

1 Minutes of the work session held at 5:00 p.m., November 8, 2012, to discuss
2 Section 2-18 Points of Access...from Public Works' Design Manual and to
3 discuss an Urban Mixed Use application for portions of Innsbrook by Highwoods
4 Properties (C-13C-11 and P-10-11), and the regular monthly meeting of the
5 Planning Commission of the County of Henrico held in the County Administration
6 Building in the Government Center at Parham and Hungary Spring Roads,
7 beginning at 7:00 p.m. November 8, 2012. Display Notice having been published
8 in the Richmond Times-Dispatch on October 22, 2012 and October 29, 2012.

9
Members Present: Mr. Tommy Branin, Chairman (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C., Vice Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. Dave O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mrs. Leslie News, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Kevin Wilhite, County Planner
Mrs. Aimee Crady, AICP, County Planner
Mr. Tom Tokarz, Deputy County Attorney
Mr. Steven J. Yob, Director of Public Works
Mr. Mike Jennings, Assistant Director of Public Works
Mr. John Cejka, Traffic Engineer
Mr. Livingston Lewis, County Planner
Mrs. Lisa T. Blankinship, County Planner
Mr. Justin Doyle, County Planner
Ms. Sylvia Ray, Recording Secretary

10
11 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
12 **on all cases unless otherwise noted.**

13
14 Mr. Branin - I'd like to call this work session for the Planning
15 Commission to order. I apologize for my tardiness. Traffic was terrible getting in
16 and I was having some delay. Mr. Secretary?

17
18 Mr. Emerson - Yes, thank you, Mr. Chairman. Your work session
19 tonight has two parts. The first part is to discuss Section 218 of the Public Works
20 Design Manual, Points of Access. We have with us representatives of Public
21 Works, as well as Planning staff and the County Attorney's Office, to discuss this

22 matter. At this time because of actual litigation that has been filed against the
23 County on this matter, I would request that a motion be made to go into executive
24 session or closed session.

25
26 Mrs. Jones - I'll make that motion. I move that the Planning
27 Commission go into a closed meeting pursuant to Virginia Code 2.2-3711(a)(7)
28 for consultation with the legal council and briefing by staff members pertaining to
29 actual litigation in the case of HHHunt Corporation versus County of Henrico,
30 case number CL12-1585.

31
32 Mr. Archer - I'll second Mrs. Jones's motion.

33
34 Mr. Branin - That motion was made by Mrs. Jones, seconded by
35 Mr. Archer. All in favor say aye. All opposed say no. That motion carries.

36
37 We are officially in closed session.

38
39 Mrs. Jones - I'll now read the Certificate of Closed Meeting.

40
41 **WHEREAS**, the Henrico County Planning Commission has convened a closed
42 meeting on this date pursuant to an affirmative recorded vote and in accordance
43 with the provisions of the Virginia Freedom of Information Act; and

44
45 **WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by
46 the Planning Commission that such closed meeting was conducted in conformity
47 with Virginia law;

48
49 **NOW THEREFORE BE IT RESOLVED**, that the Planning Commission certifies
50 that to the best of each member's knowledge one, only public business matters
51 lawfully exempted from open meeting requirements by Virginia law were
52 discussed in the closed meeting to which this certification resolution applies, and
53 two, only such public business matters as were identified in the motion convening
54 the closed meeting were heard, discussed, or considered by the Planning
55 Commission.

56
57 I move this Certificate of Closed Meeting.

58
59 Mr. Witte - Second.

60
61 Mr. Branin - That motion was made by Mrs. Jones, seconded by
62 Mr. Witte. All in favor say aye. All opposed say no. That motion carries.

63
64 Mr. Emerson - Mr. Chairman, now that we're back into open session
65 we now have a short presentation on a case that is on your agenda tonight. We
66 thought since it's such a large case and you had not had an opportunity to see it
67 before that we would give you a brief overview. And certainly you won't see this

68 PowerPoint again downstairs. Mr. Sehl's presentation downstairs will actually be
69 quite a bit briefer. With that, Mr. Sehl?

70

71 Mr. Sehl: Thank you, Mr. Emerson.

72

73 Last August—or I guess it was the middle of last year after a long planning
74 process that ultimately led to the Board of Supervisors adopting a Land Use Plan
75 amendment for the Innsbrook area, Highwoods Properties filed an application to
76 rezone approximately 188 acres to Urban Mixed Use (Conditional) and filed a
77 Provisional Use Permit request for a number of Provisional Use Permits and
78 exceptions for that 188 acres.

79

80 In July of this year, the applicant revised their request down to approximately
81 forty acres, which encompasses an original area that was rezoned back in 2005
82 to Urban Mixed Use (Conditional). While the size and scope of the rezoning was
83 reduced, many of the features, that we actually discussed in a work session last
84 August with the Commission, have been carried forward such as a pretty
85 extensive design guidelines manual, and proffers dealing with certain
86 improvements and restrictions on the property. Many of those carried forward as
87 the application was revised.

88

89 While they were revised in July, it hasn't moved forward, and it's taken us until
90 now in November to get to this point for a number of reasons, one of which
91 includes the Urban Mixed Use District was recently revised and amended by the
92 Board of Supervisors. That revision was adopted in September. And a number of
93 the provisions that were revised in that ordinance have been used in the current
94 request. So that kind of delayed the process a bit. In addition, much of the reason
95 that the application has moved it back to forty acres were some infrastructure
96 impacts that were magnified because of the large scope of the previous request.

97

98 So with the revision, the applicant not only shrunk the size of the project, but they
99 had to revise their traffic impact analysis, fiscal impact analysis, work with
100 Departments of Public Works and Public Utilities to ensure that those analyses
101 that the Urban Mixed Use District requires were revised as necessary.

102

103 Again, this is all building on the Innsbrook Area Study which is, as you can see
104 on the screen, a little over a thousand acres of property, most of which was
105 designated Urban Mixed Use. This is obviously one of those properties. That not
106 only changed the land use map for the Innsbrook area, but it adopted numerous
107 policies and guidelines regarding the proper form of mixed-use development,
108 how those transitions are made to existing adjacent properties, details regarding
109 landscaping and streetscape—all of those are part of what the Board adopted
110 back in September of 2010.

111

112 You saw this detailed in the staff report that was distributed for this meeting. It
113 kind of centered around five key ideas, which are illustrated on the screen. The

114 staff report tried to touch on how this application was consistent with each of
115 those five goals through a number of different elements. There were specific
116 policies down to the detail of street tree spacing that were part of what the Board
117 adopted. But these were these real key elements that we used to evaluate this
118 request is consistency with this now revised comprehensive plan for the
119 Innsbrook area.

120
121 To do that the applicant submitted a number of items—submitted proffers that
122 were in the report. We've actually received revised proffers since the staff report
123 was issued. And those will be disturbed to you down at the public hearing. But—
124 the biggest element of those proffers is that thick piece of white booklet that was
125 in your staff report, sixty-odd pages of design guidelines. That will help; when
126 Plans of Development come in for the Commission to review and for staff to look
127 at, there is a whole bunch of stuff that we can take and we can use in reviewing
128 those requests and say this is why this is consistent or why this is not consistent
129 with what you showed us at the time of rezoning.

130
131 Another big element, this is obviously shrunk down quite a bit from the original 12
132 million square feet of overall development that was proposed with 188 acres,
133 down to about 2.3 million square feet of development. One of the things that the
134 applicant has proffered in this instance is that no more than 50 percent of that
135 square footage can be devoted to residential uses. That was another key
136 component of the Innsbrook Area Study. One of the reasons for that was to—as
137 often is said, it's kind of the economic engine of Henrico County. And maintaining
138 that non-commercial aspect of Innsbrook was a vital component of the Innsbrook
139 Study. But we wanted to add in that mixed-use component. So one of the ways
140 we did that is—in this instance you're even seeing an addition. You're not just
141 taking advantage of the existing 300-and-some-thousand square feet of office
142 space that's on the property. They're adding about 500-and-some-thousand
143 square feet of additional office space, which does allow a corresponding increase
144 in residential development. But it is spurring that non-residential development
145 that helps keep the County in a healthy mix from commercial to residential
146 development.

147
148 Another key component of the proffers is the building height proffer. The
149 Innsbrook Study kind of set out—Mr. Emerson stated it often during our Land
150 Use Plan amendment—kind of a layer cake effect, a wedding cake effect,
151 towards the middle of Innsbrook with setbacks that allowed increased height as
152 you got further away from the adjacent single-family neighborhoods. So the
153 applicant has proffered building heights that are consistent with the
154 recommendations of the Innsbrook Study. In general, you're looking at forty-five
155 feet in height within that first 150 feet away from an adjacent single-family
156 home—or the lot, actually. It's not even the home itself; it is the property line. And
157 stepping out to 300 feet to go up to 80 feet in height. And then, once you get
158 beyond that 300 feet setback—in this case the applicant has proffered 250 feet
159 as a maximum building height. So you could see some real dense office and

160 residential development with some significant vertical height, which is what one
161 of goals of the Innsbrook Study was, to focus the development in the area where
162 that redevelopment could be most beneficial, take advantage of the existing jobs
163 and businesses that are already within Innsbrook, and help take advantage of
164 some of the infrastructure that's already been approved there.

165
166 The applicant, as you saw in the staff report, was also committed to a number of
167 transportation improvements. I'll detail some of those in the public hearing this
168 evening. The major improvements are essentially an additional lane on the south
169 side of Nuckols Road between Sadler Road and Cox Road. And then the
170 extension of the I-295 on-ramp from where it stops now eastward on northbound
171 Nuckols Road to Lake Brook Drive. So those are two things that would help, I
172 was out at Innsbrook the other night, and I could see where some of that merge
173 pattern is what's trying to be eliminated with that.

174
175 And then the other major component of what the applicant has proffered is the
176 realignment of Sadler Road essentially back to where it used to be located. It
177 now curves out in front of the office complex that's on the other side of Sadler
178 Road from this property. It kind of curves out directly into Nuckols. That would be
179 realigned into the existing right of way that's still there from where the road used
180 to be located. Sadler Place would then come together and there would actually
181 be a traffic circle installed at that location.

182
183 There is obviously a traffic study that was submitted with the application. It
184 showed with background traffic, even without this development, that Innsbrook
185 continues to grow. There are large amounts of office space that could be built by
186 right. And you could see that growth continue over the next twenty years whether
187 this development was constructed or not. And that traffic study is reflective of
188 that. You see some delays in some of those major intersections during the peak
189 hours, especially when you're dealing with an office development. You're talking
190 about your people coming to work between eight and nine, and your people
191 leaving to go home between five and six. And that's where you're going to see
192 the biggest impact. But I would imagine that that's part of the discussion that you
193 would maybe hear at the public hearing tonight as well.

194
195 Lastly, just kind of touching on some of the other major proffers. A couple of them
196 have been carried forward with the previous rezoning case back in 2005. The
197 major components of those are the extensive buffer that's actually already been
198 installed along the western property line, kind of on the western line of what is
199 going to be called Highwoods Parkway on the rear side of those homes adjacent
200 to the property. I think it's actually planted to a Transitional Buffer 50. In some
201 instances maybe not fifty feet wide, but looking at the plan it is a Transitional
202 Buffer 50. So that proffer has been carried forward. And that buffer would be
203 maintained.

205 We also have proffers regarding hours of construction. This is obviously in close
206 proximity to not only the single-family homes to the west, but to some
207 condominiums to the east. So that hours of construction proffer has been carried
208 forward as well.

209
210 And then recently, as I mentioned previously, they have provided additional
211 proffers regarding hours of operation for those areas within that first 150 feet of
212 the adjacent residences, as well as some prohibitions on some lighting they're
213 proposing. I don't know if you've been out to the existing kind of halfway-
214 developed portion of this site that's been cleared. They do some volleyball and
215 things like that out there. And they're proposing to potentially relocate those
216 volleyball courts. To lessen the impact on those residents, so the applicant has
217 proffered that those wouldn't be lighted. So you wouldn't see that going into the
218 evening and potentially impacting those residents.

