

1 Minutes of the Work Session of the Planning Commission of the County of
2 Henrico held in the County Manager's Conference Room, County Administration
3 Building in the Government Center at Parham and Hungary Spring Roads,
4 beginning at 7:00 p.m. December 10, 2015.

5
Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. Chris W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Michael Kennedy, County Planner
Mr. Ben Sehl, County Planner
Ms. Sylvia Ray, Recording Secretary

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

9
10 Mr. Witte - I'd like to call the Henrico Planning Commission to
11 order. This is our December 10, 2015, work session. I'll now turn over the
12 agenda to our secretary, Mr. Joe Emerson.

13
14 Mr. Emerson - Thank you, Mr. Chairman.

15
16 The Commission held a work session to continue their discussion on potential
17 ordinance changes in the Innsbrook area.

18
19 A draft copy of the revisions made following the November 18, 2015 work
20 session, was provided for review. Mr. Ben Sehl addressed these revisions
21 during his presentation on previously discussed goals/impacts, including:

- 22
23
- 24 • Staff's proposal of a new overlay district to limit changes to the Innsbrook
25 area;
 - 26 • A plan for considering reduced acreage for new UMU developments in
27 Innsbrook;
 - 28 • Proposed elimination of comprehensive impact analysis submissions
29 within the Innsbrook area overlay district.
- 30

31 Some of the concerns were in regard to:
32

- 33 • The inability of the area to support these changes based on current
34 infrastructure problems;
- 35 • Water and sewer insufficiency;
- 36 • Rewording some of the language to clarify the requirements on studies.

37

38 Representatives from the development community provided feedback from their
39 perspective. Mr. Paul Kreckman, President of Innsbrook Owners' Association,
40 weighed in on the typical costs of an analysis, the effectiveness in reducing the
41 distribution of land parcels would be for the smaller owners, the increased ability
42 to enforce concepts for urban design, discussed the positives resulting from the
43 collaborative efforts with the County and how these efforts have helped them
44 determine innovative ideas to supplement utilities, and commented on the overall
45 affect these changes will have on development models in the Innsbrook area.

46

47 Mr. Marchetti, who runs a commercial real estate company, shared his thoughts
48 about the generation moving into the area, their focus on urban properties, and
49 its impact on office space use (sharing locations/working remotely, etc.).

50

51 An additional work session was scheduled for January 14, 2016, to review
52 requested revisions.

53

54 The public hearing will be held at the January 14, 2016 Planning Commission
55 meeting.

56

57 The Commission recessed to their regular meeting at 6:36 p.m.

58

59

60 **THE PLANNING COMMISSION RECONVENED AT 7:02 P.M. FOLLOWING A**
61 **WORK SESSION.**

62
63 Minutes of the regular monthly meeting of the Planning Commission of the
64 County of Henrico held in the County Administration Building in the Government
65 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. December
66 10, 2015. Notice having been published in the Richmond Times-Dispatch on
67 November 23, 2015 and November 30, 2015.
68

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
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Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Michael Kennedy, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Kim Vann, Henrico Police
Ms. Sharon Smidler, Public Works-Traffic
Mr. William Moffett, County Planner
Ms. Sylvia Ray, Recording Secretary

69
70 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
71 **on all cases unless otherwise noted.**
72

73 Mr. Witte - Good evening. Welcome to the December 10th
74 meeting of the Planning Commission. This is our rezoning meeting. Before we
75 get started, I'll have to ask everybody standing to please take a seat and not
76 block the aisles or the exits. So if everyone would move forward. There are
77 plenty of seats in the middle and up here. If you have seats next to you, please
78 raise your hand. We still have seats up here. Fire regulations prohibit blocking
79 the aisles and the doorways, so you'll have to come forward. Or if you prefer not
80 to come forward, you can have a seat out in the lobby; it's broadcast out there.
81 Still two seats down here. Another seat there. Another seat there.

82
83 Mr. Emerson - Yes, we do have several seats—

84
85 Mr. Witte - Three or four seats there. Please come forward.
86

87 Okay. Thank you. I would ask that everyone either silence or turn off your cell
88 phones during the meeting. And while doing so, please stand with us for the
89 Pledge of Allegiance.

90

91 Do we have any media with us this evening? We have one. Times-Dispatch?
92 Thank you for coming.

93

94 All right. Thank you. We have all members present. We also have Mrs. O'Bannon
95 with us as our representative from the Board of Supervisors. I want to thank
96 everybody for showing up en masse. It definitely indicates your civic duty and
97 that you're concerned for your county. With that I'll turn it over to Mr. Emerson,
98 our secretary.

99

100 Mr. Emerson - Thank you, Mr. Chairman. The Commission did hold a
101 work session that began at 5:30 this evening to discuss potential changes to the
102 Urban Mixed Use Ordinance, specifically for the Innsbrook area. That was held in
103 the County Manager's Conference Room. The outcome from that is that there will
104 be a public hearing scheduled for the first January meeting. I don't know the date
105 off the top of my head. It will be the first January meeting. The fourteenth.
106 January 14th. And there will be a work session prior to that meeting at 6:00. So
107 that will be forthcoming.

108

109 With that said, Mr. Chairman, first on your agenda tonight are requests for
110 withdrawals and deferrals, and you have none this evening. Next on the agenda
111 are requests for expedited items, and have none of those this evening. Moving
112 on to the regular agenda, you have REZ2015-00033. William Browning for
113 Farmbrown, LLC. The staff report will be presented by Ms. Lisa Blankinship.

114

115 **REZ2015-00033 William Browning for Farmbrown, LLC:** Request to
116 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence
117 District (Conditional) Parcel 745-754-2348 containing 2.425 acres located at the
118 northeast intersection of Kennedy and Stonemill Roads. The applicant proposes a
119 single family subdivision. The R-3 District allows a minimum lot area of 11,000
120 square feet and a gross density of 3.96 units per acre. The use will be controlled
121 by zoning ordinance regulations and proffered conditions. The 2026
122 Comprehensive Plan recommends Suburban Residential 2, density should not
123 exceed 3.4 units per acre.

124

125 Mr. Witte - Is there any opposition to REZ2015-00033, William
126 Browning for Farmbrown, LLC? I see none. Ms. Blankinship.

127

128 Ms. Blankinship - Thank you Mr. Chairman, members of the
129 Commission.

130

131 This is a request to rezone 2.425 acres from A-1 to R-3C for a single family
132 subdivision of six lots. The site is located at the northeast intersection of Kennedy

133 and Stonemill Roads. The 2026 Comprehensive Plan's recommendation for the
134 subject property is Suburban Residential 2, where density should not exceed 3.4
135 units per acre. The proposed use and density of 2.47 units per acre are
136 consistent with this recommendation.

137
138 The applicant has submitted a conceptual master plan and a number of proffers
139 to integrate the proposed development with the adjacent subdivisions. These
140 proffers include minimum square footages, crawlspace foundations, garages,
141 high-quality exterior materials, prohibition of cantilevering, driveway materials,
142 and limited construction hours.

143
144 The applicant held a community meeting on December 1, 2015. Concerns
145 discussed included minimum square footages, site design, density, speeding
146 along Stonemill Road, and construction hours. To address residents' concerns,
147 the applicant submitted revised proffers dated December 8, 2015 that have been
148 handed out to you this evening. These proffers:

- 149
150 • increase the minimum square footage to 2,200 square feet for two-
151 story homes and 2,000 square feet for one-story homes;
152 • remove E.I.F.S. from the list of permitted exterior building materials;
153 • allow asphalt as a driveway material; and
154 • limit construction hours on Saturdays from 9:00 a.m. to 7:00 p.m.

155
156 Staff believes the proffers submitted by the applicant would ensure a level of
157 quality consistent with other recent requests of this type and would provide
158 appropriate quality assurances not otherwise available. For these reasons, staff
159 supports this request.

160
161 This concludes my presentation. I will be happy to answer any questions.

162
163 Mr. Witte - Any questions by the Commission? No? Mr. Branin.

164
165 Mr. Branin - I'd like to hear from the applicant.

166
167 Mr. Witte - Would the applicant come down, please?

168
169 Mr. Browning - Good evening. Andrew Browning with Youngblood,
170 Tyler & Associates.

171
172 Mr. Branin - Good evening, Mr. Browning. How are you?

173
174 Mr. Browning - Doing great.

