

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. September  
4 12, 2013, Display Notice having been published in the Richmond Times-Dispatch  
5 on August 26, 2013 and September 3, 2013.  
6

Members Present: Mrs. Bonnie-Leigh Jones, C.P.C., Chairman (Tuckahoe)  
Mr. Eric Leabough, C.P.C., Vice-Chairman (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Tommy Branin (Three Chopt)  
Mr. Robert H. Witte, Jr. (Brookland)  
Mr. R. Joseph Emerson, Jr., AICP,  
Director of Planning, Secretary  
Mr. Richard W. Glover,  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning,  
Mr. James P. Strauss, PLA, Principal Planner  
Ms. Leslie News, PLA, Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Livingston Lewis, County Planner  
Mr. Tony Greulich, County Planner  
Mr. Gary McLaren, Executive Director, Economic Development  
Mr. Mike Jennings, Assistant Director, Public Works  
Mr. John Cejka, Traffic Engineer, Public Works  
Ms. Sharon Smidler, Asst. Traffic Engineer  
Mr. Steven Bandura, Public Works  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mrs. Jones - I'd like to call this meeting of the Planning  
12 Commission to order. Thank you very much for being here with us tonight. This is  
13 our Rezoning meeting, and we welcome all of you. I'd ask that you mute or turn  
14 off your cell phone so that they do not disturb the proceedings. And while you do  
15 that, please rise and pledge allegiance to the flag.  
16

17 Again, we welcome you. Thank you for taking time to be here with us tonight. Do  
18 we have anyone here from the media? Not this evening? Okay. At this point, I'll  
19 recognize that all of our commissioners are in attendance. Also, Mr. Glover, the  
20 Brookland representative to the Board of Supervisors is with us this year.  
21 Welcome, Mr. Glover.  
22

23 Mr. Glover - Thank you.

24  
25 Mrs. Jones - And thank you to all the commissioners. I'm going to  
26 turn the meeting over at this point to our secretary, Mr. Emerson.

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

31  
32 Mr. Strauss - Thank you, Mr. Secretary.

33  
34 Mrs. Jones - Good evening, Mr. Strauss.

35  
36 Mr. Strauss - Good evening, members of the Commission. We  
37 have one withdrawal of a case this evening. It's in the Varina District. It's on page  
38 four of the agenda. It's case C-28C-12, J & B Realty. The case has been  
39 withdrawn by the applicant, and no action by the Commission is needed.

40  
41 **(Deferred from the June 13, 2013 Meeting)**

42 **C-28C-12** Brian C. Mitchell for J & B Realty: Request to  
43 conditionally rezone from A-1 Agricultural District to M-2C General Industrial  
44 District (Conditional) Parcel 843-701-2778 containing approximately 24.4 acres  
45 located along the south line of Portugee Road approximately 2,300' east of its  
46 intersection with Memorial Drive. The applicant proposes a contractor's  
47 equipment storage yard, office, and maintenance facility. The uses will be  
48 controlled by zoning ordinance regulations and proffered conditions. The 2026  
49 Comprehensive Plan recommends Office and Environmental Protection Area.

50  
51 Mrs. Jones - All right.

52  
53 Mr. Strauss - Moving on to deferrals, the first request for deferral  
54 this evening is on page four of the agenda. It is in the Brookland District. It is  
55 case REZ2013-00002, Yunus Vohra. The applicant has requested a deferral to  
56 the November 14, 2013 meeting.

57  
58 **REZ2013-00002** Cameron Palmore for Yunus Vohra: Request to  
59 conditionally rezone from A-1 Agricultural District and R-2A One-Family  
60 Residence District to R-2AC One-Family Residence District (Conditional) Parcels  
61 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14  
62 acres, located on the south line of Hungary Road at its intersection with Hastings  
63 Mill Drive. The applicant proposes a single-family residential development. The  
64 R-2A district allows a minimum lot size of 13,500 square feet and a maximum  
65 gross density of 3.22 units per acre. The use will be controlled by zoning  
66 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan  
67 recommends Suburban Residential 2. Density should not exceed 3.4 units per  
68 acre.

70 Mrs. Jones - Is anyone in attendance tonight in opposition to the  
71 deferral of case REZ2013-00002, Cameron Palmore for Yunus Vohra? There is  
72 no opposition.

73  
74 Mr. Witte - Madam Chair, I move for deferral of case REZ2013-  
75 00002, Cameron Palmore for Yunus Vohra, at the request of the applicant, to the  
76 November 14, 2013, meeting at 7 p.m.

77  
78 Mr. Leabough - Second.

79  
80 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in  
81 favor say aye. All opposed say no. The ayes have it; the motion passes.

82  
83 At the request of the applicant, the Planning Commission deferred REZ2013-  
84 00002, Cameron Palmore for Yunus Vohra, to its meeting on November 14,  
85 2013.

86  
87 Mr. Strauss - The second case for deferral this evening is in the  
88 Three Chopt District, page five of the agenda. It is case REZ2013-00015. This is  
89 Kain Road Incorporated. The applicant is requesting deferral to the November  
90 14, 2013, meeting.

91  
92 **REZ2013-00015 dAb Engineering Services for Kain Road, Inc.:**  
93 Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family  
94 Residence District (Conditional) Parcel 738-767-2794 containing 7.45 acres  
95 located on the north line of Kain Road approximately 1,100' west of its  
96 intersection with Pouncey Tract Road (State Route 271). The applicant proposes  
97 a single-family residential development not to exceed 18 units. The R-3 district  
98 allows a minimum lot size of 11,000 square feet and a maximum gross density of  
99 3.96 units per acre. The use will be controlled by proffered conditions and zoning  
100 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban  
101 Mixed-Use.

102  
103 Mrs. Jones - Is there anyone tonight who is in opposition to the  
104 deferral of the case, REZ2013-00015, dAb Engineering Services for Kain Road,  
105 Inc.? There is no opposition.

106  
107 Mr. Branin - Madam Chair, I'd like to move that REZ2013-00015,  
108 dAb Engineering Services for Kain Road, Inc., be deferred to the November 14,  
109 2013, meeting per the applicant's request.

110  
111 Mr. Archer - Second.

112  
113 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in  
114 favor say aye. All opposed say no. The ayes have it; the motion passes.



At the request of the applicant, the Planning Commission deferred REZ2013-00015, dAb Engineering Services for Kain Road, Inc., to its meeting on November 14, 2013.

Mr. Strauss - That concludes the cases for deferral that staff is aware of at this time.

Mrs. Jones - Are there any other deferrals by the Commission?  
None.

Mr. Emerson - Madam Chair, that takes us to the next item on the agenda, which are Requests for Expedited Items. There are none this evening. That takes us to the cases to be heard. The first item appears on page one of your agenda.

## **PLAN OF DEVELOPMENT AND MASTER PLAN**

POD2013-00259 Lumber Liquidators East Coast Distribution Center - White Oak Technology Park	<b>Timmons Group for Economic Development Authority of Henrico County and Johnson Development Associates, Inc.:</b> Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 995,792 square foot warehouse/distribution building, including 17,000 square feet of office space, and a future 300,000 square foot expansion. The 124.61-acre site is located at the southeast terminus of White Oak Creek Drive, on part of parcel 851-705-6413. The zoning is M-2, General Industrial District. County water and sewer. <b>(Varina)</b>
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Mrs. Jones - Hello, Mr. Greulich. I need to ask if there is anyone with us tonight in opposition to this plan of development and master plan for Lumber Liquidators. All right, I had a feeling.

Mr. Glover - Madam Chairman, I'd like to make sure you know that I do not vote on zoning cases since they will be coming to the Board of Supervisors, and at that time I will cast a vote.

Mrs. Jones - That is certainly noted for the record. Thank you. This is a plan of development and master plan. For those of you who are in opposition, I'd like our secretary to just review the rules by which we hear opposition at the Planning Commission.

147 Mr. Emerson - Yes, ma'am. As you know, the Commission does  
148 have rules that they follow in regards to public hearings, and they are as follows:  
149 The applicant is allowed 10 minutes to present the request, and time may be  
150 reserved for responses to testimony. Opposition is allowed 10 minutes to present  
151 its concerns, and that is cumulative. Commission questions do not count into the  
152 time limits, and the Commission may waive the limits for either party at its  
153 discretion.

154  
155 Mrs. Jones - All right. So, with those guidelines in mind,  
156 Mr. Greulich, go ahead and present the staff report. Thank you.

157  
158 Mr. Greulich - The proposed Lumber Liquidators Distribution facility  
159 is located within the White Oak Technology Park on a development site that is  
160 north of Technology Boulevard and adjacent to Elko Road.

161  
162 The Park is owned and managed by the Henrico County Economic Development  
163 Authority. The Park encompasses 2,200 acres of land formerly known as the  
164 Elko Tract. The M-2 General Industrial zoning of the subject parcel has been in  
165 place since 1960.

166  
167 To aid in the development of an attractive and well-designed park, covenants and  
168 restrictions creating the White Oak Technology Park Design Review Board  
169 (DRB) were recorded in September of 1996, which contain design guidelines.  
170 Accordingly, the proposed development is also subject to review and approval by  
171 the DRB, and that review has been ongoing throughout the process.

172  
173 The proposal includes approximately 97 acres, as well as an additional 27 acres  
174 for future expansion of this facility. The applicant indicates the timeline for future  
175 expansion of the facility is unknown.

176  
177 The proposed development includes extension and connection of the existing  
178 White Oak Creek Drive to Elko Road, as well as construction of a new east/west  
179 access road for future development sites within the park.

180  
181 The distribution center is a one-story, 40-foot-high, approximately one-million-  
182 square-foot warehouse building, including 17,000 square feet of office. The  
183 building will be constructed of concrete tilt-up wall panels with some glass  
184 features for the office area. There is also a future 300,000 square foot expansion  
185 proposed with the master plan. There are 196 possible dock positions, 452 trailer  
186 parking spaces, and 246 automobile parking spaces.

187  
188 The DRB has been working with the applicant to revise the building colors to a  
189 darker gray color and to provide enhancements to the façade along White Oak  
190 Creek Drive. A condition has been added to the addendum to require  
191 incorporation of any additional DRB requirements to the architectural plans.



193 The developer is required, per park covenants, to provide a 75-foot buffer along  
194 Elko Road. This is in excess of the 50-foot buffer required per the County  
195 ordinance. Their proposed buffer—which is a minimum of 88 feet to 105 feet or  
196 greater—exceeds this requirement. In addition, right of way dedication for the  
197 future widening of Elko Road is provided, and the existing woods to remain within  
198 the right of way will add to the depth of the buffer until such time that the road is  
199 improved

200  
201 The applicant has committed to adding additional evergreen plantings within this  
202 buffer to supplement the existing vegetation. Provision of additional layers of  
203 evergreen plantings will also be added around the BMP between the buffer and  
204 the facility as needed. The extent of the plantings will be determined at a later  
205 date.

206  
207 Condition #9 amended has been added in your addendum to require the  
208 landscaping to come back to the Commission for further evaluation once the  
209 clearing has occurred. Fountains are being provided in all the BMPs. Additionally,  
210 50-foot landscape buffers are required along the park roads, and 30-foot  
211 landscape buffers are required along the internal property line, which would be  
212 back here.

213  
214 Light pole heights are limited to 30 feet within the park. The lighting plans are not  
215 included in this request, and will also be required to come back to the  
216 Commission per Condition #11 amended in the addendum.

217  
218 Additional DRB concerns revolve around improving the ceremonial entrance to  
219 the site and the provision of additional berming and landscaping. Landscape  
220 islands at this entrance will be increased and enhanced, and a feature will be  
221 provided. Berming and enhanced landscaping will be provided along White Oak  
222 Creek Drive in this location to screen views to the loading docks from White Oak  
223 Creek Drive.

224  
225 A community meeting was held on Tuesday, September 10, at the Antioch  
226 Community Center on Elko Road. It was attended by approximately 20 citizens  
227 from adjacent properties, the staff, the developer and his engineer, and the  
228 Varina Planning Commissioner. It lasted for approximately two hours and the  
229 citizens raised several issues, primarily focusing on traffic and noise.

230  
231 The traffic concerns revolved around provision of access to Elko Road and the  
232 current state of this road in terms of the posted speed limit and its driving  
233 conditions from a safety perspective. They also commented on the need to  
234 extend White Oak Creek Road to Elko Road and why this could not be achieved  
235 in an alternative location.

236  
237 The concerns regarding noise stem from the expectation of back-up alarms and  
238 unloading sounds as tractor-trailers maneuver around the truck courts. A concern

was raised about the hours of operation and the potential that truck traffic would occur 24 hours a day.

Staff, the developer, and their engineer attempted to address these questions and committed to providing further answers tonight.

Access to this facility is provided from White Oak Creek Drive and is separated into two main access points—a gated controlled access for delivery trucks and main access for employees and visitors. Through conditions of the POD approval, trucks from this facility are prohibited to access Elko Road. The developer must route all of their construction and tractor-trailer traffic south towards Technology Boulevard. The developer has also committed to the installation of signs requiring that construction and truck traffic turns south. Further, all trucks that exit the site are required to pass the proposed guard station. Truckers will be verbally advised of the restriction as their payloads are checked. The engineer has also been requested to examine designing the curb radius at the exit points so that it is not physically possible for trucks to maneuver and turn towards Elko Road without damaging their rigs and payload.

The applicant is required to provide a number for citizens to call if they wish to comment on its application or have any complaints that need to be addressed, so that issues which may arise can be addressed expediently.

The extension of White Oak Creek Drive is required for safety reasons. Public Works' policy requires that there be two public roads as points of access for industrial buildings greater than 500,000 square feet. As a result, it was determined that another public road connection was required. This connection will be open for emergency vehicles as well as for general use other than trucks associated with this facility.

Citizens asked if it were possible to develop an alternate access to Technology Boulevard. Due to environmental constraints there is no other feasible opportunity to develop an alternate route in that direction. As you can see, what's in green are areas of wetlands. Additionally, it was asked if access to Elko Tract Road could be provided, but there is state-owned property between the EDA property and Elko Tract Road.

The current alignment of White Oak Creek Drive and the location of the intersection have been reviewed by both County and VDOT Traffic engineers. They have taken into account the current sight distances in an effort to maximize safety.

