

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico  
2 County held in the County Administration Building in the Government Center at  
3 Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, September  
4 9, 2021. Display Notice having been published in the *Richmond Times-Dispatch* on  
5 August 23, 2021 and August 30, 2021.  
6  
7

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

18 Also Present: Ms. Jean Moore, Assistant Director of Planning  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Ms. Rosemary D. Deemer, County Planner  
21 Mrs. Lisa Blankinship, County Planner  
22 Mr. Michael Morris, County Planner  
23 Mr. Livingston Lewis, County Planner  
24 Ms. Kristin Smith, County Planner  
25 Mr. Steven J. Yob, Deputy County Manager  
26 Mr. Terrell Hughes, Public Works  
27 Mr. John Cejka, Public Works \*  
28 Mr. Justin Briggs, Public Schools \*  
29 Ms. Martha Diuguid, Office Assistant  
30

31 \* (Virtually)  
32

33 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**  
34 **all cases unless otherwise noted.**  
35

36 Mr. Mackey - Welcome. This is the September the 9th, 2021 Henrico  
37 County Planning Commission. I call this meeting to order. At this time if you haven't  
38 already done so, would you take a moment to silence and turn off your cellphones? And  
39 would you also please stand with the Commission for the Pledge of Allegiance?  
40

41 [Recitation of the Pledge of Allegiance]  
42

43 Thank you. Do we have anyone in the audience from the news media tonight? We do  
44 not. All right, at this time I'd also like to take a moment to welcome Supervisor Patricia  
45 O'Bannon. She is sitting with the Commission this year. She's a representative from the  
46 Board of Supervisors. Good evening, Ms. O'Bannon.

47  
48 We have all our commissioners here, so we have a quorum, we can conduct business.  
49 At this time, I'll turn the meeting over to our Secretary and Planning Director, Mr. Joe  
50 Emerson.

51  
52 Mr. Emerson - Thank you, Mr. Chairman. I would like to -- I'd like to join with  
53 you and welcome everyone to the Henrico County Planning Commission public hearings  
54 for September 9, 2021.

55  
56 I would like to advise everyone Henrico County has implemented a mask requirement for  
57 all employees and visitors in County facilities regardless of vaccination status. If you need  
58 a mask, we have those available for you in the lobby. We ask that you continue to practice  
59 all safety protocols for COVID-19. Thank you in advance for your cooperation.

60  
61 Public comments will be given from the lectern located in the rear of the room. For  
62 everyone who is watching on livestream on the county website, you can participate  
63 remotely in the public hearings. Go to the Planning Department's meeting webpage at  
64 [henrico.us/planning/meetings](http://henrico.us/planning/meetings). Scroll down under Planning Commission and click on  
65 Webex Event.

66  
67 Once you have joined the Webex event, please click on the chat button in the bottom-  
68 right corner of the screen. Staff will send a message asking if anyone would like to sign  
69 up to speak on an upcoming case. To respond, select Kristin Smith from the dropdown  
70 menu and send Ms. Smith a message.

71  
72 The Commission does have guidelines for its public hearings. The applicant is allowed  
73 10 minutes to present the request and time may be reserved for responses to testimony.  
74 The opposition is allowed a cumulative 10 minutes to present its concerns. Commission  
75 questions do not count into those time limits. The Commission may waive the time limits  
76 at its discretion. Any comments must be directly related to the case under consideration.

77  
78 Again, thank you for your participation and interest this evening. And, Mr. Chairman, with  
79 that we'll move to the first item on your agenda, which are requests for withdrawals and  
80 deferrals. And those will be presented by Mr. Ben Sehl.

81  
82 Mr. Mackey - All right. Thank you, sir.

83  
84 Mr. Sehl - Good evening, Mr. Chairman, members of the Commission.

85  
86 The Commission - Good evening.

87  
88 Mr. Sehl - The first deferral request that staff is aware of is on page 2 of  
89 your agenda. This is REZ2021-00036 B&B Properties.

90  
91 **REZ2021-00036 Randy Hooker for B&B Properties II LLC: Request to**  
92 **conditionally rezone from M-1 Light Industrial District and R-4 One-Family Residence**

93 District to M-1C Light Industrial District (Conditional) Parcel 797-737-0449 containing  
94 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe  
95 Avenue. The applicant proposes office/warehouse uses. The uses will be controlled by  
96 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
97 recommends Light Industry. Part of the site is in the Airport Safety Overlay District and  
98 the Enterprise Zone.

99  
100 Mr. Mackey - Thank you. Is there anyone in attendance or via Webex that's  
101 in opposition to the deferral of REZ2021-00036 B&B Properties II LLC?

102  
103 Ms. Deemer - We have no one on Webex.

104  
105 Mr. Mackey - All right. Thank you. And no one in attendance.

106  
107 Mr. Archer - Okay, Mr. Chairman, I move that REZ2021-00036 B&B  
108 Properties II LLC be deferred to the October 14, 2021 meeting at the applicant's request.

109  
110 Mr. Witte - Second.

111  
112 Mr. Mackey - All right. We have a motion for deferral by Mr. Archer. A  
113 second by Mr. Witte. All in favor say aye.

114  
115 The Commission - Aye.

116  
117 Mr. Mackey - Any opposed? The motion is granted.

118  
119 Mr. Sehl - The next request for deferral is in the Varina District also on  
120 page 2 of your agenda. This is REZ2021-00045. This is D. R. Horton, Incorporated.

121  
122 **REZ2021-00045 Jeffrey P. Geiger for D. R. Horton, Inc:** Request to  
123 conditionally rezone from R-2AC One-Family Residence District (Conditional), R-5AC  
124 General Residence District (Conditional), and RTHC Residential Townhouse District  
125 (Conditional) to R-5AC General Residence District (Conditional) (376.961 acres) and  
126 RTHC Residential Townhouse District (Conditional) (42.229 acres) Parcels 830-682-  
127 3002, 833-686-7681, 832-688-9219, and part of Parcel 833-682-5297 containing 419.19  
128 acres located at the northwest intersection of Yahley Mill and Long Bridge Roads. The  
129 applicant proposes townhouses and detached dwellings for sale. The R-5A District allows  
130 a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre.  
131 The RTH District allows a maximum gross density of 9 units per acre. The uses will be  
132 controlled by zoning ordinance regulations and proffered conditions. The 2026  
133 Comprehensive Plan recommends Suburban Residential 1, density should not exceed  
134 2.4 units per acre and Environmental Protection Area. Part of the site is in the Airport  
135 Safety Overlay District.

136

137 Mr. Mackey - All right. Is there anyone in attendance or via Webex in  
138 opposition of the deferral of REZ2021-00045 D. R. Horton, Incorporated to be heard on  
139 the November the 10th meeting?

140  
141 Ms. Deemer - We have no one on Webex.

142  
143 Mr. Mackey - And no one in person. All right, I move that we recommend -  
144 - oh, excuse me. I move that we grant a deferral of REZ2021-00045 D. R. Horton,  
145 Incorporated to be deferred to the November 10, 2021 meeting at the request of the  
146 applicant.

147  
148 Mrs. Thornton - Second.

149  
150 Mr. Mackey - All right. We have a motion by Mr. Mackey. A second by Ms.  
151 Thornton. All in favor say aye.

152  
153 The Commission - Aye.

154  
155 Mr. Mackey - Any opposed? Motion is carried.

156  
157 Mr. Sehl - The next request is in the Brookland District on page 3 of your  
158 agenda. This is REZ2021-00046 Pemberton Investments, LLC.

159  
160 **REZ2021-00046 Andrew M. Conclin for Pemberton Investments, LLC:**  
161 Request to conditionally rezone from A-1 Agricultural District to R-3 One-Family  
162 Residence District (.559 acres) and R-5AC General Residence District (Conditional)  
163 (15.635 acres) Parcels 763-771-2993, 763-772-3261, 763-772-4812, and 763-772-5853  
164 containing 16.194 acres located on the north line of Old Mountain Road, approximately  
165 120' north of its intersection with Mountain Road. The applicant proposes a single-family  
166 residence and detached dwellings for sale. The R-3 District allows a minimum lot area of  
167 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5A District  
168 allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units  
169 per acre. The uses will be controlled by zoning ordinance regulations and proffered  
170 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density  
171 should not exceed 2.4 units per acre and Environmental Protection Area.

172  
173 Mr. Mackey - All right. Is there anyone in attendance or via Webex that's in  
174 opposition of the deferral of REZ2021-00046 Pemberton Investments, LLC to be deferred  
175 to the October the --

176  
177 Mrs. Thornton - Fourteenth.

178  
179 Mr. Mackey - -- Fourteenth meeting?

180  
181 Ms. Deemer - We have no one on Webex.

182

'83 Mr. Mackey - And no one in attendance.  
 84  
 185 Mr. Witte - Mr. Chairman, I move that REZ2021-00046 Pemberton  
 186 Investments, LLC be deferred to the October 14, 2021 meeting at the request of the  
 187 applicant.  
 188  
 189 Mr. Baka - Second.  
 190  
 191 Mr. Mackey - All right. We have a motion by Mr. Witte, a second by Mr.  
 192 Archer -- excuse me -- by Mr. Baka to -- for the deferral. All in favor say aye.  
 193  
 194 The Commission - Aye.  
 195  
 196 Mr. Mackey - Any opposed? Motion is granted.  
 197  
 198 Mr. Sehl - Mr. Chairman, the next four requests for deferral are all in the  
 199 Three Chopt District beginning on page 4 of your agenda. The first is REZ2021-00028  
 200 Lingerfelt Office Properties.  
 201  
 202 **REZ2021-00028 Andrew M. Condlin for Lingerfelt Office Properties, LLC:**  
 203 Request to conditionally rezone from O-3C Office District (Conditional) and M-1C Light  
 204 Industrial District (Conditional) to UMUC Urban Mixed-Use District (Conditional) Parcels  
 205 752-767-4970 and 752-768-2795 containing 12.217 acres located on the east line of Cox  
 206 Road at its intersection with North Park Drive and the west line of Cox Road approximately  
 207 990' north of its intersection with North Park Drive. The applicant proposes an urban  
 208 mixed-use development. The uses will be controlled by zoning ordinance regulations and  
 209 proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and  
 210 Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay  
 211 District.  
 212  
 213 Mr. Mackey - All right. Is there anyone in attendance or via Webex that's in  
 214 opposition of the request of deferral to the October 14th meeting for REZ2021-00028  
 215 Lingerfelt Office Properties, LLC?  
 216  
 217 Ms. Deemer - We have no one on Webex.  
 218  
 219 Mr. Mackey - Okay, and no one in attendance.  
 220  
 221 Mrs. Thornton - Mr. Chairman, I move that REZ2021-00028 Lingerfelt Office  
 222 Properties, LLC be deferred to the October 14, 2021 meeting at the request of the  
 223 applicant.  
 224  
 225 Mr. Mackey - Second. All right. We have a motion for deferral -- to grant  
 226 the deferral by Ms. Thornton, a second by Mr. Mackey. All in favor say aye.  
 227  
 228 The Commission - Aye.

229  
230 Mr. Mackey - Any opposed. The motion is carried.  
231  
232 Mr. Sehl - Also requested for deferral is the companion provisional use  
233 permit case, PUP2021-00011, also Lingerfelt Office Properties.  
234  
235 **PUP2021-00011 Andrew M. Condlin for Lingerfelt Office Properties, LLC:**  
236 Request for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120  
237 and 24-122.1 of Chapter 24 of the County Code to allow the following: a parking garage  
238 with no associated ground floor retail or useable floor space for residential or  
239 nonresidential uses along a façade facing street; building and structures exceeding 60' in  
240 height; residential density exceeding 30 units per acre; open space of less than 20  
241 percent; commercial or office square footage of less than 25 percent of the total building  
242 square footage of the UMU district; number of for-lease multifamily dwelling units  
243 exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels  
244 752-767-4970 and 752-768-2795 located on the east line of Cox Road at its intersection  
245 with North Park Drive and the west line of Cox Road approximately 990' north of its  
246 intersection with North Park Drive. The existing zoning is O-3C Office District  
247 (Conditional) and M-1C Light Industrial District (Conditional). UMUC zoning is proposed  
248 with REZ2021-00028. The 2026 Comprehensive Plan recommends Urban Mixed-Use  
249 and Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay  
250 District.  
251  
252 Mr. Mackey - Anyone in attendance or via Webex in opposition of the  
253 deferral -- to grant a deferral of the PUP2021-00011 Lingerfelt Office Properties, LLC?  
254  
255 Ms. Deemer - We have no one on Webex.  
256  
257 Mr. Mackey - All right.  
258  
259 Mrs. Thornton - Mr. Chairman, I move that PUP2021-00011 Lingerfelt Office  
260 Properties, LLC be deferred to the October 14, 2021 meeting at the request of the  
261 applicant.  
262  
263 Mr. Baka - Second.  
264  
265 Mr. Mackey - All right. We have a motion for -- to grant a deferral by Ms.  
266 Thornton. A second by Mr. Baka. All in favor say aye.  
267  
268 The Commission - Aye.  
269  
270 Mr. Mackey - Any opposed? Motion is granted.  
271  
272 Mr. Sehl - Staying on page 4 again is REZ2021-00029 also Lingerfelt  
273 Office Properties.  
274

275 **REZ2021-00029** **Andrew M. Condlin for Lingerfelt Office Properties, LLC:**  
276 Request to conditionally rezone from O-3C Office District (Conditional) and B-2C Business  
277 District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels 748-761-  
278 5174, 749-761-0971, and 750-765-5718 containing 16.486 acres located at the southwest  
279 and southeast intersection of Cox Road and Innslake Drive and on the west line of Cox  
280 Road at its intersection with Village Run Drive. The applicant proposes an urban mixed-  
281 use development. The uses will be controlled by zoning ordinance regulations and  
282 proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and  
283 Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay  
284 District.

285  
286 Mr. Mackey - Is there anyone in attendance or via Webex that's in  
287 opposition of granting the deferral of REZ2021-00029 Lingerfelt Office Properties, LLC to  
288 the October 14, 2021 meeting?

289  
290 Ms. Deemer - We have no one on Webex.

291  
292 Mr. Mackey - And no one in attendance.

