

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, September**
4 **15, 2022. Display Notice having been published in the Richmond *Times-Dispatch***
5 **on August 29, 2022, and September 5, 2022.**
6
7

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

16 **Also Present:** Ms. Jean Moore, Assistant Director
17 Mr. Ben Sehl, Senior Principal Planner
18 Mr. Seth Humphreys, County Planner
19 Ms. Lisa Blankinship, County Planner
20 Mr. Brendan McDowell, County Planner
21 Ms. Kelly Drash, County Planner
22 Ms. Molly Mallow, County Planner
23 Mr. John Cejka, Traffic Engineer, Public Works
24 Mr. Justin Briggs, Henrico County Public Schools
25 Mr. Billy Moffett, Police
26

27 **Mr. Daniel J. Schmitt, the Board of Supervisors' representative, abstains from all**
28 **cases unless otherwise noted.**
29

30 Mrs. Thornton - Good evening, I'd like to call the September 15, 2022, zoning
31 meeting of the Planning Commission to order. We are reconvening from 6:30. We had a
32 work session. Thank you for joining us this evening. If you could please silence your cell
33 phones; turn them off or silence them. That would be great and stand with the
34 Commission for the Pledge of Allegiance.
35

36 [Recitation of Pledge of Allegiance]
37

38 Mrs. Thornton - Is there anybody in the audience or on Webex from the news
39 media? Okay, well it appears that we have all of our commissioners this evening and I'd
40 like to welcome the Board of Supervisors representative, Mr. Schmitt from the Brookland
41 district. He will sit here and listen to the cases. He can comment but he will abstain from
42 any voting. With that, I will turn the meeting over to our secretary, Mr. Emerson.
43

44 Mr. Emerson - Thank you, Madam Chair as you noted the Commission did
45 have a work session earlier this evening to discuss the continuing work on the county's
46 2045 Comprehensive Plan. The meeting was recessed at 6:30 and, of course, you
47 reconvened at 7:01. I would like to join with the Chairlady to welcome everybody to the

48 Planning Commission public hearing this evening for September 15th. It is requested that
49 all public comments be provided from the lectern that is located to the rear of this room.
50

51 For everyone who's watching the livestream on the County website, you can participate
52 remotely in the public hearings by following these guidelines which also appear on the
53 screen. Go to the Planning Department's Meeting webpage at
54 henrico.us/planning/meetings. Scroll down under Planning Commission and click on
55 Webex Event. Once you have joined the Webex Event, please click chat button in the
56 bottom-right corner of the screen.
57

58 Staff will send a message asking if anyone would like to sign up to speak on an upcoming
59 case. To respond, select Brendan McDowell from the dropdown menu and send Brendan
60 a message.
61

62 The Commission does have guidelines for its public hearings we request everyone follow.
63 The applicant is allowed 10 minutes to present the request, and time may be reserved for
64 responses to testimony. The opposition is allowed a cumulative 10 minutes to present its
65 concerns. And what that means is everyone that has a concern they would like to air be
66 it one person, five people; they have to fit within that 10 minute timeframe. Any questions
67 from the Commission do not count into those time limits and the Commission may waive
68 the time limits at its discretion. Any comments made must be directly related to the case
69 under consideration and this is really important because we do keep verbatim minutes of
70 our meetings. Any commenters must provide their name and address prior to speaking
71 for our record so we have those comments and can contact you if need be.
72

73 Thank you again for your participation and interest this evening. With that said the first
74 item on our agenda are the requests for withdrawals and deferrals and those will be
75 presented by Mr. Ben Sehl.
76

77 Mr. Sehl - Thank you, Mr. Secretary. Good evening, Madam Chair,
78 members of the Commission. Staff is aware of three deferral requests this evening. The
79 first is on page two of your agenda. This is Keith Malatesta.
80

81 **REZ2021-00014 Keith Malatesta:** Request to conditionally rezone from A-1
82 Agricultural District to M-2C Light Industrial District (Conditional) part of Parcel 823-701-
83 8476 containing 15 acres located on the south line of Charles City Road approximately
84 4,120' east of its intersection with Monahan Road. The applicant proposes a commercial
85 and recreational vehicle storage lot. The uses will be controlled by zoning ordinance
86 regulations and proffered conditions. The 2026 Comprehensive Plan recommends
87 Planned Industry. The site is in the Airport Safety Overlay District.
88

89 The applicant is requesting this item be deferred to the October 13, 2022, meeting.
90

91 Mrs. Thornton - Okay, is there anybody in the audience or on Webex that is
92 opposed to the deferral of this case? Okay.
93

94 Mr. Mackey - Madam Chair, with there being no opposition to the deferral I
95 move that REZ2021-00014 Keith Malatesta, be deferred to the October 13, 2022, meeting
96 at the request of the applicant.

97
98 Mr. Witte - Second.

99
100 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Witte. All
101 in favor say aye.

102
103 Commission - Aye.

104
105 Mrs. Thornton - All opposed? Motion passes.

106
107 Mr. Sehl - Also on page two of your agenda is a request for a
108 determination of a Substantially in Accord. This is SIA2022-00001.

109
110 **SIA2022-00001 Ironwood Renewables, LLC - Solar Array:** The Department of
111 Planning has received a request from Ironwood Renewables, LLC to initiate a
112 Substantially In Accord study for a proposed solar array. The proposed site consists of
113 Parcel 832-697-5024 located on the south line of Charles City Road approximately 2,075'
114 east of Turner Road. The existing zoning is A-1 Agricultural District. The 2026
115 Comprehensive Plan recommends Prime Agriculture. The site is in the Airport Safety
116 Overlay District.

117
118 The applicant is requesting this item be deferred to your October 13, 2022, meeting.

119
120 Mrs. Thornton - Is there anybody in the audience or on Webex that is opposed
121 to the deferral of this case? Okay.

122
123 Mr. Mackey - Madam Chair, I move that SIA2022-00001, Ironwood
124 Renewables, LLC, be deferred to the October 13, 2022, meeting at the request of the
125 applicant.

126
127 Mr. Witte - Second.

128
129 Mrs. Thornton - We have a motion by Mr. Mackey a second by Mr. Witte. All
130 in favor say aye.

131
132 Commission - Aye.

133
134 Mrs. Thornton - All opposed? Motion passes.

135
136 Mr. Sehl - On the same property is PUP2022-00016. Also, Ironwood
137 Renewables, LLC. This is a request for a Provisional Use Permit as required by the zoning
138 ordinance for that same solar array. The applicant again requests a deferral to the
139 October 13, 2022, meeting.

140
141 **PUP2022-00016 Adrian Ortlieb for Ironwood Renewables, LLC:** Request for a
142 Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County
143 Code to allow a solar array on Parcel 832-697-5024 located on the south line of Charles
144 City Road approximately 2,075' east of Turner Road. The existing zoning is A-1
145 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture. The
146 site is in the Airport Safety Overlay District.

147
148 Mrs. Thornton - Is there anybody in the audience or on Webex that is opposed
149 to the deferral of this case? Okay.

150
151 Mr. Mackey - With there being no opposition Madam Chair, I move that
152 PUP2022-00016, Ironwood Renewables, LLC be deferred to the October 13, 2022,
153 meeting upon the request of the applicant.

154
155 Mr. Baka - Second.

156
157 Mrs. Thornton - We have a motion by Mr. Mackey a second by Mr. Baka. All
158 in favor say aye.

159
160 Commission - Aye.

161
162 Mrs. Thornton - All opposed? Motion passes.

163
164 Mr. Emerson - Madam Chair, we now move on to the requests for expedited
165 items. Those will also be presented by Mr. Ben Sehl.

166
167 Mr. Sehl - Thank you again. There is one item on your expedited agenda
168 this evening. This is REZ2022-00027, Godsey Properties, Inc.

169
170 **Justin Fournier for Godsey Properties, Inc.:** Request to rezone from RTHC
171 Residential Townhouse District (Conditional) to C-1 Conservation District part of Parcel
172 836-713-7564 containing 3.2 acres located on the north line of E. Williamsburg Road
173 (U.S. Route 60) approximately 850' southeast of the intersection of Dry Bridge Road. The
174 applicant proposes a conservation district. The use will be controlled by zoning ordinance
175 regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area.

176
177 Mr. Sehl - This is to fulfill conditions and requirements of the original
178 rezoning case. Staff is unaware of any opposition and is recommending approval. I'd be
179 happy to answer any questions you might have.

180
181 Mrs. Thornton - Okay. Is there anybody present or on Webex that is opposed
182 to the approval of REZ2022-00027, Godsey Properties, Inc.? Seeing none?

183
184 Mr. Mackey - Seeing we have no opposition Madam Chair, I move that we
185 recommend approval of REZ2022-00027, Godsey Properties, Inc.

186
187 Mr. Baka - Second.

188
189 Mrs. Thornton - We have a motion by Mr. Mackey, a second by Mr. Baka. All
190 in favor say aye.

191
192 Commission - Aye.

193
194 Mrs. Thornton - All opposed? Motion passes.

195
196 Mr. Sehl - Thank you.

197
198 **REASON:** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the
199 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
200 grant the request because it is reasonable and conforms to the recommendations of the
201 Comprehensive Plan.

202
203 Mr. Emerson - Madam Chair, that completes our withdrawals and deferrals
204 and expedited items for the evening. We now move into your regular agenda with the first
205 item appearing on Page One. It is PUP2022-00010, Simon Mueller for Hunt Gunter.

206
207 **PUP2022-00010 Simon Mueller for Hunt Gunter:** Request for a Provisional Use
208 Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow
209 a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway
210 approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is
211 B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends
212 Commercial Concentration.

213
214 The Staff Report will be presented by Mr. Livingston Lewis.

215
216 Mrs. Thornton - Good evening, Livingston.

217
218 Mr. Livingston - Good evening.

