

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 7:00 p.m., November 10, 2004, Display Notice having been published in the  
4 Richmond Times-Dispatch on October 20, 2004 and October 27, 2004.

5  
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe  
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland  
8 Mr. C. W. Archer, C.P.C., Fairfield  
9 Mr. John Marshall, Three Chopt  
10 M. E. Ray Jernigan, C.P.C., Varina  
11 Mr. James B. Donati, Jr., Board of Supervisors, Varina  
12 Mr. Randall R. Silber, Director of Planning, Secretary  
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning  
15 Ms. Jean Moore, Principal Planner  
16 Mr. Lee Tyson, County Planner  
17 Mr. Thomas Coleman, County Planner  
18 Mr. Paul Gidley, County Planner  
19 Mr. Seth Humphreys, County Planner  
20 Ms. Samantha Brown, County Planner  
21 Ms. Debra Ripley, Recording Secretary  
22

23 Mrs. Ware - Good evening and welcome to the rezoning meeting for November and  
24 at this time I will turn the meeting over to the Secretary, Mr. Silber.

25  
26 Mr. Silber - Thank you, Madam Chairman. Welcome, everyone. We do have all  
27 members of the Planning Commission present this evening. First on the agenda is to consider  
28 any deferrals that may be requested by the applicant. We can take those first. Everything on  
29 the agenda tonight is under one time slot. They are all under the 7:00 p.m. portion of the  
30 agenda, so any deferrals can be handled from start to finish.

31  
32 Mrs. Ware - Before we start, there are plenty of seats down towards the front if you  
33 guys would like to come on down and have a seat.

34  
35 Mr. Silber - If we can have people please sit down, the Fire Marshall prefers that we  
36 don't stand in the back. Thank you.

37  
38 Mrs. Ware - Good evening.

39  
40 Ms. Moore - We have nine requests for deferrals tonight. The first is on Page 2 of  
41 your Agenda.

42  
43 **Deferred from the October 14, 2004 Meeting:**

44 **C-48C-04 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural  
45 District to B-3C Business District (Conditional), Parcels 804-737-4084 and 804-737-1251,  
46 containing 4.8303 acres, located on the east line of Mechanicsville Turnpike (U. S. Route 360)  
47 opposite Springdale Road. The applicant proposes business uses. The use will be controlled by  
48 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends  
49 Government and Urban Residential. The site is in the Airport Safety Overlay District.

50  
51 Ms. Moore - A deferral is requested to the March 10, 2005 meeting.

52  
53 Mrs. Ware - Is there any opposition to the deferral of C-48C-04, Henry L. Wilton, in

54 the Fairfield District? There is no opposition to the deferral.

55

56 Mr. Archer - All right. Seeing none, Madam Chair, I will move deferral of Case C-48C-  
57 04 to the March 10, 2005 meeting, at the request of the applicant.

58

59 Mr. Vanarsdall - Second.

60

61 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
62 say aye. All opposed say no. The motion passes.

63

64 At the request of the applicant, the Planning Commission deferred Case C-48C-04, Henry Wilton,  
65 to its meeting on March 10, 2005.

66

67 **C-58C-04 Loftis Real Estate & Development:** Request to conditionally rezone  
68 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel  
69 800-730-7438, containing 6.981 acres, located at the north intersection of Elkridge Lane and  
70 20th Street, adjoining the northwest property line of the Oak Hill subdivision. Residential  
71 townhouses are proposed. The maximum density in the RTH District is nine (9) units per acre.  
72 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

73

74 Ms. Moore - A deferral is requested to the January 13, 2005 meeting.

75

76 Mrs. Ware - Is there any opposition to the deferral of Case C-58C-04, Loftis Real  
77 Estate and Development, in the Fairfield District? There is no opposition. Mr. Archer.

78

79 Mr. Archer - Madam Chair, I move deferral of Case C-58C-04, Loftis Real Estate and  
80 Development, to the January 13, 2005 meeting at the request of the applicant.

81

82 Mr. Vanarsdall - Second.

83

84 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
85 say aye. All opposed say no. The motion passes.

86

87 At the request of the applicant, the Planning Commission deferred Case C-58C-04, Loftis Real  
88 Estate and Development, to its meeting on January 13, 2005.

89

90 **Deferred from the October 14, 2004 Meeting:**

91 **C-51C-03 Larry D. Willis:** Request to rezone from A-1 Agricultural District and M-  
92 1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-  
93 9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089 acres,  
94 located at the northern terminus of Brookriver Drive and at the I64E/I295 southeast cloverleaf.  
95 Restaurants and other commercial uses are proposed. The use will be controlled by proffered  
96 conditions and zoning ordinance regulations. The Land Use Plan recommends Semi Public. The  
97 site is also in the West Broad Street Overlay District.

98

99 Ms. Moore - The deferral is requested to the December 9, 2004 meeting.

100

101 Mrs. Ware - Is there any opposition to the deferral of Case C-51C-03, Larry D. Willis,  
102 in the Three Chopt District? There is no opposition. Mr. Marshall.

103

104 Mr. Marshall - Madam Chairman, I move that Case C-51C-03 be deferred to the  
105 December 9, 2004 meeting, at the request of the applicant.

106

107 Mr. Vanarsdall - Second.  
108  
109 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
110 favor say aye. All opposed say no. The motion passes.  
111

112 At the request of the applicant, the Planning Commission deferred Case C-51C-03, Larry D. Willis,  
113 to its meeting on December 9, 2004.  
114

115 **Deferred from the September 9, 2004 Meeting:**

116 **C-52C-03 Mr. And Mrs. Hung Yim:** Request to conditionally rezone from A-1  
117 Agricultural District to B-3C Business District (Conditional), Parcel 735-763-5299, containing  
118 1.922 acres, located on the north line of West Broad Street (U. S. Route 250) approximately  
119 1,450 feet east of N. Gayton Road. A restaurant is proposed. The use will be controlled by  
120 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed  
121 Use. The site is also in the West Broad Street Overlay District.  
122

123 Ms. Moore - The deferral is requested to the January 13, 2005 meeting.  
124

125 Mrs. Ware - Is there any opposition to the deferral of C-52C-03, Mr. and Mrs. Hung  
126 Yim, in the Three Chopt District? There is no opposition.  
127

128 Mr. Marshall - Madam Chairman, I move that Case C-52C-03 be deferred to the  
129 January 13, 2005 meeting at the request of the applicant.  
130

131 Mr. Vanarsdall - Second.  
132

133 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
134 favor say aye. All opposed say no. The motion passes.  
135

136 At the request of the applicant, the Planning Commission deferred Case C-52C-03, Mr. and Mrs.  
137 Hung Yim, to its meeting on January 13, 2005.  
138

139 **Deferred from the October 14, 2004 Meeting:**

140 **C-22C-04 James W. Theobald for Reynolds Development, LLC:** Request to  
141 conditionally rezone from O-3C Office District (Conditional), B-3 Business District and M-1 Light  
142 Industrial District to B-2C Business District (Conditional), B-3C Business District (Conditional) and  
143 O-3C Office District (Conditional), Parcels 767-744-9052, 767-744-6325, 765-744-6557, 766-745-  
144 8230, and 767-745-5402, containing approximately 71.021 acres (54.317 ac. - B-2C; 2.997 ac. -  
145 B-3C; 13.707 ac. - O-3C), located along the southeast intersection of I-64 and Glenside Drive and  
146 the southwest intersection of I-64 and W. Broad Street (U.S. Route 250). A retail, hotel, and  
147 office development is proposed. The use will be controlled by proffered conditions and zoning  
148 ordinance regulations. The Land Use Plan recommends Planned Industry and Government. The  
149 site is in the Henrico County Enterprise Zone.  
150

151 Ms. Moore - The deferral is requested to the December 9, 2004 meeting.  
152

153 Mrs. Ware - Is there any opposition to the deferral of Case C-22C-04, James W.  
154 Theobald for Reynolds Development, LLC, in the Three Chopt District? There is no opposition.  
155

156 Mr. Marshall - Madam Chairman, I move that Case C-22C-04 be deferred to the  
157 December 9, 2004 meeting, at the request of the applicant.  
158

159 Mr. Vanarsdall - Second.

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Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the applicant's request, the Planning Commission deferred Case C-22C-04, James W. Theobald for Reynolds Development, LLC, to its meeting on December 9, 2004.

**Deferred from the September 9, 2004 Meeting:**

**C-42C-04 Skip Gelletly:** Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 731-763-1648, containing approximately 3.1 acres, located on the west line of Gayton Hills Lane approximately 200 feet south of Graham Meadows Drive. The applicant proposes a maximum density of 2.86 units per acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

Ms. Moore - The deferral is requested to the January 13, 2005 Meeting.

Mrs. Ware - Is there any opposition to the deferral of Case C-42C-04, Skip Gelletly, in the Three Chopt District? No opposition.

Mr. Marshall - Madam Chairman, I move deferral of Case C-42C-04 be deferred to January 13, 2005, at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-42C-04, Skip Gelletly, to its meeting on January 13, 2005.

**Deferred from the October 14, 2004 Meeting:**

**C-44C-04 Andrew Condlin for David E. Cottrell:** Request to amend proffered conditions accepted with Rezoning Case C-39C-95, on part of Parcel 740-765-2150, containing 1.4019 acres, located on the east line of Pouncey Tract Road, approximately 350 feet south of Twin Hickory Lake Drive. The amendment is related to use restrictions and hours of operation and would permit a car wash. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration, Office and Environmental Protection Area.

Ms. Moore - The deferral is requested to the December 9, 2004 meeting.

Mrs. Ware - Is there any opposition to the deferral of Case C-44C-04, Andrew Condlin for David E. Cottrell, in the Three Chopt District? No opposition.

Mr. Marshall - Madam Chairman, I move that Case C-44C-04 be deferred to the December 9, 2004 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

213 At the request of the applicant, the Planning Commission deferred Case C-44C-04, Andrew  
214 Condlin for David E. Cottrell, to its meeting on December 9, 2004.

215  
216 Ms. Moore - The next case is on page 5 of your Agenda.

217  
218 **Deferred from the August 12, 2004 Meeting:**

219 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions  
220 accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located  
221 at the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest  
222 intersection of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of  
223 Eagles View Drive and Glen Eagles Drive. The amendment would change the maximum density  
224 allowed from 7,850 square feet per acre to 8,975 square feet per acre. The existing zoning is B-  
225 2C, Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

226  
227 Ms. Moore - The deferral is requested to the February 10, 2005 meeting.

228  
229 Mrs. Ware - Is there any opposition to the deferral of Case C-27C-02, RFA  
230 Management, LLC, in the Tuckahoe District? There being no opposition, I move that Case C-  
231 27C-02, RFA Management, LLC, be deferred to the February 10, 2005, at the applicant's request.

232  
233 Mr. Vanarsdall - Second.

234  
235 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor  
236 say aye. All opposed say no. The motion passes.

237  
238 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA  
239 Management, LLC, to its meeting on February 10, 2005.

240  
241 **C-60C-04 J. Thomas O'Brien for The Tetra Group One, LLC:** Request to  
242 conditionally rezone from A-1 Agricultural District, and R-5 General Residence District to M-1C  
243 Light Industrial District (Conditional), Parcels 817-717-4199 and 816-717-4209, containing  
244 61.243 acres located at the northwest corner of Audubon Drive and Oakley's Lane. An M-1  
245 development is proposed. The use will be controlled by zoning ordinance regulations and  
246 proffered conditions. The Land Use Plan recommends Planned Industry and Environmental  
247 Protection Area. The site is in the Airport Safety Overlay District.

248  
249 Ms. Moore - The deferral is requested to the December 9, 2004 Planning Commission  
250 meeting.

251  
252 Mrs. Ware - Is there any opposition to the deferral of Case C-60C-04, J. Thomas  
253 O'Brien for The Tetra Group One, LLC, in the Varina District? There is no opposition. Mr.  
254 Jernigan.

255  
256 Mr. Jernigan - Madam Chairman, I make a motion to defer Case C-60C-04, J. Thomas  
257 O'Brien for The Tetra Group, LLC, to December 9, 2004, by request of the applicant.

258  
259 Mr. Vanarsdall - Second.

260  
261 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
262 favor say aye. All opposed say no. The motion passes.

263  
264 At the request of the applicant, the Planning Commission deferred Case C-60C-04, J. Thomas  
265 O'Brien for The Tetra Group One, LLC, to its meeting on December 9, 2004.

266  
267 Mr. Silber - Are there any other known deferrals?  
268  
269 Mr. Vanarsdall - I have a deferral to offer, Mr. Secretary, Case C-61C-04.  
270  
271 **C-61C-04 Dominion Land & Development Partnership:** Request to  
272 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District  
273 (Conditional), Parcels 759-767-5161, 759-767-2638, 759-767-6934, 759-767-6516 and 758-767-  
274 8413, containing approximately 14.2 acres, located on the west line of Francistown Road at  
275 Castle Point Road. The applicant proposes a single-family residential subdivision with a density  
276 not to exceed 2.2 dwelling units per acre. The R-3 District allows a minimum lot size of 11,000  
277 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
278 density per acre, and Environmental Protection Area.  
279  
280 Mrs. Ware - Is there any opposition to the deferral of Case C-61C-04, Dominion Land  
281 & Development Partnership, in the Brookland District? There is no opposition. Mr. Vanarsdall.  
282  
283 Mr. Vanarsdall - I move that Case C-61C-04 be deferred to December 9, 2004, at the  
284 Commissioner's request.  
285  
286 Mr. Marshall - Second.  
287  
288 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in  
289 favor say aye. All opposed say no. The motion passes.  
290  
291 The Planning Commission deferred Case C-61C-04, Dominion Land & Development Partnership,  
292 to its meeting on December 9, 2004, at the Commission's request.  
293  
294 Mr. Archer - Madam Chair, I have one to add, also.  
295  
296 **C-59C-04 Joe Gray:** Request to conditionally rezone from O-1 Office District to B-  
297 1C Business (Conditional), Parcel 784-752-5293, containing 0.64 acre, located at the northwest  
298 intersection of Brook (U. S. Route 1) and Ridge Roads. A martial arts studio and retail shops are  
299 proposed. The use will be controlled by zoning ordinance regulations and proffered conditions.  
300 The Land Use Plan recommends Office.  
301  
302 Mrs. Ware - Is there any opposition to the deferral of Case C-59C-04, Joe Gray, in  
303 the Fairfield District? There is no opposition.  
304  
305 Mr. Archer - Madam Chair, I move deferral of Case C-59C-04, Joe Gray, to the...  
306  
307 Mrs. Ware - Excuse me just a second, Mr. Archer. Did you have opposition to the  
308 deferral, sir? Do you want to briefly come to the podium and state what your opposition is to us  
309 deferring this case? Can you please give your name and address for the record?  
310  
311 Mr. Gray - I am Joe Gray and I know it is your procedure, but I am supposed to be  
312 before you tonight with the amended proffers.  
313  
314 Mr. Silber - Mr. Archer, maybe you know more about what is going on. The request  
315 that is on the agenda tonight was to be heard later in the agenda and the Planning  
316 Commissioner from this district had interest in deferring this. Did you want to hear this case?  
317  
318 Mr. Archer - I understood that we don't have sufficient information that we have had

319 a chance to study to be able to make and decision.  
320  
321 Mr. Gray - Not to my knowledge. Everything I know that you do...  
322  
323 Mr. Archer - Well, in my conversations with staff, we just have not had enough  
324 information to make a decision, and, consequently, the best thing to do is to defer it until we can  
325 get the information put together.  
326  
327 Mr. Silber - Mr. Archer, would it be appropriate to have my staff come forward and  
328 explain perhaps what information is still lacking at this point?  
329  
330 Mr. Archer - If it would help Mr. Gray, I have no objection to that.  
331  
332 Mr. Tyson - Good evening ladies and gentlemen and members of the Commission.  
333 My name is Lee Tyson and I am a staff planner with the Planning Department. I have been  
334 working with Mr. Gray on Case C-59C-04. Mr. Gray submitted a proffer statement several weeks  
335 ago. We reviewed that, met with him, suggested possible changes to those proffer statements  
336 to address several staff concerns. Mr. Gray called me this afternoon about 4:00 or 4:15 p.m.  
337 saying he had not had the chance to amend the proffer statement and get it to me in time. I  
338 think that is the issue that is outstanding. There are case materials that have been submitted.  
339 Staff is ready and willing to participate and submit the staff report. Our recommendation,  
340 however, would be that there are outstanding issues and that a revised proffer statement hasn't  
341 been received by us in order to respond.  
342  
343 Mr. Silber - Mr. Gray, I think at this point in time it may be most appropriate for the  
344 Planning Commission to consider deferral of this case. This would come up next month. I think  
345 it would be appropriate for you to work with staff and the Planning Commissioner from the  
346 district to see if we can work out these issues.  
347  
348 Mr. Gray - It was my understanding that most of the stuff that was left to be done  
349 was to be done at the POD stage of it, which we could write in anything else that needed to be  
350 done. They asked for a few changes, and I certainly agreed to help out any way that I could to  
351 make that happen.  
352  
353 Mr. Archer - Excuse me. The POD process is the next step if this case is passed.  
354 What we are doing tonight is trying to get it in shape, so we can recommend it to the Board of  
355 Supervisors for approval. We don't have sufficient information yet to make a decision. We  
356 would either have to deny it and send it further with a recommendation for denial, or we can  
357 defer it to give you a chance to work on it with staff. And I think it would probably be in your  
358 best interests to take the deferral and then, if the case is passable, we will submit it to the next  
359 section, which would be for a POD.  
360  
361 Mr. Gray - OK.  
362  
363 Mr. Archer - The information was received too late for them to be able to make a  
364 decision to pass along to me, and we don't want to do that tonight. So I would encourage you  
365 to get with staff as soon as you can, on the next work day, and start working on trying to get  
366 this passed, but I will do the deferral at the Commission's request, but thanks for coming up.  
367  
368 Mrs. Ware - Mr. Archer.  
369  
370 Mr. Archer - Madam Chair, I move deferral of Case C-59C-04, Joe Gray, to the  
371 December 9, 2004 meeting, at the request of the Commission.

372  
373 Mr. Vanarsdall - Second.  
374  
375 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
376 say aye. All opposed say no. The motion passes.  
377  
378 At the request of the Commission, the Planning Commission deferred Case C-59C-04, Joe Gray,  
379 to its meeting on December 9, 2004.  
380  
381 Mr. Jernigan - Madam Chairman, I have one on page 5, in the Varina District.  
382  
383 **Deferred from the September 9, 2004 Meeting:**  
384 **C-47C-04 Garry Gallagher:** Request to conditionally rezone from O-2C Office  
385 District (Conditional) to B-2C Business District (Conditional), Parcel 834-714-1831, containing  
386 2.307 acres, located at the eastern corner of the intersection of Williamsburg Road (U.S. Route  
387 60) and Whiteside Road. The applicant proposes a retail use. The use will be controlled by  
388 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office.  
389 The site is in the Airport Safety Overlay District.  
390  
391 Mrs. Ware - Is there any opposition to the deferral of Case C-47C-04, in the Varina  
392 District? No opposition.  
393  
394 Mr. Jernigan - With that Madam Chair, I move for deferral of Case C-47C-04, Garry  
395 Gallagher, to the December 9, 2004 meeting, by request of the Commission.  
396  
397 Mr. Vanarsdall - Second.  
398  
399 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
400 favor say aye. All opposed say no. The motion passes.  
401  
402 At the request of the Commission, the Planning Commission deferred Case C-47C-04, Garry  
403 Gallagher, to its meeting on December 9, 2004.  
404  
405 **C-62C-04 William E. Elmore, Sr.:** Request to conditionally rezone from A-1  
406 Agricultural District to R-1AC One Family Residence District (Conditional), part of Parcel 767-777-  
407 9367, containing approximately 65.80 acres, located on the north line of Mill Road approximately  
408 1,100 feet east of Chickahominy Branch Drive. A single-family residential subdivision is  
409 proposed. The R-1A District allows a minimum lot size of 21,500 square feet. The Land Use  
410 Plan recommends Rural Residential, not exceeding 1.0 unit per acre, and Environmental  
411 Protection Area.  
412  
413 Mrs. Ware - Is there any opposition to Case C-62C-04, William E. Elmore, Sr., in the  
414 Brookland District? There is no opposition. Good evening, Mr. Gidley.  
415  
416 Mr. Gidley - Good evening, Madam Chairwoman and members of the Planning  
417 Commission. This case is C-62C-04. The applicant is requesting R-1AC rezoning for a single-  
418 family subdivision off Mill Road. Revised proffers dated today have been submitted. As a result,  
419 the time limits will need to be waived. The 2010 Land Use Plan designates most of this site as  
420 Rural Residential, with a net density of no more than one (1) unit per acre. The applicant has  
421 proffered a maximum of 50 lots, which results in a density of 0.76 units per acre.  
422  
423 Additional proffers the applicant has submitted include, but are not limited to:  
424



- 425 • Brick or stone foundations;
- 426 • A minimum finished floor area of 3,000 square feet;
- 427 • A minimum of 50% of the homes to have brick front elevations;
- 428 • Attached two car garages with each home, all of which will be side or rear loaded;
- 429 • Front stoops and steps to be constructed of brick;
- 430 • Front and side yards to be sodded and irrigated;
- 431 • Hard surface driveways; and
- 432 • A pledge to rezone land in floodplain to C-1.

433

434 The revised proffers address most of staff's concerns expressed in the staff report. However,  
435 there is still one minor issue the applicant could address.

436

- 437 • Proffer #5 states exposed portions of fireplace chimneys will be brick, stone, or siding similar  
438 to the exterior treatment of the dwelling. To enhance the quality of these homes, the applicant  
439 should consider only brick or stone finishes for chimneys.

440

441 If the applicant could address this issue, staff could recommend approval of this request.

442

443 This concludes my presentation. I would be happy to answer any questions you may have.

444

445 Mrs. Ware - Are there any questions for Mr. Gidley from the Commission?

446

447 Mr. Marshall - Mr. Gidley, what did you say the density was?

448

449 Mr. Gidley - With the proffered 50 lots, the density would be 0.76 units per acre.

450

451 Mr. Marshall - Is the staff report right? It is 65.8 acres?

452

453 Mr. Gidley - Yes, it is 65.8 acres, yes, sir.

454

455 Mr. Marshall - And there are 50 units.

456

457 Mr. Silber - Yes, sir, coming up less than one unit per acre.

458

459 Mr. Vanarsdall - I don't have any questions for Mr. Gidley, myself. I would like to hear  
460 from the applicant.

461

462 Mr. Condlin - Good evening, Madam Chair, and members of the Commission. My  
463 name is Andy Condlin from Williams, Mullen. I just wanted to cover a few quick points and I  
464 think there are a couple of issues outstanding with respect to what was requested and what you  
465 have in front of you. As Paul had set forth, the property is currently zoned A-1 but it also has a  
466 tentative subdivision plan already approved for this property for 43 lots, with no proffers, by right  
467 to develop. Our request is R-1A with a density of .76, 65.8 acres, with 50-lot maximum.  
468 Ultimately we are gaining seven lots. What is gained for us is seven lots. What is gained  
469 otherwise for the neighboring property owners and the County is clearly a better layout that you  
470 can't see on the screen. You can assume it is a good layout. How is that? We will go with that.  
471 Take my word for it. I am a lawyer. That always gets a good laugh.

472

473 A number of amenities are provided in the proffers including construction limitations, 3,000 sq.  
474 ft. homes, minimum, requirements of brick including the stoops and 2-car attached garages.  
475 Obviously, this fits within the Comp Plan. I will say this, I was hoping we could get a little bit  
476 better, and I apologize that we can't. The layout is better because we can provide some cul-de-  
477 sacs off of the property versus the original layout that has already been approved as one shot.

478 It is a street with one cul-de-sac at the very end. If you look real close, you can kind of make  
479 out the ghostly images of the other things. The two issues that are of concern to us that are not  
480 reflected in your blind copy is Proffer #24 regarding streetlights. This was of importance to one  
481 of the neighbors. I understand the objection by the staff and the County. We have agreed to  
482 take it out, but with reluctance, not objection but reluctance, if that makes sense. Mr. Williams  
483 was quite adamant that this be allowed in this particular case that no streetlights on private  
484 property, with the exception of driveway or post lamps be permitted. Again, that is taken out.  
485 That is not reflected on the sheet that you have been given. On the original we have taken that  
486 out.

487  
488 The other issue is with respect to the front yards and the sod and irrigation. Because this is  
489 potentially not subject to water and sewer or temporary septic system. We did have in there  
490 that sod and irrigation would be provided in the front and side yards of homes, unless otherwise  
491 prevented because of a septic system. There are certain septic systems that prevent irrigation to  
492 be over top of it, and because of the way the property may perk and the potential loss of a  
493 substantial number of lots, we may have to put the septic systems in the side yard. That is why  
494 I think keeping that in there, I think again over the objection of the staff. Bob, did you want to  
495 address that otherwise, about the septic system? That is why we wanted to keep that in there  
496 because of again, the way the property perks, and because of the issue of - the concern I believe  
497 was it should be irrigated, but reading Irma Brombeck is the grass is always greener over the  
498 septic system, so, I don't think it is going to be an issue of irrigation being necessary on all of the  
499 lots on the side yards and the front yards if we've got to have septic systems in there. So, that is  
500 the only issue that we've got, I think, what the staff has recommended otherwise.

501  
502 With that, I will be happy to answer any questions. I think this case is ready to move forward. I  
503 think it is a quality case that could otherwise be developed by right under the existing tentative  
504 subdivision approval.

505  
506 Mr. Vanarsdall - What you are saying is you are OK with deleting number 24 about the  
507 streetlights?

508  
509 Mr. Condlin - Yes, sir. That has been deleted on the original proffers submitted. It is  
510 just not on your blind copy.

511  
512 Mr. Vanarsdall - I have never seen that - saw it worded unless otherwise prevented by  
513 the septic tank. I think if you had your septic tank, wouldn't anybody try to do that in the side  
514 yard to start with, wouldn't they?

515  
516 Mr. Condlin - It is in the side yard at times, and certainly, you have to have the  
517 reserve area.

518  
519 Mr. Vanarsdall - I would feel better if we left out the last sentence, unless otherwise  
520 prevented by septic tank systems. I don't have any more problems with it.

521  
522 Mr. Condlin - OK.

523  
524 Mr. Vanarsdall - This is a very upscale project out in the Glen Allen area and it is an  
525 extension of the homes that is called Hunton Estates. They are going to be \$600,000 up, very,  
526 very, extremely good quality, single-family. I recommend that we recommend to the Board of  
527 Supervisors for approval. I think I have to waive the time limits, because it is dated today, so I  
528 move that we waive the time limit on the proffers.

529  
530 Mr. Marshall - Second.

531  
532 Mrs. Ware - Motion made by Mr. Vanarsdall. Seconded by Mr. Marshall. All in favor  
533 say aye. All opposed say no. The motion passes.  
534  
535 The Planning Commission voted to waive the time limits on C-62C-04, William E. Elmore, Sr.  
536  
537 Mr. Vanarsdall - Now I would like to recommend to the Board approval of this case and  
538 delete Proffer #24, and I want to delete on Proffer #22, I just want it to say "sod and irrigation  
539 shall be included in the front and side yards of all homes." Leave out the last sentence.  
540  
541 Mr. Marshall - Second.  
542  
543 Mr. Silber - Mr. Vanarsdall, the applicant is agreeable to that? Correct?  
544  
545 Mr. Vanarsdall - Yes. If it is that important they can put it back in at Board time.  
546  
547 Mr. Silber - I would, OK. If he is agreeable to that, I would prefer he make that  
548 change on the proffer form at this time. If he is not agreeable to that, the Planning Commission  
549 cannot accept that proffer. You can't just change the wording of his proffer. Let's have Mr.  
550 Atack speak to this.  
551  
552 Mr. Bob Atack - Madam Chairman and members of the Planning Commission, my name is  
553 Bob Atack and I guess our concern, Mr. Vanarsdall, or maybe you simplified it by saying this  
554 could be corrected by the time we get to the Board. We have confidence that we may get viable  
555 sewer with this property. Absent sewer, we would have septic systems on this property, and  
556 with septic systems, these sewers are very poor in this area. We could also have to have a  
557 septic system in the front yard, and irrigation could oftentimes prohibit the ability to work for the  
558 septic systems, so I would accept, if you will, under duress, your suggestion Mr. Vanarsdall.  
559  
560 Mr. Vanarsdall - If you want me to, would you feel better if I left it in there?  
561  
562 Mr. Atack - I would appreciate it, sir.  
563  
564 Mr. Vanarsdall - Then you can talk with Mr. Glover at Board time.  
565  
566 Mr. Atack - I appreciate that.  
567  
568 Mr. Silber - Mr. Vanarsdall, where I am coming from is, the Planning Commission  
569 does not have the ability to change a proffered condition. They are voluntarily offered by the  
570 applicant, so if he wants to make that modification he can. The Planning Commission does not  
571 have the ability to change the proffer, so I think their approach would be fine if Mr. Atack wants  
572 to address this between Planning Commission and the Board that would be an acceptable  
573 alternative.  
574  
575 Mr. Vanarsdall - We will leave it in there.  
576  
577 Mr. Atack - Thank you very much.  
578  
579 Mr. Vanarsdall - I will change my motion to recommend approval of C-62C-04 to the  
580 Board of Supervisors for and we would delete #24 and there would be no correction to proffer  
581 #22.  
582  
583 Mr. Marshall - Second.

584  
585 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in  
586 favor say aye. All opposed say no. The motion passes.  
587

588 **REASON:** acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning  
589 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
590 request because it is appropriate residential zoning at this location and the proffered conditions  
591 would provide a maximum density of .73 units per acre in keeping with the recommendations of  
592 the Land Use Plan and would provide for a higher quality of development than would otherwise  
593 be possible.  
594

595 **Deferred from the October 14, 2004 Meeting:**

596 **C-20C-04 James Theobald for Eric L. Walker:** Request to conditionally rezone  
597 from A-1 Agricultural District to O-2C Office District (Conditional), part of Parcel 807-733-6105,  
598 containing 17.827 acres, located along the west line of N. Laburnum Avenue approximately 1,360  
599 feet southeast of its intersection with Harvie Road. Office uses are proposed. The use will be  
600 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan  
601 recommends Office. The site is in the Airport Safety Overlay District.  
602

603 Mrs. Ware - Is there any opposition to C-20C-04, James Theobald for Eric L. Walker,  
604 in the Fairfield District? There is no opposition.  
605

606 Mr. Humphreys - Thank you, Madam Chair. We recently received proffers this evening  
607 and we will get them handed out to you here, which will alter my report just slightly.  
608

609 The applicant has submitted a revised application for this property to request O-2C. This is a  
610 change from the applicant's previous request for R-5AC, to construct up to 83 single-family  
611 homes. The R-5AC request would have been developed in conjunction with Case C-21C-04  
612 located across Laburnum Avenue. The current request would allow for one and two story office  
613 buildings.  
614

615 This request is consistent with the recommendation for Office in the 2010 Land Use Plan and is  
616 within the Airport Safety Overlay District. The site is also listed as a Prime Economic  
617 Development Site in the 2010 Land Use Plan. The Major Thoroughfare plan shows future Watts  
618 Lane traversing this site.  
619

620 The applicant has submitted revised proffers, which have just been handed out to you, for the O-  
621 2C request dated November 10, 2004. The time limits for these proffers would have to be  
622 waived. The proffers do address some issues of quality development including landscaping,  
623 architectural treatments, lighting, signage, sidewalks, and aerated BMPs.  
624

625 The applicant has also submitted and now proffered a conceptual plan shown here. The current  
626 proposal for C-21C-04 is also shown on this plan that they have also proffered.  
627

628 The applicant has submitted one other exhibit for an entrance feature with this case; however, it  
629 has not been proffered.  
630

631 Overall, the revised request could be appropriate for this area; however staff recommends the  
632 applicant consider proffering an entrance feature. Therefore, staff recommends deferral of this  
633 request until such a time as these issues can be sufficiently addressed.  
634

635 This concludes my presentation. I would be happy to try to answer any questions you may have.  
636

637 Mrs. Ware - Are there any questions of Mr. Humphreys' from the Commission?  
638  
639 Mr. Archer - I have something, Mr. Humphreys, but I would rather hear from the  
640 applicant first.  
641  
642 Mr. Theobald - Good evening, Madam Chairman, ladies and gentlemen. For the record,  
643 my name is Jim Theobald and I am here on behalf of the applicant this evening. This is the  
644 result of a long process that we have been engaged in with Mr. Archer, Mr. Thornton and staff to  
645 find the appropriate use for this site. You have heard a case not too long ago for the property  
646 that was owned by a church basically over on this quadrant (referring to rendering). This is  
647 King's Point Apartments here, and we had originally proposed a townhouse development on the  
648 current site and the one proposed on the agenda following. We modified that case to be a  
649 single-family detached case and in further discussions with Mr. Thornton and Mr. Archer, they  
650 believe that following the Land Use Plan was a more appropriate path to take, so we have  
651 amended our request to an O-2 rezoning. If we are successful this evening and a favorable  
652 recommendation on the office part, we will be deferring the residential case following, and then  
653 immediately amend that to office and mirror the same type of proffers and development. So, in  
654 working with staff we have developed a number of proffers that address those very features that  
655 Mr. Humphreys has outlined for you. Today we have provided a conceptual plan and elevations  
656 which staff had previously reviewed, but had not been proffered, and I believe that the issue was  
657 one of desiring additional level of certainty as to how the site might be developed and this  
658 afternoon we did agree to do that. You will note that it does include provision for the extension  
659 of Watts Lane. This site in here I believe is owned by the Fraternal Order of Police, if I am not  
660 mistaken. We do not control the connector, but we did agree to do our plan in such a way that  
661 ultimately if possible this could be connected. These are designed to be essentially office  
662 condominiums, one and two stories. I believe under the current economic climate there has  
663 been a demand for that for a product in different parts of the County, as opposed to just  
664 traditional suburban office buildings. With that, I would be happy to answer any questions. I'd  
665 very much appreciate your favorable recommendation to the Board of Supervisors.  
666  
667 Mrs. Ware - Are there any questions for Mr. Theobald from the Commission?  
668  
669 Mr. Archer - Mr. Theobald, can you speak to the staff's concern about having  
670 entrance features as part of your proffered conditions.  
671  
672 Mr. Theobald - Frankly, since this is obviously a speculative rezoning that we hope will  
673 be designed like this, I certainly can't give you a lot of assurance as to how an entrance feature  
674 would look. It seems an odd request to suggest the case needs to be deferred until I design  
675 one, but if it is your pleasure, Mr. Archer, we can always do that. I am just saying...and the  
676 elevations in the plan are in general conformance, unless otherwise approved at time of POD.  
677  
678 Mr. Archer - I think what would be helpful would be if you would at least agree that  
679 you will supply us with some entrance features at least by the time it should pass and get to the  
680 Board.  
681  
682 Mr. Theobald - I would be happy to do that.  
683  
684 Mr. Archer - OK.  
685  
686 Mrs. Ware - Anymore questions?  
687  
688 Mr. Silber - Mr. Theobald, the proffer No. 14 on Watts Lane Extension indicates that  
689 at time of plan of development a combination of extension of Watts Lane though the property

690 shall be demonstrated. What is meant by demonstrated?

