

1 Minutes of the Work Session of the Planning Commission of the County of
2 Henrico held in the County Manager's Conference Room, County Administration
3 Building in the Government Center at Parham and Hungary Spring Roads,
4 beginning at 5:30 p.m., on August 11, 2016.

5
Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chairman (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. Eric S. Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary

Members Absent: Mr. Frank J. Thornton, (Fairfield)
Board of Supervisors' Representative

Also Present: Mr. Tom Tokarz, Deputy County Attorney
Mr. Andrew Newby, County Attorney
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, Senior Principal Planner
Ms. Sylvia Ray, Recording Secretary

6
7 **The Commission convened a work session in the County Manager's**
8 **Conference Room at 5:42 p.m.**

9
10 Mr. Archer - I call this work session of the Henrico Planning
11 Commission to order. Mr. Secretary.

12
13 Mr. Emerson - Thank you, Mr. Chairman. The first two items on the
14 agenda will be presented by Mr. Ben Blankinship and the latter, by Ms. Leslie
15 News.

16
17 Mr. Blankinship provided two presentations introducing recommendations for
18 amendments to the Zoning Ordinance. The first with regard to the regulation of
19 signs, and the second, in regard to setbacks for front porches on dwellings.

20
21 These ordinance items require further review and consideration prior to approval.
22 An additional work session, tentatively scheduled for September 15, 2016, will be
23 decided upon at tonight's meeting.

24
25 Ms. News presented an amendment to Planning Commission Rules and
26 Regulations regarding Transfer of Approval of a Plan of Development.

27 The amendment regarding Transfer of Approval of a Plan of Development was
28 recommended for approval.

29

30 Mr. Archer - We have a motion by Mr. Witte, a second by Mrs.
31 Marshall. All in favor say aye. All opposed say no. The ayes have it; the motion
32 passes.

33

34 Mr. Emerson - The Commission approved an amendment to their
35 rules and regulations as per suggestion B, by staff, which reads: "...the change
36 of approval by the Director of Planning, provided the property is transferred to
37 new ownership no later than 24 months following initial construction plan
38 approval."

39

40 Mr. Archer discussed the effects and concerns regarding changes made years
41 ago in the rezoning classifications, specifically, the removal of R-3, R-4, and R-
42 4A, due to the potential for increased density. He stated the increase in
43 construction of townhomes has contributed significantly to density and thought
44 should be given to reconsidering this change. He also expressed concern the
45 removal of these classifications has hampered building by those who may prefer
46 a smaller lot and independent living.

47

48 The Commission discussed how these changes affected the development
49 community, what drives the appropriateness of density, the benefits of building
50 townhomes, design standards, and if all of this is considered when developing
51 the Comprehensive Plan. It was discussed there may be opportunity to address
52 this with the upcoming update to the zoning and subdivision ordinance.

53

54 Upon his arrival, at 6:27 p.m. (due to prior commitments), Mr. Thornton offered
55 comments on the topics discussed. He too felt more flexibility was available when
56 R-3, R-4, and R-4A were allowed. He also reiterated the importance of
57 considering the lifestyles and buying styles of millennials, and recommended
58 while picking what is good for today, we consider tomorrow as well.

59

60 The Commission recessed their meeting at 6:34 p.m.

61

62 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M. FOLLOWING A**
63 **WORK SESSION.**

64
65 Minutes of the regular monthly meeting of the Planning Commission of the
66 County of Henrico held in the County Administration Building in the Government
67 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. August 11,
68 2016. Display Notice having been published in the Richmond Times-Dispatch on
69 July 25, 2016 and August 1, 2016.
70

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Ms. Bonnie-Leigh Jones, C.P.C., Vice-Chair (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. William Moffett, County Planner
Ms. Erin Puckett, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Officer LaPrade, Division of Police
Ms. Sylvia Ray, Recording Secretary

71

72

73 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
74 **on all cases unless otherwise noted.**

75

76 Mr. Archer - Good evening, the Planning Commission will come to
77 order. Good evening, folks. We'll begin the meeting by standing and pledging
78 allegiance to the flag. I would like to ask everyone to please mute or turn off your
79 cell phones, if you would. Thank you.

80

81 Thank you. I would like to acknowledge Mr. Frank Thornton, the Supervisor from
82 the Fairfield District who is serving on the Planning Commission this year. Good
83 evening, Mr. Thornton. And I believe Mr. Robinson is here from the *Times-*
84 *Dispatch*. How are you, sir? Good to see you. All right.

85

86 Ms. Jones - I think they want you to speak up or—

87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131

Mr. Archer - Is this better? Okay, good.

Okay, we've got a quorum tonight, and we've got a full agenda. So with that, I am going to turn the meeting over to Mr. Joe Emerson, our secretary. Mr. Emerson.

Mr. Emerson - Thank you, Mr. Chairman. I will note that the Planning Commission did meet earlier this evening and had a work session on three items—one regarding signs, one regarding a potential change in the code regarding front porches on dwellings, and then another item regarding transfers of approval in their rules and regulation.

With that said, Mr. Chairman, first on your agenda tonight are requests for withdrawals and deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Archer - All right. Good evening, Mr. Strauss. How are you?

Mr. Strauss - Good evening, sir, and members of the Commission. We have two requests for deferral this evening. The first is in the Varina District. It's on page 2 of your agenda, REZ2016-00026, David L. and Charlotte Y. Holley. The applicant is requesting a deferral to the September 15, 2016 meeting.

REZ2016-00026 David L. and Charlotte Y. Holley: Request to rezone from B-1 Business District to B-2 Business District Parcel 826-716-2217 containing .427 acres located at the southwest intersection of W. Williamsburg Road (U.S. Route 60) and S. Confederate Avenue. The applicant proposes retail sales. The uses will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Enterprise Zone and the Airport Safety Overlay District.

Mr. Archer - All right. Is there anyone present who is opposed to this deferral, REZ2016-00026, David L. and Charlotte Y. Holley? I see no opposition. Mr. Leabough.

Mr. Leabough - Mr. Chair, I move that REZ2016-00026, David L. and Charlotte Y. Holley, be deferred at the request of the applicant to the September 15, 2016 meeting.

Ms. Jones - Second.

Mr. Archer - Motion by Mr. Leabough and seconded by Ms. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Mr. Strauss - The second request for deferral this evening is in the Three Chopt District. It's on page 2 of the agenda and is REZ2016-00019, CP

132 Other Realty, LLC. The applicant is requesting a deferral to the October 13, 2016
133 meeting.

134

135 **REZ2016-00019 James W. Theobald for CP Other Realty, LLC:**
136 Request to amend proffered conditions accepted with rezoning case C-8C-09 on
137 Parcel 735-763-6585 located on the north line of W. Broad Street (U.S. Route
138 250) approximately 400' east of Towne Center West Boulevard. The applicant
139 proposes to amend Proffer 13 related to signage and Proffer 21 related to wall
140 height. The existing zoning is B-3C Business District (Conditional). The 2026
141 Comprehensive Plan recommends Commercial Arterial. The site is in the West
142 Broad Street Overlay District.

143

144 Mr. Archer - All right. Is there anyone present who is opposed to
145 the deferral of REZ2016-00019, James W. Theobald for CP Other Realty, LLC in
146 the Three Chopt District? I see none. Mrs. Marshall.

147

148 Mrs. Marshall - Mr. Chairman, I move that James W. Theobald for CP
149 Other Realty, LLC, be deferred to the October 13, 2016 meeting at the request of
150 the applicant.

151

152 Mr. Witte - Second.

153

154 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte.
155 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

156

157 Mr. Emerson - Mr. Chairman, that completes the withdrawal and
158 deferral list this evening, unless the Commission has any deferrals they'd like to
159 enter.

160

161 Mr. Archer - Anybody on the Commission with a deferral? I don't
162 think so, Mr. Secretary.

163

164 Mr. Emerson - Mr. Chairman, with that we'll move on the requests for
165 expedited items. Those will also be presented by Mr. Jim Strauss.

166

167 Mr. Archer - Good evening, again, Mr. Strauss.

168

169 Mr. Strauss - Good evening. Thank you, Mr. Secretary. We have
170 one request for approval on the expedited agenda this evening. It's in the Three
171 Chopt District. It's on page 3 of your agenda and is REZ2016-00027, Eagle
172 Construction of VA LLC. The applicant is requesting to rezone 7.4 acres to the R-
173 5AC District. Staff is recommending approval with the proffers dated June 16,
174 2016. We are not aware of any opposition.

175

176 **REZ2016-00027 Nathalie Croft for Eagle Construction of VA, LLC:**
177 Request to conditionally rezone from A-1 Agricultural District and R-5AC General

178 Residence District (Conditional) to R-5AC General Residence District
179 (Conditional) Parcels 743-755-6947, -7544, -7943, -7959, -8021, -8027, -8266,
180 -8441, -8571, -8860, -8877,-8912, -9039, -9357, -9579, -9715, -9856, -9921,
181 -9967, 744-755-0172, -0227, -0386 -0433, -0739, -1145, -1350, and -1654
182 containing 7.46 acres located on the east line of Crown Grant Road at its
183 intersection with Cedar Hill Court. The applicant proposes single-family detached
184 homes on zero lot lines. The R-5A District allows a maximum density of six (6)
185 units per acre. The use will be controlled by proffered conditions and zoning
186 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
187 Residential 2, density should not exceed 3.4 units per acre.

188
189 Mr. Archer - All right. Is there a motion?

190
191 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00027, Nathalie
192 Croft for Eagle Construction of VA, LLC, be forwarded to the Board of
193 Supervisors with a recommendation for approval subject to proffers dated June
194 16, 2016, as noted in the staff report.

195
196 Ms. Jones - Second.

197
198 Mr. Archer - Motion by Mrs. Marshall and seconded by Ms. Jones.
199 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

200
201 **REASON -** Acting on a motion by Mrs. Marshall, seconded by
202 Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend
203 the Board of Supervisors **grant** the request because it would permit development
204 of the land for residential use in an appropriate manner and the proffered
205 conditions would provide appropriate quality assurances not otherwise available.

206
207 Mr. Thornton - Mr. Chairman, would you be so kind—there may be
208 some people for their first time here—to have the secretary explain the expedited
209 approach?

210
211 Mr. Archer - Oh, okay. Mr. Secretary, would you explain the
212 expedited agenda, why we do it, and the reason for it?

213
214 Mr. Emerson - Yes sir, Mr. Chairman. As you know, the Commission
215 does have an expedited agenda. And what that is, as a case is reviewed, if it has
216 a clean staff report, and there are no concerns raised in the community, and we
217 receive no phone calls essentially, we place that on the expedited agenda if
218 requested by the applicant for a quicker review and action by the Planning
219 Commission. And of course when the case is called on the expedited agenda,
220 the Chairman does ask if there's any opposition in the audience. If there is no
221 opposition in the audience, then the Commission moves that forward so it makes
222 more productive use of the public's time to hear the other cases of greater
223 interest.

224
225 Mr. Archer - All right, thank you, sir. All right, moving right along.
226
227 Mr. Emerson - Mr. Chairman, that does complete the expedited
228 items for this evening. We now move into the regular agenda. The first item
229 appears at the top of page 2, and it's PUP2016-00001, Mr. Wayne Phaup. The
230 staff report will be presented by Mr. William Moffett.
231

232 **(Deferred from the July 14, 2016 Meeting)**

233 **PUP2016-00001 Wayne Phaup:** Request for a Provisional Use Permit
234 under Sections 24-62.2(i), 24-120 and 24-122.1 of Chapter 24 of the County
235 Code in order to allow four pool tables with extended hours of operation until 2
236 a.m. in a proposed restaurant on part of Parcel 824-716-7935 located along the
237 north line of W. Williamsburg Road (U.S. Route 60) between Early and Jackson
238 Avenues. The existing zoning is B-3 Business District. The 2026 Comprehensive
239 Plan recommends Commercial Concentration. The site is located in the
240 Enterprise Zone and the Airport Safety Overlay District.
241

242 Mr. Archer - How are you, Mr. Moffett?
243

244 Mr. Moffett - Doing well, sir. How are you?
245

246 Mr. Archer - All right. Is there anyone present who is opposed to
247 PUP2016-00001, Wayne Phaup?
248

249 Male - [Off microphone.] Yes.
250

251 Mr. Archer - We do have opposition. We'll get to you. Thank you.
252 Mr. Moffett?
253

254 Mr. Moffett - Thank you.
255

256 The Steelhouse Tavern is an existing restaurant located a 400 West
257 Williamsburg Road and consists of the two eastern-most tenant spaces of the
258 retail building that also includes Gorman and Sons Collision Center and Top-
259 Notch Tire and Auto Center. These retail spaces were formerly occupied by
260 Parallel Power Equipment and the Sandstonian restaurant
261

262 The subject property is zoned unconditional B-3, Business District and the 2026
263 Comprehensive Plan recommends Commercial Concentration.
264

265 The applicant currently has two pool tables in the restaurant which are allowed
266 as an accessory use; however, the Ordinance states that any business that
267 provides pool tables must close between 12 a.m. (midnight) and 6 a.m. With this
268 request, the applicant wishes to have four pool tables and operate until 2 a.m. If
269 the case is denied, the business would need to close at midnight if any pool

270 tables are provided. If pool tables are no longer provided, their hours of operation
271 would not be restricted.

272

273 As you may recall, this case was deferred at the applicant's request at the
274 January 14, 2016 Planning Commission meeting to establish a track record with
275 the surrounding community. The case was deferred again at the July 14, 2016
276 meeting, at the Planning Commission's request, for the applicant to hold a
277 community meeting. The community meeting was held last Wednesday (August
278 3rd) at the Steelhouse Tavern, and some residents from the Sandston
279 neighborhood provided their concerns about security inside and outside the
280 establishment and how the restaurant is impacting the surrounding
281 neighborhood. Due to concerns raised by the surrounding community and
282 County agencies, staff continues to recommend this case be denied.

283

284 This concludes my presentation. I will be happy to answer any questions you
285 may have for me.

286

287 Mr. Archer - Thank you, sir. Are there questions for Mr. Moffett
288 from the Commission? All right. Mr. Leabough, do you wish to hear from the
289 applicant or the opposition?

290

291 Mr. Leabough - I wish to hear from the opposition first, Mr. Chair.

292

293 Mr. Archer - Okay. Will the opposition or a representative of the
294 opposition please come forward?

295

296 Mr. Emerson - Mr. Chairman, I will take this opportunity to review the
297 Commission's rules and regulations regarding public hearings.

298

299 Mr. Archer - All right. Thank you, sir.

300

301 Mr. Emerson - The Commission does have guidelines regarding
302 public hearings that they will follow this evening. The applicant is allowed ten
303 minutes to present the request, and time may be reserved for responses to
304 testimony. Opposition is allowed a cumulative ten minutes to present its
305 concerns. That means everyone that's speaking on a certain item, ten minutes in
306 the entirety for that group to speak. Commission questions do not count into the
307 time limits. The Commission may waive the time limits for either party at its
308 discretion. Comments must be directly related to the case under consideration.

309

310 Mr. Archer - All right. Thank you, sir. Sir, if you would, state your
311 name and address for the record please.

312

313 Mr. Creeden - Yes. My name is Paul Creeden. C-r-e-e-d-e-n. And I
314 live at 7 Picket Avenue in Sandston. For the record, that's about 2-1/2 blocks
315 from the Steelhouse Tavern in question here.

316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360

Mr. Archer - All right. Thank you, sir.

Mr. Creeden - As Mr. Moffett stated, we were here about a month ago, and we deferred in order to have a community meeting, which we did hold last week. Again, I certainly won't repeat everything Mr. Moffett said. But we did raise two main areas of concern, and that is the security within and without the established and the effect of this establishment on the existing neighborhood. I will address those two points, trying to concentrate on events since we last spoke.

We met last week at the Steelhouse Tavern. Mr. Phaup was there. We talked for about an hour. One of the things to greatly concern me was that Mr. Phaup said in his petition he wanted, in fact he needed, these extra pool tables in order to hold tournaments and the like at his restaurant, which his business relied upon. However, at the meeting, he said he didn't care if he had pool tables, that he'd be just as happy with air hockey tables or anything else that would attract a crowd. So I think that's one basis on which we have a serious problem with what's going on.

Another thing we talked about was the security. We talked about a uniformed police officer, off duty, or a bonded security company outside to patrol the parking lot. A lot of the concern from the neighborhood is about what goes on in the parking lot, finding broken bottles and drunks and things like that at all hours of the night. Mr. Phaup's response was that he would rather not have anyone in uniform presenting a security presence because that would perhaps cause about 25 percent of his business to leave. That being the case, I would say on behalf of the neighborhood those are the types of customers we don't want in Sandston at 2:00 in the morning.

The other thing that Mr. Moffett said was that we were concerned about the effect on the neighborhood. One of the things last time I was I here I noted was that in the six months prior to the Steelhouse Tavern opening, there were zero calls to Henrico County for non-medical service. In the six months since that time, there have been 162 non-medical service calls. That includes drunk and disorderly, vandalism, petty theft, breaking and entering, and similar crimes. I would say of the 162, 9 of those service calls occurred since our last meeting a month ago.

What we have done—and I have it here. I don't have a copy, but I'll be happy to get a copy for you. We've taken a survey and a petition among the residents. There are approximately 80 houses in an eight-block area surrounded, in roughly, a half-circle the Steelhouse Tavern. In front of the Steelhouse Tavern is a parking lot and across is N & W Salvage and an empty field. So about the half-circle behind and around it. Of those 80 surveys, which we're still getting back, 60 people have opposed the applicant's request for extra pool tables and extra

361 time to be open. Like I said, some of those came in today. I'll have a better count
362 perhaps another time.

363

364 The survey—and I have a copy of that as well—asked what types of crimes and
365 things have you noticed increasing in the neighborhood. Just to generalize, 60
366 percent of those saw an increase in vandalism and trespassing, and 80 percent
367 saw an increase in late-night erratic driving. Obviously, those people are not in a
368 position to say the occupants of the vehicles were drunk or not drunk. But I think
369 we can all agree that we recognize erratic driving when we see it, especially
370 when we see at 1, 2, or 3:00 in the morning.

371

372 The surveys and the petitions that I have—like I said, I have the copies of those.
373 I'm sorry that I only have the originals here. I can get copies. The crime data, the
374 162 calls, that comes from the Henrico County Police Department website.
375 Those figures I believe are accurate as of today. But again, anybody can run
376 those numbers. We can certainly take care of that.

377

378 The other issue is that at the meeting, Mr. Phaup said he was really only
379 interested in being open Thursday, Friday, and Saturday night. Yet, his
380 application is for every night of the week. We also talked about—and he agreed
381 to look into—security in the parking lot.

382

383 So I would submit a couple of things. Number one, the burden of proof for this
384 application rests entirely on Mr. Phaup. It is nobody else's burden to prove why
385 he should not have his application granted. But, I think I have given plenty of
386 statistics and numbers to prove that there is a lack of security and there is a
387 terrible effect on the surrounding neighborhood. In addition, his own statements
388 about Thursday, Friday, and Saturday and the fact that he would look into
389 security I think is a valid reason for denying his existing application and perhaps
390 if he wants to re-file or amend, that he should at least do that.

