

Minutes from the work session of the Planning Commission of the County of Henrico held in the Manager's Conference Room, County Administration Building in the Government Center at Parham and Hungary Spring Roads, beginning at 5:15 p.m., July 12, 2018.

Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Mr. Gregory R. Baka, Vice-Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne Kotula (Brookland)
Mr. William M. Mackey, Jr. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary

Members Absent: Mrs. Patricia S. O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Ben Blankinship, AICP, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Andrew Newby, Assistant County Attorney
Ms. Sylvia Ray, Recording Secretary

The Commission convened a work session in the Manager's Conference Room at 5:31 p.m.

Mrs. Marshall – Alright, we're starting with dinner and we'll move into our work session. Mr. Emerson?

Mr. Emerson – Thank you, Madame Chair.

The Planning Commission met to discuss an amendment to the Zoning Ordinance necessitated by changes from the General Assembly. Mr. Andrew Newby, with the County Attorney's Office, outlined a new circumstance for granting a variance. Public hearings before the Planning Commission and Board of Supervisors will be required.

The Commission also heard a presentation from Ms. Jean Moore, Ms. Rosemary Deemer and Mr. Jim Strauss on the status of the Route 5 Corridor Study. Staff reviewed the purpose of the study, existing conditions, public participation milestones and feedback, as well as recommended goals, objectives, strategies and potential design guidelines.

The Commission recessed their meeting at 6:49 p.m.

1 **THE PLANNING COMMISSION RECONVENED AT 7:02 P.M. FOLLOWING A**
2 **WORK SESSION.**

3
4 Minutes of the regular monthly meeting of the Planning Commission of the
5 County of Henrico held in the County Administration Building in the Government
6 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. July 12,
7 2018. Display Notice having been published in the *Richmond Times-Dispatch* on
8 June 25, 2018 and July 2, 2018.

9
Members Present: Mrs. Sandra M. Marshall, Chair (Three Chopt)
Mr. Gregory R. Baka, Vice Chair (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Adrienne F. Kotula (Brookland)
Mr. William M. Mackey, Jr. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon (Tuckahoe)
Board of Supervisors' Representative

Members Absent: Mrs. Patricia O'Bannon

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

10
11 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
12 **on all cases unless otherwise noted.**

13
14 Mrs. Marshall - I call this meeting of the Henrico County Planning
15 Commission to order. This is our rezoning meeting for July 12, 2018. At this time,
16 I ask that you please take a moment to silence your cell phones. And as you do,
17 please stand with the Commission for the Pledge of Allegiance.

18
19 Before I hand the meeting over to Mr. Emerson this evening, we'd like to
20 welcome our newest Planning Commission member, Mr. William Mackey, Jr.,
21 representing the Varina Magisterial District. Welcome.
22

23 Mr. Mackey - Thank you, Madam Chair.

24

25 Mrs. Marshall - Mr. Mackey is not new to public service as he formally
26 served on the Board of Zoning Appeals, he was a member of the Parks and
27 Recreation Advisory Commission, and he also served on the Board of Real
28 Estate Review and Equalization. Please join me in welcoming Mr. Mackey to the
29 Henrico County Planning Commission.

30

31 Mr. Archer - Last applause you'll ever hear, Mr. Mackey.

32

33 Mrs. Marshall - At this point I will turn the agenda over to
34 Mr. Emerson, our Secretary.

35

36 Mr. Emerson - Thank you, Madam Chair. I will note that the
37 Commission did hold a work session in the Manager's conference room this
38 evening. It began at 5:15 p.m.. I believe it was convened around 5:30 p.m. The
39 Commission did have dinner, and they did receive a presentation on a Zoning
40 Ordinance amendment that has been brought to us by changes in the code from
41 the General Assembly. We also discussed the Route 5 Corridor Study. And, of
42 course, no action was taken as it was a work session.

43

44 With that said, first on your agenda this evening are the requests for withdrawals
45 and deferrals. They will be presented by Mr. Jim Strauss.

46

47 Mr. Strauss - Thank you, Mr. Secretary. You'll notice that the first
48 item on your agenda this evening is the Ordinance Amendment to reordain
49 Section 24-3 regarding short-term rentals. And you may have received a letter in
50 your second packet explaining the reasons for deferring that item. So the staff is
51 requesting deferral of that item, and we're recommending deferral to the October
52 11th Planning Commission meeting.

53

54 **ORDINANCE –** To Amend and Reordain Section 24-3 Titled
55 "Definitions," Section 24-12 Titled "Conditional uses permitted by special
56 exception," Section 24-13 Titled "Accessory uses permitted," Section 24-13.01
57 Titled "Development standards and conditions for permitted uses," Section 24-28
58 Titled "Principal uses permitted," Section 24-29 Titled "Conditional uses permitted
59 by special exception," Section 24-36 Titled "Conditional uses permitted by special
60 exception," Section 24-94 Titled "Table of regulations," and Section 24-121 Titled
61 "Conditional zoning or zone approval" of the Code of the County of Henrico, and
62 to add a new Section 24-32.2 Titled "Conditional uses permitted by special
63 exception," and Section 24-38.1 Titled "Conditional uses permitted by special
64 exception." This ordinance allows for short-term rentals of real estate for periods
65 of fewer than 30 consecutive days. Specifically, this ordinance allows hosted
66 short-term rentals by right in detached, single-family dwelling residential districts
67 up to 30 days in a calendar year. For all other short-term rentals in residential
68 districts, this ordinance requires the operator of the rental to obtain a conditional

69 use permit. All short-term rentals would be subject to regulations limiting rentals
70 to the operator's primary residence and limiting the use of guesthouses, the
71 number of short-term renters and pets, and the length of rentals. The ordinance
72 would also require the provision of life-safety equipment consistent with the
73 building code, prohibit rentals to minors and double-booking, require the posting
74 of certain information within the rental, and require the designation of responsible
75 persons to respond to complaints. Finally, the ordinance adds and revises
76 definitions related to the rental of real estate.

77
78 Mr. Emerson - Yes. Madam Chair, if I may, just to explain this a little
79 more. As you know, the Commission did hold a public hearing on this item, and it
80 was deferred. The reason that we're continuing to work on it is that Finance is
81 now becoming more involved. We're working on trying to get the registry straight.
82 As you'll recall, one of my goals was to generate that list of Airbnb operators so
83 we could notify them and let them know what was going on. We didn't feel like
84 we were getting good representation.

85
86 I think on the flip side of that, we also need to do a little better job reaching out to
87 the homeowners' associations in order to—as best we can, other than through
88 our normal means of newspapers and websites—notify the other side of the coin
89 in this discussion that this regulation is under consideration.

90
91 And truly the allowance—because currently it's not allowed under the Zoning
92 Code. But there are several software platforms available to the County. Some
93 have more ability to go into the internet and pull these individuals out, these
94 advertisements, and also have more functionality in terms of what they can do as
95 far as notifying, assisting Finance with the billing part of this regarding the
96 registry.

97
98 My staff and I have sat through several presentations on these software
99 platforms. I have sat in on several regional presentations. But our Finance staff
100 had not heard from these groups. So we're now in the process. They heard from
101 one of the groups earlier this week. One of the other groups is scheduled. So we
102 do need a little additional time, and that's why we're requesting the deferral to
103 October 11th.

104
105 Mrs. Marshall - Is there anyone in the audience who would like to
106 speak about the Airbnb? Is there anybody in opposition to the deferral?

107
108 Mr. Baka - Seeing none, Madam Chair, I would like to defer the
109 public hearing for the ordinance amendment regarding short-term rentals to the
110 October 11th Planning Commission meeting at 7:00 p.m. at the request of
111 Planning staff.

112
113 Mr. Archer - Second.
114

115 Mrs. Marshall - We have a motion by Mr. Baka and a second by
116 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
117 this motion passes.

118
119 At the request of staff, the Planning Commission deferred the Ordinance
120 Amendment to reordain Section 24-3 regarding short-term rentals, to its October
121 11, 2018 meeting.

122
123 Mr. Strauss - On the regular agenda, the next two requests for
124 deferral are in the Three Chopt District, the first being on page 2 of the agenda,
125 REZ2017-00034, Core Property Capital. In this case, the applicant is requesting
126 deferral to the October 11, 2018 meeting.

127
128 **(Deferred from the April 12, 2018 Meeting)**

129 **REZ2017-00034 Andrew M. Condlin for Core Property Capital:**
130 Request to conditionally rezone from A-1 Agricultural District to R-5C General
131 Residence District (Conditional) and B-2C Business District (Conditional) Parcel
132 730-765-6508 containing 22.875 acres located on the south line of W. Broad
133 Street (U.S. Route 250) at the western County Line with Goochland County. The
134 applicant proposes commercial uses and no more than 115 residential units. The
135 use will be controlled by zoning ordinance regulations and proffered conditions.
136 The 2026 Comprehensive Plan recommends Traditional Neighborhood
137 Development and Environmental Protection Area. The site is in the West Broad
138 Street Overlay District.

