

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, April 15,**
4 **2021. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **March 29, 2021 and April 5, 2021.**
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7

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

18 Also Present: Ms. Jean Moore, Assistant Director of Planning *
19 Ms. Rosemary D. Deemer, AICP, County Planner
20 Mr. Seth Humphreys, County Planner
21 Mr. Michael Morris, County Planner
22 Mr. Ben Sehl, County Planner
23 Mr. Livingston Lewis, County Planner
24 Ms. Kristin Smith, County Planner
25 Mr. John Cejka, Traffic Engineer, Public Works *
26 Mr. Justin Briggs, Henrico County Public Schools *
27 Ms. Martha Diuguid, Office Assistant
28

29 * (Virtually)
30

31 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**
32 **all cases unless otherwise noted.**
33

34 Mr. Mackey - I call this meeting to order. This is the Henrico County
35 Planning Commission Rezoning Meeting for April 15, 2021. At this time if you haven't
36 already done so, will you take a moment to silence your cellphones and will you please
37 stand with the Commission as we do the Pledge of Allegiance?
38

39 Thank you. All right, do we have anyone in the audience from the news media? We
40 could possibly have somebody via Webex. If we do, welcome. I'd also like at this time
41 to welcome Ms. Pat O'Bannon, from the Board of Supervisors, who is sitting on the Board
42 with us this year. Pleasure to have you, ma'am.
43

44 Mrs. O'Bannon - Thank you.
45

46 Mr. Mackey - And at this time I will turn the meeting over to our Board
47 secretary, Mr. Joe Emerson.

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Mr. Emerson - Thank you, Mr. Chairman.

Mr. Mackey - Thank you, sir.

Mr. Emerson - We'll start out this evening with the requests for withdrawals and deferrals. But before we begin that, let me go over some of the -- some of the guidance and rules that we have for participation in the meeting, both if you're present and also if you're participating virtually.

We would like to thank all of you that are joining us via Webex and our livestream for our April 15th Planning Commission public hearing.

Just so you're aware, following the introduction and presentation of each case attendees present in the Board room will have an opportunity to comment. Those comments will be made from the lectern in the rear of the room.

For those attending virtually, staff will send a message asking if anyone would like to speak about the proposal. This will be done using the chat feature located in the bottom-right corner of the Webex screen. We recommend everyone press this now to open the chat screen and follow staff's prompts.

To be put on the list of speakers you must send your request to the correct contact person. Using the chat feature's drop-down menu select Kristin Smith before replying. Please be aware this feature is only being used to identify speakers. Messaged questions or comments will not be answered, as they should be directed to the Planning Commission.

When it is your turn, you will be introduced, unmuted, and prompted to speak. Following your question or comment you will be muted again.

Please be aware there is a time limit for speakers. The Commission provides the applicant and any proponents 10 minutes to speak. The opposition is also given 10 minutes. And that is a cumulative 10 minutes on both parts. Questions from the Commission do not count towards the time limit and the applicant may reserve time to answer questions. Please keep your comments brief to allow for the greatest number of speakers.

Individuals who have chosen to attend tonight's meeting in person will be called upon first, then staff will identify speakers waiting on Webex. Again, for those of you present in the room, there's a lectern located in the rear of the room for both the applicants and the public to utilize when addressing the Commission.

Also, as a reminder, there is a 40-person guideline limit on room capacity. Because of that, we would request that once the item you are in attendance for has been heard that you vacate the room so others can enter. I don't know that we have an issue tonight based on attendance. I would also note that the seats that are to be used are marked

74 with a piece of blue tape. Those have been set up by our general services staff observing
95 separation guidelines.

96
97 That concludes my comments. And with that we can -- we can begin to review the
98 withdrawals and deferrals. The first -- the first item is a withdrawal, and that appears on
99 page 2 of your agenda. And it is REZ2021-00020. This has been withdrawn by the
100 applicant. It's Aztec Properties, LLC.

101
102 **REZ2021-00020 Andrew M. Condlin for Aztec Properties, LLC:** Request to amend
103 proffers accepted with C-113C-88 on Parcel 783-769-9285 located at the northeast
104 intersection of Brook Road (U.S. Route 1) and Jeb Stuart Parkway. The applicant
105 proposes to eliminate Proffer #14(a) to allow a veterinary emergency center. The existing
106 zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan
107 recommends Commercial Arterial. **(Withdrawn by Applicant)**

108
109 As it is a withdrawal it requires no action by the Commission.

110
111 The next item appears on page 1 of your agenda. It is a deferral. It is REZ2021-00005
112 Godsey Properties, Incorporated.

113
114 **REZ2021-00005 Andrew M. Condlin for Godsey Properties, Inc.:** Request to
115 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
116 (Conditional) Parcels 804-726-5470 and 804-726-5470.001 containing 120.4 acres
117 located on the north line of Creighton Road at its intersection with Gordon Lane
118 (Glenwood Golf Club). The applicant proposes detached dwellings for sale. The R-5AC
119 District allows a maximum gross density of 6 units per acre. The uses will be controlled
120 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
121 recommends Traditional Neighborhood Development and Environmental Protection
122 Area. The site is in the Enterprise Zone. **(Deferral Requested by the Applicant to the
123 May 13, 2021 Meeting)**

124
125 Mr. Mackey - Thank you. Ms. Deemer, is anyone on Webex in opposition
126 to REZ2021-00005 to have it deferred to the May 13th meeting 2021?

127
128 Ms. Deemer - We have no one on Webex.

129
130 Mr. Mackey - Thank you.

131
132 Mr. Archer - Mr. Chairman, with that I move that REZ2021-00005 Godsey
133 Properties, be deferred to the May 13, 2021 meeting at the applicant's request.

134
135 Mr. Witte - Second.

136
137 Mr. Mackey - We have a motion by Mr. Archer, a second by Mr. Witte to
138 defer this case to the May 13, 2021 meeting. All in favor say aye. Any opposed? The
139 ayes have it and the motion is carried.

140
141 Mr. Emerson - The next item also appears on page 1 of your agenda. It is a
142 companion case to REZ2021-00005. This is PUP2021-00001, again, Godsey Properties
143 Incorporated.

144
145 **PUP2021-00001 Andrew M. Condlin for Godsey Properties, Inc.:** Request for a
146 Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of
147 the County Code to allow adjustable side yard setbacks for lots within the R-5A General
148 Residence District on Parcels 804-726-5470 and 804-726-5470.001 located on the north
149 line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The
150 existing zoning is A-1 Agricultural District. The R-5A zoning district is proposed for the A-
151 1 district with REZ2021-00005. The 2026 Comprehensive Plan recommends Traditional
152 Neighborhood Development and Environmental Protection Area. The site is in the
153 Enterprise Zone. **(Deferral Requested by the Applicant to the May 13, 2021 Meeting)**

154
155 Mr. Mackey - Ms. Deemer, is there anyone via Webex in opposition of the
156 deferral for PUP2021-00001, Godsey Properties, Incorporated to be deferred to the May
157 13th meeting, 2021?

158
159 Ms. Deemer - We have no one on Webex.

160
161 Mr. Mackey - Thank you.

162
163 Mr. Archer - Mr. Chairman, I move that PUP2021-00001 Godsey
164 Properties, Incorporated be deferred until the May 13, 2021 meeting at the applicant's
165 request.

166
167 Mrs. Thornton - Second.

168
169 Mr. Mackey - We have a motion by Mr. Archer, a second by Ms. Thornton
170 to defer the PUP2021-00001 to the May 13, 2021 meeting. All in favor say aye. Any
171 opposed? The ayes have it. The motion is carried.

172
173 Mr. Emerson - The next item on the deferral agenda this evening appears on
174 page 3 of your agenda. It is REZ2021-00015 North Gayton Village, LLC.

175
176 **REZ2021-00015 Andrew M. Condlin for North Gayton Village, LLC:** Request to
177 conditionally rezone from R-3C One-Family Residence District (Conditional) to RTHC
178 Residential Townhouse District (Conditional) part of Parcel 738-768-5488 containing
179 11.364 acres located on the west line of Pouncey Tract Road (State Route 271)
180 approximately 475' south of its intersection with N. Gayton Road. The applicant proposes
181 an age-restricted detached residential condominium community. The RTH District allows
182 a maximum gross density of 9 units per acre. The use will be controlled by zoning
183 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
184 recommends Suburban Mixed-Use, density should not exceed 4 units per acre. **(Deferral**
185 **Requested by the Applicant to the May 13, 2021 Meeting)**

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Mr. Mackey - Ms. Deemer, is there anyone via Webex in opposition to the deferral of REZ2021-00015 Andrew M. Condlin for North Gayton Village be deferred at the applicant's request to the May 13, 2021 meeting?

Ms. Deemer - We have no one on Webex.

Mr. Mackey - All right. Thank you.

Mrs. Thornton - Okay. Well, Mr. Chairman, I move that REZ2021-00015 North Gayton Village, LLC be deferred to the May 13, 2021 meeting at the request of the applicant.

Mr. Baka - Second.

Mr. Mackey - All right. We have a motion by Ms. Thornton and a second by Mr. Baka to defer this case to the May 13, 2021 meeting. All in favor say aye. Any opposed? The motion is granted.

Mr. Emerson - Mr. Chairman the next item appears on page 4 of your agenda. It is REZ2020-00039 Brian Kelmar.

REZ2020-00039 Brian Kelmar: Request to amend proffers accepted with Rezoning case C-69C-85 on Parcel 741-741-8889 located on the south line of Patterson Avenue (State Route 6), approximately 125' east of its intersection with Pump Road. The applicant proposes to amend Proffer #4 to allow a detached, changeable message sign. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Office. **(Deferral Requested by the Applicant to the May 13, 2021 Meeting)**

Mr. Mackey - Ms. Deemer, do we have any one via Webex in opposition of the deferral of REZ2020-00039, Brian Kelmar be deferred to the May 13, 2021 meeting?

Ms. Deemer - We have no one on Webex.

Mr. Mackey - All right. Thank you.

Mr. Baka - Mr. Chairman, I move that rezoning -- REZ2020-00039 Brian Kelmar be deferred to the May 13, 2021 meeting at the request of the applicant.

Mr. Mackey - Second. We have a motion by Mr. Baka, a second by Mr. Mackey to defer the REZ2020-00039 to the May 13, 2021 meeting. All in favor say aye. Any opposed? Motion carried.

230 Mr. Emerson - Mr. Chairman, that completes the deferrals agenda this
231 evening unless the Commission has an additional item they would wish to add. If not, we
232 move on to the expedited agenda.

233
234 We have one item this evening on the expedited agenda and it appears on page 4 of your
235 regular agenda. It is REZ2021-00017 Stanley Martin Homes, LLC.

236
237 **REZ2021-00017 Bay Companies for Stanley Martin Homes, LLC:** Request to
238 rezone from R-6C General Residence District (Conditional) to C-1 Conservation District
239 part of Parcel 730-765-6508 containing 1.4 acres approximately 300' south of W. Broad
240 Street (U.S. Route 250) and approximately 500' west of the intersection of Vinery Avenue
241 and Purbrook Lane. The applicant proposes a conservation area. The uses will be
242 controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends
243 Environmental Protection Area. The site is in the West Broad Street Overlay District.
244 **(Expedited Agenda Requested)**

245
246 Mr. Mackey - All right. Thank you, sir. Ms. Deemer, do we have anyone via
247 Webex in -- that is in opposition of expedited request for REZ2021-00017 Bay Companies
248 for Stanley Martin Homes?

249
250 Ms. Deemer - We have no one on Webex.

251
252 Mr. Mackey - All right. Thank you.

253
254 Mrs. Thornton - Okay. Well, Mr. Chairman, I move that we recommend
255 approval of the REZ20201-00017 Stanley Martin Homes, LLC.

256
257 Mr. Witte - Second.

258
259 Mr. Mackey - All right. We have a motion by Mrs. Thornton and a second
260 by Mr. Witte to -- for approval on the expedited agenda. All in favor say aye. Opposed?
261 Motion is carried.

262
263 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,
264 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
265 Supervisors **grant** the request because it would fulfill the proffer requirements from a
266 previous zoning case and it conforms with the recommended land uses of the County's
267 Comprehensive Plan.

268
269 Mr. Emerson - Mr. Chairman, that completes our withdrawals, deferrals, and
270 expedited items for the evening. We now move into the cases to be heard of which you
271 have eight. We begin with items on page 2, and they are three companion items. So we
272 will begin with REZ2021-00003. This is Andrew M. Condlin for RJM Land, LLC. Staff
273 reporting the case will be Seth Humphreys.

274

75 **REZ2021-00003 Andrew M. Condlin for RJM Land, LLC:** Request to conditionally
276 rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional)
277 Parcels 775-767-7623, 775-767-9166, 775-768-6111, 775-768-3432, and 775-768-0741
278 containing 29.27 acres located on the north line of Mountain Road, approximately 400'
279 west of Woodman Road. The applicant proposes detached dwellings for sale. The R-5A
280 District allows an overall maximum density of 6 units per acre. The use will be controlled
281 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
282 recommends Suburban Residential 1, density should not exceed 2.4 units per acre, and
283 Environmental Protection Area.

284
285 The next item is PUP 2021-00008. This is again the same parcel of land. It is Mr. Condlin
286 again for RJM Land, LLC.

287
288 **PUP2021-00008 Andrew M. Condlin for RJM Land, LLC:** Request for a
289 Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of
290 the County Code to allow adjustable side yard setbacks for lots within the R-5A General
291 Residence District on Parcels 775-767-7623, 775-767-9166, 775-768-6111, 775-768-
292 3432, and 775-768-0741 located on the north line of Mountain Road, approximately 400'
293 west of Woodman Road. The existing zoning is A-1 Agricultural District. The R-5A zoning
294 district is proposed for the A-1 District with REZ2021-00003. The 2026 Comprehensive
295 Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre
296 and Environmental Protection Area.

297
298 The next case moves across the road, but is a companion case to the first two. It is a
299 rezoning. It is 2021-00004. And again it's Mr. Condlin for RJM Land, LLC.