391

392 I'll be happy to answer any questions.

393

394 Mr. Archer - Thank you, Mr. Creeden. Are there questions from the
395 Commission for Mr. Creeden?

396

397 Mr. Witte - I have one.

398

399 Mr. Archer - Go ahead, Mr. Witte.

400

401 Mr. Witte - Mr. Creeden, obviously you're concerned about
402 erratic driving and the problems in the neighborhood. My feeling is you're relating
403 it to the restaurant. If you have those concerns that's an issue, have you notified
404 the ABC Board or the Henrico Police about the issues?

405

406 Mr. Creeden - Yes. I have not notified the Police Department myself,
407 but yes, many residents have in fact called the police when they see this.

408
409 Mr. Witte - And the ABC Board? They'll send an undercover
410 investigator.

411
412 Mr. Creeden - I am not aware of whether that has been done
413 specifically. I know the ABC has found violations there in the past. I can certainly
414 check into that.

415
416 Mr. Witte - If you're concerned about, as a citizen of Sandston, I
417 would suggest that would be the next thing that I would have done.

418
419 Mr. Creeden - Correct.

420
421 Mr. Witte - After I got that police report. It's totally up to you.

422
423 Mr. Creeden - I'll certainly look into that. It's one of the things we're
424 talking about. We're talking about the application tonight.

425
426 Mr. Archer - All right. Anyone else with questions for Mr. Creeden?

427
428 Mr. Leabough - Let me make sure I understand you correctly. There
429 have been ABC violations since they've opened?

430
431 Mr. Creeden - Correct. As I understood it, Mr. Phaup talked about
432 underage waitresses serving beer. I don't know all the details, but he mentioned
433 it in the last meeting.

434
435 Mr. Leabough - Okay. That's the first I've heard of that. Okay. Maybe I
436 missed that at the meeting. Okay, thank you.

437
438 Mr. Archer - Anything else for Mr. Creeden? Thank you, sir.

439
440 Mr. Creeden - Thank you.

441
442 Mr. Archer - There are five minutes left for the opposition. If there
443 is someone else who wishes to speak that will not just cover the same topics
444 we've already heard, you're welcome to come up. No one else? All right,
445 Mr. Leabough, you want to hear from the applicant?

446
447 Mr. Leabough - Sure.

448
449 Mr. Archer - All right. Will the applicant come up, please? Good
450 evening, Mr. Phaup.

451

452 Mr. Phaup - How are you all doing? I'm Wayne Phaup, Steelhouse
453 Tavern. Can you hear me?

454
455 Mr. Archer - Yes.

456
457 Mr. Phaup - Number one, I want to let you all know that we're
458 voted number 5 in Richmond for a restaurant. Number 2, we've never had an
459 ABC violation. They came in about three weeks ago, signed off on everything. No
460 problems. Number 3, it's about 200-and-some houses in an eight-block radius.
461 Why aren't more of them here than three or four people? So where's everybody
462 else at that's complaining? He's three blocks away. So he can't say all these
463 incidents are coincidences coming from my restaurant to their neighborhood. It
464 doesn't make any sense. A hundred and some? I guess everybody's coming
465 from my place and going by their place.

466
467 Like I said, we only require—we're only asking for two tables, stay open
468 Thursday, Friday, and Saturday night. That's all we're asking for. So I thank you
469 all very much. If you have any questions, I'll answer them for you.

470
471 Mr. Archer - Thank you, Mr. Phaup. Questions for Mr. Phaup?

472
473 Mr. Leabough - Can you speak to the security question that was
474 raised as well as the—

475
476 Mr. Phaup - They asked about—yes sir. I'm sorry. They asked
477 about having security from 12 to 2 on those three nights. I told them I don't have
478 any problem with doing that in the parking lot if they want that.

479
480 Mr. Leabough - What about the impact on the community? Those are
481 real crime stats that they shared.

482
483 Mr. Phaup - What I'm trying to say is are those crime stats coming
484 from my restaurant?

485
486 Mr. Leabough - I don't know; I'm asking you.

487
488 Mr. Phaup - That's what I'm asking. I don't think so. So the whole
489 neighborhood is coming from my restaurant of people breaking in and stuff.
490 They're leaving my restaurant and breaking into all these neighborhoods. No sir,
491 I don't think so. Not hardly.

492
493 Mrs. Marshall - Have there been nine service calls to your
494 establishment since we last met?

495
496 Mr. Phaup - Nine?

497

498 Mrs. Marshall - Nine.
499
500 Mr. Phaup - To my establishment? There haven't been any that I
501 know of. He's talking about the neighborhood, I think. He's talking about nine
502 calls to the neighborhood. Well, you know, the eight- or ten-block radius behind
503 it I think is what he's talking about. There have been none to mine. Lighting hit
504 the building and set it on fire, if you want to call that one.
505
506 Mr. Leabough - Okay. Anything else you'd like to speak to to respond
507 to the concerns that they raised?
508
509 Mr. Phaup - No sir.
510
511 Mr. Archer - Ms. Jones has a question.
512
513 Ms. Jones - Can I ask a quick question?
514
515 Mr. Leabough - Sure.
516
517 Mr. Phaup - Yes ma'am.
518
519 Ms. Jones - Mr. Phaup, I just want to make sure I understood what
520 you just said. I wasn't sure I heard you properly. Your application is for having
521 four tables but to be open only Thursday, Friday and Saturday nights until two?
522
523 Mr. Phaup - Yes ma'am. That was the original one. We don't need
524 but two, but that was the original one I turned in was four tables and that's the
525 way it was set up. But we only stay open Thursday, Friday, and Saturday. We
526 want to stay open until 2:00 on Thursday, Friday, and Saturday. That's it.
527
528 Ms. Jones - What are your hours on Monday, Tuesday,
529 Wednesday?
530
531 Mr. Phaup - It's usually 11:00. But when football season comes,
532 we'll probably have to switch it to 12 since Monday night football and Thursday
533 night do not go off until 11:30. But 11:00.
534
535 Ms. Jones - Are the pool tables in use Monday, Tuesday,
536 Wednesday?
537
538 Mr. Phaup - Yes ma'am.
539
540 Ms. Jones - Okay. When extra pool tables—two extra, which
541 you're requesting—are there, will they be in use Monday, Tuesday, Wednesday?
542

543 Mr. Phaup - I won't put two more tables in there, ma'am. It'll only
544 be two because we have cornhole and darts and other stuff. It'll be just two
545 tables.
546
547 Ms. Jones - So it will be a total of two tables all—
548
549 Mr. Phaup - That's it.
550
551 Ms. Jones - —nights of the week. There won't be—
552
553 Mr. Phaup - No ma'am.
554
555 Ms. Jones - —an extra two tables.
556
557 Mr. Phaup - There will be no other tables, just two.
558
559 Ms. Jones - Okay. Just want to make sure.
560
561 Mr. Phaup - Yes ma'am.
562
563 Ms. Jones - And the request for 2 a.m.—
564
565 Mr. Phaup - Yes ma'am.
566
567 Ms. Jones - —is only for Thursday, Friday, Saturday night.
568
569 Mr. Phaup - That's what we stay open. It will be Thursday, Friday,
570 and Saturday night until two. Yes ma'am.
571
572 Ms. Jones - And did I hear you say—again, it's just because I
573 wasn't sure I understood you at the podium.
574
575 Mr. Phaup - Yes ma'am. I'm sorry.
576
577 Ms. Jones - Did I hear you say that you are amenable to having
578 either a uniformed security guard or off-duty policeman or somebody in the
579 parking lot from 12 to 2 on the nights that you're open—Thursday, Friday,
580 Saturday night—late?
581
582 Mr. Phaup - Yes ma'am. I could have one person from 12 to 2 in
583 the parking lot Thursday, Friday, and Saturday night. Yes ma'am.
584
585 Ms. Jones - Okay.
586
587 Mr. Leabough - Uniform, license.
588

589 Mr. Phaup - It'll be uniform and license. I don't know if it'll be
590 Henrico or not, but it'll be uniform and license. Yes sir.
591
592 Ms. Jones - Okay.
593
594 Mr. Leabough - And none inside?
595
596 Mr. Phaup - No sir.
597
598 Mr. Leabough - Okay.
599
600 Ms. Jones - For instance, if there's an issue that comes up inside,
601 you can—
602
603 Mr. Phaup - We have somebody out—yes ma'am. We have
604 somebody out front checking IDs and stuff anyone and periodically looking to see
605 if anything's going on so we can approach those people. Yes ma'am.
606
607 Ms. Jones - Inside or out?
608
609 Mr. Phaup - Both.
610
611 Ms. Jones - Okay.
612
613 Mr. Witte - Why wouldn't you have the security come inside?
614
615 Mr. Leabough - I don't understand that either.
616
617 Mr. Phaup - Like what, armed security?
618
619 Mr. Leabough - Uniformed licensed security.
620
621 Mr. Witte - Uniformed licensed.
622
623 Mr. Phaup - I had that one time before at my last place, and they
624 were just a little too—they didn't really know how to handle people. I guess they
625 were a little too gung ho, a little too arm strength. Do you know what I mean?
626 And 99 percent of the public, you can talk to somebody besides being really
627 forceful.
628
629 Mr. Witte - Well if you're hiring them . . .
630
631 Mr. Leabough - That's exactly what I said at the community meeting.
632

633 Mr. Phaup - I did that a couple of times. And I got rid of them
634 because they were military type, real forceful people. Most of those high-priced
635 security companies are like that that you hire. Some of them are not.
636

637 Mr. Leabough - But you have the option to get rid of them if they're
638 not performing up to your expectations.
639

640 Mr. Phaup - You do.
641

642 Mr. Leabough - Your staff, they're interacting with the customers in
643 the restaurant as well.
644

645 Mr. Phaup - Correct.
646

647 Mr. Leabough - So what makes your staff any more qualified than a
648 firm that's licensed and qualified to do that?
649

650 Mr. Phaup - It doesn't make anyone more qualified. We just know
651 how to talk to people, that's all. Most of the time you can talk to people. You
652 know what I'm saying?
653

654 Mr. Leabough - Can you speak to your operations and how your
655 operations can mitigate some of the concerns that the neighborhood has
656 expressed?
657

658 Mr. Phaup - I have no idea what they're saying about people
659 breaking in and people doing blah, blah, blah. That road beside us is used
660 religiously. One percent of the people coming out of our parking lot go down that
661 road. That's a cut-through road to get over and get to 64. So I mean it's always
662 used whether I was there or not.
663

664 Mr. Leabough - They've complained about beer bottles and other
665 things in the parking lot. So can you speak to that?
666

667 Mr. Phaup - We police the parking lot every night and every
668 morning when we get there. That's all I can do. When I'm not there, I can't speak
669 for it. If we're closed, I don't know. Like I say, we're pretty much on top of all that
670 stuff, you know, picking up cigarette butts, picking up beer bottles, picking up
671 cans—whatever. But when somebody leaves at night sometimes, they might—
672 out of their truck or out of their car, when they get in or out of their vehicle, not
673 from being at our place, they might knock one out. We police it the best way we
674 can. It's all I can do.
675

676 Mr. Leabough - So I'm going to help you. While you're in operation, so
677 you're there, what's your staff doing to make sure that people aren't drinking in
678 the parking lot, doing things that they shouldn't be doing? Can you speak to that?

679
680 Mr. Phaup - Yes. We make sure—I roam the parking lot some and
681 they roam the parking lot some, up and down, to make sure nothing is really
682 going on. But, you know, people see you walk by, they'll clam up. Most of the
683 time they don't sit in the parking lot, though. Either they're coming or going. We
684 don't allow but one time out of our restaurant. That's it. If you forget something in
685 your car, forget your cigarettes or your pocketbook or your coat, one time. After
686 that, you don't come back in. That's it. You have to go. We put a stop to that a
687 while back.
688
689 Mr. Leabough - So you go in the parking lot.
690
691 Mr. Phaup - I have.
692
693 Mr. Leabough - Can you speak to its frequency?
694
695 Mr. Phaup - Yes. We roam it all the time.
696
697 Mr. Leabough - Who's doing it other than you?
698
699 Mr. Phaup - Yes sir, we roam it all the time. We check. Cars out
700 there, we'll walk back and forth. Willy will walk back and forth. Christopher will
701 walk back and forth. We all rotate it. So we walk it.
702
703 Mr. Leabough - is that every hour, every couple of hours?
704
705 Mr. Phaup - Probably sooner than that, sir. Sometimes every 30
706 minutes, every 20 minutes we'll walk around. It all depends on how many
707 vehicles are out there. Some of them, if there are not that many vehicles, you can
708 walk right outside and see what's going on. If there are vehicles, then you go out
709 and you can walk around and come back. But we try to get up the best we can so
710 nobody gets in trouble.
711
712 Mr. Leabough - All right.
713
714 Mr. Phaup - You know, for the community. Like he said, he's
715 2-1/2, 3 blocks away.
716
717 Mr. Leabough - Which his concerns are just as legitimate as if he
718 were right behind you, sir.
719
720 Mr. Phaup - I agree with you. But what I'm trying to say, you've got
721 two or three hundred people living in an eight-city block there.
722
723 Mr. Leabough - Which makes his concerns no less important.
724

725 Mr. Phaup - That's correct.
726
727 Mr. Leabough - Thank you.
728
729 Mr. Phaup - You're welcome. You all have a good day.
730
731 Mr. Archer - Any other questions for Mr. Phaup before he takes a
732 seat?
733
734 Mr. Leabough - I have no further questions.
735
736 Mr. Archer - All right.
737
738 Mr. Leabough - Is there anyone from police here to speak?
739
740 Mr. Emerson - I believe the community officer is here.
741
742 Mr. Archer - Okay. Would the community officer please come up?
743
744 Mr. Leabough - I didn't want to assume that's why you were here,
745 Officer LaPrade, but I figured you were here for this case. Officer LaPrade, there
746 were some crime stats that were shared by the community. Could you speak to
747 crime stats kind of pre and post this business locating in the community?
748
749 Officer LaPrade - We ran crime stats from March 1, 2015, last year, to
750 August 9, 2015, last year. In that general area, there were 867 calls for service,
751 police and fire. This year, March 1, 2016, to August 9, 2016, we have 1,170 calls.
752 So that's an increase of a little over 300 calls in that general area. We do have 15
753 calls for service in that amount of time that are either directly at Steelhouse
754 Tavern or something that occurred that was related to Steelhouse Tavern.
755
756 Of note, on March 13, 2016, we had a DUI from that location. On May 7, 2016,
757 we had a DUI at that location. On May 1st, we had an assault call there. And
758 then on June 3rd, we had an assault call at that location. When a brother
759 assaulted another brother we got there. We made an arrest. We found drugs on
760 that individual. He stated that he had purchased heroin and marijuana out in front
761 of Steelhouse Tavern.
762
763 That's all I have for you. We have 15 calls from that particular location.
764
765 Mr. Leabough - Thank you, sir.
766
767 Mr. Archer - Any questions for the officer before he takes a seat?
768 Thank you, sir, we appreciate it.
769
770 Office LaPrade - Thank you.

771

772 Mr. Archer - Okay, Mr. Leabough.

773

774 Mr. Leabough - I'd like to ask Mr. Moffett to please come forward
775 again. This is a tough case. My real concern is that the use is allowed. And with
776 or without pool tables, they're going to operate. And the concerns that the
777 community has won't go away. So I asked Mr. Moffett to draft some conditions
778 that could possibly mitigate or address some of the concerns that the community
779 has raised. Mr. Moffett, do you happen to have some conditions that could
780 hopefully mitigate some of these issues? Do you have a copy to read the
781 highlights for us, Mr. Moffett?

782

783 Mr. Moffett - I do. Would you like me to go through them?

784

785 Mr. Leabough - Yes sir, please.

786

787 Mr. Moffett - Okay. These conditions were a draft to sort of correct
788 some of the things with the restaurant that the community had shared with us
789 and some concerns that staff had as well. Would you like me to read it or just—

790

791 Mr. Leabough - Just hit the highlights.

792

793 Mr. Moffett - Okay, okay. Number 1 would make the provisional
794 use permit revocable by the Board of Supervisors. It does limit the number of
795 pool tables to four. We can always change that the two. To solve an issue that
796 staff had with the door leading into that room being closed, staff would like them
797 to install an approved hold-open device in conjunction with the 2012 Virginia
798 Construction Code so that this door would remain open and only close in case of
799 a fire.

800

801 Mr. Leabough - The hours of operation?

802

803 Mr. Moffett - Right. The house of operation would be limited to 6
804 a.m. to 12 a.m. Sunday night through Wednesday night and between 6 a.m. and
805 2 a.m. Thursday night through Saturday night. So that would resolve the hours of
806 operation concern as well.

807

808 There was a neighborhood concern about the use of an exterior door from the
809 game room that allowed patrons to exit to the rear of the building. Number 5
810 would be to not allow patrons to use that and make it an alarmed emergency exit
811 only.

812

813 Some of these would be sort of things you would expect such as leaving the
814 premises and parking areas immediately after the close of business. No loitering.
815 No outside speakers or sound system.

816

817 And then the Division of Police have a series of comments in the staff report.
818 Typically, we request that the applicant with the special services unit to go over
819 things such as lighting and security cameras and come to some kind of amicable
820 agreement on those items. Another thing included in that would be the facility's
821 windows not be tinted or obscured for surveillance purposes.

822
823 Number 12 is the last one, and that would be at least two uniform security
824 officers shall be on duty during the extended hours of operation. The security
825 officers shall periodically monitor the exterior of the premises as well as the
826 interior for possible criminal activity. And security officers shall either be off-duty
827 police officers or licensed security guards employed by a licensed security
828 service company.

829
830 Mr. Leabough - Mr. Secretary, as far as that condition 12 is
831 concerned, I would suggest that it be one uniformed Henrico police officer on the
832 exterior and one uniformed licensed security officer on the interior of that
833 property. And also, not just for the extended hours of operation, but from 10 till 2
834 a.m. when that business is open on Thursday, Friday, and Saturday. So possible
835 amendments to the conditions shared tonight.

836
837 Mr. Witte - If I can add something.

838
839 Mr. Leabough - Yes sir.

840
841 Mr. Witte - If you stated it that way, you're basically eliminating
842 the possibility that Henrico police officer go inside the building at all, even for the
843 restroom. So if you just put that they have to have one of each.

844
845 Mr. Leabough - That's what I'm suggesting.

846
847 Mr. Witte - Okay. I thought you said—

848
849 Mr. Leabough - I think they have a policy where they have to be
850 outside. They don't go inside of the premises. Maybe Officer LaPrade can speak
851 to that. Mr. Emerson, that doesn't limit that officer from going inside if need be to
852 respond to some issue.

853
854 Mr. Emerson - No, I don't think it would. But I don't if the officer
855 would like to respond to it or not. Is there a policy that prohibits off-duty Henrico
856 police officers from working in these types of situations? We had some
857 information regarding that, and we weren't clear on that.

858
859 Mr. Leabough - Yes. Would they be restricted from being inside of the
860 business?

861
862 Officer LaPrade - We're restricted from working inside the premises.

