

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**  
2 **County held in the County Administration Building in the Government Center at**  
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, September**  
4 **14, 2023. Display Notice having been published in the Richmond *Times-Dispatch***  
5 **on September 29, 2023, and October 6, 2023.**  
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7

8 **Members Present:** Mr. Robert H. Witte, Jr., Chairperson (Brookland)  
9 Mr. Gregory R. Baka, Vice Chair (Tuckahoe)  
10 Mrs. Melissa L. Thornton, (Three Chopt)  
11 Mr. C. W. Archer, C.P.C. (Fairfield)  
12 Mr. William M. Mackey, Jr., (Varina)  
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning  
14 Secretary  
15 Mr. Thomas M. Branin (Three Chopt)  
16 Board of Supervisors Representative  
17

18 **Also Present:** Ms. Jean Moore, Assistant Director  
19 Mr. Ben Sehl, Senior Principal Planner  
20 Mr. Seth Humphreys, County Planner  
21 Ms. Molly Mallow, County Planner  
22 Ms. Ali Hartwick, County Planner  
23 Mr. John Cejka, Traffic Engineer  
24

25 **Mr. Thomas M. Branin, the Board of Supervisors' representative, abstains from all**  
26 **cases unless otherwise noted.**  
27

28 **Mr. Witte -** Welcome to the October 12, 2023, meeting of the Planning  
29 Commission. We have all members present. We have a quorum. The honorable Tommy  
30 Branin, who just walked in, is our representative from the Board of Supervisors this year.  
31 Welcome, Mr. Branin.  
32

33 **Mr. Branin -** Good evening.  
34

35 **Mr. Witte -** Anyway, with that, I ask that you mute or turn off or silence in  
36 some kind of way your cell phones and stand with us for the Pledge of Allegiance.  
37

38 [Recitation of Pledge of Allegiance]  
39

40 **Mr. Witte -** Thank you. Do we have any media in the audience today?  
41 Nobody wants to admit to it. Alright, with that, I'll turn the meeting over to our Secretary,  
42 Mr. Emerson.  
43

44 **Mr. Emerson -** Thank you, Mr. Chairman. I would like to join the Chairman in  
45 welcoming everyone to the Henrico County Planning Commission public hearing this  
46 evening. It is requested that all public comments be provided from the lectern at the rear  
47 of the room. For everyone who's watching the livestream from the county website you

can participate remotely in the public hearings by following these guidelines. Go to the Planning Department's webpage at [Henrico.us/planning/meetings](http://Henrico.us/planning/meetings) scroll down under Planning Commission and click on Webex event. Once you've joined the Webex event, please click on the chat button at the bottom right corner of the screen and staff will send a message asking if anyone would like to sign up to speak on an upcoming case. To respond select Molly Mallow from the dropdown menu and send her a message. She will get you placed in the queue to speak. As a reminder the Commission does have guidelines for its public hearings. The applicant is allowed 10 minutes to present the request, and time may be reserved for responses to testimony. The opposition is allowed a cumulative 10 minutes to present its concerns, and what that means is that everyone that would like to speak regarding that case needs to keep their comments condensed and fit into that 10-minute allowance. Commission questions do not count into those time limits and the Commission also has the discretion to waive those time limits as they see fit. Comments must be directly related to the case under consideration. Commentors must provide their name and address prior to speaking for the record. We do keep verbatim minutes. We'd like to have everybody's name and address in case we need to contact you in the future for some reason regarding your comments to make sure we have them accurate or that we've addressed your concerns. Thank you again for your participation and your interest in your community this evening. With that, Mr. Chairman, we move now to requests for withdrawals and deferrals and those will be presented by Mr. Ben Sehl.

Mr. Witte - Mr. Sehl.

Mr. Sehl - Good evening, Mr. Chairman, members of the Commission, staff is aware of two deferral requests on your agenda this evening. Both are on Page 1 of your agenda. The first is REZ2023-00026, This is Harsh Thakker, Dorado Capital, LLC.

**REZ2023-00026 Mark Baker for Harsh Thakker, Dorado Capital, LLC:** Request to amend proffers accepted with REZ2022-00034 on Parcel 833-718-6524 located on the south line of Meadow Road at its intersection with Chartwood Drive. The applicant proposes to amend proffers regarding concept plan, density, architectural treatment, and wiring for generators. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre and Environmental Protection Area. The site is located in the Airport Safety Overlay District.

The applicant is requesting this item be deferred to your November 9 meeting.

Mr. Witte - Is there anybody in the audience or on Webex who would like to speak to this deferral?

Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

Mr. Witte - Mr. Mackey?

