

1 Minutes of a work session of the Planning Commission of the County of Henrico
2 held in the County Manager's Conference Room, County Administration Building
3 in the Government Center at Parham and Hungary Spring Roads, beginning at
4 5:30 p.m. September 10, 2015.
5

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
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

Members Absent: Mr. Tommy Branin (Three Chopt)

Also Present: Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie News, PLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Michael Kennedy, County Planner
Mr. Kevin Wilhite, County Planner
Ms. Erin Puckett, County Planner
Ms. Sylvia Ray, Recording Secretary

6
7 **The Commission convened a work session in the County Manager's**
8 **Conference Room at 6:10 p.m.**
9

10 Mr. Witte - I'd like to call the Henrico Planning Commission to
11 order. This is our September 10, 2015, work session. I'll now turn over the
12 agenda to our secretary, Mr. Joe Emerson.
13

14 Mr. Emerson - Thank you, Mr. Chairman.
15

16 Mr. Emerson provided a brief introduction on the guest speaker, Mr. Craig
17 Toalson, CEO of the Home Building Association of Richmond, a 450-member
18 professional trade organization based in Henrico, Virginia.
19

20 Mr. Toalson's market overview presentation contained graphs and charts of
21 national and state statistics, as they relate to Richmond, Henrico and
22 submarkets. Information contained in the slides was obtained from the National
23 Association of Home Builders and a local firm, Integra Realty Resources.
24

25 The challenges and opportunities for builders was discussed.
26

27 The Planning Commission recessed the work session at 6:48 p.m.

28 **THE PLANNING COMMISSION RECONVENED AT 7:01 P.M. FOLLOWING A**
29 **WORK SESSION.**

30
31 Minutes of the regular monthly meeting of the Planning Commission of the
32 County of Henrico held in the County Administration Building in the Government
33 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. September
34 10, 2015. Display Notice having been published in the Richmond Times-Dispatch
35 on August 24, 2015 and August 31, 2015.

36
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: Mr. James P. Strauss, PLA, Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, 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

37
38 **THE PLANNING COMMISSION RECONVENED AT 7:01 P.M. FOLLOWING A**
39 **WORK SESSION.**

40
41 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
42 **on all cases unless otherwise noted.**

43
44 Mr. Witte - Good evening. We'd like to reconvene our September
45 10, 2015, meeting of the Planning Commission from our work session earlier.
46 This is our Rezoning and Provisional Use Permit meeting. I'll ask that everyone
47 silence or turn off your cell phones. And while we're doing that, please stand with
48 us for the Pledge of Allegiance.

49
50 All right, do we have any media in the audience other than Mr. Strong? Thank
51 you, sir.

52
53 We have all members present. Mrs. O'Bannon, our County Supervisor, is with us
54 this year. She generally refrains from voting on cases because she'll probably
55 see them again. Thank you, Mrs. O'Bannon.

56

57 With that I'll turn the meeting over to our secretary, Mr. Emerson.

58

59 Mr. Emerson - Thank you, Mr. Chairman. I will note that the
60 Commission met at 5:30 this evening in the County Manager's Conference Room
61 on the third floor of the Administration Building for a presentation on housing
62 trends from the Home Building Association of Richmond. We received a great
63 deal of information, and it was a very professional and thorough presentation.

64

65 With that said, first on your agenda are requests for withdrawals and deferrals.
66 Those will be presented by Mr. Jim Strauss.

67

68 Mr. Strauss - Thank you, Mr. Secretary. We do have two requests
69 for deferral this evening. The first one is in Three Chopt District on page 2 of your
70 agenda. The applicant is Duke Development, and the applicant is requesting
71 deferral to the October 15, 2015 meeting.

72

73 **(Deferred from the August 13, 2015 Meeting)**

74 **REZ2015-00022 Bay Companies, Inc. for Duke Development, LLC:**
75 Request to rezone from A-1 Agricultural District and O-3C Office District
76 (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 746-
77 768-7550, 746-769-6058, -7196, -7205, -8993, and 747-769-1255 containing
78 32.33 acres located between the south line of New Wade Lane, the eastern
79 terminus of Parkland Drive, and the on-ramp to Interstate 295 North. The
80 applicant proposes a single family development of no more than 60 dwellings.
81 The R-3 District allows a minimum lot area of 11,000 square feet and a gross
82 density of 3.96 units per acre. The use will be controlled by zoning ordinance
83 regulations and proffered conditions. The 2026 Comprehensive Plan
84 recommends Office and Environmental Protection Area.

85

86 Mr. Witte - Is there any opposition to REZ2015-00022, Bay
87 Companies, Inc. for Duke Development, LLC? I see none.

88

89 Mr. Branin - Mr. Chairman, I'd like to move that REZ2015-00022,
90 Bay Companies, Inc. for Duke Development, LLC, be deferred to the October
91 15th meeting per the applicant's request.

92

93 Mr. Leabough - Second.

94

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

97

98 At the request of the applicant, the Planning Commission deferred REZ2015-
99 00022, Bay Companies, Inc. for Duke Development, LLC, to its meeting on
100 October 15, 2015.

101

102 Mr. Strauss - The second request for deferral this evening is in the
103 Brookland District. It's on page 2 of your agenda. PUP2014-00001, Mr. Bobby
104 Marchetti. The applicant is requesting a deferral to the March 10, 2016 meeting.
105

106 **(Deferred from the June 11, 2015 Meeting)**

107 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for a
108 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
109 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
110 restaurant on part of Parcel 768-757-2032 located 95' east of the east line of
111 Hungary Spring Road approximately 1,025' south of its intersection with Staples
112 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
113 (Conditional). The 2026 Comprehensive Plan recommends Commercial
114 Concentration and Office.
115

116 Mr. Witte - Is there any opposition to PUP2014-00001, Malachi
117 M. Mills for Bobby Marchetti? I see none. In that case, I move that PUP2014-
118 00001, Malachi M. Mills for Bobby Marchetti, be deferred to the March 10, 2016
119 meeting at the request of the applicant.
120

121 Mr. Archer - Second.
122

123 Mr. Witte - We have a motion by Mr. Witte, second by Mr.
124 Archer. All in favor say aye. Opposed? The motion passes.
125

126 At the request of the applicant, the Planning Commission deferred PUP2014-
127 00001, Malachi M. Mills for Bobby Marchetti, to its meeting on March 10, 2016.
128

129 Mr. Emerson - Mr. Chairman, that completes the withdrawals and
130 deferrals. Next on your agenda are the requests for expedited items. Those will
131 also be presented by Mr. Jim Strauss.
132

133 Mr. Strauss - Thank you, Mr. Secretary. We do have one request
134 for approval on the expedited agenda this evening. It's in the Three Chopt District
135 on page 2 of your agenda. REZ2015-00027, THG-Lexington Farm, LLC. This is a
136 request for a proffer amendment, specifically proffer #4 of the original zoning
137 case to allow a restaurant with a drive-thru. Staff is not aware of any opposition.
138

139 **REZ2015-00027 James W. Theobald for THG-Lexington Farm, LLC:**
140 Request to amend a proffered condition accepted with Rezoning Case C-59C-93
141 on part of Parcel 750-760-5433 located on the north line of W. Broad Street (U.S.
142 Route 250) at its intersection with Lexington Farm Drive. The applicant proposes
143 to amend Proffer 4 to allow restaurants with drive-thru services. The existing
144 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
145 recommends Commercial Arterial.
146

147 Mr. Witte - Is there any opposition to REZ2015-00027, James W.
148 Theobald for THG-Lexington Farm, LLC? I see none.

149
150 Mr. Branin - Mr. Chairman, I'd like to move that the proffer change
151 for REZ2015-00027, James W. Theobald for THG-Lexington Farm, LLC, be
152 approved on the expedited agenda.

153
154 Ms. Jones - Second.

155
156 Mr. Witte - We have a motion by Mr. Branin, a second by Ms.
157 Jones. All in favor say aye. Opposed? Motion passes.

158
159 **REASON** - Acting on a motion by Mr. Branin, seconded by Ms.
160 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
161 Board of Supervisors grant the request because it is consistent with surrounding
162 uses and would not have an adverse impact on the surrounding properties.

163
164 Mr. Branin - And I believe the applicant's in the room. I want to
165 welcome the applicant to Henrico County, and we're looking forward to your
166 Dunkin' Donuts opening soon.

167
168 Mr. Archer - Like this evening?

169
170 Mr. Emerson - Mr. Chairman, that completes the requests for
171 expedited items. We now move into your regular agenda. On page 1, you have
172 REZ2015-00008, Bay Companies Inc. for Eagle Construction of Virginia LLC.
173 The staff report will be presented by Mrs. Lisa Blankinship.

174
175 **(Deferred from the August 13, 2015 Meeting)**
176 **REZ2015-00008 Bay Companies, Inc. for Eagle Construction of**
177 **VA, LLC:** Request to rezone from R-3 One-Family Residence District and A-1
178 Agricultural District to R-5AC General Residence District (Conditional) Parcels
179 743-755-9773, 743-755-9852 and 743-755-8828 containing 6.32 acres located
180 on the east line of Crown Grant Road at its intersection with Cedar Hill Court.
181 The applicant proposes 21 single family detached homes on zero lot lines. The
182 R-5A District allows a maximum density of six (6) units per acre. The use will be
183 controlled by zoning ordinance regulations and proffered conditions. The 2026
184 Comprehensive Plan recommends Suburban Residential 2, density should not
185 exceed 3.4 units per acre.

186
187 Mr. Witte - Is there any one in opposition to REZ2015-00008,
188 Bay Companies, Inc., for Eagle Construction of VA, LLC? We do have
189 opposition. Thank you, sir. We'll call you.

190
191 Mrs. Blankinship - Thank you Mr. Chairman.

192

193 This is a request to rezone 6.32 acres from A-1 to R-5AC for a detached, zero-
194 lot-line development of no more than twenty-one units. The site is located on the
195 east line of Crown Grant Road at its intersection with Cedar Hill Court. The 2026
196 Comprehensive Plan's recommendation for future land use is Suburban
197 Residential 2. The proposed residential use and approximate density of 3.32
198 units per acre would be consistent with this designation.
199

200 The applicant has submitted a conceptual master plan—as seen here—and a
201 number of proffers to mitigate potential impacts associated with the proposed use
202 and ensure a high level of quality consistent with the adjacent developments. The
203 proffers relate to site design, density, minimum lot size and area, minimum
204 finished floor area, high-quality exterior materials, landscaping, and buffering. In
205 addition to the previously submitted architectural elevations, the applicant has
206 also submitted two additional elevations as seen here.
207

208 Staff believes the proffers submitted by the applicant would ensure a level of
209 quality consistent with other recent requests of this type and would not adversely
210 affect the adjoining area if properly developed as proposed. For these reasons,
211 staff supports this request.
212

213 The applicant has held two community meetings, the most recent of which was
214 August 31, 2015. Major topics discussed included schools, roads, and existing
215 mature landscaping.
216

217 This concludes my presentation. I will be happy to answer any questions.
218

219 Mr. Witte - Are there any questions by the Commission?
220

221 Mr. Branin - I have none for staff. I'd like to hear from opposition
222 first, if I may.
223

224 Mr. Witte - Would the opposition come down, please.
225

226 Mr. Emerson - Mr. Chairman, while the opposition approaches, I will
227 take this opportunity to go over your rules and guidelines for public hearings, and
228 they are as follows: The applicant is allowed ten minutes to present the request,
229 and time may be reserved for responses to testimony. Opposition is allowed a
230 cumulative ten minutes to present its concerns. Commission questions do not
231 count into the time limits. The Commission may waive the limits for either party at
232 its discretion. And comments must be directly related to the case under
233 consideration.
234

235 Mr. Witte - Good evening, sir. Would you state your name?
236

237 Mr. Wilhelm - Yes sir. Thank you, ladies and gentlemen. Thank you
238 for allowing me to speak. My name is Robert Wilhelm, and I live in Cedar Station,
239 which is up the road a little bit from the planned development.

240
241 Mr. Branin - Robert, do you want to pull up the picture of the area?
242 Could you give an aerial map?

243
244 Mr. Wilhelm - I live in Cedar Station—where her hand is right—
245 actually, she's over my house. Okay, thanks.

246
247 I urge you to vote against this rezoning for a few reasons. My number one
248 concern is schools. There's a joke that comedians always say talking about
249 people that love to shop. They say, you know, they went into the store, this
250 particular person, and the shoes were supposed to be \$200 and they were on
251 sale for \$100, so the person comes home and says, "Look, I saved us \$100."
252 Well, you didn't save us \$100; you spent \$100.

253
254 Currently, our schools, the phenomenal schools that we have here in Henrico
255 County, they're reaching maximum capacity. Any more additions could severely
256 affect the quality of education that our students are currently receiving. In
257 addition to this particular planned development, we have John Rolfe Square,
258 which is a little bit further up Church Road, which is about forty homes. We have
259 Church Road and Brookstone Road, which is on the agenda later tonight, which
260 is probably going to be approximately sixteen to twenty homes. We have the
261 Shire Place townhomes, which I'm not sure exactly how many homes are there,
262 but that's additional children.

263
264 We probably have in the past year and year in the future I would venture to
265 guess at least 1,000 apartment units being constructed in this area. Now, the
266 demographics are changing dramatically. Apartments used to be you built an
267 apartment building and you could count on it's a 500-unit complex. You could
268 count on maximum of ten children. That's not the way it is anymore. Short Pump
269 Elementary, you fill up two buses that feed Short Pump Elementary from
270 apartment complexes, literally fill them up. The demographics have changed.
271 Children live in those apartment buildings.

272
273 All these new homes—correct me if I'm wrong, but I've added all these new
274 homes up, including the New Wade Lane and Parkland Drive, which was
275 deferred, including the previously approved developments in Innsbrook. We're
276 looking at nearly 400 new homes in a two-year span. That is a lot of children.

