

1 **Work Session Summary** of the Planning Commission of the County of Henrico held in
2 the Manager's Conference Room, County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 5:00 p.m., February 14, 2019.
4

Members Present: Mr. Gregory R. Baka, Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mrs. Melissa Thornton (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Ms. James P. Strauss, PLA, Senior Principal Planner
Mr. Ben Blankinship, AICP, Senior Principal Planner
Mr. Miguel Madrigal, County Planner
Ms. Sylvia Ray, Recording Secretary

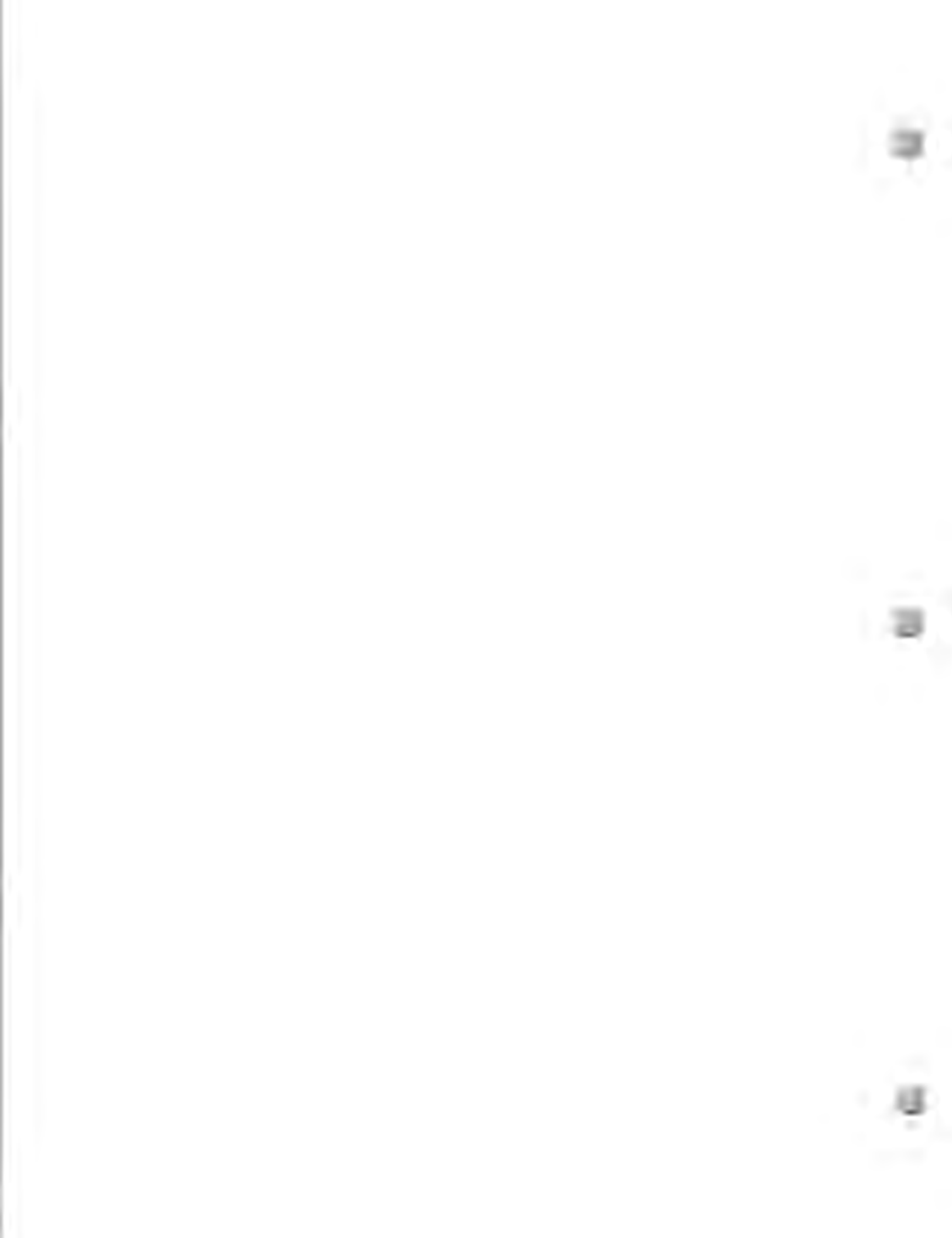
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6 **The Commission convened a work session in the Manager's Conference Room at**
7 **5:00 p.m.**
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9 Mr. Baka called the work session to order, then turned the meeting over to the Secretary
10 of the Planning Commission, Mr. Joe Emerson, Director of Planning.
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12 Mr. Emerson reminded commissioners of the January 10, 2019 public hearing held on
13 Short Term Rentals (STRs). Mr. Miguel Madrigal presented a summary of the comments
14 received from the community, as well as a staff response to each suggestion.
15

16 Members discussed stakeholders' comments related to hosted/non-hosted stays, the
17 proposed 30-day limit for STRs, the prohibition on the use of rental properties, and the
18 effects on local neighborhoods. Additional feedback from the Commission will be received
19 at a work session following the February 27, 2019 public hearing.
20

21 The Commission recessed their meeting at 5:35 p.m.



1 THE PLANNING COMMISSION RECONVENED AT 6:00 P.M. FOLLOWING
2 DINNER.

3
4 PUBLIC HEARING THE ON CAPITAL IMPROVEMENT PROGRAM:
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6 Minutes of the Capital Improvement Program presentation held in the County
7 Administration Building in the Government Center at Parham and Hungary
8 Spring Roads, beginning at 6:00 p.m., Thursday, February 15, 2018. Display
9 Notices having been published in the Richmond Times-Dispatch on January 29,
10 2018 and February 5, 2018.
11

Members Present: Mr. Gregory R. Baka, Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mrs. Melissa Thornton (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
Secretary
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Mr. John A. Vithoukas, County Manager
Mr. Justin Crawford, Budget Director
Other Department Heads and Key Officials
Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Ms. Sylvia Ray, Recording Secretary

12
13 Mr. Baka - Good evening, welcome to this meeting of the
14 Planning Commission. It started at 5:00 with a work session upstairs and tonight
15 we have the Capital Improvement Program public hearing. At this time, I would
16 like to turn the meeting over to our Secretary, Mr. Joe Emerson.
17

18 Mr. Emerson.- Yes, thank you, Mr. Chairman. As you noted we did
19 start this evening with a work session where we continued to discuss the short
20 term rental ordinance and proposals and options that are available to the County.
21 As you noted we did recess at 5:45, we reconvened at 6:00 o'clock.
22

23 The first item on our agenda this evening is the public hearing on the Capital
24 Improvement Program. It is to consider the 2019-2020 through fiscal years
25 2023-2024 Capital Improvements Program.
26

27 We are honored tonight to have the County Manager with us. He visits us once a
28 year, and we're always happy to see him. With, that I'll turn the meeting over to
29 him.

30 Mr. Vithoukias - Thank you Mr. Emerson, members of the Planning
31 Commission. I want to thank you for hosting us again. This is an annual event
32 where we go through the 5-year Capital Improvement Program that the
33 Departments have put forward. I want to just take a moment to thank the
34 Department Heads for all of the work that they have done in putting this product
35 forward, the Budget Office for all of your work in synthesizing it. There is a lot
36 going on here. Now, having said that, when you look at any 5-year Capital
37 Improvement Program that the County has ever put forward, not everything in
38 this Program will be funded within that 5-years. And I would dare say, not
39 everything within this 5-year Program will be funded period. There are projects in
40 the 5-year Capital Improvement Program that I think were around when I first
41 came to this County 23 years ago, as a Budget Analyst.

42
43 But this is the best planning tool that we have from this 5-year Capital
44 Improvement Program. Then what happens is, the 2nd week in March, I will
45 present a proposed Capital and Operating Budget to the Board of Supervisors.
46 That Capital Budget is the first year of this Capital Improvement Program, and
47 only a subset, if you will, of that first year because not everything that is shown in
48 the first year of this Capital Improvement Program will actually end up being in
49 the Capital Budget. I would say that as we move into this presentation, we're
50 fortunate as a County, in that our voters overwhelmingly approved a Bond
51 Referendum in 2016. The largest referendum in our County's history, the largest
52 approval ratings that we've ever obtained for projects in five categories. You can
53 see the lion's share, once again going forward, for Schools. One thing that was
54 unusual in the Referendum for 2016 is the amount for Parks projects. So, if you
55 look at that \$87.1 million dollar total, the Referendum in 2016 actually is greater
56 than all prior referenda, up until that time, for Parks. And the reason for that is
57 the shifting nature of our parks and the foray that we have made in sports tourism
58 and the success that we're having within that realm.

59
60 So, let me just show you, just a glimpse of the infrastructure that the Department
61 Heads bring forward. You can see, when you look, our County 72 schools and
62 facilities, nearly 4,058 park acres, 10 libraries (and that does not include a new
63 library that will open, the new Fairfield Library, that will open in October of this
64 year), you'll see 20 Firehouses, 3,526 miles of road. We now have the third
65 largest road network in the Commonwealth of Virginia. And then you can see
66 now the many, many miles of infrastructure that we actually spend millions of
67 dollars on and then put in the ground and forget about until we do something like
68 this.

69
70 The need to maintain our infrastructure—it grows every day. Sometimes we
71 don't notice it until it fails. If you have seen—you may have seen, just a number
72 of news reports regarding water breaks that occur within the County, or utility
73 issues that we have, and that's because we have for a number of years,
74 implemented a standing procedure within the County where, if there is water
75 main break that impacts traffic or our residents we put it out to all of the news

76 agencies so you'll see Henrico, Henrico, Henrico. Not everyone is doing that.
77 But you can see some of the infrastructure that is necessary to be maintained.

78
79 Overall, when you look at this document, the Capital Improvement Program,
80 you'll see a big total of \$1.4 billion dollars in overall infrastructure requests across
81 all of these areas. So, let me just delve into those areas, if you will.

82
83 The first one is Education. And again, the lion's share of the funding, the lion's
84 share of the requests, the lion's share of what we do is within the realm of our
85 school system. You are not going to see, I certainly hope, I have not seen it in
86 my tenure with the County, we maintain our education, infrastructure so you're
87 not going to see some of the headlines that you see in other Counties.

88
89 A total of 23 requests have been put forward totaling \$653.6 million dollars.
90 Again, I want to caveat in this area as well, not everything in this 5-year plan is
91 likely to be funded in this 5-year plan. And I daresay there are projects in the 5-
92 year plan that will probably not likely not be funded.

93
94 But we do have a submission that includes bond referendum projects of \$158
95 million that would be allocated towards the construction of two replacement high
96 schools – Tucker and Highland Springs, one new high school technical center -
97 Glen Allen, one new elementary school, the Brookland area, as well as the
98 renovation of one elementary school at Adams.

99
100 We have the fortune of having Meals Tax projects—Meals Tax funding that's
101 been allocated for this 5-year plan. \$45 million dollars has been forecasted for
102 various maintenance and rehabilitation projects for Schools' facilities. The
103 projects include improvements to school facilities such as bathroom, kitchens,
104 lighting, mechanical infrastructure, roof, site improvements, and security
105 enhancements. The ongoing roof and mechanical infrastructure improvements is
106 another category that we have funded for many, many years. So, with the school
107 costs that we have, if roofs wear out, if HVAC systems wear out, the County has
108 provided pay-as-you-go funding. For many, many years you'll see in this 5-year
109 period \$12.5 million that's allocated. And you can see as a community, with this
110 Meals Tax 316 projects to date have been funded with Meals Tax in the past five
111 years. And you can see some of the examples that that revenue is providing, it
112 also provides funding for referendum projects. It also is providing funding for the
113 schools operating project, a significant revenue resource that continues to
114 increase because of the economic activity and tourism activity that we have in
115 our County.

116
117 Public Utilities you'll see comes in with 35 requests totaling, just over \$299 million
118 dollars. They are working on the largest infrastructure project right now—Chip
119 England and his group, which is the Cobbs Creek Reservation Project. The
120 largest infrastructure project we've ever undertaken as a County. And that's not
121 included in this. And again, in Utilities you're going to see projects within this 5-

122 year time period that likely will go beyond the 5-year period. But what you're
123 seeing here, and what you'll see Utilities reflected on page 16 of your book, is a
124 lot of the infrastructure we have to maintain. And the difficulty with Utilities is that
125 much of the infrastructure we don't see. So, Chip will dig up old pipes, replace
126 them with new pipes and spend millions of dollars. And then a couple of years
127 down the road you really don't know that he's been in that area because of the
128 work that he's done.

129
130 Transitioning to Public Safety, here you'll see requests from Fire, Police and the
131 Sheriff with a total of just over \$127 million dollars. Two bond referendum
132 projects for Fire. These are the new Staples Mill Road Firehouse, which is on
133 our campus. You'll see the Eastgate/Newbridge Firehouse land which has been
134 acquired already.

135
136 The Police Division has submitted \$22.4 million dollars in projects over the 5-year
137 CIP. They include construction of a new evidence storage facility, which is
138 currently underway. Second year funding that will be included in the Capital
139 Budget, a police range classroom addition project you'll see coming forward, and
140 a new station for both portions of the County, Eastern first. We are currently
141 renting space at Fair Oaks off of Airport Drive and we'd like to convert that into a
142 permanent facility. And long term I would say--suggest that out of the 5-year
143 period, I would say a new station in the Western area of the County.

144
145 Our Sheriff's Office also--he's got two jails to maintain and a lot of infrastructure,
146 \$37.1 million dollars in projects over that 5-year CIP. The submission includes a
147 jail east special housing unit facility, that totals \$35.8 million dollars. And, in
148 addition, the Sheriff's Office has submitted various building improvement projects
149 that total \$1.3 million dollars: kitchen renovations, booking security barriers,
150 camera upgrades, and a housing expansion. Significant infrastructure here as
151 well, but it's all got to be a phased plan over time.

152
153 Requests for Recreation and Parks can be found on page 7 of your books – and
154 you will see requests, underline requests, for a total of \$83.5 million dollars,
155 including improvements to existing facilities as well as development of new parks
156 and facilities to improve the quality of life for our citizens. Now with Recreation
157 and Parks you have seen all of the activity coming through the Planning
158 Commission. A lot that is going on here. A lot because of the bond referendum
159 and the Board's adherence to all of those schedules. \$62.6 million dollars for
160 three new parks and improvements to five existing parks. Ongoing facility
161 rehabilitation projects are included at a forecasted cost of \$11.0 million dollars
162 and outside of this request, Recreation and Parks has submitted a maintenance
163 building project for \$3.2M, a visitor center totaling \$1.5 million dollars, and a new
164 kitchen for Meadow Farm, a small project, totaling \$266,000 dollars. Then we
165 have site improvement projects. Of the projects requested, four requests focus
166 on expanding our sports tourism efforts. They include additional fields at Dorey
167 Park, additional fields at Deep Run Park, the completion of Glover Park (what

168 you see now is half of the funded project), and the County's ability, as well as the
169 new Taylor Park, which will come underway just outside of Sandston. So, a lot of
170 new park facilities. In addition to everything that is ongoing, as well as the fields
171 that we have at our schools that are being converted.

172
173 Library's request totals \$19.9 million dollars over 5-years. They reflect
174 renovations to the Tuckahoe and Twin Hickory Library. Again, because the CIP is
175 a 5-year document, I believe those projects will probably traverse outside of that
176 time period.

177
178 You've seen a lot of road construction inside of our County and I think this is
179 going to continue especially going into the Spring because of a lot of sidewalk
180 projects. Mr. Yob has been incredibly busy. But if you look at page 7 of your
181 books – you'll see \$57.1 million dollars in requests. You are including
182 improvements to alleviate traffic congestion and safety problems. And as a point
183 of information, not every road project that we have in our County actually flows
184 through the CIP. There are other Federal funding sources that could come up
185 and Budget amendments. So, a project like Parham and Patterson, you'll see in
186 the CIP, but you have funding that continues to come forward.

187
188 Richmond Henrico Turnpike you'll see includes \$1.9 million dollars of proposed
189 improvements. They extend from Laburnum Avenue north to the Buckingham
190 Branch Railroad. This project includes widening the road from two to four lanes,
191 construction of a sidewalk and a shared use path. And again, multiple funding
192 sources are used. A total of \$14 million dollars in bond funds is included in the
193 CIP to assist in the construction this project. And then you'll see Woodman Road
194 extension in Brookland, Oakley's Lane, Varina, North Gayton Road in Three
195 Chopt, Kain Road in Three Chopt, appear in the CIP. Mr. Yob in Public Works
196 has done a phenomenal job in cobbling together multiple sources of funding and
197 this is a list of projects that we share with the Board of Supervisors frequently.
198 We most recently shared the holistic list of road projects at the retreat that the
199 Board had in January.

200
201 You'll also see General Services, Information Technology, Mental Health, Public
202 Works drainage requests. We had a lot of rain. You'd have to go back to the
203 late 1800's to see this type of rainfall that we have had, and drainage
204 requirements have changed over time, obviously. And then our stormwater
205 efforts come in at \$11.7 million dollars.

