

1 Minutes of the work session of the Planning Commission of the County of
2 Henrico held in the County Manager's Conference Room beginning at 5:00 p.m.,
3 March 13, 2014, regarding Planning Commission rules and regulations.
4

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. David O'Kelly, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie News, PLA, County Planner
Ms. Sylvia Ray, Recording Secretary

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6 Mr. Leabough - I'll turn it over to Mr. Emerson, our secretary.

7
8 Mr. Emerson - Thank you, Mr. Chairman. Tonight's work session is
9 on the rules and regulations and some changes that staff feels needs to be made
10 in order to be consistent with our practices, and it's also to discuss an inclement
11 weather policy. Ms. Leslie News is here to present those items to you and
12 discuss them.
13

14 Ms. News - Good evening, Commissioners, Mr. Secretary.

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16 Our rules and regulations are updated from time to time. The last update was an
17 amendment in August of 2007 to amended Article 5 regarding motions, requiring
18 a second on all of your motions. It sounds like some feedback. Can you hear me
19 okay? It's okay? Okay.
20

21 The items that we're going to discuss are mainly housekeeping items either to
22 clarify a procedure or update to reflect changes in state law. You were given with
23 your packet a copy of the rules and regulation. The handout that you have now is
24 slightly revised because we've added some wording in about the inclement
25 weather. That's the one I'll be referring to as I go through this. I'm also going to
26 go through the original changes that were in the document and come back to the
27 inclement weather policy at the end.
28

29 Beginning with page four, the first change proposed has to do with time limits. A
30 statement has been added very simply to say comments shall be directly related

31 to the case under consideration. This has really been added just to strengthen
32 the Commission's position with the public when they exercise their option to try to
33 stay on point with the discussion at hand.

34
35 Most of the things I'm going to talk about are real straightforward, so if you have
36 something you'd like to add, feel free to interrupt. I'm just going to move on
37 through if you don't have anything else.

38
39 Mr. Branin - With this being put into place, this new statement,
40 what effect does that have for, us or give us?

41
42 Mr. Emerson - I normally say it now. I wanted to put it in to the rules
43 and regulations in case somebody called me on the carpet for it. But I started
44 using that in relation to some of the people who appear in front of you on a
45 regular basis because they tend to range out into very broad areas of practice
46 and—I say that in order to try to keep them on the case, speaking to the specific
47 item in front of you. So I wanted to add it just so it would be in the rules and
48 regulations.

49
50 Mr. Leabough - It's a good move.

51
52 Mrs. Jones - May I just ask a quick question? Where did the 10
53 minutes—I realize that's not even part of our presentation here, but where did the
54 10 minutes come from and how long has that been in effect?

55
56 Mr. Emerson - It was there when I came here, and I couldn't answer
57 beyond that.

58
59 Mrs. Jones - So a long time?

60
61 Mr. Emerson - Dave may know. Dave, do you know the origin of the
62 10 minutes and how long it's been in the rules and regulations?

63
64 Mrs. Jones - Approximately. I mean, it's been there for decades?

65
66 [Overlapping conversation.]

67
68 Mrs. Jones - I'd like to raise just a point that's been bothering me
69 over recent cases. I realize—I think I know why this "comments" sentence has
70 been added. I will say that it is one of those things where every development that
71 has a tree or earth involved can be considered part germane to the conversation.
72 So I agree it's fine to put it in there. I'm not sure if it's going to do a whole lot with
73 this, but I think it's important that they should be related to the case. That being
74 said, I think the people who have come to argue passionately in front of us—and
75 there may be some there this evening—have a lot of information that they're able
76 to pick up. I mean, this is an age where they're looking things up online; they're

77 bringing in friends who have expertise in certain areas. We almost spend more
78 time arguing over the 10 minutes than we do listening sometimes to their
79 conversation. I don't know what the answer is, whether it's to make that a little
80 longer, whether it is to have kind of a longer intro so that everybody is extremely
81 clear about the 10 minutes. In other words, how many of you wish to speak. At
82 that point if three of you wish to speak, decide now if you'd like to have three
83 minutes per person or do you want one person to take—decide among
84 yourselves before you start. I don't know what the answer is, but I hate to have
85 that be the focus versus the conversation that we're trying to have about the
86 case.

87

88 Mr. Branin - Mr. Chairman, can I make a comment to that
89 discussion? Mrs. Jones, I think 10 minutes is fantastic. And the reason why is we
90 all as commissioners have the ability to extend that time without hesitation.

91

92 Mrs. Jones - That's true.

93

94 Mr. Branin - There has never been a time that we've said I'd like to
95 extend for—and the chairman, whomever, madam chair or sir chair, whoever,
96 said how much time would you like. So that's never been an issue that there's a
97 strict 10 minutes and when that 10-minute clock hits, sorry, you're screwed,
98 you're out of luck, sit down and be quiet. We've never done that. But if we don't
99 have a time that is set that is a ground rule to play within, with our ability to
100 extend, then every case could be three hours because we haven't set
101 parameters.

102

103 Mrs. Jones - I'm not opposed to the parameters. I just wondered
104 whether, since this 10 minutes has been in place for ever and a day, do we all
105 feel that's sufficient?

106

107 Mr. Archer - I was going to say that you've raised a good point. But
108 I think a point that you did raise and maybe we need to expand on is maybe if we
109 explain it for about 30 seconds more when we're giving the explanation, when we
110 say 10 minutes. Just bother to say now that 10 minutes is inclusive of everyone
111 who wants to speak. I've seen so many times that people get up and say the
112 same thing, everybody. If you ask if you have a spokesman or a spokesperson,
113 make sure that you confine your remarks to whatever is in there, and be aware of
114 the fact that you have 10 minutes. Maybe if somebody stops going on and on,
115 interrupt them every once in a while and say you have five minutes left. That way
116 people can know where they are.

117

118 Mr. Branin - I've seen other commissions, that they actually have a
119 clock. In other commissions each person has a minute that they may speak.
120 When that minute is up a siren goes off.

121

122 Mrs. Jones - It's like the debate clock.

123

124 Mr. Branin - Yes. I think our openness is a positive. I think our
125 flexibility is a positive. I don't take issue with the 10 minutes because if it was 10
126 minutes, 20 minutes, three minutes it's irrelevant because we have the flexibility
127 to keep it going or shut it down when it actually needs to be shut down. If there
128 are fifty-seven people saying there's a problem with traffic and after the forty-fifth
129 one saying there's a problem with traffic does anybody else have anything else to
130 say other than there's a problem with traffic. If they say no then we're done
131 because we got it. Do you—

132

133 Mrs. Jones - I do. And this was the time to raise the question.
134 That's all I'm doing. Okay.

135

136 Mr. Witte - I have one comment. I think it's important that we give
137 everybody the opportunity to speak that wants to speak unless they're content
138 with the fact that it's already been said. I think it's important to give them the
139 opportunity if they want to say for the 46th time I have a problem with traffic.
140 We've already heard it; we understand. But they still should be entitled to have
141 the opportunity to speak.

142

143 Mr. Branin - And that's why you have the right as a commissioner
144 to request continuations of time.

145

146 Mr. Leabough - What about, based on the number of people in
147 opposition who want to speak, having certain ranges of time? So if it's under 10
148 people then you're have 10 minutes. If it's more than 10 people maybe it's 15. I
149 don't know. I mean that's a way to look at it as well.

150

151 Mr. Witte - I think the way I'm looking at it—

152

153 Mr. Archer - I think the discretion to extend more time is what
154 works. The way I always like to think about it is the last case. The reason I say
155 that is because there's some guy sitting out there that's been sitting there for
156 three hours, has no interest at all in what's been going on in front, but he's still
157 got to sit there and wait. And I remember one night when they were working on
158 the meeting room and we were meeting in the kitchen, the demonstration kitchen
159 for about a year. We used to meet until 2:00, 3:00 in the morning. And you look
160 back and see somebody back in the back with their head—you have to think
161 about, you know, everybody is not the first person on the agenda. So you have to
162 consider the last person who is on the agenda too. So if we don't set some kind
163 of a deadline, these things can really go long.

164

165 Mr. Branin - And if it's a very important case, it's critical, and these
166 people have some true concerns, and they have—we have that flexibility. In the
167 10 years—how long have we been here, Mrs. Jones?

168

169 Mrs. Jones - Since 2005.
170
171 Mr. Branin - So nine years. In those nine years I have never heard
172 a chairman say all right, you can have a 30-second exception, but let's wrap this.
173 We've never done that to each other.
174
175 Mr. Archer - Well, Bob hasn't been chair yet, so.....
176
177 Mrs. Jones - I guess I'd rather err on the side of adding a little more
178 time and trying to wrap it up with satisfaction from the citizen side as well as our
179 side, and we have a lot of things to do. I know some of the cases you can't, but.
180
181 Mr. Branin - And I'd always prefer to be a gracious commissioner
182 that cares about my area and say I'll extend as much time as you would like than
183 cut it off at 12 minutes.
184
185 Mrs. Jones - Okay. Well thank you for your thoughts.
186
187 Mr. Archer - It took us just about 10 minutes to—
188
189 Ms. News - Okay. The next item is on page five. This has to do
190 with newspaper advertisements for zoning cases. This is actually a change that
191 has been in place. It was implemented in 2011 as a cost-saving measure. I
192 believe at that time staff was tasked—the office was tasked for looking at ways to
193 save money. I don't recall, maybe Joe does. There was a person in our office
194 who identified this as a major cost-saving measure. It was determined there
195 would be an overall cost savings of \$28,000 on a yearly basis changing the
196 advertising dates for both the PC and the BZA. So these dates still fall within the
197 required framework for advertising the zoning agendas, but as a money saving
198 measure.
199
200 The next item is on page seven. This change refers to the period of validity for a
201 POD, and it's in direct response to changes in the state legislation. PODs are
202 now granted for a period of five years by the Planning Commission. In 2012, it
203 was changed to five years provided they met certain criteria, and we viewed that
204 as having their construction plans ready to be signed. But now they don't even
205 need to do that. So that's just simply a time period change.
206
207 The next item is also on page seven. This has to do with actions on a Special
208 Exception. When the zoning ordinance requires both a Special Exception and a
209 Plan of Development, the code allows action on these items to happen with the
210 POD. The rules and regulations currently state that each requires a separate
211 action; both can be reviewed and approved at the same public hearing. Special
212 Exceptions will be placed on the Commission agenda for hearing and action
213 immediately prior to consideration of the Plan of Development. In practice, they
214 are actually placed as one item, and the Commission has either acted on them

215 ahead of the POD on that same item, or concurrently with one motion. So we're
216 just clarifying with the language that that can be handled in either manner.
217
218 After that on page eight we have a change—
219
220 Mrs. Jones - Ms. News?
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222 Ms. News - Yes, ma'am.
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224 Mrs. Jones - Excuse me. The first sentence, which is the
225 continuation of the change from seven. I think that should be "or may take
226 action." On the top.
227
228 Mr. Witte - Yes, we just discussed that over here.
229
230 Mrs. Jones - Oh, I'm sorry. I didn't hear it.
231
232 Mr. Emerson - He didn't; he just showed it to me.
233
234 Mrs. Jones - Okay.
235
236 Mr. Witte - It was secret.
237
238 Ms. News - Which item is that? I'm sorry.
239
240 Mrs. Jones - On the first sentence after the semicolon. It should be
241 "or may take action."
242
243 Mr. Witte - About 15 words from the end.
244
245 Mrs. Jones - As opposed to "make."
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247 Ms. News - Okay. Oh, yes.
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249 Mr. Emerson - It should be "may" not "make."
250
251 Ms. News - Thank you.
252
253 Mr. Archer - Oh. I saw one more small one. We're talking about
254 typos, I guess.
255
256 Ms. News - Okay.
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258 Mr. Archer - In number three. I'm looking at the copy I had at the
259 office. Number three is redlined out at the bottom and—no it's not. Disregard
260 whatever I said.

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Ms. News -

Okay.

Mrs. Jones -

As a general principle or just that?

Mr. Archer -

No, just for this.

Mr. Branin -

As a general rule.

Mr. Witte -

They're aggressive tonight, aren't they?

Ms. News -

All right. The next item is on page eight, and this has to do with withdrawal of a POD or a Subdivision. The Commission is required for PODs and Subdivisions to act on the withdrawal of a POD or Subdivision from consideration. This requirement is placed on PODs or Subdivisions that have been previously approved or which have been placed on an official agenda for consideration. We're trying to add wording there that clarifies that this requirement does not apply to applications that are withdrawn by the applicant prior to placement of a case on a final agenda. An example of that is we've had PODs submitted where the applicant has just decided they don't want to go forward after getting comments, it doesn't make any sense. And we were in a position where we would need to advertise a case that we knew was never—or send notice out for a case that was never going to go forward and then have to act on the withdrawal when it was just alerting people to something that wasn't going to happen anyway.

Also, on page eight is another statement to accommodate changes in state legislation. There are various extensions by-right for Subdivisions under the state code. Our code was amended to include the state language, and we're just reflecting that in your rules and regulations.

Those are the main changes that we sent you previously. Are there any other questions on those? I'll move into the hazardous conditions policy.

This goes back to page three on your rules and regulations. This will provide potential addition of language addressing the Commission's procedures to reschedule the meeting in the case of hazardous or inclement weather. Without specific procedures in place, in accordance with state law, any action to continue a meeting to another date must occur at a regular meeting. This can be problematic on short notice. You saw this just recently with the meeting that had to be called, to cancel for snow.

In order to move this—the Code of Virginia permits planning commissions to adopt a resolution to fix the day or days to which a meeting shall be continued if weather or other conditions are such that it is hazardous for members to attend the meeting. A draft resolution has been prepared for your consideration, and

307 you have that at the back of the packet that I just handed to you. It's the last
308 page. The resolution reads:

309

310 **WHEREAS**, Section 15.2-2214 of the Code of Virginia permits planning
311 commissions to adopt a resolution to fix the day or days to which any meeting
312 shall be continued if the chairman, or vice-chairman if the chairman is unable to
313 act, finds and declares that weather or other conditions are such that it is
314 hazardous for members to attend the meeting; and,

315

316 **WHEREAS**, the Planning Commission wishes to adopt such a resolution.

317

318 **NOW, THEREFORE, BE IT RESOLVED** that if the Chairman, or Vice Chairman
319 if the Chairman is unable to act, finds and declares that the weather or other
320 conditions are such that it is hazardous for Commission members and the public
321 to attend a regular meeting, the meeting shall be postponed for a period of one
322 week to the same time the following week; however, if the postponement would
323 be to a County holiday or the day before a County holiday, the meeting shall be
324 postponed to two days before the County holiday. Commission members and the
325 press will be notified as promptly as possible, and notice will be posted on the
326 front doors of the Commission's meeting room and the courthouse. All hearings
327 and other matters previously advertised will be conducted at the continued
328 meeting, and no further advertisement or notice is required.

329

330 That language is pretty much directly out of the state code. And as stated in the
331 resolution, the addition of this language would allow the meeting to be
332 automatically rescheduled without the need for re-advertisement in the paper or
333 resending of adjacent property owner notifications. Staff would make every effort
334 to contact all interested parties, as what happened at the last meeting.

335

336 The proposal is to reschedule the meeting to one week following the original
337 meeting date, with an allowance for occasions where there would be a conflict
338 with a holiday. For instance, in 2014 the December POD meeting would fall on
339 Christmas Eve if it was pushed out exactly one week following a delay of the
340 meeting. So in that instance it would be moved back to that Monday.

341

342 The Board of Supervisors actually has a similar procedure in place, moving their
343 meeting to the following week and adopts their yearly inclement weather policy
344 resolution each year when it adopts their calendar. So the Commission could
345 follow the same procedure basically that the Board is already following.

346

347 The resolution, if adopted by the Commission, would then require an ad to be run
348 in the newspaper, including a copy of the resolution. An ad would be circulated
349 each year thereafter upon adoption, with the calendar.

350

351 Mr. Branin - Is that based on state regulations?

352

353 Ms. News - Yes. That's directly out of the state code. And the
354 language that is included in this resolution is what is proposed in your rules and
355 regulations right now.

356
357 So I'm open to any questions you may have on this or any other thoughts you
358 had. We thought about some different ways to accomplish this, and this is where
359 we landed. But we're certainly willing to hear your input and decide how you want
360 to go with this.

361
362 Mr. Kaechele - Is there any time frame before the meeting—that
363 states the actual number of times it can be postponed?

364
365 Ms. News - There's nothing in state code right now that says—
366 and I guess that would—

367
368 Mr. Kaechele - Could it be cancelled last-minute, effectively?

369
370 Ms. News - Yes. There is currently no time. And I guess that
371 would take into account—I mean it could. It's talking about weather, but I imagine
372 any type of emergency that happened could come up, non-related to weather at
373 all. So it gives you flexibility.

374
375 Mr. Emerson - Well it has "or other conditions." So it could be
376 anything.

377
378 Mr. Archer - Very good, Mr. Secretary.

379
380 Mr. Emerson - We had planned on placing both the changes to the
381 rules and regulations and the resolution for the meeting cancellation on the Plan
382 of Development meeting for your consideration. I didn't think we should put them
383 on tonight; I wanted to give you some time to think about it, and if there were any
384 changes that you wanted us to make to these documents as well. But that's our
385 general plan right now—

386
387 Mr. Archer - Sounds good.

388
389 Mr. Emerson - —is that they would be on your next Planning
390 Commission meeting agenda.

391
392 Mr. Leabough - Perhaps you mentioned this. Will this be posted on
393 the website, the policy once it's adopted?

394
395 Mr. Emerson - Once it's adopted. We do have to advertise it. So
396 once you adopt it, the next ad that we run for zoning cases, I'll just put it at the
397 bottom of that ad in the newspaper to take care of that requirement. But we can
398 post it on the website so people are aware.

399
400 Mr. Leabough - This will be on which—
401
402 Ms. News - March 26, 2014.
403
404 Mr. Leabough - Okay.
405
406 Ms. News - If you have any thoughts or find any other typos, feel
407 free to call me.
408
409 Mr. Emerson - Well Mr. Chairman, that's all we have for you this
410 evening until our 6:00 meeting to hold the public hearing on the CIP downstairs.
411
412 Mr. Leabough - We'll go into a recess.

413
414
415 Minutes of the Capital Improvement Program presentation held in the County
416 Administration Building in the Government Center at Parham and Hungary
417 Spring Roads, beginning at 6:00 p.m., Thursday, March 13, 2014. Display
418 Notices having been published in the Richmond Times-Dispatch on January 27,
419 2014 and February 3, 2014.

420
Members Present: Mr. Eric S. Leabough, C.P.C., Chairman (Varina)
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Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. David A. Kaechele,
Board of Supervisors' Representative

Also Present: Mr. John A. Vithoukas, County Manager
Mr. Eugene H. Walter, Finance Director
Mr. Brandon Hinton, Budget Director
Other Department Heads and Key Officials
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Ms. Sylvia Ray, Recording Secretary

421
422 **THE PLANNING COMMISSION RECONVENED AT 6:02 P.M. FOLLOWING A**
423 **WORK SESSION.**

424
425 **PUBLIC HEARING ON CAPITAL IMPROVEMENT PROGRAM:**
426

427 Mr. Leabough - Welcome to the Planning Commission Hearing.
428 We're coming out of a recess and we will now begin our CIP Public Hearing.
429

430 Mr. Emerson - Thank you, Mr. Chairman. As you noted, the Planning
431 Commission did hold a work session at 5:00 p.m., to discuss revisions to the
432 rules and regulations and also an inclement weather policy. We are now going
433 into the public hearing on the Capital Improvement Program for FY2014-15 to
434 FY2018-2019. The presentation will be made to the Commission by our County
435 Manager, Mr. John Vithoukias.
436

437 Mr. Vithoukias - Thank you, Mr. Emerson.
438

439 Mr. Vithoukias - Mr. Chairman, Mr. Vice-Chairman, members of the
440 Planning Commission, Mr. Emerson.
441

442 Mr. Archer - Good evening, Mr. Vithoukias.
443

444 Mr. Vithoukias - Good evening. This is an annual event and it is my
445 pleasure to be here tonight to present to you the proposed Capital Improvement
446 Program and Capital Budget that we have pending for FY15.
447

448 I will tell you that the proposal that was presented last year that was in the FY14
449 Capital Budget was a little more austere than the one you are going to see this
450 evening. As we go through—and I am going to take my time in going through and
451 make this presentation, so that you can see and are comfortable with the Capital
452 Budget and how it may impact land use.
453

454 I have the Department Heads; I have officials from the Henrico County Public
455 Schools with me. As usual every question that you ask will be answered. And, I
456 certainly hope that at the end of the presentation, you are comfortable with the
457 proposal.
458

459 But, let me begin by noting, this time last year your Capital Budget looked
460 different. In that we made a concerted effort to reduce total spending because of
461 declines that we were seeing in the County's fund balance. We were also—we
462 had significant concerns regarding the nature of the local economy and the
463 sustainability of what we were seeing as far as a turn in the economy. We are at
464 this point, this year, more comfortable with what we are seeing. In the local
465 economy you are starting to see some lift, if you will. You are seeing it first hand;
466 you actually see it before we do. Activity from Mr. Emerson's area within the
467 Planning Commission seems to be up. That is a positive. That activity will allow
468 us to be able to provide some additional capital funding.
469

470 What you are seeing here is Capital funding. Some of it is one-time in nature—
471 some of it is recurring. You can see a myriad of funding sources, starting with
472 debt financing. Debt financing we haven't seen in a number of years. But, this is

473 largely for the County's radio system that you will hear about, which is going to
474 be the most significant regional project that we have undertaken with our regional
475 partners in the past 15 years. You'll see Mr. Petrini's area, Enterprise Funds -
476 Water and Sewer, continued effort there, although reduced in scope this year
477 because we have a significant capital project, Cobb's Creek, coming in that
478 realm. You'll see General Fund Allocation of 19.57%; that is pay-as-you-go
479 funding for capital. Then you will see a new addition, General Fund Education
480 Meals Tax. You will see this, this year and in each and every other Capital
481 Budget. This is year one half, of the meals tax that is being dedicated to our
482 schools system. You'll see some landfill revenue, some fund balance from our
483 fleet, or CAM. You'll see General Fund Revenue for Public Works that is the
484 \$800,000 that we have dedicated for many, many years from the vehicle decal
485 fee that we have imposed. You also have Special Revenue Fund Balance, a
486 small piece. Some permit fees that are being dedicated to a Tidemark
487 Replacement project in this Capital Budget. Then you will see some House Bill
488 #599 funding that is being designated for a new police station in the central area
489 of the County.

