

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. Thursday,
4 November 12, 2009. Display Notice having been published in the Richmond
5 Times-Dispatch on October 22, 2009 and October 29, 2009.

6
Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman (Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary

Members Absent: Mr. James B. Donati (Varina)
Board of Supervisors Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Mr. Tommy Catlett, Assistant Traffic Engineer
Ms. Sylvia Ray, Recording Secretary

7
8 Mrs. Jones - I'd like to call this meeting to order and ask that you
9 rise for the **Pledge Allegiance to the Flag**.

10
11 Good evening, and welcome to the November 12, 2009 Rezoning meeting for the
12 Henrico County Planning Commission. We're happy to have you here with us
13 tonight. We do have a relatively short agenda. I'd like to ask that you mute or turn
14 off any cell phones as a courtesy to others. Mr. Donati, who sits with us from the
15 Board of Supervisors this year from the Varina District, will not be with us tonight,
16 unfortunately, but our Commissioners are here and we are ready to go. I don't
17 believe we have anyone from the media with us. So, with that, I will turn the
18 meeting over to our secretary. Thank you, Mr. Emerson.

19
20 Mr. Emerson - Thank you, Madam Chair. The first item on your
21 agenda tonight is the Request for Withdrawals and Deferrals. Those will be
22 presented by Mr. Jim Strauss.

23
24 Mr. Strauss - Thank you; good evening. On page 1 of the agenda,
25 staff is aware of one deferral. This is C-30C-09, Patterson Investments,
26 Incorporated. This is a request to conditionally rezone from R-2A One-Family
27 Residence District to R-5AC General Residence District. A residential
28 development of no more than 30 homes is proposed. The applicant is requesting
29 deferral to the December 10, 2009 meeting.

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75

C-30C-09 James W. Theobald for Patterson Investments, Inc.: Request to conditionally rezone from R-2A One Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive. The applicant proposes a residential development of no more than thirty (30) homes. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre.

Mrs. Jones - Is anyone with us tonight who has an objection to the deferral of C-30C-09, James W. Theobald for Patterson Investments, Inc.? There are no objections. I'd like to move for deferral of C-30C-09, James W. Theobald for Patterson Investments, Inc., to the December 10, 2009 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Jones - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. 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 C-30C-09, James W. Theobald for Patterson Investments, Inc., to its meeting on December 10, 2009.

Mrs. Jones - Are there any other deferrals from the Commission? There are none.

Mr. Emerson - Madam Chair, that takes us to the next item, which is the expedited agenda. That will also be presented by Mr. Jim Strauss.

Mr. Strauss - Thank you. Staff is aware of one case for expedited approval this evening. It's on page 2 of the agenda, C-23C-09, Nobility Investments, LLC. This is a request to amend proffered conditions accepted with rezoning case C-11C-07. Specifically, the applicant is requesting to amend Proffer 15 to require landscaping instead of a screening wall adjacent to a proposed hotel. Staff is recommending approval, and we are not aware of any opposition.

(Deferred from the October 15, 2009 Meeting)

C-23C-09 Mayur Patel for Nobility Investments, LLC: Request to amend proffered conditions accepted with Rezoning Case C-11C-07, on Parcel 767-747-9248, located on the north line of Glenside Drive approximately 355 feet west of Bethlehem Road. The applicant proposes to

76 amend Proffer 15 to require landscaping instead of a screening wall adjacent to a
77 proposed hotel. The existing zoning is B-2C Business District (Conditional). The
78 Land Use Plan recommends Commercial Arterial and Office.

79

80 Mrs. Jones - Do we have anyone with us tonight in opposition to
81 case C-23C-09, Mayur Patel for Nobility Investments, LLC.? There is no
82 opposition.

83

84 Mr. Vanarsdall - I move that C-23C-09, Mayur Patel for Nobility
85 Investments, LLC., be approved under the expedited agenda. I would also like to
86 say that Mr. Patel is here tonight, and he is jumping for joy that we finally got this
87 approved.

88

89 Mr. Jernigan - Second.

90

91 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan.
92 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

93

94 Mrs. Jones - Any other expedited items? That is all.

95

96 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by
97 Mr. Branin, the Planning Commission voted 5-0 (one absent) to recommend the
98 Board of Supervisors grant the request because the change does not reduce the
99 original intended purpose of the proffer and the proffers continue to assure a
100 quality form of development with maximum protection afforded the adjacent
101 properties.

102

103 Mr. Emerson - Madam Chair, that takes us into the regular agenda.

104

105 **C-29C-09** **Jeff Staub for Duke M. du Frane:** Request to
106 conditionally rezone from R-3 One-Family Residence District to O-2C Office
107 District (Conditional), part of Parcel 777-758-4306, containing 0.676 acres,
108 located on the north line of E. Parham Road approximately 215 feet west of
109 Lydell Drive. The applicant proposes an expansion of an adjacent office use.
110 The use will be controlled by zoning ordinance regulations and proffered
111 conditions. The Land Use Plan recommends Office.