219
220 Mrs. Thornton - Is there anybody here who would like to speak to this case?
221 Okay, anybody on Webex?

222
223 Mr. Humphreys - There is no one on Webex for this case.

224
225 Mrs. Thornton - Okay, thank you. We'll get with you after we've heard from the
226 staff.

227
228 Mr. Lewis - Alright, thank you, Madam Chair. This is a request to allow the
229 operation of a car wash on an outparcel at the eastern entrance of the John Rolfe
230 Commons Shopping Center, approximately 260' northeast of the John Rolfe Parkway/
231 Ridgefield Parkway intersection. The 1.03-acre subject property is zoned B-2C which

requires the approval of a provisional use permit for the proposed use. Surrounding properties include other B-2C uses in the shopping center as well as retail and residential across John Rolfe Parkway.

The 2026 Comprehensive Plan recommends Commercial Concentration for the site.

As shown on this conceptual plan, the car wash would be accessed from the shopping center's internal drive aisle by a one-lane point of entry leading past 6 employee and customer parking spaces to 3 payment kiosks. This merges back into one lane at the entrance to the 100-foot-long car wash tunnel. After the wash, 17 parking spaces would be available for customers to clean and vacuum the interior of their vehicles before exiting back onto the shopping center drive aisle near the original point of entry.

These elevations depict the building's potential appearance, with a mixture of exterior materials and colors, including traditional brick, gray and white siding panels, a gray standing seam roof, and gray vacuum arms.

The County Zoning Code sets development standards for car washes overall, and additional measures can be applied through the PUP process to account for the unique aspects of each site. In this case, the site's location and limited size raised discussions with the applicant regarding architectural compatibility, as well as potential noise and visibility of exterior mechanical equipment. During the applicant's May 5th community meeting, these topics were mentioned, in addition to concerns about loitering, loud music, and car racing in and around the shopping center. The racing and loitering issues have since been addressed by the Division of Police, and a second informational meeting was held July 11th to provide updates on the case and the applicant's recent efforts.

To address the identified issues and continue discussions with county representatives and adjacent neighbors, the applicant has deferred the case three times. They have also revised their building elevations and site layout, and staff has suggested a variety of permit conditions in an effort to help mitigate potential noise and visual compatibility impacts. Based on these collective changes, staff believes the use, as conditioned, could be reasonably consistent with the shopping center if the Commission finds the requested PUP acceptable in proximity to nearby residential properties.

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

Mrs. Thornton - Thank you. Does anybody have any questions for Livingston?

Mr. Baka - I have one. Mr. Lewis, thank you for your diligent work on this case for the past several months. As you look at a Provisional Use Permit how would you assess what standards as far as impacting adversely affecting health, safety and welfare? What type of standards would a Planning Commission typically look at this case through that lens and how would they assess criteria?

277 Mr. Lewis: Well, you have to look I suppose at the use and its typical
278 operation and as I mentioned in the presentation, car washes do involve traffic, they do
279 involve folks parking their vehicle. They do involve vacuum noise; they do involve the
280 blower noise as vehicles exit car washes. Depending on where the mechanical equipment
281 is located, how it's screened, it could look differently than I guess a normal commercial
282 property such as a restaurant or something of that nature. So, all of those things have to
283 be taken into account, and that's what we've tried to do in the conditions that we have
284 recommended to our best efforts.

285
286 Mr. Baka - Thank you. I've no further questions of Mr. Lewis but if the
287 representative from the Henrico Police Department is available. I had a question for
288 Police.

289
290 Mrs. Thornton - Okay. Do we have Henrico Police? Yes. How could I miss
291 you? I didn't even see that you were in uniform.

292
293 Officer Stein - It's pretty bright.

294
295 Mrs. Thornton - Okay.

296
297 Officer Stein - It's okay, I was hiding in the back. I'm Officer Emily Stein. I
298 think you all are familiar with Billy Moffett.

299
300 Mr. Moffett - Hi, Billy Moffett, CPTED Planner.

301
302 Mr. Baka - Thank you both for taking the time to be here tonight. I guess
303 the question I wanted to ask which is not directly related to the case but many of the
304 residents in the area had concerns about the noise from drag racing, car racing on John
305 Rolfe a couple of months ago and then secondly a separate issue about loitering at one
306 of the other commercial outbuildings nearby. Would you be able to address either some
307 of the changes or some of the improvements you've seen in those two areas?

308
309 Officer Stein - Certainly. So, we re-met with the HOA, a specific residential
310 community regarding these concerns after it was brought to our attention again and I
311 guess, following the May meeting about this car wash. So, when we met with them again,
312 we compiled; our Captain for Traffic Safety, he was there, and he compiled some data.
313 To just show, just to give some numbers to you; back in November, and December there
314 were 49 summonses issued, 28 were for speeding. May and June when this issue was
315 brought up there were 101 summonses issued. That was specifically because the Traffic
316 Enforcement Unit was assigned that complaint. So, that is an indicator probably why that
317 number went up, 101 summonses issued with 38 speeding. So, he made note that there
318 was I think a 2% decrease in the number of speeding tickets that were written between
319 the first time and the second time. I asked him a couple of days ago what the numbers
320 looked like for July and August, and he said that out of the 18 summonses issued there
321 were 8 for speeding. Just piggybacking off of one of the main concerns being the sound
322 of drag racing and the mufflers, as I'm sure that we might be aware the noise ordinance

has changed. So, as of last Friday we are now allowed to be able to write for illegal exhausts as a primary offense. So, I anticipate that those muffler complaints and loud noise drag racing complaints will decrease as we get out there and start writing tickets for things that are now a primary offense that weren't.

Mrs. Thornton - Do you have any information on when those tickets were given because I do live nearby there, and the drag racing will happen in the late evening...

Officer Stein - Right.

Mrs. Thornton - ...like when you're going to bed.

Officer Stein - I don't have the exact times that those tickets were issued but I do know that we were having officers that were specifically assigned to writing tickets in that area at various times of the day. So, I don't know the exact numbers but it's something that I know was staggered throughout.

Mrs. Thornton - Okay.

Mr. Baka - Great.

Mrs. Thornton - Just curious. Because that's probably where they're complaining...

Officer Stein - Right.

Mrs. Thornton - ...is because they're home trying to sleep and it's quiet...

Officer Stein - Definitely.

Mrs. Thornton - ...and there's not a lot of cars out and then you just hear them revving and then just take off.

Officer Stein - Yes ma'am and that's what we.. Car racing throughout the county as well as the city we've seen a huge increase ever since the law changed about two years ago making it no longer a primary offense but now that is able to be a primary offense specifically for Henrico County. The state law changed so that counties can make it applicable to just their own localities so while it might not be illegal in the city or while it might be illegal in the city it's no longer legal here. So, we saw a huge increase in it. We had sometimes had our air unit was trying to follow these car groups that were going around. It's just that they hop around from one jurisdiction to the other and they sometimes even have walkie-talkies in their cars so they send out a spotter car that will see police and tell everyone else to not or not to break any traffic laws. So, it's something that we've been trying to continually address, and I know that whenever there are huge car rallies that whichever shift is working their supervision gets on it pretty quickly and tries to get them out of the county as quickly as possible.

369
370 Mrs. Thornton - Thank you. I haven't heard them lately, so, whatever you're
371 doing.
372
373 Officer Stein - Let's keep it that way
374
375 Mrs. Thornton - You're doing good.
376
377 Officer Stein - Let's keep it that way.
378
379 Mr. Baka - Thank you for your comments. I appreciate, Madam Chair,
380 that this wasn't directly related to the carwash, but it's been a key concern of the residents
381 in the area.
382
383 Officer Stein - Yes it has.
384
385 Mrs. Thornton - Yes.
386
387 Mr. Baka - So, thank you for your and thank you for the info. Appreciate
388 it.
389
390 Mrs. Thornton - Anything else?
391
392 Mr. Archer - I had a question for Officer Stein or Mr. Moffett. I remember
393 back in my youth there were certain types of mufflers that became prohibited. I remember
394 one called a cherry bomb. Cost me \$28.00. I had to take it off. It was on my Camaro.
395 Then all of a sudden, they did away with that, and you could. The loud mufflers came
396 back again. Thank God I've outgrown all that. But is there a decibel level that is illegal
397 now or are there types of mufflers that are still illegal?
398
399 Officer Stein - So, the only legal muffler is a factory like one that is
400 specifically factory made for your vehicle. So, if you go to, I don't even know where you
401 get an illegal muffler because I don't do that but if you were to go find a cherry bomb that
402 unless it's made through the manufacturer for your vehicle it's illegal so there's no decibel
403 it's the factory-made vehicle specifically for yours.
404
405 Mr. Archer - Thank you. I've been curious about that for years.
406
407 Officer Stein - Well, I'm glad I was able to answer that question for you.
408
409 Mr. Moffett - Thank you.
410
411 Mrs. Thornton - Thank you.
412
413 Mr. Baka - Question. Madam Chair is there anyone, was there anyone in
414 the audience?

