

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday, November**
4 **14, 2019. Display Notice having been published in the *Richmond Times-Dispatch***
5 **on October 28, 2019 and November 4, 2019.**
6

7 **Members Present:** Mr. Gregory R. Baka, Chairman (Tuckahoe)
8 Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
9 Mr. William M. Mackey, Jr. (Varina)
10 Mrs. Melissa Thornton (Three Chopt)
11 Mr. Robert H. Witte, Jr. (Brookland)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary
14

15 **Members Absent:** Mr. Frank J. Thornton (Fairfield)
16 Board of Supervisors' Representative
17 Ms. Jean Moore, Assistant Director of Planning
18

19 **Also Present:** Mr. James P. Strauss, PLA, Senior Principal Planner
20 Mr. Ben Sehl, County Planner
21 Mrs. Lisa Blankinship, County Planner
22 Mr. Michael Morris, County Planner
23 Ms. Kristin Smith, County Planner
24 Ms. Christina Goggin, County Planner
25 Mr. John Cejka, Traffic Engineer, Public Works
26 Mr. William Moffett, CPTED Planner, Police
27 Ms. Sylvia Ray, Recording Secretary
28
29

30 **Mr. Baka -** Welcome. I call this meeting of the Henrico County Planning
31 Commission to order. This is our rezoning meeting for November 14, 2019. At this time
32 I'd like you to please take a moment to silence your cellphones and please stand with the
33 Commission for the Pledge of Allegiance.
34

35 [Recitation of the Pledge of Allegiance]
36

37 Do we have anyone in the audience tonight with the news media? Okay. Mr. Frank
38 Thornton is our representative from the Board of Supervisors who is not here this evening,
39 but we do have a quorum and the majority of members are present, so we can conduct
40 business. At this point I'll turn the agenda over to Mr. Emerson, our secretary.
41

42 **Mr. Emerson -** Thank you, Mr. Chairman. The first item on your agenda this
43 evening are the requests for withdrawals and deferrals. I believe there is one deferral this
44 evening and that will be presented by Mr. Jim Strauss.
45

46 **Mr. Strauss -** Thank you, Mr. Secretary. We have one request for deferral
47 this evening. That is in the Brookland District on page four of your agenda. That would

48 be Rezoning 2019-00034 Woda Cooper Companies Incorporated, and the applicant is
49 requesting a deferral to the December 5, 2019 meeting.

50

51 **REZ2019-00034 P. Craig Patterson for Woda Cooper Companies, Inc.:**
52 Request to conditionally rezone from M-1 Light Industrial District and M-2 General
53 Industrial District to R-6 General Residence District (Conditional) Parcels 775-738-7694
54 and 775-738-8759 containing 5.293 acres located at the terminus of Orville Road. The
55 applicant proposes a multifamily development. The use will be controlled by zoning
56 ordinance regulations. The 2026 Comprehensive Plan recommends Heavy Industrial and
57 Environmental Protection Area. The site is located in the Westwood Redevelopment
58 Overlay District.

59

60 Mr. Baka - Is there anyone present in opposition to the deferral of
61 Rezoning 2019-00034 P. Craig Patterson for Woda Cooper Companies Incorporated?

62

63 Mr. Witte - Mr. Chairman, I move REZ2019-00034 P. Craig Patterson for
64 Woda Cooper Companies Incorporated be deferred to the December 5, 2019 meeting at
65 the request of the applicant.

66

67 Mr. Archer - Second.

68

69 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer to
70 defer this case. All in favor say aye.

71

72 The Commission - Aye.

73

74 Mr. Baka - Opposed say no. Motion passes.

75

76 Mr. Emerson - Mr. Chairman, notwithstanding any deferrals that the
77 Commission may have, that completes what staff is aware of. And if there are none we
78 now move on to the request for expedited items. Those will also be presented by Mr. Jim
79 Strauss.

80

81 Mr. Strauss - Thank you, Mr. Secretary, we have two requests for approval
82 on the expedited agenda this evening. The first request is in the Tuckahoe District on
83 page 4 of your agenda. It's Provisional Use Permit 2019-00014 B. Hunt Gunter.

84

85 **PUP2019-00014 B. Hunt Gunter:** Request for a Provisional Use Permit under
86 Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow an
87 extended hour of operation of a fitness facility on part of Parcel 762-753-9614 located on
88 the southwest line of W. Broad Street (U.S. Route 250) approximately 540' east of its
89 intersection with Old Parham Road. The existing zoning is B-3C Business District
90 (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial.

91

92 This is a request for approval of a Provisional Use Permit to allow an extended hour of
93 operation for a fitness facility that would be Victory Lady. Staff is recommending approval

94 with conditions one through eight in the staff report and we are not aware of any
95 opposition.

96
97 Mr. Baka - Is there anyone present in opposition tonight to PUP2019-
98 00014 B. Hunt Gunter? Okay. Seeing none, at this point I would move that PUP2019-
99 00014 B. Hunt Gunter be recommended for approval with conditions one through eight in
100 the staff report.

101
102 Mrs. Thornton - Second.

103
104 Mr. Baka - We have a motion by Mr. Baka, and a second by Mrs.
105 Thornton, all in favor say aye.

106
107 The Commission - Aye.

108
109 Mr. Baka - Opposed say no. Motion carries.

110
111 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,
112 the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
113 **grant** the request because when properly developed and regulated by the recommended
114 special conditions, it would not be detrimental to the public health, safety, welfare and
115 values in the area.

116
117 Mr. Strauss - And moving on to the Brookland District. The next request for
118 approval on the expedited agenda also on page four. Rezoning 2019-00033 Stanley
119 Shield Partnership, LLC.

120
121 **REZ2019-00033 Simon Mueller for Stanley Shield Partnership, LLC:**
122 Request to conditionally rezone from O-3 Office District to B-2C Business District
123 (Conditional) Parcel 768-743-5186 containing 1.662 acres located at the northeast
124 intersection of W. Broad Street (U.S. Route 250) and Dickens Road. The applicant
125 proposes restaurant, retail, and office uses. The uses will be controlled by zoning
126 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
127 recommends Office.

128
129 This is a request to conditionally rezone from the O-3 Office District to the B-2C Business
130 District Conditional. A restaurant, retail, and office uses are proposed, and staff is
131 recommending approval with proffers 1 through 12 in the staff report. And, again, we're
132 not aware of any opposition.

133
134 Mr. Baka - Is there anyone present tonight in opposition to Rezoning
135 2019-00033 Simon Mueller for Stanley Shield Partnership, LLC?

136
137 Mr. Witte - Mr. Chairman, I move that REZ2019-00033 Simon Mueller for
138 Stanley Shield Partnership, LLC be recommended for approval with proffers 1 through 12
139 dated October 23, 2019.

140
141 Mr. Mackey - Second.
142
143 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Mackey.
144 All in favor say aye.
145
146 The Commission - Aye.
147
148 Mr. Baka - Opposed say no. Motion carries.
149

150 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the
151 Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
152 **grant** the request because it would not adversely affect the adjoining area if properly
153 developed as proposed, and the business use is compatible with surrounding
154 development.
155

156 Mr. Emerson - Mr. Chairman, we now move into your regular agenda, page
157 one for POD2019-00390. This was deferred from your October 23, 2019 meeting. It is a
158 for decision only item, you have already held your public hearing. The staff report will be
159 presented by Ms. Christina Goggin.
160

161 **PLAN OF DEVELOPMENT (Deferred from the October 23, 2019 Meeting)**
162

163 164 165 166 167 168 169 170 171 172	<p>POD2019-00390 Brook Villas – 8000 Brook Road</p>	<p>Townes Site Engineering for Brook Villas, LLC and Mark-Dana Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct one three-story, 36- unit, 41,037-square foot apartment building and two three- story 24-unit, 30,075-square foot apartment buildings for a total of 84 units; with a 2,972-square foot, one-story clubhouse and maintenance building. The 6.06-acre site is located at the southwestern corner of the intersection of Brook Road (U.S. Route 1) and Villa Park Drive, on parcel 783-753-8074. The zoning is R-5, General Residential District and B-3C, Business District (Conditional). County water and sewer. (Fairfield)</p>
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163
164 The staff report will be presented by Ms. Christina Goggin.
165

166 Mr. Baka - Good evening. As Mr. Emerson mentioned, the Public
167 Hearing for this POD was previously held at the October 23, 2019 meeting. The decision
168 was deferred until tonight. Good evening, Ms. Goggin.
169

170 Ms. Goggin - Good evening. This plan of development for Brook Villas
171 consists of three three-story apartment buildings with a total of 84 units. The use is
172 permitted by right and is not subject to proffered conditions.

173
174 Adjacent property owners attended the Planning Commission hearing held on October
175 23, 2019 to express their concern about the proposed development. Their concerns
176 included the proximity of the apartment building to the property lines to their homes and
177 the reduction of a 10-foot transitional buffer next to Stuart's Ridge Subdivision. The
178 Planning Commission deferred the case to tonight's meeting to give the developer a
179 chance to meet with the neighbors.

180
181 On October 29th, a new layout was presented to the neighborhood, which was in your
182 revised agenda, and just handed out to you, and is up on the screen. It relocates the 36th
183 unit building, which was parallel to the neighborhood, along here, to the building setback
184 line along Villa Park Drive, so it's up here. And parking has now been moved to the back.
185 A 25-foot landscape strip is now provided between the property line and the parking for
186 this area, and the 10-foot transitional can be accommodated in this area.

187
188 The staff recommends approval of the revised plan subject to the annotations on the plan,
189 the standard conditions for developments of this type, conditions 9 and 11 amended, and
190 conditions 29 through 39 in your agenda.

