

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., December 9, 2004, Display Notice having been published in the
4 Richmond Times-Dispatch on November 18, 2004 and November 25, 2004.

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6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairperson, Brookland
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. E. Ray Jernigan, C.P.C., Varina
10 Mr. John Marshall, Three Chopt
11 Mr. James B. Donati, Jr. Board of Supervisors, Varina
12 Mr. Randall R. Silber, Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
15 Ms. Jean Moore, Principal Planner
16 Mr. Lee Tyson, County Planner
17 Mr. Thomas Coleman, County Planner
18 Mr. Paul Gidley, County Planner
19 Mr. Seth Humphreys, County Planner
20 Ms. Christina Goggin, County Planner
21 Ms. Debra Ripley, Recording Secretary
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23 **Unless otherwise indicated, Mr. Donati abstained from voting on all zoning cases.**
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25 Mrs. Ware - I'd like to welcome everyone to the rezoning meeting for December for the
26 hearing of rezoning cases, and also, at this time, I need to recognize a couple of members of the
27 press that we have with us tonight. We have Mr. Lappas from the *The Henrico Citizen* and Mr.
28 Jones from *The Richmond Times-Dispatch*. Good evening. I will now turn the meeting over to
29 our Secretary, Mr. Silber.
30

31 Mr. Silber - Thank you, Madam Chairman. Welcome everyone. We do have all
32 members of the Planning Commission present this evening. First on the agenda would be to
33 consider any items on the agenda that may have been withdrawn. I believe we have one, and
34 several deferrals. If we can go through those first.
35

36 Ms. Moore - Good evening, Commissioners. Thank you. We do have one case that has
37 been withdrawn and six cases for deferral.
38

39 **Deferred from the November 10, 2004 Meeting**

40 **P-17-04 James Theobald for HHHunt Corporation:** Request for a Provisional
41 Use Permit under Sections 24-32.1 and 24-122.1 of the County Code as required for the Urban
42 Mixed Use District in order to exceed the 10,000 square foot maximum floor area for principal
43 uses in the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459, containing
44 approximately 1,184.8 acres, located between the James River and Osborne Turnpike and along
45 the north and south lines of the Pocahontas Parkway (State Route 895). The existing zoning is A-
46 1 Agricultural District and M-1 Light Industrial District. The Land Use Plan recommends Rural
47 Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to 2.4 units net density
48 per acre, and Environmental Protection Area.
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50 Ms. Moore - This application has been withdrawn by the applicant and, therefore, there
51 is no action needed.
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53 Mr. Jernigan - Explain and let them know. That was just for a building size.

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Ms. Moore - Yes, it was a provisional use permit that would allow for retail or building sites that exceed 10,000 sq. ft. in area.

Deferred from the November 10, 2004 Meeting:

C-47C-04 Garry Gallagher: Request to conditionally rezone from O-2C Office District (Conditional) to B-2C Business District (Conditional), Parcel 834-714-1831, containing 2.307 acres, located at the eastern corner of the intersection of Williamsburg Road (U.S. Route 60) and Whiteside Road. The applicant proposes a retail use. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office. The site is in the Airport Safety Overlay District.

Ms. Moore - A deferral is requested to the January 13, 2005 Planning Commission meeting.

Mrs. Ware - Is there any opposition to the deferral of C-47-C-04, Garry Gallagher, in the Varina District? There is no opposition.

Mr. Jernigan - Madam Chairman, I make a motion to defer Case C-47C-04, Garry Gallagher, to January 13, 2005, by request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-47C-04, Garry Gallagher, to its meeting on January 13, 2005.

C-54C-04 Craig Erdmann for Chimilson Acres, LLC: Request to rezone from M-1 Light Industrial District, R-4 One Family Residence District and B-1 Business District to RTHC Residential Townhouse District (Conditional), part of Parcel 805-710-1834, containing approximately 13.07 acres, located on the southwest line of Darbytown Road opposite Oregon Avenue. Residential townhouses are proposed. The maximum density in the RTH District is nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre, Commercial Concentration, and Environmental Protection Area.

Ms. Moore - The deferral is requested to the January 13, 2005 Planning Commission meeting.

Mrs. Ware - Is there any opposition to the deferral of Case C-54C-04, Craig Erdmann for Chimilson Acres, LLC, in the Varina District? There is no opposition.

Mr. Jernigan - Madam Chairman, I move to defer Case C-54C-04, Craig Erdmann for Chimilson Acres, LLC, to January 13, 2005, at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

106 At the request of the applicant, the Planning Commission deferred Case C-54C-04, Craig
107 Erdmann, for Chimilson Acres, LLC, to its meeting on January 13, 2005.

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109 **C-66C-04 Todd Borden for FON-SAW LLC:** Request to conditionally rezone from
110 A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 820-686-
111 4881 and part of Parcel 821-687-2291, containing approximately 12.73 acres, located at the
112 eastern terminus of Goldeneye Lane. The applicant proposes a density of no more than two (2)
113 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use
114 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and
115 Environmental Protection Area. The site is in the Airport Safety Overlay District.

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117 Ms. Moore - This deferral is requested to the January 13, 2005 Planning Commission
118 meeting.

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120 Mrs. Ware - Is there any opposition to the deferral of Case C-66C-04, Todd Borden for
121 FON-SAW, LLC, in the Varina District? No opposition.

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123 Mr. Jernigan - Madam Chairman, I move to defer Case C-66C-04, Todd Borden for FON-
124 SAW, LLC, to January 13, 2005, by request of the applicant.

125
126 Mr. Vanarsdall - Second.

127
128 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor
129 say aye. All opposed say no. The motion passes.

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131 At the request of the applicant, the Planning Commission deferred Case C-66C-04, Todd Borden
132 for FON-SAW, LLC, to its meeting on January 13, 2005.

133
134 **Deferred from the November 10, 2004 Meeting:**

135 **C-61C-04 Dominion Land & Development Partnership:** Request to conditionally
136 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels
137 759-767-5161, 759-767-2638, 759-767-6934, 759-767-6516 and 758-767-8413, containing
138 approximately 14.2 acres, located on the west line of Francistown Road at Castle Point Road.
139 The applicant proffers to develop no more than thirty (30) single-family units. The R-3 District
140 allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban
141 Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

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143 Ms. Moore - The deferral is requested to the January 13, 2005 Planning Commission
144 meeting.

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146 Mrs. Ware - Is there any opposition to the deferral of Case C-61C-04, Dominion Land
147 and Development Partnership in the Brookland District? There is no opposition.

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149 Mr. Vanarsdall - I move that Case C-61C-04 be deferred at the applicant's request to
150 January 13, 2005.

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152 Mr. Marshall - Second.

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154 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor
155 say aye. All opposed say no. The motion passes.

156
157 At the request of the applicant, the Planning Commission deferred Case C-61C-04, Dominion
158 Land and Development Partnership, to its meeting on January 13, 2005.

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Deferred from the November 10, 2004 Meeting:

C-44C-04 Andrew Condlin for David E. Cottrell: Request to amend proffered conditions accepted with Rezoning Case C-39C-95, on part of Parcel 740-765-2150, containing 1.4019 acres, located on the east line of Pouncey Tract Road, approximately 350 feet south of Twin Hickory Lake Drive. The amendment is related to use restrictions and hours of operation and would permit a car wash. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration, Office and Environmental Protection Area.

Ms. Moore - The applicant is requesting a deferral to the January 13, 2005 meeting.

Mrs. Ware - Is there any opposition to the deferral of Case C-44C-04, Andrew Condlin for David E. Cottrell, in the Three Chopt District? There is no opposition.

Mr. Marshall - Madam Chairman, I move that Case C-44C-04 be deferred to the January 13, 2005 meeting, at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-44C-04, Andrew Condlin for David E. Cottrell, to its meeting on January 13, 2005.

Deferred from the October 14, 2004 Meeting:

C-36C-04 The Episcopal Diocese of Virginia: Request to conditionally rezone from O-3C Office District (Conditional) and B-2C Business District (Conditional) to R-0C One Family Residence District (Conditional), Parcel 737-750-7485 and part of Parcel 737-751-4601, containing 7.577 acres, located at the northwest intersection of Ridgefield Green Drive and Ridgefield Parkway. A church is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office.

Ms. Moore - The deferral is requested to the January 13, 2005 meeting.

Mrs. Ware - Is there any opposition to the deferral of Case C-36C-04, The Episcopal Diocese of Virginia, in the Tuckahoe District? There being no opposition, I move that Case C-36C-04 be deferred to the January 13, 2005 meeting, at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-36C-04, The Episcopal Diocese of Virginia, to its meeting on January 13, 2005.

Ms. Moore - That completes our request, Madam Chairman.

Mr. Silber - And we have nothing on the agenda under the expedited items?

212 Ms. Moore - No, sir.

213

214 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

215 **(Deferred from the October 27, 2004, Meeting)**

216

217 **POD-73-04 Villas @ Laburnum 1401 N. Laburnum Avenue Engineering Design**

218 **Associates for KCA/Laburnum, LLC and Atack Properties:** Request for approval of a plan

219 of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and

220 24-106.2(e)(3) of the Henrico County Code, to construct 78, two-story condominiums units. The

221 10.33-acre site is located at the southeast corner of Laburnum Avenue and Watts Lane on parcel

222 808-731-7728. The zoning is RTHC, Residential Townhouse District (Conditional) and ASO,

223 Airport Safety Overlay District. County water and sewer. **(Fairfield)**

224

225 Ms. Ware - Is there any opposition to POD-73-04, Villas @ Laburnum in the Fairfield

226 District? There is opposition. Thank you. Good evening, Ms. Goggin.

227

228 Ms. Goggin - Good evening. Staff has a revised annotated plan that we can put on

229 the overhead projection table for the Planning Commission to look at during this presentation.

230

231 The project in front of you tonight consists of 78 two-story townhouse style condominium units

232 on North Laburnum Avenue. There is one outstanding issue with this POD. Public Works' Traffic

233 Division is requiring the extension of Watts Lane from its current turnaround to Harvie Road, and

234 the developer does not want to design or construct the extension. During the rezoning, the

235 developer proffered that Watts Lane would not be extended to Harvie Road unless required by

236 the County at the time of plan of development review. The County is recommending the

237 extension of Watts Lane with this plan of development. Another proffer states that if the road is

238 not extended, the land would be conveyed to the adjacent property owner. Thus, by proffer, if

239 the road is not built now it will not be built in the future.

240

241 The applicant learned of this recommendation at the staff developer meeting. The Traffic

242 Engineer briefly reconsidered the extension but deemed the connection necessary. Even though

243 Watts Lane is not included on the Major Thoroughfare Plan, it has always been intended to be

244 extended from Laburnum Avenue to Harvie Road. The existing portion was built in 1986 to

245 provide public road access to Kings Road apartments, Phase III, which is located north of the

246 subject property.

247

248 Also, as previously mentioned, the existing road section was built with a temporary turnaround

249 that will be removed and vacated as a part of this project's construction. The connection would

250 also be advantageous to both this development and the neighborhood. First, the Department of

251 Public Utilities has stated that when the road is built it can then loop the water line increasing

252 water pressure for the area for both residential use and increased fire safety. The connection

253 would also provide an additional access point for emergency access for both this development

254 and Kings Point Apartments.

255

256 In the agenda, staff inadvertently numbered two different conditions as No. 34, so when

257 correctly numbered, there are 37 conditions, total. Staff can recommend approval subject to the

258 annotations on the plan, the standard conditions for developments of this type, Condition 23

259 through 36, as numbered in the addendum.

260

261 Tim Foster the County Traffic engineer is here today as well as Jim Theobald and Philip Parker

262 for the developer. I would be happy to answer any questions the Commission may have.

263

264 Mrs. Ware - Are there any questions for Ms. Goggin from the Commission? Thank you.
265 Would you like to hear from the applicant, Mr. Archer?

266
267 Mr. Archer - Yes.
268

269 Mr. Theobald - Good evening, Madam Chairman, ladies and gentlemen. For the record,
270 my name is Jim Theobald and I am here this evening on behalf of the applicant and there is,
271 indeed, but one issue left with regard to consideration of this POD, and that is the potential
272 extension of Watts Lane to Harvie Road. Relative to how this request came about, I think this is
273 a road that has caught the attention of County administration in terms of having it extended and
274 constructed. When we went through the zoning process it was an issue and it was an issue we
275 needed to get over in order to accomplish the rezoning. We hoped that the political process
276 would ultimately also bear on whether or not the extension was merited and perhaps that is
277 where it will ultimately be resolved in any event. We did agree to the proffered conditions, but
278 keep in mind now that proffered conditions say that "We won't extend the road unless otherwise
279 required." In terms of the County now requiring the extension of that road, we still believe there
280 is a standard of reasonableness that needs to be applied, as well as consistency with County
281 policy. We have 78 units shown on the POD and as such are only required to have one point of
282 access. If we were to exceed 82 units, then admittedly we would be required to provide a
283 secondary point of access, so in essence this is a road that only serves the needs of others. It
284 does not benefit, this property, in fact, will only act as a cut-through between Laburnum Avenue
285 and Harvie Road and further exacerbate traffic on Harvie Road. It is not an inexpensive
286 extension. It is \$100,000 approximately to build the extension. It will also benefit an already
287 zoned property at the corner of Harvie and the proposed extension which is zoned R-2, but
288 which is not yet developed. This roadway extension was not required in the staff report for the
289 original rezoning. It was not required in Staff/Developer Conference originally, and it is not on
290 your thoroughfare plan. There has been a change of heart by the County somewhere along the
291 line in acquiring it, but it is something that the annotation on the plan requiring the extension is
292 not acceptable to the applicant nor condition currently numbered No. 36 regarding the
293 dedication. I believe we do have other speaks here this evening who live in the area who are
294 also opposed to the extension. I have no other comments. If you have any questions, I would
295 be happy to answer them.
296

297 Mrs. Ware - Are there any questions for Mr. Theobald?

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299 Mr. Theobald - Thank you.
300

301 Mrs. Ware - We do have opposition to this case. Do we have a single speaker from the
302 opposition?
303

304 Mr. Silber - The Planning Commission's rules and regulations stipulate that on cases
305 where there is opposition, the applicant is provided 10 minutes to present the case. A portion of
306 that 10 minute period can be reserved for rebuttal. Those opposing the request have, likewise,
307 10 minutes to express themselves in opposition to the request, and in this particular case,
308 though, those that are speaking in opposition to - oh, so they are in fact in favor of the plan of
309 development and the position that the applicant has taken. So, in this case, the 10-minute rule
310 doesn't really apply.
311

312 Mrs. Ware - How many people do we have here to speak this evening? Will you raise
313 your hand? Would you like to come to the podium, please? Good evening. Could you please
314 state your name and address for the public record?
315

316 Ms. Avery - Good evening. My name is Mary Avery and I live at 3811 Harvie Road
317 where Watts Lane will, if it is approved, it will come out right beside my house, and my husband
318 and I have been here. I am sorry. I am just a little nervous. We had a spokesperson, but he
319 moved. You probably remember Gene Doland was our spokesperson that has been with us for
320 two years and he moved, and we are just really kind of upset because we were against the
321 building of the condos on Laburnum. We have agreed to that, and we are not fighting that at all.
322 We are not opposing that. The main thing is that if that Watts Lane is approved to come out on
323 to Harvie Road, it is just more access to, I can't even get out of my driveway, as it is. It takes
324 me 15 minutes sometimes in the morning to back out, because of coming from both directions,
325 and you get two cars on that road and you are off of the road, just about. And we've got
326 children on there and cars are going flying by there and it is just not feasible, and we are just a
327 little upset. We thought it was all settled, it was approved that they weren't going to extend it,
328 and now we are finding out that it is still up for putting it through. I am sorry. I am just a little
329 nervous.

330
331 Mr. Archer - I am sorry, ma'am. I didn't get your name.

332
333 Ms. Avery - Mary Avery. So I just wanted to say that we are with the builder, Bob
334 Atack, and we would like to not have Watts Lane come through there. We have got enough
335 traffic on that road. Thank you.

336
337 Mrs. Ware - Thank you. Are there any questions for Ms. Avery?

338
339 Mr. Young - My name is William Young. I live at 3912 Harvie Road. I have been
340 talking with Mary and her husband about the situation and they informed me that it wasn't going
341 to be extended, but I get off at different times during the day. I work at night, and today I
342 noticed a truck, a company truck come through and the speed limit is 35 and he was actually
343 doing at least 40 to 45, and if there were any kids out there playing or running out to get a ball,
344 he would have wiped them out. I just think that it is too much traffic right now. We've, me and
345 my wife have been living there for two years and I have had a mirror knocked off my truck, and
346 if it wasn't for Gene finding out who the lady was and pull over, she still hasn't paid for it, I
347 wouldn't have ever known. I just think right now there is too much traffic as it is, and I would
348 really like to not have any more coming through there. We were told one thing and now we are
349 being told something else, but it is just, I have nieces that come over there during the holidays.
350 I have friends and family from out of town that come over during the holidays. They have kids
351 and if we have more traffic, then that is more problems.

352
353 Mr. Archer - Mr. Young, did you attend either of the zoning cases?

354
355 Mr. Young - I didn't attend any. This is my first, but I was up to date with my wife.
356 She attended one and Mary Ann and her husband keep me informed every time they see me
357 about what is going on.

358
359 Mr. Archer - Were you aware that this is a proffered case and that condition was
360 approved at the zoning level?

361
362 Mr. Young - Yes, but I was told that it wasn't going to be extended.

363
364 Mr. Archer - Who told you that it wasn't going to be extended?

365
366 Mr. Young - Mary Ann and her husband, and I just talked to a guy outside recently.

367
368 Mr. Archer - OK, thank you, sir.

369
370 Mrs. Ware - Mr. Archer, would you like to direct any questions to Mr. Foster?
371
372 Mr. Archer - Mr. Attack, do you want to speak?
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374 Mr. Attack - Excuse me. Madam Chairman of the Planning Commission, my name is
375 Bob Attack and I'd like to make a short comment on this, and while I think it is a very precarious
376 situation on a zoning case that had about two years of history to it. The residents had many,
377 many meetings on this case with ourselves and with other potential developers. The single
378 biggest issue in the community that was impacted by this development that we have zoning
379 approval for is the ingress and egress on Watts Lane. Had we not agreed to not access Watts
380 Lane, the residents would have opposed this vehemently. It is two facts. One is, of course, the
381 road is not on the Thoroughfare Plan and it was not ever an issue previously, as Mr. Theobald
382 said. This has come about recently. The reason I say precarious in that it is unusual that we
383 would have such a great representation and warranty of the specific issue with the community
384 that was the single biggest issue with the community, and that we are now not able to conform
385 to that commitment. I'd be glad to answer any questions.
386
387 Mrs. Ware - Are there any questions for Mr. Attack from the Commission? Thank you,
388 Mr. Attack.
389
390 Mr. Marshall - Mr. Foster, could you answer some questions? Mr. Foster, is it your
391 department that was requiring this extension to go through?
392
393 Mr. Foster - Yes, sir. And for the record, I am Tim Foster, the Traffic Engineer for the
394 County, and our department is requesting that the street go through.
395
396 Mr. Marshall - And what is the rationale behind that?
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398 Mr. Foster - Well, we look at the overall transportation network and what we feel is an
399 access out to Laburnum will actually help the neighborhood from the standpoint of better
400 circulation. We have very narrow parts of Harvie Road right now. This is a way to get to
401 Laburnum Avenue on a little bit better road for them. The concern, obviously, is cut-through
402 traffic that people from here will go back to Harvie Road, but will affect the overall traffic
403 circulation. We do have Cedar Fork Road Extended project that will decrease traffic overall on
404 Harvie Road. When that project is done, and we expect that project to be under construction in
405 2007, and we felt it would be a better traffic circulation network for the area as a whole, not just
406 this development.
407
408 Mr. Marshall - Thank you.
409
410 Mrs. Ware - Any more questions for Mr. Foster from the Commission?
411
412 Mr. Archer - No, but Mr. Foster, when that Harvie Road Extension is complete, it will
413 curve around in front of Arthur Ashe School and across that gully and Harvie Road will connect
414 with it and go back to Creighton Road, which would serve to probably alleviate some traffic that
415 might be created if this road were extended.
416
417 Mr. Foster - That is what we feel. This is a way that we can get the neighborhood in
418 there out to Laburnum Avenue without using those two four-lane roads.
419
420 Mr. Marshall - Mr. Foster, I remember this case very well and I remember the spokesman
421 for the neighborhood that came in and said, if the Watts Lane Extension wasn't required, then

422 they could support the case, and that is what they did, and I guess it is rare in the County where
423 we have neighbors not wanting a road, because usually it is the opposite, they want the road for
424 traffic reasons. So, that is why we are in somewhat of a predicament is that part of the zoning
425 case, the neighbors were under the impression, it was proffered that the developer wasn't going
426 to build it unless the County made him build it. So that is why the residents are now in somewhat
427 of a precarious position because they went ahead and supported the zoning case with that
428 caveat and now it is coming back to haunt them, because it is not the developer but the County
429 saying we want the road.

430

431 Mr. Silber - Mr. Marshall, I think maybe I can offer some clarification to this issue. I
432 believe the developer did offer, in meeting with the residents when he was proposing this
433 development, that this road would not have to go through. Many of the residents along Harvie
434 Road prefer that this connection not be made. The County all along felt that the road should go
435 through, and expressed those throughout the zoning process. I believe that perhaps the
436 developer felt as though he had made this commitment to the neighborhood and wanted to
437 abide by the commitment and so offered this proffered condition. The County was willing to
438 accept the proffered condition because it reads, "Watts Lane shall not be extended to Harvie
439 Road unless otherwise required by the County at the time of plan of development." So, the
440 County knew in accepting this proffered condition that they were reserving the right to consider
441 this road connection at the time of POD, which we are at tonight. So, I think that as much as
442 the residents may understand this proffered condition being accepted, it does, perhaps, give the
443 perception that the road will not go through. The County's Traffic Engineering Department has
444 all along felt this is a necessary connection, so the County did accept that proffered condition.

445

446 Mr. Theobald - With your permission, Madam Chairman, I would just point out the original
447 staff report that came out for this POD when it was advertised for October 27, the preamble to
448 that was that the Traffic Engineer has not required the extension of Watts Lane to Harvie Road,
449 and obviously somebody thought better of that later in the process, but it has really not been a
450 consistent theme. I know Mr. Hinson and perhaps Mr. Hazelett have consistently wanted this
451 connection and there is no denying that, but in terms of staff's position both in the original
452 zoning case staff report and as originally put forth in the POD conditions, which I am happy to
453 pass down to you, this was not an issue. It became an issue recently, and so now we have the
454 issue. Just to clarify the record, that is where we are.

