

1 Work Session Summary of the Planning Commission of the County of Henrico held in the
2 Manager's Conference Room, County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 5:00 p.m., August 15, 2019.
4

Members Present: Mr. Gregory R. Baka, Vice Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mrs. Melissa Thornton (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present:

Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. LeeAnn Anderson, Senior County Attorney
Mr. Andrew Newby, Assistant County Attorney
Mr. Ned Smither, Director, Finance
Mr. Leo Marsh, Revenue Division Director, Finance
Mr. Ben Blankinship, AICP, Senior Principal Planner
Mr. Miguel Madrigal, County Planner
Ms. Sylvia Ray, Recording Secretary

5 **The Commission convened a work session in the Manager's Conference Room at**
6 **5:40 p.m.**
7

8 Mr. Baka called the work session to order, then turned the meeting over to the Secretary
9 of the Planning Commission, Mr. Joe Emerson, Director of Planning.
10

11 Mr. Emerson stated that staff was going to continue the discussion of Short Term Rentals
12 (STRs). Based on input from the community and Commission, it is felt the document
13 discussed this evening is the final draft. A public hearing has been scheduled before the
14 commission on Thursday, September 12th. The Department of Finance will request the
15 consultants "scrape" the database to identify all operators of STRs to ensure they, as well
16 as other interested individuals, will be notified of the meeting.
17

18 Mr. Newby summarized the latest changes to the draft ordinance via a PowerPoint
19 presentation. He noted there are two separate ordinances; one is an amendment to the
20 Zoning Ordinance to permit STRs, while the other is the registry and tax ordinance. While
21 the Planning Commission is only required to consider the first, they are being presented
22 together, as they are interrelated.
23

24 Currently, STRs are prohibited in all residential districts in Henrico County. There have
25 been a number of complaints (4) that have gone to the Board of Zoning Appeals, and they

26 have been upheld each time. The proposed ordinance would make them legal in the R-
27 O through R-4A Residential Districts, as well as the A-1 Agricultural District. They would
28 continue to be prohibited in the R-5, R-5A, R-6, RTH and UMU Districts. Mr. Newby
29 proceeded to identify the conditions under which a property owner may operate an STR
30 by-right and with a Conditional Use Permit.

31
32 During the presentation, the Commission requested clarification on several items,
33 including the definition of an adult, the number of individuals 12 years and younger that
34 may accompany one adult, and the use of guesthouses.

35
36 Mr. Newby also briefly reviewed the proposed registry and tax ordinance which would
37 impose a transient occupancy tax on all STRs. All operators would be required to register
38 annually with the Department of Finance. Repeat violations can result in the operator
39 being prohibited from renting properties.

40
41 Following Mr. Newby's presentation, the Commission discussed organizational specifics
42 regarding the public hearing. It was suggested the ad for the public hearing include the
43 mention that speakers will be limited to 2-3 minutes each and that comments may be
44 submitted via the department's website. Copies of both ordinances will be available online
45 and at the county government office.

46
47 The Commission recessed their work session at 6:45 p.m.
48

1 THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A WORK
2 SESSION.
3

4 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
5 **County held in the County Administration Building in the Government Center at**
6 **Parham and Hungary Springs Roads beginning at 7:00 p.m. Thursday, August 15,**
7 **2019. Display Notice having been published in the *Richmond Times-Dispatch* on**
8 **July 29, 2019 and August 5, 2019.**
9

10 **Members Present:** Mr. Gregory R. Baka, Chairman (Tuckahoe)
11 Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
12 Mr. William M. Mackey, Jr. (Varina)
13 Mr. Robert H. Witte, Jr. (Brookland)
14 Mrs. Melissa Thornton (Three Chopt)
15 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
16 Secretary
17 Mr. Frank J. Thornton (Fairfield)
18 Board of Supervisors' Representative
19

20 **Members Absent:** Ms. Jean Moore, Assistant Director of Planning
21

22
23 **Also Present:** Mr. James P. Strauss, PLA, Senior Principal Planner
24 Mr. Benjamin Blankinship, AICP, Senior Principal Planner
25 Ms. Rosemary D. Deemer, AICP, County Planner
26 Mr. Benjamin Sehl, County Planner
27 Mr. Seth Humphreys, County Planner
28 Mrs. Lisa Blankinship, County Planner
29 Mr. Michael Morris, County Planner
30 Mr. John Cejka, Traffic Engineer, Public Works
31 Mr. William Moffett, CPTED Planner, Police
32 Ms. Sylvia Ray, Recording Secretary
33

34 **Mr. Baka -** Good evening and welcome. I call this meeting of the Henrico
35 **County Planning Commission to order. This is our rezoning meeting for August 15, 2019.**
36 **At this time, I'd like to ask you please take a moment to silence your cellphones, and**
37 **please stand with the Commission for the Pledge of Allegiance.**
38

39 [Recitation of the Pledge of Allegiance]
40

41 Do we have anyone in the audience tonight with the news media? Okay. We are pleased
42 to welcome Mr. Frank Thornton, our representative from the Board of Supervisors, who
43 is sitting in the Planning Commission.
44

45 **Mr. Thornton -** Thank you, Mr. Chairman.
46

47 Mr. Baka - And sitting with the Planning Commission this year for 2019,
48 we're glad to have you here tonight, sir. Mr. Thornton abstains on all cases unless
49 otherwise noted.

50
51 We do have a majority of Commissioners present tonight and we do have a quorum, we
52 can conduct business. At this point I'll turn the agenda over to Mr. Emerson, our
53 secretary.

54
55 Mr. Emerson - Thank you, Mr. Chairman. As we begin, I will note that the
56 Commission did hold a work session this evening, continuing their discussion on short-
57 term rentals. That began at approximately 5:30 p.m. and the meeting was recessed
58 around 6:48 p.m. With that said, Mr. Chairman, the first item on our agenda this evening
59 are the requests for withdrawals and deferrals, and those will be presented by Mr. Jim
60 Strauss.

61
62 Mr. Strauss - Thank you, Mr. Secretary. We have two requests for deferral
63 this evening. And the first request is in the Brookland District on page one of your agenda,
64 that's Rezoning 2017-00032, the McGurn Company. And the applicant is requesting
65 deferral to the October 10th, 2019 meeting.

66
67 **(Deferred from the July 11, 2019 Meeting)**
68 **REZ2017-00032 Arthur McGurn for The McGurn Company:** Request to conditionally
69 rezone from R-2 One-Family Residence District and [R-6C] General Residence District
70 (Conditional) to R-3C One-Family Residence District (Conditional) Parcels 767-760-8701
71 and 768-760-1507 containing 4.305 acres located at the northeast intersection of Hungary
72 and Hungary Spring Roads. The applicant proposes a single-family development. The R-3
73 District allows a minimum lot area of 11,000 square feet and a maximum gross density of
74 3.96 units per acre. The use will be controlled by proffered conditions and zoning ordinance
75 regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density
76 should not exceed 3.4 units per acre.

77
78 Mr. Baka - Is there anyone present in opposition tonight to the deferral of
79 Rezoning 2017-00032, Arthur McGurn for The McGurn Company? Seeing none, Mr. Witte.

80
81 Mr. Witte - Mr. Chairman, I move that REZ2017-00032, Arthur McGurn for
82 The McGurn Company be deferred to the October 10th, 2019 meeting, at the request of
83 the applicant.

84
85 Mr. Archer - Second.

86
87 Mr. Baka - We have a motion by Mr. Witte, and a second by Mr. Archer.
88 All in favor say aye.

89
90 The Commission - Aye.

91
92 Mr. Baka - Opposed say no. Motion carries.

93
94 Mr. Strauss - And the second request for deferral this evening is in the Three
95 Chopt District, page four of your agenda. Rezoning 2018-00024, the Eagle Construction
96 of Va., LLC and the applicant is requesting deferral to the December 5th, 2019 meeting.
97

98 **(Deferred from the July 11, 2019 Meeting)**

99 **REZ2018-00024 Nathalie Croft for Eagle Construction of Va., LLC:** Request to
100 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
101 (Conditional) Parcels 735-773-7586 and 735-773-7060 containing 9.762 acres located on
102 the west line of Pouncey Tract Road (State Route 271), approximately 300' south of its
103 intersection with Nuckols Road. The applicant proposes a zero lot line, age restricted
104 development with detached homes. The R-5A District allows a maximum density of six (6)
105 units per acre. The use will be controlled by zoning ordinance regulations and proffered
106 conditions. The 2026 Comprehensive Plan recommends Rural Residential.
107

108 Mr. Baka - Okay. Is there anyone present in opposition tonight to the
109 deferral of Rezoning 2018-00024, Eagle Construction of Va., LLC? I see no opposition.
110 Ms. Thornton.

111
112 Mrs. Thornton - Mr. Chairman, I actually would like to speak with the applicant
113 for a different deferral date.
114

115 Mr. Baka - Okay.
116

117 Ms. Croft - Good evening, my name is Nathalie Croft, I am with Eagle
118 Construction of Virginia.
119

120 Mrs. Thornton - Yes. I wanted to ask, I know that you've pushed, or asked for
121 a December 5th. Do you think that you could answer and have another community meeting
122 prior to if we did it an October 10th deferral could you have a public, a community meeting
123 to address what the right, you know, for them to either have the subdivision that you
124 proposed or, by right, the subdivision that they could have by the land that's already there?
125

126 Ms. Croft - Yes, ma'am. We can -- we can have that in place and had held
127 by the October meeting. Yep. We can do that.
128

129 Mrs. Thornton - Okay. All right. Well, Mr. Chairman, I move that REZ2018-
130 00024, Nathalie Croft for Eagle Construction of Va., LLC be deferred to the October 10th,
131 2019 meeting at the request of the Commissioner -- applicant.
132

133 Ms. Croft - Applicant.
134

135 Mr. Baka - Right, request of the applicant.
136

137 Mr. Mackey - Second.
138

139 Mr. Baka - We have a motion by Mrs. Thornton, and a second by Mr.
140 Mackey. All in favor say aye.
141
142 The Commission - Aye.
143
144 Mr. Baka - Opposed say no. Motion passes, case is deferred.
145
146 Mr. Emerson - Mr. Chairman, that completes the deferrals and withdrawals for
147 this evening, unless the Commission has any additional deferrals they would wish to enter
148 at this time.
149
150 Mrs. Thornton - Mr. Chairman.
151
152 Mr. Baka - Yes.
153
154 Mrs. Thornton - I actually would have one more.
155
156 Mr. Baka - Okay.
157
158 Mrs. Thornton - Mr. Chairman, I move that REZ2019-00017, Jesse R. Penn, III
159 be deferred to the September 12th meeting at the request of the Commissioner --
160 Commission.
161
162 Mr. Archer - Second.
163
164 Mr. Baka - Okay. Let me do this first. We have a motion by Mrs. Thornton
165 and a second by Mr. Archer to defer the case. Let me ask, is there anyone present tonight
166 in opposition to deferring case -- Rezoning case 2019-00017, Jesse R. Penn, III. Anyone
167 in opposition to that deferral. Seeing no opposition to that deferral, then we do have a
168 motion on the floor to defer the case. All those in favor of deferring the case vote by saying
169 aye.
170
171 The Commission - Aye.
172
173 Mr. Baka - Opposed say no. This case is deferred, thank you.
174
175 Mr. Emerson - Mr. Chairman, we now move on to the expedited items, and
176 those will be presented by Mr. Jim Strauss as well.
177
178 Mr. Strauss - Thank you, Mr. secretary. We have three requests for approval
179 on the expedited agenda this evening. And the first request is in the Varina District, page
180 two of your agenda, Provisional Use Permit 2019-00011 Accelerated Dental Assisting
181 Academy.
182
183 **PUP2019-00011 Angie LeBlanc for Accelerated Dental Assisting Academy:**
184 Request for a Provisional Use Permit under Sections 24-55(d), 24-120 and 24-122.1 of

185 Chapter 24 of the County Code to allow a dental trade school within an existing dental office
186 on Parcel 826-716-5016 located on the south line of West Williamsburg Road (U.S. Route
187 60) approximately 70' east of its intersection with Confederate Avenue. The existing zoning
188 is B-1 Business District. The 2026 Comprehensive Plan recommends Commercial
189 Concentration. The site is in the Airport Safety Overlay District and the Enterprise Zone.

