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2 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
3 **WORK SESSION.**

4
5 Minutes of the regular monthly meeting of the Planning Commission of the
6 County of Henrico held in the County Administration Building in the Government
7 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. April 12,
8 2018. Display Notice having been published in the *Richmond Times-Dispatch* on
9 March 26, 2018 and April 2, 2018.

10
Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Mr. Gregory R. Baka, Vice Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. Eric Leabough, C.P.C., (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Leslie A. News, PLA, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Anthony Greulich, County Planner
Mr. John Cejka, Traffic Engineer, Public Works
Ms. Sharon Smidler, Public Works
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

11
12 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
13 **on all cases unless otherwise noted.**

14
15 Mrs. Marshall - I call this meeting of the Henrico County Planning
16 Commission to order. This is our rezoning meeting for April 12, 2018. At this
17 time, I ask that you please take a moment to silence your cell phones. Thank
18 you. As you do that, please stand with the Commission for the Pledge of
19 Allegiance.

20
21 Do we have anyone in the audience from the news media? We do not.
22

23 We have a special guest this evening from the Chesterfield Planning
24 Commission. We have Mr. Craig Stariha here. Thank you for coming. We also
25 have Mrs. Pat O'Bannon, our representative from the Board of Supervisors who
26 is sitting with the Commission. As always, thank you for being here.
27 Mrs. O'Bannon does abstain on all cases unless otherwise noted.

28
29 All Commissioners are present, so we can conduct business. So at this point, I'll
30 turn the agenda over to Mr. Emerson, our secretary.

31
32 Mr. Emerson - Thank you, Madam Chair. I will note that the
33 Commission did hold a work session beginning at 5 p.m. to discuss potential
34 ordinance amendments regarding short-term rentals and the allowance of
35 breweries, distilleries, and wineries.

36
37 With that said, Madam Chair, the first item on your agenda this evening are
38 requests for withdrawals and deferrals. Those will be presented by Mr. Jim
39 Strauss.

40
41 Mr. Strauss - Thank you, Mr. Secretary. We have seven requests
42 for deferral this evening, and the first request is in the Brookland District on page
43 4 of your agenda. That would be REZ2017-00032, The McGurn Company. In this
44 case, the applicants requested deferral to the May 10, 2018 meeting.

45
46 **REZ2017-00032 Arthur McGurn for The McGurn Company:**
47 Request to conditionally rezone from R-2 One-Family Residence District and [R-
48 6C] General Residence District (Conditional) to R-5C General Residence District
49 (Conditional) Parcel 767-760-8701 and part of Parcel 768-760-1507 containing
50 3.89 acres located at the northeast intersection of Hungary and Hungary Spring
51 Roads. The applicant proposes a zero lot line development of no more than 12
52 homes. The District allows a maximum overall density of 9 units per acre. The
53 use will be controlled by proffered conditions and zoning ordinance regulations.
54 The 2026 Comprehensive Plan recommends Suburban Residential 2, density
55 should not exceed 3.4 units per acre.

56
57 Mrs. Marshall - Is there anyone present in opposition to the deferral of
58 REZ2017-00032, Arthur McGurn for The McGurn Company? I see no opposition.
59 Mrs. Kotula?

60
61 Mrs. Kotula - Mrs. Chairman, I move that REZ2017-00032, The
62 McGurn Company, be deferred to the May 10, 2018 meeting at the request of the
63 applicant.

64
65 Mr. Baka - Second.

67 Mrs. Marshall - We have a motion by Mrs. Kotula and a second by
68 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
69 this motion passes.

70

71 At the request of the applicant, the Planning Commission deferred REZ2017-
72 00032, Arthur McGurn for The McGurn Company, to its meeting on May 10,
73 2018.

74

75 Mr. Strauss - The next request for deferral is also on page 4 of your
76 agenda and it's in the Varina District. This is REZ2018-00014, Quality of Life of
77 VA LLC. The applicant is requesting deferral to the May 10, 2018 meeting.

78

79 **REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC:**
80 Request to conditionally rezone from R-4 One-Family Residence District, B-1
81 Business District, and M-1 Light Industrial District to R-5AC General Residence
82 District (Conditional) Parcel 805-710-1834 and part of Parcel 805-710-1875
83 containing 12.71 acres located on the south line of Darbytown Road at its
84 intersection with Oregon Avenue. The applicant proposes detached, zero lot line
85 units. The R-5A District allows a minimum lot area of 5,625 square feet and a
86 maximum overall density of 6 units per acre. The use will be controlled by zoning
87 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
88 recommends Suburban Residential 2, density should not exceed 3.4 units per
89 acre and Environmental Protection Area.

90

91 Mrs. Marshall - Is there anyone present in opposition to the deferral of
92 REZ2018-00014, Leroy Chiles for Quality of Life of VA LLC? I see no opposition.
93 Mr. Leabough?

94

95 Mr. Leabough - Madam Chair, I move that REZ2018-00014, Quality of
96 Life of VA LLC, be deferred at the request of the applicant to the May 10th
97 meeting.

98

99 Mr. Archer - Second.

100

101 Mrs. Marshall - We have a motion by Mr. Leabough and a second by
102 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
103 this motion passes.

104

105 At the request of the applicant, the Planning Commission deferred REZ2018-
106 00014, Leroy Chiles for Quality of Life of VA LLC, to its meeting on May 10,
107 2018.

108

109 Mr. Strauss - The next five requests for deferral are all in the Three
110 Chopt District beginning on page 5 of your agenda with REZ2017-00034, Core
111 Property Capital. In this case, the applicants are requesting deferral to the June
112 14, 2018 meeting.

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(Deferred from the February 15, 2018 Meeting)

REZ2017-00034 Andrew M. Condlin for Core Property Capital:
Request to conditionally rezone from A-1 Agricultural District to R-5C General Residence District (Conditional) and B-2C Business District (Conditional) Parcel 730-765-6508 containing 22.875 acres located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The applicant proposes commercial uses and no more than 115 residential units. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District.

Mrs. Marshall - Is there anyone present in opposition to the deferral of REZ2017-00034, Andrew M. Condlin for Core Property Capital? I move that REZ2017-00034, be deferred until the June 14, 2018 meeting per the applicant's request. I also will add a thirty-day deferral until . . .

Mr. Emerson - That will be July 12th.

Mrs. Marshall - Until the July 12th meeting.

Mr. Baka - Second.

Mrs. Marshall - We have a motion by Mrs. Marshall, and a second by Mr. Baka. All in favor say aye. Those opposed say no. This motion passes.

At the request of the applicant and the Commission, the Planning Commission deferred REZ2017-00034, Andrew M. Condlin for Core Property Capital, to its meeting on July 12, 2018.

Mr. Strauss - Also on page 5 of your agenda is a companion case, PUP2017-00022, Core Property Capital again. And again, the applicant is requesting deferral to the June 14, 2018 meeting.

(Deferred from the February 15, 2018 Meeting)

PUP2017-00022 Andrew M. Condlin for Core Property Capital:
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 a proposed convenience store on part of Parcel 730-765-6508 located on the south line of W. Broad Street (U.S. Route 250) at the western County Line with Goochland County. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The site is in the West Broad Street Overlay District.

159 Mrs. Marshall - Is there anyone present in opposition to the deferral of
160 PUP2017-00022? I see no opposition. I move that PUP2017-00022, Andrew M.
161 Condlin for Core Property Capital, be deferred, per the applicant's request, until
162 the June 14, 2018 meeting. I will extend the deferral until July 12, 2018.

163
164 Mr. Baka - Second.

165
166 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by
167 Mr. Baka. All in favor say aye. Those opposed say no. This motion passes.

168
169 At the request of the applicant and the Commission, the Planning Commission
170 deferred PUP2017-00022, Andrew M. Condlin for Core Property Capital, to its
171 meeting on July 12, 2018.

172
173 Mr. Strauss - Continuing on page 5 of your agenda we have a
174 deferral request for John Chandler & Company LLC for REZ2018-00005. The
175 applicant is requesting a deferral to the May 10, 2018 meeting.

176
177 *(Deferred from the February 15, 2018 Meeting)*

178 **REZ2018-00005 John Chandler & Company LLC:** Request to
179 conditionally rezone from A-1 Agricultural District to R-2AC One-Family
180 Residence District (Conditional) Parcels 751-764-6432 and 751-764-6608
181 containing 3.59 acres located on the east line of Thorncroft Drive approximately
182 300' north of its intersection with Chicopee Road. The applicant proposes five (5)
183 single-family residences. The use will be controlled by zoning ordinance
184 regulations and proffered conditions. The 2026 Comprehensive Plan
185 recommends Suburban Residential 1, density should not exceed 2.4 units per
186 acre.

187
188 Mrs. Marshall - Is there anyone present in opposition to the deferral of
189 REZ2018-00005, John Chandler & Company LLC? I see no opposition. I move
190 that REZ2018-00005, be deferred until the May 2018 meeting per his request.

191
192 Mr. Leabough - Second.

193
194 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by
195 Mr. Leabough. All in favor say aye. Those opposed say no. There is no
196 opposition; this motion passes.

197
198 At the request of the applicant, the Planning Commission deferred REZ2018-
199 00005, John Chandler & Company LLC, to its meeting on May 10, 2018.

200
201 Mr. Strauss - Continuing in the Three Chopt District, on page 6 of
202 agenda is REZ2018-00006, CR APT Land LC. The deferral is requested to the
203 May 10, 2018 meeting by the applicant.

204

205 **REZ2018-00006** **Andrew M. Condlin for CR APT Land LC:** Request
206 to conditionally rezone from O-3 Office District and O-3C Office District
207 (Conditional) to UMUC Urban Mixed-Use (Conditional) Parcel 747-759-4312
208 containing 5.427 acres located on the west line of Cox Road at its overpass of I-
209 64. The applicant proposes a mixed-use multifamily development. The uses will
210 be controlled by zoning ordinance regulations and proffered conditions. The 2026
211 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook
212 Urban Area Overlay District.

213
214 Mrs. Marshall - Is there anyone present in opposition to the deferral of
215 REZ2018-00006, Andrew M. Condlin for CR APT Land LC? I see no opposition. I
216 move that REZ2018-00006, Andrew M. Condlin for CR APT Land LC, be
217 deferred until the June 14, 2018 meeting per the applicant's request.

218
219 Mr. Archer - Second.
220
221 Mrs. Marshall - We have a motion by Mrs. Marshall and second by
222 Mr. Archer. All in favor say aye.

223
224 Mr. Strauss - I'm sorry; there may have been an error. I believe that
225 that was the May 10th meeting.

226
227 Mrs. Marshall - Was it May 10th?

228
229 Mr. Emerson - Yes.

230
231 Mrs. Marshall - I move that REZ2018-00006, be deferred until the
232 May 10th meeting per the applicant's request.

233
234 Mr. Archer - Second again.

235
236 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by
237 Mr. Archer. Again, all in favor say aye. Those opposed say no. There is no
238 opposition; this motion passes.

239
240 At the request of the applicant, the Planning Commission deferred REZ2018-
241 00006, Andrew M. Condlin for CR APT Land LC, to its meeting on May 10, 2018.

242
243 Mr. Strauss - The final request for deferral this evening is on page 6
244 of your agenda in the Three Chopt District. It is a companion case, PUP2018-
245 00001, CR APT Land LC. Again, the applicant requests a deferral to the May 10,
246 2018 meeting.

247
248 **PUP2018-00001** **Andrew M. Condlin for CR APT Land LC:** Request
249 for a Provisional Use Permit under Sections 24-32.1(a, n, s, t, v, w, and z), 24-
250 120 and 24-122.1 of Chapter 24 of the County Code to allow for an area

251 designated for the preparation or service of food or beverages or the sale or
252 display of merchandise conducted in an open area or structure; parking garage
253 with no associated ground floor retail uses; buildings and structures exceeding
254 60' in height; density of residential exceeding 30 dwelling units per acre; open
255 space within a development of less than 20 percent; commercial or office square
256 footage of less than 25 percent of the total building square footage of the UMU
257 district; and the number of for-lease multifamily dwelling units exceeding 30
258 percent of the total units of the UMU district on Parcel 747-759-4312 located on
259 the west line of Cox Road at its overpass of I-64. The existing zoning is O-3
260 Office District and O-3C Office District (Conditional). The 2026 Comprehensive
261 Plan recommends Urban Mixed-Use. The site is in the Innsbrook Urban Area
262 Overlay District.

263
264 Mrs. Marshall - Is there anyone present in opposition to the deferral of
265 PUP2018-00001, Andrew M. Condlin for CR APT Land LC? I see no opposition. I
266 move that PUP2018-00001 be deferred, per the applicant's request, until the May
267 10, 2018 meeting.

268
269 Mr. Baka - Second.

270
271 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by
272 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
273 this motion passes.

274
275 At the request of the applicant, the Planning Commission deferred PUP2018-
276 00001, Andrew M. Condlin for CR APT Land LC, to its meeting on May 10, 2018.