206
207 What I want to do right now, is just offer the Planning Commission an opportunity
208 to ask any questions of me and the Department Heads. I know this is a lot of
209 information that comes forward to you. Obviously, we are fortunate that the bond
210 referendum itself addresses many needs of the community. We have multiple
211 funding sources that come forward in the CIP. The Meals Tax for schools, a lot
212 of pay-as-you-go funding that the Board has allowed, and actually insisted on
213 creating over the years. We've had a pretty strong economy over the years. And

214 that economy, at some point, and I think sooner, rather than later is going to
215 change. And that ability that we have that pay-as-you-go component while we're
216 issuing bonds, we're no where near the County's debt capacity. We have a
217 number of funding sources that are present in the Capital Budget that present a
218 number of opportunities for infrastructure even in a difficult economic time period.
219 So, I could not be more pleased with the product that is here. The planning that is
220 underway. There is a lot, a lot of infrastructure projects that we have underway
221 even outside of what is planned to come forward.

222
223 So, at this point I'm sure the members of the Planning Commission have
224 questions for myself or staff. So, Mr. Emerson, I'll turn it over to you—and Mr.
225 Chairman.

226
227 Mr. Emerson - Mr. Chairman.

228
229 Mr. Baka - Questions from the Commission of Mr. Manager?

230
231 Mr. Witte - I think it's overwhelming how they get all of this done,
232 stay on top of it, stay ahead of it and keep us out of the recession.
233 The other localities seem to fall into on regular basis. I just want to commend the
234 County Manager and the staff. I think they do an excellent job, year after year. I
235 have no questions.

236
237 Mr. Mackey - Yes, Mr. Chairman. I have a question. Mr. Manager,
238 does the County currently operate any mobile libraries?

239
240 Mr. Vithoulkas - We do. Let me have the Library Director answer that
241 question because this is a good story.

242
243 Mr. Mackey - Okay.

244
245 Ms. Weedman - We do currently operate a mobile library service. It is
246 not the traditional big bus that we used to have in the past. We have sprinter
247 vans. They are very nimble, and they serve for more than 20 retirement centers
248 per month, as well as daycare centers, and some outreach events also.

249
250 Mr. Mackey - That's great news. Thank you.

251
252 Mr. Vithoulkas - Barbara Weedman, our Libraries Director. Our newer
253 Libraries Director right.

254
255 Mr. Archer - Mr. Manager.

256
257 Mr. Vithoulkas - Yes, sir, Mr. Archer.

258

259 Mr. Archer - I guess it wouldn't be right if I didn't say something
260 about this. Since y'all have accused me over the years of digging it up. I noticed
261 there wasn't any appropriation for Belmont proposed. And I've seen in the news
262 recently [unintelligible]. Have we had any input from the public? I think there is
263 one scheduled for April.

264
265 Mr. Vithoukias - We actually have three or four scheduled and Mr.
266 Thornton, I'll let you speak to it. He's actually set up a number of public meetings
267 already. What we said to the Board at our annual retreat, when you look at all of
268 our Parks and Recreation facilities throughout the County, if the County Manager
269 came forward and told you that we have a recreation facility that was used by
270 2,700 County residents last year. What would your reaction be? And 2,700, and
271 if you took that same acreage and compared it to a park, the numbers go
272 anywhere from 180,000 to almost 300,000. So, it is stark and if you add to the
273 fact that this is an operation that now is being subsidized. I think the public input
274 meetings could not come at a more appropriate time. But they are scheduled—
275 Neil, where's Neil, you have those dates?

276
277 Mr. Hart - Steve Hart from Rec and Parks. The first three public
278 meetings are going to be scheduled for April 16th, April 30th, and May 6th and they
279 are going to be from 4:30 – 7:30 at the Belmont Recreation Center. It's going to
280 be an open house kind of charrette where people can come and go and we'll
281 have the information. Those will be the first meetings.

282
283 Mr. Baka - Thank you for the invitation to this event.

284
285 Mr. Archer - I won't be at those meetings—to tell you the
286 truth...cause my voice [unintelligible]. But, I really hope we can appreciate that
287 we are the only municipality in the state that hosted a major championship. The
288 1949 PGA Championship, because Sam Sneed won. I'm kind of proud of that to
289 be honest with you. I understand all of the difficulty that's been going on with
290 trying to get people out to play. And, of course with those of us who play there,
291 even though I do very infrequently, know that it is in very bad condition. I guess
292 my thought is that if we were to improve it we might get some players back.

293
294 Mr. Vithoukias - That's possible, and that all part of the conversation.

295
296 Mr. Archer - I'm prejudiced, I know. But I swear, I didn't dig it up.

297
298 Mr. Witte - I think Mr. Archer's trying to be nice and not tell
299 everyone that that he used shovels instead of golf clubs.

300
301 Mr. Archer - It is a significant history that I think we can be quite
302 proud of.

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304 Mr. Vithoukias - It's an incredible facility. It is, at that.

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Mr. Archer - That's not the best reason of all reason to maintain a golf course. But the only municipality in the state that hosted a major championship is big history behind it that goes all the way back to Broad Street station. That's where the original Hermitage Country Club was.

Mr. Vithoukias - Mr. Thornton and I were talking about that, I think two weeks ago.

Mr. Archer - It was designed by A.W. Tillinghast.

Mr. Vithoukias - It's an incredible facility, there is no question.

Mr. Archer - That's why I—but I understand there's a number that you need to have. My hope is that if we maintain it we can entice people back to play and make it a thriving facility again. But we'll talk about it next year.

Mr. Vithoukias - Yes, sir.

Mr. Baka - Mr. Archer took my question I had about Belmont. Let me ask a question on the revenue side and focus on the expenditures. You mentioned \$45 million dollars from the Meals Tax for education. My two questions were, does all the meals tax go towards education programs and secondly, have the revenues collected from the meals tax, have they met our estimated forecast? Have they exceeded our forecast?

Mr. Vithoukias - We are pretty conservative as far as the revenue estimates. So, they have exceeded our forecast, then exceeded our forecast, and then really exceeded our forecast. So, we have partitioned the Meals Tax into three pieces, one for basically smaller capital projects like I showed you for the 300 some classroom renovations, that type of thing. The second piece supports part of the funding necessary to pay for the bonds that were in the 2016 Referendum. And then the third piece it goes directly to the schools operating budget. So we started with a budget of \$18 million dollars in the first year. The first full year we were at \$26, so then we increased the budget at little bit, and we came in a little bit higher. Here's the thing, that's an elastic revenue so we're never going to budget it right at where it's coming in just because if there's a downturn, we'd rather take it on the back end and appropriate that money to schools when it's actually in hand. The ordinance that the Board of Supervisors adopted when the voters passed the Meals Tax ensures that every dollar collected in Meals Tax can only be spent on schools except or until such time—I can't envision a scenario where the elected body would change that in the future. Its been a very solid revenue source.

Mr. Baka - Thank you.

351 Mrs. Thornton - Just as part of that schools and your spending, is
352 the—security systems, with schools changing over to security cameras, is that
353 part of that?
354

355 Mr. Vithoukas - That's been funded, some of it with Meals Tax and
356 some of it with pay-as-you-go funding.
357

358 Mrs. Thornton - Okay.
359

360 Mr. Vithoukas - —and balances, and that's a project that goes back
361 to—it was the schools situation we had in Florida. Help me Susan.
362

363 Mr. ? Parkland.
364

365 Mr. Vithoukas - And then right after than San Bernadino. And we
366 quietly put together a team of security minded folks led by Jim Fitzgerald and
367 they went facility by facility. Schools has done an incredible review. But you're
368 going to see more of that and it's necessary. But the funding is there and I can't
369 envision a scenario where schools needed a security enhancement and it
370 wouldn't be funded.
371

372 Mr. Baka - Any other questions of the County Manager?
373

374 Mr. Vithoukas - Thank you. Thank you for what you do for our County
375 on a daily basis.
376

377 Mr. Witte - Thank you.
378

379 Mr. Emerson - Mr. Chairman, you do need to open a Public Hearing
380 and see if there is any input from the audience, take whatever input there may be
381 and close the Public Hearing, prior to making a motion on the Resolution.
382

383 Mr. Baka - At this time we will open the Public Hearing on the
384 Capital Improvement Plan. Does anyone wish to speak on this matter tonight?
385 Anyone at all? Alright, seeing none, if that's the case we can go ahead and close
386 the Public Hearing at this time, if it is the pleasure of the Commission.
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388 Mr. Archer - Mr. Commissioner, I move that we accept the
389 Resolution PCR-1-19.
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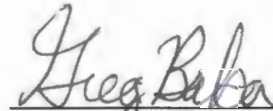
391 Mr. Mackey - Second.
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393 Mr. Baka - We have a motion by Mr. Archer, a second by Mr.
394 Mackey to accept the Resolution to recommend approval of the CIP. All in favor
395 say aye. All opposed say no. Motion carries.
396

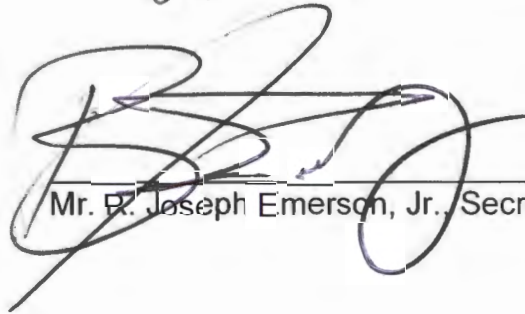
397 Mr. Emerson - Mr. Chairman your regular meeting is schedule to
398 begin at 7:00 p.m. so you may want to recess your meeting until 7:00 p.m. at this
399 time.

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401 Mr. Baka - At this time we stand recessed until 7:00 p.m.

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Mr. Gregory R. Baka, Chairman



Mr. R. Joseph Emerson, Jr., Secretary

1 **THE PLANNING COMMISSION RECONVENED AT 6:00 P.M. FOLLOWING A WORK**
2 **SESSION.**

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4 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
5 held in the County Administration Building in the Government Center at Parham and
6 Hungary Springs Roads beginning at 7:00 p.m. Thursday, February 14, 2019. Display
7 Notice having been published in the *Richmond Times-Dispatch* on January 28, 2019 and
8 February 4, 2019.
9

Members Present: Mr. Gregory R. Baka, Chairman (Tuckahoe)
Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
Mr. William M. Mackey, Jr. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
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Mr. Frank J. Thornton (Fairfield)
Board of Supervisors' Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Michael Morris, County Planner
Mr. Steven Yob, Director, Public Works
Ms. Sharon Smidler, Public Works, Traffic
Mr. William Moffett, CPTED Planner, Police
Ms. Sylvia Ray, Recording Secretary

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

14
15 Mr. Baka - Call to order. This is our Rezoning meeting for February 14,
16 2019. Thank you for being here tonight.

17
18 There are a number of seats down in front in case people would like to come down and
19 have a seat. At this time, I like to ask that you take a moment to silence your cell phones;
20 and, please stand with us, the Commission, for the Pledge of Allegiance.

21
22 ... PLEDGE OF ALLEGIANCE IS RECITED ...
23

24 Mr. Baka - Do we have anyone with us in the audience tonight in the
25 news media? OK. We're also pleased to welcome Mr. Frank Thornton, our representative
26 from the Board of Supervisors this year who is sitting with the Planning Commission for
27 this year 2019. Thank you for being here.

28

29 Mr. Thornton - Thank you, Mr. Chairman.

30

31 Mr. Baka - Mr. Thornton abstains on all cases unless otherwise noted.

32

33 We do have all the Planning Commissioners present, and we do have a quorum so we
34 can conduct business. At this time, I'll turn the Agenda over to Mr. Emerson, our
35 Secretary.

36

37 Mr. Emerson - Thank you, Mr. Chairman. As you are aware, we did begin
38 the meeting tonight, at 5:00 p.m., in the County Manager's Conference Room to continue
39 our discussion regarding Short-Term Rentals. You then recessed the meeting and then
40 reconvened, at 6:00 p.m., in this room for a Public Hearing on the Capital Improvements
41 Program. Then the meeting was recessed at approximately 6:30 p.m., and of course has
42 been reconvened for our regular agenda. With that said, Mr. Chairman, the first item on
43 your agenda this evening are the requests for withdrawals and deferrals; and, those will
44 be presented by Mr. Jim Strauss.

45

46 Mr. Strauss - Thank you, Mr. Secretary. We have three requests for
47 deferral this evening, and the first request is in the Brookland District. It's on page 2 of
48 your agenda. It's REZ2018-00045, Hunt Club, LLC. The applicant is requesting deferral
49 to the March 14, 2019 meeting.

50

51 **REZ2018-00045 T. Preston Lloyd for Hunt Club LLC:** Request to
52 conditionally rezone from R-5 General Residence District to R-6C General Residence
53 District (Conditional) Parcel 770-749-9008 and part of Parcel 770-750-4811 containing
54 19.13 acres located on the south line of Bremner Boulevard, approximately 170' east of
55 Beth Road. The applicant proposes a continuing care retirement community. The R-6
56 District allows a max density of 19.8 units per acre. The use will be controlled by zoning
57 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
58 recommends Multifamily Residential.

59

60 Mr. Baka - Is there anyone present tonight in opposition to the deferral of
61 REZ2018-00045, T. Preston Lloyd for Hunt Club, LLC? I see no opposition.

62

63 Mr. Witte - Mr. Chairman, I move that the REZ2018-00045, T. Preston
64 Lloyd for Hunt Club, LLC, be deferred to March 14, 2019 meeting, at the request of the
65 applicant.

66

67 Mr. Archer - Second.

68

69 Mr. Baka - We have a motion by Mr. Witte, second by Mr. Archer. All
70 those in favor say, aye.

71

72 The Commission - Aye.

73

74 Mr. Baka - Opposed say, nay. Motion carries.

75

76 Mr. Strauss - The next request for deferral is in the Varina District. It's on
77 page 2 of your agenda. It's REZ2019-00001, Liberty Homes. The applicant is requesting
78 deferral to the March 14, 2019 meeting.

79

80 **REZ2019-00001 RVA Land for Liberty Homes:** Request to rezone from A-1
81 Agricultural District to R-2 One-Family Residence District Parcel 821-679-0872 containing
82 5.381 acres located on the west line of Buffin Road, approximately 2,700' north of
83 Kingsland Road. The applicant proposes two single family dwellings. The R-2 District
84 allows a minimum lot area of 18,000 square feet and a maximum gross density of 2.42
85 units per acre. The use will be controlled by zoning ordinance regulations. The 2026
86 Comprehensive Plan recommends Suburban Residential 1, density should not exceed
87 2.4 units per acre and Environmental Protection Area. The site is in the Airport Safety
88 Overlay District.

89

90 Mr. Baka - Is there anyone present tonight in opposition to the deferral of
91 REZ2019-00001, RVA Land for Liberty Homes? I see no opposition.

92

93 Mr. Mackey - Mr. Chairman, I move that the REZ2019-00001, RVA for
94 Liberty Homes, be deferred to March 14, 2019 meeting, at the request of the applicant.

95

96 Mr. Witte - Second.

97

98 Mr. Baka - We have a motion by Mr. Mackey, second by Mr. Witte. All
99 those in favor say, aye.

100

101 The Commission - Aye.

102

103 Mr. Baka - Opposed say, nay. Motion carries.

104

105 Mr. Strauss - And the third request for deferral is in the Three Chopt District.
106 It's on page 3 of your agenda. It's REZ2019-00007, Brian Duke for Belfast Road, LLC.
107 The applicant is requesting deferral to March 14, 2019 meeting.

108

109 **REZ2019-00007 Brian Duke for Belfast Road, LLC:** Request to amend
110 proffers accepted with Rezoning case C-18C-06 on Parcel 744-763-5359 located on the
111 east line of Belfast Road at its intersection with Stanford Mill Road. The applicant
112 proposes to amend proffers regarding exterior materials. The existing zoning is R-3C
113 One-Family Residence District (Conditional). The R-3 District allows a minimum lot area of

114 11,000 square feet and a maximum gross density of 3.96 units per acre. The 2026
115 Comprehensive Plan recommends Traditional Neighborhood Development.

116
117 Mr. Baka - Is there anyone present tonight in opposition to the deferral of
118 REZ2019-00007, Brian Duke for Belfast Road, LLC? I see no opposition.

119
120 Mrs. Thornton - Mr. Chairman, I move that the REZ2019-00007, Brian Duke
121 for Belfast Road, LLC, be deferred to March 14, 2019 meeting, at the request of the
122 applicant.

123
124 Mr. Mackey - Second.

125
126 Mr. Baka - We have a motion by Mrs. Thornton, second by Mr. Mackey.
127 All those in favor say, aye.

128
129 The Commission - Aye.

130
131 Mr. Baka - Opposed say, nay. Motion carries.

132
133 Mr. Emerson - Mr. Chairman that completes all the deferrals this evening.
134 We now move on to requests for expedited items. Those will be presented by Mr. Strauss.

135
136 Mr. Strauss - Thank you, Mr. Secretary. We have two requests for approval
137 on the expedited agenda this evening. The first request is in the Varina District on page
138 2 of your agenda, REZ2018-00048, Gary Lee Scottow for MTM Seven Pines, LLC. This
139 is a request to rezone from A-1 Agricultural District to M-1C Light Industrial District an
140 automotive storage and auction yard with office/warehouse. Staff is recommending
141 approval, with the conditions in the staff report and we are not aware of any opposition.