863
864 Mr. Leabough - But they can respond if need be.
865
866 Officer LaPrade - But we certainly can respond inside.
867
868 Mr. Leabough - If there's a need.
869
870 Officer LaPrade - If there's a need to. Typically, we work outside in the
871 parking lots.
872
873 Mr. Emerson - You can work outside but not inside off duty.
874
875 Officer LaPrade - Yes sir.
876
877 Mr. Emerson - Okay.
878
879 Mr. Leabough - But it wouldn't restrict you from responding to an
880 issue that arose.
881
882 Officer LaPrade - Exactly. Nothing would restrict us from that.
883
884 Mr. Leabough - But you couldn't staff interior.
885
886 Officer LaPrade - Exactly.
887
888 Mr. Leabough - All right. Thank you, sir.
889
890 Mr. Archer - All right. Anybody else you'd like to hear from,
891 Mr. Leabough?
892
893 Mr. Leabough - I don't think so.
894
895 Ms. Jones - Mr. Leabough, has Mr. Phaup been advised of all of
896 these?
897
898 Mr. Emerson - Ms. Jones, he left the premises. And no ma'am, he
899 has not been advised of any of these conditions because we weren't sure exactly
900 the approach the Commission may want to take. We didn't have an opportunity
901 to talk to him, and he did leave.
902
903 Mr. Leabough - He is generally aware that the community wanted
904 uniformed Henrico police officers to be at least on the exterior of the property.
905 The hours in which the officers would be there, I did modify that from what we
906 previously discussed during the community meeting because of the comment
907 that the community officer shared with us tonight. There seems to be something

908 going on there that we need really our officers there more than just between 12
909 and 2.

910
911 Would it be appropriate, Mr. Secretary, to move forward with a vote on this case
912 tonight or would it be more appropriate to defer since Mr. Phaup left the building?

913
914 Mr. Archer - He would have to agree to these conditions, would he
915 not?

916
917 Mr. Emerson - It would be helpful if he agrees. He doesn't
918 necessarily have to because it is a provisional use permit. The Commission has
919 the ability to place these conditions. I think, Mr. Leabough and members of the
920 Commission, I believe that's your call whether you want to take action after the
921 applicant has left or if you would choose to defer it and ask that he come back to
922 your next meeting to discuss this opportunity.

923
924 Mr. Leabough - If he wants—yes, I think we should vote on them as
925 presented. Otherwise, I would be making a recommendation for you all to move
926 for denial.

927
928 Mr. Emerson - Mr. Leabough, did you want to consider changing
929 number 2 or did you mention that I missed it? It says there shall be no more than
930 four billiard or bagatelle tables—

931
932 Mr. Leabough - Yes. I think Mr. Moffett mentioned it, yes, changing
933 that to two as well.

934
935 Mr. Emerson - To two, yes. The applicant certainly does not have to
936 be present for you to take action on his application.

937
938 Mr. Leabough - These are conditions that he can oppose as related to
939 the recommendation for approval of the PUP.

940
941 Mr. Emerson - Correct. It's always nice to have the applicant agree
942 to the conditions, but they don't necessarily have to.

943
944 Mr. Archer - Now so that I understand, if he does not agree to the
945 conditions, then that negates the case, does it not?

946
947 Mr. Emerson - Well—

948
949 Mr. Archer - Or he can't operate unless he does agree.

950
951 Mr. Emerson - Correct. He has to operate by the conditions that are
952 recommended by the Commission. Now one thing to keep in mind is this is a
953 recommendation to the Board of Supervisors. The Board will take final action on

954 the case, so the applicant will have an opportunity to come back for the second
955 hearing for the final action on his application based upon whatever
956 recommendation the Commission chooses to make to the Board this evening.

957
958 Mr. Archer - Okay. Thank you. All right, Mr. Leabough, then we
959 shall be guided by the direction you want to go.

960
961 Mr. Leabough - Does the community have any questions? I know this
962 is kind of late and last minute. Do you have something you want to ask, sir?

963
964 Mr. Archer - Mr. Creeden, state your name again for the record,
965 please.

966
967 Mr. Creeden - Sure. Paul Creeden. I wanted to say that we talked
968 about a lot of these things last week. Mr. Phaup at the time said he was
969 amenable to a lot of them. He had some cost concerns, certainly, which I
970 understand. I'm not sure why he left. But if some of the concern here is that he
971 doesn't have an opportunity to respond, none of this is a surprise.

972
973 Mr. Leabough - Yes, we talked about them at the community meeting.

974
975 Mr. Creeden - We did talk about it.

976
977 Mr. Leabough - The only thing that's different is the extended hours
978 for having the uniform officer there.

979
980 Mr. Creeden - Correct. And I think at the time we talked about four
981 pool tables. And he himself said two tonight, so.

982
983 Ms. Jones - I will say that after last month's meeting, I was hoping
984 the community and Mr. Phaup would talk. I was hoping that there was some way
985 that a compromise could be reached between them because sometimes we're all
986 about giving a little and getting a little and making sure that we try to present the
987 best possible outcome. If the security levels and the conditions are things that
988 have been discussed, this may be the compromise.

989
990 Mr. Leabough - Otherwise, denial would be the only other alternative.

991
992 Mr. Archer - And bearing in mind what Mr. Secretary said. This is
993 only a recommendation. The Board will have the final discretion on this.

994
995 Mr. Leabough - Thank you, sir.

996
997 Mr. Leabough - I will say that I am concerned about this business and
998 the types of activities that go on here and hope these conditions bring some
999 comfort or a level of comfort to the community. I am shocked by what the

1000 community officer, Officer LaPrade, shared with us tonight. I know I wouldn't
1001 want to live next to it. But I don't think the issue before us is pool tables; it's much
1002 bigger than that. And I'm hoping these conditions will help bring some resolve to
1003 that.

1004

1005 There was something mentioned and I have to go on record mentioning this. I
1006 hope Mr. Phaup is aware that anything that happens on his property as a result
1007 of serving alcohol to someone in his business it is his responsibility what they do
1008 after they leave there. He made a comment to the community and I that he was
1009 not responsible for what people do after they leave. If you serve someone alcohol
1010 in your home or if you serve someone alcohol in a business, you're responsible
1011 for what they do if they're intoxicated and they go out and do something that
1012 impacts someone's life in a very negative way.

1013

1014 With that, I would move that PUP2016-00001, Wayne Phaup, be moved on to the
1015 Board of Supervisors with a recommendation for approval only with the
1016 conditions that were presented tonight with the change of no more than two
1017 billiard tables, the changes to the hours of operation, as well as the changes as
1018 noted to the number of uniformed Henrico and uniformed licensed security
1019 officers be on premises from the hours of 10 p.m. to 2 a.m. I recommend that that
1020 be moved on to the Board of Supervisors with a recommendation for approval.

1021

1022 Mr. Witte - Second.

1023

1024 Mr. Leabough - And conditions 1 through 12 dated August 11, 2016.
1025 Sorry.

1026

1027 Mr. Archer - That's okay. Motion by Mr. Leabough and seconded
1028 by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the
1029 motion passes.

1030

1031 **REASON -** Acting on a motion by Mr. Leabough, seconded by
1032 Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend
1033 the Board of Supervisors **grant** the requested Provisional Use Permit with a
1034 maximum of two pool tables because the proposed conditions could reduce the
1035 impact of the restaurant on the surrounding community.

1036

1037 Mr. Emerson - Mr. Chairman, we now move on to REZ2016-00024. It
1038 also appears on page 2 of your agenda. Henry Wilton for Wilton Acquisition LLC.
1039 The staff report will be presented by Mr. Ben Sehl.

1040

1041 **(Deferred from the July 14, 2016 Meeting)**

1042 **REZ2016-00024 Henry Wilton for Wilton Acquisition, LLC:** Request
1043 to conditionally rezone from R-3 One-Family Residence District, A-1 Agricultural
1044 District, and B-2 Business District to RTHC Residential Townhouse District
1045 (Conditional) Parcels 785-757-8737, 9998, 5477, 5749, and 6118 containing

1046 16.412 acres located at the northwest corner of E. Parham Road (State Route
1047 73) and Interstate 95. The RTH District allows a maximum gross density of nine
1048 (9) units per acre. The use will be controlled by proffered conditions and zoning
1049 ordinance regulations. The 2026 Comprehensive Plan recommends Urban
1050 Residential, density should range between 3.4 and 6.8 units per acre.

1051
1052 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present
1053 who is opposed to REZ2016-00024, Henry Wilton for Wilton Acquisition, LLC?
1054 We'll get to you. Good evening, Mr. Sehl. How are you, sir?

1055
1056 Mr. Sehl - Good evening, Mr. Chairman. I'm doing well, thank
1057 you.

1058
1059 This rezoning request would allow a townhome development of no more than
1060 115 units. The site is located on the south line of Scott Road immediately west of
1061 Interstate 95. The Parham Road interchange is located just to the southeast. The
1062 site is primarily wooded and contains one dwelling on the northeast portion of the
1063 site, on the portion of property zoned A-1.

1064
1065 The applicant has held two community meetings with residents from the
1066 subdivision to the west—Garden City is the subdivision here—as well as
1067 residents of Scott Road. At these meetings, adjacent residents noted concerns
1068 regarding traffic on Scott Road and compatibility with existing single-family uses.
1069 As you'll note here, several paper streets, as well as Concord Avenue, which is
1070 developed, do terminate at the subject site.

1071
1072 However, as shown on this conceptual plan, access to the proposed
1073 development would be limited to Scott Road with a large buffer area separating
1074 the development from Garden City. This concept plan has been revised since the
1075 issuance of the staff report and has been handed out to you this evening along
1076 with revised proffers that address the recommended removal of three items
1077 noted by staff. The applicant has proffered this concept plan and has also
1078 provided a number of other proffers consistent with developments of this type
1079 elsewhere in the county.

1080
1081 The 2026 Comprehensive Plan recommends Urban Residential for the subject
1082 site and properties to the west. The proposed townhouse development is
1083 consistent with this recommendation, and the submitted proffers are in keeping
1084 with other recent developments of this type. If developed as proposed, this
1085 request should not negatively impact adjacent uses and would remove un-
1086 proffered business zoning that is in close proximity to existing residences. For
1087 these reasons, staff supports this request.

1088
1089 This concludes my presentation. I will be happy to answer any questions. Time
1090 limits would need to be waived in order to accept the proffers this evening.

1091

1092 Mr. Archer - Thank you, Mr. Sehl. Mr. Sehl, since people in the
1093 audience probably will not have a copy of the staff report, can you indicate for us
1094 please the three items that you said had been addressed by these new proffers?
1095
1096 Mr. Sehl - Yes sir. Mr. Archer, as you'll note, in the staff report
1097 there were previous proffers 13, which was regarding ownership and how they
1098 would be marketed; 16 regarding mailboxes; and 17 regarding model homes that
1099 staff did not feel were appropriate for the proffer statement and recommended
1100 they be removed. The applicant has done so.
1101
1102 Mr. Archer - Has done so. Thank you so much.
1103
1104 Mr. Sehl - And he also amended the concept plan to address a
1105 concern or a note regarding the location of parking areas that staff had identified.
1106 It was really more of a plan of development issue, but we recommended they
1107 look forward with that. So they have addressed those issues.
1108
1109 Mr. Archer - All right, thank you, sir. Are there questions from the
1110 Commission for Mr. Sehl?
1111
1112 Ms. Jones - Can I just ask—
1113
1114 Mr. Archer - You may ask anything, Ms. Jones.
1115
1116 Ms. Jones - And I usually do. The townhouses shall be marketed
1117 as owner occupied. Can you touch again on what that was inappropriate?
1118
1119 Mr. Sehl - It's a difficult proffer for staff to enforce in any manner.
1120 If the homeowners' association in the future wishes to adopt covenants regarding
1121 that, we just didn't feel—it's something that we've seen in some townhouse
1122 cases in the past and have generally been shying away from accepting those
1123 proffers.
1124
1125 Ms. Jones - Okay.
1126
1127 Mr. Thornton - Mr. Sehl, I see this property is presently zoned B-2.
1128 What does that involve?
1129
1130 Mr. Sehl - You're correct, Mr. Thornton. The large majority of the
1131 property is zoned B-2 as shown on the zoning map here. B-2 is a business
1132 district, kind of our medium-intensity business district. It allows various retail
1133 uses, restaurants, shopping centers, things of that type. Hotels. Since there
1134 aren't any conditions, any of the uses that are identified in the Zoning Ordinance
1135 for the B-2 district would be permitted on the property. There have been no plans
1136 of development filed, but there have conversations with the current owner of the

1137 property and traffic impact analyses submitted contemplating that type of
1138 development in the past, but it's never moved forward.

1139

1140 Mr. Archer - Thank you. Anyone else?

1141

1142 Mr. Sehl - Thank you.

1143

1144 Mr. Archer - Thank you, Mr. Sehl. I think in this instance I would
1145 like to hear from the opposition first. So if there's someone who has been
1146 designated to speak for the opposition, would you come forward? I think you all
1147 were present with the secretary read the 10-minute rule for the other case? If so,
1148 we won't go through it again. Come on up, sir. While he's coming forward, bear in
1149 mind the 10-minute rule does not apply to any one person. The totality of
1150 everybody is included in the ten minutes. If there are others who wish to speak,
1151 you'll have to reserve some time for them. Thank you.

1152

1153 Mr. Deering - My name is Dennis Deering. I stay at 1000 Scott
1154 Road, which is almost directly across from where they're trying to build. The
1155 concern I have is the road where they plan on widening right there where their
1156 property is. From there up to Athens, you have a little narrow road. You can
1157 barely get two bicycles in there. If two cars come in there, both of them almost
1158 have to slow up let the other one pass. So you have all of these units coming in,
1159 roughly another what, 200, 300 cars a day coming through there. And not only
1160 that, when they go out, they go across the bridge, it's even smaller. My concern
1161 is what are they going to do about that road in that area. And they have a school
1162 bus that's going to come in there. How are they going to stop when you have a
1163 bunch of kids out there? It's kind of hard to pass. They've torn my mailbox up a
1164 couple of times. That's how small the road is.

1165

1166 That's my main concern with this project that they're putting up.

1167

1168 Mr. Archer - Okay. All right. Thank you, sir. Any questions before
1169 he sits down? Was your last name *Warren*, sir?

1170

1171 Mr. Deering - Deering.

1172

1173 Mr. Archer - Deering. I'm sorry.

1174

1175 Mr. Deering - Yes.

1176

1177 Mr. Archer - Thank you, Mr. Deering.

1178

1179 Mr. Deering - Thank you.

1180

1181 Mr. Archer - Would anyone else like to speak?

1182

1183 Mr. Lipscomb - Good evening.
1184
1185 Mr. Archer - Good evening, sir.
1186
1187 Mr. Lipscomb - Lipscomb, Raymond Junior is my name.
1188
1189 Mr. Archer - Okay, Mr. Lipscomb.
1190
1191 Mr. Lipscomb - I'm Mr. Deering's neighbor, but I'm on the east side of
1192 95 and he's on the west side of 95. The conditions of the proposed dwellings on
1193 that property will affect the entire neighborhood as related to traffic. He
1194 mentioned something a moment ago about school buses. Well, school buses
1195 barely get through there now with only maybe several neighbors needing
1196 assistance from a school bus on the east side, which is where I am. Imagine that
1197 bus stopping momentarily, or however long it takes to get the residents' children
1198 at that point if the road isn't wide complete from curb to curb and not from center
1199 to curb on his property side.
1200
1201 So the biggest concern is basically congestion and traffic of a road that
1202 technically is a wagon path. People have a tenancy to kiss mirrors occasionally
1203 when they go through as they do now.
1204
1205 On the side where Dominion is developing, they have fixed that road so it is a
1206 four-lane road now. But when they stopped, Scott Road narrowed again. So this
1207 is basically going to be the same thing on the opposite side of where Deering
1208 lives when they do that. He's only responsible for that one area in front of his
1209 property line. So are we going to go from curb and gutters on his side to the ditch
1210 on the opposite side if they're only going to widen from the center line? Right
1211 now, the crown of the road is the center line because there hardly is a road. So
1212 we all are just concerned about that.
1213
1214 And the other thing is at some point Scott Road's bridge will be removed and
1215 demolished. That will isolate everyone on the east side if they don't get the road
1216 taken in, which I know they won't move the bridge until they do that. But is that
1217 possible that at some point the County would consider the property that they own
1218 now, which is in my backyard, to allow traffic to come through—well actually it's
1219 Best Plaza—to get to Parham Road from Scott Road if necessary for some type
1220 of a traffic diversion in an emergency in the future if that bridge is demolished,
1221 which is probably ten years down the road. I understand there's no money
1222 available now.
1223
1224 But the big concern is the traffic and the intent of what will be done to alleviate
1225 the congestion that's already there with hardly any traffic whatsoever. And
1226 people, when they take traffic tolls and look at numbers, they don't think about
1227 the individuals in human nature terms. People are like electricity and water; they
1228 take a path of least resistance. So if they're coming from Verizon, which is in

1229 Park Central, and they want to do their lunch break, believe me, they're not going
1230 to go out to Parham Road, run down across 95 on Parham Road, and come back
1231 up. They're coming around Scott Road. So now you have traffic coming out of
1232 the complex that they're going to build and traffic. And it's going to happen at
1233 certain hours of the day just like clockwork. It's going to be from 7 until 8:30. It's
1234 going to be from 11 until 1:30. And it's going to be 3:30 to 5:30. It's just like
1235 clockwork, and it's a racetrack. It's going to happen, there's no question about
1236 that. You can probably have an officer observe the traffic going on. But we tried
1237 that. It didn't seem to eliminate anything.

1238
1239 The overall big picture is safety, traffic congestion, and the ability to move the
1240 public back and forth without a hindrance to the community that they're living in.
1241 And I thank you.

1242

1243 Mr. Archer - Thank you.

1244

1245 Ms. Jones - Sir, can you tell me where your home is on this map?

1246

1247 Mr. Lipscomb - My home is 805 Scott Road. It's on the east side.

1248

1249 Ms. Jones - Can you put the cursor on it for me or maybe one of
1250 the staff members can? Just so I know where you are in relation to this
1251 development.

1252

1253 Mr. Lipscomb - Okay. I'll find it here in just a moment.

1254

1255 Mr. Archer - Take your time sir.

1256

1257 Mr. Lipscomb - Where's the Best Plaza on this?

1258

1259 Mr. Witte - Just to the right.

1260

1261 Mr. Lipscomb - Oh yes, we're up here. Okay. You see right there at
1262 the Best Plaza where it says "R-2"?

1263

1264 Ms. Jones - Gotcha, yes.

1265

1266 Mr. Lipscomb - Okay. My wife and I own that property there and the
1267 two adjacent properties right here.

1268

1269 Ms. Jones - Mr. Deering, I believe?

1270

1271 Mr. Lipscomb - Mr. Deering, he is—let me get my bearings straight
1272 here. He's going to be here at Scott road. He's going to be basically directly
1273 across from it.