277
278 Mr. Emerson - Madam Chair, we now move on to the requests for
279 expedited items. Those will also be presented by Mr. Jim Strauss.

280
281 Mr. Strauss - Thank you, Mr. Secretary. We do have two requests
282 for approval on the expedited agenda this evening. The first request is in the
283 Brookland District, page 4 of your agenda. This is REZ2017-00024, Sauer
284 Properties Incorporated. This is a request to amend proffered conditions to allow
285 outdoor dining at the Metro Diner at Libbie Place. Staff is recommending
286 approval with proffers 1 and 2 in the staff report.

287
288 **REZ2017-00024 William G. Homiller for Sauer Properties, Inc.:**
289 Request to amend proffered conditions accepted with C-54C-95 and C-94C-96
290 on part of Parcel 771-739-8721 located at the southwest intersection of W. Broad
291 Street (U.S. Route 250) and Libbie Avenue. The applicant proposes to amend
292 proffers related to prohibited uses to allow for outdoor dining. The existing zoning
293 is B-3C Business District (Conditional). The 2026 Comprehensive Plan
294 recommends Commercial Arterial.

295

296 Mrs. Marshall - Is there anyone present in opposition to REZ2017-
297 00024, William G. Homiller for Sauer Properties, Inc.? I see no opposition.
298 Mrs. Kotula?

299
300 Mrs. Kotula - Mrs. Chairman, I move that REZ2017-00024, William
301 G. Homiller for Sauer Properties, Inc., be recommended for approval with revised
302 proffers numbers 1 and 2, dated March 27, 2018.
303

304 Mrs. Marshall - Second. We have a motion by Mrs. Kotula, a second
305 by Mrs. Marshall. All in favor say aye. Those opposed say no. There is no
306 opposition; this motion passes.
307

308 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mrs.
309 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the
310 Board of Supervisors **grant** the request because the proffered conditions will
311 provide appropriate quality assurances not otherwise available and should
312 minimize the potential impacts on surrounding land uses.
313

314 Mr. Strauss - The second request for approval on the expedited
315 agenda is on page 6, REZ2018-00018, P&F LLC and North American Holdings.
316 This is a request to amend proffered conditions. Staff is recommending approval
317 for these proffer amendments regarding architectural elevations.
318

319 **REZ2018-00018 James W. Theobald for P&F, LLC and North**
320 **American Holdings, Inc.:** Request to amend proffers accepted with REZ2016-
321 00044 on Parcels 761-754-4773 and -2053 located between the south line of W.
322 Broad Street (U.S. 250) and Skipwith Road approximately 600' west of their
323 intersection with Parham Road. The applicant proposes to amend proffers
324 regarding architectural elevations. The existing zoning is B-3C Business District
325 (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial
326 and Office.
327

328 Mrs. Marshall - Is there anyone present in opposition to REZ2018-
329 00018, James W. Theobald for P&F, LLC and North American Holdings, Inc.? I
330 see no opposition. I move that REZ2018-00018, James W. Theobald for P&F,
331 LLC and North American Holdings, Inc., go forward on the expedited agenda.
332

333 Mr. Baka - Second.
334

335 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by
336 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
337 this motion passes.
338

339 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
340 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
341 Board of Supervisors **grant** the request because it is appropriate business

342 zoning and would not adversely affect the adjoining area if properly developed as
343 proposed.

344

345 Mr. Emerson - Madam Chair, that completes the expedited items for
346 the evening. We now move forward into the regular agenda with a discussion
347 item, which is the consideration of Resolution PCR-2-18, which is the adoption of
348 a Resolution of Appreciation for Ms. Bonnie-Leigh Jones in recognition of her
349 service on the Planning Commission. I'll pass to you copies of the resolution.

350

351 **DISCUSSION ITEM: RESOLUTION: PCR-2-18:** Adoption of a Resolution
352 of Appreciation to Ms. Bonnie-Leigh Jones in recognition of her service on the
353 Planning Commission.

354

355 Mr. Baka - Madam Chairman, if I may, I'm prepared to make a
356 motion. I make a motion that we approve PCR-2-18, the adoption of this
357 Resolution of Appreciation for Bonnie-Leigh Jones in recognition of her service
358 on the Planning Commission.

359

360 Mr. Archer - Second.

361

362 Mrs. Marshall - We have a motion by Mr. Baka and a second by
363 Mr. Archer. All in favor say aye.

364

365 Mr. Baka - Welcome back.

366

367 Ms. Jones - Thank you.

368

369 Mr. Baka - If I may, Madam Chairman, I'd like to take the time to
370 read a Resolution of Appreciation for Ms. Bonnie-Leigh Jones. It reads:

371

372 **WHEREAS**, Bonnie-Leigh Jones, a former resident of Henrico County for over
373 forty years was a Fulbright Scholar, graduate of Duke University, teacher, and
374 editor; and

375

376 **WHEREAS**, Mrs. Jones was appointed to serve on the Planning Commission in
377 March 2005 and worked diligently over the next decade to serve the citizens of
378 the Tuckahoe Magisterial District; and

379

380 **WHEREAS**, Mrs. Jones served as Chairman of the Planning Commission in
381 2009 and again in 2013, as well as Vice Chair in 2008, 2012, and most of 2016;
382 and

383

384 **WHEREAS**, Mrs. Jones civic involvement went beyond the Planning
385 Commission; and

386

387 **WHEREAS**, Mrs. Jones was an active member of Tuckahoe Women's Club,
388 Junior League of Richmond, Richmond Lawyers Auxiliary, and River Road Hills
389 Neighborhood Association; and

390
391 **WHEREAS**, Mrs. Jones provided invaluable guidance on many projects within
392 the Tuckahoe District, including the Shoppes at Reynolds Crossing, Collegiate
393 School, John Rolfe Square, Richfield Green, Maybeury, Steward School,
394 Montessori School, and the West End Farmers' Market; and

395
396 **WHEREAS**, Mrs. Jones was consistently well prepared for public hearings in her
397 thorough review of all her projects and was also viewed as an invaluable editor
398 by the Planning Department staff; and

399
400 **WHEREAS**, Mrs. Jones was a dedicated public servant and diligent in upholding
401 the principles of Henrico County's Comprehensive Plan and Smart Growth
402 initiatives while at the same time remaining cognizant of the impact development
403 had upon the citizens of the district; and

404
405 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
406 Commission hereby conveys its most sincere appreciation to Bonnie-Leigh Jones
407 for dedicated service and leadership.

408
409 Thank you so much.

410
411 Ms. Jones - Thank you. Those of you who served with me know I
412 never say no to a chance to say something. But I do want to take this opportunity
413 publicly to certainly thank Pat O'Bannon for the faith she placed in me in this job
414 for over a decade, for the friendship and the help of my colleagues. I served with
415 many of you, and it was a delight. It really was an honor and a privilege to part of
416 this Planning Commission.

417
418 When things got a little bit testy, and there were a lot of points of view, and we
419 had back and forth, I think that was for all the right reasons. There's a citizenry
420 here that cares about their neighborhoods and their communities. And there's a
421 staff that is absolutely wonderful that makes us look mighty good. And there is
422 dedicated leadership for this county.

423
424 I felt very privileged and happy to be a resident for a long, long time. And I
425 certainly wish you all the best as you go forward to guide Henrico's development.
426 Thank you very much.

427
428 Mr. Leabough - We miss you, Ms. Jones.

429
430 Mr. Emerson - Madam Chair, we now move on to the next item on
431 the agenda, which is another discussion item. It is Resolution PCR-3-18. I will

432 hand you a copy of it. It is the adoption of a Resolution of Appreciation of Mr.
433 Robert H. Witte, Jr. in recognition of his service on the Planning Commission.

434

435 **DISCUSSION ITEM: RESOLUTION: PCR-3-18:** Adoption of a Resolution
436 of Appreciation to Mr. Robert H. Witte, Jr. in recognition of his service on the
437 Planning Commission.

438

439 Mr. Baka - Mr. Chairman, I would make a motion to go ahead
440 and approve PCR-3-18, adoption of the Resolution in Appreciation of Mr. Robert
441 H. Witte, Jr. in recognition of his years of serve on the Planning Commission.

442

443 Mrs. Marshall - Second. We have a motion by Mr. Baka, a second by
444 Mrs. Marshall. All in favor say aye.

445

446 Mr. Witte, if you could please come forward.

447

448 Mr. Archer - Madam Chair, if I may read this into the record?

449

450 Henrico County Planning Commission, Resolution of Appreciation to Mr. Robert
451 H. Witte, Jr., PCR-3-18.

452

453 **WHEREAS**, Robert "Bob" H. Witte, Jr., has been a resident of the Brookland
454 District since 1976; and

455

456 **WHEREAS**, Mr. Witte served Henrico County as a career firefighter from 1974
457 until 2005 when he retired as captain; and

458

459 **WHEREAS**, Mr. Witte was recognized by the Board of Supervisors in 1989 for a
460 courageous act without regard for his own safety while off-duty after he crawled
461 through the rear window of an overturned vehicle that was leaking gasoline to
462 rescue a citizen; and

463

464 **WHEREAS**, Mr. Witte continued his service to the county as a member of the
465 Board of Zoning Appeals from 2008 until 2011 and as a Planning Commissioner
466 from 2012 to 2018; and

467

468 **WHEREAS**, Mr. Witte while serving on the Planning Commission was Chairman
469 in 2015, Vice Chairman in 2014 and 2017, and the Planning Commission's
470 representative on the Richmond Regional Citizens Transportation Advisory
471 Committee in 2007, and the Richmond Regional Planning District Commission in
472 2015; and

473

474 **WHEREAS**, Mr. Witte was committed in reviewing and making informed and
475 sound recommendations on complex planning issues to enhance the quality of
476 life for all Henrico citizens, including his integral role in the Glen Allen Small Area
477 Study to maintain the existing and historic character along areas of Mountain

478 Road, the redevelopment and expansion of Willow Lawn, Glen Allen Cultural Arts
479 Center, and The Faison Center, and new developments such as Libbie Mill
480 Midtown; and

481

482 **WHEREAS**, Mr. Witte's dedication to the citizens of Henrico goes beyond
483 proposed development activity and extends to his volunteer community service
484 with organizations, past and present, such as the Glen Allen Ruritan, Knights of
485 Columbus, Hermitage High School PTA, the Board of Directors for Youth Soccer,
486 and

487

488 **WHEREAS**, Mr. Witte has coached youth basketball, football, softball, and
489 soccer, and

490

491 **WHEREAS**, the Planning Commission on behalf of the citizens of the Brookland
492 District and Henrico County wishes to acknowledge Mr. Witte's invaluable and
493 extraordinary commitment; and

494

495 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
496 Commission hereby expresses its most sincere appreciation to Bob Witte for his
497 profound service and significant contribution to the county.

498

499 Also, happy birthday, Mr. Witte.

500

501 Mr. Witte - I have an apology to make right off the bat. I had
502 typed up eleven single-spaced pages of comments I wanted to make, but I left
503 them at home.

504

505 Mr. Baka - Thank you.

506

507 Mr. Witte - Anyway, first off, I want to thank Dick Glover, God rest
508 his soul, for all his trust in me and the work he put in with me from the time I was
509 probably five years on the fire department until he passed away. He was
510 instrumental in a lot of things in my life.

511

512 Secondly, I want to thank Joe Emerson and Jean Moore and this outstanding
513 staff for everything they did for me even though they didn't like it a lot of times. I
514 just can't imagine a better staff and better leadership than what we have in our
515 Planning Department. Absolutely top of the line.

516

517 I want to thank my wife for tolerating me through some of these events we had.

518

519 And, last but not least, I want to thank the members I served with—Bonnie-Leigh,
520 Tommy, all of you. It was really, really a highlight of my life being able to serve
521 with such fine people who have the County, and especially their Districts, at the
522 top of their lists, and maintaining the Henrico Way, putting our citizens first. It was
523 just an honor to serve.

524

525

So, with that, I'll try to come back later with my eleven pages and maybe I can get on the docket for an hour and half. So thank you so much.

526

527

528

Mr. Emerson - Madam Chair, now we move on to the next item on your agenda, which is a Plan of Development, POD2018-00055, Koontz Bryant Johnson Williams for WAM Associates, LLC and CATO Development. The staff report will be presented by Mr. Tony Greulich.

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530

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532

533

PLAN OF DEVELOPMENT AND LIGHTING PLAN

534

POD2018-00055
Innslake Place – Building
2 – 4235 Innslake Drive

Koontz Bryant Johnson Williams for WAM Associates, LLC and CATO Development: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a four-story apartment building with 123 units, and a four-level parking deck containing 261 spaces in an urban mixed use development. The 4.08-acre site is located on the southeastern corner of the intersection of Innslake Drive and Dominion Boulevard, on parcel 747-761-9275. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. **(Three Chopt)**

535

536

Mr. Greulich - Good evening.

