

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. June 9,
4 2016. Display Notice having been published in the Richmond Times-Dispatch on
5 May 23, 2016 and May 30, 2016.
6

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Lisa Blankinship, County Planner
Mr. William Moffett, County Planner
Ms. Erin Puckett, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10
11 Mr. Archer - The Commission will come to order. Welcome
12 audience to the Thursday, June 9th meeting of the Planning Commission for
13 Rezoning. In a second, I'm going to ask you to please turn off or mute your
14 telephones and then stand with me as we pledge allegiance to the flag.
15

16 Thank you. I'd like to introduce to my far left Mr. Frank Thornton from the Fairfield
17 District who serves on the Planning Commission this year from the Board of
18 Supervisors. He has the authority to vote, if he so chooses, but in most matters,
19 members of the Board don't vote on what we do here.
20

21 I'd also like to recognize Mr. Elliott Robinson from the *Richmond-Times Dispatch*.
22 Be careful what you say, because he's taking notes.
23

24 With that I'll turn things over to our secretary, Mr. Emerson, and we'll get the
25 meeting started.
26

27 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this
28 evening are the requests for withdrawals and deferrals. Those will be presented
29 by Mr. Jim Strauss.

30
31 Mr. Archer - Mr. Strauss, good evening, sir.

32
33 Mr. Strauss - Good evening. Thank you, Mr. Secretary. We have
34 three requests for deferral this evening. The first request is in the Three Chopt
35 District on page 2 of the agenda. This is REZ2016-00009, Wellesley LLC. The
36 applicant is requesting deferral to the July 14, 2016 meeting.

37
38 **(Deferred from the May 12, 2016 Meeting)**

39 **REZ2016-00009 James W. Theobald for Wellesley LLC:** Request to
40 amend proffered conditions accepted with rezoning case C-109C-86 on Parcel
41 735-759-2130 located at the southwest intersection of Lauderdale and Park
42 Terrace Drives. The applicant proposes to amend Proffer 8 pertaining to the
43 detached signage in an existing shopping center. The existing zoning is B-1C
44 Business District (Conditional). The 2026 Comprehensive Plan recommends
45 Commercial Concentration.

46
47 Mr. Archer - All right. Thank you, sir. Is there anyone present who
48 is opposed to the deferral of REZ2016-00009, James W. Theobald for Wellesley
49 LLC? I see no opposition. Ms. Jones.

50
51 Mrs. Marshall - It's Three Chopt.

52
53 Mr. Archer - Oh, I'm sorry. Mrs. Marshall.

54
55 Mrs. Marshall - I move that REZ2016-00009, James W. Theobald for
56 Wellesley LLC, be deferred until the July 14, 2016 meeting, at the request of the
57 applicant.

58
59 Mr. Leabough - Second.

60
61 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr.
62 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
63 passes.

64
65 At the request of the applicant, the Planning Commission deferred REZ2016-
66 00009, James W. Theobald for Wellesley LLC to its meeting on July 14, 2016.

67
68 Mr. Strauss - The next two requests for deferral are both in the
69 Varina District. The first is on page 3 of the agenda PUP2016-00003, Brad
70 Roberts for Night Prowler Productions. The applicant is requesting a deferral to
71 the July 14th meeting.

73 **(Deferred from the April 14, 2016 Meeting)**

74 **PUP2016-00003 Brad Roberts for Night Prowler Productions:**
75 Request for a Provisional Use Permit under Sections 24-62.2(f), 24-66(a), 24-120
76 and 24-122.1 of Chapter 24 the County Code in order to allow 6 to 8 outdoor
77 concerts annually on part of parcel 801-687-5117 located on the north side of Mill
78 Road approximately 500' west of its intersection with Huckleberry Lane. The
79 existing zoning is B-3 Business District. The 2026 Comprehensive Plan
80 recommends Open Space/Recreation and Environmental Protection Area.

81
82 Mr. Archer - Okay. Is there anyone present who is opposed to the
83 deferment of PUP2016-00003, Brad Roberts for Night Prowler Productions?
84 Mr. Leabough.

85
86 Mr. Leabough - There being no opposition, Mr. Chair, I move that
87 PUP2016-00003, Brad Roberts for Night Prowler Productions, be deferred at the
88 request of the applicant to the July 14, 2016 meeting.

89
90 Mr. Witte - Second.

91
92 Mr. Archer - Motion by Mr. Leabough and seconded by Mr. Witte.
93 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

94
95 At the request of the applicant, the Planning Commission deferred PUP2016-
96 00003, Brad Roberts for Night Prowler Productions, to its meeting on July 14,
97 2016.

98
99 Mr. Strauss - And the next request for deferral is also in the Varina
100 District. It's also on page 3 of your agenda. This is SIA2015-00002. The staff and
101 the applicant are both requesting deferral to the September 15, 2016 meeting.

102
103 **(Deferred from the March 10, 2016 Meeting)**

104 **SIA2015-00002 Osborne Turnpike - Dominion Virginia Power**
105 **Electric Substation:** The Department of Planning has received a request from
106 Dominion Virginia Power to initiate a Substantially In Accord study of a proposed
107 site for an electric substation. The proposed substation site would use 1.53 acres
108 of part of Parcel 798-696-8886 located along the west line of Osborne Turnpike
109 approximately 1,150 feet south of Equestrian Way. The existing zoning of the
110 subject area is A-1 Agricultural District. The 2026 Comprehensive Plan
111 recommends Traditional Neighborhood Development.

112
113 Mr. Archer - Thank you, Mr. Strauss. Is there anyone present who
114 is opposed to the deferment for SIA2015-00002, Osborne Turnpike – Dominion
115 Virginia Power Electric Substation? Mr. Leabough.

117 Mr. Leabough - Mr. Chair, I move that SIA2015-00002, Osborne
118 Turnpike – Dominion Virginia Power Electric Substation, be deferred at the
119 request of the applicant and staff to the September 15, 2016 meeting.

120
121 Mrs. Marshall - Second.

122
123 Mr. Archer - Motion by Mr. Leabough, seconded by Mrs. Marshall.
124 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

125
126 At the request of the applicant and staff, the Planning Commission deferred
127 SIA2015-00002, Osborne Turnpike – Dominion Virginia Power Electric
128 Substation to its meeting on September 15, 2016.

129
130 Mr. Emerson - Mr. Chairman, that completes the withdrawals and
131 deferrals that staff currently has, unless the Commission has any they would like
132 to enter at this time. If not, the next item on your agenda are the requests for
133 expedited items, which will also be presented by Mr. Strauss.

134
135 Mr. Strauss - Thank you, Mr. Secretary. We do have three requests
136 for approval on the expedited agenda this evening. They are all in the Three
137 Chopt District. The first one is on page 2 of your agenda, REZ2016-00014, Ann
138 Neil Cosby or Adena M. Patterson for Excel West Broad Marketplace, LLC. This
139 is a request to conditionally rezone from B-3C Business District to the C-1C
140 conservation district, as required by the original rezoning case. A Conservation
141 District is proposed, and staff recommends approval with proffered conditions 1-3
142 on page 4 of the staff report. These proffers are dated May 27th. We are not
143 aware of any opposition.

144
145 **REZ2016-00014 Ann Neil Cosby or Adena M. Patterson for Excel**
146 **West Broad Marketplace, LLC:** Request to conditionally rezone from B-3C
147 Business District (Conditional) to C-1C Conservation District (Conditional)
148 Parcels 732-765-8532, 733-765-1958, and 733-765-6794 containing 8.715 acres
149 located between the north line of W. Broad Street (U.S. Route 250) and the south
150 line of Interstate 64 approximately 1000' west of N. Gayton Road. The applicant
151 proposes a conservation district. The use will be controlled by proffered
152 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
153 recommends Environmental Protection Area and Urban Mixed-Use. The site is
154 located in the West Broad Street Overlay District.

155
156 Mr. Archer - Is there anyone present who is opposed to REZ2016-
157 00014, Ann Neil Cosby or Adena M. Patterson for Excel West Broad
158 Marketplace, LLC? I see no opposition. Mrs. Marshall.

159
160 Mrs. Marshall - Mr. Chair, I move that REZ2016-00014, Ann Neil
161 Cosby or Adena M. Patterson for Excel West Broad Marketplace, LLC, be
162 recommended for approval for a conditional rezoning for a B-3C Business District

163 to C-1C Conditional Conservation District, Parcels 732-765-8532, 733-765-1958,
164 and 733-765-6794. The use will be controlled by proffered conditions 1 through 3
165 and zoning regulations.

166
167 Ms. Jones - Second.

168
169 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by
170 Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
171 passes.

172
173 **REASON -** Acting on a motion by Mrs. Marshall, seconded by
174 Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend
175 the Board of Supervisors grant the request because it conforms to the objectives
176 and intent of the County's Comprehensive Plan.

177
178 Mr. Strauss - The next request for approval on the expedited
179 agenda this evening is on page 2 of the agenda, REZ2016-00016, Locke A.
180 Taylor, Jr. This is a request to conditionally rezone from O-2 Office District to B-
181 1C Business District. A small animal hospital is proposed. Staff is recommending
182 approval with proffered conditions 1 through 3 on page 4 of the staff report.
183 Again, we are not aware of any opposition.

184
185 **REZ2016-00016** **Locke A. Taylor, Jr.:** Request to conditionally
186 rezone from O-2 Office District to B-1C Business District (Conditional) Parcel
187 758-752-1178 containing .918 acres located at the southeast intersection of N.
188 Parham Road and Mayland Drive. The applicant proposes a small animal
189 hospital. The use will be controlled by proffered conditions and zoning ordinance
190 regulations. The 2026 Comprehensive Plan recommends Office.

191
192 Mr. Archer - Thank you, Mr. Strauss. Is there anyone present who
193 is opposed to REZ2016-00016, Locke A. Taylor, Jr.? I see no opposition.
194 Mrs. Marshall again.

195
196 Mrs. Marshall - I move that REZ2016-00016, Locke A. Taylor, Jr., be
197 recommended for approval to conditionally rezone from O-2 Office District to B-
198 1C Business District (Conditional,) Parcel 758-752-1178, containing .918 acres.
199 The use will be controlled by proffered conditions on page 1 through 3 and
200 Zoning Ordinance regulations.

201
202 Mr. Witte - Second.

203
204 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by
205 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
206 passes.

208 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
209 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
210 Board of Supervisors **grant** the request because the business use is compatible
211 with surrounding development, and the proffered conditions will assure a level of
212 compatibility with the surrounding zoning.

213
214 Mr. Strauss - And finally, on page 2 of the agenda, again in the
215 Three Chopt District, is REZ2016-00018, Carole M. Weinstein, LLC. This is a
216 request to amend proffered conditions accepted with the original rezoning cases.
217 The proffered amendments are related to signage, deliveries, permitted uses,
218 hours of operation, and buffers to allow an automobile sales and service
219 showroom. Staff is recommending approval with renumbered proffers 1 through
220 14, starting on page 4 of your staff report. Again, we are not aware of any
221 opposition.

222
223 **REZ2016-00018 James W. Theobald for Carole M. Weinstein, LLC:**
224 Request to amend proffered conditions accepted with rezoning cases REZ2015-
225 00001 and C-36C-91 on Parcel 753-759-8339 located on the west line of
226 Stillman Parkway approximately 330' north of its intersection with W. Broad
227 Street (U.S. Route 250). The applicant proposes to amend proffers related to
228 signage, deliveries, permitted uses, hours of operation, and buffers to allow for
229 automobile sales. The existing zoning is B-3C Business District (Conditional).
230 The 2026 Comprehensive Plan recommends Commercial Arterial.