277
278 Now we need the money to build a new school. I'm not sure where that's going to
279 come from. I don't want to pay more in taxes, and I'm sure nobody in this room or
280 any of you people on the Board want to pay more taxes. The cost to send a child
281 to public school is about \$10,000. The cost of a \$400,000 home that the County

282 would receive in property taxes is about \$3,500 to \$4,000. There's a massive
283 shortfall there.

284
285 Second is traffic. How's the County going to handle all of these new homes and
286 the traffic? Has anybody in this room or on the Board driven on West Broad
287 Street at 4:30 to 5:30 p.m.? It's not a pleasurable experience. It wasn't that way
288 ten years ago. It was not; I know for a fact.

289
290 Secondly, we have two massive projects that were not finished. They were
291 stopped. And I get nagged all the time at home, "You started a project; why
292 haven't you finished it?" We have Church Road. Church Road was supposed to
293 be four lanes from Pump Road down to Loreines Landing. It stops at Oak Point
294 Lane, approximately a quarter mile. There was supposed to be a four-lane road,
295 sidewalks on each side. It goes four lanes, sidewalk on one side, and then boom
296 back to two lanes. The project wasn't finished.

297
298 Three Chopt was supposed to be four lanes between Church and John Rolfe
299 Parkway. It's not. The majority of it is a little tiny narrow two-lane road.

300
301 With all these new homes and all this extra traffic, does the County have the
302 money to now budget for repaving and repairing these roads earlier than
303 expected? I don't think we do.

304
305 Again, I'm going to hit on the money thing. Currently, my daughter's class at
306 Short Pump Elementary has twenty-two students in it. That's a good number.
307 However, has anybody heard of speed dating, you know, where *boom*, you hit
308 the timer, you talk, *boom*, you go to another thing? If her teacher wanted to
309 spend—to give each student her undivided attention, that teacher would have
310 approximately 12-1/2 minutes per child because there is only 4-1/2 hours of
311 instruction time. You've got getting-to-school time. You've got PE or art. You
312 have lunch. They have 4-1/2 hours of instruction time. If her class was up to
313 twenty-five students, somebody on the Board might say well twenty-five students
314 isn't bad. But now we're down to 8-1/2 minutes per child. I don't think anybody
315 would say that's a good idea.

316
317 So please, again, I urge you to vote against this. Thank you.

318
319 Mr. Witte - Any questions by the Commission for Mr. Wilhelm?

320
321 Mrs. O'Bannon - Well, I do want to make one remark. Mr. Wilhelm, the
322 County definitely plans very well. And we know about roads being built and roads
323 needing to be repaved. And they've done a lot of repaving this year. Part of that
324 money is gasoline money. That money that goes for paving comes from gasoline
325 taxes. So the more people that live in an area, the more money you get. So we
326 have plenty of money. We plan very well our roads. So I don't worry about roads
327 being paved. I think this summer we've gone overboard. We've paved so many

328 roads. So that issue can be laid to rest. We plan very, very well for our roads, I
329 will say that. I know there will probably be some response for the other, but it
330 concerns me that you think that roads aren't going to be paved, because
331 definitely they are. They're on a schedule. And we have a very good Department
332 of Public Works, so. I just want to mention that.

333
334 Mr. Witte - Mr. Wilhelm, I have a comment also. I've heard that
335 argument about the time spent with students. Even if it was twenty minutes per
336 student per day, if they did it that way, that would be the only twenty minutes of
337 instruction your daughter got. If she spent 12 minutes, 20 minutes, whatever, with
338 every student, the rest of the class wouldn't have instruction. The system is just
339 not set up to accommodate that way. We'd need sixteen teachers in a room.

340
341 Mr. Wilhelm - I was using that as an example because once you
342 reach a certain number, the teachers are—they're overworked. If a teacher has
343 twenty-students, three don't speak English, and two are autistic, that's five
344 students that teacher has to dedicate specific large amounts of time to. Those
345 other students in the class are suffering. If there were eighteen and you had just
346 one ESL and one special needs, that's a lot better. The more you push a teacher,
347 the less their morale will be, the less quality. It would be like if I kept you up for
348 twenty hours and had you doing math problems. After twenty hours, you're
349 probably going to be missing some pretty simple ones. It's the law of diminishing
350 returns. We push our teachers too far.

351
352 We're at a good level right now. But if we keep pushing and keep pushing and
353 keep pushing, the balloon is going pop. The balloon can only take so much air.
354 We're in a good place right now. I just don't see why we need—it's like I tell my
355 children. Sometimes I tell my children no, but everything in my body, I want to
356 make them happy, I want to say yes. But I have to be a good parent. I have to
357 say no, this is not a good thing to do. We can't do this; I'm sorry.

358
359 Mr. Emerson - Mr. Chairman, if I could direct you to your staff report.
360 The schools have indicated that the school districts within which this
361 development lies do have capacity for the number of students generated by this
362 project. And many of the projects that were noted by Mr. Wilhelm earlier do not
363 fall within this particular service district. So all those homes, the projects that you
364 mentioned, do not necessarily contribute to this district. Some of them did. The
365 ones off New Wade Lane and those others a good distance outside of this
366 district.

367
368 Mr. Wilhelm - Right. But if they increase the level at, say, Gayton,
369 Gayton needs to then kick out some kids, so they have to do a redistricting.

370
371 Mr. Emerson - Currently, there is no redistricting on the horizon.

372

373 Mr. Wilhelm - There has been two redistrictings in the past five
374 years. Two. According to national average of the Department of Education,
375 redistricting should be done, at maximum, once every seven years. Henrico
376 County has done it twice in six years. You fill up one school. And then you're like
377 well yeah, this new development will go to this school that doesn't have any kids.
378 Then all of a sudden, boom, that school gets filled. What are we going to do with
379 them?

380
381 If you add everything together, the math doesn't work. Rivers—I think it's
382 Colonial Trail, Twin Hickory, Gayton, Nuckols Farm, Short Pump Elementary,
383 and Rivers Edge. They're within about ten students of being at max.

384
385 Mr. Emerson - I would disagree with you on that. I don't have the
386 numbers in front of me, and I'm not here to debate with you, Mr. Wilhelm, but I
387 believe those schools are not that close to capacity. I believe they are at least
388 anywhere from fifty to sixty students under capacity, if not more. They were
389 relieved by Kaechele Elementary, Colonial Trail Elementary, and other
390 expansions and additions that have been made, as well as the redistrictings. The
391 only one that is somewhat tight, at my understanding, is Short Pump Elementary
392 School. And according to the numbers I have in front of me, they're at 579 and
393 have a functional capacity of 660.

394
395 Mr. Wilhelm - When did it go from 600 to 660? When the
396 redistricting happened, it was 600.

397
398 Mr. Emerson - I'm sorry. It's 579, based on the report I have in front
399 of me.

400
401 Mr. Wilhelm - Correct. I'm not arguing that. But when did—

402
403 Mr. Emerson - And 660 is their full capacity number.

404
405 Mr. Wilhelm - That is impossible. There is not an empty room in that
406 building. I don't know who wrote that, but that—

407
408 Mr. Emerson - Okay. Mr. Wilhelm, I'm not trying to debate with you.
409 Those are the numbers presented by the school system.

410
411 Mr. Wilhelm - The same school system that said not one new
412 person was going to move into the Short Pump district.

413
414 Mr. Witte - I believe you need to take that up with the School
415 Board, Mr. Wilhelm.

416
417 Mr. Wilhelm - This is the Planning Commission. Everybody has to
418 be on the same team. It's a team. The quarterback is great, but if the offensive

419 line stinks, the team doesn't win. Everybody has to be on the same team. You
420 guys are part of the team.

421

422 Mr. Witte - But if the issue is specifically with the schools, then it
423 has to be taken up with the School Board.

424

425 Mr. Branin - Mr. Wilhelm, I remember—and for my fellow
426 commissions, let me interject. We've had two community meetings in regards to
427 this project. The second one was because they actually added on a little more
428 property, which you all can see in your report. The initial red flag that was in the
429 neighborhood was the conditions of the road and when it fell into the schedule. I
430 bought in Jamie Massey, as well as Mr. Jennings, and they did a full analysis of
431 the neighborhood. Some of the people in the neighborhood asked actually for the
432 maintenance not to be done until after construction was through so it didn't get
433 worn out quicker, which the maintenance agreed to. What will be done in that
434 neighborhood prior is the hot spots where there are sub-grade issues. They're
435 going to come in, pull out, secure, and reinforce the sub-grade. So they'll be
436 patchwork. And then as soon as it's all done, they'll come through and match up.
437 Mr. Massey did a great job explaining the process, how it works and so forth.

438

439 At that meeting also Mr. Wilhelm brought up the school issues and had made the
440 claim at that time as well that we don't have enough capacity. And I reviewed that
441 Kaechele Elementary is actually way below capacity. All of the projects that are
442 currently approved, but have not been built, those numbers have all been
443 calculated into growth. And so we're actually rehashing everything that
444 Mr. Wilhelm has actually been explained to this evening.

445

446 Again, redistricting in your neighborhood shouldn't really take place at all for a
447 long time. Where there would be redistricting would be north of Broad Street
448 where development has changed the scope. We are way ahead of schedule for
449 schools, already built, already budgeted, to address your Three Chopt Road.
450 That was supposed to go in for the redevelopment widening of Three Chopt
451 Road. It was supposed to be 2020; they've moved it up to 2016 for when they'll
452 begin construction. They've already been going through with the neighborhoods
453 reviewing. And there should be an area meeting for a full review probably in the
454 next two or three months that you'll get notification of. That widening will go from
455 Pocahontas Middle School all the way to Gaskins. So it's not just one little tiny
456 area where it's tight, but they're widening all the way to relieve that pressure off
457 of Broad Street.

458

459 So a lot of those concerns have been addressed. And in regards to schools, I
460 was pretty thorough on explaining that we just don't throw darts at a wall.
461 Schools, the Board of Supervisors, and the Planning Commission look at the
462 areas. We break it out. And no project goes before this Commission without
463 going through Fire, Safety, Schools, Public Works, Public Utilities, and Health.

464

465 Mr. Wilhelm - When-when—
466
467 Mr. Branin - So we do work as a team. Mr. Wilhelm. I have the
468 floor right now. We do work as a team. And we take a lot of pride in what we do.
469 So this development isn't going to affect or redistrict in any way because all those
470 other developments you mentioned have already been accounted for.
471
472 Mr. Wilhelm - Would anybody admit that possibly a mistake might
473 have been made in the past, then, because of the two redistrictings [sic] in the
474 past six years? That's not normal. That's not supposed to happen.
475
476 Mr. Emerson - Mr. Wilhelm, this body, nor does the Board of
477 Supervisors, handle school redistrictings. That is handled by the County School
478 Board, and that's a totally different jurisdiction. So this body and the Board of
479 Supervisors do not deal with the redistricting of school students as far as
480 attendance size is concerned.
481
482 Mr. Wilhelm - But you communicate—
483
484 Mr. Emerson - That's purely the School Board. We operate on the
485 numbers that are provided to us by the School Board. Now, we do, as a staff,
486 work very closely with the School Board in terms of working with and comparing
487 numbers and growth. And what I can tell you right now, based on what's
488 presented to this body, there is functional capacity at these schools to
489 accommodate this development.
490
491 Mr. Wilhelm - If I may, one more thing. When my oldest daughter,
492 who's now in eighth grade at Moody, was at Short Pump in fifth grade, there
493 were 630 students. They had a trailer for music and a trailer for art. Now, if 660 is
494 what is claimed to be the max, I don't know who gave that number, but if there
495 was a trailer when it was 630, for two subjects, what is it gonna be when it's 660?
496 That's all. I'll just throw that out there. I don't have an answer.
497
498 Mr. Archer - Mr. Wilhelm, I think one thing that—by the way, your
499 research and your statistical work is really well done. I compliment you for that.
500 But I think what gets missed sometimes is if we got to a point where we said
501 we're at capacity in a neighborhood or a subdivision, we wouldn't be able to build
502 anymore. We'd have to stop somewhere. And I think one of the things that gets
503 missed is the attrition rate. You have students coming in, but you also have
504 students going out. Everybody doesn't stay in the same place. I think probably
505 when doing your research, you don't tend to include those kinds of things in your
506 conversation.
507
508 We would like to be able to plan in a way that there's a new road and a new
509 school every time something is built, but we just can't do it. It's impossible. And

510 we can't stop development based on our perceived lack of capacity to handle
511 traffic and students. We're just not able to do that as a planning body.

512
513 Mr. Witte - Any other questions by the commission? Thank you,
514 Mr. Wilhelm.

515
516 Mr. Wilhelm - Thank you, ladies and gentlemen.

517
518 Mr. Witte - Is there any other opposition?

519
520 Mr. Emerson - Mr. Chairman, you have approximately four minutes
521 left for opposition.

522
523 Mr. Witte - Welcome. Please state your name, sir.

524
525 Mr. Low - My name is Richard Low, and I live in the same cul-
526 de-sac as Rob.

527
528 Mr. Witte - Can you spell your last name, please?

529
530 Mr. Low - L-o-w.

531
532 Mr. Witte - L-o-w. That's pretty easy.

533
534 Mr. Low - I'm not really here in opposition; I have two concerns.
535 Three now, actually. I only had two when I walked in, but Mrs. O'Bannon, you
536 perplexed me. I'm sure that all of you in the panel have great roads in front of
537 you. Our little subdivision has been mismanaged for the thirty years that I've lived
538 there—twenty-eight, to be exact. So I do appreciate that—I don't know what they
539 did. I did call Public Utilities. They told me they have no plans for any type of
540 repaving, any type of repairs for the cul-de-sacs, all three cul-de-sacs in the
541 Cedar Station subdivision.

542
543 Mr. Branin - Sir, did you call Public Utilities?

