

1 Minutes from the work session of the Planning Commission of the County of
2 Henrico held in the County Administration Building in the Government Center at
3 Parham and Hungary Spring Roads, beginning at 5:15 p.m. February 9, 2017.

4
Members Present: Mr. Eric Leabough, C.P.C., Chair (Varina)
Mr. Robert H. Witte, Jr., Vice-Chair (Brookland)
Mr. C. W. Archer, C.P.C., (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Tyrone E. Nelson (Varina)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Leslie News, PLA, Senior Principal Planner

5
6 **The Commission convened a work session in the County Manager's**
7 **Conference Room at 5:15 p.m.**

8
9 Mr. Leabough - The meeting of the Planning Commission will come to order.
10 This is a work session, so I'll turn the agenda over to Mr. Emerson, our
11 Secretary.

12
13 Mr. Emerson - Thank you, Mr. Chairman.

14
15 The Planning Commission met to continue the review and discussion of the
16 proper procedures for their Rules and Regulations. Mr. Strauss and Ms. News
17 provided brief summaries of the previous meeting.

18
19 The amended Bylaws will be placed on the February 22, 2017 meeting agenda
20 for approval.

21
22 The Commission recessed their meeting at 5:45 p.m.

30 **THE PLANNING COMMISSION RECONVENED AT 6:00 P.M. FOLLOWING A**
31 **WORK SESSION.**

32
33 **PUBLIC HEARING THE ON CAPITAL IMPROVEMENT PROGRAM:**

34
35 Minutes of the Capital Improvement Program presentation held in the County
36 Administration Building in the Government Center at Parham and Hungary
37 Spring Roads, beginning at 6:00 p.m., Thursday, February 9, 2017. Display
38 Notices having been published in the Richmond Times-Dispatch on January 23,
39 2017 and January 30, 2017.

40
Members Present: Mr. Eric Leabough, C.P.C. Chair, (Varina)
Mr. Robert H. Witte, Jr., Vice-Chair, (Brookland)
Mr. C. W. Archer, C.P.C., (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Tyrone E. Nelson (Varina)
Board of Supervisors' Representative

Also Present: Mr. John A. Vithoukaskas, County Manager
Mr. Eugene H. Walter, Finance Director
Mr. Justin Crawford, Budget Director
Other Department Heads and Key Officials
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Rosemary Deemer, AICP, County Planner

41 Mr. Leabough - I'd like to reconvene the Planning Commission meeting for
42 our Capital Improvement Program public hearing. At this point I'd like to turn over
43 the agenda to Mr. Emerson, our Secretary.

44
45 Mr. Emerson - Thank you Mr. Chairman. As you noted the Commission did
46 meet earlier and we are now reconvening. We did have work session to discuss
47 your Rules and Regulations. And scheduled this evening for 6:00 p.m. is a public
48 hearing on the Capital Improvement Program to consider the Fiscal Year 2017-
49 18 through Fiscal Year 2021-22 Capital Improvements Plan. I believe the County
50 Manager is here to present this document to you and has supporting staff to
51 answer any questions you may have.

52
53 Mr. Vithoukaskas - Thank you.

54
55 Mr. Chairman, Members of the Planning Commission, Mr. Nelson, good evening.
56 And I want to thank you, as always, for allowing me and the staff to present to

57 you the County's five-year Capital Improvement Program – or CIP for short. We
58 have a number of staff members here this evening that can answer any
59 questions that come forward. You should have copies of the five-year plan for
60 your review—and I'm going to walk you through some highlights as we progress
61 into the presentation. But, at any point, any questions you may have, please,
62 please ask.

63
64 So, routine maintenance associated with both Education and General
65 Government facilities is addressed in this plan as a means of ensuring our
66 infrastructure does not deteriorate. Other projects given high priority are the
67 ones vital to economic growth including the infrastructure improvements
68 associated with water and sewer transmission. We'll see a separate section on
69 this component. With the recent approval of the Bond Referendum, many, many,
70 many of the County's needs will be met over the next 6 years. However, and you
71 will see this, a significant number of projects that had been submitted in this plan
72 actually do not have an identified funding source at this time.

73
74 Now, as a matter of procedure, the projects that are recommended for approval
75 in the coming fiscal year will actually be presented to the Board of Supervisors.
76 And that presentation will occur on March 14th. It will only include the first year of
77 this plan or the recommended funding for the first year of the plan, which then
78 becomes referred to as the Proposed Capital Budget.

79
80 So, let me move into this presentation. So, in an effort to ensure the County's
81 infrastructure is meeting the service delivery needs of our residents, the Board of
82 Supervisors, in consultation with the School Board, presented a plan to fund
83 \$419.8 million in projects to be funded by General Obligation (G.O.) Bonds. The
84 Planning Commission is aware there was overwhelming approval of the voters of
85 the five bond referendum questions. There was, as you can see on this chart,
86 each of these categories represents the questions that were put forward.
87 Obviously, Schools, \$272.6 million, you can see the total. You can actually in
88 your Capital Budget, find this total on page 3 and you'll see where the individual
89 components and then the actual projects that are included for funding.

90
91 So, again, sticking within the overall total Capital Budget, you'll see \$1.1 billion in
92 infrastructure. And what I'd like to do is focus solely on the requests that have
93 been put forward by the Departments behind me for the next five years.

94
95 The County currently has, as you can see on this chart, 72 individual schools;
96 over 4,000 park acres; 10 libraries—including the Libbie Mill Library and a new,
97 much larger Varina Area Library; 3,500 lane miles of road, which is growing
98 weekly; 20 fire stations; and nearly 3,100 miles of water and sewer mains. All of
99 that infrastructure requires maintenance and infrastructure ages daily.

100
101 This slide is an example of what we see from time to time, and while we don't
102 see much of this daily, we notice these failures in infrastructure when they occur.

103 The pictures on the slide just show three of the examples of the disruption that is
104 caused when infrastructure does fail. Now, I've gotten a question over the past
105 year: "Is Henrico County having more of its water and sewer infrastructure that is
106 failing, particularly, water main breaks?" And the answer to that is no. What
107 we're doing is anytime we have a water main break and we believe it will disrupt
108 traffic or cause some sort of interruption, we put out a press release. So, the
109 press picks up on a lot of this and you see more coverage on 6, 8 and 12

110
111 So, let me go ahead and delve into the overall total CIP. I'm going to go through
112 and go by functional area. So, let me start with the largest category of Education,
113 within the general component. And, within the area of Schools, the referenda and
114 the meals tax have successfully met the five-year CIP of Schools. Now, I'm going
115 to make a statement. And I know the Budget Office has fact checked this
116 statement. In my 20 years and, as County Manager, I don't believe this has
117 happened before, that the CIP requests for Schools, in this five-year period, have
118 been funded. They've been funded because of the fact that we had a referendum
119 that passed. We have meals tax projects that are being allocated so when you
120 look at the total request, you'll see that we were highly successful at meeting the
121 needs of our school system. And what you'll see in the requests that are being
122 put forward, 8 of the requested projects are renovations to aging schools—
123 renovations that total \$168 million. On this slide, you'll actually see Tucker High
124 School. This school was built in 1963 and has a projected renovation cost of \$55
125 million. You will also see Tuckahoe Middle School within this list. That
126 renovation is expected to cost nearly \$31 million.

127
128 Now, outside of the renovation projects, the requests from the School Board
129 includes an addition that is associated with one elementary school, the ongoing
130 roof and mechanical commitment that we made a number of years ago, \$2.5
131 million that is funded from pay as you go capital funding, and, requests for \$45
132 million in meals tax projects over the next five years. That funding is all included.
133 This will give you an indication of some of the renovations that we've had. And
134 these, as we've covered during our referendum presentations, most of these
135 schools are aged. In the case of Glen Allen Elementary school, we are looking at
136 an addition for that facility. But the Board of Supervisors last year, or in the
137 current year, in during the Capital Budget actually allocated planning and design
138 money so these projects could be underway with this Capital Budget. That
139 planning and design money, again from the meals tax money totaling \$10.8
140 million.

141
142 Let's look at some of what has happened with the meals tax for our schools. If
143 you look at the first three years of meals tax, I never thought we'd see the
144 number of projects that are in the pipeline. Our school system has 160 school
145 projects that have been funded; not all are underway. But they have been
146 funded with this source. And this source continues to provide pay as you funding
147 for our school system. Again, just some of the indication, some of the projects.

148 And actually, Mr. Nelson, you will see more of these projects on a budget
149 amendment that is being introduced to the Board of Supervisors on Tuesday.

150

151 So, let me transition to Public Utilities, which you can find on page 8 of the book
152 before you. You will actually see nearly \$264 million in total requests. And to
153 continue the theme this evening of necessary renovation and maintenance of
154 existing infrastructure, you'll see there are 34 total projects. But 20 of those 34
155 are requested in the area of basic renovation and improvement of aging pipes or
156 facilities. There's an expected cost of nearly \$157 million to do just that over the
157 five-year period for Utilities.

158

159 The request from Utilities also includes projects totaling \$107 million that
160 rehabilitate, expand, and modernize the County's water and sewer systems.

161

162 Within the area of Public Safety, you will find infrastructure requests, and here
163 you have to go to page 4 of your books before you, and you'll see requests for
164 Police, actually, the Sheriff's Office, Police, and Fire. Did I say that right?

165

166 The Sheriff's Office has submitted \$47.9 million in projects over the five-year CIP.
167 This submission includes the expansion of jail facilities in the east and west
168 locations, a Sheriff's Office administration relocation, kitchen improvements for
169 both facilities, some replacement equipment at jail east, and security upgrades.

170

171 Going over to Police you'll see a total of \$5.9 million in projects over the five-year
172 CIP. This request includes the renovation to the Communications training room,
173 as well as construction of a new evidence storage facility and tactical training
174 facility.

175

176 Within Fire you'll see requests of over \$35 million in projects and this includes
177 bond referendum projects of just over \$14 million for the construction of a new
178 fire training facility and a new fire station. This is the Staples Mill Fire Station. As
179 well as planning, design, and land costs associated with another fire station. You
180 will actually also see a project— and I want to mention this because Mr. Nelson
181 you will see this project that is in the 5 year CIP on the budget amendment that is
182 being introduced on Tuesday, and that is a boat house that was originally put
183 forward in the CIP. As members of the Commission may recall we had a fire in
184 the east at the marina where we house our fire boat. The marina was heavily
185 damaged as was our fire boat. So, there is this request we need to bring forward
186 an amendment basically to create a project for a boat house for the Division of
187 Fire which will also aid Police, and also replace the boat. The boat will be
188 replaced using risk management funding.

189

190 We also have a project—this is our current Fire Training Center, that was funded
191 in the Referendum. You will see this facility come underway. It is located in our
192 complex at Woodman Road.

193

194 Within the area of Recreation and Parks, here you'd have to go to page 6 in your
195 books—here you see a heavy area of emphasis and total requests of \$86.8
196 million. These include a number of improvements to existing facilities as well as
197 the development of a number of new parks.

198

199 So, the submission includes bond referendum projects of \$68.8 million for three
200 new parks, improvements to three existing parks, as well as upgrades to nine
201 high school football fields, which are included in the Recreation and Parks total.

202

203 So, of the projects requested, five focus on the expansion of our sports tourism
204 efforts. You'll see the high school field upgrades, additional fields at Dorey and
205 Deep Run Parks, the completion of Greenwood Park, as well as the new Taylor
206 Park. In our County's history, when the Referendum that was approved, this is
207 the largest single investment that has ever been approved by the voters for
208 recreation.

209

210 Within the area of Library's, you'll see over of \$46 million over five years. This
211 reflects the replacement of Fairfield Area Library. Mr. McKenna are you here?
212 When will that library open?

213

214 Mr. McKenna - [Inaudible]

215

216 Mr. Vithoukias - November 3, 2019 we have penciled in the Fairfield Library
217 opening.

218

219 Mr. Nelson - Great timing, great timing!

220

221 Mr. Vithoukias - We also have renovations to the Tuckahoe Library and the
222 Twin Hickory Library, that are included as a request (not funded) but just shown
223 as a request.

224

225 You will see the School Athletic fields, this is the last project I'm going to mention
226 for Recreation and Parks. One thing I want to say is the award for the design of
227 all nine fields you will hear from Recreation and Parks. That will be coming
228 forward very soon. Plans for construction will follow the design.

229

230 We have requests for roads totaling \$76.4 million. This includes improvements to
231 alleviate traffic congestion and safety problems. The Richmond Henrico Turnpike
232 project includes 2 miles of proposed improvements. These improvements extend
233 from Laburnum Avenue north to the Buckingham Branch Railroad. The project
234 includes widening the road from two to four lanes, construction of a sidewalk and
235 a shared use path. The total project is estimated to cost \$41 million. We have
236 \$14 million that was approved in bond funds to construct and we have just
237 received notice that we will be recommended for funding from the Virginia
238 Department of Transportation for \$3.7 million in additional funds for a portion of
239 this project as it moves forward with the expectation that the bond funds will

240 basically leverage State funds to complete the project. There are a number of
241 avenues as to how those funds are obtained. I would expect that we will apply
242 over a period of time before that \$41 million comes to its fruition.
243

244 The other project requests you'll find within the CIP, you can see —these
245 categories— General Services has submitted a significant request, and this is
246 about maintenance and also expansion of the facilities that we have within the
247 campus.
248

249 Information Technology has submitted \$6.9 million in projects over this five-year
250 request period.
251

252 The Department of Mental Health, \$18.5 million. I am pleased to report that the
253 Department of Mental Health, in the proposed Capital Budget, you will see a
254 recommendation for a new facility in the east. So, we have been able to come
255 forward with the funding source.
256

257 You'll find two projects for landfill that are included. One is for improvements to
258 the Springfield Area Landfill and one for the Woodman Road Site Master Plan.
259

260 And finally, you'll find nearly \$12 million in Stormwater projects. These are
261 funded by the annual amount of \$2.3 million per year that was identified several
262 years ago by the Board of Supervisors for this purpose. This is pay as you go
263 funding. And, Mr. Nelson, going into the budget you'll hear me say that we are
264 now the only locality that has to comply with the MS4 requirements that we have
265 that does not impose a stormwater tax.
266

267 So, to close this presentation, I cannot begin to describe to the Commission, and
268 you'll hear me say the same thing to the Board of Supervisors, how significant
269 the passage of the Bond Referendum is and will be for our community going
270 forward. Over the next six years, we will renovate many schools, and actually,
271 likely take longer than six years as we go forward with many of these projects—
272 many schools, many park facilities, we'll expand our ability to play sports within
273 the borders of this County by either renovating fields or building new ones, and
274 expand our capacity to meet the service demands of our citizens, especially our
275 students through additional traditional and technical classroom space.
276

277 Outside of the referendum projects, I assure you the Department Heads with me
278 tonight will not lose sight of everything else that must be maintained in order to
279 continue to provide the quality level of services our citizens expect. It is what we
280 do – its our Henrico Way. Again, the FY18 Capital Budget will be presented to
281 the Board of Supervisors on March 14, 2017. At which point, strategic annual
282 investment recommendations will be made to that body.
283

284 So, Mr. Chairman, Members of the Planning Commission, Mr. Nelson, at this
285 point, any questions that you have regarding any project within this five-year CIP

286 request, I've got all of the Department Heads here with me, I certainly hope to be
287 able to answer every question that you have.