231
232 Mr. Archer - Thank you, Mr. Strauss. Is there anyone present who
233 is opposed to REZ2016-00018, James W. Theobald for Carole M. Weinstein,
234 LLC? I see no opposition.

235
236 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00018, James
237 W. Theobald for Carole M. Weinstein, LLC, be recommended for approval with
238 amended proffered conditions 1A and B, 2 through 11, 12 and 14 accepted with
239 REZ2015-00001 and C-36C-91 on parcel 753-759-8339.

240
241 Mr. Witte - Second.

242
243 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by
244 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
245 passes.

246
247 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
248 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
249 Board of Supervisors **grant** the request because the change in use is compatible
250 with surrounding development.

251
252 Mr. Emerson - Mr. Chairman, that completes your requests for
253 expedited items this evening, so we now move into your regular agenda for

254 REZ2016-00008, Guy Blundon. The staff report will be presented by Mr. Ben
255 Sehl.

256
257 **(Deferred from the May 12, 2016 Meeting)**

258 **REZ2016-00008** **Guy Blundon:** Request to amend proffered
259 conditions accepted with rezoning case C-33C-04 on Parcels 784-749-1627 and
260 784-748-2576 located on the west line of Brook Road (U.S. Route 1),
261 approximately 875' south of its intersection with Hilliard Road (State Route 161).
262 The applicant proposes to amend Proffer 2 related to age restrictions and Proffer
263 3 related to enforcement of age restrictions. The existing zoning is R-5C General
264 Residence District (Conditional). The 2026 Comprehensive Plan recommends
265 Multi-Family Residential, density should not exceed 19.8 units per acre, and
266 Environmental Protection Area. Part of the site is located in the Enterprise Zone.

267
268 Mr. Archer - Thank you. Is there anyone present who is opposed
269 to REZ2016-00008, Guy Blundon? I see no opposition. Mr. Sehl.

270
271 Mr. Sehl - Thank you, Mr. Chairman.

272
273 This is a request to amend two proffers accepted with rezoning case C-33C-04 in
274 order to reduce the minimum age requirement for an age-restricted development.
275 The property was rezoned to R-5C in 2004 in order to develop an age restricted
276 residential community with up to 240 units. Proffer 2 accepted with the rezoning
277 case states the development would be restricted to those 62 years of age or
278 older. The applicant wishes to amend this proffer to lower the age limit to 55 and
279 older and amend proffer 3 related to the implementation and enforcement of that
280 age restriction. Proffer 2 would also state that only 10 percent of the units would
281 be occupied by those between 55 and 62 years.

282
283 This request is the same as a request submitted by the applicant in 2009 and
284 2010, and 2014. During those previous requests, concerns were raised regarding
285 the potential impact of the proposed change to the residents of the community.
286 Since that time, the resident's association has submitted a letter of support for
287 this request. Staff believes those concerns have been addressed at this time.

288
289 Since the proposed amendment would not alter the physical form or operation of
290 the existing development, and because the residents support this request, staff
291 believes the proposed changes could be appropriate. In addition, the revised
292 proffers, along with zoning ordinance requirements, would continue to ensure the
293 property is maintained in a high quality manner. For these reasons, staff supports
294 this request. I'd be happy to try to answer any questions you might have.

295
296 Mr. Archer - Thank you, Mr. Sehl. Are there question from the
297 Commission for Mr. Sehl? None at all. I have no questions. As Mr. Sehl indicated
298 in his report, we have had this in front of us several times before in past years. I

299 think this is the first time that we have had all these approvals from people who
300 either are residents there or are surrounding residents.

301
302 With that, I will move for approval of REZ2016-00008, Guy Blundon.

303
304 Mr. Leabough - Second.

305
306 Mr. Archer - Okay. Motion by Mr. Archer and seconded by
307 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
308 motion passes.

309
310 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
311 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
312 the Board of Supervisors grant the request because the changes do not greatly
313 reduce the original intended purpose of the proffers and would continue to assure
314 a quality form of development with maximum protection afforded the adjacent
315 properties.

316
317 Mr. Emerson - Mr. Chairman, we now move on to REZ2016-00017,
318 Ronald Taylor. The staff report will be presented by Mrs. Lisa Blankinship.

319
320 **REZ2016-00017 Ronald Taylor:** Request to conditionally rezone from
321 R-3 One-Family Residence District to B-3C Business District (Conditional) Parcel
322 809-722-9173 containing 1.225 acres located on the south line of Nine Mile Road
323 (State Route 33) at its intersection with Meadowspring Road. The applicant
324 proposes a car wash. The use will be controlled by proffered conditions and
325 zoning ordinance regulations. The 2026 Comprehensive Plan recommends
326 Commercial Concentration. The site is located in the Airport Safety Overlay
327 District and the Enterprise Zone.

328
329 Mr. Archer - Okay, thank you. Mrs. Blankinship, how are you?

330
331 Mrs. Blankinship - Good. How are you?

332
333 Mr. Archer - I'm fine. Is there anyone present who is opposed to
334 REZ2016-00017, Ronald Taylor? I see no opposition. Mrs. Blankinship, go right
335 ahead.

336
337 Mrs. Blankinship - Thank you Mr. Chairman, members of the
338 Commission.

339
340 This is a request to conditionally rezone 1.225 acres from R-3 to B-3C for an
341 express tunnel carwash. The site is located on the south line of Nine Mile Road
342 at its intersection with Meadowspring Road.

344 The applicant has submitted a conceptual plan, shown here, depicting the
345 proposed layout. The applicant has also submitted elevations and proffers that
346 reference buffers, screening, lighting, signage, prohibited uses, and hours of
347 operation.

348
349 A community meeting was held on May 11th. The citizens who attended were the
350 homeowners who live in the adjacent parcel to the south. They expressed
351 concerns related to increases in noise, traffic, and crime. The proffered
352 conceptual plan shows a 35-foot transitional buffer along the southern property
353 line against the single-family residence to the south. This buffer is required by
354 code and would help minimize potential impacts.

355
356 The site is designated Commercial Concentration on the 2026 Comprehensive
357 Plan, is part of the Nine Mile Road Special Focus Area, and is located in the
358 county's Enterprise Zone. This request is consistent with the Comprehensive
359 Plan's designation and the goals of the Enterprise Zone and the strategies of the
360 Special Focus Area. For these reasons, staff supports this request.

361
362 This concludes my presentation. I will be happy to answer any questions.

363
364 Mr. Archer - Thank you, ma'am. Are there questions from the
365 Commission? Go ahead, Ms. Jones.

366
367 Ms. Jones - Mrs. Blankinship, in the 35-foot transitional buffer, are
368 there elements that would supplement what is there already to try to enhance the
369 mitigation of the impacts? Is there fencing being discussed or additional
370 plantings?

371
372 Mrs. Blankinship - No ma'am, just the transitional buffer specified in
373 code. No fencing has been proposed.

374
375 Ms. Jones - Do you feel that there is high visibility of the carwash
376 from the—this is a subjective question, I'm sure. I wasn't sure how you saw the
377 transitional buffer as an effective block of the impacts.

378
379 Mrs. Blankinship - I believe it would be an effective block to minimize
380 any of the noise.

381
382 Mr. Archer - Anyone else?

383
384 Mr. Witte - I have a comment. On Meadowspring there there's
385 two means of ingress and one of egress, is there a curb or anything that
386 separates the two coming in from the one going out? I didn't realize that was the
387 situation until we approved the one on Old Staples Mill and Staples Mill. There
388 are constantly people pulling into the vacuum area trying to get over there, and

389 they can't get there. I've had several complaints about it, but it's water over the
390 dam at this point. I don't know if that's going to be an issue there.

391

392 Mrs. Blankinship - Right. I'm not sure if there is a curb there. The
393 applicant is here, if you would like to ask him to address that.

394

395 Mr. Witte - Okay. Thank you.

396

397 Mr. Archer - We'll get that answered. Is there anyone else with
398 questions?

399

400 Mr. Leabough - I have a question about the CMU material for the
401 building. I'm just trying to better understand the exposed or untreated cinderblock
402 to be used. What does that mean, untreated?

403

404 Mrs. Blankinship - I would defer to the applicant to answer that question.

405

406 Mr. Leabough - Okay. Thank you.

407

408 Mr. Archer - Anyone else? Okay. Thank you, Mrs. Blankinship.
409 Would the applicant please come forward and state your name for the record,
410 please.

411

412 Mr. Taylor - Good evening, Mr. Chairman, Mr. Thornton, ladies
413 and gentlemen of the Commission. I am Ronald Taylor for Wash VA, LLC.

414

415 Mr. Archer - Mr. Taylor, I know you've heard the questions that
416 have been raised here. Can you respond to Mr. Witte's question and
417 Mr. Leabough's question, and Ms. Jones's question also? We'll start at one place
418 and get to the other.

419

420 Mr. Taylor - We are more than willing to proffer a wall to separate
421 the property line so that the residents don't have to look directly into the wash
422 and disturb how they go about their daily lives.

423

424 As far as the curb, we will put a gate or curb to mitigate anybody that would
425 directly try to drive into the vacuum area.

426

427 To your question, we would use pretreated split-faced cinderblock. I know that's
428 what the staff report says. And that was on the elevation. But we will use the
429 treated cinderblocks.

430

431 Mr. Archer - Mr. Taylor, what type of fence would you propose to
432 install? It wasn't proffered, and I guess between now and whenever we'd have to
433 make it a proffer.

434

435 Mr. Taylor - What we'll do is we'll look to see what best would
 436 minimize the impact of any kind of noise that the residents would incur.
 437

438 Mr. Archer - Okay. Now you have someone with you, I believe,
 439 who has done quite a few carwashes.
 440

441 Mr. Taylor - Yes sir.
 442

443 Mr. Archer - Could you have him come up?
 444

445 Mr. Taylor - Mr. Bob Schrum of Flagstop Corporation is with me
 446 this evening.
 447

448 Mr. Archer - Mr. Schrum, how are you, sir?
 449

450 Mr. Schrum - I'm great. Thank you, sir. How are you all tonight?
 451

452 Mr. Archer - I'm just kind of curious since the fence had not been
 453 proffered before, do you have any knowledge of what best material would go in a
 454 fence of this type to both abate noise as well as block the view?
 455

456 Mr. Schrum - Yes sir. Ron and I talked about that when he said that
 457 the folks that were closest to the property were concerned about noise and things
 458 of that nature. I believe that the best thing would probably be to build a six-foot-
 459 high block wall out of the same prefinished split-face block.
 460

461 Mr. Archer - So it would be a wall not a fence.
 462

463 Mr. Schrum - Yes sir, a wall. Fences really don't do much. They
 464 don't last very long. And as long as nobody drives through them like they do over
 465 at our Parham Road store, we'll be all right. I think we'll be okay. We are
 466 proposing to put a gate up so that people can't make that turn in. By the time we
 467 end up doing—and you're right about the issue of people trying to cut in and
 468 vacuum when people are trying to get out.
 469

470 Mr. Witte - I asked them to just put up a sign if they couldn't put a
 471 curb in there, just to the left with an arrow is the exit and to the right is the
 472 entrance.
 473

474 Mr. Schrum - Yes. We've had those, and they don't do much. But
 475 we're in a spot here with Ron's site that we can put a gate up so that the only
 476 way to be able to get in there is to exit. When you exit, the gate goes up and you
 477 can get out.
 478

479 Mr. Witte - Great idea. Thank you.
 480

481 Mr. Schrum - We'll eliminate all that. We owned the carwash down
482 on Nine Mile Road for a number of years. We were right up adjacent to a
483 residential property there. We never had an issue with noise complaints or any
484 problems. We built a wash here not too long ago—well probably three years ago
485 now—over in Hopewell. We literally have a ten-plex apartment building that
486 basically shares a driveway with us. We have duplexes across the road and a
487 church office building and whatever. The beauty of this concept is that it just
488 doesn't generate a lot of noise. It's only open from 8 to 8. And everybody closes
489 up, everybody goes home. And we don't ever both anybody. At our Hopewell
490 location, we used to have a self-serve wash there, and it was constantly noisy
491 and had problems and people playing radios. But this concept really works well,
492 and Ron has really done his homework to develop a nice concept.

