

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. March 10,  
4 2016. Display Notice having been published in the Richmond Times-Dispatch on  
5 February 22, 2016 and February 29, 2016.  
6

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)  
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)  
Mr. Eric Leabough, C.P.C. (Varina)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors' Representative

Member Absent: Mr. Robert H. Witte, Jr., (Brookland)

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Mr. Seth Humphreys, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. William Moffett, County Planner  
Ms. Erin Puckett, County Planner  
Mr. John Cejka, County Traffic Engineer, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mr. Archer - The meeting will come to order. Good evening,  
12 everyone, and welcome to the March 10, 2016, meeting of the Henrico County  
13 Planning Commission, which is the night that we discuss rezoning and so forth.  
14 Before we start, I would like to ask everyone to please silence your telephones  
15 and stand with me, please, and let's salute the flag.

16  
17 Thank you. I'd like to first recognize Mr. Frank J. Thornton, who is the adjunct  
18 from the Board of Supervisors this year. Welcome, sir. Good to have you.

19  
20 Mr. Thornton - Thank you.

21  
22 Mr. Archer - And I'd also like to introduce a new person from the  
23 *Richmond-Times Dispatch*, Mr. Elliott Robinson. How are you, Mr. Robinson? Is  
24 there anyone else here from the media? Doesn't look like it.

25  
26 Mr. Secretary, I'll turn it over to you, and we can get started.  
27

28 Mr. Emerson - Yes sir, Mr. Chairman. First on your agenda this  
29 evening is the presentation of a resolution.

30

31 **RESOLUTION PCR-1-16:** Presentation of a Resolution of Appreciation to  
32 Mr. Thomas M. Branin in recognition of his service on the Planning Commission.

33

34 Mr. Emerson - I believe that is your honor.

35

36 Mr. Archer - Thank you, sir. Mr. Branin, if you will meet me down  
37 at the podium, I'd appreciate it, sir.

38

39 I will read the resolution of appreciation to Mr. Thomas Branin.

40

41 **WHEREAS**, it is the desire of the Henrico County Planning Commission to  
42 acknowledge and show appreciation to individuals who have provided invaluable  
43 service; and

44

45 **WHEREAS**, Thomas "Tommy" M. Branin, a native of Henrico County, and  
46 graduate of Freeman High School, entered public service to continue his  
47 devotion to the County; and

48

49 **WHEREAS**, Tommy was appointed to the Planning Commission on March 8,  
50 2005, and worked diligently to serve the citizens of Henrico County's Three  
51 Chopt Magisterial District for ten years; and

52

53 **WHEREAS**, shortly after his appointment, Tommy served as Chairman of the  
54 Planning Commission in 2007 and again in 2012; and

55

56 **WHEREAS**, Tommy's experience and knowledge of planning and development  
57 is rooted in his family's construction supply business, where he now serves as  
58 vice president of National and International Sales; and

59

60 **WHEREAS**, in addition to his service on the Planning Commission, Tommy  
61 shares his knowledge and experience as a member of the State Water Quality  
62 Control Board, the Virginia Soil and Water Conservation Board, the Richmond  
63 Regional Planning Commission, and is past chairman of the Henrico County  
64 Republican Committee; and

65

66 **WHEREAS**, Tommy provided invaluable guidance during a time of economic  
67 hardship and was instrumental in some of the largest and most successful  
68 developments that benefited the Three Chopt community; and

69

70 **WHEREAS**, over the course of his tenure, Tommy Branin was key in the  
71 formulation of the 2026 Comprehensive Plan and the Innsbrook Area Study, and  
72 the advancement of West Broad Village, West Broad Marketplace, Broad Hill  
73 Centre, and the GreenGate developments; and

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**WHEREAS**, Tommy served as a steward of the County and emphasized upholding the principles of its Comprehensive Plan and Smart Growth initiatives by supporting high quality and mixed-use developments with an emphasis on pedestrian and bike-friendly service areas; and

**WHEREAS**, Tommy was consistently well prepared to discuss cases that came before the Planning Commission, sharing his knowledge of the Zoning Ordinance and planning principles with other members;

**NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning Commission, along with the support of Planning Department staff, does hereby convey its deepest and sincere gratitude and appreciation to Tommy Branin for his service and leadership, and offers best wishes on his future endeavors and service as the Three Chopt Magisterial District Supervisor.

Mr. Archer - We'd like a few words from you, sir.

Mr. Branin - I thought I'd be able to slip out. To my fellow commissioners, best ten years ever. I got to see some people that helped raise me and had a hand in guiding and helping others. And I hope my experience that I brought to the Commission was used and was valid and good. Henrico's a great place. Unbelievable County. I'm proud that I got to spend ten years here and continue to serve. So thank you.

Mr. Emerson - We do have an empty seat.

Mr. Branin - And I'm sure Mr. Glover would appreciate me straightening out the Brookland District in one night.

Mr. Archer - Thank you, Mr. Branin. And on behalf of all the Commission members, I would like to convey to you that Three Chopt is not necessarily the best district in the County, but you always say that.

Mr. Branin - And I have left you in fantastic hands. Ms. Marshall is going to outdo me five times over.

Mr. Archer - Thank you, sir.

Mr. Emerson - Mr. Chairman, we now move on to the next item on your agenda, the Requests for Withdrawals and Deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Archer - How are you, Mr. Strauss?

119 Mr. Strauss - Very good, thank you. And thank you members of the  
120 Commission. Thank you, Mr. Secretary. We do have three requests for deferral  
121 this evening. The first one is in the Brookland District. It's on page 1 of the  
122 agenda. That would be PUP2014-00001, Mr. Bobby Marchetti. And the applicant  
123 is requesting deferral to July 14, 2016 meeting.  
124

125 **(Deferred from the September 10, 2015 Meeting)**

126 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for  
127 a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of  
128 Chapter 24 of the County Code in order to allow outdoor dining for a proposed  
129 restaurant on part of Parcel 767-757-6829 located 95' east of the east line of  
130 Hungary Spring Road approximately 1,025' south of its intersection with Staples  
131 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District  
132 (Conditional). The 2026 Comprehensive Plan recommends Commercial  
133 Concentration and Office.  
134

135 Mr. Archer - All right, thank you. Is there anyone present who is  
136 opposed to the deferment of PUP2014-00001, Malachi M. Mills for Bobby  
137 Marchetti? I see none.  
138

139 Ms. Jones - Then I would like to move the deferral of PUP2014-  
140 00001, Malachi M. Mills for Bobby Marchetti, to the July 14, 2016 meeting.  
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142 Mr. Leabough - Second.  
143

144 Mr. Archer - Okay. Motion by Ms. Jones and seconded by  
145 Mr. Leabough. All in favor of the motion say aye. Those opposed say no. The  
146 ayes have it, and the motion passes.  
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148 At the request of the applicant, the Planning Commission deferred PUP2014-  
149 00001, Malachi M. Mills for Bobby Marchetti, to its meeting on July 14, 2016.  
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151 Mr. Strauss - We also have a recommendation for deferral of  
152 SIA2015-00002, Osborne Turnpike. That's the Dominion Virginia substation  
153 proposal. That's on page 1 of the agenda. It's in the Varina District. Staff is  
154 recommending deferral to the June 9, 2016 meeting.  
155

156 **(Deferred from the October 15, 2015 Meeting)**

157 **SIA2015-00002 Osborne Turnpike - Dominion Virginia Power**  
158 **Electric Substation:** The Department of Planning has received a request from  
159 Dominion Virginia Power to initiate a Substantially In Accord study of a proposed  
160 site for an electric substation. The proposed substation site would use 1.53 acres  
161 of part of Parcel 798-696-8886 located along the west line of Osborne Turnpike  
162 approximately 1,150 feet south of Equestrian Way. The existing zoning of the  
163 subject area is A-1 Agricultural District. The 2026 Comprehensive Plan  
164 recommends Traditional Neighborhood Development.

165

166 Mr. Archer - Okay. Is there anybody who is opposed to the  
167 recommended deferral of SIA2016-00002, Osborne Turnpike – Dominion Virginia  
168 Power Electric Substation to the June 9th meeting?

169

170 Mr. Leabough - There being no opposition, Mr. Chair, I move that  
171 SIA2016-00002, Osborne Turnpike – Dominion Virginia Power Electric  
172 Substation, be deferred at the request of the applicant to the June 9, 2016  
173 meeting.

174

175 Mrs. Marshall - Second.

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177 Mr. Archer - Motion by Mr. Leabough, seconded by Ms. Marshall.  
178 All in favor of the motion say aye. Those opposed say no. The ayes have it; that  
179 motion passes.

180

181 At the request of the applicant, the Planning Commission deferred SIA2016-  
182 00002, Osborne Turnpike – Dominion Virginia Power Electric Substation, to its  
183 meeting on June 9, 2016.

184

185 Mr. Strauss - And finally, the third request for deferral this evening  
186 is in the Three Chopt District. It's on page 2 of the agenda. REZ2016-00001,  
187 Windsor Enterprises Corporation. The applicant is requesting a deferral to the  
188 July 14, 2016 meeting.

189

190 **REZ2016-00001 Andrew M. Condlin for Windsor Enterprises Corp.:**  
191 Request to conditionally rezone from A-1 Agricultural District and R-2AC One-  
192 Family Residence District (Conditional) to R-2AC One-Family Residence District  
193 (Conditional) Parcels 741-771-6359, -3734, -2432, and part of Parcels 740-771-  
194 9736, 741-772-9212, -5941, -4776, and -0892 containing 25.37 acres located at  
195 the terminus of Ellis Meadows Lane and along portions of the eastern and  
196 northern property boundaries of the Estates at Grey Oaks. The applicant  
197 proposes a maximum of 50 single-family residences. The R-2A District allows a  
198 minimum lot area of 13,500 square feet and a maximum gross density of 3.22  
199 units per acre. The use will be controlled by proffered conditions and zoning  
200 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban  
201 Residential 1, density should not exceed 2.4 units per acre and Environmental  
202 Protection Area.

203

204 Mr. Archer - Is there opposition to the deferral of REZ2016-00001,  
205 Andrew M. Condlin for Windsor Enterprises Corp? No opposition. Ms. Marshall.

206

207 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00001, Andrew  
208 M. Condlin for Windsor Enterprises Corporation, be deferred to July 14, 2016, at  
209 the request of the applicant.

210

211 Mr. Leabough - Second.

212

213 Mr. Archer - Motion by Ms. Marshall and seconded by  
214 Mr. Leabough. All in favor of the motion say aye. Those opposed say no. The  
215 ayes have it; that motion passes.

216

217 At the request of the applicant, the Planning Commission deferred REZ2016-  
218 00001, Andrew M. Condlin for Windsor Enterprises Corp, to its meeting on July  
219 14, 2016.

220

221 Mr. Emerson - Mr. Chairman, if the Commission has no further  
222 deferrals to bring forward this evening, we now move on to the requests for  
223 expedited items. Those will also be presented by Mr. Jim Strauss.

224

225 Mr. Strauss - Thank you, Mr. Secretary. The first request for  
226 approval on the expedited agenda this evening is in the Three Chopt District. It's  
227 on page 2 of the agenda. That would be REZ2016-00003, Starwood Corporation.  
228 With the proffers dated March 1, 2016, which were handed out this evening, staff  
229 is recommending approval. And staff is not aware of any opposition this evening.

230

231 **REZ2016-00003 F.P. Parker for Starwood Corp.:** Request to  
232 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence  
233 District (Conditional) Parcels 735-755-9450 and 735-755-8657 containing 1.011  
234 acres located on the north line of Church Road approximately 80' west of its  
235 intersection with Waterford Way East. The applicant proposes 2 single-family  
236 residences. The R-3 District allows a minimum lot area of 11,000 square feet and  
237 a maximum gross density of 3.96 units per acre. The use will be controlled by  
238 proffered conditions and zoning ordinance regulations. The 2026 Comprehensive  
239 Plan recommends Suburban Residential 2, density should not exceed 3.4 units  
240 per acre, and Environmental Protection Area.

241

242 Mr. Archer - Thank you, sir. Is there opposition to this case,  
243 REZ2016-00003, F.P. Parker for Starwood Corporation? I see no opposition.  
244 Mrs. Marshall.

245

246 Mrs. Marshall - Mr. Chairman, I move that we follow the  
247 recommendation of the Planning staff and approve case number REZ2016-  
248 00003, F.P. Parker for Starwood Corporation, to conditionally rezone from A-1,  
249 Agricultural District, to R-3C, One-Family Residence District, parcels 735-755-  
250 9450 and 735-755-8657. The use will be controlled by proffered conditions and  
251 Zoning Ordinance regulations.

252

253 Mr. Leabough - Second.

254

255 Mr. Archer - All right. Motion by Ms. Marshall and seconded by  
256 Mr. Leabough. All those in favor of the motion say aye. Those opposed say no.  
257 The ayes have it; the motion passes.

258  
259 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
260 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to  
261 recommend the Board of Supervisors **grant** the request because it is appropriate  
262 residential zoning at this location and the proffered conditions will provide  
263 appropriate quality assurances not otherwise possible.