288
289 Mr. Leabough - Are there any questions for Mr. Vithoukaskas from the
290 Commission?

291
292 Mr. Witte - I think that was pretty thorough.

293
294 Mr. Nelson - I did have a question, Mr. Chair.

295
296 Mr. Manager, when did you say, I see in the CIP, the fields in the FY17-18, so is
297 the thought still to attempt to try to do them all around the same timeframe, even
298 though I know it may not be possible?

299
300 Mr. Vithoukaskas - So, we gave—Mr. Neil Luther has been working with all the
301 athletic directors, having a number of conversations as to how do we make this
302 happen. So, Option A is, can we do it all at once? We had funded all of the
303 fields allowing for that option. The reality is that when you look at nine different
304 high school fields, what the preference seems to be now is that a more phased
305 approach be taken. And that phased approach will include either three fields for
306 three years. There's a possibility that we have four fields that first year. But, I
307 can tell you the top of the list coming out of that conversation, are the fields at
308 Freeman High School, where the property is just so constricted, so—that would
309 be first. But we would design all nine at once.

310
311 Neil, am I stating that correctly?

312
313 Mr. Luther - Yes sir.

314
315 Mr. Archer - Mr. Manager, this is just a general question having to do with
316 cash proffers. To my knowledge, we've never collected cash proffers, have we?
317 Or did we do it at one time, and then stop? It's on page 135.

318
319 Mr. Vithoukaskas - We don't have any revenue from cash proffers.

320
321 Mr. Archer - My question was just going to be, we are required to file this
322 report even though we don't do cash proffers?

323
324 Mr. Crawford - Yes sir, that is correct.

325
326 Mr. Archer - That's all I had to ask, thank you sir.

327
328 Mr. Leabough - Are there any other questions from the Commission? Mr.
329 Baka?

330

331 Mr. Baka - Mr. Manager, if I may sir? Just generally speaking,
332 regarding maintenance requests. When does a maintenance request become so
333 large that its part of a capital expenditure on the CIP, as opposed to something
334 under the General Fund?
335

336 Mr. Vithoulikas - That's a great question. Typically, the threshold is about
337 \$100,000.
338

339 Mr. Baka - Thanks. The only other question I had was specific to
340 Schools. Is that appropriate to ask at this time?
341

342 Mr. Vithoulikas - Sure.
343

344 Mr. Baka - I just wanted to ask, what is the general construction
345 timeframe for the work at Tuckahoe, Pemberton, Crestview, and Skipwith
346 Elementaries? About how many months does that type of renovation work take
347 on the school property?
348

349 Mr. Vithoulikas - Let me ask Paul Carper with our School system to come
350 forward.
351

352 Mr. Witte - Did anyone notice he only asked about the Tuckahoe
353 schools?
354

355 Mr. Baka - You can add some more.
356

357 Mr. Baka - Of all the elementary schools across the County, about how
358 many months would the construction process take [inaudible]?
359

360 Mr. Carper - Obviously, we renovate the schools while they are occupied.
361 So, we have a phased process. Usually, we use the modular units to replace the
362 classrooms while we renovate. Typically, as we look at it over the years, it's
363 about two years associated with the elementary, as well as with the Tuckahoe
364 Middle School. Tucker High School will take a little longer. That's probably going
365 to take three years, to go through the whole phased approach. Pretty much that's
366 the same length of time that we had with the most recently completed Henrico
367 High School renovation.
368

369 Mr. Baka - Thank you.
370

371 Mr. Nelson - Before you leave I have a question for you. The thought was,
372 has there been discussion from the School Board about a priority list for order of
373 work based upon—I know, we get the seed money to do the preliminary
374 work/drawings, etc.? Has the School Board determined what schools will be
375 done in what order yet? I guess that is the question
376

377 Mr. Carper - Yes sir, as a matter of fact, it's listed in the Capital
378 Improvement Plan on the various years. As the County Manager indicated there
379 was \$10.8 million which was provided upfront by the meals tax. And those
380 projects were: Seven Pines Elementary School, Chamberlayne Elementary
381 School, Tuckahoe Middle School, Pemberton Elementary School, Crestview
382 Elementary, Skipwith Elementary and then also the addition to Glen Allen
383 Elementary School. We are in process, as a matter of fact, the School Board has
384 approved the schematic design of the last two this evening, which was for Seven
385 Pines and Chamberlayne Elementary Schools. They have approved the
386 schematics for all of those projects that I've mentioned. We anticipate that we
387 will be soliciting proposals for construction beginning in the June timeframe. And
388 we anticipate the award of construction contracts for all those projects to be the
389 August - September timeframe. But those will be the first seven that we will be
390 doing.

391
392 Mr. Nelson - So the first seven are all also in Fiscal Year 17-18?

393
394 Mr. Carper - That is correct, yes sir.

395
396 Mr. Leabough - Any other questions?

397
398 Mr. Carper - Thank you.

399
400 Mr. Archer - Mr. Manager, may I ask one more general question? In
401 terms of maintaining infrastructure, I realize that just like any jurisdiction in the
402 country, we all are looking at aging infrastructure. I don't guess there's very much
403 we can do from a prohibitive standpoint, except just sort of wait for the next pipe
404 to bust and go fix it. Is there something we can do? Or, is it so costly we just
405 can't replace it all?

406
407 Mr. Vithoukas - Well, you can't replace all of them, but what our Utilities
408 Department has done a very good job of is, they have put forward with plans that
409 correlate—that match the oldest pipes to a replacement schedule. Come
410 here...you have to hear this. What is it...the ECHO? Tell them about the ECHO
411 Plan.

412
413 Mr. Petrini - Our staff went back into the records and identified all the
414 water pipe and sewer pipe installed in Henrico County since the 1930's. So we
415 know, to the mile, and we analyzed it per decade, how many 10's or 100's of
416 miles of water or sewer pipes were put in each decade. We project that a sewer
417 pipe lasts about 60 years, a water pipe about 80 years. So, we project it out and
418 we've shown the Manager and the Board these ECHO curves. So, we've taken
419 the past 80 years and projected it out for the next 80 years and said, if every pipe
420 broke in 60 years or 80 years, this is what the replacement schedule would be.
421 Now, every pipe doesn't break on that schedule, some early, some late. But we
422 know the picture and we submit funding for water and sewer line replacement.

423

424

Mr. Archer - Great, excellent! Thank you, sir.

425

426

427

428

Mr. Vithoukas - That's an annual appropriation. So if you do a little bit every year you're able to keep up with it. If you let a year, slip, that's when you find yourself in a difficult position with infrastructure.

429

430

Mr. Archer - Very good, thank you.

431

432

433

434

Mr. Leabough - I have a quick question, Mr. Manager. Did I hear you correctly, in that there is funding potentially to build a new mental health facility in the east end?

435

436

437

438

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443

444

445

Mr. Vithoukas - There is. So we have identified, and that is part of the Capital Budget that will be recommended to the Board on March 14th. And the reason I mentioned it is because it's something we have struggled with for a couple years. And the fact that we were able to do it— if I'm showing excitement, it's because I'm excited. We are using a number of different funding sources and it's all cash. So, its \$8.7 million. We are currently negotiating with the landowner for location. And so we will have savings on the expense side because we have rented those facilities for I don't know how many years. We're spending close to \$400,000 a year in rent. We won't have to incur that, we'll own the facility, and it will be roughly twice the size of what we have now.

446

447

Mr. Leabough - Thank you, sir. Any other questions from the Commission?

448

449

450

451

There being none, I'd like to take this opportunity to thank you, Mr. Manager and thank all the other Department Heads for the CIP Plan that is before us. It was very well prepared. We do appreciate sharing this information with us tonight.

452

453

454

If there are no other questions, Mr. Emerson, I think we have a Resolution we need to move forward on. But first, we should open it up to the public.

455

456

457

Mr. Emerson - You are correct, this is a public hearing so you do need to open the floor public for comment.

458

459

460

461

462

Mr. Leabough - Is there anyone from the public that would like to speak on the Capital Improvement Plan that has been presented by the Manager tonight? Seeing no one here to speak tonight it would be appropriate Mr. Emerson, to move forward with the Resolution.

463

464

465

466

467

Mr. Emerson - Yes sir, Mr. Chairman. You do have Resolution that has been provided to you by staff. It's PCR-1-17, and a motion recommending approval of that Resolution would be appropriate at this time.

468 **WHEREAS**, in accordance with §15.2-2239 of the Code of Virginia, the County
469 Manager requested the Planning Commission to review and make
470 recommendations concerning the Capital Budget for fiscal year 2017-18 and the
471 Capital Improvements Program for fiscal years 2017-18 through 2021-22 to the
472 Board of Supervisors; and

473
474 **WHEREAS**, the Planning Commission has completed its review of the Capital
475 Budget and the five year Capital Improvements Program.

476
477 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
478 Commission finds that the Capital Budget for fiscal years 2017-18 and the
479 Capital Improvements Program for fiscal years 20167-18 through 2021-22 are
480 generally consistent with the County's Comprehensive Plan and recommends
481 their approval.

482
483 Mr. Leabough - I'll entertain a motion.

484
485 Mr. Archer - Mr. Chairman I move that we approve the Resolution PCR-
486 1-17.

487
488 Mrs. Marshall - Second.

489
490 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Marshall.
491 All in favor say aye, those opposed. There being no opposition, that motion
492 passes.

493
494 I believe that's all we have for the public hearing on the Capital Improvement
495 Plan. We should probably go into recess and reconvene at 7:00 o'clock for the
496 public hearing. Is that okay with the rest of the Commission?

497
498 Commission - Yes.

499
500 Mr. Archer - Great job, Mr. Manager.

501
502

503 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
504 **PUBLIC HEARING ON THE CAPITAL IMPROVEMENT PROGRAM.**
505

506 Minutes of the regular monthly meeting of the Planning Commission of the
507 County of Henrico held in the County Administration Building in the Government
508 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. February
509 9, 2017. Display Notice having been published in the Richmond Times-Dispatch
510 on January 23, 2017 and January 30, 2017.
511

Members Present: Mr. Eric Leabough, C.P.C., Chair, (Varina)
Mr. Robert H. Witte, Jr., Vice-Chair, (Brookland)
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Also Present: Ms. Jean M. Moore, Assistant Director of Planning
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Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Erin Puckett, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Mr. William Moffett, CPTED Planner, Division of Police

512
513 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**
514 **all cases unless otherwise noted.**
515

516 Mr. Leabough - Welcome to the Henrico County Planning
517 Commission meeting. We are here for our rezoning meeting for February 9,
518 2017. I would ask before we get started that everyone mute or silence your cell
519 phones, if you have not already done so. Normally, we would go straight into the
520 Pledge of Allegiance portion of our agenda, but I think it's important that we take
521 this opportunity to have a moment of silence. As most of you all know, we lost
522 two tremendous individuals that were a retired Board member for the County of
523 Henrico, as well as a sitting Board member.
524

525 Mr. Kaechele joined the Board of Supervisors in 1979 and served for 36 years.
526 And within weeks of each other, we also lost Mr. Glover, who was a Planning
527 Commissioner, as well as Board member. He joined the Board in 1988 and
528 served for 29 years.
529

530 I just want to go on record saying that many of the staff know, many of the folks
531 on this Commission know, and also the Board know how much time we put into
532 this work that we do. And I wouldn't even call it work, but how much time we put
533 into these opportunities, the time that we spend away from our families. The hard
534 decisions that we make on behalf of the citizens of this County, they're not
535 always popular decisions, but we hope to think that we make those decisions
536 with the citizens' and the communities' best interests at heart.

537
538 So, before we get into the agenda for our rezoning meeting, I would like us to
539 take a moment to remember and honor our two former Board members. So
540 please join me in a moment of silence.

541
542 [Moment of silence observed.]

543
544 Mr. Leabough - Okay, thank you all. If you all would, please join the
545 Planning Commission for the Pledge of Allegiance.

546
547 All right. Mr. Secretary, I believe we have a quorum, so we can conduct business
548 tonight. So, with that, I would like to turn the agenda over to you, sir.

549
550 Mr. Emerson - Thank you, Mr. Chairman. Just as a note for the
551 record, we did meet earlier this evening beginning at 5:15 for a work session
552 regarding your rules and guidelines of the Commission. And then at 6 p.m., you
553 received a presentation from the County Manager regarding the Capital
554 Improvements Program and conducted a public hearing on the CIP, which covers
555 Fiscal Years 2017 through 2018 and Fiscal 2021 through 22. And you did
556 recommend approval of that document to the Board of Supervisors.

557
558 With that said, Mr. Chairman, the first item on your agenda this evening are the
559 requests for withdrawals and deferrals. You do have one withdrawal, and that will
560 be presented by Mr. Jim Strauss.

