Hungary Road and Old Route 33. The applicant  
2082 proposes a residential townhouse development of no more than 30 units. The  
2083 RTH District allows a maximum density of nine (9) units per acre. The use will be  
2084 controlled by proffered conditions and zoning ordinance regulations. The 2026  
2085 Comprehensive Plan recommends Suburban Residential 2, density should not  
2086 exceed 3.4 units per acre.  
2087

2088 Mr. Witte - Is there any opposition to REZ2014-00050, R.  
2089 Christian Sowers for RCS Development Corporation? Yes, we have opposition.  
2090 Ms. Deemer.

2091

2092 Ms. Deemer - Good evening, Mr. Chairman, members of the  
2093 Commission:

2094

2095 As the secretary said, this is a request to rezone 5.432 acres from [R-6C]  
2096 General Residence District (Conditional) and R-2 One-Family Residence District  
2097 to RTHC Residential Townhouse District (Conditional) to allow the construction of  
2098 up to 30 townhouse units at property generally located between Hungary Road  
2099 and Hungary Spring Road and Old Route 33.

2100

2101 A mix of several different zoning classifications and uses surround the site. To  
2102 the north are the Laurel Lakes Townhomes, zoned RTHC; to the south are the  
2103 Lakeland Townes Townhomes, also zoned RTHC. To the east are the Laurel  
2104 Lakes Condominiums, which are zoned [R-5C], and to the west are single family  
2105 homes from the Laurel Heights subdivision, zoned R-2.

2106

2107 Originally part of the Laurel Heights subdivision recorded in 1940, the property  
2108 was zoned R-2, One-Family Residence District, but only two lots were developed  
2109 in the R-2 district. A portion of the site was rezoned in 1981 to [R-6C] General  
2110 Residence District (Conditional) to allow offices and financial institutions.  
2111 However, nothing was ever developed on the rezoned portion of the property.

2112

2113 The Comprehensive Plan recommends Suburban Residential 2 for the subject  
2114 site. Though not entirely consistent in terms of density and type of residential  
2115 unit, the proposed use is consistent with the Plan's recommendation for  
2116 residential use. Given the similar development pattern in the area, the request for  
2117 townhomes could be appropriate.

2118

2119 The applicant is proposing to develop 30 residential townhouse units, split  
2120 between six buildings. Primary access would be provided from Hungary Spring  
2121 Road. Revised proffers, dated April 2, 2015, which were provided to you,  
2122 address:

2123

- 2124 • Elevations
- 2125 • Building materials—full standard brick, stone, Dryvit, vinyl siding,  
2126 and/or cementitious siding and/or a combination thereof
- 2127 • Minimum finished floor area of 1,440 square feet
- 2128 • Landscaping

2129

2130 As the proposed use is generally consistent with the Comprehensive Plan's  
2131 recommendation for residential uses and the revised proffers are providing  
2132 assurances of quality development, staff can recommend approval. Staff would

2133 note there are some minor housekeeping details within the proffers that should  
2134 be addressed between now and the Board report.

2135

2136 With that, I'd be happy to answer any questions you may have.

2137

2138 Mr. Witte - Do we have any questions for Ms. Deemer?

2139

2140 Ms. Jones - Yes, I do, actually. The BMP, it's right there at the  
2141 intersection, correct?

2142

2143 Ms. Deemer - Yes ma'am.

2144

2145 Ms. Jones - With the CVS at the corner of Patterson and  
2146 Lauderdale, is it—

2147

2148 Ms. Deemer - Yes, that was my rezoning case many years ago.

2149

2150 Ms. Jones - Okay. I thought we were talking—yes. So that's  
2151 basically what you're envisioning?

2152

2153 Ms. Deemer - I don't know. You'd have to ask the applicant what  
2154 they're envisioning. I'm not sure that they've gotten that far in the process.

2155

2156 Ms. Jones - Okay. It's difficult to have that right there at such a  
2157 prominent place. We try hard not to.

2158

2159 Ms. Moore - And that's a good point, Mrs. Jones, and I believe that  
2160 was raised to the applicant or will be if this goes forward, depending on the  
2161 classification of road. Typically, we have a policy that we don't like to have wet  
2162 ponds or above-ground ponds within 25 feet of a certain classified road. And I do  
2163 think this qualifies. So that might pose some site design issues in the future.

