

1 Minutes of a work session of the Planning Commission of the County of Henrico
2 held in the Planning Department Large Conference Room, County Administration
3 Building in the Government Center at Parham and Hungary Spring Roads,
4 beginning at 5:15 p.m. February 12, 2015.
5

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner

6
7 **Ms. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**
9

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

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

16 The Commission convened a work session in the Planning Department's Large
17 Conference Room at 5:15 p.m. to discuss several items. However, no action was
18 taken at this time.
19

20 **THE PLANNING COMMISSION RECONVENED AT 6:02 P.M. FOLLOWING A**
21 **WORK SESSION.**
22

23 **PUBLIC HEARING ON CAPITAL IMPROVEMENT PROGRAM:**
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30 Minutes of the Capital Improvement Program presentation held in the County
31 Administration Building in the Government Center at Parham and Hungary
32 Spring Roads, beginning at 6:00 p.m., Thursday, February 12, 2015. Display
33 Notices having been published in the Richmond Times-Dispatch on January 26,
34 2015 and February 2, 2015.

35

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

Also Present: Mr. John A. Vithoukas, County Manager
Mr. Eugene H. Walter, Finance Director
Mr. Brandon Hinton, Budget Director
Other Department Heads and Key Officials
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Ben Sehl, County Planner
Mr. Seth Humphreys, County Planner
Ms. Sylvia Ray, Recording Secretary

36 Mr. Witte: Welcome to the CIP review with the Planning
37 Commission. We want to make note that we got everybody here. Our quorum's
38 here. We've got Mrs. O'Bannon sitting with us from the Board of Supervisors. I'll
39 turn it over to Mr. Emerson.

40

41 Mr. Emerson: Thank you Mr. Chairman. As you noted, we're here
42 tonight to talk about the Capital Improvement Program, but before we move into
43 that item, I will note that the Commission did meet earlier this evening from 5:15
44 to about 5:45 for a short work session and dinner prior to this meeting, and there
45 was not action taken at that time. With that said, tonight's the night that the
46 Commission meets with the County Manager and county staff to discuss the
47 Capital Improvement Program, and this is a Public Hearing on the Capital
48 Improvement Program to consider the fiscal year 2015-16 through fiscal year
49 2019-20 Capital Improvement Program, and the County Manager is here to
50 present that document to you.

51

52 Mr. Vithoukas: Thank you Mr. Emerson, members of the Planning
53 Commission, Mrs. O'Bannon. It is my pleasure to be here. I'd like to thank the
54 individuals from the departments, and any citizens that are here this afternoon.

55 What we are presenting is both the proposed Capital Budget, which is the one
56 year recommended item for funding, as well as offering you a snapshot of the 5-
57 year Capital Improvement Program that you have before you. You should have
58 received this document several weeks ago, and within that, I'll be referring to it as
59 we go through this document.

60
61 But, I want to begin by thanking the Budget Office, Mr. Hinton, the Budget staff,
62 the department heads for the thought that has gone into this Capital Budget
63 proposal. You'll see that we're utilizing a number of funding sources this year.
64 Funding sources that could reasonably be put forward for the sole purpose of
65 maintaining our infrastructure while at the same time focusing on a number of
66 capital projects that enhance the quality of life in our county.

67
68 In one snapshot, you'll see this is the FY2015-16 Proposed Capital Budget and
69 what you'll see here is the total proposed funding depiction that exceeds just over
70 108.6 million dollars for fiscal 2016. Again, this is the one year Capital Budget. It
71 includes Enterprise Funding, which is our water and sewer revenue, which is
72 paid by our water and sewer customers. And then you will note a general fund
73 portion and a number of revenue sources, revenue bonds, and I will get into each
74 and every one of these, but you'll see items, like the portion of the Meals Tax that
75 is dedicated for our school systems' capital infrastructure. There's a small portion
76 of Meals Tax, and you can see it in the light blue, 1.83 percent that came about
77 from our June, 2014 collections. If you recall, the Meals Tax went into effect in
78 June. That portion is being recommended for funding or for placement in a Meals
79 Tax category that our school system can begin to allocate as the 9 million dollars
80 that it has in the other portion is expended. We also have items that you've seen
81 over the years. Motor vehicle license fees of \$850,000 and then some other
82 miscellaneous funding sources.

83
84 The point of all of this is that when you look at or compare capital budgets in
85 some other localities what you will find is debt in a dedicated funding source. Or,
86 a dedicated funding source and a little bit of pay as you go funding. What you're
87 seeing here is similar to what we saw last year. And again, the focus is on
88 utilizing as many sources as we possibly can within the Capital Budget because
89 we're doing two things: we're maintaining our infrastructure, each and every area
90 and we're also focusing on items that will main ... or enhance the quality of life
91 that we have within Henrico County. Again, fiscal 14 or 15 and fiscal 16 we will
92 see similarities in the diversity of funding sources and that is the purpose of that
93 slide.

94
95 Now, what I'd like to do, is I'd like to shift to the Capital Budget, which is what is
96 being recommended for funding – will be recommended for funding to the Board
97 of Supervisors on March 10th. And, you can find this Capital Budget within your
98 book. If you look at pages 1-3, you'll find an actual listing of capital projects. We
99 also have, at your seats, a one-page snapshot that may make it even easier, and
100 that is a ... you'll see a spreadsheet, if you will, that's entitled "FY16 CIP

101 Proposed Capital Budget.” What that does is it includes a project name, the
102 amount that is recommended for funding, and then it also shows you the funding
103 source. On the front page, it includes the General Fund portion. On the back
104 page, it includes the Utility portion, which is self-funded. And, then you have the
105 total of 108.6 million dollars that I referred to as I opened.

106
107 But, let me just go through each of these categories. First you’ll see the
108 recommended proposed Capital Budget for Education is 13.49 million dollars.
109 That consists of several components. First, two and a half million dollars for roof
110 and mechanical improvements for various schools have been recommended.
111 Total of 11 million dollars, 11 million in Meals Tax revenue. Again, that includes
112 two components: 9 million dollars allocated for capital, and then an additional two
113 million dollars that was collected in June of 2014 that is being put forward in the
114 Capital Budget. Overall, the big picture for the Meals Tax in Henrico County is
115 that first year we had 18 million dollars that we estimated. Half would go in the
116 Operating Budget, half would go in the Capital Budget. The recommendation
117 going forward is that the growth in the Meals Tax be allocated in the Capital
118 Budget, where it can forever provide a funding source for infrastructure in our
119 school system as oppose to operate or dedicating it to Operating Budget, where
120 it would provide relief or a funding source for one year, and then be, become part
121 of the operational base – if you will.

122
123 The Fire Department, you can see a recommendation of 6.9 million dollars, and
124 that is for two projects. 6.4 million dollars is recommended for funding towards
125 the construction of the new Fire Station #19. This is a project that was approved
126 in the 2005 Bond Referendum. The Bond Referendum amount was not sufficient
127 for a number of years to be able to complete that project. We have in this Capital
128 Budget, cobbled together a number of funding sources that will be able to put this
129 project forward and complete, what is in essence the last project from the 2005
130 Bonds, to go to construction. In addition to that, there’s a second phase – an
131 Alerting System that would replace the current obsolete Alerting System in all of
132 the fire stations. This is being phased in over a number of years.

133
134 You’ll see General Services allocation of 1.4 million dollars. This is the
135 maintenance aspect. On-going roof replacements, mechanical improvements,
136 pavement rehabilitation projects as well as a project for the Dumbarton Library
137 repurpose, if you will. There’s a small amount of funding that is included for that
138 project. It is a hundred and ninety thousand, Mr. Hinton, am I ... A hundred and
139 ninety thousand dollars for that project. And, as we move into Libby Mill, the
140 premises is that that facility will be used for office space and that hundred and
141 ninety thousand dollars will help us get closer to making that happen.

142
143 We move into Information Technology, and you’ll see 1.1 million dollars. It
144 includes 600 thousand dollars in General Fund resources, in order to continue
145 numerous IT hardware and software upgrades. These are necessary on a year to
146 year basis, and they are basically for improvement to the County’s data network.

147 In addition, funding for a half million dollars is associated with a building
148 inspection permit fee revenue increase that we had last year. We had the
149 revenue increase, and we dedicated funds from that for the Tidemark
150 replacement system, which I believe, as members of the Planning Commission,
151 you're aware of the system that is utilized by staff in order to do many of the
152 reports and functions that you are presented with. This, again, not a one-year
153 project, but a multi-year project that we are phasing in, over time. We expect that
154 project to come forward.

155

156 Within IT/GIS, we have 150 thousand dollars to continue our efforts within the
157 Geographic Information System.

158

159 Within Public Works roadway, we have a significant sum 6.5 million dollars,
160 which is being utilized for various bridge rehabilitation projects.

161

162 These are necessary projects. We were fortunate, in that last year, the General
163 Assembly recognized the need for Henrico County's per lane mile reimbursement
164 to be increased. This allows us to incur or begin projects like these bridge
165 rehabilitation projects that are necessary. In addition to that, we have a
166 miscellaneous amount of 850 thousand dollars that is designated for ongoing
167 general reconstruction projects that occur each and every year.

168

169 You will see a new category, Public Works Stormwater, 2.3 million dollars. You
170 will see in this submission that is dedicated General Fund resources that was
171 made available last year for ongoing stormwater projects, that have come about
172 to meet our Chesapeake Bay TMDL requirements. And, these efforts include
173 things like stream restoration, level spreaders, and bio-retention facilities. This is
174 an item you will see each and every year coming forward, for many, many years.

175

176 You will see also in Recreation, 6.5 million dollars. Half a million dollars is for our
177 annual, what we call Facility Rehabilitation projects, numerous gazebos, park
178 infrastructure that we have allocated throughout the county. And, you will also
179 see 6 million dollars has been allocated to the Greenwood Road Park Project.
180 This is a significant investment in sports tourism. One that we have continued to
181 keep the Board abreast of. Mrs. O'Bannon, you will see this in the proposed
182 Capital Budget that will be coming forward on March the 10th.

183

184 Within the General Fund, General Capital Projects' component, 39.3 million
185 dollars. In addition, there's 65.5 million that is allocated within the Public Utilities
186 portion. But before I get to that, let me speak to this one item, and that is titled
187 "Vehicle Replacement Reserve." Because while this is in the Capital Budget, it
188 doesn't involve conformance to the Land Use Plan. But, it is placed in the Capital
189 Budget, was ... came about a number of years ago and this is where we are
190 using General Fund resources to fund fire apparatus, and police vehicle
191 replacements. 3.5 million dollars, include 1.5 for police vehicle replacements. I'm
192 sorry, 1.5 million for fire apparatus, and 2.3 million for vehicle replacements.

193 What it does not include is an allocation for any school bus. As that allocation
194 has historically come about from within the school budget. Now, at this writing, on
195 March the 10th, I expect to be able to present the Board of Supervisors with a
196 budget that includes funding for school buses. But at this writing right now, our
197 school system is working on a budget that does not include any funding for
198 replacement school buses. And again, while that's not really a topic for the
199 Planning Commission, it is a statement of fact and I wanted it noted, because we
200 do have that item pending.

201
202 I do again expect, Mrs. O'Bannon, on March the 10th, to ... that the
203 Superintendent and the School Board will have found a solution to that item
204 because we do have over 700 school buses that need to be, a replacement
205 program needs to be included in that.

206
207 We move on to Public Utilities, water and sewer, and you'll see 65 and a half
208 million dollars. 36.2 million dollars comes about from Enterprise Fund Revenues
209 and then the balance comes from what we call Revenue Bonds that would be
210 utilized. A number of projects, 8.7 million dollars in recurring water and sewer
211 projects. This is the maintenance side of the Enterprise Fund.

212
213 Then you have a number of specific projects. 9 million dollars for the Strawberry
214 Hill Basin Sewer Rehabilitation Project. 6 million dollars for Strawberry Hill Sewer
215 Capacity Improvements. 4.9 million for Gillies Creek Basin Sewer Rehabilitation.
216 1.9 million for Water Reclamation Facility Improvements. 300 thousand for
217 Tuckahoe Creek sewer replacement, and then we go on with 4 million for
218 Broadwater Creek. 5.3 million for, I'm sorry, 5.3 million for sewer line rehab
219 projects, and then 20 million dollars, this year, in this proposed Capital Budget for
220 the Cobbs Creek Cumberland Reservoir Project. Something we have been
221 working on for a number of years, and this week, or last week we were finally
222 able to obtain all of the property for that reservoir in Cumberland.

223
224 At this point, what I'd like to do, and Brandon if you take me forward, is to show
225 you we've just covered 108.6 million dollars in what is the Capital Budget. And,
226 that is a quick overview, but in addition to that, outside, in years two, three, four
227 and five of this document, is the Capital Improvement Program. There are a
228 number of other items that are pending or have been put forward.

229
230 Request for funding. Now even though these are requests for funding, many of
231 these projects – in fact I would dare say most of these projects, will not ultimately
232 ... be funded. Not in that they're not worthy projects, but that the resources would
233 not be available for many of them.

234
235 If you look within their education realm, 523.4 million dollars have been put
236 forward for a number of maintenance rehabilitation projects within our school
237 system. Some larger projects include a new high school, east area high school. A
238 new high school technical center. Renovation of a high school, one middle school

239 and 15 elementary schools in that total. You also have a number of elementary
240 school additions that have been put forward. Virginia Randolph complex
241 renovation, Tuckahoe District land improvements, as well as a project that is
242 entitled "Multi-Sport Athletic Fields", within that title.

243

244 Department of Finance has put forward 440 thousand dollars. This is largely for a
245 cashier system replacement or IT type project. Fire's five year request totals 44.5
246 million dollars. In addition to the fire station I noted, there's 34.5 million dollars
247 that includes the rebuilding of two fire stations, the construction of three new fire
248 stations and a new training center for the division.

249

250 General Services has 109.3 million dollars that been requested over five years.
251 Highlights include a depot, if you will, a central automotive maintenance depot in
252 the east portion of the county. A fuel site, the expansion of both eastern and
253 western government centers, as well as the routine maintenance effort in that
254 department.

255

256 IT has put forward 8.7 million dollars over this five year period. Again, looking
257 forward, funding of the Tidemark system continues, there's a multi-year project
258 that goes also for continued data center upgrades, as well as disaster recovery
259 efforts. The importance within the IT area cannot be underscored if you think
260 about what happened last week, just ... Anthem, and some of their troubles and
261 difficulties.

262

263 We go forward with GIS. This is the routine. 715 thousand dollars of this includes
264 the routine GIS efforts that are funded annually, as well as 900 thousand dollars
265 for a new work order management system, that would be utilized by all of the
266 departments.

267

268 The Department of Mental Health is requesting the expansion of two facilities,
269 both east and west. And that total, Police is requesting a number of capital
270 projects and the largest one comes about from the hand-held radio project that
271 we've been talking about for a number of years. We've been building cash
272 reserves for that project, and we expect that we will issue some revenue bonds
273 this year for that project.

274

275 One of the items, within that realm, includes our schools and within the
276 communications project that Police has put forward. It is our intent to purchase a
277 portion of the radios, if you will, that are within our school facilities, out of funds
278 that we would issue bonds for. So that is included in that total. What we are
279 working on with our school system is a determination of the type of radio that
280 could be used within a school bus. Because right now you don't have the one-on-
281 one communication within a school bus, and some of the things that we have
282 seen, nationwide, some of the occurrences lead us to believe that as we roll out
283 this system, school buses really need to be included, so we're trying to work with

284 schools to determine the type of radio that would be placed in the school buses.
285 Superintendent is working on the funding aspect.

286

287 The Libraries request of 32 and a half million dollars represents the replacement
288 of the Fairfield Area Library. This is likely a project on the next, or a future Bond
289 Referendum. And, within Public Works we have drainage projects that total 35.6
290 million dollars.

291

292 Again, moving on within the Capital Improvement Program, we move on to a
293 category of roadways, 24.9 million dollars, you see a number of road projects.
294 Highlights here is that this total also includes 18.2 million dollars for what is being
295 labeled as the Woodman Road Extension Project. This is a project that would tie
296 to the Greenwood Road sporting facility that we have that borders the Fairfield
297 and Brookland Magisterial Districts.

298

299 We move on to stormwater, you can see a total of 11.7 million dollars. In this time
300 period the county's stormwater requirements will also change as we approach
301 the last year of the CIP. And, going forward, you will see this total likely ramp up
302 into some ... what I think are some very difficult numbers.

303

304 Recreation and Parks, 124 million dollars, and again, this is a five year request
305 that has been put forward, facility rehabilitation projects, the maintenance aspect
306 obviously at the top of the list, totaling 8.9 million dollars over that five year
307 period. Greenwood Road Park is included here, as are a number of other
308 facilities.

309

310 The Registrar. This was a request for voting machines that came forward, and at
311 the time that the request was put forward the Governor's budget, proposed
312 budget, included funding for voting machines statewide. That funding was
313 removed from, during the Legislative Session, and in fact, the funding wouldn't
314 have provided for voting machines statewide. It would have provided for a portion
315 of the number of voting machines that would have been required.

316

317 The recommended budget that is put forward, the Capital Budget, does not
318 include a recommendation for replacing voting machines. At this time, the voting
319 machines that we have are working. They are functional and my suggestion
320 would be if there is a need, going forward, for replacement of voting machines
321 that it comes about in an off-cycle election, specifically after the next Presidential
322 Election.

323

324 As we move forward in to the Sheriff's Office, 49.4 million dollars in projects over
325 the five-year period. This includes a number of projects, expansion of jail facilities
326 – both east and west, enhancements of kitchen improvements, and a potential
327 administrative relocation of those offices as we move within this building, as well
328 as just general improvements to both east and west facilities.

329

330 And then you see the Public Utilities aspect, and the golf course aspect. Both of
331 course being Enterprise Funds which we do not rely on General Fund resources,
332 but within our Public Utilities aspect you see a significant number. A portion of
333 that being Cobbs Creek, but the thing to keep in mind, that I have to actually
334 keep reminding myself, is that when you look at water and sewer services we
335 have 95,097 water customers. 92,125 sewer customers. We have a distribution
336 system that includes 1,582 miles of water mains, 1,470 miles of sewer mains, 22
337 pump stations, a water treatment plant and a water reclamation facility. All of
338 these, which require intense maintenance on a daily basis.

339

340 So you can see within that five-year period, one billion, 533 million, 818 thousand
341 59 dollars that is put forward in this document as requests. So in summary, the
342 Capital Budget that is being put before you for Land Use consideration includes
343 education meals tax projects, funded at 11 million dollars, again two components
344 to that funding, and the completion of Fire Station 19 at 6.4 million dollars.
345 Greenwood Road Park, which we are calling Phase I of the project at 6 million
346 dollars. General Fund allocation of funding for both, maintenance, maintenance,
347 maintenance on the school side as well as the general government side of five
348 million dollars. The new stormwater requirements of 2.3 million dollars. And then
349 water and sewer fund projects of 65 and a half million dollars.

350

351 Again, a very complex, a very thorough, I think, analysis by the Budget Office, by
352 the departments as far as being able to identify their needs and put them
353 forward. And so, Mr. Chairman, members of the Planning Commission, Mrs.
354 O'Bannon, that is what I have as an overview for the Capital Budget. Again I
355 want to thank the men and women that are behind me who spent many hours in
356 compiling this document, but as we go forward, year-by-year, by-year, by-year,
357 it's both the maintenance aspect and what is that we can do to enhance the
358 quality of life for our ever urbanizing county. And I believe this document before
359 you, goes a ways in doing that, so ...

360

361 Mr. Witte: Mr. Manager, I have a question. On page two of the
362 report for Fire, there was listed a cash proffer of \$160,000 and I'm not familiar
363 with cash proffers.

364

365 Mr. Vithoulkas: It is, we refer to it as a cash proffer – I would call it a
366 cash proffer/donation, and that goes back a number of years. Mr. Emerson you
367 recall that item with the Fire Station that was collected. That was payment that
368 was made by a developer.

369

370 Mr. Emerson: West Broad Village. Donated money towards what is
371 now Station 19. Fire Station 19.

372

373 Mr. Vithoulkas: That funding is available. It has been available, and
374 so we're utilizing it as a portion of the funding source for Fire Station 19. Again,

375 when we saw it, we went back and forth on, we refer to it internally as a cash
376 proffer, but point well taken. It's more, it's not a cash proffer like other localities.

377

378 Mr. Witte: Thank you sir.

379

380 Mrs. O'Bannon: Mr. Manager, we have a Fire Station 22 or 23, this
381 one is 19. Do we not build them in order?

382

383 Mr. Vithoukias: No, that question has come up a number of times. Mr.
384 Dunn do you want to come up and address?

385

386 Mr. Witte: I might be able to enlighten a little bit on that. It's a
387 request that they were originally laid out in the order in which they thought they
388 were going to be needed, and then as a Supervisor requested one before the
389 other ones, the numbers jumped.

390

391 Mr. Vithoukias: Now, here's the ... we're getting away from the
392 numbering system as well. The Fire Chief has taken a liking to, and I think the
393 community identifies with fire stations, community fire stations, so each new one
394 is receiving both the number and an identity if you will. But this one for now is
395 Fire Station 19 and on county-owned property. I can tell you that this project was
396 one that I'm very happy to bring forward because with the resources that had
397 been identified when the '05 Bond Package was put together, those resources
398 are not sufficient to build a fire station in that area of the county. But we need a
399 fire station in that area of the county. And so ...

400

401 Mr. Witte: Wow. Any questions for the Manager? Anybody else?

402

403 Mr. Emerson: You need to open the Public Hearing and ask for any
404 comments from the public.

405

406 Mr. Witte: This is a Public Hearing. Do we have any questions
407 by anyone in the audience on the CIP? I see none.

408

409 Mr. Emerson: Mr. Chairman, with that being said, I had a resolution
410 for your consideration, and I'll pass that out to you now. And if it meets with the
411 Commissions' liking I will read this into the record.

412

413 **WHEREAS**, in accordance with §15.2-2239 of the Code of Virginia, the County
414 Manager requested the Planning Commission to review and make
415 recommendations concerning the Capital Budget for fiscal year 2015-16 and the
416 Capital Improvements Program for fiscal years 2015-16 through 2019-20 to the
417 Board of Supervisors; and

418

419 **WHEREAS**, the Planning Commission has completed its review of the Capital
420 Budget and the five year Capital Improvements Program.

421

422 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
423 Commission finds that the Capital Budget for fiscal years 2015-16 and the
424 Capital Improvements Program for fiscal years 2015-16 through 2019-20 are
425 generally consistent with the County's Comprehensive Plan and recommends
426 their approval.

427

428 Mr. Witte: Thank you sir. Do we have a motion?

429

430 Mrs. Jones: I move for approval of the Resolution.

431

432 Mr. Branin: Second.

433

434 Mr. Witte: We have a motion by Mrs. Jones, second by Mr.
435 Branin, all in favor say Aye. Opposed? Motion passed.

436

437 Mrs. O'Bannon: I abstain.

438

439 Mr. Vithoulkas: Thank you Mr. Chairman, members of the Planning
440 Commission.

441

442 Mr. Branin: I'd just like to say every year, the budget you all bring
443 forward and the dedication that your staff has countywide, in putting this together,
444 and the clarity and the mission that they have is always clear and, on behalf of
445 the Commission thank you for all that you guys do.

446

447 Mr. Vithoulkas: Thank you Mr. Branin.

448

449 Mr. Leabough: Thank you.

450

451 Mr. Vithoulkas: Thank you Mr. Leabough

452

453 Mr. Emerson: Mr. Chairman, if you so desire, the Commission could
454 possibly recess its meeting until the regular meeting at 7 pm. If you'd like to make
455 that motion.

456

457 Mr. Witte: I think we have a motion. I'll make the motion.

458

459 Mr. Witte: Do we have a second?

460

461 Mr. Branin: Second.

462

463 Mr. Witte: We have a motion to adjourn, to recess until 7:00.

464

465 Minutes of the regular monthly meeting of the Planning Commission of the
466 County of Henrico held in the County Administration Building in the Government
467 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m., February
468 12, 2015. Display Notices having been published in the Richmond Times-
469 Dispatch on January 26, 2015 and February 2, 2015.
470

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
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Ms. Patricia S. O'Bannon,
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Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie News, PLA, Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Matt Ward, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

471 **Ms. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
472 **on all cases unless otherwise noted.**

473
474 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
475 **PUBLIC HEARING ON THE CAPITAL IMPROVEMENT PROGRAM.**
476

477 Mr. Witte - Good evening. I would like to reconvene our meeting
478 that we recessed about a half an hour ago. This is our February 12, 2015, Zoning
479 and Provisional Use Permit meeting of the Planning Commission. I ask that you
480 turn off or silence your cell phones. And while we're doing that, please stand with
481 us for the Pledge of Allegiance.
482

483 Thank you. At this time, I'd like to acknowledge anyone from the news media.
484 Please raise your hand. Mr. Strong, thank you for joining us. We have all
485 members present this evening.
486

487 And I'd also like to recognize Mrs. O'Bannon. She's representing our Board of
488 Supervisors on the Commission this year. And she will be abstaining from voting
489 on issues that go to the Board.

