

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. May 10,
4 2012. Display Notice having been published in the Richmond Times-Dispatch on
5 May 23, 2012 and May 30, 2012.
6

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

Members Absent: Mr. Frank J. Thornton,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa T. Blankinship, County Planner
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secretary

7
8
9 Mr. Branin - Good evening and welcome to Henrico County's
10 zoning meeting for May 10, 2012. Tonight's a very special night. We don't have
11 many cases, but we have a lot of guests, which is different than most evenings. I
12 would like to remind everybody to turn off their cell phones so you don't interrupt
13 or offend anyone while they're trying to speak. With that I would like to recognize
14 if there is anyone from the press in the room, which there is not. And I would like
15 to welcome four or five individuals that are visiting this evening from Hanover
16 County, if you would please stand. Jerry Bailey, Randy Whittaker, Claiborne
17 Windborne, and Larry Leadbetter. Welcome to Henrico County. I hope that you
18 guys enjoy our evening and we'll return the favor and hang out at yours.
19

20 If everybody would stand for the Pledge of Allegiance, please.
21

22 Mr. Archer - Mr. Chairman, I would just like to tell our guests that
23 we never hear applause in here, so when we get a chance to applaud we always
24 do.
25

26 Mr. Branin - Normally this is when I turn the meeting over to the
27 secretary and we begin our normal agenda. You all have the pleasure of seeing

28 something that we take very personal, and are very proud of what we're about to
29 do because of the dedication and service that two members that have come off
30 our Board have given us. Mr. Leabough and Mr. Witte, if you would go down to
31 the podium.

32

33 Mr. Emerson - Mr. Chairman, the resolutions are on the table with
34 Mr. Strauss.

35

36 Mr. Branin - Can I also get Mr. Jernigan and Mr. Vanarsdall to
37 please stand up and come down as well? For the members from Hanover, Mr.
38 Vanarsdall in the striped jacket was a proud serving member of this Commission
39 for twenty-four years. Mr. Jernigan, the taller, not-so-handsome man next to him,
40 was a proud member of this Commission for eleven years.

41

42 Mr. Jernigan - Thank you, Mr. Branin.

43

44 Mr. Branin - Let the minutes read that I said, "very handsome." Mr.
45 Leabough, would you go first?

46

47 Mr. Leabough - PCR2-12, Resolution of Appreciation to Mr. E. Ray
48 Jernigan.

49

50 WHEREAS, it is the desire of the Henrico County Planning Commission to give
51 appropriate acknowledgement and recognition to individuals who have provided
52 invaluable service; and

53

54 WHEREAS, Mr. Ray Jernigan was appointed to the Planning Commission on
55 January 9, 2001; and

56

57 WHEREAS, Ray's experience as a businessman and long time Varina resident
58 spurred his dedication to providing quality services and development in Varina;
59 and

60

61 WHEREAS, Ray furthered his knowledge of planning principles and his role as a
62 Commissioner by completing the Virginia Certified Planning Commissioner's
63 Program; and

64

65 WHEREAS, in his eleven years of service, Ray Jernigan has faithfully performed
66 the duties of a member of the Henrico County Planning Commission, and

67

68 WHEREAS, Ray could be relied upon to vigorously research and provide his best
69 guidance on the future development of Henrico County; and

70

71 WHEREAS, Ray consistently demonstrated leadership and fairness in all
72 Commission determinations, taking the responsibility of the position seriously,

73 asking pertinent questions, carefully considering the potential consequences of
74 Commission actions; and

75
76 WHEREAS, in evaluating land use decisions, Ray balanced the best interests of
77 the residents, developers, and the business community with the vision set forth in
78 the County's Comprehensive Plan, local government efficiency and the provision
79 of public service;

80
81 NOW, THEREFORE, BE IT RESOLVED, that the Henrico County Planning
82 Commission does hereby convey its deepest and most sincere expression of
83 gratitude and appreciation to Mr. Ray Jernigan in the invaluable contributions he
84 has made during many years of selfless service to the Planning Commission and
85 Henrico County.

86
87 Mr. Jernigan - Can I say something now or do you want to give Mr.
88 Vanarsdall—

89
90 Mr. Branin - No, go ahead, Ray. We want to get you done.

91
92 Mr. Jernigan - You always have something to say. I do want to say
93 that my time on the Commission was really great. It was so great to work with
94 such a great staff, and Henrico does have that. The Commission members, we
95 always got along, and we worked side-by-side. So I just want you to know I really
96 appreciate this. I mean, this is great. This will hang proudly. So I appreciate it.
97 Thank you very much

98
99 Mr. Branin - Mr. Witte, if you please.

100
101 Mr. Witte - PCR-3-12, Resolution of Appreciation to Mr. Ernest B.
102 Vanarsdall.

