

1 Minutes of the public hearing regarding the Innsbrook Area Land Use Study
2 Comprehensive Plan Amendment and the regular monthly meeting of the
3 Planning Commission of the County of Henrico held in the County Administration
4 Building in the Government Center at Parham and Hungary Spring Roads,
5 beginning at 6:00 p.m. Thursday, July 15, 2010. Display Notice having been
6 published in the Richmond Times-Dispatch on June 24, 2010 and July 1, 2010.

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Members Present: Mr. C. W. Archer, Acting Chairman C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. David Kaechele, Board of Supervisors Representative

Member Absent: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Ms. Rosemary Deemer, County Planner
Mr. Seth Humphreys, County Planner
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, County Planner
Ms. Sylvia Ray, Recording Secretary

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9 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on**
10 **all cases unless otherwise noted.**

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12 Mr. Archer - The Planning Commission will now come to order.
13 Good evening everyone.

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15 Mr. Emerson - Good evening, Mr. Chairman.

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17 Mr. Archer - Before our regular Planning Commission meeting
18 today, this particular part of the program is a public hearing on the Innsbrook
19 Area Land Use Study Comprehensive Plan Amendment. To get us started, I'll
20 turn things over to our secretary, Mr. Emerson.

21
22 Mr. Emerson - Thank you, Mr. Chairman. As you noted, tonight we
23 do have a public hearing scheduled on the Innsbrook Area Land Use Study. This
24 area is 1351 acres in area. There have been two public open houses held on this
25 Study. On May 4th, we held one on the primary study area. On July 7th, we held

another one on the 166-acre addition that is intended for single-family development. That's noted in the study. Between these two meetings I believe we had about 140 people in attendance. This has been a large effort on staff's part. We've had support from many of the County agencies, especially Utilities and Public Works. I'd like to thank them for their efforts. And also on our staff, Mr. Ben Sehl, Mr. Seth Humphreys, Ms. Jamie Sherry, and Mr. Livingston Lewis have put in quite a bit of time on this. With that, I will turn over the presentation to Mr. Ben Sehl.

Mr. Archer - Mr. Sehl, before you start, I see Mr. Kaechele approaching. Mr. Kaechele is our representative from the Board of Supervisors representing the Three Chopt District. All right, go ahead, Mr. Sehl.

Mr. Sehl - Thank you very much, Mr. Chairman. Good evening members of the Commission.

This is the public hearing for the Innsbrook Area Study and the recommendations contained within. This study was initiated by the Board of Supervisors on September 22, 2009, and as you are aware, several work sessions and two public information meetings have been held regarding this topic.

Tuesday we delivered to you a copy of the Draft Plan. The plan reflects all of the information you discussed at your most recent work session and no changes have been made to the study since the June 17th version that was discussed at that meeting. You were also provided a copy of the comments we received at the July 7th public meeting that Mr. Emerson mentioned. This information has also been made available on the Planning Department's website. Tonight I'd like to briefly go over the main components of the plan and its recommendations.

Overall, the planning process for the study followed a very similar format to that that was used during the 2026 Comprehensive Plan update. After the boundaries of the study were defined, staff conducted the necessary background research and inventory of existing conditions to help identify opportunities for redevelopment in this area. You have, as I mentioned earlier, held several work sessions to discuss this item and the two open houses that we held on May 4th and May 7th were held to present the land use scenarios to the public. After the Planning Commission takes action on this item, a public hearing with the Board of Supervisors will occur prior to adoption.

The study area shown on the map in front of you contains the Innsbrook Corporate Center, non-residential areas south of West Broad Street including the former Circuit City headquarters and West Mark, as well as adjacent large lot residential areas that could support redevelopment in the future. These boundaries were defined by examining existing development, adjacent uses, and existing and proposed infrastructure such as interstate interchanges and connections to mass transit facilities.

Overall, the study area includes over 1351 acres and total current development in the area includes over 7 million square feet of office space and 1.6 million square feet of retail development.

This map indicates our notification area. Shown on here are the areas where we sent out over 2400 notices for both public information meetings that were held in May and last week, as well as tonight's public hearing. So we sent out three different notices. This is, as you'll notice, a little bit more expansive than the notices typically sent for land use plan amendments, but we wanted to ensure that the residents and businesses in the vicinity were informed and kept informed throughout the process. As Mr. Emerson mentioned, the May 4th meeting was attended by 79 people and the July 7th meeting had 61 attendees. The study updates, maps, citizen comments, a link to contact staff, and associated information were also posted on a special page that was created on the Planning Department's website.

After we defined our study area and the area that we were going to use to notify adjacent residents, we examined existing conditions in this area. In evaluating these existing conditions, a prominent issue was the increase of vacancies in the study area. According to recent studies, the Innsbrook study area, which contains properties both inside and outside of the County study area, has an approximate vacancy rate of 25%. The increasing vacancy rates in the vicinity provide an opportunity for the County to study the impacts of these vacancies, as well as determine if changes to the planned uses in the area could ensure Innsbrook remains a viable economic generator for the County and region as a whole.

The physical aspects of Innsbrook and the surrounding area show that the properties have been developed with a high level of quality. And it generally does reflect a suburban pattern of development typical of the time during which it was developed. This type of development is characterized by separated uses that require large areas of surface parking and a vehicle to make any trips from home to work, restaurants at lunch, those sorts of things. Considering the opportunity to utilize the extensive parking areas and the recent trends towards more sustainable development would help achieve a more efficient use of available land area, the study recognizes that infill development could be appropriate.

To take advantage of these opportunities for infill development, staff has developed four development scenarios as shown on this map. These scenarios are intended to maximize the redevelopment potential of the study area, while still ensuring adequate protection for adjacent residential uses, as well as guide density and building height into appropriate areas. Keystone policies were developed for each scenario to provide additional guidance as well. We have also developed a number of general development policies, which you can see at the end of your study, that limit heights in the various areas that have been shown on this map. It might be a little difficult to see here. You'll see a couple of dotted lines going around the boundary adjacent to the existing single-family

neighborhoods. Areas within a 150 feet of the study boundaries as shown on the map will be limited to 45 feet in height and buildings could be no taller than 80 feet until you're at least 300 feet away from the study boundary as shown here. Once you get towards the core, those buildings could be taller, depending on the specific use.

The next couple of slides will kind of break down what we showed on the previous slide, area by area to kind of describe in further detail the four development scenarios that staff came up with. The first slide is the area of lowest density and is located west of Sadler Road and north of I-64. It's shaded in yellow on the map in front of you. This area was most recently added to the study, as you're aware, and the public meeting was held on July 7th detailing information specific to this area. To ensure appropriate transitions and compatibility with the surrounding single-family uses, this area is recommended for detached single-family uses only, with a maximum recommended density of eight units per acre. Heights in this area are lower than those shown on the previous map and would not exceed 40 feet, which is consistent with the zoning ordinance requirements for single-family residential districts.

Areas proposed for lower density could possibly support residential densities of up to ten units per acre. These areas are located closest to adjacent single-family neighborhoods and therefore must be respectful of the boundaries that the Innsbrook Study Area shares with those established neighborhoods. In addition to the keystone policies described for these areas, staff is recommending specific guidelines and policies for any use that is located in close proximity to existing homes, as we previously mentioned regarding heights, others that recommend creating transitions to those areas, kind of stepping back and creating buffers against those neighborhoods as well.

The moderate density areas are located close to existing residential uses, but generally have more room for buffering and creating appropriate transitions to these residences. These areas can support somewhat higher densities, but should contain transitional areas that are complementary to the existing uses. These areas include the existing UMU development in the study area and the proposed density would be consistent with that that was approved with the Highwoods UMU located in this area here.

The areas with greatest density are show in brown on this slide in front of you and are located farthest from the existing residential uses and concentrated along major transportation corridors. Staff believes these areas are best suited for the most intense development within the study area and density is recommended to be no more than 40 units per acre.

In front of you are a number of illustrations from previous Urban Mixed Use developments within the County to be used to illustrate the numerous guidelines and policies that are contained within the draft study. These are in place to

provide guidance for future developments for both applicants and staff. These policies address site and building design; pedestrian accommodation; and transportation and landscaping. For areas within the core study area, these policies are intended to create a similar form of development that's been seen in other recent Mixed Use development, as shown on this slide, such as West Broad Village, Rocketts Landing, and Staples Mill Center, which are some recent UMU developments that have been approved by the County. Specifically, the vision, goals, and objectives for the study begin at the end of the study around the range of page 28.

What is proposed for the lowest density area, which was that yellow shaded area for which we had the July 7th meeting, would be comparable but slightly different that the four proposed for the core-study area. These areas would consist of a traditional development pattern using a gridded street network and community open spaces, but would be less urban than discussed on the previous slide and would consist solely of single-family detached dwellings. This is due to the existing pattern of development in the area and the desire to keep the single-family character as the predominant use. Single-family homes on smaller lots with amenities such as sidewalks, streetlights, and public open spaces would be appropriate in this area. This pattern of development has already begun in the area with the recent approval of an R-5A zero lot line development in the northern part of the study area addition.

In addition to the four development scenarios, four land bays were defined during the study and are separated by major transportation corridors such as West Broad Street and Nuckols Road. These land bays provide staff with baseline reference numbers such as existing non-residential square footage to use during the review of future development proposals within the study area. This is especially important because of the County's desire to maintain an appropriate mix of residential and non-resident uses. In this way, the County can ensure that an excess amount of new residential development is not placed within the study area or any one portion of the study area. Limiting residential development within each land bay and the entire study area to 50% as recommended would help achieve both of these goals, although I would note that development within land bay D would not have this limitation on residential uses due to the area's current residential designation on the existing future land use map, the 2026 Comprehensive Plan.

Based on the factors that I've discussed, staff has recommended the majority of the study area be re-designated to Urban Mixed-Use and Traditional Neighborhood Development as shown on this map. Certain properties such as government facilities would retain their current designation. Staff also recommends the study area be designated a Special Focus Area, which would allow the guidelines for development contained in the Land Use Study to be used in review and development of proposals in the future. Re-designating properties within the study area for UMU would not remove the requirements to rezone

property for this form of development or lessen the strict requirements for developments of this type—TND areas will be included as well—such as infrastructure impact statements and detailed master plans. The guidelines and policies for the area would provide additional guidance for staff and potential developers, and send a clear message about the type of development desired within the study area.

Designating the majority of the study area to UDU would also allow the area to meet a portion of the County's mandated Urban Development Area requirements. These areas have to meet certain density requirements, which are mandated by Virginia code. The State code requires allowable densities within Urban Development Areas to permit 8 detached dwellings per acre, 12 townhouses per acre, 24 multi-family per acre, and a 0.8 floor area ratio for non-residential development. The densities recommended within the proposed land uses and development scenarios would meet these requirements. But designating the Innsbrook area as a UDA would also require updates in other parts of the 2026 Plan. To further clarify how the proposed land use study would address State mandates regarding Urban Development Areas, amendments to the Comprehensive Plan would be made to Chapter 5 and Chapter 12, Chapter 5 dealing with land use and Chapter 12 dealing with implementation of the Plan. The Overview section of Chapter 5 would be amended and a new section for Urban Development Areas would be added. And then keystone policies described for Urban Development Areas would also be added to the implementation plan. As part of the new section for Urban Development Areas in Chapter 5, new keystone policies would be added to the plan. In addition to what is noted on the screen in front of you, these keystone policies would encourage vertical mixed uses, housing variety, connections to mass transit, public open spaces, and transitional areas.

The future land use map for the County as a whole would be amended as shown on this slide with the Urban Development area surrounding the study area shown here. And it would be the same as the border for the Innsbrook Study.

That does conclude my presentation regarding the proposed Comprehensive Plan amendment. Staff's recommendation is continued as noted in the study that we presented to you this evening, including the updates to the future land use map, Chapter 5 and 12 of the 2026 Plan, as well as designating Innsbrook as a Special Focus Area and an Urban Development Area. Staff can recommend approval of these items and I would be happy to try to answer any questions you might have at this time.

Mr. Archer - Thank you, Mr. Sehl. Are there any questions for Mr. Sehl from members of the Commission?

Mr. Kaechele - Can we go back to that land use map? Is that what the State requires for Urban Land use?