190
191 And in this case, the applicant's requesting approval of the Provisional Use Permit to allow
192 a dental trade school. And staff is recommending approval with the conditions in the staff
193 report, and we are not aware of any opposition.

194
195 Mr. Baka - Is there anyone present tonight in opposition to PUP2019-
196 00011, Accelerated Dental Assisting Academy? Seeing no opposition.

197
198 Mr. Mackey - Mr. Chairman, I move that PUP2019-00011, Angie LeBlanc for
199 Accelerated Dental Assisting Academy be sent to the Board of Supervisors with the
200 recommendation of approval with conditions one through four in the staff report.

201
202 Mrs. Thornton - Second.

203
204 Mr. Baka - A motion by Mr. Mackey, and a second by Mrs. Thornton. All
205 in favor say aye.

206
207 The Commission - Aye.

208
209 Mr. Baka - Opposed say not. Motion carries.

210
211 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
212 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
213 Supervisors **grant** the request because the conditions should minimize the potential
214 impacts on surrounding land uses and it would not be expected to adversely affect public
215 safety, health or general welfare.

216
217 Mr. Strauss - And the next two requests for deferral are in the Three Chopt
218 District, page three of your agenda.

219
220 Mrs. Thornton - Expedited.

221
222 Mr. Strauss - Oh, I'm sorry, expedited agenda, page three of your agenda,
223 Rezoning 2017-00010, MS Richmond Investors, LLC.

224
225 **(Deferred from the July 11, 2019 Meeting)**

226 **REZ2017-00010 James W. Theobald for MS Richmond Investors LLC:** Request to
227 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
228 (Conditional) Parcels 744-763-8661, 744-763-9175, 745-763-2013, 745-763-2727, 745-
229 763-3440, 745-763-4567, 745-763-5481, 745-763-6093 and 745-764-0618 containing
230 18.580 acres located between the east line of Belfast Road and the west line of Glasgow

231 Road at its intersection with Ireland Road. The applicant proposes a zero lot line
232 development with detached homes. The R-5A District allows a maximum density of six (6)
233 units per acre. The use will be controlled by zoning ordinance regulations and proffered
234 conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood
235 Development.

236

237 And this is a request to rezone from A1 to R-5AC district with a zero-lot line development.
238 Staff is recommending approval and we are not aware of any opposition.

239

240 Mr. Baka - Is there anyone present tonight in opposition to Rezoning 2017-
241 00010, James W. Theobald for MS Investors, LLC? I see no opposition.

242

243 Mrs. Thornton - Mr. Chairman, I move that REZ2017-00010 James W.
244 Theobald for MS Richmond Investors, LLC be sent to the Board of Supervisors with the
245 recommendation of approval with proffers 1 through 18, dated July 17th, 2019 in the staff
246 report.

247

248 Mr. Witte - Second.

249

250 Mr. Baka - We have a motion by Mrs. Thornton, and a second by Mr.
251 Witte. All in favor say aye.

252

253 The Commission - Aye.

254

255 Mr. Baka - Opposed say no. Motion carries.

256

257 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,
258 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
259 Supervisors **grant** the request because it conforms to the recommendations of the 2026
260 Comprehensive Plan and the proffered conditions will assure a level of development
261 otherwise not possible.

262

263 Mr. Strauss - And the third request for approval of the expedited agenda,
264 again in the Three Chopt District, page three of your agenda. It's Rezoning 2017-00011,
265 MS Richmond Investors, LLC.

266

267 **(Deferred from the July 11, 2019 Meeting)**

268 **REZ2017-00011 James W. Theobald for MS Richmond Investors LLC:** Request to
269 conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District
270 (Conditional) to R-5AC General Residence District (Conditional) Parcels 744-762-4780,
271 744-762-5294, 744-762-9757, and 745-762-0472 containing 8.264 acres located between
272 the east line of Belfast Road and the west line of Glasgow Road, approximately 155' north
273 of Edinburgh Road. The applicant proposes a zero lot line development with detached
274 homes. The R-5A District allows a maximum density of six (6) units per acre. The use will
275 be controlled by zoning ordinance regulations and proffered conditions. The 2026
276 Comprehensive Plan recommends Traditional Neighborhood Development.

277
278 Again, a request to rezone from A1 and R-3C to R-5AC, zero lot development proposed,
279 and staff is recommending approval. And, again, we are not aware of any opposition.
280

281 Mr. Baka - Is there anyone present tonight in opposition to Rezoning 2017-
282 00011, James W. Theobald for MS Investors, LLC? Seeing none.
283

284 Mrs. Thornton - Mr. Chairman, I move that REZ2017-00011, James W.
285 Theobald for MS Richmond Investors, LLC be sent to the Board of Supervisors with the
286 recommendation of approval with proffers 1 through 19, dated July 23rd, 2019 in the staff
287 report.
288

289 Mr. Mackey - Second.

291 Mr. Baka - We have a motion by Mrs. Thornton and a second by Mr.
292 Mackey. All in favor say aye.
293

294 The Commission - Aye.

296 Mr. Baka - Opposed say no. Motion passes.
297

298 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey,
299 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
300 Supervisors **grant** the request because it conforms to the recommendations of the 2026
301 Comprehensive Plan and the proffered conditions will assure a level of development
302 otherwise not possible.
303

304 Mr. Emerson - Mr. Chairman, that completes the expedited agenda. We now
305 move on to your regular agenda, page two, and we have two companion cases leading out
306 the evening. REZ2019-00023, Jeffrey P. Geiger for 7-Eleven, Inc.
307

308 **(Deferred from the July 11, 2019 Meeting)**

309 **REZ2019-00023 Jeffrey P. Geiger for 7-Eleven, Inc.:** Request to conditionally rezone
310 from B-1 Business District to B-2C Business District (Conditional) Parcels 801-703-1153
311 and 801-703-0569 containing 1.043 acres located at the intersection of New Market Road
312 (State Route 5) and Osborne Turnpike. The applicant proposes a convenience store with
313 fuel pumps. The use will be controlled by zoning ordinance regulations and proffered
314 conditions. The 2026 Comprehensive Plan recommends Commercial Concentration.
315

316 And along with that you have a Provisional Use Permit 2019-00010, again, Mr. Geiger for
317 7-Eleven.
318

319 **(Deferred from the July 11, 2019 Meeting)**

320 **PUP2019-00010 Jeffrey P. Geiger for 7-Eleven, Inc.:** Request for a Provisional Use
321 Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code
322 in order to allow extended hours of operation from 5 a.m. to 12 midnight for a proposed

323 convenience store with fuel pumps on Parcels 801-703-1153 and 801-703-0569 located at
324 the intersection of New Market Road (State Route 5) and Osborne Turnpike. The existing
325 zoning is B-1 Business District. The B-2C zoning district is requested with companion case
326 REZ2019-00023. The 2026 Comprehensive Plan recommends Commercial
327 Concentration.

328
329 And the request is for a Provisional Use Permit to allow extended hours of operation from
330 5:00 a.m. to 12:00 midnight, which allows an additional hour in the morning. Otherwise
331 those are your normal hours for the B-2 zoning category.

332
333 The staff report for these two cases will be presented by Ms. Rosemary Deemer, and they
334 will require separate votes.

335
336 Mr. Baka - Okay. First, is there anyone here in opposition tonight to
337 Rezoning 2019-00023, Jeffrey P. Geiger for 7-Eleven, Inc., or in opposition to PUP2019-
338 00010, Jeffrey P. Geiger for 7-Eleven, Inc.? Anyone in opposition? We have one. Okay,
339 we'll get to you in just a few minutes. Ms. Deemer, would you proceed?

340
341 Ms. Deemer - Sure. Mr. Chairman, members of the Commission, these two
342 companion cases would allow for the redevelopment of the 7-Eleven at 1125 New Market
343 Road. This rezoning request and Provisional Use Permit would rezone approximately
344 1.043 acres and impose conditions of development with the Provisional Use Permit. The
345 rezoning to B-2C would allow the addition of automotive fuel sales with the upgrade of a
346 convenience store. The use permit would allow the extended hours.

347
348 The 2026 Comprehensive Plan designates the site Commercial Concentration. These
349 areas are intended for retail and/or wholesale sales and service establishments. Both
350 requests are consistent with this designation.

351
352 Located at the intersection of New Market Road and Osborne Turnpike, the subject site is
353 zoned unconditional B-1. Adjacent properties to the north and east are also zoned for
354 business use, as well as urban mixed use, while properties to the south and west are zoned
355 R-3 and A-1 and UMUC respectively. I apologize. There we go.

356
357 The site is comprised of two parcels. The northernmost parcel contains a 4,205 square
358 foot brick building that was constructed in 1945 that houses True Professionals Barber
359 Shop, and ancillary office space. The southern parcel contains an existing 2,780 square
360 foot 7-Eleven convenience store built in 1970.

361
362 The Concept Plan depicts the new convenience store in relatively the same location as the
363 existing store. The applicant has proposed adding gas sales, which necessitates the
364 rezoning to B-2. The fueling stations would be located under a canopy, which you can see
365 here in the center, right there, that would be parallel to New Market Road and Osborne
366 Turnpike. In an effort to reduce cut-through traffic, two of the four existing entrances would
367 be eliminated, one on New Market and one on Osborne.

368

369 As an enhancement to the Virginia Capital Trail, which is immediately adjacent to the
370 subject site, a landscaped rest area has been proffered for users to pull off and seek shade.
371 The architectural appearance of both the convenience store and fuel canopy have been
372 proffered to be in general conformance with this elevation. The applicant has addressed
373 many of the Route 5 Corridor Study design guidelines through proposed building materials
374 and design, lower parking light lighting standards, and the provision of sidewalks along
375 Osborne Turnpike.
376

377 Approval of the Provisional Use Permit would allow them to open one hour earlier at 5:00
378 a.m. As part of this request, 7-Eleven has committed to upgrading a convenience store
379 that is nearly 50 years old. This redevelopment would revitalize an existing commercial
380 node and provide additional services to the area.
381

382 This concludes my presentation. I'd be happy to answer any of your questions.
383

384 Mr. Baka - Does the Commission have any questions of staff at this time?
385

386 Mr. Mackey - No, sir. I'll hold my questions for the applicant.
387

388 Mr. Baka - Okay. Thank you.
389

390 Mr. Mackey - Mr. Chairman, seeing that we do have opposition, if it's the
391 pleasure of the board, I'd like to hear from the opposition first.
392

393 Mr. Baka - Okay. Would you please come forward and state your name.
394 And, Mr. Emerson, would you please read the rules and guidelines for our public hearings?
395

396 Mr. Emerson - Yes, sir, Mr. Chairman. As you know, the Commission does
397 have guidelines governing public hearings, and they are as follows: The applicant is allowed
398 10 minutes to present the request and time may be reserved for responses to testimony.
399 The opposition is allowed a cumulative 10 minutes to present its concerns, meaning
400 everybody has to fit within that 10 minutes. Commission questions do not count into the
401 time limits, the Commission may wave the limits for either party at its discretion, and all
402 comments must be directly related to the case under consideration.
403

404 Mr. Baka - Good evening and welcome.
405

406 Mr. Mackey - Welcome.
407

408 Ms. Rivera - Good evening, thank you for your time. I'll be really brief. The
409 7-Eleven has done a good job in presenting, and --
410