103
104 WHEREAS, it is the desire of the Henrico County Planning Commission to give
105 appropriate acknowledgement and recognition to individuals who have provided
106 invaluable service to the department and Planning Commission; and

107
108 WHEREAS, Mr. Ernest Vanarsdall was appointed to the Planning Commission
109 on January 13, 1988; and

110
111 WHEREAS, Ernie's experience as a businessman and long time Henrico County
112 resident spurred his dedication to providing quality services and development in
113 the Brookland District; and

114
115 WHEREAS, he furthered his knowledge of planning principles and his role as a
116 Commissioner by completing the Virginia Certified Planning Commissioner's
117 Program; and

118

119 WHEREAS, Ernie could be relied upon to vigorously research and provide his
120 best guidance on the future development of Henrico County; and

121
122 WHEREAS, in his twenty-four years of service, Ernie is the longest-standing
123 member of the Planning Commission and has faithfully performed his duties as a
124 member; and

125
126 WHEREAS, Ernie consistently demonstrated leadership and fairness in all
127 Commission determinations, taking the responsibility of the position seriously,
128 asking pertinent questions, carefully considering the potential consequences of
129 Commission actions; and

130
131 WHEREAS, in evaluating land use decisions, Ernie balanced the best interests of
132 the residents, developers, and business community with the vision set forth in the
133 County's Comprehensive Plan, local government efficiency and the provision of
134 public service;

135
136 NOW, THEREFORE, BE IT RESOLVED, that the Henrico County Planning
137 Commission does hereby convey its deepest and most sincere expression of
138 gratitude and appreciation to Mr. Ernest Vanarsdall for the invaluable
139 contributions he has made during many years of selfless service to the Planning
140 Commission and Henrico County.

141
142 Mr. Witte - And I'd like to add one more thing. Ernie and Effie are
143 two of the finest people I've ever had the pleasure to meet. I wish them both well.

144
145 Mr. Vanarsdall - Thank you, Bob.

146
147 Mr. Branin - Mr. Vanarsdall, the Chair will give you two minutes.

148
149 Mr. Vanarsdall - Well now Mr. Chairman, you forget I'm not on the
150 Commission so I don't have to listen to that.

151
152 Mrs. Jones - You can have as long as you want.

153
154 Mr. Vanarsdall - I asked Joe Emerson, the director, and then I asked
155 the chairman, Mr. Branin, how much time I had, and they said take all the time
156 you want. The last time I had to do this I didn't say but two words and that was,
157 "Not guilty."

158
159 I really do appreciate this. You don't know how much I have been lifted up today.
160 All of us, they called me on the phone and said meet over at Panera's and break
161 bread with us, and that was an uplift. And this is extremely an uplift. Now I
162 received one of these in the mail, not like this, but it was sort of like when you get
163 a to-whom-it-may-concern letter. And it was a cardboard certificate thanking me
164 for being on the Commission. It was sort of worded for if you hadn't been there

165 but a week. Then there was a letter signed by the Chairman, and it was
166 addressed, "Dear Mr. Vanarsdall," like I'd never been around. So this has
167 certainly helped me a lot.

168

169 Mrs. Jones - Good.

170

171 Mr. Vanarsdall - And I want to say when I left here before Christmas I
172 went around to the entire building and shook hands with everybody I could, and
173 that I worked with, and all the staff members, and most everybody, but I missed
174 Mr. Hazelett. So when I was in Florida visiting my son, Effie and I, I wrote him an
175 e-mail. One of the things I put in the e-mail was that he had the finest Planning
176 Department that there could be. He probably wondered how I would know that—
177 oh, I want to introduce my wife, Effie. She is known as the Assistant Planning
178 Commissioner for the district. She went to—we went to ten to twelve American
179 Planning Association meetings throughout the country. Instead of her going
180 shopping with the ladies, she went to class with me. So she's been there all the
181 time.

182

183 So Mr. Hazelett, I let him know what you did. And I appreciate all the cooperation
184 I received from all of you and from the other side, and from Kim with the Police
185 Department, and the other side of the aisle with Plan and Review, Mr. Kennedy
186 over there. The Planning Commission could not have been better. Everybody
187 worked together; everybody did their thing. I was always glad to be on the
188 Commission. I felt like I was on a good team, and it was rewarding to feel like I
189 was going to do something that would help the County.

190

191 I did a lot of extra things, too. I reported people for not cutting the grass; I picked
192 up old cars that were broken down and everything—and I enjoyed all of it. I don't
193 think I've ever had anything I enjoyed more than being a planning commissioner
194 for the County of Henrico. I appreciate all the help everybody gave me, including
195 you, Effie. And Ray, you're one of the people that I think—let's see, who's in line
196 now? Chris? He's the oldest? I don't mean in age; I mean time and grade.