293  
294 Mrs. Thornton - Mr. Chairman, I move that REZ2021-00029 Lingerfelt Office  
295 Properties, LLC be deferred to the October 14, 2021 meeting at the request of the  
296 applicant.

297  
298 Mr. Archer - Second.

299  
300 Mr. Mackey - Okay. All right. We have a motion by Ms. Thornton, a second  
301 by Mr. Archer, to grant the deferral. All in favor say aye.

302  
303 The Commission - Aye.

304  
305 Mr. Mackey - Any opposed? The motion is granted.

306  
307 Mr. Sehl - Finally, on page 5 of your agenda, is the companion  
308 provisional use permit request, PUP2021-00012 Lingerfelt Office Properties.

309  
310 **PUP2021-00012** **Andrew M. Condlin for Lingerfelt Office Properties, LLC:**  
311 Request for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120  
312 and 24-122.1 of Chapter 24 of the County Code to allow the following: a parking garage  
313 with no associated ground floor retail or useable floor space for residential or  
314 nonresidential uses along a façade facing street; building and structures exceeding 60' in  
315 height; residential density exceeding 30 units per acre; building and structures exceeding  
316 60' in height; residential density exceeding 30 units per acre; open space of less than 20  
317 percent; commercial or office square footage of less than 25 percent of the total building  
318 square footage of the UMU district; number of for-lease multifamily dwelling units  
319 exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels  
320 748-761-5174, 749-761-0971, and 750-765-5718 located at the southwest and southeast

321 intersection of Cox Road and Innslake Drive and on the west line of Cox Road at its  
322 intersection with Village Run Drive. The existing zoning is O-3C Office District  
323 (Conditional) and B-2C Business District (Conditional). UMUC zoning is proposed with  
324 REZ2021-00029. The 2026 Comprehensive Plan recommends Urban Mixed-Use and  
325 Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay  
326 District.

327  
328 Mr. Mackey - Thank you. Anyone in attendance or via Webex in opposition  
329 of granting the deferral of PUP2021-00012 Lingerfelt Office Properties, LLC to be  
330 deferred to the October 14, 2021 meeting?  
331

332 Ms. Deemer - We have no one on Webex.

333  
334 Mr. Mackey - And no one in attendance.

335  
336 Mrs. Thornton - Mr. Chairman, I move that PUP2021-00012 Lingerfelt Office  
337 Properties, LLC be deferred to the October 14, 2021 meeting at the request of the  
338 applicant.

339  
340 Mr. Witte - Second.

341  
342 Mr. Mackey - A second -- oh, okay. Mr. Witte, thank you. All right. We have  
343 a motion by Ms. Thornton and a second by Mr. Witte to grant the deferral to the October  
344 14th meeting. All in favor say aye.

345  
346 The Commission - Aye.

347  
348 Mr. Mackey - Any opposed? The motion carried.

349  
350 Mr. Emerson - Mr. Chairman, that completes the requests for withdrawals  
351 and deferrals this evening unless the Commission has anything additional they'd like to  
352 add at this time. And if there's nothing to be added by the Commission, then the next  
353 item are the requests for expedited items. You do have one of those this evening and  
354 that item will be presented by Mr. Ben Sehl.

355  
356 Mr. Sehl - Thank you again, Mr. Chairman. On page 5 of your agenda  
357 is a request for expedited approval. This is REZ2021-00038 Bacova SP, LLC.

358  
359 **REZ2021-00038 Andrew M. Condlin for Bacova SP, LLC:** Request to  
360 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District  
361 (Conditional) Parcel 738-767-3732 containing 2.774 acres located on south line of Kain  
362 Road approximately 800' west of its intersection with Pouncey Tract Road (State Route  
363 271). The applicant proposes detached dwellings for sale with zero lot lines. The R-5A  
364 District allows a minimum lot area of 5,625 square feet and a maximum gross density of  
365 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered

366 conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use, density  
367 should not exceed 4 units per acre.

368  
369 The applicant has submitted revised proffers, which were in your handouts this evening.  
370 And staff is recommending approval and is not aware of any opposition to this request.

371  
372 Mr. Mackey - Is there anyone in attendance or via Webex that's in  
373 opposition of the expedited approval of REZ2021-00038 Bacova SP, LLC?

374  
375 Ms. Deemer - We have no one on Webex.

376  
377 Mr. Mackey - No one in attendance.

378  
379 Mrs. Thornton - Okay. Mr. Chairman, I move that we recommend approval of  
380 REZ2021-00038 Bacova SP, LLC with the revised proffers dated September 7, 2021.

381  
382 Mr. Baka - Second.

383  
384 Mr. Mackey - All right. We have a motion by Ms. Thornton. A second by  
385 Mr. Baka. All in favor say aye.

386  
387 The Commission - Aye.

388  
389 Mr. Mackey - Any opposed? The motion is granted.

390  
391 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,  
392 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
393 Supervisors **grant** the request because it reflects the type of residential growth in the  
394 area, and it would permit development of the land for residential use in an appropriate  
395 manner.

396  
397 Mr. Emerson - Mr. Chairman, that completes the requests for expedited  
398 items this evening. We now move on to cases to be heard. The first two are companion  
399 cases and they appear on page 1 of your agenda. They are REZ2021-00039 Andrew M.  
400 Condlin for Green City Partners, LLC.

401  
402 **REZ2021-00039 Andrew M. Condlin for Green City Partners, LLC:** Request  
403 to conditionally rezone from A-1 Agricultural District, R-2 One-Family Residence District,  
404 O-3C Office District (Conditional), M-1 Light Industrial District, M-1C Light Industrial  
405 District (Conditional), and PMD Planned Industrial District to UMUC Urban Mixed Use  
406 District (Conditional) Parcels 787-760-9582, 788-762-3171, 789-762-3970, 788-760-  
407 3976, 787-758-3213 containing acres 204.20 located generally between E. Parham Road  
408 and the southeast line of Scott Road and between Scott Road and Interstate 295. The  
409 applicant proposes an urban mixed use development. The uses will be controlled by  
410 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
411 recommends Urban Mixed-Use and Environmental Protection Area.

412  
413 Mr. Emerson - The companion case is PUP2021-00017 again Mr. Condlin for  
414 Green City Partners, LLC.

415  
416 **PUP2021-00017 Andrew M. Condlin for Green City Partners, LLC:** Request  
417 for a Provisional Use Permit under Sections 24-32.1 (a, f, i, k, s, t, z and aa), 24-120 and  
418 24-122.1 of Chapter 24 of the County Code to allow outdoor vending areas; an auditorium,  
419 coliseum, or stadium; greater floor area for any use with floor area limitations; drive-  
420 through service windows; building and structures exceeding 60' in height; density of  
421 development exceeding 30 units per acre; number of for-lease multifamily dwelling units  
422 exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels  
423 787-760-9582, 788-762-3171, 789-762-3970, 788-760-3976, and 787-758-3213 located  
424 generally between E. Parham Road and the southeast line of Scott Road and between  
425 Scott Road and Interstate 295. The existing zoning is A-1 Agricultural District, R-2 One-  
426 Family Residence District, O-3C Office District (Conditional), M-1 Light Industrial District,  
427 M-1C Light Industrial District (Conditional), and PMD Planned Industrial District. UMUC  
428 Urban Mixed Use (Conditional) District zoning is proposed with REZ2021-00039. The  
429 2026 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection  
430 Area.

431  
432 The staff report for those two items will be presented by Mr. Ben Sehl. And these items  
433 will require separate motions at the time you take action.

434  
435 Mr. Mackey - All right. Thank you, sir. Is there anyone in attendance or via  
436 Webex that's in opposition of REZ2021-00039 Green City Partners, LLC or the  
437 companion case PUP2021-0001 city -- 17 Green City Partners, LLC?

438  
439 Ms. Deemer - We have no one on Webex.

440  
441 Mr. Mackey - All right. And no one in attendance. Do we have anyone who  
442 would like to speak in -- were you in opposition or you -- do you have someone who'd like  
443 to speak in favor?

444  
445 Mr. Henderson - Favor.

446  
447 Mr. Mackey - Okay. And we do have one person in opposition. Correct?

448  
449 Mr. Emerson - Yes, sir.

450  
451 Mr. Mackey - Okay. I will -- okay. We'll call on you after the cases have  
452 been presented.

453  
454 Mr. Henderson - All right. Thank you.

455  
456 Mr. Mackey - Thank you.

457

158 Mr. Sehl - Mr. Chairman, members of the Commission, these requests  
159 would allow for the development of approximately 204 acres consistent with the county's  
160 2026 Comprehensive Plan designation of urban mixed use. The two companion cases  
161 will conditionally rezone the former Best Products site and adjacent Scott form -- Scott  
162 Farm, excuse me -- as well as impose conditions of development as part of the provisional  
163 use permit.

164  
165 As Mr. Emerson noted, the subject site is zoned a mixture of unconditional M-1, M-1C,  
166 O-3C, PMD, R-2, and A-1. Adjacent properties to the east are generally zoned and  
167 developed for office service uses while to the west is Scott Road and residential  
168 development zoned A-1 and R-2. To the south, across Parham Road, is the Wildwood  
169 Subdivision.

170  
171 It should be noted that interstates 295 and 95 are generally to the north and west of the  
172 larger development assemblage with the southwestern corner of the site abutting the I-  
173 95 Parham Road interchange in this location.

174  
175 To demonstrate consistency with the comprehensive plan, the applicant has submitted  
176 and proffered the Green City UMU Masterplan Book. This 134-page document provides  
177 design guidelines for the development of the property and provides a framework and  
178 standard for features such as streets and streetscapes, landscaping, signage, and  
179 building design. A central aspect of the future development is the redevelopment of the  
180 existing Best Products building which along with new residences, offices, services, and a  
181 17,000-seat arena, will be located in a dense urban core in the southern portion of the  
182 site here.

183  
184 The master plan shows the basic layout of the planned block development of the internal  
185 streets that would be created, which would accommodate the proffered maximum of  
186 2,138 residential units, or 10.5 units per acre.

187  
188 The master plan provides standards to be used in the review of detailed development  
189 plans as a UMU district is intended to be flexible and allow for uses to be integrated and  
190 relocated during the buildout process. The master plan book therefore provides the  
191 means for reviewing detailed development plans in the future.

192  
193 A network of internal streets would serve future development areas with a main  
194 thoroughfare connecting Parham Road to the future Magellan Parkway. This street would  
195 be an extension of St. Charles Road to the north and the applicant has been working  
196 closely with the traffic engineer and VDOT to determine the necessary roadway and  
197 intersection improvements along Parham Road.

198  
199 Various street sections detailing the areas dedicated to vehicular and pedestrian  
200 movement are also provided and demonstrate the plan's consistency with the UMU  
201 requirements, emphasizing the pedestrian realm within these communities.

202

503 A major focus of the proposed development is environmental sustainability. An extensive  
504 park system connecting all areas of proposed development is planned, as shown on this  
505 map. These areas will be connected by various greenways and pedestrian paths and  
506 would compromise approximately 40 acres of the site.

507  
508 In addition to the renderings showing the future renovation of the Best Products building,  
509 the applicant has provided character images and design details for future commercial and  
510 residential buildings. In general, architecture would be modern in design, and the  
511 development is intended to be flexible on this topic, provided quality assurances are met.

512  
513 Other aspects of the master plan book address items such as signage, parking, and  
514 possible conversion of future uses.

515  
516 While the master plan for the proposed development largely addresses the requirements  
517 of the UMU district, it should be noted the applicant will be required to provide buffering  
518 along adjacent homes and Scott Road to the west. And that the future development of  
519 Magellan Parkway may necessitate the shifting of some nonresidential uses to the north  
520 to serve residents and visitors in this area of the development.

521  
522 Additionally, impacts on public infrastructure such as roads and schools are a major point  
523 of focus during the review of UMU development. With this thought in mind, the applicant  
524 has been working closely with the Department of Public Works and VDOT to complete a  
525 Traffic Impact Analysis for the proposed development. Preliminary findings from that  
526 analysis have guided several recommended improvements, including the installation of  
527 additional turn lanes and a traffic signal along Parham Road. Internal roadways would  
528 also be designed to ensure movement into the site is maximized.

529  
530 While both DPW and VDOT have indicated general agreement with the planned  
531 improvements, it should be noted the TIA has not been finalized, and the improvements  
532 have not yet been incorporated into the request. Traffic would also -- was also a point of  
533 focus during a community meeting held on August 18th. And, for those reasons, staff  
534 does recommend both items be completed prior to the consideration by the Board of  
535 Supervisors.

536  
537 With regards to schools, HCPS has indicated the multi-family component for the  
538 developments of this type generally produce fewer students than typical multi-family  
539 development. However, due to the density proposed, there are anticipated to be a  
540 number of students living within the community. Based on School's analysis, the Brook  
541 Road corridor can accommodate these students and those from other nearby  
542 developments at the time of buildout with existing capacity and future redistricting.

543  
544 Other infrastructure improvements on facilities such as utilities and public safety, can be  
545 mitigated. And the Department of Finance has indicated the development will have an  
546 overall positive impact on the county's finances.