411 Mr. Baka - Pardon me. Would you please state your name for the record?
412

413 Ms. Rivera - Oh, my name is Aileen Rivera.
414

415 Mr. Baka - Thank you.
416
417 Ms. Rivera - I'm a Varina resident. My opposition comes to that we didn't
418 get any information on any groundwater contamination and what the situation is there right
419 now and what are the measures that will be taken if that is a problem. Also, we would like
420 to request that the 7-Eleven also include some solar panels in their building to offset
421 bringing fossil fuels into the area. We are -- we have a vision in our community of being
422 environmentally friendly, and bringing as much sustainability as possible, and we would like
423 that to be addressed. Thank you.
424
425 Mr. Baka - Thank you any -- before you go, any questions of Ms. Rivera
426 from any members of the Commission?
427
428 Mr. Mackey - I have a question, Mr. Rivera. I understand you wanted the -- some
429 information provided for the groundwater contamination study that was done and the solar
430 panels to be included. I also got an email earlier in the day that said you were interested
431 in a recharging station?
432
433 Ms. Rivera - Yes. The EV charging station. I think it would really benefit the
434 7-Eleven. It's a great marketing tool, but at the same time there's nothing along the Route
435 5 Corridor, and that would provide for, you know, the transit that comes in that has their
436 electric vehicles to come in. It would be a great addition to offset the fossil fuels there, too.
437
438 Mr. Mackey - Other than those concerns that you've stated, do you have a
439 favorable feeling of the project thus far?
440
441 Ms. Rivera - Oh, absolutely, we need that renovation. But we also need
442 something to offset bringing in fossil fuels.
443
444 Mr. Mackey - Right, I understand. Right, thank you. I don't have anything
445 else.
446
447 Mr. Baka - Any other questions for Ms. Rivera? Thank you, ma'am.
448
449 Ms. Rivera - Thank you.
450
451 Mr. Baka - Is there anyone else present who'd like to speak tonight?
452 Please come forward if you would. Good evening, welcome.
453
454 Ms. Goddin - Good evening Chairman Baka and members of the Planning
455 Commission. My name's Bland Goddin, and I am here tonight on behalf of the Route 5
456 Corridor Coalition whose members include residents, landowners, and businesses in the
457 Varina District. I am also a Varina resident. I live at 1161 Dotson Road.
458
459 The -- first, the coalition would like to thank Mr. Geiger and the representatives from 7-
460 Eleven for keeping our members updated throughout the process. The proposed building

461 design, architecture and proffered conditions for this project, including the additional
462 amenities to the Capital Trail and improved entrances and exits to the site, are in line with
463 the goals of the Route 5 Study adopted by the Board of Supervisors in December 2018.
464

465 We appreciate the time and effort that has gone into this project to ensure that the 7-Eleven
466 maintains the character and incorporates the needs and desires of the surrounding
467 community. This project will set a precedent for the future development and growth along
468 this corridor, and as a coalition with a mission of promoting sustainable economic
469 development along Route 5 Corridor, we would encourage the incorporation of clean
470 energy to the site to offset the addition of fossil fuel storage and consumption that are being
471 proposed.
472

473 For example, solar panels on the back side of the building and a charging station for electric
474 vehicles would help to mitigate the impact of the additional fuel -- additional fossil fuel
475 infrastructure. It is also imperative that 7-Eleven commit to the perpetual care of these
476 underground tanks, including monitoring, to ensure public safety, given the reliance of
477 many Varina residents on drinking water from wells.
478

479 And as a coalition, we have no opposition to the 7-Eleven rezoning proposal, but we
480 continue to encourage the owners to go above and beyond to properly offset the addition
481 of the fuel pumps to the site. So thank you very much for your time.
482

483 Mr. Mackey - Thank you, Ms. Goddin.
484

485 Mr. Baka - Thank you. Any questions from the Commission of Ms.
486 Goddin?
487

488 Mr. Mackey - No, sir.
489

490 Mr. Baka - Thank you.
491

492 Ms. Goddin - Thank you.
493

494 Mr. Baka - All right. Is there anyone else who'd like to speak in
495 opposition to this case tonight?
496

497 Ms. Upshur - I have no opposition, I have a question. Should I come up
498 there?
499

500 Mr. Baka - Yes, please come forward.
501

502 Ms. Upshur - Okay.
503

504 Mr. Baka - Welcome.
505

506 Ms. Upshur - Hi. My name is Michael Upshur, I'm at 6440 Osborne
507 Turnpike, directly across from the 7-Eleven. I'm not in opposition. They have taken care
508 of a lot of the concerns that we did have about it. I had a question. Mr. Geiger did
509 answer it for me, but being from Jersey, I just want to make sure that I got it right.
510

511 If this goes to the B-2C, he has informed me that that's just not an in for them to maybe
512 six months, eight months, a year from now say, Hey, look, now that we've got that we can
513 go 24 hours. And he has assured me that that -- if that were to happen, they would have
514 to go through the process all over again. And I would just like it on the record for that to
515 be said, so that there are a couple of residents that are concerned about that and there's
516 been some misunderstandings.

517
518 Mr. Baka - Okay.

519
520 Mr. Witte - Would you be one of those residents?

521
522 Ms. Upsure - Yes, I would.

523
524 Mr. Witte - Okay.

525
526 Ms. Upsure - I would be.

527
528 Mr. Baka - Okay. Any questions?

529
530 Ms. Upsure - I just want Blue Bunny ice cream and I'll be happy with that.
531 That was it, thank you, sir.

532
533 Mr. Baka - Any questions of Mrs. Upsure from the Commission
534 members?

535
536 Mr. Mackey - No.

537
538 Mr. Baka - Thank you.

539
540 Mr. Emerson - Mr. Chairman, I can respond to that if you'd like for me to.

541
542 Mr. Baka - Please. Would you please.

543
544 Mr. Emerson - The question was extended hours. Currently the Provisional
545 Use Permit that's being requested would give one additional hour in the morning. Instead
546 of opening at 6:00 a.m. the operation of the convenience store would be allowed to open
547 at 5:00 a.m. to 12:00 midnight. Regular B2 hours are 6:00 a.m. to 12:00 midnight. In order
548 to -- if the Commission recommends and then the Board, when they hear the case,
549 approves the Provisional Use Permit in this form, that's what the convenience store would
550 have, one additional hour.
551

552 In order to change that, the operator would have to come back in and go through this exact
553 same process again. You would be notified, you would have an opportunity to come in and
554 give your thoughts regarding that request. I can tell you we gave this a lot of thought when
555 they applied for this, and that's why it's, after consultation with Mr. Mackey and Reverend
556 Nelson, that's why the recommendation is only for an additional hour in the morning.

557
558 So I think everyone is concerned about extended hours in this corridor.

559
560 Mr. Baka - Fair enough. So, at this point, we'll move forward. Is there
561 anyone else in opposition who would like to speak to this case tonight? All right. Mr.
562 Mackey, how would you like to proceed?

563
564 Mr. Mackey - I'd like to hear from the applicant, Mr. Geiger.

565
566 Mr. Baka - All right. Would the applicant please come forward? Good
567 evening.

568
569 Mr. Mackey - Evening.

570
571 Mr. Geiger - Good evening, Mr. Chairman, members of the Commission, my
572 name is Jeff Geiger, here on behalf of the applicant, 7-Eleven. I think staff did a good job
573 giving a good summary of the request, the two requests, that are before you. If the
574 Commission -- at the Commission's pleasure I'd like to address some of the concerns that
575 were raised and then kind of give you a wrap-up kind of, of this - summary of the requests
576 before you.

577
578 One of the comments was a concern about the groundwater. I want you to know that fuel
579 station construction, fuel station operation, is a heavily regulated industry and operation.
580 Regulated at the federal level and at the state level. And here in Virginia our rules are even
581 more onerous than what the federal requirements are.

582
583 When 7-Eleven constructs the new station, it will comply with all those regulations. DEQ
584 will inspect what is going on, and then after the construction is finished, DEQ then does
585 audits and checkups as the -- investigations as the station operates.

586
587 With respect to the equipment that goes into the ground, both the tanks and the pipes have
588 to have two layers. It's kind of like, you've probably heard about the Exxon Valdez, it had
589 one hull, and now all of our tankers have two hulls. Same kind of concept. In addition, we
590 have to monitor for corrosion to the tank and we have to monitor for leakage.

591
592 With respect to the idea about the electronic vehicle charging station. I think we all know
593 that the auto industries either will be, or we anticipate it, changing over time. And this same
594 industry that 7-Eleven operates within is monitoring it and understanding what does it need
595 to meet demands in the future. 7-Eleven is willing to talk to anyone who wants to partner
596 with 7-Eleven to bring in that service. Much in the same way that when you go to a fueling

597 station you have an air service or a vacuum service, we would anticipate similarly that type
598 of electrical vehicle service being provided by a third party.

599
600 There was also a comment on the solar panels. Just real quick, we worked hard with the
601 community on what the design of the building would be. We went through three different
602 elevations, our typical -- our prototypical rectangular box. We also presented another
603 alternative. This was the alternative that was favored as being more consistent with the
604 design characteristics within the small area plan. And with this very pitched roof there's
605 just not the ability to put those solar panels on top of that roof and at the same time, have
606 the ability to really generate good electricity coming from that. We also think the aesthetics
607 would not work well with what we are trying to achieve with this project.

608
609 The slide here shows -- really gives you that closeup of what the property looks like today.
610 It is basically a large parking lot. With the existing B-1 zoning, 7-Eleven could have come
611 in and just taken down the property, the building, as it exists, but wants to be a good citizen
612 to really do some placemaking with its design of this property. And we believe that the
613 design we've achieved achieves that goal of really providing a place where customers,
614 users of the Capital Trail, our neighbors, and people in the corridor will want to shop and
615 enjoy the expanded convenience services at this location.

616
617 On behalf of the applicant, I'd like to request that the Commission recommend approval of
618 the rezoning request before you, and also recommend approval of the PUP request that's
619 before you. Be glad to answer any questions that the Commission may have at this time.

620
621 Mr. Baka - Any questions from the Commission?

622
623 Mr. Mackey - Yes, sir. I'd like for you, Mr. Geiger, to speak towards the
624 improved -- the enhancements to the Capital Trail a little bit.

625
626 Mr. Geiger - Sure be glad to. Thank you for the question. I'll use the -- work
627 with the pointer. What we've done is, as staff mentioned, we're providing a sidewalk along
628 Osborne. And we're using that sidewalk to then create an extension in between the Capital
629 Trail, which is running here, and the sidewalk with the paved area here that will provide a
630 pull-off for riders where they can then park their bikes. We have bike racks here, and then
631 we are planting -- the proffers have a planting requirement for trees and shrubs and ground
632 cover. We are then planting an area where they can then rest under the shade.

633
634 We had included a gazebo, but from the community comments there was a desire not to
635 have that type of improvement. Instead, just a place where bikers could rest. Selfishly,
636 we'd love it if the bikers then also crossed the pavement and got a Powerade and
637 PowerBar.

638
639 Also want to let you know that we are cognizant that riders of the trail may want to just come
640 straight to the building, as they do today, and there is a second bike rack located here.

641
642 Mr. Mackey - All right, thank you. I don't have any other questions.

643
644 Mr. Geiger - Thank you, sir.
645
646 Mr. Baka - Other questions from the members of the Commission? Okay,
647 thank you.
648
649 Mr. Geiger - Thank you.
650
651 Mr. Baka - Is there anyone else tonight who would like to speak in favor of
652 this rezoning case? Okay.
653
654 Mr. Mackey - All right, thank you. Mr. Commissioner, Mr. Chairman I should
655 say, I'd like -- first I'd like to thank the residents who came out tonight and spoke with their
656 concerns. Hopefully they were addressed in a well enough fashion for you. I know you
657 were concerned about the solar panels and it doesn't look like they're going to be able to
658 do that. But at least with the EV charging station, that's something down the road that
659 possibly can be done. And as far as the ground water contamination, the EPA is very
660 stringent, and they won't be able to just drop tanks in the ground and walk away, so they
661 will be held to a very high standard on that.
662
663 I'd like to thank Mr. Geiger and the applicant for all the hard work they did with staff. This
664 is a very different looking project then when we first started, and a lot of work has gone into
665 it, and I think it's something of that the community will be very proud of if it goes forward.
666
667 Having said that, I move that PUP -- oh, excuse me. I move that REZ2019-00023, Jeff P.
668 Geiger for 7-Eleven, Inc. be sent to the Board of Supervisors with a recommendation of
669 approval with proffers 1 through 21, dated July 22, 2019.
670
671 Mrs. Thornton - Second.
672
673 Mr. Baka - We have a motion by Mr. Mackey, and a second by Mrs.
674 Thornton. All in favor say aye.
675
676 The Commission - Aye.
677
678 Mr. Baka - Opposed say no. Motion carries. Is there a second motion?
679
680 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
681 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
682 Supervisors grant the request because it conforms to the recommendations of the 2026
683 Comprehensive Plan and it would not be expected to adversely affect the pattern of zoning
684 and land use in the area.
685
686 Mr. Mackey - Oh, I'm sorry, that's right. I forget. Yes, Mr. Chairman, I move
687 that PUP2013-00010, Jeff P. Geiger for 7-Eleven, Inc. be sent to the Board of Supervisors
688 with a recommendation of approval with conditions 1 through 10 in the staff report.