219
220 So again, this is just to cover the urban design guidelines. We did discuss that
221 back in August of last year, so I won't take a lot of your time talking about it now.
222 There are sections of each there. As you went through you could probably see it
223 was organized as identified on the screen here. Details regarding streets and
224 streetscape and landscaping. One of the things they've proffered, it's not only a
225 proffer, but they've included it in the design guidelines for this—the architectural
226 review committee in Innsbrook, they have a pretty strong ownership group in
227 Innsbrook. One of the things that they've proffered is that prior to those
228 submissions coming into the County, say for the first Plan of Development of the
229 property, the architectural review committee's approval needs to become part of
230 that application before they can submit it, so that they're self-certifying there that
231 the plans are in compliance with the design guidelines.

232
233 As I discussed, there are two companion cases here. You have both the rezoning
234 request for the forty acres and then a provisional use permit request for a number
235 of provisional uses. Some of them are dealing with specific uses such as billiard
236 parlors or vehicle rental facilities, dry cleaning facilities. Others are more for
237 allowing the form of development that the Innsbrook Study supports, which is
238 additional residential density, additional building height, those types of things
239 they needed a Provisional Use Permit for. You've seen both the density—one of
240 the recently adopted provisions of the Urban Mixed Use District is actually a cap
241 on for-lease multi-family units of 30 percent. They've requested that that cap be
242 removed in this instance. There are also square-footage limitations for individual
243 users in the Urban Mixed Use District. Generally it's 10,000 square feet.
244 Essentially they're trying to eliminate some of those big box uses from these
245 developments. So in certain instances they've asked that they be able to exceed
246 that 10,000 square feet as well.

247
248 And then one of the big ones that is something that was only made possible
249 because the ordinance was amended in September by the Board of Supervisors
250 is actually a reduction in the parking requirements for this development. They

251 submitted a parking study that they were required to do that justified the reduced
252 parking rate. We tried to craft a condition that says this is what the base is, but
253 you need to keep showing us that this is working, such that if after the first two
254 buildings it's obvious that it's not working then we can talk about ways to
255 increase the parking on the site. The applicant is obviously fairly confident that
256 this parking would be sufficient. They don't want to run out of parking. This isn't
257 necessary like the Fan where you have an easy spot to force people off into
258 adjacent neighborhood streets. You'd have to be walking through people's
259 backyards to try to get into the adjacent neighborhoods here. So that parking
260 reduction is obviously a big component of the provisional use permit request.
261

262 So really that concludes what I wanted to discuss with you this evening here just
263 to try to provide a forum for any questions you might have in advance of the
264 public hearing, especially with specifics regarding the proffers or the design
265 guidelines. It's a large document. We had a little bit of time to talk about it last
266 year, but Mr. Leabough and Mr. Witte didn't have that opportunity so we thought
267 we'd provide it this evening. We'll provide a little bit more in depth on a couple of
268 the items and how it's specifically consistent with those five key elements we
269 were discussing at the public hearing this evening. But I did want to provide that
270 opportunity. So at this time I'd be happy to take any questions you might have
271 before we have to hightail it downstairs.
272

273 Mr. Emerson - Ben, can you touch quickly on the number of
274 apartment units in this development and how apartment units are controlled
275 through both the new Urban Mixed Use Ordinance and through the Innsbrook
276 guidelines?
277

278 Mr. Sehl - Certainly. The Innsbrook Study obviously
279 contemplated multi-family development. The densities that were proposed, you're
280 looking at kind of a graduated density from anywhere from ten to forty units an
281 acre. And that contemplates multi-family development. As was discussed during
282 that process and in the Innsbrook Study itself, we anticipated a large component
283 of that would be for-lease apartment units versus say in condominium ownership
284 or even—there's not a lot of room in these tighter areas of Innsbrook for, say,
285 townhouses or something like that. So the study has kind of all along
286 contemplated an increased level of not only multi-family units, but apartment
287 units. And I think you've seen that trend in the wider economic marketplace now
288 than what you've seen in the residential development that's been actually moving
289 forward over the last few years.
290

291 With this specific request you're looking at a little over 1.1 million square feet of
292 residential space. The way the traffic studies have broken that down is it's
293 anticipating right around 1,200 to 1,250 apartment units. We've been more
294 focused with staff's review of this on the form of those. Obviously you've seen
295 some of our more suburban apartment developments that you've seen—the
296 Commission has seen them off Bacova Drive or even out further West Broad

297 Street. There's been a lot more focus on the details of, and the types of,
298 apartments because you are looking at a more suburban framework there. In this
299 instance, you might see something, you might see a mixture of loft units and one-
300 bedroom units that you might not see because it's that more urban style. But to
301 answer Mr. Emerson's questions, you're looking at essentially 1200 units in that
302 range. There is no cap on the units, but there is a cap on the square footage of
303 those units. So we're maintaining that 50/50 split that the plan recommended.

304
305 Mr. Emerson - And the Provisional Use Permit through the ordinance
306 controls?

307
308 Mr. Sehl - We briefly touched on that, that when the Board
309 amended the ordinance in September it actually limits that to 30 percent of the
310 total multi-family dwelling units can be for-lease multi-family units. And the
311 applicant has requested that that limit essentially be waived in this instance, that
312 there would be no cap for the percentage.

313
314 Mr. Emerson - But you'll see that on each and every case zoned
315 Urban Mixed Use. So you'll be able to regulate the number of multi-family units
316 as you see fit—or at least the for-rent multi-family units—as Innsbrook develops.

317
318 Mr. Sehl - And as evidenced by the first slide I put up of the
319 original 188 acres that you're looking at. In this instance Highwoods is seeing—I
320 would think this is the first step in the redevelopment of Innsbrook. Even with the
321 original case in 2005, the staff reports talk about how that was seen as the first
322 step with the redevelopment of Innsbrook. So it's a good chance for staff to
323 evaluate that, and the Commission, when they come back in for, say, the next
324 phase to see how that's working, and if all those apartments, is that an issue? Do
325 we need to reexamine the mix? That's all I have.

326
327 Mr. Branin - Does anybody have any questions?

328
329 Mr. Witte - I do have one quick comment. I don't see the validity
330 too much of a buffer a football field away when you're going up 250 feet. Put up a
331 few trees, put up a fence, and go up twenty floors—it doesn't make any
332 difference.

333
334 Mr. Branin - Anything else? Then I will call this meeting into recess
335 to go downstairs and reopen.

336
337 **PLANNING COMMISSION RECESSED AT 6:55 P.M.**

338
339 **PLANNING COMMISSION RECONVENED AT 7:08 P.M.**

340
341 Mr. Branin - Ladies and gentlemen, thank you for coming this
342 evening. We'll be reconvening the meeting. We had a work session upstairs to

343 review Section 218, Points of Access, then we came down here. I would like to
344 welcome our Supervisor, Mr. Thornton, who is kind enough to be with us for
345 another two months, right? Two months. He probably thinks it's a blessing that
346 he only has two months left. And I would like to recognize Randy Hallman from
347 the Richmond Times-Dispatch in the room. And if everybody would give me the
348 courtesy of turning your cell phones to either vibrate or off—which I'm always the
349 first one that forgets—to make sure that it doesn't interfere with the meeting.
350 People are actually doing it this evening; thank you. I say that all the time and
351 they don't do it and then they go off. Now if everybody would please join me by
352 standing and saying the Pledge of Allegiance.

353
354 Mr. Branin - Mr. Secretary, if you would take the honor of moving
355 us ahead.

356
357 Mr. Emerson - Yes sir. Thank you, Mr. Chairman. First on your
358 agenda tonight are the requests for withdrawals and deferrals. Those will be
359 presented by Mr. Jim Strauss.

360
361 Mr. Strauss - Thank you, members of the Commission. Good
362 evening. We have one request for withdrawal this evening. It's in the Fairfield
363 District on page two of the agenda. This is case C-15C-12, William Burfield. This
364 case has been withdrawn by the applicant and no action is necessary.

365
366 **(Deferred from the June 14, 2012 Meeting)**

367 **C-15C-12 William Burfield:** Request to amend proffered
368 conditions accepted with Rezoning Case C-87C-97 on Parcel 774-758-0179
369 located on the south line of Hungary Road approximately 130 feet west of its
370 intersection with Woodman Road. The applicant proposes to amend the proffer
371 related to uses to allow gun shop, sales, and repair. The existing zoning is B-2C
372 Business District (Conditional). The 2026 Comprehensive Plan recommends
373 Commercial Concentration. The site is in the Enterprise Zone.

374
375 Mr. Strauss - If you'd like to move on to the deferrals.

376
377 Mr. Branin - If you would, please.

378
379 Mr. Strauss - Okay. We have one case that is being deferred
380 tonight by request of the applicant. Again, it's in the Fairfield District, page two of
381 the agenda. That's case C-17C-12, Weatherfield Farms, LLC. The applicant is
382 requesting deferral to the January 10, 2013 meeting.

383
384 **(Deferred from the September 13, 2012 Meeting)**

385 **C-17C-12 Jennifer D. Mullen for Weatherfield Farms, LLC:**
386 Request to conditionally rezone from R-3C One-Family Residence District
387 (Conditional) to R-5AC General Residence District (Conditional) part of Parcel
388 811-732-3013 containing 31.02 acres located on the north line of Creighton Road

389 at its intersection with Carolee Drive and from R-3C One-Family Residence
390 District (Conditional) to C-1 Conservation District part of Parcel 811-732-3013
391 containing 21.22 acres located approximately 1,500' north of Creighton Road at
392 its intersection with Carolee Drive. The applicant proposes no more than 81
393 residential lots and a conservation district. The R-5A District allows a maximum
394 density of 6.0 units per acre. The uses will be controlled by zoning ordinance
395 regulations and proffered conditions. The 2026 Comprehensive Plan
396 recommends Suburban Residential 2, density should not exceed 3.4 units per
397 acre, and Environmental Protection Area.

398
399 Mr. Branin - Is anybody in opposition to the deferral of C-17C-12,
400 Jennifer D. Mullen for Weatherfield Farms LLC? No one?

401
402 Mr. Archer - Mr. Chairman, I move for deferral of C-17C-12,
403 Jennifer D. Mullen for Weatherfield Farms LLC, to the January 10, 2013 meeting
404 at the request of the applicant.

405
406 Mrs. Jones - Second.

407
408 Mr. Branin - Motion by Mr. Archer, seconded by Mrs. Jones. All in
409 favor say aye. All opposed say no. That motion carries.

410
411 At the request of the applicant, the Planning Commission deferred C-17C-12,
412 Jennifer D. Mullen for Weatherfield Farms LLC, to its meeting on January 10,
413 2013.

414
415 Mr. Sehl - That completes the agenda for deferrals. We have no
416 expedited cases.

417
418 Mr. Emerson - Mr. Chairman, there are no requests for expedited
419 items tonight. That moves us to the first item on your agenda.

420
421 **C-26C-12 Ralph L. Axelle, Jr./Jennifer Mullen for Capital**
422 **Region Airport Commission:** Request to conditionally rezone from A-1
423 Agricultural District to M-2C General Industrial District (Conditional) part of Parcel
424 824-712-5473 containing approximately 134.02 acres located at the southern
425 terminus of Raines Avenue and on the west line of Wilson Way at the western
426 terminus of Hunstman Road approximately 1,200 feet south of Williamsburg
427 Road (U.S. Route 60). The applicant proposes a continuation of airport related
428 uses. The uses will be controlled by zoning ordinance regulations and proffered
429 conditions. The 2026 Comprehensive Plan recommends Government and
430 Environmental Protection Area. The site is also in the Airport Safety Overlay
431 District.

432

433 Mr. Branin - Is anyone in opposition to C-26C-12, Ralph L. Axelle
434 Jr./Jennifer Mullen for Capital Region Airport Commission? Anyone? Okay, Mr.
435 Sehl.

436
437 Mr. Sehl - Thank you, Mr. Chairman.

438
439 This request would rezone approximately 134 acres from A-1 to M-2C to allow for
440 the continuation and expansion of airport-related uses on the eastern edge of
441 property owned by the Capital Region Airport Commission.

442
443 The site has been in operation as an airport since 1927 and is required to have a
444 master plan showing proposed future development. To address possible conflicts
445 with the airport's master plan and the zoning ordinance, the applicant filed a
446 rezoning request for approximately 1,500 acres that would encompass almost all
447 of the property owned by CRAC.