197

198 Well I really didn't use up all my time. I do appreciate it.

199

200 This is something else. Everybody else got a gift and I didn't. So I'm really glad to
201 get this now. I didn't ask for a gift; I just said why didn't I get one.

202

203 Mrs. Jones - Oh, dear.

204

205 Mr. Vanarsdall - Welcome to you Hanover people, too. Did you all
206 have a visa to get in here?

207

208 Mr. Branin - No, they're not from Chesterfield; they can come in.

209

210 Mr. Vanarsdall - You have to be a safecracker to get in this thing. Oh,
211 here it is. Oh my goodness! That is beautiful. Ernest B. Vanarsdall, Henrico
212 County Planning Commission, Twenty-Four Years. Wow, that is nice. Thank you
213 very much. Mrs. Jones, did you have something to do with this, picking this?

214
215 I think I told Joe when I left that business was going to fall off. And I understand
216 last meeting you didn't have enough business to have a meeting.

217
218 Mr. Branin - We'll try and make up for it tonight.

219
220 Mrs. Jones - Well, I can't let an opportunity go by without adding
221 just a little bit on my own. And this is just totally spontaneous; I hadn't intended to
222 say something.

223
224 You thanked the Planning Department and the Commission. I personally want to
225 thank those of you who were—I won't say old-timers—who were veterans of the
226 Planning Commission when I came on the Commission in 2005. Ernie was
227 chairman and I can remember the very first couple of meetings. He called before
228 every meeting, "How are you doing?"

229
230 "Fine"

231
232 "You have a few motions to make."

233
234 "Yes I do."

235
236 "Would you like to go over the wording of the motions?" He was absolutely there
237 every single step of the way to smooth the transition to a job that was new. And
238 he made it so much easier. He made it so much fun because I knew I could
239 count on him for guidance, for ideas, and for a really amazing historical
240 perspective on Henrico County. For that I am very grateful. He added a
241 tremendous amount to my enjoyment of my early years on the Commission.

242
243 And Ray, I'll tell you, Varina has been a changing place since I came on the
244 commission. And it's your oversight that helped me understand a lot of the issues
245 from the correct perspective, those who had been there for quite a while. And
246 needed to have that perspective. I appreciated all the time you took to talk things
247 over with me over cases that were complicated.

248
249 And I just appreciated all the guidance and help I got from both of you, and
250 enjoyed every minute of working with you. Thank you very much.

251
252 Mr. Jernigan - [Off microphone.] Mr. Chairman, on the record will
253 you say that you weren't paid to say those things?

254
255 Mrs. Jones - Absolutely.

256

257 Mr. Archer - Mr. Chairman, since Mr. Vanarsdall has let everyone
258 know that I am now the longest serving member here—

259

260 Mr. Branin - I believe he said oldest.

261

262 Mr. Archer - I was trying to clean it up. I would simply like to echo
263 everything that Mrs. Jones has said. Sincerely to both of you, it was a pleasure
264 working with you. We always got along well together. Never had an argument
265 that we had to tell anybody about. But I enjoyed it, and I wish you both well.

266

267 Mr. Leabough - Mr. Chairman, may I comment as well? Mr.
268 Vanarsdall, I remember working with you when I was in the Planning Office, and
269 it was a pleasure. Mr. Jernigan, about a month into this job, Ray called me and
270 said, "How's everything going," just to check up on me. And I just wanted to
271 thank the both of you all for leaving some veteran players on the team. They've
272 been very helpful, but I will definitely give you a call if I ever need you. I
273 appreciate you extending that opportunity to me, Mr. Jernigan.

274

275 Mr. Witte - And for my two-cents' worth, I spoke with Ernie
276 several times before the first meeting and he has always offered to enlighten me
277 in issues that I'm not familiar with; he's been just a wonderful person to know and
278 deal with. I'm not going to leave Effie out either; she's awesome. So thank you.

279

280 Mr. Branin - Gentlemen, thank you for your tenure; thank you for
281 your experience. Don't think that I won't—especially as Chair—continue to call
282 and say, "Goodness gracious, what do I do with this one?" Ray, you know I've
283 bounced stuff off you for the nine years I've been on the Commission, so I hope
284 to continue to do that. And I want to thank you guys for everything that you've
285 done, and coming back to let us thank you this evening.

286

287 Mr. Secretary, let's get this thing rolling.

288

289 Mr. Emerson - Mr. Chairman, next item on your agenda are the
290 requests for withdrawals and deferrals. Those will be presented by Mr. Jim
291 Strauss.