2164

2165 Ms. Deemer - And it has been put in the staff report to at least let  
2166 the applicant know that that is something that will have to be raised to the  
2167 Director of Public Works, as well as to County administration.

2168

2169 Ms. Jones - Okay.

2170

2171 Mr. Witte - Any other questions? Would the opposition come  
2172 forward, please, those opposed.

2173

2174 Ms. Stewart - My name is Carrie Stewart. I live in Lakeland Townes.  
2175 I just want to speak to my feeling of being a resident there, that there has been  
2176 so much overdevelopment in this area. I think I may have offended the Board last  
2177 time when I accused Henrico of turning into New Jersey. So my apologies for  
2178 that.

2179

2180 But I do feel that this area is being very overdeveloped. In my neighborhood  
2181 alone, my two neighbors—hopefully they didn't move on account of me, but their  
2182 houses have been on the market, both of them, for almost a year now. When you  
2183 live there and you see what's going on, people are not moving to this area. No  
2184 matter how many Krogers we build, Targets, Bojangles, whatever they put in this  
2185 neighborhood, people are not coming. I know that's a whole other meeting, but I  
2186 think it has to do with the schools, personally. It troubles me to see the  
2187 overdevelopment and the clear-cutting of trees over and over. So I just want to  
2188 go on record. I know I probably can't stop anything, but I just want to go on  
2189 record and say that it troubles me in that area.

2190

2191 Mr. Witte - Do we have any questions for Ms. Stewart?

2192

2193 Mr. Branin - Ms. Stewart, where are you from?

2194

2195 Ms. Stewart - I'm from Richmond. Why?

2196

2197 Mr. Branin - I thought you might be from New Jersey.

2198

2199 Ms. Stewart - I'm from Richmond.

2200

2201 Ms. Jones - Excuse me. I have family in New Jersey. Let's just—

2202

2203 Ms. Stewart - No, I am a native Richmonder.

2204

2205 Ms. Moore - I may have missed it, but can you spell your last  
2206 name?

2207

2208 Ms. Stewart - Yes. It's S-t-e-w-a-r-t. Thank you for listening.

2209

2210 Ms. Jones - Just let me say one thing. It is true that homes do sit  
2211 on the market for various reasons. I don't know the situation, obviously, with your  
2212 neighbors, but it's been a frustrating real estate market. There may be many  
2213 factors.

2214

2215 Ms. Stewart - Absolutely.

2216

2217 Ms. Jones - Quality development I think always finds a good  
2218 home. Whatever goes here, certainly we will try our best to make sure that it is a  
2219 complement and a quality addition to your area.

2220

2221 Ms. Stewart - I just hate to see these houses for sale and then  
2222 building more. It doesn't make sense to me to see this overdevelopment. That's  
2223 all. Thank you.

2224

2225 Mr. Witte - Thank you. Sir?  
2226  
2227 Mr. Aleksandrov - Good evening. I'm a resident at 8100 Hungary Road,  
2228 which is directly on the other side of—  
2229  
2230 Mr. Witte - Can you state your name, please?  
2231  
2232 Mr. Aleksandrov - Oh, I apologize. Aleksandar Aleksandrov is my name.  
2233 If you'd like me to spell that, I can.  
2234  
2235 Mr. Witte - Yes.  
2236  
2237 Mr. Aleksandrov - It's A-l-e-k-s-a-n-d-a-r. Last name is A-l-e-k-s-a-n-d-r-  
2238 o-v.  
2239  
2240 Mr. Witte - You have the floor, sir.  
2241  
2242 Mr. Aleksandrov - Thank you. I'm not very well prepared for this  
2243 because I just got the letter the other day. I haven't had a chance to look at the  
2244 actual plans of the development. But adding to the density of this neighborhood I  
2245 think will not help the area. I think that the R-2 zoning or the residential single-  
2246 family zoning in this particular place will be much better for the area considering  
2247 all of the townhomes surrounding and the one piece of land that has residential  
2248 single-family zoning between Hungary and Hungary Spring Road. This was  
2249 planned to be single-family zoning. I don't understand why we need to add  
2250 additional density to this one little sliver of land there.  
2251  
2252 Also, the water retention is probably going to be an issue as well to the  
2253 surrounding single-family homes that are just across the street.  
2254  
2255 Mr. Witte - All right. Do we have any questions?  
2256  
2257 Mr. Aleksandrov - One other thing. Looking at this, it looks like the  
2258 entrance to the development is right in front of my entrance on the other side. It  
2259 will probably create a problem with traffic there. It's very close to the big  
2260 intersection at Hungary Road and Hungary Spring Road. That's it for me. Thank  
2261 you.  
2262  
2263 Mr. Witte - Okay. Thank you, sir. Can the applicant come  
2264 forward, please?  
2265  
2266 Mr. Sowers - Good evening, Mr. Chairman, members of the  
2267 Commission. My name is Christian Sowers, and I represent the applicant.  
2268  
2269 I believe the staff has fairly summarized this case. It is compatible with the  
2270 surrounding residential communities and meets the objectives of an under-

