

1 Minutes of a work session of the Planning Commission of the County of Henrico
2 held in the County Manager's Conference Room, County Administration Building
3 in the Government Center at Parham and Hungary Spring Roads, beginning at
4 5:30 p.m. March 12, 2015.
5

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

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie News, PLA, County Planner
Mr. Livingston Lewis, County Planner
Ms. Erin Puckett, County Planner
Ms. Sylvia Ray, Recording Secretary

6
7 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**
9

10 Mr. Witte - I'd like to call the Henrico Planning Commission to
11 order. This is our March 12, 2015, work session. I'll now turn over the agenda to
12 our secretary, Mr. Joe Emerson
13

14 Mr. Emerson - Thank you, Mr. Chairman.
15

16 The Commission convened a work session in the County Manager's Conference
17 Room at 5:30 p.m., as part of an ongoing informational series held over the last
18 few months.
19

20 Mr. Emerson introduced Laura Lafayette, CEO, Richmond Association of
21 Realtors who provided a PowerPoint presentation on the Henrico Housing
22 Market.
23

24 The question and discussion period covered topics ranging from: factors affecting
25 the average sales price among counties, balancing quality and affordability, and
26 how the choice of materials and their durability impacts the maintenance and
27 upkeep of same.
28

29 The Planning Commission recessed the work session at 6:11 p.m.

30 **THE PLANNING COMMISSION RECONVENED AT 7:04 P.M. FOLLOWING A**
31 **WORK SESSION.**

32
33 Minutes of a work session and the regular monthly meeting of the Planning
34 Commission of the County of Henrico held in the County Administration Building
35 in the Government Center at Parham and Hungary Spring Roads, beginning at
36 7:00 p.m. March 12, 2015. Display Notice having been published in the
37 Richmond Times-Dispatch on February 23, 2015 and March 2, 2015.

38
Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

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

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie News, PLA, Principal Planner
Ms. Rosemary D. Deemer, AICP, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Christina Goggin, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. William Moffett, County Planner
Ms. Sylvia Ray, Recording Secretary

39
40 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
41 **on all cases unless otherwise noted.**

42
43 Mr. Witte - I'd like to welcome everyone to our March 12,
44 2015, Zoning and Provisional Use Permit meeting. I ask that you turn off or
45 silence your cell phones. And while you're doing that, please stand with us for the
46 Pledge of Allegiance.

47
48 We have a quorum. We have one member absent; Mr. Archer couldn't be with us
49 tonight. We have Mrs. O'Bannon with us. She's our representative from the
50 Board of Supervisors this year, and she'll be abstaining from any voting that goes
51 to the Board. Thank you, Ms. O'Bannon.

52
53 With that, I'd like to turn the meeting over to our secretary, Mr. Emerson.
54

55 Mr. Emerson - Thank you, Mr. Chairman. I would note that we did
56 begin at 5:30 this evening with a work session. The Planning Commission
57 received a presentation from Laura Lafayette, who is the CEO of the Richmond
58 Association of Realtors, regarding the housing market in Henrico County. With
59 that said, Mr. Chairman, we also, I believe, have the news media with us to be
60 recognized. Mr. Strong.

61
62 Mr. Witte - Mr. Strong, thank you for being here. Any other media
63 in the room? I see none.

64
65 Mr. Emerson - Mr. Chairman, we now move to the requests for
66 withdrawals and deferrals. Those will be presented by Mr. Jim Strauss.

67
68 Mr. Strauss - Thank you, Mr. Secretary. Mr. Chairman, staff is
69 aware of three deferrals requested this evening. The first one is in the Varina
70 District on page 1 of the agenda. It's POD2014-00175, Felts & Kilpatrick
71 Construction Company and Twin Rivers Capital, LLC. I believe the Commission
72 proposes to defer this to the May 14th meeting, if I'm not mistaken.

73
74 *(Deferred from the February 25, 2015 Meeting)*

75 **PLAN OF DEVELOPMENT**

76

POD2014-00175 Family Dollar at 1276 New Market Road - New Market Road (State Route 5)	Balzer and Associates, Inc. for Felts & Kilpatrick Construction Company, Inc. and Twin Rivers Capital, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,770 square-foot retail store. The 2.50-acre site is located at the southeast corner of the intersection of New Market Road (State Route 5) and North James Estates Drive, on parcels 802- 702-9916, 802-702-8535, 802-702-8929, and 803-702- 1005. The zoning is B-1C, Business District (Conditional). County water and sewer. (Varina)
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77

78 Mr. Witte - Is there anyone in opposition to the deferral of
79 POD2014-00175, Family Dollar at 1276 New Market Road?

80

81 Mr. Leabough - There is no opposition. Oh, I'm sorry.

82

83 Mr. Witte - I see one.

84

85 Mr. Condlin - Yes sir. Thank you. I know it's a little out of order
86 usually. My name is Andy Condlin. I'm here on behalf of the applicant, Twin
87 Rivers Capital. I have submitted a letter to the County, and we understand the
88 need for this deferral. But for the record, I want to state on behalf of the applicant
89 we believe the POD is, in fact, ready to be heard this evening as we've met all

90 County and state code requirements and jurisdictional prerequisites. And we'd
91 ask that it be heard tonight. And we'd like to note our objection for the record.

92
93 Mr. Leabough - Okay, thank you, sir.

94
95 Mr. Condlin - Yes sir.

96
97 Mr. Witte - All right, Mr. Leabough.

98
99 Mr. Leabough - Yes. With that, I'd like to move that POD2014-00175,
100 Family Dollar at 1276 New Market Road, be deferred at the Commission's
101 request to the May 14, 2015 meeting.

102
103 Mr. Branin - Second.

104
105 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.
106 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
107 passes.

108
109 At the request of the Commission, the Planning Commission deferred POD2014-
110 00175, Family Dollar at 1276 New Market Road, to its meeting on May 14, 2015.

111
112 Mr. Strauss - The second request for deferral this evening is in the
113 Brookland District, page 4 of the agenda. It's REZ2014-00050, RCS
114 Development Corporation. The applicant is requesting deferral to the April 9,
115 2015 meeting.

116
117 **REZ2014-00050 R. Christian Sowers for RCS Development**
118 **Corporation:** Request to conditionally rezone from [R-6C] General Residence
119 District (Conditional) and R-2 One-Family Residence District to RTHC
120 Residential Townhouse District (Conditional) Parcels 768-760-1507, 768-759-
121 3393 and 767-760-8701 containing 5.432 acres located on the east line of
122 Hungary Spring Road between Hungary Road and Old Route 33. The applicant
123 proposes a residential townhouse development of no more than 30 units. The
124 RTH District allows a maximum density of nine (9) units per acre. The use will be
125 controlled by proffered conditions and zoning ordinance regulations. The 2026
126 Comprehensive Plan recommends Suburban Residential 2, density should not
127 exceed 3.4 units per acre.

128
129 Mr. Witte - Do we have anyone in opposition to REZ2014-00050,
130 R. Christian Sowers for RCS Development Corporation? I see none. In that case,
131 I move that REZ2014-00050, R. Christian Sowers for RCS Development
132 Corporation, be deferred to the April 9, 2015 meeting.

133
134 Mr. Leabough - Second.

135

136 Mr. Witte - We have a motion by Mr. Witte, a second by Mr.
137 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
138 passes.

139
140 At the request of the applicant, the Planning Commission deferred REZ2014-
141 00050, R. Christian Sowers for RCS Development Corporation, to its meeting on
142 April 9, 2015.

143
144 Mr. Strauss - The third request for deferral this evening is in the
145 Varina District. It's on page 5 of the agenda, REZ2014-00040. That's Antioch
146 Plan Developers, LLC, and the applicant is requesting deferral to the April 9,
147 2015 meeting.

148
149 **REZ2014-00040 Steve Smith for Antioch Plan Developers, LLC:**
150 Request to conditionally rezone from A-1 Agricultural District to R-6C General
151 Residence District (Conditional) part of Parcel 848-710-9248 containing 8.33
152 acres located 370' north of the intersection of Elko Road and Elko School Road.
153 The applicant proposes a home for the aged with a maximum of 120 units. The
154 R-6 District allows a minimum lot size of 2,200 square feet and a maximum gross
155 density of 19.8 units per acre. The use will be controlled by proffered conditions
156 and zoning ordinance regulations. The 2026 Comprehensive Plan recommends
157 Semi-Public and Suburban Residential 1, density should not exceed 2.4 units per
158 acre.

159
160 Mr. Witte - Do we have any opposition to the deferral of
161 REZ2014-00040, Steve Smith for Antioch Plan Developers, LLC? I see none.

162
163 Mr. Leabough - With that. I'd like to move that REZ2014-00040, Steve
164 Smith for Antioch Plan Developers, LLC, be deferred at the applicant's request to
165 the April 9th meeting.

166
167 Ms. Jones - Second.

168
169 Mr. Witte - We have a motion by Mr. Leabough, a second by Ms.
170 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
171 passes.

172
173 At the request of the applicant, the Planning Commission deferred REZ2014-
174 00040, Steve Smith for Antioch Plan Developers, LLC, to its meeting on April 9,
175 2015.

176
177 Mr. Emerson - Mr. Chairman, that completes the withdrawals and
178 deferrals for this evening. Next on your agenda are the requests for expedited
179 items. Those will be presented by Mr. Jim Strauss as well.

180

181 Mr. Strauss - Thank you, Mr. Secretary. We do have one request
182 for approval on the expedited agenda this evening. It's in the Three Chopt
183 District, page 3 of the agenda. This is a request for provisional use approval to
184 increase the size of an existing outdoor dining area for the existing outdoor dining
185 area for Bertucci's Italian Restaurant. The staff is recommending approval with
186 conditions 1 through 12 on page 3 of the staff report. And we are not aware of
187 any opposition.

188
189 **PUP2015-00002 Nicholas Stoyer for WC Phase I, LC:**
190 Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-
191 122.1 of Chapter 24 of the County Code to increase the size of an existing
192 outdoor dining area for Bertucci's Italian Restaurant on part of Parcel 737-762-
193 4724 located in the southeast quadrant of W. Broad Street (U.S. Route 250) and
194 Lauderdale Drive (The Shoppes at Westgate). The existing zoning is B-2C
195 Business District (Conditional). The 2026 Comprehensive Plan recommends
196 Commercial Arterial. The site is located in the West Broad Street Overlay District.

197
198 Mr. Witte - Do we have any opposition to PUP2015-00002,
199 Nicholas Stoyer for WC Phase I, LC? I see none.

200
201 Mr. Branin - Real quick question. Is the applicant in the room, by
202 chance?

203
204 Male - Yes sir.

205
206 Mr. Branin - Can I see you for one minute? I put this on the
207 expedited agenda because it's a good case and we worked through everything.
208 So we're good, okay?

209
210 Mr. Stoyer - Thank you.

211
212 Mr. Branin - But I had a question tonight in regards to the quality of
213 the umbrellas and this umbrella material. I have good confidence in it. But I'm
214 going to publically make note to you that we need to pay close attention. If it does
215 get to be substandard, if you have fading and rips, you need to replace it
216 immediately.

217
218 Mr. Stoyer - Yes sir.

219
220 Mr. Branin - Do you understand that?

221
222 Mr. Stoyer - Yes sir.

223
224 Mr. Branin - And you agree to that?

225
226 Mr. Stoyer - Yes sir.

227
 228 Mr. Branin - Okay. Thank you. Would you state your name for the
 229 record?
 230
 231 Mr. Stoyer - Nicholas Stoyer, director of construction for Bertucci's
 232 Corporation.
 233
 234 Mr. Branin - Thank you, Mr. Stoyer.
 235
 236 Mr. Witte - Are there any other questions?
 237
 238 Mr. Branin - Okay. Mr. Chairman, I'd like to move that PUP2015-
 239 00002, Nicholas Stoyer for WC Phase I, LC, be approved on the expedited
 240 agenda with the conditions 1 through 12.
 241
 242 Mr. Leabough - Second.
 243
 244 Mr. Witte - We have a motion by Mr. Branin, a second by Mr.
 245 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
 246 passes.
 247
 248 **REASON –** Acting on a motion by Mr. Branin, seconded by Mr.
 249 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
 250 recommend the Board of Supervisors **grant** the request because it would be
 251 compatible with the adjacent uses and could be an appropriate extension of the
 252 restaurant's operations.
 253
 254 Mr. Emerson - Mr. Chairman, that completes the expedited items
 255 agenda, and you now move into your regular agenda for the evening, beginning
 256 on page 4.
 257
 258 **REZ2014-00037 James W. Theobald for Rebkee Replacement,**
 259 **LLC:** Request to amend proffered conditions accepted with Rezoning Case C-
 260 27C-06 on part of Parcel 739-754-7156 located on the south line of Church Road
 261 at its intersection with John Rolfe Parkway. The applicant proposes to amend
 262 proffers related to the conceptual plan, architectural elevations, and density to
 263 allow eight (8) additional townhouse units. The existing zoning is RTHC
 264 Residential Townhouse District (Conditional) and C-1C Conservation District
 265 (Conditional). The 2026 Comprehensive Plan recommends Commercial
 266 Concentration and Open Space/Recreation. The staff report will be presented by
 267 Mr. William Moffett.
 268
 269 Mr. Witte - Good evening, Mr. Moffett.
 270
 271 Mr. Moffett - Good evening. Thank you.
 272

273 This is a request to amend the proffers accepted with Rezoning Case C-27C-06
274 in order to allow for eight additional townhouse units and to modify a number of
275 the design elements presented in the proffered pattern book.

276

277 In February 2006, the subject portion of the property was rezoned from A-1,
278 Agricultural District to RTHC, Residential Townhouse District (Conditional) and
279 C-1C, Conservation District (Conditional) with case C-27C-06. The vision for this
280 area is one of a unified mixed-use village concept named The Shire. The
281 proposed development would have a common architectural theme, uniform
282 lighting, signage, and enhanced landscaping outlined in a proffered pattern book.
283 A portion of the area rezoned RTHC with case C-27C-06 has been developed
284 south of John Rolfe Parkway as Shire Place. The applicant now proposes to
285 modify several proffers related to the pattern book including the concept plan, the
286 landscaping, density, exterior materials and elevations for just the area zoned
287 RTHC and C-1C, north of John Rolfe Parkway.

