

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. October
4 15, 2015.
5

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

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

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

9
10 Mr. Witte - Welcome to the Planning Commission Rezoning
11 meeting for October 15, 2015. I would ask that everyone either silence or turn off
12 their cell phones. And while doing that, please stand with us for the Pledge of
13 Allegiance.
14

15 Thank you. We have all members present. We also have Ms. O'Bannon with us
16 this year as the Supervisor's representative. Thank you, Mrs. O'Bannon. And
17 with that, I'll turn the meeting over to Mr. Emerson.
18

19 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this
20 evening are the requests for withdrawals and deferrals. Those will be presented
21 by Mr. Jim Strauss.
22

23 Mr. Strauss - Thank you, Mr. Secretary. We do have two deferrals
24 this evening, and the first one is in the Three Chopt District on page 8 of your
25 agenda. That's PUP2015-00003, RTF Sports and Entertainment. The applicant's
26 requesting a deferral to the April 14, 2016 meeting.
27
28

29 **(Deferred from the April 9, 2015 Meeting)**

30 **PUP2015-00003 John Mizell for RTF Sports and Entertainment,**
31 **Inc.:** Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-
32 120, and 24-122.1 of the County Code in order to amend Condition #5 of P-5-10
33 to reduce the width of a pedestrian path and to allow extended hours of operation
34 until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump
35 Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west
36 line of Pump Road approximately 600' north of its intersection with Three Chopt
37 Road. The existing zoning is B-2C Business District (Conditional). The 2026
38 Comprehensive Plan recommends Commercial Arterial. The site is in the West
39 Broad Street Overlay District.

40
41 Mr. Witte - Is there any opposition to the deferral of PUP2015-
42 00003, John Mizell for RTF Sports and Entertainment, Inc.? I see no opposition.

43
44 Mr. Branin - Mr. Chairman, I'd like to move that PUP2015-00003,
45 John Mizell for RTF Sports and Entertainment, Inc., be deferred to the April 14,
46 2016 meeting—and also Mr. Mizell, if you would get with me after January 1st for
47 a review in January—per the applicant's request.

48
49 Mr. Archer - Second.

50
51 Mr. Witte - We have a motion by Mr. Branin, a second by
52 Mr. Archer. All in favor say aye. Opposed? The motion passes.

53
54 At the request of the applicant, the Planning Commission deferred PUP2015-
55 00003, John Mizell for RTF Sports and Entertainment, Inc., to its meeting on April
56 14, 2016.

57
58 Mr. Strauss - The second deferral this evening is in the Varina
59 District and it's also on page 8 of the agenda. It's SIA2015-00002, Osborne
60 Turnpike for Dominion Virginia Power Electric Substation. Staff is recommending
61 deferral to the March 10, 2016 meeting.

62
63 **(Deferred from the August 13, 2015 Meeting)**

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

73 Mr. Witte - Is there any opposition to SIA2015-00002, Osborne
74 Turnpike – Dominion Virginia Power Electric Substation? I see none. Mr.
75 Leabough.

76
77 Mr. Leabough - I move that SIA2015-00002, Osborne Turnpike –
78 Dominion Virginia Power Electric Substation, be deferred to the March 10, 2016
79 meeting.

80
81 Ms. Jones - Second.

82
83 Mr. Witte - We have a motion by Mr. Leabough, a second by
84 Mrs. Jones. All in favor say aye. Opposed? The motion passes.

85
86 Mr. Leabough - And just for the record, that was at staff's request.

87
88 At the request of staff, the Planning Commission deferred SIA2015-00002,
89 Osborne Turnpike – Dominion Virginia Power Electric Substation, to its meeting
90 on March 10, 2016.

91
92 Mr. Emerson - Mr. Chairman, next on your agenda are the requests
93 for expedited items. Those will also be presented by Mr. Strauss.

94
95 Mr. Strauss - Thank you, Mr. Secretary. We do have three requests
96 for approval on the expedited agenda this evening. All three are in the Three
97 Chopt District. They are companion cases, but each need a separate action. The
98 first request is on page 1 of your agenda, POD2015-00286, ME Nuckols, LLC
99 and Gouldin Properties, LLC. This is a request for approval of a plan of
100 development, lighting plan, and master plan. Staff is recommending approval
101 with conditions 1 through 41 and the annotations on the plans. And we are not
102 aware of any opposition.

103
104 **(Deferred from the September 23, 2015 Meeting)**
105 **PLAN OF DEVELOPMENT, LIGHTING PLAN, AND MASTER PLAN**
106

POD2015-00286
GreenGate Phase II -
Commercial East – 12341
West Broad Street (U.S.
Route 250)

Kimley-Horn & Associates, Inc. for ME Nuckols, LLC and Gouldin Properties, LLC: Request for approval of a plan of development, lighting plan, and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three one-story retail/restaurant buildings, totaling 28,261 square feet, 3,000 square feet of outdoor dining, and a three-story, 45,456 square foot office building in an urban mixed use development. The master plan reflects a total of 193,398 square feet of commercial floor area and 248 residential units for the entire development. The

9.01-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 540 feet west of its intersection with North Gayton Road, on part of parcels 731-764-5533 and 733-764-4118. The zoning is UMUC, Urban Mixed Use District (Conditional), B-3C, General Business District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

107

108 Mr. Witte - Is there any opposition to POD2015-00286,
109 GreenGate Phase II – Commercial East?

110

111 Mr. Branin - Mr. Chairman, I'd like to move that POD2015-00286,
112 GreenGate Phase II – Commercial East, be approved on the expedited agenda
113 with annotations on the plans and conditions 9 through 41.

114

115 Mr. Leabough - Second.

116

117 Mr. Witte - We have a motion by Mr. Branin, a second by
118 Mr. Leabough. All in favor say aye. Opposed? The motion passes.

119

120 The Planning Commission approved POD2015-00286, GreenGate Phase II –
121 Commercial East, subject to the annotations on the plans, the standard
122 conditions attached to these minutes for developments of this type, and the
123 following additional conditions:

124

125 9. **AMENDED** - A detailed landscaping plan shall be submitted to the
126 Department of Planning for review and Planning Commission approval prior
127 to the issuance of any occupancy permits.

128 11B. Prior to the approval of an electrical permit application and installation of the
129 site lighting equipment, a plan including light spread and intensity diagrams,
130 and fixture specifications and mounting heights details shall be revised as
131 annotated on the staff plan and included with the construction plans for final
132 signature.

133 29. The entrances and drainage facilities on West Broad Street (U.S. Route
134 250) shall be approved by the Virginia Department of Transportation and
135 the County.

136 30. A notice of completion form, certifying that the requirements of the Virginia
137 Department of Transportation entrances permit have been completed,
138 shall be submitted to the Department of Planning prior to any occupancy
139 permits being issued.

140 31. Outside storage shall not be permitted.

