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2 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**  
3 **WORK SESSION.**  
4

5 Minutes of the regular monthly meeting of the Planning Commission of the  
6 County of Henrico held in the County Administration Building in the Government  
7 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. April 12,  
8 2018. Display Notice having been published in the *Richmond Times-Dispatch* on  
9 March 26, 2018 and April 2, 2018.  
10

Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)  
Mr. Gregory R. Baka, Vice Chair (Tuckahoe)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mrs. Adrienne F. Kotula (Brookland)  
Mr. Eric Leabough, C.P.C., (Varina)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mrs. Patricia O'Bannon (Tuckahoe)  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Ms. Leslie A. News, PLA, Senior Principal Planner  
Ms. Rosemary D. Deemer, AICP, County Planner  
Mr. Seth Humphreys, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Livingston Lewis, County Planner  
Mrs. Lisa Blankinship, County Planner  
Mr. Anthony Greulich, County Planner  
Mr. John Cejka, Traffic Engineer, Public Works  
Ms. Sharon Smidler, Public Works  
Mr. William Moffett, CPTED Planner, Police  
Ms. Sylvia Ray, Recording Secretary

11  
12 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**  
13 **on all cases unless otherwise noted.**  
14

15 Mrs. Marshall - I call this meeting of the Henrico County Planning  
16 Commission to order. This is our rezoning meeting for April 12, 2018. At this  
17 time, I ask that you please take a moment to silence your cell phones. Thank  
18 you. As you do that, please stand with the Commission for the Pledge of  
19 Allegiance.  
20

21 Do we have anyone in the audience from the news media? We do not.  
22

23 We have a special guest this evening from the Chesterfield Planning  
24 Commission. We have Mr. Craig Stariha here. Thank you for coming. We also  
25 have Mrs. Pat O'Bannon, our representative from the Board of Supervisors who  
26 is sitting with the Commission. As always, thank you for being here.  
27 Mrs. O'Bannon does abstain on all cases unless otherwise noted.

28  
29 All Commissioners are present, so we can conduct business. So at this point, I'll  
30 turn the agenda over to Mr. Emerson, our secretary.

31  
32 Mr. Emerson - Thank you, Madam Chair. I will note that the  
33 Commission did hold a work session beginning at 5 p.m. to discuss potential  
34 ordinance amendments regarding short-term rentals and the allowance of  
35 breweries, distilleries, and wineries.

36  
37 With that said, Madam Chair, the first item on your agenda this evening are  
38 requests for withdrawals and deferrals. Those will be presented by Mr. Jim  
39 Strauss.

40  
41 Mr. Strauss - Thank you, Mr. Secretary. We have seven requests  
42 for deferral this evening, and the first request is in the Brookland District on page  
43 4 of your agenda. That would be REZ2017-00032, The McGurn Company. In this  
44 case, the applicants requested deferral to the May 10, 2018 meeting.

45  
46 **REZ2017-00032 Arthur McGurn for The McGurn Company:**  
47 Request to conditionally rezone from R-2 One-Family Residence District and [R-  
48 6C] General Residence District (Conditional) to R-5C General Residence District  
49 (Conditional) Parcel 767-760-8701 and part of Parcel 768-760-1507 containing  
50 3.89 acres located at the northeast intersection of Hungary and Hungary Spring  
51 Roads. The applicant proposes a zero lot line development of no more than 12  
52 homes. The District allows a maximum overall density of 9 units per acre. The  
53 use will be controlled by proffered conditions and zoning ordinance regulations.  
54 The 2026 Comprehensive Plan recommends Suburban Residential 2, density  
55 should not exceed 3.4 units per acre.

56  
57 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
58 REZ2017-00032, Arthur McGurn for The McGurn Company? I see no opposition.  
59 Mrs. Kotula?

60  
61 Mrs. Kotula - Mrs. Chairman, I move that REZ2017-00032, The  
62 McGurn Company, be deferred to the May 10, 2018 meeting at the request of the  
63 applicant.

64  
65 Mr. Baka - Second.

67 Mrs. Marshall - We have a motion by Mrs. Kotula and a second by  
68 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
69 this motion passes.

70  
71 At the request of the applicant, the Planning Commission deferred REZ2017-  
72 00032, Arthur McGurn for The McGurn Company, to its meeting on May 10,  
73 2018.

74  
75 Mr. Strauss - The next request for deferral is also on page 4 of your  
76 agenda and it's in the Varina District. This is REZ2018-00014, Quality of Life of  
77 VA LLC. The applicant is requesting deferral to the May 10, 2018 meeting.

78  
79 **REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC:**  
80 Request to conditionally rezone from R-4 One-Family Residence District, B-1  
81 Business District, and M-1 Light Industrial District to R-5AC General Residence  
82 District (Conditional) Parcel 805-710-1834 and part of Parcel 805-710-1875  
83 containing 12.71 acres located on the south line of Darbytown Road at its  
84 intersection with Oregon Avenue. The applicant proposes detached, zero lot line  
85 units. The R-5A District allows a minimum lot area of 5,625 square feet and a  
86 maximum overall density of 6 units per acre. The use will be controlled by zoning  
87 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
88 recommends Suburban Residential 2, density should not exceed 3.4 units per  
89 acre and Environmental Protection Area.

90  
91 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
92 REZ2018-00014, Leroy Chiles for Quality of Life of VA LLC? I see no opposition.  
93 Mr. Leabough?

94  
95 Mr. Leabough - Madam Chair, I move that REZ2018-00014, Quality of  
96 Life of VA LLC, be deferred at the request of the applicant to the May 10th  
97 meeting.

98  
99 Mr. Archer - Second.

100  
101 Mrs. Marshall - We have a motion by Mr. Leabough and a second by  
102 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
103 this motion passes.

104  
105 At the request of the applicant, the Planning Commission deferred REZ2018-  
106 00014, Leroy Chiles for Quality of Life of VA LLC, to its meeting on May 10,  
107 2018.

108  
109 Mr. Strauss - The next five requests for deferral are all in the Three  
110 Chopt District beginning on page 5 of your agenda with REZ2017-00034, Core  
111 Property Capital. In this case, the applicants are requesting deferral to the June  
112 14, 2018 meeting.



113  
114 (Deferred from the February 15, 2018 Meeting)

115 **REZ2017-00034 Andrew M. Condlin for Core Property Capital:**  
116 Request to conditionally rezone from A-1 Agricultural District to R-5C General  
117 Residence District (Conditional) and B-2C Business District (Conditional) Parcel  
118 730-765-6508 containing 22.875 acres located on the south line of W. Broad  
119 Street (U.S. Route 250) at the western County Line with Goochland County. The  
120 applicant proposes commercial uses and no more than 115 residential units. The  
121 use will be controlled by zoning ordinance regulations and proffered conditions.  
122 The 2026 Comprehensive Plan recommends Traditional Neighborhood  
123 Development and Environmental Protection Area. The site is in the West Broad  
124 Street Overlay District.

125  
126 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
127 REZ2017-00034, Andrew M. Condlin for Core Property Capital? I move that  
128 REZ2017-00034, be deferred until the June 14, 2018 meeting per the applicant's  
129 request. I also will add a thirty-day deferral until . . .

130  
131 Mr. Emerson - That will be July 12th.

132  
133 Mrs. Marshall - Until the July 12th meeting.

134  
135 Mr. Baka - Second.

136  
137 Mrs. Marshall - We have a motion by Mrs. Marshall, and a second by  
138 Mr. Baka. All in favor say aye. Those opposed say no. This motion passes.

139  
140 At the request of the applicant and the Commission, the Planning Commission  
141 deferred REZ2017-00034, Andrew M. Condlin for Core Property Capital, to its  
142 meeting on July 12, 2018.

143  
144 Mr. Strauss - Also on page 5 of your agenda is a companion case,  
145 PUP2017-00022, Core Property Capital again. And again, the applicant is  
146 requesting deferral to the June 14, 2018 meeting.

147  
148 (Deferred from the February 15, 2018 Meeting)

149 **PUP2017-00022 Andrew M. Condlin for Core Property Capital:**  
150 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-  
151 122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of a  
152 proposed convenience store on part of Parcel 730-765-6508 located on the south  
153 line of W. Broad Street (U.S. Route 250) at the western County Line with  
154 Goochland County. The existing zoning is A-1 Agricultural District. The 2026  
155 Comprehensive Plan recommends Traditional Neighborhood Development and  
156 Environmental Protection Area. The site is in the West Broad Street Overlay  
157 District.

159 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
160 PUP2017-00022? I see no opposition. I move that PUP2017-00022, Andrew M.  
161 Condlin for Core Property Capital, be deferred, per the applicant's request, until  
162 the June 14, 2018 meeting. I will extend the deferral until July 12, 2018.

163  
164 Mr. Baka - Second.

165  
166 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by  
167 Mr. Baka. All in favor say aye. Those opposed say no. This motion passes.

168  
169 At the request of the applicant and the Commission, the Planning Commission  
170 deferred PUP2017-00022, Andrew M. Condlin for Core Property Capital, to its  
171 meeting on July 12, 2018.

172  
173 Mr. Strauss - Continuing on page 5 of your agenda we have a  
174 deferral request for John Chandler & Company LLC for REZ2018-00005. The  
175 applicant is requesting a deferral to the May 10, 2018 meeting.

176  
177 **(Deferred from the February 15, 2018 Meeting)**

178 **REZ2018-00005 John Chandler & Company LLC:** Request to  
179 conditionally rezone from A-1 Agricultural District to R-2AC One-Family  
180 Residence District (Conditional) Parcels 751-764-6432 and 751-764-6608  
181 containing 3.59 acres located on the east line of Thorncroft Drive approximately  
182 300' north of its intersection with Chicopee Road. The applicant proposes five (5)  
183 single-family residences. The use will be controlled by zoning ordinance  
184 regulations and proffered conditions. The 2026 Comprehensive Plan  
185 recommends Suburban Residential 1, density should not exceed 2.4 units per  
186 acre.

187  
188 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
189 REZ2018-00005, John Chandler & Company LLC? I see no opposition. I move  
190 that REZ2018-00005, be deferred until the May 2018 meeting per his request.

191  
192 Mr. Leabough - Second.

193  
194 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by  
195 Mr. Leabough. All in favor say aye. Those opposed say no. There is no  
196 opposition; this motion passes.

197  
198 At the request of the applicant, the Planning Commission deferred REZ2018-  
199 00005, John Chandler & Company LLC, to its meeting on May 10, 2018.

200  
201 Mr. Strauss - Continuing in the Three Chopt District, on page 6 of  
202 agenda is REZ2018-00006, CR APT Land LC. The deferral is requested to the  
203 May 10, 2018 meeting by the applicant.

205 **REZ2018-00006** **Andrew M. Condlin for CR APT Land LC:** Request  
206 to conditionally rezone from O-3 Office District and O-3C Office District  
207 (Conditional) to UMUC Urban Mixed-Use (Conditional) Parcel 747-759-4312  
208 containing 5.427 acres located on the west line of Cox Road at its overpass of I-  
209 64. The applicant proposes a mixed-use multifamily development. The uses will  
210 be controlled by zoning ordinance regulations and proffered conditions. The 2026  
211 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook  
212 Urban Area Overlay District.

213  
214 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
215 REZ2018-00006, Andrew M. Condlin for CR APT Land LC? I see no opposition. I  
216 move that REZ2018-00006, Andrew M. Condlin for CR APT Land LC, be  
217 deferred until the June 14, 2018 meeting per the applicant's request.

218  
219 Mr. Archer - Second.

220  
221 Mrs. Marshall - We have a motion by Mrs. Marshall and second by  
222 Mr. Archer. All in favor say aye.

223  
224 Mr. Strauss - I'm sorry; there may have been an error. I believe that  
225 that was the May 10th meeting.

226  
227 Mrs. Marshall - Was it May 10th?

228  
229 Mr. Emerson - Yes.

230  
231 Mrs. Marshall - I move that REZ2018-00006, be deferred until the  
232 May 10th meeting per the applicant's request.

233  
234 Mr. Archer - Second again.

235  
236 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by  
237 Mr. Archer. Again, all in favor say aye. Those opposed say no. There is no  
238 opposition; this motion passes.

239  
240 At the request of the applicant, the Planning Commission deferred REZ2018-  
241 00006, Andrew M. Condlin for CR APT Land LC, to its meeting on May 10, 2018.

242  
243 Mr. Strauss - The final request for deferral this evening is on page 6  
244 of your agenda in the Three Chopt District. It is a companion case, PUP2018-  
245 00001, CR APT Land LC. Again, the applicant requests a deferral to the May 10,  
246 2018 meeting.

247  
248 **PUP2018-00001** **Andrew M. Condlin for CR APT Land LC:** Request  
249 for a Provisional Use Permit under Sections 24-32.1(a, n, s, t, v, w, and z), 24-  
250 120 and 24-122.1 of Chapter 24 of the County Code to allow for an area



251 designated for the preparation or service of food or beverages or the sale or  
252 display of merchandise conducted in an open area or structure; parking garage  
253 with no associated ground floor retail uses; buildings and structures exceeding  
254 60' in height; density of residential exceeding 30 dwelling units per acre; open  
255 space within a development of less than 20 percent; commercial or office square  
256 footage of less than 25 percent of the total building square footage of the UMU  
257 district; and the number of for-lease multifamily dwelling units exceeding 30  
258 percent of the total units of the UMU district on Parcel 747-759-4312 located on  
259 the west line of Cox Road at its overpass of I-64. The existing zoning is O-3  
260 Office District and O-3C Office District (Conditional). The 2026 Comprehensive  
261 Plan recommends Urban Mixed-Use. The site is in the Innsbrook Urban Area  
262 Overlay District.