288

289 The applicant is also requesting to change the layout of the subject property to
290 accommodate eight additional lots for a total of 33 townhomes where the original
291 proffers would have allowed for a maximum of 25 townhomes on this portion of
292 the property. The new layout would also provide additional landscaping and
293 pedestrian facilities. As shown on this concept plan, additional crosswalks, as
294 well as a walking path with a gazebo and a bench would be provided. The
295 proposed landscaping would be generally consistent to the original site plan, but
296 would provide additional plantings along the western property line in order to help
297 mitigate any impacts from the requested increase in density.

298

299 The final proposed amendments are related to the newly proffered exterior
300 material guarantees and a change to the conceptual elevations from the original
301 pattern book. New elevations were submitted showing townhouse development
302 of similar quality to the units currently under construction in Shire Place. These
303 new elevations along with the updated proffer language have been handed out to
304 you this evening. Staff believes the proposed changes continue to uphold the
305 high quality intent of the original rezoning case and are also consistent with
306 similar townhouse developments in the area. For these reasons, staff supports
307 this request.

308

309 That concludes my presentation, and I'm able to answer any questions you may
310 have for me.

311

312 Mr. Witte - Does the Commission have any questions?

313

314 Ms. Jones - Mr. Moffett's worked long and hard on this. Would you
315 mind showing us the rear elevations and then the side as well?

316

317 Mr. Moffett - Yes ma'am. This shows the proposed rear elevations.
318 Here is a side with brick except for the gable. The same elevation with a bay
319 window included. And then a side elevation showing all cementitious siding.
320
321 Ms. Jones - Should the railings be black in the rear elevation?
322 This is just not an updated railing, correct?
323
324 Mr. Moffett - Correct. The most recent rear elevations show black
325 handrails.
326
327 Ms. Jones - Okay. And the dividers between the units are white?
328
329 Mr. Moffett - They are white, yes ma'am.
330
331 Ms. Jones - Okay. All right. If you can go back to the front
332 elevation.
333
334 Mr. Moffett - Yes ma'am.
335
336 Ms. Jones - Thank you. Okay. We do have a much upgraded look
337 to these townhomes, and I want to thank you for working on that as we've moved
338 through the last number of months. For other questions, I wanted to go ahead
339 and probably just ask you one other thing about the site plan. So bring that back
340 up. The circle will be eventually the transition point to the remainder of the
341 development. And that is still planned for retail uses, correct?
342
343 Mr. Moffett - That's correct. It's zoned for commercial uses.
344
345 Ms. Jones - And the slot that is open immediately adjacent to the
346 townhomes originally was planned for a bank, and that is still the plan as far as
347 we know?
348
349 Mr. Moffett - I have not been updated on that, but I did see a plan
350 that showed a bank, yes ma'am.
351
352 Ms. Jones - Okay. So accessibility to that is important. The three
353 crosswalks we talked about, and I'll talk to the applicant about it again. The three
354 crosswalks are simply made of what material? Is it brick in the middle, the
355 pedestrian crosswalks on the street there?
356
357 Mr. Moffett - According to the site plan, it looks to be like a paved
358 material, a paver material.
359
360 Ms. Jones - Okay. All right. Thank you. We'll go ahead and maybe
361 talk later, but that's all now.
362

363 Mr. Witte - Any other questions by the Commission. Is there any
364 opposition to REZ2014-00037, James W. Theobald for Rebkee Replacement? I
365 see none.

366
367 Ms. Jones - Okay. Thank you. I'd like the applicant to come
368 forward and tell us a little something more about their vision for this.

369
370 Mr. Theobald - Good evening, Mr. Chairman, members of the
371 Commission. My name is Jim Theobald and I'm here on behalf of Rebkee
372 Replacement LLC. This is a request to amend the proffers accepted with case C-
373 27C-06 on approximately a 4-1/2-acre parcel, which is a portion of The Shire. I'm
374 not sure I quite heard this clearly when Mr. Moffett started. This does not include
375 any of the C-1C area whatsoever. This is solely on the prior RTHC. In fact, that
376 was cleaned up after the case was originally filed and we amended that
377 application along the way. So merely on the townhouse part.

378
379 Just a moment of history. And I worked extremely hard with Mrs. O'Bannon and
380 Ms. Jones on The Shire back in 2005 and 2006, and it resulted in a very
381 significant pattern book being created. It set the tone for this development. When
382 it came to the townhomes, however, we didn't have a builder in mind. So we
383 agreed to put in some elevations that were conceptual in nature that we thought
384 were consistent with sort of the theme that was created in some of the other
385 buildings.

386
387 So the townhomes across John Rolfe Parkway were the first to be developed
388 and now this piece. And we were trying to reconcile the townhomes that have
389 been built with the pattern book that really wasn't based on anybody's product
390 and the general theme. What we have come up with is what you have been
391 shown this evening.

392
393 There are eight additional lots shown on this plan. Once again, we've respected
394 the C-1C, the conservation area, added additional plantings, and some pocket
395 areas in here. And as you saw on the elevations, a substantial amount of work
396 went into those. I think they have benefited from the discussions. The brick sides
397 that you saw are those sides facing public rights-of-way. The HardiPlank or
398 cementitious sides are those likely facing the private roads.

399
400 I believe all in all that we've spent a lot of time working on the details of this. This
401 request is consistent still, I think, with your small area plan, in the spirit of the
402 original zoning. And so I would be happy to answer any questions and
403 respectfully ask that you recommend approval of this case to the Board of
404 Supervisors.

405
406 Mr. Witte - Any questions?

407
408 Mr. Branin - Mr. Theobald, your applicant's here?

409
410 Mr. Theobald - Yes.
411
412 Mr. Branin - Can they come forward so I can ask a question about
413 this elevation and the actual design of it?
414
415 Mr. Theobald - Sure.
416
417 Mr. Branin - I'd like to see the rear elevation, please. Okay, thank
418 you.
419
420 Mr. Theobald - The one that's actually been proffered was not loaded
421 into this presentation, the one with the different garage door—no, this is the
422 correct one.
423
424 Ms. Jones - No, this is it.
425
426 Mr. Branin - That's it.
427
428 Mr. Gibbons - I'm Joseph Gibbons, representing the Rebkee
429 Company.
430
431 Mr. Branin - Okay. Mr. Gibbons, how are you tonight?
432
433 Mr. Gibbons - Fine, thanks.
434
435 Mr. Branin - Good. Let's talk about a couple of structural questions
436 real quick. With these back patios or back decks, if you will—what do you want to
437 refer to them as?
438
439 Mr. Gibbons - I'd say they're a little small to be a patio. It's a deck
440 area.
441
442 Mr. Branin - Okay. These back deck areas, is there a divider that
443 would be a load-bearing structure in between them or are they just cantilevered
444 to the building?
445
446 Mr. Gibbons - They're cantilevered from the building, but the
447 dividers are—I believe they're a vinyl fence that goes in between it that will
448 structurally suffice to divide the units. That was one of the suggestions.
449
450 Mr. Branin - So these are cantilevered?
451
452 Mr. Gibbons - Yes, that's correct.
453

454 Mr. Branin - Okay. I think I have my answer. You're very familiar
455 with this product?
456
457 Mr. Gibbons - We are familiar with it, yes.
458
459 Mr. Branin - Okay. Is this the same product that's in West Broad
460 Village?
461
462 Mr. Gibbons - I don't know that it's the same identical product, but
463 there are probably similarities to it.
464
465 Mr. Branin - Mr. Theobald, do you think it's pretty close?
466
467 Mr. Theobald - Very close.
468
469 Mr. Branin - Okay. Thank you. A little word to the wise in regards
470 to this builder and this product. In West Broad Village, if you drive through, you'll
471 see that the back deck that's like this, some of them are leaning. They're not
472 straight anymore. When they were built, they were straight; now they're leaning.
473 So that's why I was asking if there was a load-bearing wall to help stabilize there.
474 So as you go forward in zoning, I would just beef up your structure.
475
476 Ms. Jones - What is the solution?
477
478 Mr. Branin - Structure. A load-bearing pole at the end or
479 something midway. But whatever they're using to cantilever is not holding up.
480
481 Ms. Jones - After the fact is there a solution?
482
483 Mr. Branin - After the fact? Sure, they can jack it and put some
484 sort of pole up.
485
486 Ms. Jones - Is that being done?
487
488 Mr. Branin - I just brought it to the County's attention today.
489
490 Mr. Emerson - It was just brought to my attention this evening, Ms.
491 Jones. I'm going to pass it along to the building official tomorrow.
492
493 Mr. Branin - On my weekly review of the Three Chopt District, I
494 saw like five different instances in West Broad Village where this is happening.
495
496 Mrs. O'Bannon - So is the problem the cantilevered part?
497
498 Mr. Branin - Yes. It's not properly supported, I don't believe.
499

500 Mrs. O'Bannon - How wide are these decks?
501
502 Mr. Gibbons - Between five and six feet. And I would only add to
503 that that they may not have been designed properly. But structurally, a
504 cantilevered deck, if designed properly with the right members—we've had them
505 in various locations that are successful.
506
507 Mr. Branin - And I totally agree with you. If it's designed properly, it
508 would work. And that's why I'm saying—if you heard, my first question was is this
509 the same product that's in West Broad Village. Yes it is. So then I went to this
510 and said beware.
511
512 Mr. Witte - Mr. Gibbons, I was under the impression that the
513 maximum cantilever distance was like 26 inches. By code. Is that correct?
514
515 Mr. Gibbons - I don't believe so, sir. I'm not the structural engineer;
516 we're the architect. We will make sure that everything meets minimum code—
517
518 Mr. Emerson - The building would have to meet code.
519
520 Mr. Branin - And that's the point. I don't think minimum code is
521 getting it. I'm sure in West Broad, you guys reached minimum code. So I think it
522 may be good to look a little beyond minimum code.
523
524 Mr. Emerson - Mr. Gibbons is with Rebkee. Just to clarify, the
525 building is Ryan, and I don't think they're here this evening.
526
527 Ms. Jones - I appreciate the analysis of that, because that's really
528 important. We need to have structures of the highest quality, and we all agree on
529 that. So should this case move forward, there will have to be extremely detailed
530 structural analysis given to that before it's heard again, just so that we're all clear.
531 And I'm sure that you'd agree that that's a reasonable thing to do, and I
532 appreciate Mr. Branin bringing that to my attention, because I have not seen—I
533 do believe the townhomes in West Broad Village are quite attractive, and I had
534 not seen a sagging deck yet. I'm sorry to hear that. Okay. So, Mr. Gibbons, I will
535 leave that with you to make sure that the builder is very clear about these kinds
536 of questions that we have.
537
538 This may be for Mr. Theobald, or Mr. Gibbons, maybe you. Garages. I need to
539 ask about the clear space in the garages because I've been asked a question
540 about whether that is a typical clear space or larger or smaller than what is
541 usually given as clear space in our recent cases. Do you know?
542
543 Mr. Theobald - We don't usually proffer clear space.
544
545 Ms. Jones - It's come up quite a bit recently.

546
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Mr. Theobald - It seems to be popular in the Brookland District. Eighteen by nineteen is very typical. Some are bigger; some are smaller. I wouldn't really know how to characterize it other than that.

Ms. Jones - I think the question was raised simply to make sure that with a two-car garage it's a two-car garage for the kind of cars that folks drive these days, which is often quite large. Does that answer anyone's concerns about clear space?

Mr. Emerson - That should accommodate two cars.

Ms. Jones - Okay. I appreciate the work that's been done to bring these townhomes up to a quality standard that I think has improved over the last number of months. And it's been done with a spirit of cooperation. The pattern book is what we all were going on. The pattern book was a drawing in the air that represented what might go in here. But in the process, it was what we had to go on. And so there was the tug and the pull. And while I know that it's been difficult for me to say yes, I think finally at this point I believe that the quality of the product and the architectural feel of it gets substantially close to what was the vision for The Shire.

We have in this case eight more townhomes than were originally considered. For that, there is an added attention to the style, the open space, the walking areas, a bit more of the village feel. And all of that is what was our struggle over these past number of months. And I appreciate the fact that we finally got to this point. It is in general compliance, I believe, with the pattern book. And as the retail settles in, it will also go through this kind of review because we had a situation that was well negotiated, and we all want to be within those parameters as this development goes forward, even though it was a long time ago.

I do think this revised concept plan adds assurances of a quality development. I do think that it will complement the whole area. We have a lot going on in this area now. I do think that the site plan has a number of enhanced elements. The only element—and you and I, Mr. Theobald, have talked about this. The only element I'd like to address is the remaining one about the entrance road, which will come on in to what will eventually be this whole retail component, which is why I mentioned it when Mr. Moffett was up here. It is a big area that will be retail. It will draw a lot of folks. And my hope, of course, is that they may enter onto the other access points, but very well could come through the residential component. I'd really like to ask whether the applicant would be willing to consider speed tables—very nicely done as they've been done on a number of other projects—as opposed to just pedestrian crosswalks for those three locations leading up to the circle.

591 Mr. Theobald - Ms. Jones, as we discussed, we really do not want to
592 provide speed tables, and there are a couple of reasons. People don't like them.
593 People whose neighborhoods they're in—unless you are already have cut-
594 through conditions with kids playing in yards, they are not popular. They're a
595 maintenance issue for the homeowners' association. Emergency vehicles
596 begrudgingly navigate them. But in this case, notice when you come off the road,
597 you have a significant curve in the road. And so you're already moving slow. And
598 the minute you turn the curve, you're very close, and you're looking at a traffic
599 circle. So it's not like you're looking at a straightaway and are going to speed up
600 between necessarily here and here. In fact, you're encouraged to slow because
601 you're entering into a traffic circle.

602
603 And I'm not sure where traffic would be cutting through, you know, to avoid. This
604 intersection works famously. So I don't know why you would cut through to avoid.
605 And I don't know why you would speed on such a short length of road. So
606 obviously, if it became an issue, you know, we would consider putting them in. In
607 a community like this, I think they would—they're reluctant to start.

608
609 Ms. Jones - Well, I realize it's a judgment call. I'm just looking at
610 this in a bigger picture because it's going to be a big draw. And there will be a lot
611 of people getting there from a lot of different ways. I just don't want to create a
612 problem by missing out on an opportunity. Why are they more maintenance? I
613 don't understand why?

614
615 Mr. Theobald - They're a paved or they're a raised rubberized
616 product, and they wear.