490
491 But let me as I can, go through Department by Department. And, if you will—you
492 have your Capital Budget, you can see the specifics of the budget. The actual
493 Capital Budget is the first year, that's what would be appropriated by the Board of
494 Supervisors. Years two through five are simply out years, in the Capital
495 Improvements Program, and they are simply requests. Those requests may or
496 may not be funded. The likelihood is that with a total of \$1.8 billion in requests,
497 and you'll see this in this presentation, years two through five. You have many,
498 many projects that are requested but will likely not be recommended for funding.
499 The recommendation is made a year at a time.

500
501 So, let me delve into the proposed Capital Budget and you'll see for Fiscal 15, we
502 start with the school system. An \$11.5 million, that comes in two pieces. This
503 pay-as-you-go funding. The first piece is a \$2.5 million allotment that Henrico
504 County has made for many, many years for roof replacements and mechanical
505 improvements. We have over 70 school facilities and the thought was made in
506 the late 90's—a proposal was put forward which we have adhered to, to
507 systematically replace HVAC units in schools, so that we never find ourselves
508 behind in that area. The second piece is \$9 million that I referred to in the pie
509 that I just showed you.

510
511 The proposed budget includes funding for an Education Meals Tax Reserve
512 Project. So what you will see in that realm—and you can see the Capital
513 Projects on pages 1 - 3 of the book that you have before you. The total CIP
514 you'll see on page 5. But the Meals Tax Reserve, our schools system has put
515 forward a list of recommended projects that total \$9 million. You can see that list
516 on page 7. This reserve will basically create an account that as our school
517 system gets better estimates for these projects, that they can draw from on our
518 typical budget amendments. This will be the way that we will appropriate these

519 funds in keeping with the Resolution that the Board of Supervisors approved in
520 late February when it adopted the meals tax.

521
522 You'll see Fire, \$.5 million for an alerting system—that would replace the current
523 obsolete system in our fire stations. You'll see General Services \$2.5 million, and
524 again, the specifics you can see on those early pages in the Capital Budget. \$2.5
525 million includes \$950,000 for the governmental side, mechanicals, roof
526 replacements, pavement rehabilitation projects, the things that we must do in
527 order to maintain facilities. The CAM, you'll see Information Technology at \$1.5
528 million, this is for \$900,000 of General Fund Resources for a number of hardware
529 and technology improvements that we must make if we are to simply keep pace
530 with the number of systems that we have. This is an annual allocation we have
531 made in the Capital Budget. It doesn't really impact what we are talking about
532 with this Commission with land use. But it is in here and we also have in
533 Information Technology \$.5 million that is associated with the Tidemark
534 Replacement Project. This is something Mr. Emerson has requested for a
535 number of years and we are at the point where we must replace that system.
536 This begins to make a down payment on that replacement and it would be this
537 \$.5 million for Tidemark would occur over a number of years. The \$150,000 that
538 you see for GIS begins an annual appropriation within this area.

539
540 Police, \$41 million includes two projects, one is the radio replacement project
541 which includes Debt Financing in this Capital Budget of \$39 million, that total
542 project will total \$60 million. And, if you have a question, feel free to interrupt me.
543 As we're going through if something pops into mind, feel free to interrupt because
544 I see Mr. Witte—a question brewing. The second piece that we have in Police, is
545 House Bill #599 Revenue that we are allocating for that central police station
546 which also includes another \$1.6 million in General Fund Resources. Landfill
547 Revenue, \$2 million that will be utilized for the Springfield Landfill Closure
548 Project. Public Works, we have two components here. First, \$8,751,000 that is
549 being allocated for various bridge rehabilitation projects. Now, bridge
550 rehabilitation is not something that we have brought forward for many, many
551 years in this Capital Budget, because we didn't have the resources to do so.

552
553 Last year the General Assembly recognized that Henrico's costs are significantly
554 higher than what we had been reimbursed for a number of years. In fact, we had
555 some towns in the western portion of the state that were receiving more per lane
556 mile than Henrico County was. Ultimately—and we had been receiving that
557 reduced payment for a number of years. But, in this Capital Budget we are
558 staring to rehabilitate a number of bridges. And you will see how—I've got Mr.
559 Yob here as well—how that will be appropriated; \$850,000 is an annual general
560 road construction project account that we include in the Capital Budget. And
561 then, in Recreation we have \$1.5 million and that consists of \$500,000 for facility
562 rehabilitation projects that is for the gazebos, the picnic shelters. The
563 infrastructure, if you will, that we have in our parks. By allocating a little bit each
564 and every year we are able to maintain those facilities the way they've been

565 maintained. And then \$1 million that has been allocated to a project we are
566 referring to as Greenwood Park and is a—the County owns 89 acres adjacent to
567 Greenwood Road. The effort here is that that park—that parcel will be developed
568 into a number of fields that will allow us to continue to capture the sports tourism
569 that we have become more and more adept at capturing as a locality. You'll also
570 see Vehicle Replacement Reserve of \$3.8 million, this includes funding for Police
571 and Fire apparatus and then a proposed utility water and sewer allocation of \$29
572 million, bringing the total Capital Budget to just over \$100 million; \$103,076,992.

573

574 I don't want to say anything within the Capital Budget is routine but the Capital
575 Budget that you're seeing proposed is more in line with the prior Capital Budgets
576 that we have had as a County. Last year's Capital Budget was a retraction, and
577 one that needed to occur. But, in total, the recommended Capital Budget is just
578 over \$100 million.

579

580 Now, what I'd like to do is just briefly go over the 5-year CIP and close with a
581 summary slide. And then, as you have questions, please feel free to ask them.
582 But you can see again, these next several slides are simply referring to the total
583 CIP which includes first-year plus years two through five. So in the case of
584 education, you'll see requests that total \$471—almost \$472 million, you can see
585 that on page 7. You see Series of Projects and then at the far right side where it
586 says Five Year Total, you'll see the \$471 million. The projects that are in red are
587 identified as having no funding source. We are identifying projects that have no
588 funding source and that is entirely by designing for full disclosure. Fire you'll see
589 \$83.2 million, General Services \$376.6 million. One of the largest capital
590 projects in the General Services proposal is for a new courts complex facility.
591 Again that cost estimate continues to increase. But, that is a project that will be
592 flushed out as we go forward. You'll see Information Technology at \$7.2 million.
593 Our five-year GIS requested cost at \$1.65 million. And moving forward Mental
594 Health \$37.3 million. You'll see Police at just over \$64 million, Public Libraries at
595 \$49 million.

596

597 And here, let me just pause. As we go through these projects, the five-year CIP
598 helps us identify—at some point the County is likely to have another Bond
599 Referendum. This document is critical in identifying projects for that purpose. So
600 while you see many, many projects that are unfunded, from this unfunded
601 request, will likely come future referendum projects. You'll see Public Utilities
602 landfill costs, Drainage \$29.7 million. We will spend some time talking about
603 drainage in Chesapeake Bay requirements next week, Mr. Kaechele, as we go
604 through budget hearings; that is a topic of discussion. In fact, it has a separate
605 hearing of itself.

606

607 Public Works you'll see our roadway costs. Recreation five-year requests that
608 have been put forward by that Commission. Registrar's Office at just over
609 \$900,000 and the Sheriff at \$45.5 million. So this brings us to a total that is
610 outside of Utilities at \$1.370 billion. Now we add Utilities; Utilities, our Water and

611 Sewer at \$449.4 million. In the Belmont Golf Course you'll see requests. So, in
612 the Enterprise Funds, just over \$450 million. Again, all of these requests are laid
613 out in the Capital Budget that is before you. But you can see a five-year CIP that
614 has been put forward by all agencies of \$1.8 billion. That is a significant number,
615 but again, don't let the number scare you. It is a number that is growing because
616 as our community ages, the infrastructure ages. But not all of this will be funded
617 in that five-year period. This is simply a recognition of projects that are pending,
618 if you will.

619

620 Now in summary, the Capital Budget before you does include that \$9 million
621 meals tax reserve project that I spoke to. This is simply a mechanism that will be
622 utilized to appropriate these projects for our school system on a project-by-
623 project basis. We want to make sure that as these funds are appropriated we are
624 using the estimate that is the best and closest to our construction time line. We
625 also have Debt Service Funding for the first phase of the County's radio
626 communication system, \$39 million. Again, that project is also—we also have
627 \$12 million that we expect to have accumulated by the time we need to start
628 making payments. So that project is funded both by debt and pay-as-you-go
629 funding. The reason we do pay-as-you-go funding—is part of—Mr. Witte knows
630 firsthand, radios. We do not want to issue debt for items that won't last as long
631 as the debt that will be issued for them which is ten years.

632

633 General Fund allocation you'll see for both Schools and General Government.
634 Maintenance \$5 million, and Water and Sewer at \$29 million does come in lower
635 than in prior years. But, again the attempt here, is with Cobbs Creek coming that
636 is a big ticket item, a big ticket item and our Utilities Department does have
637 sufficient appropriation to cover ongoing maintenance type projects that they do
638 on a daily basis.

639

640 So, Mr. Chairman, member of the Planning Commission that is what I have for
641 you as far as an overview of the Capital Budget that is before you. I, the
642 Department Heads that are behind me, Mr. Hinton, are ready and prepared to
643 answer any questions or address any concerns, or simply have a conversation.

644

645 Mr. Leabough - Thank you sir. Any questions from the Commission?

646

647 Mr. Witte - Mr. Manager I have a question about the bridge
648 rehabilitation. Is that a funded project?

649

650 Mr. Vithoulkas - Yes, Sir, it is. And Mr. Yob, if you would come forward
651 and just touch on the four bridges that we are replacing or rehabilitating,

652

653 Mr. Yob - Yes, Sir, Mr. Witte. These bridges have been in need
654 of work for a while. We have a couple of them that have declining national bridge
655 inventory ratings. One of them is even not weight limited. That is the Lakeside
656 Bridge. But we are looking at Lakeside and Wilkinson right now. The engineering

657 has already been approved and awarded the contract for Lakeside. Wilkinson
658 Road was just out to bid for engineering services Sunday. We've also got
659 Meadow Road and Creighton Road all on our current radar to be replaced. And
660 Creighton Road, Sir, was awarded by the Board in February.

661

662 Mr. Witte - Yeah, I had heard that they were getting critical.

663

664 Mr. Yob - Yes, Sir, indeed they are.

665

666 Mr. Witte - Okay. So that's a good thing.

667

668 Mr. Yob - And these are multi-year projects. We hope to have
669 the engineering done within the next six to twelve months and get the
670 construction contracts out. But there's all kinds of permits associated with them
671 too so we hope we'll get them in the works as soon as possible to be replaced.

672

673 Mr. Witte - Thank you.

674

675 Mr. Archer - Excuse me Sir, before you go. The Creighton Road
676 project is that the one next to the Hanover Line, or at the other end.

677

678 Mr. Yob - That is at the golf course, Mr. Archer. You've
679 probably been over it.

680

681 Mr. Archer - Thank you.

682

683 Mr. Yob - You're welcome, Sir.

684

685 Mr. Leabough - Mr. Manager, I have a quick question for you. And I
686 could be wrong with this figure, but I believe the CIP budget last year was a little
687 over \$6 million. Is that close or in the right ballpark?

688

689 Mr. Vithoukas - Correct. Yes, that would compare the \$80 million.

690

691 Mr. Leabough - What's that, I'm sorry?

692

693 Mr. Vithoukas - That number the \$6 million would compare to the
694 \$103; \$70.2 is what the—

695

696 Mr. Leabough - So what's changed?

697

698 Mr. Vithoukas - What's changed is, last year, a very straightforward
699 approach with so much influx, if you will. So much doubt regarding the strength
700 of the economy, the declining fund balance that we had. We took a concerted
701 effort—with applying the brakes. When you don't see the trajectory of what is
702 ahead of you then the first thing you do is do no harm. And that's what we did.

703 We have been relying on existing appropriations projects that we have from prior
704 years, completing those, focusing on that. Now the recommendation going
705 forward is we do have some infrastructure, we do have some technology needs
706 that need to be addressed. We have the funding that is identified, if you look at
707 that pie chart. This is something that we could not have done last year. We just
708 didn't have the availability—the resources weren't there. So now they are. The
709 meals tax obviously aids our school system. So, the recommendation is that we
710 go forward with the appropriation.

711

712 Mr. Leabough - Thank you.

713

714 Mr. Kaechele - You know, Mr. Manager, that pie chart, it's kind of
715 interesting that those percentages almost equal millions of dollars themselves—
716 because the percent of \$103 million.

717

718 Mr. Vithoukas - That is absolutely correct, Mr. Kaechele. But what I
719 like to see with my finance background is the myriad, the multitude of funding
720 sources. You see some capital budgets and its all debt, we've got this kind of
721 debt, this kind of debt and then a sliver of something else. You are using—
722 making the most of every resource that you have, while on the operating side, we
723 have taken and mitigated a number of costs that would have drawn on the Fund
724 Balance. This budget, and I would argue on the operating side, and I would
725 argue on the capital side is about maintaining a structure, if you will. Because,
726 let's go to the debt financing piece. If we don't do that radio system as a region
727 and don't have that appropriation of ultimately \$60 million, what happens? It's not
728 something that— it is a project that we must do as a community because that
729 public safety piece is warranted. If you look at our Enterprise Funds, while we
730 have reduced the appropriation recommended, there must be annual
731 appropriations for water and sewer projects. You cannot let that infrastructure
732 decay. Because when we let that decay the cost is going to be significantly
733 higher. It's all about maintenance. What you can do to maintain? What can you
734 do to stay up-to-date and really properly safeguard the assets of the tax payers
735 of this County? Did that answer your question?

736

737 Mr. Kaechele - Yes, you did.

738

739 Mr. Archer - Mr. Manager, can I ask a question? In a piece of the
740 budget there is an item that I think allocates like \$2 million for the closing of the
741 Springfield Landfill. When that landfill is closed, what do we do next? Do we
742 have to acquire property? I'm assuming there has to be something to replace it.

743

744 Mr. Vithoukas - We will have a transfer station at Springfield Road.
745 As a matter of fact you can see it coming out of the ground now. If you've been
746 to the Springfield Road Landfill now, as you come in look to the left, you see this
747 large metal building coming out of the ground. What we have done, we've
748 entered into an agreement a number of years ago where we will transfer trash to

749 a BFI facility that is in the eastern portion of Henrico. We expect—I'm going off
750 memory, Art, 46 trucks a day to come out of there—

751

752 Mr. Petrini - No. It's less than that.

753

754 Mr. Vithoukas - Is it? So this is according to plan as far as the
755 closure. There is no other landfill that is proposed from within the public realm.

756

757 Mr. Archer - I know this is a long way off but I can't help but
758 think—well I think about New York City who does not have any place at all left to
759 put trash so they farm it out to the states—other folks. And you can't help but
760 wonder at some point in the future we'll all reach that point where we'll have
761 nothing to do with our trash.

762

763 Mr. Vithoukas - You make a very good point and that is part of the
764 reason why Henrico invests in recycling efforts as much as we have. We are the
765 only locality outside the town of Ashland and the whole CVWMA network that
766 does not charge for curbside recycling. By not charging we have seen over the
767 years, the usage or the number of folks that are recycling increase to the point
768 where now the CVWMA folks have super cans.

769

770 Mr. Witte - I was under the impression that the recycling was
771 actually losing the County money. It costs us more to pick it and move it then the
772 product would bring us when we recycle.

773

774 Mr. Vithoukas - If we ran the business, if CVWMA operated as a
775 business, then you are absolutely right. There are times that paper glut,
776 aluminum glut, you name it—plastic, but, it's not about that. What it's about is
777 keeping that trash out of the landfill.

778

779 Mr. Witte - I agree.

780

781 Mr. Vithoukas - I think our net cost is just over \$2 million is what we
782 as a community, are paying to CVWMA for that pickup.

783

784 Mr. Witte - So we're coming out ahead?

785

786 Mr. Vithoukas - We are coming out ahead. I would argue if you
787 added the landfill piece to it, absolutely for a number of years.

788

789 Mr. Witte - Is incineration a consideration?

790

791 Mr. Vithoukas - No. It has not been for many, many years.
792 Incinerators were popular back in the early 90's. No.

793

794 Mr. Archer - I think there are also a few items that just won't
795 incinerate. I don't think you can burn a plastic bag or Styrofoam, they're
796 indestructible practically. I wish they would stop using that stuff.

797
798 Mr. Vithoukas - I mean, just think of,—and you all see it firsthand.
799 Just think of the passion you have for a zoning or rezoning decision. Think of
800 that decision. Where would you put it? And it's not really a consideration
801 because I think from the way the EPA is changing, the way the environmental
802 laws are changing, what you would be adding, in my opinion, is a liability. And it's
803 not something that the County really would go to or would consider. We haven't
804 for many, many years, even when they were popular.

805
806 Mr. Archer - Thank you.

807
808 Mr. Branin - Mr. Manager, if you turn to page 10, and you might
809 ask the head of Parks and Rec to come down. We have a park at Three Chopt
810 and John Rolfe that is scheduled to go in. I don't see it reflected in this budget.

811
812 Mr. Vithoukas - Mr. Branin that park has been funded. That was a
813 bond project. That project was awarded recently. What's the timeline on it?

814
815 Mr. Luther - Mr. Branin, the master plan was approved by the
816 Board several meetings ago. I think it was at the February meeting and the final
817 POD construction plans are in final development and it should be submitted for
818 bid as a project for construction early summer. The park itself would be
819 projected to open summer of 2015.

820
821 Mr. Branin - Okay.

822
823 Mr. Leabough - Well, now that Mr. Branin has opened that door. I see
824 now the priority, one through six. It looks like Greenwood is a four. How did that
825 get funded above two's and three's?

826
827 Mr. Vithoukas - That is a recommendation of the County Manager.
828 And the priorities that are put forward; and you will see that from time to time.
829 Greenwood Road Park is something that I spoke about last year with the
830 continued emphasis that we are putting on sports and sports tourism. There is a
831 clear economic benefit that we will obtain by bringing in families from outside of
832 this region for tournaments. Last weekend we had a number of teams that went
833 home—that either came into the County or could not participate in the Jefferson
834 Cup because of the weather and this one of the largest national tournaments that
835 there is. It's a soccer tournament and the economic impact we can see in our
836 monthly financials. Turning folks away because the weather was bad, because
837 they couldn't play on turf fields, because there aren't enough synthetic fields in
838 the region, if you will, is not something we ever want to do. Now this weekend,
839 that tournament will continue and you'll see the traffic in each of your areas. It

840 hits the whole region. It's probably—the economic impact of the Jefferson Cup—
841 Neil, do recall the number?
842
843 Mr. Luther - [off mike]
844
845 Mr. Vithoukaskas - \$15 million dollars?
846
847 Mr. Leabough - Thank you.
848
849 Mr. Kaechele - Now the radio communication system, I think \$41
850 million in there for this year. What's the total cost for Henrico and also for the
851 region?
852
853 Mr. Vithoukaskas - The total for Henrico is \$60 million—Chief Middleton
854 the regional cost is in excess of \$120 million?
855
856 Mr. Middleton - Yes sir, we estimate the total cost to be somewhere
857 between \$120 to \$160 million.
858
859 Mr. Vithoukaskas - And it's got – as soon as it is funded it has a 15-year
860
861 Mr. Kaechele - So, the \$41 million will have to be supplemented with
862 perhaps another Bond Referendum sometime in—
863
864 Mr. Vithoukaskas - No, Mr. Kaechele. What we are recommending is
865 that we issue through the Economic Development Authority, \$39 million of lease
866 revenue bonds and then we supplement that with cash that we have been adding
867 to the fund balance, \$4 million a year, so by the time the actual contract is
868 needed we will have all funds in hand. Is \$12 million in the—
869
870 Mr. Middleton - [off mike] Yes Sir, between \$12 and—
871
872 Mr. Kaechele - When are we projecting the time to implement this
873 system?
874
875 Mr. Vithoukaskas - The go live date for the radio system at this point
876 estimate is—
877
878 Mr. Middleton - [off mike] 2017.
879
880 Mr. Kaechele - 2017?
881
882 Mr. Vithoukaskas - Yes, Sir. And it will require a number of radio towers.
883 There are costs there. You'll hear about that.
884

885 Mr. Branin - Mr. Manager, what has the budget issues from the
886 boys downtown not making up their mind what they want to do. How is that
887 affecting us?
888

889 Mr. Vithoukaskas - That is a question that has come up obviously
890 recently. In the short term there is no affect. But in the long term there will be an
891 affect. The schools must adopt a budget by May 1st, and that is a state
892 requirement. But if you ask me right now, has this occurred before? The answer
893 is yes, in the past ten years we've had four extended sessions for budget
894 reasons. What is different about this is that there seems to be—there doesn't
895 seem to be a whole lot of conversation regarding either compromise or having a
896 special session for another reason. It just—it's not occurring. So, if we get into
897 April and there is no budget, then there will need to be a conversation with
898 Schools. Schools will have to tailor the way it writes our teacher contracts.
899 That's a possibility. Going in to the summer, if we get in to July and there is no
900 budget. Then we will not be able to appropriate a 12-month budget. Then what
901 you will see the County coming forward with to the Board of Supervisors is likely
902 a quarterly appropriation—where we come in every 90 days and appropriate
903 those local dollars that we have because we won't be able to measure some of
904 the State dollars. Again, this—that has occurred in the past, four times in the
905 past ten years, that we have not had a budget adopted by the end of session.
906 What does seem to be new is the sides that have dug in, both on the Senate,
907 and the House, with the Governors' office.
908

909 Mr. Leabough - Any other questions? If there are none, we will now
910 close the public hearing for consideration of the CIP budget. Are there any
911 comments from the public? No. Then we will now close the public hearing.
912

913 Mr. Witte - Thank you Mr. Manager.

914 Mr. Vithoukaskas - Thank you.

915 Mr. Witte - Thank all your staff and Department Heads.

916
917
918 Mr. Emerson - Mr. Chairman, I do have a resolution for your
919 consideration regarding the CIP. Mr. Chairman, we would like for the
920 Commission to consider:
921

922
923 **RESOLUTION**
924 **PCR-1-14**
925 **HENRICO COUNTY PLANNING COMMISSION**
926 **CAPITAL IMPROVEMENTS PROGRAM, FY 2014-15 THROUGH FY 2018-19**
927

928 **MARCH 13, 2014**
929

930 **WHEREAS**, in accordance with §15.2-2239 of the Code of Virginia, the County
931 Manager requested the Planning Commission to review and make
932 recommendations concerning the Capital Budget for fiscal year 2014-15 and the
933 Capital Improvements Program for fiscal years 2014-15 through 2018-19 to the
934 Board of Supervisors; and

935
936 **WHEREAS**, the Planning Commission has completed its review of the Capital
937 Budget and the five year Capital Improvements Program.