561
562 Mr. Leabough - Good evening, Mr. Strauss.

563
564 Mr. Strauss - Good evening. Thank you, Mr. Secretary. We do have
565 one request to withdraw a case this evening. It's in the Varina District, page 2 of
566 the agenda. That's REZ2017-00007, Henri S. During. This was a request to
567 rezone from B-3 Business District to R-3 One-Family Residence District. The
568 applicant has withdrawn this case. No action is required by the Commission.

569
570 **REZ2017-00007 Henry S. During:** Request to rezone from B-3
571 Business District to R-3 One-Family Residence District Parcel 825-720-6242
572 containing .2376 acres located at the west line of E. Nine Mile Road (State Route
573 33) approximately 150' north of its intersection with Elsing Green Way. The
574 applicant proposes a single-family residence. The use will be controlled by
575 zoning ordinance regulations. The 2026 Comprehensive Plan recommends

576 Suburban Residential 2, density should not exceed 3.4 units per acre. The site is
577 in the Enterprise Zone and the Airport Safety Overlay District.

578
579 Mr. Leabough - Thank you, sir.

580
581 Mr. Emerson - Mr. Chairman, the next item on your agenda are
582 requests for expedited items, and there are none this evening. So that moves us
583 to the first item of the evening, which is PUP2017-00007, James W. Theobald for
584 Sarah Love. The staff report will be presented by Ms. Erin Puckett.

585
586 **PUP2017-00007 James W. Theobald for Sarah Love:** Request for a
587 Provisional Use Permit under Sections 24-55(h), 24-120, and 24-122.1 of
588 Chapter 24 of the County Code to allow extended hours of operation of a fitness
589 center on part of Parcel 761-731-9193 located on the north line of Huguenot
590 Road (State Route 147) approximately 640' west of its intersection with River
591 Road. The existing zoning is B-1 Business District. The 2026 Comprehensive
592 Plan recommends Commercial Concentration.

593
594 Mr. Leabough - Is anyone in the audience in opposition to PUP2017-
595 00007, James W. Theobald for Sarah Love? I see no opposition. Good evening,
596 Ms. Puckett.

597
598 Ms. Puckett - Good evening. Thank you, Mr. Chairman, members of
599 the Commission.

600
601 This request is to allow early hours of operation for Pure Barre in the River Road
602 Shopping Center. The applicant is requesting to open at 5:00 a.m. instead of
603 6:00 a.m.

604
605 The portion of the shopping center in which the subject tenant space is located is
606 zoned B-1, which allows hours of operation from 6:00 a.m. to midnight by right. In
607 December 2016, the Board of Supervisors amended the County Zoning
608 Ordinance to allow property owners to request early hours in the B-1 Zoning
609 District via a Provisional Use Permit. Pure Barre is the first applicant to request
610 early hours under the updated ordinance. If approved, the extended hours would
611 apply only to this tenant space.

612
613 The site is recommended for Commercial Concentration in the 2026
614 Comprehensive Plan. The request would be consistent with that designation.

615
616 Staff have revised the proposed conditions from those originally included in the
617 staff report. They are dated February 3, 2017, and have just been handed out to
618 you. Changes to conditions regarding security measures, specifically lighting and
619 cameras, were made in response to comments from the applicant that there was
620 no demonstrable need for additional security measures at this location, due to a

621 generally low rate of crime in the area. The property owner has also indicated
622 parking lot lighting is currently left on all night for security purposes.
623

624 The requested 5:00 a.m. opening time for a business in an existing shopping
625 center is not expected to have a negative impact on adjacent uses. Given the
626 commercial nature of the surrounding development and the consistency with the
627 Comprehensive Plan, staff supports the request, subject to the revised
628 conditions.
629

630 This concludes my presentation and I would be happy to answer any questions.
631

632 Mr. Leabough - Are there questions for Ms. Puckett?
633

634 Mr. Baka - Yes, I have one. Thank you for your presentation,
635 Ms. Puckett. As the staff has reviewed this case, are you in full agreement that
636 the revised conditions adequately address lighting and safety concerns on site
637 from a planning perspective?
638

639 Ms. Puckett - We believe so.
640

641 Mr. Baka - Okay.
642

643 Ms. Puckett - I believe so. They're encouraged to work with Police
644 to come to some mutually agreed upon items, if they're deemed necessary.
645

646 Mr. Baka - Okay. And that's contained in revised condition #3 in
647 on the handout that you spoke about—
648

649 Ms. Puckett - Correct.
650

651 Mr. Baka - —that the owner and the operator shall allow the
652 Crime Prevention Unit to conduct a security survey as needed.
653

654 Ms. Puckett - Correct.
655

656 Mr. Leabough - Any further questions for Ms. Puckett?
657

658 Mr. Baka - Not of Ms. Puckett. I've had numerous conversations
659 with the applicant and with the Henrico County Police Department, and also with
660 Ms. Puckett.
661

662 Mr. Leabough - Would you like to hear from the applicant?
663

664 Mr. Baka - At this point, unless there are any questions from
665 members of the Commission, I don't have any questions of the applicant.
666

667 Mr. Leabough - Well, if there are no other questions from the
668 Commission, I'll entertain a motion, Mr. Baka. Oh, do you have a question?
669

670 Mr. Witte - No, I'm good. I think it's great.
671

672 Mr. Baka - Again, just to clarify, I've had previous conversations
673 with members of the Police Department. So, Mr. Chairman at this time, I would
674 go ahead and move that PUP2017-00007, James W. Theobald for Sarah Love,
675 be forwarded to the Board of Supervisors with a recommendation of approval
676 with the revised conditions that are dated February 3, 2017, conditions 1 through
677 4.

678
679 Mr. Witte - Second.
680

681 Mr. Leabough - Before we move forward, I have a quick point of
682 clarification. So the conditions that were provided this evening, do those replace
683 the conditions in the agenda?
684

685 Mr. Baka - Yes.
686

687 Mr. Emerson - Yes sir, they do.
688

689 Mr. Baka - They replace them in their entirety.
690

691 Mr. Leabough - So the additional conditions are no longer applicable.
692 Okay.
693

694 We have a motion by Mr. Baka, a second by Mr. Witte. All in favor say aye. All
695 opposed say no. I see no opposition; the motion passes.
696

697 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr.
698 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
699 Board of Supervisors grant the request because it is reasonable in light of the
700 surrounding uses and existing zoning on the property.
701

702 Mr. Emerson - Mr. Chairman, we now move on to page 2 of your
703 agenda for PUP2017-00005, Moe Morris for Chuckey's Bodega. The staff report
704 will be presented by Mr. Ben Sehl.
705

706 **PUP2017-00005 Moe Morris for Chuckey's Bodega:** Request for a
707 Provisional Use Permit under Sections 24-58.2(a), 24-120, and 24-122.1 of
708 Chapter 24 of the County Code to allow extended hours of operation of a
709 convenience market on part of Parcel 811-724-6037 located at the northeast
710 intersection of Nine Mile Road (State Route 33) and Kenway Avenue. The
711 existing zoning is B-2 Business District. The 2026 Comprehensive Plan

712 recommends Commercial Concentration. The site is in the Enterprise Zone and
713 the Airport Safety Overlay District.

714

715 Mr. Leabough - Is there anyone in the audience in opposition to
716 PUP2017-00005, Moe Morris for Chuckey's Bodega? I see no opposition. Mr.
717 Sehl, good evening.

718

719 Mr. Sehl - Good evening, Mr. Chairman.

720

721 This is a request for a Provisional Use Permit to allow a 24-hour operation of a
722 convenience store at the intersection of Nine Mile Road and Kenway Avenue.

723

724 The site is zoned B-2 and the existing convenience store is permitted by right to
725 operate from 6:00 a.m. to midnight. However, a PUP is necessary to extend the
726 hours of operation between the hours of midnight and 6 a.m. The area is
727 recommended for Commercial Concentration on the 2026 Comprehensive Plan.

728

729 The subject property is located in an area of Nine Mile Road that contains a
730 variety of zoning districts, including B-2, B-3, and M-1. A number of these
731 districts would allow extended hours of operation by right, but hours of operation
732 are either limited by proffer or by choice of the business owner. This includes the
733 adjacent Kenway Express convenience store, which was granted a Provisional
734 Use Permit in 1985 to operate 24 hours per day. They currently close at 10:45
735 p.m. Staff also notes that the rezoning of the former Fairfield Commons Mall
736 directly across Nine Mile Road limited the hours of operation for all users but the
737 planned Walmart, which serves a much larger area due to its size and breadth of
738 retail merchandise.

739

740 From these examples, it is clear that extended hours of operation are not typical
741 in this section of Nine Mile Road. Staff is concerned that approving extended
742 hours of operation at this location could lead to additional requests for similar
743 hours, which could lead to negative impacts on adjacent residential uses. In
744 addition, the Division of Police has voiced concern about extended hours of
745 operation due to existing crime in the immediate vicinity. They have indicated that
746 the subject reporting area experiences 82 percent more serious crimes than
747 typical. For this reason, they believe it is conceivable that incidents could
748 increase with the operation of 24 hours at this location.

749

750 For these reasons, staff does not support this request and recommends it be
751 denied.

752

753 This concludes my presentation and I would be happy to try and answer any
754 questions you may have.

755

756 Mr. Leabough - Are there any questions for Mr. Sehl? No questions.
757 Mr. Archer?

758
759 Mr. Archer - Thank you, Mr. Sehl.
760
761 Mr. Leabough - I'm sure you want the applicant to come forward.
762
763 Mr. Archer - Is the applicant here? Come forward, sir, if you would,
764 please. Good evening, sir.
765
766 Mr. Leabough - Sir, before you start, these are recording proceedings.
767 So if you could, please state your name for the record.
768
769 Mr. Morris - My name is Moe Morris.
770
771 Mr. Archer - Mr. Morris, having heard the staff report, as you can
772 see, staff is not recommending approval of this case. To share a little bit more
773 light on why, we have Mr. Billy Moffett here from the Police Department, and I
774 would like for him to come forward—you can sit right there if you'd like—
775
776 Mr. Morris - Okay.
777
778 Mr. Archer - —and expand on that a little bit. Good evening,
779 Mr. Moffett.
780
781 Mr. Moffett - Good evening, Mr. Archer. How are you?
782
783 Mr. Archer - I'm good; glad you are here.
784
785 Mr. Moffett - Thank you. I made a little presentation about the
786 request, if that's okay.
787
788 Mr. Archer - Yes, that's fine. I knew you had. I didn't want to leave
789 without having you give it.
790
791 Mr. Moffett - Sure, thank you.
792
793 The Community Services Unit has a fairly long history with the Kenway Avenue
794 corridor. During a four-month period in 2010, there was a string of 11 robberies of
795 residents of the adjacent apartment complex that were walking to the Kenway
796 Express Convenience Store which, at the time, operated for 24 hours. All of
797 these robberies occurred in the dark either at night or early morning hours.
798 Perpetrators would hide in the overgrown brush along Kenway Avenue, and they
799 used knives and guns to rob their victims.
800
801 Mr. Nelson: Mr. Moffett, real quick question. Is Kenway one of the
802 streets that comes out of 11 North?
803

804 Mr. Moffett - This is Kenway Avenue right here.
805
806 Mr. Nelson: Yes. I'm just trying to think. So there is already a
807 convenience store right there, right?
808
809 Mr. Moffett - Correct. The Kenway Express Convenience Store is
810 this building that I have the cursor on.
811
812 Mr. Nelson - And in the front of it is like some type of cash place?
813 Okay.
814
815 Mr. Moffett - Through a series of meetings in the collaborative
816 effort between the neighborhood residents, community leaders, various County
817 agencies, including us, the Division of Police, Virginia Power, and the owner of
818 the Kenway Express Convenience Store, they began closing at 10:45 each night
819 to assist in the matter. The number of crimes has been greatly reduced.
820
821 For this request, staff reviewed Part 1 crimes. These include robberies, assaults,
822 burglaries, larcenies, and other thefts for the subject area. The area does include
823 11 North Apartments, and there's no denying the proximity is very close to one
824 another. In this area, there were 82 percent more Part 1 crimes reported in the
825 subject area than the average number of Part 1 crimes for all reporting areas in
826 2016.
827
828 Lastly, staff would like to note, on behalf of my Division, that Mr. Morris has been
829 a real pleasure to work with. The Community Policing Unit has performed a
830 security survey of his business, and he has implemented all of the recommended
831 items with the exception of a safe at the moment, but I believe he's planning on
832 working on that right now. However, it is the number of Part 1 crimes and the
833 history of the corridor that make it conceivable that incidents could increase with
834 the operation of a 24-hour convenience store at this location, which could have a
835 negative impact on the calls for service and police response. For these reasons,
836 the Division of Police cannot support the request.
837
838 Mr. Leabough - Thank you, sir. Are there questions for Mr. Moffett?
839
840 Mr. Archer - Mr. Moffett, can you tell us what is the number of
841 service calls during a given period of time for that area?
842
843 Mr. Moffett - Yes sir. In calendar year 2016, there were 1663 calls
844 for service in that area.
845
846 Mr. Archer - Okay. Thank you, sir.
847
848 Mr. Moffett - Yes sir.
849

850 Mr. Leabough - Any other questions for Mr. Moffett?
851
852 Mr. Baka - One question, Mr. Moffett. This is requested for 24
853 hours. Would there be a different number of hours if they were open not all night
854 long that you would be willing to support or not necessarily?
855
856 Mr. Moffett - That is a possibility, but this request was for 24 hours.
857
858 Mr. Baka - Okay.
859
860 Mr. Archer - Anybody else with a question?
861
862 Mr. Leabough - In the B-2 zoning district, they're allowed to operate—
863 is it 6 to 12?
864
865 Mr. Emerson - It's 6 a.m. to midnight, yes sir.
866
867 Mr. Leabough - Okay.
868
869 Mr. Baka - The record that you're speaking of, were they were
870 prevalent after midnight, 12, 1 a.m., or closer to 5 a.m., 6 a.m.?
871
872 Mr. Moffett - With the number of calls—let's see. Bear with me
873 here one second; I may have that. What I did was I took the Part 1 crimes, and
874 the majority of Part 1 crimes took place between 10 p.m. and 6 a.m. So during
875 the nighttime.
876
877 Mr. Baka - Thanks.
878
879 Mr. Emerson - But you can't narrow that cohort down to a certain
880 hour range? You're giving a wide range. The question was a more narrow range.
881
882 Mr. Moffett - I don't have that with me.
883
884 Mr. Baka - Okay, thank you.
885
886 Mr. Leabough - Did you have another question for Mr. Moffett?
887
888 Mr. Archer - No, I'm done with Mr. Moffett. Thank you, Mr. Moffett.
889 I appreciate that. Mr. Morris, can you come back up, please? I asked Mr. Moffett
890 to come and present that report so my cohorts up here could get some idea of
891 what we're facing. I'm pleased with the indication that you've been such a
892 gentleman to work with. We appreciate that. In looking at the situation that we
893 have here, it's quite bad. And I know you're not responsible for that. You're not
894 responsible for what criminals do. However, one of the biggest concerns that we

895 have here as a Commission is to promote the health, safety, and welfare of the
896 community. That includes you, as well as those people that are around you.