175
176 Mr. Branin - I wanted to thank you and Mr. Farmer for addressing
177 a bunch of the concerns that we had at the community meeting. Square footage
178 did come up, the times did change. The only thing left that I would like to look at

179 as this goes into POD is massaging the landscaping in here to provide—I know
180 we do not buffer between R-3s. But in this case, I would like to see we diligently
181 work at maintaining as much of a tree line in the back between the older
182 neighborhood and the newer neighborhood.

183

184 Mr. Browning - Okay, that's not a problem. Those lots are really
185 deep, so we were hoping to keep the houses to the front. And we can maybe
186 leave some natural buffer in the back of the neighborhood. I don't think that will
187 be an issue.

188

189 Mr. Branin - Okay. I just want to give you a heads-up because I'm
190 going to be watching over top of this.

191

192 Mr. Browning - Okay. Thank you, sir.

193

194 Mr. Branin - Thanks. I'd also like to hear from Traffic, please.

195

196 Mr. Witte - Would Traffic come forward, please?

197

198 Ms. Smidler - Hi. Good evening, my name is Sharon Smidler,
199 Henrico County Traffic Engineering.

200

201 Mr. Branin - Hi, Ms. Smidler. How are you this evening?

202

203 Ms. Smidler - Pretty good, Mr. Branin.

204

205 Mr. Branin - One of the things that came up in the community
206 meeting, which wasn't really addressed. But I've driven it. I've looked at it. I've
207 walked it. But I know also Traffic has been asked to look at the sight lines for the
208 driveways. Did you find any issues with it? I couldn't find an issue with it. You all
209 did do your due diligence.

210

211 Ms. Smidler - Yes sir. We went out to the field. We looked at the
212 sight distance. Since the driveways weren't known, we were at the property lines,
213 checked the sight distance, and it has adequate sight distance.

214

215 Mr. Branin - That's what I found. But you guys are the
216 professionals, so I just wanted to hear it from you.

217

218 Ms. Smidler - Yes. We had to go to the field to check.

219

220 Mr. Branin - All right. Thank you.

221

222 Ms. Smidler - Thank you.

223

224 Mr. Branin - That's all I have.

225 Mr. Witte - Would you like to make a motion?
 226
 227 Mr. Branin - Yes.
 228
 229 Ms. Jones - You asked for opposition, right?
 230
 231 Mr. Branin - There was none.
 232
 233 Mr. Emerson - There was none.
 234
 235 Mr. Witte - There was no opposition.
 236
 237 Mr. Branin - Okay. Then, Mr. Chairman, I would like to move that
 238 REZ2015-00033, William Browning for Farmbrown, LLC, move forward to the
 239 Board of Supervisors with a recommendation for approval.
 240
 241 Mr. Leabough - Second.
 242
 243 Mr. Witte - We have a motion by Mr. Branin, second by
 244 Mr. Leabough. All in favor say aye. Opposed? The motion passes.
 245

246 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
 247 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
 248 the Board of Supervisors grant the request because it reflects the Land Use Plan
 249 and future use and zoning of the area and the proffered conditions would provide
 250 appropriate quality assurances not otherwise available.
 251

252 Mr. Emerson - Mr. Chairman, we now move to the next item on your
 253 agenda, which appears on page 2. This is POD2015-00356, Koth Consulting, PC
 254 for Realty Ventures Group Inc. and Par 3 Development Group, LLC. The staff
 255 report will be presented by Mr. Mike Kennedy. And you also have some new
 256 information and new elevations that were provided to you this evening.
 257

258 **PLAN OF DEVELOPMENT**

259 POD2015-00356 Dollar General at 3012 Mountain Road	Koth Consulting, PC for Realty Ventures Group, Inc. and Par 3 Development Group, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 9,734 square foot retail building with accessory parking. The 1.3-acre site is located at the northwest corner of Mountain Road and John Cussons Drive, on parcel 770-767-5189. The zoning is B-2C, Business District (Conditional). County water and sewer. (Brookland)
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260
261 Mr. Witte - Thank you. Is there opposition to POD2015-00356,
262 Dollar General?
263
264 Many voices - Yes.
265
266 Mr. Witte - I asked. Thank you. Mr. Kennedy.
267
268 Mr. Kennedy - Good evening, Mr. Chairman, members of the
269 Commission.
270
271 The applicant proposes to develop a variety store on the subject property. The
272 property was rezoned from M-1 Light Industrial and R-2A Single-Family
273 Residential to B-2C Business Conditional in July of 1988 and is subject to the
274 proffers of Zoning Case C-72C-88. The proposed use is a specifically permitted
275 use subject to review and approval of a plan of development by the Planning
276 Commission.
277
278 Attached to the final agenda you will find a revised elevation plan submitted on
279 December 8, 2015, for review and approval by the Planning Commission. Also
280 attached to the agenda final addendum is a copy of a letter dated December 8,
281 2015, from the applicant's attorney, Kerry B. Hutcherson, Esq., indicating the
282 applicant's responses to Planning staff's most recent comment letter dated
283 November 24, 2015.
284
285 And finally, in addition, a copy of a letter dated October 30, 2015, from the project
286 architect John C. Hood, which describes features representative of both Colonial
287 and Victorian design, is attached to the final agenda.
288
289 Mr. Witte - Excuse me. Mr. Kennedy?
290
291 Mr. Kennedy - Yes.
292
293 Mr. Witte - Can you put up the new elevations that just happened
294 to show up a couple days ago? There we go. Thank you.
295
296 Mr. Kennedy - This is the new elevation that was just submitted two
297 days ago.
298
299 Mr. Witte - Two days ago. Thank you.
300
301 Mr. Branin - Mr. Kennedy, would you repeat the two types of
302 elevations that will be accepted, the two styles?
303
304 Mr. Emerson - Victorian and Colonial.
305

306 Mr. Kennedy - Victorian and Colonial as determined by the Planning
307 Commission.

308
309 Mr. Branin - And which one is this?

310
311 Mr. Kennedy - This is Colonial, sir.

312
313 Planning staff's original staff report on the agenda listed four principal items that
314 needed to be addressed prior to staff recommending Planning Commission
315 approval of the proposed POD. These items include landscaping, drainage,
316 utilities, and architectural design. We'll proceed with them one by one.

317
318 Landscaping. First, the applicant's attorney on behalf of the project engineer,
319 Lance Koth, has agreed to the addition of two landscape islands as specified by
320 staff to satisfy interior parking area landscaping requirements. So an additional
321 landscape island will be located here, and this one here will be widened. It will be
322 a full-size island.

323
324 Second, sufficient area is needed to provide required peripheral parking lot
325 landscaping, and appropriate landscape material is not provided. The proposed
326 layout plan provides a narrow crescent-shaped area which is five feet or less in
327 width and located outside the existing Verizon utility easement along John
328 Cussons Drive. This area is too limited in area for planting of replacement trees
329 to satisfy the peripheral parking area—

330
331 Voice - [Off microphone.] We can't hear him.

332
333 Mr. Witte - Can you speak a little louder, please?

334
335 Mr. Kennedy Yes sir.

336
337 Mr. Emerson - And slower, please Mike.

338
339 Mr. Witte - And slower.

340
341 Mr. Kennedy - Repeat. Second, sufficient area is needed to provide
342 required peripheral parking lot area landscaping, and appropriate landscaping
343 material is not provided. The proposed layout plan provides a narrow crescent-
344 shaped area which is five feet or less in width and is located outside the existing
345 Verizon underground utility easement along John Cussons Drive. This area is too
346 limited in area for planting of replacement trees to satisfy the peripheral parking
347 area landscape requirements.