Improvements to Elko Road are also required at this intersection. The developer is required to build a left turn lane for traffic going north on Elko and then turning west onto the proposed White Oak Creek Drive. These improvements are approximately 400 feet in length. The developer is also required to build a right



285 turn lane for traffic going south on Elko Road, and then turning west onto the  
286 proposed White Oak Creek Drive. These improvements are also approximately  
287 400 feet in length. Further, the County has contacted VDOT about the current  
288 proposed speed limit and will coordinate with them on the ability to adjust it.  
289

290 In regard to noise, the applicant may expand on this discussion, but during the  
291 design phase the site was adjusted to place the majority of the tractor-trailer  
292 parking on the side of the building away from the residents. It was originally  
293 proposed here, but then it was moved to the other side.  
294

295 The developer also committed to discussing the hours of operation with the  
296 future owner of the property. They will also look at measures to reduce the  
297 back-up noise provided that it still meets OSHA requirements for safety.  
298

299 The proposed development is also subject to review and approval by the White  
300 Oak Technology Park Development Review Board (DRB), as well as this  
301 Commission. Any additional required improvements to the site required by the  
302 DRB will be incorporated into this approval per Condition #51 in your agenda.  
303

304 Before I conclude, I wanted to touch on some general aspects of the process.  
305 The proposed use and development of the property meet all aspects of the  
306 Zoning Ordinance. The Planning Commission and staff review the proposed  
307 plans to ensure that they meet the requirements of the code and County design  
308 polices. This is done with an eye towards improving the design of the site as  
309 much as possible in response to individual site and quality development  
310 considerations.  
311

312 The Design Review Board has also reviewed the plans for conformance with the  
313 private park design guidelines. In direct response to staff, DRB, and  
314 Commissioner comments, several design changes have occurred between what  
315 was preliminarily submitted and what is before the Planning Commission to  
316 review today.  
317

318 With that said, staff recommends approval of the plans, subject to the standard  
319 conditions for developments of this type, the annotations on the plans, the  
320 additional conditions as listed in the agenda, and the additional Condition #51 in  
321 the addendum.  
322

323 With us tonight in addition to staff, Traffic, Engineering, and VDOT  
324 representatives, are the applicant, Johnson Development Associates, and the  
325 engineer, Timmons Group, who are prepared to address the Commission. I'd be  
326 happy to answer any questions.  
327

328 Mrs. Jones - Questions for Mr. Greulich? All right, sir, don't go far.  
329



330 Mr. Archer - I have one, Madam Chair. Mr. Greulich, you indicated  
331 in talking about the traffic pattern, and looking at what's here, and listening to  
332 your remarks that there are no other patterns that can be established for routing  
333 traffic? I'm just asking. I understand that wetlands would have to be crossed, and  
334 some properties are owned by someone other than the developer.

335  
336 Mr. Greulich - That is correct.

337  
338 Mr. Archer - Does that pretty much preclude any changes to the  
339 traffic pattern?

340  
341 Mr. Greulich - If I may, I'd like to defer to the traffic engineer on that.

342  
343 Mr. Archer - Sure, that would be fine.

344  
345 Mrs. Jones - All right, thank you.

346  
347 Mr Jennings - Good evening, Mr. Archer. Mike Jennings, Assistant  
348 Director of Public Works. Mr. Archer, with the design of this road there were  
349 several things taken into consideration, including environmental issues and traffic  
350 engineering standards. This road was looked at environmentally. When you look  
351 at designing a road, you look to minimize impacts to the U. S. waters and all of  
352 our water resource areas, and our Chesapeake Bay Preservation areas within  
353 the entire site. There is also an RPA, a Resource Protection Area buffer, which is  
354 100 feet off of the perennial stream that runs through this property that you need  
355 to stay out of. So White Oak Creek Drive was designed to cross the existing  
356 wetlands with the least amount of impact to the wetlands. So, when the master  
357 plan was laid out, those environmental factors were taken into consideration.

358  
359 Traffic engineering-wise, we looked at an entrance onto a public street that  
360 meets access management standards, for VDOT or Henrico County—in this  
361 case it would be VDOT—on that road, which is a space of about 1,320 feet. We  
362 also make sure it has adequate sight distance. They looked at several locations  
363 along Elko Road. I know the request from the citizens was to move it closer to  
364 Elko Tract Road, which would be to the north-northwest. The way it currently is  
365 horizontally and vertically, you can't get adequate sight distance through that  
366 section. So with Traffic Engineering standards and environmental standards, this  
367 needs to be the location of that road.

368  
369 Mr. Archer - Okay. I was just wondering because Mr. Greulich  
370 indicated that the two major objections were traffic and noise. And looking at the  
371 way the map is drawn, I was just wondering if there was a way to move it away  
372 from the most populated area toward, I guess the south, which seems to be less  
373 populated. But if not, then I understand. I just wanted to be sure that that had  
374 been looked at.

376 Mr. Jennings - The overall master plan does have a connection  
377 further to the south in the future, but that area is not being developed now. And it  
378 would be out of what's being developed currently.

379  
380 Mr. Archer - Okay. Thank you for your time.

381  
382 Mrs. Jones - Mr. Leabough, how would you like to proceed?

383  
384 Mr. Leabough - I'd like to hear from the applicant first, and then we'll  
385 hear from opposition, and then give the applicant a chance to address any  
386 concerns raised.

387  
388 Mrs. Jones - Certainly.

389  
390 Mr. Hostetler - Thank you. My name is Steve Hostetler. I'm with  
391 Timmons Group. I have to tell you, Mr. Greulich really did a very thorough job in  
392 his explanation of the site plan. He pretty much covered all of my points.

393  
394 I do want to maybe give a little bit of a backdrop. He mentioned that there has  
395 been some back and forth on the site concept design from the original concept.  
396 That was done very intentionally, as he mentioned, trying to move—the bulk—the  
397 receiving side of the building is the larger. And moving that farther away from the  
398 residents and moving that single point of access—you might have noticed this  
399 connection up here, on the top. That is an emergency-only connection. The only  
400 people that would use that gate would be the fire department if they ever need to  
401 get in. The operation generally has vehicles—if they're being loaded for shipping,  
402 they would come out and come back around and out through this single point of  
403 access. Our primary activity point is south of the facility.

404  
405 A concern was also mentioned about trucks from this facility going out to Elko  
406 Road. As he said, that will be signed not to allow that, and the guardhouse will  
407 also instruct them to head south to Technology Boulevard.

408  
409 We have worked pretty extensively, as he mentioned. We're exceeding the  
410 minimum required buffers by a good amount. The 88-foot buffer is the minimum  
411 dimension that we have along this pond, and we're up to, and we're up to 150  
412 feet in places. This is a natural undisturbed buffered. And that's measured from  
413 the right-of-way dedication that we're required to do along Elko Road. Okay?  
414 Right now that is just a prescriptive right-of-way, so we'll actually be dedicating  
415 the land. And in this fairly sharp curve we're actually coming into our property  
416 and dedicating more that will allow VDOT—if and when they ever have more  
417 money—to improve the road. So everything we've been doing is measured off of  
418 that. So in that area there will actually be about another 50 feet of trees that  
419 we're not even counting when I tell you, say, 120 feet in that area. I just wanted  
420 to make that point clear.

421



Staff has been very consistent, shall we say. I could show you the hurt on my arm from all the tweaking that we've been doing trying to, again, accommodate that concern and maximize that buffer. So that is the concession or the working towards really minimizing both the view aspect and the noise aspect, trying to get everything as set back and away as we can.

Mrs. Jones - Let me just ask quickly, Mr. Hostetler. Would you like to retain some time to respond?

Mr. Hostetler - Most certainly.

Mrs. Jones - A couple minutes?

Mr. Hostetler - Yes. Yes, please.

Mrs. Jones - Okay. We'll note that. You have a couple of minutes to go in your presentation.

Mr. Hostetler - As I said, really a lot of our points were covered. I was going to touch on kind of how we arrived at the layout and how from a site design standpoint we've maximized—again, trying to move the activity away, maximize the buffers, and be as good of a neighbor as a facility this large can be. We have worked diligently to do that. Mr. Jennings spoke to the road widening. We are following the alignment that was set initially with the Bank of America plan. We're following all of the guidelines. It will be improved through the turn lanes. The lanes will be widened, designed to safety standards, you know, current design standards.

As far as the building architecture, I think you've seen what we've proposed is very similar to what's in the balance of the Technology Park, but we're still working with the DRB on the colors and some of the aesthetic items. We've agreed to come together on that.

Landscaping. We've presented a conceptual plan. We know we need to punch up that one area to the south. That's a point with the DRB that we're still working on, but we've agreed to that. The supplemental screening was the other really salient point.

One other item that came up in discussion at meeting that I'll just touch on here is related to stormwater management. When I first walked the site looking for the outfall to the north, it took me a while to find one because there really isn't one. It's inadequate for its current condition. So working with Public Works, what we've done is all of the post-development water, basically the water—everything that's on this side of the building that's being treated and managed here will be piped back to this system. It may eventually converge back in the same—we're in the same drainage basin. But, that will take away an area from this existing poor

468 drainage condition; it will help the existing condition with this development. I just  
469 wanted to make sure to point that out as well.

470  
471 Mr. Leabough - Just one quick question, Mr. Hostetler. I know a  
472 question was raised at the community meeting on Tuesday night regarding the  
473 ability to sort of make the building longer and shrink it.

474  
475 Mr. Hostetler - That is something that from a—and I may have to ask  
476 Mr. Rhea from Johnson Development if I don't quite hit this right. But there are  
477 certain standard building dimensions in the warehouse trade, as I understand it,  
478 for pallet spacing, and kind of the functionality drives the width of the building.  
479 And so if this is going to be a saleable facility—i.e., if at some point in the future  
480 they decide to sell it to somebody else, it's not some funky shape that nobody  
481 else can use. This makes it a very valuable and standard—kind of a standard  
482 commodity. Did I hit that right? I kind of fumbled through that a little bit.

483  
484 Mrs. Jones - If you want to make a comment, I'm sorry, you're  
485 going to have to—these are recorded proceedings. So if you would identify  
486 yourself and talk into the microphone.

487  
488 Mr. Rhea - Copeland Rhea, Johnson Development. The other  
489 aspect is the current operation that's in the building needs the current dimensions  
490 of the building. So if the building is elongated, the current operation that they're  
491 going to have in the building won't work from just their daily operations.

492  
493 Mrs. Jones - May I ask a quick question?

494  
495 Mr. Leabough - Yes, you may.

496  
497 Mrs. Jones - May I ask a quick question, Mr. Hostetler? Just to  
498 confirm here. I see the truck entry. Show me the truck exit.

499  
500 Mr. Hostetler - They enter right here, and there's a median, and they  
501 exit on the outside of that.

502  
503 Mrs. Jones - Just so I understand. They will come on in. This is  
504 where the bulk of the loading will take place?

505  
506 Mr. Hostetler - This is where all of the trucks enter the site and exit  
507 the site. There is a guardhouse right here, and their operation is such that they  
508 monitor all of the trucks as they come in and as they go out.

509  
510 Mrs. Jones - What will occur on the truck parking and loading side  
511 that is closest to the residences?



513 Mr. Hostetler - My understanding is that is a shipping operation. In  
514 other words, the shipping containers and such will come in on the south side of  
515 the building, and will be unloaded into the facility. They'll be kind of moved  
516 around. And then the trucks that make the runs to the individual stores carrying a  
517 variety of the material will be loaded on this side. They'll back up empty, be  
518 loaded, and then exit out this way.

519  
520 Mrs. Jones - Okay. So they back in, pull out, come around and out.  
521 Everybody goes in and out through the gatehouse.

522  
523 Mr. Hostetler - Single point of control. Single point of activity for  
524 trucks.

525  
526 Mrs. Jones - And the signage for prohibiting truck traffic on Elko  
527 Road, where does that begin?

528  
529 Mr. Hostetler - That will be right at this exit right here. In other words,  
530 as you're leaving you will be—after the guard tells you don't turn right, they'll be a  
531 sign that says don't turn right, you know, no right turn allowed.

532  
533 Mr. Leabough - And a physical element that will prevent trucks from  
534 turning right as well. Or that's something you're looking into.

535  
536 Mr. Hostetler - That is something we could do. I'm not sure that that's  
537 the ideal. I'm not sure that you want to use damage to equipment as the  
538 deterrent, but that is certainly something that we could do if that became critical.  
539 The way that I understand the way that their operation is run, it's a pretty tight  
540 ship. If carriers aren't doing what they're told to do from this facility, they won't be  
541 their carriers. That's kind of the way it's been explained to me.

542  
543 Mr. Leabough - Another question that came up as well and a concern  
544 that I had relating to not only truck traffic after the building is built, but  
545 construction traffic as well. I know it was mentioned that they can only access the  
546 property from Technology Boulevard.

547  
548 Mr. Hostetler - Yes.

549  
550 Mr. Leabough - They cannot exit onto Elko Road.

551  
552 Mr. Hostetler - Yes, sir. All that has been put into our construction  
553 plans. Those requirements, I think they're even part of this case.

554  
555 Mr. Leabough - They're conditions, yes. One other quick question.  
556 No, I'll save it for later. Thank you, Mr. Hostetler.  
557

558 Mrs. Jones - All right. Any other questions for the applicant? Stay  
559 close. Thank you. All right.  
560

561 Mr. Leabough - I'd like to ask Mr. Jennings—or I believe we have a  
562 representative from VDOT here. There was a concern or a question that was  
563 raised relating to trucks ducking the scales on Route 60. If I'm not mistaken, if a  
564 truck wanted to do that—correct me if I'm wrong—there is another way to exit the  
565 park. I guess it's Elko Tract Road. They could exit from there?  
566

567 Mr. Jennings - Yes, sir. Currently, if those portable or temporary  
568 scales up on Williamsburg Road are in operation, they could go down to Elko  
569 Tract Road and cut through there, from Technology Boulevard over to Elko  
570 Road. Or I guess if they're coming from the south, they could take Portugee  
571 Road over.  
572

573 Mr. Leabough - So, this connection, White Oak Creek Drive, doesn't  
574 give them a new opportunity to do that. That opportunity exists today if they were  
575 to choose to do that.  
576

577 Mr. Jennings - Yes, sir.  
578

579 Mr. Leabough - Okay. You may or may not know the answer to this  
580 question. If the residents are noticing that trucks are starting to do that, who do  
581 they contact?  
582

583 Mr. Jennings - If it's on Elko Road or—  
584

585 Mr. Leabough - Elko Road.  
586

587 Mr. Jennings - Elko Road? Then they would need to work with VDOT  
588 and we could work with them. They'd go through me, obviously, or John Cejka,  
589 the County traffic engineer. And we could work with VDOT to do the proper  
590 studies and to see if a truck restriction is warranted. I'm not sure of their process.  
591 I know that in our process it has to be approved by the Board of Supervisors. I'm  
592 not sure if VDOT—I don't know if Robert Butler knows that process. No.  
593 Unfortunately, he doesn't. But we would work with VDOT to get a truck restriction  
594 in place if there's a problem.  
595

596 Mr. Leabough - Okay, thank you.  
597

598 Mrs. Jones - The opposition, this is your time. We're happy to hear  
599 what you have to say. You have 10 minutes. We would ask that whoever would  
600 like to talk, that is fine, but just to please not repeat points that others have made.  
601 What we'd like to do is to hear your concerns so that we can get those answered  
602 tonight insofar as we can. So anyone who would like to come forward. Sir, come



on. If you wouldn't mind—again, I say these are recorded proceedings, so please state your name for the record.