- 141 32. The proffers approved as a part of zoning case REZ2014-00009,
142 PUP2014-00006, and REZ2015-00006 shall be incorporated in this
143 approval.
- 144 33. A construction staging plan which includes details for traffic control, fire
145 protection, stockpile locations, construction fencing and hours of
146 construction shall be submitted for County review and prior to the approval
147 of any final construction plans.
- 148 34. The developer shall install an adequate restaurant ventilating and exhaust
149 system to minimize smoke, odors, and grease vapors. The plans and
150 specifications shall be included with the building permit application for
151 review and approval. If, in the opinion of the County, the type system
152 provided is not effective, the Commission retains the rights to review and
153 direct the type of system to be used.
- 154 35. A note in bold lettering shall be provided on the erosion control plan
155 indicating that sediment basins or traps located within buildable areas or
156 building pads shall be reclaimed with engineered fill. All materials shall be
157 deposited and compacted in accordance with the applicable sections of
158 the state building code and geotechnical guidelines established by the
159 engineer. An engineer's report certifying the suitability of the fill materials
160 and its compaction shall be submitted for review and approval by the
161 Director of Planning and Director of Public Works and the Building Official
162 prior to the issuance of any building permit(s) on the affected sites.
- 163 36. The certification of building permits, occupancy permits and change of
164 occupancy permits for individual units shall be based on the number of
165 parking spaces required for the proposed uses and the amount of parking
166 available according to approved plans.
- 167 37. The conceptual master plan, as submitted with this application, is for
168 planning and information purposes only.
- 169 38. The location of all existing and proposed utility and mechanical equipment
170 (including HVAC units, electric meters, junction and accessory boxes,
171 transformers, and generators) shall be identified on the landscape plans.
172 All equipment shall be screened by such measures as determined
173 appropriate by the Director of Planning or the Planning Commission at the
174 time of plan approval.
- 175 39. Except for junction boxes, meters, and existing overhead utility lines, and
176 for technical or environmental reasons, all utility lines shall be
177 underground.
- 178 40. Final light fixture details shall be submitted for approval by the Director of
179 Planning prior to the Planning Department's approval of the construction
180 plans.
- 181 41. Final architectural elevations and floor plans shall be submitted for
182 approval by the Director of Planning prior to filing of the building permit
183 application for each building.

184
185 Mr. Strauss - The second request for approval on the expedited
186 agenda is on page 4 of your agenda, again on behalf of ME Nuckols, LLC. This is

187 POD2015-00321. This is a request for approval of a plan of development and
188 lighting plan. Staff is recommending approval with conditions 1 through 40 in the
189 staff report, in your agenda, and the annotations on the plan. And again, staff is
190 not aware of any opposition.

191

192 *(Deferred from the September 23, 2015 Meeting)*

193 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

194

POD2015-00321
GreenGate Phase III -
Commercial West – 12121
West Broad Street (U.S.
Route 250)

Kimley-Horn & Associates, Inc. for ME Nuckols, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct four one-story retail/restaurant buildings, totaling 33,349 square feet, 1,500 square feet of outdoor dining, and a three-story, 45,456 square foot office building in an urban mixed use development. The 11.25-acre portion of the 74.73 acre site is located along the south line of West Broad Street (U.S. Route 250), approximately 1,030 feet west of its intersection with North Gayton Road, on part of parcel 731-764-5533. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

195

196 Mr. Witte - Is there any opposition to POD2015-00321,
197 GreenGate Phase III – Commercial West? I see none. Mr. Branin.

198

199 Mr. Branin - Mr. Chairman, I'd like to move that POD2015-00321,
200 GreenGate Phase III – Commercial West, be approved on the expedited agenda
201 with annotations on the plan and conditions 9 through 40.

202

203 Mr. Witte - Second. We have a motion by Mr. Branin, a second
204 by Mr. Witte. All in favor say aye. Opposed? Motion passes.

205

206 The Planning Commission approved POD2015-00321, GreenGate Phase III –
207 Commercial West, subject to the annotations on the plans, the standard
208 conditions attached to these minutes for developments of this type, and the
209 following additional conditions:

210

211 9. **AMENDED** - A detailed landscaping plan shall be submitted to the
212 Department of Planning for review and Planning Commission approval prior
213 to the issuance of any occupancy permits.

214 11B. Prior to the approval of an electrical permit application and installation of the
215 site lighting equipment, a plan including light spread and intensity diagrams,
216 and fixture specifications and mounting heights details shall be revised as

- 217 annotated on the staff plan and included with the construction plans for final
218 signature.
- 219 29. Outside storage shall not be permitted.
- 220 30. The proffers approved as a part of zoning case REZ2014-00009 and
221 PUP2014-00006 shall be incorporated in this approval.
- 222 31. A construction staging plan which includes details for traffic control, fire
223 protection, stockpile locations, construction fencing and hours of
224 construction shall be submitted for County review and prior to the approval
225 of any final construction plans.
- 226 32. The developer shall install an adequate restaurant ventilating and exhaust
227 system to minimize smoke, odors, and grease vapors. The plans and
228 specifications shall be included with the building permit application for
229 review and approval. If, in the opinion of the County, the type system
230 provided is not effective, the Commission retains the rights to review and
231 direct the type of system to be used.
- 232 33. A note in bold lettering shall be provided on the erosion control plan
233 indicating that sediment basins or traps located within buildable areas or
234 building pads shall be reclaimed with engineered fill. All materials shall be
235 deposited and compacted in accordance with the applicable sections of the
236 state building code and geotechnical guidelines established by the
237 engineer. An engineer's report certifying the suitability of the fill materials
238 and its compaction shall be submitted for review and approval by the
239 Director of Planning and Director of Public Works and the Building Official
240 prior to the issuance of any building permit(s) on the affected sites.
- 241 34. The certification of building permits, occupancy permits and change of
242 occupancy permits for individual units shall be based on the number of
243 parking spaces required for the proposed uses and the amount of parking
244 available according to approved plans.
- 245 35. The conceptual master plan, as submitted with this application, is for
246 planning and information purposes only.
- 247 36. The location of all existing and proposed utility and mechanical equipment
248 (including HVAC units, electric meters, junction and accessory boxes,
249 transformers, and generators) shall be identified on the landscape plans. All
250 equipment shall be screened by such measures as determined appropriate
251 by the Director of Planning or the Planning Commission at the time of plan
252 approval.
- 253 37. Except for junction boxes, meters, and existing overhead utility lines, and
254 for technical or environmental reasons, all utility lines shall be underground.
- 255 38. The limits and elevations of the Special Flood Hazard Area shall be
256 conspicuously noted on the plan and labeled "Limits of Special Flood
257 Hazard Area." In addition, the delineated Special Flood Hazard Area must
258 be labeled "Variable Width Drainage and Utility Easement." The easement
259 shall be granted to the County prior to the issuance of any occupancy
260 permits.

- 261 39. Final light fixture details shall be submitted for approval by the Director of
262 Planning prior to the Planning Department's approval of the construction
263 plans.
264 40. Final architectural elevations and floor plans shall be submitted for
265 approval by the Director of Planning prior to filing of the building permit
266 application for each building.

267
268 Mr. Strauss - And finally, on page 6 of the agenda with a request for
269 approval on the expedited agenda is SUB2015-00106, ME Nuckols, LLC. This is
270 a request for approval of a conditional subdivision plan. Staff is recommending
271 approval with conditions 1 through 17 in your staff report on the agenda. And
272 again, we are not aware of any opposition.