264  
265 Mr. Strauss - The second request for approval on the expedited  
266 agenda this evening is on page 3 of the agenda. It's also in the Three Chopt  
267 District. This is REZ2016-00004, Windsor Enterprises. This is a request to  
268 rezone from R-2A One-Family Residence District to C-1 Conservation District, as  
269 required in the original rezoning case. Staff is recommending approval of this  
270 request. Again, we're not aware of any opposition.

271  
272 **REZ2016-00004 Andrew M. Condlin for Windsor Enterprises:**  
273 Request to rezone from R-2AC One-Family Residence District (Conditional) to C-  
274 1 Conservation District part of Parcels 739-774-2846, 739-774-8240, 739-774-  
275 9656, 740-772-1643, 740-772-1934, 740-772-3171, 740-772-5076, 740-772-  
276 5158, 740-773-6853, 740-774-7338, 740-774-9829, 741-774-2056, and 741-775-  
277 2516 containing 14.0 acres located within the special flood hazard areas  
278 throughout various portions of the Grey Oaks subdivision generally between  
279 Grey Oaks Park Road and the northwest line of Grey Oaks Park Drive and Grey  
280 Oaks Park Lane and the east line of Grey Oaks Park Drive. The applicant  
281 proposes a conservation district. The use will be controlled by zoning ordinance  
282 regulations. The 2026 Comprehensive Plan recommends Suburban Residential  
283 1, density should not exceed 2.4 units per acre, and Environmental Protection  
284 Area.

285  
286 Mr. Archer - All right. Is anyone present who is opposed to  
287 REZ2016-00004, Andrew M. Condlin, Windsor Enterprises Corp.? There is no  
288 opposition. Ms. Marshall. I'm sorry. Is there opposition?

289  
290 Male - [Off microphone; inaudible.]

291  
292 Mr. Archer - Can you come up to the microphone, please? State  
293 your name for the record, if you would.

294  
295 Mr. Richardson - My name is John Gregory Richardson. I'm a resident  
296 for a year now in Henrico County, homeowner.

297  
298 Mr. Archer - What is your opposition?

299

300 Mr. Richardson - I'm 30-year military veteran, and this is one of those  
301 things where you would say I don't know what I don't know. And in this particular  
302 case, this notice that we have, it's written in a language that I have no idea what  
303 it actually conveys. I'm happy as a County resident. I'm grateful as a 100-percent  
304 disabled veteran. Don't look at me and judge. The folks that have taken care of  
305 my wife and our transition retiring here have been fantastic. We have visited this  
306 building, and the folks have taken very good care of us. And we very much  
307 appreciate County employees.

308  
309 However, my issue is that we have absolutely no voice in our community. The  
310 developers still run our community. The homeowners' association really does not  
311 represent us. So in this particular case, I really don't know what I don't know. I  
312 have photographs here of a tree that fell once that if there had been a school bus  
313 or something, it would have been very deadly consequences for whoever the  
314 passenger was in the vehicle.

315  
316 Again, the association does not speak for us right now. We are still controlled by  
317 the developer as a community. So when it comes to issues like this and we get a  
318 notice we don't necessarily understand, I don't know what else to do because  
319 we're at a complete disadvantage.

320  
321 Mr. Archer - Mr. Richardson, I think what we probably should do in  
322 this case—first of all, thank you for your service—

323  
324 Mr. Richardson - Thank you.

325  
326 Mr. Archer - —is pull this off the expedited agenda. And we'll just  
327 hear it as it comes up on the agenda. And that way, you'll be able to familiarize  
328 yourself with what's going on and be able to respond.

329  
330 Mr. Richardson - Yes sir. Okay.

331  
332 Mr. Archer - Okay? Have a seat, and we'll get to it in due time.

333  
334 Mr. Richardson - And by the way, I was told to say this. My supervisor,  
335 Tommy Branin, is the coolest supervisor in the world.

336  
337 Mr. Archer - We can about guess who told you to say that.

338  
339 Ms. Jones - Yes, we wonder who told you.

340  
341 Mr. Archer - Okay, we'll hear that at the regular time instead of  
342 being on the expedited agenda. Anything further, Mr. Secretary.

343  
344 Mr. Emerson - No sir, Mr. Chairman, that completes the expedited  
345 items, I believe. So that takes us to the first item on your agenda, which appears

346 on page 2. It is REZ2016-00002, James W. Theobald for HHHunt. The staff  
347 report will be presented by Mr. Seth Humphreys.  
348

349 **REZ2016-00002 James W. Theobald for HHHunt:** Request to  
350 conditionally rezone from A-1 Agricultural District and R-2AC One-Family  
351 Residence District (Conditional) to R-3C One-Family Residence District  
352 (Conditional) (31.938 acres), R-5AC General Residence District (Conditional)  
353 (142.165 acres), R-5C General Residence District (Conditional) (21.76 acres),  
354 and RTHC Residential Townhouse District (Conditional) (53.4 acres), Parcels  
355 779-773-9041, 780-771-0875, 780-772-9071, Parcels 780-773-2718, -3673, 780-  
356 774-2957, 781-773-3186, and part of Parcels 782-772-1447 and 778-772-7200  
357 containing 249.26 acres located approximately 400' west of the intersection of  
358 Brook Road (U.S. Route 1) and Magnolia Ridge Drive. The applicant proposes a  
359 residential development consisting of a maximum of 50 single-family residences,  
360 400 single-family residences on zero-lot lines, 300 townhome units, and 285  
361 multifamily units. The R-3 District allows a minimum lot area of 11,000 square  
362 feet and a maximum gross density of 3.96 units per acre. The R-5AC District  
363 allows a minimum lot area of 5,625 square feet and a maximum gross density of  
364 6 units per acre. The R-5C District allows a maximum gross density of 14.52  
365 units per acre. The RTHC District allows a maximum gross density of 9 units per  
366 acre. The uses will be controlled by proffered conditions and zoning ordinance  
367 regulations. The 2026 Comprehensive Plan recommends Suburban Residential  
368 1, density should not exceed 2.4 units per acre, Suburban Residential 2, density  
369 should not exceed 3.4 units per acre, Office, and Environmental Protection Area.  
370

371 Mr. Archer - All right. Thank you, Mr. Secretary. Is there any  
372 opposition to REZ2016-00002, James W. Theobald for HHHunt? Okay, we'll get  
373 to you. Thank you. Mr. Humphreys.  
374

375 Mr. Humphreys - Good evening, Mr. Chairman, members of the  
376 Planning Commission. In addition to its location 500 feet from the intersection of  
377 Brook Road and Magnolia Ridge Drive, the northern property line abuts the  
378 Chickahominy River and Henrico County's border with Hanover County. A power  
379 line easement bisects the northern portion of the property. The remainder of the  
380 property is predominantly wooded with deciduous trees and evergreens.  
381

382 The existing Magnolia Ridge subdivision and some acreage parcels are located  
383 south of the proposal. More acreage parcels and A Thyme to Plant Herb Farm  
384 border the request to the west. A commercial development, Virginia Center  
385 Marketplace, containing a Martin's and a Target store as anchors is east of the  
386 development along with an assisted living facility, Verena at Virginia Center. A  
387 portion of the property was zoned R-2AC with rezoning case C-6C-05 for a 147-lot  
388 subdivision; however, the proposed subdivision, Sweetbay Hill, was never  
389 constructed.  
390

391 The property is recommended for Suburban Residential 1, Suburban Residential  
392 2, Office and Environmental Protection Area in the 2026 Comprehensive Plan. The  
393 Office-designated portion of the parcel is also part of Prime Economic  
394 Development Site #7. This request is not fully consistent with the land use  
395 recommendations of the 2026 Comprehensive Plan. While the majority of the  
396 development would be consistent with the Suburban Residential designations in  
397 terms of being detached dwelling units, the overall density of 4.15 units per acre  
398 is higher than the density recommendation ranging up to 3.4 units per acre.  
399 Additionally, this request is not consistent with the recommendation of Office and  
400 the designation as a Prime Economic Development Site on the eastern portion of  
401 the site. While the request is not entirely consistent with all the recommendations,  
402 it is generally consistent with the existing pattern of development which has  
403 occurred in the vicinity.

404

405 The 2026 Comprehensive Plan also contains the county's plans for existing and  
406 future road network via the Major Thoroughfare Plan. The MTP shows a Minor  
407 Arterial, Concept Road 133, designated roadway crossing the property to extend  
408 Woodman Road from its current termination at Greenwood Road to Brook Road  
409 (U.S. Route 1). Generally this alignment. This concept road is essential in  
410 providing an adequate road network to serve the planned growth in this area of the  
411 county and to relieve Brook Road and provide an alternate point of access to  
412 I-295. The conceptual plan proffered with this request shows the extension of  
413 Woodman Road through the property. That alignment would be consistent with the  
414 general alignment desired by the County. An additional proffer outlines the phasing  
415 for construction of different lengths of Woodman Road Extended in conjunction  
416 with the phasing of the proposed development.

417

418 In addition to the conceptual plan, the applicant has proffered a maximum number  
419 of units, as previously stated. The proffers submitted with the original application  
420 as they appeared in the staff report also addressed the following:

421

- 422 • Road phasing
- 423 • Trails
- 424 • Greenbelts
- 425 • Sidewalks
- 426 • Architectural elevations
- 427 • Minimum lot widths for the zero-lot-line units
- 428 • Entrance features
- 429 • Street trees
- 430 • Exterior materials
- 431 • Foundations
- 432 • Garages
- 433 • Amenities for the apartments
- 434 • Lighting

435

436 Since the staff report was published, the applicant has submitted revised proffers.  
437 Those were handed out to you tonight and would not require a waiver of the proffer  
438 time limits. These include the following:

- 439
- 440 • A prohibition on construction on Sundays,
- 441 • Minimum unit size of 2,200 square feet for the R-3C units, 1,700 square feet  
442 for the zero-lot-line units, and 1,400 for the townhouse units,
- 443 • Emergency access to be provided consistent with the requirements of the  
444 County,
- 445 • Amenities for the owner occupied units would consist of a minimum of a  
446 clubhouse, pool, and other recreational amenities,
- 447 • A clarification on the lot width proffer, and
- 448 • Street trees, landscaping, and lighting for the townhouse portion of the  
449 development.

450 The proposed development is located within the Greenwood Elementary,  
451 Hungary Creek Middle, and Glen Allen High school attendance zones. Henrico  
452 County Public School Department has indicated these schools are currently  
453 operating at 92 percent, 105 percent, and 92 percent of functional capacity  
454 respectively. The School Department has submitted revised comments stating  
455 that with Hungary Creek Middle School already overcapacity, Henrico County  
456 Public Schools staff will be presenting the School Board with several relief  
457 options in the fall of 2016. If the proposed development is approved, the  
458 development's impact will be considered as relief options for Hungary Creek as  
459 they are developed. Additionally, they would continue to work with the Planning  
460 Department to monitor the situation and make any other adjustments that would  
461 be needed.

462

463 Cultural resources have been identified on the property by the Department of  
464 Recreation and Parks. In addition to the remnants of an old mill adjacent to the  
465 Chickahominy River, they identified a family cemetery, a domestic Native  
466 American camp, and part of the Yellow Tavern Battlefield core area. The  
467 applicant has not submitted any information regarding a Cultural Resource Plan  
468 or other method of addressing the identified sites.

469

470 As noted in the staff report, the applicant submitted a traffic impact analysis to  
471 the County and VDOT on February 1st. Since the publication of the staff report,  
472 VDOT comments have been received by the County, and the applicant has met  
473 with the Department of Public Works, and responded to County comments  
474 regarding the TIA.

475

476 Due to its density, the proposed development is not entirely consistent with the  
477 residential recommendations of the 2026 Comprehensive Plan. While also not  
478 consistent with the Office and Prime Economic Development Site  
479 recommendations, it is generally consistent with the existing pattern of  
480 development which has occurred in the vicinity. The revised proffers submitted

481 with this request would provide several conditions which outline the intent of the  
482 developer. At this time, staff recognizes the merits of the proposal and  
483 recommends approval of the request.

484

485 This ends my presentation and I would be happy to answer any questions you  
486 may have.

487

488 Mr. Archer - All right. Thank you, Mr. Humphreys. Are there  
489 questions for Mr. Humphreys from the Planning Commission?

490

491 Mr. Thornton - Mr. Chairman, I don't have a question for him, but one  
492 for Mr. Emerson. Mr. Emerson, would you be so kind as to give a brief discussion  
493 about how the Comprehensive Plan works? It's referred to many times when we  
494 have cases. Just show that maybe from time to time everything doesn't apply  
495 directly to that, but it's used as a blueprint. Would you mention that? I think it  
496 would be helpful to some who may not know the impact of that.