547

548 With regards to the provisional use permit, I would note that the conditions prepared as  
549 part of the PUP request are generally consistent with other UMUs that the Commission  
550 has seen in the past. It'd also include a requirement to develop a detailed plan for  
551 managing events at the proposed arena in the future.  
552

553 Overall, staff believes these companion requests would allow for the development in a  
554 form consistent with the 2026 Comprehensive Plan and other UMU developments in the  
555 county. It would allow for added services for the area and the county as a whole, and  
556 provided the Traffic Impact Analysis can be finalized, it does not appear the development  
557 would negatively impact public infrastructure in the area.  
558

559 Staff recommends approval of both requests contingent on finalizing the TIA. That does  
560 conclude my presentation, and I'd be happy to try and answer any questions the  
561 Commission might have.  
562

563 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone on the  
564 Commission have any questions for Mr. Sehl?  
565

566 Mr. Baka - Just one for Mr. Sehl, if I may.  
567

568 Mr. Mackey - Yeah.  
569

570 Mr. Baka - Mr. Sehl, the residential properties to the west, I think you  
571 mentioned Scott Road, they're master -- shown on the comp plan for UMU, urban mixed  
572 use. What's over there on the west between there and I-95?  
573

574 Mr. Sehl - Yes, sir.  
575

576 Mr. Baka - What's the -- if those individual property owners sought a  
577 rezoning in the future to develop their property, would it need to be done all together or  
578 just in individual parcels one or two at a time? Or how would something like that even  
579 come to be if those owners chose to do that?  
580

581 Mr. Sehl - Certainly each rezoning request is examined on its own merit,  
582 but the UMU code does allow for additions to an Urban Mixed Use district once that core  
583 has been established. So, that's something where if, in the future, they decided to come  
584 in and kind of follow the same standards and expand that development pattern, that could  
585 be reviewed. And depending on where it's located, how well it integrates, it's certainly  
586 something that could be considered in the future.  
587

588 Mr. Baka - Okay. Thank you.  
589

590 Mr. Mackey - All right. Any other questions? If not, how would you like to  
591 proceed, Mr. Archer?  
592

593 Mr. Archer - Let's -- we didn't have anybody in opposition?

594  
595 Mr. Mackey - Yes. We had one gentleman in opposition and one in support,  
596 I believe.  
597  
598 Mr. Archer - Okay. Let's hear from the opposition first and then the  
599 support. And then we'll hear from the attorney.  
600  
601 Mr. Mackey - Okay. All right. Sir, if you would go to the lectern in the back.  
602 And would you state your name for the record, please?  
603  
604 Mr. Hughes - Good evening, Mr. Chair, members of the Commission. My  
605 name is Leon Hughes, I live at 8104 Colebrook Road, Henrico County. And I guess the  
606 first question I would have is how much time do I have to speak?  
607  
608 Mr. Emerson - Mr. Hughes, the cumulative time for comments is 10 minutes.  
609 So, you're the sole individual, but we would ask you that you leave enough time for the  
610 person in support to speak as well.  
611  
612 Mr. Hughes - Okay. All right. That's fine. So, my first point of opposition I,  
613 I don't feel like this case should move forward to the Board of Supervisors prior to the TIA  
614 being completed. I don't feel like that the Planning Commission can adequately evaluate  
615 this case without the TIA being completed. The staff report notes in a number of places  
616 that there are items to be determined based upon the Traffic Impact Analysis. And so,  
617 we don't have any idea, at this point, what the cumulative impact of the traffic will be.  
618  
619 I can tell you right now there are issues with -- in my neighborhood where, because of the  
620 Dominion Power facility, we see an increase in traffic, cut-through traffic to the  
621 neighborhood, and I can only imagine with 2400 units coming in, there'd be additional cut-  
622 through traffic.  
623  
624 In addition, just to point out a couple inconsistencies in the proffer document, the staff  
625 report, and the scoping document they're -- the number of units identified in those  
626 documents are not consistent. So, I don't know if when the TIA comes out if the traffic  
627 analysis is going to be based on the appropriate number of units. So, to me that's  
628 something that -- this is one reason the case should be held off from moving to the Board  
629 prior to the TIA being completed.  
630  
631 The other issue relates to schools. The school's analysis in the staff report is based on  
632 assumptions of a school that has not been built yet and redistricting. So, if, for some  
633 reason, the elementary school is not built, then Chamberlayne Middle School or is --  
634 elementary school is going to be over capacity. So, another reason -- I mean, I just think  
635 that the staff's analysis should be a little bit more in depth and more concrete based on  
636 number of students.  
637  
638 In the TIA there are a number of issues with the scoping document presented by the  
639 applicant. This project meets the requirements for a 527 Analysis. It's not clear based

640 on the scoping document whether or not the analysis is going to fully comply with the  
641 requirements of 527. I know Henrico County manages its own roads, so I can imagine  
642 there's some leeway with -- to what could be involved in that analysis.

643  
644 The 527 analysis requires a 2-mile radius. It's two miles from Route 1 to Woodman Road.  
645 This project is essentially larger than Short Pump and would have a significant impact on  
646 traffic. So, based on what I've seen in the scoping document, I'm not sure of the level of  
647 analysis. There are some pinpoints in the scoping document that identifies intersections  
648 that are clearly within a 2-mile radius. And so, a development of this magnitude is going  
649 to have a much greater impact than two miles.

650  
651 And so, my point is, I don't think that the Commission nor staff had enough information to  
652 provide a complete analysis of the impact of the project.

653  
654 The staff's Fiscal Impact Analysis makes some assumptions, again, and there's a note in  
655 the -- in the staff report that identifies hotel and occupancy tax dollars being dedicated  
656 straight to GRCCA. It's not clear from the staff analysis what the total impact that would  
657 be to Henrico County, but having those funds dedicated strictly -- straight to GRCCA and  
658 the time period. So, how long, you know, does this money go to GRCCA before it funnels  
659 back to Henrico County? You know, this information is not clear and if there was an  
660 appendix document that spelled it out, that'd be great for the public to know.

661  
662 My final comment would be this, as a citizen of Henrico County, I'm a little disappointed  
663 in the county's efforts at transparency. As late as today if you go on your main webpage  
664 and click on the Green City tab, there is no link directly to the documents associated with  
665 this case. So, as a citizen, if I wanted to find out about the Green City project and that's  
666 my first place of information is your main webpage and you have a link for the Green City  
667 project, the only thing I get is the propaganda of the case. I don't mean propaganda in  
668 the pejorative term. It's just that that is what is there. There's no link to staff information.

669  
670 So, then I go to your Planning Commission page, I get a PDF document that doesn't  
671 appear to have a hyperlink, but if I do click those documents, then I get access to the staff  
672 report. So, my first look at your PDF page doesn't indicate that there is a link to get to  
673 there. So, it's not very easy for the citizens to get access to the information.

674  
675 And for those reasons, I would respectfully request that the Commission, one, not hold a  
676 public hearing on this item tonight. Two, if you do hold a public hearing, hold the public  
677 hearing open so citizens have an additional opportunity to speak once the technical  
678 information is provided to staff and to the Commission. Thank you.

679  
680 Mr. Mackey - All right. Thank you, Mr. Hughes. Is there anyone else that  
681 wants to speak in opposition? All right. If not, sir, you may go ahead and speak. Please  
682 state your name and your address when you get back there, for the record.

683  
684 Mr. Henderson - Mr. Chairman, members of the Commission, my name is  
685 Bernard Henderson. And I reside 10416 Huntsmoor Drive in the Tuckahoe District. I am

686 appearing before you this evening as a member and representing the Henrico County  
687 Government Affairs Committee of the ChamberRVA. We support the approval by the  
688 Henrico County Planning Commission and ultimately by the Board of Supervisors for the  
689 proposed Green City Project.  
690

691 Our committee has closely monitored the Green City Project from its initial announcement  
692 to the present time. We find that it has enormous beneficial potential, specifically for  
693 Henrico, as well as for the entire greater Richmond Metropolitan community. We proudly  
694 offer our enthusiastic support for it and respectfully encourage the Planning Commission  
695 and the Board of Supervisors to approve moving forward with it expeditiously.  
696

697 Our committee stands ready to provide any assistance within our ability and resources to  
698 move this proposed project toward the ultimate successful conclusion. Thank you, Mr.  
699 Chairman.  
700

701 Mr. Mackey - Thank you, Mr. Henderson. All right. Is there anyone else  
702 would like to speak in support of the application? All right. Mr. Archer, at this time would  
703 you like to hear from the applicant, or would you like the staff to --  
704

705 Mr. Archer - I think the applicant has sufficient questions to keep him busy  
706 for a little while.  
707

708 Mr. Mackey - Okay.  
709

710 Mr. Condlin - Mr. Chairman, members of the Commission, my name is Andy  
711 Condlin, here on behalf of Green City. We do have a presentation. I didn't know if you  
712 wanted us to go through the presentation, or if you want to just have us answer some  
713 questions, we do have some background in both the traffic and, you know, the process  
714 that we've gone through.  
715

716 Mr. Mackey - I'm sorry. I don't think -- can you say that again, Mr. Condlin?  
717 I don't think Mr. Archer caught what you were saying.  
718

719 Mr. Condlin - Yes, sir. I apologize.  
720

721 Mr. Mackey - Yes, sir.  
722

723 Mr. Condlin - I didn't know if you wanted to go through the presentation or if  
724 you just wanted me to focus on specific questions that you had. Otherwise, I can go  
725 through the background or really, I could do some traffic if you wanted too as well. So.  
726

727 Mr. Archer - Actually, I'll leave that to you, Mr. Condlin, I think you probably  
728 should go through the presentation.  
729

730 Mr. Condlin - I put together a presentation. You know me. I'm never at a  
731 loss for words.

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Mr. Archer - And then -- and then maybe you'll answer some of the questions of the Board.

Mr. Conclin - I hope so. And I will be -- I'll be -- I'll be quick. Obviously, this is an overview. And I have with me Michael Hallmark, from Green City Partners, who's really the architect of this entire development plan. As well as Diane Linderman from VHB Engineers that's going to be able to help answer any specific traffic questions that come through.

I am going to gloss over in general form at least the things I thought you might want to hear, and if we want, I could dive into any of these components. Certainly, Mr. Hallmark and Ms. Linderman can assist with trying to provide that information.

So, this gives a kind of an overview. I think everyone does know where that property is located to the extent between Parham Road and I-295 and from almost I-95 over to Park Central. About 204 acres encompassing both Scott Farm, 110 acres on the Best Products Plaza area of 93 acres with Magellan Parkway Extended, that's splitting the property that will extend over, ultimately, with the project that the county's looking at doing over 95 to go through the previous Stanley Martin cases over to Route 1.

So, this project actually goes from the extent of Parham Road all the way back to 295 just to give you a perspective of where this is from an aerial point of view.

So, Green City has submitted, I think, pretty much a comprehensive master plan book, as you can tell from the table of contents that we've provided for, that's trying to be consistent with the county's comprehensive plan but also consistent with the biodiversity of the property itself.

And as the developers and the architects and the land planners went through to try to design the proposal, they started with that reference of the wetlands and the stream beds to be stepped at the natural resources were contained within the project itself to be able to leave the design to come up with what they're calling an eco-district. Eco-district principles are focused primarily on the premise of creating a climate imperative and high-performance buildings, focusing on creating a sense of place while retaining the goal of high-sustainable buildings and development itself.

Part of those principals -- and, again, I'll go through these quickly and if you have any specific questions, we can stop and talk about those -- but principal to guiding designs of connecting to nature through the various components that you see there, as well as the concept of 20-minute living with a broad mix of uses with a goal that all uses are within a 20-minute walk, drive, or bike away. So, that there's enough uses and they're all within context and a proximity of where people are living, working, and playing.

776 Obviously, mobility is an important part, but try to reduce the emphasis on cars.  
777 Obviously, they are reality. But try to de-emphasize their use and their importance within  
778 the development itself.

779  
780 Interestingly enough, sticking with the environmental aspect, looking first at water, they're  
781 creating programs and incentives to divert, collect, and reuse water through various  
782 programs and building designs and development designs. And the same with renewable  
783 energy focusing on net-zero development with high performing, high-sustainable building  
784 techniques and development techniques throughout the project.

785  
786 Obviously, there's a goal towards carbon neutrality any time you do sustainable  
787 development. And then in -- something unique with respect to focusing on ways, looking  
788 at 90 percent diversion of processing the waste on-site by 2035 using various  
789 components that we currently have in our ability and technology to be able to accomplish  
790 that. So, all this has created the vision for the project.

791  
792 With the core of the village at the front coming off of Parham Road and heading back  
793 towards 295 with the greatest diversity of uses in that -- in that area, including commercial,  
794 office, entertainment, and residential. Also, with a focus on connect -- a connected park  
795 system with restoration of stream beds. Not just to avoid wetlands and environmental  
796 areas, but to incorporate them and to be able to interact with them.

797  
798 So, with that, we have a number of park systems throughout the project. Including, as I  
799 said, restoring streambeds and wetlands, or riparian gardens, taking advantage of  
800 boardwalks and pathways and something -- something unique that Mr. Hallmark talks  
801 about, which is nature play. Getting out and actually interacting with nature itself. So, all  
802 of those are part of using the design and the existence of the -- of the biodiversity of this  
803 property.

804  
805 But then focusing on the uses which staff has already -- Mr. Sehl has already outlined.  
806 First the arena, which seems to be the central concept of what folks are really interested  
807 in with the 17,000 sweet -- seats, excuse me, and suites and club boxes. Again, with the  
808 focus on sustainability and attracting specific users, acts, entertainment facilities that are  
809 interested in sustainability.

810  
811 We also have in the core a ground-level commercial and retail, 250,000-square-foot plus,  
812 or in that area. And we have multi-family over the retail in that area just over 1000 units.  
813 And then with a multiple variety of housing types throughout the development as you head  
814 back towards 295, again, creating not only a variety of uses, but a variety of locations in  
815 proximity to the core.

816  
817 We include hotels, two hotels, with one being a conference center that will ultimately come  
818 online as we go forward. With a heavy emphasis on office -- over 2-million square feet of  
819 office. And, of course, the Best Products building will, quite frankly, be the crown jewel  
820 at 300,000 square feet. It's a unique building itself, specifically, because it's not only

821 large, but it's low profile. And we believe it's the candidate for the live building challenge,  
822 which is ultimately to provide, producing more power, more energy than you're using.

823  
824 The live building collection ultimately wants to also collect more water than it uses for  
825 reuse. Virginia Beach is the only live building in Virginia. This'll be -- which is the largest  
826 lot building is all -- is just 60,000 square feet. This would be the largest by far at 300,000  
827 square feet. So, it's a laudable goal, something that we're trying to attain. There's a way  
828 to approach it and there's a lot of grass, numbers, and information that I have no idea  
829 what it all means. But that's why Mr. Hallmark wants me to explain those if you're  
830 interested in that at all.

831  
832 And so, some of the design obviously includes taking that existing building and using it  
833 for -- designing it for a sustainable nature in order to be able to move forward.

834  
835 So, with that, I can move then to the transportation. One of the questions that was raised  
836 with respect to the scope of the study, obviously, any time we do a TIA and the study has  
837 been done that we have to sit down with both VDOT and the county to anticipate the  
838 scope and what's being required per 527 for -- in the policies of both the county and the  
839 state. Which was done. And they -- and they analyzed that up to 2040 study year in  
840 order to look at the impacts of this development. It was studied in June of this year, but  
841 obviously, as all traffic impact analyses are done now, analyses are done now, we have  
842 to look at and adjust to account for the reduced numbers, which they did pursuant to these  
843 specific standards.