142
143 **REZ2018-00048 Gary Lee Scottow for MTM Seven Pines, LLC:** Request to
144 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
145 (Conditional) Parcels 834-715-5297, 834-715-8592 and 834-716-7646 containing 24.08
146 acres located along the north line of Old Williamsburg Road, approximately 1000' west of
147 its intersection with Drybridge Road. The applicant proposes an automotive storage and
148 auction yard with office/warehouse. The uses will be controlled by zoning ordinance
149 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Planned
150 Industry. The site is in the Airport Safety Overlay District.

151
152 Mr. Baka - Ok. Is there anyone in opposition to REZ2018-00048, Gary
153 Lee Scottow for MTM Seven Pines, LLC? I see no opposition. Mr. Mackey?

154
155 Mr. Mackey - Mr. Chairman, move that REZ2018-00048, Gary Lee Scottow
156 for MTM Seven Pines, LLC, be approved with proffers 1-22 dated January 28, 2019.

157
158 Mr. Baka - Second. We have a motion by Mr. Mackey, and second by
159 Mr. Baka. All those in favor say, aye.

160
161 The Commission - Aye.
162
163 Mr. Baka - Opposed say, no. The Ayes have it. Motion passes.
164
165 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the
166 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
167 **grant** the request because it continues a form of zoning consistent with the area and the
168 proffered conditions will provide appropriate quality assurances not otherwise available.
169
170 Mr. Strauss - And the second request for approval on the expedited agenda
171 this evening is on page 3 of your agenda. It's in the Three Chopt District, Provisional Use
172 Permit 2019-00003 Innsbrook Foundation. This is a request for approval to continue
173 operation of an outside concert pavilion. Staff has recommended approval, with the
174 conditions in the staff report and we are not aware of any opposition.
175
176 **PUP2019-00003 Brian Menditto for Innsbrook Foundation:** Request for a
177 Provisional Use Permit under Sections 24-62.2(f), 24-66(a), 24-120 and 24-122.1 of
178 Chapter 24 the County Code in order to continue operation of an outside concert pavilion
179 on part of Parcels 750-768-4593 and 751-769-0332, located at the southeast ramp of I-295
180 approximately 750' northeast of Nuckols Road. The existing zoning is M-1C Light Industrial
181 District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. The
182 site is in the Innsbrook Overlay District.
183
184 Mr. Baka - Ok. Is there anyone in opposition to PUP2019-00003, Brian
185 Menditto for the Innsbrook Foundation?
186
187 You're in opposition, sir?
188
189 Citizen - I have some concerns.
190
191 Mr. Baka - Concerns?
192
193 Citizen - I'm a neighbor in the general area.
194
195 Mr. Baka - Ok, just a minute. Shall we move this off the expedited
196 agenda and move it to the cases to be heard?
197
198 Mr. Emerson - Yes, sir. That would be the appropriate action.
199
200 Mr. Baka - So, we're going to remove that from our expedited agenda to
201 our regular agenda. So, we'll get right back with you in just a minute. Thank you for calling
202 that to our attention.
203
204 Mr. Emerson - Mr. Chairman that completes the expedited items for the
205 evening. We now move into your regular agenda. With the first item being the Glen Allen

206 **Small Area Study – Comprehensive Plan Amendment:** The Planning Commission will
207 consider an amendment to the 2026 Comprehensive Plan to designate the study area of
208 the Glen Allen Small Area Study as a Special Focus Area and to change the
209 recommended future land use classifications on select parcels in the study area from
210 Suburban Residential 1 to Government and Commercial Concentration.

211

212 As you will recall, you did hold your public hearing last month on this item. So, your
213 discussion tonight is for decision only and the staff report will be presented by Mr. Seth
214 Humphreys.

215

216 *(Deferred from the January 10, 2019 Meeting)*

217 **GLEN ALLEN SMALL AREA STUDY – COMPREHENSIVE PLAN AMENDMENT:** The
218 Planning Commission will consider an amendment to the 2026 Comprehensive Plan to
219 designate the study area of the Glen Allen Small Area Study as a Special Focus Area
220 and to change the recommended future land use classifications on select parcels in the
221 study area from Suburban Residential 1 to Government and Commercial Concentration.
222 The study area generally consists of the following properties: 2851-3017, 3024, 3028,
223 and 3032 Mountain Road, 10728-10791 Old Washington Highway, 10710 John Cussons
224 Drive, 2760 Peace Lane, 10598-10710 Purcell Road, 2700-2717 Bowles Lane, 10510-
225 10630 Jordan Drive, and parcels 769-768-8344, 770-767-7982, 770-767-8401, 771-769-
226 3907, 771-766-9344, and 772-766-1763.

227

228 Mr. Baka - Good evening.

229

230 Mr. Humphreys - Good evening Mr. Chairman, members of the Commission.

231

232 The purpose of this work session tonight ... I mean of this public hearing is to update you
233 on the changes that were made based on input received by the Planning Department at
234 both the December Open House and the January Public Hearing.

235

236 Briefly, this where we are. We started back in August 10th of 2017. Recently, we had the
237 Open House here in December 4, 2018, and your most recent public hearing was January
238 10, 2019, and this is us tonight. If it goes forward tonight, we would be then having a work
239 session and public hearing with the Board at some point.

240

241 I'm not going to go into detail about the whole document. We've done that before, several
242 times, but instead, I'll concentrate on the changes. The introduction changed. It had a
243 small, but significant change. The last sentence was changed to add that the scope of
244 the Study, "The preservation of the existing character of the area should be reflected in
245 any Capital Improvements, particularly pedestrian and bicycle facilities added in the
246 future."

247

248 The sections listed here which are essentially the background information for the Study
249 had no change, except for one ... the one exception to this is for the public facilities
250 section where we had descriptions of pedestrian facilities network, the impact of the high-

251 speed rail line planned to connect Washington and Richmond, and the potential Capital
252 Improvements outlined in the Cultural Arts Center Master Plan.

253
254 Under the conclusions, we added a new section titled, "Pedestrian Bicycle Facilities and
255 Future Cultural Arts Center Improvements." The new section is meant to outline how any
256 new facilities should be reflective of the existing character. The new section includes two
257 new maps ... shown right here. Map 8 on the left, is the pedestrian bicycle facilities
258 analysis. This map shows the existing network. I would note that the sidewalks on private
259 residential property have not been shown. That was a removal from the previous version.
260 And, potential access points to the Cultural Arts Center. It also shows, based on where
261 ... on this, where primary and secondary needs for expansion of the network would be.
262 Map #9, on the right, is a pedestrian bicycle analysis and this map shows the main
263 generators envisioned for pedestrian bicycle traffic in the area. And, those would be U.S.
264 Bike Route 1 which is also the East Coast Greenway, the Cultural Arts Center, Glover
265 Park, RF&P Park, Crump Park, and Meadow Farm. The map also shows general desired
266 connections between these traffic generators. And those connections are not meant to
267 reflect the literal replacement of future facilities, but simply desired connections.

268
269 No changes were made to the recommended Future Land Use ... changes that we had
270 previously outlined. These changes would affect the four properties shown here to reflect
271 changed zoning and ownership. Two next to the Cultural Arts Center were bought by the
272 county and added to the Cultural Arts Center. The one was rezoned on Mountain Road,
273 so we recommended that go to Commercial, and the Glen Allen Post Office we
274 recommended go to Government.

275
276 In the "Recommendations" section, under "Goals" ... Goal #3 was modified to clarify what
277 types of traffic were to be included in the aforementioned transportation network.

278
279 Goals 7 and 8 were added to reiterate the relationship between the Cultural Arts Center
280 and the existing character and to reinforce the commitment of the county to support
281 existing local businesses.

282
283 I would note two other Goals that had been in a previous version referring to increased
284 infrastructure and promotion of cultural events were removed.

285
286 Two of the existing objectives were modified to ensure the topics they addressed a
287 pedestrian bike plan and facilities were tied to the existing character of the area. You'll
288 see that's a recurring theme.

289
290 Two new objectives were added. Objective 8 was added in regards to the Cultural Arts
291 Center's Master Plan, and Objective 9 was added in regards to studying whether a
292 Tourism zone, which acts similar to an Enterprise zone would be appropriate for the area
293 and would qualify under state statutes.

294
295 Additional objectives that had been in the previous version regarding a potential Sanitary
296 District and increased infrastructure were removed.

297
298
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The only changes to the Guidelines was to add a new guideline speaking to the materials of any new pedestrian facilities, as you see here. This would be important to keeping any future facilities consistent with existing character of the area. Additionally, a guideline referring to decorative lighting was removed.

Lastly, the only changes made to the wording of the Overlay District recommendation were done with a quote from the document shown here in made. The intent of an Overlay District would be to help preserve the existing character of the area, and depending on whether that character is more or less restrictive than the existing Zoning Ordinance that would inform how the Code would be developed. In some instances, it may be more restrictive, but in others it may be more flexible. Once again, it is important to note that we will not be moving forward with that district ... with the Overlay District tonight, but that will come at a later date. This evening we are only considering the previous changes that we talked about in terms of future land use recommendations, as well as the addition of the area as a Special Focus Area, which includes the Goals, Objective, and Guidelines. That concludes my presentation. I'd be happy to answer any questions you may have.

Mr. Baka - Does the Commission have any questions of Mr. Humphreys? None? Ok. Thank you for your presentation, Mr. Humphreys.

What's the pleasure of the Commission on this matter?

Mr. Witte - Mr. Chairman, I move we approve Resolution PCR-9-18 to amend the Comprehensive Plan to designate the Study area ... the Glen Allen Small Area Study as a Special Focus Area, including the associated Goals, Visions, Objectives, and Development Guidelines and change the Future Land Use Plan recommendations on select parcels in the Study area.

Mr. Archer - Second.

Mr. Baka - We have a motion by Mr. Witte and a second by Mr. Archer to recommend approval of the Glen Allen Small Area Plan. All those in favor say, aye.

The Commission - Aye.

Mr. Baka - Opposed say, no. Motion carries.

Mr. Emerson - Mr. Chairman, we now move on the next item on your Agenda which appears at the bottom of Page 2, REZ2019-00006 Cynthia T. Long. This is a request to rezone from 0-2 Office District to R-2A One-Family Residence District, .65 acres located at the southeast intersection of Nine Mile Road and Taft Street. The applicant proposes two single family dwellings. The R-2A District allows a minimum lot area of 13,500 square feet and a maximum gross density of 3.22 units to the acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4

343 units per acre. The site is in the Enterprise Zone and the Airport Safety Overlay District.
344 The staff report will be presented by Mr. Michael Morris.

345
346 **REZ2019-00006 Cynthia T. Long:** Request to conditionally rezone from O-2
347 Office District to R-2AC One-Family Residence District (Conditional) Parcel 817-726-0726
348 containing .65 acres located at the southeast intersection of Nine Mile Road (State Route
349 33) and Taft Street. The applicant proposes two single family dwellings. The R-2A District
350 allows a minimum lot area of 13,500 square feet and a maximum gross density of 3.22
351 units per acre. The use will be controlled by proffered conditions and zoning ordinance
352 regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2, density
353 should not exceed 3.4 units per acre. The site is in the Enterprise Zone and the Airport
354 Safety Overlay District.

355
356 Mr. Baka - Good evening, Mr. Morris.

357
358 Is there anyone present who is in opposition to REZ2019-00006 Cynthia T. Long? Ok.
359 Please proceed.

360
361 Mr. Morris - Thank you, Mr. Chairman, members of the Commission.

362
363 The request under consideration is to conditionally rezone .65 acres from O-2 Office
364 District to R-2A One-Family Residence District (Conditional) to allow two single-family
365 residences. The property is located at the southeast intersection of Nine Mile Road and
366 Taft Street and is part of the E.S. Read subdivision.

367
368 Surrounding properties are residential in nature and include single-family residences
369 zoned R-2A to the south, east, and west. Across Nine Mile Road to the north are large
370 acreage single-family residences and the Bungalow City subdivision, both zoned R-3
371 One-Family Residence District.

372
373 You have just received revised proffers, and I will note that time limits will need to be
374 waived. These proffers limit density to no more than 2 lots, state both lots will be oriented
375 towards Nine Mile Road, limit access on Nine Mile Road to one access point and
376 acknowledge ROW along Nine Mile Road will be dedicated to the County in the future to
377 allow for the construction of sidewalks and pedestrian improvements.

378
379 The 2026 Comprehensive Plan recommends Suburban Residential 2, with a
380 recommended density of up to 3.4 units per acre. The property is also located in the Nine
381 Mile Road Corridor special focus area. The corridor study recommends residential
382 development for this portion of Nine Mile Road and design guidelines encourage new
383 residential uses to respect existing development patterns in the immediate area. These
384 guidelines also encourage homes to face Nine Mile Road.

385
386 Residential use would be appropriate and consistent with the Comprehensive Plan. The
387 applicant has also addressed staff concerns regarding lot orientation, access and future

388 right-of-way dedication for potential improvements along Nine Mile Road. For these
389 reasons, staff supports this request.

390
391 That concludes my presentation. I'm happy to answer any questions you may have at this
392 time.

393
394 Mr. Baka - Does the Commission have any questions of Mr. Morris at this
395 time?

396
397 ... (INAUDIBLE BACKGROUND) ...

398
399 Mr. Baka - Ok. Thank you. At this time, will the applicant come forward?

400
401 Good evening. Please say your name for the record, if you would.

402
403 Applicant - Cynthia T. Long.

404
405 ... (INAUDIBLE BACKGROUND)

406
407 Mr. Mackey - ... (INAUDIBLE) ... Yes, Ma'am ... I was wondering if there
408 was anything you'd like to add to that ... (INAUDIBLE)?

409
410 Ms. Long - No.

411
412 Mr. Mackey - Sorry ...

413
414 Ms. Long - That's ok.

415
416 Mr. Baka - Fair enough. At this time, how would you like to proceed?

417
418 Mr. Mackey - Mr. Chairman, I went out to the location a couple of days ago
419 and I believe two homes would look at lot better there than any type of office space. It's
420 already some residential homes across the street. It would fit very nicely there. I'm glad
421 Ms. Long and staff were able to come together to address the few concerns we had and
422 I appreciate that. So, having said that, Mr. Chairman, I move that we waive the required
423 time limits to accept the new proffers that were signed and dated February 14, 2019.

424
425 Mr. Witte - Second.

426
427 Mr. Baka - A motion by Mr. Mackey, second by Mr. Witte to waive the
428 required time limits on the receipt of proffers. All those in favor say, aye.

429
430 The Commission - Aye.

431
432 Mr. Baka - Opposed say, no. Motion carries.

433

434 Mr. Mackey - With the new proffers being received I move that REZ2019-
435 00006 Cynthia T. Long be approved with the proffers numbers 1-4, dated February 14,
436 2019.

437
438 Mrs. Thornton - Second.
439
440 Mr. Baka - Motion by Mr. Mackey, second by Mrs. Thornton. All those in
441 favor say, aye.

442
443 The Commission - Aye.

444
445 Mr. Baka - Opposed say, no. Motion passes. Thank you.

446
447 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton,
448 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
449 Supervisors grant the request because it continues a similar level of single family
450 residential zoning as currently exists in the area and it would permit development of the
451 land for residential use in an appropriate manner.

452
453 Mr. Chairman - We now move on to page 3 of your agenda for PUP2019-
454 00003 Brian Menditto for Innsbrook Foundation request for a Provisional Use Permit to
455 continue operation of an outside concert pavilion, located at the southwest ramp of I-295,
456 northeast of Nuckols Road. The existing zoning is M-1C Light Industrial District. The 2026
457 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Overlay
458 District and the staff report will be presented by Mr. Ben Sehl.

459
460 **PUP2019-00003 Brian Menditto for Innsbrook Foundation:** Request for a
461 Provisional Use Permit under Sections 24-62.2(f), 24-66(a), 24-120 and 24-122.1 of
462 Chapter 24 the County Code in order to continue operation of an outside concert pavilion
463 on part of Parcels 750-768-4593 and 751-769-0332, located at the southeast ramp of I-295
464 approximately 750' northeast of Nuckols Road. The existing zoning is M-1C Light Industrial
465 District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. The
466 site is in the Innsbrook Overlay District.

467
468 Mr. Baka - I know there's at least one person ... Is there anyone else
469 present tonight who would like to speak who's in opposition to this case, Brian Menditto for
470 Innsbrook Foundation? Ok.

471
472 Mr. Sehl - Thank you, Mr. Chairman.

473
474 This is a request for a Provisional Use Permit to allow the continuation of outdoor concerts
475 and events at Innsbrook Pavilion, located in the Northshore Commons Office Development.

476
477 The event area and stage is located within a gravel and grass-covered field adjacent to an
478 existing parking lot. The Pavilion has held outdoor entertainment at this location through

479 previous permits since 1999 and the applicant is requesting another Provisional Use Permit
480 to extend operations until December 31, 2022.

481
482 The Pavilion will continue to be located in this location depicted on this exhibit. Which also
483 shows the location of associated items such as portable toilets, food and beverage venues,
484 and temporary tents. The staff report includes nine recommended conditions which directs
485 parking, security, and maximum attendance.

486
487 The 2026 Comprehensive Plans recommends UMU for the property. This use is consistent
488 with this designation and will be compatible with the existing uses in the area. Staff has not
489 received any opposition prior to tonight regarding this request, which is the first step in the
490 approval of the planned music events. The required Music Festival Permit which will be
491 made part of the Provisional Use Permit via Condition #3 and will also address items such
492 as sanitation, provision of food and water, emergency services and noise limitations. For
493 these reasons, staff supports this requests subject to the recommended conditions in the
494 staff report. I'd be happy to try and answer any questions you may have.

