

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, August 11,**
4 **2022. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **July 25, 2022, and August 1, 2022.**
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8 **Members Present:** Mrs. Melissa L. Thornton, Chairperson (Three Chopt)
9 Mr. Robert H. Witte, Jr., Vice Chair (Brookland)
10 Mr. Gregory R. Baka (Tuckahoe)
11 Mr. C. W. Archer, C.P.C. (Fairfield)
12 Mr. William M. Mackey, Jr., (Varina)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15

16 **Members Absent:** Mr. Daniel J. Schmitt (Brookland)
17 Board of Supervisors Representative
18

19 **Also Present:** Ms. Jean Moore, Assistant Director
20 Mr. Ben Sehl, Senior Principal Planner
21 Mr. Seth Humphreys, County Planner
22 Ms. Rosemary Deemer, AICP, County Planner
23 Mr. Brendan McDowell, County Planner
24 Ms. Kelly Drash, County Planner
25 Ms. Molly Mallow, County Planner
26 Mr. John Cejka, Traffic Engineer, Public Works
27 Mr. Justin Briggs, Henrico County Public Schools *
28 Mr. Billy Moffett, Police *
29

30 * (Virtually)
31

32 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains from all**
33 **cases unless otherwise noted.**
34

35 Mrs. Thornton - Good evening, and welcome to the Planning Commission
36 meeting for August 11, 2022. We are reconvening. We stopped our work session at 6:34
37 pm. We're beginning at 7:11 pm. Thank you for your patience. I will turn the meeting over
38 to Mr. Emerson. Oh, no, I'm sorry. I'm so sorry if everybody would stand with the
39 Commission for the Pledge of Allegiance.
40

41
42 [Recitation of Pledge of Allegiance]
43

44 Mrs. Thornton - Thank you so much. If you don't mind, if you have a cell
45 phone, please mute it or turn it off. Is there anybody here or on Webex that's with the
46 news media? Okay, and we have a quorum this evening. We do not have our Board of

47 Supervisor with us this evening, but we are going to continue on because we have a
48 quorum. So, we'll conduct business and now I will turn the meeting over to Mr. Emerson.

49
50 Mr. Emerson - Thank you, Madam Chair as you noted this evening the
51 Commission did have a work session that began at approximately 5:30 and it was to
52 discuss results of the surveys that have been conducted thus far for the HenricoNext
53 process or better known as our 2045 Plan. That meeting again was recessed at 6:34 and
54 we do apologize for the delay with this meeting. We had some technical difficulties. With
55 that said, I will join with the Chairlady in welcoming the public to the Henrico County
56 Planning Commission public hearing for August 11, 2022. This evening it is requested
57 that all public comments be provided from the lectern that is located in the rear of the
58 room.

59
60 For everyone who's watching the livestream on the County website, you can participate
61 remotely in public hearings by following these guidelines. Go to the Planning
62 Department's Meeting webpage at henrico.us/planning/meetings. Scroll down under
63 Planning Commission and click on Webex Event. Once you have joined the Webex
64 Event, please click on the chat button in the bottom-right corner of your screen.

65
66 Staff will send a message asking if anyone would like to sign up to speak on an upcoming
67 case. To respond, select Brendan McDowell from the dropdown menu and send Brendan
68 a message.

69
70 The Commission does have guidelines for its public hearings. The applicant is allowed
71 10 minutes to present the request, and time may be reserved for responses to testimony.
72 The opposition is allowed a cumulative 10 minutes to present its concerns. Meaning,
73 everybody's comments need to fit within 10 minutes. The Commission's questions do not
74 count into those time limits. The Commission may waive the time limits at its discretion.
75 Comments must be directly related to the case under consideration. Commenters must
76 provide their name and address prior to speaking for our record. We do keep verbatim
77 minutes.

78
79 Thank you again for your participation and interest this evening. The first item Madam
80 Chair on your agenda are the requests for withdrawals and deferrals and we have none
81 of those this evening. The next item are requests for expedited items and again we have
82 none of those this evening. That takes us to cases to be heard and your first case this
83 evening appears on Page one of your agenda. It is REZ2022-00004, Jack R. Wilson III,
84 PLC for Fleettree, LLC.

