

1 Minutes of the work session held at 5:00 p.m., August 11, 2011, in the County
2 Manager's Conference Room to review and discuss an Urban Mixed-Use
3 application for portions of Innsbrook by Highwoods Properties.
4

Members Present: Mr. C. W. Archer, Chairman, C.P.C. (Fairfield)
Mr. Tommy Branin, Vice Chairman (Three Chopt)
Mr. E. Ray Jemigan, C.P.C. (Varina)
Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mrs. Patricia O'Bannon,
Board of Supervisors' Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. David O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Ms. Sylvia Ray, Recording Secretary

5
6 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
7 **on all cases unless otherwise noted.**
8

9 Mr. Archer - Good afternoon everyone. This is our 5:00 p.m.
10 meeting so we're a few minutes late. Mr. Sehl seems to be ready to start. Mr.
11 Secretary, I'll give it to you for opening remarks.
12

13 Mr. Emerson - Yes sir, Mr. Chairman, what we have prepared for you
14 tonight is a presentation on the Highwoods Properties urban mixed-use
15 application, which all of you received a copy of. Also tonight you received some
16 updates. All we're doing tonight is reviewing what has been submitted, giving you
17 some highlights. We're not providing you with any staff reviews or any
18 recommendations. We are working through some concerns—I guess is the best
19 way to say it—with the applicant at this time, and we'd like to see how far we get
20 with our negotiations and discussions before we generate a report with our
21 recommendations and comments on the case. So tonight we just want to
22 familiarize you with the application. Once Mr. Sehl is through, we thought we'd
23 give Mr. Theobald a few minutes as well to talk to you a little bit about Highwoods
24 and their purpose in putting forth this application.
25

26 With that, I guess Mr. Sehl is ready.

27
28 Mr. Sehl - I am. Thank you, Mr. Emerson. Good evening,
29 Commission.
30

31 As Mr. Emerson said, this is a work session regarding some documents that you
32 received in your second Planning Commission packet last week, a binder. In
33 front of you this evening you'll also find updates to a couple of items in there, as
34 well as some supplemental information.
35

36 The first thing you'll find is revised urban design guidelines. That can simply
37 replace what is under, I believe, Tab Six—the first Tab Six. It was originally two
38 binders, so the one binder is in front of you. That will replace what is under Tab
39 Six. You've also received a highlighted copy for your ease of review that kind of
40 indicates the changes since the version that was in the binder we sent to you last
41 week. We've also included some information that the applicant provided
42 regarding their proposed parking ratio, as well as a revised development impact
43 statement. The parking ratio information is more supplemental; you didn't
44 previously receive any of that information so that will supplement what you
45 previously received. Then you also received a revised development impact
46 analysis. That would replace what's under I believe Tab Eight, the second Tab
47 Eight in the binder in front of you. That can simply replace that document.
48

49 The last two items that are there, the larger items, the bound items, are some
50 documents that the Innsbrook Owners' Association produced as part of their land
51 use study that they conducted somewhat in conjunction with the Innsbrook Area
52 Study that the Board of Supervisors approved in September of last year. So
53 that's some more background information so you can see some of the visual
54 preference surveys that their group put together as part of that process, as well
55 as final master plan that they put together in 2010.
56

57 That kind of hits everything in front of you. One last item that is there that is not
58 under the cover letter is the map of the Innsbrook Area Study, just so you have
59 them at your disposal, are the adopted policies, objectives, and guidelines that
60 the Board adopted as part of the study. I wanted you to have that because it lies
61 in pretty nicely with the design guidelines that we'll be walking through as part of
62 the work session. You can compare those to what the applicant has provided as
63 part of their rezoning application and master plan.
64

65 With that, I'd just like to walk you through briefly what the applicant has filed at
66 this time. They have filed a request to rezone approximately 188 acres to Urban
67 Mixed-Use Conditional. There is a small portion of the property that is already
68 zoned Urban-Mixed Use, that was the previous Highwoods UMU. The rest of the
69 property is a mixture of zonings—existing O-3 Conditional, M-1, some B-2C, as
70 well as some C-1 up at the northern end of the property that's adjacent to I-295.
71

72 These applications were filed on June 18. They have requested the rezoning of
73 the 188 acres, as well as a number of Provisional Use Permits; there's one
74 provisional use filing as well. Those are included in Tab Five in that document. I
75 think there are approximately twenty provisional uses requested. We're still
76 working with the applicant to define how we would regulate those in the future

77 and which ones we feel are appropriate at this time. That's something that staff is
78 still considering.

79
80 Also included, and provided to you as well, as you know the Urban Mixed-Use
81 Ordinance requires a number of different development impact statements be
82 provided as part of a rezoning application. So you have copies of the traffic
83 impact analysis, the fiscal impact analysis, their sewer study, and then some
84 statements regarding other public facilities that they might impact as part of this
85 application.

86
87 All of that was provided to you last week. I understand it's a large amount of
88 information. I hope you've had a chance to look at some of that, but if not, this
89 will be a good introduction to the design guidelines as we walk through them.

90
91 As I previously mentioned, in September of last year the Board of Supervisors
92 adopted the Innsbrook Area Study. It basically took a little over a thousand acres
93 and designated it Urban Mixed-Use. A portion of the study area was also
94 designated Traditional Neighborhood Development. Some areas that were
95 already designated for Government and those of types of uses remained with
96 that designation. But as you can see on the map in front of you, the vast majority
97 of the study area was designated to UMU.

98
99 The property under consideration now is consisting of land bays A and B. You
100 don't have that land bay map in front of you, but land bay A was essentially
101 everything north of Nuckols Road. Land bay B was everything in the Innsbrook
102 Corporate Center between Nuckols Road and West Broad Street. So this is
103 totally within those two land bays. C was the area down by the old Circuit City
104 headquarters and then D was the Traditional Neighborhood Development area
105 west of Sadler Road.

106
107 As you recall, the study area not only re-designated those properties to UMU,
108 they also adopted a number of objectives and policies regarding proposed
109 densities in the study area, as well as recommended mix of residential to non-
110 residential uses. At the time of the study, we recommended a maximum of fifty
111 percent of the square footage in the study area—at least in the Urban Mixed-Use
112 part of the study area—to be used for residential purposes to ensure that we
113 didn't lose Innsbrook as a major jobs generator for the County. It helps us keep a
114 healthy mix of non-residential to residential uses that the County enjoys. We
115 didn't want to throw that out of proportion, so we recommended—and the Board
116 ultimately adopted—a mixture of fifty percent residential to fifty percent
117 commercial being the maximum. Obviously those are recommendations. There is
118 some wiggle room in there, but what you'll see in the density matrix that the
119 applicant provided is what they're proposing. There's even a proffer that
120 specifically addresses that mixture of uses that the applicant has submitted.

121

122 We also adopted a number of development policies regarding building height and
123 transitions to adjacent residential development. As you know there are a number
124 of existing single-family subdivisions that directly abut the Innsbrook Corporate
125 Center. We wanted to ensure that we kind of stepped the height in. As you go
126 closer to Cox Road, the buildings could get taller. North of Nuckols Road you
127 could go even taller, and that's what the applicant has provided and has actually
128 proffered building heights consistent with those recommendations. Within 150
129 feet of those residential edges you're looking at a 45-foot building height and
130 then up to 300 feet you can go up to 80 feet, and then beyond that we haven't
131 really set a real height. We said 200 feet; that's kind of consistent. The applicant
132 has requested in one area of the project I believe it's 400 feet north of Nuckols
133 Road. So you could have some good vertical height which, is what the County
134 has been encouraging here in order to focus that development here, versus
135 spreading outwards into other development areas. We can better serve the
136 population in the County by focusing that growth in this area.

137
138 The policies also included pedestrian accommodation, transportation, and
139 landscaping. You will see the design guidelines breakdown their guidelines for
140 each of these types of uses. They have landscaping and streetscape, those
141 types of things.

142
143 As I mentioned, the applicant has submitted a number of proffers: those are in
144 Tab Four in your binder. They essential proffer the design guidelines that are
145 under Tab Six. They commit to an architectural review committee. As you know,
146 currently Innsbrook enjoys a very strong architectural review process that they
147 would continue. I think they've recently revised their covenants to strengthen that
148 process and there are some items in the design guidelines that describe the
149 process that any application before it even comes to the County would undergo
150 as part of the architectural review committee.

151
152 As I also mentioned previously, they do proffer a mixture of uses with up to
153 12,500,000 square feet of development within the 188 acres under consideration.
154 No more than fifty percent of that could be devoted to residential uses. There is a
155 plus or minus five percent limitation that is also listed in the proffers. Essentially
156 that would allow for some market flexibility for the applicant. This is a long build-
157 out so it would allow some variation as the project is built out. But as you know
158 there is a large amount of existing office and commercial square footage, so that
159 percentage is going to be fairly easy for the applicant to meet as they start initial
160 development. That would be the limitation overall.

161
162 As I mentioned previously, they have proffered the building heights consistent
163 with the Innsbrook Area Study. And they've also submitted proffers addressing
164 road certification, outside music, and landscaping adjacent to the existing
165 subdivision. As you know, when the original urban mixed-use for Highwoods
166 Properties was approved there was significant discussion regarding the buffer
167 along The Cedars, which is just west of Market Plaza. So those proffers have

168 been carried over as well. And they also have some typical proffers for that area
169 regarding construction activity to try to limit the impacts on the adjacent
170 residents.

171
172 The bulk of my presentation this evening is going to be discussing what's on your
173 screen in front of you, which are the urban design guidelines. As you know, for
174 each urban mixed-use development we've seen, we've received some pretty
175 detailed documents that talk about the form of development. Obviously with a
176 development of this size you're not going to have an exact illustration of every
177 building that's going to come out of the ground. So what the design guidelines
178 attempt to do is guide the form so that staff, as they review the documents or
179 review plans of development and architectural elevations and building permits as
180 they're submitted for review, we have something to compare them to and see if
181 they're meeting the spirit of these guidelines. You'll see that they address streets,
182 the typical section of streets. They address streetscapes with plantings and
183 sidewalks and street furniture, those types of things. Architecture, landscaping,
184 signage and their design review process as I mentioned before with the
185 architectural review committee.

186
187 What I'd like to do is just kind of walk you through each of those and kind of hit
188 the high points on each one of those sections in the design guidelines in front of
189 you. You have the revised copy in front of you and it might even be easier to look
190 at that instead of opening up your binder. But I'll kind of give you the page
191 number so you can flip to them and hopefully will help you follow along with me.
192 Certainly feel free to stop me if you have any questions as we go through that.

193
194 First off, this is included to kind of show the area a little bit better with their
195 various land bays. They've broken it into a couple of different land bays and it's
196 included at the back of that development impact analysis. And there's also a land
197 bay map in your Design Guidelines that can be found on page nine of your
198 Design Guidelines. You can also see a similar map without the buildings laid out.
199 But it does show the road grid and the land bays that the applicant is proposing.

200
201 The street design standards, which begin on page seven of the Design
202 Guidelines in front of you, address a number of different things. They address the
203 existing streets and waterways that are within the development. They detail the
204 new streets and the proposed grid pattern. As you know, one of the
205 transportation policies of the Innsbrook Area Study was to introduce a gridded
206 road network to try to reduce the amount of traffic that's focused on any one
207 collector road. Obviously with Innsbrook, especially given its linear nature, it
208 would encourage additional parallel roadways to Cox Road to be established.
209 The applicant has proposed that Highwoods Parkway would be widened as it
210 moved through. And you see some typical sections included in the Design
211 Guidelines as part of that.

212

213 They also discuss one of the major road improvements that the applicant's
214 proposing, which is a rotary intersection where Sadler Road meets Sadler Place
215 and Highwoods Parkway. Anyone who has traveled through that area recently
216 will know there is a large amount of traffic that moves off of Sadler Road at the
217 end of the evening. That's one of the largest impacts during the Innsbrook rush
218 hour at this time. So they're proposing a rotary intersection to try and alleviate
219 some of those impacts.

220
221 You'll also see that they've detailed crosswalks with special paving, curb bulb-
222 outs, those types of things. The goal is to try to create a pedestrian-friendly
223 environment that reduces crossing distance on streets so pedestrians feel a little
224 safer crossing at those intersections, and giving cues to drivers as they come
225 through, too, with the special pavement markings so they know it's a shared
226 environment as the project develops it's not simply auto-centric.

227
228 This section also details the parking proposed. There are proposals for on-street,
229 some off-street parking, as well as structured parking. In the parking information
230 that I handed you, obviously the vast majority of the parking that the applicant will
231 propose would be in structured parking. You're looking at parking decks that are
232 either wrapped by mixed-use buildings or integrated into a building. But as we
233 discussed when the Innsbrook Area Study was being created, one of the things
234 that is attractive about Innsbrook as a redevelopment possibility is vast acres of
235 surface parking that at this point could be built upon. But in order to do that, in
236 order to redevelop those sites, you still need to—not everybody's going to live in
237 Innsbrook; you're still going to have people who commute in there. You're still
238 going to need to serve those people through some form of parking. The way to
239 do that is to go up with your parking versus wasting that space with surface
240 parking lots.