455

456 Mrs. Ware - It became an issue following the deferral. Is that what you are saying?

457

458 Mr. Silber - I think Mr. Theobald is pointing out that, the Chairman asked if it became
459 an issue after the deferral of October. I think the answer is no. Mr. Theobald's point is that it
460 was pointed out in an earlier staff report at the time of rezoning.

461

462 Mr. Theobald - At the time of the POD.

463

464 Mrs. Ware - Yes. You said POD. I was a little curious as to why.

465

466 Mr. Silber - I stand corrected. I thought you were referring to a staff report for the
467 rezoning. For the record, Mr. Theobald has provided me the staff report agenda and
468 recommendation from the October 27 Planning Commission agenda, and it does state that. I
469 would contend that the County Administration has requested this extension to go through.
470 Perhaps we can debate whether it was requested from the outset or not. At this point in time,
471 we do believe that the road should go through.

472

473 Mrs. Ware - Any more questions?

474

475 Mr. Archer - I don't have any, Madam Chair. All right, then I guess it is time to make a
476 decision and which ever way I go I can't win. I have a lot of sympathy for the people who spoke
477 here tonight and I understand the dilemma that you are in and the traffic that you complained
478 about already exists. In most instances, adding roads would certainly serve at some point to
479 alleviate traffic, because you have more places for the same amount of traffic to travel. That
480 does not always prove true, but in most cases it does. The dilemma that I have and the reason I
481 deferred this case at the last POD hearing was to give the applicant and myself the opportunity
482 to talk with people at the County who might have the authority to change this, and they were
483 not willing to do so. So, I am in the position that we have a plan which the zoning has been
484 approved by the Board, and in that approval was the condition that this road could be cut when
485 requested, and I simply don't have the authority to override the Board of Supervisors and not do
486 it. The applicant does have the right of appeal, and with that being said, my decision is that I
487 would move to approve the case, subject to the annotations on the plans, the standard
488 conditions for developments of this type, and conditions Nos. 23 through No. 37, but it is actually
489 35, because No. 34 was duplicated, or the number was duplicated. That is my motion.

490
491 Mrs. Ware - Do I have a second?

492
493 Mr. Marshall - Second.

494
495 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Marshall. All in favor say
496 aye. All opposed say no. The motion passes.

497
498 The Planning Commission approved POD-73-04, Villas @ Laburnum, 1401 N. Laburnum Avenue,
499 subject to the annotations on the plans, the standard conditions for developments of this type
500 and the following additional conditions:

- 501
502 23. The unit house numbers shall be visible from the parking areas and drives.
503 24. The names of streets, drives, courts and parking areas shall be approved by the
504 Richmond Regional Planning District Commission and such names shall be included on
505 the construction plans prior to their approval. The standard street name signs shall be
506 ordered from the County and installed prior to any occupancy permit approval.
507 25. The right-of-way for widening of N. Laburnum Avenue and Watts Lane as shown on
508 approved plans shall be dedicated to the County prior to any occupancy permits being
509 issued. The right-of-way dedication plat and any other required information shall be
510 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
511 occupancy permits.
512 26. The easements for drainage and utilities as shown on approved plans shall be granted to
513 the County in a form acceptable to the County Attorney prior to any occupancy permits
514 being issued. The easement plats and any other required information shall be submitted
515 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
516 permits.
517 27. The developer shall provide fire hydrants as required by the Department of Public
518 Utilities and Division of Fire.
519 28. A standard concrete sidewalk shall be provided along the east side of Laburnum Avenue
520 and a portion of the south side of Watts Lane.
521 29. A 25-foot planting strip to preclude ingress or egress along the east side of Laburnum
522 Avenue shall be shown on the approved plans. The details shall be included with the
523 required landscape plans for review and approval.
524 30. The proffers approved as a part of zoning case C-68C-03 shall be incorporated in this
525 approval.

- 526 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in
527 a form acceptable to the County Attorney prior to final approval of the construction
528 plans.
- 529 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
530 approved by the County Engineer prior to final approval of the construction plans by the
531 Department of Public Works.
- 532 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with
533 County standard and specifications. The developer shall post a defect bond for all
534 pavement with the Department of Planning - the exact type, amount and implementation
535 shall be determined by the Director of Planning, to protect the interest of the members
536 of the Homeowners Association. The bond shall become effective as of the date that the
537 Homeowners Association assumes responsibility for the common areas.
- 538 34. Insurance Services Office (ISO) calculations must be included with the plans and
539 contracts and must be approved by the Department of Public Utilities prior to the
540 issuance of a building permit.
- 541 35. Approval of the construction plans by the Department of Public Works does not establish
542 the curb and gutter elevations along the Henrico County maintained right-of-way. The
543 elevations will be set by Henrico County.
- 544 36. The location of all existing and proposed utility and mechanical equipment (including
545 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
546 shall be identified on the landscape plans. All equipment shall be screened by such
547 measures as determined appropriate by the Director of Planning or the Planning
548 Commission at the time of plan approval.
- 549 37. The subdivision plat for the extension of Watts Lane shall be recorded before any
550 occupancy permits are issued.

551
552 Mr. Silber - Next on the agenda is a set of four applications that I'd like to call
553 together, as they are companion cases. All of these cases were deferred at the Planning
554 Commission's November 10 hearing.

555
556 **Deferred from the November 10, 2004 Meeting:**

557 **PUBLIC HEARING: Amendment to the Henrico 2010 Land Use Plan Map:**
558 The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan
559 Map to designate Wilton Farm - comprised of approximately 1,184.8 acres and bordered by the
560 James River to the west and south and Osborne Turnpike to the east and straddling the
561 Pocahontas Parkway (Route 895) - as an Urban Mixed Use Development Area (UMU).

562
563 **Deferred from the November 10, 2004 Meeting:**

564 **C-56C-04 James Theobald for HHHunt Corporation:** Request to rezone from A-1
565 Agricultural District and M-1 Light Industrial District to UMUC Urban Mixed Use District
566 (Conditional), Parcel 798-683-5459, containing approximately 1,184.8 acres, located between the
567 James River and Osborne Turnpike and along the north and south lines of the Pocahontas
568 Parkway (State Route 895). The applicant proposes a mixed use development with no more
569 than three thousand two hundred nine (3,209) residential units developed on the property. The
570 uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use
571 Plan recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0
572 to 2.4 units net density per acre, and Environmental Protection Area.

573
574 **Deferred from the November 10, 2004 Meeting:**

575 **P-15-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use
576 Permit under Sections 24-32.1, 24-34.1 and 24-122.1 of the County Code in order to submit a
577 Master Plan for the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459,
578 containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike

579 and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing
580 zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan
581 recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to
582 2.4 units net density per acre, and Environmental Protection Area.
583

584 **Deferred from the November 10, 2004 Meeting:**

585 **P-16-04 James Theobald for HHHunt Corporation:** Request for a Provisional Use
586 Permit under Sections 24-32.1 and 24-122.1 of the County Code in order to include single family
587 detached homes in the proposed Wilton Urban Mixed Use District, on Parcel 798-683-5459,
588 containing approximately 1,184.8 acres, located between the James River and Osborne Turnpike
589 and along the north and south lines of the Pocahontas Parkway (State Route 895). The existing
590 zoning is A-1 Agricultural District and M-1 Light Industrial District. The Land Use Plan
591 recommends Rural Residential, not exceeding 1.0 unit per acre, Suburban Residential 1, 1.0 to
592 2.4 units net density per acre, and Environmental Protection Area.
593

594 Mrs. Ware - I will call for opposition for all of these at one time. Is there any
595 opposition to the Amendment to the Henrico 2010 Land Use Plan, C-56C-04, P-15-04 and P-16-
596 04, James Theobald for HHHunt Corporation? Is there any opposition? There is opposition here
597 tonight. Thank you. Mr. Tyson, good evening.
598

599 Mr. Tyson - Good evening, Madam Chairman, Mr. Donati. Thank you, Madam
600 Chairman, Mr. Donati, members of the Commission, Mr. Secretary. As the Secretary stated, this
601 case was heard at the November Planning Commission meeting and was deferred to permit the
602 applicant to address staff concerns and conduct an additional meeting with the neighboring
603 residents. The community meeting was held on November 23, 2004.
604

605 The application consists of four applications: an application for the UMU Land Use Designation, a
606 request for the rezoning of the property to the UMU designation, an application for Master Plan
607 approval, and an application for a PUP to permit single-family detached homes as part of the
608 project.
609

610 The proposed development is divided into 10 "land bays" and the applicant has provided the
611 following Land Bay Summary:
612

613 The total size of the project is approximately 1,184 acres, and 562 acres would be devoted to
614 residential uses at a density of approximately five units per acre.
615

616 Thirty-one acres would be devoted to commercial Towne Center and 69 acres would be devoted
617 to Wilton private areas. The County would receive 232 acres of property dedicated to it for
618 County uses, and 288 acres would be devoted to lakes and wetland areas. The applicant has
619 addressed a number of the earlier staff concerns through proffers that are dated November 29,
620 2004.
621

- 622 • The applicant has specifically proffered that no apartments, condominiums, or town homes
623 will be located within 200' of any boundary lot line in Land Bay 1 or Land Bay 2 (those Land
624 Bays most adjacent to the existing single family residential developments).
625
- 626 • An explicit connection between the Pattern Book and the Zoning Criteria has been made in
627 the proffer statement. Additionally, the Pattern Book has been amended to give illustrations
628 of single-family dwelling units, commercial spaces, multi-family uses, and open spaces.
629
- 630 • The applicant has proffered minimum square footages of 600 sq. ft. for one bedroom; 900
631 sq. ft. for 2 bedrooms; and 1100 sq. ft. for three bedrooms units for the apartments and

- 632 condominiums.
633
634 • The proffers have been amended to reflect the generally acceptable proffer language
635 regarding brick foundations, Sound Transmission Coefficient (STC) ratings, and cantilevered
636 chimneys.
637
638 • The Home Owner's Association's ability to grant exceptions to the Pattern Book and Zoning
639 Criteria has been removed.
640
641 • The applicant has proffered that no certificates of occupancy shall be requested until Wilton
642 Parkway extends from the site to Route 5 (slated to occur during Phase 1 of the project),
643 and that no more than 520 residential units of any kind shall be developed on the property
644 until such time as direct access to Route 895 is provided. Furthermore, the applicant
645 proffers that no Certificates of Occupancy for apartments shall be requested until direct
646 access to Route 895 is provided.
647
648 • The applicant has proffered that individual Land Bay Master Plans will be developed and
649 submitted for review at the time of each Plan of Development or Subdivision approval
650 request. This will permit the staff, Planning Commission and public to have input into the
651 Master Plan process as each land bay comes up for review and approval.
652

653 There are three outstanding issues.

- 654
655 • The applicant is proosing to mitigate some of the potential impacts by proffering the
656 dedication of several public use sites. These include a 20-acre site for an elementary school
657 site, an 11.5-acre mixed-use site, and 158 acres for a municipal park. The applicant is
658 proffering that these properties will be dedicated to the County upon County request.
659 Reviewing agencies have reported that the proposed multi-use site lacks the preferred
660 amount of acreage for the possible uses. A site of 15 acres for the combined uses is
661 recommended and an 11.5-acre site has been proffered.
662
663 • The Traffic Engineering Division recommends that no more than 300 dwelling units be
664 constructed until a second means of access is provided to the site.
665
666 • The applicant has proffered the dedication of approximately 230 acres for County use;
667 however, they have not made other proffers that might offset the cost of providing necessary
668 services to their development.
669

670 The applicant has provided many positive elements with this request. The staff recommends
671 that the Planning Commission find the Wilton Farm Land Use Plan Amendment consistent with
672 the guidelines set forth in the Henrico County 2010 Land, and send it to the Board of Supervisors
673 with a recommendation for approval. If the remaining issues outlined above could be resolved,
674 staff could also recommend that the Planning Commission find applications C-56C-04, P-15-04,
675 and P-16-04 are consistent with this UMU Land Use Designation and recommend that they, too,
676 be forwarded to the Board of Supervisors with a recommendation for approval.
677

678 I'd be happy to answer any questions you may have and Mr. Foster is here to answer any traffic-
679 related questions you might have.
680

681 Mrs. Ware - Are there any questions for Mr. Tyson from the Commission?
682

683 Mr. Jernigan - Lee, I want to thank you and Tom. This is a big case and this case has
684 turned around a lot since last month, but you and Tom both did a lot of work on it and I really
685 appreciate your help on it. Thank you.

686
687 I will address the three issues that we have at this point. Better still, I will let Mr. Theobald
688 address them when he comes up.

689
690 Mrs. Ware - Thank you, Mr. Tyson. Mr. Theobald.

691
692 Mr. Theobald - Good evening, once again. My name is Jim Theobald and I am here on
693 behalf of HHHunt. I'd like to reserve perhaps two minutes of time, Madam Chairman, if I might,
694 and in as much as we gave a rather full presentation and had a long debate at our last Planning
695 Commission meeting and an additional neighborhood meeting in between, with your permission I
696 am going to sort of summarize where I think we are and the changes that I think have been
697 made.

698
699 As you know, this is really a very unique opportunity, I believe, for the County. It takes the
700 history of the James River and the Wilton site and really couples it with new planning techniques
701 that result in a groundbreaking traditional neighborhood development, the likes of which really
702 haven't been attempted in Henrico County.

703
704 This is obviously not cookie-cutter rezoning. It is not road-strip subdivisions. It is well planned,
705 mixed-use highly amenitized community. To give you some idea of where we have been on this
706 case, this is Wellesley. This is all of the proffers we did for Wellesley. This is Wyndham. It
707 turned out pretty well, I'd say. This is Wilton, and we may not be done yet. The point is that we
708 have spent a tremendous amount of time in the detailed planning trying to make sure that what
709 we represent to you and what you see is what you are going to get, from house styles to
710 streetscapes, to parks, to architectural features and alike. This is a community that is not
711 segregated by price or product type, but rather mixed to provide an integrated community where
712 we will have town homes across from neighborhood parks and single-family detached homes in
713 the half million dollar range on up. Traditional Virginia architecture is really the focus of this
714 community and contains many architectural features that will be a part of the case. Fifteen
715 percent of our single-family homes have to be 3,000 sq. ft. or bigger. Twenty percent of that 15
716 percent have to be all brick and another 30% of that 15% will have brick fronts, and 10% of all
717 homes under 3,000 sq. ft. in size will also be all brick. We have committed to build Wilton
718 Parkway all the way to Route 5 with the initial phase of development. That is a significant
719 change from last time. We had previously committed to Phase 1 would only take Wilton Parkway
720 to Osborne Turnpike, but that change has been requested by the County, Mr. Jernigan, and we
721 have honored that request.

722
723 We are investing significant capital and the provision of road improvements, sewer pump station,
724 water and sewer lines, site for an elementary school and other County public facilities and
725 significant land for the park system. Our fiscal impact study shows a positive impact of over
726 \$22,000,000 during the build out period, even without the offer of voluntary cash proffers. We
727 are spending almost \$50,000,000 for infrastructure in terms of land dedication and construction
728 of that infrastructure.

729
730 Accordingly, Wilton provides a demonstrated positive revenue stream to the County. We have
731 also taken into account the edges along the property and have proffered that within 200 feet of
732 the edges against residentially-zoned property, we would have at least a 200 ft. setback for any
733 multi-family type of development. There are also significant creeks, RPA areas and other
734 wetlands features that will provide additional buffering and mitigation. We know that when the
735 final alignment of Wilton Parkway is decided, given the right-of-way that we have purchased up

736 to Route 5, we know there may be some impacts on adjacent property owners, and we know
737 that we are going to have to deal with those on a case-by-case basis to make sure that we are
738 good neighbors. Those will be addressed as subdivisions and PODs arise, and we know the final
739 design and location within that right-of-way area.
740

741 As you know, Hunt has a long track record of being involved with the community. I think you
742 have heard from various citizens in the past how much Hunt has contributed to the schools in the
743 areas within which their communities reside. This will be no different. They are proffering the
744 donation of a site for an elementary school, but it goes way beyond that. They will be involved
745 in the middle school and the high school serving this community and what we find is there is a
746 concentrated effort to provide different amenities and opportunities in the school system that
747 others get on board and good things happen, and I believe the school system has confirmed that
748 that is the case. We had a case in Hanover County last week and Janet Binns, who used to be
749 with the Henrico County School System, went out of her way to laud HHHunt's participation in
750 the school system in Henrico County as a way of welcoming them, also, into Hanover County.
751 We have dedicated some 240 acres of land for parks along the James River. We have also
752 included in our proffer that we will provide the money to provide the programming for that, if it is
753 viewed as a passive recreational area, jogging trails, walking trails, beautiful views from both the
754 bluff and from the river level possibility of some equestrian trails, picnic tables, etc. We agreed
755 to fund that and work with the park system in developing the programming. We also agreed to
756 donate the existing home on the property to the park system, which acts as sort of a parking
757 area and the focus of the park and within that house we will also display any artifacts that may
758 be found on the property during development.
759

760 I believe the foregoing represents very strong evidence that this request is compatible with the
761 existing land uses and, in fact, is far better than the existing M-1 zoning that exists on over half
762 of the site. Since the last meeting, we have made a number of changes. We have provided a
763 condition regarding the Land Bay Master Plan, that Mr. Tyson explained to you so that when we
764 file a POD or subdivision plan within any of the Land Bays we have to give you a Master Plan for
765 the entire land bay so we all sort of know where we are headed. We have to update those with
766 every step. Again, we agreed to construct Wilton Parkway all the way up to Route 5. We have
767 added minimum square footages for the multi-family units. We have added sound suppression
768 conditions, and we have also amended some of the references in the book that staff had asked
769 us to, just to clean up certain textual references.
770

771 This request has and will provide adequate infrastructure that will more than mitigate its impact.
772 It obviously provides sufficient design criteria to demonstrate a high level of quality and desirable
773 mix and balance of different land uses, as required by the UMU Ordinance. We believe it also
774 meets and exceeds the design standards set forth in that ordinance. The purpose of the UMU
775 District is to allow the development of mixed use pedestrian-oriented activity center containing a
776 variety of uses, including business, retail, residential, cultural, educational and other public and
777 private uses, which I think is really a great way to sum up Wilton. This really is, in my opinion,
778 smart growth personified. It is concentrated, well-planned growth that pays its own way, not
779 leap frog development as have seen on occasion in Varina, but a community that occasionally, I
780 believe, will set a new bar for development, against which future growth can be measured. I
781 submit to you that this is where Varina ought to go for all of the aforesaid reasons, and with that
782 I will be happy to answer questions. I believe that there may be some speakers to speak in
783 favor of this case. I may not have left them much time. I will be happy to answer any
784 questions.
785

786 Mrs. Ware - Are there any questions for Mr. Theobald from the Commission at this
787 time?
788

789 Mr. Jernigan - Jim, one of the questions that we had that came from Public Works was
790 the 300 house issue.
791
792 Mr. Theobald - Yes, that has been the subject of much debate today, Mr. Jernigan. I
793 understand the 300 lot application, as was done with Wyndham, and we are amenable to
794 agreeing to a proffered condition that basically we will only do 300 units on one point of access.
795 We would then be able to go up to the 520 originally referenced in the proffers. If we obtain
796 additional emergency access, which we believe we can do, if you look on your monitors, along
797 this edge. There is a temporary edge along the road of the town center going out to Wilton
798 Road, which basically comes back into Osborne, and this being Wilton Parkway, but it would give
799 you two ways for fire and emergency vehicles to access the property. Also, if there was a
800 problem on Osborne Turnpike, you could access the site from two different directions. We would
801 also agree to provide an interim traffic study when we hit that 520-unit area. That was, I
802 believe, desired by Mr. Foster, because he believed, I am putting words in his mouth, but at that
803 point he will be able to determine which direction traffic is going and whether or not additional or
804 different improvements, I might say, would be then required. So, we will be filing proffers to
805 accomplish that, 300 on one point and up to 520 on a secondary point to provide secondary
806 emergency access interim updated traffic study when we hit 520.
807
808 Mr. Vanarsdall - Are you going to proffer that tonight or before the Board meeting?
809
810 Mr. Theobald - I am happy to sit down and write it, Mr. Vanarsdall, if you like. I would
811 be happy to do that.
812
813 Mr. Jernigan - He has committed to it and I am alright as long as it is done before it
814 goes to the Board.
815
816 Mr. Theobald - Surely.
817
818 Mr. Vanarsdall - I take your word for it.
819
820 Mr. Theobald - Thank you, Mr. Vanarsdall.
821
822 Mr. Marshall - Awful generous. Mr. Theobald, in these Land Bay plans phases, is part
823 of that, are there also traffic impact studies done as part of each one of these Land Bay
824 submissions?
825
826 Mr. Theobald - What there is is a fairly extensive analysis of road improvements tied to
827 development as to units and these Land Bays and provided to Mr. Foster just this week. It is a
828 document that is obviously very detailed, very complicated, and prepared by Wilbur Smith and
829 Associates, our traffic engineers, and that is, if you will recall, Mr. Marshall, that is one thing we
830 discussed at the last meeting, the necessity of having that. It also contemplates who will pay for
831 what improvements, so there will be a definite critical path to be followed along with that, and
832 that will be resolved prior to the Board. The County does have that information.
833
834 Mr. Marshall - One of my concerns has been from Day 1, has been Osborne Turnpike.
835 Having lived on that road for 20 years, that is of great concern to me when I look at the number
836 of vehicles we are talking about. We are talking about 32,000 car trips per day. Nothing in this
837 case today addresses doing anything with Osborne.
838
839 Mr. Theobald - Correct.
840

841 Mr. Marshall - And we have had discussions about that, but basically we ran out of
842 time. Is Hunt willing between now and the Board level to do something or look at doing
843 something, about Osborne in the event that their traffic study that says 52% of the people are
844 going to get on 895 when that comes on line, don't get on that, and ultimately end up on
845 Osborne, and what is now a 2400 count road? If it gets to the levels of 10,000 and pursuant to
846 the Major Thoroughfare Plan, I believe Mr. Foster has stated the Major Thoroughfare Plan shows
847 Osborne to be a four-lane road.

848
849 Mr. Theobald - That is correct.