Mr. Scott - Good evening. Tom Scott with Bank of America. We are the closest corporate neighbor to the proposed new distribution center. It appears that the volume of tractor-trailers will be routed past our location, which is to the south there on White Oak Creek Drive. So we have a technology center that was completed just under two years ago. We have employees that are in and out of that site all day long. So we have concerns about the volume of tractor-trailer traffic. It is a two-lane road, and this is the only way in and out for our associates, as well as from this presentation here this evening, the only way in and out for the tractor-trailer traffic as well. As a company, we're concerned for the safety of our employees who are working there each day. And plus the critical nature of this facility.

I think one of our strongest concerns as we looked at the technology park, one of the things we did was looked at the risk factor. So we have to continue to analyze the risks that are potentially there as far as the contents that are on these trucks. Are they combustible? Are there hazardous materials? Because of the critical nature of our facility there, we have concerns about this particular risk. As we were originally looking at this site, we were under the impression that it would be a technology park. We're not really clear on why a distribution center. Although we support the company, I think it's just unclear in our minds as to the future vision of the technology park as other types of businesses are coming in to the location.

And so I just wanted to share and represent Bank of America and just state that we do have concerns. Number one is about the volume of tractor-trailers that are obviously coming down the two-lane road right past our facility, our newly built facility, the potential hazardous materials, and then of course, the usage itself being a non-technology type of application out there in that tract. Thank you.

Mrs. Jones - All right, thank you. Would someone else like to come forward?

Mr. Davis - I'm Mark Davis. I live at 6425 Elko Road. I'm one of the residents a little further down the road than my neighbors. I'll just list out my concerns and give some remarks related to those.

I think the Henrico Planning Department did a nice job explaining about the traffic, but I don't think they understand the concern from the residents, especially those residents who are straight across from this intersection. Whether it's vehicle traffic or—in our view, they will be able to control their own trucks. That is certainly so and I believe Lumber Liquidators will do that. What they can't control is anybody who is going to use the technology park, any trucks that are making deliveries to anybody else in there. If they elect to come down that road, yes, we

649 can call and complain to the Traffic Department. We can call and talk to the  
650 County about various things. But that intersection there has a hill at either end.  
651 And so you only have a few seconds if you're coming up over one of those hills  
652 going either direction to make a decision about slowing down. And for the  
653 residents trying to get out of the driveways, I think it's just—and there will be  
654 suited exit points for that.

655  
656 As to the comments from Tony about wetlands' mitigation, that's something I do  
657 for a living. You certainly could mitigate the wetlands down there. Yes, it's not  
658 ideal, but you're building a million-square-foot warehouse already, which is going  
659 to have a huge impact, the stormwater management. The stormwater, recharging  
660 the aquifers. Many of the residents along there live on wells. The stormwater  
661 ponds are supposed to be clay lined. I understand that because you don't want  
662 contaminants infiltrating the stormwater recharge aquifer underneath. But you're  
663 going to take a million-plus square footage out of recharge for that aquifer in that  
664 area. So you're playing either side, which I certainly understand from the  
665 Planning Department to be concerned about. But I think that road that they're  
666 cutting down, cutting it back across to Technology Boulevard could be done. Is it  
667 going to be easy; is it going to be cost-effective? I don't know. But for the  
668 residents who are directly across from there, I think that might be a way to  
669 alleviate. It might also alleviate evidently their neighbor's concern about all these  
670 trucks coming down if you change the route. I'm not saying you should or  
671 shouldn't, but for those who live along Elko Road, there's a real concern about  
672 the additional traffic level.

673  
674 Noise. They're installing nice buffers. I live further down there. I'm about 1,000  
675 feet through heavy woods from the closest industrial in this park. At night I can  
676 hear trucks backing up. I can hear vehicles coupling their cars to the trailers. So,  
677 a 150 feet of buffer sounds great. Maybe if it's a properly engineered design,  
678 maybe it will certainly reduce the noise. But some of these neighbors live less  
679 than 50 feet from Elko Road. So I'm not so sure that without further review on the  
680 buffer side, that the buffer is adequate.

681  
682 I think this is a huge change to the rural area. All of us knew the industrial park  
683 was there. When I bought my property 10 years ago—my neighbors have been  
684 here a lot longer than I have—I knew that there was an industrial park. But my  
685 understanding of that—of course real estate people don't always tell you the full  
686 truth when they're selling you a piece of property—was that there was a larger  
687 buffer intended along Elko Road than what evidently has come out in these  
688 meetings that we've learned about. And that the park was intended for  
689 technology. To me, technology is not a huge distribution warehouse. It's people  
690 like Bank of America. It's people manufacturing small light business things. This  
691 is a huge building you're putting in. I think it's just not well suited for this rural  
692 area. For those of us who live on Elko Road, it will completely change our rural  
693 setting. And I don't think we're opposed to Lumber Liquidators coming to our



County; what we're really concerned about is traffic, and the noise that they're going to bring with them, and the potential risk to us as neighbors.

I appreciate your time.

Mrs. Jones - Questions for Mr. Davis? All right. Hello, Ms. Hamilton.

Ms. Hamilton - Hi. I'm glad you remembered my name. It's Karen Hamilton for the record. And no, I don't live out there, but I've grown up in Henrico County. And I appreciate that there are rural areas because I used to live in one—until you devastated Short Pump.

The point I want to make is it looks like there probably are trees now where they plan to put this, which brings me to the Western Hemisphere Convention, which is always violated in Henrico County. The Western Hemisphere Convention says that we need to leave trees and space for birds that are migrating. This is an international treaty. This is constitutional law, so you violate the Constitution as well international law when you violate the Western Hemisphere Convention.

You also have no regard for the Federal Migratory Bird Treaty Act because it says that birds are protected during nesting season. And *you*, as Henrico County, issue permits with a time period on them. You have the ability to control when a building is built, although something of this nature would take probably a long period of time and there would be no point at which this wouldn't interrupt a nesting season. If you started this in October, it would still continue on into nesting season. It's still going to interrupt their nesting season.

Millions upon millions of birds die every year slamming into windows of buildings. This is a rural area. There are birds, I'm sure, that are used to being out there, and then suddenly there's going to be this great big building, and smack into the window. I was down at the City of Richmond Library recently and saw on the windowsill, this large, large windowsill they have, dead birds out there, which is a tragedy.

And finally, the thing is that we also had the Ramsar Conventions, which are the wetlands treaties that this gentleman mentioned. There is no way that you can mitigate that. He's right. You have a lot of square footage of roof, and it is going to destroy the wetlands out there, as well as the well water for those people.

What's interesting about Henrico County and water is that you care if it's somebody rich in the West End. Like when the fish kill happened a year or two ago in western Henrico County and all the residents were concerned about 1,000, maybe 1,100 fish that died. Oh wow! Henrico County reacted because a lot of rich people called you. You know, these people probably don't have that kind of money. But you care about those people off River Road.

740  
741 Likewise, you know, there have been other incidents where—there was a group,  
742 Colony Bluff neighborhood off River Road. They wanted their road cut off  
743 because there was access from Patterson and Pump. Oh, they're rich, so they  
744 cut that off. But these people? They don't have money like that.

745  
746 This is discrimination.

747  
748 Mrs. Jones - Thank you, Ms. Hamilton. Would someone else like to  
749 speak to the case?

750  
751 Ms. Barker - Good afternoon. My name is Gina Barker, and I'm a  
752 resident of Elko Road. I just wanted to give the Board a little bit of history. One  
753 thing I haven't heard touched on tonight is that the Elko community supported the  
754 Technology Boulevard Park because as citizens, we were assured that Elko  
755 Road would not be comprised nor would it ever be a form of public access to  
756 Technology Boulevard. I still continue to have traffic concerns with that access  
757 road. It is a national bicyclist route, and I have not heard that addressed tonight.  
758 And I do know that the traffic board or the gods of traffic control have been  
759 looking at this from a very statistic and objective approach, and I respect that. But  
760 I'm a resident there, and I know that subjectively there is a dangerous road as it  
761 is traveled today. It's very difficult to get out of my driveway in the mornings. I'm  
762 competing with school buses. I have a middle school that is less than a half a  
763 mile down the road from what will be this new access road. In addition to that,  
764 there is hopefully a high school that's going to be coming in the area as well,  
765 adding more traffic to this location.

766  
767 One thing that I don't understand is with this industrial park—as you already  
768 know, Eastern Henrico is heavily populated with other industrial parks. But I  
769 couldn't find any of them that had a public access road to a residential road or to  
770 a secondary road. I understand the need for an access road. And I think that if  
771 we work a little bit harder or for a secondary access road—I think that if we work  
772 a little bit harder, maybe we could get a variance with the state. I thought that  
773 was something we were going to research or was going to be researched where  
774 we could cross state property. And that would run straight across. Do you know  
775 what I'm talking about, Mr. Leabough?

776  
777 Mr. Leabough - Yes. I don't think we mentioned that we would get a  
778 variance. I think we mentioned that—

779  
780 Ms. Barker - I thought the other night we had talked about exiting—  
781 and I don't know, ladies and gentlemen, if you're able to see the computer here.  
782 There was supposed to be a road that was going to go straight across here. And  
783 yes, it would go across state property, but I thought that was a point of discussion  
784 the other night was to check on a variance as an option. I don't know. Another



option would be, why could we not just turn around right here and come back out to Technology Boulevard.

I know that everyone is being very diligent about controlling the traffic that comes out of Lumber Liquidators, but you cannot control the behaviors of other drivers, whether it be the employees or the trucks that are coming in. These trucks will be traveling 64 westbound. They will be getting off on Exit 205. They will come down Elko Road. They will try to circumvent the scales. And that's not a behavior that Lumber Liquidators can control. It can be controlled if you don't put this access road here.

I think I've hit the key points on behalf of my fellow residents, but I would like to say that all of the residents that live directly across the street, I would say that the majority of them are here tonight. So while I only stand as one, I'm representing many. Thank you.

Mrs. Jones - All right. Questions for Ms. Barker? Thank you very much. Mr. Leabough, would you like to have the applicant respond or how should we proceed?

Mr. Leabough - First, I'd like Mr. Jennings or the representative from VDOT to come up to answer the concerns related to traffic. I think they've been addressed, but if you could. One question was from the gentleman, Mr. Scott, from Bank of America related to safety concerns on White Oak Creek Drive, which I don't think was addressed previously.

Mr. Jennings - Safety concerns on White Oak Creek Drive?

Mr. Leabough - He mentioned the truck traffic that would be accessing White Oak Creek Drive to access the facility passing the Bank of America site. I don't think that was addressed earlier in the presentation.

Mr. Jennings - Right. There is going to minimum truck traffic coming out of this facility. I know it's a very large facility, but the developer has told our traffic engineer that there are only 100 to 150 trucks per day, which means a total of 200 to 300 trips over the entire day, which is not a huge traffic generation. White Oak Creek Drive is a 40-foot wide industrial road which can handle that truck traffic.

Mr. Leabough - I think that's it. The other concerns, again, I think were addressed, but the connection to Elko Road, why it's needed. There were conversations the other night relating to whether or not the road could be moved to—I guess is it the south? Cross over the state property, which I think we indicated that seeking approval or whatever would be needed is not something under the purview of the developer to do, and that couldn't happen between

830 Tuesday and tonight. There are all sorts of processes that would need to take  
831 place. I think that's it in terms of traffic.

832  
833 Mrs. Jones - I have something. Mr. Jennings, this is a traffic  
834 question I have. It was mentioned that traffic on Elko Road, there are hills, are at  
835 least some elevation changes at that intersection, both ways. Obviously, at that  
836 intersection you've done a big analysis, I'm sure, of sight distance and this kind  
837 of thing. Can you just go over why there are no concerns about that elevation  
838 change and people coming over a hill and being confronted with a number of  
839 vehicles that would be a hazardous situation for them?

840  
841 Mr. Jennings - Yes ma'am. I actually went out in the field today, and  
842 sat at that entrance, and looked to the right. I am familiar with the hill they're  
843 talking about. It's 582 feet down to that hill where you can see a vehicle coming.  
844 The required sight distance is 519 feet, so there is adequate sight distance  
845 looking that direction. And yes, current Elko Road does have some horizontal  
846 and vertical curves along it. And I know VDOT has some curve advisory plates in  
847 some locations. But at this location, they can provide adequate sight distance  
848 getting out on Elko Road.

849  
850 One other thing just to throw out there. I did perform an accident update through  
851 this section to look to see what's happening. Over the last five years there have  
852 been eight accidents through this section. Five of them were vehicles hitting  
853 deer, so. I know trucks were an issue. There have been a couple that involved  
854 sideswipes with a large—as a matter of fact, there's one sideswipe with a large  
855 truck, and there was one truck that dropped a log off of it. So there have been  
856 eight accidents in this section over the last five years. But as I said, 62 and 1/2  
857 percent of them are vehicles hitting deer.

858  
859 Mrs. Jones - But this is without the addition of this intersection.

860  
861 Mr. Jennings - Correct. With this all the trucks—what's expected  
862 truck trip generation for this facility is 200 to 300 trucks per day all going up  
863 Technology Boulevard. They're expecting approximately 600 vehicle trips per  
864 day from the employees, three shifts of employees of 100 each. With that, the  
865 majority of the traffic is going to be going onto Technology Boulevard towards  
866 Interstate 295.

867  
868 Mrs. Jones - With rescue/fire needing to have this access to the  
869 side of the building, which is closest to Elko Road, is there any reason that that  
870 access from Elko could have some kind of a restriction on it?

871  
872 Mr. Jennings - Our County policy is that a second full point of access  
873 is needed on a facility of this size for the health, safety, and welfare of our  
874 traveling public and our citizens. As you know, we look at whether it's residential,  
875 retail, or industrial. In this case, when it gets over 500,000 square feet of



876 industrial, we require a second full point of access. This does help out with  
877 response from fire, emergency, police, but also for the people working there and  
878 anybody else that needs to use that road has the ability to get in and out of the  
879 road also if there was an accident at White Oak Creek Drive and Technology  
880 Boulevard that blocked up the entire development. They wouldn't be able to get  
881 in and out of there.

882  
883 Mrs. Jones - So it must be a full access.

884  
885 Mr. Jennings - Yes. We require a full access public street that's open  
886 all the time. That's our policy.