537

538

The plan before you today, Innslake Place, Building 2, is adjacent to Innslake Place, Building 1, that was approved by the Planning Commission on December 13, 2017. Together they form a comprehensive development on this parcel under the Urban Mixed Use zoning requirement. The proposed is also subject to the conceptual layout, elevations, conditions, and the design guidelines as approved by the Board of Supervisors on April 11, 2017, under PUP2017-00004 and REZ2017-00006.

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The westernmost building was previously approved as Innslake, Building 1 and will be adjacent to the existing approximately 30,000-square-foot office building that is to remain.

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550

The easternmost building is before you tonight. It is a four-story, mixed-use building approximately forty-three feet in height, and is Innslake, Building 2. The southern half of the building is a four-level parking deck. The northern half of the building will contain approximately 123 apartment units and amenities for the overall development. Access to the parking decks will be from the internal access drive.

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556

557 The subject property is at the intersection of Innslake Drive and Dominion
558 Boulevard. It is within the area that is commonly known as Innsbrook. Since the
559 preparation of the staff report for the March 28, 2018 Planning Commission
560 hearing, additional items have been provided for both the Fire Department and
561 the Planning Department that satisfy our concerns. The proposed plan of
562 development is now in general compliance with the PUP and rezoning cases, the
563 design guidelines, and the Zoning Ordinance.

564
565 This image depicts the courtyard where amenities appear to be located.
566 However, they are not adequately labeled. More information on these areas is
567 requested and must be approved prior to signature of the construction plans.

568
569 The top image depicts a view of Building 2 from Innslake Drive. The bottom
570 image depicts a view from the existing office building and the internal drive aisle.
571 The proposed will generally match what was approved with Building 1.

572
573 The south elevation is from the adjacent hotel property, while to the east is from
574 the adjacent office building. Additional treatments on the appearance of the
575 parking deck have been provided to help blend the structure with the residential
576 portion of this building.

577
578 This is the proposed view looking towards Building 2 at the corner of Innslake
579 Drive and the internal drive aisle. The exterior of the proposed building is largely
580 brick with a cementitious board and batten panel system. Aluminum modular wall
581 panels and precast concrete panels complete the proposed architecture. As
582 stated earlier, these elevations appear to match and are consistent with what
583 was approved with Building 1.

584
585 Staff has received inquiries requesting information on the proposal from
586 representatives of three adjacent properties.

587
588 With this, staff recommends approval of the case subject to the annotations on
589 the plan, standard conditions for developments of this type, and the additional
590 conditions as indicated in the staff report. The applicant and staff are available to
591 answer any questions you may have. Thank you.

592
593 Mrs. Marshall - Is there anyone present in opposition to POD2018-
594 00055? Do we have any questions by the Commission?

595
596 Mr. Leabough - These elevations look familiar.

597
598 Mrs. Marshall - They do look familiar.

599
600 Mr. Leabough - Very familiar. Looks like the product out at Rocketts.

601

602 Mr. Emerson - It looks a lot like the Rocketts product. And that's a
603 good thing.

604
605 Mr. Leabough - No, it's a great thing.

606
607 Mrs. Marshall - I move that POD2018-00055, Innslake Place –
608 Building 2, be approved subject to the annotations on the plan, the standard
609 conditions for developments of this type, and conditions 11B and 29 through 42.

610
611 Mr. Baka - Second.

612
613 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by
614 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
615 this motion passes.

616
617 The Planning Commission approved POD2018-00055, subject to the annotations
618 on the plans, the standard conditions attached to these minutes for
619 developments of this type, and the following additional conditions:

620
621 11B. Prior to the approval of an electrical permit application and installation of the
622 site lighting equipment, a plan including light spread and intensity diagrams,
623 and fixture specifications and mounting heights details shall be revised as
624 annotated on the staff plan and included with the construction plans for final
625 signature.

626 29. In order to maintain the effectiveness of the County's public safety radio
627 communications system within buildings, the owner will install radio
628 equipment that will allow for adequate radio coverage within the building,
629 unless waived by the Director of Planning. Compliance with the County's
630 emergency communication system shall be certified to the County by a
631 communications consultant within ninety (90) days of obtaining a
632 certificate of occupancy.

633 The County will be permitted to perform communications testing in the
634 building at any time.

635 30. The proffers approved as a part of zoning case REZ2017-00006 and the
636 conditions of PUP2017-00004 shall be incorporated in this approval.

637 31. A construction staging plan which includes details for traffic control, fire
638 protection, stockpile locations, construction fencing and hours of
639 construction shall be submitted for County review and prior to the approval
640 of any final construction plans.

641 32. The certification of building permits, occupancy permits and change of
642 occupancy permits for individual units shall be based on the number of
643 parking spaces required for the proposed uses and the amount of parking
644 available according to approved plans.

645 33. Any existing easements in conflict within the proposed building footprints
646 shall be vacated prior to approval of the building permit for the said
647 building.

- 648 34. Approval of the construction plans by the Department of Public Works
649 does not establish the curb and gutter elevations along the Henrico
650 County maintained right-of-way. The elevations will be set by Henrico
651 County.
- 652 35. The conceptual master plan, as submitted with this application, is for
653 planning and information purposes only. All subsequent detailed plans of
654 development needed to implement this conceptual plan shall be submitted
655 for staff review and Planning Commission approval, and shall be subject
656 to all regulations in effect at the time such subsequent plans are submitted
657 for review/ approval.
- 658 36. The location of all existing and proposed utility and mechanical equipment
659 (including HVAC units, electric meters, junction and accessory boxes,
660 transformers, and generators) shall be identified on the landscape plans.
661 All equipment shall be screened by such measures as determined
662 appropriate by the Director of Planning or the Planning Commission at the
663 time of plan approval.
- 664 37. The sanitary sewer relocation plan must be approved prior to construction
665 plan approval, as determined by the Director of Public Utilities.
- 666 38. Approval of architectural, engineering, and landscape architectural
667 working drawings and specifications shall be obtained from the Innsbrook
668 Architectural Review Committee prior to approval of construction plans.
- 669 39. Proposed restrictive covenants shall be submitted to the Department of
670 Planning for review and approval as to form satisfactory to the County
671 Attorney prior to construction plan approval, and they shall be recorded
672 prior to building permit approval.
- 673 40. Evidence of an approved right-of-way maintenance agreement with the
674 Department of Public Works for the proposed streetscapes (multi-use
675 path, brick pavers, landscaping, etc.) in the right-of-way must be submitted
676 to the Department of Planning prior to issuance of a certificate of
677 occupancy for this development.
- 678 41. A parking plan demonstrating how the required parking for existing uses
679 will be satisfied during construction must be submitted and approved prior
680 to construction plan approval.
- 681 42. Additional information regarding proposed amenities within the interior
682 courtyard shall be provided prior to construction plan approval.

683
684 Mr. Emerson - Madam Chair, we now move on to the next item on
685 your agenda, which appears on page 4, REZ2017-00035, Mark Williams for
686 Wilton Companies Incorporated. The staff report will be presented by
687 Ms. Rosemary Deemer.

688
689 **REZ2017-00035 Mark Williams for Wilton Companies, Inc.:** Request
690 to conditionally rezone from O-2 Office District and R-2 One Family Residence
691 District to M-1C Light Industrial District (Conditional) Parcel 774-745-3876 and
692 part of Parcel 774-745-7795 containing 2.105 acres located on the east line of
693 Staples Mill Road (U.S. Route 33) approximately 420' south of its intersection

694 with Aspen Avenue. The applicant proposes office/warehouse. The use will be
695 controlled by proffered conditions and zoning ordinance regulations. The 2026
696 Comprehensive Plan recommends Office. The site is in the Enterprise Zone.

697

698 Ms. Deemer - Good evening.

699

700 As the Secretary said, this request is to rezone 2.105 acres from R-2 One-Family
701 District and O-2 Office District to M-1C Light Industrial District to allow the
702 construction of an office/warehouse development. The area is recommended for
703 Office in the 2026 Comprehensive Plan.

704

705 The property is located along Staples Mill Road and is in the county's Enterprise
706 Zone. The site is bordered to the north by a law office, zoned O-2, and a
707 transportation service provider, zoned M-1. To the east is a distribution facility,
708 zoned M-1, to the south are office/service-related uses, zoned B-1C, while to the
709 west are several single-family homes zoned R-2 and the Lighthouse Baptist
710 Church, which is zoned R-4.

711

712 The applicant is proposing to construct 3 buildings designed to contain multiple
713 tenant spaces for office and warehousing. As shown, the project would contain a
714 total of 4,700 square feet of office and 18,800 square feet of warehousing.
715 Primary access would be provided by Staples Mill Road. Access could be shared
716 with Superior Distribution, located to the rear of this site, as could parking. This
717 development would also have access to School Avenue.

718

719 The proposed M-1C zoning, while not entirely consistent with the Comprehensive
720 Plan's recommendation of Office, could be appropriate for the subject site. The
721 applicant has submitted revised proffers dated April 12, 2018, which have been
722 provided to you this evening. Additional uses have been prohibited, hours of
723 construction have been amended, lighting standards have been proffered to a
724 height of twenty-five feet, and the applicant has committed to address the
725 visibility of Building 2's bay doors with landscaping or via building materials at the
726 time of Plan of Development.

727

728 Staff believes the proffers submitted by the applicant would ensure a level of
729 quality consistent with other recent requests of this type and would provide
730 appropriate quality assurances not otherwise available. For these reasons, staff
731 supports this request.

732

733 This concludes my presentation. I will be happy to answer any questions. If
734 recommended for approval by the Planning Commission, time limits on the
735 proffers would need to be waived.

736

737 Mrs. Marshall - Is there anyone present in opposition to REZ2017-
738 00035, Mark Williams for Wilton Companies, Inc.? I recognize one. Mr. Emerson,
739 if you could go over the rules, please, that would be appreciated.

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Mr. Emerson - Yes ma'am, Madam Chair. The Commission does have rules and guidelines that govern their public hearing process, and they are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed a cumulative ten minutes to present its concerns. Commission questions do not count into the time limits. The Commission may waive the limits for either party at its discretion. Comments must be directly related to the case under consideration.

Mrs. Marshall - Mrs. Kotula, how would you like to proceed?

Mrs. Kotula - Can we hear from the opposition and then perhaps from the applicant after that.

Mrs. Marshall - Will the opposition please come forward and state your name as you address the podium?

Mr. Huffer - My name is Stuart Huffer. Thanks for the opportunity to speak tonight. I don't know the individual members here, but I'll just say distinguished Henrico officials.

As Ms. Deemer said, the amendments to the proffer were submitted today. Therefore, people in the neighborhood who may have a concern don't know what those amendments are. So first of all I would request a continuance on this because of the late submission of the amendments to the proffer. I think it would be fair to let the affected parties or any party that would have concern on this issue to have a chance to look over the amended proffers since they were just submitted today. That would be number one.

A few weeks ago when I noticed the notice in the paper about this rezoning case I talked to Ms. Deemer within a few days of that. At that time, the hours of operation were not known by the Planning Department. There was a mention of the number of vehicles entering and exiting Staples Mill. That was provided by the state since Staples Mill, Route 33, is state-maintained. I don't know how anybody could come up with a number of vehicles going in and out if they don't know the hours of operation. That's a mystery to me.

The intended use, other than office/warehouse was vague to me in conversations with Ms. Deemer. She wasn't apprised of what the purpose of these new buildings would be.

My questions are many. Number one, is it a warehouse? As she mentioned, the Comprehensive Plan recommends the R-2 family district and O-2 Office, not M-1C Light Industrial. So we're obviously skewing from that Comprehensive Plan that's still what, eight years out.