273
274 **(Deferred from the September 23, 2015 Meeting)**
275 **SUBDIVISION**
276

SUB2015-00106
GreenGate (September
2015 Plan) – 12121 West
Broad Street (U.S. Route
250)

Kimley-Horn & Associates, Inc. for ME Nuckols, LLC: The 55.68-acre portion of the 74.73 acre site proposed for 206 townhouse lots and 42 single-family lots is located on the north line of Graham Meadows Drive, approximately 575 feet west of its intersection with North Gayton Road, on parcels 731-764-4292 and 731-764-553. The zoning is UMUC, Urban Mixed Use District (Conditional), A-1, Agriculture District, and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt) 248 Lots**

277
278 Mr. Witte - Is there any opposition to SUB2015-00106,
279 GreenGate (September 2015 Plan)?
280

281 Mr. Branin - For my fellow commissioners, the reason why this is
282 on expedited is if you remember, when this case came before us on
283 POD/Subdivision, there were a couple of issues that had to be cleaned up on it.
284 Otherwise it was fine. And instead of listening to a POD case at zoning, I asked if
285 it would be expedited.
286

287 Mr. Chairman, I'd like to move SUB2015-00106, GreenGate (September 2015
288 Plan), be approved on the expedited agenda with the following conditions 15
289 though 17.
290

291 Mr. Archer - Second.
292

293 Mr. Witte - We have a motion by Mr. Branin, a second by
294 Mr. Archer. All in favor say aye. Opposed? The motion passes.
295

296 The Planning Commission approved SUB2015-00106, GreenGate (September
297 2015 Plan), subject to the annotations on the plans, the standard conditions
298 attached to these minutes for subdivisions served by public utilities and
299 residential townhouses for sale, and the following additional conditions:
300

301 15. The limits and elevation of the Special Flood Hazard Area shall be
302 conspicuously noted on the plat and construction plans and labeled "Limits
303 of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area
304 as a "Variable Width Drainage & Utilities Easement."

305 16. The proffers approved as part of zoning case REZ2014-00009 and
306 PUP2014-00006 shall be incorporated in this approval.

307 17. The final plat for recordation shall contain information showing The
308 Chesapeake Bay Preservation areas, if any, in accordance with Chapter
309 19, Section 19-72 (18), of the Henrico County Code, as determined by the
310 Director of Public Works.
311

312 Mr. Emerson - Mr. Chairman, that completes the expedited items.
313 We now move into your regular agenda on page 7 for REZ2015-00028, Mark
314 Williams for B. Hunt Gunter. This also appeared on your September 10th agenda
315 and was deferred to this meeting. The staff report will be presented by Mr. Seth
316 Humphreys.
317

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

319 **REZ2015-00028 Mark Williams for B. Hunt Gunter:** Request to
320 conditionally rezone from R-2 One-Family Residence District to O-2C Office
321 District (Conditional) Parcels 774-743-5181 and 774-743-4179 containing .964
322 acres located along the south line of Dickens Road at its intersection with Manor
323 Circle. The applicant proposes the expansion of an adjacent office development.
324 The use will be controlled by zoning ordinance regulations and proffered
325 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2,
326 density should not exceed 3.4 units per acre.
327

328 Mr. Witte - Thank you, Mr. Humphreys. Is there—
329

330 Mr. Humphreys - This request was deferred by the Commission at its
331 last meeting in order to allow—
332

333 Mr. Emerson - Mr. Humphreys, would you wait just one second. The
334 Chairman needed to ask for opposition.
335

336 Mr. Humphreys - Oh, I'm sorry.
337

338 Mr. Witte - Thank you. Is there any opposition to REZ2015-
339 00028, Mark Williams for B. Hunt Gunter? I see three. We will have you up.
340 Thank you. Thank you, Mr. Humphreys.
341

342 Mr. Humphreys - Thank you, Mr. Chairman, Planning Commissioners.

343

344 This request was deferred by the Planning Commission at its last meeting in
345 order to allow the applicant time to meet with nearby residents. The applicant
346 held a community meeting on October 7th, which was attended by approximately
347 ten residents living in the nearby neighborhood.

348

349 The items presented to the Commission in September regarding this item remain
350 essentially the same, including this proffered conceptual plan. One small change,
351 which was distributed to you this evening, is the elimination of Saturday
352 construction hours in response to resident concerns raised at the community
353 meeting. The proffers were received in time and would not require a waiver of
354 time limits.

355

356 Staff continues to believe this request could be appropriate, and that office uses
357 at this location would be a logical expansion of the existing office park. While not
358 entirely consistent with the Comprehensive Plan, this request would provide for a
359 high-quality development in keeping with the adjacent Wilton Park development
360 and would allow for a reasonable expansion of office uses in this area, which is
361 directly adjacent to Interstate 64 and Staples Mill Road. Staff notes that residents
362 continued to voice concerns regarding traffic and commercial intrusion on their
363 neighborhood at the October 7th community meeting. The traffic engineer has
364 indicated this development can be accommodated by the adjacent road network,
365 and staff continues to believe that office uses on the subject parcels could serve
366 as an appropriate transition to the adjacent residential community. For these
367 reasons, staff supports this request.

368

369 This concludes my presentation. I'll be happy to answer any questions.

370

371 Mr. Witte - Any questions for Mr. Humphreys? Sir, I have one.
372 Have you been advised of the ten people that attended the meeting if all were in
373 opposition to this?

374

375 Mr. Humphreys - In the notes that I got from Ben Sehl, he said that not
376 everyone was opposed to every aspect. So there were some that were okay with
377 aspects of it, and others that weren't. So it wasn't all a definitive no, from my
378 understanding.

379

380 Mr. Witte - Okay, thank you. I have no further questions. Before
381 we have the opposition come forward, Mr. Emerson, would you read the rules for
382 this hearing, please.

383

384 Mr. Emerson - Yes sir, Mr. Chairman. As you know, the Planning
385 Commission does have guidelines regarding their public hearings, and they are
386 as follows: the applicant is allowed ten minutes to present the request, and time
387 may be reserved for responses to testimony. Opposition is allowed a cumulative
388 ten minutes to present its concerns, meaning all the people in opposition need to

389 fit within that ten minutes. Commission questions do not count into the time limits.
390 The Commission may waive the limits for either party at its discretion. And the
391 comments must be directly related to the case under consideration.
392

393 Mr. Witte - Thank you. I would also like to add that at the
394 previous hearing that we deferred to today, a lot of comments were made. We
395 deferred it for the benefit of the community. We had hoped there would be a
396 large turnout with the additional time. I understand they sent out at least ninety
397 notices of the meeting. And I will ask that anybody that speaks in opposition
398 please not repeat what's already been said. We have already heard those. But
399 please feel free to use your ten minutes.
400

401 Now, if the opposition would come down. Are you in opposition?
402

403 Mr. Morton - [Off microphone.] Yes sir.
404

405 Mr. Witte - Would the opposition come down. You have a
406 cumulative ten minutes. State your name for the record, please. Somebody step
407 up.
408