850
851 Mr. Marshall - And the 895 bridge was made four-lane. I am just concerned that - if
852 we have the only major road in front of your development, there is a two-lane road and there is
853 nothing in the case to address it in the event that the prediction from your traffic study does not
854 come true. And I understand that you are building a four-lane nice super highway, if you will, to
855 take these people over to Route 5, but there again you are taking them to a two-lane road, and
856 Wilton Road, which is shown as emergency access, I mean I don't think any car should be going
857 on the road, and I think Mr. Foster would probably agree with that assumption. Not to create
858 parallels, but in my district, I have seen this as potential Pouncey Tract Road, be it Route 5 a
859 VDOT Road, and Wilton Road is basically Sadler Road, and I don't want to see what has
860 happened in my district, because of VDOT and other reasons of not getting roads built happen in
861 this case.

862
863 Mr. Theobald - I appreciate your comments, Mr. Marshall. You and I have probably
864 talked about this issue every day since the last Planning Commission meeting and it is obviously
865 a great concern and I can make the commitment to you that between now and the Board that
866 these improvements and this phasing that we are going to discuss in detail with Mr. Foster, that
867 Osborne Turnpike will be one of those issues on that list. As you know, even if we guessed
868 wrong at 52% that are not going to use 895, our studies show that if you cut that in half, you
869 will be under the 10,000 trips a day on Osborne Turnpike, and then the question would be
870 whether or not that problem was solved with widening Osborne Turnpike or doing intersection
871 improvements or doing something else, and those are the kinds of details that we will be
872 discussing between now and the Board.

873
874 Mr. Marshall - Thank you.

875
876 Mr. Vanarsdall - Mr. Marshall, you are not talking about entire Osborne Turnpike. You
877 are talking about a mile or something, aren't you?

878
879 Mr. Theobald - It is about 1.2 miles from the intersection at Mill Road, Wilton Parkway
880 over to Burning Tree. Correct, Mr. Vanarsdall.

881
882 Mr. Marshall - While I am asking, is that school site set in stone?

883
884 Mr. Theobald - As to its location, I believe that it is. I never know whether that is a
885 question or a statement.

886
887 Mr. Marshall - It is just curious to me, with all that land, it is put up against the
888 interstate.

889
890 Mr. Theobald - Well, it is designed to provide the best access to the interstate. It is not
891 against it. It is actually below the elevation of it.

892
893 Mr. Marshall - Underneath it then?

894
895 Mr. Theobald - It is not underneath it. It is beside it and below it. Yes, perhaps a
896 better description.
897
898 Mrs. Ware - Are there any more questions for Mr. Theobald from the Commission?
899
900 Mr. Jernigan - I've got another question, but piggybacking on Mr. Marshall's comments,
901 Osborne was studied somewhat and I even have talked to traffic about that to Mr. Foster and
902 even the County Manager, and the reason that we didn't put that in as a proffer is because we
903 wanted to study it more and see the effects. Mr. Foster, even as we spoke this afternoon, will
904 agree if you widen Osborne, it is going to create more traffic. At this point right now, the reason
905 I am having Wilton Parkway built all of the way to Route 5, because that is the main route, and
906 that is the State Road. The County Manager, when I spoke to him before was not, I will say
907 "excited" about widening Osborne Turnpike, but that is an option, but I didn't want it included as
908 a proffer but as a study we can do at a later date. We have two more issues. One was the
909 school site, which is 20 acres, and Mr. Theobald, for the fire house and the EMS, originally, what
910 was the acreage they requested?
911
912 Mr. Theobald - Well, it was not originally a fire house or a library. It was originally a 20-
913 acre school site and additional land for public facilities to be determined by the County, and we
914 offered an additional 10 acres plus the 20 for the school site. Then, at one meeting with staff,
915 12 acres was suggested as the appropriate number and we managed to get another acre and a
916 half, so we were at 11-1/2, and then somewhere along the line, I guess somebody determined
917 that the public facilities should be both a library and possibly a fire station, based on the
918 templates that you normally use without attempting to modify them would require up to 15 acres
919 for that site. We are happy to provide the County with the 11-1/2 additional acres to do
920 whatever it is they think is necessary. If they want to put a library and a fire station on there, I
921 am sure they would be able to find a way to engineer that, maybe just not by dropping the
922 cookie-cutter plan on it but doing that there is also 240 acres of parkland in and around the
923 house that we are dedicating if a facility was found to be desirable down there, I'd submit there
924 is plenty of public land being provided in this request.
925
926 Mr. Jernigan - At this point I like to clear up these cases before it goes to the Board,
927 but I am going to leave it like it is. We are getting the school site, we are getting 11-1/2 acres,
928 and there are another 232 acres out there that is still for parks that we may be able to work
929 around that area, so I am going to recommend to the Board that we leave it as it is. The only
930 other thing, the word came up on cash proffers at this point with the amenities or with the
931 infrastructure that you all are having put in and the possibility of road improvements after the
932 interim studies are done, I think the money that is going to be used for that is going to well
933 cover the cash proffer situation which right now stands at about \$50 million in infrastructure. I
934 believe that was all of the issues that I had. We do have...
935
936 Mrs. Ware - How many people are here who want to speak in support tonight? We
937 have a few.
938
939 Mr. Silber - Members of the Commission, if you stick to your 10-minute rule, there is
940 about two minutes left. If you prefer to extend that period of time...
941
942 Mr. Jernigan - Madam Chairman, I'd like to ask for 10 minutes. We only had one or
943 two in opposition, but I would like to hear from, these people represent different organizations.
944 Some are organizations that are in the Varina District.
945

946 Mr. Edmunds - Good evening. I am Andy Edmunds and my family happily resides at
947 9510 Osborne Turnpike and have done so for about 11 years, so in Varina I guess that still
948 makes us new comers. Nonetheless, our affection for the community and the area and the
949 affection of others has caused us and inspired us to form a community group called ROOT, which
950 stands for Respect Old Osborne Turnpike. You guys have heard this, but if you could indulge me
951 for a moment, I'd like to briefly read our mission statement in case there are other people here
952 this evening who might want to join our group. Our mission statement is: "As responsible
953 citizens of Henrico County, we have formed a civic group specifically dedicated to preserving the
954 unique rural nature of Henrico's riverfront corridor. We are NOT an anti-development group. We
955 support development that co-exists within a framework that intelligently recognizes and supports
956 the scenic beauty and historical significance of this area. We support property owner's rights.
957 We will strive to convey the message that development within the guidelines of an intelligent
958 master plan will protect the rights and property values of everyone affected by that plan." So, if
959 anyone would like to join, please sign up and you get a cool sticker that says ROOT. Anyway, at
960 the last meeting you may recall we actually spoke in opposition to the development, not because
961 we thought it was a bad idea but because there were a few issues relating to traffic that should
962 be addressed more closely. We feel like the developers have really moved forward in a
963 responsible way and has spent time in the community and addressed many of these issues. We
964 feel like there are still many questions, but it will never be perfect and there are more good
965 things in this development than there are bad things and we want to thank the developer for
966 their time in coming out to the site and visiting with us, and actually doing specific things based
967 on our request. Anyway, our position on Wilton is as follows: The James River is arguably the
968 most historically significant body of water in the United States of America. The birth of
969 democracy and the clash of cultures (western and native) were spawned in these waters.
970 Osborne Turnpike is the first representation of the evolution from commerce via water to land
971 and is thus probably one of the most significant thoroughfares in America. This part of Virginia is
972 certainly worth protecting, documenting and honoring for future generations.

973
974 This is why our group supports HHHunt's vision for the Wilton Development. We believe the
975 development can impact the Varina area in a very positive way. However, we feel that this
976 positive effect can only occur if Wilton becomes the catalyst for the implementation of a master
977 plan for the riverfront corridor that will ultimately preserve this unique community, and
978 intelligently manage the inevitable growth that is headed our way. We also believe that anyone
979 who opposes this development is actually and correctly opposed to the alternative (multiple A-1
980 subdivisions with no infrastructure); which is exactly the direction and type of development that
981 Varina is presently looking forward to. We want to help HHHunt make the distinction. Without a
982 master plan for the entire area, unfortunately we could end up with both scenarios.

983
984 In summary, in addition to the recommendations of the planning staff, which we feel are right on
985 target, and the ideas submitted to you by the Varina Beautification Committee, we strongly
986 support the following items:

987
988 1. Overlay District

989
990 We encourage a commitment from the developer, financially, politically, and otherwise, to
991 support the creation of a County overlay district for an area from Rt. 5 to the river, and 295 to
992 Rockett's Landing. Within this district one could create a master plan to intelligently manage the
993 development of this unique area - while still recognizing the strong commitment to property
994 owner's rights. This is in the best interest of the developer as a way to protect a significant
995 investment, as well as clearly in the best interest of Henrico County. Additionally, special
996 treatment of this unique area could serve as a model for intelligent rural land use, and could be
997 exploited in national media outlets. Henrico's Department of Economic Development could utilize
998 this outstanding quality of life scenario as another marketing tool to attract major employers to

999 Henrico. The cost to complete an independent study by a nationally recognized planner could be
1000 contributed to a 503-C organization, as a tax deductive item. So, in other words, Mr. Theobald, I
1001 would hate for you to add another page to your proffer book, but we sure would like that in
1002 there.

1003

1004 2. Traffic

1005

1006 The plan for handling traffic generated by this development remains a mystery, in our opinion.
1007 We would hope that the ultimate solution will provide for a way to minimize the impact to
1008 Osborne Turnpike. I think Mr. Marshall is right on target. He lived out there and you know when
1009 you pull up to Osborne Turnpike, you want to go downtown, and why am I going to drive to
1010 Route 5? I can take a left to Osborne and it is just the path of least resistance that is going to
1011 occur, but I have confidence that people much smarter than me are going to figure this out and
1012 make it work. It is a great opportunity.

1013

1014 Treatment of the intersection of Mill and Osborne in an appropriate way. Please be creative. It
1015 is not just any road. Streetscape, period lighting, stone arch - something to make a statement
1016 that enhances and recognizes the history of the area. In other words, instead of a galvanized
1017 silver pole for the traffic light, green fluted historic looking pole, maybe green traffic light. There
1018 may be some issues against that for safety reasons. Let's make a statement to make this area
1019 different and people will recognize it as different.

1020

1021 At build out, we continue to feel that Wilton Parkway will be a direct route from Route 5 to
1022 Wilton with no exits on Osborne Turnpike. It should go over or under. Local access to Osborne
1023 would already be provided by the previously described intersection. The idea to provide
1024 residents with a third means of egress/egress without putting everyone on to Osborne, we know
1025 this may be complicated and we do feel that this is in the best interest of the surrounding
1026 community. In other words, this would encourage people more likely to hop on the parkway if it
1027 was a direct route to Route 5, and they would not get another bogged down intersection at
1028 Osborne. Osborne intersection would already exist and could be a super highway to Route 5 to
1029 the amenities that they are looking for, going to get gasoline or whatever. The next item would
1030 be density saving apartments. We understand the need for density of residential to support the
1031 commercial occupants in the development. The developer could achieve this through more
1032 owner occupied dwellings and fewer apartments. We prefer that any apartments be phased in
1033 with the Town Center and that the relative percentage of commercial uses of the site be
1034 increased. Phase 1 - we hope that Phase 1 single-family detached housing would be on the
1035 highest end scale in terms of size and price point. As Wilton will set the bar for future
1036 development in this area, Phase I will be critical in establishing the perception of what Wilton will
1037 become. In other words, if Phase 1 is the advertiser, we would like shrimp cocktail instead of
1038 cheese and crackers.

1039

1040 Amenities.

1041

1042 We would like the developer to please consider and plan for some type of mooring on the river to
1043 accommodate a river boat for dinner cruises and/or water taxi service that could connect with
1044 Rockett's. It would be great to come full circle and put commuter traffic back on the river. In
1045 the Pacific Northwest they do this often with the ferry system up in Washington and other areas
1046 and it would be awesome to be able to get on a ferry, go up the river, go to Rockett's, get on a
1047 streetcar and go downtown. I mean, that is a great vision for the future and it could get more
1048 traffic off of the roads. In the Town Center, consider an art house movie theater that also could
1049 serve as a community theater and meeting hall. Sorry, I am in the film business and I had to
1050 throw that in there. We certainly encourage that any road improvements in the area require the

1051 acquisition of right of way to accommodate a bike/walking path and the construction thereof.
1052 Thank you very much. I will take any questions.
1053
1054 Mr. Jernigan - Thank you, Andy.
1055
1056 Mrs. Ware - Are there any questions from the Commission? Thank you very much.
1057 Good evening.
1058
1059 Mr. Register - Good evening, Madam Chairman, members of the Commission. I am
1060 Thurman Register and live at 6500 Osborne Turnpike. I am not a member of the ROOT
1061 Organization, but I have roots in Varina. I was raised there, went to school there, and still live on
1062 Osborne Turnpike. Something just came to mind when we were talking about using Osborne. If
1063 I were going to pull out on Osborne Turnpike, and eventually get to Route 5, I would not turn
1064 left on Osborne because I'd be sitting at a stop sign about 15 minutes with all of the Route 5
1065 traffic. Instead, I would drive to Route 5 where there is a left turn signal and a signal light and
1066 turn left on Route 5. Just my thoughts on Osborne and Route 5, but I did want to speak in favor
1067 of this development. My wife and I are very much in favor of it. We see a lot of stuff going on
1068 in Varina that we disapprove of. I think this development would set a new standard for any
1069 development in Varina. The developer is interested in the history of the property and the history
1070 of Varina, and I contend that we should look at their history, look at the history of what they
1071 have done in Wellesley, Wyndham, Daniel Island. I think they are great developers and we will
1072 have something we will be proud of in Varina if we get this. Another thing I thought of for the
1073 developer if he would, just reconsider all of this history and the relics of the property and please
1074 consider and not ignore the native American relics you may find on the property. Thank you.
1075
1076 Mrs. Ware - Any more questions? No questions.
1077
1078 Mr. Nordlie - My name is Ralph Nordlie. You may have seen me the last time
1079 speaking in opposition. I have since met with the developers on a variety of occasions. My little
1080 handout here, I will pass this around, a lot of bad Xerox copies. I see Mr. Marshall nodding and I
1081 think there are a couple of other folks who might recognize it. I have since had the opportunity
1082 to meet with the developer and speak with Mr. Theobald on a number of occasions on the
1083 phone, and I want to tell you that they are good neighbors. They have been conscious and
1084 responsive regarding my concerns about traffic. Now, as my understanding goes, I am getting
1085 this from some senior management with Hunt, the potential for turning the end of Mill into a cul-
1086 de-sac so that Mill is no longer a through street. If you'd like, I brought along a copy of this
1087 thing with me. Just for fun, to refresh your memory, so you know who I am, I am going to play
1088 with the mouse here. OK. See where the arrow is? That is me, folks. OK. I am living right in
1089 the jaws of the lion and they are talking about possibly putting a cul-de-sac up here at the end of
1090 Mill instead of allowing Mill to articulate directly with Osborne. I think this is probably relevant to
1091 a number of people who are looking at me in this room. Why does this guy want this thing? OK.
1092 If they cut Osborne or cut Mill away from Osborne, well I am not too crazy about this particular
1093 articulation with 895 on a road as small as Wilton, and I note Mr. Marshall has some concerns as
1094 well, and I appreciate those. I think that it would prevent Mill from becoming a through street
1095 next to 3200 dwellings, and I appreciate that and their willingness to call me back and talk to me
1096 and advise me of their considerations is probably greater than any other developer that is going
1097 to walk into the Wilton site and consider just how they are going to change Varina. I am a
1098 member of ROOT and firmly support Mr. Edmunds position and I think his comments are
1099 intelligent and well directed. You might recall that not only was I concerned with the 100 foot
1100 sight lines and fence to my blind driveway on the 15-foot wide road. Thank you for passing that
1101 down the line, by the way. I am glad you are looking at that. The road is 15-feet wide across
1102 from my driveway there that they are talking about putting that in, and I do believe this is
1103 relevant, because they will have solved all of my concerns if they cul-de-sac. This is a

1104 suggestion that they brought to my attention not that I made to them so obviously if they've got
1105 their headlights on, somebody is driving here. They are thinking. I appreciate that.

1106

1107 I had other concerns regarding the water hookup. I understand that if I am within 300 feet and
1108 Ray, can you correct me if I am wrong, if I am within 300 feet of a County water or sewer line, I
1109 cannot sell my property prior to that hookup. That is incorrect? OK.

1110

1111 Mr. Jernigan - That is incorrect. There was a question on that before.

1112

1113 Mr. Theobald - If I might, we did contact the County, and apparently if the public water
1114 and sewer are within 300 feet and the well fails, then rather than permit you to dig a new well,
1115 you would be required to hookup. Same with your septic field. If you had a failure in your septic
1116 field and public sewer was within 300 feet, than rather than replace your septic field, then you
1117 would be required to hookup, but it has nothing to do with the sale of your house at all, and if I
1118 stated that, I hope someone will correct me, but I believe that is what I said.

1119

1120 Mr. Jernigan - Thank you for clearing that up.

1121

1122 Mr. Nordlie - Thank you very much, Jim. I believe you do have a point that HHHunt
1123 offered to put in the fitting attachment that would allow us to put in a meter there at such time
1124 as we would wish to connect with County water and County sewer while the lines are open and
1125 freshly dug, so long as that is not of consequence to them later, they are willing to let us gain
1126 access to County water and sewer lines while the lines have just been installed. They will be
1127 open. You can come over and say, "Hey, we'd like to hook up" and they will help us with that.
1128 They are a very gracious developer and it is not everyone who is going to offer you this. I
1129 appreciate their sensitivity in this regard and it is a great concern for all of us who are on well
1130 and septic and it could impact us greatly in the future. Given the cost of County water and sewer
1131 hookup, I know you have probably seen some articles in the paper as I have. This is really going
1132 to affect my road, and they have been kind enough to say, "Hey, you can come up here and you
1133 can talk to us, and we will work it out with you." I appreciate that a great deal in their regard. I
1134 also understand that substantial berms and fences might be part of their proffers in the entrance,
1135 not only to the one on Mill Road but the one on Osborne Turnpike, trying to soften the impact in
1136 the adjoining land owners there. That is a great concern to myself, and I simply hope that their
1137 dialogue is as productive as the one that I have had and can be established with anyone else
1138 with concerns. That is all I have tonight. If anyone has questions or wants to speak with me, I
1139 invite them.

1140

1141 Mr. Jernigan - Thank you.

1142

1143 Mrs. Ware - Thank you.

1144

1145 Mr. Jernigan - Nelda, I want to let you know we have gone over the 20 minute mark. Mr.
1146 Silber gave us another five minutes, and we are at 3.39.

1147

1148 Ms. Nelda - I do want to say the Varina Beautification Committee does support the overall
1149 plan. We are very pleased with it and the UMU District. Skipping down to a few concerns that
1150 we still have. One is the traffic. Thank you for the parkway going through the site. We are
1151 concerned about Osborne as much as everybody else, and I personally live a mile off of the other
1152 end of Osborne and I know what it is going to be like. As it is now, a tractor pulls out to go from
1153 one field to another and you are going 10 miles an hour and there is no place to pass, because it
1154 only has three passing zones all the way to Richmond, so I can have this picture in mind of one
1155 of my farmer friends on his very large, whatever it is called, that take us the whole road and
1156 32,000 cars behind him and (unintelligible).

1157
1158 Mr. Jernigan - They follow Reggie Nelson.
1159
1160 Ms. Nelda - Or Earl or anybody else. We are concerned about it and hope that within the
1161 next month or so something can be worked out. We still advocate the bridge going over
1162 Osborne and Wilton Parkway going over, and I know nobody is going to do that now, but in the
1163 long run, and back to what Andy said about the historic area and anyone who has driven the
1164 Rockcreek Parkway in Washington, D.C. and those absolutely gorgeous bridges, and then all of a
1165 sudden there will be a modern one and you feel let down and how could anyone put this dumb
1166 modern thing here when it is so beautiful to field the history with the others. It is certainly
1167 something to keep in mind if there is anyway to do it in the future.
1168
1169 We are asking for a Phase 1B Cultural Resources Survey, and 1A has been done I understand,
1170 but I think it is recommended that the 1B Cultural Resources Survey be done, also, and I wanted
1171 to ask for that also to go along with the artifacts and so forth.
1172
1173 We are concerned about increased area for commercial property and we hope that will be
1174 increased because the more commercial that is there, the less there will be out on the private
1175 roads. It will also lessen the pressure that you may get for "Oh, I want to build a strip mall"
1176 because there are all of these people in the area, and they don't have any stores and they don't
1177 have even a video store or dry cleaners for the first 500 families, and I don't know when the
1178 commercial is actually going to come in, but the more commercial and the sooner that it is built,
1179 I think the better it will be for the community, and you won't have that pressure for other people
1180 wanting the strip malls popping up everywhere around Route 5 and on Osborne.
1181
1182 The lighting was one other thing. We wanted to make sure that there was going to be no
1183 lighting that would light up the night sky and everything down, and your proffer, Jim, it wasn't
1184 clear. Will all the lighting go down, so that we don't have light going up, or is there anyone in the
1185 County who can explain that?
1186
1187 Mr. Tyson - I can point out that in the design guidelines, they don't have
1188 representation of lighting or goose neck lamps or anything that is going to go over the parkway.
1189 They have pedestrian-scaled lights in the Town Center. The Police Department had expressed a
1190 concern about the type of bulb that is going to be used in those. They want it to be a type that
1191 provides a cleaner, clearer light for crime prevention, but at this point, I haven't discussed light
1192 meters or lighting coverage. There are already standards in the zoning ordinance that would
1193 cover that at the time of plan of development review.
1194
1195 Ms. Nelda - Some of those do put light upwards, though, right? Some of those in
1196 the design standards?
1197
1198 Mr. Tyson - Not in the design standards. There are just regular streetlights.
1199
1200 Ms. Nelda - We should address that later.
1201
1202 Mr. Jernigan - No, that would be addressed at the time of POD.
1203
1204 Ms. Nelda - But we are also backing up ROOT and would ask that HHHunt do
1205 another study to develop an overlay plan with the Osborne Corridor that HHHunt participate in
1206 and financially support this endeavor. We feel that is very important and Andy spoke on the
1207 master plan and so forth.
1208

1209 We have one other request that is new and that is something to think about for the future for
1210 the County. We request that the County consider a riverfront parkway from Rockett's Landing to
1211 Wilton. This parkway would serve as a road - a traffic outlet and used to promote best quality
1212 development between these two UMUs. Thank you. Any questions.
1213

1214 Mr. Jernigan - Thank you, Nelda. I want to comment on one thing that Nelda said and
1215 the riverfront parkway, I like that idea myself and Mr. Donati and I have talked to the
1216 administration on that, and at this point right now they feel that the wetlands impact is too great
1217 to consider that, but it is something that we want to look into because both of us felt that that
1218 was the way to go, but as it stands right now, the wetlands are a serious problem. I think that
1219 we've had enough. I know we do have opposition.
1220