495
496 Mr. Baka - Any questions of the staff? Ok. Thank you.

497
498 Mr. Sehl - Thank you.

499
500 Mr. Baka - Please come forward, sir. Thank you.

501
502 Good evening. Please say your name for the record.

503
504 Citizen - Steven Clifton. I am the Trustee Chairman of the Richmond
505 Elks Lodge. We own eight acres just to the south of the venue. We both share Lakebrook
506 as our main entrance. Elks Pass Lane parallels Nuckols Road only about 30-feet into
507 Lakebrook. So, the traffic is a nightmare. It's grown and grown. We have functions every
508 Tuesday and every Friday. So, our request is that the concerts be limited to any other day,
509 other than Tuesday and Friday because our members have to get in and out of there.

510
511 We also have in place a Provisional Use Permit for a Turkey Shoot on Friday nights. So,
512 obviously, we don't want neighbors to be in concert with concerts.

513
514 Mrs. Thornton - I totally understand. I understand ... unfortunately, I ...
515 (INAUDIBLE) ...

516
517 Mr. Baka - Are you completed, sir or did you want to proceed with further
518 comments?

519
520 Mr. Clifton - Yeah, the other comment is that they ... events will hire Henrico
521 County to block off Lakebrook to control the traffic, which means we can't get into Elks
522 Pass Lane. Elks Pass Lane ... if you can see that... our driveway is at the end of Elks Pass
523 Lane. Innsbrook After Hours uses Elks Pass Lane to access their equipment going in and
524 out. In the past, they have staged someone at the beginning of Elks Pass Lane, right at

525 Lakebrook and you have to show some kind of ID to get in there. It's not fair to us because
526 that's our entrance. So, we just ask that they stage their people at the end of Elks Pass
527 Lane, going into their access roadway. So, that's my comment and what I want to tell them
528 ...or request ... I guess.

529
530 Mr. Baka - I did have one question, if I may? You said Tuesdays and
531 Friday's, how often have you seen conflict on those individual dates in a given month?

532
533 Mr. Clifton - Just when they have concerts ... you know.

534
535 Mr. Baka - Which are Wednesday nights or ...

536
537 Mr. Clifton - Yeah, we just ... we need to begin ... we need access to our
538 property on Tuesdays and Fridays. When they have a concert and the traffic's terrible, you
539 know.

540
541 Mr. Baka - Sure. Most of the concerts ...

542
543 Mr. Clifton - One of our members had an accident ... they had an accident
544 trying to get into Elks Pass Lane last year, or so.

545
546 Mrs. Thornton - So, you're asking maybe the point where they are doing the
547 check would be further back so then you don't have to ...

548
549 Mr. Clifton - Right, all the way at the end of Elks Pass Lane.

550
551 Mrs. Thornton - Ok.

552
553 Mr. Clifton - And that's just ... we have functions other than Tuesdays and
554 Fridays, but that's our main ... you know

555
556 Mrs. Thornton - Tuesdays and Fridays are your meetings?

557
558 Mr. Clifton - Right.

559
560 Mr. Baka - So, sir, I thought most of their concerts were on Wednesdays.
561 I may be mistaken.

562
563 Mr. Clifton - Well it is.

564
565 Mr. Baka - So, many other days of the week also?

566
567 Mr. Clifton - Well, yeah. You know, originally, our meetings were on
568 Wednesdays, and when they started this ... you know ... we went ahead and moved our
569 meetings to Tuesdays for our member meeting nights. But now, they basically schedule
570 them whenever they get the band, I guess. They've already got one scheduled for a

571 Saturday, and one for a Tuesday or Wednesday. Anyway, our Provisional Use Permits are
572 in place for Fridays for the Turkey Shoots.

573
574 Mr. Baka - Ok. Any other questions? Ok, thank you, sir.

575
576 Mrs. Thornton, would you like to hear from the applicant?

577
578 Mrs. Thornton - Yes, please.

579
580 Mr. Baka - Would the applicant please come forward? Good evening,
581 please say your name for the record.

582
583 Applicant - Brian Menditto. I can tell you where we've been and where
584 we're going.

585
586 Mr. Baka - Yes, sir.

587
588 Mr. Menditto - I appreciate what the folks have said about the Elks Lodge and
589 about the traffic and all. Last year we made that adjustment to where our RMC, which is a
590 support unit for the Police sits at the end of the road because last year they had issues with
591 us blocking off the road. So, when our folks come in that way ... usually it's like our VIP
592 guys going in ... they have to check badges and stuff. So, there's a turnoff to the Elks
593 Lodge, and they have to get there, so we moved that back to cover that.

594
595 Our concerts are usually Wednesday, some Thursdays, Fridays, and Saturdays. I talked
596 with folks earlier in the week ... just to kind 'a let them know that we're coming to this and
597 they asked us about the Friday nights, starting in September because of the Turkey Shoot.
598 Because, evidently in years past, we've had some Friday night concerts and we didn't know
599 about that. So, talking with our Producer, we do have one on the 14th. But, he knows that
600 from September 13th through October on that we won't have any concerts on Friday nights
601 to keep that open so that we won't impact their events, basically.

602
603 Mrs. Thornton - Ok so, one on September 14 ... is one Friday ...

604
605 Mr. Menditto - The 14th is a Saturday. It's a Saturday.

606
607 Mrs. Thornton - Oh, you said it's a Sat ...

608
609 Mr. Menditto - The 13th is when they ... I was told the Turkey Shoot starts.

610
611 Mrs. Thornton - Ok.

612
613 Mr. Menditto - Through March or so, whatever. We were planning not to have
614 any concerts.

615
616 Mrs. Thornton - So, you are making accommodations?

617
618 Mr. Menditto - Yes, yes.
619
620 Mrs. Thornton - And you have already made the accommodation to move the
621 RMC back?
622
623 Mr. Menditto - We've done ... We did that last year.
624
625 Mrs. Thornton - You did that last year.
626
627 Mr. Menditto - I agree that sometimes Lakebrook gets kind of crazy,
628
629 Mrs. Thornton - Correct.
630
631 Mr. Menditto - What we do with our buildings that are all in that area ...
632 commercial buildings ... folks have placards that say like, Highwoods Properties and staff.
633 The Police knows to look for that, so maybe we can do the same thing for them. They can
634 create a Placard. They can give it to us or if people want to put in their car, on the
635 dashboard, and the Police will look at that and they can get them through.
636
637 Mrs. Thornton - I think that will be a good accommodation to help them.
638
639 Mr. Menditto - It seems to work.
640
641 Mrs. Thornton - Because I sure they don't have, you know, that many members
642 that ...
643
644 Mr. Menditto - It doesn't seem like it.
645
646 Mrs. Thornton - And everything else stays the same, all the hours stay the
647 same?
648
649 Mr. Menditto - Yes.
650
651 Mrs. Thornton - So, all they were asking for was an extension.
652
653 Mr. Menditto - Yep.
654
655 Mr. Witte - So, you agree you are not going to impede the ingress/egress
656 to the Elks?
657
658 Mr. Menditto - Yes. We started doing that last year, like I said.
659
660 Mr. Witte - Ok.
661
662 ... (INAUDIBLE) ...

663
664 Mr. Clifton - We have had ... (INAUDIBLE) ...
665
666 Mr. Baka - Sir, we're being recorded. Would you please come down to the
667 microphone?
668
669 Mr. Clifton - Ok. There are occasions or have been occasions when we
670 have had to address the security because they were at the intersection and asked them to
671 move back. So, like I said, it's not perfect but it is in place.
672
673 Mrs. Thornton - I like the idea what he said about the other buildings are given
674 a pass to put in the windows during the night of the event so that if you do come, it's a right
675 of passage.
676
677 Mr. Clifton - And, Henrico County has actually blocked off Lakebrook, and
678 we actually had Henrico County officers in our membership that couldn't get in without
679 showing a badge. Because they weren't letting anybody in.
680
681 Mr. Baka - Thank you.
682
683 Mr. Witte - Sir, do y'all have contact information from each other?
684
685 Mrs. Thornton - They spoke earlier in the week.
686
687 Mr. Menditto - ... (INAUDIBLE) ... We met with the last year and we try to
688 keep the communications open and to let them know what's going on as best as possible.
689 Plus our concert series are on the calendar.
690
691 Mrs. Thornton - I was going to say, they are already on the calendar.
692
693 Mr. Menditto - The other thing I would to add too is the person that's at the
694 end of Elks Lane is the same guy at almost every concert. So, he is aware of the flow of
695 traffic and stuff when he is checking badges. ... (INAUDIBLE) ...
696
697 Mr. Baka - Very good.
698
699 Mr. Menditto - ... (INAUDIBLE) ... we're in constant contact with our Police as
700 well as our Security folks.
701
702 Mr. Emerson - Well, if you would give your information to Mr. Sehl, we'll make
703 sure Police are aware of your concerns.
704
705 Mr. Baka - And, we encourage you to continue that dialogue as neighbors.
706
707 Mrs. Thornton - Right.
708

709 Mr. Menditto - ... (INAUDIBLE) ...

710
711 Mrs. Thornton - Together.

712

713 Mr. Baka - Alright. At this time, are there any other questions? How would

714 the Commission like to proceed?

715

716 Mrs. Thornton - Well, Mr. Chairman, I'd like to move that PUP2019-00003 Brian

717 Menditto for Innsbrook Foundation be approved with the Conditions 1-9 in the staff report.

718

719 Mr. Witte - Second.

720

721 Mr. Baka - We have a motion by Mrs. Thornton, a second by Mr. Witte to

722 approve this case as submitted, with the motions of the staff report ... excuse me ... the

723 conditions of the staff report. All those in favor say, aye.

724

725 The Commission - Aye.

726

727 Mr. Baka - Opposed say, no. Motion carries.

728

729 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,

730 the Planning Commission voted 5-0 (one abstention) to recommend the Board of

731 Supervisors **grant** the request because it would provide added services to the community

732 and when properly regulated by the recommended special conditions, it would not be

733 detrimental to the public health, safety, welfare and values in the area.

734

735 Thank you, Mr. Sehl.

736

737 Mr. Emerson - Mr. Chairman, we now move on the next two items on your

738 agenda that appear on Page 3. They are companion items. They will be presented

739 together. You can hold your public hearing on the two items together, however, they will

740 require separate motions when you get to that point of the process. The items are

741 REZ2018-00049 and PUP2018-00020. And, it's James W. Theobald for CA Senior Living

742 Holdings, and you have a request to conditionally rezone from R-2 One-Family Residence

743 District to R-6C General Residence District, 5.647 acres located on N. Parham Road at

744 its intersection with Derbyshire Road and the applicant proposes a life care facility.

745

746 In concert with that, you have a request for a Provisional Use Permit to allow a life care

747 facility at the same location. The use will be controlled by proffered conditions and zoning

748 ordinance regulations. The 2026 Plan recommends Semi-Public, and the staff report will

749 be presented by Mr. Seth Humphreys.

750

751 **REZ2018-00049 James W. Theobald for CA Senior Living Holdings:**

752 Request to conditionally rezone from R-2 One-Family Residence District to R-6C General

753 Residence District (Conditional) part of Parcel 752-739-1406 containing 5.647 acres

754 located on the east line of N. Parham Road at its intersection with Derbyshire Road. The

755 applicant proposes a life care facility. The R-6 District allows a maximum density of 19.8
756 units per acre. The use will be controlled by proffered conditions and zoning ordinance
757 regulations. The 2026 Comprehensive Plan recommends Semi-Public.

758
759 **PUP2018-00020 James W. Theobald for CA Senior Living Holdings:** Request for
760 a Provisional Use Permit under Sections 24-36.1(a), 24-120, and 24-122.1 of Chapter 24
761 of the County Code to allow a life care facility on part of Parcel 752-739-1406 located on
762 the east line of N. Parham Road at its intersection with Derbyshire Road. The existing
763 zoning is R-2 One-Family Residence District. The 2026 Comprehensive Plan
764 recommends Semi-Public.

765
766 Mr. Baka - Good evening. Is there anyone present here tonight in
767 opposition to James W. Theobald for CA Senior Living Holdings, REZ2018-00049 and
768 PUP2018-00020? Anyone here in opposition who would like to speak? Ok. Thank you.
769 We do have opposition? Ok, we'll get to you in just a few minutes. Mr. Humphreys, would
770 you proceed with your presentation?

771
772 Mr. Humphreys - Thank you Mr. Chairman, members of the Commission.

773
774 As stated, this request is comprised of two cases. A request to rezone 5.647 acres from
775 R-2 to R-6C and a request for a provisional use permit to allow a life care facility in the R-
776 6 zoning district. Approval of the rezoning case would be required before consideration
777 of the PUP application.

778
779 The facility would include 58 independent units, 60 assisted living units, and 32 memory
780 care units for a total of 150 units in a 3-story structure. That would equate to a density of
781 26.56 units/acre. This density is above the density of 19.8 allowed for apartments in the
782 R-6 district but is below the density of 30 units/acre allowed for life-care facilities. Greater
783 densities are allowed for life care facilities because their impacts are lower than those
784 incurred by standard apartment communities.

785
786 Life care facilities are permitted in the R-6 General Residence District upon the issuance
787 of a provisional use permit, which is subject to development standards regulating site
788 size, utilities, site coverage, parking, service areas, site plans and floor area. In regard to
789 site coverage, a one or two-story development, including buildings, driveways and
790 parking, could cover up to 65% of a site and a 3-story or more development could only
791 cover up to 50% of the site for the same uses. This and other site specific and building
792 specific details of the development would be fully evaluated during review of any plan of
793 development submitted for the property.

794
795 The surrounding uses are a mixture of semi-public uses and single-family home
796 residential subdivisions. The Temple Beth-El school occupies the remainder of the parcel
797 to the north and the Richmond Montessori School is located to the south and east. Further
798 to the east beyond the Montessori school play field is the Forest Ridge subdivision. The
799 Kinross and Raleigh subdivisions are located on the opposite side of N. Parham Road,
800 which is a divided four lane road at this location.

801
802 The proposed facility would include the number of units that we talked about before. The
803 new use would share access to N. Parham Road with the Temple Beth-El school at the
804 existing light at Derbyshire Road and would not have any direct access to N. Parham
805 Road.
806

807 The applicant has submitted proffers dated February 12, 2019, which have just been
808 handed out to you. These proffers have been revised since the publication of the staff
809 report but would not need time limits to be waived.
810

811 This conceptual plan was included with the proffers. It shows the main entrance facing
812 north and a courtyard that includes mechanical and service equipment to the south. A
813 ring road surrounds the building and parking lots are located on the south, east and north.
814 Due to the topography of the site, two retaining walls below the building grade would be
815 constructed along the N. Parham Road frontage, with a single retaining wall above
816 building grade to the eastern side of the site.
817

818 The applicant has proffered an undisturbed tree save area close to the entrance of the
819 property and a 35' undisturbed buffer along the N. Parham Road frontage of the property.
820 The two 5' retaining walls would be constructed outside of the 35' buffer area. Additionally,
821 the applicant has committed to supplement the current vegetation in these areas
822 consistent with the level of a transitional buffer 35 if they are deficient in any way. An
823 additional 25' buffer and fence have been proffered along the property line with the
824 Montessori school. ... including this portion back here ... This fence would wrap around
825 from the southern border to the eastern border of the site.
826

827 The majority of the site drains to the west, into the lake at the center of the Raleigh
828 subdivision, and eventually into the James River. The applicant has proffered that all
829 stormwater retention facilities would be underground. Additionally, the most recent
830 version of the proffers state stormwater retention facilities would be designed to exceed
831 the required volume design by 20% during construction and 10% post-construction.
832 Additionally, the use of "Super Silt Fencing" would also be required during construction.
833 The exact size and location of these facilities would be determined at the time of the Plan
834 of Development for the site. I would also like to note a correction to the staff report which
835 said the site falls within the 50/10 area, but it does not.
836

837 The applicant has also proffered this elevation showing a 3-story structure. The maximum
838 height of the structure and the materials to be used have been proffered to reflect what
839 has been shown here.
840

841 With the submitted proffers the hours of construction have been limited to 7:00 a.m. to
842 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. The timing for
843 maintenance activities, such as trash pick-up, parking lot cleaning, and leaf blowing would
844 be limited to the same hours. The latest proffers, submitted Tuesday, also specify shift
845 changes on weekdays would not occur between 7:30 a.m. and 8:30 a.m. or between 5:00
846 p.m. and 6:00 p.m.

847
848 Parking lot lighting would be a maximum of 15' and the applicant has indicated roadway
849 lighting outside of those areas would be ground mounted bollard style lighting. The
850 proffers also address underground utilities, signage, foundation appearance, building and
851 parking lot materials, and the screening of trash, HVAC, and generator equipment.

852
853 The 2026 Comprehensive Plan recommends Semi-Public use for the property. Areas
854 designated as Semi-Public include a variety of quasi-public uses and facilities including
855 but not limited to private schools, churches, nursing and convalescent care facilities and
856 hospitals. This proposed use would be consistent with nursing and convalescent care
857 facility uses. This designation also covers many of the school and religious properties
858 located on the eastern side of N. Parham Road between Patterson Avenue and River
859 Road.