139
140 Mrs. Marshall - Is there anyone in opposition to the deferral of
141 REZ2017-00034, Andrew M. Condlin for Core Property Capital? I see no
142 opposition. I move that REZ2017-00034, Andrew M. Condlin for Core Property
143 Capital be deferred until the October 11, 2018 meeting, per the applicant's
144 request.

145
146 Mr. Baka - Second.

147
148 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by
149 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
150 this motion passes.

151
152 At the request of the applicant, the Planning Commission deferred REZ2017-
153 00034, Andrew M. Condlin for Core Property Capital, to its meeting on October
154 11, 2018.

155
156 Mr. Strauss - The companion case to that rezoning case is
157 PUP2017-00022, again Core Property Capital. In this case, also requesting
158 deferral to the October 11, 2018 meeting.

161 (Deferred from the April 12, Meeting)

162 **PUP2017-00022** **Andrew M. Condlin for Core Property Capital:**
163 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-
164 122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of a
165 proposed convenience store on part of Parcel 730-765-6508 located on the south
166 line of W. Broad Street (U.S. Route 250) at the western County Line with
167 Goochland County. The existing zoning is A-1 Agricultural District. The 2026
168 Comprehensive Plan recommends Traditional Neighborhood Development and
169 Environmental Protection Area. The site is in the West Broad Street Overlay
170 District.

171
172 Mrs. Marshall - Is there anyone present in opposition to the deferral of
173 PUP2017-00022, Andrew M. Condlin for Core Property Capital? I see no
174 opposition. I move that PUP2017-00022, Andrew M. Condlin for Core Property
175 Capital, be deferred until the October 11, 2018 meeting, per the applicant's
176 request.

177
178 Mrs. Kotula - Second.

179
180 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by
181 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
182 this motion passes.

183
184 At the request of the applicant, the Planning Commission deferred PUP2017-
185 00022, Andrew M. Condlin for Core Property Capital, to its meeting on October
186 11, 2018.

187
188 Mr. Strauss - Also on page 2 of the agenda and in the Brookland
189 District is REZ2017-00032, The McGurn Company. In this case, the applicant's
190 requesting deferral to the September 13, 2018 meeting.

191
192 (Deferred from the May 10, 2018 Meeting)

193 **REZ2017-00032** **Arthur McGurn for The McGurn Company:** Request
194 to conditionally rezone from R-2 One-Family Residence District and [R-6C]
195 General Residence District (Conditional) to R-3C One-Family Residence District
196 (Conditional) Parcel 767-760-8701 and part of Parcel 768-760-1507 containing
197 3.89 acres located at the northeast intersection of Hungary and Hungary Spring
198 Roads. The applicant proposes a single-family development of no more than 5
199 homes. The R-3 District allows a minimum lot area of 11,000 square feet to an
200 overall density of 3.96 units per acre. The use will be controlled by proffered
201 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
202 recommends Suburban Residential 2, density should not exceed 3.4 units per
203 acre.

205 Mrs. Marshall - Is there anyone present who is opposed to the
206 deferral of REZ2017-00032, Arthur McGurn for The McGurn Company?
207 Mrs. Kotula?

208
209 Mrs. Kotula - I move that REZ2017-00032, Arthur McGurn for The
210 McGurn Company, be deferred to the September 13, 2018, at the request of the
211 applicant.

212
213 Mr. Archer - Second.

214
215 Mrs. Marshall - We have a motion by Mrs. Kotula and a second by
216 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
217 this motion passes.

218
219 At the request of the applicant, the Planning Commission deferred REZ2017-
220 00032, Arthur McGurn for The McGurn Company, to its meeting on September
221 13, 2018.

222
223 Mr. Strauss - Moving to page 3 of the agenda, also in the Brookland
224 District, is REZ2018-00029, Jeff Small. The applicant's requesting deferral to the
225 August 9, 2018 meeting.

226
227 **(Deferred from the June 14, 2018 Meeting)**

228 **REZ2018-00029 Aaron Breed and Roger Bowers for Jeff Small:**
229 Request to conditionally rezone from B-3 Business District and R-6 General
230 Residence District to B-3C Business District (Conditional) Parcel 766-749-2740
231 containing 1.78 acres located on the east line of W. Broad Street (U.S. Route
232 250) approximately 480' south of its intersection with Sunnybrook Road. The
233 applicant proposes a car wash. The use will be controlled by zoning ordinance
234 regulations and proffered conditions. The 2026 Comprehensive Plan
235 recommends Commercial Arterial.

236
237 Mrs. Marshall - Is there anyone present who is opposed to
238 REZ2018—

239
240 Mr. Small - [Off microphone] Madam Chairman? My name is Jeff
241 Small, and I'm not in opposition. But I'd like to briefly address the Commission.

242
243 Mrs. Marshall - Yes, in just a moment. Let me finish my sentence. Is
244 there anyone present who is opposed to the deferral of REZ2018-00029, Aaron
245 Breed and Roger Bowers for Jeff Small? Okay, Mr. Small, please come forward.

246
247 Mr. Small - Thank you for this opportunity. This is our second
248 deferral, and I wanted to thank the Planning Commission, Mrs. Kotula, and the
249 Planning Department. There have been some really difficult issues, but the
250 Planning Department and Mrs. Kotula and the Commission have been working

251 with my engineers and my zoning attorney and have had a lot of patience with us
252 and have been very professional about it. So I look forward to hopefully resolving
253 the rest of these issues in the next thirty days and see you August 9th. Thank
254 you.

255
256 Mrs. Marshall - Thank you. Mrs. Kotula?

257
258 Mrs. Kotula - All right. I move that REZ2018-00029, Aaron Breed
259 and Roger Bowers for Jeff Small, be deferred to the August 9, 2018 meeting at
260 the applicant's request.

261
262 Mrs. Marshall - Second. We have a motion by Mrs. Kotula and a
263 second by Mrs. Marshall. All in favor say aye. Those opposed say no. There is
264 no opposition; this motion passes.

265
266 At the request of the applicant, the Planning Commission deferred REZ2018-
267 00029, Aaron Breed and Roger Bowers for Jeff Small, to its meeting on August
268 9, 2018.

269
270 Mr. Strauss - And now in the Varina District on page 3 of your
271 agenda, we have a request to defer REZ2018-00014, Quality of Life of VA LLC.
272 In this case, the applicant's requesting deferral to the August 9, 2018 meeting.

273
274 **(Deferred from the June 14, 2018 Meeting)**

275 **REZ2018-00014 Leroy Chiles for Quality of Life of VA LLC:**
276 Request to conditionally rezone from R-4 One-Family Residence District, B-1
277 Business District, and M-1 Light Industrial District to R-5AC General Residence
278 District (Conditional) Parcel 805-710-1834 containing 11.7 acres located south of
279 Darbytown Road approximately 300' south of its intersection with Oregon
280 Avenue. The applicant proposes detached dwellings with zero lot lines. The R-5A
281 District allows a minimum lot area of 5,625 square feet and a maximum overall
282 density of 6 units per acre. The use will be controlled by zoning ordinance
283 regulations and proffered conditions. The 2026 Comprehensive Plan
284 recommends Suburban Residential 2, density should not exceed 3.4 units per
285 acre, and Environmental Protection Area.

286
287 Mrs. Marshall - Is there anyone present who is opposed to the
288 deferral of REZ2018-00014, Leroy Chiles for Quality of Life of VA LLC? I see no
289 opposition, Mr. Mackey.

290
291 Mr. Mackey - Madam Chair, I move that REZ2018-00014, Leroy
292 Chiles for Quality of Life of VA LLC, be deferred to the August 9th meeting at the
293 request of the applicant.

294
295 Mr. Baka - Second.

297 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
298 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
299 this motion passes.

300
301 At the request of the applicant, the Planning Commission deferred REZ2018-
302 00014, Leroy Chiles for Quality of Life of VA LLC, to its meeting on August 9,
303 2018.

304
305 Mr. Strauss - The final item is in the Varina District on page 3,
306 REZ2018-00019, Liberty Homes. The applicant's requesting deferral to the
307 August 9th meeting.

308
309 **(Deferred from the June 14, 2018 Meeting)**

310 **REZ2018-00019 Mark Rempe for Liberty Homes:** Request to rezone
311 from B-3 Business District to R-3 One-Family Residence District Parcel 825-720-
312 6242 containing .24 acres located on the west line of E. Nine Mile Road (State
313 Route 33) approximately 150' north of its intersection with Elsing Green Way.
314 The applicant proposes a single-family residence. The use will be controlled by
315 zoning ordinance regulations. The 2026 Comprehensive Plan recommends
316 Suburban Residential 2, density should not exceed 3.4 units per acre. The site is
317 in the Enterprise Zone and the Airport Safety Overlay District.

