

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico  
2 County held in the County Administration Building in the Government Center at  
3 Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, February 13,  
4 2020. Display Notice having been published in the *Richmond Time-Dispatch* on  
5 January 27, 2020 and February 3, 2020.  
6  
7

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

18 Also Present: Ms. Jean Moore, Assistant Director of Planning  
19 Mr. Ben Sehl, County Planner  
20 Mr. Neil Luther, Director of Recreation & Parks  
21 Mr. John Cejka, Traffic Engineer, Public Works  
22 Mr. William Moffett, CPTED Planner, Police  
23 Ms. Sylvia Ray, Recording Secretary  
24  
25

26 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING THE CIP**  
27 **PRESENTATION.**  
28

29 Mr. Archer - The meeting will come to order. Good evening, everyone.  
30

31 The Commission - Good evening.  
32

33 Mr. Archer - This is the February 13th edition of our rezoning meetings,  
34 and we'll start in just a second. First, is there anyone here from the press? No. Okay.  
35 Then let's stand, please, and pledge allegiance to the flag. And if you will please mute or  
36 turn off your cellphones.  
37

38 Thank you all for coming. I have a cold, so if you hear me coughing up here as long as I  
39 don't fall I'm okay. And with that I will turn things over to our secretary, Mr. Emerson, and  
40 we'll get underway.  
41

42 Mr. Emerson - Thank you, Mr. Chairman. And, for the record, the  
43 Commission did begin this evening at 5:00 p.m. with a work session to discuss the Zoning  
44 Code and Subdivision Ordinance updates and receive the first modules of that code to  
45 begin -- to begin their work. Then at 6:00 p.m. they did hold a public hearing on the  
46 Capital Improvements Program for the county and recommended that program to the  
47 Board for their approval.

48  
49 And, with that said Mr. Chairman, the first item on our agenda this evening are the  
50 requests for withdrawals and deferrals, and I believe we do have one that is by the  
51 Commission, and it will be presented by Mr. Jim Strauss.

52  
53 Mr. Archer - All right.

54  
55 Mr. Strauss - Thank you, Mr. Secretary. Staff is aware of one deferral this  
56 evening, and it is a request to defer by the Commission, and it's in the Brookland District  
57 on page 2 of your agenda, Rezoning 2020-00007, SXCW Properties, and the  
58 Commission is requesting deferral to the March 12, 2020 meeting.

59  
60 **REZ2020-00007 Andrew M. Condlin for SXCW Properties II, LLC:** Request  
61 to conditionally rezone from R-3 One-Family Residence District and O-2 Office District to  
62 B3C Business District (Conditional) Parcels 769-755-3049, 769-755-8276, and part of  
63 Parcel 769-755-6068 containing 5.333 acres located on the west line of Staples Mill Road  
64 (U.S. Route 33), approximately 300' north of its intersection with E. Parham Road. The  
65 applicant proposes a car wash and fuel facility. The uses will be controlled by zoning  
66 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
67 recommends Office. **Staff – Ben Sehl (Deferral Requested by the Planning**  
68 **Commission)**

69  
70 Mr. Archer - Okay, thank you. Is there anyone here who is opposed to this  
71 deferral?

72  
73 Mr. Witte - Mr. Chairman, I move that REZ2020-00007, Andy Condlin for  
74 SXCW Properties II, LLC be deferred to the March 12, 2020 meeting at the request of the  
75 Commission.

76  
77 Mr. Mackey - Second.

78  
79 Mr. Archer - All right. Motioned by Mr. Witte and seconded by Mr. Mackey.  
80 All in favor of the motion say aye.

81  
82 The Commission - Aye.

83  
84 Mr. Archer - Anyone opposed, say no. There are no nos, the ayes have it.  
85 The motion passes.

86  
87 Mr. Emerson - Mr. Chairman, unless there are further deferrals to be  
88 proposed by the Commission, that completes those actions for the evening, and the next  
89 item on your agenda are requests for expedited items. There are none of those this  
90 evening. So we now move into your regular agenda for PUP2019-00015, James W.  
91 Theobald for Gateway Associates of Richmond, LLC.

92

93 PUP2019-00015 James W. Theobald for Gateway Associates of  
94 Richmond, LLC: Request for a Provisional Use Permit under Sections 24-36.1(b), 24-  
95 120 and 24-122.1 of Chapter 24 of the County Code to allow a mixed-use community on  
96 part of Parcel 753-745-0470 located on the west line of N. Parham Road, approximately  
97 255' south of its intersection with Fargo Road. The existing zoning is R-6 General  
98 Residence District. The 2026 Comprehensive Plan recommends Multi-Family  
99 Residential. The staff report will be presented by Mr. Ben Sehl.

100  
101 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is  
102 opposed to this case: James W. Theobald for Gateway Associates of Richmond, LLC?

103  
104 Mr. Nelson - We got one.

105  
106 Mr. Archer - We have one out there. We'll get to you, sir. Thank you. Mr.  
107 Sehl?

108  
109 Mr. Sehl - Thank you, Mr. Archer. This is a request to allow a master  
110 planned redevelopment of a portion of Gateway Apartments by removing several  
111 apartment units and the existing clubhouse and constructing a new building with first floor  
112 commercial uses, and up to 80 new apartments.

113  
114 Gateway is located down the east line of -- west line of Parham Road, just north of  
115 Regency, and the existing complex contains 202 apartments, and 20 existing units will be  
116 removed as part of this proposal. The existing clubhouse, pool, and tennis courts would  
117 also be removed and new amenities would be constructed during the redevelopment.

118  
119 The site is zoned R-6, and under changes approved by the Board of Supervisors last  
120 summer, mixed-use communities of the type proposed by the applicant can be approved  
121 via the provisional use permit process. As part of the PUP the applicant is also able to  
122 request increased density and flexibility in setbacks and parking standards. Commercial  
123 uses are limited to those permitted in the B-2 District.