786 The hours of operation have everything to do with the traffic in and out. I worked
787 for a government entity that moved mail all over the country on the ground and in
788 the air. I was particularly responsible for ground traffic. With a post office on
789 Innsbrook Road, we had close to two hundred trips in and out of there a day.
790 Now I know this is not mail delivery for this proposed rezoning. But I think the fact
791 that we don't know the hours of operation or the intended purpose leaves a lot
792 unanswered. Is it going to be exclusively for warehousing for Wilton's needs? I
793 know they have a lot of property and they have property management services.
794 So is it for housing for their personal use? Is it going to be space that's going to
795 be leased out? The office space, one would assume, would be speculative space
796 for leasing out. Is it going to involve storage of hazardous materials?
797

798 Another thing that came up with another property that Wilton recently developed
799 within the last couple of years—in fact, it was just finished in February of this
800 year—I found out some four months after the fact that there was supposed to be
801 a sign posted on the property in English and Spanish that told the public the
802 hours of operation in the proffer. That construction started in July of 2017. I found
803 out about it. And through a conversation with the Planning Department, they said
804 they're supposed to have signs up there in English and Spanish. This was in
805 October after the beginning of construction in July at another Wilton construction
806 site. So I've asked the people in the Planning Department, I said is this sign
807 required. And they say well it's put in proffers.
808

809 So my question I think relates to this project, as well as any other construction
810 projects in the future. If these signs are not required by a developer to post, then
811 what is the recommended . . . how is this accomplished? How would one go
812 about recommending that these signs in English and Spanish be posted at these
813 construction sites if they're not required now? As I understand it, they're proffered
814 by the developer, but there is no requirement to have these signs. So if I'm
815 wrong, please correct me. But I would like to know if they're not required, what is
816 the method to try to get the County to require these signs? I think it would be very
817 helpful.
818

819 For instance, when this other construction project by Wilton took place, it was in
820 July. I was awakened that Saturday morning at seven o'clock by hunks of
821 concrete being dumped into empty dump trucks. The proffers on that job stated
822 there was to be no construction on Saturdays with the caveat that if there were
823 emergencies, utility hookups, that could be accomplished. That's
824 understandable.
825

826 So I went over in a non-confrontational way and spoke to the subcontractor over
827 there. They didn't know anything about it. Evidently there was a lack of
828 communication from the developer to the general contractor. I contacted
829 Mr. Hinson, who was in the interim position at that point. It was eight o'clock that
830 morning.
831

832 Mr. Leabough - Sir? Is your primary concern related to hours of
833 construction?
834
835 Mr. Huffer - Yes sir.
836
837 Mr. Leabough - Okay. So I think we get it.
838
839 Mr. Huffer - Okay. I was first told by Ms. Deemer, and I haven't
840 seen any amended since they were just posted today. I'm not aware of any
841 amended proffers. But initially I was told the hours of construction would be 6
842 a.m. Well that's in direct violation to the County's Noise Ordinance.
843
844 So I would recommend at this time that until the concerned citizens that live
845 within close proximity of that area—that it be postponed until we have time to
846 digest the proffers that were just submitted today. I think that's only fair. Thank
847 you.
848
849 Mrs. Marshall - Thank you.
850
851 Mr. Leabough - Thank you.
852
853 Mrs. Kotula - Can we hear from the applicant please?
854
855 Mr. Gunter - Hello. My name is Hunt Gunter. I'm vice president
856 with The Wilton Companies. I'm happy to answer any questions you may have.
857
858 Mrs. Kotula - If you could speak about the topics that we just heard
859 about, perhaps in some detail, some of the updates that you all may have made
860 to your application recently, hours of operation, hours of construction, signage
861 being posted.
862
863 Mr. Gunter - Certainly. We will have signage posted both in
864 English and Spanish on this project, as the proffers indicate. The hours of
865 construction I believe are from 7 a.m. to 6 p.m., Monday through Saturday.
866
867 Mrs. Kotula - It's 7 p.m.
868
869 Mr. Emerson - It's seven to seven.
870
871 Mr. Gunter - Monday through Saturday. There will be no
872 construction on Sundays.
873
874 Mr. Emerson - But there are exceptions for concrete pours and utility
875 connections, just to be clear. Similar to the other situation.
876

877 Mr. Gunter - Yes sir. And you asked about hours of operation. We
878 didn't proffer anything on the hours of the business operation. But I'm happy to
879 proffer from 6 a.m. until midnight with the caveat that some of these small
880 businesses, the small business owners do go in after hours to do things like
881 payroll or general office work. So I don't want to restrict the small businesses
882 from being able to work in their business. So I'd restrict being open to the public,
883 I guess is a better term, from 12 to 6. So they'll be closed from 12 to 6.

884
885 Mrs. Marshall - What type of building or business are you looking at
886 to put in this place?

887
888 Mr. Gunter - It can be a lot of things. Office/warehouse space is
889 normally—well, it can be a lot of different things. It could be someone who sells
890 chiropractic equipment, for instance. They would have a small office in the front
891 and chiropractic beds or things like that in the back that they store. Then they sell
892 them to different chiropractic doctors and things like that. That's just one
893 example. It's mostly small businesses.

894
895 Mrs. Marshall - But you specifically do not have any idea what's going
896 to go in that place.

897
898 Mr. Gunter - I don't have any idea who's going to lease it right yet,
899 yes ma'am.

900
901 Mr. Baka - Would there be any hazardous materials stored in this
902 building?

903
904 Mr. Gunter - I certainly hope not.

905
906 Mr. Baka - Just wanted to ask for the record. Thank you.

907
908 Mr. Gunter - No problem.

909
910 Mrs. Kotula - Are there extra copies of the updated proffers that
911 could be shared with the opposition?

912
913 Mr. Gunter - I didn't bring any.

914
915 Mr. Emerson - Staff should have a copy that could be shared with
916 Mr. Huffer, I believe. If not, he's welcome to my set.

917
918 Mrs. Kotula - Okay. Are there other uses that will not be permitted?

919
920 Mr. Gunter - We've gone through a list of uses that will not be
921 permitted, and I'm happy to read them off, if I can read them; it's kind of small
922 writing.

923
924 We will not have any gun shop/sales/repair. We will not have any establishments
925 whose primary business is check cashing. And I'll just stop at that. There's a
926 longer period there. Bars, for the purpose of this restriction, can mean business
927 establishments whose primary business is the sale of alcoholic beverages for on
928 premises. Adult business as defined by Section 24-3 of the Henrico County
929 Code, which I have here. If you would like me to read the whole code, I'm happy
930 to. Funeral homes, vehicle storage lots, fast food restaurants, hotels, flea
931 markets, billboard, off-track betting parlors, permit recycle collection facilities,
932 manufactured homes, home sales and/or display, shopping center, automotive
933 filling service station, rifle and pistol range. And I'd like to add one more, which
934 would be a carwash.

935
936 Mr. Emerson - Mr. Gunter, just so you you're aware, you can't add
937 these proffers at this point. But if the Commission chooses to recommend this
938 forward to the Board, you can add those between now and the time the Board of
939 Supervisors hears the case.

940
941 Mr. Gunter - Okay. May I make one other comment on the
942 hazardous materials? Some hazardous materials would be like cleaning supplies
943 and things like that. So those would obviously be an exception.

944
945 Mrs. Kotula - I don't have any other questions at this time.
946 Mr. Huffer, I think, as this process continues and moves to the Board, certainly
947 continue to express your concerns with the members at that level.

948
949 Mr. Huffer - [Off microphone] Do I still have time that I can still
950 speak or not?

951
952 Mrs. Kotula - I think we're done with the opposition at this point. Do
953 you have a specific question?

954
955 Mr. Huffer - I do.

956
957 Mrs. Kotula - I'm happy to hear it.

958
959 Mr. Huffer - [Off microphone] Mr. Gunter—

960
961 Mr. Archer - Sir, you need to come up.

962
963 Mr. Huffer - Mr. Gunter answered the question about the hours of
964 operation for the office part. What he failed to answer was what are the hours of
965 operation for the warehouse. Again, I know the Planning Department got the
966 number of trips in and out, as Ms. Deemer told me, from the state, since Route
967 33 is a state route. But again, how does anybody know? Without knowing the
968 hours of operation, how could anybody other than guess at the number of trips in

969 and out? Mr. Gunter didn't tell you what the hours of operation for the warehouse
970 are. I was just handed these proffers. It says 3 p.m.

971

972 Mr. Leabough - Can I ask a quick question? Do you live adjacent to
973 this property?

974

975 Mr. Huffer - I live pretty close. I live across Dickens Road—or my
976 parents live across Dickens Road. We just went through 7-1/2 months of
977 construction at her house. I'm her caretaker, so I spend quite a bit of time out
978 there.

979

980 Mr. Leabough - So where do you live exactly?

981

982 Mr. Huffer - I'm on Sandy Bluff Drive. But I spend a tremendous
983 amount of time as the caretaker for my mom, who will be ninety-three Monday.

984

985 Mr. Leabough - So how far is your primary residence from this
986 particular site?

987

988 Mr. Huffer - Across Staples Mill—

989

990 Mr. Leabough - Estimate in miles.

991

992 Mr. Huffer - Oh, it's not miles. It's right across the street. This is
993 almost directly across the street from the Hamlett community, if you know where
994 that is.

995

996 Mr. Leabough - And that's where you reside?

997

998 Mr. Huffer - That's where my mother's property is.

999

1000 Mr. Leabough - Where do you live, sir? That's what I'm asking.

1001

1002 Mr. Huffer - I live on Sandy Bluff Drive.

1003

1004 Mr. Emerson - Which is off Dickens Road. Is that correct?

1005

1006 Mr. Huffer - No, it's in the western part of the county. But I spend
1007 most of my waking hours taking care of my mom who lives—we're not talking
1008 about miles from where this project is going to be; we're talking about yards.

1009

1010 Mr. Leabough - Okay.

1011

1012 Mrs. Kotula - Mr. Gunter, what would be the hours of operation for
1013 the warehouse?

1014

1015 Mr. Gunter - [Off microphone] The same.
1016
1017 Mrs. Kotula - The same for the warehouse part of the operation.
1018
1019 Mr. Huffer - I would just add with these amendments, my copy
1020 says 3 p.m. I've been asked by new neighbors who moved in less than two
1021 weeks ago, "What's this all about?" And then I say, "I'll give you the information
1022 I've got." But at this late date of proffers coming in at 3 p.m. and talking with other
1023 people in the neighborhood . . . nobody's had a chance to digest this. So I think
1024 in all fairness that we should have a postponement of this until all the facts can
1025 be digested by the people who would be affected by this. I think that's only fair.
1026 Thank you.
1027
1028 Mrs. Kotula - Thank you.
1029
1030 Mr. Gunter - I can help you out with the location of Mr. Huffer's
1031 mother's house. Right across from our office is Aqua Court. So you'd have to
1032 come out of Aqua Court.
1033
1034 Mr. Leabough - Can you show us on the map there?
1035
1036 Mr. Gunter - Sure, be happy to. Come out here.
1037
1038 Mr. Leabough - You can show us with the cursor there.
1039
1040 Mr. Gunter - Okay. Right about here. So you'd come out here and
1041 take a left right here. There's a stoplight at Staples Mill and Dickens. You would
1042 take another left right here. There's another stoplight here at Dumbarton. You
1043 would continue to travel up Staples Mill, around the bend, and that is where this
1044 development is.
1045
1046 Mr. Baka - So 800 feet to an inch, so it appears to be over a half
1047 a mile approximately.
1048
1049 Mr. Gunter - He says it's not that far, but those are the directions.
1050
1051 Mr. Leabough - Okay, thank you.
1052
1053 Mrs. Kotula - Thank you.
1054
1055 Mr. Gunter - Thank you.
1056
1057 Mrs. Kotula - All right. With the acknowledgment that this is step
1058 one in a multi-phase public process, Mrs. Chairman, I would move that we waive
1059 the time limits for REZ2017-00035, Mark Williams for Wilton Companies, Inc.
1060

1061 Mr. Leabough - Second.
1062
1063 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by
1064 Mr. Leabough. All in favor say aye. Those opposed say no.
1065
1066 Mrs. Kotula - And Mrs. Chairman, I move that REZ2017-00035,
1067 Mark Williams for Wilton Companies, Inc., be recommended for approval with
1068 proffers 1 through 14 dated April 12, 2018.
1069
1070 Mr. Emerson - Would you like to add the understanding that the
1071 additional proffers stated by Mr. Gunter tonight will be added to the proffers prior
1072 to the Board meeting?
1073
1074 Mrs. Kotula - Yes, with the additional proffers offered in the
1075 meeting.
1076
1077 Mr. Baka - Second.
1078
1079 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by
1080 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
1081 this motion passes.
1082
1083 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mr.
1084 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
1085 Board of Supervisors **grant** the request because it would not be expected to
1086 adversely affect the pattern of zoning and land use in the area and the proffered
1087 conditions will assure a level of development otherwise not possible.
1088
1089 Mr. Emerson - Madam Chair, we now move on to the bottom of page
1090 4 and also onto page 5. We have two companion cases. They are REZ2018-
1091 00020, Robert Haller, Jr. The staff report will be presented by Mr. Ben Sehl.
1092
1093 **REZ2018-00020 Robert Haller, Jr.:** Request to rezone from B-1
1094 Business District to B-2C Business District (Conditional) Parcels 826-716-9829
1095 and 827-716-0226 containing .3656 acres located on the north line of W.
1096 Williamsburg Road (U.S. Route 60) at its intersection with S. Wilson Way. The
1097 applicant proposes a restaurant with outdoor dining and cooking. The use will be
1098 controlled by zoning ordinance regulations and proffered conditions. The 2026
1099 Comprehensive Plan recommends Commercial Concentration. The site is in the
1100 Enterprise Zone and the Airport Safety Overlay District.
1101
1102 Mr. Emerson - And also on the same property is PUP2018-00006.
1103 Again, Robert Haller, Jr. Both cases will be presented by Mr. Sehl.
1104
1105 **PUP2018-00006 Robert Haller, Jr.:** Request for a Provisional Use
1106 Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the

1107 County Code to allow outdoor dining and cooking on Parcels 826-716-9829 and
1108 827-716-0226 located on the north line of W. Williamsburg Road (U.S. Route 60)
1109 at its intersection with S. Wilson Way. The existing zoning is B-1 Business
1110 District. The 2026 Comprehensive Plan recommends Commercial Concentration.
1111 The site is in the Enterprise Zone and the Airport Safety Overlay District.