860
861 The applicant has held a total of four community meetings with area residents and
862 community groups. The submitted proffers are generally consistent with proffers offered
863 on similar developments elsewhere in the county, address previously raised staff
864 concerns, and attempt to mitigate concerns and potential impacts of the proposal raised
865 by citizens. This request is consistent with the future land use recommendation and the
866 proposed development would be generally consistent with other semi-public uses located
867 on the east side of N. Parham Road between Patterson Avenue and River Road. For
868 these reasons, staff believes this request to be reasonable and supports this request,
869 which would include both the rezoning case and the provisional use case including the
870 two conditions listed in that staff report.

871
872 This concludes my presentation. I'd be happy to take any questions at this time.

873
874 Mr. Baka - Thank you, Mr. Humphreys. To begin ... a couple questions
875 from the Commission, if I may.

876
877 Mr. Humphreys - Sure.

878
879 Mr. Baka - I'd like to ask a couple of questions. Up on the slide you are
880 showing the 2026 Land Use Plan, and this property is designated for semi-public, just as
881 the two adjacent parcels and a parcel to the south. Could you differentiate for us the
882 general differences between what is a land use plan? What is a comprehensive plan in
883 Virginia? And, what is the R-2 zoning? How is the R-2 zoning different from ... How is a
884 zoning classification different from the Comp Plan?

885
886 Mr. Humphreys - The Future Land Use recommendation and Comprehensive
887 Plan acts as a guide. It acts as ... if development were to occur on a piece of property,
888 what we envision that development to be. The zoning is the ... I guess the ... addresses
889 kind of the building height, you know, what types of uses ... what can go there within that
890 zoning ... that type of thing.

891
892 Mr. Baka - Ok.

893
894 Mr. Humphreys - So, more of the technical aspect of what could go there.
895
896 Mr. Baka - Mr. Emerson, generally, the Comprehensive Plan is about a
897 15-20 year guide in this 2026 Plan?
898
899 Mr. Emerson - Yes, sir. That's correct.
900
901 Mr. Baka - Ok. So, this area at that time was contemplated for semi-
902 public uses. Mr. Humphreys you said, and I'm paraphrasing, correct me if I'm wrong ...
903 you said semi-public uses could include things such as schools or churches, synagogues,
904 temples and nursing care centers or hospitals. So, you are saying that hospitals would
905 also be an allowable use in a semi-public land use designation?
906
907 Mr. Humphreys - We look at each site individually. Obviously, some are better
908 suited for others.
909
910 Mr. Baka - Right.
911
912 Mr. Humphreys - ... for some than others. ... the ... the convalescent homes
913 traditionally have a lower impact than even schools during peak hours, especially for
914 traffic. ... that the traffic people behind me can correct me if I'm wrong. ... that hospitals, I
915 think ... would be very different.
916
917 Mr. Emerson - But, a hospital is an allowed use, its semi-public.
918
919 Mr. Humphreys - Yes.
920
921 Mr. Emerson - That's the question.
922
923 Mr. Baka - Yes. And, you had mentioned the applicant had proffered a
924 35-ft. undisturbed natural buffer. So, when these proffers were first submitted, it was a
925 25-ft. undisturbed natural buffer.
926
927 Mr. Humphreys - Correct.
928
929 Mr. Baka - I think it was modified along the way. I have a question then
930 about single-family residential housing. If you had 5.6 acres of single-family residential
931 housing, under the current state law ... under current zoning and current situations ...
932 Would a developer be required to have to keep a wooded buffer along Parham Road if
933 someone built single-family residential there?
934
935 Mr. Humphreys - No. All the uses currently allowed in the R-2 district, including
936 churches, synagogues, schools and single-family homes could have ... they could have
937 cut down every tree on the site if they so wished. There are cases where if there were

938 riparian buffers and wetlands, there would be restrictions placed on that, but other than
939 that, there's no restriction on taking the trees down.

940
941 Mr. Baka - So they can come all down or they could choose to leave
942 some. I've seen other situations, other situations, where they've all had to be removed.
943 Ok.

944
945 Mr. Humphreys - It would be up to them.

946
947 Mr. Emerson - Mr. Baka, another thing to keep in mind in regarding the
948 existing R-2 is its R-2 by right with no proffers and under State Code with less than 50
949 lots, which this would be and would go through the subdivision process administratively
950 and there would be no public process.

951
952 Mr. Baka - So, this Planning Commission would not even see that
953 subdivision request whatsoever?

954
955 Mr. Emerson - That is correct. Based on current State Code that is correct.

956
957 Mr. Baka - Thank you.

958
959 Mr. Humphreys - There are several things we are getting with this that we would
960 not get with that, which is the tree preserve, the additional storm water capacity that
961 they've proffered, the height limitation ... currently, schools and churches and religious
962 institutions other buildings of assembly can go up to 45-ft. Houses can be up to 40-ft. but
963 the way we measure is that the peak of the roof would be 45-ft., and based on the
964 topography, we only measured the above-grade stories. So, you could essentially have
965 three stories above grade because the topography could have that back basement, so it
966 would actually appear to be almost 4-stories. You add another 10-ft. to that.

967
968 Mr. Emerson - Mr. Humphreys, in regards to the churches, you stated 45-ft.
969 Churches can go higher than that with their spires and other religious ornamental types
970 of ornamentation

971
972 Mr. Humphreys - Correct. The building, itself, is limited to the 45-ft.

973
974 Mr. Emerson - Right.

975
976 Mr. Baka - So, one other question, if I may, Mr. Humphreys. So, why in
977 your opinion and your experience as a Comprehensive Planner ... why do you feel this is
978 not an incompatible use with this particular property? Your recommendation is for
979 approval.

980
981 Mr. Humphreys- Based on existing consistency with what's there along the
982 eastern side of Parham Road, the impacts that our other county agencies have given us

983 in terms of traffic, peak and non-peak ... you know ... the no school-aged children so that
984 means there's no impact on schools ... that sort of thing.

985
986 Mr. Baka - Ok. Anyone else on the Commission have any questions?

987
988 Mr. Witte - Yes, I have a general question. This semi-public, I believe a
989 Patient First could go there. Is that correct? For emergency medicine?

990
991 Mr. Humphreys - Um ...

992
993 Mr. Witte - I seem to think we called it that.

994
995 Mr. Humphreys - That could be considered a hospital in some fashion ... under
996 there, but it would need a different zoning.

997
998 Mr. Witte - Ok, but it would be available for a location?

999
1000 Mr. Humphreys - Potentially, that could be considered a hospital use.

1001
1002 Mr. Witte - Ok, thank you.

1003
1004 Mr. Baka - Other questions of staff? Thank you Mr. Humphreys.

1005
1006 At this time, we get the applicant?

1007
1008 Mr. Emerson - That's up to you. You can either hear the applicant, and they
1009 can reserve time for rebuttal or you can hear from the opposition.

1010
1011 Mr. Baka - I'd like to talk about the issues first. If I can, I'd like to hear
1012 from the opposition first. So, at this time, Mr. Emerson, would you read our rules for the
1013 guidelines for the public hearings? And, I'd like to invite folks to speak.

1014
1015 Mr. Emerson - Yes sir. Mr. Chairman, as you note, the Commission does
1016 have certain guidelines regarding the conduct of its public hearings. And, they are as
1017 follows.

1018
1019 The applicant is allowed ten minutes to present the request. Time may be reserved for
1020 responses to testimony. The opposition is allowed a cumulative ten minutes to present
1021 its concerns, meaning everyone that would like to speak in opposition to the case should
1022 do it within that ten minutes. The Commission's questions do not count into the time
1023 limits. The Commission may waive the limits for either party at its discretion. And, all
1024 comments made must be directly related to the case under consideration.

1025
1026 Mr. Baka - So, I understand the Commission has 10-minute guidelines for each
1027 group which we can waive at our discretion.

1028

1029 At this time, I would like that those in opposition who would like to come forward. If anyone
1030 would like to speak tonight? Or if there is a representative from the group? Or a couple
1031 of representatives for different groups would be appropriate.

1032
1033 Mr. Emerson - We would encourage you not to be repetitive. We understand
1034 the concerns are shared.

1035
1036 Mr. Baka - Good evening and welcome.

1037
1038 Citizen #1- Thank you. My name is Andy Brownstein. I live at 529 Sleepy
1039 Hollow Road. I'm a resident in the Kinross subdivision. My comments will be very brief.
1040 I'm sure that others behind me will make a number of comments about some of the more
1041 specific things that have been discussed between you and the staff. That includes traffic,
1042 noise, and waste/storm water. And while I'm sure that I will concur with my fellow citizens
1043 in opposition with those issues, I'd rather talk about one other thing, in particular.

1044
1045 The property in question and the properties across the street, expect a certain measure
1046 of harmony in their living. And, while we represent ... we respect the right of the applicant
1047 to be able to sell their land to Beth-El or whoever they would like to. The difference is
1048 that we 14 homes in Kinross, 47 homes in Raleigh, each of those have submitted letters
1049 I believe you have, unanimously opposing this development. Our question to you is, if
1050 the zoning is residential, that is a bargain that we undertook when we bought homes in
1051 these areas. We recognize that the applicant could build homes in this area and we would
1052 have nothing we could say about it. But, that is a bargain that we have already accepted.
1053 And, I have had colleagues and friends who belong to Beth-El and others who have said
1054 to me, "You know we could do that and you'd be worse off." However, that's a risk that
1055 we have taken on already. We accept that risk when we live in this neighborhood
1056 because we know the zoning exists as it does. We simply just don't want it. It is not a use
1057 that we would prefer to have across the street from us for all the reasons, I'm sure, will
1058 be brought up by others.

1059
1060 If you have 61 houses who are most directly affected across the street ... and I don't know
1061 how others from the Forrest Ridge subdivision ... there are others in the area who may
1062 also object. And, in fact, I think it's safe to say that we are not aware of a single neighbor
1063 who does not otherwise have a conflict of interest in this particular project who is in favor.
1064 If you are to approve a project like this in the face of that kind of unanimous and
1065 voluminous opposition, our question is, "What purpose does this zoning process have at
1066 all?" Thank you.

1067
1068 ... (A little audience clapping) ...

1069
1070 Citizen #2 - Hi, my name is Kevin Perlowski. I live in Raleigh Manor and
1071 I'm the treasurer of our community association, for what that's worth ... (INAUDIBLE) ...
1072 I'll talk about something relevant ... probably in a minute.

1073

1074 I also experienced the same thing when talking to the neighbors. I've not come across
1075 one who is not strongly against this project. I'm curious about these ... the SP designation,
1076 Semi-Public designation and how that came about. It seems to me that came about to fit
1077 what already existed along Parham Road. In other words, it existed ... its zoned
1078 residential but there are some churches, schools, and what not there. So, I don't know
1079 that I buy that that's really a part of a long-term plan, and but it was just something to
1080 recognize what was already there, despite the residential zoning.

1081
1082 One problem we have ... the big problem is going to be the run-off from this. They're
1083 going pave 5-acres. Or, the large portion of 5-acres. So you're not going to get the
1084 percolation into the soil into the ground water that you normally would get. It's going to
1085 create more drainage into our lake. And, I know they've got ... they're going to try to
1086 mitigate that but, at the end of the day, once their reservoir fills up, anymore run-off is
1087 going to spill out and run into our lake. Our lake is ... So, one of the things we pay for with
1088 our dues each year is a sinking fund to dredge the lake every year ... so often ... I guess
1089 at first we thought it was gonna have to be every 10 years and it was going to be about
1090 \$120,000 bucks. We've had several studies done by ... I'm not sure if it was Timmons or
1091 who did the study, but we've had several studies done checking the health of the lake to
1092 see how close we are to needing to dredge it. And, thankfully, we ... it seems to have
1093 reached the point of stasis where it doesn't look like it's going to need it anytime soon.
1094 But, we have data points that measure how healthy the lake is right now and, obviously,
1095 if the county approves a project that's gonna drain silt and more run-off into the lake, it's
1096 not going to remain in the same position. You know, I'm not sure that we would accept
1097 that we would be responsible for maintaining the lake at the point. You changed the plan
1098 and you created a whole lot run-off. So, there's that.

1099
1100 I also question ... so when you look at one of these applications, I would think that before
1101 you go too far down the road, you'd think about whether there is a need for the project to
1102 exist right there. And, I don't think there's any need for it to exist right there. I think within
1103 five miles, you've got lots of already zoned areas that it could be. And, I'm not sure who
1104 you are inconveniencing by having it be in an already zoned commercial-type area. So, I
1105 think that's all I've got.

1106
1107 Mr. Baka - Thank you. Before you go, I should have asked of Mr.
1108 Brownstein, does anyone on the Commission have any questions for Mr. Perlowksi?

1109
1110 Mr. Perlowksi - Perlowksi.

1111
1112 Mr. Archer - I have a couple of questions.

1113
1114 Mr. Perlowksi - Sure.

1115
1116 Mr. Archer - ... (INAUDIBLE) ... I understand that four community
1117 meetings were held prior to tonight.

1118
1119 Mr. Perlowksi - I'm aware of two. I attended the second one.

1120
1121 Mr. Archer - Ok. And you are aware tonight we did receive some revised
1122 proffers and generally when the applicants revise these proffers, it is to relieve some of
1123 the concerns that you all may have.
1124
1125 Mr. Perlowski - Yes. I'm aware.
1126
1127 Mr. Archer - Does that do anything to alleviate some concerns?
1128
1129 Mr. Perlowski - No, I think I agree with Mr. Brownstein. We don't want it. To
1130 mitigate something that is a bad thing for us.
1131
1132 Mr. Archer - And, I understand that, and I hope you all understand that we
1133 can't really just base a case up here based on "you don't want it." And, then you also said
1134 that you don't need it. We're not ... I understand that, I've experienced that in my own
1135 neighborhood. But, as a Commission, we're not allowed to just be arbitrary in making
1136 decisions. So, I just hope ... regardless of what or where this goes...
1137
1138 Mr. Perlowski - Sure. I suppose ... I guess my answer is ... "if you put lipstick
1139 on a pig, it's still a pig." And, I think they are mitigating. They're trying to mitigate. It's not
1140 zoned this way. We don't want it changed.
1141
1142 Mr. Archer - Let me explain, I understand that. I'm not arguing that point.
1143 I'm just saying they have a right to apply for something. That's all I'm saying.
1144
1145 Mr. Perlowski - Oh, absolutely.
1146
1147 Mr. Baka - May I ask ...
1148
1149 Mr. Archer - Sure, you can go ahead.
1150
1151 Mr. Baka - Can I ask either the first two speakers ... May I ask, what you
1152 object to the most when you say you don't want this use. What's your primary concern
1153 for objecting?
1154
1155 Mr. Perlowski - So ... so, the run-off is a bad thing.
1156
1157 Mr. Baka - Run-off.
1158
1159 Mr. Perlowski - The traffic is going to be a bad thing. At those meetings, we
1160 heard estimates of the traffic, which I don't believe.
1161
1162 Mr. Baka - The run-off is first, traffic is second, ok.
1163
1164 Mr. Perlowski - And, just visually, I don't ... we don't want to see it.
1165

1166 Mr. Baka - Ok, visually ...
1167
1168 Mr. Perlowski - It's a residential area. We just don't want to see it. It's
1169 a residential area. The whole it's been ... if you look at the map, all as far as you can
1170 see, it's residential.
1171
1172 Mr. Baka - Alright.
1173
1174 Mr. Perlowski - And suddenly we're gonna change it ...
1175
1176 Mr. Baka - And, before I ask ... Does anyone else have any questions for
1177 Mr. Perlowski?
1178
1179 Mr. Brownstein - ... (UNINTELLIGIBLE) ...
1180
1181 Mr. Baka - Mr. Brownstein, could I ask you the same questions, just in
1182 fairness? What do you find you object to the most about this proposal? Your primary
1183 objection?
1184
1185 Mr. Brownstein - Well, I think the full litany of potential issues... the traffic, the
1186 noise, potential impact on our property values ... the waste water, the storm water ...
1187
1188 Mr. Baka - So, those are your top three or four, and there may be more.
1189
1190 Mr. Brownstein - Every single issue you would normally expect to be at issue
1191 would object to.
1192
1193 Mr. Baka - Ok.
1194
1195 Mr. Brownstein - My response would be ... Yes, I guess everyone has a right
1196 to apply, but where's the burden of proof? It is a R-2 designation now. Do we have to
1197 prove why we don't want it, or is it that simply ... it seems unusual that we would have to
1198 make the case why we don't want it when the point is the zoning is already in a certain
1199 area so there is a default in place. So in answer to your questions, I guess I'm kind of
1200 confused. We have to prove why it doesn't belong? I'm confused.
1201
1202 Mr. Baka - I can ask staff to address that question later. I think the
1203 Comprehensive Planning staff is most suited to answer that.
1204
1205 Does anyone have any questions, further questions for Mr. Brownstein?
1206
1207 Mr. Brownstein - Thank you.
1208
1209 Mr. Baka - Alright. Thank you. Anyone else care to speak? Yes, Ma'am.
1210

1211 Citizen #3 - Hi, my name is Ariel Moehrle, from 8635 Oakcroft Drive. And,
1212 going back to what the first person said was, Forest Ridge prides itself on being vocal
1213 constituents. We, unfortunately, only learned about this less than two weeks ago. And
1214 so, while we are in opposition, you won't see many of us here today because we had just
1215 learned about it and it's like 7:00 p.m. on Valentine's Day.
1216

