

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, May 13,**  
4 **2021. Display Notice having been published in the Richmond *Times-Dispatch* on**  
5 **April 26, 2021, and May 3, 2021.**  
6  
7

8 Members Present: Mr. William M. Mackey, Jr., Chairman (Varina)  
9 Mrs. Melissa L. Thornton, Vice Chair (Three Chopt)  
10 Mr. Robert H. Witte, Jr. (Brookland)  
11 Mr. C. W. Archer, C.P.C. (Fairfield)  
12 Mr. Gregory R. Baka (Tuckahoe)  
13 Ms. Jean Moore, Assistant Director of Planning  
14 Mrs. Patricia S. O'Bannon (Tuckahoe)  
15 Board of Supervisors' Representative  
16

17 Also Present: Ms. Rosemary D. Deemer, AICP, County Planner  
18 Mr. Seth Humphreys, County Planner  
19 Mr. Livingston Lewis, County Planner  
20 Mr. Michael Morris, County Planner  
21 Mr. Ben Sehl, County Planner  
22 Ms. Kristin Smith, County Planner  
23 Mr. Justin Briggs, Henrico County Public Schools  
24 Mr. John Cejka, Traffic Engineer, Public Works \*  
25 Ms. Martha Diuguid, Office Assistant  
26

27 \* (Virtually)  
28

29 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**  
30 **all cases unless otherwise noted.**  
31

32 Mr. Mackey - [delay in recording] -- eve 2021 meeting of the Henrico County  
33 Planning Commission. This is our rezoning meeting. At this time if you haven't already  
34 done so, will you take a moment to silence your cellphones and will you please stand with  
35 the Commission and join us in the Pledge of Allegiance?  
36

37 Thank you.  
38

39 Do we have anyone in attendance from the news media? Okay. At this time, I'd like to  
40 also welcome Ms. Pat O'Bannon, she's sitting with the Board this year. We'd like to  
41 welcome her and thank you for being here. At this time, I will turn the meeting over to  
42 Ms. Jean Moore.  
43

44 Ms. Moore - Thank you Mr. Chairman. It's good to be here tonight. First  
45 on your agenda is the requests for deferrals and withdrawal for your consideration. But  
46 before that I'd like to welcome everyone here present tonight and participating virtually

47 through Webex and live stream. And I'd like to go over -- because of the different venues  
48 -- some procedures, so please pay attention accordingly.

49  
50 For those participating virtually, staff will send a message asking if anyone would like to  
51 speak on the proposed item on the agenda. This will be done using the chat feature  
52 located in the bottom right corner of the Webex screen. We recommend everyone press  
53 this now to open that chat screen and follow staff's prompts.

54  
55 To be put on the list of speakers you must send your request to the correct contact person.  
56 So using the chat feature, click on the drop-down menu and select Kristen Smith -- and  
57 again that's Kristen Smith -- before replying.

58  
59 Please be aware that this feature, the chat feature, is only being used to identify speakers,  
60 and messages, and comments using the chat feature will not be answered. Your  
61 questions should be directed to the Planning Commission when your name is called to  
62 speak. When it is your turn, you will be introduced by staff, unmuted, and prompted to  
63 speak. Following your question or comment you will be muted again.

64  
65 For those attending in person, you will be called first and you are asked to speak at the  
66 lectern located toward the rear of the room. That's right down over there. As a reminder,  
67 there is a 40-person guideline limit on the room capacity. Because of that, we do ask that  
68 once the item you are in attendance for has been heard, that you vacate the room so that  
69 others can enter. I don't think that's going to be an issue tonight, but just as courtesy  
70 there may be people waiting outside.

71  
72 I'd also note that there are seats to be used that are marked with blue tape at the rear of  
73 the seat.

74  
75 Finally, the Commission does set time limits for speakers. The applicant and any  
76 proponents have an aggregate of 10 minutes to speak. The opposition is also given 10  
77 minutes. Questions from the Commission do not count towards the time limit, and the  
78 applicant may reserve time to answer questions. So please in general keep your  
79 comments brief to allow for the greatest number of speakers.

80  
81 With that I can move on to the agenda for items for withdrawal and deferral. And the first  
82 item is on page 2 of your agenda. It's in the Fairfield District. It is case REZ2021-00005.  
83 The applicant is Godsey Properties Incorporated.

84

85 **REZ2021-00005** **Andrew M. Condlin for Godsey Properties, Inc.:** Request to  
86 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District  
87 (Conditional) Parcels 804-726-5470 and 804-726-5470.001 containing 120.4 acres located  
88 on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf  
89 Club). The applicant proposes detached dwellings for sale. The R-5A District allows a  
90 maximum gross density of 6 units per acre. The uses will be controlled by zoning ordinance  
91 regulations and proffered conditions. The 2026 Comprehensive Plan recommends  
92 Traditional Neighborhood Development and Environmental Protection Area. The site is in  
93 the Enterprise Zone.

94  
95 The deferral is requested to the June 10, 2021, meeting.

96  
97 Mr. Mackey - Is there anyone in attendance or via Webex that's in opposition  
98 of the deferral to the June 10th, 2021, meeting for REZ2021-00005 Godsey Properties  
99 Incorporated?

100  
101 Ms. Deemer - We have no one on Webex.

102  
103 Mr. Archer - Alright, Mr. Chairman, I move that REZ2021-00005 Godsey  
104 Properties Incorporated be deferred to the June 10th '21 meeting at the request of the  
105 applicant.

106  
107 Mrs. Thornton - Second.

108  
109 Mr. Baka - Second.

110  
111 Mr. Mackey - Oh. All right. We have a motion by Mr. Archer and a second  
112 by Mr. Baka. All in favor say aye. Any opposed? The motion is carried.

113  
114 Ms. Moore - Next, also page 2, is the companion case PUP2021-00001  
115 Godsey Properties.

116  
117 **PUP2021-00001** **Andrew M. Condlin for Godsey Properties, Inc.:** Request for a  
118 Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of  
119 the County Code to allow adjustable side yard setbacks for lots within the R-5A General  
120 Residence District on Parcels 804-726-5470 and 804-726-5470.001 located on the north  
121 line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The  
122 existing zoning is A-1 Agricultural District. The R-5A District is proposed for the A-1 District  
123 with REZ2021-00005. The 2026 Comprehensive Plan recommends Traditional  
124 Neighborhood Development and Environmental Protection Area. The site is in the  
125 Enterprise Zone.

126  
127 The deferral is requested to the June 10, 2021, meeting.

128

129 Mr. Mackey - Thank you. Is there anyone in attendance or via Webex that's  
130 in opposition of the deferral of Godsey Properties Incorporated to PUP2021-00001 to be  
131 deferred to the June 10, 2021, meeting.

132  
133 Ms. Deemer - We have no one on Webex.

134  
135 Mr. Mackey - All right. Thank you.

136  
137 Mr. Archer - Okay, Mr. Chairman, I move that this companion case  
138 REZ2021-00005 -- No. I'm sorry. Mr. Chairman, I move that PUP2021-00001 Godsey  
139 Properties Inc. be deferred to the June 10, 2021, meeting at the applicant's request.

140  
141 Mr. Witte - Second.

142  
143 Mr. Mackey - All right. We have motion by Mr. Archer, a second by Mr.  
144 Witte. All in favor say aye. Any opposed? The deferral is granted.

145  
146 Ms. Moore - The next is on page 3 of your agenda. It is in the Tuckahoe  
147 District, It is case REZ2020-00039 Brian Kelmar.

148  
149 **REZ2020-00039 Brian Kelmar:** Request to amend proffers accepted with Rezoning  
150 case C-69C-85 on Parcel 741-741-8889 located on the south line of Patterson Avenue  
151 (State Route 6), approximately 125' east of its intersection with Pump Road. The applicant  
152 proposes to amend Proffer #4 to allow a detached, changeable message sign. The existing  
153 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan  
154 recommends Office.

155  
156 The deferral is requested to the June 10, 2021, meeting.

157  
158 Mr. Mackey - Is there anyone in attendance or via Webex that's in  
159 opposition to the deferral of REZ2020-00039 Brian Kelmar to be deferred to the June 10,  
160 2021, meeting.

161  
162 Ms. Deemer - We have no one on Webex.

163  
164 Mr. Mackey - Thank you.

165  
166 Mr. Baka - Mr. Chairman, I move that REZ2020-00039 Brian Kelmar be  
167 deferred to the June 10, 2021, meeting at the request of the applicant.

168  
169 Mrs. Thornton - Second.

170  
171 Mr. Mackey - We have a motion by Mr. Baka, a second by Ms. Thornton.  
172 All in favor say aye. Any opposed? The motion is granted.

173

174 Ms. Moore - Mr. Chairman, now we move on to the items requested to be  
175 expedited. The first is on page 1 of your agenda. It's in the Varina District. It's REZ2021-  
176 00022.

177  
178 **REZ2021-00022 Engineering Design Associates for FON-SAW, LLC:**  
179 Request to rezone from R-2AC One-Family Residence District (Conditional) to C-1  
180 Conservation District part of Parcel 820-686-4881 containing .043 acres approximately 630'  
181 southeast and approximately 1000' east of the intersection of Golden Eye Lane and  
182 Heather Ridge Road. The applicant proposes a conservation area. The use will be  
183 controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends  
184 Environmental Protection Area. The site is in the Airport Safety Overlay District.

185  
186 Staff has had no -- heard of no opposition on this case.

187  
188 Mr. Mackey - Is there anyone in attendance or via Webex that's in  
189 opposition of REZ2021-00022 FON-SAW, LLC to be approved on the expedited agenda?

190  
191 Ms. Deemer - We have no one on Webex.

192  
193 Mr. Mackey - All right, Well, without any opposition I move that we  
194 recommend approval of REZ2021-00022 FON-SAW, LLC.

195  
196 Mrs. Thornton - Second.

197  
198 Mr. Mackey - Motioned by Mr. Mackey and seconded by Ms. Thornton, all  
199 in favor say aye. Any opposed? Motion is carried.

200  
201 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,  
202 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
203 Supervisors **grant** the request because it conforms to the Environmental Protection Area  
204 recommendation of the Comprehensive Plan.

205  
206 Ms. Moore - Mr. Chairman, we now move on to your regular agenda  
207 beginning on page 1.

208  
209 Mr. Mackey - Don't we have one --

210  
211 Mrs. Thornton - We had to take it off the expedited.

212  
213 Ms. Moore - Oh, I'm sorry. You're right. I didn't call that.

214  
215 Mrs. Thornton - Yeah.

216  
217 Ms. Moore - Let me go back. We have a request in page 2 of the agenda  
218 In Three Chopt District for expedited. It's REZ2021-00019 KG1 Twin Oaks, LLC.

219

220 **REZ2021-00019** **Andrew M. Condlin for KG1 Twin Oaks LLC:** Request to  
221 conditionally rezone from B-2C Business (Conditional) to B-3C Business District  
222 (Conditional) part of Parcel 748-759-3503 containing .220 acres at the southeast  
223 intersection of Cox Road and Westerre Parkway. The applicant proposes a dog day care  
224 and overnight kennel. The uses will be controlled by zoning ordinance regulations and  
225 proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed Use. The  
226 site is in the Innsbrook Redevelopment Overlay District.

227  
228 Mr. Mackey - Is there anyone in attendance or via Webex that's in  
229 opposition for the expedited approval of REZ2021-00019 KG1 Twin Oaks, LLC. Okay,  
230 we have some --

231  
232 Ms. Deemer - We have no one on Webex.

233  
234 Mr. Mackey - Okay. We have some opposition in attendance. So we'll  
235 move that to the regular agenda. Thank you.

236  
237 Ms. Moore - Yes, sir. So, Mr. Chairman, now we're ready to move on our  
238 regular agenda. And the first is a public hearing item and it's for an ordinance.

239  
240 **PUBLIC HEARING: ORDINANCE –** Revisions to the draft ordinance titled “‘Ordinance’ -  
241 To Enact a New Zoning Ordinance by Repealing Chapter 24 of the Code of the County  
242 of Henrico Titled ‘Zoning’ and Replacing It with a New Chapter 24 Titled ‘Zoning’” which  
243 the Planning Commission recommended to the Board of Supervisors on February 25,  
244 2021.

245  
246 And then moving forward with this component that Mr. Ben Blankinship will present is  
247 there's actually four components individually and we ask that you vote individually on  
248 those items.

249  
250 Mr. Mackey - All right.

251  
252 Ms. Moore - Mr. Blankinship.

253  
254 Mr. Blankinship - Thank you Madam Secretary, Chair, members of the  
255 Commission. Good evening.

256  
257 Commission - Good evening.

258  
259 Mr. Blankinship - As you know, on February 25th, you recommended to the  
260 Board of Supervisors adoption of a revised zoning ordinance and a revised subdivision  
261 ordinance. One of the recommendations of that ordinance was to remove the O/S-2  
262 District from the County Zoning Map of which there is only one district in the County.  
263 Another was to remove the PMD District from the ordinance of which there are only two  
264 in the County.

265

266 While you were holding that meeting, that same week, our consultants Clarion Associates  
267 and Dover, Kohl, & Partners were holding a charette on the Short Pump Town Center site  
268 to consider whether that would be an appropriate location for a form-based alternative  
269 overlay district.

270  
271 And also, as you know, you have been working with Mr. Humphreys on the staff and many  
272 other people on a small-area study that included a Zoning Overlay District for Historic  
273 Glen Allen.

274  
275 When we went to the Board of Supervisors for the work session on the Code Update, it  
276 was staff's assumption that we would ask the Board to move forward with the Code  
277 Update and then we could bring these other items along afterward. Instead of handling  
278 it that way, it was recommended that we bring these rezoning issues along at the same  
279 time as the whole Code Update so that when the Board holds their public hearing and  
280 takes their vote, they will have the complete package on the table at once. It won't be a  
281 two-step process for them.

282  
283 In order to do that we had to bring to you for recommendation, the four items that I just  
284 listed which are changing the zoning of property on the ground. So we had to go through  
285 the notification and advertising process and then bring them to you for public hearing and  
286 ask you to make a recommendation to the Board of Supervisors on each of these four  
287 rezoning requests which are all in the nature of revisions to the Code Update that was  
288 recommended in February.

289  
290 So I'm going to walk through each of those. The first is the O/S-2 District. As I mentioned,  
291 it's the only property in Henrico County that was ever zoned O/S-2. And it's the Brown  
292 Distributing Facility on Villa Park Drive. It is shown on the Land Use Plan as Office  
293 Service. And you can see on the zoning map that the surrounding property on Villa Park  
294 Drive is office service.

295  
296 When Brown Distributing decided to locate that property, distribution facilities were not a  
297 permitted use in the O/S District. So the O/S-2 District which had recently been created  
298 was a better fit for them.

299  
300 As part of the Code-update process; however, the Economic Development Staff  
301 recommended to us the distribution facilities -- small, well designed, distribution facilities  
302 would be -- should be a permitted use in the O/S District. So that change was made in  
303 the Code. And once that change was proposed, the O/S-2 District became redundant.  
304 So we have recommend that as I said, removing that district from the map. And as that  
305 would otherwise leave this parcel with no zoning at all, we are recommending rezoning it  
306 to office service, O/S, to match the surrounding property.

307  
308 As I said the existing use of the property will be permitted. The existing improvements all  
309 meet the requirements of the O/S District. There's no need for any change by the  
310 applicant or by the County. It's just a matter of updating the map.

311

312 I did speak with some of the representatives of Brown Distributing. They contacted an  
313 attorney who contacted me just to walk through the change and make sure that nobody  
314 would have any negative impact from that rezoning. So, as far as I know, there is no  
315 opposition to that, and that is ready to proceed.

316  
317 The second thing I'd like to brief you on is the PMD District the Planned Industrial District.  
318 That was added to the zoning ordinance back in 1970 before the state authorized counties  
319 to accept proffers with rezoning. And at that time, it was the best way we had to approve  
320 zoning for industrial property that was of a high-quality and light-industrial nature. Today  
321 we accomplish those same objectives through proffered re-zonings, so there has not  
322 been a PMD rezoning in the County since proffers began.

323  
324 There are, as I said, only two part – parcels – to two districts, PMD Districts, in the County  
325 and neither of them at this time meets the minimum area of 20 acres. Both of them were  
326 parts of larger properties at the time they were rezoned, but they've been whittled away.  
327 This one was part of the White Oak Shopping Center property was all part of the same  
328 PMD District. When White Oak was zoned to B-3, that left this parcel as a remnant of  
329 that PMD District. It doesn't actually meet the minimum lot area requirement.

330  
331 I've mentioned several times there are two PMD Districts. The other one is located where  
332 Green City is being proposed. So we're already discussing a rezoning action for that  
333 property, so there's no need for you to act on that one. That's going to be rezoned when  
334 the Green City Project comes forward.

335  
336 But to stay on the same map. The Land Use Map shows the property is Planned Industry,  
337 and the Zoning Map shows most of the surrounding property is either commercial or  
338 residential.

339  
340 We are recommending that this property be rezoned to M-1 Light Industrial. The new  
341 zoning ordinance will specifically allow the Zeller+Gmelin use. It's a paint manufacturing  
342 plant. And that use will specifically be allowed in the M-1 District.

343  
344 Again, all the improvements are staying the same, the use is staying the same. We've  
345 spoken to the representatives of Zellar+Gmelin and they have expressed no concern or  
346 objection to the rezoning. So as far as we know, there's is no concern over that one.

347  
348 The third, as I mentioned, the Short Pump Town Center approached the County as we  
349 were going through the Code Update process. They heard about the form-based zoning  
350 districts that we were creating and the owners of that property asked the County if their  
351 site would be an appropriate location for that.

352  
353 Of course the mall is doing fine right now it's very healthy. It's very active. But malls don't  
354 last forever. And they know that the time will come 5 years, 10 years, 20 years, at some  
355 point where they will be looking for redevelopment opportunities and ways to maximize  
356 the intensity or increase the intensity of that land use.

357



358 So as I mentioned and as you're all aware, our consultants Clarion Associates and Dover,  
359 Kohl & Partners, held a weeklong charette to study the project and make  
360 recommendations. They have recommended a form-based alternative overlay subdistrict  
361 for the Short Pump Town Center Area, and that is now being included in the Code update.  
362 But again, because that will actually change the zoning of the underlying property, it's  
363 necessary that you make a specific recommendation that we do the notice and public  
364 hearing and that you make a recommendation on that change.

365  
366 And, finally, the Glen Allen Overlay District. Again, I won't belabor it because I know that  
367 you are all very well aware of it and familiar with the process. It grew out of the  
368 comprehensive planning process and requests from people living in that area that historic  
369 area be studied and that appropriate land use recommendations be made and be added  
370 to the comprehensive plan.

371  
372 And through that process, it was recommended that an overlay zoning district would also  
373 be appropriate. So this is the outline of the proposed overlay district. And here it is again  
374 with the underlying zoning shown.

375  
376 Now we have received some concerns, I believe you could say opposition, to this  
377 proposal. So you may have somebody speaking this evening. And I just want to make  
378 one comment about their concern, which is it is an existing business that is already in  
379 operation within the district.

380  
381 The applicability section of the proposed zoning ordinance reads as follows: All new  
382 development and any expansion of existing development that increases floor area by 30  
383 percent or more must comply with the standards of this section in addition to the  
384 requirements of the underlying zoning district in which it is located.

385  
386 So as it is proposed now, as it has been drafted, the overlay district would apply to any  
387 new development and any expansion of existing development. So as long as any of the  
388 businesses or any of the other land uses that already exist in the overlay want to continue  
389 what they're doing the overlay will not affect them in any way. It does not apply to them.  
390 So anything that they have been doing in the past, they can continue doing.

391  
392 It's not even the nonconforming situation where if they stopped doing it, they couldn't start  
393 again. It's just the overlay district is not applicable to them. It's only applicable to new  
394 development or to expansion of existing development of 30 percent or more.