2271 utilized infill parcel. The case has proffered quality building materials, a 25-foot  
2272 landscape buffer. It will have minimal impact to schools and other public facilities,  
2273 and it is accessed via a surrounding road network that can handle the traffic.  
2274

2275 The applicant will continue to work with staff in order to resolve a few of the  
2276 outstanding proffer language concerns. We respectfully ask that you recommend  
2277 approval of this case to the Board.  
2278

2279 I certainly would like to answer any questions that you may have. Mrs. Jones,  
2280 you had mentioned something, if I may—  
2281

2282 Ms. Jones - Yes.  
2283

2284 Mr. Sowers - —about the BMP location. Unfortunately, my engineer  
2285 had a scheduling conflict and couldn't be here. If the Commission and the Board  
2286 view favorably upon the zoning request, I believe that's an item that can be  
2287 addressed at POD.  
2288

2289 Ms. Jones - Thank you.  
2290

2291 Mr. Sowers - Yes ma'am.  
2292

2293 Mr. Witte - These housekeeping items, Mr. Sowers.  
2294

2295 Mr. Sowers - Yes sir.  
2296

2297 Mr. Witte - I understand there is a landscaping issue with the one  
2298 tree per unit.  
2299

2300 Mr. Sowers - Yes sir.  
2301

2302 Mr. Witte - You're going to do this project very similar in design  
2303 and quality and materials to the property across the street?  
2304

2305 Mr. Sowers - Yes sir.  
2306

2307 Mr. Witte - And you're going to work out those two issues  
2308 between now and the Board?  
2309

2310 Mr. Sowers - Yes sir.  
2311

2312 Mr. Witte - All right. And the other things were the steps and  
2313 stoops?  
2314

2315 Mr. Sowers - Yes.  
2316

2317 Mr. Witte - You're going to take care of that issue?  
2318  
2319 Mr. Sowers - Yes sir. It's just the language, the way—  
2320  
2321 Mr. Witte - And one other thing that I had was the fence height. I  
2322 don't think that was taken care of in the proffers.  
2323  
2324 Mr. Sowers - The fence height.  
2325  
2326 Mr. Witte - I may have missed it.  
2327  
2328 Mr. Sowers - Mr. Chairman, what proffer condition was that, sir?  
2329  
2330 Mr. Witte - Well, let's just say we'll work on those also.  
2331  
2332 Mr. Sowers - Yes sir. Noted.  
2333  
2334 Mr. Witte - The only other thing I have to bring up that we will  
2335 work on later is the building materials. It would be beneficial as far as the Fire  
2336 Department is concerned to eliminate the vinyl soffit so it doesn't spread fires  
2337 through the roofline to other buildings.  
2338  
2339 Mr. Sowers - Yes sir.  
2340  
2341 Mr. Witte - You don't have an issue with that, do you?  
2342  
2343 Mr. Sowers - I do not.  
2344  
2345 Mr. Witte - All right. Are there any other questions?  
2346  
2347 Ms. Jones - Mr. Sowers, is this wooded area intended to be a  
2348 potential expansion area?  
2349  
2350 Mr. Sowers - No ma'am. That area will be protected. It will never be  
2351 developed.  
2352  
2353 Mr. Branin - Why is that, Mr. Sowers?  
2354  
2355 Mr. Sowers - The project, sir, has some wetlands on it.  
2356  
2357 Mr. Branin - So it's wetland?  
2358  
2359 Mr. Sowers - It is. Well, not the entirety of the site.  
2360  
2361 Mr. Branin - But that wooded area that will never be developed is  
2362 the wetlands?