415
416 Mrs. Thornton - There wasn't anyone. He is the applicant.
417
418 Mr. Baka - Okay. Can we ask again is there anyone in the audience
419 who's opposed to...
420
421 Mrs. Thornton - Yeah, there was
422
423 Mr. Baka - ...that would like to speak?
424
425 Mr. Witte - Two more.
426
427 Mrs. Thornton - Oh, we have two. Ok.
428
429 Mr. Baka - Do we have two?
430
431 Mr. Witte - You have four.
432
433 Mrs. Thornton - Okay.
434
435 Mr. Baka - Four.
436
437 Mrs. Thornton - Four here to speak to the case?
438
439 Mr. McGovern - Yes, ma'am.
440
441 Mrs. Thornton - Okay, if you go to the back of the... Thank you.
442
443 Mr. Baka - The rules?
444
445 Mrs. Thornton - He already knows.
446
447 Mr. McGovern - Ready?
448
449 Mrs. Thornton - Yes.
450
451 Mr. McGovern - My name is George McGovern. I live at 2228 Perennial Circle
452 which is the townhouses directly across from where they're planning to build a carwash.
453 First, I want to thank you for the time to allow us to speak and I want to thank you for your
454 work on the committee and what you do. We are against the rezoning of this from a
455 Provisional Use Permit perspective, and I want to address it in three different areas. First
456 is the zoning. When you set this B-2 permit up in there you had the insight and good
457 judgment to understand that this is a neighborhood shopping center, okay. And it's perfect
458 for the area and the residents that live in it. Now, you're being asked to go against that
459 judgment and set up a Provisional Use Permit that will allow this carwash to come in and
460 it is noise, it is safety issues that I'll address in a minute pertaining to that. This is not

461 really for the residents; it's purely for the use of money and to lease the land. One point
462 one mile down the road at Church and Pump they're building a brand-new carwash down
463 there. And this could adversely affect not only the neighborhood but with sound and noise
464 on a constant basis affecting the values of the homes that surround it as well. When you
465 look at the areas where this is zoned - there's one near my office up at Brook and Parham;
466 there's also another one of these style carwashes that is at Arthur Ashe Boulevard. And
467 when you look at the scenarios there and where they're zoned for, you'll understand why
468 this Provisional Use Permit does not fit the model of where those other things were zoned
469 because of safety and noise. So, on the safety side of it our understanding is that at its
470 peak regardless of whether it's weather-related or whatever this thing could bring in
471 possibly a couple hundred cars a day. Now, my question is to you all, I sent an email, and
472 I thank Livingston for getting it to you all, it showed sort of the layout of the parking lot
473 with the blue lines and all that. Did you all get that?

474
475 Mr. Baka - Mmhhh.

476
477 Mrs. Thornton - Yes.

478
479 Mr. McGovern - Okay, so, when I look at that and you look at the design of that
480 parking lot and that shopping center which has been zoned that is a back access road to
481 take the pressure off the pedestrian traffic along the front end of where the businesses
482 are. It's also to keep people from cutting through the parking lot. If this is rezoned and
483 that lot or that access road gets blocked because there are cars out there, then those
484 cars are going to have one of two options. You're going to have excess cars trying to
485 move through that parking lot from a safety perspective and they're either going to start
486 moving horizontally or cut horizontally through the parking lot or they're going to put a lot
487 more traffic up in the pedestrian areas along where the stores are. And that's a safety
488 issue. There are a lot of elderly people who live in these neighborhoods as you well know
489 if you live over in that area, okay and that could be an issue from the traffic patterns. And
490 as they move through those that's a real safety issue that has our concern. It'll also bring
491 a lot more cars in because our understanding is down the road the Tuckahoe ball fields
492 that will be an area of entrance, right, when the Tuckahoe ball fields are allowed to go in
493 there causing more pressure onto that shopping center in that neighborhood. And then
494 again, I reiterate where the zoning is from a safety issue and all that where the ones are
495 on Parham or the ones that are on Arthur Ashe you've been to those, you'll understand
496 why. The next thing is the noise. I know it's easy to sit there and say, "oh we'll put up
497 some trees" and they can put all the cosmetic looks on the buildings that they want but
498 this thing has 19 vacuum cleaners and I sent you a video of the one. I sent it to Livingston,
499 he passed it on to you I saw the email, of the noise that comes out. That compressor runs
500 all the time. There's vacuuming going on. I also can tell you that one of my friends who is
501 in one of the businesses next to the one at Arthur Ashe when those individual cars are in
502 the parking lot they're blaring their music, okay; loud, the bass and things like that. We all
503 know a lot of kids and things in that neighborhood that would use that carwash that are in
504 the Godwin school zone district. Those blowers that they talked about, that Livingston
505 talked about as you come out of there are an issue too so it's easy to say, "Well, the
506 employees will have a handle on that, the employees will monitor that," but nonetheless

507 they want the repeat business, so we don't anticipate that happening. And then finally you
508 know the issues that have already been addressed with the AutoZone that we had before.
509 So, the opposition will tell you that they're going to reduce the operational hours to make
510 it more conducive; they're going to tell you that the number of cars won't affect the traffic
511 pattern in there; they're going to tell you the employees will monitor this and they'll chain
512 it and there won't be loitering or anything else along those lines; and they will tell you that
513 all the business owners that they've talked to in the shopping center have been talked to
514 and no one had any issues, which is not accurate because I passed out flyers as did one
515 of our other residents and the lady who owns the jazz and dance studio right next to it
516 knew nothing about this happening. So, those are things that are against it. So, what I'm
517 asking is and what we're all asking you is that you don't change your mind. That you use
518 the original good judgment that you had when you zoned it. Livingston showed us the
519 various businesses that are allowed to be in here and that you don't grant a Provisional
520 Use Permit when they can go 1.1 miles down the road and get another car wash or do
521 whatever they want. Thank you for your time.

522
523 Mrs. Thornton - Thank you. Does anybody have any questions?

524
525 Mr. Baka - No thanks. Thank you.

526
527 Mrs. Thornton - We had somebody else in the audience. We have. You want
528 to speak too? Is there anybody on Webex?

529
530 Mr. Humphreys - No, there is no one on Webex for this case.

531
532 Mrs. Thornton - Okay, thank you.

533
534 Mr. Johnson - Hi, my name's David Johnson. I'll be real quick because I'll
535 just echo what George said. I live at 2222 Perennial Circle also in the townhomes right
536 across from there. Just to sum this up. The shopping center there now co-exists with the
537 neighbors. It's, I don't want to say it's perfect. We had problems with AutoZone but the
538 nature of it now works. What we're talking about is bringing a carwash there that doesn't
539 fit the other businesses there. George talked about old folks. There's a martial arts studio
540 there that's all for after school kids. The Twist Gymnasium right next door to where this is
541 going to be- I gave her a letter last week. She had no idea this was coming in and was
542 appalled when I told her about the number of vacuum cleaners. I was there at 4:30; her
543 place was packed with small children for their gymnastics lessons. Their parking lot
544 already can't handle it. They're parking across that roadway at the back of the Publix
545 parking lot and the little kids are running across the street. My son grew up at Tuckahoe
546 Little League and that was our back entrance. I drove through there yesterday. There
547 were cars lined up on the entrances, they always are, and kids running in and out of there.
548 The cars going into this carwash are not going to come in from John Rolfe. They have to
549 get into that parking area, and it's a huge safety concern. It's going to change the nature
550 of what works now for a carwash that is not needed. As George said, they're building a
551 mega car... it's a carwash that's been there a mile away right by the BP. They tore it
552 down, razed it and now building a huge carwash. This is not a need in the area. We can

553 go there; we can go on Lauderdale. There's plenty of carwashes. I'm not sure there's a
554 lot of carwashes of any size that can go in there and not change the nature of that. This
555 one they've got, they're saying 17, I saw 19, they say 17, 19. That's an enormous amount
556 of vacuum cleaner bays. They're obviously expecting an enormous amount of business
557 and we've got 66 homeowners that are extremely worried about this and we just, I'll just
558 echo what George said - please don't change your mind. It works the way it is now. Yeah,
559 the noise and a lot of people are working from home these days and are going to continue
560 working from home. We knew when we moved in, we were on John Rolfe and Ridgefield.
561 We knew that, and we accepted that. But we also moved in with an established shopping
562 center across the street and this is going to change the nature of that shopping center.
563 So, we urge you please not to do this. Thank you.

564
565 Mrs. Thornton - Thank you.

566
567 Mr. Baka - Thank you.

568
569 Ms. Bryson - Good evening. I'm Tiffany Bryson. I live at 2132 Perennial
570 Circle. I'm actually the HOA President for Ridgefield Green Townhomes. I wanted to give
571 you a little bit of a backstory about this noise. I contacted the police, and the Board of
572 Supervisors, when we had this issue. We got absolutely no traction. It was only when the
573 carwash to be built when everybody stood up and started taking action. To me, that is
574 very disappointing. My husband is a police officer, so this is not pointed towards the
575 police. This just tells me that Wilton has political pull and is able to do what they want to
576 do, and they were trying to get this carwash in. I personally met with Hunt Gunter several
577 times to try to negotiate a solution about the concerns with my community. When I met
578 with him, I was never told that these vacuum cleaners were going to be this large. I only
579 found out when we went to another meeting and the plans were pulled out. I took that
580 information back to my community and my community said it wasn't for them. I'm asking
581 the Board to ask themselves, "How will this better my community?" I'm also asking you to
582 ask yourself, "Would you personally want a carwash 80' from your front door?" If you can't
583 honestly answer those, "Yes," I'm asking you to deny this motion. Thank you.

584
585 Mrs. Thornton - Thank you.

586
587 Mr. Baka - Thank you.

588
589 Mrs. Thornton - Is there anybody else that would like to speak to this case?
590 Ok. Mr. Baka? Would you like to hear from the applicant?

591
592 Mr. Baka - I'd like to hear from the applicant to respond to the concerns
593 that were addressed. Yes, please.