395  
396 So if a business was to double the size of its building or add 30 percent or more of the  
397 size of its building, then the overlay district would be applicable to that expansion. But,  
398 for example, a business with a parking lot already in place if they build an expansion, that  
399 would require additional parking. The additional parking would have to meet the  
400 requirements of the overlay district but it would not be retroactive on their existing parking  
401 and it would not be retroactive on the existing building or on any existing uses.

402

403 So I just want to make that clear at the outset here. The overlay district applies  
404 prospectively. It applies to new development and to significant expansions. Expansions  
405 of 30 percent or more of existing buildings.

406  
407 The overlay does prohibit certain uses. It does require provisional use permits for some  
408 uses that are today permitted by right. It does allow one additional use which is that a  
409 bed and breakfast inn -- within the overlay district would be allowed to have a restaurant  
410 which is not permitted otherwise.

411  
412 It would limit building heights to 25 feet. It would require streetscape buffers. Again, for  
413 new development or significant expansion, it would require streetscape buffers. It would  
414 require enhanced transitional buffers. There are limitations on the size of signs and also  
415 on changeable message signs. They would only be allowed to change once every 10  
416 minutes. And there are some additional requirements for screening and parking lot  
417 design.

418  
419 And, finally, the Planning Director would be authorized to approve deviations from some  
420 of those standards where there are circumstances on the property that make it impossible  
421 or impractical to comply with the standards of the overlay district.

422  
423 So those are the four changes to the recommendation you made in February to the Board  
424 for changes to the zoning ordinance update that we bring before you this evening for  
425 public hearing. And we would ask for your recommendation to the Board of Supervisors.  
426 And we hope that they will take this up in June. And I -- what are your questions?

427  
428 Mr. Witte - Mr. Blankinship.

429  
430 Mr. Blankinship - Yes, sir.

431  
432 Mr. Witte - Just bear with me here a second. My understanding is if  
433 there's 1,000-square-foot building and they want to add 290 square feet to it, which is 29  
434 percent, they don't have to change anything.

435  
436 Mr. Blankinship - That's correct.

437  
438 Mr. Witte - They don't make new standards. They don't have to do  
439 anything.

440  
441 Mr. Blankinship - That is correct. The overlay would not apply.

442  
443 Mr. Witte - Okay. I just wanted to verify that.

444  
445 Mr. Blankinship - Yes, sir.

446  
447 Mr. Witte - Thank you.

448

449 Mr. Blankinship - Yes, sir. What other questions?  
450  
451 Mr. Mackey - Are there any other questions for Mr. Blankinship?  
452  
453 Mr. Baka - You'd still need a POD in that instance but not the overlay  
454 district rules?  
455  
456 Mr. Blankinship - Right. You would still have -- all of the same rules that are in  
457 place today would remain.  
458  
459 Mr. Baka - Thanks.  
460  
461 Mr. Mackey - All right. Mr. Blankinship, would we be taking these one at a  
462 time?  
463  
464 Mr. Blankinship - That was our suggestion.  
465  
466 Mr. Mackey - Okay.  
467  
468 Mr. Blankinship - Yes, sir. Just in case there is a need to have a further  
469 discussion with anyone of them.  
470  
471 Mrs. Thornton - Have discussion. There might be some people here to talk  
472 about it.  
473  
474 Mr. Mackey - Oh, absolutely. Yeah. All right. Okay. No other questions  
475 for Mr. Blankinship? All right. I guess we're ready to proceed with the first one.  
476  
477 Mr. Blankinship - Thank you very much.  
478  
479 Mr. Mackey - Which one are we doing first?  
480  
481 Ms. Moore - I'm sorry. What?  
482  
483 Mr. Mackey - Which one are we doing first?  
484  
485 Ms. Moore - Oh, well, what -- yeah. What I would recommend is call them  
486 individually and you can maybe vote and start with the Villa Park.  
487  
488 Mr. Mackey - Okay.  
489  
490 Mr. Baka - Mr. Chairman, do you need that?  
491  
492 Mr. Mackey - Alright. Is there anyone here or via Webex that is in opposition  
493 of the rezoning of 7890 -- 7986 Villa Park Drive from O/S-2 to -- O/S-2 to O/S?  
494

495 Ms. Deemer - Mr. Chairman, we have a member on Webex who has, um,  
496 relayed that they would like to speak, but they have not told us what case or which district  
497 they wish to speak on. How would you like us to handle that?  
498  
499 Mr. Mackey - Well, I guess we need to know if they want to speak on this  
500 one.  
501  
502 Ms. Moore - Yes. If they want to unmute.  
503  
504 Ms. Deemer - Alright. I will introduce the gentleman waiting. The person is  
505 Chafin Bryant. He is now unmuted and can speak.  
506  
507 Mr. Bryant - Hey, good evening committee. Sorry for the lack of  
508 clarification. I have -- just have a comment on the Glen Allen Area Use Study.  
509  
510 Mrs. Thornton - Okay.  
511  
512 Mr. Mackey - Okay. All right. Well we'll come back to you when we get to  
513 that one.  
514  
515 Ms. Moore - Thank you, Mr. Ryan [sic]. We'll be back.  
516  
517 Mr. Bryant - Sounds good. Thank you.  
518  
519 Mr. Mackey - All right. Go ahead.  
520  
521 Mr. Condlin - My name is Andy Condlin, I am here on behalf of Brown  
522 Distributing. They don't have any opposition on this, but I did want a point of clarification  
523 if I may with respect to the that it doesn't have any conditions. Because I noticed under  
524 the PMD, that that's being rezoned to M1C according to the map. I just wanted to clarify  
525 that this is O/S and not any conditions applied to that O/S with that. That's just a point of  
526 clarification I wanted to make sure.  
527  
528 Mr. Blankinship - Mr. Chair, that is correct. There are no conditions. Since we  
529 don't have an applicant, the County is taking this action, there would be no proffered  
530 conditions. That is also true of the PMD case. The underlying zoning is unconditional  
531 now. As I mentioned it was done before proffers and there would be no conditions on the  
532 M-1. That was an error on the map and I apologize for not catching that.  
533  
534 Mr. Mackey - No problem. Thank you, Mr. Blankinship.  
535  
536 Mr. Witte - Clarification --  
537  
538 Mr. Condlin - Point of clarifications. There's no opposition. Thank you.  
539

540 Mr. Mackey - Thank you for the clarification, sir. Are there any questions or  
541 comments from anybody on the Commission? All right. Well then, a motion would be an  
542 order.

543  
544 Mr. Archer - Mr. Chairman in the matter of the ordinance, rezoning 7986  
545 Villa Park Drive from O/S-2 to O/S, I move that we recommend approval of the revisions  
546 to the draft ordinance titled, Ordinance to enact a new zoning ordinance by repealing  
547 Chapter 24 of the Code of the County of Henrico titled, Zoning and replacing it with a new  
548 Chapter 24 titled, Zoning. Specifically rezoning GPIN 781-754-0930 from O/S-2, Office  
549 Services 2 District to O/S, Office Service District.

550  
551 Mrs. Thornton - I second.

552  
553 Mr. Mackey - All right. We have a motion by Mr. Archer. A second by Ms.  
554 Thornton to -- for rezoning of 7986 Villa Park Drive from O/S-2 to O/S. All in favor say  
555 aye. Any opposed? The motion is granted. Alright.

556  
557 The next case is the rezoning of 4801 Audubon Drive from PMD to M-1. Is there anyone  
558 in attendance or via Webex that is in opposition to the rezoning of this?

559  
560 Ms. Deemer - We have no one on Webex.

561  
562 Mr. Mackey - All right. Does anyone have any questions? Mr. Baka? All  
563 right. All right. Excuse me. I move that we recommend approval of the revisions to the  
564 draft ordinance titled, Ordinance to enact a new zoning ordinance by repealing Chapter  
565 24 of the Code of the County of Henrico titled, Zoning and replacing it with a new Chapter  
566 24 titled, Zoning. Specifically rezoning GPIN 816-716-0530 from PMD, Planned Industrial  
567 District to M-1, Light Industrial District.

568  
569 Mr. Baka - I second.

570  
571 Mr. Thornton - Second.

572  
573 Mr. Mackey - All right. We have a motion by Mr. Mackey, a second by Ms.  
574 Thornton, all in favor say aye. Any opposed? That motion is granted.

575  
576 All right. Third case up is a Form-Based Code for Short Pump Town Center Area. Is  
577 there anyone in attendance or via Webex that is in opposition to the Form-Based Code  
578 for the Short Pump Town Center area?

579  
580 Ms. Deemer - We have no one on Webex.

581  
582 Mr. Mackey - Are there any questions for staff by anyone? No questions.  
583 All right.

584

585 I move that we recommend approval of the revisions to the draft ordinance titled,  
586 Ordinance to enact a new zoning ordinance by repealing Chapter 24 of the Code of the  
587 County of Henrico titled, Zoning and replacing it with a new Chapter 24 titled, Zoning.  
588 Specifically adding the Short Pump Town Center area subdistrict to the Form-Based  
589 Overlay District.

590  
591 Mr. Witte - Second.

592  
593 Mr. Mackey - Alright. We have a motion by Mr. Mackey a second by Mr.  
594 Witte. All in favor say aye. Any opposed? The motion is granted.

595  
596 And fourth and final. The Glen Allen Overlay District. Is there anyone in attendance or  
597 via Webex that is in opposition to the Glen Allen Overlay District approval? Yeah. I'm  
598 waiting for the Webex.

599  
600 Ms. Deemer - We have Mr. Bryant for this case.

601  
602 Mr. Mackey - Okay. We will have to come back to -- No. We start with the  
603 people in the room first. We will come back to him. We have someone in attendance  
604 that would like to speak.

605  
606 Mr. Abernathy - Good evening, Commission. My name is Jeffrey Abernathy.  
607 I am the owner of the Glen Allen Supermarket. I am the one that is in opposition to the  
608 overlay ordinance and stuff.

609  
610 In light of some of the new information that I've just heard from Ben tonight, I would like  
611 for you to defer this to a later meeting so that we can process this stuff. It's my  
612 understanding that there's a meeting set with me and Planners next week that we can sit  
613 down and iron out the rest of this proposal in there.

614  
615 Again, some of the things that Mr. Blankinship -- was new to me that is not in the 2019  
616 draft study in there. So I would like to defer it and meet eyeball to eyeball with the  
617 Planners again on this. So, thank you.

618  
619 Mr. Mackey - Hold on Mr. -- does anyone on the Commission have a  
620 question for Mr. Abernathy?

621  
622 Mr. Baka - No.

623  
624 Mr. Witte - Nope.

625  
626 Mr. Archer - I have a question, Mr. Chairman.

627  
628 Mr. Mackey - Yeah.

629

630 Mr. Archer - Mr. Abernathy, I think you've sent a letter to each of us  
631 individually. And in listening to Mr. Blankinship's explanation tonight did that do anything  
632 at all to relieve some of the questions that you had?  
633

634 Mr. Abernathy - It's -- at this time I was unprepared for what he said, and I  
635 need time to process it. And I would like time to process with the Planners.  
636

637 Mr. Mackey - Mr. Abernathy one question I had. Would the time -- between  
638 now and when it will go to the Board of Supervisors, will that be enough time if you already  
639 have a meeting set up with the staff? Do you think there might be too tight?  
640

641 Mr. Abernathy - I would think at this time I would like to defer it. I think it will  
642 be too tight.  
643

644 Mr. Mackey - Okay. Any other questions?  
645

646 Mr. Archer - No.  
647

648 Mr. Mackey - Any other questions?  
649

650 Mr. Archer - Nope.  
651

652 Mr. Mackey - Yep. Okay. All right. Thank you, Mr. Abernathy.  
653

654 Okay, Ms. Deemer, we're ready for Mr. -- I forgot his name. I'm sorry. Mr. Ryan, I think.  
655

656 Mr. Bryant - Hey, good evening. This is Mr. Bryant. Committee, thanks  
657 for your time this evening. And this is my first time speaking in one of these forums. So  
658 --  
659

660 Mr. Mackey - Excuse me, Mr. Bryant, did -- can you spell your name,  
661 please?  
662

663 Mrs. Thornton - Oh. It's right on the screen. B-r-y-a-n-t.  
664

665 Mr. Mackey - Okay. Thank you.  
666

667 Mr. Bryant - B-r-y-a-n-t, Bryant.  
668

669 Mr. Mackey - Thank you.  
670

671 Mrs. Thornton - Sorry.  
672

673 Mr. Bryant - Yeah. Good evening. Hey, I spoke with Mr. Blankinship last  
674 week when I received a notice about the zoning changes that are being discussed this  
675 evening.

676  
677 I just more have a comment regarding those changes. Because I do currently own the  
678 only piece of industrial zoned property in the study area besides the large industrial area,  
679 which is 10728 Old Washington Highway, I wanted to comment that since the zoning  
680 ordinance changes my ability to use that property based on its rights in the future for --  
681 as it's currently zoned. I just wanted to make a comment that I would like to have more  
682 discussion about those changes.

683  
684 I believe that it's in the mutual interest of the County as well as my future interests if that  
685 property were rezoned to Residential. The same as all of its adjoining properties. And if  
686 that's something that the committee would consider as part of these changes and  
687 recommendations, I think that'd be kind of generally favorable.

688  
689 But just changing the ordinance to remove what the property could be used for with its  
690 current zoning is something I wouldn't be so supportive of or would speak against, just  
691 because that reduces the use of it in the future if it's not rezoned.

692  
693 Mr. Mackey - All right. Thank you, Mr. Bryant. Does anyone have any  
694 questions for Mr. Bryant? No. Okay. Is there anyone else on Webex?

695  
696 Ms. Deemer - We have no one on Webex.

697  
698 Mr. Mackey - All right. Thank you.

699  
700 Mr. Witte - Anybody else?

701  
702 Mr. Mackey - Nobody else.

703  
704 Mrs. Thornton - Was there any --

705  
706 Mr. Witte - Madam Secretary, I have a question. When is the next Board  
707 meeting? I've got it written down as the 25th. But I'm not sure that's --

708  
709 Ms. Moore - It's -- I believe it's June 8th.

710  
711 Mr. Blankinship - Tentatively the schedule is for the Board to hold the public  
712 hearing on June 8th and take action on June 22nd.

713  
714 Mr. Witte - On this. On this overlay?

715  
716 Mr. Blankinship - On the complete Code Update.

717  
718 Mr. Witte - So it's a month away. And then take action on the 22nd.

719  
720 Mr. Blankinship - Yes, sir.

721



722 Mr. Witte - Thank you.  
723  
724 Mr. Thornton - Is there anybody here for the --  
725  
726 Mr. Mackey - Oh, I'm sorry. Yes. Was there anyone here to -- that was in  
727 favor of the Ordinance? I'm sorry. Thank you.  
728  
729 Mrs. Thornton - Okay.  
730  
731 Mr. Witte - Mr. Chairman, it's been a long time with this and it's not done  
732 yet. But we have to move forward. We've got some time. So at this point I'm going to  
733 move that the Planning Commission recommend approval for the revisions to the draft  
734 ordinance entitled, Ordinance to enact a new zoning ordinance by repealing Chapter 24  
735 of the County of Henrico titled, Zoning and replace it with a new Chapter 24 titled, Zoning.  
736 Specifically adding the Glen Allen Overlay District.  
737  
738 Mr. Mackey - Second. We have a motion for approval for the Glen Allen  
739 Overlay District by Mr. Witte and a second by Mr. Mackey. All in favor say aye. Any  
740 opposed? All right. The motion is granted.  
741  
742 Ms. Moore - Mr. Chairman, we now move on to your next item which is on  
743 page 2 of your agenda in the Three Chopt District. This is REZ2021-00015 Andrew  
744 Condlin for North Gayton Village, LLC.  
745  
746 **REZ2021-00015 Andrew M. Condlin for North Gayton Village, LLC:** Request  
747 to conditionally rezone from R-3C One-Family Residence District (Conditional) to RTHC  
748 Residential Townhouse District (Conditional) part of Parcel 738-768-5488 containing  
749 11.197 acres located on the west line of Pouncey Tract Road (State Route 271),  
750 approximately 475' south of its intersection with N. Gayton Road. The applicant proposes  
751 an age-restricted detached residential condominium community. The RTH District allows  
752 a maximum gross density of 9 units per acre. The use will be controlled by zoning  
753 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
754 recommends Suburban Mixed-Use, density should not exceed 4 units per acre.  
755  
756 The Staff Report will be presented by Mr. Livingston Lewis.  
757  
758 Mr. Mackey - Thank you. Good evening, Mr. Lewis.  
759  
760 Mr. Lewis - Good evening, Mr. Chairman, members of the Commission.  
761  
762 The Commission - Good evening.  
763  
764 Mr. Lewis - This is a request to rezone 11.197 acres from R-3C to RTHC  
765 to allow construction of up to 41 detached age-restricted residential condominiums. The  
766 site was previously rezoned in 2017 as part of the North Gayton Village single-family

767 neighborhood currently under development. And the applicant now wishes to change this  
768 section of the project to offer a different type of dwelling.

769  
770 The property is surrounded by residential development on three sides: Westmont at Short  
771 Pump and North Gayton Village to the north, Leakes Mill to the west, and large-lot single-  
772 family homes to the south. Shady Grove United Methodist is located across Pouncey  
773 Tract Road to the east.

774  
775 The 2026 Comprehensive Plan recommends the site for Suburban Mixed-Used reflecting  
776 the same designation as the larger Bacova community of which it would be a part of.

777  
778 As illustrated on the revised proffered layout, the neighborhood would be accessed only  
779 from Pouncey Tract Road and would have a mostly linear arrangement of homes with  
780 one section of up to 17 in a row. A landscape buffer is shown along Pouncey Tract. Two  
781 stormwater management ponds would be along the sites northern edge and guest parking  
782 would be provided in several locations.

783  
784 Different from previous layouts, this one indicates the sides, rather than fronts of homes,  
785 would face Pouncey Tract Road. Along with the layout, other assurances provided in the  
786 revised proffers handed out this evening include: dwellings a minimum of 1,800 square  
787 feet in size; front facades generally conforming to one or more of these five building  
788 elevations and including a two-car garage; exterior wall materials limited to full-standard  
789 brick, stone, and cementitious siding; a minimum of 50 percent brick on the Pouncey Tract  
790 facing sides; 30-year dimensional shingles; a sidewalk and a 35-foot-wide transitional  
791 buffer along Pouncey Tract; street trees, foundation plantings, and sodded and irrigated  
792 front and side yards; resident access to the Bacova recreation facility; and stub roads to  
793 the west and south to allow for future connectivity to adjacent properties as necessary.

794  
795 This proposal includes important quality assurances and characteristics consistent with  
796 the 2026 plan's SMX designation and it would be compatible with adjacent properties.  
797 Given the list of recent changes, staff supports this request and believes it would be a  
798 logical continuation of the Bacova development; however, we do think there is still an  
799 opportunity to improve the design by making it less linear and reducing the number of  
800 consecutive units in a row.

801  
802 This concludes my presentation and I'm happy to answer any questions. And time limits  
803 would need to be waived to accept the proffers handed out this evening.

804  
805 Mr. Mackey - All right. Does anyone have any questions for Mr. Lewis? All  
806 right. Is there anyone in attendance that is in opposition of REZ2021-00015 or anyone  
807 who is in favor of this case? Oh. Okay. Do we have anyone via Webex?

808  
809 Ms. Deemer - We do. We have a Mr. Bill McGuire. He is now unmuted.

810

811 Mr. Mackey - Oh, no. Don't unmute him yet. We have someone in  
812 attendance. All right. Would you please state your name and address for the record,  
813 please?

814  
815 Ms. Vanalek - Hi. My name is Caroline Vanalek. And I live in Leakes Mill,  
816 which is adjacent to the property that is being discussed. And I was at the planning  
817 meeting. The original planning meeting that was done for the deferral. Thank you for  
818 having me here. I am in opposition to the change. I believe that the original rezoning --  
819

820 Mr. Witte - Excuse me. Can you speak into the mic? We're having  
821 trouble hearing you back here.

822  
823 Ms. Vanalek - Oh. Sorry. I'm trying to not speak onto the back. I'm in  
824 opposition to the change. I believe that the current development that is suggested,  
825 continuing our neighborhood, is consistent with what is appropriate for Bacova. Adding  
826 the age-restricted component, although there is a senior housing component there next  
827 to it, there's also age 55 housing within a few miles away that's brand new and being  
828 developed.

