

1 Minutes from the work session of the Planning Commission of the County of
2 Henrico held in the County Administration Building in the Government Center at
3 Parham and Hungary Spring Roads, beginning at 5:30 p.m. October 13, 2016.
4

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

Members Absent: Mrs. Sandra M. Marshall (Three Chopt)
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Mr. Tom Tokarz, Deputy County Attorney
Mr. Andrew Newby, County Attorney
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, AICP, Senior Principal Planner
Mr. Gregory R. Baka, BZA
Ms. Sylvia Ray, Recording Secretary

5
6 **The Commission convened a work session in the County Manager's**
7 **Conference Room at 5:44 p.m.**

8
9 Mr. Archer - I'm going to turn it over to Mr. Emerson, our secretary,
10 and we'll get started.

11
12 Mr. Emerson - Thank you, Mr. Chairman. As you know, we do have
13 a work session this evening, and we have two items on the agenda. The first is a
14 continuation of the discussion on the amendment for extended hours in the B-1
15 District with a Provisional Use Permit. The second, is continuation of the
16 discussion on Zoning Ordinance Regulation of Signs.

17
18 Mr. Blankinship provided an overview of his previous presentation regarding
19 extended hours in the B-1 District. The final recommendation is to amend the
20 County Code with an additional subsection to allow service to public between
21 4:00-6:00 a.m. This amendment will be presented at the November Planning
22 Commission meeting.

23
24 Mr. Blankinship provided a targeted presentation, pinpointing the 16 most
25 substantive changes to the Code in regard to the regulation of signs. Additional
26 changes will be made to the language based on comments received from the
27 Commission. This may heard at December Public Hearing.
28

29 The Commission recessed their meeting at 6:27 p.m.

30

31 **THE PLANNING COMMISSION RECONVENED AT 7:01 P.M. FOLLOWING A**
32 **WORK SESSION.**

33

34 Minutes of the regular monthly meeting of the Planning Commission of the
35 County of Henrico held in the County Administration Building in the Government
36 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. October
37 13, 2016. Display Notice having been published in the Richmond Times-Dispatch
38 on September 26, 2016 and October 4, 2016.

39

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr., (Brookland)
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Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. Tom Tokarz, Deputy County Attorney
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, AICP, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Kevin Wilhite, AICP, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Erin Puckett, County Planner
Mr. Steve Yob, Director of Public Works
Ms. Sylvia Ray, Recording Secretary

40

41 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
42 **on all cases unless otherwise noted.**

43

44 Mr. Archer - Let us come to order. Good evening, ladies and
45 gentlemen. Welcome to the September 13th Planning Commission meeting for
46 rezonings.

47

48 Mr. Leabough - [Off microphone; inaudible.]

49

50 Mr. Archer - Should I say it again?

51

52 Mr. Leabough - October.
53
54 Mr. Archer - What did I say? Okay, I have to correct myself. I said
55 September and it's October. But anyway, let us please stand and salute the flag.
56 And at the same time, I'll ask you if your telephones are live, either mute them or
57 shut them off. Thank you so much.
58
59 We thank you all for coming. We don't have too long an agenda tonight, unless
60 you all make it that way. But in any event, I will turn things over to our secretary,
61 Mr. Joe Emerson. Mr. Emerson.
62
63 Mr. Emerson - Thank you, Mr. Chairman. I will note that the
64 Commission did hold a work session this evening and discussed potential
65 changes for provisional use permits in the B-1 district and potential changes to
66 the zoning regulations of signs. With that said, I will also note that Mr. Thornton is
67 not with us this evening. He had a conflicting meeting. And also, Mrs. Marshall
68 regrets she cannot be here this evening. She had a prescheduled medical
69 process that has kept her from being able to be at this meeting. But she did want
70 me to convey to many of her constituents who are here this evening that she has
71 discussed the matters on the agenda tonight with her fellow Planning
72 Commissioners and indicated to them what her feelings are and how she desires
73 those actions to be handled.
74
75 Mr. Archer - Mr. Secretary, before you go further, please.
76
77 Mr. Emerson - Yes sir.
78
79 Mr. Archer - Is Vanessa Remmer here? Vanessa Remmer from
80 the *Richmond-Times Dispatch*. Don't see her. Is anyone else here from any
81 media outlet or organization? If you are and don't choose to be recognized,
82 thanks for coming anyway. Mr. Emerson, go ahead.
83
84 Mr. Emerson - Thank you, Mr. Chairman. With that said, first on the
85 agenda this evening are the requests for withdrawals and deferrals. Those will be
86 presented by Mr. Jim Strauss.
87
88 Mr. Strauss - Thank you, Mr. Secretary, and good evening
89 members of the Commission.
90
91 We do have one request for withdrawal this evening. It's on page 2 of your
92 agenda and is in the Varina District. It's PUP2016-00003. The applicant is
93 requesting to withdraw this case, Night Prowler Productions. No action is needed
94 by the Commission this evening.
95
96
97

98 (Deferred from the July 14, 2016 Meeting)

99 **PUP2016-00003 Brad Roberts for Night Prowler Productions:**

100 Request for a Provisional Use Permit under Sections 24-62.2(f), 24-66(a), 24-120
101 and 24-122.1 of Chapter 24 the County Code in order to allow 6 to 8 outdoor
102 concerts annually on part of parcel 801-687-5117 located on the north side of Mill
103 Road approximately 500' west of its intersection with Huckleberry Lane. The
104 existing zoning is B-3 Business District. The 2026 Comprehensive Plan
105 recommends Open Space/Recreation and Environmental Protection Area.
106

107 At the request of the applicant, PUP2016-00003, Brad Roberts for Night Prowler
108 Productions, was withdrawn.
109

110 Mr. Strauss - Moving on the deferrals. We have one request for
111 deferral this evening. It's on page 2 of your agenda. This is in the Three Chopt
112 District, REZ2016-00030, Nuckols Storage, LLC. The applicant is requesting a
113 deferral to the November 10th, 2016 meeting.
114

115 **REZ2016-00030 James W. Theobald for Nuckols Storage, LLC:**

116 Request to conditionally rezone from O/SC Office/Service District (Conditional) to
117 M-1C Light Industrial District (Conditional) Parcel 745-775-4352 containing 1.868
118 acres located on the north side of Nuckols Road approximately 500' west of its
119 intersection with Concourse Boulevard. The applicant proposes a self-service
120 storage facility. The use will be controlled by proffered conditions and zoning
121 ordinance regulations. The 2026 Comprehensive Plan recommends Office.
122

123 Mr. Archer - Okay. Is there anyone present who is opposed to the
124 deferral of REZ2016-00030, James W. Theobald for Nuckols Storage, LLC? I
125 see no opposition.
126

127 Mr. Leabough - Mr. Chair, being that there is no opposition, I move
128 that REZ2016-00030, James W. Theobald for Nuckols Storage, LLC, be deferred
129 to the November 10th meeting at the request of the applicant.
130

131 Ms. Jones - Second.

132
133 Mr. Archer - Motion by Mr. Leabough and seconded by Ms. Jones.
134 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
135

136 At the request of the applicant, the Planning Commission deferred REZ2016-
137 00030, James W. Theobald for Nuckols Storage, LLC, to its meeting on
138 November 10, 2016.
139

140 Mr. Emerson - Mr. Chairman, if the Commission has no other
141 deferrals to enter, that will take care of the withdrawals and deferrals for this
142 evening. Next on the agenda are requests for expedited items. Those will also be
143 presented by Mr. Jim, Strauss.

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Mr. Strauss - Yes, Mr. Secretary. We do have one request for approval on the expedited agenda this evening. It's on page 1 of the agenda in the Three Chopt District. It's REZ2016-00019, CP Other Reality. This is a request to amend proffered conditions accepted with the original zoning case C-8C-09. This is an amendment to proffer 13 related to signage. It's a request to allow a directional sign. Staff is recommending approval with restated proffer 13 on page 4 of your staff report. Please note proffer 21 will remain as originally approved with the 2009 rezoning case. Staff is not aware of any opposition. Again, we are recommending approval.

(Deferred from the August 11, 2016 Meeting)

REZ2016-00019 James W. Theobald for CP Other Realty, LLC:
Request to amend one proffered condition accepted with rezoning case C-8C-09 on Parcel 735-763-6585 located on the north line of W. Broad Street (U.S. Route 250) approximately 400' east of Towne Center West Boulevard. The applicant proposes to amend Proffer 13 related to signage. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District.

Mr. Archer - All right, thank you, Mr. Strauss. Is there anyone present who is opposed to this case, REZ2016-00019, James W. Theobald for CP Other Realty, LLC? I see no opposition.

Mr. Leabough - Mr. Chair, there being no opposition, I move that REZ2016-00019, James W. Theobald for CP Other Realty, LLC, move forward to the Board of Supervisors with a recommendation of approval subject to condition 13 as noted in the staff report.

Mr. Witte - Second.

Mr. Archer - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

REASON - Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers.

Mr. Emerson - Mr. Chairman, that completes the expedited items for this evening. We now move into your regular agenda for Public Hearing, Amendment to the Major Thoroughfare Plan, MTP2016-00001. The staff report will be presented by Ms. Erin Puckett.

188 **PUBLIC HEARING: AMENDMENT TO THE MAJOR THOROUGHFARE**
189 **PLAN: MTP2016-00001** Proposed Deletion of a Segment of Dominion Club
190 Drive between Old Wyndham Drive and the Hanover County line.

191
192 Mr. Archer - Good evening, Ms. Puckett. Is there anyone present
193 who is opposed to this resolution?

194
195 Many voices - [Off microphone; unintelligible.]

196
197 Mr. Witte - Are you opposed?

198
199 Male - [Off microphone.] I'm opposed, yes sir.

200
201 Mr. Archer - Okay, we do have one person in opposition. Thank
202 you, sir. Okay, folks. Ms. Puckett, good evening.

203
204 Ms. Puckett - Good evening. Thank you, Mr. Chairman and
205 members of the Commission. The Board of Supervisors at their meeting on
206 September 13, 2016, passed a resolution directing County staff to initiate a study
207 of Dominion Club Drive between Old Wyndham Drive and the Hanover County
208 line. Planning staff have coordinated with other County departments in evaluating
209 the impacts of removing this portion of the subject road from our 2026 Major
210 Thoroughfare Plan.

211
212 In 1989, the Board of Supervisors approved rezoning case C-29C-89 for the
213 planned residential community of Wyndham. Later that year, the Wyndham Major
214 Roadway Master Plan received conditional approval, and portions of Dominion
215 Club Drive were dedicated to the County over subsequent years. In 1990, the
216 Board initiated the Northwestern Henrico Land Use and Transportation Study
217 and in 1991, adopted an amendment to the MTP, which included the addition of
218 Dominion Club Drive as a minor collector.

219
220 In October 1991, Youngblood, Tyler and Associates sent a letter to the Hanover
221 County Planning Department and copied Henrico County regarding future access
222 to Hanover from Wyndham. That letter indicates an extension of Dominion Club
223 Drive was meant to provide access to a landlocked 49-acre parcel.
224 Documentation from Hanover County indicates a maximum of 71 units planned
225 for the parcel at that time.

226
227 On September 6, 2016, Hanover County received an application requesting the
228 rezoning of approximately 366 acres to develop an age-restricted residential
229 community. The traffic impact assessment submitted with the application
230 indicates 932 dwelling units, including assisted living units and attached and
231 detached single-family homes. That would create an estimated 3,313 average
232 daily trips. Dominion Club Drive is shown as one of four access points for that
233 project.

234

235 Henrico County departments have expressed concerns with a future extension of
236 Dominion Club Drive to serve the proposed Hanover development. The Division
237 of Police has reported increasing numbers of traffic accidents in the Wyndham
238 area. They reported 20 crashes in this area in 2014, 25 in 2015, and 38 from
239 January 1st to September 21st of this year. Police also noted concerns with
240 bicycle and pedestrian safety. The Division of Fire suggested increased traffic on
241 Dominion Club Drive could increase response times, and traffic engineering
242 stated Wyndham roads and intersections were not designed to carry the
243 additional traffic from the anticipated Hanover development.

244

245 The 2026 Comprehensive Plan designates the area adjacent to the subject
246 segment of Dominion Club Drive as Suburban Mixed-Use and Environmental
247 Protection Area. The proposed deletion of Dominion Club Drive between Old
248 Wyndham Drive and the Hanover County line will not affect future development
249 recommended by the Comprehensive Plan.

250

251 The Comprehensive Plan encourages Henrico County to review and amend the
252 MTP as necessary to adjust to changing needs of the County and to protect a
253 high-quality community aesthetic. Furthermore, minor collectors are designed to
254 distributed traffic between local streets and arterials. They should be shorter in
255 distance than arterials and should provide higher levels of access than major
256 collectors and less mobility. If utilized as a direct north/south connection between
257 Henrico and Hanover counties, Dominion Club Drive would potentially need to
258 function at a higher level of mobility than minor collectors are typically designed
259 for.