124  
125 The applicant has submitted a number of documents that constitute the master plan for  
126 the development. The overall conceptual plan demonstrating full development of subject  
127 site as shown here. The new building would be located parallel to Parham Road and  
128 amenities, including the new clubhouse, will be located to the rear and be accessible by  
129 all residents of Gateway.

130  
131 The applicant has also provided this architectural rendering showing the appearance of  
132 the new building. The building is more modern in appearance than the existing units in  
133 Gateway but carries forward a number of similar design themes. The applicant has also  
134 indicated updates to the existing units will upgrade the exterior appearance of those  
135 buildings.

136  
137 The proposed density exceeds that typically allowed in the R-6 District but would be  
138 consistent with other mixed-use developments approved recently in the county. The more



139 urban form of development helps take advantage of existing infrastructure to meet growth  
140 needs in areas well served by existing roads and public facilities.

141  
142 The Parking Plan provided by the applicant is also consistent with these recent mixed-  
143 use communities, and the amount of parking provided by the applicant will be in keeping  
144 with the standards of the county's UMU District.

145  
146 I would note the applicant provided the revised letter that was handed out to you this  
147 evening to provide additional context on existing parking within Gateway to ensure that  
148 the proposed grade would be adequate in the future.

149  
150 Overall staff believes this request will facilitate redevelopment in keeping with the goals  
151 of the recently amended R-6 District. Those amendments were adopted specifically to  
152 encourage developments such as this, and the submitted documents demonstrate the  
153 development will support the redevelopment goal for the county. For these reasons staff  
154 supports this request subject to the conditions noted in the staff report. I'll be happy to  
155 answer any questions you might have at this time.

156  
157 Mr. Archer - Thank you, Mr. Sehl. Any questions from the Commission for  
158 Mr. Sehl?

159  
160 Mr. Baka - Mr. Sehl, would you say is this one of the first requests we've  
161 had for a PUP in the R-6 on the new guidelines?

162  
163 Mr. Sehl - This is the first request. Yes, sir.

164  
165 Mr. Baka - The very first one, okay. And have you had -- we had a  
166 community meeting with a few, twelve, a few neighbors attending. Have you had other  
167 phone calls or emails or visits regarding this?

168  
169 Mr. Sehl - I have not, sir. No.

170  
171 Mr. Baka - Okay. Oh, one other comment, or question for Ben. I am  
172 sorry, I probably should have asked this previously. So we had talked previously about  
173 perhaps adding additional dumpsters. Is that more of a POD issue than a rezoning  
174 question as far as when it might have dumpsters for trash and recycling?

175  
176 Mr. Sehl - I believe it is, sir.

177  
178 Mr. Baka - Okay.

179  
180 Mr. Sehl - I think it's something that could be addressed by the  
181 Commission, and I think it's something that would -- should be considered on a kind of  
182 moralistic basis in the county and how we address those specific items.

183  
184 Mr. Baka - Okay. I have no other questions for staff.

185  
186 Mr. Archer - Okay. Any further questions from the Commission?  
187  
188 Mr. Baka - If there are no other questions from the Commission I would  
189 like to hear from the public, of folks that are concerned about the case.  
190  
191 Mr. Archer - Okay. All right, so you were in opposition? Come up, please,  
192 and state your name for the record.  
193  
194 Mr. Raw - Well, my opposition is conditional --  
195  
196 Mr. Archer - Sir, one second, please.  
197  
198 Mr. Raw - Yes, I'm sorry.  
199  
200 Mr. Archer - Mr. Secretary, would you explain the rules of --  
201  
202 Mr. Baka - Please.  
203  
204 Mr. Emerson - Yes, sir, Mr. Chairman. As you noted, the Commission does  
205 have some guidelines regarding public hearings. They are as follows: The applicant is  
206 allowed 10 minutes to present the request. Time may be reserved for responses to  
207 testimony. The opposition is allowed a cumulative 10 minutes to present its concerns.  
208 Commission's questions do not count into the time limits. The Commissions may waive  
209 time limits for either party at its discretion and all comments must be directly related to  
210 the case under consideration. And it is requested, these are recorded minutes, that you  
211 state your name and address for the record.  
212  
213 Mr. Raw - My name is Jeremy Raw, R-a-w. My address: 1610 Renmark  
214 Road, which is located approximately one block east of the proposed development. I've  
215 lived in this neighborhood for 14 years. I've enjoyed the fact that one can walk a great  
216 many places from it. And when I first heard that there was going to be additional mixed-  
217 use development to complement what's currently underway at Regency Square, I was  
218 actually rather enthusiastic about the project. I think that it makes great sense to be  
219 exploiting mixed-use as a way of increasing opportunities for people without necessarily  
220 increasing the traffic associated with these developments, giving us the opportunity to  
221 capture trips internally, give people places that they can walk to and reach without  
222 necessarily getting into their car.  
223  
224 The concerns that I have about this project are that the attention to detail and the specific  
225 site plan paid very little attention to the walking environment in the neighborhood. There  
226 was no attention given to the fact that this apartment community is adjacent to several  
227 major shopping centers, including one with a Fresh Market, Chick-fil-A, other retail  
228 resources across the street.  
229

230 Currently, in order to cross Parham Road, you have to do this in two legs. There are no  
231 crossing facilities there at all. The Fargo intersection is one of the most crash prone in  
232 the county. Currently there's an uncontrolled intersection getting in and out of this  
233 development. We're looking at traffic that is probably going to be at least four times, just  
234 based on the number of residential units, at least four times what's currently going in and  
235 out. That uncontrolled intersection is used for U-turns for people coming north on Parham  
236 who are trying to access the Walmart and avoid the traffic light into that development.  
237 And it's also heavily used by people coming in and out of the existing apartment complex  
238 on foot to access the shopping and other amenities there.

239  
240 The big concern that I have about this is the project is going to be large. Little attention  
241 was paid to the context. And it's architecturally undistinguished, as you can see from the  
242 picture that's up at this point.