897

898 It would appear to me—and I guess you're not responsible for this either. In
899 looking at the lay of the land where your business is located, you have to come in
900 and go around the back to get into your space, off Kenway?

901

902 Mr. Morris - You can come in off of Nine Mile Road.

903

904 Mr. Archer - You can? You go through the—

905

906 Mr. Morris - Through the first parking lot.

907

908 Mr. Archer - Okay. Well, anyway, what I'm in charge of doing here
909 tonight is to make a recommendation to the Board as to whether or not these
910 extended hours should apply. And it has been noted that the convenience store
911 that is behind you used to operate extended hours, and I believe they cut theirs
912 back to some degree. You were going to say something; go ahead.

913

914 Mr. Morris - No, I'm listening to you.

915

916 Mr. Archer - But regardless of that, the incidents of crime in that
917 area are way above the norm. I feel like, if we were to extend the hours, we
918 would extend the opportunities for more crime to occur. And again, I know that's
919 not your fault, but I don't see any way that I could send this to the Board with a
920 recommendation for approval. I don't know what could be done to alleviate that.
921 Maybe nothing. I just don't know. And it's unfortunate because, again, I don't
922 consider that something that's your fault. But at the same time, you have to
923 consider the health and welfare of the other members of society that are near
924 there.

925

926 You were going to say something?

927

928 Mr. Morris - May I speak?

929

930 Mr. Archer - Yes.

931

932 Mr. Morris - Well, I'd like to say it was a pleasure working with
933 Mr. Moffett also. I had a meeting with him and Mr. Ben Sehl quite some time ago.
934 I'd been working the community officer who I thought was going to be here today,
935 but I don't see him. He has some recommendations for me. I also meet all the
936 requirements that they asked for—upgrading the camera system, added five
937 extra cameras. Also the lighting around the building, we added some LED
938 lighting that makes the parking lot much more well lit.

939

940 As far as the people, since we've been there in April 2016, we've upgraded the
941 property. We have made it safer working with the local community service to
942 keep the people off of the property that are not using the business for what it is.

943
944 Now I can't say anything about the crime in that area for those apartments, but I
945 did some research of my own. And that's not the only place. So to say that it
946 would affect our business, as a small business person that grew up in the
947 Fairfield District, went to school from elementary to high school out there, I would
948 like an equal opportunity to operate the business and employ more people.

949
950 I think that to deny this permit would be going against what this country was built
951 on. Small businesses have an opportunity the same as large businesses.
952 Walmart across the street has this 24-hour permit. Also, there's a gym, and this
953 is 50 feet away. And in the report that Mr. Sehl sent to me, after I spoke to him, it
954 said something about the police presence. I offered the community officer,
955 working well with the Police Department to even have a hub in that area where
956 they can set up and do their needs for what they have. That would decrease the
957 crime actually at this business at 4900. He said that that would be something that
958 he would be interested in. He actually came to me about that, Mr. Scott.

959
960 Also, the Walmart is 50 feet across the street. So with that right there with the
961 police there that would deter crime. It's not the business that causes the crime.
962 Along Nine Mile Road when you go to Airport Drive, you have a 7-Eleven.
963 Directly across the street, you have a Shell station that's 24 hours. Less than a
964 quarter of a mile, you have a Wawa. If you go to Creighton Road and Laburnum,
965 you also have a 24-hour Wawa.

966
967 So it seems to me that the larger corporations are able to operate. I just want to
968 have a fair shake and have an equal opportunity. At least give me a chance,
969 because I've been working really hard with the community and the Police
970 Department with Mr. Scott, the officer, making all the requirements. And I think
971 it's just a shame if I couldn't have that opportunity, especially with no reflection
972 upon my business. I've been an upgrade to this community since April 2016. I
973 just want to have an equal opportunity. The businesses that operate at 7-Eleven,
974 Wawa, and Walmart. And that says a lot for itself, especially for a person being
975 born and raised in Richmond/Henrico County to be able to come up and operate
976 a business right here.

977
978 Mr. Archer - Thank you, sir. I appreciate that. Let me assure you,
979 this has nothing to do with the size of your business. I operate a small business,
980 too, so I know all about trying to have an opportunity to succeed. And I don't
981 deny that you've probably done as much as you can do for your own particular
982 business to try to do something with dealing with crime.

983
984 But bear in mind that what we do here as a Planning Commission is to make
985 recommendations to the Board of Supervisors. The Board of Supervisors has the

986 final say yay or nay as to whether or not they wish to approve this plan. But as far
987 as based on the statistics that we've been given tonight, it would be very difficult
988 for me to send this with a recommendation for approval. Now, you will have an
989 opportunity when the Board meets to plead your case before them, since they do
990 have the final say as to what goes on.

991
992 But, based on the information that we have tonight, and the fact that the crime
993 statistics are so far above the norm at 82 percent, it would be something that
994 would not be within my purview to be able to send along with a recommendation
995 for approval. Although, as I said, you can come and speak again at the next
996 public hearing, which is the Board hearing, which would be approximately a
997 month away.

998
999 Mr. Emerson - Yes sir, that's correct.

1000
1001 Mr. Archer - I just don't have any choice. I sympathize with you,
1002 and I empathize with you, and I understand exactly where you're coming from.
1003 But I have to go with my decision based on the information that is given to us,
1004 and those statistics are simply not good. It's not your fault, but not good.

1005
1006 Mr. Morris - Okay. I guess I will probably say the same thing at the
1007 other meeting, less than 50 feet across the street there's a place that's operating
1008 24 hours. If any crime was to be brought because of a business, it would be a
1009 larger corporation like that, not my business. And also down the street where I
1010 was speaking of the 7-Eleven and the Wawa, the crime rate is actually higher.

1011
1012 Mr. Archer - I know the area very well, yes.

1013
1014 Mr. Morris - It's higher than where I'm at with that apartment
1015 complex. And you have more complexes down there, and they have it. So I just
1016 think it would be an injustice to the small business because of those large
1017 corporations down the street and right across the street 50 feet away. If that's the
1018 case, then 50 feet away, they shouldn't have it either because it's not going to
1019 make it go down by that.

1020
1021 Mr. Archer - I can't deny your implications, but I would again offer
1022 to have you come and meet before the Board and make your plea since they will
1023 have the final decision as to how this is handled.

1024
1025 Mrs. Marshall - Mr. Morris, what hours do you operate now?

1026
1027 Mr. Morris - We operate from 6 to 12. Well, right now we're going
1028 from 11 a.m. to 9 p.m. We were operating until 12:00 to the time the County
1029 allowed. But because we're growing our business and we're small, it was kind of
1030 slow because we do have the other business behind us. So we were just trying to
1031 do what we can, so we cut our hours back. Was hoping that we could get the

1032 permit and we could operate because we do serve breakfast. We're not just a
1033 convenience store. We have a juice bar also, and it's a fitness place coming
1034 across the street, too, a gym. That would be a great benefit to them for the
1035 health.

1036
1037 Mrs. Marshall - Are you interested in anything that's less than 24
1038 hours, besides what you have right now?

1039
1040 Mr. Morris - Yes. I would say yes.

1041
1042 Mr. Nelson: I think I'm confused. This is the convenience store
1043 behind the establishment that's already there on the corner?

1044
1045 Mr. Morris - No. It is the establishment on the corner. We're in the
1046 back half of the Cash Advance.

1047
1048 Mr. Archer - They're in the same building.

1049
1050 Mr. Nelson: Oh, oh. Okay, okay.

1051
1052 Mr. Morris - So the Walmart that is across the street is zoned
1053 already for 24 hours. The car lot on the corner beside me, which is less than 25
1054 feet, closes about 6 or 7 p.m., and they're zoned for 24 hours, and they don't use
1055 it. So it's actually every corner right there, except for this corner, that doesn't
1056 have 24 hours.

1057
1058 Mr. Nelson: What's your business again?

1059
1060 Mr. Morris - We have a juice bar and a restaurant inside of the
1061 convenience store.

1062
1063 Mr. Leabough - So you're operating now you said from 11 to 9 p.m. Is
1064 that correct?

1065
1066 Mr. Morris - That's correct, sir.

1067
1068 Mr. Leabough - How many customers are you projecting to come in? I
1069 mean you're not operating currently to your allowed maximum. So how many
1070 customers are your projecting to see between the hours or 12 and 6 a.m.?

1071
1072 Mr. Morris - I think that the customers will actually more than
1073 quadruple because you have the people that are in that area that look for food
1074 late at night and in the early mornings before they go to the gym to get the juices.
1075 I think it would be much safer for some of the people, too, to look at the other
1076 side of the coin where you have people from those complexes and the Hechler

1077 Village that's located nearby that actually walk down Laburnum where there's no
1078 lighting at all or down a highway at 45 miles plus to get to these other stores.
1079
1080 Mr. Leabough - Do you have a market study or anything that's giving
1081 you that number or is that just your best guess in terms of what—
1082
1083 Mr. Morris - Yes, it is.
1084
1085 Mr. Leabough - You have a market study?
1086
1087 Mr. Morris - I don't have a market study, I don't. But I've done a
1088 survey, and I have petitions, some people that have signed some petitions. I
1089 have about 150 signatures from businesses in the area and customers that come
1090 in there that would like to have our business open from 12 a.m. to 6 a.m. also. It's
1091 a lot of businesses in that area and people that request that because they have
1092 nowhere to go. If they don't drive, they have to walk the dangerous Laburnum
1093 Avenue more than half a mile to these other businesses that do provide the 24
1094 hours.
1095
1096 Mr. Leabough - I have no further questions.
1097
1098 Mr. Archer - Anybody else with questions?
1099
1100 Mr. Baka - One question. Sir, if you're currently open from 11 to
1101 9, ten hours—
1102
1103 Mr. Morris - Yes sir.
1104
1105 Mr. Baka - —wouldn't you see a substantial increase in your
1106 customers if you simply opened from 6 a.m. to midnight?
1107
1108 Mr. Morris - Well we were open—
1109
1110 Mr. Baka - You'd be adding eight more hours right there. So
1111 wouldn't you see a substantial increase?
1112
1113 Mr. Morris - No we haven't. We were open from 8 in the morning
1114 to the midnight hour. But being that we were really growing our business and
1115 setting our business up, we had to cut our hours back because of the—actually,
1116 the store behind us, we didn't have our sign work up. We were working on
1117 different things, and the actual store was telling their customers that we were
1118 actually closed. So we had to adjust our business hours to 9:00.
1119
1120 Mr. Baka - What doesn't seem to make sense to me necessarily
1121 is if you don't think you'd see an increase in those additional hours from 6 a.m. to
1122 11 a.m. and the additional hours from 9 p.m. to midnight, why would you

1123 necessarily see a whole lot more people come from midnight to 6 a.m. when
1124 most folks are asleep?

1125

1126 Mr. Morris - Because there is no store in that area. If you go from
1127 Airport Drive to Creighton Road to Laburnum Avenue past Williamsburg Road,
1128 there is no other 24-hour store in that area at all.

1129

1130 Mr. Leabough - You just told us there were a few in the area and now
1131 you're saying that there are not?

1132

1133 Mr. Morris - No. No, what I was saying was there are none that
1134 are in the area where I'm at at 4900. You have to go to Creighton Road and
1135 Laburnum or to Airport Drive where you have three stores that are right across
1136 the street. I don't know if you're familiar with the Airport Drive intersection and
1137 Nine Mile Road and Laburnum. Right there. There are no stores that are right
1138 there.

1139

1140 Mr. Leabough - So within a half a mile radius or something like that?
1141 That's what you're saying.

1142

1143 Mr. Morris - Yes.

1144

1145 Mr. Leabough - Okay. Thank you. I have no further questions.

1146

1147 Mr. Archer - Okay. Anyone else? All right, Mr. Morris, you don't
1148 make this very easy.

1149

1150 Mr. Morris - I just want to be fair.

1151

1152 Mr. Archer - I understand what you're saying. But let me assure
1153 you that the size of the Walmart store has no bearing whatsoever on how we
1154 have to treat this. And based on the information that we have—and I can't deny
1155 that we do have it—it is statistical data that is proven. I cannot in good conscious
1156 send this to the Board with a recommendation for approval, although you do
1157 have the opportunity between now and the time the Board meets to meet with
1158 them or at least come here that night and express the same thing that you've
1159 expressed tonight. But these statistics are here. The crime rate is prevalent. And
1160 we know it exists. I can't just ignore it, even though I do sympathize with your
1161 plight and I would like to see you succeed. But based on what we have, which is
1162 all I have to go on tonight, I don't have any choice but to do a motion for a
1163 recommendation of denial. Good luck to you, sir, but I'm just not able to do that
1164 tonight.