938
939 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
940 Commission finds that the Capital Budget for fiscal years 2014-15 and the
941 Capital Improvements Program for fiscal years 2014-15 through 2018-19 are
942 generally consistent with the County's Comprehensive Plan and recommends
943 their approval.

944
945 Mr. Leabough - I'll entertain a motion.

946
947 Mr. Kaechele - Mr. Secretary, I'm going to abstain on this vote.

948
949 Mrs. Jones - I move the Resolution.

950
951 Mr. Witte - Second.

952
953 Mr. Leabough - We have a motion by Mrs. Jones, a second by Mr. Witte. All
954 in favor say aye, those opposed, Mr. Kaechele abstains. That motion passes.

955
956 Mr. Vithoulkas - Thank you Mr. Chairman, members of the Planning
957 Commission.

958
959 Commission - Thank you, Sir.

960
961 Mr. Leabough - We will now recess until 7:00 p.m.

962
963 Minutes of the regular monthly meeting of the Planning Commission of the
964 County of Henrico held in the County Administration Building in the Government
965 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. March 13,
966 2014. Display Notice having been published in the Richmond Times-Dispatch on
967 February 24, 2014 and March 3, 2014.

968
Members Present: Mr. Eric S. Leabough, C.P.C., Chairman (Varina)
Mr. Robert H. Witte, Jr., Vice-Chairman (Brookland)
Mr. Tommy Branin (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C., (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary

Mr. David A. Kaechele,
Board of Supervisors' Representative

Member Absent: Mr. C. W. Archer, C.P.C. (Fairfield)

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. Henry Rosenbaum, Fire Marshall, Division of Fire
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Kim Vann, County Planner, Police
Ms. Sylvia Ray, Recording Secretary

969

970

**THE PLANNING COMMISSION RECONVENED AT 7:04 P.M. FOLLOWING
THE CAPITAL IMPROVEMENT PROGRAM PRESENTATION.**

971

972

973

**Mr. David Kaechele, the Board of Supervisors' representative, abstains on
all cases unless otherwise noted.**

974

975

976

Mr. Leabough - Good evening. I'd like to reconvene the Planning
Commission meeting. We went into a recess from our CIP public hearing, so
thank you all. Welcome to your rezoning meeting for the Henrico County
Planning Commission. I will ask before we get started that everyone please
silence or mute their cell phones. As you're doing that, if you would, please rise
for the Pledge of Allegiance

980

981

982

983

Unfortunately Mr. Archer, who normally is with us at our Planning Commission
meetings, had to leave early from our CIP public hearing. We do have
Mr. Kaechele here who is representing—or sitting with us this year from the
Board of Supervisors. So thank you, Mr. Kaechele for joining us.

984

985

986

987

Mr. Kaechele - Thank you.

988

989

990

Mr. Leabough - Is there anyone from the news media in the
audience? I don't see anyone. Next I'd like to turn the agenda over to our
secretary, Mr. Emerson.

991

992

993

994

Mr. Emerson - Thank you, Mr. Chairman. First on your agenda
tonight are the requests for withdrawals and deferrals. Those will be presented
by Mr. Jim Strauss.

995

996

997
998 Mr. Strauss - Thank you, Mr. Secretary. Can you all hear me? I
999 want to make sure—

1000
1001 Mr. Emerson - Speak into the microphone.

1002
1003 Mr. Strauss - Okay. Can you all hear me now? Okay. We were just
1004 informed by the applicant for the first item on the agenda that he is withdrawing
1005 this case. That would be PUP2014-00008, GRM Management, LLC. He has
1006 provided that withdrawal in writing and no action is needed by the Commission.

1007
1008 **PUP2014-00008 GRM Management, LLC:** Request for a Provisional
1009 Use Permit under Sections 24-62.2, 24-120 and 24-122.1 of Chapter 24 of the
1010 County Code to allow a billiard parlor within an existing restaurant on part of
1011 Parcel 767-743-7902 located on the west line of W. Broad Street (U.S. Route
1012 250) approximately 265' south of Dickens Road. The existing zoning is B-3
1013 Business District, B-2 Business District, and R-6 General Residence District. The
1014 2026 Comprehensive Plan recommends Commercial Arterial. The site is located
1015 in the Enterprise Zone.

1016
1017 Mr. Leabough - Thank you.

1018
1019 Mr. Strauss - So moving on to the deferrals for this evening. We
1020 have five requests for deferrals, and they're all in the Brookland District. The first
1021 one is on page two of the agenda, REZ2013-00002, Yunus Vohra. The applicant
1022 is requesting a deferral to the April 10th meeting.

1023
1024 **(Deferred from the January 9, 2014 Meeting)**
1025 **REZ2013-00002 Cameron Palmore for Yunus Vohra:** Request to
1026 conditionally rezone from A-1 Agricultural District and R-2A One-Family
1027 Residence District to R-2AC One-Family Residence District (Conditional) Parcels
1028 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.14
1029 acres, located on the south line of Hungary Road at its intersection with Hastings
1030 Mill Drive. The applicant proposes a single-family residential development not to
1031 exceed ten residential units. The R-2A District allows a minimum lot size of
1032 13,500 square feet and a maximum gross density of 3.22 units per acre. The use
1033 will be controlled by proffered conditions and zoning ordinance regulations. The
1034 2026 Comprehensive Plan recommends Suburban Residential 2; density should
1035 not exceed 3.4 units per acre.

1036
1037 Mrs. Jones - Excuse me. I need to mention for the record that I will
1038 neither discuss nor vote on this case due to a representational conflict.

1039
1040 Mr. Leabough - Okay. Thank you, Ms. Jones. Is there anyone here in
1041 opposition to REZ2013-00002, Cameron Palmore for Yunus Vohra? There is no
1042 opposition to the deferral. Are there any questions from the Commission?

1043
1044 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2013-
1045 00002, Cameron Palmore for Yunus Vohra, by request of the applicant to the
1046 April 10, 2014 meeting.

1047
1048 Mr. Leabough - Second.

1049
1050 We have a motion by Mr. Witte, a second by Mr. Leabough. All in favor say aye.
1051 All opposed say no. The ayes have it; the motion passes. We have one
1052 abstention from Mrs. Jones.

1053
1054 The vote is as follows:

1055
1056 Mr. Leabough – Yes
1057 Mr. Witte – Yes
1058 Mr. Archer – Absent
1059 Mr. Branin – Yes
1060 Mrs. Jones – Abstain

1061
1062 At the request of the applicant, the Planning Commission deferred REZ2013-
1063 00002, Cameron Palmore for Yunus Vohra, to its meeting on April 10, 2014.

1064
1065 Mr. Strauss - The next request for deferral is also in the Brookland
1066 District on page two of the agenda, REZ2014-00005, Nobility Investments, LLC.
1067 The applicant is requesting deferral to the April 10, 2014 meeting.

1068
1069 **(Deferred from the February 17, 2014 Meeting)**
1070 **REZ2014-00005 Andrew M. Condlin for Nobility Investments, LLC:**
1071 Request to amend proffered conditions accepted with Rezoning Case C-46C-83
1072 on Parcel 768-747-0824 located on the north line of Glenside Drive
1073 approximately 385' west of its intersection with Bethlehem Road. The applicant
1074 proposes to replace all proffers to allow hotels as a permitted use. The existing
1075 zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan
1076 recommends Commercial Arterial.

1077
1078 Mr. Leabough - Is there anyone here in opposition to the deferral of
1079 REZ2014-00005, Andrew M. Condlin for Nobility Investments, LLC? There is no
1080 opposition.

1081
1082 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2014-
1083 00005, Andrew M. Condlin for Nobility Investments, LLC, at the request of the
1084 applicant to the April 10, 2014 meeting.

1085
1086 Mr. Leabough - Second.

1087

1088 Motion by Mr. Witte, second by Mr. Leabough. All in favor say aye. All opposed
1089 say no. The ayes have it; the motion passes.

1090

1091 At the request of the applicant, the Planning Commission deferred REZ2014-
1092 00005, Andrew M. Condlin for Nobility Investments, LLC, to its meeting on April
1093 10, 2014.

1094

1095 Mr. Strauss - The next request for deferral is on page two of the
1096 agenda, PUP2014-00001, Mr. Bobby Marchetti. The applicant is requesting
1097 deferral to the May 15, 2014 meeting.

1098

1099 *(Deferred from the February 17, 2014 Meeting)*

1100 **PUP2014-00001 Malachi M. Mills for Bobby Marchetti:** Request for a
1101 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
1102 Chapter 24 of the County Code in order to allow outdoor dining for a proposed
1103 restaurant on part of Parcel 767-757-8360 located 95' east of the east line of
1104 Hungary Spring Road approximately 1,025' south of its intersection with Staples
1105 Mill Road (U.S. Route 33). The existing zoning is B-2C Business District
1106 (Conditional). The 2026 Comprehensive Plan recommends Commercial
1107 Concentration and Office.

1108

1109 Mr. Leabough - Is there anyone here in opposition to the deferral of
1110 PUP2014-00001, Malachi M. Mills for Bobby Marchetti? There is no opposition.

1111

1112 Mr. Witte - Mr. Chairman, I move for deferral of case PUP2014-
1113 00001, Malachi M. Mills for Bobby Marchetti, at the request of the applicant, to
1114 the May 15, 2014 meeting.

1115

1116 Mrs. Jones - Second.

1117

1118 Mr. Leabough - Motion by Mr. Witte, second by Mrs. Jones. All in
1119 favor say aye. All opposed say no. The ayes have it; the motion passes.

1120

1121 At the request of the applicant, the Planning Commission deferred PUP2014-
1122 00001, Malachi M. Mills for Bobby Marchetti, to its May 15, 2014 meeting.

1123

1124 Mr. Strauss - The next request for deferral is also on page two of
1125 the agenda, REZ2014-00006, Wilton Acquisition, LLC. The applicant has
1126 requested a deferral to the April 10, 2014 meeting.

1127

1128 **REZ2014-00006 Hank Wilton for Wilton Acquisition, LLC:** Request
1129 to conditionally rezone from R-3 One-Family Residence District to RTHC
1130 Residential Townhouse District (Conditional) Parcels 768-751-4119, -2435, -
1131 0638, -1362, 767-750-8298, 767-751-8651, and 768-750-0490 containing 24.54
1132 acres, located on the south line of Wistar Road approximately 160' west of its
1133 intersection with Walkenhut Drive. The applicant proposes a residential
1134 townhouse development of no more than 115 units. The RTH District allows a

1135 maximum density of nine (9) units per acre. The use will be controlled by zoning
1136 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
1137 recommends Suburban Residential 2; density should not exceed 3.4 units per
1138 acre.

1139
1140 Mr. Leabough - Is there anyone here in opposition to the deferral of
1141 REZ2014-00006, Hank Wilton for Wilton Acquisition, LLC? There is no
1142 opposition.

1143
1144 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2014-
1145 00006, Hank Wilton for Wilton Acquisition, LLC, at the request of the applicant, to
1146 the April 10, 2014 meeting.

1147
1148 Mrs. Jones - Second.

1149
1150 Mr. Leabough - Motion by Mr. Witte, second by Mrs. Jones. All in
1151 favor say aye. All opposed say no. The ayes have it; the motion passes.

1152
1153 At the request of the applicant, the Planning Commission deferred REZ2014-
1154 00006, Hank Wilton for Wilton Acquisition, LLC, to its meeting on April 10, 2014.

1155
1156 Mr. Strauss - The last request for deferral is again in the Brookland
1157 District on page three of the agenda, REZ2014-00007, Wilton Acquisition, LLC.
1158 The applicant is requesting deferral to the April 10th meeting.

1159
1160 **REZ2014-00007 Wilton Acquisition, LLC:** Request to conditionally
1161 rezone from M-1 Light Industrial to RTHC Residential Townhouse District
1162 (Conditional) Parcels 777-742-4840, -5527, -6412, -3702, and 777-741-7198
1163 containing 8.295 acres, located on the north and south lines of Gresham Avenue
1164 approximately 665' west of its intersection with Byrdhill Road. The applicant
1165 proposes a residential townhouse development of no more than 55 units. The
1166 RTH District allows a maximum density of nine (9) units per acre. The use will be
1167 controlled by zoning ordinance regulations and proffered conditions. The 2026
1168 Comprehensive Plan recommends Light Industry.

1169
1170 Mr. Leabough - Is there anyone here in opposition to the deferral of
1171 REZ2014-00007, Wilton Acquisition, LLC? There is no opposition.

1172
1173 Mr. Witte - Mr. Chairman, I move for deferral of case REZ2014-
1174 00007, Wilton Acquisition, LLC, at the request of the applicant, to the April 10,
1175 2014 meeting.

1176
1177 Mr. Branin - Second.

1178
1179 Mr. Leabough - Motion by Mr. Witte, second by Mr. Branin. All in favor
1180 say aye. All opposed say no. The ayes have it; the motion passes.

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At the request of the applicant, the Planning Commission deferred REZ2014-00007, Wilton Acquisition, LLC, to its meeting on April 10, 2014.

Mr. Emerson - Mr. Chairman, that completes the withdrawal and deferral items for this evening unless the Commission has any that they would like to enter at this time. If there are none, that takes us to the requests for expedited items. Those will also be presented by Mr. Jim Strauss.

Mr. Strauss - Thank you, Mr. Secretary. We have three items for expedited agenda approval this evening. They are all in the Three Chopt District. The first request is on page four of the agenda, REZ2014-00013, Lexington Commons Richmond, VA L.P. This is a request to rezone from the B-1 Business District, and B-2 Business District, and O-2 Office District to the B-2C Business District Conditional. Outdoor dining and retail uses are proposed. Staff is recommending approval with proffers on page eight of the staff report. We are not aware of any opposition this evening.

REZ2014-00013 Alan Ripley for Lexington Commons Richmond, VA L.P.: Request to conditionally rezone from B-1C Business District (Conditional), B-2C Business District (Conditional), and O-2C Office District (Conditional) to B-2C Business District (Conditional) Parcel 750-760-8220 containing 2.676 acres located in the northeast quadrant of the intersection of W. Broad Street (U.S. Route 250) and Lexington Farm Drive. The applicant proposes outdoor dining and retail uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Arterial.

Mr. Leabough - Is there anyone here in opposition to REZ2013-00013, Alan Ripley for Lexington Commons Richmond, VA L.P.? It looks like we have someone in opposition.

Mr. Emerson - If there is opposition, you remove it from the expedited agenda and hear the case.

Mr. Leabough - Okay.

Mr. Strauss - Then we move to a companion case for the same rezoning case, PUP2014-00011, Lexington Commons—

[SEE PAGE 49 FOR HEARING OF THESE TWO CASES ON THE REGULAR AGENDA.]

Mr. Emerson - Mr. Strauss, they're companion cases so there's no need to—we have to move that to the regular agenda as well.

1227 Mr. Strauss - Very well. That would bring us to the last expedited
1228 request this evening, which is in the Three Chopt District, page four. This is
1229 PUP2014-00012, Short Pump Medical, LLC. This is a request for approval of a
1230 Provisional Use permit to allow an eighty-foot-tall medical office building in the
1231 Towne Center West Shopping Center. Staff is recommending approval with
1232 conditions 1 through 4 on page three of the staff report. We are not aware of any
1233 opposition.
1234

1235 **PUP2014-00012 Andrew M. Condlin and Jennifer D. Mullen for**
1236 **Short Pump Medical, LLC:** Request for a Provisional Use Permit under
1237 Sections 24-58.2(h), 24-120 and 24-122.1 of Chapter 24 of the County Code in
1238 order to allow one (1) office building up to eighty (80) feet in height located on
1239 part of Parcels 735-763-9381, 735-764-8708, and Parcel 736-764-1136 located
1240 on the north line of W. Broad Street (U.S. Route 250) approximately 1940' east of
1241 its intersection with N. Gayton Road. The existing zoning is B-2C Business
1242 District (Conditional). The 2026 Comprehensive Plan recommends Commercial
1243 Arterial. The site is located in the West Broad Street Overlay District.
1244

1245 Mr. Leabough - Is there anyone here—looks like we have opposition
1246 to PUP2014-00012. May I ask Ms. Hamilton what the opposition is for?
1247

1248 Ms. Hamilton - [Off microphone.] The opposition is because this
1249 building is eighty feet in height and [inaudible] they have migratory birds out there
1250 [inaudible].
1251

1252 Mr. Branin - Okay, good enough.
1253

1254 Mr. Leabough - That's good enough. I just wanted to find out what the
1255 opposition would be. Thank you, ma'am. So we'll move it to the regular agenda.
1256

1257 **[SEE PAGE 51 FOR HEARING OF THIS CASE ON THE REGULAR AGENDA.]**
1258

1259 Mr. Emerson - Mr. Chairman, that completes the expedited agenda
1260 and takes you to the first case on the agenda this evening, which appears on
1261 page three.
1262

1263 **(Deferred from the February 17, 2014 Meeting)**

1264 **REZ2013-00022 D. Bryant Gammon:** Request to conditionally rezone from
1265 R-3 One-Family Residence District to B-1C Business District (Conditional) Parcel
1266 815-688-4303 containing 1.88 acres located on the north line of New Market
1267 Road (State Route 5) approximately 970' west of its intersection with Strath
1268 Road. The applicant proposes retail uses. The uses will be controlled by
1269 proffered conditions and zoning ordinance regulations. The 2026 Comprehensive
1270 Plan recommends Commercial Concentration and the site is located in the
1271 Varina Village Mixed-Use/Village Special Focus Area. The site is in the Airport
1272 Safety Overlay District.

1273

1274 Mr. Leabough - Is there anyone here in opposition to REZ2013-
1275 00022, D. Bryant Gammon? Looks like we have opposition. Mr. Secretary, would
1276 you please read the rules for public speaking?

1277

1278 Mr. Emerson - Yes, Mr. Chairman. As you're aware and many
1279 members of the audience are aware, the Planning Commission does have rules
1280 governing the process of public hearings and they are as follows: The applicant
1281 is allowed ten minutes to present the request, and time may be reserved for
1282 responses to testimony. The opposition is allowed ten minutes to present its
1283 concerns, and that is ten minutes cumulative not ten minutes per individual.
1284 That's ten minutes for all the opposition. Commission questions do not count into
1285 time limits. The Commission may waive the limits for either party at its discretion.
1286 Comments must be directly related to the case under consideration. The
1287 Commission does ask that if you've had a concern repeated and raised
1288 continuously that you just say ditto or not continue to raise that concern once the
1289 Commission has heard it several times.

1290

1291 Mr. Leabough - Thank you, sir. Mr. Sehl.

1292

1293 Mr. Sehl - Thank you, Mr. Chairman.

1294

1295 As Mr. Emerson stated, this request would rezone 1.88 acres from R-3 to B-1C
1296 to allow for the construction of a proposed Dollar General retail store. The site is
1297 currently improved with a dwelling and associated outbuildings and is located
1298 across New Market Road from Varina Elementary school. Other business uses,
1299 also zoned B-1, are located across Gregg Road to the east.

1300

1301 The concept plan shown here has been proffered by the applicant and was
1302 included in your handout as it has been revised since the staff report was issued.
1303 As shown on the plan, the site would be accessed via a single access point on
1304 Gregg Road, and the building would be located on the western portion of the site.

1305

1306 The revised proffers distributed to you this evening also address items such as
1307 signage, lighting, trash pickup, permitted uses, and outdoor speakers. The
1308 revised proffers also reference this new architectural rendering. One of the major
1309 focus points of the staff report was to ensure that any new building was
1310 architecturally consistent with other buildings in the area. The applicant has
1311 revised their architectural rendering to address staff concerns and has provided
1312 additional proffer language that would enhance this rendering even further to
1313 address concerns noted at a community meeting on March 11th. These
1314 enhancements include additional dormers on the western building front, as well
1315 as additional detail on the portion of the building facing west.