617
618 Ms. Jones - The raised pavers are like a crosswalk, wouldn't they
619 be?

620
621 Mr. Theobald - We've had issues with every type of speed hump that
622 you can imagine.

623
624 Ms. Jones - All right. Okay. Thank you. Does anyone else have
625 questions for Mr. Theobald? I just wanted to ask our traffic engineer—where is
626 he? The angle I'm sitting at, John, I can barely see you over there. Mr. Cejka,
627 would you come down for a minute.

628
629 Mr. Cejka - Good evening. John Cejka, traffic engineer.

630
631 Ms. Jones - Good evening. Just a quick question because I'm
632 making up my mind about this. Tell me in your—now obviously this is a private
633 road. But in your experience with these kinds of things on public roads, a speed
634 table that is, let's say, pavers, brick, whatever, is this significantly difficult to
635 maintain as opposed to a regular road? What kind of maintenance issues do you
636 find with those?

637
638 Mr. Cejka - The maintenance issues we've come across are one,
639 when the road gets repaved, how do you deal with the speed hump or speed
640 cushion—or speed table, in this case? Do you take it up or mill it up, if it's
641 asphalt. You know, take it totally out and then rebuild it. Also, we've had
642 significant problems with snowplows. If it's made of recycled rubber, which most
643 of ours are, the plow hits it and breaks it. You have to reinstall it.

644
645 Ms. Jones - How about emergency vehicles? Do they have a
646 problem with them?

647
648 Mr. Cejka - They will with speed humps and speed tables, yes.
649 Those are the ones that go all the way across the roadway.

650
651 Ms. Jones - The rubberized ones are not terribly attractive. I was
652 thinking more of the pavers or bricks. Do we have those on many private streets,
653 do you know, around the county? And do they cause problems that you're aware
654 of? Do you hear of any of this?

655
656 Mr. Cejka - I have not heard of any. I do not personally know of
657 any. I don't usually keep track of that.

658
659 Ms. Jones - Okay. All right. Would you recommend something like
660 this residential to commercial? Do you think there's a safety issue there? I'm
661 putting you on the spot; yes I am.

662
663 Mr. Cejka - Yes you are. That's a correct statement. Mr. Theobald
664 brought a couple of good points. It is a pretty hard turn. It is going to have slow
665 speeds, probably fifteen miles an hour going through there. And there are no turn
666 lanes to get to the other street, so that's going to slow traffic down. And you are
667 going to a roundabout, which are usually designed for fifteen to twenty miles an
668 hour.

669
670 Ms. Jones - Well done. Thank you. All right. I don't have any more
671 questions.

672
673 Mr. Witte - Are there any other questions by the Commission?
674 No ma'am.

675
676 Ms. Jones - Okay. I am happy that this case is moving forward. No
677 one probably happier than the applicant, but I'm happy as well. I think it's time.
678 This is a good product. I'm excited about the development that is going to be
679 coming around this area, and I think it's going to be very successful. That being
680 said, I would ask that the applicant commit to me that they will pursue—as we
681 discussed when you were up at the podium—a very detailed answer to the

682 cantilevering problem between now and the Board. Do I need to get a formal
683 commitment to that? Okay.

684

685 And with that, I would like to thank—did you want to say something?

686

687 Mrs. O'Bannon - I'll just say I have another shot at this.

688

689 Ms. Jones - Yes you do, yes you do. I'd like to thank the people
690 who've worked on this, and that actually goes back to 2007. So this has been a
691 long time coming, and I do appreciate the fact that we are where we are today.
692 So with that, I would like to—do I have to do anything with the proffers?

693

694 Mr. Emerson - No, I believe they were in prior to the time limit.

695

696 Ms. Jones - All right. Then I would like to go ahead and make a
697 motion that case REZ2014-00037, James W. Theobald for Rebkee
698 Replacement, move forward to the Board of Supervisors with a recommendation
699 for approval.

700

701 Mr. Leabough - Second.

702

703 Mr. Witte - We have a motion by Ms. Jones, a second by Mr.
704 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
705 passes.

706

707 **REASON -** Acting on a motion by Mrs. Jones, seconded by Mr.
708 Leabough, the Planning Commission voted 4-0 (one absent, one abstention) to
709 recommend the Board of Supervisors grant the request because the proposed
710 development continues to uphold the high quality intent of the original rezoning
711 case and the requested density is consistent with similar townhouse
712 developments in the area.

713

714 **REZ2015-00005 James W. Theobald for ME JRS, LLC:** Request to
715 conditionally rezone from R-5AC General Residence District (Conditional) to
716 RTHC Residential Townhouse District (Conditional) Parcels 739-755-9019 and
717 740-755-3511 containing 10.8 acres located in the southeast quadrant of John
718 Rolfe Parkway and Church Road. The applicant proposes a detached
719 condominium development of no more than 40 units. The RTH District allows a
720 maximum density of nine (9) units per acre. The use will be controlled by zoning
721 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
722 recommends Urban Residential, density should range from 3.4 to 6.8 units per
723 acre. The staff report will be presented by Mr. Ben Sehl.

724

725 Mr. Witte - Good evening, Mr. Sehl.

726

727 Mr. Sehl - Good evening.

728

729 The request would allow up to 40 detached condominiums townhouses on the
730 site, an equivalent density of 3.7 units per acre. This density would be consistent
731 with the site's Urban Residential designation, which recommends a density of 3.4
732 to 6.8 units per acre.

733

734 The subject property was rezoned to R-5AC via rezoning case C-50C-06. That
735 request proposed a gated community of semidetached dwellings. The maximum
736 number of units allowed by the proffers of that case was 40, which is the same as
737 is proposed by the applicant with this request. The applicant proposes RTHC
738 zoning to allow for detached condominiums, which are not permitted by the site's
739 current R-5AC zoning.

740

741 In addition to providing a new product type and continuation of a proffered
742 maximum of 40 units, the applicant has provided a new conceptual plan and
743 architectural elevations. The conceptual was recently updated and is shown
744 here. The plan would keep the same basic internal layout as proposed with C-
745 50C-06, where access to the development would be located at an existing
746 signalized entrance, and homes would front on an internal road that loops
747 through the site. A community gathering space would now be provided in the
748 center of the site, as shown here. The site falls significantly from the corner of
749 John Rolfe and Church Road towards the northeast in this location. And the
750 applicant has indicated the terraced community space, along with walk-out
751 basements in this portion of the property, would allow the applicant to eliminate a
752 previously proposed retaining wall in the northeast corner of the site.

753

754 Homes on the property would be architecturally consistent with this exhibit.
755 Craftsman and arts and crafts details would be provided and would consist of a
756 minimum of four of the various design elements identified in the revised proffers
757 handed out to you this evening. Each home would be a minimum of 2,500 square
758 feet in size and exterior materials would consist of brick, stone or cementitious or
759 engineered wood siding. Two-car garages, recessed a minimum of five feet from
760 the front façade, would be provided for each home. Other proffers address
761 features such as landscaping and fencing along John Rolfe Parkway and Church
762 Road, street lights and street trees, entrance features and signage, site
763 coverage, sidewalks, and hours of construction.

764

765 The recently revised proffers are largely consistent with the proffers accepted
766 with C-50C-06, and include new language regarding landscaped buffer areas
767 adjacent to the Lake Loreine and Laura Lea subdivisions. These buffers were a
768 major point of focus during the previous rezoning case on the site, and a major
769 topic of conversation during the community meeting held on February 25th. The
770 revised proffers provide for additional landscaping along the property lines
771 adjacent to Lake Loreine and Laura Lea. As now proposed, a minimum of nine
772 large deciduous or evergreen trees a minimum of six feet in height, along with
773 two trees a minimum of sixteen feet in height would be provided for every 100

774 linear feet of buffer area. For areas where walk-out basements are provided on
775 the subject property, this landscaping would be increased to fourteen small trees
776 and three large trees. According to the applicant, this additional landscaping,
777 along with the removal of the previously proffered fence, has been provided
778 based on discussions with adjacent residents.

779
780 Other recent revisions to the proffers address staff concerns regarding
781 architectural elevations, garages, front porches, and amenities. The revised
782 proffers also address concerns noted at the community meeting regarding
783 possible swimming pools or storage sheds in the backyards and setback areas
784 identified on the concept plan.

785
786 Overall, staff believes this request could be appropriate, and would be consistent
787 with the recommendations of the 2026 Plan. The revised proffers address the
788 concerns noted in the staff report, are largely consistent with the previously
789 approved case on the property, and would provide a high level of quality and
790 reasonable protections for adjacent residents. For these reasons, staff
791 recommends approval of this request.

792
793 I'd be happy to answer any questions you may have. Time limits would need to
794 be waived on the revised proffers, as they were received today.

795
796 Mr. Witte - Do we have any questions for Mr. Sehl?

797
798 Ms. Jones - Did we ask if there was opposition?

799
800 Mr. Witte - I will ask shortly.

801
802 Ms. Jones - I'd like to know.

803
804 Mr. Witte - Okay. Is there any opposition to REZ2015-00005,
805 James W. Theobald for ME JRS, LLC? We have one.

806
807 Ms. Jones - Okay.

808
809 Mr. Witte - Now, are there any questions for Mr. Sehl?

810
811 Ms. Jones - Mr. Sehl and I have spent a lot of time together on
812 this.

813
814 Mr. Witte - All right. How would you like to proceed, Ms. Jones?

815
816 Ms. Jones - Mr. Theobald, if you would come up? I think a lot of
817 the concerns have been expressed over the past number of weeks. And so I'm
818 sure you can explain the things that have been in discussion and how this is
819 working.

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Mr. Theobald - Once again, Mr. Chairman, ladies and gentlemen, I'm Jim Theobald. I'm here this evening on behalf of Markel|Eagle. This is a request to rezone a 10.8-acre parcel at the corner of Church Road and John Rolfe Parkway from R-5AC to RTHC.

In 2006, the site was zoned for forty semi-detached dwellings with detached garages. And this is a concept plan depicting that prior rezoning. And you will note that it is extremely similar to the new one.

The current request essentially amends the proffers while retaining the substance and quality of the original case, yet providing a product that's responsive to today's consumer. In the process, we have resolved a significant grade differential with our neighbors. We have the same number of units as the prior case. We have the same target audience as the prior case.

We have been in discussion with neighbors and developed significant proffered conditions. Of course we started with the conditions that were accepted back in the 2006 zoning and have essentially merely added to those, for the most part. We have proffered the concept plan; we've provided elevations depicting the Craftsman style. We have high-quality exterior materials on the homes. No vinyl siding is permitting. We have enhanced landscaping adjacent to the Laura Lea Estates and Lake Loreine subdivisions, and we're going to talk about that in a little more detail with a later graphic. Thirty-foot minimum building setback adjacent to Laura Lea Estates and Lake Loreine subdivisions. We have prohibited detached sheds or swimming pools, provided that all homes will have covered porches or stoops, recessed entries, brick or stone foundations, limited the number of units to the same approved in the prior case, that being forty.

Every home has to have a two-car garage. Garages have to be set back from the front of the house. A minimum of 2,500 square feet of finished area. And we have provided a community gathering and open space park, which you will see in just a moment. Front yards and the community gathering space will be sodded and irrigated.

Two trees in the front of each home. Two more on the side when you're on a corner lot. We've provided a wrought iron-style fence along John Rolfe Parkway and Church Road with end columns. On the corners, 25-foot landscaped area adjacent to John Rolfe Parkway and Church Road. And significant setbacks along both Church and John Rolfe Parkway. There are already sidewalks along Church and John Rolfe, and we are adding sidewalks on both sides of our internal streets. We've limited the hours of exterior construction 7 to 7 Monday through Friday, 9 to 7 on Saturday. No exterior construction on Sundays.

This is a depiction of the Craftsman style. You'll see the various architectural elements in the elevations. This is a depiction of the community gathering area in

866 the middle of the community. The original plan had basically a turnaround at the
867 entrance, and that has grown into a community gathering area. It's two-tiered,
868 which helps us take the grade out just a little bit.

869
870 We'd like to show you how all of these proffers now come together and form a
871 community. And so we have an interesting video to show you that better
872 describes this community.

873
874 We're starting at the corner of John Rolfe and Church with a significant feature,
875 low wall, landscaping. Moving down John Rolfe Parkway; the mountains are not
876 proffered.

877
878 Mr. Emerson - I thought those were a nice touch.

879
880 Mr. Theobald - Turning into the entrance, we have entrance features.
881 They have yet to be finally designed. Significant plantings. Note the street trees
882 and the sidewalks. This is our community gathering area in the middle. This is
883 the upper level. The lower level you see behind it. We've provided certain
884 amenities within this area. It's sort of the public green area. Note the street trees,
885 sidewalks, and the Craftsman-style detail on the homes on either side. These are
886 actual depictions of the models we intend to build. Note the columns and the use
887 of porches throughout to create a high-quality community. This is the lower level
888 of the public gathering area. That's a really nifty graphic design there.

889
890 So what you see is what you get. The credits.

891
892 The Markel|Eagle folks, Kate Cooper, and Nate Van Epp, and Mark Kukoski
893 have worked very, very hard with our neighbors. And they have met with literally
894 every neighbor, I think, on the Laura Lea side and the Lake Loreine side to seek
895 input from our neighbors as to landscaping, drainage, and the general design.
896 Those discussions have resulted in the proffers that are before you this evening.

897
898 This is a depiction looking down on that rear line, and you'll see the Lake Loreine
899 homes in the back with the distance from those existing homes to our property
900 line. And as you heard Mr. Sehl indicate, we have planting schemes proffered all
901 along that line. And to the extent that any of those units are the walk-out
902 basement type units, there is some additional landscaping provided.

903
904 We had discussions about the types of landscaping, and you can also see the
905 existing tree cover on the other side of the line. We've offered to bring out our
906 landscape folks to help people with issues they've had. We have a couple of
907 significant trees on the property line that we're going to retain. And we spent a
908 fair amount of time with Mr. Heckman in the corner down here, which is sort of
909 the way the drainage wants to go, and discussing with him various types of
910 bioretention facilities, rain gardens, etc. We've also offered to Lake Loreine, and
911 they've allowed us to go do a survey of the lake, the outfalls into those lakes. Our

912 site contributes less than 1 percent of the runoff that ends up in those lakes, so
913 it's a large watershed. Nonetheless, we are concerned that we don't have
914 detrimental effect on it. And we want to be sure if there is a problem, it's not a
915 problem being caused by us. So we will be monitoring this. We've hired a third-
916 party consultant to monitor that throughout the construction process.