691

692 Mr. Theobald - Well, in other words, keep in mind that proffer was written before the  
693 plan was proffered, and so we were trying to communicate that whatever plan we came up with,  
694 we would set aside the ability for Watts Lane to connect, as opposed to placing buildings in the  
695 way. Now that we actually have a plan and you can see it in front of you, you will see that we  
696 have already fulfilled essentially that proffer.

697

698 Mr. Silber - When you say it shall be demonstrated are you committing to dedicating  
699 that right of way, constructing that right of way, or to what extent are you demonstrating that  
700 Watts Lane will be provided?

701

702 Mr. Theobald - I don't believe we would have any trouble dedicating it, but in terms of  
703 constructing it, I think we are just way far out on this one at this point. And this road connection  
704 with this amount of frontage on Laburnum Avenue, clearly this project does not give need to the  
705 rise for this connection. This is to accommodate other people's traffic, so I don't think anybody  
706 would suggest that you would have to pay for the land. I am not so sure that you could legally  
707 expect somebody to build it.

708

709 Mr. Silber - There is a Concept Road on the Major Thoroughfare Plan that comes  
710 through the middle of your property. I think that would need further discussion. I certainly think  
711 it needs to be dedicated at least and perhaps constructed through the limits of your property.

712

713 Mr. Theobald - I don't think we will have any trouble dedicating it. I am just not sure  
714 about constructing. These sellers, I think that would be an additional burden on them at this  
715 point, whether they try to develop the property or further market the property.

716

717 Mrs. Ware - Any more questions?

718

719 Mr. Archer - Mr. Theobald, just to follow up on what Mr. Secretary was just saying, I  
720 think it would be a good idea to bear in mind that this is something that you may have to deal  
721 with between now and time it reaches whatever point it reaches. I don't think we can dismiss it  
722 and I understand Mr. Silber's concern, because round and round about one now.

723

724 Mr. Theobald - I understand the comment.

725

726 Mr. Archer - OK.

727

728 Mrs. Ware - Any more questions? Thank you, Mr. Theobald.

729

730 Mr. Archer - Well, Madam Chair, we have discussed this with Mr. Theobald today and  
731 I realize that the proffers are just being seen by at least the Commission members now and also  
732 the staff and we haven't had ample time to discuss them, but they did provide them as  
733 promised, and I just want to say on the record that No. 14 is something that will probably have  
734 to be looked at some point in the future, and I appreciate Mr. Silber's comments on that.

735

736 So, also, I might add that the master plan includes the assumption of C-21, so I think we should  
737 bear that in mind also. With that, I first have to waive the time limits on the conditions, so I  
738 move we waive the time limits on the conditions, so I move to waive the time limit on the  
739 proffers.

740

741 Mr. Vanarsdall - Second.

742

743 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
744 say aye. All opposed say no. The motion passes. The time limits are waived.

745

746 The Planning Commission voted to waive the time limits on Case C-20C-04, James Theobald for  
747 Eric L. Walker.

748

749 Mr. Archer - With careful consideration of the caveat I just mentioned, I will move for  
750 recommendation for approval of Case C-20C-04, James Theobald for Eric L. Walker.

751

752 Mr. Vanarsdall - Second.

753

754 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
755 say aye. All opposed say no. The motion passes.

756

757 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
758 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**  
759 the request because it conforms to the recommendations of the Land Use Plan and the proffered  
760 conditions will provide appropriate quality assurances not otherwise available.

761

762 **Deferred from the October 14, 2004 Meeting:**

763 **C-21C-04 James Theobald for Eric L. Walker:** Request to conditionally rezone  
764 from A-1 Agricultural District to R-5AC General Residence District (Conditional), part of Parcel  
765 807-733-6105, containing 18.563 acres, located at the southeast intersection of N. Laburnum  
766 Avenue and Harvie Road. No more than 78 units are proposed. The R-5A District allows a  
767 minimum lot size of 5,625 square feet. The Land Use Plan recommends Office. The site is in the  
768 Airport Safety Overlay District.

769

770 Mr. Theobald - Madam Chair, I am now filing for deferral on the next case.

771

772 Mrs. Ware - Thank you, Mr. Theobald. Is there any opposition to the deferral of  
773 Case C-21C-04? There is no opposition to the deferral, Mr. Archer.

774

775 Mr. Archer - Then I will move deferral of Case C-21C-04 to January 13, 2005, at the  
776 applicant's request.

777

778 Mr. Vanarsdall - Second.

779

780 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
781 say aye. All opposed say no. The motion passes.

782

783 **Deferred from the October 14, 2004 Meeting:**

784 **PUBLIC HEARING: INNSBROOK URBAN MIXED USE AREA:** The Planning Commission will  
785 consider an amendment to the 2010 Land Use Plan that would redesignate a portion of the  
786 Innsbrook office park to Urban Mixed Use (UMU). The site is generally comprised of the area  
787 bordered by Cox Road, Sadler Place, Highwoods Parkway, and Waterfront Lake. The  
788 Recommended Plans may be examined in the Planning Office on the second floor of the County  
789 Administration Building.

790

791 Mr. Silber - With the Commission's permission, I will call the other three cases that  
792 are standing cases of the Land Use Plan amendment, make the staff presentation, and speaking  
793 for all four of these, they will require separate action by the Planning Commission. The next  
794 standing case to that would be C-27C-04.

795

796 **Deferred from the October 14, 2004 Meeting:**  
797 **C-27C-04 James W. Theobald for Highwoods Realty LP, etal:** Request to  
798 rezone from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional),  
799 Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing  
800 approximately 36.13 acres, located along the southwest intersection of Cox Road and Sadler  
801 Place. A mixed-use development is proposed. All uses will be controlled by proffered conditions  
802 and zoning ordinance regulations. The applicant proffers any residential use will not exceed three  
803 hundred forty-four (344) units. The Land Use Plan recommends Office and Environmental  
804 Protection Area.  
805

806 **Deferred from the October 14, 2004 Meeting:**  
807 **P-6-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a  
808 Provisional Use Permit under Sections 24-32.1(a) and 24-122.1 of Chapter 24 of the County Code  
809 in order to permit the activities listed in Section 24-32.1(a) of the UMU ordinance, on Parcels  
810 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36.13  
811 acres, located along the southwest intersection of Cox Road and Sadler Place. The existing  
812 zoning is O-3C Office District. The Land Use Plan recommends Office and Environmental  
813 Protection Area.  
814

815 **Deferred from the October 14, 2004 Meeting:**  
816 **P-7-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a  
817 Provisional Use Permit under Sections 24-32.1(u) and 24-122.1 of Chapter 24 of the County Code  
818 in order to permit a thirteen (13) foot increase in the permitted height of office buildings in the  
819 UMU District, on Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494,  
820 containing approximately 36.13 acres, located along the southwest intersection of Cox Road and  
821 Sadler Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office  
822 and Environmental Protection Area.  
823

824 Mrs. Ware - I will at this time ask if there is any opposition to the Innsbrook Urban  
825 Mixed Use Area Land Use Plan Amendment, C-27C-04, P-6-04 and P-7-04, James W. Theobald  
826 for Highwoods Realty LP, etal? Is there any opposition? There is opposition. Do you have  
827 somebody who is going to be the spokesperson for the group as a whole or do you have  
828 separate speakers? How many? Would you raise your hands please? You have 10 minutes.  
829

830 Mr. Silber - Let me review the Planning Commission's rules on this. There are three  
831 cases and the Planning Commission may want to consider adding additional time because of the  
832 complexity of this and the multiple cases. The Planning Commission's rules basically would be  
833 that the applicant, after the staff presents the case, the applicant then presents their request for  
834 rezoning and use permit. The applicant has 10 minutes to present their case and some of that  
835 time they may want to save for rebuttal. Anyone speaking in opposition to this request generally  
836 has 10 minutes to speak, collectively, in regard to those requests, and again the applicant may  
837 save some time to rebut the opposition's comments. Members of the Commission, since there  
838 are basically three requests before you, do you want to extend a period of time beyond 10  
839 minutes? Twenty minutes? When there is a presentation being made and the Planning  
840 Commission asks questions of you, the time is not running when you are responding to the  
841 question. Just trying to move things along as a point of information. Do you have questions?  
842 Excuse me. Would you please come to the podium?  
843

844 Dr. Michael Normansell - I am Dr. Michael Normansell, Associate Professor, Department of  
845 Psychology, Virginia Commonwealth University. I own a home at Sadler Place, which does not  
846 have as yet an association and an official representative, where there are others who do have an  
847 official one. I would think that our community deserves as much time as anyone else, and then I  
848 think that any association feeder, Glen Allen, and any other community that feels they are



849 affected by this deserves an equal 10 minutes.  
850  
851 Mrs. Ware - Everyone deserves their opportunity to speak. We limit the time for  
852 everyone so that we can get to everyone.  
853  
854 Dr. Normansell - Everyone...  
855  
856 Mrs. Ware - Can you please not but in sir? Do you know how much you have  
857 planned to speak this evening?  
858  
859 Dr. Normansell - As much time as it takes to beat this.  
860  
861 Mrs. Ware - If you want to make a comment that is fine. You are welcome and we  
862 want to hear what you have to say. We do have to set a time so that we can be fair to  
863 everyone.  
864  
865 Dr. Normansell - Give 10 minutes to one person who wants it and 10 minutes to  
866 every single definable group that is opposed to it.  
867  
868 Mrs. Ware - What I ask too is that we welcome your information and we will get to  
869 everyone in order.  
870  
871 Dr. Normansell - If there is a hundred people out there and a hundred group,  
872 they should each get 10 minutes.  
873  
874 Mr. Jernigan - No, sir. It doesn't work that way.  
875  
876 Mr. Tom Coleman - Innsbrook contains over 960 acres and was designed and developed as a  
877 mixed-use project to include office, commercial, and residential development. Office buildings  
878 are the primary use, and Innsbrook contains over four million square feet of office space in 90  
879 buildings. Other uses include condominiums, single-family subdivisions, commercial  
880 development, and a series of lakes serving as aesthetic amenities. While Innsbrook represents  
881 high quality development, the uses are largely segregated from one another in a conventional  
882 suburban design requiring separate uses on separate parcels.  
883  
884 The subject property presently includes three multi-story office buildings, vacant office property,  
885 and land abutting the Innsbrook lakes. The existing office buildings total 365,000-sq. ft., and  
886 include 1,460 spaces of surface parking to serve these buildings.  
887  
888 A Plan of Development was approved by the Commission in July 2003 for a portion of the subject  
889 property. This POD permits construction of two office buildings totaling 230,000-sq. ft. and a  
890 two-story parking deck. If this UMU District request were approved, this POD would be  
891 abandoned.  
892  
893 The request before you tonight would permit the incorporation of retail, townhouse, and  
894 condominium uses in addition to the existing office uses on the site.  
895  
896 The Highwoods Village Master Plan proposes a central avenue drawing together the various uses  
897 within the UMU area. As proposed, Highwoods Village would include the following upon  
898 completion:  
899  
900 • Up to 344 "for sale" condominium and townhouse units;  
901 • Approx. 595,000 square feet of total office space, including the:

- 902 - (3) existing office buildings (approx. 365,000 sq. ft.); and
- 903 - (2) new office buildings (approx. 229,650 sq. ft.);
- 904 • Approximately 50,000 square feet of retail and restaurant space;
- 905 • Retail shops with residential units above along the central avenue;
- 906 • A substantial streetscape definition along the central avenue;
- 907 • Public-oriented spaces including picnic pavilions along the lakefront and a waterfront deck
- 908 extending into the lake; and
- 909 • Pedestrian linkages to Innsbrook's existing 6-mile-long pedestrian trail system.

910

911 The applicant has made several changes to this request since the initial application, including:

- 912 • Reducing the number of dwelling units to 344;
- 913 • Apartments are no longer included;
- 914 • Min. dwelling unit sizes have been increased; and
- 915 • A cash proffer has been offered for \$250,000 for transportation improvements.

916

917 It is staff's recommendation that the subject property generally qualifies for the UMU designation  
918 in the 2010 Land Use Plan. There are substantial opportunities for development of a high  
919 quality, pedestrian oriented development on this site, however there remain issues, which require  
920 additional attention from the applicant.

921

922 Although the subject area is within the Innsbrook Corporate Center, this proposal is removed  
923 from the established retail areas along West Broad Street at Cox Road. In addition to adjacent  
924 office development, this proposal is in close proximity to single-family neighborhoods to the west  
925 and residential condominiums to the east across Cox Road.

926

927 The UMU District would permit development that is much denser than typical suburban  
928 development. Waterfront Place and the existing rights-of-way provide distinct geographic  
929 boundaries around parts of the subject area and somewhat reduce the possibility of  
930 redevelopment negatively impacting property to the northeast. No comparable geographic or  
931 topographical features separate the proposed UMU area from the adjacent single-family  
932 residential areas. Sufficient buffering for adjacent residential areas will be an important  
933 consideration when determining whether the rezoning and master plan proposals are compatible  
934 with surrounding land uses.

935

936 The area is adequately served by public utilities, and the Department of Public Utilities indicated  
937 necessary utility improvements could be determined during the plan of development review and  
938 impacts could be resolved through the water and sewer service agreements.

939

940 This area is also adequately served by public facilities and the public services, although the  
941 analysis of this proposal would be ongoing to assess the impacts on schools, fire protection,  
942 police services, and other public services.

943

944 The primary access to the UMU District, by code, shall be directly from a Major Access Road,  
945 Major Collector, Minor Arterial, or Major Arterial roadway as defined on the Major Thoroughfare  
946 Plan (MTP). The developer is proposing access from Cox Road, which is a Major Collector and  
947 meets the classification requirement, and from Sadler Place, which is not on the MTP.

948

949 The proposed development must be served by necessary transportation facilities. The developers  
950 submitted a traffic impact study to both the Virginia Department of Transportation and the  
951 Department of Public Works. The traffic study identified inadequate capacity at selected  
952 intersections and on selected roadways. Analysis of the traffic impact study suggests potentially  
953 substantial impacts resulting from this proposal. The applicant must demonstrate this request  
954 offers sufficient provisions to mitigate the costs of providing and maintaining transportation

955 facilities for this project.

956

957 In lieu of traditional zoning restrictions regulating densities, setbacks, parking, and other  
958 development regulations, "project specific design criteria" are required for each project. These  
959 design criteria can be presented in the master plan for the project, in proffers, or may be  
960 required as conditions of the Provisional Use Permit. They can be presented in a variety of  
961 formats including schematic plans, architectural renderings, rights-of-way profiles or cross  
962 sections, and in narrative form. They can also address other project details including building  
963 materials, pedestrian pathways, view sheds, or other project amenities.

964

965 While the proffers contain certain assurances of quality development including proffered  
966 elevations, the application did not provide additional design criteria to further regulate this  
967 development.

968

969 - A minimum of 25% of the building square footage in the District must be commercial or  
970 office. This request includes approx. 40% of building square footage for office and commercial  
971 uses;

972 - The residential density cannot exceed 40 units per acre, and the proposed residential density  
973 is approx. 9.5 units per acre; and

974

975 The applicant should provide these detailed calculations with plan submittals and continue to  
976 provide updated calculations as the plans are revised.

977

978 This request represents a small portion of the over 960 total acres in Innsbrook and would likely  
979 foster additional requests for urban mixed-use development within Innsbrook or on nearby  
980 properties. Highwoods Properties owns additional sites in Innsbrook and has indicated it may  
981 pursue additional UMU designations within Innsbrook. Staff encourages the site in question to  
982 be seen as a "first step" in the potential redevelopment of Innsbrook. This request must  
983 represent a desirable precedent for other prospective projects.

984

985 Staff offers the following comments regarding the proffers and master plan for Highwoods  
986 Village:

987 • Analysis of the traffic impact study suggests potentially substantial impacts resulting from  
988 this proposal. The applicant has proposed a \$250,000 cash proffer for transportation  
989 improvements. The applicant should demonstrate this request offers sufficient provisions to  
990 mitigate the costs of providing and maintaining infrastructure and public facilities and public  
991 services to this project. Public Works has recommended deferral of this request to further review  
992 the impacts identified with this request.

993 • The application does not include "project specific development guidelines" as recommended  
994 by provisions for urban mixed-use development.

995 • The proffers contain certain assurances of quality development including proffered  
996 elevations, but the application should provide additional information to ensure the high quality of  
997 development envisioned for urban mixed-use development.

998 • Proffer #8 includes a minimum one-bedroom condominium size of 850 square feet. Staff  
999 recommends increasing the minimum unit sizes.

1000 • Proffer #11 commits to planting additional Leyland Cypress along the western boundary.  
1001 Staff recommends providing a 50' buffer along the western boundary of the property planted  
1002 consistent with a Transitional Buffer 50.

1003 • Staff also recommends providing a 35' buffer along Sadler Place and Cox Road frontages that  
1004 may include sidewalks and is planted consistent with a Transitional Buffer 25.

1005 • In proffer #12, staff recommends increasing the sound suppression measures provided  
1006 between residential units from a sound coefficient rating of 54 to a rating of 55.

1007 • As the applicant revises the application in response to agency comments, County agencies

1008 require time to reanalyze changes and to ensure consistent data is being distributed. The  
1009 Director of Finance has recommended a deferral of this request to review information submitted  
1010 late last week. It must be determined conclusively this project would benefit the economic  
1011 condition of the County.

1012 • The proposed development could impact adjacent residential subdivisions, and this proposal  
1013 should carefully address reducing impacts on these established neighborhoods.

1014

1015 Finally, the site layout included with the master plan does not appear to comply with selected  
1016 development standards set forth in the UMU District. For example:

1017 • Sidewalks should be provided along all private and public streets including Sadler Place, Cox  
1018 Road, and Highwoods Parkway.

1019 • Streetscape plantings are required along all rights-of-way in the UMU District. Any existing  
1020 roadways abutting or included within the development shall be subject to the streetscape  
1021 planting standards.

1022 • Appropriate screening devices should be employed:

1023 ○ for parking areas along rights-of-way;

1024 ○ around storm water management facilities; and

1025 ○ when incompatible or less intense uses abut the UMU District.

1026

1027 In summary, the applicant has provided positive elements with this request, and urban mixed-  
1028 use development may be the next phase in the ongoing history of Innsbrook - allowing it to  
1029 continue to grow and maintain its economic vitality. Highwoods Village offers an opportunity for  
1030 coordinated, high quality development and the possibility for new housing options not currently  
1031 available in the Innsbrook area. For these reasons staff recommends that the Planning  
1032 Commission find the Innsbrook Land Use Plan Amendment consistent with the guidelines set  
1033 forth in the Henrico County 2010 land Use Plan, and send it forward to the Board of Supervisors  
1034 with a recommendation for approval. Considering the number of outstanding issues, staff  
1035 recommends deferral of any action on Rezoning Case C-27C-04 and the accompanying  
1036 Provisional Use Permit applications.

1037

1038 This concludes my presentation.

1039

1040 I would be happy to answer any questions. I believe Tim Foster, the Traffic Engineer and Reta  
1041 Busher, the Director of Finance are also here to answer questions.

1042

1043 Mrs. Ware - Are there any questions at this time for Mr. Coleman? In your  
1044 presentation, Mr. Coleman, you were saying about streetscape issues. What were you saying  
1045 about those?

1046

1047 Mr. Coleman - They are not showing plantings along the roadways as required by the  
1048 UMU District standards.

1049

1050 Mrs. Ware - So, in other words, the information that says, "Presented to staff and the  
1051 Commission doesn't comply to development standards..."

1052

1053 Mr. Marshall - Mr. Coleman, that is not a street, I see what you are talking about. All  
1054 of the other streets inside there have streetscape plantings in the development on that picture.  
1055 Those are streetscape plantings along there.

1056

1057 Mr. Coleman - And they ought to be required along this sidewalk.

1058

1059 Mrs. Ware - Anything else?

1060

1061 Mr. Jernigan - Mr. Coleman, if they could start construction tomorrow with what has  
1062 already been approved, and let's say it wasn't a UMU, what is approved for this property right  
1063 now?  
1064  
1065 Mr. Coleman - They have approved two office buildings, totaling 230,000-sq. ft. and  
1066 one two-story parking deck.  
1067  
1068 Mr. Jernigan - And the height?  
1069  
1070 Mr. Coleman - I'd have to check on that. I believe it is either a four or five-story office  
1071 building.  
1072  
1073 Mr. Marshall - What is allowed? What is the maximum they can do on this site on the  
1074 O-3?  
1075  
1076 Mr. Coleman - The O-3 District allows up to an 8-story office building.  
1077  
1078 Mr. Marshall - And approximately how many square feet could they build in office  
1079 buildings?  
1080  
1081 Mr. Coleman - I am not prepared to answer that. Maybe we could defer to the  
1082 applicant. They may have calculated that.  
1083  
1084 Mr. Jernigan - They could start and let's say, this didn't make it, they can go in there  
1085 and build two 8-story office buildings, 230,00 sq. ft. and a parking deck.  
1086  
1087 Mr. Coleman - The 230,000-sq. ft. and a parking deck was approved by the Planning  
1088 Commission in July, 2003. To build an alternative plan would require coming back to the  
1089 Planning Commission with a new plan.  
1090  
1091 Mrs. Ware - Two office buildings totaling 230,000 sq. ft. That is what is approved  
1092 now.  
1093  
1094 Mr. Marshall - That is the current POD.  
1095  
1096 Mrs. Ware - It is in here somewhere what that maximum is.  
1097  
1098 Mr. Marshall - Yes, they'd have to submit a new POD to go to the higher buildings and  
1099 more square footage.  
1100  
1101 Mr. Archer - It is on page 3 of the staff report, Madam Chairman.  
1102  
1103 Mrs. Ware - For the rezoning or the amendment?  
1104  
1105 Mr. Archer - For the amendment, it shows 230,000 sq. ft. Is that what you were  
1106 referring to?  
1107  
1108 Mrs. Ware - That is what could be built under the current POD.  
1109  
1110 Mr. Jernigan - I just wanted to bring out what can be done today or tomorrow as it  
1111 stands right now.  
1112  
1113 Mrs. Ware - Are there any more questions for Mr. Coleman? Thank you, Mr.

1114 Coleman. Good evening, again, Mr. Theobald.

1115

1116 Mr. Theobald - Good evening, Madam Chairman. I would like to reserve 5 minutes of  
1117 time for rebuttal. I wasn't totally sure that was my case being described by staff, but let's see if  
1118 we can work through the issues for you.

1119

1120 My name is Jim Theobald and I am here on behalf of Highwood Properties and this is a request  
1121 to rezone approximately 36 acres from O-3 to the County's new UMU District in order to create  
1122 the first urban village setting within Innsbrook. This request really represents the philosophical  
1123 choice and is really more about the vision of Innsbrook than it is about the proffer. Innsbrook  
1124 may be the perfect place to implement these new strategies that your Board has adopted,  
1125 Highwoods being the perfect developer to implement them.

1126

1127 Innsbrook was always envisioned to be a mixed use community that would provide a place to  
1128 live, work and play, and over the last 25 years it has developed primarily as a corporate office  
1129 park, but also includes retail service and entertainment uses with residences located around the  
1130 periphery. The design created a suburban mixed-use development that achieved the original  
1131 intent to the greatest extent practical given the zoning parameters of the time. This mixture of  
1132 uses resulted in the synergy today that we know as Innsbrook. The retail establishments benefit  
1133 from the nearby office and residential uses, while the residential properties experience an  
1134 increase in property value for their proximity to a major employment center with significant  
1135 amenities. The park like setting at Innsbrook is heavily utilized by the residents particularly  
1136 during evenings and weekends. While this design has been very successful, the zoning  
1137 requirements that existed in the early years of Innsbrook that segregated uses have created a  
1138 community that is highly dependent on the motor vehicle as a principal means of transportation.  
1139 This is the area plan showing Innsbrook, and as you see here, Broad Street Road and Cox Road  
1140 back to Nuckols Road, this is the site in question, and this triangular shaped area, the Markel  
1141 American Building being here at the Plaza and Markel Plaza being the existing buildings that front  
1142 on the lake (referring to rendering), and this request also includes some acreage within the lake.  
1143 This is the single-family neighborhood to the left (referring to rendering) and I believe some  
1144 condominiums on the other side of Cox Road.

1145

1146 Highwoods Master Plan is envisioned to provide pedestrian-orientated spaces arranged around  
1147 the central avenue that you see here (referring to rendering) with retail shops incorporating  
1148 residential units above that is intermingling the uses and workspaces. This avenue will be a  
1149 highly landscaped corridor that provides shaded sitting area, fountains, outdoor cafes, all of  
1150 which reinforce the sense of place. This design introduces a desirable mix and balance of land  
1151 uses while providing strong pedestrian links with the existing water front lake, given the six-mile  
1152 pedestrian network, which is why we haven't shown additional sidewalks along, for instance, this  
1153 road. The pedestrian access is done throughout Innsbrook. Obviously, the desire to provide a  
1154 very safe and efficient place for people to live, work and recreate thus reduces the need for  
1155 automobile travel. As you see on the master plan, the three existing buildings are here along the  
1156 lake (referring to rendering), and this presents the two office buildings that are planned to be  
1157 supported by the structured parking on either side. This avenue or boulevard is oriented to take  
1158 advantage of views of the water with some activity, perhaps restaurant being actually on the  
1159 water. These buildings have first floor retail uses along the tree line, streetscapes. These are  
1160 condominium buildings with first floor retail on these two buildings and condominiums above with  
1161 condominium units circling around in this fashion. These are town homes (referring to  
1162 rendering) and we will see a picture of those in a moment, with detached garages. There is a  
1163 detached garage for every unit, but notice that the activity, particularly in a linear fashion, away  
1164 from the neighborhoods that angles up into the corner to Sadler Place. The ring road or circle in  
1165 here (referring to rendering) has been provided to slow traffic down. This plan does provide an  
1166 additional access point to Cox Road and two on to Sadler Place. This is an elevation of buildings

1167 with retail and condominiums above. These are basically three-story condominium flats. It has  
1168 an interesting feature to break up the roofline, two-story, almost townhouse type, built for  
1169 additional relief within this design, and again, retail on the first floor. This is the typical office  
1170 building that has been made a part of this case, predominantly brick, with architectural features  
1171 consistent with the quality development that you have seen from Highwoods throughout  
1172 Innsbrook. This is the east elevation of a proposed parking deck and office building (referring to  
1173 rendering). These are the town homes that have been designed for the brownstone or fan-type  
1174 look. Again, it is predominantly brick. These are two or three stories. In essence, again, with  
1175 garages and they provide architectural relief and a good transition from the office park to the  
1176 single-family neighborhood.

1177  
1178 The plan and proffered conditions have been substantially modified since the original filing. The  
1179 number of residential units has been reduced from 392 to 344, and all have been changed to be  
1180 owner-occupied town homes and condominiums. The town homes have been strategically  
1181 placed along a substantial portion of the property line adjacent to the single-family neighborhood  
1182 to the west and a condominium building and parking facility pulled back further from the  
1183 property line and angled away from the neighborhood. The plan that you saw represents  
1184 approximately 52% of green and open space, which would include the portion of the lake, but  
1185 even without the lake, some 42% of green and open space.

1186  
1187 We have always been mindful of our relations that impact neighbors, and our reworking of our  
1188 master plan evidences those concerns. We have some photographs taken from the existing  
1189 buildings showing the expanse of parking, note largely unused in the back and showing the  
1190 neighborhood to the west, you can see it better in a moment, the fence line, along here, but  
1191 please note the significant tree cover and well as the height of the existing trees. This is moving  
1192 on down the line (referring to rendering). This shows a better picture of the fence. There are  
1193 some areas where Hurricane Isabel relieved some trees. This fence, by the way, is in the middle  
1194 of this buffer area, and so Highwoods does own additional property on the other side of this  
1195 fence. However, this road is not designed to change locations, and so this will all be maintained.  
1196 Moving further on down the line going toward Sadler Place, with existing tree cover, and lastly  
1197 the end just before one pops out to Sadler Place.

1198  
1199 UMU development represents an opportunity for attracting employers and employees who are  
1200 seeking a different lifestyle and has become very popular with major employers. Mr. Marshall, in  
1201 fact, found an article in a copy of USA Today, which many of you received, which chronicled the  
1202 experience of major employers in different markets with regard to their desire to have amenities  
1203 close by in order to attract and retain employees. Inasmuch as Innsbrook is essentially out of  
1204 land, but having no shortage of asphalt, the parking areas, which, again, are largely unused, if  
1205 Innsbrook continues to thrive, it by definition needs to go up rather than leap-frog out, and it will  
1206 do so through the strategy of structured parking in an effort to replace inefficient parking lots  
1207 that are located throughout Innsbrook.

1208  
1209 Highwoods has a very real need to begin an office building for a major tenant, with that being  
1210 made known to the County many months ago, and we need to get started with that building  
1211 whether the UMU is approved or not, and accordingly, we have filed an amended POD requesting  
1212 to locate new building and parking structure consistent with the UMU plan that you saw and the  
1213 zoning, meaning the present zoning. That POD, by necessity, shows additional proposed  
1214 development on the property and it could ultimately consist of four additional office buildings and  
1215 three parking decks.

1216  
1217 The proposed UMU plan will not overtax the County's ability to provide services. The concept  
1218 behind the UMU is basically to utilize existing services where possible and in place. Given the  
1219 amount of building that can occur on this site, as a matter of right, our proposed UMU build out

1220 actually presents less of an impact than would already be permitted by the existing zoning and,  
1221 in fact, will result in some 3 million dollars in additional revenue to the County, which would not  
1222 be provided under the existing zoning.

1223  
1224 There have been many discussions about traffic issues to the area and those traffic issues are  
1225 certainly real. There are a number of currently approved projects in phase designs to alleviate  
1226 congestion in the area. Some of those projects are larger than others, but certainly all have a  
1227 common nexus. Rather than pick one or two, we have offered a quarter of a million dollars to  
1228 Henrico County toward road improvements for that general area, so the County, in reflecting this  
1229 on the projects that are planned and the monies having been allocated can best utilize the  
1230 quarter of a million dollars to accomplish the plans that you already have in place. So that  
1231 flexibility is, I think, being provided rather than us picking a lane here to pave or buy a traffic  
1232 light.

1233  
1234 Developments owned by Highwood have historically provided Henrico County with key  
1235 employment centers in the Richmond Metropolitan Area. Highwoods must be able to compete  
1236 with existing and future projects in the Richmond market place, which requires that properties in  
1237 Innsbrook be updated in order to reposition them in the market place.

