

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. March 15  
4 10, 2018. Display Notice having been published in the *Richmond Times-Dispatch*  
5 on February 26, 2018 and March 5, 2018.  
6

Members Present: Mr. Gregory R. Baka, Acting Chair (Tuckahoe)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Eric Leabough, C.P.C. (Varina)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mrs. Patricia O'Bannon (Tuckahoe)  
Board of Supervisors' Representative

Members Absent: Mrs. Sandra M. Marshall, Chair (Three Chopt)  
Mrs. Adrienne F. Kotula (Brookland)

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

7  
8 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mr. Baka - Good evening and welcome. I've called this meeting  
12 of the Henrico County Planning Commission to order. This is our Rezoning  
13 meeting for March 15, 2018. At this time, I'd like to ask that you please take a  
14 moment to go ahead and silence your cell phones. And please stand with the  
15 Commission for the Pledge of Allegiance.

16  
17 Thank you. Do we have anyone in the audience tonight with the news media?

18  
19 Mr. Archer - We do, yes.

20  
21 Mr. Emerson - Michael O'Connor with the *Times-Dispatch*.

22  
23 Mr. Baka - Good evening, Mr. O'Connor. Welcome, and thank  
24 you for being here.  
25

26 We also have Mrs. Pat O'Bannon, our representative from the Board of  
27 Supervisors sitting with the Planning Commission for the calendar year 2018.  
28 Thank you for being here. Mrs. O'Bannon abstains from all cases unless  
29 otherwise noted.

30  
31 Mrs. O'Bannon - But I do count enough for a quorum, right?

32  
33 Mr. Emerson - Yes you do. Yes ma'am.

34  
35 Mr. Baka - Yes you do. A majority of the Commissioners are  
36 present, so we do have a quorum and can conduct business. So at this time, I'll  
37 turn the agenda over to Mr. Emerson, our secretary.

38  
39 Mr. Emerson - Thank you. Mr. Chairman. As you noted, we do have  
40 two absences tonight due to conflicts in schedules, but we do have enough  
41 members to constitute a quorum and conduct business.

42  
43 First on your agenda this evening are requests for withdrawals and deferrals.  
44 You do have one deferral, and that will be presented by Mr. Jim Strauss.

45  
46 Mr. Strauss - Thank you, Mr. Secretary. As you said, we do have  
47 one request for deferral this evening, and it's in the Tuckahoe District. It's on  
48 page 2 of your agenda, and it's REZ2018-0009, Rivercrest Realty Investors,  
49 LLC. With this case, the applicant's requesting a deferral to the April 12, 2018  
50 meeting.

51  
52 **(Deferred from the February 15, 2018)**

53 **REZ2018-00009 James W. Theobald for Rivercrest Realty**  
54 **Investors, LLC:** Request to conditionally rezone from R-3 One-Family  
55 Residence District and M-1 Light Industrial District to M-1C Light Industrial  
56 District (Conditional) Parcels 764-744-6655, 764-744-6764, 764-744-6971, 764-  
57 744-7177, 764-744-7782, and 764-744-8475 containing 1.872 acres located at  
58 the northwest intersection of Glenside Drive and Forest Avenue. The applicant  
59 proposes a self-service storage facility. The use will be controlled by zoning  
60 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
61 recommends Suburban Residential 2, density should not exceed 3.4 units per  
62 acre.

63  
64 Mr. Baka - Is there anyone present who is opposed to the  
65 deferral of REZ2018-00009, James W. Theobald for Rivercrest Realty Investors,  
66 LLC? I see no opposition. In that case, I would move that REZ2018-00009,  
67 James W. Theobald for Rivercrest Realty Investors, LLC, be deferred until the  
68 April 12, 2018 meeting per the applicant's request.

69  
70 Mr. Archer - Second.

72 Mr. Baka - We have a motion by Mr. Baka, a second by  
73 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
74 that motion passes.  
75

76 At the request of the applicant, the Planning Commission deferred REZ2018-  
77 00009, James W. Theobald for Rivercrest Realty Investors, LLC, to its meeting  
78 on April 12, 2018.  
79

80 Mr. Emerson - We'll now move on to the requests for expedited  
81 items, which there are none this evening. So we now move into your regular  
82 agenda for PUP2018-00004, Alexander W. Ebel for WOVA Properties, LLC. The  
83 staff report will be presented by Ms. Kristin Smith.  
84

85 **PUP2018-00004 Alexander W. Ebel for WOVA Properties LLC:**  
86 Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-  
87 122.1 of Chapter 24 of the County Code to allow 24-hour operation of a gym on  
88 part of Parcel 813-718-3411 located on the west line of S. Laburnum Avenue  
89 approximately 660' north of its intersection with Gay Avenue. The existing zoning  
90 is B-2C Business District (Conditional). The 2026 Comprehensive Plan  
91 recommends Commercial Concentration and Environmental Protection Area. The  
92 site is in the Airport Safety Overlay District.  
93

94 Ms. Smith - Thank you, Mr. Chairman, members of the  
95 Commission.  
96

97 Mr. Baka - Welcome.  
98

99 Ms. Smith - This request is for a Provisional Use Permit to allow  
100 for 24-hour operation of an existing fitness facility located in the Laburnum Park  
101 Shopping Center in a portion of the old Ukrop's tenant space.  
102

103 The site is zoned B-2C and governed by proffers accepted with C-32C-06. The  
104 subject site is surrounded by a mixture of business and residential uses. B-2  
105 zoning permits hours of operation to be 6 a.m. to midnight. In 2014, the gym was  
106 granted approval to open at 5 a.m.  
107

108 In response to customer interest and to remain competitive with other fitness  
109 facilities, the applicant now wishes to operate twenty-four hours a day. In some  
110 cases, requests to operate twenty-four hours a day have raised concerns over  
111 safety measures. Gold's Gym differs from other requests in that it is a member-  
112 only facility that will be staffed at all hours.  
113

114 The applicant has been proactive in its efforts in addressing security concerns.  
115 The applicant met with police and conducted a security audit on January 26th.  
116 Based on the recommendations provided from the security audit, the applicant is  
117 in the process of writing a security plan with the help of the Division of Police to



118 ensure it addresses any concerns they may have. This is also included as  
119 condition #3 outlined in the staff report and requires approval of the Chief of  
120 Police and the Director of Planning prior to operating twenty-four hours.

121  
122 The subject property is designated as Commercial Concentration on the 2026  
123 Comprehensive Plan. Extended hours would be consistent with this designation.  
124 Based on conditions 1 through 6 proposed within the staff report and the existing  
125 security measures in place for the facility, staff supports this request.

126  
127 This concludes my presentation, and I am happy to answer any questions you  
128 may have.

129  
130 Mr. Baka - Any questions of staff from the Commission? If there  
131 are no questions from staff—thank you. Is there anyone present who is opposed  
132 to PUP2018-00004, Alexander W. Ebel for WOVA Properties LLC?  
133 Mr. Leabough, I see no opposition here tonight.

134  
135 Mr. Leabough - Okay. Would the applicant please come forward? If  
136 that's okay.

137  
138 Mr. Baka - Yes.

139  
140 Mr. Ebel - Hello.

141  
142 Mr. Baka - Would you please state your name for the record?

143  
144 Mr. Ebel - Alexander Ebel.

145  
146 Mr. Leabough - Question for you. Just questions, no major concerns.  
147 My first question is about lighting. I happened to be a member when this gym first  
148 opened. One of the things that I noticed was that the parking lot was poorly lit. I  
149 think I called Mr. Emerson or Ms. Moore to make that complaint. I really didn't  
150 feel unsafe, but it just felt like if I were someone who could...I'm trying to put this  
151 delicately. If I was concerned about low lighting, that would have been a major  
152 issue for me, especially considering that you're looking at operating twenty-four  
153 hours a day. So can you explain to us, do you all actually own the parking lot and  
154 the lighting or is that owned by another entity?

155  
156 Mr. Ebel - A separate entity, but similar ownership. Some of the  
157 principles that are owners of the gym also own the parking lot.

158  
159 Mr. Leabough - Get closer to the mic, because I'm having a hard time  
160 hearing you.