490
491 With that, I'd like to turn the meeting over to our secretary, Mr. Emerson.

492
493 Mr. Emerson - Thank you, Mr. Chairman. As you noted, you are
494 reconvening the meeting. The Planning Commission began this evening at 5:15
495 p.m. with a short work session and dinner prior to the 6 p.m. presentation and
496 public hearing on the Capital Improvements Program. During the work session
497 the Commission had some general discussion, but no action was taken. The
498 public hearing on the Capital Improvements Plan was held at 6 p.m., and the
499 Commission did take action recommending approval of the fiscal years 2015-16
500 through fiscal years 2019-20 Capital Improvement Plan to the Board of
501 Supervisors.

502
503 With that said, Mr. Chairman, first on your agenda this evening are the requests
504 for withdrawals and deferrals. Those will be presented by Mr. Jim Strauss.

505
506 Mr. Strauss - Thank you, Mr. Secretary. Staff has received one
507 request for deferral this evening. It is in the Varina District. It's on page 4 of your
508 agenda, and the applicant is requesting a deferral of REZ2014-00016, Ross Run
509 to the March 12, 2015 meeting.

510
511 **REZ2014-00016 Ross Run, LLC:** Request to conditionally rezone
512 from R-2AC One-Family Residence District (Conditional) and A-1 Agricultural
513 District to R-5AC General Residence District (Conditional) part of Parcel 824-
514 689-0488 and Parcel 824-694-2155 containing 139.66 acres, located between
515 the south line of Darbytown Road at its intersection with Macallan Parkway and
516 the east line of Doran Road approximately 960' south of its intersection with
517 Macallan Parkway. The applicant proposes a single-family residential
518 development. The R-5A District allows a maximum density of six (6) units per
519 acre. The use will be controlled by zoning ordinance regulations and proffered
520 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1,
521 density should not exceed 2.4 units per acre and Environmental Protection Area.
522 The site is located in the Airport Safety Overlay District.

523
524 Mr. Witte - Is there anyone in opposition to the deferral of
525 REZ2014-00016, Ross Run LLC? I see none.

526
527 Mr. Leabough - With there being no opposition, Mr. Chair, I move that
528 REZ2014-00016, Ross Run LLC, be deferred to the March 12, 2015, meeting at
529 the applicant's request.

530
531 Mr. Branin - Second.

532

533 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.
534 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
535 passes.

536

537 Mr. Emerson - Mr. Chairman, that completes the requests for
538 withdrawals and deferrals. Next on the agenda are requests for expedited items,
539 and there are none this evening. That takes us to the first item on your regular
540 agenda, which appears at the bottom of page 1. This is a landscape plan. This
541 item was deferred at your last meeting to the
542 February twenty-fifth meeting. After discussion with the developer, and the
543 Planning Commissioner for the Varina District, and the Chairman, it was deemed
544 appropriate to place this item on this agenda tonight, the twelfth. And all due
545 notification did take place, and all legal requirements were met for this to occur.
546 However, I would request that prior to hearing this case, that there be a motion to
547 add it to this agenda.

548

549 Mr. Witte - Mr. Leabough?

550

551 Mr. Leabough - Yes sir. I move that POD2014-00480—well, do we
552 need to hear opposition, if there's any opposition, Mr. Witte?

553

554 Mr. Witte - Is there any opposition to this case?

555

556 Mr. Leabough - Being added to the agenda today.

557

558 Mr. Witte - I see none.

559

560 Mr. Leabough - Okay. With that, I move that POD2014-00480, Dollar
561 General at 2536 New Market Road, be added to the Planning Commission's
562 February 12, 2015, agenda.

563

564 Mr. Archer - Second.

565

566 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.
567 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
568 passes.

569

570 Mr. Emerson - Thank you, Mr. Chairman. With that, you now have on
571 your agenda POD2014-00480.

572

573 LANDSCAPE PLAN

574

POD2014-00480	Highmark Engineering, LLC for Par 3 Development
Dollar General at 2536	Group, LLC: Request for approval of a landscape plan,
New Market Road	as required by Chapter 24, Sections 24-106 and 24-
(State Route 5)	106.2 of the Henrico County Code. The 1.88-acre site is

located at the northwest corner of the intersection of New Market Road (State Route 5) and Gregg Road, on parcel 815-688-4303. The zoning is B-1C, Business District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

575 Mr. Witte - Mr. Ward? Thank you. Do we have any opposition to
576 POD2014-00480, Dollar General at 2536 New Market Road? I see none.

577
578 Mr. Ward - Thank you and good evening. This landscape plan
579 was deferred from the January 28, 2015 to the February 12, 2015 Planning
580 Commission hearing so that the applicant could address some citizen concerns.
581 The revised landscape plan now includes a staggered row of shrubs in front of the
582 parking spaces facing New Market Road as requested at the previous meeting.
583 Additionally, the applicant has substituted some native species for the crepe
584 myrtles around the parking lot perimeter and in several other locations throughout
585 the site. Also, there has been additional landscaping and landscape beds along
586 with shrubs added within the buffers along Gregg Road and New Market Road.

587
588 Staff can now recommend approval subject to the annotations on the plan and
589 standard conditions for landscape plans. I'll be happy to answer any questions. We
590 do have the engineer, Bryant Gammon and David DeCou with Highmark
591 Engineering, as well as Rich Smith, the owner, should you have any questions of
592 them.

593
594 Mr. Witte - Any questions from Commission members?

595
596 Mr. Leabough - Mr. Ward, I have just one quick question for you. The
597 zoning ordinance, how many shrubs does that ordinance require?

598
599 Mr. Ward - The shrubs are at sixty-one.

600
601 Mr. Leabough - How many has the developer provided?

602
603 Mr. Ward - For the total site it's 337.

604
605 Mr. Leabough - So a difference of 276 or some odd?

606
607 Mr. Ward - That's correct.

608
609 Mr. Leabough - And then as far as the number of trees, how many are
610 required by code?

611
612 Mr. Ward - Twenty-three.

613
614 Mr. Leabough - And how many were provided?

615
616 Mr. Ward - Thirty-three trees. And that was just proposed. That
617 doesn't include any existing mature trees that were saved.
618
619 Mr. Leabough - So ten plus whatever was saved on site as well.
620
621 Mr. Ward - Correct.
622
623 Mr. Leabough - The reason I asked that question is that there was a
624 question that was raised at the last Commission meeting about whether this case
625 met or exceeded code. And from my estimate based on what you've shared,
626 they've provided 276 extra shrubs as well as 10 extra trees in addition to the
627 existing trees that are on site. One other change that I think the community raised
628 related to the substitution of native species for what was previous proposed, as
629 well as the staggering of shrubs along the trail which fronts Route 5. Am I correct,
630 sir?
631
632 Mr. Ward - That's correct.
633
634 Mr. Leabough - Mr. Chair, there was no opposition, is that correct?
635
636 Mr. Witte - That's correct, no opposition.
637
638 Mr. Leabough - Okay.
639
640 Dr. Nelson - [Off microphone; inaudible.]
641
642 Mr. Witte - Sir, if you'd like to speak, please come up.
643
644 Mr. Branin - For the benefit of everybody in the room, all
645 proceedings here are recorded into minutes. So as this evening goes on, if you
646 can come down and state your name for the record so it goes into our minutes.
647
648 Mr. Leabough - Dr. Nelson, are you in opposition or you're not in
649 opposition?
650
651 Dr. Nelson - I'm not in opposition, but I just wanted for the record to
652 add a comment, if I may.
653
654 Mr. Leabough - Okay. Sure, sure.
655
656 Dr. Nelson - My name is Henry Nelson. I live at 3600 New Market
657 Road, which is in the Varina District along scenic Route 5. I represent the Varina
658 Beautification Committee. We've been working since the early Eighties to develop
659 and promote quality development along historic Route 5. We're looking for it to
660 being a tourist location.

661

662 I'd like to compliment the group on a couple of items. One is we have the
663 architecture that we have been seeking, and that is the Colonial architecture for
664 this corridor for public and private buildings along Route 5. We also have the
665 signage reduction, which is very good because a lot of people don't realize the
666 work that went in behind it. Mr. Leabough, I thank you for all that, and the
667 members of the staff who did this in reducing the signs to a compromising limit that
668 identifies the business without compromising the beauty of the community and
669 what's going on.

670

671 The reason I'm here tonight is I want to talk about landscaping a little bit. We are
672 the group that introduced the thought of having native species introduced to the
673 POD. And we would like to go on record tonight that for public or private
674 commercial buildings along Route 5, we want this to be a benchmark for
675 introduction into those PODs as a plant material. And in that vein, our group is
676 going to donate to the developer \$500 to add to the complement of native species
677 that are being incorporated. I thank Mr. Leabough for this. I thank staff members
678 and others.

679

680 And one other suggestion we make for both safety, good business, and tourism of
681 the future, is that we hope that a bike rack will be added to these commercial
682 buildings along the scenic Route 5 because of the bike traffic, the bike trail, and all
683 the tourism and the opportunities it brings to us. We are going to park cars, but we
684 want to encourage people to use the biking now that we're providing that trail from
685 Jamestown to Richmond, which will be right in front of that new store. So I hope
686 they'll incorporate that into their future plans. Knowing it's not a requirement, we
687 are making it as a suggestion.

688

689 I thank you for your time tonight to get that into the record. And I hope we can
690 include those species in the future. Thank you.

691

692 Mr. Witte - Thank you, Dr. Nelson. Are you in opposition?

693

694 Ms. Anderson-Ellis - I'm in favor. Can we put in favor in the record as well?
695 It's such a pleasure to be here.

696

697 Mr. Leabough - We don't get that very often.

698

699 Ms. Anderson-Ellis - I am delighted to be here.

700

701 Mr. Witte - State your name please.

702

703 Ms. Anderson-Ellis - My name is Nicole Anderson-Ellis. I'm a resident of
704 Henrico County. I live in the Varina District. I'm here tonight representing the Route
705 5 Corridor Coalition, of which the Varina Beautification Committee is a member.
706 We have more than two dozen groups that include Henrico County businesses,

707 neighborhood associations, and both regional and statewide non-profits who are
708 all working together to promote sustainable economic development along historic
709 Route 5. Our primary goal is tourism, and we've been working with the Virginia
710 Tourism Corporation that is very excited to invest in Route 5. We just got our
711 second grant. One of them will be building a website to promote Route 5 as a
712 tourism destination, just Route 5. And the other is to fund an ad campaign
713 marketing that website. Virginia Tourism Corporation thinks that with the bike trail
714 that runs—if I may point—right in front of—

715

716 Mr. Branin - You can point right from the podium, ma'am.

717

718 Ms. Anderson-Ellis - I don't know if I can. Oh, look. Right, follow the hand.
719 That's the bike trail. With the bike trail, the James River, and the historic assets
720 that we have in this corridor, it's a slam dunk as a tourism destination. They have
721 told us the most important things we can do to drive this economic engine are let
722 the world know about Route 5 and keep it from getting ugly. And we think that all
723 the work that's gone into this project really is a great step in the right direction. It's
724 not perfect. Nobody thinks so. I think even the developer feels the same. But it
725 really sets—it's a nice jumping-off point moving forward. And we want to thank the
726 Commission; we want to thank the Planning staff, especially Matt Ward, who was
727 so great in working with us. And we want to thank the developer. The community
728 feels that we were listened to. We think that this sets a great standard moving
729 forward, and we look forward to working with you down the line and hopefully
730 promoting natives as the standard for the entire Route 5 corridor. Thank you so
731 much.

732

733 Mr. Witte - Thank you, Ms. Anderson. I think we have one more,
734 Mr. Leabough.

735

736 Ms. Allanson - Hi, my name is Leslie Allanson, and they pretty much
737 said everything I wanted to say. But I do want to thank Matthew Ward for turning
738 around the suggestions that we made just Tuesday and having the native plants
739 put into the plan. And I really look forward to working with the County on other
740 efforts to include natives into the landscape. Thank you.

741

742 Mr. Witte - Thank you. All right, Mr. Leabough.

743

744 Mr. Leabough - Are there any questions from the Commission?

745

746 Mr. Branin - Is the applicant here?

747

748 Mr. Leabough - Yes, the applicant is here.

749

750 Mr. Branin - May I speak to your applicant?

751

752 Mr. Leabough - Of course you can, Mr. Branin.

753

754 Mr. Gammon - Good afternoon. My name is Bryant Gammon. I'm with
755 Highmark Engineering representing the applicant tonight.

756

757 Mr. Branin - Isn't Mr. Leabough great to work with?

758

759 Mr. Gammon - Absolutely he is.

760

761 Mr. Branin - Right answer, because your case depends on what
762 you say. They mentioned bike racks. Are you interested?

763

764 Mr. Gammon - We'll have to go back and take a look at it. But we will
765 go through and actually evaluate whether we can do that or not, yes sir.

766

767 Mr. Branin - Generally I think they cost around 300 bucks. So I think
768 you guys could probably swing it.

769

770 Mr. Gammon - I'm the engineer. I'll have to talk to the actual owner
771 and see. But I will certainly speak to that issue, yes.

772

773 Mr. Witte - All right. Thank you, sir.

774

775 Mr. Leabough - I don't want to belabor this, but I do want to take the
776 opportunity to thank the community. Folks have really stepped up to the plate. I
777 don't know how often the community is willing to provide funding for landscaping.
778 But I think that the community has actually put some skin in the game in terms of
779 their time for this project, as well as resources financially.

780

781 I'd also like to thank the developer for being very cooperative from day one. It was
782 a long process in terms of the rezoning process. It's been a long process in terms
783 of the POD. But the developer has been very willing to work with staff and provided
784 a lot of additional landscaping than what was previously presented at the request
785 of the community. And I've learned a lot about native species, which I wish we had
786 talked about during the rezoning process. But thankfully we had a developer at the
787 table that was willing to work with us. That's always a plus.

788

789 And last but not least, I'd like to thank Mr. Ward, staff, Mr. Emerson, Ms. News, Mr.
790 Garrison, and others. If I missed someone, I apologize. We always put countless
791 hours into a case before it comes before you all at these meetings. So thank you
792 all for that. Thank you all for getting the notices out about the change in the date
793 for the meeting. I actually think it works out better for folks that have daytime jobs.
794 So that was probably the thinking when we moved it up. Seven o'clock in the
795 evening is a lot better than nine o'clock in the morning on a Wednesday. So thank
796 you all for that.

797

798 The bike rack we can talk about after this case is voted on tonight.

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With that, I move that POD2014-00480, Dollar General at 2536 New Market Road, be approved subject to standard conditions for landscape plans.

Mr. Branin - Second.

Mr. Witte - We have a motion by Mr. Leabough, a second by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

(Deferred from the January 15, 2015 Meeting)

REZ2014-00051 Gloria L. Freye for Gayton Properties, LLC:
Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 732-760-0494 and 731-760-7868 containing 10.05 acres located on the west line of N. Gayton Road approximately 350' north of Favero Road. The applicant proposes an age-restricted assisted and independent living facility. The R-6 District allows a maximum density of 19.8 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. The staff report will be presented by Mr. Ben Sehl.

Mr. Witte - Is there anyone in the audience in opposition to REZ2014-00051, Gloria L. Freye for Gayton Properties, LLC? Okay. Mr. Secretary.

Mr. Emerson - Yes sir. Mr. Chairman, the Commission does have rules and regulations that govern the operation of their public hearings. They are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns. That is a cumulative ten minutes, not an individual ten minutes. Commission questions do not count into the time limits. The Commission may waive the time limits for either part at its discretion. Comments must be directly related to the case under consideration.

Mr. Witte - Mr. Sehl.

Mr. Sehl - Thank you, Mr. Chairman.

This request was presented at the Commission's January 15th meeting and was deferred by the Commission, which asked the applicant to explore converting the proposed assisted living facility with associated age-restricted housing into a condominium development in order to provide increased buffers for adjacent residents. Since that time, the applicant has revised this application to request R-6C zoning for the entire property, which would allow detached condominiums on

844 the western portion of the site in place of single-family dwellings on fee simple R-
845 2A lots.

846

847 This revision is illustrated on this revised concept plan. The revised zoning
848 provided flexibility for the applicant to revise several features of this development,
849 including:

850

851 • an increased tree save area along the western and southwestern
852 property line. This tree save area, which would now be in common
853 area controlled by the condo association, has increased from 45 feet
854 to 60 feet;

855 • a new tree save area along the Foxhall common area. This tree save
856 area would be a minimum of 30 feet in width; and

857 • an increased buffer of 50 feet along North Gayton Road.

858

859 The applicant has revised their proffers to reflect the newly requested R-6C
860 zoning, and has also provided limitations on street lights in response to concerns
861 voiced by adjacent residents at the previous public hearing.

862

863 Staff believes these changes increase the protection for adjacent residents while
864 continuing to provide a level of quality in keeping with the surrounding
865 development and other similar facilities in this area of the county. While staff
866 continues to note that the proposed development is not entirely consistent with the
867 site's SR1 designation on the Comp Plan, it is often difficult to anticipate the likely
868 location of developments serving the elderly population. For this reason, the
869 proposed development could be seen as in keeping with other semi-public uses in
870 the North Gayton Road corridor, and the proposed age-restricted detached homes
871 would appear to provide a suitable transition from the adjacent developments to
872 the west. These factors mean a deviation from the 2026 Plan could be appropriate
873 at this location.

874

875 This concludes my presentation, and I'd be happy to answer any questions you
876 may have. I would note that time limits would need to be waived to accept the
877 proffers before you this evening.

878

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

880

881 Mr. Branin - Does anyone have any questions for Mr. Sehl? Okay.
882 I'd like to hear from opposition first.

883

884 Mr. Witte - Anyone who would like to speak in opposition, please
885 come to the podium, state your name. You have a total of ten minutes for the time
886 limit, so please don't repeat yourself.

887

888 Mr. Jones - My name's Bud Jones. I'm a resident of Henrico. A
889 couple of items.

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Mr. Branin - Mr. Jones, just so I can keep track, which development do you live in?

Mr. Jones - Granville South. The developer got together with the neighborhood and sort of explained it was going to be an assisted living facility and a bunch of single-family homes, age-restricted. Now we have condominiums coming in here. Transitioning condominiums to \$800,000 homes is not a good transition. I thought condominiums was a different zoning process.

And also I want to strongly point out that the Comprehensive Plan does say it's going to be set up for single-family residential, and now we're putting commercial in there right next to Zasler who has three homes there that somehow he was able to get subdivided and keep the A-1 zoning, and recently just put a 16,000-square-foot home. And a sign out front. A-1 for single family.

We're just concerned that those abuses might continue.

Mr. Witte - Thank you, sir.

Mr. Owens - Good evening. My name is Arnie Owens. I live in the Foxhall neighborhood. I rise in opposition to this. I favor development. There is some great development in Henrico County. There has been some great planning that has gone into the Broad Street corridor. I'm looking forward to Cabela's. My wife is looking forward to Wegmans.

But, you know, I rise in opposition to this. The problem when you look at the map that's displayed right there, we've got a residential area, a number of residential communities there—Gayton South, and Foxhall, and Harding Trace, and Burgundy Park. You have a nice area of upscale single-family residential. And this is kind of like a knife blade jabbed right into the center of that area. So it destroys the integrity of that residential enclave, if you will, that's removed from the Broad Street corridor and west of Lauderdale. And so I just object to what's being done there, especially the assisted living facility. I'm all for assisted living facilities—I think many of us are—just not at that location. What's going to happen is people in the adjacent neighborhoods are going to hear the refuse trucks picking up the dumpsters, and the delivery trucks dropping off food supplies for the food service operation, and who knows what else.

So again, I'm just opposed to that. I think it's going to have a negative effect on property values, especially for residents that are proximate to this development. They could very well see a decline in property values, or at least not the level of appreciation that they might like to have. So there's an investment that needs to be protected.

935 And I would just ask the Planning Commission to protect the property rights of the
936 people in the adjacent residential areas. Thank you.

937

938 Mr. Witte - Thank you, sir.

939

940 Mr. Stephens - Good evening. My name is Ed Stephens. I live in
941 Granville South. My property borders both Tree of Life and also Ken Newell's
942 property. We're all A-1 zoned.

943

944 First of all, thank you for including us in a decision-making process that will have a
945 major impact on our community. I am opposed to rezoning from the A-1 to the R-6
946 the ten acres of land. I believe that the conclusions that are based on the 2026
947 Comprehensive Plan are flawed.

948

949 And my reasons are: First, the proposed assisted living facility is not consistent
950 with the 2026 Comprehensive Plan that recommends Suburban 1 for the subject
951 site. I've analyzed the goals, objectives, and policies, specifically the Civic
952 Keystone Policy three, which is land-use plan recommendation. It's supposed to
953 reduce conflict with surrounding uses. Well that's not going to happen. Rezoning to
954 R-6 will create conflict with surrounding uses.

955

956 The Tree of Life—just have to point that out. These three large buildings. This
957 used to be a small building here, and now it's about the size of one of these, but
958 pointing in this orientation. The Tree of Life is A-1, and its evolution could not have
959 been anticipated by anyone. Tree of Life has not only grown to three mega units
960 from one home, but it has also purchased a ranch-style home zoned A-1 that is
961 between Granville South and Burgundy Park on North Gayton Road.
962 Recommending a change to R-6 will set the precedent that will give Tree of Life
963 the right to convert its A-1 properties to R-6, and thereby build additional large
964 buildings on their sites. Additionally, anyone who buys my property, which is also
965 zoned A-1, can use the same rationale to scale up to more intense land use.

966

967 My second challenge is to the Land Use and Community Character, Objective 13,
968 which provides for the logical arrangement of land use which offers transitions from
969 more intense to less intense land use. The R-6 rezoning and the operation of the
970 Manor House assisted living facility will in fact transition our less intense use of
971 land to more intense use of land. The conversion from A-1 to R-6 will transition our
972 neighborhood from low-density housing to high-density semi-public buildings and
973 bring into our neighborhood all of the activities that semi-public facilities need for
974 their support. This will result in a very non-residential landscape that we have so
975 far. There will be a massive building, painfully visible during fall and winter
976 seasons. There will be more noise, more light, more stormwater runoff, increased
977 vehicular traffic—348 to 300—or 333, as calculated by the County engineer. This
978 scenario is inappropriate, as building an extended-stay facility on this parcel of
979 land.

980

981 Allowing Ken Newell to rezone his A-1 property to R-6 is inappropriate and
982 inconsistent with the 2026 Comprehensive Plan. Thank you.

983

984 Mr. Witte - Thank you, Mr. Stephens. There is approximately three
985 minutes left.

986

987 Mr. Clark - I'll be brief. I think we may have more arsenal than time
988 here. Grayson Clark. I live in Granville South on Favero Road. My wife and I and
989 our two sons—

990

991 Mr. Witte - Can you speak into the microphone?

992

993 Mr. Clark - Sure. My wife and I and our two sons moved into the
994 neighborhood in 2010 before we even knew what the Tree of Life buildings really
995 were. And that was before this third building that Ed mentioned had been built.
996 Since it's been constructed, it is a very different feel to the neighborhood. And I will
997 say even people that come to our home that are outsiders do recognize that and
998 ask what it is in a very different way. It feels commercial, and it changes the feel of
999 the neighborhood.

1000

1001 The second point I would add is this street right here and this entrance, our vehicle
1002 with our two boys in it was hit by a commercial truck that was going through the
1003 area. Rear-ended. Everyone's fine. But the traffic there has already become a
1004 problem. I think what we're talking about introducing is really a game changer for
1005 this road. And I'm not sure we're set up to support it in what is already a place
1006 where I see plenty of glass in the roads, having had my family hit in one accident.
1007 It's something I really worry about for our neighborhood. Thank you.

1008

1009 Mr. Witte - Thank you, sir.

1010

1011 Mr. Lipwasky - Thank you for the opportunity to speak. My name is
1012 Devin Lipwasky. I also live in Granville South on Favero Road. I moved into the
1013 neighborhood about five years ago. And I would echo most of the points we heard
1014 this evening.

1015

1016 My wife and I did very thorough research, and we have two young children, and
1017 selected this neighborhood for all the great qualities that it has in the broader area.
1018 Thrilled with the overall development. But we just echo all the concerns about the
1019 long-term property values, safety, traffic, and just quality of life overall. So I oppose
1020 this. Thank you for the opportunity.