243  
244 It feels to me that the developer is actually leaning in the direction of doing window  
245 dressing with the mixed-use in order to claim further development. And we're not actually  
246 going to see the benefits in terms of increasing the opportunities for movement on foot  
247 and without large car trips in and out of this development.

248  
249 And I think I'd like to see some further attention paid to the context and how this would  
250 actually coordinate with the existing retail and the proposed development of Regency,  
251 and other things that may be included in the area. So I think that's my comments, and I'll  
252 stop, and I appreciate the time and opportunity to say that. Thank you.

253  
254 Mr. Archer - Any questions for Mr. Raw before he takes a seat?

255  
256 Mrs. Thornton - I have a quick question.

257  
258 Mr. Raw - Sure.

259  
260 Mrs. Thornton - So currently where you live there's sidewalks that you can get  
261 to?

262  
263 Mr. Raw - Well there aren't, actually. And, I mean, one of -- one of the  
264 suggestions that I've made to Mr. Sehl is that in thinking about where people might try to  
265 go on foot from this, if you can actually make it across Parham Road, there's a missing  
266 sidewalk north of the Chick-fil-A on a plot of land that's actually undevelopable and is  
267 owned by the folks there. And, realistically, at the time I'd asked for a sidewalk to be  
268 extended. Because it's a separate parcel they didn't do it.

269  
270 So there's a lot of need for pedestrian improvements and, in particular, crossing Parham  
271 Road. I think for now you can do this in two stages with the median, taking one side of  
272 the road at a time. The concern that I have about this development particularly is that by  
273 increasing the in-and-out traffic, particularly if there's retail there as well, that creates a  
274 much more complex situation with the risk of a -- of some traffic incident with a pedestrian  
275 becomes considerably greater.



276  
277 And I'd like to see some attention paid to the traffic controls and, you know, thinking  
278 regionally, not just necessarily for this property, but how would somebody who's  
279 approaching from the residential side, and this is my neighborhood plus points east on  
280 the other side of the Tuckahoe Middle School, who might want to access things in this  
281 development if the retail actually takes off. So those are the concerns that I have. I hope  
282 that's not --

283  
284 Mrs. Thornton - Okay.

285  
286 Mr. Raw - Thank you.

287  
288 Mr. Baka - Additional question, if I may.

289  
290 Mr. Raw - Sure.

291  
292 Mr. Baka - So here through the R-6 and the PUP process my  
293 understanding that we can look at on-site improvements, we can't necessarily look at  
294 those improvements that are off site. So I guess I was trying to better understand your  
295 sentiment that this wasn't improving walkability in the area. Let me round the comment  
296 out by saying that when I look at the concept plan the applicant's providing sidewalk along  
297 whatever distance that the frontage is along the property on Parham Road. And there is  
298 a signal just a little further south of there at the -- at the intersection to -- the intersection  
299 to the Fresh Market and Walmart. So while not ideal, I mean, Parham's an arterial road,  
300 and I guess there's a minor arterial, major arterial road. So trying to understand how --  
301 I'm trying to understand how people would want to -- would want to safely cross the road  
302 without being up at the intersection at Fresh Market.

303  
304 Mr. Raw - Well, it actually occurs for most people that -- and this is  
305 something that -- I actually work professionally with bicycle and pedestrian planning as  
306 part of my professional activity. It turns out that crossing a major road like Parham Road  
307 where you have a median is, in fact, easier to mid-block crossing where you can take the  
308 road. Because the traffic is split in two, and there are large gaps going in each direction,  
309 not necessarily coordinated on both sides. But it's relatively easy, and actually much  
310 easier to avoid right-turning and left-turning cars at an intersection that's not clearly signed  
311 for pedestrians.

312  
313 And the difference there if you wanted to look at a well-designed intersection for  
314 pedestrians would be what was done up at Quioccasin on the south side of the Walmart  
315 property. They recently installed a crossing signal there that's effective because it clearly  
316 identifies when there's a pedestrian phase and when you can go.

317  
318 Crossing at a signalized intersection like Fargo or the intersection to the shopping malls  
319 is much harder, because there's no indication for pedestrians when it's expected to be  
320 safe to cross. And in those situations it's actually much easier to cross mid-block where

321 you can look for a large gap in traffic, the visibility is actually quite good up and down  
322 Parham Road at that point, which is why people tend to cross there.

323  
324 You can get to the middle from one side, wait for the gap in the traffic, and get to the other  
325 side. The difficulty again for that particular crossing, for people who are attempting to do  
326 that, is this intersection in and out of the property now is uncontrolled. It's designed for  
327 U-turns and the rest. There's relatively low traffic that does that, but my big concern is  
328 that if we develop something there that is going to be a traffic attractor, it's going to  
329 actually create complications for pedestrians in that situation.

330  
331 Mr. Baka - If I may let me --

332  
333 Mr. Raw - Sure.

334  
335 Mr. Baka - Let me ask the applicant to follow up on your sentiment, your  
336 questions there, too.

337  
338 Mr. Raw - Okay.

339  
340 Mr. Baka - Thank you.

341  
342 Mr. Raw - Okay.

343  
344 Mr. Baka - No further questions, sir.

345  
346 Mr. Archer - Thank you. Anyone else? All right then.

347  
348 Mrs. Thornton - She was --

349  
350 Mr. Baka - Please come forward.

351  
352 Mr. Archer - Oh, I'm sorry. Come.

353  
354 Ms. Norton - Good evening. My name is Sally Norton. I live at 1610  
355 Renmark Road as well. And I didn't come prepare to speak, but I'm speaking for -- on  
356 behalf I think, of my neighbors who've -- many of my neighbors have lived in our  
357 neighborhood for a very long time, and one just died a few weeks back, has been there  
358 since 1964. My next-door neighbor, he grew up a few blocks east and has been living  
359 there for about 15 years. And to them a five-story high-rise with all the cars that go with  
360 it do not fit the character of our neighborhood, and don't necessarily fit the character of  
361 an arterial.