448
449 However, after discussions regarding how such a request would impact the
450 nonconforming status of certain portions of the airport, the applicant has recently
451 revised this request to reduce the area to be rezoned as shown on this plat. The
452 proffered buffers referenced in the staff report would remain. The applicant has
453 also revised the proffers to address the only concern noted in the staff report by
454 removing previous Proffer 2 related to Plan of Development approval. Those
455 proffers have been handed to you this evening, and time limits would need to be
456 waived to accept those.

457
458 Because the requested zoning would be consistent with existing operations on
459 the airport property, and since the facility would continue to be managed by a
460 regional body and be subject to federal regulations regarding airports, staff
461 believes this request is appropriate and recommends it be approved.

462
463 That concludes my presentation. I'd be happy to answer any questions you might
464 have.

465
466 Mr. Branin - Thank you, Mr. Sehl. Does anybody have any
467 questions for Mr. Sehl? None? Okay. Mr. Leabough, would you like to hear from
468 the applicant?

469
470 Mr. Leabough - No.

471
472 Mr. Branin - You would not. Okay. Then I will entertain a motion.

473
474 Mr. Leabough - Mr. Chairman, I move that we waive the time limits for
475 the receipt of the proffers.

476
477 Mr. Witte - Second.

478

479 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All
480 in favor say aye. All opposed say no. The time limit is waived.

481
482 Mr. Leabough - With that I move that we recommend to the Board of
483 Supervisors for approval C-26C-12, Ralph L. Axselle Jr./Jennifer Mullen for
484 Capital Region Airport Commission, subject to Conditions 1 and 2 as noted in the
485 revised proffers handed out by staff.

486
487 Mr. Witte - Second.

488
489 Mr. Branin - Motion by Mr. Leabough, seconded by Mr. Witte. All
490 in favor say aye. All opposed say no. That motion carries.

491
492 **REASON:** Acting on a motion by Mr. Leabough, seconded by
493 Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend
494 the Board of Supervisors grant the request because it would provide for
495 appropriate development and conforms with the objectives and intent of the
496 County's Comprehensive Plan.

497
498 Mr. Emerson - Mr. Chairman that now takes us to page 2 of your
499 agenda and I will call the next two items together. They are C-13C-11 and P-10-
500 11 and both of them are James W. Theobald for Highwoods Properties.

501
502 **(Deferred from the October 11 2012 Meeting)**
503 **C-13C-11 James W. Theobald for Highwoods Properties:**
504 Request to conditionally rezone from UMUC Urban Mixed Use District
505 (Conditional), O-2C Office District (Conditional), and A-1 Agricultural District to
506 UMUC Urban Mixed Use District (Conditional) Parcels 749-765-7952, 750-765-
507 0494, 750-765-4697, 750-766-3162, and 750-767-3526 containing 39.46 acres
508 located at the southwest intersection of Cox Road and Sadler Place and the
509 northeast intersection of Sadler Place and Sadler Road. The applicant proposes
510 an urban mixed-use development with up to 2,324,000 square feet of
511 commercial, office, and residential uses. The uses will be controlled by zoning
512 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
513 recommends Urban Mixed Use and Environmental Protection Area and the site
514 is located in the Innsbrook Study Area.

515
516 **(Deferred from the October 11 2012 Meeting)**
517 **P-10-11 James W. Theobald for Highwoods Properties:**
518 Request for Provisional Use Permits under Sections 24-32.1(a), 24-32.1(e), 24-
519 32.1(f), 24-32.1(g), 24-32.1(i), 24-32.1(j), 24-32.1(k), 24-32.1(l), 24-32.1(n), 24-
520 32.1(o) 24-32.1(q), 24-32.1(s), 24-32.1(t), 24-32.1(z), 24-32.1(aa), and 24-
521 34.1(bb) of Chapter 24 of the County Code, to permit certain uses and
522 exceptions to density, height, setbacks and square footages of uses within the
523 proposed Urban Mixed Use Development on Parcels 749-765-7952, 750-765-
524 0494, 750-765-4697, 750-766-3162, and 750-767-3526 containing 39.46 acres

525 located at the southwest intersection of Cox Road and Sadler Place and the
526 northeast intersection of Sadler Place and Sadler Road. The existing zoning is
527 UMUC Urban Mixed Use District (Conditional), O-2C Office District (Conditional),
528 and A-1 Agricultural District. The 2026 Comprehensive Plan recommends Urban
529 Mixed Use and Environmental Protection Area and the site is located in the
530 Innsbrook Study Area.

531

532 Mr. Branin - Good evening, Mr. Sehl. Is anyone in opposition to C-
533 13C-11, James W. Theobald for Highwoods Properties, and P-10-11, James W.
534 Theobald for Highwoods Properties? There is opposition. I believe I have a sheet
535 that you all provided that I will happily call out so you guys can come down in the
536 order that you signed up. Mr. Secretary, would you review the rules of the
537 Planning Commission?

538

539 Mr. Emerson - Yes, Mr. Chairman. The Planning Commission does
540 have rules and regulations regarding how public hearings are conducted, and
541 they are as follows. The applicant is allowed ten minutes to present the request,
542 and time may be reserved for responses to testimony. Opposition is allowed ten
543 minutes, and that's a cumulative ten minutes, to present its concerns.
544 Commission questions do not count into the time limits. The Commission may
545 waive the limits for either party at its discretion. And comments must be directly
546 related to the case under consideration.

547

548 Mr. Branin - Okay, Mr. Sehl.

549

550 Mr. Sehl - Thank you again, Mr. Chairman.

551

552 As Mr. Emerson explained, this request consists of two applications, a request to
553 rezone approximately forty acres to Urban Mixed Use and a provisional use
554 permit to allow for the densities, building heights, and uses proposed by the
555 applicant. The majority of the site is currently zoned UMU and was rezoned in
556 2005 to allow for a mixture of residential, retail, and office uses. The applicant
557 now proposes an increased level of residential and office development, with up to
558 2.3 million square feet of residential, retail, and office space. A maximum of 50
559 percent of this square footage could be devoted to residential uses.

560

561 The property is largely developed, and includes three office buildings and
562 associated parking areas as shown on this photo. The applicant proposes to
563 retain the existing office buildings and redevelop the parking areas, using
564 structured parking to accommodate the existing and proposed development.

565

566 The subject property is designated on the 2026 Plan for Urban Mixed Use and
567 Environmental Protection Area and was part of the Innsbrook Area Study
568 adopted by the Board of Supervisors in September 2010. This land use plan
569 amendment re-designated the majority of the Innsbrook area, as well
570 surrounding areas, to Urban Mixed Use. At that time, the Board also adopted a

571 number of goals and policies for the study area, which help guide the review of
572 development proposals.

573
574 Specifically, the goals of the Innsbrook Area study emphasize the following
575 qualities:

- 576
577
- A mixture of uses;
 - 578 • Appropriate transitions to adjacent uses;
 - 579 • Multiple transportation methods, including pedestrian and bicycle
580 elements;
 - 581 • Active and passive recreational amenities; and,
 - 582 • Adequate public services such as transportation facilities, utilities, and
583 schools.
- 584

585 In order to demonstrate this request's consistency with the recommendations of
586 the Innsbrook Study, as well as meet the requirements for Urban Mixed Use
587 applications, the applicant has submitted a number of items, including an
588 extensive Urban Design Guidelines Manual. This manual has been proffered and
589 would provide the requirements for future development plans.

590
591 The design guidelines show how the buildings on the property would contain a
592 mixture of uses, which is reinforced by the submitted density matrix. This matrix
593 indicates that 554,000 square feet of office would be constructed in addition to
594 the 367,000 square feet that already exists on the property. Approximately
595 71,000 square feet of retail and 170,000 square feet of hotel space is also
596 proposed. Residential square footage on the property could not exceed
597 approximately 1.1 million square feet, which is 50 percent of the total square
598 footage proposed and could equate to approximately 1200 residential units. This
599 residential square footage limitation is consistent with the recommendations of
600 the Innsbrook Study, which recommended that no more than 50 percent of the
601 developed square footage in the study area be devoted to residential uses.
602 Together, these elements indicate this request is consistent with the study's goal
603 to provide a mixture of uses in the Innsbrook Area.

604
605 The second goal of the Innsbrook Study was to create appropriate transitions to
606 adjacent uses, which was illustrated by this map showing the recommended
607 development scenarios for the entirety of the Innsbrook area. The map shows the
608 recommended residential densities, as well as the recommended building heights
609 for those properties along the edges of the study area. The applicant has
610 proffered maximum building heights consistent with these recommendations,
611 which were also part of the requested provisional use permit, as certain building
612 heights would exceed the 60-foot limit in the UMU district. Specifically, buildings
613 would be limited to 45 in height directly adjacent to properties containing a one-
614 family residence and to 80 feet in height for areas between 150 feet and 300 feet
615 away from these residences. Certain architectural elements could exceed these

616 height limits, but would be limited in scope. Buildings beyond 300 feet from one-
617 family residences would be limited to 250 feet in height.

618
619 In addition to the limitations regarding building height, the form and use of the
620 proposed buildings could impact adjacent homes. For this reason, the design
621 guidelines include standards for creating complementary building types with high-
622 quality building materials. Specific lot requirements, detailing building placement
623 and massing, are included in the design guidelines. A prohibition on retail and
624 restaurant uses on Highwoods Parkway, as well as a limitation on hours of
625 operation adjacent to existing homes to the west, also help create the
626 recommended transitions. The hours of operation provision was included in the
627 most recent version of the proffers, which were distributed to you this evening. It
628 should also be noted that the enhanced buffer adjacent to the site's western
629 boundary that was proffered in the previous UMU case has been retained in the
630 current proffers for this request.

631
632 Providing for multiple transportation methods was also a goal of the Innsbrook
633 Study, and the proffered design guidelines provide for various street and
634 streetscape design standards that help enhance the pedestrian environment, and
635 provide for the use of bicycles as well as possible future transit stops. The streets
636 would be designed in a grid pattern, as shown here, and the use of elements
637 such as shared parking facilities, on-street parking, and enhanced crosswalks
638 would help create an inviting pedestrian environment supporting this goal of the
639 Innsbrook Study.

640
641 Other elements that help enhance the pedestrian environment and reduce
642 dependence on the automobile within the development are detailed in the
643 Streetscape Design Standards in the design manual. These standards include
644 details such as this sidewalk zone diagram, which shows how items such as
645 street trees and minimum sidewalk width of five feet allow for the desired
646 pedestrian accommodation. Items such as street furniture, lighting, outdoor
647 plazas, and outdoor dining areas also help create a lively environment that is
648 attractive to pedestrians.

649
650 Building on the existing open spaces centered on the lake system within
651 Innsbrook, the adopted study recommends that these active and passive
652 recreational facilities be enhanced and expanded where possible. More formal
653 public spaces, such as the village green area planned in the center of the
654 development, would be added, and the use of more urban landscaping methods
655 such as planters and street trees would help connect the pedestrian areas within
656 the development to the existing trail system and open spaces adjacent to the
657 lake. The landscaping details contained in the design guidelines are consistent
658 with the landscape policies recommended by the Innsbrook Study and contain
659 minimum standards for items such as street tree spacing, all of which would help
660 meet the minimum open space requirements of the UMU district.

661

662 In order to evaluate this request's consistency with the final major goal of the
663 Innsbrook Study, the applicant was required to submit a number of studies and
664 analyses, including a traffic impact study, and fiscal and utility impact analyses.
665 As described in the staff report, these studies indicate the proposed development
666 can largely be accommodated through existing facilities, including schools.
667 However, as noted in the staff report, even with background traffic certain
668 intersections in the vicinity will see a degradation of service in coming years. To
669 help address some of these long-term impacts on the adjacent transportation
670 network, the applicant has proffered a number of transportation improvements
671 which include:

- 672
- 673 • The relocation and realignment of the intersection of Sadler Road and
674 Sadler Place, which would be located here. It would be relocated to the
675 top of Highwood Parkway and would include the construction of a
676 traffic circle at this location;
- 677 • An additional lane on eastbound Nuckols Road between Sadler Road
678 and Cox Road; and
- 679 • An extension of the on-ramp to northbound I-295 to Lake Brook Drive,
680 creating a through lane from Cox Road all the way to the on-ramp.