1217 I will share, being in Forest Ridge, my house is directly on North Parham. A year ago,
1218 you couldn't hear any traffic from my yard. Just sharing my opinion. But now, the moment
1219 a home is being renovated, the WaWa is being constructed. We've accepted that burden
1220 of being able to now to hear construction from within our homes. Recognizing the
1221 economic benefits that Henrico County is going to be having, and what's going really well
1222 with Tuckahoe. However, to continue voicing the opinion of the other two people who
1223 have spoken, this is not something that we want. And, we do not want that increased
1224 traffic. The increase of noise that's now creeping into our one-family homes.
1225

1226 Thank you.

1227
1228 Mr. Baka - Thank you. Any questions for Ms. Moehrle? Thank you.
1229

1230 Anyone else care to speak in opposition to this? Yes, sir.
1231

1232 Citizen #4 - I'm Pete Teodori and I live in Raleigh Subdivision as well in all
1233 these subdivisions. I've appreciated the applicants addressing concerns, one of the
1234 concerns that was raised was the height of the building and how it's consistent ... the new
1235 facility is consistent with the heights of the adjoining churches nearby, but just from a
1236 façade ... an appearance on the road ... it may be consistent with the height, but this
1237 three-story building is the whole front of the property is the back of the property is what's
1238 facing and fronting on to Parham Road and in the back of these subdivisions as well. So,
1239 in my mind, it's too tall of a structure. A three-story structure is too tall. The others are
1240 sort of a peak. They are individual, they're not whole things that you look at quite a
1241 distance as you travel. I believe that the height of the property, the proposed height, is
1242 too much. Thank you.
1243

1244 Mr. Baka - Thank you. Any questions from the Planning Commissioners?
1245 Thank you. One more speaker? Yes, sir.
1246

1247 Citizen #5 - Good evening. I'm Donny Dotson, I live at 519 Sleepy Hollow,
1248 and I'm gonna make this brief. I'm gonna skip down a little bit but most of the residents of
1249 Raleigh, Sleepy Hollow, and Kinross ... I have not spoken to one single individual that is
1250 for this proposal. I request to keep this area zoned R-2 Residential to stay with the overall
1251 theme of community. That's really what makes this area special. It makes it a special
1252 neighborhood. It will directly impact the ambience and appeal of Kinross, and Raleigh,
1253 specifically. Quoting the 2026 Vision Growth Plan of Henrico, skipping down a couple
1254 sentences ... one of the main caveats, "preserving significant environmental and quality
1255 of life features that have become hallmarks of Henrico's various communities." That's
1256 really what we bought into when we moved into Kinross. This will set aisc a precedence

1257 along the entire Parham Road corridor from Derbyshire to Countryside to open up further
1258 expansion, and basically to eradicate what we now enjoy as a park-like community.

1259
1260 The developer has mentioned that there's a need for this property when we have Regency
1261 Square right up the road, within two miles that is looking for this type of accommodations,
1262 senior living communities, and I would dare say CA Holdings should take a serious look
1263 at that. Because they're inviting that type of growth there.

1264
1265 CA Holdings is a large developer who wants this facility built is basically out of the picture,
1266 as far as any issues, concerns, problems related to this project. They will be subbing out
1267 the medical living facilities to a third parties who will not have any of our interests or
1268 concerns at heart. Increased traffic, noise, safety of the community, drainage run-off, are
1269 not what we are looking for.

1270
1271 As the area is currently zoned R-2, I ask the Planning Commission to keep the area's
1272 zoning R-2. Do the right thing. Considering the land was donated many years ago to the
1273 current owners, let a residential developer come in and build homes. Because this is more
1274 in line with the county's goals and visions. Thank you.

1275
1276 Mr. Baka - Mr. Dotson. Any questions from the Commission of Mr.
1277 Dotson? I have one. You mentioned noise, traffic, safety, and run-off. What would you
1278 say is your primary objection to this project?

1279
1280 Mr. Dotson - I think the primary objection for me is the look of the structure
1281 itself. It just ... it doesn't fit into the neighborhood, nor the ambience of the neighborhood.

1282
1283 Mr. Baka - How doesn't it fit in, How is it different?

1284
1285 Mr. Dotson - I would much rather be looking at residential homes across
1286 the street than a three-story or possibly a four-story structure.

1287
1288 Mr. Baka - Alright, thank you. Any other questions of Mr. Dotson?

1289
1290 Mr. Dotson - I would want to address Mr. Archer's question about the fur
1291 meetings ... Mr. Archer, that's a fair question. On paper, it looks like they did the right
1292 thing, offering four separate meetings. The first meeting there was possibly, if I remember
1293 correctly, there were eight residents that received some type of correspondence in the
1294 mail, two weeks prior to the meeting. Very few people knew about it until probably the
1295 third meeting. We've had good turnouts for the second, third, and fourth meetings. But,
1296 every one of the meetings we've gone to has been more of a meeting of trying to sell us
1297 on this structure ... sell us on the country-style, country-living style of the facility, and it
1298 has really nothing to do with basically addressing our concerns that we really don't want
1299 this project to be here. Um ... It's just the meetings have not been fruitful, at all, from the
1300 advantage of the constituents that live around the property.

1302 Mr. Archer - And, from what I was trying to ascertain is being that you've
1303 had four meetings if the revised proffers that have been submitted have had any impact
1304 at all on what you'd glean from it.
1305
1306 Mr. Dotson - No, sir. Not at all.
1307
1308 Mr. Archer - Ok. Thank you. That's what I was trying to find out.
1309
1310 Mr. Baka - Thank you very much. Alright, at this time, we appreciate the
1311 speakers that addressed the Commission in opposition. Before we move on, I do have
1312 one question for Mr. Humphreys. Is it alright if I call back on, Mr. Humphreys?
1313
1314 I wanted to go back and ask Mr. Humphreys if you might be able to that address ... I'm
1315 sorry ...
1316
1317 Mr. Baka - Good evening.
1318
1319 Mr. Humphreys - Good evening.
1320
1321 Mr. Baka - If you might be able to address the question Mr. Brownstein
1322 raised as far as why changing it from R-2 zoning when you have Semi-Public land use
1323 designation? What holds ... um ... What holds the most weight? What holds the greatest
1324 factor when you're looking at zoning change classifications on something?
1325
1326 Mr. Humphreys - I think there's a balance, for one thing ... you know. As an
1327 example, almost every residential subdivision that we approve in the county was originally
1328 A-1 or Agricultural zoning, but it was in the Comprehensive Plan for Suburban
1329 Residential-One, Suburban Residential-Two, Urban-Residential or Urban Mixed-Use or
1330 whatever it was ... but though zonings do change, we try to keep them ... any changes
1331 to the zonings consistent with the recommendations of the Comprehensive Plan. So, that
1332 Plan, approved back in 2009 ... this version of it ... um ... acts as a guide for both the
1333 county staff, and for the public in terms of when looking at property.
1334
1335 Mr. Baka - Ok. And, a lot of the concerns I heard were focusing on traffic
1336 and safety, run-off and noise. Actually, we may ask the applicant to address that rather
1337 than staff. Does anyone else have any questions?
1338
1339 Mr. Humphreys - We do have traffic and storm water staff here as well.
1340
1341 Mr. Baka - Ok.
1342
1343 Mr. Humphreys - I'd like to let the applicant ...
1344
1345 Mr. Baka - Why don't we let the applicant address ... respond. Does
1346 anyone else have any questions for Mr. Humphreys before we move on? Alright. Thank
1347 you.

1348 At this time, we'd like to hear from the applicant.

1350
1351 Mr. Emerson - He gets 10-minutes as well.

1352
1353 Mr. Baka - Alright.

1354
1355 Mr. Emerson - The previous group was about 10:03 minutes, so they hit 10
1356 minutes almost right on right on the money.

1357
1358 Mr. Baka - As the applicant walks to the podium, I would also ask that
1359 those that are here in support of this measure, would you please raise your hand? Wow!
1360 Thank you. Good evening.

1361
1362 Applicant - Good evening, Mr. Chairman, members of the Commission.
1363 My name is Jim Theobald. I'm here on behalf of CA Senior Living to develop an upscale,
1364 highly amenitized senior facility providing opportunities for independent living, assisted
1365 living, and memory care. This is a request to rezone approximately 5-acres of the Temple
1366 Beth-El property on Parham Road, across from Derbyshire Road, at the traffic signal.
1367 The request is to rezone from R-2 to R-6 and a provisional use permit to allow for a life
1368 care facility.

1369
1370 The facility would include 58 independent living units, 60 assisted living units, and 32
1371 memory care units. The average age of the residents for the independent living units is
1372 about 75 years of age. Average age for the assisted living and memory care units is
1373 around 85 years of age.

1374
1375 You've seen the concept plan. It's a self-contained site and all cars must use an existing
1376 access road which you've heard is signalized. There is a very large tree-save area, at the
1377 very corner to the entrance of that road. And, here where ... it's an undisturbed natural
1378 buffer to be supplemented, if required, and it substantially blocks off the view from a
1379 number of the residents across Parham Road. We have increased the buffers along
1380 Parham to a 35-foot natural buffer, undisturbed, but supplemented if required. The buffer
1381 along the side against the school is a 25-foot buffer is landscaped because that area and
1382 is not really forested, and the school has asked us if we would construct a fence. So,
1383 we've agreed to construct a 6-ft. wooden fence. Not only along this boundary with the
1384 school, but also across the back. We're also discussing with the school, the revitalization
1385 of a path that goes across this corner ... where the two institutions could possibly have
1386 pedestrian access in the event one or the other would need to be evacuated, and
1387 apparently for special events for The Montessori School. Beth-El, allows them to park in
1388 their parking lot. So, that would be the topic of the easement agreement with maintenance
1389 responsibilities, etc. With those, the Montessori School has allowed us to say this evening
1390 they are not opposed to this case, and appreciate the things that CA has agreed to do.

1391
1392 The buffer along the back ... it pitches down to about 10-feet here, and then opens up
1393 again. And then this triangle ... we could probably save about half the trees in this area.

1394 And, so this is an auxiliary parking lot you see back here that owned by the Montessori
1395 School. So, the homes are back behind this row of trees.

1396
1397 The ring road allows circulation around the building for emergency and equipment, and
1398 fire trucks, etc. The mechanical equipment, trash pickup and the emergency generator
1399 are behind the building in this courtyard area. It's screened from everybody across the
1400 way. The parking areas are basically screened by the building, as well as the landscaping
1401 and that is also hidden from Parham Road. The building itself is about 100-ft. from Parham
1402 Road, and we are about 314-ft. from the closest home across Parham Road. And,
1403 approximately, 250-ft. from the closest home behind the site on Ridgeley Road.

1404
1405 This bird's eye view you've seen from Mr. Humphreys. I think it shows quality architecture
1406 that show building is comprised of essentially two stories of brick, the other floor is Hardy
1407 Plank. This is the memory care outdoor area here in front. And, again, the parking
1408 shielded by the building.

1409
1410 We photo shopped the building behind the existing trees. Obviously, it's winter. And, we
1411 believe this is an accurate representation of what you will see. This is looking from a little
1412 bit north of the facility. This is the entrance drive back into the Beth-El site. As you can
1413 see, there are significant trees. We will likely have to come back and supplement the
1414 under canopy to meet the standards that we've agreed to, the transitional buffer 35.

1415
1416 This is the view from looking face on from Parham Road. And, clearly, the significant
1417 landscaping, in there softens the façade a great deal and it mitigates the three stories in
1418 height.

1419
1420 This is the view from looking from just south. This is the Montessori School drive ...
1421 another picture. This is the view from behind, and the site is about 10-ft. lower in the
1422 back, and with a large retaining wall so it only appears to be two stories in the back. Then
1423 again, landscaping to mitigate the buildings.

1424
1425 The three stories along Parham Road is about 42-, 43-ft. in height. As you heard, the R-
1426 2 category would allow homes up to 40-ft. that's measured to the mid-point of the A-
1427 frames. Schools and churches, to 45-ft with steeples are much taller, as you see with the
1428 West End Assembly of God, Grove Avenue Baptist, and the current Montessori location
1429 which was congregation Or Atid.

1430
1431 We have a number of proffered conditions. Most importantly, the facility can only be used
1432 as a life facility. So, the R-6 ordinance that normally allows other uses, but we have
1433 specifically limited to only a life care facility, and that can't be changed without going back
1434 through this entire process.

1435
1436 The bird's eye elevation of the concept plan that you saw was according to the proffered
1437 conditions. And, we discussed the materials that goes in the buffer.

1438

1439 The permanent storm water retention facility is underground. And we did this week submit
1440 amended proffers to require the volume design for storm water during construction would
1441 be 20% above that which is required, and 10% above what's required after construction.
1442 So a greater volume to handle even a greater amount of water than required should that
1443 be necessary. And, then super silt fencing is ... again, was above the regular silt fencing
1444 and much more, again... these are things that we didn't need to do, we're not required to
1445 do by Public Works, but based on the comments we have received at the community
1446 meetings, we thought we'd try to mitigate this potential impact.

1447
1448 The exterior construction, you've heard the limitation on hours. Outdoor lighting from
1449 concealed sources, they stand no more than 15-ft. in height. That's the parking lot lighting
1450 behind the building. Along the front perimeter, we just have bollard type lights for safety
1451 ... low level lighting.

1452
1453 And, obviously, the trash receptacle, HVAC, and generator, as you can see is screened.

1454
1455 Same hours for trash pickup and parking lot cleaning ...and an identifying sign will no
1456 more than 6-ft. in height and a monument style

1457
1458 It does will not have any of the blinky-blinky changeable message boards. And,
1459 importantly, in an effort to try to address additional concerns about traffic, we've agreed
1460 that we won't allow shift changes to occur between 7:30 in the morning and 8:30, and
1461 then 5:00 o'clock and 6:00 p.m. in the afternoon on weekdays.

1462
1463 The um ... It's been a great deal of discussion about traffic in our meetings. This is,
1464 obviously, an off-peak use. It's at a traffic light. In the morning we believe that there are
1465 likely to be about 11 cars entering, and 19 cars exiting. During p.m., peak hours, 21 cars
1466 entering, 18 cars leaving. Historically, our facilities would expect approximately 17-23 cars
1467 associated with the independent living residents, one or two cars with the assisted living
1468 residents, and no cars with the memory care residents.

1469
1470 Fourteen homes could be built there as a matter of right. It would produce much more
1471 peak hour traffic. And, certainly, if the Temple were to construct a Synagogue there, there
1472 would be significant traffic. Days, evenings and on weekends, particularly with the types
1473 of activities that any church or Synagogue would host. A Synagogue can be there as a
1474 matter of right. In addition to the single-family homes.

1475
1476 Storm water in another topic ... it's important to note that 90-acres of properties drain into
1477 that pond. Ninety acres. A lot of those subdivisions is about 42 of those acres. Kinross
1478 is about 11 of those acres, and we're five. So, we're five acres of the 90 that drain into
1479 that pond. And, of course, the water that falls on that site today is going to the pond today.
1480 So, now we will pick it up, store it underground, and as you know, as a matter of law
1481 cannot release it any faster after our development than it was going off that site ... pre-
1482 development. Those are the requirements.

1484 We've heard about the additional measures that we trying to take above code. We have
1485 held four community meetings and have substantially revised our proffers as a result.
1486 ... (INAUDIBLE) ... Your land use plan does suggest institutional uses as starting with
1487 formerly Or Atid being appropriate. In fact, the existing zoning is not really appropriate
1488 with your Land Use Plan. It's hard to say that that area isn't a row of institutional uses.
1489 Grove Avenue Baptist Church, the Beth-El Canterbury School, the Montessori ...
1490 (INAUDIBLE) ... site, West End Assembly of God.

1491
1492 The staff has found our request to be consistent with the Plan, as evidenced in their
1493 comments in their staff report.

1494
1495 You should know, this site currently pays zero real estate taxes. None. It's owned by a
1496 religious organization. Based on a fifty-million dollar investment by CA Ventures, the
1497 county could reap approximately \$435,000 thousand dollars a year in new real estate
1498 taxes.

1499
1500 This is a request to allow the growing number of seniors to access long-term care and in
1501 proximity to their families, their friends, and familiar services. I believe CA Ventures has
1502 demonstrated an enormous amount of flexibility in responsiveness, and we attempted to
1503 address every reasonable issue that has arisen. I would, respectfully, request that you
1504 recommend approval of this case to the Board of Supervisors and I'd be happy to answer
1505 any questions.

1506
1507 Mr. Baka - Thank you, sir. Thank you. Mr. Theobald. Before we go
1508 further, I just want to ask Mr. Emerson just to clarify that the applicant's presentation and
1509 questions to the Commission don't count in the ten-minute timeframe.

1510
1511 Mr. Emerson - The questions do not count in the 10-minute time limit. Mr.
1512 Theobald, did exceed 10-minutes by about a minute and a half, but he was wrapping up
1513 so I didn't see any reason to interrupt him.

1514
1515 Mr. Baka - Ok. That's fine. Thank you. I had a couple of questions for
1516 the applicant. So ... um ... First, the community meetings, as mentioned earlier ... a lot
1517 of the zoning that I'm used to typically have one community meeting, sometimes two if
1518 there is other issues to work out. So I realize there was a question about one of the
1519 notices, I was glad for the opportunity to have additional meetings.