85
86 **REZ2022-00004 Jack R. Wilson, III PLC for Fleettree, LLC:** Request to
87 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
88 (Conditional) Parcels 807-733-2587, 807-733-4786, 807-733-8078, and 807-734-7750
89 containing 26.8 acres located at the northeast intersection of Goodell and Harvie Roads.
90 The applicant proposes a residential development of single-family dwellings. The R-5A
91 District allows for a minimum lot area of 5,625 square feet and a maximum gross density
92 of 6 units per acre for single family dwellings. The uses will be controlled by zoning

93 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
94 recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The
95 site is in the Airport Safety Overlay District.

96
97 The staff report will be presented by Ms. Rosemary Deemer.

98
99 Mrs. Thornton - Good evening.

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101 Ms. Deemer - Good evening.

102
103 Mrs. Thornton - Is there anybody in the audience or on Webex that would like
104 to speak to the case, REZ2022-00004, Fleettree, LLC? Okay, we'll hear from the staff
105 and then we'll hear your comments.

106
107 Ms. Deemer - This is a request is to conditionally rezone 26.8 acres from A-
108 1 Agricultural District to R-5AC General Residence District (Conditional) to allow for
109 single-family residences. The subject site is comprised of four parcels located at the
110 northeast intersection of Goodell and Harvie Roads. With the exception of three single-
111 family homes, the land is undeveloped. There are A-1 properties to the north, which is
112 Abundant Life Church of Christ, and east, as well as unrestricted M-2 and R-5 to the west.
113 Harvie Elementary is located directly to the south and is zoned O-2C. A portion of the
114 Clarendon Woods subdivision, which is zoned R-3AC is located to the northeast.

115
116 The original request was for the development of 102 single-family homes. In response to
117 staff concerns about lot width, enhanced setbacks along Harvie Road, windows, and
118 differentiation between garage doors, the applicant revised both the proffers and concept
119 plan. There will now only be 92 lots, all of which will be a minimum of 60 feet wide, garage
120 doors will have more articulation and all side elevations will have a minimum of two
121 windows. The property is designated Suburban Residential 2 on the 2026 Future Land
122 Use map. With the reduction to 92 lots the density, at 3.43 units per acre, is in keeping
123 with the 2026 Comprehensive Plan recommendation. As the revised proffers address the
124 outstanding concerns identified in the staff report, staff can recommend approval of this
125 request.

126
127 This concludes my presentation and I'd be happy to try and answer any questions you
128 may have.

129
130 Mrs. Thornton - Does anybody have any does anybody have any questions
131 for Ms. Deemer? Mr. Archer how do you want to proceed?

132
133 Mr. Archer - I have not. There is someone in the audience who would like
134 to speak, anybody have a question Ms. Deemer?

135
136 Mrs. Thornton - Not at this time.

138 Mr. Archer - Okay. Ms. Deemer, I guess you shouldn't go too far. I'd like to
139 hear from the questions in the audience and that'll give the applicant an opportunity to
140 address that. Unless you would like to present your case first, sir?

141
142 Mr. Wilson - No, Mr. Archer I'm fine addressing whatever comments the
143 neighbors may have.

144
145 Mr. Archer - Okay, thank you.

146
147 Ms. Gordon - Good evening.

148
149 Mr. Archer - Good evening.

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151 Ms. Gordon - My name is Sarah Gordon and I live at 3412 Harvie Road
152 which is the adjacent property. First of all, I would like to say that I appreciate all the work
153 that Henrico County's Planning Department, notably, Ms. Deemer has done for this but
154 also the Board of Supervisors, notably, Mr. Thornton did a lot to make sure that
155 community voices were heard, and concerns were heard. I'd also like to thank Mr. Wilson
156 who also has taken a lot of his time to hear community concerns and address them. To a
157 large degree, our main concerns when we first heard about the proposal revolved around
158 three areas. The first being the potential decrease in property values of neighboring
159 properties. The second being the quality of the development and it not being in line with
160 the 2026 Comprehensive Plan and also in line with other developments in the area along
161 the Laburnum corridor notably the recreation center, aquatic center, new library, etc., And
162 the third was the environmental impact. There are wetlands that are on my property and
163 the watershed that goes into the Chickahominy River.