681

682 While these improvements should help decrease the project's impacts on the
683 adjacent transportation network, it should be noted that congestion is anticipated
684 during peak hours in future years regardless of these improvements, even if this
685 project is not developed as proposed. Additionally, the Department of Public
686 Works has voiced concerns regarding the time and cost limits for the proffered
687 improvements as noted in the staff report. Other concerns with the proffers
688 identified in the staff report regarding hours of operation and internal circulation
689 have been addressed by the applicant in the revised proffers distributed this
690 evening.

691

692 With regards to P-10-11, staff notes that revised conditions have been distributed
693 to you this evening and include minor language changes. In general staff
694 believes the requested provisional uses are appropriate, especially when taken in
695 concert with the proffered design guidelines included as part of C-13C-11. The
696 recommended conditions are consistent with those imposed as part of similar
697 requests throughout the county, and the provisional uses requested would help
698 create the more urban form of development proposed with the companion
699 application. The requested density limits and building heights are consistent with
700 the recommendations of the Innsbrook Study, and the proposed parking
701 reduction is supported by the submitted parking study. For these reasons, and
702 because the conditions would allow for appropriate regulation of the requested
703 provisional uses, staff supports P-10-11.

704

705 Overall, staff supports the rezoning and provisional use permit requests and
706 believes they are largely consistent with the recommendations of the Innsbrook
707 Study and would provide for a form of development in keeping with that proposed

708 during the land use study. For these reasons, staff recommends approval of both
709 C-13C-11 and P-10-11, subject to the revised proffers and conditions distributed
710 to you this evening.

711
712 This concludes my presentation and I'd be happy to answer any questions you
713 might have at this time.

714
715 Mr. Branin - Thank you, Mr. Sehl. Does anybody have any
716 questions for Mr. Sehl? No one? Okay. Before we hear from the applicant I think
717 I'd like to hear from opposition. If we hear from the applicant now we'll be
718 repeating a lot of what staff has just read because I'm sure he has a
719 presentation. Do you have a presentation? So I'd like to hear from the opposition,
720 please. The first person I have is Ms. Jessica Crews. As you come down, please
721 state your name for the record, if you will. All meetings are recorded.

722
723 Ms. Crews - My name is Jessica Crews. I actually live in the Forest
724 at Innsbrook subdivision right down the road from this property. I'm going to
725 speak on both, and I'll try to keep it separate so it keeps my concerns clear on
726 each one.

727
728 On the first one I commend Ben. He answered a lot of my questions, and that
729 was very helpful, as well as I could tell a lot of work was put into this whole
730 proposal. I don't have any doubts that it would be a quality development, but I do
731 have a couple concerns into other issues. First off is the density of the project is
732 a concern. I know originally with the 2005 proposal it was about 344 residential
733 units proposed for this area, and now we're looking at 1200 apartments proposed
734 for the area. With this whole change going from what's now primarily office to
735 retail as well as apartments, I think it's going to change the overall character of
736 the area. And the roads are already failing in that area. It doesn't take much to go
737 out there on weekdays and sit at a traffic light for any reasonable length of time.
738 And with adding in retail as well as the apartments, it's going to change the
739 overall aspect to where it's not just a five o'clock or at eight o'clock in the morning
740 you're sitting for a long period of time. It's going to be the weekends as well that
741 we're dealing with this traffic. So that's my overall concern with the first proposal.

742
743 The second one with the provisional use permits, the first thing is the building
744 heights. I know that as a part of this there would be sections where upwards of
745 250-foot-high buildings would be allowed. Two hundred and fifty feet tall. That's
746 like a skyscraper. That's not in character with what's out there or the single-family
747 homes that are out there. I think I even looked it up trying to imagine what a 250-
748 foot building would look like in that area. They say it casts like a seventy-foot
749 shadow. And there are homes right over in this area. So it's just not in keeping
750 with the character. Like I said, I'm not against the development; I just don't think
751 what's being proposed in the density and the heights are really acceptable.

752

753 Another thing was I looked through it and there was a thing about a billiard parlor
754 being in the area. Right now I know a lot of the commercial areas are up more
755 towards West Broad Street, and it's more of the lower-impact office, you know,
756 residential homes that are down along Cox Road and Nuckols Road right there.
757 So anytime you kind of read a provision use, I guess, in the report and it says
758 that adverse effects could potentially bring it back before the Board or the
759 Commissioners to have this revoked, then it's probably not something you want
760 necessarily in your residential community. So I don't think that's probably
761 necessarily something that would be appropriate in the area.

762
763 As well as I have concerns about the reduced parking. One of the other uses was
764 a vehicle rental facility. And I know that just in its essence a lot of times would
765 just deal with cars sitting out there. So you're looking at overall just reducing
766 parking spaces. Even if you're trying to promote walking, I think it's kind of
767 unrealistic to believe that people aren't still going to have cars and be parking
768 them out there. And then that's just going to lead to parking concerns.

769
770 So those are my overall concerns. Like I said, it's not that I'm against the
771 development. I think a lot of quality was put into this to make sure it's done in a
772 good way. I just think I have some concerns about the density, the heights, and
773 just overall traffic out there. Traffic is just already horrendous, and the roads are
774 failing, and I don't think it's still going to be enough if you add that much density
775 out there. Thank you.

776
777 Mr. Branin - Thank you, Ms. Crews. Ms. Kozak and then Mr. Craft
778 will be next.

779
780 Ms. Kozak - Hi, good evening. My name is Kathy Kozak, and I'm a
781 homeowner in the Sadler Grove community. I'm here tonight to express my
782 concerns with this project, and I'll be brief. I have two concerns.

783
784 Number one is that I don't want the price of my home to fall anymore than it
785 already has from the recession due to the retrofitted urbanization of this area.
786 This isn't like West Broad Village in that people know what they're buying. I
787 brought my property five years ago. This was not in the works to any of my
788 knowledge. And now that these changes are being proposed I'm concerned
789 about the value of my home.

790
791 I also am concerned about the noise level in my community. I want it to stay the
792 way it is. I don't want extra noise on the weekends from the retail and other
793 establishments that are going to be built, the extra apartments, the 1200, as the
794 prior speaker noted. And I also don't want extra noise before and after business
795 hours because I'm living in this area. I respectfully submit my commits. Thank
796 you.

797
798 Mr. Branin - Thank you.

799

800 Mr. Craft - Tim Craft. That's C-r-a-f-t. Do you have the
801 presentation up? That's it.

802

803 I do have some slides of the current traffic situation to piggyback onto Jessica's
804 statement. I'll be very brief, if I can, to roll through these. I recall in an earlier
805 meeting last year, Mr. Kreckman of Highwoods Properties commenting at the
806 Innsbrook community meetings that with the proposed development our rush half
807 an hour would now be a rush hour. I didn't really consider that an acceptable
808 development plan from a developer. So as you see from the slides, we went out
809 and we took some very amateur pictures, of course, that start at 4:32 p.m. You're
810 looking at Sadler Road going toward Nuckols. Sadler Place, you have your
811 Volkswagen on the right there. And here's looking down Sadler Place toward the
812 Highwoods Parkway. You can see the black car there. This is, again, 4:32 p.m.
813 Traffic going down Sadler Place and actually blocking the exiting Highwoods
814 Parkway traffic.

815

816 None of the traffic currently moves at all in this area without the paid assistance
817 of our traffic control officers, which are there from 4:30 to 5:30. And they're really
818 the only reason that traffic moves in the Sadler Road area.

819

820 Here we're looking on Sadler Road, and you can see the traffic here is backed up
821 beyond Sadler Place all the way to I believe that is Cedar Forest Drive, which is
822 the entrance to the Cedars community, which goes all the way around.

823

824 This is Sadler Place. You can see traffic back up past the Highwoods Parkway.
825 And you have about fifteen, sixteen cars backed up. And this, of course, is the
826 proposed development site in the background there. And I think we have one
827 more slide of this. Here a couple more cars have moved through from
828 Highwoods, to Sadler Place, to Sadler Road, to eventually get to Nuckols. You
829 have about twenty cars backed up there and a nice view of the current
830 development site. That doesn't seem to be updating correctly. That is exactly
831 5:02 according to my notes. So it went from 4:32 to 5:02 at Sadler Road.

832

833 We're going to go back in time a little bit on a different day here. I have a few
834 more slides and then I'm done.

835

836 Mr. Witte - I just didn't want you to—I want you to get to your
837 point.

838

839 Mr. Craft - I am.

840

841 Mr. Witte - Okay.

842

843 Mr. Craft - Well the point is to look at the traffic congestion that
844 we have now. That's really the only point of the slides.

845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890

Here we're at 4:45 p.m. looking at traffic heading north on Nuckols. And this is what these cars are facing at 4:45 p.m. You see Sadler Road to Cox Road completely blocked. Cars in the middle of the intersection. And the cars, of course, coming from Springfield are heading right into this.

What we've seen recently, exiting Cox Road you can see the fountain in the background and one of the lakes. In these next two or three slides, as the traffic backs up from the Nuckols Road intersection all the way back around, you can see the Innsbrook sign on the right of the picture here. And this traffic backs all the way up to Northpark Drive as the evening commute—and of course the morning commute, but mainly the evening commute—progresses. I don't know if we have a police representative here like we've had at previous meetings, but we actually see drivers not waiting in the line to get on Nuckols north. They go straight up to the light and they take a right, illegally. That's a great bounty for the County. You can get twenty or thirty 100-dollar tickets a night; that would be great.

Here is just another slide. And this progresses. This is 4:51 p.m., so we went about six minutes since I started taking pictures.

Mr. Branin - Mr. Craft, I have to interrupt you.

Mr. Craft - Yes sir.

Mr. Branin - Your time limit for the whole group has expired. I'm going to extend it another ten minutes.

Mr. Craft - Okay. I'll wrap up.

Mr. Branin - But sir, please keep in mind there are other people.

Mr. Craft - I am. I'm going quickly. I'll wrap up here. You see a couple different slides here. This is the Cox/Nuckols intersection all the way back to Snowmass that you see in the distance. And one of our last problems here, you have Nuckols south traffic trying to turn into Cox with the Nuckols north traffic sitting there.

I'll wrap up by saying that what we've seen here is the current traffic situation from 4:30 to approximately 5:20. We took about fifty minutes of pictures at two different locations. And though we don't have additional slides, you can believe that there is additional traffic there past the times that you've seen.

The communities involved believe that a feasible infrastructure plan be brought before the Planning Commission, and we hear additional details tonight that would seem to help. But I don't know if it's going to actually fix it. I would also

891 recommend a walk-through or maybe a site visit on some night to see the
892 situation up front. And I appreciate your time.

893

894 Mr. Branin - The next person is Betsy Warner, maybe? Okay,
895 thank you, Ms. Warner. Mr. Craft, I come from my office every day to every other
896 day, and go to the post office, and I live right off of Nuckols. So I do a site visit at
897 least four times a week. Yes ma'am.

898

899 Ms. Warner - My name is Betsy Warner. My husband and I are
900 residents of The Village at Innsbrook. I agree with everything that has been said
901 and probably all the people who are waiting to say the same thing, the same
902 topics that I'm going to say. So I agree with them too.

903

904 My husband and I moved here from California, Northern California, about a year
905 ago. We've been actual residents for about a year. We own a wonderful, quiet,
906 secluded house in The Village at Innsbrook. The impact of the increase in office
907 and residential population, and traffic, is of great concern. We also fear for the
908 value of our house. And finally I want to say that I hoped when I got here that I
909 would never have to put anything in a moving van again, that I would be here
910 from now on and in the secluded spot that we had found. Thank you.

911

912 Mr. Branin - Terry Higgins.

913

914 Ms. Higgins - Terry Higgins. Hi.

915

916 Mr. Branin - Ms. Higgins, did you come straight from your office?

917

918 Ms. Higgins - No, not today. I'm Terry Higgins. I'm with the Four
919 Season community, and I am relatively new. I was excited about the
920 development because I thought it was going to be a continuation of
921 homeownership in there, and now I find it's apartments. But I have a presentation
922 that I want to go through very quickly since you've been kind enough to extend
923 our time. I just want to cover some of the adverse impacts. And we believe you
924 have copies of this, so you can read it in more detail. And we ask that would,
925 please, and appreciate you taking the time to do that.