1274

1275 Ms. Jones - Okay.
1276
1277 Mr. Lipscomb - Yes. Pretty much right across. Right in that general
1278 area right there.
1279
1280 Ms. Jones - Okay.
1281
1282 Mr. Lipscomb - That little cut-in right in there, that's would be where
1283 his situation would be right in there.
1284
1285 Ms. Jones - Just wanted to make sure I understood. Thank you.
1286
1287 Mr. Lipscomb - It's technically about safety and availability of
1288 sufficient roadway to handle the traffic that's going to be proposed for the overall
1289 big picture there.
1290
1291 Ms. Jones - Thanks.
1292
1293 Mr. Lipscomb - Okay.
1294
1295 Mr. Archer - All right. Thank you, Mr. Lipscomb. Any other
1296 questions? All right. Anyone else with to speak? We have about 2-1/2 minutes
1297 left, I believe.
1298
1299 Ms. Green Good evening.
1300
1301 Mr. Archer - Good evening, ma'am.
1302
1303 Ms. Greene My name is Camille Greene, and I'm on Concord. The
1304 traffic that this development is going to encounter or whatever, we are going to
1305 be stuck in there. As it is now, when we want to go out to Parham Road, we have
1306 to up Aberdeen two blocks, go up Athens to the light, then go up Brook Road to
1307 the light at Brook and Parham, and then come back down Parham Road just to
1308 get to Walmart.
1309
1310 Now we have asked for a light to be put there at Aberdeen and Parham because
1311 in the mornings, we cannot get out. The traffic is backed up completely. In the
1312 evenings, it's the same thing. And when they put this development in, the people
1313 are going to come off of 95, cut through Aberdeen, come through there to get to
1314 Scott Road. If we could get a light there, then that would control some of the
1315 traffic coming in and out of our street.
1316
1317 That's what I have. That's it.
1318
1319 Mr. Archer - Thank you, Ms. Greene. Any questions for
1320 Ms. Greene? Thank you, ma'am. We have a few seconds if there's somebody

1321 else who wants to speak. Almost a minute. All right, thank you. Mr. Wilton, would
1322 you come forward, sir, and see if you can address some of these concerns.

1323

1324 Mr. Wilton - Can I switch it back to the colored example? Exhibit
1325 A. Okay. All right. For the record, my name is Henry Wilton. I represent Wilton
1326 Acquisitions LLC. I will tell you one thing, I will stay around for your decision. I
1327 won't be walking out. I'm going to be here however long it takes. That's one thing
1328 you can count on.

1329

1330 We are here to request rezoning for 16.4 acres. Part of it's R-3, A-1 and the
1331 majority it is B-2 (unconditional), obviously no conditions. So a number of things
1332 can be put there that would generate a lot of traffic. We do have a traffic study
1333 that was done in May that will show you exactly that. I have my traffic expert,
1334 when we get to that, if you want to ask him some questions. But basically, what
1335 we're planning with residential townhouses for sale, we're looking at a 93 percent
1336 reduction in the amount of traffic we generate versus the amount of traffic that
1337 would have generated if it had gone to zoning.

1338

1339 We had two meetings. Traffic was certainly the prime concern, people coming
1340 through the neighborhood, and Mr. Deering about the pavement width. We
1341 explained that on our side of the road—and I have plans here, Greg Koontz—that
1342 from the midpoint of the road, we go over 18 feet. So we're putting in 18 feet of
1343 new pavement and curb and gutter before we get to our entrance. Both of our
1344 entrances are on Scott Road. So we are taking care of the part that we control.
1345 We don't control the other part. When those lots are developed, somebody will
1346 have to do the other side. We are bringing sewer up that way, so I would think
1347 that somebody will have the sense to go ahead and develop that at a later date.

1348

1349 We're following the Urban Residential overlay plan per the Comprehensive Plan.
1350 The buffers are the same as you see in many of these townhouse cases. Again,
1351 these are townhouses for sale. It's not a proffer, but that's certainly the intent. I'm
1352 not working with anybody that would go in and rent the units. They have to sell
1353 them to make their money.

1354

1355 In looking at the actual layout that you see up here, you've Scott Road. Again, we
1356 made sure our two points of access were up there. Scott Road. You can go
1357 directly down Scott Road to Route 1 and get to a light. We think that's the easiest
1358 way to get out from most of the people. And Carl will speak to that as far as his
1359 chart. Basically, his chart concerns the May report that they ran on the property.
1360 What you have before you in your handout is a condensed version of Carl's
1361 analysis with the chart behind it, and then an overlay showing how to get in and
1362 out if you took the back road out. Again, he'll be up here in a minute, if you'd like
1363 him to explain that.

1364

1365 Just going over the proffers, they are pretty much standard proffers. We did
1366 remove those three that they will go in the restrictive covenants. We have 115

1367 units of which now we have about 113 units. And if you're looking at that, 113
1368 units is about 6.9 units to the acre. Density allowed in here up to 6.8. We have a
1369 minimum average or 1500 square feet. Conceptual plan is proffered. The exterior
1370 elevations are, again going towards the cottage look that seems popular today.

1371
1372 The buffers, as you can see against the interstate on the layout we have up here,
1373 we have a 25-foot heavily wooded buffer. Where the sewer comes across the
1374 interstate, that's where that small pond would be located. We don't know how
1375 large that would be that would be a BMP of some size. We would probably use
1376 nutrient credits on this job also, so that would make it as small as possible. We
1377 have a similar one that we did on Wistar that we put in the middle. And again, we
1378 had features like that—a gazebo and so on—and we'll fix it up that way so
1379 people can sit around it and enjoy it.

1380
1381 We have a fence. The buffer coming up from Brockton Street is 75 feet going in.
1382 That's the R-3 across there, the R-3 zoning. We don't intend to go into that at all.
1383 We're going to leave all that, and then we're going to vacate the two access
1384 roads and return them to the association so that they'll never have to worry about
1385 those roads being opened. That will increase our buffer all the way across,
1386 except where we get to Concord. For Concord, we have a 25-foot buffer, which
1387 we'll have to go ahead and plant. That's the only area that basically is clear in the
1388 entire project. We have a six-foot white fence that goes along the interior of that
1389 75-foot buffer and 25-foot buffer at the back of the units.

1390
1391 We're following the Comprehensive Plan. We feel like this is a good transition
1392 from single-family to residential multi-family. Again, townhouses for sale.

1393
1394 As far as traffic, if you have some questions for Carl, I'll bring him up now to go
1395 through that chart and his analysis that you have before you.

1396
1397 Mr. Archer - Yes. I have a couple of questions I'd like to ask your
1398 traffic person, yes. Did you have anything else you wanted to add before that, Mr.
1399 Wilton?

1400
1401 Mr. Wilton - No sir.

1402
1403 Mr. Archer - Okay.

1404
1405 Mr. Thornton - Mr. Chairman, before you get to traffic, I have some
1406 questions to ask Mr. Wilton. May I do so at this time?

1407
1408 Mr. Archer - Go right ahead.

1409
1410 Mr. Thornton - Mr. Wilton, I notice that you referred a few minutes
1411 ago to profitability, which I understand. You said the sales of these are important.
1412 You also mentioned 113 units. These would be townhomes which have an HOA?

1413

1414

Mr. Wilton -

Yes sir. All of the ones I do have HOAs.

1415

1416

Mr. Thornton -

Yes sir. Well, once people build something, they don't un-build it. I think you would concur with that. There is nothing wrong in making a profit; that's how America was built, more or less. But then you also have this thing about people who live in the area who were there first. There could be some legitimacy to the idea that you're bringing this in now and what's the rationale. Other than profitability, how come these 113 units are going here, and what's the thing about quality that you think would enhance this and would enhance this community?

1424

1425

The HOA factor is changing in Henrico and probably some areas of the country. I know that there are some HOAs that have become default. Now when you start out, it's like a baby, it's brand new. And so when people move in, things go smoothly. And then after a period of time, sometimes things don't go smoothly. So I don't think that we get an opportunity to ask builders about this, because you build, and then you're gone. Localities, we're still here, so we have to deal with that.

1432

1433

I guess I'm really asking you, do you also have in your comments a better reason than just profitability as to why this is a good thing to do.

1434

1435

Mr. Wilton -

What we do, when we get a piece of property—and again, I develop it and I find the builder. We look at the County plans for it. So we go to the staff, and we find out exactly what's within the Comprehensive Plan. And this is Urban Residential. And under Urban Residential, it will allow townhouses. It'll allow a number of different things under it. We thought townhouses would be a good transition from the single-family. Because you're going against the interstate, you have to deal with the traffic, large buffers. And if you'll look, the traffic that we're generating, if you look at what could be done with that B-2, the traffic generated would be 9200 cars per day, I think. This alternative with the road coming right straight down from Scott Road down to Route 1 and a light there, we thought that was adequate. And again, VDOT will tell us if we have to do anything.

1448

1449

Basically, the County tells me through the Comprehensive Plan what they will allow here. And I think this is very compatible with the residential next door. But in fact, in most cases, I have a 100-foot buffer, treed buffer, that separates the two. Again, I give them separation, although a lot of times, Planning doesn't want residential from residential separated. But I think this does an extremely good job of that.

1455

1456

Mr. Thornton -

I know this is a guesstimate. What are we talking about a typical unit might cost?

1457

1458

1459 Mr. Wilton - About \$220,000 is what we've been told is going to be
1460 the price point.
1461
1462 Mr. Thornton - That's the beginning, the max, or what?
1463
1464 Mr. Wilton - The 220 would be probably a standard price with
1465 some options on it. Again, I'm not the builder. He tells me what the average price
1466 point is. But until we get the final plans done, I won't know exactly what his price
1467 point is on the lot until I get my engineering done. But right now it's going to be
1468 around \$220,000, give or take. And that's probably a unit with some nice features
1469 added into it.
1470
1471 Mr. Thornton - And you understand my point of view that once these
1472 are built, we want to make sure that they're quality units and that they're on par
1473 with anything else that's built in the County. That's significantly important.
1474
1475 Mr. Wilton - Yes sir. I think it is important. Something that would
1476 be fly-by-night, I would agree with you, I wouldn't be involved in that. I've been
1477 here for over 30 years.
1478
1479 Mr. Thornton - I didn't use that term.
1480
1481 Mr. Wilton - But I've been here for over 30 years. Every one of my
1482 associations is still working. They're still there, and they're still paying their dues.
1483 In every one of the townhouse subdivisions that I've done, and I've done a
1484 number of them. I understand your points, but I also understand my history and
1485 what we've done so far. I will continue it the same way.
1486
1487 Mr. Archer - Any more questions for Mr. Wilton?
1488
1489 Mr. Leabough - I still don't think I heard anything about the
1490 infrastructure and the traffic.
1491
1492 Mr. Wilton - Carl's coming up.
1493
1494 Mr. Leabough - As long as that's going to be addressed.
1495
1496 Mr. Wilton - I have the expert. What you have before you,
1497 everybody that came to the first meeting, and everybody that came to the
1498 second, and then everybody who didn't come to the second still got a copy to
1499 bring them up to—what we found out when we went to the County. So everybody
1500 should know about that. Carl?
1501
1502 Mr. Archer - Good evening, sir. Your name for the record, please.
1503

1504 Mr. Hultgren - Good evening, Mr. Chairman. My name is Carl
1505 Hultgren. I'm with Ramey Kemp & Associates. The business address is 4343
1506 Cox Road in Innsbrook. We are a transportation engineering firm, and I manage
1507 our firm's office here in Richmond.
1508

1509 A couple of points on the traffic. First of all—and I believe you have this table in
1510 front of you. It kind of looks like this.
1511

1512 Mr. Archer - We have something similar. Yes, we do have it. We
1513 have it. It's about three pages deep. Go ahead, Mr. Hultgren.
1514

1515 Mr. Hultgren - This table is a comparison of the trip potential of the
1516 existing B-2 zoning versus what Mr. Wilton is asking for. The top line represents
1517 the B-2 zoning, which would be approximately 9800 trips per day on this
1518 property. The current plan that Mr. Wilton is proposing would generate about 725
1519 daily trips. So that's a reduction of approximately 93 percent in the potential of
1520 the property. In other words, the current zoning would allow more than 13 times
1521 the number of trips that the townhouses would generate, just to put that in
1522 perspective.
1523

1524 We met with Mr. Cejka in Public Works last week, and he agreed that a full traffic
1525 study is not needed in this case because the trip potential is so low for the
1526 townhomes.
1527

1528 Mr. Wilton mentioned in his talk the widening that will occur on Scott Road across
1529 the property frontage. The road today is approximately 18 feet wide in that area
1530 and this project will add 9 feet of pavement along the property frontage. So it will
1531 go 18 feet from the center line to the edge. So it's going to be adding 9 feet of
1532 pavement along this property.
1533

1534 There have been some concerns about the volume of traffic on Scott Road. The
1535 County did a traffic count back in May and found that there are only 300 cars per
1536 day on Scott Road in this area, which is an extremely low amount of cars. A two-
1537 lane road that's designed and built to today's standard can carry probably 10, 12,
1538 13,000 cars per day. Scott Road is obviously not designed and built to current
1539 standards; nobody's questioning that. Just for argument's sake, let's say the road
1540 can only carry half of what a normal road would carry. That would be about 5,000
1541 cars per day. We're at 300 cars per day now. We expect these townhomes to
1542 only add about 100 cars a day going over the overpass, so we'd still be under
1543 500 cars per day. The road can carry 5,000 cars per day. So it can still handle 10
1544 times the traffic that we're talking about.
1545

1546 Going back to this table just one more time, the same table I talked about at the
1547 beginning. If we look at the a.m. and the p.m. peak hours, which are the busiest
1548 times of the day, even at full built-out with all 115 townhomes occupied, we're
1549 only projecting about 60 cars per hour total coming in and out of the development

1550 during both of those time periods. So that's about one car per minute either
1551 coming in or out of the townhomes at the busiest time of the day. The
1552 surrounding roads can definitely handle the traffic generated by these
1553 townhomes.

1554

1555 With that I'll answer any questions you may have.

1556

1557 Mr. Archer - Thank you, Mr. Hultgren. Any questions from the
1558 Commission?

1559

1560 Mrs. Marshall - I have a question.

1561

1562 Mr. Hultgren - Yes.

1563

1564 Mrs. Marshall - Looking at exhibit B along Scott Road where we're
1565 seeing the entrances to the development, is it going to be that wide the entire
1566 length of the development on Scott Road?

1567

1568 Mr. Hultgren - That's correct. The additional nine feet of pavement
1569 will go from this property corner across both entrances, then up to this property
1570 corner.

1571

1572 Mrs. Marshall - Okay.

1573

1574 Mr. Hultgren - The entire frontage of the property.

1575

1576 Mrs. Marshall - Thank you.

1577

1578 Mr. Witte - And that will be paved?

1579

1580 Mr. Hultgren - Yes sir.

1581

1582 Mr. Witte - If a school bus is going to pick up children, they have
1583 enough room to pull in there?

1584

1585 Female - [Off microphone.] No.

1586

1587 Mr. Hultgren - Will there will nine feet more than there is today.

1588

1589 Mr. Witte - So in essence, it won't block Scott Road totally. I
1590 mean they still have to stop for the school bus.

1591

1592 Mr. Archer - Well you have to stop for the school bus anyway.

1593

1594 Mr. Hultgren - Scott Road is undivided, so they have to stop anyway
1595 when they're picking up children.

1596
1597 Mr. Witte - May I ask a quick question, Mr. Chair?
1598
1599 Mr. Archer - Go right ahead.
1600
1601 Mr. Leabough - How does widening Scott Road by nine feet do the
1602 residents—what does that do for the residents in the community?
1603
1604 Mr. Hultgren - Well, that's all that Mr. Wilton can do. That's all he
1605 controls. If the other side of Scott Road developed at some point in the future,
1606 that would also include an additional nine feet of pavement, and then you'd have
1607 enough to do a three-lane section through there. Mr. Wilton doesn't control that
1608 side of the road.
1609
1610 Mr. Leabough - So it doesn't help them right now at all.
1611
1612 Mr. Hultgren - It's definitely an improvement to the existing condition.
1613 It makes the road wider through here.
1614
1615 Mr. Leabough - Yes. But then they still go back to the narrow road on
1616 each edge of it.
1617
1618 Mr. Hultgren - Correct.
1619
1620 Mr. Leabough - So it's not really helpful, in the near term at least.
1621
1622 Mr. Hultgren - That may be true, but the existing road can handle I
1623 would say at least 5,000 cars a day. And we're talking about 500 cars per day.
1624
1625 Several voices - [Off microphone; mumbling loudly.]
1626
1627 Mr. Archer - Folks, please don't comment unless you're going to
1628 come up and speak in the microphone. Please. Thank you. Go ahead, sir.
1629
1630 Mr. Leabough - I'm just questioning—I mean if this property
1631 developed B-2, is there a market interest in B-2 development here?
1632
1633 Mr. Hultgren - I can't speak to that at all. That's outside my area.
1634
1635 Mr. Leabough - You were giving us numbers about B-2 development.
1636 I was wondering if there was a market for it at all.
1637
1638 Mr. Hultgren - Like I said, I can't—
1639
1640 Mr. Leabough - Maybe Mr. Wilton can speak to that. Is there a market
1641 for B-2? You gave us number.

1642
1643 Mr. Wilton - I'm not a commercial developer. Butch Ball actually
1644 was looking at that. When he got to the amount of traffic generated by the 9,300
1645 cars per day, again, I think he looked at also a traffic light off of Parham. But I
1646 think VDOT did not like that idea. Again, with a commercial development coming
1647 in there, you have a straight shot of Scott Road coming down. VDOT could make
1648 him do some off-site improvement to use as B-2. But other than straightening
1649 that road for the 9,200 cars, he would have access to a light. And I think he could
1650 get development of a retail center of some type. Again because you have all that
1651 visibility along 95, his first thought was to do that. I came up with this idea. Again,
1652 I wasn't planning on trying to 9,200 cars through anywhere. I thought this was a
1653 much better alternative to that, that's all.

1654
1655 Mr. Leabough - The only reason I ask is because we make references
1656 to what could have happened if it was—

1657
1658 Mr. Wilton - Well again, it was zoned B-2 to be used as business.
1659 Again, because it's right on the corner coming in, it is a good location for
1660 business. Now the access over the years obviously has gotten kind of scrambled.
1661 That's up to Mr. Ball.

1662
1663 Mr. Leabough - Thank you.

1664
1665 Mr. Archer - All right. Anybody else?

1666
1667 Mr. Witte - I have a concern as to whether residential
1668 development there would be better than a shopping center or a hotel or office
1669 buildings in multi stories. In essence, people would be looking out over the
1670 neighborhood from a four-story office building or a four-story hotel and
1671 generating much more traffic than this residential.

1672
1673 I had the same issue many years ago when they were building this facility. I lived
1674 right behind it. I tried to fight it. When they convinced me that being closed on the
1675 weekends and not having people looking over into my backyard all the time was
1676 the better option, I didn't agree with it. But it turned out to be wonderful.

1677
1678 That would be my bigger issue. If they did something business or something that
1679 didn't need rezoning, they could just go in there and do it. And would it be worse
1680 for the community than adopting this situation? As Ms. Jones said, it might be
1681 one of those situations where you have to give a little, take a little to make
1682 something work. But I certainly don't have the answers. So that's food for
1683 thought.