1165

1166 Mr. Morris - All right.

1167

1168 Mr. Archer - Thank you.

1169
1170 Mr. Morris - Thank you for your time.
1171
1172 Mr. Archer - All right. Mr. Chairman, with that, I will move that case
1173 PUP2017-00005, Moe Morris for Chuckey's Bodega, be sent along to the Board
1174 with a recommendation for denial.
1175
1176 Mr. Leabough - Second.
1177
1178 We have a motion by Mr. Archer, a second by Mr. Leabough. All in favor say aye.
1179 All opposed say no. There's no opposition, that motion passes.
1180
1181 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1182 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1183 the Board of Supervisors deny the request because the extension of hours could
1184 impact the health, safety, and welfare of residents in the area.
1185
1186 Mr. Emerson - Mr. Chairman, that Board meeting will be March 14th.
1187
1188 Mr. Archer - Did you get that, Mr. Morris? March 14th.
1189
1190 Mr. Emerson - Mr. Chairman, we now move to the bottom of page 2
1191 where you have two companion cases, which I will call together, but they will
1192 require separate motions. The first case is REZ2017-000006, James W.
1193 Theobald for WAM Associates, LLC. You also have PUP2017-00004, James W.
1194 Theobald for WAM Associates. The staff report will be presented by
1195 Mr. Livingston Lewis.
1196
1197 **REZ2017-00006 James W. Theobald for WAM Associates, LLC:**
1198 Request to conditionally rezone from O-3C Office District (Conditional) to UMUC
1199 Urban Mixed Use District (Conditional) Parcel 747-761-9275 containing 4.081
1200 acres located at the southeast intersection of Innslake Drive and Dominion
1201 Boulevard. The applicant proposes a mixed-use development of residential
1202 apartments and office uses. The uses will be controlled by zoning ordinance
1203 regulations and proffered conditions. The 2026 Comprehensive Plan
1204 recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment
1205 Overlay District.
1206
1207 **PUP2017-00004 James W. Theobald for WAM Associates, LLC:**
1208 Request for a Provisional Use Permit Under Sections 24-32.1(a)(n)(s)(t)(v)(z)
1209 and (aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for the
1210 following on Parcel 747-761-9275: outdoor vending; parking garages without
1211 ground floor retail uses; heights greater than 60'; density greater than 30 dwelling
1212 units per acre; open space less than 20%; commercial or office square footage
1213 less than 25% of total square footage; for-lease multifamily dwellings not to
1214 exceed 30% of total units; and a parking plan, located at the southeast

1215 intersection of Innslake Drive and Dominion Boulevard. The existing zoning is O-
1216 3C Business District (Conditional). The 2026 Comprehensive Plan recommends
1217 Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District.
1218

1219 Mr. Leabough - Is there anyone in the audience in opposition to either
1220 REZ2017-00006, James W. Theobald for WAM Associates, LLC, or PUP2017-
1221 00004, James W. Theobald for WAM Associates, LLC.? We do have opposition.
1222 All right. Before we get started with the staff report,
1223 Mr. Emerson, do you mind sharing with the audience the guidelines for speaking
1224 at our public hearings?
1225

1226 Mr. Emerson - Certainly, Mr. Chairman. The Planning Commission
1227 does have guidelines that govern its public hearing process and they are as
1228 follows: The applicant is allowed ten minutes to present the request, and time
1229 may be reserved for responses to testimony. Opposition is allowed a cumulative
1230 ten minutes to present its concerns, meaning all the opposition needs to speak
1231 within those ten minutes.
1232

1233 Commission questions do not count into the time limits. The Commission may
1234 waive the time limits for either party at its discretion, and comments must be
1235 directly related to the case under consideration.
1236

1237 Mr. Leabough - Thank you, sir. Mr. Lewis, good evening.
1238

1239 Mr. Lewis - Good evening, Mr. Chairman.
1240

1241 The subject four-acre property is located at the southeast intersection of Innslake
1242 Drive and Dominion Boulevard and currently contains a two-story, 28,000-
1243 square-foot office building with a surface parking lot.
1244

1245 The property is zoned O-3C and is surrounded by several office buildings and
1246 two hotels. The site is designated Urban Mixed Use on the 2026 Plan and is also
1247 part of the Innsbrook Redevelopment Overlay District to encourage mixed-use
1248 infill projects.
1249

1250 With these companion cases, the applicant proposes to retain the office building
1251 and redevelop other parts of the property by constructing two five-story
1252 apartment buildings and a three-level parking structure. As this exhibit indicates,
1253 one residential building would be west of the existing office and the other would
1254 be to the east along with the parking structure. All vehicular access would be
1255 from Innslake Drive.
1256

1257 This rendering from the Innslake Drive perspective shows the development's
1258 potential overall appearance, with the understanding that building designs,
1259 materials, setbacks, heights and frontages, along with sidewalks, landscaping,
1260 lighting, and other site details would be governed by the proffered Innsbrook

1261 UMU Design Guidelines document dated January 27, 2017. That document
1262 serves as the master plan as required by the UMU zoning code, and is attached
1263 to the staff report in its entirety. Other proffered aspects include:
1264

- 1265 • 350-unit residential density maximum;
- 1266 • Commitment to a minimum of 28,000 square feet of office and/or retail on
1267 the site;
- 1268 • Provision for cross access with adjacent properties; and
- 1269 • A list of prohibited uses.

1270
1271 The applicant has also submitted Provisional Use Permit request PUP2017-
1272 00004 which proposes additional development characteristics and changes to
1273 various thresholds. Through the PUP case, the applicant wishes to receive
1274 approval for the following:
1275

- 1276 • Outdoor vending;
- 1277 • A parking garage with no associated ground floor retail uses;
- 1278 • Buildings in excess of 60 feet in height;
- 1279 • Residential density in excess of 30 units per acre;
- 1280 • Open space of less than 20 percent;
- 1281 • Commercial or office square footage of less than 25 percent of the total
1282 building square footage;
- 1283 • Number of for-lease multifamily dwelling units to exceed 30 percent of
1284 total residential units; and
- 1285 • An alternative reduced parking plan, the details of which are attached to
1286 the PUP staff report.

1287
1288 These provisional uses would be similar to those previously approved with other
1289 UMU developments throughout the County.
1290

1291 Considering the site's UMU designation, consistency with the County goals to
1292 encourage Innsbrook redevelopment, compatibility of surrounding office and
1293 commercial uses, distance of this location from residential neighborhoods,
1294 proffered assurances including design guidelines, and the suggested PUP
1295 conditions listed in the report, staff believes the proposed development would be
1296 appropriate at this site. For these reasons, staff supports both requests, with the
1297 suggested PUP conditions included.
1298

1299 This concludes my presentation. I am happy to answer any questions.
1300

1301 Mr. Leabough - Are there any questions for Mr. Lewis? No questions.
1302 Mrs. Marshall, we have opposition. Would you like to hear from the opposition
1303 first or would you like to hear from the applicant?
1304

1305 Mrs. Marshall - Opposition, please.
1306

1307 Mr. Leabough - Would the opposition please come forward. And
1308 please remember that these are recorded proceedings, so please state your
1309 name for the record.

1310

1311 Mr. Nelson: Real quick again, what's the opposition time?

1312

1313 Mr. Leabough - It's a cumulative ten minutes.

1314

1315 Mr. Emerson - That's correct. It is a cumulative ten minutes,
1316 Mr. Nelson.

1317

1318 Mr. Andrews - I won't spend that much time. My name is Jay
1319 Andrews, and I appreciate the opportunity to speak before you. I work for the
1320 Virginia Hospital and Healthcare Association, which owns the building at 4200
1321 Innslake Drive, which is less than 50 yards from the property that's planned to be
1322 rezoned here. I represent both the owners and the tenants of this building.

1323

1324 VHHA and the office building tenants met with Joe Marchetti, the planner and
1325 developer, yesterday morning. And then subsequently, yesterday afternoon I had
1326 a meeting with Sidney Gunst concerning this property.

1327

1328 VHHA and its tenants appreciate Henrico County's desire to enhance the tax
1329 base and keep Innsbrook Office Park vibrant and growing. Our concern is not
1330 necessarily the project itself being change to mixed-use, but the community
1331 impact that will occur due to not having proper infrastructure in place prior to
1332 construction and the magnitude of the units involved.

1333

1334 When I first moved to Richmond in 1992, I bought a house in The Cedars, which
1335 backs up right to the Innsbrook Association. And I've seen over the years—I no
1336 longer live there—the issues that took place, the migration issues, and the issues
1337 on Sadler and Cox Road, and the years it took to get the stoplight put in at Cox
1338 Road, and the number of accidents that took place there near the post office.

1339

1340 Currently, there are significant traffic issues within the Innslake Office Park that
1341 need to be addressed prior to any additional construction development. Those
1342 trying to exit from Innslake Drive onto Dominion Boulevard, especially in the
1343 evening there are significant safety issues, and accidents occur on a frequent
1344 basis. People cannot pull out. There's not a stoplight. There's not a way to pull
1345 out. You've got all the traffic coming from Virginia Power. And people cannot turn
1346 left to try to go up to Broad Street.

1347

1348 Likewise, during the day, a problem exists when you're traveling east on Broad
1349 Street trying to turn onto Dominion Boulevard. Several years ago, you
1350 lengthened the turn lane, but that is still not adequate. There are still times when
1351 I've seen people there and there are accidents that occur because people can't

1352 get all the way in the turning lane, and people end up coming up Broad Street
1353 that are going 45 miles an hour rear-ending people trying to make that turn.

1354

1355 The plan that Joe Marchetti presented includes 200 to 250 units in the first phase
1356 and then another 125 to 150 units in the second phase for a total of 350 units. By
1357 my calculation, that's over 85 units per acre. As envisioned by the developer, the
1358 egress for the proposed apartments would be onto Innslake Drive, which cannot
1359 handle this additional traffic.

1360

1361 An additional scenario that has not been taken into account is if a family or a
1362 single parent moves into these apartments, the County will be required to provide
1363 school bus service. And to my knowledge, there are few, if any, school buses
1364 that currently travel through the Innsbrook Office Park. This creates another
1365 traffic nightmare and safety issue for both kids and people driving into Innsbrook.

1366

1367 For the Henrico County Innsbrook Area Study approved by the Board on
1368 September 14, 2010—I've got a copy here—the Keystone Policies for Greatest
1369 Density Areas on page 31 stated that development within these areas can
1370 support residential densities up to 40 units per acre. And that's not withstanding
1371 the footprint of the current 28,000-square-foot building. So four acres can support
1372 no more than 160 units based on that standard.

1373

1374 Another concern we have is the proffers presented seem to be inadequate. We
1375 have concerns that there are no proffers or comments in place that would limit
1376 the height of the structures; requirements to improve the roadways and traffic
1377 flows in and out of Innsbrook; or a requirement that residential construction
1378 workers cannot use other locations within Innsbrook to park. In addition, if these
1379 are, quote, to be a city within Innsbrook, there needs to be adequate sidewalks
1380 and bike lanes so that people can go to and from work.

1381

1382 Additionally, people will need a place to get groceries. There is not a grocery
1383 store or a convenience store that people can walk to unless they cross Cox
1384 Road, Broad Street, or Dominion Boulevard where they can get to a 7-Eleven,
1385 CVS, or a Wawa. In order to have your planned community, having a place to get
1386 food besides a restaurant is really needed.

1387

1388 Henrico County has approved a plethora of construction over the last several
1389 years west of Innsbrook. And unfortunately, a lot of the necessary road
1390 improvements have not taken place. For example, Broad Street Village, an
1391 example where there's not enough egress for people getting out. Many of the
1392 tenants in our building and friends that I have will not go to Whole Foods just
1393 because of the traffic of being able to get in and get out. And there is not near the
1394 same traffic flow as there is going in and out of Innsbrook.

1395

1396 Given the number of issues that need to be addressed, we request that the
1397 Planning Commission defer any decision on this property until a traffic study has

1398 been conducted and the needed road improvements are addressed and put in
1399 place. We also believe that this proposal's non-compliance with the County's
1400 Innsbrook Area Study needs to be addressed.

1401
1402 We do not want to be an impediment to progress, but want the progress to be
1403 done in an appropriate and correct manner for the citizens and the workers in
1404 Henrico County.

1405
1406 Thank you for your time. I'll be more than happy to answer any questions.

1407
1408 Mr. Witte - Can you show us on the map where your building is?
1409 Maybe Mr. Lewis can help you.

1410
1411 Mr. Andrews - We are the white building here. We have an entrance
1412 right here, and the entrance to the new place is right here. Like I said, less than
1413 50 yards.

1414
1415 Mr. Witte - Thank you, sir.

1416
1417 Mr. Baka - One other question, sir, if I may. You mentioned
1418 concerns about three traffic issues in Cox, Innslake, and Broad and school bus
1419 service, the proffers, and the height. So I guess my question is, do you object to
1420 the residential component being introduced into Innsbrook, the residences
1421 themselves?

1422
1423 Mr. Andrews - No, we're not objecting to that.

1424
1425 Mr. Baka - You're not opposed to the mixed-use?

1426
1427 Mr. Andrews - We're objecting to the density that's involved there.

1428
1429 Mr. Baka - Okay. Thank you very much.

1430
1431 Mr. Leabough - Is there anyone else that would like to speak in
1432 opposition? If so, please come forward.

1433
1434 Mr. Hudgins - Good evening, ladies and gentlemen. My name is
1435 David Hudgins, President and CEO of Regional Headquarters Inc., the owner
1436 and manager of the 42100 Dominion Boulevard directly across the intersection of
1437 Innslake Drive and Dominion Boulevard or the subject property. Where you just
1438 saw the white building, we're the other white building next to that.

1439
1440 This is really an important case with the County. It's a case of first impression.
1441 How are we going to development this residential unit that we are not unilaterally
1442 opposed to, but how do we handle the traffic. Just last week, there was an
1443 accident right at Innslake and Dominion. It is a regular occurrence. You can

1444 check the police reports at that intersection. We have 100-and-some employees
1445 that constantly complain about it. We met with Economic Development of
1446 Henrico to try to address the issues. What is happening there today is that when
1447 people leave, they take the left to go to the stoplight, which then backs up.
1448 Today, if you want to go out, the traffic on Dominion backs up past the Marriot
1449 and past Innslake almost every day. That's our number one concern.