112

113 Mrs. Jones - Hello, Ms. Taylor.

114

115 Ms. Taylor - Hello.

116

117 Mrs. Jones - Do we have anyone with us in opposition to this
118 case? This is C-29C-09, Jeff Staub for Duke M. du Frane. No opposition.

119

120 Ms. Taylor - Thank you, Madam Chair.

121

122 This is a request to rezone .676 acres of a 3.94 acre parcel from R-3 to O-2C to
123 allow for the expansion of an office complex known as Parham Place. The
124 current O-2C portion of the office complex is governed by proffers accepted with
125 rezoning case C-113C-85.

126
127 The applicant has submitted proffers similar to this rezoning case which would
128 prohibit certain uses; require screening of trash receptacles and rooftop
129 mechanical systems; limit parking lot lighting and building height; require
130 architectural similarity and consistency with existing office buildings; and prohibit
131 permanent access to Parham Road.

132
133 The applicant has also submitted, but not proffered, three possible concept plans
134 of the proposed expansion. These concept plans can be seen here: Concept 1,
135 2, and 3.

136
137 In these scenarios, a future office building would be located on the adjacent
138 Parham Place site. The subject property would be used for a BMP, parking, or
139 both. While BMP's are required to be 25 feet from the right-of-way, and parking
140 areas are required to be 15 feet, parking areas within Parham Place were
141 developed with a 40-foot setback from Parham Road.

142
143 Staff believes maintaining this setback is an important streetscape feature for the
144 Parham Road corridor. The applicant has been working with staff to develop
145 proffer language to address this concern. Tonight, I received revised proffers
146 dated November 12, 2009. They have been handed out to you tonight. An
147 additional proffer, Proffer #7, has been added which states: there shall be a 40-
148 foot landscaped setback for buildings, parking areas, and BMPs from Parham
149 Road, unless otherwise required and approved by the Planning Commission at
150 the time of Plan of Development approval.

151
152 Since the applicant has addressed staff's concern, staff supports this request.
153 This concludes my presentation. Since the revised proffers were received today,
154 the Commission would need to waive the time limits. I will be happy to answer
155 any questions.

156
157 Mrs. Jones - Questions for Ms. Taylor from the Commission?
158 Thank you very much. If you could kindly give us your name and speak into the
159 microphone. Thank you.

160
161 Mr. Staub - Certainly. My name is Jeff Staub with Balzer and
162 Associates. Good evening.

163
164 Mrs. Jones - Good evening, Mr. Staub.

165
166 Mr. Archer - Mr. Staub, I only need you for one short thing, and
167 that has to do with the faxed proffer.

168
169 Mr. Staub - Yes sir.
170
171 Mr. Archer - And you understand that this will be, [unintelligible]
172 although we [blank].
173
174 Mr. Staub - Absolutely.
175
176 Mr. Archer - I just wanted to make sure you understand there has
177 to be an original copy of the proffers before it goes to the Board.
178
179 Mr. Staub - Yes sir. I appreciate you—
180
181 Mr. Archer - I wanted to get that into the record.
182
183 Mr. Staub - Yes.
184
185 Mr. Archer - But other than that, I appreciate your working with
186 staff and [blank].
187
188 Mr. Staub - Thank you; my pleasure.
189
190 Mr. Archer - That's all I have, Madam Chair.
191
192 Mrs. Jones - Okay. Anything else? Very good. Thank you so much.
193
194 Mr. Archer - Okay. First I move to waive the time limits on the
195 proffers.
196
197 Mr. Vanarsdall - Second.
198
199 Mrs. Jones - Motion to waive time limits by Mr. Archer, seconded
200 by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
201 motion passes.
202
203 Mr. Archer - Finally, I will move that C-29C-09, Jeff Staub for Duke
204 M. du Frane, be sent to the Board of Supervisors with a recommendation of
205 approval.
206
207 Mr. Branin - Second.
208
209 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Branin. All in
210 favor say aye. All opposed say no. The ayes have it; the motion passes.
211
212
213

214 **REASON:** Acting on a motion by Mr. Archer seconded by Mr.
215 Branin, the Planning Commission voted 5-0 (one absent) to recommend the
216 Board of Supervisors **grant** the request because it would provide for appropriate
217 development, it conforms with the objectives and intent of the County's
218 Comprehensive Plan, and it continues a form of zoning consistent with the area.