1221 Mrs. Ware - How many people are here to speak in opposition? Two? Good evening.
1222

1223 Ms. Amy Duval - Good evening. My name is Amy Duval and I live at 1200 Dobson Road
1224 and I wouldn't say quite opposition, but I 90% agree with what Andy said. He is very well
1225 thought of and at the same time, my biggest concern is the traffic, and Mr. Marshall I appreciate
1226 that you spoke up for the interest of our community, especially regarding Wilton Road, and
1227 though I can see that the developers have very good intentions, I would like to, and I don't know
1228 if this is possible, but I'd like to ask for a deferment against this while we talk about it a little bit
1229 more with the developer. These are people that seem to be interested in our neighborhood and
1230 it would be nice to be involved with them a little bit more, so being that this is going to be such
1231 an impact on everybody's lifestyle and quality of life, I would like for all of you to consider a
1232 possible deferment so we can talk a little bit more about this. I don't see the rush in it. Its
1233 something I think the community needs to talk about a little bit more, and be a little bit more
1234 involved. I just found out through the last meeting whenever it was, about two or three weeks
1235 ago, about this, and so I would like to have the opportunity, not just for me but for everybody
1236 else that didn't know, to be involved, and be able to cooperate in this. I think that Mr. Theobald
1237 would be highly pleased. A lot of people would be willing to help him and I don't know if there is
1238 an environmental impact or traffic impact, but there are things that need to be considered, and it
1239 would be nice to have a community-based solution alternative to work with them. I am not
1240 opposing it completely, but I am just thinking can we please work on this together. Thank you. I
1241 appreciate the time.
1242

1243 Mrs. Ware - Thank you very much. Good evening.
1244

1245 Ms. Quesinberry - Hi. Deborah Quesinberry, 8190 Osborne Turnpike. Good evening,
1246 Commission members, Mr. Donati. Could I get the master plan back up please? Thanks, Jim. I
1247 want to show you, I am here with Mr. Gontkovic, who is also one of my neighbors. He is at
1248 8160. This is Mr. Gontavick's residence right here. This is Wilton Parkway. You notice it touches
1249 the corner of his property as those hundreds of thousands of trips go by. This is my property
1250 right here. Mr. Gontkovic and I are clearly among some of the closest to this intersection of Mill
1251 and Osborne, and certainly are going to be very impacted by the thousands of road trips literally
1252 coming by right here (referring to rendering). I know Mr. Gontkovic is particularly interested in
1253 what is going to be done on the Wilton Parkway. I know the applicant is willing to and is very
1254 interested in undulating berms. We talked to him about that and really did appreciate your
1255 concern and your time with that, so he is specifically interested in where the language is that
1256 supports that to make sure. Not only is it beautiful. I know they are going to make it beautiful.
1257 That is not the question. But to make sure that whatever is done along Wilton Parkway truly
1258 does serve the purpose of noise abatement, light and that sort of thing, because quite literally
1259 out here right now about the noisiest thing you hear every now and then is a tractor or the wild
1260 life that co-exists with us in the area, so I want to make sure it is functional as well as beautiful.
1261

1262 The other comment I need to make, because truly this plan has come a long way. The applicant
1263 has worked very hard and the citizens have worked very hard and we really cannot disagree with
1264 the comments from ROOT to which are both members, as well as the other comments of Varina
1265 Beautification and others. It really has come a long way and will, I think, actually end up being a
1266 gem in our community at some point, but we do want to make sure that this whole traffic
1267 situation is really explored further. Specifically, I want to talk about the issues of the two areas
1268 of ingress and this emergency one that is going to connect up to Wilton Road that Mr. Theobald
1269 just spoke about. That is kind of new to most of us that are citizens here, and I just want to
1270 point out that we are not in favor of that. I think we would support Mr. Foster's
1271 recommendation. I believe it is Mr. Foster's recommendation that we are limited to 300 units
1272 with this one access until there is a secondary access available from 895. If you are talking
1273 about another access point, emergency or otherwise coming up here to the Wilton Road, that is
1274 really not having two points of access. That is kind of like voodoo traffic control. That is really
1275 insane. So we are not going to support that at all. Those are the two chief concerns that I
1276 have, and I want to make sure, Mr. Gontkovic, did you want to ask any questions or do you have
1277 any other concerns, and you need to speak right into the microphone.

1278
1279 Mr. Gontkovic - Well, Ray, did you come up with any kind of buyer for that corner lot?
1280

1281 Mr. Jernigan - They committed at the last meeting when Deborah spoke to Mr.
1282 Schmidt. He gave me his commitment that he will get you straight and do whatever, but we
1283 don't have it in proffers for this case. It will be taken care of at the time of POD, but he has
1284 given me his word that he is going to take care of it and he gave Deborah his word, too. He
1285 says he is going to do it. They are not going to get upset over a berm. He is going to get you
1286 straight. He will take care of that. I will make sure they take care of it.

1287
1288 Mr. Gontkovic - Thank you.
1289

1290 Ms. Quesinberry - I have one more question about the traffic and maybe you can answer
1291 it, Mr. Jernigan, or maybe Mr. Foster will need to, but with the proffering of the individual master
1292 plans coming up for each one of the Land Bays, can we be absolutely clear, can you clarify on
1293 that that at that time the traffic issues will come up simultaneously with each POD that comes
1294 up, that if we are having or experiencing some problems with traffic as each phase comes up or
1295 each Land Bay comes up for a POD, it will be addressed at that time, and it would not go any
1296 further if we haven't resolved the traffic issues at that point?

1297
1298 Mr. Jernigan - OK. Deborah, this evening I was talking to Mr. Foster at 5:00, and then
1299 I talked to Mr. Theobald about last minute things. Mr. Foster wanted the interim traffic studies
1300 at certain points and Mr. Theobald conceded that they are willing to do that. His issue on the
1301 300 homes was the second point of access, where the 300 number came up was that was the
1302 number they allowed for Wyndham. They wanted to do the same thing for this. They needed a
1303 second access point for fire and rescue, and that is all that that secondary road is going to be for
1304 is fire and rescue. So, that was the two issues that Mr. Foster had and the interim traffic reports
1305 will come as this is phased along. Now, you asked me will there be a traffic report at each Land
1306 Bay request?

1307
1308 Ms. Quesinberry - Yes.
1309

1310 Mr. Jernigan - Well,
1311

1312 Ms. Quesinberry - In other words, how do we know that we don't overbuild for the road
1313 situation that we have at any particular time in the phasing of this? This is huge.
1314

1315 Mr. Jernigan - It is, but the first interim comes in after 520. The first interim traffic
1316 report comes in and it will be subsequent after that. That is what Mr. Theobald and Mr. Foster
1317 were going to coordinate together.

1318
1319 Mr. Theobald - It is actually a little better than that in the context of while there may
1320 not be a formal traffic study, the process that we go through with every subdivision and every
1321 POD is that the County takes a look at the road improvements, and so whether it is articulated or
1322 not, every time we have a hearing on a POD or tentative, we are talking about traffic, so Ms.
1323 Quesinberry is correct. There is going to be an opportunity all along the way to make sure that
1324 things are working. That is built into the process we have now and in addition to that we have
1325 committed to provide the interim traffic study at various benchmarks and we are discussing the
1326 specific phasing improvements. I am happy to give her a copy of that initial letter, but it is a
1327 seven page letter that lists the ties and improvements to the development.

1328
1329 Ms. Quesinberry - I would like that. Thank you for that. One of the last comments I want
1330 to make is about the intersection itself, Osborne and Mill intersection. We have heard a lot of
1331 people talk tonight about and rightly so about how we need to be respectful of Osborne
1332 Turnpike, and I think everybody agrees with that. My understanding is that as it stands right
1333 now, the plan is still to do a level grade intersection here with a stop light, and I would like for
1334 us to - going forward - explore this some more, especially before it gets to the Board. I think
1335 there are probably, and I agree with Andy Edmunds to a certain point. He said there are people
1336 smarter than me that can figure out this traffic, and I don't think there is anyone smarter than
1337 me, but I do know there are some people who can figure out this traffic. I am not sure that a
1338 level grade traffic light here is really going to serve our purposes. I would like to see us at least
1339 ask the applicant to keep an open mind here about other alternatives, whether it is move this
1340 intersection up into this open cow pasture or consider the underpass/overpass, even if it turns
1341 out you can't do it through periods, but keep that open, because I really think that this flat level
1342 grade intersection is not going to do the trick for all of these road trips coming four lanes
1343 whizzing by here, and that said, even if we have to start out with a low grade here, we need to
1344 consider the traffic flow here. Maybe Mr. Foster could talk to this, but we need to try early on to
1345 keep traffic off of Osborne even if it is only preventing left turns coming off of Wilton Parkway on
1346 to Osborne. There have to be some simple ways to try to at least begin to ingrain the habit of
1347 traffic going straight all the way to Route 5.

1348
1349 Mr. Marshall - Ms. Quesinberry. One thing that concerned me when they were talking
1350 about doing a flyover, which basically would not allow, and if Mill Road ends up getting cul-de-
1351 saced, then in order for residents that lived on the rest of Osborne Turnpike to get to the park or
1352 get to the retail center, you'd end up going all the way over to Route 5. In fact, get on Wilton
1353 Parkway to come back, because they are looking at possibly cul-de-sacing the Mill Road
1354 entrance, which would not allow you to have access into the development, which would kind of
1355 defeat the purpose of having a boat landing and the parks and the retail for the other residents
1356 that may want to go in there, so that is what convinced me that maybe the expressway, if you
1357 will, only in and only out of the development wasn't the best thing for everyone.

1358
1359 Ms. Quesinberry - Yes, and I have to agree with that, Mr. Marshall. I just think Andy
1360 opened his comments with traffic is still a mystery, and I think it is, and I think there needs to be
1361 some more discussion around that traffic to make sure that we really know what we are getting
1362 into before we have so many units that it sort of starts to drive itself, literally.

1363
1364 Mr. Jernigan - Well, that is the reason that I had to run the Wilton Parkway all the way
1365 to Route 5 and not bring it...that was actually Phase 3 and we moved that to Phase 1. That has
1366 to go all the way, because I felt that traffic needed to leave Osborne and go to Route 5.

1367

1368 Ms. Quesinberry - I would like to ask Mr. Theobald if he could just clarify something he said
1369 earlier in speaking about Wilton Parkway. I believe, Mr. Theobald, you said something, and I will
1370 paraphrase you a little bit, about the actual design or the layout of this parkway is not quite
1371 decided yet, and I am not sure why we don't know exactly where this parkway is coming in or
1372 where it is connecting, if, in fact, this is Phase 1 and it needs to go in before there are any
1373 certificates of occupancy for the first Land Bay. Can you help me with that a little bit?
1374

1375 Mr. Theobald - We have purchased a path up to Route 5 and within that path will be the
1376 road. We are discussing with the Transportation Department exactly what the design speed of
1377 that road should be, which will impact your curvature, etc., and so within that path, it is going to
1378 be essentially as shown and everybody has seen, but whether or not it is 10 feet off of this
1379 gentleman's property or 15 or 20 feet, that is what I can't tell you, but it is within the corridor
1380 with very narrow margins of difference, but until we have agreed on the final design phase, etc.,
1381 I can't tell you exactly how far off it is, but I did commit earlier that we know we need to take
1382 the other people who might be impacted by that, and Mr. Schmidt has made that commitment to
1383 you and to Ms. Quesinberry and others, I might add.
1384

1385 Ms. Quesinberry - Thank you, Mr. Theobald. That is all the comments I have. Mr.
1386 Gontkovic, did you have anything else? OK. Does anybody have any questions for me? OK.
1387 Thank you very much.
1388

1389 Mr. Jernigan - Thank you very much, Deborah.
1390

1391 Mrs. Ware - Good evening.
1392

1393 Ms. Carmichael - I am Blaine Darden Carmichael and I live at 1161 Dodson Road. It is in
1394 the Richmond Heights subdivision, which is on up Wilton Road, right up on the top up here. It is
1395 two blocks. It is an old subdivision, old neighborhood there. I am on the Varina Beautification
1396 Committee. I do support the position of the Varina Beautification Committee, but I just wanted
1397 to make a few comments about Wilton Road after what I have heard tonight. I am concerned
1398 about the entrance onto Wilton Road that is being proposed as a secondary access, temporary.
1399 Wilton Road is really a one-lane road and because of the neighborhood up the street, there are
1400 lots of people that ride their bicycles, walk, push baby carriages, ride horses, all of that goes
1401 around those blocks, and this is a very narrow road that people come flying off of Osborne
1402 Turnpike on to it, as it is. If you do put a temporary access there, did you say, Mr. Jernigan, that
1403 it would only be for emergency access?
1404

1405 Mr. Jernigan - It would be used just for fire and rescue.
1406

1407 Ms. Carmichael - Can they put their guards across so that no, so that people can't get in
1408 and out? That would be great.
1409

1410 Mr. Jernigan - That is what we do. We have done that before. This was not, Mr.
1411 Theobald didn't proffer this as a second point for everybody to use. It is for fire and rescue only.
1412

1413 Ms. Carmichael - So they are the only ones going in there?
1414

1415 Mr. Jernigan - We don't want people running up and down Wilton Road. It is only 16
1416 feet wide.
1417

1418 Ms. Carmichael - Yes, and people run up and down it too much as it is really, and it scares
1419 me really thinking of all the traffic coming up and down.
1420

1421 Mr. Jernigan - We want it as an emergency access. That was the concern of Mr.
1422 Foster.

1423

1424 Ms. Carmichael - And it concerned me even more when you talked about cul-de-sacing
1425 Mill Road and then you are forcing even more people up Wilton Road to get onto Osborne. OK.
1426 And I do like, by the way, your comments about widening Osborne Turnpike. Just attracting
1427 more people on Osborne Turnpike, I think that is exactly right. The less you do to Osborne, the
1428 more you force people onto the Wilton Parkway, the route that you want to force them onto, so I
1429 think that is a good plan. That is all I wanted to say. Thank you very much.

1430

1431 Mr. Jernigan - Thank you.

1432

1433 Mrs. Ware - Is there anyone who wants to speak?

1434

1435 Mr. Jernigan - I think that is it. All right, well first of all, I want to thank Jim Theobald,
1436 who has diligently worked on this, so I guess we have probably spent about nine hours on the
1437 phone with total phone calls from time to time, and Jim, I really appreciate your help, and
1438 HHHunt that they have worked with us on this. This case has all been about the roads, because
1439 we know that we have a quality developer, and I think everybody in here realizes that. We had
1440 three neighborhood meetings and I really want to thank you all for coming out here tonight and I
1441 saw everybody here, but I only saw a couple of hands go up in opposition, and that shows that
1442 in three meetings we got it together. As I explained in the meetings before, anytime that
1443 something like this happens, I'll say this is the largest zoning case that Henrico has ever had.
1444 This is the biggest. There are going to be some inconveniences for people and there is no doubt
1445 about it, but the end result will be great. Varina will get a quality development that we need. As
1446 I said in the paper the other day, or on the news, we have nice homes in Varina, beautiful homes
1447 in Varina, but most of them are inhabited. We need some new homes in there. There will be
1448 certain areas that will have heavy density. This is one of those strategic areas. It is on the river.
1449 I feel this is the best spot for it, but this is not what we want to have all through Varina. This is
1450 a UMU. Rockett's Landing is a UMU. I don't even know that we will have another one, maybe
1451 something, there may never come another one through, but the quality is going to be there and
1452 we need to get the roads straight, and that is what I said at 5:00 p.m. I was on the phone with
1453 Mr. Foster for about 45 minutes. We have heard the ideas of a separated grade at Osborne.
1454 That has its good points, as Mr. Marshall said it has its bad points. Because it keeps the people
1455 from Osborne having access to the complex. They have to go up to Route 5 and then backtrack,
1456 coming back in. We don't want that. We will work out the best road system we can. Like I said,
1457 I want to thank all of the people, all the neighbors that came out to the meetings and I
1458 appreciate your working with me.

1459

1460 So, I guess at this point I am going to make a motion. I am going to have to make four motions
1461 and I guess we will have to vote four times. My first motion is to Amend the Land Use Plan 2010
1462 amendment for Urban Mixed Use for the Wilton Farm.

1463

1464 Mr. Vanarsdall - Second.

1465

1466 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1467 favor say aye. All opposed say no. The motion passes.

1468

1469 The Planning Commission approved recommendation of approval to Amend the Land Use Plan
1470 2010 Amendment for Urban Mixed Use for Wilton Farms.

1471

1472 Mr. Jernigan - The second motion is I make a motion to approve Zoning Case C-56C-
1473 04, James H. Theobald for HHHunt Corporation.

1474
1475 Mr. Vanarsdall - Second.
1476
1477 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1478 favor say aye. All opposed say no. The motion passes.
1479
1480 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1481 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1482 request because it conforms with the objectives and intent of the County's Comprehensive Plan
1483 to develop underutilized industrial areas and it conforms to the Urban Mixed Use Development
1484 recommendation of the Land Use Plan. In addition, the proffered conditions will provide
1485 appropriate quality assurances not otherwise available.
1486
1487 Mr. Jernigan - Madam Chairman, the third motion is Provisional Use Permit P-15-04,
1488 James Theobald for HHHunt Corporation.
1489
1490 Vanarsdall - Second.
1491
1492 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1493 favor say aye. All opposed say no. The motion passes.
1494
1495 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1496 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1497 request because the proposed master plan is necessary to fulfill the requirements to develop an
1498 urban mixed-use community and would provide for assurances of high quality development and
1499 compatibility with the surrounding uses.
1500
1501 Mr. Jernigan - The fourth and final one would be I make a motion for Provisional Use
1502 Permit P-16-04, James Theobald for HHHunt Corporation.
1503
1504 Mr. Marshall - I am going to second that and I want to say for the record, the citizens
1505 should thank Mr. Jernigan for the time that he has put in on this case and the work he has done
1506 on this case. He has been totally committed to this as being one of the biggest projects and not
1507 only that, he put up with me sticking my two cents in having lived down there for 20 years, even
1508 though it wasn't my district, and I thank him for that, also.
1509
1510 Mr. Jernigan - It is a pleasure working with you. Thank you.
1511
1512 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in favor
1513 say aye. All opposed say no. That motion passes.
1514
1515 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning
1516 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1517 request because it is reasonable and compatible in light of the residential developments in the
1518 area, and it would not be expected to adversely affect public safety, health or general welfare.
1519
1520 Mr. Silber - This is a recommendation that goes on to the Board of Supervisors. The
1521 Board will be considering these matters at their meeting in January on January 25, 2005.
1522
1523 Mrs. Ware - And at this time the Commission will take a 10-minute break. Thank
1524 you.
1525
1526 **AT THIS TIME THE COMMISSION TOOK A 10 MINUTE RECESS.**

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AT THIS TIME THE COMMISSION RECONVENED.

Deferred from the November 10, 2004 Meeting:

C-60C-04 J. Thomas O'Brien for The Tetra Group One, LLC: Request to conditionally rezone from A-1 Agricultural District, and R-5 General Residence District to M-1C Light Industrial District (Conditional), Parcels 817-717-4199 and 816-717-4209, containing 61.243 acres located at the northwest corner of Audubon Drive and Oakley's Lane. An M-1 development is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry and Environmental Protection Area. The site is in the Airport Safety Overlay District.

Mrs. Ware - Is there any opposition to Case C-60C-04, The Tetra Group, in the Varina District? There is no opposition. Good evening, Mr. Gidley.

Mr. Gidley - Good evening, Madam Chairman. The applicant is proposing a light industrial development potentially including some office and retail uses. The specific use is unknown. The Land Use Plan recommends Planned Industry and Environmental Protection Area for the site. Therefore, this type of development could be appropriate for the area.

There are several environmental features on the property, which will make development difficult. In addition, a residential community lies to the south, across Audubon Drive. A 50 foot transitional buffer is required by Code against the residences along Audubon Drive; however, the site design, architecture, and permitted uses still need to be sensitive to the environmental constraints and surrounding uses.

The applicant has submitted revised proffers dated December 9, 2004, which you should now have copies of. As a result, the time limits would need to be waived. Major aspects of the proffers include:

- The prohibition of several uses, including but not limited to automotive uses, check cashing/payday loan establishments, convenience stores and service stations;
- A twenty-five (25) foot (transitional) buffer along Oakley's Lane and Interstate 64.
- The buildings would have architecturally compatible materials and design standards;
- Loading docks and any outdoor storage would be screened from view from Audubon Drive and Oakley's Lane;
- Parking lot lighting fixtures within 200' feet of Audubon Drive would not exceed twenty (20) feet in height;
- HVAC equipment and trash receptacles would be screened from public view;
- Any storm water management pond would be aerated; and
- A prohibition against outside public address systems.

The revised proffers address many of staff's concerns. Nonetheless, staff has encouraged the applicant to submit building elevations and a site plan. The applicant has attempted to address these concerns by proffering quality building materials and buffers. As a result, staff believes this proposal could be appropriate for this area.