161  
162 Mr. Ebel - Sorry. A separate entity, but similar owners own the  
163 entity. So it's not the same group, but some of the owners are shared. So that's

164 only a section of the parking lot. The majority of the center and the parking lot are  
165 owned by the Thalhimer real estate firm around here. So I guess that's a long  
166 answer.

167  
168 Mr. Leabough - I guess there's a management agreement or some  
169 sort of agreement between the owner and Thalhimer?

170  
171 Mr. Ebel - Yes.

172  
173 Mr. Leabough - Or some type of agreement that speaks to the  
174 conditions of the parking lot and lighting and things of that nature?

175  
176 Mr. Ebel - Yes sir. A property management agreement, yes.  
177 Kristin had sent me an email. She must have been referring to your concerns  
178 about members being able to voice to the gym if there was a light bulb out or  
179 something like that. That shouldn't be a problem at all. We could definitely take  
180 steps to make sure that that's easy for them to do and that it's well known that  
181 they can do that.

182  
183 Mr. Leabough - Okay. The only other thing is loitering. I know that's  
184 something that's a big concern for us. How will you all handle that from an  
185 operations perspective?

186  
187 Mr. Ebel - Loitering?

188  
189 Mr. Leabough - Yes. So, for example, if there's no one actively  
190 monitoring the parking lot, how would you know that there's loitering taking  
191 place? Do you all have any operations planned for someone to check the parking  
192 lot at regular intervals? Or how is that handled?

193  
194 Mr. Ebel - I'd have to refer to Thalhimer and their parking lot  
195 security plan. I haven't familiarized myself with that completely. We are staffed all  
196 night, whenever we're open. So we've had staff—if there is someone who is  
197 loitering out in the front of the gym during normal hours, we'll have them go out  
198 there and ask them to move on or take themselves somewhere else. That's  
199 typically how we handle it. So I think at night it would be the same. We haven't  
200 had that concern raised yet. If that's something we need to add to our security  
201 review, then we can do that as well.

202  
203 Mr. Leabough - Yes. If no one is checking, there's nobody to know  
204 that there's someone loitering. Thalhimers is not going to be there at one o'clock  
205 in the morning. Your staff are, right?

206  
207 Mr. Ebel - Mmm-hmm.

209 Mr. Leabough - So do you have it in your operations plan to have your  
210 staff constantly monitor the parking area? Or are there cameras there?

211  
212 Mr. Ebel - Oh, there are definitely cameras. That was part of  
213 the—after meeting with Mr. Moffett from the Police Department, one of his main  
214 points on the security review is to upgrade the camera system. And that's  
215 something that we're doing and we're actively working on. We submitted a  
216 security review, and he gave us some comments. So we're going to go back and  
217 we're going to add that. Update the camera system and provide that before the  
218 chief of Police has his approval on the security plan.

219  
220 Mr. Leabough - All right. Thank you, sir.

221  
222 Mrs. O'Bannon He's asking you these questions, Mr. Ebel, because  
223 this is a Provisional Use Permit, and you have to follow these rules. If you don't,  
224 it's taken away from you.

225  
226 Mr. Ebel - Understood.

227  
228 Mrs. O'Bannon - So he's asking you questions because he wanted to  
229 know, because one of them says that "it shall not result in loitering." So that's  
230 why he's asking you the questions.

231  
232 Mr. Ebel - Yes, I understand. The Police Department had some  
233 great comments and additions to our security review plan. And we're working  
234 through all that stuff and making sure that anything that they suggested is  
235 implemented. Our number one concern is obviously safety of members, and we  
236 wouldn't want anyone to feel uncomfortable. I appreciate it. The Police  
237 Department hadn't raised the same issue with the lighting in the parking lot itself.  
238 I did see your email and the loitering thing as well. Those are two new additions,  
239 but we can add those. That's good feedback, so we'll do that.

240  
241 Mr. Leabough - You're willing to work with the Police Department—

242  
243 Mr. Ebel - Absolutely.

244  
245 Mr. Leabough - —on those areas of concern, it sounds like, so I  
246 appreciate that.

247  
248 Mr. Ebel - Yes. As far as my understanding, the next step is to  
249 have the Chief of Police approve and even to come and inspect our security  
250 review plan. The process, to my knowledge, is . . . we're working to get that  
251 done.

252  
253 Mr. Leabough - Okay.

254



255 Mr. Baka - Excellent. Any other questions of Mr. Ebel? Thank  
 256 you, sir.  
 257  
 258 Mr. Ebel - Okay.  
 259  
 260 Mr. Leabough - Just one quick question for Mr. Moffett, if you don't  
 261 mind, sir. It'll be quick, I promise. Mr. Moffett, are you comfortable with the  
 262 conditions as proposed in the staff report?  
 263  
 264 Mr. Moffett - Yes sir.  
 265  
 266 Mr. Leabough - Okay. And it sounds like you all are going to work with  
 267 them beyond, if this moves forward with a recommendation of approval or not. If  
 268 it does, you all are going to work with them to make sure that they have whatever  
 269 they need to have in place to make sure people are safe for the extended hours  
 270 of operation.  
 271  
 272 Mr. Moffett - Absolutely.  
 273  
 274 Mr. Leabough - Okay. Mr. Emerson, you all are good?  
 275  
 276 Mr. Emerson - Yes sir, we are.  
 277  
 278 Mr. Leabough - All right. Thank you.  
 279  
 280 Mr. Baka - Thank you. If there are no other comments, is there a  
 281 motion from the Commission?  
 282  
 283 Mr. Leabough - Yes, Mr. Chair. I move that PUP2018-00004,  
 284 Alexander W. Ebel for WOVA Properties LLC, move to the Board of Supervisors  
 285 with a recommendation of approval with conditions 1 through 6 as noted in the  
 286 staff report.  
 287  
 288 Mr. Archer - Second.  
 289  
 290 Mr. Baka - We have a motion by Mr. Leabough, a second by  
 291 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
 292 the motion passes.  
 293  
 294 **REASON -** Acting on a motion by Mr. Leabough, seconded by  
 295 Mr. Archer, the Planning Commission voted 3-0 (two absent, one abstention) to  
 296 recommend the Board of Supervisors **grant** the request because because it  
 297 would provide added services to the community and when properly regulated by  
 298 the recommended conditions, it would not be detrimental to the public health,  
 299 safety, welfare and values in the area.  
 300

Mr. Emerson - Mr. Chairman. We now move on the REZ2018-00015, Andrew M. Condlin for GMB Trading, LLC. The staff report will be presented by Mr. Ben Sehl.

**REZ2018-00015**                      **Andrew M. Condlin for GMB Trading, LLC:**  
Request to conditionally rezone from B-1C Business District (Conditional) and O-1 Office District to B-1C Business District (Conditional) Parcels 784-753-5104 and 784-752-5293 containing 1.044 acres located at the northwest intersection of Brook Road (U.S. Route 1) and Ridge Road. The applicant proposes retail uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The site is located in the Enterprise Zone.

Mr. Baka - Is there anyone present who is opposed to REZ2018-00015, Andrew M. Condlin for GMB Trading, LLC? I don't see any opposition. Thank you. Mr. Sehl?

Mr. Sehl - Thank you, Mr. Baka.

The applicant is requesting to rezone 1.044 acres from O-1 and B-1C to all B-1C to allow the development of a small retail center. This would be a small expansion of a rezoning approved last year for the property, which is bounded by Brook Road to the east, Ridge Road to the south, and the Stuart Ridge neighborhood to the west. To the north are additional office zoned properties that are used for residential purposes or undeveloped.

This area of Brook Road is characterized by properties zoned for non-residential uses, including a number of properties zoned B-1 immediately to the south. The requested zoning would continue this pattern and would allow a similar level of intensity to adjacent uses.

The applicant held a community meeting on March 1st with no attendees. As part of the proposed expansion, the applicant has revised their concept plan from the previous rezoning approval, as shown on the screen before you. This plan shows the building location, the areas of parking, and the proffered sidewalk along Brook Road. Brook Road is proffered, and it's shown on Ridge Road here as well.

In addition to the concept plan, the applicant has proffered architectural elevations. These are the same as those that were proffered in 2017 with the case that was approved for the smaller property. They've also continued to carry forward the proffers regarding a screening wall and landscaping along the western property line adjacent to the residences. And they have limited signage to six feet in height.