493
494 Mr. Archer - All right. Now if you all could also touch on what type
495 of planting would be done in the buffer area that could both be used to screen the
496 wall and also participate in noise abatement, I believe. And would it be something
497 like evergreens so that they wouldn't die in the winter?

498
499 Mr. Schrum - My guess is knowing the staff they way they do and
500 the landscaping requirements that you all require, I think that that'll all probably
501 be taken care of without issues. Ron's a good local guy and is willing to do pretty
502 much whatever to make sure he's a good neighbor.

503
504 Mr. Archer - All right. Any further questions?

505
506 Mr. Witte - I do, while we're talking about the noise. Are there
507 any restrictions as far as like the dumpster being serviced Saturday or Sunday
508 mornings? Just for the peace and quiet of the neighbors.

509
510 Mr. Schrum - I'm sure that Ron will be taking care of all of that to
511 make sure that—

512
513 Mr. Taylor - I'm sure that we can work something out with
514 sanitation folks to make sure that that doesn't happen.

515
516 Mr. Witte - I think that would bode well with the neighbors and
517 make happy people.

518
519 Mr. Taylor - I am a resident of the area. I live in a subdivision
520 about two miles away. So I'm happy to be a good community neighbor.

521
522 Mr. Witte - Okay. Do we have your address so we can send the
523 people over there?

524
525 Mr. Taylor - I'm sure we can work it out.

526

527 Mr. Archer - All right. I don't have any more questions, but the
528 secretary just informed me of this. Mr. Taylor, you will need to get with staff and
529 get those proffers done before we can vote on this. But we can do it tonight, if
530 you'll get with Mrs. Blankinship. And you all can meet out in the back room or
531 wherever and get these hammered out. And then at the end of our last case, you
532 can come back and we can make a decision and vote on it.

533
534 Mr. Taylor - Absolutely.

535
536 Mr. Archer - Okay. Mrs. Blankinship will give you the needed
537 wording.

538
539 Mr. Emerson - Mr. Archer, Mr. Leabough did raise to me, too, some
540 concern regarding the language in proffer 8 to clarify the exposed or untreated
541 cinderblock. We're making the assumption that means that any exposed area
542 you would have the CMU and brick veneer, but it's not completely clear on that.
543 So you might want to take a look at that too.

544
545 Mr. Taylor - All right.

546
547 Mr. Emerson - And of course at this point, you can handwrite these
548 and initial them before the Commission takes action. And then of course you can
549 submit a clean set, typewritten or off your word processor, prior to the Board
550 meeting.

551
552 Mr. Archer - All right. Thank you, Mr. Taylor. Mrs. Blankinship, if
553 you'll get together with him. And we'll vote on this as the last action after the last
554 case tonight.

555
556 All right, so we'll defer that for a few minutes and move on to the next one.

557
558 **[See page 39 for continuation of the case, REZ2016-00017, Ronald Taylor.]**

559
560 Mr. Emerson - Mr. Chairman, the next is PUP2015-00003, John
561 Mizell for RTF Sports and Entertainment. The staff report will be presented by
562 Ms. Lisa Blankinship.

563
564 **(Deferred from the April 14, 2016 Meeting)**

565 **PUP2015-00003 John Mizell for RTF Sports and Entertainment,**
566 **Inc.:** Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120,
567 and 24-122.1 of the County Code in order to allow extended hours of operation
568 until 1 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump
569 Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west
570 line of Pump Road approximately 600' north of its intersection with Three Chopt
571 Road. The existing zoning is B-2C Business District (Conditional). The 2026

572 Comprehensive Plan recommends Commercial Arterial. The site is located in the
573 West Broad Street Overlay District.

574
575 Mr. Archer - Mrs. Blankinship, you're back again.

576
577 Mrs. Blankinship - Yes sir.

578
579 Mr. Archer - Is there anyone present who is opposed to PUP2015-
580 00003, John Mizell for RTF Sports and Entertainment? I see no opposition. Mrs.
581 Blankinship.

582
583 Mrs. Blankinship - Thank you again, Mr. Chairman, members of the
584 Commission.

585
586 This is a request to allow extended hours of operation for an existing restaurant
587 (Short Pump Pour House) in Short Pump Crossing Shopping Center. The subject
588 property is located on the west line of Pump Road approximately 600 feet north
589 of its intersection with Three Chopt Road. It is zoned B-2C and is designated
590 Commercial Arterial on the 2026 Comprehensive Plan.

591
592 Since the staff report was issued, the applicant has amended the application and
593 is requesting extended hours of operation to 1 a.m. instead of the previously
594 requested 2 a.m. Also, information provided by the Division of Police indicates an
595 overall decrease in the Calls for Service since 2010. For these reasons, staff
596 believes the request could be appropriate if properly regulated. Staff
597 recommends approval of this request subject to the conditions numbered 1
598 through 9 handed out to you this evening.

599
600 This concludes my presentation. I will be happy to try to answer any questions.

601
602 Mr. Archer - All right. Thank you, ma'am. Are there questions for
603 Mrs. Blankinship from the Commission?

604
605 Mr. Witte - I have one. Number 3. It says that the owner/operator
606 shall install a security camera and video system designed by a security
607 specialist. Should that also be approved by the Division of Police? I know the
608 Division of Police makes suggestions.

609
610 Mrs. Blankinship - There was a security audit conducted the Division of
611 Police already and they also made recommendations. I have the letter from Kim
612 Vann before she left. But she has also met with Mr. Mizell and the applicant
613 regarding those recommendations.

614
615 Mr. Witte - Has he agreed to follow the recommendations?

616
617 Mrs. Blankinship - Yes.

618
619 Mr. Witte - Okay. Thank you.
620
621 Mr. Archer - All right, any more questions for Mrs. Blankinship?
622
623 Ms. Jones - Not for Mrs. Blankinship, but I did want to talk about
624 some after-hours activities probably with the applicant.
625
626 Mr. Archer - All right, that'll be fine. If there are no more questions
627 of Mrs. Blankinship, will the applicant come forward, please? Mr. Mizell, how are
628 you, sir?
629
630 Mr. Mizell - Good evening. I'm fine. Mr. Chairman, members of
631 the Commission. For the record, my name is John Mizell. I'm an attorney with the
632 law firm of Spinella, Owings, and Shaia. I'm pleased to appear before you this
633 evening on behalf of RTF Sports and Entertainment, to request your support for a
634 modest extension of hours of operation for Short Pump Pour House Restaurant.
635 The subject property is located at 3438 Pump Road and is zoned B-2C.
636
637 Also with me tonight is Robert Walsh, who is a part owner of this entity. And he'd
638 be happy to respond to other questions if I can't answer them.
639
640 The proposed extension of hours for operation for Short Pump Pour House is
641 consistent with the large and growing amount of commercial activity along West
642 Broad Street east and west of the intersection with Pump Road and Pouncey
643 Tract Road. The restaurant is located at Short Pump Crossing Shopping Center
644 at the southwest quadrant of West Broad and Pump Road.
645
646 The request for a provisional use permit we believe is consistent with the hours
647 of growing numbers of other restaurant facilities in the nearby area. The
648 extension of hours will allow Short Pump Pour House to serve individuals who
649 work until 10 or 11 p.m. in the commercial retail establishments in the general
650 area, including Short Pump Towne Center.
651
652 Since the new owners took over the lease at this site in 2010, there have been
653 steady improvements in the facilities at the restaurant including better lighting,
654 improved restroom facilities, and installation of 32 TVs, including several large
655 screens. There is a strong owner presence at the restaurant, with one or the
656 other of the two owners covering first the late morning to late afternoon and the
657 other being present from late afternoon until closing.
658
659 There has been a conscious effort to attract sport fans throughout the year,
660 including football, basketball, and baseball. As spring and now summer have
661 arrived, there are large groups of customers from the softball fields directly
662 across Pump Road at Short Pump Park with games going for approximately four
663 to five evenings per week.

664
665 The owners of Short Pump Pour House have an excellent relationship with
666 neighbors from the Madison at Spring Oak Apartments immediately to the west
667 of the subject property. In fact, for the past several years, the management at
668 Madison at Spring Oak has actually held some special events like a get-
669 acquainted event for new residents at the Short Pump Pour House Restaurant.

670
671 Since the initial deferral of the case from back in April 2015, the applicant's
672 management has coordinated with the Henrico Police Department. And as
673 mentioned earlier, a security audit has recently been conducted. The applicant is
674 prepared to implement measures that would help make the restaurant's
675 operation safer and consistent with the neighborhood's health, safety, and
676 welfare. We believe the entire framework of the provisional use permit system
677 affords the County the opportunity to make modest adjustments in the hours of
678 operation for an entity such as this.

679
680 And importantly, as Mrs. Blankinship mentioned, based partly upon concerns
681 expressed in the amended Planning staff report from May 20th and also after a
682 meeting with several Henrico County officials on May 31st, the applicant did
683 amend the request to be until 1 a.m. daily instead of the original request of 2 a.m.
684 We would also indicate that we've had a chance to review the staff proposal for
685 conditions, and we found those to be acceptable.

686
687 For these reasons, we request that you recommend approval of the PUP2015-
688 00003 to grant RTF Sports and Entertainment and extension of hours from
689 midnight to 1 a.m.

690
691 I'll be glad to respond to any questions. I think Ms. Jones had a question.

692
693 Ms. Jones - Shall I forge ahead?

694
695 Mr. Archer - Go ahead, Ms. Jones, forge ahead.

696
697 Ms. Jones - Okay.

698
699 Mr. Witte - She has 12 pages.

700
701 Ms. Jones - No I don't, of course not. Hello, Mr. Mizell. How are
702 you?

703
704 Mr. Mizell - How are you?