544
545 Mr. Low - Not utilities. It was—

546
547 Mr. Branin - Public Works?

548
549 Mr. Low - Public Works.

550
551 Mr. Branin - Okay. I don't know who you spoke to.

552
553 Mr. Low - Very nice young lady.

554

555 Mr. Branin - But the head of Road Maintenance came to your
556 community meeting and laid out the date it was supposed to be, what it's been
557 moved to, what repairs need to be done, where the potholes are.

558
559 Mr. Low - It would be great if I got that. I travel a lot, so I
560 apologize I missed that meeting. I don't recall that date. I will say that Eagle has
561 been very good about telling us what's going on. So that's not the issue. I've
562 been there for twenty-eight years and they're in—

563 Mr. Branin - Mr. Low, what I'm going to do is I'm going to get them
564 to get your name, number, and address. And Mr. Massey and I will be happy to
565 come by and explain it to you in person.

566
567 Mr. Low - I would ask, Mr. Branin, that you abstain from the vote
568 because I understand that you are receiving contributions for your political
569 campaign from Eagle. So I just think that would be above board if you did abstain
570 from that.

571
572 And also for proffers. I do apologize to the Eagle folks. I know you're back here. I
573 didn't make the last meeting. I really didn't know that it was there. Item 6 I do
574 have an issue with the proffers. Recreational vehicles, boats, trailers not being
575 parked on the property unless they're in a garage is a great idea. I don't know if
576 you can do this, but it would be great if you were able not to allow them in the
577 Cedar Station subdivision. The area you're talking about, if they're just not in that
578 property, that's great. But then there is a road, Crown Grant Road, that gives
579 access to this new subdivision. If they're parked there, then they're obstructing
580 view for kids, which we have quite a few. It's a hazard and it's an eyesore. So if
581 we can negate that issue, I'd be very happy.

582
583 That's it. Hopefully I stayed four minutes.

584
585 Mr. Witte - Any questions?

586
587 Mr. Branin - I'm trying to figure out how that proffer would even go.

588
589 Mr. Emerson - It would be offsite.

590
591 Mr. Low - Can you imagine there are twenty-one people and
592 then—not everyone wants to have a boat. But say some have a recreational
593 vehicle, you got three boats. All of a sudden you have five vehicles parked on
594 this main road. It's going to be a hazard.

595
596 Mr. Branin - Well you can't do that on a County road. You can't do
597 that by County code.

598
599 Mr. Emerson - No, you wouldn't be able to park it on a County road.

600

601 Mr. Branin - That's why I was trying to figure out how that would
602 be proffered. It wouldn't need to be proffered because County ordinance says
603 you can't do that.

604
605 Mr. Emerson - You'd just need to call and report to the County
606 police.

607
608 Mr. Low - They have better things to do.

609
610 Mr. Witte - Even commercial vehicles can't park in residential
611 areas. Any other questions for Mr. Low? Thank you, sir.

612
613 Mr. Branin - I would like to hear from the applicant, please.

614
615 Mr. Witte - Would the applicant come down, please?

616
617 Mr. Kukoski - Good evening. My name is Mark Kukoski. I'm with
618 Eagle Construction.

619
620 Mr. Witte - Welcome, sir.

621
622 Mr. Kukoski - Thank you.

623
624 Mr. Branin - Mr. Kukoski, I wanted you to come down because I
625 was still trying figure out if that needed to be proffered or not, and it does not.

626
627 The only concern I do have is construction traffic. We've set hours for
628 construction that I'm hoping we're going to keep a tight rein on. Every project in
629 Henrico County when we have infill, you're coming into an established
630 neighborhood, and we want to be good neighbors. This neighborhood just had
631 over on the Lake Loreine side—

632
633 Mr. Emerson - Bell Tower?

634
635 Mr. Branin - No, not Bell Tower, McCabe's Grant. There were
636 some issues with that in regards to work hours on Sunday and so forth. So if you
637 could make sure that the contractors that are working on this project follow strict
638 guidelines. No outside work on Sunday and follow the hours.

639
640 Mr. Kukoski - We'll be happy to try to enforce that to the best of our
641 abilities.

642
643 Mr. Branin - Also, in having so many community meetings, I've
644 been working with this community. And part of the thing that they're most
645 concerned about also is with speeding and construction traffic moving fast. So
646 when you have your—

647
648 Mr. Kukoski - When we award the contracts to the contractors, we'll
649 make sure that they're aware of the work hours and to be safe with the
650 community.
651
652 Mr. Branin - I've given my mobile number to probably eight
653 different residents.
654
655 Mr. Kukoski - As I have given my business card to probably more
656 than that.
657
658 Mr. Branin - So I told them if we do start having issues, I need to
659 know right away. So I just would appreciate if you guys in going forward that you
660 mind and are good neighbors.
661
662 Mr. Kukoski - Yes, we'll make every effort.
663
664 Mr. Branin - I have nothing further.
665
666 Mr. Witte - Anyone else? Thank you, sir.
667
668 Mr. Kukoski - You're welcome.
669
670 Mr. Branin - If I'm abstaining, I make the motion, correct?
671
672 Mr. Emerson - You can, just abstain from the vote.
673
674 Mr. Branin - Just abstain from the vote. Okay. Mr. Chairman, I
675 would like to move that REZ2015-00008, Bay Companies, Inc., for Eagle
676 Construction of VA, LLC, move forward to the Board of Supervisors with a
677 recommendation for approval.
678
679 Mr. Leabough - Second.
680
681 Mr. Witte - We have a motion by Mr. Branin, second by
682 Mr. Leabough. All in favor say aye. Opposed? Abstentions?
683
684 Mr. Branin - For the record, I'd like to abstain from the vote.
685
686 Mr. Witte - One abstention.
687
688 Mr. Emerson - That would be two, actually, because Mrs. O'Bannon
689 doesn't vote.
690
691 Mr. Witte - That's true, it's going to her again. All right, the motion
692 passes. 4-0-2.

693 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
694 Leabough, the Planning Commission voted 4-0 (two abstentions) to recommend
695 the Board of Supervisors **grant** the request because the proffered conditions
696 would provide for a higher quality development than would otherwise be possible
697 and it would permit development of the land for residential use in an appropriate
698 manner.

699
700 Mr. Emerson - Mr. Chairman, we now move on to the next case on
701 your agenda, which appears on page 2. It is REZ2015-00023, Richard H.
702 Youngblood, Jr. for Youngblood Properties, LLC. The staff report will be
703 presented by Mrs. Lisa Blankinship.

704
705 **(Deferred from the August 13, 2015 Meeting)**

706 **REZ2015-00023 Richard H. Youngblood, Jr. for Youngblood**
707 **Properties, LLC:** Request to conditionally rezone from A-1 Agricultural District
708 to R-3C One-Family Residence District (Conditional) Parcel 736-754-6656
709 containing 3.945 acres located on the south line of Church Road approximately
710 150' west of its intersection with Brookstone Lane. The applicant proposes a
711 single family development. The R-3 District allows a minimum lot area of 11,000
712 square feet and a gross density of 3.96 units per acre. The use will be controlled
713 by zoning ordinance regulations and proffered conditions. The 2026
714 Comprehensive Plan recommends Urban Residential, density should be between
715 3.4 and 6.8 units per acre.

716
717 Mr. Witte - Is there anyone in opposition to REZ2015-00023,
718 Richard H. Youngblood, Jr. for Youngblood Properties, LLC? Yes, we have
719 opposition.

720
721 Male - [Off microphone.] I'm not in opposition, I just have
722 some comments.

723
724 Mr. Witte - That's fine, sir. We'll call you down. Thank you. Mrs.
725 Blankinship.

726
727 Mrs. Blankinship - Thank you again, Mr. Chairman, members of the
728 Commission.

729
730 This is a request to rezone 3.945 acres from A-1 to R-3C to allow for a single-
731 family residential subdivision of up to nine lots. The site is located on the south
732 line of Church Road approximately 150 feet west of its intersection with
733 Brookstone Lane. The 2026 Comprehensive Plan's recommended future land
734 use is Urban Residential. The proposed use and density is 2.28 units per acre
735 and are consistent with this recommendation.

736

737 The applicant has submitted a revised conceptual plan showing a temporary
738 turnaround, seen here, and revised proffers that have been handed out to you
739 this evening. These proffers address concerns that were raised in the staff report:

- 740 • Proffer #8 commits to the type of landscaping that would be provided
741 within the ten-foot landscape strip adjacent to Kingcrest subdivision;
- 742 • Proffer #12 ensures the architectural style of homes would be of a
743 Craftsman, Arts and Crafts, Farm, cottage or similar style;
- 744 • Proffer #13 pertains to the type of exterior building materials that would be
745 used; and
- 746 • Proffer #14 provides that each home would have a two-car garage and the
747 garage doors would display a minimum of one architectural detail.

748
749
750 Staff believes the revised proffers address the concerns raised in the staff report
751 and would ensure a level of quality consistent with recent requests of this type.
752 The proposed use and zoning are consistent with the 2026 Comprehensive Plan.
753 For these reasons, staff supports this request.

754
755 Since the revised proffers were submitted today, time limits would need to be
756 waived.

757
758 This concludes my presentation, I will be happy to answer any questions you
759 may have.

760
761 Mr. Witte - Any questions for Mrs. Blankinship?

762
763 Ms. Jones - I just want to confirm that Traffic has no problem with
764 the site plan and the position of the temporary cul-de-sac. Correct?

765
766 Mrs. Blankinship - No ma'am, But if you would like to speak to the traffic
767 engineer directly, he's here. He's indicated that there is no problem with that.

768
769 Ms. Jones - Okay. That was one loose end. Okay, thank you. I
770 don't have any more questions.

771
772 Mr. Witte - Any other questions? Would you like to hear from the
773 gentleman?

774
775 Ms. Jones - Of course.

776
777 Mr. Witte - Sir, would you like to come down?

781

782 Mr. Dixon - Hi, my name is Dan Dixon. We live at Church Road
783 Commons right across the street from this development. We don't have any
784 objections for this development. What we are concerned about is the traffic along
785 Church Road. As more parcels become developed, infill happens continuously,
786 and it will continue to happen along Church Road. It was one time a country
787 road, but now it's a pretty well-traveled road between Lauderdale and Pump, as
788 you know. We have a lot of elderly people in our neighborhood. And I'm a former
789 president of the homeowners association, and they expressed a concern with
790 getting out, exiting and ingressing into the neighborhood. And I think, in a way,
791 this development might help that in terms of slowing down the traffic on Church
792 Road because more people will be turning in and out.

793
794 But I think it's forty-five miles an hour now. We asked for a traffic study at one
795 time, I think. I think people go down there fifty-five miles an hour. I just think as
796 more development is there, I think it's important to look at the traffic pattern and
797 ask for maybe a reduction in the speed limit there. I mean I don't want a light.
798 Nobody wants more lights and all that kinda thing. I just think we should look at
799 what's going on because there is a great concern in our neighborhood. And most
800 are elderly people trying to get out of there. We think it's great Church Road is
801 developing. We hope it's all very nice and upscale and improves all our property
802 values.

803
804 Other than that, that's my comment. I don't know what you can do about that.

805
806 Ms. Jones - Mr. Dixon. Hi, haven't seen you for quite a well.

807
808 Mr. Dixon - I remember you. I can't remember your name, but
809 anyway.

810
811 Ms. Jones - Yes. I'm Bill Jones's wife, Bonnie-Leigh. I hadn't seen
812 you for a while, but I know that your neighbors at our neighborhood meeting did
813 express some of these same concerns. And certainly, as you well know,
814 everywhere in Henrico County that has an active population, we all have our
815 traffic concerns. And I think Church Road is a valid concern. Because that was
816 brought out at the community meeting, I'm not sure whether you had a chance to
817 look over the staff report. It was available online, but I'm not sure if you were
818 aware of that. There were some very specific statistics gathered because of the
819 questions that were at the community meeting. And at the end of the statistical
820 analysis and putting together what Traffic had on file, the conclusion was that
821 based on the above speeds, forty-five miles per hour is the appropriate speed
822 limit. And this is for the analysis that was done in connection with this particular
823 case. We analyze in terms of what the influence of this will be and how it was
824 affect the current road system.

825
826 So while that may be of absolutely no comfort to you whatsoever, I do know that
827 there are concerns from your neighbors. What I'd like to do is based on your

828 concern to have our representative here from the Traffic Department come on up
829 and speak to that, because I think you do have a valid point, and it was looked
830 into. So let's get him up here and see if we can't get you some specifics on that.
831 Okay?

832

833 Mr. Dixon - Can I see that study?

834

835 Ms. Jones - Yes. I'll tell you what. I will give you my staff report at
836 the end of—

837

838 Mr. Branin - Bonnie-Leigh, I'll give him mine now.

839

840 Ms. Jones - Everybody wants to give away their staff report.

841

842 Mr. Witte - There you go, Mr. Dixon.

843

844 Ms. Jones - If you don't mind, you can just have a seat right there,
845 and I'll ask our engineer to come forward. And if you have a further question, I'm
846 happy to hear it.

847

848 Mr. Cejka - Good evening, Mr. Chair, members of the
849 Commission, Mrs. O'Bannon. My name's John Cejka, traffic engineer.

850

851 Ms. Jones - Hi, Mr. Cejka. How are you?

852

853 Mr. Cejka - I'm fantastic.

854

855 Ms. Jones - Good, good. I know that this is certainly a concern for
856 almost every neighborhood that is getting ready to accept another several
857 houses, and here this is nine homes we're talking about. So would you go
858 through the analysis that you put forth for how this development would affect the
859 traffic situation in this area, please?

860

861 Mr. Cejka - Yes. We estimated traffic volumes based on the
862 Institute of Transportation Engineers' Trip Generation Guide. It's a 2,000-page
863 manual that has studies for everything that—you know, 162 different land uses.
864 Based on those studies where people contribution information from their studies,
865 we get an estimate of how many trips will be generated by these nine houses.