346 While this request is not fully consistent with the recommendations of the 2026  
347 Plan, the request would be a logical expansion of the business zoning approved  
348 last year and would continue to provide protections for adjacent residents. The  
349 development would be consistent with other uses in the area, and with the  
350 proposed proffers, would not be anticipated to increase the level of impacts on  
351 adjacent properties further than already permitted by the site's Office zoning. For  
352 these reasons, staff can support this request. I'd be happy to try to answer any  
353 questions you might have at this time.

354  
355 Mr. Baka - Any questions of Mr. Sehl?

356  
357 Mr. Archer - I have none, sir.

358  
359 Mr. Baka - Very good. Mr. Archer?

360  
361 Mr. Archer - Does anybody else have any questions for the  
362 applicant? Because he doesn't have anywhere to go when he leaves here.

363  
364 Mr. Baka - No sir.

365  
366 Mr. Archer - All right. Well then with that, and based on Mr. Sehl's  
367 report that covers the goals, objectives, and policies that he has outlined in that  
368 report, I will move that this be sent to the Board with a recommendation for  
369 approval.

370  
371 Mr. Leabough - Second.

372  
373 Mr. Baka - We have a motion by Mr. Archer, a second by  
374 Mr. Leabough. All in favor say aye. Those opposed say no. There is no  
375 opposition; the motion passes.

376  
377 Mr. Emerson - Mr. Chairman, we now move on to PUP2018-00003,  
378 Brian Zachariasen. The staff report will be presented by Ms. Kristin Smith.

379  
380 **PUP2018-00003** **Brian Zachariasen:** Request for a Provisional Use  
381 Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the  
382 County Code to allow 24-hour operation of a gym on part of Parcel 773-736-6272  
383 located on the south line of W. Broad Street (U.S. Route 250) approximately 660'  
384 east of Willow Lawn Drive. The existing zoning is B-2 Business District. The 2026  
385 Comprehensive Plan recommends Commercial Concentration. The site is in the  
386 Enterprise Zone.

387  
388 Mr. Baka - Is there anyone present who is opposed to PUP2018-  
389 00003, Brian Zachariasen? I see no opposition. Welcome.

391 Ms. Smith - Thank you, Mr. Chairman, members of the  
392 Commission.

393  
394 This request is for a Provisional Use Permit to allow for a 24-hour operation of an  
395 existing fitness facility located within the Shops at Willow Lawn.

396  
397 The gym and shopping center are zoned B-2, except for the narrow southwestern  
398 portion, zoned R-5. The subject site is surrounded by a mixture of business,  
399 office, and residential uses. B-2 zoning permits hours of operation to be 6 a.m. to  
400 midnight. In 2007, the gym was granted approval to open at 5 a.m.

401  
402 In response to customer interest and to remain competitive with other fitness  
403 facilities, the applicant wishes to operate twenty-four hours a day. Within the  
404 shopping center there are no other 24-hour operations; however, there have  
405 been three provisional use permits granted for extended hours, either to open an  
406 hour earlier or to remain open to 2 a.m.

407  
408 Requests to operate twenty-four hours a day have raised concerns over safety  
409 measures in some cases. Gold's Gym differs from other requests in that it is a  
410 member-only facility that will be staffed at all hours.

411  
412 The applicant has been proactive in its efforts in addressing security. The  
413 applicant met with police and conducted a security audit on January 12th. Based  
414 on those recommendations, the applicant is in the process of writing a security  
415 plan with the Division of Police to ensure it addresses any concerns they may  
416 have. This is also included as condition #2 outlined in the staff report and  
417 requires approval of the Chief of Police and the Director of Planning prior to  
418 operating twenty-four hours.

419  
420 The subject property is designated as Commercial Concentration on the 2026  
421 Comprehensive Plan. Extended operating hours would be consistent with this  
422 designation and with the commercial nature of the surrounding area. Based on  
423 conditions 1 through 5 proposed in the staff report and existing security  
424 measures in place for the facility, staff supports this request.

425  
426 This concludes my presentation. I am happy answer any questions.

427  
428 Mr. Baka - Thank you. Any questions from the Commission of  
429 Ms. Smith?

430  
431 Ms. Smith - Thank you.

432  
433 Mr. Baka - Thank you.

434  
435 Mr. Leabough - Mr. Chair, would you please ask the applicant to  
436 come forward?

437  
 438 Mr. Baka - Certainly. Would the applicant come forward to the  
 439 podium?  
 440  
 441 Mr. Leabough - I'll be brief, I promise.  
 442  
 443 Mr. Baka - Please state your name for the record.  
 444  
 445 Mr. Zachariasen - Brian Zachariasen.  
 446  
 447 Mr. Baka - Thank you.  
 448  
 449 Mr. Leabough - So I'm going to ask you the same questions about  
 450 operations, how we make sure that there's no loitering happening. And then  
 451 lighting. How do you make sure that there's adequate lighting in that parking lot.  
 452  
 453 Mr. Zachariasen - Sure. In regards to the loitering, the landlord, Federal  
 454 Realty, has off-duty officers patrol the parking lot I think until midnight. We've  
 455 agreed with Federal Realty that should our change in hours add to any loitering  
 456 that we would pay to have additional security measures. But we have five other  
 457 facilities in Richmond that operate twenty-four hours, and we've had no issues.  
 458  
 459 In regards to the lighting, the parking lot is spectacularly lit. They upgraded to  
 460 LED bulbs in the fixtures several years ago. As far as I'm concerned, it's very  
 461 well lit.  
 462  
 463 Mr. Leabough - Okay. And if there's ever any outage or anything,  
 464 that's quickly handled by the management company?  
 465  
 466 Mr. Zachariasen - Yes sir. Federal Realty is fantastic at handling that.  
 467  
 468 Mr. Leabough - All right. Thank you. I have no further questions.  
 469  
 470 Mr. Baka - Any questions from the Commission to  
 471 Mr. Zachariasen? Thank you, sir.  
 472  
 473 Mr. Zachariasen - Thank you.  
 474  
 475 Mr. Baka - Appreciate it. How would the Commission like to  
 476 proceed with this?  
 477  
 478 Mr. Leabough - Proceed the same way. Mr. Moffett, just want to ask  
 479 you. Is the Police Department good with this?  
 480  
 481 Mr. Moffett - Yes sir.  
 482



483 Mr. Leabough - No concerns?  
 484  
 485 Mr. Moffett - No. They are fairly well suited already. The parking lot  
 486 lighting is exceptional at that location.  
 487  
 488 Mr. Leabough - Okay. Mr. Emerson, are you good?  
 489  
 490 Mr. Emerson - Yes sir, we're fine from our perspective.  
 491  
 492 Mr. Leabough - Okay. Thank you. Mr. Chair. Thank you, Mr. Moffett.  
 493  
 494 Mr. Baka - At this time, we can entertain a motion from the  
 495 Commission.  
 496  
 497 Mr. Leabough - All right. Mr. Chair, I move that PUP2018-00003,  
 498 Brian Zachariasen, move to the Board of Supervisors with a recommendation of  
 499 approval subject to conditions 1 through 5 as noted in the staff report.  
 500  
 501 Mr. Archer - I second.  
 502  
 503 Mr. Baka - We have a motion by Mr. Leabough, a second by  
 504 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition;  
 505 that motion passes.  
 506  
 507 **REASON -** Acting on a motion by Mr. Leabough, seconded by  
 508 Mr. Archer, the Planning Commission voted 3-0 (two absent, one abstention) to  
 509 recommend the Board of Supervisors grant the request because it would provide  
 510 added services to the community and when properly regulated by the  
 511 recommended conditions, it would not be detrimental to the public health, safety,  
 512 welfare and values in the area.  
 513  
 514 Mr. Emerson - Mr. Chairman, we now move to REZ2018-00012,  
 515 Andrew M. Condlin for Stanley Martin. The staff report will be presented by  
 516 Mr. Ben Sehl.  
 517  
 518 **REZ2018-00012** **Andrew M. Condlin Stanley Martin:** Request to  
 519 conditionally rezone from R-3 One-Family Residence District and M-1 Light  
 520 Industrial District to R-6C General Residence District (Conditional) Parcel 765-  
 521 748-4555 and part of Parcel 765-749-6000 containing 13.49 acres located at the  
 522 northwest intersection of W. Broad Street (U.S. Route 250) and Willard Road.  
 523 The applicant proposes a residential condominium development. The use will be  
 524 controlled by zoning ordinance regulations and proffered conditions. The 2026  
 525 Comprehensive Plan recommends Commercial Arterial.  
 526

527 Mr. Baka - Is there anyone present who is opposed to REZ2018-  
528 00012, Andrew M. Condlin Stanley Martin? We do have opposition. Okay. We'll  
529 get with you in just a few minutes. Mr. Sehl, go ahead.