263  
264 Mrs. Marshall - Is there anyone present in opposition to the deferral of  
265 PUP2018-00001, Andrew M. Condlin for CR APT Land LC? I see no opposition. I  
266 move that PUP2018-00001 be deferred, per the applicant's request, until the May  
267 10, 2018 meeting.

268  
269 Mr. Baka - Second.

270  
271 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by  
272 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
273 this motion passes.

274  
275 At the request of the applicant, the Planning Commission deferred PUP2018-  
276 00001, Andrew M. Condlin for CR APT Land LC, to its meeting on May 10, 2018.

277  
278 Mr. Emerson - Madam Chair, we now move on to the requests for  
279 expedited items. Those will also be presented by Mr. Jim Strauss.

280  
281 Mr. Strauss - Thank you, Mr. Secretary. We do have two requests  
282 for approval on the expedited agenda this evening. The first request is in the  
283 Brookland District, page 4 of your agenda. This is REZ2017-00024, Sauer  
284 Properties Incorporated. This is a request to amend proffered conditions to allow  
285 outdoor dining at the Metro Diner at Libbie Place. Staff is recommending  
286 approval with proffers 1 and 2 in the staff report.

287  
288 **REZ2017-00024 William G. Homiller for Sauer Properties, Inc.:**  
289 Request to amend proffered conditions accepted with C-54C-95 and C-94C-96  
290 on part of Parcel 771-739-8721 located at the southwest intersection of W. Broad  
291 Street (U.S. Route 250) and Libbie Avenue. The applicant proposes to amend  
292 proffers related to prohibited uses to allow for outdoor dining. The existing zoning  
293 is B-3C Business District (Conditional). The 2026 Comprehensive Plan  
294 recommends Commercial Arterial.

296 Mrs. Marshall - Is there anyone present in opposition to REZ2017-  
297 00024, William G. Homiller for Sauer Properties, Inc.? I see no opposition.  
298 Mrs. Kotula?

299  
300 Mrs. Kotula - Mrs. Chairman, I move that REZ2017-00024, William  
301 G. Homiller for Sauer Properties, Inc., be recommended for approval with revised  
302 proffers numbers 1 and 2, dated March 27, 2018.

303  
304 Mrs. Marshall - Second. We have a motion by Mrs. Kotula, a second  
305 by Mrs. Marshall. All in favor say aye. Those opposed say no. There is no  
306 opposition; this motion passes.

307  
308 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mrs.  
309 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the  
310 Board of Supervisors **grant** the request because the proffered conditions will  
311 provide appropriate quality assurances not otherwise available and should  
312 minimize the potential impacts on surrounding land uses.

313  
314 Mr. Strauss - The second request for approval on the expedited  
315 agenda is on page 6, REZ2018-00018, P&F LLC and North American Holdings.  
316 This is a request to amend proffered conditions. Staff is recommending approval  
317 for these proffer amendments regarding architectural elevations.

318  
319 **REZ2018-00018 James W. Theobald for P&F, LLC and North**  
320 **American Holdings, Inc.:** Request to amend proffers accepted with REZ2016-  
321 00044 on Parcels 761-754-4773 and -2053 located between the south line of W.  
322 Broad Street (U.S. 250) and Skipwith Road approximately 600' west of their  
323 intersection with Parham Road. The applicant proposes to amend proffers  
324 regarding architectural elevations. The existing zoning is B-3C Business District  
325 (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial  
326 and Office.

327  
328 Mrs. Marshall - Is there anyone present in opposition to REZ2018-  
329 00018, James W. Theobald for P&F, LLC and North American Holdings, Inc.? I  
330 see no opposition. I move that REZ2018-00018, James W. Theobald for P&F,  
331 LLC and North American Holdings, Inc., go forward on the expedited agenda.

332  
333 Mr. Baka - Second.

334  
335 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by  
336 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
337 this motion passes.

338  
339 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
340 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
341 Board of Supervisors **grant** the request because it is appropriate business



342 zoning and would not adversely affect the adjoining area if properly developed as  
343 proposed.

344  
345 Mr. Emerson - Madam Chair, that completes the expedited items for  
346 the evening. We now move forward into the regular agenda with a discussion  
347 item, which is the consideration of Resolution PCR-2-18, which is the adoption of  
348 a Resolution of Appreciation for Ms. Bonnie-Leigh Jones in recognition of her  
349 service on the Planning Commission. I'll pass to you copies of the resolution.

350  
351 **DISCUSSION ITEM: RESOLUTION: PCR-2-18:** Adoption of a Resolution  
352 of Appreciation to Ms. Bonnie-Leigh Jones in recognition of her service on the  
353 Planning Commission.

354  
355 Mr. Baka - Madam Chairman, if I may, I'm prepared to make a  
356 motion. I make a motion that we approve PCR-2-18, the adoption of this  
357 Resolution of Appreciation for Bonnie-Leigh Jones in recognition of her service  
358 on the Planning Commission.

359  
360 Mr. Archer - Second.

361  
362 Mrs. Marshall - We have a motion by Mr. Baka and a second by  
363 Mr. Archer. All in favor say aye.

364  
365 Mr. Baka - Welcome back.

366  
367 Ms. Jones - Thank you.

368  
369 Mr. Baka - If I may, Madam Chairman, I'd like to take the time to  
370 read a Resolution of Appreciation for Ms. Bonnie-Leigh Jones. It reads:

371  
372 **WHEREAS**, Bonnie-Leigh Jones, a former resident of Henrico County for over  
373 forty years was a Fulbright Scholar, graduate of Duke University, teacher, and  
374 editor; and

375  
376 **WHEREAS**, Mrs. Jones was appointed to serve on the Planning Commission in  
377 March 2005 and worked diligently over the next decade to serve the citizens of  
378 the Tuckahoe Magisterial District; and

379  
380 **WHEREAS**, Mrs. Jones served as Chairman of the Planning Commission in  
381 2009 and again in 2013, as well as Vice Chair in 2008, 2012, and most of 2016;  
382 and

383  
384 **WHEREAS**, Mrs. Jones civic involvement went beyond the Planning  
385 Commission; and  
386

387 **WHEREAS**, Mrs. Jones was an active member of Tuckahoe Women's Club,  
388 Junior League of Richmond, Richmond Lawyers Auxiliary, and River Road Hills  
389 Neighborhood Association; and

390  
391 **WHEREAS**, Mrs. Jones provided invaluable guidance on many projects within  
392 the Tuckahoe District, including the Shoppes at Reynolds Crossing, Collegiate  
393 School, John Rolfe Square, Richfield Green, Maybeury, Steward School,  
394 Montessori School, and the West End Farmers' Market; and

395  
396 **WHEREAS**, Mrs. Jones was consistently well prepared for public hearings in her  
397 thorough review of all her projects and was also viewed as an invaluable editor  
398 by the Planning Department staff; and

399  
400 **WHEREAS**, Mrs. Jones was a dedicated public servant and diligent in upholding  
401 the principles of Henrico County's Comprehensive Plan and Smart Growth  
402 initiatives while at the same time remaining cognizant of the impact development  
403 had upon the citizens of the district; and

404  
405 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning  
406 Commission hereby conveys its most sincere appreciation to Bonnie-Leigh Jones  
407 for dedicated service and leadership.

408  
409 Thank you so much.

410  
411 Ms. Jones - Thank you. Those of you who served with me know I  
412 never say no to a chance to say something. But I do want to take this opportunity  
413 publicly to certainly thank Pat O'Bannon for the faith she placed in me in this job  
414 for over a decade, for the friendship and the help of my colleagues. I served with  
415 many of you, and it was a delight. It really was an honor and a privilege to part of  
416 this Planning Commission.

417  
418 When things got a little bit testy, and there were a lot of points of view, and we  
419 had back and forth, I think that was for all the right reasons. There's a citizenry  
420 here that cares about their neighborhoods and their communities. And there's a  
421 staff that is absolutely wonderful that makes us look mighty good. And there is  
422 dedicated leadership for this county.

423  
424 I felt very privileged and happy to be a resident for a long, long time. And I  
425 certainly wish you all the best as you go forward to guide Henrico's development.  
426 Thank you very much.

427  
428 Mr. Leabough - We miss you, Ms. Jones.

429  
430 Mr. Emerson - Madam Chair, we now move on to the next item on  
431 the agenda, which is another discussion item. It is Resolution PCR-3-18. I will

hand you a copy of it. It is the adoption of a Resolution of Appreciation of Mr. Robert H. Witte, Jr. in recognition of his service on the Planning Commission.

**DISCUSSION ITEM: RESOLUTION: PCR-3-18:** Adoption of a Resolution of Appreciation to Mr. Robert H. Witte, Jr. in recognition of his service on the Planning Commission.

Mr. Baka - Mr. Chairman, I would make a motion to go ahead and approve PCR-3-18, adoption of the Resolution in Appreciation of Mr. Robert H. Witte, Jr. in recognition of his years of serve on the Planning Commission.

Mrs. Marshall - Second. We have a motion by Mr. Baka, a second by Mrs. Marshall. All in favor say aye.

Mr. Witte, if you could please come forward.

Mr. Archer - Madam Chair, if I may read this into the record?

Henrico County Planning Commission, Resolution of Appreciation to Mr. Robert H. Witte, Jr., PCR-3-18.

**WHEREAS**, Robert "Bob" H. Witte, Jr., has been a resident of the Brookland District since 1976; and

**WHEREAS**, Mr. Witte served Henrico County as a career firefighter from 1974 until 2005 when he retired as captain; and

**WHEREAS**, Mr. Witte was recognized by the Board of Supervisors in 1989 for a courageous act without regard for his own safety while off-duty after he crawled through the rear window of an overturned vehicle that was leaking gasoline to rescue a citizen; and

**WHEREAS**, Mr. Witte continued his service to the county as a member of the Board of Zoning Appeals from 2008 until 2011 and as a Planning Commissioner from 2012 to 2018; and

**WHEREAS**, Mr. Witte while serving on the Planning Commission was Chairman in 2015, Vice Chairman in 2014 and 2017, and the Planning Commission's representative on the Richmond Regional Citizens Transportation Advisory Committee in 2007, and the Richmond Regional Planning District Commission in 2015; and

**WHEREAS**, Mr. Witte was committed in reviewing and making informed and sound recommendations on complex planning issues to enhance the quality of life for all Henrico citizens, including his integral role in the Glen Allen Small Area Study to maintain the existing and historic character along areas of Mountain



Road, the redevelopment and expansion of Willow Lawn, Glen Allen Cultural Arts Center, and The Faison Center, and new developments such as Libbie Mill Midtown; and

**WHEREAS**, Mr. Witte's dedication to the citizens of Henrico goes beyond proposed development activity and extends to his volunteer community service with organizations, past and present, such as the Glen Allen Ruritan, Knights of Columbus, Hermitage High School PTA, the Board of Directors for Youth Soccer, and

**WHEREAS**, Mr. Witte has coached youth basketball, football, softball, and soccer, and

**WHEREAS**, the Planning Commission on behalf of the citizens of the Brookland District and Henrico County wishes to acknowledge Mr. Witte's invaluable and extraordinary commitment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning Commission hereby expresses its most sincere appreciation to Bob Witte for his profound service and significant contribution to the county.

Also, happy birthday, Mr. Witte.

Mr. Witte - I have an apology to make right off the bat. I had typed up eleven single-spaced pages of comments I wanted to make, but I left them at home.

Mr. Baka - Thank you.

Mr. Witte - Anyway, first off, I want to thank Dick Glover, God rest his soul, for all his trust in me and the work he put in with me from the time I was probably five years on the fire department until he passed away. He was instrumental in a lot of things in my life.

Secondly, I want to thank Joe Emerson and Jean Moore and this outstanding staff for everything they did for me even though they didn't like it a lot of times. I just can't imagine a better staff and better leadership than what we have in our Planning Department. Absolutely top of the line.

I want to thank my wife for tolerating me through some of these events we had.

And, last but not least, I want to thank the members I served with—Bonnie-Leigh, Tommy, all of you. It was really, really a highlight of my life being able to serve with such fine people who have the County, and especially their Districts, at the top of their lists, and maintaining the Henrico Way, putting our citizens first. It was just an honor to serve.

524  
525 So, with that, I'll try to come back later with my eleven pages and maybe I can  
526 get on the docket for an hour and half. So thank you so much.

527  
528 Mr. Emerson - Madam Chair, now we move on to the next item on  
529 your agenda, which is a Plan of Development, POD2018-00055, Koontz Bryant  
530 Johnson Williams for WAM Associates, LLC and CATO Development. The staff  
531 report will be presented by Mr. Tony Greulich.

532  
533 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**  
534

535 536 537 538 539 540 541 542 543 544	POD2018-00055 Innslake Place – Building 2 – 4235 Innslake Drive	<b>Koontz Bryant Johnson Williams for WAM Associates, LLC and CATO Development:</b> Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a four-story apartment building with 123 units, and a four-level parking deck containing 261 spaces in an urban mixed use development. The 4.08-acre site is located on the southeastern corner of the intersection of Innslake Drive and Dominion Boulevard, on parcel 747-761-9275. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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545  
546 Mr. Greulich - Good evening.