1580
1581 This concludes my presentation. I would be happy to answer any questions you may have.
1582
1583 Mrs. Ware - Are there any questions of Mr. Gidley from the Commission?
1584
1585 Mr. Jernigan - Paul, after our conversation yesterday evening and your conversation
1586 with Mike Rothmell, are you all satisfied with everything. He knocked out some of the building
1587 materials. We are basically down to brick, stone, split-faced block, stand-up panels and fluted
1588 panels.
1589
1590 Mr. Gidley - Yes, sir.
1591
1592 Mr. Jernigan - Are there any other concerns?
1593
1594 Mr. Gidley - No, sir. Not at this time.
1595
1596 Mr. Jernigan - That is all I have.
1597
1598 Mrs. Ware - Thank you, Mr. Gidley. Do you care to hear from the applicant, Mr.
1599 Jernigan?
1600
1601 Mr. Jernigan - I can tell you, there is no opposition to this case. Let me say this.
1602 When Tetra came to me on this case, they wanted this, as you can see on the screen, this is a
1603 rough piece of property. They told me they wanted to take it to M-1 to do an industrial park. In
1604 the East End, it is hard to rent something if you've got a customer coming in, if you don't have
1605 the zoning for it, they don't want to wait around for it, so I told him I'd give him some latitude
1606 and we proffered the maximum sizes of the building and proffered the architectural finishes that
1607 can be used. As staff said, we do not have any renderings because we don't know who is going
1608 to be there. That is going to be subject to approval by the Planning Commission once the
1609 property is zoned. Anybody that comes in, they will have to file a POD that will come back to the
1610 Planning Commission to get approval before it is zoned. So, with that, I will move for approval of
1611 Case C-60C-04, J. Thomas O'Brien for The Tetra Group One, LLC.
1612
1613 Mr. Marshall - Second.
1614
1615 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in favor
1616 say aye. All opposed say no. The motion passes.
1617
1618 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning
1619 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1620 the request because it is appropriate industrial zoning in this area and the proffered conditions
1621 should minimize the potential impacts on surrounding land uses.
1622
1623 **C-67-04 Courtney Fisher for Hugh W. Owens:** Request to rezone from O-2C
1624 Office District (Conditional) to C-1 Conservation District, part of Parcel 770-745-1768, containing
1625 approximately 1.87 acres, located on the east line of Bethlehem Road between the north line of
1626 Interstate 64 and the intersection of Old Bethlehem and Copeland Roads. A conservation area is
1627 proposed. The Land Use Plan recommends Environmental Protection Area.
1628
1629 Mrs. Ware - Is there any opposition to Case C-67-04, Courtney Fisher for Hugh W.
1630 Owens in the Brookland District. No opposition. Hi, Mr. Tyson.
1631

1632 Mr. Tyson - Good evening, Madam Chairman and members of the Commission. This
1633 is an application to rezone 1.87 acres of a 2.4 acre site from O-2C to C-1, Conservation.
1634 Rezoning case C-51C-02 rezoned the property to O-2C for purposes of constructing an office
1635 building. Only 7/10s of an acre of the entire parcel is to be developed. Proffer 12 of that case
1636 requires the applicant to apply for this rezoning prior to approval of final construction plans. The
1637 applicant received a variance in September 2004 for the location of the parking to serve the
1638 office and has received final POD approval. Construction plans are pending. The Land Use Plan
1639 recommends Environmental Protection Area for the entire site along Upham Brook, both flood
1640 plain and Chesapeake Bay Resource Protection Areas are located within the area to be rezoned.
1641 The area to be rezoned will remain a conservation area. It is consistent with the Land Use Plan
1642 and staff recommend that the Planning Commission forward this application to the Board of
1643 Supervisors with a recommendation for approval.

1644
1645 Mrs. Ware - Thank you, Mr. Tyson. Are there any questions for Mr. Tyson from the
1646 Commission?

1647
1648 Mr. Vanarsdall - I have no questions. Is the applicant here? I'd like to ask you
1649 something. Could you state your name.

1650
1651 Ms. Fisher - Courtney Fisher.

1652
1653 Mr. Vanarsdall - When do you plan to build it? When is the office building planned to be
1654 built now?

1655
1656 Ms. Fisher - Actually, the owner doesn't have immediate plans to build.

1657
1658 Mr. Vanarsdall - OK. In talking, he got a variance for parking and that is going to be up
1659 front next to the other end.

1660
1661 Ms. Fisher - Yes. I believe so. I believe that is the case.

1662
1663 Mr. Vanarsdall - All right. Thank you, Courtney. I don't have any more questions. I am
1664 ready for a motion. I move that Case C-67-04, Courtney Fisher for Hugh W. Owens, be
1665 recommended to the Board of Supervisors for approval.

1666
1667 Mr. Marshall - Second.

1668
1669 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
1670 favor say aye. All opposed say no. That motion passes.

1671
1672 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
1673 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1674 the request because it is reasonable and it conforms with the Environmental Protection Area
1675 recommendation of the Land Use Plan.

1676
1677 **Deferred from the November 10, 2004 Meeting:**

1678 **C-59C-04** **Joe Gray:** Request to conditionally rezone from O-1 Office District to B-
1679 1C Business (Conditional), Parcel 784-752-5293, containing 0.64 acre, located at the northwest
1680 intersection of Brook (U. S. Route 1) and Ridge Roads. A martial arts studio office, and retail
1681 shops are proposed. The use will be controlled by zoning ordinance regulations and proffered
1682 conditions. The Land Use Plan recommends Office.

1683

1684 Mrs. Ware - Is there any opposition to Case C-59C-04, Joe Gray? No opposition. Mr.
1685 Tyson.

1686
1687 Mr. Tyson - The application is to rezone from O-1, Office, to B-1C, Business. The
1688 applicant proposes retail uses for the first floor and a martial arts studio and office space on the
1689 second floor. The site is located in the Brook Road Enhancement Study Area in the Henrico
1690 County Enterprise Zone. The Land Use Plan recommends office use for the parcel. The
1691 proposed project is not entirely consistent with the office designation but could still be a positive
1692 contribution to the continued redevelopment of the Brook Road Corridor. The applicant has
1693 proffered this elevation for the proposed 6,000 sq. ft. building. The elevations specify building
1694 materials such as brick veneer and large glass storefront systems. In May, 2003, the County
1695 completed the Brook Road Enhancement Study. The purpose of the study was to identify
1696 physical and organizational improvements that could revitalize Brook Road. The subject site
1697 represents an opportunity for in-fill development in a mature commercial area and may help spur
1698 other revitalization efforts. The applicant has submitted a proffer statement with application
1699 materials. The major aspects of the proffers include:

- 1700
- 1701 • A sidewalk built to County standards along the Brook Road frontage
- 1702
- 1703 • Prohibition of uses:
- 1704
- 1705 • Adult Businesses;
- 1706
- 1707 • Check cashing and payday loan establishments.
- 1708

1709 This case was deferred at your November meeting so that staff and the developer could resolve
1710 certain outstanding issues with the case. In response to staff's concerns, the applicant has:

- 1711
- 1712 • submitted a revised floor plan showing that the amount of floor area devoted to the martial
1713 arts use has been decreased, thus reducing the number of parking spaces required.
- 1714
- 1715 • Proffered that a sidewalk will be constructed along the Brook Road frontage and that the site
1716 will be developed, and site improvements made, that are generally in keeping with the
1717 recommendations of the Brook Road Enhancement Study.
- 1718
- 1719 • Staff has also expressed concern over the minimal buffer that was proposed along the rear
1720 property line. The applicant has proffered that: "Screening equivalent to the twenty-five (25)
1721 foot transitional buffer standard including landscaping, screening, a wall, a fence, or some
1722 combination thereof, shall be provided adjacent to the residential properties to the rear of
1723 the site."
- 1724
- 1725 • As shown on the proffered elevations, building signage consists of channel letters, which is a
1726 positive feature. As this elevation has been proffered, the applicant will be required to install
1727 signage that is in keeping with this elevation.
- 1728
- 1729 • The applicant has proffered that any HVAC equipment will be screened from public view at
1730 ground level and that the exact location of such equipment will be determined at the time of
1731 POD review.
- 1732

1733 Staff encourages the development of properties along the Brook Road Corridor, provided that
1734 they are done in a manner that enhances the area and meets the goals and objectives of the
1735 Brook Road Enhancement Study. Staff believes that the applicant has made a good effort at
1736 meeting the goals and objectives of the study, and with the continued assistance of the

1737 Department of Revitalization will make a positive contribution to the corridor. Staff recommends
1738 that the Planning Commission recommend Case C-59C-04 to the Board of Supervisors for
1739 approval. I did have one telephone call from a resident of the adjoining neighborhood who
1740 spoke in favor or told me she was in favor of the redevelopment of the site and was in favor of
1741 the application. Mr. Joe Gray, who is the applicant, is here tonight and can answer any
1742 questions that I might not be able to.

1743

1744 This concludes my presentation, I would be happy to try to answer any questions you may have.

1745

1746 Mr. Silber - I have a question. Proffer #11 does not specify the type of screening,
1747 Mr. Tyson, along the residential side?

1748

1749 Mr. Tyson - It does not specify it. I spoke to Mr. Gray about the, I think it is a brick-
1750 crete wall that was used on an adjacent property as a masonry wall and that was something that
1751 certainly was preferable to us. He said he would be amenable to investigating that and doing
1752 either that or some combination thereof at the time he was more along in his development
1753 proposal.

1754

1755 Mr. Silber - Much of the new development that we are getting along Brook Road, we
1756 have had success in getting that type of screening, so I think that is the type of screening that
1757 we will likely be looking for at the time of POD, so he needs to be aware of that.

1758

1759 Mr. Vanarsdall - In a lot of ways, Mr. Secretary, we add at time of POD or Commission
1760 approval.

1761

1762 Mr. Silber - That could be added to this proffer condition also, to be determined at
1763 the time of plan of development approval. That is correct. Mr. Tyson, Proffer 12 is somewhat
1764 unusual in that it is proffering that development will occur or site improvements will occur
1765 generally in keeping with the recommendations and goals of the Brook Road Enhancement
1766 Study. What, specifically, is he offering there?

1767

1768 Mr. Tyson - We spoke to him about the landscaping recommendations that are a
1769 part of the Brook Road Enhancement Study and the general site characteristics that are
1770 supported by that. At this time he hasn't retained the help of a site planner yet. He obtained
1771 help through the Community Revitalization Department for getting architectural renderings done.
1772 He is just not aware yet what he wants to do as far as site development. We told him that the
1773 Brook Road Enhancement Study had certain guidelines and goals that we would be looking for to
1774 judge the site plan against, and that was the language we thought would cover the requirements
1775 contained in that document.

1776

1777 Mr. Silber - I think that is fine. I just want to point out that some of those goals and
1778 guidelines recommend some items that may impact the site more so than what is shown on the
1779 site plan. He may be required to reduce the square footage of his building to accommodate that.

1780

1781 Mr. Tyson - We pointed that out to Mr. Gray, saying, "Mr. Gray, you realize these are
1782 proffered conditions. These are essentially binding you to make these improvements." He
1783 understood that.

1784

1785 Mr. Silber - OK.

1786

1787 Mrs. Ware - Any more questions?

1788

1789 Mr. Archer - Mr. Secretary, would you feel more comfortable if the word generally
1790 was stricken from that, or would that make it even more binding on the applicant than having it
1791 in there?
1792

1793 Mr. Silber - I think if you took out generally it would be more binding on the
1794 applicant.
1795

1796 Mr. Archer - I am not saying to do it. I am just asking how you felt about it.
1797

1798 Mr. Silber - It may be best just to leave it. Would it be necessary to waive the time
1799 limit on these proffers?
1800

1801 Mr. Tyson - They were received in advance. The applicant is here.
1802

1803 Mr. Archer - I don't think there is any need for him to come up. I talked with Mr.
1804 Tyson yesterday or the day before and he told me, as you recall, at the last meeting there were
1805 things that just had not been done at all. I don't think the applicant understood what the
1806 process was like. We worked very hard on trying to get this cleaned up. It would be nice if we
1807 could let staff decide the fence type in No. 11 before it goes to the Board, but I think if he is
1808 willing to do that, we've got time to work on it. So, with that and those things I think can be
1809 cleaned up before Board time and before POD, I will move for recommendation of C-59C-04, Joe
1810 Gray.
1811

1812 Mr. Vanarsdall - Second.
1813

1814 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
1815 say aye. All opposed say no. The motion passes.
1816

1817 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
1818 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1819 the request because it would provide for appropriate development compatible with the business uses
1820 in the surrounding area and the proffered conditions will provide appropriate quality assurances
1821 not otherwise available.
1822

1823 Mr. Silber - Members of the Commission, if I could refer you back to a case we
1824 heard a few minutes ago, we failed to waive the time limit on a rezoning request on Page 4, The
1825 Tetra Case, C-60C-04. The proffered conditions did come in within the last 48 hours and it will
1826 be necessary to waive the time limits to accept those proffered conditions.
1827

1828 Mr. Jernigan - Madam Chairman, I make a motion to waive the time limits on Case C-
1829 60C-04.
1830

1831 Mr. Vanarsdall - I second it.
1832

1833 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1834 favor say aye. All opposed say no. The motion passes. Thank you, Mr. Silber.
1835

1836 The Planning Commission voted to waive the time limits on Case, C-60C-04, J. Thomas O'Brien
1837 for The Tetra Group One, LLC.
1838

1839 **C-68C-04** **Jeff Cox for Chiocca-Talley Malls, Inc.:** Request to conditionally
1840 rezone from B-2 Business District to B-3C Business District (Conditional), part of Parcel 812-723-
1841 1692, containing 9.28 acres, located on the south line of Nine Mile Road approximately 200 feet

1842 east of Cedar Fork Road (Fairfield Commons Shopping Center). A boat and trailer sales, service
1843 and storage business is proposed. The use will be controlled by zoning ordinance regulations
1844 and proffered conditions. The Land Use Plan recommends Commercial Concentration and
1845 Environmental Protection Area. The site is in the Airport Safety Overlay District, Nine Mile Road
1846 Special Strategy Area and the Nine Mile Road Enterprise Zone.

1847

1848 Mrs. Ware - Is there any opposition to Case C-68C-04 in the Fairfield District? There
1849 is no opposition.

1850

1851 Mr. Humphreys - Thank you Mr. Secretary. Good evening Madame Chairman and
1852 Commissioners.

1853

1854 This request is to allow boat sales and service with associated retail uses. The new business
1855 would occupy the currently vacant structure on the property. An outside storage area would be
1856 constructed in the rear of the building, with the possibility for an additional future storage area
1857 on the east side of the building.

1858

1859 This site is designated as Commercial Concentration (CC) and Environmental Protection Area
1860 (EPA) in the 2010 Land Use Plan. The site is also located within the Airport Safety Overlay
1861 District, the Nine Mile Road Special Strategy Area, and the Nine Mile Road Enterprise Zone. This
1862 request is consistent with all of the designations in the Plan.

1863

1864 The applicant has submitted revised proffers, copies of which you have just received. Therefore,
1865 the time limits for these proffers would have to be waived. The revised proffers address
1866 limitations on future uses, hours of operation, screening for outdoor storage, provisions for
1867 lighting, and building materials.

1868

1869 The revised proffers also address staff's concerns as outlined in the staff report. Specifically, the
1870 proffers would now prohibit the outside storage of parts and would ensure no outdoor repair of
1871 boats. In addition, changeable message signs would not be permitted. Staff previously had
1872 concerns regarding the treatment of the outdoor storage area and the treatment of the fence
1873 enclosure. The applicant has specified the fence would be constructed of one-inch gage vinyl
1874 coated chain link fence with landscaping to provide further screening.

1875

1876 Overall, the request is appropriate for this area and could provide new employment and shopping
1877 opportunities. The revised proffers provide assurances of quality and staff now recommend
1878 approval of this request.

1879

1880 This concludes my presentation. I would be happy to try to answer any questions you may have.

1881

1882 Mrs. Ware - Are there any questions for Mr. Humphreys?

1883

1884 Mr. Archer - I don't have any questions.

1885

1886 Mrs. Ware - There is no opposition. Would you like to hear from the applicant?

1887

1888 Mr. Archer - First of all I move that we waive the time limits on the proffers revised
1889 12/7/04.

1890

1891 Mr. Vanarsdall - Second.

1892

1893 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
1894 say aye. All opposed say no. The motion passes.

1895
1896 The Planning Commission voted to waive the time limits on Case C-68C-04, Jeff Cox for Chiocca-
1897 Talley Malls, Inc.
1898
1899 Mr. Archer - I move to recommend approval to the Board of Case C-68C-04, Jeff Cox
1900 for Chiocca-Talley Malls, Inc.
1901
1902 Mr. Vanarsdall - Second.
1903
1904 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
1905 say aye. All opposed say no. The motion passes.
1906
1907 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
1908 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1909 the request because the proposed commercial business conforms with the Land Use Plan's
1910 recommendation for Commercial Concentration and is reasonable in light of the business zoning
1911 in the area.
1912
1913 **C-69C-04 Steve Gray for Lampe Management Company:** Request to
1914 conditionally rezone from B-2 Business District to M-1C Light Industrial District (Conditional),
1915 Parcel 811-723-1052, containing approximately 13.76 acres, located at the southeast intersection
1916 of Nine Mile Road and S. Laburnum Avenue. Self-storage, office and retail uses are proposed.
1917 The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
1918 Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay
1919 District, Nine Mile Road Special Strategy Area and the Nine Mile Road Enterprise Zone.
1920
1921 Mrs. Ware - Is there any opposition to Case C-69C-04, Lampe Management
1922 Company, in the Fairfield District? No opposition.
1923
1924 Mr. Humphreys - Thank you, Mr. Secretary. Good evening, once again, Madam Chairman
1925 and members of the Commission.
1926
1927 The proposed project would involve the reuse of the vacant Sears building, which adjoins Fairfield
1928 Commons Mall, and a smaller existing structure closer to Laburnum Avenue. The intended reuse of
1929 the Sears building would be for a self-storage facility. The smaller existing building is proposed as a
1930 countertop manufacturer.
1931
1932 The applicant also intends to construct two new buildings. One building would front Laburnum
1933 Avenue and would consist of retail uses. The second building would be larger and would be placed
1934 between the proposed retail building and the former Sears building. This building would also be a
1935 self-storage use, similar to the Sears Building.
1936
1937 This site is designated as Commercial Concentration (CC) in the 2010 Land Use Plan. The site is
1938 also located with the Airport Safety Overlay District, the Nine Mile Road Special Strategy Area,
1939 and the Nine Mile Road Enterprise Zone. This request is consistent with all of the designations in
1940 the Plan.
1941
1942 The applicant submitted revised proffers dated December 9, 2004. The time limits for these
1943 proffers would have to be waived. The proffers include elevations and a site layout, which
1944 provide assurances of quality development.
1945

1946 The proposed elevations include window display areas and alternative awnings, which will articulate
1947 the buildings. The buildings would also be architecturally compatible to one another, as you can
1948 see with these other elevations.
1949
1950 The site layout demonstrates a compatible arrangement for the proposed storage facilities and retail
1951 tenants. The applicant has indicated the storage use within the former Sears Building would allow
1952 clients to drive their vehicles into the structure. Access to storage units within the new building
1953 would be from the outside. I believe you may have also received a revised site plan, and Parcel A
1954 described on that refers to some of the proffers we received today.
1955
1956 The proffers also offer provide language to limit uses and hours of operation. Outdoor storage
1957 would not be permitted and signage would be limited to 15' in height. The revised proffers
1958 address some of staff's concerns expressed in the staff report. Specifically, the proffers would
1959 prohibit attention getting devices, future additional access was already allowed, and sound
1960 suppression measures.
1961
1962 Overall, the request is appropriate for this area and could provide new employment and shopping
1963 opportunities for the area; however, the applicant has not fully addressed all of staff's concerns.
1964 While the submitted proffers and exhibits do offer assurances of quality, staff continues to have
1965 concerns regarding the potential use of a portion of the property as a filling station, and that
1966 would be on Parcel A, as shown on the revised site plan there (referring to rendering).
1967
1968 If the applicant could address this issue, staff could recommend approval of this request.
1969
1970 This concludes my presentation. I would be happy to try to answer any questions you may have.
1971
1972 Mrs. Ware - Are there any questions of Mr. Humphreys from the Commission at this
1973 time?
1974
1975 Mr. Archer - Seth, wasn't originally Parcel A supposed to be a restaurant pad?
1976
1977 Mr. Humphreys - Not that I am aware of. It may have been in preliminary talks, but that
1978 was never brought in as an exhibit.
1979
1980 Mr. Archer - It must have been, because that is what I was told.
1981
1982 Mr. Humphreys - It can still possibly be that. It is just that they have limited – if a filling
1983 station does go on the property, it is limited to Parcel A.
1984
1985 Mrs. Ware - If a filling station does go on there?
1986
1987 Mr. Humphreys - It can only go on that small area, yes.
1988
1989 Mr. Archer - I guess Mr. Condlin will have some answers for us. The applicant is here
1990 if you'd like to ask any questions.
1991
1992 Mrs. Ware - Good evening, Mr. Condlin.
1993
1994 Mr. Condlin - Good evening, Madam Chair, members of the Commission, Mr.
1995 Secretary. Andy Condlin on behalf of Lampe Management. As you have heard, this is somewhat
1996 of a novel approach to take an existing building that has been vacant for almost a decade and
1997 reuse it and give it a second life with respect to a completely interior self-storage facility to the
1998 Sears Building and the construction of some new buildings on the site. Seth has gone through, I

1999 think, pretty well, about what our plans are for the property, including for the existing Sears
2000 Building and the existing tire center that used to be there. It was called a granite manufacture
2001 and, in fact, it is for a counter-top showroom office and there will be some shaping and cutting
2002 going on in that facility, is what the plan is at this point. There is also the proposed plan for the
2003 construction of the new storage facility, which would not be a drive-in. It would have a canopy
2004 where people would pull in and carry their material in for storage. It is also a retail office-service
2005 component, typical B-2 type building. You notice in this area, which we have now designated as
2006 Parcel A, this corner of Laburnum and Nine Mile Road, is where we designated the property for
2007 the filling station. We had it one time and we do expect to have the ability to go in and provide
2008 for restaurant or retail uses on this site. The concern is that the staff has proposed that a filling
2009 station is not appropriate on this site. Our concern is, quite frankly, that at this very corner, and
2010 you can see the two pad sites right there, which is currently a parking lot. In fact, taking the
2011 existing property and limiting it to the B-2 use will, in fact, for the filling station be appropriate at
2012 this parcel, for a number of reasons, and I do this with the utmost respect, because while I may,
2013 from time to time, disagree with the County and the staff, I can usually see where they are
2014 coming from. In this case, respectfully, I am going to say I really don't see where the concern is
2015 for the filling station for the following reasons: I would contend that with respect to the filling
2016 station that there is a difference between what is appropriate from a land use point of view and
2017 what is appropriate from a marketing standpoint.

2018
2019 Let me address the first question. Is it appropriate from a land use point of view? The property
2020 is currently zoned B-2. The entire property is zoned B-2. We could currently put a filling station
2021 anywhere on this property at any point under its current zoning without any conditions at all.
2022 We have limited gas stations to only one gas station on the entire site, and if it is located on the
2023 site, we have to put it on this Parcel A. There is no change in the access and the intent was to
2024 move it away from the residential area as it exists back here again, putting it at this corner, at
2025 the corner of Nine Mile and Laburnum Avenue. I'd like to take a look at the surrounding zoning,
2026 which includes B-3 along this corridor, B-2 here, and, of course, this property that was
2027 recommended for B-3, and the rest of the shopping center, which is zoned B-2, and there is B-2
2028 over here, as well. I will contend, obviously, that B-2 and B-3 surrounding it, but a filling station
2029 is appropriate at this location.

