

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico**
2 **County held in the County Administration Building in the Government Center at**
3 **Parham and Hungary Spring Roads, beginning at 7:00 p.m., Thursday, October 14,**
4 **2021. Display Notice having been published in the Richmond *Times-Dispatch* on**
5 **September 27, 2021 and October 4, 2021.**
6
7

8 **Members Present:** Mr. William M. Mackey, Jr., Chairman (Varina)
9 Mrs. Melissa L. Thornton, Vice Chair (Three Chopt)
10 Mr. Robert H. Witte, Jr. (Brookland)
11 Mr. Gregory R. Baka (Tuckahoe)
12 Mr. C. W. Archer, C.P.C. (Fairfield)
13 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
14 Secretary
15 Mrs. Patricia S. O'Bannon (Tuckahoe)
16 Board of Supervisors' Representative
17

18 **Also Present:** Mr. Ben Sehl, Senior Principal Planner
19 Ms. Rosemary D. Deemer, AICP, County Planner
20 Mr. Livingston Lewis, County Planner
21 Mr. Seth Humphreys, County Planner
22 Mrs. Lisa Blankinship, County Planner
23 Ms. Kristin Smith, County Planner
24 Mr. Mike Morris, County Planner
25 Mr. John Cejka, Traffic Engineer, Public Works *
26 Mr. Justin Briggs, Henrico County Public Schools *
27

28 * (Virtually)
29

30 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**
31 **all cases unless otherwise noted.**
32

33 Mr. Mackey - Welcome to our Planning Commission rezoning meeting. If
34 you haven't already done so, I'd ask if you would please silence -- turn off your cellphone.
35 And if you could, would you please stand with the Commission as we do our Pledge of
36 Allegiance?
37

38 [Recitation of the Pledge of Allegiance]
39

40 Thank you. Do we have anyone in attendance from the news media tonight? We do not.
41 I'd like to take this time to say good evening to our representative from the Board of
42 Supervisors, Mrs. Patricia O'Bannon. Good evening. Good evening, ma'am. And we do
43 have all of our commissioners here, so we have a quorum, we can conduct business.
44 And, at this time, I will turn the meeting over to our secretary and the Director of Planning,
45 Mr. Joe Emerson. Good evening, sir.

46
47 Mr. Emerson - Thank you, Mr. Chairman. Good evening, Commission.

48
49 The Commission - Good evening.

50
51 Mr. Emerson - I'd like to join with the chairman in welcoming everybody to
52 the Henrico County Planning Commission public hearing this evening, October 14, 2021.

53
54 Please be advised, Henrico County has implemented a mask requirement for all
55 employees and visitors in county facilities regardless of vaccination status. If you need a
56 mask, we have those available in the lobby. We ask that you continue to practice all
57 safety protocols for COVID-19. And I thank you for your cooperation on that part.

58
59 Public comments will be given this evening from the lectern in the back of the room. For
60 everyone who's watching on the livestream on the County website, you can participate
61 remotely in public meetings in the public hearing. You need to go to the Planning
62 Department's meeting webpage at Henrico.us/planning/meetings.

63
64 Scroll down under Planning Commission and click on Webex Event. Once you have
65 joined the Webex event, please click on the chat button in the bottom-right corner of your
66 screen. Staff will send a message asking if anyone would like to sign up to speak on an
67 upcoming case. To respond select Kristin Smith from the dropdown menu and send her
68 a message.

69
70 The Commission does have guidelines for its public hearings. The applicant is allowed
71 10 minutes to present the request and time may be reserved for responses to testimony.
72 The opposition is allowed a cumulative 10 minutes to present its concerns. Commission
73 questions to not count into those time limits. The Commission may waive the time limits
74 at its discretion and all comments made must be directly related to the case under
75 consideration. And, again, thank you for your participation and interest this evening.

76
77 Mr. Chairman, I'll also note that we have Justin Briggs with the school system online this
78 evening for any questions you may have, and we also have Mr. John Cejka, our County
79 traffic engineer, online and available for questions.