318
319 Mrs. Marshall - Is there anyone present who is opposed to the
320 deferral of REZ2018-00019, Mark Rempe for Liberty Homes? I see no
321 opposition. Mr. Mackey.

322
323 Mr. Mackey - Madam Chair, I move that REZ2018-00019, Mark
324 Rempe for Liberty Homes, be deferred to the August 9th meeting at the request
325 of the applicant.

326
327 Mr. Archer - Second.

328
329 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
330 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;
331 this motion passes.

332
333 At the request of the applicant, the Planning Commission deferred REZ2018-
334 00019, Mark Rempe for Liberty Homes, to its meeting on August 9, 2018.

335
336 Mr. Emerson - Madam Chair, we now move on to the requests for
337 expedited items. There are none this evening. That takes us to the cases to be
338 heard on your regular agenda. Those first appear on page 3. They are
339 companion cases, so we'll call the two together, and they will be presented
340 together as well.

(Deferred from the June 14, 2018 Meeting)

REZ2018-00028

Andrew M. Condlin for Salvatore Cangiano:

Request to conditionally rezone from R-3C One-Family Residence District, R-5C General Residence District (Conditional), and B-3C Business District (Conditional) to R-5AC General Residence District (Conditional), RTHC Residential Townhouse District (Conditional) and B-2C Business District (Conditional) Parcel 836-713-7564 containing 78.9 acres located at the northeast intersection of E. Williamsburg Road (U.S. Route 60) and Dry Bridge Road. The applicant proposes detached dwellings with zero lot lines, townhomes, and retail. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre; Urban Residential with a recommended density range of 3.4 to 6.8 units per acre; Commercial Concentration; and Environmental Protection Area. The site is in the Airport Safety Overlay District.

Mr. Emerson - The companion case is PUP2018-00009. The staff report will be presented by Mr. Ben Sehl.

(Deferred from the June 14, 2018 Meeting)

PUP2018-00009

Andrew M. Condlin for Salvatore Cangiano:

Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow 24-hour operation of a proposed convenience store with fuel pumps on part of Parcel 836-713-7564. The existing zoning is B-3C Business District (Commercial). The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

Mrs. Marshall - Is there anyone present who is opposed to REZ2018-00028, Andrew M. Condlin for Salvatore Cangiano? Mr. Sehl, good evening.

Mr. Sehl - Good evening. Thank you, Madam Chair, members of the Commission.

These requests would allow the development of up to 273 residential units, as well as a small commercial area, including a convenience store with fuel pumps. The provisional use permit request is to allow this convenience store to be open twenty-four hours per day. The site was the subject of C-3C-07, which rezoned the majority of the property to B-3C for a large-scale commercial development, as shown on the map here. One hundred and forty-nine dwellings, comprised of age-restricted apartments and single-family homes, were also part of that proposal.

The property is located at the northeast intersection of Drybridge and E. Williamsburg Roads, just west of the interchange with I-295. The Pine Heights

subdivision is located to the northeast, and additional undeveloped business zoning is located across Drybridge Road to the west in this area.

You have received revised proffers this evening, including the latest update to the concept plan. The plan shows how the site would be developed, with the commercial area, located closest to the intersection of Drybridge and Williamsburg here. Two major environmental areas run through the site from north to south—here and here—and a new spine road would connect these areas from Drybridge to Old Memorial Drive, providing access to the area planned for developing up to 230 townhouses. The R-5A area, which is about 16.3 acres in size, would be located north of the commercial development adjacent to Drybridge Road.

The revised proffers address a number of items typical of larger mixed-use developments of this type, as well as a number of important features that were considered during the previous rezoning request. This includes archaeological studies of the site, buffering along the adjacent roadways and the Pine Heights subdivision, and, most recently, a commitment to providing transportation improvements as recommended by the applicant's traffic impact analysis.

In addition to the concept plan, the applicant has proffered a number of conceptual images—I'll just run through a couple as examples here—showing how both the commercial and residential portions of the development would be developed. Other proffers address items such as pedestrian amenities, hours of construction, access, building materials, prohibited uses, parking lot lighting, and signage.

As noted, these proffers are generally consistent with other commercial and residential developments in the county, and the revisions address two of the concerns identified in the staff report by committing to the transportation improvements and increasing the required buffer along E. Williamsburg Road. Staff does note that additional discussion regarding amenities within the community may be appropriate. The applicant has proffered walking trails through the ample open space, as shown on the concept plan, and the village green area in the commercial development could also serve as an amenity and gathering area for the community. However, given the number of residential units proposed, a more defined amenity plan could be appropriate.

As noted in the staff report, the 2026 Comprehensive Plan recommendations are largely reflective of the zoning accepted with C-3C-07. However, given the adjacent transportation corridors and proximity to various job centers and services, increased residential uses could also be appropriate. Given the fact that public service impacts, including public schools, appear to be minimal with this proposal, deviation from the Plan could be warranted for this project.

433 With regards to the proposed 24-hour provisional use permit, staff notes that
434 such a use is permitted with the B-3C zoning currently on the property. Because
435 the applicant has reduced the intensity of commercial uses and is now proposing
436 B-2C zoning, the PUP is necessary. Staff believes the 24-hour operation would
437 continue to be appropriate for the subject site, subject to the conditions noted in
438 the staff report.

439
440 Overall, staff is supportive of these requests. While not fully consistent with the
441 land use recommendations shown on the 2026 Plan, the reduced need for retail
442 development in this area means additional residential development on the site
443 could be appropriate. The applicant has committed to a number of quality
444 guarantees and protections for the adjacent neighborhood that should minimize
445 impacts from the development and has committed to providing transportation
446 improvements that should help alleviate traffic impacts. Should the applicant
447 address staff's concerns regarding the amenities for the development to the
448 Commission's satisfaction, staff could fully support this rezoning proposal, as well
449 as the requested provisional use permit. Staff notes that separate actions would
450 be required for each request this evening.

451
452 This concludes my presentation, and I'd be happy to try to answer any questions
453 the Commission may have.

454
455 Mrs. Marshall - Do we have any questions for Mr. Sehl?

456
457 Mr. Mackey - Yes, Madam Chair. Mr. Sehl, regarding the amenities,
458 what were the concerns regarding the amenities with the residential portion?

459
460 Mr. Sehl Mr. Mackey, the general concern is that as you
461 approach a residential community of this size—we're 273 units at this point—
462 generally you'll see some level of amenities for those residents in the future. The
463 applicant has, as I noted, proffered some pedestrian connectivity in their
464 pedestrian plan, had some walking trails shown in the open areas. Our question
465 is whether they can better define some other amenities that might be provided for
466 those future residents.

467
468 Mr. Mackey - Okay. All right. And as far as the Provisional Use
469 Permit, that's just required because they're requesting a change in zone. The
470 way it's zoned now, it would be allowed.

471
472 Mr. Sehl Yes sir. They were allowed to have one convenience
473 store with fuel pumps to operate twenty- four hours under the zoning approved in
474 2007.

475
476 Mr. Mackey - And you see no reason—
477

478 Mr. Sehl - With the conditions that are in the Provisional Use
479 Permit report, no, we believe that that's appropriate. They're required to work
480 with the police pretty extensively after the approval of the—prior to occupancy
481 and operation of twenty-four hours. So, I think we're comfortable with that.

482
483 Mr. Mackey - Okay. One more question. Are you noticing concerns
484 regarding the failing public sanitary sewer and septic system?

485
486 Mr. Sehl Yes sir. Mr. Mackey, currently the closest public
487 sewer is over closer to where Taylor Park is going to go in over off of Whiteside
488 Road. So the Pine Heights neighborhood is developed with public water and
489 private septic systems, drain fields. At the community meeting, a number of
490 residents—and they've noted this to the County before—have experienced failing
491 drain fields. They're interested in the provision of public sewer to address that
492 concern. You also have the apartment community that's located here that's
493 served by a private pump station. That comes down in this area. This would not
494 connect those properties to public sewer, but it would bring that sewer that much
495 closer across Williamsburg Road through those environmental areas because
496 that's the low-lying area. At least in close proximity.

497
498 My understanding is—the applicant could probably speak to this a little closer
499 too—they've looked at how that could potentially be extended into the
500 neighborhood. The County also has programs to extend that public sewer along
501 with contributions by those homeowners to extend that sewer. They have a
502 program that's in place as well that reduces some of the connection fees and
503 reduces some of the costs of extending the sewer infrastructure into the
504 neighborhood.

505
506 Mr. Mackey - Okay. All right. Thank you, Mr. Sehl. I think that's all I
507 have right now, Madam Chair.

508
509 Mrs. Marshall - All right. Any more questions for Mr. Sehl?
510 Mr. Mackey, would you like to hear from the applicant?

511
512 Mr. Mackey - Yes, please.