292

293 Mr. Strauss - This evening we have a request to withdraw one case
294 and it's in the Three Chopt District, page three of your agenda. It's case P-11-12,
295 Pouncey Place, LLC. This was a request for approval of a Provisional Use
296 Permit to allow a 24-hour operation of a proposed gas station and convenience
297 store. As a withdrawal, no action is required this evening.

298

299 **P-11-12 The Bay Companies for Pouncey Place, LLC:**
300 Request for a Provisional Use Permit under Section 24-58.2(a), 24-120 and 24-
301 122.1 of Chapter 24 of the County Code in order to allow 24-hour operation of a

302 proposed gas station and convenience store on Parcel 740-765-2150, located at
303 the southeast intersection of Pouncey Tract Road (State Route 271) and Twin
304 Hickory Lake Drive. The existing zoning is B-2C Business District (Conditional).
305 The 2026 Comprehensive Plan recommends Commercial Concentration. The site
306 is located in the West Broad Street Overlay District.

307
308 Mr. Branin - I was told by the secretary that we have two ladies
309 who have some questions.

310
311 Mr. Strauss - I think we have answered their questions.

312
313 Mr. Branin - We have answered them. There is no action because
314 it has been withdrawn. Are you all clear on what's going on in the procedure? I
315 invite you to come down if you wish to speak because it's all taped. Please give
316 your name.

317
318 Mrs. Jones - You have to come to the microphone.

319
320 Mr. Emerson - Yes ma'am. Please come to the podium. Please give
321 us your name and address.

322
323 Ms. Cogswell Good evening. My name is Cynthia Cogswell, 4729
324 Trail Wynd Court in Twin Hickory, Glen Allen. I had come here tonight just to see
325 the process, to see what you all did, even if something was withdrawn. I did ask
326 some questions, but I have one additional question, and that is on the permanent
327 file. Are all of the background reports, you know, from police, fire, all the things
328 that were done in preparation for that, are they stored as part of the permanent
329 file?

330
331 Mr. Emerson - Yes ma'am, they are.

332
333 Ms. Cogswell - Okay, that was my question. Thank you so much.

334
335 Mr. Branin - Any others before we move on? Okay. Thank you, Mr.
336 Strauss.

337
338 Mr. Strauss - Moving on to deferrals, we have one request for
339 deferral. It's in the Varina District on page two of the agenda. That's C-10C-12.
340 This was a request for approval of development of single-family detached homes,
341 zero lot line homes and townhomes totaling no more than 650 units, with retail
342 uses. The applicant has requested deferral to the June 14th meeting.

343
344 **C-10C-12 James W. Theobald for KCA/Camp Hill**
345 **Investments, LC:** Request to conditionally rezone from R-2AC One-Family
346 Residence District (Conditional) to R-2AC One-Family Residence District
347 (Conditional) Parcels 832-688-9219, 833-686-7681, and part of Parcel 833-682-

348 5297 containing 319.78 acres (Parcel A) located at the northwest intersection of
349 Yahley Mill and Long Bridge Roads; from B-2C Business District (Conditional) to
350 B-2C Business District (Conditional) parts of Parcels 829-681-6852 and 833-682-
351 5297 containing 28.20 acres (Parcel B) located at the northwest intersection of
352 Long Bridge Road and New Market Road (State Route 5); from C-1C
353 Conservation District (Conditional) to C-1C Conservation District (Conditional) part
354 of Parcel 833-682-5297 containing 4.67 acres (Parcel C) located along the east
355 line of Turner Road approximately 1600 feet south of its intersection with Turner
356 Forest Road; from A-1C Agricultural District (Conditional) to A-1C Agricultural
357 District (Conditional) part of Parcel 833-682-5297 containing 13.70 acres (Parcel
358 D) located approximately 1500 feet east of the intersection of Turner Road and
359 Turner Forest Road; from R-2AC One-Family Residence District (Conditional) to
360 R-5AC General Residence District (Conditional) parts of Parcels 829-681-6852
361 and 833-682-5297 containing 93.41 acres (Parcel E) located along the north line of
362 Long Bridge Road east of its intersection with New Market Road (State Route 5);
363 from R-2AC One-Family Residence District (Conditional) to RTHC Residential
364 Townhouse District (Conditional) parts of Parcels 829-681-6852 and 833-682-5297
365 containing 45.39 acres (Parcel F) located approximately 1200 feet northeast of the
366 intersection of New Market Road (State Route 5) and Kingsland Road; and from
367 R-2AC One-Family Residence District (Conditional) to R-2AC One-Family
368 Residence District (Conditional) part of Parcel 833-682-5297 containing 111.02
369 acres (Parcel G) located at the northeast intersection of Turner Road and New
370 Market Road (State Route 5). The applicant proposes a development of single-
371 family detached homes, zero lot line homes and townhomes totaling no more than
372 650 units, retail uses, and conservation areas. The R-2A District allows a minimum
373 lot size of 13,500 square feet and a maximum density of 3.22 units per acre. The
374 R-5A District allows a minimum lot size of 5,625 square feet and a maximum
375 density of 6.0 units per acre. The RTH District allows a maximum density of nine
376 (9) units per acre. The uses will be controlled by zoning ordinance regulations and
377 proffered conditions. The 2026 Comprehensive Plan recommends Suburban
378 Residential 1, density should not exceed 2.4 units per acre, and Environmental
379 Protection Area. Part of the site is in the Airport Safety Overlay District.