241
242 One of the items that they've requested as part of the their Provisional Use
243 Permit application is to actually reduce the parking requirements. As you know,
244 something that's kind of tagging along with this—and we'll discuss later this
245 evening at a 6:30 public hearing—is our Urban Mixed-Use ordinance revisions.
246 That allows for a parking plan and we're still trying to work through how that is
247 impacted and how we implement any reduced parking standard as part of this
248 application. Staff has just received the supporting documentation that the
249 applicant has provided regarding that reduced parking ratio. They're proposing
250 3.25 spaces per thousand square feet of commercial square footage.

251
252 Mr. Vanarsdall - Ben, excuse me.

253
254 Mr. Sehl - Yes sir.

255
256 Mr. Vanarsdall - So some sort of reduced parking is requested?

257

258 Mr. Sehl - Essentially, right now the ordinance lays out a parking
259 rate per thousand square feet of each use for
260 commercial/restaurant/office/residential uses. The applicant is proposing an
261 overall parking requirement of three and a quarter spaces per thousand square
262 feet of office use. That anticipates having shared parking between the residential
263 uses and the offices uses. When the residents leave during the day, the office
264 uses fill those spaces up. Staff is still reviewing the information that the applicant
265 has provided, so we're unable to really comment on whether that ratio is correct
266 at this point, but that is what the applicant is proposing and what you'll see in the
267 design guidelines as well.

268
269 The next item details streetscape design. This is somewhat related to the first
270 section with streets obviously. A lot of focus in the street section was about the
271 sidewalks and those pedestrian paths. With the pedestrian, I think you'll see a
272 theme as it moves through there that the pedestrian orientation is a vital
273 component of the design guidelines.

274
275 Beginning on page fifteen of your Design Guidelines you'll see a diagram that
276 shows what they're calling the Sidewalk Zone. That kind of comprises everything
277 that's basically between the building and the curb line. You see developments
278 that come through with a five-foot sidewalk along the street. That five-foot
279 sidewalk needs to be maintained, but it could be part of a wider sidewalk zone
280 that has your street furniture area where your street landscaping is. You could
281 still have an outdoor dining area shown in the picture on your screen. Those
282 things might all comprise that sidewalk zone, but what we wanted to make sure
283 was established was that you still have that five-foot clear movement zone that
284 allows pedestrians to traverse the area.

285
286 This section also details the shared use paths that are proposed. As you know,
287 Innsbrook has an exemplary trail system now along their lakes. The Design
288 Guidelines strongly recommend that those paths be incorporated into the overall
289 design and upgraded where necessary. Obviously we're looking at different
290 modes of transit. You could see bicycles become a more predominant mode of
291 transit through the area. So if those things happen, you might need wider paths
292 so that they can become shared use paths. Along the lake system they might
293 become a wider path that has almost a boardwalk type of system that you see
294 adjacent to the beach down at Virginia Beach and those types of things.

295
296 So what we have in here are not specifics of where it's located, but it has those
297 recommendations so as staff received plans of development we can review them
298 against the recommendations of these design guidelines. The design guidelines
299 in many cases are very similar to what was done with Rocketts Landing where
300 the buildings might not look exactly like that. But as the development came out of
301 the ground, you use these guidelines as a tool in reviewing each plan of
302 development.

303

304 The streetscape design standards also detail outdoor plazas, street furniture,
305 bollards, those types of things that you see as part of a street. So each of those
306 are illustrated. Again, it might not look exactly like the bollard or the bike rack
307 that's in there, but it's showing that you're looking for high quality street furniture,
308 those types of things, that we can review as an application comes forward.

309
310 The bulk of the design guidelines are really the focus of what really creates that
311 urban environment, which is the architectural design. So beginning on page
312 twenty-five, you'll see the architectural design guidelines. As I mentioned
313 previously, we don't have an exact layout where we see each building lot shown.
314 What we need the master plan to establish are the setbacks for each type of
315 building, the lots widths—all of those types of things. The UMU ordinance isn't
316 like an R-2A District that says this is the lot size, this is the lot width. So we need
317 the master plan to establish those things. You'll see that—yes ma'am.

318
319 Mrs. O'Bannon - Can I stop you?

320
321 Mr. Sehl - Yes ma'am.

322
323 Mrs. O'Bannon - I've noticed the buildings are very close to the water
324 and the Chesapeake Bay Act says they have to be certain distances away, and
325 with the stormwater management and new EPA regulations...

326
327 Mr. Sehl - As part of this, the applicant has been working with
328 the Department of Public Works to establish an overall revised stormwater
329 management plan for Innsbrook. The existing structures, I don't believe this
330 would impact with the Chesapeake Bay regulations.

331
332 Mr. Emerson - Many of them may enjoy some grandfathered status
333 because of the current locations.

334
335 Mrs. O'Bannon - Yes, but the new regulations [inaudible] [0:23:08]*.

336
337 Mr. Emerson - Right, right. We'll have to look at those impacts.

338
339 Mrs. O'Bannon - I know this is real important. [Inaudible.] [0:23:15]*

340
341 Mr. Emerson - We'll have to look at how that impacts it and the
342 applicant may be able to talk about that later in regards to the work that they've
343 done with stormwater and the preparations and those types of things.

344
345 Mr. Sehl - Again, the architectural design standards, what is
346 provided in there, as you'll see—starting on page thirty-one is a table that
347 essentially lists that information that I was just discussing. It talks about the
348 building heights; it talks about lot widths, setbacks, for each of the potential
349 building types.

350 Mrs. O'Bannon - Let me just add one more thing. It's real important for
351 me to understand this because I sit on the state committee that's reviewing this.

352
353 Mr. Emerson - Absolutely.

354
355 Mrs. O'Bannon - This is really really important [inaudible].

356
357 Mr. Emerson - Sure.

358
359 Mr. Sehl - What you'll see with the setbacks is they're trying to
360 establish that pedestrian-friendly environment, buildings close to the street with
361 detailing on the massing of buildings, transparency along the street, lots of
362 windows providing that activity. You'll see some example pictures in there. Again,
363 there is not an illustration or a commitment that each building will look like the
364 ones that are in those design guidelines, but it's intended to give you a sense of
365 what those buildings will look like. Using, again, Rocketts Landing as an
366 example, those buildings don't necessarily look like what were in the design
367 guidelines, but they gave you the sense of the architectural massing, the high
368 quality of materials, the emphasis on a pedestrian-friendly environment that really
369 makes a true urban place.

370
371 The design standards go into all of those items regarding massing of building
372 form, filling up the block, hiding parking structures in the interior of blocks so you
373 don't have a lot of driveways cutting in. It's not going to be where you have a
374 corner gas station that has four curb cut into these streets. That's not the form of
375 development that we're looking for in this location.

376
377 It goes on to detail exterior materials with facade treatments, building entrances,
378 where they should be located, emphasizing that you have your prominent
379 corners, you might want an entrance there. You want the entrances to be located
380 on the local street so that they're directed to provide easy access to a pedestrian
381 walking along the street. Between major destinations you have those retail stores
382 that you might not otherwise stop in, to try to encourage that type of development
383 and encourage the pedestrians to take advantage of that urban environment.

384
385 It really details pretty much anything you'd want to see in there. It talks about the
386 awnings and canopies and the fencing types, where the loading and trash pick
387 up areas will be. In many of these you'll have interior courtyards where loading
388 and trash will be serviced. You'd not going to have a corner dumpster where you
389 have to worry about—you have to worry about the materials, but most of the time
390 it's going to be interior to a courtyard and we want those to be served by alleys
391 so that they're not intruding upon that pedestrian environment.

392
393 Beginning on page thirty-nine of the document are the landscape design
394 standards. As you'll see in the existing UMU ordinance, probably three or four
395 pages of it are devoted to landscaping requirements. So as that was drafted and

396 as a couple of these have come out of the ground we've realized that
397 landscaping really contributes to that environment that you want. You want to
398 have the shade trees so people are able to walk down the street. You want to
399 have things that make it a pleasant place to walk through. People aren't going to
400 take advantage of the pedestrian environment if they don't have anything
401 interesting to look at or any shade to be under or any of those types of things.
402 You have some planting standards that are consistent with our Innsbrook Area
403 Study recommendations regarding street tree spacing. They're consistent with
404 the Urban Mixed-Use Ordinance that requires a little bit larger tree be installed
405 than our typical landscaping requirements.

406
407 And this section also goes on to talk about urban plazas, which especially in the
408 Innsbrook environment you might not have a giant open space or a central park
409 in the middle of it. You have the lakes, which really serve that purpose, but you
410 might have more of a plaza that serves as a gathering place versus a green
411 space. So it might be hardscaped with brick and stamped concrete. So it details
412 some of those features as well. It goes on to even detail items about planters and
413 how those should look and how those are also a vital part of the environment as
414 this development comes out of the ground.

415
416 As you know, we have a lot of different regulations in our Zoning Ordinance
417 regarding signage. We have a lot of different regulations in the Urban Mixed-Use
418 Ordinance regarding signage. What the design guidelines that the applicant has
419 submitted provide are signage standards that Innsbrook will have to conform to.
420 It talks about the various square footages. Looking at page forty-three of your
421 document, you'll see examples of each of the different types of signs, buildings
422 signs with walls, wall signs, environmental signage, the gateway signage. It talks
423 about one of the big things in this type of development is where is that plaza,
424 where is this store, where is this big office? So pedestrian way-finding signs are
425 also a major part of that development. The applicant's design guidelines detail
426 each of those types of things for each of the various building types as well.
427 You've got the mid-rise, the high-rise. The high-rise buildings, the signage at the
428 top of one of those buildings is going to be different than the signage that might
429 be at the top of a shorter building. The hope in what staff has been reviewing is
430 to view this against our sign ordinance, obviously, and then to ensure that it is
431 pedestrian-oriented signage and that you have the ability to create an
432 environment that is welcoming to those pedestrians. They're able to walk down a
433 street such as this on your screen and see everything, to know where these
434 stops are. Obviously signage is also a vital part for each business owner. What
435 this tries to do is accommodate those needs, as well as allow staff, when those
436 sign permits are submitted, to have something to review those sign permits
437 against.

438
439 The last section of the urban design guidelines submitted by the applicant, as I
440 mentioned earlier, is a design review process. I'm sure Mr. Theobald will be able
441 to expand upon it. but the Innsbrook Architectural Review Committee is by these

442 design guidelines. This will essentially become the template for other property
443 owners within Innsbrook that might want to come in. As these properties start to
444 redevelop, this first UMU will essentially serve as the template for those future
445 developments. What the Innsbrook Architectural Review Committee will do
446 before a rezoning application or plan of development application is submitted to
447 the County, they will review those submittals against these same design
448 guidelines. So the hope is that you can provide a harmonious development that
449 is not static, it's able to move with the market, it's able to—yes in a way.

450

451 Mrs. O'Bannon - Who is on the Innsbrook Architectural Committee?

452

453 Mr. Sehl - I think Mr. Theobald could expand upon that. I might
454 let him answer that.

455

456 So essentially, before those applications come to the County—they have, again,
457 covenants over all those properties and he could speak to exactly what capacity
458 they review those before they come to the County. But that kind of provides an
459 additional level of review so that the County knows that we're working towards
460 something that will help elevate Innsbrook versus something that might be
461 working at odds with other property owners in the development.

462

463 That really kind of walks through everything that's in that one little section of the
464 binder that you have. Obviously there are a number of other things. The impact
465 analyses are still being reviewed by staff. We are continuing to review those
466 design guidelines. If you're reading through them, as you come across them, if
467 you have questions about that, you can forward those to me and we can look into
468 that with the applicant if there are specific comments or concerns you have about
469 the design guidelines. The design guidelines, we really do feel that they meet the
470 recommendations of the Innsbrook Study. They hit those things that we had in
471 the four or five pages of our objectives and guidelines regarding architectural
472 design and landscaping and transportation and pedestrian accommodation. They
473 capture the spirit of those design guidelines.

474

475 So we think that the urban design guidelines that the applicant submitted are
476 really a good step as we move forward in reviewing the rezoning application. But
477 that's obviously only one part of it. We look at impacts to County infrastructure,
478 localized and Countywide. And we're still looking at that with the other County
479 agencies. Obviously this is not a Planning Department-only endeavor. We work
480 with the Department of Public Works, and Public Utilities, and Henrico Public
481 Schools to evaluate the impacts and potential impacts of the development that
482 the applicant has proposed. So that's still ongoing. There are some large
483 infrastructure impacts obviously and we're working with the applicant to kind of
484 delve a little bit deeper into those policy considerations and what needs to be
485 done prior to this development moving forward.