256
257 Mr. Sehl - The State requires that we show on our future land
258 use map the Urban Development Areas within the County. We've chosen to
259 designate it as shown with the border around the study area, the black and white
260 border. That area will contain between 10 and 20 years of our anticipated growth
261 at the densities that are proposed in the plan.

262
263 Mr. Kaechele - Is that the only use we're showing at this time?

264
265 Mr. Sehl - Yes, Mr. Kaechele, that's the only Urban
266 Development Area that would be designated at this time.

267
268 Mr. Jernigan - Has the same boundaries the UMU.

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270 Mr. Sehl - Not specifically the UMU. It does also catch the TND
271 area and the other areas that might have different designations with the
272 government or EPA as well because those areas can also meet the State
273 mandates regarding densities.

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275 Mr. Archer - Any more questions? Thank you, Mr. Sehl. Stay
276 close. This is a public hearing and for the balance of the time that we have here,
277 if there are questions or discussion from the public at large, that means you, Mr.
278 Secretary and I have concluded that we will allow at least three minutes for each
279 presentation. If we get into a question and an answer period then that will not be
280 counted against you. If anybody would like to speak to this, please feel free to
281 come forward.

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283 Mr. Emerson - Mr. Chairman, we did have a signup list in the hall
284 and we do have five people signed up to speak. The first person on that list is Mr.
285 Tom O'Brien.

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287 Mr. Archer - Good afternoon, Mr. O'Brien.

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289 Mr. O'Brien - Good afternoon Mr. Chairman, members of the
290 Board. I appreciate this opportunity.

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292 Mr. Emerson - Excuse me, Mr. O'Brien, would you state your name
293 and address for the record?

294
295 Mr. O'Brien - Tom O'Brien, 4709 Snowmass Road. The Villages at
296 Innsbrook just to the east of the proposed area of change. As a resident of the
297 area in close proximity, I'm really against changing the zoning of the area to his
298 Urban Mixed-Use. I think we have enough of that kind of development at West
299 Broad Street already. I've lived in this part of the County for the last 25 years and
300 have lived in the County all my life. I find it appalling with I go out past west of
301 295 now on West Broad Street, the congestion. It's ugly. The West Broad Village

that they use as an example of what this thing could look like in my estimation is terribly aesthetically unpleasing. I think a lot of people that live in Wellesley would probably agree with that statement, that it didn't develop the way they portrayed it to be.

I sort of think that if we allow this Urban Mixed-Use development, that you're just going to get a larger area of something similar to West Broad Village in that area. I really don't think that's appropriate. I think we have enough of that out there already, especially the retail. I think more appropriate uses of infill use would be condos or homes for older people, restricted communities and that sort of thing, rather than the urban development that they're proposing. I think most people move to the County to get away from the urban development; I know I did. I just think it's wrong.

I understand why the County wants to do it. I mean obviously this is a depressed area right now and there are a lot of vacancies, but that's the economy in general, I think. And at some point in time it's going to come back. I understand also that this kind of development is the wave of the future; you want to maximize the usage of the land area and make it friendlier for people to walk to. But from my perspective, it's just not an attractive use of the land and I don't think it's really suited for this area of the County. A lot of us in the neighborhood I'm in enjoy the park-like amenities that you have with the office park over there and that's one of reasons we moved there. I've moved there within the last year. Had I known this was going to come up on the table, I probably would not have chosen that neighborhood to move to for that very reason. Of course I understand that this is long-term, that 20 years from now I'm probably going to be dead but, you know, I think for future development of the County, I just really think that it's the wrong way to be going, especially this Urban Mixed Use thing that they're proposing. It's sort of like opening Pandora's Box. Once you've done that, you can't put it back. That's all I have.

Mr. Archer - Thank you, sir. Do Commission members have any questions or comments for Mr. O'Brien? Thank you, Mr. O'Brien.

Mr. Emerson - Mr. Chairman, the next individual signed up to speak is Mr. Dave Cummings. Mr. Cummings, if you would, state your name and address for the record.

Mr. Archer - Good evening, Mr. Cummings.

Mr. Cummings - Good evening. Dave Cummings, 4616 Cedar Forest Road. I'm the vice president of the Cedar's Homeowners' Association just to kind of the northwest corner of the area of development. Having been here for about 16 years and representing about a hundred homes there, we appreciate the good work that Highwoods has done in keeping us informed about what's coming. I think there has been some real thought and some exciting prospects here, but

we have several concerns that we just want to make sure are addressed. We did have representatives that attended the open house sessions. I guess when you have 2% of the notice population to attend those meetings, that isn't a great turnout, but the ones that did attend made comments. And unfortunately it doesn't seem like the comments were reflected in the plan that was presented tonight.

The four or five main areas of concern are there. Number one is simply the noise. There are a number of people that moved from urban areas to the peaceful and quiet area of Western Henrico County and certainly we've enjoyed development but still enjoy a quiet neighborhood here where people have invested in their homes and their lives. When this kind of development goes in right adjacent to residential areas, certainly there comes noise, and lights, and the environmental pollution that comes along with that. So certainly that's one thing that does need to be addressed, respecting those that invested in homes and making sure that noise, and light, and that kind of pollution is not impacting the neighborhood.

Second is the traffic. Certainly with an urban area come density. With density comes traffic. The theory is that people would live and work and play all in one area. And I don't know if you've had an opportunity to see the new Innsbrook Directory, but on the very last page, I'm kinda the poster boy for somebody that lives and works and plays in Innsbrook, having been here for 16 years. There are only a handful of people that do that. Most people who work here come from other areas. Most people that live here work in other areas. So in this kind of development where you have density of more commercial and office space, and more residential space, there comes traffic. And right now, the traffic problems are significant and growing. I appreciate the fact that Highwoods and the developers have recognized that traffic is a problem and there are plans to deal with that. But nevertheless, it's still theory and the traffic is a concern.

Number three is the issue of encroachment. And this is an area that was specifically commented on in the open houses. The density and the height of buildings that is immediately adjacent to the residential areas, I think he said—and this is the same that it has been—45 feet within 150 feet, and 80 feet high within 300 feet. That is simply not acceptable. When you have a family that's living with a backyard and immediately across the fence from that backyard a 40-foot parking garage, or office building, or condominium complex with the concerns of overlooking into somebody's backyard and their bedroom windows, it's simply not acceptable. We have proposed maybe a 20-foot height restriction within that 150 feet, and then a 40-foot height restriction within the 300 feet, so it's a gradual sloping up. And we recognize that development is coming and development can be very good. But there must be a recognition to prevent that kind of encroachment on the residential areas to the east and west of the Cox corridor.

393 Fourth is safety. Right now Innsbrook is pretty much a nine-to-five workplace.
394 Residential development is relatively quiet and safe in hours of the early morning
395 and evenings. But with the UMU development does come an opportunity for
396 restaurant, and entertainment, and late-night activities. Some of those are
397 wonderful. I enjoy going out for dinner and a movie or whatever. But not right
398 next door. And certainly the safety issues are a very critical concern for our
399 neighborhood. We have many neighbors that have small children. Again, they've
400 invested their lives and their money. The single largest investment is right there
401 right across the fence from this development. With condominium complexes,
402 apartment complexes, businesses that stay open till late hours...Even last night
403 or the other night at the Innsbrook After Hours, there were a number of people
404 that had to be arrested for underage drinking, and rowdiness, and fighting. And
405 that's just at the Pavilion right north of our neighborhood area. It's far enough
406 away so it's not a big deal, but when that thing gets right next door, it is a real
407 concern for the neighbors.

408
409 Finally, the whole issue of just infrastructure. With development comes the need
410 for roads, and water, and sewer, and schools. Some of that has been
411 considered. I know the Planning staff have incorporated personnel from those
412 various areas. But still, all of that has to be paid for and in order to pay for it, you
413 need to get more density, you need to have higher levels of occupancy. So it
414 ends up being kind of a death spiral for those that enjoy a quiet and peaceful
415 neighborhood. So that issue has to be address, how is the infrastructure going to
416 develop, how is it going to be paid for. Certainly we don't want to burden
417 ourselves with more tax dollars, but at the same time, if it's going to be pushed
418 off onto the occupants, that requires more density.

419
420 Our basic issue is this, to be careful, to go slow. Let the UMU area to which Mr.
421 O'Brien already referenced, build out and see how that works. That zoning at the
422 corner of Cox and Sadler was approved, I don't know, five years ago, and not
423 brick one has been laid. So let's see how that goes first.

424
425 Mr. Archer - I'm going to hate to interrupt you, but—

426
427 Mr. Cummings - Sure. Any questions that I can address?

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429 Mr. Archer - Any questions for Mr. Cummings from the
430 Commission?

431
432 Mr. Branin - I have none for Mr. Cummings. Mr. Cummings, this
433 project is coming along and developing with input from the community.
434 Everything that you've stated is this Board's, as well as the Board of Supervisors'
435 concern as well—traffic, the infrastructure. Public Works is on top and looking at
436 this, and seeing what it's going to take, and what can and can't be done. Safety
437 is everyone's concern. So this is really the beginning. We've had two meetings;
438 I'm sure we're going to have a lot more. Your comments aren't going unheard.

439 It's what Mr. Kaechele and I are on top of, staff, in regards to every day when we
440 look at this project. So the five concerns you have are our five concerns and will
441 be implemented and taken into consideration greatly throughout the process.

442
443 Mr. Cummings - I'm very glad to hear that. Again, those comments
444 were made during the public meetings and have not been addressed in the
445 presentation that staff made, and very specifically the height issues, the density
446 issues, and some of the other issues. So as the Planning Commission evaluates
447 this, please make sure that you are communicating that and—

448
449 Mr. Branin - After every one of our neighborhood meetings, we
450 have had work sessions afterwards where we get all the input from the
451 community meetings and we discuss them and figure out what the community is
452 saying, what the community needs, and where we need to take it as we move
453 through this process. So thank you for bringing them up because they're exactly
454 what we're looking at, too.

455
456 Mr. Cummings - Again, I appreciate that. The only thing that I know is
457 what was shown tonight was what was shown previously, and they've not been
458 changed. So I'm glad that you're evaluating those carefully.

459
460 Mr. Branin - Because we are at the beginning of the process.

461
462 Mr. Cummings - Right.

463
464 Mr. Archer - Thank you, sir.

465
466 Mr. Cummings - Thank you.

467
468 Mr. Emerson - Mr. Chairman, the next individual signed up to speak
469 is Mr. Paul Kreckman.

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471 Mr. Archer - Good evening, Mr. Kreckman.

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473 Mr. Creighton - Good evening. My name is Paul Kreckman. I guess
474 for tonight my address is 4501 Highwoods Parkway. I'm here in two roles, really,
475 one as president of the Innsbrook Owners' Association, which has been following
476 this process very closely and carefully and trying to be involved in it where we
477 can. And also as vice president of Highwoods Properties, which is the largest
478 property owners in the Innsbrook Corporate Center.

479
480 We're here tonight because we've been successful. When you think about where
481 Innsbrook has come from and where it is today, it's only because we have been
482 successful in producing a quality office environment. We're here tonight talking
483 about what to do next. We really are at a unique and historic moment in the
484 history of Innsbrook and in this part of the West End to move forward, to do the

485 next thing. Twenty-eight years ago when Innsbrook was rezoned, that was
486 pioneering. That was in the middle of nowhere with nothing and we created a
487 really great environment. That zoning created the framework within which the
488 development community could come forward, bring its ideas and proposals, and
489 work within the County system to create the environment that we have, that we
490 really like and enjoy, and we take so much pride in. The zoning case to the north
491 of us in one of the counties to north has talked about having their own Innsbrook.
492 I don't know many times over the last 2-1/2 decades I've heard people this is
493 going to be our Innsbrook. We are the leading example of really good growth, not
494 only in Henrico, but in Central Virginia. We've created over a billion dollars worth
495 of investment just in Innsbrook alone, probably that much in the surrounding
496 area. If you go beyond just the immediate area of the study area, it's well more
497 than that.

498
499 What we have now, though, is an opportunity to allow Innsbrook to grow and
500 evolve into its next phase. I don't see this as a pioneering effort; I think this is an
501 evolution of what it is going forward, using the Urban Mixed-Use zoning code that
502 we have as the framework for creating a better Innsbrook. We're not looking to
503 go backwards. I have too much of an investment in Innsbrook to think it would
504 turn into something bad. I think there are some issues with West Broad Village
505 and I'm not interested in West Broad Village.