1112

1113 Mr. Sehl - Good evening, Madam Chair, members of the
1114 Commission. As Mr. Emerson noted, this is a request to rezone from B-1 to B-2C
1115 to allow an existing restaurant, Sandston Smokehouse, to submit a provisional
1116 use permit request for outdoor cooking and dining. A companion provisional use
1117 permit request has also been submitted.

1118

1119 The subject property is located on the north line of Williamsburg Road in
1120 Sandston, just in front of Sandston Elementary School. The building has been
1121 used for a number of purposes over the years, including its original purpose as
1122 the Sandston Pharmacy. The proposed B-2C zoning and use are consistent with
1123 the 2026 Comprehensive Plan's recommendation for Commercial Concentration,
1124 as well as other recent rezoning requests in the area, as shown on this map.
1125 There have been several B-3C rezonings in the immediate vicinity as shown on
1126 the map.

1127

1128 The applicant has submitted proffers that include:

1129

- 1130 • Prohibiting uses that may be too intensive for the site;
- 1131 • Minimizing the impact of lighting on adjacent properties;
- 1132 • Screening of trash receptacles; and
- 1133 • Limiting the hours of operation to 7:00 a.m. to 11:00 p.m.

1134

1135 Staff notes the proffers have been revised to address the minor concerns noted
1136 in the staff report and have been handed out to you this evening. The proffers
1137 would ensure minimal impact on adjacent property owners and would provide
1138 appropriate quality assurances not otherwise available. For these reasons, staff
1139 supports the proposed rezoning

1140

1141 The companion case would allow the restaurant to create an outside dining area
1142 between the building and Williamsburg Road, as well as construct an outdoor
1143 cooking area on the side of the building. The location of the two areas is shown
1144 on this exhibit, and detailed layouts have also been provided in your staff report.

1145

1146 The applicant has also provided this new exhibit, which shows the proposed
1147 surround for the outdoor cooking area, which would consist of a brick knee wall
1148 matching the building and a roof to provide protection from the elements. Based
1149 on this new exhibit, staff has revised the proposed PUP conditions, which have
1150 also been distributed to you.

1151

1152 The proposed conditions recommended by staff are similar to previously
1153 approved conditions for outdoor dining in the county and along with the proffers
1154 submitted by the applicant should provide adequate protections for customers
1155 and the adjacent community. For these reasons, staff recommends approval of
1156 the companion requests with the proffers and PUP conditions distributed to you
1157 tonight.

1158

1159 This concludes my presentation. I will be happy to answer any questions you
1160 might have at this time.

1161

1162 Mrs. Marshall - Is there anyone present in opposition to REZ2018-
1163 00020, Robert Haller, Jr.? I see no opposition, Mr. Leabough.

1164

1165 Mr. Leabough - Mr. Sehl, just one quick question, sir. You indicated
1166 that this request is consistent with similar outdoor dining requests in other areas
1167 of the County.

1168

1169 Mr. Sehl - Yes sir.

1170

1171 Mr. Leabough - Okay.

1172

1173 Mr. Sehl - They've provided a similar commitment regarding the
1174 furniture, fencing, those types of things. Yes sir.

1175

1176 Mr. Leabough - Okay. Thank you.

1177

1178 Mr. Sehl - You're welcome.

1179

1180 Mr. Leabough - I have no other questions, Madam Chair.

1181

1182 Mrs. Marshall - Any questions?

1183

1184 Mr. Leabough - With that, I'd like to move that REZ2018-00020,
1185 Robert Haller, Jr., more to the Board of Supervisors with a recommendation of
1186 approval subject to conditions 1 through 14 included in the staff report dated April
1187 9, 2018. Is there a waiver of time limits?

1188

1189 Mr. Sehl - No sir.

1190

1191 Mr. Emerson - You do need two separate motions, Mr. Leabough.
1192 They presented them together. You have a rezoning case and a provisional use
1193 permit, so you do need two separate motions.

1194

1195 Mr. Leabough - What I was confused about is they say rezoning at the
1196 top of the document that was handed out.

1197

1198 Mr. Emerson - I think on the second page it's provisional use and the
1199 first page is revised proffers.

1200

1201 Mr. Leabough - Sorry.

1202

1203 Mr. Emerson - I should have made it clear.

1204

1205 Mr. Leabough - Thank you, Mr. Sehl. So it's proffers 1 though 7. I
1206 apologize. So motion to recommend sending this to the Board of Supervisors
1207 with a recommendation of approval with conditions 1 through 7 as noted.

1208

1209 Mr. Baka - I'll second the motion.

1210

1211 Mrs. Marshall - We have a motion by Mr. Leabough, a second by
1212 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
1213 that motion passes.

1214

1215 **REASON -** Acting on a motion by Mr. Leabough, seconded by
1216 Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend
1217 the Board of Supervisors **grant** the request because it reflects the
1218 Comprehensive Plan and future use and zoning in the area and would not
1219 adversely affect the adjoining area if properly developed as proposed.

1220

1221 Mr. Leabough - So next I move that PUP2018-00006, Robert Haller,
1222 Jr., move to the Board of Supervisors with a recommendation of approval with
1223 conditions 1 through 14 as noted in the report.

1224

1225 Mr. Archer - Second.

1226

1227 Mrs. Marshall - We have a motion by Mr. Leabough, a second by
1228 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
1229 that motion passes.

1230

1231 **REASON -** Acting on a motion by Mr. Leabough, seconded by
1232 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend
1233 the Board of Supervisors **grant** the request because when properly developed
1234 and regulated by the recommended special conditions, it would not be
1235 detrimental to the public health, safety, welfare and values in the area.

1236

1237 Mr. Emerson - Madam Chair, we now move onto page 6 of your
1238 agenda for REZ2018-00010, James W. Theobald for Greystar. The staff report
1239 will be presented by Mrs. Lisa Blankinship.

1240

1241 **(Deferred from the February 15, 2018 Meeting)**

1242 **REZ2018-00010 James W. Theobald for Greystar:** Request to
1243 conditionally rezone from RTHC Residential Townhouse District (Conditional) to

1244 R-6C General Residence District (Conditional) and O-2C Office District
1245 (Conditional) Parcel 735-761-8792 containing 12.724 acres located at the
1246 southwest intersection of Three Chopt Road and Lauderdale Drive. The applicant
1247 proposes an age restricted multifamily development and office uses. The uses
1248 will be controlled by zoning ordinance regulations and proffered conditions. The
1249 2026 Comprehensive Plan recommends Urban Residential. The site is in the
1250 West Broad Street Overlay District.

1251

1252 Mrs. Blankinship - Good evening.

1253

1254 This is a request to conditionally rezone 12.72 acres from RTHC to R-6C and O-
1255 2C to develop an age-restricted multifamily development of no more than 169
1256 units and an office building not to exceed 50,000 square feet.

1257

1258 The subject property was part of larger rezoning case in 2006 that allowed
1259 seventy-nine townhouse units to be developed on the property; however, it was
1260 not constructed. Proffers submitted with this request are similar to those
1261 previously accepted and commit to a quality development including landscape
1262 buffers, building materials, hours of construction, density, sound suppression,
1263 age restriction, parking lot lighting, and prohibited uses.

1264

1265 The applicant has submitted revised proffers and a conceptual plan, dated April
1266 10th, that have been handed out to you this evening. Proffer #1 has been revised
1267 to reference the updated conceptual plan, seen here, which shows the
1268 adjustment of the zoning line between the proposed R-6C and the O-2C districts.
1269 The zoning line now travels down the center of the main drive aisle between the
1270 apartments and the office building which addresses staff's concern outline in the
1271 staff report.

1272

1273 The Planning Department received a letter of support from the Wellesley
1274 Homeowners Association and a petition in opposition signed by residents of
1275 Foxfield at Wellesley Condominiums, located directly to the south of the site.
1276 Prior to the filing of this request, community meetings were held with the
1277 Wellesley Homeowners Association, and due to opposition from the Foxfield
1278 residents, an additional community meeting was held on February 20th.
1279 However, only four citizens attended and none expressed opposition to the
1280 request.

1281

1282 The 2026 Comprehensive Plan recommends Urban Residential, where density
1283 should not exceed 6.8 units per acre. The proposed density with this request
1284 calculates to 19 units per acre. However, staff notes this request could have less
1285 of an impact on public facilities than the approved RTHC zoning district and could
1286 be a reasonable transition between the commercial uses to the north and the
1287 townhome and single-family developments to the south. In addition, the applicant
1288 has addressed staff's concerns regarding the zoning line and access. For these
1289 reasons, staff supports this request.

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

Mrs. Marshall - Any questions from the Commission? Is there anyone present in opposition to REZ2018-00010, James W. Theobald for Greystar? I'd like to hear from the opposition first. Please come forward one at a time. And state your name when you come forward.

Mr. Burroughs - Good evening. My name is Sherman Burroughs. I live at 4004 Foxfield Place. So I'm on the back part of the Foxfield neighborhood abutted against the property that's looking to be rezoned. Thanks for the opportunity just to share a few of my concerns about the proposed use for this property and how it would affect not just our neighborhood, but specifically my home where I live. So I appreciate that.

One of the first concerns I have with the way the plan is set for this property currently are privacy concerns for homeowners like myself and others that are along the back line of the Foxfield neighborhood. With the proposed four-story building, for example, an individual in some of the top stories can literally look at their window—and in my case, because of the way my unit is situated, see not just in my yard, but frankly in my living room. So clearly I have a little bit of a concern about the buildings facing in toward our units and the privacy concerns that creates for us.

Secondly, I have concerns about traffic with the addition of 169 units. In this particular location, at an intersection at Lauderdale and Three Chopt, which from my experience, having moved to Richmond four years ago and living here, it's not only busy but has been sight of quite a few traffic accidents that I've seen and individuals that I personally know who have been involved in them. So I have concerns about the traffic volume increase.

I also have concerns about the lighting. Given the way the plan is currently set, we're going to be having garages, cars parking and parking lots w/lots. Frankly right now I can see the lights through the woods that are there from the Hilton, the Short Pump Mall, and the Kroger gas station complex beside us. So another concern of mine is lighting and how that would impact our neighborhood in the evenings as well.

It would also be taking over one of the few final green spaces that separate our neighborhood and the greater Wellesley complex from what is clearly a significantly developed commercial area.

I believe a lot of these things will have negative impacts not just to the value and marketability of our property, but frankly to the quality of life that I've come to enjoy living in the West End of Henrico County.

1336 I guess finally the only other thing I would share is in our particular area in
1337 Wellesley we're already surrounded by two significant-sized apartment
1338 complexes, which bring not only traffic, but transient individuals who are living
1339 there for a brief period of time. I certainly have concerns about the noise of
1340 coming and going and moving in and moving out. As I understand it, Greystar
1341 has plans in addition to the apartments to have amenities here at these
1342 properties that really from my perspective make it less residential and more
1343 commercial.

1344

1345 I feel pretty confident that eighteen or twenty-four months from now, if I'm looking
1346 out my front window into this property what I'm going to see is not going to be
1347 perceived as residential but an extension of the commercial area that's already
1348 beside us.

1349

1350 I know that when I went to purchase my property, I'm an individual who likes to
1351 do my homework. I looked at this property beside us and saw it was zoned for
1352 two-story townhouses that would be similar to those that are in my neighborhood.
1353 Frankly, had I known it was going to be rezoned or potentially rezoned for
1354 property like this, I definitely probably would have changed my choice of where I
1355 decided to live.

1356

1357 So I would appreciate it if you all would consider not granting the request to
1358 rezone this area and keeping it zoned as it is to continue the residential area out
1359 from us and to continue to create a barrier between our neighborhood and the
1360 commercial area. Thank you.

1361

1362 Mr. Baka - Question. Using the cursor, would you be able to
1363 point out approximately where your property is on Foxfield Drive?

1364

1365 Mr. Burroughs - Yes. I would be right about here. My property, this is a
1366 three-unit building. My property is the last unit abutted against the property. So
1367 my front door and my large window in my living room, I'll be looking out into their
1368 parking lot. This is unique to my property, as well as the property on this side. All
1369 of these houses would have the back yard facing the property in question. So
1370 clearly for me it's probably more of an acute concern than maybe for others.
1371 Certainly we appreciate your consideration.

1372

1373 Mrs. Marshall - Thank you.

1374

1375 Mr. Burroughs - Thank you.

1376

1377 Ms. Taylor - Good evening. My name is Phyllis Taylor, and I live in
1378 Foxfield at Wellesley. First things first. I want you to know that I asked the Board,
1379 since Foxfield is the main community affected by this, I asked them not to send a
1380 letter. The vast majority of the people living in Foxfield are opposed to this. We

1381 have a drainage problem already in Foxfield. They plan to put all the parking in
1382 the back, which is going to cause us to have more of a drainage problem.