1520
1521 I did want to ask about the natural wooded buffer. So, because sometimes there are
1522 buffers that are accepted by this Commission in the form of a proffer which may be cut
1523 into and removed for certain slopes, vertical slopes to make sure you get ... (INAUDIBLE)
1524 ... As I understanding the proffer, it's a natural wooded buffer that will remain undisturbed.
1525 How would go about supplementing the under story of the area where you can't see
1526 through right now?

1527
1528 Mr. Theobald - Sure. The transitional buffer 35 standards dictates how many
1529 shrubs, evergreens, deciduous trees comprise that standard. We take an inventory; that's

1530 done with the staff's input. And, we get credit for what's there. It's not unusual in an area
1531 like this where there's a lot of tall pine trees that you need to come in and supplement.
1532 The landscape plan will undoubtedly come back to you. It's a public hearing. The Planning
1533 Commission will weigh in only after we have had considerable discussions with the
1534 professional Planning staff to what would be appropriate in there, and then you literally
1535 go in and you plant.

1536
1537 Mr. Baka - So, basically, that helps to screen the first 6- to 8-ft. at a lower
1538 story.

1539
1540 Mr. Theobald - Sure.

1541
1542 Mr. Baka - And, it realistically covers some of the lower story, not
1543 necessarily the upper.

1544
1545 Mr. Theobald - There's clearly a lot of brush and what not in there that does
1546 act as a screen. But, I think in conjunction with staff, we will all know where we need to
1547 ...

1548
1549 Mr. Baka - And, then also you also mentioned to offset peak hours ...

1550
1551 Mr. Theobald - Well, peak hours are generally 7:00 to 9:00 in the morning for
1552 most businesses and residences. And, in the evening from 4:30 to 6:30 at night. These
1553 shift changes are going to be outside of those hours. They'll have about 30 employees
1554 and so we will dictate that they don't come between 8:00 and 9:00, or rather between
1555 7:30 and 9:00, and then 5:00 to 6:00. There may be some people in the independent
1556 living units who would be employed. A little unusual ... people don't live ... they don't
1557 move to this kind of facility to remain in there working lite. They are moving here to grab
1558 on to a continuum of care. You could rent a much less expensive apartment, townhome,
1559 or even pay a mortgage than what you would pay to move into one of these.

1560
1561 Mr. Baka - What are their approximate rates per month?

1562
1563 Mr. Theobald - It's ... ah ... the independent living unit is somewhere in the
1564 range of \$3,000 to \$5,500 dollars per month, assisted living \$4,000 to \$7,500 dollars a
1565 month, and memory care \$6,500 to \$8,000 a month.

1566
1567 Mr. Baka - Two of the biggest concerns by some of the residents from
1568 Kihross and Raleigh were traffic and noise. So, how would you answer that question?
1569 How would you not be contributing to that? How are you not adding and making it worse?

1570
1571 Mr. Theobald - Well, with regard to traffic and noise, I would say that there
1572 are currently 32,000 cars a day on Parham Road. That's a lot of cars. There's something
1573 like 11,000 cars on Derbyshire, and we're expected to have 11 cars entering and 19
1574 exiting in the a.m. peak and 21 entering and 18 exiting in the p.m. peak.

1575

1576 Mrs. Thornton - So, for this whole facility, you're saying there's 30 employees
1577 including nurses, and full-time staff?
1578
1579 Mr. Theobald - Yes.
1580
1581 Mrs. Thornton - For that many residents?
1582
1583 Mr. Theobald - Yes.
1584
1585 Mr. Baka - Is that because it's partly ... How many units are assisted?
1586 How many are independent living where you don't have any staff?
1587
1588 Mrs. Thornton - But cooks ...
1589
1590 Mr. Theobald - Well, the staff is all ... I mean it's a licensed facility. It's
1591 regulated by the State as to the assisted living. More than enough staff to meet those
1592 requirements.
1593
1594 Mrs. Thornton - And, then they shift change ... 12 hours... slash ...
1595
1596 Mr. Theobald - Eight hours, every eight hours.
1597
1598 Mrs. Thornton - The nurses, are they three shifts?
1599
1600 Mr. Theobald - Yes.
1601
1602 So, back to Mr. Baka, the traffic ... I can't imagine a use you could put in here that
1603 generates fewer trips. Particularly during the peak hours. As to noise ...
1604 (UNTELLIGIBLE) ... Parham Road has 32,000 cars on it. You hear those cars. You are
1605 not going to hear the life care facility. But there would be enough noise on Parham Road
1606 to drown out, I think, anything you hear from across the street.
1607
1608 Mr. Baka - Ok. What's the breakdown of units between independent and
1609 assisted living?
1610
1611 Mr. Theobald - Um ... it is ...
1612
1613 Background person - It's right here.
1614
1615 Mr. Theobald - It's ... um ... 58 independent units, 60 assisted, and 32
1616 memory care.
1617
1618 Mrs. Thornton - And, I had just one thing ...
1619
1620 Mr. Theobald - Sure.
1621

1622 Mrs. Thornton - You could clearly see the building through the brush. The red
1623 brick really stood out to me. So, I saw that you had changed or put in there ... like a stone
1624 ... would probably be ... I know that you can choose brick, stone, or veneer, or whatever,
1625 but to my ... they have high quality homes across the street, high end ... you want to keep
1626 up with the high end as we move forward.

1627
1628 Mr. Theobald- That's why we have two stories of brick and then the
1629 Hardy Plank and we did change the color on the Hardy Plank. If it's an issue, we can
1630 certainly look at toning it down, the color of the brick. It's probably more traditional in this
1631 area to deal with brick than stone, but that's certainly a value comment.

1632
1633 Mrs. Thornton - Yes.

1634
1635 Mr. Baka - That's a good comment. Some of the concerns we heard
1636 about the visual appearance.

1637
1638 Mrs. Thornton - The first thing that stood out to me was the red brick. If you
1639 had like a brown ...

1640
1641 Mr. Theobald - A brown would ... (INAUDIBLE) ...

1642
1643 Mrs. Thornton - A veneer ...

1644
1645 Mr. Theobald - Sure.

1646
1647 Mrs. Thornton - You know, because you can clearly see that's what their
1648 concern was, the height and the ... (INAUDIBLE) ...

1649
1650 Mr. Theobald - Yeah, I think that's a good comment.

1651
1652 Mrs. Thornton - It needs to keep up with the surrounding.

1653
1654 Mr. Baka - So, why not just make this two stories? Why can't you do that?

1655
1656 Mr. Theobald - Well, you just can't lop off a third of your building and still pay
1657 for the land.

1658
1659 Mr. Baka - But you could cover 65 percent of the land.

1660
1661 Mr. Theobald - you would be ... you still have to buy the land, same price.
1662 You still have to extend your utilities. You still have all your infrastructure, but you just
1663 loped off a third of your building and a third of your revenue, and now if try to recapture it,
1664 you've got to spread this building over more of the open space on the site. This building,
1665 as compared to the heights of the spires and steeples and everything else on that road,
1666 it's one of the shorter ones really.

1667

1668 Mr. Baka - Could a three story building be lowered any more than 44-feet
1669 as proposed right now?
1670
1671 Mr. Theobald - We've lowered the building two feet into the grade. But,
1672 it's actually ... the engineer's telling me it measures 42-ft., 10" ... And, so we put in the
1673 proffers ...
1674
1675 Mr. Baka - Can we quote you on that?
1676
1677 Mr. Theobald - No, because we put in the proffer 44-ft. You know ... because
1678 you can't always measure precisely. That's the worst thing.
1679
1680 Mrs. Thornton - You could lower it to two and add more for memory units and
1681 then you'd have the same amount of money.
1682
1683 Mr. Baka - I did have a question about safety. I also heard that as a
1684 concern of the neighbors. With the intersection there, how would you address the
1685 neighbors' concerns about safety in the area?
1686
1687 Mr. Theobald - Safety from a traffic standpoint?
1688
1689 Mr. Baka - I believe it's from traffic and access into the facility.
1690
1691 Mr. Theobald - Well, that's at a traffic light? I never get a case at a traffic light.
1692 When is the last time that ever happened, right? It's a luxury. You pray for traffic lights
1693 and VDOT won't give them to you. And so, this is one that has a 4th face on the existing
1694 light that is not heavily used. And, we are likely to have to adjust the timing, perhaps with
1695 the other lights in the queue.
1696
1697 Mr. Baka - Right.
1698
1699 Mr. Theobald - And as we all know, Patterson and Parham is slated to begin
1700 getting its fix, hopefully, in two years.
1701
1702 Mr. Baka - Ask Mr. Yob about that. Now I know the traffic light is heavily
1703 used. When I drive through there on weekends and this morning ...
1704
1705 Mr. Theobald - I'm talking about the fourth bay going into this site. There's
1706 already turn lanes in place.
1707
1708 Mr. Baka - Any other questions from the Commission? Thank you, sir.
1709
1710 Mr. Theobald - Thank you.
1711
1712 Mr. Baka - At this time, I'd like to hear from some of the people supporting
1713 the application.

1714
1715 Mr. Emerson - If the Commission so desires, you have used up the ten and
1716 ten.
1717
1718 Mr. Baka - Could we hear from a representative briefly from the
1719 community that's supporting the measure?
1720
1721 Applicant - You know ... I would ask, as an applicant ... You need 10-
1722 minutes on a case like this. We have a lot of people who came out here tonight as you
1723 saw by a show of hands, giving up their Valentine's evening just like the opposition. I'd
1724 ask that you let some people speak. Not everybody wants to speak. I think it's unfair just
1725 to have one person address this issue when they've taken the time to come out. So, I
1726 ask your indulgence in that. It's not unusual.
1727
1728 Mr. Witte - I understand.
1729
1730 Mr. Baka - You understand that? So, is it possible we have a couple of
1731 people ... who would be interested to speak to this matter in brief terms?
1732
1733 Mrs. Thornton - Why don't you just say ...
1734
1735 Mr. Baka - Please ...
1736
1737 Mrs. Thornton - come forward ...
1738
1739 Mr. Baka - Please come forward to the podium. And hope to have the
1740 opportunity to hear a couple of speakers.
1741
1742 Supporter #1 - Mr. Chairman, Members of the Commission. My name is
1743 David Ruby. I have a somewhat perspective on this project. I'm 62 years old. I've lived
1744 in Henrico County most of my life. My parents were original homeowners in Tuckahoe
1745 Park. In 1961, they were pioneers when they moved into Henrico County. They built the
1746 house in which I grew up on Dancer Road, one block from Parham Road. At the time,
1747 Parham Road was a two lane Road that stopped at Broad Street on the north and Three-
1748 Chopt Road on the South. I graduated from Skipwith Elementary School, and Tucker
1749 High School. Living five blocks from Tucker, I walked to school every day, crossing
1750 Parham Road.
1751
1752 For the past 20 years, I've lived just off Ridge and Zionsville Roads, approximately a half
1753 mile behind Grove Avenue Baptist Church and Parham Road. I'm in walking distance to
1754 the Temple Beth-El property on Parham Road. My three children are graduates of
1755 Douglas Freeman High School. I have deep roots in this community. I'm part of this
1756 community. I care deeply about this community. I'm a lifelong member of Temple Beth-
1757 El. I'm a past president. I've served on the Board of Governors at Temple Beth-El for
1758 nearly 30-years. During my presidency, Temple Beth-EL finalized plans to build the

1759 school building on Parham Road where we provide religious education for our children
1760 and family programs for the congregation.

1761
1762 Temple Beth-El cares about the community in which it holds religious services on Grove
1763 Avenue in the City of Richmond. And, cares about the community in which it provides
1764 religious education to our children on Parham Road in Henrico County. Temple Beth-El
1765 is a part of the Parham Road Community. Temple Beth-El is and has been a good
1766 neighbor on Parham Road. Temple Beth-El is not leaving the Parham Road
1767 neighborhood. We're going to be neighbors, the next door neighbors to the senior facility
1768 that's going to be built next door on the property. Temple Beth-El is not willing to sell its
1769 property to just anyone. To the contrary, Temple Beth-El is most interested in selling the
1770 property to an institution consistent with its core values.

1771
1772 CA Ventures intend to build and operate such an institution, a senior living facility. Temple
1773 Beth-El and its members takes seriously our biblical obligations to honor your parents,
1774 care for the elderly, and love thy neighbor. What could be more consistent with shared
1775 values than to sell property to a well-known, well-respected owner-operator of senior
1776 living and care facilities. What a good neighbor to have! What a good lesson to teach our
1777 children! Our Henrico County children. And, what a great opportunity for engagement for
1778 children, our Henrico County children.

1779
1780 A few quick comments about those opposing the project. This property may be developed
1781 and it will be developed whether by Temple Beth-El, or by someone else. Whoever
1782 develops the property will construct something and there will be a construction process.
1783 The construction process will be subject to established guidelines and obligations.

1784
1785 Regarding concern about the period of construction, I can imagine many currently
1786 authorized uses that would entail a convoluted construction process that could drag on
1787 for a long time. That's not this proposed project.

1788
1789 And, for goodness sakes ... CA Ventures intends to operate a senior living facility. Most
1790 of the residents don't drive. And, again, this property is going to be developed. Many
1791 currently authorized uses could produce significantly greater traffic than the few cars that
1792 are going to come through this property.

1793
1794 Drainage and water quality issues have been addressed to the satisfaction of the county's
1795 professional Planning staff, and the same with buffers.

1796
1797 Parham Road is full of churches and schools. The architecture, landscaping and materials
1798 of churches and schools are not a whole lot different from that of the senior living facility.
1799 I'm not afraid to say, that the architecture, landscaping, buffers and materials of the
1800 proposed facility will be more pleasing and of higher quality than much of what we already
1801 see on Parham Road.

1802
1803 Yes, Parham Road is full of churches and schools. They do produce lots of traffic through
1804 the neighborhoods. I dare say that the drivers in and out of the senior living facility will not

1805 be driving through the neighborhoods. They don't live in the neighborhoods. Nor will they
1806 be coming and going at once or at peak times, unlike the area churches and schools and
1807 current rush hour traffic that already exists, and which would be potentially exacerbated
1808 by already permitted zoning uses.

1809
1810 Mr. Baka - Mr. Ruby, thank you. May I ask you to conclude your
1811 comments in about a minute?

1812
1813 Mr. Ruby - Yes, sir.

1814
1815 Mr. Baka - Thank you.

1816
1817 Mr. Ruby - As a final point. This rezoning request is consistent with the
1818 county's land use plan, and it's been recommended by the county's professional staff.

1819
1820 In summary, we have an opportunity to do good. Temple Beth-El, CA Ventures, and
1821 Henrico County. Let's do some good here. Let's do it together.

1822
1823 Mr. Baka - Thank you.

1824
1825 Mr. Ruby - I support this project and thank you very much.

1826
1827 Mr. Baka - Thank you, Mr. Ruby. Any questions from the Commission?

1828
1829 Mr. Ruby - Ok, thank you.

1830
1831 Mr. Baka - Thank you for your time and service. Is there anyone else
1832 who would like to speak on this?

1833
1834 Supporter #2 - I would.

1835
1836 Mr. Baka - If I may, could I encourage you to keep your remarks
1837 somewhat brief. Thank you.

1838
1839 Supporter #2 - They are very brief.

1840
1841 Mr. Baka - Thank you.

1842
1843 Supporter #2 - My name is Benita Felmus and I live in Grayson Hill. And if I
1844 remember correctly, Grayson Hill is not a project that anybody wanted to have happen.
1845 But, now that it's almost completed, people are very pleased. Most of the people who
1846 fought against it are now living in the neighborhood. So, I would just remind you of that.

1847
1848 I'm also a member of Temple Beth-El and I'm also the president of a few organizations.
1849 As Baby Boomers and their parents are growing older, myself included, senior life
1850 facilities are becoming more and more important. And, to have those in your

1851 neighborhood is very important. Because in the middle of the night when you get that
1852 phone call about your parent ... you want to get there immediately. Currently, there are
1853 none south on Parham Road. As we age, it's important to be able to stay long term in
1854 your neighborhood and stay active. The facility will give that opportunity because people
1855 will not have to learn how to get around again. Allowing those in the current area to retire
1856 in place would be a great thing, and this type of facility allows that.

1857
1858 The property that the Temple currently owns, is sitting idle. It's got trees on it and the
1859 organization believes this was a really good use for the land. So, I would hope that you
1860 would approve the zoning request.

1861
1862 Mr. Baka - Thank you. Any questions from the Commission? Thank you,
1863 Ma'am.

1864
1865 Yes, please come forward, if you would, and the same thing applies.

1866
1867 Supporter #3 - Yes, be brief, I know.

1868
1869 Mr. Baka - Thank you.

1870
1871 Supporter #3 - Ok, thank you very much. My name is Rita Ruby and I just
1872 want to speak to the specific points, but from my vantage point. So, we live nearby. I work
1873 from home. So, on the traffic point, I ... without exaggeration ... drive this exact Parham
1874 Road corridor every single day. At least once. Usually more than once. Sometimes going
1875 back and forth to the Willie Bridge going to Southside. Sometimes going to Beth-El to
1876 volunteer there or go to meetings or events. So the exact site ... sometimes I go in the
1877 opposite direction on Parham Road, across to Patterson and Parham beyond 64. So, I'm
1878 very familiar because I do this every day. Morning, noon, night, weekday, weekends, and
1879 I live with that traffic and I wouldn't support that project if I thought I was going to have a
1880 problem. Because that's my only good way to get to any of those things I have to do.