219

220 ***(Deferred from the October 15, 2009 Meeting)***

221 **C-20C-09 Tom Kinter for David R. Gibbs and Clyde S.**
222 **Taylor:** Request to conditionally rezone from A-1 Agricultural District to R-3C
223 One-Family Residence District (Conditional), Parcels 759-765-5522, 759-765-
224 7424, 759-765-8939 and 759-765-7456, containing 6.807 acres, located on the
225 east line of Francistown Road at its intersection with Nuckols Road. The
226 applicant proposes a single-family detached residential subdivision with no more
227 than fourteen (14) units. The R-3 District allows a minimum lot size of 11,000
228 square feet and a maximum gross density of 3.96 units per acre. The use will be
229 controlled by zoning ordinance regulations and proffered conditions. The Land
230 Use Plan recommends Suburban Residential 2, density should not exceed 3.4
231 units per acre, and Environmental Protection Area.

232

233 Mrs. Jones - Is anyone with us tonight in opposition to C-20C-09,
234 Tom Kinter for David R. Gibbs and Clyde S. Taylor? There is no opposition.
235 Good evening, Ms. Sherry.

236

237 Ms. Sherry - Good evening. Thank you.

238

239 This request would allow for the development of up to 14 new single-family
240 homes adjacent to and north of the entrance road to Hungary Creek Middle
241 School and Duncroft/Castle Point Park. There is an existing residence located
242 on the southwest corner of the subject site. This house would remain and is
243 included in this rezoning request, but would only be subject to the proposed
244 proffers if a new dwelling were to be constructed on the property.

245

246 The 2026 Comprehensive Plan's recommended future land use for the site is
247 Suburban Residential 2, and Environmental Protection Area. The proposed use
248 and density are consistent with these recommendations.

249

250 The applicant has proffered a conceptual plan that shows one point of access
251 from Francistown Road. Lots abutting Francistown Road would be served by a
252 private drive as shown on the conceptual plan.

253

254 The applicant has submitted revised proffers, a copy of which you just received.
255 Major aspects of the proffers include: 2,300-square-foot minimum finished floor
256 area; attached two-car garages; a pre-cast eight-foot brickrete wall along the
257 southern property line with a six-foot privacy fence along the eastern property
258 line; an entrance feature along Francistown Road consisting of wrought iron style

259 fencing with brick columns; and a commitment to submit a rezoning application
260 for the C-1 zoning prior to subdivision approval.

261
262 Residential uses are appropriate at this location and the proffers provide several
263 assurances of quality development. Staff recommends approval of this request.
264

265 This concludes my presentation. I would be glad to answer any questions.
266 Thank you.

267
268 Mrs. Jones - Questions for Ms. Sherry? All right. Would you like to
269 hear from anyone?

270
271 Mr. Vanarsdall - I really don't need to hear from the applicant unless
272 fellow Commissioners have a question.

273
274 Mr. Jernigan - Mr. Vanarsdall, I had one. I don't have to ask him; you
275 can probably clear it up. On the 20-foot driveway strip, are there any provisions in
276 there for them to have a maintenance agreement among those landowners?

277
278 Mr. Vanarsdall - I think that came up, but I don't think it's on there. Mr.
279 Condlin, do you want to answer that? That came up on this one or one recently.
280 I don't know whether it is or not. You heard the question, didn't you?

281
282 Mr. Condlin - Yes sir, I did. Andy Condlin from Williams Mullen,
283 representing the applicant. Under Proffer 20 under the restrictive covenants, it
284 does call for common covenants and obligations with respect to maintenance of
285 common areas. That would be part of the common area. The part of the
286 obligations that we're talking about would be the maintenance by those two lots
287 versus the entirety, because that strip doesn't serve all the lots. So, it would be
288 the liberty to those units or those homes to do that.

289
290 Mr. Jernigan - I just wanted to make sure that was there. If you get
291 one person that doesn't want to chip in, you have a mess.

292
293 Mr. Condlin - Right, right.

294
295 Mr. Vanarsdall - I'm glad you did. And that recently came up on
296 something.

297
298 Mr. Condlin - It's the last line of Proffer 20.

299
300 Mr. Vanarsdall - Anybody else have any questions for Mr. Condlin?

301
302 Mr. Jernigan - Thank you, Mr. Condlin.

303
304 Mr. Vanarsdall - Thank you.

305
306 Mrs. Jones - I am ready for a motion unless there are other
307 questions.

308
309 Mr. Vanarsdall - This is a good case, and it's a compatible case with
310 all the other subdivisions around there on Francistown Road. This will have a
311 few of the same. We'll have a wrought iron fence out front, and we'll have a
312 brickrete eight-foot wall along the side of the road that leads to the school. We'll
313 have a white vinyl fence in the back. It's going to be very good, and like I said, it's
314 compatible to what's out there now. And it's consistent with the Land Use Plan,
315 and it's consistent with the visions, goals, objectives, and policies of the Land
316 Use, and it's recommended by staff. Therefore, I make a motion to have the
317 Board of Supervisors approve it.