530  
531 Mr. Sehl - Thank you again, Mr. Baka.

532  
533 The subject site is located on a portion of property that was formerly used for a  
534 car dealership, as seen on the screen. A portion of the site is also undeveloped  
535 and is located in close proximity to existing homes and light industrial uses to the  
536 south.

537  
538 The site is zoned M-1, as are those properties to south. Properties adjacent to  
539 the site along West Broad Street are generally zoned M-1 or B-3 and used for  
540 various business purposes. To the north and west is the Whispering Pines  
541 subdivision, zoned R-3. The 2026 Comprehensive Plan designation is  
542 Commercial Arterial for the subject property. This request is not consistent with  
543 this designation, but given the pattern of zoning seen here, other transitional  
544 uses, including residential, could be appropriate and help further the goals of the  
545 Comprehensive Plan.

546  
547 The applicant proposes to construct 200 dwelling units, all of which would consist  
548 of two-over-two condominiums, which is a relatively new building type the  
549 Commission has seen in other recent requests.

550  
551 The proffered concept plan shows how the site would be developed. A central  
552 green area would be provided, and the applicant has designed the site such that  
553 the front of the new buildings would face the perimeter of the property and  
554 adjacent public roadways, providing for a more attractive streetscape. The  
555 concept plan also shows the portion of the car dealership that would remain  
556 zoned M-1—in this location—which is planned for commercial redevelopment in  
557 the future. Overall, the layout should provide for an appropriate transition from  
558 the more intense business and industrial uses in the area to the existing single-  
559 family homes, especially when considering the buffers proffered by the applicant.

560  
561 In addition to the concept plan, the applicant has proffered these building  
562 elevations showing the proposed condominiums. The applicant has also provided  
563 a number of other proffers consistent with developments elsewhere in the county.

564  
565 A community meeting was held on February 22nd, after an earlier meeting was  
566 cancelled due to snow, and approximately ten residents attended. Although no  
567 major concerns were noted with the proposed use, one neighbor expressed  
568 specific concerns regarding the buffer adjacent to her home due to the unique  
569 shape of her lot in this location. Our understanding is the applicant is working  
570 directly with the resident to address her concerns and late today provided this  
571 draft conceptual plan that shows how they would relocate the fence and buffer

572 area adjacent to the neighbor's home. The applicant could maybe speak more  
573 directly to their most recent discussions regarding that item.

574  
575 While the proposed use is not consistent with the recommendations of the 2026  
576 Plan, the proposed development would remove unconditional M-1 from the  
577 property that is in close proximity to existing residential uses and would provide  
578 for an appropriate transition from higher intensity uses along West Broad Street  
579 into the adjacent neighborhood. The proposed development would allow for  
580 additional housing types in the area that would support the revitalization of the  
581 nearby commercial corridor, and the proffered conditions should provide for a  
582 level of quality consistent with other recent developments of this type and provide  
583 protections regarding construction hours. For these reasons, staff believes this  
584 request could be a reasonable use of the subject property and would not  
585 negatively impact adjacent uses and therefore recommends it be approved.

586  
587 This concludes my presentation. I will be happy to try to answer any questions  
588 you might have at this time.

589  
590 Mr. Baka - Thank you, Mr. Sehl. Any questions from the  
591 Commission of staff?

592  
593 Mrs. O'Bannon - I have one question. What is the recommendation on  
594 the Comprehensive Plan?

595  
596 Mr. Sehl - The land use designation calls for Commercial Arterial  
597 on the subject property. The existing zoning is M-1, which would be a little bit  
598 more intense than the Commercial Arterial designation. The land use designation  
599 is one portion of the Comprehensive Plan, obviously, and there are other goals  
600 and objectives that staff notes in the staff report.

601  
602 Mrs. O'Bannon - So this would be considered less intense?

603  
604 Mr. Sehl - Certainly than the existing zoning and from the  
605 perspective of traffic generation and those types of things than what could  
606 possibly go on the property, yes ma'am.

607  
608 Mr. Emerson - Yes ma'am. And also less than the designation in the  
609 Comp Plan because Commercial Arterial could be as intense as B-3 zoning.

610  
611 Mrs. O'Bannon - Thank you.

612  
613 Mr. Sehl - You're welcome.

614  
615 Mr. Baka - Thank you, Mr. Sehl.

616  
617 Mr. Sehl - Thank you.



618  
619 Mr. Baka - At this time, I'd like to hear from the opposition first  
620 and then have a chance to hear from the applicant afterwards. Mr. Secretary,  
621 would you please take a minute and discuss our guidelines for time limits for our  
622 public hearings?

623  
624 Mr. Emerson - Yes sir, Mr. Chairman. As you noted, the Commission  
625 has guidelines that govern the operation of your public input at your hearings,  
626 and they are as follows: The applicant is allowed ten minutes to present the  
627 request, and time may be reserved for responses to testimony. Opposition is  
628 allowed a cumulative ten minutes to present its concerns meaning all of  
629 opposition's concerns need to fit into the ten minutes. Commission questions do  
630 not count into the time limits, and the Commission may waive the time limits for  
631 either party at its discretion. Comments must be directly related to the case under  
632 consideration.

633  
634 Mr. Baka - Good evening and welcome. Would you please state  
635 your name for the record?

636  
637 Ms. Lawson - Yes, my name is Frances Lawson. I'm a property  
638 owner on Lockwood Road. It won't take me ten minutes. I just have a couple  
639 areas of concern, the first being the size, the elevation of the development.  
640 They're calling for four-story condominiums. There is nothing remotely in our  
641 area that's four stories. Even the hotels up on Broad Street aren't four stories.  
642 The surrounding residential area is made up of split foyers and tri-level homes,  
643 not even a conventional Colonial two-story. The Light Industrial that you're talking  
644 about that's adjoining to the residential are all one-story buildings at this time.

645  
646 They're replicating a development they have out at Short Pump, which fits in very  
647 well out there because everything out there is four stories. The apartment  
648 building next to it, the homes being built on the other side of Broad Street,  
649 everything is like city out there. Everything is four stories. There is nothing even  
650 close to this size in our area.

651  
652 Number two is the road that they have their access driveways on is Willard Road.  
653 Right, a two-lane road. They don't have any access to Sunnybrook on the other  
654 side. They only have one small driveway supposedly going out to Broad Street  
655 with no traffic light. Willard Road, if you look at the driveways—I'm not a lawyer,  
656 but it looks like it's approximately 150 feet from the first driveway to the traffic  
657 light at Willard Road, which using the standard parking space, allotment of twenty  
658 feet in length, will allow 7-1/2 cars to park at the light at one time. The main  
659 driveway is approximately 250 feet from Broad Street, which would allow 12 cars.  
660 Now based on their numbers of 2.25 parking spaces per unit, plus one-car  
661 garages, they're estimating 650 cars to be in this development. Now, I know  
662 they're talking about less traffic. I don't see that because you're going to have

650 cars exiting onto a two-lane road with 250 feet to Broad Street. I don't mind development, but that just seems to be an awful lot.

Personally, as a homeowner on Lockwood . . . I moved into this neighborhood thirty-seven years ago into an established neighborhood. The one other concern I have is that Stanley Martin's time period for development is three to four years of six days a week, seven in the morning to seven at night construction. I went out to Short Pump. And sure enough on a Saturday afternoon, all the parking spaces are being used, and there's a construction crew. There's also a construction crew still on Willard Road from the Ryan Homes construction that's going on. It's one of like four other developments going on in our direct area.

I understand development, but I think it should be like one and done. Six months to a year construction, and you move on. Literally, my backyard, for the next four years I'm going to have construction six days a week. I don't think that's quite fair.

The one other area of concern I have is the soil in our neighborhood is poor. You all came out and told us that. The drainage goes downhill to Lockwood Road. I know that there are stormwater measures in place. But I went up to Short Pump, and I didn't see—they're staked out, but I don't see them already built. So that's something that I would request be built first and foremost to protect my property.