300
301 **REZ2021-00004 Andrew M. Condlin for RJM Land, LLC:** Request to conditionally
302 rezone from R-3C One-Family Residence District to R-5AC General Residence District
303 (Conditional) Parcel 774-766-8746 containing 7.52 acres located on the south line of
304 Mountain Road, approximately 950' west of Woodman Road. The applicant proposes
305 detached dwellings for sale with zero lot lines. The R-5A District allows an overall
306 maximum density of 6 units per acre. The use will be controlled by zoning ordinance
307 regulations and proffered conditions. The 2026 Comprehensive Plan recommends
308 Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental
309 Protection Area.

310
311 Mr. Emerson - Once you move through these items and hear the staff report
312 and hold your public hearing you will need to make separate motions on all three items.
313 Mr. Seth Humphreys will be providing you with the staff report presentation.

314
315 Mr. Mackey - All right. Thank you, sir. Ms. Deemer, do we have anyone on
316 Webex in opposition to case REZ2021-00003 Andrew M. Condlin for RJM Land, LLC or
317 PUP2021-00008 Andrew M. Condlin for RJM Land, LLC?

318
319 Ms. Deemer - We --

321 Mr. Mackey - Or -- sorry -- REZ2021-00004?
322
323 Ms. Deemer - We do have opposition.
324
325 Mr. Mackey - Okay. Are they here? Okay. We have opposition, on Webex
326 as well?
327
328 Unknown Speaker - Yes.
329
330 Ms. Deemer - Yes, sir.
331
332 Mr. Mackey - Okay, thank you. All right.
333
334 Mr. Humphreys - Good evening, Mr. Chairman and members of the
335 Commission.
336
337 Mr. Archer - Good evening, sir.
338
339 Mr. Baka - Good evening.
340
341 Mr. Mackey - Good evening.
342
343 Mr. Witte - Good evening.
344
345 Mr. Humphreys - As the Director stated, this request is made up of three cases:
346 one to the south of Mountain Road, as shown here, and two to the north of Mountain
347 Road. The applicant has proposed seven lots south of Woodman Road, and 79 lots north
348 of Mountain Road.
349
350 Provisional use permit on the property to the north would allow for adjusted side-yard
351 setbacks, which puts -- which would put the house in the middle of the lot and not on one
352 of the lot lines.
353
354 I would note, as the Director said, each of these cases would require their own motion
355 and we would hear those at the end. The rezoning motions must come before the
356 provisional use permit motion as well.
357
358 Five lots are located on the north side of Mountain Road and all of them are currently
359 zoned A-1 including the property commonly known as The Greenhouse Property. Located
360 here adjacent to Mountain Road. The other four properties stretch up to the north and
361 west and eventually meet up with the Laurel West and Mountain Wood Subdivisions,
362 which are zoned R-2A.
363
364 South of Mountain Road a single parcel is included with this request. This parcel was
365 previously the subject of a rezoning to R-3, with case REZ2018-00003. The existing

36 zoning allows for a total of 10 lots, but this request would reduce the number to 7. To the
367 west is the Mountain Glen Subdivision, which is zoned R-2A.

368
369 The residential developments to the south and east were rezoned via C-8C-12 and
370 ultimately developed as a single-family subdivision to the south and a townhouse
371 subdivision to the east.

372
373 As shown on the conceptual plan, there would be a single entrance serving the property
374 to the south and a single entrance at this time serving the properties to the north. Because
375 of the single entrance on the north side of Mountain, the applicant would only be able to
376 develop 50 lots at this time. The revised conceptual handed out to you tonight shows
377 which 50 lots would be developed first, as shown here by the dividing line and where
378 temporary cul-de-sacs would be located to stabilize the property. Shown here and here.

379
380 We requested that they show this phasing, because there could be substantial amount of
381 time between the first 50 lots and the additional 29 lots that get developed. The applicant
382 has submitted revised proffers for each of the rezoning cases dated April 8, 2021. They
383 were handed out to you today in your packet. They would not require time limits to be
384 waived.

385
386 The revised proffers still address all the topics outlined in the staff report, such as house
387 size, materials, garages, sidewalks, street trees, hours of construction, and the rezoning
388 of floodplain to C-1.

389
390 Additionally, in response to citizen and staff concerns, the applicant has added additional
391 proffers addressing increased rear-yard setbacks for lots along existing adjacent
392 developments. That would be Lots 1 through 5 in this section down here on the south
393 and these lots up here -- I can't remember the exact numbers -- but these lots up here
394 along the existing subdivision and stipulations ensuring the two sections of the
395 development would be incorporated under one HOA.

396
397 The applicant has specifically stated no future connections would be made to Rudwick
398 Road or Bluebell Drive. This is Bluebell. This is Rudwick.

399
400 The applicant has noted they would be willing to provide some amenities for the new
401 residents, but at this time they have not given formal assurances of such facilities. The
402 comprehensive plan recommends Suburban Residential 1, north of Mountain Road,
403 Suburban Residential 2, south of Mountain Road, and Environmental Protection Area on
404 various portions of the entire site.

405
406 With detached homes and an overall density of 2.34 units per acre, the requested use
407 generally fits the type of residential development recommended by the comprehensive
408 plan. The applicant has attempted to address the concerns of staff and those voiced by
409 the citizens at a community meeting held on March 22nd. This includes concerns
410 regarding future road connections, phasing, the treatment along existing residential
411 subdivisions, and other considerations.

412
413 For those reasons staff is generally supportive of these requests but could be fully
414 supportive of them if the applicant could address future amenities. This concludes my
415 presentation. I'd be happy to take any questions at this time.
416
417 Mr. Mackey - All right. Thank you, sir. Does anyone on the Board have any
418 questions for staff at this time?
419
420 Mrs. Thornton - The lot next to the -- on the left-hand side of the main
421 entrance. Right there.
422
423 Mr. Humphreys - This big one, or the one included in the --
424
425 Mrs. Thornton - Yes. Nope. That one that you were just on. On the -- right
426 there.
427
428 Mr. Humphreys - Yes.
429
430 Mrs. Thornton - It looks like how many houses are on that property right there?
431
432 Mr. Humphreys - Currently there is one this large parcel.
433
434 Mrs. Thornton - Okay. So one. Are they looking to acquire that one? Is that
435 --
436
437 Mr. Humphreys - I know they -- I know the applicant has talked to them in the
438 past. And I have talked to this gentleman recently. He's not willing to sell at this time, but
439 I believe that's where the additional entrance would be located in the future.
440
441 Mrs. Thornton - Okay.
442
443 Mr. Humphreys - And -- either that or they could potentially come out this way.
444 But that would be pretty expensive to go over the wetlands there. Or there's some
445 additional properties over here that they could potentially acquire. But they would have
446 to acquire additional property --
447
448 Mrs. Thornton - Correct.
449
450 Mr. Humphreys - -- in order to do that second point of access.
451
452 Mrs. Thornton - Okay.
453
454 Mr. Humphreys - And that property would not include going through Bluebell or
455 Rudwick, just to reiterate that.
456
457 Mr. Mackey - Any other questions for Mr. Humphreys?

58
459 Mr. Archer - Yeah. I do, Mr. Chairman. Mr. Humphreys, that additional
460 acreage you were just talking about. How many units would that accommodate?
461
462 Mr. Humphreys - How many additional units?
463
464 Mr. Archer - Yeah.
465
466 Mr. Humphreys - I can't say for certain, but --
467
468 Mr. Archer - Well looking at the number you got on the other side --
469
470 Mr. Humphreys - Yeah. I mean, I would say probably 30, you know, depending
471 on how they're laid out. Somewhere between 25 and 35 I would say, sir.
472
473 Mr. Archer - But at this -- at this point in time we don't even know if that'll
474 ever take place. Is that correct?
475
476 Mr. Humphreys - No, sir.
477
478 Mr. Archer - Okay.
479
80 Mr. Humphreys - We have no idea. You know. It's just they have set it up so
81 they could potentially do that by including right of way up to the property line. Not the
482 edge of pavement, but right of way so that there is no spite strip up at that area.
483
484 Mr. Archer - Okay. And you may have mentioned this, but what is the -- is
485 there a time frame that had been allocated for the phasing?
486
487 Mr. Humphreys - No, sir. It's simply dependent upon their points of access.
488
489 Mr. Archer - Okay.
490
491 Mr. Humphreys - So they could -- with the first point of access they could go up
492 to 50. They have outlined those 50 lots. With a second point of access, they could build
493 the additional 29 that they've shown here on the conceptual.
494
495 Mr. Archer - Got you. That's all I have. Thank you.
496
497 Mr. Mackey - All right. Any -- excuse me. Any other questions for Mr.
498 Humphreys?
499
500 Mr. Witte - I think I have one. I was under the understanding that at a
501 community meeting there were elevations shown that weren't proffered at the time. Have
502 they been proffered?
503

504 Mr. Humphreys - Yes. I'm sorry. I forgot to -- I didn't touch on that. These are
505 the elevations that they have submitted shown here, and they have been proffered.
506
507 Mr. Witte - And how many different elevations are there?
508
509 Mr. Humphreys - Looks like there's four.
510
511 Mr. Witte - Okay. Thank you.
512
513 Mr. Mackey - All right. Any other questions? All right. How would you like
514 to proceed, Mr. Archer?
515
516 Mr. Archer - I think I would like to hear from the opposition first to give Mr.
517 Condlin a chance to then fabricate his responses.
518
519 Mr. Mackey - Absolutely.
520
521 Mr. Archer - All right.
522
523 Mr. Mackey - Yes. If you'd like to speak, would you please go to the lectern
524 in the rear and state your name for the record, please? Sir, I apologize, your name and
525 your address for the record. Thank you.
526
527 Mr. Heisey - Rudwick Road.
528
529 Mr. Mackey - Could you -- could you say your name one more time?
530
531 Mr. Heisey - William Heisey.
532
533 Mr. Mackey - Okay. Thank you.
534
535 Mr. Heisey - And I'm here to speak for myself, my wife, and the residents
536 on Rudwick Road in opposition to this new development.
537
538 We have -- I have four opposition positions on this. We've lived in this home, our home
539 here, 20 years and have the out -- the back of the lot has been a nice, wooded area. Over
540 a little bit beyond that, you'll see 295. And so we have a nice wooded area.
541
542 One of the problems is that in Henrico County we have a flooding and drainage problems.
543 And we have noticed over the past number of years that our back yard has been holding
544 water, and our neighbors' also. We almost have a lake over there. And this development
545 will do nothing to help that at all. It'll actually, I believe, cause it to be worsened. So that
546 is my first one.
547
548 The second one is we have a school problem. And that is there seems to be overcrowding
549 at Hungary Creek Middle School and also Glen Allen High School. And these homes will

594 Mr. Mackey - Thank you, Mr. Huster. Is there anyone else in the audience
595 that would like to speak their opposition? All right. Ms. Deemer, do we have anyone in
596 Webex who would like to comment in opposition?

597
598 Ms. Deemer - Yes, Mr. Chairman. We have Allen Moldenhauer. He is now
599 unmuted.

600
601 Mr. Mackey - Thank you.

602
603 Mr. Moldenhauer - Yeah. Hi. My name's Allen Moldenhauer. I live at 2608
604 Pinkerton Place. And my opposition's more on the development of the land south of
605 Mountain Road. I don't have anything for north of Mountain Road. Thank you.

606
607 Mr. Mackey - You're welcome. Yeah. Is there anyone else, Ms. Deemer?

608
609 Ms. Deemer - Mr. Chairman, we also have a Joyce Woodson.

610
611 Mr. Mackey - Okay.

612
613 Ms. Deemer - She is now unmuted.

614
615 Mr. Mackey - Thank you.

616
617 Ms. Woodson - Yes. I am Joyce Woodson, and my address is 2752 Rudwick
618 Road. And my concern is the traffic. Traffic can be a challenge when you're trying to get
619 out of the subdivision to get onto Mountain Road. So I'm just concerned with have there
620 been any traffic studies done when this zoning was proposed. Thank you.

621
622 Mr. Mackey - All right. Thank you, Ms. Woodson. Do we have any more,
623 Ms. Deemer?

624
625 Ms. Deemer - Mr. Chairman, we have a Marcy Stevens. She is now
626 unmuted.

627
628 Mr. Mackey - Okay.

629
630 Ms. Stevens - My name is Marcy Stevens and I live at 2721 Rudwick Road.
631 And you have already heard from several of my -- our neighbors. And I would like to echo
632 their concerns. I have a 12-year-old. We have already battled several rezoning school
633 issues due to overcrowding at Hungary Creek Middle and Glen Allen High School that
634 have only been paused due to COVID. So I'm sure they're going to -- we're going to be
635 hearing about them again. So I think that we -- these added houses are going to
636 overburden the schools that are already stretched thin in our area.

637
638 In addition to that, we have a lot of traffic concerns at Woodman Road and Mountain, that
639 intersection.

10

641 There are accidents there all the time. There is definitely a big drainage issue already in
642 this area, and wetlands in this area that -- houses already struggling with problems with
643 water issues with the wetlands.

644

645 So I would just like to echo all of the concerns that have already been talked about and
646 want those issues addressed before any kind of consideration for moving forward.

647

648 Mr. Mackey - All right. Thank you, Ms. Stevens. Do we have anyone else,
649 Ms. Deemer?

650

651 Ms. Deemer - No, sir. That is all.

652

653 Mr. Mackey - Do we -- do we have anyone in the audience that would like
654 to speak in support of the case? All right. Thank you.

655

656 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin
657 here on behalf of the applicants on all three cases on RJM. Seth, if you wouldn't mind
658 pulling up just the concept plan just so we can have that as a point of reference for both
659 properties.

660

661 I thought I would just address real quick some of the points, otherwise, that we were --
662 that the neighbors had commented on. But first I wanted to address some of the ideas
663 that we've come though as we've gone through this case and had our neighborhood
664 meeting and talked with the -- talked with the staff to help put this property in context.

665

666 Obviously there's a very wet area, a lot of environmental areas, with 295, Mountain Road,
667 and Woodman Road. It's a little bit of a challenge to come up with the right design on this
668 particular piece of property. And on the north side, while it's zoned A-1, it actually has a
669 working greenhouse business that's currently on that property -- on much of that property.
670 And so there's already activity going on.

671

672 And the south side, as had already been referenced, is already zoned for 10 lots, for
673 residential R-3. We're proposing to drop that down to 7 lots because we actually came
674 forward based on the existing zoning that was approved in 2018 and found out that with
675 the proffered concept plan you couldn't develop it that way because of the environmental
676 features under the R-3 zoning. You couldn't put in the road as it was proffered. You
677 couldn't put in the lots as they were on the concept plan. So you have to rezone that
678 property. You couldn't build it at all based on the environmental concerns.