409 Mr. Morton - Good evening. My name is Buford Morton. I live on
410 Manor Drive. The last time I was here, I was in opposition to this for a couple of
411 reasons related to our community itself. We're still not satisfied with the traffic
412 situation. I really don't think there's a lot that I personally can accomplish on that.
413 I'm not sure there's anything any of us can accomplish. But it's a problem. It's
414 hard enough to deal with the way it is. We see a major increase in traffic not from
415 just that place, but other places coming. And my biggest opposition was the fact
416 that we come in and throughout the request for rezoning, we take a one-acre
417 chunk of our neighborhood away, consistent to probably two good size houses. I
418 don't like to see neighborhoods disrupted and torn apart like that. Those are my
419 objections.
420

421 Mr. Witte - Thank you, sir.
422

423 Ms. James - My name is Janet James, and I'm representing myself
424 and my husband, Frederick James. He's recovering from surgery or else he
425 would be here tonight. We live at 3104 Manor Drive, which runs into Manor
426 Circle. I'm opposed. I would really hope you all could come and look at our
427 neighborhood because these drawings don't really portray what will happen in
428 terms of—it's like encroaching on the neighborhood, these two houses. And I
429 know it's going to be good for the people who own the two homes that are going
430 to be able to get a commercial building they can rent out; I get that. But it just
431 seems to me it's not fair to be able to come into our neighborhood. You own two
432 houses, and the people who have come here like please don't destroy our
433 neighborhood. And the last thing I want to say is something really good came out
434 of this, because I tend to keep to myself. But for the first time, our neighbors,

435 we're getting together. And we don't want this. But please, before you make a
436 decision, if you could just come and look at it in person and not just these perfect
437 drawings. Thank you.

438

439 Mr. Witte - Yes ma'am. Just for a comment on that, my brother
440 used to live on Manor Drive. I am very familiar with it. I have been there since the
441 case was originally presented.

442

443 Ms. James - Thank you, sir.

444

445 Mr. Witte - Yes ma'am.

446

447 Mr. Walkuw - My name is Stan Walkuw. I live at the corner of Manor
448 Drive and Dickens Road, so my house is going to be impacted when they put in that
449 little merge lane, I guess the 150-foot taper that's shown on the plat drawing or
450 whatever. I'm just wondering. Right now when I have to come into my property or
451 when I'm coming up Dickens Road and I have to turn off, I usually park in my
452 driveway by my garage. And now I have to shoot across one lane of traffic. With
453 that 150-foot taper, is that going to make me have to cut across two lanes of
454 traffic in order to get into my driveway? How much of my property am I going to
455 lose when this taper goes in? When this taper does go through, are they going to
456 take care of the drainage and whatever else? I don't know how much the County
457 is going to take. Am I going to be reimbursed for any of my property that I'm
458 going to lose? It's going to be a blight on the neighborhood, I believe. And I'd like
459 to know about how the landscaping is going to be behind my house. Will the
460 easement be taken away that we have right there, kind of like the buffer between
461 my house, my property and my neighbor's house? I don't like it.

462

463 Mr. Witte - We'll see if we can get that answered for you. Thank
464 you, sir.

465

466 Mr. Walkuw - Thank you.

467

468 Mr. Huffer - Good evening, Chairman, and members of the
469 Commission. My main concern was—

470

471 Mr. Witte - Can you state your name, please?

472

473 Mr. Huffer - Stuart Huffer, 3102 Aqua Court.

474

475 Mr. Witte - Thank you.

476

477 Mr. Huffer - Not to be repetitive, but this is a part of the traffic
478 issue that hasn't been covered. After talking with Mr. Cejka, I get they can
479 estimate the traffic counts on Dickens Road. It's kind of a quandary how they
480 come up with estimating the number of cars coming in and out of the new facility

481 at peak hours. And then finding out that they do one traffic study a year in one
482 24-hour period, that was kind of disconcerting. I know Mr. Sehl said the last traffic
483 count was done in 2014 in February; that was the information he was given by
484 Traffic. In fact, the last traffic count was actually done in February of 2015. So in
485 your report, the report that was released to the public on August 31, didn't reflect
486 that number. I think it was discussed that it was—Mr. Cejka at the last meeting
487 said that it was increased. But just the one 24-hour period seemed to be kind of
488 out of kilter. A lot of factors can come in and change that just one 24-hour period
489 during the day. So I talked with Mr. Mike Jennings, assistant director for Public
490 Works. And he said, "What are your concerns?" And I told him, just like I told you
491 here at the meeting tonight. And he says, "Well, what I'll do, I'll direct Mr. Cejka to
492 do a multi-day traffic count." And I said that would be great.

493
494 We had the last meeting on September 10th, five weeks ago. I don't have the
495 exact date, but it was some time within seven to ten days after we had that
496 meeting that I talked with Mr. Jennings. When I called yesterday to find out what
497 the recent counts were, Mr. Cejka said he didn't know anything about it. Then I
498 called Mr. Jennings' office, and Mr. Jennings wasn't available. This was
499 yesterday. I said can you look at his schedule and see if he's going to be in the
500 office tomorrow or if he has meetings scheduled and at what time. She says, "I
501 don't see him down for any meetings, so he'll be in the office tomorrow," which is
502 today now. A couple different attempts today to reach Mr. Jennings, first they told
503 me he was in a meeting, and then I inquired how long the meeting would last
504 approximately. She came back and said—well Lynette's who I talked to. She
505 came back and said, "Well, I checked and he really wasn't in that meeting. He's
506 already gone for the day." That was about 2:15 this afternoon. So at that time she
507 says hold on. And I asked if Mr. Yob was there. She said, "I think perhaps, but
508 they may have left together." So then she says hold on. And then she came back
509 after a little while and said Mr. Cejka has said he would be glad to talk to you.
510 And I said, "Well I just talked to him yesterday; he didn't know anything about this
511 traffic count that Mr. Jennings said he would do a multi-day traffic count." I don't
512 know if he specified two or three days, but I know he said multi-day since that
513 was a concern.

514
515 So in the meantime, between the time I got that commitment from Mr. Jennings, I
516 had told several of the residents. I said, "The assistant director for Public Works
517 is going to do another traffic count for it, a multi-day." So it looks like I've lost face
518 with the people that I relayed the information. Now we do appreciate Mr. Gunter
519 changing the proffer to no construction hours on Saturday. We appreciate that,
520 Mr. Gunter.

521
522 Mr. Gunter - [Off microphone.] Thank you.

523
524 Mr. Huffer - But I think when Mr. Humphreys brought up what the
525 opposition was at the last meeting, he left out noise. That was one of the
526 concerns, still. I know we met just informally with Mr. Gunter after the September

527 10th meeting outside, and we discussed with him what our concerns were: traffic
528 and noise and just the impact that it would have on us getting in and out.

529
530 You say one of your relatives lives over on—
531

532 Mr. Witte - Used to.

533
534 Mr. Huffer - Used to. Lived over on Manor Circle.