594
595 Mr. Johnson - Good evening. I'm Rich Johnson. I'm President of the Wilton
596 Companies. I know many of you have made reference to Hunt Gunter. He is out of town
597 this evening. He has been more closely involved with this case than I have. So, I'm
598 handling it this evening for him. I'm here tonight to provide you with a very detailed

information log regarding this project and our request at John Rolfe to have this PUP approved. It's our fact, it's our opinion that the facts will clearly support the Planning Commission recommending approval once we go through a bit of information here. The public part of this case started on March 20th when we sent out the normal letters to the community to about 120 neighbors inviting them to a community meeting on May the 5th. At the request of Mrs. O'Bannon, we also sent a second letter out on April 25th and that letter also included the names and direct-dial phone numbers of two folks at Wilton that are handling this matter and to date, Wilton has received zero correspondence or phone calls with regard to those letters that were sent out. On April 28th, the staff report was issued in which the staff affirms, and I quote, "The use as conditioned should be considered compatible with the shopping center," unquote. And, of course, as always, that would be if the Commission agrees. Wilton has scheduled not just one, but two community meetings as confirmed by the staff report. The first meeting on May 5th was attended only by 4 citizens. Two from neighboring subdivisions who advised that they had no objections to the site and two from Ridgefield Green who expressed concerns. But their concerns at that meeting were not about this case. Rather their concerns were about loitering at the AutoZone and about loud music and street racing on the adjacent public streets. They stated they had been in touch with the county and HPD to no avail. They wanted to be sure that this would not, and I quote, "Add to the existing ongoing issues." In response to the concerns raised, Wilton scheduled another meeting on May 10th which was attended by HPD Officer Stein who you just heard from a moment ago; Tiffany Bryson who you just also met and heard from a moment ago who's President of the Ridgefield Green HOA, and by representatives from Wilton. Their concerns again about existing neighborhood problems were detailed. And, as a result of that meeting, and the progress that was made as a result of that outcome, neither Wilton nor Henrico PD have received, report having received, any calls on this issue since the progress made on May 10th. And that's supported by the facts that Officer Stein had recited to you a moment ago. Additionally, historically, the website NextDoor, which is a popular website about neighborhood issues has routinely had postings from the HOA, especially about street racing. And there have been zero postings since this meeting on May 10th except for one posting on June 22nd which was no longer about street racing but about break-ins to vehicles within the subdivision. So, it would clearly show that this meeting and the extra efforts by HPD at Wilton's, instituted by a meeting called by Wilton, have been measurable and acceptable. As for the Wilton Companies, we commend HPD and the Community Resource Officer, E.C. Stein for their success and their hard work in this effort in achieving this progress. We know it's a tough problem and you can't, it's like finding a needle in the haystack finding the kids that are racing, but they've got to do the best they can, and the progress today has been very measurable. Moving forward on May 17th and 18th there were communications between HOA President Bryson and the Wilton Companies listing concerns of the HOA per email communications from Ms. Bryson on 5/18. Wilton has addressed 100% of those issues, 100%. Further, these issues were addressed by Planning staff as well with solutions as provided for in the proffers. This includes, the constant noise running referred to, at mutual agreement number, the hours of operation will be 8:00 a.m. to 8:00 p.m. and HOA has expressed concern that that doesn't mean a soft 8:00 p.m., that means 8:00 p.m. sharp at which time the gates will be closed, or chains will be put up to avoid. And we do have a firm commitment, we're willing to proffer

8:00 a.m. to 8:00 p.m. sharp. The entrance to the facility would be closed, gated or chained off when not open for business. Again, covered in the proffers. No problem. The vacuums would be placed were requested to be placed on the shopping center side, that is sometimes called the Publix side of the building, and not on the side facing the street or the townhomes roadway. Again, all the vacuums are over on the opposite side of the building from the neighborhood. They are facing the shopping center drive lanes. The changing of the appearance to be of materials and colors consistent with the shopping center has been completed as reported by Mr. Livingston. The further adjustments to the stacking lanes and reducing the size and quantity of the signage has been completed. The installation of evergreens between the building and the roadway to soften both the visual impact and further the sound attenuation has been agreed to in concept and this will be dealt with when we go through the landscaping plan and subsequent Planning Commission issues. Next, on June 22nd, Mrs. O'Bannon organized a meeting with the HOA and Officer Stein. Wilton was not invited to this meeting...

Mr. Baka - That's not true.

Mr. Johnson - ...because it was called to discuss traffic and loitering enforcement. Wilton staff was, however, invited to attend by the HOA and we thank Ms. Bryson for that and her team for that information, for that invitation. We once again reassured the attendees by defining the changes being made as requested in Ms. Bryson's email of 5/18. This very specifically addressed the willingness to add evergreen trees between the building and the street, all to be formalized again based on the approval of the landscape plan. On July 11th, Mrs. O'Bannon organized another meeting, Wilton again was not invited to this meeting...

Mr. Baka - That's not true

Mr. Johnson - ...so I cannot define what was said there. However, two days later Mrs. O'Bannon called Wilton to advise that she had received comments that there, quote "might be loud noise..." unquote from patrons while using the vacuum. Once again, we are confirming specifically, the carwash will be staffed 100% of the time during their open hours and the staff can address any noise issues. Two, the vacuums are located on the shopping side of the building, not on the street side with both the building and the distance and the trees and a 15' elevation difference between this and where the subdivision lies, all acting to as an insulator for sound attenuation. Third, there will be extra landscaping and in a worst-case scenario, HPD has expected a high-level responsiveness to address this issue on noise and we got a noise citation which Officer Stein just updated us on and in a worst-case scenario, which we don't believe we'll ever get there, we do have that to fall back on as a worst-case conclusion. So, in conclusion I'm going to say that Wilton has met with the community members multiple times and with their seemingly most critical concerns being street racing and loitering have already been successfully addressed. It is significant that this use is already permitted in the current zoning if it's developed as part of a service station or gas station. However, we're thinking that a, we suggest to you that a less intensive use of the car wash without the gas station certainly should not be reasonably denied. If you can legally put the carwash there as part of a gas station, why can't you put it there without the gas station because certainly clearly

there's far less traffic if the gas station doesn't exist. And, as per Planning staff as we said at the beginning comment, conversation, as to Mr. Livingston, it is quote, unquote "compatible," subject to your interpretation. Lastly, the Wilton Companies has been and continues to be a high-quality operator of commercial properties in Henrico County. We have over 40 shopping centers and 100s of thousands of square feet of other retail and office and warehouse use and we have always, and I with great pride, say always been responsive to the ongoing issues related to our properties as evidenced by our efforts in May to coordinate bringing the police involvement in to address the racing problems which are not even on our property but as well as the loitering problems with the AutoZone that was there so. This project will be an asset to the community and to the Henrico tax base. The fact that there's competitive carwashes in other areas really is not an issue. There's always someone with a better product and an opportunity in our environmental and our entrepreneurial world to build a better mousetrap. This operator is a successful woman-owned business. She has over 50 units successfully operating throughout the mid-Atlantic. She is prepared to move forward. We are agreeable to all the proffers except Proffer #9. And the portion of Proffer #9 that runs, that defines that the car wash hours will run from 8:00 am to 8:00 pm, which is great, but provides that the vacuums would only run from 9:00 am to 6:00 pm during the week and from noon until 6:00 pm on Saturdays and Sundays. This makes really no sense as it would be comparable to telling a Wendy's customer that he can come through the drive-in window and order a hamburger but not a drink. I mean you can't have a carwash operation and say, "but you can only use half of it." So, but for the exception of that one small portion of the proffers we are agreeable to all the other proffers verbatim. And again, we stress that we've addressed every issue that has been presented by the HOA repeatedly and we've come back with, despite the issues having been addressed, with strong rejection which we are struggling with. In closing, the facts presented prove that this case deserves a positive recommendation with all the proffers in place with the exception of the small issue regarding the proffers. We thank you for your consideration and I'm prepared to answer any questions that you may have.

Mrs. Thornton - Does anybody have any questions?

Mr. Baka - Yes. Alright.

Mrs. Thornton - You go ahead.

Mr. Baka - I believe I do. Mr. Johnson, thank you for taking the time to make a presentation tonight and I appreciate your comments. One thing I'll point out, proffers are items that accompany rezoning cases. In this instance, I believe staff drafted conditions for a Provisional Use Permit. Condition #9 was drafted, folks can correct me if I'm wrong, in response to concerns that we heard. I mean tonight we heard testimony from Mr. McGovern, George McGovern, David Johnson, and Tiffany Bryson, and also spoke with Tawanna Hicks previously. Your comments, if I may, they addressed what you've done to date. The question is, I didn't hear a whole lot tonight as far as addressing the concerns that were raised in verbal testimony tonight, so. Do you feel, my question is do you feel there is anything more you can do from a development standpoint to address

738 the concerns you've heard tonight or are you at the end of your rope? Is this as much as
739 you can do? This is as much improvements as you can put into it?

740
741 Mr. Johnson - Well, let me start from about 60,000 feet and say repeatedly
742 there's been concession after concession in development adjustments and we're happy
743 to do those things. You know we've got over 75 years of working with the county, of
744 working with the residents and since I've been president of the company, over 20 years
745 of successful compromises and being a good neighbor. So, in the sense of working on
746 additional issues, what have we done to date? Again, we've agreed to additional
747 landscaping which would be a visual buffer as well as a noise buffer to some degree, but
748 much more significantly, the vacuum cleaners have been reduced in quantity, they've
749 been reduced and located on the side of the building as requested by the HOA to face
750 the shopping center and not the street and therefore the HOA property and so again
751 you've got a large distance between those areas of some 150 plus feet, you've got a
752 reduction in the number of vacuum units, you've got a reduction in the capacity of where
753 traffic can stack out into the roadways, as was brought up, by putting further stacking and
754 triple stacking lanes on site for the cars coming in. We do meet all the code requirements
755 that Henrico has developed with great detail over time to ensure that the stacking lanes
756 for any type of business of this nature as well as fast foods and other drive-thru operations
757 are very closely defined. We do meet all of those requirements and in fact slightly exceed
758 those requirements and...

759
760 Mr. Baka - Okay.

761
762 Mr. Johnson - ...so, I feel like we've done everything that we can predictably
763 do. The number of vacuum cleaner stations, again, has been reduced. Is it possible to
764 potentially reduce those slightly further? The answer is there's always room for
765 negotiation if it would help.