705
706 Ms. Jones - I do have a question, but as you were talking, I was
707 thinking I may have missed it in Mrs. Blankinship's presentation. Where is the
708 nearest restaurant with a 1 a.m. closing time? Do you know?
709

710 Mr. Mizell - Let's see. There are certainly some in the Towne
711 Center.
712
713 Male - [Off microphone; inaudible.]
714
715 Ms. Jones - These are recorded minutes; I'm sorry.
716
717 Mr. Emerson - Ms. Jones, there are several across the street in
718 Short Pump Towne Center that have extended hours. Applebee's. In downtown
719 Short Pump I believe T.G.I. Fridays is open later in the evening. While not
720 directly in that shopping center but across the street there are several with
721 extended hours. Mrs. Blankinship may have additional information. That's just off
722 the top of my head.
723
724 Mrs. Blankinship - The BJ's Restaurant just recently had a provisional
725 use permit approved for 1:00. That's Towne Center West, further in front of
726 Virginia Medical—
727
728 Ms. Jones - I know where you mean. Thanks. Okay. I do know
729 there are some in the area. It's just that there aren't any in what I would consider
730 close proximity. That was my point.
731
732 Mr. Mizell - Seven—
733
734 Mr. Emerson - Mexico has extended hours, I believe. I'm sorry, Mr.
735 Mizell. But doesn't the Mexico have extended hours? I know they have outdoor
736 dining.
737
738 Mrs. Blankinship - They have a PUP for outdoor dining, but I don't
739 believe they have—
740
741 Mr. Emerson - They may not have extended hours.
742
743 Ms. Jones - I'm truly sorry to send everybody to their notes, but
744 this just occurred to me. And I needed to just confirm that I understood how
745 prevalent this was in the approximate area. While we consider whether there's
746 anything more to say about that, I know poor Mrs. Blankinship is going through
747 her notes.
748
749 Let me ask, Mr. Mizell, a question about the logistics and the operational aspect
750 just to educate me about this. When a 1 a.m. closing is granted, how does that
751 actually play out with the patrons of the restaurant? One o'clock everybody is told
752 it's closing and then little by little do they head to the parking lot? Or is that one
753 o'clock everybody's out the door? How does that work?
754

755 Mr. Mizell - It's my understanding that no one else would come in.
 756 No more serving would be done. And probably within 15 to 30 minutes thereafter,
 757 the expectation would be folks would be exited from the facility.
 758

759 Ms. Jones - So that's a reasonable approach to the restaurant's
 760 obligation to have people out of their service area 15, 20 minutes or so after
 761 closing.
 762

763 Mr. Mizell - This is Mr. Robert Walsh.
 764

765 Ms. Jones - I knew you'd get up there eventually. I'm sorry.
 766

767 Mr. Walsh - That's okay. What we do is we just basically—for lack
 768 of I don't know what you called it—at 20 of. We close at 20 of 12. That's the last
 769 chance you get to order anything. So then that gives everyone about 20 minutes
 770 to consume whatever they have. And then we don't throw them out the door, but
 771 generally by about 12:05, 12:10, we're empty. And that would be the same policy
 772 we would follow.
 773

774 Ms. Jones - And so then they're out in the parking lot. My only
 775 concern is that, you know, at the hour—we're talking now an extra hour. And
 776 sometimes, you know, folks chat in the parking lot and such. Have you had a
 777 problem at all with folks—
 778

779 Mr. Walsh - Not really. One of the conditions is that we are to—
 780

781 Ms. Jones - It says during business hours.
 782

783 Mr. Walsh - —parking lot.
 784

785 Ms. Jones - It says during business hours, I believe.
 786

787 Mr. Walsh - Okay. Well we haven't had an issue. The police report
 788 doesn't show anything like that. Most people, by the time they—we're a huge
 789 baseball bar. That's my favorite sport, and that's something we promote heavily.
 790 So we get a lot of people, you know, the late 10:00 games. The only night that
 791 there's anything to speak of are Friday and Saturday nights. It does put us a little
 792 bit more on equal footing with our competitors around us.
 793

794 Ms. Jones - Thank you for clarifying that. I had some concerns
 795 about that. I wanted to hear from you how you handle that kind of situation.
 796

797 Mr. Witte - Don't sit down, Mr. Walsh. Since this is recorded,
 798 when I brought up the issue about complying with the suggestions of the Division
 799 of Police, you nodded your head, but it didn't make it to the recording. You do
 800 agree with that.

801
802 Mr. Walsh - Yes. No problem with none of the conditions.
803
804 Mr. Witte - Okay. Thank you.
805
806 Mr. Mizell - All right. Let me try to be specific about that. There
807 was a very lengthy security audit. There are probably one or two issues with the
808 amended requests that we tone it down to one extra hour, that we wonder
809 whether they might be necessary. The language of these proposed conditions
810 say mutually agreed upon after that audit was conducted. That's the same one
811 that I think has been put in conjunction with other similar cases. There were one
812 or two issues where we really wondered if the fire marshal would have concurred
813 with some of the comments made in that audit.
814
815 We haven't had any meeting with the police department since that audit was
816 conducted. It was finished a month or two ago. I'm certainly saying we are
817 prepared to follow the proposed conditions that staff has committed tonight. If
818 there are a couple that we feel don't enhance the safety of the neighborhood and
819 we don't see that they have any practical benefit, I don't want it to go on record
820 that everything that was mentioned in that audit was 100 percent accepted by the
821 client.
822
823 Mr. Witte - Well you're agreeable to the fact that the issues that
824 you will mutually agree upon with the police department.
825
826 Mr. Mizell - Absolutely. Yes sir.
827
828 Mr. Witte - So you will meet with them and discuss these—
829
830 Mr. Mizell - Sure.
831
832 Mr. Witte - —and work out details so that everybody's happy.
833
834 Mr. Mizell - Yes.
835
836 Mr. Witte - Thank you.
837
838 Mr. Mizell - Many of the most prominent ones are already set
839 forth, like the cameras, surveillance, the lighting. All of that is fine, and they've
840 been set out specifically. There are a whole lot of other things in that audit. And I
841 just would say we reserve the right to discuss those a little further. But the main
842 ones right here, we expect those already.
843
844 Mr. Witte - Thank you.
845

846 Mr. Leabough - Quick question. Do you all have any data? I know we
847 have calls for service for the location. Do you have any crime or calls for service
848 data for those other locations that you referenced that are in close proximity?
849
850 Mr. Mizell - Well, let's see. I do not have data from the police
851 department. I think there are maybe anecdotal reports.
852
853 Mr. Leabough - I think there is real data that is available on their
854 website that you could pull. I'm just wondering if you had an opportunity to pull
855 that data to support your request, since you referenced the other sites in close
856 proximity.
857
858 Mr. Mizell - Right. Okay. One other place that I thought of was the
859 7 Stars Asian Cuisine in West Broad Village. Some folks might make some
860 distinctions, but it's certainly in very close proximity to this site.
861
862 Mr. Archer - Mr. Mizell, I have one question. I noticed that the
863 retained period for recordings is designated at one month. Seems like I can recall
864 an incident that was in the news not too long ago where there were recordings of
865 some incident that had taken place, and it was erased have a certain period of
866 time, and course it wasn't available to the police. Is there any reason why longer
867 periods of maintaining the recordings are done? Is the tape expensive or?
868
869 Mr. Mizell - Well, frankly, some others in other cases, we've seen
870 four months. We didn't write these requested conditions, and we don't have a
871 problem keeping it longer.
872
873 Mr. Archer - I was just curious as to why.
874
875 Mr. Emerson - Mr. Chairman, this is the agreed upon length of time
876 with the police now.
877
878 Mr. Archer - Okay, okay.
879
880 Mr. Emerson - That's what they're requesting. And we've had some
881 lengthy meetings recently regarding how long these types of tapes should be
882 kept. And this is the number that was agreed upon
883
884 Mr. Archer - Okay. As long as the police department agrees, then
885 I'm happy with it. I was just curious as to how we came up with that length of
886 time. And I don't recall what the case was. It probably was one that was pretty
887 rare. But there was an instance that I can recall where if the recording had still
888 been there, it was some evidence that might have been used in a criminal case. I
889 don't remember what it was.
890

891 Mr. Emerson - Sure. It varies as you look at the provisional use
892 permits. As Community Maintenance goes out and follows up on this to see if
893 certain proprietors are keeping tapes for different lengths of time, it's become
894 confusing. We did go through quite a lengthy discussion recently, and the 30
895 days is what was agreed upon by everyone in the discussion.

896
897 Mr. Archer - That's fine.

898
899 Mr. Emerson - Evidently, there are some technological issues with
900 keeping some of the tapes. For some types of systems, some of the tapes or the
901 recordings are longer than that.

902
903 Mr. Archer - Okay. Well I was just curious about it more than
904 anything else, and you told me what I need to know, that law enforcement is
905 happy.

906
907 Mrs. Marshall - Mr. Mizell, with condition 9, we just want your
908 applicant to understand that we will be very strict on that. Mr. Branin and I, being
909 not too far away, will make sweeps around.

910
911 Mr. Mizell - I understand. And that's certainly acceptable. We just
912 want to have an opportunity to prove ourselves. This case hasn't been rushed
913 through. I would say it has simmered. But sometimes that improves things. And
914 we feel like we've made marked improvement on things and will continue to
915 demonstrate that. We're certainly happy to have monitoring enforce that.

916
917 Mr. Archer - All right. Any further questions? There was no
918 opposition. Has everything been answered to your satisfaction, Mrs. Marshall?

919
920 Mrs. Marshall - Yes it has.

921
922 Mr. Archer - Okay. Then we're ready for you.

923
924 Mrs. Marshall - Mr. Chairman, I move that PUP2015-00003, John
925 Mizell for RTF Sports and Entertainment, Inc, request for a provisional use permit
926 only applicable to Short Pump Pour House Restaurant, and is non-transferable to
927 subsequent owners and users, be recommended for approval, including the
928 conditions for extended hours of operation until 1 a.m., with the applied
929 conditions 1 through 9.

930
931 Ms. Jones - Second.

932
933 Mr. Archer - Okay. Motion by Mrs. Marshall and seconded by
934 Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
935 passes.

936

937 **REASON -** Acting on a motion by Mrs. Marshall, seconded by
938 Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend
939 the Board of Supervisors **grant** the request because the conditions should
940 minimize the potential impacts on surrounding uses and it is reasonable in light of
941 the surrounding uses and existing zoning on the property.

942 Mr. Emerson - Mr. Chairman, we now move on to page 3 of your
943 agenda for REZ2016-00010, Andrew M. Condlin for Wilkins-Bradley Realty
944 Partners, LLC. The staff report will be presented by Ms. Lisa Blankinship.

945
946 **(Deferred from the May 12, 2016 Meeting)**

947 **REZ2016-00010 Andrew M. Condlin for Wilkins-Bradley Realty**
948 **Partners, LLC:** Request to conditionally rezone from R-0C One-Family
949 Residence District (Conditional) to RTHC Residential Townhouse District
950 (Conditional) Parcel 737-750-7485 containing 7.57 acres located on the
951 southwest line of Ridgefield Green Drive between John Rolfe and Ridgefield
952 Parkways. The RTH District allows a maximum of nine (9) units per acre. The
953 use will be controlled by proffered conditions and zoning ordinance regulations.
954 The 2026 Comprehensive Plan recommends Semi-Public.

955
956 Mr. Archer - All right. Good evening again, Mrs. Blankinship. Is
957 there anyone present who is opposed to REZ2016-00010, Andrew M. Condlin for
958 Wilkins-Bradley Realty Partners, LLC? We do have opposition, and we'll get to
959 you. Go ahead, Mrs. Blankinship.

960
961 Mrs. Blankinship - Thank you again, Mr. Chairman

962
963 This is a request to rezone approximately 7.57 acres from R-0C to RTHC to allow
964 for a residential townhome development of no more than 66 units. The site is
965 located between along the southwest line of Ridgefield Green Drive between
966 John Rolfe and Ridgefield Parkways.