362  
363 The way Parham Road is used by Richmonders in general is a highway to get across the  
364 river. It's not necessarily, you know, we have all this retail in this spot, so it's now become  
365 a bigger and bigger destination because it's surprising how much TJ Maxx has taken over  
366 retail. But that changed from a Staples to a TJ Maxx has increased the traffic in that.



367 adjoining, you know, retail plaza has been -- you can feel it, and you can feel that the level  
368 of traffic going up.

369  
370 And I'd like to repeat the fact that we hear the crashes at the intersection of Fargo and  
371 Parham routinely when we're in our yard gardening on the weekends. It is pretty common  
372 to get crashes there. There is no safe way to cross at those intersections. There's also  
373 a library and a post office and fast food on the other side of Parham, and that's the whole  
374 -- that whole ecosystem is -- everything south of Three Chopt down to Quioccasin and so  
375 on to the mall.

376  
377 Five stories is a lot of units, that's a lot of cars, that's a lot of pedestrians, that's a  
378 completely different aesthetic, and it's on what people, the drivers, are using as a  
379 superhighway. They want to be able to fly through there at 50 miles an hour even though  
380 there's lots of intersections. So there's -- it's very, almost bipolar, to want it to be an  
381 efficient road that's moving traffic and a space that's serving small-scale retail and  
382 residences along with fast food, grocery stores, clothing, malls, a new pool coming in.  
383 And there's just a lot going on there. And it just seems like a lot of pressure for a small  
384 area to add that many cars and that many potential pedestrians.

385  
386 We also have people moving on foot that have a disability, such as blindness, moving  
387 from the eastern neighborhoods that are the other side of Three Chopt, who come all the  
388 way over to go to McDonalds because they can't drive. We have schools nearby. We  
389 have a lot of middle schoolers crossing from that side of Parham and the other apartments  
390 back there. I don't remember what they're called. But sort of behind Starling. We have  
391 a lot of middle schoolers with backpacks trying to get over to Three Chopt and get back  
392 and forth across the intersection. So there is a lot of vulnerable populations there with  
393 the too young to drive and the too sick to drive, including my elderly neighbor who just  
394 died. She never owned a car. She lived in this neighborhood since 1964 and she never  
395 owned a car and there's zero sidewalks.

396  
397 And we've changed from a rural, very rural, area when it was originally conceived as a  
398 neighborhood and now we're going for high urban, and I'd think it's, from the point of view  
399 of the neighborhood, a deterioration of the quality of life there for the local residents. So,  
400 thank you.

401  
402 Mr. Archer - Thank you, ma'am. Are there any questions?

403  
404 Mr. Baka - If I may, I won't be able to touch on every one of your points,  
405 but I appreciate you -- your comments tonight, ma'am, and thank you guys. We make  
406 the transition from a rural community to the suburban to even a semi-urban community in  
407 some areas. There are certainly growing pains in extensions of how that happens and  
408 where that is.

409  
410 And I can perhaps ask the staff later, but there are -- there are plans ultimately to connect  
411 sidewalks from the library intersection onto Parham all the way down to at Regency Mall,

412 so we are incrementally making progress in that direction. So let me stop there and I'll -  
413 - unless anyone else has any other questions for the speaker.

414  
415 Mr. Archer - Ready to call the applicant? All right. Would the applicant  
416 come forward?

417  
418 Mr. Baka - Yes, sir. Would you ask if the applicant could respond to  
419 some of those comments we just had the opportunity to hear?

420  
421 Mr. Theobald - Well, good evening Mr. Chairman, members of the  
422 Commission. I'm Jim Theobald. I'm here this evening on behalf of Gateway Associates.  
423 With me is Stephen Alexander, the principle behind Gateway Associates. And I will  
424 respond to the points made, just please know this was developed in 1973, so this project  
425 has been here for 47 years, quite some time ago. And it was zoned R-6 unconditional,  
426 there were no proffers attendant to this zoning category. But because of your new  
427 ordinance this is the perfect -- this is the perfect example of the benefits of your new  
428 ordinance allowing a Provisional Use Permit to mix in a little bit of retail. So we're not  
429 zoning anything.

430  
431 We're not adding any proffers. We're asking permission to mix a little bit of retail with the  
432 residential. We're going to take down the 20 units that are in the front. You can see on  
433 this, basically, we're impacting just the frontage here of Parham, not the rest of Gateway  
434 back in here, or closures, or anything else back in here. So we would remove the 20 units  
435 that are here, replace it with 80 units. So and that increases 60 units. Take away the  
436 pool, the tennis courts, so this would be an 80-unit building with ground-floor retail.

437  
438 So, interestingly, this is, you know, in the Regency Square Revitalization and  
439 Reinvestment Opportunity Area, and I think that really, it defines everything that is  
440 attempting to be accomplished in this request. I think the architecture is sort of transitional  
441 in terms of a little bit more urban. I'm not sure Baskervill would appreciate the comments  
442 about the architecture, but it does pick up elements of the unit behind. And as was said,  
443 the owner does intend to renovate the units behind this area that is not part of the request,  
444 replacing siding, roofing, interior kitchens, and bathroom upgrades. So that would be a  
445 long-term project as people leave. The siding would be done predominantly building by  
446 building. Mr. Emerson, you and I had that discussion.

447  
448 Mr. Emerson - We did.

449  
450 Mr. Theobald - Did -- it didn't make sense to do that one unit at a time, but --  
451 as you pointed out. So we've got -- we've got great plans to renovate this, and that's the  
452 theme of this whole area. That's what we did when we did the Regency Square thing.  
453 And we knew that we were throwing that proverbial pebble in the middle of the -- of the  
454 lake and we're just watching the growth and the improvement ripple from it. The shopping  
455 center there at Quioccasin and in Starling at times. And it has plans to upgrade both the  
456 tenants and their physical facilities. So it's working. What you've planned is working.