535
536 Mr. Witte - Twenty-two years ago is what I checked.
537

538 Mr. Huffer - So you know that neighborhood that goes, I guess, on
539 the south side of Dickens Manor, goes down to Earlwick, and then cuts around
540 and you come up. There's only one way out of that neighborhood if you're on
541 Manor or Manor Circle or Aqua Court. You don't have many choices. I went out
542 today at ten minutes to five, and I had to go right; I couldn't go left down to
543 Staples Mill. My bank is at the corner of Bethlehem and Staples Mill. It's seven-
544 tenths of a mile, if I'm able to take a left out of Aqua Court onto Dickens to go
545 down to Staples Mill and hang a right to go down to the bank. If you go in the
546 peak hours, you have to go all the way out to Broad Street, down, and then come
547 back up Staples Mill, and then hook through Wawa and come through, and come
548 to the light, and then make a left, and then go into the bank. Traffic is a problem
549 now.

550
551 With a 22, 23 percent increase in square footage—what they currently have is
552 somewhere around 70,000 square feet in the two buildings they have now. So
553 this additional 16,000 would be about 23 percent more. I brought up at the
554 community meetings, I said well that would seem to me to be 23 percent more
555 traffic coming in and out of there.

556
557 I don't know. I would still like a deferment to see if this traffic count that was
558 promised by—committed to by Mr. Jennings didn't materialize. And no
559 explanation.

560
561 Mr. Witte - Well, I thank you for your comments. I'd like to have
562 the applicant speak.

563
564 Mr. Huffer - Thank you for listening. I would ask that we get a
565 deferment for the traffic count that was promised by the assistant director, Mike
566 Jennings.

567
568 Mr. Witte - We will take that into consideration.

569
570 Mr. Huffer - Thank you.
571

572 Mr. Witte - Thank you. Any other opposition? Would the applicant
573 come down, please?
574

575 Mr. Gunter - My name is Hunt Gunter, vice president of the Wilton
576 Companies.
577

578 Mr. Witte - All right, sir, we have some questions here. The
579 easement that was brought up.
580

581 Mr. Gunter - Can we switch it to the site plan?
582

583 Mr. Williams - My name is Mark Williams. I'm with Willmark
584 Engineering.
585

586 Mr. Witte - Thank you, sir.
587

588 Mr. Williams - There actually is no easement; it's a right-of-way. It's
589 just a taper that's starting at the entrance to the development. There would be
590 construction work that's outside of the public right-of-way.
591

592 Mr. Witte - Okay. So what's there is not going to be disturbed.
593

594 Mr. Williams - Only area within the public right-of-way.
595

596 Mr. Branin - Do you know how many feet that is from road to the
597 edge of the easement?
598

599 Mr. Williams - From the existing edge of pavement to the right-of-
600 way? There's an expansion of the road. I think the existing road needs to be
601 widened—is it thirteen feet, I believe?—to create the new curb. From the existing
602 edge of pavement, there's probably about fifteen to sixteen feet, I would say, to
603 the right-of-way line.
604

605 Mr. Branin - And how wide is that right-of-way?
606

607 Mr. Williams - The total width of the right of way? I believe it's a fifty-
608 foot right-of-way. Again, it's just a taper, so there's no actual full-width storage
609 lane; it's just going straight from the return of the entrance, tapering into the
610 existing edge of pavement. So the further back you go, obviously, the further
611 away from the right-of-way you get. There won't be any impact outside of the
612 public right-of-way.
613

614 Mr. Witte - Any other questions in reference to the easement—
615 right-of-way?
616

617 Ms. Jones - Yes. Let me just ask you. If somebody could make
618 that area bigger there, because I'm sitting here trying to read all this writing. Just
619 make sure—I think Mr. Branin's question, I'd like to have that clarified a little
620 more. I think sometimes citizens kind of forget where the right-of-way is and
621 where their property lines are. And I would like you very specifically to tell me
622 where the road is now, where it will go on this gentleman's property, and where
623 the right-of-way lines are versus his property lines.
624

625 Mr. Williams - Absolutely. What he's going to put up on the screen
626 now is a colored exhibit that we prepared for the community meeting.
627

628 Ms. Jones - Okay.
629

630 Mr. Williams - I think it's going to be a lot easier to see.
631

632 Ms. Jones - That's good, because this is mighty tiny print.
633

634 Mr. Williams - Right.
635

636 Male - Chairman, I have two color copies. Would that be
637 helpful while we have technical difficulties?
638

639 Mr. Emerson - It's coming up now.
640

641 Mr. Witte - It's coming. Well, it just went away.
642

643 Mr. Branin - There it is.
644

645 Mr. Witte - Here we go.
646

647 Mr. Emerson - Seth, can you zoom in on that a little bit?
648

649 Mr. Williams - Prior to submitting the application, we did do an actual
650 field survey on the boundary of the property to verify the property line.
651

652 Ms. Jones - So let's go over them with a cursor or show me
653 what—yes.
654

655 Mr. Witte - Can you use the mouse to show us?
656

657 Mr. Branin - No, he's not going to be able to. Sir, if you could, you
658 can—
659

660 Mr. Williams - Do you trust me with a laser pointer?
661

662 Mr. Branin - No. I want you to actually go and use your finger and
663 speak very loudly.

664
665 Mr. Williams - [Off microphone.] Okay. Okay. So this 150-foot
666 section right here, here's the return where it comes back in. Right now, we're
667 showing 40 feet. It's not required. We're just trying to maximize the amount of
668 storage space that we could. Based on the actual number of right turns, it really
669 doesn't necessarily require a taper. That was something that we decided to do.
670 So the 40 feet is not required either. So it slides that taper up if there was ever a
671 concern once we got to construction and actually had real grading.

672
673 As you start from that return right there, it just tapers back up the road. And
674 here's the existing pavement. So the grading area right here is the grass. That
675 line right there with the two dashes in it, the thick line with two dashes. Thick line,
676 two dashes. That is the actual property line for the right-of-way of Dickens Road.

677
678 Mr. Walkuw - [Off microphone.] Is that my fence right there, that
679 dash-dot-dash line? Is that where my fence is running right now?

680
681 Mr. Williams - [Off microphone.] No. The fence on the sideline right
682 here?

683
684 Mr. Walkuw - [Off microphone.] No, no. Right there on Dickens
685 Road.

686
687 Mr. Witte - Sir? Would you step up so everybody can hear?

688
689 Mr. Walkuw - I'm sorry. That line that you're showing right there, the
690 dotted line, is that my fence line that exists right now?

691
692 Mr. Branin - No, that's the property line.

693
694 Mr. Walkuw - Okay. But is that—what I'm trying to find out is does
695 my fence—I don't know where—the fence was existing when I moved into the
696 house. I'm just wondering does that fence designate my property line? That's
697 what I'm trying to find out.

698
699 Mr. Witte - Your property is actually to the left. Is that my
700 understanding?

701
702 Mr. Williams - [Off microphone.] It's actually two lots. If I'm not
703 mistaken, where the smaller structure is used to be an old well lot.

704
705 Mr. Walkuw - That's my garage right there.

706
707 Mr. Williams - [Off microphone.] I guess it was vacated as a well lot.