829  
830 I think sharing the pool with the age 55 group is going to be somewhat of an issue. I think  
831 the linear nature of the homes is an issue. The new development that is already under  
832 construction, none of those homeowners have taken possession of their homes yet, so  
833 they cannot oppose this or ask for a deferral.

834  
835 In addition, there is a bunch of trees on Pouncey Tract and no trees between the  
836 communities, so there will be no privacy or space for the animals. And I think some of  
837 the other neighbors have comments.

838  
839 Mr. Mackey - I'm sorry. I did not catch your name.

840  
841 Ms. Vanalek - Caroline Vanalek.

842  
843 Mr. Mackey - All right. Does anyone have any questions for Ms. Vanalek?  
844

845 Mrs. Thornton - I was in the community meeting with you. I'm Mrs. Thornton.  
846 And your concerns were not to cut through the neighborhood that was already there. And  
847 I heard you loud and clear. And I totally agreed with you.

848  
849 Ms. Vanalek - And the protection of the open space for the animals. That  
850 was actually my biggest concern.

851  
852 Mrs. Thornton - And can you describe to me where you're -- are you talking  
853 about to the west?

854  
855 Ms. Vanalek - To the west. Yes. So originally, with the other development,  
856 there was a pond and wetlands area as well as a walking trail to connect the two

857 communities. Well, this -- the homeowner's community in a loop so that, you know, kids  
858 could walk along the trail and ride their bikes and go around. There was open space for  
859 wildlife. It's significantly different than what it was planned. So it was planned for 19  
860 homes, and now they're going to double it to 41.

861  
862 It's just a high-density change that I don't think is consistent with what's happening at  
863 Bacova. And there is 55 and up housing very close. And to the north they've done a  
864 proposal -- I don't know if it's going through -- at the church to put in, I think, low-income  
865 housing of some sort. So it's a different proposal. But the density is going to get a lot on  
866 Pouncey Tract and on North Gayton. Probably too much.

867  
868 Mrs. Thornton - Okay. Livingston do you have where the -- there was more  
869 trees on the west-hand side of -- in the old proposal?

870  
871 Mr. Lewis - Unfortunately, this does not, I don't think, show all of the features  
872 being referred to. But I think this may be the stormwater management pond referred to.  
873 It does not show the extent of clearing. I don't have a -- I don't have an image that shows  
874 that.

875  
876 Mrs. Thornton - So where that pond is, is -- that's not part of this proposal.

877  
878 Mr. Lewis - It's not.

879  
880 Mrs. Thornton - That's a separate --

881  
882 Mr. Lewis - It's off of the subject site.

883  
884 Mrs. Thornton - Okay. It's not on this --

885  
886 Ms. Vanalek - I did have it on my phone.

887  
888 Mrs. Thornton - It's not on this particular piece of land.

889  
890 Mr. Lewis - It's not.

891  
892 Mrs. Thornton - Okay. Thank you.

893  
894 Ms. Vanalek - Do you not have the proposal from before that you guys  
895 shared at the planning meeting with the community picture?

896  
897 Mrs. Thornton - This was the original 19 homes that they had proposed, this  
898 was the drawing. That's what I just wanted to see how the layout was.

899  
900 Ms. Vanalek - Okay.

901

902 Mrs. Thornton - And so I think the stormwater drain -- are you talking about  
903 that one where he's circling right now?  
904  
905 Ms. Vanalek - Yes. And in the --  
906  
907 Mrs. Thornton - Okay.  
908  
909 Ms. Vanalek - -- color drawings that were proposed to the community --  
910  
911 Mrs. Thornton - That actually isn't part of this proposal. That --  
912  
913 Ms. Vanalek - No. That -- they had another pond. It's a triangle not -- sort  
914 of like that one, but it was bigger. It was probably twice as big.  
915  
916 Mr. Lewis - So just to make -- just to orient everyone again, this is the end.  
917 This is the corner, the western corner, of the site that we're talking about tonight. And  
918 that corner is in this location here.  
919  
920 Ms. Vanalek - Correct. And the old proposal included a pond that was quite  
921 large. Doesn't look the same as on that black and white image, but it was probably twice  
922 as big as that. And it was a color graphic and showed wetlands being preserved. Behind  
923 that pond there were no houses.  
924  
925 Mrs. Thornton - Okay. Could you tell us the regulations on the wetlands? Do  
926 you -- where the proposal is now? Can you show us that one, please? The map? Right  
927 there. They are not allowed to touch that. Right?  
928  
929 Mr. Lewis - Assuming this is wetlands. It has not been identified as  
930 wetlands. It's being called out as if possibly it is wetlands. I think the applicant may know  
931 the site's features a little bit better than I do.  
932  
933 Mrs. Thornton - Okay.  
934  
935 Mr. Lewis - Given their engineering on it. But --  
936  
937 Mrs. Thornton - I'll ask him. Okay. All right. Thanks, Livingston.  
938  
939 Mr. Mackey - All right. Thank you, Ms. Vanalek.  
940  
941 Ms. Vanalek - Thank you.  
942  
943 Mr. Mackey - I think we had a -- someone else who was in opposition via  
944 Webex. Mr. McGuire.  
945  
946 Ms. Deemer - Mr. Chairman, we have several individuals in opposition. Our  
947 first individual is Mr. Bill McGuire. He is now unmuted.

948  
949 Mr. Mackey - Okay. Let me take a moment to remind everyone that we've  
950 gone over the rules at the beginning of this. And you have 10 minutes time to share  
951 amongst all of you. We don't know how many people you have, but please be mindful of  
952 that. Okay. Thank you.

953  
954 Ms. Moore - Just to reiterate, Mr. Chairman, we have about six minutes left  
955 allotted for the rest, and as -- if you wish, we can always extend that. But if you could  
956 each keep your comments brief. And if it's been the same comment the previous person  
957 said, you know, you can just say ditto. Thank you.

958  
959 Mr. Mackey - Thank you, Ms. Moore. Go ahead, Mr. McGuire.

960  
961 Mr. McGuire - Okay. Thank you for the opportunity. So I understand and I'll  
962 keep this brief. So I do agree with everything that the previous person mentioned. I will  
963 highlight that bringing in the age-restricted and meshing with what is the rest of the entire  
964 neighborhood seems to be a bit of mixing a little oil and water, potentially.

965  
966 And then the other side is, we are actually in a cul-de-sac on Leakes Mill Court and our  
967 property has the easement for the walking path that is supposed to -- that was supposed  
968 to connect all of the neighborhoods that were previously mentioned.

969  
970 And I'm -- and I haven't seen any indication or proffer of what is going to happen to that  
971 walking path. Are we going to be connecting just through to that age-restricted community  
972 to allow them access? Because it was originally intended to be a circuitous route that  
973 could be utilized by everyone instead of just a small segment of the population. That's --  
974 those are my -- those are my comments and questions and opposition.

975  
976 Mr. Mackey - All right. Thank you, Mr. McGuire. Does anyone have any  
977 comments or questions for Mr. McGuire?

978  
979 Mrs. Thornton - We'll ask the applicant when he comes up about the walking  
980 path. Okay.

981  
982 Mr. McGuire - Thank you.

983  
984 Mr. Mackey - All right, Ms. Deemer, we're ready for the next person.

985  
986 Ms. Deemer - Mr. Chairman, the next speaker is Lakshmi Alam. They are  
987 now unmuted.

988  
989 Mr. Mackey - You can go ahead, Ms. Alam.

990  
991 Ms. Deemer - Mr. Chairman, they are signed on twice. I am going to try the  
992 other -- just one second, please.

993

994 Mr. Mackey - All right.  
995  
996 Ms. Deemer - Ms. Alam is now unmuted.  
997  
998 Mr. Mackey - Okay.  
999  
1000 Ms. Alam - Hi. Hello, everybody. I have the same opposition as Caroline  
1001 over there in person presented. It's the same thing -- ditto. So I just don't want to extend  
1002 it. It's the same as Caroline's concerns.  
1003  
1004 Mr. Mackey - Okay. All right. Thank you, Ms. Alam. Okay, Ms. Deemer.  
1005  
1006 Ms. Deemer - Mr. Chairman, the next speaker is Karthigeyan Rajagopal.  
1007 They are now unmuted.  
1008  
1009 Mr. Rajagopal - Hello, everyone. I'd like to voice an opposition with regards to  
1010 -- addition to what Caroline, Bill and Lakshmi had said. This also adds 41 community  
1011 members or families that are going to use the same facilities as the rest of the Bacova  
1012 community that's already stressed. So I would like to add in addition to what Caroline  
1013 and Bill and Lakshmi added, that this is going to be a stress on the clubhouse without  
1014 having any additional plots around the impact to add 41 more families to that.  
1015  
1016 Mr. Mackey - All right. Thank you, Mr. Rogi --  
1017  
1018 Mr. Rajagopal - Thank you.  
1019  
1020 Mr. Mackey - Mr. Rajagopal. Any questions or comments? All right, Ms.  
1021 Deemer, do we have anyone else?  
1022  
1023 Ms. Deemer - Mr. Chairman, I believe this will be our last speaker. It is  
1024 James Tucker and he is now unmuted.  
1025  
1026 Mr. Tucker - Hello. Thank you very much for your time this evening. Just  
1027 like the others, I'm also in opposition and ditto to the previous speakers. We've purchased  
1028 these properties with families in mind, and this was a very family-oriented community.  
1029 And having a non-family section along heavily traveled routes that will no doubt with  
1030 walking paths, et cetera, just, again, like Bill had said earlier, is an oil and water type of  
1031 situation. And so I'm also opposed. Thank you for your time.  
1032  
1033 Mr. Mackey - All right. Thank you, Mr. Tucker.  
1034  
1035 Mr. Baka - I have a question for Mr. Tucker, Mr. Chairman.  
1036  
1037 Mr. Mackey - Yes, sir.  
1038

1039 Mr. Baka - When you say a non-family section what exactly do you  
1040 mean?  
1041  
1042 Mr. Tucker - Well it's a 55-plus community and those communities do not  
1043 allow children. And so there's concerns that the children ride through the neighborhood.  
1044 You know, if there's bike paths that go through that they could run into opposition. And if  
1045 there's pool-only hours for only a certain segment of the community, that further limits  
1046 families' ability to utilize the facilities that we have -- the reasons that we bought in this  
1047 area.  
1048  
1049 Mr. Baka - Okay. Just to clarify, I mean, there're -- there're families -- if  
1050 there's homes for sale, it'll also be possibility of families moving in there. Families  
1051 meaning senior citizens or senior families. So a lot of times people will move to a home  
1052 in the area where maybe their adult children might live -- might live in close proximity or  
1053 might not. But I guess that I would just characterize this as older families moving in.  
1054 Maybe not with extensive number of children, but just wrapping my head around kind of  
1055 what you're saying. Just trying to understand it. But thank you very much for your  
1056 comments, and I appreciate you calling in.  
1057  
1058 Mr. Tucker - Yep.  
1059  
1060 Unknown Speaker  
1061 with Mr. Tucker - You're not done talking.  
1062  
1063 Mr. Tucker - Yeah. So, again, it's just -- it's all about if no young families  
1064 are not able to utilize the facilities because of concessions and the restrictions that are  
1065 going to be put in place for specialized parts of the community, it disrupts and will segment  
1066 the community. And I just really don't want to see that happen.  
1067  
1068 Mr. Mackey - All right. Thank you, Mr. Tucker.  
1069  
1070 Mr. Tucker - Thank you.  
1071  
1072 Mr. Mackey - Ms. Deemer, do we have anyone else?  
1073  
1074 Ms. Deemer - No. We do not.  
1075  
1076 Mr. Mackey - All right. Is there anyone that is in attendance that would like  
1077 to speak in favor of the proposal?  
1078  
1079 You want to hear from the applicant?  
1080  
1081 Mrs. Thornton - Yes.  
1082  
1083 Mr. Condlin - Is that me?  
1084



1085 Mr. Mackey - Yes, sir.

1086

1087 Mrs. Thornton - Yes.

1088

1089 Mr. Condlin - Good evening Mr. Chair, members of the Commission. Andy  
1090 Condlin here on behalf of the applicant to -- with respect to the request being made on  
1091 this 11 acres.

1092

1093 Just general form. Obviously, as Mr. Lewis had already pointed out, we have 41 detached  
1094 age-restricted homes with an access, at this point, that is shown only to Pouncey Tract  
1095 Road, not to the neighborhood. When we had a community meeting that was clear that  
1096 they did not want to have access to the community -- to the existing communities. And  
1097 so we changed it accordingly.

1098

1099 Mr. Lewis has done a nice job describing some of the amenities and the -- and the  
1100 qualifications and the quality standards that we've provided for in the application as we've  
1101 gone through this.

1102

1103 I did want to make a couple of comments on commitments that we've made to Ms.  
1104 Thornton -- Mrs. Thornton and staff regarding we do have to change the concept plan in  
1105 a couple different ways that we feel like we can do that, obviously, before the Board of  
1106 Supervisors and, quite frankly, do it immediately after the Planning Commission. One is  
1107 to provide for the two access points that Mr. Lewis had referenced that we put in our plan  
1108 for the western -- as he's showing, for the western property there would be a connection,  
1109 and then to the south -- again to be able to provide for better connections, at some point,  
1110 on the south, since we only have access to Pouncey Tract Road. And as those  
1111 developments occur there would be a connection into our facility.

1112

1113 We've also been requested and we're working on providing for two parking spaces on  
1114 that stub road that goes through -- that Mr. Lewis is showing right there in that area to  
1115 provide for additional parking and guest parking. We already are, I don't want to say  
1116 overparked, but exceed the Code requirements for parking on the site. But making sure  
1117 that we have enough parking in all areas of the site so as visitors come in, they're having  
1118 that ability to do that. So we'll do that as well.

1119

1120 And we've committed to work with staff to break up that long -- that line of 17 units. One  
1121 of the suggestions made that were working on -- I've seen three different versions -- is  
1122 flipping that park to the north of that and moving one or two of the units to the south. So  
1123 that'll break up that line of units.

1124

1125 We're already, of course, committing to provide for variation in the type of units and the  
1126 color and the elevations of all those units. But that would further break that up. And, as  
1127 I said, I've already seen just this afternoon three different versions. And I think that's an  
1128 easy change to one or two of those units to break up that linear from that standpoint. So,  
1129 with all that, staff of course had recommended approval.

1130

1131 I'd like to address some of the comments that were made. With respect to the floodplain  
1132 area and the wetlands area to the north that Mr. Lewis is referencing right there, that has  
1133 not been permitted. The other area to the south, near the park area, Mr. Lewis, that area  
1134 there.

1135  
1136 There has been allowed for a small area that's been permitted by the Army Corps of  
1137 Engineers for impact. But to the north, where Mr. Lewis was before, there is no impact  
1138 and there's no change in the BMP or the floodplain or the removal of any of the trees in  
1139 that area from the old plan to the new plan. This will still have a buffer. As a matter of  
1140 fact, if we look at the old plan, if you don't mind flipping to that, you can see that that area  
1141 is still there. There was homes backing up to it and they will still back up to it. But our --  
1142 the single-family detached homes that were proposed otherwise without the age  
1143 restriction did show some impacts as well to the southern part, but not to that northern  
1144 part where he's got his cursor. So there's been no change. There will be no change to  
1145 that area. Certainly, no change to the plan for off this area that's not being zoned. And  
1146 there's no change to the floodplain in that area up to the treed area that's on the property  
1147 that's being zoned itself.

1148  
1149 With respect to the neighborhood cut-through, that was a pretty significant with concern  
1150 that was raised at the community meeting. And so we have closed that so that there  
1151 would be no cut-through. Because there was a concern that people that were buying  
1152 their homes we're planning on having just the number of units that were in the original,  
1153 which was 19, and that were changing that to the 41 age-restricted.

1154  
1155 But, again, this is -- as you can see, we're trying to make an enclave. A very exclusive  
1156 area for this is age restricted. Doesn't mean people can't come on here. In the original  
1157 plan there was no specific circuitous route for trails. We will have open space. We will  
1158 have some amenities for this, particularly folks. But, again, we were asked not to make  
1159 the connection to the existing neighborhood, so we are not -- that doesn't mean we can't  
1160 make trail connections. That just hasn't been designed, quite frankly, nor was it designed  
1161 or planned for specifically for the previous proposal for the single-family non-age  
1162 restricted. And nor is it, at this point, have we gotten that far as far as the connection  
1163 itself. Doesn't mean folks can't come into here.

1164  
1165 Of course, we've got the Westmont is at the very corner of Pouncey Tract and Gayton,  
1166 which is an assisted living facility. We do think that this is going to make a nice continuing  
1167 -- continuum of use for folks that are aged 55 and up to be able to live here, to move  
1168 maybe closer to their -- to their families. And then be able to move into the assisted living  
1169 facility specifically.

1170  
1171 I believe that the final comment was about the clubhouse. As has continued to happen  
1172 and occur as we've expanded Bacova, the actual clubhouse and amenities were planned  
1173 for in this area for the expansion of Bacova. And it was actually designed for that purpose.  
1174 That's been studied for this -- from the standpoint for the use of the seniors, and I don't  
1175 feel like it's going to overburden at all. They've looked at that as -- based on its existing  
1176 use, particularly with a different use pattern for the age-restricted than you would for the

1177 typical non-age restricted homes. But even with the 19 non age-restricted homes, that  
1178 was not going to burden. Again, it was planned for and designed specifically for that.  
1179

1180 So, with that, I believe I've answered the questions that were raised. I'm happy to answer  
1181 any other questions that you have. I'd ask that you'd follow the recommendation of staff  
1182 and recommend this to the Board of Supervisors. Thank you very much.  
1183

1184 Mr. Mackey - All right. Thank you, Mr. Condlin. Any questions?  
1185

1186 Mrs. Thornton - So I just wanted to -- he said there's a walking path up top in  
1187 his property some -- yeah. Right there.  
1188

1189 Mr. Condlin - Yes, ma'am.  
1190

1191 Mrs. Thornton - In the 2017, what was that connecting to and what was -- what  
1192 was proposed or what did the neighborhood tell? Do you know?  
1193

1194 Mr. Condlin - I don't know. I don't think that according to Mr. Babcock is  
1195 here it was -- the original developer is part of this team. There was no connection  
1196 between, well, what's planned for the walking trail there to this portion. Even under the  
1197 original proposal there was no walking trail specifically designed for that.  
1198

1199 Mrs. Thornton - So right now it's just an --  
1200

1201 Mr. Condlin - It just ends, yes.  
1202

1203 Mrs. Thornton - -- ends?  
1204

1205 Mr. Condlin - Yes. That's what I understand. I haven't been out there. I did  
1206 -- quite frankly I drove around the area and walked the area. But I didn't walk in that path  
1207 there, that specific area. So I believe that's what it is, Bob, is that it just ends at that area?  
1208 Yes.  
1209

1210 Mrs. Thornton - Not to say that you can't add for future --  
1211

1212 Mr. Condlin - Right. It wasn't designed specifically yet to put that in. Not  
1213 that we can't still, but it just hasn't been designed.  
1214

1215 Mrs. Thornton - Okay. And someone made a comment about making certain  
1216 hours at the pool or limiting their access. Is that a proposal? I haven't heard that.  
1217

1218 Mr. Condlin - I'm not comfortable with that. No, ma'am, that's not a  
1219 proposal. I mean, people that are members, they have to -- that are members of the pool  
1220 have a right to use the pool, whether they're age 55 or younger or older.  
1221