164
165 Our concerns regarding the property values, compliance with the 2026 Comprehensive
166 Plan and generally the quality of the development I think had been addressed in the new
167 proffers and we are appreciative of that. Also, one thing that Mr. Wilson has done is
168 included a border along the length of our adjacent or our common property line which I
169 do appreciate. And I also understand that much of the environmental impact will be
170 decided following this meeting. However, I thought it would be remiss for no community
171 members to express concerns regarding this even though I have a feeling that this will
172 probably be approved and move forward. I would ask that Henrico County and the people
173 present who do have influence remain vigilant regarding this development throughout the
174 entire process. East Highland Park is a growing and developing community that's moving
175 forward and is a positive and integral part of Henrico County. Lots of work, energy, tax
176 dollars have gone into furthering the positive development of this neighborhood, and I too
177 would ask that, again, those of you who do have influence and sway here remain vigilant
178 and ensure the quality of this development and the environmental impacts are addressed
179 with the community's long-term interests at heart. Thank you.

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181 Mr. Archer - Okay.

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183 Mrs. Thornton - Ms. Gordon

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Mr. Witte - Ms. Gordon?

Ms. Gordon - Yes?

Mr. Witte - Where exactly do you live on Harvie Road in relation to this?

Ms. Gordon - I am the smaller adjacent property to the, I guess it's east.

Mr. Witte - Where the hand is?

Ms. Gordon - Yes.

Mr. Witte- Okay, thank you.

Mrs. Thornton - That was his question. Does anybody else in the audience want to speak? Okay.

Mr. Archer - Okay, Mr. Wilson.

Mr. Wilson - Yes. Madam Chair, members of the Commission, Director Emerson. I'm Jack Wilson and I represent the applicant. I don't need to do a lengthy presentation. Ms. Deemer has done a very thorough job presenting the case and obviously the staff report is very detailed on the proposal. I would like to highlight a couple of things though throughout the process. We did have two community meetings on this case; one virtually and then another one in person, so it was a good opportunity to really share with the neighbors to address what issues they raised, and I think we had done everything we can to address them. I appreciate Ms. Gordon's comments this evening.

One of the things that came out very early from Ms. Gordon was to make sure we provided whatever privacy screening we could on the adjacent property line to her and based on that we have proffered a fence; we proffered some evergreen plantings. We've even readjusted the open space in the project and our property is adjacent to her. So, I think Ms. Gordon's participation in the process clearly made it a better case and we appreciate that. Well, we will be addressing all the environmental impacts, state, federal and local environmental requirements as we go through the development process plan. And clearly, it's in our client's interest and the interest of the community to make sure that all environmental standards are met or exceeded and so, with that, I'd be happy to answer any questions that anyone may have.

Mr. Archer - Mr. Wilson, can you point on the map where the fence will be?

Mr. Wilson - Rosemary, can you put the...

Ms. Deemer - It would be right here. Along the common property line with Ms. Gordon.

230
231 Mr. Archer - Okay.
232
233 Ms. Deemer - And it was shown on the concept plan it's over here.
234
235 Mr. Archer - Right.
236
237 Mr. Wilson - All along that edge. Correct. And then if you see where,
238 Rosemary, that corner. That originally, on one of the original concept plans we had lots
239 there, but in response to Ms. Gordon's comments, we've actually extended the open
240 space up adjacent to where her property would be.
241
242 Mr. Archer - Okay. What will the material of the fence be, Mr. Wilson?
243
244 Mr. Wilson - I think required. Is it specified? Let me find the proffer that
245 says that.
246
247 Mr. Archer - I probably read it and forgot what it said.
248
249 Mr. Wilson - It doesn't. The proffer doesn't specify the material and so I
250 think that would be something we'd work through with plan and development. It's clearly
251 going to be on our side of the line, and we would be responsible, or the HOA would be
252 responsible for maintaining it. I would think it's probably a vinyl as opposed to a wood,
253 which would deteriorate.
254
255 Mr. Archer - Yes, they always do. Okay.
256
257 Mrs. Thornton - I had one quick question. You have on number 15 about
258 fireplace chimneys and on all of your elevations not one shows a fireplace. I know you
259 can have direct vents, but I didn't know because you had specified in here about chimneys
260 and foundations. None of your elevations show a chimney. Is that something that you are
261 going to...
262
263 Mr. Wilson - That may be something again, and again what we were
264 providing were front elevations. There may be chimneys in the rear of the property. Again,
265 we just put this proffer in to be safe.
266
267 Mrs. Thornton - Okay.
268
269 Mr. Wilson - That at the time construction was going on, we'd have a
270 proffer that would address those concerns if they arose.
271
272 Mrs. Thornton - And I just want to be clear. There's no vinyl?
273
274 Mr. Wilson - Um, what did we, I don't, did we provide? Yeah, I don't think
275 we specifically proffered out vinyl, did we Rosemary?