1383

1384 I'm very concerned also about the lighting and how much it's going to light up our
1385 community. Our community is a very nice looking community of townhomes. We
1386 do not need all this bright light. I have ridden through the county, and I notice
1387 most places have the parking in the front. They want their buildings to look good
1388 to the front, and they don't care what they do to us. I think if they're going to have
1389 their parking in the back, have a third of it in the back, a third of it in the front, and
1390 the remaining third divided between the ends. I do not see how we cannot have a
1391 drainage problem from them, all the runoff from these parking lots. Also, the
1392 parking lots are going to put the traffic lights into the people who back up to this
1393 area right in their homes.

1394

1395 I would also like to say at the meeting that was had before where four members
1396 of Foxfield showed up, not all of Foxfield was invited. We have senior citizens
1397 who do not drive at night. They were not at the meeting. That's why. And when
1398 they had the meeting without anybody from the County there, I went to the first
1399 meeting. I was sorry to say I had a heart attack and did make the second one,
1400 because I would love to have been there.

1401

1402 Our concerns I do not feel have been addressed in a way that would affect us in
1403 a favorable way. I don't see any need of it being four stories. Four stories is going
1404 to look at everybody's backyard. I don't care where you live in Foxfield. Then
1405 you're going to have all of this stuff going on all the time. Three stories would be
1406 more than aplenty.

1407

1408 And what happens when they do not find a market for fifty-five and above and
1409 they keep on saying it's not going to have an impact on the traffic because fifty-
1410 five and above don't work? I don't know about you, but I know a lot of people that
1411 work that have passed fifty-five. I don't understand it. And like the other resident
1412 stated about the traffic, the traffic is terrible out there. There are accidents after
1413 accidents after accidents.

1414

1415 I would appreciate if you could take into consideration the drainage problem. And
1416 we need to have a barrier between them and us, preferably a concrete wall of
1417 some type so we don't have them coming over on us in Foxfield. We need to be
1418 considerate when it comes to the lighting. We need them to be considerate of the
1419 drainage. A lot of these places we have drainage problems. We have French
1420 drains in Foxfield. We have a lot of yards that stay wet all the time because of the
1421 drainage problem.

1422

1423 So please take these things under consideration. I thank you very much.

1424

1425 Mrs. Marshall - Is there anyone else who would like to speak in
1426 opposition? Mr. Theobald?

1427

1428

Mr. Theobald - Good evening, Madam Chair. I'd like to reserve two minutes, if I might, for—well I guess we've already had—we'll just roll the rebuttal right into the ten minutes I have. How is that?

1430

1431

1432

I'm Jim Theobald, and I'm here this evening on behalf Rebkee Company and Greystar to request to rezone 12.7 acres from RTH to a combination of R-6C for a maintenance-free active senior adult community and O-2C for an office building. The parcel was originally zoned for townhomes in 2006 as part of a larger Arcon shopping center, but never developed.

1433

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Founded in 1993, Greystar has been guided by their core principles of high integrity and character providing world-class services to residents of multi-family communities. They have over 9,000 residences under active management on a global basis.

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1443

This age-restricted community will have approximately 169 units with 10,000 square feet of amenity space. The perfect location next to grocery store, retail, and restaurants and provides an appropriate transitional use from Wellesley to the more intense shopping center use. It also provides an interim, independent lifestyle for baby boomers looking to downsize, yet with a high level of amenities.

1444

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1449

In the plan as you see it, as you come down Three Chopt Road—remember, Three Chopt Road is a four-lane road to be extended all the way over to Gayton once the Pruitt Farms is developed. This is a major thoroughfare in the county, so this road is designed to handle traffic. And clearly there's going to be a lot more traffic on it, I'm afraid, once it's punched through to Gayton Road.

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We come off the entrance. We've accommodated the Fire Department with a fire area in here where they can get closer to the building. I should say the building was up against the back property line, but it was pushed forward toward the shopping center at the request of the consensus of the neighbors that we met with at the Wellesley community meeting. So we pushed it away from those townhomes and instead—while this is a parking field, these are garages. So they block the view of the parking field. There's also a twenty-foot buffer in here. There's a ten-foot common area within the Foxfield community that was part of the required development standards.

1465

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1471

As we move around the site, this area will likely have a BMP area. This is the porte cochère, so when you enter, you'll come around the building. This is where you can drop people off here. There is not a lot of activity back here. Actually, this will serve as sound barrier to the uses in the Rebkee shopping center, as well as I understand neighbor sometimes get sounds from Short Pump Town Center. It's also a visual block to the Rebkee shopping center.

1472 This is representative of facades of facilities that have been built in other areas.
1473 Colonial architecture and materials, different looks. This is a photo of the
1474 development in Fairfax, Virginia, just to give you a sense of the amenities and the
1475 areas and the landscaping and the furniture, etcetera, outside. Inside pictures of
1476 demonstration kitchen for residents being depicted here, as well as just a picture
1477 of some of the interior amenities and common areas.

1478

1479 Case is well proffered. We tried to bring forward all of the prior proffers that were
1480 applicable. We have proffered the concept plan that you have seen. The buffers
1481 are twenty feet adjacent to Wellesley, twenty-five feet along the western
1482 boundary along Three Chopt Road. Hours of construction limited to 7 a.m. to 7
1483 p.m. Monday through Friday, and 9 a.m. and 4 p.m. on Saturday. There is no
1484 clearing of the property until a POD's approved, so we cannot clear-cut. That was
1485 a condition of the original case.

1486

1487 And again, as to the residential part, we've also proffered the elevations that you
1488 were shown, quality building materials, the cap on the number of units. It is age
1489 restricted. Sound suppression standards, and parking lot lighting of a maximum
1490 of sixteen feet at night. So very residential in scope. And as you know, we're not
1491 permitted to let light pollute over the property lines. We have to come back to
1492 Commission and will come back to the Commission for the lighting plan. So I
1493 don't think that would be an issue.

1494

1495 On the office piece, we don't know what type of use will be there. It's a
1496 speculative development, but it's right at the corner of Lauderdale and Three
1497 Chopt. Again, quality building materials and the same limitation on parking lot
1498 lighting at sixteen feet. Then the usual refuse and trash containers being
1499 screened.

1500

1501 Again, on the office, mechanical equipment is screened. We've knocked a bunch
1502 of objectionable uses. The 35-foot buffer area against Lauderdale Drive is
1503 consistent with other development up and down Lauderdale. The building height
1504 is limited to 30 feet and the size of building to 50,000 square feet.

1505

1506 Our representative did meet with Wellesley, the board once and members of the
1507 neighborhood twice, and then Foxfield for a single meeting by themselves. And
1508 we have revised our plan as indicated with a number of features to reflect some
1509 of the comments that were elicited at those meetings. The Wellesley
1510 Homeowners Association has issued a letter of support for this request.

1511

1512 As to a couple of the comments made by neighbors—and I've discussed lighting.
1513 The drainage issue, drainage flows towards the lakes, for the most part, in
1514 Wellesley. There will be a BMP on the western part of the site. There are
1515 drainage easements, county drainage easements that were granted and put in
1516 place with the development of these neighborhoods. And as you know, we do
1517 have to go through the POD process where the environmental engineer folks

1518 look very closely at drainage calculations and existing conditions. What we're
1519 adding, I think this site may actually be more open with less impervious areas
1520 than the seventy-nine townhomes.
1521

1522 That's really it tonight. I think it does act as a transitional use. It acts as a buffer.
1523 It's well designed. It's a needed use in the area. And I would respectfully request
1524 that you recommend approval to the Board of Supervisors. I would be happy to
1525 answer any questions.
1526

1527 Mrs. Marshall - Mr. Theobald, could you point out where the drainage
1528 will take place?
1529

1530 Mr. Theobald - Someone will correct me if I'm wrong. I seem to recall
1531 there's a drainage easement back in this side. Are there one or two drainage
1532 easements? Do you guys know?
1533

1534 Male - [Off microphone] There's one drainage easement at
1535 Foxfield.
1536

1537 Mr. Theobald - You're going to need to come up here.
1538

1539 Mrs. Marshall - Yes, please come up. If you could state your name for
1540 the record.
1541

1542 Mr. Perkins - Good evening. I'm Ryan Perkins with Kimley-Horn,
1543 the civil engineer on this job. The majority of the site, the apartments, is going to
1544 drain straight from east to west. There is an outfall ditch over here, which does
1545 not affect the Foxfield neighborhood. There is a small portion of the site the
1546 currently drains to a drop inlet that's back near this road right here. But all the
1547 drainage on our site that's impervious and will be collected in an underground
1548 system that's on the western side of the property. So most likely no impervious
1549 area from these parking lots is going to get on these properties. It can all drain
1550 straight to the west and then outfall towards Brook Run.
1551

1552 Mrs. Marshall - Thank you. Mr. Theobald. As far as the age
1553 requirements on the community, can we talk a little bit about that? For example, if
1554 you're fifty-five and older and bought one of these units, could you have
1555 somebody under age twelve, fifteen move into your unit with you?
1556

1557 Mr. Theobald - Well I might be over fifty-five. I think the Federal
1558 Housing Act basically would allow a person under that age, one person I think, to
1559 reside in the residence. I'd have to check the Fair Housing Act.
1560

1561 Mr. Emerson - As I recall, Mr. Theobald, if it's fifty-five and you
1562 haven't proffered it otherwise, one resident has to be fifty-five. Then the rest of
1563 the residents can be less than fifty-five.

1564
1565 Mrs. Marshall - Your goal of this project is to have people fifty-five
1566 and older, mostly.
1567
1568 Mr. Theobald - Yes. The average age is I think greatly above fifty-
1569 five. The rates for these units are significantly higher than other multi-family units
1570 in the area. So this wouldn't be where you'd go for a rental unit with a family and
1571 young children. There is really nothing there for kids.
1572
1573 Mrs. Marshall - Okay, thank you. Any more questions?
1574
1575 Mr. Baka - One question. On the southern property line there
1576 adjacent to Foxfield, could you describe the approximate height at the time of the
1577 construction, at the time of planning, of the trees that are shown in concept and
1578 then the garages or carports shown in concept? And are those pitched roofs on
1579 those?
1580
1581 Mr. Theobald - I believe the proffer allows us to only grade within the
1582 first ten feet of this twenty-foot buffer. So whatever the existing vegetation is
1583 there would remain. The first ten feet closest to the garages, we've not done a
1584 landscape plan. We have to come back to you for landscape plan approval. I
1585 don't know the garage design, how tall they are, whether they are flat roofs,
1586 pitched roofs. They are pitched roofs.
1587
1588 Mr. Baka - They are pitched? So that would add a little more
1589 height to potentially obstruct some sound and noise.
1590
1591 Mr. Theobald - That's usually a good feature back there for any
1592 number of reasons in terms of blocking, acting as an additional barrier for both
1593 light and sound.
1594
1595 Mrs. Marshall - Mr. Theobald, on number 14 of your proffers,
1596 Mr. Emerson did point out it does state that no persons under the age of fifty-five
1597 shall reside therein.
1598
1599 Mr. Emerson - So you have quantified it, so you've taken it a step
1600 more restrictive than just the normal fifty-five.
1601
1602 Mr. Theobald - Thank you for clearing that up.
1603
1604 Mrs. Marshall - Any more questions?
1605
1606 Mr. Leabough - You still have to be in compliance with the Fair
1607 Housing Act, right?
1608
1609 Mr. Emerson - Yes.

1610

1611 Mr. Leabough - [Unintelligible] it wouldn't be in compliance with it,
1612 right?

1613

1614 Mr. Emerson - In this case you can. We've been down that road
1615 before. It's my understanding that you can.

1616

1617 Mrs. Marshall - Any more questions?

1618

1619 Mr. Archer - I have one observation, Madam Chair. Mr. Theobald,
1620 one of the members of the opposition, Ms. Taylor, I believe, indicated that they
1621 were having current drainage problems. Oftentimes new projects are able to
1622 alleviate drainage problems. Is there an indication that you might pick up some of
1623 the drainage from that particular area and alleviate it somewhat?

1624

1625 Mr. Theobald - Well from my vast engineering background, I have a
1626 feeling that what we're actually doing is rather than letting it sheet flow like it does
1627 now toward the back, that we're actually picking it up and moving it to the west.
1628 Then, as Ryan indicated, the vast majority of this water is going to go down this
1629 drainage, divide that, over across Pruitt, and over towards Gayton. So whereas
1630 now the water is just freely coming onto the site and coming back through and
1631 hitting these drop inlets, the County stormwater system, now it's going to be
1632 picked up from this impervious area and actually taken out here to the west. So I
1633 would think that logically it would be improved.

1634

1635 Mr. Archer - Okay. I was just curious about that. Thank you.

1636

1637 Mr. Theobald - Did I say anything wrong?

1638

1639 Mrs. Marshall - Mr. Theobald, looking at number 2, as far as the
1640 landscaping goes, if you could talk a little bit more about the landscaping that you
1641 will provide? I know that it does come up at plan of development, but if you could
1642 maybe put some clarity to that, if you can.