1450
1451 But also, let's look at the urban design guidelines and illustrations. If you put the
1452 building back up, one of our concerns we have for our employees is the massing
1453 of the building right up on the sidewalk. According to these design guidelines—
1454 one of our employees said it looks like a prison block. Straight up, right up on the
1455 sidewalk. According to the guidelines on page 28, when you start having height,
1456 you need to step back so you don't have the mass of the building right up against
1457 a sidewalk.

1458
1459 We're going to have to live with it. We bought back in the late '80s. We've got a
1460 tremendous investment. We just renovated our building on the inside and spent
1461 about \$5 million for renovation. We're there for the long term. And we want this
1462 thing to age gracefully with proper materials.

1463
1464 The other thing I'll bring to your attention is that on the guidelines and what it
1465 says is the level of detail is both required and provided at the building's ground
1466 level what is here at the street level where the conduct of daily life is
1467 experienced. According to the rendering, that is just a plain brick first story. There
1468 is no design to it whatsoever. So that needs to be addressed. And the massing
1469 really should be stepped back to decrease the impact when you have
1470 pedestrians.

1471
1472 But the overall density is a problem. We would like the phase 1 to be 220 units,
1473 not 350. That's going to generate over 500 cars on that four-acre parcel. How
1474 does that handle on Innslake?

1475
1476 So what we're going to ask for is that Innslake has a center divide with turn lanes
1477 so that we can get traffic off of Innslake and get the buses, which will come,
1478 because you are going to have two-bedroom apartments, which we've never had
1479 to contend with. And we need a roundabout or a signal light right at Innslake and
1480 Dominion. Before, we already have this traffic backup. It's already occurring.
1481 Look at the police reports of the number of accidents at that intersection before a
1482 CO is issued.

1483
1484 And finally, that median on the turn lane, it's a two-lane connector road. So we're
1485 going to be dumping—even at 220, 300-and-some cars onto the two-lane road.
1486 Meanwhile, we have employees that are coming in and trying to exit. And at
1487 lunchtime, you can't get back into Innsbrook. So we have to have some way to
1488 get the traffic off that two-lane road into Dominion or Cox before you issue the
1489 CO. If you have school kids involved and buses to service those apartments,

1490 because safety is paramount. And we want our employees to be safe as they
1491 contend with a major development directly across the road.

1492

1493 As far as the PUP, are we going to address that now or later?

1494

1495 Mr. Leabough - Sure, you can address that.

1496

1497 Mr. Andrews - All right. On the PUP, the thing that we really have is
1498 the open-endedness of the festival, that first condition of retail, festival, etc.
1499 There's no limit of hours of operation. It's just wide open. There has to be some
1500 type of time limit like Monday through Friday. If they're going to do something like
1501 that, by 9:00 it's over with. On the weekends, it could be longer. But some limit
1502 on what they propose to do.

1503

1504 And the other thing that we're starting to have a tremendous problem with is
1505 pedestrians. The sidewalks have got to be pedestrian-friendly. A lot of our people
1506 go jogging on the trails, trying to access it. And all this centers over traffic. We
1507 want safety. That's our number one concern.

1508

1509 That's where we're kind of at as a 30-year building owner. I'll be glad to answer
1510 any questions.

1511

1512 Mr. Leabough - Are there any questions from the Commission? I
1513 thank you sir. We're at 11 minutes. Is there anyone else who would like to speak
1514 in opposition? I don't believe I saw any hands. I just wanted to check. That was
1515 all of the opposition. Mrs. Marshall, I'm sure you want to hear from the applicant.

1516

1517 Mrs. Marshall - Yes, please.

1518

1519 Mr. Leabough - Would the applicant please come forward?

1520

1521 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentleman.
1522 My name is Jim Theobald. I'm here this evening on behalf of WAM Associates,
1523 the principle of which is Jim Marchetti, who is with me this evening. We're
1524 requesting a rezoning of about four acres of property from O-3C to UMUC under
1525 the recently revised UMU Ordinance.

1526

1527 You can see on the drawing here the location coming off of Dominion and at the
1528 corner here with Innslake Drive. The request would permit the construction of up
1529 to 350 multi-family units in addition to the existing 28,000-square-foot office
1530 building. This is the same look-down photo that Mr. Lewis showed you.

1531

1532 I guess to put this in a little bit of context. There's a condition in here, this is about
1533 218 units in two buildings. We have pledged that there would always be at least
1534 28,000 square feet of office on this site, so it would never go all residential. There
1535 would always be this mix of commercial and residential, if you will. The reason for

1536 the possibility of going up to 350 is consistent with the UMU goals. This building
1537 at some point could actually be redeveloped, torn down, a high-rise, if you had a
1538 signature tenant. And it could be both office space as well as some additional
1539 residential units. But that's really the only possibility to hit that 350 figure. It's not
1540 these two buildings just keep going up and up and up.

1541
1542 So it may be that what you see is what you get. But the whole purpose behind
1543 your UMU Ordinance is to build in some flexibility for the future so that we're not
1544 back here every year.

1545
1546 The building elevations, you can see the existing office building here with the
1547 residential buildings. Just another look there. And then we have the guidelines
1548 that were referenced. There are 79 pages of guidelines. These guidelines are
1549 designed to really be what holds Innsbrook together and takes it to that next
1550 level. And they include things like pedestrian ways, and streetscapes, and
1551 lighting, and orientation of buildings. It creates a grid pattern of streets throughout
1552 Innsbrook, but it has to start somewhere.

1553
1554 The grid system is kind of there now. And if you recall, we had some drawings as
1555 to how the grid can be enhanced and brought forward so that ultimately internal
1556 traffic in Innsbrook can get from one part of Innsbrook to the other without
1557 necessarily being on Cox Road or Dominion. But this, again, has to start
1558 somewhere. And that's really why we're here.

1559
1560 I participated along with some of you. I know Mr. Emerson spent countless hours
1561 as we created the Innsbrook Area Plan. The reason we did that and amended
1562 the UMU Ordinance was because we wanted Innsbrook to remain vital, important
1563 to Henrico County, and not suffer what some suburban office parks have seen in
1564 the area. It was important to the major employers in Innsbrook, Dominion,
1565 Markel, to have a live/work/play environment that would allow them to attract the
1566 best and the brightest in their young employees.

1567
1568 And so the goal was to urbanize Innsbrook. All the infrastructure is here. This is
1569 where, when you have acres of empty parking lots—go out there any day, acres
1570 and acres of asphalt. This is the place you should maximize your density. In fact,
1571 the Board designated this area as an urban development area, which state law
1572 requires jurisdictions to do as to where to focus higher densities of development.
1573 And I believe this is certainly consistent with that approach.

1574
1575 The Land Use Plan had this drawing. Basically what it was designed to do was
1576 bring the heights and the density of development in from the residential edges.
1577 So the brown in the middle, which is where this property resides, was the area
1578 suggested for the greatest density. And as such, we are in fact consistent with
1579 your Land Use Plan.

1580

1581 Keep in mind there have been no new buildings built in Innsbrook for ten years.
1582 Ten years. So if all we do in Innsbrook is keep building office buildings, you'll
1583 have more traffic all coming in at the same time and all going out at the same
1584 time. If there is no more building in Innsbrook, as perhaps some would suggest,
1585 then you just have the same traffic situation that you do today.

1586
1587 The goal here is to start to create an urban environment in a city where we create
1588 these street grids. And we, over time, change the direction and the patterns of
1589 traffic so people do live here, they do work here, and they do play here. Keep in
1590 mind that what we're adding here is the residential component. That's a reverse
1591 commute. A reverse commute. So when those folks in the morning are going out,
1592 the workers in Innsbrook are coming in. And the reverse happens at the end of
1593 the day. So there really shouldn't be this suddenly additional number of trips all
1594 trying to vie for the same capacity as suggested by some of the previous
1595 speakers.

1596
1597 The density in the plan is calculated by bay. It's basically a 50/50 ratio of
1598 residential to commercial space. It was not designed to be on an acre-by-acre
1599 basis, particularly when you amended the ordinance to allow for four-acre
1600 developments. Some of those four acres are going to have office and retail.
1601 Some are going to have primarily more residential. But overall, it's an overall
1602 calculation of the goal at the end, which is a 50/50 split between commercial and
1603 residential.

1604
1605 And so the grid system and the guidelines both just absolutely emphasize
1606 pedestrian access and bike ways. Certainly, Innsbrook is blessed with the
1607 greenways and the pedestrian access. And those will only get better as more and
1608 more of the property out there is developed consistent with the UMU. Tons of
1609 outdoor activity at the moment, as you know, and lots of pedestrian, which is why
1610 people really like being there.

1611
1612 The Innsbrook Owners' Association Architectural Review Board has reviewed
1613 and approved our plans, and your Planning staff has recommended approval.
1614 And I would ask that you also recommend approval to the Board. I'd be happy to
1615 answer any questions.

1616
1617 Mr. Leabough - Any questions from the Commission?

1618
1619 Mrs. Marshall - Yes. Mr. Theobald, is there any reason that the
1620 meeting was held just yesterday?

1621
1622 Mr. Theobald - No, the meeting was actually held I think it was
1623 December 2nd or December 5th by the Innsbrook Owners' Association.

1624

1625 Mrs. Marshall - Okay. The one from yesterday, was there a reason
1626 that that meeting was held at such a late date before coming before the Board?
1627 The meeting with Mr. Marchetti.
1628
1629 Mr. Theobald - There was a December meeting.
1630
1631 Mrs. Marshall - Well, there was a meeting yesterday.
1632
1633 Mr. Theobald - Well the meeting yesterday was as a result of—
1634
1635 Mrs. Marshall - The December meeting.
1636
1637 Mr. Theobald - —Mr. Andrews sending his letter. So we walked
1638 across the street to talk to—I was not there—to meet with him.
1639
1640 Mrs. Marshall - Okay.
1641
1642 Mr. Theobald - So that was not a scheduled meeting. That was in
1643 response—that was the first we knew that they were concerned. So the minute
1644 we knew they were concerned, we sought him out.
1645
1646 Mrs. Marshall - Okay.
1647
1648 Mr. Theobald - Mr. Gunst met with him. And I think Joe had met with
1649 him earlier.
1650
1651 Mrs. Marshall - As far as the height goes, with there being no limit, in
1652 your mind what would be the top limit if they were to tear down the commercial in
1653 the middle and rebuild that?
1654
1655 Mr. Theobald - Good question. Two hundred feet.
1656
1657 Mrs. Marshall - Two hundred feet. That's tall.
1658
1659 Mr. Theobald - But that's what this area was supposed to allow. As
1660 you came in from the edges, your signature buildings for signature-type tenants
1661 with their name on the building would be here in the spine of Innsbrook.
1662
1663 Mr. Leabough - I think Mr. Hudgins and the other gentleman, they
1664 shared some good points. Pedestrian scale, the elevation and the massing,
1665 density of 85 units an acre, and then school bus traffic. I don't know if I heard you
1666 speak to that, so if you could, I would appreciate it.
1667
1668 Mr. Theobald - Sure. I don't know what's wrong with school buses. I
1669 like seeing school buses. They'll pull off the road, and they'll pick up our children,
1670 and they'll take them to school.

1671
1672 Mr. Leabough - I think their concern is traffic and safety related to
1673 school buses.
1674
1675 Mr. Theobald - For the life of me, I don't know why that's an issue.
1676 School buses have big flashing lights and you stop. They'll make one stop at this
1677 complex, and they'll pick up whatever children, as few as there may be. These
1678 are not three-bedroom units; they're one- and two-bedroom units. I doubt
1679 seriously there will be many, if any, children in these units. But if children need to
1680 be picked up, they'll pull off the road and they'll pick them up.
1681
1682 Mr. Leabough - So they're looking at a study here of 93 students for
1683 elementary, 33 for middle, and 37 for high school.
1684
1685 Mr. Theobald - I don't think that's even close.
1686
1687 Mr. Leabough - So probably more than one school bus.
1688
1689 Mr. Theobald - I don't think that's even close to the right number.
1690 People with kids are not going to rent these apartments.
1691
1692 Mr. Witte - As far as school buses go, I'm sure all of us have
1693 been behind school buses where they make stops every two or three or four
1694 hundred feet. I think it would be much more beneficial to make one or maybe two
1695 stops in one block and be done with it as far, as traffic's concerned, than
1696 jamming up traffic for stops at every corner or intersection. So I would see that as
1697 a benefit more than a detriment.
1698
1699 Mr. Leabough - I hate to try to read your mind here, but I think that
1700 question is more of a long-term question. It's not just in isolation to this one
1701 particular case. But in the totality of the redevelopment of this area, multiple
1702 school buses, it's not going to be one, its maybe five for this site. But then maybe
1703 there's ten for the next. I think the question is a longer-term infrastructure issue,
1704 which I think that's how he put it. Pedestrian scale and elevation and density.
1705
1706 Mr. Theobald - Well, the density is where the density is supposed to
1707 occur as part of the Innsbrook area plan. This was not meant to be garden
1708 apartments in Innsbrook. It was mean to have height. It was meant to use
1709 structured parking to accommodate that. And it was meant to provide employees
1710 of Innsbrook with a place to live. So no apologies for density. This is exactly what
1711 the plan anticipated and promoted.
1712
1713 The elevations, I guess that's in the eye of the beholder. Burrell Saunders is the
1714 architect when we did this. He's designed many, many, many buildings in
1715 Innsbrook Virginia Beach Town Center, and as you know, these are very

1716 conceptual renderings. I can promise you that you will be pleased with
1717 architecture.

1718

1719 Mr. Witte - And you said the height of a possible building there is
1720 200 feet?

1721

1722 Mr. Theobald - She asked me the most I could see possibly built
1723 there if that building were torn down, and that would be 200 feet, I would guess.

