

1 Minutes from the work session of the Planning Commission of the County of
2 Henrico held in the County Administration Building in the Government Center at
3 Parham and Hungary Spring Roads, beginning at 5:30 p.m. January 12, 2017.
4

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

Members Absent: Mr. Tyrone E. Nelson (Varina)
Board of Supervisors' Representative

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

5
6 **The Commission convened a work session in the County Manager's**
7 **Conference Room at 5:41 p.m.**

8
9 Mr. Archer - I'm going to turn it over to Mr. Emerson, our secretary,
10 and we'll get started.

11
12 The Planning Commission met to review and discuss the sign ordinance and
13 review proper procedures for their Rules and Regulations. Presentations were
14 provided by Mr. Ben Blankinship, Ms. Leslie News, and Mr. Jim Strauss. The
15 Commission focused on timely submission of information, and agreed to continue
16 the discussion at their next meeting.

17
18 The Commission recessed their meeting at 6:45 p.m.
19

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

22
23 Minutes of the regular monthly meeting of the Planning Commission of the County
24 of Henrico held in the County Administration Building in the Government Center at
25 Parham and Hungary Spring Roads, beginning at 7:00 p.m. January 12, 2017.
26 Display Notice having been published in the Richmond Times-Dispatch on
27 December 26, 2016 and January 2, 2017.

28
Members Present: Mr. Eric Leabough, C.P.C. Chair, (Varina)
Mr. Robert H. Witte, Jr., Vice Chair, (Brookland)
Mr. C. W. Archer, C.P.C., (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mr. Tyrone E. Nelson (Varina)
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Also Present: Mr. Andrew Newby, County Attorney
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Senior Principal Planner
Mr. Benjamin Blankinship, AICP, Senior Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Michael Kennedy, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Ms. Erin Puckett, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Mr. William Moffett, CPTED Planner, Division of Police
Ms. Sylvia Ray, Recording Secretary

29
30 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**
31 **all cases unless otherwise noted.**

32
33 Mr. Archer - The Planning Commission will come to order. Good
34 evening, everyone. Welcome to the January 12th meeting of the Henrico County
35 Planning Commission. At this time, we will stand and recognize the flag. While
36 we're doing that, I would ask that you please mute or turn off your phones.

37
38 Thank you. Hello, Ms. Truong. How are you? We have Ms. Debbie Truong from
39 the *Richmond-Times Dispatch*. Before we go any further, I would like to introduce
40 to you and present to some Reverend Tyrone Nelson, who is serving his first term
41 on the Planning Commission. Glad to have you, sir.
42

43 Mr. Nelson - Yes sir. Thanks for having me. Glad to be here.
44
45 Mr. Archer - With that I will turn things over to the secretary and we
46 will begin.
47
48 Mr. Emerson - Thank you, Mr. Chairman. I would like to note that the
49 Commission did hold a work session prior to beginning this meeting at 5:30 in the
50 County Manager's conference room. We did discuss comments received
51 regarding revisions to the Sign Ordinance. And we had some discussion regarding
52 the Planning Commission rules and regulations. With that said, first on the agenda
53 this evening are the Requests for Withdrawals and Deferrals. Those will be
54 presented by Mr. Jim Strauss.
55
56 Mr. Archer - Good evening, Mr. Strauss.
57
58 Mr. Strauss - Good evening, members of the Commission. We have
59 one request for deferral this evening. It's in the Three Chopt District, on page 3 of
60 the agenda. And that's REZ2017-00003, 12600 Bacova, LLC. This is a request to
61 conditionally rezone from A-1 Agricultural District to R-5C General Residence
62 District and O-2C Office District. The applicant is requesting a deferral to the April
63 13, 2017 meeting.
64
65 **REZ2017-00003 G. Brian Duke for 12600 Bacova, LLC:** Request to
66 conditionally rezone from A-1 Agricultural District to R-5C General Residence
67 District (Conditional) and O-2C Office District (Conditional) Parcel 734-767-2531
68 containing 40 acres located on the west line of N. Gayton Road and the north line
69 of Bacova Drive approximately 200 feet from their intersection. The applicant
70 proposes a residential townhouse and office development. The uses will be
71 controlled by zoning ordinance regulations and proffered conditions. The 2026
72 Comprehensive Plan recommends Office and Environmental Protection Area.
73
74 Mr. Archer - Thank you, sir. Is there anyone present who is opposed
75 to the deferral of REZ2017-00003, G. Brian Duke for 12600 Bacova, LLC? No
76 opposition.
77
78 Mrs. Marshall - Mr. Chairman, I move that REZ2017-00003, G. Brian
79 Duke for 12600 Bacova, LLC, be deferred until the April 13, 2017 meeting, at the
80 request of the applicant.
81
82 Mr. Witte - Second.
83
84 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All
85 in favor say aye. All opposed say no. The ayes have it; the motion passes.
86
87 At the request of the applicant, the Planning Commission deferred REZ2017-
88 00003, G. Brian Duke for 12600 Bacova, LLC, to its meeting on April 13, 2017.

89
90 Mr. Emerson - Mr. Chairman, that completes the withdrawal and
91 deferral requests this evening, unless the Commission would have further deferrals
92 they would like to enter. Not being aware of any, next on the agenda would be
93 Requests for Expedited Items. Those will also be presented by Mr. Jim Strauss.

94
95 Mr. Strauss - Thank you, Mr. Secretary. We have three requests for
96 approval on the expedited agenda this evening. The first is in the Varina District
97 on page 3 of the agenda. That's REZ2017-00002, Emerald Land Development.
98 This is a request to rezone from the B-3 Business District to the R-3 One-Family
99 Residential District. Single-family residences are proposed. Staff is recommending
100 approval. We are not aware of any opposition.

101
102 **REZ2017-00002 Mark Rempe for Emerald Land Development:**
103 Request to rezone from B-3 Business District to R-3 One-Family Residential
104 District Parcels 836-715-5241 and 836-715-6142 containing 1 acre located at the
105 southwest intersection of Old Williamsburg and Clayman Roads. The applicant
106 proposes single family residences. The use will be controlled by zoning ordinance
107 regulations. The 2026 Comprehensive Plan recommends Suburban Residential 2,
108 density should not exceed 3.4 units per acre.

109
110 Mr. Archer - All right. Is there anyone present who is opposed to
111 REZ2017-00002, Mark Rempe for Emerald Land Development? No opposition.

112
113 Mr. Leabough - Mr. Chair, there being no opposition, I move that
114 REZ2017-00002, Mark Rempe for Emerald Land Development, be recommended
115 for approval to the Board of Supervisors on the expedited agenda.

116
117 Mr. Baka - Second.

118
119 Mr. Archer - Motion by Mr. Leabough and seconded by Mr. Baka.
120 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

121
122 **REASON -** Acting on a motion by Mr. Leabough, seconded by Mr.
123 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
124 Board of Supervisors grant the request because it conforms to the Suburban
125 Residential 2 recommendation of the Comprehensive Plan and would not
126 adversely affect the adjoining area if properly developed as proposed.

127
128 Mr. Strauss - The next request for approval on the expedited agenda
129 is in the Fairfield District and is also on page 3 of your agenda. This is REZ2017-
130 00004, Mr. Peter Francisco. This is a request to amend proffered conditions
131 accepted with the original rezoning case. The amendments are to adjust the hours
132 related to operation and square footage. Staff is recommending approval. We are
133 not aware of any opposition.

134

135 **REZ2017-00004** **Peter Francisco:** Request to amend proffered
136 conditions accepted with REZ2014-00027 on Parcel 780-749-9410 located on the
137 west line of Lakeside Avenue (State Route 161) at its intersection with Timberlake
138 Avenue. The applicant proposes to amend proffers related to hours of operation
139 and square footage. The existing zoning is B-3C Business District (Conditional).
140 The 2026 Comprehensive Plan recommends Commercial Concentration. The site
141 is in the Enterprise Zone.

142

143 Mr. Archer - Thank you, Mr. Strauss. Is there anyone present who
144 is opposed to REZ2017-00004, Peter Francisco? There being no opposition, I
145 move that REZ2017-00004, Peter Francisco, be approved on the expedited
146 agenda.

147

148 Mr. Witte - Second.

149

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

152

153 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.
154 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
155 Board of Supervisors **grant** the request because the changes do not greatly
156 reduce the original intended purpose of the proffers and they are not expected to
157 adversely impact the surrounding land uses in the area.

158

159 Mr. Strauss - The final request for approval on the expedited agenda
160 this evening is in the Three Chopt District, on page 3 of the agenda. This is
161 PUP2017-00002, Noodles & Company. This is a request for a Provisional Use
162 Permit for outdoor dining. Staff again recommending approval. We are not aware
163 of any opposition.

164

165 **PUP2017-00002** **Noodles & Company:** Request for a Provisional Use
166 Permit Under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the
167 County Code to allow outdoor dining on part of Parcel 747-760-6472 located at the
168 northeast intersection of W. Broad Street (U.S. Route 250) and Dominion
169 Boulevard. The existing zoning is B-2C Business District (Conditional). The 2026
170 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook
171 Redevelopment Overlay District.

172

173 Mr. Archer - Thank you, sir. Is there anyone present who is opposed
174 to PUP2017-00002, Noodles & Company? I see no opposition.

175

176 Mrs. Marshall - Mr. Chairman, I move that PUP2017-00002, Noodles
177 & Company, on the expedited agenda, be forwarded to the Board of Supervisors
178 with a recommendation of approval with the conditions in the staff report.