2030
2031 I will also have you take a look at the Land Use Plan, which calls for commercial concentration on
2032 this entire area and the CA designation for this area across Nine Mile Road. Also, the
2033 surrounding uses are consistent with what we propose has a potential use for a filling station.
2034 We are not proposing that it has to be a filling station. Again, it is just a rip cord to be able to
2035 say if we can't get the restaurants, we can't get the retail to work, if a good service station with
2036 gas services wants to come in, we want to be able to allow that as an option. We have got a car
2037 dealer across the way. There used to be a Texaco right here that has gone out of business. I
2038 checked into that and I found out and determined that Mr. Patrick has bought that and has a
2039 POD to make a dealership, but that is no longer going to be a Texaco Service Station. There is a
2040 K-Mart across the way. Of course, there are other retail uses that include, throughout this area,
2041 including this Fairfield Commons Shopping Center, on the entire side we are on, on Nine Mile
2042 Road. This is, by the way, Nine Mile and Laburnum. Of all the points within this area that would
2043 be appropriate for use, such as a filling station, I would contend that any intersection that is
2044 carrying 20,000 on Nine Mile Road, 20,000 cars on South Laburnum, for a total, not counting the
2045 duplicate of traffic, almost 40,000 cars per day would be appropriate, again, for this type of use.

2046
2047 Finally, our last view points. The previous case that you just recommended, Case C-68C-04,
2048 which is over here (referring to the rendering), it is curious to me that at the opposite end of the
2049 exact same mall, which we are intending to go into, just a few hundred yards down the road,
2050 they were permitted to have a gas station anywhere on their site. It is right next to a school,
2051 right behind an existing gas station, the Amoco that sits there, without outside storage

2052 permitted. I say this, not to object to what they are proposing, but to point out that it has
2053 already been deemed an appropriate use within this area without objection by the staff and with
2054 recommendation of this Planning Commission, just down the road, on Nine Mile Road.
2055

2056 Finally, it has been expressed to me that the concern, that I have tried to figure out exactly what
2057 the concern is, but the concern is that the gas station may not be appropriate because of the
2058 impact on existing gas stations in the area. I would contend that the existing gas stations in the
2059 area include Texaco, which is going to become a part of the car dealership, the Amoco, which is
2060 right in front of the property that has been recommended for rezoning, and another gas station,
2061 which I am not sure where it is on this area, but further down Nine Mile Road. This particular
2062 concern has nothing to do with appropriate land use of this property, but has everything to do
2063 with the appropriate concern by the staff and the County trying to dictate not a land use, an
2064 appropriate land use, but what is appropriate in the market place, which I don't think it is
2065 appropriate to do at this standpoint. Competition is good. Competition is good for the
2066 consumer, for the County, and for the competitors themselves. We do not necessarily want to
2067 have to put in a filling station, but we want the opportunity for an area that is, quite frankly, in
2068 need of some resurrection. When you allow other similar properties to have gas stations, given
2069 the surrounding zoning, the surrounding uses, the surrounding land use plan designations, the
2070 limited impact on surrounding properties, you are, in effect, treating a similarly property
2071 dissimilar. We are trying to do the right thing in not only trying to change the kind of use that we
2072 are bringing in there, but to really resurrect this property and bring life back to this property,
2073 trying to make a positive contribution to the corridor. We believe it is consistent with the
2074 surrounding uses, with the surrounding zoning, with the surrounding land use plan designations,
2075 and with the land use plan goals and objectives for this area. Therefore, we ask for
2076 recommendation to include the filling station, but ask for recommendation to the Board of
2077 Supervisors for these reasons.
2078

2079 I will be happy to answer any questions you may have at this time.
2080

2081 Mr. Archer - For the benefit of my colleagues and those of you in the audience, Mr.
2082 Condlin and I have a gentleman's philosophical disagreement about this filling station, but he is
2083 fighting awfully hard for this filling station that he says he doesn't want.
2084

2085 Mr. Condlin - No. I am not saying that we don't want it. But you know, in the market
2086 place you never know what kind of market is going to come in here, and while we would love to
2087 have a restaurant of any sort to come in here as our first priority, if that doesn't work and we
2088 can't get a retail up there, it may be appropriate. I don't think it is a bad use to have a filling
2089 station there.
2090

2091 Mr. Archer - You did a good job.
2092

2093 Mr. Condlin - Well, thank you. I appreciate that. I know this is a record, so I should
2094 print that off.
2095

2096 Mr. Archer - Really, I want to express my reason because I agree with staff on not
2097 having the filling station. For one thing, when this property was first presented to us, the major
2098 component of it was the storage unit. That is probably what we talked about more than
2099 anything else. The filling station is almost sort of an after thought. My take on this is that this is
2100 an area that we are trying awfully hard to enhance and because of that, we want to make sure
2101 to try and protect the rest of the existing whatever is here. The Amoco Station down the street
2102 is an old one and it's been there a long time. And right up the street towards the city, there is, I
2103 believe it is a Petrol Service Station. About another half a mile down the street is Interstate 64
2104 and then another service station, and the people that live in this community seem to be existing

2105 quite well with those stations that they do have. My contention is that and I have seen this
2106 happen in several areas, when you put in competition that is not necessarily, or I should say not
2107 really necessary, because it is a use that people are getting along without. You put two service
2108 stations within a block of each other, one of them is going to die, and instead of having an
2109 enhanced area, you are going to end up with one service station that has plywood tacked up on
2110 the windows and probably moved on somewhere else.

2111
2112 Mr. Vanarsdall - Is the Exxon still on one corner?

2113
2114 Mr. Archer - The Exxon is now Walgreen's.

2115
2116 Mr. Vanarsdall - The other one went out of business because of just what you are talking
2117 about.

2118
2119 Mr. Archer - They did, and as I recall correctly, they had a POD for that...so I mean
2120 at one time, we had two service stations on that corner and they both closed, which means that
2121 the community really doesn't need them. I don't disagree with what you are saying, Mr. Condlin,
2122 but I don't believe we'll be doing much to enhance this area if we don't, and I understand
2123 competition. I am a Capitalist, but it is just my perception that a filling station use on that
2124 property...

2125
2126 Mr. Condlin - If I could make one additional point that when we first approached, you
2127 were absolutely right. This was a storage plan that we came in to take the existing Sears
2128 Building, 80,000 sq. ft. and making use of it that nothing has been used of it in the last decade.
2129 What we had proposed was to, in order to get to that, was to get A-1 and carve out, quite
2130 frankly, this area right here, the Parcel A. (Referring to rendering). If we had done that, the staff
2131 and the County requested that we include it all in the M-1 and that we include it all to have
2132 options. If we had carved it out, I would not even be having this conversation. We could leave
2133 that as B-2 and take the rest of it and go to M-1. Yes, there is some benefit to the County and
2134 that we have to have all buildings consistent. That would be the easier answer and we wouldn't
2135 be having this discussion. It is unfortunate that we are penalized at that point.

2136
2137 Mrs. Ware - Actually, you might not have received that zoning. I mean you are
2138 making a subdivision on something...

2139
2140 Mr. Condlin - I understand, but we wouldn't be talking about whether a filling station
2141 would be appropriate, because we wouldn't be asking for one, because it would be on Parcel A.
2142 Now whether the rest would be appropriate, I don't see how you would be getting an M-1 Case.
2143 You know, M-1 would be appropriate but not a filling station at this point. No. I don't want to
2144 push it, but the fact that M-1 is not appropriate, but I think staff has recommended for that, and
2145 again, I go back to the point. This is good to have a plan, but I don't think it is appropriate for
2146 the County to look at, to try drive the market one way, when they can be driving the land use
2147 area.

2148
2149 Mr. Silber - Mr. Condlin, let me speak to that, because you are putting a lot of
2150 emphasis on the market aspect and Mr. Archer has spoken to that and he has his views of that
2151 and I respect his opinion, but I also think the County staff report has pointed out, and rightly so,
2152 that this in the County's Nine Mile Road Special Strategy Area. It is also within the Nine Mile
2153 Road Enterprise Zone. It is an area that has been heavily studied. We have had a consultant
2154 study this area and, in fact, look at this piece of property to try to find the best possible
2155 redevelopment opportunities exist here. I think that what is being brought forward has many
2156 merits. I think it has many aspects of the rezoning request that is good and will enhance this
2157 intersection. I think the only difference we have is the opinion of whether a service station in

2158 that corner, in that visible location, is really the best thing to enhance the further redevelopment
2159 of this area, and I would argue that it really is a land use issue, and we are arguing it from the
2160 land use perspective, not one of a standpoint of market.

2161

2162 Mr. Condlin - I will dismiss that and you are right. It is a high profile corner. I am not
2163 here to say that filling station is not an appropriate look or can't be made aesthetically pleasing,
2164 but also given the amount of traffic that is in this area that is traveling both down Nine Mile and
2165 Laburnum, this is a good location to have such a station, as an opportunity, not that we are
2166 going to put one there. We just want to have the flexibility and the opportunity to put one there
2167 if other uses aren't appropriate and can't come in from the market standpoint.

2168

2169 Mr. Archer - Mr. Condlin, what are the other uses? When you and I talked yesterday
2170 and the day before and you indicated that the filling station would probably be the last resort.
2171 What is the first resort?

2172

2173 Mr. Condlin - Restaurants. They are marketing, obviously, and haven't gotten in to
2174 the marketing if it is not zoned for what they wanted at this point. They have received some
2175 interest from restaurants, but some of the prices may not fit and the question is, what kind of
2176 control the owner will have over the restaurant to help benefit the rest of the site. They don't
2177 want just anyone coming in here, from that standpoint. As you know, we proffered that there are
2178 no other access issues, so that has limited by the fact that we have limited access to this location
2179 here and off the main entrance. As you know, CVS was looking at this site at one time, and CVS
2180 said that unless we get direct access onto Nine Mile and Laburnum, we don't want to go there.
2181 We want to be at the corner, so we have taken a chance by limiting access and, therefore,
2182 potentially limiting our market from that standpoint, and so restaurants and some of the bigger
2183 national chains, that is the first thing they are going to say is, "How can we get access direct?"
2184 and our answer is going to be "You can't. We need to work around that." And their answer may
2185 be, "No, I am not."

2186

2187 The next point would be retail. They have talked about putting spec retail, but they are going to
2188 put that building right here, right across from the storage facility, but get the benefit off of
2189 Laburnum and two access points. So they really want to use these as two pad sites for
2190 restaurants or a retailer if they want to come in, and the last resort is for a filling station.

2191

2192 Mr. Archer - Well, if you look at the last resort, most filling stations, people like to be
2193 able to drive in and drive out. Using that one point of ingress, they'd have to go down to the
2194 middle of the pad site, drive in, come back up and then find a way to get back out and go back
2195 down.

2196

2197 Mr. Condlin - Yes, if you could see this access right here. Certainly, there is that
2198 point...

2199

2200 Mr. Archer - But you'd be coming down Laburnum.

2201

2202 Mr. Condlin - Right. If you are coming down Nine Mile, we have to come in here and
2203 to get back and go that way, you will circle around. I am not saying that it is the best access,
2204 but we are willing to take that risk, because the County wanted us to preserve the existing
2205 access point. We did that and now we may be penalized for having done that, because you
2206 know, from the standpoint that that may be a reason to deny this, the market would say, "You
2207 are limiting our retail and our restaurant" and I understand why you are limiting our access to
2208 these points. We just want to have more options as a recourse to be able to go to a gas station.

2209

2210 Mr. Archer - Well, I think like most shopping centers, most shopping centers have a
2211 major point of ingress.
2212
2213 Mr. Condlin - Yes, and it is done throughout the County.
2214
2215 Mr. Archer - And again, the storage facility was the thing that caught everybody's eye
2216 and we talked about this. The filling station, or the last resort filling station, is not an
2217 afterthought, but it is not something that I don't think a lot of people at the meetings that you
2218 had even though about.
2219
2220 Mr. Condlin - And I agree with that. And I am here to say that if you say this is an
2221 appropriate case, but not for the filling station, that they are not going to think long and hard.
2222 Their primary issue is to get the storage facility in there, but that is separate from an
2223 inappropriate use. I think this is an appropriate use at the corner of Nine Mile and Laburnum
2224 regardless of what goes on at the rest of the site.
2225
2226 Mr. Archer - Well, you and I just disagree then.
2227
2228 Mr. Condlin - No. I have to do that. We have done it before and we'll do it again.
2229
2230 Mr. Vanarsdall - Sometimes when they had the people together and they studied and
2231 they made an overlay district, and it went to Laburnum Avenue, didn't it? Took in Fairfield
2232 Commons and I forget the name of the group that did that study. Do you remember, Mr.
2233 Secretary?
2234
2235 Mr. Archer - Yes, they did. We did it down at the Government Center and they
2236 presented their report at the Government Center on Nine Mile.
2237
2238 Mr. Silber - I don't recall.
2239
2240 Mr. Vanarsdall - It wasn't mentioned anything like this in there.
2241
2242 Mr. Archer - Well, Mr. Condlin, you know, you are not going to change your mind.
2243
2244 Mr. Condlin - I don't think you are either, but you've got the vote and I don't.
2245
2246 Mr. Archer - I can do this one or two ways. There is no point in deferring it, because
2247 you are not going to change your mind.
2248
2249 Mr. Condlin - Well, it is a pretty simple issue, yes. They would like to take their shot
2250 at it. This may be an issue where if Mr. Thornton is adamant and the Manager and the rest of
2251 the Board members are adamant about agreeing with you, I could be wrong. It has happened
2252 before and it may happen again.
2253
2254 Mr. Archer - I could do this one of two ways. In view of the fact that I think the
2255 major part of the case is one that I think we all agree with and approve of, but the filling station
2256 part I am really against it, and I can do it one or two ways. I don't way to deny it, but if we
2257 send it forward tonight, I will do it with this caveat that the Board will have to make this final
2258 approval, and I am going to call Mr. Thornton, probably when I leave here tonight, and tell him
2259 to disapprove it.
2260

2261 Mr. Condlin - That is fine, and I will call him tomorrow morning. I appreciate that. If
2262 you want to pass this with the understanding that this remains in there, that it was the
2263 recommendation. Otherwise...
2264
2265 Mr. Archer - Well, that is how I plan to make the motion. It is my recommendation
2266 that the filling station not be included. The rest of it, if it is legal for me to do it that way, I don't
2267 mind making a recommendation.
2268
2269 Mr. Condlin - Well, I appreciate that.
2270
2271 Mr. Archer - I just wanted you to understand and you and I understand.
2272
2273 Mr. Condlin - Oh, yes. Absolutely. That is right.
2274
2275 Mr. Silber - Mr. Archer, I think you have to vote it up or down. You could vote it and
2276 send it on to the Board of Supervisors for approval with the recommendation that the Board give
2277 serious consideration to dealing with this issue at their level, but you don't have the authority to
2278 remove that proffered condition.
2279
2280 Mr. Archer - No, I wasn't trying to remove the condition. I wanted to send it with the
2281 recommendation that the filling station not be approved. I could do that with denial, but it would
2282 sound mean. You don't mind if I deny it, do you? You've still got the same chance when it goes
2283 to the Board.
2284
2285 Mr. Marshall - He is a big boy. It won't hurt his feelings.
2286
2287 Mr. Condlin - As long as you call Mr. Thornton tonight and explain it to him.
2288
2289 Mr. Archer - I will do it this way. My recommendation is going to be for denial, which
2290 means that between now and when the Board meets, you still have an opportunity to move it
2291 one way or the other, and if you decide to remove the filling station, then it would go very easily,
2292 I would assume, so my recommendation is for denial.
2293
2294 Mr. Vanarsdall - Second.
2295
2296 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
2297 say aye. All opposed say no. The motion passes.
2298
2299 Mr. Archer - And we are not mad, right?
2300
2301 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
2302 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the
2303 request because it did not include proffered conditions addressing the impact of expanded auto
2304 related uses on the Nine Mile Road corridor, a revitalization corridor, and therefore did not
2305 support the strategies recommended for the Nine Mile Road Corridor Special Strategy Area,
2306 which encourages appropriate uses in the vicinity of the intersection of Nine Mile Road and
2307 Laburnum Avenue.
2308
2309 **Deferred from the November 10, 2004 Meeting:**
2310 **C-51C-03** **Larry D. Willis:** Request to rezone from A-1 Agricultural District and M-
2311 1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-
2312 9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089 acres,
2313 located at the northern terminus of Brookriver Drive and at the I64E/I295 southeast cloverleaf.

2314 Restaurants, offices, and other commercial uses are proposed. The use will be controlled by
2315 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi
2316 Public. The site is also in the West Broad Street Overlay District.

2317

2318 Mrs. Ware - Is there any opposition to Case C-51C-03, Larry D. Willis, in the Three
2319 Chopt District? There is no opposition. Good evening, Mr. Coleman.

2320

2321 Mr. Coleman - Good evening, Madame Chair, Members of the Commission, This request
2322 would rezone approximately four acres from A-1 and M-1C to B-2C to create commercial pad sites
2323 for restaurant, retail, and office development. The site lies behind the Kohl's and Best Buy on West
2324 Broad at the terminus of Brookriver Drive. The subject property includes a church, a cemetery, a
2325 house, and vacant parcels.

2326

2327 The applicant has proffered elevations for the office building, a list of prohibited uses, a buffer
2328 for the graveyard, quality building materials, a voluntary cash proffer, and other items.

2329

2330 The applicant also proffered a conceptual site plan dividing the development into four (4) pad
2331 sites. Since the November 10 Commission hearing, the applicant revised the proffers to include
2332 the following additional limitations:

2333

2334 - at least one of the buildings will be used as an office building; and

2335

2336 - no more than 14,000 square feet of building space will be used for restaurants.

2337

2338 In addition, utilities will now be underground and a signage plan is now required.

2339

2340 While the applicant has significantly improved the proffers submitted with this request, the
2341 following outstanding issues remain:

2342

- 2343 • Staff recommends prohibiting hotels and motels; and
- 2344 • The applicant has indicated the tenant for the office building is set, but has not identified
2345 tenants for the other pad sites, therefore, approval of this request may be premature.

2346

2347 Although this request is not consistent with the 2010 Land Use Plan, a combination of
2348 commercial and office uses, properly designed and regulated, could be acceptable at this
2349 location. If the applicant could satisfactorily address the remaining issues, staff could be more
2350 supportive of this request.

2351

2352 This concludes my presentation. I would be happy to answer any questions.

2353

2354 Mrs. Ware - Are there any questions for Mr. Coleman from the Commission? Do you
2355 want to hear from the applicant?

2356

2357 Mr. Marshall - I don't think we need to. I don't need to hear from him. No opposition,
2358 right?

2359

2360 Mrs. Ware - No, there is no opposition.

2361

2362 Mr. Marshall - Madam Chairman, this is a case that a piece of property, that as I talked
2363 to Mr. Silber, it is behind a Best Buy, a Home Depot and a Kohl's and next door to a grocery
2364 store, so if an office and three pad sites for business uses are not appropriate, I don't know what
2365 is. And the Interstate runs behind it. Naturally, we like to have a user for it, but we don't, but I

2366 think he has put some limitations on it to give us some comfort level about what we could get
2367 and the rendering that you saw for the office building looks right nice.

2368
2369 With that, I will recommend approval for C-51C-03 for approval to the Board of Supervisors.

2370
2371 Mr. Vanarsdall - Second.

2372
2373 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2374 favor say aye. All opposed say no. The motion passes.

2375
2376 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
2377 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
2378 request because it continues a form of zoning consistent with the commercial zoning and
2379 developments in the surrounding area and the proffered conditions will assure a level of
2380 development not otherwise possible.

2381
2382 **Deferred from the November 10, 2004 Meeting:**

2383 **C-22C-04 James W. Theobald for Reynolds Development, LLC:** Request to
2384 conditionally rezone from O-3C Office District (Conditional), B-3 Business District and M-1 Light
2385 Industrial District to B-2C Business District (Conditional), B-3C Business District (Conditional) and
2386 O-3C Office District (Conditional), Parcels 767-744-9052, 767-744-6325, 765-744-6557, 766-745-
2387 8230, and 767-745-5402, containing approximately 71.021 acres (54.317 ac. – B-2C; 2.997 ac. –
2388 B-3C; 13.707 ac. – O-3C), located along the southeast intersection of I-64 and Glenside Drive
2389 and the southwest intersection of I-64 and W. Broad Street (U.S. Route 250). A retail, hotel, and
2390 office development is proposed. The use will be controlled by proffered conditions and zoning
2391 ordinance regulations. The Land Use Plan recommends Planned Industry and Government. The
2392 site is in the Henrico County Enterprise Zone.

2393
2394 Mrs. Ware - Is there any opposition to Case C-22C-04, James W. Theobald for
2395 Reynolds Development, LLC, in the Three Chopt District? There is opposition here tonight.
2396 Thank you, sir. Mr. Gidley.

2397
2398 Mr. Gidley - Thank you, Madam Chairman, and members of the Commission. The
2399 applicant is requesting the rezoning of 71 acres of land for an office, hotel and retail complex on the
2400 grounds of the former Reynolds Metals headquarters.

2401
2402 As you can see (referring to rendering) the site is mostly designated Planned Industry on the 2010
2403 Land Use Plan and is located in the West Broad Street Enterprise Zone. There are some existing
2404 office buildings and parking areas within the complex. (referring to rendering). You can see right
2405 here towards the center of the site. These are not part of this application.

2406
2407 The proposed B-2C and B-3C Districts would have frontage along Glenside Drive and West Broad
2408 Street. Office zoning would be limited to the area along the south of the property, between
2409 Forest Avenue and the Crestview/Charles Glen subdivisions.

2410
2411 The configuration of the proposed zoning is shown on this slide (referring to rendering) where
2412 blue and yellow indicate commercial uses and the tan represents office uses.

2413
2414 The applicant has submitted several proffers, which address improvements to the transportation
2415 network, as well as providing language for restricted uses, buffers and architecture. The proffers
2416 are dated December 7, 2004, therefore the time limits will need to be waived. Key aspects of the
2417 proffers include:

2418

- 2419 • A 50-foot landscaped or natural buffer along West Broad Street, Glenside Drive and the
- 2420 Fort Hill, Crestview, and Charles Glen subdivisions;
- 2421 • A 25-foot landscaped or natural buffer along Interstate 64;
- 2422 • A 20-foot landscaped or natural area along both sides of Forest Avenue;
- 2423 • A proffered conceptual master plan;
- 2424 • A prohibition against vehicular access to the adjacent subdivisions; and
- 2425 • A requirement that no one retail user exceed ninety-thousand (90,000) square feet in
- 2426 size, except for a hotel. This was done to ensure a "Big Box" type of store would not be
- 2427 located on the site.