513
514 Mr. Sehl - Thank you.

515
516 Mrs. Marshall - Mr. Condlin?

517
518 Mr. Condlin - Members of the Commission. Mr. Mackey, welcome.
519 My named is Andy Condlin from Roth Jackson here on behalf of the applicant. I
520 just wanted to address a couple of things because, as usual, Mr. Sehl went over
521 a lot of the details, and we can get into more of the quality assurances if you
522 want.

524 This is obviously a unique property with a unique history. As we want to do from
525 a lot of development and zonings that looked one way in 2007 look entirely
526 different after the recession and the market as it stands today.

527
528 From that standpoint, we do think there are a lot of advantages, both as it stands
529 on itself as a development that has both residential and commercial with—well
530 maybe not a mixed use, but a mixture of uses on the same property that benefit
531 this entire area. But we also benefit from the standpoint of a comparison to what
532 currently is out there both with what I would call a power center, a big box user
533 with the B-3 zoning, reducing that to B-2.

534
535 We had our community meeting, for example, and I would consider it a lively
536 dialogue in many respects. It was very good. And we heard loud and clear we do
537 not want a hotel. The existing zoning has a hotel on it. We proposed a hotel.
538 There was no doubt that they didn't want a hotel. So we took that use entirely off
539 the table. And that use was going to be, for example, in this area here. So what
540 we've done is tried to create a village area. Maybe a hotel is more conducive to
541 that or not. But, as I said, we got that off the table.

542
543 The current zoning, as Mr. Sehl pointed out, does have a convenience store that
544 is allowed to operate under the B-3 for twenty-four hours. And they have three
545 fast food restaurants. We're proposing that along Williamsburg Road would be
546 appropriate for the same convenience store, fuel, and one fast food restaurant.
547 We've limited it to that. And as you go down Dry Bridge Road, our intent is to
548 have a more conducive village-like commercial. We're going to talk about this a
549 little bit with respect to the recreation aspect.

550
551 You can see a village green that will serve as a community center. I know it's on
552 the edge, but one of the nice things about a village is that it has commercial
553 within the area. With staff, what we wanted to do is design some small buildings.
554 These are about 6- to 8,000-square-foot commercial buildings each around this
555 area. So it's not a lot of square footage from that standpoint. But facing and
556 around the village green, you would be able to take advantage of that with
557 outdoor dining and small shops. We haven't put as much thought, because we
558 just took the hotel off of there. But the idea would be some small shops in this
559 area as well coming into the roundabout and then heading into the mixture of
560 residential. We really did try to provide a strong mix of residential with patio
561 homes with zero lot lines, in this case, and then a mixture of different types of
562 townhomes from the standpoint of widths and square footages, some with
563 garages and some without. Again, trying to provide different neighborhoods and
564 different price points from that standpoint.

565
566 One of the other things that we heard from the community pretty loud and clear
567 was the distances. These are somewhat large lots. It's an older subdivision. So
568 they were concerned about some of the distances of the homes and the setbacks
569 and the buffers. We've tried to address that, and I think we did a good job at

trying to address those to be able to provide a transition from home to home, but also from attached units to detached units for homes that are out there.

Clearly, one of the other major things we heard was the septic systems that are failing. And it sounded like a very difficult situation for a lot of folks that are in this subdivision. But interestingly enough—and I wrote it down—the Sandston Woods apartments are also on a private system, they're not on public sewer. So we have apartments in that area. And my understanding is there may be some issues starting maybe not too far in the future.

The closest public sewer is about a mile away, and that's a pretty substantial distance in which we have to bring it. And that's a large part of what we're trying to do to obtain the density and the numbers that we're running to be able to have that sewer that comes in. We've had some great meetings and a discussion in coming up with a sewer plan for the benefit of not only our property but for the Pine Heights subdivision and ultimately beyond that.

There are a number of locations. When you get into the Pine Heights subdivision, one of the things that we originally talked about was bringing in the public sewer in behind the lots. Mr. Claytor in Public Utilities said we don't want public sewer behind lots; we like them in the public roads where we can get access to them and we're not disturbing lots. It made a lot of sense.

So what we've done is we've come up with a sewer plan with the Utilities Department to be able to bring sewer into this area—in this one case behind the lots—but at these public road junctions at these locations as we get in next to Pine Heights. They're going to come up with a program to be able to bring it within Pine Heights to those homes. So those are going to be immediately available. We're going to come up with a sewer plan as part of our initial subdivision and POD. There are a couple of lots that are not in Pine Heights but they are larger lots. As we bring the sewer into the system, we'll be bringing laterals to them into the property lines as well. Again, all in conjunction with utilities.

I think this is a great opportunity to bring the public utility service, the sewer service to the Pine Heights subdivision. And of course we'll also be stubbing it in to this location here for Old Memorial Drive, to be able to bring it in to some of the other lots along there. Again, through the County program. We'd like to be able to bring it to everybody, but that's obviously not what we're able to do to the existing subdivision. But bring it close to their homes and allow for the programs from that standpoint.

Finally, I would just address the recreation. This is burdened by a large environmental area, but it's advantaged by a lot of environmental areas that Mr. Sehl pointed out. So we've put in as part of our proffers that we're going to have a phasing plan as part of the first application that comes before this body—

616 from POD or subdivision, depending on which one we come forward with first—to
617 be able to have the pedestrian amenities. We have a lot of strong pedestrian
618 amenities already, talking about the boulevard entrance and the spine road that
619 would run from Old Memorial to Drybridge Road with street trees along there and
620 sidewalks. Sidewalks in front of each of the townhouses and the other homes,
621 providing for a pedestrian plan within and taking advantage of a lot of the
622 environmental features in and around this area.

623
624 As I already described, we are trying to take the benefit of having a commercial
625 area that we control and we're going to develop with that to be able to have a
626 village green and be able to make that the center of the community to have the
627 recreation and meeting space and gathering space.

628
629 The final thing I would point is that we have a great advantage because the
630 YMCA is literally across the street from us. In talking with the YMCA, part of our
631 sewer line has to not only come through a pretty substantial way, but also will in
632 part come through the YMCA. Part of what we're talking about is having trails on
633 their property and working with them. But we want to benefit the YMCA. We want
634 the YMCA to benefit us. I think it's a great marriage to be able to have a win/win
635 for both of those from the standpoint of having new folks to be able to come in
636 and become members. It's a great facility that they have there.

637
638 While we may not have the typical recreational amenities, I think we have
639 somewhat of a unique opportunity here with the commercial and the design of
640 the commercial and being able to be, at least along those locations, integrated
641 within the residential.

642
643 So with that I'll be happy to answer any questions. I hope you can recommend
644 this case for approval to the Board of Supervisors and follow the
645 recommendation of the staff.

646
647 Mrs. Marshall - Mr. Condlin, what will actually sit on the village green?

648
649 Mr. Condlin - I'm not sure yet. There are a lot of opportunities.

650
651 Mrs. Marshall - Thoughts?

652
653 Mr. Condlin - Thoughts. Certainly, a pavilion. One of the things that
654 we had was to be able to have—when you say concerts, but you have some
655 people come out there, and you can have parties out there. That's one of the
656 things that we showed when we looked at some of the different opportunities we
657 could have on the village green.

658
659 You want to be able to have a benefit. So you could have benches that are for
660 folks waiting for a table at the restaurant, they can hang out at the village green
661 too. Maybe not when it's 98 degree weather, but otherwise. But also, to have the

662 ability to go out there. We looked at some of the others that have it, to have some
663 fields. Along Gayton Road in some of the subdivisions you have a random soccer
664 field and some other fields. It's amazing how many people use that from a
665 community as well.

666
667 So that's certainly something that hasn't been programmed yet. We're open to a
668 lot of suggestions, and I think we have the ability to do that, to be able to have a
669 flexible space. We want it to serve both the commercial as well as the residential,
670 to be able to integrate those two together to pull them in. That's what it's intended
671 for.

672
673 Mr. Archer - Mr. Condlin, you mentioned that you all would be
674 bringing sewer in to that point. Would there be any hope of opportunity for
675 existing residents in adjoining neighborhoods?

676
677 Mr. Condlin - Yes sir. The key thing is that there are—as far as the
678 sewer plan that we put together so far—and obviously things will change—we
679 have to bring that before this body as we come forward the first time when we get
680 a subdivision or a POD. There will be a sewer line running behind these lots right
681 here. So a lateral could pull in there. The County would rather have it in the front
682 for the service. So we're actually going to be making sure we bring it to this point,
683 which is a public road. It's not a—it's a public right of way not a road that's in
684 there. But that's available there.

685
686 We'll also be bringing it into—let me make sure I've got this right—this location
687 here. So we have these two locations on this side, and then we'll be bringing it
688 into this location again to be able for the County to pull it in to their programs.
689 And folks can always bring it in, but Mr. Claytor said they have programs that
690 they're working on. We bring it to the edge of the existing subdivision, and they
691 actually will be able to bring it into the subdivision. And then of course folks are
692 going to be responsible for extending it from where it is in the public road down to
693 their lot.