179

180 Mr. Baka - Second.

181
182 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Baka. All
183 in favor say aye. All opposed say no. The ayes have it; the motion passes.
184
185 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.
186 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the
187 Board of Supervisors grant the request because it is reasonable in light of the
188 surrounding uses and existing zoning on the property and the conditions should
189 minimize the potential impacts on surrounding land uses.
190
191 Mr. Emerson - Mr. Chairman, that completes the expedited items for
192 the evening. Next on your agenda, Mr. Chairman, would be your reorganization.
193 This is the first of the year, and the next item is the election of the chairman for the
194 2017 year. At this time, Mr. Chairman, I would like to take the opportunity to thank
195 you for being a great individual to work with over the last year as chairman and
196 doing an excellent job. It's certainly been a pleasure.
197
198 Mr. Archer - I appreciate those words, sir. Thank you all for being
199 such a great support.
200
201 Mr. Emerson - Now, in accordance with the Rules, Bylaws and,
202 Regulations of the Commission, I would like to open the floor for nominations for
203 Chairman of the Planning Commission for 2017 year.
204
205 Mr. Archer - Okay. Is there any nomination for chair?
206
207 Mrs. Marshall - Mr. Chairman, I nominate Mr. Eric Leabough be
208 elected as Chairman to the Planning Commission for the 2017 calendar years.
209
210 Mr. Emerson - So we have a nomination and a motion for election. Is
211 there a second?
212
213 Mr. Baka - Second.
214
215 Mr. Emerson - So we have a motion and a nomination for second. If
216 there are no further nominations, then with the combined motion, would all those
217 in favor say aye. Opposed? Congratulations, Mr. Leabough.
218
219 Mr. Leabough - Thank you.
220
221 Mr. Emerson - Congratulations, Mr. Chairman. Next on the agenda
222 would be the election of Vice Chairman.
223
224 Mr. Baka - Mr. Chairman, I would make a motion to nominate and
225 to elect Mr. Robert Witte for office of Vice Chairman.
226

227 Mr. Leabough - We have a motion by Mr. Baka. Is there a second?
228

229 Mr. Archer - Second.
230

231 Mr. Leabough - Okay. So this will be a nomination and a motion to
232 approve. We have a motion by Mr. Baka, a second by Mr. Archer. All in favor say
233 aye. All opposed say no. There being no opposition, the motion passes.
234 Congratulation, Mr. Witte.
235

236 Mr. Witte - Thank you.
237

238 Mr. Emerson - Congratulations. Mr. Chairman, we now move into your
239 regular agenda, the first item on page 1. It is consideration of an ordinance that
240 was deferred from your December 8th meeting after your first public hearing. This
241 is an ordinance to amend and reordain various sections of the Code of the County
242 of Henrico. The staff report will be presented by Mr. Ben Blankinship.
243

244 **(Deferred from the December 8, 2016 Meeting)**

245 **ORDINANCE – To Amend and Reordain the Following Sections of**
246 **the Code of the County of Henrico Titled: 24-3, “Enumerated;” 24-13,**
247 **“Accessory uses permitted;” 24-13.2, “Accessory uses permitted;” 24-30,**
248 **“Accessory uses permitted;” 24-34, “Development standards;” 24-37, “Accessory**
249 **uses permitted;” 24-39, “Accessory uses permitted;” 24-50.3, “Accessory uses**
250 **permitted;” 24-50.8, “Accessory uses permitted;” 24-50.13, “Accessory uses**
251 **permitted;” 24-50.21, “Accessory uses permitted;” 24-50.32, “Accessory uses**
252 **permitted;” 24-53, “Accessory uses permitted;” 24-56.1, “Accessory uses**
253 **permitted;” 24-57, “Development standards and conditions for permitted uses;” 24-**
254 **60, “Accessory uses permitted;” 24-62.1, “Permitted uses;” 24-64, “Accessory**
255 **uses permitted;” 24-68, “Accessory uses permitted;” 24-72, “Accessory uses**
256 **permitted;” 24-75, “Accessory uses permitted;” 24-101, “Neighborhood and**
257 **community shopping centers;” 24-106.2, “Landscaping, tree cover, screen and**
258 **buffer requirements, transitional buffering and design standards;” and 24-121,**
259 **“Conditional zoning or zone approval;” To Repeal and Reserve the Following**
260 **Sections of the Code of the County of Henrico Titled: 24-85, “Signs permitted;” 24-**
261 **86, “Signs prohibited;” 24-104, “Signs;” and 24-105, “Planned neighborhood;” And**
262 **to Add a New Section 24-104.1 “Signs” to Chapter 24 of the Code of the County**
263 **of Henrico. This ordinance repeals the existing sign ordinance and enacts a new**
264 **sign ordinance. The new sign ordinance is designed to comply with the U.S.**
265 **Supreme Court’s ruling in Reed v. Town of Gilbert decided June 18, 2015. The**
266 **new sign ordinance principally regulates the number, size, height, illumination,**
267 **motion, construction, maintenance, and location of commercial and**
268 **noncommercial signs within each of the various zoning districts of the County. The**
269 **new sign ordinance specifies that a sign permit is required for each sign unless a**
270 **specific exception applies, and it explains how a sign permit is obtained. The new**
271 **sign ordinance specifies which signs are prohibited, which existing signs will be**
272 **considered nonconforming, and how those nonconforming signs will be regulated.**

273 The new sign ordinance also regulates changeable message signs in the various
274 zoning districts and outdoor advertising signs in the business and industrial
275 districts. Under the new sign ordinance, signs are regulated without regard to the
276 content of the sign. Also, the ordinance updates various sections of the County
277 Code to cross-reference to the new sign ordinance instead of the old sign
278 ordinance. Finally, the ordinance repeals regulations for the establishment of
279 Planned Neighborhood Districts.

280
281 Mr. Leabough - This is a public hearing, correct, Mr. Secretary?

282
283 Mr. Emerson - Yes sir.

284
285 Mr. Leabough - So is there anyone who is here that wishes to speak to
286 this ordinance? I don't believe I see anyone that's here to speak to this case. Mr.
287 Blankinship.

288
289 Mr. Blankinship - All right. Thank you, Mr. Chairman. Good evening,
290 members of the Commission.

291
292 I would like to begin by mentioning that I have several copies of the ordinance here
293 if anyone in the public is interested in reviewing it during or after the presentation.

294
295 As you know, there was a public hearing on December 8th on this matter, and I'm
296 not going to repeat any of that presentation. However, there were several specific
297 comments that came forward at that presentation. You suggested at that time that
298 the interested parties should meet with staff and see if we could work out their
299 concerns.

300
301 We have held meetings since that public hearing with some representatives from
302 the billboard industry, two sign designers and manufacturers, and an attorney
303 representing two of our larger developments. As a result of their input, we have
304 made some changes to the draft, and so those changes were presented to you
305 earlier this evening in work session. I'll review them quickly just for the benefit of
306 the public.

307
308 First in the UMU District, there is a provision regarding animated signs that is
309 redundant to another provision, so we recommend striking that.

310
311 Under Prohibited Signs, there is a provision that any sign violating a law of the
312 Commonwealth is prohibited. Since that's already stated elsewhere, there's no
313 need for it. We suggest striking it. Still in Prohibited Signs, there's a mention of
314 signs consisting primarily of exposed illuminated tubing that we recommend
315 clarifying somewhat so that it's clear what we intend to prohibit. Still in Prohibited
316 Signs, we recommend that signs on a parapet wall be allowed to extend to the top
317 of the parapet wall, but no higher than that, rather than regulating them by the
318 roofline.

319

320 The measurement of sign area, we recommend that for irregularly shaped signs,
321 the sign area be measured by drawing six rectangles around the area of the sign
322 and measuring the area of those rectangles.

323

324 Under Illumination of Signs, we had proposed regulating both lumens and foot
325 candles, two different ways of measuring essentially the same thing. We
326 recommend now to simplify that and measure only the foot candles, and that they
327 be compared to ambient conditions. Under Illumination of Signs still, there are
328 some specific provisions of state and federal law that regulate billboards differently
329 from other changeable message signs. We recommend including mention of that
330 so that it's clear which law carries.

331

332 Message centers in locations other than in business and industrial districts, we
333 recommend that they be allowed to change once every five minutes. So for
334 example, a church or a school in a residential or agricultural district may have a
335 changeable message sign. We would not allow that to change once every ten
336 seconds as they do in business areas, but once every five minutes so that they're
337 less distracting to motorists.

338

339 The section on Nonconforming Signs, you have in front of you some changes that
340 are very minor. They don't change the meaning of the text at all, just the way it's
341 worded and the way the words are organized.

342

343 Also under Nonconforming Signs there's a specific provision in federal and state
344 law allowing, particularly for billboards, that their lighting, while it may not
345 necessarily be increased if it's a nonconforming sign, that they can change the
346 kind of illumination in order to improve the energy efficiency of the lighting. We
347 certainly think that should apply to any nonconforming sign. Also specifically for
348 billboards, there is a federal law that allows the addition of solar panels even to a
349 nonconforming billboard. And we would bring that forward.

350

351 Still in Nonconforming Signs, there is some language in the County Code currently
352 that was put in place to track language of the state code. The state code language
353 has since changed, so we would recommend changing the language of the County
354 Code to remain consistent with the state code.

355

356 In the Office districts, there are certain additional signs. The standard for detached
357 signs in Office districts is to allow up to 15 feet in height. There are certain
358 additional signs that in the previous draft would have been allowed up to 8 feet in
359 height, which is consistent with the current code. It's recommended that we change
360 that to 10 feet in height. And we would go along with that.

361

362 In the Business districts, specifically the B-3 Business District, for coordinated
363 developments of 40 acres or more—so a regional shopping center or something
364 else the size of a regional shopping center—it has been requested that we allow

365 one detached sign up to 250 square feet in area and 30 feet in height where the
366 others are limited to 150 square feet and 25 feet in height. We do not object to that
367 request.

368
369 And finally, the wording of the provisions for outdoor advertising was worked over
370 very carefully in a meeting between representatives of the billboard industry and
371 our County Attorney's Office and Planning Department staff. The beginning,
372 middle, and end of that meeting, everybody made clear we were not trying to
373 change the rules. We wanted to continue what was worked out in 1998 and has
374 served us all well since then. But we wanted to make sure the language was as
375 clear as possible. And with a new adoption date, some of the provisions just
376 needed to be reworded and reorganized a little to make them as clear as possible.

377
378 Finally, there were three changes that were requested after the last public hearing
379 that we have not included in the draft. We went over them in some detail in the
380 work session. Two of them have to do with the UMU District. The thinking there is
381 that the UMU District is such a particular part of the code applying to those specific
382 developments that we didn't want to rewrite those regulations any more than we
383 needed to at this time. And there was also a request regarding multi-story retail
384 tenant spaces that we felt the unintended consequences of that proposed change
385 might be greater than what we wanted to tackle right now with this amendment.

386
387 So those three changes were not made, but the others I just sped through have
388 been made in the current draft that is before you, the January 6th draft. Speaking
389 on behalf of staff, we would suggest that that be recommended to the Board of
390 Supervisors for approval.

391
392 Mr. Leabough - Are there any questions from the Commission for
393 Mr. Blankinship? No questions. There being no questions, Mr. Emerson, I guess
394 we'll entertain a motion for this particular ordinance.

395
396 Mr. Emerson - Yes sir, that would be the next action.

397
398 Mr. Archer - Mr. Chairman, I move the ordinance be recommended
399 for adoption.

400
401 Mr. Witte - Second.

402
403 Mr. Leabough - We have a motion by Mr. Archer, a second by Mr.
404 Witte. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

405
406 Mr. Emerson - Mr. Chairman, we now move on to the next item on
407 your agenda, and it appears on page 2. Actually, there are two items that I will call
408 together because they are companion items. They are both Wilton Acquisitions,
409 and they are in the Brookland District. The first is REZ2017-00005, Wilton
410 Acquisitions, LLC. The companion item is PUP2017-00003, Wilton Acquisitions,

411 LLC. These items will require separate motions when the Commission acts on
412 them. The staff report will be presented by Mr. Ben Sehl.

413
414 **REZ2017-00005** **Wilton Acquisition, LLC:** Request to
415 conditionally rezone from B-2C Business District (Conditional) to RTHC
416 Residential Townhouse District (Conditional) Parcels 773-759-7681, -9232, -8362,
417 -8944, and part of Parcel 773-759-5623 containing 10.38 acres located on the west
418 line of Woodman Road approximately 240' north of its intersection with Hungary
419 Road. The applicant proposes a residential townhouse development. The use will
420 be controlled by zoning ordinance regulations and proffered conditions. The 2026
421 Comprehensive Plan recommends Commercial Concentration. The site is in the
422 Enterprise Zone.