260

261 The removal of Dominion Club Drive between Old Wyndham Drive and the
262 Hanover County line from the 2026 Major Thoroughfare Plan, would not have
263 adverse impacts on surrounding properties, future development, or the larger
264 road network in the surrounding area in Henrico. In addition, increased trips
265 generated by the proposed development in Hanover could lead to traffic volumes
266 Dominion Club Drive and other roads and intersections in Wyndham were not
267 anticipated to carry.

268

269 Given the growth and development of Wyndham and the surrounding areas and
270 the scope of the proposed project in Hanover, Planning staff believe an
271 amendment to the MTP to remove the northernmost portion of Dominion Club
272 Drive is warranted.

273

274 This concludes my presentation, and I'd be happy to answer any questions.

275

276 Mr. Archer - Thank you, Ms. Puckett. Are there questions for
277 Ms. Puckett from the Commission members? Okay, thank you so much. Stand
278 by.

279

280 Ms. Puckett - Thank you.
281
282 Mr. Archer - We do have opposition to this case. And I think it
283 would probably be expedient if Mr. Secretary would read the rules concerning
284 opposition.
285
286 Mr. Emerson - Yes sir, Mr. Chairman. The Commission, as you
287 noted, does have guidelines that are put in place to govern their public hearings.
288 And in this case, it is set up as two ten-minute periods—a ten-minute period for
289 those who would support the actions of the amendment, which would remove
290 Dominion Club Drive from the MTP, and then an equal ten minutes for those who
291 may oppose the adoption of that amendment removing Dominion Club Drive from
292 the MTP. That is a cumulative ten minutes. Now we did have a sign-up sheet out
293 front. We will call each one in the order that they signed up in regards to those
294 who support the removal of the Dominion Club MTP. However, many of you may
295 not be allowed time to speak. That is within the discretion of the Commission to
296 extend those time limits.
297
298 I would note to all of you that we've received well over 100 messages from the
299 community in regards to the feelings of all of you regarding this removal. And of
300 course those were in support in the removal. We've receive numerous phone
301 calls and several other written statements from many of you and your neighbors.
302 So I believe that the Commission and I do understand your position regarding
303 this.
304
305 Mr. Chairman, with that, I do know that the Wyndham Homeowners Association
306 does have an appointed spokesperson that I believe speaks for many of those
307 affected. We do have the list, so I will leave it to the Commission as to whom you
308 wish to hear from first.
309
310 Mr. Archer - Okay. I think we should probably hear from the
311 neighborhood first. Mr. Witte?
312
313 Mr. Witte - That works.
314
315 Mr. Archer - Okay.
316
317 Mr. Emerson - Mr. Chairman, the first on the list is Ms. Veronica
318 Boyd.
319
320 Mr. Archer - Please state your name and address for the record,
321 ma'am, if you would.
322
323 Ms. Boyd - Veronica Boyd.
324
325 Mr. Archer - Thank you, Ms. Boyd.

326 Ms. Boyd - And I am a board member with the Wyndham
327 Foundation.

328
329 Mr. Emerson - Could you provide your address please, ma'am?

330
331 Ms. Boyd - Oh, address, yes. 6204 Greenwich Drive, Glen Allen,
332 Virginia, 23059.

333
334 Mr. Archer - Thank you, ma'am. So everyone will know, we don't
335 necessarily write that down, but all of our proceedings are recorded, and that's
336 why we ask for names and addresses. Thank you. Go right ahead.

337
338 Ms. Boyd - Okay. Good evening. Thank you so much for having
339 us. Mr. Chairman and members of the Planning Commission, we are so thankful
340 to you for giving us the opportunity to address you tonight. We are so very
341 pleased to see such a thorough job done by your staff, the Planning staff, on
342 MTP2016-1. The Wyndham Foundation Board of Directors is in support of their
343 report and is recommending and urging the Planning Commission to vote
344 affirmatively on the recommended action to remove the proposed Dominion Club
345 Drive Extension from the 2026 Major Thoroughfare Plan.

346
347 For those not familiar with our Wyndham community, there's an overview up
348 there. In the interest of time and to give others opportunity to speak tonight, I'm
349 not going to go through every point. So simply stated, we are a high-quality,
350 award-winning community with highly engaged residents.

351
352 Earlier this year, we learned of HHHunt's plans to extend Dominion Club Drive
353 from Henrico County to Hanover County. We sought feedback from our over
354 5,000 residents. Hearing our residents' overwhelming opposition to the
355 extension, we then asked our Three Chop supervisor, Tommy Branin, to remove
356 the proposed extension from the 2026 Major Thoroughfare Plan.

357
358 As of today, we have collected actually 1,840 signatures from area residents
359 against the extension of Dominion Club Drive. [Goes off microphone; inaudible.]
360 Okay, so here we go. We've got signatures from our residents. If we included
361 residents from Millstone, we would go over 2,000. And we've made electronic
362 copies for your staff to enter into the meeting records.

363
364 Now for audience participation, please stand now if you are a Wyndham area
365 resident who is in support of preventing the extension of Dominion Club Drive.
366 Okay. Dennis, would you like to take a picture? Can he take a picture to get a
367 count? Is that okay, rather than counting?

368
369 Mr. Archer - Sure.

370

371 Ms. Boyd - Thank you. And we'll get a count into the record.
372 Thank you, neighbors. Thank you very much.

373
374 Okay. Up on the screen is the area of road that Wyndham wants to see vacated.
375 There are some pictures of where HHHunt proposes to extend Dominion Club
376 Drive.

377
378 We have other concerns, though. There are other planned roads in the area that
379 could pull additional traffic through Wyndham. So our traffic considerations go
380 above and beyond the HHHunt development traffic. To kind of give you an
381 overview of the area, we're looking at some studies that have not yet been
382 considered in the Henrico staff report or in the Timmons traffic study done for
383 HHHunt.

384
385 In the blue area, we've got the proposed new community where you see four
386 proposed exits—two exits on Ashland Road, one on Cauthorne, and the fourth
387 exit of the extension of Dominion Club Drive, which is the road we're trying to
388 prevent. And then looking at some other proposed roads, there are two in
389 Hanover County—one to connect from Route 1, Washington Highway, another
390 feeder road coming to connect Route 33 and coming across the County. And
391 finally, Henrico County has proposed a connecting road between Nuckols Road
392 and Grey Oaks Park Drive directly across Wyndham's main entrance. All of these
393 developments and roads would draw Hanover and Henrico traffic from the north,
394 east, and west through Wyndham and Grey Oaks to the many popular Short
395 Pump destinations and beyond.

396
397 There are many reasons why Wyndham is opposed to the road extension, but I'll
398 just highlight the most impactful ones. First and foremost, this extension will pose
399 a risk and a burden to Wyndham area residents' health, safety, and welfare. As
400 an example, the area traffic accidents have doubled in just the past two years.
401 Emergency response times could be delayed with the increased traffic and
402 population. The proposed extension area is environmentally sensitive. Any
403 further development could have long-lasting damaging consequences.

404
405 Henrico County has not approved any cross-county minor collector roads during
406 the past 65 years that they've been maintaining their own roads. There is no
407 precedent to approve the Dominion Club Drive extension tonight. Basically, this
408 proposed extension has no benefit to Wyndham and little to no benefit to Henrico
409 County.

410
411 In closing, the Wyndham Foundation Board of Directors urges the Planning
412 Commission to vote affirmatively on the recommended action to remove the
413 proposed Dominion Club Drive Extension from the 2026 Major Thoroughfare
414 Plan. Thank you again so much for giving us the opportunity to address our
415 extremely important concerns with you tonight.

416

417 Mr. Archer - Thank you, Ms. Boyd. Are there questions from the
418 Commission members for Ms. Boyd? Mr. Witte.
419

420 Mr. Witte - How come they took pictures of staff and everybody
421 but not us? I'm just kidding.
422

423 Ms. Boyd - Do a selfie with them.
424

425 Mr. Archer - I have a feeling you'll be sorry for that.
426

427 Ms. Boyd - Any other questions?
428

429 Mr. Archer - Thank you, Ms. Boyd.
430

431 Ms. Boyd - Thank you.
432

433 Mr. Archer - There are approximately four minutes if there is
434 another speaker who wishes to speak. Karen Mitscherlich. Is she here? Oh, go
435 ahead. Good evening, ma'am.
436

437 Ms. Mitscherlich - Hi. I'm Karen Mitscherlich. I'm a Wyndham resident.
438 I'm also a neighborhood representative for the Preston neighborhood in
439 Wyndham. I just wanted to add one or two things to what Veronica said.
440

441 The original access was granted due to a 49-acre landlocked parcel. That parcel
442 has now grown to 366 acres and has three other access points. So it is no longer
443 landlocked and access through Dominion Club Drive would no longer be needed.
444 There will be negative impacts to most of the homes in Wyndham, as well as in
445 Millstone and Grey Oaks. And if this were to go through, it would increase
446 Henrico County expenses in infrastructure and not increase the property taxes
447 being collected by the increase in traffic. Thank you.
448

449 Mr. Emerson - Can we please get your address for the record,
450 ma'am?
451

452 Ms. Mitscherlich - Oh, yes. 12201 Malham Way, Glen Allen, Virginia,
453 23059.
454

455 Mr. Emerson - Thank you. These minutes are recorded, so we like to
456 get everybody's address.
457

458 Mr. Archer - All right, thank you, Mr. Secretary. The next person
459 listed is E. L. Lucas. And there are approximately three minutes left. Your name,
460 please, and address?
461

462 Mr. Rucker - My name is Pierce Rucker. R-u-c-k-e-r. I'm probably
463 at the bottom of the list. I live at 11924 Montfort Circle in the Villas at Grey Oaks.

464
465 Mr. Archer - Thank you, Mr. Rucker. Go right ahead.

466
467 Mr. Rucker - I'll be very brief, Mr. Chairman. I have with me a
468 petition signed by 61 residents of Grey Oaks who share the same concerns, if
469 not somewhat different concerns, than the folks at Wyndham. So I'm not going to
470 repeat what they had to say. I simply want to bring to the Commission's attention
471 the fact that one day the major thoroughfare in Grey Oaks, know as Grey Oaks
472 Villa Drive, which runs northward from Pouncey Tract towards Nuckols Road, will
473 connect with Nuckols Road at the very intersection where Wyndham Park Drive
474 now joins Nuckols Road. And so all the things that the folks in Wyndham are
475 worried about will cascade into Grey Oaks one day.

476
477 So we support the amendment, oppose the extension. And I have the petitions,
478 which I'd like to add to the record.

479
480 Mr. Archer - Okay. Thank you, Mr. Rucker.

481
482 Mr. Rucker - Thank you, sir.

483
484 Mr. Archer - All right. Are there questions from the Commission for
485 Mr. Rucker before he takes a seat? No questions.

486
487 Mr. Rucker - Thank you.

488
489 Mr. Archer - Okay, we have approximately two minutes left, a little
490 bit less than. And the next scheduled person is Mr. Jim Copenhaver.

491
492 Mr. Copenhaver - Thank you. I'm Jim Copenhaver. I live at 6119
493 Treyburn Way. I've been a resident of Wyndham for about 25 years. I'd just like
494 to put a personal perspective on what has been said here.

495
496 I think a number of us probably grew up in a very different era, very different
497 environment where you could take your bike as a kid, go to the store, get a Coke,
498 get whatever. And in Wyndham, because we are somewhat landlocked, my child
499 has had the benefit of something that many people now don't see, you don't
500 have. And that is because we have this enclosed environment that when he was
501 about nine years old, we were able to let him go down to the lake, go fishing, go
502 do whatever, something that we took for granted as kids. You can't do that in
503 most neighborhoods. Allowing this thorough-fare through here, I would never let
504 my child go out, cross the road, go down and do that. We have something very
505 special in Wyndham. And especially because of the nature of how it is somewhat
506 landlocked, there's limited ingress and egress.

507

508 I would simply say that to allow that through would simply destroy that unique
509 characteristic because of the safety concerns and because of the very concerns
510 that were raised by your staff. Which again, I commend them. Thank you very
511 much.

512
513 Mr. Archer - Thank you, sir. Any questions for Mr. Copenhaver?
514 Unless you all choose to switch the order, we have about 30 seconds left for the
515 next speaker. On the list it shows Craig—it looks like Pinsker.

516
517 Mr. Pinsker - I'll relinquish my time.

518
519 Mr. Archer - Okay. Followed by Phyllis Katz?

520
521 Ms. Katz - I'm Phyllis Katz, 5901 Morgan's Glen Drive, Glen
522 Allen, Virginia. Everything that is said I fully subscribe to in the report that was
523 prepared by the Planning Department. It speaks much for what I said.

524
525 The concern I have is this little road extension was put on to serve a landlocked
526 parcel of land, 49 acres, no other access, and oftentimes single landowners
527 cross County lines and have access to their property across that line. What we're
528 talking about today is not 49 acres, as been said, but a much larger
529 development. And it is not exclusively residential. An assisted living facility is
530 proposed. And there you have workers coming in and out 24/7. You have
531 restaurants proposed, other commercial ventures proposed.