506
507 We have an employment center that has an opportunity to respond to the
508 competitive environment in which we face today with companies that are trying to
509 attract the best and brightest employees to come work for them. Those
510 employees are looking for a combination of work and lifestyle. We need to
511 respond to that in order to keep our employment base in Henrico and grow it.
512 This plan that we have seen here by the County will allow us to do that not just in
513 Innsbrook, but in the areas to the south, the other side of Broad Street, which are
514 really hurting for occupancy right now and need some major new programming in
515 order to be successful in the future.

516
517 What we have done as the Innsbrook Owners' Association is after the Board in
518 September authorized the study, we put together a community group—an
519 invitation for people to come from not only inside the Innsbrook Owners'
520 Association, inside the Innsbrook community, but inside the neighborhoods
521 surrounding us—to come together and talk about what the future of Innsbrook
522 should be. How do we as a community respond to the County's challenge to
523 work at land use and the Urban Mixed-Use concept? We went through an open
524 process of talking about the challenges, the opportunities, the future that we'd
525 like to see for Innsbrook. We came up with a plan that we presented to anybody
526 that wanted to come back and listen to us. We've had many of those people that
527 were there before and a lot of new people. We presented those ideas, got more
528 feedback, and have come up with what we think is a good companion plan to
529 work within the concepts of the County's UMU zoning.

530

531 So as we go forward, I'm looking forward. I am as excited today about the next
532 28 years of Innsbrook as I've ever been in the 28 years that I've been associated
533 with it in the past. Thank you very much.

534
535 Mr. Archer - Thank you, sir.

536
537 Mr. Branin - Mr. Kreckman, before you walk away, I have a
538 comment to you and also for everyone else in the room. This isn't a rezoning
539 case; this is a study that the County has embarked on in looking at the area. We
540 haven't even entered into the zoning process yet. But, Mr. Kreckman, as I have
541 discussed with you in meetings and you've heard Mr. Cummings this evening
542 voice pretty much what I've said to you, the main concerns that myself and the
543 rest of the Commission have are always traffic, safety and the encroachment on
544 existing neighborhoods, which is usually the toughest of them all. We've all
545 experienced such things as a small little Chick-fil-A being built. Encroachment is
546 a difficult thing. I would ask that as you guys move into the process and start
547 looking at doing your designs to keep in mind what our concerns are and what
548 your neighbors' concerns are.

549
550 Mr. Kreckman - If I may respond to that. I share all those same
551 concerns. I have the list of five that Mr. Cummings mentioned. I have all the
552 same concerns, quite honestly, because we're going to have a long-term
553 investment in Innsbrook, continuing for hopefully another 28 years at least. It's
554 important to us to get this right. We said from the beginning that we were not
555 looking to backup on the quality that Innsbrook represents. We're looking to
556 move forward with something that is as good and better than what we've
557 delivered in the past. So my commitment is still the same. I've said it privately
558 and I'll say it publicly, we want to have an even better Innsbrook than we have
559 today, respectful of our neighbors, that recognizes that we're in a new world and
560 we need to think about a more urban form of development. With that, I think we
561 can solve the noise issues, the safety issues, the traffic issues, how we come up
562 to our neighbors and we're respectful of them as well. I think the County's done a
563 good job of presenting a framework in which we can present specific
564 development proposals that will have to address all those issues.

565
566 Mr. Branin - Thank you.

567
568 Mr. Archer - Before Mr. Emerson calls the next speaker, we need
569 to be a little bit mindful of the time limit. I don't like to interrupt anybody while
570 they're speaking because I know you care about you're talking about or you
571 would have come out here. But just try to be as inclusive as you can with your
572 remarks so we can hear from everybody. Thank you.

573
574 Mr. Emerson - Mr. Chairman, the next individual signed up to speak
575 is Mr. Bruce Kay.

577 Mr. Archer - Good evening, Mr. Kay, how are you, sir.

578
579 Mr. Kay - Good evening, thank you. My name is Bruce Kay and
580 I'm a resident of Henrico County, 12916 Fox Meadow Drive. But I'm here as vice
581 president of Markel Corporation. We're a large private employer in Henrico
582 County.

583
584 Markel came to Innsbrook in 1986, 87, some 23 years ago. We had 165
585 employees. We now employ over 800 over that period of time. We rented 10,000
586 square feet in an building in Innsbrook; we now occupy 350,000 square feet. Our
587 success has been the ability to attract the best and the brightest employees. We
588 viewed Innsbrook in 1986 as being the place to go to from the Willow Lawn area.
589 I think our success has been in large part the environment that Innsbrook offered
590 us to attract these employees in a very supportive environment to be able to
591 have a workforce to compete in a global economy. It's not just the local economy,
592 but it's our ability to be able to successfully compete globally.

593
594 There is a transition going on in the workforce. The people that went out to
595 Innsbrook in 1986 have served our company well over the last 20 years, but their
596 hair is a little grayer and there's a transition going on in terms of the workers. The
597 value system of these workers is a little bit different. The future of the company
598 will be built by the people that we're hiring today in their 20's and 30's. We've
599 seen others like Capital One, CarMax, and Owens and Minor leave the Innsbrook
600 community and go to more rural settings to be able to create campuses to attract
601 the values of these employees. We've also seen recently MeadWestvaco, MWV,
602 that have actually gone into the city to do the same thing, to attract the workers
603 that they are looking for to grow their businesses. These are the Fortune 1,000
604 companies that basically we compete with for labor.

605
606 These new workers, from what we've been able to gather in talking to them and
607 the people that we've hired, there's a blurred distinction now amongst living,
608 working, and recreation. Their view is that they want to be able to do their work,
609 they want to be able to recreate, they want to be able to live sort of a 24/7
610 lifestyle, and the technology has enabled them to do that. There's a lot of I guess
611 you would call it hoteling now with companies. There are a lot of folks that are
612 working from home. So all of these changes in people's lifestyles are impacting
613 the type of environment that we're trying to create as a company to get the
614 people that can enable us to compete. They're also environmentally
615 conscientious. By that I mean they want to be able to walk or take a bicycle to
616 where they work. So pedestrian-friendly or non-vehicular constraining, if you will,
617 environments are important to them. So the introduction of residential to the
618 office park with a pedestrian-friendly environment, as well as a transportation that
619 will move people without having to get back into your car to go from one part of
620 even the park to another part, is kind important and meets their values and their
621 preferred lifestyle.
622

623 So I guess just in closing, our ability to compete successfully depends on our
624 ability to attract a quality workforce. It's a workforce in transition. The values and
625 the things that the younger people feel are important is something that we need
626 to be able to offer. We're hoping that whatever plan comes out of this study
627 creates an environment where our business can remain in Innsbrook and
628 profitably grow because it's served us very well over the last 20+ years. I'll be
629 happy to answer any questions about Markel or our view of the workforce and
630 what we need to compete going forward.

631
632 Mr. Archer - Thank you, Mr. Kay. Any questions from the
633 Commission?

634
635 Mr. Kaechele - You're saying, I guess, that cars and bicycles and
636 other forms of transportation can cohabit the area and satisfy the needs of the
637 workers?

638
639 Mr. Kay - You just want it to be an environment where you have
640 the choice to be able to walk to where you work, or walk to where you recreate,
641 or ride a bicycle. To the extent that you use your car, and the gas, and the traffic
642 congestion that was mentioned earlier, the goal is to avoid those things. The
643 younger people, quite frankly, have a little more energy and they more want to
644 stay in shape. They're younger. These kind of things don't bother them as much.
645 I need to hop in my car to go down to get a lunch or a dinner at Hondo's at
646 lunchtime. I do believe that there are certain constraints in terms of how far
647 you're going to walk, particularly on days like today, but I have to believe there
648 are ways that we can create to move people within the park that doesn't require
649 us to get back in our car and make that drive. Then you have to park your car in
650 two places—where you work and where you're going to get services.

651
652 Mr. Archer - Anything else?

653
654 Mr. Kay - Thank you.

655
656 Mr. Archer - Thank you.

657
658 Mr. Emerson - Mr. Chairman, the final person we have on our signup
659 list would be Ms. Kathy Kozak.

660
661 Mr. Archer - Good evening, Ms. Kozak.

662
663 Ms. Kozak - Hello, good evening. My name is Kathy Kozak. I live
664 at 4505 Sadler Grove Court. I bought my home three years ago. Since that time,
665 my home value has declined by 20%, like anybody else who lives in this area
666 and around here. I'd really like for the Planning Commission to think about how
667 this development will impact the future value of my home and everybody else's
668 home. To echo the gentleman before me, I would not have bought my home

three years ago probably if I knew that this development was going to be taking place. I understand nothing is set in stone; everybody's planning right now and no permanent actions have been decided on. But I would just really hope that the Planning Commission would think about this so that I can one day regain the value of my home. I'm particularly concerned about noise. When I went to one of the open houses, I asked about any measures being taken for noise, would there be sound walls for all of us who live around there, would there be more trees. I was greeted with blank stares. I would just really like the Planning Commission to consider this. Do you have any questions for me?

Mr. Archer - Any questions from the Commission? Thank you, ma'am. There may be some others here who did not sign up to speak but would like to. We still have a few minutes. Mr. Secretary, how do we move from here?

Mr. Emerson - Mr. Chairman, at this point the Commission needs to determine whether or not they're prepared to make a recommendation to the Board of Supervisors on this study tonight or whether or not they would like to make that recommendation at a later time. That's completely within the discretion of the Commission. We do have a resolution prepared for the Commission to consider if you do wish to move it along this evening.

Mr. Branin - Mr. Secretary, for the people in the audience, would you explain if we do make a recommendation to further this on to the Board what that means.

Mr. Emerson - Sure. The Planning Commission is an appointed body from the Board of Supervisors. The Commission makes recommendations to the legislative body, which is the Board of Supervisors. The Board of Supervisors will hold an additional public hearing on this document after the Commission finishes its work and renders a recommendation to them. They'll consider the input of the Commission. They may or may not make changes to the proposal. Once it's sent forward, that is within their discretion. Once they make the final decision, it then becomes a part of the Comprehensive Plan. So this is a recommendation at this point. There will be future hearings probably in September if a recommendation goes forward tonight.

Mr. Branin - And now would you explain what the Comprehensive Plan is.

Mr. Emerson - The Comprehensive Plan is a guide to development in the County. It provides a framework for the development community, the citizens of the community, and the Planning Commission to make judgments and decisions based on where they might want to live and where they may want to propose developments, and in terms of the staff and the Planning Commission, to review development proposals. It sets forth guidelines, goals, policies, and objectives. It does not zone the property. Each rezoning application is unique and

715 unto itself, and has its own specific requirements or considerations. So within
716 each case, if you ever go back and look at cases that the Commission has
717 approved, you'll see where they will deviate from some of the general
718 recommendations of the Comprehensive Plan if a development is in close
719 proximity to a residential development, as was brought up as a concern tonight.
720 You may not see the heights that possibly are allowable based under
721 recommendations from the Comprehensive Plan, or the densities because there
722 will be considerations made based on specific developmental constraints of sites
723 and things. In other areas, they possibly might exceed some of the
724 recommendations, if it works. All that comes into play when public hearings are
725 held regarding development proposals. And, of course, those decisions are
726 recommendations from the Commission with the Board of Supervisors making
727 final decisions after going through two public hearings and normally several open
728 houses. Especially on developments I would consider that would come into this
729 area would come under a great deal of scrutiny.

730
731 Mr. Jernigan - Mr. Emerson, I'm sure other than the folks that came
732 to speak with us tonight we've had calls to the Planning Office. Do we have a
733 tally of how generally this is thought of from the phone calls?

734
735 Mr. Emerson - Actually, we have not received that many phone calls.
736 I'll ask Mr. Sehl to come back and speak to that; he has the data in front of him.
737 But basically, our input has been gathered at the open houses. We have not
738 received that many phone calls.

739
740 Mr. Sehl - Yes sir, Mr. Jernigan, Mr. Emerson is correct. I think
741 we received, at last count, 13 phone calls. We've had this posted on our website
742 for a number of months. I try to keep track of the nature of the calls and most of
743 them have been information-gathering type of calls and directing people to attend
744 the open houses. Most of our comments and concerns have come out of those
745 open houses.

746
747 Mr. Jernigan - How about from the open houses? How generally
748 have the comments been?