1238  
1239 Please know that the County very much shares in Highwoods investments through real estate  
1240 taxes and the ability to attract corporate relocations. As you may know, Highwoods owns 260 of  
1241 the 960 acres comprising Innsbrook, and Highwoods is, in fact, the fourth largest taxpayer in  
1242 Henrico County, behind only Infineon, Dominion Virginia Power and Verizon, and as such,  
1243 Highwoods and the County must work to ensure the corporate users recognize that Henrico  
1244 County will remain a premier location over newer opportunities in Goochland or Chesterfield.

1245  
1246 So, really the choice is yours. I submit to you that the UMU has fewer impacts, more revenue,  
1247 better protection of your corporate community and I hope you will agree that the choice is really  
1248 clear and would recommend approval of this case to the Board of Supervisors. With that, I  
1249 would be most happy to answer any questions.

1250  
1251 Mr. Marshall - Mr. Theobald, can you answer questions proposed by staff regarding the  
1252 sidewalks and the streetscape plantings?

1253  
1254 Mr. Theobald - Sure.

1255  
1256 Mr. Marshall - They are specific about the streetscape plantings along Sadler.

1257  
1258 Mr. Theobald - Well, this is entirely wetlands. OK, and it is already treed, pretty good  
1259 streetscape. This is also entirely treed (referring to rendering) and the tree line goes all the way  
1260 down here, and certainly we have to meet the requirements of the UMU in terms of landscaping  
1261 and if we are required to supplement that, we will. But that is a natural stand of trees. Also, I  
1262 believe the UMU ordinance does not allow you along the edges to take out additional trees, so  
1263 we believe that has been satisfied, but know fully we will be back for the landscape plan.

1264  
1265 Mr. Marshall - What about the sidewalk?

1266  
1267 Mr. Theobald - We have pedestrian access throughout this entire project. Every part of  
1268 Innsbrook connects. It has infamous forest, pedestrian trails. They have all been designed to  
1269 take you through the office park and connect neighborhoods and streets, and I can't imagine  
1270 that the one thing Innsbrook needs is more sidewalks. We believe we have satisfied that  
1271 requirement, based on both the existing and the planned pedestrian ways through these  
1272 buildings. This has the ability to close off the traffic for events, and again, pedestrian trails



1273 typically the lakes at Innsbrook are significant.  
1274  
1275 Mr. Marshall - Do you know the width of the buffer on the west side from the edge of  
1276 the road?  
1277  
1278 Mr. Theobald - There is approximately, it varies obviously I think from a minimum of 35  
1279 feet up to probably 50 feet. Does that sound right? We are not touching anything over there.  
1280 That existing vegetation will stay and we have proffered to supplement what we need to with  
1281 Leyland Cyprus, 10 feet tall at time of planting to provide additional screening, but as I think you  
1282 saw in the picture, there is a significant stand of trees existing and we need to and have been  
1283 going back and cleaning out and repairing the effects of Isabel.  
1284  
1285 Mrs. Ware - Are there any more questions at this time for Mr. Theobald?  
1286  
1287 Mr. Archer - Mr. Theobald, the color chart that you put up had some color  
1288 delineation. Could you put that up for just a second so I could see it again with the legend?  
1289  
1290 Mr. Theobald - This is our site in here (referring to rendering).  
1291  
1292 Mr. Archer - OK. Thank you.  
1293  
1294 Mr. Jernigan - Mr. Theobald, in reference to traffic, do you have the figures on what it  
1295 could be with the two office buildings and what the traffic impact would be with UMU?  
1296  
1297 Mr. Theobald - Yes. We have filed an extensive traffic report. Tim White, our traffic  
1298 engineer, is here this evening, as is Tim Foster, and I will venture to say that the traffic produced  
1299 by the UMU has less of an impact that the traffic being permitted under the existing zoning.  
1300 First, because it represents less office space, and secondly, because you are capturing residential  
1301 uses on the property. Certainly some of those residents would work in various places in  
1302 Innsbrook, and to the extent that they don't, they would represent opposite peak-hour traffic.  
1303 So, frankly, as a matter of right, we could develop significant more space that would produce a  
1304 greater impact on traffic. I'd be happy to get somebody up here to give you the actual numbers,  
1305 Mr. Jernigan, if you like.  
1306  
1307 Mr. Silber - Members of the Commission, we do have Tim Foster, who is the Traffic  
1308 Engineer, here tonight if the Commission has questions, and we do have the Director of Finance,  
1309 Ms. Busher, here tonight if you have questions regarding the fiscal impact aspects.  
1310  
1311 Mrs. Ware - Are there any more questions for Mr. Theobald from the Commission at  
1312 this time? Thank you.  
1313  
1314 Mr. Silber - If there are questions of other professional staff, this might be a good  
1315 time to ask them before you take opposition. Mr. Marshall, is that OK with you?  
1316  
1317 Mr. Marshall - Yes, but I don't have any questions.  
1318  
1319 Mrs. Ware - I have a question for Mr. Foster. With the required road improvements  
1320 as they exist with this particular development that has been assessed, I don't know if you'd have  
1321 the information on this or not, but basically what are the costs required to make those  
1322 improvements that you would recommend for this particular development?  
1323  
1324 Mr. Foster - Yes, ma'am. To identify myself for the record, I am Tim Foster, the  
1325 Traffic Engineer for the County. There are actually six improvements that we have

1326 recommended. Some of those are actually County projects. One is a County project and one is  
1327 a VDOT project. If it is OK, I will go through those two, since you asked a question. Of course,  
1328 our project is the widening of Nuckols Road. We are at a sort of logger jam on that particular  
1329 project with VDOT at the moment. We will find out next week what our schedule is.  
1330

1331 We have already relocated all of the facilities, bought all of the right of way and we are ready to  
1332 go to construction, however, there have been some environmental changes by VDOT. If we can  
1333 get through those next week, we will get construction probably this coming spring. If VDOT  
1334 requires us to do the sound walls, that means we have got to buy new right of way, relocate  
1335 utilities again, and that also needs a public hearing. So, depending on what happens next week  
1336 will let us know when that project begins.  
1337

1338 The other project that we recommended is the extension of lanes from the Interstate, coming off  
1339 of the Interstate, to stop conditions that backs up all the way down to 295 and in the evening on  
1340 the northbound side of 295, it backs up on the Interstate to the point where VDOT has installed  
1341 "Watch for Stopped Traffic." VDOT, next year, will actually redo those ramps, so there are no  
1342 stop conditions and you will be able to merge on to Nuckols Road. Those are the two projects  
1343 that we, government-wise are doing.  
1344

1345 There are some other identified improvements that need to happen to get us to the level of  
1346 service that we need to process traffic out there. One is an additional lane, we feel, from Sadler  
1347 Road to 295 in the westbound direction or northbound, depending upon how you look at it.  
1348 What that would do is allow us three through lanes through the intersection at Sadler Place,  
1349 Lakebrook and Nuckols. That is our biggest bottleneck out there. That is something that needs  
1350 to be done. We would also add an additional turn lane coming out of Lakebrook Drive, so we  
1351 can turn two lanes right. What we are trying to do there is minimize the time on Lakebrook so  
1352 we can give more time to Sadler Place to get traffic out of there. We also need to, we feel  
1353 eventually, add another lane from Sadler Place in the eastbound direction to Cox Road, so that  
1354 once people come off the Interstate on VDOT's project they wouldn't have to merge to get down  
1355 to Cox Road. We would also like to add an additional lane on Sadler Place so that we could turn  
1356 dual lefts and a right turn lane once again to process that traffic much better. The others are  
1357 not sites we have identified; however, we have identified those needed to make this work out  
1358 here. We would - Public Works - recommend that in lieu of the \$250,000 that the developer  
1359 actually put that money toward making these improvements.  
1360

1361 Mr. Marshall - Mr. Foster, is it fair to say that all of those improvements that you  
1362 recommended are needed today, whether this is built or not?  
1363

1364 Mr. Foster - Yes, sir. Most of these improvements are needed today and most of  
1365 these improvements are needed with background traffic without this development.  
1366

1367 Mr. Marshall - And the building of a half a million square foot of office space on this site  
1368 instead of this project would further exacerbate the road conditions now.  
1369

1370 Mr. Foster - Yes, sir.  
1371

1372 Mr. Silber - Mr. Foster, I think Mrs. Ware's question was, I don't know if you have  
1373 that information, but what the cost would be for the off-site improvements. If you did say, I  
1374 missed it.  
1375

1376 Mr. Foster - I did not say that, Randy. We estimate that the County cost, and I  
1377 specifically say County cost, because quite frankly they could probably do it cheaper than we  
1378 could. The County cost, just in construction, is roughly \$365,000. We estimate from a

1379 standpoint of design that would take another \$140,000, so it is usually about a half a million  
1380 dollars for the County to do this project.  
1381  
1382 Mrs. Ware - And they have put up \$250,000.  
1383  
1384 Mr. Foster - They are actually in the proffers, \$250,000.  
1385  
1386 Mrs. Ware - Are there any more questions for Mr. Foster?  
1387  
1388 Mr. Archer - Mr. Foster, in looking at the bottom of page 4 and top of page 5, that  
1389 indicates that the Traffic Impact Study, is it reasonable to assume that if these improvements  
1390 were made the conditions would be alleviated to the point that you'd consider it acceptable or  
1391 better than?  
1392  
1393 Mr. Foster - If all of these improvements are done, then we could work this with  
1394 acceptable levels of service.  
1395  
1396 Mr. Archer - Put the emphasis on all.  
1397  
1398 Mr. Foster - Yes, sir.  
1399  
1400 Mrs. Ware - Are there any more questions for Mr. Foster?  
1401  
1402 Mr. Silber - Mr. Foster, if the County was to go out and make those improvements,  
1403 those off-site improvements, could the County do it as quickly and as cost effectively as the  
1404 developer doing this?  
1405  
1406 Mr. Foster - No, sir. We could not. Really because of the rules and regulations that  
1407 we have to follow as a government entity to do these projects. Our recommendation would be  
1408 that they construct it.  
1409  
1410 Mrs. Ware - All right.  
1411  
1412 Mr. Silber - The applicant took around 13 minutes to make his presentation. He has  
1413 about seven minutes left if we are going to give 20 minutes. Obviously, the Commission can  
1414 extend that and give as much time as they want and I think with the number of people here  
1415 tonight, they may want to extend that period of time. As you can see, when the Commission  
1416 asks questions, etc., the time can go longer than 20 minutes. At this point, does the Commission  
1417 want to hear from the opposition?  
1418  
1419 Mrs. Ware - Yes.  
1420  
1421 Mr. Silber - I think what we are looking for is an opportunity for everyone to speak  
1422 that wants to speak as much as possible, but we really prefer not to have the repetition of the  
1423 same things being said, so we do want to hear what everybody has to say as much as possible,  
1424 but try to avoid saying what the person just before you said.  
1425  
1426 Mrs. Ware - And you can even come up and say I agree with this gentleman or this  
1427 lady, to let us know for the public record your feelings and your opinions on this case. Good  
1428 evening. Can you please give us your name?  
1429  
1430 Mr. Cummings - Madam Chairman, Mr. Marshall and those on the Commission, my name  
1431 is Dave Cummings. I am the President of the Cedars Homeowners Association. We do have a

1432 number of neighborhoods represented here and we have tried to organize our comments so they  
1433 are not duplicate. I would like two or three minutes and hopefully that will leave time for the  
1434 others to present comments on this very complicated and comprehensive proposal. This  
1435 development that is termed Highwood Villages was really designed to supposedly bring together  
1436 a number of different uses, residential, commercial, retail, office space into what is supposed to  
1437 be a single project that would develop somewhat a symbolic relationship that would provide  
1438 some increased vitality to the overall area. Well, we are convinced, and I trust you understand  
1439 this evening that is simply the wrong project, the wrong zoning request, at the wrong place, at  
1440 the wrong time. This idea is certainly appropriate for areas of Henrico County. The Board of  
1441 Supervisors, I understand, just approved a similar development for Rockett's Landing, but this is  
1442 not appropriate for Innsbrook. One of the most comprehensive studies of mixed-use  
1443 development was undertaken by a group out of the Twin Cities, and I trust you have had an  
1444 opportunity to look at that. If not, I'd like to give you just a few of the tidbits that they  
1445 uncovered. An area or a project like this, UMU, does require significant parking and Highwoods  
1446 has proposed to add significant parking, but it is not to diminish the traffic. It would promote  
1447 traffic and that is a real concern. It also requires a strong mix of commercial and retail space,  
1448 major shopping and restaurant areas to attract people, and with the neighborhood right across  
1449 the street and right across that fence, such a combination would certainly not promote a quiet  
1450 enjoyment of our neighborhood but would promote a noisy, lively, vibrant area, that again is  
1451 appropriate for some areas, but certainly not Innsbrook. The UMU study indicated that mass  
1452 transit is a key to development of these types of projects. While there is no mass transit in  
1453 Innsbrook, there is certainly plenty of traffic. And there also needs to be significant public use  
1454 anchors, like cultural areas or entertainment areas, educational areas, or perhaps something like  
1455 a river, which Rockett's Landing has and Innsbrook certainly does not have. The UMU is really  
1456 designed for densely populated 24-hour cities like Boston, New York or downtown Richmond that  
1457 can benefit from such a proposal. It is also designed for blighted intercity areas that tend to  
1458 need revitalization. Innsbrook certainly does not need that kind of revitalization. We don't need  
1459 to attract high-income tenants for these rental units. There are some real challenges that have  
1460 been identified. Certainly there is a high cost per square foot because of the commercial grade  
1461 fire walls and other construction that is needed, and that really drives up the cost of the town  
1462 homes and the other construction there and it generates financing gaps that bring into question  
1463 the affordability of that housing in the rental space. Who can afford to move there? Who can  
1464 afford to rent that space? Certainly not a quaint little grocer or quick run-in dry cleaner.  
1465 Highwoods claims to be able to sell these units for \$300,000 to \$400,000. Frankly, that is just a  
1466 reckless suggestion for that particular area. There is an unproven market demand and it  
1467 promotes a high risk. Now, Highwoods may be willing to undertake that risk, but jeopardizing  
1468 the land and the homes that are adjacent to that area is simply not appropriate. UMU might be  
1469 an appropriate urban concept and it is, at its heart. It needs an urban area or secluded area to  
1470 succeed, but located in suburban areas it simply does not do well, so we are certainly opposed to  
1471 the rezoning request of the UMU.

1472  
1473 As you heard in July 2003 a POD was approved for this area in accordance with the master plan  
1474 that Henrico County spent much time deliberating and approving. There are two office buildings  
1475 and a single two-story parking deck that have already been approved. That would be 230,000  
1476 additional square feet of office space and a parking deck. We knew that was there. We are  
1477 comfortable with that type of development, and that does provide Monday to Friday daytime  
1478 activity, but not on nights, not on weekends, minimum p.m. lighting, noise, traffic. The assertion  
1479 that this area is heavily used on weekend is simply not true. That is a mischaracterization. It is  
1480 also clear that you understand some of the nuances that were presented. The POD that is  
1481 developed or that has been approved allows one thing that is very different from what the  
1482 maximum possible use of the space is. Those are very different ideas. The UMU is a very  
1483 significant and, frankly, unwelcome change, and it is contrary to the master plan. It would add  
1484 more than 230,000 sq. ft. of additional office space, beyond what is already there, and another

1485 400,000 sq. ft. of residential, 50,000 of retail and five times the amount of parking space that is  
1486 already approved over a million square feet, and that is just way over the top for this area.  
1487

1488 The County staff expressed several significant concerns, certainly the Planning staff had concerns  
1489 with the landscaping, the buffers, the security, and the general quality issues. Public Works  
1490 raised issues of traffic and infrastructure and the general location for this kind of development.  
1491 Finance certainly has concerns with the fiscal impact and the significant variables of whether or  
1492 not it would be a drain on the County as opposed to a benefit. Highwood, themselves, has  
1493 concerns. They have already got an approved POD. Now we've got this rezoning request in  
1494 front of us, but recognizing that that zoning request may be in jeopardy, they just this week or  
1495 perhaps last week filed a backup POD that would complement the existing zoning that is already  
1496 in place.  
1497

1498 Certainly the neighbors have concerns and you are going to hear some of those tonight. It  
1499 would threaten our community, simply setting a bad precedent for Innsbrook. At this point, I  
1500 would like to introduce Harvey Rockeman, who will address some traffic concerns, and Mike  
1501 Malenski and Terry Blankenship, who will address some general quality concerns, and there may  
1502 be others. Are there any questions that you have at this point?  
1503

1504 Mrs. Ware - Are there any questions from the Commission? Thank you, sir.  
1505

1506 Mr. Rockeman - Madam Chairman and members of the Commission, my name is Harvey  
1507 Rockeman. I am the President of the Four Seasons Condo Association. I am retired, but I  
1508 currently teach Special Ed over at Hermitage High School for the last four years.  
1509

1510 I want to talk specifically about traffic and I am so glad that Mr. Foster was here tonight,  
1511 because he mentioned a few of the concerns that I have on the traffic situation. I attended a  
1512 meeting at Highwoods Office in their Conference Room, at which time members of Highwoods  
1513 talked about this project and the impact it would have on traffic. A member of Highwoods made  
1514 a mention that development for the community there would be offset. They would be traveling  
1515 in one direction, while the people that work in Innsbrook would be traveling in the other  
1516 direction, and at a coffee that Mr. Theobald put out, it was his third coffee, he spoke about a  
1517 number of off-site trips in cars should diminish, and I certainly hope so, because at this time it  
1518 makes me wonder what we are going to have here. Are we going to have people that live and  
1519 work in the Innsbrook area in these buildings, living in these building, or are they going to live in  
1520 the buildings and work elsewhere? It is a little hard to understand what is going to happen here,  
1521 but going back to the road situation, right now, and as Mr. Foster pointed out, you have six  
1522 lanes of traffic coming off of Sadler Place, Cox Road down Nuckols Road, all traveling west  
1523 toward I-295. A lot of these people want to get off and get onto 295, but currently there is one  
1524 entrance lane to 295 in any direction that you want to go on 295, one lane. This is what is  
1525 causing a lot of your backup. It is not totally the widening of Nuckols Road. Also, in the  
1526 mornings, I have taken the time to go over and watch the traffic coming over 295. They have  
1527 the same situation as Mr. Foster reiterated. They back up because there is one lane, and they  
1528 are all trying to get on to Nuckols Road, so a major part of this is another lane going on to 295 in  
1529 each direction, and that will alleviate part of the situation here.  
1530

1531 I won't even speak about going up Sadler Road towards Carmax. I am sure somebody else is  
1532 going to bring it up. You have a lot of new development up there, and what do you have going  
1533 up through there, a two-lane road. I did see them paving it about a week ago. If people go east  
1534 on Nuckols Road from Cox Road, you get over to Springfield. If you turn right, you are going  
1535 over to Broad Street. That is wonderful. Two lanes. But if you turn left on Springfield and head  
1536 toward Staples Mill Road, you quickly go into a two-lane road all the way to Staples Mill. Travel  
1537 it some morning and watch how they back off of Staples Mill all the way over to the new

1538 developments that are going on down there. You just put a middle school in down there, and  
1539 you can see some traffic jams down there. Just try it in the morning. I go down that way once  
1540 in a while and get my mind refreshed of what is going on.

1541

1542 People over in the Wyndham area, if they want to go, we have a road problem. I think you  
1543 know I am alluding to that. People in the Wyndham area, if they want to go over to the new  
1544 Short Pump Town Center, well guess what they run into? Pouncey Tract, two lanes. Two lanes  
1545 from Wyndham over until you get over to I-64 and then it widens out again. So we need to not  
1546 only look at the roadways around the area of this project, we need to look at the roadways that  
1547 apparently have been giving us a lot of trouble and we didn't realize it, going in all directions.  
1548 There are a lot of problems there. Now, Mr. Foster talks about the widening of Nuckols Road and  
1549 that is a great project. We are all for it, until this sound wall situation came up, and I am sure  
1550 Mr. Marshall is shaking his head. You have every person living from Springfield all the way over  
1551 to 295 united, fighting this. They want to put up concrete sound barrier walls, which are really  
1552 not needed at all. You could put 10 lanes on that road and it is not going to make that much  
1553 noise. They've gotten so irate about it, they have retained an attorney and there have been a lot  
1554 of signatures, a lot of petitions, a lot of politicians are getting involved in this. It is going right up  
1555 to the governor, and your State Senator Allen, so I wish you would take a good look at that,  
1556 because a sound wall is not what we need. Property value is going to go down. I saw Mr.  
1557 Atack. Is he gone? Is Mr. Atack gone? He is building a nice luxury complex right on Nuckols  
1558 Road. If you drive by there, it is right across from Capitol One. I saw the first building up, and if  
1559 they have to put that sound wall in front of those luxury condos, that gated community he is  
1560 building, he is not going to sell all of those \$350,000 condos, not with that concrete wall right out  
1561 their back door. I thank you for your time.

1562

1563 Mrs. Ware - Thank you. Are there any questions for Mr. Rockeman? No.

1564

1565 Mr. Malenski - Good evening. I am Mike Malenski, President of the Saddlebrook  
1566 Association. First off, I agree with everything the two gentlemen prior to me have just said. The  
1567 Saddlebrook Associations stands united in front of you tonight in opposition of this rezoning  
1568 matter and all of the unified front that you will hear about in a moment.

1569

1570 One of the items I wanted to expand on is that the risk associated with this rezoning request is  
1571 clearly on the residents' shoulders. Half of the property that is outlined here is bordered by my  
1572 neighborhood. The largest single asset of the neighbors in this neighborhood is in their homes.  
1573 You are asking each and every resident of our neighborhood to risk their largest asset with this  
1574 rezoning request and the further development that is outside the scope of what has been  
1575 approved and endorsed by our neighborhood, and to expand on that I'd like to introduce Mrs.  
1576 Mary Barker, who is a resident and whose property borders a majority of this development.

1577

1578 Ms. Barker - Good evening, Madam Chairman, members of the Board (sic). Thank  
1579 you for the opportunity to speak tonight. My name is Mary Barker and I am a resident of 4400  
1580 Cedar Forest Road and I am here tonight to represent my husband, myself and my parents who  
1581 are residents of 4401 Cedar Forest Road, and I will echo what I am sure you are going to hear  
1582 from our neighbors and our friends. We have had a lot of discussions amongst ourselves. When  
1583 I came to the Richmond area, my husband and I spent a lot of time scouring the various  
1584 neighborhoods trying to find a house that would meet the criteria that we felt would suit us. We  
1585 were looking for three things in principal. We were looking for a location that would yield a high  
1586 potential resale value should we ever decide to or need to move, we were looking for a quiet  
1587 street which was not adjacent to a heavily trafficked road, and we were looking for privacy so  
1588 that when we sat relaxing in our backyard and entertaining in our backyard, that we weren't out  
1589 in the middle of everybody's view. We had that privacy and we thought we'd found it when we  
1590 moved to the Saddlebrook Subdivision. Since then we have been engaged in a number of zoning

1591 initiatives and at every point we have tried very hard as a community to work with Boards (sic)  
1592 such as yourself, and with the Board of Supervisors. I think we've had a good relationship and  
1593 we have come to some compromise situations, and what we were able to come to was  
1594 development that to this point has been limited in terms of height and proximity to the  
1595 neighborhoods. When we built to overlook it is down in the valley. It is limited to four stories.  
1596 We have got an enormous buffer zone there. I believe it is 75 feet, and, you know, when we  
1597 look at these pictures and they show you that beautiful buffer zone, you have to keep in mind  
1598 that is all deciduous in there. Take a picture a few weeks from now and you will see there is  
1599 virtually nothing there blocking the neighborhoods. But anyway, the other things we worked on  
1600 were ingress and egress so that we could get into and out of our neighborhoods, so that our  
1601 emergency vehicles could get in, which for me is a big concern, because I have elderly parents  
1602 living there and I want the emergency vehicles to be able to get in. Right now we have cars at  
1603 night, with the current population, to block our subdivision. You have to swing out over the  
1604 yellow lines in order to make the left-hand turn or you have a choice that you can wait for about  
1605 a half-hour to be able to get into the subdivision. When we talk about road improvements, I am  
1606 not overly excited, because if you extend that road, you are be either closer to me or you are  
1607 just going to bring more traffic in beside my house. So, again, yes, we'd like to work with you,  
1608 but we'd like to work in the same manner we have been working, with the same kind of limits  
1609 and proposals that we have worked. We want the lighting to be designed in such a manner that  
1610 it doesn't spill over. When you look at this design, you've got a five-story parking garage that is  
1611 less than 50 feet from the back end of somebody's house. The proposal that is out from the  
1612 members of your Planning staff is that the lighting be put around the periphery of that, so that  
1613 when people get out of their cars, they are going to be able to be in a lit area, not keeping it  
1614 central. So now picture, if you would, this parking garage overlooking your backyard with lights  
1615 on roughly 24 hours a day. I would like to close by asking you to partner with us once again by  
1616 voting against these requests for height adjustments and zoning changes, and when you go to  
1617 place your vote, I'd like you to really keep in mind how you'd like members of a panel such as  
1618 yourself to vote if this proposed development was being suggested in your backyard. Thank you  
1619 very much.

1620  
1621 Mrs. Ware - Thank you. I am sorry. Were there any questions from the Commission  
1622 for either one?

1623  
1624 Mr. Blankenship - I shall be brief. My name is Terry Blankenship and I reside at  
1625 4508 Cedar Forest Road. Madam Chairperson, ladies and gentlemen of the Planning  
1626 Commission, Mr. Marshall, it is an honor to come before you tonight. As you can tell, this  
1627 particular project has received a great deal of discussion, a great deal of debate, some hot  
1628 conversations and a degree of passion. We have tried to work with the developer in addressing  
1629 our concerns and surfacing our issues. We have always had a partnership with Highwoods. This  
1630 makes my fourth joint effort with Highwoods. We have successfully resolved those prior three,  
1631 but when it comes to this mixed urban use project as you can tell, the neighborhoods just aren't  
1632 supporting it. My property leads directly adjacent to the property under development. If  
1633 approved, I will have the privilege, and I use that word sarcastically, of looking at a five-story  
1634 parking deck for as long as I decide to reside in Henrico County. To give this Planning  
1635 Commission some type of perspective, I would encourage you to sit outside in the back of this  
1636 room and look at the parking deck behind here. That is a four-story parking deck. Ten-foot  
1637 Leylands will not mask that particular parking structure, which in some instances are typically 75  
1638 to 50 feet. But I don't come before you just tonight for myself. Either through in person,  
1639 through proxy, or through petitions, there are 10 neighborhoods represented in this area. They  
1640 include Saddlebrook, The Cedars, Sadler Green, Sadler Grove, Sadler Woods, the individual  
1641 residents along Sadler Road and Thorncroft. Living across Cox you have the Four Seasons. You  
1642 have The Village at Innsbrook, The Meadows at Innsbrook, The Forest at Innsbrook and The  
1643 Woods at Innsbrook. These 10 communities comprise over 650 single-family homes, over 2500

1644 residents and in a united voice, in a spirit of solidarity we rise in opposition to this project.  
1645  
1646 Our reasons for opposition focuses on four areas, first of all is a mixed urban use right for this  
1647 area? A lot of conversation has been given whether this particular project will keep Innsbrook  
1648 revitalized, whether it will keep property values going up. You all heard the discussions about  
1649 the practices of the Twin Falls studies and some of our concerns there. But keep in mind, 25  
1650 years ago a master plan for the Innsbrook Area was outlined and a group of the residents got  
1651 together with the developer and sat down and outlined the complete 1,000 acres. We have got  
1652 to ask ourselves, "Does this mixed urban use offer anything different than is currently in  
1653 Innsbrook?" Basically, if you take a look at the complete master plan you will have a core office  
1654 area along Cox Road, you will have peripheral residential, and a bordering commercial that  
1655 supports the office park. In other words, we already have mixed suburban use.  
1656  
1657 This particular project offers nothing new to the Innsbrook area. So we have to decide whether  
1658 this is the right project at the right time and the answer is no. Second of all, we've got to decide  
1659 the traffic impact and the strain on the infrastructure. When this plan was initially proposed,  
1660 there were concerns in regard to sewer, water, electricity, which through magical recalculations  
1661 seem to be addressed. The traffic remains a major consideration. I find it interesting that the  
1662 petitioner indicates that there will be no negative impact in the area. I guess because we are  
1663 already at gridlock, I guess there can't be any negative impact, since we are already at gridlock  
1664 during a.m. and p.m. hours.  
1665  
1666 The third particular issue that comes to mind is just the sheer size of this structure. This is the  
1667 largest parking deck, not at Innsbrook, but in Henrico County, that is less than 75 feet from  
1668 existing residential area. I love the pictures they threw up. They took them in July with lots of  
1669 foliage. Come back and take them in January. I challenge you. We will see it lit up light a  
1670 Christmas tree. The buffer zones are inadequate. The traffic situation is inadequate. If you  
1671 take a look, they say they have an access to Cox Road, but two exits away on Sadler Terrace,  
1672 which isn't even designated as a Major Thoroughfare in the area.  
1673  
1674 And last we do worry about the impact on the quality of our life. As you have heard other people  
1675 mention, it is not just the size of the building, but we have to put up with increased noise,  
1676 increased lighting, increased security issues, all the areas that need to be addressed during the  
1677 POD phase. We have concerns. We have issues. On a united front, these 10 neighborhoods, I  
1678 will give credit, these 10 neighborhoods up until this point have tried to resolve all issues on their  
1679 own. If it wasn't for the Nuckols Road expansion project and this mixed urban use, we probably  
1680 would have continued, but because of this area, these 10 communities and individual residents  
1681 have formed a network communication. We are no longer a neighborhood. We are a  
1682 community. We are Innsbrook residential community and I can assure we will be playing a much  
1683 more vocal, much more active role in regard to the planning and the issues facing the Innsbrook  
1684 area. Thank you very much.  
1685  
1686 Mrs. Ware - Thank you. Are there any questions of Mr. Blankenship? Thank you.  
1687 Good evening, ma'am.  
1688  
1689 Ms. Nuckols - I am Emily Nuckols and I live at 4181 Innsbrook Road and I am not in  
1690 any of those neighborhoods he spoke of. We are from the old neighborhood and I think I speak  
1691 for all of us who are in the old neighborhood. We worked hard with Syd Gunst and those who  
1692 were developing Innsbrook. We worked hard to get a quality development. We have been  
1693 proud to say that we are a part of Innsbrook. When somebody wants to know where you live I  
1694 say Innsbrook. I actually live on Innsbrook Road, and of course, they don't know Innsbrook  
1695 Road and they think I am somewhere else. But our big concern is the precedent this urban  
1696 mixed use brings to our area. As he said in his staff report, he mentioned and he didn't have to



1697 read that that this precedent might extend through the beautiful Innsbrook Corporate Center  
1698 that we know, and that would be bad. I don't want us to look like Fairfax County or some of  
1699 those other places. The other speakers have said many things that I have to agree with. I have  
1700 a couple of observations, some of which have kind of been made, but I can tell you from my  
1701 personal experience that a 50 to 75 foot buffer does nothing for our building. If you come in my  
1702 kitchen, you can look out the window. We have 75 feet of woods behind us. You can see all the  
1703 way down Broad Street, because of what has been developed back there. He spoke of Leyland  
1704 Cyprus. We had a nice buffer of Leyland Cyprus on the side of us. It went down. I have noticed  
1705 the way we worked so hard for a buffer in this County and in the beautiful Pine trees are great  
1706 until they die. And then you have to wait for new ones to come up, so you really have to be, you  
1707 just can't count on buffers too much.

1708

1709 The only thing I will say about traffic is, and Mr. Theobald hit a couple of nerves with me. We  
1710 have peak hour traffic now going both ways. We have three peak hours when traffic goes both  
1711 ways. I cannot count the number of times that attorneys, professional Planning staff,  
1712 professional traffic engineers have said that the traffic in Innsbrook will not affect your road.  
1713 People come down our street today that are avoiding Cox Road. My daughter one day was  
1714 following somebody who had a child with her child in Rainbow Station, and the daughter lived  
1715 next door to us. She said, "Oh great. Grayson will have somebody to play with." She met him  
1716 at school and said "Where do you live anyway?" "Oh, I live off Springfield Road." But going to  
1717 Three Chopt Road they didn't want to go down Cox Road, and of course I don't blame them. I  
1718 don't go there during peak hour traffic either. And has already been mentioned, a lot of people  
1719 have moved to the area, I think we had maybe 25 houses on our side of Innsbrook, and maybe  
1720 that many on the other end of Thorncroft, when Innsbrook was developed, and I know a lot of  
1721 people have come to the area because the way that Innsbrook is. There is one thing I have to  
1722 say about traffic. You can't tell me or you can't say where people are going to go. When they  
1723 built the retail section of Innsbrook, they said this is going to keep people in Innsbrook. When  
1724 you are there, from 11:30 to 1:30, you see people pulling in and pulling out. They want to go  
1725 somewhere else. The want to go to the Town Center, they want to go east, they want to go  
1726 south, going to doctor's offices and everything else, too. So, you just can't say for sure where  
1727 the residents will go. You can hope that they will be self-contained, but you can't promise  
1728 anybody. You can't believe that that is for sure what will happen. I know you say these things  
1729 in good faith, because that is what you want to happen. I really get the feeling and the lawyer  
1730 for the developer of this case is saying, "Never mind those people. We have got to do what is  
1731 best for business." Thank you.