532
533 And in the application for Hanover County that has been made in September,
534 never once is Dominion Drive mentioned in the request for rezoning as ingress
535 and egress. They fully state that they have three full access roads in addition to
536 what may exist there. Two new ones on Ashland Drive and one on Cauthorne
537 Avenue. So if they in their report to the Hanover Planning Commission for
538 rezoning haven't said they needed this access in their report, why should we
539 grant it when they don't need it. And two, we shouldn't have it because of the
540 severe impact on our community. Thank you.

541
542 Mr. Archer - Thank you, Ms. Katz. We have actually exceeded the
543 time limit by about a minute or so. I sort of get the indication that most of you will
544 probably have the same sentiments to express. Unless the Commission wishes
545 to hear from some others, we'll go to the opposition. Is that okay?

546
547 Mr. Witte - Is there anyone that has something that hasn't been
548 brought up?

549
550 Ms. Jones - This lady over here.

551
552 Mr. Witte - I'd like to extend it for one minute to allow this lady
553 who says she has something new.

554
555 Ms. Jones - And there's someone else as well.
556
557 Mr. Witte - Okay. Two minutes—one minute for her and one
558 minute for her.
559
560 Mr. Archer - You can go in any order. Please state your name and
561 address for the record when you approach the mic, please.
562
563 Ms. Kramen - My name is Deb Kramen, and I live at 12344 Morning
564 Creek Road. I don't know if you all know this, but HHHunt had to claim
565 bankruptcy, and it cost a lot of people in our community over \$20,000. So I think
566 there's a little too much greed going on here in this whole proposed plan. To go
567 from 70 houses to 900 houses I think is absurd. They have no regards for
568 anybody in our community at all. They've stepped on us over and over again,
569 and we're tired of it. We don't like the way they operate. They say that they have
570 changed, and they have not changed. And that's how I feel about HHHunt right
571 now. Thank you.
572
573 Mr. Archer - All right, ma'am, you have one minute.
574
575 Ms. Strahle - Good evening. My name is Susan Strahle, 5740 Oak
576 Mill Court. I'm a Millstone resident and representing the Millstone folks. We have
577 251 homes in Millstone. And as of today, we had 131 petitions. It's more than half
578 of the neighborhood stating—it doesn't directly impact most of Millstone, but our
579 children play with the Wyndham folks. We've got an elementary school that is in
580 the middle of this neighborhood. This is more about the safety of our children.
581 The reason why you move to Wyndham is to have a community where your
582 children can ride their bikes, where they go fishing, go to school. The children are
583 walking. You start bringing in traffic of—if it's an over-55, it's going to be a lot of
584 elderly people, which we know driving isn't necessarily always as good—and I'm
585 here with my parents, so I'm saying that—
586
587 [Many voices in the audience; unintelligible.]
588
589 Ms. Strahle - An assisted living, those folks are going to need more
590 attention. It's just going to bring in more opportunity for there to be safety hazards
591 for the children of the community. And that really is why I'm here, and why I got
592 involved, and out of my own dollar made copies of the petitions to deliver them
593 together in Millstone. And I'm representing today because it is something that
594 needs to be thought of very strongly to have that extensive amount of traffic
595 coming through a neighborhood that is set up to be a neighborhood for families.
596
597 And in the words of HHHunt today, they talked about inclusivity and having the
598 neighborhoods together. If you're living in a 55-and-over neighborhood, you do
599 not want to be around children and schools and parks. They're going to have

600 their own clubhouse, their own such. And there's nothing that they need to come
601 into Wyndham for when they're going to have it all in their own development.
602 Thank you for your time.

603

604 Mr. Archer - Okay, we will now hear from the opposition. We used
605 approximately 14 minutes. So sir, if you need that amount of time, it's granted to
606 you.

607

608 Mr. Walk - Thank you very much.

609

610 Mr. Archer - You're welcome.

611

612 Mr. Walk - Mr. Archer, members of the Commission, my name is
613 John Walk. I happen to live at 1 Countryside Lane in Henrico, but I'm here as an
614 attorney with Hirschler Fleischer on behalf of HHHunt, which is the developer of
615 this award-winning community that you have heard so much about. I'm going to
616 try to skip a lot of the hyperbole and stick to the facts and hopefully present you
617 with some material that you have not seen previously.

618

619 Let me start off with this. This is the earliest known depiction of a concept plan for
620 Wyndham that actually predates the zoning of the property. And you can see
621 right from day one in this area up in here there's Dominion Club Drive crossing
622 over the County line into Hanover. So this connection has been literally
623 contemplated since before day one. We believe this exact map was part of our
624 zoning application back in 1989.

625

626 More to the point, I wanted to show you this one. HHHunt or its predecessor,
627 Snyder Hunt, marketed most if not all of the homes in Wyndham. And this was a
628 map in our sales center back in the 1990s. Now the color portion has been
629 added, and I'll tie that to some plats in just a moment. But the important point
630 being you can recognize, of course, Dominion Club Drive again here, right here
631 crossing over into Hanover County into an area marked "Future Development."
632 And you will also see that there are actually two parcels there marked as future
633 development.

634

635 You've heard a number of references tonight, and there are references in the
636 staff report, to the so-called 49-acre parcel. I just want to give you the rest of the
637 story so that you know what the actual facts are. First of all, there is the one
638 parcel here. This is the 49-acre piece that you have heard reference to. And yes,
639 that piece back in 1989 was landlocked. And you can see this little purple
640 connector right here was going to jog over from Dominion Club Drive and provide
641 access to that 49-acre piece. In addition is this 102-acre piece right here. And
642 this is actually the piece that lines up with Dominion Club Drive. Both of these
643 pieces were part of the original assemblage of Wyndham and were owned at the
644 time the property was zoned. And in fact, this road network that you have before
645 you was designed specifically to serve these properties.

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So the idea that we went from 49 acres landlocked and suddenly ballooned into a larger development—yes, there have been some parcels added, and I'll get to those in a moment. But the land that existed literally on day one when Wyndham was zoned were these two pieces comprising 151 acres. And the right-hand piece, the 102-acre piece, goes all the way out to Cauthorne Road. It was not landlocked. And in fact, that extension of Dominion Club Drive was contemplated to go out to Cauthorne Road and has so been reflected on Hanover's Land Use and Transportation Plan for many years. So I want to correct that misstatement that has been repeated over and over again. It's just simply not true. And in fact, this 49-acre piece that everybody keeps talking about is not even the piece that lines up with Dominion Club Drive.

Now, this Commission has approved this road network on at least six occasions: Our original tentative subdivision approval back in 1989; subdivision of—well the Major Thoroughfare Plan in 1990, which has since gone through at least two comprehensive revisions; and then a Wexford subdivision plat depicted this extension of Dominion Club Drive. And then here is the last one in 1992, which is Manor Park. And again, you can see Dominion Club Drive extending across the river into Hanover County plainly depicted on the subdivision plat approved by this Commission. And here is that little road jogging over to the 49-acre piece, which was not completed because we later added additional property that got us out to Ashland Road. And we no longer needed that connection in order to provide access to that 49-acre piece.

Importantly, again, notwithstanding all the comments directed at my client, it goes without mention that my client has made a major investment in Wyndham and greatly benefited the County of Henrico, having spent to date over \$23 million in dedicated public infrastructure improvements. This does not include our recently zoned neighborhoods Ellington, Ellington Woods, and Dominion Park. So that \$23 million number is only going to go up.

Now, regarding the design of the road. There has been a statement that this road was never designed to accommodate this type of traffic. Again, demonstrably not correct from an engineering standpoint. And I'm not talking about argument here; I'm talking about engineering and math. Dominion Club Drive was designed both with respect to the width of the pavement and the pavement profile to accommodate 5,000 trips per day. And the only reason why it could have been required by the County to have been built to that kind of specification was going back to the fact that the County quite properly required us to design the road to correspond with the tentative subdivision plan and the master concept, which included this road punching through to Hanover County. But for anticipated future connection of this road into Hanover, we would never have been required by the County to build the road to that kind of specification. Yet we did so, and I'm going to get back to that capacity question in just a moment. But we have already spent

691 that money to build the existing portions of Dominion Club Drive to that kind of
692 specification.

693
694 Also, we've actually partially constructed the road at this point. This is not just a
695 paper street that was platted and then forgotten. This is a shot of the road
696 standing basically at the turnaround and looking straight ahead at the section we
697 now propose to complete. And the trees that you see in the background there are
698 basically the boundary of the RPA surrounding the river. And so you can see
699 from the existing road out to the limits of the RPA the road has already been
700 cleared, the road has been graded. You can see that it's crowned. You can see
701 the left-hand ditch here. You can see the right-hand ditch over here. Here's
702 another shot standing in the turnaround looking straight ahead. Basically the road
703 has been roughed-in at this point. And what remains to be done is construction of
704 some utilities and then paving the thing. You can also see that we have actually
705 laid stone that entire distance, although the grass has encroached upon it.

706
707 Now, getting back to what I said earlier about the parcels. Again, the narrative
708 that has been attempted to be portrayed to you is that there has been just this
709 massive change where we started out with 49 acres and now all of a sudden it's
710 this greater development. Let me review with you the exact timeline of what we're
711 talking about here.

712
713 First of all, this little triangular piece right here, that's that 49-acre piece that we
714 talked about that we owned pre-zoning, pre-1989. So that one has been part of
715 the master plan literally since before day one. Here is the second piece right here
716 that I mentioned earlier, the 102-acre piece. And you can see right here it goes
717 all the way out to Cauthorne Road and provided that connection where the road
718 has been planned for many years, and I mean like 20, 25 years, to go up and
719 connect to Cauthorne Road. Both of these parcels being part of the original
720 assemblage of Wyndham.

721
722 Next over here, you're familiar, I'm sure, with Hunting Hawk Golf Course. This
723 piece of property, 102 acres—or 109, I believe—was put under option in 1993.
724 This plat that you're looking at on the screen right here is dated July 26, 1995. So
725 20 years old plus. And you can see all of these properties part of our assemblage
726 and part of our plan for the expansion of Wyndham.

727
728 Now, what has changed is this and only this. There is this one little piece here in
729 the middle called Tiller. And we have recently purchased a 22-acre piece of
730 Tiller, roughly a little triangular piece right in here that serves to connect up this
731 piece. Down here is the 22 acres that we are purchasing currently. Here is the
732 piece that goes back to 1989. And here is the piece that goes back to 1993. And
733 to connect up these four pieces, which now would comprise the parcel that we
734 currently intend to develop. And you can see here that the largest of these, the
735 piece that is currently Hunting Hawk, has abundant frontage along Ashland

736 Road. And in fact, the development will be primarily oriented towards Ashland
737 Road. And Ashland Road will take the majority of the traffic. I want to—

738

739 [Indistinct mumbling from the audience; unintelligible.]

740

741 Mr. Walk - Again, I would encourage you to look at the traffic
742 study which the staff has. The statement has been made that there will be 3,300
743 and some trips per day pouring through Wyndham on Dominion Club Drive. That
744 is actually the total traffic count for the entire project. And our traffic study by
745 Timmons, here is a very instructive chart for you that's part of our traffic study.
746 And I believe your staff has the entire study because they quoted rather
747 selectively from it. But you can see the two entrances on Ashland Road per our
748 traffic study are going to carry 60 percent of those trips. The entrance out to
749 Cauthorne is going to take 15 percent. And Timmons has concluded that 25
750 percent will be impacting Dominion Club Drive. Twenty-five percent of that 3,317
751 is like 824 trips per day.

752

753 In fact, here is an interesting chart for you that I would commend to your reading.
754 As I mentioned earlier, existing traffic is right at about 3,000 trips per day. Based
755 upon the traffic study, you take that 3,317 times 25 percent that's—I think it's
756 actually 824; we're showing 828 on here. So there are total trips of just under
757 4,000 trips per day. The design capacity of the road is 5,000 trips per day
758 meaning that even net of the development once it is completed there will still be
759 remaining excess capacity on Dominion Club Drive of over 1,000 trips per day. I
760 don't believe any of this was really presented to you in the staff report.

761

762 Male - [Off microphone; inaudible.]

763

764 Mr. Archer - Excuse me, folks. Please don't interrupt. He didn't
765 interrupt your side. We want to give him his allotted time. You have about two
766 minutes left, sir.

767

768 Mr. Walk - Thank you, Mr. Chairman. I would like to note that in
769 today's paper I was unfortunately misquoted. The error has been corrected by
770 the newspaper. If you check the online version, which I actually haven't checked
771 yet, but the newspaper tells us they have corrected that story to conform to this
772 chart and to say that the design capacity of the road is such that even net of the
773 addition of this development there will still be excess design capacity remaining
774 in excess of 1,000 trips per day on Dominion Club Drive.