348
349 The applicant's attorney has agreed that the project engineer will specify
350 alternative landscaping materials to address staff's concerns regarding the size,
351 and species of landscape material. Neither the applicant's attorney nor the

352 project engineer has objected to staff's conditions recommending conditions 9
353 and 11 amended as indicated on the agenda. This would require the landscape
354 and lighting plan to be submitted for Planning Commission, at a second hearing.
355

356 Staff notes, however, existing trees are proposed to remain within the Verizon
357 utility easement—these trees right here. Staff specifically asked for tree
358 protection for those trees. However, those replacement trees may be necessary
359 because they may not survive construction.
360

361 POD condition 33, requires the applicant to provide a letter from Verizon stating
362 the proposed development does not conflict with their facilities prior to approval
363 of the POD construction plan. The applicant's attorney has requested deletion of
364 this condition. However, staff believes this condition is still appropriate for
365 coordination purposes, due to the fact that required landscaping features are
366 proposed to remain within the Verizon easement.
367

368 Drainage. Since preparation of the agenda, the project engineer has provided
369 additional documentation for the drainage plan to the Department of Public
370 Works. Both the project engineer and the applicant's attorney have represented
371 that both the fifty-year storm backwater-influence and the fifty-year detention on
372 site is contained entirely within the pipes on the site. Department of Public Works
373 design engineer has indicated that the drainage plans provide adequate
374 assurance that applicable stormwater quality and quantity design standards are
375 able to be addressed on the POD construction plans. That issue has been
376 resolved.
377

378 Utilities. The Department of Public Utilities design review engineer has indicated
379 the design for the relocation of the existing sanitary sewer outside of the
380 proposed building pad is acceptable. That sewer line is located right here
381 currently, and they want to relocate it to this location right here. The applicant's
382 attorney has requested modification of POD condition 34 that requires vacation
383 of the existing sanitary sewer easement located within the building pad prior to
384 approval of the POD construction plan. The attorney has requested that the
385 condition be modified to require the easement be vacated prior to approval of
386 building permits instead of the construction plan. Because the existing sanitary
387 sewer would need to be relocated prior to requesting vacation of the easement,
388 staff believes the condition is appropriate as written.
389

390 And finally going back to the elevations, Proffer #8 of zoning case C-072C-88
391 requires architecture to be Victorian or Colonial style, as determined and
392 approved by the Planning Commission. It also requires all sides of a building to
393 have predominantly similar designs and materials. Proffer #5 of the zoning case
394 requires free-standing signs to have a landscape feature and similar architecture
395 to the main building.
396
397

398 With the exception of providing a centered principal building entrance facing John
399 Cussons Drive, the most recently proposed architectural plans provide building
400 features associated with Colonial design, including a covered porch element
401 along the facades facing both streets; dentil molding at the base of the roof on all
402 four sides; brick pilasters to help break up the bays along the west end of the
403 building; false windows with either open or closed shutters on all four building
404 façades; and decorative gable features. The Planning Commission must now
405 determine if the proposed Colonial design satisfies proffer #8.

406
407 Proffer #5 of zoning case requires freestanding signs to have a landscape
408 feature and similar architecture to the main building. So they have an indirectly lit
409 sign panel and the freestanding sign has to match that.

410
411 Should the Planning Commission determine the building has adequate Colonial
412 design character in accordance with Proffer #8, in addition to the annotations on
413 the plans and standard conditions for developments of this type, the following
414 additional conditions are recommended: conditions number 9 and 11 amended,
415 which would return the landscape plan and the lighting plan back to the
416 Commission for a second hearing; conditions 29 through 37 as provided on the
417 agenda; and conditions number 33 and 34 as originally stated.

418
419 That concludes my presentation. If you have any questions, I'd be happy to
420 answer them. I'm sure representatives of the developer are here. And there is
421 plenty of opposition.

422
423 Mr. Witte - Questions from the Commission?

424
425 Mr. Archer - Mr. Kennedy, on page 3 of the staff report, I guess
426 maybe the third paragraph down, it says "Staff has requested revised
427 architectural elevations which included features such as the following," and it
428 goes on to list maybe ten features. Has that been achieved?

429
430 Mr. Kennedy - That was the original report on an earlier plan. So
431 primarily the only things that are left out of that list is relocation of the principal
432 entrance to the center of the building. Typically you find Colonial buildings are a
433 symmetrical design with the entrance in the middle, not in a corner like that.

434
435 Mr. Archer - Thank you, sir.

436
437 Mr. Branin - Mr. Kennedy, do you have the original slide that you
438 can show of the original elevation?

439
440 Mr. Kennedy - That was an earlier one.

441
442 Mr. Branin - That's the original one.

443

444 Mr. Kennedy - That's the original. Actually, there were some other
445 earlier revisions.

446

447 Female - [Off microphone.] Excuse me. Am I only the person
448 who can't hear anything?

449

450 Mr. Kennedy - Sorry.

451

452 Mr. Witte - Can they turn it up back there?

453

454 Mr. Branin - Fred?

455

456 Female - [Off microphone.] Maybe the mike [inaudible].

457

458 Mr. Leabough - We're looking into that, ma'am.

459

460 Mr. Branin - Can you take it back to what they have proposed
461 now?

462

463 Mr. Kennedy - Yes sir.

464

465 Mr. Branin - And this is supposed to be more Colonial?

466

467 Mr. Kennedy - Yes sir.

468

469 Mr. Branin - Is the applicant from the South?

470

471 Mr. Kennedy - I can't speak to that, sir.

472

473 Mr. Branin - Just checking.

474

475 Mr. Witte - Any other questions by the Commission?

476

477 Ms. Jones - Mr. Kennedy, did I understand you to say that of the
478 four elements that staff has questions about, the drainage issue, did I hear you
479 say that that is resolved?

480

481 Mr. Kennedy - Yes ma'am.

482

483 Ms. Jones - Okay. Thank you.

484

485 Mr. Witte - Any other questions for Mr. Kennedy? Mr. Kennedy,
486 be prepared to come back. Thank you. I would like to hear from the opposition
487 first. Anyone interested in speaking, please come to the front. We'll need you to
488 state your name, clearly please. Mr. Emerson, our secretary, will give you the
489 guidelines for opposition.

490

491 Mr. Emerson - Mr. Chairman, as you noted, anyone approaching to
492 speak at the lectern will need to state your name and your address for the record
493 because these minutes are recorded and of course transcribed at a later date.
494 But these are the rules and guidelines for the Planning Commission public
495 hearings.

496

497 The applicant is allowed ten minutes to present the request, and time may be
498 reserved for responses to testimony. The opposition is allowed a cumulative ten
499 minutes to present its concerns. Commission questions do not count into the time
500 limits. The Commission may waive the limits for either part at its discretion.
501 Comments must be directly related to the case under consideration.

502

503 Mr. Witte - Thank you.

504

505 Mr. Leabough - We have a lot of people here. Are we handling that?
506 Am I missing something?

507

508 Mr. Witte - How many intend to speak? One, two, three, four,
509 five, six.

510

511 Mr. Leabough - So not everyone is going to come to the podium.
512 Good.

513

514 Mr. Witte - Those are the ones that are coming to the podium.

515

516 Mr. Leabough - All right, great.

517

518 Mr. Witte - You have the floor, sir.

519

520 Mr. Collier - I'm Roger Collier, 2909 Susan Sheppard Court, Glen
521 Allen, Virginia, 23060. I've been a resident of Henrico County for over forty years.
522 I've lived in Glen Allen and have worked with issues of development shortly after
523 moving to the Hunton community in 1975. All previous developers including
524 Herbert Fitzgerald, Bob Atack, Harry Kirby, and two or three others have gone
525 out of their way to try to meet the concerns of the citizens of Glen Allen. It is how
526 in 1988 I, along with Oswald Gasser, Kim Springs, and Bill Baker came to work
527 on proffers that are attached to the land that is presently before you.
528 Mr. Fitzgerald worked with our desires to keep the development compatible,
529 moving it from M-1 to R-2A, as you know, and putting numerous proffers on the
530 business here, which is before you tonight. It had many restrictions because it
531 was our desire and intent to keep any business that might come to the area
532 compatible with the historic nature of Mountain Road and the area. We restricted
533 the hours, design of the building, and type of business.

534

535 One of the business types excluded was convenience stores. Some of this had to
536 do with traffic issues, which will be addressed by another speaker. I do not
537 personally have an issue with Dollar General Stores; I've shopped at them. While
538 Dollar General Stores bills itself as a convenience-style store, my understanding
539 is that Henrico County does not classify it as a convenience store. I know the
540 intent of those who wrote the proffers was to exclude a store of Dollar General's
541 nature, and this breaks the spirit if not the letter of the proffer. I firmly believe that
542 this group should reconsider the decision because the term *convenience* in the
543 minds of the 1988 group was directed at such stores as Dollar General.

544

545 Also, we were very restrictive on the style of the building. Now some of that has
546 been addressed. It should be a style that would fit with the neighboring historical
547 buildings such as Walkerton, Glen Allen Church, the Masonic Lodge, Virginia
548 Cliff Inn, Cultural Arts Center, and the Colonial style homes of the area. I can
549 affirm what one of the members has already said, he must not be from the South.

550

551 The thinking of the group was that the business would be a small business such
552 as a lawyers' office or a doctor's or dentist office or something other business
553 that would fit the lot size. The great amount of citizens who have signed the
554 petition opposing Dollar General speaks to the desire of the community to
555 maintain the wonderful atmosphere that has attracted so many families to the
556 area.