1684
1685 Mr. Archer - Thank you, Mr. Witte, for that food. We needed it.
1686 Anybody else with a question?

1687

1688 Ms. Churchill - [Off microphone.] Yes. Do I just come up here?
1689
1690 Mr. Archer - Yes ma'am. State your name for the record, please.
1691
1692 Ms. Churchill - My name is Mary Churchill. I just need some clarity
1693 here. So we're going from one-family residential to 112 townhouses, which are
1694 about—most people have two cars, sometimes three. So we're talking about at
1695 least 226 cars. Is that what I'm hearing, is that we're going from single-family—I
1696 know where Concord is. I've been that street, Scott Street. These are nice,
1697 beautiful single-family homes. So now I'm asking are we going now from there—
1698 and this area is zoned R-3, One-Family Residential, to now townhouses of 113
1699 townhouses, which most people have two cars. So that's 226 cars. Is this
1700 correct? Is this what I'm hearing?
1701
1702 Mr. Archer - Well, the traffic study does not indicate that.
1703
1704 Ms. Churchill - I'm just saying, when you have a townhouse, you're
1705 going to have usually two cars. So 113 townhouses is easily 226 cars.
1706
1707 Mr. Archer - I understand.
1708
1709 Ms. Churchill - And as the gentleman said, morning, afternoon, and
1710 evening. So there is going to be an increase. I guess my concern is we're going
1711 from one-family residence to multiple-family residence in an area—I don't know if
1712 you know this area. It's a wonderful little area.
1713
1714 Mr. Archer - I know it.
1715
1716 Ms. Churchill - And I don't know where you live; I'm sure it's not
1717 there. So I'm just concerned. Why would we want to do this? So I'm just asking
1718 you to think seriously about doing this. That's my comment. Thank you.
1719
1720 Mr. Archer - Thank you, ma'am, for your comment. Ma'am, before
1721 you speak, we've already used up all the opposition time, but I'm going to let you
1722 speak. Go ahead.
1723
1724 Ms. Deering - Well thank you. Hi, my name is Michele Deering. I live
1725 on Scott Road. We will be across from this development. We don't have a
1726 problem with the development; we have a problem with not widening the road. It
1727 doesn't make sense. I understand he's increasing his area, but those same
1728 people still have to come down that road, the rest of the road. And the road is not
1729 wide. If you take a school bus and a Cadillac Escalade, they can't go down there
1730 at the same time. Somebody's going all the way over to the end of the road trying
1731 to pass or either hitting our mailbox. And that's our problem.
1732

1733 So I would like to ask Henrico to do a study on our road. The traffic study he did,
1734 I would like you all to do it for us. That way you can determine how many cars
1735 are going up and down this road. I live there, and there's more than what they've
1736 calculated. My husband was off today, and he sees cars going up and down. You
1737 have Dominion down there at the end of the road. You have the sports villa at the
1738 end of the road. And people come through that road. They do not go to Parham
1739 Road, they come through our road because it's quick, it's easy, there's no
1740 stoplight, and you can go 45, 50 miles per hour up and down that road.

1741
1742 So that's what I'm asking for is a study done by your guys to determine how
1743 many cars are actually going down there. And then when you put 115 homes
1744 there with two cars each, and then if they have kids, that's three cars. We're
1745 talking about a lot of cars going down that little strip right there, which is not being
1746 widened for us, widened for him. So that's my request.

1747

1748 Mr. Archer - Thank you, ma'am.

1749

1750 Ms. Deering - Thank you.

1751

1752 Mr. Archer - Mr. Cejka, could you come up for just one second,
1753 please? I have a quick question I want you to verify for me. Go ahead and state
1754 your name for the record, please.

1755

1756 Mr. Cejka - Yes sir. My name is John Cejka. I'm the traffic
1757 engineer.

1758

1759 Mr. Archer - Mr. Cejka, in one of the meetings we had with the
1760 community, the question about the bridge came up, and it came again tonight.
1761 Would you explain the situation about that bridge, and the fact that it is obsolete,
1762 and once it's gone, it won't be back, so they'll know that that's official?

1763

1764 Mr. Cejka - I did talk to my supervisors today. They said there is
1765 no discussion as of yet if that bridge will be removed or not.

1766

1767 Mr. Archer - So there's not anything in the near future. Is that what
1768 you're saying?

1769

1770 Mr. Cejka - If it is removed, it won't be until after the new bridge is
1771 installed.

1772

1773 Mr. Archer - Okay.

1774

1775 Mr. Cejka - If it is removed.

1776

1777 Mr. Archer - All right. Anybody else have any questions?

1778

1779 Ms. Jones - I do. Mr. Cejka, the traffic count that was done in May
1780 of this year was done by the County, correct?
1781
1782 Mr. Cejka - That's correct.
1783
1784 Ms. Jones - But it was not a full-blown study.
1785
1786 Mr. Cejka - No ma'am. It was just a 24-hour count.
1787
1788 Ms. Jones - Twenty-four hour count. Okay.
1789
1790 Mr. Witte - And they had 300 cars for the 24-hour period.
1791
1792 Mr. Cejka - Correct. The study was done 150 feet west of the
1793 bridge at 95, so it's right at the parcel. Basically where the driveway is for the
1794 townhouse development is where we did the study so we'd get an accurate
1795 amount at that point.
1796
1797 Mr. Archer - Mr. Cejka, before you sit down, would you explain
1798 how car trips are calculated? I don't think everybody understands that. What
1799 constitutes a car trip?
1800
1801 Mr. Cejka - A car trip is whenever somebody passes a single
1802 point, such as the driveway to the development. When they leave, it's one trip.
1803 When they come back, it's one trip.
1804
1805 Mr. Archer - So any single car trip is actually two car trips. Is that
1806 correct?
1807
1808 Mr. Cejka - That is correct. If they were to go to work and come
1809 back, it's two trips.
1810
1811 Mr. Archer - Okay. So in that case, a 300-count car trip would be
1812 150 leavings and a 150 coming back home.
1813
1814 Mr. Cejka - Approximately yes.
1815
1816 Mr. Archer - Okay. All right. That's all the questions I have.
1817 Anybody else?
1818
1819 Mr. Thornton - Ms. Churchill raised a question about if in one of
1820 those townhomes you have three cars. How does that relate to the traffic data
1821 that we heard tonight?
1822
1823 Mr. Cejka - Related to the number of trips that are done in a day?
1824

1825 Mr. Thornton - Right.
1826
1827 Mr. Cejka - Actually, we get our numbers from the Institute of
1828 Transportation Engineers. It's a formula that you use by them. They actually
1829 calculate almost 12 trips per townhouse. So that would six leaving, six coming
1830 back. So even though there may only be two cars per townhouse, well they go to
1831 the grocery store, they go to work, they go to soccer practice. They leave the
1832 house and come back more than just two times a day. We're estimating
1833 approximately 12 trips per townhome per day.
1834
1835 Mr. Archer - Anybody else. Thank you, sir. Okay. I guess we're at
1836 the point where we have to make a decision, so let me note a few things, if I may.
1837
1838 I did attend all of the community meetings that were held. We did get a lot of
1839 questions asked and a lot of questions answered. In this particular instance, the
1840 things that staff had a problem with, Mr. Wilton has handled in the revised
1841 proffers that we received. Do we have to make a motion on these proffers? They
1842 were dated the 10th.
1843
1844 Mr. Emerson - Yes sir, you have to waive the time limits.
1845
1846 Mr. Archer - That's what I meant, yes. All right.
1847
1848 Now, let me see if I can put together all the pieces that I have here and try to
1849 come up with a decent answer.
1850
1851 We've had a lot of discussion about widening Scott Road. Anybody who's ever
1852 driven Scott Road knows that it is exactly like you all described it. I'm not saying
1853 that it's anybody's fault at this particular point in time, but I can speak to
1854 Mr. Wilton has said when he talks about him not being able to widen Scott Road.
1855 He doesn't own Scott Road. The only part of Scott Road that he can handle is
1856 the part that's devoted to the property that he wants to develop.
1857
1858 I think everybody out there agrees that Scott Road needs to be widened. And I
1859 have to say this because the first meeting that I attended, the question came up
1860 about Scott Road. And everybody said we need to widen this road. And then
1861 somebody stood up and said, "But don't take any of my land when you do it."
1862 Now I'm saying that because I need to make a point. At some point in time, Scott
1863 Road may be widened. But when it does, if it runs in front of your house, then
1864 you're going to have to lose some land in order for Scott Road to be widened. I
1865 don't know what it would take or what cause would generate something to make
1866 that happen.
1867
1868 The other point that I need to make is we tend to think when we talk about car
1869 trips or when we talk people leaving to go to work or wherever it is people go—
1870 we have 115 units—we also assume that everybody is going to leave at the

1871 same time, all 115 units, two cars per unit, and they're all going to be out there at
1872 the same going the same direction. And that's just not the way it works. It seldom
1873 ever works that way. Everybody is not going the same direction, and they all are
1874 not going to leave at the same time.

1875
1876 Traffic is always bothersome. You build one house, you increase the traffic. To
1877 my knowledge, I do not believe in my lifetime we will ever see traffic decrease
1878 anywhere. We hear people come in all the time and say, "We have too much
1879 traffic on our road. We need to widen the road and make it better." Guess what's
1880 going to happen when you widen a road and make it better—you have more
1881 traffic because everybody is going to want to go that way.

1882
1883 I don't have a solution to all of the things that are going to happen. But I do know
1884 this—and this is one of the things that bothers me about what we have now—that
1885 we an unconditional piece of B-2 land. *Unconditional* means there are no proffers
1886 on it. You can build whatever fits within the Zoning Code and there's nothing
1887 anybody can do about it. And as one of the studies indicates, you could easily go
1888 from 300 traffic trips per day to over 9,000 of commercial traffic. And as Mr. Witte
1889 indicated, you could also end up with a development where you would have high-
1890 capacity and high-story buildings that would be overlooking where you are.

1891
1892 So there's a lot that has to be considered in trying to make a decision here. In
1893 reading what has been done in the staff report, Mr. Sehl has indicated that staff
1894 supports the request and that he has gotten from Mr. Wilton the things that could
1895 be used to make this a better case.

1896
1897 This is not the last that you'll hear of this because this body makes a
1898 recommendation to the Board, and the Board has the final decision. They have to
1899 think about all of these things that are here tonight too. The property is B-2. That
1900 zoning has not changed. I don't know exactly when it was zoned B-2 but it is right
1901 now. So that commercial development could take place without anything from us
1902 other than the required approvals and making sure that they meet all the
1903 standards that the County requires.

1904
1905 Having said all that, I would first like to make a motion to waive the time limits on
1906 the revised proffers.

1907
1908 Mr. Witte - Second.

1909
1910 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Witte to
1911 waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
1912 the motion passes.

1913
1914 Now again, with the understanding that if Mr. Wilton develops this property he
1915 can only do whatever needs to be done on the portion of the property that he

1916 owns and controls. Having said all that, I will now move that this be sent to the
1917 Board with a recommendation for approval.

1918

1919 Mr. Witte - Second.

1920

1921 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Witte. All
1922 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1923

1924 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
1925 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
1926 Board of Supervisors **grant** the request because it conforms to the Urban
1927 Residential recommendation of the Comprehensive Plan and would not
1928 adversely affect the adjoining area if properly developed as proposed.

1929

1930 Mr. Emerson - Mr. Chairman, we now move on to—

1931

1932 Mr. Archer - Excuse me one second, Mr. Secretary. When will the
1933 Board meet on this?

1934

1935 Mr. Emerson - September 13th.

1936

1937 Mr. Archer - September 13th is then the Board will meet here in
1938 this room to discuss this for approval or disapproval. Thank you all for coming.
1939 I'm sorry, Mr. Secretary, go right ahead.

1940

1941 Mr. Emerson - It's not a problem, Mr. Chairman. Mr. Chairman, we
1942 now move on to the next case, which also appears on page 2 of your agenda. It
1943 is REZ2016-00028, James W. Theobald/Hirschler Fleischer for Earl Templeton.
1944 The staff report will be presented by Ms. Rosemary Deemer.

1945

1946 **REZ2016-00028 James W. Theobald/Hirschler Fleischer for Earl**
1947 **Templeton:** Request to conditionally rezone from R-4 One-Family Residence
1948 District and B-1 Business District to B-2C Business District (Conditional) Parcels
1949 784-754-6140, 6324, 6505, 7628, 8004, and 8014 containing 2.910 acres located
1950 at the northeast intersection of Brook (U.S. Route 1) and Wilkinson Roads. The
1951 applicant proposes retail sales. The uses will be controlled by proffered
1952 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
1953 recommends Commercial Concentration and Suburban Residential 2, density
1954 should not exceed 3.4 units per acre. Part of the site is located in the Enterprise
1955 Zone.

1956

1957 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present
1958 who is opposed to REZ2016-00028, James W. Theobald/Hirschler Fleischer for
1959 Earl Templeton? We do have opposition. Thank you, we'll get to you.
1960 Ms. Deemer, how are you, ma'am?

1961

1962 Ms. Deemer - Fine, thank you.

1963

1964 Mr. Archer - Go right ahead.

1965

1966 Ms. Deemer - Mr. Chairman, members of the Commission, the
1967 applicant is requesting to rezone 2.91 acres from R-4 One-Family Residence
1968 District and B-1 Business District to B-2 Business District (Conditional) to allow
1969 the development of a stand-alone O'Reilly's auto parts store and a small retail
1970 center. The property is bounded by Brook Road to the west, Wilkinson Road to
1971 the south, Seminary Avenue to the east and unimproved Beecham Road to the
1972 north. An alley traverses the property in a north/south direction.

1973

1974 The western half of the property, between the alley and Brook Road is zoned B-
1975 1. The eastern half of the property is zoned R-4 One-Family Residence District
1976 and includes two single-family dwellings. Adjacent zoning in the immediate area
1977 is a combination of residential and business district zoning with a small amount of
1978 office across Brook Road.

1979

1980 The 2026 Comprehensive Plan recommends Commercial Concentration and
1981 Suburban Residential 2, at a density not to exceed 3.4 units per acre. The
1982 applicant has submitted amended proffers dated August 4, 2016, which you have
1983 received this evening, to assure several quality aspects of the development
1984 including, but not limited to:

1985

- 1986 • A proffered concept plan;
- 1987 • Architectural elevations and materials;
- 1988 • A screening wall six-feet in height parallel to the western property line;
- 1989 • A landscaped strip a minimum of 25-feet in width along the western
1990 property line planted to the West Broad Street Overlay standards;
- 1991 • Sidewalks installed or refurbished along Brook and Wilkinson Roads
- 1992 • Signage limited to six-feet in height; and,
- 1993 • Deliveries limited to the Brook Road entrance.

1994

1995 The proposed uses are consistent with the commercial designation of the
1996 Comprehensive Plan recommendation but not with the residential designation.
1997 Incorporating the residential acreage, however, provides an opportunity for a
1998 better designed project, allowing for enough area to incorporate a wall across the
1999 western property line, buffering the uses from Seminary Avenue and excluding
2000 access to the residential street.

2001

2002 Staff can support this request. I'd be happy to answer any questions that you
2003 may have this evening.

2004

2005 Mr. Archer - Thank you, Ms. Deemer. Are there questions from the
2006 Commission? No questions. Thank you. We do have opposition on this case.
2007 And I think in this instance, I'd like to hear from the opposition first. Would

2008 anyone who wishes to speak come up and state your name for the record. You
2009 all are aware of the 10-minute limitation that we discussed prior to now? So we
2010 don't need to go over it again. Thank you, ma'am.

2011

2012 Ms. Dawn Marshall - My name is Dawn Marshall. I live at 7500 Seminary
2013 Avenue, which is two blocks south of the proposed rezoning area.

2014

2015 I'm against the proposed zoning as it is, as it's presented. I do not want to have
2016 the residential area rezoned. Right now, that area at 7701 Brook Road is zoned
2017 B-1, which will be an auto parts store, just like it is down the road. We have an
2018 auto parts store down the road, an AutoZone at Lakeside and Brook Road. They
2019 built there within the last I believe ten years. And they put a masonry wall back
2020 there, and they've stayed within the parameters of what's already there. That's
2021 what I'm asking for, that they conform to the area that's already there.

2022

2023 We've talked with Mr. Templeton. We've had two meetings with Mr. Templeton,
2024 and we've asked him to compromise on the building and have him build in the
2025 front part of that property and not take the houses in the back. We have an
2026 association there. The only way you're going to get new members into the
2027 association is to have residents that live in the area. If you take these houses
2028 away, you're taking away residential people that could contribute to our
2029 association and our neighborhood. So I'm against that.

2030

2031 I'm for improving Brook Road. That is an eyesore at that corner, it really is. I've
2032 lived there for 30 years. It's an eyesore. I'd like to see something there. I'm not
2033 against an auto parts store. I just want it to be within the confines that are already
2034 there and not rezone the residential. Like I said, AutoZone two blocks down, they
2035 built there, they have a brick wall back there. They stayed there. That's no
2036 problem.

2037

2038 And we asked about him reconsidering the building, instead of going deep, going
2039 east to west, why not build the buildings north/south and then make the other
2040 little property there smaller than what they're proposing.

2041

2042 Stay with what we've got, and we'll be fine with that. But please don't take our
2043 residential areas. I moved to this area because I love this area, and I don't want
2044 to see houses being torn down for more business. Stay within what's there, and
2045 confine to the Brook Road Corridor Study, and make things better.

2046

2047 Mr. Archer - Thank you, Ms. Marshall. Any questions for
2048 Ms. Marshall? Thank you, ma'am. We have about 7-1/2 minutes left if someone
2049 else wants to speak.

2050

2051 Ms. Tillis - Hi. My name is Frances Tillis, and I live in the area.
2052 I'm just going to go over a couple of concerns.