775

776 And that's for two reasons. And this will really be my last comment in closing.
777 Two reasons. First of all, the road was over-designed to begin with in order to
778 accommodate the future development in Hanover, which was contemplated from
779 day one. Secondly, Wyndham was zoned for I think it's 3,268 units. We only built
780 2,400. And it's built out. And so at this point, there are 828 units worth of design
781 in our road network in Wyndham that are never going to exist in Wyndham. And

782 so A, the road was over-designed to begin with. And B, the property was
783 underdeveloped relative to its zoning whereas our road network was designed to
784 the zoning.

785

786 So I would submit to you that this proposal will break faith with a valued
787 development partner that has relied on County approvals in good faith, expended
788 substantial sums of money, done things the right way, and created a lot of value
789 for the County. I would ask that the Commission table this for further study,
790 including looking at our traffic study and perhaps doing some study of its own,
791 because I don't believe it will bear out some of the statements that have been
792 made here tonight. Or if you feel like you must vote tonight, I would ask that you
793 vote in opposition to this proposal.

794

795 Thank you very much.

796

797 Mr. Archer - Thank you, Mr. Walk. Are there questions from the
798 Commission for Mr. Walk?

799

800 Mr. Witte - Mr. Walk, very well presented, but I do have a few
801 questions.

802

803 Mr. Walk - Yes sir, of course.

804

805 Mr. Witte - Was the road rough-in required at development or
806 was that done just—

807

808 Mr. Walk - Well that's a very good question, an item that I
809 actually skipped in the interest of time. As you know, when you plat a subdivision,
810 you have to bond those improvements. And we have had a bond outstanding on
811 this exact road that we have talked about since 1992. It could have been called
812 at any point. So we were very much under obligation to the County to construct
813 this road. Now when, that is a matter—it's never been the case that the County
814 has called on that bond, if that is your question. But we have been obligated
815 since 1992 to build that road.

816

817 Mr. Witte - So the rough-in, my original question, wasn't required
818 up to this point. That was done at the sole discretion of the developer.

819

820 Mr. Walk - I would disagree with you, but I learned long ago not
821 to argue with the judge. So I think I've stated it the way I understand it. We're
822 obligated to build the road. The timing, you are correct, was up to us.

823

824 Mr. Witte - Okay. Now, is the Wyndham ingress and egress
825 required for the new subdivision by code or are the three sufficient to
826 accommodate that new subdivision?

827

828 Mr. Walk - Well that is under review right now by Hanover. And
829 it's hard to say what will be revealed. I mean the property has not been zoned
830 yet. It's under application, and it's going through the process now.

831
832 Mr. Witte - So it may or may not need it.

833
834 Mr. Walk - Well we do believe it will impact our development. But
835 I would be speculating to say what that impact would be, and I don't want to
836 speculate.

837
838 Mr. Witte - Okay. You mentioned that there was virtually no room
839 for future development in the existing Wyndham subdivision. But as we all know
840 from what you're proposing, golf courses turn into residential. Now how many
841 possible residential sites would there be if the Wyndham Foundation decided to
842 close the golf course and added residential buildings? Wouldn't that overload the
843 road system that they have now?

844
845 Mr. Walk - Mr. Witte, I believe that is proffered and would not be
846 capable of being done just unilaterally. I believe it would require rezoning, and
847 that would be a very pertinent question to ask with such a rezoning. I believe that
848 course is proffered, though.

849
850 Mr. Witte - So even if we did deny this resolution and the
851 Dominion Wyndham people decided to build residential there, we would be
852 putting an undue burden on them at that point. That's my impression.

853
854 Mr. Walk - It is a private club. I don't believe it's owned by the
855 Wyndham Foundation.

856
857 Mr. Witte - It can be sold, as Hunting Hawk or anything else.

858
859 [Mumbling from the audience; unintelligible.]

860
861 Mr. Walk - Again, I do want to come back to my original
862 statement, because I want to answer your questions directly. That is proffered as
863 a golf course. It would require rezoning in order for the contingency that you're
864 putting forth to come about. And your point would be a very pertinent point in
865 opposition to any such effort.

866
867 Mr. Witte - And you're rezoning the property where the existing
868 golf course is, Hunting Hawk. Correct?

869
870 Mr. Walk - Yes.

871
872 Mr. Witte - Okay, so it's the same thing. Apples and apples. I'm
873 just trying to play devil's advocate on both sides.

874
875 Mr. Walk - I understand. I respectfully disagree with your point,
876 but again, I learned long ago not to argue.
877
878 Mr. Witte - Okay. Those are the only questions I have. Thank
879 you.
880
881 Mr. Walk - Yes sir. Other questions?
882
883 Mr. Archer - Thank you, Mr. Witte. Are there other questions from
884 the Commission? Ms. Jones?
885
886 Ms. Jones - Just a point of clarification. When you put your
887 application forth in Hanover County, how many access points did you indicate
888 would be part of the application?
889
890 Mr. Walk - I think we're showing exactly what I had up here. This
891 is the traffic study from our Hanover zoning application. So I believe what was
892 submitted to Hanover was exactly what you're looking at here on your screen.
893
894 Ms. Jones - Well either I misunderstood what you said or I
895 misunderstood what one of the residents said who indicated that the application
896 did not include Dominion Club Drive as an access point on that Hanover
897 application.
898
899 Mr. Walk - I believe they're in error. This is the traffic study that
900 goes with our zoning application.
901
902 Ms. Jones - But that wasn't my question. I just need to know if it
903 was four or three.
904
905 Mr. Walk - Four. To answer you directly, four.
906
907 Ms. Jones - And that is your answer. Okay. You have had a traffic
908 study done.
909
910 Mr. Walk - Yes.
911
912 Ms. Jones - And do you know whether there have been other
913 traffic studies done in any current timeframe for the impacts in addition to the one
914 that you have had done? Have there been any studies Wyndham has done or
915 anybody else that you know of?
916
917 Mr. Walk - I assume the Planning staff in Hanover is going over
918 this. But in terms of other studies—oh. I know that Henrico's traffic folks are
919 looking at it right now. In fact, we were just given some numbers the other day

920 that are better than the numbers that were used in this traffic study in our favor in
921 terms of current traffic being less than what was projected. So Henrico, Hanover,
922 Planning, and Traffic—Transportation staffs are looking at it. We have the
923 Timmons study. That's all I know of.

924

925 Ms. Jones - And we're not sure how they all stack up with each
926 other. I guess I'm saying that we rely on the professional assessments of the
927 traffic engineers involved. And I'm hearing numbers that are in dispute with each
928 other. So I just wanted to double-check that I knew who was analyzing this.

929

930 Mr. Walk - Ms. Jones, if I could just clarify one point. It's not a
931 matter of disagree—

932

933 Mr. Leabough - Sir? I'm sorry to interrupt. Do you mind getting closer
934 to that mic again?

935

936 Mr. Walk - I'm sorry.

937

938 Mr. Leabough - You're creeping further and further away.

939

940 Mr. Walk - No worries. Thank you very much. The thing that I
941 said, it's not a matter of dispute. That 3,317, that number is out of our traffic
942 study. It was just taken out of context. It is the total traffic against all sources
943 versus the 25 percent is what applies to Dominion Club Drive. So the wrong
944 number was quoted out of our traffic study. That's not a matter of competing
945 traffic studies that have reached different conclusions.

946

947 Ms. Jones - Thank you.

948

949 Mr. Archer - Mr. Walk, perhaps you can do this.

950

951 Mr. Walk - Yes sir.

952

953 Mr. Archer - We often talk about car trips.

954

955 Mr. Walk - Yes sir.

956

957 Mr. Archer - And I'm not sure that the general public understands
958 what a car trip is. Would you describe what a car trip is when we talk about
959 3,000-and-some car trips? What constitutes a car trip?

960

961 Mr. Walk - Mr. Klinger, you want to take a shot at that? We have
962 Hans Klinger, professional engineer with HHHunt. He's probably a little bit more
963 qualified to answer that question than I am.

964

965 Mr. Klinger - Mr. Chairman, Planning commissioners, Hans Klinger
966 with HHHunt.

967
968 Mr. Archer - Good evening, Mr. Klinger.
969

970 Mr. Klinger - Good evening. Car trips are the estimates of people
971 returning to and going away from their homes in a given day. So it's more than
972 just one trip per household. There are usually more than that, multiple. Single-
973 family homes are normally—you can average about ten trips a household. In
974 case of this, with an age-restricted community, the traffic manuals that everyone
975 relies on have a different rate for that, so it's a little bit less than ten trips a day.
976 This development is age-restricted, so they're using a little bit less than the ten
977 trips a day per household.

978
979 I will say that the traffic report that Timmons did, 25 percent coming down
980 Dominion Club Drive, they do a peak hour rate. So you have average daily traffic,
981 which is the total trips, which Mr. Walk explained with was about 800-and-some
982 cars down Dominion Club Drive. At the peak hour, according to this study with
983 the number submitted, is like around 60 or 70 cars in the peak hour. So that's
984 about one or two cars a minute extra. So that is put into perspective of traffic
985 impact. There's a lot of fear for new traffic coming in, but perception is really what
986 rules. Did that answer your question?

987
988 Mr. Archer - Thank you. Yes, it did. I just wanted to make sure
989 people understood exactly what a car trip is.

990
991 Mr. Klinger - Okay.

992
993 Mr. Archer - Thank you, sir.

994
995 Mr. Leabough - Mr. Chair, we have the director of Public Works here.
996 Could we ask the question about the study since he's here? I'm sure he would be
997 able to speak to that.

998
999 Mr. Archer - Would the director come up, please?

1000
1001 Mr. Leabough - Mr. Yob, I'm sorry.

1002
1003 Mr. Archer - How are you?

1004
1005 Mr. Yob - Thank you, Mr. Leabough, Mr. Chairman.

1006
1007 Mr. Archer - Good evening, sir.

1008
1009 Mr. Yob - Mr. Secretary. Go ahead.

1010

1011 Mr. Leabough - So there was some question about a traffic study. Are
1012 we in fact doing a traffic study to your knowledge?
1013
1014 Mr. Yob - No, we're not, sir.
1015
1016 Mr. Leabough - So it's not a correct statement.
1017
1018 Mr. Yob - No, we are not doing a separate and independent
1019 traffic study, no sir.
1020
1021 Mr. Leabough - Okay.
1022
1023 Mr. Yob - Would you like me to comment?
1024
1025 Mr. Leabough - Sure.
1026
1027 Mr. Yob - Our traffic engineers don't agree with the numbers in
1028 the developer's study. They used a factor of four trips per home. That's more
1029 consistent with an assisted living facility. We feel that it would be more
1030 appropriate in this case to use a number of seven or eight trips per home, which
1031 is more consistent with a townhome community. The reason being, this is a 55-
1032 and-up community. Most of those folks are still going to be working, which would
1033 be more consistent, again, with folks in a townhome, for example.
1034
1035 So we don't agree with the number of trips in the study. Additionally, we have
1036 concerns about traffic from the surrounding roads that weren't considered. For
1037 example, cut-through traffic that might be coming from Cauthorne and Ashland
1038 Road, as well as even Nuckols and Pouncey Tract Road that might decide to use
1039 this as a cut-through to get either way. None of that was considered. So we don't
1040 agree with the numbers in the study, sir.
1041
1042 Mr. Leabough - Thank you.
1043
1044 Mr. Archer - All right. Thank you, Mr. Yob. Anything further?
1045
1046 Ms. Jones - This is not really a question. I know you're up and
1047 down, up and down. It's a comment, and it has to do with evaluating a proposal
1048 like this. I think there's no question Wyndham's a fine community. It's a beautiful
1049 community and serves its residents well. And I would hope that whatever
1050 development comes on the other side of the Chickahominy is as well a beautiful
1051 community that serves its residents well and is a wonderful addition to the region.
1052
1053 That being said, we do have within our Comprehensive Plan a guideline that
1054 really does look at existing neighborhoods and impacts on existing
1055 neighborhoods as a way to evaluate new development and new approvals. And I
1056 do think that we owe to our existing neighborhoods a tremendous amount of

1057 attention because they are here. I think that the community in Hanover sounds to
1058 me like it could be a very successful community with three entrances as opposed
1059 to four. It isn't that it can't be built. It isn't that it won't be built. It isn't that it won't
1060 be wonderful. The question is must it connect. And so those are the forces that
1061 we need to decide up here. I think it's a difficult one, but it is certainly a tip to land
1062 use and planning principles. And I think we have to give that very deep
1063 consideration.

1064
1065 So I appreciate everyone's comments. This has been certainly engaging for the
1066 community, and I can't thank the community enough, and for the developer as
1067 well, to present their cases. Engagement is important.

1068
1069 Mr. Archer - Thank you, Ms. Jones. Anything further from the
1070 Commission? Mr. Secretary, do we need to read the resolution into the record?