1881
1882 Here's what I see, there are two big traffic issues on Parham Road. You know, the two
1883 big problems are rush hour traffic, beginning and end of the day. As people are going
1884 between north and Southside or across to get to 64. And, the other major thing is ... and
1885 they are all concentrated at the same time, the churches that are along there ... people
1886 who are going all at the same time to attend church services and events, or to a lesser
1887 extent, going to Montessori School. Again, they'll concentrate at the same times, opening
1888 and closing times.

1889
1890 This life care facility ... you know, I saw people in opposition shaking their heads, but the
1891 fact of the matter is common sense. It will have virtually zero impact. People are not going
1892 to be driving at those peak times. They are not going to be driving all at once. And, it is
1893 a small number. I volunteer to go all the time to other life care facility in the West End
1894 that is many times larger than the number of units proposed for this. So, it's not just me
1895 just shaking my head saying yes or not. It's actually seeing it in a much larger community.
1896 When I'm going there weekly, I basically don't see anybody in front of me or behind me

1897 or in opposite direction. It really does generate very little traffic. And, the staffing for these
1898 facilities kind of, in fact, very low.

1899
1900 As to the character of the area, I'd just say ... if you've driven it, this is not the pastoral
1901 setting with some country road. It's a four-lane, 45-mile an hour divided thoroughfare. It
1902 is enormous churches with huge parking lots and the Montessori's multiple buildings, big
1903 flags ... all of the without buffers. All of them right on the road. With all due respect, in
1904 some ways monstrosities, compared to the character of this.

1905
1906 Mr. Baka - Ok. Can you ... Thank you, Ma'am

1907
1908 Mrs. Ruby - Ok, can I just conclude?

1909
1910 Mr. Baka - Yes, Ma'am.

1911
1912 Mrs. Ruby - I understand that if people had their preferences that the site
1913 would be unoccupied wooded land. No use at all, or perhaps put to a different use, but
1914 that's not the prerogative of those who do not own the land. I think the proposed use is
1915 an excellent use for the property, appropriate to the property, an excellent addition far
1916 more attractive, far fewer downsides than the currently permitted use. Thank you.

1917
1918 Mr. Baka - Thank you. Thank you very much. Any questions of Ms.
1919 Ruby?

1920
1921 I do have a question of the Traffic Engineer also. I think we ... I appreciate our willingness
1922 to speak. I think we've had several indications ... of the same. Let me ask Ms. Smidler your
1923 question. I want to ask how you characterize the impact of the proposed development
1924 upon traffic in the south corridor. I wouldn't necessarily say it has zero impact, there is
1925 some. Can you describe the number of cars and what's expected, as told in the staff
1926 report, on a daily basis. I know the applicant mentioned some peak hour numbers.

1927
1928 Ms. Smidler - Yes. Traffic Engineer prepared a graph that show some of the
1929 Parham Road Traffic volumes over the past 18 years 288 was connected in about 2004.
1930 You can see the peak, at that time, was over 40,000 vehicles a day on Parham Road, just
1931 south of Derbyshire. The traffic volume has decreased by about 20% since then, based
1932 on the current volume. And, this proposed assisted living center will have less than a 2%
1933 increase over current volumes. So, and it'll be at non peak times.

1934
1935 Mr. Baka - Ok. So, the proposal would be less than 2%. And I wouldn't
1936 want to experience that much traffic. I drive through the corridor myself. I drove through
1937 it this morning, drive through it at rush hour. But, the road is able to accommodate more
1938 traffic than its taking right now. Obviously, we don't want to create additional traffic
1939 problems with not wanting.

1940
1941 Ms. Smidler - Yes, sir.

1942

1943 Mr. Baka - Does anyone else have any questions of Ms. Smidler from a
1944 traffic standpoint? Thank you.

1945

1946 Audience Member - ... (UNINTELLIGIBLE) ...

1947

1948 Mr. Baka - I didn't mean to cut you off sir, but we've had a number of
1949 comments on the facility ...

1950

1951 Same Audience Member - Do you think anybody in this room ...? (UNINTELLIGIBLE) ...

1952

1953 Mr. Baka - If it's something brand new ...

1954

1955 Same Audience Member - Brand new.

1956

1957 Mr. Baka - For one minute.

1958

1959 Same Audience Member - Two minutes.

1960

1961 Mr. Baka - One minute, thank you. One.

1962

1963 Same Audience Member - Members of the Commission,

1964

1965 Mr. Baka - Mr. Emerson has the timer.

1966

1967 Same Audience Member - My name is Dave Smith. I am a resident of Sleepy Hollow,
1968 and I must disclose that I am a commercial real estate agent and I do represent CA
1969 Ventures in this project. I have over 40 years of experience in land development
1970 throughout the city for all forms of residential and commercial properties. I'm here to
1971 speak about why this location has been chosen, the demand and a need for it in our
1972 neighborhood. There are 10,000 Baby Boomers per day reaching retirement currently.
1973 And, this will trend well into the 2030's. The Boomers will fuel a 75% increase in Nursing
1974 Home care from 1.3 million in 2010 to 2.3 million by 2030. The age 65+ is on course to
1975 double nationally from 46 million and today, to over 98 million by 2060, which represents
1976 a change from 15% of the population ...

1977

1978 Mr. Baka - Sir, I would ... Sir ... I apologize, but

1979

1980 Mr. Smith - I'm getting to the point.

1981

1982 Mr. Baka - We have had this information in the staff report.

1983

1984 Mr. Smith - Ok.

1985

1986 Mr. Baka - This time I'm gonna move on to Mr. Yob, Public Works
1987 Director. I appreciate you speaking and you volunteering. Thank you.

1988

1989 Mr. Baka - Mr. Yob, May I ask you a question about the drainage?
1990 There are a number of people who spoke in opposition and in a sense of fairness, I feel
1991 like it's important that we keep some level of ... some measure of time for both sides.
1992
1993 Mr. Yob, the question on the drainage. There's a new proffer submitted saying they've
1994 improved preconstruction activities 20% run-off, 10% after ... Can you explain what that
1995 proffer would mean from a land development standpoint?
1996
1997 Mr. Yob - Yes, Sir, Mr. Chairman. Members of the Commission, Ladies
1998 and Gentlemen, I'm Steve Yob. I'm the Director for Public Works for Henrico County.
1999
2000 When this project is going through its detailed design, we'll certainly look very carefully
2001 at storm water. The Proffer that's been provided ... and it maybe the first one I've ever
2002 seen where they've actually added in a much bigger quantity for storm water retainage
2003 than what the minimum requirements are. Usually, applicants don't do that.
2004
2005 In this case, the 20% during construction additional to what the minimum standards would
2006 be require, and 10% detention following the construction of the facility. Again, more than
2007 what we would require. What that means in simple terms on the design storm is for 10-
2008 year, 20-ft., 24-hr storm, they would have to retain all the water post construction, plus
2009 10% additional beyond what the minimum standards would be and release that at no
2010 more quantity than what it is released today with a wooded condition. That's what that
2011 means. And again, that is not required, and we cannot force the applicant other than they
2012 have voluntarily proffered to do that.
2013
2014 Mr. Baka - So, if this proposal for the committee were recommended for
2015 denial to the Board, you would have ...you would not have that proffer on "by right"
2016 Development that can occur there now?
2017
2018 Mr. Yob - No, sir. You'd go back to the design storm and any detention
2019 would be just the standard conditions that the county would apply.
2020
2021 Mr. Baka - Does anyone else have any questions of Mr. Yob? Thank
2022 you.
2023
2024 Does the Commission wish to hear from anyone else in the audience tonight, with all due
2025 respect to all speakers?
2026
2027 There's been a lot of work on this case and I want to thank everyone for their involvement.
2028 Going back and forth, there's been a lot of questions. I realize this is a very difficult
2029 decision.
2030
2031 When we move into homes ... and I bought my home, with certain investment backed
2032 expectations. You expect what you see is what you get. You expect that it may be there.
2033 I think one of the things that happens is we want to understand that what we see the first
2034 day we move in may not always be what is there later. It's almost an expectation that we

2035 might have that change does occur things do get built. Even within my own neighborhood,
2036 I've seen quite a bit of change. I think I'd be inclined to defer this case if I thought we
2037 could further work out additional items or issues. I'd make number one and I'd be
2038 interested to hear from other Commissioners. I don't think this is an incompatible land use
2039 for the property. It's zoned R-2. It could go to R-6, or you could leave it to R-2 for years.
2040 It could be houses there one day. But, I don't think it's an incompatible use. I think Mr.
2041 Humphreys did a fine job in explaining Semi-Public uses in the Comprehensive Plan. The
2042 Comp Plan is a guideline where you could allow for those uses under the Code. Not, all
2043 of them may be appropriate. This location we referred to earlier, but I don't think this one
2044 is inappropriate with the proffers that tried to mitigate and seek to mitigate some of those
2045 issues.

2046
2047 The traffic ... Parham Road has a lot of traffic on it. But, as Ms. Smiler, I don't think this
2048 is going to add much of an increase where it would make a noticeable difference.

2049
2050 I've driven through Kinross and Raleigh in daytime, I've driven through it at night, looking
2051 over it trying to envision what it might look from the renderings, the difference.

2052
2053 Noise? Noise is on Parham Road right now, in my opinion, but the other people might
2054 feel differently.

2055
2056 Safety, I'd rather have an access coming out at a traffic light. My concern is if we say,
2057 hey let's look at other locations, and sometimes you have a right in right out and you don't
2058 have a traffic light there. In some ways, you know, it can be safer to have it at the traffic
2059 light for turning in and out.

2060
2061 Run-off. I've never seen a proffer that went above and beyond what was required by
2062 Code. I'm glad we have the ability to accept that, that is the case.

2063
2064 And for our aging population which I feel is a very important issue, I am deeply mindful of
2065 the numbers of aging parents, aging Baby Boomers. My mother lives 3-minutes away in
2066 a facility that I can get to very quickly if needed. And, I appreciate all that, and we're
2067 looking at different options. Folks may want to live in their own homes. They may want to
2068 live with family. They may want to live with friends. They may want an independent living
2069 option and they want an assisted living option. There are choices are available. So I'm
2070 deeply mindful of the aging demographics. This Commission was fortunate to have a
2071 wonderful presentation from Ms. Jean Moore, the Deputy Director of Planning, last month
2072 at the Board of Supervisors' Retreat when we heard about those aging demographics
2073 and how it's impacting the county. I would actually go a little further and say ... I would
2074 suspect that we see more of this type of request. As far as the need and where this need
2075 goes ... If an applicant is willing to invest X dollars in a site, I believe that ... it just my
2076 opinion ... but I believe that they've probably got it planned out. They know the business
2077 better than I do. They think that it can work. Is that a fair statement, Mr. Witte?

2078
2079 Mr. Witte - I would think so.

2080

2081 Mr. Baka - So, go ahead. I think I've said enough.

2082
2083 Mr. Witte - I would like to address one issue that was brought up very
2084 early. I believe it was something to the effect of ... if you don't go by the Comprehensive
2085 Plan, what good is it? And we're here because of that. You can't predict what will happen
2086 in 15 years or even in 2 years, and we're here to do what's best as a group representing
2087 the county and the citizens to make the best decision we can with the information we
2088 have to change zones. If we didn't, 45 years ago, I used to walk from Sleepy Hollow
2089 down to that pond to fish, and nobody would live there if we didn't change the zoning. My
2090 grandchildren might be walking down there to fish. So, we have a very distinct purpose
2091 and we take it seriously. We really do. We put a lot of time in. And, I dare say ... I'm
2092 confident saying that when I rode through that neighborhood, there are houses there that
2093 are already there that are going to be taller than this building's going to be. I mean, that's
2094 just a fact. So, that's my comment.

2095
2096 Mr. Baka - Any other thoughts from the Commission members?

2097
2098 Mr. Mackey - Yes, Mr. Chairman, I'd like to start off by saying that I really
2099 sympathize with the members of the community who just said they simply just didn't want
2100 it there. A lot of times when you are having that much change, it is extremely hard to
2101 accept that. But, as you said earlier, I think if this was denied ... or if it was something
2102 built there by right ... The County or the community would not gain as much as they stand
2103 to gain with these proffers in place. And, I think that Mrs. Thornton made a very good
2104 point and suggestion about changing the color of the brick so it did not stand out too
2105 much. If that's something that the applicant would consider, I believe that would help a lot
2106 going forward. I just ... it's a very tough case.

2107
2108 Mrs. Thornton - I personally just went through this two years ago. I live next
2109 door to the Manor House. It literally butts up to our cul-du-sac. We don't have that
2110 wonderful street to divide us. We don't have a light to direct traffic in and out. But, I can
2111 tell you that our kids that go to elementary school now do their art shows there, they're
2112 involved. It has been a benefit to our community, even though the people on my cul-du-
2113 sac did not want it, and it didn't devalue the landscaping. And that's why I'm suggesting
2114 the architect, the Colony, because they did accommodate. When the trees are down and
2115 it's brown, they had this beautiful stone. It was actually a nice site to look at. So, just be
2116 mindful to go with the architect from the area and the homes there so it doesn't devalue
2117 and look chintzy and cheap. They actually made it look classy. Some people actually
2118 think it's a big home. It's really an assisted living facility. If you don't know the Manor
2119 House, it is beautiful. It's been there for about a year.

2120
2121 We, personally ... I live there right beside it. That's why I wanted to know how many
2122 workers because they have the independent. They don't have the memory care, but they
2123 have the assisted. And, we didn't get the benefit from the proffers right and they're on a
2124 very busy road. But, I will say if you could just do ... when you bring it back with the
2125 landscaping, be mindful. The only thing that will last on that road are pine trees because
2126 of the exhaust. I'll tell you that because of so much exhausts, if you ever look at a street

2127 and there are only pine trees, that's the only thing will stand the exhaust pipes because
2128 there's so much exhaust. So, just be mindful of what landscaping you do put in. But, I will
2129 say, it's benefitted our general community.

2130
2131 Mr. Baka - And I would add that ... And, and in brief, the additional
2132 dialogue would add to the process and comments tonight and understanding the issues
2133 we've already mentioned has been helpful in the discussion. This discussion continues.

2134
2135 I make a motion to recommend to the Board of Supervisors that this Commission
2136 recommend approval to the Board of Supervisor for James W. Theobald for CA Senior
2137 Living Holdings, REZ2018-00049 and that's my motion to approve. The case is submitted
2138 with proffers dated February 12th.

2139
2140 Mr. Archer - Second.

2141
2142 Mr. Baka - Motion by Mr. Baka and second by Mr. Archer.

2143
2144 Recommend approval of the zoning case, all those in favor say, aye.

2145
2146 The Commission - Aye.

2147
2148 Mr. Baka - Opposed say, no. Motion carries.

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2150 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr. Archer, the
2151 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2152 **grant** the request because it would permit development of the land for residential use in
2153 an appropriate manner and conforms to the Semi-Public recommendation of the
2154 Comprehensive Plan.

2155
2156 Now we need a second motion on the PUP. I would make a motion that we recommend
2157 approval to the Board of Supervisors of the Provisional Use Permit 2018-00020 James
2158 W. Theobald for CA Senior Living Holdings. All those in favor say, aye.

2159
2160 The Commission - Aye.

2161
2162 Mr. Baka - Oh, I need a second.

2163
2164 Mr. Emerson - A second.

2165
2166 Mrs. Thornton - Second.

2167
2168 Mr. Baka - Motion by Mr. Baka, second by Mrs. Thornton. Those in favor
2169 say, aye.

2170
2171 The Commission - Aye.

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Mr. Baka - Any opposed? Motion carries.

REASON - Acting on a motion by Mr. Baka, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Semi-Public recommendation of the Comprehensive Plan and when regulated by the recommended conditions it would not be detrimental to the public health, safety and welfare of the area.

Thank you very much for your time. This dialogue continues with the Board of Supervisors.

Mr. Emerson - Mr. Chairman, the next item on your agenda this evening will be the approval of your Minutes. You don't have those. We still continue to have struggle with our transcription service. So, we're going to get caught up soon, I hope. Our contract transcription services ... we've just run into some issues there. So we continue to work on that.

The Commission - ... (UNINTELLIGIBLE) ...

Mr. Emerson - So, with that said, Mr. Chairman, I have nothing further with the Commission this evening.

Mr. Baka - Are there any other discussion items for the Commission? Anything to discuss at this time amongst the Commission Members?

Mr. Witte - Motion to adjourn.

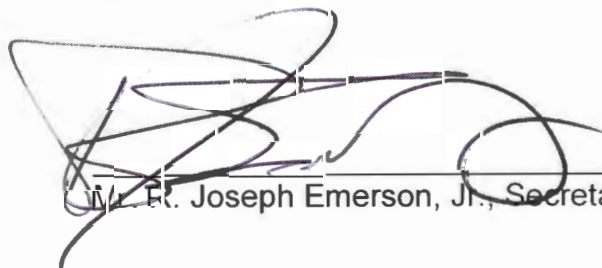
Mr. Baka - I have a motion by Mr. Witte, second by Mr. Archer. All who's in favor say, aye.

The Commission - Aye.

Mr. Baka - The ayes have it.



Mr. Greg Baka, Chairman



Mr. Joseph Emerson, Jr., Secretary

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