380
381 Mr. Branin - Is anyone in opposition to the deferral of C-10C-12,
382 James W. Theobald for KCA/Camp Hill Investments, LC? No one?

383
384 Mr. Leabough - Mr. Chairman, I move that we defer C-10C-12, James
385 W. Theobald for KCA/Camp Hill Investments, LC, to the June 14, 2012 meeting.

386
387 Mr. Witte - Second.

388
389 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All
390 in favor say aye. All opposed say no. The ayes have it; the motion carries.

391

392 At the request of the applicant, the Planning Commission deferred C-10C-12,
393 James W. Theobald for KCA/Camp Hill Investments, LC, to its meeting on June
394 14, 2012.

395
396 Mr. Emerson - Mr. Chairman, that completes the withdrawals and
397 deferrals, unless the Commission has any deferrals they'd like to enter at this
398 time.

399
400 Mr. Branin - I would like to add a deferral action. Case C-11C-12,
401 Larry Horton for Pouncey Tract Company of Virginia, LLC. I would like to make a
402 Commission request to defer to the June 14, 2012 meeting.

403
404 **C-11C-12 Larry Horton for Pouncey Tract Company of**
405 **Virginia, LLC:** Request to conditionally rezone from A-1 Agricultural District to
406 RTHC Residential Townhouse District (Conditional) Parcel 740-765-7333
407 containing 12.72 acres located along the east line of Pouncey Tract Road (State
408 Route 271) approximately 600 feet south of its intersection with Twin Hickory Lake
409 Drive. The applicant proposes a townhome development of no more than 70 units.
410 The RTH District allows a maximum density of nine (9) units per acre. The use will
411 be controlled by zoning ordinance regulations and proffered conditions. The 2026
412 Comprehensive Plan recommends Urban Residential, density should range from
413 3.4 to 6.8 units per acre and Commercial Concentration. The site is in the West
414 Broad Street Overlay District.

415
416 Mrs. Jones - Second.

417
418 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones All in
419 favor say aye. All opposed say no. The ayes have it; the motion carries.

420
421 At the request of the Commission, the Planning Commission deferred C-11C-12,
422 Larry Horton for Pouncey Tract Company of Virginia, LLC, to its meeting on June
423 14, 2012.

424
425 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
426 agenda, the requests for expedited items. Those will also presented by Mr. Jim
427 Strauss.

428
429 Mr. Strauss - We have one request for expedited approval this
430 evening. It's in the Tuckahoe District, page three of the agenda. Case C-12C-12,
431 Meadow Glen of West End, LP. This is a request to amend proffers related to
432 architectural elevations, exterior materials, density buffers, and reserve areas
433 proposed. We are not aware of any opposition this evening. Staff is
434 recommending approval.

435
436 **C-12C-12 Christopher M. Shust for Meadow Glen of West**
437 **End, LP:** Request to amend proffered conditions accepted with Rezoning Cases

438 C-62C-03 and C-10C-99 on Parcel 749-754-2538 located on the west line of
439 Gaskins Road approximately 765 feet south of its intersection with Three Chopt
440 Road. The applicant proposes to amend proffers related to architectural elevations,
441 exterior materials, density, buffers, and a reserve area. The existing zoning is R-
442 6C General Residence District (Conditional). The 2026 Comprehensive Plan
443 recommends Urban Residential, density should range from 3.4 to 6.8 units per
444 acre, and Environmental Protection Area
445

446 Mr. Branin - Is anyone in opposition to C-12C-12, Christopher M.
447 Shust for Meadow Glen of West End, LP to be placed on the expedited agenda
448 for approval? No one?
449

450 Mrs. Jones - Then I make a motion that C-12C-12, Christopher M.
451 Shust for Meadow Glen of West End, LP, be approved on the expedited agenda,
452 and sent forward with a request of approval.
453

454 Mr. Witte - Second.
455

456 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Witte. All in
457 favor say aye. All opposed say no. The ayes have it; the motion carries.
458