486

487 So essentially those are the next steps. We are going to review those and we
488 feel the need to resolve those major policy implications and the infrastructure
489 impacts prior to moving forward to public hearing. But otherwise, you would
490 essentially see a pretty similar process to any other rezoning case. Staff will
491 issue a staff report that will incorporate all of those. We'll work with the other
492 agencies to try to address any comments they might have. I didn't really
493 highlight it here, but Mr. Branin and Mr. Kaechele were able to attend a
494 community meeting that the applicant held that I think was on the 20th of July. So
495 they have had a community meeting as well. Staff was there. Obviously nearby
496 residents are going to have concerns and they were essentially the things that
497 we heard at the Innsbrook Area Study open houses. There are always concerns
498 about how the traffic is going to be managed, what are the impacts, and how is
499 the applicant going to address those concerns. Mr. Theobald might be able to
500 expand a little bit on that as well. So that community meeting has already taken
501 place. Obviously they'll have a chance again at the public hearing. We won't
502 notify the 2,600 people that we notified each time for the Innsbrook Area Study;
503 we will be notifying the adjacent property owners and there obviously going to be
504 a number of those. That will capture the adjacent homeowners' associations as
505 well. They have strong homeowners' associations in the area so that word will
506 obviously get out there and we'll try and address any comments at that time.

507
508 So essentially they'll follow the same process. You'll see a staff report two weeks
509 prior to the scheduled public hearing. Hopefully at that point we will have
510 resolved many of the concerns that we might now have. Other than that, staff
511 really wanted to provide a brief overview of the design guidelines. Obviously
512 there are numerous details in there that I don't want to go through and I'm sure
513 you don't want me to go through, but I tried to hit the high points. At this point I'd
514 really be happy to answer any questions you might have.

515
516 Mr. Jernigan - Ben, touching on what Mr. Vanarsdall said, on this
517 parking reduction, let's say it's half and half. Has there been a calculation on how
518 many parking spaces you would need per thousand?

519
520 Mr. Sehl - What the applicant has provided to you that was in
521 the documents distributed to you this evening does kind of provide that
522 breakdown of why they feel the parking ratio they're proposing is adequate.
523 Obviously we still haven't reviewed that thoroughly. What they've found in other
524 locations with this form of development is that the parking that we have in our
525 ordinance would over-park them in this situation, is what the applicant feels. And
526 that's why they've proposed the reduced parking rate. I can't speak to whether
527 that's appropriate at this time or not. But that's what they are proposing.

528
529 Mrs. O'Bannon - [Inaudible] [0:37:35]* the applicant [inaudible] two or
530 three times a day.

531

532 Mr. Emerson - They submitted a study to us and we have not had a
533 chance to review it. It's in the documentation provided to you. We haven't had a
534 chance to review it.
535

536 Mr. Jernigan - But our restaurant parking—under the code we have
537 for freestanding restaurants right now it's not enough. The last two situations that
538 I've had for freestanding restaurants, neither one of them have enough parking. I
539 don't know if we're not allowing for the employees or what. For example, one was
540 on Williamsburg Road. All the employees are parking at the Fas Mart because
541 there's no room for them to park at the restaurant. Hillbilly Red's is the same
542 situation. I don't know how many restaurants we will end up having here, but we
543 have to have enough parking. Has there been thought of a satellite lot for
544 employees of certain businesses where they could park off site and have a
545 shuttle coming in?
546

547 Mr. Sehl - Mr. Jernigan, I think that what the hope would be is
548 that you wouldn't need that. We want to ensure that there is adequate parking on
549 the property to meet all of the uses. If that's achieved and if we feel that the
550 parking ratio—whether it's the ratio they propose or it's something that staff feels
551 is a greater need for parking—the hope is that all of that is accommodated on
552 site. The entirety of this 188 acres is not going to develop overnight. If we see
553 that that parking ratio isn't meeting the needs for the users that are there, as
554 those other stages go through, you might need to increase that parking
555 requirement. And part of the parking that they're requesting at this time is part of
556 a Provisional Use Permit request. We're still evaluating how that necessarily
557 works within the confines of our ordinance. But under the revised ordinance that
558 we've discussed previously, that parking plan, as they come forward with each
559 plan of development they would update that parking plan. So you could adjust
560 that as each development comes through as well. But really, the hope is that the
561 parking that they provide is sufficient. When structured parking comes in it's
562 obviously very expensive, so you don't necessarily want to force an applicant to
563 over-park that.
564

565 Mr. Vanarsdall - Are you going to stick with the same width parking
566 spaces?
567

568 Mr. Sehl - Yes sir.
569

570 Mr. Emerson - We're concerned about the parking. We're willing to
571 review what has been submitted with—this might not be the appropriate word—a
572 very critical eye to make sure that whatever we recommend for approval to you is
573 adequate. Parking is a concern.
574

575 Mr. Jernigan - I think our townhouse parking is two and a quarter?
576

577 Mr. Emerson - Yes sir.

578 Mr. Jemigan - Okay.

579

580 Mr. Sehl - The Urban Mixed-Use Ordinance currently provides
581 some reductions to those standards in our other stand-alone parking districts.
582 Again, that's why we really need to review this closely to ensure it's correct.

583

584 Mr. Jemigan - I don't think two and a quarter is overkill. If you have
585 two people there, they're both driving a car. And that leaves a quarter of a space
586 for a visitor.

587

588 Mr. Emerson - I do think you need to keep in mind with these
589 developments that you do have a constant turnover in parking for varying and
590 different uses. So there is a potential for shared parking. That's what the study—
591 which again we haven't reviewed closely yet—should provide evidence of in
592 order to help us understand the nature of what we're looking at and whether or
593 not it's reasonable to allow reduced parking from what we normally look at.

594

595 Mrs. O'Bannon - I'm thinking specifically about Tuckahoe Shopping
596 Center, and the manager there made sure there weren't but so many
597 restaurants. When the shops were open nine to five, and when the shops closed,
598 that's when the restaurants started to pick up. And so the [inaudible] [0:42:07]*.
599 In dealing with the manager of the shopping center, they [inaudible] [0:42:21]*. I
600 think that's what you're getting at.

601

602 Mr. Emerson - Yes ma'am.

603

604 Mrs. O'Bannon - You're looking at times, if it's a restaurant, does it
605 serve breakfast?

606

607 Mr. Emerson - Right. And that's what the studies will help us
608 understand. But that's exactly the concept.

609

610 Mr. Archer - I'll also guess that probably this anticipates a certain
611 amount of pedestrian traffic where people would not drive to work. And
612 depending on the location of the restaurant, in the more rural areas, practically
613 everybody drives. In an area like this people could walk. But I have another
614 question, if I may. Do we have any study that indicates what situations
615 roundabouts or rotary intersections work the best as opposed to signalized
616 intersections?

617

618 Mr. Sehl - I would really have to defer that question to the
619 Department of Public Works. That's something they would be able to—

620

621 Mr. Emerson - We haven't been exactly friendly to roundabouts in
622 the past. I do think there is a use for them, from my perspective. I know Mr.
623 Foster is interested in them. He's looking for the right opportunities to install them

624 where the first impressions in the County will be successful. That's where we are
625 on that. Now, of course, there is one proposed as I'm sure you've noticed, in this
626 development.

627
628 Mrs. O'Bannon - [Inaudible.] [0:43:48]* come in at an angle.

629
630 Mr. Emerson - Right.

631
632 Mrs. O'Bannon - But I know [inaudible] [0:43:52]* really narrow streets
633 with more than two-way traffic [inaudible] [0:44:00]*. But one note that I did see in
634 here, too, had to do pedestrians with and bicycles through the roundabout. That's
635 where you can have issues.

636
637 Mr. Emerson - Sure.

638
639 Mr. Archer - I'm thinking there are probably instances where they
640 could work well. I've been to Hilton Head several times. At one point I went
641 through a roundabout on the way down to the Heritage and I got caught in the
642 inside lane. I said if I ever get out of here—take a lot of pictures because this will
643 be my last trip.

644
645 Mr. Vanarsdall - They have them in Philadelphia and I thought I'd
646 never get out either. I said if I get out of this one I'll never get in another one.

647
648 Mrs. O'Bannon - [Inaudible] [0:44:58]* trying to cross to some location.
649 But, you know, [inaudible] [0:45:01]*.

650
651 Mr. Jernigan - I questioned that when they put them in the White
652 Oak Shopping Center and I was told at that time that in Australia they actually
653 have more than anywhere. They found out through studies in Australia that there
654 are less accidents in roundabouts than there are at four-way stops. So that's the
655 reason.

656
657 Mr. Archer - It works for me.

658
659 Mr. Vanarsdall - We could still have them, like the one on Monument
660 Avenue.

661
662 Mrs. O'Bannon - The one at A.P. Hill, you realize I lived next to that
663 one for twenty-one years. Every Saturday, every weekend there would be two or
664 three accidents.

665
666 [Overlapping conversation; unintelligible.] [0:45:56]*

667
668 Mrs. O'Bannon - That's why I'm not real crazy about [inaudible]
669 [0:46:16]*. But this one I saw here at a [inaudible] [0:46:21]* and sometimes you

670 can get five streets coming together. And that was battling with [inaudible]
671 [0:46:26]*. That was why they originally had it. But now they've cut out [inaudible]
672 [0:46:35]*.

673
674 **Mr. Erneron -** Mr. Chairman, not to urge you on, but it is 6:00 and
675 we have a public hearing at 6:30. If you'd like to hear from Mr. Theobald, we
676 probably should allow him a few minutes.

677
678 **Mr. Archer -** Mr. Sehl, thank you so much, sir.

679
680 **Mr. Sehl -** You're welcome. Thank you.

681
682 **Mr. Theobald -** Thank you, Mr. Chairman, ladies and gentlemen. I'm
683 Jim Theobald. I appreciate the opportunity to speak. With me this evening is
684 Penny Koch, our paralegal; Pete Boisseau who helps us with some of our
685 messaging and branding initiatives; and Burrell Saunders, who is our architect
686 with Hankins and Anderson. I think Burrell might have just a couple of words
687 when I'm finished.

688
689 This is quite a case. It's a big one. It really requires us all to stretch a little bit to
690 get out of that suburban development mode to think a little more urban without
691 becoming downtown Richmond or a city. But it really is a shift and I think the
692 main issues that we've been discussing perhaps result a little bit from that
693 lension because it really is a shift in the paradigm.

694
695 Paul Kreckman, whom you all know, is really very much of a visionary. He
696 doesn't just worry about today; he worries about the future. A few years ago
697 when a group of us were on vacation, Paul started talking about the notion of
698 transforming Innsbrook. His fear was that it would peak, become a little stale, and
699 ultimately decline. Obviously Highwoods has an enormous stake in Innsbrook
700 and his thought was what can we do to revitalize Innsbrook and make sure that
701 it's viable, not just for Highwoods, but everybody who owns property there, and
702 the County as well.

703
704 So it's become clearly a nationally-recognized office development and one of
705 Central Virginia's major employment centers. I think that the Board and you all
706 really embrace some of those same notions that Paul was concerned with when
707 you adopted the Innsbrook Area Study as part of your Land Use Plan a couple of
708 years ago, recognizing that the County is shifting into a more urban form and
709 there was an opportunity, perhaps, to take advantage of situations for infill
710 development rather than sprawl, developing green fields and doing that
711 development in an area where existing infrastructure existed. It also keeps our
712 existing businesses here in Henrico County. It enables them to hire the best and
713 the brightest employees. It has the resulting benefit of increasing the tax base.
714 As you recall, the Land Use Plan process was a very, very public process. We
715 had a couple of design meetings out at Innsbrook. We did surveys as to

716 strengths and weaknesses and opportunities. And we developed a set of goals
717 and objectives coming out of those meetings that you incorporated into the
718 Innsbrook Area Study. I'm very pleased and grateful that Ben's opinion is that we
719 have succeeded in incorporating those goals and objectives into our guideless
720 thus far, because that was certainly our intention.

721
722 You have set up this Urban Mixed-Use District in order to promote mixed-use
723 development with a pedestrian orientation, encouraging redevelopment and
724 reinvestment, stimulating jobs, and expanding your base. From Highwoods
725 perspective, the goals are the same, economic sustainability in terms of job
726 retention and creation, responding to the demands of a modern workforce, but
727 also social sustainability in creating a real community, a place where you can
728 live, work, and play. I know that's become a little bit trite, but it's really true. And
729 also environmental sustainability in terms of smart development practices.
730 Redeveloping infill sites, reusing your infrastructure with an efficient use of land.

731
732 Trying to stay at the macro level today. Just so you know, some of these
733 numbers get really big when we're talking about square footage, etcetera. A lot of
734 that is because Innsbrook is already there. There are already buildings on this
735 188 acres. That's the good news. Unlike any other UMU, we have the benefit of
736 starting with an employment base and then filling in around it. Usually these
737 things are on a piece of paper. You know, the fast food restaurants and the
738 apartments are going to come in first and you just pray the employment will
739 follow. This is just the opposite and that's what makes it really so intriguing.

740
741 What the request does is add an additional three and a half million square feet of
742 office over the 138 acres over a twenty- to thirty- to forty-year period. An addition
743 400,000 square feet of retail that's part of the urban block design with the
744 potential for 800 to a thousand more hotel rooms. Again, over time. And
745 somewhere between five and six thousand residential units for multi-family as
746 well as condominiums or townhouses. The greenways and the lakes are
747 preserved. In fact, the pedestrian access system will be significantly enhanced.