423
424 **PUP2017-00003** **Wilton Acquisition, LLC:** Request for a Provisional
425 Use Permit under Sections 24-58.2(b), 24-120 and 24-122.1 of Chapter 24 of the
426 County Code to allow a self-service storage facility on part of Parcel 773-759-5623
427 located on the north line of Hungary Road approximately 700' northwest of its
428 intersection with Woodman Road. The existing zoning is B-2C Business District
429 (Conditional). The 2026 Comprehensive Plan recommends Commercial
430 Concentration. The site is in the Enterprise Zone.

431
432 Mr. Leabough - Thank you, Mr. Secretary. Is there anyone present who
433 is opposed to REZ2017-0005, Wilton Acquisitions, LLC. We have opposition.
434 Before you begin, Mr. Sehl, Mr. Emerson, would you please read our guidelines
435 as it relates to public speaking?

436
437 Mr. Emerson - Yes sir, Mr. Chairman. As you have noted, the
438 Commission does have guidelines regarding the public hearing process, and they
439 are as follows: The applicant is allowed ten minutes to present the request, and
440 time may be reserved for responses to testimony. Opposition is allowed a
441 cumulative ten minutes to present its concerns, meaning everyone needs to speak
442 within that ten-minute time frame. Commission questions do not count into the time
443 limits. The Commission may waive the limits for either party at its discretion.
444 Comments must be directly related to the case under consideration.

445
446 Mr. Leabough - Thank you, sir. Mr. Sehl.

447
448
449 Mr. Sehl - Thank you, Mr. Chairman. The subject property is
450 located close to the intersection of Woodman and Hungary Roads, and currently
451 contains a shopping center, associated parking, and several undeveloped
452 outparcels and some wooded areas, located here.

453
454 The site is zoned B-2C, with surrounding properties to the south and east zoned
455 for a variety of commercial uses, with properties to the north and west zoned R-3

456 and R-3AC and developed for single-family subdivisions. The site is designated
457 Commercial Concentration on the 2026 Plan.

458
459 With these companion cases, the applicant proposes to redevelop the majority of
460 the shopping center property, include approximately 10 acres and the existing
461 parking lot and undeveloped outparcels, into a residential townhouse community
462 with a maximum of 75 units. The second part of this request is a provisional use
463 permit to operate an indoor self-storage facility within a large portion of the existing
464 shopping center building. The reduced parking requirements for such a use would
465 allow for the redevelopment of the existing parking lot for the townhouse
466 community. A small portion of the existing site facing Hungary Road would be
467 retained and modified for commercial uses.

468
469 The concept plan has been proffered, as have these building elevations showing
470 the proposed townhouses. The applicant has also provided a number of other
471 proffers consistent with townhouse developments that have been approved
472 recently within the County.

473
474 The applicant has also provided an elevation of how the self-storage building would
475 appear after development. Consistency with this elevation is one of the several
476 conditions that have been proposed in the staff report for this provisional use
477 permit request. In addition, the Zoning Ordinance places a number of development
478 requirements on self-storage facilities in the B-2 District, including limiting the
479 number of exterior access doors, lot coverage, and hours of operation.

480
481 Overall, staff believes these companion requests would allow for an appropriate
482 redevelopment of the subject site. While not fully consistent with the
483 recommendations of the Comprehensive Plan, existing challenges for retail
484 developments at this location mean an alternative use could be appropriate. The
485 proffers proposed by the applicant should also ensure a high-quality residential
486 development. Additionally, the proposed storage facility would be consistent with
487 the recommendations of the 2026 Plan, and the recommended conditions and
488 Zoning Ordinance requirements should ensure a level of development that
489 enhances the existing property and mitigates impacts on adjacent uses. For these
490 reasons, staff supports these requests.

491
492 This concludes my presentation. I will be happy to try to answer any questions you
493 might have.

494
495 Mr. Leabough - Are there any questions for Mr. Sehl from the
496 Commission? I see no questions.

497
498 Mr. Sehl - Thank you.

499
500 Mr. Leabough - Mr. Witte, how would you like to proceed? Would you
501 like to hear from the applicant first or the opposition?

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Mr. Witte - I'd like to hear the opposition first, please.

Mr. Leabough - As you approach the podium, ma'am, these are recorded proceedings. So if you could, please state your name for the record.

Ms. Lewis - Good evening. I'm Reverend Barbara Lewis, pastor of Laurel Park United Methodist Church. As the pastor of the church, I'm also connected with Aggie's Attic, which is currently a thrift store in the shopping center.

We had a few concerns. One was because we did not have a chance to talk with the developer ahead of time. We really just started hearing about this a few days ago, so we have some questions and concerns about the development and how it will proceed.

We do have two storefronts currently facing Hungary Road as part of our thrift store. Our thrift store is run totally by volunteers, not just from our church, but from several local churches and some non-church folks. It serves our community in a variety of ways. It gives people a place to donate their items instead of sending them into the landfills. It gives people who are low income a chance to come and shop and buy clothing for a dollar or two apiece or to receive items that they need for their homes when they're in financial straits. We try to work with CARITAS and with Red Cross, with the fire department, and others as we hear about needs in the community. We've been working with a couple of families who were burned out recently in providing rebuilding of their homes through the profits of our store. But also, if they come in and say they have a need, we'll give them clothes, we'll give them dishes, we'll give them whatever we have in the store. But it provides a place for people to also come in and for a very low cost buy some very nice items. We do try to keep quality items available in our store.

Some of our concerns include the fact that it is a retail location and what is going to happen to us if the planning goes through and if the shopping center is redone. If we're going to have a location, or if we're going to have to look for another location and what the time frame for that would be. We're concerned about additional townhouses coming in. Not that we're against people coming into the community, because that means we might have the possibility of new members for our church. But we're concerned about overcrowding in the schools. The amount of traffic that is already on Hungary Road and on Woodman Road and the difficulty of getting through that intersection. And how many homes are you adding? How many more cars are you putting into that intersection on a daily basis, particularly at your high-traffic hours in the morning and the afternoon? I tried to come through recently just before 5:00, and I sat there at the intersection through three changes of the light before being able to cross Woodman Road on Hungary Road.

547 So some of our concerns are about those kinds of traffic issues and the number of
548 youth and children. And if you're going to be developing for children, particularly,
549 and families, is there going to be a place for them to play. One of the things that
550 we've noticed is that there are a lot of youth and children who don't seem to have
551 anywhere to go. They hang around, and there has been what seems to be
552 increased crime in the area, a lot of it from children and youth who don't have
553 places to be.

554
555 We're also concerned about the loss of jobs. There have been a lot of stores there.
556 And it's provided jobs that people could walk to from that community. So we're
557 concerned about the economic value of this and whether there is going to be some
558 place for people to shop and to get the things that they need like they have at the
559 Dollar Store, places to eat. There were three restaurants there just about a year
560 ago. Now, Mr. Wong's has moved out this week. The Italian restaurant closed
561 several months ago. There's one more place there in the shopping center. Are they
562 going to be able to stay or are they going to be leaving? And if so, what kinds of
563 food options are going to be available for people who don't cook and who need a
564 place to go and have a chance to sit down and eat something with vegetables and
565 fruits in their meals.

566
567 So we're kind of concerned about all of those items and the fact that we want to
568 do what is best for this community, for the neighborhood. And we don't feel like we
569 have enough information at this point to say this is going to be a great thing for our
570 neighborhood or that this is something that's going to be a hazard to our
571 neighborhood.

572
573 I think in general we just would like to have more information rather than oppose
574 the whole project outright. We just want to know more about if it's going to impact
575 the community on all those different levels so that we can either get on board and
576 help support this and build up the community and look for a new location or do
577 something else.

578
579 One of the things that we decided when we opened Aggie's Attic was all of the
580 funds that we make, everything that we sell, all the profits, go back into Henrico
581 County in some way or another.

582
583 Mr. Leabough - Reverend Lewis, can I interrupt you real quick? I'm
584 sorry. I just wanted to do a quick time check for you. You're 5 minutes and 25
585 seconds into the 10 minutes for the total opposition. I just wanted to do a quick
586 time check for you. Keep going, but please bear in mind that there are folks I think
587 that are behind you that would like to speak to this case.

588
589 Ms. Lewis - Thank you. Charter House School, we do help support
590 them. We provide backpacks for three of the different schools, total of over 35
591 backpacks at a time. And we provide other economic help to the schools and the
592 children and the community through all of these things that we do with our profits.

593 We'd like to continue to do that there in that neighborhood and allow the people in
594 that neighborhood to help participate by shopping with us. Thank you.

595

596 Mr. Leabough - Thank you, ma'am. Is there anyone else that would like
597 to speak to this case? As you approach the podium, please remember to state
598 your name for the record. You have about four minutes left.

599

600 Mr. Martin - Hello, my name is Robert Martin. I've lived across the
601 street from that complex for going on 20 years now. My main concern is similar to
602 the church's main concern, which is basically the traffic along Woodman Road. It's
603 almost all the time somebody's being rear-ended right in front of my house on
604 Woodman Road. With construction going on, kids getting on and off school buses,
605 how is that going to affect the traffic there and me being able to get in and out of
606 my driveway? Nobody's addressed any of this.

607

608 Mr. Witte - I believe we have somebody here from Traffic that can
609 address that.

610

611 Mr. Martin - Okay. I'd appreciate it if they could.

612

613 Mr. Witte - Thank you, sir. Thank you for your comments.

614

615 Mr. Leabough - Yes sir, please come forward.

616

617 Mr. Fletcher - My name is Jeffrey Fletcher. I was 40 when we moved
618 in; I'm 60 now. I've lived right next door to J & D's since I was born. I saw that
619 shopping center, the guy who redesigned the second section, he fell into a hole
620 when they were building it. And me and another guy called some teenagers, saved
621 his life. He subsequently went on to design the second half. So I'm very familiar
622 with the shopping center. Azalea Mall was closed 20 years ago. This one should
623 have been shut down a long time ago. I'm sorry we didn't get to meet with the
624 Wiltons Monday night because of the storm. That would have been really good. So
625 this is not the time for me to address—I've got a lot of issues.

626

627 But for all intents and purposes, Mr. Archer, Mrs. Marshall, Mr. Emerson, and Mr.
628 Leabough, Mr. Witte, and Mr. Baka, be it said tonight that all this about traffic is of
629 paramount concern. I've got little trivial things, but that's of paramount concern.
630 There are going to be lots more children in that area, and there's going to be a lot
631 more rear-ending. That place is a four-lane, undivided. People think it's 60 miles
632 an hour through there. So it's incumbent upon you, because this is almost a
633 foregone conclusion, which I'm okay with. But it's up to you guys to keep people
634 from getting killed. Thank you.

635

636 Mr. Witte - Thank you, sir.

637

638 Mr. Leabough - Is there anyone else who would like to speak in
639 opposition? Okay. Would you like to hear from the applicant now, Mr. Witte?

640
641 Mr. Witte - Yes. Would the applicant please come down?