1222 Mrs. Thornton - Okay. I'm just going to make a general comment. 19 homes,  
1223 4 people in a home, it's 76 people.  
1224  
1225 Mr. Condlin - Yes, ma'am.  
1226  
1227 Mrs. Thornton - Forty-two homes?  
1228  
1229 Mr. Condlin - Yes, ma'am.  
1230  
1231 Mrs. Thornton - Is that what you're proposing?  
1232  
1233 Mr. Condlin - Yes, ma'am.  
1234  
1235 Mrs. Thornton - Two people would be 84. That's eight people difference.  
1236  
1237 Mr. Condlin - 41 homes, actually. Yes.  
1238  
1239 Mrs. Thornton - Oh, 41?  
1240  
1241 Mr. Condlin - Yeah. Right.  
1242  
1243 Mrs. Thornton - So six people difference. So I'm just thinking, numbers wise,  
1244 she was saying, or somebody was saying, it couldn't hold it.  
1245  
1246 Mr. Condlin - Right. It's a whole different, you know, use of that -- it's a --  
1247  
1248 Mrs. Thornton - So I just wanted -- I just wanted to clarify that there wasn't  
1249 something I didn't know about restricting the people that already have committed and live  
1250 there now to hours at the pool.  
1251  
1252 Mr. Condlin - No, ma'am. Right. No. There's -- there is none. No ma'am.  
1253 You know. And, of course, based on our expectation that there're different hours for use  
1254 of the community facilities when they're age restricted and folks that are retired tend to --  
1255 just like traffic -- tend to use those at a different time.  
1256  
1257 Mrs. Thornton - Okay.  
1258  
1259 Mr. Condlin - So it should have less impact.  
1260  
1261 Mrs. Thornton - Is there any talk of expansion? Or what you see at Bacova  
1262 pool and clubhouse right now is what you get?  
1263  
1264 Mr. Condlin - There's no -- as far as expansion of the clubhouse? No, not  
1265 at all. They're looking at the existing uses and the existing use of that facility -- of the pool  
1266 and clubhouse and that it's accommodating the need for the community at this point.  
1267

1268 Mrs. Thornton - Okay.  
1269  
1270 Mr. Condlin - Now it could -- it could expand, but there is nothing there. Of  
1271 course, you know, additional homes help with the capital cost of any expansion as  
1272 necessary, too.  
1273  
1274 Mrs. Thornton - Okay.  
1275  
1276 Mr. Condlin - You know. That's what it's been planned for.  
1277  
1278 Mrs. Thornton - Okay. That's all my questions. Thank you.  
1279  
1280 Mr. Condlin - Okay. Thank you.  
1281  
1282 Mrs. Thornton - I'm just going to make it on record that the 17 homes in a row  
1283 that you are working on flipping the parking, adding some --  
1284  
1285 Mr. Condlin - Yes, ma'am.  
1286  
1287 Mrs. Thornton - Okay. There you go.  
1288  
1289 Mr. Condlin - Yeah. Well that's one of the options that we're looking at.  
1290 We'll work with staff. We think that's going to work. You know. Our engineers are running  
1291 a couple scenarios to make sure. And, again, it's a wetlands.  
1292  
1293 Mrs. Thornton - Okay. And I just wanted to --  
1294  
1295 Mr. Witte - Wait a minute. Hello? Try it. I have a question.  
1296  
1297 We good now?  
1298  
1299 Mrs. Thornton - It's okay.  
1300  
1301 Mr. Witte - I'm going to -- I'm going to ask my question. The -- no I'm not.  
1302 Try it. Hello?  
1303  
1304 Mr. Baka - You can turn yours off. I hit any green button, like everyone,  
1305 but --  
1306  
1307 Mrs. Thornton - I don't have any.  
1308  
1309 Mr. Mackey - The red button. I think the Webex is off now.  
1310  
1311 Mr. Witte - Are we good now?  
1312  
1313 Mr. Mackey - Yeah.

1314  
1315 Mr. Witte - You can hear me?  
1316  
1317 Mr. Condlin - Yes, sir.  
1318  
1319 Mr. Witte - Okay. Thank you. I'm just wondering about the comments  
1320 from Public Safety. The Police and Division of Fire. Have those been addressed? The  
1321 width of the pavement looks pretty narrow, and there's no cul-de-sacs for turn arounds as  
1322 far as the Fire Department goes and the lighting issue with the Police Department.  
1323  
1324 Mr. Condlin - Right. Yes. In talking with our engineers today we had that  
1325 specific conversation about the road widths. And, yes, that's obviously -- it's intended to  
1326 be to scale, but we are going to have to meet those criteria as part of the subdivision/POD  
1327 process when we go through there. And we think, you know, they think they can, including  
1328 the turnarounds. They -- our engineers -- are insistent that they've talked to the Fire  
1329 Department to say that those meet the criteria that are necessary in a private-road  
1330 subdivision of this type.  
1331  
1332 Mr. Witte - All right. And how about the Police's issues with the lighting?  
1333  
1334 Mr. Condlin - And that's something that for -- as far as we're going to have  
1335 a sidewalk and they are going to have pedestrian-scale lighting. Again, we'll work with  
1336 them specifically as to what we're going to provide for on there. We haven't, you know,  
1337 designed that as this -- as to the specific lights. But that's something that's going to be  
1338 part of the application when we go through. It's part of a lighting plan and the subdivision/  
1339 POD process.  
1340  
1341 Mr. Witte - Thank you.  
1342  
1343 Mr. Condlin - As is typical.  
1344  
1345 Mr. Mackey - Any other questions? All right.  
1346  
1347 Mrs. Thornton - Anything else, y'all?  
1348  
1349 Mr. Mackey - No.  
1350  
1351 Mrs. Thornton - That was something else that, Mr. Witte, we had talked about  
1352 today with the turnarounds with the Fire Department, make sure they had enough room.  
1353 So they are aware of that. That's -- so maybe even adding the parking at the end of 1, 2,  
1354 3, and 4 so they can have a turnaround there.  
1355  
1356 Mr. Witte - Right.  
1357  
1358 Mrs. Thornton - That's what they're looking at. The other ones, they can pull



1405 proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed Use.  
1406 The site is in the Innsbrook Redevelopment Overlay District.

1407  
1408 The Staff Report will be presented by Ms. Lisa Blankinship.

1409  
1410 Mr. Mackey - Thank you, Ms. Moore.

1411  
1412 Ms. Blankinship - Thank you, Mr. Chair, members of the Commission.

1413  
1414 Mr. Mackey - Hello, Ms. Blankinship.

1415  
1416 Mr. Archer - Good evening, Ms. Blankinship.

1417  
1418 Ms. Blankinship - This is a request to conditionally rezone approximately .21  
1419 acres at The Shoppes at Twin Oaks to allow the dog boarding use which has first permitted  
1420 in the B-3 District.

1421  
1422 The shopping center is currently zoned B-2C and is located approximately 370 feet  
1423 southeast of the intersection of Cox Road and Westerre Parkway. The site is also part of  
1424 the Innsbrook Redevelopment Overlay District. Wanted to enlarge a little bit.

1425  
1426 With this request the applicant wishes to conditionally rezone the southwestern-most  
1427 tenant space, which is here, from B-2C to B-3C to allow an all-inclusive dog-care facility,  
1428 Dogtopia, which would offer dog daycare, short- and long-term boarding, and spa  
1429 services. While pet shops, dog beauty parlors, and obedience schools are first permitted  
1430 in the B-1 District, boarding of dogs either during the day or overnight is first permitted in  
1431 the B-3 District.

1432  
1433 The proposed dog-care facility would total about 4,600 square feet with four in-side play  
1434 areas and 96 kennels. The outdoor play area would be located to the rear of the site and  
1435 would be enclosed by an 8-foot-tall pre-cast concrete fence, as seen here.

1436  
1437 To minimize noise impacts on adjacent tenants, the applicant is committing to construct  
1438 interior walls with building materials and techniques that would provide a sound  
1439 transmission coefficient rating of 70.

1440  
1441 Combined with the proposed concrete fence, staff believes these modifications should  
1442 minimize potential noise impacts from the proposed use. The site's 2026 Comprehensive  
1443 Plan's designation is urban mixed use. The proposed B-3 zoning is consistent with this  
1444 designation.

1445  
1446 In addition, to minimize potential impacts, the applicant has committed to regulate the  
1447 development of the tenant space regarding interior sound-control techniques and outdoor  
1448 play enclosures. For these reasons, staff supports this request.

1449



1450 This concludes my presentation. I'll be happy to try and answer any questions you might  
1451 have.

1452  
1453 Mr. Mackey - Thank you, Ms. Blankinship, does anyone on the Commission  
1454 have any questions for Ms. Blankinship?

1455  
1456 Mrs. Thornton- Not at this time.

1457  
1458 Mr. Mackey - All right. Do we have anyone in attendance or via Webex  
1459 that's in opposition of this case?

1460  
1461 Ms. Smith - We have no one on Webex.

1462  
1463 Mr. Mackey - We'll hear from the applicant.

1464  
1465 Mrs. Thornton - Yeah. We have this couple.

1466  
1467 Mr. Mackey - All right. Go ahead. State your name, please, for the record.

1468  
1469 Ms. Irani - So my name is Anne-Marie Irani. I-r-a-n-i, and this is my  
1470 husband, Lawrence Schwartz. And we own a restaurant, which is right around the corner  
1471 from that outside fence, called Natalie's Taste of Lebanon. We -- so thank you for hearing  
1472 us.

1473  
1474 We want to start by saying that we are very much in favor of, you know, Henrico County  
1475 flourishing and at the shopping center which has really been not seeing a lot of businesses  
1476 and seeing mostly businesses leaving. We would love to see additional businesses. But  
1477 not at the expense of our business, which we have worked really hard to establish.

1478  
1479 So, if I may, I just want to give you a one-minute presentation of what this business is.  
1480 My husband and I are both physicians. We don't know much about the restaurant industry  
1481 and we don't know much about rezoning, honestly. We've been listening to this  
1482 presentation today not understanding very much. But we created -- we opened this  
1483 restaurant in December of 2016 because we have a daughter, Natalie, who is special  
1484 needs. And it was really for her to have a hostess job that she could do, but also to allow  
1485 other young people with special need to get employed. And we employed up to 8 or 10  
1486 at one point.

1487  
1488 As you can imagine, COVID has been incredibly difficult to go through. The one thing  
1489 that has helped us during COVID is that we have an outdoor patio, which in our case, is  
1490 in the back, as well. So, you know, when you say that the outdoor play area for the dogs  
1491 is in the back, it makes it sound like it's not going to affect the rest of the shopping center,  
1492 but it's literally around the corner from our patio.

1493  
1494 And so we really appreciate the effort to do the sound proofing, but it's an -- it's not a  
1495 closed roof. And with sound mediation there's still going to be sound. And so we actually

1496 asked for what we felt were reasonable, you know, requests. And, you know, our -- it's  
1497 also that our objections were not really made clear to the other party. They were told that  
1498 we were totally on board without any problems.

1499  
1500 I do want this committee to know that the next people who are going to talk are the Asian  
1501 Massage who are right next to us, and in between the current space for lease and us,  
1502 and that outside wall, the initial plan, was for it to go behind their backdoor. And they  
1503 were not aware of it at all. Neither, honestly, was Mr. Branin or, I think, the other people  
1504 helping the company.

1505  
1506 The only way I realized that is by having the property manager walk me through in the  
1507 back and show me exactly where the door would end. At which point I called Mr. Branin  
1508 who had them revise the plan. And I'm very grateful for this. But, you know, what we're  
1509 asking for -- they gave us a schedule and they said, the dogs are let out from 9:00 to  
1510 11:00 in the morning and 2:30 to 4:30 in the afternoon. And we asked that that but put  
1511 as a condition. And we're told that, well, they'll try as hard as they can, but they don't  
1512 want to be restricted. Well the only reason to not want it as a restriction is to give them  
1513 the option of bringing the dogs out during the lunch hour and, you know, after 5:00.

1514  
1515 If we don't have people sitting on the patio, we are dead. I mean, it's already been  
1516 incredibly hard to keep that restaurant functioning. And so we are requesting that, again,  
1517 we're not -- trying to not let them come even though it's not ideal for us to have a dog  
1518 place. But we would like for it to be a -- what is the word? Not optional that the dogs are  
1519 only allowed between 9:00 and 11:00 and between 2:30 and 4:30.

1520  
1521 And we're also asking that the customers coming not be allowed to park in the front of the  
1522 businesses. And I'm not going to talk just about my business, our business, but I have  
1523 spoken with the other people who are, unfortunately, were not able to figure out the  
1524 Webex.

1525  
1526 But I would ask that the parking spots that are in front of the nail salon and the bagel place  
1527 and, you know, all the individual businesses there be restricted. Because, you know, the  
1528 concern would be that if you park there and you bring your dog out, and I don't have  
1529 anything against dogs, that they potentially would, you know, urinate there and mark the  
1530 spot and have to come back.

1531  
1532 So these were the two requests that we had. We were hoping -- and Grace is going to  
1533 speak after me -- there are other empty spots in that shopping center, a really large one,  
1534 that could -- the same size as the current space that are at the other end of the shopping  
1535 center next to an empty space that would not interfere with any of the businesses -- that  
1536 potentially one considers that other one. But, at a minimum, if we could have the  
1537 restriction not be optional for the hours and have the restriction on the parking spot there  
1538 immediately in front of the buildings.

1539  
1540 Thank you for listening. Thank you.

1541

1542 Mr. Mackey - Thank you.  
1543  
1544 Ms. Irani - You have any questions for me?  
1545  
1546 Mr. Mackey - Any questions for Ms. Irani?  
1547  
1548 Mrs. Thornton - I do. I'm sorry. Okay. So the dog -- that they're proposing is  
1549 on the end. Where are you in that shopping center?  
1550  
1551 Ms. Irani - So there is the Dogtopia. Right next to it would be the Asian  
1552 Massage, and Grace is going to talk about that, and then our restaurant. But our patio is  
1553 in the back. It's not --  
1554  
1555 Mrs. Thornton - So, like, it's just one difference -- like there's only one retail or  
1556 business between you and the dogs?  
1557  
1558 Ms. Irani - Right. But in the back, it's not really the size of the retail. You  
1559 know. Because they're bringing the wall all the way to the Asian massage place.  
1560  
1561 Mrs. Thornton - Not anymore.  
1562  
1563 Ms. Irani - So it's a very narrow area between that -- the end of their wall  
1564 and our patio. It's literally around the corner. Because our patio is in the back. And that's  
1565 the biggest thing that we have going for us right now.  
1566  
1567 Ms. Blankinship - So that's the -- the patio is here for their restaurant. The dog  
1568 enclosure, the outdoor area, is here.  
1569  
1570 Mrs. Thornton - Well how is that in the back?  
1571  
1572 Ms. Blankinship - I'm sorry?  
1573  
1574 Mrs. Thornton - How is -- how is her restaurant in the --  
1575  
1576 Ms. Irani - Not the restaurant. The patio for the restaurant is on --  
1577  
1578 Ms. Blankinship - It's on -- it's on the side, actually.  
1579  
1580 Mrs. Thornton - Oh. The side. Okay.  
1581  
1582 Mr. Archer - Yeah. She did say around the corner.  
1583  
1584 Ms. Irani - Yeah.  
1585  
1586 Mrs. Thornton - Okay. So, like, in the grassy kind of area? Or no?  
1587

1588 Ms. Blankinship - It's actually covered, I believe, slightly covered. Let me try to  
1589 zoom in a little bit more.  
1590  
1591 Ms. Irani - Yeah. It's got --  
1592  
1593 Ms. Blankinship - I'm sorry. Right here.  
1594  
1595 Ms. Irani - Canvas roof.  
1596  
1597 Ms. Blankinship - And this is where the dog enclosure area -- it's approximately  
1598 80 feet. I measured via -- using GIS, the measuring tool.  
1599  
1600 Mrs. Thornton - Okay. And so the building you're talking about, just for  
1601 clarification, is the building all the way at the other end?  
1602  
1603 Ms. Irani - Correct.  
1604  
1605 Mrs. Thornton - Lisa, can you -- that one?  
1606  
1607 Ms. Irani - Yes. It's completely empty. So is the next space next to it.  
1608  
1609 Mrs. Thornton - The big space?  
1610  
1611 Ms. Irani - Yes. And then the other business right next to that empty  
1612 space is Chicago Pizza, and their patio is on the side, so not --  
1613  
1614 Mrs. Thornton - So same --  
1615  
1616 Ms. Irani - No. It's like a brick. See, ours goes through the grass area in  
1617 the back. I'm sorry, I keep saying the back. It's the back of our restaurant. It's right  
1618 around the corner of that dog thing.  
1619  
1620 Mrs. Thornton - Okay. Thank you.  
1621  
1622 Ms. Irani - And I have spoken with the other -- I have called the other  
1623 owners of the bagel place and said, If I ask for them to consider that other place, would  
1624 you be okay with it? And he said, I would not oppose it. And he was supposed to be on  
1625 the Webex. I don't think he figured it out. I'm sorry.  
1626  
1627 Mrs. Thornton - Okay. Thank you.  
1628  
1629 Ms. Irani - Thank you.  
1630  
1631 Mr. Mackey - Any other questions?  
1632  
1633 Grace Ng - Good evening

1634  
1635 Mr. Mackey - Good evening.  
1636  
1637 Grace Ng - I am not the owner, but this lady here, she's the owner of Asian  
1638 Health Massage -- [Ms. Ng is referring to the business owner, Liu Wentte.]  
1639  
1640 Mr. Mackey - All right. Could we get you to state your name for the record?  
1641  
1642 Grace Ng - -- so I'm just helping her to speak up. Huh? Oh. My name is  
1643 Grace. I'm just a friend helping this lady to speak and representing her. And I lived in  
1644 Henrico -- yeah.  
1645  
1646 But she wants to say because her massage place is next to this Dogtopia and she has  
1647 concern about the sound of the dogs and stuff like that. Because her massage place is  
1648 for people to relax, and they be able to do something that is more quiet. So she's very  
1649 worried about that the dog may be affecting, you know, the customer.  
1650  
1651 And one thing, talking about the time restriction, because the 8-foot border in the back is  
1652 just next to her back door. And she's worried that the sound of the dogs going outdoor  
1653 will be, like, really loud. So she really wants to see if they had been able to have some  
1654 time restriction for the dogs to come out. So this is what she wants to express.  
1655  
1656 Mrs. Thornton - Can you tell me your hours of operation?  
1657  
1658 Grace Ng - Yes. We hope that it would be 9:00 to 11:00 and then --  
1659  
1660 Mr. Mackey - No. Yours.  
1661  
1662 Mr. Archer - Your business.  
1663  
1664 Grace Ng - Oh. [To the business owner: What's your hour of operations?]  
1665 Starting at 9:30 in the morning and ends at 9:30 in the evening.  
1666  
1667 Mrs. Thornton - Okay. Thank you.  
1668  
1669 Mr. Baka - Do you serve customers at 9:30 in the morning? Just to  
1670 clarify. Or is that when you open and start working?  
1671  
1672 Grace Ng - Yes, uh-huh. Yeah. They have customers starting at 9:30.  
1673  
1674 Mr. Baka - Thank you.  
1675  
1676 Mrs. Thornton - Okay. Thank you.  
1677  
1678 Mr. Mackey - All right. Thank you. Any other quest --  
1679

1680 Grace Ng - Thank you.  
1681  
1682 Mr. Mackey - Any other questions?  
1683  
1684 Mrs. Thornton - Yeah.  
1685  
1686 Mr. Mackey - Any other questions? All right. We'd like to hear from the  
1687 applicant now.  
1688  
1689 Thank you.  
1690  
1691 Mrs. Thornton - All right. I need that.  
1692  
1693 Mr. Condlin - Good evening, Mr. Chairman, members of the Commission.  
1694 Again, Andy Condlin, here on behalf of the applicant for this case. Yeah. Trying to get  
1695 this to -- microphone to get up.  
1696  
1697 Again, this is The Shoppes at Twin Oakes Shopping Center. Obviously, it's had  
1698 numerous challenges throughout the years. It, quite frankly, since it's started. Historically  
1699 it's been -- tenants have mostly been restaurant uses. And, obviously, the pandemic has  
1700 not helped a lot of those uses.  
1701  
1702 Currently they're looking at about a 40 percent occupancy level, which is not unusual for  
1703 this, historically, for this location. There has been some restaurants have come and gone,  
1704 obviously, but that -- one of the major issues was access. There's no access off of Cox  
1705 Road, the main road, nor is -- so off of Westerre Parkway only recently did they add an  
1706 access -- able to add an access directly into the parking lot. Which has helped.  
1707  
1708 They're obviously looking for uses to energize the center, to create some activity in the  
1709 center, and they're close to actually -- I apologize, Ms. Blankinship, if you don't mind  
1710 flipping to the concept plan or the site plan. The one area that we were talking about,  
1711 which is about 10,000 square feet.  
1712  
1713 The area that we're talking about is about 4,000 in the interior space, but the other end  
1714 cap is about 10,000 square feet that's available. They're actually looking at a child  
1715 daycare. They're close to signing a lease on that, which is the part -- area to the left. My  
1716 top left. That's right next to the pizza place.  
1717  
1718 And that would be -- have an outdoor area for the children, as well. They're working  
1719 through that right now. And some of those issues that have to come with that. And so  
1720 that's where that, again, daycare and trying to energize this.  
1721  
1722 This other use is this request that we're asking for, which is an overnight dog boarding  
1723 use that was being proposed. Dogtopia, which is the tenant, is one of the leaders in this  
1724 category -- if not the leader. And other boarding facilities, like Dogtopia, but Dogtopia  
1725 itself, are located in other high-end locations.