926

927 We just want to let you know who we are. We're over 7300 residents with 10
928 percent of those being children that will also be impacted by this development.
929 Our concerns touch on safety, the environmental aspects of it, the quality of life,
930 and property values, which are huge for all of us because we live there, we come
931 home to rest and relax there, and we're raising our families there. And our homes
932 are big investments for all of us. And we are concerned about the impact on that.
933 And then the congested infrastructure as well as what this is going to do to
934 overcrowding our schools, and we're already going through these redistricting
935 pains.

936

937 And a push to develop? We're not sure there's a clear need. Have we really
938 examined the vacancies and what that's going to do to the existing businesses
939 and apartment complexes? We need to be good stewards not only of our
940 homeowners in the future, but also is this an overdevelopment that will impact
941 their profitability in the way that they operate. And we have concerns about the
942 size and project of it, and its density.

943
944 Our concerns center around a few things. Crime. When you go to the Henrico
945 Police website, they've got notices out about increased larceny in apartment
946 complexes and how to protect yourself. And now we're looking at 1230, which is
947 doubling the number in those two traffic zones immediately in that development
948 area. We would like to know more about what it looks like in crime and those
949 stats in West Broad Village, which is a similar UMU development.

950
951 Police and fire. If you look at the Planning staff, they've expressed concerns.
952 They're unable to determine what those crime impacts might be. So we'd ask
953 that you'd study West Broad Village and maybe slow this down some. Fire
954 Station 22 is already the busiest and growing. If you look at the planning, there's
955 a recommendation long term that we would need more infrastructure, like a fire
956 station and water facilities. And this isn't really an opportune time for the County
957 to be looking at that. So what's the impact until the economy turns around and
958 the County can invest in that for us. So I think that's a consideration.

959
960 And the utilities I just touched on. You know, what's the impact to our water
961 quality, our flow, and our pressure while we're over-demanding that and don't
962 have time to build that out.

963
964 Traffic safety? You've seen what that looks like. We also want to share that our
965 community specifically has been there since 1989, and most of our residents
966 have been there that duration. And they can no longer even cross the street to
967 enjoy what's there. How are we going to get across the street safely now in these
968 traffic conditions? We didn't see where nice, safe pedestrian crossings are
969 proffered in. We'd like to see some of that so you can invite those neighbors in to
970 this community and kind of open it up.

971
972 If you look at the accident statistics from the Henrico Police Department, the top
973 highest accidents are from West Broad Village to Gaskins. The top four in the
974 County, the top five in the West Police Substation are from West Broad Village to
975 Gaskins Road. And then the highest accident is the UMU. So what's that looking
976 like for us if the newest UMU in the County has the highest accident and traffic
977 problems already being published by Henrico Police. What does that mean for us
978 as residents? So we have those concerns.

979
980 The density. You're already familiar with the Walker Parking Consultants and
981 what they recommend. We have concerns about the infrastructure not being
982 capable. We'd like to see some of that built out first and see how it handles it so

983 that when we build and go forward it does actually handle it, and we can enjoy it,
984 and we're not inconvenienced anymore. We bought in the suburbs. We enjoy the
985 suburbs. Our value is in the suburbs. We like some of the conveniences that are
986 coming our way, but we don't want to have the impact to our values and our
987 life—the quality of our life with an urban development dumped on our laps. It's
988 not what we bought into. We'd like to be good neighbors, and we'd like them to
989 be good neighbors as well.

990

991 Doubling the number of apartments in the zone? If you look at the County
992 statistics, that 1230 doubles what's in our immediate area. Is there really an
993 occupancy for that? What's that going to do to the existing communities and our
994 nature of the transient, who doesn't have a vested interest. That goes back to
995 the same thing. It's a more transient population. They're moving through our
996 area. What does that do to our safety and our quality of life—noise, lights, all of
997 that.

998

999 Some of the long hours, which may be addressed by Mr. Kreckman. I know he's
1000 said in different public venues like the paper and interviews that we're a test
1001 site. We'd rather a test site be somewhere where they're expecting a UMU, not a
1002 UMU dropped in the middle of your lap. If you could scale this to a moderation
1003 where we could all coexist peacefully, that's really what we're looking for from
1004 you as a partner. We think that lights, and noise, and traffic are going to be some
1005 of the major environmental quality-of-life issues.

1006

1007 The additional apartments mean additional children. I think everybody is familiar
1008 with what we're going through with the redistricting with schools. The redistricting
1009 was advised that the build-out would result in an overcrowding at 105 to 119
1010 percent. And that would result in one new school at each level. And that, again,
1011 comes back to infrastructure. Is this the right time to be putting that kind of
1012 burden on the County and its citizens?

1013

1014 The privacy issues? We would just like to see those much, much lower so that
1015 they're not towering over us with lights and being able to peer into our
1016 communities and homes.

1017

1018 We really chose and bought a quiet life in the suburbs, and that's where we
1019 believe our value is. And we think if this is scaled back that we could really
1020 maintain that and enjoy the convenience. We're looking for just a win/win
1021 moderation in the project scope and size. Again, that's the homeownership. We
1022 feel like it would no longer be an urban lifestyle; we'd be dumped into an urban—
1023 that's not really what we bought or are interested in.

1024

1025 We like that we'll get some bounce out of the convenience, but overall some of
1026 the specific objections that one lady spoke to, one of our neighbors. The heliport.
1027 We think there are safety and noise concerns with that. The billiard parlor. Some
1028 of the hours for the auditorium and the assembly hall. The indoor recreational

1029 facilities. Some of the comings and goings with all of that may be not necessarily
1030 favorable in a neighborhood. Some of the lighting, what that might do late at
1031 night, especially when you think about we're largely a community of—well, we're
1032 10 percent children that's documented. And I know our neighborhood the
1033 majority is senior? So you have to think about both ends of those.

1034

1035 Drive-thru services. What kinds are those? We'd like to know more about that.

1036

1037 And what are the unknown impacts on crime and traffic that we don't know. If we
1038 could study West Broad Village a little more and learn about those impacts. And
1039 learn from those before we move forward too quickly.

1040

1041 Impact on safety and response times, which was noted in your report. Can it be
1042 tested and modeled is the question, somewhere further back on the north side of
1043 Nuckols where people could buy into that and it wouldn't be dumped on them.
1044 And then look at those vacancy rates again.

1045

1046 We would request that you defer the decision to move forward with it until these
1047 questions are answered and maybe the scale could be more moderate and fit a
1048 little more nicely into the existing surroundings versus going full scale into that
1049 big kind of West Broad Village into our community. A little more study on the
1050 congestion and traffic options to see if the proposed fixes would work. And make
1051 sure there is infrastructure in place before. Restrict those residential, if you could
1052 phase that in as a second so it could be homeowner communities because there
1053 is vested interest by homeowners versus apartment dwellers. And then move
1054 forward with some lower-rise commercial buildings. Restrict the building heights
1055 for better transition to not over eight stories within a half a mile of our existing
1056 homes.

1057

1058 And that's pretty much what I wanted to share. We look forward and trust that
1059 you'll be good stewards of us, as well as the County, the County's infrastructure,
1060 and the business community. We look forward to the jobs and the conveniences
1061 that this will bring. We just would like for you to think about the scale of it and
1062 make is something that fits into our neighborhood since we're already existing,
1063 too, and it's an infill kind of thing. Thank you for the opportunity.

1064

1065 Mr. Branin - We are down to three minutes. Dave Cummings.

1066

1067 Mr. Cummings - Mr. Strauss agreed to distribute copies, so you will
1068 have of Ms. Higgins's report. My name is Dave Cummings. I'm vice president of
1069 The Cedars homeowners association in the northwest corner there.

1070

1071 Just to maybe summarize the basic concerns. We do appreciate the quality for
1072 which Highwoods has a reputation. I'm friends with many of the people at
1073 Highwoods. Mr. Kreckman, I think, is a standup guy. But Highwoods has a
1074 purpose of trying to maximize their revenue. The County has perhaps an agenda

1075 and a purpose of trying to maximize the tax base. The homeowners have
1076 different concerns and a different perspective to try to protect the relatively quiet
1077 and peaceful life that we enjoy now.

1078
1079 So the five basic concerns that you've heard—environment, pollution, noise,
1080 lights—are a big issue. Right next door. The safety. Innsbrook right now is a quiet
1081 office park. In the evenings, in the mornings, and on the weekends we have
1082 relatively safe conditions. With this kind of development, that will completely
1083 change that dynamic.

1084
1085 Thirdly is the traffic. You've heard many complaints about the traffic. It's already
1086 congested. And an urban use will bring more congestion and more traffic, more
1087 density. Unless those problems are fixed now to solve the current problems it's
1088 unreasonable to expect a significant development to come in on top of that and
1089 then try to fix the traffic problems as we go. I know there's a traffic circle at one
1090 time that was proposed. And routing all the residents from Sadler Road into a
1091 traffic circle to get access to Nuckols Road is just going to add to the problems.
1092 So there are significant concerns that we have there.

1093
1094 The infrastructure. What burdens will this put on the County for water, sewer,
1095 schools, and that sort of thing.

1096
1097 Probably the biggest issue that I want to address very quickly is this
1098 encroachment issue of the size of the buildings. There is a proposal for two 150-
1099 foot blocks. In the first 150-foot block it would be buildings proposed up to 40
1100 feet. In the second block, building up to 80 feet. And beyond that, 250 feet. That
1101 simple is not realistic. I think there may be a dozen buildings in all of Richmond
1102 right now that are over 250 feet. One example is One Capital Square, 262 feet,
1103 which is twenty-three stories. The War Memorial Carillon is only 230 feet. The
1104 tallest structure in all of Henrico County is at the racetrack—it's 180 feet. The
1105 tallest building in Henrico County outside of the city is 112 feet on Monument
1106 Avenue. So the UMU now allows buildings up to 60 feet. And it's true that those
1107 could be built right by our backyards. When the UMU proposal was approved by
1108 the Planning Commission and the Board, it was a commitment that those
1109 concerns would be addressed and there would not be adverse impacts to the
1110 homeowners that have invested their time and life savings in their biggest asset,
1111 which is their home.

1112
1113 So we do agree with you that at the top of the pyramid, the single-family homes
1114 should be the most protected and allowing a smooth transition over a longer
1115 space to avoid that encroachment against the homeowners is absolutely
1116 essential. We have offered some suggestions that heretofore have just been
1117 ignored. Maybe dividing up into 100-foot blocks and having 20 feet, 40 feet, 60
1118 feet, and 80 feet so that there is nothing over 80 feet anywhere close to our
1119 homes that exist today.

1120

1121 If you look on the last page of the handout, those are probably the three main
1122 concerns. One is the encroachment. The height of the buildings is simply not in
1123 keeping with the character with the existing development, even with the UMU
1124 zoning that was originally proposed. Secondly, fixing the traffic problems that
1125 exist now and preserving smooth access to the major thoroughfares from the
1126 residents that live there right now. There is a theory that in this development
1127 people can live, and work, and play all within walking distance. Well, in the
1128 hundred homes in The Cedars, I think there are three or four of us that actually
1129 live and work in Innsbrook. And all of us that work in Innsbrook work a mile or
1130 more away, which does require us to drive our cars. So a theory of being able to
1131 get up, walk out of your apartment, and walk to your office is a great theory. But
1132 it's simply not realistic in this day and age in such a transient society. And then
1133 finally just ensuring the safety, and security, and quiet and peaceful lifestyle that
1134 we enjoy now.

1135
1136 There are several proposals in the provisional use permit that have already been
1137 addressed that simply need to be rejected. Billiard parlors, helipads, vehicle
1138 rental facilities, drive-thru services—things like that just don't have any business
1139 being in an area adjacent to existing suburban neighborhoods.

1140
1141 The inalienable rights that we all enjoy to life, liberty, and the pursuit of
1142 happiness, it's interesting. Sunday was the International Day of the Orphan. And
1143 we celebrated that right to life. Tuesday we participated in the right to liberty in
1144 casting our votes. The election may not have gone the way you wanted, but you
1145 had an opportunity to participate in the process and cast a vote. In this process
1146 we want to exercise our right to the pursuit of happiness in the investment that
1147 we have put into our homes and properties. The homes that are surrounding this
1148 whole area are critical. And we appreciate the opportunity to participate in this
1149 hearing, this public process. You've heard from many of our neighbors. We ask
1150 that you take these things in serious consideration. Reject those proposals that
1151 would impact negatively on that right to pursue happiness, and pursue a
1152 development that is in keeping with the character of the neighborhoods and the
1153 proposal generally that would be most accommodating. Thank you, ladies and
1154 gentlemen.