497

498 Mr. Emerson - Certainly, Mr. Thornton. As you noted, the  
499 Comprehensive Plan is a guide. The County is required by the Code of Virginia  
500 to have and adopt a Comprehensive Plan to serve as a guide for the  
501 consideration of growth in the County. In this case, you have several different  
502 designations in this area. They're primarily residential. You can see them on the  
503 map in front of you. You have SR-1 and SR-2, and you also have some Office  
504 designations.

505

506 The plan is a guide. And you also are to consider prevailing growth patterns and  
507 also the demand for certain types of uses. And of course those change over time.  
508 The Board and the Planning Commission do have the leeway to make decisions  
509 based on the prevailing growth patterns in the area, but normally you stay fairly  
510 close to your plan.

511

512 In this case, this is primarily a residential development, but there is quite a bit of  
513 commercial-designated property in this area and potential redevelopment  
514 property, and the demand for Office isn't what it once was. So staff feels that a  
515 residential development in this area would create more rooftops and provide  
516 more demand to assist in revitalizing some of the commercial areas in this  
517 vicinity is in keeping with the plan.

518

519 Mr. Thornton - Thank you, Mr. Emerson. Would you also be so kind  
520 as to say a few words about the importance, the impact of zero-lot-lines?

521

522 Mr. Emerson - This development has what we call a zero-lot-line  
523 type of development proposed. You have your normal detached R-3, which has  
524 setbacks on both sides. It has to set off the property line on either side a certain  
525 amount. I think normally it's 18 and 12 for a total of 30. In a zero-lot-line situation,  
526 you have a narrower lot. And the structure is actually allowed to reside directly on

527 the lot line, leaving additional area on one side. So each house will—if one house  
528 starts out on the right lot line, the next house will be on the right lot line. Equal  
529 cadence will stay equally apart. One side of the building will sit directly on the  
530 property line. In our case, normally they are a foot or two off in order to allow for  
531 maintenance. That in essence is a zero-lot-line style of housing. And we do have  
532 it in many areas of the County.

533

534 Mr. Thornton - Thank you very much. Sometimes people come to the  
535 commissions and we use terminology. So I just wanted to kind of define a few of  
536 them.

537

538 Mr. Emerson - Sure. That is the R-5A product, the zero-lot-line.

539

540 Mr. Archer - All right. Any further questions from the Commission?  
541 Thank you, Mr. Humphreys. I have none as of now.

542

543 Lately we have been hearing from the opposition first and then from the  
544 applicant. In this case, I think I'd like to have a few minutes from the applicant,  
545 and then he can reserve some time to respond to the opposition.

546

547 Mr. Secretary, would you go over the ten-minute rule please?

548

549 Mr. Emerson - Yes sir, Mr. Chairman. As you noted, the Planning  
550 Commission does have rules and regulations regarding the conduct of their  
551 public hearings, and they are as follows: The applicant is allowed ten minutes to  
552 present the request, and time may be reserved for responses to testimony. The  
553 opposition is allowed a cumulative ten minutes to present its concerns, meaning  
554 all the comments need to be contained within that ten-minute period, not ten  
555 minutes per individual. Commission questions do not count into the time limits.  
556 The Commission may waive the time limits for either party at its discretion. And  
557 the comments must be directly related to the case under consideration.

558

559 Mr. Archer - Okay, thank you. Mr. Theobald, would you like to  
560 reserve some time?

561

562 Mr. Theobald - Two minutes, please.

563

564 Mr. Archer - Two minutes? Okay. For response. Go right ahead,  
565 sir.

566

567 Mr. Theobald - Thank you. Well Mr. Chairman, ladies and gentlemen,  
568 I'm Jim Theobald, and I'm pleased to be here tonight on behalf of HHHunt, the  
569 proposed developers of River Mill which, if approved, will undoubtedly be another  
570 award-winning HHHunt community.

571

572 This is a request to rezone about 250 acres for a variety of residential homes  
573 with substantial proffered conditions. As an HHHunt community, it will exhibit the  
574 same attention to detail and quality as all of the other Hunt communities:  
575 pedestrian trails, community amenities, open space, greenbelts, landscaping,  
576 and strong residential covenants and development standards to assure the  
577 sustainability of River Mill.

578  
579 The site borders the Chickahominy River and Hanover County on the north. The  
580 Magnolia Ridge community is basically to the south. To the east, you can see the  
581 Route 1 corridor and the Martin's and the Target, and the Chick-fil-A over in this  
582 area. And to the west, close to Greenwood Park, an 88-acre park that the County  
583 is currently in the process of programming. It's going to be just a terrific resource  
584 for that part of the County.

585  
586 This is the concept plan showing the various development pods. But this slide  
587 emphasizes the amenities that will be attended to River Mill. The area along  
588 Chickahominy River is just spectacular with the bluffs and will be used for a river  
589 trail and a park. This area is truly, truly special. A clubhouse and pool area with  
590 the normal amenities will serve the townhome and the single-family-detached  
591 community. There is a separate set of amenities for the multi-family  
592 development.

593  
594 The VEPCO transmission line easement in here, we have been able to utilize  
595 these for passive and active recreation in our other communities with their  
596 permission. We believe will be able to do so again at River Mill. You'll note a  
597 number of pocket parks and green areas spread throughout River Mill, walking  
598 and bicycle trails along Woodman Road and the areas along here. And so highly  
599 amenitized. Sidewalks throughout. Entrance features. A 25-foot greenbelt—  
600 which you see in just about every Hunt community from Twin Hickory to  
601 Wyndham to Wellesley—along Woodman Road extended.

602  
603 The apartment parcel is outlined here in yellow, and you'll see some of the  
604 proffered exterior elevations on this slide. Those proffers include that there will be  
605 no more than 285 units; 35 percent brick or stone on the building fronts in the  
606 aggregate; sound coefficient ratings in between units; and parking lot lighting no  
607 higher than 20 feet and directed to minimize glare on public roads and adjacent  
608 properties. And again, separate recreational amenities.

609  
610 The townhome portion is in this area. And you'll note that we're moving in a  
611 transition away from the more active uses along Route 1. So we're transitioning  
612 our uses back from the Martin's and the Target with the multi-family and now the  
613 townhome community. You'll see elevations that have been made part of the  
614 case here to the right. Proffers include:

- 615  
616       • A minimum of 1400 square feet of finished floor area  
617       • No more than 300 townhomes

- 618 • Fifty percent of them have to have 15 percent brick or stone on the fronts
- 619 • All have a minimum of a one-car garage with decorative garage door
- 620 features
- 621 • No more than six in a row
- 622 • Street trees
- 623 • Plantings that wrap around the corners
- 624 • Decorative lighting at the entrance doors.
- 625

626 The single-family component is the largest. The R-3 community is up at the top.  
627 Again, we're transitioning back from Route 1. And the balance is in the R-5A  
628 zero-lot-line category. You'll see elevations depicted that have been made part of  
629 the case. Those proffers include for the R-3 portion a minimum of 2200 square  
630 feet of finished floor area and a maximum of 50 homes. For the zero-lot-line  
631 product, a minimum of 1700 square feet. And 65 percent of those lots have to  
632 have a minimum lot width of 60 feet. The minimum lot width in an R-5A district is  
633 50 feet. Twenty-five percent of them have a minimum lot width of 70 feet. These  
634 categories are exclusive, so if you did the math, worse case only 35 percent  
635 could be 50-foot-wide lots. But 25 percent of the units have to have 25 percent  
636 brick or stone fronts and a minimum of two-car garages on our single-family-  
637 detached product. And again, street trees and foundation plantings.

638  
639 The road network in this area is interestingly one that has been planned for  
640 probably over 50 years. There's right of way dedicated for Woodman Road  
641 Extended through the Little Five Azalea Farm, extending just about all the way  
642 over to Greenwood Road. This will really be the first opportunity to start the  
643 connection of that roadway to provide some relief and another route from Route  
644 1 over to Greenwood Road. So with our first stage of development, you'll note  
645 coming off of the road here, along this area, this is Magnolia Ridge Drive. We've  
646 committed to extend the road from Route 1 to here—it ends now currently behind  
647 the shopping center—and at least past our first entrance.

648  
649 Now, importantly at this connection with Magnolia Ridge Drive, we have mixed  
650 reviews from the community of Magnolia Ridge as to whether that should be  
651 connected initially or only when Woodman Road Extended goes all the way. We  
652 are prepared to barricade the road at this point. We've had discussions with  
653 Public Works about it. I think they're not yet prepared to weigh in on whether or  
654 not that's a good idea, but they committed to basically involve the community, the  
655 Magnolia Ridge community in those discussions as to whether it makes more  
656 sense to barricade it until the road system is completed or let it come in. There  
657 are people who feel both ways about it in terms of being able to get back out in  
658 an alternate way to Route 1.

659  
660 Phase 2, Woodman Road Extended would be extended additionally up through  
661 an additional part past two more entrances into our community. Phases 3  
662 through 7 are basically the internal road networks in River Mill. The final  
663 extension would be Woodman Road over to Greenwood Road. And this is a

664 project that County is planning to undertake. They're beginning the design, I  
665 think, shortly. They believe that it would be in the nature of four to six years for  
666 completion. When that's done, you'll be able to get all the way over to 295.

667

668 So with Hunt's proven track record, I think you can absolutely rely on that River  
669 Mill will be a quality development. We believe our proposal to be generally  
670 consistent with your Land Use Plan and that it will provide a major spark to  
671 revitalization in this area. In addition, the County will finally fulfill its long-plan  
672 road network, while providing for large-tract development, which is rare to  
673 accomplish in Henrico anymore.

674

675 For all these reasons, we would respectfully ask that you recommend approval of  
676 this case to the Board of Supervisors. And I'd be happy to answer any questions.

677

678 Mr. Archer - Thank you, sir. Are there questions for Mr. Theobald?  
679 I have a couple, but I'll let the Commission go first.

680

681 Mr. Thornton - Mr. Theobald, you mentioned phases 1 and 2. What  
682 idea do you have relative to the build-out if this was to go through? What's the  
683 amount of time we're talking about?

684

685 Mr. Theobald - It's about a nine-year—nine-to-ten-year build-out for  
686 the community.

687

688 Mr. Thornton - Nine to ten years?

689

690 Mr. Theobald - Yes sir.

691

692 Mr. Theobald - And we tried to phase our road improvements  
693 consistent with that build-out. Our traffic, coming back to Route 1, but we'll also  
694 connect to Jeb Stewart Parkway. And build, if you remember, back in the Attack  
695 case, there's a bridge that needs to go across some serious wetlands. We'll  
696 actually have two ways to get back to Route 1.

697

698 Mr. Thornton - Thank you.

699

700 Mr. Archer - Anybody else?

701

702 Ms. Jones - I did want to just follow up with a concern that some  
703 citizens e-mailed, and it's about the traffic situation. The Woodman Road  
704 Extension, right there in your very first phase behind Martin's and Target there,  
705 you said that road could possibly be barricaded off until such time as everybody  
706 agrees that—but it would definitely occur.

707

708 Mr. Theobald - Yes.

709

710 Ms. Jones - Everybody understands this is not going to be  
711 barricaded off forever.

712  
713 Mr. Theobald - Correct.

714  
715 Ms. Jones - The traffic situation concerns me. Also, the roadway  
716 that was referenced—you may know about this or I can ask our Traffic folks. The  
717 proposed roadway extension, putting a four-lane parkway immediately behind the  
718 properties at the north end of Pruett Court here, being used to route semi-trucks  
719 from Woodman Road north off of I-295 and US 1. Do you have any comment  
720 about the commercial traffic routing along there?

721  
722 Mr. Theobald - No.

723  
724 Ms. Jones - Okay.

725  
726 Mr. Theobald - I really don't. The traffic coming off of 295 will sort of  
727 go in that direction. Whether they'll be utilizing Woodman Road, which is  
728 designed to be a four-lane road, it's hard to say.

729  
730 Mr. Emerson - Ms. Jones, I think the answer to that is the road will  
731 be designed to where it could handle that type of traffic. It wouldn't necessarily be  
732 routed.

733  
734 Ms. Jones - Okay.

735  
736 Mr. Emerson - But if a truck wanted to traverse that, certainly it would  
737 be built to the point where it could accept it. I don't think it would be prohibited.

738  
739 Mr. Theobald - I think the commercial traffic is going to continue to  
740 get off on Route 1. In fact, we think that when Woodman Road Extended goes  
741 through, it'll actually take some traffic off of Route 1 because you'll now have an  
742 alternate way to get all the way over to the west end into 295. And so we still  
743 believe commercial traffic, for the most part, will go 295 and north on Route 1 to  
744 serve that commercial area.

745  
746 Ms. Jones - But this road is really well equipped to take care of  
747 commercial traffic should—

748  
749 Mr. Theobald - Yes. And long-planned. And most of the right of way  
750 is in place.

751  
752 Ms. Jones - Well that was my understanding, but I wanted to  
753 double-check with that. I have some other questions about schools and other  
754 cultural items that staff has brought up. Do you want to address those now or?