694
695 There are a couple other lots that I talked about here that are not part of the
696 subdivision that are on Old Memorial Drive. We will be bringing the sewer line all
697 the way to Old Memorial. So again, it can be brought up as needed up to this
698 area. But we've also looked at providing laterals to this one lot here. She was
699 concerned, obviously, what she could do. And then these other lots here, we'll be
700 able to bring a lateral from our development. So there will be come small
701 exceptions to that. We only want the sewer on public roads, so we'll be able to
702 provide a more effective lateral to those homes. A more efficient way, I guess, to
703 get them to sewer.

704
705 At the end of the day, we're committing to the responsibility to be able to come
706 up with a plan that, as soon as we're doing development, pretty quickly get the
707 sewer to the subdivision. And then the County will bring it, as much as they can,

708 through the subdivision. And then obviously the homeowners will have to bring it
709 from the line to their homes. There are a number of programs that help with
710 assistance with that from a financial standpoint.

711
712 Mr. Archer - Okay, thank you.

713
714 Mr. Condlin - Yes sir. As an aside, we'll be sizing it, of course, for
715 the allowance for all of those hookups to get credit for it, but also we're getting a
716 heck of a lot of credit for bringing it about a mile as well. And that opens up that
717 entire area to the south of this as well for development as we bring public sewer.

718
719 Mr. Mackey - Madam Chair, I have a question. You have had
720 contact with the YMCA. Are you all still in communication as far as amenities and
721 everything?

722
723 Mr. Condlin - Yes sir. It's hard to get some formal stuff from the
724 YMCA, but we've been in contact with the entire—we have to cross County land
725 with our sewer. And we also have to cross a number of private properties. We
726 have agreements or discussions, an understanding of yes, we can get it all the
727 way through up to our site at this point. Obviously that's a critical item. We can't
728 build unless we get public sewer. So we've got all that in place.

729
730 Mr. Mackey - Okay.

731
732 Mr. Baka - Mr. Condlin, it's about seventy-eight acres or so. Two
733 questions about selling through or a sell-through rate. Has any consideration
734 been given to whether the commercial areas would be developed first or all the
735 residential areas first? And about how many years? This looks like a lot of
736 construction for the neighboring properties. About how many years would it take
737 to fully develop this type of mixed-use development?

738
739 Mr. Condlin - Well, I'll answer that in a couple of ways. There has
740 been I'd say immediate interest on the front along Williamsburg for the
741 commercial, for the convenience and the fast food. Shouldn't be any surprise
742 given what's around there and given its proximity to 295 and 64 and what's going
743 on in White Oak. There's a real interest in saying hey, we can have some
744 services.

745
746 There was some interest in some hotels. Those are off the table, but that was
747 generating some interest.

748
749 Our feeling is from the standpoint of the other commercial that those are going to
750 be more local, some smaller shops. So we'll probably have to spec that space as
751 opposed to waiting and building it for a specific user. There hasn't been a specific
752 decision as to when that would occur. Obviously, this commercial area, being the
753 size that it is, is not going to serve as a destination point for a large part. It's

754 going to service a lot of the folks that are in this area, other than the convenience
755 store. A lot of the market for this commercial is going to be built as part of the
756 residential that we're building, as well as the existing homes that are in the area
757 and some of the businesses that are in the area.

758
759 We haven't specifically committed to a phasing plan. But certainly our thought is
760 that it's going to take about seven to ten years for the residential to build out.
761 Within that, the first part of the commercial will happen almost immediately, our
762 thought is. And then certainly from the standpoint of the rest of it, it'll come in
763 somewhere within that residential phase as demand happens. It's kind of hard to
764 tie down the retailers at this point for that back part.

765
766 Again, to Mrs. Marshall's point, we haven't specifically programmed—I think it's
767 going to take a unique design. It has a good opportunity here to have that done,
768 kind of those commercial buildings on the village green. That's not an entirely
769 unique use, but something different than your typical strip center with a Subway
770 shop in it. It's going to be a different type of user and a lot of new development,
771 the integration and how that works.

772
773 Mr. Baka - Thank you.

774
775 Mrs. Marshall - Mr. Condlin, looking at the amount of construction that
776 is going to go on, I'm looking at your construction hours, Monday through Friday
777 from 7 a.m. until 7 p.m. I notice that you have hours on Saturday from 7:30 a.m.
778 until 5 p.m. Would you consider changing the hours on Saturday from 9 a.m. to 5
779 p.m. instead of 7:30 a.m.?

780
781 Mr. Condlin - Certainly willing to consider anything. Part of the issue
782 that folks like to get in there a little early before the heat gets on them and maybe
783 finish a little early. I know we've looked at maybe doing something like 8 to 4:30
784 or something like that, if that makes sense, to get them in there as opposed to
785 getting in too late in the morning. But yes, we'll consider maybe changing. If we
786 could make that subject to we'll work with staff. I'd have to go back and look at
787 some of the more recent cases that we have.

788
789 The critical thing was getting rid of Sunday hours. I know we used to have
790 Sunday hours. Gotten rid of those. And trying not to disturb folks. Maybe we can
791 come up with a way, if possible. Clearly, we have a market for our residences.
792 Maybe we can have some hours within a certain distance of the existing Pine
793 Heights subdivision or something of that nature. Would that be okay from that
794 standpoint for the morning hours, to make sure that they're later, but we can work
795 on the commercial areas and the infrastructure. Closer to the intersection really
796 shouldn't be disturbing too many people at that point.

798 Mrs. Marshall - That's a possibility. I think that you also have to
 799 consider that when people have to constantly have to listen to construction from
 800 7 a.m. until 7 p.m., sometimes—
 801
 802 Mr. Condlin - It gets old.
 803
 804 Mrs. Marshall - It gets old. And on a Saturday, you might want to
 805 sleep until eight in the morning. Sometimes you do seek a little bit of peace. And
 806 nine would be even better.
 807
 808 Mr. Condlin - The flip side of that is the shorter the hours the longer
 809 duration the number of days you have to construct. So sometimes it's nice to get
 810 in and get it over with too. But your point is well taken. We continue to address
 811 this as it's become more of an issue. If you all are comfortable, I'd like to be able
 812 to at least make that condition, if you're willing to recommend it, to say—allow us
 813 to work with staff and come up with something that makes sense. This is a large
 814 property, obviously, and there are a lot of distances here. We could come up with
 815 something at the end of the day, we'll be able to come up with the hours that
 816 would make sense that you had already talked about, if that's okay.
 817
 818 Mrs. Marshall - All right. Any more questions for Mr. Condlin?
 819
 820 Mr. Condlin - He's looking at me saying oh great, we've got one
 821 more thing to talk about.
 822
 823 Mr. Archer - There's nothing like the smell of fresh diesel fuel in
 824 the morning.
 825
 826 Mrs. Marshall - That's right. Goes well with your coffee. Any
 827 questions?
 828
 829 Mr. Condlin - If that's the only, I think we're doing pretty well. We
 830 can work around that, as we always do.
 831
 832 Mrs. Marshall - Any more questions?
 833
 834 Mr. Archer - No more questions, Madam Chair.
 835
 836 Mrs. Marshall - Thank you, Mr. Condlin.
 837
 838 Mr. Condlin - I think there were some folks that wanted to speak as
 839 well.
 840
 841 Mrs. Marshall - Okay. I did notice that a couple of people came into
 842 our meeting late this evening. If you are here in opposition or in favor, we'll take
 843 the opposition first, if there is any. You may come forward and state your name

844 as you come forward. And Mr. Emerson will go over the rules. Is there anybody
845 in opposition?

846
847 Mr. Emerson - Yes, Madam Chair, as the citizen approaches. The
848 Planning Commission does have rules and guidelines that they use to cover their
849 public hearings, and they are as follows: The applicant is allowed ten minutes to
850 present the request. Time may be reserved for responses to testimony.
851 Opposition is allowed a cumulative ten minutes to present its concerns, meaning
852 everyone who wishes to speak to this case needs to fit within that ten minutes.
853 Commission questions do not count into the time limits. The Commission may
854 waive the limits for either party at its discretion, and all comments must be
855 directly related to the case under consideration.

856
857 Mr. Johnson - Yes sir. Hello. I'm Robert Johnson. I'm a homeowner
858 here in Pine Heights. If you look here at the screen, I'm in probably the worst
859 possible position. I'm right here at this corner lot where they're going to build the
860 townhomes. I'm right here. You've got some open space here, and then you
861 have townhomes, townhomes. At the end of Clayman Road here, at the current
862 time it's a cul-de-sac. We have issues with kids coming back there, and I've had
863 to call the police on a few occasions because they sit back there and they park.
864 And they have their little, you know, I guess it's get-togethers, you would call it, at
865 night.