2428

2429 Proffers for the proposed O-3C District include:

2430

- 2431 • Buildings within two hundred (200) feet of the property line of the Charles Glen and
- 2432 Crestview subdivisions are not to exceed thirty-two (32) feet in height;
- 2433 • A minimum building setback of sixty (60) feet from the adjacent subdivisions,
- 2434 including a 50' landscaped or natural buffer adjacent to these subdivisions;
- 2435 • A fifty (50) foot landscaped or natural buffer adjacent to the Phillip Morris property;
- 2436 and
- 2437 • An eight (8) foot high concrete precast privacy wall, generally of brick design to be
- 2438 constructed adjacent to the property line adjacent to the Charles Glen, Crestview and
- 2439 Fort Hill subdivisions.

2440

2441 Parcel 1 located along West Broad Street is proposed for B-2C zoning. Uses on this parcel

2442 include a proposed freestanding sit down restaurant and a hotel with an attached restaurant.

2443 The proffers would restrict all other uses on this parcel to office uses, including the area

2444 immediately adjacent to the entrance off West Broad Street.

2445

2446 The applicant has submitted, but not proffered the following proposed elevations for the office

2447 building and hotel. (referring to elevations). This is the office proposed for the entrance off

2448 Forest and West Broad Street and then further to the north is the proposed hotel.

2449

2450 To the west, the proposed B-2C zoning on Parcels 2 and 3, would be similar in quality and style

2451 to the Shoppes at Westgate. However, any drugstore built on Parcel 3 would have architecture

2452 similar to the Walgreen's located at the northeast corner of Nuckols and Twin Hickory Roads,

2453 which has mostly brick construction.

2454

2455 The proposed B-3C parcel off Glenside Drive would be limited to B-2 uses other than for a

2456 convenience store with gasoline sales.

2457

2458 The revised proffers contain several positive features and are the result of numerous meetings

2459 between the adjacent homeowners, staff and the applicant. Most of staff's concerns have been

2460 addressed, however, the applicant should consider the following:

2461

- 2462 • The proposed B-3C zoning off Glenside Drive is an intense commercial designation, which
- 2463 allows for 24-hour operation by right. Staff is concerned about introducing 24-hour
- 2464 operation into a predominately office and residential area. B-2C zoning would be more
- 2465 appropriate and if a 24 hour business was warranted, it could be permitted with the
- 2466 issuance of a Provisional Use Permit (PUP). This would allow the County to closely
- 2467 monitor hours of operation and impose conditions designed to alleviate potential
- 2468 negative impacts.
- 2469 • Proffering the submitted elevations for the hotel and office building proposed along West
- 2470 Broad Street.

- 2471 • To better implement the intent of prohibiting "Big Box" development on the site, the
2472 applicant should consider reducing the maximum square feet for any single retail user to
2473 50,000 square feet. This would also be consistent with recent development in the
2474 County.
2475 • The Traffic Engineer has finished reviewing the traffic impact study. He is here tonight
2476 and can discuss any questions you may have, however, the general concern relates to
2477 the phasing of several of the proposed traffic improvements.
2478 • Finally, it should be noted that Schools has expressed concern for the privacy and
2479 security of Crestview Elementary School. They recommend the applicant consider ways
2480 of improving the buffering of the school, such as extending the proposed 8-foot privacy
2481 wall eastward along the boundary with Crestview Elementary.
2482

2483 If the applicant could address these issues, staff could be more supportive of this request.
2484

2485 This concludes my presentation. I would be happy to answer any questions you may have.
2486

2487 Mrs. Ware - Are there any questions from the Commission? Mr. Gidley, I just want a
2488 clarification, so the hotel elevations are not proffered?
2489

2490 Mr. Gidley - That is correct.
2491

2492 Mrs. Ware - And the business and office elevations are not proffered either?
2493

2494 Mr. Gidley - The office elevations shown here (referring to rendering), which would
2495 go in where the entrance where Forest comes in off of West Broad Street, that also is not
2496 proffered.
2497

2498 Mrs. Ware - OK. So the office is not. And you said that the style of construction
2499 would be similar to what?
2500

2501 Mr. Gidley - The Shops at Westgate, which is at Lauderdale and West Broad Street in
2502 Short Pump.
2503

2504 Mrs. Ware - OK, and is that part of the proffers?
2505

2506 Mr. Gidley - Yes, ma'am, it is.
2507

2508 Mrs. Ware - That is part of the proffers.
2509

2510 Mr. Vanarsdall - I guess the question is why wouldn't they proffer it?
2511

2512 Mrs. Ware - Are there any more questions from Mr. Gidley from the Commission?
2513 Can we hear from the applicant?
2514

2515 Mr. Theobald - Good evening, again, ladies and gentlemen. My name is Jim Theobald
2516 and I am here on behalf of Reynolds Development, LLC. This is a request to rezone 71 acres at
2517 one of the most significant locations in Henrico County, that being the intersection of West Broad
2518 Street and Interstate 64 and Glenside Drive. So significant, in fact, that this area has long been
2519 in your Land Use Plan for Planned Industrial Uses and it presently anchors one end of your
2520 recently expanded Enterprise Zone where businesses are encouraged to locate to aid the
2521 economic growth of the County. I don't believe the current zoning satisfactorily promotes that
2522 goal. The largely unrestricted M-1 and B-3 zoning that presently exists along the West Broad
2523 Street frontage is highly coveted by retailers of all types, fast food restaurants, big box retailers,

2524 etc. would be more than happy to go up on Broad Street, after all, it is Broad Street. And the
2525 balance of the current zoning is O-3, with over a million square feet of vacant office space in the
2526 West End, which equals approximately a 10-year supply. The existing zoning hardly
2527 accomplishes the goal of your Enterprise Zone. So, the object of this request is to maintain the
2528 corporate office environment already anchored by Philip Morris with the provision of additional
2529 office and complementary uses, such as a full-service hotel and a fine dining restaurant oriented
2530 to Broad Street, with retail uses and some additional office space in the back, oriented to Forest
2531 Avenue, Glenside Drive and Interstate 64. Just to clarify one element of the staff report, the
2532 front of the property is being requested for B-2 zoning, but it is essentially proffered O-3 zoning,
2533 except for the uses as a hotel and a free-standing sit down restaurant. That B-2 is necessary in
2534 as much as you need more than 50 acres to accommodate a hotel in O-3 zoning, and also we
2535 weren't sure as to how exactly which POD the hotel and the sit-down restaurant would take up.
2536 Also, the hotel is contemplating an upscale restaurant user currently in the Richmond market that
2537 would be sort of an appendage to the hotel, but it would desire separate outside entrance and
2538 signage, which would not be accommodated by the O-3 zone, thus the request for the B-2, but it
2539 is absolutely and fundamentally proffered to be O-3 otherwise. We have really spent the
2540 majority of our time in this case refining the concept and its impact on neighbors, both
2541 commercial and residential, and the plan before you is much the better for the exercise that we
2542 have been through. It has eliminated the potential for big box users. It has eliminated 24 hour
2543 uses on a vast majority of the retail site, and has also resolved, with an 8-foot tall precast wall
2544 being offered along the neighborhoods, with significant supplemental landscaping, not to
2545 mention substantial road improvements that have been proffered that the current zoning just
2546 does not require. We have reached an accord with the Charles Glen Homeowners Association
2547 and you will hear more about that. This plan does respond to input that we received directly
2548 from Philip Morris, the University of Richmond, the tenants in our office buildings existing on the
2549 site, and County staff. The Master Plan before you shows a corporate headquarters location up
2550 front with a fine dining sit-down restaurant in this location (referring to rendering) and additional
2551 office construction. In this area, a full service hotel, and in this area again, the possibility of in
2552 one of these wings another fine dining restaurant establishment. This is the existing office
2553 buildings that are currently in place and this portion of the property remains O-3 with the
2554 significant green area in here between Forest Avenue and the neighborhood, and an office
2555 building back here has been proffered to be no more than two stories in height above the
2556 average elevation back on this property line. It may be three stories exposed, as on this side is a
2557 significant drop in grade and then the possibility of a drug store here with possibly a Starbucks
2558 type restaurant. In this area, typical retail in this area with some out parcel users. No fast food
2559 restaurants on the site, however, it all functions very nicely. The architecture has been under
2560 much discussion. We have proffered that this will be substantially similar to the Shops at
2561 Westgate, which is one of Henrico's newest, most well received shopping centers. The
2562 architecture does have to be consistent with that. We have hired the same architect that
2563 designed that. Our plan also responds to comments from our neighbors from the subdivisions to
2564 the south, specifically a 20-ft. planting strip on both sides of Forest Avenue, with a 50-foot
2565 planting strip next to the neighbors. We have 50 feet and when the vegetation is not significant
2566 enough to mitigate the visual impacts in this area, we have agreed to supplement the plantings,
2567 and if for some reason there is a large stand of mature trees, some which are high canopy, some
2568 not, that if there are opportunities or areas where we cannot significantly mitigate that view
2569 along the back line, notwithstanding an 8-foot fence and plantings, we'll be able to add that
2570 supplemental landscaping down within the 20-foot buffer along Forest Avenue. The 8-foot wall
2571 does go the entire length of this neighborhood, as well as the one in the back, and that would be
2572 installed prior to any other work done on the site.

2573
2574 The stub roads that come through this existing neighborhood will be left as they are. In fact, the
2575 wall crosses the end of those. We have agreed to put the sidewalk on the north side, again, as
2576 far away from the neighborhood as possible. We have lowered the height of lighting within 200

2577 feet of the neighborhood and agreed to reduce all lighting to security levels after 11:00 p.m. at
2578 night.

2579
2580 The screening proffers are made a part of the proffers to protect views against loading areas and
2581 mechanical equipment, etc. We have also committed not to widen Forest Avenue except where
2582 we might need to do some turn lane improvement in this area right here, for the access
2583 basically, to make sure this curb works, but most significantly we have removed the possibility of
2584 big box users and fashioned the retail portion of the development to again emulate the shops at
2585 Westgate. We have also required a commonality of architectural features and designs
2586 throughout. Your Enterprise Zone, as evidenced in the literature published by the County, is, and
2587 I quote, "Proof of Henrico's commitment to maintain its business-friendly approach and to
2588 encourage economic and community prosperity in the Greater Richmond Metropolitan area. It is
2589 an area targeted for increased businesses and industrial development."

2590
2591 The long-term goal of the Enterprise Zone, of course, is to aid economic development and
2592 growth, so we believe we have a better choice for you to consider this evening than represented
2593 by the current zoning, which would allow as a matter of right some 1.3 million square feet of
2594 office space, 20% of which could contain retail use, under O-3 zoning, with none of the
2595 assurances provided by the 36 proffered conditions before you. This site, after all, will be
2596 developed and the case before you offers planned, coordinated development with significant
2597 written guarantees, consistent with the philosophy in your Enterprise Zone designation.
2598 Substantial road improvements will result if the case is approved that would not be required
2599 should the site be developed as a matter of right. This is obviously Broad Street. It is Interstate
2600 64. It is in the Enterprise Zone and we believe the case has been substantially enhanced from
2601 when we first started, and with that, I would respectfully ask you to recommend approval to the
2602 Board of Supervisors, and I'd be more than happy to answer any questions.

2603
2604 Mrs. Ware - Are there any questions for Mr. Theobald at this time from the
2605 Commission?

2606
2607 Mr. Theobald - Thank you.

2608
2609 Mrs. Ware - Did you want to save rebuttal time? A minute? OK.

2610
2611 Mr. Mizzell - Madam Chairman, members of the Commission, my name is John
2612 Mizzell, from the law firm of Spinella and Shaia. It is my pleasure to appear before you this
2613 evening on behalf of the Charles Glen Homeowners Association. This Association has
2614 approximately 250 single-family homes in the area to the south of the subject property. I would
2615 say that, in general, this has been about a six month or more process and the bottom line is that
2616 we come before you with a plan that we think is one that the neighborhood association can live
2617 with, that we do not have opposition, but we appreciate the diligent effort made by the Reynolds
2618 family and representatives and they have been very hospitable to us. We have had three very
2619 productive meetings with the Reynolds representatives on June 15, October 11, and very
2620 recently on December 3. We also had an important meeting with the County officials, including
2621 Mr. Marshall and Mr. Kaechele on November 4, 2004. We also appreciate the assistance of Mr.
2622 Silber and Mr. Gidley, in particular, in helping work out some of the proffers. In general, I would
2623 say there are about five issues that stand out as what we feel are significant improvements in
2624 this proposal to what was submitted to the County initially, and these are the things that are
2625 most appealing to the neighborhood association so that we can come to a point that we can live
2626 with it. The first is the 8-foot precast concrete fence or wall along the boundary of the subject
2627 property with Charles Glen. Secondly, 50 foot landscaped buffer, also a 75-foot setback in the
2628 southwest corner of the property behind the part where the four most western homes, right
2629 along here. These homes would be adjacent to any office building that would be there. Then,

2630 also, the benefit of supplemental buffer that Mr. Theobald indicated. If we can't get enough
2631 mitigation with the wall and landscaping here, it would be the opportunity to get some additional
2632 from the streetscape along Forest Avenue, and the landscape plan would come back to the
2633 Planning Commission for approval.
2634

2635 A third item is the significant reduction in the amount of square footage of retail use from the
2636 original proposal and limitation on the square footage for a single user. Fourthly, a conceptual
2637 master plan that we think is very attractive, and finally, the commitment and general
2638 conformance of the B-2C property to the architectural style of The Shops at Westgate across
2639 Broad Street, to the south of Short Pump Town Center. So, in conclusion, we appreciate the
2640 efforts of the applicant and it has been a long and tedious effort. Obviously, there are some
2641 things that we would have liked to gotten in addition to this, and I am sure they feel they have
2642 given a lot more than they wanted to, but we reached a point where we feel it is a proposal that
2643 we can live with, and we appreciate the opportunity for that to go forward. I would just mention
2644 to you that Mr. Al Alvarez, the President of the homeowners association is here. He might just
2645 want to say a word of thanks to the Reynolds representatives as well as the County staff for their
2646 hard work, and I would also mention that Courtney Kuester is the head of the steering
2647 committee for the homeowners association. She is also here and has done valiant work
2648 throughout this effort on almost a daily basis, informing the community and trying to get input
2649 from them to reach a point where we feel it is a project that is doable. Thank you. I will be glad
2650 to entertain any questions.
2651

2652 Mrs. Ware - Any questions? Thank you. Anyone else? Are you speaking for?
2653

2654 Mr. Wilson - Yes, ma'am. Good evening Madam Chair and members of the
2655 Commission. My name is Jack Wilson and I am here tonight on behalf of Philip Morris to let you
2656 know that Philip Morris is supportive of this application. It has some questions regarding
2657 transportation improvements that I understand will be worked on and discussed between now
2658 and the Board of Supervisors hearing, but, we, too, extend our appreciation to the applicant for
2659 working with Philip Morris and addressing their issues and we are confident that cooperation will
2660 continue as we talk through these traffic issues. Thank you.
2661

2662 Mrs. Ware - Do we have opposition?
2663

2664 Mr. Eduardo Alvarez - Madam Chairman and members of the Board, good evening. My
2665 name is Edwardo Alvarez, and I am President of the Board of the Charles Glen Homeowners
2666 Association. Just to reiterate what Mr. Mizzell said, this has been a long six months. Initially,
2667 there was great opposition to the plan. We have made great progress as evidenced in the
2668 changes in the last proffer. I would like to personally thank John Marshall for all the assistance
2669 that he has given us and I sincerely appreciate that. Also, I would like to thank the Reynolds
2670 family for being so cordial throughout the entire process. I only have good things to say about
2671 what has gone on over the last six months. The only thing I really would like to add is that
2672 during the POD phase that invitation to be with the negotiations is still open between us and the
2673 Reynolds family.
2674

2675 Mrs. Ware - OK. The opposition, we would like to hear from at this time. Good
2676 evening.
2677

2678 Mr. Walker - Good evening. My name is Jim Walker. I live at 2417 Capehart Road in
2679 Henrico County. One gentleman said earlier this evening that he lived along the beautiful and
2680 famous James River. I live along the ugly and infamous Upham Brook. What does that have to
2681 do with this property? Over the years, property along Upham Brook has been rezoned and water
2682 has been diverted in Upham Brook at a faster and faster and faster rate. If we were living 3-1/2

2683 months prior to this, we'd be sitting here reading in the newspaper about death and destruction
2684 that occurred along Upham Brook. I wonder has the County done anything? Has there been any
2685 plans made to do anything about this body of water other than just continue with development
2686 to dump water into this place. I suspect not. I have tried to find out with absolutely no results.
2687 I am not opposed to development. I am a Capitalist. I believe in development. I believe that
2688 there is a place and purpose and time for it, but I think this development is in the wrong time. I
2689 believe that until the County puts together a serious plan to do something about this tributary,
2690 any development which dumps water into this creek has to be held back. There are other places
2691 in the County where development can take place. If I seem a little angry, it is because I just
2692 spent \$10,000 putting my house back together as a result of the last incident, and I came before
2693 this Commission a couple of years before that when Mr. Tommy Pruitt wanted to build this on
2694 the south side of the interstate and divert the water across the interstate and drain it into the
2695 creek behind my house, and this Commission allowed him to do that. I don't know how I can get
2696 some representation in this County. I have been to the County Manager. I have asked him to
2697 do something quite simple, and let me tell you that I have lived here on 30 years. When I moved
2698 there, Emerywood Parkway wasn't there. Broad Street was a two-lane road from Glenside out
2699 and we were flooded first in 1978, and the County, some of you were around then, remembered
2700 that it was so bad that a lot of homes the County purchased to get people out of that area. We
2701 offered to sell our home. They said they wouldn't buy it. It was too expensive. In that whole
2702 time, you might be surprised to learn that I haven't had one drop of storm water into my house,
2703 but on four occasions I have had the County sewer back up into my house, 18 inches deep. I
2704 have had to tear out my drywall, get rid of my washers and dryers and my water heater, and
2705 what do I get from the County? Nothing. Absolutely nothing. I have asked recently for the
2706 County to please have some professional find out what is wrong with the County sewer system,
2707 and then make a plan to fix it. I don't care if it takes 20 years or it takes 25 years. Do
2708 something to fix this problem. There are four families in that area that have this chronic
2709 problem. Do you know what was suggested by one County official? That we sell our property to
2710 some unknowing individual and let them deal with it. I hope this is not where the moral
2711 compass of the County is right now. We asked something very simple. Do a professional study
2712 and find out what is wrong with the sewer system. This is a technical problem and the County
2713 keeps saying it is an act of God. God didn't build that sewer system, the County did, and they
2714 can fix it. We asked them to keep us advised as to what was going on. We hear nothing from
2715 them. I call and they won't even answer our telephone calls anymore. We are desperate. We
2716 only have one option and that is to gore everybody's ox that tries to build along Upham Brook
2717 and dump more and more water into it. That property right now is about 71 acres of water
2718 shed. OK? It may not stop the problem, but it helps. OK. Those people in those hotels, they
2719 are not going to park on grass. That place is going to be replanted with concrete and blacktop.
2720 Now, some people are going to try and tell you that, "Oh well, we can take care of that. We can
2721 fix it so it won't make a difference." We have been down that road. We know that is not true. It
2722 might make it to the point where it doesn't kill us quite as quick, but it is still going to kill us. I
2723 don't have any idea that we are going to be able to win against the Reynolds family, but I plead
2724 with this Commission. Give us some help. All I can do is every time there is a proposal to dump
2725 water in Upham Creek, I oppose it. Thank you.

2726
2727 Mr. Marshall - Mr. Walker, where exactly do you live in relation to this property?
2728
2729 Mr. Walker - I live, if you...
2730
2731 Mr. Silber - Mr. Walker, maybe I can help answer that. I believe you live on the
2732 other side of 64. Is that correct? That is where Upham Brook has a flooding problem.
2733

2734 Mr. Walker - If you turn down Emerywood Parkway, you would come to Capehart
2735 Road and the homes on Capehart Road on the south side of Capehart Road back up on to
2736 Upham Creek. We'd like to say Upham Creek backs up on our property.
2737
2738 Mr. Silber - So it is on the other side of the interstate and I believe that the flow
2739 from this piece of property goes in that direction. Let me provide you some...
2740
2741 Mr. Walker - Let me tell you one other thing. I said the County didn't do anything for
2742 us. They have done something for us twice. When it backed up in 1980, they declared half of
2743 our property a flood zone. It wasn't in a flood zone when I bought it. And then when it
2744 happened again in the 1990s, they declared the rest of the property a flood zone. That is what
2745 we got from the County.
2746
2747 Mr. Silber - I am not certain about that. I don't think the County designated that as
2748 a flood plain area. It may have been designated by FEMA or some other organization, but I think
2749 the problem of flooding and that water shed has been compounded with development in recent
2750 years. Let me share with you a couple of things. First of all, this piece of property will likely
2751 develop at some point in time. We have worked with the developer in this case and they have
2752 limited to a certain extent the impervious material on this piece of property. They have limited
2753 so that you have no more than 70% impervious cover. Our drainage engineers indicated that
2754 this is within a flood prone area. They know downstream flooding associated with development
2755 in this area, so they have indicated this to the developer and they will be required, as a part of
2756 this development, to build what is called a retention basin on a 50-10 retention formula. So,
2757 they have to capture the water from this piece of property, retain the water, and release it slowly
2758 during a storm so that it minimizes the flooding down stream. That will be required with the
2759 development of this property. Whether they like it or not, the County will be requiring those
2760 types of measures on those pieces of property. I am not going to tell you that it is going to
2761 alleviate the problem. I would like to tell you that it is not going to worsen the problem, because
2762 these retention basins will, in fact, hold water and release it slower, and right now the property
2763 doesn't have these basins, so you may be getting more flooding now. But they will be required
2764 to meet those measures that the County has in place.
2765
2766 Mr. Walker - You gave me the answer I expected. But thank you for listening.
2767
2768 Mr. Silber - Sure.
2769
2770 Mrs. Ware - Are there any more in opposition?
2771
2772 Mr. Theobald - I would just like to add that Mr. Walker does have apparently a serious
2773 problem and has had some difficulty I guess in getting it addressed. He is upstream of our
2774 development. Our water is to Broad Street and then down to the east of Bryan Park, and he is
2775 west of us.
2776
2777 Mr. Silber - This doesn't flow into Upham Brook?
2778
2779 Mr. Theobald - It goes the other way.
2780
2781 Mr. Silber - The drainage people have indicated this does have downstream flooding
2782 problems.
2783
2784 Mr. Theobald - Toward Bryan Park. So his water comes to us. His sewer backs up.
2785

2786 Mr. Walker - Our problem is sewer problems and the sewer backs up into our house.
2787 The sewer backs up into our house because Upham Brook, the sewer line runs right along
2788 Upham Brook. Boy, a real genius did that one, and the manhole covers are about that high. The
2789 flood is about that high over the manhole covers, and the sewer fills with water and our four
2790 homes are split foyers. The only ones on that street are split foyers. That is where probably 2-
2791 1/2 to 3 feet below grade. No other home on that street has problems. We are the only ones.
2792 And we have it chronically, every time it happens. We don't get storm water. We get sewer
2793 backup. We asked the County for relief, sure, call the Risk Manager. You know, the Risk
2794 Manager must have worked for a drug company at one time because she knows how to just say
2795 no. I am sorry. I am angry. I just spent \$10,000. I am retired and that is about 25% of my
2796 annual income.