642
643 Mr. Leabough - I think we have a list of items that have been mentioned
644 that Mr. Wilton can address.

645
646 Mr. Wilton - Good evening. For the record, my name is Henry
647 Wilton. I represent Wilton Acquisition, LLC. It was unfortunate that snow got us.
648 But we are going to have a meeting between the Planning Commission and the
649 Board of Supervisors. We also sent out with the meeting date the full set of reports
650 from the County, staff reports, so everybody had all the comments that were
651 coming through. That meeting obviously was for us to address any concerns that
652 you had. We will have another meeting. We will have a meeting before we get to
653 the Board of Supervisors. And later on tonight, if we can get out here and maybe
654 pick a date that everybody's happy with, we can go ahead and get that on the
655 board, meeting at the same church we did before.

656
657 As far as the rezoning case in general, basically what we're doing is we're taking
658 10.38 acres and we're rezoning that into residential townhouses. Currently, that is
659 a business. Again, in looking just at the traffic, there is a lot more generation if this
660 property was left as business and continued to be developed as business. So
661 obviously, what we'd be talking about tonight with the mini-storage basically taking
662 the place of the majority of the shopping center and then townhouses taking all of
663 the parking area. Generation of traffic from what we're planning is substantially
664 less than the generation of traffic from the existing zoning than if they left the
665 shopping center and went ahead and filled it up, which ultimately would happen
666 someday, I guess, if they left it. We personally think this is a good redevelopment
667 concept that we're presenting tonight.

668
669 Basically, the shopping center area, the 10.3 acres for townhouses, approximately
670 3 acres of the shopping center will be turned into a mini storage warehouse using
671 the outside exterior. You can see from the earlier screen that we're basically
672 changing the front to look more residential in scope. We are developing no more
673 than 75 townhouse units.

674
675 The shopping center at this location has needed redevelopment for many years
676 and was placed into the Enterprise Zone to perpetuate development, which seems
677 to have worked. The development of the townhouses is supported by the 2026
678 Comprehensive Plan for a mixture of housing types. We're providing additional
679 buffering from the adjacent single-family neighborhood, Brandon Forest, that
680 consists of a 25-foot tree save area and a 6-foot vinyl fence all the way across the
681 back.

682

683 Due to the long history of high vacancy in the shopping center and the construction
684 of new large retail centers all around the area, we believe that the highest and best
685 use for this property is, again, the townhouses and the mini storage using the
686 existing buildings.

687

688 We will be left with approximately 10,000 square feet of retail space at the front of
689 the shopping center on Hungary. The balance of it will again be the three acres of
690 mini storage.

691

692 So as far as talking to the actual tenants, as we get further along, I think we'll know
693 a little bit better about how much square footage we're going to have, how it works
694 out, and what tenants want to stay. We'll get into those negotiations after rezoning.
695 We're not really capable of doing that right now.

696

697 Mr. Witte - That will come up at the POD?

698

699 Mr. Wilton - Yes sir. Well we'll know exactly what we've got left at
700 that time.

701

702 In regard to the proffers, they're quite extensive. They're here to basically make
703 sure that you've got the quality that I'm promising. And it's obviously conditioned
704 by these proffers. We have three builders that are anxious to go ahead and come
705 in here. We have not made our decision yet of exactly who we're going to pick.
706 We'll do that over the next several months. We are going to use the Craftsman
707 type architecture that seems to be very popular. Again, we've got fencing. And
708 then in the front, we're doing the same type of thing that we did at Wistar Woods,
709 which is, again, wrought iron fencing and columns of stone. So you can go over
710 there at Wister Woods and actually see the way we've done that. Glenside Woods,
711 we did that the same way. Again, it's the same type of treatment, landscaping and
712 so on.

713

714 The signage, everything, the restrictive covenants, times that we can operate,
715 construction hours. Again, I don't know if you have any questions about this. These
716 are obviously proffers that we've used over the last couple of years and are
717 consistent with all the other development we do in the area, Henrico and in
718 Chesterfield.

719

720 So if you don't have any questions about that. . .

721

722 Mr. Witte - Let me just stop you for a second.

723

724 Mr. Wilton - Yes sir.

725

726 Mr. Witte - You are going to maintain retail on the Hungary Road
727 side?

728

729 Mr. Wilton - Yes sir. There will be approximately 10,000 square feet
730 of retail. If you can tell me how to go ahead and get the right picture up, their
731 layout—

732
733 Mr. Witte - Mr. Sehl will help you with that.

734
735 Mr. Wilton - Their layout shows the 10,000 square feet, which is
736 right up near the front of the area. We have to put additional parking in also.

737
738 Mr. Witte - Can you use the cursor to see if you can show that?

739
740 Mr. Wilton - This right here. We're going to put in some additional
741 parking right here. This is the access into the townhouses. This is an access right
742 here to come into the mini storage. And then there's a fence right there. There will
743 be a turnaround here so if they make a mistake, they can get out without having to
744 go in. And then they'll circle around and be able to get out this way.

745
746 But again, this entire area will be left for retail. Again, as we get closer. You already
747 know what this area is going to look like, which is again more of a residential/office
748 feel than the commercial look that it has right now, to go along with the
749 townhouses.

750
751 That's pretty much all of my comments on that. Would you like for me to speak to
752 the PUP also, as far as the conditions there? You all have to vote on that too.

753
754 Mr. Witte - Right.

755
756 Mr. Wilton - Basically, the provisional use permit allows for the
757 construction of the mini storage in the B-2C-zoned area. This, again, is consistent
758 with the 2026 Comprehensive Plan. Our architectural rendering shows removal of
759 the facade, again, more to the residential flair. We agree to obviously all the
760 conditions that are listed by the Planning staff, and we're happy to abide by them.
761 I'm sure there may be a couple more coming between now and the Board of
762 Supervisors.

763
764 So again, in conclusion, we think that this is supported by the Comprehensive Plan.
765 It allows us to give also another type of housing development in the area. And for
766 those reasons, we would request approval.

767
768 In regard to Mrs. Lewis's questions, we left some information at your store today.
769 Certainly we'll meet with you. We're going to meet with the tenants that are there
770 individually. Obviously, the residents and so on, the neighbors, that meeting is your
771 own meeting. The tenant meeting is a little bit different. And we'll have one of those,
772 too, to keep you updated. We've only got about 10,000 square feet. But again, that
773 will not be coming forward until after the rezoning is accomplished and we start
774 laying that out.

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As far as the main component here, the traffic generation, you have your traffic gentleman right here. And I think he can go ahead and spread some light on that. I think we basically come out with reduced traffic, not generating any more. In fact, quite less traffic than if it was developed commercially.

So other than that, if you have any questions, I'd be happy to answer them.

Mr. Leabough - Are there any questions for Mr. Wilton?

Mrs. Marshall - I have one. Mr. Wilton, if this townhouse development is approved, I'm looking at the construction hours. They're very extensive, in my opinion. Monday through Saturday, 7 a.m. to 7 p.m. Not everybody works Monday through Friday. Some people work on the weekends. I think that at some point if you're on a Saturday or on a Sunday, you might want to have some peace in your neighborhood. You don't want to hear equipment moving. I wanted to know would you be interested in changing your hours?

Mr. Wilton - For Saturday and Sunday?

Mrs. Marshall - For Saturday and Sunday.

Mr. Wilton - Yes, I certainly can go ahead and move that up a little bit or move it back.

Mrs. Marshall - Okay.

Mr. Wilton - I will look at that. I don't know exactly. I will check with the builder to make sure. It's either one or two hours what the difference would be.

Mrs. Marshall - Okay. Generally, building on Sunday is not a great idea. I understand when you get pressed for time, and I think there are certain circumstances that that happens. But I think everybody needs a day of rest—a rest from the noise.

Mr. Wilton - I understand, and I will do that, and I'll notify you of the change.

Mrs. Marshall - Okay Thank you.

Mr. Wilton - I will adjust them. I just don't know how much.

Mr. Witte - That was my concern, too, having the church just a rock-throwing distance down the street. I was concerned it may affect their services on Sunday. I appreciate you looking into that.

821 Mr. Wilton - I'll pay particular attention to Sunday.
822
823 Mr. Witte - Thank you.
824
825 Mr. Wilton - Yes sir.
826
827 Mr. Leabough - Mr. Witte, I believe we would like to hear from
828 Mr. Cejka.
829
830 Mr. Witte - We would, but I have a couple more questions for
831 Mr. Wilton.
832
833 Mr. Leabough - I'm sorry.
834
835 Mr. Witte - What do you anticipate being the estimated cost of the
836 new townhouses? Just a range.
837
838 Mr. Wilton - They'll start in the low 200s and go to the mid 200s as
839 people add things. There will be about a three-year build-out period. They usually
840 go up every year.
841
842 Mr. Witte - Okay. My concern was I'd had a couple of calls from
843 residents in the area who were concerned that they may devalue the existing
844 properties. But under those conditions, I don't foresee that happening.
845
846 Mr. Wilton - No sir. I think we'll be within the scope. Again, the
847 215/220 range to start, and then go from there.
848
849 Mr. Witte - Okay. The perimeter fencing. I understand we're on the
850 Brandon Forest side. I've had a request from a resident to at least near the
851 Hungary Road side put some type of fencing or buffer down that first section where
852 the retail will be.
853
854 Mr. Wilton - Yes sir, we are. We're putting actually masonry fencing
855 down the back of that.
856
857 Mr. Leabough - Could you get closer to the microphone, please?
858
859 Mr. Wilton - Sorry. Yes. We're putting masonry fencing in the back
860 there.
861
862 Mr. Witte - Okay. Other than traffic, I have no further questions.
863 Do any other Commission members? Thank you, sir.
864
865 Mr. Wilton - Thank you.
866

867 Mr. Witte - I'd like to hear from the traffic engineer, please.
868
869 Mr. Cejka - Good evening, Mr. Chair, members of the Commission.
870 I'm John Cejka, traffic engineer, Henrico County.
871
872 Mr. Leabough - Good evening, sir.
873
874 Mr. Witte - Good evening. Can you enlighten us on the traffic
875 situation as far as whether the road system will need to be improved or whether it
876 will handle the additional—or whatever the situation is? I know you've done a lot
877 of work on it.
878
879 Mr. Cejka - Yes sir. The proposed development will reduce the
880 amount of traffic in the area. Mini storage is one of the least traffic-generating
881 businesses out there. Seventy-five townhomes would generate about 500 vehicle
882 trips a day. That's 250 coming, 250 going. So a trip is one individual movement.
883
884 Mr. Witte - So in essence, if we left the zoning the way it was and
885 the shopping center was redone, hopefully one day, and the build-outs, it would
886 generate more traffic than this would?
887
888 Mr. Cejka - Correct. If it remained retail, it would have more traffic.
889 Plus, there are also the outparcels that would be out here with the potential of
890 some other kind of development. And that would generate more traffic.
891
892 Mr. Witte - Their ingress and egress would be right on Woodman
893 Road, it appears, the outparcels?
894
895 Mr. Cejka - We would probably request they come in from internal.
896 Yes sir.
897
898 Mr. Witte - All right. I have no further questions.
899
900 Mr. Leabough - I have a quick question. Can you quantify the
901 difference between what the retail would generate as compared to the
902 townhomes?
903
904 Mr. Cejka - Townhouses generate between six and seven trips a
905 day per townhouse. Retail, it's based on 1,000 square feet. It's approximately 44
906 trips per 1,000 square feet. So if that whole existing building—I think it's roughly
907 45,000 square feet where the mini storage is. That would generate almost 2,000
908 trips a day just by itself.
909
910 Mr. Leabough - So 2,000 as compared to 500, which you've estimated
911 for the townhomes?
912

913 Mr. Cejka - Correct.

914

915 Mr. Witte - So one-quarter, basically?

916

917 Mr. Cejka - Correct.

918

919 Mr. Witte - Okay. Thank you.

920

921 Mr. Leabough - Any other questions for Mr. Cejka? Thank you, sir.

922 Mr. Witte.

923

924 Mr. Witte - All right. I have a couple of comments. I had concerns

925 about the school systems being overloaded. According to the September 30, 2016,

926 membership and capacity figures, all of the schools can currently accommodate

927 students in this development. Library, which would be the Glen Allen branch

928 library, can more than accommodate them. Police, fire, recreation and parks,

929 basically—well police and fire had no comments. And they said that parks and

930 recreations facilities and historical and archeological impacts would be none.