887  
888 Mrs. Jones - Just thought I'd ask.

889  
890 Mr. Witte - Mr. Jennings, it seems like the majority of the  
891 complaints would come from the truck traffic on Elko Road. Would it be  
892 feasible—much to the dismay of Bank of America—to have the primary truck  
893 route come off of Technology Boulevard to White Oak Creek Drive?

894  
895 Mr. Jennings - That is the primary truck route.

896  
897 Mr. Witte - Then what's with the 300 trips a day on Elko Road?

898  
899 Mr. Jennings - That's Elko Road for that?

900  
901 Mr. Witte - I think maybe I misunderstood.

902  
903 Mr. Leabough - I think you're referring to the employee traffic.

904  
905 Mr. Jennings - Oh, the employee traffic, right.

906  
907 Mr. Witte - Oh, that's just the employees.

908  
909 Mr. Jennings - The 200 to 300 trucks that are going in and out of the  
910 facility, they have to go over to Technology Boulevard. I'm sorry if I wasn't clear.

911  
912 Mr. Witte - No. I misunderstood. Thank you.

913  
914 Mr. Leabough - The other question that was raised related to  
915 stormwater management, concerns related to that. And maybe the engineer is  
916 probably better—

917  
918 Mr. Jennings - Yes. Steve Bandura will answer that question.

919  
920 Mr. Leabough - Okay.

922 Mr. Bandura - Mr. Leabough, I'm Steve Bandura, staff engineer with  
 923 Public Works.  
 924

925 Mr. Leabough - Yes. There was a question that Mr. Davis raised  
 926 relating to stormwater management. Are you able to respond to the question  
 927 related to whether these stormwater ponds are adequate for this size facility?  
 928

929 Mr. Bandura - The calculations are still preliminary at this point.  
 930 We've been working with the engineer, and they're close to being sized like they  
 931 are. He did say they do have a clay liner, a one-foot thick clay liner. They did take  
 932 water that went towards the residents to the other side of the building and are  
 933 dumping it into the creek there. They have to provide adequate channel capacity  
 934 for erosion and velocity. So the environment will be protected with that, as our  
 935 normal requirements for outfall channels.  
 936

937 Mrs. Jones - Is there a potential for interference with well water?  
 938

939 Mr. Bandura - I'm not qualified to answer that question. In Public  
 940 Works we don't really deal with groundwater aquifers. That might be better  
 941 addressed by the Health Department.  
 942

943 Mrs. Jones - Okay.  
 944

945 Mr. Leabough - The other traffic question that was raised related to  
 946 bicyclists on Elko Road and that road being designated as a historic bike route.  
 947 Forgive me if I get the term incorrect.  
 948

949 Mr. Jennings - Yes. Elko Road is part of the Bike Centennial 1976  
 950 bike route across from the Mississippi River all the way to Virginia Beach. There  
 951 are basically 573 miles in Virginia that are part of U.S. Bike Route 76. This was  
 952 designated—it started in 1976, and the entire bike route was approved in 1982.  
 953 So yes, it is a bike route that was established years ago.  
 954

955 One of the things I wanted to also point out is in my accident update there were  
 956 no reported accidents involving bicycles.  
 957

958 Mr. Leabough - Okay.  
 959

960 Mrs. Jones - Is there a shoulder for bicycles at all?  
 961

962 Mr. Jennings - No, ma'am. It's a typical situation where bikes share  
 963 the road.  
 964

965 Mr. Leabough - Mr. McLaren, you're here. Oh, go ahead; I'm sorry.  
 966



967 Mrs. Jones - Are there any other questions? We keep bringing you  
968 up and back, and up and back. I'm sorry, Mr. Jennings. Any other traffic-related  
969 questions? Okay. Thank you.  
970

971 Mr. Leabough - Mr. McLaren, do you mind addressing the question  
972 that Mr. Scott posed related to the vision for the park? Let me point out that's not  
973 a part of the request, but the question was raised. We're not making a decision  
974 regarding that, but the question was posed so maybe you could address that.  
975

976 Mr. McLaren - The second user in the park was Hewlett-Packard,  
977 which has well over a million square feet in five different buildings out there. They  
978 basically have distribution warehouse operations. That was built in the early to  
979 mid 1990s. So that use has been in the park for a very long time, so this is  
980 nothing new in my mind.  
981

982 In talking about the size of the building, the first facility, Qimonda, and the reason  
983 the park was dedicated initially, was actually 1.2 million square feet of space. So,  
984 the size of the building really is not much different than what you have out there  
985 already. Admittedly, the Bank of America facility as it currently exists is 400,000  
986 square feet. But the other facilities are very large. The distribution use is an  
987 existing use there.  
988

989 We do not intend to turn this entire park into a distribution park. We do still intend  
990 to have a technology orientation to it, and we're working with prospects to that  
991 end right now.  
992

993 Does that answer your question, sir?  
994

995 Mr. Leabough - Yes, I guess.  
996

997 Mr. Witte - Excuse me. Is the park restricted to limit any type of  
998 biohazards, flammable liquids, or testing facilities? Any laboratories?  
999

1000 Mr. McLaren - There are certain uses allowed under the M-2 zoning  
1001 by right. But then there are restrictive covenants in place that restrict a long list of  
1002 uses within the park, to be very honest with you.  
1003

1004 Mr. Leabough - So is this an allowed use, Mr. McLaren?  
1005

1006 Mr. McLaren - Yes, it is.  
1007

1008 Mr. Witte - Okay, thank you.  
1009

1010 Mrs. Jones - Would there be hazardous materials on these trucks?  
1011

1012 Mr. McLaren - You'll have to ask the operator that. All I can tell you  
1013 is I've been in Lumber Liquidators stores, and there is basically flooring and  
1014 materials to put down flooring in those stores. So I assume that's what will be on  
1015 these trucks, but I'm not an expert on exactly what will be on the trucks.

1016  
1017 Mrs. Jones - But they do meet all the requirements of the park.  
1018 Okay. Any other questions for Mr. McLaren? Thank you for being here.

1019  
1020 I have a question for the engineer.

1021  
1022 Mr. Leabough - Yes, I think we have a couple. Mr. Hostetler, do you  
1023 mind coming back up?

1024  
1025 Mr. Hostetler - Yes, ma'am.

1026  
1027 Mrs. Jones - Can you answer my questions about the wells? This  
1028 is my question. How will this development potentially affect well water for the  
1029 very-close-by residents?

1030  
1031 Mr. Hostetler - In terms of—let me describe the way that the  
1032 stormwater management system is set up to operate, which is all of the runoff  
1033 from the parking lots and the building—which, you know, this building, just for  
1034 frame of reference, is about 23 acres of roof—are drained to these ponds. Those  
1035 ponds are cleaned up—you know, allowed to settle. We have fringe wetland  
1036 plantings and it will clean up the stormwater before it is released to the  
1037 downstream area.

1038  
1039 The reason I may be struggling a little bit with the question is because I can't give  
1040 you a definitive answer relative to if the area that is being treated and piped  
1041 away, which is about—help me out. Is it 10 acres or 12 acres? Whether that  
1042 would have an effect on the recharge of those wells, I can't—I don't know if that's  
1043 significant enough of an area to make a difference in the recharge. So the  
1044 answer to that I really am not qualified to tell you that. In terms of the quality, I will  
1045 tell you that yes, we are protecting the quality because the water that interacts  
1046 with our development isn't going to get there, because we've lined the ponds and  
1047 we're taking it the other direction. So it's kind of a half answer.

1048  
1049 Mrs. Jones - This wasn't my question; it was one of the citizen's  
1050 questions.

1051  
1052 Mr. Hostetler - Yes, okay.

1053  
1054 Mr. Branin - Mr. Hostetler, basically what you're saying is these  
1055 detention ponds are going to hold, and then you're going to pipe it out and put  
1056 the settled, clean water into a stream.

1057



1058 Mr. Hostetler - Yes, sir.  
1059  
1060 Mr. Branin - So, in essence, you are reducing the ground surface  
1061 water because you are detaining and piping, as opposed to detaining and  
1062 returning.  
1063  
1064 Mr. Hostetler - Correct.  
1065  
1066 Mr. Branin - So, could I answer your question for you?  
1067  
1068 Mr. Hostetler - Well—  
1069  
1070 Mr. Branin - You are changing it. It's not tough.  
1071  
1072 Mr. Hostetler - No. It is from the standpoint of if I'm going to put my  
1073 stamp on it and say in terms of the water balance, you are correct. We are taking  
1074 the water away from that particular surface area.  
1075  
1076 Mr. Branin - No one is asking you for the water quality.  
1077  
1078 Mr. Hostetler - Okay.  
1079  
1080 Mr. Branin - They're basically talking about quantity and returning  
1081 your surface water back into the soil. But what you're saying is you're piping it  
1082 out.  
1083  
1084 Mr. Hostetler - Yes, sir, that's what I'm saying.  
1085  
1086 Mr. Branin - So, no one, again, is questioning quality. We're  
1087 looking at—  
1088  
1089 Mr. Hostetler - I just heard impact on wells, so that's why.  
1090  
1091 Mr. Branin - They're not asking about the quality in their wells;  
1092 they're asking if their wells are going to go dry. You don't know.  
1093  
1094 Mr. Hostetler - I would say the answer to that would be no, but I can't  
1095 guarantee that because anything could happen.  
1096  
1097 Mr. Glover - I have to say something. I don't know that I've ever  
1098 sat in a Plan of Development meeting that an engineer didn't know the answer to  
1099 a simple question of do you rehydrate the waters of the ground. Do you put water  
1100 back in the ground or do you run it away from the house? Are you an engineer?  
1101  
1102 Mr. Hostetler - Yes, sir.  
1103

1104 Mr. Glover - From where?  
 1105  
 1106 Mr. Hostetler - The Timmons Group.  
 1107  
 1108 Mr. Glover - Pardon me?  
 1109  
 1110 Mr. Hostetler - Timmons Group.  
 1111  
 1112 Mr. Glover - Where did you go to school?  
 1113  
 1114 Mr. Hostetler - Virginia Tech.  
 1115  
 1116 Mr. Glover - Well, Virginia Tech engineers know whether you  
 1117 rehydrate the water or not.  
 1118  
 1119 Mr. Hostetler - Yes, sir.  
 1120  
 1121 Mr. Glover - Don't "sir" me because, you know what, I'm telling  
 1122 you, you stand there not knowing the answer to a simple question. And I'm not  
 1123 sure that I appreciate you not answering these people's questions. If you don't  
 1124 know the answer, do you have anybody here that can answer? I don't usually get  
 1125 involved in cases here, but I have never heard an engineer come before us  
 1126 before and not have some idea of what he was talking about. But I haven't heard  
 1127 you say anything that you know what you're talking about. You may not like what  
 1128 I'm saying, but you're going to have to accept it.  
 1129  
 1130 Mr. Hostetler - Yes, sir, I'm accepting it.  
 1131  
 1132 Mr. Glover - Thank you. Now, do you have an answer to the  
 1133 question?  
 1134  
 1135 Mr. Hostetler - The answer to the question is the stormwater from the  
 1136 front of the facility is being piped to the rear, to the creek along the south side.  
 1137 Therefore, no, it is not recharging the same acreage that it is currently falling on.  
 1138 Will it recharge further downstream? Yes, sir. But not in the same exact location  
 1139 that it is now. That was the point I was trying to clarify.  
 1140  
 1141 Mr. Glover - You weren't doing real well, but I'm going to ask you  
 1142 another question. Okay? Does the water from across Elko Road where they live,  
 1143 is it flowing towards this development or away from it?  
 1144  
 1145 Mr. Hostetler - There's a portion at the upper end—  
 1146  
 1147 Mr. Glover - Answer my question. Does the water across Elko  
 1148 Road flow towards this development or away from it?  
 1149



1150 Mr. Hostetler - It flows away from it. There's a portion up here that  
1151 flows across, and then it goes back out down here.  
1152  
1153 Mr. Leabough - Let me throw this in here because this is something  
1154 that was raised, the drainage concerns along Elko. Part of the reason that you all  
1155 decided to pump it away was for the very reason that you already have flooding  
1156 issues along Elko now.  
1157  
1158 Mr. Hostetler - Yes, sir.  
1159  
1160 Mr. Leabough - That was something that was raised during the  
1161 community meeting that other night, which is the reason why you all are pumping  
1162 it away instead of recharging the exact same area. Am I correct on that?  
1163  
1164 Mr. Hostetler - Yes, sir.  
1165  
1166 Mrs. Jones - So that would not, then, have an effect on the wells.  
1167 We come back to that.  
1168  
1169 Mr. Hostetler - That's a surface water question versus a groundwater  
1170 recharge question. It will help with the current drainage problem. In a heavy rain,  
1171 all the water runs to the bottom of the hill. It has a difficult time getting across  
1172 Elko Road. This will help that situation.  
1173  
1174 Mr. Witte - So, we still don't know if it's going to affect the wells.  
1175 Bottom line. It's just a yes or a no.  
1176  
1177 Mr. Davis - [Speaking off microphone.] Madam Chairperson, not  
1178 that I want to—  
1179  
1180 Mr. Branin - Sir, not to be rude to you, but you can't sit in the  
1181 audience and speak. You can request to come up, say your name for the record  
1182 again, because this is recorded.  
1183  
1184 Mr. Leabough - Mrs. Jones, you have a question?  
1185  
1186 Mrs. Jones - No. I was going to say finish your comment.  
1187  
1188 Mr. Hostetler - I will say the magnitude of the area that we are  
1189 diverting should not impact these wells in terms of the quality or quantity of the  
1190 water.  
1191  
1192 Mr. Glover - It took a long time to get that, you know?  
1193  
1194 Mr. Hostetler - I guess I'm slow.  
1195

1196 Mrs. Jones - All right.  
 1197  
 1198 Mr. Glover - You're in a fast group here, though.  
 1199  
 1200 Mrs. Jones - Do you have another question?  
 1201  
 1202 Mr. Leabough - Are you good, Mr. Davis, or do you still—  
 1203  
 1204 Mr. Davis - [Speaking off microphone.] I'd like to just make a  
 1205 comment to the gentleman.  
 1206  
 1207 Mrs. Jones - All right. If you would like to come up and make a  
 1208 comment in response to that point.  
 1209  
 1210 Mr. Davis - Mark Davis. My question is in regards to the fact that  
 1211 you are creating a huge impervious surface area by the construction of the  
 1212 building and the parking lots. I understand why they are draining the water to a  
 1213 clay-lined stormwater basin because they're concerned about water quality. With  
 1214 that amount of runoff coefficient of the surface, in a pretty good rainstorm,  
 1215 probably several million gallons of water. My concern is that because you're  
 1216 creating such a large impervious surface area you're going to affect the recharge  
 1217 rate of the aquifer underneath of this. Without an engineering study—without  
 1218 some underground studies of water flow and the characteristics of that area, it  
 1219 would be very difficult for the gentleman to answer that question. The question is,  
 1220 has the engineering group looked at that, and were they aware that a number of  
 1221 the people along this road are not on public water, they're on wells. Groundwater  
 1222 is a big issue in Virginia in the coming years. I would hate for these people to end  
 1223 up with a cost either to drill their wells deeper or to have to go on public water  
 1224 because of a project in which that consideration wasn't taken into account. Thank  
 1225 you.  
 1226  
 1227 Mr. Glover - Did I hear you say—not you, sir; I'm sorry. The  
 1228 engineer. What kind of bottom do you have in the stormwater ponds?  
 1229  
 1230 Mr. Hostetler - It's a one-foot-thick clay liner.  
 1231  
 1232 Mr. Glover - Why wouldn't you allow it to recharge the ground?  
 1233  
 1234 Mr. Hostetler - The concern is because you're settling out the  
 1235 contaminants. You don't want to inject that back into the ground.  
 1236  
 1237 Mr. Glover - I understand that, yes. The little fish down in the  
 1238 Chesapeake Bay, they'll swim better, won't they? That's all.  
 1239  
 1240 Mrs. Jones - Okay. All right. Are there further questions for  
 1241 Mr. Hostetler? Just a moment. I do have something that maybe you could refer



1242 me to someone else. Just refresh my memory. Are hours of construction  
1243 restricted on this? No? Okay. Just wanted to refresh my memory from a while  
1244 ago. And secondly, hours of operation of the distribution center. Do you know  
1245 that?