191
192 I would be happy to answer any questions you may have of me. David Koogler, the
193 developer, is here as well as Jason Wilkins, the engineer.

194
195 Mr. Baka - Any members of the Planning Commission have a question
196 for staff?

197
198 Mr. Archer - All right, Mr. Chairman --

199
200 Mr. Baka - Seeing no questions, how would you like to proceed?

201
202 Mr. Archer - I'm ready for a motion.

203
204 Unknown Speaker - (off microphone) Has anybody done a traffic study for this
205 area?

206
207 Mr. Baka - Mr. Archer, at this point, if you're ready for a motion, this is a
208 POD, a Plan of Development, not a rezoning case, so if you're ready for a motion, please
209 proceed.

210
211 Mr. Archer - I'm ready, sir. And, as I recall, this is going to be just for
212 decision only. I'll make a few remarks. I attended the meeting with Ms. Goggin, and it
213 was a very good turnout from the community. And I think Mr. Thornton's remarks at the
214 last meeting rang a bell and had some effects on the outcome. There were a lot of
215 questions asked from the community, and the applicant was very gracious in answering
216 those questions. And I was very much appreciative of the way he answered. The ones
217 that he could take care of he decided to do. The ones that he had questions about he

218 would not commit, but he did say, I don't like to promise things that I can't do. So if I can
219 do them I will, and if not, I won't.

220
221 So I think, ultimately, at the end of that meeting, which was vigorous and cordial, most of
222 the time, was that the outcome turned out to be very good, and there were significant
223 changes made. So with that I will move for approval of POD2019-00390, Brook Villas
224 with 9 and 11 amended and conditions 29 through 39.

225
226 Mr. Witte - Second.

227
228 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.
229 All of those in favor say aye.

230
231 The Commission - Aye.

232
233 Mr. Baka - Opposed say no. Motion passes to approve the POD and any
234 further follow-up questions please contact Ms. Goggin on Planning staff.

235
236 The Planning Commission approved the plan of development for POD2019-00390, Brook
237 Villas, subject to the annotations on the plans, the standard conditions attached to these
238 minutes for developments of this type, and the following additional conditions:

- 239
240 9. AMENDED - A detailed landscaping plan shall be submitted to the Department of
241 Planning for review and Planning Commission approval prior to the issuance of
242 any occupancy permits.
- 243 11. AMENDED - Prior to the approval of an electrical permit application and installation
244 of the site lighting equipment, a plan including depictions of light spread and
245 intensity diagrams, and fixture specifications and mounting height details shall be
246 submitted for Department of Planning review and Planning Commission approval.
- 247 29. The unit house numbers shall be visible from the parking areas and drives.
- 248 30. The names of streets, drives, courts and parking areas shall be approved by the
249 Richmond Regional Planning District Commission and such names shall be
250 included on the construction plans prior to their approval. The standard street
251 name signs shall be installed prior to any occupancy permit approval.
- 252 31. The right-of-way for widening of Villa Park Drive and Brook Road (U.S. Route 1)
253 as shown on approved plans shall be dedicated to the County prior to any
254 occupancy permits being issued. The right-of-way dedication plat and any other
255 required information shall be submitted to the County Real Property Agent at least
256 sixty (60) days prior to requesting occupancy permits.
- 257 32. The drainage facilities on Brook Road (U.S. Route 1) shall be approved by the
258 Virginia Department of Transportation and the County.
- 259 33. A notice of completion form, certifying that the requirements of the Virginia
260 Department of Transportation permit have been completed, shall be submitted to
261 the Department of Planning prior to any occupancy permits being issued.
- 262 34. A concrete sidewalk meeting County standards shall be provided along the
263 southern side of Villa Park Drive.

- 264 35. A concrete sidewalk meeting VDOT standards shall be provided along the western
265 side of Brook Road (U.S. Route 1).
266 36. Prior to approval of construction plans, the developer must furnish a letter from
267 Dominion Virginia Power stating that this proposed development does not conflict
268 with their facilities.
269 37. Approval of the construction plans by the Department of Public Works does not
270 establish the curb and gutter elevations along the Virginia Department of
271 Transportation maintained right-of-way. The elevations will be set by the contractor
272 and approved by the Virginia Department of Transportation.
273 38. The location of all existing and proposed utility and mechanical equipment
274 (including HVAC units, electric meters, junctions and accessory boxes,
275 transformers, and generators) shall be identified on the landscape plan. All building
276 mounted equipment shall be painted to match the building, and all equipment shall
277 be screened by such measures as determined appropriate by the Director of
278 Planning or the Planning Commission at the time of plan approval.
279 39. Except for junction boxes, meters, and existing overhead utility lines, and for
280 technical or environmental reasons, all utility lines shall be underground.
281

282 Mr. Emerson - Mr. Chairman, as we move on to the next case I will reiterate
283 again, as you did, this plan of development just approved did have a full hearing and
284 discussion at your October 23rd meeting. There were some items that needed to be
285 corrected. It was deferred for a decision only this evening.
286

287 Mr. Chairman, we now move on to page three of your agenda for REZ2019-00025 Andrew
288 M. Condlin for Stanley Martin Companies, LLC.
289

290 **REZ2019-00025 Andrew M. Condlin for Stanley Martin Companies, LLC:**
291 Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to
292 R-6C General Residence District (Conditional) Parcels 784-759-7593, 784-760-9147, 784-
293 760-9470, 785-759-0085, 785-759-8052, 785-760-0184, 785-760-2106, 785-760-2751,
294 785-760-6689, 785-760-8637, 785-761-1615 and part of Parcel 784-760-1564 containing
295 64.79 acres located on the west line of Telegraph Road, approximately 150' south of
296 Georgia Avenue and the east line of Telegraph Road at its intersection with Georgia
297 Avenue. The applicant proposes a condominium and townhouse development. The use
298 will be controlled by zoning ordinance regulations and proffered conditions. The 2026
299 Comprehensive Plan recommends Office/Service, Government, and Planned Industry.
300 Part of the site is in the Enterprise Zone. The staff report will be presented by Mrs. Lisa
301 Blankinship.
302

303 Mr. Baka - Good evening. Is there anyone present in opposition tonight
304 to Rezoning 2019-00025 Andrew Condlin for Stanley Martin Companies, LLC?
305

306 Ms. Hodges - Yes.
307

308 Mr. Baka - Okay. Thank you. We do have several -- many hands. We're
309 going to first have a staff presentation from Mrs. Blankinship and we will get to a public
310 hearing in just a minute. Just a few minutes. Thank you. Good evening.

311
312 Ms. Blankinship - Thank you Mr. Chairman, members of the Commission. The
313 majority of the subject property, approximately 59 acres, is zoned A-1 and is located
314 between the east line of Telegraph Road and its intersection with Georgia Avenue and
315 the west line of Interstate 95.

316
317 A smaller portion, approximately six acres, is zoned B-3 and is located on the west line
318 of Telegraph Road behind the Department of Motor Vehicles. Adjacent property to the
319 north is zoned R-4 and R-4C and includes portion of Biltmore and Brookwood Glen
320 subdivisions. Properties to the west are zoned B-3C, and M-1C, and included the
321 Department of Motor Vehicles, a hotel, a self-storage facility, and to the south are A-1
322 zoned subdivisions and industrial uses zoned M-1.

323
324 The applicant is requesting to rezone the property to R-6C to develop the site with a
325 mixture of three-story townhomes, two-over-two condominiums, and two-story villas with
326 a proffered density of no more than 469 units, which is an equivalent density of 7.66 units-
327 per-acre.

328
329 In addition to the concept plan, the applicant has proffered these building elevations
330 showing the proposed townhouses, two-over-two condos, and villas. The applicant has
331 also provided a number of other proffers consistent with townhouse and condominium
332 developments elsewhere in the county.

333
334 Two community meetings were held by the applicant on August 22ND and October 1st.
335 Concerns discussed include stormwater and drainage, roadways, traffic, and schools.
336 Adjacent property owners requested the addition of buffers and screening to minimize the
337 visual and noise impacts of the proposed development with which the applicant has
338 addressed in the revised proffers.

339
340 The 2026 Comprehensive Plan recommends Office Service, Government, and Planned
341 Industry. While this request is not fully consistent with these designations it could be
342 appropriate given the residential development pattern to the north and the recently
343 approved 115-unit townhouse development, Glens at Scott Place, to the south. In
344 addition, the applicant has submitted proffers that would ensure development compatible
345 with the adjacent residential subdivisions while adding a variety of housing types not
346 currently available to the area.

347
348 For these reasons staff supports this request. And this concludes my presentation. I'll
349 be happy to try to answer any questions.

350
351 Mr. Baka - Any questions from the Commission of staff?

352
353 Mrs. Thornton - Not at this time.