931

932 With that being said, I'd first like to point out that the first townhouse project I

933 worked on with Wilton Acquisition was Wistar Woods. We had some reasonably

934 strong opposition to it. But since he's begun development and the project is taking

935 shape, most of those residents have either come by my house or called me and

936 expressed their appreciation to Mr. Wilton and the delight for the quality of the

937 townhomes and the minimal disruptions in their lives even though it was on a main

938 road and backed up to apartments and other homes. So I would anticipate nothing

939 less from Mr. Wilton than the same courtesies and construction quality and

940 disruptions.

941

942 Mr. Wilton has also agreed to hold another meeting where the residents can get

943 more in depth with him on the design and details and their concerns. The final say

944 on this will be with the Board of Supervisors, and they'll have a hearing date. And

945 he will have his public meeting prior to that.

946

947 With that, Mr. Chairman, I'll move on the rezoning first. I move that case REZ2017-

948 00005, Wilton Acquisition, LLC, move to the Board of Supervisors, as presented,

949 with a recommendation of approval.

950

951 Mr. Baka - Second.

952

953 Mr. Leabough - And conditions 1 through 29, Mr. Witte?

954

955 Mr. Witte - As presented with all the conditions, yes sir.

956

957 Mr. Leabough - All right. We have a motion by Mr. Witte, a second by
958 Mr. Baka. All in favor say aye. All opposed say no. Just for the record. Reverend
959 Nelson abstains from all votes. The ayes have it; the motion passes.

960

961 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Baka,
962 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
963 Supervisors **grant** the request because it would not be expected to adversely
964 affect the pattern of zoning and land use in the area and would not adversely affect
965 the adjoining area if properly developed as proposed.

966

967 Mr. Witte - With reference to the PUP, Mr. Chairman, I move that
968 case PUP2017-00003, Wilton Acquisition, LLC, move to the Board of Supervisors,
969 as presented, with a recommendation of approval.

970

971 Mr. Archer - Second.

972

973 Mr. Leabough - We have a motion by Mr. Witte, a second by
974 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
975 passes.

976

977 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
978 Archer, the Planning Commission voted 5-0 (one abstention) to recommend the
979 Board of Supervisors **grant** the request because it would provide added services
980 to the community and when properly developed and regulated by the
981 recommended special conditions, it would not be detrimental to the public health,
982 safety, welfare and values in the area.

983

984 Mr. Witte - I would like to thank everyone for coming out. It's very
985 important that you stay in the loop in your area. It helps the whole community, so
986 thank you.

987

988 Mr. Emerson - Mr. Chairman, we now move on to the next items on
989 your agenda, which are in the Varina District. They are companion cases, so I will
990 call both cases and staff will present them together. They will require separate
991 motions. The first case is REZ2017-00001, James W. Theobald for The WWS
992 Companies. The companion case is PUP2016-00001. The staff report will be
993 presented by Mr. Ben Sehl.

994

995 **REZ2017-00001 James W. Theobald for The WWS Companies:**
996 Request to conditionally rezone from M-2 General Industrial District to UMUC
997 Urban Mixed Use District (Conditional) Parcel 797-712-7077 containing 1.384
998 acres located on the west line of Old Osborne Turnpike (State Route 5)
999 approximately 1000' south of its intersection with Orleans Street. The applicant
1000 proposes an addition to Rocketts Landing. The use will be controlled by zoning
1001 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
1002 recommends Urban Mixed-Use.

1003
1004 **PUP2017-00001 James W. Theobald for The WVS Companies:**
1005 Request for a Provisional Use Permit Under Sections 24-32.1(s), 24-120 and 24-
1006 122.1 of Chapter 24 of the County Code to allow buildings taller than 60' on Parcel
1007 797-712-7077 located on the west line of Old Osborne Turnpike (State Route 5)
1008 approximately 1000' south of its intersection with Orleans Street. The existing
1009 zoning is M-2 General Industrial District. The 2026 Comprehensive Plan
1010 recommends Urban Mixed-Use.

1011
1012 Mr. Leabough - Mr. Secretary, just a point of clarification. So, these two
1013 cases are going to be presented jointly?
1014

1015 Mr. Emerson - Yes sir.

1016
1017 Mr. Leabough - But two separate motions are required?
1018

1019 Mr. Emerson - Yes sir.

1020
1021 Mr. Leabough - Is there anyone present who is opposed to REZ2017-
1022 00001 and PUP2017-00001, both for James W. Theobald for The WVS
1023 Companies? We do have opposition. Okay, thank you. Mr. Sehl.
1024

1025 Mr. Sehl - Thank you again, Mr. Chairman.
1026

1027 This rezoning and provisional use request would incorporate 1.38 acres into the
1028 existing Rocketts Landing Community and would allow for buildings taller than 60
1029 feet on the subject site. The property includes an existing warehouse and parking,
1030 and is surrounded on three sides by Rocketts Landing, which was rezoned to
1031 UMUC by C-55C-04.

1032
1033 As part of the rezoning request, the applicant has provided this conceptual plan,
1034 which shows the extension of Old Main Street along the site's frontage. Twelve
1035 townhomes and additional on-street parking would be constructed along Old Main
1036 Street, with the remainder of the site developed as a temporary parking lot serving
1037 a planned apartment building on the block just south of the subject property. As
1038 part of the rezoning, the applicant would carry forward all proffers accepted with
1039 C-55C-04, which would maintain consistency with existing development in
1040 Rocketts Landing and ensure a cohesive community overall.

1041
1042 With the companion Provisional Use Permit request, the applicant is requesting
1043 the same height exceptions approved for the adjacent land bays in Rocketts
1044 Landing. This would allow future redevelopment of the parking lot, and per the
1045 conditions recommended in the staff report, would allow for the same sort of
1046 continuity of development required by the proffers in the rezoning request.
1047

1048 The developer held a community meeting on January 9th. At that meeting,
1049 residents of Rocketts Landing expressed their concerns regarding certain existing
1050 conditions within the community, including parking, the community pool, and a
1051 planned staircase leading to the Capital Trail. Since that time, the applicant has
1052 provided a letter of commitment regarding the construction of the staircase and
1053 pool. In addition, staff has reexamined the approved plans to ensure they meet all
1054 county parking requirements.

1055

1056 Overall, these companion requests would allow the incorporation of additional
1057 property into a growing mixed-use community. The incorporation of this property
1058 has been contemplated for some time, as evidenced by the site's designation of
1059 UMU on the 2026 Comprehensive Plan. In addition, rezoning the subject site would
1060 allow for the removal of potentially incompatible unconditional M-2 zoning in close
1061 proximity to residential uses. For these reasons, staff supports these requests
1062 subject to the proffers contained in the rezoning staff report and recommended
1063 conditions 1 and 2 in the PUP staff report. Separate actions would be needed for
1064 each request. And I'd be happy to try to answer any questions you may have.

1065

1066 Mr. Leabough - Any questions for Mr. Sehl? One quick question for
1067 you, Mr. Sehl. Uses that are allowed in M-2 districts, could you just highlight a few?

1068

1069 Mr. Sehl - Based on how our Zoning Ordinance is structured,
1070 essentially all non-residential uses are permitted in the M-2 District because it
1071 carries forward everything from our O Districts, our B Districts, and the M-1 District,
1072 including some higher intensity industrial uses and manufacturing uses. Some of
1073 those do have distance requirements, so they might not necessarily be permitted
1074 on there. But certainly general retail, restaurants, and those sorts of things could
1075 be allowed, in addition to some storage facilities and light manufacturing uses.

1076

1077 Mr. Leabough - Okay. Thank you, sir.

1078

1079 Mr. Sehl - Yes sir.

1080

1081 Mr. Leabough - All right. We have opposition. I just want to remind you
1082 of the guidelines that Mr. Emerson shared earlier. You have a cumulative ten
1083 minutes to speak.

1084

1085 Mr. Nelson - Question for you, Mr. Chair, as I'm trying to get
1086 acclimated to the ten-minute opposition. Is it an honor system pretty much? So, if
1087 you're the first speaker, you can go eight minutes and only leave the next person
1088 two minutes?

1089

1090 Mr. Leabough - We try to encourage folks to kind of coordinate and not
1091 repeat concerns. But yes, it's more of an honor system in that they would work
1092 collaboratively to use those ten minutes up.

1093

1094 Mr. Nelson - Okay. All right. Thank you, sir.
1095
1096 Mr. Leabough - I think it's just you, so you have ten minutes, or less, if
1097 you choose.
1098
1099 Ms. Richardson - I promise not to ramble on tonight.
1100
1101 Mr. Leabough - How are you, Ms. Richardson?
1102
1103 Ms. Richardson - Good. How are you?
1104
1105 Mr. Leabough - All right.
1106
1107 Ms. Richardson - Good. My name is Amanda Richardson. I'm in here in
1108 a dual capacity. I serve on the Route 5 Corridor Coalition, so that's my first capacity
1109 tonight. My second is as a Varina resident.
1110
1111 The Route 5 Corridor Coalition is not opposed to the rezoning to the Urban Mixed
1112 Use. In fact, the infill is something that we're excited about and excited about
1113 Rocketts. That is not the issue that we have. The PUP is the issue that we have.
1114 The issue is the 100-foot height. It would exceed the existing buildings, especially
1115 the one beside it, and the apartment complex that is ready for construction. It would
1116 exceed that by 40 feet and will be the highest structure on the face of Route 5
1117 leading into the city. It will exceed Stone. And the next highest building would be
1118 down in Shockoe Bottom. That is the viewshed of Route 5, and the 100-foot
1119 variance is what we are concerned about and would like to bring that height down
1120 to say 70 feet, something that was in more congruence with the existing buildings
1121 that face Route 5.
1122
1123 As a Route 5 Corridor member, that's my first concern. My second concern is as
1124 a Varina resident. The existing plan has the 12 townhomes and has the parking
1125 lot. And so in theory, when this is rezoned and the PUP has come to play and the
1126 POD comes in is that you have those 12 townhomes, but then you have this parcel
1127 that's been acting as a temporary parking lot. The way that Rocketts has been
1128 building out, it could be there for 10 years, it could be there for 15 years, it could
1129 be there for 20 years. And then all of a sudden, boom, there is this large 100-foot
1130 apartment complex now fronting Route 5 that has added more housing in addition
1131 to the 12 townhomes that it was originally set up for.
1132
1133 As all of us who enter Richmond from Varina, we all know that this is an incredibly
1134 tight bottleneck right there. It is difficult on a lot of days to get through there at, say,
1135 7:00 in the morning to 9:00 in the morning to 4 in the afternoon to 6:30. It can be
1136 difficult. Now this is all going to explode and make it even more difficult with the
1137 City's plans not 200 feet away from this with the relocation of Dock Street, and the
1138 rapid bus transit station, and the Stone build-out. And now there will be parking on
1139 Main Street, which is a City project.