547  
548 The plan before you today, Innslake Place, Building 2, is adjacent to Innslake  
549 Place, Building 1, that was approved by the Planning Commission on December  
550 13, 2017. Together they form a comprehensive development on this parcel under  
551 the Urban Mixed Use zoning requirement. The proposed is also subject to the  
552 conceptual layout, elevations, conditions, and the design guidelines as approved  
553 by the Board of Supervisors on April 11, 2017, under PUP2017-00004 and  
554 REZ2017-00006.

555  
556 The westernmost building was previously approved as Innslake, Building 1 and  
will be adjacent to the existing approximately 30,000-square-foot office building  
that is to remain.

The easternmost building is before you tonight. It is a four-story, mixed-use  
building approximately forty-three feet in height, and is Innslake, Building 2. The  
southern half of the building is a four-level parking deck. The northern half of the  
building will contain approximately 123 apartment units and amenities for the  
overall development. Access to the parking decks will be from the internal access  
drive.

557 The subject property is at the intersection of Innslake Drive and Dominion  
558 Boulevard. It is within the area that is commonly known as Innsbrook. Since the  
559 preparation of the staff report for the March 28, 2018 Planning Commission  
560 hearing, additional items have been provided for both the Fire Department and  
561 the Planning Department that satisfy our concerns. The proposed plan of  
562 development is now in general compliance with the PUP and rezoning cases, the  
563 design guidelines, and the Zoning Ordinance.

564  
565 This image depicts the courtyard where amenities appear to be located.  
566 However, they are not adequately labeled. More information on these areas is  
567 requested and must be approved prior to signature of the construction plans.

568  
569 The top image depicts a view of Building 2 from Innslake Drive. The bottom  
570 image depicts a view from the existing office building and the internal drive aisle.  
571 The proposed will generally match what was approved with Building 1.

572  
573 The south elevation is from the adjacent hotel property, while to the east is from  
574 the adjacent office building. Additional treatments on the appearance of the  
575 parking deck have been provided to help blend the structure with the residential  
576 portion of this building.

577  
578 This is the proposed view looking towards Building 2 at the corner of Innslake  
579 Drive and the internal drive aisle. The exterior of the proposed building is largely  
580 brick with a cementitious board and batten panel system. Aluminum modular wall  
581 panels and precast concrete panels complete the proposed architecture. As  
582 stated earlier, these elevations appear to match and are consistent with what  
583 was approved with Building 1.

584  
585 Staff has received inquiries requesting information on the proposal from  
586 representatives of three adjacent properties.

587  
588 With this, staff recommends approval of the case subject to the annotations on  
589 the plan, standard conditions for developments of this type, and the additional  
590 conditions as indicated in the staff report. The applicant and staff are available to  
591 answer any questions you may have. Thank you.

592  
593 Mrs. Marshall - Is there anyone present in opposition to POD2018-  
594 00055? Do we have any questions by the Commission?

595  
596 Mr. Leabough - These elevations look familiar.

597  
598 Mrs. Marshall - They do look familiar.

599  
600 Mr. Leabough - Very familiar. Looks like the product out at Rocketts.



602 Mr. Emerson - It looks a lot like the Rocketts product. And that's a  
603 good thing.  
604  
605 Mr. Leabough - No, it's a great thing.  
606  
607 Mrs. Marshall - I move that POD2018-00055, Innslake Place –  
608 Building 2, be approved subject to the annotations on the plan, the standard  
609 conditions for developments of this type, and conditions 11B and 29 through 42.  
610  
611 Mr. Baka - Second.  
612  
613 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by  
614 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
615 this motion passes.  
616  
617 The Planning Commission approved POD2018-00055, subject to the annotations  
618 on the plans, the standard conditions attached to these minutes for  
619 developments of this type, and the following additional conditions:  
620  
621 11B. Prior to the approval of an electrical permit application and installation of the  
622 site lighting equipment, a plan including light spread and intensity diagrams,  
623 and fixture specifications and mounting heights details shall be revised as  
624 annotated on the staff plan and included with the construction plans for final  
625 signature.  
626 29. In order to maintain the effectiveness of the County's public safety radio  
627 communications system within buildings, the owner will install radio  
628 equipment that will allow for adequate radio coverage within the building,  
629 unless waived by the Director of Planning. Compliance with the County's  
630 emergency communication system shall be certified to the County by a  
631 communications consultant within ninety (90) days of obtaining a  
632 certificate of occupancy.  
633 The County will be permitted to perform communications testing in the  
634 building at any time.  
635 30. The proffers approved as a part of zoning case REZ2017-00006 and the  
636 conditions of PUP2017-00004 shall be incorporated in this approval.  
637 31. A construction staging plan which includes details for traffic control, fire  
638 protection, stockpile locations, construction fencing and hours of  
639 construction shall be submitted for County review and prior to the approval  
640 of any final construction plans.  
641 32. The certification of building permits, occupancy permits and change of  
642 occupancy permits for individual units shall be based on the number of  
643 parking spaces required for the proposed uses and the amount of parking  
644 available according to approved plans.  
645 33. Any existing easements in conflict within the proposed building footprints  
646 shall be vacated prior to approval of the building permit for the said  
647 building.

- 648 34. Approval of the construction plans by the Department of Public Works  
649 does not establish the curb and gutter elevations along the Henrico  
650 County maintained right-of-way. The elevations will be set by Henrico  
651 County.
- 652 35. The conceptual master plan, as submitted with this application, is for  
653 planning and information purposes only. All subsequent detailed plans of  
654 development needed to implement this conceptual plan shall be submitted  
655 for staff review and Planning Commission approval, and shall be subject  
656 to all regulations in effect at the time such subsequent plans are submitted  
657 for review/ approval.
- 658 36. The location of all existing and proposed utility and mechanical equipment  
659 (including HVAC units, electric meters, junction and accessory boxes,  
660 transformers, and generators) shall be identified on the landscape plans.  
661 All equipment shall be screened by such measures as determined  
662 appropriate by the Director of Planning or the Planning Commission at the  
663 time of plan approval.
- 664 37. The sanitary sewer relocation plan must be approved prior to construction  
665 plan approval, as determined by the Director of Public Utilities.
- 666 38. Approval of architectural, engineering, and landscape architectural  
667 working drawings and specifications shall be obtained from the Innsbrook  
668 Architectural Review Committee prior to approval of construction plans.
- 669 39. Proposed restrictive covenants shall be submitted to the Department of  
670 Planning for review and approval as to form satisfactory to the County  
671 Attorney prior to construction plan approval, and they shall be recorded  
672 prior to building permit approval.
- 673 40. Evidence of an approved right-of-way maintenance agreement with the  
674 Department of Public Works for the proposed streetscapes (multi-use  
675 path, brick pavers, landscaping, etc.) in the right-of-way must be submitted  
676 to the Department of Planning prior to issuance of a certificate of  
677 occupancy for this development.
- 678 41. A parking plan demonstrating how the required parking for existing uses  
679 will be satisfied during construction must be submitted and approved prior  
680 to construction plan approval.
- 681 42. Additional information regarding proposed amenities within the interior  
682 courtyard shall be provided prior to construction plan approval.

683  
684 Mr. Emerson - Madam Chair, we now move on to the next item on  
685 your agenda, which appears on page 4, REZ2017-00035, Mark Williams for  
686 Wilton Companies Incorporated. The staff report will be presented by  
687 Ms. Rosemary Deemer.

688  
689 **REZ2017-00035 Mark Williams for Wilton Companies, Inc.:** Request  
690 to conditionally rezone from O-2 Office District and R-2 One Family Residence  
691 District to M-1C Light Industrial District (Conditional) Parcel 774-745-3876 and  
692 part of Parcel 774-745-7795 containing 2.105 acres located on the east line of  
693 Staples Mill Road (U.S. Route 33) approximately 420' south of its intersection

694 with Aspen Avenue. The applicant proposes office/warehouse. The use will be  
695 controlled by proffered conditions and zoning ordinance regulations. The 2026  
696 Comprehensive Plan recommends Office. The site is in the Enterprise Zone.

697  
698 Ms. Deemer - Good evening.

699  
700 As the Secretary said, this request is to rezone 2.105 acres from R-2 One-Family  
701 District and O-2 Office District to M-1C Light Industrial District to allow the  
702 construction of an office/warehouse development. The area is recommended for  
703 Office in the 2026 Comprehensive Plan.

704  
705 The property is located along Staples Mill Road and is in the county's Enterprise  
706 Zone. The site is bordered to the north by a law office, zoned O-2, and a  
707 transportation service provider, zoned M-1. To the east is a distribution facility,  
708 zoned M-1, to the south are office/service-related uses, zoned B-1C, while to the  
709 west are several single-family homes zoned R-2 and the Lighthouse Baptist  
710 Church, which is zoned R-4.

711  
712 The applicant is proposing to construct 3 buildings designed to contain multiple  
713 tenant spaces for office and warehousing. As shown, the project would contain a  
714 total of 4,700 square feet of office and 18,800 square feet of warehousing.  
715 Primary access would be provided by Staples Mill Road. Access could be shared  
716 with Superior Distribution, located to the rear of this site, as could parking. This  
717 development would also have access to School Avenue.

718  
719 The proposed M-1C zoning, while not entirely consistent with the Comprehensive  
720 Plan's recommendation of Office, could be appropriate for the subject site. The  
721 applicant has submitted revised proffers dated April 12, 2018, which have been  
722 provided to you this evening. Additional uses have been prohibited, hours of  
723 construction have been amended, lighting standards have been proffered to a  
724 height of twenty-five feet, and the applicant has committed to address the  
725 visibility of Building 2's bay doors with landscaping or via building materials at the  
726 time of Plan of Development.

727  
728 Staff believes the proffers submitted by the applicant would ensure a level of  
729 quality consistent with other recent requests of this type and would provide  
730 appropriate quality assurances not otherwise available. For these reasons, staff  
731 supports this request.

732  
733 This concludes my presentation. I will be happy to answer any questions. If  
734 recommended for approval by the Planning Commission, time limits on the  
735 proffers would need to be waived.

736  
737 Mrs. Marshall - Is there anyone present in opposition to REZ2017-  
738 00035, Mark Williams for Wilton Companies, Inc.? I recognize one. Mr. Emerson,  
739 if you could go over the rules, please, that would be appreciated.



740  
741 Mr. Emerson - Yes ma'am, Madam Chair. The Commission does  
742 have rules and guidelines that govern their public hearing process, and they are  
743 as follows: The applicant is allowed ten minutes to present the request, and time  
744 may be reserved for responses to testimony. Opposition is allowed a cumulative  
745 ten minutes to present its concerns. Commission questions do not count into the  
746 time limits. The Commission may waive the limits for either party at its discretion.  
747 Comments must be directly related to the case under consideration.

748  
749 Mrs. Marshall - Mrs. Kotula, how would you like to proceed?

750  
751 Mrs. Kotula - Can we hear from the opposition and then perhaps  
752 from the applicant after that.

753  
754 Mrs. Marshall - Will the opposition please come forward and state  
755 your name as you address the podium?

756  
757 Mr. Huffer - My name is Stuart Huffer. Thanks for the opportunity  
758 to speak tonight. I don't know the individual members here, but I'll just say  
759 distinguished Henrico officials.

760  
761 As Ms. Deemer said, the amendments to the proffer were submitted today.  
762 Therefore, people in the neighborhood who may have a concern don't know what  
763 those amendments are. So first of all I would request a continuance on this  
764 because of the late submission of the amendments to the proffer. I think it would  
765 be fair to let the affected parties or any party that would have concern on this  
766 issue to have a chance to look over the amended proffers since they were just  
767 submitted today. That would be number one.

768  
769 A few weeks ago when I noticed the notice in the paper about this rezoning case  
770 I talked to Ms. Deemer within a few days of that. At that time, the hours of  
771 operation were not known by the Planning Department. There was a mention of  
772 the number of vehicles entering and exiting Staples Mill. That was provided by  
773 the state since Staples Mill, Route 33, is state-maintained. I don't know how  
774 anybody could come up with a number of vehicles going in and out if they don't  
775 know the hours of operation. That's a mystery to me.

776  
777 The intended use, other than office/warehouse was vague to me in conversations  
778 with Ms. Deemer. She wasn't apprised of what the purpose of these new  
779 buildings would be.

780  
781 My questions are many. Number one, is it a warehouse? As she mentioned, the  
782 Comprehensive Plan recommends the R-2 family district and O-2 Office, not M-  
783 1C Light Industrial. So we're obviously skewing from that Comprehensive Plan  
784 that's still what, eight years out.

786 The hours of operation have everything to do with the traffic in and out. I worked  
787 for a government entity that moved mail all over the country on the ground and in  
788 the air. I was particularly responsible for ground traffic. With a post office on  
789 Innsbrook Road, we had close to two hundred trips in and out of there a day.  
790 Now I know this is not mail delivery for this proposed rezoning. But I think the fact  
791 that we don't know the hours of operation or the intended purpose leaves a lot  
792 unanswered. Is it going to be exclusively for warehousing for Wilton's needs? I  
793 know they have a lot of property and they have property management services.  
794 So is it for housing for their personal use? Is it going to be space that's going to  
795 be leased out? The office space, one would assume, would be speculative space  
796 for leasing out. Is it going to involve storage of hazardous materials?