755

756 Mr. Theobald - Sure.  
757  
758 Ms. Jones - Okay. When I read the staff report, there are things on  
759 these big properties that have been there for many, many years. And I think it's  
760 respectful and correct that we pay attention to what they are and evaluate how to  
761 move forward. The ones that were mentioned in the staff report were the old mill  
762 adjacent to the Chickahominy River, the cemetery, the Native American camp,  
763 and part of a battlefield area. Can you just go over those and how your client's  
764 going to handle this?  
765  
766 Mr. Theobald - Yes, I can. Let me sort of preface that by saying we're  
767 going to need to disturb some minor amount of wetlands in this project. So we  
768 will be required by the federal government to do a complete cultural resource  
769 inventory of all of these things. That will better identify exactly what is and is not  
770 there. We know there's an old Schimmerhorn, cemetery. We're not a hundred  
771 percent sure if it's on our property. We've had at least two other folks suggest  
772 that maybe—it's right close to the line. Until it's finally surveyed, I don't know. But  
773 if it's on our property, it'll be preserved. Not relocated, but preserved.  
774  
775 Ms. Jones - Preserved. Okay.  
776  
777 Mr. Theobald - And along the river—you know, every river in Virginia  
778 has Indian encampments. Again, that will come out during the historic resources.  
779 We can't really disturb that area down in there because it's going to be flood  
780 plain, wetlands, etc. The mill, I believe there's not a lot left of the mill, if I'm  
781 correct. But again, that'll all be assessed during that time. The Battle of Yellow  
782 Tavern I believe was referenced. That's a huge footprint. I think this has cropped  
783 up in cases I've done in Hanover County and elsewhere. Not much I can say  
784 about that.  
785  
786 Ms. Jones - When is that cultural study done?  
787  
788 Mr. Theobald - When we submit for a permit to disturb wetlands,  
789 which comes up pretty much very early in the process.  
790  
791 Ms. Jones - And obviously has to be completed before you can  
792 move forward with your site plans.  
793  
794 Mr. Theobald - With any disturbance of wetlands, right. I'm not sure  
795 there are any wetlands in the apartment phase. Nor is that near any of the  
796 cultural resources.  
797  
798 Mr. Archer - Mr. Theobald, when the cultural resource study is  
799 completed, could there be anything in it that would have an impact on the  
800 development?  
801

802 Mr. Theobald - I'm not aware of anything, no.  
803  
804 Mr. Archer - Okay. You understand what I'm asking.  
805  
806 Mr. Theobald - I do.  
807  
808 Mr. Archer - Would you have to do something differently.  
809  
810 Mr. Theobald - These areas are pretty much well defined and pretty  
811 confined to the area along the river. And the cemetery is on one of the very  
812 edges of the development, so it would not interfere with that development. Civil  
813 War battles are another thing; they're everywhere.  
814  
815 Mr. Archer - Okay. Any other questions?  
816  
817 Mr. Leabough - One quick question, if you don't mind, Mr. Chair.  
818  
819 Mr. Archer - Yes, go right ahead.  
820  
821 Mr. Leabough - As far as the timing of the amenities, can you speak  
822 to the phasing of that? And is that consistent with how development progresses  
823 through the project? Or is that all back-end loaded? Can you speak to that,  
824 please?  
825  
826 Mr. Theobald - There is no timeline with regard to the amenity  
827 package I believe in the homes back here. We have found that it's very  
828 challenging to commit to a certain number of homes, then build a major facility to  
829 support this whole community, then put the burden of that on 20 or 30 lots. But  
830 it's in our interest to build that as soon as possible, because that's what sells lots  
831 and homes. That's a hallmark of an HHHunt community. So I think that will take  
832 care of itself without fail. And the apartments, I don't know whether we had a  
833 timeline in here or not, but I believe they go in with the first phase, again so we  
834 can market.  
835  
836 Mr. Archer - Anyone else?  
837  
838 Mr. Theobald - And if I misspeak, you'll stop me over there, right?  
839 Okay, thank you.  
840  
841 Mr. Archer - Okay. Mr. Theobald, I'm sure you'll have to come  
842 back to answer some questions after the opposition speaks, but thank you for  
843 that, sir.  
844  
845 Mr. Theobald - We may have someone who would like to speak in  
846 favor.  
847

848 Mr. Archer - Okay. I'll let you determine when to call them.  
849  
850 Mr. Theobald - I'm not sure if they're here or not.  
851  
852 Mr. Archer - Okay.  
853  
854 Mr. Theobald - There he is.  
855  
856 Mr. Archer - Before the opposition comes forward, how many  
857 people attended the community meeting that was held at the recreation center a  
858 couple weeks ago? How many people didn't?  
859  
860 Ms. Morrow - [Off microphone.] How many people were aware of  
861 the community meeting?  
862  
863 Mr. Archer - Good question. Thank you for asking it. Okay. Well,  
864 before she speaks, have you all had any other kind of communication concerning  
865 this development that would not have been at the meeting? You can answer,  
866 ma'am.  
867  
868 Ms. Morrow - [Off microphone.] There was a sign up for this  
869 meeting, which is why I'm here. I saw a sign a day or two ago on the back side of  
870 Martin's parking lot.  
871  
872 Mr. Archer - I just need a short answer because you're supposed  
873 to be at the microphone. Is there anyone here who represents the homeowners'  
874 association for Magnolia Ridge? You do, sir?  
875  
876 Male - [Off microphone.] Yes.  
877  
878 Mr. Archer - Okay. Thank you. All right. Go ahead, ma'am.  
879  
880 Ms. Harlow - Hi. Good evening, Commissioners. My name is Selma  
881 Harlow. I am the executive director at Verena at Virginia Center, which is the  
882 118-apartment, independent senior living building, which is right on Brook Road,  
883 which this development will be behind. We have had communication with the  
884 applicant, and we have no problem with the development. We look forward to it.  
885 Our seniors are restricted in their travel, and we've noticed that the area around  
886 Verena has actually gone downhill. The mall area is no longer really safe for  
887 them to conduct business. They need additional amenities. They need more  
888 shopping, more dining experiences. Once you are north of Verena—granted, that  
889 is Hanover County, but that's where Henrico and Hanover are. And we feel that  
890 the development would do nothing but add value. In Hanover County, Kings  
891 Charter is right across the road. So I think that a lot of people would benefit. Our  
892 residents are actually looking forward to it and have no problem whatsoever with  
893 the development.

894

895 Mr. Archer - So you're not in opposition.

896

897 Ms. Harlow - No we're not.

898

899 Mr. Archer - Okay. Thank you.

900

901 Ms. Harlow - Looking forward to it.

902

903 Mr. Archer - All right. Mr. Secretary, I don't know if we should  
904 count her time as opposition time or not.

905

906 Mr. Emerson - Sure.

907

908 Mr. Archer - Well it was only like a minute or so.

909

910 Mr. Emerson - Right.

911

912 Mr. Archer - Okay. Those in opposition, you still have ten  
913 cumulative minutes, so whoever would like to come forward and speak. Come  
914 forward, sir. Opposition now.

915

916 Mr. Heyel - Good evening. My name is John Heyel. I'm a 17-year-  
917 resident of Magnolia Ridge and member of the Magnolia Ridge Board of  
918 Directors.

919

920 I first want to say that HHHunt has been very good partners in engaging with our  
921 board and community with information about the River Mill development. My  
922 concern with the zoning actions under discussion is that the community  
923 continues to approve rezoning which allows for single-family and high-density  
924 residential living without having a clear plan on how to deal with already  
925 overcrowded schools. Page 7 of the HHHunt staff report prepared for the  
926 Commission highlights what is already well known, which is simply that this  
927 development alone, without even considering other development in the area, will  
928 cause unacceptable overcrowding at all the schools in questions. Additionally, I  
929 suspect that these estimates and others by the County understate the student  
930 impact. This is best evidenced by the current overcrowding issue already  
931 mentioned at Hungary Creek Middle School. That issue has the County  
932 backpedaling and working to find a solution that won't be discussed until this fall  
933 and resolved in at least twelve months. Additionally, there are no public plans of  
934 adding new schools to address any of these issues.

935

936 This zoning decision is critical because it may mean significant financial impact  
937 on the residents of Magnolia Ridge. This development represents a heightened  
938 risk that Magnolia Ridge will be remapped to alternative schools in the area.  
939 Without significant investment by the County, the alternative schools simply do

940 not meet the same academic standards as the current schools our children  
941 attend. Magnolia Ridge residents have been purchasing homes over the last ten  
942 years with the belief that our neighborhood will attend Greenwood Elementary,  
943 Hungary Creek Middle School, and Glen Allen High School. This zoning decision  
944 makes the school situation very uncertain, and a change in the school lineup will  
945 likely result in a material drop in the home value for all residents as families  
946 choose to move to an area of a higher standard of education for their children.  
947 And it will likely mean that fewer homebuyers will consider our neighborhood for  
948 a purchase, leading to depressed home values for a significant period of time.

949

950 Myself, the residents of Magnolia Ridge, and our board of directors find this  
951 outcome simply unacceptable. When the very successful HHHunt communities at  
952 Twin Hickory and Wyndham were developed, the schools were an integral part of  
953 the planning and integrated into the community. Thus we urge the Commission to  
954 work across departments in the County to resolve the school questions before  
955 this land is approved for residential development.

956

957 Thank you.

958

959 Mr. Archer - Mr. Heyel, are you saying that your board of directors  
960 is in opposition to this?

961

962 Mr. Heyel - We're in opposition to the timing of this. We think  
963 there needs to be some serious questions answered about the schools before  
964 this moves forward. We think this would be much like the Verena residential  
965 things. We think this could add value to the general area, but we think some  
966 school questions need to be addressed first before we go forward and approve  
967 over 1,000 homes that will populate this area.

968

969 Mr. Archer - Okay. Thank you, sir. Any questions for him before he  
970 takes a seat? Thank you, Mr. Heyel. Next?

971

972 Mr. Letourneau - Good evening. My name is Brian Letourneau, and I've  
973 been a resident of Magnolia Ridge since—

974

975 Mr. Archer - I'm sorry. Say your name again?

976

977 Mr. Letourneau - Brian Letourneau. L-e-t-o-u-r-n-e-a-u. I've been a  
978 resident of Magnolia Ridge since 2009. Like the representative from our board,  
979 I'm not wholly opposed to River Mill. HHHunt builds very nice homes. I'm sure  
980 the division itself when constructed will be very nice. But like John, I'm very  
981 concerned about the schools. My wife and I, when we were looking for homes in  
982 2008 and 2009 did not consider Magnolia Ridge until Henrico County schools  
983 rezoned and changed at the middle school and high school level from Brookland  
984 and Hermitage to Hungary Creek and Glen Allen. That was more appealing to  
985 us. It also meant that the home we wanted to buy increased in value by almost

986 \$20,000. A change in a different direction would have an equally negative impact.  
987 Which again I think John addressed those concerns as well. So very concerned  
988 about the schools.

989  
990 I'm also on Peterfield Lane, which like Pruett Court that was mentioned earlier,  
991 it's one of the roads that's closest to this new subdivision. We would go from  
992 having wooded land behind us to having essentially Twin Hickory Lane behind  
993 us. That's a major change. HHHunt has their 25-foot greenbelt, which is a lot of  
994 shrubs, but it's just not going to cut it with the noise and increased traffic. Some  
995 type of earthen berm would be a much better division between our neighborhood  
996 and the road and the new subdivision.

997  
998 And finally, living on that end of the community, we'd like to keep that barricade  
999 between the new version of Magnolia Ridge running behind Target and Martin's  
1000 and the Magnolia Ridge neighborhood up as long as possible. Connecting that  
1001 road while I understand from a traffic engineering standpoint makes it fluid, it also  
1002 makes our neighborhood cut-through. There's no other purpose. We're wholly  
1003 residential. There are no other outlets. All that does is add more traffic. We don't  
1004 have a capacity problem getting out of our neighborhood. I don't have to wait ten  
1005 minutes to turn. We may have a speed problem, but that's our own fault. The cut-  
1006 through, however, all it does is add traffic to our neighborhood. And it takes cars  
1007 that are trying to cut through to save time and most likely speeding right by our  
1008 common area, our pool, bus stops in the morning, and bus stops in the  
1009 afternoon. I understand from a traffic engineering standpoint it makes sense, but  
1010 from a practical standpoint of living in that neighborhood, connecting that road I  
1011 think ultimately is not a good idea. I appreciate it being barricaded for as long as  
1012 it possibly can.

1013  
1014 Thank you.

1015  
1016 Mr. Archer - Thank you, sir. Any questions for Mr. Letourneau?  
1017 Good evening, ma'am.

1018  
1019 Ms. Gulasky - Hello. My name is Michele Gulasky. I am also a  
1020 resident of Magnolia Ridge and a resident on Peterfield Lane. I was one of the  
1021 first residents to move onto that street. I picked that street because of the serene  
1022 wooded line in the back yard of my home and was promised that I would have a  
1023 good 25 feet of at least a tree line as a buffer if anything were to ever be built  
1024 behind my home.

1025  
1026 Mr. Archer - Excuse me. Ms. Gulasky. Who made that promise to  
1027 you?