844  
845 I'm not going to go through this, the existing conditions. We can actually see the existing  
846 conditions on the recommended improvements that we've put forth, which are highlighted  
847 in yellow for the recommended improvements. If you look at these two intersections on  
848 Parham Road, just to focus on those as an example, to try to keep those at a level of  
849 service B in the morning and C in the evening. You can see a couple of things that are  
850 being done.

851  
852 On the existing entrance to the Best Products, and it's just added nocturnally, but also  
853 prohibiting northbound I-95 ramp from turning left at that first entrance, so there'll be  
854 improvements made for that to help the flow coming off of 95. The primary improvements  
855 are being made at the St. Charles intersection with Parham Road where we'd be putting  
856 in a new intersection for our development.

857  
858 The critical thing is that there'll be no cut-through traffic from our development over to St.  
859 Charles, so we cannot cross Parham Road straight to go through there, you have to turn  
860 left or right. And you could see the improvements that are having to be made not only in  
861 our development, but adding two left turn lanes into our site, coming off of 95 or from  
862 Parham Road, from the west, heading east. And then, of course, it was adding additional  
863 improvements from St. Charles onto Parham Road as well, which would have the same  
864 prohibition to be able from accessing the site.

866 There's also a look at the signal warrants for both within the site and outside of the site.  
867 Which includes the signal warrants on, ultimately, the Magellan Parkway as it crosses 95  
868 and intersects with Route 1 up on the top. And then a number of interior -- anticipated  
869 interior signal warrants as well as on Parham Road itself for those two entrances that we  
870 just chat -- talked about. Those obviously have to be finally approved with respect to the  
871 TIA.

872  
873 The TIA has been -- had an initial review by the initial information that's been given to  
874 both VDOT and the county have been reviewed and determined to be consistent with  
875 their expectations. The TIA itself, as Mr. Hughes pointed out, has not had a final review  
876 and approval from the county or VDOT at this point. We expect that to happen between  
877 the Planning Commission, if it goes forward tonight, and the Board of Supervisors.

878  
879 I can commit to you that the TIA requirements, which are made part of our pattern book  
880 now, for improvements, requirements for improvements, would be committed to  
881 incorporate those into the proffers.

882  
883 We haven't done that yet, because I haven't -- we haven't received the final review from  
884 the county or VDOT from the final TIA, because they want to look at this initial information  
885 that we just presented this evening. So, we would like to go forward based on that  
886 expectation. Obviously, we will not be going through the Board of Supervisors until we  
887 receive that. But they, again, the initial information has been received and deemed  
888 consistent and accurate from both VDOT and TIA at this point -- or from the county at this  
889 point.

890  
891 Finally, with respect to the event, or traffic and parking management, obviously there's a  
892 --- there's a need to have specific planning for specific events. While this chart's probably  
893 too small for you to see, the anticipation is that there'll be no more than five large events  
894 in any given year, and we have to be able to work with the -- Henrico County Public Works  
895 and the police department to be able to make sure traffic flows during those larger events  
896 to come up with a -- the necessary management planning.

897  
898 One of the things that has been asked about the concern about going across St. Charles,  
899 or going across Parham and parking in the neighborhood, obviously, without any direct  
900 access between our project and St. Charles to go into the neighborhood.

901  
902 We do not anticipate that, nor would we be encouraging, and we would (indiscernible)  
903 discouraging anyone from going across Parham Road further. Our parking plan, as  
904 required by the master plan, and being reviewed by the county as development comes  
905 online. We have to have the necessary parking on the site. Both with the parking decks  
906 and the parking areas. Otherwise, that would be serving this area in order to  
907 accommodate the necessary event space.

908  
909 So, with that we think we've met all the necessary standards of requirements. We would  
910 ask that you file the recommendation with staff and make a recommendation to the Board  
911 of Supervisors. And I'll be happy to answer any questions that you have at this time.

912  
913 Mr. Archer - Thank you, Mr. Condlin. One question. I don't have any  
914 question. I'm just curious if any of my cohorts on the Planning Commission. You  
915 mentioned you have someone here who has explained statistics and graphs and so forth.  
916 Does anybody have any curiosity about the graphs that he mentioned?  
917  
918 Mr. Baka - No. But I have a couple questions.  
919  
920 Mr. Archer - I'm sorry.  
921  
922 Mr. Baka - Not on the graphs. I have a couple questions after you, Mr.  
923 Archer.  
924  
925 Mr. Archer - Oh, sure. You go right ahead.  
926  
927 Mr. Baka - You go first.  
928  
929 Mr. Archer - I'm done. I'll come back if I need to.  
930  
931 Mr. Baka - Just to follow up on the question that was raised by Mr.  
932 Hughes, Mr. Leon Hughes. If the TIA were not finished prior to the Board of Supervisors  
933 meeting, would that cause a -- lead to a deferral of a Board of Supervisor's meeting?  
934  
935 Mr. Condlin - Yeah. I think we need to -- as a policy in the county, I mean,  
936 we have to have -- in order for us to do the proffered commitment of the traffic  
937 improvements we need to have the TIA reviewed and commented, we think, so the aspect  
938 -- the answer to your question is, yes. We fully expect that to happen. And the  
939 commitment would be that the submission and the corrections and the county reviewing  
940 and VDOT where you have been and be received prior to that time.  
941  
942 Mr. Baka - And Mr. Hughes suggestion, or his ask, was that the TIA -- the  
943 case not go forward till the TIAs finished. But at this -- at this stage, do you feel confident  
944 enough representing the applicant -- feel confident enough that it could go forward with a  
945 recommendation here tonight if the Commission chose?  
946  
947 Mr. Condlin - I do particularly because of the initial information that was  
948 provided to the county that had -- and VDOT. That both of them have reviewed it and  
949 both of them have said that the scoping and the analysis were consistent with what their  
950 expectations were and how they would approach this and the improvements. They just  
951 have to dive deeper into the actual full-scale TIA, which is consistent with what's already  
952 been reviewed and deemed consistent.  
953  
954 I'm not saying that they -- either one of them approved the TIA, because I don't want to  
955 mislead you. They haven't approved the TIA at this point. That's what we're waiting for.  
956  
957 Mr. Baka - Sure. And --

958  
959 Mr. Condlin - Additional information hasn't been reviewed, so I -- if that  
960 hadn't happened, I would feel less confident.  
961  
962 Mr. Baka - Okay.  
963  
964 Mr. Condlin - But I feel very confident.  
965  
966 Mr. Baka - Mr. Hughes mentioned a 2-mile radius for the 527. Do you  
967 feel that you've done -- can you assert that you've done the adequate measure of radius  
968 for this?  
969  
970 Mr. Condlin - I can assert that we met with VDOT, who's in charge of the  
971 527 and part of the scoping. And they helped with the scoping of this project and that's  
972 part of their discretion and the ability to take a look at what are the necessary components  
973 of that. And I don't -- I wasn't in that meeting, Ms. Linderman is here, if we want to dive  
974 into that, but VDOT did take a look at that and provide for that scoping.  
975  
976 Mr. Mackey - Why don't we let Mr. Emerson --  
977  
978 Mr. Emerson - Mr. Chair, Mr. Baka, if you would, we do have our Director of  
979 Public Works here, Mr. Terrell Hughes, who has participated in those discussions  
980 regarding scoping. He can address the concerns regarding TIA from the county's  
981 perspective, which I think is really where the Commission needs to hear and what you  
982 need to hear. So, Mr. Hughes, thank you for being here tonight. And, if you would, just  
983 explain to the Commission your involvement in the TIA and your comfort level with it at  
984 this point.  
985  
986 Mr. Hughes - Okay. Yeah.  
987  
988 Mr. Mackey - Mr. Hughes, before you speak, I know we use a lot of initials  
989 and acronyms up here. TIA means Traffic Impact study for anybody who may not know  
990 what that means. Traffic Impact Analysis. I'm sorry. Go ahead, Mr. Hughes  
991  
992 Mr. Hughes - All right. Good evening, Mr. Chairman, Planning Commission.  
993 Yeah. I can walk you through.  
994  
995 So, as Mr. Condlin said, we have worked with VDOT. And basically, the way the 527  
996 requirement is the -- VDOT works closely with the locality on what the scope of a 527 is.  
997 And we were able to come to an agreement with VDOT on what that scope is. So, we do  
998 have a scoping document that VDOT can recommend approval for.  
999  
1000 And, as Mr. Condlin also said we're, you know, as a staff we've already reviewed a lot of  
1001 the analysis files that we've gone through. We've looked at the volume projections. We've  
1002 looked at the operations of the intersections. And from a technical level, we feel  
1003 comfortable with the recommendations that were provided at the planning -- at the

1004 community meeting that they have in their pattern book. And I think we're just kind of  
1005 really just waiting on that final report which summarizes all of the discussions and the  
1006 analysis that was done, that we've already reviewed. You know, this, you know, for us to  
1007 actually approve.  
1008

1009 And then kind of follow up off of what Mr. Emerson said, prior to the Board actually being  
1010 able to, you know, pass an action, we will need a VDOT approval of that TIA just by code.  
1011 But we feel like that will happen because of all of the leg work that's already happened  
1012 and the level of analysis. So, we do feel comfortable from a staff level on the amount of  
1013 improvements that are being proposed and the analysis that's been done to date.  
1014

1015 Mr. Baka - All right. Thank you.

1016  
1017 Mrs. Thornton - I have one quick question. The internal roads, are they owned  
1018 by Henrico County for this project? Or are they going to be private land?  
1019

1020 Mr. Hughes - I think, well, a lot of the roads -- oh, sorry, will be privately  
1021 owned. There are a couple that we talked about being publicly, I guess, entered into our  
1022 system. That St. Charles Extension being one, since it connects up to our Magellan  
1023 Parkway and Parham.  
1024

1025 And then I think they're -- really that's the primary road that we've talked about. Most of  
1026 the other roads will be private and provide a, you know, that don't have signals and will  
1027 provide the developer with, you know, some control over, I guess, the maintenance and,  
1028 you know, for events for closures and different things that they would have to come  
1029 through us if they were our roads.  
1030

1031 Mr. Mackey - All right. Any other -- any other questions for Mr. Hughes? All  
1032 right. Mr. Emerson, was there anything else from the county side that you would like to  
1033 address?  
1034

1035 Mr. Emerson - Yes, sir. I'd like to just note a couple of things, I think we can  
1036 respond to. Mr. Hughes noted the Fiscal Impact Analysis, the hotel and motel tax. That's  
1037 a regional agreement. And the hotel and motel tax from the entire locality is shared within  
1038 the region between several of the regional localities to retire the debt service on the  
1039 convention center downtown.  
1040

1041 There is a sunset clause on that when the debt is gone. That was arranged by the  
1042 localities and the General Assembly a number of years ago. So that -- that's not specific  
1043 to this project. That's a county-wide thing.  
1044

1045 Let's see. I took a quick look at your staff report. The number in the staff report is  
1046 consistent on residential units with the -- with the number in the proffer statement. If you'd  
1047 like to hear from schools regarding their analysis, we do have Mr. Justin Briggs online  
1048 with schools and he'll be happy to speak to that if you'd like to hear from him. And I  
1049 believe that that addresses most of the comments with our DPW Director's comments.

1050  
1051 Mr. Mackey - All right. Thank you.  
1052  
1053 Mr. Baka - Mr. Chairman, if I may, I do have two other questions for the  
1054 applicant.  
1055  
1056 Mr. Mackey - Yes, sir.  
1057  
1058 Mr. Baka - Mr. Condlin, on the slides you showed large events. A large  
1059 event might be an event that might have 15,000 people and perhaps 5,000 cars. Do you  
1060 have a general idea of about how much parking deck or parking lot area would be  
1061 accommodated on site to allow for 5,000 cars of parking at a large event, or would it --  
1062 would it spill over into other properties nearby?  
1063  
1064 Mr. Condlin - Right. So, we haven't come up with any specific number that  
1065 goes around with respect to the arena. Because there'll be a number of office buildings  
1066 kind of be developed at the same time. As the arena, as we come forward, it's certainly  
1067 the Best Products building. And part of our requirement, as part of our POD submission,  
1068 or Plan of Development submission, will be to show that we have the necessary parking  
1069 to be able to accommodate for the arena.  
1070  
1071 But also the additional uses that are out there, both the sharing of uses being the office  
1072 uses and probably if it's an evening event we'll have -- if it's an all weekend event, we'll  
1073 not be there and be able to use some of those at the same time. And then also looking  
1074 at what the residential requirements are and the exclusivity of those. So, we would have  
1075 to prove as part of our plan of development concept when we would come forward that  
1076 we have the necessary parking.  
1077  
1078 So, then we'll have a specific number to say, this number will be available specifically  
1079 because one will be based on experience, but also based on the uses that are in existence  
1080 at that time as we're coming forward with the agreement.  
1081  
1082 Mr. Baka - Okay. And last question. Thank -- I appreciate the indulgence  
1083 of the chair for a couple questions here. Your 2.2-million-square-foot office plus Best  
1084 Products, 2100 units. Why -- can you tell me a little bit about the mix? Why only 25  
1085 single-family homes? Why not increase that so that they're more in balance with the  
1086 multi-family apartments, two-over-twos, et cetera?  
1087  
1088 Mr. Condlin - Right. And that number, quite frankly, based on looking at  
1089 some of the revisions that have been made, the multi-family have been specifically in the  
1090 core of the area, the beginning area, with -- where the multitude of mix of uses are, with  
1091 the multi-family being above the commercial retail.  
1092  
1093 What we try to achieve is more of a variety of the additional residential types, including  
1094 the townhomes, the two-over-twos, the villas, and the single family. The idea being that  
1095 there was a mix. At one time we had more single family. But looking at the market and

1096 what's more of an urban development and trying to create more density and living near,  
1097 maybe not within, the actual urban area. But as you're going towards 295 and towards  
1098 Magellan Parkway and across, then the idea would be to have a variety of uses.  
1099

1100 The idea, quite frankly, is that the market probably is not that extensive for a single-family  
1101 detached versus smaller villas. But also, looking at -- there is a small handful of  
1102 expectation for maybe some age-targeted or other uses that would -- that would be  
1103 appropriate. And, again, the market might vary on that. That's the only reason. It's,  
1104 again, trying to provide a variety of uses. That's what we have to anticipate.  
1105

1106 Mr. Baka - Thank you.

1107  
1108 Mr. Condlin - For the more urban development.