866

867 When we did it, it's going to have approximately 115 cars per day, which is 57 in
868 and 57 out. We did do a speed study back in 2014 on almost all of Church Road.
869 The speeds varied between 45 and 50 miles an hour for the entire length. That
870 shows that 45-mile-an-hour speed limit is properly posted. We can't arbitrarily
871 lower the speed limit, so it is based on studies.

872

873 Ms. Jones - It is based on?

874 Mr. Cejka - On studies.
875
876 Ms. Jones - On studies. We do have to depend on those historical
877 analyses for how we analyze our cases, I realize that. But should the
878 neighborhood wish to ask that a closer look be taken at this area, are there
879 special studies or analysis that can be done?
880
881 Mr. Cejka - They can request it through me, and I'll be more than
882 happy to take a look at the general area of this parcel.
883
884 Ms. Jones - But there's no doubt in your mind that the nine homes
885 for this subdivision are going to be able to be absorbed safely into the existing
886 network.
887
888 Mr. Cejka - That is correct. I have no issues with that.
889
890 Ms. Jones - Did you request a speed study?
891
892 Mrs. O'Bannon - In the next few days, be careful how fast you drive on
893 Church Road. I know there are police officers out there doing a little speed
894 enforcement. That's the first part. I also just requested a traffic study. That's what
895 so great about iPhone, so.
896
897 Mr. Dixon - [Off microphone.] Well what about the construction
898 vehicles coming in and out?
899
900 Ms. Jones - Just a minute. We record these minutes. Mr. Cejka,
901 thank you for that. Mr. Dixon, if you have a further question, come on up and we
902 can hear you at the microphone. We have to do that; sorry.
903
904 Mr. Dixon - I'm not here to really make trouble or anything. I just
905 wanted to express our concern. Construction vehicles coming in and out would
906 seem to—it's right at the crest of that hill coming the other direction. So, I mean, I
907 think the County needs to look at it. Like I said, I'm not a big government person
908 interfering in our lives, so. But I think in this instance the road is changing. I used
909 to live in Midlothian for thirty years, and I moved over here eight years ago.
910
911 Ms. Jones - For the peace and quiet. Is that right? Mr. Dixon,
912 that's a different question to be asked to a different person. I understand your
913 concern. I will ask the applicant to talk to us a little bit about that construction
914 phasing and their construction plans. Okay?
915
916 Mr. Dixon - Okay. Thank you.
917
918 Ms. Jones - Thank you. And no one thinks you're a troublemaker
919 for asking questions, I promise.

920 Mr. Witte - Would you like to hear—
921
922 Ms. Jones - I'd like the applicant to come down, please, if you
923 don't mind.
924
925 Mr. Youngblood - Mr. Chairman, members of the Commission, I'm
926 Richard Youngblood with Youngblood Properties and will answer all your
927 questions.
928
929 Ms. Jones - I certainly hope you will. And I do want to thank you
930 before we even get going. We've had some discussions back and forth. You've
931 been open to the neighbors comments, and you've been open to my comments.
932 And you've worked with staff. And we thank you for that cooperation.
933
934 Mr. Youngblood - Thank you.
935
936 Ms. Jones - We do need to ask specifically about construction.
937 That's certainly a valid concern. And in the proffers that were recently submitted,
938 the construction hours are limited, which I think is always a courtesy to existing
939 neighborhoods. And can you tell us how construction traffic will probably flow and
940 what impacts that might have?
941
942 Mr. Youngblood - Well they got to come by Church Road, and we have
943 only one entrance to this property. So that's where traffic will go.
944
945 Ms. Jones - Are they coming—deliveries and all that will be any
946 time of the day, really, I would guess.
947
948 Mr. Youngblood - Well, they're limited to the hours that we posted on
949 the property.
950
951 Ms. Jones - But during that time.
952
953 Mr. Youngblood - Yes.
954
955 Ms. Jones - Anytime. I don't think there's anything much we can
956 do. We can't divert them among any other roadways. We just really have no
957 choice on that.
958
959 Mr. Youngblood - No ma'am, you don't. But when the road construction
960 is going, you don't have any residents coming in and out.
961
962 Ms. Jones - Well there's the good news.
963
964 Mr. Youngblood - So the traffic will be less, probably, at that time than it
965 will when it's fully developed.

966 Ms. Jones - About how long do you anticipate it might take for the
967 build-out of this subdivision?
968

969 Mr. Youngblood - Well, getting construction plans approved, I don't feel
970 that we're going to even start construction until late spring. And it will take
971 probably six months to do the road construction. We've got a power line that we
972 have to work around that serves the acre behind us. We also have a sewer line
973 that serves that acre. We can't build it like a normal road would be built. We have
974 to kind of stage it to get them power down there be the underground and
975 eliminate the poles to be able to build a road that goes in there. There are nine
976 lots. And if my daughter, who is my partner on this, builds the houses, we'll
977 probably be two years building out the houses.
978

979 Ms. Jones - You are not building these except as custom homes
980 or are you building models?
981

982 Mr. Youngblood - Well, we have found with Covey Run, which is right
983 up the street in a very similar-type subdivision and Falcon Rest, which is on
984 Pump Road, we may start them as a spec, but usually they're sold before we
985 ever get them anywhere near finished. So they'll be customized. We're not a tract
986 builder.
987

988 Ms. Jones - Well that I know. And I'm well acquainted with your
989 product, and I'm sure it'll be a complement for this area. I look forward to a very
990 nice, although quite a small subdivision, one that fits very well into the fabric of
991 that area.
992

993 All right. I think the construction trucks, that is what it is. The hours are restricted
994 7 to 7, Monday through Saturday. There may be a concrete pour or something
995 that has to go a little bit longer, but I think those basic hours are the usual hours
996 throughout Henrico. We appreciate you agreeing to stay within those.
997

998 Mr. Youngblood - Thank you.
999

1000 Ms. Jones - I have no further questions. I think we've worked out
1001 all of this. Just one comment. Before we move to a vote, is there any chance you
1002 have that other parcel?
1003

1004 Mr. Youngblood - No ma'am.
1005

1006 Ms. Jones - I was hoping.
1007

1008 Mr. Youngblood - That's why we delayed from the last meeting. There's
1009 a good chance that we might have it.
1010

1011 Ms. Jones - Well, I hope you do. That will nicely round out the
1012 development. All right, thank you very much. That's all I have.

1013
1014 Mr. Witte - Anyone else?

1015
1016 Ms. Jones - I need to waive the time limits on the proffers here for
1017 REZ2015-00023, Richard H. Youngblood, Jr. for Youngblood Properties, LLC. I
1018 move that those time limits be waived.

1019
1020 Mr. Archer - Second.

1021
1022 Mr. Witte - We have a motion by Ms. Jones, a second by
1023 Mr. Archer. All in favor say aye. Opposed? Abstain? The motion passes.

1024
1025 Ms. Jones - All right. I'd like to make a motion that REZ2015-
1026 00023, Richard H. Youngblood, Jr. for Youngblood Properties, LLC, move
1027 forward to the Board of Supervisors with a recommendation for approval.

1028
1029 Mr. Archer - Second.

1030
1031 Mr. Witte - We have a motion by Ms. Jones, second by
1032 Mr. Archer. All in favor say aye. Opposed? Motion passes.

1033
1034 **REASON -** Acting on a motion by Ms. Jones, seconded by Mr.
1035 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
1036 Board of Supervisors **grant** the request it would not be expected to adversely
1037 affect the pattern of zoning and land use in the area and it is appropriate
1038 residential zoning at this location.

1039
1040 Mr. Emerson - Mr. Chairman, we now move on to the next items,
1041 which appears at the top of page 3 of your agenda for REZ2015-00028, Mark
1042 Williams for B. Hunt Gunter. The staff report will be presented by Mr. Ben Sehl.

1043
1044 **REZ2015-00028 Mark Williams for B. Hunt Gunter:** Request to
1045 conditionally rezone from R-2 One-Family Residence District to O-2C Office
1046 District (Conditional) Parcels 774-743-5181 and 774-743-4179 containing .964
1047 acres located along the south line of Dickens Road at its intersection with Manor
1048 Circle. The applicant proposes the expansion of an adjacent office development.
1049 The use will be controlled by zoning ordinance regulations and proffered
1050 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2,
1051 density should not exceed 3.4 units per acre.

1052
1053 Mr. Witte - Is there any opposition to REZ2015-00028, Mark
1054 Williams for B. Hunt Gunter?

1055
1056 Male - [Off microphone.] Yes.

1057 Mr. Witte - We have several. Thank you, we'll call you down.
1058 Mr. Sehl.

1059
1060 Mr. Sehl - Thank you, Mr. Chairman.

1061
1062 This is a request to rezone just less than 1 acre from R-2 to O-2C to allow for the
1063 expansion of the adjacent Wilton Park office development, which is located to the
1064 east and south. That property is zoned O-2, and other surrounding properties in
1065 the Lake View Manor subdivision are zoned R-2, similar to the subject property.

1066
1067 The 2026 Comprehensive Plan's recommendation for the subject site is
1068 Suburban Residential 2. This designation is reflective of the existing zoning on
1069 the subject parcels, and is not entirely consistent with this request; however,
1070 properly developed, the proposed 16,000-square-foot office building could be a
1071 logical expansion of the adjacent office complex and could help support a
1072 number of goals of the Comprehensive Plan.

1073
1074 To ensure the proposed building complements the existing office park and
1075 minimizes impacts on nearby residents, the applicant has provided a number of
1076 proffers, including this conceptual plan. Architectural elevations have also been
1077 provided, as shown here. Additionally, the applicant has provided proffers
1078 addressing prohibited uses; hours of construction; exterior building materials;
1079 signage; lighting; and screening of mechanical equipment.

1080
1081 Additionally, to reduce negative impacts on adjacent residents, the applicant has
1082 proffered limitations on the hours of refuse removal, parking lot cleaning, and leaf
1083 blowing.

1084
1085 While not entirely consistent with the 2026 Future Land Use map designations for
1086 the site, the proposed use would be a logical expansion of the adjacent office
1087 development, and the proffered conditions should guarantee a level of quality
1088 consistent with other recent developments of this type, and minimize negative
1089 impacts on adjacent properties. For these reasons, staff supports this request.

1090
1091 I would note that revised proffers were handed out to you this evening
1092 addressing the last couple of minor comments that were noted in the staff report,
1093 along with an updated conceptual plan that reflected the correct zoning-required
1094 buffer along Dickens Road. Those were submitted in a timely fashion, so time
1095 limits would not need to be waived regarding those proffers.

1096
1097 This concludes my presentation. I will be happy to try to answer any questions
1098 you might have.

1099
1100 Mr. Witte - Any questions for Mr. Sehl from the Commission?
1101 Would the opposition like to come forward, please?

1102

1103 Mr. Emerson - Mr. Chairman, before the citizen starts, I will remind
1104 you the guidelines of the Commission regarding public hearings in that opposition
1105 is allowed ten minutes to present its concerns. That is cumulative, so it's shared
1106 between everyone who wishes to speak.

1107
1108 Mr. Witte - Thank you, sir. Would you state your name, please?
1109

1110 Mr. Morton - My name is Buford Morton. I'm a resident on Manor
1111 Drive, which is one block away from this area.
1112

1113 He reiterated the fact on several occasions that there was no negative impact on
1114 the neighborhood. I live in the neighborhood, and I strongly disagree with what
1115 he had to say.
1116

1117 Dickens Road in the last couple of years has had increased with quite a
1118 tremendous amount of traffic. It's become a major thoroughfare between Staples
1119 Mill and Broad Street. At some point in time, Zoning and Planning zoned that
1120 area as residential, and it is a very neat, viable, residential area as of today, in
1121 my opinion—elderly folks, middle age, some raising small kids, families and so
1122 forth.
1123

1124 The corner was cut off at some point in time for a commercial business building.
1125 Now we want to cut out two very nice looking buildings, in my opinion, homes, to
1126 extend this. This is coming into a residential area, residential neighborhood, and
1127 we're taking a chunk out of that. I don't think that should be allowed. There are
1128 several reasons for that. There is a lot of traffic on that road. If you don't have a
1129 car or a truck, you are restricted on Manor Circle and Manor Drive as far as
1130 coming onto Dickens Road. There are not curbs; there are no sidewalks. The
1131 road actually comes right up to the edge of the concrete, the asphalt. Mailboxes
1132 sit right on the edge of that. There is no room to walk.
1133

1134 There is a project planned, I just saw in the paper a couple days ago, over on
1135 [unintelligible] across Broad Street down in front of Home Depot. They're going to
1136 build sidewalks.
1137

1138 They're going to build bike routes and so forth. There are several bike riders that
1139 come through this area now. I know a couple of people in my neighborhood that
1140 have ridden bikes on that road, on Dickens Road once or twice and won't ride
1141 anymore because of the safety aspect of that road. It's not a good road. If you
1142 folks have been out and seen that, you know exactly what I'm talking about.
1143

1144 We want to add more traffic. We want to add more commercial enterprise. I see
1145 no benefit to my neighborhood from that. All I see is more problem with the traffic
1146 flow. There is no access or any movement of pedestrians through that area. I'd
1147 like to be able to take my dog for a walk out on Dickens Road, go up to the
1148 school, or up here or up there. But you can't do that safely because if a car

1149 comes, you have to step down into a ditch or you have to dodge a mailbox, this
1150 and that. There have been accidents on that road before.

1151 I just think it was a viable neighborhood from a design plan to zone. I think it still
1152 is today. It's an old neighborhood. It was built back in the early '50s. It's a clean
1153 neighborhood. It's quiet. I've been there for about eight years now, and I don't
1154 know of any crimes, murders, burglaries, rapes, whatever, committed there. But I
1155 do think that commercial development causes a downgrade of communities,
1156 residential communities.