557

558 These objections, along with others, cause me to stand before you and ask that
559 you deny the application of Par 3 Development. Thank you so much for your
560 consideration.

561

562 Mr. Bouzek - My name is Fred Bouzek. I live at 335—

563

564 Mr. Witte - Hold on a minute, please. Does the Commission have
565 any questions for Mr. Collier? No. Thank you, sir.

566

567 Mr. Bouzek - Good evening. My name is Fred Bouzek. I live at
568 3352 Fontaine Lane in Sheppard's Way in Old Town Glen Allen. Did you know
569 the proposed site has witnessed a lot of history? Originally, an Indian trail, hunted
570 by the Chickahominy Indians, and became the main route between Richmond
571 and Charlottesville before the American Revolution. Thomas Jefferson himself
572 traveled in front of this site on his trip from Richmond to Williamsburg. And
573 Lafayette used this route on his march to Yorktown after months of evading the
574 British Generals Cornwallis and Tarleton.

575

576 Just east of this site is where the innovative African American educator, Virginia
577 Randolph, taught home economics and other vocations to African Americans in
578 the community and guided the surrounding community towards their post-racial
579 future.

580

581 Before Glen Allen even existed, this historic site and surrounding area was
582 known as Mountain Road Crossing, a site where Captain John Cussons would
583 erect the historic Forest Lodge across from the very property in question. The
584 area didn't become known as Glen Allen until after the Civil War. Glen Allen is a
585 quiet rural community that grew up in front of that Forest Lodge.
586

587 And we as a community have great concerns about a commercial development
588 on this site that devalues or detracts from the Glen Allen Story of many hundreds
589 of years of history in the making. We're worried about the noise from deliveries at
590 all hours and light pollution from a store like this. We're worried about homes
591 losing value. And we're worried about large tractor-trailer and box trucks that will
592 be traveling through our neighborhoods where children currently play safely in
593 the streets, and clog intersections that our families traverse many times a day.
594 We're worried about missing an opportunity to have a local business whose
595 owner is from or wants to become, a part of our cherished character of the
596 Mountain Road corridor, not just about profits.
597

598 Par 3 and Dollar General argue that there are already businesses on Mountain
599 Road, so it's completely suitable that they build their store. Let me tell you the
600 difference. Our existing businesses like the service station and the market have
601 gone to great lengths to protect our community. And they maintain the charm of
602 Old Town Glen Allen. Here are just a few examples: Did you know the
603 supermarket was approached about erecting a cell tower on their property? A
604 steady stream of income for years to come. They declined because they care
605 about our community. Did you know that the service station has had ample
606 opportunities to increase their profits by taking on a franchise name, but they
607 declined. Why? Because it would mean bigger signs and more operating hours.
608 They didn't want to detract from the appearance of our community.
609

610 Same with the market. They choose to own their own shelf space. They don't
611 sign contracts with vendors. They listen to the community and they stock what
612 we, the community, ask for. They also stock local products and produce
613 supporting other local businesses. The market could sell lottery tickets and other
614 products that statistically bring more income, but they do not. They even open
615 their stores for the Henrico County Police Department to do training for store
616 incidents. And they allow the community to use their parking lot for gatherings
617 and fundraisers.
618

619 Both of these businesses could open their doors more days to increase their
620 revenue, but instead they've chosen not to. They believe it's important to give
621 those days of quiet to the community, to decrease the traffic a bit on weekends,
622 and allow families on bicycles and foot to face less traffic and be more safe. The
623 existing businesses value our community the same way we do because they *are*
624 a part of our community. I believe it would be impossible for anyone in this room
625 to not see the difference between what we have and what is proposed.

626 I have a petition signed by over 2,000 people who do not want the Dollar
627 General, people who are appalled that an entrance to a store like this would be
628 located on a neighborhood street. We have no sidewalks in our small community.
629 Our children are walking or riding their bikes in the streets. And this is no place
630 for large delivery trucks; they just don't belong there.

631

632 Our neighbors in Bretton Wood are worried about the increased through-traffic on
633 Warren Road, as they should be. Our community wants to preserve historic
634 Mountain Road, and we want to continue our tradition of having businesses that
635 work with our values and value our community. A Dollar General does not fit this
636 bill and could take business away from an existing store that adds such value
637 and support to our community. But most importantly, we want to protect our
638 community from safety issues that increased traffic from the proposed store
639 could cause. For this reason, we ask you to deny the proposed Dollar General
640 Store. Thank you.

641

642 Mr. Witte - Thank you. I appreciate the applause, but you're
643 cutting into the testimony time. So if you would hold it until the end. Any
644 questions for Mr. Bouzek? No? Okay. Thank you.

645

646 Mr. Childrey - Good afternoon. My name is Steve Childrey. I'm a
647 resident of Henrico, Glen Allen, and my address is 3875 Mountain Road. I live in
648 the old Kelly house built in 1855. It's right on the curve of Mountain Road,
649 diagonally across from the fire station at Mill Road. I've been there thirty years,
650 and the house is 160 years old. I'm the fourth family to live in that house. So that
651 tells you something. We love Glen Allen. I raised my kids there, and we've had a
652 wonderful experience. All of our neighbors are just wonderful. So when I saw the
653 elevations of the proposal here, I was shocked. That is no more Colonial than I
654 am an Indian. That's pitiful. Colonial features do not look like those renderings.

655

656 But what disturbs me most is that they're very ambiguous. Some of the notations
657 on those drawings refer to false windows and shutters. Well does that mean it's a
658 window that operates? Is it a wood window? Or is a piece of glass with a grid
659 behind it painted black so nobody will know what's there? And are the shutters
660 nailed to the wall? I mean, I have worked my life to try to make my house look
661 good, and this is just one of many things that I see. They also mention awnings.
662 Is that a metal awning, a shingle awning, or is it a piece of fabric? I have no idea.

663

664 So that leads me to think that those drawings lack information. So I would appeal
665 to the Board to deny this proposal on the fact that it lacks information. Now you
666 might say who am I? Why should I talk like this? Well I'm a licensed architect.
667 That's my profession. I spent my lifetime drawing plans and doing the very same
668 thing, trying to get things approved or so forth. So I feel like of all the work I've
669 seen, that is very minimal. It takes away from what Glen Allen would like to see.

670

671 Well you say what do I know about building? I built a house in Glen Allen. It's two
672 houses from the post office. It has true arches and a picket fence. And I went out
673 of my way to blend that house with that street so that people would be proud of it.
674 I could have built a cheap little two-story house with vinyl siding, but I didn't want
675 to do that because I care about the neighborhood. And all these people here feel
676 the same way I do. Something could be done much better than that. Go to
677 Colonial Williamsburg. There are tremendous examples of commercial property
678 that matches the historic flavor of Williamsburg. That's just one example. But that
679 is a not a Colonial building and it's not Victorian.

680

681 I don't know how much time I have left. But I am asking you to please, to
682 reconsider and deny this request. It does not fit the neighborhood.

683

684 Mr. Witte - Any questions for Mr. Childrey? Thank you, sir.
685 Anyone else to speak? Please, come forward, sir.

686

687 Mr. Emerson - Mr. Chairman, would you like to extend the time?

688

689 Mr. Witte - We are over the ten-minute time limit, but we will
690 extend it for two minutes, if that will help.

691

692 Mr. Nicholson - Thank you. My name is Gilbert Nicholson. I live at
693 10313 Delray Road in Bretton Woods. I've been there for thirty-some years. I am
694 a licensed architect also. I'd like to just say two things. I think it's evident on the
695 design that it doesn't meet the intent of the proffers. And I think it's not really
696 good architecture from a Colonial standpoint.

697

698 The other thing I'd like to address is it was brought that it was the intent for this
699 property to not have a convenience store. I have with me an article on Dollar
700 General's new prototype stores. I'd like to just quote a few things very quickly.
701 This comes from a press release.

702

703 'Dollar General is at work on a new store prototype that will provide
704 a faster checkout for shoppers and an increased fresh foods and
705 health and beauty presence,' CEO Todd Vasos said Wednesday.
706 He also said the format will allow for a more customer-friendly
707 shopping experience. 'In this prototype, the consumer will be able
708 to have faster, more convenient checkout, an attribute that is a high
709 priority for our core consumer.'