748
749 Ben has gone over the proffers sort of generically and I won't really go into them
750 anymore. I think Burrell would like to just take a moment when I'm finished to
751 give you a little bit of his philosophy in creating the spectacular design guidelines,
752 over sixty pages of true form. You've heard of form-based zoning and you all are
753 students of planning. This is really the creation of a form-based plan without
754 requiring you to adopt an ordinance accomplishing that. It's a terrific job and
755 shows Burrell's passion and his creativity.

756
757 The fifty/fifty residential/commercial is really important; that's been proffered.
758 That was part of your Land Use Plan. The County standard is really sixty-five
759 percent resident, thirty-five percent commercial. But with the projected residential
760 growth rate in Henrico County, you would need over five to six billion dollars in
761 investment in commercial properties to retain that ratio over the next fifteen

762 years. We're going to provide half of that for you right here in this 168 acres. So
763 it's really a significant impact to the County.

764
765 We've spent a lot of time talking about heights. I'm sure we'll hear throughout the
766 process more about height, but we are consistent with your Land Use Plan and
767 have done so very deliberately to try to mitigate impacts.

768
769 Provisional Use Permits, there are a number of them, but we are planning for a
770 thirty- to fifty-year horizon. We're creating villages and we've projected the uses
771 we think should be part of this community and we'd like permission to accomplish
772 those up front rather than being in a position of having to play catch-up when we
773 have a user, to have to run in and go through a PUP process.

774
775 Economic impacts. A rather thick study done by Chris Chmura, whom you all are
776 probably familiar with, but 2.4 billion dollars total project construction. Spending
777 of 4.4 billion dollars total economic impact during development. Thirteen hundred
778 annual jobs created during the construction period; 14,008 new permanent jobs
779 in Innsbrook when the project is completed. That translates into some spillover
780 type jobs, some 31,157 jobs based on the indirect impacts of this proposal. This
781 should result in a net—and I stress net—21.2 million dollar annual fiscal impact
782 on completion. A hundred and seventy-five million dollars in positive net fiscal
783 impact to the County over a twenty-year period through taxes and other licensing
784 fees. Separate from that is sixty-four million dollars in new utility connection fees,
785 even though we're reusing the existing system. Okay. So there is significant
786 economic impact.

787
788 This really is an interesting opportunity, one that I hope we will all seize. I
789 appreciate the amount of time that staff has spent in helping us frame and shape
790 this. We have a little ways to go on some issues, but they get it. They see the
791 opportunity, they know what this means, and they know it's different. Now we're
792 just figuring out how to make sure we document to deliver what we promise.

793
794 I'd be happy to answer any specific questions. Mrs. O'Bannon, Burrell can
795 address your question about the Chesapeake Bay Act. We've spent a lot of time
796 on the Chesapeake Bay, but also perhaps a little bit about his experience with
797 Virginia Beach and the town center there. I will tell you that that parking thing is—

798
799 Male - [Off microphone; inaudible.]

800
801 Mr. Theobald - I'll do the wrap on the parking. The parking, the 3.25
802 per thousand square feet of office and retail is designed to accommodate all of
803 the parking needs including residential for the project. That's a number based on
804 some of the materials that we provided you. But we've also given you a snapshot
805 of the actual experience at Virginia Beach Town Center or downtown Virginia
806 Beach where it shows while we picked 3.25 per thousand square feet, their
807 actual peak demand for parking spaces is like at noon on Friday. And that ratio to

808 the square footage is 2.5. We've actually exceeded that and we intend to
809 demonstrate that more fully as we go. But if you look out those windows at
810 Innsbrook now and you see the acres of asphalt, that's a very suburban model
811 and those criteria don't hold. So we're trying to provide not too little but not too
812 much, find the right balance with your help. So, Mr. Branin.

813
814 Mr. Branin - A couple of quick questions, Mr. Theobald. I know
815 we've gone over this, but I'm going to ask. What is the timeline?

816
817 Mr. Theobald - For complete build-out, if that is your question, we
818 have projected I think for traffic purposes and everything else about a twenty-
819 year timeline. I think internally we're projecting twenty, but possibly to as many as
820 thirty years.

821
822 Mr. Branin - This is a three-part question. Okay, so we have a
823 twenty-year build-out.

824
825 Mr. Theobald - Basically.

826
827 Mr. Branin - And Highwoods has how many proposed land bays?

828
829 Mr. Theobald - There are about five different land bays.

830
831 Mr. Branin - How many of them are going to start at one time?

832
833 Mr. Theobald - The very first will be the land bay that is subject of the
834 existing UMU that's on the western side here where Highwoods and Market are
835 presently. That's forty-some acres. There's a first phase and I'm not sure where it
836 will go from there. It'll depend on the demand. But that clearly will be the first
837 phase. I think it's B-1.

838
839 Mr. Branin - And you guys are looking to start B-1—

840
841 Mr. Theobald - Immediately. We have users.

842
843 Mr. Branin - So I can write "yesterday."

844
845 Mr. Theobald - That would be a big yes. I should emphasize we have
846 users desiring us to build a new office building, as well as a residential builder
847 prepared to do residential development in that same area.

848
849 Mrs. O'Bannon - What is B-1?

850
851 Mr. Theobald - That's Highwoods Parkway. It's up against that
852 neighborhood to the west. Ben, can you put up—

853

854 Mr. Emerson - The B-1 use wouldn't necessarily coincide with the
855 Land Use map exactly.
856
857 Male - [Off microphone.] Here is the crossroad and this is
858 Highwoods Parkway. This is Nuckols. So it's a good forty acres here.
859
860 Mr. Branin - Ready for the next one? When we did the Innsbrook
861 Study and we extended the study across Broad into turning left at 64, that whole
862 area, it's a total of what acreage?
863
864 Mr. Emerson - A little over 1300.
865
866 Mr. Branin - Thirteen hundred? And what percentage of that 1300
867 is Highwoods at?
868
869 Mr. Theobald - A hundred and eighty-eight acres. Eight or nine
870 percent perhaps.
871
872 Mr. Emerson - About a third of what we consider the corporate park,
873 Mr. Branin, which is a little over 600.
874
875 Mr. Theobald - Right. Anybody else? I'll ask Burrell to say a word or
876 two.
877
878 Mr. Archer - Thank you, Mr. Theobald.
879
880 Mr. Theobald - Thank you for the opportunity.
881
882 Mr. Archer - Let me just remind everyone that it's 6:15 and we do
883 have a public hearing at 6:30, so we need to probably wrap this up in about eight
884 minutes.
885
886 Mr. Saunders - I'll be real quick.
887
888 Mr. Archer - Thank you, sir.
889
890 Mr. Saunders - I'm Burrell Saunders with Hankins and Anderson. Jim
891 really said everything that needs to be said. I'll just answer a couple of questions
892 you had. We'll talk a little bit about the mixed-use parking and about the storm
893 water.
894
895 We have done a complete analysis engineering-wise of what the present
896 condition is for the stormwater. Actually, the Innsbrook lake system is highly
897 efficient in cleaning the water as it works now because of the length of it. So
898 that's a positive. Because we're going to build in areas that would be parking lots
899 or are parking lots, we're not increasing any pavement areas in the original plan

900 of Innsbrook. What we are doing is creating more density that reduces sprawl
901 and that really keeps a lot of land green. That's one of the things that's real
902 important.

903
904 I think the other big thing that we have found—and I've found this in multiple
905 other jurisdictions where we're working—is that really the number of employees
906 you have in this area of Innsbrook is equal to a sizeable downtown today in terms
907 of jobs. What's happening, though, is to be competitive with that a lot of these
908 employers are needing other amenities available because a lot of young people
909 coming out of school, or even retirees, are wanting to live next to work. They're
910 wanting to get out of the car and not have to be always dependent. What we
911 have found is it really does create an efficiency in land use and so it's a real
912 leading opportunity for you.

913
914 You're asking some really wise questions and they're questions that you need to
915 become comfortable with and understand. But I will tell you that in multiples of
916 these projects we've been involved with—the Reston Town Center to Virginia
917 Beach to Newport News to several others—what we have found is we have
918 parked those areas and we study them constantly. What you're doing is you're
919 using parking space, you're turning it over. At night when Innsbrook empties out,
920 those restaurants actually can have lots of parking; it's really pretty phenomenal.

921
922 What we've found in Virginia Beach—and we started at 3.5—is the community
923 meaning, the council, over the last ten years has reduced it multiple times
924 because they're paying for the parking decks in that particular situation and they
925 found that the efficiency was so high. So we've actually been looking at it the
926 other way to make sure we maximize. We want to keep the advantage of making
927 sure we don't have any problems, but we've found that it's a really high level of
928 efficiency and we are down in the two's. So we put that in the package just so
929 you could see it. But I would encourage you to either come down, or if you want
930 to talk to our planning directors or anybody, and I can give you a couple other
931 groups like in Newport News. They can tell you their experiences and what
932 they've discovered in terms of this and it's been really positive. That's really all I
933 was going to add to what Jim had to say.

934
935 Mr. Archer - Any questions?

936
937 Mrs. O'Bannon - I understand what you're saying. I will say that there
938 was a business that moved from another county because the people in that
939 business said they had to get in their car at lunchtime and drive over to some
940 place like [inaudible] [1:04:58]* and then turn around and drive back. The
941 business decided just to move closer to the restaurant. And [inaudible] [1:05:08]*.
942 But the rules are going to be changing. See that's what I'm getting at about the
943 Chesapeake Bay Act.

944
945 Mr. Saunders - Understand. I see.

946
947 Mrs. O'Bannon - I need to know what the rules are that they want—
948 they want to change the rules to be a certain way. I simply need to know what
949 [inaudible] [1:05:34]*. I would prefer to try to work it in the early stages.
950
951 Mr. Saunders - And I totally agree with you. That's what we're doing
952 in these other jurisdictions. It allows us to have a centralized system that we can
953 manage and understand so we actually know the quality of the output of water,
954 say in the Rood Branch. You're right on with it. I think this offers an opportunity
955 to actually get very sophisticated about it because we've really studied it in great
956 detail.
957
958 Mr. Theobald - Let me just add onto that point. We're actually much
959 further along on that than you realize, perhaps. But when you designated the
960 Innsbrook Area as an Urban Development Area as part of the Land Use Plan
961 Study, it enabled us to use a provision in the stormwater regs to get with the local
962 government and agree on a regional stormwater plan that meets the
963 requirements of at that point what will be anticipated requirements. That project is
964 nearly completely now. We've had hundreds of hours of discussions with your
965 Public Works Department on that topic. If it hasn't been approved, it is literally
966 days from being approved.
967
968 Mr. Emerson - I'm not sure if it's been approved yet, but it's not too
969 far away.
970
971 Mr. Branin - Isn't it the stormwater [inaudible] [1:07:05]* if you had
972 your permit filed and approved before July 2014 you kind of keep it in good
973 standing, you're at the current regs for ten years. And beyond that [inaudible]
974 [1:07:21]*.
975
976 Mr. Theobald - I don't honestly know the answer to that.
977
978 Mrs. O'Bannon - That's part of what my concern is. The problem right
979 now is [inaudible] [1:07:30]* 2014.
980
981 Mr. Branin - July 2014.
982
983 Mr. Theobald - I believe this regional—
984
985 Mrs. O'Bannon - [Inaudible.] [1:07:42]*
986
987 Mr. Emerson - I believe under what approach has been taken here,
988 they're going to be solved. We'll get Jeff Perry in to talk to you all.
989
990 Mr. Theobald - Yes. The regional is—
991

992 Mrs. O'Bannon - [Inaudible.] [1:07:53]*

993

994 Mr. Emerson - I understand.

995

996 Mr. Archer - Thank you, gentlemen. With that, Mr. Secretary, I
997 suppose we should adjourn and reopen downstairs. Meeting adjourned.

998

999

1000

WORK SESSION ADJOURNS IN ORDER TO RECONVENE FOR A PUBLIC HEARING ON THE ZONING ORDINANCE ADMENDMENT.

1001

1002

Minutes of the public hearing held at 6:30 p.m., August 11, 2011, on the Urban Mixed-Use Ordinance; and the regular monthly meeting of the Planning Commission of the County of Henrico held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday, August 11, 2011. Display Notice having been published in the Richmond Times-Dispatch on July 25, 2011 and August 1, 2011.

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1004

1005

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1007

1008

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

Also Present: Ms. Jean Moore, Assislant Director of Planning
Mr. David O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Ms. Rosemary Deemer, AICP, County Planner
Mr. Roy Props, County Planner
Mr. Miguel Madrigal, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secrelary

1009

1010

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

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PLANNING COMMISSION RECONVENED AT 6:35 P.M.

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Mr. Archer - Good evening everyone.

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Mr. Jernigan - Good evening again, Mr. Chairman.