797  
798 Another thing that came up with another property that Wilton recently developed  
799 within the last couple of years—in fact, it was just finished in February of this  
800 year—I found out some four months after the fact that there was supposed to be  
801 a sign posted on the property in English and Spanish that told the public the  
802 hours of operation in the proffer. That construction started in July of 2017. I found  
803 out about it. And through a conversation with the Planning Department, they said  
804 they're supposed to have signs up there in English and Spanish. This was in  
805 October after the beginning of construction in July at another Wilton construction  
806 site. So I've asked the people in the Planning Department, I said is this sign  
807 required. And they say well it's put in proffers.

808  
809 So my question I think relates to this project, as well as any other construction  
810 projects in the future. If these signs are not required by a developer to post, then  
811 what is the recommended . . . how is this accomplished? How would one go  
812 about recommending that these signs in English and Spanish be posted at these  
813 construction sites if they're not required now? As I understand it, they're proffered  
814 by the developer, but there is no requirement to have these signs. So if I'm  
815 wrong, please correct me. But I would like to know if they're not required, what is  
816 the method to try to get the County to require these signs? I think it would be very  
817 helpful.

818  
819 For instance, when this other construction project by Wilton took place, it was in  
820 July. I was awakened that Saturday morning at seven o'clock by hunks of  
821 concrete being dumped into empty dump trucks. The proffers on that job stated  
822 there was to be no construction on Saturdays with the caveat that if there were  
823 emergencies, utility hookups, that could be accomplished. That's  
824 understandable.

825  
826 So I went over in a non-confrontational way and spoke to the subcontractor over  
827 there. They didn't know anything about it. Evidently there was a lack of  
828 communication from the developer to the general contractor. I contacted  
829 Mr. Hinson, who was in the interim position at that point. It was eight o'clock that  
830 morning.

832 Mr. Leabough - Sir? Is your primary concern related to hours of  
833 construction?  
834  
835 Mr. Huffer - Yes sir.  
836  
837 Mr. Leabough - Okay. So I think we get it.  
838  
839 Mr. Huffer - Okay. I was first told by Ms. Deemer, and I haven't  
840 seen any amended since they were just posted today. I'm not aware of any  
841 amended proffers. But initially I was told the hours of construction would be 6  
842 a.m. Well that's in direct violation to the County's Noise Ordinance.  
843  
844 So I would recommend at this time that until the concerned citizens that live  
845 within close proximity of that area—that it be postponed until we have time to  
846 digest the proffers that were just submitted today. I think that's only fair. Thank  
847 you.  
848  
849 Mrs. Marshall - Thank you.  
850  
851 Mr. Leabough - Thank you.  
852  
853 Mrs. Kotula - Can we hear from the applicant please?  
854  
855 Mr. Gunter - Hello. My name is Hunt Gunter. I'm vice president  
856 with The Wilton Companies. I'm happy to answer any questions you may have.  
857  
858 Mrs. Kotula - If you could speak about the topics that we just heard  
859 about, perhaps in some detail, some of the updates that you all may have made  
860 to your application recently, hours of operation, hours of construction, signage  
861 being posted.  
862  
863 Mr. Gunter - Certainly. We will have signage posted both in  
864 English and Spanish on this project, as the proffers indicate. The hours of  
865 construction I believe are from 7 a.m. to 6 p.m., Monday through Saturday.  
866  
867 Mrs. Kotula - It's 7 p.m.  
868  
869 Mr. Emerson - It's seven to seven.  
870  
871 Mr. Gunter - Monday through Saturday. There will be no  
872 construction on Sundays.  
873  
874 Mr. Emerson - But there are exceptions for concrete pours and utility  
875 connections, just to be clear. Similar to the other situation.  
876



877 Mr. Gunter - Yes sir. And you asked about hours of operation. We  
878 didn't proffer anything on the hours of the business operation. But I'm happy to  
879 proffer from 6 a.m. until midnight with the caveat that some of these small  
880 businesses, the small business owners do go in after hours to do things like  
881 payroll or general office work. So I don't want to restrict the small businesses  
882 from being able to work in their business. So I'd restrict being open to the public,  
883 I guess is a better term, from 12 to 6. So they'll be closed from 12 to 6.

884  
885 Mrs. Marshall - What type of building or business are you looking at  
886 to put in this place?

887  
888 Mr. Gunter - It can be a lot of things. Office/warehouse space is  
889 normally—well, it can be a lot of different things. It could be someone who sells  
890 chiropractic equipment, for instance. They would have a small office in the front  
891 and chiropractic beds or things like that in the back that they store. Then they sell  
892 them to different chiropractic doctors and things like that. That's just one  
893 example. It's mostly small businesses.

894  
895 Mrs. Marshall - But you specifically do not have any idea what's going  
896 to go in that place.

897  
898 Mr. Gunter - I don't have any idea who's going to lease it right yet,  
899 yes ma'am.

900  
901 Mr. Baka - Would there be any hazardous materials stored in this  
902 building?

903  
904 Mr. Gunter - I certainly hope not.

905  
906 Mr. Baka - Just wanted to ask for the record. Thank you.

907  
908 Mr. Gunter - No problem.

909  
910 Mrs. Kotula - Are there extra copies of the updated proffers that  
911 could be shared with the opposition?

912  
913 Mr. Gunter - I didn't bring any.

914  
915 Mr. Emerson - Staff should have a copy that could be shared with  
916 Mr. Huffer, I believe. If not, he's welcome to my set.

917  
918 Mrs. Kotula - Okay. Are there other uses that will not be permitted?

919  
920 Mr. Gunter - We've gone through a list of uses that will not be  
921 permitted, and I'm happy to read them off, if I can read them; it's kind of small  
922 writing.

923  
924 We will not have any gun shop/sales/repair. We will not have any establishments  
925 whose primary business is check cashing. And I'll just stop at that. There's a  
926 longer period there. Bars, for the purpose of this restriction, can mean business  
927 establishments whose primary business is the sale of alcoholic beverages for on  
928 premises. Adult business as defined by Section 24-3 of the Henrico County  
929 Code, which I have here. If you would like me to read the whole code, I'm happy  
930 to. Funeral homes, vehicle storage lots, fast food restaurants, hotels, flea  
931 markets, billboard, off-track betting parlors, permit recycle collection facilities,  
932 manufactured homes, home sales and/or display, shopping center, automotive  
933 filling service station, rifle and pistol range. And I'd like to add one more, which  
934 would be a carwash.

935  
936 Mr. Emerson - Mr. Gunter, just so you you're aware, you can't add  
937 these proffers at this point. But if the Commission chooses to recommend this  
938 forward to the Board, you can add those between now and the time the Board of  
939 Supervisors hears the case.

940  
941 Mr. Gunter - Okay. May I make one other comment on the  
942 hazardous materials? Some hazardous materials would be like cleaning supplies  
943 and things like that. So those would obviously be an exception.

944  
945 Mrs. Kotula - I don't have any other questions at this time.  
946 Mr. Huffer, I think, as this process continues and moves to the Board, certainly  
947 continue to express your concerns with the members at that level.

948  
949 Mr. Huffer - [Off microphone] Do I still have time that I can still  
950 speak or not?

951  
952 Mrs. Kotula - I think we're done with the opposition at this point. Do  
953 you have a specific question?

954  
955 Mr. Huffer - I do.

956  
957 Mrs. Kotula - I'm happy to hear it.

958  
959 Mr. Huffer - [Off microphone] Mr. Gunter—

960  
961 Mr. Archer - Sir, you need to come up.

962  
963 Mr. Huffer - Mr. Gunter answered the question about the hours of  
964 operation for the office part. What he failed to answer was what are the hours of  
965 operation for the warehouse. Again, I know the Planning Department got the  
966 number of trips in and out, as Ms. Deemer told me, from the state, since Route  
967 33 is a state route. But again, how does anybody know? Without knowing the  
968 hours of operation, how could anybody other than guess at the number of trips in

969 and out? Mr. Gunter didn't tell you what the hours of operation for the warehouse  
 970 are. I was just handed these proffers. It says 3 p.m.  
 971  
 972 Mr. Leabough - Can I ask a quick question? Do you live adjacent to  
 973 this property?  
 974  
 975 Mr. Huffer - I live pretty close. I live across Dickens Road—or my  
 976 parents live across Dickens Road. We just went through 7-1/2 months of  
 977 construction at her house. I'm her caretaker, so I spend quite a bit of time out  
 978 there.  
 979  
 980 Mr. Leabough - So where do you live exactly?  
 981  
 982 Mr. Huffer - I'm on Sandy Bluff Drive. But I spend a tremendous  
 983 amount of time as the caretaker for my mom, who will be ninety-three Monday.  
 984  
 985 Mr. Leabough - So how far is your primary residence from this  
 986 particular site?  
 987  
 988 Mr. Huffer - Across Staples Mill—  
 989  
 990 Mr. Leabough - Estimate in miles.  
 991  
 992 Mr. Huffer - Oh, it's not miles. It's right across the street. This is  
 993 almost directly across the street from the Hamlett community, if you know where  
 994 that is.  
 995  
 996 Mr. Leabough - And that's where you reside?  
 997  
 998 Mr. Huffer - That's where my mother's property is.  
 999  
 1000 Mr. Leabough - Where do you live, sir? That's what I'm asking.  
 1001  
 1002 Mr. Huffer - I live on Sandy Bluff Drive.  
 1003  
 1004 Mr. Emerson - Which is off Dickens Road. Is that correct?  
 1005  
 1006 Mr. Huffer - No, it's in the western part of the county. But I spend  
 1007 most of my waking hours taking care of my mom who lives—we're not talking  
 1008 about miles from where this project is going to be; we're talking about yards.  
 1009  
 1010 Mr. Leabough - Okay.  
 1011  
 1012 Mrs. Kotula - Mr. Gunter, what would be the hours of operation for  
 1013 the warehouse?  
 1014



1015 Mr. Gunter - [Off microphone] The same.  
1016  
1017 Mrs. Kotula - The same for the warehouse part of the operation.  
1018  
1019 Mr. Huffer - I would just add with these amendments, my copy  
1020 says 3 p.m. I've been asked by new neighbors who moved in less than two  
1021 weeks ago, "What's this all about?" And then I say, "I'll give you the information  
1022 I've got." But at this late date of proffers coming in at 3 p.m. and talking with other  
1023 people in the neighborhood . . . nobody's had a chance to digest this. So I think  
1024 in all fairness that we should have a postponement of this until all the facts can  
1025 be digested by the people who would be affected by this. I think that's only fair.  
1026 Thank you.  
1027  
1028 Mrs. Kotula - Thank you.  
1029  
1030 Mr. Gunter - I can help you out with the location of Mr. Huffer's  
1031 mother's house. Right across from our office is Aqua Court. So you'd have to  
1032 come out of Aqua Court.  
1033  
1034 Mr. Leabough - Can you show us on the map there?  
1035  
1036 Mr. Gunter - Sure, be happy to. Come out here.  
1037  
1038 Mr. Leabough - You can show us with the cursor there.  
1039  
1040 Mr. Gunter - Okay. Right about here. So you'd come out here and  
1041 take a left right here. There's a stoplight at Staples Mill and Dickens. You would  
1042 take another left right here. There's another stoplight here at Dumbarton. You  
1043 would continue to travel up Staples Mill, around the bend, and that is where this  
1044 development is.  
1045  
1046 Mr. Baka - So 800 feet to an inch, so it appears to be over a half  
1047 a mile approximately.  
1048  
1049 Mr. Gunter - He says it's not that far, but those are the directions.  
1050  
1051 Mr. Leabough - Okay, thank you.  
1052  
1053 Mrs. Kotula - Thank you.  
1054  
1055 Mr. Gunter - Thank you.  
1056  
1057 Mrs. Kotula - All right. With the acknowledgment that this is step  
1058 one in a multi-phase public process, Mrs. Chairman, I would move that we waive  
1059 the time limits for REZ2017-00035, Mark Williams for Wilton Companies, Inc.  
1060

1061 Mr. Leabough - Second.  
1062  
1063 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by  
1064 Mr. Leabough. All in favor say aye. Those opposed say no.  
1065  
1066 Mrs. Kotula - And Mrs. Chairman, I move that REZ2017-00035,  
1067 Mark Williams for Wilton Companies, Inc., be recommended for approval with  
1068 proffers 1 through 14 dated April 12, 2018.  
1069  
1070 Mr. Emerson - Would you like to add the understanding that the  
1071 additional proffers stated by Mr. Gunter tonight will be added to the proffers prior  
1072 to the Board meeting?  
1073  
1074 Mrs. Kotula - Yes, with the additional proffers offered in the  
1075 meeting.  
1076  
1077 Mr. Baka - Second.  
1078  
1079 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by  
1080 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
1081 this motion passes.  
1082  
1083 **REASON -** Acting on a motion by Mrs. Kotula, seconded by Mr.  
1084 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
1085 Board of Supervisors grant the request because it would not be expected to  
1086 adversely affect the pattern of zoning and land use in the area and the proffered  
1087 conditions will assure a level of development otherwise not possible.  
1088  
1089 Mr. Emerson - Madam Chair, we now move on to the bottom of page  
1090 4 and also onto page 5. We have two companion cases. They are REZ2018-  
1091 00020, Robert Haller, Jr. The staff report will be presented by Mr. Ben Sehl.  
1092  
1093 **REZ2018-00020 Robert Haller, Jr.:** Request to rezone from B-1  
1094 Business District to B-2C Business District (Conditional) Parcels 826-716-9829  
1095 and 827-716-0226 containing .3656 acres located on the north line of W.  
1096 Williamsburg Road (U.S. Route 60) at its intersection with S. Wilson Way. The  
1097 applicant proposes a restaurant with outdoor dining and cooking. The use will be  
1098 controlled by zoning ordinance regulations and proffered conditions. The 2026  
1099 Comprehensive Plan recommends Commercial Concentration. The site is in the  
1100 Enterprise Zone and the Airport Safety Overlay District.  
1101  
1102 Mr. Emerson - And also on the same property is PUP2018-00006.  
1103 Again, Robert Haller, Jr. Both cases will be presented by Mr. Sehl.  
1104  
1105 **PUP2018-00006 Robert Haller, Jr.:** Request for a Provisional Use  
1106 Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the

County Code to allow outdoor dining and cooking on Parcels 826-716-9829 and 827-716-0226 located on the north line of W. Williamsburg Road (U.S. Route 60) at its intersection with S. Wilson Way. The existing zoning is B-1 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone and the Airport Safety Overlay District.