1155
1156 Mr. Branin - Thank you, Mr. Cummings. We are four minutes
1157 beyond the time. I've extended one time. Is there anyone that has something
1158 different to add? Then I will extend for one minute.

1159
1160 Mr. Lawson - First of all I've sat here and listened to the ladies and
1161 gentlemen speak.

1162
1163 Mr. Branin - Sir, could you just state your name for the record?

1164
1165 Mr. Lawson - Yes. My name is Pat Lawson.

1166

1167 Mr. Branin - Pat Lawson?

1168

1169 Mr. Lawson - Mmm-hmm. I appreciate everything that has been
1170 said. It seems to me to be a very emotional issue. I would like to just, from my
1171 point, step back and be a little bit more analytical, less impassioned, but possibly
1172 a lot longer-term view of this. My family owns the building at 4435 Waterfront
1173 Drive. Like I said, I'm strongly in favor of the rezoning. And I'd like to just make a
1174 few points that I think support this.

1175

1176 First of all, I think the real estate values are determined by market values, by
1177 market dynamics. The communities that stay the same in a very dynamic
1178 situation are going to be left behind. That's the first one I'd like to make.

1179

1180 The second is I think that educated employers of today are looking for
1181 pedestrian-friendly mixed-use workplaces and communities that fit the current
1182 lifestyle. So I think the existing model of Innsbrook where you have suburban
1183 office buildings surrounded by large parcels of asphalt just do not appeal to the
1184 young workers that are coming into the workforce today.

1185

1186 The third point I'd make is that the property values—both office and residential—
1187 in my view follow on the coattails of these types of jobs. And so employers who
1188 are offering these high paying jobs, they look for locations to put their offices in
1189 communities where they stand the best chance of retaining—attracting and
1190 retaining these employees.

1191

1192 So, you know, there's really a straightforward sort of vicious circle, if you will,
1193 where the dynamic change of the high paying jobs benefit all the stakeholders of
1194 the community. Not simply the people that own the commercial or the office
1195 buildings, but also the people that own the surrounding residential areas. There's
1196 no stopping, in my judgment, the growth coming out West Broad Street. It's going
1197 to continue in one way or another. So really the question you have to ask
1198 yourself is, you know, what is Innsbrook going to be like in three, five, ten years
1199 down the road if it doesn't change.

1200

1201 Mr. Branin - Mr. Lawson, you've extended your time of a minute
1202 and half past what was given. If you could wrap it up as soon as possible.

1203

1204 Mr. Lawson - Okay. So again, the question I would ask is, is
1205 Innsbrook going to be a high-end mixed-use project like a Georgetown or is it
1206 going to be frozen in time like this and left at some point in time, abandoned to
1207 other assets let's say like West Creek in Goochland. I think we now have an
1208 opportunity to approve this rezoning and the benefits that it'll accrue to all of the
1209 stakeholders in the community, both residential and the commercial owners. So I
1210 strongly urge you to approve the rezoning as written right now and stands before
1211 you.

1212

1213 Mr. Branin - Thank you.

1214

1215 Mr. Kay - Good evening members of the Planning Commission.
1216 My name is Bruce Kay. I'm an executive at Markel Corporation. In full disclosure
1217 we are co-owners with Highwoods of the property that's under consideration for
1218 rezoning. We occupy most of the space with our workforce in the three buildings
1219 that are on the lake as part of this rezoning case. But I'm here to talk on behalf of
1220 the company as an employer of about a thousand people in Innsbrook.

1221

1222 Markel has been a corporate citizen of Henrico County for over fifty years. We
1223 moved out in Innsbrook from the Willow Lawn area in 1986 because we believed
1224 that was the place that we could grow our business. We had 165 people when
1225 we moved to Innsbrook; we have a thousand people now. I don't want to go into
1226 the history of why we left Willow Lawn and moved to Innsbrook, but we believed
1227 that Innsbrook was the future and Willow Lawn was the past.

1228

1229 Our workforce has changed over the past twenty-five years. And as we are trying
1230 to attract and retain younger employees that represent the future of the company,
1231 what we're finding is they embrace a live, work, and play kind of environment,
1232 which is what Sydney Gunst sort of envisioned in Innsbrook initially. And in order
1233 to compete for talent and continue to grow our business, we have to make
1234 decisions about the work environment and the places we're at. What we've found
1235 is that these folks, they're blurring distinctions between your business life and
1236 your personal life. And I'm talking about essentially single people, unmarried
1237 folks, or married folks without kids, or empty nesters, folks where their kids have
1238 gone off to college. These people are looking for an environment that's upscale,
1239 but it's a place where they can enjoy a social interaction, and still do their jobs
1240 and be close to where they get their paychecks.

1241

1242 The other thing we found out is that they're environmentally sensitive. And so
1243 we're getting more and more requests for walking, biking, using the amenities in
1244 the park to walk your dog, use the trails. Those types of things have become very
1245 important in terms of attracting and retaining the workforce.

1246

1247 So I'm here to speak on behalf of the company and what it thinks it needs in
1248 terms of a work environment and a place to conduct its business that will attract
1249 the twenty- and thirty-somethings and retain the folks that are at a stage in their
1250 lives where they're not interested in mowing the lawn necessarily or dealing with
1251 the maintenance of a residential situation. But it's a lifestyle situation not an
1252 economic thing.

1253

1254 We strongly encourage. We're definitely going to be affected because we are
1255 currently occupying those three buildings and conducting our business there. We
1256 certainly want the opportunity to create a mixed-use environment that'll help us
1257 have the workforce of the future that we'll need.

1258

1259 So thank you for very much. Appreciate it.

1260

1261 Mr. Branin - Thank you, Mr. Kay.

1262

1263 Mr. Perkins - Hello. Channing Perkins. I have a rental property that
1264 actually is my first home. 11209 Cedar Forest Place in The Cedars.

1265

1266 I just wanted to say looking at the area I don't mind the development. What Dave
1267 Cummings and other representatives have presented to the Board as far as the
1268 size, the tallness of the buildings, they're well exacerbated what Sydney Gunst
1269 ever planned for the area.

1270

1271 The other thing is Sadler Road. Sadler Road will not handle the traffic. Right now
1272 the intersection of Sadler and Nuckols Road will not hold the additional trips per
1273 day. Is the developer going to proffer in the amount of money to upgrade those
1274 roadway and right-of-way systems to connect Sadler—make Sadler wider?
1275 Because they will take the shortcut. When Cox Road backs up, they will take
1276 Sadler Road around. What happens on Sadler Road? Accidents. Sadler Road is
1277 probably only eighteen feet wide going around there.

1278

1279 And you have people coming off work, anxious to get off. They're saying so many
1280 apartments, but you also have office people in there. Office people are going to
1281 be going elsewhere in the County, and they're going to use the quickest route
1282 out, which will probably be going up Sadler Road and causing more accidents.
1283 The infrastructure is just not there to handle it unless the developer wants to
1284 contribute the funds to promote his development. Thank you.

1285

1286 Mr. Branin - Thank you, Mr. Perkins. Can I hear from the
1287 applicant, please?

1288

1289 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.
1290 My name is Jim Theobald, and I'm here this evening on behalf of various entities
1291 the principals of which are Highwoods Properties and Markel Company.

1292

1293 Mr. Branin - Mr. Theobald, you do have a presentation for us. I
1294 changed the structure that we usually do. Usually we hear from the applicant,
1295 and then we reserve time for the applicant, and then the opposition. As you're
1296 going through your presentation, which I'm sure you probably prepared days ago,
1297 and you've heard the concerns of the citizens and what are currently and will
1298 continue to be the neighbors of Innsbrook, I would like you to address the
1299 concerns, if you can.

1300

1301 Mr. Theobald - I believe we'll touch on those.

1302

1303 Mr. Branin - I have a long list.

1304

1305 Mr. Theobald - I do believe we will touch on all those. And if not, I'd
1306 be happy to field any questions.

1307
1308 This request really represents the next step in implementing a plan that began in
1309 2009 with the Innsbrook Area Study as part of your Land Use Plan. It culminated
1310 in certain revisions to your Urban Mixed Use Ordinance that was recently
1311 adopted.

1312
1313 This has been a uniquely collaborative process that sought input from nearby
1314 residents and businesses from a mailing compiled by the County of over 5,000
1315 people over a number of meetings sponsored by the County. The resolution
1316 authorizing the study recognized the importance that Innsbrook plays in the
1317 County's economy and the opportunities for infill and redevelopment within the
1318 study area. That area, due to its location, size, and significance, is a major
1319 economic generator for the County and has the opportunity to accomplish growth
1320 and redevelopment with a mix of uses that takes advantage of existing
1321 infrastructure, uses, and population base in the area, which is the very definition
1322 of smart growth.

1323
1324 Keep in mind that the study was for over 1300 acres, much more than just
1325 Innsbrook or the 40 acres before you this evening. That area plan suggested
1326 different zones with increasing height and density limitations to accomplish an
1327 appropriate transition from the existing residential development. And importantly,
1328 a mix of 50/50 residential to commercial uses, which is a much lower mix than
1329 the County's historic 65 percent residential to 35 percent commercial goal.

1330
1331 Your 2026 Plan believes that the County will draw some 50,000 new residential
1332 units countywide over the next fifteen years. If you're going to maintain the
1333 countywide 65/35 percent balance, Henrico will need five to six billion dollars of
1334 commercial investment, or the equivalent of five more Innsbrooks.

1335
1336 The adoption of the plan amendment in September of 2010 also created an
1337 urban development area, as required by state code, suggesting that this was, in
1338 fact, an appropriate location for increased density, as well as creating a
1339 technology zone.

1340
1341 We believe our request honors the goals and the principles of that plan, as
1342 evidenced by the lengthy discussion in the staff report. There is a balance of
1343 commercial and residential, transition of building heights and densities from
1344 existing residences, and a vertical integration of uses and comprehensive design
1345 guidelines to define and guarantee the quality of development. The plan is also
1346 consistent with Highwoods' goal of reimagining Innsbrook to meet the changing
1347 demands of businesses and their employees, and in the process creating a
1348 community that falls somewhere between the urban scale of the city and the
1349 suburban office park setting that is now Innsbrook, resulting in a dynamic
1350 environment the produces significant tax revenues to the County.

1351

1352 This request is, once again, but for 40 acres of the 630 acres that comprise
1353 Innsbrook. And that 40 acres owned in partnership with Markel is largely already
1354 zoned UMU and could provide a template for future redevelopment of other
1355 portions of Innsbrook. This slide shows in essence the existing conditions, and
1356 there are a couple of things I think that strike you. One is just the massive
1357 amount of asphalts supporting the three office buildings on the lake. In fact, our
1358 plan basically incorporates principles of building on the asphalt parking lots while
1359 retaining the significant system of lakes and greenways throughout Innsbrook in
1360 this particular area.

1361

1362 The second is the buffer that Mr. Sehl mentioned along Highwoods Parkway
1363 behind the existing neighborhood over here to our west, as well as the street
1364 trees that exist along Highwoods Parkway.

1365

1366 This is a bit of our campus expansion plan or conceptual plan that shows a
1367 proposed phasing of development, our first phase being block eight and block
1368 seven, shown in blue, for basically apartments you're seeing in this area
1369 surrounding a central core, which is the amenity area for the apartments. Again
1370 enclosed, away from the neighborhood. Behind it a parking deck. And behind
1371 that an office building transitioning down into what we call our Village Green
1372 area, an area, once again, with some street level retail, office buildings, that
1373 would transition down behind the existing buildings to the lake amenity below.