1021

1022 Mr. Witte - Thank you.

1023

1024 Mr. Bowling - Good evening. My name is Peter Bowling. I'm a
1025 geriatrician. I work at VCU Medical Center. I live in Granville South with my wife,
1026 Sue, and our son.

1027

1028 Many of the concerns already expressed I think have been articulately stated. I
1029 would add that this large building that you see on the drawing is on the top of a hill
1030 and would be highly visible really pretty much throughout the year because there's
1031 very little screening from the road on the North Gayton side.

1032

1033 Additionally, adding to the comments about the other properties owned by the
1034 owner of the Tree of Life, one is pretty much directly across the street from the
1035 entrance, and the other is just up the hill.

1036

1037 So as you come down North Gayton Road, you're going to pass Our Lady of
1038 Hope, you're going to pass Strange's Florist, you're going to pass potentially one
1039 more new assisted living building. A really massive structure, which originally was
1040 placed essentially in the backyard of another community without much concern for
1041 how it was going to impact that community, in my view. And now Tree of Life at the
1042 entrance of our living places. It's a very substantial change.

1043

1044 I would say as a geriatrician I think about the needs of our community of older
1045 individuals, of whom I am proud to be one; I'm gradually getting older every day.
1046 And I think about what older people need as an ideal community, which includes
1047 things like immediate access to shopping for food, for drugs and things of that sort,
1048 which is really not what this is. This is a business opportunity designed specifically
1049 to enhance the business opportunity of the owner and not really consistent with the
1050 plans that were laid out for this area in the first place.

1051

1052 Mr. Witte - Thank you, sir.

1053

1054 Mr. Emerson - Mr. Branin, the ten minutes it up. Do you want to
1055 consider adding time?

1056

1057 Mr. Branin - Just three of you?

1058

1059 Mr. Witte - Well, I think we just got number four.

1060

1061 Mr. Branin - All right, give me two minutes.

1062

1063 Mr. Witte - All right.

1064

1065 Mr. Branin - Mr. Chairman, may I have two minutes?

1066

1067 Mr. Witte - Mr. Branin is adding two minutes, so please be brief.

1068

1069 Mr. Pandak - I'll be brief. Thank you for giving us the extra time, and
1070 thank you for allowing us to present.

1071

1072 I'm opposed to the development. My name is Michael Pandak. I live in Granville
1073 South as well. I would just like to say historically this area from Broad Street down
1074 to Lauderdale was a residential-designed community. It was not designed in this
1075 manner.

1076

1077 I was part and parcel to the initial conversation with Mr. Kaechele about the Tree of
1078 Life. We were promised at one time that this would be one building, and that it was
1079 a federal stipulation, which seemed more than reasonable to allow people in a
1080 recovery stage to come into a residential area and be allowed to mix and mingle. It
1081 was not designed, as what it's turned out to be. It was not designed as the fourth
1082 building across the street now—well, from our neighborhood—which now has a
1083 parking lot there—developed, and they're continuing to grow. And this
1084 development, again, extends, as Mr. Stephens has well outlined for us, just further
1085 development. And what's to keep, now, across the street the two single-family
1086 homes from also being purchased out, and a single-family home up the street, and
1087 the large lot single-family home from going along and continuing along with this
1088 same type of development, which will totally redirect and destroy the whole
1089 environment. Thank you.

1090

1091 Mr. Witte - Thank you, sir.

1092

1093 Mr. Gattuso - My name is Carl Gattuso. I'm in Granville South as
1094 well, and pretty much agree with everything that most people have said here as
1095 well. Again, just repeating on one thing: That's going to be a forty-foot-tall building.
1096 The top of the building is going to be a total eyesore for the entire neighborhood.
1097 That's number one. This is the third time that we have seen this development. The
1098 first time was just before the last meeting. At that meeting, the density was
1099 increased. It was increased when we came to this meeting in January. Now it is
1100 February; it's increased again. This density is way too much for this area, and the
1101 whole area is becoming a semi-public area. And that's not right for the plan of
1102 2026, and it's not right for this area. You have the nursing home, you have a
1103 church, you have this thing, you have Tree of Life expanding in that. It's too much
1104 for the neighborhood.

1105

1106 Mr. Witte - Thank you, sir.

1107

1108 Mr. Harenchar - Good evening. I'm James Harenchar, resident of Elwell
1109 Lane, and I'm speaking in favor of the proposal. We've lived in this neighborhood
1110 for—May will be fourteen years. And for full disclosure, I don't abut the property; I
1111 live around the corner within Elwell—on Elwell Lane. And I wanted to applaud the
1112 developer for the fact that he spent over five months and while it wasn't a formal
1113 charrette process, he met with each of the homeowners that abutted this property
1114 and asked for their input. In every one of those, he did his very best to be able to
1115 accommodate the requests that they had. He's met on multiple times in the local
1116 community and with the homeowners of the entire community at large and
1117 requested any input. He's accommodated each one of those and tried his very

1118 best. As someone said in an earlier request, there's no perfect situation for any of
1119 this. But I believe based on what the community has asked for and what he's
1120 responded with, that he has gone above and beyond what a developer would do.
1121 Being a former resident of Granville South, I think he has a great concern about
1122 making sure that the neighborhood is well protected.

1123

1124 And I also have great concern in the future that if this development or something
1125 else doesn't go in, our traffic volumes will go even higher. This can accommodate
1126 up to twenty-four single-family homes. With the average of two cars per home, I'm
1127 very concerned about what that does—not this development, but future individual
1128 residential developments in that area. Thank you.

1129

1130 Mr. Witte - Thank you, sir.

1131

1132 Mr. Ziegler - Hi, I'm Scott Ziegler, and I live in Foxhall. I'm here in
1133 support of the proposal. At the last hearing, a neighbor of mine from Foxhall spoke
1134 in support; I spoke against it. Over the last month, things have changed;
1135 accommodations have been made in the plan. My remaining concerns after talking
1136 with Mr. Newell and Mr. Branin, I'm confident that they can be addressed in the
1137 plan of development. So I am changing from opposition to support.

1138

1139 Mr. Witte - Thank you, sir. Last one.

1140

1141 Mr. Almond - Good evening. My name is David Almond. I'm a twenty
1142 –five year resident of Henrico, a little over ten years in Foxhall. I, too, support this
1143 development for several reasons. One, I find it to be of quality. My family picked
1144 this neighborhood, Foxhall, for the same reasons so many others did. I've seen
1145 some of these other Manor House facilities. This one appears to actually be nicer
1146 than several that are in the area.

1147

1148 I also believe that the developer has been very transparent with public hearings,
1149 meeting with homeowners. I find that to be above and beyond what can happen on
1150 many occasions. And I've also seen an ongoing process by the developer to
1151 accommodate and be flexible.

1152

1153 So again, I'm in support. I think it's a development that is in line with the
1154 community and the neighborhoods. And to talk about traffic, if you had school
1155 traffic—because I try to leave my house before 7 a.m. before the buses start
1156 rolling. So here's an opportunity where I think the people that will be here and the
1157 traffic that will be there will probably be a little different than the typical in-and-out
1158 every morning of rush hour, after school. So if single-family homes were to go in
1159 there, I could see the traffic along North Gayton Road potentially being worse.

1160

1161 Thanks for your time. Appreciate the opportunity.

1162

1163 Mr. Witte - Thank you, sir. Mr. Branin, would you like to hear from
1164 the applicant?

1165
1166 Mr. Branin - Yes.

1167
1168 Mr. Witte - Would the applicant please come down?
1169

1170 Ms. Freye - Good evening, Mr. Chairman, members of the
1171 Commission. My name is Gloria Freye. I'm an attorney from McGuire Woods here
1172 on behalf of Gayton Properties LLC and Mr. Newell.
1173

1174 As you recall, the case was deferred last time. And that deferral was made at the
1175 request of the Commission to see if we could work with the staff to make this case
1176 better. We took that to mean *better* by better protection and preservation of the
1177 trees next to the neighbors, moving the development farther away from the
1178 adjacent neighborhoods and farther away from North Gayton Road, enhancing the
1179 buffers, and addressing the comments that were raised at the hearing. With the
1180 assistance of the Planning staff, we spent the last month working on that, and I
1181 believe we have accomplished making this case better.

1182
1183 We needed to eliminate the constraints that were imposed by R-2A zoning and
1184 those requirements. So by changing the whole property to an R-6 zoning district,
1185 we gained a lot of flexibility. However, we were very careful not to change the
1186 general layout and development of the property which had been presented to the
1187 community. There are still nine age-qualified detached homes on the Granville
1188 South and Foxhall side. The age-qualified independent living units are in the
1189 center. That's been reduced from three buildings to two. And the assisted living is
1190 still on the North Gayton Road side of the property.

1191
1192 By changing it to R-6, we were able to get rid of zoning district lines, lot lines, yards
1193 and setbacks, and we were allowed under R-6 then to make the internal road
1194 private, which will be a smaller road. That relief permitted the development to be
1195 pushed more to the center of the property and allowed several improvements,
1196 including things that would have been expressed by the neighbors to be very, very
1197 important to them. And that was to save as many of the trees along the perimeter
1198 of this property as possible. Changing it to R-6 allowed that tree preservation area
1199 to change from forty, increase to sixty. Thirty feet of trees was added along the
1200 wooded area next to the Foxhall Homeowners Association area. The landscape
1201 buffer along North Gayton was increased from thirty-five feet to fifty feet. And the
1202 assisted living building that formerly was seventy-five feet from North Gayton has
1203 been moved back to a hundred feet back. The number of independent living
1204 buildings was decreased.

1205
1206 And another benefit of the R-6 is it enables this property to be developed under a
1207 condominium system where the land can be held in common. The streets, the tree
1208 preservation areas, and the buffers can all be controlled by one condominium

1209 association. This alleviates the concern that the Planning Commission and the
1210 staff had earlier about the concern that individual homeowners might not respect
1211 the tree preservation area. Now that has come under the control of the
1212 condominium association.

1213

1214 The other changes to the proffers were that in deference to the concerns of the
1215 Foxhall neighbors about a proliferation of light is that streetlights would only be
1216 permitted on the first one hundred feet of the internal street and they would be
1217 limited to ten feet in height. We also added a conceptual elevation of what the
1218 independent living buildings would look like, and that's exhibit D in your package.
1219 And the proffered density for the overall property, which changed from 12 down to
1220 11.45.

1221

1222 We have had individual meetings with adjacent landowners. There was a group
1223 meeting only with Granville South in the very beginning to hear their ideas and
1224 concepts for how this property could be developed. There were two at-large
1225 community meetings, as well as the last public hearing where this information has
1226 been shared.

1227

1228 We do believe that this is a better case than what you heard. We think that the
1229 current concerns have been addressed, and we think the interest that the
1230 neighbors have expressed in having next to them are being provided. With these
1231 proffers and with the R-6 zoning, the neighbors can be assured that this will be a
1232 high-quality development. It's a residential development for seniors. They will be a
1233 good neighbor that has less impact, provides more protection, and is more
1234 sensitive to its neighbors than the by-right uses that can be developed under
1235 today's unrestricted A-1 zoning, and even if the property were developed as a
1236 residential subdivision. We believe we have gone to every length to address every
1237 issue and answer every question. We ask that you recommend approval to the
1238 Board of Supervisors.

1239

1240 Mr. Witte - Are there any questions from the Commission?

1241

1242 Ms. Jones - I'd like to ask one or two, if I may.

1243

1244 Mr. Witte - Please.

1245

1246 Mr. Branin - I'd ask four or five.

1247

1248 Ms. Jones - I might. There were some very specific concerns that
1249 the neighbors mentioned. And I think that they went to great lengths to not repeat
1250 over. They made very, very specific points, and I'd like you as I go through the
1251 ones that struck me to offer a specific answer to the specific points that they
1252 brought up, because I think they had some valid concerns. I will say as someone
1253 who's listened to you all in the first hearing as well as tonight that I hear the
1254 problematic nature of your dealing with the Tree of Life development. And that

1255 makes it very difficult. I'm sure, to contemplate something else. This is unfortunate.
1256 You all know the background of that case and why that is there. And I think
1257 unfortunately that does color the approach to this one. But that's just how it is. We
1258 will try to evaluate this one on its own merits. I did want the applicant to respond so
1259 that I'm clear and the neighbors are clear.

1260
1261 The condominium arrangement that you're contemplating in the R-6 parcel here,
1262 would you just—let me list a couple things. That's one thing. I'd like to have a little
1263 more clarification on how that would work as far as the property, the maintenance
1264 of the property, and going forward and how that would be comprised as a
1265 condominium association.

1266
1267 The other things that I was hearing from the neighbors are valid concerns. The
1268 property values, I believe that's a subjective kind of a thing. I don't know if there's
1269 any way to quantify that at the moment. High-quality development complements
1270 high-quality development. So we'll have to see if there's a comment that you might
1271 have for that. I think that the other point, as a conflict with surrounding uses. With
1272 this being residential in nature—I know it's been referred to as a commercial
1273 concern, and I do understand why you feel it is. It is, however, a residential use in
1274 many ways. And I'd like to have you comment on why you feel that it is not a
1275 conflict with the surrounding communities.

1276
1277 And then one I'd like us to talk about, because it's always concern, is the
1278 generation of traffic for a use such as this; why it would or wouldn't be better than a
1279 development of single-family homes. And I think that's certainly a valid question.
1280 I'd hate to think of anyone else having an accident on that road.

1281
1282 So, let's start with that. The other thing is how massive this building is and what
1283 might be done to reduce the mass either architecturally, height-wise, or anything
1284 else that could come into play to make it a little less massive on an elevated site.

1285
1286 That's a lot. I'm sorry. But I thought I'd run through it.

1287
1288 Ms. Freye - The condominium regime that's contemplated for this
1289 property could be structured in many ways. But the concept is that there would be
1290 a condominium unit of land. The option that is intended to be worked out is—of
1291 most importance—is that the common areas, the buffers, the tree-save areas, the
1292 streets would all be controlled by one condominium association. That allows it to
1293 be proffered in the case, which there was concern about before. We even took it
1294 out of the proffers because it was just an easement. Now it's actually a proffer in
1295 the case that can be enforced by the County and hold one entity, one owner
1296 responsible and accountable for the maintenance of those common areas.

1297
1298 On the property value question, we did look at the assessor's records of the
1299 homes adjacent to three assisted living facilities. Skipwith Road has a facility.
1300 There's Sunrise at Parham in your district. And there's a third one that we looked

1301 at. In looking at the records, we saw that the assessed values of those adjacent
1302 homes—and those facilities are much closer to single-family detached houses
1303 than this one is. Consistently, those home values were assessed 15 percent, 18
1304 percent higher after those assisted living facilities went in. So we found no
1305 evidence of there being a negative impact on property values.

1306

1307 As to the conflict with the residential area, as you said, this is a residential use. It's
1308 general residence for seniors. It's age-qualified. By the very nature of that, it
1309 reduces the impact on traffic. If this property were to be developed as R-2A, just
1310 like Granville South or like Foxhall, it would not be age-qualified. It would have a
1311 full contingency of traffic. That would mean an impact on schools and an impact on
1312 traffic with school buses and peak-hour traffic. Whereas the traffic from this use,
1313 the seniors, is non-peak hours.

1314

1315 The scale of the building. One of the things that the developer was very careful to
1316 do in looking at the topography of this and the hill that the road is on was to
1317 deliberately design the site so that the entrance, the parking are all oriented to the
1318 north, which faces trees. It is the side of the building that is along North Gayton.
1319 And that side of the building is going to look like a front, but it's not going to have
1320 the activity, it's not going to have the entrance. The service is all behind in the
1321 corner and under the building. So you have that careful design built into this as
1322 well.

1323

1324 The fifty-foot landscaped buffer will actually be more than that because of the
1325 setback being a hundred feet. So the scale of the building is really going to be
1326 much less visible than the other nursing home, Our Lady of Hope, that is further to
1327 the north. So some careful design has gone into this to minimize the view from
1328 North Gayton and the impact on North Gayton. All the buildings on this property
1329 are limited to forty feet, which is the same height for residential development.

1330

1331 Mr. Witte - Any other questions?

1332

1333 Mr. Leabough - I have a question, Ms. Freye, specifically related to the
1334 historic property on the site. Can you speak to what's going to happen to that,
1335 please?

1336

1337 Ms. Freye - Yes sir. We have been working very closely with Dr.
1338 Nelson—I don't know if he's still here—and the Association for the Preservation of
1339 Henrico Antiquities. We have met with them out on the property. We've had a
1340 historical assessment done. We have committed to his group to support a gift of
1341 the two houses to their organization and to give them financial support in locating
1342 another location for the houses and to give them time to move it.

1343

1344 Mr. Leabough - Thank you.

1345

1346 Mr. Witte - Ms. Freye, I have one. It was mentioned earlier about
1347 stormwater runoff. Is that going to affect the adjoining neighbors?
1348
1349 Ms. Freye - No sir, and I don't think you'd let that happen.
1350 Stormwater is addressed at the plan of development. That is one of the things that
1351 the County takes very seriously and has a lot of control over. So I have no doubt
1352 that that can be engineered so that that would not be a problem.
1353
1354 Mr. Witte - Thank you. Any other questions for Ms. Freye? How
1355 would you like to proceed, sir?
1356
1357 Ms. Jones - We have—
1358
1359 Mr. Witte - Oh, excuse me. Can you step up to the podium, sir?
1360
1361 Ms. Jones - Sorry.
1362
1363 Mr. Stephens - I just wanted to point out that Ms. Freye did not answer
1364 the question around traffic. But I believe you guys have your traffic engineer here
1365 perhaps.
1366
1367 Mr. Witte - I believe she did address the traffic.
1368
1369 Mr. Stephens - Well, according to the traffic engineer from the last time
1370 we were here, the construction and operation of the assisted facility would
1371 increase traffic by around 348 daily trips, and that would be roughly sixty more
1372 than if you had a residential neighborhood there. That's from the—
1373
1374 Mr. Witte - Thank you, sir.
1375
1376 Ms. Jones - Could we have Mr. Cejka speak to that.
1377
1378 Mr. Branin - That's what I'm about to do.
1379
1380 Mr. Cejka - Good evening. John Cejka, traffic engineer.
1381
1382 Mr. Witte - Good evening, sir.
1383
1384 Mr. Branin - John, you've heard the question proposed. Were you
1385 listening?
1386
1387 Mr. Cejka - Yes sir.
1388
1389 Mr. Branin - R-3, you would figure—or R-2, you would figure at
1390 least with this amount of acreage thirty houses? Would you assume thirty houses?
1391

1392 Mr. Emerson - Yes sir, I would.
1393
1394 Mr. Branin - Thirty houses versus this style and this type of
1395 development. In doing your calculations for thirty houses, the trip count should be
1396 around what?
1397
1398 Mr. Cejka - Well, I did calculations for twenty-five houses, and that
1399 was 293 vehicle trips per day. And I also did it for an R-3 development of forty
1400 houses, and that was 452. My calculation for the setup that is shown on that
1401 conceptual plan is approximately 330 trips per day.
1402
1403 Mr. Branin - So it's marginally different.
1404
1405 Mr. Cejka - Correct. Depending on how it would be zoned.
1406
1407 Mr. Branin - Okay. All right.
1408
1409 Mr. Leabough - So as far as the time of the peak travel, are they the
1410 same for this use as it would be for an R-2A or an R-3A?
1411
1412 Mr. Cejka - The vast majority of the trips associated with the
1413 ninety-eight assisted-living homes and the condos are off-peak. There are more
1414 visitors and delivery trucks, so they don't occur between 7 and 9 and 4 to 6, as a
1415 normal housing development would.
1416
1417 Mr. Branin - Okay. So you would say in peak hours this is less.
1418
1419 Mr. Cejka - Correct.
1420
1421 Mr. Branin - All right.
1422
1423 Mr. Witte - Anyone else? Thank you, sir.
1424
1425 Mr. Branin - We've had several meetings in regards to this. I'm
1426 getting to know most of you guys pretty well. This case, you know, what we do
1427 here is a recommendation to the Board of Supervisors. The Board of Supervisors
1428 will be the ones that vote on it. That's why Mrs. O'Bannon generally doesn't vote
1429 on zoning cases simply because it comes before them at some point.
1430
1431 This is a tough case simply because it is different than just straight houses. And
1432 also there's a very, very bad taste in both communities' mouths from Tree of Life.
1433 We as commissioners understand those bad feelings because we have the same
1434 feelings in not being able to get in and create buffers and create landscaping and
1435 lighting. We didn't have that opportunity because of the nature of that
1436 development.
1437

1438 As we move forward with this case, I would ask that the developer plan a meeting
1439 for Mr. Kaechele as well to review this case with the community. And I would also
1440 ask—because in the last two days I've received several e-mails from quite a few
1441 people from Foxhall. Most of Granville has been present and active in this case
1442 over the past four months; Foxhall has not. There are several people. It was
1443 interesting to see a couple of the Foxhall people and Granville people changing
1444 and coming in for support now, which I'm interested to know really what that
1445 change was in regards to.

1446

1447 So with that being said, developer and attorney, please plan on having another
1448 meeting for Mr. Kaechele. And I would request that you do it instead of at the
1449 church, you do it actually at Foxhall and make sure the Foxhall HOA is notified and
1450 gets the word out and coordinates with you guys to have that meeting at Foxhall.

1451

1452 With that, I'm going to make a motion for recommendation for REZ2014-00051,
1453 Gloria L. Freye for Gayton Properties, LLC, to move forward to the Board of
1454 Supervisors with a recommendation for approval.

1455

1456 Mr. Leabough - Second.

1457

1458 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
1459 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
1460 passes.

1461

1462 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
1463 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1464 the Board of Supervisors grant the request because the proffered conditions will
1465 assure a level of development not otherwise possible and would not adversely
1466 affect the adjoining area if properly developed as proposed.

1467

1468 Mr. Emerson - Mr. Chairman, that item will be on the Board of
1469 Supervisors' agenda March 10th.

1470

1471 Mr. Witte - March 10th. Thank you, sir.

1472

1473 **(Deferred from the January 15, 2015 Meeting)**

1474 **REZ2015-00001 James W. Theobald for Carole M. Weinstein, LLC:**
1475 Request to conditionally rezone from B-2C Business District (Conditional) to B-3C
1476 Business District (Conditional) Parcel 753-759-8339 containing approximately 2.18
1477 acres located on the west line of Stillman Parkway approximately 330' north of its
1478 intersection with W. Broad Street (U.S. Route 250). The applicant proposes
1479 business uses such as retail, a furniture repair or upholstery shop without limitation
1480 to floor area, or a gymnasium, sport or health club or spa. The uses will be
1481 controlled by proffered conditions and zoning ordinance regulations. The 2026
1482 Comprehensive Plan recommends Commercial Arterial. The staff report will be
1483 presented by Mr. Ben Sehl.

1484

1485 Mr. Witte - Is there anyone in opposition to REZ2015-00001,
1486 James W. Theobald for Carole M. Weinstein, LLC? I see no opposition. Mr. Sehl.

1487

1488 Mr. Sehl - Thank you again, Mr. Chairman

1489

1490 This request would rezone approximately 2.2 acres on Stillman Parkway from B-2
1491 to B-3C to allow retail uses, a furniture or upholstery shop without limitation to floor
1492 area, or a health club. The 2026 Land Use Plan recommends Commercial Arterial
1493 uses for the property. The requested zoning would be consistent with this
1494 designation.

1495

1496 The site is currently developed with a building that previously housed a furniture
1497 store. The property was rezoned to B-2C via case C-36C-91, and the proffers
1498 associated with that request would be carried forward with two exceptions:

1499

- 1500 • The prohibition of health clubs or gyms contained within C-36C-91
- 1501 would be removed.
- 1502 • Limitations on hours of operation would be included since the site would
- 1503 now be zoned B-3C.

1504

1505 The requested B-3C zoning is necessary because one of the potential uses for the
1506 site is the assembly of mattresses in association with mattress sales. This use is
1507 permitted in the B-2 district, but is limited to 3,000 square feet of floor area. The B-
1508 3 zoning removes this floor area limitation.

1509

1510 Overall, staff does not believe this request would negatively impact adjacent
1511 properties or the pattern of development in the area. The existing proffers would be
1512 carried forward, and hours of operation would continue to be limited to those
1513 allowed in the B-2 district. For these reasons, and because this request would be
1514 consistent with the 2026 Plan's Commercial Arterial designation, staff supports this
1515 request.