917

918 And so we believe that this request has solved a lot of the issues with the old
919 case in terms of the grades. The old case had significant retaining walls in the
920 back. We believe it's consistent with your land use plan as to both use and
921 density. And we would respectfully ask that you recommend approval of this case
922 to the Board of Supervisors. And I will be more than happy to answer questions,
923 as would our consultants in the audience.

924

925 Ms. Jones - I'd like to confirm a couple of things just to make sure
926 that everyone here, as well as I, understands. If there is a need for enhanced
927 landscaping because of a walk-out property—which may not happen along Laura
928 Lea, there may be one possibly or so—those enhanced landscaping
929 opportunities will be available there as well.

930

931 Mr. Theobald - Yes. And what we've told our neighbors is that while
932 we have x-number of trees within a hundred linear feet, the placement of those
933 trees needs to be strategic based on what's behind. And so we intend to consult
934 them before we just go in and arbitrarily plant. So this is very much a
935 collaborative process in making sure the landscaping is right. It's not landscaping
936 that's designed to block out home to home, but it is designed to mitigate the
937 impact of new development on the more established neighborhood.

938

939 Ms. Jones - Well, a sense of privacy is always good.

940

941 Mr. Theobald - And the same planting scheme applies to Laura Lea
942 along the other side, but we just haven't depicted that in this.

943

944 Ms. Jones - That was what I wanted to confirm. Drainage has
945 been a huge issue, and I know that Markel|Eagle has taken great pains to try to
946 address that with their consultant with their plan. Just for the record, I'd like you
947 to explain what the possibilities in this corner might be to collect the drainage
948 from this development so that it doesn't impact in a negative way the
949 communities that are below and to the side of it.

950

951 Mr. Theobald - Sure. As you know, we're required to control both the
952 quantity of water that runs off the site so that it doesn't leave the site at a greater
953 rate. I mean, the water's going there now in its undeveloped state. It's just not
954 being treated or picked up and directed into a particular area. So we envision this
955 back corner as possibly—we'd like to be able to both clean and slow the water
956 down with like rain gardens which are bioretention facilities, which basically are
957 areas where we've dug out the soils that are there, replaced them with certain

958 water-absorbing soils, possibly mulch on top, native plantings and species that
959 have the capacity to suck up volumes of water and both clean it and slow the
960 release. We're not looking at an above-ground BMP, I don't think, back in that
961 area. Again, we really contribute very little water towards those lakes. When it
962 leaves our site, the water goes into a County storm sewer system.

963

964 Ms. Jones - So the surface treatment of that corner will slow and
965 allow the water to be absorbed. There's no big underground BMP or anything?

966

967 Mr. Theobald - The underground BMP, is it in that location? Not in
968 that location. Okay. There's an underground BMP storage facility further into the
969 site that will collect and store and slow the release.

970

971 Mrs. O'Bannon - Is there some sort of a drop inlet or a grate for an inlet
972 for water to go in?

973

974 Mr. Theobald - There has to be somewhere.

975

976 Mrs. O'Bannon - Okay. Then that connects to a pipe that's on the
977 adjacent property?

978

979 Mr. Theobald - Yes ma'am.

980

981 Mrs. O'Bannon - That's what you were talking about. Okay.

982

983 Ms. Jones - So Lake Loreine has been inspected or will be
984 inspected by the consultant that Markell|Eagle has?

985

986 Mr. Theobald - Yes. We have permission. We have a letter from the
987 Lake Loreine Homeowners' Association allowing us access to do a survey of the
988 outfall both going into the lake and then at the lower end of the lake as well.
989 They've had some issues over the years with other areas silting up their lake. I
990 think they've had to dredge it at least once.

991

992 Ms. Jones - The purpose of that is to assess the state of the lake
993 or is it to impact your development in some way?

994

995 Mr. Theobald - I think the idea is to help do a survey to understand
996 the workings of that lake so that we know what's happening to it such that if it's
997 during construction and we're moving dirt, we don't want to get that phone call
998 that says you're impacting our lake. Since we're providing only 1 percent of the
999 drainage, that silt could be coming from a lot of different places. So we're trying
1000 to be very, very responsible in monitoring the discharge and to make sure that
1001 we're not messing up the lake. And to the extent that through that discussion we
1002 find that other places or other factors are involved, then those will be shared with

1003 Lake Loreine. So they're getting a free consultant, if you will, to try to improve the
1004 health of that lake.

1005

1006 Ms. Jones - Well I don't want to get a phone call either, so good.
1007 I'm trying to go over the things that were extremely important to the neighbors at
1008 our community meeting and in subsequent conversations. One of the other
1009 points that was really bothering them was the fact that these homes, while they
1010 are somewhat elevated from the Lake Loreine properties, they do have potential
1011 areas where they could put structures. And the structures that were noted were
1012 pools and sheds and other kinds of things that they felt would bring that too
1013 close. So I needed to ask you, actually, legally, with proffer 25, the restricted
1014 covenants and the homeowners association, while that is a proffer, is that subject
1015 to change in later years by the association?

1016

1017 Mr. Theobald - No, because it is part of a proffer that says there must
1018 be covenants, and those covenants must include a prohibition against pools and
1019 detached sheds.

1020

1021 Ms. Jones - Okay.

1022

1023 Mr. Theobald - So you get the enforcement from both the
1024 homeowners' association, the condominium association, if you will, as well as the
1025 County enforcement.

1026

1027 Ms. Jones - Just wanted to clarify that. I did want to ask. The
1028 enhanced landscaping, you said that the homeowners will be involved in
1029 strategic placement, which I think is quite a nod to their desires to have that
1030 done. The Craftsman elements, porches, overhangs, columns, exterior
1031 materials—we really have seen a lot of Craftsman communities come forward
1032 recently. And they're very well received, and they're very much in demand. So I
1033 feel this is going to be a successful development on that level for sure.

1034

1035 I don't have any other questions, I don't believe, of the applicant. But I would like
1036 to hear from the gentleman who'd like to come forward and make some
1037 comments. And then Mr. Theobald, you may wish to respond.

1038

1039 Mr. Witte - Would the opposition please come forward.

1040

1041 Ms. Jones - Sir, do you want to come forward as well? Oh, okay.

1042

1043 Mr. Turner - My name is David Turner. I live behind one of those
1044 structures. First of all, let me say, as I promised to say to Eagle, they have been
1045 very thorough in coming over and talking to us.

1046

1047 I have some questions. First of all, the original plan was on twelve acres, if I
1048 recall. This is about an acre—more than an acre less with the same number of

1049 structures. I point that out for interest. I think that Eagle probably was reimbursed
1050 somewhat for John Rolfe taking part of it at Church Road, but I don't know that
1051 for sure.

1052

1053 The other thing is back in 2007 when this property was denuded with a clear-cut,
1054 it enjoyed the start of a tornado through there during the season. I have no idea
1055 why that occurred. I do know that asphalt roofs will be more of a heat energy
1056 than just plain land.

1057

1058 Thirdly, and something that somebody may call me a tree hugger on this, which I
1059 am certainly not. I spent my time getting rid of a lot of trees in Vietnam. But there
1060 is a carbon footprint of around 570 tons between the removal of the pine trees,
1061 which at maturity will eat up five tons of carbon per year and the gas houses—
1062 gas-heated houses that will generate a significant amount. I just point these
1063 things out because although they're not part of any consideration right now, as I
1064 was told by Mr. Sehl, I think that it is a consideration.

1065

1066 The final thing is these houses—and we have talked very much with Eagle about
1067 this—is the height above the field or the ground plain is somewhere in the
1068 neighborhood of 43 to 45 feet, which is pretty high. They have made some effort
1069 to reduce the height to 1-1/2-story buildings. And the other thing is we had some
1070 concerns about privacy, about peering into our yards from the back. And I notice
1071 that the roofs are sloping down. I think there needs to be a little bit more work.

1072

1073 And finally, there's going to be a significant amount of ground movement on this.
1074 My experience, as been told by professional engineers, that you need a
1075 significant amount of time, even though you do compaction. And considering the
1076 fact that you have noted that there has been settling in other structures by Eagle,
1077 you might consider the fact that there might be a waiting time period before you
1078 put in the structures.

1079

1080 Thank you for your time.

1081

1082 Ms. Jones - Thank you for your comments.

1083

1084 Mr. Witte - Any questions? Sir?

1085

1086 Mr. Heckman - Thank you very much. I'm John Heckman, and I have
1087 the privilege of being right in the corner at the lowest depression of the Lake
1088 Loreine area. I wanted to do just two things. Our concern with the original design
1089 was the height of the development. Not of this developer, but the earlier
1090 developer. And I think the concern that I would express for those of us in that
1091 position is the height is still considerable, but unavoidable. And I appreciate the
1092 fact that the developer did listen to our concerns and made some adjustment in
1093 the back corner, which is adjacent to the rain garden there. When that particular
1094 property was clear-cut a couple of years ago, we have experienced incredible

1095 moisture in that area, and that's been pointed out to the developer, so developer,
1096 we'll be watching. Our entire backyard has been wet since that time. It's a
1097 combination of insufficient light and also the fact that there was a change in the
1098 land movement. We also enjoy the privilege of having both the stormwater and
1099 the other drainage on the corners of our lot.

1100

1101 But I want to express appreciation to the applicant for the number of times they
1102 have met with the residents and with the Board. And probably our primary
1103 concern is sediment in the lake because of past experience and the large costs
1104 of dredging the lake, which is about ready to be addressed again at some near
1105 time in the near future. So we will be very anxious to see the baseline reports
1106 that they do and factor in the process of that.

1107

1108 So I appreciate the opportunity to comment. I thank you very much. And I thank
1109 the developer for their cooperation in this process.

1110

1111 Ms. Jones - Thank you, Mr. Heckman. Mr. Theobald, I think
1112 you've addressed the sediment in the lake. The height and compaction, would
1113 you like to make a comment about either of those?

1114

1115 Mr. Theobald - First of all, it's a smaller site because of the road
1116 improvements and the take to build the roads. That would have been the same
1117 with the prior case as well. And just for the record, the clear-cutting was done by
1118 an owner three times ago. No one associated with Markell|Eagle or Tascon, the
1119 previous owner. We all remember that incident.

1120

1121 Ms. Jones - Yes we do.

1122

1123 Mr. Theobald - I would just say in terms of some of the comments
1124 from Mr. Turner. We do have a proffer that no more than 60 percent can be
1125 covered by impervious areas. We have 40 percent green space, which is pretty
1126 significant. I'll show you a graphic at the risk of confusing. Okay. This is designed
1127 to explain the relevant distance in what the grade was in the prior case, which is
1128 the light pink. So if you see the cursor, this is what the grade did in the old case
1129 without cutting down that site. So it came here. And what you're seeing ghosted
1130 in with the dotted line was that garage that sat on the rear. And then a retaining
1131 wall, and then additional slope down, and more retaining wall. This was 20-plus
1132 feet, depending upon where you were, worth of retaining walls. And so it just
1133 loomed above the neighbors next door. And frankly, it was something that I think
1134 was not realized until they got to POD. It was never a zoning issue.

1135

1136 So the dark pink or orange shows today's grade. Working a little more
1137 responsibility with the site, you can see we're down to about a 7- or 8-foot
1138 differential as it grades up. And then ghosted in here you can see one of the
1139 proposed units. So it's a significantly better situation. And we've done literally
1140 everything we can to step this site down. The public gathering space really gave

1141 us the opportunity to achieve that. We are very sensitive to the folks on the other
1142 side. And we hope our neighbors don't try to peer over, and we hope they don't
1143 peer back.

1144
1145 Ms. Jones - I doubt that seriously. All right. Compaction, I'm not an
1146 engineer on that. I'm sure that there will be responsible building practices
1147 followed, and that includes site work.

1148
1149 Mr. Theobald - Yes. And we'll have to follow all the County
1150 regulations and Public Works and environmental engineer.

1151
1152 Ms. Jones - Okay. Anything else, folks? Okay.

1153
1154 Mr. Witte - Anyone?

1155
1156 Ms. Jones - All right. For Mr. Turner and Mr. Heckman, I will tell
1157 you I have a lot of thanks to hand out tonight, and one of those is to the
1158 neighbors. I know because it's your property, obviously it is very, very important
1159 to you. But you have been on the radar for this for years. And the property
1160 owners in Laura Lea and Lake Loreine have given this a tremendous amount of
1161 input. A huge thank you goes to Markel|Eagle because input sometimes isn't
1162 taken. And in this case, I don't think I've ever seen a developer go to the lengths
1163 for personal contact with adjacent neighbors that I've seen them do. That being
1164 said, not everybody's going to be happy with this, I understand. But I think that
1165 the big issues have been well addressed with responsible solutions, with
1166 oversight that goes above and beyond what is our standard. It is truly a quality
1167 development. I think that you all will be very happy with your new neighbors. And
1168 I think your new neighbors will be thrilled to be there. I think the community is
1169 well designed. I'm happy with the style, and I'm very content with the layout and
1170 the attention to details for drainage and for the landscaping.

1171
1172 Also, I need to thank both sides of the Planning Department because both
1173 departments have worked with this for years as it's come through in its various
1174 iterations. So thank you all, all around. This has been a long slog, but we're here.
1175 We appreciated the movie, but that wasn't the reason why I'm going to move for
1176 approval. I think that this is a quality development; I'm happy to have it in
1177 Tuckahoe.

1178
1179 I do need to waive the time limits on the proffers, which I now do for case
1180 REZ2015-00005, James W. Theobald for ME JRS, LLC.

1181
1182 Mr. Witte - We have a motion by Ms. Jones to waive the time
1183 limits. Do we have a second?

1184
1185 Mr. Branin - Second.

1186

1187 Mr. Witte - We have a motion by Ms. Jones, second by Mr.
1188 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
1189 passes.

1190

1191 Ms. Jones - And with that, I would like to move that case
1192 REZ2015-00005, James W. Theobald for ME JRS, LLC, move forward to the
1193 Board of Supervisors with a recommendation for approval.

1194

1195 Mr. Branin - Second.

1196

1197 Mr. Witte - We have a motion by Ms. Jones, a second by Mr.
1198 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
1199 passes.