1726  
1727 And in Richmond it's not unusual to have boarding facilities in shopping centers. And  
1728 most of them are. I know our vet for our dog is at -- in Wellesley in a shopping center  
1729 next to my home. The Countryside Vet is in a shopping center. And it's not unusual to  
1730 have a dog boarding and veterinary locations in the shopping center.

1731  
1732 And, quite frankly, Dogtopia is trying to serve a higher-end clientele where they want a  
1733 nice, clean area and they do want to go into the shopping center areas and that's where  
1734 they prefer to go. And so they have a lot of history in working with that, in working with  
1735 those, and again, trying to energize this center. The landlord is trying to create  
1736 businesses and bring businesses in. As a matter of fact, with Dogtopia, they find with  
1737 their franchises there's 300 unique visitors that they bring into their facility that otherwise  
1738 wouldn't go into the facilities that they otherwise have.

1739  
1740 Obviously, concerns were raised. I am not familiar, obviously, with the Asian Health  
1741 Massage. I have nothing but great respect for Dr. Irani and Dr. Schwartz. And what  
1742 they're trying to do and what they have done, quite frankly, with Natalie's Taste of  
1743 Lebanon and what they've done. And so has that landlord wants to help encourage these  
1744 businesses and do these.

1745  
1746 So what they've tried to do is a couple of precautions in order to address the concern, but  
1747 mostly with the noise. It's what they anticipate. And Dogtopia has typically done these  
1748 things as well, but they've actually gone above and beyond in this particular location with  
1749 their design precautions.

1750  
1751 For the interior they've tried to mitigate the sound between the interior walls not only with  
1752 an enhanced construction that has been presented to and proffered, but also be -- allow  
1753 for an air gap at the demising walls and the exterior walls that goes to the roof deck. So  
1754 there's -- the anticipation is, based on their noise studies, that they would be sound  
1755 proofed enough that with the enhanced construction standards that have been proffered,  
1756 that they'd be able to provide for no -- the noise at a level that's typical for interior noise  
1757 for businesses to be able to operate.

1758  
1759 Also, they redesigned the interior layout so that the kennels would be moved away from  
1760 and more administrative offices around the interior space and move the kennels and the  
1761 dog areas away from the interior walls next to the adjacent Asian Health Massage.

1762  
1763 With respect to the exterior area, the outdoor area is about 1500 square feet. It was a  
1764 mistake and Ms. -- Dr. Irani did point that out and that was brought to our attention. I don't  
1765 know how it happened originally, but I didn't notice it either, that it was supposed to be  
1766 just beyond -- behind our particular area.

1767  
1768 Usually what Dogtopia does, is uses an 8-foot-high vinyl fence. Because of this area,  
1769 they wanted to be able to provide the -- for enhanced measures. They use the pre-cast  
1770 fence, the material that's used for highway construction and noise abatement, as well as  
1771 for residential. And, well, as you see, Ms. Blankinship is providing that.

1772  
1773 One of the issues was, of course, trying to make it from a viewpoint from Cox Road to  
1774 blend in, but also to make a more effective noise barrier. Dogtopia has provided for the  
1775 noise study that they typically have. They didn't do a noise study with this particular fence,  
1776 they did it with an 8-foot vinyl fence, and it is within the -- the decibel level that's required  
1777 is about 54 decibels within 80 feet from this particular -- as you go 80 feet away from it.  
1778 So, again, the noise study is shown that -- in how they operate. And that it -- at a reduced  
1779 noise level.

1780  
1781 One of the other things that they do from that standpoint, is they don't let all the dogs out  
1782 there at any time. They do have -- do have them on a schedule, and they do try to phase  
1783 them in so there's not a large number of dogs. They're always supervised when they go  
1784 out. They do operate specifically with respect to specific hours that they allow for the  
1785 dogs to go outside. Again, because of personnel and trying to -- and having that -- have  
1786 folks out there. But what they didn't want to do is to have specific hours so that the dogs  
1787 that were going to go out to exercise -- that's not for relieving themselves, but to be able  
1788 to go out and exercise -- to be limited to specific hours so that they could, again, phase it  
1789 in so they don't have a large number of dogs out there, so they can bring dogs in at a  
1790 particular time.

1791  
1792 They are going to try to -- and the real reason that the landlord was hesitating trying to  
1793 limit the hours itself, is that it's a policing issue to be able to go out there and keep an eye  
1794 on it constantly. The tenant is -- tenant has their specific hours. They are going to try to  
1795 limit their hours. But my client, at this time, is unwilling to specify the specific hours that  
1796 they would use the outdoor space to very specific timeframes other than their general  
1797 operation.

1798  
1799 The landlord has, and I haven't proffered it, I don't think it's necessary for proffer. We'll  
1800 provide for, and we can proffer it if you want, with respect to the signage on the -- for the  
1801 two units, that is the Asian Health Massage and for Natalie's Taste of Lebanon, for those  
1802 two units, to provide for parking for those facilities only outside of their units. Because  
1803 they're right next to there. I'm happy to proffer that if you want to. And we can put up that  
1804 signage from that standpoint.

1805  
1806 So, with that, I'm happy to answer any questions and I ask you to follow staff's  
1807 recommendation for approval.

1808  
1809 Mr. Mackey - Thank you, Mr. Condlin. Any questions?

1810  
1811 Mrs. Thornton - I do. I have a couple. What are your hours of operation for  
1812 Dogtopia?

1813  
1814 Mr. Condlin - The hours of operation for the dog facility itself is from 7:00 to  
1815 8:00, Monday through Friday, 9:00 to 5:00 on Saturday, and 11:00 to 2:00 on Sunday.

1816



1817 Mrs. Thornton - 7:00 to 8:00. So I would like to see some limitations. I do feel  
1818 like these people are already there.  
1819  
1820 Mr. Condlin - Yes, ma'am.  
1821  
1822 Mrs. Thornton - Okay. They're already tenants. They pay their - they're doing  
1823 what they need to do. I have a couple things. I do want it proffered that they have  
1824 designated spots. Because I do hear you. The dogs will jump out. They will go and pee  
1825 and do whatever they need to at this -- that spot. Then the next client comes, the dog's  
1826 going to want to go there. And it's just --  
1827  
1828 Mr. Mackey - Build up.  
1829  
1830 Mrs. Thornton - Going to ruin what's in front of their facility right now. They've  
1831 got plenty of green space toward Cox Road that they can, you know, park that way, take  
1832 the dogs that way to go to the bathroom.  
1833  
1834 Mr. Condlin - And we have parking in that area. Yes, ma'am. So we can  
1835 proffer that. That's not a --  
1836  
1837 Mrs. Thornton - Please proffer that. My concern is the wall -- I see where the  
1838 wall goes. Now does it go this way toward the building to cut off her door?  
1839  
1840 Mr. Condlin - No, ma'am. It's been redesigned based on the plan, so that  
1841 it's literally right behind this facility and only this facility.  
1842  
1843 Mrs. Thornton - Correct. So it's, like --  
1844  
1845 Mr. Condlin - Correct.  
1846  
1847 Mrs. Thornton - -- like this.  
1848  
1849 Mr. Condlin - Yes, ma'am.  
1850  
1851 Mrs. Thornton - Okay. So if the dog's in this corner barking because it wants  
1852 the ball, her door is right here. Correct?  
1853  
1854 Mr. Condlin - I -- that would probably be true. Yes, ma'am.  
1855  
1856 Mrs. Thornton - Okay. So she is correct that that sound is going to carry --  
1857 you're soundproofing this wall only. Correct?  
1858  
1859 Mr. Condlin - We're sound -- no. We're soundproofing the entire play area  
1860 with this concrete --  
1861

1862 Mrs. Thornton - Inside, though. Because if her massage table is on the  
1863 interior, like, in the back part of this --  
1864  
1865 Mr. Condlin - On the inside. Okay. Yes, ma'am.  
1866  
1867 Mrs. Thornton - Okay. If they're outside barking, that back wall is not sound  
1868 proofed, and that's where most of the barking is going to be coming from, when they are  
1869 jumping around wanting the ball --  
1870  
1871 Mr. Condlin - That back wall we can commit to -- and we have committed to  
1872 be able to commit to having that sound proofing that we have on the interior demising  
1873 walls on all the exterior walls as well. Including the back. Including the Cox roadside.  
1874  
1875 Mrs. Thornton - Her side.  
1876  
1877 Mr. Condlin - Well, that's what was the original concern was on her side, to  
1878 have the enhanced soundproofing on the construction in the air gap all the way to the roof  
1879 deck. We would provide that on the back wall as well.  
1880  
1881 Mrs. Thornton - But in her building. In her unit.  
1882  
1883 Mr. Condlin - Yes, ma'am. Well not -- in her unit, you know, you mean go  
1884 into her unit and actually do that to -- oh, okay. I misunderstood that.  
1885  
1886 Mrs. Thornton - Because, what I'm saying, is that wall goes straight to her back  
1887 door.  
1888  
1889 Mr. Condlin - Yes, ma'am.  
1890  
1891 Mrs. Thornton - You're cutting it. The dogs are not going to stay over here,  
1892 they're going to run back and forth. They're going to be barking in this one corner. Her  
1893 door is right there.  
1894  
1895 Mr. Condlin - The exterior door in the rear to go out?  
1896  
1897 Mrs. Thornton - Yes.  
1898  
1899 Mr. Condlin - Right.  
1900  
1901 Mrs. Thornton - So I don't know how loud that's going to be. But if you're  
1902 soundproofing here, that's fine. Internal, when you put them in kennels, you're going to  
1903 soundproof. But exterior you can't control the dogs from barking. You're not going to --  
1904  
1905 Mr. Condlin - Correct.  
1906  
1907 Mrs. Thornton - That's my concern.

1908  
1909 Mr. Condlin - Right. Well, I -- when you say exterior, you're talking about  
1910 the exterior --  
1911  
1912 Mrs. Thornton - I mean, it's not like this is a daycare next door. They're loud  
1913 too. This is a massage parlor. You know. We've got to be, you know, quiet. Or I would  
1914 never go. And then she's out of business.  
1915  
1916 Mr. Condlin - Right. So I guess I -- and I apologize if I'm being hard-headed  
1917 about it. I mean, I just don't understand what -- where you're -- what you're asking.  
1918  
1919 Mrs. Thornton - That's okay. I just -- that's just what I -- you all -- what do you  
1920 all -- how do you all feel? I mean, it's just a different, unique, situation to have a dog in a  
1921 shopping center like this. And it's boarding and it's -- I understand the vet. I live near  
1922 Wellesley. They go out to go to the bathroom on a leash. They come back in. They don't  
1923 go out there and throw a ball. They don't play all day. So --  
1924  
1925 Mr. Condlin - Yes, ma'am.  
1926  
1927 Mr. Archer - I had a question or an observation. Doctors Irani and  
1928 Schwartz, Dr. Irani mentioned that there is a building within the same property that is  
1929 empty. All these buildings under the same ownership? Common ownership?  
1930  
1931 Mr. Condlin - Yes, sir. Yes, sir. That's where they're looking to put a  
1932 daycare.  
1933  
1934 Mrs. Thornton - They're doing a daycare.  
1935  
1936 Mr. Archer - I was just curious about the building that she mentioned that's  
1937 sort of down and across from where you are. If that property is available. And would it  
1938 not -- would it not fit that --  
1939  
1940 Mr. Condlin - Well it's empty right now. It used to have a restaurant. Part  
1941 of that had a restaurant in it. And it's a total of 10,000 square feet. And, you know, it  
1942 does have a restaurant next door as well. You know, so I'm not sure it's gaining a lot, you  
1943 know, other than pushing it down and pushing it on someone -- if it's a problem. But it's  
1944 planned for at 10,000-square-foot child daycare facility with, you know, with a play area  
1945 in the back. So that's what they're working out right now and they're -- I was told they're  
1946 getting ready to sign the lease. That's what I was told.  
1947  
1948 Mr. Mackey - Okay. I just want to make sure all the options have been  
1949 explored.  
1950  
1951 Mrs. Thornton - Mmm-hmm.  
1952

1953 Mr. Baka - Mrs. Thornton, to answer your question, I would agree with  
1954 your sentiment that you need to be very mindful of those existing residents and business  
1955 -- those existing business owners in there.  
1956  
1957 Mr. Witte - I also would be concerned if I was a business in these times  
1958 and operating and then had possible disruptions come in. I can understand their concern.  
1959 And I guess if I was in their shoes, I'd be concerned, too. You know. It's just not the best  
1960 use next to this type of facility.  
1961  
1962 Mrs. Thornton - Mr. Witte, you have one that's near a restaurant, Kickback  
1963 Jack's that we did a year ago.  
1964  
1965 Mr. Baka - It's been -- it's been a couple years. Yeah.  
1966  
1967 Mrs. Thornton - Okay. COVID I forgot the whole year. So. Let's go back '19.  
1968 Have you had any complaints or concerns in your district?  
1969  
1970 Mr. Witte - No, we -- it's all buffered and --  
1971  
1972 Mrs. Thornton - Right.  
1973  
1974 Mr. Witte - They don't go outside except for use the bathroom and just  
1975 one or two at a time for a short period of time. And it seems to be no issues.  
1976  
1977 Mrs. Thornton - Okay.  
1978  
1979 Mr. Witte - But you got to remember there's no --  
1980  
1981 Mrs. Thornton - Massage.  
1982  
1983 Mr. Witte - It's a different situation in -- than this isolated one here. So.  
1984  
1985 Mr. Baka - Right. Party City is immediately next door on that one.  
1986  
1987 Mrs. Thornton - Right.  
1988  
1989 Mr. Baka - Yeah. It's a retail shop. Yes, sir.  
1990  
1991 Mrs. Thornton - So, Andy, what -- I'm torn here, because do you need to talk  
1992 to your applicant about the potential of doing some soundproofing to protect them on their  
1993 back wall? Or are you willing to commit?  
1994  
1995 Mr. Condlin - Okay. So I think I got it now. And I apologize, it took me a  
1996 second, but you're talking about on the rear of their unit, to do something specific of -- to  
1997 help soundproof --  
1998

1999 Mrs. Thornton - Mitigate the sound.  
2000  
2001 Mr. Condlin - Mitigate that sound. That's the first time I've heard of that  
2002 issue, obviously, so I'd have to talk to my client. I can't commit to that without talking to  
2003 my client first.  
2004  
2005 Mrs. Thornton - Okay. Okay. Well, then, Mr. Chairman --  
2006  
2007 Mr. Mackey - Yes, ma'am.  
2008  
2009 Mrs. Thornton - I move that REZ2021-00019, KG1 Twin Oaks, LLC be  
2010 deferred to the June 10, 2021, meeting at the request of the Commission.  
2011  
2012 Mr. Archer - I second that.  
2013  
2014 Mr. Mackey - All right. We have a motion by Mrs. Thornton and a second  
2015 by Mr. Archer to defer REZ2021-00019 KG1 Twin Oaks, LLC at the request of the  
2016 Commission. All in -- all in favor say aye. Any opposed?  
2017  
2018 Mr. Condlin - And I just want to clarify. Obviously, it's going to be subject to  
2019 their agreeing to that.  
2020  
2021 Mrs. Thornton - I know. I was going to say that, but I was already caught and  
2022 I was like, do I backtrack?  
2023  
2024 Mr. Condlin - So. Yeah. So I just want to make sure. I mean, obviously it's  
2025 subject to -- we can't just go in there and start --  
2026  
2027 Mrs. Thornton - Correct.  
2028  
2029 Mr. Condlin - -- throwing stuff in there.  
2030  
2031 Mrs. Thornton - We'll -- I -- we'll communicate.  
2032  
2033 Mrs. O'Bannon - I did want to make a comment. If there's one thing I've learned  
2034 in the -- in 20-some years is sound carries very strangely. There've been sound studies,  
2035 you know, noise. Even just a whispering, but maybe high pitched, and Mr. Baka knows  
2036 what I'm talking about.  
2037  
2038 Mr. Baka - Yes.  
2039  
2040 Mrs. O'Bannon- A little -- a low hum.  
2041  
2042 Mr. Baka - I know what you're talking about. Yes, ma'am.  
2043

2044 Mrs. O'Bannon - Okay. Can keep people awake all night. So, I mean, sound  
2045 is very strange.  
2046  
2047 Mr. Baka - Yeah.  
2048  
2049 Mrs. O'Bannon- And I've even through the years done a study where there was a --  
2050 there, okay, civil war battles where they decided to charge over the hill and nothing was  
2051 there. It was several hills over. Because the clouds were near. In other words, sound  
2052 travels very strangely.  
2053  
2054 Mr. Condlin - I know what you mean. Yes, ma'am.  
2055  
2056 Mrs. O'Bannon - And high-pitched barking and that sort of thing will go through  
2057 just about anything. I know we have -- we have recommendations or standards for  
2058 condos and apartments that are built near the interstate. And we talk about between units  
2059 and all of that. And so this is interesting to me to see. But I am very concerned about  
2060 the noise of the dogs.  
2061  
2062 Mr. Condlin - Well as is -- as is the landlord. You know. And they want to  
2063 make sure that businesses are there. But, you know, the reality is that they also want to  
2064 bring people in. They're trying to do what they can to create some activity to help it, but  
2065 they don't want to hurt the existing businesses. That's very important to them as well.  
2066  
2067 Mrs. O'Bannon - Okay. I mean, but sounds.  
2068  
2069 Mr. Condlin - And they're -- that's why they tried to enhance everything  
2070 interior and exterior. So we'll continue to look at that and we'll talk with folks.  
2071  
2072 Mrs. O'Bannon - All right.  
2073  
2074 Mr. Mackey - Thank you. Now just for the record, I think we got a little bit  
2075 sidetracked. We did get the vote in, and I think it was all in favor of deferral. Correct?  
2076  
2077 Mrs. Thornton - Right. Correct. Deferral.  
2078  
2079 Mr. Mackey - Okay. Thank you.  
2080  
2081 Mr. Witte - Mr. Chairman.  
2082  
2083 Mr. Mackey - We did. We did.  
2084  
2085 Mrs. Thornton - We did, but then I just -- yeah.  
2086  
2087 Mr. Mackey - I didn't finish. Yeah. I didn't -- I didn't say -- I didn't say did  
2088 anybody oppose. I think I'm done with that.  
2089