2053

2054 The auto parts stores, there are two. There's Advance and AutoZone within
2055 walking distance. I don't think it's going to be very much of a benefit to the area
2056 to have another auto parts store right there. I would think that if they would
2057 change it to maybe a 24-hour pharmacy it could benefit the people at St.
2058 Joseph's Villa across the street. Most of those people are handicapped. You see
2059 wheelchairs going up and down Brook Road constantly. Something along those
2060 lines as a development would be great, keeping with the residential people.
2061

2062 It's also an aging area in Chamberlayne Farms. Many of those residents are
2063 aging. They're either going to be selling soon, and we're going to have new
2064 people coming obviously. But something like the pharmacy, that's also another
2065 benefit. Or a restaurant or something that brings the family and the community
2066 together. I can't see another auto parts store or another used car dealership or
2067 another garage if you're trying to revitalize that area. It's not going to bring the
2068 benefits to that area and the property values they'd like to see.
2069

2070 With the traffic studies, I'm sure they're going to go over, back and forth—I hope
2071 they took into consideration the people of St. Joseph's Villa that need to cross
2072 the street. I've seen them get stuck in the middle there in their wheelchairs, and
2073 it's horrible.
2074

2075 But that was mainly what I'd like to see.

2076
2077 Mr. Archer - Thank you, ma'am. Any questions? Thank you.
2078

2079 Ms. Robertson Good evening.
2080

2081 Mr. Archer - Good evening.
2082

2083 Ms. Robertson My name is Joann Robertson, and I live at 7608
2084 Seminary Avenue, which is directly across the street, both of my driveways, to
2085 the proposed building. I'm on the corner of Seminary and Wilkinson. The back of
2086 my house runs parallel with the Pic N Pay on Brook Road. The front of my house
2087 faces Seminary, and the side of my house faces Wilkinson.
2088

2089 I'm in a real bad position. But the first thing before I go into that, I would like to
2090 ask—and I don't think this has been brought up. What impact does this have on
2091 our tax assessment? Within the last six years, our property assessments have
2092 decreased, mine particularly, \$25,000. What impact does this rezoning have on
2093 our property values as a residential area? That hasn't been addressed at all.
2094

2095 The main issue, I'm the one man out. Most of my neighbors will benefit from an
2096 improvement. My driveway, I have a pull through driveway. Right now, I have
2097 horrible problems getting into the Seminary Avenue driveway because of the
2098 traffic. I understand the proposed turn lane is going to widen the road, which
2099 would help keep the flow a little faster than what it is. But I have had to allow the

2100 whole side of my house, which faces Wilkinson Road, to grow up—I look like the
2101 Munster's yard—because of the traffic. I cannot access my side driveway. And
2102 the proposed driveway, the proposed entrance to this new facility will be exactly
2103 in front of my driveway.

2104

2105 They are my two concerns. I'm 70 percent in favor of the proposal that they've
2106 submitted because I like what I hear with the traffic being diverted somewhat and
2107 being faster. But I am the one solely that's impacted totally by this building. The
2108 main thing I'm concerned about is my tax assessment. I am retired. I'm a former
2109 Henrico County employee. Yay. But I'm not real happy with what's happening
2110 with the tax assessment going down and the idea that this auto parts store is
2111 going to increase the value of our property. I don't think so.

2112

2113 So they are my main concerns. Thank you for your time.

2114

2115 Mr. Archer - Thank you, Ms. Robertson.

2116

2117 Mr. Witte - Excuse me. I think you're the first person that's come
2118 before this Commission that wants to pay more taxes.

2119

2120 Ms. Robertson - Well, when I go to sell my house, I don't want to sell it
2121 for 179,000 when it was 230,000 six years ago.

2122

2123 Mr. Witte - I agree with you.

2124

2125 Several people - [Off microphone.] Mumbling and talking.

2126

2127 Mr. Archer - Folks, let's stay in order please, unless you're
2128 addressing the Commission. Go right ahead, sir.

2129

2130 Mr. Green - My name is David Green. I live in the new Vaughan
2131 Heights, Chamberlayne Avenue, which is one block from Seminary, which is one
2132 block from the wooded lot that they want to rezone to retail.

2133

2134 I submitted a petition a couple days ago with eight signatures from people in my
2135 neighborhood. Have you seen that? Okay. Briefly, for everyone, it says:

2136

2137 We, the residents of Vaughan Heights, located on Chamberlayne
2138 Avenue, call upon the County of Henrico, Virginia, to stop rezoning.
2139 We do not want this property rezoned for retail use.

2140

2141 My main concern is the traffic. Even if there's a lane inserted on Wilkinson as you
2142 turn right onto Brook, traffic coming other ways is still going to cause congestion.
2143 There are two exits. There's one from Wilkinson and one from Brook. The one on
2144 Wilkinson, there's a bus stop two blocks before that, right across from my house.
2145 That's one issue.

2146

2147

2148

2149

2150

2151

2152

2153

2154

2155

2156

2157

2158

2159

2160

2161

2162

2163

2164

2165

2166

2167

2168

2169

2170

2171

2172

2173

2174

2175

2176

2177

2178

2179

2180

2181

2182

2183

2184

2185

2186

2187

2188

2189

2190

2191

In 2006, this issue was looked at and denied. Since then, there has been a police station put up. There are new condos being built called StyleCraft condos at Villa Park and Parham. That's also going to increase traffic. I've see two accidents right there where they want to rezone the lot, down a little ways close to me and my neighbor, who was just speaking, because the traffic was heavy.

Another thing is I read in their proposal that they won't have trash pickup or lot cleanup before 7 a.m. or after 7 p.m. And that's when the traffic starts picking up on Wilkinson. That's also a concern of mine.

And I'm concerned with the value of my home. I was thinking about selling it. And if there's too much traffic no one—most people aren't going to want to move in there if they can't get out on the street.

The proffer to widen the road at Wilkinson as you turn onto Brook, it doesn't seem that it's going to take care of the problem. In addition, the AutoZone and the Advance Auto down the street and the Walmart, I don't really think we need an O'Reillys there.

Those are my concerns. Any questions?

Mr. Archer - All right. Any questions for Mr. Green? No questions. We have used up all of the time for the opposition.

Male - [Off microphone.] I want to speak in favor.

Mr. Archer - I'm sorry?

Male - [Off microphone.] Can I speak in favor?

Mr. Archer - Why don't we wait until the applicant comes forward, and then you can speak in favor. This is the opposition's time right now.

Mr. Archer - I'm sorry ma'am?

Ms. Brownlee - [Off microphone.] I'm opposed to it. Can I speak?

Mr. Archer - We have about four seconds on the clock, but I'll give you a minute. Come on up.

Ms. Brownlee - I'm Sharon Brownlee, and I live at 7505 Seminary Avenue, which is about a block and a half down from where this development is proposed. I concur with Ms. Marshall, the first speaker, and a lot of what the other speakers have said. We're not against building on the front part of this property, which is already zoned B-1 and would accommodate what the builder

2192 wants to build there. What we're against is somebody coming in and taking
2193 houses down in our neighborhood.

2194

2195 And I'd like to refer to the 2026 Henrico Comprehensive Plan, Chapter 5, Land
2196 Use. Residential Keystone #4 states that encroachment of non-residential uses
2197 into residential areas should be avoided. Razing two homes in our relatively
2198 small neighborhood and rezoning this land from residential to B-2C certainly
2199 constitutes an encroachment into our neighborhood community. The County
2200 recommends also a 65-to-35 percent ratio of residential to businesses in the area
2201 and County officials involved in the revitalization study of Brook Road frequently
2202 commented that the number of residences needs to grow in order to have a
2203 healthy balance of business and residential.

2204

2205 Then refer to the 2026 Plan, Chapter 3, the Visions, Goals, and Objectives, Land
2206 Use and the Community Character Objectives. Objective #13 states: Provide for
2207 the logical arrangement of land uses which offers transitions for more intense to
2208 less intense uses. This is a high-intensity use that they're proposing, tearing
2209 down houses, putting in quite a few businesses on that lot. So that's a high-
2210 intensity use, and it's right at the corner where our neighborhood starts.

2211

2212 So we propose that if he would compromise and just use the front part of the lot,
2213 which is already zoned B-1, make his businesses a little bit smaller, then that
2214 would be a lower intensity use of that area.

2215

2216 As far as the Brook Road Revitalization Plan, I was on the committee for that. It
2217 was often stated—on page 13 you can refer to that—that the lack of continuity is
2218 a major problem on Brook Road. Driving the corridor, the experience is one of
2219 disorder and confusion that discourages potential shoppers and customers. What
2220 this development does as it's proposed is reach back in our neighborhood, which
2221 no other business does along that road. They all stay within the confines of
2222 where the Enterprise Zone is located so they can benefit from that. They're not
2223 reaching back in our neighborhood to build. So the study recommends that
2224 everybody stay within that continuity to make it more impressive as you drive up
2225 Brook Road, to improve it.

2226

2227 And also, on page 8 of the study of Brook Road, the property that we're talking
2228 about falls within the northern gateway area of the revitalization along Brook
2229 Road and not in the auto-oriented zone, which is located between Hilliard Road
2230 and Lakeside Avenue, where Ms. Marshall was talking about the AutoZone and
2231 the Advance Auto that are already there. They are located in the AutoZone area.
2232 But this developer wants to do is put it in the northern gateway where St.
2233 Joseph's Villa is, where it's beautiful land. And he wants to be a high-intensity
2234 use there in the midst of all that. That goes against the Brook Road study.

2235

2236 Thank you.

2237

2238 Mr. Archer - Thank you, Mr. Brownlee. Any questions before she
2239 sits down? Okay. We're going to hear from the applicant, please.

2240

2241 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.
2242 My name is Jim Theobald, and I'm here this evening on behalf of Mr. Earl
2243 Templeton, who is with us in the back of the room. Mr. Chairman, I think I'd like
2244 to reserve maybe just a minute for my comments, but I think my presentation will
2245 be brief, as we do have people here, I believe, who are prepared to speak in
2246 favor of this case.

2247

2248 This is a request to rezone 2.91 acres from B-1 and R-4 to B-2 with substantial
2249 proffered conditions. The professional planning staff has found that the request is
2250 consistent with many of the goals of the County's Land Use Plan, including the
2251 section regarding the Brook Road Corridor Revitalization Reinvestment
2252 Opportunity Area. The site is also within an Enterprise Zone.

2253

2254 The parcel is at the northeast corner of Brook Road and Wilkinson Road, behind
2255 the Walmart, and is currently occupied by a thrift store and two rental homes
2256 behind it, which are owned by the seller of the entire parcel.

2257

2258 The request would permit the construction of a small retail center, anchored by
2259 an O'Reilly Auto Parts store and a Dunkin' Donuts. Other retail spaces would
2260 also be available. The concept plan is really the result of two meetings with the
2261 North Henrico Civic Association and neighbors, and this plan has been revised a
2262 number of times in order to attempt to address their concerns. We've added a
2263 six-foot masonry wall in the back—and note that it's off the property line—with
2264 landscaping drawn from the West Broad Overlay District standards between that
2265 wall and Seminary Avenue. And there's landscaping in a 25-foot space along
2266 both the front at Brook Road and Wilkinson Road, again planted to West Broad
2267 Overlay District standards as we cited in the proffer.

2268

2269 We've limited the hours of trash pickup and parking lot cleaning. We're required
2270 to put in our leases that tenants limit deliveries both entering and exiting to the
2271 entrance on Brook Road. We have limitations on the height of lighting. We are
2272 providing sidewalks along Brook Road and Wilkinson. And we're doing significant
2273 Wilkinson Road and Brook Road improvements suggested by your
2274 Transportation Department and VDOT, including turn lanes on both sides, an
2275 additional dedication of roadways. And we are doing the work, not just
2276 dedicating.

2277

2278 The elevation you see before you represents quality materials, brick, EIFS,
2279 including the sides and the back. This would be the other retail space to the north
2280 of the site. Other proffers include these elevations that are before you, no
2281 speakers for any user being audible beyond the property lines, and a variety of
2282 use restrictions including no gas stations, no traditional fast foot type uses. We

2283 can have a Dunkin' Donuts or Starbucks type use. No check-cashing, no title car
2284 loans, no payday loans, etc.

2285
2286 So in summary, I believe this is a very thoughtful request by the applicant that
2287 has only gotten better with interaction with the community. I really don't know
2288 what else one could offer on a case like this in terms of proffers, as I believe
2289 we've addressed pretty much everything that we can think of.

2290
2291 I do respect the comments by folks of the opposition, but I honestly believe that
2292 in respecting those comments, you also have to respect the community at large.
2293 And I promise you that their property values won't be increase by leaving the site
2294 the way it is today. I believe they can only improve to have more vitality. Those
2295 two rental homes in the back will be incorporated into this site which as staff
2296 suggested causes better circulation, a better development plan for all.

2297
2298 The last case that was turned down ten years ago, you may recall the applicant
2299 refused to build a wall in the middle of the parcel. To build a wall in the middle of
2300 this parcel just leaves the two rental homes on the other side of that wall, which I
2301 don't think enhances residential development in the area.

2302
2303 So for all those reasons, I would respectfully request that you recommend
2304 approval of this case to the Board of Supervisors. And I'd be more than happy to
2305 answer any questions.

2306
2307 I did want add—I'm sorry, but one comment is that I, too, have copies of the
2308 Brook Road Enhancement Study. I have read it thoroughly, as well as the Brook
2309 Road Special Strategy Area for the Northern Gateway. And I believe we meet
2310 most if not all of these criteria from encouraging the installation of the gateway
2311 feature—Mr. Templeton has been working with the umbrella Association up there
2312 to provide some funding for gateway identity markers. It encourages new
2313 business and other uses to locate in the Brook Road corridor that will improve the
2314 economic vitality of the area. Uniformed designed themes using similar color
2315 schemes; common architecture; building materials; sidewalks; appropriate
2316 buffers, preferably masonry walls, etcetera, etcetera, etcetera. So I really do
2317 believe that we're square with those plans and that we further results of the study
2318 that you all spent so much time on, rather than denigrate from it.

2319
2320 I'm happy to answer any questions.

2321
2322 Mr. Archer - Thank you, Mr. Theobald. Are there questions from
2323 the Commission?

2324
2325 Ms. Jones - The masonry wall and the landscaping that has been
2326 discussed. Obviously, views from the neighborhood are very important to the
2327 neighborhood as well as I'm sure to your client. Do you expect that with the
2328 density of the landscaping and the height of the wall and the height of the

2329 buildings proposed that there will be truly a visual separation between the retail
2330 and the residential?

2331

2332 Mr. Theobald - Well there certainly will be on the back side with a six-
2333 foot masonry wall and plantings on the Seminary side. These are not tall
2334 buildings. A six-foot wall will easily cover the height of a car. We were out
2335 measuring cars with Mr. Emerson yesterday on another matter. Along Wilkinson
2336 Road, you know the West Broad Overlay District standards are not meant to
2337 screen; they're meant to aesthetically enhance an area. So this 25-foot planted
2338 area along Brook Road and Wilkinson, no I cannot assure you that that's going to
2339 screen. It's not meant to screen. It will certainly substantially mitigate, but it's not
2340 meant to block out the views of the site. The West Broad Overlay District
2341 standards, the landscape standards are significant, however, and obviously
2342 they're represented all up and down West Broad.

2343

2344 Ms. Jones - They are substantial, yes. I don't know whether it's
2345 even possible for you to speak to this point, but I do realize that there are a lot of
2346 folks in the area who would be coming here possibly in wheelchairs or in some
2347 other kind of situation that might indicate that they need those broad sidewalks.
2348 How wide is this sidewalk going to be?

2349

2350 Mr. Theobald - I think this is a standard VDOT sidewalk, which I
2351 believe is five feet in width.

2352

2353 Ms. Jones - Five feet? Is there any access across Brook Road
2354 envisioned that would make it easier for folks to cross to your establishment
2355 there, to your parcel?

2356

2357 Mr. Theobald - The traffic lights are in. I don't know if there's a
2358 pedestrian call signal. There is?

2359

2360 Ms. Jones - There is? Okay. I couldn't remember from when I was
2361 out there. All right. Thank you.

2362

2363 Mr. Archer - All right. There were some people who wanted to be
2364 in support of this. Would you want to come forward and speak, please? You have
2365 about 3-1/2 minutes left.

2366

2367 Mr. Hicks - Good evening. My name is Charles Hicks. I'm a
2368 retired school teacher, a mathematics school teacher. I'm vice president of the
2369 Northern Henrico Civic Association. When Mr. Templeton came to our meeting
2370 over at the clubhouse—I live in the Chamberlayne Hills section—it was like a
2371 breath of fresh air. That corner is the pits. That building that sat right there on that
2372 corner doesn't have a curb to it. How would you describe it? A gas station. There
2373 have been so many other things. Now it's a Fred Sanford little place where

2374 people just hang stuff out to be sold. We managed to get the guy across the
2375 street to asphalt the driveway.

2376

2377 I heard somebody say we don't need another auto place. But that's a highway,
2378 that's the number one highway. On number one highway, you have Hardee's,
2379 you have Burger Chef, and you have Wendy's. You're going to have three or
2380 four. This is 301, number 1. But that area, nothing has really happened in that
2381 area I know in the 20 years that I've been here. They managed to move away the
2382 trailers down the street and make a little park area out of that. Even Lakeside has
2383 moved ahead of us.

2384

2385 After some of the people here that spoke opposed to it that were at the meeting, I
2386 drove around and tried to really take a look at Seminary and where they live in
2387 reference to the building. It only affects two homes. If you were to take time and
2388 drive over there, you will find that there is plenty space.

2389

2390 And I like the design. It's just the opposite of one you saw earlier about the
2391 apartments going up. This was nice. That area has not seen any new
2392 development in that area in 20 years. I mean, come on now. It's a beautiful
2393 building. I know it's an auto parts, but you have gas stations and you've got car
2394 repair. That's the nature of a business in an area on a major highway. In certain
2395 sections, it divides up the County.

2396

2397 Wilkinson, Brook Road, those are business areas. With this development coming
2398 in, you would get curbs that you don't have there right now. You would get
2399 walkways, five-foot walkways, which you don't have right now. It's just a little mud
2400 pit up there right now.

2401

2402 So when he came and talked about it, we got to talking, and we said we haven't
2403 had anything looking fresh for a long time, we managed to put up entry wall signs
2404 into the Chamberlayne Hills, some of you may have noticed. Chamberlayne
2405 Farms had walls out that didn't have signage to that. We have that now. People
2406 are paying attention to their lawns. Actually, that whole area is coming together.
2407 Even the people that are opposed, there are 3,000 residents in that area.

2408

2409 And we have rebranded ourselves—Chamberlayne—Northern Henrico Civic
2410 Association, not Chamberlayne anymore. I'm retired, so I'm trying to save our
2411 community. I have members here, if you would stand, that's trying to do the same
2412 thing. We meet and we're serious.