1140

1141 Now in the PUP, Traffic does not weigh in on the impact of a potentially larger 100-
1142 foot building and more residents at this location. So, you're blocked by Fulton Yard,
1143 and then you'll be blocked by this building. It is a neck of epic proportions to go
1144 through there. You're adding more residents in there. Traffic has not even weighed
1145 in. I know it is a VDOT road, but some consideration has to be given to what a
1146 larger building on this site would do to the traffic. So, that's really my concern as
1147 somebody who takes this trip multiple times a day has experienced right now
1148 what's going on, not to mention after the City plans come to fruition what it's going
1149 to do to that location.

1150

1151 I went to a City meeting last night. The light at Williamsburg Road and East Main
1152 will stay. Then as you head south, right there where they plan to move Dock Street,
1153 they're going to add a roundabout. Then at Nicholson and Route 5, they're going
1154 to add a traffic light, and then head south onto 5. So, as you can imagine, people
1155 trying to get in and out, if this turns into a larger complex—this is in addition to the
1156 apartment building that they have already started on. So we haven't even seen
1157 what that traffic will do to Route 5, let alone the potential of yet another bigger
1158 building, what that will do on Route 5 at this location with at this point no feasible
1159 plan to get current Varina residents into the city if this whole area does explode
1160 any further. And if development in Varina—knock on wood—does not explode any
1161 further.

1162

1163 So these are some of the issues with building out this particular land and rezoning
1164 it and—not the mixed use, but what this provisional use permit will have on it.

1165

1166 Kind of secondarily to this is that Rocketts Landing residents were notified of this,
1167 and they were sent a letter to attend a community meeting. They are, whether they
1168 know it or not, Varina residents.

1169

1170 Mr. Leabough - I hope they know that. Which was on Monday, by the
1171 way.

1172

1173 Ms. Richardson - Varina residents were not notified, even as I am
1174 requested to be on the list for all rezoning and PODs for the Varina District. I get
1175 them all. I see them all. I'm in tune to them even if I don't want to be. But I didn't
1176 even get the letter, whereas I've gotten letters for things in Sandston, Elko. I've
1177 gotten community meeting letters because those developers used the County's
1178 list. Now they are not required to use the County's list, as Mr. Sehl let me know.
1179 But you can imagine this scenario is that Christmas has come. Everybody knows
1180 or soon found out that East Main, Route 5 was going to be closed off at Nicholson
1181 Street. So, they might have taken a different way into the city. This particular sign
1182 for the rezoning was very small and close to the fence. So, we have a holiday, we
1183 have a developer who has not sent a letter to interested parties in the Varina
1184 District, and not everybody who will be impacted by this extra travel really had a
1185 good fighting chance to find out about it.

1186
1187 Mr. Leabough - So Ms. Richardson, you're speaking to something
1188 that's kind of outside this case as far as notification?
1189
1190 Ms. Richardson - Yes.
1191
1192 Mr. Leabough - We can talk about that.
1193
1194 Ms. Richardson - Yes. I know that they did hold a community meeting,
1195 but the community meeting was only for Rocketts. It was only notified to Rocketts
1196 residents, not to people who this would affect in a larger scale.
1197
1198 Mr. Leabough - We can make sure Mr. Theobald has your information
1199 so the next time he has a rezoning case in the Varina District, he'll make sure that
1200 you're included.
1201
1202 Ms. Richardson - Yes. This is a general problem. Further than the
1203 planning and zoning is the effective transmission of this information to interested
1204 parties. And the zoning sign was up ten days during the holidays.
1205
1206 Mr. Leabough - Your concerns are duly noted. We understand your
1207 concerns about the process.
1208
1209 Ms. Richardson - Okay. Those are my concerns, that Traffic hasn't
1210 weighed in. VDOT never seems to weigh in on Route 5 in the Varina District. And
1211 then all the stuff that is going on in the city in confluence with this. The potential for
1212 a larger building is troubling at this particular location. Not the zoning itself.
1213
1214 Mr. Nelson - Can I ask a quick question for a point of clarity?
1215 Ms. Richardson, you said you were at a meeting last night.
1216
1217 Ms. Richardson - The City had the down river plan meeting. So I went to
1218 that meeting last night just to see what they had planned because 200 feet from
1219 this, the Intermediate Terminal, to see what their conceptual idea was. And more
1220 importantly, to find out when Dock Street was going to close.
1221
1222 Mr. Nelson - Okay. But specifically, I just wanted to ask. You said
1223 somebody mentioned a traffic light at Route 5 and Nicholson? Who?
1224
1225 Ms. Richardson - Yes. That was at the meeting last night at the city. I
1226 believe he was the Director of Parks and Rec.
1227
1228 Mr. Nelson - For the City?
1229
1230 Ms. Richardson - For the City.
1231

1232 Mr. Nelson - Because—well, okay. I thought Nicholson and—maybe
1233 I'm wrong. So, Nicholson and Route 5 may be the City.
1234

1235 Ms. Richardson - That is the City.
1236

1237 Mr. Nelson - It is the City? Okay.
1238

1239 Ms. Richardson - It's maybe 20 feet from the County/City line, but it is the
1240 city.
1241

1242 Mr. Nelson - Okay. All right. I had a question once you were finished.
1243 It wasn't for you; it was for the Chairman.
1244

1245 Ms. Richardson - That's where the information came out last night. I
1246 specifically asked about Dock Street, when that would start, and when that would
1247 be closed off. And then that got into the larger picture of a light at Williamsburg and
1248 East Main, the traffic circle where Dock comes in. And then he said there was talk
1249 about a traffic circle at Nicholson and 5, but they had switched that out to a light at
1250 Nicholson and 5.
1251

1252 Mr. Leabough - You finished with a whole 55 seconds to spare,
1253 Ms. Richardson.
1254

1255 Ms. Richardson - All right.
1256

1257 Mr. Leabough - So you did pretty good.
1258

1259 Mr. Nelson - Mr. Chairman, can I ask a quick question? Again, just
1260 another point of clarity for my first meeting. So, we're hearing the rezoning and the
1261 PUP at the same time?
1262

1263 Mr. Emerson - Yes.
1264

1265 Mr. Nelson - All right.
1266

1267 Mr. Leabough - Are you speaking in opposition sir? Just a quick
1268 question for Mr. Emerson or Mr. Sehl. In an M-2 District, what's the maximum
1269 height allowed?
1270

1271 Mr. Emerson - Mr. Sehl, do you have that number?
1272

1273 Mr. Sehl - It's 110 feet with a special exception at the time of POD
1274 or—
1275

1276 Mr. Leabough - That's what I was thinking. So, it would be—okay.
1277 Thank you, sir.

1278
1279 Mr. Sehl - And as we noted in the staff report, I would note that
1280 100 feet is what's approved for the remainder of Rocketts Landing as well.
1281
1282 Mr. Leabough - So what they're proposing is consistent with the rest of
1283 the development.
1284
1285 Mr. Sehl - The surrounding land bays—it's easier to see on the
1286 zoning map. This area already has a provisional use permit for 100-foot condo
1287 buildings, 70 feet for other buildings, and 50-foot townhomes. That's consistent
1288 also with the existing—the developed portion of Rocketts Landing.
1289
1290 Mr. Leabough - Thank you.
1291
1292 Mr. Sehl - Yes sir.
1293
1294 Mr. Leabough - Yes sir. Sorry.
1295
1296 Mr. Boniva- That's okay. With my 55 seconds, I'll be brief. My name
1297 is Brian Boniva. I am a resident of Rocketts Landing, and I was able to attend the
1298 meeting Monday night. It was a pleasure to meet you, sir.
1299
1300 Mr. Leabough - Nice to meet you.
1301
1302 Mr. Boniva - I would simply raise the same issue with respect to the
1303 height restriction. I'm a resident in Cedar Works. And Cedar Works, as you know,
1304 has five floors. I think we have some experience at Rocketts Landing with the
1305 heights that they have. The fifth floor of Cedar Works, especially toward this
1306 existing warehouse, does have a viewshed to the river. If it was allowed to go 100
1307 feet on this particular parcel, that will destroy that viewshed. So, I would endorse
1308 the comments that the young lady made.
1309
1310 I would also note and appreciate the letter that came out late yesterday evening
1311 from the developer, Mr. Souter. But if you look at it, Rocketts Landing has had no
1312 access to the river or the Capital Trail for the past year because of the dispute
1313 between Fall Line and the master association with the developer. So what you
1314 have to do is you have to walk around. And if you own a boat, as I do, you have to
1315 bring a cart of materials about a quarter of a mile to half a mile, depending upon
1316 where you start, and wait to get access to the river and the Capital Trail. They say
1317 they'll do it after they construct five townhomes, river townhomes, which they have
1318 two under contract now. There is no timetable. I just ask that we have some more
1319 time to sit down with the developer to get some specifics with respect to their
1320 commitments.
1321
1322 That's all I have to say right now. Thank you.
1323

1324 Mr. Leabough - Thank you.

1325

1326 Mr. Witte - Thank you, sir.

1327

1328 Mr. Leabough - Any questions from the Commission? All right. Would
1329 the applicant please come forward?

1330

1331 Mr. Theobald - Good evening and congratulations, Mr. Chairman,
1332 members of the Commission. I'm Jim Theobald, and I'm here this evening on
1333 behalf of WVS Companies, developers of Rocketts Landing.

1334

1335 We finally have this property—some call it the blue warehouse—under contract.
1336 It's been the home, I think, of Virginia Rigging for some time. And we desire to take
1337 this missing piece of the puzzle and incorporate it into Rocketts Landing. You can
1338 see here it's represented by block 16 and literally is the missing notch along Route
1339 5 here of Rocketts.

1340

1341 We have filed a case to rezone this from unrestricted M-2. It's not just M-2; it's
1342 unrestricted M-2. So there are literally no conditions on this case. Anything you
1343 can do in M-2 and all the underlying sections of the code can be constructed here.
1344 We have basically tried to make it part of the UMU Ordinance for Rocketts Landing
1345 with every single one of the guarantees for quality and architecture without
1346 changing a thing.