689
690 Mrs. Thornton - I second.
691
692 Mr. Baka - A motion by Mr. Mackey, and a second by Mrs. Thornton. All
693 in favor say aye.
694
695 The Commission - Aye.
696
697 Mr. Baka - Opposed say no. Motion passes.
698

699 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
700 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
701 Supervisors **grant** the request because it would provide added services to the community
702 and the conditions should minimize the potential impacts on surrounding land uses.
703

704 Mr. Emerson - Mr. Chairman, we now move on to the next three cases on the
705 agenda, which will be presented together because of their companion nature. And they will
706 require separate motions, and they are as follows. REZ2019-00011, Ann Neil Cosby and
707 Adena M. Patterson for ZAC, LLC.
708

709 **REZ2019-00011 Ann Neil Cosby and Adena M. Patterson for ZAC, LLC:**
710 Request to conditionally rezone from M-2 General Industrial District to R-6C General
711 Residence District (Conditional) Parcel 798-713-5365 and part of Parcel 798-713-3911
712 containing 3.03 acres located along the Richmond City line between the CSX Railroad and
713 37th Street. The applicant proposes a multifamily development of no more than 60 units.
714 The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be
715 controlled by proffered conditions and zoning ordinance regulations. The 2026
716 Comprehensive Plan recommends Heavy Industry.
717

718 The next case is REZ2019-00012, Ann Neil Cosby and Adena M. Patterson again for ZAC,
719 LLC.
720

721 **REZ2019-00012 Ann Neil Cosby and Adena M. Patterson for ZAC, LLC:**
722 Request to conditionally rezone from M-2 General Industrial District to UMUC Urban Mixed-
723 Use District (Conditional) Parcel 797-711-8880 containing 14.61 acres located at the
724 northeast intersection of Old Osborne Turnpike (State Route 5) and Bickerstaff Road. The
725 applicant proposes a mixed-use multifamily development of no more than 350 units. The
726 uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026
727 Comprehensive Plan recommends Urban Mixed-Use.
728

729 The companion Provisional Use Permit to that case, 2019-00007.
730

731 **PUP2019-00007 Ann Neil Cosby and Adena M. Patterson for ZAC, LLC:**
732 Request for a Provisional Use Permit under Sections 24-32.1(a, m, s, w, and z), 24-120
733 and 24-122.1 of Chapter 24 of the County Code to allow for an area designated for the
734 preparation or service of food or beverages or the sale or display of merchandise conducted

735 in open areas or structures; parking plan; buildings and structures exceeding 60' in height;
736 commercial or office square footage of less than 25 percent of the total building square
737 footage of the UMU district; and the number of for-lease multifamily dwelling units
738 exceeding 30 percent of the total units of the UMU district on Parcel 797-711-8880 located
739 at the northeast intersection of Old Osborne Turnpike (State Route 5) and Bickerstaff Road.
740 The existing zoning is M-2 General Industrial District. UMUC zoning is proposed with
741 REZ2019-00012. The 2026 Comprehensive Plan recommends Urban Mixed-Use.

742
743 The staff reports on those three cases will be presented by Mr. Ben Sehl and again they
744 will require three separate actions.

745
746 Mr. Baka - Is there anyone present in opposition tonight to any of these
747 three cases? The two rezoning cases and one Provisional Use Permit case. Be glad to
748 read the numbers if requested. The applicant is Ann Neil Cosby and Adena Patterson for
749 ZAC, LLC. Anyone in opposition to these cases? Yes, we do have some, and some.
750 Okay. We'll get to you in just a few minutes. Good evening.

751
752 Mr. Sehl - Good evening. Thank you, Mr. Chairman. As Mr. Emerson
753 stated, these requests would allow for redevelopment of various CSX properties in a
754 manner consistent with the county's 2026 Comprehensive Plan. The three companion
755 cases would rezone three acres to R-6C, 14.6 acres to UMUC, and apply a Provisional Use
756 Permit to the area zoned -- proposed for UMU.

757
758 Both properties are currently zoned M-2, as are most surrounding properties in the area.
759 Subject properties are just east of Rocketts Landing, which is zoned UMU, and has been
760 developed as a mixed-use community. The properties are just south and west of the City
761 of Richmond, and adjacent areas in the city are developed for a mix of commercial and
762 residential uses. The 2026 Comprehensive Plan designates the southern site, UMU, as
763 show on this map, consistent with Rocketts Landing, and the northern site heavy industry.

764
765 The applicant has provided concept plans and site details for features such as pedestrian
766 paths, street furniture, landscaping, and lighting for each site. The plan shown here is for
767 the proposed R-6 development where up to 60 units will be developed on the portion of the
768 property in the county.

769
770 The county city line is in this area here. The main access to the site would be via Orleans
771 Street in the city, which provides ready access to Route 5, Williamsburg Avenue, and the
772 nearby Pulse BRT station in Rocketts Landing.

773
774 This plan shows the UMU portion of the development. A large pedestrian way would be
775 provided along Route 5, and a parallel street within the development would provide the
776 urban streetscape envisioned in UMU development.

777
778 Surface parking will be provided for the planned 259 units and 80,000-square-feet of retail
779 and commercial space. Although a future parking deck would allow for the proffered
780 maximum of 350 units, and additional commercial space adjacent to Bickerstaff Road, as

781 shown on the conceptual plan here. At that point in time that phase would allow for
782 entrances and improvements along Bickerstaff Road.

783
784 The applicant has also proffered buffers on both sites that would separate the
785 developments from the adjacent rail line. Staff notes the residential use of proposed
786 (*indiscernible 00:37:21) with both developments are a similar distance to the rail line as
787 existing units within Rocketts Landing, so there is minimal concern about negative impacts
788 on future residence from the rail line.

789
790 The applicant has also provided character images for the proposed buildings. This
791 example here shows the building adjacent to Route 5, and the large planned pedestrian
792 and bicycle facility that would run alongside.

793
794 The proposed developments are largely in keeping with the recommendations of the 2026
795 Comprehensive Plan, including the findings and design guidelines of the recently adopted
796 Route 5 Corridor Study. Additionally, the traffic engineer has finalized the review of the
797 Traffic Impact Analysis since the staff report was issued, and indicates traffic from the
798 developments could be accommodated via signal modifications at Orleans Street, which is
799 located in the City of Richmond.

800
801 Overall, staff believes the approval of the three companion cases would be appropriate and
802 consistent with the findings and recommendations of the Comprehensive Plan, and all three
803 would require separate action.

804
805 REZ2019-00011 would allow the R-6 zoning compatible with the plan development in the
806 city as shown on your earlier concept plan. And the companion UMU rezoning and PUP
807 request will continue a form of development in the corridor that began with the construction
808 of Rocketts Landing. That concludes my presentation and I'd be happy to try and answer
809 any questions you might have at this time.

810
811 Mr. Baka - Any questions from the Commission?

812
813 Mr. Mackey - Yes, Mr. Chairman. Mr. Sehl, do we have anyone here tonight
814 who could discuss in detail a little bit more of the traffic impact analysis?

815
816 Mr. Sehl - Mr. Cejka the traffic engineer, is available with us this evening
817 and can probably speak more directly. And I believe the applicant's traffic engineer is also
818 available to answer questions regarding that.

819
820 Mr. Mackey - Okay, all right. Well, does the applicant have their traffic
821 person? Okay. I'll let them -- I'll let them answer it.

822
823 Mr. Sehl - Okay.

824
825 Mr. Mackey - Thank you, sir.

826

827 Mr. Sehl - Yes, sir.
828
829 Mr. Baka - Any other questions of staff?
830
831 Mr. Witte - I have one. I see this layout shows a connection to the Capital
832 Trail. Does the other property? Can they connect to that?
833
834 Mr. Sehl - So, Mr. Witte, all of the connections proposed to the Capital
835 Trail with both sites would have access here Route 5 located here, they're constructed their
836 pedestrian way, and where VDOT allows they would be able to provide crosswalks. Their
837 traffic engineer can speak more directly, but that's likely only going to be located at the
838 signalized intersection. But that's something that they've had discussions with VDOT
839 about. The northern site adjacent to the city, they're actually proposing improvements as
840 part of their development within the city to the trestle on Orleans Street to provide a more
841 accommodating pedestrian path directly to the BRT stop and Capital Trail through there.
842 So it's more enhanced pedestrian infrastructure if you (*indiscernible 00:40:10).
843
844 Mr. Witte - Can you go back to the other page for a second?
845
846 Mr. Sehl - Yes, sir.
847
848 Mr. Witte - It looks like that Old Charles Street connects to Capital Trail. Is
849 that correct? Because it would allow these people on their bikes to not ride down Route 5.
850
851 Mr. Sehl - You're correct, Mr. Witte. There are various connections to the
852 Capital Trail within Rocketts Landing, both existing and proposed, with future development.
853 So the most ready access for residence of this community would be through Rocketts
854 Landing to the trail directly.
855
856 Mr. Witte - Okay. It seems a lot safer than riding down Route 5.
857
858 Mr. Sehl - Certainly. I think it provides -- there's various options that are
859 there. They're proposing there. I guess that my point in saying that, was that new
860 pedestrian way that they're constructing along Route 5 would allow residents who live in
861 both the southern and northern site to find that safest area of crossing and closest crossing
862 to get over to Capital Trail through Rocketts Landing.
863
864 Mr. Witte - Right, thank you.
865
866 Mr. Baka - Other questions?
867
868 Mr. Mackey - No, sir.
869
870 Mr. Sehl - Thank you.
871
872 Mr. Baka - Thank you. How would you like to proceed Mr. Mackey?

873
874 Mr. Mackey - I'd like to hear from the opposition.
875
876 Mr. Baka - Okay. For those that raised their hand a minute ago, would like
877 to speak in opposition, would -- who would like to come forward first to ask any questions
878 at the podium? Please come forward. Good evening and welcome.
879
880 Mr. Whitfield - Evening, thank you. My name is Roger Whitfield (ph) and I live in
881 Rocketts Landing. And my -- I'm not really speaking in opposition. I'm speaking because
882 (*indiscernible 00:41:49) expressing any concern. And that is about the traffic on Route 5.
883 And in the morning it is particularly heavy. Somewhere around 7:00, 7:30, there's quite a
884 jam. As you proceed down Route 5 into town there's a traffic circle and that is often quite
885 congested. So I'm concerned about the addition of residences that these two projects are
886 going to allow. I'm concerned about the traffic congestion that we're going to experience.
887
888 Mr. Baka - Any questions from the Commission?
889
890 Mr. Mackey - No, sir.
891
892 Mr. Baka - Thank you, sir. Thank you.
893
894 Mrs. Thornton - I have one. I'm sorry.
895
896 Mr. Baka - Oh, sir. Sir, would you come on back to the podium just a
897 minute for one question? Thank you.
898
899 Mrs. Thornton - Sorry, I just have one quick -- you said it's quite congested
900 between 7:00 and 7:30. Is that your main concern is the morning time congestion, or just
901 --
902
903 Mr. Whitfield - I notice it particularly in the morning. I don't mean any rigorous
904 studies of -- but whenever I travel into town at that time, I notice it's particularly heavy.
905
906 Mrs. Thornton - When people are going to work.
907
908 Mr. Whitfield - When people go into work.
909
910 Mrs. Thornton - Just I want to -- yeah, just to see is it all the time congested, or
911 is it just you're just noticing it --
912
913 Mr. Whitfield - No, during the daytime it's okay. But, certainly in the morning,
914 it's very heavy.
915
916 Mrs. Thornton - Okay. All right, thank you.
917
918 Mr. Baka - Thank you Mr. Whitfield.