354
355 Mr. Baka - Okay. Thank you. Mr. Archer, how would you like to
356 proceed?
357
358 Mr. Archer - I think perhaps we'll call on the applicant first and have him
359 reserve some time for rebuttal to questions, because I'm sure there's going to be quite a
360 few.
361
362 Mr. Baka - Do we need to do 10 minutes for the applicant?
363
364 Mr. Emerson - Yes we do, Mr. Chairman. As Mr. Archer was referring, there
365 are guidelines for the public hearing process, and I'll go over those now, and we can
366 refresh everybody's memory after the applicant if we -- if we need to. But these are the
367 guidelines as follows that the Commission uses. The applicant is allowed 10 minutes to
368 present the request and time may be reserved for responses to testimony, as Mr. Archer
369 referred to.
370
371 Opposition is allowed a cumulative 10 minutes to present its concerns. Meaning
372 everyone that has concerns needs to fit within those 10 minutes. Commission questions
373 do not count into the time limits, and the Commission may waive the limits for either party
374 at its discretion. Comments must be directly related to the case under consideration.
375
376 Mr. Baka - Good evening.
377
378 Mr. Condlin - Good evening, Mr. Chairman, I was --
379
380 Mr. Archer - Mr. Condlin, if I might interject, do you feel more comfortable
381 waiting until the opposition has spoken, or would you rather split it?
382
383 Mr. Condlin - I'll do whatever you would prefer. I'll be happy to wait until
384 after I get --
385
386 Mr. Archer - I prefer that you do a brief presentation at least first and then
387 reserve some time.
388
389 Mr. Condlin - Then I'll do a brief presentation. And I understand the word
390 brief. I understand that, sir. So --
391
392 Mr. Emerson - How many minutes would you like to reserve?
393
394 Mr. Condlin - I'd like to reserve two minutes, and I believe we have
395 someone who'd like to speak in favor as well, so we'll do a total of three minutes, maybe.
396 I think I'll take seven minutes to --
397
398 Mr. Emerson - I'll let you know when you -- when you get close.
399

400 Mr. Condlin - I appreciate that. Members of the Commission, again, Andy
401 Condlin here on behalf of the Stanley Martin. We have Jeremy Swink as well with us. As
402 Ms. Blankinship has already described as the property being 64 acres, but also describing
403 the various uses surrounding the property and the very multiple zonings, including B-3,
404 M-1, A-1 and R-4. So there is a lot going on throughout this property. Including I-95
405 along the eastern edge, and then the single-family residential on the northern. With some
406 A-1 property with some homes and some industrial along the southern edge.

407
408 So, with all that, we've tried to accommodate and provide for appropriate transition.
409 We've had a number of community meetings that have been very involved with a lot of
410 questions, and we do have three different kind of products. And I thought I'd just take a
411 minute or so to run through how we've had some significant changes with the -- with our
412 plan as we've gone through.

413
414 This particular area is zoned B-3 currently, and so we have our two-over-two product that
415 sits behind the DMV. And then this retains as a commercial property with the access
416 coming off of Brook Road, crossing Telegraph Road, and going into the site.

417
418 We provided for the villas along the single-family. The villas are about 25 feet in height.
419 They're two story or one and a half story that are intended for empty nesters and more
420 senior that will be in these locations. We've also provided for the villas over in this area
421 at the request of some of the folks to be able to not look at the taller buildings.

422
423 We've provided for, along this concept road that the county has on the Major
424 Thoroughfare Plan, would be a concept road that ultimately goes across 95 connecting
425 with Magellan Parkway Extension. We've provided for a dedication of this area and we've
426 lined the concept road, the planned concept road, with the two-over-two product which
427 we've presented to you before. I'm happy to go over that particular product if that's where
428 -- that's a four-story product. Again, getting that away from most of the single-family
429 neighborhood and being able to provide as you come in.

430
431 And then the remainder of the site is with the townhome units that are three stories in
432 height. Again, trying to create a variation of housing product along this area. We've
433 committed, in the proffers, to not only dedicated the concept road, but build two lanes of
434 the concept road that would serve as our main entrance into our site off of Telegraph
435 Road and off of Brook Road.

436
437 We've also had a number of other significant changes at the request dealing with buffers
438 as to both plantings and fencing along the entirety of the area along the single family.
439 That should go into the -- as you transition from this site and as I've described, moved the
440 different products around.

441
442 We also provided for an increased amount of open space and amenities, including a
443 clubhouse and, as I said, park space. And we've outlined within the plan and within the
444 proffer, specific amenities.

445

446 We have the typical standard proffers that provide for the protection of the area and the
447 quality standards that you expect of single-family homes. These are all for-sale products.
448 These are both condominiums, townhouses, and as I've described, the villas. We've
449 provided for a number of things, including the concept plan that you're seeing in front of
450 us and the concept road that I've described.

451
452 Construction hours, as you've just -- as you'd expect being from Monday through
453 Saturday, 7:00 a.m. to 8:00 p.m. with no Sunday hours. We've also provided at staff's
454 request, this is a paper road, but having allowance for a southern access and providing
455 for connection if this ever gets developed for this A-1 subdivision, or if it ever gets rezoned.
456 So, again, we're between two subdivisions, which we do think it's appropriate then to have
457 this transition for residential use.

458
459 We have typical home details and proffered conditions as well as the plan providing for
460 sidewalks throughout the site, including in front of all buildings. And, as you can see,
461 along the concept road and connecting all the various unit types that we've got in here.

462
463 So, again, I believe this is an appropriate transition. We meet the specific provisions for
464 providing quality standards and a variety of housing types that are not found in the area.
465 We think it is an appropriate transition between all the various uses that go on from Brook
466 Road being commercial uses, 95, and then residential potential on both north and south
467 of us. So we would ask that you'd follow the staff recommendation. I'll be happy to
468 answer any questions at this time.

469
470 Mr. Baka - It's about four minutes, sir. Any questions from the
471 Commission of the applicant?

472
473 Mr. Witte - I have one. Are these going to be three separate HOAs, or
474 one total?

475
476 Mr. Condlin - It'll be one total. Anticipation it'll be one total HOA and it'd all
477 be contributing to the common areas and, you know, they'd all -- it's ownership and that's
478 what they do typically, so --

479
480 Mr. Witte - Okay. Thanks.

481
482 Mr. Condlin - You know.

483
484 Mrs. Thornton - So for maintenance-free?

485
486 Mr. Condlin - Are all of them maintenance free? Well, I'm going to have --
487 you stumped me already on the second question. I apologize. I know some of them will
488 be, but not -- I'm not sure if all of them are. Sorry.

489
490 Mr. Baka - Good evening.

491

492 Mr. Swink - Good evening. Thank you for hearing the case today. Just to
493 clarify, so -- Jeremy Swink, Stanley Martin Homes. Just to clarify Andy's initial response.
494 So we'll have one master homeowner's association which will encompass the fee simple
495 uses, which are our villa products and our three-story towns. And then we have a condo
496 association that will, you know, abide by the condo laws in Virginia that'll be a separate
497 sub-association, but they'll both roll up to a master which may charge for the maintenance
498 of all the amenities and common space.
499

500 In terms of exterior maintenance, the condos were all 100 percent maintenance-free per
501 the condo laws. And then with our villas and towns to keep some consistency in a high
502 level of -- high level of appeal, curb appeal and design. We make those yard maintenance
503 included as well as exterior. Routine exterior maintenance, just like other communities in
504 the area.
505

506 Mrs. Thornton - So will you have age restriction on those single families in your
507 HOA?
508

509 Mr. Swink - No age restriction is planned. They're generally age targeted.
510 And what we see in our market profile is we see, I believe, I don't want to misquote Hunter,
511 but in our condos I think we're over 45 percent 55 and older, which is a surprising result.
512 And then in our villas we're well over 80 percent in 55 and older.
513

514 Mrs. Thornton - Okay.
515

516 Mr. Baka - Other questions?
517

518 Mr. Archer - I don't have any, sir.
519

520 Mr. Condlin - I believe we have one person that wanted to speak in favor.
521 If we could have him come up now?
522

523 Mr. Baka - Okay, if they could come up now that would be great.
524

525 Mr. Emerson - You have approximately four minutes left, so...
526

527 Mr. Baka - Good evening.
528

529 Mr. Allocca - Four minutes. Great. I won't take but one. My name's
530 MarcAllocca. My partner and I purchased a building at 8611 Telegraph Road in 2000.
531 We now own four buildings on Telegraph Road. So I've been out there a lot. For the past
532 20 years, almost. I've not seen a whole lot of improvement in the area, and I think this
533 is a great plan to help kickstart that area. Stanley Martin does great work. And we are
534 certainly in favor of this plan.
535

536 Mr. Baka - Any questions from the Commission?
537

538 Mr. Archer - No.
539
540 Mr. Baka - Thank you, Mr. Allocca.
541
542 Mr. Emerson - Mr. Condlin, I misspoke. You only used four minutes, so you
543 have about seven minutes left now.
544
545 Mr. Baka - Is there anyone else who'd like to speak in favor of this case
546 before... okay. Seeing none, at this point we'll move on and ask that those who would
547 like to speak in opposition to the case can do so. I'd also like to see -- say that I saw
548 many hands raised of people who were opposed. So if there are certain individuals from
549 your street or your neighborhood or others that would like to speak. If you all would -- a
550 few of you all would please come forward to the podium. Who would like to speak first?
551 Good evening and welcome.
552
553 Ms. Hodges - Hello.
554
555 Mr. Baka - Hi.
556
557 Ms. Hodges - My name is Connie Hodges. My home backs up to this
558 development plan. I've lived there for 16 years on Brookwood Glen Lane. I'm not
559 opposed to change. I understand there's going to be change within the county. I'm
560 opposed to this development plan change with 500 units.
561
562 There's no structures within our area that are four-levels high. If you go from 295 all the
563 way up to Parham Road, we even have a Best Western Hotel built there that's only three
564 levels high. There are no four-level structures whatsoever in this vicinity. Telegraph Road
565 is not even a two-lane road. There are no markings whatsoever on that road. If you have
566 to pass someone in the opposite direction you have to stop, slow down, make sure you
567 all give plenty of room for each other passing. They're going to shut down this road. The
568 only improvement that's going to be made on Telegraph Road is directly in front of this
569 development.
570
571 There's going to be no improvements made on either end, so you're going to funnel into
572 this development with a divided road and things like that, and then funnel down into
573 another road on Telegraph, the section that is not developed, that's not even two-lane
574 divided road.
575
576 There's some items in the zoning code that I wanted to refer to that I think that this
577 development is in opposition to. And if you refer to 24, Article 1, Section 24.1, it says,
578 The proposed development is in direct -- this proposed development is in direct contrast
579 to several of the items under this section. So mainly number two that says it will reduce
580 or prevent congestion in public streets.
581
582 So I just talked about Telegraph Road not even being a two-lane road. When this is going
583 on, this development, and they shut down Telegraph Road to build this, people are going

584 to be funneling down Maryland Avenue, Virginia Avenue, Georgia Avenue. Those streets
585 are very, very small little streets.