459 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
460 Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board
461 of Supervisors grant the request because the changes do not greatly reduce the
462 original intended purpose of the proffers and the proffers continue to assure a
463 quality form of development with maximum protection afforded the adjacent
464 properties.
465

466 Mr. Emerson - Mr. Chairman, that now takes us to your regular
467 agenda with two remaining items; they appear on page one. They are companion
468 cases, so I will call both of them at the same time, as it would be repetitious to
469 have two presentations.
470

471 **C-9C-12 Michael J. Rothermel for Nelwood, LC:** Request to
472 conditionally rezone from B-2C Business District (Conditional) to B-3C Business
473 District (Conditional) Parcel 814-716-9454 containing 1.747 acres located along
474 the southwest line of S. Laburnum Avenue approximately 500 feet north of its
475 intersection with Audubon Drive. The applicant proposes office uses and a
476 reception center. The uses will be controlled by zoning ordinance regulations and
477 proffered conditions. The 2026 Comprehensive Plan recommends Office. The site
478 is in the Airport Safety Overlay District.
479

480 **P-9-12 Michael J. Rothermel for Nelwood, LC:** Request for
481 a Provisional Use Permit under Sections 24-62.2(b), 24-120 and 24-122.1 of
482 Chapter 24 of the County Code in order to allow auditorium and assembly hall
483 uses for a proposed reception center in an existing building on part of Parcel 814-

484 716-9454, located along the southwest line of S. Laburnum Avenue approximately
485 500 feet north of its intersection with Audubon Drive. The existing zoning is B-2C
486 Business District (Conditional). The 2026 Comprehensive Plan recommends
487 Office. The site is in the Airport Safety Overlay District. The staff report for both of
488 these cases will be presented by Ms. Lisa Blankinship.

489
490 Mr. Branin - Mr. Secretary, the motion that's made after these
491 cases, whether for or against, will have to be done separately, correct?

492
493 Mr. Emerson - Correct. Yes sir, they will have to be done separately
494 as C-9C needs to come before the motion for P-9-12.

495
496 Mr. Branin - Okay. Thank you, sir.

497
498 Ms. Blankinship - Thank you.

499
500 This is a request to rezone approximately 1.75 acres from B-2C to B-3C.
501 Rezoning is necessary to allow the applicant to submit a Provisional Use Permit
502 request for assembly uses in an existing building adjacent to Nelsen Funeral
503 Home. The Provisional Use Permit is first allowed in the B-3 District. A
504 companion case will be presented following the presentation of this rezoning
505 request.

506
507 The subject property is located at the southwest line of South Laburnum Avenue
508 approximately 500 feet north of its intersection with Audubon Drive. It was part of
509 a larger 6.32-acre parcel rezoned from O-2 to B-2C via case C-62C-83.

510
511 The funeral home has utilized the subject site's building, Nelsen Reception
512 Center, for administrative offices and receptions for family and friends of the
513 deceased. Both uses are permitted as an accessory to a funeral home. With this
514 request, the applicant wishes to expand the assembly use to host small wedding
515 receptions, class reunions, and family gatherings in addition to the receptions
516 that are an accessory to the funeral home.

517
518 The applicant has submitted proffers similar to the original rezoning including:

- 519
520 • limiting uses to those allowed in the O-2 District, a hotel use, and
521 • limiting the hours of operation

522
523 Staff believes the expanded use from an accessory used for a funeral home to
524 hosting small private events would not have a negative impact on surrounding
525 properties. Therefore, staff supports rezoning request C-9C-12.

526
527 With regards to companion case, P-9-12, the applicant is requesting approval of
528 a Provisional Use Permit to allow assembly uses at Nelsen Reception Center.
529 The reception center currently offers receptions as an accessory use to the

530 adjacent funeral home. With this request, the applicant would like to expand the
531 use of the reception center to be able to accommodate small private events.

532
533 The uses would be limited to two reception areas within the building. One is
534 1,400 square feet and the other is 725 square feet. The rest of the building would
535 continue to be used for administrative offices.

536
537 Revised conditions have been handed out to you this evening. Condition 14 has
538 been added to require a security officer for those events that provide alcohol and
539 extend beyond nine p.m. Staff recommends approval of this Provisional Use
540 Permit request subject to the revised conditions.

541
542 The proposed zoning and expanded use of the reception center are in keeping
543 with development in the area and should have minimal impacts on adjacent
544 properties if properly regulated. For these reasons, staff supports both C-9C-12
545 and P-9-12 and recommends their approval. This concludes my presentation. I
546 will be happy to answer any questions.

547
548 Mr. Branin - Is anyone in opposition to C-9C-12, Michael J.
549 Rothermel for Nelwood, LC, or P-9-12, Michael J. Rothermel for Nelwood, LC.
550 None. Any questions for Ms. Blankinship?