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Mr. Archer - This is a public hearing on the zoning ordinance amendment and we can see there is tremendous public interest. With that I will turn it over to Mr. Secretary and we'll get started.

Mr. Emerson - Thank you, Mr. Chairman. As you're aware, we did have a work session at five p.m. to discuss the Innsbrook urban mixed-use application that's been made by Highwoods. I will note to you that it is possible that that may appear on your agenda on September the 15th. As we discussed, staff is still reviewing and researching the impacts of the case. We do have discussions ongoing with the applicant, so I can't say with certainty that you will have that for a public hearing in September. But you do need to be thinking about that and have it on your radar screen.

Mr. Archer - Thank you, Mr. Emerson.

Mr. Emerson - With that, we do have a public hearing scheduled on a zoning ordinance amendment.

PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT:

To Amend and Reordain Article VIII of Chapter 24 of the Code of the County of Henrico Including Section 24-31 Titled "Purpose of district," Section 24-32 Titled "Principal uses permitted," Section 24-32.1 Titled "Provisional uses permitted," Section 24-33 Titled "Accessory uses permitted," Section 24-34 Titled "Development standards," to Remove Section 24-34.1 Titled "Submission requirements" and Section 24-34.2 Titled "Procedures," and to Add Section 24-31.1 Titled "Procedures to establish a UMU district" and Section 24-31.2 Titled "Submission requirements," All to Revise the Urban Mixed Use District to Further the District's Original Intent of Creating Mixed-Use and Pedestrian-Oriented Developments Containing a Variety of Uses

Mr. Emerson - With that said, I will note to the Commission that I spent some time with County attorneys yesterday. They have read this ordinance and commented on it two separate times. They did a third reading and came back with some suggested changes. I was not comfortable—without reviewing those further—to present them to you here tonight. And also we don't have them in any type of matrix setup so you could see where the changes are. So I would suggest tonight that staff make the presentation based on what was sent to you that you receive public input, and then possibly consider scheduling a work session prior to your September 15th meeting in order to discuss those comments, discuss the County Attorney's recommended revisions, and at that time you could consider a recommendation to the Board based on the information you have.

Mr. Archer - Thank you, Mr. Secretary.

1064 Mr. Emerson - With that, the staff report will be presented by Mr. Ben
1065 Sehl.

1066
1067 Mr. Archer - Okay, Good evening again, Mr. Sehl.

1068
1069 Mr. Sehl - The Planning Commission did hold two work sessions
1070 on this item on July 14th and July 27th. At those work sessions you reviewed the
1071 major changes that staff proposes to the UMU Ordinance. And we provided you
1072 a matrix detailing all of the proposed amendments.

1073
1074 In front of you this evening you'll find a revised matrix. Last week staff distributed
1075 two different versions of the ordinance, one with all of the changes and one
1076 highlighting the changes since your July 27th work session. You had previously
1077 received a matrix showing all of the changes. This one essentially is revised to
1078 show the last ordinance that you have in your possession. I wanted to make sure
1079 that this one goes with what you received last Thursday. As Mr. Emerson
1080 discussed, we'll revise that again as we move forward and potentially discuss the
1081 County Attorney's comments.

1082
1083 We've discussed this previously, but to briefly discuss it again the staff is
1084 proposing that the ordinance be updated to address a number of different items
1085 that we see are challenges with the current ordinance, particularly with difficulty
1086 in administering the ordinance with everything from the master plan, what
1087 actually constitutes a master plan, to the overall density requirements that are
1088 currently a little difficult to administer when it actually comes to submitting plans
1089 of development and building permits.

1090
1091 We also have attempted to address concerns that staff and our consultants and
1092 the development community have noticed with lack of flexibility, typically
1093 regarding parking, landscaping, and signage. What we discussed with the
1094 Planning Commission in work session, as well as what was distributed to you last
1095 week have attempted to address those concerns.

1096
1097 We've also taken a look at all of the existing permitted and provisional uses.
1098 We're including some uses that weren't previously included. We have included a
1099 couple of additional provisional uses and permitted uses such as one-family
1100 dwellings and live-work units that were not currently permitted in any form other
1101 than doing it as a provisional use.

1102
1103 We've also proposed some significant revisions to our development standards
1104 regarding sidewalks and outdoor dining, from everything from fire protection to
1105 civic uses. There are a number of discussions that we had at the two work
1106 sessions regarding all of these changes, but the version you received last week
1107 has been changed to address all of those.

1108

1109 What we've updated since the Planning Commission work session on the 27th of
1110 July is shown on the screen here, and was also detailed in a letter that
1111 accompanied the two revised ordinances that you received last week. The first
1112 change we did was updated the outside storage and refuse container language.
1113 The Board did recently adopt new language regarding refuse containers in all of
1114 the zoning districts in the County. So that updated essentially what is now the
1115 basic ordinance that we're proposing revisions to, so we needed to reflect that in
1116 what you received.

1117
1118 We also reduced the acreage proposed—as we had discussed at that work
1119 session—to ten acres being the minimum district size permitted in the urban
1120 mixed-use. You'll note that the ordinance you received changed one of them to
1121 ten acres; there's a second that needs to be changed. That's something that we
1122 could discuss in September.

1123
1124 We also removed some proffer amendment language that had previously been
1125 inserted to address some of the concerns from staff and the development
1126 community about future changes to a large mixed-use development and with any
1127 potential proffer amendments who would need to sign for those types of
1128 amendments as an application was filed. On the advice of the County Attorney's
1129 Office we did remove that language, so you'll see that struck from the ordinance.

1130
1131 We have also slightly changed the parking plan submittal requirements.
1132 Previously, the parking plan wouldn't be approved until the plan of development
1133 was reviewed and approved by the Planning Commission. We heard some input
1134 that there might be more certainty in allowing the Board and Planning
1135 Commission to approve that at the time of rezoning so a developer could know
1136 up front what the parking requirement would be and that the County was going to
1137 agree with it. They didn't want to go through all of that process of getting the
1138 zoning done and then find out at the plan of development stage that we weren't
1139 comfortable with the parking standard they were proposing. So we have now
1140 allowed some additional flexibility that permits the Board to approve that parking
1141 standard at the time of rezoning.

1142
1143 We had also proposed some revisions to the civic use standards. There are
1144 ongoing discussions regarding this proposed change. But at this point what
1145 we've proposed in the ordinance that you received last Thursday was that
1146 instead of civic building square footage, what staff is now proposing is that area
1147 for those buildings be reserved. This will hopefully clear up that it wasn't requiring
1148 that the applicant build the square footage, but similar to the commercial uses
1149 where we require a certain mixture of uses in the urban mixed-use development
1150 where you reserve twenty-five percent of the development for commercial uses.
1151 Civic uses are a vital component to urban developments so that's what staff's
1152 proposal is at this time. Again, there are ongoing discussion regarding that topic
1153 as well.

1154

1155 That essentially covers the changes that have happened since our last work
1156 session. I'd be happy to answer any questions or go back over any changes that
1157 have happened to the ordinance that staff's proposing. We'd be happy to go into
1158 more detail about any proposed changes, whether that be responses to
1159 questions from the Commission or that the public might have. It would take me
1160 much longer than thirty minutes to go through every change that staff is
1161 proposing at this time.

1162
1163 With that, that does conclude my presentation. I'd be happy to answer any
1164 questions you might have at this time.

1165
1166 Mr. Archer - Thank you, Mr. Sehl. Are there questions from the
1167 Commission? Let me remind everyone that this is a public hearing, so we can
1168 also entertain questions and comments from the audience.

1169
1170 Mr. Branin - I have one for Mr. Sehl. Where am I looking at the
1171 revised change for the civic?

1172
1173 Mr. Sehl - You're going to be looking on page—

1174
1175 Mr. Branin - I'm looking at the matrix right now.

1176
1177 Mr. Sehl - Oh, on the matrix; okay. It's going to be on page four
1178 of the matrix. The requirement as it's shown here is on page nineteen, line 919
1179 in the ordinance. You'll see it in a couple of different places because it's been
1180 added as a development standard and then there is a potential to reduce that
1181 percentage through the Provisional Use Permit process.

1182
1183 Mrs. Jones - But the minimum square footage is there on page
1184 two?

1185
1186 Mr. Sehl - Yes, the reduction in that. That's where it's been
1187 added to the Provisional Use Permit section of the ordinance.

1188
1189 Mr. Branin - Okay. I think I'll withhold my questions until later.

1190
1191 Mr. Emerson - Mr. Branin, I will note on the civic uses that is one of
1192 the items that we're discussing with the County Attorney now, as to how that
1193 would be worded and whether or not it will remain or be removed.

1194
1195 Mr. Branin - In reading some of the questions that came in to us, I
1196 questioned that and that's why I said I'll withhold my questions until later.

1197 Mr. Jemigan - Mr. Sehl, I'm on the parking thing tonight, so let me
1198 understand. When it comes forward for zoning we'll have a formula, as Mr.
1199 Theobald had upstairs, to where we'll have x-amount of spaces per thousand
1200 square feet?

1201
1202 **Mr. Sehl -** There is going to be no requirement that they file a
1203 study such as the one that Mr. Theobald presented as part of the Highwoods'
1204 **UMU application.** They could still go under our existing parking requirement,
1205 which are somewhat reduced from our B-2 requirements right now. So you could
1206 either take advantage of the existing parking requirements that are listed in the
1207 ordinance or at the time of rezoning you would be able to submit that parking
1208 plan for us to review, and for ultimately the Board to approve.
1209
1210 **Mr. Emerson -** The study is an option.
1211
1212 **Mr. Sehl -** Yes sir.
1213
1214 **Mr. Emerson -** And, of course, it would have to be updated as we
1215 moved through the development process to ascertain that it was functioning as
1216 originally proposed, if it were accepted by the Commission and the Board.
1217
1218 **Mr. Vanarsdall -** All of it wouldn't pertain to entire area anyway, would
1219 it? Would the same standard fit everywhere?
1220
1221 **Mr. Emerson -** The study would be for the entirety, normally the
1222 development, if that's your question. Yes sir, it would be for the entirety of the
1223 development.
1224
1225 **Mr. Vanarsdall -** Then the Board would have the authority to approve
1226 either one?
1227
1228 **Mr. Emerson -** Certainly.
1229
1230 **Mr. Jernigan -** I guess my question was if you do it at the time of
1231 zoning, you don't actually know who all of your tenants are at that time. So it's
1232 hard to figure how many parking spaces you need because you don't know how
1233 many restaurants there will be. That's what I'm saying.
1234
1235 **Mr. Sehl -** You're still able to submit that plan later in the process
1236 or revise that plan later in the process. It does not necessarily require Board
1237 approval at the time of rezoning. You can do it either at the time of rezoning or at
1238 the time of plan of development review. And you might have a little bit more idea
1239 on who your tenants will be.
1240
1241 **Mr. Jernigan -** Okay.
1242
1243 **Mr. Vanarsdall -** You can do it at the POD.
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1245 **Mr. Sehl -** Yes sir, you could. But this is to allow the flexibility for
1246 a developer to get that certainty up front in the process.

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Mr. Archer - Okay. Any further questions for Mr. Sehl from Commission members? Does anyone in the audience have a question or would you like to speak on it? Welcome again, Mr. Theobald.

Mr. Theobald - Thank you, Mr. Chairman, ladies and gentlemen. I'm Jim Theobald and just a couple of comments on the current status of the proposed ordinance.

It's not often I get to speak for Mr. Axelle, but Mr. Condin will drag me away from the podium if he thinks I'm misspeaking. Bill had hoped to be here tonight and e-mailed me in the middle of the afternoon that he was likely not to get back from DC. We've been discussing a couple of these provisions.

He and I have both had issues with this proffer amendment. Frankly, we're surprised that the County Attorney would suggest that you have to take that out where it's already in the Fairfax ordinance under their Planned Unit Development Ordinance. Whether it's good precedent or bad precedent, it wasn't just made up. So we're surprised that they said take that out, but at least thus far they've left in this notion about civic uses, which I'll get to in a moment.

We are still most interested in you all coming up with a way to allow people to amend proffers in this context. With this 188 acres in the Innsbrook request, if we start selling off pad sites for office buildings then I can't change one proffer on the whole 188 acres—under the County Attorney's current thinking—unless I get everybody who owns property to sign it. We've been through this issue in Mrs. O'Bannon's district. We've been through it in Mr. Branin's district. And I know Bill and Andy have both experienced it as well. So we'd like to find a solution to that one.

The civic uses one is one that bothers me greatly, and I hope it is under consideration not to revise, but to eliminate. It's just flat illegal. You cannot require developers to set aside, much less build, land for public use under the Virginia Code. And you really need to ask the County Attorney directly is this legal or is it not, not is he willing to defend it, throw it in there and see if it sticks. It's just not. And frankly, leaving it in jeopardizes your whole ordinance, essentially, because if one part goes bad then there's some case law—you know, just that one little provision doesn't just cause the cancer, but it can spread to your whole ordinance. So that one I think just needs to go.