766
767 Mr. Baka - I'm not sure if that one topic would make the distance, but
768 Condition 9 is drafted. You're saying you're not willing to accept what the staff has drafted
769 in a response to the citizen concerns for limiting the hours of the vacuums?

770
771 Mr. Johnson - I regret to say that is not acceptable. It would be poison to the
772 carwash operator for them to tell them that their services are only partially available
773 despite the fact that they are there to pay that to do those. And it's certainly not consistent
774 with the restrictions that other businesses have been asked to live with.

775
776 Mr. Baka - Alright. I don't have any other further questions tonight.

777
778 Mr. Witte - I...

779
780 Mrs. Thornton - He has a comment.

781
782 Mr. Witte - I've got a few comments, concerns actually. They've had two
783 community meetings. In the notes it said that only 5 people attended the July one. And

784 community shopping centers are supported only by the community. By far to be
785 successful the community has to support them, or they go out of business. If it doesn't
786 work, I haven't seen a carwash go out of business but if it didn't work and the community
787 didn't support it, it would go out of business. It wouldn't be there long anyway. But I'm
788 kind of disappointed we didn't have a bigger turnout from the community if it's such an
789 issue. I mean there's thousands of people in that one-mile radius and we've got 5 people
790 attending a meeting and three show up for the community, for the Planning Commission.
791 So, I'm not saying it's a good idea or a bad idea, I'm just saying they bent over backwards
792 to accommodate and meet all the issues. There's got to be a good reason for there being
793 an issue to this. Now, I have one in my district I'm hoping is going out of business but it's
794 not a carwash, but the community showed up and this place was packed, and they ended
795 up building the facility and the community's not supporting it real well and hopefully next
796 year or two it will be out of business. But that's neither here nor there. I just have concern
797 that we have so few people here to speak of it.

798
799 Mrs. Thornton - I have a comment. Did you go to the existing customers that
800 are already there in your building like the Twist Gymnastics next door? Apparently, he
801 took a notice over and she found out that way. I would think you'd want to make the
802 people that are already there paying the money to rent, and I know Twist Gymnastics has
803 been there for a long time and an outstanding you know citizen and brings in a lot of
804 business. So, did you reach out to the surrounding businesses?

805
806 Mr. Johnson - I'm not in a position to speak specifically to Twist, but yes, we
807 did reach out to the existing businesses. As for the dance studio one, I can speak
808 specifically to that. We did speak to a principal there and have complete buy-in from there.
809 As for the person, the representative that was spoken to, another employee or person
810 there, it would not certainly be uncommon to talk to a person and then another person in
811 the business not be aware of it. I don't know the details on Twist. I do know the one as to
812 the dance studio. But yes, we have circulated that information around to the businesses,
813 but again, businesses are owned by multiple people, and I doubt seriously in the urgency
814 of operating a small business in today's environment that the topic of this nature would
815 be a wide point of discussion within that employee base. But I can tell you and represent
816 to you yes, we have talked to the businesses there, and who was spoken to at each
817 individual one, specifically regarding to Twist, I don't know, but yes, we have done that.
818 As a matter of practice, we maintain a close relationship with every tenant we have in
819 every shopping center and the vast majority of the people we are on a first-name basis
820 with, so we have solid communications with all of them and we have a buy-in on this use.

821
822 Mrs. Thornton - Okay, I just had one question about the vacuums. Are they
823 constantly on and when you pull the hose away it makes a louder noise? Just so I can
824 get an idea of the noise that you're - because if it's a constant that's 17 constant vacuums
825 going all the time.

826
827 Mr. Johnson - I have a, actually, well there's 2 compressors there. There's
828 not 17. There's 17 different hose extensions but there's 2 compressors.

830 Mrs. Thornton - Correct, but if you've ever...

831

832 Mr. Johnson - And we have an engineer here who's on top... Do the
833 compressors run 24, run 8:00 am to 8:00 pm constantly, or do they or they're on only
834 when the hoses are detached?

835

836 Mr. Baka - The podium...

837

838 Mrs. Thornton - Continuous.

839

840 Mr. Emerson - Excuse me, sir. Could you go to the lectern so you can be
841 heard? Thank you. And please identify yourself.

842

843 Mr. Lombardo - Evening. My name is John Lombardo and I'm with the Hutton
844 Real Estate Development Group and we are the owners/operators of ModWash
845 throughout the Mid-Atlantic as was previously mentioned. The compressors that pull the
846 vacuum across the hoses are running continually and the customer when they pull their
847 nozzle from the holster you know...

848

849 Mrs. Thornton - Engages.

850

851 Mr. Lombardo - ...engages it, but then they reinsert the nozzle back into the
852 holster... So that's how it operates right now.

853

854 Mrs. Thornton - Right. So, how many compressors do you have?

855

856 Mr. Lombardo - There's two. Two compressors for the site.

857

858 Mrs. Thornton - One on either side. So, it's a constant

859

860 Mr. Lombardo - On each side of the parking aisles, so like there's a row of
861 parking and there's a compressor, there's another row of parking, there's the other
862 compressor. It's depicted on the site plan.

863

864 Mrs. Thornton - Yes.

865

866 Mr. Witte - So, they're only on when somebody's using it.

867

868 Mrs. Thornton - No, it's a constant noise and then the louder noise comes
869 when you take the hose out, engage it.

870

871 Mr. Witte - Oh, okay.

872

873 Mrs. Thornton - You ever not washed your car?

874

875 Mr. Witte - But they're not 17 individual...

876

877 Mrs. Thornton - No, there's two compressors but every time you pull the
878 vacuum. You could have 17 vacuums going at once, correct?

879

880 Mr. Johnson - If there were 17 customers using the vacuums all at one time
881 there could be 17 different hose connections open to the compressor, but the compressor
882 as confirmed does run constantly from 8:00 am to 8:00 pm and then each hose is run off
883 of one or the other of those two compressors. If it would make the difference, I'm here to
884 tell you today that we could put an additional sound attenuation cover over each of those
885 compressors to further diminish the sound and I would be willing to commit that to the
886 Commission and to the Board of Supervisors at the appropriate time as a proffer that we
887 would put an additional covering over top of those to further control the sound. They're
888 already enclosed, but this would be a secondary enclosure over top of it which we can do
889 and which this and which is possible to do, and we will commit to do it. It's unusual but
890 again in an effort to address, further address, I'll emphasize further address the noise
891 issue, we would put a secondary covering over top of those to address that.

892

893 Mr. Baka - I'm not certain that would address the concerns of the citizens,
894 but thank you for your comments tonight, sir.

895

896 Mr. Johnson - Thank you. In closing I think I'd just like to say one more time
897 that this is a use that's allowed in this zoning situation if it's attached to a gas station, and
898 from our point of view, we cannot see how a less intensive use of a car wash without the
899 gas station could be offensive if a car wash with a gas station is a by-right use. We'll close
900 with that thought and we thank you for your consideration and wish you a good evening.

901

902 Mr. McGovern - May I address the group?

903

904 Mr. Thornton - I'm sorry. The public comments, we're done. Thank you.

905

906 Mr. Baka - Does anyone, does any member of the Planning Commission
907 have any questions?

908

909 Mrs. Thornton - No.

910

911 Mr. Baka - I have a few comments and I want to just say I'm supportive
912 of small businesses and business enterprises in their success and I wish them success,
913 but I have a great number of concerns about this case which I think are either echoed by
914 Mr. McGovern and his neighbors or their concerns echo mine or vice versa. We heard a
915 little bit about the market. Let me just speak a bit briefly about the market. If there is
916 another car wash a mile away or a half mile away or two miles away it doesn't matter. We
917 don't zone uses based on need, if there's another carwash a mile away. If the market
918 allows for this many then so be it, the market will take care of that, and the successful
919 ones will do well and the other ones may not. As far as safety and circulation goes, I think
920 from a traffic engineering, we'll call it internal circulation standpoint, I think an engineer
921 could draw an excellent plan to make sure that cars could safely navigate around it. It

922 would be different. That would be some change. The inescapable issue on this case
923 though becomes the noise. It's the noise. It's simply the noise that I think citizens have
924 offered here. I want to thank the members of the homeowner's association for coming
925 out, but in addition, there were 30 or 35 at least homeowners who signed a petition that I
926 believe Ms. Bryson submitted to Mr. Lewis in opposition or concern about the magnitude
927 of this use and the scope of its noise near the townhouse development across the street.
928 Another issue mentioned a couple of times was about invitations to the meetings. Mrs.
929 O'Bannon did confirm that her assistant did send a letter for the July 11th meeting to the
930 business address of the applicant. Period. There was a concern addressed about whether
931 a stand-alone carwash would be different than one that has a gas station with it. A gas
932 station, if a gas station has a carwash, then it's allowed, the carwash is allowed by right
933 if it goes together with that gas station, however in this instance that particular reasoning
934 or that particular explanation isn't, doesn't necessarily apply when you're looking at a
935 Provisional Use Permit for the B-2 district. As I mentioned at one of the community
936 meetings to some of the residents, the zoning ordinance was drafted in such a way not
937 to allow this use as a matter of right. If it was a matter of right in B-2 we wouldn't be having
938 this hearing tonight but to allow as a Provisional Use Permit and allow this Commission
939 the discretion to make a recommendation to the Board of Supervisors as far as what they
940 think would be the best effort that wouldn't adversely affect the health, safety and welfare
941 of the residents in the area. I'm not as concerned about the market and the safety and
942 the circulation engineering. I really do think some of those things could work out. The
943 inescapable issue here is the noise and also represented by 30 or 35, and I'm sorry Ms.
944 Bryson I don't have the exact number of the folks who signed the petition, but I
945 appreciated the information you sent in early on. We do have the leadership of the
946 homeowner's association Board of Directors here tonight. I would say that I asked the
947 Police Department to get involved. There was no sway by any group or people as
948 somebody had unreasonable sway. I asked them to get involved so I don't know if the
949 police wasn't involved prior to this, but I'm glad you are now. Thank you and thanks for
950 being here tonight. I know you may not have been expecting to come to speak or come
951 be here but thank you for taking the time, officer. With that, unless other members of the
952 Planning Commission have any comments, I have a statement I'd like to read. While
953 stand-alone carwashes are considered potentially appropriate in the B-2 zoning district
954 under some circumstances, they are required to receive Provisional Use Permit approval
955 because the surrounding land use context of some B-2 sites can be very different from
956 one location to the next. Hence, you have this proposed site directly across from Perennial
957 Circle, the townhouses there. Developing a carwash on a major thoroughfare surrounded
958 on all sides by other businesses may be appropriate in many instances, however, placing
959 one at the entrance of a neighborhood shopping center, or call it a community shopping
960 center, is a lot different than putting in an arterial, commercial corridor like Broad Street
961 or like Route 1, Laburnum. I can name a few others. But that's the key context you want
962 to get here in our recommendation to the Board of Supervisors next month is that this is
963 a neighborhood or community shopping center. Its impacts are magnified more than it
964 would be if it were in an arterial, commercial corridor like one of those major roads
965 mentioned. So, in that case placing one of these in close proximity, placing a carwash at
966 the primary entrance of a neighborhood shopping center in close proximity to the
967 residential townhouses is less desirable or may be incompatible in this case. While the