866
867 And now we're going to put townhomes right on top of us. Of course it's going to
868 ruin our property value, I feel. At the earlier hearing that we talked about at the
869 elementary school in the East End, they had talked about they were going to do
870 something there with a fence. But now you're talking about a fence on two sides
871 of our property. A fence looks good at first, but after it ages over time, if it isn't
872 kept up . . . to me it's concern about the fence and the materials that it's going to
873 be composed of that has a whole lot to do with it.

874
875 I'd like to see, at the very least, some green space with some heavy landscaping.
876 I don't want to look at the townhomes on two sides of our property. We've had,
877 up to this point, our privacy on all three sides. We actually have woods now on all
878 three sides, and we've enjoyed that privacy. It's coming to an end, and I can see
879 that. We do own our house. We've been there for seventeen years. Our kids
880 grew up there. And it's all getting ready to change. And it's going to change
881 drastically.

882
883 One of the enticements that they spoke of at the last meeting was we'll have the
884 sewer connection. That's an expensive option, from what I understand. I guess
885 I'll ask you folks. How much are the connection fees there to hook up to the
886 sewer? Am I allowed to ask questions? I'm not sure.

887
888 Mr. Emerson - I don't have number in front of me right now. Mr. Sehl
889 may be familiar with that number since he's been working on the case.

890
891 Mr. Sehl - Yes, Mr. Secretary. For existing homes it's slightly
892 less than \$10,000. It's like \$8500 to connect just the sewer.

893
894 Mr. Emerson - That's just the sewer.

895
896 Mr. Sehl - I believe public water is already out there.

897
898 Mr. Johnson - So I have to look at our drop in our assessed property
899 value, because I'm sure that's going to happen. And then I have to weigh out is it
900 worth the \$10,000 to put into a piece of property that is going to drop in value. Is
901 a sewer connection going to help to raise the value?

902
903 These homes, are they going to be subsidized? I don't know what the standard
904 is. I have seen some elevations of the properties, but I'm not sure what the
905 asking price is going to be on these developments. So you don't know what kind
906 of homebuyers are going to be coming in there.

907
908 It's a big unknown, and I'm just in the worst possible place. That's the reason I
909 have objection to it. If we had more green space where we could keep a buffer
910 between us, I would be a lot more agreeable to it. Now it just says "open space."
911 And as I heard last, we're talking about a fence? So I'll be looking at a fence on
912 two sides. I have a garage attached to my house. I have a garage that's behind
913 my house. I restore cars. I just don't know how good of a mix it's going to be with
914 the townhomes right on top of us. Some of these people could have issue with
915 me, too, as well.

916
917 I just wanted to present that to you folks because I'm in the worse possible
918 position. We don't have any issues now because we have our privacy. I work late
919 at night sometimes on the cars. I'm not playing music or anything like that. But I
920 just don't see how it's going to work out. And I just see our property value, if we
921 don't do something there with the woods. You already have the trees, which is
922 God's buffer. And you don't have to maintain God's buffer. If you put a fence in
923 there, that has to be maintained. I like the security aspects of the fence, but over
924 time I've seen some fences at some other developments that they're starting to
925 look like they're worn out and actually need replacing. I don't know what the
926 ordinances are here in the County to have that done over time.

927
928 Then we have the cul-de-sac issue. I know these people that are going to live
929 here in these townhomes, they're going to come into that cul-de-sac and park. I
930 know they're talking about having adequate parking for the townhomes, but it's
931 just going to be so easy and convenient for them also to come there and park in
932 that cul-de-sac if they're having a guest over. Because that's going to be over
933 there behind their townhomes. So we're going to have issues with that parking.
934 And we already have it at times now, and I have to call the police when it's late at
935 night.

936
937 I just wanted to bring those issues up to you folks I appreciate it.
938

939 Mrs. Marshall - Thank you.
940

941 Mr. Mackey - Madam Chair, could I ask Mr. Johnson a question?
942 Good evening, Mr. Johnson. If they weren't able to do that green-zone buffer, is
943 there any type of fencing that would be preferable to you, the type of material?
944

945 Mr. Johnson - I'm sure they don't want to spend the money on like a
946 stone composite or kind of what you see on the highways, a concrete form fence.
947 I'm sure they don't want to do something like that because that's expensive. But
948 if you do something like that, it lasts. All you have to do is pressure wash it and
949 it's renewed. Usually what I see in these cases are a wood fence of some sort,
950 and that's going to deteriorate over time, it's going to mold, it's going to mildew.
951 It's going to be an eyesore at some point in time. And we already have the trees.
952 So I'm like couldn't you have a landscape buffer there with the trees that are
953 already existing there. It's beautiful, the patch of woods that we have. If you could
954 leave a section of trees in there, to me that would be the easiest thing. And for
955 them it would be affordable. You wouldn't have to take the trees down and they
956 already exist.
957

958 Mr. Mackey - All right, thank you, Mr. Johnson. We'll have the
959 applicant come back. I'm not sure if there's anybody else who wants more time
960 for the opposition.
961

962 Ms. Johnson - I'm Susan Johnson. I'm Robert's wife. In addition to
963 what he's telling you about the fence, picture the townhomes being two stories on
964 both sides. We're one story. We're going to be looked down on by these other
965 people all the time. We have no buffer. It's like being in a hotel looking down at
966 the pool and seeing everybody at the pool. That's how we're going to be feeling
967 because they're up there all around us with no buffer. And I don't think a fence
968 would suffice, I don't. I think tall trees with greenery would be the best.
969

970 Mr. Mackey - Thank you, Ms. Johnson.
971

972 Mrs. Marshall - Mr. Condlin.
973

974 Mr. Condlin - And I apologize for the apparent misunderstanding. If
975 I may describe what currently is existing out there with the B-3 and the box boxes
976 that would go up back in this area. Obviously, with a B-3 next to residential, it's
977 fifty-feet and they also proffered a fence. What we've done is we've proffered in
978 this area—there are two different buffers that we provided from our residential to
979 the existing residential. There's a fifteen-foot buffer where the lots come up next
980 to the existing lots that are really close. There's about a thirty-foot distance
981 between the lot setback. And we have a fifteen-foot buffer within those areas.

982
983 The other areas where there is more open space, including where the Johnsons
984 are talking about, this is a 90-foot distance between where this townhome lot will
985 be, and a 60-foot difference between here. And we proffered a 25-foot buffer with
986 a 25-foot transitional. So it can't be reduced. So it's going to be 25 feet planted to
987 a TB 25, which is naturally you get credit for keeping the natural buffer. That was
988 something that we talked about at the community meeting. It could have a fence.
989 But sometimes when you put in a fence with a buffer you can reduce it; we can't
990 do that here because we've committed to the 25-foot distance.

991
992 So we could have a fence. You sometimes can have a vinyl fence or a wood
993 fence or sometimes no fence at all. As you know, during the site plan and
994 subdivision process, sometimes it's better once you go do your grading and you
995 see exactly where you can. We can meet and I can make those assurances. But
996 usually you discuss exactly what the type of screening would be best based on
997 what's there and what's going to be retained. We put together a specific grading
998 plan, and then we can see the landscaping we're going to retain that's existing,
999 which we hope to retain that. We have ninety feet to play with in one area and
1000 sixty feet to play in another. There's no reason we can't retain most of that
1001 twenty-five feet, if not all it, of the existing. And if there are gaps, we'll fill them in
1002 as required by the Code, to be able to put best and most effective screening. If
1003 that means ultimately we have to put a fence on our side, twenty-five feet away,
1004 we can certainly look at that, too, as part of the POD process. I am committed to
1005 that. We can put that in here subject to the requirements at the time of the POD.

1006
1007 Mrs. Marshall - Mr. Condlin, if a fence is necessary, will you proffer it
1008 in at vinyl?

1009
1010 Mr. Condlin - If that's what you want now. I'd rather say subject to
1011 whatever requirements—vinyl or wooden fence or other opaque fence that you
1012 would require at the time of POD. But if you want to commit to vinyl in specific
1013 areas, I think that's something we can—you know, in specific areas.

1014
1015 Mrs. Marshall - If we proffered at POD—

1016
1017 Mr. Condlin - The concern is there's a lot of property frontage here,
1018 and maybe a fence isn't necessary everywhere. That's a pretty big expense even
1019 for a wooden or vinyl fence. And if you have landscaping and 15- and 25-foot
1020 buffers, residential to residential, we're pretty confident with what's out there
1021 today, that we're going to be able to have a good screen. The next time we need
1022 to supplement or add fencing, we certainly can add that. If that makes sense.

1023
1024 Mrs. Marshall - All right, thank you. I also have two more people that
1025 would like to speak. If you could please come up one at a time. And please state
1026 your name as you come forward.