1724

1725 Mr. Witte - I think it was approved a few years ago as 175 feet.

1726

1727 Mr. Theobald - I think on the Highwoods Market piece.

1728

1729 Mr. Witte - That would generate a whole lot more traffic in an
1730 isolated area.

1731

1732 Mr. Baka - A question then. I applaud the idea of mixed use and
1733 urban mixed-use, introducing residential components where you have an aging
1734 office development. You may have a lot of residents who may work in Innsbrook.
1735 You may have residents move in that don't commute out. So since there are a lot
1736 of detailed market studies with this type of analysis here, do you have any
1737 estimates for us? Share some numbers, if you would, of what percentage of
1738 residents might work in Innsbrook and might not need to commute outside of
1739 Innsbrook?

1740

1741 Mr. Theobald - I really don't have a guess for that.

1742

1743 Mr. Baka - Okay. One thing is when you have this type of product
1744 that you're selling and saying hey, these residents are going to live and work and
1745 play here, there may be some type of number or calculation the market says may
1746 accumulate that.

1747

1748 One other question I had was about the massing, and there were questions from
1749 two other business owners. Is there any consideration given to increasing the
1750 setbacks the further height goes up for a third story, fourth story, if you have five
1751 stories in height? Any consideration for moving those setbacks further back.

1752

1753 Mr. Theobald - No, not really. Form-based zoning, which I know
1754 you're familiar with, they pull buildings to the street and they create streetscapes.
1755 They don't push back to create more green. Your green is in your greenways and
1756 whatnot. And you try to take advantage of the space that you have and make
1757 sure that you have other areas to recreate and walk. So no, I think it was very
1758 deliberate that the massing is what it is.

1759

1760 Again, I think we're giving you what you said you wanted. I really believe that.

1761

1762 Mr. Leabough - Just to kind of piggyback off of Mr. Baka said. I think
1763 what the gentlemen were asking as something that was more pedestrian-scale
1764 oriented. Not necessarily pushing the building back, but making sure the
1765 architectural features gave the pedestrian a feel as through the architecture was
1766 more pedestrian oriented.

1767
1768 So the massing could go up, kinda be stepped back in terms of the height of the
1769 building, or the architectural features could make the pedestrian feel like they're
1770 not beside a five-story building necessarily. I think that's what they're speaking
1771 to. I don't know if they were saying push the building back to the rear of the lot.

1772
1773 Mr. Theobald - I'm really not sure I know what pedestrian-scale
1774 architecture is, but I can promise you that when we come back through POD and
1775 we work through this wish Burrell Saunders, the architect—and there will be
1776 more meetings on architecture. If those concerns are articulated in a way that
1777 makes sense, then clearly we would respond to that. That's the best way I can
1778 really answer, Mr. Leabough.

1779
1780 Mrs. Marshall - Mr. Theobald, as far as the limit of hours of operation
1781 for the outdoor vending areas, why no proffers for the hours?

1782
1783 Mr. Theobald - This is a very different than the Highwoods Markel
1784 piece, which had lots of hardscape and open space with benches and common
1785 area meeting areas. And so what this section of your ordinance allows is outdoor
1786 food vendors or a weekend art fair or whatever. We did put some hours on the
1787 Highwoods case, and I'd be happy to look at those. There's certainly no intention
1788 to abuse anybody with those kinds of things. And particularly in this setting. It
1789 was a little harder to predict what would happen than in the Highwoods Markel
1790 piece because it was so open and designed for large gatherings. I don't think
1791 we'll have any problem putting some similar restrictions on there. We certainly
1792 respect their desire not to be impacted.

1793
1794 Mrs. Marshall - As far as the total number of units, is there any
1795 willingness to drop the total number of units?

1796
1797 Mr. Theobald - Here's the tension again. We have this ordinance
1798 that's supposed to promote flexibility. And then we spend all the time as we
1799 prosecute these cases trying to take it away. So then we're back here every year
1800 or two trying to do something different.

1801
1802 So what we have been talking with the Planning Department about, particularly
1803 with regard to this case—this is a little bit of a test case for Innsbrook—is with the
1804 new ordinance as more recently amended, can we maintain enough flexibility so
1805 that somebody isn't back here every time they want to make a change.

1806

1807 The idea was well we would never have more than 350 units. Likely there won't
1808 be more than 218. But to the extent that you get a building with a tenant that you
1809 all would kill for economic-development-wise, and that building becomes like a
1810 building that Highwoods has built out in Raleigh and elsewhere where you have
1811 parking and you have offices and you have condos or rental on top. That's the
1812 goal. That's the homerun for this is when you start to get buildings like that. And
1813 so we said why don't provide for basically an extra 100, 120 units should it occur.
1814 That's honestly the reason.

1815

1816 Mrs. Marshall - As far as Innslake Drive goes, is there any thought of
1817 maybe a joint venture between Mr. Marchetti and the County? Just a thought. A
1818 stoplight would be beneficial.

1819

1820 Mr. Theobald - Well, I'm glad you brought that up because it reminds
1821 me that there is a study group comprised of members of the Innsbrook Owners'
1822 Association—and maybe Mr. Emerson is more versed in this than I am, and
1823 Mr. Foster—in looking at ways to better the traffic situation at various
1824 intersections. And I think that the Innsbrook Owners' Association thinks very
1825 globally for all of its members there. And of course Mr. Marchetti is a very small
1826 piece of the background traffic of what occurs in Innsbrook. And so the obligation
1827 to solve those kinds of problems is a little greater than I think any one applicant.
1828 But those studies, I believe, are ongoing, if I'm not mistaken.

1829

1830 Mrs. Marshall - Okay, thank you.

1831

1832 Mr. Leabough - Any other questions from the Commission? Thank
1833 you, sir.

1834

1835 Mr. Theobald - Thank you.

1836

1837 Mr. Leabough - Would you like to hear from the traffic engineer?

1838

1839 Mrs. Marshall - Yes.

1840

1841 Mr. Leabough - Mr. Cejka, could you please come forward?

1842

1843 Mr. Cejka - Good evening, Mr. Chair, members of the
1844 Commission.

1845

1846 Mrs. Marshall - Good evening.

1847

1848 Mr. Cejka - Mr. Nelson. I'm John Cejka, traffic engineer.

1849

1850 Mrs. Marshall - Can you talk a little bit with us about the addition and
1851 the added traffic count? And if you could talk with us about the numbers in and

1852 out. Is it going to cause a major traffic issue or is it an in-and-out as we've heard
1853 as far as the tenants leaving at a certain time and coming back at a certain time.
1854

1855 I drive through that area all the time. Innsbrook in the morning can be a bear, and
1856 in the afternoon. And on the weekends, you may not see anybody driving around
1857 there. It really just depends. So can you touch based with a little bit about
1858 Innslake Drive, the traffic numbers, and Dominion Boulevard?
1859

1860 Mr. Cejka - Sure, I'd love to. Traffic in the area with this
1861 development will increase. Will it be catastrophic? I don't believe so. As
1862 Mr. Theobald said, in the morning, the residents that will be living in this area will
1863 be leaving as people coming to work will be coming in. So it is the reverse flow
1864 as he stated.
1865

1866 If there are only 220, 240 units as opposed to 350, that'll drop the overall vehicles
1867 per day down by several hundred—4 to 600 cars a day.
1868

1869 Currently, there are roughly 3500 vehicles on Innslake on that one stretch
1870 between Cox and Dominion. We did a traffic signal study in 2015 and 2016 at
1871 Dominion and Innslake, and it didn't need a traffic signal. It wasn't even close.
1872 The traffic volumes just aren't there.
1873

1874 While this will increase the traffic—we're looking at improvements in the area.
1875 Down at Dominion and Broad Street, we're actually conceptually looking at plans
1876 to add a third lane at the signal. There's no funding. We've haven't got into that
1877 detail yet, but Mr. Foster and I—I believe he's working with the Innsbrook
1878 Owners' Association to figure out ways to alleviate traffic. And I think some of the
1879 concern at the intersection of Dominion and Innslake is caused by the traffic
1880 backed up from Broad Street in the p.m. peak. Also during lunchtime. If we could
1881 help it during those time periods, then it won't back up as far as Innslake and
1882 maybe the safety will improve in that area.
1883

1884 Mrs. Marshall - With the addition of this development and the amount
1885 of cars that we will be adding, is it likely that it will bring us the numbers ahead to
1886 a stoplight.
1887

1888 Mr. Cejka - It's hard to tell without knowing the actual number of
1889 apartments that are going to be there. He says it could be 250 but it's a
1890 maximum of 350. So will 250 do it? I don't know. 350? It's hard to tell. Personally,
1891 I don't think it will. Plus you don't know which direction they're leaving when
1892 they're coming out of the apartment. Are they going to go right to go to Cox Road
1893 or are they going to go left to go to Dominion?
1894

1895 Mrs. Marshall - When was our most recent traffic study done for
1896 Innsbrook in that area?
1897

1898 Mr. Cejka - I believe it was 2012.
1899
1900 Mrs. Marshall - 2012.
1901
1902 Mr. Cejka - I believe that's what it was.
1903
1904 Mr. Emerson - I believe that's correct. That's what I'm thinking as
1905 well. Somewhere in that range there was one done.
1906
1907 Mr. Leabough - Are you speaking to just the study or the counts?
1908 You've done counts more recently, correct?
1909
1910 Mr. Cejka - That was a study for the area.
1911
1912 Mr. Leabough - We have counts for as recently as 2016, correct?
1913
1914 Mr. Cejka - Correct, yes.
1915
1916 Mr. Leabough - Just wanted to clarify it for me. May I ask a quick
1917 question about counts since we're talking about counts?
1918
1919 Mrs. Marshall - Yes.
1920
1921 Mr. Leabough - How many trips per day are generated with the
1922 current use?
1923
1924 Mr. Cejka - The current use of the 28,000-square-foot building is
1925 about 310 cars a day.
1926
1927 Mr. Leabough - That's combined in and out?
1928
1929 Mr. Cejka - That's combined in and out. That's the daily total, in
1930 plus out.
1931
1932 Mr. Leabough - Oh, that's not many at all. What you're projecting now
1933 with the proposed uses are 2,250?
1934
1935 Mr. Cejka - That's with 350 apartments, yes sir.
1936
1937 Mr. Leabough - Okay. That's a big increase. So they're going to
1938 design the site from an ingress/egress perspective to handle that, I would
1939 assume?
1940
1941 Mr. Cejka - Correct. We're requesting turn lanes and restriping
1942 the roadway.
1943

1944 Mr. Leabough - Okay. One other question. Do your numbers and
1945 projections in terms of the infrastructure take into consideration school bus traffic
1946 that's not there currently?
1947

1948 Mr. Cejka - Yes sir.
1949

1950 Mr. Leabough - Okay. How do you think the school buses will impact
1951 the flow of traffic if you're already having backup issues? They're going to be
1952 stopping traffic in addition to the backup that you're experiencing from Broad
1953 Street.
1954

1955 Mr. Cejka - They'll be on Innslake. I don't think that's going to be
1956 a major issue.
1957

1958 Mr. Leabough - Okay. Thank you, sir.
1959

1960 Mr. Witte - I'd like to make one comment in general, not
1961 specifically. I've been reading a lot generally on mixed used. It seems that from
1962 my impression that when you put residential units in an office park it helps the
1963 overall area, especially the small businesses thrive when the businesses aren't
1964 open on nights and weekends. So it generates more strength for the small
1965 businesses. Does that make sense? Am I looking at that right?
1966

1967 Mr. Emerson - Yes sir. I think what you're reading, Mr. Witte, would
1968 be you're introducing more population into the area that exists there during the
1969 off operating hours from the offices. So if you did have small businesses such as
1970 restaurants and other service-related businesses, or really any type of retail
1971 would benefit from additional population in that area during the off hours from the
1972 office.
1973

1974 Mr. Witte - Yes, okay.
1975

1976 Mr. Emerson - Yes sir, I think that's correct.
1977

1978 Mr. Witte - I just wanted to make sure I was understanding what
1979 I'd been reading lately.
1980

1981 Mr. Emerson - That's very logical. The introduction of more
1982 population would create more stability. Other than the lunchtime traffic and the
1983 early evening traffic and some morning traffic. Of course the weekends in an
1984 office park are down. So if you had residents there, they would be there
1985 conceivably 24/7.
1986

1987 Mr. Witte - All right, thank you. I just wanted to clear it in my own
1988 head.
1989

1990 Mrs. Marshall - Thank you. Mr. Theobald.
1991
1992 Mr. Theobald - Yes ma'am.
1993
1994 Mrs. Marshall - I feel like it would be beneficial if we could have a
1995 meeting—myself, Mr. Marchetti, you, and any people that would like to attend—
1996 to maybe further discussions a little bit. Would your client be in agreement with
1997 that?
1998
1999 Mr. Theobald - I'm sure he would be.
2000
2001 Mrs. Marshall - Okay.
2002
2003 Mr. Theobald - Hopefully we can do it soon.
2004
2005 Mrs. Marshall - Yes, very soon.
2006
2007 Mr. Leabough - Are there any other questions? If not, I'll entertain a
2008 motion.
2009
2010 Male - You have some supporters back here.
2011
2012 Mrs. Marshall - Oh, I didn't hear that. Support?
2013
2014 Mr. Leabough - Are you all wanting to speak or you're just letting us
2015 know that you're in support of this project?
2016
2017 Male - [Off microphone.] We'd like to speak in favor of it.
2018
2019 Mr. Witte - We asked who was in opposition.
2020
2021 Mrs. Marshall - Yes, that's right.
2022
2023 Mr. Leabough - What's being suggested is I think Mr. Theobald and
2024 Mrs. Marshall were just talking about having a meeting. Is that correct,
2025 Mrs. Marshall?
2026
2027 Mrs. Marshall - Correct.
2028
2029 Mr. Leabough - How would you like to proceed, Mrs. Marshall? Let
2030 me defer to you.
2031
2032 Mrs. Marshall - If you would like to come and tell us why you support
2033 the project, that would be great. We could do it tonight, or you may come to the
2034 meeting. If you'd like to come tonight, feel free to come to the podium,
2035

2036 Mr. Kreckman - My name is Paul Kreckman. I'm the chairman of the
2037 Innsbrook Architectural Review Committee and president of the Innsbrook
2038 Owners' Association.