679

680 We're able to pull the lots back, reduce the number of lots, and be able to affect from the
681 standpoint of the impact and reduce the impact on the wetland areas on those -- in those
682 -- on those properties.

683

684 Overall, in the comprehensive plan, these two properties are both the designation of SR-
685 1 and SR-2. With the combination that we've provided for -- and there is going to be a

686 development and a common association to work together -- we'll be under the 2.4 dwelling
687 units an acre as suggested by SR-1. SR-2 has 3.4 dwelling units. That's on the south
688 side with only 7 acres. We've got the 20 -- or, excuse me, the 29 acres on the north side.
689 But, again, combined together we're at 2.34.

690

691 Because we only have the one point of access, we're going to limit the development to
692 50 lots on the north side until such time as a second point of access.

693

694 Know there was a lot of discussion. I certainly don't mean to speak for the folks that own
695 the property next door to us. We have talked to them. They live there. They have a
696 home there. They are not interested in selling. We did provide for the access road and
697 if they ever do develop, we obviously hope it would be us, but it doesn't necessarily have
698 to be, and they could access for a second point for themselves.

699

700 They have a substantial amount of wetlands on their property as well on the adjacent
701 properties. And while we haven't laid it out, I think that if it was a blank sheet of paper,
702 somewhere close to 30 lots could go on there. But with the wetlands then we probably
703 could not do that.

704

705 The last item I would like to mention specifically is the amenities that Mr. Humphreys had
706 raised that was a concern in the discussion with staff that we did not address specifically.
707 We are going to be able to provide -- we'd like to work with staff to be able to provide trails
708 throughout the property and some open gathering areas and some amenities such as
709 that.

710

711 Again, we're only dealing initially with 57 lots and then an additional 29 lots after that. But
712 with the wetlands that we have, we'll be able to use trails in and around the properties on
713 both north and south maintained by the association that would be a benefit for all of the
714 property that they go through.

715

716 With that, I'd like to address a couple of the concerns that were raised by the neighbors
717 this evening. The first being the environmental aspect of things. There's a couple that
718 were raised. Both the impact on wetlands. We have not specifically delineated the
719 wetlands. Or we've delineated. We have a couple different delineations, but we haven't
720 been -- had those confirmed. But as you know, from a wetlands standpoint we can't
721 impact wetlands unless it's necessary and we have to avoid and minimize any impact on
722 the wetlands. Which we will do, and have to do, as we go through the subdivision
723 process.

724

725 That subdivision process that the county has also addresses the stormwater and the
726 flooding. Often what we find -- and again we haven't done the full engineering on this,
727 but that'll be covered by the subdivision and the plan of development that has to be
728 submitted to the county and reviewed and approved by the county staff. But as part of
729 that we would have to show that the post-development impact of the -- of the stormwater
730 is no greater than the pre-development rate so that it cannot have any greater impact on
731 the surrounding properties.

732

733 And often what we find there's a lesser impact than predevelopment because you're able
734 to capture that water and be able to put it into the public stormwater facilities which will
735 be in our road systems and be able to provide for that. So while certainly we have no --
736 we have no abilities at this point to be able to specifically tell you that we will improve the
737 situation, we are required by law to show and to prove that we will not have a greater
738 impact on the stormwater -- on the -- on the properties in the area.

739

740 With respect to the traffic: this was reviewed by the traffic department and they are
741 requiring improvements, including turn lanes on Mountain Road and widening of Mountain
742 Road along our property frontage. So we are providing for the necessary improvements.
743 Otherwise, the traffic department has provided that the road network can accommodate
744 the traffic.

745

746 As I said, there's an operating business already on the -- on the greenhouse property.
747 And while we haven't done a comparison in the traffic numbers on that, but the amount
748 of traffic anticipated from this particular development will have -- will be accommodated
749 by the existing road network.

750

751 There was a concern with respect to the schools. And the school on the middle school
752 and the high school currently are at capacity based on the numbers anticipated with this
753 particular development that we're proposing.

754

755 As you know, it's in the comprehensive plan and the comprehensive plan calls for and
756 asks for particular development consistent with that comprehensive plan. And based on
757 discussions between -- within the county itself with respect to schools, the anticipation is
758 that these will be able to be accommodated in the future as the schools continue to look
759 at improvements and the capital campaigns that come through for the improvements on
760 these as well as redistricting.

761

762 So we feel like while we're slightly over based on the existing and the proposed, that these
763 will be able to be accommodated as they go through the school -- the process themselves.

764

765 Finally, I believe the last item was with respect to the noise. And while, yes, we will be
766 taking -- excuse me. There's two other issues I have to address. The noise being one of
767 them.

768

769 Trees, obviously, when we build the houses and the roads and the infrastructure, trees
770 will be taken down between 295 and the existing residents. We will try to minimize that
771 to the extent that we can but, obviously, there's not much we can do about the 295 noise.
772 We're not planning on putting up a barrier along 295 otherwise.

773

774 I would say that a lot of these wetlands were created by the construction of 295, and that's
775 one of -- a lot of what we're looking at from that standpoint.

776

777 The final issue that we need to address is with respect to the setbacks and the 45-foot.
778 One of the things that was asked of us was to meet the R-3 setbacks at 40 -- the rear-
779 setback at 40 feet. We went ahead and bumped it up to 45 feet to more than meet what
780 otherwise would be in the R-3.

781
782 We have not proffered, but I'll be happy to talk to staff about whether fencing and
783 landscaping would be more appropriate in there and that if folks wanted -- when we talked
784 to folks at the neighborhood meeting the concern that we heard at the neighborhood
785 meeting was they wanted that setback increased from what the R-5 area would otherwise
786 allow.

787
788 We talked about going up to the R-3 and we exceeded that. We're not -- we're not
789 opposed to and we can provide that at the time of subdivision that we can provide for
790 landscaping and fencing as required. Or if that's what the -- if that's what the Commission
791 would prefer, we could proffer and commit to that right now on those lots that we're already
792 providing from an enhanced setback. We can also provide for necessary fencing and
793 landscaping as deemed appropriate at the time of subdivision.

794
795 So, with that, I'll be happy to answer any questions that you have. I would ask that you
796 follow staff's recommendation and recommend this case to the Board of Supervisors.
797 Thank you.

798
799 Mr. Mackey - All right. Thank you, Mr. Condlin. Does anyone have any
800 questions for Mr. Condlin?

801
802 Mr. Archer - Mr. Condlin, what is the anticipated build-out date for what you
803 have already -- what you're requesting now?

804
805 Mr. Condlin - Sure. The build-out date obviously we're going to -- we're
806 going to be about a year before we start any construction with the infrastructure you're
807 looking at. About a year and a half. And with these 50 -- and we're -- I'm just talking
808 about the 57 lots. We have no control over the second point of access. That's total --
809 solely going to be anticipated with respect to the property next door. But we're looking at
810 about 3 to 4 years of the total build-out date by the time the last of those 57 homes would
811 be sold.

812
813 Mr. Archer - Okay. And are you aware of what any anticipated educational
814 improvements might be made between now and then?

815
816 Mr. Condlin - I'm not. No, sir.

817
818 Mr. Archer - As far as schools are concerned?

819
820 Mr. Condlin - I am not. No, sir.

821

822 Mr. Archer - Okay. And do you anticipate increasing any of the flooding
823 problems or decreasing any of the flooding problems that are already in existence?

824
825 Mr. Condlin - I do -- I do not -- obviously we do not anticipate increasing,
826 because we're not allowed to under the Chesapeake Bay Act. And we're required to
827 prove, and that'll be reviewed by the County, that we will not have any greater impact. As
828 I referenced, we often find in these situations that we actually improve the situation by
829 capturing. Instead of having a sheet flow coming off of the wetlands and coming off of
830 the highway itself, we'll be able to capture that on our property as it flows from -- on the
831 way from the highway heading south.

832
833 On the south side of Mountain Road, it continues to flow south as well. That's where a
834 majority of the wetlands are. I don't anticipate, you know, much of the -- much issue on
835 that one either. So we'll have to -- we'll be able to capture the stormwater. I can't
836 guarantee that we'll improve it, but that's off of what we find.

837
838 Mr. Archer - Now, also, the traffic impact and noise impact particularly from
839 295, and I realize that a portion of this, good portion of it, is on the exit ramp and not
840 directly on 295 itself. But is there any way that any of the current trees can be preserved
841 so that it would have some impact on lessening the noise?

842
843 Mr. Condlin - Well certainly the trees in the wetland and the floodplain areas
844 are not going to be disturbed as we have them. There are some small areas that are,
845 you know, the green -- the greenhouse that's adjacent to Mountain Road and the access
846 road onto 295 is primarily cleared for that purpose already. So.

847
848 But the trees otherwise that would be retained certainly will be retaining, which are labeled
849 road D and E, are the two cul-de-sacs that kind of run into 295, or run towards 295, that
850 whole area is in phase 2. There is some -- obviously those areas will not be cleared until
851 such time as the second point of access.

852
853 Otherwise we would retain -- and we could, you know, we want to be able to put trails in
854 and then as far as an amenity goes. But we could also proffer that any trees in the
855 common areas would be retained unless disease and otherwise are fallen and try to retain
856 as much of those as possible. We can work with staff to come up with a good -- a good
857 proffer on that to commit to be able to look at those and locate those at the time of
858 subdivision.

859
860 Mr. Archer - Okay. And you did mention the amenities. And one of the --
861 one of the speakers mentioned the amenities, too. Have you decided or do you have any
862 idea what types of amenities you're talking about providing?

863
864 Mr. Condlin - Right. So primarily these would be trails through the --
865 through next to the wetlands and the floodplain area and common areas and the part --

866
867 Mr. Archer - Are the wetlands such that they can be utilized for trails?

868
869 Mr. Condlin - Well, yeah. They'll be cleared and that the idea would be that
870 it would be improved to be able to use for trails. And then they'd have common open
871 areas, particularly on the -- right along Mountain Road where the greenhouse is. And the
872 -- and the back part of the -- of the south side there's some open areas that they're looking
873 at to be able to put just some gathering areas with a pavilion. And that's something we
874 could talk to you or get with staff and confirm that to make sure we have a proffer based
875 on that. We, you know, our plan is to put together a track -- or, excuse me, a trail plan to
876 show where the trails generally would be located from that standpoint.

877
878 Mr. Archer - Okay. Now what about the fencing and landscaping? What
879 are you looking to affect with the fencing and landscaping?

880
881 Mr. Condlin - Well, I think the concern we heard this week, quite frankly,
882 from folks was that while appreciative of the setback, that they're worried about clearing
883 of the land. And so what our thought would be, would be during the time of subdivision
884 doing a tree inventory. Finding out what there's. And we could either save those trees
885 or plant and supplement as necessary. And then we provide a fence to the extent that is
886 requested.

887
888 Some people don't like to have a fence, and that's what some of the neighbors have told
889 us. Because they don't want us clearing -- further clearing land when you have to put up
890 a fence, I mean, you have to clear land.

891
892 Maybe you put the fence on the inside of the tree line but, you know, then you -- that's
893 property that the folks can't use otherwise. So we'd like to be able to put that at the time
894 of subdivision. We're happy to put a fence up. Now, like I said, not everybody wants one,
895 but we're happy to put a fence up along the existing subdivisions for those lots that are
896 located there and put any supplemental landscaping that's deemed needed at the time of
897 subdivision. And I can proffer -- I can commit to proffer that prior to the Board.

898
899 Mr. Archer - Okay. Now what about -- do you have any further comments
900 to make about the south-side property?

901
902 Mr. Condlin - No. Only from the respect that this is the existing 10-lot
903 subdivision. We're reducing it down to seven. And we are connecting it. And one of the
904 staff's concerns was that as a standalone with just seven lots, could it really withstand
905 and hold -- be able to take care of the, quite frankly, large common area. Which is mostly
906 the wetlands area. And that's why we've combined it with -- it's the same owner, same
907 developer.

908
909 We'll develop them together, be part of the same association. So the 50 lots plus then
910 the other 29 when they come on board will help with that overall. And both properties will
911 work together and they'll have common trails between them so that, you know, we can
912 use those together. So that was the idea for that south-side lot.

913

914 Mr. Archer - Okay. Mr. Secretary, do we have anybody here from schools
915 and traffic?
916

917 Mr. Emerson - No, sir. We don't have anybody here from schools or traffic.
918 I don't think we have them. I can try to answer your schools questions.
919

920 Mr. Archer - Okay. Do you know what the future holds as far as schools
921 are concerned in this area?
922

923 Mr. Emerson - Well, we got a site not too far from here planned for an
924 additional elementary school, but right now funding isn't in place for that. So that would -
925 - that would be in the future, though.
926

927 Mr. Archer - Okay. And then if were looking, like, four or five years down
928 the road. Is there a possibility that that could be done by the time the subdivision is built
929 out?
930

931 Mr. Emerson - I would say that's at least in the five-year, if not the eight-year,
932 horizon.
933

934 Mr. Archer - Okay. Because I didn't see anything prohibitive in the staff
935 report that would say that schools are a hinderance at this point. It indicated that there
936 would be crowding, and you understand that.
937

938 Mr. Emerson - Correct. What the report from schools says is that we do have
939 some schools at capacity, but with redistricting and other measures that they felt like they
940 could handle that.
941

942 Mr. Archer - And you're talking about school redistricting when you say
943 that. Right?
944

945 Mr. Emerson - Yes, sir. I am talking about school redistricting.
946

947 Mr. Archer - Okay. And what about traffic? I know traffic is always an
948 issue. Can't build anything without increasing traffic.
949

950 Mr. Emerson - Correct.
951

952 Mr. Archer - And I'm familiar with that intersection at Woodland and
953 Mountain, and it is a lighted intersection, and it does have left turn lights, also. Which are,
954 if not ignored, then handled improperly somewhat. But we're at a point where you're
955 exiting off of Interstate 95 and there is residential traffic that generally goes north on
956 Woodman toward Mountain. And I don't have an answer for how you then think that traffic
957 would be accommodated.
958

959 Mr. Emerson - Yes, sir. What -- the comments that we have from Traffic right
960 now is that Mountain Road will need to be widened to 40 feet from the center line.
961 Construct a right-turn lane on -- into the site. Right of way may need to be dedicated for
962 this widening. Sidewalks should be installed along Mountain Road. So.