Lastly, the walking space that they have, a walking trail built up, is on the outskirts of their property. The only thing protecting me from 800 other people next to my property would be my little fence. I don't think that's quite right either.

Those are my concerns, and that's all.

Mr. Baka - Ms. Lawson, if I may. First of all, I have a couple of questions to follow up on that.

Ms. Lawson - Sure.

Mr. Baka - Mr. Sehl, could you pull back out to the zoning map or the tax map. I wanted to ask if you could point out your property on Lockwood Drive, the approximate location of your home.

Ms. Lawson - I'm the second house in from the corner.

Mr. Baka - So when you turn on Willard, the second one.

Ms. Lawson - When you turn off of Willard onto Lockwood, I'm the second house on the right.

708 Mr. Baka - Okay. And then from that, if we could go back to the  
709 site concept plan. I was just going to point out. It appears your crossing the  
710 stormwater management area and 25-foot buffer.

711

712 Ms. Lawson - Yes, which is going to be trees and bushes.

713

714 Mr. Baka - Okay.

715

716 Ms. Lawson - Which will take years to develop, which I understand,  
717 I understand that you can't put in a fifty-foot tree from the start.

718

719 Mr. Baka - Okay. Thank you very much. I'll ask the applicant if he  
720 can address the comments. Before the applicant speaks, is there anyone else  
721 who would like to speak in opposition to this case?

722

723 Ms. Wiznerowicz - Good evening. My name is Elizabeth Wiznerowicz. I  
724 live at the property at 7408 Lockwood, the one that has had the additional  
725 landscape boundary attached to it. I have been working with the developers of  
726 this property to help control my main concerns of proximity of the property to my  
727 house. As you can see, my house is the very closest to this property line  
728 because of the odd shape of my lot. I also have talked to them about my issues  
729 with drainage, especially considering that in that triangle there is a lot of still  
730 water that drains. My concern is that when the rest of that area is paved off that  
731 there won't be enough to be able to control that backflow and that re-grading  
732 might cause more water to come onto my property.

733

734 Of course my other concerns are the long-term construction. I wouldn't say that  
735 I'm a person that's in opposition to this project per se. I think in some ways it's a  
736 decent project. The builders have been very personable, helpful, respectful,  
737 engaging. But again, this is a very, very big project. I wanted to come tonight just  
738 to make sure that our concerns were on the record. I do very much appreciate  
739 the redrawing of this map that the developers did for me and for my husband  
740 when we had a chance to talk to the developers. Just to know that those  
741 concerns are still on the foremost of our minds, especially the length of time for  
742 construction and especially the impact in terms of drainage.

743

744 Mr. Baka - Okay. Thank you. One question I have, if I may. Does  
745 the establishment of that triangular easement there in the corner address your  
746 primary concerns you had at the community meeting?

747

748 Ms. Wiznerowicz - Yes, yes. It addresses my issues of proximity to my  
749 house. Because not only is that property abutting mine, but it's very close, within  
750 thirty feet of my house. So I do feel more secure with that. I have talked to the  
751 developers about getting people out to stake out exactly where that would be so  
752 that I could feel more reassured about where that's going to be.

753



754 My main concern at this point is to make sure that drainage and water issues are  
755 not a problem because my property is so close to that property line. I do have a  
756 fence on the . . . I guess that would be south end of my lot. The fence is behind  
757 my house and behind that storage unit that you see on the picture. But the fence  
758 does not extend to the property to the north of me, but they've talked about  
759 putting in a fence with a gate. I've appreciated that.

760  
761 Mr. Baka - Thank you very much. Any other questions?

762  
763 Mr. Archer - I wanted to make one observation, ma'am, before you  
764 take your seat. To you and the other opposition, are you all aware . . . there's a  
765 statement in the staff report that indicates the impact would be much less severe  
766 than if building were to occur under the unconditional M-1 zoning. You  
767 understand what could happen in there?

768  
769 Ms. Wiznerowicz - Yes sir. They talked about this during the first meeting  
770 that I attended and in the private meeting that the developers had with myself  
771 and with my husband. Certainly, I can understand my neighbor's apprehension to  
772 having four-story buildings behind her house. She's absolutely correct. This will  
773 change the tenor of the neighborhood completely.

774  
775 I am of the feeling that a residential development is kind of the lesser of the evils.  
776 It means that there are families rather than diesel trucks running through my  
777 neighborhood, which I appreciate. Again, the kind of design and the density of it  
778 is a concern. I don't consider myself to be in opposition; I consider myself to be a  
779 neighbor with concerns. And this particular builder so far has been very nicely—I  
780 don't know if *cooperative* is the right word. But they've really reached out and  
781 communicated with me.

782  
783 Mr. Archer - Okay. Well, the Stanley Martin projects are relatively  
784 new in this area. In fact, we just had one in our district not long ago. I really just  
785 wanted to make sure that you understood the implications of what could happen  
786 in an M-1 District that has no conditions on it as opposed to this.

787  
788 Ms. Wiznerowicz - Yes. They did discuss that with me. The residential  
789 part of it is not as distasteful to me, just not knowing exactly what's going to be  
790 happening very close in my backyard. Because of the unique shape my lot, my  
791 house is extremely close to that back property line. You'll see that there's this  
792 small triangle behind my property. But in between my neighbors on either  
793 side . . . I don't know if that's supposed to be zoned for residential or whether it  
794 was supposed to be part of these lots but wasn't buildable. My goal is just to  
795 protect this back side of this neighborhood from the neighbors on Lockwood from  
796 proximity. But I'm the most affected on that road, which is why I am here to speak  
797 my concerns.

798  
799 Mr. Archer - Okay.

800

801 Mr. Baka - Thank you.

802

803 Ms. Wiznerowicz - Thank you.

804

805 Mr. Baka - Any other questions? Anyone else wish to speak in  
806 opposition to this case tonight? At this time can we hear from the applicant?

807

808 Mr. Condlin - Mr. Chairman, members of the Commission, and  
809 Mr. Secretary, my name is Andy Condlin from Roth Jackson here on behalf of  
810 Stanley Martin Homes. Thank you very much.

811

812 This is a 13.4-acre site with the commercial up front. It's not part of the case, but  
813 obviously we're asking for the residential. In addition to being M-1  
814 unconditional—which we've already had some discussion about with respect to  
815 the type of uses—this is obviously in the West Broad Street Corridor-Central,  
816 Revitalization/Reinvestment Opportunity Special Focus Area. I wanted to make  
817 sure I got all that it; it's a mouthful. So it's an important part of the overall  
818 Comprehensive Plan and future plans for the County. And I will address some of  
819 the concerns by the opposition.

820

821 But I do think that our proposal for residential, the two-over-two product does  
822 make for—as staff has already pointed out—a nice transition. And not only from  
823 the more intensive uses and traffic along Broad Street, but also I think just as  
824 important is the transition from the M-1 uses, a lot of industrial, light industrial  
825 along Willard Road next to the single-family subdivisions.

826

827 We do think that this transitional use provides for a lot of protection. But we've  
828 also provided for a lot of protection within the case itself, including the 25-foot  
829 buffer, which we've provided for in the proffers to be planted to a transitional  
830 buffer 35. There was a big discussion during the community meeting with respect  
831 to pedestrian access and providing a sidewalk along Willard Road. Trying to  
832 improve that area. And one of the concerns was bringing Willard Road—at the  
833 time of POD—on our half of the property to the full expansion width of that road  
834 and doing the necessary improvements as required.

835

836 With respect to the access and as far as the concept plan goes, you can see that  
837 the approximately four acres that front on Broad Street will remain industrial  
838 zoning. This provides for one access on the private drive on Willard Road. We  
839 wanted to limit the access. Waco actually has an access—I'm not quite sure; I  
840 think it's right here—that comes in that we will not be connecting to. But because  
841 we wanted to be able to have additional points of access, we have this that will  
842 serve both the commercial and our residential. We have a light at Willard Road  
843 and a median break on Broad Street to provide for the central access that will  
844 also lead into yet another access point. So we actually have three points of  
845 access, two on Willard and one on Broad Street. As part of the discussion with



the community, the concern was to make sure that the access points are as far away as possible from the existing single-family homes, which I think we've been able to accomplish.