1516

1517 That concludes my presentation, I would be happy to try and answer any
1518 questions you might have.

1519

1520 Mr. Witte - Any questions by the Commission? Yes ma'am.

1521

1522 Ms. Jones - Mr. Sehl, where is the closest B-3 to this?

1523

1524 Mr. Sehl - Just to the east with the—I could show you on the
1525 zoning map here. That would be even easier. We have B-3 zoning in this location.
1526 This is the Costco. And then just across West Broad Street I think it's a Room
1527 Store Furniture World now. And there are some other areas in that location. So
1528 there are some B-3C.

1529

1530 Ms. Jones - I kind of knew the answer before I asked you, but I
1531 wanted to see it up here in front of us. And the other reason was for a mattress
1532 operation, I'm not terribly familiar with the operation of constructing mattresses. Is
1533 this an intense manufacturing process? And what kind of indicators would there be
1534 to somebody driving by that a mattress construction process is going on? I mean,
1535 what kind of elements would you see that would indicate that that is construction?
1536

1537 Mr. Sehl - I can let the applicant speak a little bit more directly to
1538 the construction process. What staff did do was, there is a similar operation on
1539 Midlothian Turnpike in Chesterfield. So staff contacted Chesterfield to kind of see
1540 what the impacts were. And then we explored with the applicant what we thought
1541 could be potential impacts regarding noise, fleet delivery, those types of things.
1542 Given the information that we were provided based on that, there would be limited
1543 fleet delivery. Chesterfield indicated no concerns regarding noise. There are some
1544 single-family homes that directly back up to that facility. So based on those
1545 indications, we do not perceive it as a particularly intense assembly use.
1546

1547 Ms. Jones - Okay. Well, the mattress operation and the gym
1548 operation seem to be two different ways this could go. There are different thoughts
1549 about each. A B-3 is something I think we need to be very mindful of because of
1550 the potential down the road that circumstances might change, and people might
1551 change their mind, and then all of a sudden there's a request for a 24-hour
1552 operation because, well, it's B-3. I just think we have to be very careful when we
1553 do this kind of thing.
1554

1555 Mr. Sehl - And that's understood. That's why staff was particularly
1556 concerned with the hours of operation as an aspect of this. And certainly any
1557 change to that would require additional review by the Commission and Board of
1558 Supervisors.
1559

1560 Ms. Jones - Thank you.

1561 Mr. Witte - Mr. Branin.

1562 Mr. Branin - I would like to hear from the applicant.

1563 Mr. Witte - Would the applicant please step forward? Thank you.
1564

1565 Mr. Theobald - Good evening, Mr. Chairman, members of the
1566 Commission. My name is Jim Theobald. I'm here this evening on behalf of Ms.
1567 Carole Weinstein.
1568

1569 This is a request to change from B-2 to B-3 and a proffer amendment to potentially
1570 accommodate replacement tenants for Bassett Furniture, which vacated the
1571 premises some two years ago. This site was originally zoned in 1991, used as a
1572 furniture store. And these changes would literally just result in being able to have a
1573
1574
1575

1576 health club, which was previously proffered out. That's not a B-3. It would allow a
1577 store that sells mattresses, but also assembles them to be here. That's also a B-2
1578 use; it's considered upholstery. But there's a 3,000-square-foot limitation on that
1579 process under B-2.

1580

1581 So we're bringing all those proffers forward. We can't do anything else in B-3 than
1582 we could have otherwise done in B-2 subject to all of the use restrictions. It's really
1583 all about that square-footage limitation.

1584

1585 I actually toured the mattress factory, part of this yesterday. They bring in no raw
1586 materials. It's a sewing operation, is what it is. The box springs come in already
1587 affixed to the slats. Those are made by Amish craftsmen in Ohio. The quilting is
1588 brought in also from Ohio. The process involves putting the box springs on a table,
1589 attaching the padding and the pillow top, if you will, stitching along the sides. It's
1590 not noisy. They're not wearing earplugs. There are five employees. And then it's
1591 taken and stored. And people buy them and take them out. Very few deliveries.
1592 Very low traffic. There are like five employees in the factory part, five in the retail
1593 part. They bring in materials three times a week, so there are only three deliveries
1594 to the store during a week. And one or possibly two trucks go out to deliver
1595 mattresses to customers during the week. So all in all a very low-impact operation.
1596 It would still qualify as a furniture store for purposes of parking. The original case
1597 was very highly proffered, and all those proffers have been brought forward

1598

1599 We think this is consistent with your land use plan and other areas of zoning. We
1600 respectfully ask for your recommendation of approval to the Board.

1601

1602 Mr. Witte - Any questions.

1603

1604 Mr. Branin - I don't have any yet.

1605

1606 Ms. Jones - No, but I've learned a bit about mattress-making.

1607

1608 Mr. Branin - Knowing how it's done and your questions, that's why I
1609 asked him to come up and go through it.

1610

1611 Ms. Jones - Thank you.

1612

1613 Mr. Archer - I do have one question. So these mattresses are not
1614 made to order. They're made—

1615

1616 Mr. Theobald - They have a product line. You would know the store if I
1617 said the name. And so you can go in the store and ask for single, twin—you know,
1618 queen, king-size bed in different types of quilting and different types of firmness.
1619 Then to the extent it's not in inventory, they are made right there. That's really their
1620 thing. They're providing custom-made mattresses right here in Richmond.

1621

1622 Mr. Archer - Gotcha.
1623
1624 Mr. Branin - All right. Mr. Chairman, I'd like to move that REZ2015-
1625 00001, James W. Theobald for Carole M. Weinstein, LLC, move forward to the
1626 Board of Supervisors with a recommendation for approval.
1627
1628 Ms. Jones - Second.
1629
1630 Mr. Witte - We have a motion by Mr. Branin, a second by Mrs.
1631 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
1632 passes.
1633
1634 **REASON -** Acting on a motion by Mr. Branin, seconded by Mrs.
1635 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1636 Board of Supervisors grant the request because it conforms with the objectives
1637 and intent of the County's Comprehensive Plan and is appropriate business zoning
1638 in this area.
1639
1640 **PUP2015-00001** **Jing Chen:** Request for a Provisional Use Permit
1641 under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code
1642 in order to allow extended hours of operation for an existing restaurant (7 Stars
1643 Asian Cuisine and Lounge) on part of Parcel 741-761-3418 located in the
1644 southeast quadrant of W. Broad Street (U.S. Route 250) and John Rolfe Parkway
1645 (Short Pump Station). The existing zoning is B-2C Business District (Conditional).
1646 The 2026 Comprehensive Plan recommends Commercial Arterial. The site is
1647 located in the West Broad Street Overlay District. The staff report will be
1648 presented by Mr. Seth Humphreys.
1649
1650 Mr. Witte - Is there anyone in opposition to PUP2015-00001, Jing
1651 Chen? I see no opposition. Mr. Humphreys.
1652
1653 Mr. Humphreys - Mr. Chairman, members of the Commission.
1654
1655 This request is for the approval of a provisional use permit to allow an existing
1656 restaurant, 7 Star Asian Cuisine and Lounge, to extend hours of operation until
1657 2:00 a.m. The restaurant is located in the southeast quadrant of the intersection of
1658 West Broad Street and John Rolfe Parkway in the Short Pump Station Shopping
1659 Center.
1660
1661 The shopping center was constructed pursuant to POD-031-06 and is subject to
1662 the proffers accepted with rezoning case C-18C-03. The subject tenant space is
1663 located in the eastern portion of the building which runs along the southern side of
1664 the parcel in suites 125 and 127 at approximately 3,200 square feet in size. You
1665 can see that outlined here in red on the map.
1666

1667 The shopping center is zoned B-2C, Business District (Conditional). Surrounding
1668 uses to the south and east are zoned UMUC, Urban Mixed Use (Conditional), and
1669 are part of the larger West Broad Street Village development. Parcels to the north
1670 are zoned M-1C and B-3C, and properties to the west are zoned B-3C and A-1.

1671

1672 No other Provisional Use Permits for extended hours have been approved in the
1673 immediate vicinity of this establishment; however, that is due to the predominance
1674 of zoning in the area that allows 24-hour use by right. The surrounding B-3C, M-1C
1675 and UMUC zoned properties all have 24 hour operation by right, with the exception
1676 of the car dealership to the west. Other restaurants in the adjacent West Broad
1677 Village development that operate beyond 12 a.m. include Dave and Buster's, the
1678 Wine Loft, Keagen's Irish Pub, Halligan's Bar and Grill, and the Mona Lounge
1679 Cigar Bar.

1680

1681 In conclusion, the 2026 Comprehensive Plan designates this area as Commercial
1682 Arterial. The proposed extended hours are consistent with this designation and the
1683 surrounding uses. Overall, staff believes this request is appropriate and if properly
1684 regulated, approval of this request would not negatively impact adjacent
1685 properties. Therefore, staff recommends approval of this request subject to the
1686 conditions numbered 1 through 8 in the staff report.

1687

1688 This concludes my presentation. I will be happy to answer any questions.

1689

1690 Mr. Witte - Any questions from the Commission?

1691

1692 Mr. Branin - I don't have any.

1693

1694 Mr. Witte - No questions. How would you like to proceed?

1695

1696 Mr. Branin - Do any of my fellow commissioners want to hear from
1697 the applicant?

1698

1699 Ms. Jones - I'm fine.

1700

1701 Mr. Branin - Since there is no opposition and the case has been
1702 well explained—having a UMU next door to it and the surrounding zoning around
1703 it, I move that PUP2015-00001, Jing Chen, be moved forward to the Board of
1704 Supervisors with a recommendation for approval.

1705

1706 Mr. Archer - Second.

1707

1708 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
1709 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
1710 passes.

1711

1712 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
1713 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
1714 Board of Supervisors grant the request because it is reasonable in light of the
1715 surrounding uses and existing zoning on the property.
1716

1717 **REZ2015-00002 James W. Theobald for Kroger:** Request to amend
1718 proffered conditions accepted with Rezoning Case C-65C-07 on Parcels 735-761-
1719 8792, 735-762-9743, 736-762-2221, and 736-762-7338, located in the southwest
1720 quadrant of W. Broad Street (U.S. Route 250) and Lauderdale Drive. The applicant
1721 proposes to amend proffers to allow a fuel center accessory to a grocery store.
1722 The existing zoning is B-2C Business District (Conditional) and RTHC Residential
1723 Townhouse District (Conditional). The 2026 Comprehensive Plan recommends
1724 Commercial Arterial and Urban Residential, density should range from 3.4 to 6.8
1725 units per acre. The site is located in the West Broad Street Overlay District. The
1726 staff report will be presented by Mr. Ben Sehl.
1727

1728 Mr. Witte - Is there anyone in opposition to REZ2015-00002,
1729 James W. Theobald for Kroger? Thank you.
1730

1731 Mr. Archer - I think there is.
1732

1733 Mr. Witte - Mr. Sehl.
1734

1735 Mr. Sehl - Thank you Mr. Chairman.
1736

1737 This is a request to amend proffers accepted with Rezoning Case C-65C-07 in
1738 order to allow the construction of a fuel center for Kroger, which would be located
1739 in this area of the existing parking lot.
1740

1741 In January 2007, the property was rezoned to B-2C and RTHC to permit the
1742 development of a retail and townhouse development. The case was later amended
1743 to allow for the Kroger to be built. Development of the retail center followed that
1744 proffer amendment, and no construction has occurred on the RTHC portion of the
1745 site located south of Three Chopt Road between the Kroger and the Wellesley
1746 development.
1747

1748 As part of the previous proffer amendment, the applicant prohibited the sale of
1749 gasoline on the property in response to resident concerns about that specific use.
1750 The applicant now proposes to construct a fuel center as shown on this conceptual
1751 plan. In addition to amending the proffers to incorporate this concept plan, the
1752 applicant proposes to revise a number of other proffers to provide additional
1753 operational controls for the fuel center. All other proffers from C-65C-07 have been
1754 restated and would remain in effect. The proffers have recently been revised to
1755 address two issues from the staff report. Those revisions were handed out to you
1756 this evening, and in total include the following revisions:
1757

- 1758 • Proffer 1 would now reference this revised concept plan.
- 1759 • Proffer 9 would add references to the architectural elevations shown
- 1760 here.
- 1761 • Proffers 14(a) and 14(u) would be amended to allow the proposed fuel
- 1762 center, but only as an accessory to a grocery store.
- 1763 • Proffer 15 would exclude the square footage for the proposed fuel kiosk
- 1764 from the square footage limitations in the shopping center.
- 1765 • Proffer 16 would limit hours of delivery for the fuel center consistent with
- 1766 current restrictions for grocery delivery, although this delivery would be
- 1767 further restricted by Proffer 27(e), which I'll discuss in a second.
- 1768 • Proffer 25 would allow the signage on the proposed fuel canopy to face
- 1769 Three Chopt Road.
- 1770 • Proffer 27 would be added to the case to provide various operational
- 1771 limitations for the fuel center.
- 1772

1773 Recent changes to the proffers include amending Proffer 1 to reference the
 1774 updated conceptual plan showing the relocation of landscaping within the parking
 1775 lot in order to address staff's concerns regarding this issue noted in the staff report.
 1776 Proffers 16 and 27 were also amended to further restrict when fuel deliveries could
 1777 occur. These additional restrictions were added by the applicant to address
 1778 concerns that the delivery of fuel would conflict with peak shopping hours for the
 1779 grocery store, which could be a concern given the proposed location within the
 1780 parking lot.

1781 The amended proffers provided to you this evening address operational and
 1782 landscaping concerns noted by staff. The proposed use could also be consistent
 1783 with the pattern of zoning in the area and the site's Commercial Concentration
 1784 designation on the 2026 Plan. However, this specific use was noted as a major
 1785 point of concern during the previous proffer amendment on the property, leading to
 1786 the existing prohibition of fuel sales on the site. This concern continued to be
 1787 voiced by the adjacent community at a meeting held on January 19th, as well as
 1788 through numerous emails and comments received by the Department of Planning.
 1789 Therefore, while the use could be appropriate at this location, consideration should
 1790 be given to the concerns of these adjacent residents.

1791
 1792
 1793 That concludes my presentation, and I would be happy to try and answer any
 1794 questions you might have.

1795
 1796 Mr. Witte - Any questions by the Commission?

1797
 1798 Ms. Jones - Not for Mr. Sehl.

1799
 1800 Mr. Witte - How would you like to proceed?

1801
 1802 Mr. Branin - Let's hear from the opposition first, then the applicant.

1803

1804 Mr. Witte - All right. Mr. Secretary, would you go over the
1805 guidelines?
1806

1807 Mr. Emerson - Yes sir, Mr. Chairman. To refresh everybody's
1808 memory, the Commission does have rules and regulations governing their
1809 operation of public hearings. They are as follows: The applicant is allowed ten
1810 minutes to present the request, and time may be reserved for responses to
1811 testimony. Opposition is allowed ten minutes to present its concerns. Again, that's
1812 a cumulative ten minutes, not an individual ten minutes. Commission questions do
1813 not count into the time limits. The commission may waive time limits for either party
1814 at its discretion. Comments must be directly related to the case under
1815 consideration.
1816

1817 Mr. Witte - Thank you, sir. Ma'am, please state your name.
1818

1819 Ms. Wayland - Hello, good evening. My name is Marilyn Wayland. I
1820 have lived in Wellesley since 1990, and I would to thank each of you for your
1821 service to Henrico County because there has been a lot of development going on
1822 since 1990, as you all are well aware of.
1823

1824 Unfortunately for Wellesley, Bon Secours did not get a C.O.P.N. in for this piece of
1825 property and they sold it, because they would have taken very good care of us and
1826 made sure that this section of the most highly valued property in Short Pump
1827 would have continued to be a high-level retail shopping development, which it's
1828 not.
1829

1830 We are a victim of the downturn in the economy. What originally was proposed did
1831 not happen. We are on our second developer. Kroger came in from Broad Street
1832 over to this development knowing that it had a proffer that said no fuel facility. So
1833 they knew that this had that proffer in place. I brought a little show-and-tell from our
1834 last appeal to have the proffers changed. These are petitions from all of our—not
1835 all of our residents, but residents that do oppose the fuel facility. They have made
1836 some changes moving it to the interior, which actually is probably worse than being
1837 on Three Chopt. Well actually it is worse. That is a chaotic shopping center. I will
1838 equate it to the Regal where our movie theater is. If you put a fuel facility in the
1839 middle of that, it would be very similar. It would forever keep it a lower-end
1840 development that you're not going to get high-end retail ever to come back there.
1841 And so I, as a resident of Wellesley since 1990, oppose the fuel facility, changing
1842 the proffer.
1843

1844 Mr. Witte - Thank you, ma'am.
1845

1846 Mr. Blangy - Good evening, ladies and gentlemen. My name is
1847 Patrick Blangy. I am an almost-ten-year resident in Wellesley, which is a
1848 community adjacent to the proposed Kroger fuel facility.
1849

1850 I would like to respectfully request all of you to please consider a few questions
1851 that I have relative to this facility. One being the proposed facility, how is it going to
1852 adversely affect or impede the flow of traffic. I think we've heard from numerous
1853 individuals this evening pertaining to other projects that are being presented off of
1854 Broad Street, in particular focused on the west end of Broad Street. When we
1855 talked about Cabela's coming in, which is a 100,000-square-foot facility, how much
1856 of that facility is going to draw non-residential traffic, and where is that non-
1857 residential traffic going to go when it comes to gasoline?

1858
1859 I think that this facility, when we talk about having a Kroger facility—Kroger is
1860 saying that essentially they need this as an accessory to the grocery store. An
1861 accessory is a non-essential item, quite frankly, according to the dictionary.

1862
1863 So I would say to you that they have moved their facility from one location on
1864 Broad Street to this location knowing full well that they would not have the ability to
1865 sell gasoline. Why has this changed? Are they losing money? Are they making
1866 money? I would ask you to consider that in your conversations with Kroger about
1867 the profitability of the operation. Is this going to make a difference for them? Is this
1868 essentially key and essential to the overall operation of Kroger? Personally, I do
1869 not see that as being a necessity.

1870
1871 They talk about their customer base as needing this for reward points. There are
1872 several gas stations within a five-mile radius that accept their reward points that
1873 are not even Kroger gas stations, like Shell, which is a half a mile away.

1874
1875 The other thing that I would ask you is—we heard earlier about an individual here
1876 who is from Traffic. I'd love to hear from that individual relative to what this will do
1877 to traffic on Broad Street. The lady before me talked about traffic inside the facility
1878 and the congestion there. I totally agree. I think that that is going to cause chaos in
1879 that area. And I know everybody else wants to talk, and I certainly don't want to
1880 take up a lot of time.

1881
1882 Mr. Witte - You have six minutes left, sir.

1883
1884 Mr. Blangy - Gotcha. So the only other thing I would say is that
1885 when we talk about the language for the proffers, they're not consistent in my view
1886 with regards to what the definition is for the B-2 zoning, whereby if you just leave it
1887 as vague as it is now, if it were even to get passed, they would have the ability in
1888 the future to put two service bay stations in there. They're also asking for a towing
1889 service. This is not an accessory.

1890
1891 Ms. Jones - What?

1892
1893 Mr. Blangy - It's certainly not. It's a full-blown gas station, and I'm
1894 strongly opposed to it. Thank you so much.

1895

1896 Mr. Witte - Thank you. We ask that you please don't repeat what
1897 somebody else has said.

1898

1899 Mr. Stepp - Mr. Chairman, good evening. Larry Stepp. I am a
1900 Kroger customer and a Wellesley resident. I'd ask you to vote no against the
1901 proposal. I outlined my reasons in the e-mail to Mr. Branin and to Supervisor
1902 Kaechele and also to Mr. Sehl. Just to talk on it real quick because there are other
1903 people.

1904

1905 There are traffic concerns in this shopping center already. This would just make
1906 them worse. It would devalue the development. It's supposed to be higher end
1907 retail; gas pumps are not higher end retail. I'm particularly concerned about the
1908 property on the other side, which is Three Chopt and Lauderdale. It's supposed to
1909 be residential townhomes. A direct line of sight into where this fuel facility is. You're
1910 not going to get higher end townhomes that have a line of sight into that shopping
1911 center where there's a fuel facility. That would negatively affect the property value
1912 of the Wellesley homeowners, so the proposal would negatively affect our property
1913 value.

1914

1915 So for those reasons and the ones I outlined in the e-mail, I am opposed.

1916

1917 Mr. Witte - Thank you, sir.

1918

1919 Mr. Shippee - Bob Shippee, resident of Wellesley for the past
1920 nineteen years. I also sent an e-mail earlier, so I won't go through all that. But I do
1921 think the two points that Marilyn made should be amplified. One, the proffers were
1922 placed for a very good reason earlier in this case, and nothing has changed to
1923 make those proffers no longer apply. So I encourage you to not change them. And
1924 then secondly, if you've been in this shopping center, as I have many times, you
1925 would just see visually there is no place for a gas station there. It's not an
1926 appropriate location. Thank you.

1927

1928 Mr. Witte - Thank you, sir.

1929

1930 Ms. Taylor - Hi, I'm Phyllis Taylor, and I live in Foxfield. The
1931 townhouses back up to the woods towards Three Chopt. I would like to say that I
1932 don't think—they say the fuel trucks would be coming in off of Broad. I don't see
1933 how that can happen. It's going to come in on Three Chopt. We also have trucks
1934 that come for Kroger and park out there on Three Chopt, which they were not
1935 supposed to do. The drivers park out there, and they sleep or whatever they want
1936 to do. And so we're going to have another truck sitting out there. Okay?

1937

1938 And as we are right adjacent and the people in Foxfield can see it. Okay? I would
1939 appreciate you considering us and the value of our homes, and please don't
1940 approve it. Thank you so much.

1941

1942 Mr. Witte - Thank you, ma'am.

1943

1944 Ms. Wallinger - Good evening. My name is Linda Wallinger. I've been
1945 a resident of Wellesley for twelve years. Kroger and Mr. Theobald did meet with
1946 the Wellesley Homeowners Association. One of the questions that came up or one
1947 of the points made by Kroger was that a fuel center is one of the most requested
1948 accessories, if you will, among customers. However, when pressed for exact
1949 details about the number of customers of this particular site, Kroger was not able
1950 to produce any evidence. They said that this was a global response about the
1951 desire to have fuel centers, but they weren't able to produce specific data about
1952 this location. So when you speak with the group this evening, I would be interested
1953 to know more. I encourage you to vote no for this proposal.

1954

1955 Mr. Witte - Thank you.

1956

1957 Ms. Cecil - Thank you. I'm Nancy Cecil. I've been a Wellesley
1958 resident since 1991. We've been to all the requests for proffers for gas stations, for
1959 everything that Kroger has asked for. We've been turned down. You all have
1960 turned down two sets of proffers before this that didn't even deal with a fuel station.

1961

1962 We are also concerned with the traffic. You've made modifications, but they're still
1963 not enough. That parking lot is entirely too full as it is. The trucks to distribute the
1964 gas pumps would not have room to turn around. And the other thing that has not
1965 been mentioned tonight is the runoff into the Wellesley lake from additional—from
1966 gas stations.

1967

1968 I did send a letter also, but we highly recommend that you deny this proffer. Thank
1969 you.

1970

1971 Mr. Witte - Thank you, ma'am.

1972

1973 Mr. Dackin - Thank you very much. I appreciate the opportunity to
1974 come and speak before you. In a change of pace, I'm here in support of the fuel
1975 facility.

1976

1977 Mr. Witte - Can you state your name, sir?

1978

1979 Mr. Dackin - Oh, yes. My name is Gerald Dackin. I live near the
1980 intersection of Lauderdale and Causeway. I'm about two miles from the Kroger
1981 store. I frequent there several times a week. I would find the fuel facility very handy
1982 when you can buy your groceries and your fuel at the same time. I see no
1983 downside to a fuel facility in the shopping center. It seems to me that the shopping
1984 center is consistent with and comparable to most of the development around the
1985 Short Pump area. So it would be very handy for me to be able to get my gas there.
1986 I have no affiliation with Kroger or the shopping center or anybody associated with

1987 them. I'm strictly a consumer. I speak in that regard. And I would encourage you to
1988 approve it. Thank you very much.

1989
1990 Mr. Witte - Thank you, sir.

1991
1992 Mr. Hansen - My name is Jan Hansen, and I've lived in Wellesley for
1993 twenty-five years now. Obviously I'm against putting a gas station in my backyard.
1994 I went through the thing when it was supposed to be an upscale shopping center.
1995 I've been through all the different things. I know that with Kroger it seems like no
1996 matter what we gave them, 9,000 square feet—no matter what we give them—
1997 even if we give them a gas station that's got five islands, they'll want six, they'll
1998 want seven. And they're doing it for profit only, even though they don't say that.
1999 But it's just strictly for profit. When they say there's no profit, then why would they
2000 be doing it.