80
81 Mr. Mackey - All right. Thank you, sir.

82
83 Mr. Emerson - With that, Mr. Chairman, we'll go on to the first item on your
84 agenda. Those are the requests for withdrawals and deferrals, and they will be presented
85 by Mr. Ben Sehl.

86
87 Mr. Sehl - Good evening members of the Commission. Staff is aware of
88 two withdrawals this evening. The first is in the Brookland District on page 2 of your
89 agenda. This is REZ20201-00046 Pemberton Investments, LLC.

90
91 **REZ2021-00046 Andrew M. Condlin for Pemberton Investments, LLC:**
92 Request to conditionally rezone from A-1 Agricultural District to R-3 One-Family
93 Residence District (.559 acres) and R-5AC General Residence District (Conditional)

94 (15.635 acres) Parcels 763-771-2993, 763-772-3261, 763-772-4812, and 763-772-5853
95 containing 16.194 acres located on the north line of Old Mountain Road, approximately
96 120' north of its intersection with Mountain Road. The applicant proposes a single-family
97 residence and detached dwellings for sale. The R-3 District allows a minimum lot area of
98 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5A District
99 allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units
100 per acre. The uses will be controlled by zoning ordinance regulations and proffered
101 conditions. The 2026 Comprehensive Plan recommends Suburban Residential 1, density
102 should not exceed 2.4 units per acre and Environmental Protection Area.

103
104 That request has been withdrawn by the applicant. No action is necessary by the
105 Commission this evening.

106
107 Also, on page 6 of your agenda in the Fairfield District, is REZ2021-00036 B&B Properties
108 II LLC.

109
110 **REZ2021-00036 Randy Hooker for B&B Properties II LLC:** Request to
111 conditionally rezone from M-1 Light Industrial District and R-4 One-Family Residence
112 District to M-1C Light Industrial District (Conditional) Parcel 797-737-0449 containing
113 5.696 acres located on the east line of Walnut Avenue at its intersection with Ratcliffe
114 Avenue. The applicant proposes office/warehouse uses. The uses will be controlled by
115 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
116 recommends Light Industry. Part of the site is in the Airport Safety Overlay District and
117 the Enterprise Zone.

118
119 Again, this application has been withdrawn, and no action is necessary by the
120 Commission tonight.

121
122 Mr. Mackey - Thank you, sir.

123
124 Mr. Sehl - In addition to the withdrawals, staff is aware of five deferral
125 requests this evening. The first is on page 2 of your agenda in the Brookland District.
126 This is REZ2021-00041 Laurel Land, LLC.

127
128 **REZ2021-00041 Andrew M. Condlin for Laurel Land, LLC:** Request to
129 conditionally rezone from R-2 One-Family Residence District and [R-6C] General
130 Residence District (Conditional) to [R-6C] General Residence District (Conditional)
131 Parcels 767-760-8701, 768-759-3393, and 768-760-1507 containing 5.30 acres located
132 at the northeast intersection of Hungary Spring and Hungary Roads. The applicant
133 proposes a condominium development. The R-6 District allows a maximum gross density
134 of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and
135 proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential
136 2, density should not exceed 3.4 units per acre.

137
138 And the applicant is requesting a referral to November 10, 2021 Planning Commission
139 meeting.