2413

2414 There's so much I can say, but I just can't think of it.

2415

2416 Mr. Archer - Don't worry about it, sir, you've used up all your time
2417 anyway.

2418

2419 Mr. Hicks - We need that, we really do. I'm sorry about the people
2420 who are opposed to it. But I've looked at it. I just want you all to drive and look at
2421 it, and just see what it affects in that area. I heard a lady say one time my kids
2422 will be playing, blah blah blah, like that. And if you ride down North Wilkinson,
2423 there are no kids playing there. You can't even ride a bicycle down North
2424 Wilkinson—I mean Wilkinson Street.
2425
2426 When you take a stand one way or another, you have to say something, and you
2427 have to support it. And I respect that. But we need this, we really do. Thank you
2428 for giving me the opportunity.
2429
2430 Mr. Archer - Thank you, Mr. Hicks. Any questions before he takes
2431 a seat? No applause, please. Sir, we've used up all the time.
2432
2433 Male - [Off microphone.] Do you have a question?
2434
2435 Male - [Off microphone.] No, I just wanted to say I concur
2436 with everything Mr. Hicks said, has shared with you this evening. And Mr.
2437 Templeton, I'm most appreciative of what he's trying to do. I've been a resident of
2438 that area for 42 years. So I applaud Mr. Templeton and what he's trying to do.
2439
2440 Mr. Archer - All right. Thank you, sir.
2441
2442 Male - I thank you for your time.
2443
2444 Mr. Archer - That's all the time we have. Thank you so much.
2445
2446 Male - [Off microphone.] Okay, thank you.
2447
2448 Mr. Haynes - [Off microphone.] Mr. Chairman, can you give 60
2449 seconds [inaudible]?
2450
2451 Mr. Archer - You want to speak in favor or in opposition? Can you
2452 do 30?
2453
2454 Mr. Haynes - [Off microphone.] I could, but I'd only get half of it
2455 said.
2456
2457 Mr. Archer - Everybody in approval of another 60 seconds?
2458
2459 Ms. Jones - Sure.
2460
2461 Mr. Archer - Come on, sir.
2462
2463 Female - [Off microphone; inaudible.]
2464

2465 Mr. Haynes - [Off microphone.] It won't take but a second.
2466
2467 Mr. Archer - I'm sorry?
2468
2469 Female - [Off microphone.] [Inaudible] giving this gentleman 60
2470 seconds. I think he had asked for [inaudible] here. And you denied the request.
2471
2472 Mr. Archer - No, I didn't deny his request. Mr. Christian did have
2473 something to say and this gentleman—are you in favor of this, sir?
2474
2475 Mr. Haynes - [Off microphone.] Yes sir.
2476
2477 Mr. Archer - We're on the same side of the coin.
2478
2479 Female - [Off microphone.] I know, but you know I have to deal
2480 with Mr. Christian [inaudible].
2481
2482 Mr. Archer - Mr. Christian, you're in favor, am I correct?
2483
2484 Mr. Christian - [Off microphone.] Yes I am, yes.
2485
2486 Mr. Archer - Okay, all right. Well we understand now. Go ahead,
2487 sir.
2488
2489 Mr. Haynes - My Chairman, ladies and gentlemen, I'm Sonny
2490 Haynes. I own commercial property on both sides of Route 1 in the Enterprise
2491 Zone. I'm totally in favor of this because this could catapult a revitalization of the
2492 Enterprise Zone up and down Route 1, which is desperately needed. A lot of
2493 improvements have been made, but there are a lot more to be made. And I
2494 would like to just say I'm totally in favor of it. But imagine if everyone said well
2495 you have an AutoZone and you already have an Advance Auto, suppose there
2496 was only one auto parts store in this town. What do you think your parts would
2497 cost? Thank you.
2498
2499 Mr. Archer - Thank you, Mr. Haynes. Okay, that's all the time.
2500 We're done.
2501
2502 Mr. Hicks - [Off microphone.] Just one little thing.
2503
2504 Mr. Archer - I'm trying to be polite here.
2505
2506 Mr. Hicks - I know. But the building itself fits in with the Popeye's
2507 and the other buildings that are in that shopping center. They have reclone that
2508 shopping center and the color—I went over in Glenside and looked at an
2509 O'Reillys, and it fits. It would be a nice thing, it really would.
2510

2511 Mr. Archer - Okay, I have to cut you off Mr. Hicks. Thank you so
2512 much.
2513
2514 Female - [Off microphone.] Are we allowed to ask a question?
2515
2516 Mr. Archer - Ma'am, we're done with this one.
2517
2518 Ms. Marshall - [Off microphone.] Mr. Chairman, I'd just like to say
2519 since he got a chance to speak again [inaudible]—
2520
2521 Mr. Archer - Ma'am? Ma'am, we're done.
2522
2523 Ms. Marshall - [Off microphone.] The only thing we're against is the
2524 rezoning. We're for what he's going to put there. If O'Reillys wants to go there,
2525 that's fine. We're just against the rezoning of the residential area.
2526
2527 Mr. Archer - I understand, Ms. Marshall. This will come up before
2528 the Board again on September 13th. Okay. I want to do a couple of things in my
2529 summary here. One thing I want to do is to thank Ms. Brownlee. Ms. Brownlee
2530 has been working on that revitalization committee for how many years, Ms.
2531 Brownlee, 10, 15? Something like that. I think their committee has done a very
2532 decent job in upholding Route 1 and improving it as it went north from down
2533 around here, I believe, or maybe a little bit on the other side. Yes, on the other
2534 side, because Martin's was a part of that revitalization committee.
2535
2536 Looking at the study and the comments that have been made tonight, when this
2537 was first presented by Mr. Templeton, it was far different from what it is now.
2538 There were things that were presented that Mr. Templeton has tried to address.
2539 He certainly has done enough meeting with the community to try to address
2540 those things. And I think by and large he has done all that we could ask of him in
2541 trying to make this fit into the community.
2542
2543 I know we can't always satisfy everybody. Somebody back there mentioned that
2544 they were 70 percent in approval of it. I wish we could get 70 percent in all our
2545 cases; it would be a lot easier.
2546
2547 In light of that and in view of the fact that as Mr. Theobald indicated, improving
2548 that corner certainly will not do anything to decrease anybody's property value. If
2549 anything, it would have to certainly enhance the property value. Because in the
2550 condition that it's in now and has been in for the last 20 years, it hasn't done
2551 much for anyone's property value.
2552
2553 So based on all of that and trying not to be too long, my motion is to send this to
2554 the Board of Supervisors with a recommendation of approval.
2555
2556 Mr. Leabough - Second.

2557
2558 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Leabough.
2559 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
2560

2561 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
2562 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
2563 the Board of Supervisors **grant** the request because it would not adversely affect
2564 the adjoining area if properly developed as proposed and the proffered conditions
2565 will provide appropriate quality assurances not otherwise available.
2566

2567 Mr. Emerson - Mr. Chairman, we now move on to page 3 of your
2568 agenda where we have two companion cases that I will call together and they will
2569 be presented together but will require separate motions. The first case is
2570 REZ2016-00025—
2571

2572 Mr. Archer - Mr. Secretary, could you suspend for just a minute
2573 please?
2574

2575 Mr. Emerson - Sure.
2576

2577 Mr. Archer - Folks, could you kind of move along? We have other
2578 business to take care of. I apologize, Mr. Secretary. Go right ahead.
2579

2580 Mr. Emerson - No problem, Mr. Chairman. Not a problem. Again,
2581 REZ2016-00025, Joe Oley.
2582

2583 **REZ2016-00025** **Joe Oley:** Request to conditionally rezone from B-1
2584 Business District, B-2C Business District (Conditional), and O-2 Office District to
2585 B-3C Business District (Conditional) Parcel 755-744-0869 containing 4.27 acres
2586 located at the northwest intersection of Three Chopt and Eastridge Roads. The
2587 applicant proposes a farmers' market. The use will be controlled by proffered
2588 conditions and zoning ordinance regulations. The 2026 Comprehensive Plan
2589 recommends Commercial Arterial. The site is located in the Enterprise Zone.
2590

2591 Mr. Emerson - The companion case is PUP2016-00006, Joe Oley.
2592 The staff report for both of these items will be presented by Mr. William Moffett.
2593

2594 **PUP2016-00006** **Joe Oley:** Request for a Provisional Use Permit
2595 under Sections 24-62.2(g), 24-120 and 24-122.1 of Chapter 24 of the County
2596 Code in order to operate a farmers' market on part of Parcel 755-744-0869
2597 located at the northwest intersection of Three Chopt and Eastridge Roads. The
2598 existing zoning is B-1 Business District, B-2C Business District (Conditional), and
2599 O-2 Office District. The 2026 Comprehensive Plan recommends Commercial
2600 Arterial. The site is located in the Enterprise Zone.
2601

2602 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present
2603 who is opposed to either REZ2016-00025 or PUP2016-00006? No opposition.
2604 Go ahead, sir.

2605
2606 Mr. Moffett - Thank you. This is a request to rezone 4.27 acres to
2607 allow for the operation of an outdoor farmers' market within the parking area of
2608 the Westbury Pharmacy shopping center. Farmers' markets are first permitted in
2609 the B-3 District with the approval of a provisional use permit. This presentation
2610 incorporates both the rezoning and provisional use permit requests.

2611
2612 The request would rezone the site from O-1 Office, B-1 Business and B-2C
2613 Business District (Conditional) to B-3C Business District (Conditional). The
2614 applicant has submitted proffers that would limit the B-3 uses to an outdoor
2615 farmers' market, a wholesale bakery, and two mobile food units. Other permitted
2616 uses and signage would be those allowed in the B-1 District. Hours of operation
2617 would be limited to the B-2 standards, which are 6 a.m. to midnight—the same as
2618 B-1 as they currently are—with the exception of the Westbury Pharmacy, which
2619 has a Provisional Use Permit for extended hours of operation. The proffers would
2620 provide the opportunity for other tenants to receive a PUP for extended hours if
2621 requested.

2622
2623 The applicant has indicated the farmers' market would operate during the months
2624 of August through December on Mondays between 3 p.m. and 6 p.m., so three
2625 hours. As shown on this exhibit, the proposed farmers' market would be located
2626 in the northern portion of the parking lot of the shopping center. The farmers'
2627 market area would be no larger than 7,000 square feet and take up four rows of
2628 parking spaces. The market would be protected from vehicle driveways by
2629 orange cones, the vendors' personal vehicles, and a mobile food unit, indicated
2630 by the yellow rectangle on this layout. Each vendor would be provided a 10-foot-
2631 by-10-foot space for their canopy, table, and chairs.

2632
2633 The market would have a market manager on site who would be responsible for
2634 ensuring the following:

- 2635
- 2636 • The market shall only be in operation a maximum of one day per week
2637 August through December;
 - 2638 • The sale or consumption of alcohol shall be prohibited;
 - 2639 • Artisan vendors shall not exceed 25 percent of the total market area;
 - 2640 • There shall only be one temporary banner or sign limited to 25 square
2641 feet in size; and
 - 2642 • There shall not be any outside live music performances or use of a
2643 public address system like a megaphone.
- 2644

2645 The 2026 Comprehensive Plan recommends Commercial Arterial for the subject
2646 site and the requests are consistent with that designation. Properly regulated, a
2647 farmers' market, wholesale bakery, and mobile food units could be appropriate

2648 uses at this location by providing additional services to the community. To ensure
2649 the market meets this goal, staff recommends approval of this request subject to
2650 the conditions numbered 1 through 11 in the staff report for the provisional use
2651 permit.

2652

2653 That concludes my presentation. I'd be happy to answer any questions you may
2654 have for me.

2655

2656 Mr. Archer - Thank you, sir. Are there questions for Mr. Moffett?

2657

2658 Ms. Jones - Probably for the applicant more than Mr. Moffett.

2659

2660 Mr. Archer - Okay. Anyone else?

2661

2662 Mr. Witte - I have one. It says August to December. Does that
2663 include December?

2664

2665 Mr. Moffett - To December 31st.

2666

2667 Mr. Witte - December 31st. Okay.

2668

2669 Mr. Archer - Anyone else? Thank you, Mr. Moffett. Do you think
2670 we need to hear from the applicant?

2671

2672 Ms. Jones - Yes.

2673

2674 Mr. Archer - Okay. Will the applicant come down, please?

2675

2676 Mr. Oley - I'm Joe Oley.

2677

2678 Mr. Archer - Good evening, Mr. Oley.

2679

2680 Mr. Oley - Hello.

2681

2682 Mr. Archer - Ms. Jones, did you have a question?

2683

2684 Ms. Jones - Okay. I didn't know if you were going to give us a little
2685 rundown or whatever. I do have some questions, because I want to understand
2686 your operation proposal.

2687

2688 Mr. Oley - Sure.

2689

2690 Ms. Jones - I live very close by, seems to be by this parcel about a
2691 hundred time a day, so it's a very familiar area to me. One other farmers' market
2692 that is something I've worked on is the West End Farmers' Market, which I'm sure
2693 you're familiar with as we think about farmers' markets. There's a lot of benefit to

2694 farmers' markets, but I think a lot of that has to do with the way in which it's
2695 operated, the way in which its standards are set, and the way in which the rules
2696 are proposed and given. So let me ask you, if you don't mind, just so I
2697 understand what you're proposing here.

2698
2699 It seems to me from the site plan I've seen that you've got your vendors, their
2700 vehicles, and the food trucks all plunked into the area near the entrance to the
2701 parking lot.

2702
2703 Mr. Oley - Correct. There are a couple of entrances.

2704
2705 Ms. Jones - But it is near the entrance off of Three Chopt.

2706
2707 Mr. Oley - Yes.

2708
2709 Ms. Jones - The one that people will use if their coming to the
2710 farmers' market or if they're going to the pharmacy or whatever.

2711
2712 Mr. Oley - Correct.

2713
2714 Ms. Jones - Okay. Why Monday?

2715
2716 Mr. Oley - That's a good question. Because that's when the
2717 farmers could do it.

2718
2719 Ms. Jones - That's probably the most logical answer, I guess.
2720 Because they're involved in other things on other days?

2721
2722 Mr. Oley - They are, yes. A lot of these farmers do multiple
2723 markets. As well as already have the PUP to have the Yoder's doughnut shop
2724 there. And they're there Monday now. So we're consolidating. We're going to get
2725 all of our food done on one day.

2726
2727 Ms. Jones - Okay. I have a bit of a concern about aesthetics and
2728 safety, not necessarily in that order. I guess it would be safety and then
2729 aesthetics. In the other proposal for the West End Farmers' Market, we had an
2730 area far different from this. It obviously could be planted to have borders for the
2731 market. Here, you're talking about using construction cones and the placement of
2732 the vehicles to corral people?

2733
2734 Mr. Oley - Yes. The way it's going to work is it's going to be a U-
2735 shaped area, so there's only entrance and exit for our pedestrians on one side of
2736 the market. The farmers or the vendors are going to park their vehicles on the
2737 exterior. And inside of that will be their tents. So the farmers' vehicles are actually
2738 going to provide a barrier so that no other random vehicle may—you'll see on this
2739 diagram. The green cars represent the vendors' vehicles. So they will park and

2740 form a barrier. This yellow one happens to be Yoder's doughnuts or it could be
2741 another vendor that will park their vehicle there. So we've formed a vehicular
2742 barrier, if you would. And within that, the blue squares are the tents for the
2743 vendors where they will set up. And so we've kind of corralled the market and
2744 protected it on three of the four borders with vehicles. We thought that would be
2745 a safe barrier.

2746
2747 Ms. Jones - Well I would suggest that little kids sometimes don't
2748 understand that they can't go between cars. I'm just talking about a mother
2749 looking at the beautiful things that are there for sale, and she has a child by a
2750 hand and—I've been there.

2751
2752 Mr. Oley - Of course.

2753
2754 Ms. Jones - I understand. So that to me doesn't look like a terribly
2755 solid barrier to kids back and forth. And in your rules, you have down here "With
2756 a limited space after setup, all vendors must park their vehicles at a nearby by
2757 satellite parking area."

2758
2759 Mr. Oley - Yes, that needs to be changed.

2760
2761 Ms. Jones - This is why I'm getting a little confused.

2762
2763 Mr. Oley - Right.

2764
2765 Ms. Jones - Okay. Artisans versus miscellaneous vendors versus
2766 craft vendors. Can you go ahead and define that, because you have percentages
2767 that don't agree either all over here.

2768
2769 Mr. Oley - We want primarily food vendors and growers. We
2770 don't want to have lots of artisans and craftsman. That's why we limited it to 25
2771 percent, I believe.

2772
2773 Ms. Jones - Well it's 25 one place and 20 another.

2774
2775 Mr. Oley - I believe staff recommended that also. So I think it's—
2776 it's either 20 or 25, but it's not going to be more than one or two vendors because
2777 we don't have a very large market.

2778
2779 Ms. Jones - So you're looking to the fresh foods.

2780
2781 Mr. Oley - Yes. We want to support the local farmers.

2782
2783 Ms. Jones - One day a week, three hours a day.

2784
2785 Mr. Oley - Correct.

2786
 2787 Ms. Jones - This is a lot to go through—I get a little nervous about
 2788 B-3—to rezone the entire parcel for three hours a week.
 2789
 2790 Mr. Oley - There was the right way to do this and the wrong way,
 2791 and we chose the right way, to go through the County. We didn't just want to put
 2792 up a market like some other people have done. The only way to get this done
 2793 was to go through the County. And that's what we're trying to do, we're trying to
 2794 work with you guys to make sure everything is correct. Now the purpose for the
 2795 rezoning, obviously, the County said we have to, so that's the process we went
 2796 through.
 2797
 2798 Ms. Jones - You do understand the B-3 implications, though.
 2799
 2800 Mr. Oley - Oh, absolutely. Oh sure. That's why we put those
 2801 proffers in there. We're limiting everything else to B-1 except for this and the
 2802 bakery and the food truck.
 2803
 2804 Ms. Jones - Do you have people lined up already?
 2805
 2806 Mr. Oley - Yes.
 2807
 2808 Ms. Jones - To start as soon as this gets through the process?
 2809
 2810 Mr. Oley - Correct.
 2811
 2812 Ms. Jones - One other thing and then I'll be quiet. I feel like this is
 2813 in my backyard, so I really did spend a lot of time looking at this.
 2814
 2815 Mr. Oley - Well I look forward to seeing you.
 2816
 2817 Ms. Jones - Where will people use the restroom?
 2818
 2819 Mr. Oley - Inside the pharmacy.
 2820
 2821 Ms. Jones - Westbury? How about the different vendor tents, will
 2822 there be consistency required or any kind of commonality of signage?
 2823
 2824 Mr. Oley - They're the same size.
 2825
 2826 Ms. Jones - They're the same size? How about the same color,
 2827 same quality, same whatever?
 2828
 2829 Mr. Oley - They're not going to be the same color. They're all the
 2830 same quality. We don't have restrictions on the quality, but they have to be
 2831 anchored so they're not blowing away. All that's in the report.