2001
2002 If you put that in there, again, we will not be able to develop that land between
2003 Wellesley and the shopping center like it was supposed to be done. We were
2004 assured that ten years ago that this would happen. I'm beginning to worry about it.
2005 So I just hope you guys will remember that and vote against it. Thank you.

2006
2007 Mr. Witte - Thank you, sir.

2008
2009 Mr. Emerson - Mr. Branin, you're at eleven minutes.

2010
2011 Mr. Witte - Last one.

2012
2013 Mr. Danielson - Appreciate it. Thank you. I'm Tim Danielson. I do live in
2014 Wellesley, but I'd like to say that I've been there for three and a half years. So I'd
2015 just like to say I represent the people that are going to be living there for the next
2016 twenty.

2017
2018 I sent an e-mail as well. But I'd like to say I stood exactly where the gas station's
2019 proposed, and I cannot see—I looked all around, 360 degrees, and I cannot
2020 understand how that gas station will fit into that development.

2021
2022 Obviously, I also agree with everyone else who has disagreed with this proposal.
2023 Thank you.

2024
2025 Mr. Witte - Thank you, sir.

2026
2027 Mr. Branin - The applicant.

2028
2029 Mr. Witte - Would the applicant please come forward.

2030
2031 Mr. Theobald - Good evening, Mr. Chairman, members of the
2032 Commission. My name is Jim Theobald and I'm here this evening on behalf of the

2033 Kroger Company. With me today are Fenton Childers, the real estate manager for
2034 the mid-Atlantic region, Alice Jones, who is the Short Pump store manager, both of
2035 whom I think intend to follow me at the podium. We also have Ali Daughtry, our
2036 civil engineer, and Mike Bradley, our lead petroleum specialist to the extent we
2037 have questions in that regard.

2038
2039 This is a request to amend proffers to allow a five-pump fueling facility at the Short
2040 Pump Kroger. I've been involved with this site in one way or another for well over
2041 twenty-five years. I was involved in the original zoning of Wellesley back in 1987,
2042 and that case was opposed. I was involved in the rezoning for Bon Secours for an
2043 ambulatory surgical center, assisted living facility, medical office buildings in 1995,
2044 and that case was opposed. I was involved in the Archon rezoning in 2006. And at
2045 that time, we proffered out no automobile service stations, but convenience stores
2046 for gas were still allowed. That case was opposed. We amended the case in 2007
2047 to accommodate Kroger to enhance the number of square feet we could have in
2048 any one store. At that point, we did proffer out gas, as it wasn't often provided by
2049 grocers at that point in time. That case was opposed.

2050
2051 But customer demands and competition change over time, and Kroger decided to
2052 seek a change in the proffer. In 2012, we engaged with Wellesley in the discussion
2053 about a fuel facility that was designed to be where this orange X is next to the
2054 drive-thru pharmacy facility. At that point, that location was not deemed acceptable
2055 by Wellesley, notwithstanding that there is a 25-foot buffer on this side of the road,
2056 an 80-foot right-of-way with median landscaping, another 25-foot buffer on the
2057 other side of Three Chopt Road, two rows of proposed townhomes, 30 feet in
2058 height, another 20-foot buffer at the back of that site, that Wellesley common area
2059 strip, and then the backyards of those homes. That facility was approximately 450
2060 feet away from the closest home in Wellesley. And while they did oppose it, we
2061 none the less, like Marilyn's book with petitions from 2012, we collected 3,000
2062 signatures in support of the request from our customers. Ultimately, we decided
2063 not to pursue that request at that time.

2064
2065 So now we've changed our plan. We desire to move the fuel facility to this location
2066 where the yellow box is shown on the plan. We've moved it significantly further
2067 away at some 1300 feet, a quarter of a mile away from the closest home in
2068 Wellesley. We did obtain the landlord's consent. Rebkee Group, represented by
2069 Rebkee, owns that shopping center. We also met with the Pruitt family to make
2070 sure that we had their consent to move forward with this. We reduced the number
2071 of fuel pumps. We eliminated the walk-in convenience type store building and
2072 shrunk it to just a little attendant kiosk, if you will.

2073
2074 This shows the plan. As Mr. Sehl discussed, we have reoriented landscape islands
2075 to meet certain concerns of staff. We have added an additional curb cut in this
2076 parking field in discussion with Public Works to accommodate the delivery of fuel
2077 and truck circulations. We've also limited the hours of delivery to 6 a.m. to 10 a.m.

2078 in the morning and then again 9 to 11 at night. This facility would close at 11 at
2079 night. But that was beyond the peak hours of the Kroger store customers.

2080

2081 The elevation of the canopy shows brick on the columns, a pitch to the roof. It
2082 basically matches the materials that are found in the rest of the shopping center.
2083 This is the only signage that you'll see. There are no signs on Broad Street. We
2084 are required to post these prices as a matter of law. And again, just the small
2085 attendant kiosk.

2086

2087 This is the truck routing plan that we've worked with Public Works to achieve. What
2088 you'll note here is that the trucks coming off Broad Street from either direction,
2089 coming down Lauderdale Drive, and then taking this very first entrance. Not
2090 coming down to Three Chopt, but taking this first entrance into the shopping
2091 center. And then when we come to this new curb cut, the fuel delivery truck pulls
2092 in, still going forward, stops. The underground tanks are in this area. They deliver
2093 the fuel. They don't have to turn around. They keep going, and they exit out Broad
2094 Street, and they head out on their way. You won't be surprised to know that this is
2095 not the only truck that visits the shopping center during a day. There are
2096 approximately fifteen to twenty other trucks of one size or another that serve the
2097 other smaller retails and restaurants in this facility. On average, perhaps three
2098 Kroger delivery trucks to the grocery store proper.

2099

2100 We believe through these changes that we've mitigated the perceived impacts on
2101 the Wellesley neighborhood. Our customers want to redeem their points earned at
2102 Kroger as part of the loyalty program where they shop. This is the only Kroger
2103 store of the seven in Henrico County without gas. And so we're capturing the
2104 customers that are already there. We're not dragging people off of Broad Street.
2105 This is not sitting up on Broad Street, so the traffic is basically already there.

2106

2107 You heard a comment about draining into their lake. The drainage goes the other
2108 way; our engineers are here to confirm that. It goes towards the Pruitts and on
2109 down that way. So it's not a concern. We have our petroleum expert here who can
2110 advise, if you have questions about just how the whole underground storage tank
2111 thing is done. But I think you're probably pretty familiar with that.

2112

2113 This serves to satisfy the requests of our customers. It saves time. It saves gas. It
2114 saves people money. And I believe it's a reasonable request.

2115

2116 Unless you have questions of me at this point, we have some other Kroger
2117 speakers and others in the audience who may want to speak.

2118

2119 Mr. Branin - I do, Mr. Theobald. One of the people that came up
2120 earlier mentioned something in regards to towing.

2121

2122 Mr. Theobald - I have no idea where that comes from. We don't have
2123 a towing operation.

2124
2125 Mr. Branin - And traffic?
2126
2127 Mr. Theobald - It creates no additional traffic. It's generally capturing
2128 the people that are in the shopping center. And traffic to shopping centers is a
2129 good thing for the most part, I would guess.
2130
2131 Mr. Branin - And the other one I had was runoff, which you've
2132 addressed. Okay.
2133
2134 Mr. Archer - I have one question. Mr. Theobald, can you give us
2135 some idea how many gasoline hauling trips would be generated?
2136
2137 Mr. Theobald - We get about one delivery a day.
2138
2139 Ms. Jones - Just to clarify. The circulation of the trucks, that was
2140 one of my questions. How about circulation for cars using this? Will they be
2141 directed one way around or is this just kind of find a spot, go different directions,
2142 and exit and enter any way they want?
2143
2144 Mr. Theobald - Well, there will be ample room to circulate all the way
2145 around the pumps. The cars will be in essence perpendicular to Broad Street, if
2146 you will.
2147
2148 Ms. Jones - But they can enter from either side?
2149
2150 Mr. Theobald - They can enter from either side, and exit, and have full
2151 circulation. The circulation and the turning radii for the traffic has all been
2152 demonstrated to Public Works.
2153
2154 Ms. Jones - Okay. And I had another question just to clarify. Line of
2155 sight and views from other locations. With the canopy and the lighting, where will
2156 this be visible? To whom will this be visible?
2157
2158 Mr. Theobald - Well, see for yourself. I mean, here's the location. The
2159 Pruitt home sits back off the road, but is next door, which is why we wanted to
2160 make sure that they were okay. And then you have 1300 feet distance between
2161 the closest home here and this location here. And in between you have, once
2162 again, the buffer on each side of the road, a landscape median, two rows of
2163 townhouses to be developed. And until such time, there will be trees. Another 20-
2164 foot buffer on the back, and then a Wellesley common area strip. So there are
2165 significant buffers. These canopies are not tall. Lighting is recessed. They close at
2166 11; the store's open until midnight. So they close before the store closes. You're
2167 barely going to see it from Broad Street. Again, it's designed to capture the
2168 customers at Kroger who are already there. There is no signage on Broad Street
2169 whatsoever for the fuel. So I guess you'll see it maybe from some of these other

2170 stores, not dissimilar to other grocery stores for whom you've approved fueling
2171 facilities.

2172

2173 Ms. Jones - And lighting is brought down at the close of business to
2174 security levels?

2175

2176 Mr. Theobald - It's either turned off or to a security level, if thought
2177 appropriate by police. But we don't really need the additional lighting. And it does
2178 close at eleven.

2179

2180 Ms. Jones - All right. I have one more, and this is the hard one. It's
2181 a hard one, I think, for all of us because we have many cases coming through the
2182 Commission. And we do our very best to make every case the best we can and do
2183 the right thing for the citizens of the County. And promises are made and proffers
2184 are drawn up. And at the time this happens, it seems like the right thing to do.
2185 What I have heard from many folks is they shouldn't be asking for gas because
2186 they promised they wouldn't. So I need to hear your answer to that.

2187

2188 Mr. Theobald - Well, obviously we meant it when it was said. There's
2189 no getting around it. At that point in time, 2007, very few grocery store operations
2190 or wholesalers sold gas. Who thought you'd be able to sell bottled water in plastic
2191 bottles? Okay? Who thought we'd all want to go buy Greek yogurt. Things change.
2192 And so you try to meet the demands of your customers on an evolving basis. So
2193 now we're at a competitive disadvantage because every other grocer seems to
2194 have gas, including all the other Kroger stores in the County. And people are
2195 driving all over redeeming their points. They shop here, and they have to drive
2196 elsewhere. The deal at the Shell station is not as good as the deal you get
2197 redeeming at a Kroger. And those agreements with non-Kroger-related things,
2198 they come and they go.

2199

2200 Sure, we proffered it. You have a proffer amendment system here. You do it every
2201 meeting where people for one reason or another, a change in circumstances, ask
2202 for your consideration to change a proffer. And that's what we're doing. And we're
2203 just being as open and honest as we can.

2204

2205 Ms. Jones - Thank you.

2206

2207 Mr. Theobald - I would like Alice Jones, our store manager, and
2208 Fenton Childers to address you for a moment.

2209

2210 Mr. Leabough - I have a quick question for you, Mr. Theobald. You said
2211 trends change, things change. So what happens if this trend goes away and this
2212 fuel station is here?

2213

2214 Mr. Theobald - If nobody wants to buy gas at grocery stores?

2215

2216 Mr. Leabough - You said that it changed, nobody anticipated that
2217 grocery stores would have fuel stations.

2218
2219 Mr. Theobald - I guess if that wasn't a desired customer trade, then I
2220 suppose you could take it out. It would be hard to believe unless we're all going to
2221 electric cars.

2222
2223 Mr. Leabough - Thank you.

2224
2225 Mr. Theobald - Sure.

2226
2227 Mr. Branin - Mr. Theobald, I have one question. The parking that's
2228 being reduced because of this, it's in the staff report, but I just want to get it for the
2229 record. There is ample parking? Do you have to add parking because you're
2230 removing parking?

2231
2232 Mr. Theobald - No. This shopping center has an excess of parking
2233 required under your ordinance. That was all confirmed up front. The number of
2234 square feet that was potentially able to be developed has not been realized on this
2235 site, nor will it be possible to be realized. And there is plenty of parking. Witness
2236 the aerial before you.

2237
2238 Ms. Jones - Good evening, Mr. Chairman, members of the
2239 Commission. My name is Alice Jones. I am the store manager at our Kroger Short
2240 Pump location, and I've been there since July 29, 2010, since it's opened. I've
2241 been privileged to serve our community there.

2242
2243 I serve up to 22,000 customers that come into our facility each week. I have been
2244 inundated since the store opened with fuel. So many customers—when we
2245 relocated from our other location from down the street, our customers did not even
2246 come to shop there. They needed the convenience of staying on that side of the
2247 road, of that side of Pump Road. Every day, every day I have customers either by
2248 survey, either who I see in the store who summon me to the service desk to ask
2249 me when are we going to get fuel. Our fuel is one of the biggest things that our
2250 customers ask for. I don't see where it would have any additional traffic because
2251 we simply want to service the customers that we've already established. That's all
2252 we want to do. It was asked about where we get this information. Our surveys are
2253 certainly proprietary information for Kroger. I don't know if you have shopped with
2254 us, but we ask for your surveys, we ask for your feedback, we ask what can we do
2255 better to serve you as a grocery retailer.

2256
2257 So certainly, thank you for hearing me tonight. And I would like to ask are there
2258 any of my customers or people here who are in favor?

2259
2260 Mr. Witte - Thank you.

2261

2262 Mr. Childers - Good evening. My name is Fenton Childers. I'm the
2263 real estate manager for Kroger, and I reside in Roanoke, Virginia.

2264

2265 Back in 2007 when Kroger requested approval to build a larger store at the corner
2266 in Short Pump, Kroger did not place an emphasis on building fuel centers as we do
2267 today. Since then, Kroger has opened four additional fuel centers at our stores in
2268 Henrico County. Today, Kroger operates seven stores in the County with only the
2269 Short Pump store not offering a fuel center to its customers.

2270

2271 The six fuel centers in Henrico County provided customers with \$2.9 million in fuel
2272 savings in 2014 through the points program. Kroger's goal today is to offer a fuel
2273 center at all stores. Fuel is now as important to our customers as milk and bread.
2274 Fuel is now an important department, critical for our success in a very competitive
2275 grocery environment.

2276

2277 Kroger is a significant corporate citizen in the County. The Kroger store at Short
2278 Pump generated \$466,000 in local taxes in 2014. Kroger's seven stores in the
2279 County generated a total tax revenue of \$2.265 million in 2014.

2280

2281 We're also very caring about the communities we live in, trying to support our
2282 communities and our customers. In addition to this tax revenue that Kroger
2283 generates, Kroger also contributes in the communities in which we operate. In
2284 2014, Kroger donated in cash \$217,000 to various schools, churches, civic
2285 organizations, scouts, and sports teams throughout the County. The largest cash
2286 contribution went to Feeding America in the amount of \$110,000. In addition to that
2287 cash donation, Kroger donated over 230,000 pounds of food to the food bank.

2288

2289 I'm here tonight to ask for your support for this change to the proffer to allow us to
2290 operate a fuel center. Thank you.

2291

2292 Mr. Archer - Sir, before you sit down, may I ask a question?
2293 Demographically speaking, where does most of your clientele come from? Does it
2294 come from the surrounding community?

2295

2296 Mr. Childers - Yes sir. The store has a very wide trade area. It
2297 extends east to Goochland County, north of I-64, south all the way down towards
2298 Patterson Avenue. So it's a very large trade area, as Alice mentioned, our
2299 customer base is 22,000 customers a week. So it's a large area, probably
2300 extending five, six miles in the direction west and probably three, four miles to the
2301 south and north.

2302

2303 Mr. Archer - Would you say that most of the people that live near
2304 and adjacent to that property buy their groceries at Kroger?

2305

2306 Mr. Childers - Yes sir.

2307

2308 Mr. Archer - Do you have any way of knowing?
2309
2310 Mr. Childers - Well, I mean, it just depends on our market share.
2311 We're one of the newer grocery chains to the Richmond market. But within that
2312 trade area, we probably have about, you know, 20, 25 percent of the share market
2313 in that area.
2314
2315 Mr. Archer - Okay. Thank you.
2316
2317 Mr. Witte - Any other questions? No further questions. Mr. Branin.
2318
2319 Mr. Branin - Thank you, Mr. Chairman.
2320
2321 Ms. Jones - You have someone waving back there.
2322
2323 Mr. Witte - Oh, wait a minute.
2324
2325 Ms. Taylor - [Off microphone.] Can I come forward?
2326
2327 Mr. Emerson - Your public comment period is closed.
2328
2329 Ms. Taylor - Hi, I'm Phyllis Taylor. I asked the two gentlemen sitting
2330 in front of me back there that stood up in favor of this—one doesn't live in
2331 Richmond. The other lives on the other side of Broad, which we know that's where
2332 Short Pump Town Center is. So I don't know where he lives in the Town Center.
2333 But all I have to say is did they go out and dig up these people from everywhere?
2334 Why would you have somebody that doesn't even live in Henrico County?
2335
2336 Mr. Witte - Thank you, ma'am.
2337
2338 Ms. Taylor - Thank you.
2339
2340 Mr. Branin - Ma'am, the comments are closed.
2341
2342 Female - I know, but I do support. I'm a senior citizen. I'm on
2343 limited income. I have shopped at Kroger for all of my life. They take care of the
2344 seniors. This is a great idea for those of us who live in the area—
2345
2346 Mr. Branin - Ma'am?
2347
2348 Female - —and who can't afford to live in Wellesley.
2349
2350 Mr. Witte - Thank you.
2351
2352 Female - Thank you.
2353

2354 Mr. Witte - The comments are closed. Thank you. Mr. Branin.
2355
2356 Mr. Branin - Okay.
2357
2358 Mr. Witte - Back to you.
2359
2360 Mr. Branin - Thank you. This project, as you all know, is a B-2
2361 currently, and the land use plan does allow a gas station in it. I've had the honor to
2362 represent Three Chopt for ten years, and I've worked with Wellesley on many,
2363 many cases from outdoor dining to this project itself.
2364
2365 For me to cast my vote—my vote is based on an agreement that was made
2366 between developer and community. What you've heard for the most part is the
2367 community saying we had an agreement, and just because things change the
2368 agreement is still the agreement. As my fellow commissioner Mr. Leabough said,
2369 what happens if you guys decide you don't want gas now, are you going to change
2370 it back. The agreement is the agreement.
2371
2372 So, Mr. Chairman, I'd like to move that REZ2015-00002, James W. Theobald for
2373 Kroger, move forward to the Board of Supervisors with a recommendation for
2374 denial.
2375
2376 Mr. Leabough - Second.
2377
2378 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
2379 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
2380 passes.
2381
2382 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
2383 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend the
2384 Board of Supervisors deny the request because the applicant failed to meet his
2385 burden to show that the requested changes are in the best interests of the welfare
2386 and future of the community.
2387
2388 Mr. Emerson - Mr. Chairman, I would note that that item will appear
2389 on the Board of Supervisors' agenda March 10.
2390
2391 Ms. Jones - I suggest we take a break for five minutes.
2392
2393 Mr. Witte - We're going to take a ten-minute break to give people
2394 time to move out before we reconvene with the last four or five cases. Thank you.
2395
2396 [The Commission takes a ten-minute break and then reconvenes.]
2397
2398 Mr. Witte - All right. We'll reconvene our hearing.
2399

2400 **REZ2015-00003** **Nate Van Epp for ME Sadler, LLC:** Request to
2401 conditionally rezone from RTHC Residential Townhouse District (Conditional) and
2402 A-1 Agricultural District to RTHC Residential Townhouse District (Conditional)
2403 Parcels 746-764-0658, 746-764-5580, 746-765-4206, and 746-765-4631
2404 containing 12.99 acres located on the west line of Sadler Grove Road at its
2405 intersection with Sadler Road. The applicant proposes a condominium and
2406 townhouse development of no more 68 units. The RTH District allows a maximum
2407 density of nine (9) units per acre. The use will be controlled by zoning ordinance
2408 regulations and proffered conditions. The 2026 Comprehensive Plan recommends
2409 Urban Residential, density should range from 3.4 to 6.8 units per acre, and
2410 Suburban Residential 2, density should not exceed 3.4 units per acre. The staff
2411 report will be presented by Mrs. Lisa Blankinship.

2412
2413 Mr. Witte - Is there anybody in opposition to REZ2015-00003,
2414 Nate Van Epp for ME Sadler, LLC? I see—

2415
2416 Female - [Off microphone.] I'm not sure, but I'm like on the
2417 fence.

2418
2419 Mr. Witte - We have one. Thank you. Ms. Blankinship.

2420
2421 Mrs. Blankinship - Thank you Mr. Chairman, members of the
2422 Commission.

2423
2424 This is a request to rezone 12.99 acres from A-1 and RTHC to RTHC to allow for a
2425 condominium and townhouse development of no more than sixty units. The
2426 subject site is located on the west line of Sadler Grove Road at its intersection with
2427 Sadler Road. The 2026 Comprehensive Plan's designation for the subject property
2428 is Suburban Residential 2 and Urban Residential. The applicant proposes sixteen
2429 detached condominium units within the SR2 area and forty-four attached
2430 townhome units within the UR area. The proposed density is consistent with the
2431 SR2 designation and generally consistent with the UR designation.

2432
2433 The applicant has submitted a concept plan, shown here, and a number of proffers
2434 that would provide assurances of quality which include the dedication of up to
2435 sixty-six feet of right-of-way for the relocation of Sadler Road, landscape buffers,
2436 internal roads and sidewalks, streetlights, and fencing.

2437
2438 In addition, the applicant has also submitted architectural elevations. The "attached
2439 townhomes", shown here, will be at least twenty feet in width, have two-car
2440 garages, contain a minimum of 1,800 square feet with at least 50 percent
2441 containing at least 2,200 square feet. The detached condominiums, shown here,
2442 will also have two-car garages, contain a minimum of 2,200 square feet with at
2443 least 50 percent containing a minimum of 2,500 square feet.

2444

2445 To address staff's concerns outlined in the staff report, the applicant has submitted
2446 revised proffers and exhibits which have been handed out to you this evening.
2447 These proffers address commitments to improvements within the right-of-way of
2448 New Sadler Road, maximum number of units for each land use designation, an
2449 enhanced buffer against the Sadler Grove subdivision, and internal landscaping.

2450
2451 Additionally, the applicant has submitted a proffer to address the access
2452 easement, Wonder Lane, located in the northern most parcel of the subject site.
2453 The access easement, shown here, runs along the southern boundary of the
2454 parcel located at 11323 Wonder Lane and provides access to the home located on
2455 the adjacent parcel to the west, 11311 Wonder Lane. Proffer 25 states that no
2456 building permit will be issued for any home on this parcel until the access
2457 easement is either terminated or relocated to a location acceptable to the
2458 easement holder or in accordance with a court order.

2459
2460 Because this request is generally consistent with the 2026 Comprehensive Plan
2461 and the applicant has addressed staff's concerns outlined in the staff report, staff
2462 supports this request. This concludes my presentation. I will be happy to answer
2463 any questions. And also just a reminder that time limits would need to be waived.

2464
2465 Mr. Witte - Any questions for Ms. Blankinship? No questions.
2466 Mr. Branin.

2467
2468 Mr. Branin - Did we not have opposition?

2469
2470 Mr. Witte - We had one in opposition.

2471
2472 Mr. Branin - We had one on the fence.

2473
2474 Mr. Emerson - Or possibly a question.

2475
2476 Mr. Branin - Oh, a question. Can we hear that so we can address
2477 it?

2478
2479 Mr. Witte - Absolutely. Please come forward, state your name.

2480
2481 Ms. King - Hello. I'm Christina King. I am the one that drives down
2482 Wonder Lane every day for twenty-five years to my home, which is adjacent to the
2483 property of the applicant.