2090 Mrs. Thornton - Okay.  
2091  
2092 Mr. Archer - Mr. Chairman, I know we're done. But I just want to applaud  
2093 the initiative of Drs. Irani and Schwartz for the effort that they're putting into providing the  
2094 services for special needs children. I think that's great.  
2095  
2096 Mr. Mackey - Absolutely.  
2097  
2098 Mrs. Thornton - Yeah. Thank you.  
2099  
2100 Mr. Archer - You're welcome. Thank you for all you do.  
2101  
2102 Mr. Witte - Thank you.  
2103  
2104 Ms. Moore - Mr. Chairman, we move on to the last two cases on your  
2105 agenda. It's on page 3 in the Tuckahoe District. And there are companion cases. I'll  
2106 read them all -- on presentation, but of course separate motions for each.  
2107  
2108 Mr. Mackey - Okay.  
2109  
2110 Ms. Moore - The first is REZ2021-00025 Jeffrey P. Geiger for Rebkee  
2111 Company.  
2112  
2113 **REZ2021-00025 Jeffrey P. Geiger for Rebkee Company:** Request to conditionally  
2114 rezone from B-2C Business District (Conditional) to R-6C General Residence District  
2115 (Conditional) Parcels 739-754-5257 and 739-754-6982 containing 7.91 acres located at  
2116 the southwestern intersection of Church Road and John Rolfe Parkway. The applicant  
2117 proposes a master-planned community. The R-6 District allows a maximum gross density  
2118 of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations and  
2119 proffered conditions. The 2026 Comprehensive Plan recommends Commercial  
2120 Concentration.  
2121  
2122 Master-planned communities are allowed with a provisional use permit, which is their  
2123 second application. PUP2021-00009, again, Jeffrey Geiger for Rebkee Company. And  
2124 again, for the master-planned community.  
2125  
2126 **PUP2021-00009 Jeffrey P. Geiger for Rebkee Company:** Request for a Provisional  
2127 Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of Chapter 24 of the County  
2128 Code to allow a master-planned community on Parcels 739-754-5257 and 739-754-6982  
2129 located at the southwestern intersection of Church Road and John Rolfe Parkway. The  
2130 existing zoning is B-2C Business District (Conditional). The R-6 District is proposed with  
2131 REZ2021-00025. The 2026 Comprehensive Plan recommends Commercial  
2132 Concentration.  
2133  
2134 Mr. Ben Sehl will be presenting these two presentations – or one presentation.  
2135

2136 Mr. Mackey - All right. Thank you, Ms. Moore. Yes, sir.  
2137

2138 Mr. Sehl - Thank you, Mr. Chairman. These companion items would  
2139 allow the development of up to 81 townhomes in a commercial building on property  
2140 currently planned for a shopping center. The rezoning would allow residential uses on  
2141 the site, and the companion provisional use permit would allow the proposed commercial  
2142 use and for the modification of setbacks and parking to allow for the form of development  
2143 shown on the proffered conceptual plan.  
2144

2145 The subject site was rezoned B-2C via C-27C-06 to allow for a commercial development  
2146 of approximately 80,000 square feet of various retail and service uses. As part of that  
2147 same request, adjacent property to the west and south was rezoned RTHC and has  
2148 subsequently been developed for a total of 78 townhomes. Other recent rezoning in the  
2149 area includes John Rolfe Square to the east, which is zoned RTHC and developed for  
2150 detached condominiums.  
2151

2152 The location of these uses has been influenced by the construction of John Rolfe  
2153 Parkway, which was a major consideration during the 2006 rezoning request, as it would  
2154 modify the shape of several properties and construct several improvements increasing  
2155 roadway capacity in the area. The traffic impact analysis for C-27C-06 anticipated the  
2156 approved development would generate over 4,000 vehicle trips per day, which could be  
2157 accommodated with the construction of John Rolfe Parkway and associated turn lanes  
2158 and traffic signals.  
2159

2160 As shown on this concept plan, the applicant now proposes to rezone the site to R-6C to  
2161 allow for a mixed-use master-planned development of up to 81 residential units.  
2162 Approximately 6,000 square feet of commercial uses are also proposed in this area. The  
2163 commercial uses would be in the stand-alone building adjacent to Church Road, while the  
2164 residential units would be located in a manner where units would front the adjacent  
2165 roadways or internal mews similar to the pattern of development in the adjacent  
2166 townhouse communities.  
2167

2168 Buildings adjacent to the roadways would be three stories in height, while internal  
2169 buildings can contain a fourth story. Similar to Shire Place located across John Rolfe  
2170 Parkway to the south.  
2171

2172 Under recent changes to the R-6 District, an application for a provisional use permit can  
2173 be made for a master plan with mixed-use development as well as allowances for  
2174 flexibility and setbacks and parking standards. The proffered concept plan, which is also  
2175 part of the companion PUP, reflects this flexibility.  
2176

2177 As proposed, the density of the development would be approximately 10.2 units per acre,  
2178 which is consistent with the R-6 requirements. Flexibility in density requirements has  
2179 been requested by the applicant to allow for the future subdivision of the commercial  
2180 parcel, and certain setback requirements have been reduced to allow for the units to be  
2181 oriented in the manner shown on the concept plan and served by rear-loaded garages.



2182  
2183 The applicant has also proffered buffers along the adjacent roadway, and pedestrian  
2184 lighting will be required as part of the development per the provisional use permit  
2185 conditions.

2186  
2187 Submitted and conditioned elevations and renderings depict the proposed townhouse  
2188 design. And the applicant has also provided a rendering of the proposed focal point at  
2189 the intersection of Church Road and John Rolfe Parkway, shown here. This focal point  
2190 was a major point of consideration during the past rezoning request in 2006 and again  
2191 last year.

2192  
2193 In addition to the concept plan and elevations, the proffered conditions address items  
2194 such as hours of construction, sound suppression measures, buffering, and building  
2195 materials. All are consistent with other recent developments of this type and the proffers  
2196 accepted for the adjacent townhomes.

2197  
2198 In addition to the proffers, the staff report for the PUP contains 10 recommended  
2199 conditions that would regulate development of the site, including limitations on permitted  
2200 commercial uses, regulations for outside dining, and requirements for sidewalks,  
2201 pedestrian lighting, and crime-prevention planning.

2202  
2203 The site is designated commercial concentration on the 2026 plan. The residential portion  
2204 of this request is not consistent with this designation, but it is helpful to note the site was  
2205 designated for residential uses prior to an amendment as part of the Church/Pump Study  
2206 approved by the Board in 2004.

2207  
2208 The Church/Pump Study was conducted in response to the planned realignment of John  
2209 Rolfe Parkway, which anticipated a greater level of demand for commercial uses than has  
2210 materialized. As no commercial development has occurred since that time, or since the  
2211 existing commercial zoning was approved in early 2007. This could be due to the easy  
2212 access provided by John Rolfe Parkway to major commercial centers just to the north  
2213 and south of the subject site.

2214  
2215 The Commission may recall the applicant submitted a rezoning request last summer to  
2216 develop the site with up to 225 apartments and 20,000 square feet of commercial space  
2217 based on that reduced demand for commercial developments. Nearby residents at that  
2218 time noted concerns regarding the intensity of the development, which would have  
2219 produced slightly fewer vehicle trips than the existing business zoning on the property.  
2220 The applicant ultimately withdrew that application.

2221  
2222 The current request would produce approximately 820 vehicle trips per day according to  
2223 the traffic engineer, which is far fewer than that most recent apartment proposal  
2224 considered by the Commission last year, and approximately 20 percent of the trips  
2225 anticipated with the sites existing B-2C zoning.

2226

2227 As noted in the staff report, the proposed development could contribute to overcrowding  
2228 at Gayton Elementary School. Staff recognizes this issue, but notes no impacts are  
2229 anticipated at the middle and high school level and that minor overcrowding is often  
2230 accommodated as part of the development process.

2231  
2232 For instance, when the adjacent single-family and townhouse developments were  
2233 approved, they were anticipated to create overcrowding at all three school levels. And  
2234 HCPS has worked to accommodate students as home -- since those homes were  
2235 constructed. Therefore, while staff recognizes there might be slight impacts at the  
2236 elementary school level, they are not anticipated to unduly burden the school system and  
2237 would be similar to those anticipated during the approval of those adjacent communities.  
2238

2239 In addition, staff believes the impact may be less than anticipated given an extremely  
2240 similar development directly adjacent to the site has one elementary school student  
2241 residing within the community.

2242  
2243 Overall, staff believes the proposed development is in keeping with the goals of the recent  
2244 changes to the zoning ordinance and is a reasonable use of an infill site previously  
2245 planned for a relatively intense commercial development.

2246  
2247 The proposed development would reduce the amount of traffic to be generated from the  
2248 site, and the submitted proffers and recommended conditions should help mitigate other  
2249 potential negative impacts from the development.

2250  
2251 The design, streetscapes, and buffers proposed as part of the master plan will foster a  
2252 walkable development for future residents and the adjacent community, and the level of  
2253 quality proposed by the applicant is in keeping with other townhouse development in the  
2254 area.

2255  
2256 For these reasons staff supports these requests subject to the proffers and conditions  
2257 included in your staff report. And I'd be happy to try and answer any questions you might  
2258 have. And as Ms. Moore noted, there would be separate actions necessary on these  
2259 items.

2260  
2261 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone on the  
2262 Commission have any questions for Mr. Sehl?

2263  
2264 Mr. Baka - I have a couple if no one else does. Mr. Sehl, thank you for  
2265 your thorough presentation. I received a couple emails and one of the questions I wanted  
2266 to ask was one of the gentlemen who asked was Mr. Ramchandani, a question about the  
2267 staff says in the report that large-scale commercial development has not occurred on the  
2268 subject site, indicating that consideration of other uses could be appropriate. And his  
2269 question is, what led to that conclusion. What led the staff to that conclusion?

2270  
2271 Mr. Sehl - I think it's a recognition, Mr. Baka, that the site has been  
2272 planned for commercial development since 2004 and zoned for commercial development

2273 since 2007. There have been a number of different commercial developments that have  
2274 been proposed, and ultimately not found to be a market for them at this location.

2275  
2276 Certainly, there has been an intent from staff's perspective and the applicant's perspective  
2277 to continue some form of commercial development on this site. To maintain some of that  
2278 consistency with the comprehensive plan designation.

2279  
2280 So I think that's reflected in what the applicant is proposing now. But I think, simply, the  
2281 fact that it's been, you know, a little over 14 years since the site was rezoned to B-2C and  
2282 no commercial development has occurred at this time.

2283  
2284 Mr. Baka - Okay.

2285  
2286 Ms. Moore - And if I may add, and this is exactly why we're getting ready  
2287 to update our Comprehensive Plan, because it -- as it goes through the years in the  
2288 horizon, patterns change and we recognize that and we update it. So we're on the cusp  
2289 of that as well. So I just want to make note of that.

2290  
2291 Mr. Baka - Thank you. And second question I had was another email had  
2292 come in from another gentleman, Mr. Barbier. And his question was related to that  
2293 homeowners had purchased their properties with an expectation of orderly and planned  
2294 development and was concerned that this might not meet that. But given the concept  
2295 plan, would you contend that this is orderly and planned development at this location?

2296  
2297 Mr. Sehl - I, Mr. Baka, I would -- I would -- I would assert that, you know,  
2298 the continuation of the existing pattern of townhouse development on the site, certainly if  
2299 it weren't to be commercial as approved with the original rezoning, would seem to be the  
2300 most logical pattern of development and most orderly way to develop the site if it's not  
2301 going to be developed for, you know, a large amount of commercial space. So I think you  
2302 have RTH zoning on three sides of this subject site. So I think in most instances we would  
2303 certainly consider RTH zoning to be consistent with that. And consistent with a well-  
2304 planned pattern of development.

2305  
2306 Mr. Baka - Thank you. No other questions, Mr. Chair.

2307  
2308 Mr. Mackey - All right. Does anyone else -- does anyone else have any  
2309 questions for Mr. Sehl?

2310  
2311 Mr. Sehl - Thank you.

2312  
2313 Mr. Mackey - All right. Is there anyone in attendance or via Webex that is  
2314 in opposition to REZ2021-00025 the Rebkee company? Or the PUP2021-00009, the  
2315 Rebkee Company?

2316  
2317 Ms. Deemer - We have several on Webex.

2318

2319 Mr. Mackey - Okay. How would you like to proceed?  
2320  
2321 Mr. Baka - If there's no one here in the Board room, we'd like to proceed  
2322 with hearing from those on Webex who have questions. And then after that have the  
2323 applicant, perhaps, address some of those questions.  
2324  
2325 Mr. Mackey - All right. Thank you. All right, Ms. Deemer, we're ready to  
2326 hear from the people on Webex.  
2327  
2328 Ms. Deemer - Our first speaker will be Nick Woznyj. He is now unmuted.  
2329  
2330 Mr. Woznyj - Good evening, committee and Rebkee representatives. A little bit of  
2331 context. I am a resident as of December 2017, of Shire Walk, the adjacent community.  
2332 And I'm also a HOA Board member of said adjacent community, Shire Walk.  
2333  
2334 With that being said, we are a smaller, 30-unit or so, I forget the exact count of our  
2335 community. So with that context and kind of a layered question typologies for that. As  
2336 far as our smaller community dealing with a near quadrupling of the community size, or  
2337 adjacent community size, my question is with specific consideration for the Master Road  
2338 Agreement.  
2339  
2340 And I'm interested in hearing what the plans are or intended to be for integrating or  
2341 merging with our existing community and HOA. What the construction entrance would  
2342 look like. As currently there is a single entry off of Church Road. Excuse me, my  
2343 apologies, John Rolfe Road. And I believe there is a proposed entrance off of Church  
2344 Road, which would in -- kind of in front of my personal home -- cross over.  
2345  
2346 And then, as a final layer of the question, what are the plans for kind of keeping the lines  
2347 of communication open with Shire Walk residents and the management group during the  
2348 construction process considering -- and this is going to be a little bit frank -- we've had  
2349 difficulties in the past contacting Rebkee Group with issues with the adjacent, I'm going  
2350 to call it a field, lot, across from us with maintenance.  
2351  
2352 So, again, I guess three layers of the question are: Are we integrating, merging, the  
2353 HOAs? What will the construction at this little look? And how will we keep the lines of  
2354 communication open with the HOA with the community members that are already there?  
2355  
2356 Mr. Baka - Thank you. We'll ask the applicant to address those later,  
2357 after everyone has a chance to speak.  
2358  
2359 Mr. Woznyj - And I guess, sorry, one addition. I am in support of something in  
2360 front of the lot. As I mentioned, December 2017, was our move-in date. And it was under  
2361 the assumption, and this may have been through Ryan homes, that we were going to  
2362 have immediate development of the community. And now we're looking at three and a  
2363 half years later without development. And that has hurt our property value, in my  
2364 estimation.

2365  
2366 Mr. Mackey - All right. Thank you, sir.  
2367  
2368 Ms. Deemer - Mr. Chairman, our next speaker is Jintender Ramchandani.  
2369 He is now unmuted.  
2370  
2371 Mr. Ramchandani - Good evening, Board -- Commission -- good evening,  
2372 Commission. And thank you for your service. I realize it's not easy for all of you to read  
2373 all the emails you receive prior to every meeting in addition to these long evenings. I will  
2374 oppose this development and simply because if the County believes that this site is no  
2375 longer feasible for commercial, the County should conduct a charrette with the residents,  
2376 including those who have purchased – as the previous speaker mentioned – our  
2377 properties in the area to identify what would be the community's vision. Just as it is doing  
2378 for the Short Pump Mall.  
2379  
2380 And it's -- at this point the only approach I can see, as an outsider, is the Planning  
2381 Department is essentially reacting to any and all proposal. And the developer probably  
2382 has set the bar very smartly, to their credit, so low by proposing something completely  
2383 out of proportion. 225? That this development significant development of 81 townhomes  
2384 seems more benign, which it is not.  
2385  
2386 So my question to the Board would be that instead of reacting to the developer's proposal,  
2387 which they are doing, you know, to their credit or their profit, why doesn't the County, if it  
2388 believes that this is no longer feasible for commercial, develop a vision with the  
2389 community, and then says to the developer, if you would like a change, these are the  
2390 develop -- these are the community's vision. And it may not be 81 townhomes. It may  
2391 be, you know, 60, or it may be 100. Whatever the community's vision is. Because at this  
2392 point all I can see is sort of a reactionary approach, which is combined with less than  
2393 transparent engagement with the community.  
2394  
2395 The previous speaker, who lives right next door, did not probably know that there was a  
2396 meeting held on the subject. And not many, including, I live not too far from there, this  
2397 property, and I did not receive any notice. Our HOA did not receive any notice. So instead  
2398 of trying to address communities and ask questions, on the night of the potential action,  
2399 why wouldn't there be proper engagement through the County to do so?  
2400  
2401 So, with that said, I would finally add that there are going to be significant cut-through  
2402 impacts to the residential neighborhoods. The County requires extraordinarily high  
2403 standards for a residential street to be closed for cut-through traffic. Residents are  
2404 responsible for gathering signatures or agreements from the majority of impacted  
2405 residents. But the County does not require or pose the same standard for a developer to  
2406 come in with a significant change. But, you know, they can have a meeting that only six  
2407 residents can attend and the County characterizes that as positive. That to me is not a  
2408 very transparent method, so I would request, at this point, instead of opposing, you know,  
2409 and supporting, the County should -- directs or instructs the staff to develop a vision for  
2410 this lot and then work with the developer.

2411  
2412 And I respectfully end my comments and thank you, Mr. Baka, for all the work you do and  
2413 the emails that you receive. And we appreciate it.  
2414  
2415 Mr. Mackey - Thank you. Are there any questions for Mr. -- Romashani?  
2416  
2417 Mr. Baka - Ramchandani.  
2418  
2419 Mr. Mackey - No questions. Okay. Thank you. Can we -- Ms. Deemer, do  
2420 we have anyone else?  
2421  
2422 Ms. Deemer - Yes. We have two more speakers. The next speaker is  
2423 Douglas Cobb. He is now unmuted.  
2424  
2425 Mr. Mackey - Okay. Ms. Moore, how are we looking on time?  
2426  
2427 Ms. Moore - We have about four minutes.  
2428  
2429 Mr. Mackey - Okay. Mr. Cobb?  
2430  
2431 Mr. Cobb - Yes. Thank you, Board. My name is Douglas Cobb. I'm the  
2432 Secretary of the Keswick Homeowner's Association. Our development was built in the  
2433 mid to late 1990s. We are -- we abut this proposed property.  
2434  
2435 We have many concerns. I want to acknowledge that you read from our president, Patrick  
2436 Barbier's letter. And receipt of others that have sent correspondence to you.  
2437  
2438 One of the major things that our HOA has struggled with over the past 10 years that I've  
2439 lived here, is cut-through traffic. We've engaged with the traffic calming resources at the  
2440 County level. I think the pandemic kind of reduced traffic substantially; however, cut  
2441 through still exists, and I'm sure it will increase as the COVID restrictions are lifted.  
2442  
2443 If I remember the plan correctly that has been proposed -- first of all, I want to thank  
2444 Rebkee for listening to some of our concerns from the last proposal to this one. But I  
2445 would mirror Mr. Ramchandani's suggestion that they have a community meeting to  
2446 discuss how we see this lot that is currently rezoned as commercial.  
2447  
2448 If I remember correctly, the plan calls for, or requests, a traffic signal to be placed at Glen  
2449 Allen -- or, excuse me, Glen Eagles and John Rolfe Parkway. If somebody was traveling  
2450 north on John Rolfe Parkway -- I think I have my directionals right -- and they wanted to  
2451 go westbound on Church, with the streets as they are they would have to navigate through  
2452 two traffic lights. One at John Rolfe and Pump, and the other at John Rolfe and Church.  
2453 By adding another one, that would be three traffic lights that they would have to make left  
2454 turns at in order to go from John Rolfe and then travel westbound on Church.  
2455

2456 That increases the thinking of the driver, like, oh, why don't I just cut through here? And  
2457 it would be the same with the right turns if somebody was going eastbound on Church  
2458 and wanted to go southbound on John Rolfe. It would increase if the -- the cut-through  
2459 traffic.

2460  
2461 So we would ask that if this does get approved, and I would stand against it, that the  
2462 builder be responsible for some type of assistance, or the County, some type of  
2463 assistance to our HOA to -- we have a lot of children, lot of bicycles, lot of people walking  
2464 dogs in our neighborhood and the increased cut-throughs would definitely impact that.  
2465 And we do ask for the County for assistance on that. Or ask the developer -- have the  
2466 County ask the developer to assist us with remediation on that.