A couple of very specific comments on at least the version I'm looking at, which I think is what you're considering tonight on page five. We're talking about different uses with offices, clinics, and labs for medical, dental, and optical. You only get 15,000 square feet as matter of right. Mr. Kreckman brought to my attention that he has at least three users today in Innsbrook that are in excess of that. We think

1292 the threshold for those types of uses should be 30,000 square feet rather than
1293 15,000.

1294
1295 Mr. Emerson - Which uses were those again?

1296
1297 Mr. Theobald - It's 24-32(i). It's on page five, I think, of your black-
1298 line. Offices, clinics, and labs for medical, dental, and optical purposes.

1299
1300 We've discussed hospitals and I think you're looking into adding that as a
1301 potential permitted use. It's just not in there.

1302
1303 On the development standards, 24-34 on page seventeen. It's in subsection M. It
1304 talked about off-street parking needing to be within a thousand feet of the primary
1305 entrance of a building. I would suggest removing the word "primary." Buildings
1306 have lots of entrances and as long as it's a legal entrance. You can't get in the
1307 other side of a fire door, right? Seems to me the purpose that you're trying to
1308 accomplish here is served by getting people to their work place. There could be a
1309 lot of interpretation as to what is the primary entrance versus an equally good
1310 secondary or even tertiary entrance. I think that's consistent with what you're
1311 trying to accomplish, making sure that people can walk to their destination. But it
1312 doesn't really matter what door they go in.

1313
1314 Also under this same section, under "M" where it talks about on-street parking for
1315 private streets and on-street parking for public streets. You give certain credit for
1316 parking spaces but it's only with regard to non-residential off-street parking. It
1317 seems to me that you shouldn't single out the non-residential aspect. Parking is
1318 parking in these mixed-use areas, which is what the UMU ordinance is. So I
1319 would suggest that it count toward the entirety of the parking requirement, not
1320 just the non-residential parking requirements.

1321
1322 On the parking plan language, much the same, should include residential. I'm a
1323 little conflicted by this reserved area for additional parking. We did have a case to
1324 that in our earlier meeting. Think about Innsbrook. If I put up a deck in a parking
1325 lot and you require me to reserve space, to provide additional parking, I don't
1326 know how that works. We'll have to keep a parking lot that I'm supposed to build
1327 on? It's almost like you're double counting. So we need to make sure that we
1328 have confidence in our parking studies from the beginning. And I do think your
1329 new ordinance accomplishes that in the sense that there's sort of a catch-up, as I
1330 think Mr. Emerson was talking about earlier. With each POD you're going to re-
1331 analyze parking to see if it's sufficient. If it's not, then we're going to catch up on
1332 this next one. But I can't see trying to eliminate the parking lots at Innsbrook, but
1333 having to leave one there and show it on my POD to accommodate a future
1334 parking need if somebody guesses wrong. It just seems counterintuitive to what
1335 we're trying to do here.

1336

1337 Those are my comments. Good effort. I think just a little more discussion to go. I
1338 appreciate your consideration.

1339
1340 Mr. Jernigan - Mr. Theobald, do you have the statute number on the
1341 civic uses?

1342
1343 Mr. Theobald - Yes I do. It's on page nineteen, and I believe that's
1344 under your development standards. It's 24-34 subparagraph "U".

1345
1346 Mr. Jernigan - You're saying in the State code it says you can't do
1347 that?

1348
1349 Mr. Theobald - As you know, the State code gives you certain
1350 authority to adopt provisions in your Zoning Ordinance. Being a Dillon rule state
1351 it states you're only allowed to basically include in your ordinance what the State
1352 says that you can. The only place the State has basically permitted you to
1353 accomplish what's known as inclusionary zoning, meaning requiring applicants to
1354 do something that they might not otherwise do for uses is in the affordable
1355 housing area. The statute allows you to require developers to provide some
1356 affordable housing in certain housing projects. But in terms of requiring you to
1357 either build schools, libraries, or even set aside land, you can't do it. You can do
1358 it voluntarily. And we do it all the time. Just so you know, in the Innsbrook case
1359 we are going to offer to set aside some of that space, I'm not saying that in the
1360 context of the Innsbrook case, but just as a legal matter. Those are the cards
1361 we're dealt.

1362
1363 Mrs. Jones - I do want to just follow up on that before we leave this
1364 point. I think the big issue in my mind is the fact that we're forging new rules and
1365 regulations for a new type of development. This is the kind of thing where we
1366 can't look at others for guidance. What is a community without having those civic
1367 uses? Obviously we're talking about big scale development, we're talking about
1368 dense development. You wouldn't want a community—neither would I—that
1369 didn't have libraries, schools, fire stations, public and semi-public—you know, we
1370 have a lot of uses that are integral to this. How would you advise us to make sure
1371 that we can have those things that will lend the quality of life to this community
1372 that you're saying are illegal for us to require?

1373
1374 Mr. Theobald - Good question. The way that we accomplish a lot of
1375 our zoning is through dialogue and forging a consensus, negotiations perhaps as
1376 we go through here where you let an applicant know those uses are important.
1377 What I think should give you some comfort is that you didn't need that statute for
1378 Mr. Kreckman to offer to set aside space for a substation, a fire station, a school,
1379 and a library. You will see those in the case when it's refiled and revised. But
1380 he's already submitted a letter to Mr. Silber indicating those things. So he
1381 recognized the need for that. And I would hope that anybody doing a
1382 development of that scale would also. To the extent that they don't, then I'm

1383 certain that your persuasive powers might have an impact. But ultimately we're
1384 all dealing with the same law. It doesn't really matter what I want, don't want, or
1385 whatever. But right now the State code says you can't make somebody do that,
1386 so you hope that they'll do what's right. Usually we get there.

1387
1388 Mrs. Jones - I know the answer to this, but I'll just throw it out. Do
1389 you feel the same about the requirements for green space? Do you feel the same
1390 about requirements for other ratios and numbers?

1391
1392 Mr. Theobald - Open space probably passes the constitutional
1393 muster based on some other aspects of the State code when you say you have
1394 to have twenty percent open space. My sense of the reading of enabling statutes
1395 is that works, but it's when you tell somebody they're going to build or reserve
1396 space for a public use, then you get into the eminent domain of "taking" area.
1397 You can't really require people to do off-site road improvements, etcetera. We do
1398 these things through discussion and negotiation.

1399
1400 Mrs. Jones - Hopefully we'll always all be on the same team for the
1401 best product.

1402
1403 Mr. Theobald - I think we usually end up there, don't we?

1404
1405 Mrs. Jones - After our recent negotiations in Washington,
1406 sometimes I wonder about building a consensus, so that's why I asked.

1407
1408 Mr. Theobald - That's clearly not the Henrico model, so.

1409
1410 Mrs. Jones - I would hope not. I have one other comment, and that
1411 is the parking. When you were talking about the distance, parking needs to be
1412 two buildings and this kind of thing, and primary entrances and secondary. I think
1413 there is a difference between what would suit the employees of businesses in
1414 those buildings and what suits the public, because employees may well be able
1415 to enter from a back door, side door, or through whatever, a key.

1416
1417 Mr. Theobald - So maybe the key is accessible to the public?

1418
1419 Mrs. Jones - Well, what I'm saying is that the front door is basically
1420 the standard for accessibility for everybody. Employees may have an easier way
1421 to get there, but the public, I think, is what's driving this.

1422
1423 Mr. Theobald - On this urban block grid, though, you may have a
1424 building that's—you have lots of buildings that are on corners, so they have
1425 entrances on easily two, if not three of three of their façades. But I think in
1426 response maybe to your notion that rather than just being any entrance, it should
1427 be any public entrance. The idea was to make sure you have a nexus between
1428 how close you park and where you can get in the location.

1429
1430 Mrs. Jones - We can fine-tune that.
1431
1432 Mr. Theobald - Yes.
1433
1434 Mr. Archer - Anything further from the Commission?
1435
1436 Mr. Theobald - Thank you all.
1437
1438 Mr. Archer - Thank you, Mr. Theobald. We're running a little late,
1439 but is there anyone else in the audience who would like to address this issue?
1440
1441 With that we will adjourn the public hearing and we will prepare to open our
1442 regular rezoning meeting.
1443
1444 **PUBLIC HEARING ADJOURNS IN ORDER TO RECONVENE FOR REGULAR**
1445 **PUBLIC HEARING**
1446
1447 **PLANNING COMMISSION RECONVENED AT 7:11 P.M.**
1448
1449 Mr. Archer - This meeting will come to order. Welcome everyone
1450 to the August 11, 2011, rezoning meeting. With that, let us all stand and Pledge
1451 Allegiance to the Flag.
1452
1453 I'd like to briefly remind everyone to please either turn off or mute your cell
1454 phones, if you're carrying them. I'd also like to welcome anybody who may be
1455 here from the news media. I'd also like to welcome Mrs. Patricia O'Bannon from
1456 the Board of Supervisors.
1457
1458 With that, Mr. Secretary, I will turn things over to you.
1459
1460 Mr. Emerson - Thank you, Mr. Chairman. I will note that earlier this
1461 evening you did hold a work session on the proposed Innsbrook Urban Mixed-
1462 Use application. And also you did conduct at 6:30 p.m. a public hearing on
1463 proposed changes to the County's Urban Mixed-Use Ordinance. You have not
1464 made a decision regarding that yet and we will discuss that at the end of the
1465 meeting.
1466
1467 With that, the next item on your agenda are Requests for Withdrawals and
1468 Deferrals. Those will be presented by Mr. Jim Strauss.
1469
1470 Mr. Archer - Good evening, Mr. Strauss.
1471
1472 Mr. Strauss - Good evening, members of the Commission.
1473

1474 The request for deferral for tonight is in the Three Chopt District on page two of
1475 the agenda. This is C-8C-11, Dalton Park Land Development Company. The
1476 applicant is requesting a deferral to the October 13, 2011 meeting.

1477

1478 **(Deferred from the June 9, 2011 Meeting)**

1479 **C-8C-11 Webb Tyler for Dalton Park Land Development**
1480 **Company:** Request to conditionally rezone from R-3C One-Family Residence
1481 District (Conditional) to RTHC Residential Townhouse District (Conditional) parts
1482 of Parcels 743-763-3572, 743-764-4622, and -6363 containing 9.3 acres (Parcel
1483 1) located on the east line of Interstate 295 approximately 630' west of the
1484 southern terminus of Allenbend Road and from R-3C One-Family Residence
1485 District (Conditional) to R-5AC General Residence District (Conditional) Parcels
1486 743-763-8655, -3527, -9269, 744-764-5770, -5157, -4443, -3831, -3317, -2703,
1487 744-763-2190, -1578 and parts of Parcels 743-763-3572, 743-764-4622, and -
1488 6363 containing 36.7 acres (Parcels 2 and 3) located between the west line of
1489 Belfast Road and the northeast intersection of Interstates 64 and 295. The RTH
1490 District allows a maximum density of nine (9) units per acre. The R-5A District
1491 allows a minimum lot size of 5,625 square feet and a maximum density of six (6)
1492 units per acre. The uses will be controlled by zoning ordinance regulations and
1493 proffered conditions. The Land Use Plan recommends Traditional Neighborhood
1494 Development to support a mixture of residential, nonresidential and open space
1495 uses with 80% of the land consisting of residential uses at a density not to
1496 exceed 12 units per acre; however, the site is also within the Innsbrook Area
1497 Study which recommends a maximum density of 8 units per acre for residential
1498 uses.

1499

1500 Mr. Archer - Is there anyone here who is opposed to the deferment
1501 of C-8C-11, Webb Tyler for Dalton Park Land Development Company?

1502

1503 Mr. Branin - Sir, you have to come up to the microphone. This is
1504 recorded and I'm sorry to do it to you. I heard you clearly, but I don't know if the
1505 recording machine did.

1506

1507 Mr. Lassiler - My name is John Lassiler. I'm a resident in the
1508 neighborhood. I'm not exactly sure what these people are asking for, Mr. Dalton.
1509 Could we go through that one more time in a little plainer language, please?

1510

1511 Mr. Strauss - Yes. This is a request to conditionally rezone from R-
1512 3 One-Family Residence District to RTHC Residential Townhouse District, and
1513 the R-3 One-Family District to R-5AC General Residence District. Residential
1514 townhouses with a maximum density of nine units an acre are proposed for the
1515 RTH section. They are on zero lot lines with a maximum density of six units an
1516 acre proposed for the R-5AC section.

1517

1518 Mr. Branin - Mr. Lassiler, did you understand that or do you want
1519 me to break it down a little bit?

1520

1521 Mr. Lassiter - I understand. Thank you very much.

1522

1523 Mr. Archer - Okay. Mr. Branin?

1524

1525 Mr. Branin - Mr. Chairman, I'd like to move that C-8C-11, Webb
1526 Tyler for Dalton Park Land Development Company, be deferred to the October
1527 13, 2011 meeting, per the applicant's request.

1528

1529 Mr. Vanarsdall - Second.

1530

1531 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
1532 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1533

1534 At the request of the applicant, the Planning Commission deferred C-8C-11,
1535 Webb Tyler for Dalton Park Land Development Company, to its meeting on
1536 October 13, 2011.