1732

1733 Mrs. Ware - How many more people do we have that are planning on speaking this  
1734 evening? This isn't to filibuster. We really want to get your comments, so you want to come on  
1735 up, sir. Good evening.

1736

1737 Mr. Nuckols - Good evening. My name is Norwood Nuckols and I live at 4181  
1738 Innsbrook Road in which my wife, who just spoke, refers to as the Old Innsbrook neighborhood.  
1739 We are the folks who were there when Innsbrook was master planned 25 years ago, and I have  
1740 just one brief comment. This proposal before us tonight involves roughly 36 acres. Well,  
1741 Innsbrook in total consists of 960 acres now. If you approve this, you are going to have many  
1742 more cases eventually totaling the better part of 960 acres of an attempt or a series of attempts  
1743 to turn all of Innsbrook into an urban mixed-use development. Urban mixed use may be fine  
1744 down at Rockett's Landing, but it is not what we want in the Innsbrook area, and it is not what  
1745 we want at Short Pump, not the traffic, not the housing density, no part of it. Thank you.

1746

1747 Mr. Normansell - I introduced myself earlier, Michael Normansell. I happen to be  
1748 employed at VCU as a faculty person. With my wife I live in the Sadler Green residence. We  
1749 don't have an association and I can't claim to represent them officially, but I know many of

1750 them, and I think I can speak for them. I am also a lay advisory to our newest elementary  
1751 school, River's Edge, a concern, which I think, intersects there about that kind of issue. I will  
1752 start by addressing myself to Mr. Theobald, because I think we can end this, at least personally,  
1753 right now. I have a solution. Mr. Theobald has a vision for the area, so he will proffer me 25%  
1754 over my purchase price of my home and buy it. He can move it and I will move out and he can  
1755 live his vision. Your vision. Where do you live? I just want to go back to some of the staff  
1756 comments I heard. I heard Mr. Coleman say that urban-mixed may be the next phase at  
1757 Innsbrook, may be, and I would suggest maybe not, and just let the citizens decide. My  
1758 inference from what he said was, "Staff thinks there may be some immediate negative impacts  
1759 from the plans as they are now, and that that would lead to a domino effect, which would be  
1760 disastrous." That is my inference from his report. Again, let's let the citizens decide.

1761

1762 Now it is a little bit of a personal issue. When my family moved into Sadler Green, approximately  
1763 three years ago, we were the eighth family in that independent place. It is not a planned  
1764 community. It is Sadler Green off of Sadler Woods. We are only 15 homes. We were promised  
1765 an association when we got 60 units out of 90. We don't have an association because now there  
1766 is Sadler Grove and Sadler Glen and there is something like 200 units, and we will probably never  
1767 have an association to be able to represent ourselves, unlike many of these other people. That  
1768 to me is a sign of over development. Right now I have the great pleasure of looking out of my  
1769 bedroom window at the abomination of a residential development now on Sadler Road from St.  
1770 Anthony's and The Cedars, which I think people tried to stop, and it was a beautiful forest there  
1771 with a stream. I took my children to play there. It doesn't exist anymore. Not only that, there  
1772 was a nice line of trees that would have served as a visual buffer. They wiped that entire line of  
1773 trees out, and apparently I was told coming in against the proffer that they offered. OK. So I  
1774 don't think we can trust these developers either. OK. Onward. Let's see. Where shall we go? I  
1775 got that one. Also, when we moved in, and the reason we moved in to where we moved in is we  
1776 were promised a series of schools where we moved three years ago, specifically for one and only  
1777 one reason, schools. We were promised Twin Hickory, Short Pump Middle School and Deep Run.  
1778 My kids went to Twin Hickory for one year. They are now in River's Edge. There is already a new  
1779 elementary school coming, but I think they will escape having to go to that. There was a threat  
1780 they wouldn't go to Short Pump; they'd go to the new middle school. The big rumor now, and I  
1781 am going to start fighting it now, and the rest of you join me, is that we are going to be  
1782 redistricted out of the new high school and into the other one, what I call the Sadler-Cox  
1783 corridor, so let's start that fight now. OK. Because we are not going to let it happen. We were  
1784 promised that, and this effects not just the homes and our property assets, it affects our  
1785 children. Onwards. We will go on here. I have my notes. What to me this is and I have been  
1786 just shocked by the amount of development. I come from the northeast where it is all settled.  
1787 The amount of development in the last three years has been not just stunning but overwhelming.  
1788 When I was first taking my kids to Twin Hickory, and I made that left toward Twin Hickory, there  
1789 was no out road. And then one day by accident I made a right and there was a road all the way  
1790 out, houses and houses and houses. River's Edge now has an entire home community behind it.  
1791 They've got their association. We still don't because more and more houses. Development is  
1792 out of control. We need a new plan and new thinking about this. OK. That is it. It is unplanned  
1793 development, the current proposal with its four parts that will make an increasingly bad situation  
1794 a nightmare. Traffic is already bad; getting off and on is horrible. When I drop my kids off at  
1795 River's Edge, trying to get back on Nuckols is a nightmare, that kind of thing. The infrastructure  
1796 won't hold. We do live on Sadler Road. Sadler Road was a very dangerous road and I think the  
1797 repaving has made it more dangerous because the paving is nice and the ruts on the side are  
1798 even deeper. Last year in the winter I got run off the road by a plow truck into a rut, and now  
1799 the ruts are worse. Our children can't go out and ride a bike on Sadler Road. Sadler Road is  
1800 increasingly used as a cross street between Nuckols and Broad, so we have cars whipping up it.  
1801 Sorry if I am boring you. Whipping up and down that with children 9 and 10 years old wanting  
1802 to cross the street to St. Anthony's or ride their bike. We won't let them. Their lives are

1803 threatened. The neighbors up the street had a car run off Sadler Road into their front lawn. We  
1804 don't want anymore of that, and with this we are going to have that. It is going to be a  
1805 nightmare because people are going to use Sadler Road as a cross street between Nuckols and  
1806 Broad as soon as they find that. Anytime I mention it to someone, they say they note I say  
1807 Oops, because I don't want to tell them it is a nice little cross street there.

1808  
1809 Let me see how many more notes I have. Our property values will be destroyed. We bought  
1810 because it was an upscale residential community with good schools, and now you want to turn it  
1811 into some kind of downtown something or other with apartment buildings and everything.  
1812 Therefore, I am calling for a complete rejection of all four phases of this proposal. Send it back  
1813 to the drawing board. Have it completely reconsidered. Send it out again and let the citizens  
1814 review it and make a decision about it. And I'd like to see sound walls along 295.

1815

1816 Mrs. Ware - Good evening, ma'am.

1817

1818 Ms. Lisa Youmans - My name is Lisa Youmans and I live at 4408 Cedar Forest Road. Up in  
1819 the corner of the yellow, right where the yellow starts and hits that back line, when they showed  
1820 the picture and he said that the road continued further down along that fence line, if they would  
1821 have showed, and I would have brought pictures with me, but I didn't, but if you would have  
1822 brought pictures to show it further, it indents and those trees, they are not there. There are a  
1823 couple there, but if you come up and look at it now, you can see my house, my neighbor's  
1824 house, and my other neighbor's house. There is nothing blocking the view, so my main concern  
1825 here is the height of those town homes they are going to put in, because if you have three or  
1826 four story town homes there versus my home with a 6-foot fence and no trees, I have no privacy  
1827 and three teenagers in a backyard, so my main concern is the height, and it is a problem, and  
1828 the traffic is awful. So, I don't want the height to change at all.

1829

1830 Mrs. Ware - You don't want the height increase?

1831

1832 Ms. Youmans - Correct. I do not want an increase.

1833

1834 Mrs. Ware - Are there any questions? Thank you.

1835

1836 Mr. Silber - Members of the Commission, we have it looks like another speaker or  
1837 two. We have exhausted almost 40 minutes of time for the opposition. It is up to you as to how  
1838 long you want to go. We do have a number of items on the agenda tonight that we still have  
1839 not heard, and there is another UMU we need to discuss this evening. I think at this point we try  
1840 to wrap it up in those three minutes.

1841

1842 Mrs. Ware - OK.

1843

1844 Mr. Tiller - My name is Ryan Tiller and I live in the older part of Innsbrook, also,  
1845 and I am 26 years old, so actually I've seen Innsbrook going from nothing to something. I have  
1846 kind of seen entire progression and time lines. (Unintelligible) I enjoy where I live, so when  
1847 property expands I really couldn't care less, but the simple thing is I run all the time and actually  
1848 I run from my house to the Y, which is about 3-1/2 miles. I actually run, because it takes me  
1849 longer in rush hour to drive there than to run. So when I go to Cox Road and take a left onto  
1850 Nuckols, I can't ever get to go, and people try to cut and hit you and (unintelligible) and try to  
1851 get around. Everything always bottlenecks. I am glad the infrastructure is going to increase and  
1852 the traffic and all that stuff. It is great, but I mean, this development, I mean, like, this doesn't  
1853 make sense. There is a lot of unleased space in Innsbrook right now. Capitol One, they are  
1854 laying off people. There are a lot of leaseable places now, like Highwoods Properties, they have  
1855 like (unintelligible) Innsbrook After Hours. There is a huge void in there and there are a lot of

1856 buildings, and I don't know if they own all of it, but there is a lot of unleased spaces. I mean fill  
1857 those. Quit building new crap and lease the old stuff. How wasteful can you get? Like I own a  
1858 business now in Carytown, and I really like Carytown because it's (unintelligible) people, and it is  
1859 a good mix, but we are having the same issues down there, like renovating and rebuilding old  
1860 buildings for people to occupy. Brad Sauers, who owns Cary Court where I renovated, it looks  
1861 gorgeous, like the 1930s thing and the renovation of an old property. Take your time and focus  
1862 there. Why invent some new big building that is irrelevant and not needed? You know you are  
1863 really taking from the community. That is my big thing. There are some other more important  
1864 issues in this thing anyway, like we heard about the deaths of people near where the new mall  
1865 is. I think Pruitt did a great job and that looks so nice and it is kind of toned down, but on that  
1866 road where people were getting killed on Lauderdale. Right on Broad Street where I live, like  
1867 Innsbrook Drive that she is talking about, when you go out to Panera Bread, there is no light. I  
1868 am going across six lanes to be able to do that. We have to wait until people die to be able to  
1869 get a light up there. There are more issues. This seems like a huge project. Do you have a  
1870 tenant that wants a building? Good. Build them one building they could use. I don't understand  
1871 why it has to be right here. It just does not make sense. That is my personal opinion.

1872  
1873 Mrs. Ware - Thank you very much.

1874  
1875 Mr. Rob Hailsip - Members of the Board (sic), I will be very quick. I am President of The  
1876 Cedars that was so ably represented by Mr. Cummings, the President of our Homeowners  
1877 Association. I moved into The Cedars almost 15 years ago, moving from Northern Virginia, and  
1878 the thing that drew us to the Innsbrook area was the master plan that was in existence there.  
1879 We wanted to find a place that we could live, that we could work, that we could raise our  
1880 children. For the last 15 years, Innsbrook has been singularly successful under the old master  
1881 plan. I work in Innsbrook and I think the residents that are impacted most closely by this  
1882 proposal, we understand what the Innsbrook community is about in terms of the development.  
1883 We recognize that there are certain retail aspects to the Innsbrook group. However, when you  
1884 look at the plan and see the proximity of the retail establishment that is going to go to the  
1885 communities now, it is going to bring increased traffic, not 9 to 5 during the week, but on the  
1886 weekends, and the one thing I did notice in Mr. Theobald's presentation, he talked about a ring  
1887 road in the common area that is going to slow the traffic down, which I can only assume then is  
1888 that they will be speeding through our neighborhood as they go to the retail shops. Again, we  
1889 came here because of the promise of Innsbrook and the master plan. I think it has been an  
1890 exceptional plan and I encourage the Board (sic) to vote against modification. Thank you.

1891  
1892 Mr. Tony Detrop - Good evening. I will be very brief, too. My name is Tony Detrop and I  
1893 have had the pleasure of living in two of these neighborhoods on the screen. I lived in The  
1894 Cedars originally when I moved to Richmond, and I now I live in The Village, which is on the  
1895 yellow portion on the bottom of the screen, which nobody has spoken of personally. We  
1896 personally live there and I know that many of you have talked about the neighborhoods as a  
1897 whole in Innsbrook. I just wanted to mention that area in yellow below on the map also is really  
1898 affected by the traffic as well. I know the Sadler area and The Cedars also has closer proximity  
1899 to the project, but I just wanted everybody to realize that we are also very concerned about the  
1900 traffic impact of the project. We also have a cut-through from Cox to Nuckols that I think would  
1901 really, if the project was done, the traffic would increase as well. I just wanted everyone to be  
1902 aware of that, as well. Thank you.

1903  
1904 Mrs. Ware - At this time, Mr. Theobald, would you like to speak?

1905  
1906 Mr. Flippen - My name is William Flippen and I live on Thorncroft Drive and I was one  
1907 of the members of a steering committee, which sat down and talked with Sydney Gunst and  
1908 Bobby Gunst when they started developing Innsbrook. Now, Innsbrook, as we conceived it back

1909 then and they laid it out was supposed to be a four-story building. That is all of the height that  
1910 was supposed to have been on there. Now here this evening you all are talking about 8-story  
1911 buildings now, and I don't know when this was passed, and it was supposed to be a lot of  
1912 greenery and stuff. I enjoy Innsbrook. I have been enjoying it for the past 25 years. I go over  
1913 there and walk around the lakes. It is a beautiful place to walk around and like I said, I enjoy it,  
1914 but you have got a lot of traffic, and that comes with any development. But I don't think that  
1915 this urban development or whatever you all call it, mixed use plan, has any place in Innsbrook or  
1916 any place in this particular neighborhood. Now, it sounds like to me here tonight that you all are  
1917 trying to put us between a rock and a hard place. If we oppose building this mixed plan, then  
1918 you are going to drop two 8-story buildings on us. But if you have already approved this, why  
1919 don't you go ahead and build it and get it over with? We don't want this. You say you have  
1920 approved the other. Well and good. Like I said, I think Innsbrook is a beautiful place and I have  
1921 enjoyed living out here, but I don't think there is nowhere around here for this mixed urban, you  
1922 have, not in Innsbrook anyway. Thank you.

1923

1924 Mrs. Ware - Thank you, sir. We will hear the rebuttal from Mr. Theobald.

1925

1926 Mr. Jernigan - Mr. Theobald, before you start, let me ask something. Mr. Secretary, I  
1927 want to ask you this. In our workshop, when we first went to the workshops on UMUs, were we  
1928 not told, and I believe that the County Administration was worried at that point that Innsbrook  
1929 needed revitalization. Were we told that?

1930

1931 Mr. Silber - Are you referring to the Growth Retreat?

1932

1933 Mr. Jernigan - No, during our workshops, when we first went in. Maybe it was at the  
1934 Retreat. Was it not expressed to us that one reason that they looked at Innsbrook for the UMU  
1935 was at this point that it needed revitalization?

1936

1937 Mr. Silber - During the Growth Retreat there were discussions about portions of the  
1938 County that we believe needed to be reevaluated, Mr. Jernigan, and the Innsbrook Office  
1939 Development has been a wonderful development. It is nearly complete in so far as its  
1940 development is concerned. There are another four or five sites available, but at some point in  
1941 time, yes, sir, you need to begin to look at redevelopment opportunities. It is not to say this  
1942 necessarily is the one, but yes, you begin to look at opportunities for redeveloping sites  
1943 throughout the County as they begin to age and take on a different characteristic. Yes, sir.

1944

1945 Mr. Jernigan - I just wanted to make sure that I heard that the way that I heard it, not  
1946 maybe today, but five or 10 years down the road, that is was going to be suffering in there.

1947

1948 Mrs. Ware - To keep it viable in the future, we would need to think about different  
1949 alternatives in order to...

1950

1951 Mr. Theobald - Madam Chairman and members of the Commission, it does seem  
1952 somewhat ironic to talk about revitalizing Innsbrook, and yet what we have seen are  
1953 opportunities for major employers to seek campus relocations elsewhere, and that is going to  
1954 happen, if somebody just happens to have 100 acres of their own, but what we need to do to  
1955 retain the major employers who wish to be in a high scale environment such as Innsbrook, and  
1956 to make sure the people who are already there stay there, and for those who find that they just  
1957 have to leave to be able to attract the best that the community has to offer. We don't want  
1958 Innsbrook to become the Koger Center, which in its heyday was certainly a Class A Office Park,  
1959 and we don't wish Innsbrook to get anywhere like that before it needs to be revitalized for  
1960 certain, and so, this is the tension that the UMU brings, and it is a vision and visionary as to what  
1961 is out there, what is next, how to reuse existing resources. That is really one of the benchmarks

1962 of the UMU is to reutilize or piggyback onto existing infrastructures rather than build a new office  
1963 park further out in a leap-frog type fashion. I couldn't help but note that the very many  
1964 legitimate comments that were made by the opposition that what they were referring to were  
1965 existing conditions, problems that exist as a result of many factors throughout the area, of which  
1966 Innsbrook may have contributed to over time, but, nonetheless, exist today whether or not these  
1967 additional buildings are constructed or not. The property is not zoned A-1. It is zoned O-3, and  
1968 while there is an existing plan of development approved that would permit two buildings and a  
1969 parking deck, it is zoned O-3 which does permit substantially more intense development, with  
1970 buildings potentially up to eight stories in height, as well as parking decks. Frankly, we view this  
1971 as a limitation on development and what we are doing is providing you with the framework that  
1972 limits what could be done under the existing O-3 and the existing proffered conditions, to really  
1973 limit it in a way where we studied it significantly, and at least we know the impact. Keep in mind  
1974 that if the case is denied, you still get all of the traffic. You just don't get any money to help you  
1975 solve any of it. So, have you helped yourselves?  
1976

1977 Excuse me, please. So, what you have before you is an opportunity to approve a highly planned  
1978 mixed use development that takes advantage of those existing resources versus development in  
1979 the same old, same old type of fashion, with more office buildings and risking the high  
1980 employment center that has been enjoyed by Henrico County and contributes to the success of  
1981 that whole area. So I would submit to you that I believe this is an appropriate area and is  
1982 exactly the type of situation that UMUs were designed for. It can't happen throughout  
1983 Innsbrook. It takes one property owner who has enough contiguous property to be really able to  
1984 master plan and do it. So, with that, I'd be happy to answer any additional questions that you  
1985 might have.  
1986

1987 Mrs. Ware - Are there any questions for Mr. Theobald from the Commission at this  
1988 time?  
1989

1990 Mr. Marshall - Mr. Theobald, one of the people stated that this parking deck is going to  
1991 be 50 feet from their back yard.  
1992

1993 Mr. Theobald - It is 50 feet from their house, I believe, was the comment.  
1994

1995 Mr. Marshall - Well, how far is it?  
1996

1997 Mr. Theobald - It is about 70 feet from the property line, and I don't know how far their  
1998 house is from the property line to the closest point, and then it all goes back. That would be this  
1999 point in here, Mr. Marshall (referring to rendering). We have faced this deck, if you will, with  
2000 condominiums, so this is a row of condominiums as is this over here, so this is the closest point  
2001 in here, and the town homes are approximately also about 65 to 70 feet off of the property line  
2002 over here (referring to rendering).  
2003

2004 Mrs. Ware - So that is where the green space or the buffer space there where that  
2005 line of condominiums is located and the parking garage is probably about what, 30 feet?  
2006

2007 Mr. Theobald - It is a 35-foot buffer in there currently.  
2008

2009 Mrs. Ware - And it is proffered to remain the same?  
2010

2011 Mr. Theobald - Yes, ma'am.  
2012

2013 Mr. Jernigan - And it is five-story?  
2014

2015 Mr. Theobald - The deck is basically at ground level and then, it is a ground level  
2016 parking with 1, 2, 3 and then an open level at the top. Townhomes, someone said, were four-  
2017 stories. They are not. They are a mix of two and three stories. The condominiums, as you move  
2018 in, are three stories with some of the four-story popup features.  
2019  
2020 Mr. Marshall - I have a question for Mr. Foster. What is the time frame for the Sadler  
2021 Road road-widening project?  
2022  
2023 Mr. Foster - We are in the process of preliminary design of Sadler Road and expect to  
2024 go to public hearing possibly this spring for the Sadler Road widening project.  
2025  
2026 Mr. Marshall - Thank you.  
2027  
2028 Mr. Archer - Madam Chairman, I have a question I would like to propose to the  
2029 opposition, and if I might, I would like Mr. Blankenship to come up. Mr. Blankenship, I am not  
2030 picking on you, but I calling you because you had such a good memory. You called off all 10 of  
2031 those neighborhoods without looking at notes. I am not saying this to side with one side or the  
2032 other, but in light of what Mr. Theobald just mentioned a few minutes ago, have the totality of  
2033 the neighborhood, the community, discussed what could occur by right in the zoning  
2034 classification that already exists?  
2035  
2036 Mr. Blankenship - Yes, sir.  
2037  
2038 Mr. Archer - How do you all feel about this?  
2039  
2040 Mr. Blankenship - We, in fact, the original POD in effect with the new office  
2041 buildings and the parking deck was fast tracked. It went through unopposed. It was fast  
2042 tracked and ready to roll and the neighborhoods totally support it.  
2043  
2044 Mr. Archer - You don't see anything favorable in the UMU designation that would be  
2045 above and beyond what the O-3C offers?  
2046  
2047 Mr. Blankenship - No, sir, because it encroaches on the neighborhood and  
2048 compounds the traffic situation. It increases the lighting and employees and increased hours of  
2049 operations. You know, we talk about revitalizing Innsbrook, but the current occupancy rate is  
2050 over 90% within Innsbrook. My office just re-negotiated a lease and we were looking to leave  
2051 Innsbrook for three primary reasons, #1, the cost per square foot, the second highest cost per  
2052 square foot other than downtown Richmond. The second one was we were looking for 35,000  
2053 sq. ft. There were only two buildings within Innsbrook we could move into. All those little signs  
2054 you see on Cox Road offer a thousand and 2,000 sq. ft. spaces. Granted we will have more once  
2055 Capitol One leaves, but those spaces are being aggressively leased out. That is where we went,  
2056 and thirdly, I will tell you now that my employer was looking to leave Innsbrook but just resigned  
2057 up because we are tired of the traffic. They were tired of their employees showing up late for  
2058 work. They were tired of their employees taking their lives in their hands crossing Cox Road to  
2059 leave, and the last part of it is, the quality of talent, and \$350,000 townhouses, I am not sure  
2060 that is going to attract the talent that usually goes in these areas. I am looking for more clerical  
2061 support.  
2062  
2063 Mr. Archer - I just want to make sure you all had discussed what could occur by  
2064 right?  
2065  
2066 Mr. Marshall - Have you all discussed the eight-story buildings?  
2067

2068 Mr. Blankenship - Well, with the back up plan, actually we have discussed the  
2069 eight-story buildings. I don't believe that Highwoods is planning on eight stories. I think there is  
2070 a backup POD that they filed on Monday that calls for two 6-story buildings and a lower level  
2071 parking deck, and now we will consider that when it comes to the Board, but we all bought  
2072 homes knowing that there was an office complex behind us. Most of us bought in that area  
2073 because of the quiet weekends and the evening hours off. Yes, we would encourage the  
2074 continued office use, but I would like to just make one other comment. This is a project that is  
2075 36 acres and I have one request for the Commission is the fact that 25 years ago a group of  
2076 neighbors and a developer got together and outlined a master plan for over 1,000 acres. This is  
2077 36 acres. If we are going to consider mixed urban use, don't do it 36 acres at a time. Let's get  
2078 together with the community and with the developers and outline and take a look at the master  
2079 plan. If mixed urban use is viable, let's conclude it, but let's not do it 36 acres at a time. Let's  
2080 take a look at the master plan at Innsbrook, let's see what the (unintelligible) uses, what makes  
2081 sense, and what is encroaching on the neighborhoods. Mr. Archer, do you have any further  
2082 questions?

2083  
2084 Mr. Archer - No, I am not going to ask you any further questions. Too well rehearsed.  
2085 I would like to ask Mr. Theobald a question, if I might?

2086  
2087 Mr. Theobald, one of the speakers indicated, and I can't remember which one, that there was a  
2088 risk involved in having to do with the high-priced houses and condominiums and whatever?  
2089 What studies have you all done to indicate that those spaces would be occupied without any  
2090 trouble? You remember the question I am talking about.

2091  
2092 Mr. Theobald - I do. We have engaged, this really started as an opportunity as to how  
2093 to remake Innsbrook, as Mr. Kreckman looked at over acres of asphalt that were not being used.  
2094 He has done park studies consistently for almost two years now, and the parking is not used and  
2095 the land is paved, and he looked as to how he could enhance Highwood's position at Innsbrook  
2096 and it was clear to do so would involve going up, because he couldn't go out and meet the  
2097 parking requirements. So, it is going to be structured parking and it is going to be ultimately a  
2098 taller building, unless you are just going to stop and do nothing else to Innsbrook. It has got to  
2099 go up and it has got to go into the deck, so rather than just do that, and I think you saw earlier,  
2100 I probably can't get there (referring to rendering), the POD that was just filed, there are  
2101 opportunities to intensify the use on the land. What Mr. Kreckman did was he engaged Cooper-  
2102 Cary, which is a design firm out of Atlanta, who has participated in the development of a number  
2103 of planned communities. If you may remember, we long ago did a Power Point presentation for  
2104 staff. I am not sure how many Commissioners were there, but yes, the new urban is a type of  
2105 development to show an integrated type use. Mr. Kreckman's notion in pursuing this was sure. It  
2106 takes no particular insight to just build more office buildings, but why not do something different  
2107 and clearly, in Highwood's opinion, better, that would keep people at Innsbrook and provide a  
2108 reason for them to locate, so what you see before you represents an opportunity to build four  
2109 new buildings in addition to the three that are there, and three decks, which is an increase of a  
2110 quarter of a million square feet of office over the UMU plan, OK, which can be done as a matter  
2111 of right, subject to POD approval without the payment of any additional fees or provision of  
2112 infrastructure for roads, so it was studied. He hired national renowned planners to plan this and  
2113 the UMU before you is what you see. It is the notion of an urban village; the retail is not big box  
2114 retail. It is internal type retail. And if you saw the article Mr. Marshall articulated, it is lower dry  
2115 cleaners, it is local restaurants, and it is local delis. It is not Gap and The Limited light you see in  
2116 other shopping areas, so part of that mix, though, was residential, so there would be people who  
2117 could live there, potentially work there, and potentially shop there. So, given all of the other  
2118 development that you have seen in the area, I think that we concluded that there was really a  
2119 market for those type of units. If you look at the river lofts apartments downtown, the favorite  
2120 that they have found in the downtown area is a group of employees who desire this type of living



2121 environment, and it is Highwoods' notion, and certainly Highwoods, while dollars to dollars, is  
2122 certainly proportional, Highwoods' investment in Innsbrook is substantial and represents one of  
2123 the largest assets in the Highwoods' portfolio, as well. So, they certainly are not out to do  
2124 something risky. All they have done is demonstrate a track record over many years of nothing  
2125 but quality development, and if you need to bet on somebody to revitalize Innsbrook, it is  
2126 Highwoods.

2127

2128 Mrs. Ware - Mr. Theobald, I have a couple of questions. What percentage of  
2129 ownership in Innsbrook does Highwoods currently have?

2130

2131 Mr. Theobald - Highwoods owns just about 30% of the land in Innsbrook.

2132

2133 Mrs. Ware - Can you enlighten us any as to why this particular location was selected  
2134 for them for mixed-use development?

2135

2136 Mr. Theobald - Yes, it is because it is probably one of the sites where they own the  
2137 most contiguous acreage with the most asphalt currently there. The land is not treed except at  
2138 the perimeters. I mean it is all a sea of asphalt now, as you saw on the site, and so the  
2139 opportunity was take the land that they already own anchored around a new building they were  
2140 going to build in any event for the tenant and really try to do something special. Mr. Kreckman  
2141 has been wrestling with how to reinvent Innsbrook, if you will, for the past year or two, and we  
2142 have looked at a number of different opportunities as to how to do that. So, rather than just put  
2143 up office buildings and decks, he was trying to create a street level environment with both  
2144 entertainment, recreation and the feel that you get in many communities throughout the country.  
2145 So, that is how the site was chosen.

2146

2147 Mrs. Ware - The plan of development that is currently approved for this site is the  
2148 office building much further removed from the adjacent neighborhood. My concerns are, looking  
2149 at this, and looking at what is proposed, are the direct impact on the adjacent property owners.  
2150 The question is the parking deck and the condominiums or town homes that are along there as  
2151 well as the buffer that is currently proffered, and the impact they are going to receive from this.  
2152 The plan of development, they are much more removed from the actual building.

2153

2154 Mr. Theobald - This plan of development that has been filed last week, however, Mrs.  
2155 Ware, shows that the by right scenario, which means that only subject to POD approval, as you  
2156 know is ad ministerial rather than discretionary, shows basically the locations of these buildings  
2157 in exactly the same place as the current plan, but with additional office buildings in this location  
2158 rather than town homes. So, while there has been some focus on the existing POD, that is not  
2159 the POD that Highwoods would pursue.