1109  
1110 Mr. Mackey - Any other questions for Mr. Condlin?  
1111

1112 Mr. Archer - Yeah. I have a couple of more. All right. Mr. Chair. Mr.  
1113 Condlin, I have to ask you this question because it's been asked of me. Do you know,  
1114 and not necessarily that it's demand to the project, but do you know if parking for events  
1115 will be free, or will there be a charge for parking?  
1116

1117 Mr. Condlin - Well, part of that would be depending on who's running the  
1118 arena and the exclusivity they have with respect to their parking for those events. So, the  
1119 answer is that hasn't been set yet. Certainly, a lot, you know, as for your charges, but  
1120 that hasn't been determined yet and we determine, quite frankly, based on the operator  
1121 of the arena and what other parking is available for that and for folks to be able to use  
1122 and charge for.  
1123

1124 Mr. Archer - Okay. So, it's no real cut and dried answer?

1125  
1126 Mr. Condlin - There's no real cut and dry answer. No, sir.  
1127

1128 Mr. Archer - Okay. And, Mr. Secretary, you indicated someone was here  
1129 from the schools. And there was a question that came up about the adequacy of the  
1130 schools. Could we have that person answer that question for us so we can hear it?  
1131

1132 Mr. Emerson - Yes, sir. Mr. Chairman. Mr. Briggs -- or, Mr. Archer, I'm sorry.  
1133 Mr. Briggs should be online. Ms. Deemer, can you put Mr. Briggs through, please?  
1134

1135 Ms. Deemer - Yes. I'll unmute him now.  
1136

1137 Mr. Emerson - Mr. Briggs, are you there?  
1138

1139 Mr. Briggs - Yes. Can you hear me?  
1140

41 Mr. Emerson - Yes, sir. We can hear you.

1142  
1143 Mr. Mackey - Yes, we can hear you.  
1144  
1145 Mr. Briggs - Good evening, members of the Board, Mr. Chairman. Mrs.  
1146 O'Bannon. So, I know the question came up about the number -- the -- I believe it was  
1147 about -- I've seen the numbers including a new school that hasn't been built yet. It is -- it  
1148 is true the school has not been built; however, we do have it included in our CIP project,  
1149 and it would be completed within the next -- between Fiscal Year '23 and '25. So, in the  
1150 next three or four years the school would -- the construction would start. And based on  
1151 the timeline of development for this, it would be fully implemented before the Green City  
1152 is completed.  
1153  
1154 The other -- we may have to do some targeted redistricting. However, again, this is a  
1155 mixed-use development. The numbers generally don't generate the same -- the same  
1156 yields that other multi-family specifically do. So, the impact might not be as great as other  
1157 single-type developments in the county. Does that answer your questions?  
1158  
1159 Mr. Archer - I think so. Anybody else want to question that?  
1160  
1161 Mr. Mackey - No, thank you.  
1162  
1163 Mr. Baka - No, sir.  
1164  
1165 Mr. Briggs - Thank you, sir.  
1166  
1167 Mr. Mackey - I have a question for Mr. Condlin. Mr. Condlin, could either  
1168 you or the applicant tell us when you would expect, if it was approved, to start on this?  
1169 And how long would it take to build it out?  
1170  
1171 Mr. Condlin - Michael, would you like to come up to answer that? Just to  
1172 be accurate, I want to make sure we get your expectations in correctly.  
1173  
1174 Mr. Hallmark - Hi. Thank you for having me. I'm Michael Hallmark, I'm one  
1175 of the developers with Green City. The project will start first with the Best Products  
1176 adaptive reuse. And the building obviously is already existing, so that's a pretty quick  
1177 turnaround for us. So, we expect to begin that process early next year.  
1178  
1179 We would then focus on our internal core, which would be the village core. So, sometime  
1180 around '25 we would expect to have the arena and a small core of the interior through --  
1181 to come online. Residential development will be happening simultaneously with that.  
1182  
1183 The project -- the full project buildout is probably 13 to 15 years into the future. So, if  
1184 we're talking about schools, you need to think of all those residential absorptions  
1185 happening over a period of a decade, not in the course of the next couple of years. So,  
1186 we would expect all of this to be completed in the -- in '33, '34, that period of time. While  
1187 I'm here, I'm happy to answer any other questions you might have for me.

1188  
1189 Mr. Mackey - All right. Thank you for that, Mr. Hallmark. Any questions for  
1190 Mr. Hallmark? Go ahead.  
1191  
1192 Mrs. Thornton - Would the road improvements be done at the beginning of the  
1193 project?  
1194  
1195 Mr. Hallmark - So, certainly, the road improvements that equate to those  
1196 development pieces that need those improvements to happen, we won't have an arena  
1197 on day 1, so those Parham -- those Parham improvements won't happen on day 1. But  
1198 they will -- they will all happen, you know, sequentially as they're -- as they're important  
1199 and needed to the properties.  
1200  
1201 Mrs. Thornton - This might not be a question for you, but the hours of  
1202 construction -- because there are some residential homes near there. Can you -- you  
1203 didn't proffer. Maybe Andy could talk on that.  
1204  
1205 Mr. Hallmark - Well, I can talk on that. This is a -- is a complex project. It's  
1206 not possible for us to, you know, completely cut off construction during -- 7:00 to 7:00.  
1207 It's just not a practical consideration. So, I know that's been done in the exclusively  
1208 residential areas in the past. It's not something we're, you know, really able to do here.  
1209  
1210 Mrs. Thornton - Yeah. Okay.  
1211  
1212 Mr. Baka - Would you anticipate working after sunset?  
1213  
1214 Mr. Hallmark - I think it's more -- well, I mean, it's typical construction activity.  
1215 So, if you see large projects under development, that usually starts very early and it ends  
1216 relatively early, too. So, you know, trying to avoid traffic and restarting construction, you  
1217 know, late in the -- late in the morning does not help some of the traffic that we're also  
1218 concerned about. But it would be -- it would be a typical unrestricted kind of construction  
1219 activity, you know, we're asking for.  
1220  
1221 Mr. Archer - Sir, when you say unrestricted, what does that infer for  
1222 evening hours?  
1223  
1224 Mr. Hallmark - Well I don't -- I don't think there'd be any practical reason to  
1225 do that. There's no commercial reason. We're not doing double or triple shifting or any  
1226 of those kinds of things. That's what I mean. So, we want normal commercial  
1227 construction times allowed for this project. But we have absolutely no reason to believe  
1228 it's, you know, late into the evening or special multi-time periods.  
1229  
1230 Mr. Archer - Yeah. We generally expect that construction would not go  
1231 beyond a certain hour in the evening.  
1232  
1233 Mr. Hallmark - Sure.

1234  
1235 Mr. Archer - And none on Sundays is something that we try to adhere to  
1236 as much as we can. Particularly if it's anywhere near a residential area that could be  
1237 impacted by the noise as a result.

1238  
1239 Mr. Condlin - So up to that point, Mr. Archer, there -- this is such a large  
1240 area. Is that something that we -- maybe we could talk to staff and look at -- we've done  
1241 in the past with larger developments to stay within a certain radius or distance from the  
1242 existing residential. Because certainly as we're heading towards, you know, the back of  
1243 295 where there isn't anyone living back there in that area, but also as it -- near Park  
1244 Central where there's mostly office and flex buildings, those restrictions may not make as  
1245 much sense.

1246  
1247 Particularly when we've got something large, like an arena, that we're putting in as well.  
1248 So, if that's something, I'd like to be able to, you know, talk to staff. Maybe come in and  
1249 to talk to staff to come up with a kind of an appropriate given that they -- the scope of this  
1250 development, but also the proximity to the residential.

1251  
1252 Mr. Archer - Okay those why I kind of qualified my question, because I  
1253 realize this is not all adjacent to residential property. So, it -- that could have an impact  
1254 on how staff reacts to whatever you bring.

1255  
1256 Mrs. Thornton - Yeah. My only concern, sorry, if it's a 15-year buildout, or 20-  
1257 year, you're going to have residential there in year 5 and you're going to be still building  
1258 maybe a hotel, commercial, so they will have residential in this complex maybe for future.  
1259 So, I'm trying to protect maybe the few -- the people that will actually be living there that  
1260 aren't there now. Just be cognizant, you know, of that. I mean, right now there isn't  
1261 anybody, you know, there.

1262  
1263 Mr. Condlin - Oh, certainly. And that's all right. And that happens. I know  
1264 while one of the -- one of the residents mentioned that at the -- the existing residents  
1265 mentioned that at the community meeting. And certainly, from a, living in an urban area,  
1266 that's sometimes what's expected as its continuing on.

1267  
1268 But, you know, we can talk to staff, and this is about a half a mile distance from some of  
1269 the residential to where the core is. So, depending on where the residential comes up  
1270 and when that comes online, some of those development may be for the residential I was  
1271 concerned about. So, it just becomes in what -- how it gets phased with that respect.

1272  
1273 So, again, I think we can work with staff and come up with a, hopefully an appropriate  
1274 manner, if I can make that commitment to work with staff on that to accommodate the --  
1275 your concerns but also the existing residents.

1276  
1277 Mr. Archer - We appreciate that commitment. You did say commitment.  
1278

1279 Mr. Condlin - I did say commitment. I didn't -- I didn't get kicked by my  
1280 client, either so I think we're okay.  
1281  
1282 Mr. Mackey - Sir, you have a question?  
1283  
1284 Mr. Lipscomb - I do.  
1285  
1286 Mr. Mackey - You'll need to go to the back of the --  
1287  
1288 Mr. Lipscomb - It's about the hours. My name is Raymond Lipscomb Jr., and  
1289 my wife and I live in that area, and it is in our backyard. The woman at the -- just I couldn't  
1290 remember her name, she mentioned no one was living there. But it is in our backyard.  
1291 And I was thinking about an hour like 8:00 a.m. in the morning till whatever the sunset  
1292 hours are, would probably be a practical thing. But someone does live there already. My  
1293 wife and I. Thank you very much.  
1294  
1295 Mr. Mackey - Thank you, Mr. -- thank you. Thank you, sir. All right, Mr.  
1296 Archer, were there any other questions for Mr. Condlin?  
1297  
1298 Mr. Archer - I don't think so. We've got to go through the PUP, so maybe  
1299 some other questions will come up while we're exploring that part of -- so are we ready to  
1300 work?  
1301  
1302 Mr. Mackey - Yes, sir. We're ready.  
1303  
1304 Mr. Archer - Okay. Well, let me make a couple of remarks, first. One thing  
1305 that's struck my mind, I recall, and Mr. Emerson probably will too, and Mr. Witte. A few  
1306 years ago, we started noticing a rather large influx of new hotels in the area. And I used  
1307 to wonder who's going to populate all these hotels? And NASCAR, of course, has taken  
1308 up quite a bit of it. But you were looking at only two events a year. So, I guess sometimes  
1309 people have much more foresight than I do and is recognizing this.  
1310  
1311 Also, I'd like to make clear, that we're not -- we're not actually giving an approval as the  
1312 project. That can only be done by the Board of Supervisors. But we have to make a  
1313 recommendation as to how we feel they should go. And recognizing the fact, and I think  
1314 Mr. Condlin recognizes this too, that there is still much work to be done to coordinate with  
1315 staff on some of the things that have just come up here tonight. And I hope they're willing  
1316 to do that.  
1317  
1318 There are certainly a lot of pros to this, and we have to weigh the pros and cons to try to  
1319 balance out the far-reaching affects this could have, and the positive work for not just  
1320 Henrico, but the metropolitan area and even beyond.  
1321  
1322 And I complement Mr. Leon Hughes for his knowledge of how this process works. We  
1323 don't normally hear too much on citizens, and I acknowledge that, sir.

1324

1325 But I think we need to make a motion on this and move it and then we'll get to the -- to  
1326 the PUP and the question that came up about the TIA, Traffic Impact Analysis, I'm going  
1327 to address in the motion to some degree.

1328  
1329 So, Mr. Chairman, I move that we recommend approval of REZ2021-00039 Green City  
1330 Park -- Green City Partners, LLC with the proffers in the staff report dated August 30,  
1331 2021 and with the understanding the applicant will work to finalize the Traffic Impact  
1332 Analysis and incorporate any findings into the proffers prior to the Board of Supervisors'  
1333 public hearing.

1334  
1335 Mr. Witte - Second.

1336  
1337 Mr. Mackey - All right. We have a motion for a recommendation of approval  
1338 of REZ2021-00039 Green City Partners, LLC by Mr. Archer, a second by Mr. Witte. All  
1339 in favor say aye.

1340  
1341 The Commission - Aye.

1342  
1343 Mr. Mackey - Any opposed? All right. The motion is granted.

1344  
1345 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the  
1346 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
1347 **grant** the request because it conforms to the recommendations of the Comprehensive  
1348 Plan, the employment uses would support the County's economic development policies,  
1349 and would not adversely affect the adjoining area if properly developed as proposed.

1350  
1351 Mr. Emerson - Mr. Chairman, just to clear up any confusion, and maybe there  
1352 isn't any, but that was a joint public hearing. You did call both hearings for the rezoning  
1353 and the provisional use permit. And Mr. Sehl did present both.

1354  
1355 Mr. Mackey - Right. So, we just need action on the PUP?

1356  
1357 Mr. Emerson - Unless there are questions regarding it.

1358  
1359 Mr. Mackey - Okay. Are there any -- are there any questions regarding the  
1360 PUP?

1361  
1362 Mr. Archer - All right. We ready for a motion.

1363  
1364 Mr. Mackey - Yes, sir.

1365  
1366 Mr. Archer - Okay. Mr. Chairman, I recommend approval of the provisional  
1367 use permit, PUP2021-00017 Green City Partners, LLC with the recommended conditions  
1368 listed in the staff report and with the understanding the applicant will work to finalize the  
1369 traffic impact analysis and incorporate the findings into the proffers prior to the Board of  
1370 Supervisors public hearing.

1371  
1372 Mr. Mackey - Second. All right. We have a motion for recommendation of  
1373 approval of PUP2021-00017, Green City Partners, LLC by Mr. Archer, a second by Mr.  
1374 Mackey. All in favor say aye.