1537

1538 Mr. Branin - Mr. Chairman, may I speak again, please?

1539

1540 Mr. Archer - Yes you may.

1541

1542 Mr. Branin - Can I get someone from staff to get a hold of Mr.
1543 Lassiter and get his information? What I'm going to do, sir, is I'm going to get
1544 staff to get your information and then I'm going to contact you and discuss what
1545 your concerns are. We don't know right now if this case will or will not go forward;
1546 all we know is that the applicant is trying to defer it for another two months, which
1547 he has been successful in. If it is, then I will be able to stay in touch with you and
1548 possibly have a community meeting so the rest your community can discuss it as
1549 well before it comes before us again. Does that sound like a good idea? That's
1550 where we're going. Absolutely; I'm glad you're here. So we have a bunch of
1551 people. Staff will get all of your names and we will definitely keep you in the loop.
1552 And because now we are seeing more people. I guarantee you if this is going
1553 forward we'll have a community meeting. Okay?

1554

1555 Mr. Archer - Okay. If we could ask you all to please step out to the
1556 lobby and Mr. Sehl will get your information. As of now, the next meeting is set
1557 for October 13th. All right, Mr. Secretary.

1558

1559 Mr. Jemigan - Mr. Chairman, due to some information that I
1560 received, some e-mails with more information, I am going to grant a Commission
1561 deferral on my case. But I am going to let Mr. Props present the case. We do
1562 have people here in opposition, and I'm not going to ask Mr. Condlin to present,
1563 but I do want to hear from the opposition seeing as they did come out here. And
1564 then I'm going to defer this case.

1565

1566 Mr. Archer - That will be fine. Mr. Secretary, you can call it.
1567
1568 Mr. Emerson - Yes sir, Mr. Chairman. Do we want to handle the
1569 expedited item first?
1570
1571 Mr. Archer - Yes, let's do that.
1572
1573 Mr. Emerson - Mr. Chairman, the next item on your agenda is
1574 Requests for Expedited Items and there is one item. Mr. Strauss will present that.
1575
1576 Mr. Strauss - Thank you, Mr. Secretary. The expedited item is in
1577 the Fairfield District on page two of the agenda. That would be case C-12C-11,
1578 F&M Bank Richmond (BB&T). This is a request to rezone from R-4 One-Family
1579 Residence District, B-3 Business District, and O-2 Office District to the B-3C
1580 Business District Conditional. This would consolidate the site under one zoning
1581 district, B-3 Conditional, for the recently reconstructed bank building. Staff
1582 supports this request and we are not aware of any opposition.
1583
1584 **C-12C-11 Bobby L. Fulk for F&M Bank – Richmond (BB&T):**
1585 Request to rezone from R-4 One-Family Residence District, B-3 Business
1586 District, and O-2 Office District to B-3C Business District (Conditional) Parcel
1587 783-756-2866 containing 2.706 acres located at the northwest intersection of E.
1588 Parham Road and Hungary Road. The applicant proposes a bank. The use will
1589 be controlled by zoning ordinance regulations and proffered conditions. The 2026
1590 Comprehensive Plan recommends Office.
1591
1592 Mr. Archer - All right, thank you. Is there anyone here who is
1593 opposed to this case, C-12C-11, Bobby L. Fulk for F&M Bank – Richmond
1594 (BB&T)? I see no opposition. With that I will move for a recommendation of
1595 approval of C-12C-11, Bobby L. Fulk for F&M Bank – Richmond (BB&T).
1596
1597 Mr. Vanarsdall - Second.
1598
1599 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All
1600 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1601
1602 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1603 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1604 the Board of Supervisors grant the request because it conforms with the
1605 objectives and intent of the County's Comprehensive Plan and the proffered
1606 conditions should minimize the potential impacts on surrounding land uses.
1607
1608 Mr. Strauss - That completes the expedited agenda.
1609 Mr. Archer - Thank you, Mr. Strauss.
1610

1611 Mr. Emerson - Mr. Chairman, that now takes us to the regular
1612 agenda, page two, P-11-11, Andrew M. Condlin for Michael J. Carroll,
1613

1614 **P-11-11 Andrew M. Condlin for Michael J. Carroll:** Request
1615 for a Provisional Use Permit required under proffered condition #8 accepted with
1616 C-60C-06 to allow twenty-four (24) hour operation of a convenience store with
1617 gas pumps (Wawa) on Parcel 816-712-7504 located at the northeast intersection
1618 of S. Laburnum Avenue and Eubank Road. The existing zoning is B-3C Business
1619 District (Conditional). The site is located in the Airport Safety Overlay District.
1620

1621 Mr. Archer - Mr. Props, we do understand there is opposition and
1622 Mr. Jernigan has indicated he will defer, so you can go ahead with your staff
1623 report.
1624

1625 Mr. Props - Mr. Chairman, members of the Commission, this
1626 request is for a Provisional Use Permit to allow the twenty-four hour operation of
1627 a proposed Wawa convenience store with gas pumps on a 1.78 acre site. This
1628 site was zoned B-3C via C-60C-06, and proffered to B-2 district hours which
1629 prohibits store operations between 12:00 midnight and 8:00 a.m., unless
1630 extended hours are granted with a Provisional Use Permit. Business and Light
1631 Industrial uses and zoning extend to the north, south, and west, and an R-3
1632 residential development adjoins the site along the eastern property line.
1633

1634 The subject site is recommended for Commercial Concentration on the 2026
1635 Comprehensive Plan, is in the Airport Safety Overlay District, and is also a part of
1636 the South Laburnum Avenue Revitalization/Reinvestment Opportunity Area. This
1637 24-hour request could negatively influence area development and have adverse
1638 impacts on the adjacent neighborhood. These impacts would intensify noise and
1639 lighting, increase late-night traffic, and establish a precedent for other extended
1640 hour development. Proffered hours of operation accepted with C-60C-06 were
1641 intended to restrict 24-hour operations and protect the Robinwood Subdivision.
1642

1643 There are only two 24-hour operations located south of Williamsburg Road and
1644 on property zoned Business prior to 1960. Only one PUP request for a 24-hour
1645 convenience store with gas pumps has been approved in this area. That site was
1646 part of The Shops at White Oak development and is surrounded by the shopping
1647 center, and independent retail and office uses. The applicant held a community
1648 meeting on July 27th. Citizen concerns focused on increased after-hours traffic on
1649 neighborhood streets, noise, spillover lighting, and the need for adequate
1650 screening. In addition, staff has received numerous calls and e-mails expressing
1651 similar concerns and opposition to this request.
1652

1653 In summary, countywide approvals for 24-hour operations have been limited to
1654 locations surrounded by commercial and office developments and distanced from
1655 residential areas. Staff believes approval of a 24-hour PUP at this location would
1656 be intrusive and disruptive to the adjacent residential neighborhood, and would

1657 set a precedent that would adversely impact future uses in the area. For these
1658 reasons, staff does not support this request. If the Planning Commission deems
1659 this request acceptable, conditions have been included in Section IV of the staff
1660 report.

1661
1662 This concludes my presentation and I would be glad to answer any questions.

1663
1664 Mr. Archer - Thank you, Mr. Props. Are there questions from the
1665 Commission?

1666
1667 Mr. Jernigan - I don't have any, but I did want to hear from the
1668 opposition.

1669
1670 Mr. Archer - Okay.

1671
1672 Mr. Jernigan - Even though they haven't raised their hand yet, I
1673 know they're here.

1674
1675 Mr. Archer - Okay. All right, then.

1676
1677 Mr. Jernigan - You all can come on down.

1678
1679 Ms. Morgan - Good evening. My name is Alysa Morgan. I live in the
1680 5300 block of Raleigh Road, which is just north of Eubank. My home and where I
1681 live is very special to me. That house has been in my family since the 1950's. It
1682 was my grandparent's home, my mother raised there, and I'm raising a family
1683 there now. I'd like it to stay a safe place and nice place to live in. I'm concerned
1684 that if this Provisional Use Permit is approved that there will be a negative impact
1685 on the residential area for a lot of reasons: traffic, noise, light, and also that the
1686 construction of a 24-hour Wawa at Eubank and Laburnum is inappropriate and
1687 unnecessary. There are already sufficient 24-hour locations in the vicinity. There
1688 is the CVS, the Walgreens, the Exxon, several 7-Eleven's, and then also a Wawa
1689 very close by. If you look at these businesses and how they affect the area, they
1690 don't have the same negative impact that this 24-hour Wawa would. They are
1691 located more commercially, so they aren't as intrusive to the residential areas.
1692 You can access them all easily without being routed through a residential area.
1693 And with the already existing Wawa being a huge exception, they don't generate
1694 a large number of calls for service requiring police response.

1695
1696 In regards to statistical information for these 24-hour businesses for calls for
1697 service for police, if you look at total calls and the percentage of those calls that
1698 occur from midnight to six a.m., twenty percent of them occurred during that time
1699 at the convenience stores with gas pumps as opposed to only nine percent at the
1700 pharmacies. Another alarming fact was that there were 243 calls for service for
1701 police at the Wawa at Audubon and Airport from January of 2009 to June of
1702 2011. To put this in perspective, there were only 207 total calls for the 7-Eleven

1703 et Audubon and Laburnum, and at Williamsburg and Laburnum, the Exxon, CVS,
1704 and the Walgreens combined for that same time period. The number of calls at
1705 Wawa has also steadily increased every year. If a specific business located a
1706 half a mile from a police station has this kind of criminal activity, locating one
1707 literally feet from a residential area would make the neighborhood incredibly
1708 susceptible to crime.

1709
1710 No other Wawa in Henrico County is directly beside a residential area such as
1711 this. Impact on traffic will be substantial. Customers to a 24-hour business such
1712 as this will bring constant vehicular traffic through the residential streets because,
1713 depending on the direction that you're traveling from or going towards when you
1714 leave, driving through the residential area would not only be more convenient,
1715 but it would be the most logical route. If you look at the traffic impact analysis
1716 information, at build-out conditions they anticipate this commercial development
1717 to generate approximately 11,262 24-hour trips during a typical weekday. The
1718 intersection of Eubank and Laburnum is projected to operate at a Level of
1719 Service B during peak hours. And even with the recommended improvement of
1720 lengthening the southbound Laburnum left turn lane, that's only anticipated to
1721 accommodate the turning volume about fifty percent of the afternoon peak hour.

1722
1723 It's going to make it hard for residents to get in and out of the neighborhood. It's
1724 going to make it hard for emergency services to get to residents that need fire
1725 trucks, ambulances, police. Also, Henrico Volunteer Rescue Squad uses Eubank
1726 as a route out to Laburnum when they're responding out to medical emergencies
1727 in the community. We have a lot of people on foot, on bicycles. They'll be in very
1728 unsafe conditions and they'll be more accidents.

1729
1730 Noise and light is minor in comparison to these other concerns, but it's still an
1731 issue. That Wawa will be visible from people's windows and their yards. You'll be
1732 able to see the parking lot lit up over night, all the headlights from vehicles
1733 coming and going, noise from traffic, car stereos, delivery trucks, the tractor-
1734 trailer that delivers gasoline every couple of days. There is supposed to be a
1735 small landscape buffer behind the property, but I'm not sure how much of a
1736 barrier for those things it will be.

1737
1738 There were some issues brought up at the community meeting as well. And Mr.
1739 Kinter's response to these concerns, he added some additional trees to the
1740 original landscaping plan, which is appreciated. He added some crape myrtles.
1741 These are beautiful when they bloom, but they're primarily ornamental and
1742 they're often pruned back and bare part of the year. So I'm not certain what kind
1743 of barrier to any sort of light or sound that those would be.

1744
1745 I know this area was rezoned in 2006 for business, even though the County's
1746 original land use plan for this area recommended office space. When our
1747 community was told at that time by the firm representing the property owners that
1748 they envisioned—and this was their wording—"typical retail of a quality and type

1749 similar to Laburnum Green," which is the shopping center on the other side of the
1750 bank. This rezoning was approved with proffers that restricted hours of operation
1751 from six a.m. to midnight. Those restrictions were put in place for certain reasons
1752 and because of the proximity to residential properties. Those reasons are no less
1753 valid today. The area has not undergone any significant changes which would be
1754 a 24-hour operation at that location desirable.

1755
1756 When I looked at the Henrico County Vision 2026 Comprehensive Plan, the
1757 section on land use stated that a keystone policy in addressing development and
1758 land use issues within the residential area was to avoid encroachment of non-
1759 residential uses into residential areas. If this 24-hour Provisional Use Permit was
1760 approved, allowing that property to be developed in such a manner, it would be a
1761 gateway to the more intense uses on the property on the southeast corner of
1762 Eubank and Laburnum. It would set a terrible precedent and it would have an
1763 irreversible negative impact on the adjacent neighborhood.

1764
1765 Thank you.

1766
1767 Mr. Jernigan - Ms. Morgan, let me ask this. Do you think Wawa is a
1768 good neighbor?