1157
1158 I see no benefit. I've seen so many areas where it's come and areas adjacent to
1159 it, folks don't want to live there. So they move because of the noise, the trash,
1160 whatever. And it causes the neighborhood to deteriorate. Then you get to the
1161 position where you have an undesirable neighborhood, you have buildings that
1162 deteriorate. The County is stuck with a bill to tear them down and clean up those
1163 properties and so forth. I just think that we need to make a lot of improvements in
1164 our area before we let an increase of commercial or business development in the
1165 area.

1166
1167 Now on Manor Circle, you come around, and I live on Manor Drive. Those are
1168 the only two streets off of Dickens Road there. Down in the corner, the cul-de-sac
1169 area there, there are about four houses down next to the little pond there. I don't
1170 know what's going on in that corner, but on any given day—you can come with
1171 me today and prove what I'm saying. In four houses, there are 28 to 32 vehicles
1172 parked there. I don't know what's going on there. But that's 28 to 32 vehicles. I
1173 have a hard time getting out of my neighborhood at times because where they're
1174 parking stuff. If I go down Manor Circle, I can't get out.

1175
1176 Then I get out to Dickens Road, I have to wait until traffic clears. You can't see.
1177 There are situations that prevent you seeing—a big old tree, brush growing on
1178 the other side, this and that. There is a lot of traffic in and out from the Wilton
1179 area right now. All hours of the day from the morning till the evening. Everybody
1180 goes to lunch. Lunch starts at ten, ends at two, so we have constant traffic. You
1181 have traffic in the mornings; you have traffic in the evenings. And you have the
1182 expressway from Broad Street and Staples Mill. Stay home; you can't get out on
1183 Dickens Road those times of the day because of that traffic. And you certainly
1184 can't walk or ride a bike out there. I think you should keep the area as much a
1185 residential neighborhood as it is, as possible.

1186
1187 Thank you all for the opportunity to speak.

1188
1189 Mr. Branin - Mr. Morton, can you do me a favor? Would you grab
1190 the mouse there, and it's going to move the hand. Show us where your house is.

1191
1192 Mr. Morton - All right, there's their property on the south. This is—
1193 right there, that's Manor Circle.

1194

1195 Mr. Branin - Manor Circle, yes sir.
1196
1197 Mr. Morton - That's the cul-de-sac I'm talking about where the
1198 huge amount of vehicles sit. Coming out on Manor Drive, I'm the second house
1199 off of Dickens Road on the east side.
1200
1201 Mr. Leabough - So where is it? Did you hover over it?
1202
1203 Mr. Branin - Right above the "R," sir, correct?
1204
1205 Mr. Morton - Yes.
1206
1207 Mr. Branin - Right above the "R" in the R-2.
1208
1209 Mr. Morton - Right.
1210
1211 Mr. Leabough - Okay.
1212
1213 Mr. Morton - Right there.
1214
1215 Mr. Branin - Thank you, sir. Thirty-four cars, huh?
1216
1217 Mr. Morton - Yes sir. Twenty-eight to thirty-two cars every day. I
1218 don't know what. A lot of them are contractor's vehicles. I don't know if those are
1219 owned units. I don't know. They sent us somebody. I've called a couple of times,
1220 but they're still there.
1221
1222 Mr. Branin - Okay. Thank you.
1223
1224 Mr. Morton - If I parked thirty-two vehicles in front of my house, I'm
1225 sure somebody would be wanting something done. Thank you.
1226
1227 Mr. Witte - Is there any other opposition? Step forward, please.
1228 State your name.
1229
1230 Mr. Huffer- My name is Stuart Huffer—H-u-f-f-e-r.
1231
1232 Mr. Witte - All right, Mr. Huffer.
1233
1234 Mr. Huffer- I would ask the Commission, could you grant me a
1235 few extra minutes?
1236
1237 Mr. Witte - How much time do we have?
1238
1239 Mr. Emerson - You have approximately four minutes left.
1240

1241 Mr. Witte - How much do you think you'll need?
1242
1243 Mr. Huffer- I don't know. Maybe a total of eight or ten minutes.
1244
1245 Mr. Branin - Thirty, forty minutes?
1246
1247 Mr. Witte - Why don't you start, and we'll see how it goes.
1248
1249 Mr. Huffer- Okay. This is the first time I've ever been to a hearing
1250 like this. I noticed on some of the other rezoning requests, it was mentioned that
1251 there was a community meeting that let the residents know what was going on.
1252 Unfortunately, the Wilton Park people didn't extend that courtesy to us to give us
1253 a community meeting. The first time we knew about anything was when the
1254 notice came out in the newspaper. As all of you may know, not everybody takes
1255 the newspaper like they used to. So I went around in the neighborhood and tried
1256 to apprise people of the situation.
1257
1258 I'm in opposition of it, and I'm representing several voices who couldn't be here
1259 tonight. Mr. and Mrs. Foster, who have lived over on Earlwick for fifty-five years.
1260 The Hyman family across from us on Aqua Court. They built that house in the
1261 mid-fifties. My parents bought their house on Aqua Court in 1971. Mr. and Mrs.
1262 Larry and Susan Beazley, who live over on Manor Drive, who I talked with last
1263 night. He had an appointment in Woodstock today, and they were unable to
1264 make the meeting. They moved into that neighborhood in 1977.
1265
1266 Had we been given the courtesy of a community meeting, it would have perhaps
1267 eased some of our concerns and questions. The timing of this rehearing was also
1268 a disadvantage for the property owners in this neighborhood. The notice was put
1269 in the paper on August 24th. I called the Planning staff office and asked who was
1270 in charge of this. I was told it was Mr. Sehl, but he wasn't available because he
1271 was on vacation. That was on August 24th. I did talk with Mr. Sehl by telephone,
1272 and he explained the process to me. The Planning staff reaches out to other
1273 departments, transportation, police, so on, so forth, to get input. But according to
1274 Mr. Sehl, that report wasn't going to be available to the public until August 31st.
1275 That's seven business days before this meeting. You can call it two weeks or
1276 whatever you want to call it, but it was the week of August 31st. There were five
1277 business days in which residents could call and the County would answer the
1278 phone and perhaps be able to—and then two days this week because Monday
1279 was a holiday.
1280
1281 So according to this application in the staff report that Mr. Sehl furnished to me,
1282 the County had this for about seven weeks by the calendar. We, the residents,
1283 some of whom have been in the community for sixty years were not even
1284 apprised of this by a letter from the County. Mr. and Mrs. Foster didn't. They live
1285 on Earlwick, which is a street that's only two and a half blocks long. Their
1286 property is 200 yards from the back of where this new development is going to

1287 be. They weren't notified by letter. I asked Mr. Sehl, I said well how many
1288 residents were notified by the County for this rezoning hearing. And he said, "I
1289 can't give you a number, but I'll show you the map." Is that right, Mr. Sehl? You
1290 said you couldn't give me the number of residents that day, but you could show
1291 me the map.

1292

1293 Mr. Sehl - [Off microphone.] But the next time you came in, we
1294 did have the number.

1295

1296 Mr. Huffer- I didn't come in but one time, sir.

1297

1298 Mr. Sehl - [Off microphone.] The total number of persons that
1299 were notified for this was forty-eight.

1300

1301 Mr. Huffer- Okay. And one Earlwick Drive?

1302

1303 Mr. Sehl - Earlwick is just past Manor Drive.

1304

1305 Mr. Huffer- Right. So Earlwick is only two and a half blocks long,
1306 but yet some of the residents over there like Mr. and Mrs. Foster who have
1307 owned their home since 1955 didn't get the courtesy of a letter. Mr. Sehl says
1308 well, we covered the minimum covered by state code. I understand there's
1309 minimum. But we expected Henrico County, with the excellence that Mrs.
1310 O'Bannon has alluded to, we expect more than the minimum. We expect a fair,
1311 neutral, reasonable action. I don't think it was unreasonable to expect the other
1312 twenty homes included on Earlwick and Manor Drive to be apprised of this. We're
1313 talking what, ten dollars in postage?

1314

1315 The unanswered questions. I did finally get in touch with Mr. Sehl. And I asked
1316 him, I said how does the Traffic Department come up with these numbers on the
1317 number of roads—the number of cars entering and leaving. Just like this
1318 gentleman said, there is traffic currently on Wilton Park 1 and 2 constantly
1319 coming in and out all day long. It's not like they come in at 8:30 and go to work,
1320 go to lunch, and then leave at 5. There's constantly traffic coming and going. You
1321 can't get out of Aqua Court. That's the street right behind the pond. You can't get
1322 out of there in afternoons to make a left turn. You'll be sitting there until 7:00 at
1323 night. Going down to Wells Fargo on the corner of Bethlehem, that's also traffic
1324 clogged. You know about that with the Gumenick property.

1325

1326 To go to my bank, I have to make a right turn, and then go all the way down
1327 Broad Street to Staples Mill, and come back that way. Or else wait an hour—
1328 minutes of traffic to come down Bethlehem to get in there. But generally, I go out
1329 to Broad, down Staples Mill, take a left and come up, go to Wawa, come out the
1330 other side of Bethlehem, and come across and make another left turn to get into
1331 the bank. I mean the traffic is horrible on Dickens Road.

1332

1333 When I asked Mr. Sehl, I said well about the traffic study. He said that was done
1334 in February 2014. I said well how long do they survey traffic? That's a question
1335 for the traffic engineer. So I called that department. I talked to Sharon. She said
1336 you need to talk to Mr. Cejka. I said okay, is he available. No, he's on vacation. I
1337 said fine. I was told he would be back in the office on Tuesday, so I left a
1338 message. He did return my call. That was yesterday, one day before the
1339 meeting. I didn't realize he had called until after business hours. Because the
1340 time was compressed with people's focus being on getting their last week or two
1341 of vacation in before school starts, parents being focused on getting their kids
1342 back to school, this kind of fell through the cracks. Then you had a holiday
1343 weekend in there. A lot of these questions by the neighborhood couldn't be
1344 answered because County people were on vacation.
1345

1346 So I am here to ask the commissioners to at least delay this. Give us sixty days
1347 to get some of these questions answered. And some of these people who were
1348 on vacation, get some answers to some of their questions. I don't understand
1349 why—the state code is the state code, but I don't understand why somebody
1350 who's lived 200 yards from this new proposed building wouldn't be intuitive in
1351 being notified. Some people on Manor Drive. I talked to Stan Walkuw last night
1352 who lives on the corner of Dickens Road and Manor Drive right behind that
1353 second house that Wilton Property owns that they plan to destroy. He wasn't
1354 apprised.

1355
1356 Mr. Witte - Sir, exactly what questions do you want to have
1357 answered?

1358
1359 Mr. Huffer- We as a community wanted questions about—

1360
1361 Mr. Witte - Give us specifics, please.

1362
1363 Mr. Huffer- Specifics are I asked Mr. Sehl how do you come up
1364 with this number of cars entering, this peak time 24 cars in the morning.

1365
1366 Mr. Witte - Okay.

1367
1368 Mr. Huffer- That, in my opinion, is a joke. This traffic study, I know
1369 Mr. Cejka says they have a formula, a computer software program that's a
1370 couple hundred pages long. So you can plug in your number and you get out
1371 numbers. But that's not reality of what really happens with traffic. This staff report
1372 says we have 24 entering in the morning and 4 entering in the evening. So that's
1373 a total of 28, but we only have 23 exiting.

1374
1375 Mr. Witte - All right, sir. I understand you have a question about
1376 the traffic. What other questions do you have?
1377

1378 Mr. Huffer- The other questions are the County's own comments
1379 in the staff report say that they had minor issues that have yet to be resolved.
1380 Have those been resolved?

1381
1382 There was one of the properties, the one closest to the Wilton complex now on
1383 Dickens Road that will be destroyed if this expansion goes through, that property
1384 is for rent, sir. I talked with a rental agent on that property today. And I said, what
1385 is the timeframe that you're going to occupy this house? They said we'd like to
1386 get a twelve-month lease. So if that property is available for rent now for a
1387 twelve-month lease—and she said I've had somebody look at it; I don't know if
1388 the lease has been signed yet. Anybody that's interested better hurry

1389
1390 Mr. Witte - Sir?

1391
1392 Mr. Huffer- If that property is being leased for twelve months,
1393 what would be the harm in deferring this until—the community has other
1394 questions. Like I said, because of the time compression, there were seven
1395 business days, sir.

1396
1397 Mr. Emerson - Mr. Chairman, we're at sixteen minutes in comments
1398 on this.

1399
1400 Mr. Witte - We're six minutes over. But the only direct question
1401 you have is in reference to the number of cars and the traffic. Is that my
1402 understanding?

1403
1404 Mr. Huffer- No sir. There are unanswered questions in the
1405 County's staff report.

1406
1407 Mr. Leabough - I think staff said [interruption]—

1408
1409 Mr. Huffer- But we didn't know that, sir. That's why I'm asking for
1410 a deferment. What harm could be done? If Wilton is going to rent this house for
1411 twelve months, what harm could be done by deferring this for sixty days so
1412 people in the neighborhood who were focused on vacation and getting their
1413 children back in school, what harm could be done in deferring this?

1414
1415 Mr. Emerson - Mr. Huffer, in conclusion and to help you out, your
1416 primary request is that this case be deferred. Am I correct?

1417
1418 Mr. Huffer- Yes sir.

1419
1420 Mr. Emerson - Okay, thank you.

1421
1422 Mr. Witte - All right. Any other questions by the Commission?
1423 Would the applicant please come forward?