2363  
2364 Mr. Sowers - Correct. We are currently working with the DEQ and  
2365 Corps on permits. And there is a certain limitation on what we can impact on the  
2366 site. That area that's shown as wooded area will never be impacted.  
2367  
2368 Mr. Branin - Okay. Question to you, Mr. Sowers. If indeed you  
2369 can't put that BMP in there, what are you going do?  
2370  
2371 Mr. Sowers - I'd have to discuss that with my engineer. I'm not  
2372 comfortable with making—it could go underground, yes.  
2373  
2374 Mr. Branin - Go underground detention system?  
2375  
2376 Mr. Sowers - Yes, that's possible.  
2377  
2378 Mr. Branin - And then you could make that a pocket park or some  
2379 green space as an amenity.  
2380  
2381 Mr. Sowers - Yes.  
2382  
2383 Mr. Branin - Wouldn't that be neat?  
2384  
2385 Mr. Leabough - One quick question relating to the porches. Are you  
2386 proposing slab on grade?  
2387  
2388 Mr. Sowers - Yes sir.  
2389  
2390 Mr. Leabough - What material would the entrances be other than  
2391 masonry? I mean, you wouldn't propose a wood-type stoop or anything. I'm just  
2392 trying to understand that proffer.  
2393  
2394 Mr. Witte - We just wanted to get the proffer language consistent  
2395 with other areas.  
2396  
2397 Mr. Leabough - Thank you.  
2398  
2399 Mr. Sowers - Thank you.  
2400  
2401 Mr. Witte - Any other questions? Thank you, sir.  
2402  
2403 Mr. Sowers - Thank you.  
2404  
2405 Mr. Witte - With that being said and the agreement of Mr. Sowers  
2406 to diligently work on this between now and the Board, I move that REZ2014-  
2407 00050, R. Christian Sowers for RCS Development Corporation, move to the  
2408 Board of Supervisors with a recommendation of approval.

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Mr. Branin - Second.

Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes. Thank you.

**REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it reflects the type of residential growth in the area and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

Ms. Moore - Mr. Chairman, that leads us to the last case this evening for public hearing, which is on page 3 of your agenda. It is REZ2015-00010. The representative is David Hamnett for The Kittrell Company. The presentation will be done by Mr. Seth Humphreys.

**REZ2015-00010 David Hamnett for The Kittrell Company:** Request to rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 755-769-5827 containing 1.51 acres located on the west line of Springfield Road (State Route 157) approximately 150' north of its intersection with Wintergreen Road. The applicant proposes single family homes. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Mr. Witte - Is there any opposition to REZ2015-00010, David Hamnett for The Kittrell Company? I see none. Mr. Humphreys.

Mr. Humphreys - Thank you Mr. Chairman, members of the Planning Commission. I'll try to make this quick.

This request is to rezone approximately 1.51 acres from A-1 to R-3C to allow for the development of single-family residences. The existing single-family home would be removed during the construction of the proposed subdivision.

To the west and the south, beyond the adjacent acreage parcel, is the Winterberry subdivision. The Winterberry subdivision was zoned R-3C with cases and C-53C-95 and C-57C-97. Across Springfield Road to the east are two acreage parcels, one vacant and one with an existing detached single-family home. To the north is the proposed Estates at Winterberry, which was approved with REZ2013-00007.

The site is designated Suburban Residential 2 on the 2026 Comprehensive Plan with a recommended density not to exceed 3.4 units per acre.

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A revised proffered conceptual has just been distributed to you. It reflects the most recent plans for the Estates at Winterberry. This plan shows the subject parcel being divided into five new lots and two other portions being added to lots platted with the Estates at Winterberry. A newly constructed road, as shown on the conceptual plan, would grant access to Springfield Road, a VDOT-maintained roadway, for the proposed lots as well as the lots planned with the Estates at Winterberry to the north.