1200

1201 **REASON –** Acting on a motion by Mrs. Jones, seconded by Mr.
1202 Branin, the Planning Commission voted 4-0 (one absent, one abstention) to
1203 recommend the Board of Supervisors **grant** the request because it conforms to
1204 the recommendations of the Comprehensive Plan and the proffered conditions
1205 will assure a level of development otherwise not possible.

1206

1207 **REZ2015-00006 James W. Theobald for Laurel Lakes Associates,**
1208 **LLC:** Request to conditionally rezone from [R-6C] General Residence District
1209 (Conditional), and R-4 One-Family Residence District, to O-1C Office District
1210 (Conditional) part of Parcel 769-758-6374 containing 1.075 acres located on the
1211 west line of Old Staples Mill Road approximately 450' south of its intersection
1212 with Hungary Road. The applicant proposes office uses. The uses will be
1213 controlled by zoning ordinance regulations and proffered conditions. The 2026
1214 Comprehensive Plan recommends Office. The staff report will be presented by
1215 Ms. Rosemary Deemer.

1216

1217 Mr. Witte - Do we have any opposition to REZ2015-00006,
1218 James W. Theobald for Laurel Lakes Associates, LLC? We do. All right. Ms.
1219 Deemer.

1220

1221 Ms. Deemer - Good evening, Mr. Chairman, members of the
1222 Commission.

1223

1224 This request is to rezone 1.075 acres from [R-6C] General Residence District
1225 (Conditional) and R-4 One-Family Residence District to O-1C Office District
1226 (Conditional) to allow the use of an existing building for office uses.

1227

1228 Zoning in the area is mixed. The vacant lot to the north has split zoning of B-1
1229 and R-4. The residential lot adjacent to the north is also R-4. The Lakeland
1230 Townes townhouse community, which surrounds the subject site to the
1231 northwest, west and southwest, is zoned RTHC, Residential Townhouse District

1232 (Conditional) and the office/warehouse uses to the south are zoned B-3C
1233 Business District (Conditional).

1234

1235 The subject property was part of the former West Jenningsville subdivision
1236 recorded in 1871. Laid out in a grid pattern with 30-foot wide lots and streets and
1237 alleys, very few of the lots were developed and many of the streets and alleys
1238 were vacated. The existing building on the property is a barn once part of a 175-
1239 acre farm and industrial school. The cement dairy barn was built by staff and
1240 students of the former Laurel Industrial School in 1900. The barn's walls were
1241 fabricated out of poured concrete, and it is the only one known in the County
1242 created by this method.

1243

1244 The Comprehensive Plan designates the site for Office, which is consistent with
1245 the request. The applicant is proposing to adaptively reuse and upgrade the
1246 4,000-square-foot barn for office purposes, to include the servicing of electronic
1247 equipment for utility infrastructure mapping. Revised proffers, dated March 10,
1248 2015, which have been provided to you this evening address:

1249

- 1250 • prohibited uses;
- 1251 • screening of mechanical equipment and central trash receptacles;
- 1252 • detached signage; and
- 1253 • parking lot lighting.

1254

1255 The applicant has also provided a letter, which was added to your drop boxes,
1256 agreeing to expand the existing alleyway to 24 feet and paving it.

1257

1258 Staff is generally supportive of the request as it is consistent with the 2026
1259 Comprehensive Plan designation. However, the applicant is encouraged to work
1260 with the staff from the Division of Recreation and Parks to allow them to photo-
1261 document the structure's interior.

1262

1263 This concludes my presentation, and I'd be happy to answer any questions you
1264 may have.

1265

1266 Mr. Witte - Does the Commission have any questions for Ms.
1267 Deemer?

1268

1269 Mr. Branin - What year was this laid out?

1270

1271 Ms. Deemer - Was the subdivision laid out? It was actually recorded
1272 July 18, 1871.

1273

1274 Ms. Jones - Wow.

1275

1276 Mr. Branin - Wow.

1277

1278 Mr. Witte - All right. No other questions? I'd like to hear from the
1279 opposition.

1280
1281 Ms. Stewart - Hi. I live in Lakeland Towns right over there.

1282
1283 Mr. Witte - Can you state your name, please?

1284
1285 Ms. Stewart - Oh. My name is Carrie Stewart and I live in Lakeland
1286 Towns. I'm actually really pleased to hear that they're redoing a barn, which I
1287 wasn't aware of. I came here just to talk about in the past, less than a decade
1288 that I've lived in this neighborhood, I've seen clear-cuttings nonstop. I've seen so
1289 much overdevelopment, and it really troubles me. I feel like the Brookland District
1290 is turning into New Jersey or Northern Virginia with overdevelopment. In less
1291 than a decade, we've had the huge Kroger on the corner, we've had multiple fast
1292 food chains, a giant Target. I just drive around, and I see all these empty holes,
1293 all these empty spaces. And it's troubling. So I'm happy to see that they're
1294 reusing a property that's already there. That's it.

1295
1296 Mr. Witte - Anyone have any questions? Thank you, Ms. Stewart.
1297 Anyone else? I would like to hear from the applicant, please.

1298
1299 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.
1300 I'm Jim Theobald on behalf of Laurel Lakes Associates LLC. This is really a cool
1301 little request.

1302
1303 The area that's being rezoned is basically this brown R-6C parcel in tan and an
1304 R-4 parcel. Those of you who have been here for a good while will know that an
1305 R-6 designation with a box around it means you can use it for office. That's how
1306 offices were allowed under the old ordinance. So basically, this site is already
1307 allowed to be used for office. Unfortunately, some of the parking for the proposed
1308 building will need to be—and there are some parking areas there, but some of
1309 the parking will need to be in this area, which is currently R-4. We have
1310 unrestricted B-1 all along the front with the B-3 piece here.

1311
1312 This was part of the old Laurel Industrial School long ago, but then was also part
1313 of the property owned with the development of these townhomes. It was used for
1314 a variety of uses, but usually for storage of equipment. And then over the past
1315 many years, it has become rundown, and people would inhabit illegally, and
1316 we've been forced to board it up. Didn't want to tear it down. It's been for sale for
1317 a long time.

1318
1319 So we are really fortunate to have InfraMap, which is a group that works with
1320 Henrico County, and they locate utilities underground with a device using ground-
1321 penetrating radar that looks like a metal detector. But it's an engineering firm. Mr.
1322 Hayes is the head of the company. Mrs. Hayes grew up a few blocks away from
1323 this site, and she is most interested in helping rehabilitate this structure. You saw

1324 some pictures of the site. This lean-to or shed area has been torn down. Their
1325 engineering office has about five employees. They work regular business hours,
1326 so it's a very quiet, low-impactful use.

1327

1328 Now we don't own this alley that goes in here. It is a public alley, although it's not
1329 maintained by the County. We've agreed with Public Works that we would add a
1330 number of feet so this will become a 24-foot right of way, if you will. And we will
1331 pave it. So I don't think we're going to bother any of our neighbors. We're going
1332 to upgrade and improve.

1333

1334 I'll show you just a sense of what the guy has in mind, but this is not proffered.
1335 When we come back for POD, I don't want this flashed up. But this is what he
1336 wants to do. He wants to renovate it, rehab it, replace the roof, and turn it into
1337 something really cool. He's very, very much interested in making something out
1338 of this for his engineering firm. And they're moving from Hanover County into
1339 Henrico County.

1340

1341 One of the more interesting little cases with lots of interesting little things. So we
1342 are very pleased to invite Parks and Rec or whomever to photo-document the
1343 property. I will be happy to arrange that if somebody wants to give me a call, we
1344 can do that just as soon as anybody wants to. I'm happy to hear our neighbors in
1345 the back in the townhomes are happy with this.

1346

1347 I'm glad to answer any questions. We'd ask that you recommend approval to the
1348 Board.

1349

1350 Mr. Witte - All right, Mr. Theobald, I have one other question. You
1351 say you may have to put parking in front of this building?

1352

1353 Mr. Theobald - Mmm-hmm.

1354

1355 Mr. Witte - And how much clearing do you propose?

1356

1357 Mr. Theobald - Well, I have five employees. I'm not sure how much
1358 required parking there will be. The building is 4,000 square feet with only five
1359 employees, so probably not a lot.

1360

1361 Mr. Witte - So the majority of the wooded area would remain.

1362

1363 Mr. Theobald - It certainly would for now. It's not going to be needed
1364 to support this use here. You'll see this area, this is kind of crushed stone and
1365 hard pack. You've driven back there, Mr. Witte, as have I. So I don't think it's
1366 going to need to be much more than this.

1367

1368 Mr. Witte - Okay.

1369

1370 Mr. Theobald - The drive that goes around the back, so we've got
1371 nice circulation.

1372
1373 Mr. Witte - Just keep in mind we want to keep as much as
1374 possible.

1375
1376 Mr. Theobald - Sure. I've spoken with Mr. Emerson. We've got a little
1377 bit of tricky transitional buffer issues. Those got easier when we shifted to O-1
1378 versus the O-3. But we're probably going to need a little bit of deviation as we get
1379 pinched up in here getting around the structure and obviously don't have any
1380 more room. But it can all be addressed with landscaping, I believe.

1381
1382 Mr. Witte - All right. I have no further questions. Any other
1383 questions by the Commission?

1384
1385 Ms. Jones - No sir.

1386
1387 Mr. Leabough - It's always good to save a building.

1388
1389 Mr. Witte - All right. With that, I move that REZ2015-00006,
1390 James W. Theobald for Laurel Lakes Associates, LLC, move to the Board of
1391 Supervisors with a recommendation of approval.

1392
1393 Mr. Leabough - Second.

1394
1395 Mr. Witte - I have a motion by Mr. Witte, a second by Mr.
1396 Leabough. All in favor say aye. All opposed say no. The ayes have it; the motion
1397 passes.

1398
1399 **REASON** - Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the
1400 Planning Commission voted 4-0 (one absent, one abstention) to recommend the
1401 Board of Supervisors **grant** the request because it conforms to the
1402 recommendations of the 2026 Comprehensive Plan and it is not expected to
1403 have a precedent setting effect on the zoning in the area.

1404
1405 **(Deferred from the February 12, 2015 Meeting)**

1406 **REZ2014-00016 Ross Run, LLC:** Request to conditionally rezone
1407 from R-2AC One-Family Residence District (Conditional) and A-1 Agricultural
1408 District to R-5AC General Residence District (Conditional) part of Parcel 824-
1409 689-0488 and Parcel 824-694-2155 containing 139.66 acres, located between
1410 the south line of Darbytown Road at its intersection with Macallan Parkway and
1411 the east line of Doran Road approximately 960' south of its intersection with
1412 Macallan Parkway. The applicant proposes a single-family residential
1413 development. The R-5A District allows a maximum density of six (6) units per
1414 acre. The use will be controlled by zoning ordinance regulations and proffered
1415 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1,

1416 density should not exceed 2.4 units per acre, and Environmental Protection Area.
1417 The site is located in the Airport Safety Overlay District. The staff report will be
1418 presented by Mrs. Lisa Blankinship.

1419
1420 Mr. Witte - Is there any opposition to REZ2014-00016, Ross Run
1421 LLC? One in opposition. All right. Ms. Blankinship.

1422
1423 Ms. Blankinship - Thank you, Mr. Chairman.

1424
1425 This is a request to rezone approximately 140 acres from R-2AC and A-1 to R-
1426 5AC to allow zero-lot-line, detached homes within Castleton subdivision. The
1427 applicant proposes the R-5A District with commitments to lot sizes and widths
1428 consistent with the R-3A District. The developed portion of Castleton is zoned R-
1429 3AC, but R-3A is no longer an option for rezoning under the zoning ordinance.
1430 This request would allow smaller lot sizes located to the north of Ross Run Creek
1431 and a potential increase of 91 lots from the previously approved conditional
1432 subdivision of 242 new homes.

1433
1434 The applicant has submitted a conceptual plan, shown here, as well as a number
1435 of proffers that would regulate development of the property. These include
1436 minimum lot areas of 9,500 square feet, minimum lot widths of 75 feet,
1437 prohibition of two-family and semi-detached dwellings, density of no more than
1438 335 homes, landscaping buffers, and enhancements to the existing recreational
1439 amenities, as seen here.

1440
1441 The applicant has submitted revised proffers that have been handed out to you
1442 this evening. These proffers address some of staff's concerns raised in the staff
1443 report including prohibition of slab foundations and commitments to architectural
1444 details on garage doors. These proffers also address maintenance of buffer
1445 areas, scheduling of the construction of the new recreational amenities, and
1446 increasing the square footage of the fitness center from 1,500 to 1,600 square
1447 feet.

1448
1449 In addition to previously submitted elevations, the applicant has also proffered
1450 four additional architectural elevations which are referred to as Exhibit F, as seen
1451 here. This is the Logan, the Randolph, and the Talbot.

1452
1453 The revised proffers also increase the minimum square footage of homes to
1454 1,800 square feet and increase the percentage of homes with partial brick or
1455 stone fronts to 35 percent; however, staff believes these numbers should be
1456 increased to be more consistent with the existing homes in Castleton. As stated
1457 in the staff report, staff recommends the applicant increase the minimum square
1458 footage to 2,200 square feet for two-story homes, and increase the percentage of
1459 homes with partial brick or stone fronts from 35 percent to 40 percent.

1460

1461 The increased number of units desired under the R-5AC zoning could be
1462 appropriate and would be consistent with the majority of the subject site's
1463 designation of SR1. If the applicant could address the remaining concerns, staff
1464 could be more supportive of this request. Until such time, staff recommends
1465 deferral.

1466

1467 This concludes my presentation; I will be happy to try and answer any questions
1468 you may have. Also, if the revised proffers are accepted, the time limits would
1469 need to be waived.

1470

1471 Mr. Leabough - I have a question. Actually, I have a lot of questions.
1472 The percentage of brick, I know you had an opportunity, as I have as well, to go
1473 out to the community. What would you say, based on just your estimation, the
1474 percentage of brick homes is in the community currently?

1475

1476 Ms. Blankinship - We saw about 18 homes with all brick fronts and 57
1477 homes with either partial brick or stone. And out of the 142 homes, that comes up
1478 to 53 percent.