140
141 Mr. Mackey - All right. Thank you. Is there anyone in present -- in person
142 or online that's in opposition to the request for the deferral of REZ2021-00041 Andrew M.
143 -- Andrew M. Condlin for Laurel Land, LLC?
144
145 Ms. Deemer - We have no one on Webex.
146
147 Mr. Mackey - And no one in person.
148
149 Mr. Witte - Mr. Chairman, I move that REZ2021-00041 Laurel Land, LLC
150 be deferred to the November 10, 2021 meeting at the request of the applicant.
151
152 Mr. Archer - Second.
153
154 Mr. Mackey - All right. We have a motion by Mr. Witte, a second by Mr.
155 Archer, to grant the deferral. All in favor, say aye.
156
157 The Commission - Aye.
158
159 Mr. Mackey - Any opposed? The motion is carried.
160
161 Mr. Sehl - Next, on page 4 of your agenda in the Three Chopt District, is
162 REZ2021-00002. This is Edward Rose Properties.
163
164 **REZ2021-00002 Jeffrey P. Geiger for Edward Rose Properties, Inc.:**
165 Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence
166 District (Conditional) Parcels 733-765-8245, 734-765-0271, 734-765-1326, 733-765-
167 9428, 734- 765-1094, 734-765-1456, 734-765-3041, and part of Parcel 734-765-1504,
168 containing 17.2 acres located at the northwest intersection of N. Gayton and Old Three
169 Chopt Roads. The applicant proposes a multifamily development. The R-6 District allows
170 a maximum gross density of 19.8 units per acre. The uses will be controlled by zoning
171 ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
172 recommends Urban Mixed-Use and Environmental Protection Area. The site is in the
173 West Broad Street Overlay District.
174
175 Mr. Mackey - Is there anyone in person or online that's in opposition of
176 granting the deferral of REZ2021-00002 Edward Rose Properties, Incorporated to the
177 November 10th meeting?
178
179 Ms. Deemer - We have no one on Webex.
180
181 Mr. Mackey - And no one in person.
182
183 Mrs. Thornton - Okay, Mr. Chairman, I move that REZ2021-00002 Edward
184 Rose Properties be deferred to the November 10, 2021 meeting at the request of the
185 applicant.

186
187 Mr. Baka - Second.
188
189 Mr. Mackey - Okay. We have a motion to grant a deferral by Ms. Thornton,
190 a second by Mr. Baka. All in favor say aye.
191
192 The Commission - Aye.
193
194 Mr. Mackey - Any opposed? Motion is granted.
195
196 Mr. Sehl - Also on page 4 of your agenda is REZ2021-00044 SKM, LLC.
197
198 **REZ2021-00044 Andrew M. Condlin for SKM, LLC:** Request to conditionally
199 rezone from A-1 Agricultural District to R-6C General Residence District (Conditional)
200 (5.095 acres) and B-2C Business District (Conditional) (7.562 acres) Parcels 733-764-
201 9576 and 733-765-4819 containing 12.657 acres located at the northwest intersection of
202 W. Broad Street (U.S. Route 250) and N. Gayton Road. The applicant proposes a
203 condominium and commercial development. The R-6 District allows a maximum gross
204 density of 19.8 units per acre. The uses will be controlled by zoning ordinance regulations
205 and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use
206 and Environmental Protection Area. The site is in the West Broad Street Overlay District.
207
208 Mr. Mackey - All right. Thank you. Is there anyone in attendance or via
209 Webex that's in opposition of the granting of the deferral to the November 10th meeting
210 for the REZ2021-00044 SKM, LLC?
211
212 Ms. Deemer - We have no one on Webex.
213
214 Mr. Mackey - And no one in person.
215
216 Mrs. Thornton - Mr. Chairman, I move that REZ2021-00044 SKM, LLC be
217 deferred to the November 10, 2021 meeting at the request of the applicant.
218
219 Mr. Witte - Second.
220
221 Mr. Mackey - All right. We have a motion to grant the deferral by Ms.
222 Thornton, a second by Mr. Witte. All in favor say aye.
223
224 The Commission - Aye.
225
226 Mr. Mackey - Any opposed? The motion is granted.
227
228 Mr. Sehl - Again on page 4 of your agenda, is REZ2021-00048. This is
229 Triple J Farms Et. al.
230