The applicant has submitted revised proffers dated April 3, 2015, which have just been distributed to you. These proffers include, but are not limited to:

- a minimum finished floor area of 2,400 square feet;
- a prohibition of two homes with the same elevation being located adjacently, and at least two side windows on the side elevations of home on corner lots;
- thirty-year dimensional shingles;
- brick or stone foundations;
- irrigated and sodded front and side yards;
- a minimum of two car garages with a clear space dimension for all homes and a minimum of 75 percent of those being side or rear loaded;
- a limit on construction hours; and
- a prohibition of certain fencing materials.

Overall, this request is consistent with the land use recommendation of the 2026 Plan and would continue the residential development pattern in the area. The applicant has also provided a number of assurances to help define the development's overall quality and mitigate potential impacts. For these reasons, staff supports this request.

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

Mr. Witte - Do we have any questions for Mr. Humphreys?

Ms. Moore - Mr. Humphreys, from a point of clarification, you mentioned that the proffer dates were April 3rd; what was handed is April 2nd. I just want to clarify that for the record.

Mr. Humphreys - I'm sorry.

Mr. Witte - Thank you.

Mr. Leabough - I have a quick question. So there are existing homes here, correct?

2501 Mr. Humphreys - The subdivision is currently under construction. The  
2502 rezoning was approved back in 2014, the beginning of 2014. It was a 2013 case.  
2503

2504 Mr. Leabough - Is what is being presented today consistent with those  
2505 previous proffers?  
2506

2507 Mr. Humphreys - The proffers are identical with the one exception that  
2508 there is no signage proffer with this case. The signage for the subdivision is  
2509 actually located on the previously approved case.  
2510

2511 Mr. Leabough - So these are consistent with what was previously  
2512 approved.  
2513

2514 Mr. Humphreys - Yes.  
2515

2516 Mr. Witte - They are exactly, is my understanding.  
2517

2518 Mr. Leabough - Okay. So one other question related to the HOA.  
2519 These lots would essentially be joining the existing HOA?  
2520

2521 Mr. Humphreys - That is my understanding.  
2522

2523 Mr. Leabough - Not a new HOA created for these lots.  
2524

2525 Mr. Humphreys - No.  
2526

2527 Ms. Jones - Is there an HOA?  
2528

2529 Mr. Humphreys - Yes. They worked it out to be added to—  
2530

2531 Ms. Jones - There is; I'm sorry.  
2532

2533 Mr. Humphreys - My understanding is with the previous case they  
2534 added it to Winterberry.  
2535

2536 Ms. Jones - I missed it. Okay. I see it now.  
2537

2538 Mr. Humphreys - That never happened? Oh, okay. They had talked  
2539 about adding it to Winterberry before, but now this is going to be separate, the  
2540 Estates at Winterberry will be separate from Winterberry itself.  
2541

2542 Ms. Jones - Winterberry is built out.  
2543

2544 Mr. Humphreys - Winterberry has been built for quite some time.  
2545

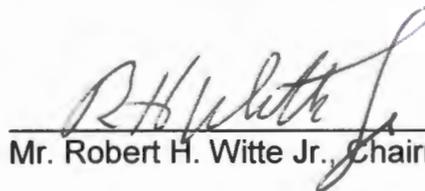
2546 Ms. Jones - Yes. Okay.