2160

2161 Mrs. Ware - That is not approved yet?

2162

2163 Mr. Theobald - This POD has not been approved. Correct.

2164

2165 Mr. Jernigan - Mr. Silber, clear me up on the POD so the audience will know.

2166

2167 Mr. Silber - The plan of development, members of the Commission that Mrs. Ware  
2168 was referring to is a plan of development that was approved in 2003. I believe it includes two  
2169 office buildings. The applicant now has filed with the County this plan that is on the screen and  
2170 it does show four additional office buildings and three parking structures. It is now under review  
2171 by the County Administration. If it does meet all of the technical requirements of the Ordinance,  
2172 than this plan would be approved. So, basically, it could put this amount and square footage of  
2173 parking structure on this piece of property. So it raises a fundamental planning question as to

2174 the by right use of this property zoned O-3 or some other adaptive reuse of this property that  
2175 may have some other aspects and uses that may be appropriate. The challenge that is before us  
2176 tonight, obviously, is an emotional one. It is a planning and land use issue and it does have  
2177 impact on an adjacent community, but certainly, this plan of development if this is approved  
2178 would have impact on an adjacent community. I think a lot of the information that has come out  
2179 tonight and concerns and issues that have been raised really are issues associated with existing  
2180 conditions in the surrounding area. It does raise a question, a difficult challenge for the Planning  
2181 Commission and Board of Supervisors as to the best use of this piece of property in moving  
2182 forward. Certainly, the County, as we continue to develop, we don't simply want to go out in a  
2183 sprawl fashion. We really do want to look for opportunities for infill development, beginning to  
2184 go up with your development, as long as the infrastructure is there to support it. It raises a real  
2185 challenge in trying to find the best use for this property. I think there are many aspects of mixed  
2186 use that are appropriate at this location, but it does have some impact, potentially, on adjacent  
2187 property owners. With that being said, it is not an easy decision.  
2188

2189 Mr. Theobald - Well said, Mr. Silber.  
2190

2191 Mr. Jernigan - Clearing that, also, Mr. Silber, if this C-27C-04 meets all, if staff decides  
2192 this meets all of the Ordinance, we can't deny it.  
2193

2194 Mr. Silber - Yes, it is an ad ministerial act and it would have to be approved. Yes, sir.  
2195

2196 Mr. Jernigan - But, by law if it meets Code we cannot deny this POD. The POD I am  
2197 speaking of is what is on the screen right now. Mr. Theobald, what is the distance of the parking  
2198 deck closest to the neighborhood? What is that?  
2199

2200 Mr. Theobald - The same as in the UMU. It is about 70 feet. This plan of development  
2201 was sort of imposed over the UMU plan because we need to get started. We are months delayed  
2202 on building the new building for our tenant, and the deck, and so this plan was imposed on the  
2203 UMU and filed subsequent to UMU zoning. The POD will be, in essence, launched and if the  
2204 rezoning is denied, then the POD at least would be heard, as I recall, in December, if I am not  
2205 mistaken.  
2206

2207 Mr. Silber - That is correct.  
2208

2209 Mr. Theobald - And if it meets the requirements and is approved, then we could begin  
2210 construction immediately.  
2211

2212 Mrs. Ware - Are there any more questions for Mr. Theobald from the Commission?  
2213 Thank you. Does the Commission want to make any comments or discussion?  
2214

2215 Mr. Marshall - Well, Madam Chairman, this is probably (unintelligible) I have ever had  
2216 to act on. I have approached this or tried to approach this from a land use standpoint, which is  
2217 what I am supposed to do. This property is not going to stay the same. Something is going to  
2218 be built, so we have to decide what is best for that. Currently, by right, of the current zoning,  
2219 between 500,000 and 600,000 square feet of office space could be built with parking decks to  
2220 accommodate that. The current zoning wouldn't allow eight-story buildings, however, I agree  
2221 with Mr. Blankenship. I don't think Highwoods would build an eight-story building. I do think as  
2222 this plan in front of you on the screen shows that they definitely will not build two or three 8-  
2223 stories, but build four office buildings and three parking decks to accomplish their build out on  
2224 the site. I think it is important when we look at this, because as it was brought out, the traffic  
2225 problems, which are the main problem, are there today for anything else that is built on this site.  
2226 They will be there tomorrow. They will be there when whatever is built on this site is going to be

2227 built there, but, unfortunately, there is nothing we can do about something being built, so the  
2228 question for me is, under this UMU request is we have a proposal to put in 230,000 square feet  
2229 of office space, eliminating the possibility of 170,000 to 300,000 additional square feet of  
2230 additional office space and eliminating, I guess, the parking deck that would go along with that,  
2231 and replacing that with the 344 residential units and some of the first-floor retail space. Both will  
2232 have traffic impacts, no doubt, as it was pointed out, as I just said. What is on your map can be  
2233 built with no consideration for traffic impact whatsoever.  
2234

2235 Mr. Foster spelled out the traffic needs that he thinks need, the projects that need to happen,  
2236 that total about \$500,000. Those projects, as he said, are needed even without anything being  
2237 built on this property. The developer has offered to pay basically half of the cost for all of those  
2238 projects, even though by the admission of the County, all the development around there, be it  
2239 housing or offices, created the problem there that need to be fixed. I don't think that is  
2240 insignificant. This project started out with all apartments. The basis for that was Highwoods  
2241 being in the leasing business, not in the land sale business, however, the neighbors, as well as  
2242 myself, were concerned about having rental units next to a single-family subdivision. I won out  
2243 against Highwoods' business plan, and they did replace them with all owner-occupied units. An  
2244 issue was raised about whether these townhouses will be sold, and later on a reference was  
2245 made to the project at Cox and Nuckols where there is currently a waiting list for those \$350,000  
2246 condos, because they sold out so quickly. I don't think there will be a problem when they are  
2247 built as far as selling them. So that is not a concern to me. The Sadler Road project, as Mr.  
2248 Foster said, begins the public hearing process with design and widening of that to mostly four  
2249 lanes next year, and the Nuckols Road widening, hopefully, I guess logic will prevail, and sound  
2250 walls won't be required so the project can go ahead and be built next year without delaying it  
2251 any further. Both of those will help.  
2252

2253 The UMU designation's intent was to try to prevent sprawl, going out and eating up more land.  
2254 This project utilizes basically the current land and infrastructure, which is basically now paved  
2255 parking lots. One of the concerns that I had, the initial plan showed a parking lot basically at the  
2256 closest point in the upper right-hand corner, very close to the neighborhood, with a high rise  
2257 apartment building. It showed two parking lots basically, but by making them townhouses, one  
2258 of the parking lots was eliminated to allow for more green and buffering between the neighbors  
2259 and then replace the high rise building with the townhouse building which is now abutting the  
2260 neighborhood, and the townhouses continue in the development, which is quite different than  
2261 what is shown and what can be built by right on the POD that is on the screen in front of you.  
2262

2263 With this proposal you lose two office buildings and a parking deck and gain residential units,  
2264 which, there is going to be traffic from it, but it is not going to be 500,000 to 600,000 sq. ft. of  
2265 office space. It is not going to be all at the same time, coming and going as there is now, so  
2266 that should help some. So, the easiest thing for me to do would say deny this, but from a land  
2267 use standpoint as far as bettering what could be built and changing and limiting what can be  
2268 built with this project, I want to recommend that we approve this project and make that  
2269 recommendation to the Board of Supervisors.  
2270

2271 Mrs. Ware - At this time, I want to call the vote on each item.  
2272

2273 Mr. Silber - They each have to be voted on. We have to vote on the Land Use Plan  
2274 Amendment first.  
2275

2276 Mr. Marshall - OK. I make a motion that we..  
2277

2278 Mrs. Ware - I respectfully ask for you all to be quiet.  
2279

2280 Mr. Marshall - I make a motion that we approve the Land Use Plan Amendment for  
2281 UMU for Innsbrook.  
2282  
2283 Mrs. Ware - Do I have a second for the mixed-use designation of the land use plan?  
2284 Well, Mr. Secretary.  
2285  
2286 Mr. Silber - If there is no second, we need another motion.  
2287  
2288 Mrs. Ware - By another member of the Commission. Someone is going to need to  
2289 make a motion.  
2290  
2291 Mr. Archer - Madam Chairman, I would move that the Land Use Plan Amendment be  
2292 deferred in order to give the members of the community an opportunity to discuss some of the  
2293 things that Mr. Marshall named in his summation and have a serious look at what could be built  
2294 by right, right now, as opposed to what is in the urban mixed use development area.  
2295  
2296 Mr. Jernigan - Mr. Archer, if you are going to defer that, have it for decision only.  
2297  
2298 Mr. Archer - That will be fine. I didn't want to make this motion, but we have got to  
2299 have a motion.  
2300  
2301 Mr. Jernigan - Everybody has been heard on this, but if...  
2302  
2303 Mr. Archer - I don't think we need to be rehashing all of this again, so I defer for  
2304 decision only. Is December a good month?  
2305  
2306 Mr. Silber - There are a lot of zoning cases on every agenda. December would be  
2307 fine if that is adequate time to solve some of the issues that you think are before you.  
2308 Obviously, we have Thanksgiving in there and other commitments.  
2309  
2310 Mr. Archer - Between now and December. Mr. Theobald.  
2311  
2312 Mr. Silber - The POD should be coming up on December 15.  
2313  
2314 Mr. Archer - I move for December 9 for decision only.  
2315  
2316 Mr. Silber - That is roughly one month from now and it would be your zoning  
2317 hearing in December, so this is a motion by Mr. Archer to defer for one month.  
2318  
2319 Mr. Jernigan - Now, correct me if I am wrong, the POD won't come up on the 9th?  
2320  
2321 Mrs. Ware - No. That is the 15th. Motion made by Mr. Archer. Do we have a  
2322 second?  
2323  
2324 Mr. Jernigan - Second.  
2325  
2326 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
2327 of the deferral say aye. All opposed say no. The vote was as follows:  
2328  
2329 Mr. Archer - yes  
2330 Mr. Vanarsdall - yes  
2331 Mrs. Ware - yes  
2332 Mr. Jernigan - yes

2333 Mr. Marshall - no  
2334  
2335 The motion passes. The Planning Commission voted to defer Innsbrook Urban Mixed Use Area  
2336 Amendment for decision only until December 9, 2004.  
2337  
2338 Mr. Silber - This is just the Land Use Plan, and keep in mind, the Land Use Plan has  
2339 to be amended in order for us to even consider the rezoning of this property. So we have no  
2340 choice but to defer the remaining three cases.  
2341  
2342 Mr. Archer - I will move for deferral, also, for Case C-27C-04 to December 9 for  
2343 decision only.  
2344  
2345 Mr. Jernigan - Second.  
2346  
2347 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
2348 say aye. All opposed say no. The motion passes. The vote was as follows:  
2349  
2350 Mr. Archer - yes  
2351 Mr. Vanarsdall - yes  
2352 Mrs. Ware - yes  
2353 Mr. Jernigan - yes  
2354 Mr. Marshall - no  
2355  
2356 The Planning Commission voted to defer Case C-27C-04, James W. Theobald for Highwoods  
2357 Realty LP, etal, for decision only to December 9, 2004.  
2358  
2359 Mr. Archer - I move deferral of Case P-6-04 to December 9 for decision only.  
2360  
2361 Mr. Jernigan - Second.  
2362  
2363 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
2364 say aye. All opposed say no. The motion passes. The vote was as follows:  
2365  
2366 Mr. Archer - yes  
2367 Mr. Vanarsdall - yes  
2368 Mrs. Ware - yes  
2369 Mr. Jernigan - yes  
2370 Mr. Marshall - no  
2371  
2372 The Planning Commission deferred Case P-6-04, James W. Theobald for Highwoods Realty, LP,  
2373 etal, to December 9, 2004, for decision only.  
2374  
2375 Mr. Archer - I move deferral of Case P-7-04 to December 9 for decision only.  
2376  
2377 Mr. Jernigan - Second.  
2378  
2379 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
2380 say aye. All opposed say no. The motion passes. The vote was as follows:  
2381  
2382 Mr. Archer - yes  
2383 Mr. Vanarsdall - yes  
2384 Mrs. Ware - yes  
2385 Mr. Jernigan - yes

2386 Mr. Marshall - no  
2387  
2388 The Planning Commission deferred Case P-7-04, James W. Theobald for Highwoods Realty, LP,  
2389 etal, to December 9, 2004, for decision only.  
2390  
2391 Mr. Archer - Madam Chairman, may I have just one word. I admire all of you  
2392 communities who come together and you are always well prepared when you come here and you  
2393 speak well, and I really wish you would, I know some of you said you understood the differences  
2394 between what could occur by right in the district as now zoned, but I see some advantages,  
2395 some real advantages to the new classification, and I think you all really need to study these  
2396 very carefully before we come back and make a decision on this. There are a lot of things that  
2397 could occur.  
2398  
2399 Mrs. Ware - At this time we will take a break for 10 minutes.  
2400  
2401 **THE COMMISSION CONVENED FOR 10 MINUTES.**  
2402  
2403 **THE COMMISSION RECONVENED.**  
2404  
2405 Mrs. Ware - We will resume the meeting at this time.  
2406  
2407 Mr. Silber - The next case is C-50C-04.  
2408  
2409 ***Deferred from the October 14, 2004 Meeting:***  
2410 **C-50C-04 Neil P. Farmer:** Request to conditionally rezone from A-1 Agricultural  
2411 District to RTHC Residential Townhouse District (Conditional), Parcels 747-774-5839 and 747-  
2412 774-6515, containing 5.00 acres, located on the northwest line of Twin Hickory Road  
2413 approximately 270 feet southwest of Lemoore Drive. The applicant proffers to develop no more  
2414 than twenty-nine (29) units. The maximum density in the RTH District is nine (9) units per acre.  
2415 The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.  
2416  
2417 Mrs. Ware - Is there any opposition to Case C-50C-04, Neil P. Farmer, in the Three  
2418 Chopt District? There is opposition. So noted. Thank you. Mr. Gidley.  
2419  
2420 Mr. Gidley - This request would rezone 5.0 acres from A-1 to RTHC in order to build  
2421 a townhouse community. The site is located off Twin Hickory Road, between the recently  
2422 approved Ukrop's Shopping Center and the Wyndham Forest subdivision.  
2423  
2424 This case was deferred during the last Planning Commission meeting to allow time for the  
2425 applicant to meet again with area residents. Since this time, the applicant has held two meetings  
2426 with the adjacent residents.  
2427  
2428 The applicant has also submitted new proffers dated November 9, 2004. As a result the time  
2429 limits will need to be waived. These proffers include, but are not limited to the following:  
2430  
2431 • A proffered site plan; (otherwise known as Exhibit A) shown above  
2432 • Buildings to be constructed of brick;  
2433 • A limit of twenty-eight (28) homes; which results in a density of 5.6 units per acre,  
2434 • A minimum of 2,100 square feet finished floor area per unit;  
2435 • A twenty-five foot buffer along the Wyndham Forest Subdivision, and a thirty foot buffer  
2436 along Twin Hickory Road;  
2437 • Each buffer would be landscaped to the standards of the thirty-five (35) transitional buffer;  
2438 • A landscape plan to include landscaping of parking areas and other common areas of the

2439 project;

2440 • Sidewalks within the development, and along Twin Hickory Road;

2441 • Sound suppression equivalent to a sound suppression factor of 54 between units; and

2442 • At least a one-car garage on each unit.

2443

2444 At the request of the neighbor's several changes were recently made to the proffers. Two of the

2445 more important ones include:

2446

2447 • No dormers would be permitted on rear elevations along the northern and eastern property

2448 lines; and

2449 • The proposed 25' wide buffers would not be part of any rear or side yard setback.

2450

2451 The submitted proffers contain several positive features and provide assurances of compatibility

2452 with the neighboring community. Staff has one minor concern regarding the language of Proffer

2453 #16 concerning storm water management. This proffer would prohibit above ground storm water

2454 management facilities unless otherwise approved by the Planning Commission at time of Plan of

2455 Development review. Staff recommends that alternative storm water facilities be placed

2456 underground and not aboveground. If the applicant could address this issue, staff could support

2457 this request.

2458

2459 This concludes my presentation. I would be happy to try to answer any questions you may have.

2460

2461 Mrs. Ware - So the only outstanding issue was drainage? Everything else in the staff

2462 report had been addressed.

2463

2464 Mr. Gidley - We are comfortable that they have made a good faith effort and have

2465 addressed every serious concern we had.

2466

2467 Mrs. Ware - OK. Thank you. Are there any more questions for Mr. Gidley? Thank

2468 you, Mr. Gidley.

2469

2470 Mr. Gidley - Thank you, Madam Chairman.

2471

2472 Mrs. Ware - Mr. Condlin.

2473

2474 Mr. Condlin - Thank you Madam Chair, and members of the Commission. Andy

2475 Condlin with Williams Mullen and I am here on behalf of the applicant, Neil Farmer. This five

2476 acres on Twin Hickory Road has been owned by Mr. and Mrs. Parker for 20 plus years, and

2477 obviously, this case has caused some concern all relative to the last case. There is still some

2478 concern, legitimate concern, from all of the surrounding neighbors. The problem is that on one

2479 side of this property is B-2 zoning for the Ukrop's or B-2C and on the other side is single-family

2480 R-4C for Wyndham Forest. It really calls for a transitional use because of a wide variation of

2481 uses on either side, the B-2 Ukrop's and the R-4 single family. That is why I think the

2482 Comprehensive Plan calls for Urban Residential Density at 3.4 to 6.8 units an acre. Mr. Gidley

2483 referred to our most recent proffers, and he is correct that we did proffer 29 and after talking

2484 things over tonight with a little nudging, I would like to drop that down to 28 units per acre. I

2485 didn't mean that. Freudian slip on that one. But if you want to give that to me I am taking it, but

2486 otherwise no, so 28 total units on the 5 acres. That puts us at 5.6, which is well within the 3.4

2487 to 6.8 required by the Comprehensive Plan. However, we do recognize and it has been voiced to

2488 us very strongly and quite eloquently that there are a number of concerns from the neighbors.

2489 The first of those being that there is too much density, better to have another use other than

2490 RTH, and what is the long-term effect. We feel the RTH, the town homes, are consistent with

2491 the Comprehensive Plan, and its goals and objectives. Because of the B-2 on one side, the

2492 Ukrop's, it is very difficult to place single-family typical residential. Because of the residential on  
2493 the other side, it is very difficult to place commercial. We feel that the RTH is a good settlement,  
2494 a good transition. But we have tried to respond to the neighbors concerns as Paul has talked  
2495 about, to alleviate the impact of the town homes.  
2496

2497 Of most importance, I think, is the response being that for town homes we have proffered a  
2498 minimum of 2100 sq. ft. We have also proffered all brick on all four sides. This is not an  
2499 inconsequential cost to be able to do that. We are limiting the number and width of homes next  
2500 to Wyndham Forest, of these buildings here (referring to rendering), pursuant to the site plan  
2501 including limiting these to 160 feet, and we have also, of course, proffered the site plan including  
2502 limiting these to 160 feet. We have also, of course, proffered the site plan to be substantially in  
2503 conformance with five units and six units. We have actually revised the site plan to move these  
2504 buildings away from to create less of a mass of buildings along that eastern side. As Paul  
2505 mentioned, we've got a 25 foot buffer all along Wyndham Forest, 30 feet along Twin Hickory  
2506 Road, 25 feet here, with plantings at 35 feet, and I think more substantially we are measuring  
2507 our buffer, and I have been asked to clarify this issue. We are measuring our buffer from the  
2508 edge of the property 25 and that is 25 feet, and then we measure out setback for our rear and  
2509 side years off of that inside of the buffer. So, in essence, at least 55 feet with a 30-foot rear  
2510 setback between the building and the far property line, which would include that 25-foot buffer.  
2511 We also have sidewalks, one-car garages, limitations on hours of construction, storm water  
2512 requirements, which I will address in a second, and, of course, cash proffers. These are  
2513 significant amenities aimed at not only raising the quality of the homes, but most significantly,  
2514 trying to limit the impact, if any, of the homes that will be built there to protect the  
2515 neighborhood, other than Ukrop's. They obviously come at a cost, which results in the density  
2516 we are trying to get, and the good thing is the density does fit within the Comprehensive Plan,  
2517 by trying to get the assurance of high quality. Our expectations are that with all of these  
2518 proffers that I have outlined, plus the others, we will give that assurance to our neighbors.  
2519

2520 With respect to the drainage, I may have misunderstood Mr. Gidley, and quite frankly, I have to  
2521 apologize. I think that is first time that I had heard that issue. The storm water facilities we  
2522 placed in there that there should be no aboveground storm water management facilities on the  
2523 site. That is our proffer, that there shall be no aboveground facilities. The intent is to tie into an  
2524 existing storm water facility already serving this area, including Wyndham Forest, so there will be  
2525 no storm water facility on site. If we can't tie into that for whatever engineering reason, it would  
2526 be placed underground. That is why I have placed the language on there. I think the language  
2527 works. I will be happy to accommodate whatever language change you think is appropriate if it  
2528 doesn't work, but that was our intent on there, that there be no above-ground, and our intent is  
2529 to tie into the existing storm water facility serving the entire area, and if that does not work, it  
2530 will be underground. I do think that language works. The only other change that specifically is  
2531 #2, we are changing 29 units on the property down to 28. I have clarified the last line of  
2532 paragraph 4 about the rear side yard setbacks may not include the 25-foot buffer. We have also  
2533 been asked and with your permission we would like to add, perhaps tonight, if we can remove all  
2534 existing Pine trees within the 25-foot buffer on the rear. It is unusual, I think, but because a lot  
2535 of the Pine trees have fallen in over the last storms and some are dead, the concern by the  
2536 neighbors that they are really not going to serve much, and they want to take those out. I think  
2537 they can speak to that a little bit better. We are willing to do that, if that is what they want,  
2538 which they have spoken to me about and if they are willing to accept that. It is somewhat  
2539 unusual, but again, I think we can accommodate that.  
2540

2541 With that, I think this case is appropriate for your recommendation. It meets all jurisdictional  
2542 prerequisites, in that it meets the Comprehensive Plan, its goals and objectives. It is consistent  
2543 with the surrounding uses. With the Ukrop's and the single-family, that is on both sides of us. It  
2544 is not only the B-2 but the R-4 and town homes are consistent with the R-4 and with the



2545 Comprehensive Plan. I would actually follow staff's recommendation and recommend this to the  
2546 Board of Supervisors.  
2547  
2548 At this time, I will be happy to answer any questions you may have.  
2549  
2550 Mr. Marshall - Mr. Condlin, you said there is a 25-foot buffer, right, along Wyndham  
2551 Forest.  
2552  
2553 Mr. Condlin - Wyndham Forest, which would be on our northern property line and our  
2554 eastern property line.  
2555  
2556 Mr. Marshall - And the building setback has to go from the edge of that, so it would be  
2557 what, 60 feet?  
2558  
2559 Mr. Condlin - It is a 25-foot buffer. My understanding is that the rear setback is 30  
2560 feet. That gives me 55 feet off the boundary line.  
2561  
2562 Mrs. Ware - The Pine trees that you have been asked to remove...  
2563  
2564 Mr. Condlin - Which is along here (referring to rendering).  
2565  
2566 Mrs. Ware - OK. Will you be supplementing?  
2567  
2568 Mr. Condlin - We've got in the 25-foot buffer that we plant a 35-foot transitional  
2569 buffer.  
2570  
2571 Mrs. Ware - OK. So you have a 35-foot?  
2572  
2573 Mr. Condlin - Yes, ma'am. Again, if you don't want it...I am just kidding. We will do  
2574 that. It is in the proffers.  
2575  
2576 Mrs. Ware - Just checking.  
2577  
2578 Mr. Silber - Mr. Condlin, I think the staff concern on the above-ground storm water  
2579 facility basically related to you providing that it can occur on site above ground if provided by the  
2580 Planning Commission. I think one of the concerns was that the Planning Commission really  
2581 typically does not get into storm water management issues. If it is an aesthetic issue or  
2582 something that deals with sort of amenity. Yes, that is fine for them to provide. I don't want  
2583 this to be mistaken that they have the right to deal with storm water and drainage issues. I am  
2584 fine with the language the way that it is, but the Department of Public Works makes that  
2585 determination.  
2586  
2587 Mr. Condlin - Certainly. I will be happy to take that last line out if you like.  
2588  
2589 Mr. Silber - It can stay Planning Commission as long as they understand that, or it  
2590 could say "unless otherwise approved by the County."  
2591  
2592 Mr. Condlin - I am confident either way is fine. We can work that out after the  
2593 Planning Commission or I can change it tonight. However you want to take care of that, but that  
2594 is fine. That is the intent certainly that if the County requires it, for whatever odd reason. There  
2595 have been some odd things from time to time that no one anticipated and assuming that would  
2596 be part of the public hearing, that was our intent that it wouldn't be changed without a public  
2597 hearing referencing back. That is why I didn't want to leave it to an administrative process

2598 because of the neighbors, so they can have a voice in this, depending on where it was if it was  
2599 above ground.  
2600  
2601 Mr. Silber - I am fine, Mr. Marshall, with leaving it the way that it is.  
2602  
2603 Mr. Marshall - I am fine. One other question, and I appreciate you dropping the  
2604 density. Are they willing to make it that one on the right hand side facing the picture?  
2605  
2606 Mr. Condlin - On this side? We haven't committed, quite frankly. I don't have my  
2607 engineer here to be able to say exactly where that one unit. Quite frankly, I would like to retain  
2608 this site plan, even though it shows 29, so we don't have to make that decision.  
2609  
2610 Mr. Marshall - I would like for it to be on that side, since that is the closest. The other  
2611 section of them is five facing the neighbors.  
2612  
2613 Mr. Condlin - We can make a commitment to that without talking to the engineer and  
2614 how that works. We will do what we can to get that, with that understanding, which is it is an  
2615 understanding I will take seriously.  
2616  
2617 Mr. Marshall - We will look at it at POD time.  
2618  
2619 Mr. Condlin - Yes, sir. Point well taken.  
2620  
2621 Mrs. Ware - Are there any more questions for Mr. Condlin from the Commission?  
2622 Thank you, Mr. Condlin. We will hear from the opposition now. Good evening.  
2623  
2624 Mr. Eric Waldenmaier - Good evening. My name is Eric Waldenmaier and I live at 11049 Maple  
2625 Hill Place in Wyndham Forest. I didn't take time to print these off and I don't know if you all  
2626 would want a copy of this for the record.  
2627  
2628 Mr. Silber - Sure.  
2629  
2630 Mr. Waldenmaier - The residents in Wyndam Forest are still primarily opposed to this whole  
2631 project and it has nothing personally to do with the Farmers or the Parkers, and I think I made  
2632 that clear last time when I stood in front of you and discussed this. We specifically have  
2633 economic reasons and social reasons for why we are opposed to this program. First of all, I  
2634 think the property owners specifically and directly adjacent to this will experience some sort of  
2635 financial cost due to the reduced marketability because of having high density housing in our  
2636 back yard, compared to having single-family housing, which is what typically we find within the  
2637 Wyndham Forest Subdivision. I trust Mr. Farmer and his builder will build a quality home, at the  
2638 price point they are putting out there. I don't have a doubt that they are going to put something  
2639 in the area that is going to be quite attractive and certainly meets price points that they are  
2640 looking at. My concern is that we have got 27 or 28 units that are going to be essentially  
2641 monitoring themselves, and I am not sure what we are going to end up with, 5 and 6 and 7 and  
2642 10 and 15 years down the road, after the Parkers have long left, and the developer is long  
2643 moved off and sold his last unit. There can be a homeowners association associated with this,  
2644 but, unfortunately, when you are in a transitional area, such as this development, it probably will  
2645 not have the same homeowners association that you have in Wyndham Forest or a Twin Hickory  
2646 Subdivision, which is what the developer often refers to these properties likened to. I will argue  
2647 that I don't believe that they are likened to Twin Hickory or Wyndham Forest in any way,  
2648 because they don't have a strong homeowners association behind them that will carry forth the  
2649 covenants and the rights and protections for not only the people within the community but also  
2650 us on the outside of the community. So, unfortunately, I don't believe these standards can be

2651 upheld or will be upheld as well as they would be in a Twin Hickory or Wyndham Subdivision.  
2652  
2653 Certainly the increased traffic in the area is a huge concern for virtually everybody in our  
2654 neighborhood just trying to get out of there in the morning. Some of the people discussed it  
2655 earlier this evening, because they attend the same schools our children do. It is a three or four  
2656 light cycle. Now it is not only a light cycle we are concerned about. Obviously, with 29 town  
2657 homes with dual income, no kids or even empty nesters, certainly you are going to have more  
2658 traffic out there than the 16 or 15 that has been indicated in the report. In the past six months,  
2659 there were nine accidents in the Twin Hickory and Nuckols Road intersection. In the prior 12  
2660 months there were only four. So, we are obviously not only looking at our traffic situation  
2661 getting any better, and my wife and children ride through that intersection virtually everyday.  
2662 Certainly, I don't want them to become one of those statistics. I go into some detail here, but  
2663 again, I think that it is also going to be an impact on our already crowded schools. I know that  
2664 we are already in the planning phase and building phase of a new elementary school, but we are  
2665 also in the planning phase of another middle school, and perhaps another high school, and  
2666 rezoning of the rest of it. I think we are at a point here that we are reaching some limits. I also  
2667 want to point out that this traffic that is happening now is already happening without the office  
2668 condos that are under construction currently and the proposed Ukrop's that is going to be  
2669 coming in at that intersection. This is going to become one of the busiest intersections in the  
2670 West End area.  
2671  
2672 There are also facts I would like to point out about crime that is associated with town homes.  
2673 Now you don't associate or think in the first place that you are going to have crime in a \$300,000  
2674 townhouse. Well, that may be true, and that may be true at first, but I think after a while,  
2675 things do catch up. The facts are there is more crime in a townhouse community than there is in  
2676 a single-family residence. I took some information off of a website from the Henrico County  
2677 Incident Crime Report, and basically it states in the last six months, Maple Hill Place had zero  
2678 incidents. In the 5200 block of Lamore there was one vehicle violation. Those are two streets  
2679 that coincide or run along side the proposed area. What I did was try to look at two townhouse  
2680 communities that I could get statistics on and the first one I have here is on the corner of  
2681 Hungary and Springfield. Now, you may think this is a new one. It is not. It is the one across  
2682 the street. It is not the new subdivision or the new townhouses. It is the older ones. Those are  
2683 the ones that actually interest me more, because I think although aesthetically they probably are  
2684 not going to look the same, but that is potentially what we have got 10 or 15 years down the  
2685 road. There were 15 incidents. Twelve were disorderly or inebriation, larceny, vandalism,  
2686 suspicious activity, assaults, loud party or noise in the last six months. And the other townhouse  
2687 community at Bishop's Gate Court and Drive, that is a townhouse community that is right next  
2688 door, on Old Nuckols Road, across from the fire station. I don't see a lot of nodding, but I hope  
2689 you all understand what I am talking about, behind the Food Lion at Scottsglen area. These are  
2690 relatively brand new. They started out, I think, at \$240,000 and they are currently selling in the  
2691 starting range of \$290,000, so we are certainly looking at similar type properties as what is going  
2692 to be proposed in my backyard. There are three incidents involving sexual assault, disorderly,  
2693 inebriated and loud party or noise. You know, we are just not frankly accustomed to having  
2694 neighbors that act like this, and we are not really welcoming that type of activity in our backyard.  
2695 I've got three little girls in the neighborhood. We've got several children. Certainly I don't want  
2696 them exposed to this type of activity.  
2697  
2698 Lastly, there has been talk that this is a transition area from Ukrop's to our subdivision. I'd like  
2699 to argue that I think that that is not just a sound argument. I mean, it does make sense if you  
2700 look at it on the surface, but the reality is, if it is unsuitable, sell single-family homes where only  
2701 two or three homes will be affected by their backyard neighbor, why is it then all of sudden  
2702 suitable for somebody who, perhaps, is going to buy a townhouse where you are going to have  
2703 14 or 15 people exposed to that. Now you may say that people who buy town homes aren't as

2704 concerned about that. Well, I don't know. Ukrop's in your backyard is Ukrop's in your backyard,  
2705 buying a town home or buying a home. The difference here, in my opinion, is that it doesn't  
2706 matter if it is a town home or a single-family home. Somebody buying in that neighborhood is  
2707 going to buy with the realization that there is a Ukrop's in your backyard, be it a town home or  
2708 be it a regular single-family home. I personally wouldn't want to necessarily buy a house with  
2709 Ukrop's in my backyard, but I am not faced with that position today, but there are other people  
2710 that will. Obviously, we are planning on selling several \$300,000 town homes with that. And, I'd  
2711 like to also point out, most shopping centers are not positioned by town homes. The Food Lion  
2712 is not transitioned by town homes, which is right across the street. The Ukrop's at Short Pump is  
2713 not transitioned by town homes, and virtually every other major shopping center you have  
2714 throughout Henrico is not specifically set up with a transition of town homes. So, obviously, the  
2715 argument that there needs to be a transition to single-family homes is not realistic, or, at least in  
2716 my opinion, not very sound.

2717  
2718 Mr. Silber - Sir, there may be others that may want to speak in opposition and you  
2719 have taken almost 10 minutes.

2720  
2721 Mr. Waldenmaier - I get all of their 10 minutes. I am almost done. I know you can read it,  
2722 but I am saying this for the benefit of everybody else who does not have it. All this is said with  
2723 regard to the potential land sale of the Parkers property. Now that is one impact we are dealing  
2724 with today. I believe, and I can't speak for the owners of the property across the street, but I  
2725 would imagine at some point that they would be looking to probably do something now, also.  
2726 So, we have got another five acres that potentially could be another townhouse community. You  
2727 add it all together and we have 60 houses in the area where Wyndham Forest would normally  
2728 have 18. That is a huge impact on our community, huge impact on the County resources, a  
2729 huge impact on the road. I see that our engineer has left. I am sure he'd be thrilled to hear  
2730 about how he is going to fix Nuckols Road and Twin Hickory, so I'd like to say that I think your  
2731 final answer to the townhouse community should be no. I think it should be rezoned into a  
2732 single-family development and the price paid for the property, or the sale price asked for the  
2733 property, should not be the driving force into what type of development we have in our  
2734 neighborhood. What should be the driving force is to what we have in our neighborhood and  
2735 what is best for the community and the neighbors of this neighborhood. I appreciate your time  
2736 tonight. Thank you very much. Any questions.

2737  
2738 Mrs. Ware - Are there any questions from the Commission? Thank you very much.

2739  
2740 Mr. Waldenmaier - One more point. I would like to say that Mr. Condlin and the developer  
2741 have, I think, done a good job in working with us on these issues, but I don't believe that most  
2742 of these things are any issues that they specifically can address other than the fact that they can  
2743 pull their proposal off the table and put in nine nice quality single-family homes. We would  
2744 welcome that this evening.

2745  
2746 Mr. Condlin - That last statement was on the record, so if you could get me a copy of  
2747 that, I would appreciate that. Just a couple of quick points that, I am not going to go point by  
2748 point. The statistics are what they are. I would object to the point that town homes next to  
2749 single-family will reduce their value. I don't think the market has proven that true. In most and  
2750 if not almost every case, certainly in the West End, this is an unusual market that we are  
2751 experiencing, but the town home prices have continued to increase and the single-family home  
2752 prices even next to town homes have increased even beyond that.

2753  
2754 We have provided for protective covenants, restrictive covenants, and based on the concerns,  
2755 and whether this alleviates it or not as to what these proffers are, we have committed to  
2756 recording the proffers with the restrictive covenants and creating a homeowners association.