Mr. Sehl - Good evening, Madam Chair, members of the Commission. As Mr. Emerson noted, this is a request to rezone from B-1 to B-2C to allow an existing restaurant, Sandston Smokehouse, to submit a provisional use permit request for outdoor cooking and dining. A companion provisional use permit request has also been submitted.

The subject property is located on the north line of Williamsburg Road in Sandston, just in front of Sandston Elementary School. The building has been used for a number of purposes over the years, including its original purpose as the Sandston Pharmacy. The proposed B-2C zoning and use are consistent with the 2026 Comprehensive Plan's recommendation for Commercial Concentration, as well as other recent rezoning requests in the area, as shown on this map. There have been several B-3C rezonings in the immediate vicinity as shown on the map.

The applicant has submitted proffers that include:

- Prohibiting uses that may be too intensive for the site;
- Minimizing the impact of lighting on adjacent properties;
- Screening of trash receptacles; and
- Limiting the hours of operation to 7:00 a.m. to 11:00 p.m.

Staff notes the proffers have been revised to address the minor concerns noted in the staff report and have been handed out to you this evening. The proffers would ensure minimal impact on adjacent property owners and would provide appropriate quality assurances not otherwise available. For these reasons, staff supports the proposed rezoning

The companion case would allow the restaurant to create an outside dining area between the building and Williamsburg Road, as well as construct an outdoor cooking area on the side of the building. The location of the two areas is shown on this exhibit, and detailed layouts have also been provided in your staff report.

The applicant has also provided this new exhibit, which shows the proposed surround for the outdoor cooking area, which would consist of a brick knee wall matching the building and a roof to provide protection from the elements. Based on this new exhibit, staff has revised the proposed PUP conditions, which have also been distributed to you.



1152 The proposed conditions recommended by staff are similar to previously  
1153 approved conditions for outdoor dining in the county and along with the proffers  
1154 submitted by the applicant should provide adequate protections for customers  
1155 and the adjacent community. For these reasons, staff recommends approval of  
1156 the companion requests with the proffers and PUP conditions distributed to you  
1157 tonight.

1158

1159 This concludes my presentation. I will be happy to answer any questions you  
1160 might have at this time.

1161

1162 Mrs. Marshall - Is there anyone present in opposition to REZ2018-  
1163 00020, Robert Haller, Jr.? I see no opposition, Mr. Leabough.

1164

1165 Mr. Leabough - Mr. Sehl, just one quick question, sir. You indicated  
1166 that this request is consistent with similar outdoor dining requests in other areas  
1167 of the County.

1168

1169 Mr. Sehl - Yes sir.

1170

1171 Mr. Leabough - Okay.

1172

1173 Mr. Sehl - They've provided a similar commitment regarding the  
1174 furniture, fencing, those types of things. Yes sir.

1175

1176 Mr. Leabough - Okay. Thank you.

1177

1178 Mr. Sehl - You're welcome.

1179

1180 Mr. Leabough - I have no other questions, Madam Chair.

1181

1182 Mrs. Marshall - Any questions?

1183

1184 Mr. Leabough - With that, I'd like to move that REZ2018-00020,  
1185 Robert Haller, Jr., more to the Board of Supervisors with a recommendation of  
1186 approval subject to conditions 1 through 14 included in the staff report dated April  
1187 9, 2018. Is there a waiver of time limits?

1188

1189 Mr. Sehl - No sir.

1190

1191 Mr. Emerson - You do need two separate motions, Mr. Leabough.  
1192 They presented them together. You have a rezoning case and a provisional use  
1193 permit, so you do need two separate motions.

1194

1195 Mr. Leabough - What I was confused about is they say rezoning at the  
1196 top of the document that was handed out.

1197

1198 Mr. Emerson - I think on the second page it's provisional use and the  
 1199 first page is revised proffers.  
 1200  
 1201 Mr. Leabough - Sorry.  
 1202  
 1203 Mr. Emerson - I should have made it clear.  
 1204  
 1205 Mr. Leabough - Thank you, Mr. Sehl. So it's proffers 1 though 7. I  
 1206 apologize. So motion to recommend sending this to the Board of Supervisors  
 1207 with a recommendation of approval with conditions 1 through 7 as noted.  
 1208  
 1209 Mr. Baka - I'll second the motion.  
 1210  
 1211 Mrs. Marshall - We have a motion by Mr. Leabough, a second by  
 1212 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;  
 1213 that motion passes.  
 1214  
 1215 **REASON -** Acting on a motion by Mr. Leabough, seconded by  
 1216 Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend  
 1217 the Board of Supervisors grant the request because it reflects the  
 1218 Comprehensive Plan and future use and zoning in the area and would not  
 1219 adversely affect the adjoining area if properly developed as proposed.  
 1220  
 1221 Mr. Leabough - So next I move that PUP2018-00006, Robert Haller,  
 1222 Jr., move to the Board of Supervisors with a recommendation of approval with  
 1223 conditions 1 through 14 as noted in the report.  
 1224  
 1225 Mr. Archer - Second.  
 1226  
 1227 Mrs. Marshall - We have a motion by Mr. Leabough, a second by  
 1228 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
 1229 that motion passes.  
 1230  
 1231 **REASON -** Acting on a motion by Mr. Leabough, seconded by  
 1232 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend  
 1233 the Board of Supervisors grant the request because when properly developed  
 1234 and regulated by the recommended special conditions, it would not be  
 1235 detrimental to the public health, safety, welfare and values in the area.  
 1236  
 1237 Mr. Emerson - Madam Chair, we now move onto page 6 of your  
 1238 agenda for REZ2018-00010, James W. Theobald for Greystar. The staff report  
 1239 will be presented by Mrs. Lisa Blankinship.  
 1240  
 1241 (Deferred from the February 15, 2018 Meeting)  
 1242 **REZ2018-00010** James W. Theobald for Greystar: Request to  
 1243 conditionally rezone from RTHC Residential Townhouse District (Conditional) to

R-6C General Residence District (Conditional) and O-2C Office District (Conditional) Parcel 735-761-8792 containing 12.724 acres located at the southwest intersection of Three Chopt Road and Lauderdale Drive. The applicant proposes an age restricted multifamily development and office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Residential. The site is in the West Broad Street Overlay District.

Mrs. Blankinship - Good evening.

This is a request to conditionally rezone 12.72 acres from RTHC to R-6C and O-2C to develop an age-restricted multifamily development of no more than 169 units and an office building not to exceed 50,000 square feet.

The subject property was part of larger rezoning case in 2006 that allowed seventy-nine townhouse units to be developed on the property; however, it was not constructed. Proffers submitted with this request are similar to those previously accepted and commit to a quality development including landscape buffers, building materials, hours of construction, density, sound suppression, age restriction, parking lot lighting, and prohibited uses.

The applicant has submitted revised proffers and a conceptual plan, dated April 10th, that have been handed out to you this evening. Proffer #1 has been revised to reference the updated conceptual plan, seen here, which shows the adjustment of the zoning line between the proposed R-6C and the O-2C districts. The zoning line now travels down the center of the main drive aisle between the apartments and the office building which addresses staff's concern outline in the staff report.

The Planning Department received a letter of support from the Wellesley Homeowners Association and a petition in opposition signed by residents of Foxfield at Wellesley Condominiums, located directly to the south of the site. Prior to the filing of this request, community meetings were held with the Wellesley Homeowners Association, and due to opposition from the Foxfield residents, an additional community meeting was held on February 20th. However, only four citizens attended and none expressed opposition to the request.

The 2026 Comprehensive Plan recommends Urban Residential, where density should not exceed 6.8 units per acre. The proposed density with this request calculates to 19 units per acre. However, staff notes this request could have less of an impact on public facilities than the approved RTHC zoning district and could be a reasonable transition between the commercial uses to the north and the townhome and single-family developments to the south. In addition, the applicant has addressed staff's concerns regarding the zoning line and access. For these reasons, staff supports this request.



1290  
1291 This concludes my presentation and I will be happy to answer any questions.  
1292

1293 Mrs. Marshall - Any questions from the Commission? Is there anyone  
1294 present in opposition to REZ2018-00010, James W. Theobald for Greystar? I'd  
1295 like to hear from the opposition first. Please come forward one at a time. And  
1296 state your name when you come forward.  
1297

1298 Mr. Burroughs - Good evening. My name is Sherman Burroughs. I live  
1299 at 4004 Foxfield Place. So I'm on the back part of the Foxfield neighborhood  
1300 abutted against the property that's looking to be rezoned. Thanks for the  
1301 opportunity just to share a few of my concerns about the proposed use for this  
1302 property and how it would affect not just our neighborhood, but specifically my  
1303 home where I live. So I appreciate that.  
1304

1305 One of the first concerns I have with the way the plan is set for this property  
1306 currently are privacy concerns for homeowners like myself and others that are  
1307 along the back line of the Foxfield neighborhood. With the proposed four-story  
1308 building, for example, an individual in some of the top stories can literally look at  
1309 their window—and in my case, because of the way my unit is situated, see not  
1310 just in my yard, but frankly in my living room. So clearly I have a little bit of a  
1311 concern about the buildings facing in toward our units and the privacy concerns  
1312 that creates for us.  
1313

1314 Secondly, I have concerns about traffic with the addition of 169 units. In this  
1315 particular location, at an intersection at Lauderdale and Three Chopt, which from  
1316 my experience, having moved to Richmond four years ago and living here, it's  
1317 not only busy but has been sight of quite a few traffic accidents that I've seen and  
1318 individuals that I personally know who have been involved in them. So I have  
1319 concerns about the traffic volume increase.  
1320

1321 I also have concerns about the lighting. Given the way the plan is currently set,  
1322 we're going to be having garages, cars parking and parking lots w/lots. Frankly  
1323 right now I can see the lights through the woods that are there from the Hilton,  
1324 the Short Pump Mall, and the Kroger gas station complex beside us. So another  
1325 concern of mine is lighting and how that would impact our neighborhood in the  
1326 evenings as well.  
1327

1328 It would also be taking over one of the few final green spaces that separate our  
1329 neighborhood and the greater Wellesley complex from what is clearly a  
1330 significantly developed commercial area.  
1331

1332 I believe a lot of these things will have negative impacts not just to the value and  
1333 marketability of our property, but frankly to the quality of life that I've come to  
1334 enjoy living in the West End of Henrico County.  
1335

1336 I guess finally the only other thing I would share is in our particular area in  
1337 Wellesley we're already surrounded by two significant-sized apartment  
1338 complexes, which bring not only traffic, but transient individuals who are living  
1339 there for a brief period of time. I certainly have concerns about the noise of  
1340 coming and going and moving in and moving out. As I understand it, Greystar  
1341 has plans in addition to the apartments to have amenities here at these  
1342 properties that really from my perspective make it less residential and more  
1343 commercial.

1344  
1345 I feel pretty confident that eighteen or twenty-four months from now, if I'm looking  
1346 out my front window into this property what I'm going to see is not going to be  
1347 perceived as residential but an extension of the commercial area that's already  
1348 beside us.

1349  
1350 I know that when I went to purchase my property, I'm an individual who likes to  
1351 do my homework. I looked at this property beside us and saw it was zoned for  
1352 two-story townhouses that would be similar to those that are in my neighborhood.  
1353 Frankly, had I known it was going to be rezoned or potentially rezoned for  
1354 property like this, I definitely probably would have changed my choice of where I  
1355 decided to live.

1356  
1357 So I would appreciate it if you all would consider not granting the request to  
1358 rezone this area and keeping it zoned as it is to continue the residential area out  
1359 from us and to continue to create a barrier between our neighborhood and the  
1360 commercial area. Thank you.

1361  
1362 Mr. Baka - Question. Using the cursor, would you be able to  
1363 point out approximately where your property is on Foxfield Drive?

1364  
1365 Mr. Burroughs - Yes. I would be right about here. My property, this is a  
1366 three-unit building. My property is the last unit abutted against the property. So  
1367 my front door and my large window in my living room, I'll be looking out into their  
1368 parking lot. This is unique to my property, as well as the property on this side. All  
1369 of these houses would have the back yard facing the property in question. So  
1370 clearly for me it's probably more of an acute concern than maybe for others.  
1371 Certainly we appreciate your consideration.

1372  
1373 Mrs. Marshall - Thank you.

1374  
1375 Mr. Burroughs - Thank you.

1376  
1377 Ms. Taylor - Good evening. My name is Phyllis Taylor, and I live in  
1378 Foxfield at Wellesley. First things first. I want you to know that I asked the Board,  
1379 since Foxfield is the main community affected by this, I asked them not to send a  
1380 letter. The vast majority of the people living in Foxfield are opposed to this. We

1381 have a drainage problem already in Foxfield. They plan to put all the parking in  
1382 the back, which is going to cause us to have more of a drainage problem.