586
587 Were only one- and two-story homes all along this whole entire section. This is a little
588 triangle strip of land in there. There are not even 500 total homes in this whole community
589 right now and you're talking about over doubling that. There's a proposal that would bring
590 an entry and exit point through Brookwood Glen subdivision. Right now my street,
591 Brookwood Glen Lane, ends at Brookwood Glen Terrace. It's a dead-end street.

592
593 I maybe have 20 vehicles a day that come down that street to get to their homes. If this
594 opens up and you have 500 units. If there's only two people in a unit and you have over
595 1000 people living there and you have three entry points. If only a third of them come
596 through my subdivision it's going to increase the traffic in my subdivision by 1000 percent.
597 I could have 300 cars. People are going to go whatever is the quickest route to get to
598 their home, so they're going to cut through my subdivision. They're going to come off of
599 295 and 95 coming from the north direction, and they're going to take the quickest route
600 to get to their home. They're not going to go up to some Magellan Parkway past their
601 home to come down some parkway to go into their development. There are just so many
602 things wrong with this development plan.

603
604 Mr. Baka - Could you point out your home on the -- on the plat?

605
606 Ms. Hodges: Yeah, so this is Brookwood Glen, this is the entry, Brookwood
607 Glen Drive. My house is the fourth one here. This is my home right here, Brookwood
608 Glen Lane. I've lived there for 16 years. I backed up to a farm. I understand, I just said,
609 I'm not opposed to change. The property behind me was 13 acres. It was sold last year.
610 It was then approved by Henrico County to build 12 one-acre home sites there. While
611 we're not opposed to that. That fits in with our community. Single-family homes, one-
612 and two-story homes. Not some four-story townhome that's going to be towering. The
613 four-story townhomes, like Mr. Condlin just said, are going to be towering along Telegraph
614 Road. Some little road that's just a tiny little road that's not even any lines or markings
615 on the roads whatsoever.

616
617 We're concerned about the noise in our neighborhood, the crime, the traffic, all that this
618 development is going to bring.

619
620 Mr. Baka - Okay. If I may, Ms. Hodges, may I ask, are there any
621 members of the Commission that have a question for Ms. Hodges? I know that there're
622 others that'd like to also speak tonight.

623
624 Mr. Archer - No, mm-mm.

625
626 Ms. Hodges - Okay. Thank you.

627
628 Mr. Baka - Thank you very much for your comments. Who else would
629 like to speak? We have 10 minutes. We have four minutes in right now.

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Mr. Emerson - You've got about six.

Ms. Rogers - I am Julie Reaves Rogers. Our house is in between the industry and the proposed development. I do want to say that, through the community meetings and talking with Mr. Conklin, that they have been accommodating with the requests that we've asked. However, when I look at, on the county website when it says, What does the Board of Supervisors consider in reviewing a rezoning request? I can count 6 out of 10 of these items, which I would think would be the main ones.

"Is the request consistent with the County's Land Use Plan?" Could development allowed by the request be expected to be reasonably compatible with existing development? Absolutely not. If you've not been down Telegraph Road you really need to delay your vote or deny this until you do. We are a very humble community of people whose families have been raised there. Our neighbor, Mrs. Chewing, lived there 35-40 years, and she is the reason my husband and I bought the house that we did. We rented beside her and we moved in beside her. It is a very nurturing community. This subdivision in no way, shape, or form, fits in or is harmonious or compatible or even reasonably compatible according to the things that you're supposed to look at.

"Can a need for the change be established?" I absolutely don't think so. Does it conform -- oh. "Is the change in conflict with the county's plan for future land use?" I would say so. Because the 2026 Plan is Planned Industry, Office, Retail. So in my mind if you did an analysis and you spent taxpayer's money to do that and that was really what was suggested, how does this change that?

And for us, what it's going to mean according to the proffers, that -- the latest proffers, is that all the construction traffic is going to enter in front of our homes. Particularly Mrs. Chewing's. Mountain Road ends on Telegraph Road in front of Mrs. Chewing's front window, so all that construction traffic, if they have to go from Mountain Road or directly off of Brook Road, I think there's only two ways, and they're both down at the end of our property.

I work from home, I gave up my office. So if you can imagine five years of construction traffic coming down the road behind us, that's just not acceptable to us. We're asking that you deny this based on the fact that it doesn't meet, like I said, 6 out of 10 of the questions that you say on your website that are the major considerations. It doesn't meet that.

Mr. Baka - Okay.

Ms. Rogers - So we're asking you to deny if it comes back up in a year that at least gives us 12 months to make a better decision about where we could go or what we could do to not live in this type of community.

675 Mr. Baka - Ms. Rogers, if I may, could you point out your house on this
676 plat?
677
678 Ms. Rogers - I've got to put my glasses on. I think we are right here on this
679 front corner and Mrs. Chewing's property wraps behind ours, which should be this.
680
681 Mr. Baka - Okay. On that side.
682
683 Ms. Rogers - I think.
684
685 Mr. Baka - Okay. Do any members of the Planning Commission have
686 any questions for Mrs. Rogers? Thank you. Who else would like to speak on this matter?
687 We do have three --
688
689 Mr. Emerson - Three minutes.
690
691 Mr. Baka - Three minutes. Please come forward. Good evening.
692
693 Mr. Moyer - Good evening.
694
695 Mr. Baka - And welcome.
696
697 Mr. Moyer - Thank you. My name is Christian Moyer. We live on Georgia
698 Avenue. It's the first street to the left of the -- southwest on the map.
699
700 Mr. Baka - Okay.
701
702 Mr. Moyer - There's a -- there are a lot of kids in -- on both sides of
703 Telegraph Road in newer and the older developments. Telegraph Road itself is a number
704 of bus stops, elementary school, high school, middle school. I already see, you know,
705 cars in a hurry passing the busses as they're stopping or even stopped.
706
707 I don't even know where they would send the bus when they shut down the road. There's
708 not really, you know, I don't think they're going to just go down the streets and then turn
709 around. And if they do somehow keep it open, I mean, the safety is already bad for the
710 kids on Telegraph Road. There, as the other lady said, there's no street markings. If you
711 have two large vehicles coming in both directions, you really have to slow down and kind
712 of pull off to the side or stop and let each other go. So I know a lot of other parents aren't
713 here, but there are a lot of parents and a lot of kids in these neighborhoods.
714
715 Mr. Baka - Okay. Any questions from the Commission of Mr. Moyer?
716 Nope, thank you.
717
718 Mr. Emerson - A minute and a half.
719

720 Mr. Baka - Who else? Anyone else would like to speak? Please come
721 forward.

722
723 Mr. Blot - My name's Kenny Blot. Or -- I just -- the house I used to own,
724 I just gave it to my son a little while ago, it's right on the corner there. It doesn't matter.
725 Just an observation I would like to make out to the county. I've been around a little bit,
726 like some people. Live in Ashland now and been through all that. Figured it out. NASCAR
727 Raceway gave a good bid years ago. Hanover has the new intersection of the United
728 States, 295 and 95. And Henrico County across the street where you all own all the
729 property, that's going to go pretty well. But you're missing a big opportunity right here to
730 add to the long term of what Henrico County would be known for. Intersection of the
731 world. That's it.

732
733 Mr. Baka - Okay. Any questions of the Commission. All right. We have
734 time for one more speaker. Would you -- would you like to come forward?

735
736 Unknown Speaker - Yeah we're here...

737
738 Mr. Baka - We'll have two. If you could come forward and you who
739 asked, yes ma'am, who asked if you could speak. If the two of you could speak, and
740 we're just about at nine minutes right now. Good evening, welcome.

741
742 Ms. Canary - Welcome. Thank you. I appreciate the ability to speak to you.
743 My name is Donna Canary. I live on Georgia Avenue. My grandparents had that house
744 built in 1950. It's a simple, two-bedroom, one-bathroom house, and I moved in when my
745 grandmother passed away in the late '90s. And that's been my home. Telegraph Road
746 is already a speedway. It's barely, as pointed out earlier, it's barely wide enough for two
747 cars on a good day, so it would definitely be a bad decision as far as Telegraph Road is
748 concerned.

749
750 Georgia Avenue will become a thoroughfare. We have probably 10 children who ride their
751 bikes, easily now, on our street and play in front of their homes, and with 500 houses
752 that's not going to be a possibility, because people are going to come directly out of there
753 and come down Georgia Avenue to go back down to Route 1. So we're going to change
754 the entire dynamics of our neighborhood and the pleasantry of living in a place where
755 people can feel safe playing on the street. So I do think that this is a poor decision of this
756 type in this neighborhood.

757
758 Mr. Baka - All right, thank you. Any questions from the Commission of
759 Ms. Canary?

760
761 Mr. Archer - No.

762
763 Mr. Baka - All right, thank you very much. We are at 10 minutes, but I
764 would like to ask if you'd come forward and just you'll be our final speaker here. Good
765 evening and welcome.