1424 Mr. Gunter - My name is Hunt Gunter. I'm vice president of Wilton.
1425
1426 Mr. Witte - Was any effort on Wilton's part made to notify these
1427 residents outside of the required?
1428
1429 Mr. Gunter - Not outside of the required. I'm happy to speak to
1430 them afterwards or during this meeting.
1431
1432 Mr. Huffer - [Off microphone.] We weren't notified before, sir.
1433
1434 Mr. Witte - Excuse me. Excuse me. Mr. Huffer, Mr. Gunter has
1435 the floor.
1436
1437 Mr. Gunter - I'm happy to talk to them.
1438
1439 Mr. Witte - All right.
1440
1441 Mr. Gunter - We didn't send out a letter to all of them; we let the
1442 County do that.
1443
1444 Mr. Witte - And what's the development time schedule on this if
1445 it's approved? Presuming we move it to the Board with a recommendation for
1446 approval, then the Board will have to hear it. So there are more meetings to be
1447 had on this.
1448
1449 Mr. Gunter - Well, we have actually two houses here, one that is
1450 for rent—and he's correct—and one that a lady lives in currently who has a—I
1451 believe she has about eight months left on her lease. We bought that house from
1452 her, and she decided to rent back from us.
1453
1454 Mr. Witte - So you own both houses.
1455
1456 Mr. Gunter - Yes sir.
1457
1458 Mr. Witte - Okay. So if somebody leases those properties, it
1459 would be according to your timetable.
1460
1461 Mr. Gunter - Yes sir.
1462
1463 Mr. Leabough - You would still have to honor your lease.
1464
1465 Mr. Gunter - I have to honor the lady's lease. But Landmark is our
1466 agent for the apartments. And depending upon how this goes, we will either take
1467 the property off the market or will continue to try to lease it.
1468
1469 Mr. Witte - All right. Any other questions from the Commission?

1470 Mr. Branin - So to get clarification. The one house has eight
1471 months left.
1472
1473 Mr. Gunter - Approximately.
1474
1475 Mr. Witte - And what's your time schedule for actually
1476 developing?
1477
1478 Mr. Gunter - What is eight months? It will probably take us about a
1479 year to go through everything, so we would like to open it within four to six
1480 months after the eight months.
1481
1482 Mr. Witte - Okay. So you're looking at a year and a half.
1483
1484 Mr. Gunter - Yes sir.
1485
1486 Mr. Witte - Okay.
1487
1488 Mr. Gunter - Yes sir.
1489
1490 Mr. Witte - I have no other questions.
1491
1492 Ms. Jones - May I ask about changes proposed for Dickens
1493 Road?
1494
1495 Mr. Gunter - Sure.
1496
1497 Ms. Jones - Would you like to explain those to me?
1498
1499 Mr. Gunter - The changes that are proposed for Dickens?
1500
1501 Ms. Jones - Mmm-hmm. Are there any requirements that you will
1502 have to fulfill along Dickens?
1503
1504 Mr. Gunter - I don't believe so.
1505
1506 Mr. Sehl - The traffic engineer might be able to speak to this as
1507 well, but there are comments, as you'll note, in the staff report that speak to
1508 pavement widening, curb and gutter installation, right-of-way dedication that they
1509 would have to do along the property frontage similar to what has been done with
1510 Wilton Park 2 along the existing Dickens Road frontage. So they would have to
1511 widen across their frontage. But the traffic engineer might also be able to speak
1512 to that.
1513
1514 Ms. Jones - Okay, and I will call him up. But that is a requirement.
1515

1516 Mr. Sehl - Yes ma'am.
1517
1518 Ms. Jones - Okay.
1519
1520 Mr. Witte - Are we good?
1521
1522 Ms. Jones - Yes.
1523
1524 Mr. Witte - All right, let's have the traffic engineer come forward,
1525 please.
1526
1527 Mr. Cejka - Good evening.
1528
1529 Mr. Witte - Good evening. Can you address the traffic issue as
1530 far as the volume of cars?
1531
1532 Mr. Cejka - He is correct in the numbers that he stated.
1533
1534 Mr. Witte - He said it's actually increased over the years. Is that
1535 correct?
1536
1537 Mr. Cejka - The number of vehicles on Dickens Road from 2006
1538 to 2015 has gone from 7900 to a peak of 10,000, back down to this year of 8600.
1539
1540 Mr. Witte - So it's actually decreased over the last few years.
1541
1542 Mr. Cejka - Correct.
1543
1544 Mr. Witte - All right. A couple thousand. All right. My apologies.
1545
1546 Ms. Jones - No, that's fine. I wanted to have a wider explanation
1547 of what is required of the development of this section of Dickens Road should
1548 this application be approved.
1549
1550 Mr. Cejka - We have requested that the road be widened to
1551 twenty-six feet from the center line, which would extend the curb line from where
1552 it currently ends at the Wilton property now. It would give another travel lane
1553 heading towards Staples Mill Road with curb and gutter.
1554
1555 Ms. Jones - Okay. So that would add another travel lane to exit
1556 onto Staples Mill.
1557
1558 Mr. Cejka - To continue eastbound on Staples Mill, yes.
1559
1560 Mr. Witte - So that should alleviate some of that backup.
1561

1562 Mr. Cejka - Depending on which lane they want to get into at
1563 Staples Mill, yes.
1564
1565 Mr. Witte - Okay.
1566
1567 Ms. Jones - With all the discussion about the difficulty with the
1568 traffic flow, it seems that should have at least come up by this time. Is there
1569 anything else that you know of that is in the works for this area?
1570
1571 Mr. Cejka - I do not know of any projects.
1572
1573 Ms. Jones - Unrelated to this case.
1574
1575 Mr. Cejka - Correct.
1576
1577 Ms. Jones - Okay. Thank you.
1578
1579 Mr. Witte - Any other questions? Mr. Huffer, if you would please
1580 come forward, I'd like to ask you a question. Other than traffic, the number of
1581 vehicles, are there any specific items—not in detail, just specific items that you
1582 think should be addressed if we delay this for thirty days?
1583
1584 Mr. Huffer - Noise has been a constant problem over there.
1585
1586 Mr. Witte - Noise we can't control.
1587
1588 Mr. Huffer - The County ordinance for this area, it's been violated
1589 by Wilton for some time now.
1590
1591 Mr. Witte - Have you reported it?
1592
1593 Mr. Huffer - I have. I went over and talked to Mr. Ellsworth. He's
1594 another vice president of Wilton.
1595
1596 Mr. Witte - Have you reported it to the County?
1597
1598 Mr. Huffer - No. I approached Wilton first last October to no avail.
1599 It did abate somewhat during the winter, but that's because it got light later, so
1600 they weren't working in the dark. I again called Mr. Ellsworth this spring and had
1601 received a copy of the noise ordinance from County Attorney's Office.
1602
1603 Mr. Witte - Okay.
1604
1605 Mr. Huffer - He said I'll have to refer to legal counsel. I said there's
1606 not a whole lot for—
1607

1608 Mr. Witte - All right. So noise is the other issue.
1609
1610 Mr. Huffer - Noise is the issue.
1611
1612 Mr. Witte - And vehicles.
1613
1614 Mr. Huffer - And vehicles. And property values are going to go
1615 down, sir. They're not going up.
1616
1617 Mr. Witte - All right. Are there any specific items. I need a good
1618 reason to defer this for thirty days.
1619
1620 Mr. Huffer - Because Mr. and Mrs. Foster, who have been over on
1621 Earlwick, who didn't get a notice.
1622
1623 Mr. Witte - They're outside the legal notification.
1624
1625 Mr. Huffer - Okay. But I'm telling you, people who have lived in
1626 that area and contributed for a long time—Ms. Hyman lives across the street
1627 from us and she got a notice. She couldn't make it; she doesn't drive.
1628
1629 Mr. Witte - I understand that. We can't base our meetings—
1630
1631 Mr. Leabough - Let me interject. Would it harm anything to delay it for
1632 at least two weeks or thirty days just to kind of [interruption]—
1633
1634 Mr. Huffer - This gentleman says that they're not planning on
1635 doing anything. Why not give us more time? The rental agent today told me if you
1636 want to lease this place, you better jump on it now.
1637
1638 Mr. Witte - I understand that. You've already stated that.
1639
1640 Mr. Huffer - Okay.
1641
1642 Mr. Witte - What I want to know is what can we accomplish by
1643 delaying it. I'm not opposed to delaying it, but I'm not opposed to moving it on to
1644 the Board either.
1645
1646 Mr. Huffer - The people that I spoke with over the last weekend
1647 still had questions.
1648
1649 Mr. Witte - Would a community meeting solve your issues?
1650
1651 Mr. Huffer - A community meeting would have been helpful in the
1652 beginning.
1653

1654 Mr. Witte - Would it *now* solve your problems?
1655
1656 Mr. Huffer - Perhaps. Perhaps. I'm not the only one that has
1657 questions, sir. I can only speak for myself.
1658
1659 Mr. Witte - I was under the impression you said you went through
1660 the neighborhood and spoke to them.
1661
1662 Mr. Huffer - I did, but I can't speak for everybody in the
1663 neighborhood.
1664
1665 Mr. Witte - Okay. All right. I have no further questions.
1666
1667 Mr. Huffer - But a community meeting would greatly help us. That
1668 should have been—
1669
1670 Mr. Witte - That's what I wanted to hear.
1671
1672 Mr. Huffer - Thank you, sir.
1673
1674 Mr. Witte - That's all you had to say. Any other questions? All
1675 right. Any other questions by the Commission for anybody? I move that we defer
1676 REZ2015-00028, Mark Williams for B. Hunt Gunter, to the—what's the first
1677 meeting in October?
1678
1679 Mr. Emerson - It would be the fifteenth.
1680
1681 Mr. Witte - To the 15th of October at the request of the
1682 Commission.
1683
1684 Mr. Branin - I second that.
1685
1686 Mr. Witte - Thank you.
1687
1688 Mr. Branin - You're welcome.
1689
1690 Mr. Witte - We have a motion by Mr. Witte, a second by
1691 Mr. Branin. All in favor say aye. Opposed? Thank you.
1692
1693 Sir, I would request that you try to get a community meeting together.
1694
1695 Mr. Gunter - [Off microphone.] I will.
1696
1697 Mr. Witte - Thank you.
1698

1699 Mr. Emerson - Mr. Chairman, we now move on to the next item on
1700 your agenda, which also appears on page 3. It's REZ2015-00029, D. Brennen
1701 Keene/Ann Neil Cosby for BPTM, LLC. The staff report will be presented by
1702 Mrs. Lisa Blankinship.

1703
1704 **REZ2015-00029 D. Brennen Keene/Ann Neil Cosby for BPTM, LLC:**
1705 Request to conditionally rezone from M-1C Light Industrial (Conditional) to B-3C
1706 Business District (Conditional) Parcel 771-752-7780 containing 9.291 acres
1707 located at the southeast intersection of Staples Mill Road (U.S. Route 33) and
1708 Hermitage Road. The applicant proposes a grocery store. The use will be
1709 controlled by zoning ordinance regulations and proffered conditions. The 2026
1710 Comprehensive Plan recommends Office, Environmental Protection Area, and
1711 Light Industrial. Part of the site is located in the Enterprise Zone.

1712
1713 Mr. Witte - Is there any opposition to REZ2015-00029, D.
1714 Brennen Keene/Ann Neil Cosby for BPTM, LLC? We have one. Thank you. Mrs.
1715 Blankinship.

1716
1717 Mrs. Blankinship - Thank you again, Mr. Chairman.

1718
1719 This is a request to rezone 9.29 acres from M-1C to B-3C for a grocery store.
1720 The site is located at the southeast intersection of Staples Mill Road and
1721 Hermitage Road. The 2026 Comprehensive Plan designation for a majority of the
1722 subject property is Office. A large area of the site contains a 100-year floodplain
1723 and is designated Environmental Protection Area. A small portion on the site's
1724 southern boundary is designated Light Industrial.

1725
1726 The proposed zoning and use are not entirely consistent with the Office or Light
1727 Industrial designations; however, given existing zoning of the site and in the area,
1728 the proposed zoning could be appropriate.

1729
1730 The applicant has submitted revised elevations, seen here, and revised proffers
1731 that have been handed out to you this evening.

1732
1733 The elevations have been modified to illustrate one change, and that is to the
1734 northwest exterior which faces Hermitage Road, seen here. The treatment of the
1735 exterior shows brick veneer columns and recessed brick veneer panels which
1736 provides architectural visual interest and breaks up the massing of the 10 ft. all-
1737 brick exterior.

1738
1739 Proffer 2 has also been amended to reference the revised elevations. Other
1740 proffers include prohibited uses, landscaping and buffering, signage, hours of
1741 operation, lighting, screening of HVAC equipment and trash receptacles, and
1742 conservation areas. Staff believes these proffers would provide a number of
1743 quality assurances and should mitigate potential impacts on adjacent properties.
1744 For these reasons, staff supports this request.

1745 I also would like to note that proffers were received in a timely manner, so time
1746 limits would not need to be waived.

1747
1748 This concludes my presentation. I will be happy to answer any questions.

1749
1750 Mr. Witte - Do we have any questions for Mrs. Blankinship?
1751 Would the opposition come forward?

1752
1753 Mr. Leabough - Wait, I have a quick question.

1754
1755 Mr. Witte - Oh, wait a minute.

1756
1757 Mr. Leabough - Outdoor display and sales, what does that mean?
1758 What would they put outside to display—pumpkins, things like that?

1759
1760 Mrs. Blankinship - Thank you. That's a good—yes.

1761
1762 Mr. Leabough - I hope not steaks and burgers, right?

1763
1764 Mr. Branin - Seasonal items.

1765
1766 Mr. Leabough - Okay. Thank you.

1767
1768 Mr. Witte - Are there any other questions? Would the opposition
1769 come down, please? Good evening. Would you state your name, please?

1770
1771 Mrs. Carlson - My name is Suzanna Carlson. My husband and I live
1772 in the Old Hermitage subdivision off Hermitage Road that is about seven-tenths
1773 of a mile from the proposed site.