457



458 The plan has been explained. There is a sidewalk out here, there is a -- we granted the  
459 easements to the county as part of the county's sidewalk plan to connect, I think, from  
460 Fargo down to Regency as you have -- as you've heard. And so this would be the new -  
461 - the new building and a -- and replacement pool and clubhouse behind.

462  
463 We've done some parking counts and studies and essentially this is woefully overparked  
464 in the sense of available spaces, and so we'll be able to utilize not only the new spaces  
465 here, share the retail spaces at off hour times of the day and evening, and then this area  
466 in there, the buildings over here on this side. And there's plenty of extra parking here that  
467 we did studies on three different days, two times each, during those -- during that day.

468  
469 So this is not an expanded aerial but, as you know, the impactful commercial properties  
470 really go from almost 64, clearly from Three Chopt, all the way down past Regency  
471 Square. And this is the heart of this part of the county in terms of commercial and office  
472 opportunities. This site is negligible compared to what you're starting to see with parking  
473 with Walmart down there on the bottom and the TJ Maxx, et cetera. So, you know, we  
474 can control things in this box right here, and we've done that in accordance with all of  
475 your standards and requirements.

476  
477 The sidewalk here, and I think the people that spoke are over here, and that's about a  
478 football field away, and it -- they're separated from Parham by this parking lot that goes  
479 with these offices. So I understand that there are -- they are challenged to try to walk  
480 down here, because I don't know how they get through here. There's a fence all the way  
481 along the back. But I can't solve the problems that are off-site. I would certainly not want  
482 to encourage people to cross Parham Road not at a crosswalk and go halfway, you know,  
483 to the median. But Parham Road I think, as I recall, is something like 30- 33,000 cars a  
484 day on Parham Road. It's a major, major thoroughfare. And there is a lot of traffic, and  
485 Mr. Cejka perhaps, can better comment than I can if we intend to deflect any issues with  
486 traffic in the -- in the staff report.

487  
488 So I think this is a terrific opportunity and accomplishes the goals of your plan, your  
489 opportunity area, et cetera, and it's going to have an impact on the balance of the site as  
490 well. So, with that, I would respectfully request that you recommend approval to the Board  
491 of Supervisors. We are in agreement with all the proposed conditions attendant to the  
492 Provisional Use Permit, and I would be happy to answer any questions.

493  
494 Mr. Archer - Thank you, Mr. Theobald. Are there questions?

495  
496 Mr. Baka - Yes. Oh, go ahead.

497  
498 Mrs. Thornton - Oh, no. I just want to know is it in full occupancy right now?

499  
500 Mr. Theobald - Ninety-seven percent.

501  
502 Mrs. Thornton - Ninety-seven. Just from --  
503



504 Mr. Theobald - Almost full.  
505  
506 Mrs. Thornton - Just from your study I was like, well, is it, you know, not full  
507 and then it will be full?  
508  
509 Mr. Theobald - It's very full.  
510  
511 Mrs. Thornton - Okay. Now it will be full after you do renovations.  
512  
513 Mr. Theobald - Well wouldn't that be a great idea. We hope.  
514  
515 Mr. Baka - To follow up on a previous comment, how would you address  
516 the comment that four stories of residential, or a five-story building, might not be -- might  
517 not be in keeping, or would be in keeping, with this area. How do you assess how a five-  
518 story building fits in?  
519  
520 Mr. Theobald - Well, I mean, it's more than just height. It's the mass thing, I  
521 think. When you look at the mass that you experience here with the Walmart and TJ  
522 Maxx and then moving on down towards Regency, I don't think this is out of scale. Again,  
523 these homes are some 300 feet from the proposed building. I can't imagine that those  
524 five stories are going to truly bother anybody. I don't --  
525  
526 Mr. Baka - So where it says Gateway East where the road -- the drive  
527 aisle is there, would the -- would the front of the building be that close -- approximately  
528 what is the approximate setback of the -- there you go, that -- there we go.  
529  
530 Mr. Theobald - Well, we've got 76, I believe it says, feet from here to here,  
531 and more from here.  
532  
533 Mr. Baka - Okay. So it's set back further than that current access point.  
534  
535 Mr. Theobald - Mm-hmm.  
536  
537 Mr. Baka - The comments I have on the elevation, this is, I know this is  
538 at least the second go-round or more on the elevations. It incorporates different types of  
539 texture or I'm calling them bump-out to protect the windows. I was going to comment that  
540 these were improved elevations than what was first initially submitted.  
541  
542 Mr. Theobald - This feature, it was -- it was a change in architects, frankly.  
543  
544 Mr. Baka - Okay.  
545  
546 Mr. Theobald - That -- and then we encouraged them to pick up elements of  
547 the units behind. And so these -- this cantilever type feature is an element of the existing  
548 units.  
549

550 Mr. Baka - Is there any way to determine what type of retail uses there  
551 would be, whether they'd be generating a lot of new trips to the site, are they generally  
552 capturing traffic that is called pass-by traffic?

553  
554 Mr. Theobald - Well, yeah. I, well, it's hard to say, but it's not designed for  
555 restaurants. Okay, we've really made no provision in this space to accommodate a  
556 restaurant. We see it as possibly office space for insurance agents and then just local,  
557 you know, your card shop, your typical retailer. So it's not really a very intense type retail.  
558 Whether it's destination or impulse I really couldn't say. I guess we all drive up that way.  
559 Think many of us do for lots of different reasons.

560  
561 Mr. Baka - I like the idea of the mix of uses, I just want to make sure it's  
562 not an impact. Other questions from the Commission?

563  
564 Mr. Archer - Questions anyone? No, sir.

565  
566 Mr. Baka - I do have one other question for Mr. Sehl and staff.

567  
568 Mr. Archer - Okay. Mr. Sehl.

569  
570 Mr. Baka - Thank you.

571  
572 Mr. Sehl - Yes, sir.