766
767 Ms. Chewning - Thank you. My name is Dot Chewning and I live at 8701
768 Telegraph Road. I have been there for over 40 years and I have seen a lot of changes.
769 I've lived through a lot of changes. When we moved there everything was a residence
770 and now everything is commercial. And the county has been very, very, very nice to us
771 to protect us from all of the developments. I mean, with the lights and the noise and
772 whatever. So I'm really can't say enough for the county protecting me that I'm still able
773 to live there. But this development is absolutely wrong for this community.
774

775 I mean, we live in a very modest community because that's where we want to live. And
776 this is something that should be at Short Pump or wherever. Its just the magnitude of this
777 is just too much for this neighborhood. So, again, I want to say thank you to the county
778 and we're leaving it up to you to make the good decision for all the people that live in the
779 neighborhood.
780

781 Mr. Baka - Thank you, ma'am. Any questions of Ms. Chewning? No?
782 Thank you very much. Okay, Mr. Emerson, at this point we've concluded comments for
783 those in support and those in opposition at the hearing.
784

785 Mr. Emerson - We have and, Mr. Chairman, correct my poor math skills a
786 minute ago. Mr. Condlin has five and a half minutes left to speak of --
787

788 Mr. Baka - Of time that he retains?
789

790 Mr. Emerson - Of time he retains.
791

792 Mr. Baka - Independent of questions that came up?
793

794 Mr. Emerson - Yes, sir.
795

796 Mr. Condlin - I won't -- I won't need that time, but thank you for the
797 opportunity.
798

799 Mr. Archer - Mr. Condlin, if I may, before you begin.
800

801 Mr. Condlin - Yes, sir.
802

803 Mr. Archer - Well, you heard the same thing we did. I hope you're going
804 to respond to the questions that had the most weight.
805

806 Mr. Condlin - Yes, sir. Yes, sir.
807

808 Mr. Archer - And we'll go from there. Thank you.
809

810 Mr. Condlin - Absolutely. I've got a list of, I guess, responses. I think I
811 picked up everything. One of the -- one of the concerns was, you know, with respect to

812 the use of this property, whether it's appropriate for this particular use. And it really is
813 something that we've talked about when it was -- we're aggregating -- when Stanley
814 Martin was aggregating this property. And the question really became what is appropriate
815 for a residential, but also to help support the -- next to residential on both sides. But also
816 to support the existing commercial that really, quite frankly, as Mr. Allocca elluded to,
817 really hasn't had a lot of investment in this area and will this be able to spurn additional
818 investment along Brook Road. And that's why we thought something of this nature would
819 make a lot of sense from the standpoint.

820
821 I know it's a change, but being able to provide for not only the amenities, and you know
822 you have to have a certain density to provide for the amenities and the quality that you're
823 looking for, but a lot of the improvements that the county was looking for, which included
824 getting access to Brook Road, which I'll talk about in a second with respect to the impact
825 on Telegraph, but also this concept road that the county's been looking for, for a number
826 of years, which really, quite frankly, wouldn't be achieved with industrial zoning given the
827 return that industrial users would have on this. And there -- it's been on the plan for a
828 number of years with respect to that particular use. That hasn't come to fruition. That,
829 quite frankly, as the Scott Road bridge continues to be the sole access across 95. But
830 this is something that's quite frankly needed.

831
832 With respect to Telegraph Road, and there's a lot of discussion on that, as you know, as
833 part of construction and improvements on Telegraph Road, we'll have to improve
834 Telegraph Road along our frontage, the entirety of our frontage, the public road standards
835 for the width, that comes from our area. And depending upon the site plan as we come
836 forward with the POD that comes before you with respective turn lanes into our site.

837
838 One of the critical issues, of course, is the concern regarding construction. And, as you
839 can see, our main access road that is this concept road that's going to be, ultimately, the
840 road that'll lead all the way from the other side of 95 to that area that's industrial that the
841 gentleman spoke about.

842
843 But the critical thing is this access point right here. I had a little trouble, and we'd went
844 back and forth, with respect to proffer 18 on the construction traffic in and how it would
845 go.

846
847 Ultimately this first road would be a first phase, and in order to build this road we do have
848 to access Telegraph Road to get over and across this road to build this road. This will be
849 our access road. And almost immediately as soon as we can get there, for construction
850 purposes, to come off of Brook Road and use this road for construction purposes. But
851 the reality is we need to use Telegraph Road temporarily certainly in order to get to this
852 area to build, and to build within Telegraph Road.

853
854 As you know, when you improve the road, you're not allowed to shut it down. Telegraph
855 Road will not be shut down during construction. But we do have to improve it to public
856 road standards. And we're going to limit it to this area that's in front of our property. But
857 also we've asked for, obviously we can't proffer, but we've asked the community. Happy

858 to continue to improve Telegraph Road all the way to Route 1, if we can, if we can get the
859 easements and the right of way necessary to do that. But we're obligated to and we're
860 committing to do, obviously in front of our property, and using this for a construction one
861 we can get this area built to bring in all development.

862
863 There was a concern that was raised regarding Georgia Avenue. And, obviously,
864 Brookwood Glen Terrace accessing up here. This will be the main access we obviously
865 can't commit to, but we hope to have a light at this location, with this density, that we're
866 being able to provide for at this point. And that's where, quite frankly, everybody will be
867 using to access -- go in and out of this property is through this particular spine road as
868 you come in and not using -- and it really, to us, it didn't make a lot of sense that folks
869 who would leave from this area. We tried to design it so to try to discourage people within
870 our subdivision to come through. We talked about using that as an emergency access
871 only up at this location. But, as you know, it's already an existing public road that was
872 stubbed into this property and we need this for the county policy necessary for the -- I
873 think it's for townhouses 80-some lots that we have to be able to provide for that second
874 point of access.

875
876 We don't see this being used by our community to come out through and get out to Route
877 1 that way. Because we have this spine road. And it'll be designed, quite frankly, and be
878 able to come through and use for our access purposes.

879
880 Finally, with respect to the quality standards and the type of use that we've had, I'm happy
881 to go through all the proffers that we've provided for. But, again, from a traffic standpoint
882 we've provided for multiple points of access. We'll improve Telegraph Road. We will not
883 be shutting it down. And, again, we're trying to funnel our traffic in to where it needs to
884 go to Brook Road through this spine road.

885
886 So I believe that was all the comments that were made. I'll be happy to answer any other
887 questions if you heard something different.

888
889 Mr. Archer - Mr. Condlin, what is the height of the tallest building that you
890 built?

891
892 Mr. Condlin - The four-story buildings themselves, I believe, are 45 feet, so
893 those are the two-over-twos that we've got right here at 45 feet. Right here and right
894 here.

895
896 Mr. Archer - Okay. And how many families would occupy the four-story
897 building?

898
899 Mr. Condlin - Well, so it's two families. So it would be two stories on the
900 first -- the first two levels, and then the other two stories would be another family.

901
902 Mr. Archer - Okay.

903

904 Mr. Condlin - And so it depends on how many units you have attached to
905 each other.
906
907 Mr. Archer - I just wanted to make sure everybody understood that.
908
909 Mr. Condlin - Yeah.
910
911 Mr. Archer - Thank you.
912
913 Mr. Condlin - So, that's right.
914
915 Mr. Baka - Other questions of Mr. Condlin?
916
917 Mr. Witte - This Brookwood Glen Terrace connection?
918
919 Mr. Condlin - Right up here in this area?
920
921 Mr. Witte - Right. Is that actually going all the way through? Does that
922 connect?
923
924 Mr. Condlin - Yes. Yes, so right now --
925
926 Mr. Witte - So it's a means of ingress and egress?
927
928 Mr. Condlin - Yes, sir. Yes, sir. We'll be happy to. And as you know --
929
930 Mr. Witte - And that's the third...
931
932 Mr. Condlin - Well, I'm never good at the counting of this. Right? We've
933 got two access points.
934
935 Mr. Witte - Right.
936
937 Mr. Condlin - As you can see off the Telegraph Road. And we did that
938 intentionally. Of course this area doesn't count. But I think Mr. Cejka can talk about it a
939 little bit more. But when he talks about this area specifically that's being accessed for
940 one point of access here and it needs a second point of access from that standpoint to
941 get out. So when we talk about points of access, that meets that second point, that's
942 where we need -- we would love to have that as an emergency only.
943
944 Mrs. Thornton - Why couldn't it, at the bottom of that road over to the left?
945
946 Unknown Speaker - Right there.
947
948 Mr. Condlin - Yeah. I think it's a -- it's a combination of this road and the
949 distance necessary, I believe, to get that from Georgia Avenue, to be able to get an

950 access point here versus making that distance between these two. I think that was the
951 difficult part. If you have anything else on that.

952
953 Mr. Swink - Do you mind if I and address that. We could certainly punch
954 in another entrance on Telegraph. But I think one of the concerns we've heard through
955 the public process was that the people want to keep traffic off of Telegraph as well. So I
956 try to limit the number of ingress and egress points on Telegraph as well as -- I mean, for
957 us to funnel as much traffic to this new and improved road future Magellan Parkway,
958 which I think will be built to the highest standard of any of the roads in the area. My
959 instinct is because the standard that it's built to it'll be among the highest used. A natural
960 ingress and egress point for, well, for all of our residents. We, you know, we proposed
961 the idea of an emergency access at Brookwood Glen, and --

962
963 Mrs. Thornton - It's not going to be an emergency. They're going to go out
964 that back way. All those people on that left-hand side are not going to go and sit. They're
965 going to go out where that lady lives. They're going to go left and then go down to the
966 Telegraph Road. So they're going to go to Telegraph Road. Unless you have an access
967 point in the back somewhere else, you know, across the highway, but that's not there so
968 I feel like they're going to go through her -- in the neighborhood.