1383  
1384 I'm very concerned also about the lighting and how much it's going to light up our  
1385 community. Our community is a very nice looking community of townhomes. We  
1386 do not need all this bright light. I have ridden through the county, and I notice  
1387 most places have the parking in the front. They want their buildings to look good  
1388 to the front, and they don't care what they do to us. I think if they're going to have  
1389 their parking in the back, have a third of it in the back, a third of it in the front, and  
1390 the remaining third divided between the ends. I do not see how we cannot have a  
1391 drainage problem from them, all the runoff from these parking lots. Also, the  
1392 parking lots are going to put the traffic lights into the people who back up to this  
1393 area right in their homes.

1394  
1395 I would also like to say at the meeting that was had before where four members  
1396 of Foxfield showed up, not all of Foxfield was invited. We have senior citizens  
1397 who do not drive at night. They were not at the meeting. That's why. And when  
1398 they had the meeting without anybody from the County there, I went to the first  
1399 meeting. I was sorry to say I had a heart attack and did make the second one,  
1400 because I would love to have been there.

1401  
1402 Our concerns I do not feel have been addressed in a way that would affect us in  
1403 a favorable way. I don't see any need of it being four stories. Four stories is going  
1404 to look at everybody's backyard. I don't care where you live in Foxfield. Then  
1405 you're going to have all of this stuff going on all the time. Three stories would be  
1406 more than aplenty.

1407  
1408 And what happens when they do not find a market for fifty-five and above and  
1409 they keep on saying it's not going to have an impact on the traffic because fifty-  
1410 five and above don't work? I don't know about you, but I know a lot of people that  
1411 work that have passed fifty-five. I don't understand it. And like the other resident  
1412 stated about the traffic, the traffic is terrible out there. There are accidents after  
1413 accidents after accidents.

1414  
1415 I would appreciate if you could take into consideration the drainage problem. And  
1416 we need to have a barrier between them and us, preferably a concrete wall of  
1417 some type so we don't have them coming over on us in Foxfield. We need to be  
1418 considerate when it comes to the lighting. We need them to be considerate of the  
1419 drainage. A lot of these places we have drainage problems. We have French  
1420 drains in Foxfield. We have a lot of yards that stay wet all the time because of the  
1421 drainage problem.

1422  
1423 So please take these things under consideration. I thank you very much.

1424  
1425 Mrs. Marshall - Is there anyone else who would like to speak in  
1426 opposition? Mr. Theobald?



1427  
1428 Mr. Theobald - Good evening, Madam Chair. I'd like to reserve two  
1429 minutes, if I might, for—well I guess we've already had—we'll just roll the rebuttal  
1430 right into the ten minutes I have. How is that?

1431  
1432 I'm Jim Theobald, and I'm here this evening on behalf Rebkee Company and  
1433 Greystar to request to rezone 12.7 acres from RTH to a combination of R-6C for  
1434 a maintenance-free active senior adult community and O-2C for an office  
1435 building. The parcel was originally zoned for townhomes in 2006 as part of a  
1436 larger Arcon shopping center, but never developed.

1437  
1438 Founded in 1993, Greystar has been guided by their core principles of high  
1439 integrity and character providing world-class services to residents of multi-family  
1440 communities. They have over 9,000 residences under active management on a  
1441 global basis.

1442  
1443 This age-restricted community will have approximately 169 units with 10,000  
1444 square feet of amenity space. The perfect location next to grocery store, retail,  
1445 and restaurants and provides an appropriate transitional use from Wellesley to  
1446 the more intense shopping center use. It also provides an interim, independent  
1447 lifestyle for baby boomers looking to downsize, yet with a high level of amenities.

1448  
1449 In the plan as you see it, as you come down Three Chopt Road—remember,  
1450 Three Chopt Road is a four-lane road to be extended all the way over to Gayton  
1451 once the Pruitt Farms is developed. This is a major thoroughfare in the county,  
1452 so this road is designed to handle traffic. And clearly there's going to be a lot  
1453 more traffic on it, I'm afraid, once it's punched through to Gayton Road.

1454  
1455 We come off the entrance. We've accommodated the Fire Department with a fire  
1456 area in here where they can get closer to the building. I should say the building  
1457 was up again the back property line, but it was pushed forward toward the  
1458 shopping center at the request of the consensus of the neighbors that we met  
1459 with at the Wellesley community meeting. So we pushed it away from those  
1460 townhomes and instead—while this is a parking field, these are garages. So they  
1461 block the view of the parking field. There's also a twenty-foot buffer in here.  
1462 There's a ten-foot common area within the Foxfield community that was part of  
1463 the required development standards.

1464  
1465 As we move around the site, this area will likely have a BMP area. This is the  
1466 porte cochère, so when you enter, you'll come around the building. This is where  
1467 you can drop people off here. There is not a lot of activity back here. Actually,  
1468 this will serve as sound barrier to the uses in the Rebkee shopping center, as  
1469 well as I understand neighbor sometimes get sounds from Short Pump Town  
1470 Center. It's also a visual block to the Rebkee shopping center.

1472 This is representative of facades of facilities that have been built in other areas.  
1473 Colonial architecture and materials, different looks. This is a photo of the  
1474 development in Fairfax, Virginia, just to give you a sense of the amenities and the  
1475 areas and the landscaping and the furniture, etcetera, outside. Inside pictures of  
1476 demonstration kitchen for residents being depicted here, as well as just a picture  
1477 of some of the interior amenities and common areas.

1478  
1479 Case is well proffered. We tried to bring forward all of the prior proffers that were  
1480 applicable. We have proffered the concept plan that you have seen. The buffers  
1481 are twenty feet adjacent to Wellesley, twenty-five feet along the western  
1482 boundary along Three Chopt Road. Hours of construction limited to 7 a.m. to 7  
1483 p.m. Monday through Friday, and 9 a.m. and 4 p.m. on Saturday. There is no  
1484 clearing of the property until a POD's approved, so we cannot clear-cut. That was  
1485 a condition of the original case.

1486  
1487 And again, as to the residential part, we've also proffered the elevations that you  
1488 were shown, quality building materials, the cap on the number of units. It is age  
1489 restricted. Sound suppression standards, and parking lot lighting of a maximum  
1490 of sixteen feet at night. So very residential in scope. And as you know, we're not  
1491 permitted to let light pollute over the property lines. We have to come back to  
1492 Commission and will come back to the Commission for the lighting plan. So I  
1493 don't think that would be an issue.

1494  
1495 On the office piece, we don't know what type of use will be there. It's a  
1496 speculative development, but it's right at the corner of Lauderdale and Three  
1497 Chopt. Again, quality building materials and the same limitation on parking lot  
1498 lighting at sixteen feet. Then the usual refuse and trash containers being  
1499 screened.

1500  
1501 Again, on the office, mechanical equipment is screened. We've knocked a bunch  
1502 of objectionable uses. The 35-foot buffer area against Lauderdale Drive is  
1503 consistent with other development up and down Lauderdale. The building height  
1504 is limited to 30 feet and the size of building to 50,000 square feet.

1505  
1506 Our representative did meet with Wellesley, the board once and members of the  
1507 neighborhood twice, and then Foxfield for a single meeting by themselves. And  
1508 we have revised our plan as indicated with a number of features to reflect some  
1509 of the comments that were elicited at those meetings. The Wellesley  
1510 Homeowners Association has issued a letter of support for this request.

1511  
1512 As to a couple of the comments made by neighbors—and I've discussed lighting.  
1513 The drainage issue, drainage flows towards the lakes, for the most part, in  
1514 Wellesley. There will be a BMP on the western part of the site. There are  
1515 drainage easements, county drainage easements that were granted and put in  
1516 place with the development of these neighborhoods. And as you know, we do  
1517 have to go through the POD process where the environmental engineer folks

1518 look very closely at drainage calculations and existing conditions. What we're  
1519 adding, I think this site may actually be more open with less impervious areas  
1520 than the seventy-nine townhomes.

1521  
1522 That's really it tonight. I think it does act as a transitional use. It acts as a buffer.  
1523 It's well designed. It's a needed use in the area. And I would respectfully request  
1524 that you recommend approval to the Board of Supervisors. I would be happy to  
1525 answer any questions.

1526  
1527 Mrs. Marshall - Mr. Theobald, could you point out where the drainage  
1528 will take place?

1529  
1530 Mr. Theobald - Someone will correct me if I'm wrong. I seem to recall  
1531 there's a drainage easement back in this side. Are there one or two drainage  
1532 easements? Do you guys know?

1533  
1534 Male - [Off microphone] There's one drainage easement at  
1535 Foxfield.

1536  
1537 Mr. Theobald - You're going to need to come up here.

1538  
1539 Mrs. Marshall - Yes, please come up. If you could state your name for  
1540 the record.

1541  
1542 Mr. Perkins - Good evening. I'm Ryan Perkins with Kimley-Horn,  
1543 the civil engineer on this job. The majority of the site, the apartments, is going to  
1544 drain straight from east to west. There is an outfall ditch over here, which does  
1545 not affect the Foxfield neighborhood. There is a small portion of the site the  
1546 currently drains to a drop inlet that's back near this road right here. But all the  
1547 drainage on our site that's impervious and will be collected in an underground  
1548 system that's on the western side of the property. So most likely no impervious  
1549 area from these parking lots is going to get on these properties. It can all drain  
1550 straight to the west and then outfall towards Brook Run.

1551  
1552 Mrs. Marshall - Thank you. Mr. Theobald. As far as the age  
1553 requirements on the community, can we talk a little bit about that? For example, if  
1554 you're fifty-five and older and bought one of these units, could you have  
1555 somebody under age twelve, fifteen move into your unit with you?

1556  
1557 Mr. Theobald - Well I might be over fifty-five. I think the Federal  
1558 Housing Act basically would allow a person under that age, one person I think, to  
1559 reside in the residence. I'd have to check the Fair Housing Act.

1560  
1561 Mr. Emerson - As I recall, Mr. Theobald, if it's fifty-five and you  
1562 haven't proffered it otherwise, one resident has to be fifty-five. Then the rest of  
1563 the residents can be less than fifty-five.



1564  
 1565 Mrs. Marshall - Your goal of this project is to have people fifty-five  
 1566 and older, mostly.  
 1567  
 1568 Mr. Theobald - Yes. The average age is I think greatly above fifty-  
 1569 five. The rates for these units are significantly higher than other multi-family units  
 1570 in the area. So this wouldn't be where you'd go for a rental unit with a family and  
 1571 young children. There is really nothing there for kids.  
 1572  
 1573 Mrs. Marshall - Okay, thank you. Any more questions?  
 1574  
 1575 Mr. Baka - One question. On the southern property line there  
 1576 adjacent to Foxfield, could you describe the approximate height at the time of the  
 1577 construction, at the time of planning, of the trees that are shown in concept and  
 1578 then the garages or carports shown in concept? And are those pitched roofs on  
 1579 those?  
 1580  
 1581 Mr. Theobald - I believe the proffer allows us to only grade within the  
 1582 first ten feet of this twenty-foot buffer. So whatever the existing vegetation is  
 1583 there would remain. The first ten feet closest to the garages, we've not done a  
 1584 landscape plan. We have to come back to you for landscape plan approval. I  
 1585 don't know the garage design, how tall they are, whether they are flat roofs,  
 1586 pitched roofs. They are pitched roofs.  
 1587  
 1588 Mr. Baka - They are pitched? So that would add a little more  
 1589 height to potentially obstruct some sound and noise.  
 1590  
 1591 Mr. Theobald - That's usually a good feature back there for any  
 1592 number of reasons in terms of blocking, acting as an additional barrier for both  
 1593 light and sound.  
 1594  
 1595 Mrs. Marshall - Mr. Theobald, on number 14 of your proffers,  
 1596 Mr. Emerson did point out it does state that no persons under the age of fifty-five  
 1597 shall reside therein.  
 1598  
 1599 Mr. Emerson - So you have quantified it, so you've taken it a step  
 1600 more restrictive than just the normal fifty-five.  
 1601  
 1602 Mr. Theobald - Thank you for clearing that up.  
 1603  
 1604 Mrs. Marshall - Any more questions?  
 1605  
 1606 Mr. Leabough - You still have to be in compliance with the Fair  
 1607 Housing Act, right?  
 1608  
 1609 Mr. Emerson - Yes.