963

964 And, of course, a second point of access is required if the number of homes exceeded
965 50. So those will be addressed at the time of site-plan development, plan of development,
966 and subdivision. And those improvements will be required to be made and any others
967 that may arise at that time.

968

969 Mr. Archer - Okay.

970

971 Mr. Emerson - You do have a limited access interchange there so VDOT will
972 be involved in this discussion as well.

973

974 Mr. Archer - That's well. Thank you, Joe. And the other thing I was going
975 to ask was -- what was it? Well, you answered the question about schools. Traffic is just
976 something that we have to learn to deal with. I think Mr. Condlin did indicate that they
977 were going to participate in the widening of the road?

978

979 Mr. Condlin - Yes, sir. They'll be required to widen the road.

980

981 Mr. Archer - Okay. Now as far as the landscaping and fencing is that
982 something from a planning standpoint that we'd rather look at now, or wait until POD and
983 see how it would fit?

984

985 Mr. Emerson - The landscaping and fencing in regards to separation
986 from the existing residential?

987

988 Mr. Archer - I think it's what Mr. Condlin was talking about. Yeah, it is.

989

990 Mr. Condlin - Yes, sir. I think that's a concern that we heard, was that if --
991 it's not just a setback if folks would like to make sure that there's trees and landscaping
992 in between the -- in the rear yard of those homes. And maybe even fencing.

993

994 Mr. Archer - Okay.

995

996 Mr. Emerson - We can -- we can take a look at that with the Plan of
997 Development. Normally from a staff aspect we do not encourage buffering between
998 residential uses.

999

1000 Mr. Archer - That's what I was going to indicate. I think the -- as far as the
1001 landscaping part is concerned, it wouldn't be as much of a problem as fencing. Because
1002 I know generally we don't like to separate neighborhoods with fences.

1003

1004 Mr. Emerson - Correct. We have -- we have a couple of issues with
1005 requirements of fencing and landscaping between residential uses.
1006

1007 Mr. Archer - Right.
1008

1009 Mr. Emerson - And it really boils down to maintenance and the rights of home
1010 ownership. Really you can only guarantee that foliage, trees and things, be preserved by
1011 the original builder. Once that transfers to a homeowner. A homeowner may have other
1012 plans for that back yard, and they may take trees down. We certainly don't have staff to
1013 police that, and it's very hard to enforce, if not impossible.
1014

1015 Mr. Archer - Right. We don't have any way to prevent a homeowner from
1016 removing trees on the property.
1017

1018 Mr. Emerson - Right. That's correct, we do not. And fencing is very much
1019 the same. It's sort of a personal home ownership, maintenance item. Some people like
1020 to -- like to have a fence and maintain it. Wooden fences do require maintenance. That's
1021 what a lot of people like to see.
1022

1023 Mr. Archer - Yeah, they do.
1024

1025 Mr. Emerson - From personal experience I know a wooden fence doesn't
1026 make it more than about 17 to 18 years. And it --
1027

1028 Mr. Archer - Sometimes not that long.
1029

1030 Mr. Emerson - And I can tell you the price of wood right now you don't want
1031 to price a fence. But certainly it's a maintenance issue. Some people are comfortable
1032 with taking that on. Others aren't and may choose not to. So that's -- those become kind
1033 of concerns from a long-term aspect and an enforcement aspect for the County.
1034

1035 Mr. Mackey - Okay. Anybody else have a question for Mr. Emerson?
1036

1037 Mrs. Thornton - So the 40-foot buffer that they have between them will always
1038 be there just to reassure them that they're --
1039

1040 Mr. Condlin - I don't want to mislead anyone. It's a 45-foot rear setback. So
1041 --
1042

1043 Mrs. Thornton - Setback.
1044

1045 Mr. Condlin - So it's not a buffer, it's a rear setback, so the yard could be in
1046 that area. Obviously, which is what the R-3 allows for. And that's where --
1047

1048 Mrs. Thornton - Right.
1049

1050 Mr. Condlin - Actually we're five-foot beyond that. But we -- as is typical, as
1051 Mr. Emerson said, we typically don't have a buffer residential to residential.
1052
1053 Mrs. Thornton - Right.
1054
1055 Mr. Condlin - We're willing to, you know, put in a part of -- maybe we could
1056 put in at the time of subdivision, landscape plan approval we could, you know, put in, you
1057 know, take a look at some of those rear lots and install or, you know, retain at that time.
1058 But as you said a lot of times the homeowners will go in there and, you know, clear that
1059 area.
1060
1061 Mrs. Thornton - Okay. So the land that's nearer the 45, 46, it's empty on --
1062 near 295?
1063
1064 Mr. Condlin - Right. That would be common area.
1065
1066 Mrs. Thornton - Okay. That'll be the common area. Will those trees stay?
1067
1068 Mr. Condlin - Yes, ma'am.
1069
1070 Mrs. Thornton - Because that would be helpful for the buffer noise.
1071
1072 Mr. Condlin - Yes, ma'am. Yes.
1073
1074 Mrs. Thornton - And then you will not take the trees down for lots, like, 72, 71,
1075 70, for the second phase?
1076
1077 Mr. Condlin - Right. Correct.
1078
1079 Mrs. Thornton - They will stay up until future developments?
1080
1081 Mr. Condlin - Correct. That's right. That's right.
1082
1083 Mrs. Thornton - Correct?
1084
1085 Mr. Condlin - Yep. That's right.
1086
1087 Mrs. Thornton - Okay.
1088
1089 Mr. Baka - Do you have further questions, Mrs. Thornton?
1090
1091 Mr. Witte - Yeah.
1092
1093 Mr. Baka - Oh. Go ahead.
1094
1095 Mr. Witte - I have a couple. First off, instead of clear-cutting this and

1096 eliminating all of the mature growth, would it be possible to go in that 45-foot setback and
1097 leave mature trees 8 or 10 feet in where they still got a back -- still have a back yard, but
1098 they have a buffer. And the same thing on -- between the two cul-de-sacs down that
1099 center line property line. If they just went 8 or 10 feet on each side of it and didn't cut
1100 down those trees, left it natural, that also would help with the -- with the buffer. And I'm
1101 going to say it's going to save an awful lot of trees and an awful lot of expense.
1102

1103 Mr. Condlin - Sure. Right. We -- yes. We could commit to that, to make
1104 that. And one of the things we've done is we've put that -- we'd have to measure that,
1105 and we can see if we can put that into a common area so it's not part of the yard. I just
1106 have to look at the square footages of those lots to see if that works. But at the very least
1107 we can put a, you know, put a 10-foot buffer in those -- in those rear lots that we've shown
1108 on there.
1109

1110 Mr. Witte - It doesn't have to be a -- it doesn't have to be a buffer. I mean,
1111 it can just be -- didn't ask -- leave the trees in that 10-foot area.
1112

1113 Mrs. Thornton - Yeah. But they could come and take them out. But they could
1114 come take them --
1115

1116 Mr. Emerson - But what you, Mr. Witte, what you have to understand here is
1117 that the R-5A requires a 35-foot rear-yard setback. The R-2A that it's backing up to
1118 requires a 45-foot setback. The applicant has proffered for these lots abutting that
1119 existing residential a 45-foot setback. That goes from, as you know, the foundation of the
1120 house to the rear property line.
1121

1122 Mr. Witte - Right.
1123

1124 Mr. Emerson - So this isn't -- and I think it's gotten a little confused here. This
1125 isn't a buffer, it is the back yard of the houses. So from what Mr. Condlin's saying they
1126 might be able to adjust that. We'd have to work on the proffers to where that could be a
1127 10-foot buffer in a 35-foot yard -- back yard and a 10-foot common area.
1128

1129 But then that 10-foot common area would either have to be an easement on the existing
1130 property, or an easement that would have to be maintained by the homeowner's
1131 association. And that goes back to the concern I raised a minute ago the experience with
1132 the County has been when a single-family homeowner moves into this property, they're
1133 going to see that regardless of whether it's a common area buffer are, you know, and they
1134 have 35 feet are, if it's a straight 45 and it's on their lot, they're going to see that as the
1135 back of their lot.
1136

1137 And one morning they're going to decide, hey, I need to put a swing set back here for my
1138 kids. And they're going to get out the chainsaw and the trees are going to come down.
1139 And then the County will get a call saying, They violated the proffer. We want the trees
1140 planted -- we really have no way to enforce that. So.
1141

1142 Mr. Witte - Well, I understand that. My suggestion is not to proffer, but
1143 just to get the agreement of the developer to leave some trees on each lot, mature trees,
1144 in the back yard.

1145
1146 Now the reason I said in that 45-foot setback was because it won't interfere with the
1147 buildable areas. So as far as easements and proffers, I mean, they can take some, leave
1148 some. Just their elevations show mature trees all around those houses that they're
1149 building, so let's leave a few.

1150
1151 Mr. Emerson - I just don't want to give a misconception. The developer can
1152 leave the trees. The first homeowners that comes in there may cut them down.

1153
1154 Mr. Witte - I agree. So.

1155
1156 Mr. Emerson - So that's what (indiscernible).

1157
1158 Mr. Witte - And that's the homeowner's prerogative once he owns the
1159 tree.

1160
1161 Mr. Emerson - Right. The developer -- the developer can leave mature trees
1162 and those -- when we issue the first CO on the property, our inspector will look at him and
1163 say those trees are there. And then it's -- that homeowner is no longer bound by that
1164 agreement.

1165
1166 Mr. Witte - Yeah. No I agree.

1167
1168 Mr. Emerson - That's what I want to make sure everybody understands.

1169
1170 Mr. Witte - And the homeowners on the other side of the property line,
1171 they can cut their trees down, too.

1172
1173 Mr. Emerson - Exactly.

1174
1175 Mr. Witte - All right. Well thank you. The other thing I have is, is there a
1176 way to reduce the water issue that's on the back yards of the people on Rudwick in the
1177 design process by maybe lowering the road a little more to get some drainage?

1178
1179 Mr. Condlin - I'm certain there's a way. I'm not an engineer, so I, you know,
1180 we haven't looked at it that far. As far as going through the stormwater analysis and
1181 impact. Obviously, as you know, we can't have any greater impact, but that's certainly
1182 one of the options that we have. And we can ask our engineer to take a look at that and
1183 do that.

1184
1185 Mr. Witte - Great. And the last thing is, the hours of construction. 7:00
1186 PM is not bad in the summertime, but in the wintertime with daylight savings time and
1187 such, that's dark. Can we reduce it to maybe 6:00?

88

1189 Mr. Condlin - I guess -- I guess we could. I mean that -- that work done 6:00
1190 PM. That's little unusual. I mean, I -- usually this -- these are the typical hours from a
1191 construction hour standpoint. Obviously, they work until the dark and then they stop. And
1192 if it involves daylight, they want to be able to get out there and keep working.

1193

1194 Mr. Witte - I have no other questions. Thank you.

1195

1196 Mr. Condlin - Yes, sir.

1197

1198 Mr. Mackey - Mr. Baka.

1199

1200 Mr. Baka - Mr. Witte answered my -- asked my question. I was just going
1201 to about -- ask about the hours of construction from December. Because Mrs. O'Bannon
1202 and I get this question frequently on some Tuckahoe projects. But the hours from, you
1203 know, December, January, February, mid-March. If it's willing to adjust language to say,
1204 7:00 PM or at the time of sunset --

1205

1206 Mr. Condlin - Some -- we've done that. That's right. I think we could do
1207 that. We could plug something in there with a clause when it gets dark at sunset or 7:00
1208 PM, whichever occurs first.

1209

1210 Mr. Baka - Yeah. There you go. I think that little bit of clarity might help
1211 for -- especially for residents and nearby -- existing homeowners nearby right there.

1212

1213 Mr. Condlin - All right.

1214

1215 Mr. Baka - Thanks.

1216

1217 Mr. Condlin - Yes, sir. That's a good comment.

1218

1219 Mr. Mackey - Any other questions?

1220

1221 Mr. Archer - No. But I'd like to thank Mr. Witte and Mr. Baka for those
1222 observations. And, you know, the construction time is something that I know I do -- I tend
1223 to miss it sometimes when going through here. And they're right. It shouldn't be the same
1224 for all the times in the year. And I think it can easily be adjusted so that certain times
1225 when there is more daylight you can work a little later and the other times people don't
1226 want to hear noise after dark.

1227

1228 Mr. Condlin - Yes, sir.

1229

1230 Mr. Archer - I know I don't.

1231

1232 Mr. Condlin - Yeah. And they don't want to work at that point. They're not
1233 going to be working anyway and don't want lights out there, so that's not a problem. We
1234 definitely can do that.

1235
1236 Mr. Archer - Thank you. Now the thing that -- you talked to Mr. Witte about,
1237 the trees and with the Secretary about: were you all planning to just remove those trees
1238 initially?

1239
1240 Mr. Condlin - No, sir. No, sir. No. We, obviously, want to have a back yard.
1241 We want to have a back yard. But I like the suggestion of having a 10-foot tree-save
1242 area. Don't call it a buffer, but it's a tree-save at the time of construction so that we would
1243 have -- the staff can take a look at that and inspect it and say, when we get our CO, boom,
1244 it's there. And then that's up to the homeowner after that. But we could have a 10-foot
1245 tree-save area on those lots that we've shown the 45-foot setback as well.

1246
1247 Mr. Archer - Okay.

1248
1249 Mr. Condlin - Which is more than, you know, more than we typically get on
1250 this kind of thing. So I think that'll be a good -- I think that's a good compromise.

1251
1252 Mr. Archer - Okay. Now in terms of your presentation, now you speaking
1253 to all three of these cases at one time?

1254
1255 Mr. Condlin - Yes, sir. I don't think you want me to go through this again.

1256
1257 Mr. Archer - Yeah. Well somebody online, I believe, they had a question
1258 about the south side of Mountain Road.

1259
1260 Mr. Condlin - Yes, sir.

1261
1262 Mr. Archer - And I guess it would be appropriate for that question to come
1263 in, because I don't think it'd been asked.

1264
1265 Mr. Condlin - Yeah and I think he just had the opposition as -- the gentleman
1266 was at the community meeting had the opposition, generally, to the case.