708
709 Mr. Branin - Sir, can you go point to which house is actually
710 yours?
711
712 Mr. Walkuw - Well, sure.
713
714 Mr. Williams - I can do that.
715
716 Mr. Walkuw - [Off microphone.] This is my house. That's my tree
717 right there in the back, and this is my garage. I was just wondering about that
718 dotted line, is that the property line. I don't know where the fence is in relation to
719 that property line.
720
721 Ms. Jones - Well, that's something he'd need to find out.
722
723 Mr. Walkuw - [Off microphone; inaudible.]
724
725 Ms. Jones - I don't know where his fence is.
726
727 Mr. Witte - Mr. Walkuw? Sir? Without a plat of your property, we
728 can't determine where your fence is.
729
730 Mr. Walkuw - [Off microphone.] Oh, okay.
731
732 Mr. Witte - There's no way to do that.
733
734 Mr. Emerson - And it also would have to reflect the location of the
735 fence. We couldn't tell you in relation to this property line where your fence is
736 without it being located by a surveyor.
737
738 Mr. Walkuw - [Off microphone.] Oh, okay. Is it possible to have
739 someone come out and maybe put some spray marks down there just so I can
740 visually see where—
741
742 Mr. Emerson - A surveyor. They would have to hire a surveyor to do
743 that. We couldn't tell you where your property line is.
744
745 Mr. Witte - But it looks like you won't have to go across three
746 lanes of traffic.
747
748 Mr. Walkuw - [Off microphone.] Okay.
749
750 Mr. Witte - Which was one of your concerns.
751
752 Mr. Walkuw - [Off microphone.] Okay.
753

754 Mr. Witte - All right. Thank you, sir.
755
756 Mr. Walkuw - [Off microphone.] Thank you.
757
758 Mr. Witte - Mrs. Jones, were your questions answered?
759
760 Ms. Jones - Yes. I just needed to see it larger like this. That was
761 very helpful; thank you.
762
763 Mr. Witte - That was a good idea. Thank you. All right. So the
764 right-of-way. The noise issue. It was brought up that there is concern about the
765 noise. Can you explain about buffers?
766
767 Mr. Gunter - Certainly. First off, I'd like to thank the community for
768 coming to my community meeting. It was very nice meeting some of these folks.
769 We had a nice conversation. Some of it was louder than others, but it was still
770 nice.
771
772 As far as the noise goes, the proffered conditions say that we'll start blowing the
773 lot at seven o'clock. There was one issue in the past few years that we did have
774 where I think Mr. Huffer called. We had started a few minutes before seven. That
775 has been rectified, and that will not happen again. So that noise issue will be
776 taken care of; I'll personally look after that. So that won't be an issue.
777
778 As far as the buffers go, you'll notice in the back of the property, which is actually
779 right here and across the front.
780
781 Mr. Witte - Can you show us—there we go.
782
783 Mr. Gunter - Across the back of the property and across the side of
784 the property. We will do some significant landscaping there so that the people
785 who live right behind us will not be looking right at this building.
786
787 Mr. Witte - And that will be presented at POD?
788
789 Mr. Gunter - Yes it will.
790
791 Mr. Witte - Okay.
792
793 Mr. Gunter - We've done it on the other side of Wilton Park II when
794 we built the second building. We can't see the neighbors, and I think they enjoy
795 not seeing us. We will bring that up at the POD.
796
797 Mr. Witte - All right.
798

799 Mr. Gunter - One of the things that was brought up during our
800 community meeting was Saturday construction. We've taken that off the proffers,
801 so we will not be—
802
803 Mr. Witte - So there will be no Saturday or Sunday construction.
804
805 Mr. Gunter - There will be no Saturday or Sunday construction.
806
807 Mr. Witte - Thank you. Any other questions before I call for
808 Traffic?
809
810 Mr. Archer - The person from the opposition made the comment
811 about noise. I'm wondering were they talking about construction noise or were
812 they talking about noise that might emanate from the property afterward? Just
813 construction or?
814
815 Male - [Off microphone.] Would you like one of us to answer
816 that?
817
818 Mr. Witte - Yes, please do. Would you step up here, please?
819
820 Mr. Huffer - My parents have owned the property at 3102 Aqua
821 Court since 1971. They had a pretty nice screened-in back porch on a concrete
822 slab on the back of their property. The volume of traffic and the noise from the
823 traffic got to where they couldn't even use that in warm weather anymore
824 because it was just prohibitive with the noise.
825
826 Mr. Archer - Excuse me. So you're talking about traffic noise not
827 construction noise.
828
829 Mr. Huffer - Talking about traffic noise, number one. And also Mr.
830 Gunter alluded to the fact that we had one incident of noise with lot cleaning in
831 the mornings over on the current Wilton property. Actually, it was more than one,
832 but I give Mr. Gunter credit for saying that he would take care of that in the future.
833 But it was more than that. My bedroom window is less than 100 yards from the
834 entrance. And when those industrial backpack blowers crank up, more than one,
835 you better believe you know it when you live that close to their property.
836
837 So it was the leaf blowing, the lot cleaning, the noise generated by the traffic, and
838 then with the impact of the additional traffic there would be more noise and more
839 traffic.
840
841 Mr. Witte - Thank you, sir.
842
843 Mr. Huffer - Thank you.
844

845 Mr. Witte - Any other questions for Mr. Gunter or Mr. Williams?
846 Can I have Traffic Engineering come up, please?
847
848 Mr. Cejka - Good evening, Mr. Chairman, members of the
849 Commission, Ms. O'Bannon. My name is John Cejka. I'm the traffic engineer.
850
851 Mr. Witte - Good evening. There is some concern about the
852 additional traffic as well as the existing traffic count. The most recent one,
853 according to Mr. Huffer, was 2015. Is that correct?
854
855 Mr. Cejka - That is correct. February of this year.
856
857 Mr. Witte - And what was the impact result of the traffic count?
858
859 Mr. Cejka - In the area near Staples Mill Road, on that on one
860 count over there, it went up 100 cars.
861
862 Mr. Witte - One hundred cars.
863
864 Mr. Cejka - Correct. Since last year.
865
866 Mr. Branin - Per day?
867
868 Mr. Cejka - Per day.
869
870 Mr. Witte - And as far as the impact of this additional building, do
871 we have an estimate of additional?
872
873 Mr. Cejka - We have an estimate of 176 new trips per day.
874
875 Mr. Witte - All right. And that's coming in and out of that, not
876 necessarily all the way down Dickens Road.
877
878 Mr. Cejka - Correct. That's going in and out of the driveway.
879
880 Mr. Witte - Okay.
881
882 Mr. Cejka - We don't know which direction they'd be coming.
883
884 Mr. Leabough - A question. Can I—
885
886 Mr. Witte - Please.
887
888 Mr. Leabough - So the number of trips per day is consistent with what
889 was in the staff report previously, correct?
890