1610  
1611 Mr. Leabough - [Unintelligible] it wouldn't be in compliance with it,  
1612 right?  
1613  
1614 Mr. Emerson - In this case you can. We've been down that road  
1615 before. It's my understanding that you can.  
1616  
1617 Mrs. Marshall - Any more questions?  
1618  
1619 Mr. Archer - I have one observation, Madam Chair. Mr. Theobald,  
1620 one of the members of the opposition, Ms. Taylor, I believe, indicated that they  
1621 were having current drainage problems. Oftentimes new projects are able to  
1622 alleviate drainage problems. Is there an indication that you might pick up some of  
1623 the drainage from that particular area and alleviate it somewhat?  
1624  
1625 Mr. Theobald - Well from my vast engineering background, I have a  
1626 feeling that what we're actually doing is rather than letting it sheet flow like it does  
1627 now toward the back, that we're actually picking it up and moving it to the west.  
1628 Then, as Ryan indicated, the vast majority of this water is going to go down this  
1629 drainage, divide that, over across Pruitt, and over towards Gayton. So whereas  
1630 now the water is just freely coming onto the site and coming back through and  
1631 hitting these drop inlets, the County stormwater system, now it's going to be  
1632 picked up from this impervious area and actually taken out here to the west. So I  
1633 would think that logically it would be improved.  
1634  
1635 Mr. Archer - Okay. I was just curious about that. Thank you.  
1636  
1637 Mr. Theobald - Did I say anything wrong?  
1638  
1639 Mrs. Marshall - Mr. Theobald, looking at number 2, as far as the  
1640 landscaping goes, if you could talk a little bit more about the landscaping that you  
1641 will provide? I know that it does come up at plan of development, but if you could  
1642 maybe put some clarity to that, if you can.  
1643  
1644 Mr. Theobald - I don't believe we've designed the landscaping at this  
1645 point. I don't really know what the plans would be. That's why we have the  
1646 landscape plan step, as you know. So we know the width, and we know we can't  
1647 take down the back ten feet. We know they have ten feet on their side as well.  
1648 But as to the species and the height of the plantings, I just don't know at this  
1649 point.  
1650  
1651 Mrs. Marshall - Okay. All right, thank you.  
1652  
1653 Mr. Theobald - Mmm-hmm.  
1654

1655 Mrs. Marshall - Mr. Cejka, could you come forward, please? Good  
1656 evening.  
1657  
1658 Mr. Cejka - Good evening, Madam Chair, members of the  
1659 Commission. John Cejka, traffic engineer.  
1660  
1661 Mrs. Marshall - My question is, have we done a traffic study at Three  
1662 Chopt?  
1663  
1664 Mr. Cejka - We have not done a study because there is already a  
1665 traffic signal there. We haven't done counts recently as well.  
1666  
1667 Mrs. Marshall - Do you have any recent counts with you?  
1668  
1669 Mr. Cejka - I do know that on Three Chopt itself we did counts on  
1670 Three Chopt right across from the Kroger, right near their driveway, recently.  
1671 There are 4,050 cars a day. Lauderdale Drive has approximately 18,000 cars a  
1672 day. It's well under the capacity of the roadway?  
1673  
1674 Mrs. Marshall - What is the capacity of the roadway?  
1675  
1676 Mr. Cejka - About 24 to 30,000. We have some roadways in the  
1677 county that have as much as 45,000 on a four-lane divided road. Parham Road.  
1678  
1679 Mrs. Marshall - Okay. To your knowledge, do you know the date that  
1680 Three Chopt will continue through to North Gayton or any idea?  
1681  
1682 Mr. Cejka - It's development-driven.  
1683  
1684 Mrs. Marshall - Okay. So as soon as—  
1685  
1686 Mr. Cejka - Soon as somebody who owns that land decides to  
1687 develop then the road will be constructed at that time.  
1688  
1689 Mrs. Marshall - Okay. And that will alleviate a lot of the traffic. I think it  
1690 will add to and alleviate. It'll do both.  
1691  
1692 Mr. Cejka - It will add traffic to Three Chopt and probably remove  
1693 some from Broad Street.  
1694  
1695 Mrs. Marshall - Okay. All right. Any more questions? Thank you.  
1696  
1697 Mr. Cejka - You're welcome.  
1698



1699 Mrs. Marshall - With that I move that REZ2018-00010, James W.  
 1700 Theobald for Greystar, move forward with a recommendation for approval to the  
 1701 Board of Supervisors.  
 1702  
 1703 Mr. Archer - Second.  
 1704  
 1705 Mr. Leabough - There are some conditions in here.  
 1706  
 1707 Mrs. Marshall - I'm sorry; I wasn't finished. My fault. With conditions 1  
 1708 though 21 that were turned in on 4/10/18. So there was a motion by  
 1709 Mrs. Marshall and a second by Mr. Archer. All in favor say aye. Those opposed  
 1710 say no. There is no opposition; that motion passes.  
 1711  
 1712 Mr. Archer - Mr. Secretary, would you make it known to the  
 1713 opposition the date that the Board will hear this case so they can air their  
 1714 concerns again?  
 1715  
 1716 Mr. Emerson - Yes, Mr. Archer. This will appear on the Board of  
 1717 Supervisors' agenda on June 10th, I believe. Is that correct?  
 1718  
 1719 Mr. Baka - May?  
 1720  
 1721 Mr. Emerson - I'm sorry. I went up too far. It would be May 8th.  
 1722  
 1723 Mr. Archer - Thank you, sir.  
 1724  
 1725 Mr. Emerson - Madam Chair, we now move on to page 7 of your  
 1726 agenda for two more companion cases. REZ2018-00009, James W. Theobald  
 1727 for Rivercrest Realty Investors, LLC.  
 1728  
 1729 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
 1730 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the  
 1731 Board of Supervisors grant the request because it would permit infill  
 1732 development with the proper connection to roads and other public facilities and  
 1733 the proffered conditions will assure a level of development otherwise not  
 1734 possible.  
 1735  
 1736 **(Deferred from the March 15, 2018)**  
 1737 **REZ2018-00009 James W. Theobald for Rivercrest Realty Investors,**  
 1738 **LLC:** Request to conditionally rezone from R-3 One-Family Residence District  
 1739 and M-1 Light Industrial District to B-2C Business District (Conditional) Parcels  
 1740 764-744-6655, -6764, -6971, -7177, -7782, and -8475 containing 1.872 acres  
 1741 located at the northwest intersection of Glenside Drive and Forest Avenue. The  
 1742 applicant proposes a self-service storage facility. The use will be controlled by  
 1743 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive

Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Mr. Emerson - The companion is PUP2018-00008, James W. Theobald for Rivercrest Realty Investors, LLC. The staff report will be presented by Mr. Ben Sehl, and this will require separate motions when the Commission takes action.

**PUP2018-00008 James W. Theobald for Rivercrest Realty Investors, LLC:** Request for a Provisional Use Permit under Sections 24-58.2(b), 24-58.2(h), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow a self-service storage facility up to 36' in height on Parcels 764-744-6655, -6764, -6971, -7177, -7782, and -8475 located at the northwest intersection of Glenside Drive and Forest Avenue. The existing zoning is R-3 One-Family Residence District and M-1 Light Industrial District. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Mrs. Marshall - Is there anyone present in opposition to REZ2018-00009, James W. Theobald for Rivercrest Realty Investors, LLC? I see no opposition. Mr. Sehl?

Mr. Sehl - Thank you, Madam Chair.

These next two cases are companion cases to allow the construction of a fully enclosed, self-service storage facility up to thirty-six feet in height on Glenside Drive. Self-service storage facilities are permitted in the B-2 District upon the issuance of a provisional use permit

The subject property is located at the intersection of Glenside Drive and Forest Avenue and is zoned R-3 and M-1. Adjacent properties to the west and south in the Fort Hill Neighborhood are also zoned R-3. As shown on the zoning map, the other three corners of the referenced intersection contain a variety of business and industrial zoning classifications, meaning nonresidential zoning with appropriate protections for residential neighbors could be appropriate on the subject site.

The request is not entirely consistent with the Comprehensive Plan recommendation of Suburban Residential 2; however, given the existing M-1 zoning on the site and nonresidential uses on the other corners of the adjacent intersection, a low-intensity commercial use could be an appropriate deviation from the plan, provided adequate protections against negative impacts are provided.

The applicant is proposing to construct internally served self-storage building of approximately 100,000 square feet. Access to the site would be from Glenside

1790 Drive, where a turn lane would be installed. Emergency access would also be  
1791 provided to Brigham Road, as shown on the proffered conceptual plan. A  
1792 retaining wall would be provided on the portion of the site adjacent to Eaton  
1793 Road, which would have the effect of depressing the building into the site from  
1794 that perspective. Also shown on the plan are the required 25-foot transitional  
1795 buffers, which, in concert with the effects of the retaining wall, should assist in  
1796 screening the proposed building from the majority of the adjacent neighbors.  
1797

1798 In addition to the concept plan, the applicant has submitted a number of  
1799 conceptual renderings of the proposed building, which are shown here. I'll show  
1800 you a couple of examples. This is from Glenside Drive. This is from Forest  
1801 Avenue. The applicant has designed the building to give the appearance that it is  
1802 two stories in height, although three stories are actually located above grade. A  
1803 basement is also proposed. When combined with the proposed retaining wall and  
1804 buffers, the visual impacts of the building should be minimized, especially from  
1805 Eaton Road, as shown in this elevation.  
1806

1807 In addition to the concept plan and elevations, the applicant has provided a  
1808 number of additional proffers, some of which are also covered by the  
1809 requirements for a self-storage facility in the B-2 District. Some aspects of the  
1810 proffers include:  
1811

- 1812 • Hours of operation limited to 6:00 a.m. to 10:00 p.m.;
- 1813 • Detached signage would be limited to 6' in height, and attached signage  
1814 would only be allowed on the frontages facing Glenside and Forest; and
- 1815 • Hours of construction would be limited to 7:00 a.m. to 7:00 p.m. Monday  
1816 through Saturday.  
1817

1818 An initial community meeting was held by the applicant on January 29th. At this  
1819 meeting, a taller building and M-1 zoning was proposed, which raised numerous  
1820 concerns from adjacent residents. Based on this feedback, the applicant revised  
1821 their request and presented it to the community on March 28th, where the  
1822 reception from adjacent residents appeared to be more positive.  
1823

1824 While not consistent with the Comprehensive Plan's designation of Suburban  
1825 Residential 2, the existing M-1 zoning on the property and increase in non-  
1826 residential uses in the area could mean an alternative use providing appropriate  
1827 protections for the adjacent neighborhood could be appropriate. The minimal  
1828 traffic generation from the proposed development, coupled with the quality  
1829 guarantees and protections proffered by the applicant, mean impacts on adjacent  
1830 homes should be minimized. Additionally, the proposed conditions listed in the  
1831 PUP report should further enforce the requirements of the zoning ordinance. For  
1832 these reasons, staff supports these requests subject to the proffers and  
1833 conditions in the two companion staff reports.  
1834



I'd note separate actions will be required by the Commission on each request. I'd be happy to try to answer any question you might have at this time.

Mr. Baka - I have a couple of questions of Mr. Sehl. Before I even ask Mr. Sehl the questions, I just want to walk through the process. The applicant held two community meetings. There was one at the beginning they had in January that had a lot of concerned citizens in consternation. After some notable changes were made, at the second community meeting there were fewer concerns. There were still concerns, but there were a number of changes made to the proffered conditions and development standards, etcetera.

Mr. Sehl, if I could. Mrs. O'Bannon and I received an enormous amount of emails, letters, and comments from the public. I wanted to reference some thoughts from two of those emails. The first was from Mrs. York, a resident on Eaton, I believe, back in January. Her concerns were the effect of this proposed development on # number one, the proximity to homes. I wanted to ask have the changes that the applicant has done addressed that. Two, her concerns with reductions in property values. I guess you could comment on whether or not this Commission gets into reduction in property value issues. And three, the effect of this development on the future growth of the residential community, the effect on the larger community behind it.

So if we could take those three questions really quickly. Do you feel that the changes the applicant has made in the revised plans address the proximity to homes and the effect it might have on those homes?

Mr. Sehl - Mr. Baka, the location of the building has not changed substantially from the previous proposal. The building is approximately 150 feet from the closest home, which is more distant than, say—the Bon Secours building across Glenside Drive is in closer proximity to some adjacent homes in that location just from comparison and scale. So the distance hasn't changed, but certainly the top of the building has been lower substantially from what was proposed in the initial one. So certainly it gives the appearance of being moved a little bit further.

Mr. Baka - And that was definitely a notable change the applicant had made.

Mr. Sehl - Yes sir.

Mr. Baka - Does this Commission get into any questions—there were a number of issues that came, not just from Ms. York, but also from other citizens about reduction in property values. That's a comment or question that we don't get into, correct?

1880 Mr. Emerson - Correct, Mr. Baka. That's an item that you're not  
1881 allowed to consider.

1882

1883 Mr. Baka - Okay. And third, Mr. Sehl, how would you anticipate  
1884 that the development of this fourth corner—you have three corners developed  
1885 commercial or business of office—might have any future effect on development  
1886 pressure of the other residential houses in this established neighborhood? We  
1887 don't what to one day have market pressure to go commercial

1888

1889 Mr. Sehl - Certainly, as you noted, the development adjacent is  
1890 largely built out as an established community. This property is separated by  
1891 Brigham and Eaton Roads from the remainder of the community. Any  
1892 redevelopment of those homes would require those property owners to sell. They  
1893 would not be forced, obviously, to rezone the property. And the County would not  
1894 be in the process of going out and rezoning those properties.

1895

1896 Mr. Baka - Understood.

1897

1898 Mr. Sehl - On the staff's perspective, we received a number of  
1899 different proposals on this site over the years. So certainly some form of  
1900 development removes some of that uncertainty about what might happen on that  
1901 property, I would think. And it kind of completes that quadrant, certainly, and  
1902 removes that uncertainty from the future.

1903

1904 Mr. Baka - Understood. And for future comments on the  
1905 Comprehensive Plan in the residential neighborhood, it would be a good  
1906 preference to see it remain as an established residential neighborhood beyond  
1907 that boundary. You and I talked about the importance of a natural boundary,  
1908 Brigham and Eaton. And perhaps that's a boundary to mark.

1909

1910 Mr. Sehl - I believe that that boundary created by those  
1911 roadways is certainly significant. And those properties also don't have some of  
1912 the remnant industrial zoning that this site has that also lends itself to maybe  
1913 leaning towards a non-residential use.