919
920 Mr. Whitfield - Okay.
921
922 Mr. Baka - Would anyone else care to speak on this matter, please come
923 forward. Welcome.
924
925 Ms. Goddin - Welcome again. I'm Bland Goddin, I'm speaking again for the
926 Route 5 Corridor Coalition. And I am a Varina resident as well.
927
928 I would like to thank the representatives from Zimmer Development Company for taking the
929 time to meet with our coalition prior to initiating the rezoning process for the Fulton Yard
930 site. We have followed this proposal closely, and our members attended the community
931 meeting held at John Roth (*00:44:00) Middle School.
932
933 And for the following reasons we remain opposed to the rezoning of this parcel. Number
934 one, is traffic. This project will have major traffic impacts both on Route 5 and Williamsburg
935 Road. Further, there has not been sufficient information provided to nearby residents or
936 businesses regarding the plans for traffic-going to and from Bickerstaff Road. Without a
937 clear plan for traffic on Bickerstaff, there's no way this Commission can make an informed
938 decision on the rezoning of this property. We feel like Bickerstaff is kind of a key to that
939 parcel right there.
940
941 Our other opposition is in regard to environmental impact. The construction and
942 redevelopment of this property will disturb a substantial amount of contaminated soil in an
943 area in close proximity to Almond Creek and to the James River. While the developers
944 indicated that the site will undergo environmental mitigation, it is not clear what measures
945 will be implemented to prevent further contamination of the surrounding bodies of water.
946
947 Growth should not come at the expense of the current residents' wellbeing. The addition
948 of hundreds of hundreds of cars to an already congested commute will burden our
949 neighbors in Marion Hill, Rocketts Landing, and those commuting from other parts of
950 Varina. Additionally, we must ensure that land-disturbing activities taking place on
951 contaminated sites do not increase pollution. For those reasons, we must remain opposed
952 to the rezoning of this parcel. Thank you for your time.
953
954 Unknown Speaker - Thank you, Ms. Goddin.
955
956 Mr. Baka - Any questions of Mrs. Godin from the members of the
957 Commission? Thank you.
958
959 Ms. Goddin - Okay, thank you all.
960
961 Mr. Baka - Is there anyone else who'd like to speak in opposition to this
962 case tonight? Yes, please come forward. Welcome.
963

964 Ms. Rivera - Hi. It's me again. My name's Aileen Rivera, I'm a Varina
965 resident. And I just feel that we really need to take the time to look at this project, especially
966 the traffic. I should have brought my Easy Pass bill, because every time the between -- it's
967 not just between 7:30, it goes all the way till 9:00, the heavy traffic there.

968
969 Not sure why it hasn't been addressed before, because this is a problem that is getting
970 bigger, and so in taking in consideration the amount of people, of units, that are coming in
971 from this project, it's not even considering the traffic that will also join from other projects
972 further up the road up on Three Hill? Or some of the other developments going up the
973 road. That traffic is not being considered with the traffic that's going to be added by this.
974 That is the biggest concern.

975
976 And then, also, the environmental mitigation we don't have any numbers about the erosion
977 what's -- that's going on in that area of the river. We also need some more information
978 regarding erosion. Thank you.

979
980 Mr. Baka - Any questions of Ms. Rivera?

981
982 Mr. Witte - Yeah, I have one.

983
984 Mr. Baka - Mr. Witte.

985
986 Mr. Witte - Are you aware of what could be on that property by right?

987
988 Ms. Rivera - No.

989
990 Mr. Witte - Like a warehouse with tractor trailers in 24 hours a day.

991
992 Ms. Rivera - Oh, you know, it's been there and --

993
994 Mr. Witte - A slaughterhouse, meat packing plant. There's so many things
995 you can go on that M-1 site.

996
997 Ms. Rivera - Absolutely, and --

998
999 Mr. Witte - And this is -- this appears to be the best use for that property
1000 for the people in the area.

1001
1002 Ms. Rivera - It's all in balance.

1003
1004 Mr. Witte - But they don't even have to come to the Commission because
1005 they can do it by right.

1006
1007 Ms. Rivera - Sure. I understand that. But I also understand that the traffic
1008 there that is being imposed right now that has not been addressed, and that's being
1009 imposed, and that would get worse. Because I'm telling you every time I'm going to work

010 and coming back and having to turn around because sometimes the traffic is so heavy and
011 go on the 895. Now what I suggested was if they want to, in conjunction with the county,
012 to buy off the toll road so we can use the toll road and alleviate the problem, then that's
013 something else, you know? That's a solution. You know.

014
015 Mr. Witte - Yeah. What I'm saying is you can have more problems with
016 big trucks than you will with any of these little vehicles that people drive.

017
018 Ms. Rivera - But it's less traffic.

019
020 Mr. Witte - But it would -- not necessarily. I mean, it could be, but
021 depending on what you have there, if you have an Amazon plant that's sending out 24
022 hours a day, you can have big trucks round the clock coming in and out of there.

023
024 Ms. Rivera - Sure, but again, it's at different hour, and it's not the congested
025 traffic that is there. And, again, this is not even -- the traffic there is not even considered
026 development that's planned further up the road. So it's just the traffic needs to be
027 addressed, the density of traffic. The density of what they're talking about with what is
028 going to -- is planned to be built further up the road, I don't think that's been considered.
029 That's --

030
031 Mr. Baka - Let me just add, if I may, we're here tonight just to decide and
032 then to review the cases that are before us tonight, not necessarily to project and
033 prognosticate what traffic is coming down the road. And I do know that we need to hear
034 these cases in front of us. So --

035
036 Mr. Witte - All right, I'm good.

037
038 Mr. Mackey - I don't have any questions.

039
040 Mr. Baka - Any other questions of Ms. Rivera from any member?

041
042 Mr. Witte - Well, thank you.

043
044 Mr. Baka - Thank you very much.

045
046 Ms. Rivera - Thank you, appreciate it.

047
048 Mr. Baka - Thank you. Is there anyone else who'd like to speak in
049 opposition to this case tonight? Sir, would you please come forward? Welcome. Please
050 state your name for the record.

051
052 Mr. Quackenbush - My name's Doug Quackenbush (ph) and I live in Rocketts
053 Landing also. I was -- I am now concerned about the traffic, because it looks like it's going
054 to double the amount of people that live in this area.

055

1056 But my main concern right now is greenspace. The person that develops Rocketts Landing
1057 is taking up all green space. There was a dog run between Old Hudson and Old Delaware,
1058 and now that's a parking lot for the apartment complex. Or that's between Old Charles and
1059 Old Delaware. But, anyway, greenspace. We're running out of greenspace. And there's
1060 plant -- he has -- our guy has plans for developing all the greenspace between the Capital
1061 Trail and the river, and this looks like more greenspace being taken away from that area.
1062 That's my concern, greenspace.

1063
1064 Mr. Baka - Okay. Any questions of Mr. Quackenbush from members of
1065 the Commission? Thank you. Anyone else to speak tonight in opposition of this case?
1066 Seeing none, Mr. Mackey, would you like to proceed?

1067
1068 Mr. Mackey - Please -- yeah, can we hear from the applicant, please?
1069 Welcome.

1070
1071 Ms. Cosby - Thank you. Good evening Mr. Chairman, members of the
1072 Planning Commission, Mr. Thornton. My name is Ann Neil Cosby, and I'm an attorney,
1073 land use attorney, at McGuireWoods. I'm here tonight representing the applicant, ZAC,
1074 LLC. The LLC is actually an affiliate of Zimmer Development Company.

1075
1076 And with me tonight are representatives Landon Zimmer and Adam Tucker from Zimmer
1077 Development, and also members of our project team from Timmons Engineering, from
1078 3north, the architect, we have a representative from Icon Realty to answer any questions
1079 regarding leasing, and others from our office.

1080
1081 I think that at the end of this pre -- I was just going to give a few additional comments as to
1082 the development itself, and then, obviously, traffic, environmental questions, I would ask
1083 the Timmons engineers to be able to address that. I think that's probably key in this
1084 instance.

1085
1086 But if you'll indulge me, I did have just a brief PowerPoint. I think staff did an excellent job,
1087 and I appreciate all the help that Ben has given, and Mr. Mackey, in bringing this project
1088 forward. And so I won't belabor what's already been included in the presentation and also
1089 in the staff reports. I know that you have them and you've read through them. But I just
1090 wanted to again just highlight some of the important components of the development as we
1091 see them.

1092
1093 If I can remember (*indiscernible 00:53:52) doing this, Ben? Just arrow it through, okay.
1094 Sort of the big picture for this development, obviously what you have before you are the
1095 properties that are shown here as B and C. Those, obviously, are located in Henrico
1096 County. The development I think, as you've heard, actually involves another parcel, which
1097 is shown there, Parcel A, in the city of Richmond.

1098
1099 And as you've seen in your staff report and in the presentation, Parcel B on Orleans Street
1100 is actually bisected by the city/county line. And so all of these three properties together are
1101 proposed as the Fulton Yard Development. And although they're separate, they're

1102 intended to be developed under the same theme and connectivity with the same design
1103 style to make a cohesive development along Route 5, so as an entrance corridor to the
1104 city, but also the entrance to Varina, you know, on this side of the Henrico County.
1105

1106 So it's all together, and I think it's important that you, you know, are aware that these cases,
1107 all of the properties, are currently zoned M-1 or -2, and they all need to be rezoned. So
1108 there's the companion case, also too, actually, similar to here, making their way through
1109 the City of Richmond.
1110

1111 And so, as part of this process, the applicant from the very beginning looked very, very
1112 closely at the comprehensive plans of both jurisdictions. In the City of Richmond this area
1113 is controlled primarily through the Pulse Corridor Plan, which is the city's newly adopted
1114 subarea plan, if you will, for this area. And it has similar characteristics to the Route 5
1115 Corridor Study that's also been newly adopted by the Board of Supervisors as part of the
1116 Henrico Plan.
1117

1118 So this -- those three properties, the development, took quite a lot of, you know, expertise
1119 and engineering and architecture to take all those criteria and, again, make this cohesive
1120 development in order to satisfy both localities and the residents of those localities. And so
1121 we think we've done that, we hope we've done that. We hope you'll agree.
1122

1123 Again, that's the overview. You've seen the parcels BNC as they apply to Henrico County,
1124 so this is just, again, the addition of that little Parcel A up there, which would be entirely
1125 commercial, and I can touch very briefly on that at the end. But, again, just wanting you to
1126 see the entirety of this development site.
1127

1128 Again, one of the very first steps in this whole process, was looking closely at the Route
1129 Corridor Plan, because it was so important to be consistent with that plan as far as usage
1130 and design style. And so I think, again, what you're seeing and what's been presented in
1131 the master plan, the layout, the walkability, the sidewalks, the -- into the layout of the
1132 buildings themselves have been developed with an eye towards that Route 5 Corridor Plan.
1133

1134 This Commission I'm -- is, I'm sure, fully aware, I mean, sites A, B, and C are up in this
1135 subarea 1 of the Route 5 Corridor, so it is very unique, it is, you know, it -- we all know
1136 Route 5, you know, stretching through Varina and the rural character of that and the
1137 protection of that is so important. And we agree, and we were, you know, very intentional
1138 in making sure for subarea 1, you know, we fit within those parameters.
1139

1140 Again, just a closeup there, Property C you can see Rocketts Landing, the Marion Hill
1141 Subdivision that's been referenced, you know, right, you know, adjacent. There is some
1142 tank farms, if you've driven down that way, you can't miss them. But the tank farms. So
1143 there's tank farms and some intervening greenspace between Property C and Marion Hill,
1144 and you can see Rocketts Landing, the urban mixed use, you know, on the riverside. So,
1145 again, sort of just for, you know, for your information.
1146

1147 Again, when we developed the property, we were led by the Henrico County
1148 Comprehensive Plan, so we looked closely at the Rocketts Landing Planning and
1149 Economic Focus Area. And I think staff again did an excellent job with the Comprehensive
1150 Plan Analysis. You know, just a primary sort of guiding principal that the area should further
1151 redevelop into this mixed-use community to really capitalize on everything that's going on
1152 there currently and what's been envisioned for the area. And, again, we looked at that
1153 Route 5 study, and particularly the subarea 1, which is that urban area where the
1154 development pattern is different. It's really anticipated to be something that's more urban
1155 mixed use. So we took all of that into account in this development.