2757 Wyndham Forest has a homeowners association. It takes a while for it to grow, once the  
2758 properties are built and the strength added based on the number of units.  
2759

2760 Again, I am not going through the criminal statistics. I have done that as well on different cases  
2761 and you can find certain instances where town homes don't have any crime and single-family  
2762 does. I think his point is well taken with concern about the future and what occurs and what will  
2763 be the impact on the neighbors. With that, I would say there has to be reliance upon the  
2764 Comprehensive Plan by the County. The Comprehensive Plan does call for 6.8 units in an Urban  
2765 Residential District. Their property is, in fact, in an Urban Residential designation in the  
2766 Comprehensive Plan. Ours is, as well, but there is a density limitation of 6.8 in that  
2767 Comprehensive Plan. We think we fall within that with 5.6, which is what we are currently at. I  
2768 think we fall well within that.  
2769

2770 I would also point out that these are quality proffers that you typically don't find, certainly even  
2771 in the West End or the East End in some of the newer homes or newer town home communities  
2772 to have all brick, 2100 sq. ft. minimum, and buffers and setbacks that we are trying to create to  
2773 alleviate any impact that these town homes might have now or in the future because of the  
2774 quality that we are providing. There is not a maintenance issue. We can't help, with respect to  
2775 folks who are going to move in there, but we expect a lot of empty nesters, folks that are young  
2776 professionals without kids that don't need a lot of yard space. That is typical for town homes or  
2777 that comes in here.  
2778

2779 Again, I would point out that there has to be reliance on the Comprehensive Plan. We are well  
2780 within the Comprehensive Plan designation for density, with our quality, of assurance of  
2781 protection of the neighbors and I think this case should be recommended to the Board of  
2782 Supervisors, and I would urge you to do that. Thank you.  
2783

2784 Mrs. Ware - Thank you, Mr. Condlin.  
2785

2786 Mr. Marshall - Madam Chairman, I have had quite a number of calls on this case. None  
2787 of them dealt with quality. I had close to equal numbers of calls in favor as against, but one of  
2788 the underlying themes was the density, even though it is within the Land Use Plan. I urged Mr.  
2789 Condlin to speak to his client, and more specifically I was concerned about being a five unit  
2790 section of buildings at the back of one part of the neighborhood and the other part having six,  
2791 and that has led me to ask him to see if they could lower the density, and they did that tonight,  
2792 which further put it even more below what the Land Use Plan recommended.  
2793

2794 We do have a good buffer on this project. It is a Transitional Use, as recommended by the Land  
2795 Use Plan, and the setback, I think, is significant, in that they can't use the buffer as part of the  
2796 setback requirements. I think it is a quality project. Mr. Farmer and Mr. Condlin had a couple of  
2797 meetings with the neighbors on this project. The staff is recommending it, so I am going to  
2798 recommend it for approval to the Board of Supervisors Case C-50C-04.  
2799

2800 Mr. Vanarsdall - Second.  
2801

2802 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
2803 favor say aye. All opposed say no. The motion passes.  
2804

2805 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning  
2806 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**  
2807 the request because it conforms to the recommendations of the Land Use Plan and the proffered  
2808 conditions will provide appropriate quality assurances not otherwise available.  
2809

2810 **Deferred from the October 14, 2004 Meeting:**  
2811 **PUBLIC HEARING: Amendment to the Henrico 2010 Land Use Plan Map:**  
2812 The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan  
2813 Map to designate Wilton Farm - comprised of approximately 1,184.8 acres and bordered by the  
2814 James River to the west and south and Osborne Turnpike to the east and straddling the  
2815 Pocahontas Parkway (Route 895) - as an Urban Mixed Use Development Area (UMU).  
2816

2817 **Deferred from the October 14, 2004 Meeting:**  
2818 **P-15-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use  
2819 Permit under Sections 24-32.1, 24-34.1 and 24-122.1 of the County Code in order to submit a  
2820 Master Plan for the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459,  
2821 containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike  
2822 and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing  
2823 zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan  
2824 recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to  
2825 2.4 units net density per acre, and Environmental Protection Area.  
2826

2827 **Deferred from the October 14, 2004 Meeting:**  
2828 **P-16-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use  
2829 Permit under Sections 24-32.1 and 24-122.1 of the County Code in order to include single family  
2830 detached homes in the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459,  
2831 containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike  
2832 and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing  
2833 zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan  
2834 recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to  
2835 2.4 units net density per acre, and Environmental Protection Area.  
2836

2837 **Deferred from the October 14, 2004 Meeting:**  
2838 **P-17-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use  
2839 Permit under Sections 24-32.1 and 24-122.1 of the County Code as required for the Urban Mixed  
2840 Use District in order to exceed the 10,000 square foot maximum floor area for principal uses in  
2841 the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459, containing approximately  
2842 1,184.8 acres, located between the James River and Osborne Turnpike and along the north and  
2843 south lines of the Pocahontas Parkway (State Route 895). The existing zoning is A-1 Agricultural  
2844 District and M-1 Light Industrial District. The Land Use Plan recommends Rural Residential, not  
2845 exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
2846 Environmental Protection Area.  
2847

2848 Mrs. Ware - I have been so overwhelmed with additional information that I cannot  
2849 find my agenda so that I can ask for opposition tonight? OK. Thank you.  
2850

2851 Mr. Jernigan - Lee, before you start. Most everybody in here are Varina residents, and  
2852 I know that was a tough UMU case that came through a little while ago. This case is a lot  
2853 different, so put that case aside and open your minds up and watch out what is going on here,  
2854 because this is not the same thing. This is an entirely different project than was at Highwoods.  
2855 OK. Lee.  
2856

2857 Mr. Tyson - Thank you, Madam Chairman, Mr. Donati, members of the Commission,  
2858 and Mr. Secretary. HHHunt Corporation has applied to amend the Henrico 2010 Land Use Plan in  
2859 order to develop an Urban Mixed Use Development (UMU) at Wilton Farm, located in the Varina  
2860 District. The Wilton Farm property is generally comprised of an area bordered by the James  
2861 River to the west and south, and Osborne Turnpike to the east. Pocahontas Parkway (Route  
2862 895) crosses the property. The applicant has filed several companion cases with this application,

2863 including Rezoning Case C-56C-04, and Provisional Use Permit Applications P-15-04 (approval of  
2864 the Wilton Master Plan), P-16-04 (approval of single family detached housing, which is not a use  
2865 permitted by right in the UMU district), and P-17-04, to permit certain retail and/or office uses to  
2866 exceed 10,000 square feet in floor area. Approval of the Land Use Plan Amendment does not  
2867 necessarily mean that you must approve each of the companion cases. The applicant has also  
2868 submitted a proffer statement specifically for the rezoning case (C-56C-04), but which have an  
2869 overall bearing on the other applications as well.

2870

2871 The property, which consists of 1184 acres, is currently designated for Rural Residential,  
2872 Suburban Residential 1, and Environmental Protection Areas. The Land Development Guide  
2873 identifies this area as an "Outlying Area."

2874

2875 Under the proposed Urban Mixed Use (UMU) Development designation, the Wilton Farm property  
2876 is to be developed into a pedestrian-scaled, mixed use project, combining several residential  
2877 housing types, a town-center styled commercial area, public and private parks, and government  
2878 facilities. According to the Land Use Plan, a UMU should be a "unique destination conveying a  
2879 'sense of place' and providing a desirable destination to live, work, and recreate.'

2880

2881 The proposed development is divided into 10 "land bays" and the applicant has provided the  
2882 following Land Bay Summary:

2883

2884 The total size of the project is 1,184 acres and 562 acres or 47.5% would be composed of  
2885 residential uses. The net density proposed is 5.08 units per acre. Thirty-one acres or slightly  
2886 over 2% would be devoted to the town center use. Sixty-nine acres or 5.8% would be devoted  
2887 to Wilton private areas, including parks. Two hundred and thirty-two acres, or 19.7% would be  
2888 dedicated to the County for County uses, and 288 acres would be lakes and wetland areas.

2889

2890 It is staff's recommendation that the subject property and application materials submitted by the  
2891 applicant generally qualify for the UMU Land Use designation in the Henrico 2010 Land Use Plan.  
2892 There are substantial opportunities for the development of a high-quality, pedestrian oriented,  
2893 cohesive development at this site, and I would like to take this opportunity to point those out to  
2894 you. There are also issues that require additional attention from the applicant.

2895

2896 The Land Use Plan identifies vacant mall sites, brownfields, or under-used industrial sites,  
2897 commercial areas, or office parks as the preferred (but not only) sites for the UMU designation.  
2898 The Wilton property is zoned A-1, Agricultural and M-1, Industrial, and has been the site of both  
2899 agricultural and industrial uses, primarily borrow pits and sand/gravel operations.

2900

2901 While the predominant surrounding land uses are large lot, rural residential development, the  
2902 proposed uses are more compatible with these uses than are the potential uses that could be  
2903 developed by right on the property. The applicant has specifically proffered that no apartments,  
2904 condominiums, or town homes will be located within 200' of any boundary lot line in Land Bay 1  
2905 or Land Bay 2, those Land Bays most adjacent to the existing single family residential  
2906 developments.

2907

2908 In order to be successful, greater densities than would normally be permitted are allowed under  
2909 the UMU designation. These densities can produce stress on public infrastructure. The applicant  
2910 is proposing to mitigate these stresses by providing several infrastructure upgrades in the area.  
2911 Water service would be looped through the site, and sanitary sewer is to be provided through the  
2912 construction of an on-site pump station and proposed force main. This infrastructure can be  
2913 expanded over the course of the projects life. Given that the project is to be served by both  
2914 public water and sewer, it is not anticipated that any adverse impacts to private wells or septic  
2915 systems in the area will take place.

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A project of the size and magnitude of the proposed Wilton development brings with it the need for additional public facilities and public services. Both Schools and the Division of Fire indicated that their existing facilities would be inadequate to accommodate the potential increases in service demands. The Recreation and Parks Department reports that there should not be a negative impact on their ability to provide leisure services; however, there is the potential for significant impacts to the historic and archeological resources that have been reported on the property.

The applicant is proposing to mitigate these potential impacts by proffering the dedication of several public use sites. These include sites for an elementary school site, a library, a fire station, and significant amounts of land for a municipal park. The applicant is proffering that these properties will be dedicated to the County upon request. Reviewing agencies have reported that the proposed site for the library/fire station lacks the preferred amount of acreage for the proposed uses. A site of 15 acres for the combined uses is needed - an 11.5 acre site has been proffered.

The applicant is proffering the dedication of approximately 160 acres of parkland for public use. This amount includes approximately 68 acres of wetlands. The application materials speak to "improvements" to these areas, but only in general terms. For instance, a walkway is to be constructed in the James River Park, as are viewing platforms, gazebos, and benches and picnic tables. Additionally, the applicant is suggesting a County-owned small craft access and fishing access to Wilton Lake. Specificity as to other types of improvements are lacking, although the applicant does proffer the co-ordination of the Wilton amenity improvements and the Wilton Pedestrian/Bicycle Trail Plan with the County Department of Recreation and Parks and the County's own overall Recreation and Parks Plan.

The applicant is also proffering to "consult" with the Department of Recreation and Parks on any historical findings on the site, and giving the County not less than one week to view any such findings. The application materials include a Phase 1A Cultural Assessment for the property. This assessment indicated that roughly 44% of the site retains a very high probability that resources are present on-site, and it would be prudent to identify those resources to the extent possible before development activity begins.

The County Code requires that the primary access to a UMU district be via a major access road, major collector, minor arterial, or major arterial roadway as defined in the Major Thoroughfare Plan. Existing New Market Road and Osborne Turnpike meet these functional classifications. The applicant is proposing the construction of Wilton Parkway, which will provide one means of direct access to the property and which will intersect both Osborne Turnpike and New Market Road. The site also merits consideration as a UMU due to its proximity to Route 895, the Pocahontas Parkway.

According to the applicant's Traffic Impact Study, the project would generate 35,744 vehicle trips per day at build-out, and both New Market Road and Osborne Turnpike would experience failing levels of service at build-out in 2018 given their current configurations and geometry. The applicant is proposing significant improvements to these transportation arteries, including additional lanes on Osborne Turnpike, additional turn lanes on Laburnum Avenue, signalization at both the proposed Osborne Turnpike and Wilton Parkway and New Market Road and Wilton Parkway intersections, and turn lanes and widening along these arteries. The applicant is also currently in negotiations with the Pocahontas Parkway Association concerning obtaining access to the property via Route 895.

The Division of Traffic Engineering has concerns about the underlying assumption in the



2969 applicant's Traffic Study that 52% of the traffic volumes generated will use Route 895,  
2970 particularly when there are free routes available in the area. The Traffic Engineering analysis  
2971 also points out that absent this Route 895 access, the roadway system in the area cannot  
2972 support a development of the proposed size.  
2973

2974 The improvements outlined in the Traffic Study are phased to coincide with the level of  
2975 development activity occurring on the property: Phase 1, which would be 2007-2009, would  
2976 consist of the construction of Wilton Parkway from the site to Osborne Turnpike. The level of  
2977 development proposed for this Phase, according to the Traffic Impact Study, is 505 single family  
2978 dwelling units, 539 condominiums, 280 apartments, 70,000 s.f. of retail, the elementary school,  
2979 and one park. Traffic Engineering has indicated a high level of concern about the level of  
2980 development to be served by one point of access - the Wilton Parkway connection to Osborne  
2981 Turnpike - during this Phase. In an effort to mitigate potential traffic impacts associated with this  
2982 project, the applicant has proffered that no more than 520 residential units shall be developed on  
2983 the property until such time as direct access to Route 895 is provided. Furthermore, the  
2984 applicant proffers that no Certificates of Occupancy for apartments shall be requested until direct  
2985 access to Route 895 is provided.  
2986

2987 The applicant is proposing that the Route 895 access would occur under Phase II of the  
2988 development. Under the Phase Plan reviewed in the Traffic Study, Phase II of the development  
2989 would occur between the years 2010-2013. The level of development proposed for this Phase is  
2990 974 single-family dwelling units, 603 apartments, 150,000 s.f. of retail, 115,000 s.f. of office, 100  
2991 assisted living units, 10,000 s.f. of day care, a school, and park.  
2992

2993 Phase III of the traffic plan would consist of the construction of Wilton Parkway extended to  
2994 Route 5 and would occur from the years 2014-2018 which is the ultimate buildout.  
2995

2996 In summary, the Traffic Engineering Division agrees with most of the findings made in the study  
2997 concerning the amount of traffic that will be generated the growth factors needed to account for  
2998 future development, and the road improvements needed. The Division remains concerned about  
2999 the level of Phase 1 development that is to be served by one point of access (Wilton Parkway to  
3000 Osborne Turnpike), the lack of turn lanes proposed at certain points in the phasing plan, and the  
3001 status of the Route 895 access. The Division recommends that the developer and County  
3002 continue to work together to determine the proper phasing of the project, and that interim traffic  
3003 studies be conducted as identified phases are developed. It is further recommended that these  
3004 interim traffic studies be reviewed and approved by the Department of Public Works. The  
3005 Department would not grant approval of each development phase until the identified  
3006 infrastructure improvements are made.  
3007

3008 The UMP concept provides for project specific design criteria regarding such things as densities,  
3009 setbacks, and architectural elements. The applicant has submitted the *Wilton Architectural*  
3010 *Pattern Book* and the *Wilton Zoning Criteria and Neighborhood Land Bay Summary* to serve as  
3011 the project specific design criteria for the proposed UMU. Both the *Wilton Zoning Criteria and*  
3012 *Neighborhood Land Bay Summary* and the *Wilton Architectural Pattern Book* contain assurances  
3013 of quality development. These documents provide a good over-view of the design concept  
3014 underlying the project - that is of a pedestrian scaled development constructed in a style  
3015 reminiscent of Central and Tidewater Virginia vernacular architecture.  
3016

3017 Since the time of the preparation of the staff report, the applicant has addressed a number of  
3018 the concerns staff had concerning the project design criteria. Specifically, an explicit connection  
3019 between the Pattern Book and the Zoning Criteria has been made in the revised proffer  
3020 statement. Additionally, the Pattern Book has been amended to give illustrations of single-family  
3021 dwelling units and commercial spaces. Staff expressed initial concern about the amount of vinyl

3022 that is to be used in the project. A criterion for the thickness of the vinyl to be used in the  
3023 project had been presented, but no limits as to the amount of vinyl that will be on each structure  
3024 had been set forth. The applicant has now addressed that concern.

3025

3026 While staff appreciates the efforts the applicant has made in revising both the Pattern Book and  
3027 the Zoning Criteria, the following items remain to be addressed:

3028

3029 • No minimum square footages has been provided for either the condominiums or the  
3030 apartments.

3031 • The proffers should be amended to delete vague or otherwise unenforceable language. That  
3032 would reduce unnecessary ambiguity.

3033 • The proffers should be amended to reflect the currently acceptable proffer language  
3034 concerning brick foundations, Sound Transmission Coefficient (STC) ratings, and cantilevered  
3035 chimneys and windows.

3036 • It is anticipated that the commercial/office uses will require signage; however, no discussion  
3037 of sign designs or limitations is provided other than to say that a *Sign Plan* will be provided  
3038 meeting the County's sign requirements.

3039 • Design specification for commercial and office uses should be included in the pattern book  
3040 and design guidelines.

3041 • The homeowners associations' ability to grant exceptions to the guidelines should be  
3042 removed. The guidelines are a part of the application's proffers and exceptions cannot be  
3043 granted except through a recognized process.

3044 • Landscaped area ("green") widths are narrower than required by the UMU district  
3045 regulations.

3046 • Street trees of 2.5" in caliper are proposed and the UMU district regulations require 3.5"  
3047 caliper trees.

3048 • In addition, the Division of Police has identified safety concerns with the proposed  
3049 streetlights and the rear-loading garages adjacent to interior alleys. The Division of Fire has  
3050 expressed concerns about the boulevard street widths with on-street parking.

3051

3052 Staff believes that with minor adjustments, the proposed Pattern Book and Zoning Criteria could  
3053 be amended to reflect the design guidelines contained within the UMU zoning district regulations.

3054

3055 Of the approximately 1,180 acres covered by the proposed UMU designation, roughly 560 (47%)  
3056 are devoted to residential uses. The applicant has further proffered that at build-out, a minimum  
3057 of 45% of the dwelling units in the project will be single-family detached units. The remainder is  
3058 devoted to the town center, public facilities, roads, and other open spaces. More than 2,000,000  
3059 square feet of residential uses are proposed for the property, while only roughly 300,000 square  
3060 feet of commercial/retail space is proposed. Staff is concerned that the project is too heavily  
3061 skewed toward the residential uses. The UMU district regulations require that a minimum of  
3062 25% of the building square footages be devoted to commercial or retail uses and that this  
3063 threshold shall be met at the 50% and 90% build out point of the project. The applicant has not  
3064 submitted any information concerning why the proposed development cannot be more in keeping  
3065 with this UMU district requirement.

3066

3067 In response to staff's initial concerns about the proposed minimum house sizes and construction  
3068 materials, the applicant has increased the proffered house sizes for the three single family  
3069 detached housing types: Single Family "A" homes will be a minimum of 2,200 square feet, Single  
3070 Family "B" homes will be a minimum of 1,900 square feet in size, Single Family "C" homes will be  
3071 a minimum of 1,600 square feet in size, and the proposed town homes will be a minimum of  
3072 1,200 square feet. No proposed sizes have been provided for the apartments or condominium  
3073 units. The applicant has also proffered that no fewer than 15% of the single-family dwelling  
3074 units will be 3,000 square feet or more in size. Of these, a minimum of 20% will have front,

3075 side, and rear exteriors of brick or stone.

3076

3077 Staff also expressed an initial concern with the number of smaller, Single Family "C" lots, which  
3078 will have a minimum lot width of 40'. The applicant has attempted to address this concern by  
3079 increasing the absolute number of each type of single-family detached housing type, and  
3080 reducing the absolute number of town homes and garden condominiums.

3081

3082 Staff recommends that individual master plans be developed and reviewed for each individual  
3083 land bay as they come up for development. Staff recommends limiting the master plan review  
3084 and approval to one land bay at a time because:

3085 • The applicant could then provide individual schematic plans containing more details for each  
3086 land bay identified on the Community Master Plan and showing how each individual land bay is  
3087 to be integrated with the others.

3088 • Reviewing land bays individually would facilitate phasing the development, which as has  
3089 been indicated earlier, is a primary concern from a traffic viewpoint.

3090 • The UMU District regulations allow only minor changes to the Community Master Plan. Major  
3091 changes, if required, would require the approval of Board of Supervisors.

3092 • Periodic reviews of the Master Plan would afford the County, the developer, and residents'  
3093 opportunities to analyze impacts and opportunities over the projected 10 -15 year build out.

3094

3095 Fiscally responsible development is important to the County's long-term financial health;  
3096 therefore, before a UMU designation is approved, it must be determined the requested amount  
3097 and mix of land uses would benefit the County. The Fiscal Impact report submitted by the  
3098 applicant has been reviewed and it has been determined that the Wilton Farm project, if  
3099 developed according to the assumptions contained in the report, would have a positive financial  
3100 impact on the County through Fiscal Year 2011.

3101

3102 The applicant has provided many positive elements with this request. The proposal provides  
3103 opportunity for desired growth in this area, including commercial and recreational amenities, in a  
3104 coordinated fashion. The magnitude of this development and the level of detail envisioned by  
3105 the UMU Guidelines and district regulations requires significant amounts of details that ultimately  
3106 will be provided with required Master Plan(s) and Provisional Use Permit(s). If the applicant  
3107 could address the issues raised earlier in this report, and by each of the reviewing agencies, staff  
3108 could more fully support this request. It is for these reasons that the staff recommends that the  
3109 Planning Commission find the Wilton Farm Land Use Plan Amendment consistent with the  
3110 guidelines set forth in the Henrico County 2010 Land, and send it to the Board of Supervisors  
3111 with a recommendation for approval.

3112

3113 Due to the number of outstanding issues related to the anticipated traffic impacts, and the  
3114 outstanding issue related to the site specific design criteria, staff recommends deferral of any  
3115 action on Rezoning Application C-56C-04, and the accompanying Provisional Use Permit  
3116 applications.

3117

3118 This concludes my presentation. I'd be happy to try and answer any questions you may have.  
3119 Mr. Tim Foster, with the Division of Traffic Engineering, and Ms. Reta Busher, of the Finance  
3120 Department are also here and may be able to answer questions specific to their areas of  
3121 expertise.

3122

3123 Mrs. Ware - Are there any questions for Mr. Tyson at this time from the Commission?

3124

3125 Mr. Jernigan - Yes. Lee, don't leave. Vinyl. When we discussed vinyl, I think they had  
3126 proffered two of the top grade vinyl.

3127

3128 Mr. Tyson - Allow me to turn to my proffer statement. It is contained in the design  
3129 guidelines and the applicant may be better able to address that during his presentation.  
3130  
3131 Mr. Jernigan - Maybe I missed this, on the caliper trees is 3-1/2 inch on UMU?  
3132  
3133 Mr. Tyson - Yes, sir, and they are proposing 2-1/2 inches.  
3134  
3135 Mr. Jernigan - On the roads, I know DPW requested 36 and they are proffering 30 with  
3136 respect to road width?  
3137  
3138 Mr. Tyson - Yes.  
3139  
3140 Mr. Jernigan - Sound suppression, 54?  
3141  
3142 Mr. Tyson - The sound suppression coefficient usually applies to townhouse and  
3143 condominium units. They have not proffered any of that. They have said that there won't be  
3144 any need for that due to the location of where these are going to be on the site. That might  
3145 address the concern with the sounds from the exterior going to the interior, but it does not really  
3146 address the concern of inter-unit noise. I think the standard proffer for that has usually been 54  
3147 or 55.  
3148  
3149 Mr. Vanarsdall - Was that called to their attention, Lee?  
3150  
3151 Mr. Tyson - They didn't proffer any 57C rating. They addressed that in response to  
3152 our comment, yes.  
3153  
3154 Mr. Vanarsdall - They have done it now.  
3155  
3156 Mr. Tyson - No, sir. They are still not proffering that sound coefficient.  
3157  
3158 Mr. Vanarsdall - And that is because of the location, not next to 295 or 195 or something  
3159 like that.  
3160  
3161 Mr. Tyson - They would be able to give you their reason, I am sure.  
3162  
3163 Mr. Jernigan - Excuse me, Lee. One other thing on the landscape strip, you said they  
3164 were not as wide as they were supposed to be?  
3165  
3166 Mr. Tyson - Yes, sir, and I've got the specifics if you will bear with me. Landscape or  
3167 green areas are narrower than required by the UMU District regulations. The District regulations  
3168 require 8 feet and they are proposing 5 feet.  
3169  
3170 Mr. Jernigan - Next to the road?  
3171  
3172 Mr. Tyson - Yes.  
3173  
3174 Mr. Jernigan - Planting strip? OK. We are straight. We discussed that. All right.  
3175  
3176 Mr. Vanarsdall - I would like to ask about the sound. When is that supposed to be  
3177 addressed? Is it not going to be and you are going to let them go over that?  
3178  
3179 Mr. Tyson - Again, they might be able to address or tell you why they are proposing  
3180 to not have any sound co-efficient on the interior projects. They have expressed to us, in

3181 response to our comments that there is none really needed given where these types of uses are  
3182 going to be located on the site.  
3183  
3184 Mr. Jernigan - Lee, in our proffer book, it is 5.0 on the architectural review, it states  
3185 that the siding will be .042 nominal thickness.  
3186  
3187 Mrs. Ware - I have a question regarding the town center information. Did you ever  
3188 receive any more information? I know the staff report stated that you had very little information  
3189 and I saw little information on the town center, which is supposed to be, I guess, the focal point  
3190 of the community.  
3191  
3192 Mr. Tyson - The town center is addressed in their Pattern Book by a series of  
3193 photographs showing what they anticipate to be representative types of development, but there  
3194 are no specific guidelines as far as lot sizes, set backs, those things, contained in the Pattern  
3195 Book.  
3196  
3197 Mrs. Ware - Or in the proffer information submitted with the rezoning request?  
3198  
3199 Mr. Tyson - Correct.  
3200  
3201 Mr. Vanarsdall - Lee, it is 603 apartments. What percentage is that of the whole?  
3202  
3203 Mr. Jernigan - Nineteen percent.  
3204  
3205 Mr. Tyson - They have indicated that the apartment use would be a maximum of  
3206 25% of all dwelling units on the site. That is a maximum number that would represent. They  
3207 have also proffered the single-family detached be a minimum of 45% of the dwelling units on  
3208 site.  
3209  
3210 Mr. Marshall - So, by my math they could have 800 apartment units?  
3211  
3212 Mr. Jernigan - No. it is proffered at 603 units, which is 19%. I knew I had worked it  
3213 out. It is 18.7%. Nineteen percent is what it calculated at and that is based on 3209 units, but  
3214 there won't be any increase in apartments. They are limited at 603. Lee, on the planting strip,  
3215 the sidewalk is five feet wide that is the reason I cut the planting strip from eight to three.  
3216  
3217 Mr. Marshall - Back in the beginning, you said something about the area the UMU is  
3218 meant for?  
3219  
3220 Mr. Tyson - Yes, sir.  
3221  
3222 Mr. Marshall - What were they?  
3223  
3224 Mr. Tyson - The Land Use Plan classification of UMU is primarily identified as vacant  
3225 mall sites, brownfields or underused industrial sites, commercial areas or office parks, but those  
3226 are given only as preferred types of land uses. They are not the only type of land areas that can  
3227 be considered for the UMU designation.  
3228  
3229 Mr. Jernigan - Rockett's Landing was a brownfield site.  
3230  
3231 Mr. Tyson - Yes, sir.  
3232  
3233 Mr. Jernigan - OK. That is all, Madam Chairman.

3234  
3235 Mrs. Ware - Is anyone here for the applicant at this time? Good evening, Mr.  
3236 Theobald.  
3237  
3238 Mr. Theobald - Good morning, Madam Chairman. I have had some discussions, Madam  
3239 Chairman, with Mr. Jernigan in consideration of expanding the amount of time, so that we can  
3240 provide some Power Point displays as well as a brief video clip, after which this POD has been  
3241 designed. I have about a 10-minute presentation and probably three or four minutes of video, or  
3242 you can just give me 20 extra minutes like the opponents got in the last case.  
3243  
3244 Mrs. Ware - Well, that is a point. How many of you out there are planning on  
3245 speaking tonight?  
3246  
3247 Mr. Theobald - I would like about three minutes to rebut, and I think the presentation  
3248 and video should take no more than 15 minutes. OK.  
3249  
3250 Mrs. Ware - That is fine, 20 minutes.  
3251  
3252 Mr. Theobald - Madam Chairman and members of the Commission, my name is Jim  
3253 Theobald and I am here this evening on behalf of HHHunt and we are seeking your favorable  
3254 recommendation for another HHHunt award-winning community in waiting. This is a unique  
3255 opportunity. The history of the James River and Wilton, coupled with new planning techniques,  
3256 but grounded in traditional neighborhoods. The beauty of this site is incomparable and it is no  
3257 wonder that people have lived here since pre-historic time. This is not cookie-cutter zoning and  
3258 as such it requires a new approach, that being the UMU District and a fresh vision with which to  
3259 consider it. What this plan shows is not another A-1 road stripped subdivision. Here is the book  
3260 on Wilton, literally. It is this book here, and the contents of this book have been made a part of  
3261 this case and contains extensive design criteria and guidelines. What Wilton is, is 1,184 acres,  
3262 approximately half of which are currently zoned unrestricted M-1, Light Industrial, and is crossed  
3263 by Route 895. Wilton was inspired by the community of Daniel Island outside of Charleston,  
3264 S.C., and with your permission I have a short video that I had asked Ben to run, which is video  
3265 from Daniel Island, but gives you an idea of the feel of the community and what we are hoping  
3266 to accomplish with Wilton.  
3267  
3268 At this time the video was shown.  
3269  
3270 Mr. Theobald - If we could have the Power Point back up, now, I would appreciate it.  
3271 That is the real deal, by the way. Daniel Island is what we are hoping to accomplish with Wilton  
3272 to the extent that we have hired the same land planning and design firm to help us make Wilton  
3273 a reality and the effort behind this Pattern Book Guidelines is to put down on paper what we saw  
3274 and many of you saw on the trip to Daniel Island. Wilton is designed to provide a true sense of  
3275 place with a variety of many different neighborhoods. A town center that will include retail and  
3276 office uses and elementary school site, some 20 acres with about 11-1/2 additional acres  
3277 dedicated for a library site, fire and/or rescue squad site or other purposes or uses as determined  
3278 by Henrico County. A very significant amount of parks and open space, including the dedication  
3279 to Henrico County, of a park along the river is also included. The amount of open space, parks  
3280 and lakes, constitute 43% of the entire site, some 106 acres, and provides much needed public  
3281 access to the James River.  
3282  
3283 Wilton is not divided into neighborhoods segregated by price and size, but is rather one  
3284 community with varied housing types integrated into areas with neighborhood parks and various  
3285 amenities, as you see before you. Open space areas are connected by walkways and bike trails.  
3286 Streets are pedestrian friendly with trees and planting strips, street lights and houses with old

3287 fashioned front porches. The neighborhoods of Wilton have architecture as their emphasis and  
3288 their focus. The commitment to traditional architecture along with new planning concepts is  
3289 guaranteed by the zoning criteria found in the handbook, which has been proffered. Zoning  
3290 criteria include a pattern of design elements for our builders to use which will be enforced not  
3291 only by our zoning conditions but also by the architectural review board, which is created  
3292 pursuant to binding restrictive covenants. We have also provided design criteria for streetscapes  
3293 as well as for garages and alleyways. We have gone so far as to set forth defined lot criteria for  
3294 each type of lot, that being single-family lot type A, which describes the width of the lot and also  
3295 how they orient to the street and location of garages. We have done this for each different lot  
3296 type within Wilton. We have also proffered minimum square footages and housing distribution  
3297 charts included with the Pattern Book. Similar design guidelines have also been provided for our  
3298 town homes, garden condominiums, and apartment homes. The condominiums are expected to  
3299 be initially priced between \$185,000 and \$215,000, with town homes being priced from  
3300 approximately \$220,000 to \$260,000 at the low end and single-family homes range easily up to a  
3301 half million dollars and beyond. We hope to begin this community in 2006, with the first lots  
3302 being delivered in 2007. We expect our build out to occur sometime between 2018 and 2020. A  
3303 maximum of 3,209 residences have been proffered for the site, 45% of those are single-family  
3304 detached homes with 90% of the total number of all types of residences being owner-occupied.  
3305 We have proffered, as indicated by Mr. Tyson, that at least 15% of those homes will be 3,000 sq.  
3306 ft. or larger, 20% of those all brick and an additional 30% will be brick fronts, 10% of all homes  
3307 under 3,000 will be all brick.

3308  
3309 We have provided a very extensive traffic analysis regarding Wilton and that study identifies the  
3310 three phases of development with related road improvements. The first phase of the  
3311 development will cause Wilton Parkway to be constructed from the site to Osborne Turnpike,  
3312

3313 The second phase will see the completion of the interchange at 895, subject to approval by the  
3314 Commonwealth Transportation Board. The third phase will see Wilton Parkway extend from  
3315 Osborne Turnpike to New Market Road, various turn lanes, road widenings and signalization will  
3316 be required with each phase. Hunt is investing significant capital in the provision of road  
3317 improvement, a \$9,000,000 sewer/pump station, water and sewer lines, sites for elementary  
3318 schools, library, fire stations and significant land for parks.