551
552 Mrs. Jones - I don't have a question about the actual project; I think
553 it probably will be very successful and work well. But I was just wondering about
554 the cross-access agreement or consolidating the parcels. Is there a time frame
555 stipulated—it's not in the proffer here—to do that?

556
557 Mr. Emerson - In a condition?

558
559 Mrs. Jones - Excuse me, in the condition.

560
561 Mr. Emerson - It's not in a condition, but is it a proffer?

562
563 Mrs. Jones - No?

564
565 Ms. Blankinship - Yes ma'am. It's not stipulated in the condition. We
566 prefer to have it, I believe, prior to Board approval.

567
568 Mrs. Jones - Is that the kind of thing that needs to be spelled out?

569
570 Mr. Emerson - No ma'am. I think it will come in before we allow a
571 business license or a CO to be issued.

572
573 Mrs. Jones - Okay.

574

575 Mr. Leabough - I do have a quick question, Ms. Blankinship. Were
576 you able to pull the calls for service for this area?
577

578 Ms. Blankinship - Yes sir.
579

580 Mr. Leabough - You shared with me earlier the calls for service for the
581 hotel on the adjacent parcel, as well as the apartments?
582

583 Ms. Blankinship - Yes.
584

585 Mr. Leabough - Were you able to pull the crime stats?
586

587 Ms. Blankinship - White Oak Village and Laburnum Square?
588

589 Mr. Leabough - Yes.
590

591 Ms. Blankinship - Yes. In 2008, the information that I had, I only have
592 the half of the year, so I didn't use that. But in 2009 for White Oak Village, calls
593 for service were 420. In 2010, 964. In 2011 it was 1,006. For Laburnum Square,
594 in 2009 calls for service were 318. In 2010 - 192; in 2011 - 2,002.
595

596 Mr. Leabough - Okay.
597

598 Ms. Blankinship - And Kim Vann is here.
599

600 Mr. Leabough - Those seem pretty high Ms. Vann, could you speak to
601 that, please? I guess it's all relative, but they seem really high in comparison to
602 the numbers for the hotel and the apartments.
603

604 Ms. Vann - Kim Vann, Henrico Police. Are you asking specifically
605 for White Oak or both White Oak and Laburnum?
606

607 Mr. Leabough - White Oak and Laburnum.
608

609 Ms. Vann - Yes, there are a lot. As to why, for White Oak Village
610 I'm not absolutely sure. I have several ideas that I'll say at this point and I can
611 look into it further, if you all would like.
612

613 I know White Oak, when we started working with the rezoning for White Oak
614 Village, police worked with Planning and the applicant for the development quite
615 a bit. And they were willing to work with us, meet with us, talk about the entire
616 development and how they were going to do it. We also encouraged them from
617 pretty much day one to be zero tolerance out there. White Oak does have
618 security twenty-four hours, and they have a number of cameras, and they work
619 with Henrico Police a lot. So my estimation is that there is a lot of activity and
620 they are very proactive. The location itself, being so close to the interstate, that's

621 going to increase the possibility for crime. I know other businesses, when they
622 have located in this area, banks, for example, use a CAPs index. I don't know
623 what CAP stands for but the banking industry uses that. They'll do a one-mile
624 radius from that location and it's very high. So that would then tell them how
625 much security they should put at that particular location. Part of it because it
626 captures the city of Richmond as well when you do a mile radius.

627

628 I think it's a lot of factors. Now it's the number of businesses that are there, so I'm
629 sure that that also adds in. But I think a big part of it is that they are very
630 proactive and work with the police a lot to hopefully mitigate a lot of the issues
631 that will happen, so maybe it'll settle down. But I can certainly look into that and
632 see. I haven't heard that there is a real problem out there, though. Maybe that
633 means that there is a lot of success at the shopping center.

634

635 We just got these this afternoon, so I wasn't able to look through a lot of them.
636 But fifty-two accidents and this is just 2012. Out of 334 you have 52 accidents.
637 The next jump is really commercial alarms, so that could be faulty alarms, people
638 getting used to their systems. The next highest is larceny and shoplifting. So if
639 the businesses are being proactive, that's what we're going to get. And we want
640 them to continue to do that. And after that, disorderly/drunk.

641

642 I think for the most part it's not a high crime—I don't know if the commercial
643 alarms are actual robberies or just faulty or somebody [unintelligible].

644

645 Mr. Leabough - So in terms of the hotel use adjacent to it?

646

647 Ms. Vann - It's pretty low numbers. I think there was a higher
648 number a few years ago. Yes, it was a little bit higher in 2008, but I think—and I
649 guess in 2011. But I think the police have been working with them. I did talk with
650 community officers for that area for both Wyndham Hotel and Laurel Pines. They
651 feel like they're working with us. Laurel Pines has a fairly high number of calls for
652 service for a small complex, but he said it's because they're very proactive at the
653 apartment management there.