1156
1157 These are the existing conditions on Property B, that's Orleans, and so you can see it's the
1158 other side of the railroad tracks. And so I think Mr. Witte had a -- had a good point. I mean,
1159 it -- this is what it is, but it's zoned industrial, and so a lot could go on, on this industrial site.
1160 And it would be by right. So it's not a pretty sight currently, and wouldn't have any
1161 environmental remediation at the -- particularly at the level that would be undertaken by
1162 Zimmer Development, you know, should this be approved through the DEQs remediation
1163 criteria. So this is, you know, what it currently looks like, and hopefully won't stay that way.

1164
1165 Again, I think Ben did an excellent job sort of explaining what's being proposed on the
1166 county side. You know, the one mixed use -- I'm sorry. Multi-family building, and then
1167 amenity space. We can answer those questions, but I think they're all included in the -- in
1168 the staff report. Ben also put up a slide on the elevation, so we think they're really nice, so
1169 we'll look at them again. But that's an aerial view of Orleans Street looking west.

1170
1171 I think the gentleman had a good point about greenspace, and Katie Harrigan from 3north
1172 can speak to this. But in addition to the open space that's been proffered, which is 15
1173 percent open space on Property B, and 20 percent on Property C. As part of 3north's own
1174 development criteria they are very cognizant of including as much greenspace in their
1175 designs. And they're well known for their landscape architecture and so that's -- we hope
1176 that's reflected in this project. Lots of street trees, lots of greenery. It's certainly a
1177 component. And the landscaping has been included in the proffers, again, so heavily
1178 landscaped for this project.

1179
1180 Again, you can see that, you know, the greenspace outside the porches, which open onto
1181 the street, to activate, again, the sidewalks and the streets and, you know, really just having
1182 a walkable environment that's what's anticipated in that Route 5 Corridor and in the
1183 Comprehensive Plan. So really designing with those criteria expressly in mind.

1184
1185 For Property C, that's the existing conditions, and that's probably a good picture. I think
1186 that there's trash and a chain-link fence pulled down when I drove by it the other day. So,
1187 again, that's what it looks like now and, you know, hopefully wouldn't look like that in the
1188 future. Again, I won't belabor. Ben's gone through sort of the, you know, the master plan
1189 criteria, you know. But again, we think this looks a whole lot better than that empty field, or
1190 having some industrial use, you know, along Route 5.

1191

1192 An internal streetscape picture and, again, heavily landscaped lots of greenery. Walkable
1193 community.

1194
1195 The Route 5 Study, again, sort of the mixed use of the commercial, you know, we've worked
1196 to include all of that. The pedestrian-oriented scale of buildings and street furniture, lighting,
1197 and hardscape, again, with those big wide sidewalks opening up onto the buildings, and
1198 apartment units opening onto those sidewalks. Multi-story buildings containing a vertical
1199 mixed use and locating the buildings close to the street to preserve the urban character.
1200 Again, we intentionally looked at all those criteria and have designed accordingly.

1201
1202 As far as sort of the proposed timeline for construction, you know, all of this is not going to
1203 happen at one time. So, you know, we understand, and again, we'll speak to transportation,
1204 but the phasing for Property B, if this were approved in October of 2019 construction
1205 wouldn't be completed until, you know, roughly February of 2022. And then -- and then
1206 only, you know, after those, you know, buildings are fully leased then construction could,
1207 you know, would start on Property C. So you're looking there at 2026, you know, until, you
1208 know, construction is complete and available for leasing.

1209
1210 And so, within that time, I think somebody had a good point, a lot can change, you know,
1211 with traffic analyses in the area. And I think that, you know, the county and the city
1212 leadership, you know, are they, you know, taking a look at this area. It gives them time to
1213 do that. And so this isn't all coming at one time. You know, it would be Property B if it were
1214 approved and then many, many years out until we saw the development on that Parcel C.

1215
1216 Mr. Emerson - The time is up Ms. --

1217
1218 Mr. Baka - Oh, we've had -- we've hit a 10-minute interval, just want to
1219 ask, would you have a couple more minutes of comments and then ask other
1220 representatives questions?

1221
1222 Ms. Cosby - Absolutely. Here's Parcel A --

1223
1224 Mr. Baka - Thank you.

1225
1226 Ms. Cosby - And -- yes. And I should've made it clear. Yes, I know that
1227 there's, like, 10 minutes per case, and so if we had three cases. And I certainly wasn't
1228 intending to take 30. I just was trying to hit all three case -- both of the cases all at one
1229 time. So I apologize.

1230
1231 Mr. Baka - Yes.

1232
1233 Ms. Cosby - Site A, I just wanted to point that out to you, it will have
1234 additional parking made available and heavily landscaped. A proffer in the city will improve
1235 the existing trestle on Orleans Street, and I know that's in the city, but for the folks over at
1236 Rocketts who have to look at that every day, you know, that'll be an improvement. Shoot.
1237 Think those are just some of the concepts.

1238
1239 We looked at the view sheds from Marion Hill before we met with that neighborhood and,
1240 you know, because of the intervening parcels, you know, view sheds, we don't think is an
1241 issue at all.

1242
1243 As part of the environmental, again, the site would be remediated up to residential
1244 standards, and it would be overseen by the regulations of DEQ. So the concerns about
1245 pollutants migrating offsite or, you know, otherwise being, you know, released, you know,
1246 would be, again, heavily regulated. And our engineer can speak to that.

1247
1248 And with that, I'll hand this over to Steve Schmidt with Timmons, who can speak to the --
1249 to the traffic.

1250
1251 Mr. Baka - Okay. And before you hand it over to traffic, are there any
1252 specific questions the Commission has for Ms. Cosby?

1253
1254 Unknown Speaker - Yeah.

1255
1256 Mrs. Cosby - Yes, sir.

1257
1258 Unknown Speaker - Well, I think he probably can ask -- answer the question with
1259 the traffic because it's about the Pulse.

1260
1261 Ms. Cosby - Okay.

1262
1263 Unknown Speaker - So I imagine he probably could (*indiscernible 01:05:39).

1264
1265 Unknown Speaker - I got an issue with that, too.

1266
1267 Mr. Baka - Okay.

1268
1269 Unknown Speaker - So I'll wait. (*indiscernible 01:05:43) the traffic issue.

1270
1271 Mr. Baka - Okay. Okay. Would you please come forward? Welcome.

1272
1273 Mr. Schmidt - Good evening. Thank you for having us tonight. My name is
1274 Steve Schmidt, I'm a traffic engineer with Timmons Group. I want to walk through both
1275 what we studied and then some of the mitigations and the results from that study.

1276
1277 As you all are aware, with the redevelopment, or the rezoning, of Property C, a traffic impact
1278 study was required by the county. We sat down with the county and with VDOT to scope
1279 the extent of that traffic study.

1280
1281 We are in a little bit of an interesting area. Route 5, within the county, is controlled by
1282 VDOT. Bickerstaff Road is a county road and controlled by the county. Right at that line
1283 that you see on the screen there, including the signal at Orleans Street -- at Orleans Street,

1284 now you're into the City of Richmond. And so there are -- once we go past that line there
1285 is very little -- it becomes part of the city and not part of the county and/or VDOT's control.
1286

1287 We sat down with both representatives from the county and VDOT to look at what we
1288 needed to study. We studied every intersection starting at Route 5 and Bickerstaff all the
1289 way up, all the entrances to Rocketts Landing. And then the county even asked us, Go
1290 into the city, go study that traffic signal. We know that there's an issue there, study that,
1291 let's find out what's going on there. And then we also studied all of our site entrances.
1292

1293 I will make a note here at this point. You see two entrances here at eight and nine on
1294 Bickerstaff Road. We did study the possibility of having entrances there, but as you've
1295 heard, we are no longer proposing those with this phase of development. Should entrances
1296 come on Bickerstaff Road that would be much, much later and they're not a part of this
1297 process.
1298

1299 So, a traffic study, how do we do them? Well, first we go out and we take traffic counts.
1300 We took traffic counts at every existing intersection along this corridor, during the a.m. peak
1301 hour and then the p.m. peak hour.
1302

1303 I like to think of a traffic study as kind of a cake that you're making, layered cake, one part
1304 after another. We take that existing traffic, we study what does it look like today, then we
1305 layer on what's going to happen if we never develop. We heard comments about, Well we
1306 didn't study, or we don't know what the traffic impacts of other developments down the line
1307 are.
1308

1309 Well, we actually did add in all the traffic that we generated by the full buildout of Rocketts
1310 Landing. And while it's true that we don't know all the other developments that may be
1311 coming down the line, as is typical with traffic studies, we added on a growth rate. We said,
1312 Traffic's going to grow another two percent every year, compounded annually. And that
1313 accounts for those things that we don't know yet. Further developments down Route 5,
1314 anything like that. Other developments that we don't know of. So that's the second layer.
1315

1316 Then we take and then we analyze again. We analyze each of these intersections and
1317 say, In the future if these parcels never develop, what will the traffic look like? And then
1318 finally, at the end, we add in our traffic and do a final analysis, and then we compare the
1319 results and see, What are the possibilities, what are some things that we can do to help
1320 mitigate traffic out here?
1321

1322 We do talk about what is by right on this site, and it is an industrial site that would generate
1323 trucks. It would generate traffic of a different sort all hours of the day, and that would come
1324 by right with no improvements.
1325

1326 So what we did is we thought, How can we best take advantage of the opportunities within
1327 the comprehensive plan for this property and along with traffic? By making a mixed-use
1328 development, retail, residential, office, we're combining uses that hopefully will have some
1329 synergy and hopefully will reduce traffic. And hopefully the residents will also shop at some

1330 of that retail. They don't have to get back down to their car and go out the road to go shop
1331 somewhere. Hopefully some of the office people will eat lunch there, or perhaps even live
1332 there, in an ideal world. We're trying to take advantage of every opportunity we have to
1333 reduce traffic, to reduce the impact along Route 5.

1334

1335 So, at the end of the day, we know that there is some traffic out here, we know that the
1336 peak hour especially in the morning is bad. Right now, that intersection at Orleans Street
1337 operates at a level of service D. In the future, if nothing is done with or without this project,
1338 it would operate at a level of service F. So we have some ideas for how to mitigate that
1339 going forward.

1340

1341 One of the things that we'd like to do along Route 5 is to get our traffic out of the way as
1342 fast as possible and help just have minimal impact to the through traffic on Route 5. We're
1343 going to install left turn lanes coming out of the city into each of our site entrances, so that
1344 that traffic that's traveling behind our traffic won't have to wait. Our traffic can get off to the
1345 side, wait for a break in north-bound traffic, and go into the site. Again, trying to get them
1346 out of the way and as minimal impact as possible to through traffic.

1347

1348 In the opposite direction, coming into the city, we're going to install a wider right-turn radii.
1349 You know, as you're making a right turn you don't have to wait for anybody, there's nobody
1350 blocking you, but you do have to slow down to make that turn. Well, at the request of VDOT
1351 we're going to look at -- we're going to install wider radii and so that you can make that turn
1352 a little bit faster, so that you can, again, get out of way of through traffic on Route 5 just a
1353 little bit faster.

1354

1355 We have also -- there's a proffer to install a traffic signal at old Charles Street, which is
1356 directly across the street as one of the Rocketts Landing entrances.

1357

1358 Unknown Speaker - Right.

1359

1360 Mr. Schmidt - Excuse me. That is subject to VDOT approval, VDOT
1361 warrants, and so we can't just go out and put a traffic signal in today. It has to rise -- the
1362 traffic has to rise to a level at which VDOT will say it is -- it is then warranted.

1363

1364 We also heard a lot about pedestrians, and pedestrian accommodation, ways to cross
1365 Route 5. If that traffic signal goes in, we would put pedestrian crosswalks, pedestrian
1366 countdown signal heads, to allow pedestrians across Route 5.