1071
1072 Mr. Emerson - Mr. Chairman, we can either do that or a simple
1073 motion recommending PCR-8-16 to the Board of Supervisors would also work.
1074 And of course the action of this resolution is recommending the removal of
1075 Dominion Club Drive between Old Wyndham Drive and the Hanover County line
1076 from the Major Thoroughfare Plan.

1077
1078 Mr. Archer - Thank you, Mr. Secretary. Let me make one
1079 comment, if I may. Whatever recommendation is made to the Board tonight will
1080 be heard on November the 8th.

1081
1082 Mr. Emerson - November the 9th.

1083
1084 Mr. Archer - Is it the ninth?

1085
1086 Mr. Emerson - Yes sir. They moved it for the election.

1087
1088 Mr. Archer - Because of Election Day?

1089
1090 Mr. Emerson - Yes sir.

1091
1092 Mr. Archer - Thanks, I'm glad you clarified that because I'd heard
1093 differently. I'm just saying that so you will know what date the Board will meet to
1094 make the final decision on this. And you've heard the resolution explained by
1095 Mr. Emerson. So at this point, I guess we would need a vote.

1096
1097 But I would like to ask one thing. Most of you from Wyndham will probably want
1098 to leave once our decision is made. So please don't stand up hooting and
1099 hollering and clapping. We have other business that we need to take care of
1100 tonight. You can stay if you like, but if you do leave, please leave quietly and as
1101 quickly as you can, because there are other folks here who need to be heard.
1102 Thank you so much.

1103
1104 Okay, I think we're ready for a motion this.
1105
1106 Mr. Witte - All right, Mr. Chairman. We received a lot of
1107 information. A couple of issues that stuck out to me were the police and fire
1108 reports, as well as the recommendation of staff. We do have to concern
1109 ourselves with the health and welfare of the public. And Mr. Yob made a very
1110 important statement referencing cut-through traffic that hadn't been considered,
1111 at least not by me.
1112
1113 With that being said, Mr. Chairman, I move resolution PCR-8-16, Dominion Club
1114 Drive north of Wyndham Drive Major Thoroughfare Plan amendment be
1115 approved as presented.
1116
1117 Mr. Leabough - Move on to the Board of Supervisors with a
1118 recommendation of approval.
1119
1120 Mr. Archer - Yes. That is a recommendation to the Board, okay.
1121
1122 Mr. Witte - An approval of recommendation to the Board of
1123 Supervisors.
1124
1125 Mr. Archer - All right.
1126
1127 Mr. Witte - Excuse me
1128
1129 Mr. Archer - That's all right. Is there a second?
1130
1131 Mr. Leabough - Second.
1132
1133 Mr. Archer - Motion by Mr. Witte and seconded by Mr. Leabough.
1134 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1135
1136 Thank you all.
1137
1138 Mr. Emerson - Mr. Chairman, we now move on to the next item on
1139 your agenda, which appears on page 1. It is another public hearing item. The
1140 staff report will be presented by Mr. Ben Blankinship.
1141
1142 **PUBLIC HEARING: ORDINANCE – To Amend and Reordain Section 24-**
1143 **12.1 Titled "Provisional uses permitted," Section 24-94 Titled "Table of**
1144 **regulations," and Section 24-95 Titled "Additional requirements, exceptions and**
1145 **modifications" of the Code of the County of Henrico to Allow Front Porches on**
1146 **Certain Dwellings by Provisional Use Permit.**
1147

1148 Mr. Archer - Thank you, Mr. Secretary. Good evening again,
1149 Mr. Blankinship.

1150
1151 Mr. Blankinship - Good evening Mr. Chairman, members of the
1152 Commission. As the secretary said, this is a matter that we discussed in work
1153 session last month. The concern being that there are some situations in older
1154 subdivisions where the revitalization of a neighborhood might be advanced by
1155 allowing people to add front porches onto existing dwellings. This can sometimes
1156 improve neighborhood appearance and increase property value. However, in
1157 some of those neighborhoods, it was common to build the dwellings at or near
1158 the front setback line. And in a case like that, there may not be room to add a
1159 front porch.

1160
1161 This first came to our attention or was really emphasized to our attention some
1162 months ago when a case was brought to the Board of Zoning Appeals. You see
1163 the two houses on the left used to look like the four houses on the right. This is
1164 on Rollingwood Road—I'm sorry—Rockwood Road in the Rollingwood
1165 subdivision. A contractor bought the house in yellow there first and did a
1166 complete renovation, complete overhaul, more than doubled the floor area of that
1167 house and more than doubled the assessed value of the house. Unfortunately,
1168 his plans were not drawn accurately, and they were approved showing that the
1169 front porch would be at the setback line when in fact the front wall of the house is
1170 at the setback line and the front porch extends forward of the setback line. He
1171 then bought the house next door and did essentially the same thing. So both of
1172 those houses that you see on the left are in violation of the front yard setback.
1173 When the first one sold, this error was noticed at the closing.

1174
1175 So the buyer approached the Board of Zoning Appeals and requested a
1176 variance. Unfortunately, state law and case law handed down by the courts is
1177 such that the Board really could not grant the variance in that case because the
1178 hardship was self-imposed. There was no reason why he had to build it that way;
1179 he just did by mistake. And the Board of Zoning Appeals doesn't have the
1180 authority to grant a variance in that kind of a situation. So they denied the
1181 variance, but they felt so bad about the situation that the Board of Zoning
1182 Appeals actually wrote a letter to the Board of Supervisors suggesting that they
1183 should exam this issue and consider whether the code should be amended so
1184 that this could be encouraged. One of our goals as a County is to revitalize our
1185 older neighborhoods and to see that sort of renewal take place. And everybody
1186 seems to agree that these homes are beautiful. The contractor has done a public
1187 service here but unfortunately ran afoul of the code.

1188
1189 So we have proposed, after some study, an amendment that would affect three
1190 sections of Zoning Ordinance in order to allow, as you see there, a front porch
1191 extending no more than eight feet into the front yard setback on a one-family
1192 dwelling in a subdivision approved prior to January 1, 1960. As I mentioned to
1193 you last month, quite a few changes took place. Well the entire Zoning Ordinance

1194 was replaced in 1960. And at that time, the subdivisions that were already
1195 approved and recorded and built were given various protections and grandfather
1196 clauses in the vernacular. So that's a date that we're used to looking to and we're
1197 used to treating differently. Exception subdivisions, as we call them, already have
1198 different sets of rules. So we felt comfortably tying this amendment to that date
1199 as well. So in order to revitalize those older neighborhoods, we would
1200 recommend that change. In 24-12.1, of course, the use is allowed by provisional
1201 use permit in the one-family residence districts.

1202

1203 And then there are two other sections that relate to the same topic. So 24-94 is
1204 the Table of Regulations where you have the front yard setback spelled out. And
1205 we add a note "ee" to that table, which would simply reference back to this
1206 section, that in those cases even though the setback is 35 feet, a provisional use
1207 permit can be approved to allow a front porch.

1208

1209 And then essentially the thing in 24-95(i)(4), which regulates projects into
1210 setbacks. Again, just so somebody looking through the code in any of these
1211 places would see that this allowance does exist in Section 24-12(e).

1212

1213 So that is the proposal that is before you. I think a copy was included in your
1214 package. I have a paper copy if anybody failed to bring theirs or would like
1215 another. We would ask that you recommend approval of the amendment to the
1216 Board of Supervisors. What are your questions?

1217

1218 Mr. Archer - All right. Thank you, Mr. Blankinship. Are there
1219 questions or comments, concerns from the Commission?

1220

1221 Ms. Jones - No.

1222

1223 Mr. Leabough - No sir.

1224

1225 Mr. Archer - You must have done a good job. Okay. What is your
1226 pleasure on the motion, Commission?

1227

1228 Mr. Emerson - It is a public hearing, Mr. Chairman.

1229

1230 Mr. Archer - Oh, I'm sorry. It is a public hearing. Any comments
1231 from the audience?

1232

1233 Mr. Emerson - I think we lost everybody.

1234

1235 Mr. Archer - Like I said, Mr. Blankinship, you did a good job. Okay.
1236 If there are no further questions or comments, then we can entertain a motion.

1237

1238 Ms. Jones - So we move the recommendation of the ordinance
1239 amendment. Okay. I so move. To the Board of Supervisors, I recommend that
1240 this ordinance amendment be adopted.

1241
1242 Mr. Leabough - Second.

1243
1244 Mr. Archer - All right. Motion by Ms. Jones and seconded by
1245 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
1246 motion passes.

1247
1248 Thank you, Mr. Blankinship.

1249
1250 Mr. Emerson - Mr. Chairman, we now move on to page 2 of your
1251 agenda for REZ2016-00036, James W. Theobald for Gaskins & Patterson, Inc.
1252 The staff report will be presented by Ms. Rosemary Deemer.

1253
1254 **REZ2016-00036 James W. Theobald for Gaskins & Patterson, Inc:**
1255 Request to amend proffers accepted with rezoning case C-8C-07 on Parcels
1256 745-739-4198, -4395, -4692, -4889, -5186, -6476, -6779, -7081, -7385, 745-740-
1257 3007, -3305, -3703, -4125, -4623, -4921, -5320, and part of 745-740-6503
1258 located on the north line of Derbyshire Road approximately 1145' east of its
1259 intersection with N. Gaskins Road. The applicant proposes to amend proffers
1260 related to landscaping and fencing. The existing zoning is RTHC Residential
1261 Townhouse District (Conditional). The 2026 Comprehensive Plan recommends
1262 Urban Residential, density should range from 3.4 to 6.8 units per acre.

1263
1264 Mr. Archer - All right, thank you. Is there anyone here who is
1265 opposed to REZ2016-00036, James W. Theobald for Gaskins & Patterson, LLC?
1266 We have opposition. Thank you, we'll get to you. Good evening, Ms. Deemer.

1267
1268 Ms. Deemer - Good evening.

1269
1270 Mr. Chairman, members of the Commission, the applicant is requesting to amend
1271 proffers accepted with rezoning case C-8C-07 relating to landscape buffers and
1272 fencing. Proffers permitted utility, drainage, sanitary sewer and site distance
1273 easements, pedestrian access ways, and retaining walls within the buffer area
1274 but precluded fencing. This proposal would expand the uses to include fencing
1275 and allow it to be located within 10 feet of the right-of-way of Derbyshire Road.

1276
1277 The property is zoned Residential Townhouse District (Conditional), and the
1278 2026 Comprehensive Plan recommends Urban Residential. Surrounding
1279 properties include the remaining Grayson Hill community to the north and west,
1280 Sleepy Hollow Forest subdivision to the east, and the Brandon West and
1281 Gaslight subdivisions to the south.

1282

1283 The property was added to the Grayson Hills community in 2007 when the 5.736
1284 acres of land was rezoned. The five existing homes you can see here along the
1285 north line of Derbyshire Road had minimal tree cover or landscaping at the time
1286 of the rezoning. The homes were demolished and 16 townhomes were approved
1287 and constructed via POD2013-00096, which was Section 5 of Grayson Hill.
1288

1289 The topography of the area begins to change near the intersection of Derbyshire
1290 Road and Branway Drive. At the intersection, the elevation is at a high point of
1291 220 feet, but the slope starts to fall away at that point. The headlight glare from
1292 on-coming vehicles from Branway Drive shines directly into the second-story of
1293 homes along Derbyshire.
1294

1295 The applicant has erected a small section of fencing onsite so neighbors can see
1296 where the proposed fence would be located and what it would look like. It would
1297 be no less than 10 feet from the right of way line of Derbyshire Road and only
1298 affect approximately 680 feet of frontage that was part of the 2007 rezoning case.
1299 Based on input received during a community meeting, the applicant has also
1300 proffered that the finished side of the fence would face Derbyshire Road.
1301

1302 Staff does not believe the proposed proffer amendments would negatively impact
1303 the adjacent residential uses and therefore, 'supports this request. I'd be happy to
1304 answer any of your questions.
1305

1306 Mr. Archer - Thank you, ma'am. Are there questions for
1307 Ms. Deemer?

1308
1309 Ms. Jones - Not from me.
1310

1311 Mr. Archer - Okay. Thank you, ma'am. We do have opposition.
1312

1313 Female - I have a question.
1314

1315 Mr. Archer - Ma'am, you'll have to come up to the microphone,
1316 please.
1317

1318 Dr. Nelson - Good evening, Mr. Chairman, members of the
1319 Commission. I'm Dr. William Nelson. I live at 409 Branway Drive. I'm really sorry
1320 it's our headlights that are causing the trouble. But Brandon West, which enters
1321 onto Derbyshire, is a dead-end subdivision. That's the only way in or out. The
1322 approach to the road goes uphill, so the headlights just aim right into those
1323 second stories. We are sorry about that. You could have seen this coming, I
1324 suppose, because the road was there before the subdivision.
1325

1326 We watched this come up from what it was for many years. When the
1327 landscaping plan—by the way, we're about 35, 40 houses living in there. And I
1328 think I speak for most of my neighbors. We watched this come up, and we were

1329 pretty gratified to see the landscaping plan that the Commission approved. And it
1330 did provide visual appeal. It looked pretty good. We're very grateful for the
1331 sidewalk and walking path in the front. And it seemed fine to us.