654

655 Mr. Leabough - Okay, thank you.

656

657 Mr. Branin - Anybody else have any other questions?

658

659 Mr. Archer - Just one question. Proffer seven directs that the
660 serving of alcoholic beverages shall require an ABC license. I'm assuming that's
661 on a per-event basis?

662

663 Ms. Blankinship - Yes sir.

664

665 Mr. Archer - Okay.

666

667 Ms. Blankinship - For Virginia ABC, they require a banquet license,
668 which they call a Special Event One-Day license. That's what we were referring
669 to.

670
671 Mr. Archer - I just wanted to make sure if they're getting that ABC
672 license if they're having continuous—okay.

673
674 Mr. Branin - Any other questions of the staff? Mr. Leabough, would
675 you like to hear from the applicant?

676
677 Mr. Leabough - Yes please.

678
679 Mr. Rothermel - Good evening. Mr. Chairman, members of the
680 Commission, my name is Mike Rothermel with the law firm of Spotts Fain. I'm
681 here on behalf of the applicant.

682
683 Before talking about this specifically, I wanted to thank staff and Mr. Leabough.
684 As benign of a request as this seems to be, we actually worked on this for
685 several months. This particular type of use didn't seem to be perfectly
686 enumerated under the ordinances, so in addition, to Lisa, I worked with Ben and
687 Jim. So it was a longer process than we anticipated, but I feel like it was a very
688 cooperative one and very productive. I want to thank everybody for their time.

689
690 One of the things that we struggled with was that this particular use, if you've
691 been out there and visited the reception center, you wouldn't necessarily classify
692 it as an auditorium or an assembly hall but that's really the category that most
693 closely comes under. We're not very concerned, and I don't think staff is
694 concerned, given the nature of the facility that there are going to be any raves or
695 phone parties or whatever the rage is, or any concerts or anything like that. So,
696 you know, the condition that was added this evening was obviously not at our
697 request. We didn't feel that was necessary, but we can certainly appreciate
698 where the County's coming from. One of the conditions that is going to be
699 imposed on us is getting a security survey. I've done a number of those with Kim
700 over the last year and they're very helpful and very productive.

701
702 So I'm happy to answer any questions that the Commission has.

703
704 Mr. Branin - Does anyone have any questions for the applicant?

705
706 Mr. Rothermel - Thank you.

707
708 Mr. Branin - None? Okay, Mr. Leabough.

709
710 Mr. Leabough - All right. Mr. Chairman, I move that we recommend to
711 the Board of Supervisors for approval case C-9C-12, Michael J. Rothermel for
712 Nelwood, LC, with proffered conditions one through five.

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Mr. Archer - Second.

Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

REASON: Acting on a motion by Mr. Leabough, seconded by Mr. Archer, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because the proffered conditions should minimize the potential impacts on surrounding land uses and provide appropriate quality assurances not otherwise available.

Mr. Leabough - Mr. Chairman, I move that we recommend for approval to the Board of Supervisors case P-9-12, Michael J. Rothermel for Nelwood, LC., with the conditions one through fourteen as included in our packet.

Mrs. Jones - Second.

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

REASON: Acting on a motion by Mr. Leabough, seconded by Mrs. Jones, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors grant the request because the conditions should minimize the potential impacts on surrounding land uses and would not be expected to adversely affect public safety, health or general welfare.

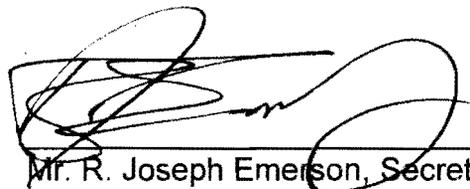
Mr. Emerson - Mr. Chairman, that completes your agenda for this evening and I have nothing further for the Commission. No minutes tonight, sir.

Mrs. Jones - I move adjournment.

Mr. Archer - I second the motion for adjournment.

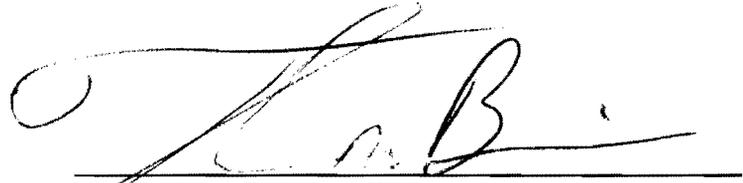
Mr. Archer - Motion made, seconded. And we are adjourned.

The meeting adjourned at 7:43 p.m.



Mr. R. Joseph Emerson, Secretary

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Mr. Tommy Branin, Chairman