573  
574 Mr. Baka - Wanted to ask if you'd generally address, I guess, safety in  
575 your recommendation -- I see recommendations for approval with the conditions as stated  
576 in the Provisional Use Permit and the staff report. Could you generally address safety  
577 conditions or pedestrian conditions from how the county is handling future sidewalks in  
578 this entire Regency Redevelopment Area?

579  
580 Mr. Sehl - Certainly, Mr. Baka, as you noted conditions 6 and 7 deal kind  
581 of directly with the elements Mr. Raw was speaking to. Condition 6 would require a  
582 sidewalk along the site's frontage, as well as connections into the site. And Condition 7  
583 would require at the time of the Landscaping/Lighting Plan that the applicant address  
584 pedestrian lighting along the sidewalks. And that's a focus, I think, you've heard at the  
585 Board Retreat as well, so that's something the county's looking to achieve with this.

586  
587 So I think you stated it well, it's kind of an incremental approach to those pedestrian  
588 improvements. But I would also note that the county is undergoing, as you noted, a larger  
589 project that this would then become a component of, that would add sidewalks on the  
590 west line of Parham Road, you know, all the way to tie in all of the improvements that  
591 Regency is doing as part of their redevelopment as well. So I think it's not something  
592 that's being done and -- or could be done all at once, but it is -- it is being -- we're trying  
593 to address that incrementally.

594

595 Mr. Cejka might also be able to speak to what other improvements addressing Mr. Raw's  
596 concerns might be out there with regards to any pedestrian signals or anything like that,  
597 that's being undertaken with the county's plans for the larger sidewalk project that's  
598 ongoing.

599  
600 But I think that that's -- our hope is that, you know, we'll address these incrementally, but  
601 it's also part of that larger plan that the Department of Public Works is undertaking and  
602 that there might be other elements that speak more directly to some of those safety things  
603 as well.

604  
605 Mr. Baka - Okay. In that case, would Mr. Cejka be available to elaborate  
606 further? And if you could, sir, describe to me further pedestrian improvements in the  
607 Regency area from Fargo south?

608  
609 Mr. Cejka - If I can get the map.

610  
611 Mrs. Thornton - The other map.

612  
613 Mr. Baka - Thank you.

614  
615 Mr. Cejka - Good evening. Yeah, I do know of a couple projects that are  
616 going on. Zoom in a little bit here. Currently there's a project to fill in this sidewalk that's  
617 missing right here, and to fill in the sidewalk that's missing up here at Starling, you know,  
618 and get continuous sidewalk along with theirs down to the shopping center down here.

619  
620 There's also a project on Quioccasin, to put sidewalk all the way down here from Blue  
621 Jay to Starling to address some of their concerns that was stated about crossing Parham  
622 Road. There are walk signals right here at the signalized intersection of Fargo, and  
623 there's also walk signals right here at the shopping center that exist today. There are no  
624 crosswalks, but there are walk signals with push buttons.

625  
626 Mr. Baka - And the timing of the sidewalks from the west side of Parham  
627 from the property north to Fargo and the one north of that, is that current this year or next  
628 year?

629  
630 Mr. Cejka - This is will be this year, towards the end of this year, should  
631 be completed.

632  
633 Mr. Baka - All right, thank you.

634  
635 Mr. Archer - Any questions from anyone of the Traffic Engineer?

636  
637 Mr. Witte - Yeah. Just out of curiosity, is there a reason we have signals  
638 without the crosswalk markings?

639



640 Mr. Cejka - Some of them they don't have handicapped ramps, and if you  
641 put in a crosswalk you need to have the handicapped ramps, the ADA ramp.

642  
643 Mr. Witte - Right.

644  
645 Mr. Cejka - So that's a larger expense that we have to fund for getting  
646 those put in.

647  
648 Mr. Witte - Okay.

649  
650 Mr. Archer - All right. Anything further? All right, Mr. Baka.

651  
652 Mr. Baka - Thank you. Appreciative of all the comments we've heard.  
653 One of the questions came up is what consistency of the -- of the use. I'm respectful of  
654 the concerns of the neighbors, but I believe that the use is not inconsistent with the  
655 property. Effectively, it is consistent with the intent of the new ordinance, the R-6 provision  
656 that would allow for commercial retail uses on the -- on the first floor. Believe the applicant  
657 has made reasonable efforts to accommodate the application, and the staff has also  
658 presented, Mr. Sehl's also presented, suitable conditions to address that. As far as safety  
659 of crosswalks we do, Mr. Cejka pointed out, we do have Fargo Road intersection and I'll  
660 call it the Fresh Market intersection because of the fun name. And there are safe  
661 opportunities to cross, but it's also to -- we want our -- everyone to exercise their best  
662 judgement when doing so.

663  
664 One other comment I would -- want to mention is I had a general observation perhaps  
665 some consideration of hours for construction. Mr. Sehl could we look at another time, or  
666 even after this, after this meeting, if that's -- if that's something that's appropriate.

667  
668 Mr. Sehl - Mr. Baka, if there's a desire of the Commission to incorporate  
669 additional restrictions regarding the hours of construction, that's certainly something that  
670 the staff could propose.

671  
672 Mr. Baka - Okay.

673  
674 Mr. Sehl - Prior to the Board of Supervisors hearing.

675  
676 Mr. Baka - Just if it's something similar to what's used at other cases  
677 we've heard, and there may be the other cases we've heard, may be like the other case  
678 we have on the agenda, something similar to that. So at this point recognizing the  
679 information I would be prepared to make a motion and I would move that PUP2019-  
680 00015, James W. Theobald for Gateway Associates of Richmond, LLC be recommended  
681 for approval with conditions 1 through 9 and the consideration of construction hours,  
682 conditions 1 through 9 as listed in the staff report.

683  
684 Mrs. Thornton - I second.

685

686 Mr. Archer - All right. The motion has been made by Mr. Baka and  
687 seconded by Ms. Thornton. All in favor of the motion say aye.

688  
689 The Commission - Aye.

690  
691 Mr. Archer - Those opposed say no. The ayes have it, the motion passes.