1028 Mr. Emerson - Madam Chair, you have about three minutes left for
1029 public input.

1030

1031 Ms. Kline - My name is Sharon Kline, and I live in the area. I
1032 actually like the idea because it looks like it's multi-generational in many ways.
1033 And I like the village idea. If you work something out with them, that would be
1034 nice.

1035

1036 I just have a couple of little questions in terms of where hospital was going to
1037 be—well, not the hospital, the hotel. That area that says retail.

1038

1039 Mr. Condlin - I can show that to you. This is where the hotel was
1040 originally planned. So we've taken out of proffers—

1041

1042 Ms. Kline - Right.

1043

1044 Mr. Condlin - We're proffered that out.

1045

1046 Ms. Kline - And on the diagram it looks like a fairly large retail
1047 area. Or it could be divided up I'm sure. Does the community have any input into
1048 what kinds of retail? In my mind, a little Aldi.

1049

1050 Mr. Emerson - Ma'am, would you please address the Commission?

1051

1052 Ms. Kline - Oh, I'm sorry. Something like an Aldi or something
1053 that will serve the community. I would just like to know if the community has any
1054 input in terms of the types of retail that would go into that area.

1055

1056 Mr. Condlin - It's actually somewhat of a small area with about 20 to
1057 25,000 square feet total that would fit in there. You have parking and setbacks
1058 and everything that you have in there, so it's not a large space.

1059

1060 Would the community have input? We put in our proffers, restricted out a lot of
1061 uses that staff came up with and what we've heard at community meetings.
1062 We've taken out B-3, which was there before, which had some restrictions on
1063 uses. We've gone down to B-2, which is further restricting. And then restricted
1064 out some uses out of that. Would it be a grocery store? That's certainly one—you
1065 know, small grocery that we'd be looking at. Of course market demands and
1066 who's willing to go in there, that's a big difference. We want will be checking with
1067 the community? In reality, probably not, but we'll be letting folks know and
1068 working with the community as we design it. That's what our intent was. I think
1069 that's the best we can do. We want to be able to have good quality tenants in
1070 there, but we don't know who they're going to be at this point. And we don't want
1071 to make it subject to approval of the community either.

1072

1073 Mrs. Marshall - Thank you. We have approximately about two
 1074 minutes left. Mr. Mackey, would you like extend that time?
 1075
 1076 Mr. Mackey - I think that's the last person who wanted to speak.
 1077
 1078 Mrs. Marshall - Okay. Please come forward.
 1079
 1080 Ms. Wilson - Good evening. I'm Lynn Wilson. I also live in the area.
 1081 This is going to be a major change for our part of the world. It's really the first big
 1082 development on that part of the corridor between Sandston and the New Kent
 1083 line. So it's really important, and I'm excited about it, and look forward to it.
 1084
 1085 A couple of points. In our part of the world, we still see the night sky. And I think
 1086 with some progressive work, we can still maintain that with some low-impact
 1087 outdoor lighting. It will be better for the wildlife, better for our part of the world if it
 1088 sets a standard for that corridor.
 1089
 1090 My second point is this is going to be such a neat thing for us. The people who
 1091 live in those townhouses aren't just going to go to the Y. But the people who live
 1092 in the apartments behind the Y are also going to want to go over to all that cool
 1093 retail space. We do not, right now, have the sidewalks, the public transit, the
 1094 infrastructure for people to safely bike or walk between the YMCA, the
 1095 apartments behind the Y, Sandston Woods, and Sandston. Sandston is just not
 1096 that far. So I really urge you as a Planning Commission and the Planning
 1097 Department to please, please, please, as we develop this corridor with this
 1098 keystone project to please make sure that our people can safely get to these
 1099 gathering places and to the retail and all. It's just a really important thing that it
 1100 happens. We've made that mistake in some other places. We don't have to make
 1101 that mistake now. We have an opportunity to do this right.
 1102
 1103 Thank you so much.
 1104
 1105 Mr. Mackey - Thank you, Ms. Wilson.
 1106
 1107 Mrs. Marshall - Are there any more questions from the Commission?
 1108
 1109 Mr. Archer - I have a question, Madam Chair. Mr. Johnson? And
 1110 you, too, Mr. Condlin; don't go far. Are you all on the same page as it pertains
 1111 to—you indicated there were some trees that were left in the buffer area in
 1112 between.
 1113
 1114 Mr. Johnson - Yes sir. We have woods now on all three sides
 1115 because on the other side there's an unbuildable lot. That neighbor owns his lot
 1116 and that lot. So we have trees right now on all three sides.
 1117

1118 Mr. Archer - All right. Mr. Condlin, are you in tune with what he's
 1119 saying?
 1120
 1121 Mr. Condlin - I'm sorry.
 1122
 1123 Mr. Archer - Are you in tune with what he's saying? Are you all on
 1124 the same page?
 1125
 1126 Mr. Condlin - I believe so. He has a lot of woods out there right
 1127 now. We're going to be developing, and it's going to have an impact. He said
 1128 that's an unbuildable lot. I wonder if that's because of sewer. It can't be sewer
 1129 at this point; it might be buildable.
 1130
 1131 Mr. Johnson - He had to move his drain system, and he used that lot
 1132 to move his drain system. We've had to repair our drain system. You can't
 1133 uncover it, cover it. We don't have nowhere else to move ours except to the front
 1134 yard. I like the idea of the sewer; don't get me wrong. But I'm wondering what's
 1135 going to my property value especially, as my wife said, the townhomes are going
 1136 to be so close. I don't know who's going to want to live with people around you,
 1137 looking down on you. I know you say sixty feet. But if I was to get to this side of
 1138 the room, and I was to mark off, this is probably a good fifty feet right here. So it's
 1139 not an enormous amount of space. But if you keep the density of the trees and
 1140 the woods, then I think maybe that, to me, it could be worked out.
 1141
 1142 Mr. Archer - That's where my confusion was, between the fence
 1143 and the trees. Are we talking about one or both?
 1144
 1145 Mr. Condlin - Excuse me, if I may. I don't want to cut in front of you.
 1146
 1147 Mr. Johnson - Sure.
 1148
 1149 Mr. Condlin - I was going to come up with something with the staff,
 1150 a condition. We're going to keep the 25 feet. We're committing to the 25 feet
 1151 around his area, where we've also committed to the 25- and 15-foot buffer
 1152 planted to the TB 15 or 25 accordingly. So there will be that no matter what. And
 1153 during the landscape plan, as necessary, we'll supplement it with fencing as
 1154 approved at the time of POD.
 1155
 1156 My thought was, obviously, we trust the process that if we feel like with all the
 1157 supplemental landscaping it doesn't make sense—and it just would make sense
 1158 to maybe on four or five houses throw a fence behind there, we're willing to do
 1159 that. That's certainly something. But again, without getting a grading plan and
 1160 looking at it—we don't want to put a fence along the entire existing subdivision.
 1161 That seems a little overkill and unnecessary. But it certainly would be available,
 1162 and the process is there for that so that if we need to add the fence. There's
 1163 always going to be the landscaping, because I've committed to that. There's

1164 always going to be that. And then we would supplement it with fencing as
1165 necessary. I'll come up with the language. It'll be on our side of the buffer, not on
1166 the existing residents' side.

1167
1168 Mr. Johnson - I'm not sure if we understand ourselves. When he
1169 says "landscaping," I don't mean ornamental trees landscaping so that it's
1170 aesthetically pleasing. I mean using the wood line as a tall fence and keeping the
1171 density of the trees. Even if a patch of trees was only like, like you said, at your
1172 buffer at 25 feet wide, to keep that patch of wood line. It'll continue to hold its
1173 density if you give it a good 25 feet. If you come down to something narrower, the
1174 trees will die probably over time, and you'll actually start to lose the density.

1175
1176 I've done some development myself. I have a commercial development in New
1177 Kent County.

1178
1179 Mr. Archer - I just want to make sure you all are understanding
1180 each other. I'm not sure I am.

1181
1182 Mr. Johnson - Yes sir, I think you're absolutely right. I'm not sure
1183 we're seeing the same vision.

1184
1185 Mr. Condlin - I would actually say that we probably are. I use the
1186 word "landscaping" and probably just used it wrong. As you know, with the
1187 transitional buffer you get credit for what's existing. And it's a lot cheaper to keep
1188 what's out there. And when you've got this room, can I promise that we're going
1189 to keep every tree within that twenty-five feet? Some you don't want to keep
1190 because you want to be able to let it grow the right way when you start clearing
1191 around it. But that's what the landscape plan is for. The staff has experts for that.
1192 That's when we'll have our own landscape plan. And we'll be able to sit down
1193 and look at here are the trees we'll save, here are the trees that will come out, or
1194 none will come out. We'll want to take advantage of that. It's a lot cheaper to
1195 keep what's out there, and we definitely we have room in most of the places to
1196 be able to retain what's existing in that area for the twenty-five-foot buffer.