94 Mr. Mackey - Mr. Chairman, I move that REZ2023-00026, Harsh Thakker,  
 95 Dorado Capital, LLC be deferred to the November 9, 2023, meeting at the request of the  
 96 applicant.  
 97  
 98 Mr. Baka - Second.  
 99  
 100 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All  
 101 in favor say aye.  
 102  
 103 Commission - Aye.  
 104  
 105 Mr. Witte - Opposed? Motion passes.  
 106  
 107 Mr. Sehl - Next is REZ2023-00016. This is BMR Investments 4, LLC.  
 108  
 109 **REZ2023-00016 BMR Investments 4, LLC:** Request to conditionally rezone from B-  
 110 3 Business District and A-1 Agricultural District to M-1C Light Industrial District  
 111 (Conditional) Parcel 846-712-3955 containing 5.814 acres located on the north line of Old  
 112 Williamsburg Road approximately 100' west of its intersection with Antioch Church Road.  
 113 The applicant proposes a mini-warehouse and office. The uses will be controlled by  
 114 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
 115 recommends Office.  
 116  
 117 The applicant is requesting this item be deferred to your November 9, 2023, meeting.  
 118  
 119 Mr. Witte - Is there anyone in the audience or on Webex who would like  
 120 to speak to this deferral?  
 121  
 122 Mr. Morris - Mr. Chairman, there is no one on Webex for this case.  
 123  
 124 Mr. Witte - Mr. Mackey?  
 125  
 126 Mr. Mackey - Mr. Chairman, I move that REZ2023-00016, BMR  
 127 Investments 4, LLC be deferred to the November 9, 2023, meeting at the request of the  
 128 applicant.  
 129  
 130 Mr. Archer - Second.  
 131  
 132 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Archer. All  
 133 in favor say aye.  
 134  
 135 Commission - Aye.  
 136  
 137 Mr. Witte - Opposed? Motion passes.  
 138



139 Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals  
140 for this evening unless the Commission has any additional item they'd like to enter for  
141 deferral? And, if there are none of those, we'll move on to the requests for expedited items  
142 which will also be presented by Mr. Sehl.

143  
144 Mr. Sehl - Thank you again. There is one item on the Commission's  
145 Expedited Agenda this evening. This is on Page 1 of your agenda in the Varina District.  
146 It's REZ2023-00030, Carlson Environmental Consultants, PC.

147  
148 **REZ2023-00030 Carlson Environmental Consultants, PC:** Request to amend  
149 proffers accepted with C-051C-01 on Parcel 813-711-8407 located on the north line of  
150 Charles City Road approximately 340' northwest of its intersection with Glen Alden Drive.  
151 The applicant proposes to amend proffers regarding concept plan, building materials,  
152 access, and outdoor storage. The existing zoning is M-1C Light Industrial District  
153 (Conditional). The 2026 Comprehensive Plan recommends Planned Industry. The site is  
154 located in the Airport Safety Overlay District.

155  
156 Staff is recommending approval of this amendment and is unaware of any opposition to  
157 the request. I'd be happy to try and answer any questions you might have.

158  
159 Mr. Witte - Any questions? Is there anyone in the audience or on Webex  
160 who would like to speak to this case?

161  
162 Mr. Morris - There is no one on Webex for this case Mr. Chairman.

163  
164 Mr. Witte - You have the floor.

165  
166 Mr. Mackey - Alright, Mr. Chairman, if there's no one who would like to  
167 speak to the case, I move that we recommend approval of REZ2023-00030, Carlson  
168 Environmental Consultants, PC with the proffers dated September 27, 2023.

169  
170 Mr. Baka - Second.

171  
172 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All  
173 in favor say aye.

174  
175 Commission - Aye.

176  
177 Mr. Witte - Opposed? Motion passes.

178  
179 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the  
180 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
181 grant the request because the proffers continue to assure a quality form of development  
182 with maximum protection afforded the adjacent properties.

184 Mr. Emerson - Mr. Chairman, we now move into your regular agenda on  
185 Page 2 for REZ2023-00011, Christine McGuirl.

186  
187 **REZ2023-00011 Christine McGuirl:** Request to conditionally rezone from B-2  
188 Business District and R-5 General Residence District to UMU-PD Urban Mixed-Use  
189 Planned Development District Parcels 773-736-2198 and 773-736-6272 containing  
190 37.247 acres located at the southeast corner of W. Broad Street and Willow Lawn Drive.  
191 The applicant proposes a mixed-use development with residential uses. The uses will be  
192 controlled by zoning ordinance regulations and proffered conditions. The 2026  
193 Comprehensive Plan recommends Commercial Concentration, Office, and  
194 Environmental Protection Area. This site is located in the Enterprise Zone.

195  
196 The staff report will be presented by Mr. Seth Humphreys.

197  
198 Mr. Witte - Mr. Humphreys.

199  
200 Mr. Humphreys - Good evening. Good evening, Mr. Chairman and members of  
201 the Commission. As stated, this request would rezone 37 acres from R-5, and B-2 to  
202 UMU-PD. This district was introduced with the updated zoning ordinance adopted in 2021  
203 and functions similarly to the old UMU district. The applicant has submitted revised  
204 proffers and pattern book dated September 26th. Additional documents submitted by the  
205 applicant include a parking study and a traffic impact analysis. The request is envisioned  
206 to guide Willow Lawn Shopping Center through its next phase of life, which would take  
207 place in stages over the coming 20-30 years.