967
968 The applicant is proposing to develop the site consistent with the concept plan,
969 seen here. This revised concept plan, which has been handed out to you this
970 evening, was revised to show the proposed location of signage for the
971 townhouse development. The signage would be here and here.

972
973 The applicant has also submitted revised proffers dated May 27, 2016, that have
974 also been handed out to you. These proffers include density, limited construction
975 hours including no hours on Sunday, minimum finished floor area, lighting,
976 landscape buffers, recreational gathering areas, and prohibited vehicular access
977 to Ridgefield Green Drive and John Rolfe and Ridgefield Parkways. Several
978 community meetings were held. Topics discussed included access, traffic,
979 schools, drainage and grading, and screening.

980
981 The 2026 Comprehensive Plan's recommendation for the subject site is Semi-
982 Public. Even though the proposed townhouse development is not consistent with

the 2026 Comprehensive Plan, staff believes the use could be an appropriate transition between the Commercial designation to the west and the Suburban Residential 2 designation to the east and would be compatible with development patterns in the area. For these reasons, staff supports this request.

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

Mr. Archer - Thank you, Mrs. Blankinship. Are there questions from the Commission?

Ms. Jones - I don't have any questions for Mrs. Blankinship at this point, but don't go too far. She's worked awfully hard on this case, and I appreciate it. Thank you.

Mr. Archer - Okay, we do have opposition. Are there questions from the Commission before? Okay.

Ms. Jones - I would like to hear from the opposition. That might give Mr. Condlin a direct way to answer questions that are raised.

Mr. Archer - Okay. Would someone who represents the opposition please come forward and state your name for the record. And while you're coming, Mr. Secretary will read the rules of opposition.

Mr. Emerson - Yes sir, Mr. Chairman. As you noted the Commission does have guidelines for the conduct of its public hearings, and they are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed a cumulative ten minutes to present its concerns, meaning everyone needs to get their comments in within that ten minutes that wishes to speak. Commission questions do not count into the time limits. The Commission may waive the limits for either party at its discretion. And comments must be directly related to the case under consideration.

Mr. Archer - Thank you, Mr. Secretary. Ms. Jones, I interrupted you. You were going to say something.

Ms. Jones - No. I was just going to make sure that folks knew that there was a framework for conversation at the Planning Commission, but our secretary's taken care of that.

Mr. Archer - Thank you so much. Go right ahead, ma'am.

Ms. Perdue - Hello and good evening. My name is Pamela Perdue, and I'm actually in one of the residences which is directly adjacent to where this property is. I moved into the neighborhood in 2007, wanting to be in a residential

neighborhood that was convenient for my children to go to school, it was very comfortable for access to other amenities. And when I purchased, I was very clear about what was going to happen to the land beside us. In that conversation, it was destined to be a church. I thought that was very appropriate for the residential and the family type of life

With that, I've continually gone to the other meetings that we've had. One of the points that was made is that we've done away with one of the entrances. We were told in the actual meeting that that could change. So whether anybody now says oh, it's gone away, that can change. And throughout Henrico County, I have noticed—and even tonight when we've had those discussions—there are always two entrances. The fear is we've had this discussion to get the cooperation from the neighborhood, but yet it's not a given, it's not 100 percent, it could change.

Also, the concerns of lighting. Three stories, forty feet up on the air, facing into my backyard with an incline of this. It's going to be pretty high, and the runoff is pretty good. We've talked a little about that kind of effort, and they've said they're going to grade it. We don't really have any definitives. So, to me, sitting on my back deck today, I can hear people's voices. They're walking on the roads.

Now we have people with lights facing the back of my deck and other neighbors that are adjoining these properties. That's not conducive to a residential area. And prevalent in the approximate area, we want to have that same residential and quiet neighborhood. They can cover the lights. But 40 feet up, the cover is not going to project the light except down. So I don't see how that really is preventative.

If I had wanted to live in an apartment or a townhouse, I would have lived there. My concern of density already in this area. At the opposite of John Rolfe, we have the Shire. Strategically, Eagle Construction positioned their properties adjacent so they didn't point lights into the property. They have eight-foot fences to protect the residential area. We're having none of that.

I personally requested can we have some type of reduction in the density. It's a lot of people. I know this is where everybody's going with the millennials, but at 67 units, 2 people, that's 134 people. If they have kids.... Look here, where are they going to park? There are a lot of cars that are going to be there. What if you have neighbors over? These are good-size square-footage houses. Where are all these cars going to go? Well they can't go in the Walgreens parking lot. They can't park in the Martin's across the street. Where are they going to go? We have a residential area. I have a fire hydrant right in front of my house. I have one spot in front of house. So where are these people going? I never got an answer to that in any of the three meetings.

1073 The bus. The bus stops actually right on my corner, and all the kids come there.
1074 They estimated three kids. Okay, 134 people, 64 couples, 3 kids. I think that's a
1075 little bit underwhelming.

1076
1077 The erosion and geology of that area. I'm not sure how much research they've
1078 actually done. But these were old coalfields. I actually have a report here about
1079 the methane gas in some of the area. Concerns. That just came up in my mind, it
1080 just hit me. Well what happens when you have these heavier densities? What if
1081 we have this swelling/sinking? Why is it such an incline? There's a reason the
1082 topology exists. I have questions there.

1083
1084 My property value has already decreased once the zoning signs went up. The
1085 actually 14.57 percent increase in the actual taxes, but my property by Zillow and
1086 Trulia—just general, they're not usually right, but they went down three or four
1087 thousand dollars.

1088
1089 We don't have a homeowners' association. Some people proposed that there
1090 was one. There never has been, so one's speaking for a homeowners'
1091 association. There hasn't been one and there's legally not one. People are taking
1092 credit, but it's none there.

1093
1094 Three years, basically, we were told this is going to go on. So they'll build a little
1095 bit. And then when they sell them, they'll build a little bit, and then they're going
1096 to build a little bit more. There's a 25-foot barrier. These trees that you see along
1097 John Rolfe, most of them died. What happens with the barrier that right now
1098 there's a comfortable residential area transition? Twenty-five feet, most of it
1099 mowed lawn, and then a few trees. If they die, who's going to maintain all of that?

1100
1101 It's no going back. It's not like the Pour House discussion we just had with the
1102 zoning, you know if it doesn't work out the next guy doesn't get it. Once it's done,
1103 it's done. I personally would support a smaller density or something, even small
1104 businesses. I prefer that type of transition, which is a little bit quieter, than 134-
1105 plus guests and other people.

1106
1107 We already have some traffic problems. I know they did some looking. People
1108 speed on our road. I live on that corner. I've been told that if people park there
1109 today, that I should speak up and tell them not to park there. But I'm not the
1110 police. I shouldn't have to police a four-lane highway, but I'm concerned with the
1111 traffic. And pulling in and out of there, there are concerns.

1112
1113 I just wanted to express—and hopefully you can see the passion and concerns of
1114 traffic, density, and why do we need so much? I thank you for listening.

1115
1116 Mr. Archer - Thank you, Ms. Perdue. Are there questions for
1117 Ms. Perdue before she takes a seat?
1118

1119 Ms. Jones - Yes. I just wanted to follow up on something, because
 1120 we talked about this at the third community meeting. When Mrs. O'Bannon
 1121 suggested that 501-5000, the police number, was what you should do if you see
 1122 anyone parking out there. Have you had a chance to do that yet?
 1123

1124 Ms. Perdue - No, I haven't. I've actually been traveling. I work for
 1125 the federal government, and I travel a lot, and so do some of my neighbors who
 1126 are not here and were not able to come and support this. So no, I haven't, but we
 1127 have pictures. I even went up to a VDOT truck.
 1128

1129 Ms. Jones - Do you have that number handy?
 1130

1131 Ms. Perdue - Yes, I do. It's in my phone.
 1132

1133 Ms. Jones - That's really what you need to do.
 1134

1135 Ms. Perdue - It's in my phone.
 1136

1137 Ms. Jones - Okay.
 1138

1139 Ms. Perdue - And I walked up to the Virginia Department of
 1140 Transportation guy parking at the side of my house and said, "Do you realize you
 1141 can't park here?" And he said, "Well no, I didn't." And I said, "Well, you probably
 1142 should pop your sign up because people coming up and down this road, you
 1143 know, you're not supposed to be parking here. We have Lawn Ranger, we have
 1144 everybody mowing the fields up and down Ridgefield Parkway.
 1145

1146 Ms. Jones - I realize this has been ongoing thing, and it has
 1147 absolutely nothing to do with our consideration here. But I have heard you, and I
 1148 just wanted to make sure you had that number. Mrs. O'Bannon is concerned
 1149 about that. She's taken extra steps to investigate your complaint. And I just
 1150 wanted to make sure that you were doing your part because the police won't
 1151 know unless you tell them.
 1152

1153 Ms. Perdue - I know.
 1154

1155 Ms. Jones - Okay. Thank you.
 1156

1157 Ms. Perdue - And I'm worried about the additional traffic with all
 1158 these additional cars and people and where they're going to go. If the second
 1159 entrance that we've been promised is not going to be there—it's really not a
 1160 promise. It was very clear that it can change.
 1161

1162 Ms. Jones - Okay. We'll have the applicant come address every
 1163 single thing that you've brought up again. Even though some of these we've
 1164 already talked about, we're going to about them here on the record.

1165
1166 Ms. Perdue - Okay.
1167
1168 Ms. Jones - Okay?
1169
1170 Ms. Perdue - All right.
1171
1172 Ms. Jones - Thank you, Ms. Perdue.
1173
1174 Ms. Perdue - Thank you.
1175
1176 Ms. Jones - Mmm-hmm.
1177
1178 Mr. Archer - Okay.
1179
1180 Ms. Jones - How much time, Mr. Secretary, do we have?
1181
1182 Mr. Archer - There's about four minutes and a half left, just about.
1183
1184 Ms. Jones - Okay. Okay.
1185
1186 Mr. Archer - If someone else wants to speak.
1187
1188 Ms. Jones - Yes.
1189
1190 Mr. Gallagher - My name is Joe Gallagher. I also live in the
1191 neighborhood, and I've been there since 2003. I just want to set the record
1192 straight. There was a homeowners' association. It was incorporated. The
1193 documents are part of Henrico County's documents.
1194
1195 I will say that there are some of us, we don't live on the corners, and I understand
1196 that, and there is a concern there that we do everything we can. I think the
1197 County's done a great job of working with the community. They've done a great
1198 job with requiring and encouraging the developers. There have been some great
1199 changes that have been made.
1200
1201 I'm thankful, as well as my neighbors. We don't live on the corner, and they've
1202 got valid concerns on the corner. But we're thankful that it's not a McDonald's.
1203 Okay? But there was a homeowners' association for a long time, and it was part
1204 of the record at Henrico County.
1205
1206 Ms. Jones - Thank you, Mr. Gallagher.
1207
1208 Mr. Archer - Sir, I'm sorry, I missed you name.
1209
1210 Ms. Jones - Do you have it, Ms. Jones?