749
750 Mr. Sehl - As we talked about in the work session, the first open
751 house we received 54 surveys I believe. A little over 50% supported or partially
752 supported the vision that was presented in the study. At our most recent meeting,
753 we had 21 of the 30 surveys that were returned that supported including that
754 area down by Sadler Road in the Land Use Study. We didn't ask specific
755 questions about the study as a whole, but I think including that study area, that
756 portion of the study area in the study, it would kind of be indicative of agreeing
757 with the findings of the study as a whole.

758
759 Mr. Jernigan - Thank you.
760

761 Mr. Kaechele - I have a question. Mr. Secretary or Ben, either one,
762 the comments that you've recorded from the July 7th meetings, I notice there are
763 a lot of questions concerning—not a lot, but enough—the future of Sadler Road
764 and the timing of the development. I know it's been on the books for many, many
765 years, delayed and deferred because of primary State funding. But do we have a
766 pretty solid date now for that?
767

768 Mr. Emerson - Actually, we have Mr. Jennings present from the
769 Department of Public Works and he may be able to respond to that question
770 better.
771

772 Mr. Jennings - Mike Jennings, traffic engineer for Henrico County.
773 Mr. Kaechele, we still do not have a definite date for that project. Rob Tieman is
774 the Capital Improvement Projects Coordinator for that job and he's looking at
775 funding options and the possibly phasing the project, but we have nothing
776 definite at this time.
777

778 Mr. Kaechele - It has been scheduled in the past and then pulled
779 back.
780

781 Mr. Jennings - Right. Some funding was moved and also the price
782 the of the project had gone up.
783

784 Mr. Kaechele - It's primarily dependent on the State funding?
785

786 Mr. Jennings - That's a big majority of it, yes sir.
787

788 Mr. Kaechele - Which are almost non-existent, so it's not a very
789 bright picture in terms of State funding.
790

791 Mr. Jennings - No sir, it's not. But we are looking at options to get it
792 going.
793

794 Mr. Kaechele - Options like what, the County paying for it?
795

796 Mr. Jennings - Well, matches and different things.
797

798 Mr. Kaechele - Grants.
799

800 Mr. Jennings - Yes, and developments putting money towards it and
801 stuff like that. So we're looking, but unfortunately we have nothing definite right
802 now.
803

804 Mr. Kaechele - But like in any zoning case, those conditions will
805 come up in terms of approval of zoning if the transportation system is not in
806 place.

807
808 Mr. Jennings - Yes. What we'll look at is probably each phase of this
809 we'll probably have to do a traffic impact study and see what's needed in the
810 area to help facilitate this. If we haven't been able to do the Sadler Road project
811 yet, the developer may have to help out with that, if it's needed to help facilitate
812 the traffic in that area.

813
814 Mr. Kaechele - All right, thank you.

815
816 Mr. Archer - Any further questions?

817
818 Mrs. Jones - I didn't have a question; I just had a comment quickly.
819 I wanted to thank those of you who came out and made your comments tonight.
820 This is a generalized vision. It's difficult when there aren't specific answers to
821 specific questions. I understand that there are many things you're wondering
822 about, which will become defined as things move along. Certainly, as Mr. Branin
823 said, this is just the beginning of a process. I definitely hope that you will remain
824 engaged and involved as this moves along because it will warrant your interest
825 and everyone here is interested in hearing what you have to say. Together this
826 will forge ahead hopefully to something that everyone can support. So thank you
827 for coming out.

828
829 Mr. Branin - The reason I had Mr. Secretary explain the process is
830 because if you're a resident and you're not used to the County process, this isn't
831 actually—and that's why I kept trying to make the point of saying this is not a
832 zoning case. This is the very beginning of a study that someone said we're
833 thinking about possibly coming in with a zoning case. As soon as that happens,
834 we in our position say we need to really look at this, and study the area, and find
835 out what the people think of this possibility. Then once we start the process and
836 get the process rolling and we start getting input from the neighbors, and we
837 think we have it to a position where we have input from the community and we
838 have input from every department in the County, that's when we as a
839 Commission can say we have it to the point now that we can move it forward to
840 the Board of Supervisors to actually take it.

841
842 I hate to say this to all of you that are engaged in this, but you'll be able to come
843 on just the Land Use again and voice your opinions, and put your opinions in,
844 and come to another neighborhood meeting on the Supervisor level. After that
845 point if it does move forward into a zoning case—now I can tell you with this
846 being in the Three Chopt District, you'll have probably two or three or four
847 different opportunities to put your input in. Every time in Three Chopt we ask for
848 another community meeting, we're hoping to get more people involved so we
849 don't have it come to a zoning meeting and all of a sudden we get input that we
850 weren't expecting because no one bothered to care until the night of. Like the
851 other Commissioners have said, and I will reiterate again and again, this is a long
852 process. Hopefully all of you won't just give your two cents' worth tonight and

say, well, I did my part. You'll keep engaged because we need your input when it comes to the actual zoning and the actual layout of the project for lighting, for landscaping, for feasibility of sound barriers, for all of those components that would come later. I'm just asking that you all please stay engaged.

Mr. Jernigan - Mr. Branin, I wanted to add in one thing, too. When our staff gives us the reports that you also heard when they say you can have ten units here and you can have 20 units here, they always give us the maximum of what is allowable. It may not be palatable, but it's what is allowed by Code. Then you work down from that number or up to that number. They have to give us those numbers to show what is allowable, but that doesn't mean that it's going to be—As Mr. Branin said, this is a long process and your input is very important. The meetings that we've had, all that information comes to each one of us. Our staff does a great job on compiling it and sending it to us. It is a long process.

Mr. Branin - I promise I won't say anything else.

Mr. Archer - Any further comment? Okay, then, I suppose before we can move, we need to read the resolution into the record. Mr. Secretary, you want to read that?

Mr. Emerson - Yes sir, Mr. Chairman. What you have in front of you is Resolution LUP 1-09, Henrico County Planning Commission Innsbrook Area Study 2026 Comprehensive Plan Amendment. Whereas the Innsbrook area consists of the Innsbrook Corporate Center and areas generally bounded by West Broad Street, Interstate 64 and Gaskins Road, and areas west of Sadler Road, east of Interstate 295, and south of Dublin Road; and whereas the Innsbrook area includes unique office corporate centers and residential communities with the potential for redevelopment with a mixture of uses to maintain its economic vitality, and to accommodate population growth in the County; and whereas on September 22, 2009, the Board of Supervisors directed the Planning Department to conduct a Study of the Innsbrook Area; and whereas the Planning Department completed a Draft Innsbrook Area Study on June 17, 2010; and whereas the Planning Commission held work sessions regarding the Study area on April 15, May 26, June 10, and June 23, 2010; and whereas the public information meetings were held on May 4 and July 7, 2010, to discuss the Study's recommendations; and whereas the Study recommends the 2026 Comprehensive Plan and future land use map be amended to include new goals, objectives, and policies to facilitate higher-density development compatible with existing uses and to re-designate the future land use classifications from Office, Commercial Arterial, Commercial Concentration, Urban Residential 2, and Urban Residential to Urban Mixed-Use and Traditional Neighborhood Development; and whereas the Study further recommends the 2026 Comprehensive Plan be amended to include the Innsbrook area as an Urban Development Area as defined by Section 15.2-2223.1 of the Code of Virginia; now therefore be it resolved the Planning Commission recommends the Board of

899 Supervisors amend the 2026 Comprehensive Plan to adopt the vision, goals,
900 objectives, policies, and future land use classifications contained in the Study,
901 and to designate the Innsbrook area as an Urban Development Area.

902
903 Mrs. Jones - Mr. Secretary, is this LUP 1-09?

904
905 Mr. Emerson - It's 1-09 because of when the paper was actually
906 started.

907
908 Mr. Archer - Thank you, Mr. Secretary. Mr. Branin, I think we can
909 entertain a motion.

910
911 Mr. Kaechele - Excuse me a minute. Mr. Chairman, if the Planning
912 Commission is going to act on this tonight, I'd like to remind the audience that as
913 a Board of Supervisors' representative to the Commission, I do not vote on cases
914 that will come before the Board of Supervisors at a future time. If this passes the
915 Commission tonight, you will have an opportunity to appear before the Board of
916 Supervisors in the next month or two. At that time the Board will vote on the
917 recommendation.

918
919 Mr. Archer - Thank you, sir. Mr. Branin.

920
921 Mr. Branin - Mr. Chairman, I'd like to move that Resolution LUP 1-
922 09 be approved and move forward to the Board of Supervisors.

923
924 Mr. Jernigan - Second.

925
926 Mr. Archer - All right. Motion by Mr. Branin, seconded by Mr.
927 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
928 passes and the resolution will move forward.

929
930 That concludes the public hearing of the Land Use Study.

931
932 Before we close, we'll allow a few minutes. For those of you who would like to
933 stay for our regular zoning meeting, you're welcome to stay, but we will allow a
934 few minutes for those of you who want to leave, to leave, so we can start the
935 meeting in a little bit of quiet. We thank you all for coming. I'd also like to thank
936 the staff and the Director for the good and hard work you put into making this
937 possible.

938
939 **THE COMMISSION CONVENED AT THIS TIME FOR A BREAK.**

940
941 **THE PLANNING COMMISSION RECONVENED AT 7:16 P.M.**

942

Mr. Archer - The Planning Commission will come to order. Good evening everyone and welcome to the July 15, 2010 Rezoning Meeting. With that, let's stand and Pledge Allegiance to the Flag.

I'd like to remind everyone to please mute or turn off your cell phone so as not to disturb others. I'd also like to recognize Katherine Calos from the Richmond Times-Dispatch. How are you ma'am? Now I'll turn the meeting over to Mr. Emerson.

Mr. Emerson - Thank you, Mr. Chairman. Mr. Vanarsdall is not with us tonight due to an expected illness and we wish him a quick recovery. With that, our first item on the agenda tonight, Mr. Chairman, is the Request for Withdrawals and Deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Archer - How are you sir?

Mr. Strauss - Very good, thank you. Staff is aware of at least three deferrals this evening. The first one is in the Brookland District on page one of the agenda, C-6C-10, Kneading Therapy, Incorporated. This is a request to amend proffered conditions accepted with rezoning case C-36C-92. The applicant is requesting deferral to the October 14, 2010 meeting.

(Deferred from the June 10, 2010 Meeting)

C-6C-10 Carol LeRoy for Kneading Therapy, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-36C-92 on Parcel 755-758-3580, located at the southeast intersection of Springfield Road (State Route 157) and Huron Avenue. The applicant proposes to amend Proffer 1(a) related to landscaped buffers, amend Proffer 5(a) related to permitted uses, and amend Proffer 6 related to hours of service. The existing zoning is B-2C. The Land Use Plan recommends Commercial Arterial.

Mr. Archer - Thank you, sir. Is there anyone here who is opposed to deferring case C-6C-10, Carol LeRoy for Kneading Therapy, Incorporated, to the October 14, 2010 meeting? No opposition. With that, I will move deferral of C-6C-10, Carol LeRoy for Kneading Therapy, Incorporated, to the October 14, 2010 meeting at the applicant's request.

Mr. Branin - Second.

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

At the request of the applicant, the Planning Commission deferred C-6C-10, Carol LeRoy for Kneading Therapy, Incorporated, to its meeting on October 14, 2010.

Mr. Strauss - The next request for deferral is on page one of the agenda, C-11C-10, Hallmark Home Builders, Incorporated. This is a request to amend proffered conditions accepted with rezoning case C-66C-03. The applicant is requesting deferral to the August 12th meeting.

C-11C-10 Thomas R. Towers, Jr. for Hallmark Home Builders, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-66C-03 on Parcels 771-774-3218, -1883, -3818, -1877, -4418, -1871, -5017, -1765, -5617, -1858, -5837, -1853, -5137, -1747, -4537, -1840, -3937, -1735, -3337, -1729, -3449, -1723, -4049, -4648, -5248, -5847, -6067, -5366, -4765, -4165, -3565 located along the south line of Mill Road approximately 300 feet east of LaVecchia Way. The applicant proposes to amend Proffer 13 related to fence height and type. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density not to exceed 3.4 units per acre.