1643

1644 Mr. Theobald - I don't believe we've designed the landscaping at this
1645 point. I don't really know what the plans would be. That's why we have the
1646 landscape plan step, as you know. So we know the width, and we know we can't
1647 take down the back ten feet. We know they have ten feet on their side as well.
1648 But as to the species and the height of the plantings, I just don't know at this
1649 point.

1650

1651 Mrs. Marshall - Okay. All right, thank you.

1652

1653 Mr. Theobald - Mmm-hmm.

1654

1655 Mrs. Marshall - Mr. Cejka, could you come forward, please? Good
1656 evening.
1657
1658 Mr. Cejka - Good evening, Madam Chair, members of the
1659 Commission. John Cejka, traffic engineer.
1660
1661 Mrs. Marshall - My question is, have we done a traffic study at Three
1662 Chopt?
1663
1664 Mr. Cejka - We have not done a study because there is already a
1665 traffic signal there. We haven't done counts recently as well.
1666
1667 Mrs. Marshall - Do you have any recent counts with you?
1668
1669 Mr. Cejka - I do know that on Three Chopt itself we did counts on
1670 Three Chopt right across from the Kroger, right near their driveway, recently.
1671 There are 4,050 cars a day. Lauderdale Drive has approximately 18,000 cars a
1672 day. It's well under the capacity of the roadway?
1673
1674 Mrs. Marshall - What is the capacity of the roadway?
1675
1676 Mr. Cejka - About 24 to 30,000. We have some roadways in the
1677 county that have as much as 45,000 on a four-lane divided road. Parham Road.
1678
1679 Mrs. Marshall - Okay. To your knowledge, do you know the date that
1680 Three Chopt will continue through to North Gayton or any idea?
1681
1682 Mr. Cejka - It's development-driven.
1683
1684 Mrs. Marshall - Okay. So as soon as—
1685
1686 Mr. Cejka - Soon as somebody who owns that land decides to
1687 develop then the road will be constructed at that time.
1688
1689 Mrs. Marshall - Okay. And that will alleviate a lot of the traffic. I think it
1690 will add to and alleviate. It'll do both.
1691
1692 Mr. Cejka - It will add traffic to Three Chopt and probably remove
1693 some from Broad Street.
1694
1695 Mrs. Marshall - Okay. All right. Any more questions? Thank you.
1696
1697 Mr. Cejka - You're welcome.
1698

1699 Mrs. Marshall - With that I move that REZ2018-00010, James W.
1700 Theobald for Greystar, move forward with a recommendation for approval to the
1701 Board of Supervisors.

1702

1703 Mr. Archer - Second.

1704

1705 Mr. Leabough - There are some conditions in here.

1706

1707 Mrs. Marshall - I'm sorry; I wasn't finished. My fault. With conditions 1
1708 though 21 that were turned in on 4/10/18. So there was a motion by
1709 Mrs. Marshall and a second by Mr. Archer. All in favor say aye. Those opposed
1710 say no. There is no opposition; that motion passes.

1711

1712 Mr. Archer - Mr. Secretary, would you make it known to the
1713 opposition the date that the Board will hear this case so they can air their
1714 concerns again?

1715

1716 Mr. Emerson - Yes, Mr. Archer. This will appear on the Board of
1717 Supervisors' agenda on June 10th, I believe. Is that correct?

1718

1719 Mr. Baka - May?

1720

1721 Mr. Emerson - I'm sorry. I went up too far. It would be May 8th.

1722

1723 Mr. Archer - Thank you, sir.

1724

1725 Mr. Emerson - Madam Chair, we now move on to page 7 of your
1726 agenda for two more companion cases. REZ2018-00009, James W. Theobald
1727 for Rivercrest Realty Investors, LLC.

1728

1729 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
1730 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
1731 Board of Supervisors grant the request because it would permit infill
1732 development with the proper connection to roads and other public facilities and
1733 the proffered conditions will assure a level of development otherwise not
1734 possible.

1735

1736 **(Deferred from the March 15, 2018)**

1737 **REZ2018-00009 James W. Theobald for Rivercrest Realty Investors,**
1738 **LLC:** Request to conditionally rezone from R-3 One-Family Residence District
1739 and M-1 Light Industrial District to B-2C Business District (Conditional) Parcels
1740 764-744-6655, -6764, -6971, -7177, -7782, and -8475 containing 1.872 acres
1741 located at the northwest intersection of Glenside Drive and Forest Avenue. The
1742 applicant proposes a self-service storage facility. The use will be controlled by
1743 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive

1744 Plan recommends Suburban Residential 2, density should not exceed 3.4 units
1745 per acre.

1746

1747 Mr. Emerson - The companion is PUP2018-00008, James W.
1748 Theobald for Rivercrest Realty Investors, LLC. The staff report will be presented
1749 by Mr. Ben Sehl, and this will require separate motions when the Commission
1750 takes action.

1751

1752 **PUP2018-00008 James W. Theobald for Rivercrest Realty Investors,**
1753 **LLC:** Request for a Provisional Use Permit under Sections 24-58.2(b), 24-
1754 58.2(h), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow
1755 a self-service storage facility up to 36' in height on Parcels 764-744-6655, -6764,
1756 -6971, -7177, -7782, and -8475 located at the northwest intersection of Glenside
1757 Drive and Forest Avenue. The existing zoning is R-3 One-Family Residence
1758 District and M-1 Light Industrial District. The 2026 Comprehensive Plan
1759 recommends Suburban Residential 2, density should not exceed 3.4 units per
1760 acre.

1761

1762 Mrs. Marshall - Is there anyone present in opposition to REZ2018-
1763 00009, James W. Theobald for Rivercrest Realty Investors, LLC? I see no
1764 opposition. Mr. Sehl?

1765

1766 Mr. Sehl - Thank you, Madam Chair.

1767

1768 These next two cases are companion cases to allow the construction of a fully
1769 enclosed, self-service storage facility up to thirty-six feet in height on Glenside
1770 Drive. Self-service storage facilities are permitted in the B-2 District upon the
1771 issuance of a provisional use permit

1772

1773 The subject property is located at the intersection of Glenside Drive and Forest
1774 Avenue and is zoned R-3 and M-1. Adjacent properties to the west and south in
1775 the Fort Hill Neighborhood are also zoned R-3. As shown on the zoning map, the
1776 other three corners of the referenced intersection contain a variety of business
1777 and industrial zoning classifications, meaning nonresidential zoning with
1778 appropriate protections for residential neighbors could be appropriate on the
1779 subject site.

1780

1781 The request is not entirely consistent with the Comprehensive Plan
1782 recommendation of Suburban Residential 2; however, given the existing M-1
1783 zoning on the site and nonresidential uses on the other corners of the adjacent
1784 intersection, a low-intensity commercial use could be an appropriate deviation
1785 from the plan, provided adequate protections against negative impacts are
1786 provided.

1787

1788 The applicant is proposing to construct internally served self-storage building of
1789 approximately 100,000 square feet. Access to the site would be from Glenside

1790 Drive, where a turn lane would be installed. Emergency access would also be
1791 provided to Brigham Road, as shown on the proffered conceptual plan. A
1792 retaining wall would be provided on the portion of the site adjacent to Eaton
1793 Road, which would have the effect of depressing the building into the site from
1794 that perspective. Also shown on the plan are the required 25-foot transitional
1795 buffers, which, in concert with the effects of the retaining wall, should assist in
1796 screening the proposed building from the majority of the adjacent neighbors.
1797

1798 In addition to the concept plan, the applicant has submitted a number of
1799 conceptual renderings of the proposed building, which are shown here. I'll show
1800 you a couple of examples. This is from Glenside Drive. This is from Forest
1801 Avenue. The applicant has designed the building to give the appearance that it is
1802 two stories in height, although three stories are actually located above grade. A
1803 basement is also proposed. When combined with the proposed retaining wall and
1804 buffers, the visual impacts of the building should be minimized, especially from
1805 Eaton Road, as shown in this elevation.
1806

1807 In addition to the concept plan and elevations, the applicant has provided a
1808 number of additional proffers, some of which are also covered by the
1809 requirements for a self-storage facility in the B-2 District. Some aspects of the
1810 proffers include:

1811

- 1812 • Hours of operation limited to 6:00 a.m. to 10:00 p.m.;
- 1813 • Detached signage would be limited to 6' in height, and attached signage
1814 would only be allowed on the frontages facing Glenside and Forest; and
- 1815 • Hours of construction would be limited to 7:00 a.m. to 7:00 p.m. Monday
1816 through Saturday.

1817

1818 An initial community meeting was held by the applicant on January 29th. At this
1819 meeting, a taller building and M-1 zoning was proposed, which raised numerous
1820 concerns from adjacent residents. Based on this feedback, the applicant revised
1821 their request and presented it to the community on March 28th, where the
1822 reception from adjacent residents appeared to be more positive.
1823

1824 While not consistent with the Comprehensive Plan's designation of Suburban
1825 Residential 2, the existing M-1 zoning on the property and increase in non-
1826 residential uses in the area could mean an alternative use providing appropriate
1827 protections for the adjacent neighborhood could be appropriate. The minimal
1828 traffic generation from the proposed development, coupled with the quality
1829 guarantees and protections proffered by the applicant, mean impacts on adjacent
1830 homes should be minimized. Additionally, the proposed conditions listed in the
1831 PUP report should further enforce the requirements of the zoning ordinance. For
1832 these reasons, staff supports these requests subject to the proffers and
1833 conditions in the two companion staff reports.
1834

1835 I'd note separate actions will be required by the Commission on each request. I'd
1836 be happy to try to answer any question you might have at this time.

1837

1838 Mr. Baka - I have a couple of questions of Mr. Sehl. Before I
1839 even ask Mr. Sehl the questions, I just want to walk through the process. The
1840 applicant held two community meetings. There was one at the beginning they
1841 had in January that had a lot of concerned citizens in consternation. After some
1842 notable changes were made, at the second community meeting there were fewer
1843 concerns. There were still concerns, but there were a number of changes made
1844 to the proffered conditions and development standards, etcetera.

1845

1846 Mr. Sehl, if I could. Mrs. O'Bannon and I received an enormous amount of
1847 emails, letters, and comments from the public. I wanted to reference some
1848 thoughts from two of those emails. The first was from Mrs. York, a resident on
1849 Eaton, I believe, back in January. Her concerns were the effect of this proposed
1850 development on # number one, the proximity to homes. I wanted to ask have the
1851 changes that the applicant has done addressed that. Two, her concerns with
1852 reductions in property values. I guess you could comment on whether or not this
1853 Commission gets into reduction in property value issues. And three, the effect of
1854 this development on the future growth of the residential community, the effect on
1855 the larger community behind it.

1856

1857 So if we could take those three questions really quickly. Do you feel that the
1858 changes the applicant has made in the revised plans address the proximity to
1859 homes and the effect it might have on those homes?

1860

1861 Mr. Sehl - Mr. Baka, the location of the building has not changed
1862 substantially from the previous proposal. The building is approximately 150 feet
1863 from the closest home, which is more distant than, say—the Bon Secours
1864 building across Glenside Drive is in closer proximity to some adjacent homes in
1865 that location just from comparison and scale. So the distance hasn't changed, but
1866 certainly the top of the building has been lower substantially from what was
1867 proposed in the initial one. So certainly it gives the appearance of being moved a
1868 little bit further.

1869

1870 Mr. Baka - And that was definitely a notable change the applicant
1871 had made.

1872

1873 Mr. Sehl - Yes sir.

1874

1875 Mr. Baka - Does this Commission get into any questions—there
1876 were a number of issues that came, not just from Ms. York, but also from other
1877 citizens about reduction in property values. That's a comment or question that we
1878 don't get into, correct?

1879

1880 Mr. Emerson - Correct, Mr. Baka. That's an item that you're not
1881 allowed to consider.

1882
1883 Mr. Baka - Okay. And third, Mr. Sehl, how would you anticipate
1884 that the development of this fourth corner—you have three corners developed
1885 commercial or business of office—might have any future effect on development
1886 pressure of the other residential houses in this established neighborhood? We
1887 don't what to one day have market pressure to go commercial

1888
1889 Mr. Sehl - Certainly, as you noted, the development adjacent is
1890 largely built out as an established community. This property is separated by
1891 Brigham and Eaton Roads from the remainder of the community. Any
1892 redevelopment of those homes would require those property owners to sell. They
1893 would not be forced, obviously, to rezone the property. And the County would not
1894 be in the process of going out and rezoning those properties.

1895
1896 Mr. Baka - Understood.

1897
1898 Mr. Sehl - On the staff's perspective, we received a number of
1899 different proposals on this site over the years. So certainly some form of
1900 development removes some of that uncertainty about what might happen on that
1901 property, I would think. And it kind of completes that quadrant, certainly, and
1902 removes that uncertainty from the future.