1316

1317 The 2026 Comprehensive Plan designates the site for commercial concentration.
1318 This designation, along with the adjacent zoning and development pattern,

1319 indicate the requested zoning and use could be appropriate. However, it is
1320 helpful to note that the site is located in the Varina Village special focus area,
1321 meaning features such as architecture and site design deserve special
1322 consideration. To address staff's previous concerns with this site's consistency
1323 with the recommendations for the Varina Village area, the applicant revised their
1324 proffers and provided a new conceptual plan and architectural renderings. These
1325 new elements largely address the concerns noted in the staff report and increase
1326 this request's consistency with the recommendations of the comprehensive plan.
1327

1328 Staff does note that this request could be enhanced by committing to a public
1329 sewer connection as recommended by the Department of Public Utilities. This
1330 connection is not required by county code, and the applicant has indicated this
1331 connection is not feasible from a cost perspective.
1332

1333 Overall, staff believes this request is consistent with the comprehensive plan and
1334 the development pattern in the area. The submitted proffers and architectural
1335 elevations indicate the site would be developed in a high-quality manner that
1336 would establish a positive trend for other new development in the area. For these
1337 reasons, staff supports this request. I would be happy to try to answer any
1338 questions you might have at this time.
1339

1340 Mr. Leabough - Any questions from the Commission? Mrs. Jones?

1341
1342 Mrs. Jones - Can I just ask you about the architectural? I want to
1343 make sure I understood what you were saying. The side facing the west.
1344

1345 Mr. Sehl - That's this frontage here.
1346

1347 Mrs. Jones - When you were showing me with the cursor you were
1348 going down to some of the areas that are quite plain. Will they have windows as
1349 well?
1350

1351 Mr. Sehl - Yes ma'am. The proffer language that was added I
1352 believe is 3B 1 and 2 at this point. It would add three dormers along the frontage
1353 here, similar to the eastern elevation facing Gregg Road. And they would also
1354 add in, as you've seen, kind of a detail feature almost looking like a bricked-in
1355 window in these areas to break up some of those area.
1356

1357 Mrs. Jones - Would that be the same for the side facing north, I
1358 think?
1359

1360 Mr. Sehl - The side facing north, they're proffered a pretty
1361 substantial buffer in there so there is a significant distance to the nearest
1362 residential house. So there is really no—the visibility of that portion of the site is
1363 fairly reduced, and staff felt comfortable with this.
1364

1365 Mrs. Jones - So what we see is not quite the finished elevations
1366 but almost.
1367
1368 Mr. Sehl - It's fairly close.
1369
1370 Mrs. Jones - Okay. Thank you.
1371
1372 Mr. Leabough - Mr. Sehl, there were some things that were agreed to
1373 at the meeting that there just wasn't enough turnaround time to reflect in the
1374 architectural.
1375
1376 Mr. Sehl - Yes sir.
1377
1378 Mr. Leabough - But the anticipation is that those could be modified
1379 between now and the board meeting? Is that correct?
1380
1381 Mr. Sehl - Should the Planning Commission take action, the
1382 applicant has indicated they could revise the elevations to reflect the language
1383 that they submitted in the proffers before you this evening. And then the
1384 language wouldn't therefore be necessary as it is this evening. So rather than
1385 trying to have the architects take care of that, that's what the applicant has
1386 indicated to me.
1387
1388 Mr. Leabough - Thank you. Are there any other questions from the
1389 Commission? Okay. I believe I'd like to hear from the opposition first, so if you
1390 please come forward to the podium and state your name for the record.
1391
1392 Ms. Hamilton - My name is Karen Hamilton for the record. And I live
1393 in the Wild West where at least two to four cars run every red light. And this, this
1394 is a problem because we don't have affordable housing in Henrico. We have way
1395 too much retail already. Have you considered the other retailers? No you haven't.
1396 Because I'm sure that this is going to take away business from other retailers. So
1397 I'm opposed to this because we don't have affordable housing anywhere in
1398 Henrico. Really, we don't.
1399
1400 Mr. Leabough - Thank you.
1401
1402 Ms. Anderson-Ellis - Good evening. My name is Nicole Anderson-Ellis. I
1403 live in the Varina District, 1431 Chaffin's Bluff Lane. Thank you all so much for
1404 the opportunity to speak tonight.
1405
1406 I have spoken here in favor of some rezoning requests, and I've spoken here in
1407 favor of keeping some zoning the way it is. In this situation, I'm not here to ask
1408 you not to allow this to be built, but there are some changes I'd love to see made.
1409 There are some changes that have already been done that I think are definitely

1410 steps in the right direction. I feel like I'm speaking very quickly. Can you hear
1411 me?

1412

1413 Mr. Leabough - That's all right; you're fine.

1414

1415 Ms. Anderson-Ellis - I work with the Route 5 Corridor Coalition, which is an
1416 association that is working collectively to promote tourism-based economic
1417 development in this corridor. We are working with the Virginia Tourism
1418 Corporation and other experts. And the thing that they keep telling us about
1419 tourism is if we want to bring this long-term economic development with good
1420 jobs that can't be outsourced to this corridor—and they think it is unlimited in its
1421 potential given its beauty and its history—we have to make sure it doesn't look
1422 like everywhere else.

1423

1424 Route 5 is special. It's rural and that makes it's valuable. And we need to make
1425 sure that when we bring businesses in—and I live out there. There are lots of
1426 businesses I'd love to see come out there. But when we bring them in, make sure
1427 that they look beautiful and attractive so that the tourists don't get scared away
1428 and go somewhere else.

1429

1430 A lot of the steps, as I said, have been in the right direction. But I'd love to see—
1431 because this is going to be a precedent-setting building there, are a couple of
1432 adjusted changes I'd love to see made. And I regret that I couldn't attend the
1433 meeting on Tuesday and be there as well. One of the suggestions that I'd like to
1434 make is that the parking get pushed into the back, that when every single person
1435 who rides the Capital Trail rides past this, which they will, that the parking lot be
1436 in the back. As pretty as the building is, it's going to be hidden behind a wall of
1437 cars. So that would be a significant change that I think would make this
1438 building—and frankly, I think we're not talking about a Dollar General; we're
1439 talking whatever it's going to be when Dollar General packs up and moves on,
1440 which they do. So making sure that this is a quality building that somebody else
1441 will want to inhabit as well.

1442

1443 I think being a quality building means hooking up to sewer. I'd love to see as
1444 much brick as possible, if not all brick. And I've love to see the parking in the
1445 back. I think if you look at places like Colonial Williamsburg that took the time and
1446 did it right, and we see that the money that they earn from that process, we see
1447 what we have in our lap here. Thank you all so much.

1448

1449 Mr. Leabough - Thank you.

1450

1451 Mr. Nelson - Members of the Board, Mr. Chairman, I'm Henry
1452 Nelson. I'm chairman of the Varina Beautification Committee. I live at 3600 New
1453 Market. I have a simple request. I would like to make sure, as you have alluded,
1454 Mr. Leabough, that we look at these renderings again really carefully before
1455 they're submitted to the Board based on what we've worked on and what we've

1456 done. We always want the highest quality we can get. And we know that with a
1457 thematic area where the architecture has some compatibility with the past as well
1458 as enhancing people to come and spend their money as tourists or others, this is
1459 a good for the economy, the County, as well as our own community. I think this
1460 may well add to it if we follow through on it and get what we need as far the
1461 architecture and other things.

1462
1463 So I thank you for that. We'll look forward to looking at it further. Thank you.

1464
1465 Mr. Leabough - Thank you. Is there anyone else in opposition? I'd like
1466 the applicant, please, to come forward. Mr. Gammon, please state your name for
1467 the record.

1468
1469 Mr. Gammon - Certainly. It's Bryant Gammon, and I'm with Highmark
1470 Engineering. I represent the applicant. Good afternoon, Chairman and
1471 Commission members.

1472
1473 I think Mr. Sehl has explained the overall case. We have diligently worked with
1474 the community and staff to be able to address the concerns of the area. There
1475 were various concerns that we have gone through to be able to adjust the
1476 building elevations, number one, certainly adjust the layout to be able to push the
1477 building up front, to be able to have the village style look. We've had various
1478 community meetings and heard from the community to understand what their
1479 concerns were and try to go through and address those.

1480
1481 If you have any questions, I'll be glad to answer them.

1482
1483 Mr. Leabough - Mr. Gammon, there were a number of questions
1484 raised, one related to hooking up to the sewer.

1485
1486 Mr. Gammon - Absolutely.

1487
1488 Mr. Leabough - The sanitary sewer.

1489
1490 Mr. Gammon - I can address that. Currently, the sanitary sewer is
1491 approximately 800 feet down the road. It's underneath pavement. County code
1492 requires you to make a connection if you're within 300 feet. We investigated
1493 making that connection and investigated what the alternatives to making that
1494 connection were. We are proposing that there's a sanitary sewer—I'm sorry—
1495 that there is septic field to be built on the site in the rear. The septic field, this
1496 particular store will only produce 200 gallons per day. The example that I can
1497 give you is that a single-family residential home that has three bedrooms will
1498 produce 450 gallons per day. So we're less than half of that. We have done perk
1499 tests in the rear to be able to determine what type of drain field. There were
1500 some concerns that if you put in like a mound system that it would be something
1501 that would be unsightly. We investigated that. We're going to do a drip irrigation

1502 system so that when you drive by you won't be able to see anything more than
1503 you would on any other single-family residential home.

1504

1505 In terms of the connection itself, we did investigate what kind of cost it would be
1506 to be able to make that connection. That cost, because it's in pavement and the
1507 hurdles that you have to go through, we have estimated that to be somewhere
1508 between 200 and 300-and-some-thousand dollars, about \$320,000.

1509

1510 It was also asked of us to look into the credit avenues that the County has, and
1511 we investigated that also. Basically the way that this works is that you pay for the
1512 first 300 feet and then thereafter the County will allow you to have these credits
1513 that you could use for future sanitary sewer connections. You can sell those
1514 credits on the open market, but the availability to do that is a very difficult one,
1515 number one. Number two is as you're going through doing that you're not going
1516 to sell it for 100 percent of the dollar. So the short of the story is that you certainly
1517 would end up having between 100 and 200,000 dollars that would be a loss on
1518 this project because of you having to try to sell these credits.

1519

1520 Mr. Leabough - Another question that was asked related to bringing
1521 the building closer to the street. Can you talk about what you've done to sort of
1522 screen or address the concerns about having too much parking in front of the
1523 building?

1524

1525 Mr. Gammon - Absolutely. On the initial submittal that we made to
1526 the County, we had double-row of parking out front. We came back and we
1527 pulled the building a little bit closer frontwards. We have addressed the concern
1528 about trying to connect the pedestrian aspect of this project to the actual bike
1529 path.

1530

1531 Mr. Leabough - Could you pull up the site plan so we can see what
1532 you're referring to, please? Yes, that would be helpful as you're talking about
1533 pushing the parking.

1534

1535 Mr. Gammon - Absolutely.

1536

1537 Mr. Leabough - Or pushing the building forward.

1538

1539 Mr. Gammon - So we have a ten-foot bike trail that is a colonial bike
1540 trail that runs along the frontage of our property on New Market Road. What we
1541 did was we pulled the building forward so now there is only a single row of
1542 parking. We tried to make a connection from a pedestrian point of view with the
1543 bike trail itself and the front of the store.

1544

1545 In addition to this, what we've done is we've added additional screening along
1546 the side and evergreen trees. In addition to this, we've also added low shrubs
1547 along of the parking in the front on Gregg Road and also on New Market Road.

1548
1549 Mr. Leabough - Thank you. What percentage of the building would
1550 you estimate is brick? There was a comment about more brick.
1551
1552 Mr. Gammon - I'd have to go back and look at the—I'll try to do that
1553 right now.
1554
1555 Mr. Leabough - Let me just help you. Three of the sides are all brick,
1556 correct?
1557
1558 Mr. Gammon - Absolutely. So it's at least 75 percent or more,
1559 absolutely.
1560
1561 Mr. Leabough - Okay. And there were a number of conditions that I
1562 see here on your revised proffers that address some of the conversations out at
1563 the community meeting the other night, specifically related to the western wall
1564 there. There was just a long roofline and a long span of wall—
1565
1566 Mr. Gammon - Absolutely.
1567
1568 Mr. Leabough - —that you all have proffered between now and the
1569 Board meeting to address.
1570
1571 Mr. Gammon - Absolutely. We'll update those renderings likewise.
1572 Yes sir.
1573
1574 Mr. Leabough - Thank you. Are there any questions from the
1575 Commission?
1576
1577 Mr. Witte - I just have a comment. Due to the excessive
1578 economic cost for the hookup, I think that with the primary reserve drain field in
1579 the rear, I think that eliminates parking to the rear. While I thought that idea was
1580 a really good idea, I just don't think it's feasible. That's all I have to say.
1581
1582 Mr. Leabough - All right. Other questions?
1583
1584 Mrs. Jones - Will the shrubbery be—I'm trying to figure this out—so
1585 that you will not really see the cars or just to kind of mitigate headlights and that
1586 kind of thing?
1587
1588 Mr. Gammon - It would be to mitigate headlights mostly. It wouldn't
1589 cover the entire height of the car, no ma'am.
1590
1591 Mrs. Jones - Three or four feet?
1592
1593 Mr. Gammon - That's correct.

1594

1595 Mr. Leabough - All right. Any other questions? Okay. I will point out
1596 that we held two community meetings related to this case. We have worked for a
1597 number of months on this case. I would like to thank Varina Beautification and
1598 some of the community folks that came out. I think I would be remiss if I didn't
1599 thank Mr. Sehl for all of his efforts in getting this case to where it is today. So I
1600 think you've done a yeoman's job to get this case to the point that it is. And one
1601 of the things that I will put out there before I make a motion is that a lot of folks
1602 don't see the behind-the-scenes, the e-mails and the work that goes on, the
1603 phone calls behind the scenes. And I don't recall when this case was originally
1604 submitted, but I think we've been working on it for maybe four months now.

1605

1606 Mr. Gammon - That's correct.

1607

1608 Mr. Leabough - If not longer. And what you all originally submitted
1609 was the original architectural from the Nine Mile Road store that I think have
1610 come before us before. This is a far departure from that. The applicant shared
1611 some photographs from a Walgreens in the Chester Village area, and at the
1612 community it seemed to be as though folks were generally okay with that sort of
1613 style. And it looks like you all have done everything you can do to get us as close
1614 to that style as possible.

1615

1616 So with that, I believe I need to waive the time limits on the proffers. So I will
1617 move that the time limits for the receipt of the proffers be waived.

1618

1619 Mr. Branin - Second.

1620

1621 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Branin. All in
1622 favor say aye. All opposed say no. The ayes have it; the motion passes.

1623

1624 Mr. Leabough - Following that, I will move that REZ2013-00022,
1625 D. Bryant Gammon, be forwarded to the Board of Supervisors with a
1626 recommendation of approval subject to proffers 1 through 13 dated March 13,
1627 2014.

1628

1629 Mr. Witte - Second.

1630

1631 Mr. Leabough - Motion by Mr. Leabough, seconded by Mr. Witte. All
1632 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1633

1634 **REASON -** Acting on a motion by Mr. Leabough, seconded by
1635 Mr. Witte, the Planning Commission voted 4-0 (one absent, one abstention) to
1636 recommend the Board of Supervisors grant the request because it is appropriate
1637 business zoning in this area and the proffered conditions should minimize the
1638 potential impacts on surrounding land uses.

1639

1640 **(Deferred from the January 9, 2014 Meeting)**
1641 **REZ2013-00023 James W. Theobald for Michael D. Sifen, Inc.:**
1642 Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family
1643 Residence District (Conditional) part of Parcel 821-678-7061 containing 77.81
1644 acres located at the northwest intersection of Buffin and Kingsland Roads. The
1645 applicant proposes a single-family residential development of no more than 120
1646 units. The use will be controlled by proffered conditions and zoning ordinance
1647 regulations. The 2026 Comprehensive Plan recommends Suburban Residential
1648 1, density should not exceed 2.4 units per acre, and Environmental Protection
1649 Area. The site is in the Airport Safety Overlay District.

1650
1651 Mr. Leabough - Is there anyone here in opposition to REZ2013-
1652 00023, James W. Theobald for Michael D. Sifen, Inc.?

1653
1654 Mr. Witte - There's quite a few.

1655
1656 Mr. Leabough - There is opposition. Mr. Lewis.

1657
1658 Mr. Lewis - Yes sir, Mr. Chairman. Thank you.

1659
1660 This is a request to rezone 77.81 acres from A-1 to R-3C to allow construction of
1661 up to 120 single-family homes on a mostly cleared parcel northwest of the
1662 intersection of Buffin and Kingsland Roads. Except for a half acre of B-1 zoning
1663 to the south, all surrounding properties are zoned A-1 and consist of single-family
1664 residential use or vacant acreage.

1665
1666 The 2026 Comprehensive Plan recommends Suburban Residential 1 (density not
1667 to exceed 2.4 units per acre) for most of the site, except for a small section of
1668 floodplain in the northwest corner which is designated as Environmental
1669 Protection Area.

1670
1671 The applicant proposes developing the site in general conformance with this
1672 proffered conceptual plan reflecting a maximum gross density of 1.54 units per
1673 acre. Dwelling lots would have a minimum area of 12,500 square feet and be at
1674 least 85 feet wide. Three points of access are shown on Buffin Road, but
1675 Kingsland Road would not be accessed. Other features illustrated on Exhibit A
1676 include: a fifty-foot-wide bermed, sodded, and irrigated landscape buffer along
1677 Kingsland Road; a similarly treated thirty-five-foot-wide buffer along Buffin Road;
1678 four-foot-wide sidewalks throughout the neighborhood; and, two designated
1679 common areas for recreation.

1680
1681 Other aspects of the proffers dated March 13 just handed out include:

- 1682
1683 • Up to 15 percent of homes may be one story with minimum 1800-
1684 square-foot finished floor area, the remainder being two story and 2200
1685 square feet;

- 1686 • Homes in general conformance with the elevations on this Exhibit B;
1687 • Exterior materials limited to brick, stone, cultured stone—
1688

1689 Oh, I apologize. I'll pause so you can get the copies.
1690

1691 Mrs. Jones - Speed read.
1692

1693 Mr. Lewis - Sorry about that.
1694

1695 Mrs. Jones - That's okay.
1696

1697 Mr. Leabough - Sorry, Mr. Lewis.
1698

1699 Mr. Lewis - Not a problem. So here's where it picks up with some
1700 changes that are before you.
1701

- 1702 • Fifteen percent of homes may be one story with minimum 1800-
1703 square-foot finished floor area, the remainder being two story and 2200
1704 square feet;
1705 • Homes in general conformance with the elevations on this Exhibit B;
1706 • Exterior materials limited to brick, stone, cultured stone, beaded or
1707 cedar shake-appearing vinyl, engineered wood, or cementitious siding;
1708 • Minimum 33 percent of homes to have all brick, stone, or cultured
1709 stone fronts which wrap one foot around the sides;
1710 • Ninety percent of homes to have a 20-foot x 20-foot garage and 25
1711 percent of all garages in total being side- or rear-load;
1712 • Brick or stone crawlspace foundations with landscaping in front;
1713 • Sodded front and side yards with two trees in each front and two in
1714 each corner side;
1715 • Transitional 25 landscaping in the buffers; and
1716 • Limited construction hours and access. The construction access would
1717 only be via Buffin Road, not Kingsland.
1718 • Among other topics that you'll find in there.
1719

1720 These proffers provide a variety of quality assurances and address issues
1721 identified in the staff report. The three most recent changes to Proffers #2, 25,
1722 and 29 are highlighted pink on the handout before you. These revisions create
1723 pedestrian connections to the designated common areas (Proffer #2), ensure
1724 complete construction of realigned Buffin Road (Proffer #25), and they provide
1725 additional landscaping to screen rear yards along the Dominion easement near
1726 Buffin Road in this location where the mouse indicator is.
1727

1728 With these and the many other recent proffer enhancements, this request
1729 provides for a much greater level of quality and compatibility than could be
1730 required if the site were developed according to its approved A-1 subdivision

1731 plan. Because of the assurances provided and the proposal's consistency with
1732 the SR1 designation, staff supports this request.

1733
1734 This concludes my presentation. I am happy to answer any questions you may
1735 have.

1736
1737 Time limits would need to be waived for the proffers.

1738
1739 Mr. Leabough - Any questions from the Commission for Mr. Lewis?

1740
1741 Mrs. Jones - Not right now.

1742
1743 Mr. Leabough - No questions. I would ask that the opposition please
1744 come forward. I will remind you that you have a cumulative total of ten minutes.
1745 We have the discretion of extending that time, but I would just ask that everyone
1746 be mindful of the time and just please to a minimum try not to repeat what has
1747 already been stated.

1748
1749 Ms. Gay - My name is Dorothy Gay and I live on thirty-nine
1750 acres directly across from this on 2207 Kingsland Road. My next door neighbor
1751 lives on six acres next to me. I have with me my daughter and one of my sons
1752 tonight, and my daughter is going to speak for both of us. Elizabeth Dwyer.

1753
1754 Mr. Leabough - Thank you, Ms. Gay.

1755
1756 Ms. Dwyer - Good evening, Mr. Chairman, members of the
1757 Commission, Mr. Kaechele, Mr. Emerson.

1758
1759 Mr. Branin - Ms. Dwyer, I don't mean to interrupt. Mr. Chairman,
1760 do you want to go through just so everyone understands time limits? Again.

1761
1762 Mr. Leabough - Yes, I did it before but I'll go through it again. There's
1763 a cumulative total of ten minutes, and that is for all speakers. We do have the
1764 discretion of extending that time frame.

1765
1766 Ms. Dwyer - Thank you sir. I'll be as brief as possible.

1767
1768 Mr. Leabough - Thank you.

1769
1770 Ms. Dwyer - I wanted to begin this night tonight by focusing on the
1771 character of this quadrant of the County. I'm speaking generally of the area
1772 bounded by Charles City County, the James River, historic Route 5, and Strath
1773 Road.

1774
1775 As we look at the existing characteristics of the development out there, we see
1776 that it consists of forestland, fields, green fields, and a very few residences that

1777 lie on acreage and not on lots measured by square footage. So what's important
1778 about this case and what's important about that fact is that this is a blank slate.
1779 The decision made about this case tonight will be the first entry on that blank
1780 slate. It will set the precedent for the area. It will set the future course for
1781 development of these forests, farms, and green fields that now characterize this
1782 land. This is a significant decision.