1332

1333 Now, we understand the dilemma. We certainly don't want to be inconveniencing
1334 the people in the townhomes with our headlights. But on the other hand, we don't
1335 want to look at the backside or the front side of a plain wood fence for the next 40
1336 years either. The original landscape plan was, in a sense, a contract. It was
1337 approved; everybody agreed with it; and it looked good. We thought that's the
1338 bargain we were getting. And now we see we're going to deal with a fence, which
1339 will not look anything like what it looks like now.

1340

1341 The opposition is really over the landscaping plan and not necessarily the fence
1342 itself. I can't tell from that what the landscaping on the road side of the fence
1343 would be, what we would be looking at, how attractive it would be, and how it
1344 would be maintained.

1345

1346 Those are really our issues. If you look at the area going down towards Gaskins
1347 Road, which is a more natural area, it is really not well maintained. It's a native
1348 area, but there are a lot of trees, and some of them have died. They tried to
1349 water it, but it just didn't work out. So it's a pretty rough-looking kind of junky
1350 looking forest going down that direction. I'd hate to see it go that way.

1351

1352 If you look further east down Derbyshire towards the other side of Lakewater,
1353 which is just on the other side of that where you can't see, there's another fence
1354 for the community north of Derbyshire. It has lots of evergreens planted along the
1355 fence. It provides a nice visual blockage of the fence. It looks attractive; it looks
1356 good from the road. It makes a nice visual barrier.

1357

1358 Our concern is that they have a really good plan for this one that doesn't detract
1359 from our neighborhood, from how it looks, and improves the overall tone and
1360 condition of the neighborhood. We think that's the bargain we had when we
1361 approved they first plan, and that's the bargain we'd like to see kept.

1362

1363 So thank you.

1364

1365 Mr. Archer - Thank you, sir. Questions for Dr. Nelson?

1366

1367 Ms. Jones - Not so much a question. I did want to just ask a
1368 couple of things. You said that was the bargain you received, and I agree with
1369 you. These arrangements are made because it benefits the development, it
1370 benefits the neighbors—and yes, I was part of that. And you don't have to
1371 apologize for headlights. I don't want you driving without headlights.

1372

1373 Dr. Nelson - We have a lot of sympathy for the developer, for the
1374 project, and for the people. But we can't turn off our lights when we turn onto
1375 Derbyshire.
1376
1377 Ms. Jones - Well, I want you to be safe. This is pretty
1378 straightforward. I think you raised some very legitimate concerns, and we'll get
1379 the applicant to answer that for you. I do think you understand why the request
1380 was made.
1381
1382 Dr. Nelson - Yes I do.
1383
1384 Ms. Jones - It was just something that all of a sudden is apparent
1385 that there's a problem, let's solve it. I thank you for your comments, and I'll get
1386 the applicant up here to give you some answers, hopefully, so you can rest
1387 assured that this will continue to be a beautiful neighbor across the street.
1388
1389 Dr. Nelson - Great. Thank you.
1390
1391 Mr. Witte - I do have one question.
1392
1393 Dr. Nelson - Yes sir.
1394
1395 Mr. Witte - You said you weren't concerned about the fence?
1396 You just want some landscaping in front of it?
1397
1398 Dr. Nelson - I understand the need for the fence. And I think most
1399 of my neighbors understand the need for the fence. I think it's a shame that it
1400 couldn't have been anticipated and something more durable and denser
1401 vegetation put up to accomplish this. But it is what it is. They've got the hill. The
1402 headlights are in there. So we see the need for some barrier. If a fence is what it
1403 is, okay, but I would like to see something attractive and worthy of both the
1404 quality of this subdivision and the quality of ours along that road so we'll be
1405 looking at something fairly nice. If it's not a fence, if it's packed in evergreens,
1406 that would be fine too. But we understand the issue.
1407
1408 Mr. Witte - Thank you.
1409
1410 Mr. Archer - All right.
1411
1412 Ms. Jones - Can I have the applicant come up?
1413
1414 Mr. Archer - Yes, would the applicant please come forward. I'm
1415 sorry, ma'am. Excuse me. Did you want to say something?
1416
1417 Female - [Off microphone.] Yes.
1418

1419 Ms. Jones - Oh, I'm sorry. Come on up.
1420
1421 Mr. Archer - Come on up.
1422
1423 Ms. Jones - I didn't realize.
1424
1425 Mr. Archer - I didn't time Dr. Nelson, but I think we have about
1426 three minutes left.
1427
1428 Ms. Nelson - I think I know that guy. I'm Judy Nelson. So, yes. I'm
1429 probably the half of this partnership that's maybe not as mild mannered. They
1430 dug out tons, hundreds and hundreds of tons of dirt in order to build that row of
1431 condominiums. And I think it was kind of greedy of them, actually. They had a big
1432 parcel of land. I don't think it was well thought out because obviously Branway
1433 Drive is way above it. They knew that. It wasn't going to be a big surprise,
1434 because they removed—I've never seen people remove that much dirt. They
1435 probably dug out as much as this whole room of dirt to build those condominiums
1436 and did all manner of things to get them in there. And then of course on the
1437 second or third floor, how many ever floors it is, they're still above the street
1438 level. How they figured out the drainage isn't my problem, but anyway. So I'm a
1439 little annoyed that they didn't figure that out, and they just needed those how
1440 many other more units in this huge development.
1441
1442 We have the small, established development that you're talking about. It's
1443 existing. It's about 40, 45 years old. It's a stable neighborhood. We have people
1444 that have lived there for over 30 years. The Adolf's live there. They could live
1445 anywhere. They won't move because they love it; we all love it. It's safe. We
1446 know our neighbors. We're about to have a fall festival. And I just want to be
1447 treated with the respect that a modest neighborhood of this nature—which
1448 Henrico's full of them—deserves. I know that Grayson Hill is big, and it's fancy,
1449 and it's what people want now. But we have what we want now, and we don't
1450 want our property values to suffer.
1451
1452 We've been through this before, actually with Mr. Theobald on the other side, in
1453 Raintree. There was a proposal for a Crown station at the corner of Flintwood
1454 and Ridgefield Parkway. And we successfully got that to go away.
1455
1456 We do want the respect of the Commission in terms of preserving our
1457 neighborhood and our property values. And you know what people see when
1458 they drive into a neighborhood is very important. And so what they're going to
1459 see across the street is very important. As we age up, some of us sell our homes
1460 and it turns over to lovely people with kids. We walk right through to Avalon. It's
1461 just a lovely spot. It's just a little jewel. We get along well with Gaslight, with all
1462 the people in Sleepy Hollow. We cut through each others' yards to walk the dogs
1463 and so on and so forth. We really just want to preserve that. I can't think that they
1464 couldn't have figured this out a little better.

1465
1466 I guess landscaping. I'm not clear—and maybe this will be answered—on how
1467 long that fence will be, where it will start and where it will end. As Dr. Nelson
1468 said, from Gaskins in to—I don't know how many feet in it would be, but the treed
1469 area has not been kept up nicely at all. It's not mowed well. The County I guess
1470 is taking care of it somewhat. It's okay, but it hasn't really been kept up the way
1471 we thought it would be. They just left a few scrubby trees there, and they're doing
1472 what they want. And that's okay. That's nature.

1473
1474 And then they planted trees in this buffer part in July, which is a terrible time to
1475 plant a tree. So about half of them did die. And then they replanted and brought
1476 water trucks and stuff. So they've been really trying hard to get those trees to
1477 live, and a good number of them are. But apparently more are needed. I think
1478 that they could just make those trees a lot denser. But then again, in the winter,
1479 you'd have to really know your trees to know which ones would work out.

1480
1481 So I'm not 100 percent opposed to a fence. They look really nice when they're
1482 new, but they all gray out and just look kind of like old wood after a while. And
1483 this isn't the country; this is the suburbs. So we really want to make sure that
1484 something—probably a hedge more than fence, but something appropriate is
1485 there between us and the fence so that it's good looking and maintained by the
1486 people that are living in there and paying for that. Not necessarily by the County.

1487
1488 I'm not sure where the line even is. It's hard for the County to maintain all of this.
1489 And we really understand that because we've got a lot of these areas.

1490
1491 Ms. Jones - We can get your questions answered for you tonight.

1492
1493 Ms. Nelson - Perfect.

1494
1495 Ms. Jones - Thank you so much.

1496
1497 Mr. Witte - Ms. Nelson, I have just one comment. I like fall
1498 festivals.

1499
1500 Ms. Nelson - We are just about to have one. Would you like to
1501 come? We are. We have three cul-de-sacs, and we usually designate one, and
1502 everybody just brings something. We put grills out, and we have a good time.

1503
1504 Mr. Witte - Okay.

1505
1506 Mr. Archer - All right. Thank you. I don't think there's any more
1507 opposition. We need to hear from the applicant.

1508
1509 Ms. Nelson - [Off microphone; inaudible.]

1510

1511 Mr. Geiger - Good evening, Mr. Chairman, members of the
1512 Commission.

1513
1514 Mr. Archer - Good evening, sir.

1515
1516 Mr. Geiger - My name is Jeff Geiger. I'm with Hirschler Fleischer. I
1517 know you were expecting to see Mr. Theobald. I'm happy to report that he's on
1518 vacation this week, and I'm here in his stead and here on behalf of the applicant.
1519 Gumenick Properties and the owners within Section 5 of Grayson Hill.

1520
1521 I appreciate the comments. I brought some slides—but I can use this one to start
1522 with; I may need to switch over—to address some of the question on the
1523 plantings that were raised. The slide here, as staff pointed out, does show the
1524 plan. The fence is the brown line. To answer the question from the neighbor, it's
1525 about 680 feet in length. It will be set back ten feet from the public right-of-way
1526 line, at a minimum. That means it's on the private property of Grayson Hill. The
1527 homeowners association will be maintaining that. At construction, Gumenick
1528 Properties will be putting a six-year stain on that fence to make sure that it is—a
1529 great appearance is an important element of the Grayson Hill subdivision and will
1530 continue be maintained in that fashion by the HOA.

1531
1532 There is a significant amount of landscaping planting already planted. That
1533 planting will remain. We may have to move a couple. If they're in the way, they're
1534 not coming out; they're just going to be relocated. In addition, we will be adding
1535 landscaping on the Derbyshire side of the fence. This landscaping includes three
1536 new arborvitaes, 28 new hollies, and 42 new switchgrasses. You can see that on
1537 this plan with the kind of colored renderings in the front of the fence.

1538
1539 A neighbor did point out the amount of dirt that was removed. As you may know,
1540 like staff mentioned, this did start as six ranch-style homes that were already
1541 naturally depressed below the grade of Derbyshire. You may recall from the
1542 original case we were not allowed to make a connection to Derbyshire, so that
1543 means we had to make the connection down to Gaskins. Gaskins is at a lower
1544 elevation. And so in order to make that connection, yes, additional dirt did have
1545 to be taken out in order to safety get to Gaskins.

1546
1547 I would like to note that the finished side of the fence will face towards
1548 Derbyshire. We have the support of the Grayson Hill Homeowners Association
1549 and its Architectural Review Committee. We have the support of the neighbor on
1550 Branway and Derbyshire, who is on that corner and is going to be looking at that
1551 fence. They've provided a letter of support. And we've also met with the Sleepy
1552 Hollow Forest neighborhood, and they have no objection to the request.

1553
1554 I'll be glad to answer any questions that you may have at this time.

1555
1556 Mr. Archer - Thank you, sir. Any questions?

1557
1558 Ms. Jones - Mr. Geiger, the fence goes down 680 feet. Sometimes
1559 that's had for people to translate in their mind. You can see here you're going a
1560 little bit—you're going west of Branway. What's the closest connection after that
1561 fence ends so that they can perhaps understand exactly how far down there to
1562 the west it will go?
1563
1564 Mr. Geiger - The next intersection down?
1565
1566 Ms. Jones - Yes.
1567
1568 Mr. Geiger - I apologize; I do not know.
1569
1570 Ms. Jones - I just wanted to see how close it was to Gaslight or—
1571
1572 Mr. Geiger - I think Gaslight, a little further down.
1573
1574 Ms. Jones - Yes. Just something so the Nelsons can visualize
1575 how far down it goes.
1576
1577 Ms. Deemer - Right. The fence will come in right about here, and I'll
1578 see if I can get a little bit—okay. So the fence will start right where that little
1579 yellow dot is.
1580
1581 Ms. Jones - Okay.
1582
1583 Ms. Deemer - So it's just to the west of Branway well before
1584 Gaslight.
1585
1586 Ms. Jones - Well before Gaslight.
1587
1588 Ms. Deemer - Well before. So it's kind of in between. You kind of
1589 have to split the difference on that one townhouse building. This is literally where
1590 those five houses had been—six lots, five houses—and that's the edge. The
1591 yellow-dashed line is the edge of the property line that comprised those six lots,
1592 but five houses. And I'll show this one more time to see if it helps. So this house
1593 right here was the previous house farthest west that used to be there. Here's
1594 Branway here. This is Derbyshire. And we didn't want to get too confusing, so we
1595 didn't go too far up. But so that was that last old house. There we go.
1596
1597 Ms. Jones - Okay. Thank you. I think sometimes we have to get
1598 the bigger picture here to make sure that the understanding is exactly where this
1599 will go.
1600
1601 The conversation really is about the look of the fence and the streetscape. I do
1602 note—if you could go to the slide that has the proposed additional supplemental

1603 landscaping along the fence—there you go—that the Branway Drive entrance is
1604 one of the targets for the landscaping. How tall will those smaller shrubs be?