969
970 Mr. Baka - Could I follow up on that question? Go ahead.

971
972 Mr. Witte - Yeah. And I think punching that through in front of the -- the
973 villas --

974
975 Mrs. Thornton - Yeah.

976
977 Mr. Witte - -- is a bad idea. Because that almost lines up with Georgia
978 Avenue. We've already heard from people there. I mean, that's just gives them, basically,
979 a straight shot down to Georgia Avenue. I think that's a terrible idea.

980
981 Mr. Baka - But we're looking at the connection on the upper left-hand
982 corner of Glen Terrace. So --

983
984 Mr. Emerson - Right. Mr. Chairman, as you know, that's currently stubbed in
985 and was designed to be a stub to this property for the connectivity. And just as a point of
986 clarification, Magellan will be a four-lane road eventually.

987
988 Mr. Baka - Okay.

989
990 Mr. Emerson - So it's meant to be a four-lane road. The Scott Road bridge
991 will eventually be closed and this, a new bridge, that's on the VDOT planning horizon
992 which I think is six years. Mr. Cejka can probably -- I don't know if there is a timeline on
993 it specifically, but will be placed here, and that will be how you'll cross 95 in order to
994 access Magellan versus the Scott Road bridge. So you do have a fairly large road that
995 will be here in the future.

996

997 Mr. Baka - I have a question to follow up on Mrs. Thornton's comments,
998 a question for the applicant. Had any consideration been given at Brookwood Glen
999 Terrace to perhaps, if you have -- if you were to have a connection there, to have some
1000 type of traffic calming method? So, for example, there'd still be a connection for ingress
1001 and egress and, or for emergency purpose. But what if one or two things were there;
1002 either speedbumps internal to your community, not theirs, because your's hasn't started
1003 yet. And, secondly, maybe a narrower lane width or something to try to calm the traffic
1004 or even, you know, some variation in the grade. Would any of that --?

1005

1006 Mr. Swink - I'd be totally open to it. Absolutely.

1007

1008 Mr. Baka - Because what that would do is it might, well, what it might do
1009 is it could allow for the connection, but it also might serve as a deterrent. And then, to
1010 get to Mrs. Thornton's point, of cut through.

1011

1012 Mrs. Thornton - So all of those buildings right there. Yeah. Nope. Over to the
1013 right. Are they the --

1014

1015 Mr. Condlin - Condos, yes ma'am.

1016

1017 Mrs. Thornton - Condos. So why couldn't you take all those single families
1018 and keep them all grouped together over on the left. So then it's like half of what's going
1019 to be going in and out. Because if you keep the condos and townhouses all on the other
1020 side, they're going to tend to go to the two points of access that are closest to them, which
1021 would be on the other side. I know you wanted to keep the height of the buildings, or,
1022 you know, around. But I don't know. Because that's a lot of people in that one section.

1023

1024 Mr. Condlin - Mr. Chairman, if I may suggest maybe that as we're just
1025 listening to the comments, I feel like it'd work with staff if we can vote on this tonight, but
1026 work with staff to talk about responding to your comment about, at the time of POD,
1027 presenting, you know, subject to approval by the Planning Commission whatever traffic
1028 calming devices or program that we could put together. But also take a look at, you know,
1029 subject to traffic's comments about looking at providing for this access point on Telegraph
1030 Road as well as an -- as an additional point of access. Then maybe we could make that
1031 a full emergency point at that point, or even not.

1032

1033 But, again, decide that at the time of POD. And we could work with staff to come up with
1034 language with respect to that access point on Telegraph Road, you know, from this point
1035 as a -- as a point of condition. We could put that into proffer condition, subject to POD. I
1036 mean, so that way staff would have a chance to comment on this and, again, this -- being
1037 a non-engineer looking at this and this access point, it's at kind of an odd angle, and how
1038 close that is, to make sure that we can meet that standards. And if we can't, then we can
1039 look at, you know, something different up here at the POD. But look at this point as a
1040 primary point of access on that side.

1041

1042 Mr. Baka - Yeah. The challenge there on Telegraph is that it dog legs.
1043 It's two intersections very close together.

1044
1045 Mr. Condlin - Right. And it's at an odd angle, too. Which you know,
1046 (*indiscernible 00:49:43) or. Or, you know, again, maybe at this point with this, you know,
1047 work through these access points and create another, where am I, the north side. So if
1048 we came up with a proffer that said north of the concept road to have a -- look for an
1049 additional point of access at either one of these two locations to encourage people to
1050 come in on that side.

1051
1052 Mr. Emerson - Mr. Chairman, I might also add if you'd look at proffer number
1053 one, as you know, these plans are conceptual in nature, they do change, they can be
1054 changed at time of plan of development. And the language is specifically in here, "drives,
1055 roads, buildings, other improvements shown on the cognitive plan are illustrative and are
1056 subject to change and may be updated from time to time as required for final engineering
1057 design compliance with governmental regulations or otherwise approved at the time of
1058 subdivision or plan of development review of the property." So I know while the additional
1059 language is a nice offer, you're on the record and I believe that covers it.

1060
1061 Mr. Condlin - Right, okay.

1062
1063 Mr. Emerson - As well as the location of the buildings and the residential
1064 clusters also could be adjusted at time of plan of development.

1065
1066 Mr. Condlin - Right, yep. Throughout this process as I've met with the
1067 community, as we've talked about things, I've tried to put them in the -- in the proffers to
1068 connect specifically. And that's something that, you know, to make sure the director's
1069 comfortable with the language. And as I said -- as I said I'm on the record and will be
1070 happy to work whatever language. If there's anything necessary to talk about. And, you
1071 know, we can work with traffic maybe to adjust the concept plan to encourage that. See
1072 if we can come up with another access point over here.

1073
1074 Mr. Baka - One of the speakers earlier spoke about trying to avoid
1075 dangerous situations on the road. Can you, again, discuss the major intersections of
1076 where and how this would -- how your improvements would improve safety, especially for
1077 children in the area.

1078
1079 Mr. Condlin - Right. Well, as you -- as you know, you have to -- Telegraph
1080 Road has already been described as being insufficient for traffic purposes, and certainly
1081 is a much older road. One of the things that's been talked about in the staff report that's
1082 different from some of the previous cases is providing for access to Brook Road.

1083
1084 We, quite frankly, think a lot of folks will be using Telegraph Road -- that use Telegraph
1085 Road currently coming off of Route 1 or coming in from the other area will now be using
1086 this main -- as the main access even coming into the neighborhoods here, depending on
1087 which way they're coming off of Brook Road. So that'll help, we think, reduce traffic on

1088 Telegraph, of course, making improvements to the public right of way, to the public road
1089 standards on Telegraph Road.

1090
1091 While it doesn't help the entirety if we can't get agreement with everyone to help improve
1092 that. But, certainly, you have to start somewhere. And along our property line that'll
1093 provide for a safer area at that point.

1094
1095 With those we think that actually may help Telegraph in the entirety with encouraging
1096 people to use our main access road. The concept road off of Brook Road. But then also
1097 certainly improving this area will help as well.

1098
1099 Mr. Baka - Other questions of the applicant?

1100
1101 Mr. Archer - Nope.

1102
1103 Mr. Baka - Thank you, Mr. Condlin.

1104
1105 Mr. Condlin - Thank you.

1106
1107 Mr. Archer - Mr. Chairman, I'd like to hear from the traffic engineer, please.
1108 Mr. Cejka, good evening.

1109
1110 Mr. Cejka - Good evening, Mr. Chair, members of the Commission.

1111
1112 Mr. Archer - Mr. Cejka, how are you, sir?

1113
1114 Mr. Cejka - I am great.

1115
1116 Mr. Archer - Quite a few questions came up, or statements, relative to this,
1117 concerning the concept road, the 95 bridge, the Scott Road bridge, improvements, if any,
1118 to Telegraph Road. Can you give us any indication of what the landscape looks like with
1119 regard to those things?

1120
1121 Mr. Cejka - Well, I know the Transportation Division has applied for
1122 funding for the concept road. They just applied this month, as a matter of fact. No
1123 decision has been made. They'll find that out next year. There is -- the building of the
1124 concept road is 100 percent depending on funding. So they need to apply for the funding
1125 and then get it, and then design it. So it's many years down the road.

1126
1127 Telegraph Road is to be widened along the parcel, but Traffic would definitely support the
1128 developer if he wanted to, you know, improve it along all the way down to Route 1. Which
1129 I think Mr. Condlin had said earlier.

1130
1131 Mr. Archer - I think he indicated some willingness. He's shaking his head
1132 in the affirmative. And what about the Scott bridge? I don't know how much of an affect
1133 that would have on this particular parcel, but where are we with that?