Mr. Archer - All right. Is there anyone present who is opposed to the deferral of C-11C-10, Thomas R. Towers, Jr. for Hallmark Home Builders, Incorporated, to the August 12 meeting? No one. With that, I will move deferral of C-11C-10, Thomas R. Towers, Jr. for Hallmark Home Builders, Incorporated, to the August 12th meeting at the applicant's request.

Mr. Jernigan - Second.

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

At the request of the applicant, the Planning Commission deferred of C-11C-10, Thomas R. Towers, Jr. for Hallmark Home Builders, Incorporated, to its meeting on August 12, 2010.

Mr. Strauss - The next request for deferral is in the Fairfield District on page two of the agenda. It's C-13C-10, Brook Run Somerset LLC. This is a request to amend proffered conditions accepted with the original zoning case. The applicant is requesting deferral to the August 12th meeting.

C-13C-10 Guy Blundon for Brook Run Somerset LLC: Request to amend proffered conditions accepted with rezoning case C-33C-04 on Parcels 784-749-1627 and 784-748-0982, located on the west line of Brook Road (U.S. Route 1), approximately 875 feet south of its intersection with Hilliard Road (State Route 161). The applicant proposes to amend Proffer 2 related to age restrictions and Proffer 3 related to enforcement of age restrictions. The existing zoning is R-5C General Residence District (Conditional). The Land Use Plan recommends Multi-Family Residential and Environmental Protection Area. The site is in the Enterprise Zone.

1035 Mr. Archer - Okay. Anyone present who is opposed to deferring this
1036 case, C-13C-10, Guy Blundon Brook Run Somerset, LLC? No opposition. With
1037 that I move for deferment of C-13C-10, Guy Blundon Brook Run Somerset, LLC, to
1038 the August 12th meeting at the applicant's request.

1039

1040 Mr. Jernigan - Second.

1041

1042 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Jernigan. All in
1043 favor say aye. All opposed say no. The ayes have it; the motion passes.

1044

1045 At the request of the applicant, the Planning Commission deferred C-13C-10, Guy
1046 Blundon Brook Run Somerset, LLC, to its meeting on August 12, 2010.

1047

1048 Mr. Strauss - Those are all the deferrals staff is aware of.

1049

1050 Mr. Archer - Thank you, Mr. Strauss.

1051

1052 Mr. Emerson - Mr. Chairman, unless the Commission has any
1053 deferrals that they would like to offer, we will move on to the expedited items.

1054

1055 Mr. Archer - All right, sir.

1056

1057 Mr. Jernigan - Mr. Secretary, I do have one on page two, C-9C-10,
1058 John D. Weis, Jr.

1059

1060 **(Deferred from the June 10, 2010 Meeting)**

1061 **C-9C-10 Bob Nelson for John D. Weis, Jr.:** Request to
1062 conditionally rezone from A-1 Agricultural District to M-2C General Industrial
1063 District (Conditional), Parcels 837-704-0031 and 837-704-6522, containing 19.9
1064 acres, located on the north line of Portugee Road approximately 135 feet east of
1065 La France Road. The applicant proposes a vehicular parking lot and other
1066 permitted uses. The uses will be controlled by zoning ordinance regulations and
1067 proffered conditions. The Land Use Plan recommends Traditional Neighborhood
1068 Development. This site is in the Airport Safety Overlay District.

1069

1070 Mr. Archer - Is anyone in opposition to the deferral of C-9C-10,
1071 Bob Nelson for John D. Weis, Jr. No opposition.

1072

1073 Mr. Jernigan - I'd like to use a Commission deferral, and defer that
1074 until August 12, 2010, by request of the Commission

1075

1076 Mr. Branin - Second.

1077

1078 Mr. Archer - Okay. Motion by Mr. Jernigan, second by Mr. Branin.
1079 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1080

1081 At the request of the Commission, the Planning Commission deferred C-9C-10,
1082 Bob Nelson for John D. Weis, Jr., to its meeting on August 12, 2010.

1083

1084 Mr. Emerson - Mr. Chairman, that takes us to our next item on the
1085 agenda, which are the requests for expedited items. We have one tonight and
1086 that will be presented by Mr. Jim Strauss.

1087

1088 Mrs. Jones - I can barely hear.

1089

1090 Mr. Strauss - The nature of the expedited cases, do we want to
1091 mention what they're about or do we just want to proceed with the case? Okay.
1092 The request for expedited approval is on page two of the agenda in the
1093 Brookland District. It's C-12C-10, StyleCraft Homes, Inc. of Virginia. This is a
1094 request to amend proffered conditions accepted with the original rezoning case
1095 C-61C-04. This is a request to amend Proffer 12 related to rear-entry garages for
1096 homes fronting on Francistown Road. Proffer 12 originally required that 50% of
1097 the homes fronting on Francistown Road have rear-entry garages. They're
1098 requesting to omit that proffer and the revised proffers would continue to require
1099 two car garages and prohibit front-loading garages on Francistown Road. Staff is
1100 recommending approval.

1101

1102 **C-12C-10 Larry Horton for StyleCraft Homes, Inc. of**
1103 **Virginia:** Request to amend proffered conditions accepted with Rezoning Case
1104 C-61C-04 on Parcels 759-767-7960, -7852, -7644, -7537, -7430, -7115, and
1105 -7008 located on the west line of Francistown Road near its intersection with
1106 Castle Point Road. The applicant proposes to amend Proffer 12 related to rear
1107 entry garages for homes fronting Francistown Road. The existing zoning is R-5AC
1108 General Residence District (Conditional). The Land Use Plan recommends
1109 Suburban Residential 2, density not to exceed 3.4 units per acre.

1110

1111 Mr. Archer - Is there anyone here who is opposed to C-12C-10,
1112 Larry Horton for StyleCraft Homes, Inc. of Virginia? No opposition. With that, I will
1113 move for approval of C-12C-10, Larry Horton for StyleCraft Homes, Inc. of
1114 Virginia, on the expedited agenda.

1115

1116 Mr. Branin - Second.

1117

1118 Mr. Archer - Motion by Mr. Archer, second by Mr. Branin. All in
1119 favor say aye. All opposed say no. The ayes have it; the motion passes.

1120

1121 Mr. Strauss - There are no other expedited requests.

1122

1123 Mr. Emerson - Mr. Chairman, that now takes us to the regular
1124 agenda. The first case to be heard tonight appears on page two of your agenda.

1125

1126

(Deferred from the June 10, 2010 Meeting)

C-10C-10 Mark Rempe for Emerald Land Development LLC:

Request to amend proffered conditions accepted with Rezoning Case C-59C-07, on Parcels 790-746-1573 and 790-746-1765 containing 1.56 acres located at the southeast intersection of North Road and Edgefield Street. The applicant proposes to amend Proffer 1 to increase the number of dwelling units from 2 to 3 and Proffer 2 to decrease the minimum dwelling size from 1,800 to 1,500 square feet. The existing zoning is R-2AC One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. This site is located in the Airport Safety Overlay District.

Mr. Archer - Good evening, Ms. Taylor.

Ms. Taylor - Good evening. This is a request to amend proffered conditions accepted with rezoning case C-59C-07. The applicant proposes to amend Proffer 1 to increase the number of dwelling units from two to three and amend Proffer 2 to decrease the minimum finished floor area.

The subject property is located at the southeast intersection of North Road and Edgefield Street, and was rezoned from A-1 to R-2AC to allow the 1.56-acre lot to be divided into two parcels. The northern parcel includes a 2,862-square-foot two-story home. It was proposed that the southern parcel would be developed with one new dwelling.

With this request, the applicant is proposing to amend Proffer 1 to increase the number of dwelling units from two to three by subdividing the southern parcel into two lots. The attached plat submitted by the applicant indicates how the parcel would be divided. Staff believes amending Proffer 1 to allow an additional lot would be consistent with the pattern of development in the area. Since the staff report, the applicant has revised the application and proposes a minimum of 1,600 square feet. Additionally, the applicant is providing two new proffers to provide attached one-car garages and paved driveways for each new dwelling that would be constructed. These revised proffers have been handed out to you this evening. The additional guarantees in quality provided by the applicant address staff's concerns regarding the reduction in finished floor area. And when taken in conjunction with the existing proffers relating to brick foundations, brick stoop and steps, and crawlspaces, the level of quality proposed with C-59C-07 should be maintained. Therefore, staff supports this request. The latest set of revised proffers was submitted today; therefore, time limits would need to be waived.

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

Mr. Archer - Thank you, Ms. Taylor. I have no questions. I'm pretty well aware of what's going on with this one. Do the other Commission members have questions? I also don't believe I need to hear from the applicant. Thank you for your hard work on this, Ms. Taylor, Mr. Sehl. We did meet with the applicant

1173 yesterday and we were able to conclude with what I thought was a very
1174 satisfactory amendment. Therefore, I'm ready to recommend approval. So with
1175 that, I will move that we send this along to the Board. First of all, we need to waive
1176 the time limits. I move to waive the time limits on C-10C-10, Mark Rempe for
1177 Emerald Land Development, LLC.

1178
1179 Mr. Branin - Second.

1180
1181 Mr. Archer - Motion by Mr. Archer, second by Mr. Branin to waive
1182 the time limits. All in favor say aye. All opposed say no. The ayes have it; the
1183 motion passes.

1184
1185 Mr. Jernigan - Do we have any opposition?

1186
1187 Mr. Archer - I think I asked for opposition. Okay. With that I will
1188 move to send this to the Board with a recommendation for approval, C-10C-10,
1189 Mark Rempe for Emerald Land Development, LLC.

1190
1191 Mr. Jernigan - Second.

1192
1193 Mr. Archer - Motion by Mr. Archer, second by Mr. Jernigan. All in
1194 favor say aye. All opposed say no. The ayes have it; the motion passes.

1195
1196 **REASON:** Acting on a motion by Mr. Archer seconded by Mr.
1197 Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to
1198 recommend the Board of Supervisors grant the request because the reduction in
1199 minimum house size and required finished space would not greatly influence the
1200 quality or value of residential development in the area and the changes do not
1201 greatly reduce the original intended purpose of the proffers.

1202
1203 **P-5-10 Bobby Walsh for RTF Sports and Entertainment,**
1204 **INC:** Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-
1205 120, and 24-122.1 of the County Code in order to allow outside dining and
1206 extended hours of operation until 2 a.m. for an existing restaurant (Short Pump
1207 Pour House) in Short Pump Crossing Shopping Center, on part of Parcel 738-760-
1208 8449, located on the west line of Pump Road approximately 600 feet north of its
1209 intersection with Three Chopt Road. The existing zoning is B-2C Business District
1210 (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in
1211 the West Broad Street Overlay District.

1212
1213 Mr. Archer - Good evening, Ms. Sherry, how are you?

1214
1215 Ms. Sherry - I'm well, thank you.

1216
1217 The applicant is requesting a provisional use permit to allow the Short Pump
1218 Pour House, an existing restaurant at Short Pump Crossing Shopping Center, to

construct and operate an outdoor dining area along the sidewalk in front of the restaurant and adjacent to the parking lot. The applicant is also requesting to extend the hours of operation for the restaurant until 2:00 a.m.

The proposed outdoor dining area would provide the restaurant with 30 additional outdoor seats. Because the dining area is located along the parking lot, staff believes a continuous pedestrian path of at least five feet is necessary to provide an unimpeded walkway throughout the shopping center. Staff has included recommended Condition 5 to address this issue.

Staff believes outdoor dining would be an appropriate use at this location if properly regulated by the conditions identified in the staff report. The use would be compatible with the surrounding commercial uses of the shopping center and would provide a reasonable expansion of the restaurant's operation. However, given the close proximity of the outdoor dining area to residential uses and to be consistent with other approved outdoor dining areas, staff recommends the outdoor dining area not be in operation beyond 10:00 p.m. Staff has included recommended Condition 3 to address this issue.

Because of the surrounding residential uses and police calls for service, staff does not support the request to extend hours of operation for the restaurant beyond the hours of midnight.

The Division of Police has provided information regarding calls for service for the restaurant for the past three years. In 2010, half of the calls for service at this address, and more than half of the calls for 2009, were received after midnight.

Additionally, other businesses within the subject property are required to close at midnight. Staff has concerns of setting precedent for extension of hours within the shopping center. Currently there are no businesses operating past midnight along the south side of West Broad Street, west of Pump Road.

Staff supports the request for the outdoor dining with the recommended conditions submitted in the staff report, but does not support the extended hours of operation. This concludes my presentation. I would be happy to answer any questions.