1197
1198 Mrs. Marshall - Mr. Johnson, you neighbor's extra lot, is that their
1199 septic drain field?

1200
1201 Mr. Johnson - Yes. He's already used that lot now. He just did this
1202 just about a year or so ago. He had to move his drain field. He was using a—I
1203 don't know what you want to call it—a septic hole. They'd been doing that for
1204 years, just a deep hole. And I know that's not allowed. I think that he went ahead
1205 and spent the money to do it right, and he moved his drain field into that
1206 unbuildable lot. So now he is using that lot for his drain field.

1207
1208 Mrs. Marshall - What kind of growth does he have on that lot?
1209

1210 Mr. Johnson - He took the trees down in the front because this is
1211 actually right beside our front yard. He took down a lot of the trees. I just
1212 assumed he had a permit to do that. I didn't question him about it.

1213

1214 Mr. Condlin - I would propose that when you bring sewer in—I know
1215 people are concerned, as usual, and they should be, about property values. But
1216 when you bring in public sewer for an area that has a lot of—not all of them, but a
1217 lot of failing systems, this is not only going to maintain, but probably will increase
1218 property values. I certainly don't have numbers to say yes or no. That gentleman,
1219 we talked with him at length during and after the community meeting. That was
1220 one of his concerns and his wife's concern to be able to hook their house up
1221 because their system is not working right for them now in the new lot next to
1222 them.

1223

1224 Mr. Johnson - And I assume you've already done your homework.
1225 But behind our lot, you already have a right of way there, the utility right of way.
1226 You have Dominion, you have Verizon, you have Comcast back there. So I'm
1227 assuming they've already had an easement there for probably a good twenty feet
1228 or more.

1229

1230 Mrs. Marshall - Any more questions?

1231

1232 Mrs. Kotula - Just one more question. Mr. Condlin, could you
1233 address some of the lighting concerns that Ms. Wilson was talking about,
1234 specifically for the commercial part of the proposed development? Would
1235 complying with Dark Sky standards be something that you all would intend to do?

1236

1237 Mr. Condlin - Other jurisdictions require by ordinance compliance
1238 with Dark Sky. I don't think Henrico has that.

1239

1240 Mr. Emerson - No, we don't.

1241

1242 Mr. Condlin - The typical commercial proffers we're limited—as is
1243 the case with the existing case as we proposed is a twenty-foot lighting standard,
1244 shielded, so they're directed downward. We obviously have to put a lighting plan
1245 together. We are going to have some streetlights that serve the area in the
1246 parking lots, but also along the boulevard. And that's something that's usually
1247 addressed with respect to a specific lighting plan at the time of POD and
1248 subdivision. Otherwise, we've matched what's out there currently, which is twenty
1249 feet in height and the shielding of the lights and directed downwards. Obviously,
1250 we're concerned for residents to make sure that that's reduced to security level at
1251 the end of closing, etcetera. That's the extent that we've addressed the lighting at
1252 that point in the commercial area.

1253

1254 Mrs. Marshall - All right. Thank you, Mr. Condlin. Mr. Mackey?

1255

1256 Mr. Mackey - Madam Chair, we've had a lot of good dialogue
1257 between the applicant and some of the residents. I feel comfortable that many if
1258 not all of the concerns have been met or will be met going forward with the
1259 applicant, meeting with staff, and more meetings with the residents. I move that
1260 REZ2018-00028, Andrew M. Condlin for Salvatore Cangiano, be recommended
1261 for approval with proffers #1 through #39, dated July 10, 2018.

1262
1263 Mr. Baka - Second.

1264
1265 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
1266 Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition;
1267 this motion passes.

1268
1269 **REASON -** Acting on motion by Mr. Mackey, seconded by Mr.
1270 Baka, the Planning Commission voted 5-0 (one absent) to recommend the Board
1271 of Supervisors grant the request because it would not be expected to adversely
1272 affect the pattern of zoning and land use in the area and the proffered conditions
1273 will assure a level of development otherwise not possible.

1274
1275 Mr. Mackey - Madam Chair, the accompanying case, PUP2018-
1276 00009, Andrew M. Condlin for Salvatore Cangiano. I move that PUP2018-00009,
1277 Andrew M. Condlin for Salvatore Cangiano, be recommended for approval with
1278 conditions 1 through 10 in the staff report.

1279
1280 Mrs. Kotula - Second.

1281
1282 Mrs. Marshall - We have a motion by Mr. Mackey and a second by
1283 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition;
1284 this motion passes.

1285
1286 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs.
1287 Kortula, the Planning Commission voted 5-0 (one absent) to recommend the
1288 Board of Supervisors grant the request because it would provide added services
1289 to the community and when properly developed and regulated by the
1290 recommended special conditions, it would not be detrimental to the health,
1291 safety, welfare and values in the area.

1292
1293 Mr. Emerson - Madam Chair, the next item on your agenda is a
1294 discussion item to set a public hearing for July 25th to implement the Legislative
1295 Enactments of the 2018 General Assembly. You'll recall that Mr. Newby from the
1296 County Attorney's Office did present to you those changes at the beginning of
1297 your work session. And of course the public hearing is required even though this
1298 is a mandated change from the General Assembly.

1299
1300 **DISCUSSION ITEM:** To set a Public Hearing for July 25, 2018 to
1301 implement Legislative Enactments of The 2018 Virginia General Assembly.

1302 Mrs. Marshall - I move that we set a public hearing for July 25, 2018,
1303 to implement Legislative Enactments of the 2018 Virginia General Assembly.
1304

1305 Mrs. Kotula - Second.
1306

1307 Mrs. Marshall - We have a motion a motion by Mrs. Marshall and a
1308 second by Mrs. Kotula for the meeting on July 25th. All in favor say aye. Those
1309 opposed say no. There is no opposition; this motion passes.
1310

1311 Mr. Emerson - Madam Chair, the next item on your agenda is
1312 another one for discussion. It is a request, as we discussed during the work
1313 session, to schedule an additional work session on the Route 5 Corridor Study so
1314 staff can bring forward to you some of our thoughts regarding the public input
1315 we've received in this latest stage and also to receive any comments or thoughts
1316 you may have after giving consideration to what was presented to you this
1317 evening.
1318

1319 **DISCUSSION ITEM:** The Planning Commission will consider holding a
1320 Work Session on Thursday, August 9, 2018 to continue discussion on the Route
1321 5 Corridor Study.
1322

1323 Mr. Emerson - I don't know how much time actually you'll need on
1324 the ninth. We covered the bulk of everything tonight, so I'm open. Sometime
1325 between 5:30 and 6:00. Certainly we can have dinner brought in for you. So I'll
1326 leave it to the Commission.
1327

1328 Mr. Archer - I'm good for the ninth.
1329

1330 Mrs. Kotula - Yes, the ninth is fine.
1331

1332 Mr. Archer - September right?
1333

1334 Mr. Emerson - August for the work session.
1335

1336 Mr. Archer - I'll still be here, yes.
1337

1338 Mr. Emerson - How about 5:45? Let's go with 5:45. I think that'll give
1339 us plenty of time.
1340

1341 Mr. Baka - Do you need a motion for that?
1342

1343 Mr. Emerson - No, consensus is fine. And we'll see if we can't get
1344 the manager's conference room again for that meeting. We'll let you know.
1345

1346 The next item, Madam Chair, is the consideration of the approval of your minutes
1347 from the Commission meeting on the 14th of June. I don't believe we have an

errata sheet, but certainly we'll consider any corrections or changes that you may have.

Mrs. Marshall - Does anyone have any changes for the minutes? If not, a motion would be in order.

Mr. Archer - There being none, Madam Chair, I move for approval the minutes as written.

Mrs. Kotula - Second.

Mrs. Marshall - We have a motion by Mr. Archer, a second by Mrs. Kotula for the approval of the minutes. All in favor say aye. Those opposed say no. There is no opposition; that motion passes.

Any new business to conduct this evening?

Mr. Emerson - No ma'am, Madam Chair, that's all I have for the Commission this evening.

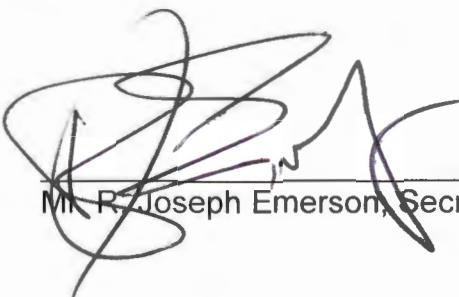
Mrs. Marshall - I'll entertain a motion for adjournment.

Mr. Archer - So moved.

Mrs. Marshall - Motion to adjourn by Mr. Archer, seconded by Mrs. Marshall. This meeting is adjourned.

Sandra M. Marshall

Mrs. Sandra M. Marshall, Chair


Mr. R. Joseph Emerson, Secretary