1479

1480 Mr. Leabough - Okay. So 53 percent of the homes have either all
1481 brick or some portion of brick?

1482

1483 Ms. Blankinship - Yes sir. Brick or stone.

1484

1485 Mr. Leabough - Okay. And they're proposing I believe 35 percent?

1486

1487 Ms. Blankinship - Yes sir.

1488

1489 Mr. Leabough - Thirty-five percent of the homes will have—what is it,
1490 30 percent brick or stone?

1491

1492 Ms. Blankinship - Yes sir.

1493

1494 Mr. Leabough - So a significant departure from what has currently
1495 been built to date?

1496

1497 Ms. Blankinship - Yes.

1498

1499 Mr. Leabough - The average square feet of the homes built currently
1500 to date and what they're proposing.

1501

1502 Ms. Blankinship - The average square footage is 2,685. And they're
1503 proffering 1,800 square feet.

1504

1505 Mr. Leabough - Okay. And the last homes that were built in 2014,
1506 could you give me just a rundown of the sizes of those homes, which kind of
1507 speaks to market.

1508
1509 Ms. Blankinship - In 2014, I have there were nine homes constructed.
1510 They range from 2,064 to 3,011. I did not average those.

1511
1512 Mr. Leabough - Thank you. All right. Side elevations. Have they
1513 included any proffers as it relates to detailing on the sides of the homes?

1514
1515 Ms. Blankinship - No sir.

1516
1517 Mr. Leabough - Okay. Foundations. The slab-on-grade or raised slab
1518 has been removed, correct?

1519
1520 Ms. Blankinship - Yes sir.

1521
1522 Mr. Leabough - Okay. Cantilevering. Has that item been addressed as
1523 it relates to fireplaces and bay windows in terms of removing the—

1524
1525 Ms. Blankinship - No.

1526
1527 Mr. Leabough - —ability to allow cantilevering on the first level. Has
1528 not. Okay. Architectural features for the garages. I see here that they've proffered
1529 a minimum of one architectural detail, which could be windows or carriage door
1530 handles, things of that nature.

1531
1532 Ms. Blankinship - Yes sir.

1533
1534 Mr. Leabough - I think we were looking for the architectural detail as
1535 well as some sort of decorative feature like a decorative window or carriage door
1536 handles. So this looks like it's different from what we talked about previously.
1537 Elevations. I have a list. I'm sorry, fellow commissioners. But I'm struggling with
1538 this case; I'll be honest.

1539
1540 The architecturals. Are they proffering to build only the homes that have been
1541 shown in the exhibits or are they planning to build other homes that have been
1542 built to date in that community?

1543
1544 Ms. Blankinship - They are also planning to build other homes that are
1545 similar to what exists in Castleton.

1546
1547 Mr. Leabough - Okay. I actually drove through that neighborhood.
1548 There are some homes that architecturally I think could use some enhancement.
1549 So, okay. They have not addressed that item either.

1550

1551 The HOA and the community amenities. When we met, they were talking about a
1552 projection of 25 to 30 homes to be built and sold in a given year, which would
1553 mean the HOA would at some point shoulder the full responsibility of all those
1554 amenities for—I forget the total—590-some homes? What's the total?

1555

1556 Ms. Blankinship - Five ninety-four.

1557

1558 Mr. Leabough - So basically, the way the proffers are worded, they
1559 would possibly build and sell 50 homes. So roughly 200 homes would shoulder
1560 the full amenities for 590 homes, the cost associated.

1561

1562 Ms. Blankinship - It's 585. I'm sorry.

1563

1564 Mr. Leabough - Close enough.

1565

1566 Mr. Leabough - Okay. Could you go back, please, to the amenity site
1567 plan? Have we received a rendering of the pavilion?

1568

1569 Ms. Blankinship - No.

1570

1571 Mr. Leabough - Any proffers related to the materials to be used for
1572 that? I don't think we have.

1573

1574 Ms. Blankinship - Just the pavilion, I believe, would be—no. You're
1575 correct.

1576

1577 Mr. Leabough - Okay. All right. Those are my questions for now. Are
1578 there other questions from the Commission?

1579

1580 Ms. Jones - You've covered them.

1581

1582 Mr. Leabough - I say all that to say in my opinion this case needs a
1583 good bit of work. But I guess we'll hear from the opposition, and then we'll hear
1584 from the applicant.

1585

1586 Mr. Witte - Sir, would you like to come down?

1587

1588 Mr. Mosley - My name is Struther Mosley from the Windsor Oaks
1589 subdivision, which is right next door to Castleton. I would say that Castleton has
1590 built a pretty nice product to date.

1591

1592 We are a little concerned about the reduction in square footage there. We were
1593 looking for that to be a premier community with larger homes that was promised
1594 at the onset of the project—well, before they started it. The square footage was
1595 one issue, and the 2.4 homes per square acre, not exactly sure what that means.
1596 When you're looking at 130-some acres—and this is a question. I understand

1597 that there are wetlands there, and they wanted to do more improvements as far
1598 as walking lanes and some different things for the community as far as
1599 amenities. So if 20 percent of the property ends up being common or wetland or
1600 some other form of usage, would that possibly mean that you still meet the letter
1601 of this proffer by having four homes per acre as opposed to what they say, 2.4
1602 homes per acre. Does that make sense?

1603

1604 Mr. Witte - So you want to know if the actual homes on acreage
1605 would be no more than 2.4.

1606

1607 Mr. Mosley - Right. I heard them say that each home site had a
1608 minimum square footage of—

1609

1610 Mr. Leabough - They're proposing 1,800 square feet. Now when you
1611 speak to 2.4 homes per acre, you're speaking to the Comprehensive Plan, as
1612 what it suggests in terms of the density of the site. Mrs. Blankinship or Joe, do
1613 you want to—

1614

1615 Mr. Emerson - Well, the environmental features would be deducted
1616 from the overall density. But they're proffering an R-5A lot size, so you wouldn't
1617 get additional lots because of the reduction of area in the environmental features
1618 I think is the simple answer to your question.

1619

1620 Mr. Mosley - The zoning by letter we're offered six homes per acre.

1621

1622 Mr. Emerson - Correct. That's what the R-5A limits it to. But it also
1623 has a specified lot size. And when you start working around the environmental
1624 features, you're not going to be able to reduce those lot sizes to get more units.
1625 So, in turn, you wouldn't get more units if there's a reduction in usable area of the
1626 property. If that makes sense.

1627

1628 Mr. Mosley - That's makes plenty of sense. I'm working the math
1629 out.

1630

1631 Mr. Leabough - I think 2.4 acres is what they're estimating.

1632

1633 Mr. Mosley - Homes per acre.

1634

1635 Mr. Leabough - Based on what they proposed.

1636

1637 Mr. Emerson - Right. That's the Comp Plan recommendation for the
1638 property. It would vary depending on the developability of the property, but in no
1639 case should exceed that.

1640

1641 Mr. Witte - So some of the lots will be smaller than half an acre.
1642 Some of them may be a quarter of an acre.

1643
1644 Mr. Mosley - All of them will have a set out from each side of the
1645 house?
1646
1647 Ms. Jones - Setbacks.
1648
1649 Mr. Leabough - This is a zero-lot-line subdivision that they're
1650 proposing, so no. One side would be on the lot line, and the other side would
1651 have twenty feet between that home and the next home—I mean that home and
1652 the property line.
1653
1654 Mr. Branin - Generally you see the driveway as your divider in a
1655 zero lot line.
1656
1657 Mr. Mosley - Okay.
1658
1659 Mr. Branin - So you have a house, driveway—
1660
1661 Mr. Mosley - Next house.
1662
1663 Mr. Branin - And they're right up on—there will be a small setback
1664 on the back side, but not on the sides.
1665
1666 Mrs. O'Bannon - They're really close together.
1667
1668 Mr. Mosley - Yes. That does seem to be a degrading of the quality
1669 of life, if you will, for what is present, in my opinion. And that would be
1670 objectionable.
1671
1672 Mr. Branin - And I could say in the Three Chopt District we have a
1673 couple zero lot lines, and those people don't complain of their quality of life.
1674
1675 Mr. Mosley - Twin Hickory is probably one of them.
1676
1677 Mr. Branin - Yes it is.
1678
1679 Mr. Mosley - And that's very nice.
1680
1681 Mr. Branin - That was one of the first zero lot lines.
1682
1683 Mr. Mosley - You can see I'm getting old and fat, and I don't like to
1684 cut grass.
1685
1686 Mr. Branin - I'm right behind you.
1687

1688 Mr. Mosley - However, there is another side to that. And it depends
1689 on what is there and how dense it is. I'm not sure if I saw in the proffers with
1690 regards to—I haven't seen any of the proffers, as a matter of fact. And this
1691 sounds like it's going to come back. That pretty much states my objections.
1692

1693 Ms. Jones - May I just ask. If the house sizes were substantially
1694 increased—that sounds like your major objection that they're not in line with the
1695 other homes in Castleton. And I've driven—it's a lovely community.
1696

1697 Mr. Mosley - Correct.
1698

1699 Ms. Jones - Would that satisfy your objection?
1700

1701 Mr. Mosley - That would help a lot. Basically, we hope that that
1702 property enhances ours.
1703

1704 Ms. Jones - Of course, of course.
1705

1706 Mr. Branin - May I ask what is your neighborhood generally, the
1707 square footage of your neighborhood?
1708

1709 Mr. Mosley - Twenty-six to thirty-two. In general. Windsor Oaks.
1710 Thank you all.
1711

1712 Mr. Witte - Is there anyone else in opposition?
1713

1714 Mr. Leabough - Before the applicant comes up, Ms. Blankinship, do
1715 you have the graphic or any photographs that kind of show the spacing of the
1716 homes in terms of how this would be different from the typical R-5A subdivision?
1717 Is that available on the PowerPoint or the—
1718

1719 Ms. Blankinship - I do have the layout from Townsend homes that was
1720 shared with some of the citizens. I could pass it to you or? Would you like me to
1721 put it on the screen up there?
1722

1723 Mr. Leabough - What Ms. Blankinship is bringing up is something—
1724 we had similar concerns as it relates to the zero-lot-line subdivision. I forget
1725 which district; I think it's Three Chopt or Tuckahoe; I'm not exactly certain which
1726 one. But there was a similar subdivision that was zoned R-5A but proffered up to
1727 R-3A standards. So that's what she's showing here.
1728

1729 Mr. Emerson - I believe that's actually Brookland.
1730

1731 Mr. Leabough - It's Brookland. Oh, I'm sorry.
1732

1733 Mr. Emerson - If I'm not mistaken. Is that Townsend?

1734
1735 Mr. Witte - Yes.
1736
1737 Mr. Leabough - It's Brookland. I'm sorry. So it kind of gives you a feel
1738 for the spacing between the homes. So it still kind of gives you a feel of a single-
1739 family home subdivision.
1740
1741 Ms. Jones - The cell tower doesn't come with it, does it?
1742
1743 Mr. Leabough - No, it does not. Thank you, Ms. Blankinship. That's
1744 helpful. All right. Are there other questions? If not, would the applicant please
1745 come forward?
1746
1747 Mr. Rudiger - Good evening. I'm David Rudiger for Boyd Homes
1748 and Ross Run LLC.
1749
1750 Mr. Chairman and commissioners, our initial motivation for this case was that we
1751 had a mixture of zoning uses in this community. And the existing developed area
1752 was R-3A. And the part that we are looking to rezone tonight is zoned R-2A and
1753 a portion of agricultural. As a result, we are actually left with a smaller building
1754 envelope in the area that's proposed tonight than in the existing neighborhood.
1755 That would not allow us to build as large a home as in the existing neighborhood.
1756 We have had fairly significant demand. It's because in the R-2A you have larger
1757 setbacks, but about the same minimum square footage of the lot. And so it
1758 actually pinches down the building envelope. So we were looking to try to
1759 increase our building envelope to be able to build some of the larger homes that
1760 we have had demand for. In particular, we have a fair amount of demand for
1761 some ranch homes, which are in the 2,400- to 2,500-square-foot area running up
1762 to 3,000 square feet. But we have very few lots that they'll squeeze on.
1763
1764 So even though in this case there seems to be some concern about proffering a
1765 minimum square footage of 1,800, in fact we believe that the demand will be for
1766 on average a much larger unit than that. What we're setting is a minimum. And I
1767 wish to reinforce that the 1,800-square-foot minimum equals or exceeds the
1768 standards that are currently in place for this property. So we're actually proffering
1769 up the minimum square footage from where it is right now.
1770
1771 This property is already zoned mainly for single-family. We have spent about
1772 three years working with the homeowners in the community, with the staff, and
1773 the representatives of the County in coming up with the set of proffers that we
1774 have given to the County. And we believe this represents a very earnest and
1775 long-developed set of compromises with a give-and-take. In adding these
1776 additional requirements to the homes over what is currently required, we have to
1777 balance a question of, okay, you're asking us to commit to spending more
1778 money, and we're willing to do that. But there comes a point where you go it's
1779 already zoned—

1780
1781 Mr. Leabough - But you're spending that money now, aren't you?
1782 Aren't you building 2,600-square-foot homes?
1783
1784 Mr. Rudiger - Not as a minimum.
1785
1786 Mr. Leabough - But aren't you building that?
1787
1788 Mr. Rudiger - We are building some, yes.
1789
1790 Mr. Leabough - So you're spending that money that we're talking
1791 about.
1792
1793 Mr. Rudiger - On some of the homes, yes; on some of the homes
1794 not. And what we want is to have the ability to respond to the demands of the
1795 market. And there are demands for larger homes, but with an aging population,
1796 there are also demands for smaller homes. Similarly, with the part of the market
1797 that is first recovering from the economy, that's people who don't have homes to
1798 sell and aren't taking a hit on their homes. They are generally looking for smaller
1799 homes. So we're not asking to have that as an average, but we are asking to
1800 have that as a minimum.
1801
1802 Mr. Branin - Can I ask a question? May I please?
1803
1804 Mr. Rudiger - Yes sir.
1805
1806 Mr. Branin - I know you guys probably already have your plans for
1807 what you're going to build.
1808
1809 Mr. Rudiger - We have an existing lineup, yes sir.
1810
1811 Mr. Branin - Okay, an existing lineup. And the largest house is
1812 what?
1813
1814 Mr. Rudiger - Over 3,000 square feet.
1815
1816 Mr. Branin - Three thousand. And the smallest is what?
1817
1818 Mr. Rudiger - Currently, I believe it's 14 or 1,500 square feet.
1819
1820 Mr. Branin - Yes, that's small. So we would all be more
1821 comfortable. Why wouldn't you come in with the actual percentages of what you
1822 would possibly want to build? You can figure that out by simply looking at your lot
1823 size and what would fit, correct?
1824