891 Mr. Cejka - That has not changed.
892
893 Mr. Leabough - Thank you.
894
895 Mr. Witte - Has the traffic count in the area gone up or down in
896 recent years? Are you aware of that?
897
898 Mr. Cejka - The traffic counts that were just west of Staples Mill
899 Road, ten years ago there were 7900 vehicles per day. Now it's 8600 vehicles
900 per day.
901
902 Mr. Witte - So over ten years it increased ten cars a year, give or
903 take. A day per year.
904
905 Mr. Cejka - Seven hundred cars, seventy cars a day.
906
907 Mr. Witte - Okay. All right. I have no other questions.
908
909 Ms. Jones - The reason I'm thinking this through is because I think
910 there's a statistical way to analyze it and then there's simply a bigger view of the
911 activity generated by an office park. There's already an office park use right here.
912 And the activity generated by that versus single-family homes, of course a lot
913 depends on who's in the homes and how many trips they take and what they do.
914
915 But office parks—I've had my office in an office park for many, many years, a
916 suburban office park not far from here—they tend to be less concentrated simply
917 because people come and go at different times of the day. Staff is not usually
918 intense as it would be in some other kinds of uses. And I've always thought that
919 an office park might be a very nice, quiet neighbor, especially without activities
920 on the weekends and after five and those kinds of things. It seemed to me to be
921 something that was not inconsistent as obviously the office park has been in
922 close proximity to homes. Not inconsistent with quiet, established neighborhoods.
923
924 I do realize that we have to consider very seriously whether we want to deviate a
925 little from the plan to round out this parcel. That does require consideration. But I
926 think it is not out of appropriateness to have an office park next to a residential
927 area simply because it doesn't generate a lot at times when people would be out
928 enjoying their homes, such as weekends and nighttime, that kind of thing. So
929 there are two sides of it, and that's what my look was indicating.
930
931 Mr. Witte - Thank you. Any other comments by the Commission?
932
933 Mrs. O'Bannon - I have a thought I'd like to share. If the developer or
934 Wilton wants to answer the questions very clearly of the people who are asking
935 them and this gentleman's concern for the tapering of that driveway, you could
936 certainly—I'm sure he would allow you onto his property if you want to mark

937 where that taper is going to be. That would really help establish that he
938 recognizes you're going to do what you say you're going to do. That would help
939 him understand his concern and would set his mind more at ease knowing that
940 you would respond to that. So I would like to recommend that if they are willing to
941 do that. They could go out there and mark it for him. And that shows that they're
942 trying to answer your questions. I just put that out there for those who are
943 concerned about this.

944

945 Mr. Witte - Would you come down, please, and give us your
946 opinion to Mrs. O'Bannon's question?

947

948 Mr. Gunter - That's no problem. We'll be happy to do that.

949

950 Male - [Off microphone.] Thank you very much.

951

952 Mr. Gunter - You're welcome.

953

954 Mr. Witte - Thank you. Any other questions by the Commission? I
955 see none.

956

957 All right, this has been a trying case, to say the least. I've spent a lot of time over
958 there, and I'm sure my other commissioners have been there. I personally used
959 to live right behind this building, and I was vehemently opposed to the County
960 putting this facility in my backyard. As it turned out, they turned out to be the best
961 neighbors I could have. There is a tremendous amount of traffic that comes
962 through this facility. I enjoyed the evenings with no traffic. My children enjoyed
963 playing over here. It turned out to be a really, really good marriage between the
964 citizens and the County. Most of us were opposed to it.

965

966 With that and in lieu of all that was said here today, I really don't see where a
967 deferral is going to really advance anything. A traffic count was done less than a
968 year ago. We have an impact statement on traffic. This case will go to the Board
969 of Supervisors one way or the other. With that, I'm going to move that case
970 REZ2015-00028, Mark Williams for B. Hunt Gunter, move to the Board of
971 Supervisors with a recommendation of approval.

972

973 Mr. Branin - Second.

974

975 Mr. Witte - We have a motion by Mr. Witte, a second by
976 Mr. Branin. All in favor say aye? Opposed? Abstain?

977

978 Mr. Leabough - Somebody should follow up with Mr. Huffer as it
979 relates to the traffic study or count that was proposed.

980

981 Mr. Witte - Mr. Cejka, would you come forward, please? That's a
982 great idea, Mr. Leabough. Would you take care of following up and have
983 Mr. Jennings—
984
985 Mr. Cejka - We'll do a whole-week count.
986
987 Mr. Witte - Can we do it for more than one day?
988
989 Mr. Cejka - Yes, for a whole week.
990
991 Mr. Witte - For a whole week?
992
993 Mr. Cejka - Seven days.
994
995 Mr. Witte - And if there's an issue, we can bring it up at the POD
996 just for information purposes.
997
998 Ms. Jones - Between now and the Board.
999
1000 Mr. Witte - Between now and the Board, actually.
1001
1002 Mr. Emerson - It can be done between now and November 10th.
1003
1004 Mr. Cejka - Oh, yes sir, yes sir. We'll do it—
1005
1006 Mr. Emerson - We could have it in time for the Board's staff report.
1007
1008 Mr. Witte - And somebody will get a hold of Mr. Huffer and let
1009 him know and he can advise the community since he seems to be the liaison.
1010
1011 Mr. Cejka - I'll give him the information once we receive it.
1012
1013 Mr. Witte - Thank you, sir. Are there any abstentions? I failed to
1014 ask. Motion passes. Thank you. And thank you, community, for your input.
1015
1016 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
1017 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
1018 Board of Supervisors **grant** the request because it is compatible with the office
1019 zoning in the area and the proffered conditions will assure a level of development
1020 otherwise not possible.
1021
1022 Mr. Emerson - Mr. Chairman, we now move on to the next item on
1023 your agenda, which appears on page 8. It is REZ2015-00022, Bay Companies,
1024 Inc. for Duke Development, LLC. The staff report will be presented by Mr. Seth
1025 Humphreys.
1026

1027 *(Deferred from the September 10, 2015 Meeting)*

1028 **REZ2015-00022 Bay Companies, Inc. for Duke Development, LLC:**

1029 Request to rezone from A-1 Agricultural District and O-3C Office District
1030 (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 746-
1031 768-7550, 746-769-6058, -7196, -7205, -8993, and 747-769-1255 containing
1032 32.33 acres located between the south line of New Wade Lane, the eastern
1033 terminus of Parkland Drive, and the on-ramp to Interstate 295 North. The
1034 applicant proposes a single family development of no more than 60 dwellings.
1035 The R-3 District allows a minimum lot area of 11,000 square feet and a gross
1036 density of 3.96 units per acre. The use will be controlled by zoning ordinance
1037 regulations and proffered conditions. The 2026 Comprehensive Plan
1038 recommends Office and Environmental Protection Area.

1039
1040 Mr. Witte - Is there any opposition to REZ2015-00022, Bay
1041 Companies, Inc. for Duke Development, LLC? I see none. Mr. Humphreys.

1042
1043 Mr. Humphreys - Thank you, Mr. Chairman, members of the Planning
1044 Commission. This request was deferred by Planning Commission at its last
1045 meeting in order to allow the applicant to hold a second community meeting. That
1046 meeting was held on September 23rd. Since that meeting, the applicant has
1047 submitted a revised conceptual plan and proffers.

1048
1049 The applicant's revised conceptual plan shows connections to New Wade Lane
1050 and Hickory Bend Drive by way of Parkland Drive. There is an existing cemetery
1051 in the path of Parkland Drive, and the applicant has already begun the process
1052 for movement of those graves. The revised plan differs slightly from the previous
1053 submitted plans due to the reorientation of lots 1 and 2—originally, they were
1054 oriented towards Parkland Drive—and the addition of a landscape area along the
1055 northern border with the Bellingham development.