710

711 Other things in here relate to basically a description of what I would call a
712 convenience store. You can call it anything you want. I can leave the article with
713 you, if you'd like, just to look at. But I think the original intent for this property was
714 not to have a convenience store. And I think this is just a dolled-up convenience
715 store. Thank you.

716

717 Mr. Witte - Thank you. Any questions by the Commission? Would
718 the applicant come forward, please?
719
720 Ms. Jones - You have someone else who wants to speak.
721
722 Mr. Witte - Oh, I'm sorry. Did you want to speak in opposition?
723 This will be the last one.
724
725 Mr. Branin - Are there anymore?
726
727 Mr. Witte - Anyone else?
728
729 Ms. Jones - Yes. This gentleman over here.
730
731 Mr. Branin - Mr. Chairman, I'd like to move for three more minutes.
732
733 Mr. Witte - All right, we have three more people. We will extend
734 three more minutes. That gives you each a minute. Please be to the point.
735
736 Mr. Harper - I thank you for the opportunity to speak. I really didn't
737 have anything prepared because I didn't—
738
739 Mr. Witte - Can you state your name, please?
740
741 Mr. Harper - Glenn Harper. I live on 10528 Glenmar Court, which
742 is the Glen Allen subdivision. I've lived there about four years. Moved there with
743 my family and two children. It is a convenience store. I know that legally—if it
744 walks like a duck, looks like a duck, it is a duck. It's a convenience store.
745
746 But one of my major concerns is the traffic. Warren Road and Cussons Road, it's
747 going to be an increase in traffic. Just for Halloween when we were trick-or-
748 treating with the children on Warren Road, people coming through there at a
749 higher rate of speed than they should be is already occurring. So that's a major
750 concern for us as a family. The children that get on the school bus has increased
751 tremendously just year to year. So the safety of the children is also a concern.
752
753 Mr. Witte - Thank you, sir.
754
755 Mr. Harper - Thank you again so much for your time.
756
757 Mr. Witte - Sir, would you come forward? And the other
758 gentleman, will you come down also so that we can condense this?
759
760 Mr. Breen - Mark Breen, 11501 Old Washington Highway. We're
761 the third owners of a 1919 bungalow. And I have many years of architectural
762 experience. I won't even address this joke that they're calling Colonial. But I don't

763 care if it is the finest copy of Williamsburg; it is still lipstick on a pig. The core
764 issue is that a store like this is not appropriate for our area.

765

766 Mr. Witte - Thank you, sir.

767

768 Mr. Moldenhauer - Good evening. My name's Allen Moldenhauer. I live at
769 2608 Pinkerton Place, about a half mile from the proposed location here. I have
770 not discussed what I'm going say here with any of my neighbors, so it may be a
771 little bit of a surprise to them. What I would like to look for is compromise
772 somehow. And the compromise that I would like to ask the Board or Commission
773 to ask the developer is one, to pay a living wage, to ensure that the employees
774 have forty hours, union representation; two, to emit no more light than what the
775 Glen Allen store's emitting right now; and three, to set up a bond to restore the
776 land to a green space if the business fails. That's my request. Thank you.

777

778 Mr. Witte - Any questions? Thank you, sir. Now would the
779 applicant come down please?

780

781 Mr. Hutcherson - Thank you, Mr. Chairman and members of the
782 Commission. My name is Kerry Hutcherson. I'm an attorney with Rudy Coyner,
783 Attorneys at Law, here tonight on behalf of the applicant, Par 3 Development
784 Group. I also have with me Mr. Lance Koth, the engineer for this project, and the
785 President of Par 3 Development Group, Lee Pittman.

786

787 I'd like to first just address—since we went in somewhat of a different order—the
788 comments that were made. With the exception of the couple of gentlemen who
789 spoke to architectural features, which I'll get to in a minute, the running theme
790 here that we've heard is that the opposition—it's really about the use. The use
791 was dealt with back in the zoning case back in 1988. The Citizens Against Dollar
792 General on Mountain Road understand this, or at least some of them do,
793 because on their website they have a frequently-asked-questions page. I'm just
794 going to quote right from that page because I think it's a very apt description of
795 what the matter is that you really have to decide today.

796

797 Now I'm quoting:

798

799 The fact of the matter is the property is zoned appropriately for this
800 type of store. Public comments were incorporated into the proffers
801 established in 1988. The developer is currently undergoing a plan
802 of development POD review with the Henrico County Planning
803 Commission. This POD review will see that the development plan
804 conforms to the proffers and accommodates public safety,
805 municipal utilities, VDOT, and other stakeholder agency
806 requirements. It should be if Par 3 voluntarily complies with all of
807 the proffers and stakeholder requirements to the satisfaction of the
808 County, this POD application will and should be approved per state

809 regulations. This would allow the construction of the store at the
810 time of the developer's choosing. While this isn't what most of our
811 community wants to hear, it is the reality.

812

813 And that's the end of quotation.

814

815 I think that's very appropriate. This is a ministerial decision you have in front of
816 you. It's not a zoning case. The zoning has already happened. The decision you
817 have before you is whether the plan of development as submitted meets the
818 requirements of the ordinance.

819

820 With that I will now turn to the plan of development itself and the issues that were
821 raised in the staff report. And just to give you a little background. When the plan
822 was submitted in the first week of November, the applicant sent a letter to the
823 Director of Planning with a detailed explanation of how all of the elements of the
824 ordinance had been met in the submitted plan. At that time, we asked the
825 Planning Director to let us know if there were any areas where that application
826 was incomplete. Mike Kennedy, staff lead—and by the way, thank you, Mike, for
827 your hard work on this case. Mike Kennedy had responded with a letter to the
828 applicant on November 24th outlining comments from the County Planning
829 Department that Mr. Kennedy said would delay approval of the plan. And neither
830 Mr. Kennedy nor anyone from the County's claimed that the plan was incomplete
831 as submitted.

832

833 Now the County has incorporated comments from Mr. Kennedy's letter into the
834 staff report that you have before you. There is a list of outstanding issues, and
835 I'm going to address those in turn.

836

837 As far as landscaping goes, the interior landscaping issues I think have been
838 dealt with. That was already reported by Mr. Kennedy. As far as the peripheral
839 landscaping requirements go, we've studied the ordinance very closely, and
840 we've compared it with the plan we've submitted. And it really does meet the
841 ordinance requirements. The ordinance doesn't say we're supposed to move,
842 relocate a utility easement like the Verizon easement that's in place. It says that
843 we can do our landscaping adjacent to that easement, which is what our plan
844 shows. And because the landscaping in that Verizon easement, those trees
845 there, that's not the landscaping we're using in this plan. If those trees die, we
846 really shouldn't have to replace those. We're happy to put in other trees in the
847 areas on the plan that have been designated for that landscaping. And we're also
848 happy to work with County staff in selecting the type of tree. So I think that
849 addresses the landscaping issues.

850

851 Oh, one more thing just to add. As far as getting a letter from Verizon goes,
852 Verizon is a big company. They're very—

853

854 Female - [Off microphone.] So are you.

855

856 Mr. Hutcherson - They're very frequently—

857

858 Mr. Witte - Excuse me. You'll have to leave if you insist on
859 injecting and interrupting his comments.

860

861 Mr. Hutcherson - Thank you, Mr. Chairman. We've had some issues in
862 the past with getting timely responses from Verizon on other projects. We're
863 going to have to contact them anyway per the Miss Utility laws if we're going to
864 do any work in their easement. So we'll contact them, but we would still like to
865 request that that condition, number 33, be deleted. I'm just noting that.

866

867 Drainage has been addressed per Mr. Kennedy's comments that he just made.

868

869 Relocation of the county utility easement. I think we're really close here. The only
870 issue is that the way that that condition number 34 is worded is a little confusing
871 to us. It says that the existing sixteen-foot utility easement in conflict with the
872 building footprint shall be vacated prior to approval of construction plans for the
873 site. If this plan of development is considered construction plans, then we're
874 going to have a problem because we can't start relocating that utility easement
875 and that sewer main until the POD has been approved. So if we could somehow
876 modify this condition so that it just explains that once the POD is approved, a
877 condition of the approved POD is we will relocate that utility and we'll get
878 approval of the Board of Supervisors, that would be fine.

879

880 Mr. Emerson - The construction plans follow this approval.

881

882 Mr. Hutcherson - I'm sorry?

883

884 Mr. Emerson - The construction plans follow this approval.

885

886 Mr. Hutcherson - Thank you. That's what I was looking for clarity on.

887

888 Mr. Emerson - So it's the next phase. If the Commission were to
889 approve your plans tonight, that condition would be on there and it would have to
890 be satisfied prior to final construction plans being signed. The vacation would
891 have to occur.