1267
1268 Mrs. O'Bannon - His name was Mr. Moldenhauer .

1269
1270 Mr. Archer - Yeah. You're right, Mrs. O'Bannon. Thank you.

1271
1272 Mrs. O'Bannon - I wrote it down because I thought that might happen.

1273
1274 Mr. Archer - I did write it down, too. I forgot where I wrote it.

1275
1276 Ms. Deemer - Mr. Archer.

1277

1278 Mr. Archer - Yes.
1279
1280 Ms. Deemer - Mr. Moldenhauer believed that the cases were not being
1281 presented together, and he has a comment regarding this southern side. We also have
1282 Ms. Stevens back. I don't know how you would like us to continue.
1283
1284 Mr. Archer - Well if you can give us Mr. Moldenhauer's comment first, we
1285 will take that and then we will listen to Ms. Stevens if that's okay.
1286
1287 Ms. Deemer - Yes, sir. I am now unmuting Mr. Moldenhauer.
1288
1289 Mr. Archer - All right.
1290
1291 Mr. Moldenhauer - Good evening. My name's Allen Moldenhauer. I live at 2678
1292 Pinkerton Place. My property backs up to the proposed zoning change of the property
1293 south of Mountain Road. And I have nine concerns. These may and may not have been
1294 addressed with concerns on the north side.
1295
1296 The first one is, I would appreciate if the developers would accept all the previous
1297 proffered conditions that were allowed on -- that were on this piece of property.
1298
1299 The second one is the distance from the back of the house to the property line, which we
1300 kind of discussed. And I just wanted to ensure that it's going to be 45 feet for those
1301 houses on the south side of Mountain Road.
1302
1303 The third one is to please ensure that adequate street parking is available. And that.
1304 When I met with the spokesman, or the developer, and that I was a little concerned that
1305 the streets may not be wide enough to accommodate parking on the street that's being
1306 developed there. I know in my neighborhood each house has two to four cars associated
1307 with it, so I think if the -- that's probably a generally good guide to per house how many
1308 cars need to be accommodated.
1309
1310 The fourth one is the 100-year flood plain. You've already discussed that. I just wanted
1311 to say that my property, which backs up to it -- or of course my property is in that 100-
1312 year flood plain and I wouldn't want to lose any more of my property to that -- any potential
1313 increases in the flood plain.
1314
1315 The fifth comment is my concern in the zero-lot line houses. And this is -- this also goes
1316 with comment number 6, which is house number 1 which is near Mountain Road, would
1317 have its house, the side of its house, right up or, you know, close to Mountain Road. And
1318 they would not be able to put a fence or any barrier between themselves and Mountain
1319 Road with the current development.
1320
1321 The seventh comment was on the homeowner's association and I believe that that's going
1322 to be included.
1323

1324 Eight comment is on sidewalks. I would support a sidewalk being installed there along
1325 Mountainside Road.

1326

1327 And my ninth comment, and probably the most important one, is when I was up there with
1328 the -- on the Peak property, which was the first time I'd ever been on that property with
1329 the spokesman, it is a tight area up there. I'm not sure how it was zoned for 10 houses.
1330 But it appears even for the five houses that they're going to put close to Mountain Road
1331 there that if they were to take advantage of the layout there, they could do it with the same
1332 zoning requirements, i.e. the same acreage requirements as is currently allotted there. I
1333 haven't seen any drawings that would show any difference to that. It appears that they're
1334 giving a lot of leeway to the 100-year floodplain that they could probably take advantage
1335 of.

1336

1337 And those are my nine comments. And I appreciate you allowing me the opportunity to
1338 bring these concerns to the Board. Thank you.

1339

1340 Mr. Archer - Thank you, sir. We appreciate you making them. Mr. Condlin.

1341

1342 Mr. Condlin - Yes, sir.

1343

1344 Mr. Archer - I guess it'd probably be good to touch on as many of these as
1345 you can before we listen to the next caller.

1346

1347 Mr. Condlin - Yes, sir. I can do that.

1348

1349 Mr. Archer - Because their concern might be the same.

1350

1351 Mr. Condlin - I wrote them down. And, as you saw it, I'll just run right
1352 through them. Except all the previous proffers, you know, when the case was zoned in
1353 2018 as an R-3 there's certain things in there that we did try to pick up all the proffers.
1354 But, you know, obviously the elevations are slightly different. And the -- quite frankly as
1355 I'm looking through there, I checked off everything. One thing that we included driveways
1356 and cantilevering.

1357

1358 I mean, we picked up everything that they've provided for otherwise in there. Except for,
1359 you know, the construction hours, for example, we match them exactly, but we're going
1360 to tweak them a little bit based on our conversation today. So I -- and then, obviously,
1361 the community -- the conceptual layout is different. So I think the only two differences are
1362 elevations in the conceptual layout and then we've added the additional items to that in
1363 our case. So at least our intent was to pick up all those.

1364

1365 The distances from the back of the house, we proffered the 45 feet. I noticed there's a,
1366 you know, it shows, actually, that there's a 40-foot setback on those lots next to Mountain
1367 Road. But we proffered 45 feet. I'll get that corrected. I've already made that note before
1368 the Board of Supervisors.

1369

1370 But regardless of the concept plan, we proffered that setback is going to be 45 feet.
1371 There's a whole lot of yard, or a whole lot of space, even beyond that in the flood plain,
1372 as you can see on those properties on Mountain Road that are on the left side that are
1373 substantial. But we've, you know, obviously proffered the 45 feet as a minimum.
1374

1375 Adequate street parking meets -- these are actually public right of way and public roads.
1376 We have to meet the public road standards, and we will. And we have to meet the parking
1377 standards for the County for these homes along the driveways. And we will -- and they
1378 all have a one-car garage. But, as you know, we can't count those for the parking. But
1379 we'll otherwise have to provide for the parking in the -- in the driveways. And, again, that
1380 will meet the public road standards.
1381

1382 Talked about the 100-year floodplain, and I think that's been addressed. The zero-lot line
1383 and house number one, or the houses that are right next to Mountain Road. There's a
1384 25-foot thoroughfare buffer that's between the right-of-way and the first lot with the zero-
1385 lot line. So that's where that comes from. So there's going to be a minimum of 25 feet
1386 that's a buffer. There for a buffer that we -- that we've provided for on the plan itself. And
1387 it's shown on there.
1388

1389 We'll have an HOA. He asked about sidewalks. We have proffered sidewalks.
1390 Something that the Dukic property I don't think had. Sidewalks within the streets on one
1391 side of the street, on both sides of the north and south. And then, as stated in the staff
1392 reports, we're going to be required to provide for a sidewalk on Mountain Road.
1393

1394 And the last item I'll have -- I have to admit I didn't quite understand the question. I thought
1395 it was more of a statement, but I'm not sure I understood the question about the floodplain.
1396

1397 Mr. Archer - Repeat the statement if you would now to refresh my memory.
1398 What statement did he make?
1399

1400 Mr. Condlin - He -- the last one was that he sees -- he was wondering, I
1401 think, why we couldn't develop under the old plan.
1402

1403 Mr. Archer - Oh. Okay.
1404

1405 Mr. Condlin - And seems like where the acreage is the same, take
1406 advantage of the -- we're taking advantage of the floodplain. I think just based on what
1407 we were told by the environmental department was they could -- if we came in with the
1408 concept plan that was proffered, they could not approve that, because of the impact on
1409 the floodplain and the wetlands.
1410

1411 The planning staff says we've got to develop based on the concept plan that was proffered
1412 and the environmental department's saying, You can't build based on the concept plans
1413 that you're required to build to.
1414

1415 So we would love to not have to rezone, but we have to rezone it and get rid of that
1416 concept plan on the previous case, the 2018 case, and come forward with this plan.
1417 Which can mean because we are having a much less impact on the wetlands and
1418 floodplain areas based on where the lots are and the impact on the road -- the way the -
1419 - versus the previous case. So I think -- I'm not sure exactly if that's what he was talking
1420 about.

1421

1422 I know we have some conversations where he was concerned about going to an R-5A
1423 from an R-3. And so what we tried to do, and really the biggest impact, was the rear-yard
1424 setback. So we went ahead and took a look at the R-2A setback, which is 45 feet and
1425 went ahead and matched that. So it really should have no greater impact than -- on the
1426 adjacent property other than, you know, the -- going from 10 lots down to 7. So it'll have
1427 less of an impact.

1428

1429 Mr. Archer - Okay. Now he also did mention something about the -- one
1430 of the lots would not be able to construct a fence. And I know that's not something that -
1431 - I guess that's one of those buyer-beware things. But I guess going in a person would
1432 have to be aware that the -- not that they would want to construct a fence --

1433

1434 Mr. Condlin - Yeah. I'm not sure I understood that comment. I mean, I
1435 mean, there's going to be areas for -- we have to be able to provide for a buildable area
1436 in a yard. And if you can build a yard, you can put a fence there. It's not like it's going to
1437 be specifically in the floodplain. It may not be on the rear of the property.

1438

1439 Mr. Archer - Right. I don't think it's an item that you'd be able to address
1440 either way. But --

1441

1442 Mr. Condlin - I don't think so. I'm sorry.

1443

1444 Mr. Archer - I just wanted to make that comment so the gentleman would
1445 have some understanding.

1446

1447 Mr. Condlin - Okay.

1448

1449 Mr. Archer - Okay. That's all I got about that. Anybody else have a
1450 question about --

1451

1452 Mr. Baka - I think there was someone else on Webex.

1453

1454 Mr. Mackey - Yes. I think it was a Ms. Stevens was.

1455

1456 Mr. Archer - Yeah. I -- and I wasn't getting away from her. I was just talking
1457 about --

1458

1459 Mr. Baka - Okay. Okay.

1460

51 Mr. Mackey - Oh, I'm sorry.
1462
1463 Mr. Archer - No, that's okay. I was just talking about the gentleman that
1464 was online and the --
1465
1466 Mr. Baka - Right.
1467
1468 Mr. Archer - -- the answers that Mr. Condlin has given. Does anybody else
1469 have a comment to make on that?
1470
1471 Mr. Witte - I don't.
1472
1473 Mr. Archer - Okay.
1474
1475 Mrs. Thornton - Just the shared driveway access to 1 and 2. Is that going to
1476 be the homeowner 1 and 2's responsibility to keep up with? Is that going to be asphalt?
1477 Gravel?
1478
1479 Mr. Condlin - Yeah. Yeah, it's going to be asphalt. Those are hardscapes
1480 that are required on those.
1481
1482 Mrs. Thornton - So would that be the homeowner's responsibility?
1483
1484 Mr. Condlin - Are you talking about on the north side? Yeah. Well, neither
1485 one. Anything that's coming up that's on the driveway coming off the public road is just -
1486 -
1487
1488 Mr. Baka - South.
1489
1490 Mrs. Thornton - No, south. No. The one we're talking about down south.
1491
1492 Mr. Condlin - Yeah.
1493
1494 Mrs. Thornton - One and two, way down.
1495
1496 Mr. Condlin - Oh. Yeah. So those would be -- Yeah. Those are going to
1497 be required to be the homeowners that are -- have to maintain that. Yes, ma'am.
1498
1499 Mrs. Thornton - That's a lot of asphalt.
1500
1501 Mr. Condlin - It is.
1502
1503 Mr. Archer - Okay. If nobody else has a comment or a question, then we
1504 will entertain Ms. Stevens.

1505
1506 Ms. Deemer - Also, Mr. Chairman, we have Justin Briggs from schools
1507 available if you would like to hear from him after Ms. Stevens.
1508
1509 Mr. Archer - Okay. Thank you. I might come up with a question.
1510
1511 Ms. Deemer - Ms. Stevens is now unmuted.
1512
1513 Mr. Archer - Okay. Good evening, Ms. Stevens.
1514
1515 Ms. Stevens - Yes. I wanted to make a couple more comments about the
1516 school issues and the redistricting and rezoning that this area has already had to deal
1517 with. If they were to redistrict this area, the likelihood -- there's been several different
1518 proposals -- is that we would be rezoned from what currently now are very high-ranked
1519 public schools to public schools that are really struggling.
1520
1521 And so the opposition with the area on these current homeowners is opposed to
1522 redistricting in the school issue is that you're going to build more houses in an area that
1523 already has overcrowded public schools. You're talking about rezoning houses who their
1524 students, their current children, are going to really high-quality, high-ranked public schools
1525 and then uprooting them in the middle of middle and high school and putting them in
1526 schools that are not performing and that are already struggling.
1527
1528 And, in addition to that, you're looking at building houses in an area where people would
1529 be buying houses thinking they were going to these high-ranked schools only to be
1530 rezoned to schools that are struggling. And so there's a real issue, community issue, with
1531 the schools in the rezone, because not all Henrico County schools are created equal.
1532
1533 And you're making your -- you have people who bought houses in areas expecting their
1534 students to go to high-quality Henrico County schools that would be faced with potentially
1535 having to move because the schools their children would be relocated to are not
1536 performing up to standard.
1537
1538 Mr. Archer - Thank you for that observation, Ms. Stevens. I've always tried
1539 to operate under the impression that all of our schools in Henrico are good, but we do
1540 have somebody from schools online, I think Ms. Deemer said, so we can have that person
1541 address that question. If you would.
1542
1543 Ms. Deemer - Mr. Chairman I'm now going to unmute Justin Briggs from
1544 Schools.
1545
1546 Mr. Archer - All right.
1547
1548 Ms. Deemer - He's unmuted.
1549
1550 Mr. Baka - Thank you.

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Mr. Archer - All right. Good evening, Mr. Briggs.

Mr. Briggs - Good evening. Good evening, misters. So we currently do not have an active plan to redistrict these areas. There is a potential that we would be moving forward with one as early as next fall depending on the School Board's decision - that is a School Board decision -- when the time comes. And I would like to reiterate that we like to think that all of our schools are excellent.

Mr. Archer - Anybody else have a question for schools.

Mr. Baka - No. I don't think so.

Mr. Archer - Anybody else have a question about anything?

Mr. Briggs - Thank you.

Mr. Baka - No, sir.

Mr. Archer - Okay. All right. Well, I'm sorry we took so long, but you've got to remember we're doing three cases here at once. So maybe we didn't take as long as we think we did. There's a lot here. There's a lot here to unpack. And I guess Mr. Condlin probably did as well as he could in trying to answer the observations that everybody brought forth.