I'll be happy to go over all the various standards that we've provided, which are the typical ones, including construction hours for the development and the elevations and how we chose those.

I did want to address some of the points that were raised otherwise, and I'll just take them in the order they were provided, including the height of the facility. Of course, as you know, with the M-1, you can go up to 45 feet and with a special exception go up to 110 feet. The fact that those have not been developed—of course that's a lot—I have no idea how old the development was with respect to a lot of this of Willard Road. But that just goes to show the age of the lot, the industrial development that's occurred. In fact, when we were putting this under contract, one of the competing bids was for a storage facility, which by right could go up to the 45 feet. They were looking at putting that along Willard Road and access immediately off of Willard Road, which is allowed by the M-1. That's why we think this is an appropriate use.

We've also provided for restrictive covenants that will provide for limitations that we'll work with on the commercial when this comes to fruition to be able to take care of the maintenance, obligations, and construction for the roadways, but also for limitation on the uses. For that to be able to be a nice transition for us, as well as the residential, we're able to control that.

The concern with respect to traffic. As I said, we've putting a sidewalk along Willard Road. We're providing for a lot of interior, encouraging pedestrian activity. But also providing for expansion of Willard Road as required by the County traffic engineers. Then looking at the access, one of the things that we've looked at is from the standpoint of development of an industrial site with a lot of traffic. That includes a lot more truck traffic as well. That would also be a concern. But I think as we go through the POD process for the development of this site, we'll obviously have to show that this access works and that is enough stacking space, which we believe there is, for the amount of traffic that'll be generated here.

There was concern with respect to the stormwater. Obviously, with the drainage that's currently on this site, it's all flowing towards Willard Road. It'll be picked up by the stormwater pond that we have. That'll be picked up by the public water stormwater facilities that are within Willard Road. Again, discussed during the community meeting.

There was a question about the trails and the question of folks that are right behind the area. We've provided for the 25-foot buffer and the stormwater pond in this area. But as needed, we're certainly happy to talk to residents. We can put



892 a fence up, if that's required. We can put that in as required at the time of POD.  
893 We can address that issue. If that's what you'd like now, we can put up a six-foot  
894 board fence, opaque fence along this area on the entire area. This area, we're  
895 kind of working through this area because of the drainage. This was going to be  
896 left in its natural area. Originally, the 25-foot buffer went back to this back corner.  
897

898 The stormwater area, we've done a little bit more engineering to make sure that  
899 we could reshape this stormwater area. But in this area we'll be doing some  
900 grading, and we'll be putting in some landscaping. We want to work with that  
901 resident to finalize that. I think we were just kind of going through and some  
902 choices were made. We'll certainly get that all done before the Board. We'll be  
903 able to submit this plan immediately after the Planning Commission and label this  
904 as a buffer area, and we'll work with the resident to make sure that that's to her  
905 satisfaction. And that's going to include some grading to take care of some  
906 drainage. That'll be in perpetuity, an easement to allow for access through a  
907 gate, a fence with a gate here. So we'll maintain this with the association. We'll  
908 maintain that just like all the other common areas. It'll be part of the common  
909 area that we otherwise have. The gate was to allow for access into our trails for  
910 some of the residents in this area that they want to use as well.  
911

912 With that I think we've tried to address all the issues. We'll continue to do that. I  
913 do think this case is appropriate with the staff recommendation to move forward  
914 to the Board. Quite frankly, we're very optimistic that we'll finish the agreement  
915 with respect to the triangle and get that taken care of. We can provide for a fence  
916 along the other area, if that's a concern. And otherwise I think we've addressed  
917 all the issues. I'll be happy to answer any questions at this time.  
918

919 Mr. Baka - I do have a few questions, Mr. Condlin. Some of them  
920 may repeat a couple items from your presentation, but also seek clarity of some  
921 of the questions that Mrs. Lawson had asked earlier.  
922

923 Just jump back to the Comp Plan. So we've established already the Comp Plan  
924 allows for commercial concentration, commercial uses, zoning M-1, and  
925 residential. So we're here looking at residential options, still trying to understand  
926 how the site development standards would help lessen any proposed impact on  
927 that.  
928

929 You have one-story ranchers on Lockwood Road and the streets in the  
930 neighborhood. How do you address the scalability of the one-story houses  
931 backing up to four-story, two-over-twos?  
932

933 Mr. Condlin - Sure. Well, a couple of things. Of course you never  
934 know what could be developed there. But certainly under the current zoning, you  
935 can go up to that same height, and beyond with a special exception. But we did  
936 try to take that into consideration—knowing that that was a concern—by turning  
937 the buildings to their sides as opposed to backing them up. For most of them.

938

939 Mr. Baka -

Okay.

940

941 Mr. Condlin -

We have this one area here, which is the exception to that. But we've also provided for a buffer that will, as I said, go to a transitional buffer 35, as well as putting the stormwater ponds in this area. That was one question that she had that I didn't answer. That would be coming in as part of the original construction as we're looking at phasing, regardless of how the construction goes. That's where the water flows. That's where we're going to put it. As you know, it flows down that way. We'd be able to provide for those immediately.

949

950 But from that standpoint, that's one of the reasons why—transitioning to Broad  
951 Street as you move up, this will provide for—quite frankly, with the height we  
952 don't think that I'll be that much of an impact on the neighbors from that  
953 standpoint given the buffer, the distance that we have, and then what could be  
954 put in there under existing zoning without any conditions at all. I think this will be  
955 a lot less of an impact than you would have otherwise.

956

957 Mr. Baka -

Okay. And your hours of construction are six days a week including Saturdays?

959

960 Mr. Condlin -

Correct. Yes sir. That's been typical with respect to a lot of the current cases. That's seven to seven, Monday through Saturday. Limiting to that.

963

964 Mr. Baka -

And I also heard a question regarding poor soils in the neighborhood, but that ties into the drainage and the stormwater management area. So correct me if I'm wrong, but all the drainage from this property currently flows naturally to wherever it goes right now. It's an open area.

968

969 Mr. Condlin -

It's flowing towards the residential area and towards Willard Road. It's heading that way.

971

972 Mr. Baka -

So with MS19, with the minimum standards from DEQ, how would the post-development runoff be different than pre-development runoff?

975

976 Mr. Condlin -

Yes. We would pick everything up except for this back triangle, which we're going to grading, I think, to move that back.

978

979 Mr. Baka -

When you say "pick everything up," does that mean that the runoff off site would be decreased?

981

982 Mr. Condlin -

Yes, absolutely. The water as it's flowing would be flowing into both of these two stormwater areas and then would be going into the

983

984 public stormwater systems into Willard Road from there. The anticipation is it  
985 would actually decrease what's currently sheet-flowing. Of course it's got a  
986 vegetative area. I don't want to mislead you. It's got a current vegetative area, so  
987 it's not completely sheet-flowing off there. But it is flowing that way towards the  
988 residential area, into the single-family homes. We'd be picking all that up and  
989 bringing it towards Willard Road.

990  
991 Mr. Baka - Okay. Another question I have, or maybe for  
992 Mr. Emerson or for the staff, would there be any improvements needed at Willard  
993 Road associated with this case?

994  
995 Mr. Emerson - I believe there are some improvements. And  
996 Mr. Cejka is here from Public Works and can address those better than I can.

997  
998 Mr. Baka - Other questions of Mr. Condlin?

999  
1000 Mr. Archer - Mr. Condlin, I had one question. Ms. Lawson was  
1001 indicating about the typical time it would take to complete the whole project. How  
1002 do you all do that in terms of phasing? Do you go helter-skelter or do you do a  
1003 section at a time?

1004  
1005 Mr. Condlin - I'm going to have Mr. Swink come up from Stanley  
1006 Martin. But obviously, as you know, the first thing we'll do from a grading  
1007 standpoint is put in the stormwater facility, then your infrastructure will go in  
1008 based on how you're going to develop off your main entrances. So I'll let you  
1009 speak to that one.

1010  
1011 Mr. Swink - I'm Jeremy Swink, Stanley Martin Homes. Thank you  
1012 guys for your time today.

1013  
1014 Mr. Archer - Yes sir. Do you understand what I'm asking?

1015  
1016 Mr. Swink - Yes sir.