1914

1915 Mr. Baka - Thanks. And the last question I have for Mr. Sehl is  
1916 from a recent email from Ms. Niya Bryan. She's a resident at 7100 Brigham  
1917 Road. Her question was whether that retaining wall could be extended further  
1918 down towards Brigham towards 7100 to perhaps block some of the light, noise,  
1919 and impact from the building...maybe this is a question for the applicant.

1920

1921 Mr. Sehl - Mr. Baka, I believe the applicant could certainly speak  
1922 to this more directly.

1923

1924 Mr. Baka - Okay.

1925

1926 Mr. Sehl - At this location, the wall stops right about here. It's not  
 1927 exactly a retaining wall at that location.  
 1928  
 1929 Mr. Baka - Okay. It's flat?  
 1930  
 1931 Mr. Sehl - The site slopes down in this direction, the building  
 1932 actually sits up a little bit from Brigham Road in this location. They are required to  
 1933 provide a 25-foot transitional buffer at that location. The applicant can speak to  
 1934 whether a wall is feasible more directly. It's someone complicated by the  
 1935 emergency access that is required there by Fire. That opens that up a little bit  
 1936 more.  
 1937  
 1938 Mr. Baka - Thank you. And I would just say that this case does  
 1939 have an existing M-1 un-proffered section of zoning on it, so this is an  
 1940 improvement over that. Thank you, Mr. Sehl. Any other questions of staff?  
 1941  
 1942 Mr. Sehl - Thank you.  
 1943  
 1944 Mr. Baka - If I could, I'd like to ask the applicant the question  
 1945 about the retaining wall and the location of the entrance of that emergency exit.  
 1946  
 1947 Mr. Theobald - Madam Chair, members of the Commission, I'm Jim  
 1948 Theobald here on behalf of the applicant.  
 1949  
 1950 In response to your question, Mr. Baka . . .  
 1951  
 1952 Mr. Baka - I wanted to generally ask whether the location of that  
 1953 retaining wall needed to be extended or could be extended.  
 1954  
 1955 Mr. Theobald - Okay. I'll PowerPoint that.  
 1956  
 1957 Mr. Baka - I'll ask a second question while they're pulling up the  
 1958 PowerPoint. Is that location of the emergency exit in a manner and location that  
 1959 doesn't necessarily adversely impact the neighbors across the street? There we  
 1960 go.  
 1961  
 1962 Mr. Theobald - The emergency access. This is the area I think that  
 1963 the Fire Department wanted to be sure that they could reach if they needed to  
 1964 fight a fire from this direction and for whatever reason couldn't get around and  
 1965 through this entrance. We located this entrance drive. It was a little further to the  
 1966 west, but we tried to split in between these two homes so that it was not directly  
 1967 opposite someone's front door. And this is a gated entrance, so this is not one  
 1968 that you can use willfully.  
 1969  
 1970 The retaining wall is really a retaining wall. It's holding back the earth. It's not a  
 1971 screening wall. That's what all the landscaping is for within the 25-foot buffer. It



1972 just has to transition a couple of feet above the grade as you get to this  
1973 emergency entrance drive. So this is also the 25-foot buffer and will be heavily  
1974 landscaped. We did provide a landscape plan for informational purposes and  
1975 have been discussing with Ms. News how we might accomplish significant  
1976 plantings. But these plantings will go in, the evergreens at 6- to 8-feet tall at the  
1977 time of planting. The deciduous trees, 2-1/2 caliper, which is an initial height,  
1978 although be it a little spindly, of 15 to 18 feet. So this is designed to be a heavily  
1979 screened buffer. I just don't think with that kind of buffer that you would build a  
1980 brick screening wall to screen a brick all.

1981

1982 Mr. Baka - Understood.

1983

1984 Mr. Theobald - And there is no light coming out of this building.  
1985 Those windows are faux windows. There's no activity over here. The real factor, I  
1986 think, for the neighbors there is just the activity on Forest Avenue.

1987

1988 Mr. Baka - On the retaining wall, would there be a small railing at  
1989 the top of that?

1990

1991 Mr. Theobald - I'm told that it's likely required by the Building Code  
1992 that there would be likely a railing up there for safety purposes. If that's case,  
1993 there certainly will be.

1994

1995 Mr. Baka - Okay. One last question. What's the applicant's  
1996 projected number of vehicles per day? This is a low-intensity use. This is not a  
1997 heavy office use.

1998

1999 Mr. Theobald - I think if it projected to the seventy cars noted in the  
2000 staff report, they would be giddy. Generally speaking, these things get about  
2001 twenty customers a day.

2002

2003 Mr. Baka - Okay.

2004

2005 Mr. Theobald - So there really is no less-intensive traffic generator  
2006 than probably a cemetery. I think that's a big benefit for this community. This is a  
2007 use that works. Thanks to your input and Mrs. O'Bannon. I mean it's a miracle  
2008 that there's nobody here.

2009

2010 Mr. Baka - It's a commendation to the applicant, sir.

2011

2012 Mr. Theobald - This case has been worked really hard. We've had a  
2013 lot of help from Mr. Emerson, Mr. Sehl. We got a lot of input from neighbors. My  
2014 client has been very flexible and willing to make changes to accommodate those  
2015 comments. So this is one that's gotten a lot of work, and it's really paid off.

2016

2017 Mr. Baka - It pays off when you do your homework in  
 2018 preparation. So thank you. I don't have any further questions of the applicant.  
 2019  
 2020 Mrs. O'Bannon - And you shrub it up. That was a term we used to use.  
 2021  
 2022 Mr. Baka - Madam Chairman, if there are no other questions  
 2023 from the Commission, I would move that REZ2018-00009, James W. Theobald  
 2024 for Rivercrest Realty Investors, LLC, be recommended for approval with proffers  
 2025 1 through 16 dated March 29, 2018.  
 2026  
 2027 Mr. Leabough - Second.  
 2028  
 2029 Mrs. Marshall - We have a motion by Mr. Baka, a second by  
 2030 Mr. Leabough. All in favor say aye. Those opposed say no. There is no  
 2031 opposition; that motion passes.  
 2032  
 2033 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr.  
 2034 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend  
 2035 the Board of Supervisors grant the request because it would not adversely affect  
 2036 the adjoining area if properly developed as proposed and is not expected to have  
 2037 a precedent setting effect on the zoning in the area.  
 2038  
 2039 Mr. Baka - Secondly, I would move that PUP2018-00008, James  
 2040 W. Theobald for Rivercrest Realty Investors, LLC, be recommended for approval  
 2041 with conditions 1 through 3 in the staff report.  
 2042  
 2043 Mrs. Marshall - Second. We have a motion by Mr. Baka, a second by  
 2044 Mrs. Marshall. All in favor say aye. Those opposed say no. There is no  
 2045 opposition; that motion passes.  
 2046  
 2047 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs.  
 2048 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the  
 2049 Board of Supervisors grant the request because it would provide added services  
 2050 to the community and would not be expected to adversely affect public safety,  
 2051 health or general welfare.  
 2052  
 2053 Mr. Emerson - Madam Chair, the next item on the agenda this  
 2054 evening is the consideration of the approval of your minutes from the March 15,  
 2055 2018 meeting. You do have an errata sheet with a correction. And of course, any  
 2056 other corrections that need to be considered should be brought forward and staff  
 2057 will make those changes.  
 2058  
 2059 Mrs. Marshall - Do we have any more corrections for the errata  
 2060 sheet?  
 2061

2062 Mr. Leabough - Madam Chair, I move approval of the minutes as  
 2063 corrected.  
 2064  
 2065 Mr. Archer - Second.  
 2066  
 2067 Mrs. Marshall - We have a motion by Mr. Leabough, seconded by  
 2068 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
 2069 that motion passes.  
 2070  
 2071 And we do have some business we need to discuss.  
 2072  
 2073 Mr. Emerson - Yes ma'am, we do have two discussion items that are  
 2074 carryovers from your earlier work session this evening. It would be the  
 2075 consideration of scheduling a public hearing for both of the draft ordinances that  
 2076 you discussed, the short-term rental ordinances and of course the brewery  
 2077 amendment. Because you have had quite a few heavy agendas—I think the May  
 2078 10th agenda may have quite a few cases on it. Mr. Strauss, what's the May  
 2079 agenda looking like?  
 2080  
 2081 Mr. Strauss - We have five new cases and five deferrals.  
 2082  
 2083 Mr. Emerson - So right now we're looking at ten cases. You may  
 2084 want to consider 6 p.m. for these public hearings. We could advertise them  
 2085 accordingly. Or if we went at seven—it's extra time at the beginning or extra time  
 2086 at the end. It's really sort of your pleasure. I guess pick your poison.  
 2087  
 2088 Mr. Archer - I vote for the beginning.  
 2089  
 2090 Mr. Emerson - Six o'clock.  
 2091  
 2092 Mr. Leabough - Yes, I think that's better. Just to play it safe.  
 2093  
 2094 Mrs. Marshall - Mr. Baka?  
 2095  
 2096 Mr. Baka - Yes, I'll clear a path from downtown.  
 2097  
 2098 Mr. Leabough - I'll come by and pick you up.  
 2099  
 2100 Mrs. Kotula - We should be able to make it.  
 2101  
 2102 Mr. Baka - We could get a police escort.  
 2103  
 2104 Mr. Emerson - Madam Chair, we can do it either by consensus or by  
 2105 motion. But since you're scheduling a public hearing, I think a motion would be  
 2106 appropriate.  
 2107



2108 Mr. Leabough - So moved.  
 2109  
 2110 Mrs. Marshall - I'll second the motion by Mr. Leabough for a 6 p.m.  
 2111 public meeting on May the 10th for Airbnb and breweries. Second by Mrs.  
 2112 Marshall. All in favor say aye. Those opposed say no. There is no opposition;  
 2113 that motion passes.  
 2114  
 2115 Mr. Emerson - Madam Chair, I have nothing further for the  
 2116 Commission this evening.  
 2117  
 2118 Mrs. O'Bannon - I'd like to just add one thing. The last case was very  
 2119 difficult. But I want to point out something that I've worked on lately is going to  
 2120 social media and seeing the comments from the people about certain cases. I  
 2121 have set it up on my computer that when certain topics come up on social media,  
 2122 I get a bulletin in my email box. With that said, with the prior case there was a lot  
 2123 of rapid discussion that was happening on a social website called Nextdoor. I got  
 2124 on Nextdoor and was following it. Incorrect information was being given, so I  
 2125 basically interrupted and said, "Hi, this is Pat O'Bannon, and I'm the Tuckahoe  
 2126 supervisor. I'd like to correct some information." When I did correct it, suddenly  
 2127 the discussion changed very dramatically because they had been receiving  
 2128 incorrect information. They were discussing it online.  
 2129  
 2130 So I want to just point out there is another resource. If you are looking for where  
 2131 the conversation is, go to social media and you can find things out. I will also  
 2132 point out the Wawa case we had—  
 2133  
 2134 Mrs. Marshall - Oh, they were on Nextdoor. I was wondering how you  
 2135 get on Nextdoor. That's my question.  
 2136  
 2137 Mrs. O'Bannon - You have to live in the area that is covered.  
 2138  
 2139 Mrs. Marshall - That's what I thought.  
 2140  
 2141 Mrs. O'Bannon - Of course I live in part of it and Greg Baka lives in  
 2142 another section. So he gets to see it or I look at it.  
 2143  
 2144 Mrs. Marshall - People just can't go—  
 2145  
 2146 Mrs. O'Bannon - No you can't. But if you live in the district, you're  
 2147 bound to see at least half of it. That's what I've seen that about half of it is  
 2148 covered. And I think you covered some of the other half too.  
 2149  
 2150 Mrs. Marshall - I know in the Wawa case it was the same thing. We  
 2151 had correct information and we had information that was not correct. We had  
 2152 support that nobody said was out there. It was very interesting to read.  
 2153

2154 Mrs. O'Bannon - Well, I just wanted to point that out because it is one  
2155 more thing that if you could follow it and pay attention to it you can pick up on a  
2156 lot of the information, which we did. Then we responded to it. Of course you have  
2157 to respond to it. Just thought I'd mention that.

2158

2159 Mrs. Marshall - I think that's great. I'll entertain a motion.

2160

2161 Mr. Archer - Ms. Jones, we like to see that you hung around  
2162 tonight.

2163

2164 Mr. Emerson - You're just a glutton for punishment.

2165

2166 Mr. Archer - It was nice also to find out that you were a Fulbright  
2167 Scholar. Mr. Witte and I are both known as half-bright scholars.

2168

2169 Mrs. Marshall - And admit it too. Very impressive.

2170

2171 Mr. Archer - Madam Chair, I move for adjournment.

2172

2173 Mrs. Kotula - Second.

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2175 Mrs. Marshall - We have a motion to adjourn by Mr. Archer, seconded  
2176 by Mrs. Kotula. This meeting is now adjourned.

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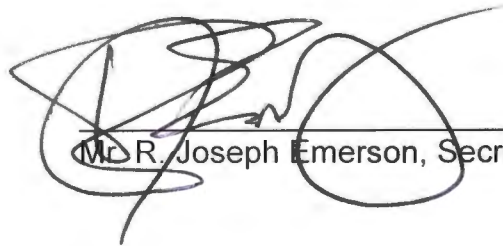
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Mrs. Sandra M. Marshall, Chairman



Mr. R. Joseph Emerson, Secretary