1375  
1376 The Commission - Aye.

1377  
1378 Mr. Mackey - Any opposed? The motion is granted.

1379  
1380 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,  
1381 the Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1382 Supervisors **grant** the request because it would provide added services to the community  
1383 and when properly developed and regulated by the recommended special conditions, it  
1384 would not be detrimental to the public health, safety, welfare and values in the area.

1385  
1386 Mr. Emerson - Mr. Chairman, these cases will be, assuming the results from  
1387 the TIA come back, as we feel they will, on the Board's agenda, October the 12th.

1388  
1389 Mr. Mackey - All right. Thank you, sir.

1390  
1391 Mr. Emerson - If that's it, Mr. Chairman, we move on to the next item on your  
1392 agenda, which appears at the bottom of page 2. It's REZ2021-00042, Jeffrey P. Geiger  
1393 for Gumenick Properties. The staff report will be presented by Mr. Ben Sehl.

1394  
1395 **REZ2021-00042 Jeffrey P. Geiger for Gumenick Properties:** Request to  
1396 conditionally rezone from R-3 One-Family Residence District to UMUC Urban Mixed Use  
1397 District (Conditional) Parcels 772-740-7798, 772-741-6201, -6408, -6715, -7023, -7440,  
1398 -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-741-  
1399 0179, -0354, -0565, -0945, -1360, -1654, and -2048 containing 8.047 acres located on  
1400 the north and south lines of Argus Lane at its intersection with Spencer Road. The  
1401 applicant proposes inclusion in the adjacent UMUC development (Libbie Mill). The uses  
1402 will be controlled by zoning ordinance regulations and proffered conditions. The 2026  
1403 Comprehensive Plan recommends Suburban Residential 2, density should not exceed  
1404 3.4 units per acre. The applicant also proposes to amend proffers accepted with Rezoning  
1405 cases REZ2015-00018 and REZ2018-00044 on Parcels 771-740-8005, -9118, 772-740-  
1406 0431, -1137, -1743, -2229, -2836, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -  
1407 9572, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -  
1408 5174 and Part of Parcel 774-740-0801 located on the east line of Libbie Avenue  
1409 approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N.  
1410 Crestwood Avenue, then between the east line of Spencer Road and west line of Staples  
1411 Mill Road (U.S. Route 33) along the south line of Bethlehem Road. The applicant  
1412 proposes to amend proffers related to the pattern book; overall density; building height;  
1413 architecture of apartments, condominiums, and townhomes; restaurant ventilation; road  
1414 improvements; on-street parking; and Spencer Road restrictions. The existing zoning is  
1415 UMUC Urban Mixed-Use District (Conditional). The 2026 Comprehensive Plan  
1416 recommends Commercial Concentration, Light Industrial, Urban Mixed Use and

1417 Environmental Protection Area. A portion of the site along Libbie Avenue north of W.  
1418 Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is in the  
1419 Enterprise Zone.

1420

1421 Mr. Mackey - All right. Thank you, sir. Is there anyone in attendance or via  
1422 Webex that's in -- go ahead, yes, sir.

1423

1424 Mr. Emerson - Yes, sir. I had -- there's a companion case.

1425

1426 Mr. Mackey - Oh, I apologize.

1427

1428 Mr. Emerson - I'm sorry. But go ahead.

1429

1430 Mr. Mackey - No, you go ahead.

1431

1432 Mr. Emerson - I'm sorry. That was my fault. I paused. You also have a  
1433 companion case, PUP2021-00015 Jeffrey P. Geiger again for Gumenick Properties. It's  
1434 a request for a provisional use permit to incorporate additional property and amend  
1435 conditions of PUP2018-00016 for the mixed-use development on the same properties  
1436 noted earlier. It is located, again, east of Libbie Avenue, north of West Broad Street, and  
1437 it is known as the Libbie Mill Development. The applicant proposes changes in  
1438 development standards related to multi-family residential percentage for the mixed-use  
1439 development. And, again, the staff report will be presented by Mr. Ben Sehl.

1440

1441 **PUP2021-00015 Jeffrey P. Geiger for Gumenick Properties:** Request for  
1442 a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of  
1443 Chapter 24 of the County Code to incorporate additional property and amend conditions  
1444 of PUP2018-00016 for the mixed-use development on Parcels 771-740-8005, -9118, 772-  
1445 740-0431, -1137, -1743, -2229, -2836, -7798, 772-741-6201, -6408, -6715, -7023, -7440,  
1446 -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-739-  
1447 3547, -3784, -9074, 773-740-4815, -5180, -9572, 773-741-0179, -0354, -0565, -0945, -  
1448 1360, -1654, -2048, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -  
1449 4716, -4802, -5174, and Part of Parcel 774-740-0801 located on the east line of Libbie  
1450 Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection  
1451 with N. Crestwood Avenue and between the east line of Libbie Avenue and west line of  
1452 Staples Mill Road (U. S. Route 33) south of Bethlehem Road. The applicant proposes  
1453 changes in development standards related to multifamily residential percentage for the  
1454 mixed-use development. The existing zoning is R-3 One-Family Residence District and  
1455 UMUC Urban Mixed-Use District (Conditional). UMUC zoning is proposed for the R-3  
1456 portion of the development with REZ2021-00042. The 2026 Comprehensive Plan  
1457 recommends Commercial Concentration, Light Industrial, Urban Mixed Use,  
1458 Environmental Protection Area, and Suburban Residential 2, density should not exceed  
1459 3.4 units per acre. A portion of the site along Libbie Avenue north of W. Broad Street (U.S.  
1460 Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise Zone.

1461

1462 Mr. Mackey - All right. Thank you, sir. All right. Is there anyone in  
1463 attendance or via Webex that's in opposition of REZ2021-00042 Gumenick Properties or  
1464 the companion case PUP2021-00015 Gumenick Properties?  
1465

1466 Ms. Deemer - Mr. Chairman, we have someone who would like to speak. I  
1467 cannot tell if the person is in support or opposition.  
1468

1469 Mr. Mackey - Okay. Do we have anyone also in -- that would like to speak  
1470 in support of either of these cases? All right. We do have someone in attendance. So,  
1471 when -- it's their time, we'll let them speak first, and then we'll have the person online  
1472 speak. All right. Thank you.  
1473

1474 Mr. Sehl - Thank you again, Mr. Chairman. These requests would add  
1475 24 new parcels to the existing Libbie Mill Development as well as provide minor  
1476 amendments to the proffers most recently revised in 2019 as well as provide for a new  
1477 provisional use permit conditions for the bulk of Libbie Mill. The parcels to be added are  
1478 zoned R-3 and are located close to the intersection of Libbie Avenue and Bethlehem  
1479 Road in this location.  
1480

1481 The remainder of the property is already zoned UMU-C and subject to the proffers of  
1482 REZ2018-00044. The UMU-C rezoning was originally approved for the property in 2007,  
1483 and since that time numerous developments have occurred within Libbie Mill. These  
1484 include the LL Flooring headquarters, two office retail buildings adjacent to Staples Mill  
1485 Road, the Penstock Quarter Apartments, the almost completed Wellsmith Apartments,  
1486 numerous townhomes and condos, and the Libbie Mill Library.  
1487

1488 Portions of the development, such as the library and townhomes, are not included in the  
1489 amendment request. The master plan for the development is very conceptual in nature,  
1490 and the applicant has proposed this updated plan as part of the request. The existing  
1491 plan, which is shown here, included the community here, but stopping at Spencer Road.  
1492 The applicant now proposes to expand the residential and or commercial areas west of  
1493 Spencer to Libbie Avenue.  
1494

1495 The specific layouts of this area would be determined at a later date. Other changes  
1496 proposed by the applicant include adding clarifying language to several architectural  
1497 proffers and modifying building height requirements. The proposed changes were  
1498 indicated in the proffer statement in your staff report and were recently updated by the  
1499 applicant to address a final concern noted by the traffic engineer.  
1500

1501 The document provided to you tonight shows the changes to the proffer statements since  
1502 the staff report was issued and the previous revisions were made to address concerns  
1503 noted at the July 26 community meeting. The revisions since that meeting include  
1504 reducing the overall density to 2,014 residential units from the 2,440 units that were  
1505 previously proposed. This new density cap is reflective of the 2,090 units already  
1506 approved for Libbie Mill, plus the additional 24 lots being incorporated into the community.  
1507

1508 With the companion PUP, the applicant has requested to shift the unit types by allowing  
1509 an additional 374 of the units to be developed as apartments, for a total of 1,470  
1510 potentially allowed.

1511  
1512 The applicant also proposes to slightly increase the allowed building height for a portion  
1513 of the site adjacent to Libbie Avenue, in this area, from 60 feet to 85 feet, which will be  
1514 consistent with the other portions of the development along Bethlehem and Libbie in this  
1515 location but would also reduce the overall building height allowed in the community from  
1516 250 feet to 175 feet; that would be the maximum allowed going forward.

1517  
1518 Finally, the applicant did add a proffer requiring an additional amenity to be added that  
1519 would include improvements for children and adults. This was a specific requirement of  
1520 residents at the community meeting in July.

1521  
1522 Other requirements for Libbie Mill, such as parking, architectural quality, prohibited uses,  
1523 and pedestrian amenities would remain the same, which would allow for the continuation  
1524 of a pattern of development that has been demonstrated during the initial phases of  
1525 construction. Staff believes these companion requests would result in the reasonable  
1526 expansion of the Libbie Mill development.

1527  
1528 The updated proffers, along with the proposed revisions to the PUP conditions, should  
1529 continue to provide reasonable protections for adjacent property while allowing necessary  
1530 flexibility for the more urban form of development envisioned for UMU projects in the  
1531 county.

1532  
1533 While staff is supportive of this request, it should be noted that proposed expansion would  
1534 allow for an additional shift towards residential uses within the community, and the  
1535 applicant is encouraged to provide additional information on how Libbie Mill can continue  
1536 to meet the goal of creating a mixed use community that can meet many of its resident's  
1537 needs within the development itself.

1538  
1539 Provided this can be addressed to the Commission's satisfaction, staff recommends  
1540 approval of both requests subject to the revised proffers dated September 9th and the  
1541 PUP conditions in the report. Time limits would need to be waived on those proffers to  
1542 accept them this evening. That does conclude my presentation, and I'd be happy to try  
1543 and answer any questions you might have.

1544  
1545 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone on the  
1546 Commission have any questions for Mr. Sehl?

1547  
1548 Mr. Witte - No, sir.

1549  
1550 Mr. Sehl - Thank you.

1551  
1552 Mr. Mackey - All right. Mr. Witte, how would you like to proceed?

1553

1554 Mr. Witte - Let's start with the opposition.  
1555  
1556 Mr. Mackey - Okay. Sir, if you would go to the lectern in the back and please  
1557 state your name and address for the record, please.  
1558  
1559 Mr. Jones - Mr. Chairman, members of the Commission, I'm Charles B.  
1560 Jones. My wife and I live at 2304 Libbie Avenue, and I have a couple of questions about  
1561 the part of the plan as shown in the upper right-hand section the -- I mean, the upper left-  
1562 hand section that affects Libbie Avenue and up to Spencer Road and some of the other  
1563 streets in there I understand are going to be closed off.  
1564  
1565 But Libbie Avenue, which is now a T-intersection, will be turned into a full intersection  
1566 which would directly impact our property on 2304 which is at the corner of Westbourne  
1567 and Libbie Avenue that would be, as I understand it, made into a full intersection and  
1568 that's going to affect us directly because it's going -- the traffic's already tough in the  
1569 morning to get out on that section of Libbie Avenue. But if they had that extra traffic out  
1570 of that development on Libbie it's going to make it that much harder to get out.  
1571  
1572 And the other part of that is public meeting in July they were talking about -- making a  
1573 traffic circle up at Libbie -- Libbie and Bethlehem. Is that going to be part of this -- or tied  
1574 of this development, or is it going to be before this development occurs? And the closure  
1575 of the street, is that going to be -- where is that going to be in the development of this  
1576 addition and what's the time -- approximate time it'll take in the process?  
1577  
1578 Mr. Mackey - I'm sorry, the approximate time to do what? The buildout?  
1579  
1580 Mr. Jones - For the -- when you -- there's going to, you know, the  
1581 destruction and renovation and rebuild of this -- that northwest corner of that property.  
1582  
1583 Mr. Mackey - Okay. All right. Thank you, Mr. Jones. All right.  
1584  
1585 Mr. Witte - Do we have any other opposition?  
1586  
1587 Mr. Mackey - Yes, on Webex.  
1588  
1589 Mr. Witte - All right.  
1590  
1591 Mr. Mackey - Can we hear from the person on Webex, please?  
1592  
1593 Ms. Deemer - Mr. Chairman, we now have two speakers against -- the first  
1594 person I'm going to unmute is a Mr. Edwin Smith. He is now unmuted.  
1595  
1596 Mr. Mackey - Thank you.  
1597  
1598 Mr. Smith - Mr. Chairman, can you hear me?

1600 Mr. Mackey - Yes, sir.

1601

1602 Mr. Smith - Okay. Mr. Chair -- well, good evening to you Mr. Chairman,  
1603 and all the other members of your Planning Commission. My name is Edwin Smith and I  
1604 live in the Libbie Mill complex. I'm in support of what's going on, but I'm also in opposition  
1605 as to a lot of different things that have gone on. Mr. Ben Sehl did finally respond to me  
1606 earlier today on some of my questions and some of the things that go in that category,  
1607 well they've said that they are entertaining to do, such as a place for the children and  
1608 everything to be able to have somewhere for the children.

1609

1610 I'm not sure what that's going to look like, but -- and I'm not sure where it's going to be,  
1611 because we do have a couple of major streets that people are using as cut-through from  
1612 Libbie to Staples Mill and vice versa that are having children to be crossing those areas.

1613

1614 Earlier it was said by the gentleman that just made the presentation about numerous  
1615 things that are going on. The most recent was a while back there was a -- these are only  
1616 of that same area to allow for these 14 units to go in there in a previously unused green  
1617 space. I just happened to notice that they lost 10 parking spaces in the area. I don't know  
1618 what the thinking is.