1017  
1018 Mr. Archer - Are you all over the place or are you doing—

1019  
1020 Mr. Swink - No sir. I have our vice president of construction here  
1021 as well. We actually spend a lot of time as a company, up front. Certainly we will  
1022 demo the property, so do all the demo en masse. We will also do the stormwater  
1023 ponds. So the first thing we do is clearing and erosion sediment control to make  
1024 sure that we're picking up all the water, all the sediment that could be discharged  
1025 from the site. We're making sure that we control that. Once that operation is  
1026 signed off by Henrico County, we would grade the property en masse to get it to  
1027 some sort of rough grading so we're not creating big mountains of dirt, big  
1028 mountains of stockpiles that are going to be left for a long period of time. So we'll  
1029 work quickly to balance the earthwork on the site.



1030

1031 Then the phasing comes in at the next point of construction, which would be our  
1032 utilities and our roads and our buildings. We'd focus on an area of the site. I don't  
1033 know if this mouse works. So this area along the private drive here is kind of the  
1034 first area of buildings that we've considered. I don't know that we've finalized our  
1035 sequence yet, given that we're not yet zoned for our intended use.

1036

1037 But typically what we would do is . . . say maybe this would be our model  
1038 building, and then this might be the next logical building here. Then we would go  
1039 here, and here, and then perhaps here and here, and then perhaps here and  
1040 here. So we're building out a quadrant of the site kind of keeping . . . I envision  
1041 starting closer to Broad Street would be a logical move for us given that the  
1042 commercial may also be going on at the same time.

1043

1044 I've heard from the residents, as well as the folks I've been working with through  
1045 this process, that getting the buffers planted early is a concern. And it's  
1046 something that we're aware of. But as we complete this first phase of  
1047 construction here, I could see us moving back on the site and building our way  
1048 out of it in perhaps a counterclockwise motion. But there's still a little bit to be  
1049 determined there.

1050

1051 I think to answer your question, no we don't say build this building and then go to  
1052 the opposite side of the site and build a building. We're not helter-skelter. It's  
1053 planned and methodical, but the plan is not yet locked in.

1054

1055 Mr. Archer - Okay. Thank you.

1056

1057 Mr. Swink - Thank you.

1058

1059 Mr. Leabough - Don't go too far.

1060

1061 Mr. Swink - Yes sir.

1062

1063 Mr. Leabough - I have a quick question, if I may.

1064

1065 Mr. Baka - Please.

1066

1067 Mr. Leabough - Okay. Sound transmission coefficient. I see that you  
1068 have it for the walls.

1069

1070 Mr. Swink - Yes sir. And also between the units.

1071

1072 Mr. Leabough - That's what I was going to ask, because that's a huge  
1073 concern. Typically, we saw that with townhomes, but they weren't stacked  
1074 townhomes. Had a bad experience at a resort recently with the transfer of sound.

1075

1076 Mr. Swink - I'm sorry to hear that.  
1077  
1078 Mr. Leabough - You learn about it after the fact. But I know stacked  
1079 townhouses are the big thing now. You're seeing a lot of that—  
1080  
1081 Mr. Swink - It's very efficient.  
1082  
1083 Mr. Leabough - —in Northern Virginia. We're starting to see some of  
1084 that product here. But yes, having townhouses over townhouses with kids and  
1085 kids running all day just doesn't work out too well. Nothing against kids, by the  
1086 way.  
1087  
1088 Mr. Swink - No, no.  
1089  
1090 Mr. Leabough - I don't see that as a part of that condition that was  
1091 offered. But that's definitely something you probably want to look at.  
1092  
1093 Mr. Swink - Absolutely, yes sir.  
1094  
1095 Mr. Baka - Mr. Swink, if I may, I have a question. As you turn on  
1096 Willard Road and make a right onto Lockwood, the three or four homes right  
1097 there, could you approximate . . . I know that a couple of homes are not shown  
1098 on this particular concept plan. But could you approximate the distance between  
1099 the rears of those homes—yes, right down there, a little further south; right  
1100 there—to the nearest condo building that's turned on its side? The two on the  
1101 side across the stormwater pond. For example, Mrs. Lawson's home I believe is  
1102 the second home. Correct, right there.  
1103  
1104 Mr. Swink - Yes sir.  
1105  
1106 Mr. Baka - So if you continue, generally speaking the rear of the  
1107 home might be about where the cursor is, approximately. About how far is that in  
1108 overall distance to the side wall of the two condo units there?  
1109  
1110 Mr. Swink - I wish I had a hard copy here in front of me in a scale.  
1111 If I were to guess, my approximation . . . 200 feet doesn't seem out of the  
1112 question, judging by the 25-foot buffer. I mean it's probably more.  
1113  
1114 Mr. Baka - Okay. The 25-foot buffer will be planted to have the  
1115 35-foot tree standard. Is that correct?  
1116  
1117 Mr. Swink - Yes sir.  
1118  
1119 Mr. Baka - Okay. And the paved trail is not up against the  
1120 neighboring property owner; it's on your side of the 25-foot buffer. It's on the  
1121 inside of the 25-foot buffer.

1122  
 1123 Mr. Swink - The paved trail is here. Today is actually the first time  
 1124 that I've heard that that location may be a concern. So it's not out of the question  
 1125 for us to look at moving it onto the side of the stormwater pond. It's not  
 1126 something I'm opposed to all; I just need to catch up with the homeowner. I just  
 1127 wasn't aware of that concern before the meeting tonight.  
 1128  
 1129 Mr. Baka - That's something you consider an option, either/or?  
 1130  
 1131 Mr. Swink - Yes, absolutely. Well I mean it's definitely out of the  
 1132 buffer, but I could also consider moving the trail on the other side of the  
 1133 stormwater pond as well, if that's a concern.  
 1134  
 1135 Mr. Baka - Okay. A question regarding the hours of construction  
 1136 either for Mr. Condlin or Mr. Swink. The hours in the proffers are listed 7 a.m. to 7  
 1137 p.m. So it's a full 12-hour day. On a business day, I can understand that. Would  
 1138 you be willing on Saturdays to consider 8 a.m. to 5 p.m. for a shorter time frame  
 1139 on Saturdays?  
 1140  
 1141 Mr. Swink - John, the question was 8 a.m. to 5 p.m. on Saturdays.  
 1142  
 1143 Mr. Fleming - [Off microphone] We would consider [inaudible].  
 1144  
 1145 Mr. Swink - It would be nice if we could discuss it outside of this  
 1146 meeting. I don't know if that's . . .  
 1147  
 1148 Mr. Baka - Okay.  
 1149  
 1150 Mr. Swink - It would be something we could definitely consider.  
 1151 But there are a lot of implications with keeping our folks working.  
 1152  
 1153 Mr. Leabough - The one thing to consider would be the location of the  
 1154 building itself. If you're along Broad Street . . . I think the main concern is the  
 1155 buildings that are kind of abutting the residential. Right?  
 1156  
 1157 Mr. Swink - I think there is a way to address the concern and I  
 1158 think we're—we're certainly willing to be good neighbors. I just want to make  
 1159 sure . . . we have to balance getting through the site in a quick enough—like we  
 1160 could either draw it out over a longer period of time or more hours in a day. We're  
 1161 just trying to make sure we do that in the most effective way possible and keep  
 1162 our hourly workers working as much as possible when the weather and sunshine  
 1163 allows them to do that.  
 1164  
 1165 Mr. Baka - Right. And I would just add should the case go  
 1166 forward if that's something you might be willing to consider between now and the  
 1167 Board meeting.



1168

1169

Mr. Swink - Yes sir, absolutely willing to consider that. There are some implications that are probably beyond scope where I can opine on here.

1171

1172 Mr. Fleming -

Hi, I'm John Fleming with Stanley Martin Homes. Thank you, everyone, for your time this evening. A couple of things as I was listening to the presentation I wanted to expand on a little bit. And we'll provide more information to the Board.

1176

1177 You had questioned sound between the units. My understanding is Building  
1178 Code of STC rating between units is 45. But when I looked at our Saunders  
1179 Station community, the STC requirement per the proffers is 54, so it's beyond the  
1180 Building Code. When we built the first couple of buildings in Saunders Station,  
1181 we actually had professional sound testing done. Our sound testing result  
1182 exceeded the 54 STC rating, as well as the Building Code rating. So it's  
1183 something that's very important to us as a builder because people need to be  
1184 able to live in their homes comfortably and have that piece of mind.