1825 Mr. Rudiger - We would be willing to proffer a stepped minimum
1826 where there were a certain percentage of homes at the 1,800 and then a different
1827 percentage that meets a higher standard.
1828

1829 Mr. Branin - I understand the Commissioner's predicament in
1830 dealing with this. Your adjoining neighbor has already stated look, you know, we
1831 were told we were getting a better quality, a high-end. And you yourself are
1832 saying yes, we're going to build some that are over 3,000 square feet. That's
1833 great. But the way your proffer is written, there is no guarantee that you don't
1834 come in and build them all at 1,800. Do you understand where I'm—
1835

1836 Mr. Rudiger - Yes sir.
1837

1838 Mr. Branin - —the comfort level that you're not providing us?
1839

1840 Mr. Rudiger - Yes sir, I do understand. And as I said, we would be
1841 willing to proffer a stepped percentage.
1842

1843 Mr. Leabough - I gave you that as an option at the community
1844 meeting, and you told me that wasn't possible.
1845

1846 Mr. Rudiger - I am telling you tonight that we would be willing to
1847 agree to a stepped minimum size. I wish to emphasize, though, that we have met
1848 with the community. There are homeowners here tonight to speak in support of
1849 this. This has been, as I said, a long-negotiated matter with the homeowners and
1850 the County. We believe this represents a reasonable compromise. We are willing
1851 to further define that.
1852

1853 Ms. Jones - Mr. Rudiger, help me out here. What is the smallest
1854 home that has already been built in this neighborhood? Do you know the
1855 approximate square footage?
1856

1857 Mr. Rudiger - I believe that the smallest home is between 14 and
1858 1,500 square feet.
1859

1860 Mr. Leabough - I think it was 1,600 and it was one home.
1861

1862 Mr. Rudiger - Yes. There are very few of the smaller homes that are
1863 offered in our lineup. We don't build the smaller homes on speculation. I can't tell
1864 you, honestly, the exact numbers tonight.
1865

1866 Ms. Jones - Okay. I just wanted to make sure that everything
1867 wasn't on one end of the scale and then you're coming in—
1868

1869 Mr. Branin - Which is where I'm coming—
1870

1871 Ms. Jones - Yes. You're coming in with a proposal that's just—and
1872 it isn't that there's anything wrong with the materials or the home design or
1873 whatever. It's just that it's out of character for this lovely neighborhood, and we all
1874 want it to be a lovely neighborhood, most certainly you, and be successful. So I
1875 don't understand why the need would be to—I think it's kind of one or the other.
1876 A zero lot line gives you that kind of density option because of the way it's laid
1877 out. However, when you combine the zero lot line with the smaller homes, you
1878 end up having what amounts to, in my view, what sounds like a community
1879 extension that is not in line with the rest of the community. I'm having a hard time
1880 seeing these two as compatible. I wish you could put my mind at ease, but I'm not
1881 there.

1882
1883 Mr. Rudiger - And that's why we're willing to do a step thing.
1884 Particularly with ranches, when you've got a smaller home, it still takes up a large
1885 footprint.

1886
1887 Ms. Jones - But it doesn't mean that you get to go ahead and say
1888 how many homes you want to build and then cram them into what is potentially
1889 not enough land. I mean, you know what land you have to work with. So if you
1890 want to build a ranch, you know what you have to devote to that.

1891
1892 Mr. Rudiger - Yes ma'am.

1893
1894 Ms. Jones - If it's 2,000 square feet, you know how much room
1895 you have to devote to that.

1896
1897 Mr. Rudiger - I was merely trying to address what I thought was
1898 your comment about the houses seeming vacuous on the lots, just addressing
1899 that that has a larger footprint and therefore a smaller separation between the
1900 homes. I'm sorry if I was picking up on the wrong—

1901
1902 Ms. Jones - No. I just am having a hard time seeing this as
1903 blending with the community that I drove through recently. Anyhow, okay.

1904
1905 Mr. Leabough - The other thing I think that concerns me is just the
1906 percentage of brick, where the market is. It seems like a good number of people
1907 that have purchased in this community want either all-brick fronts or some portion
1908 of the front facade to have brick, stone, etc. And you're proffering substantially
1909 below that. So that's another concern that I have. And it's the same concern that
1910 we shared at the community meeting, and I'm going to share that concern. The
1911 people that are sitting out in our audience—and I don't know if they're in favor or
1912 against this case, but they've made an investment in their community. That's
1913 where they live. And I think we would do them a disservice if we were to allow
1914 this case to move forward as it is presented today.

1915

1916 Mr. Rudiger - I wish to emphasize that if this case is not approved,
1917 then the higher standards for these homes that we're proffering will not go into
1918 effect, and we're left with the existing case, and we're not held to these higher
1919 standards. So this is an increased commitment to the community. We want to
1920 maintain quality of construction in there. But we don't want to commit to
1921 something that we can't financially deliver on.
1922

1923 Mr. Leabough - I understand that, and that's why we've been more
1924 than willing to work with you. It is R-2A zoning currently.
1925

1926 Mr. Branin - Right. And are you trying to tell me that you're going
1927 to get a higher yield profit-wise out of R-2 with a smaller building using up that
1928 amount of lot? Are you really trying to tell me that?
1929

1930 Mr. Rudiger - No sir.
1931

1932 Mr. Branin - But that's what you're implying.
1933

1934 Mr. Rudiger - No sir.
1935

1936 Mr. Branin - If we don't get this, we'll go with the original zoning,
1937 which is less product.
1938

1939 Mr. Rudiger - All I'm saying is the minimum standards as they exist
1940 today do not include these conditions. And we're agreeing to lower minimum
1941 standards.
1942

1943 Mr. Branin - In trade for higher density. I mean that's the part
1944 you're leaving out.
1945

1946 Mr. Rudiger - Yes sir. No, I fully agree. We are getting something in
1947 return, and that's why we're willing to offer something to get it.
1948

1949 Mr. Leabough - Okay. Thank you. I'm sorry, were you finished?
1950

1951 Mr. Rudiger - Yes, thank you.
1952

1953 Mr. Leabough - Okay. Would anyone else in the audience like to
1954 speak in favor or opposition?
1955

1956 Mr. Witte - No one else would like to speak? Here we go.
1957

1958 Mr. Landrau - How are you doing? My name's Ray Landrau. I'm the
1959 chairperson for the advisory committee for this community. We have some
1960 question on the proffers. I just saw the proffers tonight, maybe about a half an
1961 hour ago.

1962

1963 Going back to the amenities, one of the concerns we have is if you built them all
1964 at one time, will it hit our pocketbook or not? I know the proffer says that the
1965 developer could delay them. But I think we need to work in the advisory
1966 committee and the developer decide when things get built. If not, it's going to hit
1967 our pockets after fifty homes. We were building 25 homes a years, 20, 25 homes.
1968 But it was two builders. Now we're down to one. Okay. If we go with one
1969 builder—we're a little concerned about that part. Two builders, twenty-five. One
1970 builder—we're playing the Missouri game. We want to see it before anything gets
1971 built up on the amenities.

1972

1973 Now, as owners, we love the amenities. We think it's a great plan. Where else
1974 are you going to have all these great amenities and all that? We're happy about
1975 that. I'm from New York, so a lot of this stuff that you guys are talking about, the
1976 structure and all that, it's way over my head.

1977

1978 Most of the stuff that we asked for, we pretty much got. Okay. We do agree there
1979 are over 50 percent on McCallan Parkway alone. I did an assessment. There
1980 was over 57 percent that was brick, stone, things like that. I did two other streets;
1981 came up with the same figures and all. The average home is 2600. Yes, we
1982 agree on that. And I agree with the gentleman that what assures that we're not
1983 going to have smaller homes? The key thing is getting these homes at ninety-five
1984 dollars a square foot or higher will keep the value and all that. Plus, the County,
1985 you just raised a lot of taxes. So we want to make sure we have homes that will
1986 be able to sell.

1987

1988 Mr. Leabough - The County didn't increase the tax rate, did it?

1989

1990 Mr. Branin - We haven't raised taxes in thirty years.

1991

1992 Mr. Leabough - Your value increased, which is a good thing.

1993

1994 Mr. Branin - Your property value may have increased.

1995

1996 Mr. Leabough - When you go to sell. Not a good thing when—

1997

1998 Mr. Landrau - Oh, okay. Okay. Okay. That was good clarification.

1999

2000 Ms. Jones - He needs to make sure people understand. Yes.

2001

2002 Mr. Branin - We've actually lowered the tax rate twice in ten.

2003

2004 Mr. Landrau - Okay.

2005

2006 Mrs. O'Bannon - The tax rate stays exactly the same. If the value of
2007 your house goes up—

2008
2009 Mr. Leabough - Which is a good thing.
2010
2011 Mrs. O'Bannon - —your tax bill may end up being a little bit more.
2012
2013 Mr. Landrau - If I do the math, ma'am, I still pay more.
2014
2015 Mr. Leabough - Think of it like this. It's always a good thing when
2016 you're trying to sell. When you have to pay taxes, it's not so good. How about
2017 that.
2018
2019 Mrs. O'Bannon - Yes, exactly.
2020
2021 Mr. Landrau - I think from the community's standpoint, we would like
2022 to see it move forward, this plan, because as a community we're looking at the
2023 amenities. The only thing is, we would like to see the proffers changed a little bit
2024 of when they get built. Work together. Like I say, we don't want to get hurt in the
2025 pocket. Pretty much everything else on the amenities is what the community
2026 wanted.
2027
2028 Mr. Gibson - Good evening. My name is Nathan Gibson. I live in
2029 the community. I agree with everything you did. And from the meeting we had
2030 last week, it showed that you were really looking out for the homeowner on our
2031 behalf from the point that you brought out in the community meeting the other
2032 day.
2033
2034 From Mr. Boyd's perspective, first I wasn't really into him, I didn't really trust him
2035 that much. But he has worked with us a lot, and he's really given us a lot. So he's
2036 winning me over a little bit. Not a whole lot, but a little bit.
2037
2038 On the home sizes, if he proffers in the step size, that brings us more to—I think
2039 would be realistic. The homes that he has built or the smaller homes he has built,
2040 I know of two that are under 1,800 square feet, and they're not sold yet. They're
2041 sitting there. So if he was to build the smaller home, the chances of him just
2042 sitting on a product—it's not good for him. So it would behoove him to build a
2043 larger home, as opposed to build and have it built with a homeowner already on
2044 contract. They're going to build what they want. But if he builds a home to sell at
2045 a later date, and he builds a smaller home, he's going to fall on the same
2046 problem he's having right now with a couple of them he has. So if he does that,
2047 then he has money in his pocket that's not being spent. That's my point of view.
2048
2049 For the stone frontage, I do agree the forty—I was looking during the meeting, 40
2050 percent. It comes up to 35. I would feel more comfortable with a 40 percent stone
2051 coverage, realizing that it is over 50 at this point in time. But the amenities, like
2052 Ray said, if we have the verbiage that he suggested—you know, the advisory
2053 committee and the developer comes to an agreement of when those would be

2054 built—that was a valid point you brought up with the HOA would eventually be
2055 sitting on all those expenses, carrying that load with such a low number.
2056

2057 That's all I wanted to say. I do agree with a lot of the proffers, and I do hope it
2058 moves forward with a few minor tweaks still at this point. Thank you.
2059

2060 Mr. Leabough - Thank you.

2061

2062 Mr. Witte - Anyone else?

2063

2064 Mr. Miller - My name's John Miller. I live at 6805 Kilchurn Court,
2065 which is the first road coming in off McCallan at the main entrance.
2066

2067 Nothing new to add other than to reinforce what Ray and Nathan have said.
2068 David has worked with us on this. We think that we have a lot of good things
2069 going. I think if he's willing to give you the stepped minimums on the homes. I
2070 think the other things you're talking about are smaller things that could be
2071 tweaked. I would support going forward on this thing. So I'm hoping you can work
2072 something out on the stepped minimum on the homes, and we can go forward on
2073 this. Thank you.
2074

2075 Mr. Leabough - Other questions from the Commission?

2076

2077 Mr. Witte - Any questions?

2078

2079 Mr. Branin - From the neighborhood, three have now said going
2080 forward—I can tell you, I can't support this because there are no guarantees in
2081 proffer or writing. And they may not understand that if it goes forward from us and
2082 then through the Board without getting in writing and locked down and proffered,
2083 there are no guarantees, which is why you hear all the commissioners here
2084 saying you're leaving this wide open.
2085

2086 Our concern is not moving something forward; our concern is guaranteeing that
2087 the community, the people that we all represent, are protected with the highest
2088 quality of construction, because it may look great today, and twenty years from
2089 now look really bad. So the highest quality of construction. And the square
2090 footage is important, because when you go to sell your houses with 3,000-
2091 square-foot houses, the listings that they pull around the immediate area, if there
2092 is an 1,800-square-foot house or a 1,400-square-foot house that is quite a bit
2093 less than yours, then it brings your whole neighborhood's price down.
2094

2095 So when you hear us pushing for better quality, it's not because we think it's
2096 really a neat thing. It's to protect the citizens who we represent and guarantee
2097 that when you go to retire, and it's twenty years from now or thirty years from
2098 now, that the quality of house that's—or two years from now—the quality of the
2099 houses around you is still there. All three of you had said we're good with this

2100 going forward. And I don't know what the Commissioner's decision will be, but if
2101 you hear not what you think you're going to hear, you'll know we hear you, but
2102 we want to protect and guarantee for you.

2103

2104 Mr. Miller - If the developer is willing to give you the step
2105 minimums, I guess I assumed at that point the proffer would change.

2106

2107 Mr. Branin - There are also a couple of other things we brought
2108 up—square footage, architectural quality—

2109

2110 Mr. Miller - Right. But the next step, I would have assumed that if
2111 he was willing to give you that part and let's say it becomes acceptable, that
2112 would mean that the proffer would have to be changed, and he would have to
2113 come back in front of the committee again one more time.