1367

1368 The -- we are working with the City of Richmond about the Orleans Street, Route 5
1369 intersection. We think there's some opportunity in the future when traffic grows to make
1370 some signal time and adjustments. Right now we, you know, the side streets get perhaps
1371 some time that they don't need, and so can we give more breathing time to the through
1372 traffic and get that Route 5 traffic going further into the city through that -- through that signal
1373 a little bit better?

1374

1375 With the increase in traffic and with these signal time adjustments, the intersection would
1376 operate back at that level of service (*indiscernible 01:11:43) that it does today. We can
1377 mitigate back to existing conditions.
1378

1379 Some of the other opportunities that we have. We -- this property is next to the Pulse, it's
1380 next to the Capital Trail, there's a lot of opportunities for transportation. Opportunities other
1381 than getting in your car. We're going to provide publicly available parking on Property A.
1382 Again, that's in the city, but we're providing it for pulse and also for Capital Trail users.
1383 We've heard time and time again that there's just not enough parking for Capital Trail users.
1384 We're going to add some.
1385

1386 More parking available on Orleans, Nicholson, 37th. That access to the Capital Trail that
1387 we talked about a minute ago, in addition to the upgraded trestle to allow pedestrians to
1388 cross.
1389

1390 You'll see on the -- I'm going to jump to the next slide and then come back to this bit. But
1391 access to the Pulse and impact on walkability. Typically, a person will -- the study shows
1392 somebody will walk a quarter mile to a half of a mile to get onto public transit. They will --
1393 that's the limit that they would walk. Property B is well within that quarter-mile distance for
1394 people to walk to the Pulse station, take that, and go into the city on that and not even get
1395 in their car. That translates to a five-minute walk or ten minutes when you're walking to
1396 transit.
1397

1398 Now to back up a second, Property C is not within half a mile, that quarter to half a mile
1399 limit. And so, what can we do? How can we still take advantage of the Pulse? There's a
1400 proffer condition to provide a shuttle from Property C to the Pulse for people to get onto the
1401 bus, again, without getting into their own personal car and going.
1402

1403 We're also providing a rideshare pickup area, bicycle facilities, again, we're trying to take
1404 advantage of every opportunity we have to mitigate traffic and also improve the area.
1405

1406 I wanted to just check my notes on some of the questions we heard about. Bickerstaff,
1407 we're not doing those entrances today, so there will not be an impact on Bickerstaff Road.
1408 Route 5, we talked about, again, on traffic off. Yeah, I think that's it. and then with that I'd
1409 be happy to answer any questions you may have.
1410

1411 Mr. Baka - And before I ask any questions for Mr. Schmidt, I just wanted
1412 to point out and mention that I believe Ms. Cosby was right, since there were three cases
1413 there'd probably be 10 minute each, so about 30 minutes. So that's -- appreciate the further
1414 explanation, the traffic information, but that's why there'll be additional time allowed.
1415 Questions from the Commission of Mr. Schmidt?
1416

1417 Mr. Mackey - Yes, I had a few questions. You spoke about the shuttle and
1418 site C. Is there any chance there could be a shuttle added to B for people who didn't want
1419 to walk the quarter mile?
1420

1421 Mr. Tucker - We -- hang on.
1422
1423 Mr. Mackey - Sure. Please come forward and --
1424
1425 Mr. Baka - Good evening.
1426
1427 Mr. Tucker - How you guys doing?
1428
1429 Mr. Baka - Good.
1430
1431 Mr. Mackey - Fine, thank you.
1432
1433 Mr. Tucker - I'm Adam Tucker, I'm the Director of Development for Zimmer
1434 Development. And Landon and I have been very fortunate to work with staff and, you know,
1435 and the community as well. We feel like we've almost moved up here. We've had quite a
1436 few meetings, and I -- we've really enjoyed it.
1437
1438 But, anyway, so the answer is what provides us the opportunity for the shuttle, in addition
1439 to what Steve said, is the density. The density of C justifies the cost, and we just don't think
1440 that for the cost we won't get the benefit, because it is so close. And I wish we had the
1441 slide, because there's literally someone running down the middle of Orleans Street
1442 underneath the trestle trying to get to the Pulse.
1443
1444 And what we're proposing, and we didn't hit on it as much as I would like, but CSX has
1445 been really great to work with. I know you don't know hear that very much. But we have a
1446 good relationship with them. And they have agreed to allow us to make those
1447 improvements to the trestle. And part of that improvement will be adding sidewalks where
1448 there are none to increase that accessibility.
1449
1450 And I know the Fulton Hill residents, they feel a little disconnected, you know, because it is
1451 kind of difficult to get through that, it's not very inviting. So we feel like when we upgrade
1452 that trestle it's really going to turn the tide on, you know, how walkable it'll be.
1453
1454 Mr. Mackey - Okay. Yeah, we just -- I was just asking because, like was said,
1455 the traffic is pretty bad. We just try and do anything we can to ease it, you know, ease the
1456 pressure of that traffic.
1457
1458 Mr. Tucker - Sure.
1459
1460 Mr. Mackey - Have you or is there any plans to speak with the city and see if
1461 the Pulse service can be any more frequent? Especially in those morning hours?
1462
1463 Mr. Tucker - We haven't talked to them about the frequency of it, and we
1464 can. Certainly, we can do that. We, you know, we offered to proffer, we will put a Pulse
1465 stop at Parcel C. We'd love to have the stop down there, you know, if it ever comes.
1466

1467 Mr. Mackey - Right.
1468
1469 Mr. Tucker - And so, you know, we're committed to it and so, yeah, we'd
1470 certainly talk to them about what we can do to increase frequency.
1471
1472 Mr. Mackey - All right. I think, yeah, I think he covered the traffic analysis
1473 very well. Let me just -- that's all I had on traffic at the --
1474
1475 Mr. Witte - I have a question. The shuttle. Are there specific times that
1476 the shuttle is going to run, or is it just going to be available during 8:00, or 6:00 to 8:00, I
1477 don't know.
1478
1479 Mr. Tucker - We haven't really -- I don't -- we haven't really worked that out.
1480 I think it'll be a little bit of a trial and error. You know. My thought would be there would be
1481 a stop and it would sit in the center of the development and somebody came it would be on
1482 demand. It's not that far. Now, someone may, as that occurs, residents may be like, I'd
1483 rather have a schedule. So I know if I'm there at 10 till, it's going to be there.
1484
1485 Mr. Witte - Right.
1486
1487 Mr. Tucker - But I would rather do on demand, because I think that it's such
1488 a quick shot up and down that it would be easy. But I think it's going to be trial and error,
1489 honestly.
1490
1491 Mr. Witte - Right. Well, I think that's a really good option. But a better
1492 option would be to get the Pulse down there.
1493
1494 Mr. Tucker - We'd love to have it. We'd love to have it. And I know it's not
1495 a question, but on the environmental, I will expand on that a little bit. We've already
1496 engaged counsel to start the DEQ ground fill process. So we're not planning on going out
1497 there and having, no offense, just our civil engineer draw up a plan and, you know, I think
1498 this'll work. It's going to go through the ground fill, Virginia program. So it's going to be
1499 soup to nuts, clean bill of health, all that contamination that's in the ground now that's
1500 running into the river, you know, we'll do whatever we can to clean that up on all sites.
1501
1502 Mr. Mackey - We appreciate that.
1503
1504 Mr. Baka - Other questions of Mr. Tucker?
1505
1506 Mrs. Thornton - I just have one quick question for the traffic. You had said it
1507 has to reach a level that VDOT says before the traffic signal goes in. What's that level?
1508
1509 Mr. Schmidt - There are the -- there's national levels, standards, the Manual
1510 of Uniform Traffic Control Devices, MUTCD, there are nine warrants that they list. VDOT
1511 looks at several of those, and it's a combination of the through traffic and the side street
1512 traffic, they'd have to rise to a level where a signal is warranted. And, quite frankly, at this

1513 point even with the projections of Rocketts and Property C, the side street is what's holding
1514 that back. And so, should Rocketts develop a little more intensely, or us and, you know,
1515 should a further traffic study at some point see that those levels are higher, then the traffic
1516 signal could be installed.

1517
1518 Signals are, you know, a good tool, but they're not always the right tool. And so that's why
1519 some of these thresholds exist so that a traffic signal is not put in in a place where it's not
1520 the best solution.

1521
1522 Mrs. Thornton - Okay. So, after they've developed C, do they do a traffic study
1523 again to see -- because I know VDOT isn't always forthcoming to fix what we would like
1524 them to do.

1525
1526 Mr. Schmidt - Sure.

1527
1528 Mrs. Thornton - So who's going to make sure that this gets pushed through?
1529 Because it's mainly VDOT. We own -- the county has a little bit, but -- so how do you go
1530 about getting VDOT to take a look at it again?

1531
1532 Mr. Schmidt - Well, the county can petition VDOT and ask for them to look at
1533 the signal, look at the need for a signal --

1534
1535 Mrs. Thornton - Not just the signal, just in general, you know.

1536
1537 Mr. Schmidt - Mm-hmm. That would be a -- if you're asking VDOT to look at
1538 it, it'll be a county initiative process.

1539
1540 Mrs. Thornton - Okay.

1541
1542 Mr. Schmidt - Typically.

1543
1544 Mrs. Thornton - Okay. So the -- go ahead.

1545
1546 Mr. Witte - Just to comment, I thought that the prime areas would be
1547 between seven and nine, so I've tried to get down there one day last week at 8:00 and I
1548 was six or seven minutes late of hitting 8:00 on the dime. But it seems like that the traffic
1549 signals in the city are the main reason for the -- for the backup.

1550
1551 I mean, the volume of cars, you can get a volume of cars through if you don't have stop
1552 and go traffic. So I'm glad y'all are working with the city on the other parcel, because that's,
1553 I think, what really needs to be addressed. And you can't widen the road without tearing
1554 down a lot of buildings.

1555
1556 Mr. Schmidt - Right.

1557
1558 Mr. Witte - So the only other option is regulate the signals, I would think.

1559
1560 Mr. Schmidt - Right. Which is one of the reasons that it was the right call from
1561 the county to ask us to study that signal even though it's not, you know, part of the county's
1562 maintenance or VDOT's.
1563
1564 Mr. Witte - Right.
1565
1566 Mr. Schmidt - You know, can we work with the city on that -- on that signal.
1567
1568 Mr. Witte - I hope we do come up with an answer to the -- solution I should
1569 say. Thank you.
1570
1571 Mr. Baka - I have a question of Mr. Schmidt. A couple of speakers earlier
1572 addressed not only traffic, but traffic congestion. On the slide, I think it's a couple slides
1573 prior to this, see one -- go forward one to the improvements. On this list of improvements,
1574 such as installing left turn lanes, are all five of these items addressed by either the proffers
1575 with the rezoning, or the conditions in the Provisional Use Permit?
1576
1577 Mr. Schmidt - I believe that's the case.
1578
1579 Mr. Baka - Maybe that's a question for Ms. Cosby.
1580
1581 Ms. Cosby - Yeah. Yes, they are. The first four. The fifth is that
1582 recommended signal timing. Again, that's not something, because it's city owned. I will
1583 say, and just again to maybe give Mr. Witte a little bit more comfort, when we've been
1584 having discussions with the city, with Dr. Neville (ph), and we've even met with the mayor,
1585 Mayor's Office, to discuss the potential for the timing change, you know, for that signal.
1586
1587 And we know that, again, there are criteria that the city will look at and, you know, very
1588 specific engineering. But we're trying to, you know, do what we can to speak to the
1589 leadership there so if there's any encouragement that those city officials might be able to
1590 give to their, you know, city traffic engineers that that might occur. I certainly can't speak
1591 for anybody. But we are definitely reaching out to everybody that we can to say, This would
1592 be a really great idea for this whole area. So we're having those discussions at the very
1593 highest level.
1594
1595 Mr. Baka - And I have a follow up question if I may, Ms. Cosby.
1596 Specifically, about the two left turn lanes, the first two bullet points, in reference to the
1597 congestion that folks spoke about. Since this is a phased development, you mentioned
1598 over the next six years or so, would those left turn lanes be more likely to be installed in
1599 year one, early on in the process, or year six later on in the development? Do you have
1600 any type of perspective on the timing of such improvements that the residents might be
1601 able to see?
1602
1603 Mr. Tucker - Yeah. They would be installed prior to the first building opening
1604 in Parcel C.