1605
1606 Mr. Geiger - At the time of planting, they will be 18 inches.
1607

1608 Ms. Jones - And they will get how tall? I'm sorry. I'm putting you
1609 on the spot as a landscape architect here.
1610

1611 Mr. Geiger - Oh, no problem. They are the hollies, so I would
1612 assume they're going to get like a holly that gets up to about three or four feet
1613 tall.
1614

1615 Ms. Jones - They're certainly not going to be taller than the fence.
1616

1617 Mr. Geiger - No.
1618

1619 Ms. Jones - There will be taller items behind the fence.
1620

1621 Mr. Geiger - Correct. The existing trees that are planted will
1622 provide a tree canopy. We expect them to grow to about 20 feet in height. The
1623 landscapers have looked at this from an aesthetic perspective. They want to add
1624 the green color below. You'll have a portion of the fence in the middle and then
1625 the big tree canopy above. I know the neighbors did bring up the comment of well
1626 why couldn't you just do some landscaping. Unfortunately, you can't get the
1627 landscaping to grow together to provide that solid wall that screens those
1628 second-story windows from the headlights.
1629

1630 Ms. Jones - It's been brought up in conversation that sometimes
1631 when shrubbery is planted, even if it's staggered, it ends up being a flashpoint as
1632 the headlights come up and down the road. It is not an ideal way, although it's
1633 certainly attractive and soft. But I think sometimes the hardscape is the only way
1634 to get there.
1635

1636 Just another question, because it was brought up by the Nelsons. And I want to
1637 try to address their concerns. The natural area that remains between where this
1638 fence is as you go further towards Gaskins, that will be finished off as further
1639 development happens. Is that correct?
1640

1641 Mr. Geiger - That's correct.
1642

1643 Ms. Jories - And that will be finished off in a similar landscaped
1644 way to the way in which the rest of the property is maintained?
1645

1646 Mr. Geiger - That is my understanding that we are—Gumenick
1647 Properties wants to have a uniform look to the entire development.
1648

1649 Ms. Jones - So that natural area is on a holding pattern until the
1650 development finishes out.
1651
1652 Mr. Geiger - Correct.
1653
1654 Ms. Jones - Okay. That was something else. Okay, I have no
1655 more questions. Go ahead.
1656
1657 Mr. Witte - Can you go back to the fence elevation?
1658
1659 Mr. Geiger - The picture, sir?
1660
1661 Mr. Witte - Yes, please. Is there something aesthetically that can
1662 be done so it doesn't look like a wall and looks more decorative?
1663
1664 Mr. Geiger - Great question, sir. It is something we have looked at.
1665 Unfortunately, to add that decorative element that you're asking for—
1666
1667 Mr. Witte - I'm not asking for anything.
1668
1669 Mr. Geiger - —destroys—does not provide the screen that the
1670 second-floor windows need. Adding decorative elements allows that light to come
1671 through. We have proffered that the finished side, the nicer side of the fence will
1672 be facing Derbyshire.
1673
1674 Mr. Witte - So a small arch or something on there?
1675
1676 Mr. Geiger - To do that, you're pushing the fence down. At that
1677 point, you're not going to be able to provide the screen that you need.
1678
1679 Mr. Witte - So some solar light caps on the posts? I'm drawing at
1680 straws here.
1681
1682 Mr. Geiger - I think we've done a very good job.
1683
1684 Mr. Witte - Okay, thank you.
1685
1686 Mr. Geiger - We have a need to screen that light. We've come up
1687 with the best design we can.
1688
1689 Ms. Jones - My thought would be that the least obtrusive way to
1690 accomplish this goal, the best look without solar lights or anything to call attention
1691 to the fence would be preferable.
1692
1693 If you don't mind staying here. You'll have to come to the mike. We have one
1694 more question, apparently, and I'd like to try to address her concerns.

1695
1696 Dr. Nelson - Thank you. Part of the problem was we just couldn't
1697 see the plan very well from the planning document where the plantings would be.
1698 And this has been very helpful.
1699
1700 If you see where the fence is, all those things you see now, as I understand it,
1701 are going to be on the Grayson Hill side. So the fence is actually probably going
1702 to be a little closer in. And so Grayson Hill gets all that nice stuff, and we're not
1703 quite sure what we're going to get on the other side. I would just like to see
1704 plantings that grow up and cover a fair amount of the fence and complement the
1705 fence well. If the fence is six feet high, plantings that will grow to six feet, grasses
1706 that will grow to six feet. Something that will just look good there and not just be
1707 something that's done so they can get on with it and make it look nice on the
1708 other side. That's my main concern.
1709
1710 My understanding wasn't that there was going to be finish work done from that
1711 curve back to Gaskins because there are no residential homes back there.
1712 There's something going on; I don't know what. But I'm very glad to hear that
1713 they're going to finish that out.
1714
1715 Again, it's how it looks when they put the landscaping in and stuff. We'd just hate
1716 to see a shoddy job done.
1717
1718 Ms. Jones - I agree with you. And I would like the applicant to just
1719 come on up and let's confirm that the landscaping will be of a comparable quality
1720 and maintenance to the rest of the Grayson Hill community.
1721
1722 Mr. Geiger - That's correct. And it will be determined at the time
1723 we present the landscaping plan. We'll also have to come in to amend the site
1724 plan.
1725
1726 Ms. Jones - All right.
1727
1728 Mr. Leabough - Ms. Jones, may I make a quick comment?
1729
1730 Ms. Jones - Sure.
1731
1732 Mr. Leabough - It's actually not a bad looking fence, to be honest. I've
1733 seen a lot worse proposed with rezoning cases. It's actually a pretty decent
1734 looking fence. It's a nice looking fence.
1735
1736 Ms. Jones - It actually does complement the existing fencing on
1737 the property.
1738
1739 Mr. Archer - If I might offer one caution. When the plantings are
1740 put in place, if they're put too close to the fence, as they grow they'll make the

1741 fence very difficult to maintain. So I just think you need to sort of keep that in
1742 mind.
1743
1744 Mr. Leabough - Usually we hear the opposite, right? Most people
1745 want fences to buffer neighborhoods.
1746
1747 Mr. Archer - Okay, anything further?
1748
1749 Ms. Nelson - [Off microphone; inaudible.]
1750
1751 Mr. Archer - Ma'am, you'll have to make it quite quickly.
1752
1753 Ms. Jones - Okay. This will have to be the end of the
1754 conversation, yes.
1755
1756 Ms. Nelson - Okay, this is real specific. I just wanted you to say
1757 again what the plantings were. I'm actually a tree steward, so I know a little bit
1758 about this. I was pretty horrified when they were planting the trees that they were
1759 planting when they were doing it.
1760
1761 Ms. Jones - If you'd like to let him come on up, he will go back
1762 through the specifics.
1763
1764 Ms. Nelson - Afterwards?
1765
1766 Ms. Jones - No. He mentioned that.
1767
1768 Ms. Nelson - Okay. So that's one question. I just got the ten feet
1769 back and the three arborvitaes, but I didn't get everything else written down. It's
1770 so important right tree, right place. So again, if you plant something that wants to
1771 be too big, it's going to pick up your sidewalk. If it's too small, it's not going to
1772 really give us the look that we need. The reason I come back to this is because
1773 judging from when they planted and some of what they planted—I mean a
1774 dogwood in July is never going to live. I don't think that they're getting very good
1775 advice.
1776
1777 Mr. Leabough - So you all need to coordinate on that.
1778
1779 Ms. Nelson - So I really hope that they get some better advice.
1780
1781 Ms. Jones - All right.
1782
1783 Ms. Nelson - I don't know how that will happen. But if you want to
1784 see me afterwards, I can recommend some tree stewards to you.
1785

1786 Ms. Jones - Thank you. Mr. Geiger? Do you know who is doing
 1787 the landscaping?
 1788
 1789 Mr. Geiger - Cite Design, who you guys are very familiar with, did
 1790 the landscaping plan. I would presume they would be coordinating the
 1791 landscaping going forward.
 1792
 1793 Gumenick Properties does try not to plant at the worst times. Sometimes it's just
 1794 the way the development comes out. The trees need to go in at a required time.
 1795 My understanding is they did lose a few, as the Nelsons mentioned. But they're
 1796 back out there replacing them, getting water trucks out there. Even though they
 1797 might not be planting at the ideal time to plant, they are making sure that those
 1798 plants do survive.
 1799
 1800 Ms. Jones - The species just one more time.
 1801
 1802 Mr. Geiger - It is a nigra arborvitae, shamrock holly, and
 1803 Shenandoah switchgrass.
 1804
 1805 Ms. Nelson - [Off microphone.] How many did you say?
 1806
 1807 Mr. Geiger - So it's 42 of the switchgrass.
 1808
 1809 Mr. Leabough - You all can—oh, go ahead. I'm sorry.
 1810
 1811 Mr. Geiger - Do you want me to talk to them afterwards?
 1812
 1813 Ms. Jones - I think the details you can get from staff because she
 1814 has the plans. That will be fine. Thank you. I hope you continue your horticultural
 1815 studies.
 1816
 1817 Mr. Geiger - It's a good thing they use Cite Design, because they
 1818 don't want to use me. Thank you.
 1819
 1820 Ms. Jones - All right.
 1821
 1822 Mr. Archer - All right, thank you. Go ahead, Ms. Jones.
 1823
 1824 Ms. Jones - I always try to make sure that anybody who has
 1825 questions is well satisfied by the end of this discussion, that at least those points
 1826 have been considered and brought up. I think you always have a way to express
 1827 your opinions, and I'm happy to hear them. I do think that this is a very logical
 1828 solution to a problem that has come up. And I know it will be handled well, as the
 1829 rest of Grayson Hill has. And I charge the applicant to please do that.
 1830

1831 So with that, I would like to offer a motion that we forward REZ2016-00036,
1832 James W. Theobald for Gaskins & Patterson, Inc., to the Board with a
1833 recommendation for approval.

1834

1835 Mr. Archer - Before we vote, Ms. Jones, we were handed some
1836 proffers. Are they timely?

1837

1838 Ms. Jones - Yes.

1839

1840 Mr. Archer - Oh, okay. All right.

1841

1842 Mr. Emerson - Yes, they're fine.

1843

1844 Mr. Archer - Okay, go right ahead then.

1845

1846 Mr. Leabough - Second.

1847

1848 Mr. Archer - Motion by Ms. Jones, seconded by Mr. Leabough. All
1849 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1850

1851 **REASON -** Acting on a motion by Ms. Jones, seconded by Mr.
1852 Leabough, the Planning Commission voted 4-0 (two absent) to recommend the
1853 Board of Supervisors **grant** the request because the changes do not greatly
1854 reduce the original intended purpose of the proffers.

1855

1856 Mr. Emerson - Ms. Deemer, would you please go out and speak with
1857 the Nelsons and see if you can provide them the information they're looking for?

1858

1859 Mr. Chairman, the next two items on your agenda, appearing on page 2 as well,
1860 as companion cases, and will call them together. They will require separate
1861 motions, however. The first item is REZ2016-00034, Andrew M. Condlin for
1862 Discount Tire Company.

1863

1864 **REZ2016-00034 Andrew M. Condlin for Discount Tire Company:**
1865 Request to amend proffers accepted with Rezoning case C-31C-06 on Parcel
1866 769-756-3889 located on the east line of Staples Mill Road (U.S. Route 33)
1867 approximately 485' north of its intersection with Old Staples Mill Road. The
1868 applicant proposes to amend proffers related to prohibited uses. The existing
1869 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
1870 recommends Commercial Concentration.

1871

1872 Mr. Emerson - The companion case is PUP2016-00008, Andrew M.
1873 Condlin for Discount Tire Company. The staff report will be presented by Lisa
1874 Blankinship.

1875

1876 **PUP2016-00008** **Andrew M. Condlin for Discount Tire Company:**
1877 Request for a Provisional Use Permit under Sections 24-58.2(c), 24-120, and 24-
1878 122.1 of the County Code in order to allow installation of tires on Parcel 769-756-
1879 3889 located on the east line of Staples Mill Road (U.S. Route 33) approximately
1880 485' north of its intersection with Old Staples Mill Road. The existing zoning is B-
1881 2C Business District (Conditional). The 2026 Comprehensive Plan recommends
1882 Commercial Concentration.