1246  
1247 Mr. Hostetler - It would be a three-shift, 24-hour operation.

1248  
1249 Mrs. Jones - Okay.

1250  
1251 Mr. Branin - Can I hear from the owner?

1252  
1253 Mr. Rhea - I'm Copeland Rhea, with Johnson Development. I'd  
1254 like to clarify that I'm not the owner, but we represent him for the development.

1255  
1256 Mr. Branin - That's fine. This obviously is being looked at as a fast  
1257 track. If it wasn't, you wouldn't be at a zoning meeting; you'd be waiting until the  
1258 end of the month for POD. So this is a fast-track project.

1259  
1260 Mr. Rhea - Correct.

1261  
1262 Mr. Branin - If this project does get approved—it could be  
1263 deferred, who knows. But if it does get approved, when are you planning to start?

1264  
1265 Mr. Rhea - Well, our hope would be that we would go out to the  
1266 site next week, and start flagging the property for development, and start site  
1267 work within two weeks.

1268  
1269 Mr. Branin - And you can get through the whole permit process in  
1270 two weeks.

1271  
1272 Mr. Rhea - I'll defer that to Timmons, our engineer, but we have  
1273 everything in line where that permit will be ready to go.

1274  
1275 Mr. Branin - Okay. Why so fast?

1276  
1277 Mr. Rhea - Because our client has operational deadlines that  
1278 they have to meet next June, the end of June. They're moving out of a couple of  
1279 other facilities in other areas and consolidating it to this one building. We've been  
1280 told that that's the delivery deadline, June 30<sup>th</sup>.

1281  
1282 Mr. Branin - Okay.

1283  
1284 Mr. Leabough - I have a question. I'm not sure if we got an answer to  
1285 the question about the materials being hauled on the trucks. I think Mr. McLaren  
1286 did his best to attempt to address the question, but it's really a question for you.  
1287 What materials are going to be on the trucks?

1288  
1289 Mr. Rhea - I'm not precisely sure what materials beyond what  
1290 they distribute to their stores would be in the facility. I don't think any. I know for a  
1291 fact they're not hauling any tankers or anything like that to the facility. It would  
1292 only be products that they sell in their stores.  
1293  
1294 Mr. Leabough - And what are those?  
1295  
1296 Mr. Rhea - Flooring. Materials that have to do with putting down  
1297 the floor, covering the floor, etcetera. It's all related to flooring and tools.  
1298  
1299 Mrs. Jones - Other questions for Mr. Rhea?  
1300  
1301 Mr. Branin - Yes, I have one left. You're planning to begin possibly  
1302 this month, at the end of September. When are you looking at completion of  
1303 excavation and building?  
1304  
1305 Mr. Rhea - The complete project would be finished by next June.  
1306  
1307 Mr. Branin - By June, okay. One person had a question in regards  
1308 to nesting and so forth. That's what I'm trying to figure out. If it was staged and  
1309 moving along or if all of the trees would be down at one time.  
1310  
1311 Mr. Rhea - The way that the site is configured, we have to clear  
1312 the entire site right away to balance the site and the dirt on the site to build up  
1313 our pad and our truck courts, etcetera. So the thought would be, you would clear  
1314 right away.  
1315  
1316 Mr. Branin - September. By mid-October—  
1317  
1318 Mr. Rhea - Correct.  
1319  
1320 Mr. Branin - —it would be completely cleared.  
1321  
1322 Mr. Rhea - Correct.  
1323  
1324 Mr. Branin - Okay, that's it. I have no more. Thank you.  
1325  
1326 Mr. Leabough - One other question related to the comments that were  
1327 raised, the concerns raised by the DRB. I know that we're not addressing here  
1328 with the documents that we have before us, but you all are willing to address the  
1329 concerns that the DRB raised?  
1330  
1331 Mr. Rhea - Yes, we are.  
1332



1333 Mr. Leabough - Related to the ceremonial entrance, the color of the  
 1334 building, the architectural feature, the berming, additional landscaping—so on  
 1335 and so forth—all the concerns that Mr. Greulich brought up.  
 1336

1337 Mr. Rhea - Yes, correct. There were four concerns that were  
 1338 raised by the DRB, and we're prepared to address each and every one of them.  
 1339

1340 Mr. Leabough - Okay.  
 1341

1342 Mrs. Jones - We had several additional questions. Shall we  
 1343 entertain those? All right, thank you. What would you like?  
 1344

1345 Mr. Leabough - Two to three minutes?  
 1346

1347 Mrs. Jones - Two additional minutes for you all to please come on  
 1348 up and state your concerns.  
 1349

1350 Mr. Leabough - And we want to ask that they be different concerns  
 1351 than those that have already been raised.  
 1352

1353 Mr. Branin - Would you restate that so we can all hear?  
 1354

1355 Mr. Leabough - Yes, I'm sorry. We're asking that if you're going to  
 1356 come to the podium to speak that you raise concerns that have not previously  
 1357 been raised by other speakers.  
 1358

1359 Mr. Barker - Yes, sir. My name is Sid Barker. I live on Elko Road.  
 1360 One thing is I have a well that's 40-feet deep. It probably has like 12 or 15 feet of  
 1361 water in it. That's a question that was asked earlier.  
 1362

1363 The other thing is, I asked the other night about a block wall going the whole  
 1364 length of the building to keep noise out. I have two young kids. And I don't want  
 1365 to listen—oh, something else. I'm sorry. Both sides of the building have 90 bay  
 1366 doors, 90 per side. I don't know if you all know that or not. That's 90 trucks,  
 1367 tractor-trailers that will be backed up, three shifts per day. I don't know how many  
 1368 they're going to run through there because they say it's 400-and-some-odd in the  
 1369 parking lot. And if they have 400-and-some-odd people in the parking lot waiting  
 1370 to be loaded, they're going to be rolling trucks. It's not going to be a small  
 1371 operation. I have no problem with its coming if that's the way it's going to be, but  
 1372 there are a lot of questions that need to be asked.  
 1373

1374 And the other thing is—I know you say don't address it—they're telling me that  
 1375 the trucks are going to be coming out of Newport News and Norfolk. They're  
 1376 going to be coming up Interstate 64 westbound. They're going to get off on exit  
 1377 205. They're going to run right over to Route 60, run right up to the top of the hill,  
 1378 turn left on Elko Road. They're not going to turn on Elko Tract Road. They're

1379 going to be turning on the new road that's proposed. And there's not enough  
1380 room. If you look down—come down the road tomorrow. They don't have a ditch;  
1381 we have boulders that VDOT put out there. We don't have a runoff. We don't  
1382 have a ditch. We have reflectors on both sides of the road to let people know not  
1383 to come off the shoulder because you'll have an accident. VDOT says we don't  
1384 have enough accidents? I own a 24-hour towing service, and I've been to a lot of  
1385 accidents on Elko Road.

1386  
1387 That's all I have to say. Thank you.  
1388

1389 Mr. Everhart - My name is Mike Everhart and I live further down on  
1390 Elko Road. One of my questions is with these retaining ponds, stormwater  
1391 ponds. A week before last we had three and half inches of rain in about two  
1392 hours' time. If these stormwater ponds are full of water and we get three and a  
1393 half inches of rain like we did the other week, where is all that water going to go?  
1394 Are the pumps big enough and large enough to handle all the water possibilities  
1395 that could come into these stormwater ponds? I'm not speaking on an average  
1396 day. These rains don't happen every day, but they do happen. Just like the  
1397 gentleman before me told you, we have a terrible, terrible, terrific problem with  
1398 water down in our area already. Nobody wants to listen to these people that live  
1399 in this area. I think you're exactly right when you told me this was rushed  
1400 because I only got a notice of this project two weeks ago. I wonder if the people  
1401 in the West End receive the same type of courtesy.  
1402

1403 Mr. Glover - Yes, sir, they do.  
1404

1405 Mr. Branin - Yes, sir, they do. I work with the Three Chopt District,  
1406 and I'm absolutely certain it's consistent across the County. There is no  
1407 deviation.  
1408

1409 Mr. Everhart - I'm surprised that we only received two weeks' notice  
1410 that this building—as large as this project is we only received two weeks' notice.  
1411

1412 As far as the gentleman that says he was down there today looking at the traffic  
1413 flow, what time was he there? I mean, was he there at 10:00 in the morning when  
1414 everybody's at work, and everybody's at school, and all the traffic has slowed  
1415 down? Come on down there and stay a whole day. Watch the motorcycles  
1416 running down that road at 80 or 90 miles an hour. Don't say the people are not  
1417 concerned because I've contacted the Henrico Police about the speeders and all  
1418 the traffic on that road. They sent a man down there; he sat for about an hour  
1419 here a few weeks ago—a week or so ago. But that was after a man was nearly  
1420 killed in front of my house from a guy coming around that curve and run right  
1421 dead into the side of the driver's door. He put the man in the hospital for about  
1422 four weeks.  
1423



1424 Mrs. Jones - Because of time could you finalize any other  
 1425 comments you have?  
 1426

1427 Mr. Everhart - I'll finalize, but I wish you would listen to what these  
 1428 people's concerns are. There are other concerns that these people didn't have  
 1429 time to bring before the Commission. I really don't think it's fair, but it's your  
 1430 procedure.  
 1431

1432 Ms. Barker: Madam Chair, I'd like to ask a question, please.  
 1433

1434 Mrs. Jones - All right, just a moment, please. Okay, you have to  
 1435 decide. Would you like to—  
 1436

1437 Mr. Leabough - Yes, we have to. I mean, they're saying the same  
 1438 thing over and over.  
 1439

1440 Mrs. Jones - We will take a moment to have your question, and we  
 1441 will get an answer. But we just need to—  
 1442

1443 Ms. Barker - My question is more along process. In the event the  
 1444 Commission is looking at approving the plans, is there any way that you can do a  
 1445 provisional approval where we continue to work together on the access road? I  
 1446 hear that being the biggest concern for my neighbors. I didn't know if you have to  
 1447 give this a complete thumbs-up tonight or a complete thumbs-down or can you  
 1448 approve the plan at 90 percent, less the access road. How does your approval  
 1449 work on this?  
 1450

1451 Mr. Emerson - I think in this case the road would be approved  
 1452 tonight, the connection. A decision would be on that. That's necessary based on  
 1453 the health, safety, and welfare, and the size of this building. So that connection is  
 1454 necessary and that decision would be made tonight.  
 1455

1456 Ms. Barker - So it's all-inclusive.  
 1457

1458 Mr. Emerson - Yes, ma'am.  
 1459

1460 Mrs. Jones - Landscaping, lighting, and architectural are not part  
 1461 of this approval; they come back.  
 1462

1463 Mr. Emerson - Well architectural come back to the Director of  
 1464 Planning.  
 1465

1466 Mr. Leabough - Yes, to the Director of Planning.  
 1467

1468 Mrs. Jones - One more?  
 1469

1470 Mr. Leabough - This is the last one. We have to cut it off.  
 1471  
 1472 Mrs. Jones - Okay. I'm deferring to the commissioner from your  
 1473 district.  
 1474  
 1475 Mr. Barker - Good evening, ladies and gentleman. My name is  
 1476 Stuart Barker. I am a property owner on Elko Road. I don't really have a  
 1477 question; I'd like to make a statement. Just bear with me a minute because I've  
 1478 been stationed overseas and I'm just trying to get caught up on this project.  
 1479  
 1480 From what I understand, from this moment forward, nine months to completion of  
 1481 this project. That's fast-tracking. I mean, from all the questions that we have  
 1482 raised tonight, in nine months this project will start and finish. During the  
 1483 construction part of this, how much bulldozing, clearing of trees and everything is  
 1484 going to take place for the residents that live there now? That's a lot of building in  
 1485 a short amount of time. Nine months is not a lot of time, especially in the winter  
 1486 months. All the mud, all the runoff. Those collection ponds are not going to be  
 1487 established during the winter months when this construction is taking place. What  
 1488 happens if all that construction is taking place, and all the snow and all the runoff,  
 1489 what about the time before then? I think there is a lot more we need to take into  
 1490 consideration than rubber stamping this and sending it forward with nine months.  
 1491 That's not a lot of time especially with the winter months coming up. Thank you,  
 1492 ladies and gentlemen.  
 1493  
 1494 Mrs. Jones - I think it would be helpful for us to have that clarified.  
 1495 Mr. Hostetler, I think you're back up again. I will note for whatever it's worth that  
 1496 we do have many citizen groups coming in here that are happy when a project  
 1497 will be put into a shorter period of time because it just eliminates a lot of the  
 1498 hassle being dragged through. Construction is construction; we understand that.  
 1499 Mr. Hostetler, if you could address this?  
 1500  
 1501 Mr. Leabough - Two questions. One question this gentleman raised  
 1502 regarding the stormwater runoff during construction. The other related to a block  
 1503 wall to address the noise concerns. So if you could answer both of those  
 1504 questions.  
 1505  
 1506 Mr. Hostetler - As far as the stormwater ponds, what I heard were  
 1507 two questions. Related to post-development once the facility is up and running.  
 1508 These are designed to accommodate the 100-year storm. We design everything  
 1509 to contain that within our facility. So that will be managed. Even the very extreme  
 1510 storm events will be contained on those ponds.  
 1511  
 1512 As far as the construction question, we're required by the conditions of our E and  
 1513 S plan, the permit that we'll get from the County, to put in the perimeter controls  
 1514 and maintain the perimeter controls as the first step before we can even clear or  
 1515 begin grading. So, the concern that the ponds won't be established until later,

1516 they have to be established first. So, as we move forward what you'll see is the  
1517 perimeter cleared to get these measures in place. And then the larger excavation  
1518 starts. So that is mandated.