applicant has diligently worked through a number of issues - and I appreciate that, you had made some strides - to potentially mitigate some issues, the Board of Supervisor member had asked for continued work with the neighborhood to see if further work could be done through a community meeting or further progress could be made. And there are certain site divisions, certain site design revisions, that have been made. There are still, important concerns that remain from the citizens and from the neighbors here. These issues of which have been echoed from residents on several occasions related to the following: the level of noise of vacuums or related air compressors; the noise from stereos of parked vehicles being vacuumed; the noise from drying blowers of vehicles exiting the tunnel, the carwash tunnel; the visual compatibility of the use in the remainder of the shopping center; and potential traffic flow concerns at peak times. So, with that in mind these issues are not unique to this proposed tenant, ModWash. They are not particularly unique to this applicant or carwash. Despite the applicant's best efforts, these concerns have remained unresolved over the course of several months reviewing this case. Therefore, Madam Chair at this time I move that PUP2022-00010, Hunt Gunter be recommended to the Board of Supervisors for denial.

Mrs. Thornton - Second. We have a motion by Mr. Baka, a second by Mrs. Thornton. All in favor.

Commission - Aye.

Mrs. Thornton - All opposed? Motion passes.

Mr. Baka - Thank you.

REASON: Acting on a motion by Mr. Baka, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors deny the request because of concerns regarding noise, visual impacts, and peak traffic flow, which could have a detrimental effect on property owners in the vicinity.

Mr. Emerson - Madam Chair, this item will appear on the Board agenda on October the 11th. Moving on to the next item on your agenda this evening. REZ2022-00028, Andrew M. Condlin for Bradford Homes, Inc.

Andrew M. Condlin for Bradford Homes, Inc.: Request to conditionally rezone from R-2 One-Family Residence District to R-3C One-Family Residence District (Conditional) Parcels 749-739-4015, 749-739-4127, and 749-739-4237 containing 2.519 acres located at the northeast intersection of Derbyshire Road and Midway Road. The applicant proposes a single-family residential development. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

The staff report will be presented by Mr. Brendan McDowell.

1014
1015 Mrs. Thornton - Hi. Is there anybody here that would like to speak to the case
1016 or on Webex? Okay.

1017
1018 Mr. Humphreys - There is no one on Webex for this case.

1019
1020 Mrs. Thornton - Okay. We just have one here in the room. Two. Two? Okay.
1021 We will hear from staff, and we'll hear from you in just a minute. Okay? Thank you.

1022
1023 Mr. McDowell - Alright, thank you Madam Chair, members of the
1024 Commission. So, as stated, this case is a request that would allow up to six detached
1025 single-family residences. Surrounding uses include detached single-family residential
1026 zoned R-3 to the north and west and R-2 to the south. To the east is the Derbyshire
1027 Baptist Church, zoned R-2. You received revised proffers and a concept plan this
1028 evening, dated September 13th and September 8, 2022, respectively. Time limits do not
1029 need to be waived. In addition to the proffers in the staff report, the revised proffers would
1030 require the construction of a sidewalk along Derbyshire Road within the public right-of-
1031 way; ensure every dwelling be constructed with no less than a two-car garage; limit
1032 construction hours 7:00 am-8:00 pm Monday through Friday and 8:30 am-6:00 pm
1033 Saturday restricting direct access of construction vehicles to Midway Road, and requiring
1034 plantings equivalent to a TB35 planted within a 25' buffer along Derbyshire Road, which
1035 would include a decorative fence.

1036
1037 So, proffers, the proffered conceptual layout shows 5 lots facing an internal cul-de-sac,
1038 with Lot 6 facing Midway to be consistent with the adjacent home to the north. All
1039 driveways would access the cul-de-sac which exits to Midway Road and no lot would
1040 have direct access to Derbyshire or Midway Road.

1041
1042 The applicant has also proffered elevations, shown here, that illustrate two-story
1043 construction with materials as listed in the proffers. So, the applicant held a community
1044 meeting on September 12th at Quioccasin Middle School. Items discussed at the meeting
1045 included density, home size, sidewalks, landscaping in the transitional buffer, and traffic
1046 along Derbyshire Road. Proffers and the concept plan handed out this evening were
1047 developed by the applicant in response to these concerns.

1048
1049 So, the Comprehensive Plan designates the property as Suburban Residential 2 with a
1050 recommended density of no more than 3.4 units per acre. This request is consistent with
1051 the intent and density recommendations of the SR2 designation. In addition, assurances
1052 provided with this case are consistent with similar developments in this area and should
1053 mitigate impacts on adjacent communities. For these reasons, staff supports this request.

1054
1055 This concludes my presentation. I'm more than happy to try to answer any questions you
1056 may have at this time.

1057
1058 Mrs. Thornton - Thank you.

1060 Mr. Baka - Thank you Mr. McDowell. I was going to ask if you could leave
 1061 that map up. First of all, thanks and welcome. If I'm not mistaken this might be one of your
 1062 first cases here before the Commission.
 1063
 1064 Mr. McDowell - Correct.
 1065
 1066 Mr. Baka - So, welcome and I'm glad you're here. The SR-2 refers to
 1067 Suburban Residential 2 so I just wanted to point out by the map here that the
 1068 Comprehensive Plan shows a land use, correct me if I'm wrong, but the Comprehensive
 1069 Plan shows a future land use plan designation of Suburban Residential 2 which is the
 1070 same as reflected of the homes west on Burkhart, north, and even that parcel of land to
 1071 the east. So, that's correct? That's all...
 1072
 1073 Mr. McDowell - That is correct sir.
 1074
 1075 Mr. Baka - And then could you go to the zoning map? There you go. So,
 1076 the R-3 requested is similar to what's there on the west. Burkhart north, Midway and I
 1077 believe that's Avalon, right?
 1078
 1079 Mrs. Thornton - Mmhmm.
 1080
 1081 Mr. Baka - Ok. That's helpful to see. Sorry. I have no further questions of
 1082 staff. I just wanted to point that out.
 1083
 1084 Mrs. Thornton - Okay, thank you.
 1085
 1086 Mr. Baka - Thank you for the maps.
 1087
 1088 Mrs. Thornton - Mr. Baka, we have a couple people that want...
 1089
 1090 Mr. Baka - Yeah, we'd like to hear from the folks with concerns in the
 1091 audience.
 1092
 1093 Mr. Singal - Hello, my name is, excuse me, my name is Jack Singal. I live
 1094 at 8807 Watlington Road in the Sleepy Hollow neighborhood that's just immediately south
 1095 of Derbyshire there. The concerns that I will discuss here are shared by some of my
 1096 neighbors. And our concerns are related to traffic. Derbyshire Road is a two-lane road
 1097 with no shoulder and no sidewalks. It is heavily congested. Especially in the morning and
 1098 afternoon and rush hours and you might be aware that right off of Derbyshire is Maybeury
 1099 Road and Mooreland. Maybeury serves the Maybeury Elementary School. Mooreland
 1100 serves the Collegiate School. So, all of those, both of those schools have a large amount
 1101 of students so there's drop-offs and pickups and backups of cars all through there. I might
 1102 go so far as to say that Derbyshire must be one of the most heavily trafficked and busiest
 1103 residential streets in our county. It's a major artery between Parham and Gaskins and it's
 1104 just overly trafficked. Because it's just one lane in each direction with no shoulders and
 1105 no sidewalks and because you can see it on the map there, there are no parallel streets

1106 that go through. That's a feature of this neighborhood there's a lot of cul-de-sacs there.
1107 So, emergency vehicles that are trying to get through would have to be on Derbyshire
1108 and the more it backs up the more they would be stuck. This development would then
1109 have all of the increased traffic flowing onto Midway there and then attempting to turn on
1110 to Derbyshire at what is an un-signalized intersection. And we are concerned about not just
1111 the, not just the increased number of cars for the residents there which I guess would be
1112 at least 12 given that they're having two-car, minimum of two-car garages but of course,
1113 there would then be all of the delivery vehicles. All of the lawncare crews and everything
1114 else that comes with, that comes with increased residents like that. And so, I really
1115 encourage the Commission here to consider the unique status of Derbyshire Road as a
1116 very heavily trafficked artery for a residential area and has, it has very many driveways
1117 along it where the residents are attempting to turn out and turn in and because of the
1118 traffic from Maybeury and Collegiate it's just very backed up. So, we feel like adding this
1119 many more vehicles that would be attempting to turn from Midway onto Derbyshire at an
1120 un-signalized intersection would just compound the problem that's already there and
1121 maybe I'll close by quoting from the Master Plan. Which, Article 3 on Zoning Districts,
1122 Residential Districts on Section 24-3301 that, under the General Purposes of Residential
1123 Districts Item D is "provides for safe and efficient movements for vehicles and pedestrians
1124 in residential areas." And it's our belief that this rezoning would not do that. It would do
1125 the opposite of that. It would impede the safe and efficient movements of vehicles and
1126 people and including emergency vehicles and pedestrians. Let me just, I suppose, close
1127 with also Derbyshire Road is used by students who are going to Maybeury Elementary
1128 and to a lesser extent to Collegiate and so the students walk along it, they cross it, and it
1129 adds to the general issue especially during the morning and afternoon rush hours. Thank
1130 you.