1028  
1029 Ms. Gulasky - Ryan Homes.

1030  
1031 Mr. Archer - Oh they did. Okay.

1032  
1033  
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Ms. Gulasky - In addition, I feel like not all residents in the neighborhood were adequately notified. The residents on Peterfield Lane were; however, the rest of the neighborhood was not adequately notified.

There are going to be issues with the neighborhood with the view of the parkway and apartments instead of nice nature, scenic trees, impacting our stress levels, keeping us feeling good versus listening to traffic when we can already hear the traffic on Brook Road, 295, and 95.

The trees that are left—according to the HHHunt plan—are the ones that are going to be for the new neighborhoods and not the existing residents of Magnolia Ridge. So the build-out is completely impacting us, leaving a very flat neighborhood without many mature trees anyway to be completely plowed down, the few that are there behind my street. This is going to have a direct impact on home values. I cannot put my house up for sale. No one wants to buy a house that has such severe traffic and a parkway behind it. The crime rates are also higher, much higher in transient areas where there are a higher number of apartment residents.

The density of the new neighborhood, the land that it's being built on, seems like there are too many homes and residences for the amount of space that's there. I know that the study has been done. I'm not an expert. But it seems like a thousand additional people is a lot for the number of acres that are being proposed, plus a parkway, plus other streets, and a park and everything else.

I think Brian already alluded to the fact that it makes our neighborhood a cut-through with unwarranted traffic. We don't have really bad traffic issues right now. Brook Road is not normally a problem, from my experience. Again, I've lived there for 15 years. But I think the addition of a thousand new residents will impact that traffic. The noise level is going to be an issue. There is going to be no buffer around our neighborhood.

And of course the immediate constraint on the schools, given the fact that the apartment is in the first phase. That has the most residents in it. And that would be done before any additional school planning could be in the works. So we're of course very concerned about that. I have three young boys that are currently school. They're technically in trailers, but they're calling them *learning cottages*. I don't think that we can have many more *learning cottages* on these school properties.

That's my feedback. Thank you for listening.

Mr. Archer - Thank you, Ms. Gulasky. Ms. Gulasky, we hear this all the time, and I'm always curious. Do you have anything in writing in your deed or anything that says 25 feet of wooded area would be left behind your property?

1078  
1079 Ms. Gulasky - Not that I'm aware of, but I will validate that and  
1080 confirm. Those were the promises that were made by our realtor when we first  
1081 built the home.  
1082  
1083 Mr. Archer - But they didn't put it in your contract?  
1084  
1085 Ms. Gulasky - Fifteen years ago. I think at some point we found that  
1086 either there was an amendment to it or new information that was brought to light  
1087 that the 25-feet of wooded property was actually a 20-foot bare easement that  
1088 could not be built on, so there's no sound or environmental or noise buffer  
1089 between us and anything that would be built. So although that was a promise that  
1090 was made in the beginning, I have since learned that the 25-feet of a wooded line  
1091 has turned into a 20-foot bare easement.  
1092  
1093 Mr. Archer - A bare easement.  
1094  
1095 Ms. Gulasky - Yes.  
1096  
1097 Mr. Archer - But there's nothing contractual that was conveyed at  
1098 the time you purchased your property that conveyed this property to you in any  
1099 way?  
1100  
1101 Ms. Gulasky - No. But like I said, I haven't looked at it in 15 years.  
1102  
1103 Mr. Archer - I understand that.  
1104  
1105 Ms. Gulasky - So I'll have to go back and double-check.  
1106  
1107 Mr. Archer - I'm asking because we hear it so often, that people  
1108 were promised that the woods would never go away or this would never go away.  
1109 But we can't ever find anybody that actually has that in a contract that specifies it  
1110 and makes it a legal, binding order.  
1111  
1112 Ms. Gulasky - Right.  
1113  
1114 Mr. Archer - You understand what I'm saying.  
1115  
1116 Ms. Gulasky - Yes, absolutely.  
1117  
1118 Mr. Archer - Okay.  
1119  
1120 Ms. Gulasky - It's what we were promised by our agent. Like I said, I  
1121 don't recall the exact language that was put into the contract, but I can go back  
1122 and confirm that.  
1123

1124 Mr. Archer - Okay. Thank you. Anybody else have questions?  
1125 Thank you, Ms. Gulasky.  
1126  
1127 Ms. Gulasky - Thank you.  
1128  
1129 Mr. Archer - How much time do we have left, Mr. Secretary?  
1130  
1131 Mr. Emerson - Mr. Chairman, you have approximately two minutes.  
1132 Okay. Anyone else want to speak?  
1133  
1134 Ms. Acker - Hi, my name is Jennifer Acker, and I live in the  
1135 Brookland District. Although my daughter does go to Glen Allen Elementary, the  
1136 density of this development—I'm not opposed to the development—would  
1137 severely impact her education. Right now she's in a trailer or a learning cottage  
1138 at Glen Allen Elementary, and just looking in a year to go to Hungary Creek  
1139 where there are already four learning cottages. I believe Glen Allen High School  
1140 is already at 90 percent capacity. Last time I checked.  
1141  
1142 So again, my specific concern is how this is going to impact the schools that are  
1143 already near capacity or over capacity, and how that will be addressed.  
1144  
1145 Mr. Archer - Okay. And what was your last name again, ma'am?  
1146  
1147 Ms. Acker - Acker. A-c-k-e-r.  
1148  
1149 Mr. Archer - Thank you so much. Any questions for Ms. Acker?  
1150 Okay. Thank you, ma'am.  
1151  
1152 Ms. Acker - Thank you.  
1153  
1154 Ms. Morrow - My name is Sue Morrow. M-o-r-r-o-w.  
1155  
1156 Mr. Archer - Good evening, Ms. Morrow.  
1157  
1158 Ms. Morrow - I've got a couple questions for the County. If we're  
1159 going to build this road—I applaud the park; that's just fabulous. One of my  
1160 issues is how are people going to get from this wonderful development to the  
1161 park over the road and all that. We're still a society built with cars. It would be  
1162 nice to get the pedestrians there.  
1163  
1164 The second question or point I have, the wetlands—oh, the wetlands, they have  
1165 extensive wetlands to go over. That is not something to blow off. The Civil War  
1166 battle—oh, they're everywhere; we don't have to worry about them. I take offense  
1167 to that. My father donated an extensive amount of land to provide a park for the  
1168 Civil War park system. It's not something to just to blow off.  
1169

1170 Another thing is street trees. What are street trees? You have a bunch of trees.  
1171 Why not save the trees and build around them? You have a resource that you  
1172 are not going to use because you're going to plow down everything and then  
1173 rebuild. That is very un-environmentally safe.

1174

1175 That's it.

1176

1177 Mr. Archer - Thank you, ma'am. Any questions? Would you state  
1178 your address for the record, please, ma'am?

1179

1180 Ms. Morrow - Beg pardon?

1181

1182 Mr. Archer - What is your address?

1183

1184 Ms. Morrow - My address. I'm in Patriot Circle, which is not in the  
1185 Ridge. We are surrounded by the Ridge. And one of the main thoroughfares is  
1186 going to go right past our house. It's right beside Target. We are by the wetlands.  
1187 I am very, very sensitive to the wetlands. Just blowing them off is not—that's just  
1188 not something that should be done. I'm asking for a deferral or whatever we can  
1189 do to just wait and see what we can figure out before we say oh yeah, go for it.

1190

1191 I was not told that there was a community meeting. Patriot Circle was not told  
1192 there was a community meeting. I went around this week and asked people, hey,  
1193 did you know that there was a meeting about this. The manager—the head  
1194 manager at Martin's had no idea what was going on. And that's Martin's, you  
1195 know, on that map. I talked to one person who said, "Well, the County's going to  
1196 do whatever the County does." I talked to several people that said, "Oh man, I  
1197 wish we'd known about this beforehand." That's Patriot Circle, which is very  
1198 involved in this matter.

1199

1200 Mr. Archer - Can you show us on the map where Patriot Circle is?  
1201 Can somebody help her, please?

1202

1203 Ms. Morrow - It's right in the UR. Yes.

1204

1205 Mr. Emerson - Ms. Morrow, is your neighborhood part of the  
1206 Magnolia Ridge Homeowners' Association?

1207

1208 Ms. Morrow - No sir. We're condominiums. We have a  
1209 homeowners' whatever, but it's not that active. A lot of people are in their 60s,  
1210 70s, and 80s. And I guess they'll just take this is as oh well, can't do anything  
1211 about it. There are more younger people moving into those homes. And I'm sure  
1212 they would like an active part of this. The sign, parked behind the truck, not  
1213 visible advertising this meeting was dirty pool. And I don't know who did it. It was  
1214 an accident, I'm sure. But that was dirty pool. How else do we know about it?

1215 Why were there not multiple signs about this? This is extensive. This is going to  
1216 affect a lot of people.

1217

1218 As soon as you build this, then Hanover's going to take off. And your trucks that  
1219 come off of Woodman and go across to Route 1. If you have an accident on 295  
1220 and 95, which happens a good bit, then they're going to come 295 off Woodman  
1221 and straight up 95. If there is an accident on 95, they come off onto Brook Road  
1222 and go straight up.

1223

1224 Thank you. Any questions?

1225

1226 Mr. Archer - Any questions before she takes a seat? Okay, I think  
1227 we're about out of time, but I can listen to another person if someone has a short  
1228 comment to make. Yes ma'am.

1229

1230 Male - [Off microphone.] She's in support.

1231

1232 Mr. Archer - Well come on down. I think Mr. Theobald will probably  
1233 want to hear from you.

1234

1235 Ms. Gammon - Hello. My name is Sharon Gammon. I reside on  
1236 Mountain Road in Glen Allen. I, along with my husband Stuart and his Uncle  
1237 Herman Fletcher, own part of the property being discussed tonight known as the  
1238 Little Five Azalea Farm.

1239

1240 Little Five is a third-generation family-owned nursery that has served the Glen  
1241 Allen and greater Richmond community for 66 years. Through all these years, we  
1242 were respectful of the property rights of others. We did not complain or speak in  
1243 opposition when our neighbors chose to sell their property, which is, what is now,  
1244 Magnolia Ridge. Nor did we speak in opposition to the zoning application for all  
1245 of the commercial development along the Route 1 corridor. While those  
1246 developments greatly changed the landscape of our property and impacted us  
1247 personally, we respected the rights of others and trusted Henrico County to  
1248 ensure that the roads and public services were adequate for the development.

1249

1250 The County has done a great job in this, going so far as to ensure access to our  
1251 property by purchasing the Woodman Road Extension right-of-way through our  
1252 property in roughly 1958—which was about 58 years ago—knowing that it would  
1253 be needed. There is no reason to believe the County would not continue in this  
1254 regard going forward.

1255

1256 My husband, Stuart, and his Uncle Herman, who is 81 years old, have had many  
1257 offers in the past from people and companies who wanted to buy our property.  
1258 When they decided it was time to sell, they were drawn to HHHunt's impressive  
1259 vision for the area, a vision my husband believed would help many other property  
1260 owners, including those selling their land, and those owning land and homes

1261 nearby. If you look at HHHunt's track record, you see that where they have built  
1262 communities, property values have improved, and there has been a revitalization  
1263 in the area, the likes of which is sorely needed along the Route 1 corridor.

1264  
1265 I would have much preferred that my husband, Stuart, be here to address you  
1266 this evening. He worked with his uncle at Little Five for 33 years. Unfortunately,  
1267 Stuart was diagnosed with cancer in 2013 and passed away this past July at the  
1268 young age of 51. He fully knew that his business could not sustain itself and  
1269 continue to be viable into the future without him. Stuart did not live to see the end  
1270 result of his hard work, so I am left to see his plan through.

1271  
1272 As much as it saddens us to see our business come to an end and see the  
1273 disappointment in our many customers, we know that our memory will carry on in  
1274 the many plants that have been provided to Henrico County's parks and all  
1275 throughout the community. Stuart made sure to see this plan to fruition before he  
1276 passed away. Without Stuart here with us in the future, this sale would provide  
1277 future security for myself and my two daughters and also retirement for his uncle,  
1278 which at 81 is well deserved.

1279  
1280 So members of the Planning Commission, it's our time. And to further burden this  
1281 case or deny us our time would be a true disappointment to my husband, Stuart.  
1282 What is proposed is consistent with the spirit of the County's Comprehensive  
1283 Plan with sensitivity to revitalizing the declining Route 1 corridor uses,  
1284 connections that were contemplated and a matter of public record prior to any of  
1285 the adjacent homes being developed and sold, and is enhanced with HHHunt's  
1286 commitment to quality and responsible development principles. This community  
1287 deserves the future improvements and revitalization of this corridor.

1288  
1289 I respectfully request your recommendation for approval this evening. Thank you  
1290 for your consideration.

1291  
1292 Mr. Archer - Thank you, Ms. Gammon. I'm sorry for your loss.

1293  
1294 Ms. Gammon - Thank you.