1519  
1520 Mr. Leabough - And the noise concerns? Someone raised a question  
1521 about the opportunity to construct a wall.

1522  
1523 Mr. Hostetler - We have not at this point contemplated putting a  
1524 sound wall type of a piece in.

1525  
1526 Mr. Emerson - Have you considered any operational procedures for  
1527 noise reduction, such as certain times of the day?

1528  
1529 Mr. Hostetler - I'm going to have to defer to Mr. Rhea on that.

1530  
1531 Mr. Rhea - I'm assuming that you're referring to the actual  
1532 operation of the facility.

1533  
1534 Mr. Emerson - Correct, correct. Not the construction phase, but when  
1535 it's operational. It's understood that construction is disturbing, but it's a short time  
1536 frame. The operation will be there for a long time.

1537  
1538 Mr. Rhea - Sure. The question was raised the other night during  
1539 the community meeting about two things. One, the noise from the trucks that are  
1540 reversing, their reverse indicator. And two, about the operation and the operation  
1541 of the entire building.

1542  
1543 First, we said that we would look at and talk to the user to see if there's anything  
1544 that could be done about both of those. As far as the reverse indicators are  
1545 concerned, it's an OSHA regulation to have the reverse indicators on your truck.  
1546 And it has to be loud enough around the surrounding areas. I can go into further  
1547 detail on that; I researched it for a long time today.

1548  
1549 And then as far as the operation is concerned, it will be a 24-hour operation as  
1550 far as their business is concerned. They can't start and stop their business for a  
1551 one-shift operation or a two-shift operation. It's not the way that they're designed.

1552  
1553 Mrs. Jones - The block wall?

1554  
1555 Mr. Leabough - It's the question—yes, the block wall. But the question  
1556 that I asked—I've heard about it. I'm not an engineer and I'm not an expert on it,  
1557 but the question that I asked was, were the backup alarms, if you will, that adjust  
1558 to the noise level in the area. Is that allowed by OSHA?

1559  
1560 Mr. Rhea - What the OSHA regulation states is that it has to be  
1561 louder than any of the surrounding area.



1562  
1563 Mr. Leabough - I'm going to look at Mr. Glover and say—yes or no.  
1564  
1565 Mr. Rhea - No, there's not. To my knowledge there's not.  
1566  
1567 Mr. Glover - Good job.  
1568  
1569 Mr. Leabough - And the block wall.  
1570  
1571 Mr. Rhea - Well, I don't really think putting up a block wall would  
1572 do anything other than what's already there, which is a wall, a building. I don't  
1573 think that it's going to deter any of the noise. If anything it pushes the noise up  
1574 and over, and it encapsulates the noise before it spreads out. So, to answer your  
1575 question, no, that hasn't been contemplated as a part of the development.  
1576  
1577 Mr. Leabough - So, am I hearing that you think that the wall will make  
1578 the situation worse—  
1579  
1580 Mr. Rhea - Yes.  
1581  
1582 Mr. Leabough - —or better?  
1583  
1584 Mr. Rhea - Worse.  
1585  
1586 Mr. Leabough - Because of the echo?  
1587  
1588 Mr. Rhea - Because it will echo off of both sides.  
1589  
1590 Mr. Emerson - It's going to bounce back and forth if you do that.  
1591  
1592 Mr. Leabough - Is it going to bounce off the shorter object to the larger  
1593 object and back over?  
1594  
1595 Mr. Rhea - Correct.  
1596  
1597 Mr. Leabough - Okay.  
1598  
1599 Mrs. Jones - Other questions? All right. Mr. Leabough?  
1600  
1601 Mr. Archer - Madam Chair, before Mr. Leabough gets ready to sort  
1602 of decide which direction we're going in, I think it might be helpful if we sort of  
1603 move away from assuming that the audience or the public knows what our  
1604 allowances and our limitations are. And I'll entertain any help from anybody who  
1605 is more knowledgeable than I am, which includes most of the people in here.  
1606

1607 The difference between plans of development and zoning cases—and you'll  
1608 remember that in the beginning when Mr. Greulich made his remarks, he  
1609 indicated that this plan meets all the aspects of the zoning requirements. What  
1610 we're charged to do here—and what we're trying to do, why we ask all these  
1611 questions and bring experts in here to answer these questions—is once a zoning  
1612 case has been established, whatever can be built within that zoning we do our  
1613 best to try to make it the very best that we can make it. But we have to stay  
1614 within the tolerance of the allowances of the zoning case. We look at all of the  
1615 ordinances, and rules, and policies, and guidelines. We can't be arbitrary and we  
1616 can't be capricious when we make these decisions. Sometimes we make  
1617 decisions people love, and sometimes we make decisions that people hate. And  
1618 it's not so much us making the decision as it is us following the guidelines that  
1619 we're given.

1620  
1621 I just thought I'd mention that because you folks don't come in here every day.  
1622 Sometimes people come more often than others, but some of you are probably  
1623 here for the first time. So I just thought I would explain that so that you would  
1624 know what limitations we're working within and what allowances we're allowed to  
1625 make. I thought I would say that before we vote so you wouldn't think I was just  
1626 throwing it out arbitrarily.

1627  
1628 Thank you, Madam Chair.

1629  
1630 Mrs. Jones - Thank you, Mr. Archer.

1631  
1632 Mr. Emerson - Madam Chair, I might add to that, again, the property  
1633 has been zoned industrial for over 40 years. As Mr. Archer said, in this case staff  
1634 has reviewed this project, and it does meet the criteria of the Zoning Ordinance.  
1635 This is an administrative action by this Board. And if it meets the ordinance then  
1636 you are essentially compelled to approve this project. And you do have a positive  
1637 staff recommendation.

1638  
1639 Mr. Leabough - With that, I would mention that, Mr. Archer, I  
1640 appreciate that explanation. I think we've tried to convey that, but we did not do it  
1641 as eloquently as you have, so we appreciate that.

1642  
1643 One of the things that I'll mention is that this is a very large project, and we all  
1644 acknowledge that. That's why we've given it the time and attention that we have.  
1645 I will note that I do not live in this area, but I do live in the Varina District. When I  
1646 look at cases, I try to put myself in the residents' shoes. I think I mentioned to you  
1647 all that I was faced with, a similar situation with truck traffic and some of the  
1648 same concerns. It was a landfill, believe it or not. I'll trade you all day long. But  
1649 my concern centered around traffic. I live up between Darbytown Road and  
1650 Route 5. There is a large volume of truck traffic, I think about 300 trips per day of  
1651 tractors and dump trucks, so on and so forth, and vehicular traffic with

employees. So when the package for this project came to me, I tried to do my best to put myself in the residents' shoes.

A one million-square-foot distribution facility is a large project. But one of the things that we have to look at, as Mr. Archer said, is the zoning that's in place. This site is zoned for the use. But one of the things that we can do is work with the developer and work with the community to try to make the best possible site that we can, make the best possible development that we can. I think although some questions I don't think were answered as good as they could have been, I think the developer has done a good job, and the engineer has a done good job of working with us. Could they have done more? Yes, they can. And that's why I have requested that the landscaping and lighting plan come back to us so that we can work on refining this project.

Noise, traffic, and screening. One of the things I think Mr. Hostetler pointed out is that there is, today, an additional buffer than what would be in place in the event that Elko Road would be widened. I think it's about 50 extra feet that you get in addition to the 90 to 150 feet that you get with the POD.

The other thing that I will point out, is that, staff—one of the things that we sort of take for granted—and the public never sees this—is that staff works on these things for months and months and months. There is a lot of back and forth. I know I probably didn't sleep much over the last four days. I was very impacted by the emotion and the concerns that we had at the community meeting on Tuesday night. I talked to several staff people who were concerned. This is a large project, so we really do try out best to make sure we have the best possible development for our community.

With that I will move that we approve POD2013-00259, Lumber Liquidators East Coast Distribution Center in the White Oak Tech Park, subject to standard conditions for developments of this type, annotations on the plans, and conditions #9 and #11 amended, and conditions #29 through #50 as noted in the staff report and the addendum.

Mr. Witte - Second.

Mrs. Jones - I have a motion by Mr. Leabough, second by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved POD2013-00259, Lumber Liquidators East Coast Distribution Center, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:



- 1698 9. **AMENDED** - A detailed landscaping plan shall be submitted to the  
1699 Department of Planning for review and Planning Commission approval prior  
1700 to the issuance of any occupancy permits.
- 1701 11. **AMENDED** - Prior to the approval of an electrical permit application and  
1702 installation of the site lighting equipment, a plan including depictions of light  
1703 spread and intensity diagrams, and fixture specifications and mounting  
1704 height details shall be submitted for Department of Planning review and  
1705 Planning Commission approval.
- 1706 29. The right-of-way for widening of Elko Road (State Route 156) as shown on  
1707 approved plans shall be dedicated to the County prior to any occupancy  
1708 permits being issued. The right-of-way dedication plat and any other  
1709 required information shall be submitted to the County Real Property Agent  
1710 at least sixty (60) days prior to requesting occupancy permits.
- 1711 30. The entrances and drainage facilities on Elko Road (State Route 156)  
1712 shall be approved by the Virginia Department of Transportation and the  
1713 County.
- 1714 31. A subdivision plat for the extension of White Oak Creek Drive shall be  
1715 recorded before any occupancy permits are issued.
- 1716 32. A subdivision plat for "Road A" shall be recorded, or a bond shall be  
1717 posted, before any occupancy permits are issued.
- 1718 33. All temporary easements, easements for drainage and utilities, and other  
1719 easements necessary for the road construction, shall be recorded by  
1720 separate plats.
- 1721 34. Prior to issuance of a certificate of occupancy for any building in this  
1722 development, the engineer of record shall certify that the site has been  
1723 graded in accordance with the approved grading plans.
- 1724 35. Details for the gate and locking device at the emergency access driveway  
1725 shall be submitted for review by the Traffic Engineer, Police and approved  
1726 by the County Fire Marshall. The owner or owner's contractor shall contact  
1727 the County Fire Marshall prior to completion of the fence installation to test  
1728 and inspect the operations of the gates. Evidence of the Fire Marshall's  
1729 approval shall be provided to the Department of Planning by the owner  
1730 prior to issuance of occupancy permits.
- 1731 36. Outside storage shall not be permitted except as shown on the approved  
1732 plan.
- 1733 37. In order to maintain the effectiveness of the County's public safety radio  
1734 communications system within buildings, the owner will install radio  
1735 equipment that will allow for adequate radio coverage within the building,  
1736 unless waived by the Director of Planning. Compliance with the County's  
1737 emergency communication system shall be certified to the County by a  
1738 communications consultant within ninety (90) days of obtaining a  
1739 certificate of occupancy. The County will be permitted to perform  
1740 communications testing in the building at anytime.
- 1741 38. Approval of the construction plans by the Department of Public Works  
1742 does not establish the curb and gutter elevations along the Henrico

- 1743 County maintained right-of-way. The elevations will be set by Henrico  
1744 County.
- 1745 39. Approval of the construction plans by the Department of Public Works  
1746 does not establish the curb and gutter elevations along the Virginia  
1747 Department of Transportation maintained right-of-way. The elevations will  
1748 be set by the contractor and approved by the Virginia Department of  
1749 Transportation.
- 1750 40. The owners shall not begin clearing of the site until the following  
1751 conditions have been met:
- 1752
- 1753 (a) The site engineer shall conspicuously illustrate on the plan of  
1754 development or subdivision construction plan and the Erosion and  
1755 Sediment Control Plan, the limits of the areas to be cleared and the  
1756 methods of protecting the required buffer areas. The location of utility  
1757 lines, drainage structures and easements shall be shown.
- 1758 (b) After the Erosion and Sediment Control Plan has been approved but  
1759 prior to any clearing or grading operations of the site, the owner shall have  
1760 the limits of clearing delineated with approved methods such as flagging,  
1761 silt fencing or temporary fencing.
- 1762 (c) The site engineer shall certify in writing to the owner that the limits of  
1763 clearing have been staked in accordance with the approved plans. A copy  
1764 of this letter shall be sent to the Department of Planning and the  
1765 Department of Public Works.
- 1766 (d) The owner shall be responsible for the protection of the buffer areas  
1767 and for replanting and/or supplemental planting and other necessary  
1768 improvements to the buffer as may be appropriate or required to correct  
1769 problems. The details shall be included on the landscape plans for  
1770 approval.
- 1771 41. The conceptual master plan, as submitted with this application, is for  
1772 planning and information purposes only. All subsequent detailed plans of  
1773 development and construction needed to implement this conceptual plan  
1774 may be administratively reviewed and approved and shall be subject to all  
1775 regulations in effect at the time such subsequent plans are submitted for  
1776 review/ approval.
- 1777 42. The location of all existing and proposed utility and mechanical equipment  
1778 (including HVAC units, electric meters, junctions and accessory boxes,  
1779 transformers, and generators) shall be identified on the landscape plan. All  
1780 building mounted equipment shall be painted to match the building, and all  
1781 equipment shall be screened by such measures as determined  
1782 appropriate by the Director of Planning or the Planning Commission at the  
1783 time of plan approval
- 1784 43. Except for junction boxes, meters, and existing overhead utility lines, and  
1785 for technical or environmental reasons, all utility lines shall be  
1786 underground.
- 1787 44. A construction staging plan which includes details for traffic control, fire  
1788 protection, stockpile locations, construction fencing, and hours of



- 1789 construction shall be submitted for County review and prior to approval of  
1790 any final construction plans.
- 1791 45. No construction traffic shall use Elko Road (State Route 156), Portugee  
1792 Road east of Technology Boulevard, or Elko Tract Road (State Route  
1793 380).
- 1794 46. No tractor trailers shall use Elko Road, Portugee Road east of Technology  
1795 Boulevard, or Elko Tract Road.
- 1796 47. The existing emergency access road connecting the terminus of White  
1797 Oak Creek Drive to Elko Road, shall remain accessible throughout  
1798 construction of the site.
- 1799 48. The developer shall provide a telephone number for citizens concerns  
1800 during any construction activity on site in order to respond to citizen  
1801 concerns and complaints as expeditiously as possible.
- 1802 49. The development and operations conducted on the property shall comply  
1803 with the restrictive covenants applicable to White Oak Technology Park.
- 1804 50. The proposed development is subject to Final Development Review Board  
1805 (DRB) approval. Any required changes by the DRB must be reflected in  
1806 the POD and any subsequent plans.
- 1807 51. The proposed architectural elevations are subject to final approval by the  
1808 Development Review Board (DRB) and the Director of Planning. Any  
1809 required changes by the DRB must be reflected in the architectural  
1810 elevations and any subsequent drawings.