2467  
2468 And, with that, I appreciate the Board's efforts.

2469  
2470 Mr. Baka - No questions of Mr. Cobb, just a clarification. It's my  
2471 understanding that the applicant would have to perform a traffic study to determine  
2472 whether or not a signal would be warranted at John Rolfe Parkway and Shire Walk  
2473 opposite Glen Eagles. So that is not a given. We can come back to that, I guess, later  
2474 and have the traffic engineer speak to that point. But just wanted to clarify that doesn't  
2475 definitely mean we're going from two lights to three traffic lights right now.

2476  
2477 Let's hear from the fourth speaker, Mr. Chairman, and then we can revisit that with the  
2478 traffic engineer.

2479  
2480 Mr. Cobb - Thank you.

2481  
2482 Ms. Deemer - Mr. Chairman, our next speaker is Vladislav Sorkin. He is now  
2483 unmuted.

2484  
2485 Mr. Mackey - All right. Thank you.

2486  
2487 Mr. Sorkin - Hello. My name is Vladislav Sorkin. I'm one of the  
2488 homeowners in the adjacent Shire Walk community. The parcel of land in question from  
2489 the consideration today is about 30 yards from my property. So I'm very much a party of  
2490 interest regarding any development on the parcel.

2491  
2492 I'd like to reiterate the concern raised by a prior speaker regarding the lack of  
2493 transparency regarding the proposals for this parcel. And I would support a rejection of  
2494 this proposition and for the County to start over and discuss with the community what the  
2495 vision for this area should be.

2496  
2497 But I have questions for -- I'm sorry. I have comments for the existing proposal presented  
2498 today. And I was also in attendance on the public meeting on April 21st regarding this  
2499 matter, as well. So.

2500

2501 When the homeowners, like myself, invested and purchased in the new adjacent  
2502 communities of Shire Walk and John Rolfe Square, both established in 2017, there was  
2503 a cohesive vision for the planning and zoning of this area and was a significant factor in  
2504 purchasing and investment in these properties. The 7.91-acre in question were intended  
2505 for commercial use that would bring businesses convenient – convenience – and  
2506 amenities to the existing communities. The rezoning change would permanently fail on  
2507 that vision and instead bring an increase in population and population density.  
2508

2509 As a member of the existing community and a party of immediate interest, I support  
2510 maintaining the B-2C designation for the aforementioned area. If there is no option to  
2511 keep the business commercial designation for the area, it's best to have a more consistent  
2512 construction with the surrounding neighborhoods, maintaining the lower population  
2513 density and constructing detached single-family homes instead of townhomes.  
2514

2515 To reiterate, I oppose the proposed project and rezoning request for it, as it would provide  
2516 no value or benefit to the existing communities and the amenities presented in the -- in  
2517 this project are closed off to the public.  
2518

2519 Another immediate concern is --  
2520

2521 Mr. Mackey - Mr. Sorkin, I'm going to have to ask you to wrap it up a little  
2522 bit. We're well over the time. We could ask the Commissioner if he would like to waive -  
2523 - add a little more time, but we need you to be a little bit brief.  
2524

2525 Mr. Baka - Mr. Sorkin can certainly continue. Just so you're aware, Mr.  
2526 Sorkin, I do have your email that you're reading from of May 12th at 1:25 and I've got that  
2527 and read through that here. So I'm tracking with you. Please continue and --  
2528

2529 Mr. Sorkin - So the next --  
2530

2531 Mr. Mackey - Yes.  
2532

2533 Mr. Sorkin - So the next concern would be the traffic impact. And there  
2534 was mentioned in the prior -- by a prior speaker. And the intersection of John Rolfe and  
2535 Shire Lane. Likewise, I raise that concern. There's probably a need for a traffic light  
2536 there.  
2537

2538 And the last concern regarding the proposed construction project. There is a proposed  
2539 dog park at the edge of the parcel, and as well as in the alternative location for it closer  
2540 to the existing townhome community and that would bring a nuisance of noise from dogs  
2541 barking in the dog park and it would probably be best to keep that dog park on the edge  
2542 of the one parcel next to the roadway. This way there would be your -- it was a lesser  
2543 noise impact to the residents.  
2544

2545 Mr. Baka - Thank you.  
2546



2547 Mr. Mackey - All right. Thank you, Mr. Sorkin.  
2548  
2549 Mr. Sorkin - Thank you.  
2550  
2551 Mr. Mackey - Is that -- was that the final speaker, Ms. Deemer?  
2552  
2553 Ms. Deemer - Yes. That is all the speakers we had.  
2554  
2555 Mr. Mackey - All right. We'll hear from the applicant and then -- oh. Did you  
2556 want to hear from the applicant or the traffic engineer first?  
2557  
2558 Mr. Baka - Perhaps we can hear from the applicant first and ask the  
2559 applicant as part of their presentation to include answers and responses to many of the  
2560 questions we heard if you can. Thank you.  
2561  
2562 Mr. Geiger - Good evening, Mr. Chairman. Jeff Geiger here on behalf of  
2563 the applicant.  
2564  
2565 Mr. Archer - Good evening.  
2566  
2567 Mr. Mackey - Good evening.  
2568  
2569 Mrs. Thornton - Good evening.  
2570  
2571 Mr. Geiger - I'd like to start off and, I think, agree with the comment  
2572 Commissioner Baka made. I think Ben did a great job kind of reviewing the history and  
2573 explaining the project. I'd like to kind of give just a very short synopsis and then kind of  
2574 focus in on the steps we have taken in the last -- call it last eight months with this property.  
2575  
2576 As Mr. Sehl noted, this property was zoned over 10 years ago for commercial. We've  
2577 had some people look at it, even a grocery store, but no one has been willing to come  
2578 here. We've had 10 years of listening to the market, and so we felt, about 8 months ago,  
2579 that it was time to acknowledge that we just weren't going to get the commercial that we  
2580 had once hoped for.  
2581  
2582 The circumstances that were created last year through COVID and the contraction of  
2583 retail that is occurring through online competition, further convinces us that we're just not  
2584 going to see demand for commercial at this location.  
2585  
2586 So we knew that the County intent originally anticipated a more intense use at this  
2587 location. The capacity was there and the road network for a more intense use. And we  
2588 listened to the market last year and that market at that time said that intensity could be  
2589 matched through a multi-family project, a mixed-use project: 220 residential units, 17,000  
2590 square feet of commercial.  
2591

2592 And we took it to the community. We had a community meeting, which really provided  
2593 great feedback. We submitted -- we created a website at that time. We got a significant  
2594 number of comments of how the community would like to see this property developed.  
2595 And it was clear that 220 units in a mixed-use development was not what they wanted.

2596  
2597 So my client, Rebkee, said, okay, I want to listen to the community, I want to take that  
2598 feedback into consideration. And we started over. We looked at -- one of the main  
2599 themes that we heard through that -- through those comments was a desire for a for-sale  
2600 product. As Ben noted, we are surrounded by RTH. The Shire Walk, which is to our  
2601 west, Shire Place to our south, combined have a total of 78 townhome units. And so we  
2602 said to ourselves, how could we create a comparable townhome community to those --  
2603 to that type of density, noting what's around us?

2604  
2605 We also knew that, from the comments, that we had to be sensitive to school impacts and  
2606 road impacts. And noting those concerns, we knew that a single-family detached project  
2607 would not address those concerns from the community.

2608  
2609 We also knew that a townhouse community designed with your traditional backyard, that  
2610 is more attractive to households with children, would not address the concerns about  
2611 school impacts.

2612  
2613 We also considered one of the ways that you can easily address school impacts is to do  
2614 an age-restricted type community. But this location at the corner of three major arterials  
2615 and the original vision of The Shire, a project that would create a sense of place, a place  
2616 of activity, a place of engagement, really didn't fit the mold of an age-restricted community.

2617  
2618 But we were thinking to ourselves, how else could we achieve that same result? And we  
2619 created a design that we believe has addressed the concerns from the community. One  
2620 that doesn't -- that uses townhomes that do not have rear yards, that do not have a  
2621 playground, that is a design and -- a community design that is attractive to households  
2622 without children.

2623  
2624 While at the same time maintaining that design of engagement and activity at this  
2625 important intersection, at this important node in the County, to create that sense of place.

2626  
2627 Ben showed you that amenity feature that we would like to construct at John Rolfe and  
2628 Church. And that continues that replication of that sense of place and activity that will  
2629 also complement the bikeway that is planned for Church Road.

2630  
2631 So, with that, we went to the community. We met with them back on April 21st and  
2632 generally had a positive reception from those comments.

2633  
2634 To address some of the comments that were made by the speakers, I think one of the  
2635 concerns that was raised was cut-through traffic. If this property was constructed today  
2636 as it is zoned, as Ben noted, you'd have over 4,000 average daily trips at this intersection.  
2637 With this change we're dropping it to just 20 percent of that. And so that intersection,

2638 which has a lot of capacity built into it already, will continue to absorb a much less intense  
2639 project than it was originally planned to handle and folks will continue to use those major  
2640 arterials to navigate rather than using neighborhood roads.

2641  
2642 About the comment the -- to just further Mr. Baka's comment on the traffic signal. One at  
2643 Shire Drive is only required if it's warranted, and if you're reducing your traffic by 80  
2644 percent, you're not going to hit the warrants for needing that signal. That signal was  
2645 intended for the -- for the vehicular traffic that would have been created by the original  
2646 shopping center.

2647  
2648 One of the other speakers asked what -- where would our construction entrance be. It  
2649 will be off of the construction entrance that exists today off of Church. Ultimately, the  
2650 Shire Drive will be constructed out to Church Road.

2651  
2652 Ben, if you don't mind, could we go to the layout? Could you just show -- put your pointer  
2653 on -- the emergency entrance? Yep. Yep.

2654  
2655 As you will recall, well, with the original zoning there were two entrances off of John Rolfe.  
2656 And we heard from the community last fall that there was a concern from the Shire Walk  
2657 residents about if we continued with that second entrance onto John Rolfe that we would  
2658 have cut-through -- through their neighborhood, through Shire Drive, to Church. And so  
2659 we -- what we've done is we've eliminated that. Taken it out. It'll only be emergency  
2660 entrance and you will have a more circuitous way to get through this combined  
2661 neighborhood.

2662  
2663 I think -- I can't speak to who they were reaching out to at Rebkee. I invite them, like Mr.  
2664 Baka -- they can reach out to Mr. Baka. Mr. Baka knows how to get ahold of me. Mr.  
2665 Baka can pass on my contact information. My contact information would have been in  
2666 the letter that they've received. Please feel free to reach out to me with any concerns and  
2667 we can put you in contact with the Rebkee folks.

2668  
2669 On the comment about immediate development. Yes. We wish it could have come. We  
2670 tried hard and we just couldn't make it come as fast as we wanted. We couldn't make it  
2671 come at all.

2672  
2673 So we think we've come up with a project that's before you, a rezoning request that's  
2674 before you, for a well-planned, thought through, master-planned community with that  
2675 master plan PUP request that combines both the for-sale residential that the community  
2676 sought with a new opportunity for one or more businesses to locate within a part of this  
2677 community.

2678  
2679 We did locate amenities next to the office building, or the commercial building, so that we  
2680 could take advantage of the parking. The parking there will serve both the commercial  
2681 business and then the amenity space and the residents as well.

2682

2683 We have talked about a dog park going there. Right now it's just an amenity space.  
2684 Another idea that has been floated is a unique kind of food court, outdoor dining area,  
2685 where food trucks can come up and that -- there can be outdoor socialization using food  
2686 trucks and the outdoor dining.

2687  
2688 Ms. Moore - Mr. Geiger, you reached your 10 minutes.

2689  
2690 Mr. Mackey - Mr. Geiger, your time has expired.

2691  
2692 Mr. Geiger - Sorry. We will ultimately program that once our market study  
2693 is in.

2694  
2695 With that, I would request that the Commission follow the staff's recommendation for  
2696 approval and recommend approval to the Board of Supervisors. I'm available to answer  
2697 any questions that you may have.

2698  
2699 Mr. Mackey - All right. Thank you, Mr. Geiger. Questions for Mr. Geiger?

2700  
2701 Mr. Baka - I have a few. Would anyone else like to ask first?

2702  
2703 Mrs. Thornton - I have a few, too. You go first.

2704  
2705 Mr. Baka - Okay. Mr. Geiger, thank you for indicating you'd be willing to  
2706 -- the first speakers, their name -- first name was Nick. I apologize, I missed Nick's last  
2707 name. But you indicated you'd be willing to keep lines of communication open as one of  
2708 them has questions, and perhaps provide a phone number. So I'll be glad to provide your  
2709 phone number or the applicant's as opposed to -- as opposed to mine.

2710  
2711 But I guess the question I had that he raised was, could you talk a little bit about questions  
2712 for master road agreements and whether there would be integrated HOAs or separate  
2713 HOAs and separate road agreements?

2714  
2715 Mr. Geiger - So we will build the road -- we are committed and obligated to  
2716 build that road, Shire Drive, as it's shown in the layout there. They will operate as  
2717 separate HOAs. They have an HOA that's set up today. We will set up another HOA.  
2718 I'm sure that there's opportunities for the two HOAs to work together. And we'd be happy  
2719 to have those conversations.

2720  
2721 Mr. Baka - Okay. And I think that would be a real key, if this goes forward,  
2722 to have the -- this new HOA leadership talk to Nick and or others on the other Shire Walk  
2723 HOA Board.

2724  
2725 Mr. Geiger - Agree.

2726

2727 Mr. Baka - Mr. Cobb asked about the -- clarification of the traffic light and  
2728 cut-through traffic. So can you explain how you believe that this won't necessarily add to  
2729 cut-through traffic in the adjacent neighborhood?  
2730

2731 Mr. Geiger - Sure. If you were going to put, you know, 4,000 average daily  
2732 trips at this intersection, you would see a lot more stacking at the light -- at the existing  
2733 lights. You would get that other signal that -- that third signal that they were asking about.  
2734 And all the sudden maybe if you're a driver on John Rolfe, you might start looking for  
2735 other opportunities to avoid the intersection. Instead, what this proposal does is just put  
2736 20 percent of those trips into a network that has plenty of capacity and will easily, you  
2737 know, continue to present a free-flowing intersection of these roads and people will be  
2738 able to timely move through where they're supposed to go rather than cutting through the  
2739 neighborhoods.  
2740

2741 Mr. Baka - Okay. Mr. Sorkin was concerned about the overall proposal  
2742 itself, but also more specifically about the location of the dog park. So I guess my  
2743 comment is, is that something that could be worked out in the future at a POD? In other  
2744 words, whether you have -- at the -- at the April 21st community meeting there was a  
2745 question posed by the applicant of would the community like to see the dog park remain  
2746 on the exterior of the interior of the property. I think one of the reasons it was moved to  
2747 the present location where you have it proposed tonight, is because it's near the proposed  
2748 parking lot for the 6,000 feet of flexible commercial space, I guess I'll call it. Not sure what  
2749 to refer to that quite yet. But on Saturdays and Sundays if that flexible commercial space  
2750 wasn't using their parking area, then it would allow for some parking rather than having  
2751 cars parking directly in front of someone's townhome.  
2752

2753 Is that -- is that generally the sentiment of why -- what you're looking at?  
2754

2755 Mr. Geiger - We asked at the community meeting, there was a sentiment  
2756 to relocate it in, and in particular because we could gain more parking spaces. We have  
2757 added additional, nine additional parking spaces because of that adjustment, putting  
2758 parking spaces directly adjacent to the amenity space. There is a feeling that this amenity  
2759 space will draw others from around. And it was important to provide parking easily  
2760 accessible to these amenity spaces.  
2761

2762 Mr. Baka - Okay. And, Mr. Stevens, or Phil -- Mr. and Mrs. Stevens, Phil  
2763 and Ann Stevens, had a question in their email. They talked about a thought that senior  
2764 living, or assisted living facilities, would be preferred in their -- in their opinion. And from  
2765 what you -- from what you described, you had considered that option and rule it out in lieu  
2766 of the -- tonight's proposal.  
2767

2768 Mr. Geiger - Yes. Correct. I was thinking more for-sale age-restricted. But  
2769 I'm happy to talk to continuing care, you know, assisted living type of facility. As you're  
2770 aware, we have added some of those facilities within the district. They're multi-story. And  
2771 just, from our perspective, did not present them -- would present the massing that was  
2772 originally not supported be -- with the multi-family project that was proposed last year.

2773  
2774 Mr. Baka - Okay.  
2775  
2776 Mr. Geiger - There was an important comment of consistency and so we  
2777 had stressed consistency with the uses around us.  
2778  
2779 Mr. Baka - All right. That's helpful. Thanks. Those are all the questions  
2780 I have, Mr. Chairman.  
2781  
2782 Mr. Mackey - Mrs. Thornton.  
2783  
2784 Mrs. Thornton - Okay. You answered probably all of mine. So that was good.  
2785 My big thing was the dog park. I didn't -- it just didn't seem -- it seemed odd to be there  
2786 versus where the four townhouses would be. Because you already have amenities at the  
2787 corner. You have parking. You would think that you would just kind of keep all of the  
2788 flow. But if -- you just answered that.  
2789  
2790 Somebody was concerned about their value and they haven't really increased in value,  
2791 that already lived there. Can you tell me, do you have an idea, the price range that you're  
2792 going to be in when you propose these?  
2793  
2794 Mr. Geiger - We have not priced these to the market yet, but we believe  
2795 we will be selling these above what Shire Walk started at. So probably --  
2796  
2797 Mrs. Thornton - Okay. So just in general, they're going to be three bedrooms?  
2798  
2799 Mr. Geiger - Yes.  
2800  
2801 Mrs. Thornton - Okay. So just for the people that live there now, if anybody  
2802 watches the market it's absolutely insane right now, that it will only increase their value.  
2803 The people that live there.  
2804  
2805 Mr. Geiger - Correct. That is our belief. We're going to be aiming for a  
2806 market that's above, you know, what the market that -- the Shire Walk was targeted at. If  
2807 Ben could get me a -- could I see an elevation real quick of the four stories? One of the  
2808 aspects of the interior units, the four stories, is that we will have rooftop deck amenities --  
2809  
2810 Mrs. Thornton - Okay.  
2811  
2812 Mr. Geiger - -- and give them the opportunity to have those as a part of  
2813 their units. And when you start going up into that type size of a unit with that type of  
2814 amenity, you're reaching into a higher market.  
2815  
2816 Mrs. Thornton - Correct. Okay. That was my big thing to help them get  
2817 reassured that their value isn't going to decrease; it will only increase because of the  
2818 product you're going to be bringing.

2819  
2820 And so the ones at the front will be the three stories. Correct? With no rooftop. Okay.  
2821  
2822 Mr. Geiger - Three stories line the -- John Rolfe, Pump, and Church to  
2823 provide the transition.  
2824  
2825 Mrs. Thornton - Okay.  
2826  
2827 Mr. Geiger - You will also notice in our three-story elevations that they have  
2828 an A-frame roof. And so what we have strategically done is used a flat roof on the four  
2829 stories. And so there is -- the roof of the three stories hide the four stories behind.  
2830  
2831 Mrs. Thornton - Yes. Okay. And then my only other con -- question was, I  
2832 know what -- you answered that two HOAs. You're going to -- to be a nice neighbor, are  
2833 you going to have crosswalks from their section to be able to go over to your amenities?  
2834 I didn't see any connectivity inside. Because it's a main road through there.  
2835  
2836 Mr. Geiger - I think that we can look at that at POD.  
2837  
2838 Mrs. Thornton - Okay.  
2839  
2840 Mr. Geiger - We do show crosswalks as a part of ours.  
2841  
2842 Mrs. Thornton - Okay.  
2843  
2844 Mr. Geiger - It's really important as a part of our design to have  
2845 connectivity.  
2846  
2847 Mrs. Thornton - I saw that one. But up at the top, near the dog park, I was  
2848 thinking maybe somewhere in there if you're going to have a, you know, daycare or  
2849 something.  
2850  
2851 Mr. Geiger - Yep. We have a couple internal cross alleys to facilitate  
2852 pedestrian movement to key areas. And I'm sure that is something we can look at, at  
2853 POD.  
2854  
2855 Mrs. Thornton - I think that was all my questions.  
2856  
2857 Mr. Mackey - Ms. O'Bannon, did you have anything? All right. Any other  
2858 questions for Mr. Geiger?  
2859  
2860 Mr. Archer - Mr. Chairman, I have an observation to make. Not necessarily  
2861 for Mr. Geiger. But, you know, when we make these cases that involve new construction,  
2862 we all have to vote on it. And each one of our votes count. And I'm not advocating for  
2863 this case. I'm not advocating for or against it.  
2864

2865 But I just want to make sure people understand that when we make our decisions that  
2866 they regard traffic. Whether it be general traffic or cut-through traffic. Which is a term I  
2867 don't like, to be honest with you.