1783
1784 Of course we recognize that development will occur on this property and in this
1785 area and that the interests of the community need to be balanced by the interests
1786 of property owners. But as this balance is weighed by you tonight, we ask you to
1787 bear in mind that the rural character of this area is a unique and irreplaceable
1788 asset in the County.

1789
1790 In light of the significance of this case and the potential depletion of these rural
1791 assets in the County, we have two recommendations. The first is to ask that you
1792 take steps to preserve the characteristics of this rural asset. And secondly, that
1793 you set a standard of quality development for this quadrant in the County.

1794
1795 To foster the preservation of the rural characteristics of this area, we believe that
1796 the best residential development of this property would be in keeping with its
1797 current zoning. But if it is deemed that A-1 zoning needs to be changed, we
1798 believe that a zoning classification no denser than R-1 should be permitted. This
1799 is in keeping with the general development policies of the 2026 Land Use Plan,
1800 which encourage the design of new development to be compatible and
1801 complementary to existing land uses, to incorporate preservation of existing
1802 features to the maximum extent feasible, to avoid leapfrogging growth patterns,
1803 and to encourage preservation of private open space.

1804
1805 In an effort to set a standard of quality development for this case and for the
1806 future of this quadrant of the County, we suggest certain proffer amendments
1807 that will ensure not only that this development reflects the rural character of this
1808 area, but also will ensure quality homes and home sites. So there are three
1809 different areas of proffers that we would like for you to consider tonight. One
1810 relates to buffers and easements. We would like to see consistent buffers along
1811 Kingsland and Buffin Road of fifty feet in width with landscaping that meets the
1812 Transitional 50 standard. We would like to ensure that buffers are measured from
1813 the reconstructed intersection of Kingsland and Buffin and from the realigned
1814 Kingsland Road. The buffer should exclude turn lanes. There should be buffers
1815 and plantings along the line of the Eberly property, which is adjacent to this
1816 property. Plantings along the power easement and at the point at which the
1817 power easement intersects Buffin. These were suggestions made in the staff
1818 report.

1819
1820 The lot requirements should exclude easements, and native plants should be
1821 used unless the Planning Commission permits otherwise in its review of the
1822 landscape plan.

1823

1824 So I said there were three categories of proffer amendments we wanted you to
1825 focus on. That was buffer and easements. We would like you to also consider the
1826 proffers that relate to home and lot characteristics. We recommend the
1827 elimination of vinyl as a material, that brick or stone be required on 50 percent of
1828 the homes; that all garages be side- or rear-loading. And this may seem
1829 counterintuitive, but we think that in light of the changing demographics, perhaps
1830 we could allow more single-story homes as long as they meet the 2200-square-
1831 foot requirement that is in existence in the proffers for two-story homes.

1832

1833 This is flat land. It's been farmed for many generations. There are no trees on the
1834 property, so we would suggest a minimum of three trees in the front yards with
1835 one tree on the side yards that border street areas, with irrigated front and side
1836 yards. And two or three of trees, depending on how many are in the yard, would
1837 need to have an ultimate height of fifty feet or more. No fencing in front yards and
1838 a limit of a five-foot fence in the rear yards.

1839

1840 And the final consideration for proffers would be those related to the
1841 neighborhood characteristics. We have a concern about the maintenance of
1842 these common areas and buffer zones, so we would recommend that the
1843 developer establish a homeowners association by filing a declaration under the
1844 Virginia Property Owners' Association Act that would allow the homeowners
1845 association to impose fees on lot owners and that the developer fund the
1846 provision of an account owned by the homeowners association for the purpose of
1847 maintaining these common areas and buffers. We would recommend \$1,000 per
1848 lot at the time the lots are sold.

1849

1850 We would suggest in accordance with the staff report that sidewalks be along
1851 one side of all streets, that the sidewalks be a four-foot minimum width with a
1852 two-foot grass area between the sidewalk and the roadway. We would also not
1853 object to vehicular access to Kingsland Road via a public street only if the
1854 developer were to improve and realign Kingsland Road concurrently with this
1855 development.

1856

1857 So to summarize, we are not opposed to residential development on this site or
1858 in this area, but we believe this case is critical to ensure this precedent-setting
1859 case is compatible with the rural character of existing land uses, avoids leapfrog
1860 growth—

1861

1862 Mr. Leabough - Ms. Dwyer, I hate to interrupt you, but there are four
1863 minutes left for others to speak.

1864

1865 Ms. Dwyer - I'm wrapping up. We would ask you to take steps to
1866 preserve this irreplaceable asset and provide a housing choice in Henrico that
1867 includes private open space. Thank you very much.

1868

1869 Mr. Branin - Ma'am, is it Dyer or Dwyer?
1870
1871 Ms. Dwyer - Dwyer.
1872
1873 Mr. Branin - Okay. Ms. Dwyer, three separate times you said "we."
1874 Are you speaking for the community as a whole or just for your mother's
1875 property?
1876
1877 Ms. Dwyer - Speaking for my mother and her property and her
1878 neighbor, the Youngs, who also live across the street from this property.
1879
1880 Mr. Branin - So two properties, not the community.
1881
1882 Ms. Dwyer - Well, I will let the other community—
1883
1884 Mr. Branin - I just want to make sure that this wasn't some sort of
1885 group that was put together. And you're representing your family—
1886
1887 Ms. Dwyer - May I have a show of hands for those who agree with
1888 my presentation?
1889
1890 Mr. Witte - How many of those don't want to come down and
1891 speak?
1892
1893 Mr. Branin - Okay. Because she actually used up all your time.
1894 Thank you, Ms. Dwyer.
1895
1896 Ms. Ellis - I will speak fast on purpose. I just wanted to add two
1897 points that I think provide some context. One is there are a lot of people in this
1898 room who are very active participants in their vision of the 2026 Comp Plan and
1899 who are very concerned with up-planning that was taking place on farmland deep
1900 in Varina that we thought would be a problem down the road. And we were
1901 repeatedly assured by the Planning Department, don't worry, this isn't rezoning,
1902 it's not binding, it's just a plan. But we knew then that tonight would come, that
1903 we'd be here, and there would be people who would want to put 120 houses way
1904 deep. And you saw the birds eye view. There is nothing like this anywhere
1905 around there. We knew this time would come. And I'd like to remind you what we
1906 were told which is it's not binding, it's just a plan.
1907
1908 And the second thing I wanted to say is that when we had the community
1909 meeting a couple of weeks ago we were told, as we're always told in Varina by
1910 would-be developers, well if you don't go along with what we're proposing you'll
1911 end up with fifty by-right houses that are all ugly. I'd just like to say that when it
1912 comes to—as taxpayers when it comes to the public services required, the traffic,
1913 the school, we'd be happy with 50 tiny houses instead of 120 here. Thank you.
1914

1915 Mr. Nelson - Ditto, so I don't take up all the time. But I have some
1916 questions. Varina Beautification Committee, I'm Henry Nelson, chairman. I live at
1917 3600 New Market Road. I have some questions that I hope will be presented in
1918 the presentation that I want to say.

1919
1920 We have a slogan, the Varina Beautification Committee: no density without
1921 amenities. My question is in this case: What are the amenities? Sidewalks, yard
1922 trees, foundation plantings—whatever—what are they? We were told there is one
1923 little park with a bench. I don't know where it is, but I would like somebody to
1924 point to it so that that child doesn't get lost who is going there.

1925
1926 Connectivity. What are the connectivity points to these open spaces and the
1927 water spots that we see, the BMPs and so on? How do you get there?

1928
1929 How do residents access the open spaces—power easement, the sewer
1930 easement, the BMP areas, or other areas? And then again, I'm worried about the
1931 architectural renderings because I'm afraid it will be a shell game and what we
1932 see is a visual placebo in that when the original presentations were out, they
1933 were not the same as we've seen at the public meeting at Mehfoud nor have we
1934 just had them reintroduced to us. I'm leery of the statement that says they'll be
1935 similar to but not the same relative to the building of them. So my question is why
1936 can't we proffer these as to the land. I don't mind if he goes up, but we don't want
1937 anything less because we're looking for quality development. We're not looking
1938 for something that looks good, and then they approve it, and then it doesn't
1939 happen because when they reassess it and they say it's too expensive or the
1940 market won't bear it, we don't get it, and they're safe because of the way they
1941 stated it. So I want that taken care of if we can.

1942
1943 And why not buffer that northwest corner? There's nothing, and there are
1944 residential people there. Everything else is buffered, why not put in a few more
1945 trees and help the Eberlys out. We think that would be great. And I also want to
1946 ditto the homeowners association and the extended maintenance for external
1947 areas because if somebody doesn't look after it, it won't get done. And it could be
1948 an eyesore in the future. That needs to be addressed and it should be part of the
1949 program and the plan.

1950
1951 And I thank you for letting me speak.

1952
1953 Mr. Leabough - Thank you. You've actually taken up the entire ten
1954 minutes, and I will extend it. We just have one more speaker, so I'll extend it
1955 another three minutes.

1956
1957 Ms. Goddin - Thank you for giving me the opportunity. I'm Bland
1958 Goddin. I live on 1161 Dotson Road in the Varina District. I just want to say that if
1959 you look at the site of this proposed development with the power lines going
1960 through the middle, a sewage line going through the bottom, and I've heard

1961 there's a gas line going through the middle of it too. And it's pretty swampy land
1962 without a tree on it. The only reason that anyone would want to buy a house on
1963 this site, I believe, is if the price tag was really low or if it had really high
1964 amenities. And so if you build it with high density here, no one's going to want to
1965 buy any land here unless the price tag is very low.

1966
1967 What we have in Varina is a lot of space. People come to Varina so they can
1968 have a vegetable garden, maybe some chickens. If we have larger lot sizes,
1969 smaller density here, then somebody might want to buy a property here. The
1970 builder indicated that he was planning on selling these properties around
1971 \$300,000 a piece. And we want to protect ourselves from the property being sold
1972 by him to someone else who finds that the only way that he can sell houses is to
1973 build low-end houses on this property.

1974
1975 So that's mostly what a want to say. I think that we want to set a good standard
1976 of housing for Varina with this property as the Planning Commission has
1977 indicated.

1978
1979 Mrs. Jones - I was just going to ask you, are you saying that you
1980 feel that \$300,000 homes are on the low end?

1981
1982 Ms. Goddin - Oh, I'm a ditto with what they say. I'm saying
1983 \$300,000 is probably a reasonable price for what we would accept. We don't
1984 want it to go lower as they find that with these high-density subdivisions that the
1985 only way they can sell houses is to make the construction cheaper and the house
1986 much less expensive.

1987
1988 Mrs. Jones - I understand.

1989
1990 Ms. Goddin - Does that make—am I making myself clear?

1991
1992 Mr. Witte - Yes, absolutely. I think the proffers are restrictive
1993 enough to assure that you will have nice housing in the area. Without the
1994 rezoning, basically they can put 1,000-square-foot cinderblock houses in and put
1995 fifty of them, which would not help your property values.

1996
1997 Ms. Goddin - It would not, but we wouldn't have the density of
1998 houses. There could only be a maximum of what, eighty houses on this property.

1999
2000 Mr. Witte - But you'd have to weigh—

2001
2002 Ms. Goddin - Yes. And I think what we are worried about getting
2003 stuck with is 120—is that what the proposal is?—houses that are very low end
2004 without any amenities. The house, as far as I understand, the proffers are—the
2005 proffers that we are trying to get you to agree to would raise the standard of all of
2006 the houses.

2007
2008 Mr. Witte - You have a specific clientele in mind for these
2009 houses, not affordable housing.
2010
2011 Ms. Goddin - I think we would like to set a standard in Varina of
2012 having the possibility of some—
2013
2014 Mr. Witte - Upscale.
2015
2016 Ms. Goddin - —upscale housing.
2017
2018 Mr. Witte - Okay, I think that's wonderful.
2019
2020 Ms. Goddin - Or else I think we would be satisfied with leaving the
2021 zoning the way that it is.
2022
2023 Mr. Witte - Thank you.
2024
2025 Mr. Leabough - Thank you. Are there any other questions from the
2026 Commission? If not, I'll ask the applicant to please come forward.
2027
2028 Mr. Branin - I have a comment while they're coming down. You're
2029 welcome to bring the applicant down. I'm going to pull Mr. Nelson's statement
2030 and say ditto to my fellow commissioners. These are the highest standards that I
2031 have seen proffer-wise for quality of construction in the Varina District in the nine
2032 years I've been here. So I commend you for the quality you're getting put in. And
2033 to those in that community, by raising the bar and setting the standard higher
2034 with quality, the property values will be—will retain their property value. And it's
2035 actually a benefit—the proffers he has put in assured quality. So this is actually
2036 the highest quality I've seen being proffered in Varina in my nine years.
2037
2038 Mr. Leabough - Thank you. Before you get started Mr. Theobald—
2039 okay. We thought that the HOA was proffered and it is; we just couldn't locate it.
2040 So I'll you proceed with your presentation.
2041
2042 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim
2043 Theobald. I'm here this evening on behalf of Michael D. Sifen, Inc. Sifen owns
2044 this property. It's a request for a rezoning on 77.8 acres at the northwest corner
2045 of Buffin and Kingsland Road. This is not subject to rezoning; they have owned
2046 the property for some time. You can see in the aerial this site has been farmed
2047 apparently for quite some time. And the County's land use plan, as you have
2048 heard, suggests that SR1 is an appropriate level of development, which would
2049 match a density of up 2.4 units per acre or some 187 homes. Our request is but
2050 for 120 homes, which equates to 1.5 units per acre, well under the suggested
2051 land use plan guideline. What you'll see on the land use plan suggestion here,
2052 the County has inlaid the approved A-1 subdivision that is currently active and

2053 previously approved, which is the alternative that you've heard a little bit about
2054 tonight. It's approved for some fifty-six lots on well and septic without any other
2055 conditions.

2056
2057 Our concept plan is one that has spent a lot of time being tweaked. It has
2058 evolved. The site is impacted by the Virginia Power easement, the 150-foot
2059 easement that you see, also with wetlands over to the west. There is [sic] a gas
2060 [sic] line that traverses the property from northwest to southeast through this
2061 area. The planning that has gone into it suggests sort of a grid street pattern but
2062 with cul-de-sac lots. The importance of that is when you hit the cul-de-sacs we
2063 have—just think about the frontage along Kingsland Road. We have like nine or
2064 ten homes that either back up to Kingsland or side onto Kingsland Road and only
2065 six homes all along Buffin Road. So the cul-de-sac planning allows you to do that
2066 so it focuses the development internally.

2067
2068 The greenbelts are important because we don't normally buffer residential
2069 properties against residential properties in Henrico. I've heard that said in the
2070 thirty years that I've been standing up here. But nonetheless, since this property
2071 has been farmed we have a fifty-foot greenbelt along Kingsland, a six-foot berm,
2072 plantings on top of the berm, those plantings to Transitional Buffer 25 standards.
2073 And the berm is irrigated and sodded. Along Buffin Road, that buffer is thirty-five
2074 feet in width with a four-foot berm, plantings on top. Again, sodded and irrigated.
2075 The BMPs have been pulled out of the buffer areas and to the extent those are
2076 wet ponds they will be irrigated [sic].

2077
2078 We have added internal sidewalks. They show up in the red here; hopefully you
2079 can see those. We've changed it slightly to make sure we've connected the
2080 common areas through crosswalks or an extension of sidewalks to the common
2081 area.

2082
2083 We've also proffered some renderings of some potential entrance features, sort
2084 of a stone, clean look. We have proffered a variety of elevations. These are the
2085 exact same elevations that were shown at the community meeting. It's a mix of
2086 one- and two-story homes. The one-story homes a minimum of 1800 square feet
2087 of finished floor space in size. Two-stories, 2200 square feet. Our lots are in
2088 excess of the R-3 standards. I think Mr. Lewis indicated the lots are 12,500
2089 square feet in size. Just know the R-3 lots are 11,000 square feet in size. Our
2090 lots are 85 feet in width; the R-3 width is but 80 feet in size. And just for
2091 reference, in R-3 you could have homes as small as 1100 square feet in size.
2092 Ours are significantly larger.

2093
2094 All the homes are built on crawlspaces. No slab construction. Ninety percent of
2095 the homes have a 20-by-20-foot garage. We've included two street trees in the
2096 front of each of home and two on the corner of a side lot. Foundation plantings.
2097 The price of these homes is expected to be starting somewhere around \$269,000

2098 ranging up to possibly \$369,000 depending upon the options purchased by the
2099 homeowner.

2100

2101 It's extremely well proffered. I'll try not to repeat the things that have been said,
2102 but the concept plan, the elevations, and the entrance plan: what you see is what
2103 you get. They've been proffered. They're part of the case. They run with the land.

2104

2105 We talked about greenbelts and plantings and lot sizes. Our exterior materials—
2106 brick, stone, beaded or cedar shake appearing, high grade vinyl, engineered
2107 wood or HardiPlank. Thirty-three percent of the homes, all brick or stone fronts.
2108 We're wrapping the edges of those by twelve inches. All the other homes, the
2109 other 66 percent, have to have some element of brick or stone on the fronts of
2110 those homes in addition to the foundations. Okay? Brick materials. Thirty-year
2111 architectural dimensional shingles. No two homes with a similar façade can be
2112 side by side. There are protective covenants. There is a homeowners
2113 association. There are no more than 120 homes. We've capped the density. We
2114 do not have access directly to Kingsland Road and no direct access from
2115 individual lots to Buffin.

2116

2117 A minimum of 25 percent of the garages must be side- or rear-loaded, and any
2118 front-loading garages have to have some architectural detail. All driveways will
2119 be paved. Front yards, corner side yards sodded. Any above-ground wet BMPs
2120 have to have a water feature and be aerated. Front steps have to be faced with
2121 brick or stone. Front stoops or porches to be brick or stone with finished concrete
2122 or exposed aggregate landing. We do have two common areas or park areas
2123 with at least benches.

2124

2125 Right-of-way dedications, we've proffered the right-of-way.

2126

2127 Mr. Branin - Mr. Theobald, one of the questions that came out was
2128 to point out where the parks are. Can you pull up an aerial and show us where
2129 those parks were?

2130

2131 Mr. Theobald - This is about a half an acre in here with a sidewalk
2132 connecting. There is another common area over here designated with a
2133 pedestrian crosswalk from the sidewalk here. The site has numerous wetlands
2134 which sometimes can be programmed depending upon the nature of them.
2135 There's an open VEPCO easement that depending upon your preference is
2136 certainly open space. It's green space. There are the BMPs. Those are the
2137 features.

2138

2139 Mr. Leabough - Mr. Theobald, one of the things that was raised at the
2140 community meeting was the concern about the connectivity to those areas. And it
2141 looks like you added sidewalks.

2142

2143 Mr. Theobald - We did. Yes sir, we did that. That was a change made
2144 in discussions with staff late yesterday afternoon. This drawing does reflect that.

2145
2146 Mr. Leabough - Thank you.

2147
2148 Mr. Theobald - The hours of exterior construction have similarly been
2149 limited.

2150
2151 We've worked very hard on this case over many, many months. We've worked
2152 with staff; we've worked with Mr. Leabough. We've had a community meeting.
2153 This case has come a long, long way. It's very different from the way it was
2154 initially proffered. And I think that represents the need to find this balance to
2155 promote quality development in all areas of the County. This area as well. But
2156 also be at a point where the homes are marketable and financeable.

2157
2158 The request is consistent with your land use plan, significantly less dense than
2159 would be suggested by your plan. In full development, this could generate in
2160 excess of \$300,000 a year in real estate taxes. Clearly promotes homeownership
2161 and the ripple effects that go with that homeownership. People buy houses, then
2162 they buy hoses, then they buy ladders, then they buy furniture—it helps
2163 everybody. It creates jobs. It increases the property values in the area.

2164
2165 Just a moment, since I guess this is my only time up here. I'll do my presentation
2166 and a little bit of rebuttal all at once. I'll just keep it short but—let's see if we can
2167 find this slide here. I sat through all the land use plan discussions, the work
2168 sessions, Planning Commission sessions, and the Board sessions for the 2026
2169 Plan. And I watched all the deliberations, and I listened to all the speakers, and in
2170 particular the speakers from Varina who had significant concerns with Varina
2171 farm property and others. The Planning Commission and the Board responded to
2172 that, and the result of that input is this 2026 Plan.

2173
2174 This plan in this area is not an aberration and it's not an accident. Look at the
2175 yellow on this plan. This is the SR1 as part of your 2026 Plan. And I think what
2176 you'll notice is that it's really focused around and centered upon I-295 and
2177 Route 5 - transportation corridor. This is where the County has suggested
2178 development ought to occur and there's a reason for that. It has a transportation
2179 system, the County says that the roads can handle the traffic, we're near the
2180 sewage pumping facility just to our east. There's water at the property line at the
2181 intersection of Buffin and Kingsland. The schools are under capacity that serve
2182 this site. So this was well thought out. It's not something that just sort of
2183 appeared. I mean, it's a big area and there was a reason for it. Those are
2184 essentially the reasons.

2185
2186 So I think the philosophy ought to be with not only this case, but any case, to
2187 encourage responsible development consistent with the plan. I think that this
2188 request encourages that kind of development. It invites people to buy homes and

2189 live in this area rather than exclude people from living in this area. I think A-1 lots
2190 on well and septic do not serve Varina well. They do not move Varina forward nor
2191 do they sort of enhance the opportunity for citizens to request additional
2192 spending on roads, schools, libraries, and parks. Responsible planning and
2193 responsible development I think are the key. I believe this raises the bar of
2194 development in Varina and again it's consistent with the plan.

2195
2196 And so with that I'd be happy to answer any questions that you might have.

2197
2198 Mr. Kaechele - Mr. Theobald, what size is the gas line that runs
2199 through the property?

2200
2201 Mr. Theobald - I want to say it's a thirty-foot—

2202
2203 Mr. Mitchell - [Off microphone.] Jim, he said gas line; you meant
2204 sewer.

2205
2206 Mr. Theobald - Sewer? That's a sewer line; I'm sorry.

2207
2208 Mr. Kaechele - Oh, a sewer?