Mr. Archer - Thank you. Are there any questions for Ms. Sherry?

Mr. Branin - I'd like to hear from the applicant.

Mr. Archer - Okay. Any questions for her?

Mrs. Jones - Yes, just a real quick one so that I understand. There are other businesses in the shopping center whose hours are until midnight.

1265 Ms. Sherry - Correct.
1266
1267 Mrs. Jones - Are there other—these are restaurants?
1268
1269 Ms. Sherry - There are other restaurants within the shopping
1270 center. There's Café Caturra and Casa Grande. Both of them close prior to
1271 midnight.
1272
1273 Mrs. Jones - Okay. Your recommendation was ten.
1274
1275 Ms. Sherry - Ten o'clock for the outdoor dining. That's consistent
1276 pretty much with what we've been permitting. But for inside, they are allowed to
1277 stay open until midnight with in the zoning district and that's what we are
1278 recommending.
1279
1280 Mrs. Jones - Going a little further west in shopping centers that
1281 have outdoor dining.
1282
1283 Ms. Sherry - Yes.
1284
1285 Mrs. Jones - What are the hours?
1286
1287 Ms. Sherry - South of Broad Street we have several provisional
1288 use permits that do allow outdoor dining in the same zoning district, but none of
1289 those stay open past midnight. The restaurant hours, none of them have
1290 extended hours.
1291
1292 Mrs. Jones - Outdoor dining is restricted to [unintelligible].
1293
1294 Ms. Sherry - I'm pretty sure all of them are restricted until ten.
1295
1296 Mrs. Jones - Okay. Just wanted to make sure I understood it.
1297 Thank you.
1298
1299 Mr. Jernigan - There are other restaurants. Do they have outdoor
1300 dining also?
1301
1302 Ms. Sherry - Within the same shopping center, Café Caturra has
1303 recently been approved for outdoor dining. I guess it was about a year ago.
1304
1305 Mr. Jernigan - Until midnight.
1306
1307 Ms. Sherry - Oh no sir. That's until 10:00 as well. Ten o'clock for
1308 outdoor dining.
1309

1310 Mr. Branin - If my fellow Commissions remember, we have had
 1311 several outdoor dining in the Three Chopt District recently, Emelio's in Town
 1312 Center West went in that shopping center.
 1313
 1314 Ms. Sherry - And Café Caturra.
 1315
 1316 Mr. Branin - Café Caturra. A Mexico restaurant just down the
 1317 street. The Indian restaurant that just opened up. In probably the last six months.
 1318 I'm pro-outdoor dining, but none of them have been able to go past 10:00.
 1319
 1320 Mrs. Jones - That's exactly why I asked the question. We don't get
 1321 out much, frankly, so I'm not out there at night. But I can well imagine.
 1322
 1323 Mr. Branin - By being on the Commission and approving them, I've
 1324 watched closely to see and I haven't heard any complaints from the owners that
 1325 we wanted until midnight or so forth and so on. Ten o'clock is a good time to
 1326 service that dinner hour and bring it back inside.
 1327
 1328 Mr. Archer - Thank you, Ms. Sherry.
 1329
 1330 Ms. Sherry - Thank you.
 1331
 1332 Mr. Archer - I think I did, but I'm not sure. Is there opposition?
 1333 There is no opposition.
 1334
 1335 Mr. Branin - I'd like to hear from the applicant.
 1336
 1337 Mr. Archer - All right. Would the applicant come forward please?
 1338
 1339 Mr. Walsh - Good evening gentlemen and ladies. My name is
 1340 Bobby Walsh and I am the president and partner in what was known as the Pour
 1341 House. We have changed the name to Short Pump Pour House. I have
 1342 something written and I'll try to be brief. As for the outside dining, we've read all
 1343 the requirements and it's pretty much how we planned to operate out, so we'd
 1344 hope that you would approve that.
 1345
 1346 In response to the extended hours and particular the calls for service, this
 1347 restaurant was under a different ownership before we purchased it and they were
 1348 operating with completely different objectives than what we're trying to do. We
 1349 have completely remodeled the restaurant inside and out. We're looking for much
 1350 more of a club atmosphere. We're putting in putting greens, dartboards, and
 1351 emphasizing sports. We have eliminated all the drink specials and happy hours
 1352 that we believe were the cause of most of their troubles before.
 1353
 1354 We are in the process of remodeling. I would like to note that many of our
 1355 competitors, Applebee's and such, are advertising now on how they're staying

1356 open later. We believe we offer an alternative area for late-night diners. Our
1357 emphasis is on sports and principally Major League Baseball. We've developed
1358 quite a following already. Many of our West Coast games don't finish until 12:30
1359 or 1, which is one of the reasons we wanted the extended hours.

1360

1361 As far as where we're located, the parking lot is well lit with lots of overheads that
1362 Martins, the old Ukrop's, pays for. They have delivery trucks rumbling in and out
1363 of there all hours of the night because we've been in there remodeling. The
1364 apartments are quite a distance behind us and have a large section of trees that
1365 buffer it. I've brought some pictures for you to look at. I don't believe that
1366 anything that we would be doing would contribute to the noise or lighting in the
1367 situation. We're more towards the middle of the shopping center—it's a good
1368 distance—and then across Three Chopt and a buffer before you hit any homes.

1369

1370 I would ask that the Board would approve our request for extended hours with
1371 conditions that the peace be kept and there be no complaints from the neighbors.
1372 At such time that there was, it could be rescinded.

1373

1374 Directly addressing the calls for service, that is something that I believe was a
1375 fault of the previous owners' operation. They had drink specials at 8 to 10 at night
1376 are bona fide troublemakers and we have eliminated those.

1377

1378 Thank you for your consideration.

1379

1380 Mr. Archer - No questions, Mr. Branin?

1381

1382 Mr. Branin - I didn't catch your name.

1383

1384 Mr. Walsh - My name is Bob Walsh.

1385

1386 Mr. Branin - Mr. Walsh, you're a new owner of this establishment?

1387

1388 Mr. Walsh - Yes sir.

1389

1390 Mr. Branin - Okay. And you're aware that it was operating illegally.

1391

1392 Mr. Walsh - Not until we got into the final phase of it. That's when
1393 we found out. Then we knew, yes.

1394

1395 Mr. Branin - Do you have any partners?

1396

1397 Mr. Walsh - Yes I do.

1398

1399 Mr. Branin - Are any of them partners from the previous—

1400

1401 Mr. Walsh - No, we are completely separate. The restaurant was
 1402 owned by Stewart Holdings before. I believe they still own a restaurant up on
 1403 Broad Street.
 1404
 1405 Mr. Branin - Your pictures here, I don't see a really good picture of
 1406 how they apartments are to the back. You show a great picture of the trees.
 1407
 1408 Mr. Walsh - That's what I'm saying, the trees are a buffer. If you
 1409 look at the second picture, the one back behind the Martin's, you can see the top
 1410 of the apartments there. They kinda start and wrap back around. It's a good
 1411 distance between us and the apartments.
 1412
 1413 Mr. Branin - As you heard me say before, I'm a firm believer in
 1414 outdoor dining. This case has perplexed me. I've been out there probably four or
 1415 five times trying to figure out how you're going to squeeze this in and still keep
 1416 the five foot. I'm willing to give you that shot and allow the outdoor dining. But as
 1417 for the hours, we struggle with protecting not only our corporate citizens, but also
 1418 our residential citizens. Because this is so close and all the other establishments
 1419 in this shopping center close earlier, I just don't think it's going to happen for the
 1420 extended hours. I will tell you this, once you've remodeled and you are operating
 1421 for a while, if you'd like to come back in and possibly see if we can investigate it
 1422 and look at it again, I will be happy to do that, but I don't think so this time. Do
 1423 you have any questions for me? Ms. Vann, may I hear from you please?
 1424
 1425 Ms. Vann - Good evening, Kim Vann, Henrico Police.
 1426
 1427 Mr. Branin - Ms. Vann, you know that Mr. Kaechele has drawn
 1428 different areas that are beyond midnight and shouldn't be because of
 1429 communities. What is the police's opinion on this?
 1430
 1431 Ms. Vann - As you've noted already and staff has noted, the
 1432 former restaurant was operating illegally and we actually did have off-duty
 1433 officers working out there prior the owners opening their second facility in the
 1434 Innsbrook area. We are concerned with the number of calls that were happening
 1435 during that time and the amount of activity that was happening. I appreciate what
 1436 the gentleman said that different owners, different facility, but we would be
 1437 concerned also with the close proximity to the neighborhood and just what the
 1438 past track record has been.
 1439
 1440 Mr. Branin - So you feel 12:00 would be adequate as well.
 1441
 1442 Ms. Vann - Yes sir.
 1443
 1444 Mr. Branin - Mr. Walsh, I'm going to make my motion and you're
 1445 probably not going to be happy with it. I'm going to ask Ms. Vann to keep an eye
 1446 on this establishment as well. A year from now if you want to come back in and

1447 discuss it then, I'll be happy to do that. Okay? Mr. Kaechele, are you okay with
1448 that?

1449
1450 Mr. Kaechele - Yes, I'm fine.

1451
1452 Mr. Branin - All right. Mr. Chairman, I would like to move to accept
1453 P-5-10, Bobby Walsh for RTF Sports and Entertainment, Incorporated's request
1454 for outdoor dining, excluding the extension of hours, with the recommended
1455 conditions provided by staff.

1456
1457 Mr. Jernigan - Second.

1458
1459 Mr. Archer - Motion by Mr. Branin, second by Mr. Jernigan. All in
1460 favor say aye. All opposed say no. The ayes have it; the motion passes.

1461
1462 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
1463 Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to
1464 recommend the Board of Supervisors grant the request for outdoor dining
1465 because it is reasonable in light of the surrounding uses and existing zoning on
1466 the property and deny the request for extended hours of operation because the
1467 extension of hours could impact the health, safety, and welfare of residents in the
1468 area and could have precedent setting impact on existing land uses in the area.

1469
1470 **P-6-10 Eagle Construction of Virginia, LLC for West**
1471 **Broad Village, LLC:** Request for a Provisional Use Permit under Sections 24-
1472 32.1 (a) and (t), 24-120, and 24-122.1 of the County Code in order to allow outdoor
1473 produce displays and a community garden and production farm on part of Parcels
1474 743-760-2155 and 744-760-7007, located on the south line of West Broad Street
1475 (U.S. Route 250) at its intersection with Brookriver Drive (West Broad Village). The
1476 existing zoning is UMUC Urban Mixed Use District (Conditional). The Land Use
1477 Plan recommends Urban Mixed-Use. The site is in the West Broad Street Overlay
1478 District.

1479
1480 Mr. Archer - Is there anyone here who is opposed to this case, P-
1481 6-10, Eagle Construction of Virginia, LLC, for West Broad Village, LLC? No
1482 opposition. How are you?

1483
1484 Ms. Deemer - I'm fine. Good evening members of the Commission.

1485
1486 This is a two fold request which would allow a farmers' market and temporary
1487 community garden, demonstration garden, and production farm within West
1488 Broad Village. The 2026 Comprehensive Plan recommends the site for Urban
1489 Mixed-Use, which is consistent with the proposed uses.

1490
1491 The farmers' market would be located along the perimeter of the existing Whole
1492 Foods Market grocery store. The southern façade of the building faces Old Brick

Road and the sidewalk varies in width from approximately 18 feet to 23 feet. The existing outdoor dining furniture would be removed during the farmers' market and there would be adequate area for vendor space and pedestrians. The applicant has further proposed the market extend around the eastern façade of the building along the front of the Whole Foods Market, as seen in this picture. Staff is not supportive of this proposal as the sidewalk is only 10 feet in width in this area. The sidewalk also tapers directly to the pavement of the main drive aisle of the parking lot. Even with reduced vendor spaces, staff believes the area is too shallow to accommodate vendor displays and pedestrians safely. Staff believes the southern façade is more appropriate for vendor stations given the wide sidewalk and protection afforded by the raised beds and planters. Proposed conditions for the farmers' market include: operating Thursdays from 4-7 pm from the 4th Thursday of April to the 3rd Thursday in October within an area along the southern façade not to exceed 2,500 square feet; restricting the sale of non-edible products to 25% of the total market area; and prohibiting the sale or use of alcohol, on-site food preparation and distribution of prepared meals, and the use of generators and public address systems.