1774
1775 The reason I'm coming to speak in opposition to the project, primarily the
1776 rezoning with the intent to construct a grocery store is a concern to me. My
1777 reasons for opposing the rezoning project are basically in three areas. The first is
1778 the increased vehicular congestion. Right now, there are two primary sources of
1779 congestion, the first of which is especially during rush hour—well, Staples Mill is
1780 very heavy. And a number of cars in the eastbound lanes will move into the left
1781 turn lane to move into Hermitage Road to go to the Lucky Mart that is directly
1782 across from the proposed development site. Since there is no left-hand turn lane
1783 at that intersection for entering the Lucky Mart convenience store, traffic comes
1784 to a standstill at the intersection trying to wait until the car that wants to go into
1785 the convenience store is able to move forward. With a supermarket on the other
1786 side, I can see that there would be a lot of additional traffic.

1787
1788 In addition, as far as traffic is concerned, within two-tenths of a mile forward on
1789 Hermitage Road is the main CSX train line and train tracks. A lot of times, traffic
1790 backs up because a freight train is crossing the tracks. Especially if they're freight

1791 trains going both directions simultaneously, traffic can back up almost to Staples
1792 Mill. With the added traffic with a grocery store, I have concerns about that.

1793
1794 Secondly, I have concerns about the environmental impact with replacing this
1795 wooded parcel with a structure with asphalt parking and given that the property is
1796 in a floodplain that there are wetlands impacted. Rocky Branch stream is in the
1797 area. My concern is stormwater runoff, especially from gasoline—of oil fluids
1798 coming from cars that are parked there. My concern is also with the decrease of
1799 permeable surface that there might be increased flooding in the area.

1800
1801 Thirdly, I question the need for a grocery store given that within a mile and a half,
1802 right down Staples Mill, we have a brand new Aldi Super Market, which is next
1803 door to Target, which has a supermarket component. And that is next to the strip
1804 shopping center that has a Food Lion. And all that is across the street from the
1805 new Kroger Center. I don't have reservations about the grocery store per se, but I
1806 question the decision to have it located on that parcel.

1807
1808 That concludes my remarks.

1809
1810 Mr. Witte - Thank you. I have just one comment, and we'll try to
1811 get the rest of them answered. I would like to make you aware that I have
1812 received more than a couple dozen phone calls about putting a grocery store
1813 there because people who live on that side of Parham Road don't have a grocery
1814 store. The one in Lakeside closed, now Martin's is closed. And they really want a
1815 grocery store over there. I can't tell you how many phone calls over the last thirty
1816 or forty-five days.

1817
1818 Mrs. Carlson - And I can appreciate that. It was a loss that Martin's
1819 left the area up at Dumbarton Square. But I also wonder what happened to
1820 reuse/repurpose. Now that Dumbarton Square just looks extremely economically
1821 depressed.

1822
1823 Mr. Witte - I agree.

1824
1825 Mrs. Carlson - Why can't we redevelop that site or across the street
1826 where Safeway used to be twenty years ago?

1827
1828 Mr. Witte - I used to shop there.

1829
1830 Mrs. Carlson - You don't have to tear up the asphalt. It's already
1831 there waiting.

1832
1833 Mr. Witte - That is still an option. It's just not what these people
1834 are requesting. But I would certainly like to see all that redeveloped and updated.
1835 I think it would be a benefit to the community if that happened. But those are
1836 different people we have to deal with.

1837 Mrs. Carlson - I understand.
1838
1839 Mr. Witte - All right. Are there any other questions for
1840 Mrs. Carlson? All right, let's see if we can—is there any other opposition? Let's
1841 see if we can get the applicant down here to answer the questions that she still
1842 has. You don't have to look so happy.
1843
1844 Mrs. Cosby - I just want to make sure I can get my presentation up
1845 and I can work your equipment.
1846
1847 Mr. Chairman, members of the Commission, good evening. I'm Ann Neil Cosby.
1848 I'm here on behalf of BPTM, LLC, which of course is seeking to conditional
1849 rezone the property located as has been identified at the southeast intersection
1850 of Staples Mill and Hermitage Road in order to construct and operate a Lidl
1851 grocery store.
1852
1853 With me tonight, I would like to introduce Sam Stein, who is the acquisition
1854 manager for Lidl USA, LLC. And next to him is Brian Kearney, who is the
1855 construction manager for Lidl USA. And behind them, Jonathan Richie with
1856 Bohler Engineering, who may be able to answer any of these traffic improvement
1857 questions to the extent to the Commission is interested.
1858
1859 Mr. Witte - And who else?
1860
1861 Mrs. Cosby - And you may recognize my colleague, Gloria Freye.
1862 She may look familiar.
1863
1864 Ms. Jones - Yes.
1865
1866 Mrs. Cosby - There was a rumor she was retiring.
1867
1868 Mr. Witte - I don't believe it.
1869
1870 Mrs. Cosby - But you can see she's still with us, thankfully.
1871
1872 Before I get started, I would like to thank Lisa Blankinship for her help with this
1873 application. She's been tremendous particularly working with me through this
1874 process.
1875
1876 As has been explained—see, I knew this would happen. So we're down here.
1877 Just a little bit about Lidl because Lidl is new to the market. You've heard about
1878 the Food Lion, the Safeway, the Martin's, the Aldi, but welcome Lidl. New to the
1879 United States, but they operate nearly 10,000 stores in 26 countries throughout
1880 Europe. So if you're in Europe, you know Lidl. They're part of the Schwarz
1881 Group, which is the largest retailer in Europe. So coming to the United States
1882 and getting started here, hopefully.

1883 The philosophy at Lidl is focused on offering customers top-quality products at
1884 competitive prices in convenient locations. Why do we need another grocery
1885 store? Because every grocery store is a little bit different, and Lidl happens to
1886 think they're the best.

1887
1888 With that in mind, the convenient location, the site was identified that's at Staples
1889 Mill and Hermitage. Here's the site there. This is a little bit showing more of the
1890 proposed layout. There are existing wetlands to the south of the property that you
1891 can see there. So the site itself would be configured to the north of the property
1892 along Hermitage.

1893
1894 Mr. Witte - So there is going to be minimal impact on the
1895 wetlands? Is that my understanding?

1896
1897 Mrs. Cosby - There will be some impact, but minimal. And it will be
1898 subject to permitting by the state, and Bohler can give you the particulars there.
1899 But it would be subject to state permitting. And the stormwater, of course, is
1900 subject to the County's VSMP stormwater programs and the state's new very
1901 stringent regulations. So of course stormwater will be strictly regulated on the
1902 site.

1903
1904 Mr. Witte - Alright, continue.

1905
1906 Mrs. Cosby - Would you like—

1907
1908 Mr. Witte - No, go ahead.

1909
1910 Mr. Richie - [Off microphone.] I would love to.

1911
1912 Mr. Witte - If he would love to, please.

1913
1914 Mrs. Cosby - To address questions about the floodplain now?

1915
1916 Mr. Witte - Absolutely.

1917
1918 Mrs. Cosby - Certainly. Mr. Richie.

1919
1920 Mr. Richie - All right. Jonathan Richie with Bohler Engineering.

1921
1922 Mr. Branin - Mr. Richie, has the floodplain been identified and
1923 reviewed for permitting it?

1924
1925 Mr. Richie - As you can you see, there's an existing floodplain to
1926 the south of the property. We've talked to County staff regarding that. What is
1927 going to take place during the site plan process is an actual full floodplain study
1928 to better delineate that floodplain, as well as show the effects that the property

1929 has on that. The anticipated effects or results are that there are not going to be
1930 adverse impacts to adjoining property. So that obviously would not be
1931 determined until we go through the process, but that's the initial inkling.

1932
1933 Mr. Witte - Okay. So there hasn't been a recent delineation.

1934
1935 Mr. Richie - There has been a recent delineate—well, when I say
1936 recent, back in the '80s is when it was done. It's an older study. But it is a
1937 detailed study. Sometimes FEMA goes through and draws stuff on maps without
1938 any actual cross-sections and things like that. So there is an actual study, it's just
1939 I think the early '80s or something like that. So we'll be updating that study.

1940
1941 Mr. Emerson - Mr. Chairman, you'll see that at the time of plan of
1942 development.

1943
1944 Mr. Branin - And I'm sure we'll be reviewing this, but since
1945 Mrs. Carlson I believe asked some questions in regards to stormwater, with the
1946 DEQ's MS4s that are out now, have you taken into consideration storage? Is it
1947 going to be underground storage? Is it going to be an open air pond? What are
1948 you planning to do?

1949
1950 Mr. Richie - The anticipated methods for water quality treatment
1951 are—what we really like to do are above ground—like bioretention facilities is
1952 what we do. It's a little bit of a give and take because the further south you
1953 impact, you're going to get into that floodplain and environmental area. So our
1954 plan is to try to—we have some areas kind of behind to the east there. So the
1955 plan is to sort of do as much as we can on the surface. And if we need to go
1956 underground, we will. But right now we're anticipating mostly everything above
1957 ground with like a bioretention by facility. Rain garden, basically.

1958
1959 Mr. Branin - So a BMP above ground.

1960
1961 Mr. Richie - Above ground, yes sir.

1962
1963 Mrs. O'Bannon - I have a question. Mrs. Carlson asked the question..
1964 Did you consider the sites say for instance where the former Martin's is in that
1965 shopping center, Dumbarton Square, or across the street to use, you know,
1966 redevelop a current site? Did your company consider that?

1967
1968 Mr. Richie - I'm with Bohler Engineering, so I'm going to have to
1969 have—I know we have a lot of people here, but I can't answer that question. So
1970 we can have Sam or Brian come up.

1971
1972 Mrs. O'Bannon - I know you're answering a lot of questions about the
1973 BMP and the drainage and everything or the environmental side. She had asked

1974 that question. Before you get into all that, I know you can probably answer the
1975 other too.

1976

1977 Mr. Richie - We can certainly get an answer to that, if you'd like
1978 that.

1979

1980 Mr. Branin - Mr. Richie, since you're up here and Mrs. Carlson
1981 asked a legitimate question because I'm sure she's up to date on the new regs
1982 with the state or she wouldn't be asking. Run through the regs. What do you feel
1983 ground coverage will be impermeable with what sort of stormwater and what sort
1984 of treatment with straight open air and of course filtration. How are you going to
1985 process? How are you going to run that stormwater filtration?

1986

1987 Mr. Richie - As you're alluding to, last July there's been new
1988 Virginia regulations. And the emphasis has been on an infiltration and volume
1989 reduction methodology. Instead of just a dry pond that holds water and goes
1990 away, what they want the water to do is actually infiltrate into the ground. So you
1991 hold it for awhile. What we found works best and what we typically try to use with
1992 the new regulations are the bioretention facilities, which are also basically called
1993 rain gardens where water will run into this facility. It's a small pond. They're not
1994 large; they're smaller for smaller drainage areas. And there is actually about
1995 three or four feet of media filtration. It's sand and mulch, gravel, as well as
1996 plantings that basically are used to treat all the water. So it goes into filtration.
1997 And then depending on groundwater effects, they can either go directly into the
1998 ground. If it doesn't drain well, sometimes you do do an underground system. But
1999 by then it's gone through three or four feet of infiltration media.

2000

2001 That's kind of a gist of what we try to do. We found that works best. They fit
2002 better on sites with drainage areas and things like that. Keeping the above
2003 ground, it's easier to maintain, easier to see if there are any maintenance issues,
2004 things along those lines.

2005

2006 Mr. Branin - Well done, Mr. Richie.

2007

2008 Mr. Richie - Thank you.

2009 Mr. Witte - Any other questions for the gentleman?

2010

2011 Mrs. O'Bannon - So to answer Mrs. Carlson's question, you can't really
2012 do much with the part of the property that you're seeing right there, the blank
2013 piece.

2014

2015 Mr. Leabough - Can't touch it.

2016

2017 Mr. Richie - Correct. Basically, there's a floodplain and there's an
2018 RPA, a 100-foot RPA. Basically, our idea—because the further south we go,
2019 we're going to impact more wetlands and streams.

2020 Mrs. O'Bannon - Her concern was paved areas. So what you're
2021 showing there is the maximum paved area you'd be able to have anyway.

2022
2023 Mr. Richie - Pretty much, yes. We'd maximize the site to avoid
2024 and minimize environmental impacts for sure.

2025
2026 Mrs. O'Bannon - So that answers one of her questions. All right. Thank
2027 you.

2028
2029 Mr. Witte - Any other questions?

2030
2031 Mr. Branin - There's another question about redevelopment.

2032
2033 Mr. Stein - Thank you for having me. I'm Stan Stein, acquisition
2034 manager for Lidl. My job is specifically to choose the sites in the area that we feel
2035 will do best for our stores. We did look in the Dumbarton area. The problem with
2036 that is it is an entire shopping center, and we are not in the business of doing
2037 large developments. We focus on our one single store. That was one of the
2038 reasons we looked at a single site rather than an entire shopping center. At this
2039 time, we don't have the ability to take on an entire development and turn it
2040 around. So that's one of the reasons we didn't look there. We do think the site
2041 will do well, in the area.

2042
2043 As Jonathan spoke to, we do need to reduce as much environmental impact as
2044 possible. We do have a proffer that preserves that lower portion of the property
2045 as an environmentally protected area.

2046
2047 Mr. Leabough - So the Martin's site, is it leased?

2048
2049 Mr. Stein - Martin's is no longer leasing that property, but there
2050 are other tenants in that area.

2051
2052 Mr. Leabough - So you wouldn't have to take on the entire
2053 development. Are you saying that your model doesn't locate in a shopping
2054 center?

2055
2056 Mr. Stein - Yes. Currently, we are doing standalone stores.
2057 Hopefully, in the future as we get into more urban locations, as in downtown, we
2058 will go into inline and ground floor. But at this point, we only do standalone.