2209
2210 Mrs. Jones - We were told gas line.

2211
2212 Mr. Emerson - Mr. Theobald, one of the speakers did mention a gas
2213 line on the property. I don't believe I was aware there was a gas line crossing this
2214 property.

2215
2216 Mr. Mitchell - [Off microphone.] There's not. If you actually go out
2217 there the sewer—

2218
2219 Mr. Leabough - Sir, you need to come up.

2220
2221 Mr. Emerson - Just identify yourself for the record, please.

2222
2223 Mrs. Jones - We need to hear you.

2224
2225 Mr. Branin - Please state your name for the record, sir.

2226
2227 Mr. Mitchell - Sure. It's Brian Mitchell with Townes Site Engineering.
2228 We put together the conceptual plan. It's an eighty-four-inch trunk sewer gravity
2229 line that feeds into the wastewater treatment plant. There are some markers for
2230 that trunk sewer line, which appear to look like a gas line marker. But if you get
2231 out and actually read them, they say main DPU sewer.

2232
2233 Mrs. Jones - So there is no gas line on the property.

2234

2235 Mr. Mitchell - Not that bisects the property. I mean there may be
2236 something that runs along the road. Not to my knowledge.
2237
2238 Mr. Leabough - Could you use the cursor and point out the line that
2239 you're—the easement that you're referring to?
2240
2241 Mr. Mitchell - That is it right there. You can see actually the clearing
2242 for it. It runs—you can see the easement lines there as well, and then it comes
2243 down, and then crosses here.
2244
2245 Mr. Kaechele - Thank you.
2246
2247 Mr. Leabough - I have a question, a real quick question for you,
2248 Mr. Theobald. There was a question raised regarding the architectural, worried
2249 that a different product, a different home could be built that would deviate from
2250 the architectural provided. Could you address that, please?
2251
2252 Mr. Theobald - Yes. The proffer says I think in general conformance
2253 with the elevations that we have provided. So when—
2254
2255 Mr. Leabough - General conformance.
2256
2257 Mr. Theobald - Correct. Right. So they're not identical. So we have
2258 nine or ten examples here. We're not building nine or ten homes, one after one
2259 after one. The rooflines vary, the architectural, you know, varies. The materials
2260 vary. The window treatment might vary. But ultimately it's up to staff to interpret
2261 whether we have been faithful to what we have shown you here tonight. So we
2262 really do not have an opportunity to bait and switch and build a lesser product.
2263 The square footages are proffered. You know, everything from crawlspaces to
2264 brick on certain homes.
2265
2266 Mr. Leabough - What I hear you saying is that the architectural
2267 character and integrity of the product, the home, will remain the same.
2268
2269 Mr. Theobald - Yes sir.
2270
2271 Mr. Leabough - There may be slight deviations based on different
2272 options, different—
2273
2274 Mr. Theobald - Yes, to make it interesting. But in terms of quality—
2275 and ultimately, you know, the Planning Department is going to be the arbiter of
2276 that, not my client. If somebody comes in with a house that they don't believe
2277 meets the criteria, then they're going to kick it out. And it's happened.
2278
2279 Mrs. Jones - I'd like to just ask a couple of things, and these were
2280 points that were brought up. As long as we're handing out compliments, I think

2281 first of all the folks from Varina were extremely active at our comprehensive plan
2282 process. It's because there's a real passion and commitment to that area. And I
2283 think any development has to take that into consideration. I think you all—sounds
2284 like with what I've been hearing from Mr. Leabough and the reports that have
2285 come in to us since this has begun that this has been a really collaborative effort
2286 for many months. I know everybody's not happy with everything, but I can see
2287 the input in this case from the first time it appeared to now.

2288
2289 I think you raised some interesting points. I'd like to just make sure that I
2290 understand what your answer is to some of the points that they raised so that
2291 everybody's clear.

2292
2293 You have proposed what is basically 1.5 per acre?

2294
2295 Mr. Theobald - Mmm-hmm.

2296
2297 Mrs. Jones - And the suggestion I heard from a lot of folks was to
2298 keep the one-acre lots, large lots. I think the significant decrease from what could
2299 be in this zoning classification speaks to that request of theirs. The leapfrogging
2300 development pattern. You did have the Comprehensive Plan up. Do you want to
2301 just speak to that a little bit so that we're all clear why you feel this is not a case
2302 of quote-unquote leapfrogging development?

2303
2304 Mr. Theobald - Well first of all, you haven't put leapfrog development
2305 in your plan. I mean you notice the light green over to the right. Okay.
2306 Development out in that area is leapfrog development. What you all have said is
2307 SR1 up to 2.4 units per acre is appropriate in this area, provided that you use
2308 public utilities. And so, you know, in my way of thinking, I don't know how it could
2309 be leap—it's leapfrog development when you look to the County to extend roads,
2310 extend your sewer, extend your water, make them build a new school so your
2311 kids can go there. But this area already has all of that. It just happens that this is
2312 a field, currently, and it's been a very rural area.

2313
2314 But for all of those reasons this is where you all with input from the community
2315 decided development ought to occur, and it was because of those reasons. I
2316 have to think that that interchange was a bullseye of sorts in terms of the thinking
2317 that went into this. It's a powerful, powerful corridor. Clearly we've all worked
2318 hard. I've worked with the Varina Beautification Committee on many cases along
2319 Route 5. You know, I think we've all done a collectively good job of protecting
2320 that corridor. And I think this sets a raised bar for development that's important
2321 for Varina. I think we need to encourage people to own homes and build equity
2322 and get involved with the schools.

2323
2324 That's what happened in Western Henrico. The area around this courthouse was
2325 the edge of the universe at one point. Carlton Wilton built all the homes out
2326 Patterson Avenue. He didn't start by building Windsor on the James; he started,

2327 along with the Gumenicks, with brick ranchers and two-story homes. People build
2328 up equity and then they move somewhere else. So it's really kind of the pattern
2329 of growth. I think it's the way this county has prospered.
2330

2331 Mrs. Jones - Interesting you bring up ranchers. I don't know what
2332 exactly the demographic is for old geezers like myself whose knees are
2333 beginning to creak. Is there a reason why you limited the number of one-story
2334 homes as opposed to allow that to kind of be a market-driven thing?
2335

2336 Mr. Theobald - I think initially it was a suggestion in discussions with
2337 staff. I think there was a perception that the two-story homes might be more
2338 expensive and bigger. So we just agreed that we would limit it to that amount. It
2339 was just sort of a give and take. This is the first time I guess I've had—of course
2340 understand that the request was to do single-story homes but bump them to
2341 2200 square feet, not to do more single-family homes. That was the point, I think.
2342

2343 Mrs. Jones - That's true, that's true. I'm still hanging by three-story
2344 townhomes don't cut it for folks my age. All right. I think that the—the reason for
2345 the different heights of the berms?
2346

2347 Mr. Theobald - Yes. Well, berms are put on a three-to-one slope. So
2348 if you have a four-foot berm you have twelve feet over here and twelve feet over
2349 here. Okay. And the taller that berm gets the wider the greenbelt gets and the
2350 more it squeezes down on your lot. I'm not aware of another case where we
2351 provided berms, and plantings, and sod, and irrigation to buffer residential
2352 against residential. So I thought the thirty-five was enormously generous.
2353

2354 Mrs. Jones - I'm just trying to clarify.
2355

2356 Mr. Theobald - I understand.
2357

2358 Mrs. Jones - Okay.
2359

2360 Mr. Leabough - Mrs. Jones, since you're talking about buffers, there
2361 was a question regarding the property to the north.
2362

2363 Mrs. Jones - Right.
2364

2365 Mr. Leabough - And the request to buffer that.
2366

2367 Mr. Theobald - This is that property, owned by the Eberlys. And the
2368 property line is beyond this tree line. They own two parcels of land. The other
2369 one comes over here until you see the grass get a little taller. They own about I
2370 think it's six and a half to seven acres of land. This is their home, and they've
2371 done a beautiful job of keeping trees, and doing plantings, and planting more
2372 trees further out here. It would seem to me that that large lot is adequately

2373 buffered. We have a BMP and green space along almost half of this lot where
2374 their home is. We have a green space up front by the road, and these are the
2375 additional plantings that turn the corner. That's before we dropped in all of the
2376 new plantings. I think those folks are pretty well taken care of. This is looking
2377 down the easement area. And I guess their home would be over here far to the
2378 right.

2379
2380 Mrs. Jones - Can you go back to the site plan, please?

2381
2382 Mr. Theobald - Yes ma'am.

2383
2384 Mrs. Jones - Or one slide back.

2385
2386 Mr. Theobald - It's coming. There you go.

2387
2388 Mrs. Jones - There you go. On the Eberlys' lot where—I'm trying to
2389 see those very faint lines. Where is their house? Can you—

2390
2391 Mr. Theobald - Their house is here.

2392
2393 Mrs. Jones - Okay.

2394
2395 Mr. Theobald - Right there.

2396
2397 Mrs. Jones - Okay.

2398
2399 Mr. Leabough - It looks like there are some trees there between the
2400 two.

2401
2402 Mr. Theobald - Yes. They've done a beautiful job with their property
2403 and planted trees. I'm not sure what they're raising over here, but it looks very
2404 inviting.

2405
2406 Mr. Leabough - Thank you.

2407
2408 Mrs. Jones - I also wanted to commend the use of brick and stone
2409 and cementitious materials. I did notice that there is still an allowance for vinyl
2410 that has a cedar shake look and a bead look? Is that correct?

2411
2412 Mr. Theobald - Correct.

2413
2414 Mrs. Jones - Is that vinyl governed by thickness or other—

2415
2416 Mr. Theobald - Yes it is.

2417
2418 Mrs. Jones - —qualities?

2419
2420 Mr. Theobald - It's in the proffers.
2421
2422 Mr. Leabough - It's .44, I believe.
2423
2424 Mrs. Jones - I can't read this fast.
2425
2426 Mr. Theobald - It's .44, .044 I think it is.
2427
2428 Mrs. Jones - So it is certainly a durable, long-lasting material.
2429
2430 Mr. Theobald - Proffer 4. I'm sure this will set a new standard.
2431
2432 Mrs. Jones - All right. And the facades not being the same—I'm
2433 just reflecting some questions people have asked me.
2434
2435 Mr. Theobald - I understand.
2436
2437 Mrs. Jones - I don't mean to be delving so deep into this. The
2438 facades not being the same side by side, would in my estimation also carry the
2439 thought that you wouldn't have all brick in this cul-de-sac and all—
2440
2441 Mr. Theobald - Well I'll try to address that between now and the
2442 Board. That was something Mr. Leabough and I spoke about this morning. We're
2443 going to try to come up with something creative that still lets people buy the
2444 options that they want but not end up with all the brick fronts on one the block
2445 and zero on the next. So we're going to work on how to sprinkle those through.
2446 That's a good idea.
2447
2448 Mr. Leabough - That was a concern that we always have during
2449 development that the developer would wait until the last forty houses to do all the
2450 brick or you'd have all the brick homes on one side of the easement versus the
2451 other. So you want them interspersed throughout the site. So good point. I think
2452 you were reading my mind.
2453
2454 Mrs. Jones - Well no, but it all speaks to the quality of the look of
2455 the development I think. I am through my list, but I may be back.
2456
2457 Mr. Leabough - Are there any other questions from the Commission?
2458 There being no other questions, let me just say this. I will have to thank staff,
2459 Mr. Lewis and Mr. Humphreys, and the rest of the staff, Mr. Emerson and
2460 Ms. Moore for your efforts. I'll have to thank the community for their efforts. It's
2461 not easy to take time out of your evening to come out and participate in
2462 community meetings. Ms. Dwyer, we met on a number of occasions. Dr. Nelson,
2463 Ms. Snyder, Ms. Gay. I remember you, Ms. Gay, sitting here for the public
2464 hearings when that the case got deferred. So I'd like to thank everyone for their

2465 efforts in relationship to getting this case to where it is today. And last but not
2466 least I'd like to thank the developer for their efforts. I'm sure that you all probably
2467 went back and had a few choice words for me after our meetings.

2468

2469 I say all that to say—and if you could, Mr. Theobald, while you're there, put up
2470 the site plan for the A-1. Do you have that?

2471

2472 Mr. Theobald - I do.

2473

2474 Mr. Leabough - And this is what I look at. Not that there's a threat, but
2475 I think that what we have before us is a much better development than what was
2476 previously approved. You have connections to Buffin, which we've heard there
2477 were challenges in terms of traffic and safety. You have a lot of rears of homes
2478 and sides of homes facing the roads. So what I think we have—and the buffers
2479 that are provided and the berms are something that will address what I have a
2480 pet peeve about, which is you drive down the road and all you see are
2481 everyone's lawnmowers and tool sheds and everything else they throw in their
2482 rear yards, clotheslines or what have you. I think we have—and I don't know if
2483 this is the first case in Varina. I think The Ridings were, for me at least, was one
2484 of cases I worked on and Reverend Nelson worked on when we first started
2485 working with the Commission and on the Board. We looked at those proffers as
2486 well. I think that when we did the comparison, this actually raises the bar. And
2487 that's what we always want to do. Not that we can get to where Mr. Branin or
2488 Mr. Witte or Mrs. Jones are overnight, but I think we have a vision, and I think
2489 this plan takes us a step closer in that direction.

2490

2491 There is another opportunity where you can share your comments and feedback.
2492 The Board meets on April 8th, I believe.

2493

2494 Mr. Emerson - That's correct.

2495

2496 Mr. Leabough - So Mr. Nelson, who's in the back there, will have the
2497 opportunity and the pleasure of hearing your comments and feedback between
2498 now and then. But again, we've been working on this for about six months.
2499 Mr. Theobald submitted something and I responded, and we've sort of gone back
2500 and forth; staff has gone back and forth. So what folks that come to this meeting
2501 don't realize is all of the work that goes in ahead of time. And Ms. Dwyer will
2502 appreciate that, the planning for the community meeting, the back and forth
2503 e-mails. And I will just point out one other thing. Keep in mind that these are
2504 minimum standards; they're not the max. So if the market yields itself to build
2505 something above and beyond in terms of quality, it's just the baseline; it's not the
2506 maximum.

2507

2508 So with that I will move that we waive the time limits for receipt of the proffers
2509 dated March 13, 2014.

2510

2511 Mr. Branin - Second.
2512
2513 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Branin. All in
2514 favor say aye. All opposed say no. The ayes have it; the motion passes.
2515

2516 Mr. Leabough - All right. And I will make another motion to move that
2517 REZ2013-00023, James W. Theobald for Michael D. Sifen, Inc., be forwarded to
2518 the Board of Supervisors with a recommendation for approval subject to
2519 conditions 1 through 29 dated March 13, 2014.
2520

2521 Mr. Branin - Second.
2522

2523 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Branin. All in
2524 favor say aye. All opposed say no. The ayes have it; the motion passes.
2525

2526 **REASON -** Acting on a motion by Mr. Leabough, seconded by
2527 Mr. Branin, the Planning Commission voted 4-0 (one absent, one abstention) to
2528 recommend the Board of Supervisors **grant** the request because it conforms to
2529 the recommendations of the Land Use Plan and the proffered conditions will
2530 assure a level of development otherwise not possible.
2531

2532 **(Deferred from the February 17, 2014 Meeting)**

2533 **REZ2013-00015 dAb Engineering Services for Kain Road, Inc.:**
2534 Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family
2535 Residence District (Conditional) Parcel 738-767-2794 containing 7.45 acres
2536 located on the north line of Kain Road approximately 1,100' west of its
2537 intersection with Pouncey Tract Road (State Route 271). The applicant proposes
2538 a single-family residential development not to exceed 18 units. The R-3 District
2539 allows a minimum lot size of 11,000 square feet and a maximum gross density of
2540 3.96 units per acre. The use will be controlled by proffered conditions and zoning
2541 ordinance regulations. The 2026 Comprehensive Plan recommends Suburban
2542 Mixed-Use. The staff report will be presented by Mr. Ben Sehl.
2543

2544 Mr. Leabough - Good evening, Mr. Sehl. Is there anyone here in
2545 opposition to REZ2013-00015, dAb Engineering Services for Kain Road, Inc.? It
2546 looks like we do. Please keep in mind—I will point out that we have a time
2547 limitation of ten minutes and that's a cumulative total for those of you all that plan
2548 to speak. I just want to make sure you're aware of that. Mr. Sehl.
2549

2550 Mr. Sehl - Thank you, Mr. Chairman.
2551

2552 The applicant proposes to develop the seven-and-a-half-acre subject site,
2553 currently improved with a home and associated outbuilding, into an eighteen-lot
2554 subdivision. The site, as seen on this aerial photograph, has extensive frontage
2555 on Kain Road, as well as a small pond that is intended to remain at this location.
2556

2557 The applicant has proffered this concept plan, showing how the site would be
2558 developed. The plan indicates two roads would serve the eighteen proposed lots,
2559 both of which would stub into the northern property line providing future access to
2560 the north should those properties redevelop in the future. Other major proffers
2561 submitted by the applicant commit to the following:

- 2562
- 2563 • Minimum finished floor area of 2,500 square feet;
- 2564 • Exterior materials would consist of brick, stone, or HardiPlank, with at
2565 least twelve of the homes having 60 percent brick or stone fronts, with
2566 the remaining six homes having at least 40 percent brick or stone on
2567 the front elevation;
- 2568 • Two-car garages would be provided for each home and would be
2569 either recessed or side-or rear-loaded;
- 2570 • A sidewalk would be provided on one side of each interior street, as
2571 well as along Kain Road;
- 2572 • A landscaped buffer would be provided along Kain Road; and,
- 2573 • Front and side yards would be sodded and irrigated.
- 2574

2575 The 2026 Comprehensive Plan recommends suburban mixed use for the subject
2576 site. Single-family residential development is an appropriate use for these areas.
2577 While staff would support a more comprehensive development in this area
2578 incorporating additional property, the applicant has indicated adjacent property
2579 owners are not interested in developing their properties at this time. Additionally,
2580 the stub roads provided by the applicant would provide for an interconnected
2581 road network should those properties develop in the future.

2582

2583 The applicant held a community meeting on March 10 and has addressed staff's
2584 concerns as described in the staff report. The proposed use and density of 2.42
2585 units per acre is consistent with the suburban mixed-use designation in the 2026
2586 Comprehensive Plan, and the submitted proffers continue the high level of quality
2587 demonstrated in other similar requests in the immediate vicinity. For these
2588 reasons, staff believes this request is appropriate and recommends it be
2589 approved.

2590

2591 I'd be happy to try to answer any questions you may have.

2592

2593 Mr. Leabough - Any questions from the Commission for Mr. Sehl? All
2594 right.

2595

2596 Mr. Branin - Having none for Mr. Sehl, I'd like to hear from the
2597 opposition first, please.

2598

2599 Ms. Sandvig - My name is Bobbie Sandvig. I live a 12201 Kain
2600 Road. I'm going to speak on the safety of this street. In 20 2 09 [sic] when you
2601 did this Kain Road was two lanes, no shoulder, forty miles an hour, and it still is.
2602 Forty miles an hour, no shoulders. And if I could get someone to show these on

2603 the screen. I've had my mailboxes run over three times by cars. The last time
2604 was two months ago. If I'd been out there getting my newspaper I wouldn't be
2605 standing here today. The police came out and they wrote up a ticket for the
2606 person.

2607
2608 It's a very fast-moving road so, let's see—so it's a very unsafe road. And when
2609 you said you had a comprehensive plan you—in the plan it says the developer
2610 will have features that provide a safe pedestrian environment. I can't walk to get
2611 my newspaper without something like this. And you're talking about straight
2612 across the street is where these eighteen homes are going. Right across the
2613 street from these mailboxes. If you're going to put a sidewalk in, you're going to
2614 take up some of his land, and then the cars are going to come closer to me. I've
2615 already moved my mailboxes in, as you can see, three more feet. You can't
2616 come any closer because the mailman won't do it, you know.

2617
2618 The other problem is the traffic is very dangerous. There are two people in this
2619 room now that have been hit, one turning on Pouncey Tract onto Kain Road and
2620 one at the Walmart. The traffic is atrocious. And the next piece of paper will show
2621 you that we don't have a—this is showing where the County has a traffic problem
2622 up at Brookriver Road. You guys know this if you're been out on Kain Road. If
2623 you haven't been on Kain Road, before you approve this please come to Kain
2624 Road. Please come to Kain Road; our families are in danger. Eighteen houses
2625 are too many. And you're going to be responsible if you put eighteen houses on
2626 there for my children who can't ride their bikes on Kain Road. They can't do it
2627 now. We can't. We have to put a bike in a car and drive somewhere to ride our
2628 bikes. So when you're talking about putting eighteen homes across the street
2629 from where we are now—I don't mind ten. But eighteen? Somebody who wants
2630 some money, don't do it that way. Don't do it, please.

2631
2632 There is no light up at the top of the hill. There is no turning lane. So when you
2633 turn—the next paper, I called the state numerous times, and they tell me this is
2634 how many accidents have been on that corner. Fourteen accidents when you
2635 turn onto Kain Road. And you're going to put eighteen more houses there? I'm
2636 sorry.

2637
2638 Wetlands. When I came before the Board years ago, you fought me tooth and
2639 nail about wetlands. There are wetlands over there. The next picture will show
2640 you. My property gets flooded every time that there's water or rain. Look, this is
2641 my property. This is what's coming from that pond over there. So you're going to
2642 put eighteen more houses and more stuff? My driveway gets flooded.

2643
2644 And on the Comprehensive Plan, you might have said you could have this many
2645 houses. It's too many houses to accommodate Kain Road. You can't even dig a
2646 hole in Kain Road, you know. Come to Kain Road before you pass it. I ask you
2647 please, please, do not accept this proposal tonight. Someone bought the land,

2648 didn't realize that it was not meant for eighteen houses. I'm not fighting him
2649 building houses on Kain Road; I'm fighting eighteen homes.