892

893 Mr. Hutcherson - Okay. And those final construction plans would be
894 signed by a staff person.

895

896 Mr. Emerson - Correct.

897

898 Mr. Witte - You're aware, though, that if the Board of Supervisors
899 does not approve the vacation of the easement, the POD is worthless.

900

901 Mr. Hutcherson - Yes sir. And to that point, I should point out that we've
902 studied this. Mr. Koth has studied the engineering requirements. And it's possible
903 to relocate that utility and meet all County development requirements. So we're
904 quite confident that there will be no reason to disapprove it. So that's the utility
905 easement.

906

907 And then finally we have the architectural style. So proffer 8, architectural style.
908 Now just to state it one more time, proffer 8 requires that the building architecture
909 shall be of Colonial or Victorian style to be determined and approved by the
910 Planning Commission at time of POD and shall be constructed predominately of
911 brick, glass, stone, Dryvit, or beaded lap siding. The design and the materials
912 shall be predominately the same on all sides of the building.

913

914 The building is predominately brick, and the material and design are
915 predominately the same on all sides. As far as whether it's a Colonial or Victorian
916 style, the County doesn't have a definition for what that is, but we provided a
917 definition from our architect, John C. Hood, and I'm just going to read it right now.
918 This is what he says:

919

920 American Colonial is a simple, direct, principally orthogonal style in
921 plan, most often symmetrical and incorporating the following
922 elements:

923

- 924 • Entry porticos with gabled pediments;
- 925 • Minimal roof overhang with dentil trim freeze work at eaves
926 and cornices;
- 927 • Slate or shake roofing; and,
- 928 • Double-hung windows with shutters

929

930 Our design in the plan has these elements. It's Colonial in its architectural style.
931 Now there were some comments about some other things that it should have or
932 doesn't have or the materials. But the proffer doesn't speak to the materials, and
933 it doesn't speak to specific design features. All it says is that the building shall be
934 of a Colonial or Victorian style, and this is a Colonial style.

935

936 Mr. Branin - In your opinion.

937

938 Mr. Hutcherson - Not just in my opinion. In the opinion of a licensed
939 architect. And by the way, I consulted with my colleagues at the Department of
940 Historic Resources and went through this definition, and they agreed with it.

941

942 Mr. Branin - Did you also show them your elevations?

943

944 Mr. Hutcherson - I did show them the elevation.

945

946 Mr. Branin - You did or did not?

947
948 Mr. Hutcherson - I did.
949
950 Mr. Branin - And they agreed with you.
951
952 Mr. Hutcherson - And they said that has features of a Colonial style.
953
954 Mr. Witte - Wait a minute, wait a minute, wait, a minute. It says it
955 has *features*. It doesn't say it is the style. Buildings can have a lot of features of
956 many different designs, but they're not necessarily in the style of. I have some
957 concerns about that. You have a licensed architect speaking in favor of it. We've
958 had two architects speak against it. They tell me three. So that's still up for
959 debate.
960
961 Mr. Hutcherson - Okay. Well, I see your point. And what I would say in
962 response is of the list of items the County staff asked us to put into this design,
963 all but one were included. So that's a lot of features included that are Colonial.
964 Okay.
965
966 So in summary—
967
968 Mr. Leabough - That is funny.
969
970 Mr. Hutcherson - I'm sorry?
971
972 Mr. Leabough - It's funny what you just said.
973
974 Mr. Witte - I have another question. In my research, and I'm
975 spent many hours on it, Colonial design requires a center entrance on the long
976 side of the building. I found that on almost every website I've checked. This
977 doesn't have that. Is there a reason?
978
979 Mr. Hutcherson - If you'd like Mr. Koth to come up, he might be able to
980 tell you, but we don't have our architect here. He's actually in the hospital at the
981 moment.
982
983 Mr. Witte - And that's just one of many.
984
985 Mr. Koth - I can speak from an engineering perspective of the
986 site.
987
988 Mr. Branin - Would you please state your name?
989
990 Mr. Koth - I'm sorry. It's Lance Koth, the engineer. As we laid out
991 this site, we looked at various different prototypes. The function the way trucks
992 pull in, the way cars pull in, where they want to get to and where they want to

993 park, it functions best with the entrance where it is. It pulls the entrance up
994 towards Mountain Road so it speaks to the community a little more along
995 Mountain Road rather than being this side of the building facing Mountain Road.
996 Some of these are aesthetic issues that aren't really an engineering issue, but
997 that's how the decision was made of where that entrance would go.

998
999 Mr. Witte - Okay. So it's more of a convenience issue for the
1000 business.

1001
1002 Mr. Koth - It was an aesthetic issue. It's a functional and an
1003 aesthetic issue.

1004
1005 Mr. Witte - The Colonial style is aesthetic. The other thing you
1006 brought up was the issue about the turnaround. That to me is a safety issue.
1007 Wouldn't it be much safer rather than to have the delivery vehicles, vans, semis,
1008 whatever they bring in, instead of pulling into the parking lot, backing through the
1009 parking lot, to have an entrance on Mountain Road for deliveries only? I think that
1010 would be much more user-friendly for the delivery vehicles, for the people in the
1011 parking lot so that they can get out without having that, and more importantly, for
1012 the safety of the customers or children who are walking in the parking lot while
1013 these vehicles are backing up.

1014
1015 Mr. Koth - If you're talking about having an actual access point
1016 on Mountain Road—

1017
1018 Mr. Witte - Yes sir, I am.

1019
1020 Mr. Koth - —there are several reasons not to do that.

1021
1022 Mr. Witte - Please explain.

1023
1024 Mr. Koth - Well, in my initial talk with staff, the distance from the
1025 existing intersection to what would be our entrance, and in fact even to the
1026 property line, is a proximity issue. It doesn't meet access spacing regulations and
1027 requirements and recommendations. The depth of the site and the width of the
1028 site would not allow the truck to turn around without getting into the access on
1029 John Cussons. So you're talking about a truck stopping in the middle of Mountain
1030 Road and then backing up in Mountain Road in order to do that.

1031
1032 Mr. Witte - I'm not sure I agree with that. I have met with our
1033 engineers, and they have designed a very nice turnaround coming in off of
1034 Mountain Road with a turn lane. It doesn't interfere with the customers, and it
1035 would probably require the front entrance to be located in the center of the
1036 building as it should with a Colonial architecture.

1037

1038 Mr. Koth - I have not seen that plan. It would surprise me if it met
1039 all of the requirements.
1040
1041 Mr. Witte - Would you like to see it?
1042
1043 Mr. Koth - Well, if you hold it up, I can see that your turn lane
1044 that you're talking about—
1045
1046 Mr. Witte - Can we put this up, please? Mr. Kennedy? While
1047 they're doing that, another point of contention I have is the Colonial architecture
1048 has a larger main building with smaller—when they have smaller attached
1049 buildings or rooms to the side. This is exactly the opposite of that. So I have
1050 another architectural issue.
1051
1052 Mr. Koth - I haven't heard that one yet. That's a new one to me.
1053
1054 Mr. Witte - It's online many places.
1055
1056 Mr. Hutcherson - We may all have different opinions, but there needs to
1057 be a standard against which the term *Colonial* or *Victorian* architectural style can
1058 be measured. And we've provided a standard; the County hasn't provided a
1059 standard.
1060
1061 Mr. Witte - You have *proposed* a standard. And it has to be
1062 acceptable to the Commission. All right. I have no other questions. Would you
1063 like to continue?
1064
1065 Mr. Hutcherson - I would like to continue.
1066
1067 Mr. Witte - Please do.
1068
1069 Mr. Hutcherson - I just have a min—
1070
1071 Mr. Koth - There are lot of issues with this plan. The very basic
1072 issue on this thing is your entrance is too close to John Cussons. You have
1073 trucks pulling in and out of the entrance here, and it looks like you're within about
1074 100 feet of John Cussons. One of the first things we did when we looked at this
1075 site is we met with the staff, and the staff said adamantly you cannot put an
1076 entrance on Mountain Road. It's too close. It doesn't work. It isn't safe. Your entry
1077 and exit of a truck there conflicts with John Cussons. If that truck can make that
1078 turn, and I'm not sure it can, it doesn't look like it could, I'm not sure how you're
1079 backing into any kind of loading facility. And if you are, that loading facility is right
1080 on Mountain Road. And I'm sure you don't want that.
1081
1082 Mr. Witte - No, I'd like to have it in the rear of the building.
1083

1084 Mr. Koth - There's no screening here. You're looking at your
1085 loading area. And you've already knocked away the twenty—I believe it's a
1086 twenty-foot buffer that's required by proffer in there. You've used up most of that
1087 with your entrance. And what you haven't used up with that, you've got the truck
1088 lane in there. I don't know who drew this plan, but it looks like they didn't read the
1089 proffers or know anything about access standards. So I would contend that no,
1090 this plan does not work. And it probably doesn't function.