2547  
2548 Mr. Witte - All right. Any other questions? Would the applicant  
2549 please come forward?  
2550  
2551 Mr. Hamnett - Mr. Chairman, members of the Commission, my  
2552 name is David Hamnett representing the applicant for the Estates at Winterberry.  
2553 We are actually the builder developer on the Estates at Winterberry. We're  
2554 currently working on section one, which is on Kimbermere Court. We haven't  
2555 started the clearing for Blue Holly Circle as of yet.  
2556  
2557 Our plan is to just add these additional five blocks to the subdivision. The Estates  
2558 at Winterberry is a separate HOA than Winterberry; they didn't want to be  
2559 included in it, so it's totally separate. But all we're trying to do is just add five new  
2560 lots to the Estates at Winterberry subdivision.  
2561  
2562 Mr. Witte - So there are no changes to the HOA?  
2563  
2564 Mr. Hamnett - No sir.  
2565  
2566 Mr. Witte - No changes to the subdivision proffers.  
2567  
2568 Mr. Hamnett - No sir.  
2569  
2570 Mr. Witte - Everything is lovely.  
2571  
2572 Mr. Hamnett - Yes sir.  
2573  
2574 Ms. Jones - How many homeowners will be in the Estates at  
2575 Winterberry?  
2576  
2577 Mr. Hamnett - It's nineteen homes as of right now. We do have an  
2578 option on lot 5 right there. We bought the original land from Mr. Humphreys. At  
2579 some point, if he ever decides to sell, we may develop lot 5 as well.  
2580  
2581 Ms. Jones - Do they have a common area they have to maintain?  
2582  
2583 Mr. Hamnett - The common area is actually wetlands, so you can't  
2584 really do much with it besides the insurance with it that's carried with the HOA.  
2585 And then also the common area in the front on Springfield Road, there will be a  
2586 sign there with some landscaping.  
2587  
2588 Ms. Jones - Among nineteen owners?  
2589  
2590 Mr. Hamnett - Yes ma'am.  
2591  
2592 Ms. Jones - I hope that's not too expensive.

2593  
2594 Mr. Hamnett - The insurance on the wetlands wasn't too bad, so I  
2595 think they got it all straight.  
2596  
2597 Mr. Leabough - What would the assessment be on that? Just an  
2598 estimate.  
2599  
2600 Mr. Hamnett - The estimate on the yearly for the insurance, I don't  
2601 have it written down with me right now. But I can—  
2602  
2603 Mr. Leabough - HOA assessment.  
2604  
2605 Mr. Hamnett - Oh, HOA. About \$225 a year.  
2606  
2607 Mr. Leabough - That's not bad.  
2608  
2609 Mr. Witte - Any other questions by the Commission? Okay.  
2610 Thank you, Mr. Hamnett.  
2611  
2612 Mr. Hamnett - Sure. Thank you.  
2613  
2614 Mr. Witte - That being said, I move that REZ2015-00010, David  
2615 Hamnett for The Kittrell Company, move to the Board of Supervisors with a  
2616 recommendation of approval.  
2617  
2618 Mr. Archer - Second.  
2619  
2620 Mr. Witte - We have a motion by Mr. Witte, a second by Mr.  
2621 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion  
2622 passes. Thank you.  
2623  
2624 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.  
2625 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the  
2626 Board of Supervisors **grant** the request because it is consistent with the  
2627 recommendations of the Comprehensive Plan and the adjacent zoning pattern.  
2628  
2629 I want to thank Ms. Moore for filling in. A most admirable job.  
2630  
2631 Ms. Moore - We're not done yet.  
2632  
2633 Mr. Witte - We're close.  
2634  
2635 Ms. Moore - So next, Mr. Chairman, is the approval of the minutes  
2636 for the Planning Commission meeting on March 12, 2015.  
2637  
2638 Ms. Jones - I move we approve the minutes as distributed.

2639  
2640 Mr. Leabough - Second.  
2641  
2642 Mr. Witte - All in favor say aye. All opposed say no. The ayes  
2643 have it; the motion passes.  
2644  
2645 Mr. Leabough - You didn't ask for those that are opposed.  
2646  
2647 Mr. Witte - Any opposed? No.  
2648  
2649 Mr. Archer - No, Mr. Chairman, but since I was not here, any  
2650 remarks attributed to me are considered null and void.  
2651  
2652 Ms. Moore - Mr. Chairman, I have nothing else to report tonight.  
2653  
2654 Mr. Witte - Do we have a motion to adjourn?  
2655  
2656 Mr. Archer - So moved.  
2657  
2658 Mr. Branin - Second.  
2659  
2660 Mr. Witte - Thank you everyone.  
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\_\_\_\_\_  
Ms. Jean M. Moore, Acting Secretary

  
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Mr. Robert H. Witte Jr., Chairman