208  
209 To the west, across Willow Lawn Drive, are retail and office properties and property  
210 recently rezoned R-6 to allow a multi-family dwelling up to 7 stories in height with 265  
211 units. To the south, between the subject property and Monument Avenue, are a 12-story  
212 multifamily building and an office complex. Additional office and retail uses are located to  
213 the east extending to the City of Richmond. To the north, the site borders West Broad  
214 Street. The Willow Lawn GRTC stop, located approximately here, along the shopping  
215 center's Willow Lawn Drive frontage, serves several bus lines, and the Pulse Rapid  
216 Transit's western terminus is located just west of the site along West Broad Street.

217  
218 Existing uses on the property are primarily retail, including a Kroger grocery store with  
219 fuel service, and a small mixture of offices. These are located within five main commercial  
220 buildings and multiple out-parcel buildings surrounded by large surface parking areas. As  
221 new development occurs, it is anticipated the first phases would happen on portions of  
222 the surface parking lots which would transition to new buildings and structured parking.  
223 The Pattern Book includes the Bubble Diagram showing the general layout of future  
224 development by type, and street hierarchy. There would be 11 mixed-use areas,  
225 commercial and residential with approximately 2,000 residential units, over 500,000  
226 square feet of commercial and offices, and a central courtyard seen in green in the center.  
227 These areas would be developed in stages over the next 20-30 years as we previously  
228 mentioned. The exact amounts for the residential and non-residential uses in each section  
229 of the property would be fully determined when individual plans for development are



submitted. The proffers address the phasing of improvements, including multiple pedestrian improvements, which must be coordinated with the first mixed-use buildings in Phase 1 of the development -in this area. Additional pedestrian improvements would be made in conjunction with any work Henrico County conducts on Willow Lawn Drive, over in this area. Proffers would also require the construction of 20,000 square feet of the Central Courtyard prior to the construction of more than 645 residential units. The full Central Courtyard must be completed prior to the construction of no more than 995 residential units. The reason for that is that there'd be some phasing for structures within the area for the courtyard.

New development would adhere to the Pattern Book depicting traditional and contemporary design for mid- and high-rise residential and mixed-use buildings. The height of the buildings would be no more than 100' with the exception that the applicant would be allowed to build one structure, the signature building, up to 150'. This structure would not be allowed, I'll go back to the Bubble Diagram, this structure would not be allowed in Areas 1, 9, or 11. Parking structures not internal to a larger building would be clad with a variety of materials as shown in these several examples. The Pattern Book also outlines the design criteria for street design and building setbacks, pedestrian and bicycle facilities, lighting, recycling, and landscaping. Streetscape designs include primary, secondary, one-way, and also external streets. Based on the lack of existing tree cover on the site, the applicant has committed to increasing the existing amount and supplementing natural tree cover with additional elements such as sail shades and trellises. The proffers address other topics, including drive-thru service windows, private street construction, setbacks, block length, residential recycling, emergency communications and fire protection, vendor areas, and environmental incentives. Use restrictions would prohibit multiple uses of concern and clarify the existing automobile filling station operated by Kroger could remain. Other uses, including a hotel, would be allowed in the UMU-PD district per code. Hours of operation would be limited to those in the B-2 district as they currently are. This would include the existing exceptions and future Provisional Use Permits approved by the Board of Supervisors.

The applicant held a community meeting on-site on July 11. They held a second community meeting on September 18 at the Faison School. Members of the community, mostly from 5100 Monument and Monumental Floral Gardens to the west and some of the commercial property owners surrounding the property attended. Overall, the request meets the intent of the UMU-PD District to encourage moderate to high-density neighborhood development integrated with commercial and civic uses. While the 2026 Comprehensive Plan recommends Commercial Concentration, Office and Environmental Protection Area for the site, the proposed uses would add residential and additional civic uses to an established commercial development in close proximity to major transportation corridors and public transit. The applicant has held two community meetings with the surrounding residents and property owners to share their vision for the property and to receive input and respond. They have also submitted proffers and a Pattern Book to address previous concerns related to building height, density distribution, hours of operation, and phasing of improvements. For these reasons, staff recommends approval of this request. This concludes my presentation, and I'd be happy to take any questions.

276  
277 Mr. Witte - Any questions by the Commission? Is there anyone in the  
278 audience? Oh, we have some. Anyone on Webex who would like to speak for or against?  
279  
280 Ms. James - I have questions.  
281  
282 Mr. Morris - Mr. Chairman, we may have one person on Webex who wants  
283 to ask a question but I'm waiting for confirmation.  
284  
285 Mr. Witte - Thank you. Let's hear from the, do we have opposition?  
286  
287 Ms. James - Well, I'm not real happy with some of the things that...  
288  
289 Mr. Witte - Let's hear from the opposition first. Would you go over there  
290 and state your name please?  
291  
292 Mr. Humphreys - To the podium ma'am please.  
293  
294 Ms. James - My name is Virginia Kent James. I go by Kent James. I live in  
295 Monumental Floral Gardens at 1101 Peachtree Boulevard which is on the corner of West  
296 Grace Street and Peachtree Boulevard. I've lived there for 73 years. All but two years of  
297 my life and we have always been fighting something. I'm concerned about, first of all  
298 about property values. How is this going to affect our property values? Answers?  
299  
300 Mr. Witte - State your concerns and they will...  
301  
302 Ms. James - Okay, the second is traffic. How is the traffic going to impact  
303 our neighborhood? The third is schools, alright? How many stories, how many people do  
304 you expect to infiltrate this area? Do you have a number, an estimate?  
305  
306 Mr. Emerson - Yes, ma'am. If you just tell us what your questions are then  
307 we'll respond to them after you're completed.  
308  
309 Ms. James - Okay, well, about the traffic in our neighborhood, okay. We  
310 had the bus line coming down our street for a few years and it shook our chandeliers. We  
311 finally got that off, okay. The schools, okay, I'm concerned about how many children are  
312 estimated that are going to be going into these schools and will the schools change? Will  
313 we be redistricted because of this? And then property values. How is this going to affect  
314 our property values? How many stories is this building going to be? 5100 is how many  
315 stories?  
316  
317 Mr. Emerson - Thirteen.  
318  
319 Ms. James - How many stories will this building be?  
320