1091
1092 Mr. Witte - The Director of Community Services Relations. That's
1093 your opinion.

1094
1095 Mr. Koth - It's my opinion.

1096
1097 Mr. Witte - Yes sir. Thank you. Would you like to continue, sir,
1098 Mr. Hutcherson?

1099
1100 Mr. Hutcherson - Yes sir. Thank you, Mr. Chairman.

1101
1102 In conclusion, we provided a complete plan of development. It meets the
1103 requirements in the ordinance, County Ordinance, Section 24-106. And as I've
1104 explained, the applicant's plan also meets the proffers on this property. At this
1105 time, Mr. Chairman, I'd like to ask that you and the Commission vote to approve
1106 this plan of development. And should you not approve the plan, I ask that you
1107 identify deficiencies in the plan that caused disapproval by reference to specific
1108 duly authorized and adopted ordinances, regulations, or policies, and identify to
1109 the greatest extent practicable modifications or corrections that will permit
1110 approval of the plan as required by Virginia Code, Section 15.2-2259 and County
1111 Code, Section 24-106. Thank you for your careful consideration of this plan.

1112
1113 Mr. Witte - Any questions by the Commission?

1114
1115 Mr. Archer - Mr. Hutcherson, before you go to your seat, you did
1116 quote from the FAQ section of the website for this group.

1117
1118 Mr. Hutcherson - Yes, sir.

1119
1120 Mr. Archer - That sort of summarizes what we have to do as a
1121 Commission in order to make a decision. And we do have to make a decision
1122 one way or the other. But in listening to the opponents that came up tonight,
1123 several of them who have architectural experience—and I'm sure there are other
1124 reasons that folks would state, but most of them stated that their biggest reason
1125 for being opponents was the architectural style. They're not pleased with it at all.
1126 Can you think of any way that you could attempt to resolve that issue with regard
1127 to the architectural style since that seems to be the common theme about this
1128 building not fitting in with the style and features of the neighborhood?

1129

1130 Mr. Hutcherson - Well the applicant has worked diligently with the
1131 County staff to incorporate a number of changes to the style of the building. And I
1132 think that at this point—

1133
1134 Mr. Branin - Let me stop you right there. Honestly? I'm going to
1135 make a statement and give you an opportunity. The original was closer to the
1136 mark than the current elevation. So he's obviously made a movement, but not in
1137 the right direction. You just had a Commissioner ask you is there something you
1138 would like to do to try to resolve this. Would you like to defer this out and work on
1139 this a little longer?

1140
1141 Mr. Hutcherson - I think we've worked on it long enough, and really
1142 need a decision at this point.

1143
1144 Mr. Branin - So what you're saying is you're unwilling to meet the
1145 criteria that the community as well the Commissioners here are saying in that we
1146 don't think this meets the criteria needed for this building. You're saying you're
1147 not willing to push forward for that.

1148
1149 Mr. Hutcherson - We're not saying we're not willing to meet the criteria;
1150 we're saying we think we have met the criteria.

1151
1152 Mr. Leabough - Folks disagree, obviously, right?

1153
1154 Mr. Hutcherson - People disagree about things.

1155
1156 Mrs. O'Bannon - I've got to say something.

1157
1158 Mr. Hutcherson - You've got to have some standard to be able to base
1159 that disagreement on. We've provided a standard. We've provided our definition
1160 for what characteristics are typical of Colonial style architecture.

1161
1162 Mr. Branin - Madam Supervisor?

1163
1164 Mrs. O'Bannon - I don't usually speak, but I will say that in representing
1165 the Tuckahoe District, we have a clear vision of what that architectural style is
1166 when you talk about Colonial. It does say that the "architecture shall be
1167 determined and approved by the Planning Commission at the time of POD." It is
1168 apparent that the Planning Commission has not seen these plans in sufficient
1169 time that they could make this judgment. You've seen that very clearly from the
1170 comments that have been made.

1171
1172 A Colonial style is very apparent in our County. I would use the example of the
1173 River Road Shopping Center. There is a small shopping center of less than two
1174 acres across from the Tuckahoe Shopping Center at Ridge Road and North
1175 Ridge Road. Much care was given by the Rite Aid Corporation to make it have

1176 that Colonial style that we describe and that was approved by the Planning
1177 Commission at that time. There is also the Gayton Crossing Shopping Center in
1178 the Colonial style that we use in Henrico. So Henrico does have a vision for
1179 Colonial style. What you are hearing from the Planning Commission is that you
1180 did not reach that threshold of the term *Colonial style*. And it does say the
1181 architecture shall be determined and approved by the Planning Commission at
1182 the time of POD.

1183
1184 Mr. Hutcherson - Yes ma'am, it does.

1185
1186 Mrs. O'Bannon - So I was hoping you would—they're asking you to
1187 please try again.

1188
1189 Mr. Hutcherson - Yes ma'am, it does, but it doesn't say that they can
1190 make that decision in their absolute discretion. It has to be a reasonable
1191 decision. It has to be a decision that's based upon a standard.

1192
1193 Mr. Leabough - He doesn't do much of these cases.

1194
1195 Mr. Witte - Mr. Hutcherson, I think you've missed the point. The
1196 vision that has been developed, not just exclusively to the Tuckahoe District, but
1197 in the County in general. They have set that standard. It is already in place. They
1198 have real windows as operating windows, as you have said previously in your
1199 statement, this has fake windows. That doesn't meet it by your own admission.
1200 And many other issues. The safety issue is still an issue. So the architecture is
1201 not the only issue here, but it is a primary issue. By your own statement, it needs
1202 real windows. By the rest of the vision architect—or as I will call it, our standard
1203 that we have in the County for Colonial, they have center doorways. This does
1204 not.

1205
1206 Mr. Hutcherson - Well sir, this is the first that we're hearing of the
1207 standard in the County.

1208
1209 Mr. Witte - Have you checked with anybody in the County?

1210
1211 Mr. Hutcherson - We've been working with the County staff. You think
1212 they would have brought it up.

1213
1214 Mr. Witte - I have worked on many PODs.

1215
1216 Mr. Leabough - It's in the staff report.

1217
1218 Mr. Witte - At a meeting with Mr. Koth and a representative of the
1219 Par 3, 5, whichever one it was, I gave them my card with my phone number and
1220 my e-mail and told them I needed to sit down with them and go over architecture
1221 and safety issues. That was in October, and I never heard from them. So in my

1222 opinion, they didn't reach out to me as the Commissioner of the district to see
1223 what standards we have. There was no effort there at all. I even called down
1224 there one time and explained to the gentleman that we needed to get this straight
1225 and discuss it. No reply.

1226
1227 Mr. Hutcherson - Well I don't know if Mr. Koth wants to respond to that.

1228
1229 Mr. Branin - Mr. Hutcherson. In speaking for Brookland, the next
1230 door neighbor, as well, the Three Chopt District, I can list off probably five
1231 Colonial style buildings. The most ironic one is—it has since closed as a Dollar
1232 General. But I have a Dollar General in Colonial style that was built in the early
1233 '90s by—who developed that out? Even the gas station is in Colonial style.
1234 Hanky. J. Hanky built it in the early '90 or late '80s, and it was a Dollar General.
1235 So the Colonial style, that concept and that design criteria is throughout Henrico
1236 County.

1237
1238 Mr. Hutcherson - Okay. Well, thank you for letting us know. I think
1239 Mr. Pittman from Par 3 has something to say.

1240
1241 Mr. Branin - Absolutely Mr. Pittman.

1242
1243 Mr. Witte - Please.

1244
1245 Mr. Pittman - My name is Lee Pittman, Par 3 Development. We've
1246 been trying to get a consensus from Planning on the architecture for three
1247 months. You did call our office, but you didn't call about the Colonial. You called
1248 about the—asking us to relocate our site.

1249
1250 Mr. Witte - No sir.