1131
1132 Mr. Baka - Thank you.

1133
1134 Mrs. Thornton - Thank you.

1135
1136 Mr. Benson - Thank you for your time. My name is William Benson. I live at
1137 514 Wimgrow Road, directly across Derbyshire Road from the proposed development.
1138 And I want to echo the sentiments and I'm here with my neighbor across the street, Miller
1139 Trevvett here who supports my comments. I want to echo the sentiments of the previous
1140 gentleman and not only state that there are students from Maybeury and Collegiate that
1141 require transportation to and from school but at Derbyshire Baptist Church directly next
1142 door to this property for which I'm a member. And they host other schools there as a result
1143 of their capacity and the desire of those schools to set to set up their facilities there and
1144 so the trend is for there to be more students in that direct area, more transportation of
1145 taking students back and forth along Derbyshire and essentially directly next door
1146 Derbyshire Baptist Church which with the dwindling numbers of members is increasing
1147 its ability to host students for pre-school and elementary school there. For 75 years there
1148 was a single dwelling on that property. It faced Derbyshire, it looked nice, and it
1149 complemented the neighborhood. And now we're being asked to accept a high-density
1150 six-dwelling development that we've been told the minimum square footage is 2500
1151 square feet. Which is the average square footage of the surrounding homes, but we were

1152 never told what the exact square footage would be. If it goes to 3000 square feet or 3500
1153 square feet which it looks like it is from those photographs, then that development is going
1154 to dwarf the size of the homes in the surrounding area and clearly offset the aesthetics of
1155 it. Not only that, we're going to be looking at the back of those homes off of Derbyshire
1156 not the front of those homes like we've been traditionally seeing with the single dwelling
1157 that's there right now. So, in my opinion, it's like putting 10lbs of sand in a 5lb bag. The
1158 density of this housing exceeds the aesthetics in that of the neighborhood. It increases
1159 the traffic. You've got a school next door at Derbyshire Baptist Church and everybody's
1160 going to be looking at the backs of those homes driving down Derbyshire. It's also
1161 because they look fairly high, all two stories minimum two car garage. You're looking at
1162 extra noise bouncing off between the back of those homes and the homes across the
1163 street and that's not insignificant at night when the Harley's come down Derbyshire. So, I
1164 just don't think it fits the neighborhood. It's too big. I'm hearing \$950,000 per dwelling.
1165 The average price of our dwellings in that neighborhood is \$250,000. Just do the math
1166 here. Three times the value probably 50% larger. That's just going to stick out like a sore
1167 thumb. I think there's something to be said about appropriate size housing that fits that of
1168 the neighborhood that is surrounding it. And that's not what we're getting here. We're
1169 getting into McMansion territory, and it seems a little over the top for what our
1170 neighborhood has sustained for the last 60-75 years. I want to thank you for your time.

1171
1172 Mrs. Thornton - Thank you.

1173
1174 Mr. Baka - Thank you.

1175
1176 Mrs. Thornton - Anybody have any questions?

1177
1178 Mr. Baka - No questions.

1179
1180 Mrs. Thornton - Ok.

1181
1182 Mr. Baka - Madam Chair. I'd like to hear I guess from a couple people.
1183 I'd like to hear from the applicant and then after that I have a couple questions perhaps
1184 for the county's traffic engineer.

1185
1186 Mrs. Thornton - Ok.

1187
1188 Mr. Baka - Would you be able to address some of the concerns that were
1189 raised by the citizens?

1190
1191 Ms. Lacy Yes, absolutely. Good evening, Madam Chair, members of
1192 the Planning Commission. My name is Kim Lacy. I'm not Andy Condlin. I am one of his
1193 law partners here tonight with Brad Groome and Ed Hofmann. I certainly thank everyone
1194 for coming out and expressing your concerns. First, in terms of traffic as Mr. McDowell
1195 pointed out. This is currently zoned R-2 where we're permitted by right to develop five lots
1196 on the property now. We're asking to rezone to R-3 which will provide one additional lot
1197 so really, we're talking about a change from five lots to six lots. So, for one additional lot.

1198 And also, there's no access on Derbyshire into this subdivision and in terms of safety, we
1199 did proffer the addition of a sidewalk along the north side of Derbyshire Road. So, this will
1200 increase safe pedestrian movement in the area. There were some concerns that there
1201 was an already existing condition where you have a lot of walkers in the area, and they
1202 don't have a sidewalk to walk on. And so, we are proffering construction of a sidewalk for
1203 them. And also, in terms of the homes, there's a 25-foot buffer along Derbyshire Road.
1204 This is a proffered condition with a transitional buffer 35 plus a decorative fence which will
1205 provide a buffer with landscaping and vegetation. So, with that I think that addresses
1206 really most of the community concerns at this point. Do you want me to go ahead with the
1207 presentation that I have?

1208
1209 Mr. Baka - Yes, please

1210
1211 Ms. Lacy - Thank you Mr. Baka. So, Mr. McDowell already very well went
1212 through the presentation from staff. We know the property is 2.519 acres in the Tuckahoe
1213 district at Derbyshire and Midway Road currently zoned R-2 which permits by right 5 lots
1214 as I just mentioned so we're rezoning, to R-3 is the request, to obtain one additional lot.
1215 We are in the county Comprehensive Plan designated a Suburban Residential 2 which
1216 calls for residential use on the property with a density not to exceed 3.4 units per acre.
1217 With our six lots our proposed density is 2.38 units per acre which is well below the
1218 Comprehensive Plan of 3.4. Also, as we saw in the zoning map as Mr. Baka pointed out
1219 that all of the area surrounding north of Derbyshire Road except for the church property
1220 is zoned R-3 currently. And there's also a mix of R-2, R-3 and R-5 in the entire area so
1221 this proposal is not only consistent with the Comprehensive Plan but also the surrounding
1222 zoning in the area. In this case, we've brought forward substantial proffered conditions
1223 with a maximum of six homes, the minimum of 2600 square feet, a two-car garage, the
1224 exterior materials are higher grade. It's brick, stone or cementitious siding. There's no
1225 vinyl. All the lots will have to be sodded and irrigated – all six lots. And we do have the
1226 limited hours of construction as Mr. McDowell explained. Which, also I wanted to add that
1227 construction on Sundays is prohibited. And also adding sidewalks which would be built to
1228 county standards. In response to the concerns, we added the sidewalk and added the
1229 additional proffered conditions as discussed and this case comes before you with staff
1230 support. We're in compliance with the county Comprehensive Plan, we're consistent with
1231 surrounding zoning and for the addition of one lot we're proffering substantial conditions
1232 and we ask that you follow staff recommendation for approval and recommend this case
1233 to the Board of Supervisors. Thank you.

1234
1235 Mrs. Thornton - Thank you. Mr. Baka?

1236
1237 Mr. Baka - I have no questions of the applicant.

1238
1239 Mrs. Thornton - Okay. Does anybody have any questions for the applicant?

1240
1241 Mr. Baka - I do... Thank you very much for your presentation. I do have a
1242 question for Mr. Cejka if I could. I appreciate what the applicant had done. Originally there
1243 was no sidewalk along Derbyshire but after the community meeting and some input there,

1244 there's now proffered a sidewalk along Derbyshire. So, I have a couple of questions. What
1245 are the...there were some concerns in the emails I've received even from a couple of
1246 members of the audience here about pedestrians trying to get from the south side of
1247 Derbyshire safely across the road so one question is: what's the prospect or possibility
1248 for a mid-street crosswalk there to tie in from....

1249

1250 Mr. Cejka - Wimgrow?

1251

1252 Mr. Baka - Wimgrow which intersects Watlington further down from
1253 Wimgrow to a proposed sidewalk that the applicant would put in? And then secondly how
1254 would you address the concerns about the safe and efficient movement of vehicles on
1255 Derbyshire?

1256

1257 Mr. Cejka - Currently Derbyshire Road has between 8,500 and 10,000
1258 cars a day depending on where the traffic counts are located. It can handle over 14,000
1259 cars a day. I understand...I got a couple of photos yesterday and today about the traffic
1260 backing up on Derbyshire from Mooreland. That was news to me. I'm glad I got the photos
1261 so now we can go out. We'll do some traffic counts out there and possibly adjust the
1262 timings accordingly. To alleviate the traffic and backup. I did look at the timings and just
1263 glancing at them now, I think they can be changed easily so that would alleviate some of
1264 the traffic. I looked at the traffic crashes along Derbyshire the entire length from Gaskins
1265 to Parham and this year there have been five for the entire length of the roadway since
1266 January. Last year there was 10, the year before there was only three. That's actually not
1267 a large amount of crashes for that length of road with 10,000 cars a day basically on it.

1268

1269 Mrs. Thornton - What's the speed limit?

1270

1271 Mr. Cejka - The speed limit's 35.

1272

1273 Mrs. Thornton - 35.

1274

1275 Mr. Cejka - To address the crossing at Wimgrow, the applicant would
1276 have to connect the sidewalk to the pavement by piping in the ditch or somehow. I don't
1277 do piping, connect the sidewalk to the pavement so it would be ADA accessible. So
1278 anybody that would be in a wheelchair, a bike or a stroller, whatever could cross. Once
1279 that's done the county could come in and we'll put in a cross walk with pedestrian crossing
1280 signs.