2114

2115 Mr. Branin - Right.

2116

2117 Mr. Miller - That was my assumption when I said I'd like to see
2118 this continue moving forward because—

2119

2120 Mr. Branin - Tonight—

2121

2122 Mr. Miller - No, because I said that there were some tweaks that
2123 you were going to do. Plus if he was willing to offer the step, that had to be
2124 changed as well too. So I'm hoping that it doesn't die here tonight, that there can
2125 be some negotiation. I was kind of thinking if he was willing to make one change,
2126 the whole proffer had to change, and the whole process started again.

2127

2128 Mr. Branin - No. He just tweaks it and it would be deferred out.
2129 And our recommendation is just for—ours is just a recommendation. Then it goes
2130 to the Board of Supervisors, who will vote on it. And that vote, whether it's yes or
2131 no, it's done.

2132

2133 Mr. Miller - Okay.

2134

2135 Mr. Branin - And then it would go to the POD process.

2136

2137 Mr. Leabough - For at least another year. They could come back and
2138 request it again. But it would be done for at least twelve months, right?

2139

2140 Mr. Branin - If denied.

2141

2142 Mr. Leabough - If denied, yes.

2143

2144 Mr. Miller - Okay. Thank you.

2145

2146 Mr. Leabough - Thank you. So let me also thank folks. I'd like to thank
2147 staff, Jim Strauss, and Lisa Blankinship, Mr. Emerson, and others that have been
2148 working on this. We put in a lot of time and effort, and the developer has put a lot
2149 of time and effort in. And the community has done the same. So I'd like to thank
2150 you all. And I don't want to see this not move forward. But what I do want to see
2151 is this case enhanced to the extent that it can be. I think that we made some
2152 progress tonight. I think between now and the next meeting, we can work on
2153 those modifications and tweaks, if you will, to get this to a place where we can all
2154 be comfortable with it.

2155

2156 So with that, if there are no other questions, I move REZ2014-00016, Ross Run
2157 LLC, be deferred to the April 9th meeting at the Commission's request.

2158

2159 Mr. Branin - Second.

2160

2161 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.
2162 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
2163 passes.

2164

2165 At the request of the Commission, the Commission deferred REZ2014-00016,
2166 Ross Run LLC, to its meeting on April 9, 2015.

2167

2168 Mr. Witte - Mr. Gibson, thank you for your service.

2169

2170 Mr. Emerson - Mr. Chairman, we now move on to the next item on
2171 your agenda that also appears on page 5. It is a resolution, SIA2015-00001, Fire
2172 Station 19, Substantially In Accord. The staff report will be presented by Mr.
2173 Livingston Lewis.

2174

2175 **RESOLUTION: SIA2015-00001 Fire Station #19: Substantially in**
2176 **Accord (Three Chopt District).**

2177

2178 Mr. Witte - Mr. Lewis.

2179

2180 Mr. Lewis - Good evening, Mr. Chairman, members of the
2181 Commission.

2182

2183 At the request of the Division of Fire, the Planning Department conducted a
2184 Substantially In Accord study to determine if proposed Fire Station #19 to be
2185 located at 1234 Kain Road is substantially in conformance with the County's
2186 adopted Comprehensive Plan. The proposed site consists of a single 4.373-acre
2187 parcel at the north intersection of Kain Road and North Gayton Road in the Three
2188 Chopt Magisterial District.

2189

2190 Most of the property is zoned A-1, except for the western corner, which is zoned
2191 R-2AC. The development pattern of the surrounding area is predominantly

2192 residential with a mixture of older and newer homes and a wide variety of lot
2193 sizes. The adjacent R-2AC-zoned subdivision to the north and west—
2194 Wellwood—is currently under review for construction plan approval of twenty-six
2195 single-family lots. The Bacova development is currently under construction
2196 farther south of the site between North Gayton and Pouncey Tract Roads.

2197
2198 The 2026 Comprehensive Plan designates the subject property for Suburban
2199 Residential 1, the same as adjacent properties to the north. The 205-acre
2200 County-owned property, less than fifty feet southwest of the subject parcel, is
2201 designated for government use. The fire station is not a residential use, but it is
2202 appropriate to locate these services convenient to residential properties and
2203 other planned governmental uses, particularly in an area where development
2204 growth is anticipated to continue for some time.

2205
2206 After reviewing the proposed the site in the context of existing and recommended
2207 land uses, the transportation network, and other site characteristics and
2208 considerations, staff concludes the proposed use of the site for a fire station
2209 presents no apparent conflict with the intent of the adopted plan, and it seems to
2210 be substantially in accord with the goals, objectives, and policies of the Henrico
2211 County 2026 Comprehensive Plan.

2212
2213 This concludes my presentation. I'll be happy to take any questions.

2214
2215 Mr. Witte - Any questions from the Commission?

2216
2217 Ms. Jones - No.

2218
2219 Mr. Leabough - No sir.

2220
2221 Ms. Jones - This looks good to me.

2222
2223 Mr. Emerson - Mr. Chairman, if there are no questions from the
2224 Commission of Mr. Lewis, I would need a motion to adopt—

2225
2226 Mrs. O'Bannon - I do have one question.

2227
2228 Mr. Emerson - I'm sorry.

2229
2230 Mrs. O'Bannon - We have fire stations #23 and #22. This is 19?

2231
2232 Mr. Lewis - Correct.

2233
2234 Mrs. O'Bannon - So it's not in the same number lineup as the rest?
2235 Nineteen and twenty. We don't have a twenty either, right?

2236
2237 Mr. Lewis - Right. In this area, there is 16, 13, and 22.

2238
2239 Mr. Emerson - Twenty-two is right on Shady Grove.
2240
2241 Mrs. O'Bannon - Why did they skip over?
2242
2243 Ms. Jones - We discussed this at the CIP.
2244
2245 Mr. Branin - And we didn't actually get an answer, though.
2246
2247 Mr. Witte - The Fire Department initially numbered the stations
2248 where they thought they would be needed in order. As it turned out, the County
2249 developed in a different area or supervisors needed a fire station in a different
2250 area, so the numbers jumped.
2251
2252 Mr. Leabough - So it's all your fault.
2253
2254 Mr. Witte - But there's actually a move to get away from numbers
2255 and more into the community like the old Tuckahoe Fire Station or Lakeside Fire
2256 Station.
2257
2258 Mrs. O'Bannon - Okay. I just like to play "stump the planner."
2259
2260 Mr. Emerson - So there is a method to the madness. They've been
2261 built in a different sequence from the way they were numbered.
2262
2263 Mr. Branin - But it's easier to put a number on a fire truck than
2264 North Gayton Firehouse.
2265
2266 Mr. Witte - But it's not as warm and cozy.
2267
2268 Mr. Branin - I'm all about the warm and cozy.
2269
2270 Mr. Emerson - Mr. Chairman, if there are no other questions
2271 regarding this SIA, we do have a resolution that needs to be adopted.
2272
2273 It's SIA2015-00001, Fire Station 19, Substantially in Accord. And it reads as
2274 follows:
2275
2276 **WHEREAS**, Section 15.2-2232(A) of the Code of Virginia, requires the Planning
2277 Commission to review and to consider whether the general or approximate
2278 location, character and extent of major public facilities are substantially in accord
2279 with the County's Comprehensive Plan; and
2280
2281 **WHEREAS**, the Planning Commission has reviewed the Fire Station 19 site for
2282 conformance with the County's 2026 Comprehensive Plan; and
2283

2284 **WHEREAS**, a report dated March 12, 2015, presented by Planning staff to the
2285 Planning Commission found the proposed use would not be in conflict with, or a
2286 significant departure from, the adopted plan; and
2287

2288 **WHEREAS**, the Planning Commission has reviewed the staff recommendations
2289 and finds the proposed use will further the goals, objectives, and policies of the
2290 Comprehensive Plan that identified the need for new public services and facilities
2291 based on the projected and planned growth in accordance with the 2026 Future
2292 Land Use Map; and
2293

2294 **WHEREAS**, the Planning Commission finds the proposed site can be designated
2295 to be compatible with the surrounding area;
2296

2297 **NOW, THEREFORE, BE IT RESOLVED**, the Henrico County Planning
2298 Commission finds the proposed Fire Station 19 site substantially in accord with
2299 the County's Comprehensive Plan.
2300

2301 Mr. Witte - Do we have a motion?

2302

2303 Mr. Branin - I'd like to move Resolution SIA2015-00001 be
2304 approved.

2305

2306 Ms. Jones - Second.

2307

2308 Mr. Witte - We have a motion by Mr. Branin, a second by Ms.
2309 Jones. All in favor say aye. All opposed say no. The ayes have it; the resolution
2310 passes.
2311

2312 Mr. Emerson - Mr. Chairman, the next item on your agenda would be
2313 the consideration of the approval of your minutes from the February 12, 2015
2314 meeting. You do have an errata sheet with those minutes this evening.
2315

2316 Mrs. O'Bannon - I found an errata in the errata.

2317

2318 Ms. Jones - I hope it's not one I put in.

2319

2320 Mrs. O'Bannon - No, no. Page 14, line 569. "They said I also live in
2321 Grandville South," and it was changed to something that's still incorrect. It's G-r-
2322 a-n-v-i-l-l-e.
2323

2324 Mr. Emerson - Yes ma'am.

2325

2326 Mrs. O'Bannon - That's all.

2327

2328 Mr. Leabough - How did you catch that?
2329

2330 Mr. Branin - Other than that errata correction, I think Ms. Deemer
2331 did one fantastic job.
2332
2333 Ms. Jones - Ms. Deemer is owed a big thank you.
2334
2335 Mr. Witte - Out of the 3,600 lines that were in there.
2336
2337 Mr. Branin - But I also will say, when I type these up, sometimes
2338 I'm tired and I don't do a good job. But Ms. Deemer caught it this time.
2339
2340 Mrs. O'Bannon - This area resonates personally with me. I'm related to
2341 the Harding family, and they had their original farmhouse on Harding's Branch.
2342 And Granville is also the family name. And my father's name was Granville
2343 Harding [unintelligible]. And my son is named John Harding because we are
2344 related to this. I had always been told, and it's written on the back of some cards,
2345 that it was in the sticks. It was so far out from Richmond, it was in the sticks. And
2346 that was written in 1905. And when I learned that it was actually in the Tuckahoe
2347 District, Harding's Branch, I was very surprised. I always thought it was in Louisa
2348 or somewhere way out there.
2349
2350 Mr. Leabough - So I move that the minutes be approved as corrected.
2351
2352 Mr. Branin - I can second that.
2353
2354 Mr. Witte - We have a motion by Mr. Leabough, a second by Mr.
2355 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion
2356 passes.
2357
2358 Anything else, Mr. Secretary?
2359
2360 Mr. Emerson - Mr. Chairman, I just would note to you that we're
2361 looking at April 22nd after your Plan of Development meeting for a presentation
2362 by the homebuilders to follow up on what Ms. Lafayette presented to you this
2363 evening. That's a daytime meeting. They had a conflict with the May meeting.
2364 April 9th is in the middle of spring break, so we were trying to avoid that. So we
2365 had settled on April 22nd, there was availability. If you want to do that in an
2366 evening meeting, we're probably looking at going to June. We'll have to clear it
2367 with the homebuilders' rep. We were having a little problem. That's sort of the
2368 last presentation in this series that we have planned.
2369
2370 Ms. Jones - Is this a further discussion of materials or styles or?
2371
2372 Mr. Emerson - It's sort of wrapping everything together. I thought
2373 we'd have the homebuilders come in. They have our proffer compilation. You
2374 hear from the homebuilders a lot regarding "we can't build this in certain places
2375 because . . . we can't sell it . . . you put so many proffers on it you've driven the

2376 quality up to where we can't build it." So I thought it would be appropriate. Now
2377 that you've heard about the market, we've gone through the materials, we've
2378 gone through the proffers, it seems as if the homebuilders are the last group you
2379 need to hear from.

2380

2381 Ms. Jones - I wouldn't mind having a candid conversation at some
2382 point about all of this.

2383

2384 Mr. Emerson - The last session we would have would be a group
2385 discussion of where we are with all of this.

2386

2387 Mr. Leabough - Please make sure you communicate that they should
2388 bring financials so we can have an informed conversation.

2389

2390 Mr. Emerson - Okay, we'll ask them for that.

2391

2392 Mr. Leabough - I know they won't go for that, but.

2393

2394 Mr. Emerson - I'll tell them that you requested that.

2395

2396 Mr. Witte - Are we agreed on the twenty-second after the
2397 meeting or would we prefer to wait until June for an evening meeting?

2398

2399 Mr. Branin - I would give them another opportunity to reconsider
2400 the night. We're going to be here.

2401

2402 Mr. Emerson - Let me get back with them and see what—

2403

2404 Mr. Leabough - I prefer a night meeting.

2405

2406 Mr. Emerson - Let me see what we can work out.

2407

2408 Mr. Witte - Ms. Jones is fine with either one.

2409

2410 Mr. Emerson - Okay, let me see what we can work out.

2411

2412 Mr. Witte - All right. Any other business?

2413

2414 Mr. Emerson - No sir, I have nothing else for the Commission.

2415

2416 Mr. Witte - Do we have a motion to adjourn?

2417

2418 Mr. Branin - So moved.

2419

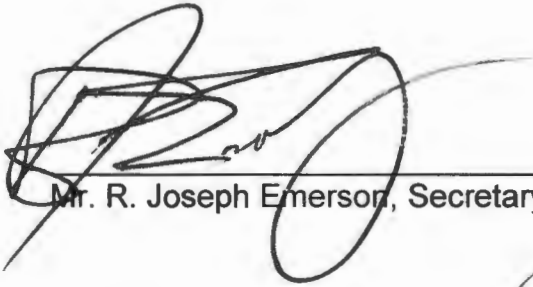
2420 Ms. Jones - Second.

2421

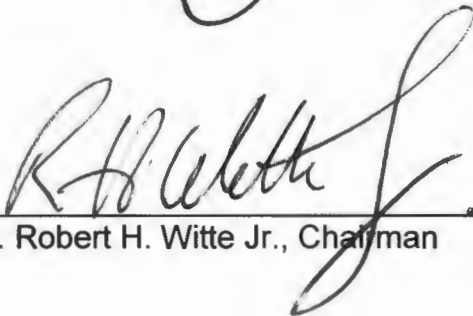
2422 Mr. Witte -

Thank you.

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Mr. R. Joseph Emerson, Secretary



Mr. Robert H. Witte Jr., Chairman