2868  
2869 But all of us have to participate in making that. It's something we have absolutely no  
2870 control over. We can't have intracommunity traffic and we can't have intercommunity  
2871 traffic that is just in a place all by itself. All of us, when I came here today, I cut through  
2872 somebody's neighborhood to get here.

2873  
2874 All of us, when we moved into our neighborhoods, we all increased the traffic. And each  
2875 house that's built there and after we move in increases the traffic. So, as much as we  
2876 would like to be able to provide an answer for that, I have just noticed over the years it's  
2877 just -- it's impossible. If we're not going to have any more traffic, then we're not going to  
2878 build anything else. And if the only way we could get from one place to the other is to  
2879 circumvent a neighborhood, we'd never get anywhere.

2880  
2881 So I -- I'm just throwing it out, like I said. I'm not advocating for you, sir, but I'm not  
2882 advocating against you, either. But I just think it's something that we need to realize and  
2883 stick to as we move along. Because it's an issue that's going to always come up. If you  
2884 build one house, that's going to create more traffic. And if there's a way to get from my  
2885 house to where I need to go and I got to drive by your house, I'm coming. And you're  
2886 going to do the same thing with me.

2887  
2888 So I just think we need to sort of consider that when we're trying to make a decision and  
2889 trying to do it in favor of trying to keep things as they are. It just can't happen. I'm done,  
2890 Mr. Chairman.

2891  
2892 Mr. Mackey - All right. Thank you, sir. Any other questions or comments?

2893  
2894 Mr. Baka - No other questions of Mr. Geiger. We'd like to hear from the  
2895 traffic engineer. If he's available either in person or online.

2896  
2897 Ms. Deemer - Mr. Chairman, I'll unmute Mr. Cejka.

2898  
2899 Mr. Cejka - Good evening, Mr. Chairman, members of the Commission,  
2900 Mrs. O'Bannon. Okay. I'm here to help you.

2901  
2902 Mr. Baka - Thank you. May have answered my first question. The  
2903 commercial shopping center, 75,000 square feet, never came, never got a grocery or  
2904 Anchor Store, was intended to have about 4,000 vehicles per day. This would shrink that  
2905 to about 800 reducing it by about 80 percent.

2906  
2907 I guess my questions are, there're two projects that are underway that Mr. Sehl alerted  
2908 me to: the Three Chopt road-widening project, and we have a website for that for the  
2909 residents in the area if they'd like to see it. And the Church Road safety project, also  
2910 website.



2911  
2912 Can you briefly touch on those two projects and how they might -- oh, there's a graphic  
2913 on the screen, thank you -- how they might help traffic in the general west-end area here?  
2914

2915 Mr. Cejka - Yeah. The Three-Chopt road-widening project will go from  
2916 mainly a two-lane road to a four-lane road. Four-lane divided. And it's meant to carry  
2917 more traffic over towards the Lauderdale area. It should alleviate some traffic off Church  
2918 Road. Which goes over to John Rolfe. And that's scheduled, I believe, it's 2023 for  
2919 construction. Or 2022 for construction. And it should -- it should help a little bit with the  
2920 area to take traffic off of parallel corridors and put them on Three Chopt Road.  
2921

2922 But the Church Road Mobility Safety Project, that's going to reduce it from four-lane to  
2923 three-lane with a center turn lane as shown. That road currently has the capacity for it,  
2924 and the center turn-lane would allow for left-turning traffic to get out of the through lane  
2925 and make it safer. It also reduces the crossing lane for pedestrians to feel that they might  
2926 go from the south to the north and vice versa. There is capacity of the roadway to handle  
2927 this.  
2928

2929 Mr. Baka - So the Church Road Safety Project that's on the screen right  
2930 now. When would the start dates be for that and would you know -- would you start at  
2931 John Rolfe and work your way west? Or Lauderdale and work your way east? Has that  
2932 been decided?  
2933

2934 Mr. Cejka - This is scheduled to be completed prior to September of this  
2935 year. They'll be milling and overlaying the roadway and put fresh striping down. And I  
2936 believe it's going east to west.  
2937

2938 Mr. Baka - All right. So prior to September. So residents in Keswick  
2939 could expect to see this type of construction on the screen this late -- this summer or late  
2940 this summer.  
2941

2942 Mr. Cejka - Correct. It is slated to be completed before school's done.  
2943

2944 Mr. Baka - Okay. So the other day I was driving -- I drove again to the  
2945 area, driving east on Church Road, turn right on Blandfield Street into Keswick, and then  
2946 left on Doverton. I drove the speed limit. I was under 25. And slowly and safely drove  
2947 that path.  
2948

2949 Would you have any other further information that's available for any homeowners'  
2950 association in the County as far as the ability to put up a speed monitor and/or consider  
2951 the possibility? I know not everyone likes them -- and my family's told me they don't like  
2952 them in our street either -- but speed humps, if a large percentage of the residents wanted  
2953 that and/or \$200 additional fine speeding signs. Is that -- can you explain how that might  
2954 be available as an option for the residents to consider?  
2955

2956 Mr. Cejka - Yes, sir. That's a very good comment. The traffic-calming  
2957 program is out there. I can give the -- send out a request form to the resident. I do have  
2958 his email.

2959  
2960 We did do a study last year in preparation of the other project that was eventually  
2961 withdrawn, and we did a four-day study. And while the volumes may or may not be  
2962 adequate, or because of the COVID situation, it was less than 700 cars a day on that  
2963 roadway. But the speeds were in the 27-mile-per-hour range for the 85th percentile.  
2964 Which means 85 percent of vehicles are going at or below 27 miles per hour. So. We  
2965 could do another study once we get the request form and see what the numbers are like.  
2966 We do anticipate volumes would go up a little bit because people would be going to work  
2967 more often and getting out of the house. But hopefully the speeds will stay as low as they  
2968 are.

2969  
2970 Mr. Baka - Okay. And I'm realizing not everyone may want that. But just  
2971 to let folks know that option is there. I believe some of the homeowners in that  
2972 neighborhood expressed previously that they already knew that was available, but I'm not  
2973 sure if all of them were aware of that.

2974  
2975 That's the extent of the questions I have Mr. Cejka. Does anyone else have traffic  
2976 questions? I do have a question for schools. For Justin, if he's available. Hello. Thank  
2977 you, Mr. Cejka, for your comments.

2978  
2979 Ms. Deemer - Mr. Baka, we do not have anyone from schools on the call.

2980  
2981 Mr. Baka - Okay.

2982  
2983 Mr. Briggs - That's because they're here.

2984  
2985 Ms. Deemer - Oh. I'm sorry.

2986  
2987 Mr. Baka - Thank you. That's okay. That's okay. Good evening. Would  
2988 you introduce yourself for everyone?

2989  
2990 Mr. Briggs - Hi. Mr. Chairman, members of the Commission, Justin  
2991 Briggs, School Planner.

2992  
2993 Mr. Baka - Thank you, Mr. Briggs. And could you briefly touch on the  
2994 number of proposed elementary school students? Looked like middle and high school  
2995 was not going to be a capacity issue. But could you briefly touch on the number of  
2996 elementary students generated -- expected to be generated by this and then how you  
2997 arrive at those RTH numbers and from where they come. And then Gayton's capacity.

2998  
2999 Mr. Briggs - Okay. Yeah. So, first, with the -- how we calculate the student  
3000 yields. So we look at all townhomes in each magisterial district. And then we eliminate  
3001 any subdivision that has zero students, so that's going to get rid of any sort of age-

3002 restricted development. And then we'd look at the number of students that are coming  
3003 out of each home, and we base that on 100. So there's going to be 81 townhome units  
3004 in this proposed development, which brings us to about 10 or 11 elementary-school  
3005 students. Does that make sense?

3006  
3007 And we -- and admittedly we do base our town -- if the district yield is lower than the  
3008 County-wide yield, we go ahead and use the County-wide yield. And, in this instance, we  
3009 did use the County-wide yield for Tuckahoe, because their student yields are -- I think it's  
3010 about 7 students per 100 in elementary school. And overall in the County is 13.2. And  
3011 that's -- kind of to give us some wiggle room. So Tuckahoe might not have the same sort  
3012 of student yields right now, but, you know, 10, 15 years from now they could have higher  
3013 yields. And this allows us to kind of plan around that. So that's how we calculate the  
3014 student yields.

3015  
3016 We got about, like I said, we have about 11 -- 10, 11 students potentially coming out of  
3017 that development. Which is consistent with what we're seeing around -- with Shire Walk  
3018 and Shire Place.

3019  
3020 Gayton is overcrowded. I know that redistricting has been discussed. However, we are  
3021 looking at the enrollment now into the summer and then into the fall. And, you know,  
3022 we've got -- we're in a brave new world post COVID. We don't really know what schools  
3023 are going to look like. We're currently accepting virtual academy students. I don't have  
3024 numbers yet on how many students will be attending virtual academy. But that could  
3025 eliminate the need for redistricting, and it could alleviate a school like Gayton.

3026  
3027 Mr. Baka - So you're anticipating that there may -- due to COVID there  
3028 may be a slight drop in enrollment?

3029  
3030 Mr. Briggs - Well, with a virtual -- with a new virtual academy that's being  
3031 planned for, which will go into effect next year.

3032  
3033 Mr. Baka - Okay.

3034  
3035 Mrs. O'Bannon - Could you talk about that a little bit? Because I'm not sure --  
3036 I know you just really announced it, but I've been following it, so if you want to say that.  
3037 Because that's an issue that I think is very important when you start talking about schools  
3038 and overcrowding and that sort of thing. And if you get a big turnout or a big -- a lot of  
3039 people want to do the virtual academy. I would really like to hear more about that. And  
3040 let the plant -- the folks here know about it too.

3041  
3042 Mr. Briggs - Unfortunately, I'm not the best person to discuss the virtual  
3043 academy. However, from what I understand, if a student applies and they commit to the  
3044 program for a year, then they will be attending the virtual academy throughout the entire  
3045 year.

3046

3047 I don't think there's going to be a cap. However I can -- I would need to follow up with the  
3048 planning -- the Virtual Academy Planning Committee and see what their plans are,  
3049 specifically.

3050  
3051 Mr. Baka - So the addition of 11 -- approximately 11 students, that's just  
3052 a statistical estimate.

3053  
3054 Mr. Briggs - And the other thing, too, is you have to keep in mind, we don't  
3055 know how long it's going to be before those 11 students show up.

3056  
3057 Mr. Baka - Right.

3058  
3059 Mr. Briggs - It could be -- it could be four or five years after the -- after the  
3060 development is built. That's just over the lifespan at any given time for a townhome  
3061 development of this size. It will be approximately 10, 11 students.

3062  
3063 Mr. Baka - That number appears to be about 2 percent of the capacity.  
3064 Okay.

3065  
3066 Mr. Briggs - Correct.

3067  
3068 Mr. Baka - Does anyone else have any questions for Mr. Briggs?

3069  
3070 Mr. Mackey - Any other questions?

3071  
3072 Mr. Briggs - Thank you very much.

3073  
3074 Mr. Baka - Thank you. Thank you very much.

3075  
3076 Mrs. O'Bannon - Okay.

3077  
3078 Mr. Baka - If -- if there are no other -- Mrs. O'Bannon, may I --

3079  
3080 Mrs. O'Bannon - I'm fine. You're handling it just great.

3081  
3082 Mr. Baka - If there're no other questions, I did want to go back and  
3083 address some of the comments from one of -- one of the emails. It was referred to by, I  
3084 believe, the second speaker, Mr. Ramchandani. We had reviewed and looked at 4-story,  
3085 220 units last year in 2020, after the market didn't yield a grocery store or an anchor for  
3086 the past 13 years that the owner had the property and about the past 17 years since Mr.  
3087 Sehl mentioned the Church area, the small-area plan, Church Road Small-Area Plan was  
3088 implemented.

3089  
3090 With that, I mean, I think -- I think the criteria is fair to say that if the market can't deliver  
3091 in that time, it's okay for us -- it's okay -- I mean, it may not be perfect world, but it's okay

3092 for us to lean on the market and to say, if the market didn't deliver results for a commercial  
3093 shopping center at this location, it's clearly time to move on and look at other options.

3094  
3095 The building mass and the size of the 4-story building, it was presented last year for the  
3096 220 units, I realized staff recommended approval for that. And Mrs. O'Bannon and I asked  
3097 that the applicant reconsider the building mass and the size and the height and cause  
3098 enough concerns in the community that typically you're going to see age-restricted at  
3099 three-story units – which we've seen another one of those in Tuckahoe, Mrs. O'Bannon.

3100  
3101 Well, you're typically going to see three-story units seek age-restricted opportunities.  
3102 Especially on what I'll call a smallish parcel for -- somewhat smallish in size for age-  
3103 restricted 7.9 acres, 8 acres.

3104  
3105 I feel we did do a proactive approach on this. I know that one speaker talked about some  
3106 type of community-visioning exercises. And we have a lot of foresight on this. In 2019  
3107 the Planning staff would -- Ms. Jean Moore and others, and the Director, Mr. Emerson,  
3108 we worked on an R-6 zoning ordinance that would allow for flexibility for residential units,  
3109 townhouses, apartments, whatnot, to have commercial uses integrated with them. And  
3110 we adopted a zoning ordinance amendment at the time to allow for commercial retail to  
3111 be mixed with a type of residential.

3112  
3113 That type of foresight brought a few applications forth – 2019, 2020 I can think of a couple  
3114 out there. This application also seeks R-6 zoning. It may not be a classic down-zoning  
3115 in a sense of classic planners, or a certified planner approach, but it's similar to a down-  
3116 zoning in that when we go from 75,000 square foot of retail shopping center to 6,000  
3117 square feet of flexible commercial with townhouses and reducing it -- the trips generated  
3118 by about 80 percent. And then designing -- and then, furthermore, designing the  
3119 townhouse lots to be smaller lots and not necessarily -- there's no playground here in the  
3120 middle, so it wouldn't necessarily be a community that would necessarily attract a lot of  
3121 younger students or younger children, I wouldn't think. Then when we see those changes,  
3122 I think we do have a good case here. I think we do have a ripe case. And we have an  
3123 approach where the applicant put together the building blocks of what you might see at a  
3124 community visioning session one-by-one. Starting with commercial, looking at  
3125 apartments, looking at townhouses, single-family homes does not appear to be suitable  
3126 or ideal for this site. Not likely to be large enough for other public uses at this site.

3127  
3128 So one-by-one I would respectfully submit to the per -- the resident who asked. I think  
3129 we've kind of de facto put together our community visioning session through here, through  
3130 this rezoning process. The rezoning process allows for community meeting as a  
3131 developer. And allows for public hearing especially for public comments and public  
3132 emails prior to the meeting. And we appreciate receiving your comments. And hopefully  
3133 we're being respectful of those. It allows for further comments between now and the  
3134 Board meeting, and further emails and questions. And, with that Mr. Chairman, I  
3135 apologize for my lengthy discussion, but I think it was important to address the comments  
3136 that the gentleman had raised.

3137

3138 Mr. Mackey - Absolutely.  
3139  
3140 Mr. Baka - Because I do feel this has been a transparent case, and we've  
3141 been very forthright about that. I'd like to applaud Mr. Sehl for a lot of hard work on this  
3142 to make this a good case.  
3143  
3144 Unless there's further question, I would move, Mr. Chairman, that we recommend  
3145 approval of REZ2021-00025 Rebkee Company with the proffers in the staff report dated  
3146 April 26, 2021.  
3147  
3148 Mr. Witte - Second.  
3149  
3150 Mr. Mackey - Do we have a motion for approval by Mr. Baka. A second by  
3151 Mr. Witte of REZ2021-00025 for Rebkee Company. All in favor say aye. Any opposed?  
3152 Motion is granted.  
3153  
3154 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Witte, the  
3155 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
3156 **grant** the request, because it is reasonable in light of the residential zoning in the area and  
3157 the proffered conditions will assure a level of development otherwise not possible.  
3158  
3159 Mrs. Thornton - And the provisional use permit?  
3160  
3161 Mr. Baka - PUP. Goodness gracious. The PUP will allow a provisional  
3162 use permit to allow the use. So, Mr. Chairman, I recommend approval of provisional use  
3163 permit, PUP2021-00009 Rebkee Company with the 10 recommended conditions in the  
3164 staff report.  
3165  
3166 Mrs. Thornton - Right. Second.  
3167  
3168 Mr. Mackey - All right. We have a motion by Mr. Baka and a second by Ms.  
3169 Thornton of PUP2021-00009 the Rebkee Company. All in favor say aye. Any opposed?  
3170 Now the motion is carried.  
3171  
3172 **REASON:** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,  
3173 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
3174 Supervisors **grant** the request, because it would provide added services to the community  
3175 and when properly developed and regulated by the recommended special conditions, it  
3176 would not be detrimental to the public health, safety, welfare and values in the area.  
3177  
3178 Mr. Baka - And I will follow up with the applicant or applicant's attorney to  
3179 ask for their contact numbers as they requested. So thank you.  
3180  
3181 Mrs. Thornton - I have it. It's in my phone. I've got his number.  
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Ms. Moore - All right, Mr. Chairman, we move on to the last item on your agenda. It is the approval of the April 15, 2021, Minutes.

Mr. Mackey - All right. Do we have any -- do we have an errata sheet or any changes to that? No changes. All right.

Mrs. Thornton - All right.

Mr. Mackey - A motion would be in order.

Mr. Archer - Mr. Chairman, I move approval of the Planning Commission meeting mission -- Minutes of April 15, 2021, as written.

Mr. Mackey - Second. All right. We have a motion by Mr. Archer for approval of the Minutes and a second by Mr. Mackey. All in favor say aye. Any opposed?

Mrs. Thornton - And just to correct, it's April 15th. Sorry.

Mr. Mackey - I thought he said --

Mrs. Thornton - Oh I thought he said -- okay. Sorry.

Mr. Mackey - April 15th. But I'll stand corrected. Do we have any other business?

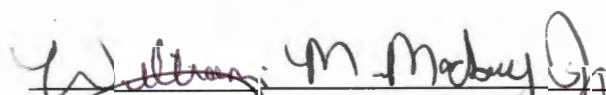
Ms. Moore - I do not, sir.

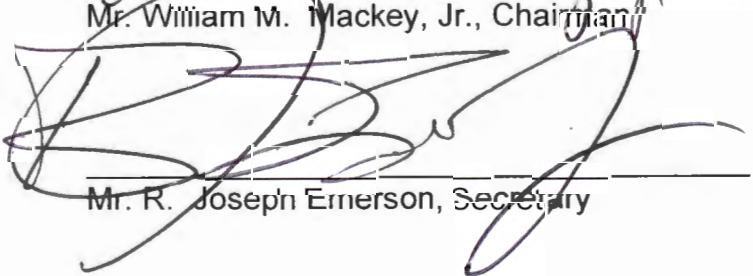
Mr. Mackey - All right. A motion for adjourn would be in order.

Mr. Witte - So moved.

Mr. Baka - Second.

Mr. Mackey - I have a motion by Mr. Witte. Second by Mr. Baka. All in favor say aye. Meeting adjourned.

  
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Mr. William M. Mackey, Jr., Chairman

  
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Mr. R. Joseph Emerson, Secretary