And looking at the three cases as they're laid out, there are some positive features about it, particularly have to do -- as it had to do with the reworking of the south side properties and reducing the number that's there.

I think we've, as well as we could do, answered the questions about saving trees and how we can buffer and some things that we can't do as buffering. And there were -- there were quite a few questions had been brought up by the first three, four speakers. And, hopefully, we got through all those questions.

And the things that I can't answer, nobody can, has to do with traffic. We know traffic is going to increase. Traffic always increases. Any time you build anything you increase traffic and there's not a whole lot can do about that except just stop building anything. And there have been some indications about treatment of Mountain Road and Woodland Road, particularly at that intersection that is generally busy.

Doing these on a case-by-case basis, I think that there is enough that has been presented and enough of the concerns have been alleviated that this can deserve a recommendation to the Board. And then anything that comes to -- since that's where the final approval lies anyway. There are things that can be done between now and then that might help to alleviate some of the other issues that we haven't touched on, if there are any, because we've touched on quite a bit.

1597
1598 So, with that, I will move for a recommendation of approval of REZ2021-00003, RJM Land
1599 to the Board.

1600
1601 Mr. Witte - Second.

1602
1603 Mr. Mackey - All right, Mr. Witte. Okay. We have a motion for approval,
1604 recommendation for approval for REZ2021-00003, RJM Land, LLC, by Mr. Archer. A
1605 second by Mr. Witte. All in favor say aye. Any opposed? All right. The motion is granted.

1606
1607 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Witte, the
1608 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1609 **grant** the request because it is reasonable, and it reflects the type of residential growth
1610 in the area.

1611
1612 Mr. Archer - Okay. And, additionally, I move for approval of PUP2021-
1613 00008, RJM Land, and send it to the Board with a recommendation for approval.

1614
1615 Mr. Mackey – Second.

1616
1617 All right. We have a motion for approval for the PUP2021-00008, Andrew M. Condlin for
1618 RJM Land, LLC by Mr. Archer, seconded by Mr. Mackey. All in favor say aye. Any
1619 opposed? Motion is carried.

1620
1621 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Mackey,
1622 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1623 Supervisors **grant** the request because the recommended special conditions should
1624 minimize the potential impacts on surrounding land uses and it is reasonable in light of
1625 the surrounding uses and proposed zoning on the property.

1626
1627 Mr. Archer - And last, REZ2021-00004, RJM Land, LLC. I move to send it
1628 along with a recommendation for approval.

1629
1630 Mr. Baka - Second.

1631
1632 Mr. Mackey - All right. Have a motion for recommendation of approval to
1633 the Board, REZ2021-00004, Andrew M. Condlin for RJM Land, LLC by Mr. Archer,
1634 seconded by Mr. Baka. All in favor say aye. Any opposed? The motion is granted.

1635
1636 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the
1637 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1638 **grant** the request because it is reasonable, and it reflects the type of residential growth
1639 in the area.

1640
1641 Mr. Emerson - Mr. Chairman we now move forward on your agenda to the
1642 next item, which also appears on page 2. You do have a companion item that appears

13 on the top of page 3. It is REZ2021-00021, Jeffrey P. Geiger for VCC Partners, LLC and
1344 Shamin VCC, LLC.

1645
1646 **REZ2021-00021 Jeffrey P. Geiger for VCC Partners LLC and Shamin VCC LLC:**
1647 Request to conditionally rezone from B-3C Business District (Conditional) to R-6C
1648 General Residence District (Conditional) Parcel 784-771-9755 containing 7.670 acres
1649 located approximately 800' east of Brook Road (U.S. Route 1) at its intersection with
1650 Magnolia Ridge Drive. The applicant proposes a master-planned community. The R-6
1651 District allows a maximum gross density of 19.8 units per acre. The uses will be controlled
1652 by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
1653 recommends Commercial Arterial.

1654
1655 The companion case, PUP2021-00007, also represented by Mr. Geiger:

1656
1657 **PUP2021-00007 Jeffrey P. Geiger for VCC Partners LLC and Shamin VCC LLC:**
1658 Request for a Provisional Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of
1659 Chapter 24 of the County Code to allow a master-planned community on Parcel 784-771-
1660 9755 located approximately 800' east of Brook Road (U.S. Route 1) at its intersection
1661 with Magnolia Ridge Drive. The existing zoning is B-3C Business District (Conditional).
1662 R-6C zoning district is proposed for with REZ2021-00021. The 2026 Comprehensive Plan
1663 recommends Commercial Arterial.

1664
1655 The staff reports will be presented by Mr. Ben Sehl and they will require separate actions.

1666
1667 Mr. Mackey - Thank you, sir. Is there anyone here that's in opposition to
1668 REZ2021-00021 or PUP2021-00007, Jeffrey P. Geiger for VCC Partners, LLC and
1669 Shamin VCC, LLC? Ms. Deemer, do we have anyone via Webex in opposition?

1670
1671 Ms. Deemer - We have no one on Webex.

1672
1673 Mr. Mackey - All right. Thank you.

1674
1675 Mr. Sehl - Good evening. Thank you, Mr. Chairman.

1676
1677 Mr. Mackey - Good evening. Thank you.

1678
1679 Mr. Archer - Evening, Mr. Sehl.

1680
1681 Mr. Sehl - These companion items would allow for the development of
1682 up to 500 apartment units on a parcel currently developed as a JCPenney department
1683 store and associated parking at Virginia Center Commons Mall. The rezoning would allow
1684 residential uses on the site. Which, along with the most adjacent property, is zoned B-
1685 3C. If you'll recall, the Commission did recently recommend and the Board approved up
1686 to 75 townhouses on the property just to the west, in this area.

1688 The companion provisional use permit would allow for the modifications of setback and
1689 density to allow for the more urban streetscapes and vision for the redevelopment of the
1690 mall site. This redevelopment and the introduction of residential uses within Virginia
1691 Center Commons, as well as the more urban design features focused on creating a
1692 pedestrian friendly mixed-use community, was a result of a design process that brought
1693 together property owners and other stakeholders in the area.

1694
1695 If you recall, back in January we talked about the Virginia Center Commons Design
1696 Charette that resulted in a mixed-use redevelopment vision for the Virginia Center
1697 Commons area that is anticipated to be incorporated into the ongoing zoning and
1698 subdivision ordinance updates that's part of a form-based alternative overlay district.
1699 Those updates are expected to be adopted later this year.

1700
1701 The applicant proposes to develop the site with residential uses in a manner consistent
1702 with the proposed overlay district by providing appropriate proffers and design
1703 commitments as part of this master plan process. Under recent changes to the R-6 district
1704 an application for a provisional use permit can be made with a master plan for allowances
1705 for higher density and flexibility in parking and setback standards.

1706
1707 The proffered concept plan, which is also part of the companion PUP, reflects this
1708 flexibility and provides for streetscapes within and adjacent to the site generally consistent
1709 with the draft overlay district regulations.

1710
1711 In addition to the proffered concept plan and elevations, which you can see there's some
1712 character images here and some streetscape images here as well, the proffers provide
1713 commitments regarding architecture, building materials, lighting, and landscaping. The
1714 proffers along with the companion PUP request would establish the required setbacks
1715 and design requirements for the future development.

1716
1717 Overall, staff believes this request is reasonable in light of the ongoing redevelopment at
1718 VCC and will be consistent with the vision of the design charrette. The proffers and PUP
1719 conditions should help ensure a high-quality development on the property. And negative
1720 impacts are not anticipated from the development of the site as shown by the various
1721 infrastructure comments in your staff report.

1722
1723 Because of the nature of development immediately adjacent to the site, no community
1724 meeting was held. However, the applicant did send information to approximately 65
1725 owners in the area, including those residents along Ethelwood Road in the Holly Hill
1726 neighborhood just to the south.

1727
1728 Given these various factors, staff does support both of these requests and recommends
1729 their approval. And I'd be happy to try and answer any questions. And again, as Mr.
1730 Emerson noted, separate actions would be necessary for these items.

1731
1732 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone have any
1733 questions for Mr. Sehl? All right. Mr. Archer, how would you like to --

34
1735 Mr. Archer - I don't think I have any. Mr. Sehl and I have discussed this
1736 quite a bit. And I don't think I have any questions at this time.
1737
1738 Mr. Mackey - All right. I don't think there was any opposition.
1739
1740 Mrs. Thornton - I have one.
1741
1742 Mr. Mackey - Did you?
1743
1744 Mrs. Thornton - I just had one real quick. Just because we were talking about
1745 hours of operation. And so my only concern would be if the townhouses are done, then
1746 you're building this apartment, those townhouse people are not going to be very happy if
1747 they're doing any hours of operation.
1748
1749 Mr. Sehl - It's something, Mrs. Thornton, that came to mind when we
1750 were talking. When we were looking at this. There are not limitations on the hours of
1751 construction for the sports complex that's going adjacent outside of that --
1752
1753 Mrs. Thornton - Oh.
1754
1755 Mr. Sehl - That is in the -- which is why, I will be honest, that staff didn't
1756 focus on that element as part of this request.
1757
1758 Mrs. Thornton - Okay.
1759
1760 Mr. Sehl - Given the adjacent B-3 zoning and the sports complex that's
1761 being constructed directly adjacent. The applicant is here this evening and certainly could
1762 speak to that if they -- if they have the ability to maybe look at that for those areas closes
1763 to the townhomes. The construction is going to be relatively concurrent, but certainly the
1764 applicant is here and could maybe speak to that if they're -- they have some
1765 (indiscernible).
1766
1767 Mrs. Thornton - Okay. Well I just was, you know. It's up to you.
1768
1769 Mr. Archer - Good point, Ms. Thornton.
1770
1771 Mr. Sehl - I would -- I will say I was -- I was out there listening to the -- to
1772 the earlier conversation and it's something that came to mind, too. But, again, when we
1773 were looking at it from a staff perspective, there is --
1774
1775 Mrs. Thornton - Like, when will the complex be done though? Like.
1776
1777 Mr. Sehl - The applicant can speak to that. The -- Mr. Hargett with
1778 Rebkee and VCC Partners is here as well.

1779
1780 Mrs. Thornton - Okay.
1781
1782 Mr. Sehl - They could speak directly to the timing of -- there's some --
1783 obviously going to be a lot of things that are going on through here.
1784
1785 With the form-based alternative that's coming as well, that will just be subject. I mean
1786 they -- this type of development would be subject to the larger noise ordinance
1787 requirements of the county.
1788
1789 Mrs. Thornton - Right. Okay.
1790
1791 Mr. Sehl - And wouldn't have an overarching limitation on hours of
1792 construction once the form-based overlay is in place either. So I think this would be one
1793 element that -- there's kind of a number of different factors that are at play with Virginia
1794 Center as a whole here.
1795
1796 Mrs. Thornton - Right. Okay.
1797
1798 Mr. Mackey - Thank you, Mr. Sehl.
1799
1800 Mr. Sehl - Thank you.
1801
1802 Mr. Mackey - That's it for me. Can we hear from the applicant?
1803
1804 Mr. Baka - All right.
1805
1806 Mr. Geiger - Good evening Mr. Chairman. Jeff Geiger here on behalf of
1807 the applicant, VCC Partners, LLC, and Shamin VCC, LLC. On behalf of the owners we
1808 appreciate Planning staff working with us on this rezoning request simultaneously with
1809 working on the form-based Code for Virginia Center Commons.
1810
1811 I think the partnership that Planning and the owner have put together will see a very
1812 positive impact on the redevelopment of this mall that really isn't what it once was, or
1813 maybe really never became what we thought it would.
1814
1815 We look forward to implementing the new vision for Virginia Center Commons to support
1816 the commercial tax base along Route 1 and then also reviving the -- what retail
1817 components we will see continuing within the redeveloped Virginia Center Commons.
1818
1819 With that, be glad to answer any questions. If I may go ahead and address the comment
1820 about hours, I would like to let you know that the American Family building is located in
1821 between the townhomes and these apartments. You've got about 300 feet of distance. I
1822 don't think you're going to hear -- have that type of impact that was discussed with the
1823 case earlier where the lots were, you know, right up on top of each other.
1824

1825 So, you know, with thinking this -- what will be a more urban design, you will not have
1826 those type of impacts where we have to be concerned about those hours of operations.

1827
1828 Mr. Archer - All right. I don't have any particular questions for Mr. Geiger.
1829 I will make a couple observations. I drove through there couple days ago and kind of
1830 amazing to see some of Virginia Center laying on the ground. But it is what it is. As
1831 shopping centers go, I remember when this was once a destination. And it doesn't look
1832 like it's been all that long ago. But I guess everything has a lifespan and we move on.

1833
1834 I've not heard from anyone directly who opposes anything or that had any questions
1835 having to do with this. So unless my colleagues have some questions to ask. Anyone?

1836
1837 Mr. Baka - No questions.

1838
1839 Mr. Archer - Okay. Then without further ado then I will move that
1840 REZ2021-00021, VCC Partners, LLC and Shamin VCC, LLC, be sent to the Board with
1841 a recommendation for approval.

1842
1843 Mr. Baka - Second.

1844
1845 Mr. Mackey - All right. Excuse me. We have a motion by Mr. Archer and a
1846 second by Mr. Baka for approval for REZ2021-00021, Jeffrey P. Geiger for VCC Partners,
1847 LLC and Shamin VCC, LLC. All in favor say aye. Any opposed? The motion is granted.

1848
1849 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Baka, the
1850 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1851 **grant** the request because it reflects the type of residential growth planned for the area,
1852 would assist in achieving the appropriate development of adjoining property, and the
1853 proffered conditions would provide for a higher quality development than would otherwise
1854 be possible.

1855
1856 Mr. Archer - All right. And the companion case, Provisional Use Permit
1857 2021-00007, VCC Partners, LLC, and Shamin VCC, LLC, be sent to the Board with a
1858 recommendation of approval.

1859
1860 Mrs. Thornton - Second.

1861
1862 Mr. Mackey - We have a motion for approval for PUP2021-00007 by Mr.
1863 Archer and a second by Ms. Thornton for approval. All in favor say aye. Any opposed?
1864 The motion is carried.