The second component of the Provisional Use Permit is a combination community garden/demonstration garden and production farm. Proposed as temporary uses, they would be located on .86 of an acre in an undeveloped area at the terminus of Old Brick Road. The area is approximately 1,500 feet from the Whole Foods Market grocery store and access to the site would be provided by a gravel path. The Village Garden, as they're calling this area, would contain an orchard of fruit trees, a ten-foot-wide perimeter bed around the entire site of cover crops, community garden plots available for rent to the public, a demonstration garden for educational programs, compost bins and production beds for growing and harvesting of produce for sale or use in Whole Foods Market. The area will be maintained by Backyard Farmer, a local company that designs and builds gardens and provides educational programming.

Proposed conditions for the Village Garden include: hours of operation from dawn to dusk; rolling of the gravel path to provide a more stable walking surface; prohibition of vehicles on site other than a Backyard Farmer vehicle; installation of a gate to prevent unauthorized access to the site; signage indicating the hours of operation to limit trespassing after hours, and prohibiting the sale or use of alcohol, on-site food preparation, and distribution of prepared meals.

Though proposed as a temporary use, staff has concerns the project raises long-term expectations. The applicant has submitted information identifying multiple opportunities for expansion and the planting of fruit bearing trees represents a more permanent use. Because of the concern regarding the possible permanence of this use, a condition has been proposed which limits the Village Garden to .86 acres. Any expansion must be reviewed by the Director of Planning and may require a revised economic impact analysis for the West Broad Village development project. Because it is only intended to be a

1539 temporary use, the Provisional Use Permit will be effective for a period of 24
1540 months; following that time, the applicant must reapply to the Planning
1541 Commission for a re-issuance of the Provisional Use Permit.

1542

1543 In addition, to ensure produce grown and harvested on the production farm
1544 component of the property can be sold to Whole Foods Market, Condition 9 has
1545 been revised for clarification. Staff has handed out a revised set of
1546 recommended conditions that also clarifies the use of the vendors' rules and
1547 regulations in Condition 2.

1548

1549 Staff believes both the farmers' market and the temporary Village Garden could
1550 be viable additions to West Broad Village. The proposed uses are consistent
1551 with the 2026 Comprehensive Plan and would be compatible with adjacent
1552 properties given the recommended permit conditions.

1553

1554 That concludes my presentation; I'd be happy to answer any questions you may
1555 have.

1556

1557 Mr. Archer - Thank you, Ms. Deemer. Are there questions for Ms.
1558 Deemer?

1559

1560 Mr. Kaechele - Yes. What did you comment about the closing or
1561 gating-off of the garden at night? Is that a condition?

1562

1563 Ms. Deemer - Yes. They would have a gate across the front of—let's
1564 see if I have a picture of it. At the top of that hill there, which is where REI ends
1565 and the paved surfaces end, there would be posts with a gate. I believe the
1566 applicant can explain a little bit more about what the actual structure would look
1567 like. But it would be a big farm gate across the property there, with a sign posted
1568 saying that the hours were limited from dawn to dusk, that there should be no
1569 trespassing.

1570

1571 Mr. Kaechele - Okay, thank you.

1572

1573 Mr. Archer - Any further questions?

1574

1575 Mr. Branin - Let's go back to the initial question with the outdoor
1576 vending.

1577

1578 Ms. Deemer - You mean the farmers' market? Okay.

1579

1580 Mr. Branin - Can you show me the actual photo? The sidewalk's
1581 ten-feet wide, right?

1582

1583 Ms. Deemer - Yes sir.

1584

1585 Mr. Branin - What is that extra asphalt area?
1586
1587 Ms. Deemer - That is actually part of the drive aisle for the parking
1588 lot of Whole Foods. And it's tapered directly to the sidewalk.
1589
1590 Mr. Branin - Is it a fire lane or is it a pickup area?
1591
1592 Ms. Deemer - That area is not striped for fire.
1593
1594 Mr. Branin - That's what I thought; I'm not seeing it.
1595
1596 Ms. Deemer - Right.
1597
1598 Mr. Branin - Why could we not work with them to put up some sort
1599 of—since it's a farmers' market—straw bales or something that's a barricade in
1600 that area to get them more space? I get the concept and I don't disagree with the
1601 concept. I honestly would prefer to see the concept on the front than the side.
1602 Does that make sense?
1603
1604 Ms. Deemer - We understand your concerns. I will say, however,
1605 that now with the traffic circulation in West Broad Village, a lot of people are
1606 going to come in Gathering Place, which is also Brookriver Drive on the other
1607 side of the intersection of West Broad Street. And now instead of being able to
1608 cut across along the northern façade of Whole Foods, you now have to come
1609 down Old Brick Road in order to get into Whole Foods' parking lot. So you can't
1610 but pass the southern façade, which is the widest area of pavement and also has
1611 the most protection for the pedestrians.
1612
1613 Mr. Branin - Can you go back to the other picture?
1614
1615 Ms. Deemer - Absolutely.
1616
1617 Mr. Branin - See the stuff that's already being vended on this
1618 side?
1619
1620 Ms. Deemer - They're approximately four feet wide and then they
1621 also, for lack of a better term, climb upwards.
1622
1623 Mr. Branin - Yes, I'm with you. There's already some vending on
1624 that side. That's all I have. Now, do you remember where this farm is going? Do
1625 you remember what the big fight was for that space four or three years ago?
1626 Were you here?
1627
1628 Ms. Deemer - Four years ago or forty-three years ago?
1629
1630 Mr. Jernigan - You weren't here 43 years ago.

1631
1632 Ms. Deemer - I was, but.
1633
1634 Mr. Branin - Three or four years ago.
1635
1636 Ms. Deemer - Yes.
1637
1638 Mr. Branin - We've gone such a long and far distance from arguing
1639 whether it should be 22 stories to 15 stories to now an organic farm, have we
1640 not?
1641
1642 Mr. Archer - That's quite an astute observation, Mr. Branin.
1643
1644 Mr. Branin - Wow.
1645
1646 Mr. Kaechele - Well, it's back to the original use.
1647
1648 Mr. Archer - Came back to cows.
1649
1650 Mr. Branin - I have no further questions for Ms. Deemer, but I don't
1651 want her to go very far. I would like hear from the applicant.
1652
1653 Mr. Jernigan - The farm portion of this, it says Whole Foods farm.
1654 Whole Foods owns this farm or they're leasing it?
1655
1656 Ms. Deemer - As I understand it, they will be leasing it from West
1657 Broad Village and they will be leasing this .86 acres. This is the layout that you
1658 see in front of you. And they will lease it from West Broad Village. It's called a
1659 field-to-store concept where in the area up here, these wide beds, and they're
1660 shown here in this picture. Those are production beds. What is grown there
1661 would then be harvested for use. Let's say it's arugula. It would then be used on
1662 the salad bar or on sandwiches or for sale in Whole Foods. There are also beds
1663 here that could be for rent to individuals who live in West Broad Village who
1664 would like to garden. They would have their own raised garden bed in which to
1665 garden. And there will be several of those beds as well to be used for educational
1666 demonstration purposes.
1667
1668 Mr. Jernigan - I guess my question was I was trying to figure out
1669 where the revenue stream was. What are we doing here? Who's paying for it
1670 and what's the function?
1671
1672 Ms. Deemer - I believe Mr. Kukoski might be able to answer that
1673 question.
1674
1675 Mr. Jernigan - Part of it will be sold inside the store.
1676

1677 Ms. Deemer - Either sold in the store or used as produce.
 1678
 1679 Mr. Jernigan - All right.
 1680
 1681 Mr. Branin - As the vegetable part of the prepared foods.
 1682
 1683 Ms. Deemer - Perhaps, yes.
 1684
 1685 Mr. Archer - Thank you, Ms. Deemer. Will the applicant come
 1686 forward please? State your name for the record.
 1687
 1688 Mr. Kukoski - Good evening Mr. Chairman and Planning
 1689 Commission. My name is Mark Kukoski and I'm a representative of Eagle
 1690 Construction. The local trend is for locally grown produce. We thought it was an
 1691 adaptive use for some land that may not be used to for a while. And so working
 1692 with Whole Foods we thought it was really creative to have, which we think—and
 1693 to our understanding is the first in the nation where there's local produce actually
 1694 grown on site for a retail user. So it was a real creative thing that we came up
 1695 with. We're trying to involve the community, to engage the community into this
 1696 site and then make the site more vibrant. With this and in combination with the
 1697 farmers' market, we expect to have a lot more activity.
 1698
 1699 The Children's Museum has just moved out to West Broad Village and we
 1700 anticipate having demonstrations with the farmers that are growing in the garden.
 1701 The children that are coming to the Children's Museum, we can have a class to
 1702 bring them down to demonstrate that food just doesn't appear in cellophane
 1703 packages at the store. This is a growing, viable thing, that this is how it works in
 1704 reality, that this is a small scale of it. The children can actually see how it's
 1705 grown, what's involved, and then go to the market and see that, hey, this really
 1706 happens. Some of the local restaurants, some of the people that we're looking at
 1707 moving to West Broad Village really think it's a great idea and we may be able to
 1708 expand it to restaurants to have locally grown things. But that's not what this
 1709 application is right now. We're just looking right now for Whole Foods to be able
 1710 to market and sell the produce that's grown locally on site.
 1711
 1712 Mrs. Jones - I have a question for you. The Whole Foods concept,
 1713 as I recall, has always included a large percentage of locally grown produce. It's
 1714 been advertised and always listed on signage and that kind of thing. It's very
 1715 hard to argue against the benefits of the kinds of things that you're proposing. I
 1716 just was curious about volume. This will simply be an addition to that continuing
 1717 program of involvement with other local farmers.
 1718
 1719 Mr. Kukoski - Absolutely. It's just more of what they're doing. And
 1720 along with the farmers' market, bringing in local produce. This is not going to stop
 1721 any of the local folks from coming in; they're just trying to expand it. Again, this is

1722 the first in the nation that we know of that an on-site garden is producing for retail
 1723 use. It's a very creative use.

1724

1725 Mrs. Jones - My guess is that the percentage that will come to
 1726 Whole Foods from this particular spot will be fairly small.

1727

1728 Mr. Kukoski - I believe you're correct.

1729

1730 Mrs. Jones - Having once had a garden plot at Meadow Farm, I
 1731 can tell you that it's a great joy to have your own little plot. I was wondering what
 1732 kind of arrangements there are for water?

1733

1734 Mr. Kukoski - We will have a well there with a pump and there will
 1735 be plenty of water for the residents. We're going to be offering the residents the
 1736 opportunity to have their own little plots, as Ms. Deemer said, and water will be
 1737 available. They can operate from dawn to dusk. There will be a farm-style gate at
 1738 the entrance to the gravel road going into the site, which will be closed and
 1739 monitored. It will be closed and locked from dusk to dawn, and opened up from
 1740 dawn to dusk for the residents to use their garden plots and the farmer to farm
 1741 there.

1742

1743 Mrs. Jones - How about lighting?

1744

1745 Mr. Kukoski - Lighting, we will not have any lighting. Lighting will be
 1746 there for emergencies or for some unintended use, but the hours of operation
 1747 from dawn to dusk, you shouldn't need any lighting.

1748

1749 Mr. Branin - Mark, can we go back to that picture, my favorite
 1750 picture? No, not that one. Yes, I like that one better, thank you. Five feet.

1751

1752 Mr. Kukoski - It's tough. We like your idea. This is what makes the
 1753 market. The front of the store is where the activities happen. As you can see from
 1754 this picture, it's a rather wide drive aisle. I think that if we put cones—hay bales is
 1755 a fantastic suggestion—to identify that five-foot corridor that we'll be leaving on
 1756 that sidewalk, which I believe is an acceptable corridor to walk into the store and
 1757 to see the vendors, we would really like to pursue that avenue and have it self-
 1758 policing. If it doesn't work, that can be a condition. If there's a problem, we won't
 1759 do it. But I think that with Whole Foods' commitment to it—the manager, Mr.
 1760 Hendon, is here tonight, if you'd like to hear from him. But they're committed to
 1761 make this a safe environment. It's in our own self-interest to have this a viable,
 1762 safe environment and I think we can pursue that. We're an on-site management
 1763 team there now.