1347

1348 Our PUP request is for the exact same height relief that exists on all of the other
1349 Rocketts Landing property. Those conditions that are proposed are the same as
1350 the others. Actually, one is a little less. The condominiums won't exceed 100 feet
1351 in height. The townhomes will not exceed 50 feet in height. All other buildings will
1352 not exceed 70 feet in height. And I think the existing ordinance is 75, but 70 works.
1353 So we are in agreement with those conditions.

1354

1355 This area will be developed, presumably by HHHunt, for 12 townhomes. These
1356 townhomes are approximately 35 feet in height. They have two-car garages. The
1357 balance of the site will be used for overflow parking for the apartment building that's
1358 being constructed adjacent here to the right. There's a couple levels of podium-
1359 style parking in that apartment building, but to meet the additional required parking,
1360 this area will be used for the time being to meet that need.

1361

1362 Now, in the future, what you hope in a development like this is that you start with
1363 surface parking, but just like Innsbrook, as the project matures and there are
1364 additional demands for people to be there, you start looking to the surface parking
1365 areas to go up and build perhaps residential, perhaps a signature office building,
1366 etcetera, and then provide the parking underneath the building or elsewhere on
1367 the site. So all surface parking is a bit of a holding pattern, if you will, for potential
1368 future development. And thus the request for the same height relief that exists on
1369 the balance of the property.

1370
1371 This is a screen showing the fully proposed development of Rocketts. We believe
1372 that acquiring and developing this parcel will result in additional dues to the
1373 homeowners' association, additional street parking. Right now, the warehouse is
1374 very aggressive in not allowing street parking around its perimeter and apparently
1375 have been towing some vehicles. So as a result of this, we'll control street parking
1376 not only on Old Main Street, but on the sides where the warehouse is now.
1377
1378 Mr. Nelson - Mr. Theobald, a question for you. So, where are we?
1379 We're at block 16 or 12?
1380
1381 Mr. Theobald - Block 16, sir. This is the warehouse site now. This
1382 reflects the proposed development with the townhomes here.
1383
1384 Mr. Nelson - So the townhomes will be on the back side.
1385
1386 Mr. Theobald - Parking here. And this is the apartment building that's
1387 under construction.
1388
1389 Mr. Nelson - So are 14 and 15 completely built up?
1390
1391 Mr. Theobald - Just block 16.
1392
1393 Mr. Nelson - No. So 14, 15 is built out at this point?
1394
1395 Mr. Theobald - I think that's correct.
1396
1397 Mr. Nelson - Does that sound right, Mr. Emerson? Is it? Okay.
1398
1399 Mr. Theobald - I might have some information for you on that.
1400
1401 Mr. Leabough - While we're speaking to blocks 14 and 15, I think it's
1402 Cedar Works and Fall Line, what are the heights of those buildings? Do you know
1403 off the top of your head, Mr. Theobald?
1404
1405 Mr. Theobald - I do not.
1406
1407 Mr. Leabough - Mr. Sehl, do you have that information for us?
1408
1409 Mr. Sehl - We've previously been informed that Fall Line and Sky
1410 Line are approximately 75-1/2 feet in height. 210 Rock, which is the building we
1411 met in the other night, is approximately 80 feet in height. Cedar Works is
1412 approximately 60 feet in height.
1413
1414 Mr. Nelson - So what are we looking at, 60?
1415

1416 Mr. Leabough - It depends upon the use. I think the townhomes are 50
1417 feet in height.

1418

1419 Mr. Sehl - The townhomes are 50.

1420

1421 Mr. Leabough - Seventy, and then a hundred if it's a condo
1422 development? Up to. It doesn't mean you have to build to 100, but you're allowed.
1423 And that is consistent, from what Mr. Sehl shared earlier, with what had been
1424 proposed for the other blocks there within the development. Is that correct, Mr.
1425 Emerson?

1426

1427 Mr. Emerson - Yes sir, that is correct.

1428

1429 Ms. Richardson - [Off microphone.] Cedar Words is the one that's only—

1430

1431 Mr. Leabough - Ms. Richardson, I'm sorry. You've had your opportunity
1432 to speak. Thank you. I'm not trying to be rude, but we just don't allow folks in the
1433 audience to just blurt out responses. Thank you. Mr. Theobald.

1434

1435 Mr. Theobald - Thank you. We did hold a community meeting Monday
1436 night, and there were about 40 or 50 residents there. I really didn't hear any
1437 opposition to the zoning case, but I did hear concerns about other matters that the
1438 homeowners' association and the developer have been discussing for some time.
1439 Again, while not part of the case, we did issue a letter making some very real
1440 commitments without any wiggle room as to matters outside of this case, but
1441 committing to construct the second pool and provide stairs subject to governmental
1442 approvals. And so I know there have been a number of positive comments from
1443 neighbors regarding receipt of that letter.

1444

1445 So, this really is a gateway to Varina. This blue warehouse doesn't really contribute
1446 to that. I think Rocketts Landing does, and that whole area will benefit from the
1447 development of this site. This will serve to kick off the next phase of development
1448 for Rocketts. And as you know, Rocketts has been a little quiet for the last many
1449 years during the downturn in the economy. But they hung in there and managed
1450 to weather those times. And now it's ready to take off again, and we're expecting
1451 good things.

1452

1453 With that, I would just note that staff has recommended approval. This is consistent
1454 with your land use plan. And I would be happy to answer any additional questions.

1455

1456 Mr. Leabough - I have a quick question. A 100-foot condo development
1457 with a one-acre site. You probably couldn't park it unless you have a ton of
1458 structured parking on that site?

1459

1460 Mr. Theobald - Correct.

1461

1462 Mr. Leabough - And you take up half of your space, 100 feet—
1463
1464 Mr. Theobald - Well, you can do many levels of—
1465
1466 Mr. Leabough - But you take up most of your 100 feet in parking than
1467 you would take up with condo units.
1468
1469 Mr. Theobald - Well yes, that's the tradeoff. That's exactly right.
1470
1471 Mr. Leabough - So even if you wanted to have the ability to build a 100-
1472 foot condo—
1473
1474 Mr. Theobald - No, but it could be a 100-foot office building as well.
1475 You'd still have to park it. But those buildings exist in many, many different cities.
1476
1477 Mr. Leabough - I see that you still struggle with parking on site, so you'd
1478 have to have some other offsite parking to accomplish that?
1479
1480 Mr. Theobald - I think some decks are definitely in the future for
1481 Rocketts.
1482
1483 Mr. Nelson - Do we have to accommodate parking when we
1484 approve these plans? Does there have to be some plan that comes with parking
1485 as well?
1486
1487 Mr. Leabough - Well they would have to meet the code requirements
1488 as it relates to parking. Correct, Mr. Emerson?
1489
1490 Mr. Emerson - Correct. At the time of plan of development, the parking
1491 would be calculated. We would make certain that parking—
1492
1493 Mr. Nelson - That's at POD?
1494
1495 Mr. Emerson - Yes sir. That would be at the time they came in and
1496 proposed actual structures.
1497
1498 Mr. Leabough - Let me just ask this quick question since height has
1499 been raised. Are you proposing a condo development here or you just don't know
1500 at this time?
1501
1502 Mr. Theobald - Honestly don't know.
1503
1504 Mr. Leabough - I hear the resident's concern considering that your
1505 tallest building in the development to date is, what, 75 feet.
1506
1507 Mr. Theobald - I think it's 80.

1508
1509 Mr. Leabough - Eighty? I'm sorry. What building is that again that's 80
1510 feet tall?
1511
1512 Mr. Sehl - The 80-foot building is—and Mr. Souter could probably
1513 correct me if this is incorrect—210 Rock, which is the building we met in the other
1514 night, which is the new condominium building with the urban farmhouse in the
1515 lower level.
1516
1517 Mr. Leabough - And how are you parking that? That's the structured
1518 parking building, right?
1519
1520 Mr. Sehl - As we've noted before, parking in the UMU District can
1521 be shared amongst the different uses and can be used up to 1,000 feet away to
1522 count towards a particular use. So parking for that specific use might be located in
1523 various areas within the development. But there is a parking deck interior to that
1524 block.
1525
1526 Mr. Baka - Mr. Chairman, a follow-up question on parking, if I
1527 may?
1528
1529 Mr. Leabough - Sure.
1530
1531 Mr. Baka - These tall townhouses, do they have unrestricted
1532 parking rights or do they have assigned parking in this?
1533
1534 Mr. Theobald - They have two-car garages.
1535
1536 Mr. Baka - They have two-car garages?
1537
1538 Mr. Theobald - Correct.
1539
1540 Mr. Baka - And then guests can park behind them?
1541
1542 Mr. Theobald - Guests will be on the street or in a deck like the rest of
1543 Rocketts.
1544
1545 Mr. Baka - But they don't have any additional spaces for guests
1546 allocated just for their guests?
1547
1548 Mr. Theobald - No.
1549
1550 Mr. Baka - Thank you.
1551

1552 Mr. Leabough - I hate to keep belaboring this point. What's the height
1553 of the planned apartment building there that has structured parking, Mr. Sehl?
1554 Sorry to keep asking you to get up and down.
1555
1556 Mr. Sehl - Mr. Leabough, I apologize. I thought I had that number.
1557 I know the number of apartments in that apartment building, but I don't believe I
1558 have—that building hasn't been finished. Mr. Souter might be able to answer it, but
1559 I don't have that height right in front of me.
1560
1561 Mr. Leabough - I'm just trying to compare this use since you are having
1562 to accommodate the overflow on this parcel. You get to a point where you kind of
1563 limit yourself on how much parking you can put there without structured parking.
1564
1565 Mr. Theobald - You do. You absolutely do. How tall are the
1566 apartments?
1567
1568 Mr. Leabough - Roughly, estimate.
1569
1570 Mr. Souter - Fifty-five, sixty feet.
1571
1572 Mr. Witte - Can you state your name, please?
1573
1574 Mr. Souter - My name is Richard Souter with WWS Companies.
1575
1576 Mr. Witte - Thank you.
1577
1578 Mr. Souter - The apartment building is probably about 55, 60 feet.
1579 To get height, you have to eventually take aggregate parking and wrap it into a
1580 deck. This is what happened in 210 Rock. 210 Rock is the L-shaped building over
1581 here. It gets up to 80 feet, but there's a 4-1/2-story parking deck wrapped in behind
1582 it. So if you kind of look at that deck in there, that rough size, you could plausibly
1583 put that to one side and then add a piece to one or the other side of that parking
1584 at grade level.
1585
1586 One thing that's worth noting is that we're asking for this rezoning case on this
1587 particular parcel with no additional requests for additional units at Rocketts
1588 Landing. We're basically adding additional acreage to the overall original UMU
1589 zoning that was passed at Rocketts with no additional requests for more
1590 townhomes, more condos, more multi-family. And so in essence, the traffic study
1591 that we went through at the original zoning, we'd not adding any additional units.
1592 These 12 townhomes here, we're kind of just shifting them from another area in
1593 the project. If we did want to come back and plausibly add more units on this above
1594 and beyond what our original zoning had allowed us to do, that would presumably
1595 require us to do an additional traffic study at that point.
1596