1251
1252 Mr. Pittman - Yes sir.

1253
1254 Mr. Witte - Only as part of it. I told them that we had plenty—

1255
1256 Mr. Pittman - That's not what we heard.

1257
1258 Mr. Witte - Please, carry on.

1259
1260 Mr. Pittman - We heard you—I can take you to another site that will
1261 get approved.

1262
1263 Mr. Witte - No sir, I never said that.

1264
1265 Mr. Pittman - That's what you said.

1266
1267 Mr. Witte - No sir.

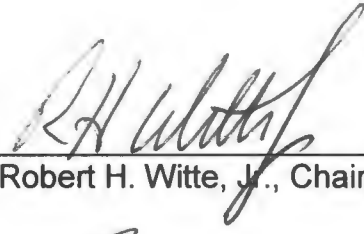
1268
1269 Mr. Pittman - Yes sir.
1270
1271 Mr. Witte - Would you produce that?
1272
1273 Mr. Pittman - Well, I was on the phone.
1274
1275 Mr. Witte - Would you produce that?
1276
1277 Mr. Pittman - I don't record phone calls.
1278
1279 Mr. Witte - Well, then you're calling me a liar.
1280
1281 Mr. Pittman - I didn't say that; you did.
1282
1283 Mr. Witte - No. Please continue.
1284
1285 Mr. Pittman - I am from the South. I live in a very nice community
1286 just like this one. I'm not trying to deter this community. We will go back and do
1287 another rendering for you for Colonial. But we have followed Mr. Kennedy's, the
1288 Planning Department's, Board—we put a nice store in Varina. Is that not
1289 Colonial?
1290
1291 Mr. Leabough - No.
1292
1293 Mr. Pittman - What is it?
1294
1295 Mr. Leabough - It's not Colonial.
1296
1297 Mr. Pittman - But tell me what it is.
1298
1299 Mr. Witte - A nice building.
1300
1301 Mr. Leabough - It's not Colonial.
1302
1303 Mr. Pittman - It's the County. It's the same thing.
1304
1305 Mr. Leabough - I'm not going to debate you regarding that. I can tell
1306 you my opinion. This is not Colonial architecture. That's just my opinion.
1307
1308 Mr. Pittman - I'm just saying. We've built very nice ones in your
1309 community.
1310
1311 Mr. Leabough - I didn't say it's not nice; it's just not Colonial.
1312
1313 Mr. Pittman - But it's zoned commercial. We own the property.

1314 Mr. Branin - Mr. Pittman, so you said you will go back.
1315
1316 Mr. Pittman - Yes sir.
1317
1318 Mr. Branin - So would you like to ask for a deferral?
1319
1320 Mr. Pittman - Yes sir.
1321
1322 Mr. Branin - Okay. You may ask.
1323
1324 Mr. Pittman - I would like a deferral.
1325
1326 Mr. Branin - Okay. Mr. Chairman?
1327
1328 Male - [Off microphone.] Is there a Dollar General in your—
1329
1330 Mr. Witte - Excuse me.
1331
1332 Mr. Pittman - That's irrelevant, sir.
1333
1334 Mr. Witte - Mr. Pittman, please do not—
1335
1336 Mr. Pittman - No, I'm talking.
1337
1338 Mr. Witte - Mr. Pittman. Mr. Pittman, please address us, not
1339 them.
1340
1341 Mr. Pittman - Then they need to respect my time up here. I didn't
1342 say anything during their time.
1343
1344 Mr. Branin - He's requested. I'll do your motion for you, if you wish.
1345 The next zoning date is?
1346
1347 Mr. Emerson - January 14th.
1348
1349 Mr. Leabough - January 14th, one month.
1350
1351 Mr. Witte - I think it's going to take more than that, myself.
1352
1353 Mr. Leabough - It's the applicant's request, though.
1354
1355 Mr. Branin - Do you think you could produce it in a month?
1356
1357 Mr. Pittman - Yes sir.
1358
1359

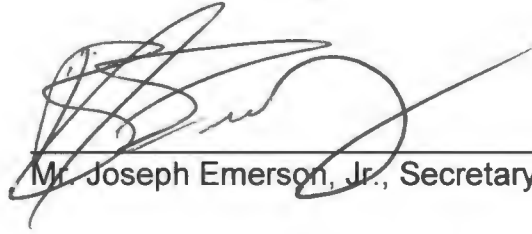
1360
1361 Mr. Branin - Okay. Then he's requesting the fourteenth.
1362
1363 Mr. Witte - Would someone like to make a motion on that
1364 because I'm not—
1365
1366 Mr. Branin - I would be happy to. I would like to move that
1367 POD2015-00356, Dollar General at 3012 Mountain Road be deferred per the
1368 applicant's request to the January 14th meeting giving an opportunity to meet the
1369 criteria of Colonial architecture for the Dollar General.
1370
1371 Mr. Leabough - Second.
1372
1373 Mr. Witte - Before we vote on that, there is a safety issue that I'm
1374 also concerned with. I can make an amendment to that. But, there are several
1375 issues.
1376
1377 Mr. Branin - Staff can get with them on that.
1378
1379 Mr. Pittman - Before you vote on that, may I have a second to
1380 speak with my client?
1381
1382 Mr. Witte - Certainly.
1383
1384 Mr. Pittman - Thank you.
1385
1386 Mr. Archer - While the gentlemen are conferring—
1387
1388 Mr. Witte - Excuse me.
1389
1390 Mr. Archer - Mr. Hutcherson read a statement that was in your
1391 frequently asked questions as to how and why we need to make a decision here.
1392 I need to say this because this is serious. We do have to make a decision, and it
1393 has to be based on how we have to interpret the rules that we are given. It
1394 doesn't matter if 10,000 people show up at the meeting and say we're opposed
1395 to this. We're not counting beans up here. We have to make a serious decision
1396 that can have some serious legal implications. So I just want to say that to let you
1397 know that what you had in your frequently asked questions is the protocol that we
1398 have to attempted to follow in order to make a decision. We may have some
1399 other things to talk about, but I just want to mention that because we can't take
1400 this frivolously and we can't take it lightly. It's a serious decision that needs to be
1401 made. I just want everybody to keep that in mind before we vote on the motion.
1402
1403 Mr. Witte - - Mr. Pittman.
1404

1405 Mr. Pittman - Yes sir, Mr. Chairman. I'd like to retract my motion.
1406 Please vote on it tonight.
1407
1408 Mr. Branin - Okay. Mr. Chairman, I'd like to move that POD2015-
1409 00356, Dollar General at 3012 Mountain Road be denied based on not meeting
1410 the criteria within as well as being given the opportunity to meet that criteria.
1411
1412 Mr. Witte - I'll second that.
1413
1414 Mr. Witte - We have a motion by Mr. Branin, a second by
1415 Mr. Witte. All in favor say aye. Opposed? The motion passes. Thank you.
1416
1417 Excuse me. Excuse me, please. Sit down. Excuse me. We are still in session,
1418 and Mr. Hutcherson has a comment.
1419
1420 Mr. Hutcherson - Mr. Chairman, thank you. I just want to note our
1421 objection and reserve our right to appeal. Thank you.
1422
1423 Mr. Witte - Yes sir. Thank you. Mr. Emerson, that being taken
1424 care of, is there any other business on the agenda?
1425
1426 Mr. Emerson - Yes, Mr. Chairman. The next item on your agenda
1427 this evening would be the consideration of the approval of your minutes from the
1428 Planning Commission meeting of November 12th. You also have an errata sheet.
1429
1430 Mr. Witte - Do we have a motion?
1431
1432 Ms. Jones - I move approval of the minutes as amended or
1433 corrected.
1434
1435 Mr. Leabough - Second.
1436
1437 Mr. Witte - We have a motion by Mrs. Jones, second by
1438 Mr. Leabough. All in favor say aye. Opposed? The motion passes.
1439
1440 Mr. Emerson - Mr. Chairman, I have nothing further for the
1441 Commission this evening.
1442
1443 Mr. Witte - Thank you, staff. Thank you, public, for coming out
1444 and voicing your opinions. As Mr. Archer had stated, the sentimental, historical,
1445 and other sentimental reasons really don't play into the decision. But it's nice to
1446 see that there are a lot of people in the community interested and involved. So I
1447 thank you and good night.
1448
1449 The meeting is adjourned.
1450

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1461



Mr. Robert H. Witte, Jr., Chairman



Mr. Joseph Emerson, Jr., Secretary