1811  
1812 Mrs. Jones - We will take a five-minute break.

1813  
1814 **THE PLANNING COMMISSION RECONVENED**

1815  
1816 **REZ2013-00012 Andrew M. Condlin or Jennifer D. Mullen for**  
1817 **Welwood, LLC:** Request to conditionally rezone from A-1 Agricultural District  
1818 and R-2AC One-Family Residence District (Conditional) to R-2AC One-Family  
1819 Residence District (Conditional) Parcels 736-769-4930, 736-769-7088, and 737-  
1820 769-0243 containing 16.61 acres located between the southwest terminus of  
1821 Porsche Drive and the northeast line of Kain Road approximately 200' west of its  
1822 intersection with N. Gayton Road. The applicant proposes a single-family  
1823 residential development not to exceed two units per acre. The R-2A district  
1824 allows a minimum lot size of 13,500 square feet and a maximum gross density of  
1825 3.22 units per acre. The use will be controlled by proffered conditions and zoning  
1826 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban  
1827 Residential 1, density should not exceed 2.4 units per acre.

1828  
1829 Mrs. Jones - Is anyone with us this evening in opposition to  
1830 REZ2013-00012, Welwood LLC? We have two folks in opposition. You did hear  
1831 the way in which the Commission hears opposition, so we'll get to you in just a  
1832 moment. Thank you.

1833  
1834 Mr. Sehl, good evening.



1835  
1836 Mr. Sehl - Thank you, Madam Chair, members of the  
1837 Commission.

1838  
1839 This request would allow for the development of property previously rezoned and  
1840 approved as Section 2 of the adjacent Bentley subdivision, as well as additional  
1841 property allowing access to Kain Road. This connection, which would be made  
1842 through the extension of Porsche Drive, has been contemplated as part of the  
1843 Bentley development since its original approval.

1844  
1845 The subject site is currently zoned R-2AC and A-1, with the R-2AC portion rezoned  
1846 as part of C-3C-05 in conjunction with adjacent property that has since been  
1847 developed as Bentley. Other properties are generally zoned A-1 and developed as  
1848 single-family homes. Henrico County also owns several properties in the vicinity of  
1849 the site, which is just west of the recently completed North Gayton Road extension,  
1850 located here.

1851  
1852 The applicant has proffered to develop the subject properties with a maximum  
1853 residential density of 2.0 units per acre. This is the same maximum density allowed  
1854 in Bentley and would be consistent with the site's 2026 Comprehensive Plan  
1855 recommendation of Suburban Residential 1, which recommends a maximum density  
1856 of 2.4 units per acre.

1857  
1858 In addition to the proffered maximum density, the applicant has submitted a number  
1859 of other proffers that would regulate development of the subject site. These proffers  
1860 were recently revised and distributed to you this evening. Major aspects of the  
1861 proffers include:

- 1862
- 1863 • A minimum finished floor area of 2,800 square feet, with an average floor
  - 1864 area of 3,100 square feet;
  - 1865 • All homes would have a two-car garage, of which 75 percent will be side
  - 1866 or rear loaded;
  - 1867 • Homes would be constructed of brick, stone, or HardiePlank, and at least
  - 1868 50 percent of the homes would have a minimum of 50 percent brick or
  - 1869 stone on the front elevation;
  - 1870 • A twenty-five-foot landscaped buffer would be provided along Kain Road
  - 1871 and would be planted to a Transitional Buffer 25 equivalent; and
  - 1872 • Sidewalk would be provided on Kain Road and Porsche drive to continue
  - 1873 an existing sidewalk within the subdivision.
- 1874

1875 The revised proffers distributed to you this evening provide for a level of quality  
1876 generally consistent with the proffers accepted in Bentley, although staff does note  
1877 that lot widths in the proposed subdivision have been proffered to be a minimum of  
1878 85 feet in width, whereas 90 percent of lots in C-3C-05 were required to be 90 feet in  
1879 width.

1881 Additionally, staff notes that access was a major point of consideration during the  
1882 original rezoning case for Bentley, with stub roads being required to the south, east  
1883 and west. This request would complete the connection to the south, and  
1884 development of the church property to the east is no longer anticipated. Therefore,  
1885 those connections are no longer necessary; however, the applicant is encouraged to  
1886 provide the stub road originally planned to the west. This additional access point  
1887 would provide future connectivity to several parcels located to the west that do not  
1888 currently have road frontage or would otherwise be limited to Pouncey Tract Road  
1889 access.

1890  
1891 Overall, staff believes this request is consistent with the comprehensive plan, as  
1892 well as generally consistent with the quality of development in Bentley. And if the  
1893 applicant could address staff's concerns regarding the provision of access to the  
1894 west, staff could fully support this request. This concludes my presentation, and I  
1895 would note that time limits would need to be waived on the proffers, as they were  
1896 received today.

1897  
1898 I'd be happy to answer any questions you might have at this time.

1899  
1900 Mrs. Jones - All right. Do we have questions for Mr. Sehl?

1901  
1902 Mr. Branin - I have none for Mr. Sehl. If no one else, I'd like to  
1903 hear from opposition first and then the applicant.

1904  
1905 Mrs. Jones - Okay. Any further questions for Mr. Sehl? Okay.  
1906 Thank you. Would anyone who would like to speak to this case come forward.  
1907 We do have ten minutes allotted. I appreciate your making sure everyone has  
1908 enough time. Thank you.

1909  
1910 Ms. Hamilton - Again, for the record, my name is Karen Hamilton. I'm  
1911 from Short Pump. I'm against the Bentley 2.

1912  
1913 Mr. Branin - Good evening, Ms. Hamilton. How are you?

1914  
1915 Ms. Hamilton - Fine. You're interrupting me.

1916  
1917 Mr. Branin - Yes ma'am.

1918  
1919 Ms. Hamilton - I'm against the Bentley 2.

1920  
1921 Mr. Branin - I just wanted to make one comment before you  
1922 started. If you noticed on the last case that you opposed I got clarification of  
1923 when the clearing would be done to help.

1924  
1925 Ms. Hamilton - I did notice that, actually.



1927 Mr. Branin - I just thought I'd—  
 1928  
 1929 Ms. Hamilton - You're still interrupting. Okay. So I'm against this  
 1930 development. This is unconstitutional for many reasons. The Constitution  
 1931 requires you to hold international treaties in the highest regard. This violates the  
 1932 Western Hemisphere Convention, the Ramsar Treaty which protects wetlands,  
 1933 the Migratory Bird Treaty, and the Endangered Species Act.  
 1934  
 1935 Henrico has been intentionally subverting these treaties by submitting large  
 1936 developments in pieces to the Department of Environmental Quality and the  
 1937 U. S. Corp of Army of Engineers to hide the cumulative impact to the earth.  
 1938 Henrico committed fraud when you built the Gayton Road extension, which you  
 1939 claimed was to alleviate traffic congestion. Because you already had been  
 1940 discussing Bentley Section 2 as well as the Breeden Company Development on  
 1941 Bacova.  
 1942  
 1943 Henrico must not sell any portion of land to the developers of Bentley. You were  
 1944 very clever to only condemn Emily Leake-Waller's land where her house sat  
 1945 because you knew you wanted to sell a portion of her land to developers. It is  
 1946 sad that Andy Condlin was the lawyer for Ms. Leake-Waller because the only  
 1947 way that his clients, Breeden Company and Welwood LLC could benefit was for  
 1948 Emily to lose. This is discrimination against those of us on Kain Road because  
 1949 Mr. Tommy Branin promised the homeowners in Bentley 1 that the construction  
 1950 traffic will not come through their neighborhood. Mr. Branin promised a barricade  
 1951 that will prevent construction trucks on their roads. The construction traffic is to  
 1952 come through Kain Road only because Mr. Branin cares about the rich people in  
 1953 Bentley.  
 1954  
 1955 You have favored the rich and discriminated against the poor for years. You have  
 1956 allowed the rich Colony Bluff subdivision to close Pump Road completely so  
 1957 traffic could not go to River Road from Pump and Patterson. You allow some  
 1958 neighborhoods to have traffic-calming speed bumps. You have allowed  
 1959 developers to make streets too narrow for fire trucks to access easily. You allow  
 1960 cul-de-sacs which benefit the developers who can then charge more for houses.  
 1961 Kain Road cannot handle more traffic. I don't want Kain Road widened. You  
 1962 cannot mitigate the impact to our wells and the wetlands from these  
 1963 developments. Ms. Kay Cole will tell you her well is only three feet from the road  
 1964 you're proposing here for Bentley.  
 1965  
 1966 Henrico committed fraud by creating the Comprehensive Plan because it cost  
 1967 taxpayers over \$600,000. And Henrico was already planning more development  
 1968 when you voted for the comprehensive plan.  
 1969  
 1970 The Bentley 2 development violates the Constitution which protects freedom of  
 1971 religion. Here's a conundrum for you. On the one hand, you cannot discriminate  
 1972 against the landowners by asking what religions they practice. On the other



1973 hand, most religions require that their members uphold all laws. But you don't  
1974 inform them of the laws, and you don't uphold the laws, which are the Western  
1975 Hemisphere Convention, the Ramsar Treaty, the Migratory Bird Treaty, and the  
1976 Endangered Species Act. So it's a violation of freedom of religion for you not to  
1977 tell the developers about these treaties.

1978  
1979 Henrico County submits plans for landowners and developers to the  
1980 environmental departments, and as such—

1981  
1982 Mr. Emerson - Ms. Hamilton, could you please keep your comments  
1983 directly to the development in question?

1984  
1985 Ms. Hamilton - I am.

1986  
1987 Mr. Emerson - We understand your points regarding these—

1988  
1989 Ms. Hamilton - That's a new one. I hadn't said that one before.

1990  
1991 Mr. Emerson - I would like to hear directly about your concerns with  
1992 this development.

1993  
1994 Ms. Hamilton - I am getting to that. To me it's all concern. I'm  
1995 concerned about the planet, so to me it is related, Mr. Emerson.

1996  
1997 Henrico County submits plans for landowners and developers to the  
1998 environmental departments, and as such, you are the go-between. Henrico is the  
1999 last and probably only chance for people to learn about the constitutionally  
2000 protected laws such as these treaties. Especially today when there are so many  
2001 foreign investors and foreign-speaking residents, these laws must be  
2002 communicated to everyone.

2003  
2004 Henrico County interferes with environmental studies because you walked with  
2005 Roger Harris with the Department of Environmental Quality when he was  
2006 supposed to be looking for wildlife for the Gayton Road project. The presence of  
2007 Henrico workers and developers obviously scared away the birds and the  
2008 animals. A proper environmental study is done quietly without sudden movement  
2009 and not by a crowd. I had a petition against a previous development, and it didn't  
2010 work. But it should have.

2011  
2012 Mr. Emerson - Again, your comments on this development, ma'am.

2013  
2014 Ms. Hamilton - No, okay, I am. The reason I did not get a petition up  
2015 against this development was about, a) you didn't pay attention to all my other  
2016 petitions, and b) because you are just biased against us. I got a petition last time.  
2017 It had—

2018

2019 Mr. Emerson - Ms. Hamilton, again—  
2020  
2021 Ms. Hamilton - No, let me finish. These are related. I'm trying to  
2022 make a point. I'm trying to make a point. Please stop interrupting me.  
2023  
2024 Mr. Leabough - Ma'am? Ma'am?  
2025  
2026 Ms. Hamilton - This is my freedom of speech.  
2027  
2028 Mr. Leabough - He's asked you to make sure your comments are  
2029 related to the case.  
2030  
2031 Ms. Hamilton - They are, they are. I'm telling you why I don't have a  
2032 petition tonight.  
2033  
2034 Mr. Leabough - I'm struggling. I'm struggling.  
2035  
2036 Ms. Hamilton - And that is because you—I recently saw on the news  
2037 where you only require 75 percent signatures for a petition. I had more than 75  
2038 percent signatures against the Breeden Development, and you ignored my  
2039 petition, and you did it anyway. That's discrimination that you allow some people  
2040 with a petition—so that's discrimination.  
2041  
2042 So this all about discrimination. You care about the rich. This is going to affect  
2043 our wetlands and our well water. You're trying to create an exclusive, expensive  
2044 Short Pump, which is discrimination. You've brought crime to Short Pump. You  
2045 have encouraged blight.  
2046  
2047 Mr. Glover - Madam Chairman, could you make sure we get to the  
2048 case?  
2049  
2050 Ms. Hamilton - This is the case.  
2051  
2052 Mr. Glover - And if not, we can have the person removed.  
2053  
2054 Ms. Hamilton - This is the case.  
2055  
2056 Mr. Glover - If we don't get to the case, we're going to have you  
2057 removed.  
2058  
2059 Ms. Hamilton - This development is discriminating against the poor.  
2060 You want this to be a—this is a rich development. It's a rich developer. You only  
2061 care about their money; you don't care about us, and our well water, and our  
2062 wetlands. And that's the point I'm trying to make.  
2063  
2064 Mr. Glover - Mr. Secretary, can we get to the point?

2065

2066 Mrs. Jones - Is there anyone else who would like to make a  
2067 comment? There are three minutes left.

2068

2069 Ms. Cole - My name is Kay Cole. I live 12380 Kain Road.

2070

2071 Mr. Branin - Good evening, Ms. Cole. How are you?

2072

2073 Ms. Cole - I'm fine. The property that this road is going to come  
2074 by is directly butted up against my property. When I first bought the house, the  
2075 man who owned the house had put the well on Bowles' [sp] property, which is  
2076 where this development is going to go. So they had to do a new well. I had gone  
2077 out there and planted stuff. And I'd go out there and it was dug up and thrown in  
2078 the woods. So there's a well, and then there's my well. My well is three feet from  
2079 the line of where this road is going to go.

2080

2081 When it rains, the water pours into and it's over my shoe when I walk outside. I  
2082 don't know what this is going to cause me to have. There are wetlands running  
2083 all the way through my property almost all the way up to the road that goes back  
2084 to the house that the County now owns.