321 Mr. Emerson - I believe it's less than 13 but again ma'am if you'll just state  
322 your concerns. We'll respond to them.

323  
324 Ms. James - Okay, I've stated my concerns, I think.

325  
326 Mr. Emerson - Thank you.

327  
328 Mr. Witte - Thank you.

329  
330 Ms. James - Unless Kate, do you have another concern? Please come up.

331  
332 Ms. Bergendahl - Hey there everybody, my name's Caitlin Bergendahl. I live at  
333 5318 Fitzhugh Avenue. I'm the president of the Neighborhood Association of Monumental  
334 Floral Gardens. It's the neighborhood just to the west. I'm just here with Kent and Keith  
335 to sort of express our neighborhood's, we understand it's a dense district. We live by the  
336 Target. This, from what I understand sounds like it's potentially up to 3000 residential  
337 units. Our neighborhood is 300 houses and we're an established, really tightknit  
338 community. We're bordered by four pretty busy roads, Broad Street, Willow Lawn Drive,  
339 Monument and Libbie. Our concerns are really about infrastructure from Henrico and so  
340 our question is and our request is from the Henrico Board of Supervisors specifically is  
341 that we're getting a lot of investment in our neighborhood. It's millions of tax dollars for  
342 Henrico. So, we want to ask Henrico, how will you reinvest in our neighborhood in terms  
343 of public safety, infrastructure, water and sewage, education, stop signs, traffic calming,  
344 bike/pedestrian safety. We'd like crosswalks to be able to walk to Willow Lawn. Right now  
345 if you walk from our neighborhood to Willow Lawn, if I try to walk to the Starbucks down  
346 my own street I have to cross six lanes of traffic to get to Starbucks and it's fast traffic. It's  
347 dangerous. So, those are our main concerns about adding this many residential units. Is  
348 that it will be 3,000 units and I'm assuming 3,000 cars so for us that's a huge amount of  
349 influx. We also were here at the last Planning meeting about the Willow Lawn Drive  
350 apartments that are also going up. That's another 300 apartments in our neighborhood  
351 as well. So, we get that development's going to happen and we want to work with Henrico  
352 and with the developers to make sure that it's mutual. That it's win/win. That if Henrico is  
353 investing in these new kinds of construction that our neighborhood benefits as well and  
354 that we see some of the traffic calming and prevention of traffic from Willow Lawn through  
355 our neighborhood because right now there's speed humps but there's not stop signs.  
356 People speed down our streets. So, that's our neighborhood's main concern. I was asked  
357 to come and just sort of reiterate those concerns.

358  
359 Mr. Witte - Thank you.

360  
361 Ms. Bergendahl - Thank you very much for your time.

362  
363 Mr. Witte - I was remiss in having our secretary give the rules and  
364 guidelines for this situation so I'm going to ask him to do it now.

365



366 Mr. Emerson - Thank you Mr. Chairman. I'll be happy to go over those again.  
367 I did go over them at the beginning of the meeting. The Commission does have guidelines  
368 again for public hearings. The applicant is allowed 10 minutes to present the request.  
369 Time may be reserved for responses to testimony; applicant is not presented at this point.  
370 The opposition is allowed a cumulative 10 minutes to present its concerns. What that  
371 means is that everyone who wishes to speak must be included in the overall 10 minutes  
372 so it behooves you not to be redundant and currently you're about five minutes into that  
373 10. Everyone that wishes to speak again must be included in that 10 minute allowance.  
374 The Commission questions don't count into either of those time limits. The Commission  
375 does have within its discretion to waive those time limits if they so choose. Again,  
376 comments must be directly related to the case under consideration. Commentors must  
377 provide their name and address prior to speaking for the record. We do keep verbatim  
378 minutes. Those are the guidelines for the public hearing. The Chairman asked that I  
379 remind everyone.

380  
381 Mr. Witte - Thank you. On Webex, do we have confirmation?

382  
383 Mr. Morris - Mr. Chairman, we do have one individual who would like to  
384 ask a question. His name is Don Moreland and I'll be unmuting him right now.

385  
386 Mr. Witte - Thank you.

387  
388 Mr. Morris - Mr. Moreland, you're unmuted.