1295  
1296 Mr. Archer - Any questions for her before she takes her seat?  
1297 Okay. I know we're being a little bit fast and loose with the time rules tonight, but  
1298 I want to make sure that everybody's heard that has something valid to say. So, I  
1299 apologize for that, but I think it's important.

1300  
1301 Okay. Since she spoke in favor of, I did ask if there was anyone else in  
1302 opposition who wanted to make a short statement. Is there anyone else? Okay,  
1303 Mr. Theobald, I think you have some questions to answer. I'll let you get started.

1304  
1305 Mr. Theobald - Fred, can I have the PowerPoint back up please?

1306

1307 I must say I'm a little surprised at the tenor of Mr. Heyel's comments. We spoke  
1308 with the Magnolia Ridge HOA just yesterday. And while he did express that the  
1309 community has questions and concerns about schools, he also said that he  
1310 thought the community was generally satisfied with having the HHHunt  
1311 development next door. That's not the impression I got with Mr. Heyel's  
1312 comments, so I don't know what the disconnect is there exactly. It was my  
1313 understanding that their board did not take a formal vote on this matter.

1314  
1315 I should say that we met with the HOA board back in January before we met with  
1316 anybody else. Sat down, showed them our plans. As a result of that, that plan  
1317 was posted on their Facebook page, which is the way I understand they  
1318 communicate with their residents.

1319  
1320 When we planned our community meeting, not only did we send notices to  
1321 adjacent property owners and some beyond, the HOA again posted notice of the  
1322 meeting on their Facebook page. There was a very large article in the *Richmond*  
1323 *Times-Dispatch* about this project. There was another big article in *Richmond*  
1324 *BizSense* about this. I can't speak to the posting of signage, but I'm positive staff  
1325 complied with all the laws attending to that. We had 40-some people at the  
1326 community meeting and had a full discussion of the plan.

1327  
1328 With regard to schools, I can't make that issue go away. Roads, utilities, and  
1329 schools don't happen until development happens. I think Henrico County does  
1330 some of the best job of any jurisdiction around in anticipating that. As you heard  
1331 by the School's published comments this evening, they're already looking into the  
1332 overcrowding. I know they've got some money in the CIP plan for certain  
1333 expansions and renovations of some schools. I'm not sure they're necessarily  
1334 these schools. That's something the School Board is well attuned to. And we all  
1335 who work with planning and development on a daily basis understand how that  
1336 process works.

1337  
1338 Here's Peterfield Lane you can see here that was the subject of comments by  
1339 two of the speakers. I have no idea what, if anything, Ryan Homes told these  
1340 folks. This right of way has been there—the dedicated right of way has been  
1341 there, been on the map since 1958. This is one where people should have  
1342 known, had an opportunity to know. You can see that the homes are pulled back  
1343 from the rear yards. There is about 180-plus feet between the rear of their homes  
1344 and the first building that you can see in this area here.

1345  
1346 We have a very similar situation is Twin Hickory, which HHHunt developed. They  
1347 decided where to put the single-family homes and where to put the apartments.  
1348 This is extremely similar. What you'll see in this graphic is basically the rear of  
1349 the homes to the back of the lot to the area that's in the right of way. It's a two-  
1350 lane divided road system with a planted median in between, and pedestrian  
1351 areas, walkways. And then the apartment side is literally ten feet lower than then  
1352 grade of this road. This is an area where there's a transitional buffer and

1353 additional landscaping. This is an area when we come with a landscape for the  
1354 multi-family units that will deserve special attention. And it will get special  
1355 attention like it does in all of the Hunt communities.

1356

1357 I don't believe apartments produce crime. I hear that often. These are serious  
1358 rents for these units. In fact, we think that the provision of River Mill will actually  
1359 reduce crime in the area. River Mill will lift up all of the areas around it. We  
1360 believe it will preserve and enhance the property values of Magnolia Ridge,  
1361 which was a beautifully designed neighborhood, still is, but exists in an oasis. An  
1362 absolute oasis. It's not that often you get an opportunity to master plan a  
1363 community of 250 acres and guarantee the quality, not only through the proffered  
1364 conditions, but having a developer with a track record, and significant restrictive  
1365 covenants, and homeowner association governance, and development standards  
1366 that far exceed any proffer that we've ever put on a case. So we honestly believe  
1367 the areas where HHHunt has developed have been pulled up and transformed.  
1368 We believe that will happen here.

1369

1370 I've tried to hit the points that I heard. I'll be happy to answer any more questions.

1371

1372 Mr. Archer - Thank you, sir. Are there questions for Mr. Theobald?

1373

1374 Ms. Gulasky - [Off microphone.] I have a question.

1375

1376 Mr. Archer - Come on up to the microphone, ma'am.

1377

1378 Ms. Gulasky - I'm just wondering if the intent was to make sure that  
1379 all of—

1380

1381 Mr. Emerson - Ma'am, would you restate your name for the record,  
1382 please?

1383

1384 Ms. Gulasky - Michele Gulasky, Magnolia Ridge, Peterfield Lane.  
1385 I'm just wondering if the intent to inform all of the residents was really there. Why  
1386 were only some sent a notification through the mail and not the whole  
1387 neighborhood or not everybody that was impacted by this? Not everybody reads  
1388 the paper now. Not everybody is on Facebook. Not everyone even has an e-mail  
1389 account. My two next door neighbors are 75 years old. And yes, they had the  
1390 opportunity to come to one of the meetings at Hunton, but a lot of these meetings  
1391 were scheduled so quickly with very little time to plan changes in our schedules  
1392 so that everybody could be represented.

1393

1394 I went to a school function tonight for my son. And I saw other people there from  
1395 my neighborhood who have kids, and I told them where I was going, and asked  
1396 them if they were planning to come. And they knew nothing about this. They  
1397 don't have Facebook. They didn't come to the recent HOA meeting. So not  
1398 everybody has been properly informed. I think that we need to take some time,

1399 make sure that the full community is informed about this, has a chance to voice  
1400 their opinion. It seems like these plans are fully laid out. Looking at this  
1401 landscape—yeah, it looks nice, it's helpful. But taking new trees to replace  
1402 mature trees doesn't have the same impact on carbon uptake and noise barrier  
1403 as something that's been there for hundreds of years.  
1404

1405 It would be very appreciated if we could have a little bit more time for more  
1406 proper information, to read the staff report, which I understand just came out, to  
1407 really get a better understanding of how all of this is going to impact people. And  
1408 I'm not discounting that River Mill looks like a beautiful community, and maybe  
1409 there is an upside to it. But there's also a severe downside to the current plan as  
1410 it stands now.  
1411

1412 Mr. Archer - Thank you, ma'am. Ma'am, we're out of time. Did you  
1413 have something you wanted to say very quickly?  
1414

1415 Ms. Morrow - I just wanted to say we have faith in you all. You are  
1416 going to do the right thing, we all hope. I hope you do a deferral so that we can  
1417 do more notification. The other thing is, if you look at that landscape, you have  
1418 trees, you have shrubs, you have everything. You have fertilizer, you have  
1419 pesticides and all that stuff. And the Chickahominy's where? Like right there. And  
1420 the runoff. And it's beautiful, but it will not be what will protect the Chickahominy.  
1421

1422 I'm not totally opposed, but I'm not totally for it. I think we need more study.  
1423 Thank you.  
1424

1425 Mr. Archer - Thank you, ma'am. I think we've about utilized  
1426 enough time. I think we've heard from everybody from both directions.  
1427

1428 As far as the notification for this meeting is concerned, Mr. Secretary, will you  
1429 explain how these meetings are notified? They're not done on Facebook. I don't  
1430 think we do.  
1431

1432 Mr. Emerson - No sir, no sir. We have a series of different types of  
1433 notifications that are going on here. First you have the community meeting. That  
1434 was sponsored by the developer. It's my understanding that they had two of  
1435 those. Am I correct? Yes. And they did a broader notification than we would have  
1436 done. And they also notified the homeowners' association, who we're all  
1437 dependent upon to get information out to those residents within those  
1438 communities.  
1439

1440 For a public hearing, the Code of Virginia spells out very clearly whom you notify  
1441 for a public meeting. Essentially, these are the folks who are directly adjacent to  
1442 the property being considered for rezoning. Now, I don't believe we have our  
1443 map of notification loaded in this slide show. In Henrico, we always go a little bit  
1444 deeper. Would we notify the entire community of Magnolia Ridge? No, we

1445 wouldn't do that because we notify the homeowners' association, we run ads in  
1446 the newspaper, which is required by the Code of Virginia. And of course we do  
1447 post signs. We can't explain why somebody would park a vehicle next to a sign  
1448 and block its view. We don't have control over that.

1449

1450 Excuse me?

1451

1452 Ms. Morrow - [Off microphone] Where were the other signs?

1453

1454 Mr. Emerson - Ma'am, I'd have to pull the file and tell you where  
1455 there were, but there were several. You can come by our office, and it's open for  
1456 your review. But there were several signs posted, including the one that I  
1457 understand was blocked by the truck. We don't have any control over that.

1458

1459 But that is our normal mode of notifying people. And it historically has worked  
1460 very well. And of course it's the method prescribed by the Code of Virginia.

1461

1462 Mr. Archer - Thank you. Okay. I have to make a decision tonight to  
1463 do one thing or the other, but I have a few things I'd like to say before I get  
1464 started.

1465

1466 One is that—Mr. Secretary, I guess you can back me up on this. We got very  
1467 mixed signals from the homeowners' association. This is the first time I've heard  
1468 that the homeowners' association was almost diametrically opposed to this.

1469

1470 Mr. Emerson - Yes sir.

1471

1472 Mr. Archer - In fact, we heard almost exactly the opposite. There  
1473 are a few things that I wrote down as comments that I'm going to try to touch on  
1474 all of them. If I do it a little randomly, you'll have to forgive me.

1475

1476 The thing about schools. As Mr. Theobald said, we're looking at a nine- to ten-  
1477 year build-out of this if it were pass the Board of Supervisors. A nine- to ten-year  
1478 build-out, which means that a child who is in elementary school now, who may be  
1479 six years old, would be well through high school by the time this is done. A child  
1480 that's already in high school would probably be married and have children of their  
1481 own at that point of time in ten years. Things change a lot in ten years.

1482

1483 As far as school overcrowding is concerned, it's a condition that we have to listen  
1484 to practically all of the time. Any time anything is built anywhere that will bring  
1485 families, it's going to have an impact on schools. It's going to have an impact on  
1486 roads. All of us in here have houses, we have cars, and we have an impact on  
1487 roads. We hear a lot about cut-through traffic. I'm not a person who speaks in  
1488 favor of cut-through traffic, but I bet all of us in here cut through somewhere in a  
1489 day going wherever we have to go. It's just the way the road network is.

1490

1491 Home values? There are arguments that can be made for home values on both  
1492 sides. In this particular instance, one thing that is beginning to disturb me very  
1493 much is the deterioration and decline of the Virginia Center Commons. Anybody  
1494 who has visited there recently knows that Virginia Center Commons is really  
1495 heading in a downward spiral, by my estimation. And I would think that having  
1496 more rooftops in that area would probably be something that would be a  
1497 significant benefit to them in rebuilding themselves somewhere near their former  
1498 glory. At one time, it was one of the destination shopping centers to go to. So you  
1499 can look at both sides of the issue there.

1500

1501 I was impressed by Ms. Gammon's comments at the Little Five Azalea Farm.

1502

1503 The cultural resources, I think Mr. Theobald answered as well as he could about  
1504 what would happen once that study has been made.

1505

1506 The other thing that we all get disturbed by up here is when people buy houses  
1507 and somebody makes promises to them that whatever is here now will be here  
1508 forever. Unless they sell you the particular piece of land that they're discussing,  
1509 that's not ever going to happen. I regret that it does, because I think anybody  
1510 who buys from a realtor expects that the person that they buy from is telling them  
1511 the truth. And, you know, they want to sell the house.

1512

1513 I think there are some other things here that probably I could touch on, but I do  
1514 want to make everybody understand that regardless of how we vote on this  
1515 tonight, there will be another hearing on it in 30 days when the Board of  
1516 Supervisors has to take this up. Looking at this project in its completeness,  
1517 there's a lot. A thousand residences is a lot. But at what point in time do we just  
1518 say well we can't build anything else until such time as the people who already  
1519 here have moved on and gone somewhere else. It does not work in the scheme  
1520 of things. We don't plan by favoritism. We try to plan by good, sound planning  
1521 principles things that would be in the best interest of everybody concerned on the  
1522 whole and not just a few people. We're sympathetic to what everybody has to  
1523 say. But at the same time, there's only so much that you can do without taking  
1524 people's land from them and just saying, "Well you just can't build anything here  
1525 until some other time in the future."

1526

1527 As far as traffic is concerned, the roadway network would be completed to  
1528 something, as Mr. Secretary said, that has been desired by the County for well  
1529 over 20 years, before Magnolia Ridge was built. I've been on this Commission for  
1530 20 years now. And one of the first things that I was welcomed with when I came  
1531 over here was the Woodman Road Extension. Everybody had wanted to do it,  
1532 but it has never happened. I don't see how that could really be much less than a  
1533 benefit to anybody who had to use that corridor.