1605
1606 Mr. Baka - The first building.
1607
1608 Mr. Tucker - So, you know, we're not going to develop that until a number of
1609 years down the road but, you know, they're integral to any -- whether it's 1 building or 10
1610 buildings, we would want to have that. Not only for the existing residents, but our residents
1611 would like to be able to, you know, get out of the way and not feel like they're stopping
1612 traffic, you know, whether there's one building or not. So, yes, it wouldn't be a phased
1613 approach on the traffic signal -- or, I'm sorry, on the traffic improvements for Parcel C. It
1614 would just all at one time.
1615
1616 Mr. Baka - Thank you.
1617
1618 Unknown Speaker - Thank you.
1619
1620 Mr. Baka - Does the Commission have other questions of the applicant?
1621
1622 Mr. Mackey - I don't have any other questions.
1623
1624 Mr. Baka - Is there anyone else present tonight who would like to speak in
1625 favor of this -- these two rezoning cases or this one Provisional Use Permit case?
1626
1627 Mr. Emerson - You've got a couple over here.
1628
1629 Mr. Baka - Yes.
1630
1631 Mr. Emerson - Left.
1632
1633 Mr. Baka - Would one of you please come forward and please speak.
1634 Good evening, welcome.
1635
1636 Ms. Maze - Good evening. Thank you very much for having me. My name
1637 is Sue Maze (ph), and I'm a member of -- I live in the Marion Hill community, have for 46
1638 years. We like the project. We had a preview of what you saw this evening. And we were
1639 so impressed with the way it was presented to us, thank you very much for the
1640 professionalism that was shared with us.
1641
1642 We are the closest neighborhood, I believe, to this project. I travel to the state capital in
1643 the morning about 7:30 several days a week. And I've learned we leave 5 or 10 minutes
1644 early. And we -- it works out fine. You have to allow for it. When I moved there 46 years
1645 ago and there wasn't anything out there but cows, we didn't have to worry about that, but
1646 things have changed. I'm impressed, very impressed, with what I saw.
1647
1648 Most of my neighborhood were there. I've not had anyone to say they opposed it.
1649 Something's going to come down the pike. I think this looks better than the slaughterhouse.
1650 And I didn't know we could have one there but praise the Lord we're not. But I would like

1651 to let you know that on Marion Hill, which we take so much pride in our community, that we
1652 say please do this, and no slaughterhouses.

1653

1654 Mr. Baka - Any questions from the Commission of Mrs. Maze?

1655

1656 Mrs. Maze - Yes.

1657

1658 Mr. Mackey - Nope, thank you.

1659

1660 Mr. Witte - No, Commissioner.

1661

1662 Mr. Baka - Thank you very much. Appreciate it.

1663

1664 Mrs. Maze - Thank you.

1665

1666 Mr. Baka - Who else would like to come forward? Welcome.

1667

1668 Mr. Harris - Good evening.

1669

1670 Unknown Speaker - Good evening.

1671

1672 Mr. Harris - My name is David Harris and I am a -- one of the owners of the
1673 tank farms on Bickerstaff. And I will say that currently throughout the day we do have heavy
1674 trucks. There is a concrete plant back there, my company's back there, which is also a
1675 construction company, and I would love to see some improvements to Bickerstaff, because
1676 the current sight see is quite blightful [sic]. CSX doesn't do anything to cut the work -- the
1677 vegetation and whatever else is grown there. There is some slight concern with the traffic,
1678 and I think through a concerted effort and mitigation of that with VDOT, the county, and
1679 working with the city.

1680

1681 Because I do know since the city put in the traffic circle, or the calming circle technically,
1682 up there, it has caused a little bit of backup. Unfortunately, they didn't build it big enough.
1683 So if a traffic circle is considered, be sure it build it big enough. Because I've put in enough
1684 of them in my profession to know what works and what doesn't work.

1685

1686 So --- but it would be nice to see a development, because right now it's not too green. Just
1687 from the standpoint, because I'm down there seven days a week, you know, just checking
1688 on my place on a regular basis.

1689

1690 And it would be nice to -- as we all know the city has, well, the City of Richmond as a whole
1691 has always wanted to capitalize on the James River and we haven't done that, so this is
1692 the opportunity step towards that and capitalize on the James River. Because it is very, it's
1693 right there. We've already got the townhomes and the folks living there now. So we might
1694 as well go ahead and go one more step and truly develop the area.

1695

1696 Because there's a city that doesn't have cranes that means you're not growing. So I would
1697 love to be able to see that growth and have opportunity for myself to further my business.
1698 But if I don't, and that's fine, but at least I get to see that city and metropolitan areas growing,
1699 because that's what we need in this area for tax develop. I mean, you know, further taxes
1700 to support our schools and children. And the city needs to -- needs it additionally, also.

1701

1702 So I think all of us will benefit in a way that we may not see it immediately. And we're
1703 worried about traffic right now, but there's some opportunities there where we can truly
1704 improve the area and grow the area and still take care of the current environment and
1705 culture further up Varina. So I think, you know, from my viewpoint, and it's a lot better than
1706 putting -- CSX decides to expand their operations right there it's going to be -- it'll be very,
1707 very interesting. Because I know -- I know I've heard them connecting trains on several
1708 occasions and I felt the building was about to come down.

1709

1710 So -- but it's just, from a growth standpoint, it's an excellent opportunity, and you can
1711 improve that space and be able to do something very functional and viable for our county.
1712 And ultimately help the city growth itself -- grow as well.

1713

1714 Mr. Baka - Great. Any questions of Mr. Harris from the Commission?

1715

1716 Unknown Speaker - No, thank you, sir.

1717

1718 Mr. Baka - Thank you.

1719

1720 Mr. Harris - Thank you.

1721

1722 Mr. Baka - Anyone else care to speak on this? Please come forward.
1723 Welcome.

1724

1725 Mr. Young - Thank you. Sheldon Young (ph). I'm a resident of Rocketts
1726 Landing. I want to thank Zimmer for really doing a great presentation to the community,
1727 being very open and honest and listening to our concerns. Of course, traffic is always an
1728 issue. That backs up all the way to 14th Street in the city, so there's not much you can do
1729 about that. I mean, it's -- the things that they're putting in sound like they're going to be
1730 reasonable. Sounds like they're going to help alleviate some of the concerns.

1731

1732 In terms of what it could be, this is by far the best option. And I look out at those railroad
1733 tracks every day, and seeing an additional industrial there is not something that's appealing
1734 as a resident.

1735

1736 In terms of what could happen for greenspace and things that -- remediation of that land,
1737 right now we're just leaching into the ground, so remediation will be a good thing. In terms
1738 of greenspace it sounds like they've addressed it. I will make a recommendation in that
1739 they put a dog park in. We have lots and lots of dogs in the area, and a little dog park that
1740 is open to the public would be fantastic. But other than that, very, very great company in

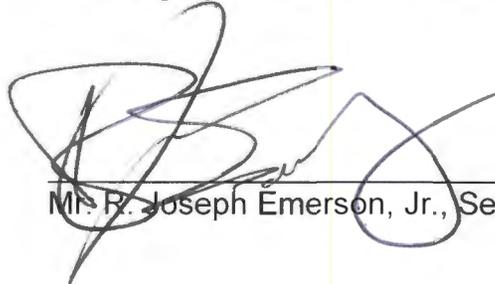
1741 terms of what they've done for the community in sharing and openness and I'm very excited
1742 about the opportunity to see it go up.
1743
1744 Mr. Baka - Thank you. Any questions from the Commission?
1745
1746 Unknown Speaker - No, sir.
1747
1748 Mr. Baka - Thank you.
1749
1750 Mr. Young - Thanks.
1751
1752 Mr. Baka - Anyone else care to speak in favor of this application here
1753 tonight? Seeing none.
1754
1755 Mr. Mackey - Mr. Chair, I'd like to make a motion.
1756
1757 Mr. Baka - Okay.
1758
1759 Mr. Mackey - Mr. Chair, I move that REZ2019-00011, Ann Neil Cosby and
1760 Adena M. Patterson for ZAC, LLC be sent to the Board of Supervisors with a
1761 recommendation of approval, with the proffers dated July 31, 2019 in the staff report.
1762
1763 Mr. Baka - Sure. We have a motion by Mr. Mackey and a second by Mr.
1764 Witte to approve the rezoning. All in favor say aye.
1765
1766 The Commission - Aye.
1767
1768 Mr. Baka - Opposed say no. Motion carries.
1769
1770 **REASON** - Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the
1771 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1772 **grant** the request because it is reasonable in light of the Urban Mixed-Use zoning in the
1773 area and the proffered conditions will assure a level of development otherwise not possible.
1774
1775 Mr. Mackey - All right, Mr. Chairman, I move that REZ2019-00012, Ann Neil
1776 Cosby and Adena M. Patterson for ZAC, LLC be sent to the Board of Supervisors with a
1777 recommendation of approval, with the proffers dated July 31, 2019 in the staff report.
1778
1779 Mrs. Thornton - Second.
1780
1781 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.
1782 Thornton to approve the -- recommend approval of the second rezoning. All in favor say
1783 aye.
1784
1785 The Commission - Aye.
1786

1787 Mr. Baka - Opposed say no. Motion passes.
1788
1789 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
1790 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1791 Supervisors **grant** the request because it conforms to the Urban Mixed-Use
1792 recommendation of the Comprehensive Plan would not adversely affect the adjoining area
1793 if properly developed as proposed.
1794
1795 Mr. Mackey - And for the third part, Mr. Chairman, I move that PUP2019-
1796 00007, Ann Neil Cosby and Adena M. Patterson for ZAC, LLC be sent to the Board of
1797 Supervisors with a recommendation of approval, with conditions 1 through 8 in the staff
1798 report.
1799
1800 Mrs. Thornton - Second.
1801
1802 Mr. Baka - We have a motion by Mr. Mackey and a second by Mrs.
1803 Thornton to recommend approval of the Provisional Use Permit. All in favor say aye.
1804
1805 The Commission - Aye.
1806
1807 Mr. Baka - Opposed say no. Motion carries.
1808
1809 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
1810 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1811 Supervisors grant the request because it would provide added services to the community
1812 and when properly developed and regulated by the recommended special conditions, it
1813 would not be detrimental to the public health, safety, welfare and values in the area.
1814
1815
1816 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
1817 agenda, which is the consideration of your minutes from the July 11, 2019 meeting. I would
1818 note that we do have an errata sheet and it was in front of each of your seats when you
1819 came down this evening. So, certainly we'll make those changes, and any other changes
1820 that the Commission may need to suggest be made we will take care of.
1821
1822 Mr. Baka - I'd like to thank the staff for their responsiveness of requests
1823 that I had on the errata sheet, so thank you. If there are no other changes, I'll make a
1824 motion tonight that the minutes be approved.
1825
1826 Mr. Archer - And I'll second that motion.
1827
1828 Mr. Baka - Motion by Mr. Baka and a second by Mr. Archer to approve the
1829 minutes. All in favor say aye.
1830
1831 The Commission - Aye.
1832

1833 Mr. Baka - Opposed say no. Motion passes.
1834
1835 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this
1836 evening.
1837
1838 Mr. Baka - Okay. Members of the Commission have any other matters?
1839 If not, a motion to adjourn would be in order.
1840
1841 Mr. Witte - I move to adjourn.
1842
1843 Mr. Baka - Moved.
1844
1845 Mr. Witte - So moved.
1846
1847 Unknown Speaker - Seconded by Mr. Witte.
1848
1849 Mr. Baka - Motion by Mr. Witte and seconded by Mr. Archer. All in favor
1850 say aye.
1851
1852 The Commission - Aye.
1853
1854 Mr. Baka - This meeting is adjourned.
1855
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Mr. Gregory R. Baka, Chairman



Mr. R. Joseph Emerson, Jr., Secretary