1764

1765 Mr. Emerson - Understand that if you impede traffic, we would have
 1766 to come out and ask you to pull that back. I believe the earlier comment was to
 1767 come out into the drive aisle. We've had that issue with a certain entity on the

1768 corner of Springfield and Broad, and they were required to pull down all of their
 1769 seasonal plants and things that they were selling because they had forced the
 1770 entire pedestrian traffic into the drive aisle. So if Mr. Branin and the Planning
 1771 Commission are so inclined to grant you that five feet and you move into that
 1772 drive aisle, that could cause some reaction, I guess, from the enforcement end.
 1773

1774 Mr. Kukoski - Understand. We would, again, try to use the straw
 1775 bales or hay to keep the people within that area and police it.
 1776

1777 Mr. Branin - Not that there's anything wrong with orange cones,
 1778 but I think if we were going to do it, there's a better means than orange cones.
 1779

1780 Mr. Kukoski - I think we can be more creative.
 1781

1782 Mr. Branin - It's tough because of this space. If you were asking us
 1783 for six days a week for five months straight, I would have to say there's no way;
 1784 there's going to be a problem. Three hours for one day out of a month, I don't—
 1785 fellow commissioners, do you have any input on this?
 1786

1787 Mr. Archer - Mr. Branin, I guess the only question I have is the
 1788 allotted space. The space that we're talking about allotting is five feet?
 1789

1790 Mr. Branin - Five feet.
 1791

1792 Mr. Archer - Would that space have to accommodate the produce
 1793 stands and the customers or would the customers stand outside of the five-foot
 1794 area? If they do, they're going to be standing in the [unintelligible].
 1795

1796 Mr. Kukoski - They're allotted five feet. The tables in reality would
 1797 probably not be the full five feet. They would be there and have a table set up to
 1798 market their wares. They have up to five feet.
 1799

1800 Mr. Archer - But that would encompass everything, people
 1801 standing there, and they'd have to be inside of that space.
 1802

1803 Mr. Kukoski - It's a ten-foot sidewalk, so it would encompass
 1804 people. Five feet would be the limit; hopefully they would have less and we would
 1805 encourage them to have less.
 1806

1807 Mr. Branin - The table would take up five. The pedestrian walk
 1808 plus pedestrian shopping would be in the second five.
 1809

1810 Mr. Archer - You see why I'm asking the question?
 1811

1812 Mr. Kukoski - I understand. It is a tight situation. We respectfully
1813 request it to keep it a viable market for Whole Foods so that pedestrians and
1814 shoppers for the store can interact in that five feet.

1815
1816 Mr. Branin - Ms. Deemer, when would this come back up for
1817 review?

1818
1819 Ms. Deemer - It would come back up 24 months from the approval
1820 time from the Board of Supervisors. If it would be easier, we could do it at the
1821 end of 2012, December 31, 2012, at the end of an actual full calendar year.

1822
1823 Mr. Branin - We could theoretically, though, separate them in the
1824 time for review to the farmers' market, and then three months or six months for
1825 the store, correct? Just say yes, Mr. Branin.

1826
1827 Ms. Deemer - I apologize. The farmers' market would actually be
1828 reviewed annually for 36 months.

1829
1830 Mr. Branin - Right. The farmers' market is not what I'm concerned
1831 about.

1832
1833 Ms. Deemer - The actual garden would continue for two years. At
1834 that time, the applicant would automatically have to come back for renewal
1835 because this is being proposed as a temporary use of that .86 acres.

1836
1837 Mr. Jernigan - Mr. Secretary, let me ask you a question. I know
1838 you're talking 24 months or 36 months, but on a Provisional Use Permit, can't
1839 you pull that at any time by the Board—

1840
1841 Mr. Branin - Absolutely.

1842
1843 Mr. Emerson - You could have a show cause and the Board can
1844 revoke it, yes. We don't do that very often, but yes it can.

1845
1846 Mr. Jernigan - But it's no court action; it just comes to the Board.

1847
1848 Mr. Emerson - Correct. Yes sir, that's correct. And you can set any
1849 time limits you see fit. If you wanted to grant this and have it come back to the
1850 Commission in 12 months for review, you can place that in there. It's up to you.
1851 Currently it's drafted to where we would review it in the office and if there were a
1852 problem, we would bring that forward. The garden itself is requested to come
1853 back to you to process and has a limit of 24 months because it is a temporary
1854 use. Of course the economics of the site were based upon eventual construction
1855 of an office building, which I think is the goal of everyone at some point. But this
1856 is a very fine interim use of the property and certainly we support it.

1857

1858 Mr. Kaechele - Is the garden producing enough produce so that it will
1859 be used this season?
1860
1861 Mr. Kukoski - We anticipate yes. They've planted some late squash
1862 and fall type plantings that we could actually harvest and by the time this is
1863 approved, be able to sell them.
1864
1865 Mr. Kaechele - Will they also be selling other produce there that's
1866 maybe not out of the garden?
1867
1868 Mr. Kukoski - I don't understand the question; I'm sorry.
1869
1870 Mr. Jernigan - He wants to buy some Hanover tomatoes.
1871
1872 Mr. Kukoski - You can buy Hanover tomatoes, I assume, at Whole
1873 Foods. We're basically going to be using the garden and selling it. Whole Foods
1874 is planning on donating to the Central Virginia Food Bank from this facility also.
1875
1876 Mr. Emerson - Other items will be sold at the farmers' market
1877 besides what is produced there.
1878
1879 Mr. Kukoski - Oh. The farmers' market is for other local vendors. As
1880 Mrs. Jones was talking about, Whole Foods supports locally-grown foods and
1881 that's what the farmers' market is all about, is to bring local vendors into the
1882 community to sell there. We did it as a combined application, as they're really two
1883 separate issues. They're not really a symbiotic relationship there.
1884
1885 Mr. Kaechele - It also looks like some of the items currently being
1886 sold down there are perhaps more than five feet into the sidewalk.
1887
1888 Mr. Kukoski - I'll talk with Whole Foods to see if they can self-police
1889 that to keep that aisle open.
1890
1891 Mrs. Jones - Can I ask a quick question about Mr. Branin's
1892 favorite?
1893
1894 Mr. Branin - Would you like to see it again?
1895
1896 Mrs. Jones - It looks to me like the drive aisle is large at that point.
1897 Do we know if there is extra space? Is this right tight to the width that it needs to
1898 be?
1899
1900 Mr. Emerson - I don't know that that's been demonstrated to us at
1901 this point. That would be something that the applicant would need to present for
1902 review in order for us to determine that.
1903

1904 Mrs. Jones - My goal in asking the question is are there a few feet
1905 to work with?
1906
1907 Mr. Branin - If you look at the way the sidewalk narrows, it looks
1908 more like a grocery pickup area. It's definitely not a fire lane; it's not marked out
1909 for fire. So that's why—
1910
1911 Mrs. Jones - I just don't know what the—
1912
1913 Mr. Branin - I think we have some space that no one's looked at or
1914 tried to use.
1915
1916 Mr. Archer - When you look at the level of the sidewalk compared
1917 to the driveway, it looks like it was made so that you could roll something.
1918
1919 Mrs. Jones - That might be a possibility to have a few feet that
1920 could work this all out for a few hours on Thursdays.
1921
1922 Mr. Jernigan - We're only talking three hours a week.
1923
1924 Mr. Branin - One more question, Mr. Kukoski. You've read all the
1925 conditions?
1926
1927 Mr. Kukoski - Yes.
1928
1929 Mr. Branin - And you've agreed to all these conditions.
1930
1931 Mr. Kukoski - Yes.
1932
1933 Mr. Branin - You like all these conditions?
1934
1935 Mr. Kukoski - Yes.
1936
1937 Mr. Branin - Absolutely.
1938
1939 Mr. Archer - One question too many.
1940
1941 Mr. Branin - You hesitated.
1942
1943 Mr. Jernigan - Two out of three, he was good.
1944
1945 Mr. Kukoski - And I'd like to say for the record that we'll actually
1946 measure that area, as Mrs. Jones suggested, and come back before the next
1947 meeting with a recommendation about the width of that aisle.
1948

1949 Mr. Branin - You know, I thought I was brilliant, but now I think
1950 you're brilliant. I think we're going to move forward with this. But what I'm going
1951 to ask of you, sir, is to get measurements, find out absolutely what that space is,
1952 and give us a detailed diagram—not actually us, but the Board of Supervisors—
1953 so when it gets to the Board of Supervisors they don't look at it as just five feet,
1954 but that's a tough one to bite off, five feet.
1955
1956 Mr. Kukoski - We'll have that. I appreciate it; thank you.
1957
1958 Mr. Archer - All right, Mr. Branin.
1959
1960 Mr. Branin - All right. Mr. Chairman, I'd like to move forward.
1961
1962 Mr. Archer - I hate to interrupt you, but do we need to waive the
1963 time limits?
1964
1965 Mr. Branin - I don't think we do.
1966
1967 Mr. Emerson - No.
1968
1969 Mr. Archer - All right. Go right ahead, sir.
1970
1971 Mr. Branin - I'd like to move that P-6-10, Eagle Construction of
1972 Virginia, LLC, for West Broad Village, LLC, move forward to the Board of
1973 Supervisors with a recommendation for approval with all of the conditions
1974 included within and with the understanding that a diagram will be provided to the
1975 Board of Supervisors for review of proper use of this area.
1976
1977 Mr. Jernigan - Second.
1978
1979 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan.
1980
1981 Ms. Deemer - May I ask a question?
1982
1983 Mr. Archer - I'm sorry; go right ahead.
1984
1985 Ms. Deemer - The current conditions that you were handed, as well
1986 as those that were in the staff report, number nine indicates that the farmers'
1987 market would only be permitted on the southern façade. So are you indicating
1988 that you would—
1989
1990 Mr. Branin - Excluding number nine.
1991
1992 Mr. Emerson - Are you excluding number nine?
1993
1994 Ms. Deemer - It would be including the eastern façade as well.

1995

1996 Mr. Branin - Including the eastern side as well.

1997

1998 Ms. Deemer - Okay.

1999

2000 Mr. Branin - Do I need to restate the whole thing again?

2001

2002 Mr. Archer - It's already included, so.

2003

2004 Mr. Branin - Okay. Thank you, Ms. Deemer.

2005

2006 Mr. Archer - All in favor say aye. All opposed say no. The ayes

2007 have it; the motion passes.

2008

2009 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.

2010 Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to

2011 recommend the Board of Supervisors grant the request because it would provide

2012 added services to the community and the recommended conditions would

2013 minimize the potential impacts on surrounding land uses.

2014

2015 Mr. Emerson - Mr. Chairman, the next item on your agenda tonight is

2016 the approval of the minutes of your June 10, 2010 meeting.

2017

2018 Mr. Archer - Is there anyone present who has read the minutes?

2019

2020 Mrs. Jones - Yes.

2021

2022 Mr. Archer - Mrs. Jones has read the minutes.

2023

2024 Mrs. Jones - I have no corrections.

2025

2026 Mr. Archer - And she has no corrections. We thank you for reading

2027 them. May I have a motion?

2028

2029 Mrs. Jones - I so move.

2030

2031 Mr. Branin - I second.

2032

2033 Mr. Archer - Motion by Mrs. Jones, second by Mr. Branin. All in

2034 favor say aye. All opposed say no. The ayes have it; the motion passes.

2035

2036 Mr. Emerson - Staff has nothing else for the Commission this

2037 evening.

2038

2039 Mr. Archer - With that, I will declare the meeting adjourned at 8:11.

2040

2041 The meeting adjourned at 8:11 p.m.

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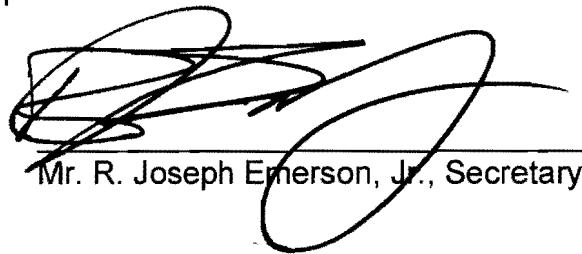
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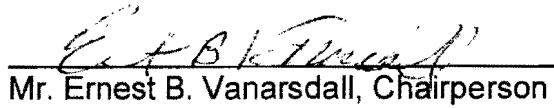
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Mr. R. Joseph Emerson, Jr., Secretary



Mr. Ernest B. Vanarsdall, Chairperson