1619

1620 I guess I'll have to get more into the planning process to understand when you lose  
1621 spaces, how is that still counted as being okay and you're putting in 14 apartment units.  
1622 And most folks that I see that live out in Libbie Mill are two-car families, which, again, it  
1623 just -- it throws me off when you lose spaces, how is that still within compliance of the  
1624 parking for the overall area if you came back to ask for this after the original plan? Did I  
1625 make myself clear on that?

1626

1627 Mr. Mackey - Yes, sir. Mr. Smith.

1628

1629 Mr. Smith - So, I'm just wondering, how did that work out? My second  
1630 question, and like I said, I'm in support of Libbie Mill because I lived out there for a little  
1631 over four years.

1632

1633 My second question is, there's a vacant lot that right -- sits right next to the library and it's  
1634 got a sign on it, Office Space for Lease, dot, dot, dot, dot, dot. I live right there. I have a  
1635 hard problem sometimes now just finding a parking space for my daughter, to drop my  
1636 granddaughter off, because the folks that are living on Masons Lane have to park on  
1637 Libbie Mill West because they don't have adequate parking for them other than a one car  
1638 garage. And, again, most families that are out there are two cars.

1639

1640 I'm wondering, does this office building plan to have a parking deck associated with it? I  
1641 would like to just get those two questions answered.

1642

1643 Mr. Mackey - Okay. All right. Thank you, sir.

1644

1645 Mrs. O'Bannon - Is that the former fire chief?

1646  
1647 Mr. Emerson - Yes, ma'am. I think it is a former fire chief, but I have to ask  
1648 him to make sure. Ed, is that you?  
1649  
1650 Mrs. O'Bannon - Mr. Smith, are you our former fire chief?  
1651  
1652 Mr. Smith - How you doing?  
1653  
1654 Mr. Emerson - Good to hear from you. I thought that was you.  
1655  
1656 Mr. Smith - Okay.  
1657  
1658 Mr. Mackey - Thank you, sir.  
1659  
1660 Mr. Witte - It's hard to tell with his mask on.  
1661  
1662 Mr. Emerson - It is. He's got his mask on. We can't tell.  
1663  
1664 Mr. Smith - I've been planning to come up.  
1665  
1666 Mrs. O'Bannon - He knows what he's talking about there.  
1667  
1668 Mr. Mackey - All right --  
1669  
1670 Mr. Witte - One more on Webex.  
1671  
1672 Mr. Mackey - There's one more person on Webex.  
1673  
1674 Ms. Deemer - Yes, Mr. Chairman, the last speaker is Michael Langhorne.  
1675 He is now unmuted.  
1676  
1677 Mr. Langhorne - Ah, yes. Do you hear me?  
1678  
1679 Mr. Mackey - Yes, sir.  
1680  
1681 Mr. Langhorne - Thank you for your -- thank you for listening, Mr. Chairman,  
1682 members of the Board. I live -- I live in, I guess, zone R-5 of the -- of the area we're  
1683 looking at right now. There's a creek separating my neighborhood and the Libbie Mill  
1684 area right now.  
1685  
1686 Before my previous -- before my landlord moves this house, his father owned the -- owned  
1687 the house. And in the '70s, that was the one time that the creek that's between us and  
1688 the development overflowed. Since my landlord moved in and since I moved in -- since  
1689 I moved in after he moved out, that creek has now overflowed four times. Three times to  
1690 the point where it's gotten to -- three times it's gotten to the point where it's -- my garage  
1691 is three feet under water. I've now lost multiple things.

1692  
1693 I would just like to know, is Libbie Mill actually going to do anything about fixing that entire  
1694 drainage system? That entire drainage problem? Because it is a serious problem. Like  
1695 I said before 2015 I think is when my landlord moved in. Before 2015 that creek only  
1696 overflowed once. Since then, it's overflowed five times. It is a serious issue.

1697  
1698 I'm speaking for the five houses that are mostly affected by that creek right now, and I  
1699 would like to know, is anything actually going to be done about that drainage issue? My  
1700 landlord was in the Richmond *Times Dispatch* once before, so you can find that article  
1701 his name is Benjamin Beckstoffer of Beckstoffer-Welsh, Incorporated. That article was in  
1702 the paper, so if you can find it you can read about it there. And there's a direct picture of  
1703 the creek from our backyard with him standing right next to it. That's all I got to say.  
1704 Thank you for your time.

1705  
1706 Mr. Mackey - All right. Thank you, Mr. Langhorne. Was there anyone else  
1707 Ms. Deemer, on Webex?

1708  
1709 Ms. Deemer - No, sir. That was it.

1710  
1711 Mr. Mackey - Okay.

1712  
1713 Mr. Witte - All right. I guess it's time for Mr. Geiger's show.

1714  
1715 Mr. Mackey - All right. Mr. Geiger.

1716  
1717 Mrs. Thornton - A lot of issues.

1718  
1719 Mr. Geiger - Mr. Chairman, members of the Commission, Jeff Geiger here  
1720 on behalf of Gumenick Properties. I think Mr. Sehl did a good job reviewing the request.  
1721 I'll focus, if the Commission -- with the Commission's pleasure, on some of the concerns  
1722 or questions that were raised and address those and then be available to answer any  
1723 specific questions that Commission members may have.

1724  
1725 Mr. Jones asked about Westbourne. Yes, we will be putting in a fourth leg to that  
1726 intersection. It will serve the new section that we are adding. I understood that his  
1727 concern was, you know, about the traffic and the volume and wanted to bring to his  
1728 attention and to the Commission's attention the efforts that the county has been putting  
1729 forward to first add that new round-about at the intersection of Libbie and Bethlehem.

1730  
1731 And then also putting together a plan for a road diet for Libbie to slow traffic down. And  
1732 the Gumenick's are working in concert with your Public Works Department on that road  
1733 diet effort.

1734  
1735 The closure with this -- on the streets, we don't have a timeline for that. That will occur  
1736 as development proceeds. If you have been to Libbie Mill recently, you know we're  
1737 working kind of -- our development is now moving north towards the north part of the --

1738 north of the lake. We will work on that development. And then sometime in the future  
1739 continue in the west -- in the western progression toward this new 8 acres that we are  
1740 adding to Libbie Mill.

1741

1742 I appreciate Mr. Smith's questions and comments. His input at the community meeting  
1743 was valuable and one that the Gumenick's listened to. And we have specifically added a  
1744 proffer, as Mr. Sehl noted, that we will add an additional amenity area focused more  
1745 toward children.

1746

1747 As you know, I view Libbie Mill as a very unique place where we have unique types of  
1748 amenities. The library being one of them, a tremendous place where you can bring your  
1749 children and receive, you know, engagement within the library and the programming that  
1750 the excellent staff there offers.

1751

1752 We also have a kind of a bocce ball play area next to the clubhouse and then we have  
1753 the walking trail down by the creek and we're excited to add another component. This is  
1754 kind of the specific amenity area to complement those that children can also play at. The  
1755 question -- there was a question about we did add -- there is a new building going up just  
1756 south of the library parking.

1757

1758 I think Mr. Smith was mentioning about, you know, possible loss of parking. That building  
1759 was added through the POD process. As you know, with the POD process, parking is  
1760 carefully evaluated. And what is transpiring there is -- we are adding on a net basis 11  
1761 more parking spaces than that -- what is currently in that area.

1762

1763 The additional question that Mr. Smith had about the area, the developable area next to  
1764 the southwest of the library, we don't have specific plans for that area. It will be developed  
1765 at some point in the future. And, again, as we go through that POD process, we have a  
1766 very specific parking standard that we have to follow within the existing zoning for Libby  
1767 Mill. And anything we do there will have to follow that parking standard.

1768

1769 As also was explained at our community meeting, the Gumenick's are looking at adding  
1770 more parking within Libbie Mill and there is a plan that has been submitted and reviewed  
1771 by the county for that additional parking throughout Libbie Mill, and we look forward to  
1772 working with DPW on kind of finalizing those.

1773

1774 Lastly, the gentleman asked about what is transpiring kind of within the creek. As you  
1775 know, as we come through and we get our PODs approved, we have to provide onsite  
1776 detention for all of the storm water that we may be generating within the project. That --  
1777 we have to detain that water at a rate that our post-development equals our pre-  
1778 development rate.

1779

1780 We have -- we are, as a neighbor, as an owner of land next to that creek, we are aware  
1781 of that -- those events that are transpiring. We have been looking at it closely. A lot of  
1782 that water is building up upstream from us due to the drainage that is -- this creek is

1783 covering a large area and collecting water from a large area and coming through this  
1784 area.

1785  
1786 So, we are doing what we can with our plans through the POD process. The staff is  
1787 making sure that we are meeting our legal obligation with respect to stormwater, and we  
1788 will continue to monitor, you know, what is transpiring through that creek. But there may  
1789 be steps that have to be taken elsewhere upstream.

1790  
1791 With that, be glad to answer any questions that the Commission may have and do ask  
1792 that the Commission recommend approval of the rezoning requests and the PUP request  
1793 before you.

1794  
1795 Mr. Mackey - All right.

1796  
1797 Mr. Witte - Mr. Geiger, you can clarify for me, we lost 14 spaces  
1798 according to Mr. Smith and you said we're going to have a -- you're adding a net 11? To  
1799 me that means there's going to be 25 total spaces.

1800  
1801 Mr. Geiger - We are going --

1802  
1803 Mr. Witte - 14 we lost, plus 11 added?

1804  
1805 Mr. Geiger - I'm not sure -- the information I have, so, yes. We were --  
1806 were at 14, we've lost 6 and we're adding 17 back. And so, the net is 11.

1807  
1808 Mr. Witte - 11 gain?

1809  
1810 Mr. Geiger - Yes on top of the original 14. So, just as I then do my math,  
1811 you're correct, sir, we will have 25 in that area.

1812  
1813 Mr. Witte - All right. And we've -- I think we've taken care of the Libbie  
1814 Avenue issue. The -- I'm going to call it the recreation -- proposed recreation area. Can  
1815 you elaborate on that? Because it's kind of vague.

1816  
1817 Mr. Geiger - Great. I appreciate the question. As I mentioned, you know,  
1818 Libbie Mill is -- the Gumenick's have had a very unique kind of -- the very first UMU project  
1819 that's really gotten momentum in the county and is really adhered to that original vision.  
1820 And we could just commit to dropping a playground in. We could do that. We may do  
1821 that. But we are asking for the Commission's flexibility in their recommendation to give  
1822 us an opportunity to when it comes time to develop that, to see if there's something better  
1823 that we could do.

1824  
1825 Is there another type of, you know, system, another type of, you know, children's play  
1826 area that's engaging in a different way? Sometimes you go to parks and it's a green  
1827 space that has instruments that you might be able to play, or different types of  
1828 improvements that engage the children in a manner that isn't just a plastic playground.

1829 So, we'd like the opportunity to explore that. To see what we can do to again make a  
1830 unique statement that adds to the quality within Libbie Mill. I'll be honest, we may just,  
1831 you know, kind of come back to that children's playground, but we'd like the flexibility to  
1832 be creative.

1833  
1834 Mr. Witte - All right. My understanding is that once the 100th occupancy  
1835 certificate has been issued, by that -- by that time, this facility area will be completed.

1836  
1837 Mr. Geiger - Yes, sir.

1838  
1839 Mr. Witte - Do we have any idea on size?

1840  
1841 Mr. Geiger - We do not.

1842  
1843 Mr. Witte - If we don't have amenities, you know, size is an issue, too.

1844  
1845 Mr. Geiger - Yep. We -- no. We don't -- we haven't programmed what the  
1846 development will be within this eight acres. But, you know, perhaps we -- we have done  
1847 things well. We have always had a good relationship with your planning staff and looking  
1848 for ways to amenitize and successfully amenitize Libbie Mill.

1849  
1850 As you know, we have received awards for the way we have approached programming  
1851 our open space, the way we've improved our open space to create engagement. And  
1852 that is a hallmark that is important to the Gumenick's. And we will -- we will work to find  
1853 a -- kind of that appropriate area that's based on the programming that we want to provide  
1854 there.

1855  
1856 Mr. Witte - Is there a projected capacity for this playground, recreation  
1857 area?

1858  
1859 Mr. Geiger - No. It -- you know, from my perspective, it was interesting to  
1860 hear Mr. Smith's, you know, comments, you know. We've heard at our community  
1861 meeting from Mr. Smith's -- from others, that they have their grandchildren come and visit  
1862 and they're looking for another area to play.

1863  
1864 So, I think it's -- the demand that we're looking there is more kind of a visitor type of  
1865 demand. As you know one of the hallmarks of UMU and the way we have designed  
1866 Libbie Mill is we're really focused at uses, residential uses that, you know, are geared  
1867 more towards young professionals and empty nesters.

1868  
1869 We may have some children, but it isn't that typical suburban type of development that  
1870 would have a larger amount of children.

1871  
1872 Mr. Witte - So, in addition to the children's area, we need an adult area.  
1873 Is that what you're saying?

1874

1875 Mr. Geiger - The -- we've got some wonderful adult areas to -- that library  
1876 does some great programming for adults, too.  
1877  
1878 Mr. Witte - All right. I think we've -- I don't have any other questions.  
1879 Anybody else?  
1880  
1881 Mr. Mackey - Are there any other questions? I got one question, Mr. Geiger,  
1882 I apologize in advance for if you've already answered it. You covered a lot of stuff. I also  
1883 thought Mr. Smith asked if there were any plans for a parking deck?  
1884  
1885 Mr. Geiger - At this time, there are no specific plans for a parking deck.  
1886 How we -- how we ultimately use that property in comparison to our parking requirements,  
1887 the standards that we have, will ultimately decide what is the right way that we park, you  
1888 know, that new improvement.  
1889  
1890 But, again, we will continue to adhere to that parking standard that's in the zoning and I  
1891 shared the information about the additional parking that the Gumenick's are working on  
1892 that -- to continue to address that concern that they've heard from their residents about  
1893 adding more parking within the project. We have planned in and we hope to work with  
1894 DPW to find a way to get that done.  
1895  
1896 Mr. Mackey - Thank you. Any other questions for Mr. Geiger? Okay, all  
1897 right, Mr. Witte.  
1898  
1899 Mr. Witte - All right, Mr. Chairman. I guess first we need to waive the time  
1900 limits. So, Mr. Chairman, I move we grant a waiver of time limits and accept the proffers  
1901 dated September 9, 2021 for REZ2021-00042 Gumenick Properties.  
1902  
1903 Mr. Mackey - Second. All right. Motioned for the waiver of the time limits  
1904 on the new proffers. Motioned by Mr. Witte, seconded by Mr. Mackey, all in favor say  
1905 aye.  
1906  
1907 The Commission - Aye.  
1908  
1909 Mr. Mackey - Any opposed? The motion is granted.  
1910  
1911 Mr. Witte - All right. Well, Mr. Chairman, along with that I move that we  
1912 recommend approval of REZ2021-00042 Gumenick Properties with the proffers dated  
1913 September 9, 2021.  
1914  
1915 Mr. Archer - Second.  
1916  
1917 Mr. Mackey - All right, we have a motion for a recommendation of approval  
1918 of REZ2021-00042 Gumenick Properties by Mr. Witte, seconded by Mr. Archer, excuse  
1919 me. All in favor say aye.  
1920

1921 The Commission - Aye.

1922

1923 Mr. Mackey - Any opposed? Motion is granted.

1924

1925 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Archer, the

1926 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors

1927 **grant** the request because it represents a logical continuation of the mixed-use

1928 development pattern which exists in the area and would permit infill development with

1929 proper connection for roads and other public facilities.