3319  
3320 Our fiscal impact study shows a positive impact of over \$22,000,000 during the build out period  
3321 without the offer of additional cash proffers. HHHunt is expending close to \$50,000,000 in land  
3322 dedications and infrastructure. In addition, the fiscal impact study does not take into account  
3323 increased revenues to the County of an increase in property values that will likely occur in this  
3324 portion of the County, consistent with what has happened in and around the other communities  
3325 developed by HHHunt. Accordingly, Wilton provides a demonstrated positive revenue stream to  
3326 the County.

3327  
3328 In preparing the land plan, it was paramount to be sensitive to the neighboring properties  
3329 around Wilton this is accomplished in Land Bay 2 through the use and design of single-family  
3330 detached residences as well as town homes. Any multi-family town homes and condominium  
3331 residences may not be built within 200 feet of adjoining property lines. Their environmental  
3332 areas provide additional buffering.

3333  
3334 Land Bay 1 is along Wilton Woods Subdivision, and along a portion of that boundary is an area to  
3335 be donated to Henrico County as a public park. This is to be a passive park with sidewalks, trails  
3336 and benches. Along additional parks, the boundary lines are 100 foot Resource Protection Areas,  
3337 along with a 200 ft. setback from the property line, again for any town homes, multi-family  
3338 homes or condominiums. Along the edge of Land Bay 1 there is a similar 200 foot setback for  
3339 multi-family town home and condominium residences and a number of wetlands that have been

3340 preserved along the property line.

3341

3342 HHHunt also has a track record of partnering with the community, focusing on an entire area,  
3343 not just that which they have developed. Examples in the greater community is significant  
3344 support to the Glen Allen Cultural Arts Center, the creation and funding of the Shady Grove  
3345 YMCA, which is near Twin Hickory and Wyndham, and active involvement in the Henrico County  
3346 Schools System. HHHunt embarked upon a program years ago to buy computers for J. R. Tucker  
3347 High School and donated or subsidized the creation of sites for Shady Grove Elementary, Twin  
3348 Hickory Elementary, Deep Run High School and Rivers Edge Elementary.

3349

3350 We have also offered to get involved with the effort by various groups to help bring the  
3351 reconstruction of the original court house on Route 5 to fruition. Hunt intends to dedicate  
3352 significant land for the creation of public parks within Wilton. The river park is envisioned to be  
3353 some 240 acres of beautiful land along the James River with a walkway on the ridge along the  
3354 river, viewing platforms and gazebos, a bike trail on the lower portion of the property along the  
3355 lake, picnic tables and benches interspersed. The plans include educational signage along the  
3356 trail relating to the river, wildlife, foliage and history of the site. We are also discussing  
3357 equestrian opportunities and programming along with the park system the possibility of  
3358 equestrian trails and facilities. It could be a really interesting notion, particularly if we are able to  
3359 connect up with other properties. We believe that except for those enhancements, the river park  
3360 will largely remain in a natural state, and we will work closely with the Department of Parks and  
3361 Recreation to incorporate their vision as well. And HHHunt has pledged to do the necessary  
3362 improvements to make that vision a reality. This includes the donation of the current house on  
3363 the property, to the park system, when its use as a sales center has terminated. The house will  
3364 be renovated in accordance with the architecture and designs of the 1750s. The renovations will  
3365 include historic exhibits relating to Wilton and Varina, and we envision displays within the house  
3366 of artifacts found on the Wilton property. There is another area near the bridge we hope will  
3367 become a public boat landing for access to the James River.

3368

3369 HHHunt has spent considerable efforts introducing a Phase 1 Cultural Resource Assessment. The  
3370 history of Wilton and it is inhabitants begins in pre-historic times with later evidence of Native  
3371 American encampments and the impacts of early European settlers. We have proffered to  
3372 disclose any findings to the Departments of Parks and Recreation and give them some time to  
3373 assess their significance.

3374

3375 I believe the foregoing represents strong evidence that this request is compatible to existing land  
3376 uses and, in fact, is a far better alternative to the M-1 zoning that burdens much of the site. It  
3377 has and will provide adequate infrastructure that will more than mitigate its impact. It, obviously,  
3378 provides significant design criteria to demonstrate a high level of quality and a desirable mix and  
3379 balance of different land uses. We believe it also meets and exceeds the design standards set  
3380 forth in the UMU District Ordinance.

3381

3382 The purpose of the UMU is to allow development of mixed use pedestrian oriented activity  
3383 centers containing a variety of uses, including businesses, retail, residential, cultural, educational  
3384 and other public and private uses. How better to sum up Wilton. This is smart growth  
3385 personified, concentrated, well planned growth that pays its own way, not leap-frog  
3386 development, but a community that sets a high standard by which future growth in Varina may  
3387 be measured. Wilton is where Varina should begin to grow.

3388

3389 Madam Chairman, I believe we also have some people who would like to speak in support of this  
3390 case, if you would allow them, if you have no questions.

3391

3392 Mrs. Ware - Are there any questions at this time for Mr. Theobald?



3393  
3394 Mr. Jernigan - Jim, I've got a couple of questions. In looking over what I was just  
3395 handed shortly when I came in here, assisted living, 75 to 80 beds? It is on here. When did that  
3396 come into effect?  
3397  
3398 Mr. Theobald - I don't think we are programming any assisted living necessarily, but we  
3399 do have the ability to do it. Is that correct? It is in the town center area that we had possibly  
3400 contemplated assisted living. HHHunt does have an assisted living division.  
3401  
3402 Mr. Jernigan - We need to discuss that. I mean, that is a complete surprise. All right.  
3403 On the apartments, what is the square footage on the apartments?  
3404  
3405 Mr. Theobald - I don't believe that has been proffered. It is not really known at this  
3406 point.  
3407  
3408 Mr. Jernigan - It hasn't. That is the reason we brought that up. I thought in the  
3409 criteria manual it had them all, but I see it only goes to the garden condos and the town homes.  
3410  
3411 Mr. Theobald - We really haven't provided any detail. We were not sure what those  
3412 developments were going to look like. I mean, obviously, they will be market size and market  
3413 rates.  
3414  
3415 Mrs. Ware - In the presentation by staff, it was noted that the commercial office  
3416 space was 10%. What is recommended in the UMU is 25%. Can you speak to why you would  
3417 go so far below what is recommended in the UMU since you are asking for that designation?  
3418  
3419 Mr. Theobald - Sure, and I am glad that you put it in that context as being  
3420 recommended, because 25% is the recommendation unless otherwise approved by the Board of  
3421 Supervisors, and, obviously, the request does include less than 25% commercial. As you have  
3422 seen this week alone, there are different shades of UMUs. You considered Rockett's Landing,  
3423 you considered Innsbrook and you have considered this, and this is more of a residential mixed-  
3424 use community than the others, whereas the 25% commercial might be more appropriate for the  
3425 Innsbrook setting. We thought that something less than that on this site could easily support the  
3426 community here. What that request says is that it can still be 25%, it is just that it wouldn't  
3427 have to be 25%.  
3428  
3429 Mr. Marshall - Mr. Theobald, can you tell me how much it is going to cost for this 895  
3430 road?  
3431  
3432 Mr. Theobald - Just the ramps?  
3433  
3434 Mr. Marshall - What is Hunt's cost?  
3435  
3436 Mr. Theobald - I am not sure what the allocation for the ramps alone is. Does  
3437 somebody know? Three and a half million dollars.  
3438  
3439 Mr. Marshall - How about Wilton Parkway?  
3440  
3441 Mr. Theobald - Ten million dollars, 9-1/2 million to ten million.  
3442  
3443 Mr. Marshall - Is there any particular reason you put the school site right next to 895?  
3444  
3445 Mr. Theobald - We put the school site next to the town center, so that that would all

3446 work together.  
3447  
3448 Mr. Marshall - I didn't know what it was until I saw the map. How many stories are the  
3449 apartment buildings and the condo buildings?  
3450  
3451 Mr. Theobald - They haven't been designed or programmed yet, but the retail area has  
3452 the possibility of at least two or three stories of residences or office space above them, and the  
3453 residential freestanding apartment buildings haven't been designed, so I don't really know how  
3454 tall those might be. They are limited to 603 units with the road improvements. Keep in mind  
3455 that on 1,100 acres you won't have full designs of every single product, and the purpose of this  
3456 design guideline is to show you the exteriors and the quality that will go in there, but not  
3457 necessarily floor plans for each at this point.  
3458  
3459 Mr. Marshall - And the density is 5.7.  
3460  
3461 Mr. Theobald - I think that was on a net basis.  
3462  
3463 Mr. Jernigan - I don't think at this point you will be able to get 3209 units on there with  
3464 the fact that we increased the number of single-family about 10 to 15%.  
3465  
3466 Mr. Theobald - Obviously, the 3209 was on a sort of guesstimate preliminary, looking at  
3467 Land Bays. It does not represent final engineering, and while we have requested the ability to  
3468 do up to 3209, we have not achieved our proffered density in other communities. Once we get  
3469 into the impacts of Chesapeake Bay regulations, topography and what not, so, obviously, you  
3470 need to count on 3209, but our experience has been that after we actually engineer the site, the  
3471 numbers have been lower.  
3472  
3473 Mr. Jernigan - John, you were asking about the apartments. It is not going to be 25%.  
3474 They are locked in.  
3475  
3476 Mr. Marshall - Did the engineer who did this study, is he here? I have a question how  
3477 he came about, the Traffic Engineer for the County, I'd like to know where these 52% of the  
3478 people are going to get on 895 where they are going.  
3479  
3480 Mr. Theobald - I am happy to have the Traffic Engineer come up here, but my  
3481 understanding was those were the initial assumptions provided by the County for the basis of our  
3482 report.  
3483  
3484 Mr. Marshall - Yes, I want to ask him a question.  
3485  
3486 Mr. Theobald - Your traffic engineer or mine?  
3487  
3488 Mr. Marshall - Yours. He came up with the number.  
3489  
3490 Mr. Theobald - He is the one that used the assumptions provided by the County and Mr.  
3491 Foster will correct me if I misquoted that.  
3492  
3493 Mr. Marshall - I thought I heard the report from Mr. Tyson say that they were  
3494 concerned about that...  
3495  
3496 Mr. Theobald - They were concerned whether or not it was a toll free condition versus a  
3497 toll condition.  
3498

3499 Mr. Marshall - I can ask them both.  
3500  
3501 Mr. Theobald - OK. Do what you like.  
3502  
3503 Mr. Marshall - Was there any thought given by your client, I see your road costs at  
3504 \$13,500,000, so I know that is going to necessitate needing more units to pay for that.  
3505  
3506 Mr. Theobald - That is correct.  
3507  
3508 Mr. Marshall - Was there any thought given to having fewer units, which would require  
3509 less roads?  
3510  
3511 Mr. Theobald - No. The reason for that is basically, whether you have 10 houses or  
3512 3,000 houses, you still have to be able to provide water and sewer, and by the time that you  
3513 provide the infrastructure for this development, you have the need to spread that out over a  
3514 more dense development. You can't build just 10% of a pump station or 10% of a sewer line or  
3515 10% of a water line, so you have a certain amount of infrastructure that you have to spread over  
3516 your development. You do that by having different products available at different price points  
3517 and you, obviously, have to finance up front all of the infrastructure, and your way of recouping  
3518 that is by having a variety of products for sale and thus turning over land to re-coup your  
3519 expenses. We could do a 1,500 similarly priced single-family detached development, we would  
3520 still have all of the infrastructure costs. You may not have some of those road improvements,  
3521 but, obviously, you would still be building a pump station, still be extending the water lines, still  
3522 have road improvements, except now you have a much longer absorption process, and,  
3523 ultimately, you might have a little nicer subdivision. You would have a similar pattern of  
3524 development that has existed for some time, because really this is a paradigm shift. This is  
3525 something different. This is not like anything you have seen. The reason we brought in the  
3526 video is to give you a sense of what it really is, and what we are hoping to accomplish.  
3527  
3528 Mr. Marshall - Last question. Why isn't he building a marina?  
3529  
3530 Mr. Theobald - Why aren't they building a marina? We had given thought to using the  
3531 lower lake as the marina.  
3532  
3533 Mr. Marshall - I meant on the river.  
3534  
3535 Mr. Theobald - On the river? We were concerned about the permitting, the delay, the  
3536 costs, and also the marina was approved with Rockett's Landing and didn't know what the  
3537 impact of that might be on the ability to provide a return for a marina here, so we initially looked  
3538 at building it in the lake, and the lake turns out to be higher than the river. It would have  
3539 required a lock system, so what we are trying to provide is, at the minimum, a boat landing. By  
3540 the bridge we are donating land to the County and presumably there will be opportunities if the  
3541 County saw fit to staff a marina down on the river, as well, so we dedicated a significant amount  
3542 of river front property to the County.  
3543  
3544 Mrs. Ware - Are there any more questions for Mr. Theobald at this time?  
3545  
3546 Mr. Theobald - Thank you.  
3547  
3548 Mr. Jernigan - Do you want to hear from Tim Foster first?  
3549  
3550 Mr. Foster - Again, my name is Tim Foster, the Traffic Engineer for the County. To  
3551 answer your question about the trip distribution, whenever we have a Traffic Impact Study we do

3552 work with the consultants in determining where we think, especially when you have a lot of  
3553 residential, where those trips are going. They use a little more sophisticated method than we  
3554 do. We use it from experience and together we come up with some numbers. The study  
3555 showed us that an estimated 52% would use 895 to access this property. Now what I did tell  
3556 the consultant and what I also said in my study was that if it was not a toll road and with 895  
3557 there, I would expect it probably to be 65 or 70% use that road, a four lane road with not a lot  
3558 of traffic on it. We, for the purposes of this study, we accepted the 52% but we also put the  
3559 caveat in that and I am very concerned that with a toll road in place here, a lot of people may  
3560 not use it, because it is going to cost upwards for a family of four, \$250 to \$300 a month to use  
3561 this road. Yet, if we find out the 52% is not accurate, that, obviously, puts more traffic on the  
3562 local roads in the area. It is a concern that we have. We have talked to the consultant about  
3563 that and they are working on how they intend on dealing with the tolls, but it continues to be a  
3564 big concern of ours, because, obviously, if it is only 30% or people don't want to pay the toll,  
3565 they have got to use the local roads here.

3566  
3567 Mr. Marshall - Where are these people that are going to get on this road going?  
3568

3569 Mr. Foster - Well, we look at employment areas, downtown Richmond is one. We  
3570 felt some of the people would use, if they pay the toll, would use I-95 is just a mile away, across  
3571 the river. Other folks, when we get to 2018, we will have access to the airport from 895. We  
3572 also have access to 64 and 295 versus going to the West, so if you look at everything in general  
3573 and do a best estimate of where we think some of this traffic will be going.  
3574

3575 A lot of traffic will be using Laburnum Avenue to access employment areas up there, or shopping  
3576 areas up there, and then some people use Route 5 to go to 295 to go south across the river, a  
3577 percentage will do that. So we estimate using those to a certain cordon line out of where some  
3578 of those folks will be going. It is a best estimate.  
3579

3580 Mr. Marshall - When I look at it, I don't see anybody getting into 95 traffic to go  
3581 toward town or coming home in the evening. They are going to go down Osborne Turnpike.  
3582

3583 Mr. Foster - The people and the traffic loads if you look at, it will only put 20% over  
3584 there. If you look at the traffic from the City, if you look at I-95 northbound now, just to the  
3585 City, it is not that bad. On 64 the real connection problems become when 64 and 95 intersect,  
3586 and from that point between the two 64s, we have a lot of heavy traffic, but to get downtown, it  
3587 is actually pretty good. However, once again, a lot of people use that toll road and pay that \$2  
3588 toll every time they come home from work. We are concerned that that may not happen and if it  
3589 doesn't happen, then that causes more traffic on Osborne Turnpike, Route 5 and all of the roads  
3590 in the area, so it is a concern that we continue to have for that. If you have an interstate type  
3591 road that goes to an area and have access to it, most people tend to use it.  
3592

3593 Mr. Jernigan - Mr. Foster, what is the traffic count on Osborne Pike as it stands right  
3594 now?  
3595

3596 Mr. Foster - In the section near Route 5, it is about 2,400 cars a day. It lessens as  
3597 you get closer to this property.  
3598

3599 Mr. Marshall - What is the traffic count on Route 5 where they are proposing Wilton  
3600 Parkway coming?  
3601

3602 Mr. Foster - In that area, the traffic counts are around 9,000 a day.  
3603

3604 Mrs. Ware - Anymore questions for Mr. Foster at this time? Mr. Marshall, would you

3605 like to speak to their engineer?

3606

3607 Mr. Marshall - No. He answered the question.

3608

3609 Mrs. Ware - Mr. Theobald said he had a couple of people to speak.

3610

3611 Mr. Silber - Is there anyone here at this time to speak in favor of this request?

3612

3613 Mr. Register - Madam Chair, Commission, my name is Thurman Register. I have a  
3614 residence on 6500 Osborne Turnpike and other properties in the Varina area. I am a Varina  
3615 native. It may be the only time you hear this tonight, but I think the proposal is a breath of  
3616 fresh air. My wife couldn't be here tonight. She is certainly in favor of it. I know it is going to  
3617 be a lot of inconveniences. Anytime you build a project, it is. Varina is going to grow. Why not  
3618 have it grow in a positive way? I heard a lot of concerns from folks and I know it has been  
3619 brought up, you know, it is the construction of any property is definitely an inconvenience, a lot  
3620 of earth-moving equipment on the road, but to me, it is an inconvenience for me to go down a  
3621 road and get behind a tractor that is riding at 15 mph. It is an inconvenience to me to have to  
3622 stop for people out walking their dogs in the middle of a County road or a horse in the middle of  
3623 a County road, or bicycle riders, three abreast on a County road, that they shouldn't be doing.  
3624 The Hunt project is going to provide some relief for that. They are giving us some park areas,  
3625 some bike trails. It certainly is going to be a win situation for 895 if they get the ramps in. They  
3626 definitely need the money, and it might even help them lower their tolls. I'd use it if they would  
3627 quit going up. But the comments about apartments and upscale houses, I would say Varina has  
3628 a lot of history to it. Wilton has a lot of history to it, but I have also looked at the history of the  
3629 Hunt Corporation. I looked at some of their facilities, and spent a lot of time in Wyndham. Now,  
3630 if there is any concern about \$1,000,000 residence co-existing with an apartment, just go to  
3631 Wyndham. It works very well there. There is a lot of traffic at Wyndham, but it is managed  
3632 well. The school systems are already suffering. I think the better tax base you get, the County  
3633 is going to have a little more money to deal with the roads and the school system. To me, it is  
3634 just a real positive situation. The quality of the work that they do in their developments, if you  
3635 look again at Wyndham or Wellesley, construction is great. They are quality builders. I haven't  
3636 seen a real downside to it. The more it grows, the more improvements they make, they better  
3637 they have the traffic flow and the school systems and the libraries they build out there and I feel  
3638 they will do the same in Varina, so we can only base our decisions on the history of what they  
3639 have done in the past. I think that has been good, so I would respectfully request that the  
3640 Commission find favorable on this project. Thank you.

3641

3642 Mr. Nelson - My name is Henry Nelson and I live at 3600 New Market Road and I am  
3643 in favor of the project for various reasons. First of all, history about myself. I use to fight most  
3644 everything that came to Varina and didn't want any change. I would liked to have seen it just as  
3645 it was and what I found was my efforts, most of the things I said were ignored, and most of time  
3646 went down in flames. I have discovered it is much better to look at the positive aspect of  
3647 something and try to work to make it even better than that and hold up ideals that can be  
3648 managed and be incorporated. You get much further with that opportunity. In that vein, I am in  
3649 favor of it.

3650

3651 When I look at the land, it is going to be changed anyway. It is not going to remain the same.  
3652 It is either going to be A-1, which in this case might be a 10-acre lot or it might be a one-acre lot  
3653 with sewage, or it could be a gravel mining quarry or it could be M-1 zoning for some type of  
3654 unsightly industry. In fact, that was the worry initially with Wilton, so much so that the  
3655 Daughters of the Revolution came out and grabbed the Mansion House and ran away to the  
3656 West End to put it in a more cultural area that wouldn't be disturbed. So, as we look at the  
3657 potential for what we have, I think there are six principals that would apply and I will just

3658 mention them briefly: Conserving the nature and natural aspects of this area. There are 506  
3659 acres being set aside, 33% for conservation, 10% lakes, 43% overall open space. This is an  
3660 admirable trait. You wouldn't get that with any other type of development that we would have,  
3661 and we would certainly want to enjoy those things. We also want to maintain a clear edge or  
3662 buffer around the people there that are being affected. That is being worked on and all kinds of  
3663 things are being put into use with walking trails, all types of landscaping and so on, and I think it  
3664 will be of a positive nature as you showed in the video. We are going to have a buildable  
3665 community that is livable with pedestrian friendliness. As you saw on the design that they  
3666 presented, it certainly has those aspects to it. Their dedication of things to work with as far as  
3667 the public with school sites and things of this kind and the park land is certainly well received and  
3668 well precedented. Preserving the historical resources, they have agreed to not only proffer the  
3669 Wilton House that is there now, but dedicate to the County artifacts that are found, be preserved  
3670 and this sort of thing, and they are also looking at possibly designing a club house after the  
3671 original Wilton property that you see here. They have also included architectural amenities of  
3672 the types of architecture that was surrounding the Virginia area into their design, as well as  
3673 those of the Charleston area.

3674  
3675 Looking at the local character of new construction, I think it is most important that things are  
3676 proffered. There were several conditions or concerns brought up by the staff today and I would  
3677 want those addressed, even though I am in favor of it. It is not a blanket favor. I think those  
3678 things need to be looked at and addressed as best they can, but I do believe we have a time  
3679 frame in which they can be worked out, and they should be done according to what the staff has  
3680 said, and I think that they will be.

3681  
3682 Overall, I think we need to look toward the future. Varina is going to change. We have an  
3683 opportunity, I think, to influence it in a positive way and infuse into it much needed quality  
3684 development for our area to have the balance it needs to be a viable community. What we don't  
3685 want to become I don't think forever and forever more would be the low rent district of Henrico  
3686 County, where we only have industry and the low rent housing compatible to go with it. We  
3687 need an infusion of people of this sort that will frequent this community, and we need to have a  
3688 positive aspect relative to the marketability of Varina landscape and Varina real estate in a way  
3689 that will attract people who would come in and frequent our area, much beyond the starter  
3690 home, which we have a propensity of throughout our district. So, I think this is a win for all of  
3691 us. It doesn't mean that we won't have inconvenience. It doesn't mean we are not concerned  
3692 about traffic. It doesn't mean that we aren't concerned about the things that are going to be  
3693 presented and have been presented. We do believe that with the spirit of cooperativeness, these  
3694 things can be worked out as they have in other communities where similar problems and  
3695 concerns have been addressed.

3696  
3697 So, I hope you will keep that in mind and look to this favorably and also keep this an open  
3698 forum, so that the community will be able to work with the developer and work out all the things  
3699 that are concerns in a positive manner that will suit everyone involved with the project. Thank  
3700 you.

3701  
3702 Mrs. Ware - Are we ready to hear from the opposition? Are you in favor?  
3703

3704 Ms. Pumphrey - Yes. My name is Rebecca Pumphrey. I live at 1983 New Market Road. I  
3705 moved to Varina when I was three. I had been living with my mother and my sister and we  
3706 were all living with my grandparents in Windsor Farms and we moved to Osborne Turnpike when  
3707 I was three. My mother remarried and we started a new home in the country, and shortly  
3708 thereafter Lonestar began construction on Osborne Turnpike and it was very noisy and it was  
3709 very different from what I was used to. I have very vivid memories of living in town and that  
3710 equated with the gentility of the countryside regarding these huge trucks, when my sister and I

3711 became old enough to be in elementary school, we had to cross that road. There was a flagman  
3712 who would stop the big trucks for us. They were like dinosaurs and we would have to cross  
3713 over, and I realized later what was happening, and it was very troubling, basically the beauty of  
3714 the country was being stripped of its natural landscape and integrity. I am a real lover of history  
3715 and historic preservation, and to think of all of that beautiful landscape that has been excavated  
3716 and taken away, it was very disheartening. The same has happened in Curles Neck, and I just  
3717 don't want to see that happen to Varina again. I did come to the presentation that HHHunt gave  
3718 a few weeks ago and like Mr. Register said, it was a breath of fresh air to see the care and  
3719 consideration that they put into this particular piece of property. They told us that, what I  
3720 sensed from the presentation was that it was a unique community for a unique piece of property,  
3721 and I am really excited about it. I'd like for other people in Varina to feel the same way. From  
3722 what I understand, Vulcan is a potential, is a business who has been looking at this property.  
3723 They are chomping at the bit. I don't want that there. And I think that this particular  
3724 community would just give Varina the respect and the dignity that she deserves. Thank you.

3725  
3726 Mrs. Ware - Now we will hear from the opposition. Mr. Secretary.

3727  
3728 Mr. Silber - The applicant and those that supported the request had nearly 30  
3729 minutes.

3730  
3731 Mrs. Ware - How many people do we have that are speaking this evening? OK.  
3732 Thank you. Can you give us your name and address for the public record, please. Thank you.

3733  
3734 Mr. Freeman - Madam Chairman, Mr. Donati, Commissioner Jernigan, Planning  
3735 Commission Board members, friends and residents of Varina, my name is Joseph Freeman and  
3736 wife Nancy and I live at 1616 River Bend Estates Drive, just off of Osborne Turnpike in the Varina  
3737 District. We have lived there since November of 1997. The open air and rural country  
3738 atmosphere, plus being closer to my wife's mother, brought us to the area. My wife is a retired  
3739 teacher of 31 years of the Henrico County Public School System and I have been employed with  
3740 the City of Richmond for 27 years, currently serving as construction inspector and drainage,  
3741 erosion and sediment control with the Department of Community Development and Engineering  
3742 Services. I am certified by the Commonwealth of Virginia, Division of Soil and Water  
3743 Conservation and Erosion in Sedimentation Control.

3744  
3745 Please allow me a few moments to share with you our concerns of the rezoning issues of the  
3746 Wilton Farm area.

3747  
3748 No. 1 is the amount of increased traffic flow, especially along Mill and Wilton Road and Osborne  
3749 Turnpike. Our infrastructure system is just not designed for larger volumes of traffic. Mill Road  
3750 and Wilton Road are surfaced treated roads and during the construction phase of 895, heavy  
3751 equipment travel these two roadways, resulting in the failing of the existing pavement. No. 2 is  
3752 overcrowding of our already overcrowded school system. Over 3200 proposed residential units  
3753 means more children to be attending school and correlated to another elementary, middle and  
3754 high school, perhaps two of each. Where will these schools be built and at whose expense.  
3755 Taxpayers, of course, and that affects everyone. No. 3 is the pre-development and post-  
3756 development. Post-development creates many different types of hardened surfaces from parking  
3757 lots to newly designed road, resulting in increased runoff and this allows for more pollution in our  
3758 rivers and our streams, even with highly sophisticated design storm water management ponds  
3759 and retention ponds. In fact, there has been so much clearing and installation of storm water  
3760 management ponds to accommodate drainage and runoff of Interstate 895, many Varina  
3761 residents have experienced problems with their well systems. No. 4, what about our wetlands  
3762 and our Chesapeake Bay Resource Protection Area? Wetlands should always be left in their  
3763 natural state, not destroyed and replenished elsewhere. It is not an even trade. There are many

3764 areas and acres of wetlands throughout the Wilton farm area and it is within the Chesapeake Bay  
3765 Preservation Area. Finally, Varina residents prefer small, slow controlled growth. Rezoning 1.85  
3766 sq. miles of property from Agricultural to allow for commercial use and construct over 3200  
3767 residential units is not what one would consider small, slow, controlled growth.  
3768

3769 I want to thank you for giving me the opportunity to speak tonight.  
3770

3771 Mrs. Ware - Thank you, sir. Good evening.  
3772

3773 Ms. Quesinberry - I know you all have been sitting here a long time, and we certainly have,  
3774 too, so we appreciate your attention. I am Debra Quesinberry and I live at 8190 Osborne  
3775 Turnpike. I am planning to keep my remarks brief. I am going to speak on behalf of myself,  
3776 some adjacent landowners and also our organization of community residents, and that is the  
3777 ROOT Organization, Respect Old Osborne Turnpike, and I am going to talk a little bit about some  
3778 impact on Osborne near Mill. After I speak, and I am going to keep my remarks brief, Rolf  
3779 Nordlie is going to come up. He is a resident adjacent, as well, on Mill, and he wants to talk a  
3780 little bit about impact on Mill Road and, finally, Andy Edmunds from our group is going to sum up  
3781 for us, and he will hit the big picture and the traffic concerns, which we have very significant  
3782 traffic concerns and you have heard a little bit about that. I want to be very clear that all of our  
3783 concerns are directly related to health, safety and welfare of ourselves and this community, our  
3784 residents and our neighbors, and I know that is something that you are very sensitive too and  
3785 certainly responsible for.  
3786

3787 I want to be clear, also at the beginning, that our group, the ROOT Group, the people I am  
3788 speaking for and representing and the fellows that will come after me are not anti-development  
3789 in any way. We are very, very concerned about appropriate development, and I want to make  
3790 clear that we have, there are some things that we can get very excited about. We do have an  
3791 open mind, Mr. Jernigan, and always have. And there is a lot, actually, that we could get very  
3792 excited about, but we do have these concerns and we want to make sure that they are  
3793 addressed. The other thing you need to understand is that they haven't been and the applicant  
3794 has not done due diligence to meet with us. The applicant had one very hastily scheduled  
3795 meeting, with very short notice, for our group, to get everybody out, at John Rolfe Middle  
3796 School, which was not convenient for folks either. What we would like to ask you to do, and  
3797 what we recommend is that you defer this case and give the applicant the opportunity to meet  
3798 with us and address our concerns. We really think they can be, and we think a lot of these  
3799 things can be handled, but not here, not tonight, and not at midnight. OK.  
3800

3801 With that said, I would like to just hit some high points that we do have concerns about that the  
3802 applicant could meet with us about and we could get some settlement on. Apartments are a big  
3803 one. You have heard a lot about apartments. I am not going to reiterate statistics. The  
3804 statistics are apartments do have increased crime, increased County services. We have a lot of  
3805 apartments in this County. Over a third of our residents live in apartments. You know all of  
3806 that. We don't think that 602 or 603 apartments are appropriate. We think we could do a little  
3807 bit better than that in this community. and also considering the impact again with the traffic,  
3808 which you will hear a little bit more about later. The density, as well, the 3200 units on about,  
3809 give or take, 500 acres for residential, if you could build on all of that, that is very dense. We  
3810 really do think if a UMU rezoning is considered that it really should be more in line with the  
3811 percentage of residents to commercial. And, also, the phasing of this property, we agree and  
3812 appreciate the fact that the applicant has phased in a sense what comes first, second and third,  
3813 as far as what they are going to build and where they are going to build it, but one of the things  
3814 that we don't think is addressed very clearly and needs to be is that the phasing of this  
3815 development, which is huge by any standards, anywhere in this County, huge and complex, it  
3816 needs to be directly tied to the availability of County services, and that is police, fire, rescue,



3817 schools and roads. In other words, when the County is ready, then their phasing should proceed  
3818 in the manner in which they prescribed, Phase 1, 2 and 3, but not until the County is ready. I  
3819 would like to ask some assistance, Lee. I need the master plan, the very clear one that has a  
3820 really good intersection at Mill and Osborne. We will need that for the remainder. Is that the  
3821 best you have? Mr. Dunivick, could you come up here, please? I want to just address a little on  
3822 the immediate impact. If you look at Osborne Turnpike, which is right here, the gentleman to  
3823 my left, Walter Dunivick, lives right here. I live right next to him, right here, (referring to  
3824 rendering). We are an island, the two of us. Mr. Dunivick has lived here since 1959 and Wilton  
3825 Parkway, as it is proposed right here, comes right across his back yard, and in clear view of  
3826 mine, and we've got this section right here (referring to rendering) that actually fronts Osborne,  
3827 right next to my driveway. We are not sure what goes in there. That is an old easement that  
3828 Wilton property had. There is a stream going through there. I am not sure if it is buildable or  
3829 not, but we are concerned at this intersection where we are that we will be surrounded by very  
3830 high traffic on this Wilton Parkway with respect to Mr. Marshall's question earlier about where are  
3831 these cars going. Well, sir, they are going right by our house at a high rate of speed, and so we  
3832 are also very concerned about what this is going to look like in the way of buffering, berms and  
3833 that sort of thing, which, of course, they can't get into those details tonight, but again, the  
3834 applicant has not worked with the immediate property owners and has not addressed our  
3835 concerns. As far as Osborne Turnpike and the widening of Osborne Turnpike, at least in this  
3836 area, Mr. Dunivick can speak to in the years that he has lived there and in the property next  
3837 door, which is where I live, the County has been through there over the course of time, using  
3838 their power of eminent domain, and actually taking land from us. We don't have anymore to  
3839 give, folks. That is it. With that, I want to ask Mr. Rolf Nordlie to come up, if you don't have any  
3840 questions for us, and let him talk a little bit about the impact on Mill Road. And then after Andy  
3841 Edmunds wraps for us and our group, I am sure there are a few other individuals from the area  
3842 that would want to speak, and I hope you would give us all the time allotted since we have  
3843 invested so much so far. And again, we want to work with this applicant. We can get very  
3844 excited about what is going on here, if it is done in the right way and we would really stress that  
3845 we think the most prudent thing to do at this point and at this juncture is to defer this case, give  
3846 him an opportunity to work with us and answer our concerns, get the information in our hands.  
3847 For example, just that Wilton Criteria and Pattern Book that you saw kind of passed around, we  
3848 don't have it. We don't get our hands on that. That is not something you can download, so it is  
3849 very difficult to address some of those questions or even ask an intelligent question about what  
3850 is in there and what is not in there, without spending a little more time with us and making sure  
3851 that we have that information and have our concerns addressed. Rolf, you are up.