2797
2798 Mr. Silber - Perhaps one of my staff can get his name and number and let's see if we
2799 can have someone from Public Utilities and from Public Works get in touch with him and see if
2800 we can't find some resolution. Mr. Theobald, from the maps I have, I can't tell you which way
2801 the drainage goes. It appears as though some of it may go into Upham Brook. I could be
2802 wrong.

2803
2804 Mrs. Ware - Is anyone else here to speak in opposition this evening? Before we
2805 move on, I have a couple of comments or concerns, and perhaps Mr. Theobald can speak to at
2806 least one of them. One is just a concern and that is with the B-3 zoning on Glenside. My
2807 concern with that, and it is a convenience store, is that yes, I know we have talked about this,
2808 and as you said it is across the street from an interstate entrance, etc. It is still B-3 zoning,
2809 which is very intense. It is still 24 hours and once it is zoned B-3, it will be B-3 possibly forever,
2810 and what concerns me about it being located on Glenside, as you move up Glenside, it is all
2811 residential, and it is a residential area that looks to be making a come back. A lot of the houses
2812 are being renovated. When I look at this, I sometimes think of Horsepen and how that was
2813 mainly residential and the commercial has crept up through there from Broad Street as well. I
2814 do have concerns with the B-3 zoning at the corner and the 24-hour operation so near such a
2815 heavy residential area. I could say we have talked about that. I don't know if you have any
2816 comments concerning it, but it is a real concern.

2817
2818 Mr. Theobald - The B-3 here is basically for a convenience store with gas is proffered for
2819 B-2 uses, as further restricted by the other proffers. If this is not a convenience store, then it
2820 would fall into the rest. You know, what has happened in this case, from where we started with
2821 potentially 300,000 plus square feet desired on this site. We haven't gotten relief from any of
2822 the road improvements because the road improvements need to be done, so we have given up a
2823 substantial amount of potential square footage and the convenience store user here certainly
2824 helps us, if we are able to find one to meet not only the cost of that but provide an amenity to
2825 the office users here in terms of who might come out this way to purchase gas. You should note
2826 that the two parcels on both corners opposite are M-1 unrestricted, in which you could do all B-3
2827 uses in addition to all M-1 uses on a 24-hour basis. What we have tried to do is certainly, from
2828 the neighborhood side, screen, in terms of the Glenside approach, where else can you put a
2829 convenience store if not at a location such as this at an intersection with a major interstate, so
2830 those were, frankly, the considerations we tried to mitigate the impacts. I don't see retail
2831 spreading up Glenside, given the residential development there. You are correct that the area
2832 has been substantially renovated with Charles Glen being the best example, and, I believe, this
2833 will further set that tone and it also takes away the unrestricted opportunities for. You could do
2834 that convenience store with gas up here tomorrow without asking permission, so we have tried
2835 to integrate this entire planning concept to permit for that one use right there at the intersection.

2836
2837 Mr. Silber - Mr. Theobald, I guess I would argue the M-1 across the street, most of
2838 that M-1 is already developed as an office complex. There is no available M-1 on that quadrant.

2839 On the other quadrant, you are correct. It is M-1, a very small piece of property. If there was a
2840 market for this, it probably would have developed that way. I would argue that this may, in fact,
2841 encourage that be developed for some type of use that we may not prefer, so I think that could
2842 be argued both ways.

2843

2844 Mr. Theobald - I believe that corner is also owned by the Reynolds.

2845

2846 Mrs. Ware - Well, it is still, regardless, a concern.

2847

2848 Mr. Theobald - I understand.

2849

2850 Mrs. Ware - The other concern that I have is just the big picture of this project as it
2851 stands right now. Generally when we have such a valuable, attractive piece of property, as we
2852 have seen in other cases we have had in the past. We have renderings. We have a good idea of
2853 everything. How it is going to come together when I look at this, I see a lot of parking spaces
2854 and a lot of rectangles, and the 90,000 square feet. That is big as a Kohl's. That is a large, that
2855 is a pretty good size box. There is a lot of potential here in this piece of property, and there are
2856 many examples all over the country, all over this region, where nice, cohesive developments
2857 have been made. This is an Enterprise Zone where we really do work for really good
2858 redevelopment to happen. There are also mixed-use zoning opportunities that could take place
2859 here and many creative things that could go into this project, and what I see and what I have
2860 received with this project is a hotel, like Mr. Vanarsdall has pointed out that has the Palm Trees
2861 in front of it. I know this is not proffered, but then you have a different style of office buildings
2862 that you are putting out there and retail buildings, and it seems to be bits and pieces thrown in
2863 here and there on a piece of property that could be a real feather in the cap of Henrico County,
2864 especially with the location, near the interstate and on Broad Street. It just appears to be more
2865 Broad Street and more of what is being redeveloped, so that is a big concern that I have with
2866 this project in general.

2867

2868 Mr. Theobald - I think I would disagree as to your characterization as to the bits and
2869 pieces. What we have tried hard to do is separate the site as to retain the corporate campus
2870 environment in this area and provide some of the services that people like Philip Morris said were
2871 desirable here in terms of the full-service hotel, as well as fine dining opportunities, and the tone
2872 for the office park is already set, not only by Philip Morris, but by the existing Reynolds' office
2873 buildings. This is designed to be a corporate headquarters type building, so I think you already
2874 have the theme set in this area, and this will be similar and complementary. The office building
2875 won't look like a shopping center necessarily. A shopping center is going to look like The Shops
2876 at Westgate, with significant green space, as well as pedestrian orientations through this area to
2877 the small retail opportunities, so it is actually extremely highly proffered and well thought out.
2878 The top architect, Jack Shady with Freeman and Morgan has been hired to pull it all together,
2879 and so I think we have accomplished that overall scheme and design and what you get for it is
2880 coordinated restricted development versus just a million plus square feet of office building
2881 without any road improvements. So, I think the guarantees are in place that will satisfy the
2882 points that you have raised.

2883

2884 Mrs. Ware - I guess I just don't see a coordinated development in the proffers, and I
2885 don't see a coordinated development in the elevations that have been given to us and have not
2886 been proffered. That is my concern with the development. Are there any more questions for
2887 Mr. Theobald?

2888

2889 Mr. Vanarsdall - I have been following this pretty closely, you know, with you and Don
2890 and I have had calls from neighbors (unintelligible). How do you spell it, Brian Islam, has called
2891 me a couple of times. He is in the audience, so we got down tonight to I believe three, or before

2892 tonight it had three differences...John Mizzell, and have those three things been satisfied tonight
2893 as far as you all are concerned?
2894

2895 Mr. Marshall - Madam Chairman, this has been a long process. We have come a long
2896 way from a rather angry, full cafeteria at Crestview Elementary, that was televised on television,
2897 because the fears for this property were Wal-Mart at the time, and it involved 300,000 square
2898 foot of retail space, and as far as big boxes go, I guess in today's world, the idea of what a big
2899 box is has changed quite a bit, because we went from a 200,000 plus user in the likes of Wal-
2900 Mart and then the next ones that came were 150,000 or 180,000 users, the Lowe's and the
2901 Home Depots, which were big boxes. I don't know if you call them super big boxes. I was not
2902 comfortable with those and the Reynolds family was listening and agreed to reduce it down to
2903 the 90,000 square foot, which as you said is about the size of Kohl's. We discussed that with the
2904 neighbors. They seem to be acceptable as you heard with those limitations. We further put
2905 limitations. There had to be at least three users in the development, and if there were only three
2906 users, the smallest could be 5,000 square feet. We did prevent and prohibit fast food
2907 restaurants on this in consideration of the neighborhood. The gas station/convenience store
2908 user, I will tell you it is not just restricted, it is restricted by the architecture. We have already
2909 had a meeting with Wawa, who walked away because I would not bend, nor would Mr. Kaechele
2910 over the architecture that we were going to demand for the site to be compatible with the
2911 neighborhood, and that was basically a brick structure with an A-frame type canopy and Wawa
2912 said "We will have to decline to come here, because we are not going to be willing to do that."
2913 So, we have some limitations to make that use somewhat compatible, albeit it is a gas
2914 station/convenience store. However, as Mr. Theobald pointed out, there were places on the site
2915 that they can, by right, do it today. I thought it was reasonable where they put and the
2916 architectural limitations that they put on it. As to the elevations, I was concerned with that, too,
2917 but by coincidence I happened to be paying attention to some of the drawings and saw that the
2918 architect, or at least the architectural firm for the Reynold's project was the same one that did
2919 The Shops @ Westgate, and that, to date, has been, I've received more comments about how
2920 everyone likes that development, what it looks like, how pedestrian friendly it is, the green space
2921 that is in there, and it is fast becoming something that everybody refers to, so naturally I asked
2922 Mr. Theobald if he would ask the Reynolds if Mr. Shady, who was the architect that I had spoken
2923 with at the opening of The Shops at Westgate, if they would be willing to use him and proffer
2924 that they would build the retail component consistent with what the architecture is in The Shops
2925 at Westgate, and they have done that. They proffered that, so if the elevations, you want to
2926 know what the elevations are, you can drive out to The Shops at Westgate, and that is what they
2927 are going to be, because that is what I wanted, and that is what they told me they are getting,
2928 and that is what they proffered to give us. So, I think that gives us a very high, some of the
2929 highest quality looking retail space that we have in the County right now. Those were my major
2930 concerns, and the neighbors, of course, we started out with some reference to a chain-link fence
2931 at some point. We kept saying that, and then we came to a vinyl fence, and then we progressed
2932 to a rather large 8-foot concrete fence, and we also got some concessions as far as the first four
2933 houses that are most impacted to raise the elevation of the land there to increase the height of
2934 the fence and very liberal treatment of landscaping to further buffer the neighbors. I think it is
2935 rather significant that the hard work, I think I attended three meetings with the neighbors, their
2936 committee and Mr. Mizzell put in a lot of time and lot of effort with Mr. Theobald to get to the
2937 point from that meeting at Crestview where I don't think many people would have given you too
2938 good of odds that you'd have the neighborhood here today saying that they don't oppose this
2939 project from when it started. So, with that I am going to recommend this case for approval to
2940 the Board of Supervisors.

2941
2942 Mr. Vanarsdall - Second.
2943

2944 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2945 favor say aye. All opposed say aye. The vote was as follows:

2946
2947 Mr. Archer - yes
2948 Mr. Marshall - yes
2949 Mr. Vanarsdall - yes
2950 Mr. Jernigan - yes
2951 Mrs. Ware - no

2952
2953 The motion passes.

2954
2955 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
2956 Commission voted 4-1 (one abstention and one opposed) to recommend that the Board of
2957 Supervisors **grant** the request because it would permit infill development with the proper
2958 connection for roads and other public facilities and as proffered, the proposed commercial uses
2959 would be compatible with the surrounding development.

2960
2961 **AT THIS TIME THE COMMISSION TOOK A FIVE-MINUTE BREAK.**

2962
2963 **THE COMMISSION RECONVENED AT THIS TIME.**

2964
2965 **Deferred from the November 10, 2004 Meeting (For Decision Only):**
2966 **PUBLIC HEARING: INNSBROOK URBAN MIXED USE AREA:** The Planning Commission will
2967 consider an amendment to the 2010 Land Use Plan that would redesignate a portion of the
2968 Innsbrook office park to Urban Mixed Use (UMU). The site is generally comprised of the area
2969 bordered by Cox Road, Sadler Place, Highwoods Parkway, and Waterfront Lake. Plans may be
2970 examined in the Planning Department on the second floor of the County Administration Building.

2971
2972 **Deferred from the November 10, 2004 Meeting (For Decision Only):**
2973 **C-27C-04 James W. Theobald for Highwoods Realty LP, etal:** Request to rezone
2974 from O-3C Office District (Conditional) to UMUC Urban Mixed Use District (Conditional), Parcels
2975 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36.13
2976 acres, located along the southwest intersection of Cox Road and Sadler Place. A mixed use
2977 development is proposed. All uses will be controlled by proffered conditions and zoning
2978 ordinance regulations. The applicant proffers any residential use will not exceed three hundred
2979 forty-four (344) units. The Land Use Plan recommends Office and Environmental Protection
2980 Area.

2981
2982 **Deferred from the November 10, 2004 Meeting (For Decision Only):**
2983 **P-6-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a
2984 Provisional Use Permit under Sections 24-32.1(a) and 24-122.1 of Chapter 24 of the County Code
2985 in order to permit the activities listed in Section 24-32.1(a) of the UMU ordinance, on Parcels
2986 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36.13
2987 acres, located along the southwest intersection of Cox Road and Sadler Place. The existing
2988 zoning is O-3C Office District. The Land Use Plan recommends Office and Environmental
2989 Protection Area.

2990
2991 **Deferred from the November 10, 2004 Meeting (For Decision Only):**
2992 **P-7-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a
2993 Provisional Use Permit under Sections 24-32.1(a) and 24-122.1 of Chapter 24 of the County Code
2994 in order to permit a thirteen (13) foot increase in the permitted height of office buildings in the
2995 UMU District, on Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494,
2996 containing approximately 36.13 acres, located along the southwest intersection of Cox Road and

2997 Sadler Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office
2998 and Environmental Protection Area.

2999
3000 Mr. Silber - There are four separate actions required by the Commission.

3001
3002 Mrs. Ware - Mr. Coleman. Good evening.

3003
3004 Mr. Coleman - Thank you, Madam Chair, and members of the Commission. As stated,
3005 these items were heard at the November 10 Planning Commission hearing and tonight are for
3006 decision only. To summarize, the applicant proposes a mixed-use development called Highwood
3007 Village. Features of the development would include:

- 3008
3009
- Up to 344 "for sale" condominium and townhouse units
 - 3010 • Construction of (2) new office buildings, in addition to the (3) existing office buildings
 - 3011 • Two parking decks
 - 3012 • Approximately 50,000 square feet of retail and restaurant space.

3013
3014 The proposal also includes public-oriented spaces, including picnic pavilions along the lakefront, a
3015 waterfront deck, and pedestrian linkages to Innsbrook's 6-mile-long pedestrian trail system.

3016
3017 The applicant is requesting approval of four applications:

- 3018
- The Land Use Plan Amendment to designate the subject area an Urban Mixed Use
3019 Development Area (UMU) on the land use plan map;
 - 3020 • A Rezoning Case to approve the UMU District;
 - 3021 • A Provisional Use Permit for the Master Plan for Highwoods Village; and
 - 3022 • A Provisional Use Permit to increase the permitted building height from 60' to 73'.

3023
3024
3025 Since the November 10 Commission hearing, the applicant has submitted revised proffers, which
3026 address staff's concerns regarding potential uses. Proffer #14 prohibits the following:

- 3027
- 3028 a. boat and boat trailer sales/service;
 - 3029 b. check cashing and payday loan businesses;
 - 3030 c. freestanding buildings primarily for retail sales/service;
 - 3031 d. bowling alleys;
 - 3032 e. bingo halls;
 - 3033 f. skating rinks;
 - 3034 g. adult businesses; and
 - 3035 h. gun shops.

3036
3037 Highwoods Village offers an opportunity for coordinated, high quality development and the
3038 possibility for new housing options not currently available in the Innsbrook area. The applicant
3039 has also provided positive elements with the request, and urban mixed use development could
3040 allow

3041 Innsbrook to continue to grow and maintain its economic vitality. For these reasons, staff
3042 recommends the Planning Commission find the Innsbrook Land Use Plan Amendment consistent
3043 with the guidelines set forth in the Henrico County 2010 Land Use Plan, and send it forward to the
3044 Board of Supervisors with a recommendation for approval.

3045
3046 In regards to the rezoning and provisional use permits, there are unresolved issues pertaining to

- 3047
- Traffic improvements in the area;
 - 3048 • Perimeter buffering, sidewalks, and screening;
 - 3049 • Limiting the hours of retail uses; and

3050 • The minimum square footage proposed for the condominiums.
3051
3052 If the applicant could address these issues, staff could be more supportive of this request. This
3053 concludes my presentation. I'd be happy to answer any questions. The traffic engineer, Tim
3054 Foster, is present to answer transportation questions.
3055
3056 Mrs. Ware - Are there any questions for Mr. Coleman from the Commission? You
3057 mention hours?
3058
3059 Mr. Coleman - Hours of operation for the retail uses.
3060
3061 Mrs. Ware - Are there any questions for Mr. Coleman? No. Mr. Marshall, this is
3062 decision only.
3063
3064 Mr. Marshall - Madam Chairman, we had another meeting with the neighbors, I believe it
3065 was Tuesday a week ago. We went over the POD. One of the things that you don't see on the
3066 picture in front of you that occurred, I believe it was last Friday, is that park decking that is closest
3067 to the neighborhood has moved back some 60 feet, so the numbers, I believe now, are 140 feet
3068 approximately from the closest property line. As I stated before, with this use the parking decks
3069 will be shielded with condominium units on the front, whereas under the POD that would be
3070 allowed to be developed would not have the condominium units on the front. Traffic is a big issue.
3071 Under the POD there is no money. Under this case there is \$250,000 or half of the money that is
3072 needed for all of the improvements that Mr. Foster believes are necessary in this area, and I might
3073 add that those improvements are necessary whether anything else is built on this site or not, so
3074 that, to me, speaks volumes because the improvements are needed without any development by
3075 Highwoods, yet Highwoods is putting in half of the money to pay for all of the improvements that
3076 are needed. I believe the property values of the adjoining neighbors will be enhanced more so with
3077 the UMU versus the POD. The traffic flow from the residential units, if they work in Innsbrook, they
3078 won't be getting in vehicles to leave, but even if they do, they are going in the opposite direction in
3079 the morning and evening. They are what the current Innsbrook inflow and outflow is during peak
3080 hours. There is a lot of quality in this development. We got a letter from Mr. Cummings, a nice
3081 letter, basically softening his opposition on this. I believe you all also got a letter from Mr. Nichols,
3082 which to me was one of the more enlightening ones. He had originally been circulating petitions
3083 against this project, and he said that some people would not sign them way back then, and since
3084 that time he is now coming up in favor of this project, a complete reversal, and he even came to
3085 our meeting and spoke on behalf of this the other night. I think for the long term viability of
3086 Innsbrook, pursuant to the article in *USA Today* that I provided you that this is needed to insure the
3087 vitality of Innsbrook when faced with competition from West Creek and the Watkins Center over on
3088 288, and the Markel Corporation believes in this project and they believe it is something that will
3089 allow them to attract and retain employees for the years to come. So, for those reasons, I am
3090 going to recommend this for approval, the Land Use Plan Amendment to the Board of Supervisors
3091 for approval.
3092
3093 Mr. Vanarsdall - Second.
3094
3095 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
3096 say aye. All opposed say no. The motion passes.
3097
3098 The Planning Commission approved recommendation of approval of The Land Use Plan Amendment
3099 for the Innsbrook Urban Mixed Use Area to the Board of Supervisors.
3100
3101 Mr. Marshall - Madam Chairman, I make a motion that we approve Case C-27C-04.
3102

3103 Mr. Vanarsdall - Second.
3104
3105 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
3106 say aye. All opposed say no. The motion passes.
3107
3108 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
3109 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
3110 request because the employment use(s) support the County's economic development policies and
3111 the mixed use project would permit development of the land for residential use in an appropriate
3112 manner. In addition, it would provide for a higher quality of development otherwise not possible.
3113
3114 Mr. Silber - Were there time limits required on that, Mr. Marshall?
3115
3116 Mr. Marshall - No. There should not have been. Madam Chairman, I move that we
3117 recommend for approval to the Board of Supervisors Case P-6-04, Highwoods Master Plan.
3118
3119 Mr. Vanarsdall - Second.
3120
3121 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
3122 say aye. All opposed say no. The motion passes.
3123
3124 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
3125 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
3126 request because the proposed master plan is necessary to fulfill the requirements to develop an
3127 urban mixed-use community and would provide for assurances of high quality development and
3128 compatibility with the surrounding uses.
3129
3130 Mr. Marshall - Madam Chairman, before I make this final one, I will tell the Commission
3131 that there are some issues with, as I told Mr. Foster I would state, there are some issues that you
3132 heard. There are some issues with transportation that they are going to look at even further, but
3133 more importantly, Mr. Kaechele has made a commitment, as I told Mr. Cummings, to meet with the
3134 neighbors and talk and fine-tune the proffers, if you will, as far as the uses and the hours and some
3135 of the other buffering issues that Mr. Cummings spoke to and Mr. Kreckman is amenable to that.
3136 So, I recommend approval of Case P-7-04, The Highwoods Village Heights.
3137
3138 Mr. Vanarsdall - Second.
3139
3140 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
3141 say aye. All opposed say no. That motion passes.
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3143 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
3144 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
3145 request because it would provide for appropriate development and is reasonable in light of the
3146 proposed urban mixed community development.
3147
3148 Mr. Silber - It has just been brought to my attention that on the Reynolds case, C-
3149 22C-04, we needed to waive the time limits.
3150
3151 Mr. Marshall - We've got to waive the time limits on my motion, since it is two cases
3152 later.
3153

3154 Mrs. Ware - You would think so, wouldn't you? If we get the proffers on time like we
3155 should, then we wouldn't have to deal with this. Now, would we? They were on time? They were
3156 received the 7th.
3157
3158 Mr. Silber - I don't think we need to waive it.
3159
3160 Mrs. Ware - OK. I stand corrected.
3161
3162 Mr. Vanarsdall - OK, how about the minutes?
3163 Mr. Marshall - Were they too thick for you to look at this month?
3164
3165 Mr. Archer - No. I don't have any corrections whatsoever.
3166
3167 Mr. Vanarsdall - I move that the November 10, 2004 minutes be approved as written.
3168
3169 Mr. Archer - Second.
3170
3171 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
3172 say aye. All opposed say no. The motion passes.
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3174 Mr. Archer - There being no other business to bring before this Commission, I move for
3175 immediate adjournment.
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3177 Mr. Vanarsdall - I second it.

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Mrs. Ware -
is adjourned.

Motion made by Mr. Archer and seconded by Mr. Vanarsdall. The meeting

Lisa Ware, C.P.C., Chairman

Randall R. Silber, Secretary