1769
1770 Ms. Morgan - I think Wawa would be a good commercial neighbor,
1771 but not so close to residences. Literally, if you left the back of that Wawa, on the
1772 other side of that street would be houses.

1773
1774 Mr. Jernigan - But down the road a little bit. How far are you from
1775 this site?

1776
1777 Ms. Morgan - I'm on the 5300 block, which ends at Eubank.

1778
1779 Mr. Jernigan - Six hundred feet?

1780
1781 Ms. Morgan - Actually, if you're familiar with the bank, I'm right
1782 behind where the bank is. When the bank was built, I could tell you if the drive-
1783 through was open by looking through the trees across the street.

1784
1785 Mr. Jernigan - You're on Raleigh.

1786
1787 Ms. Morgan - I'm on Raleigh, yes sir. The street behind Robins.

1788
1789 Mr. Jernigan - What would you like to see there?

1790
1791 Ms. Morgan - I wouldn't mind offices or stores or anything like
1792 Laburnum Green. Laburnum Green has several restaurants and they have a
1793 dentist office and consignment shops and salons and kind of local retail, not
1794 things that are going to attract people twenty-four hours a day and the constant

1795 traffic. We know it's going to be developed, but I would prefer something more
1796 like Laburnum Green or offices.

1797

1798 Mr. Vanarsdall - What would you think if they didn't have the twenty-
1799 four hours? Would that make a difference to you?

1800

1801 Ms. Morgan - Well, I know that it would still be appropriately zoned
1802 for that. I feel like a service station is the sort of business that attracts people that
1803 are in and out so often that it would impact a residence, being so close to it.

1804

1805 Mr. Vanarsdall - You have a lot of woods between you and Raleigh. If
1806 those woods stayed there, would that make a difference?

1807

1808 Ms. Morgan - The only woods that are there belong to a gentleman.
1809 It's better in the summertime, it truly is, but in the wintertime when it's bare I can
1810 see straight out to Laburnum from my house. Even though you wouldn't think I
1811 would be as impacted not being right on top of Eubank, but I can still see
1812 Laburnum now.

1813

1814 Mr. Archer - Anyone else have questions for Ms. Morgan?

1815

1816 Mr. Jernigan - I'm good.

1817

1818 Mr. Archer - Thank you, Ms. Morgan.

1819

1820 Ms. Morgan - Thank you.

1821

1822 Mr. Archer - Anyone else to speak? All right, Mr. Jernigan.

1823

1824 Mr. Jernigan - Mr. Chairman, as I told you, I had some information
1825 come in and I'm going to request a Commission deferral on this. I want to have
1826 another neighborhood meeting and we'll sit everybody down and talk.

1827

1828 One of the problems that I experience in Varina is everybody comes up to me
1829 and they want this and they want that. But whenever something comes around,
1830 nobody wants it. We've got to get on this situation and find out where we're going
1831 to go. There are no fueling stations on South Laburnum from Williamsburg
1832 Road—other than the BP station—to Route 5 and to 895. Am I correct? So I've
1833 had quite a few people ask me about that, why isn't there one out there. And
1834 actually there were a few people who were actually glad to see that this case is
1835 coming along. But because we've had a lot of e-mails, I do want to address that
1836 before we make a decision on this case. So you will be getting a letter in the mail
1837 about when there will be another neighborhood meeting. I want everybody, I
1838 know two or four of you came up tonight, but I want everybody to come to this
1839 meeting so we can sit down and talk things over. Okay?

1840

1841 All right, Mr. Chairman, with that I would like to do a Commission deferral on
1842 case P-11-11, Andrew M. Condlin for Michael J. Carroll, to September the 15th.

1843

1844 Mr. Branin - Second.

1845

1846 Mr. Archer - Motion for deferral made by Mr. Jernigan, seconded
1847 by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the
1848 motion passes.

1849

1850 At the request of the Commission, the Planning Commission deferred P-11-11,
1851 Andrew M. Condlin for Michael J. Carroll, to its meeting on September 15, 2011.

1852

1853 Mr. Emerson - Mr. Chairman, the next item on your agenda would be
1854 consideration of approval of your minutes of July 14, 2011.

1855

1856 Mr. Vanarsdall - I have a few.

1857

1858 Mr. Archer - Go right ahead, Mr. Vanarsdall.

1859

1860 Mr. Vanarsdall - Page 35, line 1542, the ninth word. We all remember
1861 this, that he said the reason is because of 7-Eleven. He meant to say 9/11. Then
1862 on 1546 line, "Understand that we had nothing to do to with." Strike out "to."
1863 Then on page 38, lines 1678, 1680, 1681, 1682, and 1683. Seems like what
1864 happened to this is it came up last time, sometime, and we said to do this and
1865 that, and I don't know how it got so jumbled up. And I have a couple, "Mrs.
1866 Chairman." I don't believe Bonnie-Leigh was chairlady that night, so that's Mr.
1867 Chairman. Then it goes on to 1680 where it says, "To get across the street, I
1868 guess to get to your place across the street, the donut shop," continues on 1681.
1869 Then it says, "What you cross out is to get." That's 1682. On page 16, line 661, I
1870 don't know what that's about. Then finally on 1683, that's "Conquest" and not
1871 "contractors," the name of the parts company. That is all I have.

1872

1873 Mr. Archer - Anybody else with corrections.

1874

1875 Mr. Jernigan - Mr. Chairman, on page 13, line 553, it says we went
1876 to Charlottesville. If I said that—we went to Charleston. We didn't go to
1877 Charlottesville; we went to Charleston, South Carolina, and to Florida. If I said
1878 that—

1879

1880 Mr. Vanarsdall - I don't believe I remember you saying that.

1881

1882 Mr. Jernigan - Well, it was supposed to be Charleston. That's it.

1883

1884 Mr. Archer - So noted. All right, any further corrections? Mrs.
1885 Jones, do you have anything to add, or were they too thorough?

1886

1887 Mr. Jernigan - I know my case has been deferred, but Ms. Vann is
1888 here and I want to ask her something about that.
1889
1890 Mr. Archer - Before we approve the minutes?
1891
1892 Mr. Jernigan - No, go ahead and approve the minutes.
1893
1894 Mr. Archer - Let me have a motion for approval.
1895
1896 Mr. Branin - I'd like to move for approval of the corrected minutes.
1897
1898 Mr. Vanarsdall - Second.
1899
1900 Mr. Archer - All right. Motioned and properly seconded that the
1901 minutes be approved as corrected. All in favor say aye. All opposed say no. The
1902 ayes have it; the motion passes.
1903
1904 All right, Mr. Jernigan, go ahead.
1905
1906 Mr. Jernigan - Ms. Vann, could you come to the podium, please,
1907 because I have a question for you. I appreciate it. I was looking over this police
1908 report on the Wawa and my question is, you know, you all break it down very
1909 good. You have "advice given," because that's just a phone call and you tell them
1910 what to do. "Made an arrest." What's an FR300?
1911
1912 Ms. Vann - I'm not a police officer, so I'm not sure myself. I
1913 believe it's more of a housekeeping kind of thing.
1914
1915 Mr. Jernigan - I wasn't sure on that.
1916
1917 Mr. Branin - Accident report.
1918
1919 Ms. Vann - Accident report. Yes.
1920
1921 Mr. Jernigan - Because I saw another report and it had "accident"
1922 written down on it. Looking at this report I guess the worst one we see would
1923 be—I thought I saw one here. Drunk and disorderly. Throughout the County we
1924 have a few Wawa's. Do you think that maybe—well, I'm not going to put words in
1925 your mouth. Let's say we get a lot of calls for this. Is it because Wawa runs a
1926 pretty light ship and they don't put up with much, or maybe they're not as loose
1927 as some of the other operations? What's your experience with Wawa?
1928
1929 Ms. Vann - I have not compared crunch stats for other Wawa's
1930 throughout the County. We were asked to run the one for Airport and that's what
1931 we gave you. So I would have to look at the other Wawa's, But I know that they
1932 have been very amenable to police in the different Wawa's that have come in.

1933 I've been here for each one that has been developed. Any issues that we have
1934 had, based on the site location, and any concerns we had because of that,
1935 they've been very amenable to work with us. I would say that Wawa is good, pro-
1936 police. So my initial thought when seeing this site is that at least it's a Wawa, and
1937 someone that is going to be caring about what is happening on the site. That is
1938 my impression. In asking most of the officers, like the one that works in the area
1939 of the airport, that would be the same thing we're getting there as well.

1940
1941 Mr. Jernigan - I did notice on one of the reports on the Wawa that
1942 from the hours of midnight to six, was like nineteen to twenty percent of the calls,
1943 but the calls that were the heaviest were actually from 6:00 p.m. to midnight.
1944 They had more problems in the evening that they do during the night. Is that
1945 pretty much consistent with—

1946
1947 Mr. Vanarsdall - More traffic.

1948
1949 Ms. Vann - I think that probably is it. I don't study crime stats and
1950 do crime analysis to be able to accurately give you an opinion on that. We've all
1951 been to Wawa's and other gas stations, and some are a lot busier than others. It
1952 does seem like a lot of times Wawa's are busy almost every time I go in one to
1953 get gas. I'm having to wait and then there are a lot of people going in at the same
1954 time.

1955
1956 Mr. Jernigan - Apparently what I've been told is that the Wawa on
1957 Audubon and Airport Drive is the busiest in the state.

1958
1959 Ms. Vann - I understand that they have a lot of accident reports. I
1960 looked to see if the accidents, at least for the hours from 12 to 6, were skewing
1961 some of the numbers for Wawa at the Airport, and they weren't that wasn't the
1962 highest, some locations like Short Pump and other places, if you have a lot of
1963 calls for service it may be because there are a lot of accidents. So we always try
1964 to look at those numbers, and in this case accidents were not the reason there
1965 were a number of calls. I'm not sure what kind of security they have there, if they
1966 have anybody employed or if it's the cameras. I know they have cameras and
1967 lights and things like that. Wawa had set a standard with their design that a lot of
1968 other convenience stores started going to with having a number of tellers up front
1969 with views, and they could also talk to folks out at the pumps, if they needed to.
1970 This design I know is a little different that they're proposing for this Wawa, so I'm
1971 not sure how that one works.

1972
1973 Mr. Jernigan - The one on Airport Drive has two islands.

1974
1975 Ms. Vann - Right.

1976
1977 Mr. Jernigan - "A suspicious sit," is somebody just sitting around?
1978

1979 **Ms. Vann -** We don't want the numbers to be perceived that—we
1980 want a business or residence to call the police; that's what we're here for. So we
1981 don't want the numbers to be taken the wrong way. If there are a high number of
1982 calls for service, they may be doing what they're supposed to do. Sometimes
1983 where there are no calls for service, it does not mean that it's a safe
1984 environment; they just may not be calling the police. So you do have to look at
1985 what's being generated and what's happening at the site as well.
1986

1987 **Mr. Jernigan -** Like I said, you all do a good job at breaking this
1988 report down, but it appears to me that Wawa just doesn't tolerate much. They
1989 may call you quickly.
1990

1991 **Ms. Vann -** I'm not sure. I haven't spoken with that particular
1992 manager.
1993

1994 **Mr. Jernigan -** All right, I thank you so much. Mr. Chairman, that's all
1995 I had.
1996

1997 **Mr. Archer -** All right. Thank you, Mr. Jernigan, that's fine. Mr.
1998 **Secretary, do we have anything else?**
1999

2000 **Mr. Emerson -** Yes sir, Mr. Chairman. Before you consider a motion
2001 on adjournment, we do have the Urban Mixed-Use Ordinance to continue
2002 discussion on. I would suggest that you schedule a work session for six p.m. on
2003 the fifteenth.
2004

2005 **Mr. Archer -** September the 15th, 6 p.m. Venue to be announced
2006 later, I would assume?
2007

2008 **Mr. Emerson -** Yes sir, I will get that out to you.
2009

2010 **Mr. Archer -** All right.
2011

2012 **Mrs. O'Bannon -** What time does the meeting start?
2013

2014 **Mr. Emerson -** Six p.m.
2015

2016 **Mrs. O'Bannon -** Thank you.
2017

2018 **Mr. Archer -** All right. Is there anything further to bring before the
2019 Commission?
2020

2021 **Mr. Emerson -** No sir, that's all I have tonight.
2022

2023 **Mr. Archer -** All right. Mr. Branin, would you entertain a motion for
2024 adjournment?

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Mr. Branin -
adjournment.

I would love to, Mr. Chairman. I would like to move for

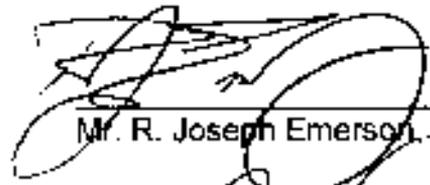
Mr. Jernigan -

Second.

Mr. Archer -
adjourned.

All right. I don't think we need to vote on it. Meeting

The meeting adjourned at 7:43 p.m.



Mr. R. Joseph Emerson, Secretary



Mr. C. W. Archer, Chairperson