1883
1884 Mr. Archer - All right. Thank you, Mr. Secretary. Is there anyone
1885 present who is opposed to either of these two cases for Discount Tire Company?
1886

1887 Mr. Witte - There's nobody here.

1888
1889 Mr. Archer - Is there anybody here?
1890

1891 Mr. Emerson - Everybody's abandoned us.
1892

1893 Mr. Archer - Ms. Blankinship, go right ahead. Good evening.
1894

1895 Ms. Blankinship - Good evening. Thank you, Mr. Chairman, members of
1896 the Commission.
1897

1898 As mentioned, this proffer amendment and provisional use permit requests are
1899 companion cases; therefore, I would like to combine my presentations. But as
1900 noted, approval of the proffer amendment is necessary before consideration of
1901 the PUP, and separate motions on the requests would be necessary by the
1902 Commission.
1903

1904 The subject property is located on the east line of Staples Mill Road
1905 approximately 485 feet north of its intersection with Old Staples Mill Road and is
1906 zoned B-2C. The 2026 Comprehensive Plan recommends Commercial
1907 Concentration.
1908

1909 The applicant proposes to develop the site for Discount Tire, a tire and wheel
1910 retailer. However, the current proffers prohibit automobile, truck, trailer,
1911 motorcycle, recreational vehicle or bus sales, rental, and repair. With this
1912 request, the applicant proposes to amend the proffer to allow for tire and wheel
1913 sales, installation, and repair. A companion provisional use permit application
1914 has also been submitted since auto parts sales, service, and/or installation in the
1915 B-2 district requires a provisional use permit.
1916

1917 In addition to amending Proffer #4(s), the applicant has included proffer language
1918 that the site would be developed in general conformance with the submitted
1919 conceptual plan, seen here.
1920

1921 The building would be located horizontally along the east line of Staples Mill
1922 Road, and the three installation bays would be located in the rear of the building
1923 facing the access road. A brick wall, six feet in height, would be constructed
1924 along the northern and eastern boundaries of the property to screen the bays
1925 from the access road and adjacent properties.
1926

1927 The applicant has also proffered that the 7,373-square-foot building would be
1928 constructed of brick veneer and in general conformance with these architectural
1929 elevations.
1930

1931 Staff believes the proffer amendment and provisional use permit request to allow
1932 tire and wheel sales, installation, and repair would be consistent with the site's
1933 zoning and land use designation.
1934

1935 In addition, the submitted proffers, conceptual plan, and elevations provide a
1936 number of quality guarantees and should limit impacts on adjacent properties.
1937 For these reasons, staff supports the requested proffer amendment and the PUP
1938 subject to the conditions identified in the staff report. A motion on the proffer
1939 amendment request would be necessary prior to any action on the provisional
1940 use permit request.
1941

1942 This concludes my presentation. I will be happy to answer any questions.
1943

1944 Mr. Archer - Thank you, Ms. Blankinship. Are there questions?
1945 Mr. Witte, any questions?
1946

1947 Mr. Witte - No sir.
1948

1949 Mr. Archer - Do you need to hear from the applicant?
1950

1951 Mr. Witte - Just for a minute, please.
1952

1953 Mr. Archer - All right. Would the applicant come forward, please?
1954

1955 Mr. Condlin - Mr. Chair, members of the Commission, Andy Condlin
1956 here on behalf of Discount Tire, just to make one statement. I'm the only case
1957 without opposition tonight. So I appreciate that.
1958

1959 Ms. Jones - Congratulations.
1960

1961 Mr. Emerson - We can find some.
1962

1963 Mr. Condlin - No. I'm just stating facts, not encouraging.
1964

1965 Mr. Witte - Mr. Condlin, I would like you to explain the repair
1966 situation.

1967
1968 Mr. Condlin - Sure. Discount Tire, literally all they do is tires. They
1969 do sell rims. And so if you come in with a need for a new rim, they'll go ahead
1970 and put that on and install that, but they don't repair the rim. They do repair tires,
1971 the rubber part of the wheel. But otherwise, they don't do any repairs. They don't
1972 do any repairs, vehicular repairs other than to the tire itself. And then they just
1973 install and sell the rims and the tires.
1974
1975 Mr. Witte - Okay. So we're clarified that the only repairs that are
1976 made are to tires.
1977
1978 Mr. Condlin - Yes sir. Thank you.
1979
1980 Mr. Archer - Thank you, Mr. Condlin.
1981
1982 Mr. Leabough - There are conditions that would prohibit the display of
1983 tires outdoors?
1984
1985 Mr. Condlin - Everything needs to be inside. We'll accept all the
1986 conditions.
1987
1988 Mr. Witte - No parking overnight outside?
1989
1990 Mr. Condlin - No sir, no sir.
1991
1992 Mr. Witte - Thank you.
1993
1994 Mr. Condlin - A very clean operation.
1995
1996 Mr. Archer - That's why you had you no opposition. All right.
1997 Moving right along. Mr. Witte, we need to do these separately.
1998
1999 Mr. Witte - All right. Mr. Chairman, I move that case REZ2016-
2000 00034, Andrew Condlin for Discount Tire move to the Board of Supervisors, as
2001 presented, with a recommendation of approval.
2002
2003 Ms. Jones - Second.
2004
2005 Mr. Archer - Motion by Mr. Witte, seconded by Ms. Jones. All in
2006 favor say aye. All opposed say no. The ayes have it; the motion passes.
2007
2008 **REASON** - Acting on a motion by Mr. Witte, seconded by Ms.
2009 Jones, the Planning Commission voted 4-0 (two absent) to recommend the
2010 Board of Supervisors **grant** the request because the proffers continue to assure
2011 a quality form of development with maximum protection afforded the adjacent

2012 properties and the change in business use is consistent with the Comprehensive
2013 Plan recommendations.

2014

2015 We need one more.

2016

2017 Mr. Witte - Mr. Chairman, I move that PUP2016-00008, Andrew
2018 Condlin for Discount Tire move to the Board of Supervisors with a
2019 recommendation of approval.

2020

2021 Ms. Jones - Second.

2022

2023 Mr. Archer - Motion by Mr. Witte, seconded by Ms. Jones. All in
2024 favor say aye. All opposed say no. The ayes have it; the motion passes.

2025

2026 **REASON -** Acting on a motion by Mr. Witte, seconded by Ms.
2027 Jones, the Planning Commission voted 4-0 (two absent) to recommend the
2028 Board of Supervisors **grant** the request because the conditions should minimize
2029 the potential impacts on surrounding land uses and it would not be expected to
2030 adversely affect public safety, health or general welfare.

2031
2032 Mr. Witte - I want to make a note that the Brookland District show
2033 didn't take much time.

2034
2035 Mr. Archer - So noted. Mr. Condlin, you should only charge for the
2036 time that you presented your case.

2037
2038 Mr. Emerson - If you saw that look.

2039
2040 Mr. Archer - That's what you get be being so efficient. All right,
2041 Mr. Secretary, anything further to bring before this Commission?

2042
2043 Mr. Emerson - Yes sir, Mr. Chairman. We're moving on now to page
2044 3 of your agenda. You have two discussion items that we need to bring forward.
2045 The first one is to set a public hearing for November 10, 2016 to review and
2046 discuss an amendment to the Code of the County of Henrico for a provisional
2047 use permits allowed in the B-1 District. You will recall earlier this evening you did
2048 have a work session on this topic, and it does deal with extended hours in the B-
2049 1 district.

2050
2051 **DISCUSSION ITEM: Set a Public Hearing for November 10, 2016,** to
2052 review and discuss an amendment to the Code of the County of Henrico for
2053 Provisional Use Permits allowed in the B-1 District.

2054
2055 Mr. Archer - All right.

2056
2057 Mr. Leabough - It requires a motion, Mr. Secretary?

2058
2059 Mr. Emerson - It does require a motion, yes sir.

2060
2061 Mr. Leabough - So moved.

2062
2063 Ms. Jones - Second.

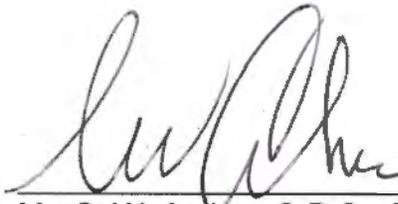
2064
2065 Mr. Archer - Moved by Mr. Leabough and seconded by Ms. Jones.
2066 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

2067
2068 Mr. Emerson - Yes sir. The next one is to set a public hearing for
2069 December 8, 2016, to review and discuss an amendment to the Code of the
2070 County of Henrico to improve, amend the Zoning Ordinance Regulation of Signs.
2071 You did discuss that earlier this evening as well.

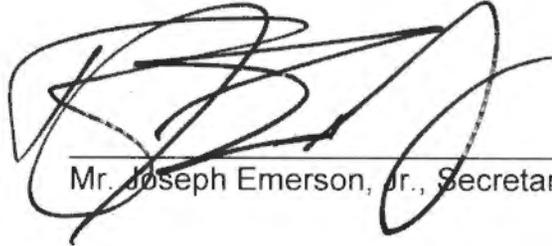
2072
2073 **DISCUSSION ITEM: Set a Public Hearing for December 8, 2016,** to
2074 review and discuss an amendment to the Code of the County of Henrico to
2075 Improve the Zoning Ordinance Regulation of Signs.
2076
2077 Mr. Archer - All right. A motion?
2078
2079 Mr. Witte - So moved.
2080
2081 Ms. Jones - Second.
2082
2083 Mr. Archer - Motion by Mr. Witte and seconded by Ms. Jones. All
2084 in favor say aye. All opposed say no. The ayes have it; the motion passes.
2085
2086 Mr. Emerson - Mr. Chairman, the next item for your consideration
2087 would be the approval of your minutes from your September 15th meeting. We
2088 do not have an errata sheet this evening.
2089
2090 Mr. Archer - Excellent.
2091
2092 Mr. Leabough - Mr. Chair, I move the approval of the minutes.
2093
2094 Mr. Archer - I second it.
2095
2096 Motion by Mr. Leabough and seconded by Mr. Archer. All in favor say aye. All
2097 opposed say no. The ayes have it; the motion passes.
2098
2099 Mr. Witte - I move we adjourn.
2100
2101 Ms. Jones - No, I'd like to say something first. I'm so sorry. I'll
2102 make this really quick.
2103
2104 I simply wanted to say we barely have anybody here from staff. I will come
2105 around and say goodbye another time. This is my last Rezoning meeting. A very
2106 long story short, my husband's retired and we're moving out of the area. It's hard
2107 to represent the Tuckahoe District from Lancaster County. So with that in mind,
2108 it's all happened very fast. I'm sure that this will be a very smooth transition to a
2109 very capable new Commissioner and Henrico County goes on. I will miss you all
2110 terribly much, and I wanted to thank you.
2111
2112 Mr. Archer - And we will miss you back.
2113
2114 Ms. Jones - Well, I wanted to thank staff especially for the
2115 incredible support they give to all of us.
2116
2117 Mr. Archer - Now you have one more POD meeting?

2118
2119 Ms. Jones - I have one more POD meeting. And if we have
2120 anyone left at the end of that, I'll say goodbye at that point.
2121
2122 Mr. Leabough - So you didn't get the memo?
2123
2124 Ms. Jones - I didn't get the memo?
2125
2126 Mr. Leabough - That you signed up and you can't just leave us?
2127
2128 Ms. Jones - Is this in perpetuity?
2129
2130 Mr. Leabough - Yes, it is.
2131
2132 Mr. Emerson - That was in blood.
2133
2134 Mr. Leabough - Yes. You don't remember when you started?
2135
2136 Ms. Jones - Well, just to keep it short and sweet, thank you all so
2137 much.
2138
2139 Mr. Archer - Well Ms. Jones, let me say that it has been a pleasure
2140 serving with you in both capacities, as a zoner and as a PODer. I wish you the
2141 best in the future.
2142
2143 Ms. Jones - Thank you.
2144
2145 Mr. Archer - Thank you, Ms. Jones. We need a second on the
2146 motion to dismiss.
2147
2148 Mr. Emerson - Yes sir, your rules and regs do require a second on
2149 this adjournment motion.
2150
2151 Mr. Archer - All right.
2152
2153 Mr. Witte - Second, third.
2154
2155 Mr. Emerson - I've got Mr. Witte with the motion.
2156
2157 Mr. Leabough - He's made the motion and seconded it. Second.
2158
2159 Mr. Emerson - We have a second.
2160
2161 Mr. Archer - Anybody opposed to the motion? I don't think there's
2162 anybody here to do that. We're dismissed at 8:55 p.m.
2163

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2178



Mr. C. W. Archer, C.P.C., Chairman



Mr. Joseph Emerson, Jr., Secretary