1534

1535 So I'm probably not saying enough to satisfy everybody, but between now and  
1536 the time the Board meets—which would be when, Mr. Secretary?

1537

1538

Mr. Emerson - I believe that would be April 12th, Mr. Chairman.

1539

1540

Mr. Archer - Okay. Perhaps the applicant would like to have another community meeting to discuss some of these issues with you. But they have been very helpful to us in the things that we have done to help them to revise their proffers and get this case to a place where it is suitable. And I don't see very much that could be gained by deferring it out beyond another 30-day period. They would have the option, if they wanted to, between now and the time the Board meets, if they felt like there were issues that they had not covered tonight, they could defer it again if they wanted to. And of course when it gets to the Board, they have the option of also doing that.

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But for right now, what I'm seeing is an overall value to the community. And when I say the community, I mean the community at large, and that includes the shopping centers that are there, the houses that are there, and the people who may have the benefit of having a place to live in the future. There's something here for everybody. There are apartments for people who are just getting started. There are townhouses for people who want to move up or, in some cases, senior citizens who want to move down. There are single-family residences for those who want to better the housing situation that they're in.

1551

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1559

Bear in mind that not everybody who moves into a new subdivision comes from somewhere outside of Henrico. A lot of people move within the County, which means that if they have children, they're already in the school system.

1560

1561

1562

1563

So I guess I'm tired of hearing myself talk now. Anyway. With that, I hope that you will see fit to discuss this with the developer at another time if you want to have some of your questions answered. But for now, my motion would be to move to send this to the Board of Supervisors with a recommendation for approval.

1564

1565

1566

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1569

Ms. Jones - Second.

1570

1571

Mr. Archer - Motion by Mr. Archer, seconded by Ms. Jones. All in favor of the motion say aye. Those opposed say no. The ayes have it; the motion passes. The Board will meet again when, Mr. Secretary?

1572

1573

1574

1575

**REASON** - Acting on a motion by Mr. Archer, seconded by Ms. Jones, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because it reflects the type of residential growth in the area.

1576

1577

1578

1579

1580

Mr. Emerson - On April the 12th.

1581

1582

Mr. Archer - April the 12th. In this room. Thank you for coming.

1583  
1584 Mr. Emerson - Mr. Chairman, we now move on to REZ2016-00004,  
1585 Andrew M. Condlin for Windsor Enterprises. The staff report will be presented by  
1586 Ms. Erin Puckett.

1587  
1588 **REZ2016-00004 Andrew M. Condlin for Windsor Enterprises:**  
1589 Request to rezone from R-2AC One-Family Residence District (Conditional) to C-  
1590 1 Conservation District part of Parcels 739-774-2846, 739-774-8240, 739-774-  
1591 9656, 740-772-1643, 740-772-1934, 740-772-3171, 740-772-5076, 740-772-  
1592 5158, 740-773-6853, 740-774-7338, 740-774-9829, 741-774-2056, and 741-775-  
1593 2516 containing 14.0 acres located within the special flood hazard areas  
1594 throughout various portions of the Grey Oaks subdivision generally between  
1595 Grey Oaks Park Road and the northwest line of Grey Oaks Park Drive and Grey  
1596 Oaks Park Lane and the east line of Grey Oaks Park Drive. The applicant  
1597 proposes a conservation district. The use will be controlled by zoning ordinance  
1598 regulations. The 2026 Comprehensive Plan recommends Suburban Residential  
1599 1, density should not exceed 2.4 units per acre, and Environmental Protection  
1600 Area.

1601  
1602 Mr. Archer - Hi, Ms. Puckett. Is there anyone here who is opposed  
1603 to this case, REZ2016-00004, Andrew M. Condlin for Windsor Enterprises? Sir,  
1604 is this the one you had questions about? Okay. Well maybe you'll understand a  
1605 little bit better after we go through our process. All right. Thank you, sir.  
1606 Ms. Puckett, how are you, ma'am?

1607  
1608 Ms. Puckett - I'm good. How are you?

1609  
1610 Mr. Archer - Pretty good.

1611  
1612 Ms. Puckett - Thank you Mr. Chairman, members of the  
1613 Commission.

1614  
1615 The applicant is requesting to rezone 14 acres from R-2AC One-Family  
1616 Residence District (Conditional) to C-1 Conservation District. This request is to  
1617 comply with Proffer 15 accepted with rezoning case C-015C-03, which requires  
1618 areas within the 100-year floodplain to be rezoned to a Conservation District. The  
1619 subject acreage contains a portion of the Grey Oaks subdivision common area  
1620 located within the 100-year floodplain. This area traverses multiple sections of  
1621 the subdivision and includes portions of 13 parcels.

1622  
1623 Proffer 15 from the 2003 rezoning case specifies that the request to rezone the  
1624 floodplain area to C-1 must be made no later than the time of recordation of the  
1625 final subdivision plat for the development. At this time, a plat for the final phase  
1626 has been submitted to the Planning Department for review, but has not yet been  
1627 recorded.  
1628

1629 The 2026 Comprehensive Plan's recommended future land use for the impacted  
1630 portions of the subject parcels is Environmental Protection Area, with a small  
1631 portion of the subject property in Suburban Residential 1. This request is  
1632 consistent with the Plan's recommendations and would fulfill a proffered  
1633 requirement. Therefore, staff supports this request.  
1634

1635 This concludes my presentation and I would be happy to answer any questions.  
1636

1637 Mr. Archer - Thank you, ma'am. Any questions for Ms. Puckett  
1638 from the Commission?  
1639

1640 Mrs. Marshall - I do. Ms. Puckett, I think it would help the  
1641 Richardsons if you could explain to them what you mean by conservation, exactly  
1642 what that means, what can go on there, what can't go on there. I think that what  
1643 the people from the neighborhood received from Mr. Condlin, it used a lot of big  
1644 terms. And so I think it would be helpful for them to understand the use of this.  
1645

1646 Ms. Puckett - Certainly. We know there has been a little bit of  
1647 confusion because there have also been a couple of different rezoning cases  
1648 going on in this area. This one specifically, rezoning to this Conservation District,  
1649 essentially what happened in 2003 when the developer came in to rezone the  
1650 entire subdivision to a Residential District, they volunteered or proffered a  
1651 condition that they would come back in and rezone the central common area of  
1652 flood plain areas to our C-1 District.  
1653

1654 Essentially, it's not really physically changing anything in the area. That is  
1655 currently a 100-year-flood-plain area, so nothing can really be constructed in  
1656 there anyway. Essentially, this is an extra layer of land-use protection, that this  
1657 would be explicitly putting it into a Conservation District where really you couldn't  
1658 construct much of anything. The C-1 District does allow some low-impact uses as  
1659 a principal use, but with the odd shape and the narrowness of this area that's  
1660 being rezoned, essentially the intent is to keep it as common space and  
1661 Environmental Protection Area.  
1662

1663 Ms. Jones - Just another thing. This is commonly done for our  
1664 rezoning cases.  
1665

1666 Ms. Puckett - Yes.  
1667

1668 Ms. Jones - This is nothing unusual, even though the  
1669 gobbledygook in the notices is very scary language. We do understand that this  
1670 is part of a lot of rezoning cases. And I guess it might be helpful to mention why  
1671 this is usually done at the end of the process versus right in the beginning when  
1672 they're coming in with their initial plans.  
1673

1674 Ms. Puckett - Sure. And I know that part of the reason they held up  
1675 to the end for this one is because there are some small areas of that 100-year  
1676 flood plain that do fall into the rear of the some of these single-family properties.  
1677 Those areas are not included in this rezoning. They waited until the end so they  
1678 have those designated common area lots. And those are the only areas that are  
1679 falling into the rezoning at this time.

1680  
1681 Mr. Emerson - And also, we don't have the detailed engineering at  
1682 the time of rezoning. Once the subdivision has gone through subdivision  
1683 planning, we have the actual detailed engineering. We know exactly where that  
1684 conservation area needs to lie.

1685  
1686 Mr. Archer - Okay. Anyone else?

1687  
1688 Mrs. Marshall - Is that helpful?

1689  
1690 Male - [Off microphone.] It is. [Inaudible.]

1691  
1692 Mr. Archer - Certainly, come on up.

1693  
1694 Mr. Richardson - My name again is John Gregory Richardson.

1695  
1696 Mr. Archer - Thank you, sir.

1697  
1698 Mr. Richardson - My concern is not necessarily stopping what's  
1699 happening here. I would like to say in our particular case we have not had our  
1700 community turned over to us yet from the developers. So we're literally in this  
1701 limbo right now that is essentially—we have no representation, we have no voice  
1702 in this process. Just anecdotally, we've had someone call because the kids  
1703 sometimes come around and sell candy, it might be legitimate, it might be a  
1704 scam. Someone called our HOA to voice their concerns. And we were told that  
1705 the "no solicitation" signs at the entrances to our communities only apply to the  
1706 common areas. We've owned several homes. We've always served on the  
1707 homeowners' association wherever we lived. And I've never heard of such a  
1708 thing.

1709  
1710 Again, I don't know if I'm allowed to do this, but I have photographs of a tree that  
1711 fell, and it was huge. It went from one side of the street and literally to the other  
1712 side. It was probably at least 12 inches in diameter. This would have killed  
1713 someone or heavily damaged a school bus. These are the kinds of issues, safety  
1714 issues, that we have no voice in right now. This situation is a good example of  
1715 that.

1716  
1717 So my concern is, number one, I'm not quite grasping what's going on, but I am  
1718 very certain that we have absolutely no voice. The developers represent  
1719 continued building. And we're trying to navigate this process, and we really don't

1720 have anyone that's really sort of helping us through this as a community. And I'm  
1721 very disappointed, but I'm not surprised that we're the only ones here. We're  
1722 retired. We both served 65 years military and government service. Both of us are  
1723 disabled veterans. The malaise that's in the community right now, that people  
1724 just don't even care what's going on outside their front doors is just amazing to  
1725 us. But I'm not surprised that we're here by ourselves.

1726

1727 That's primarily it. I've been a fixer in the military. I'm the person that gets the  
1728 project that nobody wants turned over to them because everybody else has  
1729 pretty much driven it into the toilet to begin with. That's what my background has  
1730 been. That's also what my wife's background has been. She's much smarter at  
1731 these kinds of things than I am.

1732

1733 My concern is, as you said, Mr. Chairman, the thing about the land will never be  
1734 built on, that's happened to us right now. And this is our retirement home. So in  
1735 my particular case, if this is continuing, then we need to get this addressed  
1736 legislatively because it amounts to—I guess a breach of contract or fraud. And if  
1737 it's happening this commonly, then as leaders we need someone to help us  
1738 change the behavior of the people that are doing this sort of thing.

1739

1740 Supervisor Branin has been very helpful. Commissioner Sam, we met with you  
1741 folks. We met with some of the Planning people. I'm extremely happy with how  
1742 we've been treated as new residents to this County. And this is my only  
1743 disappointment. And I'm not really disappointed because I don't know enough to  
1744 be disappointed. I know that the hawks that we saw mating in one of our trees  
1745 yesterday, red-shouldered hawks are there. Deer come in the back, the foxes.  
1746 And after everything that I've gone through as a veteran—and it's not necessarily  
1747 the stuff we deal with, it's the betrayal we have to deal with when we come home  
1748 that is really the toughest part to get over. The things that I watch out my back  
1749 window are what are helping to heal me. And now potentially I'm going to lose  
1750 that if they decide to build into this area. Supervisor Branin was very right. He  
1751 said that before you were here, someone else didn't want you here. So I  
1752 understand that progress and commerce and all that has to continue.