2039
2040 The reason I'd like to speak to you tonight for all of you to hear is that we have
2041 been through a process, and I think it's important for you to understand the
2042 process that we have gone through and some of the results that have come from
2043 that.

2044
2045 We have established with the County a process where the owners in Innsbrook
2046 come to our Architectural Review Committee first before going to the County.
2047 They present their full zoning proposal to us. We work with them over a period of
2048 months, if necessary, to create a zoning package and proposal that is both
2049 market-driven and also sensitive to our community that meets the needs of an
2050 urbanizing Innsbrook. It comes to you, and you have the final say, of course.

2051
2052 When we get to the POD process, they're going to come back to us, and they're
2053 going to give us detailed plans. And I have to say that nobody goes over the
2054 plans any better than us. We look at the way it's the designed. We look at the
2055 building materials and everything else. It's our community, and we don't want
2056 anybody stinking it up. Okay? And I think we've done a pretty good job over the
2057 years of creating a good environment. The reason everybody likes Innsbrook is
2058 because we've done a pretty good job of approving things in Innsbrook. You will
2059 get a very nice project out of this, I can assure you of that.

2060
2061 They will go through our process. They will then come back to you with the
2062 approval of our Architectural Review Committee for your final say. And then what
2063 you won't see is before they can build the building, they have to submit their
2064 building plans to us. And we will go through their building plans. We will make
2065 sure that what is proposed is actually built. So we're on them all the way through
2066 the process.

2067
2068 I think it's one that works very well, and I think you will be very pleased with the
2069 end result. So to the extent there's a concern about what it's going to look like,
2070 we're concerned about it as well. And we're going to be a lot tougher on them
2071 than you guys will.

2072
2073 Traffic is a big thing. I was going to talk about other things, but traffic is the big
2074 thing. I want to kind of expand a little bit on the County Innsbrook Owners'
2075 Association Workforce that has been working together for the better part of two
2076 years now to deal with issues related to urbanizing Innsbrook. How do we make
2077 sure that we have the infrastructure and the planning? And how do we pull this
2078 off well? Doing it the way we have expected Innsbrook to be, and the future is the
2079 way we see it in the past, but a different Innsbrook and a better Innsbrook.

2080

2081 The result of that is that the County is in the process of widening Nuckols Road.
2082 That was one of the two issues that were of real concern to our community is
2083 how to deal with traffic at that end of Innsbrook. So the County is in the process
2084 of widening Nuckols Road both ways between Cox Road and the interstate. That
2085 will be a massively beneficial piece of infrastructure for Innsbrook.
2086

2087 I say that because we're also attacking the whole Dominion Boulevard/Innslake
2088 issue. We're aware of it, and we've been dealing with it. Tim Foster has been
2089 integral in doing that. There are a couple of different proposals on the table. We
2090 are working with the affected property owners in the area to figure out how we
2091 turn a very wide Dominion Boulevard from what feels like a drag strip into a more
2092 user-friendly road. There are some issues there, there's no question about it. But
2093 just as we dealt with the issues at Nuckols Road, we will be dealing with them at
2094 Dominion. It's a very collaborative process between the Innsbrook community
2095 and the County staff.
2096

2097 The other thing I want to speak to a little bit more specifically about this case is
2098 one of the criteria we have for developing in Innsbrook is that we create
2099 connectivity through block development. So what you didn't really get presented
2100 here was that this property is going to be divided up into about three blocks, if
2101 you will. So there will be connectivity back through the office—the hotel property
2102 so that when development occurs there, we can connect to the hotel. And there
2103 will easements in the arrangement with the POD process that will provide for
2104 that.
2105

2106 The property on the eastern side, you saw sort of what it might look like. There
2107 will still be connectivity through there as well. So traffic is going to be spread out.
2108 It's not going to be concentrated. That's the problem with being in an office park,
2109 it is always concentrated. More in the evenings, in the mornings, but still it's
2110 concentrated, and it's a problem. But when you introduce residential and the
2111 counter-flow of residential, just as you can share parking spaces and why we
2112 have few parking spaces than adding on, you share the roads as people move in
2113 different directions. The more we can create a block development and spread
2114 people out, the better it's going to be for all the traffic flows throughout Innsbrook.
2115

2116 The other thing I would say is that our jogging trails, our walking trails, if you look
2117 at our design guidelines, they're set up to be inclusive of bike trails as well. And
2118 so as we move forward with our central park system through Innsbrook, we will
2119 be having the jogging trails and bike trails so that those who do live in
2120 Innsbrook—we don't know how many will live in this particular one. But there will
2121 be a fairly significant Innsbrook resident population that works in Innsbrook. And
2122 they can walk or they can take a bike to work. And we would expect that they
2123 would do that. Not on the main roads, but on the internal system that have
2124 created in the park.
2125

2126 Mr. Leabough - Mr. Kreckman, I hate to interrupt you, but in the
2127 interest of time—so you're speaking directly to this case. You're in support. I
2128 think we hear that. You're going to review it before it gets to us. You're going to
2129 review it after a decision is made. And in terms of the recommendation to the
2130 Board, is there anything that you feel like you need to share with us tonight? It
2131 sounds like what's being proposed is that a meeting be held to discuss this case
2132 further.

2133
2134 Mr. Kreckman - I think that's probably all. I wanted to address the
2135 traffic in particular. But I wanted you to understand as a body that there is an
2136 ongoing coordination between the County staff and Innsbrook to solve problems.
2137 They won't be solved in any one time, but there is a process that's been
2138 successful, and it is continuing all. That's all I really have to say unless you have
2139 a question for me.

2140
2141 Mr. Leabough - I don't think so. Thank you, sir. Mrs. Marshall, we are
2142 probably 5 minutes and 50 seconds into the time for folks who would like to
2143 speak in favor of the project. How much would you like to allocate, if any at all?

2144
2145 Mrs. Marshall - Four.

2146
2147 Mr. Leabough - Four minutes?

2148
2149 Mrs. Marshall - Four more.

2150
2151 Mr. Leabough - She said you have 40 seconds, sir.

2152
2153 Mrs. Marshall - No, four minutes.

2154
2155 Mr. Gunst - Four minutes.

2156
2157 Mr. Leabough - I'm joking.

2158
2159 Mr. Gunst - Forty seconds would be difficult.

2160
2161 Mr. Leabough - How are you, Mr. Gunst?

2162
2163 Mr. Gunst - I'm Sidney Gunst. Thank you for letting me speak
2164 tonight.

2165
2166 First of all, I wanted to recognize Dave Kaechele and Dick Glover. I started
2167 Innsbrook in 1979. When I first started dealing with them, the County was located
2168 at Twenty-First and Main Street, if you all remember that. My entire career was
2169 spent with Dave Kaechele and Dick Glover. Broad Street was two lanes.

2170

2171 We had an idea. The County wasn't convinced. Staff had reservations. But the
2172 Board took the risk and said let's create a better place for people to live, work,
2173 and play.

2174
2175 I traveled around the country with Dick Glover and Dave Kaechele chasing
2176 companies—Proctor Silex, General Electric. Dominion Resources, Virginia
2177 Hospital, Old Dominion Electric Cooperative—all of them, hundreds of
2178 companies. We built a major portion of the County commercial tax base. I don't
2179 know what the percentage is now. At one point it was 6 percent. Broad Street
2180 was two lanes.

2181
2182 We also did a project called Deep Run, Gaskins Road. Working with the County,
2183 we got an interchange there. And of course we got the 295 interchange at
2184 Nuckols.

2185
2186 Innsbrook exists, but if it's going to compete in the future, we're going to have to
2187 aggressively meet those needs. We have lost companies going to other areas of
2188 Richmond. They're chasing the millennials and what they want. They want a
2189 people place. They want a sense of place. They want a 24/7 place. I didn't create
2190 the millennials—well, I guess I did; I'm a parent. But they are unique, and the
2191 companies are chasing them. And this is the transformation that's going on in our
2192 country.

2193
2194 I really believe Innsbrook would like to be a part of that. We've worked with the
2195 County for years. There are a lot of technical things, but there are also very long-
2196 term aspects that we have to address here. The quality of Innsbrook I think has
2197 been unmatched in the area. We've worked very hard. We have a very active
2198 owners' association. And the County's been very supportive in that process. I
2199 think it's important we keep the momentum going. We have not built a new office
2200 building in ten years. And again, we have lost some companies. The County
2201 Manager, in particular, and Economic Development are aware of how hard we're
2202 having to try to give that people environment.

2203
2204 The concerns that they brought up are legitimate. But it's been the growth and
2205 the density that is the key to building that infrastructure. It's a continual process.
2206 We meet once a month with the County and Tim Foster. They're great.
2207 Constantly striving to improve our infrastructure. But it's the density that will pay
2208 for it.

2209
2210 And interestingly, to create the people effect, that street effect, those buildings
2211 need to be up towards the sidewalk. When you travel around the country, around
2212 the world, we get excited about the towns whether it's Alexandria—I was in
2213 Reykjavik, Iceland. Fascinating people space.

2214
2215 And so Innsbrook needs to be a place that I call home, that I can identify, that I
2216 can relate to, not a place that empties out at 5:00. And that's the problem. The

2217 concept back in the days when we started it was that everybody would leave at
2218 5:00, and they all run down to the retail stores, the malls, and then they go home.
2219 So you have 20-some thousand people, 20-some thousand parking spaces in
2220 Innsbrook. They leave at five, they go to 20-some thousand parking spaces at
2221 retail for an hour, then they go to 20-some thousand driveway spaces or 75,000
2222 parking spaces for 25,000 people. That won't work in the future. It'll make us
2223 obsolete.

2224
2225 This transformation takes a lot of work. The County is crucial and essential to
2226 keeping that process going forward. Can't tell you how much effort and time
2227 everybody's put into this thing. I'm optimistic for the future. I hope we can keep
2228 the plans going forward full steam ahead Thank you.

2229
2230 Mrs. Marshall - Thank you. Mr. Chairman, I move that REZ2017-
2231 00006, James W. Theobald for WAM Associates, LLC, be deferred to the
2232 February 22nd meeting at the request of the Commission.

2233
2234 Mr. Archer - Second.

2235
2236 Mr. Leabough - We have a motion by Mrs. Marshall, a second by
2237 Mr. Archer. All in favor say aye. All opposed say no. Seeing no opposition, the
2238 motion passes.

2239
2240 Mrs. Marshall - And Mr. Chairman, I move that PUP2017-00004,
2241 James W. Theobald for WAM Associates, LLC, be deferred to the February 22nd
2242 meeting at the request of the Commission.

2243
2244 Mr. Archer - Second again.

2245
2246 Mr. Leabough - We have a motion again by Mrs. Marshall, seconded
2247 by Mr. Archer. All in favor say aye. All opposed say no. There being no
2248 opposition, the motion passes.

2249
2250 At the request of the Commission, the Planning Commission **deferred** both
2251 REZ2017-00006, James W. Theobald for WAM Associates, LLC and PUP2017-
2252 00004, James W. Theobald for WAM Associates, LLC, to its February 22, 2017
2253 meeting.

2254
2255 Mrs. Marshall - Mr. Theobald? Sorry. You're too swift.

2256
2257 Mr. Emerson - You almost got away.

2258
2259 Mrs. Marshall - Is it possible for us to have a meeting preferably in the
2260 next four or five days?

2261
2262 Mr. Theobald - Sure.

2263
2264 Mrs. Marshall - Okay.
2265
2266 Mr. Theobald - I wonder if it would be possible to try to schedule that
2267 with all of us?
2268
2269 Mrs. Marshall - That would be wonderful. I'd appreciate that.
2270
2271 Mr. Theobald - Any particular time of day that would suit you better?
2272 Evening or afternoon or morning or?
2273
2274 Mr. Baka - Between midnight and 6 a.m.
2275
2276 Mr. Theobald - At that convenience store?
2277
2278 Mrs. Marshall - 1 a.m. to 6 a.m. Preferably in the evening, like after
2279 six. Seven.
2280
2281 Mr. Theobald - Okay, I'll take a look at that.
2282
2283 Mrs. Marshall - Thank you.
2284
2285 Mr. Theobald - Mmm-hmm.
2286
2287 Mr. Leabough - Thank you. Mr. Secretary, is there any other business
2288 that the Commission should entertain?
2289
2290 Mr. Emerson - Yes sir, Mr. Chairman. On page 3 you have the
2291 approval of your minutes to consider from your January 12th meeting. You do
2292 have an errata sheet that was placed at your seat prior to the beginning of this
2293 evening's meeting.
2294
2295 Mr. Leabough - All right. I'll entertain a motion for the approval of the
2296 minutes.
2297
2298 Mr. Archer - Mr. Chairman, I move that the minutes be approved
2299 as corrected.
2300
2301 Mr. Witte - Second.
2302
2303 Mr. Leabough - We have a motion by Mr. Archer, a second by
2304 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
2305 passes.
2306
2307 Is there anything else for us, Mr. Secretary?
2308

2309 Mr. Emerson - Mr. Chairman, I have nothing further for the
2310 Commission this evening.

2311
2312 Mr. Leabough - All right. There being no other items for the
2313 Commission, I will entertain a motion for adjournment.

2314
2315 Mr. Witte - So moved.

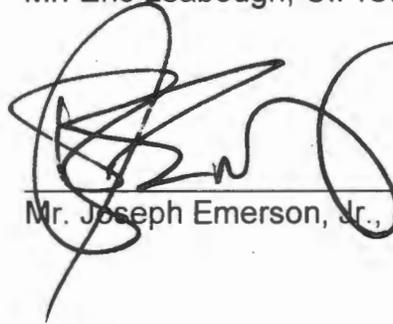
2316
2317 Mr. Baka - Second.

2318
2319 Mr. Leabough - We have a motion by Mr. Witte, a second by
2320 Mr. Baka. All in favor say aye. All opposed say no. The ayes have it; the motion
2321 passes.

2322
2323 We're adjourned.



Mr. Eric Leabough, C.P.C., Chairman



Mr. Joseph Emerson, Jr., Secretary