1865
1866 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Thornton,
1867 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1868 Supervisors **grant** the request because it is reasonable in light of the surrounding uses
1869 and proposed zoning on the property, and would not be expected to adversely affect
1870 public safety, health, or general welfare.

1871
1872 Mr. Geiger - Thank you, Mr. Chairman.
1873
1874 Mr. Emerson - Mr. Chairman, we now move on to the next item which
1875 appears on page 3. It's REZ2021-00012, Jeffrey P. Geiger for HHHunt-Hans Klinger.
1876 Staff reporting the case will be Seth Humphreys.
1877
1878 **REZ2021-00012 Jeffrey P. Geiger for HHHunt-Hans Klinger:** Request to
1879 conditionally rezone from R-6C General Residence District (Conditional) and O-2C Office
1880 District (Conditional) to R-6C General Residence District (Conditional) Parcels 740-766-
1881 2619 and 740-766-6112 and part of Parcels 740-765-3690, 740-766-3730, 739-766-
1882 9016, 739-766-9601 containing 8.675 acres located on the north line of Twin Hickory Lake
1883 Drive approximately 263' east of its intersection with Pouncey Tract Road (State Road
1884 271). The applicant proposes residential condominiums as an expansion of rezoning
1885 approved with REZ2020-00029. The R-6 District allows no more than 19.8 units per acre.
1886 The use will be controlled by zoning ordinance regulations and proffered conditions. The
1887 2026 Comprehensive Plan recommends Office. The site is in the West Broad Street
1888 Overlay District.
1889
1890 The Staff Report will be presented by Mr. Seth Humphreys.
1891
1892 Mr. Mackey - Is there anyone in the audience that is in opposition to
1893 REZ2021-00012, HHHunt-Hans Klinger? Ms. Deemer, is there anyone via Webex that's
1894 in opposition to this case?
1895
1896 Ms. Deemer - We have no one online.
1897
1898 Mr. Mackey - All right. Thank you.
1899
1900 Mr. Humphreys - Good evening, Mr. Chairman and members of the
1901 Commission.
1902
1903 Mr. Baka - Good evening, sir.
1904
1905 Mr. Mackey - Evening.
1906
1907 Mr. Humphreys - As the Director stated, this request will be adding some
1908 additional O-2C property to an already planned R-6C condominium development. As
1909 seen here, the property sits at the entrance of the Twin Hickory Community on the Twin
1910 Hickory Lake Drive.
1911
1912 The original O-2C zoning is the result of case C-20C-09, which zoned all of these
1913 properties from A-1 to O-2C and last year the applicant came in and, with case REZ2020-
1914 29, requested to rezone portions of it to O-2C with their reset of the proffers and R-6C for
1915 an office and condominium development. At that time the County encouraged the
1916 applicant to include a single remaining parcel of the original rezoning. They have now

17 included that parcel and because of a reconfiguration of the proposed condo development
18 they have also included a bit of the O-2C near the front of the property.

19
20 Beyond the remaining O-2C property to the east is the Hickory Woods section of the Twin
21 Hickory Community. The applicant in this case is proposing to have the condominiums
22 join the Twin Hickory community.

23
24 Other surrounding uses include the single-family acreage to the north and Colonial Trail
25 Elementary to the southwest across the intersection of Twin Hickory Lake Drive and
26 Pouncey Tract Road. In addition to the towns of Pouncey Place Townhomes
27 Development, to the south another mixed-use development has recently been approved.

28
29 They do have a new concept plan. The applicant submitted -- the concept plan is similar
30 to the one at -- accepted with REZ2020-29. The entrances for the development will be in
31 the same place as before, but the buildings and parking lots have been reconfigured to
32 adjust for the new parcel to be included in the discovery of some wetlands.

33
34 The applicant has submitted proffers dated December 17, 2020 and were placed on your
35 chair early this evening. These proffers are almost identical to those accepted for the R-
36 6C zoning with the previous case, and there are only two differences. The first is the
37 applicant is now proffering a maximum of 105 units versus the previous 90 units.
38 Additionally, the applicant has proffered a buffer along the Twin Hickory -- or along the
39 Hickory Woods section of the Twin Hickory community. This buffer would be a 35-foot-
40 wide TB35 planted to the TB35 standards.

41
42 All other proffers, including those for road improvements to the Twin Hickory Lake Drive
43 on Pouncey Tract Road intersection accepted with the original case would remain in place
44 and continue to be enforced as the development is built.

45
46 The comprehensive plan recommends office uses for this site. The residential request is
47 not entirely consistent with this designation by itself, but the original case includes an
48 office component which will be developed at the corner of Pouncey Tract Road and Twin
49 Hickory Lake Drive. In addition, this request would be a logical extension of the R-6C
50 portion of that previously approved case and provide for a more unified development.

51
52 The proffers address all the issues of the previous requests for the same use and would
53 add a buffer to address potential impacts on the adjacent single-family uses. For these
54 reasons, staff supports this request.

55
56 This concludes my presentation. I'll be happy to take any questions.

57
58 Mr. Mackey - All right. Thank you, Mr. Humphreys. Does anyone on the
59 Board have any questions for Mr. Humphreys?

60
61 Mr. Baka - I just had one brief question. Could you go back to the image
62 and determine where the access point is onto Twin -- right there?

1963
1964 Mr. Humphreys - There's an access -- you see here there's an access point
1965 here and an access point here which would go out onto Pouncey Tract. This one will --
1966 is going to be the same place as what they had previously proposed that would be used
1967 for both the R-6 and the O-2C.
1968
1969 Mr. Baka - Okay. So there's a median on Twin Hickory so you can't cross
1970 right there? Okay.
1971
1972 Mr. Humphreys - No, sir.
1973
1974 Mrs. Thornton - Correct.
1975
1976 Mr. Emerson - Correct.
1977
1978 Mrs. Thornton - And they're going to do road improvements. Remember the
1979 case?
1980
1981 Mr. Humphreys - Yeah.
1982
1983 Mr. Baka - Yep. To south.
1984
1985 Mr. Humphreys - Considerable road improvements between this case and the
1986 other case to the intersection that are quite considerable.
1987
1988 Mr. Baka - Thanks. Thank you.
1989
1990 Mrs. Thornton - I don't have anything.
1991
1992 Mr. Mackey - How would you like to proceed?
1993
1994 Mrs. Thornton - Well, thank you, Seth. I don't have any further -- they've been
1995 working on it, and I'm happy to see they added the acreage in the back. And now a
1996 complete project, I feel like. And thank you all for working so hard on it.
1997
1998 So, Mr. Chairman, I move that we recommend approval of REZ2021-00012, HHHunt-
1999 Hans Klinger, with proffers in the staff report dated January 13, 2021.
2000
2001 Mr. Baka - Second.
2002
2003 Mr. Mackey - All right. All right. We have a motion for recommendation of
2004 approval of REZ2021-00012, Jeffrey P. Geiger for HHHunt-Hans Klinger, by Ms.
2005 Thornton, a second by Mr. Witte. All in favor say aye. Any opposed? The approval is
2006 granted.
2007

08 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
09 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
10 Supervisors **grant** the request because it continues a pattern of development consistent
11 with the area, and the proffered conditions should minimize the potential impacts on
12 surrounding land uses.

13
14 Mr. Emerson - Mr. Chairman, we now move on to the next item, which also
15 appears on page 3 of your agenda. It's REZ2021-00016, Andrew M. Condlin for Bacova
16 SP, LLC.

17
18 **REZ2021-00016 Andrew M. Condlin for Bacova SP, LLC:** Request to conditionally
19 rezone from R-5AC General Residence District (Conditional) to C-1C Conservation
20 District (Conditional) part of Parcel 737-767-9448 containing 0.18 acres located
21 approximately 820' north of Liesfeld Farm Drive at its intersection with Mason Glen Drive.
22 The applicant proposes a conservation area. The uses will be controlled by zoning
23 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
24 recommends Suburban Mixed-Use, density should not exceed 4 units per acre.

25
26 The Staff Report will be presented by Mr. Michael Morris.

27
28 Mr. Mackey - Is there anyone in person that's in opposition? Okay, thank
29 you. Ms. Deemer, do we have anyone via Webex in opposition to REZ2021-00016?

30
31 Ms. Deemer - We have no one on Webex.

32
33 Mr. Mackey - All right. Thank you. Hi, Mr. Morris.

34
35 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. As
36 stated, this is a request to rezone .18 acres from R-5AC General Residence District
37 Conditional to C-1C, Conservation District Conditional.

38
39 The subject property is located north of the intersection of Liesfeld Farm Drive and Mason
40 Glen Drive. Large-acreage, single-family residential zoned A-1 Agricultural District is
41 located to the north and west of the site. To the south and east is the Woodson Hills
42 subdivision, zoned R-5AC, General Residence District Conditional.

43
44 The subject property and adjacent Woodson Hill subdivision were rezoned from A-1 to R-
45 5AC with rezoning case REZ2019-00030. Proffer 23 accepted with that case requires the
46 applicant to file an application for a C-1 zoning of areas within the 100-year flood plain
47 prior to final subdivision approval.

48
49 This request addresses the requirement of this proffer. Additionally, the proffer submitted
50 with this request restricts use of this site to storm water management or retention areas,
51 ponds, lakes, and similar areas, recreation amenities, wildlife habitats, access drives,
52 utility easements, signage or walkways.

2054 The 2026 Comprehensive Plan recommends Suburban Mixed Use for this site in the
2055 surrounding area. This request is consistent with this designation. This request also
2056 meets the Comprehensive Plan's goal at preserving natural resources and would satisfy
2057 the intent of Proffer 23 accepted with REZ2019-00030. For these reasons staff supports
2058 this request.

2059
2060 This concludes my presentation, and I am happy to answer any questions you may have.

2061
2062 Mr. Mackey - Thank you, sir. Does anyone on the Commission have any
2063 questions for Mr. Morris?

2064
2065 Mr. Baka - I have one quick question. Would this just be a natural
2066 drainage area because it's a low point of floodplain, or would they actively dig and
2067 construct in there to make it a flood -- a retention pond, a retention area?

2068
2069 Mr. Morris - My understanding is that this is in the 100-year flood plain, so
2070 they're trying to address stormwater runoff from the site, so there would be a level
2071 spreader once all is said and done to address a slower run-off of stormwater.

2072
2073 Mr. Baka - Okay. But no active construction in there to build a bigger
2074 pond or any type of drainage feature then?

2075
2076 Mr. Morris - My understanding is it would be a level spreader on this
2077 location.

2078
2079 Mr. Baka - Okay. Thanks.

2080
2081 Mr. Morris - Yes, sir. Thank you.

2082
2083 Mr. Baka - Any other questions for Mr. Morris?

2084
2085 Mrs. Thornton - Not at this time.

2086
2087 Mr. Mackey - All right. Would you like to hear from the applicant?

2088
2089 Mrs. Thornton - No, the opposition.

2090
2091 Mr. Mackey - Oh. That's right. I'm sorry. I apologize.

2092
2093 Mrs. Thornton - So we can hear what her concerns are. Yeah.

2094
2095 Mr. Mackey - Thank you.

2096
2097 Mrs. Thornton - Yeah. No one's online, though.

2098
2099 Mr. Mackey - No. Nobody's online.

2100 Ms. Sandvig - My name is Bobbie Sandvig. I live next door, 12201 Kain
2101 Road.
2102
2103
2104 Mr. Mackey - Did you say -- excuse me. Did you say Sandick?
2105
2106 Ms. Sandvig - Sandvig, V-I-G.
2107
2108 Mr. Mackey - Okay. Sandvig. Thank you.
2109
2110 Ms. Sandvig - I guess I'm not opposed as much as I am concerned. I live
2111 right next door to where they're doing this, and since they started building the houses up
2112 above my -- my land, if you'll pull it up, is -- it's all of the buildings going on. Trees have
2113 come down and my wetlands -- and my flood plain have been drenched to the point that
2114 I've got pictures that I've sent into the County.
2115
2116 Mrs. Thornton - Did you all get them?
2117
2118 Mr. Mackey - I'm sorry.
2119
2120 Mrs. Thornton - Did you all get the pictures?
2121
2122 Mr. Mackey - I don't think I did.
2123
2124 Mrs. Thornton - Did you -- can you pull it up? She sent an email.
2125
2126 Mr. Mackey - Yeah. Yeah.
2127
2128 Mr. Witte - That's right --
2129
2130 Mrs. Sandvig - I also -- I also brought -- I don't trust the US Mail, so I brought
2131 them in person and handed it to the -- with two pictures of my property.
2132
2133 So my concern is not stopping progress or anything, it's to protect what I have. And
2134 wetlands are protected. And they are very important for various reasons, as you all know.
2135 I don't need to educate you on that. What I want to do is make sure that I am protected
2136 and I don't get any adverse conditions. That's my husband who's a diabetic. That's his
2137 beeper. Not a phone. It's his Dexacom.
2138
2139 Mr. Mackey - That's quite all right.
2140
2141 Ms. Sandvig - Anyway, to make a long story short, I want to make sure that
2142 the Board -- make sure that all -- that I don't have any more problems, any adverse
2143 conditions, from this building.
2144

2145 So far I've had drainage problems and wetlands and I've got two different color waters
2146 coming into my property. Waters from different places that never came before. I have
2147 pictures from the time I've been in that house for 16 years.

2148
2149 So I guess that's what I'm really putting the responsibility to you, to make sure that you
2150 make sure my property isn't affected by whatever they're doing over there. It's got to go
2151 somewhere.

2152

2153 Mr. Mackey - Right.

2154

2155 Mrs. Thornton - Right.

2156

2157 Ms. Sandvig - When you take -- drain wetlands, the water is underground.
2158 It's got to come somewhere. And if it's not -- my property could be miles down the road,
2159 and it takes years. So I've done some research and I really feel like I'm not asking
2160 anything that's not -- shouldn't be asked. To protect my property.

2161

2162 Mrs. Thornton - Right. Correct. Thank you. Yeah. Thank you.

2163

2164 Mr. Mackey - All right. Thank you, Ms. Sandvig.

2165

2166 Mrs. Thornton - Mr. Condlin.

2167

2168 Mr. Condlin - Members of the Commission, Mr. Chairman, Andy Condlin
2169 here on behalf of the applicant asking for this. And Ms. Sandvig is 100 percent right.
2170 She's not asking for anything that, you know, she shouldn't have a right to otherwise.