2832
2833 As far as signage on the tents, we kind of feel it's important to have that so that
2834 people know who they're buying from.
2835
2836 Ms. Jones - Sure.
2837
2838 Mr. Oley - If you're looking for organically grown, you want to
2839 know that this is an organically grown farmer or if it's not.
2840
2841 Ms. Jones - The only other thing is where does the doughnut
2842 truck, for instance, go after the three hours are up?
2843
2844 Mr. Oley - Where does he go?
2845
2846 Ms. Jones - Yes.
2847
2848 Mr. Oley - I don't know.
2849
2850 Ms. Jones - It leaves the property totally.
2851
2852 Mr. Oley - Yes. We have a PUP already approved for him, a
2853 variance. I forget what the exact code was. A Conditional Use Permit maybe?
2854
2855 Mr. Emerson - That's it. You have a Conditional Use Permit for a
2856 temporary use.
2857
2858 Mr. Oley - There you go. He's usually out of there by six anyway.
2859 So yes, he'll be gone.
2860
2861 Ms. Jones - And he's there just that one day a week?
2862
2863 Mr. Oley - Just one day, yes.
2864
2865 Ms. Jones - But he's there until 6 p.m.
2866
2867 Mr. Oley - He is, yes.
2868
2869 Ms. Jones - So he's a different deal.
2870
2871 Mr. Oley - Well the market is 3 to 6.
2872
2873 Ms. Jones - Right, right. But he's there earlier? Later?
2874
2875 Mr. Oley - Sometimes he's there earlier. So he'll drive his truck
2876 down and park it where you see on the diagram once the market starts.
2877

2878 Ms. Jones - And there are two other vendor trucks, food trucks?
2879
2880 Mr. Oley - We want to have the capacity for two food trucks.
2881
2882 Ms. Jones - Including the doughnut truck.
2883
2884 Mr. Oley - Including the doughnut, yes.
2885
2886 Ms. Jones - Okay. And where would the other one be parked?
2887
2888 Mr. Oley - We could either park them up butt end to butt or if we
2889 have to go—I'll use the mouse here, it's easier. If we have to go vertical like this,
2890 we can park them that way. Or we can park these two end-to-end. The goal of
2891 that, obviously, was safety. But we're also open to any suggestions of other types
2892 of barriers that you guys may come up with.
2893
2894 Ms. Jones - There are a lot of ideas. There are a lot of things that
2895 can be done. I'm just concerned that this looks like a parking lot with some tents,
2896 and I'm not so sure that people won't go between cars, between vendor trucks.
2897
2898 Mr. Oley - Sure, and I agree with your point, and I understand it.
2899 The other thought to that is when people park in the parking lot to walk into one
2900 of the stores, they face the same challenges, so walking between cars to get to
2901 the sidewalk to enter a store. So I don't know that there will be an increased risk.
2902 But like I said, we're open to any further suggestions of a solid barrier or
2903 something safer that's also removable.
2904
2905 Ms. Jones - Well, that's it. It's a tricky thing to make it aesthetically
2906 pleasing as well as safe for those who use it.
2907
2908 Mr. Oley - Well safety was our primary concern and aesthetics
2909 was second. I feel one of the appeals of a farmers' market is the variety, it's the
2910 color, it's the vibrancy. So we don't want to dull it down. I'd like it to be multi-
2911 colored. I think that is appealing. But we're open.
2912
2913 Ms. Jones - Well thank you for those answers. I was concerned
2914 about a number of those items.
2915
2916 Mrs. Marshall - Mr. Oley, from listening to you answer questions,
2917 you're willing to look into having more significant barriers in place so it's safer. I
2918 know that probably everybody up here has had children and they may be grown.
2919 It's easy to get in. They're not big; they don't need a big space to get where they
2920 want to go.
2921
2922 Mr. Oley - Sure.
2923

2924 Mrs. Marshall - If we did pass this along, are you willing to address
2925 those issues before you reach the Supervisor level?
2926
2927 Mr. Oley - We're willing to work with you guys, sure.
2928
2929 Mrs. Marshall - Okay. Can you explain why can we not use the
2930 grass? Look at the picture to the right. So if you're coming off Three Chopt and
2931 you're going to turn—
2932
2933 Mr. Oley - Right over here?
2934
2935 Mrs. Marshall - Yes. And you're going to turn right, right there.
2936
2937 Mr. Oley - Ideally, I would have preferred to have been in the
2938 grass, but there is 50-foot setback from the perimeter of the property line, which
2939 puts us in the middle of the parking lot. I would love to find some variance to that,
2940 because that would solve a lot of problems. When you look at the picture to the
2941 right of here, there's a little daycare. The big grassy space in between would
2942 have been an ideal spot. But again, the setback was in the way.
2943
2944 Mrs. Marshall - Okay. Who owns the space behind the pharmacy,
2945 between you and Kroger?
2946
2947 Mr. Oley - Who owns the space? We do, I think. Which part of
2948 the space? The parking area?
2949
2950 Mrs. Marshall - If you go behind Westbury Pharmacy—Billy can
2951 probably point it out to you.
2952
2953 Billy - [Off microphone.] I think she's talking about this area
2954 right here.
2955
2956 Mr. Oley - Okay. That space is owned by Kroger.
2957
2958 Mrs. Marshall - It is owned by Kroger. Okay. Do they use that space
2959 right now?
2960
2961 Mr. Oley - They are using it for something, I don't know what.
2962 Some type of staging for construction, I think.
2963
2964 Mrs. Marshall - Okay.
2965
2966 Mr. Oley - But no, it's typically never parked. It's just a vacant lot
2967 there.
2968
2969 Mrs. Marshall - But they are using it at this time.

2970
2971 Mr. Oley - They are.
2972
2973 Mrs. Marshall - Okay. That would be ideal.
2974
2975 Mr. Oley - Well, you would think so.
2976
2977 Mrs. Marshall - But you would still need safety barriers.
2978
2979 Mr. Oley - Absolutely. But there's no frontage.
2980
2981 Mrs. Marshall - Correct.
2982
2983 Mr. Oley - No one can see that it's there.
2984
2985 Mrs. Marshall - Good point. That's a very good point.
2986
2987 Mr. Leabough - A quick question. Ms. Jones brought up a good point.
2988 Why did you choose to locate closer to the entrance instead of in the middle of
2989 the lot there?
2990
2991 Mr. Oley - It's the least parked area in the lot. The least
2992 contiguous space—the least parked contiguous space.
2993
2994 Mr. Leabough - Because of the proximity to the pharmacy?
2995
2996 Mr. Oley - Yes, to the stores that are there.
2997
2998 Mr. Leabough - So it's easier for folks to park closer to the door for the
2999 pharmacy.
3000
3001 Mr. Oley - It is. And you wouldn't want your grandmother with
3002 her handicap vehicle having to park 50 more additional yards. We have a lot of
3003 elderly and sick people that visit our shopping center.
3004
3005 Mr. Leabough - So there is a method to the madness in terms of
3006 where it's located.
3007
3008 Mr. Oley - There is a method to why we chose that spot. It was
3009 the best available.
3010
3011 Mrs. Marshall - Thank you.
3012
3013 Mr. Leabough - Do you mind pulling up the concept plan again,
3014 please?
3015

3016 Mr. Oley - Can you tell me which one it is?
3017
3018 Mr. Leabough - It says "Exhibit A Concept."
3019
3020 Mr. Oley - Okay.
3021
3022 Mr. Leabough - Where is your entrance? Can you point that out?
3023
3024 Mr. Oley - The entries to the shopping center?
3025
3026 Mr. Leabough - To the pharmacy.
3027
3028 Mr. Oley - The pharmacy is approximately right here.
3029
3030 Mr. Leabough - Okay.
3031
3032 Mr. Oley - And then we have other stores. The shopping center
3033 is fully leased all the way down here. So these are all parked as well. This space
3034 down here is currently vacant, which means no one's parking here.
3035
3036 Mr. Leabough - And the reason that you couldn't put the vendors
3037 along the edge of the parking lot there?
3038
3039 Mr. Oley - Along here?
3040
3041 Mr. Leabough - Yes.
3042
3043 Mr. Oley - The 50-foot setback.
3044
3045 Mr. Leabough - So that's the issue. Okay. And you can't put them
3046 along the roadway as well?
3047
3048 Mr. Oley - Correct. Fifty-foot setback. There were two ideal
3049 spots—the grassy spot over here we discussed and this corner right here, which
3050 is out of traffic pattern.
3051
3052 Mr. Leabough - But still the setback issue.
3053
3054 Mr. Oley - The setback.
3055
3056 Mr. Leabough - What if you shifted them over one space?
3057
3058 Mr. Oley - Over to these two spaces?
3059
3060 Mr. Leabough - To the left. Yes.
3061

3062 Mr. Oley - This is always parked. Here's the pharmacy's door.
3063 So these two spaces are always full. And then we have the nail salon which fills
3064 up most of these, as well as the urgent care center in the shopping center. So the
3065 vacant spots are along the perimeter of the parking center, which we can't use,
3066 and right here.

3067
3068 Mr. Leabough - But you could consolidate it to the two interior parcels
3069 and then park the vehicles other places, if you're able to put the borders I think
3070 the concern centers around. Then you don't have that space issue. Where your
3071 mouse is, if you just put your vendors there and put borders around it, then you
3072 don't have the entrance to the site and the market in close proximity. Or as close
3073 proximity.

3074
3075 Mr. Oley - So you mean just use this one parking bay?

3076
3077 Mr. Leabough - Yes. And park your vendor vehicles somewhere else
3078 and not use them to kind of create that perimeter. Use something different, like
3079 something more appropriate for a perimeter.

3080
3081 Mr. Oley - We're willing to discuss anything. We looked at
3082 different barriers. We looked at hay bales. It's not going to stop a car. We've
3083 looked at tape, police tape, cones.

3084
3085 Mr. Leabough - Oh, I don't think anybody thinks that anything is going
3086 to stop a car unless it's a brick wall.

3087
3088 Mr. Oley - Another car would. But again, we'll work with
3089 anybody.

3090
3091 Mr. Leabough - Slow it down, maybe. But if it hits it at any rate of
3092 speed, it's still going to move.

3093
3094 Mr. Oley - Sure.

3095
3096 Mr. Leabough - I think that hopefully people will see that if it's moved
3097 one bay over, you don't have that issue of people pulling in at a higher rate of
3098 speed. If they're in the parking lot, you hope that they're going pretty slow. So if
3099 they do hit someone, they're not hitting them at 20 or 30 miles an hour.

3100
3101 Mr. Oley - Sure, sure. That makes sense.

3102
3103 Ms. Jones - I'm not an expert on what kind of things can be used
3104 as temporary screening for safety purposes. I hadn't thought of hay bales until
3105 you said it, which are low, defined, soft enough for people to bump them but still
3106 allow—you want visibility of your vendor spaces in order to make it successful.

3107

3108 Vehicles tend to mask that visibility. I have a concern with those. Certainly big
3109 vehicles, if somebody uses a truck to bring their things to market, that's a big
3110 vehicle there and does mask that. I don't know whether there are mobile
3111 planters. Construction cones to me don't seem very appealing and farmers'
3112 marketish. But that's just my aesthetic. This is your project. I would hope that
3113 there could be a configuration that works. To me, this configuration isn't quite
3114 ready to roll. It seems there is probably room for improvement here for safety
3115 purposes. And I do understand you're constrained with the setbacks. I
3116 understand that. That is what it is.

3117

3118 Mr. Oley - It is what it is, you're right.

3119

3120 Mr. Archer - All right. Anything further? Mrs. Marshall.

3121

3122 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00025, Joe Oley,
3123 move forward to the Board of Supervisors with a recommendation of approval
3124 subject to the proffers dated July 28, 2016, as noted in the staff report, and the
3125 conditions that we discussed this evening on a more secure barrier around the
3126 entire perimeter.

3127

3128 Mr. Leabough - Second.

3129

3130 Mr. Archer - All right. Motion by Mrs. Marshall and seconded by
3131 Mr. Leabough. All in favor say aye. All opposed say no.

3132

3133 Ms. Jones - No.

3134

3135 Mr. Archer - Okay. The vote is 4 to 1. Is that correct? Okay. The
3136 motion passes.

3137

3138 The vote was as follows:

3139

3140 Mr. Archer - Yes

3141 Ms. Jones - No

3142 Mr. Leabough - Yes

3143 Mrs. Marshall - Yes

3144 Mr. Witte - Yes

3145

3146 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
3147 Leabough, the Planning Commission voted 4-1-1 (one abstention) to recommend
3148 the Board of Supervisors **grant** the request because of the assurances provided
3149 and because this request is consistent with the goals of the 2026 Comprehensive
3150 Plan and Enterprise Zone.

3151

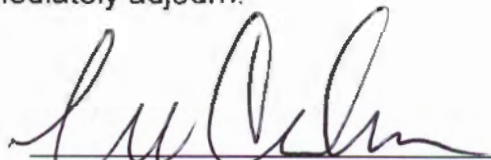
3152 Mr. Emerson - Mr. Chairman, we also need a motion on the
3153 Provisional Use Permit.

3154
3155 Mr. Archer - Okay. Mrs. Marshall.
3156
3157 Mrs. Marshall - Mr. Chairman, I move that PUP2016-00006, Joe
3158 Oley, move forward to the Board of Supervisors with a recommendation of
3159 approval subject to the 11 conditions in the staff report and the conditions set
3160 forth this evening.
3161
3162 Mr. Witte - Second.
3163
3164 Mr. Archer - Motion by Mrs. Marshall, seconded by Mr. Witte. All in
3165 favor say aye. All opposed say no.
3166
3167 Ms. Jones - No.
3168
3169 Mr. Archer - Okay. The vote is 4 to 1, the motion passes.
3170
3171 The vote was as follows:
3172
3173 Mr. Archer – Yes
3174 Ms. Jones – No
3175 Mr. Leabough – Yes
3176 Mrs. Marshall – Yes
3177 Mr. Witte – Yes
3178
3179 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
3180 Witte, the Planning Commission voted 4-1-1 (one abstention) to recommend the
3181 Board of Supervisors **grant** the request because of the assurances provided with
3182 the companion rezoning case (REZ2016-00025) and because this request is
3183 consistent with the goals of the 2026 Comprehensive Plan.
3184
3185 Mr. Emerson - Mr. Chairman, we now move on to the next item,
3186 which is REZ2016-00029, Joshua Thornhill. The staff report will be presented by
3187 Ms. Erin Puckett.
3188
3189 **REZ2016-00029 Joshua Thornhill:** Request to amend proffered
3190 conditions accepted with rezoning case C-7C-81 on part of Parcel 752-756-4991
3191 located at the southeast intersection of Mayland Court and Independence Park
3192 Drive. The applicant proposes to amend Proffer 3 related to prohibited uses. The
3193 existing zoning is M-1C Light Industrial District (Conditional). The 2026
3194 Comprehensive Plan recommends Office/Service.
3195
3196 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present
3197 who is opposed to REZ2016-00029, Joshua Thornhill? All right. Ms. Puckett, how
3198 are you?
3199

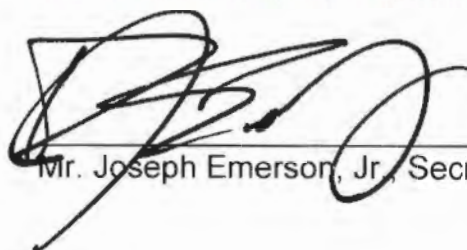
3200 Ms. Puckett - I'm fine, thank you.
3201
3202 Mr. Archer - Go right ahead.
3203
3204 Ms. Puckett - All right. Thank you, Mr. Chairman, and members of
3205 the Commission.
3206
3207 The applicant is requesting to amend proffered conditions accepted with rezoning
3208 case C-7C-81. Specifically, this case would amend proffer #3, which addresses
3209 excluded uses on the property.
3210
3211 The site is zoned M-1C and consists of an office/warehouse condominium
3212 development known as Deep Run Trade Center. The unit in which the Escape
3213 Room business will be located is adjacent to other office/warehouse units. The
3214 overall site is surrounded primarily by non-residential uses, with the exception of
3215 a single-family subdivision to the east.
3216
3217 Proffer #3 originally accepted with case C-7C-81 excludes indoor recreation,
3218 which has been determined to preclude the proposed use of the space for
3219 escape room activities. Should the proffer amendment be approved, it would only
3220 allow indoor recreation in the form of this escape room use.
3221
3222 The 2026 Comprehensive Plan's recommended future land use for the subject
3223 property is Office/Service. This request is generally consistent with the Plan's
3224 recommendations.
3225
3226 Given the commercial nature of the surrounding development, and the fact that
3227 only interior changes to the building are proposed, it is not anticipated that the
3228 use of this space as an escape room activity will have adverse effects on
3229 surrounding properties. Staff believes the requested proffer amendment is
3230 reasonable given the surrounding zoning and minor expected impacts, and
3231 therefore supports this request.
3232
3233 This concludes my presentation and I would be happy to answer any questions.
3234
3235 Mr. Archer - Thank you, Ms. Puckett. Are there questions from the
3236 Commission?
3237
3238 Mrs. Marshall - I would love for you to explain to everyone what an
3239 escape room is, because I can tell you, when I read it, I had no idea what that
3240 meant. So if you do not mind.
3241
3242 Ms. Puckett - Of course.
3243
3244 Mr. Leabough - You didn't see the show?
3245

3246 Mrs. Marshall - I did not see the show; must have missed it.
3247
3248 Ms. Puckett - I think part of that is because this is a relatively new
3249 thing that's kind of gotten big in the last year or so. There are usually several
3250 different themed rooms in the building. It's a puzzle-solving game where you
3251 have all groups of people come and solve puzzles to escape from a locked room.
3252 So it's team-building exercises and that kind of thing.
3253
3254 Mrs. Marshall - Thank you.
3255
3256 Mr. Archer - Okay.
3257
3258 Ms. Jones - I think I read an article, and it may have been online,
3259 about the increase in the numbers of these operations that are coming, even to
3260 Richmond. Even to Richmond. Yes.
3261
3262 Mr. Archer - All right, any further questions for Ms. Puckett?
3263 Mrs. Marshall, are you ready?
3264
3265 Mrs. Marshall - I am.
3266
3267 Mr. Archer - Okay.
3268
3269 Mrs. Marshall - Mr. Chairman, I move that REZ2016-00029, Joshua
3270 Thornhill, move forward to the Board of Supervisors with a recommendation of
3271 approval with amended proffer #3 dated July 27, 2016, as stated in the staff
3272 report.
3273
3274 Mr. Leabough - Second.
3275
3276 Mr. Archer - Motion by Mrs. Marshall and seconded by
3277 Mr. Leabough. All in favor say aye. All opposed say no. The ayes have it; the
3278 motion passes.
3279
3280 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
3281 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
3282 the Board of Supervisors **grant** the request because it was determined to be
3283 reasonable, and it is not expected to adversely impact surrounding land uses in
3284 the area.
3285
3286 Mr. Emerson - Mr. Chairman, the item is a discussion item. As we
3287 talked about earlier during the work session, we will need to continue our
3288 discussions regarding the two potential code amendments, one on signage and
3289 the other on front porches on dwellings. I would like for the Commission, if it fits
3290 in your schedule, to consider coming back together at 5:30 p.m. prior to your
3291 September 15th meeting next month.

3292
3293 Ms. Jones - Good.
3294
3295 Mr. Emerson - If that fits, a general consensus is fine. It doesn't
3296 require a motion, but I would like some direction.
3297
3298 Mr. Archer - Okay. Does that suit everybody?
3299
3300 Mr. Leabough - Sure.
3301
3302 Ms. Jones - Yes sir.
3303
3304 Mr. Archer - All right. Dinner will be served.
3305
3306 Mr. Emerson - We're all set. We'll take care of it.
3307
3308 Mr. Emerson - Then your next item on the agenda, Mr. Chairman, is
3309 the consideration of the approval of your minutes from the July 14, 2016 meeting.
3310 You do have an errata sheet this evening.
3311
3312 Mr. Archer - Okay. Any discussion on the minutes? We have two
3313 corrections on the errata sheet. Anyone have anything else?
3314
3315 Mr. Leabough - I move that minutes be approved as corrected.
3316
3317 Mrs. Marshall - Second.
3318
3319 Mr. Archer - Okay. Motion by Mr. Leabough and seconded by
3320 Mrs. Marshall. All in favor of approval of the minutes say aye. All opposed say
3321 no. The ayes have it, the minutes stand approved.
3322
3323 Mr. Emerson - Mr. Chairman, I have nothing further for the
3324 Commission this evening.
3325
3326 Mr. Archer - We will immediately adjourn.
3327
3328
3329
3330
3331
3332
3333
3334
3335
3336
3337



Mr. C. W. Archer, C.P.C., Chairman



Mr. Joseph Emerson, Jr., Secretary