1753

1754 Is there anything I left out, Baby? I'm not sure.

1755

1756 Ms. Jones - May I ask where you live?

1757

1758 Mr. Richardson - Yes ma'am.

1759

1760 Ms. Jones - Right on this map.

1761

1762 Mr. Richardson - Yes. As a matter of fact, I even pointed that out to—  
1763 I'm sorry, sir. Lot 51 or 52.

1764

1765 Ms. Jones - With the cursor, can you just show me?

1766  
1767 Mr. Richardson - I'm sorry.  
1768  
1769 Mrs. Blankinship - No, you're fine.  
1770  
1771 Mr. Richardson - So we were just—in that particular cul-de-sac area,  
1772 again, the owner of the home, the title company, the real estate broker—I mean,  
1773 when we found out about this, there were a lot of people scrambling. I'm sure it's  
1774 because of our reputations. We get involved when we have to get involved. But I  
1775 know that we were told that there was old Army Corps of Engineer tape in the  
1776 back. There's a creek that runs right in our back yard. There's also an obvious  
1777 small swamp area. And farther back, there's an area that when we walked the  
1778 property—  
1779  
1780 Mr. Archer - Excuse me. Mr. Richardson?  
1781  
1782 Mr. Richardson - Yes?  
1783  
1784 Mr. Archer - Move a little close to the microphone.  
1785  
1786 Mr. Richardson - I'm sorry. Yes.  
1787  
1788 Mr. Archer - That's all right. Go ahead.  
1789  
1790 Mr. Richardson - There's an area that was free of debris, so it had  
1791 recently been washed out. And I know some of the folks at the other meeting  
1792 showed the flooding that was literally encroaching onto their private lots. So the  
1793 issue we have is it's safety, it's flooding, and then it also has to do with property  
1794 values. The other homeowners who are not here—  
1795  
1796 Mr. Emerson - Mr. Richardson?  
1797  
1798 Mr. Richardson - Yes sir.  
1799  
1800 Mr. Emerson - Just as a point of clarification. You do understand that  
1801 this is not the rezoning of the property to the rear of you. That case was deferred  
1802 tonight. This is merely a protection of the environmental areas of which you're  
1803 speaking. This is a C-1 zoning that would preclude any development within those  
1804 areas.  
1805  
1806 Mr. Richardson - Yes sir, I do understand that. And I wandered through  
1807 my explanation and kept going. But again, my point is that we—I understand  
1808 what's happening here tonight, and I'm not opposed to that. But going forward, I  
1809 do want you to know as a Planning Commission that we have no one that is  
1810 speaking for us. We don't have a homeowners' association. I'm already a  
1811 disabled veteran that has hired—I have attorneys that I'm paying right now

1812 because I was fired from my job because I was injured on my fifth deployment.  
1813 And quite literally from a federal job. So you don't even want to know what I'm  
1814 dealing with as a veteran.

1815

1816 And so—I'm sorry. Just sort of lost my point. I'm not opposed to what's going on  
1817 tonight. But I am concerned about—coming from living in the project at Compton.  
1818 Compton's real popular nowadays. I grew up in Compton. I lived in the projects at  
1819 one point. The military is what made me the person that I am today. It's the same  
1820 for my wife. She grew up in Dayton, Ohio. So it's really tough to start serving in  
1821 1981—and I'm still serving right now in this moment—to get here and to think  
1822 you've arrived at a place of peace and rest, and to find out that you've got to go  
1823 right back into some sort of fight to preserve what you've purchased because  
1824 people aren't being honest or they're not fully disclosing what the land around  
1825 you represents. And I still think there's a legislative issue here that you commonly  
1826 hear. And so I'm always one of those persons if you keep hearing the same  
1827 problem, then go up stream or go down stream—go wherever and fix the  
1828 problem.

1829

1830 So I think this is something that your regular everyday citizens probably need  
1831 help with. I don't know how that starts, but I do think if you hear it that often, then  
1832 there needs to be a legislative solution.

1833

1834 Mr. Archer - Mr. Richardson—and I don't mean to interrupt you.

1835

1836 Mr. Richardson - Yes sir.

1837

1838 Mr. Archer - The process that we go through here really doesn't  
1839 have much of a civil aspect to it. What you're talking about is a civil case. And if  
1840 someone has wronged you, then the courts will have to be the persons to decide  
1841 or the person to decide if you've been wronged and what punitive measures  
1842 could be brought because of it.

1843

1844 Mr. Richardson - Yes sir.

1845

1846 Mr. Archer - But here, we're in the process of rezoning cases and  
1847 trying to make sure that the zonings are lived up to when we do the plan of  
1848 development process.

1849

1850 Mr. Richardson - Yes sir.

1851

1852 Mr. Archer - But we're not—we hear people who say what you  
1853 say. But we're not in a position that we can legislate anything. We are more of an  
1854 advisory board. We make recommendations to the Board of Supervisors as they  
1855 pertain to zoning.

1856

1857 Mr. Richardson - Yes sir.

1858  
1859 Mr. Archer - But I hear what you're saying, and I'm very  
1860 sympathetic. I think we all are. I just don't know what the right course of action is  
1861 to bring against those people who make you promises and then don't keep them,  
1862 except in civil court.  
1863  
1864 Mr. Richardson - Understood. Again, I thank you. I'm very happy with  
1865 the services that we've been provided. And anytime you see someone, especially  
1866 nowadays, that has that disabled veteran license plate, they should get a medal  
1867 just for getting that license plate on their car because you have no idea what we  
1868 have to go through. Coming down to this building and having people help us, it  
1869 was easy, it was great. And I appreciate it. Thank you for listening.  
1870  
1871 Mr. Archer - Well we thank you for your stewardship, sir. Thank  
1872 you.  
1873  
1874 Sir, you want to speak to the case? Come on up.  
1875  
1876 Mr. Baker - My name's Mark Baker. I'm with Roth Doner Jackson.  
1877 I'm here on behalf of Windsor Enterprises.  
1878  
1879 Ms. Jones - Could you speak a little closer to the microphone?  
1880 You're so tall.  
1881  
1882 Mr. Baker - I'm sorry. It's the tall—yeah, the height thing. Mark  
1883 Baker from Roth Doner Jackson. I'm here on behalf of Windsor Enterprises. I  
1884 think staff did a good job summarizing the case at hand, and I think there's been  
1885 some good discussion. It sounded like some misunderstanding as to what this  
1886 case is about, so I didn't really intend to get up here at this point to talk about it.  
1887 But what I did want to say is with regard to the case that has been continued. I  
1888 am sympathetic to the gentleman's concerns. And I'm willing, certainly, to sit  
1889 down with you and hear your concerns right now, as well as to get your  
1890 information, make sure you have mine, and to make sure you are included in that  
1891 ongoing discussion as we move forward towards what would now be a July  
1892 hearing. But I certainly want to offer that.  
1893  
1894 I don't know that in terms of discussion of the case tonight that there's much  
1895 more I can offer, but if you have any questions.  
1896  
1897 Mr. Archer - Thank you, sir. Any questions? And I apologize for  
1898 overlooking you, sir. I got enthralled in Mr. Richardson's story.  
1899  
1900 Mr. Baker - No worries.  
1901  
1902 Mrs. Marshall - I think his wife has something she wants to say.  
1903

1904 Mr. Archer - Ms. Richardson, did you want to say something?  
1905  
1906 Ms. Richardson - [Off microphone; inaudible.]  
1907  
1908 Mr. Archer - Yes ma'am. He says you're smarter than he is.  
1909  
1910 Ms. Richardson - [Off microphone; inaudible.] I'm Tara Richardson,  
1911 Grey Oaks Estates Court. This is the concern or the issue, if you will, that I have  
1912 with the two concurrent and separate zoning requests. One is for this  
1913 conservation area, which is a good thing. I agree with that, and my husband and I  
1914 don't really oppose that. The concern is there's another area that's adjacent and  
1915 right behind our home that is a wetlands area and may be a conservation area. I  
1916 don't know. We don't know that. So my concern was taking a piecemeal  
1917 approach rather than considering the community as a whole in these new deals  
1918 that are going on.  
1919  
1920 So one of the examples that I can offer to you is something that happened  
1921 recently in the Wyndham community that we just learned of. They had a rezoning  
1922 request. The builder did something very similar and promised the committee,  
1923 Planning committee—and this is what we were told by a Wyndham resident—  
1924 that we'll do this backroom deal with the Commission, and we'll reserve a piece  
1925 of property for conservation wetlands and then this other piece we'll build upon.  
1926 Well the other piece they did build upon and, in the homeowner's view, ruined  
1927 some of these other areas. But that was the deal.  
1928  
1929 So I'm concerned with—not to say that there's a deal being made here, but  
1930 immediately I thought about that example that was relayed to us recently. I don't  
1931 want this zoning request, this initial request, made and then there's a deal later  
1932 that well we have enough wetlands area in this particular community or in this  
1933 particular area. I'm ignorant to how that works and if there is a requirement to  
1934 have a certain acreage that should be conservation. I don't know. I'm a total  
1935 novice at these types of discussions, so excuse my ignorance in that.  
1936  
1937 But that was my concern when I saw this request coming through and some of  
1938 the other neighbors, we talked about it. And then the Wyndham example was  
1939 brought up. I fear of an okey doke coming later on. That's my only concern. And  
1940 perhaps they can address that later.  
1941  
1942 As much land as they can conserve, great. But if we're having a problem in the  
1943 wetlands area, some of the wetlands area already—and that's what my husband  
1944 was getting to with the trees falling down. On our property alone, we've had to  
1945 bear the expense of removing a few trees that have fallen and work with the  
1946 builder in the common area to take down some trees because they were a  
1947 danger to the surrounding area and to some of the children who play in the  
1948 common area.  
1949

1950 That, again, is my concern with the different rezoning requests that are coming  
1951 instead of taking a holistic approach with the community.

1952  
1953 Mr. Archer - Thank you, Ms. Richardson.

1954  
1955 Ms. Richardson - Thank you.

1956  
1957 Mr. Archer - Does anybody have any comment to make to speak  
1958 to what she's saying? I realize these zoning cases have to be handled on an  
1959 individual basis.

1960  
1961 Ms. Jones - And this is from a 2003 zoning case.

1962  
1963 Mr. Emerson - Correct, correct. And of course our environmentally  
1964 protected areas that come back for rezoning, once they have been through the  
1965 subdivision and—in some cases plan of development when it's an R-5A or an  
1966 RTH case, that's when we actually have the true data regarding what needs to  
1967 be protected. There is no specific amount of wetlands to be preserved. It is  
1968 basically what is there and what meets the criteria. In this case, it's flood plains.  
1969 And this really isn't a piecemeal approach. It's a fairly large portion. It was a large  
1970 planned property. As far as the land in the future, again, once a development  
1971 plan comes forward on it, these areas would be delineated and they would be  
1972 preserved and are protected as provided by state and federal law. That's the  
1973 criteria that we're bound to follow.

1974  
1975 Mr. Archer - I know we didn't answer everything that you all  
1976 wanted to hear tonight. Don't beat up on yourselves for being, as you said,  
1977 ignorant about the process. You're really not. Nobody who sits out there, unless  
1978 they've been through one of these processes before, knows exactly what's going  
1979 on. But there are a lot of departments within the County who can give you that  
1980 information and are more than willing to help you with just a phone call. I hope  
1981 you get that worked out. Thank you for coming again.

1982  
1983 All right, Ms. Marshall, I guess you have to make a motion, don't you?

1984  
1985 Mrs. Marshall - All right. Mr. Chairman, I move that we file the  
1986 recommendation of the Planning staff and approve case REZ2016-00004, Mark  
1987 Baker for Windsor Enterprises Corporation, to rezone from R-2AC One-Family  
1988 Residence District (Conditional) to C-1 Conservation District part of Parcels 739-  
1989 774-2846, 739-774-8240, 739-774-9656, 740-772-1643, 740-772-1934, 740-772-  
1990 3171, 740-772-5076, 740-772-5158, 740-773-6853, 740-774-7338, 740-774-  
1991 9829, 741-774-2056, and 741-775-2516 containing 14.0 acres located within the  
1992 special flood hazard areas throughout various portions of the Grey Oaks  
1993 subdivision generally between Grey Oaks Park Road and the northwest line of  
1994 Grey Oaks Park Drive and Grey Oaks Park Lane and the east line of Grey Oaks

1995 Park Drive. The applicant proposes a conservation district. The use will be  
1996 controlled by zoning ordinance regulations.

1997  
1998 Mr. Leabough - Second.

1999  
2000 Mr. Archer - Okay. Motion by Ms. Marshall and seconded by  
2001 Mr. Leabough. All in favor of the motion say aye. Those opposed say no. The  
2002 ayes have it; the motion passes.

2003  
2004 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
2005 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to  
2006 recommend the Board of Supervisors **grant** the request because it conforms to  
2007 the objectives and intent of the County's Comprehensive Plan.

2008  
2009 Mr. Emerson - Mr. Chairman, the next item on your agenda would be  
2010 the consideration of approval of your minutes from your February 11th, meeting.  
2011 You also do have an errata sheet that was at your seat when you came in this  
2012 evening.

2013  
2014 Mr. Archer - Okay. Is there a motion on the minutes?

2015  
2016 Ms. Jones - So move the minutes as corrected.

2017  
2018 Mr. Archer - Thank you. Second?

2019  
2020 Mr. Leabough - Second.

2021  
2022 Mr. Archer - Motion by Ms. Jones, seconded by Mr. Leabough.  
2023 The minutes stand approved.

2024  
2025 Mr. Emerson - Mr. Chairman, I have nothing further for the  
2026 Commission this evening.

2027  
2028 Mr. Archer - All right. Anybody else have anything further?

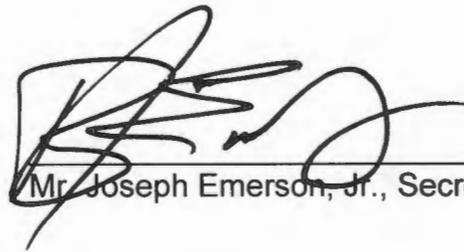
2029  
2030 Mr. Leabough - I move for adjournment, Mr. Chair.

2031  
2032 Mr. Archer - So adjourned at 8:58 p.m.

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Mr. C. W. Archer, C.P.C., Chairman

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Mr. Joseph Emerson, Jr., Secretary