2484
2485 The reason I'm on the fence, at first I was welcoming new development as I helped
2486 with the new Sadler Road and talked with the community years ago. We had an
2487 agreement, and we have not come to one for whatever reason. I had gotten a
2488 message before I came here today which put me at ease saying that we were
2489 going to be in agreement. Then a few minutes before I came in, I received the
2490 paper which I'm guessing you guys got—

2491
2492 Mr. Witte - Yes ma'am.
2493
2494 Ms. King - —with this proffer, I guess so this doesn't get deferred,
2495 that they won't build those eight houses. I also see it says—and I'm not to be
2496 scared by the "in accordance with a court order," which I understand by law, if it's
2497 only under ten years can they even—a court make me do anything with that. It's
2498 been twenty-five years.
2499
2500 My whole point in saying this—
2501
2502 Mr. Branin - Ms. King, if there's any—
2503
2504 Ms. King - The opposition of the building?
2505
2506 Mr. Branin - If there's any court or law, we won't weigh in one way
2507 or the other on that.
2508
2509 Ms. King - Okay. So one of my questions for that was can you
2510 guys take that out completely where it says—or that doesn't have anything to do
2511 with you? Okay. You're just doing the zoning part, right?
2512
2513 Mr. Branin - We're just handling zoning.
2514
2515 Ms. King - Okay. Well I spoke to my attorney. This was just new
2516 to me, so it just kind of hit me before I came in here. So I apologize for that. I really
2517 do. I don't do this for a living. I try to keep it on business level because I know the
2518 business, but it's personal to me. My attorney advised me to come here and say
2519 that we haven't had a chance to work with the agreement. I was told by Lisa and
2520 Ben that this would be deferred more than likely if the agreement on the easement
2521 wasn't done.
2522
2523 Mr. Branin - And who told you that?
2524
2525 Ms. King - Lisa said it's up to the Board, but that was something
2526 that was proposed to them at the very beginning of all this and they knew it very
2527 clearly. I didn't know until two weeks ago.
2528
2529 Mr. Branin - Okay. You are aware that this is a recommendation to
2530 the Board. The Board will be hearing this. So there is plenty of time to work out—
2531
2532 Ms. King - I hope so.
2533
2534 Mr. Branin - —whatever you have to work out. And because there
2535 wasn't anything worked out, this language basically is just stating that we can go
2536 forward with the zoning.

2537
2538 Ms. King - Okay. Well my question for the zoning would be can I
2539 have a fence going all the way around my perimeter keeping any future people
2540 that are going to move in off my land with a gate? And like privacy trees.
2541
2542 Mr. Branin - I will take that up with the applicant.
2543
2544 Ms. King - Because when this new Sadler Road comes through
2545 there—it's not showing it, but when the new Sadler Road comes through there, it's
2546 like all those trees are going to be gone, and all those lights are going to be shining
2547 in my window too. For the rezoning part, I'm asking for a fence with privacy trees
2548 on the south and east part. And a fence around the whole perimeter to keep
2549 people out, which I have people on my land now from the other neighborhood.
2550
2551 Mr. Branin - Okay.
2552
2553 Mr. Witte - Thank you, ma'am.
2554
2555 Ms. King - One more thing. Where the road goes through, like
2556 where the new Sadler Road—it's not on there right now; I can't show you. But
2557 when I had talked about it, is it possible that you can have a different entrance? All
2558 right. Right here it shows where they're going in to the ones adjacent to me. Is it
2559 possible they can have the entrance go in here for possibility of the agreement that
2560 we discussed, an entrance maybe going in there to my land from Sadler Road?
2561
2562 Mr. Branin - That is something—the way the process works,
2563 ma'am, is this is for zoning. We review it; we work on it; we make a
2564 recommendation for approval or denial, which you've heard both tonight. And then
2565 it goes to the Board; the Board will vote on it. There will be more work with the
2566 community accordingly between us and the Board. If it is approved by the Board,
2567 then it will go to POD Subdivision, Plans of Development and Subdivision, which
2568 things like changing entrances, landscaping, fencing will be addressed and locked
2569 in then.
2570
2571 Ms. King - Okay. All right. Well then for the development I'm all for
2572 it, then, I guess. Whatever you guys think is good for the community.
2573
2574 Mr. Archer - May I ask a question, please? Can you show us where
2575 you live adjacent to this property?
2576
2577 Ms. King - Right there.
2578
2579 Mr. Archer - Okay. So your proposal would be that the developer
2580 build a fence? Not you, but the developer? Is that what you're asking?
2581

2582 Ms. King - Yes. When Sadler Grove went in, they did put a fence
2583 right here where these houses are and a wooden fence here. This one's a white
2584 vinyl fence, privacy fence. And they also told me they were going to leave up a
2585 buffer of trees, the big trees that used to be there for our property line, and they
2586 took them down. And they just had to pay me a \$2,000 fine. That's why I'm asking.
2587 On this side here it looks like a lot of buffer, but I believe it's only ten feet tall. If
2588 right here I can have privacy, tall Leylands or some kind of fast-growing evergreen.
2589 Just right there, not all the way around the property. And the same right here for
2590 overlook. I have a pool right here. It's just privacy reasons, overlook. Right now I
2591 have people who come onto my property. The police have been called numerous
2592 times for drug use on my property from kids in the neighborhood. Not just speaking
2593 on Sadler Grove, because everyone I've met there is nice. But nonetheless, they
2594 drive from back here—someone moved from Sadler Grove to over here. They
2595 drive from somewhere over here to over here on four-wheelers through my land.
2596 Like I said, the police have found a little thing built back there with drug
2597 paraphernalia.

2598
2599 And so that's why I'm asking for it to be completely fenced in. These little border
2600 fence—well, it's not little, it's six feet. But the border fence didn't work.

2601
2602 Mr. Branin - And that, again, would be something that we would do
2603 in POD.

2604
2605 Ms. King - Okay.

2606
2607 Mrs. O'Bannon - You can't ask for the property owner to build something
2608 on somebody else's property. We could ask to have some added vegetation on the
2609 owner's property. What you're describing, though, is a problem; I can see that. But
2610 it's on your property.

2611
2612 Ms. King - But it's from the neighborhood. In other words, where
2613 I'm putting the hand right now is a privacy fence that the developers on—or the
2614 applicant on the Sadler Grove agreed to.

2615
2616 Mrs. O'Bannon - The other side, right?

2617
2618 Ms. King - Yes.

2619
2620 Mr. Branin - Which was a totally different developer.

2621
2622 Ms. King - Yes.

2623
2624 Mrs. O'Bannon - That's what I mean.

2625
2626 Ms. King - And so I'm asking on this side from these applicants if
2627 they will put the fence around the perimeter since they're building here. And I'm

2628 sure—they've already got stuff back there. Eventually I'm guessing, you guys
2629 would know more than me. But by the looks of it, all of these are going to be
2630 developed. So to just keep it off my land. And the more trees that are here—and I
2631 know it's welcoming to children and teenagers to have that, but it's a safety
2632 concern for me. I'm a single mom. I have a disability. Quite frankly, it scares me.

2633

2634 Mrs. O'Bannon - You say you have a lawyer?

2635

2636 Ms. King - Yes I do. Framme Law Firm.

2637

2638 Mrs. O'Bannon - So probably dealing with this between you and the
2639 property owner would be a better way to handle it. I don't think it's part of the
2640 zoning part. And that's what Mr. Branin is talking about.

2641

2642 Ms. King - Oh, okay. Last time I came for the other one, they just
2643 dealt with it.

2644

2645 Mrs. O'Bannon - If the fence is on their property. That's not all the way
2646 around your property. That's what I'm saying. For two portions of it, it looks like it
2647 could. But I don't think we can ask for them to do something on your property and
2648 it's only on your property. But there could be some concession on their property.
2649 That's what I'm saying. I'm not running the case but—

2650

2651 Mr. Branin - No, and you're absolutely correct.

2652

2653 Mrs. O'Bannon - —that's a technical legal thing.

2654

2655 Mr. Branin - Those kinds of questions, because we're handling the
2656 zoning now, that would be something we could address in a community meeting or
2657 at POD.

2658

2659 Ms. King - I know it was discussed at the community meeting. I
2660 just didn't say a whole lot because we already had a verbal agreement. It just
2661 wasn't written up the way we talked about it. I know. But that's why I didn't bring it
2662 up then is all I'm saying. So I thought I'd bring it up now.

2663

2664 Mr. Branin - And that you did.

2665

2666 Ms. King - I don't want to take up any more time.

2667

2668 Mr. Branin - Okay.

2669

2670 Ms. King - Thank you.

2671

2672 Mr. Branin - Yes ma'am.

2673

2674 Mr. Witte - Thank you.

2675

2676 Ms. Kozak - Hi. Good evening. My name is Kathy Kozak, and I live
2677 on Sadler Grove Court maybe right here or so where the hand is. Quite close to
2678 this new development. Very quickly a comment. I'd like to thank Mr. Branin, Mr.
2679 Kaechele for this development process. It's much better handled than the
2680 Innsbrook Next, I believe it was called, development process that some of us went
2681 through a couple years or so ago. So thank you for that. In particular, as my
2682 neighborhood mentioned, the community meeting, everybody could voice their
2683 opinions. That was very welcomed.

2684

2685 My question, though, is a question that was brought up at that meeting that never
2686 really got resolved is regarding the Innsbrook Next development that has never
2687 seemed to go ahead. There is a big apartment building planned. There is some
2688 mixed-use development planned. I'm just wondering when is that going to go
2689 ahead. Because we'll have some more traffic here. That's fine. That's a residential
2690 part. But is there now going to be a whole other batch of traffic because that's
2691 going to go online and making it up in here. I just wanted to gain a better
2692 understanding of that.

2693

2694 Thank you.

2695

2696 Mr. Branin - Do you want me to address it a little bit? It doesn't
2697 pertain to the zoning. I wish you could tell me because we have approved some
2698 buildings. We have approved some apartments. We have approved new roads to
2699 increase width, a traffic circle, and a whole new concept of traffic circle. I haven't
2700 seen it.

2701

2702 Ms. Kozak - Couldn't we ask the developer?

2703

2704 Mr. Emerson - The developer is not here, ma'am. But we've spoken to
2705 them not that long ago. We're not sure just exactly when they plan to move
2706 forward. They do have approved plans of development. I don't believe that traffic
2707 would impact this portion of Sadler Road. Again, as Mr. Branin stated, it's not part
2708 of this case this evening.

2709

2710 Mr. Branin - But we're waiting, we're hoping. All right. Oh, my
2711 favorite community person. How are you?

2712

2713 Ms. Saints - Well hello. Mary Saints here. I want to say good things.
2714 I know that's nice to hear. So I'll be short and sweet. Thank you for coming out to
2715 us and helping us with this. And I want to thank the builder as well, too, because
2716 we had some concerns our very first night. And there was some passion. And we
2717 came to the table, a little back and forth, and the builders were fantastic in working
2718 with us. So I just want to say thank you.

2719

2720 Mr. Branin - And so you know, I did walk it, and did discuss it with
2721 them with the vegetation and your building.
2722
2723 Ms. Saints - Thank you.
2724
2725 Mr. Witte - Thank you.
2726
2727 Ms. McCall - My name is Millie McCall.
2728
2729 Mr. Branin - Hello, Ms. McCall.
2730
2731 Ms. McCall - We live there on Wonder Lane.
2732
2733 Mr. Branin - You live on Wonder Lane too?
2734
2735 Ms. McCall - Yes, it's my father's—
2736
2737 Mr. Branin - I know someone that lives on Wonder Lane. Ms. King.
2738
2739 Ms. McCall - I have a question.
2740
2741 Mr. Branin - Yes ma'am.
2742
2743 Ms. McCall - When you guys vote on this rezoning for the
2744 development, my daughter's agricultural. That will have nothing to do with her
2745 property, correct?
2746
2747 Mr. Branin - Her land is not being rezoned.
2748
2749 Ms. McCall - Good.
2750
2751 Mr. Branin - Now, if she would like to submit an application to
2752 rezone it—
2753
2754 Ms. McCall - No thank you.
2755
2756 Mr. Branin - —we're happy to take it and review it. And then we'll
2757 have a community meeting, and then we'll do this again.
2758
2759 Ms. McCall - Well you know I don't come to these very often, right?
2760
2761 Mr. Branin - I know.
2762
2763 Ms. McCall - Okay. That was my big concern.
2764
2765 Mr. Branin - Okay.

2766
2767 Ms. McCall - Okay. Thank you.
2768
2769 Mr. Branin - You have a minute.
2770
2771 Mr. Condlin - I find it interesting that you get thanked a lot, staff got
2772 thanked a lot, the builder got thanked a lot—no one ever thanks the attorney.
2773
2774 Mr. Branin - And Mr. Condlin—
2775
2776 Mr. Condlin - Probably with due cause. I'm going to keep this short.
2777 Fred, we don't need to go into there; we can just keep it—if you don't mind, go
2778 back to the original.
2779
2780 I think from the standpoint of—I can go over the case if you'd like to, if you have
2781 any questions.
2782
2783 Mr. Branin - I think our staff did a great job.
2784
2785 Mr. Condlin - Great job. And Lisa's been more than patient with us
2786 as we've gone through the process, including with the neighborhood. And to be
2787 honest, we have been—and I appreciate Ms. King's comments. We do appreciate
2788 the time she's taken with us as we've tried to come to an agreement with respect
2789 to Wonder Lane that basically runs across this private access road or right along
2790 the edge of that private access road. We've been working on an agreement. There
2791 are a lot of details. We provided it, and there's been some back and forth. We feel
2792 like the language we provided is a protection for her to make sure that Wonder
2793 Lane will be remaining there, and we will not build any of these homes until such
2794 time as we either go through an agreement with her or we end up with, as has
2795 been stated, a court order that you go through the process that has come through
2796 the County before.
2797
2798 If you remember, Mr. Branin, during the community meeting we had proposed a
2799 fence along this area. And the neighbors did not want the fence; they wanted the
2800 enhanced landscaping as we put in the proffers. And as we've been talking with
2801 Ms. King about a fence, certainly from this standpoint, if we can't come to an
2802 agreement we'll work with staff between now and Board of Supervisors. We feel
2803 like we can come to an agreement; we're very close. But we'll provide for
2804 enhanced landscaping or fencing along here. This is a little bit more problematic
2805 on this side. I know it says in the proffer a minimum of ten feet, but it's a natural
2806 area. You can see ten feet in this area here there are wetlands that run along this
2807 property that go on to Ms. King's property that we're not allowed to do any fencing
2808 in that area. So that's one of the reasons that we wouldn't be providing specifically
2809 fencing. If not, we can provide—look at enhanced landscaping along the rear of
2810 these three homes right there. I think that's a pretty minor thing that we can
2811 provide for if we can't come to an agreement so that she'll have protection both

2812 from minimum the fencing and the landscaping as well as the Wonder Lane proffer
2813 that will help provide for that. But we have to get it resolved before we can build
2814 those homes.

2815

2816 With that, I ask that you follow staff's recommendation and recommend this to the
2817 Board of Supervisors. Probably more than a minute, but I'm happy to answer any
2818 questions.

2819

2820 Mr. Branin - For approval or denial; you didn't say it.

2821

2822 Mr. Condlin - Recommend to the Board of Supervisors for approval.

2823

2824 Mrs. O'Bannon - There was one question for Ms. King—and you may
2825 not be able to answer this now. But she asked for an access there around where
2826 that curb is.

2827

2828 Mr. Condlin - I may be wrong, but that was the first time I've heard of
2829 that. What I might do is—I think it's a simple change in that first proffer regarding
2830 the concept plan, with an access as may be approved by the Planning
2831 Commission at the time of POD. Something of that nature so that we can—if that's
2832 where she prefers to have it, and the County's okay with it, I'll be honest—I'm not
2833 going to speak for the traffic engineer, although I often do and I get corrected quite
2834 a bit. I'm sure they want to preclude multiple access points. That's why we thought
2835 this access point would be best because that would be shared with these homes
2836 here and it's directly across from here. So that would make more sense. Again,
2837 first time we've heard of it. Happy to talk with her about that and the County traffic
2838 engineer for the best location for that.

2839

2840 Mrs. O'Bannon - She needs a little TLC I think. You need to pay
2841 attention to this lady.

2842

2843 Mr. Condlin - Oh, yes ma'am.

2844

2845 Mrs. O'Bannon - Okay.

2846

2847 Mr. Condlin - Yes ma'am.

2848

2849 Mr. Branin - I didn't want to interrupt you, Mr. Condlin. I want to
2850 thank the neighborhood for coming out and spending extra time—extra passionate
2851 time with me in reviewing your case. I need you all to know that this goes from this
2852 location with whatever decision is made up to the Board of Supervisors where if it
2853 is approved then, by golly, I get to come back in and we hash out the landscaping
2854 and the buffers and more tighter. And so there will be, Mr. Condlin, another
2855 neighborhood meeting, if this does get to POD. Okay?

2856

2857 With that, Mr. Chairman, I'd like to waive the time limits for REZ2015-00003, Nate
2858 Van Epp for ME Sadler, LLC.

2859
2860 Mr. Leabough - Second.

2861
2862 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
2863 Leabough to waive the time limits. All in favor say aye. All opposed say no. The
2864 ayes have it; the motion passes.

2865
2866 Mr. Branin - And I would like to move that REZ2015-00003, Nate
2867 Van Epp for ME Sadler, LLC, move forward to the Board with a recommendation
2868 for approval, taking into account the newest proffer and proffer changes.

2869
2870 Mr. Archer - Second.

2871
2872 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
2873 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
2874 passes.

2875
2876 **REASON** - Acting on a motion by Mr. Branin, seconded by Mr. Archer, the
2877 Planning Commission voted 5-0 (one abstention) to recommend the Board of
2878 Supervisors **grant** the request because it would not be expected to adversely
2879 affect the pattern of zoning and land use in the area and the proffered conditions
2880 will provide appropriate quality assurances not otherwise available.

2881
2882 Mr. Branin - Ms. King, I'm sure that the developer will be getting
2883 with you to address your issues. I'm sorry we couldn't. If you'd like to set up a
2884 meeting, I'll be happy to come. But this is the zoning hearing. Okay.

2885
2886 Mr. Witte - I believe that's the end of the Three Chopt show?

2887
2888 Mr. Emerson - Yes sir, we now leave the Three Chopt District.

2889
2890 Mr. Branin - I'm going home.

2891
2892 Mr. Emerson - We move into Brookland.

2893
2894 **REZ2015-00004 James W. Theobald for Kotarides**
2895 **Developers, LLC:** Request to conditionally rezone from O-3 Office District and O-
2896 3C Office District (Conditional) to RTHC Residential Townhouse District
2897 (Conditional) Parcels 762-755-3882, 763-755-1261, and 763-756-4328 containing
2898 31.66 acres located on the north line of Parham Road approximately 500' west of
2899 Shrader Road. The applicant proposes a townhouse development of no more than
2900 196 units. The RTH District allows a maximum density of nine (9) units per acre.
2901 The use will be controlled by zoning ordinance regulations and proffered
2902 conditions. The 2026 Comprehensive Plan recommends Office.

2903

2904

Mr. Witte - Is there any opposition to REZ2015-00004, James W. Theobald for Kotarides Developers LLC? We have opposition. Okay. Mr. Sehl.

2905

2906

2907

Mr. Sehl - Thank you again, Mr. Chairman, members of the Commission.

2908

2909

2910

The applicant is proposing to rezone the property to allow the development of up to 196 townhomes. The site is currently zoned O-3 and O-3C as shown on this map. The 2026 Comprehensive Plan recommends Office for the subject site. The requested use would be a deviation from the Land Use Plan designation, but if properly designed and regulated, it could be appropriate given the mix of residential and nonresidential uses in the vicinity and proximity to major transportation corridors.

2911

2912

2913

2914

2915

2916

2917

2918

The site is predominantly vacant, except for a parking area for the adjacent SunTrust operations building. The site is bordered by Hollybrook Avenue and the Pine Grove subdivision to the west, the Shannon Green development to the north, Shannon Green and the London Towne apartment development to the east, and the SunTrust operations building and Parham Road to the south.

2919

2920

2921

2922

2923

2924

The applicant is proposing to develop the site with a total of 196 townhouses in a manner consistent with this proffered conceptual plan. All access to the property would be from Parham Road, with the main access in this location. This access would be improved with this entrance feature, shown here, which would be enhanced by a greenbelt along Parham Road. The width of this greenbelt has recently been increased to fifty feet in the new proffers distributed to you this evening. These proffers generally address the comments in the staff report, and consist of the following major items:

2925

2926

2927

2928

2929

2930

2931

2932

2933

- Buildings would be consistent with these architectural elevations. Exterior materials would consist of brick, stone, HardiPlank, and vinyl, and at least 35 percent of the front elevations would consist of brick or stone.

2934

2935

2936

2937

- Each unit would be a minimum of 1,800 square feet, with an overall average of at least 2,000 square feet.

2938

2939

- Sound suppression with a sound transmission coefficient rating of 54 would be provided in common walls between units.

2940

2941

2942

Additionally, this sidewalk and fence plan has been proffered to show the location of fencing on the property, which would consist of a brickcrete-type wall in this location, a black vinyl coated chain link fence in this area, and a white vinyl fence in these general locations, essentially around the rest of the perimeter of the property. This plan also shows where sidewalks would be provided, and provides additional illustration to the proffer that limits access to Parham Road, as only an emergency access would be provided along Hollybrook Avenue.

2943

2944

2945

2946

2947

2948

2949

2950 The revised proffers handed out to you this evening address concerns in the staff
2951 report regarding the Parham Road greenbelt and internal landscaping and
2952 buffering by widening the greenbelt as mentioned earlier and committing to
2953 Planning Commission approval of a landscape plan showing perimeter planting
2954 and internal street trees.

2955

2956 Additionally, the Department of Public Works has completed their initial review of
2957 the required traffic study, which indicates this project would not warrant new
2958 improvements to the local transportation network outside of new turn lanes into the
2959 property and modification of existing Parham Road access points. The traffic
2960 engineer is with us this evening and can discuss this subject further if there are
2961 additional questions.

2962

2963 Although the proposed development is not in keeping with the site's office
2964 designation, the site features that make the property suitable for office uses mean
2965 residential development of this type could also be appropriate. The revised proffers
2966 should provide for a level of development consistent with other recent townhouse
2967 projects in the vicinity, and the anticipated transportation impacts are not
2968 anticipated to be greater than that already permitted by the site's existing office
2969 zoning. For these reasons, staff supports this request. That concludes my
2970 presentation, and I would be happy to try to answer any questions you might have.

2971

2972 Mr. Witte - Are there any questions for Mr. Sehl?

2973

2974 Mr. Leabough - I have a question, if you don't mind, sir.

2975

2976 Mr. Witte - Please.

2977

2978 Mr. Leabough - There are 196 townhomes and one point of access?

2979

2980 Mr. Sehl - Let me go back to the aerial, Mr. Leabough.

2981

2982 Mr. Leabough - Did I miss that? Or maybe I heard something wrong.

2983

2984 Mr. Sehl - As you can see on the conceptual plan, the actual
2985 SunTrust operations building, which they have cross-access agreements with this
2986 site, has two existing points of access along Parham Road. This is an existing
2987 entrance that they would be modifying. So they would have access to the SunTrust
2988 building here. So this area, which is less than eighty-two units, which is the
2989 townhouse policy for Department of Public Works, would access in this area, could
2990 go out to multiple entrances along Parham Road.

2991

2992 Mr. Leabough - But still dumping out to—

2993

2994 Mr. Sehl - All of it would go to Parham Road, yes sir.

2995
2996 Mr. Leabough - —to the same area.
2997
2998 Mr. Sehl - Yes.
2999
3000 Mr. Leabough - Which is at a busy light already, if I'm not mistaken.
3001 Correct? Okay. Thank you.
3002
3003 Mr. Leabough - All right. Thank you for answering my question.
3004
3005 Mr. Sehl - You're welcome.
3006
3007 Mr. Witte - Any other questions for Mr. Sehl?
3008
3009 Mr. Sehl - Thank you.
3010
3011 Mrs. O'Bannon - Wait a minute.
3012
3013 Mr. Sehl - Yes ma'am.
3014
3015 Mrs. O'Bannon - Can you point that out again? You said they would
3016 leave the community and go across that parking lot?
3017
3018 Mr. Sehl - Here is a main access drive in this location that would
3019 have its own access point to Parham Road in addition to the main entrance for the
3020 development at this location. So they have access to both their own kind of internal
3021 road here, as well as to this main drive out here.
3022
3023 Mrs. O'Bannon - But it wouldn't be at the end of each one of those
3024 roads?
3025
3026 Mr. Sehl - There would be two in this location. It's better
3027 illustrated kind of on—
3028
3029 Mrs. O'Bannon - Thank you.
3030
3031 Mr. Sehl - The ones that are shown here that have a little notation
3032 would be essentially emergency access as well.
3033
3034 Mrs. O'Bannon - That's what I'm asking.
3035
3036 Mr. Sehl - For fire and emergency services access. These two
3037 points here would have access to that drive aisle. So residents within the
3038 development could go out here and here to gain access to SunTrust and then as
3039 well to Parham Road here.
3040

3041 Mrs. O'Bannon - That's weird. I've never seen that before.
3042
3043 Mr. Sehl - The traffic engineer is also here. They've had
3044 discussions regarding those access points. And my understanding is that they
3045 meet Public Works' requirements.
3046
3047 Mr. Witte - Mr. Sehl, what I'm understanding is there are three
3048 points of ingress?
3049
3050 Mr. Sehl - Yes, along Parham Road.
3051
3052 Mr. Witte - Along Parham Road and into the subdivision.
3053
3054 Mr. Sehl - Into this development. There is no permanent access
3055 other than emergency access to adjacent properties.
3056
3057 Mr. Witte - Right. But there are three—
3058
3059 Mr. Sehl - Into the property itself, yes sir.
3060
3061 Mr. Witte - Three into the property itself. Ingress and egress.
3062
3063 Mr. Sehl - Yes. One here, one here, and one at this point.
3064
3065 Mr. Witte - And there are three on Parham Road.
3066
3067 Mr. Sehl - And then those translate into three total access points
3068 along Parham Road as well.
3069
3070 Mr. Witte - All right. Thank you. Any other questions for Mr. Sehl?
3071 Hold on a minute. Do you have any questions?
3072
3073 Mrs. O'Bannon - No. I've just not seen something like that before. I'm
3074 apologizing.
3075
3076 Mr. Witte - All right. Would the opposition come forward, please.
3077 Hold on one second. Do we need to go over the ten-minute rule?
3078
3079 Mr. Emerson - I can if you'd like for me to.
3080
3081 Mr. Witte - I would.
3082
3083 Mr. Branin - They've heard it enough; they probably don't need it.
3084

3085 Mr. Emerson - If everybody understands that there are ten minutes for
3086 the opposition, that's a cumulative ten. Commission can waive that at its discretion.
3087 Then ten minutes for the applicant.