318
319 Mr. Branin - Second.

320
321 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin.
322 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

323
324 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by
325 Mr. Branin, the Planning Commission voted 5-0 (one absent) to recommend the
326 Board of Supervisors **grant** the request because it conforms to the Suburban
327 Residential 2 recommendation of the Land Use Plan and the proffered conditions
328 will assure a level of development otherwise not possible.

329
330 Mr. Emerson - Madam Chair, the next item on your agenda is a
331 discussion item. It is a request for the Planning Commission to set a work
332 session on December 16, 2009. It would occur after the completion of your POD
333 meeting on that day. It is to go over with you the PC Portal Website, which you
334 know we've working on for some time. We're ready to do some training with the
335 Commission, and then make it live for your use. After that meeting, we would
336 adjourn to the Planning office to the large conference room so we could use our
337 AV equipment at that location to walk you through how this will operate.

338
339 Mrs. Jones - That is happy news.

340
341 Mr. Jernigan - We were actually asking about that after the meeting
342 last month.

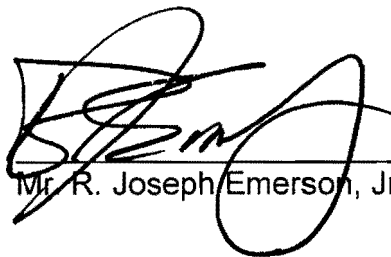
343
344 Mrs. Jones - Yes, we were. Tommy, we'll have to set up a special
345 time for you to have individual training.

346
347 Mr. Branin - Are you saying I need special classes?

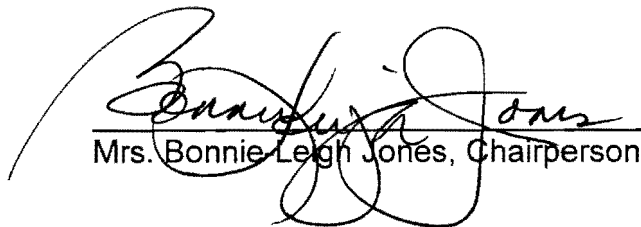
348
349 Mrs. Jones - I am. I don't believe that you'll be available on that
350 date.

351
352 Mr. Branin - No, I will say now I won't be attending.
353
354 Mrs. Jones - Okay.
355
356 Mr. Branin - I'll take a makeup class some other time.
357
358 Mr. Emerson - We will set up a class for Mr. Branin.
359
360 Mrs. Jones - Everyone else is available for that date? Okay. We
361 can simply agree to do that?
362
363 Mr. Emerson - Yes ma'am, that would be fine.
364
365 Mrs. Jones - Okay. All right, December 16th. Put it on your
366 calendar.
367
368 Mr. Emerson - With that, the next item on your agenda is the
369 approval of the minutes for the October 15, 2009 meeting.
370
371 Mrs. Jones - Has everybody had a chance to look at the minutes?
372 Are there additions or corrections?
373
374 Mr. Vanarsdall - If there are none, I move that we approve the minutes
375 as stated.
376
377 Mr. Branin - I'll second that.
378
379 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin
380 that the minutes be approved as presented. All in favor say aye. All opposed say
381 no. The ayes have it; the motion passes.
382
383 Is there any other business to come before the Commission?
384
385 Mr. Vanarsdall - Yes, I have one thing. I want to wish all of you a nice
386 Thanksgiving. Have a lot of turkey.
387
388 Mrs. Jones - Are you going to wish me that again next week?
389
390 Mr. Vanarsdall - Yes.
391
392 Mrs. Jones - Okay.
393
394 Mr. Vanarsdall - I won't be here. Oh, yes, I will, too. I can even bring
395 a turkey.
396

397 Mrs. Jones - All right
398
399 Mr. Jernigan - We have one.
400
401 Mr. Vanarsdall - Looks like I'm going to be the turkey.
402
403 Mrs. Jones - We will have an accelerated schedule this month and
404 next because of the holidays.
405
406 All right. No other business?
407
408 Mr. Emerson - No ma'am, I have nothing.
409
410 Mr. Vanarsdall - Madam Chair, there being none, I move for
411 adjournment.
412
413 Mr. Branin - I will second that as well.
414
415 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin.
416 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
417
418 Meeting adjourned.
419
420 The meeting adjourned at 7:19 p.m.



Mr. R. Joseph Emerson, Jr., Secretary



Mrs. Bonnie Leigh Jones, Chairperson