1185

1186 The second thing in terms of hours of construction. Again, we prefer the 7 to 7.  
1187 Certainly something we'll discuss outside of the meeting. But I do want to assure  
1188 the Board that we work very, very well with our homeowners in Saunders Station,  
1189 and we'll do that in all of our communities, trying to be respectful of their right to  
1190 live in their homes. And as you mentioned, as we're building buildings that are  
1191 closer to existing residences, certainly we'll take that into consideration and work  
1192 well with our homeowners.

1193

1194 One thing that Stanley Martin Homes prides our self on is customer satisfaction.  
1195 Right now as a company, there are a variety of ways to measure it. But we're  
1196 averaging 92 percent customer satisfaction rating among our homeowners. One  
1197 of the ways you do that is by working well with your homeowners. Again, it's  
1198 something that we're very proud of.

1199

1200 I will also mention that in our time in Henrico County, we've built very good  
1201 relationships, I feel, with Henrico County in terms of the Department of Permits  
1202 and Inspections. We get very good feedback about the quality of our homes and  
1203 how they're constructed. And also, we're not aware of any outstanding  
1204 homeowner complaints in Henrico County. I just think we do a really good job  
1205 taking care of our homeowners. So thank you.

1206

1207 Mr. Baka -

Thank you. Any questions of Mr. Fleming? Thank you.

1208

1209 Mr. Condlin -

I have on my list for us to consider. We will be able to address the concern on Saturday, especially next to the residents. I always get confused where east and west is, but I understand where the issue is. Talking about the STC, that's not a problem between the units. I think there's language we have.

1213

1214  
1215 Mr. Emerson - There is.  
1216  
1217 Mr. Condlin - I just stole the language. I always come up with my  
1218 own language, but I stole it from another place, really. Probably a case I did, I'm  
1219 sure.  
1220  
1221 Mr. Emerson - We'll let you have that one.  
1222  
1223 Mr. Condlin - Yes. But I know we've drafted that before. And then  
1224 we'll look at some language on the trail. Maybe at the time of the landscape plan  
1225 or the POD we can make that decision. Or when talking to the resident, maybe  
1226 we can do that immediately after. My plan is to do that pretty quickly, if we want  
1227 to. And I'll work with staff to make sure we get that, including whether there's a  
1228 fence appropriate in that area.  
1229  
1230 Mr. Baka - We definitely encourage you to continue the  
1231 conversation with any and all residents.  
1232  
1233 Mr. Condlin - Yes. We'll get those straight.  
1234  
1235 Mr. Baka - Any other questions of Mr. Condlin? I do I have one  
1236 final question of Mr. Cejka, if I may. Good evening.  
1237  
1238 Mr. Cejka - Good evening.  
1239  
1240 Mr. Baka - Would this development necessitate any  
1241 improvements on Willard Road?  
1242  
1243 Mr. Cejka - Yes sir. We've requested them to widen Willard Road  
1244 to its ultimate section noted on their property.  
1245  
1246 Mr. Baka - What would the turning lanes look like then from  
1247 Broad Street coming back?  
1248  
1249 Mr. Cejka - Currently, the approach to Broad Street has a two-  
1250 lane approach. There's a left-through and a then a right-tune-only lane. We  
1251 would analyze that and determine if we need to extend the double yellow down to  
1252 create two lanes further down towards their access point.  
1253  
1254 Mr. Baka - And those changes would be based on actual traffic  
1255 counts from full occupancies at the time of development.  
1256  
1257 Mr. Cejka - Correct. It's possible that some of the people in the  
1258 back would be using this center drive aisle here to enter Broad Street, so they  
1259 wouldn't be clogging up this access.

1260  
 1261 Mr. Baka - Particularly if they're making a right-in off Broad  
 1262 Street.  
 1263  
 1264 Mr. Cejka - A right-in and a right-out. If they're in the back part of  
 1265 the parcel, they may just come out this way. That's stuff we need to look at. It's  
 1266 hard to determine what it is right now.  
 1267  
 1268 Mr. Baka - Any other questions for staff? Thank you.  
 1269  
 1270 Mr. Cejka - You're welcome.  
 1271  
 1272 Mr. Baka - Any other comments from the Commission? At this  
 1273 time, looking at the alternatives and understanding the Comprehensive Plan and  
 1274 zoning for the property, I believe this to be a reasonable use and that proffers  
 1275 adequately address many of the concerns listed. Again, as we mentioned, we  
 1276 encourage the applicant to continue conversations with the neighbors most  
 1277 closely affected by this development.  
 1278  
 1279 At this time, I would move that REZ2018-00012, Andrew M. Condlin Stanley  
 1280 Martin, be recommended for approval with proffers 1 through 24 dated February  
 1281 23, 2018.  
 1282  
 1283 Mr. Leabough - Second.  
 1284  
 1285 Mr. Baka - We have a motion by Mr. Baka, seconded by  
 1286 Mr. Leabough. All in favor say aye. Those opposed say no. There is no  
 1287 opposition; that motion passes.  
 1288  
 1289 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr.  
 1290 Leabough, the Planning Commission voted 3-0 (two absent, one abstention) to  
 1291 recommend the Board of Supervisors grant the request because it would permit  
 1292 development of the land for residential use in an appropriate manner and the  
 1293 proffered conditions should minimize the potential impacts on surrounding land  
 1294 uses.  
 1295  
 1296 Mr. Emerson - Mr. Chairman, I would note that this will be on the  
 1297 Board's agenda for their April 10th meeting.  
 1298  
 1299 Mr. Baka - April 10th.  
 1300  
 1301 Mr. Emerson - Yes sir.  
 1302  
 1303 Mr. Baka - Thank you.  
 1304



1305 Mr. Emerson - Mr. Chairman, we now move on to the next item for  
 1306 the Commission's consideration this evening, and that would be the approval of  
 1307 your minutes from your February 15, 2018 meeting. They do include two errata  
 1308 sheets, both for the regular meeting and the public hearing on the Capital  
 1309 Improvements Plan. Of course we will also consider any other changes or  
 1310 corrections the Commission may have.

1311

1312 Mr. Baka - Any changes by the Commission? A motion is in  
 1313 order.

1314

1315 Mr. Archer - I move the minutes be approved as corrected.

1316

1317 Mr. Leabough - Second.

1318

1319 Mr. Baka - We have a motion by Mr. Archer, a second by  
 1320 Mr. Leabough. All in favor say aye. Those opposed say no. There is no  
 1321 opposition. The motion passes; the minutes are approved.

1322

1323 Is there any other business or question to come before the Commission tonight?

1324

1325 Mr. Emerson - Mr. Chairman, I have nothing further this evening for  
 1326 the Commission.

1327

1328 Mr. Baka - Okay. Is there a motion to adjourn?

1329

1330 Mr. Archer - So moved.

1331

1332 Mr. Leabough - Second.

1333

1334 Mr. Baka - Do we need to vote on that?

1335

1336 Mr. Emerson - Yes.

1337

1338 Mr. Baka - All right. All those in favor of adjourning say aye.

1339 Motion carries.

1340

1341 Mr. Emerson - Usually that's an easy one.

1342

1343 Mr. Baka - Meeting is adjourned. Thank you.

1344

1345

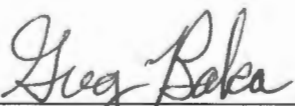
1346

1347

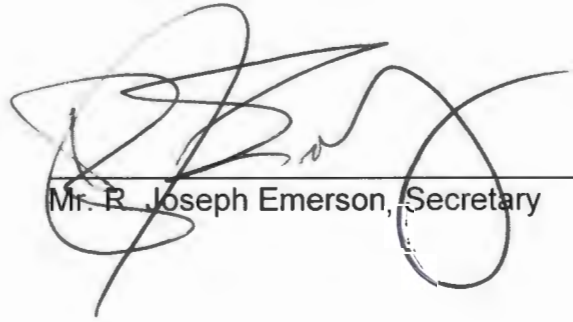
1348

1349

1350

  
 Mr. Gregory R. Baka, Acting Chairman

1351  
1352  
1353  
1354  
1355  
1356  
1357



Mr. R. Joseph Emerson, Secretary