276
277 Ms. Deemer - Yes, I believe you did.
278
279 Mrs. Thornton - Yeah.
280
281 Mr. Wilson - What, where is
282
283 Mr. Deemer - Proffer 12.
284
285 Mrs. Thornton - Yeah.
286
287 Mr. Emerson - I think you did.
288
289 Mrs. Thornton - So, the only reason I'm saying that is with your elevations. So,
290 to be clear when you're looking at them, they look like a vinyl with a thin...
291
292 Mr. Wilson - Yes, proffer 12 is where we provide the building materials. I
293 was looking at the other architectural treatment proffer but, yeah, 12, we don't have vinyl
294 permitted.
295
296 Mrs. Thornton - Okay, yeah, because when I first looked at the elevation, it
297 looked like a vinyl type because the boards usually are alot. Like brick, I understand, but
298 the other ones are usually a little, so I just was looking. I just wanted to make sure I was.
299
300 Mr. Wilson - Yeah, those maybe, yeah cement.
301
302 Mrs. Thornton - So, that will help your property values stay higher with the
303 nicer materials that are going to be used on the home. And 1700 square feet plus? I saw
304 in there
305
306 Mr. Wilson - 1,750 minimum and that's in proffer number 7, yes.
307
308 Mrs. Thornton - So, what is your average base price going to be?
309
310 Mr. Wilson - Well, again we had this question come up right before the last
311 community meeting, so I asked my client of course. It's all depending on market conditions
312 and interest rates and everything else, but I asked my client when the "coming soon" sign
313 comes up, "prices starting at the". I asked what that number would be, and he said the
314 low 400s. So, and again, as you pointed out Madam Chair given the building materials,
315 the landscaping that we've proffered and the market generally, that's a reasonable
316 expectation and probably higher.
317
318 Mrs. Thornton - Does anybody else have any other questions?
319

320 Mr. Archer - No, I just want to confirm with Mr. Wilson. Ms. Deemer was
321 working on some items that I think you've responded to and on her wish list and it had to
322 do with having two windows on all of the blank sides and what was the other one?
323

324 Mr. Wilson - The other one had to do with garage doors.
325

326 Mr. Archer - It had to do with garage doors.
327

328 Mr. Wilson - Yes, so we did proffer the specific language. Two windows
329 per side. We'd have some language in the proffer regarding garage doors. Ms. Deemer,
330 I think might want to refine it some more and so I've committed that we would enhance
331 that language between now and the Board meeting. Just to make it clear that we're talking
332 about detailed garages and not flat paneled garages up front.
333

334 Mr. Archer - Right, okay. Alright, do any of my cohorts have other
335 questions?
336

337 Mrs. Thornton - Is there anybody on Webex?
338

339 Mr. Humphreys - There is no one on Webex for this meeting.
340

341 Mrs. Thornton - Okay, thank you so much.
342

343 Mr. Archer - Alright. I would like to compliment Ms. Gordon for coming out
344 and being vigilant for her community and I promise you that we will remain vigilant. That's
345 part of what we do in fact it's basically all of what we do is to provide vigilance. I don't
346 know how much influence I have but somebody might be here that has influence, but we
347 constantly strive to do things that are not destructive to present property owners. The one
348 thing I can say from my point of view in favor of this is that we've had other proposals for
349 things to go and this is far and above what I would consider something desirable that was,
350 you know, I don't want to call anyone's proposal undesirable, but it was. But anyway,
351 thank you for coming out and thank you for being vigilant. You know this still has to come
352 before the Board of Supervisors at its next meeting and that's where the final decision will
353 be made because all we can do here is make a recommendation to the Board for what
354 we think will be the most expedient thing to do. Not necessarily expedient but the best
355 thing to do in this regard. So, I know you'll be there. That's alright. Thank you so much.
356 Madam Chair that's all I have to be honest with you.
357