692  
693 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,  
694 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
695 Supervisors grant the request because it would provide added services to the community  
696 and when properly developed and regulated by the recommended conditions, it would not  
697 be detrimental to the public health, safety, welfare and values in the area.

698  
699 Mr. Baka - And this is a recommendation, it goes on to the Board of  
700 Supervisors.

701  
702 Mr. Emerson - That's correct, yes, sir.

703  
704 Mr. Baka - Thank you.

705  
706 Mr. Archer - Mr. Secretary, before we move on, the Vice Chairman has  
707 graciously offered to chair the rest of this meeting so I can stop coughing at you all, so  
708 I'm going to pass the gavel down to him.

709  
710 Mrs. Thornton - Might want to sanitize it.

711  
712 Mr. Mackey - It'll be a nice experience trying to --

713  
714 Mr. Archer - Thank you all. Happy Valentine's Day.

715  
716 Mr. Emerson - We hope you feel better, Mr. Chairman.

717  
718 Mrs. Thornton - I hope you feel better.

719  
720 (Mr. Archer departed the meeting).

721  
722 Mr. Emerson - Mr. Chair, we now move on to the next item on the agenda,  
723 which is REZ2018-00022, James W. Theobald for Victor J. Moes.

724  
725 **REZ2018-00022 James W. Theobald for Victor J. Moes:** Request to  
726 conditionally rezone from R-3 One-Family Residence District to B-2C Business District  
727 (Conditional) Parcels 761-754-8398, 761-755-5910, 761-755-6607, and 761-755-7503  
728 containing 1.783 acres located on the north side of W. Broad Street (U.S. Route 250)  
729 between Hollybrook Avenue and Pine Grove Drive. The applicant proposes commercial  
730 uses. The uses will be controlled by zoning ordinance regulations and proffered

731 conditions. The 2026 Comprehensive Plan recommends Commercial Arterial. The staff  
732 report will be presented by Mr. Ben Sehl.

733  
734 Mr. Mackey - Thank you, Mr. Sehl. You can proceed.

735  
736 Mr. Sehl - Yes, sir. The applicant's request would rezone four existing  
737 residential lots to allow for the development of commercial uses consistent with the  
738 surrounding West Broad Street Corridor. The applicant proposes to rezone the property  
739 B-2C, and no specific uses are proposed at this time. However, a number of potentially  
740 incompatible uses have been prohibited, and the proposed zoning district would be in  
741 keeping with adjacent properties, which are zoned a mixture of B-2 and B-3.

742  
743 Because no specific uses are proposed, rather than provide a concept plan of the  
744 proposed development the applicant has proffered this access plan. This plan shows  
745 how access will be provided via Hollybrook and Pine Grove in a manner consistent with  
746 traffic recommendations. No access will be provided to West Broad Street.

747  
748 Additional proffers address typical items for commercial development such as hours of  
749 construction and trash removal, site lighting, dumpster screening, and exterior building  
750 materials. The applicant has also revised their proffers to commit to providing sidewalk  
751 along West Broad Street. Those proffers were handed out to you this evening.

752  
753 The 2026 Comprehensive Plan designates the site Commercial Arterial, indicating most  
754 business uses would be appropriate if negative impacts to adjacent properties are  
755 minimized. To further address this, the applicant has proffered a six-foot vinyl fence  
756 between the site and adjacent residents to the north. A Transitional Buffer 25 is also  
757 required in this location.

758  
759 Overall staff believes the requested zoning would be appropriate given the proffered  
760 conditions provided by the applicant. Staff notes the request could be enhanced by  
761 committing to some form of lighting along site's West Broad Street frontage to help ensure  
762 pedestrian safety. And, additionally, the provision of sidewalk on Pine Grove Drive and  
763 Hollybrook Avenue is strongly encouraged to facilitate pedestrian connectivity from the  
764 adjacent neighborhood.

765  
766 Should the applicant address these items, staff would fully support the request. A  
767 community meeting was held on February 3, 2020 where no residents attended. That  
768 concludes my presentation, and I'd be happy to try and answer any questions you might  
769 have.

770  
771 Mr. Mackey - All right, thank you, Mr. Sehl. Are there any questions for Mr.  
772 Sehl of staff? At this time, I'm -- I apologize, I forgot to ask this. Is there anyone here  
773 who opposes? All right. Seeing none. Mr. Witte?

774  
775 Mr. Witte - No questions now that you mentioned. All right, Mr.  
776 Chairman, I move that REZ2018-00022, James Theobald for Victor J. Moes, be sent to



777 the Board of Supervisors with a recommendation of approval with proffers dated February  
778 11, 2020. And I believe that's 1 through 12.

779  
780 Mr. Mackey - We have a motion by Mr. Witte --

781  
782 Mrs. Thornton - Second.

783  
784 Mr. Mackey - We have a motion by Mr. Witte and a second by Mrs.  
785 Thornton. All in favor say aye.

786  
787 The Commission - Aye.

788  
789 Mr. Mackey - Any opposed? The ayes have it and the motion is carried.

790  
791 **REASON -** Acting on a motion by Mr. Witte, seconded by Mrs. Thornton,  
792 the Planning Commission voted 4-0 (one absent, one abstention) to recommend the  
793 Board of Supervisors **grant** the request because it conforms to the recommendations of  
794 the Comprehensive Plan and the proffered conditions will assure a level of development  
795 otherwise not possible and should minimize the potential impacts on surrounding land  
796 uses.

797  
798 Mr. Emerson - Thank you, Mr. Chairman. The next item on your agenda this  
799 evening is SIA2020-00001, and this is the County of Henrico, it's a proposed park.

800  
801 **SIA2020-00001 County of Henrico – Proposed Park:** The Department of  
802 Planning has received a request from the Division of Recreation and Parks to conduct a  
803 Substantially in Accord study for an expansion of the existing Glover Park. The proposed  
804 site consists of Parcels 777-771-6782 and 775-771-7259 between the north line of  
805 Greenwood Road and the Chickahominy River, just west of Woodman Road. The  
806 existing zoning is R-5AC General Residence District (Conditional) and R-6C General  
807 Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban  
808 Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection  
809 Area. The staff report will be presented by Mr. Ben Sehl.