1134
1135 Mr. Cejka - I actually don't have an answer for that. I don't know if the
1136 Scott Road bridge will remain if this road is -- this bridge is constructed. But I know it is
1137 a substandard height and VDOT doesn't like those kind of bridges.
1138
1139 Mr. Archer - Right. Yeah. I think I've heard that when the new bridge is
1140 constructed that one will come down. Is that right, Mr. Secretary?
1141
1142 Mr. Emerson - That's my understanding, Mr. Archer.
1143
1144 Mr. Archer - Okay.
1145
1146 Mr. Emerson - Is that based on VDOT plans there're funds at some point to
1147 remove Scott Road bridge and replace it with a bridge at this location. That's the reason
1148 for our concept road where it is to connect into Magellan. But I'm not sure where that is
1149 in the -- in the VDOT plans. I thought it was on -- in their CIP. It's probably just beyond
1150 the planning horizon.
1151
1152 Mr. Archer - And one final question. As is always indicated in the agency
1153 reports, do you surmise that the current roadway network can handle the traffic that would
1154 be generated? I know we're some time away from completion, but how do you see it?
1155
1156 Mr. Cejka - Yes, sir. The surrounding roadway network can handle the
1157 traffic.
1158
1159 Mr. Archer - Okay. That's all I got unless somebody else.
1160
1161 Mr. Baka - Any other questions from Commission? No. Thank you, sir.
1162
1163 Mr. Archer - Thank you, Mr. Cejka.
1164
1165 Mr. Baka - All right. At this time how would the Commission like to
1166 proceed?
1167
1168 Mr. Archer - Well, I guess we're at the point where we have to make a
1169 decision.
1170
1171 Mr. Baka - Are there any other questions from members of the
1172 Commission? Guess not.
1173
1174 Mr. Archer - All right. Thank you, sir. As Mrs. Blankinship -- somebody
1175 had something? As Ms. Blankinship indicated, we've met on this with the community a
1176 couple times, and as you can see they're very passionate about this and I appreciate the
1177 fact that everybody attended those meetings and the ones that came out here, which
1178 indicates that you're good students of your homes and of your community.
1179

1180 I received a few phone calls from people in the area asking questions about how this
1181 process works, and I've tried my best to try to explain the process and how it works from
1182 the beginning from the applicant until it's submitted to the Planning Department. And all
1183 of the research is done and then it's submitted to us to make a recommendation.

1184
1185 Some things, I have to be honest, we're not able to accommodate. And when I say
1186 accommodate, I'm talking about things that will occur in the future. There will always be
1187 more traffic. There will never be less traffic unless somebody invents something that gets
1188 us up off the ground so they won't have to use the roadways. We hear that in every case,
1189 and you always, you know, I feel -- I have feelings about the fact that there's going to be
1190 traffic, but we can't deny the fact that there's going to be traffic.

1191
1192 It used to be a time when each household had one car. Now we've got three and four.
1193 Every time a house is built anywhere it increases the traffic on that particular roadway
1194 network. All of us, when our homes were built, your homes, my home, everybody, we
1195 increased the traffic. And we'll continue to do that from now until I don't know when. As
1196 long as America is in love with the automobile. And we are. The first thing you want
1197 when you're in high school is you got to get a car. And, anyway, maybe that's a moot
1198 point.

1199
1200 But what we have to do tonight is make a decision based on what we've been able to put
1201 together, and then make a recommendation to the Board. The things that we tried to
1202 accommodate, we have to accommodate, and this is why all the county agencies get
1203 involved in telling us what we can and cannot fit into what the developer wants to do. And
1204 if those things do fit, then our decision has to be made on whether or not this can be
1205 accommodated as presented, or at least be able to move onto the point where the
1206 applicant can make some changes to it. But we can't be arbitrary, and we can't be
1207 capricious. We can't just sit here and decide, well, let's do this one, but let's not do that
1208 one. And being capricious simply means you just pick one out there and roll along. We
1209 can't do any of those things.

1210
1211 We have to also recognize that change is inevitable. The style of house that Stanley
1212 Martin -- I shouldn't say a house, I guess I should say buildings, have brought to us before
1213 are ones that have apparently been readily acceptable to the communities that they've
1214 been built in. We've got another one in Fairfield, and I think there's a couple in Three
1215 Chopt or at least one. And all of them have been readily accepted by the folks that move
1216 into them.

1217
1218 And the other thing we need to realize is that when we are making zoning decisions and
1219 even at Plan of Development time, we're not just making zoning decisions that will
1220 concern the people that live adjacent to whatever property is being considered. We're
1221 also making decisions that will ultimately affect the people that will live in these buildings
1222 when they're done, and we have to kind of look out for their rights, too.

1223
1224 I understand entirely about the roadwork, roadway. I've been up and down Telegraph
1225 Road quite a few times. I really don't know what to say when people talk about -- and I've

1226 done it, too, cut-through traffic and whatnot. We cannot adopt roads to our own use and
1227 expect that nobody else will use that roadway. Just like everybody else, I'm sure I cut
1228 through traffic to get here tonight, or cut through somebody's road to get here tonight.

1229
1230 But we just can't lay claim to the road and say, This is our road and we can't put any more
1231 people on here. And, you know, I just asked the Traffic Engineer, can the roadway
1232 network handle the traffic? And he said they could. So I don't have -- and we don't look
1233 for ways to not approve cases when they come up. We don't look for ways to arbitrarily
1234 approve them. The staff gets the information then and they do all the research on it and
1235 run it by all of the departments in the county that have some input on whether or not this
1236 is safe and whether or not it will promote the health, safety, and welfare of the community.
1237 That's the whole community. Your community and those that would come in.

1238
1239 I can't find any reason, and especially looking at the applicant's willingness to try to adjust
1240 this to even make it better, I can't find any reason that I can recommend denial to the
1241 Board, because that destroys the process that we're trying to uphold.

1242
1243 As far as zoning requests are concerned, the Commission, or the county, in no way
1244 submits or solicits, I should say, what can go on a particular property. The things that you
1245 might like to see, unless somebody comes in and says, "we want to build this there." Then
1246 we just can't say. "Okay, come over here and build this here because this is what we
1247 want." It doesn't work like that. I have people ask me very often, "we need a movie
1248 theater in this part of the county." We can't build it. You know, the basic things that the
1249 county builds are the fire stations, schools, and I guess that's about it.

1250
1251 Mrs. Thornton - Libraries.

1252

1253 Mr. Archer - I'm sorry.

1254

1255 Mrs. Thornton - Libraries.

1256

1257 Mr. Archer - Libraries. Yeah. I knew there was a third one. I couldn't think.
1258 And courthouse buildings. We don't do a lot. Been in this one for quite a while. So
1259 having said all of that, I have sympathy and empathy for those of you who are used to the
1260 life that you live in that community. But time moves on and progress comes and people
1261 change things. People want different style things. I wouldn't dare say this to you all, but
1262 I had a developer at one-time that said in a -- in a community meeting, "your houses are
1263 obsolete." I'm not saying that. But what that is meant to say is that as time moves on
1264 people want different and various ways of which to live in their homes. Lot of people don't
1265 want to cut grass anymore. They want somebody to pick up their garbage so they don't
1266 have to do it. We can't deny them that right if they have access to it.

1267

1268 So, having said all of that, based on what has been presented and the applicant's
1269 willingness to work on improving this as time goes by, my motion is to recommend that
1270 this be approved by the Board of Supervisors.

1271

1272 Mr. Witte - Second.

1273

1274 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Witte.

1275 This motion is to recommend approval to the Henrico County Board of Supervisors. All

1276 in favor say aye.

1277

1278 The Commission - Aye.

1279

1280 Mr. Baka - Opposed say no. Motion passes.

1281

1282 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the

1283 Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors

1284 **grant** the request because the proffers will assure a level of development otherwise not

1285 possible and it would not adversely affect the adjoining area if properly developed as

1286 proposed.

1287

1288 Mr. Emerson - Mr. Chairman this --

1289

1290 Mr. Swink - Thank you, Mr. Chairman.

1291

1292 Mr. Emerson - Mr. Chairman, that case will be on the Board of Supervisor's

1293 agenda December the 10th. Mr. Chairman, we now move on to the next item on your

1294 agenda which appears on page 4, REZ2019-00035, Andrew M. Condlin for Nachman

1295 Family, LLC.

1296

1297 **REZ2019-00035 Andrew M. Condlin for Nachman Family, LLC:** Request to amend

1298 proffers accepted with Rezoning case C-68C-84 on part of Parcel 757-757-5325 located

1299 on the north line of W. Broad Street (U.S. Route 250) approximately 500' west of its

1300 intersection with Tuckernuck Drive. The applicant proposes to amend proffers to allow

1301 dog boarding with daycare, grooming, and retail. The existing zoning is B-3C Business

1302 District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial.

1303 The staff report will be presented by Mrs. Lisa Blankinship.

1304

1305 Mr. Baka - Is there anyone present tonight in opposition to Rezoning

1306 2019-00035 Andrew M. Condlin for Nachman Family, LLC? Notchman Family?

1307

1308 Mr. Archer - Nachman.

1309

1310 Mr. Emerson - Nachman, I believe.

1311

1312 Mr. Baka - Nachman. Pardon me, Nachman. Seeing none, welcome.

1313

1314 Mrs. Blankinship - Thank you again, Mr. Chairman, members of the Commission.

1315 This is a request to amend proffer number 1 accepted with Rezoning case C-68C-84

1316 regarding permitted uses. The proffer currently limits uses on the property to a building

1317 material sell yard, sales yard, and those uses first permitted in the B-2 Business District.

1318 The applicant proposes to amend the proffer to allow dog boarding, which is first permitted
1319 in the B-3 Business District.

1320
1321 The B-3C subject property, which fronts West Broad Street, approximately 500 feet west
1322 of its intersection with Tuckernuck Drive. Surrounding uses to the east, west, and south
1323 are zoned B-2, B-2C, and B-3C, and include a carwash, dine-in restaurant, big-box retail,
1324 fast food restaurants, and an auto dealership. To the north, and part of the same parcel, is
1325 a self-storage facility zoned M-1C. Proffers that govern the subject property were accepted
1326 in 1984 to allow a Lowe's home improvement store. The proffers addressed their
1327 development and regulation of the site, including the permitted uses, which are limited to
1328 those first permitted in the B-2 District, and the building material sales yard which was first
1329 permitted in the B-3 District.