2085

2086 Mrs. Jones - Ms. Cole? I'm sorry. Could you just show me where  
2087 your home is? Maybe Ben can help you.

2088

2089 Ms. Cole - Oh, oh, I see it. It's right there.

2090

2091 Mrs. Jones - Okay, thank you for clarifying that.

2092

2093 Ms. Cole - And my well is between the house and where that red  
2094 line is. And the well is up on a hill. My house is further down. The fellow that I go  
2095 with says I live in a swamp. I don't want to live in a bigger swamp.

2096

2097 Mrs. Jones - You live in a swamp now.

2098

2099 Ms. Cole - That's what he says, that I live in a swamp. When  
2100 they put the fire hydrant across the road from where this place is coming, they  
2101 would turn it on, run it twenty-four hours a day. I could walk outside and the water  
2102 would be up to my knee. I called the County; they would come out and turn it off  
2103 at night because I could hear from my bedroom window. I really don't know what  
2104 this is going to cause, but I'm somewhat nervous about what they're doing.

2105

2106 Mr. Branin - Ms. Cole, have you ever thought about connecting to  
2107 County water?

2108



2109 Ms. Cole - When I was working, the man that I worked for said  
 2110 women didn't deserve retirement, so I live totally on Social Security. I don't need  
 2111 another bill. I like having a well because I don't have a water bill.  
 2112  
 2113 Mr. Branin - I just was wondering if you were ever interested in  
 2114 connecting.  
 2115  
 2116 Ms. Cole - Not really. I wish you'd leave what I have that works  
 2117 alone so it will work. That's all I have to say.  
 2118  
 2119 Mr. Branin - Thank you, ma'am.  
 2120  
 2121 Ms. Cole - Right now, the opossums come up and look in the  
 2122 window. I mean, we have lots. We have foxes, we have possums—we have a  
 2123 little bit of everything out there. I like the trees. When I lived in town, I got  
 2124 mugged three times. One was a peeping Tom. Mugged, black-eyed, and the  
 2125 whole nine yards. I moved out there for safety reasons. I don't need another  
 2126 bunch of people living around me that are going to do God knows what.  
 2127 Somebody recently said I was in a nursing home and couldn't handle my own  
 2128 affairs. I finally got them arm-wrestled away from making them think I did that. So  
 2129 who knows how long I'll live. Might be—  
 2130  
 2131 Mr. Branin - Hopefully a long time, Ms. Cole.  
 2132  
 2133 Ms. Cole - I hope.  
 2134  
 2135 Mr. Branin - All right. Let me get the applicant down to address  
 2136 your concerns with the well. Thank you.  
 2137  
 2138 Ms. Mullen - Good evening. Jennifer Mullen with roth doner  
 2139 jackson. I'm here on behalf of Welwood I, the applicant of the rezoning before  
 2140 you. Members of the Planning Commission, Madam Chair, thank you for your  
 2141 time tonight. I'd be happy to address Ms. Coles' comment first.  
 2142  
 2143 We have, and will continue to commit to work with her on a landscape plan along  
 2144 her portion of the property, as well as work with her on—sorry.  
 2145  
 2146 Mr. Branin - Do you have another rendering that will show the  
 2147 connectivity of the road to Kain Road?  
 2148  
 2149 Ms. Mullen - This was the original one.  
 2150  
 2151 Mr. Branin - Okay. You don't show it there as well.  
 2152  
 2153 Ms. Mullen - One moment, please.  
 2154

2155 Mr. Witte - That's close.  
 2156  
 2157 Ms. Mullen - Sorry. I'm having trouble with the mouse; sorry. There  
 2158 you go.  
 2159  
 2160 Mr. Branin - Do you know what the distance is between the road  
 2161 and the property line?  
 2162  
 2163 Ms. Mullen - I'll defer to Mr. Grier.  
 2164  
 2165 Mr. Branin - Pardon?  
 2166  
 2167 Mr. Grier - [Speaking off microphone.] Approximately thirty feet.  
 2168  
 2169 Mr. Branin - I'm sorry, sir. I can't recognize you unless you are  
 2170 at—and say who you are.  
 2171  
 2172 Mr. Grier - [Speaking off microphone.] I'm John Grier with—  
 2173  
 2174 Mrs. Jones - No.  
 2175  
 2176 Mr. Branin - You have to come down to the microphone, sir.  
 2177  
 2178 Mrs. Jones - It's not that easy.  
 2179  
 2180 Mr. Branin - Not that easy, yes. It's absolutely not that easy.  
 2181 You're in the hot seat now. Please come down.  
 2182  
 2183 Mr. Grier - Good evening. I'm John Grier with Welwood I. Our  
 2184 intention is to have twenty-five to thirty feet from the edge of the property line in  
 2185 which we could include a buffer to separate the road from her property line, work  
 2186 with her on the details of that plan as we go through the plan of development  
 2187 process.  
 2188  
 2189 Mr. Emerson - Do you know how far that would place you from her  
 2190 well?  
 2191  
 2192 Mr. Grier - I don't. I don't know where her well is located on the  
 2193 site.  
 2194  
 2195 Mr. Branin - She just showed us. If you look at the property line  
 2196 that you have drawn, Ms. Cole said that it's between her house and the property  
 2197 line, which I guess would be right where her driveway is.  
 2198  
 2199 Ms. Cole - [Speaking off microphone.] It's on the other side of the  
 2200 driveway.

2201  
 2202 Mr. Branin - On his property line side of the driveway. So it's on  
 2203 the line.  
 2204  
 2205 Mr. Emerson - So you'd be less than fifty feet.  
 2206  
 2207 Mr. Grier - Yes. I think we've discussed internally the idea that if  
 2208 she's willing to have a public connection, we'd be happy to provide that. If there  
 2209 is an impact on the well, we can look at replacing that well subject to, of course,  
 2210 the County allowing that.  
 2211  
 2212 Mr. Branin - What Ms. Cole doesn't know is if she said "yes, I  
 2213 would love to have connectivity but I just don't want to pay for that connection," I  
 2214 was going to bring that to you and ask you to do that. But she's saying she does  
 2215 not like the connection. So her concern is my concern now in regards to that. If  
 2216 there would be a means of digging another well in another spot on her property,  
 2217 then we would want to look at that. We would also want an engineer—this is, of  
 2218 course, zoning; we're going to go to POD. We would also want an engineer to do  
 2219 a study on the effect on the well with it being so close—with rehydration and so  
 2220 forth.  
 2221  
 2222 Mr. Grier - I think our key is to do no harm. So if we're not having  
 2223 an impact on the well, we'll look at it and we'll see what we need to do. Do we  
 2224 need to replace it, move it—whatever. We'll work through that as we go through  
 2225 the construction plans.  
 2226  
 2227 Mr. Emerson - Do you know the state requirement for separation  
 2228 distance?  
 2229  
 2230 Mr. Grier - I don't.  
 2231  
 2232 Mr. Emerson - I think it's fifty feet.  
 2233  
 2234 Mr. Grier - From the property line?  
 2235  
 2236 Mr. Emerson - No. Either from a foundation or from a structure or  
 2237 from a road.  
 2238  
 2239 Mr. Branin - And a road would be considered—what was the  
 2240 distance you said?  
 2241  
 2242 Mr. Grier - Well, it's twenty-five to thirty feet from the road to the  
 2243 property line.  
 2244  
 2245 Mr. Emerson - You might want to check with the Health Department  
 2246 on that separation distance.



2247

2248 Mr. Grier - The bottom line is we have no problem working with  
2249 her to get the well replaced, if need be, if, indeed, the County will allow that  
2250 replacement.

2251

2252 Mr. Branin - Okay, that's one. Don't go anywhere. That was  
2253 Ms. Cole's concern which, as I said, is now my concern. The other was staff's  
2254 concern in regards to connectivity. In this area on Kain Road we've had in the  
2255 past some neighborhoods that were put in that didn't have the connectivity. And I  
2256 pledged that we wouldn't make that mistake again in this area. Connectivity. I  
2257 need some assurance that we're going to be able to put that possible road  
2258 connection to the west. I know we aren't showing it, and the layout's fine, and in  
2259 our community meeting the community was happy with what was going in with  
2260 some questions and concerns. But overall, they weren't that displeased.  
2261 Connectivity to the west is going to be vital. How would you address that?

2262

2263 Ms. Mullen - We will work with staff to provide an additional proffer  
2264 so that we will reserve a portion of our property to provide that connection to the  
2265 west. And that proffer will be in staff's hands in the next couple of days so we can  
2266 work through that language before the Board of Supervisors.

2267

2268 Mr. Branin - What's the timeline that you're looking at on this to  
2269 start?

2270

2271 Mr. Grier - Well, sir, we need to think through the next steps—  
2272 construction drawings, POD approval, development of covenants. We would look  
2273 to hopefully be prepared to start the project in the late spring, early summer of  
2274 next year if all goes well.

2275

2276 Mr. Branin - So you're looking at spring 2014.

2277

2278 Mr. Grier - Yes.

2279

2280 Mr. Branin - Okay. Sir, connectivity, I was good with this after our  
2281 community meeting. The well does scare me. And the reason why is the state  
2282 regulation. So for me to approve the conceptual now, even with the addition of  
2283 the language—your road may have to move. You may lose one or two lots to  
2284 accommodate state regs. Okay? So I think it would be prudent for me to defer  
2285 this out one month—I'll take the deferral—just so we can get that addressed. I  
2286 can't approve a conceptual when it doesn't meet state specifications. Does that  
2287 make sense? I know it doesn't make you happy, but does it make sense?

2288

2289 Mr. Grier - Absolutely.

2290

2291 Mr. Branin - Okay.

2292

2293 Mrs. Jones - May I ask a very quick question? I would like to just  
2294 confirm. I'm trying to speed read through this very small print. This will be part of  
2295 the Bentley subdivision?  
2296

2297 Ms. Mullen - No ma'am. This is designed with the proffers that are  
2298 consistent with and go above and beyond the existing Bentley proffers. So it will  
2299 be compatible with it, but it is not part of the Bentley subdivision.  
2300

2301 Mr. Branin - In the community meeting that we had and the  
2302 Bentley people that came in, their biggest concern was compatibility,  
2303 consistency, square footage, and architectural features. This mirrors all of those  
2304 specifications so they're conducive. But it's two separate homeowners  
2305 associations, and it's two separate subdivisions.  
2306

2307 Mrs. Jones - I must have misread then. I thought that the plan was  
2308 to try to integrate them.  
2309

2310 Mr. Emerson - Staff would prefer that HOAs be integrated. It's my  
2311 understanding the existing Bentley HOA is not necessarily open to that. I have  
2312 suggested to my staff that they have the Community Revitalization staff contact  
2313 them. They work with HOAs to help them understand the benefit of combining  
2314 these two HOAs. But that's a private matter. We really can't force that to happen.  
2315

2316 Mrs. Jones - I agree. I just wanted to bring it up because it does  
2317 answer some general concerns. There is usually a lot of benefit to the  
2318 commonalities of the large HOA, but that's not—  
2319

2320 Mr. Branin - Absolutely. Larger HOA; healthier HOA.  
2321

2322 Mrs. Jones - I just want to make sure that that issue is at least  
2323 investigated to the fullest.  
2324

2325 Mr. Branin - Okay. So, you understand where we're going? We  
2326 have a couple of things we need to look at. I'm sure you'll be with staff right  
2327 away.  
2328

2329 Ms. Mullen - Yes sir.  
2330

2331 Mr. Branin - Okay. And if we can get it resolved then we could  
2332 consider moving it up, but let's get the concerns nailed down. Okay? Madam  
2333 Chair, I'd like to move that REZ2013-00012, Andrew M. Condlin or Jennifer D.  
2334 Mullen for Welwood LLC, be deferred to the October 10, 2013, meeting per  
2335 Commissioner's request.  
2336

2337 Mr. Archer - Second.  
2338

2339 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in  
 2340 favor say aye. All opposed say no. The ayes have it; the motion passes.  
 2341  
 2342 Per Commissioner's request, the Planning Commission deferred REZ2013-  
 2343 00012, Andrew M. Condlin or Jennifer D. Mullen for Welwood LLC, to it's meeting  
 2344 on October 10, 2013.  
 2345  
 2346 Mr. Emerson - Madam Chair, that takes us to the final item on your  
 2347 agenda prior to adjournment, which is the approval of your minutes from the  
 2348 August 15, 2013, meeting. You do have an errata sheet where staff received  
 2349 corrections from the Commission. Those have been included.  
 2350  
 2351 Mrs. Jones - Do I have additional corrections or additions to the  
 2352 minutes?  
 2353  
 2354 Mr. Archer - No ma'am.  
 2355  
 2356 Mrs. Jones - I'll entertain a motion.  
 2357  
 2358 Mr. Branin - Move for approval of minutes with the inclusion of the  
 2359 errata sheet.  
 2360  
 2361 Mr. Leabough - Second.  
 2362  
 2363 Mrs. Jones - Motion by Mr. Branin, second by Mr. Leabough. All in  
 2364 favor say aye. All opposed say no. The ayes have it; the minutes are adopted.  
 2365  
 2366 Is there anything further for the Commission, Mr. Secretary?  
 2367  
 2368 Mr. Emerson - I have nothing further for the Commission tonight.  
 2369  
 2370 Mrs. Jones - Anyone else have business for the Commission?  
 2371  
 2372 Mr. Leabough - I'd like to again thank staff. I'm not sure if I mentioned  
 2373 Public Works staff as well for their hard work on the Lumber Liquidators' case.  
 2374 I'm sure you all poured a lot of hours into the effort. So I specifically mentioned  
 2375 Planning staff, please charge it to my head and not my heart.  
 2376  
 2377 Mrs. Jones - We know. A lot of hours go into a case like that,  
 2378 absolutely, by everybody.  
 2379  
 2380 All right. Anything further?  
 2381  
 2382 Mr. Emerson - Nothing further.  
 2383  
 2384 Mr. Witte - No ma'am.



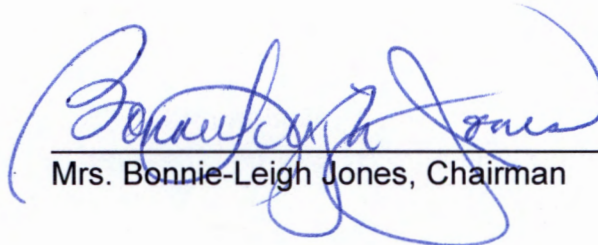
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2412

Mrs. Jones -  
Mr. Archer -  
Mrs. Jones -  
Mr. Branin -  
Mrs. Jones -

Motion for adjournment?  
Move for adjournment.  
Second?  
Yes, give me a second.  
Meeting is adjourned.



Mr. R. Joseph Emerson, Secretary



Mrs. Bonnie-Leigh Jones, Chairman