2650

2651 Mr. Leabough - Ma'am, I'm sorry to interrupt you. There's a ten-
2652 minute total for all speakers, and you've taken three minutes.

2653

2654 Ms. Sandvig - I appreciate that.

2655

2656 Mr. Leabough - I just wanted to do a quick time check.

2657

2658 Ms. Sandvig - I appreciate that, and I'm going to let you go now. But
2659 I'm begging you, please, my children's safety, please. There's not enough
2660 traffic [sic]. That road cannot handle it.

2661

2662 Mr. Leabough - Thank you.

2663

2664 Ms. Sandvig - You're educated now; please take advantage of it.

2665

2666 Mr. Sammons - Hi. My name is John Sammons and I live directly west
2667 of this proposal at 12220 Kain Road.

2668

2669 Mr. Branin - Hold on. Mr. Sehl, can you pull up the—

2670

2671 Mr. Sammons - We all have dreams. The County has a dream
2672 envisioned in the 2026 Plan. And I've very proud and happy to be part of the
2673 County and see the future vision. We also have a dream as a family, and the
2674 neighbors have dreams for their families. We lost a child nine years ago; I have
2675 six other children. My dream was to find a place that we could call home. You
2676 know, part of that involved a move from Indiana down here. We were in two other
2677 homes before we moved into this home four years ago, leasing each along the
2678 way. Really identifying this and knowing this was the right one. The first day we
2679 were in our house my wife said this is the first house I think I can call home
2680 again.

2681

2682 It's a beautiful house, beautiful property, beautiful area. The nature there is
2683 remarkable from box turtles to lizards to two different types of woodpeckers,
2684 owls, even found an eagle on our property on Election Day of all days. So, I
2685 mean, just an amazing place. And I don't want to see that dream for my children
2686 and for my neighbor's children to go away by having eighteen houses—I hate to
2687 use the term, but leapfrog into this area and take away from that community feel
2688 that we have where everybody has some acreage along Kain Road. There are
2689 seven houses I think currently on the north side of Kain Road in this area, and
2690 you're talking about putting eighteen more in? It's gone from seven to twenty-five.
2691 Development to the north of here is not given because there maybe four houses
2692 there.

2693

2694 Mr. Leabough - Sir, I just want to do a quick time check. The
2695 opposition has about four minutes left.
2696

2697 Mr. Sammons - Okay. I see where this could be considered in line
2698 with the vision, but I also see what is there currently is in line with the vision, or if
2699 he wants to put two or three houses is in line with the vision.
2700

2701 Safety is a huge concern. The one other thing I would say is the two entrances to
2702 this proposal are in the valley. Two hundred, three hundred feet each way are
2703 hills. If you're down in that valley you can't see over those hills, so it's an
2704 extremely dangerous situation for eighteen—thirty-six cars coming out daily,
2705 multiple times, to see over those hills. The accidents are going to increase
2706 dramatically.
2707

2708 I'll save time for other people to speak.
2709

2710 Mr. Leabough - Thank you, sir.
2711

2712 Ms. Hamilton - My name is Karen Hamilton for the record. And, of
2713 course, I agree with them about the traffic and the density. But what you don't
2714 realize is that this is not going to happen. The reason we're here tonight and the
2715 reason all this development is happening is because I haven't been diligent
2716 enough in fighting you. I'm not giving up. If you approve this tonight, this is not
2717 over with. This is too much density for Kain Road.
2718

2719 I want to talk about affordable housing and what it means to me. Affordable
2720 housing to me means not having to hook up to public water and sewer, having
2721 my own system and I don't have to pay you every month. Okay. Affordable
2722 housing to me means not having the density and expensive houses where my
2723 property value is raised and I have to pay more taxes. Affordable housing to me
2724 is being able to have woodlands nearby. And by the way, the Fish and Wildlife
2725 Service in 2012 did a survey around the nation. And they found that people who
2726 live near wildlife areas their whole lifestyle is enhanced. It reduces their blood
2727 pressure. It enhances their lives in so many ways. Children who play in green
2728 spaces are more intelligent than children who play on asphalt. And I have more
2729 proof, but I'm going to make this short.
2730

2731 The point is that you're going to destroy the environment, but you're making this
2732 unaffordable for me and you're making this a hazard as far as the road is. I want
2733 a show of hands before I sit down. I wonder how many of you have actually
2734 visited Kain Road. Please raise your hands. How many of you have actually been
2735 on Kain Road?
2736

2737 Mrs. Jones - Of course we've been on Kain Road.
2738

2739 Ms. Hamilton - Okay. How many have you have been to this exact
2740 spot?

2741

2742 Mr. Leabough - Ms. Hamilton?

2743

2744 Ms. Hamilton - I'm entitled to ask you questions, okay?

2745

2746 Mr. Leabough - I just want to make sure others have an opportunity to
2747 speak, so if you could please wrap it up.

2748

2749 Ms. Hamilton - I'm wrapping it up. So I want you to come back. I want
2750 you to consider what you're doing because if you—I'm going to say if you
2751 approve this tonight, this is not over.

2752

2753 Mr. Leabough - Thank you for that. Are there others? Ma'am, before
2754 you speak, it looks like you have about a minute left. I will extend it to give you
2755 three minutes.

2756

2757 Ms. Bartolotta - Okay. I'll make it quick. My name is Charlene and I
2758 live on Kain Road. I've lived there for fifty years.

2759

2760 Mr. Leabough - Charlene? I didn't catch your last name.

2761

2762 Ms. Bartolotta - Oh, Bartolotta. Sorry.

2763

2764 Mr. Leabough - Charlene...

2765

2766 Ms. Bartolotta - Bartolotta.

2767

2768 Mr. Leabough - Bartolotta. Thank you.

2769

2770 Ms. Bartolotta - I've never spoken against any development in Short
2771 Pump before, but I do have a problem with this for the same reasons that the
2772 Sandvigs do. The drainage issues are an extreme problem. We have wetlands
2773 there. Both my properties have damages because of it, problems because of this.
2774 And that will just cause more. And then the safety issues. It's a small road; it
2775 cannot handle that many more homes on it. We already have too much traffic
2776 from the road opening up, and it'll just cause more problems. Thank you.

2777

2778 Mr. Leabough - Thank you. Is there anyone else in opposition?
2779 Ma'am, please come forward. Please state your name for the record. I'll give you
2780 two minutes.

2781

2782 Ms. Powell - I'm Sara Powell. I live on Axe Handle Lane at the end
2783 of Kain Road. I'm going to plead to something else. I've lived out there for thirty-
2784 five years. I moved there because it was in the country, it was woods, it was birds

2785 and animals and space—and we love it. Very few people that move out there
2786 ever leave. They leave because they die; they leave, you know, for a job. But
2787 they don't leave. And if you polled Kain Road and the new subdivisions back in
2788 there at the end, they don't leave. They love it. And we want it to remain the
2789 same.

2790
2791 And I'm going to quote you real fast. This is the Code of Virginia: Comprehensive
2792 Plan.

2793
2794 The comprehensive plan shall be made with the purposes of
2795 guiding and accomplishing a coordinated, adjusted, and
2796 harmonious development of the territory which will in accordance
2797 with present and probable future needs and resources best
2798 promote the health, safety, morals, order, convenience, prosperity,
2799 and general welfare of the inhabitants, including the elderly and
2800 persons with disabilities.

2801
2802 That's the Code of Virginia. And I think when we—we're getting a reputation for
2803 building on every square inch of land, and it's all about developers and it's all
2804 about revenue. And we're over-populated. The Short Pump area is totally over-
2805 populated. And we get a few people coming down our way saying we love this
2806 out here; we didn't know it existed. It's a best-kept secret, and we want to keep it
2807 secret. And we don't want the population blowup out there.

2808
2809 I don't understand. You want this park in this mixed-use, which is becoming the
2810 trend of Henrico. And so I've been told it's the trend of the nation. Well, why can't
2811 we be unique? Even in this mixed use, on the comprehensive plan why can't we
2812 have one street, one road that has right now acre or better lots? I mean they're
2813 all large lots. I mean it was country. People went out there and they stayed.
2814 Figure the size of those lots. They're all over an acre. And people have come out
2815 there on this part of Kain Road and built beautiful homes. And they've got space,
2816 and they've got—I don't know how many acres they've got, but they've got
2817 probably three or four acres, maybe two, but definitely over one. And why can't
2818 we just make Kain Road a unique road in the County? Just leave it alone. If they
2819 want to subdivide that piece of property, it's only 7.46 acres, make them large
2820 lots. Have four houses. They could put 4 million dollar houses on them if they
2821 wanted to. But don't drive us crazy with two more streets coming into Kain Road,
2822 which Kain Road can't handle. Just leave us alone to have—call it the—what's
2823 the street in San Francisco that that "S" curves all the way down? You know,
2824 nobody decided that shouldn't be there. They made it and worked with it.

2825
2826 Mr. Leabough - Ma'am, I hate to cut you off.

2827
2828 Ms. Powell - That's one unique—

2829

2830 Mr. Leabough - I just ask that you wrap up because we're pushing
2831 fifteen minutes now.
2832
2833 Ms. Powell - I think we could be a unique county in that we don't
2834 have to follow the trends. We've already got a city within Short Pump that I call
2835 the warehouse district because to me that's what it looks like. They put that in the
2836 middle of Short Pump where we could have a nice subdivision. But no, that's the
2837 trend. So please, please think seriously about it. Make us unique; don't force us
2838 to be like every other city in the nation. And I appreciate it. Thank you.
2839
2840 Mr. Leabough - Thank you, ma'am. Would you like to hear from the
2841 applicant or staff?
2842
2843 Mr. Branin - I'd like to talk to Traffic, please.
2844
2845 Mr. Leabough - Mr. Cejka? I think there are some traffic questions
2846 Mr. Branin would like you to address.
2847
2848 Mr. Cejka - Good evening.
2849
2850 Mr. Leabough - Just state your name for the record.
2851
2852 Mr. Cejka - John Cejka, traffic engineer.
2853
2854 Mr. Leabough - Thank you.
2855
2856 Mr. Branin - Good evening, John. How are you?
2857
2858 Mr. Cejka - I'm doing just fine.
2859
2860 Mr. Branin - Kain Road is a narrow road. The questions and the
2861 comments from everyone that's come down have been road safety and traffic.
2862 Can you comment first on the width of Kain Road?
2863
2864 Mr. Cejka - The current width at several areas I measured is
2865 twenty feet wide. The area where this parcel is will be widened to forty feet
2866 total—well twenty feet from the center line so it would be an additional ten feet on
2867 their parcel.
2868
2869 Mr. Kaechele - Is there a timing for that improvement?
2870
2871 Mr. Cejka - I believe it will be with the development.
2872
2873 [Overlapping conversation.]
2874
2875 Mr. Branin - Correct.

2876
2877 Mr. Kaechele - That's dedication of land.
2878
2879 Mr. Cejka - Yes sir.
2880
2881 Mr. Branin - Dedication and construction.
2882
2883 Mr. Cejka - Dedicate the right-of-way and widen the road.
2884
2885 Mr. Kaechele - Yes, okay. But for the rest of it between Pouncey
2886 Tract and North Gayton, that's in the plan somewhere. Or were you waiting for
2887 that to develop?
2888
2889 Mr. Cejka - I do not have the answer to that, sir. But yes—
2890
2891 Mr. Branin - So where this development's going it will be widened.
2892
2893 Mr. Cejka - Correct.
2894
2895 Mr. Branin - Up at North Gayton where the construction took place
2896 it, of course, has been widened with I believe a turn lane. What is the width from
2897 Pouncey Tract to where this proposed subdivision will be?
2898
2899 Mr. Cejka - This section of Kain Road is 3200 feet long. I did not
2900 measure to the driveway. But I do know from the eastern road of the two of them
2901 it's 600 feet from that curve.
2902
2903 Mr. Branin - Okay. And what is the width there of Kain?
2904
2905 Mr. Cejka - In the curve? It's twenty feet.
2906
2907 Mr. Branin - Twenty feet. Okay. Traffic count with this quantity of
2908 houses would be?
2909
2910 Mr. Cejka - Roughly 215 vehicles per day.
2911
2912 Mr. Branin - Two hundred and fifteen vehicles a day. And do you
2913 have a count on what the current count is?
2914
2915 Mr. Cejka - The last count I had was in 2012 and it was 700
2916 vehicles on this section of Kain Road.
2917
2918 Mr. Branin - Seven hundred.
2919
2920 Mr. Cejka - Correct.
2921

2922 Mr. Branin - So we're getting close to double. Well, putting a
2923 quarter more on.
2924
2925 Mr. Cejka - Yes.
2926
2927 Mr. Branin - And is it the County's opinion that Kain Road through
2928 this section can handle that.
2929
2930 Mr. Cejka - Yes sir.
2931
2932 Mr. Branin - Okay. Can I make a request?
2933
2934 Mr. Cejka - Sure.
2935
2936 Mr. Branin - Just for the sake of the Board in the future as this
2937 case moves forward with whatever the recommendation is, can we have a traffic
2938 study done both ways, from Pouncey Tract to where this subdivision would be
2939 and from North Gayton to where the subdivision would be?
2940
2941 Mr. Cejka - Yes.
2942
2943 Mr. Branin - Two separate so we know the traffic motion currently.
2944
2945 Mr. Cejka - Yes sir.
2946
2947 Mr. Branin - Thank you.
2948
2949 Mr. Cejka - We'll get that done in the next week.
2950
2951 Mrs. Jones - May I ask a traffic question as well if you're finished?
2952
2953 Mr. Branin - Sure.
2954
2955 Mrs. Jones - Good evening.
2956
2957 Mr. Cejka - Good evening.
2958
2959 Mrs. Jones - Two things that were mentioned by the neighbors who
2960 spoke that I'd like you to speak to—well actually one that was mentioned. The
2961 two entrances to this proposal are at the bottom of an incline and therefore
2962 dangerous because of the sightlines, folks not being able to see people slowing
2963 down to make the turns into the subdivision as they come over the crest of the
2964 ridges that are higher than where these roads are. I'd like you to comment on
2965 that and why that is or is not an issue. And secondly, from my experience on
2966 Kain Road it isn't so much just the width of the road, it's the deep ditches that

2967 comprise the shoulders. So I'd like you to describe the shoulders of Kain Road in
2968 case I'm not remembering this correctly.

2969

2970 Mr. Cejka - Each street that intersects Kain Road will have to
2971 have adequate sight distance. If we can't see safety to get out of the street then
2972 that road will have to be shifted so that we do have adequate sight distance,
2973 whether it's a horizontal curve or vertical.

2974

2975 Mrs. Jones - Can you tell me now whether these two have
2976 adequate sight distance?

2977

2978 Mr. Cejka - I wouldn't know because I don't know with the trees,
2979 exactly where the roadways are. But they will have to show it when they—when
2980 they come in with the plans of development they'll have to show the sightlines
2981 and they'll have to be cleared of trees and bushes so that they can actually see
2982 vehicles coming.

2983

2984 Mrs. Jones - Even if there aren't any trees in the way, there could
2985 be situations where the ridges are high enough that they pose a difficulty,
2986 correct?

2987

2988 Mr. Cejka - Right. If you can't see safely then we will not
2989 recommend those streets being placed in this location.

2990

2991 Mrs. Jones - Okay.

2992

2993 Mr. Cejka - I don't have a survey of elevations of where the curve
2994 the hills are and so forth in relation to the two access points.

2995

2996 Mrs. Jones - And how about the shoulders?

2997

2998 Mr. Cejka - The shoulders are very small in width. Some would
2999 say non-existent. There are ditches are either side. Mailboxes are in close
3000 proximity to the roadway.

3001

3002 Mrs. Jones - Okay. My memory is accurate. Okay. Thank you.

3003

3004 Mr. Leabough - Are there other questions for Mr. Cejka?

3005

3006 Mr. Branin - I have no more for him.

3007

3008 Mr. Leabough - How would you like to proceed, Mr. Branin?

3009

3010 Mr. Branin - Let's hear from the applicant.

3011

3012 Mr. Leabough - Will the applicant please come forward and state your
3013 name for the record?

3014
3015 Mr. Borden - Good evening gentlemen, ma'am. My name is Todd
3016 Borden. I'm with dAb Engineering Services. I am representing the applicant, Kain
3017 Road Incorporated.

3018
3019 First I'd like to say that I do remember—I've been in Richmond for twenty,
3020 twenty-five years, and I do remember when Broad Street was only two lanes, and
3021 there was an auto supply store with an airplane sticking out of it. I have seen
3022 quite a few changes in my time here. I understand that people who have lived
3023 here a long time don't like those changes, and I can understand that. However,
3024 the nature of the County—the comprehensive plan has rezoned this—has
3025 suggested this entire area be zoned for single-family mixed-use housing. The
3026 development that we're proposing is consistent with the comprehensive plan as
3027 well as the nearby Twin Hickory. The back of it is being developed on the other
3028 side of Kain Road less than a quarter of mile from the subject property. We're
3029 less than a mile, as the bird flies, from Short Pump Town Center. Across
3030 Pouncey Tract we have Twin Hickory. That's the quality of the housing that we're
3031 trying to accomplish here.

3032
3033 According to the mixed-use zoning, we should be able to obtain almost four units
3034 per acre, but we're only proposing two and a half units per acre. Again, we're
3035 looking to develop larger homes with that. We don't have a firm buyer for the lots.
3036 We've talked with a couple different housing providers, but we're looking in the
3037 350 to 500,000 dollar range. Again, similar to the single-family portion of the
3038 Bacova development or the Twin Hickory development.

3039
3040 I do want to speak a little bit to the traffic. Typically, the way that the traffic
3041 studies are done they don't get into that until we go for the conditional
3042 subdivision. At that point we'll do the surveying along the road and provide sight
3043 distance, demonstrate adequate sight distance along Kain Road from our
3044 entrances. I understand what they're saying about the vertical curvature of the
3045 road. Again, what we'll have to demonstrate when we get to the conditional
3046 phase is that there is adequate sight distance along those roads.

3047
3048 I want to speak also to the drainage issue that they raised. The pond that's out
3049 there is an old farm pond. It wasn't specifically designed for drainage purposes. It
3050 was just to hold water for livestock or whatever, fish, whatever was out there.
3051 Whatever runoff comes into the pond goes directly out of the pond. When we do
3052 our development, we'll be re-grading the pond and providing a much better riser
3053 structure. And probably will be—well I say with certainty that we'll be limiting the
3054 outflow coming out of that making it better than what's already there.

3055
3056 We will be improving the shoulder along our portion of the road and providing a
3057 sidewalk along our portion of the road. We expect that with any future

3058 development they will also be providing sidewalk and widening to make that
3059 connection safer. I also understand that this is an older road that wasn't really
3060 intended to be posted at forty miles an hour. I would certainly be amenable to—
3061 as part of the traffic study—at least temporarily reducing the speed limit through
3062 there to even twenty-five miles an hour until such point as the road is improved,
3063 in particular that curve that's between us and Pouncey Tract—I think it's 600 feet
3064 away—until that curve is flattened out.

3065

3066 Do you have any questions for me?

3067

3068 Mr. Leabough - Are there questions for Mr. Borden?

3069

3070 Mr. Branin - Yes, I did, and he addressed it. I'm sorry I didn't get
3071 your name. You said it real quick and then we went into the photos. So I
3072 apologize.

3073

3074 Ms. Sandvig - [Off microphone.] It's Bobbie Sandvig.

3075

3076 Mr. Branin - Sandvig. Ms. Sandvig has what you saw—legitimate
3077 true storm water issues. This pond—where are you going to be discharging the
3078 storm water with the new BMP?

3079

3080 Mr. Borden - I'm sorry?

3081

3082 Mr. Branin - Where will the new BMP be discharging?

3083

3084 Mr. Borden - It'll be discharging under Kain Road and onto the
3085 property. It's going in the same direction, but when we take and build the pond
3086 it'll detain the water and release it at a much slower rate.

3087

3088 Mr. Branin - And what will that be based on, what storm?

3089

3090 Mr. Borden - The state requires two- and ten-year storms.

3091

3092 Mr. Branin - Okay. When you do this, I would hope that you
3093 would—because of the existing issue now—look at possibly a 50- to 100-year
3094 storm capacity. Ms. Sandvig, the reason why I ask that is right now the pond is—
3095 it's a farm pond so there are no calculations, no engineering behind it. The state
3096 standards would provide for a five to ten. If they up it to a fifty or a hundred, it's
3097 going to take one heck of a hurricane to do what is currently happening at your
3098 house. That would be making a little bit larger diameter, dimensions, and a little
3099 bit deeper with a higher riser. So that could pretty much ensure that your property
3100 would have greatly reduced opportunities to be flooded.