1056
1057 The applicant has submitted revised proffers dated October 7th, which have just
1058 been handed out to you and would not require the waiver of time limits. These
1059 proffers offer assurances of quality including:

- 1060
- 1061 • exterior materials, including a prohibition of vinyl;
 - 1062 • hardscape driveway materials;
 - 1063 • a minimum house size of 2,500 square feet of finished floor area;
 - 1064 • sidewalks along both sides of primary roads;
 - 1065 • road improvements to the intersection of New Wade Lane and Nuckols
1066 Road, as requested by the Department of Public Works;
 - 1067 • street trees, foundation plantings, and sod and irrigation consistent
1068 with development in the vicinity of the request;
 - 1069 • two-car garages with architectural details on the doors;
 - 1070 • a tree save area along the Jamerson Park border of ten feet at the time
1071 of construction;

- 1072 • the submittal of a landscape plan detailing the two entrance features
1073 and a landscape area in the northern SWM area along the border with
1074 Bellingham; and
1075 • a requirement for construction traffic to only use New Wade Lane.
1076

1077 This request is generally consistent with the alternative land use
1078 recommendations previously presented to you, to the 2026 Comprehensive Plan,
1079 as detailed in an analysis conducted by the Planning Department staff. The
1080 revised proffers submitted with this request provide conditions to assure levels of
1081 quality consistent with other recently approved requests in this portion of the
1082 County. For these reasons, staff recommends approval of this request.
1083

1084 This ends my presentation and I would be happy to answer any questions at this
1085 time.
1086

1087 Mr. Witte - Any questions of Mr. Humphreys by the Commission?
1088

1089 Mr. Branin - I have none for Mr. Humphreys.
1090

1091 Mr. Witte - How would you like to proceed, sir?
1092

1093 Mr. Branin - Was there opposition?
1094

1095 Mr. Witte - There was no opposition.
1096

1097 Mr. Branin - No opposition? First of all, I would like to speak to the
1098 applicant.
1099

1100 Mr. Witte - Would the applicant come forward, please?
1101

1102 Mr. Branin - Sir, please state your name for the record.
1103

1104 Mr. Duke - Good evening. My name is Brian Duke. I'm with Duke
1105 Development.
1106

1107 Mr. Branin - Mr. Caskie, you can state your name, too, because
1108 one of the questions I have is going to be coming right at you.
1109

1110 Mr. Caskie - I'd be happy to. I'm Dan Caskie with Bay Companies.
1111

1112 Mr. Branin - Okay. Mr. Duke, I truly, truly appreciate your patience
1113 and your willingness to work with the community. I'm sure you've enjoyed
1114 working with Jamerson Park and Bellingham residents as much as I have. This
1115 case has come along very, very well, there are still some issues that are POD
1116 issues. Landscaping, you and I are going to spend a lot of time, and I wanted to
1117 give you forewarning. We'll be working on landscaping.

1118 And this is where it's come to you, Mr. Caskie. I really, really want you to see
1119 what we can do with that stormwater. I will be happy to work with you in any
1120 fashion in regards to the stormwater swales, an alternative to that. I really do not
1121 agree with the state of Virginia and DEQ with those swales.
1122

1123 Mr. Caskie - That's one of options. They basically have a playbook
1124 that we can work from. That's one of the options, and we'll certainly try not to do
1125 those if we can help it.
1126

1127 Mr. Branin - For your behalf, this project is a great project, and the
1128 developer has given a 25-foot buffer between residential. Because of the DEQ's
1129 stormwater regs, one of the things that they have to seriously consider is clear-
1130 cutting twenty feet of that buffer and putting in a grass swale. I've already voiced
1131 my discontent to DEQ in regards to it, and I don't think that it's a viable thing for
1132 us as commissioners to look at. Take the whole stormwater saturation and
1133 filtration, I truly believe there's an argument there that that naturally wooded area
1134 will absorb and filter as much as a swale. I truly believe that. So I'm asking you
1135 as this case proceeds to work with me because I don't think that's the best
1136 means for this case.
1137

1138 Mr. Caskie - And we certainly will. Our goal is always to try to save
1139 as many trees as we can and try to keep as much of the natural landscape as we
1140 can. So that's kind of the overriding goal.
1141

1142 Mr. Branin - How a state and the EPA can figure cutting down
1143 perfectly good trees to put a grass swale in makes sense, I don't get. So we'll be
1144 working with you on that and with DEQ in regards to that. I just wanted to make
1145 sure you knew there's some tweaking that we have to do.
1146

1147 Mr. Caskie - Yes, I understand.
1148

1149 Mr. Branin - Okay. Thank you. I have no further questions for the
1150 applicant.
1151

1152 Mr. Witte - Any other questions by the Commission?
1153

1154 Mr. Branin - To the residents of Bellingham and Jamerson Park,
1155 thank you for being so vocal and working on this case. As you guys know, this
1156 case will get its recommendation, it will go to the Board. It will come before
1157 Mr. Kaechele. If he does approve it, then it will come back to POD. I just wanted
1158 to make sure everybody is still on the same page.
1159

1160 All right. I have nothing else, Mr. Chairman. May I make a motion, sir?
1161

1162 Mr. Witte - Please do.
1163

1164 Mr. Branin - Okay. I'd like to move that REZ2015-00022, Bay
1165 Companies, Inc. for Duke Development, LLC, move forward to the Board of
1166 Supervisors with a recommendation for approval.

1167
1168 Ms. Jones - Second.

1169
1170 Mr. Witte - We have a motion by Mr. Branin, a second by
1171 Mrs. Jones. All in favor say aye. Opposed? Motion passes.

1172
1173 **REASON -** Acting on a motion by Mr. Branin, seconded by Ms.
1174 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1175 Board of Supervisors **grant** the request because it would permit development of
1176 the land for residential use in an appropriate manner.

1177
1178 Mr. Emerson - Mr. Chairman, we now move on to the next item on
1179 your agenda, which is consideration of the approval of your minutes of the
1180 September 10, 2015 meeting. We do not have an errata sheet this evening.

1181
1182 Mr. Leabough - I move that the minutes be approved.

1183
1184 Mr. Branin - I second that motion.

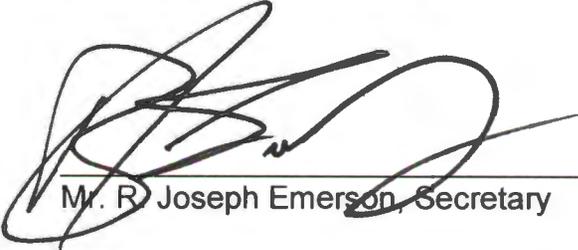
1185
1186 Mr. Witte - We have a motion by Mr. Leabough, a second by
1187 Mr. Branin. All in favor say aye. Opposed? The motion passes.

1188
1189 Mr. Emerson - Mr. Chairman, I have nothing further for the
1190 Commission this evening.

1191
1192 Mr. Branin - I move for adjournment.

1193
1194 Mr. Archer - Second your motion.

1195
1196 Mr. Witte - The meeting is adjourned. Thank you.

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1203 _____
1204 Mr. R. Joseph Emerson, Secretary

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1210 Mr. Robert H. Witte, Chairman