1281

1282 Mr. Baka - So, the applicant would have to do that...pardon me for
1283 interrupting on the north and south side?

1284

1285 Mr. Cejka - Just the north side.

1286

1287 Mr. Baka - Just the north?

1288

1289 Mr. Cejka - Yeah, the sidewalk that they've proffered would just have to
1290 connect with the asphalt at Derbyshire and Wimgrow.

1291
1292 Mrs. Thornton - Can you show us that?

1293
1294 Mr. Cejka - Yes, I'm sorry. I tried to do it. So, I guess they're proffering a
1295 sidewalk along here, we'll put a crossing here. We can't put in the crosswalk and have a
1296 pedestrian or an ADA accessible, not having ADA accessible ramp going into a ditch.
1297 Now, if you had if you're in a wheelchair or a walker or you had a stroller if you went from
1298 Wimgrow trying to cross the street to get to the sidewalk they'll have no way to get to the
1299 sidewalk. They'd have to walk down the street to come over here so that's why a
1300 crosswalk isn't installed today.

1301
1302 Mrs. Thornton - Is there a need? Is there a lot of people that cross right there?

1303
1304 Mr. Baka - I was there this morning.

1305
1306 Mr. Cejka - I was told there was a lot of children who cross at that point.

1307
1308 Mr. Baka - I mean...

1309
1310 Mrs. Thornton - To go to Collegiate?

1311
1312 Mr. Baka - No, to go to Maybeury actually. So, two items. To answer your
1313 question Madam Chair, I've received emails from Ms. Compton and others, and I believe
1314 the gentleman here on Watlington that a number of students will come up there to go to
1315 Maybeury and secondly, I was there this morning for better or worse I was there the other
1316 day at 8:30. I was told that was too late. So, I was there at 7:55, 8:00 am this morning
1317 and at Midway and Derbyshire and pulled off. And it backed up in front of Hunter School
1318 at Derbyshire Church. It backed up a good ways there. That's good to hear that you said
1319 you might be able to look at the signal timings and perhaps adjust that because when I
1320 left Midway this morning after 8:00 and went down to Mooreland there was a hold up at
1321 that light, at Mooreland with all the parents heading to Collegiate and that way so I had
1322 the opportunity to see that in person. So, the crosswalk could go in after a sidewalk is
1323 installed and I guess a separate question I may have for the applicant later would be,
1324 since the sidewalk is part of a buffer, the buffer would be part of the trees separate,
1325 somewhat separated, from the development of the property. I can come back to that
1326 question in a minute for the applicant. I'm wondering if the sidewalk could be installed
1327 sooner rather than later, and I don't know the timing of all that. But, let me come back to
1328 that in a minute. So, Mr. Cejka if there's 8,500 to 10,000 cars a day. I think the real
1329 concern is not the overall volume of the day or ADT, it's the peak hour impact and
1330 afternoons I bet you are spread out more but Hunter, the staff was able to find out I think
1331 Hunter starts around 8:00 am, Collegiate starts around 8:30 although Collegiate many
1332 people come in at different times so it's more than peak hour impact that I would just
1333 encourage you to try to find ways to address. With this zoning case right here if I'm

1334 understanding correctly. Five lots are allowed by right in R-2. We're literally here talking
1335 y'all about one additional lot tonight, so it's keeping that in perspective.

1336
1337 Mr. Cejka - Yep

1338
1339 Mr. Thornton - How much traffic does it yield typically do you see?

1340
1341 Mr. Cejka - One additional house would be roughly 11 cars. Eleven trips
1342 which would be five in, five out, five in, six out. Peak hours you're going to have one,
1343 possibly two. Keep in mind some people go to work before the peak hour and some
1344 people go to work after the peak hour. So, that's why it's only one or two.

1345
1346 Mr. Baka - And I guess for the Commission's sake I point out Madam
1347 Chair that the Commission's the recipient of 18 or 19 proffers for that one additional lot.

1348
1349 Mrs. Thornton - Right.

1350
1351 Mr. Baka - There was an advantage there.

1352
1353 Mrs. Thornton - Right.

1354
1355 Mr. Baka - No further questions for Mr. Cejka. I guess I do have one
1356 follow-up question for the applicant then sorry. Apologies. About the timing of the sidewalk
1357 and how soon could that be installed while the construction phase is underway?

1358
1359 Ms. Lacy - Yes. We were just discussing something to the effect of
1360 proffering phasing in terms of adding the sidewalk prior to the issuance of the first
1361 certificate of occupancy, prior to the first COO.

1362
1363 Mr. Baka - Ok. In your housing construction phase I mean the
1364 construction process is about how many months? Is it six, nine, 12 months give or take?

1365
1366 Ms. Lacy - About six.

1367
1368 Mr. Baka - Just trying to get an understanding of how long the
1369 construction process would be for six houses so the neighbors have some idea of what
1370 might be there.

1371
1372 Mr. Groome - My name is Brad Groome with Bradford Homes. We own the
1373 property here before us tonight. And so, in terms of the timing, the timeline to build a
1374 home is about six months. And I guess going through the development process, the plan
1375 process you know, once zoning occurs, is probably about nine months, and then as the
1376 development is going in, in terms of the asphalt and putting in the road and the curb and
1377 gutter that's when we would look at prepping and installing the sidewalk as well.

1378

1379 Mr. Baka - Ok. Thank you very much. I'm prepared to make a motion. I
1380 don't have any more questions at this time.

1381
1382 Mrs. Thornton - Ok. Does anybody else have any comments or questions?
1383

1384 Mr. Baka - I appreciate the concerns of many citizens involved. I realize
1385 we're talking about the incremental increase from five lots that could be built without any
1386 proffers or six lots that could be built with proffers with a sidewalk built by the applicant
1387 and extra steps for the county to put it a striped crosswalk. I guess also with safety
1388 reflective signs for safety's sake. I'll continue to ask Mr. Cejka to look at the timing
1389 intervals on the lights and understand that there is a great deal of traffic there in the am
1390 peak hour rush but at the same time when you look at the Comprehensive Plan map it's
1391 planned for single-family residential there. When you look at the zoning map, R-3 zoning
1392 seems to fit there so with that I would, Madam Chair, I move that we recommend approval
1393 of REZ2022-00028, Bradford Homes, Inc. to the Board of Supervisors with the revised
1394 proffers dated September 13, 2022.

1395
1396 Mr. Mackey - Second.

1397
1398 Mrs. Thornton - We have a motion by Mr. Baka, a second by Mr. Mackey. All
1399 in favor say aye.

1400
1401 Commission - Aye.

1402
1403 Mrs. Thornton - All opposed? Motion passes.
1404

1405 **REASON:** Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the
1406 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1407 grant the request because it reflects the Comprehensive Plan and zoning of the area, and
1408 the proffered conditions will provide appropriate quality assurances not otherwise
1409 available.

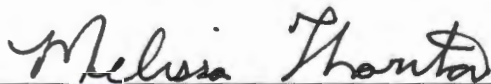
1410
1411 Mr. Emerson - Madam Chair, that case will also move forward to the Board
1412 of Supervisors at their October 11th meeting. Moving on your agenda to page two the
1413 next item we have this evening is a discussion item. The Commission again it's to discuss
1414 scheduling a work session potentially for your October 13th meeting to review materials
1415 related to the 2045 Comprehensive Plan. We may or may not need this, but I did want
1416 you to note it on your schedule. A lot of it depends on the timing of the receipt of these
1417 reports that we'd like to go over with you as you heard this earlier this evening, but I
1418 believe we could start at 6:00pm as we did this evening if that meets with your schedules.

1419
1420 Mr. Mackey - Yeah.

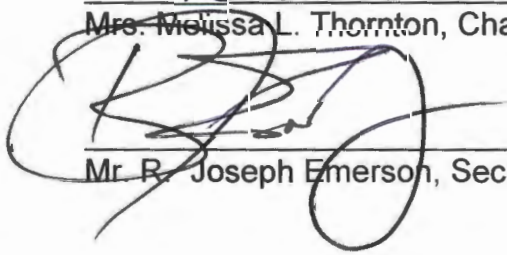
1421
1422 Mrs. Thornton - Ok. Is everybody okay with six pm?

1423
1424 Mr. Witte - Sounds good to me

1425
1426 Mr. Mackey - That's fine.
1427
1428 Mr. Baka - Yes.
1429
1430 Mrs. Thornton - Ok.
1431
1432 Mr. Emerson - Alright, well thank you. If you'll just hold that we'll firm that up
1433 and by the time we put the packet out, we should be able to tell you whether or not we're
1434 going to need to use that time. Madam Chair, with that item taken care of the next item
1435 on your agenda is the consideration for the approval of your minutes from the work
1436 session, regular meetings of August 11, 2022. We do not have an errata sheet but of
1437 course any changes you have we certainly we will be happy to make.
1438
1439 Mrs. Thornton - Anybody have any changes to the minutes?
1440
1441 Mr. Mackey - There being no changes Madam Chair I move that the
1442 minutes be approved as presented.
1443
1444 Mr. Baka - Second.
1445
1446 Mrs. Thornton - We have a motion by Mr. Mackey a second by Mr. Baka. All
1447 those in favor say aye.
1448
1449 Commission - Aye.
1450
1451 Mrs. Thornton - All opposed? Motion passes.
1452
1453 Mr. Emerson - Madam Chair I have nothing further for the Commission this
1454 evening.
1455
1456 Mrs. Thornton - Well, thank you. You did a wonderful job tonight. Thank you
1457 so much. Welcome. Alright, that's it. Adjourned.
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1469



Mrs. Melissa L. Thornton, Chairperson



Mr. R. Joseph Emerson, Secretary