389  
390 Mr. Moreland - Thank you. Thank you everybody for your time. I appreciate  
391 the opportunity. Two quick questions if I can. One, the grocery store existing there, the  
392 Kroger. I would love to know what the plans are for replacing and/or keeping that existing  
393 there. I don't know if I read that in any of the documents that were presented. I would love  
394 to know that as that is very convenient for many of the neighbors in the neighborhood to  
395 access that Kroger. The second question would be Henrico's already approved adding  
396 housing on Broad Street next to the Home Depot. This housing obviously would add  
397 additional families and students to the area with Freeman already at 100/102%,  
398 occupancy as I read through the notes. This obviously will force the hand of some sort of  
399 redistricting. I'm certainly concerned about that. I'd like to see what the plans are for the  
400 additional housing with the property on Broad Street next to Home Depot along with these  
401 new residents that's coming in possibly coming at Willow Lawn.

402  
403 Mr. Witte - Alright, anyone else? Let's hear from the applicant. Whoops,  
404 wait a minute.

405  
406 Mr. Wood - Thank you, sir. Can you hear me? Mr. Chairman, members of  
407 the Planning Commission.

408  
409 Mr. Witte - State your name and address please?  
410

411 Mr. Wood - Yes. My name is Konstantine Wood. My nickname is Dino. I  
412 grew up in 5407 Old Richmond Avenue just across the street from the Faison Center. I  
413 come to you today to request that the surrounding neighborhoods to be taken into more  
414 consideration. That comes with the territory of the expansion plans. I grew up taking the  
415 bus on Old Richmond throughout my years in elementary school. No sidewalks, no street  
416 lights in almost all places and I can tell you I've had some brushes with cars in the past  
417 from middle school to high school and considering the ages with homes and their solid  
418 foundations and to be directly adjacent to a conception of mass proportion for this hyper  
419 urbanization. The makeup and the culture of my neighborhood from blue collar to working  
420 class. It's too easy of a project and the current pace with the proximity of previous  
421 urbanizations. So much money has already been spent and cared for the area without  
422 the consideration of empty Walmarts and commercial properties left visually abandoned.  
423 Now, with the reduction of office space, with the new work from home culture or under  
424 the precedence of polarization between new density filled buildings and other out of style  
425 commercial properties. We can't have disparities or empty filled lands unless the Board  
426 acts to correct this, eventual result otherwise left to the weight of the urban developers. I  
427 ask the Board today going forward for the further consideration of high-density spending  
428 and to diversify not centralized. I yield the rest of my time.

429  
430 Mr. Witte - Any questions? Let's hear from the applicant.

431  
432 Mr. Emerson - Mr. Chairman, while the applicant's stepping up, I can go over  
433 the school numbers because there seems to be some questions about that. The schools  
434 have indicated that they can accommodate any students generated from this project.  
435 They have their standard comment in regard to this development in addition to others  
436 could push their enrollment over 100% of capacity therefore new schools and/or  
437 redistricting could possibly be necessary in the future. That happens on a regular basis  
438 in the county and the county always steps up and expands their schools. There are  
439 several bond projects for the schools in this area now and of course redistricting in  
440 growing localities is kind of a fact of life that those school lines can change and that's  
441 something that would be addressed by the school board in the future not by the Planning  
442 Commission or the Board of Supervisors. That is a school board exercise. So, I hope that  
443 answers your questions. All this detail is in our staff report which is posted online and you  
444 can go to our webpage and read all this data.

445  
446 Mr. Witte - Thank you sir. Anybody else? You have the floor.

447  
448 Mr. Keene - Thank you, Mr. Chairman. Mr. Chairman, members of the  
449 Commission for the record my name is Brennan Keene. I'm an attorney here on behalf of  
450 the applicant. I have an office at 800 E. Canal Street in downtown Richmond. We're going  
451 to go through a presentation and give you some background on Willow Lawn and then  
452 sort of explain why we're here today and what the plan is for the future. A little bit of history  
453 about Willow Lawn. Willow Lawn originally opened in 1956. Which is really a remarkable,  
454 success story regarding a retail development over its history. It started with the  
455 Woolworth, GC Murphy, JC Penny, and Giant Food. It opened as an open-air mall, 1960  
456 that 2, 30,000 square foot buildings were added, Miller & Rhoads was added and S&W