1374

1375 We have submitted numerous proffered conditions, the most significant of which
1376 is the sixty-two pages of urban design guidelines. I know they're extensive. I do
1377 hope you had a chance to read through them. They really are a work of art, and
1378 we spent many, many, many months with staff refining those to create sort of a
1379 form-based plan for rezoning this area and to provide a matrix against which to
1380 measure future proposals. These design guidelines are to be enforced by the
1381 architectural review committee, as you've heard, and the County alike, and really
1382 serve as the underlying law, if you will, for the UMU District. These guidelines
1383 regulate everything from street designs to streetscapes, include furniture,
1384 lighting, plantings, architectural design, and signage. We've proffered that the
1385 balance of commercial development to residential development will be the 50/50
1386 as suggested in the Innsbrook Area Study now part of your Land Use Plan.

1387

1388 Consistent with that Land Use Plan, we spent a lot of time on this issue in our
1389 meetings before the plan was adopted. We have restricted building heights within
1390 150 feet from our western most property line to 45 feet in height. We restricted it
1391 to 80 feet in height within 300 feet of the property line, and 250 feet in height
1392 beyond 300 feet, or a football field's distance from the property line.

1393

1394 We've also provided there will be no retail or restaurant users facing Highwoods
1395 Parkway across from the existing neighborhoods, and that within that 150-foot
1396 initial band of our property line, no retail or restaurants can be open to the public

1397 prior to 6 a.m. nor later than 11 p.m. We've prohibited outdoor music on the
1398 entirety of the site after 10 p.m. other than on the Fourth of July or New Years
1399 Eve.

1400
1401 As indicated, we've restated our longstanding buffer proffer along our western
1402 property line, including the obligation to continuously supplement that buffer
1403 should trees be damaged or die, which we have done in a routine fashion.

1404
1405 We have limited the hours of construction to between 7 a.m. and 7 p.m. Monday
1406 through Friday and 8 a.m. to 4 on Saturdays. No exterior construction shall occur
1407 on Sunday. We limited our primary construction access to the property, which will
1408 be from the eastern most access drive off of Sadler Place, not Highwoods
1409 Parkway close to the homes.

1410
1411 Transportation and traffic is an obvious consideration. We've heard a lot about
1412 that this evening. And certainly that is a big consideration when you look at the
1413 success of Innsbrook. However, traffic in and around Innsbrook is made up of
1414 much more than that generated by this forty acres or even the whole of
1415 Innsbrook. Our goal was to mitigate the impacts of this proposal in light of
1416 significant background traffic that exists today. And to that end we explored a
1417 number of alternatives with regard to the Sadler Road, Sadler Place, Nuckols
1418 Road area, and concluded with the advice of the County's traffic engineers that a
1419 traffic circle with lane improvements at Nuckols Road, moving to a dedicated dual
1420 left turn as you approach Nuckols Road with a combined through and right turn.
1421 And then with the construction of the traffic circle that allows for significantly
1422 increased amount of stacking to occur in feeding that. We did consider a traffic
1423 light at Sadler and Sadler Place. I think the County's input there was that was not
1424 nearly as good an idea as the roundabout.

1425
1426 We have committed to do those Sadler Road improvements with the roundabout
1427 with our very first phase of development on this forty acres. There has also been
1428 a desire for an additional lane traveling east from Sadler Road to the right turn
1429 lane onto Cox Road and an additional lane from Lake Brook Drive traveling
1430 westbound to the ramp on I-295. We've committed to provide those
1431 improvements as well, subject to a little bit of help from the County in obtaining
1432 any needed right of way over the post office property—that impacts our ability to
1433 go east; otherwise we control the right of way—and certain necessary permits
1434 from the federal government related to the limited access condition getting onto
1435 the on-ramp onto 295.

1436
1437 None of us thinks those approvals are insurmountable, and we've agreed to build
1438 those Nuckols Road improvements within the first five years of our
1439 commencement of construction, so it doesn't start when our zoning might be
1440 approved. But when we start, five years we'll build those improvements without
1441 any cap on the cost of that construction. If for some reason it takes longer than
1442 five years to obtain those approvals, we're going to continue our obligation to

1443 construct those improvements for an additional five years. But in that instance
1444 we're going to cap the amount we spend on those improvements to a million
1445 dollars for all of the aforementioned improvements.

1446

1447 So what will these improvements accomplish? Well, you have a book of a traffic
1448 study. And we've tried the best we can to boil it down to demonstrate the results
1449 of that study. And what you'll see is the a.m. peak hour traffic and the p.m. peak
1450 hour traffic. And then these columns indicate if we do nothing, that without this
1451 development, just what's already approved or increase in background traffic,
1452 what would happen to levels of service in the a.m. and p.m. peak, the amount of
1453 delay. And then the next column if we do the improvements what will be the
1454 resulting impact on delays today. And then the last column is building traffic out
1455 in the future as we're asked to do by the Transportation Department.

1456

1457 As you'll see in these slides, we've taken about five different intersections, Sadler
1458 Road and Sadler Place. If you do nothing, including don't do this development,
1459 a.m. and p.m. peak will just continue to get worse. With this improvements the
1460 traffic study indicates that those delays both in the short- and long-term range will
1461 be better. Sadler and Nuckols, do nothing, worse. Do the improvements today,
1462 the a.m. peak would be about the same. The p.m. peak would be better. And in
1463 the future both would be better. Cox and Nuckols, do nothing, both worse. Both
1464 today and in the future, better. Snowmass and Nuckols. Without development the
1465 a.m. peak would be the same; the p.m. peak would be worse. With the
1466 improvements, immediately better in both peak time periods. And over time,
1467 equal. Springfield and Nuckols. Do nothing, worse. Today and the future, either
1468 equal or better conditions.

1469

1470 With regard to parking, your new UMU ordinance allows a parking study to be
1471 provided with the goal of finding the right number of required in light of the
1472 obvious sharing that occurs in an urban mixed-use setting. Highwoods has
1473 retained one of the most noted national traffic and parking consultants in the
1474 country who spent months analyzing not only the proposed uses, but the
1475 relationship of those uses and the timing of development. It's interesting to note
1476 that the result of that study was actually a higher number of required spaces
1477 suggested by our consultant than perhaps we had assumed we might need going
1478 in. And we have adopted that study because nobody cares more about providing
1479 the correct amount of parking than Highwoods with an investment in this
1480 development.

1481

1482 Economic impacts you've heard a little bit about. It's important in these times,
1483 obviously. Every local government is looking for revenue in order to maintain
1484 services. And so part of the UMU ordinance does require an economic impact
1485 study to be conducted. The impacts resulting from this urban mixed-use
1486 development have been studied in enormous detail. Basically the County's
1487 reviewers have agreed with our results within a very small range. Not only will
1488 this development provide a net positive fiscal impact to the County in terms of

1489 revenue, but it's estimated to result in \$367.4 million in total construction-related
1490 spending and over \$679 million of economic impact in Henrico County during the
1491 six-year development phase. Those construction activities will, importantly,
1492 support on an annual basis approximately 767 jobs. When Phase 1 is complete,
1493 nearly 2500 permanent jobs will be housed at the development. And when you
1494 add jobs due to indirect impacts, over 5,000 total jobs can be supported in
1495 Henrico County by the ongoing operations of the businesses located on this forty
1496 acres. This just has to help all of us in the County.

1497
1498 Well, this has been a very long but thoughtful process that resulted in the
1499 amendment of your Land Use Plan, the amendment of your UMU Ordinance, and
1500 the creation of an urban development area and a technology zone. Those were
1501 supported based on an acknowledgement of the opportunity presented by
1502 Innsbrook to continue to be the engine for business creation and retention here in
1503 Henrico County. It's the right place, it's the right time, it's the right developer to
1504 deliver this shared vision.

1505
1506 Our request has been found to be consistent with your plan and has been
1507 recommended for approval by staff. It has significant impacts on your tax base
1508 and revenues, and guarantees the future of Innsbrook. Perhaps most importantly
1509 it keeps a quality employer and employees in Henrico County rather than losing
1510 them to competing jurisdictions.

1511
1512 With that I would respectfully ask that you recommend approval of this request to
1513 the Board of Supervisors. I'd be more than happy to answer any questions you
1514 might have.

1515
1516 Mr. Branin - Thank you, Mr. Theobald. I'm sure no one has any
1517 questions for Mr. Theobald. Just kidding. Do you have any questions for Mr.
1518 Theobald? None. Okay, Mr. Theobald, I do. The people of Four Seasons had
1519 talked about pedestrian crossings to allow them to come into Innsbrook safer. Do
1520 you have any comments or questions in regards to that?

1521
1522 Mr. Theobald - Yes. Four Seasons, as most of you know if you're
1523 looking at the back of your staff report, is to the east of Cox Road. And as you
1524 come out there you're sort of opposite Sadler Place. And there's a traffic light
1525 there that exists. And so there is certainly an opportunity for a pedestrian
1526 crossing there, which we would certainly have no objection to. Our goal is to tie
1527 everything together and promote interconnectivity here. I think that we would just
1528 need, perhaps before the Board to consult with Public Works to see how that
1529 might work, whether it's just a painted-out crosswalk. I think you need to be
1530 careful about putting the call button that will stop traffic and mess up the timing
1531 and create a worse condition for through traffic. And so those things need to be
1532 considered. But categorically that is something we would certainly be in support
1533 of and would be glad to pursue.

1534

1535 Mr. Branin - Okay. The next one is we heard a couple times in this
1536 hearing—billiards. Are you planning to put a big billiards—
1537

1538 Mr. Theobald - No, but you need to—the way your provisional use
1539 permit section of the—or UMU Ordinance is set is that they are extraordinarily
1540 restricted. This would be just like it exists now at Innsbrook, or did in the past with
1541 ancillary to a restaurant type of use. So that was the reason for the request in the
1542 PUP. It really results from the way your permitted uses are set up in the
1543 ordinance. You need to ask for a PUP to be able to do them in that regard. I don't
1544 envision having a billiard hall with just nothing but pool tables. It was just really
1545 designed for an ancillary use like you've seen at the Shoppes at Innsbrook.
1546

1547 Mr. Branin - Correct. Okay. I'll come back to that one. Don't go
1548 anywhere, but that's all I have for you.
1549

1550 Mr. Theobald - Okay.
1551

1552 Mr. Branin - Can I have Traffic, please?
1553

1554 Mr. Jennings - Good evening. I'm Mike Jennings the assistant
1555 director of Public Works.
1556

1557 Mr. Branin - Mr. Jennings, we heard several of the citizens, as I
1558 agreed with them because I'm there all the time, talk about the traffic issues that
1559 are currently there. We had an applicant that has done an extensive traffic study,
1560 and the study shows us that it will improve if not make better the condition that is
1561 there than the existing condition. Does the County agree with that?
1562

1563 Mr. Jennings - Yes. The improvements they are making will improve
1564 some of the intersections out there. In addition to that, based on some findings in
1565 the study and our own field observations, our Traffic Engineering Department is
1566 going to make some changes with some of the signal timings and some of the
1567 lane usage now to even improve the existing situation.
1568

1569 Mr. Branin - Which we can do.
1570

1571 Mr. Jennings - Yes. Yes sir, we will do that.
1572

1573 Mr. Branin - When are we going to do that?
1574

1575 Mr. Jennings - Probably within the next couple of weeks.
1576

1577 Mr. Branin - Next couple of weeks. Okay. You heard me ask about
1578 pedestrian crossings. Do you see that being an issue?
1579

1580 Mr. Jennings - One issue is what Mr. Theobald said, that it would
1581 cause delays at the intersection to give a pedestrian protected movement. But a
1582 pedestrian protected movement probably would be necessary to get them safely
1583 across that intersection. So it is something that we could look into. And it
1584 probably should not be a problem.

1585
1586 Mr. Branin - Okay. All right. Those are all the questions I have for
1587 you. Thank you.

1588
1589 Mrs. Jones - Mr. Jennings, just let me ask this. The traffic snarls for
1590 rush hour many places. And right now the traffic control officer is needed here.
1591 You are quite sure that the improvements will eliminate the need for any kind of
1592 extra help at peak hours?

1593
1594 Mr. Jennings - Yes.

1595
1596 Mrs. Jones - Such as traffic control officers?

1597
1598 Mr. Jennings - Yes ma'am, because Sadler Road will then go to the
1599 roundabout that's proposed. And the officers will not be needed to work that
1600 intersection. The roundabout will keep the traffic flowing.