3852  
3853 Mr. Nordlie - Good evening. My name is Rolf Nordlie and I live at 1290 Mill Road. I do  
3854 have some information to present, but unfortunately it is not in such a handsomely configured  
3855 Power Point context. I am not the Traffic Engineer, but I have something I hope will be of  
3856 interest to all of you relevant to at least the current patterns of traffic on Mill Road. If you will  
3857 just take a moment to look at these, I have some packages to bring up to you. Thank you so  
3858 much. Could you take that down to Jim Donati and make sure everyone gets one of these, or  
3859 may I have one? How are you guys doing tonight. I know it is late and I have a little  
3860 entertainment for you. You might wonder at 1290 Mill Road, where does this guy actually live.  
3861 Let me take a whack at the mouse here. You see this area right here where the hand is? That is  
3862 me, folks. I am looking right down the barrel of it here. This is a very exciting development,  
3863 and again I'd like to stress that I move for deferral. I need to understand more about this. It is  
3864 a pleasure being here tonight and talking with all of the people that are associated with this  
3865 development, actually on both sides. I can appreciate a lot of this, but do you know what it is  
3866 like, in the last month. I want to show you something. This is my mailbox in legalize. Really  
3867 now I am supposed to, this is really like the first time, when I got the pleasure of speaking with  
3868 Mr. Jernigan the other night at the meeting. I want to thank you so much for your  
3869 professionalism. He took his time and sat down with me. He is really trying, but I am scared.

3870 Do you see the first picture? That is my driveway. You have give a five foot, five inch post  
3871 standing next to my car, so that post, and I assure you none of these photographs has been  
3872 altered. See the top picture there. OK. Look at the bottom picture, the one on the bottom, right  
3873 there where it says base of drive. Note rise. All right, Jim Donati, hi Jim. You've seen me before  
3874 at a couple of meetings. I hide behind the paper there. I have tried to send you the clearest  
3875 one, the actual photograph that they took just the other day. You can see how that rise is pretty  
3876 steep. Turn over to the next page. You are coming the other way down the road, 100 feet from  
3877 that post, standing in the middle of the road, you can't see it. The legal speed limit is 35 mph.  
3878 That is over 50 feet a second. OK. One-hundred feet from a five foot, five inch post, you can't  
3879 see it. You can't see a third of the post when you are 50 feet from it, until you are 25 feet from  
3880 the post you can only see half of it. Look, I am not a Traffic Engineer. I am not going to hand  
3881 you a lot of fancy formulas or projected growth rates and what we need and don't need. That is  
3882 a kid standing in the road, that is someone on a bicycle, that is me pulling out of my driveway in  
3883 the morning trying to get to work, and this development, it is very exciting but it is kind of like a  
3884 developmental elephant, and I don't want to wind up Dumbo Toe Jam and neither do my  
3885 neighbors. OK. We are scared. When you look at all of this information that is coming at us  
3886 tremendously quickly, it is very difficult to get behind something so beautiful and exciting, yet so  
3887 huge it is quite likely to overwhelm us.

3888  
3889 On the last page, will you notice there is a tape measure, 1270 Mill Road. My neighbor, Floyd  
3890 Gilbert, allowed me to measure the road across from his driveway, and it is kind of hard to see  
3891 on a xerox copy. That road measures exactly 15 feet wide. It has been some total access to  
3892 Wilton Farm in all the time that Wilton Farm has been there, besides as the road continues  
3893 around on the other side. Mill Road was the exclusive access and egress when 895 was built.  
3894 The place was rubble. Dust was inches thick on my porch and I am not exaggerating. It was a  
3895 hard time for us and we were the last ones to get the road repaired and resurfaced. The  
3896 prospect of some huge scale of development that rivals even 895, at least in the sections it was  
3897 developed, traveling up and down our road is something that I hope gives pause and justly to all  
3898 of you because of what we have dealt with in the past, and we just don't know what is coming.  
3899 We haven't been spoken to. You notice I am living directly across from the only opening to Mill  
3900 Road, and as I understand it, the traffic pattern the developer, I believe, Mr. Schmidt, was kind  
3901 to try and explain a few things to me tonight, and I appreciate that, but I would like a few more  
3902 things explained. Berms, landscaping, buffers between Mill and the Parkway, what the width of  
3903 those would be, the noise, the traffic, the litter, how these things will be contained. I am not  
3904 implying that anyone that lives in such beautiful developments would naturally be a litter bug.  
3905 Let's face it. Any commercial development is going to engender a pretty fair degree of things  
3906 coming to the neighborhood in this respect. 895 is a monster, and should that connect with Mill  
3907 Road at any time in the future, immanent domain would be enacted. You would have to widen  
3908 this road. You'd be insane not to, and given the fact and scale of our homes, we would wind up  
3909 with front yards the size of postage stamps. I'd love to observe or have you come and look at  
3910 the area, but I think if you just glance at those pictures, we are really a tiny vein. The road is  
3911 actually no wider than our driveways. The water and sewer hookup that is being considered for  
3912 this development was certainly a necessary part in order to create something of this scale and  
3913 prevent us from selling our homes if we chose to, until such time, am I correct Mr. Jernigan, as  
3914 we connected to County water and County sewer. You are asking us to stand in favor of  
3915 something that compromises our immediate ability to sell our homes, and you know, when  
3916 something like this goes up next to you, it is so big you don't know what you want to do. This is  
3917 very challenging for all of us and residents on Mill Road. I appreciate your time tonight and I  
3918 welcome any dialogue with the builder any of the residents who have concerns of any type in the  
3919 future. I am sort of acting as the liaison for the four or five houses between Osborne and about  
3920 the middle of Mill, about half-way down towards Wilton, and I assure you my concerns and theirs  
3921 are running very close together right now. I really appreciate the time to speak to you all tonight  
3922 and I know my Xerox copies aren't the most beautiful thing in the world. Please keep in mind we

3923 just don't want to end up a morsel in the mouth of a land shark. We just don't know what it is  
3924 going to be like. Thank you.

3925  
3926 Mrs. Ware - Thank you very much.  
3927

3928 Mr. Edmunds - I am Andy Edmunds and I have some more paper work, if you don't  
3929 mind, if I could pass this around to you. I live at 9510 Osborne Turnpike. First of all, let me say  
3930 you guys work long hours working on these things in behalf of the citizens, and I certainly do  
3931 appreciate it. I just got involved in this community activity recently, and you guys sure do spend  
3932 a lot of time and I appreciate it very much. I live at 9510 Osborne and people in our group have  
3933 many different opinions about things. I am kind of conflicted tonight, because personally I think  
3934 this is an awesome opportunity for the East End of Henrico and Varina, in particular, if done  
3935 correctly, and if anybody can do it right, this developer, HHHunt, I am confident could. I don't  
3936 live right at the mouth of this, as you guys do, so I can understand your immediate concerns  
3937 about it. I just want to pull up this picture for you. This is a GIS image. It is kind of hard to see  
3938 on there. It shows the river coming through. The left side is Chesterfield County and all those  
3939 little round circles represent roads, and this was just taken off of the satellite and aerial photo.  
3940 The left side in Chesterfield represents density that require road numbers. The right side is this  
3941 corridor of Henrico, the river front corridor, which I consider Rockett's to be one bookend and  
3942 Osborne Boat Landing could be the other bookend, if this river front corridor, within this whole  
3943 district, Wilton falls right in the middle of the very important books that would be on the shelf. I  
3944 guess my point would be the density on the left, if that is going to become what happens on the  
3945 right in Henrico, this very unique part of the County. It is obviously unique and deserves special  
3946 treatment to preserve its rural character. It is the things that determine for every dollar of tax  
3947 revenue generated from the development of a piece of property, a house, for example, it costs  
3948 the County a \$1.30 to provide services and infrastructure for that line item. So, just for purposes  
3949 of demonstration, the left side of the photo, Chesterfield County, and the right side is allowed to  
3950 become like the left side, it will become a burden on taxpayers of Henrico. Example: If 10,000  
3951 houses, with an average assessed value of \$250,000, it would create \$25,000,000 in annual  
3952 revenue for Henrico County. The cost to the County to provide services and infrastructure for  
3953 these houses would be \$32,500,000 per year. Over 20 years, not adjusted, that would cost  
3954 taxpayers \$7,500,000 a year times 20, \$150,000,000. So, my point is, I know PDRs have not  
3955 gotten much talk, but as the Overall Master Plan for this riverfront corridor is to protect the  
3956 investment of these fine developers as they develop Wilton some kind of overlay district that  
3957 would include some type of strategy. The County could go out and acquire \$15,000,000 of land,  
3958 preserve it from development and they could possibility eliminate the construction of 5,000 of  
3959 these dwellings, so over 20 years saving Henrico County citizens \$60,000,000 and additionally  
3960 the quality of life and potential for economic development by tourism by creating job  
3961 opportunities would be better for its citizens. \$60,000,000 over 20 years would buy a school,  
3962 maybe not just in East Henrico. It might buy it out in West Henrico. It is a Countywide issue  
3963 that this is the leg of an overall strategy of smart growth, which I think Wilton is, as Jim said, a  
3964 classic example of smart growth, if done correctly. The only reason I am speaking in opposition  
3965 of it is the few specific items that everyone has been talking about, mainly the traffic as it relates  
3966 to Mill and Osborne, right there, is the key concern for me. I work downtown, so I am not a  
3967 Traffic Engineer either, but I am a classic case. I come downtown every morning and come  
3968 back. I have been hitting 895 because there is a hole in 95, as we know, but my natural  
3969 inclination would be to go down Main Street, get on Osborne and come to Wilton. I am not  
3970 going to get on 895 and pay the toll, even if you had a discounted toll, I am not going to get on  
3971 there. I don't see how this can work with two means of egress and when you get the ramp for  
3972 895, even if you have Wilton Parkway, unless we try something that could address a couple of  
3973 issues. The intersection at Mill and Osborne, being interrupted by traffic like it would be awful  
3974 for the fabric of the neighborhood, I believe. We are talking about a bridge, some kind of  
3975 underpass. I know it is very complicated to do, but it could be built as an architectural...the

3976 community could build a period looking bridge, build a bridge that looks like a Civil War bridge  
3977 that went across the James River, make it an architectural feature, and part of the attraction of  
3978 the area, thus accommodating another means of egress that would be exclusive to Wilton and it  
3979 would go all the way up to Route 5, then Mill would become an additional third point of egress. I  
3980 don't know. Maybe these things are being addressed. Maybe I am naïve. Maybe these things  
3981 work themselves out. Maybe they worked themselves out in Wyndham and they just  
3982 automatically happen. I don't know. That is just an issue that I just don't see how the two  
3983 means of egresses can accommodate this development. But that is my main concern there.  
3984 Then the other thing would be amenities for the community which we are enduring construction  
3985 of this project. I think it will be a great opportunity, but I would hope that they could offer a big  
3986 piece of land for a school. It is kind of like winning a car on Oprah. Now I've got to pay the  
3987 taxes on it, pay to put the school there, so if they could maybe incorporate, and Jim and I talked  
3988 about this a little bit, a bike trail that could go down Osborne Turnpike, to get the three bicyclists  
3989 that you are talking about that are abreast going down Osborne, and maybe combine funds from  
3990 the developer with ISTE A money from VDOT and other funds that are available, to create this  
3991 bike path, because it is certainly a biking community out there, and people all up and down  
3992 Osborne Turnpike, and the bike paths connected to Route 5, all the way down to Jamestown  
3993 would be an amazing opportunity for tourism.

3994

3995 There are many more things I could say, but those are the issues. If those issues were  
3996 addressed and other issues that Debra made reference to, and that Ross made reference to, I  
3997 would be totally supportive of this project. I think it is a great opportunity for the County.

3998

3999 Mr. Jernigan - Andy, let me ask you something. The bridge has come up again. Do  
4000 you feel the bridge ought to come across Osborne?

4001

4002 Mr. Edmunds - You know, Ray, I don't know whether it should come over Osborne or go  
4003 under Osborne. First of all, who ever came up with the idea of designating Osborne as a primary  
4004 collector instead of a scenic byway. I know that there are two different entities that do that. It  
4005 just boggles my mind. But, yes. I think it should not interrupt the natural historic flow of  
4006 Osborne Turnpike, and a bridge could become an architectural feature that would be an  
4007 attraction to the community and add to the magnificence of the Wilton development, making this  
4008 grand entrance into it, and it would be an exclusive for the community but then Mill would  
4009 become a third point of egress.

4010

4011 Mr. Jernigan - Because there was some discussion on that and I want you to think  
4012 about this. What does this do to the people on Osborne Pike who want access to Wilton?

4013

4014 Mr. Edmunds - Then they would come to Mill Road.

4015

4016 Mr. Jernigan - Well, I am not sure exactly how that is going to work.

4017

4018 Mr. Edmunds - The bridge would go over Osborne into the field in the corner that is  
4019 empty now, then tie up with Wilton Parkway and have a nice grand entrance into Wilton, and  
4020 then Mill Road would run under the bridge and Osborne would run under the bridge, and this  
4021 would be this architectural feature at that intersection as opposed to a traffic light at that  
4022 intersection, that could then lend to other development at that corner to service that intersection,  
4023 if you know what I am saying.

4024

4025 Mr. Jernigan - All right. We will discuss that later.

4026

4027 Mr. Edmunds - All right. I know it is expensive and I know...

4028

4029 Mr. Jernigan - It is not so much that it is expensive. There is more to it than just  
4030 putting a bridge over there.  
4031  
4032 Mr. Edmunds - I understand, but there is more to it with all of the vehicles. These are  
4033 questions that I would move for deferral to discuss some of these issues. Otherwise, I totally  
4034 support the concept that is going forward if these issues were addressed in a logical way.  
4035  
4036 Mr. Jernigan - Thank you.  
4037  
4038 Mr. Edmunds - Thank you very much.  
4039  
4040 Mrs. Ware - Good evening.  
4041  
4042 Mr. Liebert - I appreciate the opportunity to speak. Thank you. It is very late and a  
4043 lot has been going on. I also border Osborne Turnpike. My name is Bryan Liebert and I live in  
4044 the Osborne Heights subdivision. I have talked to many of my neighbors in the Osborne Heights  
4045 Subdivision and I am also a member of Varina Baptist Church, which is the closest church that is  
4046 near there. I am very active in that church. We have between 100 and 150 members, and I  
4047 have also talked to a lot of them. There is some support within our church for this. I, too, could  
4048 support it based on a lot of conditions.  
4049  
4050 Staff had a lot of very valid concerns in their report and I am amazed to hear them recommend  
4051 approval until those concerns are addressed, and I, too, would move for deferment until all of  
4052 those staff concerns were addressed. If it was one or two, that would be one things, but they  
4053 had a slew of them, so I thought they moving to say something like, "We would recommend  
4054 these things would be addressed before approval," and I would request that. I wanted to  
4055 comment on what the Traffic Engineer said about Osborne Turnpike. It stuns me beyond words  
4056 that Osborne Turnpike could be considered, I forget the term that he used, but it was compared  
4057 to New Market Road. There is no way that Osborne Turnpike can support what New Market  
4058 Road can support. I mean, that is just factually impossible, and, also, Osborne Turnpike feeds  
4059 into New Market Road, and as he mentioned and I want to reiterate, New Market Road is missing  
4060 a large 20 to 25 foot section. It is gone. The word I got when I called VDOT was that that road  
4061 wasn't even, they weren't even anticipating starting that for a good little while, so people who  
4062 leave the Wilton Subdivision and go down Osborne Turnpike to go downtown are actually going  
4063 to be on a detour. So, it is for all of those reasons that I think serious consideration needs to be  
4064 given to Wilton Parkway being extended to Laburnum sooner in the process. I also wanted to  
4065 speak out in support of what the staff recommendation for the phasing plan, and recommending  
4066 approval of individual points within the phasing plan. I don't think that there is any way, with all  
4067 of the concerns that were mentioned that this should not be approved in a phased process. I  
4068 think serious consideration should be given to the construction traffic that is going to be required  
4069 during the initial phase. Based on the years and such that I saw there, we are easily looking at  
4070 2006, 2007, before there is any talk of Wilton Parkway. The revenue statement shows that they  
4071 don't anticipate any revenue for the first two years of the project gained by them, and they don't  
4072 show any revenue being put out until the third year of the project, so that means for two years  
4073 we are going to be dealing with not only all of the construction traffic on Osborne and Mill, but  
4074 we are also going to be dealing with all of the residential traffic from the new homes on Osborne  
4075 and Mill. I am also concerned how is this work and what would happen to Phase 1, if they  
4076 proceed in Phase 1 and Phase 1 doesn't go like they anticipated, they don't get the response that  
4077 they want, what happens then? Are all of these wonderful things that are late in the game. If  
4078 things don't go appropriately for Land Bay 1, how is that going to proceed and what provision is  
4079 given in the event of that. We don't have the same issues that the other case did for UMU, but I  
4080 am sorry, I am not sure if I said that right, the mixed use zoning, and I do agree that this area  
4081 could be fabulous for Varina. It really has a lot of potential, but there are too many concerns for

4082 it to be approved at this time. I, too, found out about the meeting very late in the game. I  
4083 would have liked to have been at the meeting. Many of the members of my church expressed  
4084 that they would liked to have been at the meeting, etc. Most everything else that I have is  
4085 repetitive, so I don't want to take a lot of time. The other big concern I have is light pollution,  
4086 and I know that may not be a large concern for a lot of people, but we are Varina. We are a  
4087 rural area. We have a very beautiful night sky, and 3,209 homes is going to contain a lot of  
4088 lighting and such, so I would like to see something in the staff plan that was submitted about  
4089 how the lighting is going to be around this community, especially in the evening hours, and what  
4090 kind of street lights and such are going to exist in the town center. I thank you very much for  
4091 your time and the opportunity to address you.

4092  
4093 Mr. Jernigan - All right, Andy, hold on a second, will you. Listen, I want to say  
4094 something. It is getting late and I know what I am going to have to do on this case. I want to  
4095 say overall I am in support of this case. I think it is going to be an asset for Varina, but we do  
4096 have a few things we are going to have to work out on this, so what I am going to ask for is to  
4097 defer this case for 30 days to December 9, 2004. We have got some things we have got to work  
4098 out on this, Jim. One thing is the apartments. We didn't have a square footage on that, and  
4099 that is a major thing to these people. We are going to have to get that straight, so with that, I  
4100 will move for deferral until December 9, 2004.

4101  
4102 Mr. Theobald - I would like to say for the record, we are opposed to a deferral. We  
4103 discussed this a lot of times, and it is your prerogative. I understand that.

4104  
4105 Mr. Jernigan - Jim, I know, but there are some things in here we have to work out.  
4106 First of all, I knew nothing about the assisted living. I mean, that is a total surprise. I mean we  
4107 need to know. The apartments are a big issue here, and we don't even have the square footage  
4108 on the apartments, and that to me, right there, brings a deferral. Just that one thing right there,  
4109 and I am sorry.

4110  
4111 Mr. Theobald - We hoped we had shown you enough of Daniel Island and provided  
4112 enough criteria that you would be able to move forward.

4113  
4114 Mr. Jernigan - I do support the project, and you know I am excited about the project,  
4115 but there are a few things in it we are going to have to work out.

4116  
4117 Mr. Theobald - It very much complicates our ability to move forward with this project,  
4118 and I know you understand that, as well.

4119  
4120 Mr. Jernigan - I do understand that, but at this point I don't feel I have a choice, so  
4121 with that I will move for deferral of...

4122  
4123 Angie Sliver - Hi. It is late. Angie Sliver, 820 Osborne Turnpike, and I think Andy did a  
4124 fine job. I am definitely, I know Ray and I have talked at length. Varina does need to grow and  
4125 I think that HHHunt is a quality builder. They even said, you've said, John said and we've said  
4126 there are so many variables that we don't have anyway of knowing. The deferral is absolutely  
4127 what we need to do. But in light of that, what do we, as a community, expect over the next few  
4128 days as far as communication is concerned, where our input is going to be heard, what is going  
4129 to go on. I think we need, it is fine, it is great. We are here at 12:30 and we hope to come back  
4130 December 9. What can we expect over the next 30 days?

4131  
4132 Mr. Jernigan - I will get with Debra and Andy and we will get up a plan.

4133  
4134 Mr. Donati - Madam Chairman, before we make a motion here, can Mr. Foster come

4135 up and explain the status of Route 5. I know we have been working with VDOT and Delegate  
4136 Riley Ingram to try to speed that process. Maybe he could enlighten us. I think we have some  
4137 news, I believe.  
4138  
4139 Mr. Foster - Yes, sir, Mr. Donati. As we all know, the bridge was washed out with  
4140 the tropical storm and a lot of redesign had to go in that bridge to get it back up to design. The  
4141 design is complete. The contractor has been selected at bid. The material has been ordered.  
4142 VDOT expects that material to be dropped off at the site in January, and there is a contract they  
4143 will be complete with the bridge on March 18. There is an incentive built in so that we can try to  
4144 get the contractor to complete it sooner, but also, there are also penalties if he does not finish by  
4145 March 18, so we are hoping by March 18 to be driving back on that road again.  
4146  
4147 Mr. Jernigan - All right. There is a motion on the floor. Do we have a second.  
4148  
4149 Mrs. Ware - I am going to have to go through each one.  
4150  
4151 Mr. Jernigan - Madam Chairman, I make a motion to defer Amendment to the Land  
4152 Use Plan Map until December 9, 2004, at the request of the Commission.  
4153  
4154 Mr. Vanarsdall - Second.  
4155  
4156 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor  
4157 say aye. All opposed say no. The motion passes.  
4158  
4159 The Planning Commission deferred Amendment to the 2010 Land Use Map to December 9, 2004.  
4160  
4161 Mr. Jernigan - Madam Chairman, I make a motion to defer Zoning Case C-56C-04 to  
4162 December 9, 2004, at the request of the Commission.  
4163  
4164 Mr. Vanarsdall - Second.  
4165  
4166 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
4167 favor say aye. All opposed say no. The motion passes.  
4168  
4169 The Planning Commission deferred Case C-56C-04, James Theobald for HHHunt Corporation, to  
4170 its meeting on December 9, 2004.  
4171  
4172 Mr. Jernigan - Madam Chairman, I make a motion to defer PUP Case P-15-04 to  
4173 December 9, 2004, at the request of the Commission.  
4174  
4175 Mr. Vanarsdall - Second.  
4176  
4177 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
4178 favor say aye. All opposed say no. The motion passes.  
4179  
4180 The Planning Commission deferred Case P-15-04, James Theobald for HHHunt Corporation, to its  
4181 meeting on December 9, 2004, at the request of the Commission.  
4182  
4183 Mr. Jernigan - I make a motion to defer PUP Case P-16-04 to December 9, 2004, by  
4184 request of the Commission.  
4185  
4186 Mr. Vanarsdall - Second.  
4187

4188 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
4189 favor say aye. All opposed say no. The motion passes.  
4190  
4191 The Planning Commission deferred Case P-16-04, James Theobald for HHHunt Corporation, to its  
4192 meeting on December 9, 2004, at the request of the Commission.  
4193  
4194 Mr. Jernigan - I make a motion to defer PUP Case P-17-04 to December 9, 2004, by  
4195 request of the Commission.  
4196  
4197 Mr. Vanarsdall - Second.  
4198  
4199 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
4200 favor say aye. All opposed say no. The motion passes.  
4201  
4202 The Planning Commission deferred Case P-17-04, James Theobald for HHHunt Corporation, to its  
4203 meeting on December 9, 2004, at the request of the Commission.  
4204  
4205 Mr. Silber - How much testimony are we going to hear on these when they come  
4206 back up in December?  
4207  
4208 Mr. Jernigan - I think everybody has pretty much gotten their say. There is a little  
4209 more going on here than the other one. It is not decision only.  
4210  
4211 Mr. Silber - The remaining case is C-65C-04.  
4212  
4213 Mrs. Ware - We still have more of the meeting to run folks, so if you all could exit  
4214 quietly.  
4215  
4216 **C-65C-04 Kenneth S. Merner:** Request to conditionally rezone from A-1  
4217 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 823-693-4446,  
4218 containing 28.21 acres, located on the east line of Doran Road approximately 600 feet south of  
4219 Ella Road. The applicant proposes a single-family residential development with no more than 60  
4220 lots. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan  
4221 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is in the  
4222 Airport Safety Overlay District.  
4223  
4224 Mrs. Ware - Is there any opposition to C-65C-04, Kenneth S. Merner, in the Varina  
4225 District? No one in opposition.  
4226  
4227 Mr. Marshall - Do we need to hear from Mr. Tyson?  
4228  
4229 Mr. Tyson - Believe me, I will be brief. Madam Chair, Mr. Donati, members of the  
4230 Commission, Mr. Secretary, I will be very brief. The Land Use Plans recommends Suburban  
4231 Residential 1 development for this property, with a recommended density range of 1.0 to 2.4  
4232 units per acre, and the applicant is proposing no more than 60 residential units. The proposed  
4233 density falls within that density range. The proposed subdivision is immediately south of the  
4234 Windsor Oaks Subdivision. The President of the Windsor Oaks Homeowners Association has  
4235 submitted an e-mail to me in support of the project. The property to the west and the south  
4236 have been developed with large lot rural residential single-family residential development.  
4237  
4238 This project is designed to essentially fill the hole in the doughnut of the Castleton project,  
4239 Castleton Subdivision, which has already been approved and received subdivision approval. In  
4240 order to mitigate possible impact to the County infrastructure and services, the applicant has



4241 submitted a voluntary proffer statement. Major aspects of the proffers include:  
4242

- 4243 • Minimum unit size of 1,800 square feet for 1 story dwellings, and 2,200 square feet for 2  
4244 story or Cape-style units;
- 4245 • No one-story dwellings along Doran Road;
- 4246 • A landscaped buffer along Doran Road that will be meld with that in the Windsor Oaks and  
4247 Castleton subdivisions;
- 4248 • At least 50% of the homes will be constructed with side loading garages, or front loading  
4249 garages which are set back a minimum of 5' from the closest portion of the dwelling to the  
4250 street;
- 4251 • Sidewalks adjacent to major thoroughfare roads in the project; and
- 4252 • No cantilevered chimneys shall be permitted on the property. Staff has expressed concern  
4253 about the possible stepping down of building siding along the foundations of buildings; however,  
4254 Mr. Merner may be able to address that concern with you.
- 4255 • Prior to the issuance of a building permit, a cash proffer of \$12,000 applicable to the  
4256 proposed residential development shall be paid for each residential lot.

4257  
4258 According to reviewing agencies, an additional point of access on Doran Road is preferable, but  
4259 not required. The Castleton project, of which this property is intended to become a part, is  
4260 served by two boulevard-style entrances, and Traffic Engineering has indicated that is sufficient.  
4261 It is anticipated that this project will tie into the proposed Four Mile Creek pump station. Schools  
4262 and Fire have indicated that existing facilities are adequate to serve this project. Libraries has  
4263 indicated that the Varina library is not adequate to absorb the demands on service that are likely  
4264 to result from this project.

4265  
4266 Staff believes that this application is consistent with the goals and objectives of the Henrico 2010  
4267 Land Use Plan and recommends that it be forwarded to the Board of Supervisors with a  
4268 recommendation for approval. This concludes my presentation, I would be happy to try to  
4269 answer any questions you may have.

4270  
4271 Mrs. Ware - Any questions for Mr. Tyson from the Commission? No. OK. Do you  
4272 want to hear from the applicant, Mr. Jernigan.

4273  
4274 Mr. Jernigan - I think the only thing we have to address is the siding.

4275  
4276 Mr. Ken Merner - For the record, my name is Ken Merner with Boyd Homes. I just wanted  
4277 to let you know I was here to answer any questions you may have, so I can tell my boss I  
4278 showed up tonight. That is all.

4279  
4280 Mr. Jernigan - I think the only outstanding issue was what Lee said, about we  
4281 discussed the siding, step down siding.

4282  
4283 Mr. Merner - Step down siding. We are developing a total of 490 units in this project.  
4284 This particular piece of property, which is 60 lots, has a more flat topography on it, which the  
4285 chance of step down foundations are usually, when you get this steep topography, which we will  
4286 have in some situations as we get closer to the creek but not on these particular 60 lots, so I  
4287 don't anticipate that we are going to have any step down foundations with the siding on this  
4288 development. If we will, we will just limit them as much as we can for aesthetic purpose. We  
4289 are trying to do a nice quality project here.

4290  
4291 Mr. Jernigan - I don't have any questions. We have worked on this thing three or our  
4292 times, and I am ready to make a motion if there are no other questions by the Commission.  
4293 Madam Chairman, I would like to make a motion to approve and send to the Board of

4294 Supervisors Case C-65C-04, Kenneth S. Merner.  
4295  
4296 Mr. Vanarsdall - Second.  
4297  
4298 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
4299 favor say aye. All opposed say no. The motion passes.  
4300  
4301 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
4302 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**  
4303 the request because the proposed use is appropriate for the site and would be a logical continuation  
4304 of existing single-family residences in the area. In addition, the request conforms to the  
4305 recommendations of the Land Use Plan and the proffered conditions will provide an assurance of  
4306 quality that is otherwise not available.  
4307  
4308 Mr. Silber - The next is the Planning Commission minutes from October 14.  
4309  
4310 Mrs. Ware - Are there any changes to the minutes? Do we have a motion?  
4311  
4312 Mr. Vanarsdall - I make a motion we accept the minutes of October 14, 2004.  
4313  
4314 Mr. Marshall - Second.  
4315  
4316 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in  
4317 favor say aye. All opposed say no.  
4318  
4319 The minutes are approved.  
4320  
4321 Mr. Silber - I have one item just to remind you. I believe you have received  
4322 notification of this, but just a reminder, there is a special joint work session involving the Board  
4323 of Supervisors and the Planning Commission for the 23<sup>rd</sup> of November to discuss cash proffers, a  
4324 cash proffer study and program scheduled for breakfast at 8:00 a.m., or some type of food, and  
4325 8:30 a.m. the program will start and we encourage you all to come. It is going to be in the  
4326 Training Center and I don't know the room number? Have you all received notification of this?  
4327  
4328 Mr. Archer - I have been phoned about it.  
4329  
4330 Mrs. Ware - Somebody called me.  
4331  
4332 Mr. Vanarsdall - Regina called me.  
4333  
4334 Mr. Silber - The Training Center is up Parham Road in the Public Safety Building,  
4335 second floor. Also, we have reserved parking spaces for the Board members and Planning  
4336 Commission members in front of the building, so you should have a designated parking space.  
4337  
4338 Mr. Jernigan - This is November 23, 2004. at 8:00 a.m.  
4339  
4340 Mr. Silber - The consultant will be there to present their findings on the studies of  
4341 the cash proffers. Staff will be there. Staff from each department will be there. I would say that  
4342 it could last at least through lunch.  
4343  
4344 Mr. Vanarsdall - I just wanted to remind everybody that the Christmas tree is on Monday,  
4345 the 15<sup>th</sup>, over at Meadow Farms. It will be 50 more years before it will ever be here again. This  
4346 is Virginia's time, and they cut it down in the George Washington National Forest and I forget

4347 what County, and they are going to show it in 33 places in Virginia, and the first place is Meadow  
4348 Farms, Monday night. The school will put things on it and they will fly it somewhere else. This is  
4349 the first time. Every year they cut it down from another state.

4350

4351 Mr. Silber - Do you mind if I come next time?

4352

4353 Mrs. Ware - Thank you, Mr. Vanarsdall. Do I have a motion to adjourn.

4354

4355 Mr. Archer - So moved, Madam Chairman.

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Lisa Ware, C.P.C., Chairman

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Randall R. Silber, Secretary