1330
1331 In 1994 the 58,500-square-foot structure constructed for the Lowe's store was sectioned
1332 off, and the rear portion of the parcel was rezoned to M-1C to allow for the self-storage
1333 facility. The front portion of the building has been divided into three retail tenant spaces.

1334
1335 The applicant would like to lease the western-most tenant space to an all-inclusive dog-
1336 care facility, The Dog Stop. Services offered include dog grooming and the sale of dog-
1337 related products which are first permitted in the B-1 District. Additional boarding services
1338 during the day and overnight are first permitted in the B-3 District. Therefore, the applicant
1339 is requesting to amend proffer number one to allow for the boarding use. All other proffers
1340 accepted with C-68C-84 that address hours of operation, lighting, buffers and landscaping
1341 would remain the same.

1342
1343 A proposed interior layout of the approximately 8,500-square-foot tenant space has been
1344 provided. There would be up to 70 kennels with 4 inside play areas. Outdoor play areas
1345 would be located along the western exterior of the building and would be enclosed by a
1346 privacy fence which would be approved by the Director of Planning according to the
1347 proposed proffer language.

1348
1349 Staff believes the proposed proffer amendment would be consistent with other commercial
1350 uses in the vicinity and the site's Commercial Arterial designation in the comprehensive
1351 plan. The proposed use is not anticipated to adversely affect the intent of the original proffer
1352 or negatively impact adjacent commercial uses. For these reasons staff supports this
1353 request. This concludes my presentation and I'll be happy to answer any questions.

1354
1355 Mr. Baka - Thank you. Any questions of Ms. Blankinship?

1356
1357 Mr. Archer - No.

1358
1359 Mr. Baka - Thank you very much.

1360
1361 Mrs. Blankinship - Thank you.

1362
1363 Mr. Baka - How would you care to proceed?'

1364
1365 Mr. Witte - Anybody opposed?
1366
1367 Mr. Baka - I asked earlier. I did not see any hands. Hello again.
1368
1369 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin
1370 here on behalf of the applicant. I'm happy to answer any questions that you may have, Mr.
1371 Witte.
1372
1373 Mr. Witte - All right. First off, what is the --
1374
1375 Mr. Condlin - You're going to make me talk about this on the record, aren't
1376 you?
1377
1378 Mr. Witte - What is a luxury suite and does that come with concierge
1379 service?
1380
1381 Mr. Condlin - Does not necessarily -- well they all come with concierge
1382 service, but you, of course, it's America, so you have to pay a little extra for that to happen.
1383 It's for the larger dogs, but also for those that want a larger space for their dogs.
1384
1385 Mr. Witte - Okay. All right, let's get down to the issue we've been
1386 discussing about the waste runoff in the outdoor area.
1387
1388 Mr. Condlin - Yes, sir.
1389
1390 Mr. Witte - How do you intend to deal with that?
1391
1392 Mr. Condlin - So the -- so the question became with this artificial turf area that
1393 the outdoor -- the outdoor dogs, obviously with the dog waste it'll be picked up and put in
1394 biodegradable bags and then put into a larger container biodegradable bags that are picked
1395 up each night and disposed of. The question became what happens -- and I learned quite
1396 a bit about this called -- it's called residue stool that's left on the -- on the turf, as well as
1397 urine? What they do is they hose that down every night. And the concern became with the
1398 water was it -- whether it goes into the stormwater system or not?
1399
1400 So they've been able to handle this a couple different ways depending upon what the
1401 locality wants. Some are okay with that, but others want it hooked up to the sanitary sewer
1402 system, which they will do. I think that's the preference of Henrico County. The concern
1403 being because it's an outdoor drain they don't want rain water in their sanitary sewer, so
1404 you got a kind of a mix there. And the easy answer to that is they have a trap that they put
1405 a cover over there, they move it off of that for the -- for the drain when they hose it down
1406 each night, and then cover it back up at that -- at that point so that the rain water doesn't
1407 get in there, but only the water is washing off at the residue of that (*indiscernible 01:10:16)
1408 and that.

1409

1410 Mr. Witte - So all the rinsed off waste inside and outside would be in the
1411 sanitary sewer?
1412
1413 Mr. Condlin - Yes, sir.
1414
1415 Mr. Witte - Okay.
1416
1417 Mr. Condlin - Yes, sir.
1418
1419 Mr. Witte - Thank you.
1420
1421 Mr. Condlin - And of course mop everything down, they don't necessarily
1422 rinse it down, they mop it down.
1423
1424 Mr. Witte - And they will be -- they will be maintaining that on a daily basis?
1425
1426 Mr. Condlin - Daily basis, yes sir.
1427
1428 Mr. Witte - There's a restaurant across the street that would probably
1429 appreciate that.
1430
1431 Mr. Condlin - Yeah. I believe that's right. But that's part of their -- that's part
1432 of their standards and their protocol procedures for closing each night. They -- my
1433 understanding is that they actually closed at 7:30 but they have folks staying until 7:00 p.m.
1434 and then they have folks, employees, there until 9:00 p.m. cleaning after that time. So
1435 that's that part of their protocol and procedures.
1436
1437 Mrs. Thornton - In the heat of the summer? All of that? All day? Maybe in the
1438 summer they could do it twice?
1439
1440 Mr. Condlin - Okay, I'll talk to them about that. A noon time rinse. Well,
1441 they're picking it up.
1442
1443 Mr. Baka - It's demand-based services.
1444
1445 Mr. Condlin - Yeah. They're picking - they're picking up the waste constantly.
1446 It's not like that's the cleanup.
1447
1448 Mrs. Thornton - Oh, okay, yeah.
1449
1450 Mr. Condlin - So the pickup -- this is just for the rinse for the residue.
1451
1452 Mrs. Thornton - Oh, okay. You made it sound like --
1453
1454 Mr. Condlin - I apologize --
1455

1456 Mrs. Thornton - -- they were going to clean the poop.
1457
1458 Mr. Condlin - Here I am an expert. I know, yes.
1459
1460 Mrs. Thornton - At night.
1461
1462 Mr. Condlin - No, no, no. So this -- it's -- so they're certainly cleaning.
1463
1464 Mrs. Thornton - That's why I was like...
1465
1466 Mr. Condlin - But as the dog...
1467
1468 Mr. Witte - Now this is the Brookland District.
1469
1470 Mrs. Thornton - We'd like it cleaned up right away, please.
1471
1472 Mr. Condlin - The actual -- the actual poop, if I get right down to it, is cleaned
1473 up immediately.
1474
1475 Mrs. Thornton - Okay.
1476
1477 Mr. Condlin - And then it's hosed down after that.
1478
1479 Mrs. Thornton - Okay, thank you.
1480
1481 Mr. Emerson - The solid ones.
1482
1483 Mr. Condlin - Thank you, the solids, I get it. Use the (*indiscernible
1484 01:11:43), correct.
1485
1486 Mr. Baka - All right, back to business here. Any other questions -- any
1487 other questions of Mr. Condlin from the Commission? Mr. Witte?
1488
1489 Mr. Witte - Mr. Chairman, I move that REZ2019-00035 Andrew Condlin for
1490 Nachman Family, LLC be recommended for approval with amended proffer one, number
1491 one, dated October 23, 2019.
1492
1493 Mr. Mackey - Second.
1494
1495 Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Mackey.
1496 All in favor say aye.
1497
1498 The Commission - Aye.
1499
1500 Mr. Baka - Opposed say no. Motion carries.
1501

1502 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the
1503 Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors
1504 **grant** the request because the changes do not greatly reduce the original intended
1505 purpose of the proffers and the change in use is compatible with the surrounding
1506 development.

1507
1508 Mr. Emerson - Mr. Chairman, moving on to the next item on your agenda
1509 which is the consideration for the approval of your minutes from the October 10th meeting,
1510 there is no errata sheet, but of course if you have any changes please -- you or the
1511 Commission have any changes, please advise staff and we will make those accordingly.

1512
1513 Mr. Baka - Any changes to the minutes? If not a motion would be in order.

1514
1515 Mr. Archer - So moved.

1516
1517 Mr. Mackey - Second.

1518
1519 Mr. Baka - We have a motion by Mr. Archer and a second by Mr. Mackey
1520 to approve the minutes. All in favor say aye.

1521
1522 The Commission - Aye.

1523
1524 Mr. Baka - Opposed say no. Motion passes.

1525
1526 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1527 evening.

1528
1529 Mr. Baka - All right, if --

1530
1531 Mr. Witte
1532 - Motion to adjourn.

1533
1534 Mr. Mackey - Second.

1535
1536 Mr. Baka - All in favor say aye.

1537
1538 The Commission - Aye.

1539
1540 Mr. Baka - Meeting is adjourned.

1541

1542

1543

1544

1545

1546

1547



Mr. Gregory R. Baka, Chairman

1548

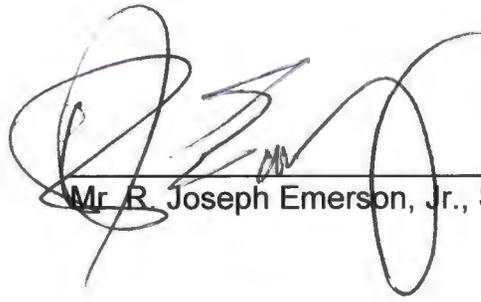
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A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Mr. R. Joseph Emerson, Jr., Secretary