457 Cafeteria and then that 3<sup>rd</sup> floor was added to the Miller & Rhoads building. Again, as a  
458 continuance of an outdoor mall. Then, in 1986 when the trends changed, Federal Realty  
459 acquired the property and redeveloped the interior area of the mall to enclose it to make  
460 it an enclosed mall, added the food court and a Hess' Department Store. Then in 2005,  
461 as the market changed you can probably remember in around that time is when Stoney  
462 Point and Short Pump Town Center came online when the market changed, and the  
463 outdoor mall was the form. Federal Realty started the process of de-malling Willow Lawn  
464 removing the parts of the building where it was enclosed and completed that work by  
465 2011 and started its current iteration so more transformation of the property to make sure  
466 it maintains economic viability. This is kind of interesting just to show how Willow Lawn  
467 has been a success story for a long time. Federal Realty won an award from the  
468 International Conference of Shopping Centers for one of the top projects in the country  
469 for the enclosure of Willow Lawn and then in 2014 won a Vision Award for the de-malling  
470 of Willow Lawn from ULI. So, it just shows that Federal Realty really has had a good track  
471 record with this property making sure that it maintains vitality and viability over the long  
472 term. This was just a map of the property probably from a different vantage point than  
473 what we had earlier. We have Broad on the left side of the screen, Willow Lawn Drive on  
474 the bottom side of the screen. You can see at the top of the screen the access out to  
475 Monument Avenue. Requests as was said earlier is a rezoning to UMU-PD adding a  
476 mixture of buildings of Multi Family, Office and new retail. Buildings would be built with  
477 structured parking as you remember from the picture there's a lot of parking on that site.  
478 Willow Lawn is currently overparked. It has more parking than what is required by the  
479 ordinance, and it creates an opportunity that reposition that those portions of the property  
480 for new development. The project would be phased over a long period of time. Federal  
481 Realty thinks this is a 20-to-30-year horizon. There's no plan to come in with a plan of  
482 development if this case were approved right away. This is something that Federal Realty  
483 is positioning for the long haul to make sure that this property and this center remains a  
484 viable economic engine for the county. This is some of the proffers I wanted to point  
485 through and talk about some of the changes. The Pattern Book which was referenced  
486 earlier, the residential density, you know up to 22,000 and 22,500 but that's the cap,  
487 22,500 is the cap. I want to talk a little bit about the interplay of the plan of development,  
488 and the parking and traffic. The way this case is structured because it is such a long  
489 horizon. Federal Realty is committed that with each plan of development it will bring in a  
490 new parking study. So it can be studied in real time based upon the current conditions.  
491 And, then the Director of Public Works can say, "You need to do your traffic study over."  
492 So there is a revisit of these critical issues about parking and traffic for this property with  
493 each plan of development. Also, their improvements plan is to make the grid pattern is to  
494 make getting traffic in and out of the center more efficient. You know right now on one  
495 side of the center is really kind of difficult to navigate through that part of the center. This  
496 would address that. The one building as said earlier is capped at 150' which is roughly  
497 the same as 5100 Monument. That was reduced from 175' based upon community  
498 feedback. Phase 1 would include those sidewalks that would connect to the Kroger and  
499 out to 5100 Monument. The residential types are what's permitted under the UMU  
500 ordinance but if the county changes the ordinance the proffers say that the new ordinance  
501 would apply it wouldn't be the three types it would be whatever was in the ordinance at  
502 the time. I just want to talk about some of the changes that were done based upon



503 feedback from the community. I talked about the 150' limitation on the signature building  
504 but a couple other things the provision of a crosswalk if the county were to do it. Federal  
505 Realty would be required to build internal connections to that crosswalk at Fitzhugh  
506 Avenue which is not available now and Federal Realty send an email to Monumental  
507 Floral Garden Association committing to working with the Association and the county  
508 about improvements on Willow Lawn Drive so this would be a continuing conversation.  
509 It's not in the case, it's not a proffer but it is a commitment to work with the community in  
510 an ongoing basis on those issues. This shows some of the new pedestrian connections  
511 internally. I just wanted to point out to the Kroger and the importance of that. There was  
512 a question about the Kroger. Kroger has a long-term lease on this property. Federal  
513 Realty is not looking to displace Kroger. It's a great tenant and if anything happens on  
514 Block 11 it's many years into the future so there's no plan to move Kroger out of the  
515 center. This was discussed earlier by Mr. Humphreys, the Central courtyard I just want to  
516 point one thing out about the phasing of that. The second phase of that expansion and  
517 improvements to the central courtyard actually requires the reduction of some of the  
518 existing retail buildings. Which is why with those existing leases Federal Realty has to  
519 spend some time and work with its current tenants to be able to make that happen, so it  
520 is something that is part of a really long timeline of development. That just shows those  
521 two areas that would have to be taken out of the existing center to add to that courtyard.  
522 This shows the sidewalk connection for a future crosswalk at Fitzhugh if it's installed at  
523 some point in the future which Federal Realty is very happy to work with neighborhood  
524 association and the county to help facilitate those street improvements. The grid pattern  
525 is really to improve the connectivity through the center but most importantly to direct traffic  
526 to Monument and Broad primarily on the eastern side of the property here on the bottom  
527 half of the page. As you can see most of the traffic coming to the center now comes from  
528 Monument and Broad primarily really most of the traffic coming from the north off of  
529 Staples Mill eventually getting into the center, so it really is dependent on the major road  
530 network now and we foresee that being true in the future particularly with the  
531 improvements on site. Just some of the changes that will happen with streetscapes. This  
532 is a current streetscape on Broad and then on Willow Lawn. You know over time as  
533 development occurs that streetscape will be improved by adding sidewalks, also by  
534 providing street trees and adding to the visual appeal of that portion of the property.  
535 Talked about this a little earlier we're currently overparked and this plan would allow for  
536 all of this development to occur with structured parking and also meet the needs of the  
537 existing retail tenants. There are no transportation improvements required for the new  
538 development as under the current plan but again as I said earlier this could happen, there  
539 could be changes in the future and future plans of development that may require some  
540 sort of reaction to public improvements but considering transportation improvement plans  
541 right now on Willow Lawn and on Markel Road that could provide some benefits to the  
542 community. We can skip through some of this you've seen all of these things. I'll conclude  
543 since I'm at the end of my time. Mr. Chairman, we think this is a great project it provides  
544 for this property for a very vital commercial and residential location for the county for  
545 many, many years to come. We respectfully request your recommendation for approval  
546 for the case as presented. I'd be glad to answer any questions.