810  
811 Mr. Sehl - Good evening again. Thank you, Mr. Chairman, members of  
812 the Commission. At the request of Recreation and Parks, the Planning Department did  
813 conduct a Substantially in Accord study to determine whether the planned expansion of  
814 Glover Park is substantially in conformance with the 2026 Comprehensive Plan.

815  
816 The site is located north of Greenwood Road, just east of the existing park, and includes  
817 two parcels totaling approximately 109 acres. Surrounding uses include a variety of  
818 residential and government uses, and the Chickahominy River borders the site to the  
819 north.

820

821 The property is zoned a mixture of A-1, R-6C and R-5AC, and the zoning accepted  
822 proffers and deed restrictions would allow for the proposed facility. Surrounding  
823 properties are zoned a mixture of A-1, R-2, R-2AC, and R-3C.  
824

825 The 2026 Comprehensive Plan recommends Suburban Residential 2, and Environmental  
826 Protection Area uses for the subject property. While the park is not a residential use, it  
827 would be a logical expansion of the adjacent park property, which is designated for Open  
828 Space and Recreation in the plan. With proper design and impact mitigation measures a  
829 park could be constructed in a manner compatible with existing uses in the surrounding  
830 area. No County department has expressed any opposition to the use of the property as  
831 a park. More specific comments regarding the site layout, road improvements, and other  
832 impacts were collected and will be taken into consideration as part of the Plan of  
833 Development should the use be found to be in accord with the Comprehensive Plan.  
834

835 Planning staff does recognize the importance of providing necessary public facilities and  
836 services to serve a growing population, and the site in question provides adequate area  
837 and minimal constraints for park use, and would, therefore, be a logical expansion of  
838 Glover Park.  
839

840 That does conclude my presentation and I'd be happy to try and answer any questions  
841 you might have. Representatives from Recreation and Parks are also here, if you have  
842 any questions about specifics.  
843

844 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone from the  
845 Commission have any questions of staff? All right, this is a public meeting, public hearing.  
846 Is there anyone in the audience who has any questions or comments they would like to  
847 address?  
848

849 Mrs. Thornton - I'm just excited about it, because we use Glover Park all the  
850 time for my children, and so more parks are better, so --  
851

852 Mr. Mackey - Absolutely. Absolutely. All right, Mr. Witte.  
853

854 Mr. Witte - All right, Mr. Chairman. I move that we recommend approval  
855 of resolution PCR-3-20 for SIA2020-00001 for Glover Park Expansion.  
856

857 Mr. Mackey - Second. We have a motion by Mr. Witte, seconded by Mr.  
858 Mackey. All in favor say aye.  
859

860 The Commission - Aye.  
861

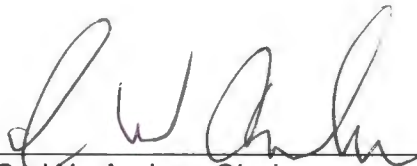
862 Mr. Mackey - Any opposed? The ayes have it, the SIA is carried.  
863

864 Mr. Emerson - Mr. Chairman, we now move on to the next item, which is a  
865 discussion item, and it's regarding a work session which we discussed earlier during your  
866 work session this evening, to continue discussing the Zoning Ordinance Code Updates.

867 As you know we're looking at March the 12th. Then we discussed 5:30 p.m. as a good  
868 start time for those discussions on the 12th and if that's a consensus of the Commission  
869 we'll go ahead and schedule that.  
870  
871 Mr. Mackey - Is that a consensus of the Commission? Is everybody fine  
872 with that start time?  
873  
874 The Commission - Yes.  
875  
876 Mr. Mackey - Yes, so that's right?  
877  
878 Mr. Emerson - Okay. We will -- we will schedule that. Mr. Chairman, the next  
879 item is approval of your minutes. You do have an errata sheet with one correction that  
880 we received prior to the meeting, and of course we'll entertain any other changes the  
881 Commission may have. These are for your meeting from January 9th.  
882  
883 Mr. Mackey - Are there any other changes that need to be made to the  
884 minutes?  
885  
886 Mr. Baka - I'll move approval of the minutes with the amended changes  
887 on the errata sheet.  
888  
889 Mr. Witte - Second.  
890  
891 Mr. Mackey - All right we have a motion to accept the minutes with the --  
892 with the added -- with the added...  
893  
894 Mr. Baka - As amended.  
895  
896 Mr. Mackey - Yeah. As amended by Mr. Baka, seconded by Mr. Witte. All  
897 in favor say aye.  
898  
899 The Commission - Aye.  
900  
901 Mr. Mackey - The ayes have it.  
902  
903 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this  
904 evening.  
905  
906 Mr. Mackey - All right. Seeing no more of business this meeting is  
907 adjourned. Oh, I'm sorry. I apologize. I apologize.  
908  
909 Mr. Witte - Seconded. He motioned, I seconded.  
910  
911 Mr. Mackey - All right. It's been moved and seconded. Adjourned.  
912

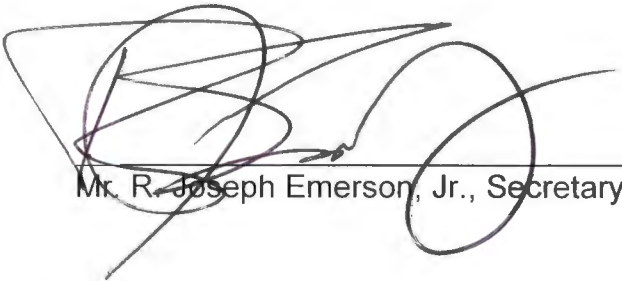


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Mr. C. W. Archer, Chairman



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Mr. R. Joseph Emerson, Jr., Secretary