3088
3089 Mr. Witte - Looks like we have ten people. All right. Please state
3090 your name.

3091
3092 Mr. Price - All right. Thank you, sir. My name's Corbett Price. I'm a
3093 resident of Pine Grove subdivision. To be more exact, Hollybrook Avenue where
3094 this piece of property backs up to. In the 2026 Comprehensive Plan, this is zoned
3095 as O-3 and O-3C. The purpose of the O-3 and O-3C is to enhance the existing
3096 residential. And we're taking steps backwards by creating a denser residential
3097 section. I'd like to refer to chapter 7, page 97, section 17, which refers to the
3098 Hungary Spring Road corridor and addresses a balance transforming from
3099 residential to nonresidential use. In addition, page 98, section 18 referring to the
3100 West Broad Street corridor recommends current uses be maintained. Again, this is
3101 taking steps backwards by turning this into a dense residential area.

3102
3103 I'd like to point out also, in the developer's report right here, the entrance, the main
3104 entrance from Parham Road designates a right turn lane in and a right turn lane
3105 out, but does not say anything about turning left or trying to get out of this
3106 subdivision. On the traffic report, there are 1,155 cars per day that will be entering
3107 and exiting. This exact point of entrance is about 785 feet from the intersection of
3108 Broad Street. The 2013 traffic survey for Parham and Broad Street was 27,263
3109 cars per day. And now within 765 feet we're going to dump out another 1100 cars.
3110 This is not sufficient for this area.

3111
3112 I think also by granting an emergency access point, the developer realizes this is a
3113 choke point right here at the entrance of Parham Road. And it's only a matter of
3114 time before the residents get fed up trying to get out right there by the stoplight,
3115 and the entrance is opened up on Hollybrook Avenue, which this will also need
3116 further development, and is also a detriment to the residents in the Pine Grove
3117 area. This is also against the Henrico County Traffic Calming Program, as we're
3118 dumping one residential area into another residential area.

3119
3120 Again, I thank you for your time. And I oppose this, and I ask you to reject it as
3121 well.

3122
3123 Mr. Witte - Thank you, sir..

3124
3125 Mr. Shaffer - Hi. My name is David Shaffer. I live in Shannon Green
3126 Court, which is to the north of this. I also want to expand a little bit on what he said.
3127 I believe three years ago they expanded Broad Street to put a right turn lane in for
3128 that intersection. With not being able to make a left, you're going to have people
3129 going to Broad Street and flip a U-turn right there to come back, because you're
3130 allowed to make a U-turn there. But with those lights the way they go, as fast as

3131 they go, you're not going to have the time to really do that. I think it's going to
3132 cause a lot of problems.

3133

3134 Then you're also talking about 196 units, I believe he said. You have 232 spaces
3135 allowed. That's 36 extra spaces. Where are all those cars going to park?
3136 Everybody's going to have one car per unit? That's what it says on the plan. I
3137 believe it's 196 units and 232 spaces allowed.

3138

3139 Yeah. So, I mean, if you have a couple people over, where is that overflow going
3140 to be? There are only thirty-six spaces. Thank you.

3141

3142 Ms. Miles - Hi, my name is Brenda Miles. I live in the Pine Grove
3143 subdivision, and I am opposed to this development. Many of the neighbors I've
3144 spoken with are opposed as well. I feel like it's too dense of a development for this
3145 particular area for the same reasons that two gentleman spoke of a while ago.

3146

3147 I disagree with there being three ingress and egress because no one can come
3148 out of that development and turn left on Parham Road. So I don't know how you
3149 can egress and ingress when you don't have the—there's a median strip right
3150 there, so unless they open up the median strip—and it's too risky to cross that two-
3151 lane Parham Road to get into the development. Even at the bank, the employees
3152 from the bank cannot turn left when they get off from work. And they're at the
3153 mercy of people letting them out, and they're at the mercy of maybe risking their
3154 lives trying to turn left onto Parham Road.

3155

3156 I have a Public Works' memo that was dated July—excuse me—June 25, 2007,
3157 when they tried to put Meridian Manor in there back in 2007. The Public Works
3158 referenced this intersection of Parham and Broad Street as—it says it operates
3159 and will continue to operate at unacceptable LOS F. So the level of service is
3160 unacceptable and is rated F for this intersection of Parham and Broad Street. It
3161 says to help with the unacceptable operating conditions, VDOT currently has plans
3162 to add a right turn lane from westbound West Broad Street onto eastbound
3163 Parham Road, which they have not done. And this was something that they
3164 planned back in 2007. But it's still not going to help the residents of this
3165 development to be able to turn left onto Broad.

3166

3167 And like the gentleman said before, all of these people will have to turn right onto
3168 Parham to get out of their development, and go to Broad Street, and have to make
3169 a U-turn. We as residents at Pine Grove and Mount Vernon Heights, we have so
3170 much trouble getting out now that if they add this extra traffic, it's just going to be a
3171 nightmare. And we're going to be risking our lives trying to get out on Broad Street
3172 from our homes, which we've been there since—I don't remember—1940-
3173 something I think the residents have been there.

3174

3175 But thank you.

3176

3177 Mr. Witte - Thank you, ma'am.
3178
3179 Mr. Wood - Hi. My name is Phillip Wood, and I'm opposed. And
3180 what I'll do is just keep it real short. Ditto to this gentleman right here.
3181
3182 Mr. Witte - Thank you, sir.
3183
3184 Mr. Dechent - My name is Art Dechent, and I live on 2510 Pine
3185 Grove Drive. That would put me right there. Back in the early '80s, I lived at 2606
3186 when they were doing the development of all of the apartment complexes over on
3187 Shrader Road. At that time—I'll get to my point in a second. At that time, they were
3188 going to use Pine Grove and Hollybrook as egress out of Shrader Road. We asked
3189 them to keep them cul-de-sacs, which they did. And then the owner of this car lot
3190 prior to Pearson's, came in and said well, while we're at it, I want to expand my
3191 parking lot. And so what I would like to do—right here. I'd like to expand my
3192 parking lot. And we agreed to let him rezone that if he would keep all of these
3193 trees, this buffer area, undeveloped. And up to this date we've been able to keep
3194 that. I know that it's been rezoned to office buildings, but it was told to us—it was
3195 promised to us that it would be undeveloped so we could keep that buffer zone.
3196 That's what I'm asking that we do.
3197
3198 I'm opposed to this. Thank you.
3199
3200 Mr. Witte - Thank you. We have less than two minutes left.
3201
3202 Mr. Meagher - Yes sir, I'll be brief. My name is Nicholas Meagher. I
3203 live in the Pine Grove development. I've been there for I'd say about eighteen
3204 years. My dad has owned it before me.
3205
3206 I'm opposed to this because I just feel that it's going to be too massive for that
3207 area. We already have the London Towne apartments and everything, and you're
3208 just adding to that. We have the bank. We have the car dealership. And I feel like
3209 we're adding more to a little spot that there should be no reason for. Like they said
3210 before, traffic and all that stuff. It's just going to be too much for us to handle.
3211 Eventually, you'll open up the stuff on Hollybrook.
3212
3213 Thank you.
3214
3215 Mr. Witte - Thank you, sir.
3216
3217 Ms. Williams - All right. My name's Deborah Williams. We've owned a
3218 house over there over fifty years. He's saying that where they're coming out of the
3219 townhouses will come onto Parham. Well that's fine. He's also saying that they can
3220 use the bank parking lot. The bank isn't going to put up with that. He's saying
3221 there's another exit on the other side of the bank. These people are going to drive
3222 around the bank to come out when it's not even their property? The emergency

3223 exit over here on Hollybrook. That emergency exit is in between Brenda Miles's
3224 property line and her mother's home next door. That's not even at a road. The two
3225 roads going to that back section? That's going up under high-power electric lines.
3226 You need to go back there and look at this. And then there are electric lines going
3227 along the back, another set. At the end of Hollybrook, they'll probably open that up
3228 so the back people can get out, which is wrong. We can't even get our mailman to
3229 slow down, much less all these other people.

3230
3231 Thank you.

3232
3233 Mr. Witte - Thank you, ma'am.

3234
3235 Mr. Edwards - Hi. My name's Lee Edwards. I just wanted to agree
3236 with everyone in opposition. I'm against it. Thank you.

3237
3238 Mr. Witte - Thank you, sir.

3239
3240 Mr. Woodard - My name is Jerry Woodard. I live on Darnell Road,
3241 which is the subdivision to the west of Pine Grove. I agree with everybody else too.
3242 It would be too much traffic. But one thing that people haven't even mentioned, at
3243 the end of Hollybrook you can see that the road within a new subdivision aims right
3244 toward the end of Hollybrook to where when the new residents get tired and fed up
3245 trying to deal with Parham Road, it's just a matter of time they would request that
3246 that be opened up to alleviate some of the traffic. And that would not be
3247 acceptable. There is already too much concrete up and down Broad Street as it is.
3248 It's the only green space we have in this whole area. It's easy for all of you to
3249 check out; it's just right up the road.

3250
3251 Thank you.

3252
3253 Mr. Witte - Thank you, sir. Would the applicant please come
3254 forward?

3255
3256 Mr. Theobald - The PowerPoint please? Good evening, Mr. Chairman,
3257 members of the Commission. I'm Jim Theobald. I'm here this evening on behalf of
3258 Kotarides Developers.

3259
3260 This is a request to rezone approximately thirty-one acres at Parham and Broad
3261 for a community to be known as the Carriage Homes at Parham Place. As you can
3262 see with this plan superimposed over the aerial, this basically is the residual of the
3263 SunTrust property. There have been a variety of previous proposals on this site
3264 from apartments to townhomes and the like, but it was never developed for the
3265 office that it originally was zoned for.

3266

3267 This development represents quality infill development with a density of 6.19 units
3268 per acre, which is substantially less than the 9 units per acre that would otherwise
3269 be permitted under the townhouse zoning district.
3270

3271 As you can see from the concept plan, the main entrance to the development is
3272 here off of Parham Road with a minimum of fifty-foot green space, likely
3273 considerably more, and internal roads coming back through the property. There
3274 are areas that we believe are suitable for pocket parks. Green space around the
3275 BMP facility. This is a transmission line that goes through the property. But it's
3276 been laid out with sort of a grid pattern of streets. There is a legally binding
3277 agreement of record from SunTrust that gives all the residual property the legal
3278 right to drive over their access road, specifically quoting and with regard to future
3279 development. So basically, when SunTrust sold this property—it's owned by a
3280 California group now—I'm sure the way that they were able to sell it was to agree
3281 to provide that kind of access so that people could get in and out.
3282

3283 The very prime directive, I guess, in them bringing this case was that we not
3284 access Hollybrook. We can't access Hollybrook. There is a locked, gated point of
3285 entry here for fire and safety purposes. Only emergency services people can
3286 access that area in the event of an emergency, which we would all hope they
3287 would be able to do, obviously. Otherwise, the traffic is coming out onto Parham
3288 Road on the three points and meets the criteria of the County.
3289

3290 This depicts an entrance feature with brick entranceways, plantings within the
3291 buffer area to give a sense of arrival and a sense of place. This depicts the type of
3292 townhomes that will be built. These are a minimum of 28 feet wide. They average
3293 2,000 square feet in size, the smallest of which can be no less than 1,800 square
3294 feet in size.
3295

3296 This shows the perimeter fencing and wall plans, as well as the sidewalk plans. A
3297 concrete brickcrete type of barrier wall against the apartment facility, chain link
3298 here in the lower area, and then picking up with white vinyl fence all along the
3299 residential areas here, coming back to some chain link in this open area. And then
3300 white vinyl fence all the way around the perimeter, except where it's adjacent to
3301 open or recreational type spaces.
3302

3303 Internal sidewalks throughout so that there is pedestrian connectivity. The case
3304 has been well proffered. The concept plan, the elevations, the entrance feature
3305 that you see are all part of the case. We have proffered that the only direct access
3306 can be from Parham Road. We provided for the 50-foot greenbelt along Parham
3307 Road planted to a transitional buffer 25 standard. The sidewalk. The minimum unit
3308 width of 28 feet, and the minimum sizes as previous discussed. Each townhome
3309 has to have a two-car garage with clear space of 18 feet deep and 22 feet wide.
3310 These are high-quality exterior materials. We have sound suppression, sound
3311 transmission coefficient ratings of 54 between units. And we have to submit a
3312 landscape plan at POD that will include street trees on an average of about every

3313 sixty feet on the internal roads planted to certain standards, as well as providing for
3314 some landscaping along those white vinyl fences along Hollybrook Avenue, as well
3315 as adjacent to the interior of the site.

3316
3317 No more than 196 units can be constructed. Front yards will be sodded. And if
3318 they're not irrigated, then we have to sod with a drought-tolerant grass. Can't have
3319 more than six units in a row. And the little pocket park areas will have benches or
3320 other passive recreational amenities within them. We've also limited the hours of
3321 exterior construction.

3322
3323 I think we've seen a number of different plans put forth on this site. I think this is
3324 one of the highest quality. I think that it makes sense. Traffic comes out to Parham
3325 Road. Parham Road is clearly a busy road, but the traffic studies suggest that the
3326 road system can handle it. It is a challenge turning left at 5:00, but it's a lot worse if
3327 you have thirty more acres of office leaving at 5:00 rather than the people coming
3328 back to their homes in this area.

3329
3330 With that, I would respectfully ask you recommend approval of this case to the
3331 Board of Supervisors. And I'd be happy to answer any questions.

3332
3333 Mr. Witte - Does the Commission have any questions for Mr.
3334 Theobald?

3335
3336 Ms. Jones - I do. Mr. Theobald, this doesn't even have to do with
3337 the residential component. It has to do with SunTrust, so you may or may not
3338 know. For the nature of their operation, do you know what times their folks are
3339 coming and going and how that might mesh with rush hour for most residents
3340 heading to a daytime job?

3341
3342 Mr. Theobald - I honestly do not know the hours, but I don't know if
3343 they're on a flex schedule or a static schedule. Here again, our people will be
3344 coming home as the SunTrust traffic is leaving. So it's opposite-direction traffic at
3345 the peaks.

3346
3347 Ms. Jones - And those are two-way entrance/exit—

3348
3349 Mr. Theobald - Yes.

3350
3351 Ms. Jones - —in the SunTrust lot.

3352
3353 Mr. Theobald - In other words, two-way travel on these?

3354
3355 Ms. Jones - Yes.

3356
3357 Mr. Theobald - Yes.

3358

3359 Ms. Jones - Yes. I think traffic is the major concern, and that's
3360 simply because everybody is heading to work, everybody's coming home. And I
3361 don't discount the concerns that the folks have with that. I guess maybe at some
3362 point I'd like to bring our traffic engineer up with a few questions. But thank you.
3363 Mr. Theobald.
3364
3365 Mr. Witte - Any other questions for Mr. Theobald? I have a couple.
3366 The construction entrance. Will there be a construction entrance on Hollybrook?
3367
3368 Mr. Theobald - No sir.
3369
3370 Mr. Witte - How have you planned to prevent that, construction
3371 vehicles coming down and cutting across?
3372
3373 Ms. Jones - They have no access.
3374
3375 Mr. Witte - Are you going to put a fence up before the
3376 construction?
3377
3378 Mr. Theobald - Oh, I see. That's a good question, but we do want to
3379 take care of that. We will put up the fence—or a fence to prohibit traffic. I see my
3380 client's nodding over there so as to keep construction vehicles off of Hollybrook.
3381
3382 Mr. Witte - Okay. So we will make certain that there is no traffic on
3383 Hollybrook. The parking places. There was concern that there were only thirty-
3384 some extra spaces. But my understanding is that every unit out here will have a
3385 two-car garage.
3386
3387 Mr. Theobald - Two-car garage. But also, as you know, under your
3388 ordinance you have a two-car garage and then you have a space to park two cars
3389 outside of those garages on your own property. And then there are areas spread
3390 throughout that provide additional parking.
3391
3392 Mr. Witte - Well let's presume that they'll park one in the garage
3393 and one outside. That should give us 392 extra spaces. Is that correct? Ballpark.
3394
3395 Mr. Theobald - Yes, I think that's right.
3396
3397 Mr. Witte - Okay. All right. I have no further questions. The traffic
3398 engineer I guess would be next on our list.
3399
3400 Female - [Off microphone.] We have one out here [inaudible].
3401
3402 Male - [Off microphone.] Can I just ask one question real
3403 quick?
3404

3405 Mr. Witte - We need to hear from the traffic engineer first, please.
3406
3407 Mr. Cejka - Good evening.
3408
3409 Ms. Jones - Shall I?
3410
3411 Mr. Witte - Please do, Mrs. Jones.
3412
3413 Ms. Jones - Good evening. Mr. Cejka, everybody has concerns
3414 about traffic. And in this case, I think—you know, the Parham and Broad area is
3415 mighty busy. I need to have you comment fully. I may not be able to ask a
3416 complete question, but I want a complete answer. How can you reassure these
3417 folks, based on the numbers you have, that their exiting and entering their
3418 neighborhoods at peak hours will not be a huge problem?
3419
3420 Mr. Cejka - Well, the first thing I'd like to clarify is the numbers that
3421 they stated, the 1155 trips, that is total trips. That's 50 percent going in, 50 percent
3422 leaving. So it's not 1155 cars going in and 1155 cars going out. I just want to make
3423 that clear.
3424
3425 Ms. Jones - Right.
3426
3427 Mr. Cejka - There are three points of access, as everyone stated.
3428 This is a right-in/right-out coming off Parham. Right here is where you'd make the
3429 left turns onto Parham Road to get out, and also go right. And that's how
3430 eastbound Parham would access the site, the left turns going in. And then there
3431 are the most-likely-be-very-little-used access points over here.
3432
3433 The amount of traffic that is going to be leaving the site, the developer or the
3434 consultant did a traffic study. It's estimated to be in the morning - 73 cars leaving to
3435 go to work, coming out of both of these two sites. And then in the evening, 70 will
3436 be returning back, 34 leaving. There will be congestion leaving this. The consultant
3437 needs to redo some traffic numbers; I do not have a finalized report yet. I have a
3438 draft. He's going to redo some counts and redo some more analysis. But right now
3439 it's showing that there will be delay exiting their site in the p.m. peak. That is true.
3440 Will it be as rough as an office? No. If it's thirty acres of office, it's anticipated
3441 roughly 3300 trips, which is about three times the amount of traffic that would be
3442 coming out of there. This development would be about one-third the traffic of an
3443 office development.
3444
3445 Ms. Jones - Where you have the cursor, you're saying the exit
3446 there, someone exiting from the SunTrust lot could make the—go all the way
3447 across Parham.
3448
3449 Mr. Cejka - Correct.
3450

3451 Ms. Jones - At a median break.
3452
3453 Mr. Cejka - Correct. Yes. This will be full access.
3454
3455 Ms. Jones - Mmm.
3456
3457 Mr. Leabough - How feasible is that at peak times given the traffic on
3458 that road?
3459
3460 Ms. Jones - That's a good one.
3461
3462 Mr. Cejka - How feasible?
3463
3464 [Several people talking off microphone in the background; inaudible.]
3465
3466 Mr. Leabough - I mean, given the traffic—sir, please. Excuse me. I'm
3467 asking the traffic engineer this question, not the audience. Thank you. So how
3468 feasible is that for—I mean, just thinking about the amount of traffic that stacks at
3469 that light and the traffic volume on that road. I don't know, what's the count on
3470 Parham?
3471
3472 Mr. Cejka - Parham's a little over 27,000 per day. And that's both
3473 directions. I don't have a breakdown per direction.
3474
3475 Mr. Leabough - Well let's just divide it by two. So what's that, roughly—
3476
3477 Mr. Cejka - Thirteen five.
3478
3479 Mr. Leabough - Thirteen five? Yes. So 13,500 cars per day. I don't
3480 know what the breakout would be at peak, but I would think it would be pretty
3481 difficult to cross that median during peak hours.
3482
3483 Mr. Cejka - It's going to be somewhat difficult. You have to wait for
3484 breaks in traffic. There is nothing between this signal and the site access. So once
3485 the signal turns red here, there will be minimal cars coming down this section of
3486 the road. So they can get across to the median. The median is nineteen feet wide.
3487 They can handle one car to sit there. And then when there is a break for the
3488 eastbound traffic, then they can go. So it would be a two-stage left turn, really.
3489
3490 Mr. Leabough - Okay. Thank you.
3491
3492 Mr. Witte - I have a question. How similar would this be to the
3493 Henrico Doctors' Parham down the street that only has two means of ingress and
3494 egress at peak times with no traffic signals near it?
3495

3496 Mr. Cejka - It would be very similar. The one main entrance where
3497 the emergency is, that's opposite the emergency 911 parking lot, so that actually
3498 has more conflicts. This would be a better scenario than that because there are
3499 only three legs to this intersection versus four over at Henrico Doctors'.
3500
3501 Mr. Witte - So this would actually be a better scenario than what
3502 exists at Henrico Doctors'.
3503
3504 Mr. Cejka - Correct.
3505
3506 Mr. Witte - Okay, thank you. Any other questions? Thank you, sir.
3507 Did you have a question, sir? Please come down. We'll listen to your question.
3508
3509 Mr. Shaffer - I work at Henrico Doctors' Parham. There is way—
3510
3511 Mr. Witte - State your name, please.
3512
3513 Mr. Shaffer - Yes. There's no way that there are 1100 cars—that's
3514 the number you said, correct, 1100 cars—that come out of that in a day.
3515
3516 Mr. Witte - Can you state your name, please.
3517
3518 Mr. Shaffer - David Shaffer. I live in Shannon Green.
3519
3520 Mr. Witte - Thank you.
3521
3522 Mr. Shaffer - That intersection right there that they're talking about,
3523 this right here, there are times you go through there because traffic is going east
3524 on Parham, or I'm sorry, north on Parham, there are three cars in the center
3525 median at times. That is a traffic hazard. And you can't put a light there because at
3526 500 feet you have a light right here at Shrader. I understand what he's saying
3527 when this light breaks, is red, nine times out of ten this traffic is backed up clear to
3528 here when that light's red going north and south on Parham. It's letting cars cross
3529 Shrader now because they work opposite. So from the police station goes across
3530 first.
3531
3532 Mr. Witte - You had a question for Mr. Theobald, you said.
3533
3534 Mr. Shaffer - Yes. I just wanted to ask him how can you safely make
3535 that turn onto Parham going north. There's no way you can do that safely. You
3536 already have accidents at Broad and Parham all the time.
3537
3538 Mr. Witte - All right. Thank you, sir. Can we get the traffic engineer
3539 to address that? I think he would better than Mr. Theobald. No offense, Mr.
3540 Theobald.
3541

3542 Mr. Cejka - This access point is similar to other access points on
3543 Parham Road. You have a signal or you don't have a signal. If you want to turn
3544 left, you have to cross the traffic. There's traffic on Parham Road; there's traffic on
3545 Broad Street. Coming out of Hollybrook, trying to turn left, you have to cross three
3546 lanes on Broad Street to make the left. This is only two lanes compared to those
3547 three. It's very similar. The amount of traffic is going to vary depending on the
3548 development. Like the gentleman said, there's probably not the same amount of
3549 cars exiting the exact same time of Henrico Doctors', but that's for an entire day.
3550 I'm not talking about the peak hour. So it's very similar.