1211
1212 Ms. Jones - Mr. Gallagher.
1213
1214 Mr. Archer - Gallagher, okay. Thank you.
1215
1216 Mr. Gallagher - Sorry?
1217
1218 Mr. Archer - I have it.
1219
1220 Mr. Emerson - We've got it.
1221
1222 Ms. Jones - We were asking about your name because we didn't
1223 hear it.
1224
1225 Mr. Gallagher - Joseph Gallagher.
1226
1227 Mr. Archer - I got it. Thank you so much. Were there any questions
1228 for Mr. Gallagher? Okay.
1229
1230 Ms. Jones - Would someone else like to come up and speak to
1231 this?
1232
1233 Mr. Andrews - Thank you, ladies and gentlemen. My name is John
1234 Andrews. I've been in the neighborhood for over a decade, and I have been to
1235 the meetings. Since it started, the developers have listened to the concerns that
1236 people have voices, many that you've just heard. But I feel as though they have
1237 made reasonable accommodations to try to address those. For example,
1238 changing the entrance, the box lighting. Again, I'm not on the corner close by, so
1239 I do understand that. I would love to see it remain a nice wooded area, but
1240 realistically that's not going to happen. I don't expect it to happen.
1241
1242 Looking at the development, appreciating their willingness to work with the
1243 concerns of the neighborhood, I support what it is they're proposing to do.
1244
1245 Mr. Archer - Thank you, sir.
1246
1247 Ms. Jones - Thank you, Mr. Andrews.
1248
1249 Mr. Archer - Any questions for Mr. Andrews from the Commission?
1250
1251 Mr. Leabough - No sir.
1252
1253 Mr. Archer - Okay. Thank you, Mr. Andrews.
1254
1255 Ms. Koontz - Hi, I'll be brief. My name is Julie Koontz. I have been
1256 living there since 2007. I, too, have attended all three of the meetings that we

1257 have had. I agree with what my neighbors have said so far, especially
1258 Mr. Andrews and Mr. Gallagher, that I support this development. I appreciate
1259 how the County and the developers have worked together to hear our concerns
1260 and to make changes, specifically no longer having an entranceway onto
1261 Ridgefield Green Drive. As long as that stays that way, I fully support this. I would
1262 have also liked to have kept it woods, but in reality we know it's going to be
1263 development. Would much rather have townhomes than more business because
1264 we do have plenty of business in our area. Thank you.

1265
1266 Mr. Archer - Thank you, Ms. Koontz. Questions for her? Thank
1267 you, ma'am. You have about two minutes left, sir.

1268
1269 Mr. Foster - My name is Dean Foster. I live with Pam Perdue over
1270 on 433 Flat Branch Drive. I will try to be very, very brief. They said it best when
1271 they said that the proposed development is not consistent with the 2026 Plan.
1272 The Shire, the development that Ms. Perdue alluded to up the street, is kind of
1273 like the camel getting its nose up under the tent.

1274
1275 At this point in time, that's a nice piece of property. And it's now going to
1276 become—if this plan is accepted—townhomes. And as Pam says, if I wanted to
1277 live on a farm, I'd go live at a farm. If I wanted to live in an apartment complex, I'd
1278 go live in an apartment complex. If I wanted to go back to VMI and live in the
1279 barracks, I'd go live in the barracks. The fact is, I wanted to live in a single-family
1280 residence in a neighborhood of single-family residences.

1281
1282 The fact that that piece of property there—I've only been here since 2012. But
1283 that piece of property right there has always been explained to me in that short
1284 period of time to be—it was going to be a church or something more consistent
1285 with single-family residences, and that's not what we're getting at this point in
1286 time. If this plan is accepted, we're going to get something, in my opinion, way
1287 worse.

1288
1289 The density in the neighborhood is going to go up tremendously, which is going
1290 to affect everything that happens in that neighborhood with or without that
1291 second entrance. I think that has to be considered.

1292
1293 I listened to all the other arguments being made tonight. There's a lot of concern
1294 about public safety. There's a lot of concern about what the impact of business
1295 and that sort of thing is going to be on the adjacent neighborhoods and so forth.
1296 I'm not hearing that as far as this project is concerned, and I don't know why. The
1297 same people who are expressing concern about whether or not someone gets a
1298 fence or how people are going to be talking in a parking lot, they should be
1299 opposing this for the exact same reason. It's creating density in a single-family
1300 residential neighborhood. That's wrong. That's morally wrong. That's the way I
1301 feel.

1303 Any questions for me?

1304

1305 Mr. Archer - Thank you, Mr. Foster. Any questions for Mr. Foster?
1306 Thank you, sir. I think we've exhausted the ten minutes. And I'm assuming,
1307 Ms. Jones, you want to hear from the applicant.

1308

1309 Ms. Jones - I certainly would.

1310

1311 Mr. Archer - Would the applicant come forward, please?

1312

1313 Mr. Condlin - Good evening, members of the Commission,
1314 Mr. Chairman. My name is Andy Condlin, here on behalf of Wilkins-Bradley
1315 Realty Partners. Let me see if I can pull this up.

1316

1317 Just a couple of points obviously, Mrs. Blankinship had covered. And I will be
1318 able to respond to some of the concerns that have been raised with respect to
1319 this property.

1320

1321 This is a pretty unique property. This has been before you previously with the
1322 Bickford Nursing Home facility that was recommended for approval. But this
1323 property actually is bounded by three roads that each have more than four lanes,
1324 including Ridgefield Green Drive, which is where most of the folks—actually all
1325 the folks that spoke are in this subdivision here. All of these are four-lane-plus
1326 roads, including John Rolfe with additional turn lanes and Ridgefield Parkway
1327 with additional turn lanes beyond four lanes. So it's kind of a unique property.

1328

1329 Obviously, we have the Walgreens right next to us and then a large shopping
1330 center across John Rolfe. This property is unique in that it's kind of two sides of a
1331 coin, maybe even three sides with a pretty substantial road network around it.

1332

1333 We had, as you've heard, three community meetings. And there have been
1334 various discussions, depending on the points of view, on the various concerns
1335 that were raised. We tried to achieve a consensus, but obviously we weren't able
1336 to on everything. But certainly one of the critical items that I'll discuss in a little bit
1337 is our original access point, which was right here across from one of the
1338 entrances into Ridgefield Green subdivision.

1339

1340 As Mrs. Blankinship has pointed out, there have been a number of proffers that
1341 we've provided for that are typical. I'll be happy to review all of those as needed.
1342 Given the time, I don't think we need to go over all of the usual townhome
1343 residential proffers. But we do have a number of items that a little bit unique
1344 including pedestrian gathering areas in each of our parks that we've shown in
1345 there, and we've proffer for that as well.

1346

1347 There was a reference—and maybe I misunderstood. I wasn't sure whether it
1348 was the association with respect to Ridgefield Green Drive or ours, but proffer

number 28 also references that we will have an association. We'll have a homeowners' association with restrictive covenants regarding quality and architectural for the property.

The unique features of this case that we've provided for first is the drainage. Right now, this whole property sheet flows and most of it seems to be going on Ridgefield Green Drive with quite a bit of erosion and dirt that's running along Ridgefield Green Drive. Clearly, we're going to be able to pick that up because we have to comply with all of the stormwater regulations. We'll have underground facilities that will pick up the stormwater and put it into the public system. That should take care of pretty much all of the erosion concerns that are—erosion that is currently occurring on the property.

Number 2 is our buffers. We've provided for a minimum 25-foot buffer around the entire property from the standpoint of where it's adjacent to the public roads with a smaller buffer that you see here along the commercial side. These buffers will be a minimum of 25. As you can see, some larger areas here. We've also provided for a specific language that allows for enhanced buffering with respect to the 25-foot transitional buffer along Ridgefield Green Drive, as approved by the Planning Commission at the time of landscape plan, so that we can put those in appropriate places to provide the maximum screening. We would anyway probably, but we have a proffer there. Again, part of our discussion with the community to come in and say that we want to be able to maximize the screening, both what is there currently in the 25-foot buffer, but what we'll supplement during the landscape plan to achieve the 25-foot transitional.

Finally, one last unique feature is the no access. As you look at our plan, we actually have no access to a public road directly. We've already proffered that there will be no driveways for many of the units. Everything is internal. One of the things I should have mentioned with the drainage is that everything will be sloped from a grading standpoint from the edge down to the center, from the edge on each side down to the center. It's the obvious answer But also that's where all the driveways go.

But we've switched, at the request of the folks in the neighborhood or some of the folks in the neighborhood. That was pretty critical for them to have this access point. This was when the Walgreens was built. When the Walgreens was built, this access point was put in. It's half on our property, half on the commercial property. We'd share that. We have the access agreement worked out. We have some other items to work out with respect to stormwater drainage and sharing of utilities and bringing up along that road. But otherwise, the access is available to us.

When Ms. Perdue had mentioned there's no guarantee, we actually have in proffer 24 that's been handed out to you that we have no direct vehicular access

1394 to the property—from the property to those three roads shall be permitted,
1395 including Ridgefield Green Drive. We've proffered the concept plan.
1396

1397 Because this is pretty unique, and I wasn't able to get a specific answer, I did put
1398 in the caveat that says unless otherwise approved by the Planning Commission
1399 at the time of POD. My concern being that if there's a requirement from Public
1400 Works that says we can access this, if we have to have two points of access, we
1401 can provide a second point of access because we meet the separation of the 150
1402 feet. We can put it in either this location or this location. We'll obviously lose
1403 units. But that will come at the time of POD with the final approval. It's a proffered
1404 condition. In order to change that, we either have to have the public hearing at
1405 the time of POD or come back to you with that proffered condition. So I think
1406 there's a lot of security there. We've made that commitment publically; I'm
1407 making it now.
1408

1409 One last item. And I have to apologize both to Ms. Jones and Ms. Perdue. During
1410 one of the community meetings, I'm always honest in saying what I think is true,
1411 but I'm not always correct in what I think is true. There is a difference. But I'm
1412 always honest in what I think is true. We talked a little bit about the Shire, and
1413 Ms. Perdue raised this, and there have been some comparisons. This is currently
1414 going up the other end of John Rolfe Parkway.
1415

1416 The question became and was asked by Ms. Perdue—she said again tonight that
1417 the side units—the side of the units that are being built, the townhome units that
1418 are three stories, are next to the single-family subdivision. She's actually correct.
1419 I said no, I don't think that's the case, because I was thinking across the street
1420 here, which I thought was very similar to our situation where they don't even
1421 have a buffer and we have a 25-foot buffer. And they have three lanes and we
1422 have four lanes. And then the rear of the homes where the rear of the
1423 townhouses are there. If you talk about the fence that's on the single-family, this
1424 is the fence that's provided on the Shire place. And you can see that the rear of
1425 the units have the balconies, which they were concerned about. But I'll also point
1426 out, too, is that there are other instances where you can see the rear of these
1427 townhome units, which back up to the rear of the single-family right there as well.
1428 So there's kind of a mix of those.
1429

1430 But I did say no, I don't think any of the side units are there, but that is actually
1431 the case. So I just wanted to at least—I'm honest, but I'm not always correct.
1432 We'll put it that way.
1433

1434 With that, I think that I can answer a lot of the questions that were raised. We
1435 have done away with the entrance. With respect to the runoff, I've address that
1436 as well. And the Shire place does not actually have eight-foot fences to protect.
1437

1438 The parking that's been raised, you might know that the townhomes actually
1439 have the highest parking ratio, I believe, at 2.25, of any residential. To be clear,

1440 this is single-family. Happens to be attached, but it's still single-family. Attached
1441 versus detached. But we do provide for parking. As you can see, additional
1442 parking. And we achieve with this layout the 2.25 parking ratio. With no access, a
1443 25-foot buffer, I still am a little confused or I disagree that people will park in this
1444 area, walk through the buffer, and walk through someone's lot to get to the front
1445 of the homes. I think if anything, they're going to park in this area if they're
1446 guests. If they have to park otherwise, they certainly can park on the access road
1447 or in this area if they need to. But again, we're meeting the code or exceeding it
1448 at that point.