358 Mrs. Thornton - Okay. Does anybody else have a comment or question?
359

360 Mr. Baka - No, I'm good.
361

362 Mr. Archer - Alright, well, with that Madam Chair I move that we
363 recommend approval of REZ2022-00004 Fleettree, LLC with the revised proffers dated
364 August 2, 2022.
365

366 Mr. Baka - Second.

367

368 Mrs. Thornton - We have a motion by Mr. Archer, and a second by Mr. Baka.

369 All in favor say aye.

370

371 Commission - Aye.

372

373 Mrs. Thornton - All opposed? Motion passes.

374

375 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the

376 Planning Commission voted 5-0 to recommend the Board of Supervisors grant the

377 request because it would permit development of the land for residential use in an

378 appropriate manner and the proffered conditions will provide appropriate quality

379 assurances not otherwise available.

380

381 Mr. Emerson - Madam Chair, the next item on the Commission's agenda this

382 evening is to discuss scheduling a work session for your September 15th meeting to

383 review materials related to the 2045 Comprehensive Plan update and I'm not sure exactly

384 how much material we will have. Do we want to go with 5:30 or 6:00?

385

386 Mr. Sehl - Six would be appropriate.

387

388 Mr. Emerson - If the Commission if six is acceptable to the commission we

389 can work with that and we can have a sandwich here for you that evening as well.

390

391 Mr. Baka - Yeah.

392

393 Mr. Archer - That would be nice.

394

395 Mrs. Thornton - Six. Okay.

396

397 Mr. Emerson - That good with everyone?

398

399 Mr. Mackey - Yes, sir.

400

401 Mr. Emerson - We'll plan on six o'clock then. Madam Chair the next item is

402 the consideration and approval of your 2023 Planning Commission calendar. Mr. Sehl will

403 present that to you.

404

405 Mr. Sehl - Thank you Madam Chair, Mr. Emerson. In your handouts this

406 evening was a draft calendar for the 2023 calendar year for your public hearings as well

407 on the reverse of that is the action dates and filing deadlines which you'll recall with the

408 zoning code update the Commission is no longer hearing those plans of development,

409 but we want to keep you abreast of when those filing deadlines and when those action

410 dates are. But on the front, the side with the notes at the bottom, I did want to bring two

411 things to your attention. One is the increase in the cumulative total of new applications

412 that can be on your agenda listed under number one. That was raised to 15 to correspond
413 to the changes to your rules and regulations that you approved last year. And then there
414 was one date in June that shifts a little bit more. That's the one big shift in the calendar
415 this year with your rules and regulations as they fall. Everything else is basically a day off
416 of what it was this year. So, I'm certainly happy to answer any questions you might have
417 regarding the calendar, but it is well in line with what you approved for the 2022 year.

418
419 Mrs. Thornton - Okay, thank you.

420
421 Mr. Emerson - On the back you have...

422
423 Mr. Sehl - Yes, on the back are the filing deadlines for the plans of
424 development and subdivisions. So those are those action dates. As you'll recall, those
425 come as I noted with the zoning ordinance update. You receive the Director's agenda and
426 those items that are now approved administratively but so you're aware of those filing
427 deadlines we wanted to make sure, but that gets posted on our website as well. Once the
428 Commission approves these calendar dates then we will post them on the website and
429 the public will be aware of what those filing deadlines are for the coming year.

430
431 Mrs. Thornton - Okay.

432
433 Mr. Emerson - Madam Chair we'd like a motion on that to show that's
434 acceptable.

435
436 Mr. Witte - So moved

437
438 Mr. Archer - Second.

439
440 Mrs. Thornton - Okay. We have a motion by Mr. Witte and a second by Mr.
441 Archer. All those in favor say aye.

442
443 Commission - Aye.