2059
2060 Mr. Leabough - How big is the Martins' space? Is it the same size?

2061
2062 Mr. Stein - I believe it's larger. We're a smaller-format grocery
2063 store than the traditional, which is generally about 60,000 square feet.

2064

2065 Mr. Emerson - Mr. Leabough, I don't believe those properties are
2066 currently being marketed by the owner either. We looked at those for library sites
2067 when we eventually located the library in Libbie Mill. The owner of those
2068 properties isn't necessarily motivated to sell, I guess is the way to put it.
2069

2070 Mr. Leabough - Or lease.
2071

2072 Mr. Emerson - Or lease.
2073

2074 Mr. Stein - We do hope that our development will help spur more
2075 development in this area in a positive way, as it is located in an Enterprise Zone.
2076 So there are some properties along this area that are in need of development,
2077 and we hope that our project will help bring that along.
2078

2079 Mr. Witte - Any other questions for Mr. Stein?
2080

2081 Mr. Stein - Thank you very much.
2082

2083 Mr. Witte - Thank you, sir. The only other question we had—go
2084 ahead, complete your presentation. I need the traffic engineer.
2085

2086 Mrs. Cosby - Mr. Stein stole my thunder about the conservation
2087 proffer, which is in there, which is consistent with the proffers, the underlying
2088 proffers.
2089

2090 I will just quickly go through some of these remaining slides because I think most
2091 of the questions appear to have been answered. I did just want to address,
2092 again, the concept plan that's been proffered and includes the additional proffer
2093 of the landscape buffer that we have added, which is consistent with the current
2094 zoning, the front and rear elevations Mrs. Blankinship spoke to. And again, the
2095 new elevations for the side facing Hermitage, which we think are very nice and
2096 really add some dimension and a nice aesthetic to that area. Again, in the
2097 Enterprise Zone, just trying to bring a contemporary, really beautiful building to
2098 this area I think will be just such a wonderful addition. That's what it will look like
2099 facing Hermitage. Here, facing Hermitage, and facing Staples Mill.
2100

2101 Again, this property was rezoned back in April of 2012, at that time from R-3 to
2102 M-1. The proposed down zoning to B-3. Again, less intensive to B-2, so some of
2103 the permitted uses have been reduced, but still we've tried to retain the majority
2104 of the existing proffers.
2105

2106 I think Mrs. Blankinship has gone over these, but the landscaping and buffering,
2107 we really worked to make sure the signage as the same, the hours of operation,
2108 and again, the conservation areas, which has been discussed.
2109

2110 The Comprehensive Plan, while it calls for Office and Light Industrial designated
2111 for the property, the B-3 actually fits a little bit better, we think, with this corridor
2112 of Staples Mill compared to what is currently there and the zoning trends in the
2113 area. The surrounding properties, which I think are in your staff report on the map
2114 that Mrs. Blankinship has provided, shows that they are currently primarily zoned
2115 for Industrial, Office, and Commercial. That's what they're currently zoned. And in
2116 the Comprehensive Plan, they're designated for Light Industrial and Commercial.
2117 For example, the parcel to the west where Roma's is located across Staples Mill,
2118 that was rezoned from O-2 to B-2 in 2002, and that parcel was designated Office
2119 in the Comprehensive Plan. So a B-3 zoning for this property would be entirely
2120 consistent with what is there currently and really the way that corridor is
2121 developing. So again, it's a nice complement to the area.

2122

2123 Again, that just shows the M-1. And you can see the B-1 and the B-2 directly
2124 across Staples Mill. And the more industrial to the side. But within that corridor,
2125 just making it a really nice area, a nice commercial area all the way up to
2126 Parham. It's really developing nicely.

2127

2128 Just visually looking north on Staples Mill, that 7-Eleven actually is now the Lucky
2129 Mart that was referenced. This is the corridor we're talking about. A little bit
2130 further down on Hermitage, that's looking north from the property. So there are
2131 some warehouse facilities that are directly across. Looking east down Hermitage,
2132 there's the site on my right. That's the property. And so you can see across
2133 Hermitage there. Looking south is south. Again, looking south from Hermitage a
2134 little further down. Then finally looking west across Staples Mill. So again, seeing
2135 a little bit more of that business zoning. This is what we're trying to complement
2136 and really grow this area in that nice way.

2137

2138 We're happy to answer any questions that you may have. Thank you, and we
2139 hope that you will favor us with a favorable recommendation to the Board of
2140 Supervisors.

2141

2142 Ms. Jones - I have something. I will say one of the things that was,
2143 I guess, of upmost importance to me as I looked over the case was the fact that
2144 this B-3 zoning is going to have to adhere to B-2 hours. This is a corridor where I
2145 think that's important. We've already had cases address that particular issue in
2146 the not-too-distant past. And I think being consistent with that is one of the best
2147 things that we can do as we work towards different redevelopment projects and
2148 development projects along here. That's just the one comment.

2149

2150 Another one on just a personal note. As I told you, I have been in this store. This
2151 was in Sicily. Just a personal little note. I went in looking for a bottle of wine for
2152 dinner. My husband went in looking for local meats and cheeses, and my son
2153 went in looking for a replacement bicycle seat for his bicycle. And we all found
2154 what we wanted.

2155

2156 Mrs. Cosby - That's wonderful.
2157
2158 Mr. Witte - That was the problem; you sent too many people in.
2159
2160 Ms. Jones - We ended up just fine.
2161
2162 Mrs. Cosby - Thank you for that.
2163
2164 Mr. Leabough - That gets back to my question about the outside
2165 display of merchandise. I just ran into a particular issue in our district in Varina
2166 with clothes being displayed on the sidewalk. You all don't sell clothes, do you?
2167
2168 Mr. Stein - [Off microphone.] We may at one point, but we will
2169 never—
2170
2171 Mr. Witte - Can you step up to the microphone?
2172
2173 Mr. Stein - We don't plan on displaying them outside if we do end
2174 up displaying clothes.
2175
2176 Mr. Leabough - It's kind of a sensitive subject for me, that's why I
2177 asked the question. It's all fine and dandy when we're here, but when it comes to
2178 execution, we always hear that. So I'll just throw that out there. It's just a concern
2179 that I have regarding what could be displayed outside.
2180
2181 Mr. Stein - I think the only thing that we would consider
2182 displaying outside would be the staples of flowers or seasonal goods.
2183
2184 Mr. Leabough - Yes, which makes sense.
2185
2186 Mr. Stein - We wouldn't want clothes racks outside, but I
2187 understand your point.
2188
2189 Mr. Leabough - And that may be more of a product of the operator
2190 itself. If you decide to sell the property at some point, you may not always be the
2191 operator. I'll just throw that out there as well.
2192
2193 Mr. Witte - Any other questions? Thank you, sir.
2194
2195 Mr. Stein - Thank you.
2196
2197 Mr. Witte - Traffic engineer, please.
2198
2199 Mr. Cejka - Yes sir.
2200

2201 Mr. Witte - Good evening again. Could you address the question
 2202 concerning traffic congestion and how this development will impact that?
 2203

2204 Mr. Cejka - We are currently working with Bohler and with another
 2205 one of their consultants looking at a traffic small study for the Hermitage Road
 2206 signal and the corridor right there to see what kind of turn lanes might be needed
 2207 based on the traffic.
 2208

2209 Mr. Witte - But there will be no entrance off Staples Mill Road,
 2210 ingress or egress?
 2211

2212 Mr. Cejka - I believe there is one on Staples Mill.
 2213

2214 Mr. Witte - Excuse me. It will just be egress?
 2215

2216 Mr. Cejka - There will be a right in/right out on Staples Mill.
 2217

2218 Mr. Witte - It won't be crossing the median the strip.
 2219

2220 Mr. Cejka - No median opening.
 2221

2222 Mr. Witte - Okay. I have no other questions. Any of the
 2223 Commission have questions? No? Thank you.
 2224

2225 With that I'll move that REZ2015-00029, D. Brennen Keene/Ann Neil Cosby for
 2226 BPTM, LLC, move to the Board of Supervisors with a recommendation for
 2227 approval.
 2228

2229 Mr. Archer - Second.
 2230

2231 Mr. Witte - We have a motion by Mr. Witte, second by
 2232 Mr. Archer. All in favor say aye. Opposed? Abstain? The motion passes.
 2233 Mr. Secretary.
 2234

2235 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
 2236 Archer, the Planning Commission voted 5-0 (one absterition) to recommend the
 2237 Board of Supervisors **grant** the request because the proffered conditions should
 2238 minimize the potential impacts on surrounding land uses and the business use is
 2239 compatible with surrounding development.
 2240

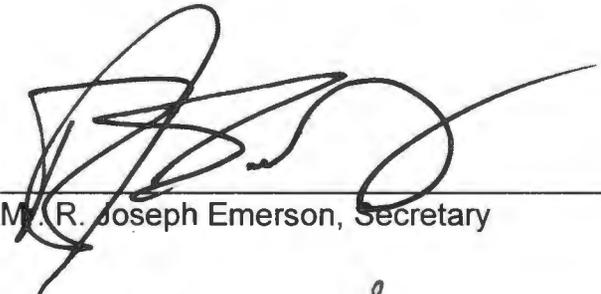
2241 Mr. Emerson - Yes sir. Mr. Chairman, the next item on your agenda
 2242 will be the consideration of the approval of your minutes from the August 13,
 2243 2015 meeting. I do not have an errata sheet.
 2244 Mr. Strauss - That's correct. There is no eratta sheet this evening.
 2245

2246 Mr. Witte - No errata sheet Excellerit.

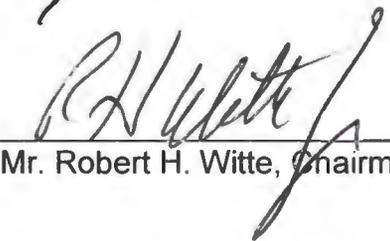
2247 Mr. Leabough - I move that the minutes be approved as submitted.
2248
2249 Mr. Archer - And I second Mr. Leabough's motion.
2250
2251 Mr. Witte - Motion by Mr. Leabough, second by Mr. Archer. All in
2252 favor? Motion passes.
2253
2254 Mr. Emerson - Mr. Chairman, before you adjourn, I would like to let
2255 you know—and some of you area aware of this—our assistant director, Jean
2256 Moore, is not with us this evening because her older brother passed away. I just
2257 wanted to make you aware of that. The services are in Charlottesville tomorrow
2258 evening at 7 p.m. I did forward all of you a link to the obituary, but you may not
2259 have received it, is what I learned this evening. So I will do that possibly again
2260 before I leave this evening. I passed out to you her address in the event that you
2261 want to offer condolences.
2262
2263 Mr. Archer - Thank you, Mr. Secretary.
2264
2265 Mr. Emerson - Just wanted to make you aware of it.
2266
2267 Mr. Witte - Thank you.
2268
2269 Mr. Emerson - With that, I have nothing further for the Commission
2270 this evening.
2271
2272 Mr. Archer - Before we adjourn, I would like to congratulate
2273 Ms. Neil Cosby; you done good.
2274
2275 Mr. Leabough - Good job for your first presentation to us.
2276
2277 Mr. Witte - Anything else by the Commission? Do we have a
2278 motion to adjourn?
2279
2280 Mr. Archer - So moved.
2281
2282 Mr. Branin - We have four people in the back of the room.
2283
2284 Mr. Witte - Oh, wait a minute.
2285
2286 Mr. Branin - I think they are students from one of our local
2287 universities. Would you stand up and explain who you are?
2288
2289 Mr. Witte - Please come down to the microphone.
2290
2291 Ms. Jones - Explain who you are.
2292

2293 Mr. Branin - Or at least share why you're here.
2294
2295 Mr. Witte - Tell us your name and why you're here.
2296
2297 Mr. Mayfield - My name is Tommy Mayfield. I attend the University
2298 of Richmond School of Law. I'm taking a land use planning class. We have a
2299 project where we have to attend a few different local meetings having to do with
2300 land use planning, such as this one, and give a presentation to our class.
2301
2302 Mr. Witte - Did we do okay?
2303
2304 Female - You're much more exciting than the Board of
2305 Supervisors' meeting.
2306
2307 [Distorted audio; unintelligible.]
2308
2309 Mrs. O'Bannon - You realize that a Planning Commissioner's job is to
2310 be the lightning rod. We are the ones that take the heat. It's supposed to be
2311 boring at the Board meeting.
2312
2313 Mr. Witte - Would you state your name?
2314
2315 Ms. Sinclair - [Inaudible.]
2316
2317 Mr. Branin - Ms. Sinclair, how do you think the last presenter
2318 attorney did?
2319
2320 Ms. Sinclair - Oh, wonderful.
2321
2322 Mr. Branin - This was her first time. We all have grades written up
2323 here for you.
2324
2325 Ms. Sinclair - I was highly impressed.
2326
2327 Mr. Branin - As long as you were impressed, then we can adjourn.
2328
2329 Mr. Witte - And your name?
2330
2331 Ms. Chamberlin - My name is Mary Chamberlin.
2332
2333 Mr. Witte - Can you step up?
2334
2335 Ms. Chamberlin - My name is Mary Chamberlin. I'm also a third-year
2336 law student at the University of Richmond here for my land use planning class.
2337
2338 Mr. Branin - Are any of you from the local area?'

2339 Female - I'm from Lynchburg.
2340
2341 Mr. Branin - Lynchburg? Fredericksburg?
2342
2343 Male - I'm from Tennessee, but I live here now.
2344
2345 Mr. Branin - And the shy one in the back?
2346
2347 Female - [Inaudible.]
2348
2349 Mr. Witte - All right. Do we have a second on that motion?
2350
2351 Mr. Branin - Second.
2352
2353 Mr. Witte - So be it. Thank you for coming.
2354
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2369



Mr. R. Joseph Emerson, Secretary



Mr. Robert H. Witte, Chairman