1930

1931 Mr. Witte - And I guess we do the companion case?

1932

1933 Mr. Mackey - Yes, sir.

1934

1935 Mr. Witte - Mr. Chairman, I recommend approval of provisional use

1936 permit PUP2021-00015 Gumenick Properties with the recommended conditions that's

1937 listed in the staff report.

1938

1939 Mr. Mackey - Second. All right, we have a motion by Mr. Witte, a second

1940 by Mr. Mackey, for recommendation of approval of PUP2021-00015 Gumenick

1941 Properties. All in favor say aye.

1942

1943 The Commission - Aye.

1944

1945 Mr. Mackey - Any opposed? The motion is carried.

1946

1947 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the

1948 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors

1949 **grant** the request because it is reasonable in light of the surrounding uses and existing

1950 zoning in the area and would not be expected to adversely affect public safety, health or

1951 general welfare.

1952

1953 Mr. Emerson - Mr. Chairman, we now move on to the next item on your

1954 agenda, which appears on page 3. It's PUP2021-00019. It is Andrew Condlin for Green

1955 Clean Auto Wash, LLC. The staff report will be presented by Mr. Mike Morris.

1956

1957 **PUP2021-00019 Andrew Condlin for Green Clean Auto Wash, LLC:**

1958 Request for a Provisional Use Permit under Sections 24-2306 and 24-4205 of Chapter

1959 24 of the County Code to allow a car wash on Parcel 755-757-9394 located on the north

1960 line of W. Broad Street (U.S. Route 250) approximately 140' east of Old Springfield Road.

1961 The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends

1962 Commercial Arterial.

1963

1964 Mr. Mackey - Good evening, Mr. Morris. Is there anyone in attendance

1965 that's in opposition of PUP2021-00019 Green Clean Auto Wash, LLC or anyone via

1966 Webex that is in opposition? Anyone in support?

1967  
1968 Ms. Deemer - There's no one on Webex.  
1969  
1970 Mr. Mackey - I apologize. Anyone in support? All right. Thank you.  
1971  
1972 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. The  
1973 applicant is requesting a provisional use permit to allow a carwash on the subject  
1974 property. Recent changes to the zoning ordinance now will have car washes in the B-2  
1975 District as a primary use with the approval of a provisional use permit granted by the  
1976 Board of Supervisors. The subject property is located on the north line of West Broad  
1977 Street, east of Old Springfield Road, and is zoned B-2 Business District. The 2026  
1978 Comprehensive Plan recommends Commercial Arterial.  
1979  
1980 Adjacent properties to the east and west are zoned B-2 and consist of a retail strip and  
1981 Virginia Credit Union, respectively. To the north is the shopping center drive aisle  
1982 providing the only access to the site, followed by Lowe's and its associated parking lot.  
1983 Across West Broad Street to the south is the Broadmoor multi-family development.  
1984  
1985 As shown on the conditioned concept plan, the carwash would be oriented north-south  
1986 with the building entrance facing West Broad Street and the exit facing north towards the  
1987 drive aisle and Lowe's. Parking and vacuum stations are shown located to the east of  
1988 the carwash and a dumpster enclosure is shown in the northeast corner.  
1989  
1990 I should note that the revised conditions that you received this evening dated September  
1991 9, 2021 include two changes. The first sets the hours of operation at 7:00 a.m. to 9:00  
1992 p.m. and the second addresses building materials of the dumpster enclosure.  
1993  
1994 Elevations have also been conditioned and building materials would be limited to brick,  
1995 brick veneer, glass, stone, stone veneer, split-faced block, and cementitious siding among  
1996 others. Other conditions restrict the use of outside or outdoor speakers, establish a 10-  
1997 foot setback from the property line for vacuums and associated equipment, address  
1998 vehicular cueing and establish landscape buffers along the northern and southern  
1999 boundaries.  
2000  
2001 The proposed use is consistent with the future land use designation and the character of  
2002 the surrounding commercial uses. Staff notes; the size of the property may present  
2003 challenges and limitations in terms of layout and potential impacts on neighboring  
2004 properties, such as traffic and noise.  
2005  
2006 Conditions for this case are based on recently submitted carwash rezoning requests and  
2007 -- and were specifically crafted to address these potential issues. For these reasons, staff  
2008 supports this request, subject to the recommended conditions handed out this evening.  
2009 This concludes my presentation, and I am happy to try and answer any questions you  
2010 may have.  
2011

2012 Mr. Mackey - All right, thank you, sir. Any questions from the Commission  
2013 for Mr. Morris? No, sir. No questions.  
2014  
2015 Mr. Witte - We have no opposition?  
2016  
2017 Mr. Mackey - No opposition.  
2018  
2019 Mr. Witte - Well, we'd still like to hear from Mr. Condlin.  
2020  
2021 Mr. Mackey - All right, Mr. Condlin.  
2022  
2023 Mr. Witte - Still have a few issues here  
2024  
2025 Mr. Condlin - Again, Mr. Chairman, members of the Commission. Andy  
2026 Condlin from -- on behalf of the applicant. I do believe we have Craig Van Breman on  
2027 the line on Webex if we need to answer any questions. I have not had the benefit of  
2028 seeing the revised conditions, but we've talked about them -- and I apologize for that --  
2029 but those are consistent with our discussions. I'm happy to, you know, we're -- those are  
2030 acceptable.  
2031  
2032 Certainly, the hours changed. And they don't -- the trap -- dumpster enclosure were  
2033 discussed. The other item that was not mentioned that we weren't able to get a revised  
2034 elevation on the northern elevation facing the shopping center. I don't know if, Mr. Morris,  
2035 if you could pull up that elevation. But there was a concern about that blank face of that  
2036 one elevation.  
2037  
2038 The one on the bottom-right. And the question -- we'll provide some articulation. I'm not  
2039 sure the exact equipment that would be back there that we could put actual windows. We  
2040 might either put faux windows or some sort of brick articulation or something that will work  
2041 with staff to clean that up to make that less of a blank wall. And that's not a problem, so  
2042 I apologize we weren't able to get that changed in time for the Planning Commission. But  
2043 we'll work on that as well.  
2044  
2045 So, with that, I'll be happy to answer any questions.  
2046  
2047 Mr. Mackey - Thank you, Mr. Condlin.  
2048  
2049 Mr. Witte - Any -- the dumpster enclosure, brick?  
2050  
2051 Mr. Condlin - Brick. As we talked about. Yeah. That -- on three sides with  
2052 the typical gate on the front, so we've got a limitation on the hours.  
2053  
2054 Mr. Witte - Right. All right. And I understand there's an issue with this  
2055 10-foot setback.  
2056

2057 Mr. Condlin - No issue now, because it's required by the ordinance and  
2058 there's no ability to waive it, so I can't change it. So, I believe we're done with that issue.  
2059 And I talked to --  
2060  
2061 Mr. Witte - Sounds like a win to me.  
2062  
2063 Mr. Condlin - Yeah. They were able to -- they think they're able to, you  
2064 know, it's unfortunate that we're going to have to pick up that curb -- or take out that curb-  
2065 line that's existing out there. They were going to try to save that. But we're not going to  
2066 be able to do that in order to provide that 10-foot area for the vacuums.  
2067  
2068 And we'll have to -- they can -- they can narrow the drive aisles. Drive aisles are  
2069 particularly wide, so they feel like they can fit that in there. It is a tight site given its size,  
2070 but they've done some quick calculations and feel like they're going to have to meet it,  
2071 because it's required by code.  
2072  
2073 Mr. Witte - All right. I have no other.  
2074  
2075 Mr. Mackey - All right. And it's --  
2076  
2077 Mr. Baka - One quick question, Mr. Condlin, when you turn right off Old  
2078 Staples Mill Road, and you head -- Lowes is on your left and you're on the cross-access  
2079 easement --  
2080  
2081 Mr. Condlin - On Old Springfield you mean?  
2082  
2083 Mr. Baka - I'm sorry, Old Springfield.  
2084  
2085 Mr. Condlin - All right. Okay. You had me lost on Old Staples Mill. I wasn't  
2086 quite sure what it was.  
2087  
2088 Mr. Baka - I'm sorry.  
2089  
2090 Mr. Condlin - So, I'm turning left off Old Springfield.  
2091  
2092 Mr. Baka - And you're in that cross-access easement where Lowes is on  
2093 one side and now the Pizza Hut and now the Green Clean would be on the other side.  
2094  
2095 Mr. Condlin - Right.  
2096  
2097 Mr. Baka - Who is responsible for when you have a lot of -- when they're  
2098 occasionally some road maintenance issues or potholes in that cross-access easement,  
2099 who's responsible for the maintenance of that and does Green Clean have to contribute  
2100 to a fund for the overall properties there? Or --  
2101

02 Mr. Condlin - My understanding is, yes, that that's part of the interior  
03 maintenance that -- from that standpoint that all the owners -- and I'm not sure what the  
2104 leases called for on these various issues, but this'll be an owner and be part of a  
2105 contribution of the overall restrict -- and I know how that's worked. I haven't represented  
2106 those clients and how it's worked in the past with respect to that contribution. But, yes,  
2107 there is a contribution requirement by all of them to for that -- for those improvements.  
2108

2109 Mr. Baka - All right. Thanks very much.  
2110

2111 Mr. Mackey - Any other questions for Mr. Condlin? All right, thank you, sir.  
2112

2113 Mr. Condlin - Thank you.  
2114

2115 Mr. Witte - All right. Mr. Chairman, I recommend approval of Provisional  
2116 Use Permit PUP2021-00019 Green Clean Auto Wash, LLC with the revised  
2117 recommendation commission -- conditions dated September 9, 2021.  
2118

2119 Mr. Archer - Well, Mr. Witte, since we had the first one at Fairfield, I'll  
2120 second your motion.  
2121

2122 Mr. Mackey - We have a motion by Mr. Witte, a second by Mr. Archer, for a  
2123 recommendation of approval of PUP2021-00019 Green Clean Auto Wash, LLC. All in  
2124 favor say aye.  
25

2126 The Commission - Aye.  
2127

2128 Mr. Mackey - Any opposed? Motion is granted.  
2129

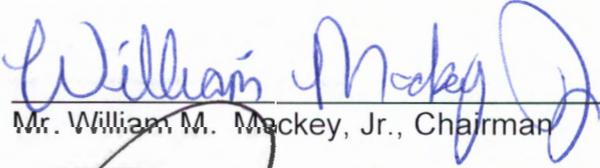
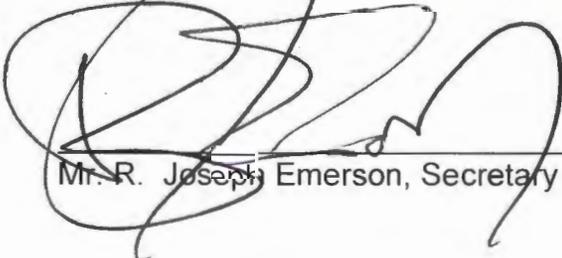
2130 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Archer, the  
2131 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
2132 **grant** the request because it is reasonable in light of the surrounding uses and existing  
2133 zoning on the property, and when properly developed and regulated by the recommended  
2134 special conditions, it would not be detrimental to the public health, safety, welfare and  
2135 values in the area.  
2136

2137 Mr. Emerson - Mr. Chairman, now we move on to the next item on your  
2138 agenda, which appears on page 5. It is the consideration of the approval of your minutes  
2139 from your August 12, 2021 meeting. I don't have an errata sheet but, of course, any  
2140 changes that the Commission feels need to be made, we will accordingly do so.  
2141

2142 Mr. Mackey - Does anyone on the Commission have any changes or  
2143 corrections to the minutes?  
2144

2145 Mr. Baka - No.  
2146

47 Mr. Mackey - None?

2148  
2149 Mr. Baka - No.  
2150  
2151 Mr. Mackey - A motion will be in order.  
2152  
2153 Mr. Archer - I move the minutes be accepted as is.  
2154  
2155 Mr. Witte - Second.  
2156  
2157 Mr. Mackey - All right. Have a motion for approval by Mr. Archer, a second  
2158 by Mr. Witte, for the minutes to be accepted as presented. All in favor say aye.  
2159  
2160 The Commission - Aye.  
2161  
2162 Mr. Mackey - Any opposed? Motion is granted.  
2163  
2164 Mr. Emerson - Mr. Chairman, I have nothing further for the Commission this  
2165 evening.  
2166  
2167 Mr. Mackey - Thank you, sir. A motion for adjournment?  
2168  
2169 Mr. Archer - So moved.  
2170  
2171 Mr. Baka - Second.  
2172  
2173 Mr. Mackey - All right. Motioned by Mr. Witte, seconded by Mr. Baka. All  
2174 in favor say aye.  
2175  
2176 The Commission - Aye.  
2177  
2178 Mr. Mackey - Motion carried, meeting adjourned.  
2179  
2180  
2181  
2182  
2183  
2184  
2185   
2186 Mr. William M. Mackey, Jr., Chairman  
2187  
2188  
2189  
2190  
2191   
2192 Mr. R. Joseph Emerson, Secretary  
2193