3551

3552 Mr. Witte - Thank you, sir. Any other questions?

3553

3554 Mr. Branin - [Low volume.] This is O-3. And if basically you could
3555 take two or three of those SunTrusts, correct, and put them into this land because I
3556 believe, this is before my time on the Commission. It may be in Chris's time...

3557

3558 Mr. Archer - Thank you, Mr. Branin.

3559

3560 Mr. Branin - Being the elder. If this had built out completely with
3561 office buildings resembling the bank building that's there currently, how many,
3562 guesstimate, employees would you think would work there?

3563

3564 Mr. Cejka - Employees or just the amount of trips, vehicles?

3565

3566 Mr. Branin - Well, employees. If you have multiple buildings, I would
3567 say more people would be using these same points, wouldn't they?

3568

3569 Mr. Witte - It would seem to me that if you—

3570

3571 Mr. Branin - And they would all come in and go out at the same
3572 peak time.

3573

3574 Mr. Witte - It would triple the amount that's coming out now.

3575

3576 Mr. Branin - So would you say that this would be more or less
3577 dense of a development if it was office buildings that were put there, which it's
3578 actually zoned for?

3579

3580 Mr. Cejka - Comparing the traffic on this potential versus office, it's
3581 significantly less.

3582

3583 Mr. Branin - Okay.

3584

3585 Mr. Witte - Any other questions? Thank you, sir. All right. Having
3586 no further questions, I'll remind everybody, as Mr. Branin has on many occasions
3587 today, that this is not an approval, it's a recommendation to the Board of

3588 Supervisors, who will make the final decision. That being said, I move that
3589 REZ2015-00004, James W. Theobald for Kotarides Developers LLC, move to the
3590 Board with a recommendation for approval.

3591
3592 Mr. Branin - Second.

3593
3594 Mr. Witte - We have a motion by Mr. Witte, a second by
3595 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
3596 passes.

3597
3598 Mr. Emerson - This will be on the Board of Supervisors' agenda
3599 March 10th.

3600
3601 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
3602 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
3603 Board of Supervisors **grant** the request because it would not be expected to
3604 adversely affect the pattern of zoning and land use in the area and the proffered
3605 conditions will assure a level of development otherwise not possible.

3606
3607 **(Deferred from the January 15, 2015 Meeting)**

3608 **REZ2014-00045 Russell Jones:** Request to amend proffered
3609 conditions accepted with Rezoning Case C-31C-08 on part of Parcel 832-714-
3610 1636 located on the south line of E. Williamsburg Road (U.S. Route 60) between
3611 the termini of Saw Set Lane and Whiteside Road. The applicant proposes to
3612 amend proffers related to building elevations and materials, minimum size, fire
3613 suppression, landscaping and windows. The existing zoning is RTHC Residential
3614 Townhouse District (Conditional). The 2026 Comprehensive Plan recommends
3615 Urban Residential, density should range from 3.4 to 6.8 units per acre. The site is
3616 located in the Airport Safety Overlay District.

3617
3618 Mr. Witte - Is there any opposition to REZ2014-00045, Russell
3619 Jones? I see none. Mr. Lewis.

3620
3621 Mr. Lewis - Good evening, Mr. Chairman. Thank you.

3622
3623 This is a request to amend a variety of proffered conditions approved with rezoning
3624 case C-31C-08, including those pertaining to the conceptual plan, building
3625 elevations and materials, buffers and landscaping, minimum dwelling size, and fire
3626 suppression. The subject property at 805 East Williamsburg Road is zoned RTHC
3627 Residential Townhouse District (Conditional) and is designated Urban Residential
3628 in the 2026 Comprehensive Plan.

3629
3630 The applicant's 45-unit layout is similar to the one approved in 2008, with a few
3631 exceptions. The BMP and individual unit driveways have been removed, some
3632 buildings and drive aisles were realigned, on-street parking has expanded, and the
3633 northern buffer was widened.

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New proffered building elevations have been submitted, which propose two-story units a minimum of 1,440 square feet in size, and no garages. The elevations approved in 2008 were three-story with garages, with most units required to be at least 1,879 square feet. The overall appearance of the new front façade design is an effort to provide variety from one unit to the next and incorporate elements of Craftsman-style architecture.

Exhibits C and D would remain the same, and new Exhibit E, the first page of which is shown here, illustrates proposed foundation plantings.

Along with changes to the exhibits, the applicant's February 12, 2015, revised proffers on the handout also propose the following amendments:

- Composite siding deleted as a permitted exterior material;
- Vinyl thickness increased from 0.042" to 0.044";
- Minimum masonry percentage to be calculated per building, rather than by unit;
- Northern buffer widened to 35 feet instead of 10 feet;
- Specific minimum planting quantities for all buffers;
- White vinyl fence in place of chain link for a portion of the proposed southern boundary fence;
- A comprehensive landscaping plan to be submitted for Planning Commission review;
- Deletion of the proffer requiring all units to have fire suppression installed; and
- A commitment to provide two windows rather than one on building sides.

Most of the other proffers would remain in effect generally as approved in 2008. The applicant's requested amendments would not change the proposed use or increase the density of the development; however, the townhomes' exterior appearance would be noticeably altered, living space would be significantly reduced, and the benefits of built-in fire suppression would no longer be available. These types of substantial changes must be carefully evaluated to ensure the overall quality of the proposed development and its compatibility with the new single-family neighborhood adjacent to the west.

The applicant has addressed most of the previous concerns raised by staff or discussed at the neighborhood meeting; however, several issues have not been resolved. These include:

- ensuring a minimum unit square footage more comparable to the townhomes approved in 2008 and the homes built in the Anderson Mill subdivision;
- providing for a higher percentage of quality exterior building materials;

- 3679
- revising Exhibit E to reflect the quantity of foundation plantings shown on Exhibit B; and
 - retaining the commitment to install fire suppression features with each unit as recommended by the Division of Fire.
- 3680
3681
3682
3683

3684 The proposed townhome use is consistent with the 2026 Plan's Urban Residential
3685 designation for the site, and the applicant has made a number of improvements to
3686 the proffers. However, there is a concern that, as a whole, the requested
3687 amendments would not reflect the level of quality intended by the original case.
3688 This would set a negative precedent for future development along the highly visible
3689 Williamsburg Road corridor; therefore, staff recommends this request be deferred
3690 to provide the applicant additional time to address the remaining issues.

3691
3692 This concludes my presentation. Time limits would need to be waived for the
3693 proffers. I am happy to answer any questions you may have.

3694
3695 Mr. Witte - Are there any questions for Mr. Lewis?

3696
3697 Mr. Leabough - I do. Do you have some as well, Mrs. Jones? I'm sure
3698 they're going to be the same questions I have.

3699
3700 Ms. Jones - Of course, you go right ahead.

3701
3702 Mr. Leabough - Thank you, ma'am. Mr. Lewis, the original case was
3703 approved back in 2008. Correct?

3704
3705 Mr. Lewis - Yes sir.

3706
3707 Mr. Leabough - And the intent of that case, in your opinion—I think it
3708 articulated a number of items related to quality and size of units, 60 percent brick,
3709 still consistent. But what I do note is a noticeable reduction in square footage and
3710 the elimination of garages that were proposed previously. What was previously
3711 approved? I know there was what, thirty-seven homes that would be a minimum of
3712 1800 square feet or more? I don't remember the exact number, but remember it
3713 was at least 1800 square feet. And then the remaining seven or eight or so would
3714 be at least what, 1500 square feet?

3715
3716 Mr. Lewis - Thirty-seven of the units would have to be 1,879
3717 square feet, and the remaining eight units would have to be 1,583 square feet.

3718
3719 Mr. Leabough - And that's finished square footage. So that is exclusive
3720 of the garages. If you look at total square footage, unfinished and finished, the
3721 units are actually larger than the 1800 and 1500, correct?

3722
3723 Mr. Lewis - That's correct.

3724

3725 Mr. Leabough - Pushing 2,000-plus square footage. And what the
3726 applicant is proposing currently is a maximum of how much square footage?

3727
3728 Mr. Lewis - 1,440 square feet.

3729
3730 Mr. Leabough - So we essentially have the same case before us and
3731 an enhanced buffer along Williamsburg, a couple of other minor items related to
3732 trash collection and things of that nature. But as far as the square footage—
3733 architecturally, there's a different architectural style. But the exterior materials,
3734 were to coincide with the quality that we expected back in 2008, in your opinion, is
3735 this case consistent with that?

3736
3737 Mr. Lewis - I guess the best I could say is that, as you alluded to,
3738 all the smaller items have been taken care of, but the larger items still remain. And
3739 one of those is building materials and size.

3740
3741 Mr. Leabough - So there was a deliberate attempt to address or to
3742 increase—or maintain a standard as far as square footage. I think the detail is
3743 there regarding the thirty-seven homes at 1800 and the eight homes at 15 plus. So
3744 a huge concern, especially if you're reducing the square footage, and we see no
3745 increase in terms of architectural or exterior materials. It's pretty much the same
3746 product. Different skin, but a much reduced square footage.

3747
3748 I know that there were folks here tonight. I guess because of the hour they were
3749 not able to remain with us. But there were other concerns related to cut-through
3750 traffic. Has the issue related to the fence height at the rear of the property been
3751 addressed?

3752
3753 Mr. Lewis - Yes sir. There is a mixture of fence types to the rear.
3754 This 200 feet here adjacent to the back yards of Anderson Mill would be six feet
3755 and it would be vinyl—white vinyl. The remainder along the apartments to the
3756 south would be six feet tall black vinyl-coated chain link. The chain link carries over
3757 from the previous case, and it was clarified that it would be black-vinyl coated.

3758
3759 So this entire area would be lined with fencing. So there would be no—unless you
3760 decide to scale a six-foot fence, there would be no cut-through as far as walking.

3761
3762 Mr. Leabough - I know that there is an existing wood fence there, but
3763 the residents that were at the community meeting mentioned that there are breaks
3764 in that wood fence.

3765
3766 Mr. Lewis - As I understand it, there is a wood fence that runs this
3767 line right here, which separates the apartments from these Anderson Mill lots. And
3768 that fence is in disrepair. And so there is a concern that if that fence isn't upgraded
3769 there still would be some cut-through in this direction, walking through the rear
3770 yards and then up to Williamsburg Road.

3771
3772 Mr. Leabough - Okay.
3773
3774 Mr. Lewis - But of course that's not part of this case, that fence.
3775
3776 Mr. Leabough - Thank you. Those are all of my questions for now.
3777
3778 Ms. Jones - Well, I had some of those, but I just wanted to refresh
3779 my memory because I can't quite square away that this case is coming back with
3780 reduce square footage and no garages in an area that had really a nice standard.
3781 Of course that was 2008. I know there are some projects in the Tuckahoe District
3782 that were different looking in 2008 than they are right now, but that's the kind of
3783 thing I think we need to be mindful of. And I'm not sure that you can square away
3784 much smaller units and no garages. Maybe much smaller units with garages, but
3785 you can't compress it to almost a different kind of animal, I think. But I do
3786 understand that correctly. That's what's being offered, right?
3787
3788 Mr. Lewis - Yes ma'am. And there were some discussions in the
3789 neighborhood meeting and in meetings prior to the case being filed that I wasn't
3790 part of. I was at the neighborhood meeting. And I think there has been some
3791 weighing of what features are more desired versus others. We have been finding
3792 in some townhome communities that if you have the narrow 19-foot units, a
3793 driveway, and virtually no yard it's devoid of interior landscaping. One way to deal
3794 with that is to not have a garage and a driveway, have more of a yard and plant
3795 more in the yard. So that was part of the discussion where the developer came to
3796 the decision to remove garages. There is more to it than that.
3797
3798 Ms. Jones - Well, that is a tradeoff, and I'm just not sure it's a good
3799 one. Okay. Thank you.
3800
3801 Mr. Leabough - Any other questions for Mr. Lewis? Would the
3802 applicant like to come forward?
3803
3804 Mr. Jones - Good evening, Mr. Chairman, members of the Board.
3805 My name is Russell Jones. I am the owner of the property.
3806
3807 Since 2008, we've had a change in the marketplace.
3808
3809 Mr. Witte - Can you speak into the microphone, please?
3810
3811 Mr. Jones - You cannot hear me?
3812
3813 Mr. Witte - There you go.
3814
3815 Ms. Jones - That's better.
3816

3817 Mr. Jones - Is that better? Okay. Since 2008, we've had a change
3818 in the marketplace. Sitting here tonight listening to the cases, what was originally
3819 proposed is very similar to the last case you all just heard. But the most important
3820 thing in real estate is location. Some areas of our County are stronger than others.
3821 This particular area won't support what was approved in 2008. That's why it has
3822 not been built.

3823
3824 What I have proposed—I started on this back in June. Working with staff, we had a
3825 building with a garage and a driveway. We got to our community meeting, and
3826 there were some people in the audience that didn't think that that was a good
3827 building. So we switched to what you see on the board today. This elevation that
3828 you see here was suggested as a better elevation because of its broken-up
3829 roofline, its color. It required us to go back and completely redo and revamp the
3830 entire project, which we have done. The only two items that I'm asking for relief
3831 from are the fire suppression and the square-footage requirement. Even though
3832 you have a smaller square footage, it doesn't mean that it's going to affect the
3833 public or the community. The houses are still twenty feet wide. And when you drive
3834 by on the road, Route 60, you will still see the same width building.

3835
3836 The buffer has been increased from ten feet to thirty-five feet. I've gone to great
3837 lengths to meet with my neighbors who were here tonight. We were probably
3838 staying a little too long. They were in support. I put fencing up. They have some
3839 concerns about the neighbors that are in the apartment building at Wellington
3840 crossing over their property going to the 7-Eleven. I'm trying to address that issue
3841 by putting fencing up.

3842
3843 I think that what I'm bringing before you is reasonable considering where we are in
3844 the marketplace today and the location. I would recommend that you approve it.

3845
3846 Mr. Leabough - One quick question. When you rezoned this case in
3847 2008, I believe it was not a secret to any developer out there that the market was
3848 changing.

3849
3850 Mr. Jones - This case got rezoned just prior to our marketplace
3851 falling apart. It was in September, and I think the marketplace fell apart shortly
3852 after that.

3853
3854 Mr. Leabough - I think I disagree with that. I think it was well known
3855 that the market was sort of turning.

3856
3857 Mr. Branin - In 2006, it started turning. Seven it was going. By eight
3858 it had bottomed.

3859
3860 Mr. Leabough - I don't know what marketplace you're talking about, but
3861 I think many of us knew that the market was different and changing. I would say
3862 that it's probably gotten better since 2008. Hopefully it's improved.

3863
3864 Mr. Branin - Yes, it has since 2008. Mr. Jones, can I ask you a
3865 couple of questions? So you got rid of the garages. And the give-and-take for the
3866 garages is landscaping, to make a better community?
3867
3868 Mr. Jones - Yes sir.
3869
3870 Mr. Branin - I get that. How are you going to monitor the vinyl siding
3871 going up on the building? Are you going to be submitting samples, and the
3872 specifications, and the manufacturer's information before?
3873
3874 Mr. Jones - The thickness is in the proffer.
3875
3876 Mr. Branin - Well, I know that, sir. But I also know that what actually
3877 goes up on the walls—because no one actually likes vinyl siding, it isn't usually
3878 what we proffer here. That's why there's been a big move to reduce the amount of
3879 vinyl being used. The next question I have for you is what do you think it costs to—
3880 like the green unit right there in the middle.
3881
3882 Mr. Jones - Yes sir.
3883
3884 Mr. Branin - What would your approximate number be for putting
3885 vinyl siding on that?
3886
3887 Mr. Jones - You mean the labor and materials?
3888
3889 Mr. Branin - Labor and materials, yes.
3890
3891 Mr. Jones - Probably 3,000, \$2500.
3892
3893 Mr. Branin - You think \$2500 for that one unit.
3894
3895 Mr. Jones - Yes sir.
3896
3897 Mr. Branin - Wow. And what do you think it would be if it was
3898 HardiPlank?
3899
3900 Mr. Jones - A lot more.
3901
3902 Mr. Branin - What number?
3903
3904 Mr. Jones - Without knowing the actual number of boards, I don't
3905 know that I could give you an exact figure. Can you give me one?
3906
3907 Mr. Branin - A rough estimate.
3908

3909 Mr. Jones - Do you have a rough estimate?
3910
3911 Mr. Branin - I would say that would be about \$1800-worth of vinyl
3912 siding and probably about \$2200 for HardiPlank. Can you agree with that?
3913
3914 Mr. Jones - When I said 2500, I was probably pretty accurate.
3915
3916 Mr. Branin - All right. With the give-and-take in
3917 developer/community/commissioner, if you reduce the unit size, you reduce the
3918 garage, don't you think the quality of materials should go up? I mean, you're going
3919 to provide a beautiful landscaping package to enhance the neighborhood.
3920 Wouldn't you want to also increase the quality of the development?
3921
3922 Mr. Jones - This particular site is heavily wooded already. I've
3923 owned it for some time and kept the trees. And I continue to keep the trees and the
3924 heavily wooded site and putting the homes in locations that won't completely
3925 destroy the wooded area. The average townhome price in this particular area is
3926 right around \$120,000. These homes are going to sell for 170. I think that for the
3927 whole to be upgraded, it comes about in steps. You can build a home, but you
3928 can't get it financed. One of the neighbors that was at our community meeting
3929 talked about the fact that he had purchased a home and he'd gotten it through VA.
3930 And VA reduced the appraisal by \$30,000. Now, he ended up buying the home,
3931 but it was a substantial drop in price. That's the type of problem that you have. The
3932 homes that I had proffered in 2008 could be built on the last site that we were
3933 sitting here listening to. They will not be built in this corridor at this time. And it may
3934 be another ten or fifteen years before it reaches a point that it would support that.
3935 That's the reality of it from my side. I understand where you are and what you're
3936 trying to get accomplished.
3937
3938 Mr. Leabough - What was your previous price point with the 1800
3939 square feet?
3940
3941 Mr. Jones - Two forty. And that's what's going to take place in the
3942 last case we just heard. And there is a demand for that product in that location.
3943 The product that I'm trying to offer, there is a demand for that in the location I am
3944 trying to offer it in. And that's not to lessen the quality or create some hardship on
3945 the County. There is a need for these townhomes in this square footage in this
3946 location. They will sell.
3947
3948 Mr. Branin - I'm not questioning your square footage. And I'm not
3949 questioning even you wanting to get rid of the garages. What I'm saying is to come
3950 in and downgrade, which is what you're doing—you're downgrading an approved
3951 product that's already been approved. To downgrade a case, you would think that
3952 you would say yes, I'm downgrading this project, I'm making them smaller, I'm
3953 taking out the amenity of a garage, but I'm increasing the quality and the longevity
3954 of the project by putting a minimal cost into better materials. That's all I'm saying.

3955

3956 Mr. Jones - Okay. Well let me take you back to location. You
3957 realize to the south of me is Wellington Apartments.

3958

3959 Mr. Leabough - Sir, it's the same location that you rezoned in 2008.

3960

3961 Mr. Jones - But the conditions have changed. The economic
3962 conditions have changed. I would not have sat around on a million dollar piece of
3963 property for the last six years if I could have found a builder to work with me to
3964 build it.

3965

3966 Ms. Jones - Mr. Jones, who is your target market? Who do you
3967 think will be purchasing these townhomes?

3968

3969 Mr. Jones - Single women with children. There is a great demand
3970 for a single woman who works and has one or two children.

3971

3972 Ms. Jones - So, two bedrooms probably?

3973

3974 Mr. Jones - Two to three bedrooms, yes ma'am. That is correct.
3975 I'm sorry, Ms. O'Bannon, I didn't hear your comment.

3976

3977 Mrs. O'Bannon - It's probably why I like it; it's feminine looking.

3978

3979 Mr. Jones - That's a nice a compliment. Ms. O'Bannon, I was very
3980 surprised to discover that is the target market. But there is a big demand for that.

3981

3982 Ms. Jones - But I think that's an important element here, provided
3983 your assessment of the market is correct.

3984

3985 Mr. Jones - Yes ma'am, I hope it is correct at this point. I've had a
3986 lot of time to think about it.

3987

3988 Mr. Witte - Any other questions by the Commission?

3989

3990 Mr. Branin - On the sides of the building that actually face the
3991 interior streets, that have two windows or one window or whatever—

3992

3993 Mr. Jones - One up and one down.

3994

3995 Mr. Branin - What is the treatment you're putting on those? Vinyl?

3996

3997 Mr. Jones - Vinyl. That's what's generally used. If you think a wood
3998 window would be better, I'm certainly willing to put a wood window—

3999

4000 Mr. Leabough - He's talking about the siding.

4001
4002 Mr. Branin - The siding.
4003
4004 Mr. Jones - Oh, siding. Yes, it's vinyl on the siding, yes sir.
4005
4006 Mr. Witte - Are there other questions? Waive the time limits?
4007
4008 Mr. Leabough - I don't need to if I'm not recommending approval,
4009 correct, Mr. Secretary?
4010
4011 Mr. Emerson - Correct, yes.
4012
4013 Mr. Leabough - I understand your concerns from a development
4014 perspective regarding the market. In my opinion and in my perspective, this is the
4015 same property that you bought; it's the same property that you rezoned in 2008.
4016 And I get that you have a short-term problem, but we have long-term goals. And I
4017 think that some of the commissioners here were a part of this process back in
4018 2008. And from what I can ascertain, the intent was to make sure that there was a
4019 certain square footage, and that's why you see the detailing in the proffers
4020 regarding the number of units at 1800 square feet and 1500. I think staff has
4021 provided some suggestions as it relates to maybe some give-and-take in terms of
4022 reducing square footage but, like Mr. Branin alluded to, maybe some increased
4023 exterior materials in terms of durability and in terms of aesthetic appearance. What
4024 I don't see here is a case that I can recommend for approval to the Board. I think it
4025 needs a lot of work, to be honest.
4026
4027 So, with that, I move that REZ2014-00045, Russell Jones, be forwarded to the
4028 Board of Supervisors with a recommendation of denial.
4029
4030 Mr. Branin - Second.
4031
4032 Mr. Witte - We have a motion by Mr. Leabough, and a second by
4033 Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
4034 passes.
4035
4036 Ms. Jones - I'm not fast enough for this group.
4037
4038 Mr. Witte - We have one opposition. The motion passes.
4039
4040 Mr. Leabough - Wait, who was in—
4041
4042 Ms. Jones - No. I didn't say "aye" at the time; you just went too fast.
4043 I'm sorry.
4044
4045 Mr. Witte - Oh, I'm sorry. I stand corrected.
4046

4047 Mr. Leabough - Not that you couldn't be in opposition, I just didn't hear
4048 you say you were opposed.
4049

4050 Mr. Emerson - Mr. Chairman, the next item on your agenda appears
4051 on the last page, page 4. It is the consideration of your minutes from the January
4052 15, 2015 meeting. You also have an errata sheet that was at your seat this
4053 evening to be included with those minutes.
4054

4055 Mr. Leabough - I move for approval of the minutes subject to the
4056 changes as noted on the errata sheet.
4057

4058 Mr. Branin - Second.
4059

4060 Mr. Witte - We have a motion by Mr. Leabough, second by Mr.
4061 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
4062 passes.
4063

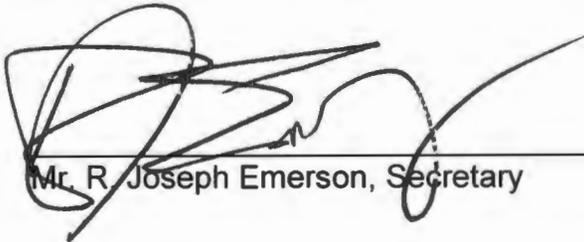
4064 Mr. Emerson - Mr. Chairman, I have nothing else for the Commission
4065 this evening.
4066

4067 Ms. Jones - Thank heavens.
4068

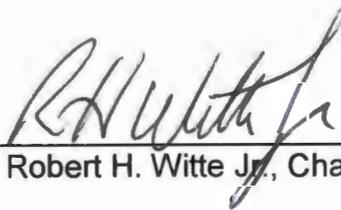
4069 Mr. Witte - Do we have a motion for adjournment?
4070

4071 Mr. Archer - So moved, Mr. Chairman.
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4073 Ms. Jones - So moved.
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Mr. R. Joseph Emerson, Secretary



Mr. Robert H. Witte Jr., Chairman