1449
1450 The same with the children. There was a reference to three kids. I quite frankly
1451 don't remember what I said, but I used the staff report, which I have in front of
1452 me, which there are 16 children—3 for middle school, 8 for elementary, and 5 for
1453 high school. That's 16 children. I have no idea, nor do I think anyone here in this
1454 room knows where the bus will go and park. But I can't imagine either that they're
1455 going to—the bus concern was whether they'd be parking on Ridgefield Green
1456 Drive or pulling in here to serve our people, our folks that are in here. But I don't
1457 think the County's going to require them to walk through the buffer to get to there.
1458 So I don't think that's a valid concern or it's going to be a legitimate concern after
1459 the school takes a look at that.

1460
1461 I've also taken a look at the Shire, as far as property values go. Based on from
1462 2010 to 2016—I can only go by assessed values—the average price of the
1463 single-family homes that we looked at next to the Shire during construction,
1464 while those were going up, have gone up over \$25,000 on an assessed value.
1465 Single-family homes have gone up in assessed value since that time period. So I
1466 don't think that's had a big impact, and that's actually closer to the single-family
1467 than we will be in this case with a buffer and a four-lane road.

1468
1469 With the property currently zoned residential now and while we're still single-
1470 family, and in this case albeit attached, I think it's consistent with the Comp Plan
1471 from a guide standpoint. Obviously that reflects the anticipated zoning, owned by
1472 the Episcopal, the Diocese, the Episcopal Church. I think this ultimately provides
1473 for a good transition between quite frankly heavy commercial and road networks
1474 to the single-family detached. It's a common transition to have for townhomes.

1475
1476 With that, I would ask you to follow staff's recommendation. I'll be happy to
1477 answer any questions.

1478
1479 Mr. Archer - Thank you, Mr. Condlin. Are there questions from the
1480 Commission?

1481
1482 Mrs. Marshall - Mr. Condlin, I have a question. Along Ridgefield
1483 Green Drive where the buffer is, has there been any thought of providing a fence
1484 along with that buffer?
1485

1486 Mr. Condlin - Sure, we've looked at that. Certainly through the
1487 fencing that will be provided would be on the interior of a 25-foot buffer. We just
1488 don't think an eight-foot fence—the concern being is there going to be access,
1489 pedestrian access. Our answer is no, we don't think there is. There may be
1490 some, but for the most part these are—they'd be trespassing, to be honest, and
1491 that'd be going through a 25-foot buffer.

1492
1493 The second thing is from a lighting standpoint, and eight-foot fence isn't going to
1494 provide that. We're going to have fencing, as most townhouses down, but we're
1495 going to handle through the association. We felt like that was appropriate.

1496
1497 Mrs. Marshall - Will the fencing be in front of the buffer, like closer to
1498 the townhouses?

1499
1500 Mr. Condlin - It will be on the townhouse side.

1501
1502 Mrs. Marshall - The townhouse side. And how tall will it be?

1503
1504 Mr. Condlin - We haven't figured that out, but it will probably be six
1505 feet, quite frankly in the rear yard of the townhouse. But again, that would be
1506 through the association. We're not going to require it at this time. It depends on
1507 the individual, what they want to have, and how they want to design that with the
1508 builder. We didn't think it was necessary given you have a four-lane road and a
1509 25-foot buffer and a rear yard. And we also have put in the lighting proffer that
1510 not only will it be shielded, as Ms. Perdue said, but it will be directed so that it will
1511 not go on the public road or on adjacent property. So the lighting shouldn't be a
1512 concern. We're limited to a half-foot candle.

1513
1514 Mr. Emerson - Correct.

1515
1516 Mr. Condlin - And that's through the buffer. That's pretty substantial
1517 growth there already. This has been sitting around for quite a while.

1518
1519 Mr. Witte - You showed the Shire. I believe—and correct me if
1520 I'm wrong—that the Shire has very attractive fencing around a lot of the property.

1521
1522 Mr. Condlin - Well, they have this fencing. This is the extent of the
1523 buffer that they have. This is actually the fence for the single-family homes that
1524 are detached. So that's the existing subdivision. This is the fence that they
1525 provided, which is wrought iron. They have really no buffer in between them,
1526 quite frankly. And then that fence, you can see there are gaps in the fence
1527 because not all of the homeowners have it there. But they provide that wrought
1528 iron fence all the way around. Certainly, if we could put up the wrought iron fence
1529 and get rid of that 25-foot buffer, that would be one thing. But we think the 25-foot
1530 buffer is much better.

1531

1532 Mr. Witte - In the Shire, it showed a 25-foot buffer plus the fence.
1533
1534 Mr. Condlin - I don't believe they have a buffer.
1535
1536 Mr. Witte - Can you go back to that picture?
1537
1538 Mr. Emerson - It's not a buffer, it's just landscaped, I believe.
1539
1540 Mr. Condlin - That's right there.
1541
1542 Mr. Emerson - It's not landscaped to the level of what you're
1543 proposing.
1544
1545 Mr. Condlin - Right. We're proposing a 25-foot transitional.
1546
1547 Mr. Witte - My other issue with the buffer is—if you go back to
1548 the layout—it says "preserve existing tree line where possible." That doesn't
1549 sound like a lot of buffer if you tear it down.
1550
1551 Mr. Condlin - Well, certainly when you do any grading—and the
1552 question is, existing tree line. It's a pretty common proffer because either through
1553 the grading as we come up to the edge of that buffer, whether that will do
1554 damage to the roots of the existing trees that are in there, that the roots go into
1555 the graded area, or if they're already dead and diseased that we can take them
1556 out. Still have to meet the 25-foot transitional. And particularly on this buffer with
1557 that proffer, we would have to place the new plantings in order to maximize the
1558 screening. So we're not going to go in there and take anything out, but we can't
1559 guarantee that some things won't die as part of the grading. And if it does, we
1560 have to replace it.
1561
1562 Mr. Witte - Do we have garages?
1563
1564 Mr. Condlin - Yes sir.
1565
1566 Mr. Witte - All of them?
1567
1568 Mr. Condlin - Do they all have garages? Yes sir.
1569
1570 Mr. Witte - No further questions.
1571
1572 Mr. Archer - Okay, any further questions for Mr. Condlin?
1573
1574 Ms. Jones - Let me just ask this. The three years to build out that
1575 Ms. Perdue mentioned, is that still a general idea?
1576

1577 Mr. Condlin - It's going to be depending upon the market. It's going
1578 to take us another six to nine months after the zoning is complete to get all our
1579 permitting correct. We do have a contract with our builder. Again, it will depend
1580 on the market. The Shire has taken a little longer than the townhome
1581 development further up Ridgefield Parkway, primarily based on marketing. We
1582 fully hope to get out of there within two years, to be honest, but it might take up to
1583 three years. I think that was the discussion at the community meeting that it could
1584 take up to three years given the market.

1585
1586 Ms. Jones - All right. And you did reference that if there are trees
1587 that are affected by grading, you had to meet, obviously, the standards of the
1588 buffer. You also have agreed with your revised wording to do a strategic look at
1589 that for the specific impacts between the community and the established
1590 community.

1591
1592 Mr. Condlin - Sure. Yes ma'am, yes ma'am.

1593
1594 Ms. Jones - Okay. I just want to talk to you about a couple other
1595 things. Mr. Foster raised a number of points. I want to make sure. We have had
1596 three community meetings, and all of the folks who have been here tonight have
1597 been at those community meetings. There has been a very consistent core of
1598 folks who have come and have taken both sides of this issue. I feel we certainly
1599 need to make sure we're clear, now that we're here at this public meeting and
1600 this is on the record.

1601
1602 Mr. Foster's comment about not being consistent with the 2026 Plan, of course
1603 you and I and the neighbors know the history of this parcel and how many
1604 reiterations it has been through. But would you just touch upon why you feel that
1605 is certainly something that is not a deal breaker for this particular plan?

1606
1607 Mr. Condlin - As you know, the Comprehensive Plan is a guide. Let
1608 me make sure I get this right. The designation with respect to the Comprehensive
1609 Plan as Semi-Public was based on the anticipation it was going to be church. It is
1610 zoned R-0, which is a residential zoning. We're continuing that residential zoning.
1611 This property is unique from the standpoint of a transition from the commercial
1612 and the road network to the single-family.

1613
1614 One of the things that was very concerning to the neighbors was the question of
1615 the church had agreed to, as did Bickford, not to have any access on Ridgefield
1616 Green Drive. Ridgefield Green Drive currently carries 420, I believe—less than
1617 500 cars a day. It's a four-lane road carrying less than 500 cars a day. I know
1618 people feel like there's a lot of traffic out there, but that's really not a whole lot.
1619 That's one of the reasons we've provided for no access, and we were consistent
1620 with the previous commitments that were done with the church that had the
1621 designation of Semi-Public.

1623 From a Comprehensive Plan standpoint, I just think that this makes sense from a
1624 transition. Commercial I don't think is appropriate on this site when you go into
1625 the residential area. But I do think it's a good transition that meets the
1626 Comprehensive goals that you otherwise with encouraging new growth and
1627 development. The R-0, quite frankly the way it is, it just isn't appropriate, the R-0,
1628 the density you're going to get. Nothing is ever going to be built there at that
1629 point. The question is, what is appropriate? And we do think townhouses would
1630 make sense in that case.

1631
1632 Mr. Emerson - Ms. Jones, if I could add to that. This was changed
1633 with the 2026 Plan to reflect the church who held the property at that time. Prior
1634 to that, the 2010 Plan designated this property for Office and Urban Residential.
1635 Urban Residential clearly calls for the densities for townhomes. Now had the
1636 church not owned the property at that time, we either would have carried over
1637 that designation completely or gone probably all the way to Office or completely
1638 Urban Residential. But since it was in the ownership of the church at the time of
1639 the development of the 2026 Plan, it was made Semi-Public in reflection of what
1640 was planned for the property at the time.

1641
1642 Ms. Jones - And I think it's important to note that the
1643 Comprehensive Plan is our vision, and development trends will influence that,
1644 and ownership will influence that. And as we go through this we are a living,
1645 breathing, growing, developing county. But I think history does count, and thank
1646 you for that.

1647
1648 That also addresses the density issue. I think there was a previous vision for a
1649 denser residential use, then there was a different outcome with the different
1650 owner. We have all of this history to consider and take into consideration. But we
1651 have been through that many times with the neighbors. I think their points are
1652 valid, and I think there has been some accommodation. I would hope that the
1653 questions certainly have been discussed, maybe not answered the way everyone
1654 wants to hear the answer, but I think—according to my list, we've touched on
1655 everything.