548 Mr. Witte - Just for the record. I know it's been done before. Can you  
549 confirm the developer and owner will make a commitment to work with Monument  
550 Garden's HOA through this process?

551  
552 Mr. Keene - I can confirm and that commitment has been made and will  
553 be honored. Look, it's to Federal Realty's benefit to help folks who live in Monumental  
554 Floral Gardens to get across the street into Willow Lawn. We really think that's a win/win  
555 for the community and for the owner.

556  
557 Mr. Branin - Mr. Chair, may I? Thank you. Why won't you proffer it?

558  
559 Mr. Keene - This is a proffer to work with the community to work with Public  
560 Works on the County's plan that's going to go forward so we didn't think it was necessarily  
561 a proper proffer because it merely is a proffer that we can't enforce. We can only offer. If  
562 we were to proffer, all we can do is offer. It doesn't mean the neighborhood association  
563 would be bound to come to the table. We just felt that this was not necessarily a proper  
564 proffer that could be enforced.

565  
566 Mr. Branin - Mr. Emerson, that is not correct.

567  
568 Mr. Emerson - Well, I believe it would be considered an off-site proffer, Mr.  
569 Branin.

570  
571 Mr. Branin - For crosswalks?

572  
573 Mr. Emerson - Yes.

574  
575 Mr. Branin - That start on the property?

576  
577 Mr. Emerson - In this case, they're not starting on the property. They're within  
578 the County right of way, the existing county right of way.

579  
580 Mr. Branin - Okay. Good luck with that.

581  
582 Mr. Witte - Any questions by the Commission?

583  
584 Mrs. Thornton - The first lady, Virginia, had a question about property values.  
585 Can you please answer that, the question she had?

586  
587 Mr. Keene - I don't...the honest answer is no because I'd be making  
588 something up if I were to answer it. There's nothing that I can say about what can happen  
589 in the future about how property values would be affected positively or negatively and  
590 what other external forces may affect property values over a 30-year horizon. What I can  
591 say is that as to this project and the quality of the development that the proffers have  
592 provided an opportunity for this property to continue to be repositioned and to be a very  
593 thriving location for commercial, office and residential development. I don't think that



594 there's anyone that can do a study five, 10, 15 years out predicting property values that  
595 would be a reliable study.

596  
597 Mrs. Thornton - Can you state how many are going to be for sale and how  
598 many are going to be rental?

599  
600 Mr. Keene - The way the case is presented, it could be all rental, it could  
601 all be for sale, a mixture of both, but there's nothing in the case that requires a particular  
602 mix.

603  
604 Mrs. Thornton - Because for sale would help with the value of their homes  
605 versus rental. So that would help in the future for keeping the value of their homes up if  
606 we have more for sale.

607  
608 Mr. Witte - Anyone else?

609  
610 Mr. Archer - If I could follow up on that question, historically, when there  
611 are for sale and rental apartments put up, can you give me any idea of what percentage  
612 of them actually sold and what percentage rented? I know that's a roundabout way to put  
613 it, but I don't know any other way.

614  
615 Mr. Keene - The three property types that were considered that are in the  
616 case, one would be a condo property type. That would be definitely for sale. So, it  
617 depends on the property type. If it is a true multifamily then that would be for rent, an  
618 apartment so if you're asking whether the developer converted, I think basically the way  
619 these are constructed are you'd have to declare up front whether it's a condo or if it's  
620 going to be an apartment. So, that would dictate whether it would be for sale or rent.

621  
622 Mr. Archer - That helps. Thank you.

623  
624 Mr. Witte - Mr. Secretary, correct me if I'm wrong but each stage of this  
625 development requires its own POD.

626  
627 Mr. Emerson - Yes, sir, each section will require its own POD. As Mr. Keene  
628 stated each time it will be an analysis and updating of the traffic and the parking numbers  
629 and it is anticipated to be a 30-year build-out which is why the school numbers spread  
630 out, the traffic numbers spread out. You're not going to have an immediate 2,000  
631 residential units dropped on this property. It's over a 20-30-year timeframe.

632  
633 Mr. Witte - The citizens will have an opportunity to address the PODs?

634  
635 Mr. Emerson - Yes, sir. The citizens will be advised each time a Plan of  
636 Development is filed.

637  
638 Mr. Witte - Thank you. I have nothing further. Anyone else? Thank you.