1903
1904 Mr. Baka - Understood. And for future comments on the
1905 Comprehensive Plan in the residential neighborhood, it would be a good
1906 preference to see it remain as an established residential neighborhood beyond
1907 that boundary. You and I talked about the importance of a natural boundary,
1908 Brigham and Eaton. And perhaps that's a boundary to mark.

1909
1910 Mr. Sehl - I believe that that boundary created by those
1911 roadways is certainly significant. And those properties also don't have some of
1912 the remnant industrial zoning that this site has that also lends itself to maybe
1913 leaning towards a non-residential use.

1914
1915 Mr. Baka - Thanks. And the last question I have for Mr. Sehl is
1916 from a recent email from Ms. Niya Bryan. She's a resident at 7100 Brigham
1917 Road. Her question was whether that retaining wall could be extended further
1918 down towards Brigham towards 7100 to perhaps block some of the light, noise,
1919 and impact from the building...maybe this is a question for the applicant.

1920
1921 Mr. Sehl - Mr. Baka, I believe the applicant could certainly speak
1922 to this more directly.

1923
1924 Mr. Baka - Okay.

1925

1926 Mr. Sehl - At this location, the wall stops right about here. It's not
1927 exactly a retaining wall at that location.
1928
1929 Mr. Baka - Okay. It's flat?
1930
1931 Mr. Sehl - The site slopes down in this direction, the building
1932 actually sits up a little bit from Brigham Road in this location. They are required to
1933 provide a 25-foot transitional buffer at that location. The applicant can speak to
1934 whether a wall is feasible more directly. It's someone complicated by the
1935 emergency access that is required there by Fire. That opens that up a little bit
1936 more.
1937
1938 Mr. Baka - Thank you. And I would just say that this case does
1939 have an existing M-1 un-proffered section of zoning on it, so this is an
1940 improvement over that. Thank you, Mr. Sehl. Any other questions of staff?
1941
1942 Mr. Sehl - Thank you.
1943
1944 Mr. Baka - If I could, I'd like to ask the applicant the question
1945 about the retaining wall and the location of the entrance of that emergency exit.
1946
1947 Mr. Theobald - Madam Chair, members of the Commission, I'm Jim
1948 Theobald here on behalf of the applicant.
1949
1950 In response to your question, Mr. Baka . . .
1951
1952 Mr. Baka - I wanted to generally ask whether the location of that
1953 retaining wall needed to be extended or could be extended.
1954
1955 Mr. Theobald - Okay. I'll PowerPoint that.
1956
1957 Mr. Baka - I'll ask a second question while they're pulling up the
1958 PowerPoint. Is that location of the emergency exit in a manner and location that
1959 doesn't necessarily adversely impact the neighbors across the street? There we
1960 go.
1961
1962 Mr. Theobald - The emergency access. This is the area I think that
1963 the Fire Department wanted to be sure that they could reach if they needed to
1964 fight a fire from this direction and for whatever reason couldn't get around and
1965 through this entrance. We located this entrance drive. It was a little further to the
1966 west, but we tried to split in between these two homes so that it was not directly
1967 opposite someone's front door. And this is a gated entrance, so this is not one
1968 that you can use willfully.
1969
1970 The retaining wall is really a retaining wall. It's holding back the earth. It's not a
1971 screening wall. That's what all the landscaping is for within the 25-foot buffer. It

1972 just has to transition a couple of feet above the grade as you get to this
1973 emergency entrance drive. So this is also the 25-foot buffer and will be heavily
1974 landscaped. We did provide a landscape plan for informational purposes and
1975 have been discussing with Ms. News how we might accomplish significant
1976 plantings. But these plantings will go in, the evergreens at 6- to 8-feet tall at the
1977 time of planting. The deciduous trees, 2-1/2 caliper, which is an initial height,
1978 although be it a little spindly, of 15 to 18 feet. So this is designed to be a heavily
1979 screened buffer. I just don't think with that kind of buffer that you would build a
1980 brick screening wall to screen a brick all.

1981

1982 Mr. Baka - Understood.

1983

1984 Mr. Theobald - And there is no light coming out of this building.
1985 Those windows are faux windows. There's no activity over here. The real factor, I
1986 think, for the neighbors there is just the activity on Forest Avenue.

1987

1988 Mr. Baka - On the retaining wall, would there be a small railing at
1989 the top of that?

1990

1991 Mr. Theobald - I'm told that it's likely required by the Building Code
1992 that there would be likely a railing up there for safety purposes. If that's case,
1993 there certainly will be.

1994

1995 Mr. Baka - Okay. One last question. What's the applicant's
1996 projected number of vehicles per day? This is a low-intensity use. This is not a
1997 heavy office use.

1998

1999 Mr. Theobald - I think if it projected to the seventy cars noted in the
2000 staff report, they would be giddy. Generally speaking, these things get about
2001 twenty customers a day.

2002

2003 Mr. Baka - Okay.

2004

2005 Mr. Theobald - So there really is no less-intensive traffic generator
2006 than probably a cemetery. I think that's a big benefit for this community. This is a
2007 use that works. Thanks to your input and Mrs. O'Bannon. I mean it's a miracle
2008 that there's nobody here.

2009

2010 Mr. Baka - It's a commendation to the applicant, sir.

2011

2012 Mr. Theobald - This case has been worked really hard. We've had a
2013 lot of help from Mr. Emerson, Mr. Sehl. We got a lot of input from neighbors. My
2014 client has been very flexible and willing to make changes to accommodate those
2015 comments. So this is one that's gotten a lot of work, and it's really paid off.

2016

2017 Mr. Baka - It pays off when you do your homework in
2018 preparation. So thank you. I don't have any further questions of the applicant.

2019
2020 Mrs. O'Bannon - And you shrub it up. That was a term we used to use.

2021
2022 Mr. Baka - Madam Chairman, if there are no other questions
2023 from the Commission, I would move that REZ2018-00009, James W. Theobald
2024 for Rivercrest Realty Investors, LLC, be recommended for approval with proffers
2025 1 through 16 dated March 29, 2018.

2026
2027 Mr. Leabough - Second.

2028
2029 Mrs. Marshall - We have a motion by Mr. Baka, a second by
2030 Mr. Leabough. All in favor say aye. Those opposed say no. There is no
2031 opposition; that motion passes.

2032
2033 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr.
2034 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
2035 the Board of Supervisors **grant** the request because it would not adversely affect
2036 the adjoining area if properly developed as proposed and is not expected to have
2037 a precedent setting effect on the zoning in the area.

2038
2039 Mr. Baka - Secondly, I would move that PUP2018-00008, James
2040 W. Theobald for Rivercrest Realty Investors, LLC, be recommended for approval
2041 with conditions 1 through 3 in the staff report.

2042
2043 Mrs. Marshall - Second. We have a motion by Mr. Baka, a second by
2044 Mrs. Marshall. All in favor say aye. Those opposed say no. There is no
2045 opposition; that motion passes.

2046
2047 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs.
2048 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the
2049 Board of Supervisors **grant** the request because it would provide added services
2050 to the community and would not be expected to adversely affect public safety,
2051 health or general welfare.

2052
2053 Mr. Emerson - Madam Chair, the next item on the agenda this
2054 evening is the consideration of the approval of your minutes from the March 15,
2055 2018 meeting. You do have an errata sheet with a correction. And of course, any
2056 other corrections that need to be considered should be brought forward and staff
2057 will make those changes.

2058
2059 Mrs. Marshall - Do we have any more corrections for the errata
2060 sheet?

2061

2062 Mr. Leabough - Madam Chair, I move approval of the minutes as
2063 corrected.
2064
2065 Mr. Archer - Second.
2066
2067 Mrs. Marshall - We have a motion by Mr. Leabough, seconded by
2068 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
2069 that motion passes.
2070
2071 And we do have some business we need to discuss.
2072
2073 Mr. Emerson - Yes ma'am, we do have two discussion items that are
2074 carryovers from your earlier work session this evening. It would be the
2075 consideration of scheduling a public hearing for both of the draft ordinances that
2076 you discussed, the short-term rental ordinances and of course the brewery
2077 amendment. Because you have had quite a few heavy agendas—I think the May
2078 10th agenda may have quite a few cases on it. Mr. Strauss, what's the May
2079 agenda looking like?
2080
2081 Mr. Strauss - We have five new cases and five deferrals.
2082
2083 Mr. Emerson - So right now we're looking at ten cases. You may
2084 want to consider 6 p.m. for these public hearings. We could advertise them
2085 accordingly. Or if we went at seven—it's extra time at the beginning or extra time
2086 at the end. It's really sort of your pleasure. I guess pick your poison.
2087
2088 Mr. Archer - I vote for the beginning.
2089
2090 Mr. Emerson - Six o'clock.
2091
2092 Mr. Leabough - Yes, I think that's better. Just to play it safe.
2093
2094 Mrs. Marshall - Mr. Baka?
2095
2096 Mr. Baka - Yes, I'll clear a path from downtown.
2097
2098 Mr. Leabough - I'll come by and pick you up.
2099
2100 Mrs. Kotula - We should be able to make it.
2101
2102 Mr. Baka - We could get a police escort.
2103
2104 Mr. Emerson - Madam Chair, we can do it either by consensus or by
2105 motion. But since you're scheduling a public hearing, I think a motion would be
2106 appropriate.
2107

2108 Mr. Leabough - So moved.
2109
2110 Mrs. Marshall - I'll second the motion by Mr. Leabough for a 6 p.m.
2111 public meeting on May the 10th for Airbnb and breweries. Second by Mrs.
2112 Marshall. All in favor say aye. Those opposed say no. There is no opposition;
2113 that motion passes.
2114
2115 Mr. Emerson - Madam Chair, I have nothing further for the
2116 Commission this evening.
2117
2118 Mrs. O'Bannon - I'd like to just add one thing. The last case was very
2119 difficult. But I want to point out something that I've worked on lately is going to
2120 social media and seeing the comments from the people about certain cases. I
2121 have set it up on my computer that when certain topics come up on social media,
2122 I get a bulletin in my email box. With that said, with the prior case there was a lot
2123 of rapid discussion that was happening on a social website called Nextdoor. I got
2124 on Nextdoor and was following it. Incorrect information was being given, so I
2125 basically interrupted and said, "Hi, this is Pat O'Bannon, and I'm the Tuckahoe
2126 supervisor. I'd like to correct some information." When I did correct it, suddenly
2127 the discussion changed very dramatically because they had been receiving
2128 incorrect information. They were discussing it online.
2129
2130 So I want to just point out there is another resource. If you are looking for where
2131 the conversation is, go to social media and you can find things out. I will also
2132 point out the Wawa case we had—
2133
2134 Mrs. Marshall - Oh, they were on Nextdoor. I was wondering how you
2135 get on Nextdoor. That's my question.
2136
2137 Mrs. O'Bannon - You have to live in the area that is covered.
2138
2139 Mrs. Marshall - That's what I thought.
2140
2141 Mrs. O'Bannon - Of course I live in part of it and Greg Baka lives in
2142 another section. So he gets to see it or I look at it.
2143
2144 Mrs. Marshall - People just can't go—
2145
2146 Mrs. O'Bannon - No you can't. But if you live in the district, you're
2147 bound to see at least half of it. That's what I've seen that about half of it is
2148 covered. And I think you covered some of the other half too.
2149
2150 Mrs. Marshall - I know in the Wawa case it was the same thing. We
2151 had correct information and we had information that was not correct. We had
2152 support that nobody said was out there. It was very interesting to read.
2153

2154 Mrs. O'Bannon - Well, I just wanted to point that out because it is one
2155 more thing that if you could follow it and pay attention to it you can pick up on a
2156 lot of the information, which we did. Then we responded to it. Of course you have
2157 to respond to it. Just thought I'd mention that.
2158

2159 Mrs. Marshall - I think that's great. I'll entertain a motion.
2160

2161 Mr. Archer - Ms. Jones, we like to see that you hung around
2162 tonight.
2163

2164 Mr. Emerson - You're just a glutton for punishment.
2165

2166 Mr. Archer - It was nice also to find out that you were a Fulbright
2167 Scholar. Mr. Witte and I are both known as half-bright scholars.
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2169 Mrs. Marshall - And admit it too. Very impressive.
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2171 Mr. Archer - Madam Chair, I move for adjournment.
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2173 Mrs. Kotula - Second.
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2175 Mrs. Marshall - We have a motion to adjourn by Mr. Archer, seconded
2176 by Mrs. Kotula. This meeting is now adjourned.
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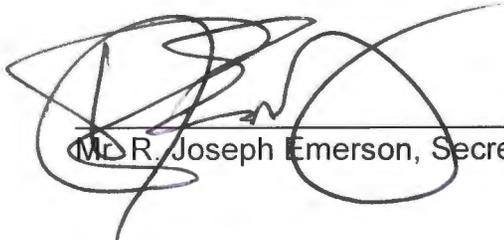
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Mrs. Sandra M. Marshall, Chairman


Mr. R. Joseph Emerson, Secretary