3101

3102 Ms. Sandvig - [Off microphone.] But the road dips there.

3103

3104 Mr. Branin - It's irrelevant, ma'am. With the pond construction, it's
3105 irrelevant what the dip of the road would be. It has nothing to do with it. Okay. I
3106 think by moving the standard up on the storm water years and the construction of
3107 it, it would address your flooding.
3108
3109 Ms. Sandvig - [Off microphone.] With eighteen houses—
3110
3111 Mr. Leabough - Ma'am, would you please come—
3112
3113 Mr. Branin - It would be calculated to take 100 percent of that
3114 storm water into the pond, which that pond can't control what's currently there.
3115 So if it's developed and designed to a 50- to 100-year storm, they have to by law
3116 account for all of that now not being permeable but impermeable with rooftops
3117 and so forth. By doing that calculation and increasing it to a fifty, it's going to
3118 reduce any chance greatly. Okay?
3119
3120 Mr. Leabough - Are there other questions from the Commission?
3121 That's it.
3122
3123 Mr. Branin - Mr. Chairman, as we move forward with properties on
3124 Kain Road and in the far West End, we're going to have infill. And as we move
3125 forward, a lot of the issues that are currently there we can begin to address. With
3126 my recommendation to the Board, and with the traffic study, and with a better
3127 design of storm water issues, I believe that I can move this case forward to the
3128 Board. So I'd like to make my recommendation that REZ2013-00015, dAb
3129 Engineering Services for Kain Road, Inc., move forward to the Board with a
3130 recommendation for approval with a case study provided—I mean with a study
3131 provided of traffic and a design of storm water.
3132
3133 Mr. Witte - Second.
3134
3135 Mr. Leabough - Motion by Mr. Branin, second by Mr. Witte. All in favor
3136 say aye. All opposed say no. The ayes have it; the motion passes.
3137
3138 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
3139 Witte, the Planning Commission voted 4-0 (one absent, one abstention) to
3140 recommend the Board of Supervisors grant the request because it would permit
3141 development of the land for residential use in an appropriate manner and the
3142 proffered conditions will provide appropriate quality assurances not otherwise
3143 available.
3144
3145 Mr. Emerson - Mr. Chairman, we now move to page four of your
3146 agenda, and I'm going to call the next two cases together because they are
3147 companion cases. They will require separate motions.
3148

3149 **REZ2014-00013** **Alan Ripley for Lexington Commons Richmond,**
3150 **VA L.P.:** Request to conditionally rezone from B-1C Business District
3151 (Conditional), B-2C Business District (Conditional), and O-2C Office District
3152 (Conditional) to B-2C Business District (Conditional) Parcel 750-760-8220
3153 containing 2.676 acres located in the northeast quadrant of the intersection of W.
3154 Broad Street (U.S. Route 250) and Lexington Farm Drive. The applicant
3155 proposes outdoor dining and retail uses. The uses will be controlled by zoning
3156 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
3157 recommends Commercial Arterial.

3158
3159 **PUP2014-00011** **Alan Ripley for Lexington Commons Richmond,**
3160 **VA L.P.:** Request for a Provisional Use Permit under Sections 24-58.2(d), 24-
3161 120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor
3162 dining for an existing restaurant on part of Parcel 750-760-8220 located in the
3163 northeast quadrant of the intersection of W. Broad Street (U.S. Route 250) and
3164 Lexington Farm Drive. The existing zoning is B-1C Business District
3165 (Conditional), B-2C Business District (Conditional), and O-2C Office District
3166 (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial.
3167 The staff report will be presented by Mr. Ben Sehl.

3168
3169 Mr. Leabough - Mr. Secretary, I believe we did have opposition, but I
3170 will confirm that. Do we have opposition to REZ2014-00013, Alan Ripley for
3171 Lexington Commons Richmond, VA L.P. and PUP2014-00011, Alan Ripley for
3172 Lexington Commons Richmond, VA L.P.? Yes we do. Mr. Sehl.

3173
3174 Mr. Sehl - Thank you, Mr. Chairman.

3175
3176 As Mr. Emerson stated, the rezoning request is a request to rezone
3177 approximately 2.7 acres from a mixture of business and office districts to all B-2
3178 to allow a restaurant with outdoor dining and continued retail uses. Companion
3179 case PUP2014-00011 has also been submitted because a Provisional Use
3180 Permit is necessary for outdoor dining. The companion case will be presented
3181 following the presentation of this rezoning request.

3182
3183 The subject property is the Lexington Commons retail center located at the
3184 intersection of Lexington Farm Drive and West Broad Street. The one-story
3185 building is approximately 22,000 square feet in size and was approved and
3186 constructed via POD-26-89. The site is currently governed by proffers accepted
3187 with rezoning cases C-14C-92 and C-3C-89. The applicant has submitted
3188 proffers that carry forward the applicable proffers from these two cases which
3189 address access, lighting, and exterior building materials.

3190
3191 In addition, the applicant has also submitted proffers prohibiting uses that may be
3192 too intensive or inappropriate for the site including adult businesses, funeral
3193 homes/mortuaries, car washes, and establishments whose primary business is
3194 check cashing or the making of payday loans.

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The 2026 Comprehensive Plan's recommendation for the site is commercial arterial. The requested zoning and uses are consistent with this designation. Staff believes this request could be appropriate given the surrounding commercial and office developments in addition to its location on West Broad Street, which is designated as a major arterial on the County's Major Thoroughfare Plan. For these reasons staff does support the rezoning request as presented.

With regards to companion case, PUP2014-00011, this provisional use permit request would allow an existing restaurant, Pho Saigon, located in the Lexington Commons retail center, to operate a proposed outdoor dining area. The restaurant is in the northern-most tenant space of the retail center. The proposed outdoor dining area would be approximately 265 square feet in size and would be constructed in front of the restaurant along the western exterior wall. I will note that conditions were handed out at the beginning of the meeting that do show some slight changes, so please remember those.

Approval of a provisional use permit is required before the restaurant can provide table service and serve alcohol in the dining area outside the restaurant. Public access to the dining area would be from the interior of the restaurant. Staff has included Condition #7 regarding access to address this concern. To regulate outdoor speakers, staff also recommends Condition #3 which prohibits speakers being audible beyond the property lines of the development. Staff does note that Condition 14, which would required an administrative site plan be submitted to the Planning Department prior to construction be removed if the Planning Commission deems it appropriate. The revised conditions were distributed to you earlier, and staff believes this issue can be addressed through the building permit process.

The 2026 Comprehensive Plan designates this area as commercial arterial, as I stated, and the proposed outdoor dining area is consistent with this designation and the business zoning in the area. For this reason, staff supports the PUP request as well and recommends it be approved.

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

Mr. Leabough - Questions for Mr. Sehl?

Mr. Branin - I have none for Mr. Sehl. I'd like to hear from opposition.

Mr. Leabough - Would the opposition please come forward.

Ms. Hamilton - For the record, my name is Karen Hamilton. I'm opposed to more restaurants just because we have enough restaurants right

3241 now. What you're doing is you're creating a situation with retail and restaurants
3242 that everyone is just barely surviving. Every additional retailer that you allow and
3243 every additional store that you allow means a smaller piece of the pie for those
3244 people who were already out there. And now I'm opposed to restaurants
3245 especially because Henrico gets an extra tax for that. So I don't want you having
3246 any more restaurants.

3247
3248 Mr. Branin - Ms. Hamilton, you are aware—

3249
3250 Ms. Hamilton - And just so you know—

3251
3252
3253 Mr. Branin - Ms. Hamilton, you are aware that this is currently a
3254 restaurant, are you not?

3255
3256 Ms. Hamilton - No I wasn't aware of that.

3257
3258 Mr. Branin - Okay. Well this is currently a restaurant and it's just
3259 changing ownership, and we have to extend the PUP. So I don't understand your
3260 opposition to an existing restaurant being a restaurant.

3261
3262 Ms. Hamilton - Okay. Well, then I'm just opposed in general to the
3263 fact—

3264
3265 Mr. Branin - To everything.

3266
3267 Ms. Hamilton - To pretty much everything you do.

3268
3269 Mr. Branin - Thank you, ma'am.

3270
3271 Mr. Leabough - Thank you, Ms. Hamilton.

3272
3273 Mr. Branin - Okay. Then, Mr. Chair, I'd like to move that REZ2014-
3274 00013, Alan Ripley for Lexington Commons Richmond, VA L.P., move forward
3275 with a recommendation for approval to the Board.

3276
3277 Mrs. Jones - Second.

3278
3279 Mr. Leabough - We have a motion by Mr. Branin, second by
3280 Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
3281 passes.

3282
3283 **REASON -** Acting on a motion by Mr. Branin, seconded by Mrs.
3284 Jones, the Planning Commission voted 4-0 (one absent, one abstention) to
3285 recommend the Board of Supervisors grant the request because it conforms to
3286 the recommendations of the Land Use Plan, it reflects the existing development

3287 and uses on the site; and the proffered conditions would continue to provide
3288 quality assurances.

3289
3290 Mr. Branin - Mr. Chair, I would like to move that PUP2014-00011,
3291 Alan Ripley for Lexington Commons Richmond, VA L.P., move forward with a
3292 recommendation for approval to the Board.

3293
3294 Mr. Leabough - Second.

3295
3296 Mr. Leabough - Motion by Mr. Branin, second by Mr. Leabough. All in
3297 favor say aye. All opposed say no. The ayes have it; the motion passes.

3298
3299 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
3300 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
3301 recommend the Board of Supervisors **grant** the request because the conditions
3302 should minimize the potential impacts on surrounding land uses and it is
3303 reasonable in light of the surrounding uses and existing zoning on the property.

3304
3305 Mr. Emerson - Mr. Chairman, that now takes you to your next item
3306 on the agenda which also appears on page 4.

3307
3308 **PUP2014-00012 Andrew M. Condlin and Jennifer D. Mullen for**
3309 **Short Pump Medical, LLC:** Request for a Provisional Use Permit under
3310 Sections 24-58.2(h), 24-120 and 24-122.1 of Chapter 24 of the County Code in
3311 order to allow one (1) office building up to eighty (80) feet in height located on
3312 part of Parcels 735-763-9381, 735-764-8708, and Parcel 736-764-1136 located
3313 on the north line of W. Broad Street (U.S. Route 250) approximately 1940' east of
3314 its intersection with N. Gayton Road. The existing zoning is B-2C Business
3315 District (Conditional). The 2026 Comprehensive Plan recommends Commercial
3316 Arterial. The site is located in the West Broad Street Overlay District. The staff
3317 report will be presented by Ms. Rosemary Deemer.

3318
3319 Mr. Leabough - Is there anyone here in opposition to—that's what I
3320 thought—PUP2013-00012? Ms. Deemer, good evening.

3321
3322 Ms. Deemer - Good evening, Mr. Chairman, members of the
3323 Commission.

3324
3325 As the secretary indicated, this is a request for approval of a Provisional Use
3326 Permit (PUP) to allow an eighty-foot-high office building in Towne Center West
3327 Shopping Center. In the B-2 Business District, building height is limited to forty-
3328 five feet without a Provisional Use Permit.

3329
3330 The subject property is comprised of three parcels—the three lower ones here—
3331 containing approximately 7.09 acres, located between West Broad Street and
3332 Towne Center West Boulevard in the Towne Center West Shopping Center. The

3333 applicant is proposing a five-story medical office building and associated parking
3334 on the site, which recently underwent proffer amendments to increase the site
3335 coverage from 70 percent to 83 percent to allow for increased parking.
3336

3337 The 2026 Comprehensive Plan recommends commercial arterial, and the subject
3338 site is in the West Broad Street Overlay District. In keeping with the need to
3339 encourage the infill development of the parcels in Towne Center West, as well as
3340 promote a good mix of uses throughout the overall project and offset the need for
3341 increased development intensity elsewhere, staff recommends approval of this
3342 request with the conditions 1 through 4 in the staff report.
3343

3344 That concludes my presentation, I'd be happy to answer any questions you may
3345 have.
3346

3347 Mr. Leabough - Are there any questions for Ms. Deemer?
3348

3349 Mr. Branin - No.
3350

3351 Mr. Leabough - All right. Thank you ma'am. How would you like to
3352 proceed, Mr. Branin?
3353

3354 Mr. Branin - Well I would definitely like to hear from Mrs. Hamilton,
3355 and I know what she's going to say. And this opposition I can get my arms
3356 around. The last one I was struggling, Ms. Hamilton. So please, help yourself.
3357

3358 Ms. Hamilton - It's Misssss [sic] Hamilton; you said Mrs.
3359

3360 Mr. Branin - I apologize.
3361

3362 Ms. Hamilton - Thank you. Your apology is accepted; don't let it
3363 happen again. Almost nine years of coming here and you don't know that it's
3364 Miss?
3365

3366 Okay, I'm opposed to this because of the fact that it will bring more traffic to Short
3367 Pump and we already have way too much. I'm opposed to it because of the
3368 height, because we have a problem with birds flying into windows already. And I
3369 know you're not going to do anything to stop that because you can't, because
3370 you won't. The Fish and Wildlife Service estimates that about a billion birds die
3371 every year by flying into windows, so yes, I'm concerned about the height of this
3372 building.
3373

3374 I am concerned because I'm sure that you guys did not read the latest report,
3375 which was by the EPA. It's put out every few years. It's called *Buildings and Their*
3376 *Impact on the Environment*.
3377

3378 Mr. Branin - Ms. Hamilton, I'm going to stop you there. Actually, I
3379 have.
3380
3381 Ms. Hamilton - Oh.
3382
3383 Mr. Branin - And I have that report at home.
3384
3385 Ms. Hamilton - I'm impressed. Did the rest of you read the EPA
3386 report? Let's see a show of hands. How many people have read the EPA report,
3387 *Buildings and Their Impacts*—
3388
3389 Mr. Leabough - We're not going to do a question-and-answer. If you
3390 could provide your comments relative to your opposition to the case. Thank you.
3391
3392 Ms. Hamilton - The point is that buildings are not good for the
3393 environment. Even if you don't have trees anymore because you already cut
3394 those down, we still don't need any more buildings. And the traffic that you will
3395 bring out here—the construction traffic alone is bad. But when you built the
3396 Gayton Road Extension, as I keep reminding you, you said it was to alleviate
3397 traffic. It has not done that because you keep adding more and more and more.
3398 More buildings, more everything.
3399
3400 I'm sure that somewhere in Henrico or somewhere in the City of Richmond we
3401 have an empty building that's waiting for these tenants. I'm sure that we have an
3402 empty building already. I'm wondering how many of you—and this is just—that's
3403 not a question; this is just a thought. I just wonder how many of you have stock in
3404 either the car industries or tire industries or vehicles that build—you know, cranes
3405 that build buildings—
3406
3407 Mr. Emerson - Ms. Hamilton, could you keep it to the point—
3408
3409 Ms. Hamilton - I am. I'm wondering because—it doesn't make any
3410 sense, all these buildings out here. We have empty buildings, and you're not
3411 utilizing what we have.
3412
3413 Mr. Emerson - Actually, ma'am, there is a shortage of office space of
3414 this type in this area.
3415
3416 Ms. Hamilton - No, no, you mean right there in Short Pump. I'm
3417 talking about—
3418
3419 Mr. Emerson - No ma'am, I mean in the Innsbrook area.
3420
3421 Ms. Hamilton - Innsbrook, whoopee. I'm talking about Parham Road
3422 and Glenside and beyond. You have killed other areas out. All you do when you
3423 make new buildings is you create blight. So we have a medical building. So

3424 somebody else is going to move from Glenside out here or they're going to move
3425 from the Willow Lawn area out here. All you do is—now we're going to have
3426 more empty buildings, more blight there. You're just creating blight; that's all
3427 you've ever done is create blight, and more traffic, and more pollution in the
3428 environment. And I know how you're going vote when I come here, which is one
3429 reason why I'm nervous. But I'm also nervous because Rosemary Deemer once
3430 threatened my life and said don't mess with me.

3431

3432 Mr. Emerson - Ms. Hamilton, please keep your comments to the
3433 point.

3434

3435 Mr. Leabough - Mr. Branin, the ball is in your court.

3436

3437 Mr. Branin - Well thank you, sir. Mr. Chairman, with excitement
3438 and exhilaration I would like to move that PUP2014-00012, Andrew M. Condlin
3439 and Jennifer D. Mullen for Short Pump Medical, LLC, move forward to the Board
3440 of Supervisors with a recommendation for approval.

3441

3442 Mr. Witte - Second.

3443

3444 Mr. Leabough - We have a motion by Mr. Branin, a second by
3445 Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
3446 passes.

3447

3448 **REASON -** Acting on a motion by Mr. Branin, seconded by Mr.
3449 Witte, the Planning Commission voted 4-0 (one absent, one abstention) to
3450 recommend the Board of Supervisors **grant** the request because it is reasonable
3451 in light of the surrounding uses and existing zoning on the property and the
3452 conditions should minimize the potential impacts on the surrounding land uses in
3453 the area.

3454

3455 Mr. Branin - Mr. Secretary, I think this is prudent—not
3456 prudent [sic]. Normally we go through and we have had conversation about
3457 interruptions and so forth and continuous comments that do not pertain to the
3458 case. We try to restrict comments to be case-specific when we're hearing a case.
3459 There has to be something we can do when someone starts now slandering staff.

3460

3461 Mrs. Jones - Yes. Yes, yes, yes,

3462

3463 Mr. Leabough - It's inappropriate.

3464

3465 Mr. Branin - I would like to make a request of our chairman to
3466 formally request an inquiry go to legal on how we can prevent—we are a fair and
3467 conscientious county. We are a fair and conscientious committee and
3468 commission. We listen to all who come before us. We extend our time. We had a
3469 lengthy discussion today about how we ensure that all citizens speak and we

3470 hear their mind. But when it gets to the point of absurdity and slander, we need to
3471 draw the line. So I am officially requesting that we go to legal and find out how
3472 we prevent this from happening in the future.

3473

3474 Mr. Emerson - Yes sir.

3475

3476 Mrs. Jones - Even if you don't need a second, I second it.

3477

3478 Mr. Leabough - I third. It's inappropriate.

3479

3480 Mr. Emerson - We will move forward and research that.
3481 Mr. Chairman, we now move on to the next case, which is also on page four of
3482 your agenda.

3483

3484 **REZ2014-00014 John J. Hankey III for Mary Chase Eck Layman:**
3485 Request to conditionally rezone from R-3C One-Family Residence District
3486 (Conditional) and A-1 Agricultural District to R-3C One-Family Residence District
3487 (Conditional) part of Parcel 743-756-3353 containing .594 acres located at the
3488 northeast intersection of Bell Tower Lane and Bell Tower Court. The applicant
3489 proposes a residential lot. The use will be controlled by zoning ordinance
3490 regulations and proffered conditions. The 2026 Comprehensive Plan
3491 recommends Suburban Residential 1; density should not exceed 2.4 units per
3492 acre.

3493

3494 Mr. Leabough - Is there anyone here in opposition to REZ2014-
3495 00014, John J. Hankey III for Mary Chase Eck Layman? There is no opposition.
3496 Mr. Sehl.

3497

3498 Mr. Sehl - Thank you, Mr. Chairman.

3499

3500 The subject site is adjacent to the Bell Tower subdivision, which is a single family
3501 community zoned R-3C. This request would permit the incorporation of an
3502 additional lot into Bell Tower in a manner consistent with previous rezoning cases
3503 on adjacent properties.

3504

3505 The proffers are similar to the proffers accepted with Bell Tower and ensure the
3506 proposed lots would be incorporated into the subdivision and its homeowners
3507 association. Other major aspects of the proffers include:

3508

- 3509 • A minimum finished floor of 2,000 square feet;
- 3510 • Exterior walls below the first floor level would be finished with brick,
3511 stone, or Dryvit material;
- 3512 • The aggregate number of lots within the Bell Tower would remain with
3513 the maximum of forty-five units; and
- 3514 • The clearing of mature trees would be limited.

3515

3516 Overall, staff believes this request is appropriate for the site given the 2026
3517 Comprehensive Plan designation of Suburban Residential 1 and the existing
3518 pattern of zoning and development in the area. Therefore, staff recommends
3519 approval of this request. I'd be happy to answer any questions you may have.
3520

3521 Mr. Leabough - Are there any questions from the Commission?
3522

3523 Mr. Branin - Mr. Sehl, from what I can remember when Bell Tower
3524 came in that was back—I have done some work in past years on this, and that
3525 was I believe Mr. Hankey's original house. He retained that extra lot back then
3526 when he drew out with the intent of one day, I believe, splitting it off if he ever
3527 vacated his house. So I have no questions or reservations with this. Does
3528 anyone else?
3529

3530 Mr. Leabough - No sir.
3531

3532 Mr. Branin - My only concern was it that it would become—it
3533 wouldn't be an island out there; it would become part of the Bell Tower
3534 Homeowners Association, which that has been addressed and it will. So
3535 Mr. Chairman, I'd like to move that REZ2014-00014, John J. Hankey III for Mary
3536 Chase Eck Layman, move forward to the Board of Supervisors with a
3537 recommendation for approval.
3538

3539 Mrs. Jones - Second.
3540

3541 Mr. Leabough - Motion by Mr. Branin, second by Mrs. Jones. All in
3542 favor say aye. All opposed say no. The ayes have it; the motion passes.
3543

3544 **REASON -** Acting on a motion by Mr. Branin, seconded by Mrs.
3545 Jones, the Planning Commission voted 4-0 (one absent, one abstention) to
3546 recommend the Board of Supervisors grant the request because it continues a
3547 similar level of single family residential zoning as currently exists in the area and
3548 the proffered conditions would provide for a higher quality of development than
3549 would otherwise be possible.
3550

3551 Mr. Emerson - Mr. Chairman, the next item on your agenda is the
3552 consideration of the approval of the minutes from the Planning Commission
3553 meeting of February 12, 2014 and February 17, 2014. You do have an errata
3554 sheet that contains changes that were received by staff prior to the meeting.
3555

3556 Mr. Leabough - February 12th, correct?
3557

3558 Mr. Emerson - Yes. February 12th and February 17th.
3559

3560 Mrs. Jones - It's dated today because we're hearing it today, but
3561 it's the minutes from last month.

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Mr. Emerson - Yes. The errata sheet says March 13th, but they're for the minutes of the 12th and the 17th.

Mrs. Jones - I move we approve the minutes as corrected.

Mr. Branin - And I would second that.

Mr. Leabough - We have a motion by Mrs. Jones, a second by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

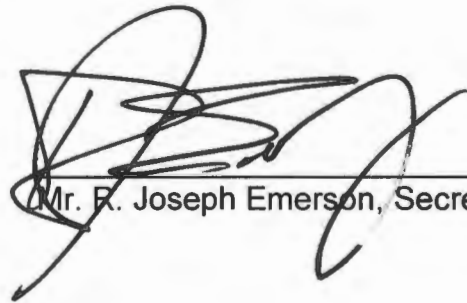
Mr. Secretary, is there any other business?

Mr. Emerson - I have nothing else for the Commission this evening,
Mr. Chair.

Mr. Leabough - All right. I'll entertain a motion for adjournment.

Mrs. Jones - So moved.

Mr. Leabough - This meeting is adjourned.



Mr. R. Joseph Emerson, Secretary



Mr. Eric S. Leabough, Chairman