1656
1657 The one thing that we haven't touched on that I will touch on is property values. I
1658 hear this many times, and I want to make sure that folks understand property
1659 values are influenced by a plethora of issues. They can be everything as simple
1660 from general economy and swings in the market to—you say a rezoning sign.
1661 This is quantitatively hard to pinpoint. But I think all of us have realized this is not
1662 a booming market. We certainly hope it will be. But property values are
1663 something that is hard, very hard to substantiate one way or the other.

1664
1665 Mr. Emerson - Ms. Jones, I need to add as well that's not within the
1666 purview of the Commission to consider.

1667
1668 Ms. Jones - Right.

1669
1670 Mr. Emerson - Property values. That's not a valid argument for the
1671 decision-making of this body.

1672
1673 Ms. Jones - I understand that, but I did want to touch on it since it
1674 was a point raised. I wanted Ms. Perdue to hear that I heard you. But we are not
1675 considering that as part of this application.

1676
1677 Mr. Archer - All right, anything further? Thank you, Mr. Condlin.

1678
1679 Ms. Jones - Okay. When we have a case that's—goodness, I feel
1680 like this piece of property and I have been friends for a long time over the past
1681 number of years through the different forms that it's taken. When we come to a
1682 public hearing, I do like to make a few comments because I feel that those of you
1683 from the neighborhood who have come many times to discuss this case and
1684 those of you from the team who is forwarding this application, I want to make
1685 sure I'm clear with you as to how I analyze this case. And if you will indulge me
1686 just for a minute or two.

1687
1688 This case has evolved, as was mentioned several times, over a number of
1689 different kinds of proposals, including the church and the assisted living. This
1690 actually has in each case brought more and more points together as the
1691 community discussed each case. And they were far different cases. But I'm a
1692 great believer in this process. Gosh, we better be, because we sure do have a
1693 process. And I think it's here for a reason. I think the input and the discussion
1694 and the accommodations or the push-backs or whatever, it makes for better
1695 cases.

1696
1697 Not everybody's going to be happy with this, and yet I think something that we
1698 forget is that each case has two sides. One is the consideration for the
1699 community that exists, but the other side is the consideration for the community
1700 that's coming. And both those sides need to have value and quality in the
1701 decisions that are made. So I think sometimes we lose sight of the folks who are
1702 going to be future residents here. But they're part of the equation too.

1703
1704 Specifically to this case, when we start talking about townhomes, there is a case
1705 to be made for a logical transition from a single-family neighborhood to a much
1706 more intense commercial retail area with a development such as townhomes.
1707 That does make logistical sense. On the other hand, certainly we don't want to
1708 do something that's going to change huge areas or be precedent-setting for other
1709 developments. We have this one parcel we're talking about here.

1710
1711 From the proffers and the discussions, there is quality in this project, both in
1712 homes that have been discussed and the layout of the community and the
1713 compatibility with other townhome developments that are popular in our county.

1714 We have a wide diversity of housing, and it serves the diversity of the kinds of
1715 folks that live in Henrico.

1716
1717 The biggest concern that we kept hearing over and over again was the fact that
1718 the other developments that had been proposed did not have any access to
1719 Ridgefield Green Drive. When the developers of this project agreed to that as a
1720 condition of their development, it was a nod to the neighbors that I feel was fairly
1721 significant, and it did take their community down a different kind of path, a
1722 different site layout, a different way that their community folks would be coming
1723 and going. But they were willing to do that in order to have an accommodation for
1724 the existing community. It doesn't make any sense to do that unless they feel that
1725 their community will not suffer from that kind of a restriction. With the other plans
1726 for the community, that was the decision. So with that, I felt that although
1727 planning practice would tend to favor a second point of access that it was
1728 important enough to the neighbors that the applicant heard you and decided to
1729 acquiesce to that desire. With that, there's something for your neighborhood. And
1730 I think it will well serve the neighborhood that will come. Again, two sides to this
1731 equation, two communities are under discussion here.

1732
1733 So, I know, I have a reputation for talking, and I'm sorry, but I want to be very
1734 clear with you because I appreciate the time that the community has taken, the
1735 time that the developer has taken, the community meetings. We all feel like we
1736 know each other well at this point. Please don't underestimate the influence that
1737 you've had on this case, and don't anyone underestimate the cooperation the
1738 developer was willing to give to conform the community to what was being
1739 requested. There has been a lot of give and take.

1740
1741 With that, I am ready for a motion.

1742
1743 Mr. Archer - All right, Ms. Jones.

1744
1745 Ms. Jones - I move that REZ2016-00010, Andrew M. Condlin for
1746 Wilkins-Bradley Realty Partners, LLC, be forwarded to the Board of Supervisors
1747 with a recommendation for approval with the revised proffers dated May 27th, as
1748 presented this evening.

1749
1750 Mr. Witte - Second.

1751
1752 Mr. Archer - Okay. Motion by Ms. Jones and seconded by
1753 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
1754 passes.

1755
1756 **REASON -** Acting on a motion by Ms. Jones, seconded by Witte,
1757 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1758 Supervisors **grant** the request because it is not expected to have a precedent

1759 setting effect on the zoning in the area and it would permit development of the
1760 land for residential use in an appropriate manner.

1761
1762 **[Continuation of REZ2016-00017, Ronald Taylor, from page 13.]**
1763

1764 Mr. Emerson - Mr. Chairman, we now return back to page 1 of your
1765 agenda for REZ2016-00017, Ronald Taylor, which was set aside at the
1766 beginning of the meeting to allow the applicant time to redraft some proffers.

1767
1768 Mr. Archer - All right.

1769
1770 Mr. Emerson - And I believe they've been diligently working with staff
1771 while the other cases have been ongoing.

1772
1773 Mr. Archer - Okay. Well we shall revisit that at this time. Mrs.
1774 Blankinship, do you have the revised and amended and new proffers?

1775
1776 Mrs. Blankinship - Yes sir. And I can go over them if you would like.

1777
1778 Mr. Archer - If you would briefly, please.

1779
1780 Mrs. Blankinship - Proffer 2 regarding the dumpsters, language has
1781 been added: "Dumpsters shall not be emptied prior to 9 a.m. on Saturday or
1782 Sunday." Proffer 8, towards the end of the paragraph there: "In no event shall
1783 any untreated cinderblock be used." "Exposed" was deleted, removed.

1784
1785 Mr. Archer - Okay.

1786
1787 Mrs. Blankinship - And then a final proffer, proffer 11 has been added. "A
1788 six-foot wall with material that matches the building will be provided on the
1789 southern property line."

1790
1791 Mr. Archer - All right.

1792
1793 Mrs. Blankinship - Those are the additions made to the proffers.

1794
1795 Mr. Archer - Thank you so much. Any questions from anyone?

1796
1797 Mr. Emerson - Have those been initialed?

1798
1799 Mrs. Blankinship - Yes sir.

1800
1801 Mr. Emerson - And dated.

1802
1803 Mrs. Blankinship - Initialed. We will get them dated today though.

1805 Mr. Emerson - You need a date on it too.
1806
1807 Mr. Archer - All right.
1808
1809 Mrs. Blankinship - And also time limits would need to be waived. I just
1810 wanted to remind the Commission.
1811
1812 Mr. Archer - Okay. I'm going to make a few remarks. I'm going to
1813 try to be brief.
1814
1815 This plan is consistent with the Land Use Plan. The lot that exists there has
1816 probably been there since that subdivision was constructed many, many years
1817 ago, and never was built upon. So it's obvious that it would not fit for a residential
1818 component at that spot. There is commercial property around. Pep Boys is near.
1819 And across the street, of course, is the shopping center that contains a Walmart
1820 and several other places.
1821
1822 I have met and known Mr. Taylor for some time. This is not his first foray in here
1823 trying to get a carwash. Mr. Taylor, could you come up a minute please? When
1824 was the first time you proposed a carwash?
1825
1826 Mr. Taylor - I do believe it was 2011.
1827
1828 Mr. Archer - 2011. Okay. And I think you've done it more than
1829 once. I'm thinking the last one he got an approval. It was in the Varina District
1830 right across the street from where this one is. And they sold the land out from
1831 under him, and he couldn't build his carwash. I admire your tenacity. And just
1832 personally for me I applaud people who want to be entrepreneurs. And I applaud
1833 your entrepreneurship.
1834
1835 I have to say that in working with you and discussing this particular case that
1836 you've been very agreeable as to what things might be needed in order to make
1837 this fly. I think you've done an excellent job of walking through the neighborhood
1838 and trying to explain to people exactly what you wanted to do. And as you and I
1839 discussed earlier, you did have some folks stand there that were in favor of it.
1840 And only the one couple that attended the meeting that was opposed to it.
1841
1842 So when I consider what you want to do, and the adjacent subdivision, and the
1843 fact that something may eventually go at that site that could be even be more
1844 noise. Everybody makes noise. I mean my neighbors make noise and they live in
1845 houses. But in any event, I think that you have done enough with this with the
1846 proffers that have been amended and added tonight that I can recommend it.
1847
1848 So first of all, I would like to waive the time limits for the proffers that were
1849 approved and written tonight. I shouldn't say approved, but devised and written
1850 tonight.

1851
1852 Mr. Leabough - Second.
1853
1854 Mr. Archer - Okay. Motion by Mr. Archer and seconded by
1855 Mr. Leabough to waive the time limits on the proffers. All in favor say aye. All
1856 opposed say no. The ayes have it; the motion passes.
1857
1858 And then I would like to move that REZ2016-00017, Ronald Taylor, be forwarded
1859 to the Board of Supervisors, along with the old proffers, the new and amended
1860 proffers, and the revised proffers, with a recommendation for approval.
1861
1862 Mr. Leabough - Second.
1863
1864 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Leabough.
1865 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1866
1867 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1868 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
1869 the Board of Supervisors **grant** the request because it conforms to the
1870 Commercial Concentration recommendation of the Land Use Plan and continues
1871 a form of zoning consistent within the area.
1872
1873 Mr. Taylor - Thank you, sir.
1874
1875 Mr. Archer - Hopefully, Mr. Taylor, you'll get that carwash.
1876
1877 Mr. Taylor - Yes sir. I'm going to make it happen.
1878
1879 Mr. Emerson - Mr. Chairman, we now move on to your consideration
1880 of the approval of your minutes from the May 12, 2016 Planning Commission
1881 meeting. You do have an errata sheet. I do not believe it contains all of the
1882 corrections. I believe possibly Mr. Witte may have a correction to add, as I
1883 understand.
1884
1885 Mr. Witte - Well, I actually looked over it, and I can't be sure it
1886 needs to be corrected, so I'm just going to stay mute on the subject. But I
1887 appreciate the offer.
1888
1889 Mr. Archer - All right. We have 16 items on the errata sheet. Is
1890 there a motion to approve the minutes?
1891
1892 Mr. Leabough - So moved, Mr. Chair.
1893
1894 Ms. Jones - Second.
1895

1896 Mr. Archer - Okay. It's been properly moved and seconded that
1897 the minutes be approved. All in favor say aye. All opposed say no. The ayes
1898 have it; the motion passes.

1899
1900 The minutes are approved as corrected.

1901
1902 Mr. Emerson - Mr. Chairman, I have nothing further for the
1903 Commission this evening.

1904
1905 Mr. Archer - All right. With that, we will adjourn at 8:38 p.m.

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1908
1909
1910
1911 
1912 Mr. C. W. Archer, C.P.C., Chairman

1913
1914
1915
1916
1917
1918 
1919 Mr. Joseph Emerson, Jr., Secretary