1597 Mr. Leabough - Thank you, sir. That's a good point to make. Oh, one
1598 other. What's the likelihood of you building a 100-foot building there?
1599

1600 Mr. Souter - If we ended up building an apartment building, we can't
1601 go to 100 anyway, right? We're restricted to 70. If you just think of this in very rough
1602 urban planning kind of ideas, and essentially value of property increasing the
1603 closer you are to the river, typically that's why we've put most of the condominiums
1604 on the river side and maybe multi-family toward the back.
1605

1606 But I mean other urban design principals—if you look at the city zoning, they have
1607 two codes, one called Riverfront 1 and Riverfront 2. Riverfront 1 is a band along
1608 the riverfront that has I think a height limit of 70 feet. The Riverfront 2 is one or
1609 more blocks back from the river, and those are height limits up to 200 feet. The
1610 idea is you typically put taller buildings at the back and shorter buildings at the front
1611 so you can keep that viewshed.
1612

1613 Now in Phase 1, if you kind of look at what we did in Phase 1, Sky Line and Fall
1614 Line are taller buildings, but we put some shorter townhome buildings in the middle
1615 so that the other two condo buildings in the back—Cedar Works and 210 Rock—
1616 can kind of look over those. So, we try to not do what you kind of do at Virginia
1617 Beach where you end up seeing 200-foot buildings along the beach. But if you're
1618 one block back—we would almost reverse that, put the taller buildings at the back
1619 and have shorter buildings at the front.
1620

1621 But in all reality, I mean if you start getting up to—I think I'd put the condos on the
1622 water and we'd probably have multi-family back there. So, in all reality, if that ever
1623 got developed, I would have to get to a point where I can justify building more
1624 parking decks. And for multi-family right now, it's tough to pay for structured
1625 parking in a deck and make the numbers work. So, in all reality, that would be it. A
1626 multi-family building would probably never get above 70 anywhere.
1627

1628 Mr. Theobald - But it could be an office building.
1629

1630 Mr. Souter - And it could be an office building.
1631

1632 Mr. Leabough - Okay. Thank you. Any other questions from the
1633 Commission? All right.
1634

1635 Hearing all the comments tonight—I would like to thank the developers and the
1636 applicant and the attorney. Outside of this case, they committed to a number of
1637 items. Just for the record, I think they committed to putting a concrete stairway to
1638 the trail and the riverfront. Also, completing the pool. And also to kind of working
1639 through with the residents to figure out your parking situation. I know that those
1640 are not conditions that are associated with this case, but I did want to thank you all
1641 for at least hearing what the folks at the community meeting shared and trying to
1642 address their concerns.

1643
1644 Traffic is always an issue. I drive this road every day to get to work and get home.
1645 I understand everything that the residents on that side of town go through because
1646 I deal with it myself. Since the closure of Route 5 with the bridge repair work,
1647 actually, I haven't really noticed a difference, to be honest. Maybe it's just the time
1648 of day that I go through there. I think it's actually helped the situation because
1649 people are actually choosing to go another route for some reason or another or
1650 maybe because of the snow there's a lot less traffic since that road's been closed.
1651
1652 Mr. Nelson - I noticed the same thing. I said maybe I'm going at the
1653 wrong time, but I haven't really hit a bottleneck.
1654
1655 Mr. Leabough - No, it's actually not too bad with the three-way stop. If
1656 we could just educate folks in terms of how to maneuver a three-way stop, I think
1657 we'd be okay.
1658
1659 But I do have to look at the fact that this is an M-2-zoned site that's allowed to go
1660 up to 110 feet in height that's not consistent with the character of the UMU District
1661 that's on the surrounding 20 acres. And I think what would be a step in the wrong
1662 direction would be to see an M-2 use be located here that would really impact the
1663 future of Rocketts I think significantly.
1664
1665 So with that, I think I have no other choice but to move that REZ2017-00001,
1666 James W. Theobald for The WVS Companies, move on to the Board of
1667 Supervisors with a recommendation of approval subject to conditions associated
1668 with case C-55C-04 and the additional condition 1 that's included in the staff report.
1669
1670 Mr. Witte - Second.
1671
1672 Mr. Leabough - We have a motion by Mr. Leabough, a second by
1673 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
1674 passes.
1675
1676 **REASON -** Acting on a motion by Mr. Leabough, seconded by Mr.
1677 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the
1678 Board of Supervisors grant the request because it conforms to the Urban Mixed-
1679 Use recommendation of the Comprehensive Plan and would not adversely affect
1680 the adjoining area if properly developed as proposed.
1681
1682 All right. Now I'll move on to the PUP case. I move that PUP2017-00001, James
1683 W. Theobald for The WVS Companies, be moved on to the Board of Supervisors
1684 subject to conditions 1 and 2 as noted on the agenda, with a recommendation of
1685 approval.
1686
1687 Mrs. Marshall - Second.
1688

1689 Mr. Leabough - We have a motion by Mr. Leabough, a second by
1690 Mrs. Marshall. All in favor say aye. All opposed say no. The ayes have it; the
1691 motion passes.
1692

1693 **REASON -** Acting on a motion by Mr. Leabough, seconded by Mrs.
1694 Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the
1695 Board of Supervisors grant the request because it is reasonable in light of the
1696 surrounding uses and existing zoning on the property and would not be expected
1697 to adversely affect public safety, health or general welfare.
1698

1699 Mr. Emerson - Mr. Chairman, we now move on to the next item on
1700 your agenda, which appears at the top of page 4.
1701

1702 **DISCUSSION ITEM: CAPITAL IMPROVEMENT PROGRAM:** The
1703 Commission will discuss scheduling a Public Hearing for February 9, 2017 at 6:00
1704 p.m., to consider the FY 2017 - 18 through FY 2021 - 22 Capital Improvement
1705 Program.
1706

1707 **DISCUSSION ITEM:** The Commission will continue discussion on the
1708 Planning Commission Rules and Regulations at 5:15 p.m.
1709

1710 Mr. Emerson - If you have any questions, I'll be happy to try to answer
1711 them for you. It is your regular CIP approval meeting. Sometimes it occurs in
1712 February, sometimes it occurs in March. This year we are in progress to have it at
1713 the February meeting.
1714

1715 Mr. Leabough - Mr. Secretary, we also discussed, if I'm not mistaken,
1716 a work session?
1717

1718 Mr. Emerson - Yes we did. My concept would be—and it's not on your
1719 agenda, but we did discuss it earlier this evening—possibly that we have a work
1720 session beginning at either 5 or 5:15—I'll leave it at your discretion—to complete
1721 what we were discussing tonight. And I have one other item that if everything
1722 comes together, I'd like to have a few minutes to discuss that with you as well,
1723 which is the upcoming code update and meetings that will be occurring hopefully
1724 in the March time frame.
1725

1726 Mr. Leabough - All right. So is the Commission okay with scheduling
1727 the work session and the CIP hearing at 6:00? Well, 5:15 or 5:30 for the work
1728 session.
1729

1730 Mr. Emerson - Well I think you need to go at least 5:15, because you
1731 have to be down here by 6.
1732

1733 Mr. Leabough - Is everyone okay with 5:15?
1734

1735 Mr. Archer - Five fifteen works for me.
1736
1737 Mr. Leabough - On February 9th.
1738
1739 Mr. Emerson - The work session by consensus is fine. On the Capital
1740 Improvement Program, to set that public hearing, I would like a motion.
1741
1742 Mr. Leabough - I'll entertain a motion. Anyone care to make one?
1743
1744 Mr. Witte - So moved.
1745
1746 Mr. Archer - Second.
1747
1748 Mr. Leabough - We have a motion by Mr. Witte, a second by
1749 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
1750 passes.
1751
1752 So we have our public hearing scheduled for February 9th at 6 p.m.
1753
1754 Mr. Emerson - And a work session at 5:15.
1755
1756 Mr. Chairman, the next item on your agenda would be consideration of approval
1757 of your minutes from your December 8, 2016 meeting. You do have an errata sheet
1758 as well.
1759
1760 Mr. Leabough - Any motions for approval?
1761
1762 Mr. Archer - Mr. Chairman, I move that the minutes be approved
1763 subject to the errata sheet.
1764
1765 Mr. Baka - Second.
1766
1767 Mr. Leabough - We have a motion by Mr. Archer, a second by
1768 Mr. Baka. All in favor say aye. All opposed say no. The ayes have it; the motion
1769 passes.
1770
1771 Mr. Emerson - Mr. Chairman, I'd like one more time to thank
1772 Mr. Archer for his year as chairman. Again, it's a great pleasure working with him.
1773 And congratulate him as well on the beginning of his 21st year on the Commission,
1774 which I should have done earlier. And also congratulate you and Mr. Witte for your
1775 election to your respective roles for the next year. With that, I have nothing further.
1776
1777 Mr. Archer - Mr. Secretary, if I may. I appreciate your
1778 congratulations. I don't know whether the 21st year I should be congratulated or
1779 pitied. One or the other. But it's been a pleasure serving. And we all work together
1780 so well. The year went by rather rapidly. But thank you all; I appreciate it.

1781
1782 Mr. Leabough - I just want you to know Mr. Archer, that the entire year
1783 I was taking very good notes. So if I say things that kind of seem familiar, just know
1784 that I have a black book with all your notes in it.
1785
1786 Mr. Archer - It's not patented; you can use it.
1787
1788 Mr. Leabough - Well you did a great job, sir. We really do appreciate
1789 your leadership. Is there any other business? Yes sir?
1790
1791 Male - [Off microphone.] Have you already heard rezoning for
1792 2017-00002?
1793
1794 Mr. Leabough - Yes. We approved you. But if you want to hang around
1795 and be recommended for denial, we'll do that.
1796
1797 Male - Was that expedited?
1798
1799 Mr. Leabough - Yes, that was on the expedited agenda. Were you here
1800 at 7:00?
1801
1802 Male - [Off microphone.] No. I was trying to get to the
1803 Administrative Building. No one was over there.
1804
1805 Mr. Leabough - I'm sorry. I thought were—
1806
1807 Mr. Nelson - Do you want us to say it for you one more time?
1808
1809 Male - [Off microphone; inaudible.]
1810
1811 Mr. Leabough - I was wondering why you were hanging around. Maybe
1812 he just likes the meeting so much that he wants to stay the whole time.
1813
1814 Male - [Off microphone.] [Inaudible] thank you very much.
1815
1816 Mr. Leabough - We recommended you all for approval on the
1817 expedited. Sorry about that.
1818
1819 Male - [Off microphone.] No problem. Have a good evening.
1820
1821 Mr. Witte - Motion to adjourn.
1822
1823 Mrs. Marshall - Second.
1824

1825 Mr. Leabough - We have a motion by Mr. Witte and a second by
1826 Mrs. Marshall. All in favor say aye. All opposed say no. The ayes have it; the
1827 motion passes.

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Mr. Eric Leabough, C.P.C., Chairman

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Mr. Joseph Emerson, Jr., Secretary