2171

2172 I wasn't aware of the flooding problems that she's having. Not sure what the cause of
2173 that is. I mean, obviously, I'll talk to the client and make sure those are taken care of.
2174 Certainly, this particular request is not going to increase or cause an impact on that from
2175 the stand -- a negative impact on that. Because we're doing what we're being asked to
2176 do, which is simply zone this area of conservation in order to preserve it. Which we're
2177 going to do. And it is a floodplain. We do have a level spreader adjacent to that and
2178 within that area that's the only improvements that are necessarily being made on this
2179 area. Otherwise they're the natural floodplains that we have.

2180

2181 I can talk to our client to talk and get with Ms. Sandvig. I know Mr. Babcock has been --
2182 he knows her -- and see what we can do. Again, I don't know if he realizes what some of
2183 the issues are. This is a -- today was the first I'd heard of it. So we'll have to address
2184 those from a construction standpoint.

2185

2186 Mr. Mackey - Okay.

2187

2188 Mrs. Thornton - So can you explain to us -- I know, you know, from R-5 to --
2189 so what exactly is -- what are you doing?

2190

2191 Mr. Condlin - Well, in the original case that was approved, as is typical,
2192 we're asked to rezone any of the floodplain areas to the C-1 in order to conserve and
2193 protect those areas so they can't be developed as part of the -- specific subdivision and
2194 residential and retain the open area.

2195
2196 So what we're doing is actually meeting that proffer requirement and taking the floodplain
2197 area that's specifically floodplain. And converting that to -- rezoning that to the C-1, to
2198 the Conservation District.

2199
2200 Mrs. Thornton - And you're not going to put anything on top of it?

2201
2202 Mr. Condlin - No ma'am. No ma'am.

2203
2204 Mrs. Thornton - No. And what will -- what will be there? Just --

2205
2206 Mr. Condlin - Well it's the -- there may be in the area we can certainly have,
2207 you know, what we call as walkways or trails along that area that are -- that are able to
2208 be put in there. I don't think there's any specific plans for that right now. But that's on the
2209 allowed. What's in there otherwise. Otherwise it's just a stormwater area and, you know,
2210 it captures that. And then that's where the flood -- the flood watch stormwater comes into.
2211 And then the level spreader to help slow that down and just, you know, disperse it as it
2212 goes through the -- the level spreader from this area. So that's what it's designed to do.

2213
2214 Mrs. Thornton - Right.

2215
2216 Mr. Condlin - During construction, obviously, things occur in a different
2217 manner. And so that's versus the long-term impact that this is supposed to have.

2218
2219 Mrs. O'Bannon - Right. But during construction aren't you supposed to mark
2220 the area?

2221
2222 Mr. Condlin - Yes, ma'am.

2223
2224 Mrs. O'Bannon - And put up silt fences?

2225
2226 Mr. Condlin - Yes, ma'am. And my understanding it is. So.

2227
2228 Mrs. O'Bannon - And what this lady described was that she thinks something
2229 is either washing away or being put in it to change it.

2230
2231 Mr. Condlin - Yes.

2232
2233 Mrs. O'Bannon - And it's impacting her property.

2234
2235 Mr. Humphreys - Can you all see that on your screens?

6

2237 Mrs. O'Bannon - Yes.
2238
2239 Mrs. Thornton - Yes. Oh, yes.
2240
2241 Mr. Humphreys - The pictures? Two pictures?
2242
2243 Mr. Mackey - Yes.
2244
2245 Mrs. O'Bannon - I mean, I have an idea of what she's saying, but --
2246
2247 Mrs. Thornton - It's on your screen in front of you. Yes.
2248
2249 Mrs. O'Bannon - Yeah. No. But I also have an idea of what she -- what you're
2250 talking about. But --
2251
2252 Mr. Condlin - Well, that's not impacted by the zoning. Certainly, you know,
2253 we're required to do this of the zoning. This is zoning specifically -- specific request. It's
2254 just going to be conservation. That's more -- that's more of a construction. We need to
2255 get ahold of the folks that are out there that it's the first I've heard of it and saw this or,
2256 you know, the pictures when I first came in.
2257
2258 Mrs. O'Bannon - And the only other -- the question I was going to ask originally
2259 was is -- doesn't this area need to be marked with signs once it's delineated? Isn't it
2260 supposed to somehow be marked?
2261
2262 Mr. Baka - What about --
2263
2264 Mr. Emerson - Normally Public Works does do that --
2265
2266 Mrs. O'Bannon - Okay.
2267
2268 Mr. Emerson - -- once it's -- once it's rezoned.
2269
2270 Mrs. O'Bannon - All right. So that this -- the lady who lives next door, or behind
2271 this, or beside this, has an idea of where it is also. I mean, so she can pay attention. All
2272 right. Okay.
2273
2274 Mr. Baka - One suggestion during the construction process is the typical
2275 orange -- bright orange construction -- plastic construction fencing we see on a lot of
2276 properties to help give a nonverbal signal to contractors and subs out there to, you know,
2277 not excavate in that area.
2278
2279 Mrs. Thornton - Andy, I would -- if you don't mind, maybe you all could talk
2280 outside of here about construction.
2281
2282 Mr. Condlin - Okay.

33
 2284 Mrs. Thornton - Because I know that this isn't -- it's like a separate thing.
 2285
 2286 Mr. Condlin - Okay.
 2287
 2288 Mrs. Thornton - But I don't want to impact her land. And were these pictures
 2289 taken just recently? Yes. Because I remember you bringing pictures to the case when
 2290 we originally had started it when we had the community meetings. I don't remember
 2291 exactly what they looked like. I have it back in my file. But I just want to make sure that,
 2292 you know, because she owns all the properties that butt up against it. And she's been
 2293 there for many years.
 2294
 2295 Mr. Condlin - And she's been wonderful to work with.
 2296
 2297 Mrs. Thornton - So. And she has been. So let's make sure that we do the
 2298 right thing and take care of her and her properties.
 2299
 2300 Mr. Condlin - Yes. I'll make sure we get her number. And I know Mr.
 2301 Babcock has it and we'll be in touch.
 2302
 2303 Mrs. Thornton - Okay. And I'll tell Mr. Branin that you'll be, you know, taking
 2304 care of her.
 2305
 2306 Mr. Condlin - Yes, ma'am.
 2307
 2308 Mrs. Thornton - Okay. Side -- are you all okay with anything else? Do you
 2309 have anything else? No? Okay. All right. So, Mr. Chairman, I move that we recommend
 2310 approval of REZ2021-00016, Bacova SP, LLC, with the proffers in the staff report dated
 2311 February 3, 2021.
 2312
 2313 Mr. Baka - Second.
 2314
 2315 Mr. Mackey - All right. We have a motion for -- a recommendation for
 2316 approval for REZ2021-00016, Andrew M. Condlin for Bacova SP, LLC, by Ms. Thornton
 2317 and a second by Mr. Baka. All in favor say aye. Any opposed? The motion is carried.
 2318
 2319 **REASON:** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
 2320 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
 2321 Supervisors **grant** the request because it reflects the Land Use Plan and future use and
 2322 zoning of the area, and it conforms with the objectives and intent of the County's
 2323 Comprehensive Plan.
 2324
 2325 Mr. Emerson - Mr. Chairman, we now move on to the next item on your
 2326 agenda, which appears on page 4. It's REZ2021-00018, D. Bryant Gammon, P.E. for
 2327 Richard Smith.

2329 **REZ2021-00018 D. Bryant Gammon, P.E. for Richard Smith:** Request to
2330 conditionally rezone from B-2 Business District to B-3C Business District (Conditional)
2331 Parcel 804-723-9088 containing 6.62 acres located along the north line of Gordons Lane
2332 approximately 200' north of its intersection with Nine Mile Road (State Route 33). The
2333 applicant proposes glass shop assembly and storage. The uses will be controlled by zoning
2334 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
2335 recommends Traditional Neighborhood Development and Environmental Protection Area.
2336 This site is located in the Enterprise Zone.

2337

2338 The Staff Report will be delivered by Mr. Ben Sehl.

2339

2340 Mr. Mackey - Thank you, sir. Ms. Deemer, do we have anyone via Webex
2341 here in opposition to REZ2021-00018, Richard Smith?

2342

2343 Ms. Deemer - We have no one on Webex.

2344

2345 Mr. Mackey - Thank you. All right, Mr. Sehl.

2346

2347 Mr. Sehl - Thank you, again, Mr. Chairman. This is a request to rezone
2348 to B-3C to allow for a glass shop to locate within an existing building adjacent to Gordon's
2349 Lane, just north of Nine Mile Road. This site is adjacent to other business-zoned
2350 properties and separated from residential area to the north by a wooded environmental
2351 area.

2352

2353 The applicant has provided proffers which would generally limit the site to the existing B-
2354 2 uses and development standards that are currently on the property. This includes
2355 limiting hours of operation and signage to that permitted in the B-2 District.

2356

2357 The applicant has also revised their proffers, which were handed out to you this evening,
2358 to address future buildings and the possible expansion of an existing outside storage
2359 area. Time limits would need to be waived to accept those proffers this evening.

2360

2361 While not consistent with the site's TND designation on the 2026 Plan, the proposed
2362 zoning as limited by the proposed proffers would not be inconsistent with the pattern of
2363 development in the area and the existing use that's been on the property for a number of
2364 years. For these reasons, staff does support this request. And I'd be happy to try and
2365 answer any questions you might have.

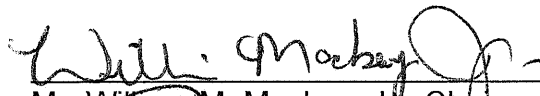
2366

2367 Mr. Mackey - All right. Thank you, Mr. Sehl. Does anyone on the Board
2368 have any questions for Mr. Sehl? All right. And unless anyone on the Board needs to
2369 hear from the applicant. This case probably would have been on the expedited agenda,
2370 but we were waiting on these revised proffers. It's a very simple case. They've pretty
2371 much just taken an existing building that's been there for, like, 30 years and turned it into
2372 a glass shop. He's just looking for some protections in the future just in case some things
2373 got changed. If nobody else has any comments, I'm ready to make a motion.

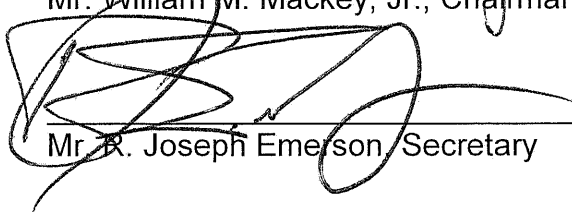
2374

75 Mr. Baka - It's good for local jobs and for the employees that would be
 76 able to work there. So. Agreed.
 2377
 2378 Mr. Baka - All right.
 2379
 2380 Mrs. Thornton - Yeah.
 2381
 2382 Mr. Mackey - I'm going to say, Mr. Chair --
 2383
 2384 Mrs. Thornton - Yeah.
 2385
 2386 Mr. Mackey - Yeah. I move that the time limits be waived on the revised
 2387 proffers dated April 14, 2021 for REZ2021-00018, Bryant Gammon for Richard Smith.
 2388
 2389 Mrs. Thornton - Second.
 2390
 2391 Mr. Mackey - Motion to waive the proffers by Mr. Mackey. Seconded by
 2392 Mrs. Thornton. All in favor say aye. The motion is carried.
 2393
 2394 Having done that, I move that we recommend approval of REZ2021-00018, Richard
 2395 Smith, with the revised proffers dated April 14, 2021.
 2396
 2397 Mrs. Thornton - Second.
 2398
 2399 Mr. Mackey - Motioned by Mr. Mackey for approval. Seconded by Ms.
 2400 Thornton. All in favor say aye. Anyone approved? I mean opposed. The ayes have it.
 2401
 2402 **REASON:** Acting on a motion by Mackey, seconded by Mrs. Thornton,
 2403 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
 2404 Supervisors **grant** the request because it continues a form of zoning consistent with the
 2405 area and the proffered conditions will provide appropriate development assurances not
 2406 otherwise available.
 2407
 2408 Mr. Emerson - Mr. Chairman, the next item on your agenda tonight is the
 2409 consideration of the approval of your Minutes. And you do have two sets tonight. Actually
 2410 I believe they're broken into three. But they're two separate dates.
 2411
 2412 Mr. Mackey - Okay.
 2413
 2414 Mr. Emerson - Planning Commission meeting on February 25, 2021. And
 2415 your Planning Commission meeting on March 11, 2021. We received no errata
 2416 comments from you prior to the meeting, but of course if you have any changes, we
 2417 certainly will make those.
 2418
 2419 Mr. Mackey - All right. Does anyone on the Board have any changes that
 2420 need to be made to the minutes?

2421
2422 Mr. Baka - No, sir.
2423
2424 Mr. Mackey - I think a motion would be in order.
2425
2426 Mr. Witte - I move that the minutes be accepted.
2427
2428 Mr. Mackey - Well we have two different. We have to give a -- we have to
2429 date. I move that the minutes for this meeting on February 25, 2021, be accepted as
2430 presented.
2431
2432 Mrs. Thornton - Second.
2433
2434 Mr. Baka - Second.
2435
2436 Mr. Mackey - Sorry. Motioned by Mr. Mackey. Second by Ms. Thornton.
2437 All in favor say aye. Now we have a second set. I move that the minutes for the March
2438 11th meeting, 2021, be approved as presented.
2439
2440 Mr. Baka - Second.
2441
2442 Mr. Mackey - It was motioned by Mr. Mackey and seconded by Mr. Baka.
2443 All in favor say aye. Motion is carried. Do we have any other business?
2444
2445 Mr. Emerson - Mr. Chairman I have nothing further for the Commission this
2446 evening.
2447
2448 Mr. Mackey - All right. Thank you, sir. With that, a motion for adjournment
2449 would be in order.
2450
2451 Mr. Baka - So moved.
2452
2453 Mr. Mackey - A second?
2454
2455 Mr. Witte - Seconded.
2456
2457 Mr. Mackey - There's a motion by Mr. Baka for adornment, seconded by Mr.
2458 Witte. All in favor say aye. The motion is carried. Meeting adjourned.
2459
2460
2461
2462
2463
2464
2465
2466



Mr. William M. Mackey, Jr., Chairman



Mr. Joseph Emerson, Secretary