444
445 Mrs. Thornton - All opposed? Motion passes.

446
447 Mr. Sehl - Thank you.

448
449 Mr. Emerson - Madam Chair, the next item on your agenda appearing on
450 page two is the consideration of the approval of your minutes from the July 14, 2022,
451 meeting. I do not believe we have an errata sheet; however, as always if you have any
452 changes or corrections, we will be happy to take care of those for you.

453
454 Mrs. Thornton - Okay. Does anybody have any changes to the minutes?
455 Okay.

456

457 Mr. Mackey - Being as there are no changes, I move that we accept the
458 minutes as presented.

459
460 Mr. Witte - Second.

461
462 Mrs. Thornton - We have a motion by Mr. Mackey and a second by Mr. Witte.
463 All in favor say aye?

464
465 Commission - Aye.

466
467 Mrs. Thornton - All opposed? Motion passes.

468
469 Mr. Emerson - Madam Chair before you move into adjournment, I would like
470 to take an opportunity to introduce a few people to you and we'll ask all the kids to come
471 up to the lectern if they would.

472
473 Mr. Sehl - Your mic. I think your mic is off.

474
475 Mr. Emerson - Oh, I'm sorry. I'm sorry. I thought I had my mic on. I apologize.
476 All the kids can come forward if you don't mind. There are all back in the new kid corner
477 of the office. I'd like to introduce all of you to this group. Molly? If each one of you would
478 raise your hand. Molly Mallow started with us on August 1st as a County Planner I. She
479 is working with demographics. She's originally from Alexandria and earned a Master of
480 Urban Regional Planning with a concentration on community revitalization from Virginia
481 Commonwealth University in May of this year. In her most recent experience, she
482 researched and analyzed current housing trends for Virginia Housing. So, we want to
483 welcome her to our staff. Kelly Drash? If Kelly will raise her hand. She started July 18th
484 as a County Planner I working with addressing. Kelly attended Glen Allen High School
485 before earning a bachelor's degree in global sustainability in environmental science from
486 the University of Virginia in May of this year. She previously worked with the Department
487 of Public Works, and we won't hold that against her, and completed an internship with the
488 Local Energy Alliance Program. And then last but not least, is Mr. Matt Sullivan and he
489 interned with us this summer. He has left us; his last day was earlier this week. He is
490 returning to school. Matt is a Deep Run High School graduate. He's headed into his senior
491 year at Virginia Commonwealth University where he is an Urban Studies student with a
492 minor in environmental studies. So, we want to wish Matt well and hopefully we'll see him
493 again in the future and welcome Ms. Mallow and Ms. Drash to our staff.

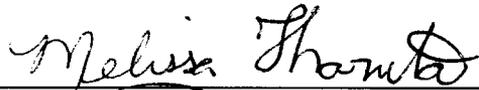
494
495 Mr. Baka - Glad you're here.

496
497 Mr. Mackey - Welcome aboard and good luck.

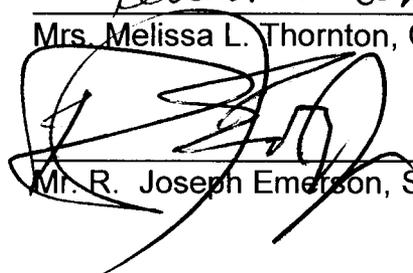
498
499 Mrs. Thornton - Yes.

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501 Mr. Archer - As is usual, I will caution you that is the last applause you will
502 ever hear while you're here.

503
504 Mr. Baka - I hope it's not the last time.
505
506 Mr. Emerson - Madam Chair, with that I have nothing more to share with the
507 Commission this evening.
508
509 Mrs. Thornton - Okay. Well, thank you and welcome aboard. We look forward
510 to working with you guys. Thank you for all you did this summer to help the county out
511 and hopefully we'll see you next year.
512
513 Mr. Archer - You're in a great place.
514
515 Mrs. Thornton - Good luck in your senior year. So, okay with that
516
517 Mr. Archer - I kind of figured that.
518
519 Mrs. Thornton - So exciting. So, thank you for coming this evening. Does
520 anybody else have anything else? Okay. With that we are adjourned.
521



Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary

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