639



640 Mr. Keene - Thank you.  
641  
642 Mr. Witte - We've taken care of Webex. With that, I move we recommend  
643 approval of REZ2023-00011, Christine McGuirl, with the proffers dated September 26,  
644 2023.  
645  
646 Mr. Mackey - Second.  
647  
648 Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Mackey. All  
649 in favor say aye.  
650  
651 Commission - Aye.  
652  
653 Mr. Witte - Opposed? Motion passes.  
654  
655 **REASON:** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the  
656 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors  
657 grant the request because it would permit development of the land for residential use in  
658 an appropriate manner and the proffered conditions will provide appropriate quality  
659 assurances not otherwise available.  
660  
661 Mr. Emerson - Mr. Chairman, we now move on to REZ2023-00029,  
662 Christopher & Marlene Otto.  
663  
664 **REZ2023-00029 Christopher & Marlene Otto:** Request to rezone from B-1C  
665 Business District (Conditional) to R-4 One-Family Residence District Parcel 782-745-  
666 3120 containing 0.17 acres located at the northwest intersection of Dumbarton Road and  
667 Bloomingdale Avenue. The applicant proposes to convert an existing structure from an  
668 office to a single-family home. The use will be controlled by zoning ordinance regulations.  
669 The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not  
670 exceed 3.4 units per acre.  
671  
672 The staff report will be presented by Ms. Ali Hartwick.  
673  
674 Ms. Hartwick - Thank you, Mr. Chairman, members of the Commission. This  
675 is a request to rezone a 0.17-acre site from B-1C Business District (Conditional) to R-4  
676 One-Family Residential District to allow an existing building to be used as a single-family  
677 dwelling. The property was originally developed for residential use with the Bloomingdale  
678 subdivision. The site was rezoned to B-1C in 1987 to allow for commercial and office  
679 uses. This request would return the property to its original residential use. The 2026  
680 Comprehensive Plan recommends Suburban Residential 2 for the subject site. The  
681 proposed single-family residential use would be consistent with this designation.  
682  
683 The majority of the surrounding uses include single-family residences, with a commercial  
684 use located to the west of the subject property along Lakeside Avenue. The requested R-  
685 4 district, and residential use are similar to the surrounding neighborhood and the existing

structure is consistent with area residences. Staff notes that the majority of these structures appear to not meet the current R-4 District development standards and are considered nonconforming. The requested R-4 District would bring the property back to its original zoning designation and would be consistent with the existing pattern of development of the surrounding residential neighborhood. The proposed use is consistent with the site's Suburban Residential 2 designation and detrimental impacts on the surrounding properties are not anticipated. For these reasons, staff supports this request. This concludes my presentation and I'm happy to answer any questions at this time.

Mr. Witte - Any questions by the Commission? I take that as a no.

Mr. Archer - I have none, Mr. Chairman.

Mr. Witte - Is there anyone in the audience or on Webex who would like to speak to this case?

Mr. Morris - Mr. Chairman, there is no one on Webex for this case.

Mr. Witte - Mr. Archer?

Mr. Archer - Yes, sir, Mr. Chairman, Ms. Hartwick, you did your job so well nobody can come up with a question. Mr. Chairman, I move that we recommend approval of REZ2023-00029, Christopher & Marlene Otto.

Mrs. Thornton - Second.

Mr. Witte - We have a motion by Mr. Archer, a second by Mrs. Thornton.  
All in favor say aye.

Commission - Aye.

Mr. Witte - Opposed? Motion passes. Mr. Secretary?

**REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a similar level of single-family residential zoning as currently exists in the area and it conforms to the Suburban Residential 2 recommendation of the Land Use Plan.

Mr. Emerson - Yes, sir, Mr. Chairman, the next item on your agenda is the consideration of approval of your minutes from your regular meeting on September 14, 2023. We don't have an errata statement but of course if you have any corrections please point those out to us and we'll take care of it for you.

Mr. Witte - Does anyone have any errata data? Do we have a motion?

732 Mr. Mackey - Mr. Chairman, I move that we accept the minutes as  
733 presented.  
734  
735 Mr. Baka - Second.  
736  
737 Mr. Witte - We have a motion by Mr. Mackey, a second by Mr. Baka. All  
738 in favor say aye.  
739  
740 Commission - Aye.  
741  
742 Mr. Witte - Opposed? Motion passes.  
743  
744 Mr. Emerson - Mr. Chairman, before you adjourn this evening we have some  
745 items for you here this evening that we hope that all of you will utilize and wear as we  
746 continue through our process over the next year with the updated Comprehensive Plan.  
747 As you know we've been, yes, sir, you know we've been out in the community and the  
748 Comprehensive Plan is still a very active project and as we move into the districts  
749 hopefully in the early spring with different options and proposals to take public input. We  
750 wanted the Commission to have a few items that you can use so that they can readily  
751 identify you. You've got a shirt, a lapel pin and a large mug that you can put your, I guess  
752 your beverage of choice in and have that out on display proudly so I hope that you can  
753 find some use for these items.  
754  
755 Mr. Witte - I'm sure we all thank you for this.  
756  
757 Mr. Mackey - Thank you.  
758  
759 Mr. Archer - Thank you, Mr. Secretary.  
760  
761 Mr. Witte - You need any special permits or anything?  
762  
763 Mr. Emerson - I'll see what I can come up with. Mr. Chairman, I have nothing  
764 further.  
765  
766 Mr. Witte - Anyone else? Do we have a motion?  
767  
768 Mr. Mackey - We don't need one.  
769  
770 Mr. Emerson - Don't need one.  
771  
772 Mr. Witte - We're done.  
773  
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Mr. Robert H. Witte Jr., Chairperson

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Mr. R. Joseph Emerson, Secretary