1601
1602 Mrs. Jones - Well, we all have differences of opinion on that, as I
1603 can hear in the audience. I think roundabouts and those kinds of solutions tend to
1604 be a little bit new; we don't have that many. But the ones that we have in your
1605 opinion would be a good solution as you've seen them operate in other sections?

1606
1607 Mr. Jennings - Yes ma'am. They're more efficient for handling the
1608 traffic. When they do have accidents they're more minor in occurrence. And also
1609 the other positive is if the power goes out the roundabout still functions.

1610
1611 Mrs. Jones - This is true. Thank you.

1612
1613 Mr. Branin - Any other questions for Mr. Jennings? None? Okay.
1614 The secretary and I are both discussing that our representative from the Police
1615 Department is not here this evening. The one I definitely wanted to check on was
1616 the question that a couple people had in regards to calls for service in West
1617 Broad Village, comparing that to what would occur in Innsbrook. So I can't get
1618 that one answered.

1619
1620 Mr. Emerson - Mr. Chairman, we keep fairly close tabs on West
1621 Broad Village. I am not aware of any increased calls for service because of that
1622 style of development. So we certainly can check into, but I don't believe you'll
1623 find anything of significance.

1624

1625 Mr. Branin - Okay. This case has been going on I think as long as
1626 I've been a Commissioner here in Henrico County. As some of you know and
1627 some of you may not know, in a zoning case the recommendation goes to the
1628 Board of Supervisors. It does not mean it's either denied or approved. As it
1629 moves forward it would go to the Board when?
1630

1631 Mr. Emerson - The December meeting—let me check the calendar. It
1632 would be December 11th, I believe.
1633

1634 Mr. Branin - So it would go to the Board of Supervisors December
1635 11th. When it comes out of the Commission it goes to the Board. Mr. Kaechele
1636 would, I'm sure, probably have another citizen meeting to hear the concerns
1637 addressed, the ones that were brought up here at the Commission level. And
1638 then it would, of course, be a public hearing on December 11th, which the
1639 decision would be made at that time.
1640

1641 I want to thank staff for working diligently for many years on this with study after
1642 study and many public hearings and discussions. So thank you to the staff. Are
1643 there time limits that need to be waived? None? Okay.
1644

1645 Then I would like to move that C-13C-11, James W. Theobald for Highwoods
1646 Properties—and do I put the PUP with it?
1647

1648 Mr. Emerson - I believe you need to make separate motions, Mr.
1649 Chairman.
1650

1651 Mr. Branin - Okay. I move that C-13C-11, James W. Theobald for
1652 Highwoods Properties, move forward to the Board of Supervisors with a
1653 recommendation for approval with conditions 1 through 15 on the revised proffer
1654 sheet.
1655

1656 Mrs. Jones - Second.
1657

1658 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones. All in
1659 favor say aye. All opposed say no. That motion carries.
1660

1661 **REASON:** Acting on a motion by Mr. Branin, seconded by Mrs.
1662 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1663 Board of Supervisors **grant** the request because the proffered conditions will
1664 assure a level of development otherwise not possible, the employment uses
1665 support the County's economic development policies, and it conforms with the
1666 objectives and intent of the County's Comprehensive Plan.
1667

1668 As for the PUP, I move that P-10-11, James W. Theobald for Highwoods
1669 Properties, move forward with the recommendation for approval to the Board of
1670 Supervisors.

1671
1672 [Several people making comments who are not at the microphone; inaudible.]
1673
1674 Mr. Branin - And they can be addressed the Board level.
1675
1676 Male: [Speaking off microphone.] The Board will approve
1677 what you recommend.
1678
1679 Mrs. Jones - This is the PUP.
1680
1681 [Several people making comments who are not at the microphone; inaudible.]
1682
1683 Mr. Emerson - Ma'am, the public comment is closed; I'm sorry.
1684
1685 Mr. Branin - With conditions 1 through 15.
1686
1687 Mr. Leabough - Second.
1688
1689 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Leabough. All
1690 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1691
1692 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
1693 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1694 the Board of Supervisors grant the request because it would provide added
1695 services to the community and when properly developed and regulated by the
1696 recommended special conditions, it would not be detrimental to the public health,
1697 safety, welfare and values in the area.
1698
1699 **P-17-12 Bradley Reece for Genghis Grill:** Request for a
1700 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
1701 Chapter 24 of the County Code in order to allow outside dining for an existing
1702 restaurant on part of Parcel 736-762-7338 located on the south line of W. Broad
1703 Street (U.S. Route 250) approximately 640' west of its intersection with
1704 Lauderdale Drive. The existing zoning is B-2C Business District (Conditional).
1705 The 2026 Comprehensive Plan recommends Commercial Arterial. The site is
1706 located in the West Broad Street Overlay District.
1707
1708 Mr. Branin - Mr. Doyle?
1709
1710 Mr. Doyle - Good evening, Mr. Chairman and members of the
1711 Commission.
1712
1713 Mr. Branin - Mr. Doyle, can you just hold on one second.
1714
1715 Mr. Emerson - Wait one second so the Commission can hear you.
1716

1717 Mr. Branin - Mr. Doyle, because of all the noise I didn't do my job.
 1718 Is anyone in opposition to P-17-12? No one?
 1719
 1720 Mr. Branin - Okay, Mr. Doyle.
 1721
 1722 Mr. Doyle - Thank you, Mr. Chairman. This is a request for a
 1723 Provisional Use Permit to allow outdoor dining at the Genghis Grill restaurant in
 1724 the Corner at Short Pump shopping center.
 1725
 1726 Mr. Doyle - The site is zoned B-2C Business District (Conditional)
 1727 and was rezoned via case C-57C-06 and amended via C-65C-07. The restaurant
 1728 is located in the West Broad Street Overlay District.
 1729
 1730 The 2026 Comprehensive Plan recommends the site for Commercial Arterial,
 1731 which is consistent with the proposed request.
 1732
 1733 The proposed outdoor dining area is 500 square feet and is located on a cement
 1734 patio along the western exterior of the building. The area would be enclosed by a
 1735 48-inch-high prefinished black aluminum fence with a 48-inch-wide patio gate to
 1736 be used in the event of an emergency.
 1737
 1738 The proposed conditions in this staff report are similar to those of previously
 1739 approved outdoor dining provisional use permits in the area. Properly regulated,
 1740 the outdoor dining use would be compatible with surrounding uses.
 1741
 1742 I'd be happy to answer any questions you may have at this time.
 1743
 1744 Mr. Branin - I have none. Is the representative from Genghis Grill
 1745 here?
 1746
 1747 Mr. Doyle - Yes sir. Mr. Bradley Reece.
 1748
 1749 Mr. Branin - Mr. Reece?
 1750
 1751 Mr. Leabough - I have one quick question. Is this in the same area
 1752 that we had the concern regarding—
 1753
 1754 Mr. Branin - Yes.
 1755
 1756 Mr. Emerson - Yes it is.
 1757
 1758 Mr. Branin - That's why I'm bringing Mr. Reece down.
 1759
 1760 Mr. Leabough - All right. I thought it was but I wasn't sure. Thank you.
 1761
 1762 Mr. Branin - State your name for the record.

1763
1764 Mr. Reece - Brad Reece.
1765
1766 Mr. Branin - Mr. Reece, welcome to Henrico County.
1767
1768 Mr. Reece - Thank you.
1769
1770 Mr. Branin - Two things. Number one. Wellesley is directly behind
1771 you. We just had a case come through last month in which the citizens were very
1772 concerned because they said their windows were rattling from the Applebee's
1773 across the street from you from sound.
1774
1775 Mr. Reece - That's down a little bit, but yes sir.
1776
1777 Mr. Branin - And that was very concerning to us. Q Barbecue
1778 came through and guaranteed the sound would not go past the property line. And
1779 I have gone by there on several occasions now and they are keeping that
1780 restricted. I need to hear you say you understand that sound must be kept at a
1781 minimum, and that you will not become a nuisance to the neighborhood
1782 surrounding you.
1783
1784 Mr. Reece - I understand, and I will not become a nuisance.
1785
1786 Mr. Branin - This is the first time I've had a case near Wellesley
1787 that Wellesley has not been here.
1788
1789 Mr. Emerson - It's amazing.
1790
1791 Mr. Reece - We are operating now with—I mean there's music
1792 outside but—
1793
1794 Mr. Branin - Which brings me to #2. You have all your chairs set
1795 up, and your tables set up, and your sound outside currently. Are you currently
1796 using your outdoor dining?
1797
1798 Mr. Reece - Yes sir. We have since we opened. I was not aware
1799 until I was informed by my landlord that we could not. So we are not using table
1800 service out there currently. Obviously it's not an issue now with the weather.
1801
1802 Mr. Branin - Okay.
1803
1804 Mrs. Jones - Convenience seating.
1805
1806 Mr. Reece - Yes, it was zoned for convenience seating.
1807
1808 Mr. Emerson - They were very responsive when notified.

1809

1810 Mr. Branin - Just checking. Just checking up on you. All right.
1811 Does anybody have any questions for the applicant? All right. Thank you, Mr.
1812 Leabough, for pointing that out. You're very attentive.

1813

1814 All right. I'm going to move that P-17-12, Bradley Reece for Genghis Grill, be
1815 moved forward with a recommendation for approval for this PUP.

1816

1817 Mrs. Jones - Second.

1818

1819 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones. All in
1820 favor say aye. All opposed say no. The ayes have it; the motion passes.

1821

1822 Mrs. Jones - Good luck.

1823

1824 **REASON:** Acting on a motion by Mr. Branin, seconded by Mrs.
1825 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1826 Board of Supervisors grant the request because it is reasonable in light of the
1827 surrounding uses and existing zoning on the property and it would not be
1828 detrimental to the public health, safety, welfare and values of the area.

1829

1830 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
1831 agenda, which is the consideration for the approval of your minutes from the
1832 Planning Commission of October 11, 2012. You do have an errata sheet that I
1833 just handed out to the Commission members. That change will be made. I don't
1834 know if you have any other changes you wish to consider.

1835

1836 Mr. Branin - Are there any other additions to the errata sheet?
1837 None? Okay, then I'll entertain a motion.

1838

1839 Mrs. Jones - I move the minutes be adopted as corrected.

1840

1841 Mr. Archer - Second.

1842

1843 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Archer. All in
1844 favor say aye. All opposed say no. The ayes have it; the motion passes.

1845

1846 Mr. Emerson - Mr. Chairman, I don't have anything further, but I
1847 thought Mr. Jennings might want to make an introduction while he's here tonight.
1848 I'll give him that opportunity.

1849

1850 Mr. Jennings - Just to make an official announcement. The new
1851 traffic engineer is Mr. John Cejka. You can stand up for a second. He's actually
1852 been with the County for sixteen years in our operations side of Traffic
1853 Engineering. He has over twenty-four years of traffic engineering experience, and
1854 he was just promoted this pay period to the traffic engineer for Henrico County.

1855 Just wanted to let you all know that officially. I know a couple of you have met
1856 him along the way. He will obviously be going to several meetings with me for a
1857 while. I just wanted to introduce him to you.

1858
1859 Mrs. Jones - Congratulations.

1860
1861 Mr. Emerson - Congratulations.

1862
1863 Mrs. Jones - Welcome.

1864
1865 Mr. Branin - Welcome, John. Hopefully we'll get you into the
1866 Innsbrook community quickly, as Mr. Jennings would prefer it being you than
1867 him. All right.

1868
1869 Mr. Emerson - Mr. Chairman, I have nothing further for the
1870 Commission this evening.

1871
1872 Mr. Branin - Okay.

1873
1874 Mr. Archer - Mr. Chairman, I move for dismissal.

1875
1876 Mrs. Jones - Second.

1877
1878 Mr. Branin - Motion carries.

1879
1880 Meeting is adjourned.

1881

1882

1883

1884

1885

1886

1887

1888

1889

1890

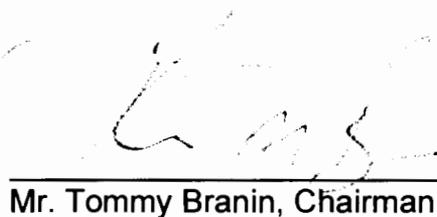
1891

1892

1893



Mr. R. Joseph Emerson, Secretary



Mr. Tommy Branin, Chairman