277
278 Mr. Mackey - Any opposed? Motion is granted.
279
280 Mr. Sehl - Next is the companion request. This is PUP2021-00018 on
281 page 5 of your agenda. Also in the Three Chopt District.
282
283 **PUP2021-00018 James W. Theobald for Triple J Farms, LLC, ME Taylor**
284 **LLC, and ME Payne LLC:** Request for a Provisional Use Permit under Sections 24-32.1
285 (a, f, i, k, n, p, s, t, u, v, w, x, z, aa, bb), 24-120 and 24-122.1 of Chapter 24 of the County
286 Code to allow outdoor vending; auditorium and assembly hall; offices greater than 30,000
287 square feet, indoor recreation greater than 10,000 square feet, retail stores or shops
288 greater than 10,000 square feet; drive-through services; parking garage with no
289 associated ground floor retail; buildings in excess of 60' in height; residential density in
290 excess of 30 units per acre; one-family dwellings exceeding 25 percent of total dwelling
291 units; open space less than 20 percent; commercial or office square footage of less than
292 25 percent of the total building square footage; general hospitals; number of for-lease
293 multifamily dwelling units to exceed 30 percent of total units; parking plan; and other uses
294 of the same general character on Parcels 731-768-6671, 731-769-1848, 731-770-6865,
295 732-768-3835, 732-768-9107, and 734-767-2531 located on the north line of Bacova
296 Drive at its intersection of N. Gayton Road. The existing zoning is A-1 Agricultural District.
297 UMUC Urban Mixed-Use (Conditional) District zoning is proposed with REZ2021-00048.
298 The 2026 Comprehensive Plan recommends Office, Rural Residential, density should not
299 exceed 1 unit per acre, and Environmental Protection Area.
300
301 Mr. Mackey - All right. Thank you. Is there anyone in attendance or online
302 that's in opposition of the deferral of PUP2021-00018 Triple J Farms, LLC to the
303 November 10th meeting?
304
305 Ms. Deemer - We have no one on Webex.
306
307 Mr. Mackey - And no one in attendance.
308
309 Mrs. Thornton - Mr. Chairman, I move that PUP2021-00018 Triple J Farms,
310 LLC, ME Taylor LLC, ME Payne LLC be deferred to the November 10, 2021 meeting at
311 the request of the applicant.
312
313 Mr. Baka - Second.
314
315 Mr. Mackey - All right. We have a motion to grant the deferral by Ms.
316 Thornton, a second by Mr. Baka. All in favor say aye.
317
318 The Commission - Aye.
319
320 Mr. Mackey - Any opposed? The motion is granted.
321

322 Mr. Emerson - Mr. Chairman, that completes the withdrawals and deferrals
323 for this evening. The next item on your agenda are requests for expedited items. You
324 have one of those this evening. And that will be presented by Mr. Ben Sehl.

325
326 Mr. Sehl - The request for the expedited item is on page 2 of your
327 agenda in the Brookland District. This is REZ2021-00051 Dragon Spike, LLC.

328
329 **REZ2021-00051 Andrew M. Condlin for Dragon Spike LLC:** Request to
330 conditionally rezone from M-1C Light Industrial District (Conditional) and M-1 Light
331 Industrial District to M-2C General Industrial District (Conditional) part of Parcel 777-742-
332 5090 containing 21.206 acres located at the northwest intersection of Byrdhill Road and
333 3 October 14, 2021 Burley Avenue. The applicant proposes metal fabrication. The use
334 will be controlled by zoning ordinance regulations and proffered conditions. The 2026
335 Comprehensive Plan recommends Light Industry. The site is in the Enterprise Zone.

336
337 Staff supports the request as stated in the staff report and is unaware of any opposition.

338
339 Mr. Mackey - All right. Is there anyone in attendance or via Webex that's in
340 opposition of the expedited approval of REZ2021-00051 Dragon Spike, LLC?

341
342 Ms. Deemer - Apparently, Mr. Chairman, we do have someone who is
343 opposed.

344
345 Mr. Witte - All right. We'll hear it.

346
347 Mr. Sehl - Yes. That will be heard in the -- in its normal order on our
348 agenda.

349
350 Mr. Mackey - All right. Thank you, Ms. Deemer.

351
352 Mr. Emerson - That's the process. We'll make it up when we come back to
353 it. Mr. Chairman, that was the one request for expedited items this evening.

354
355 So now we move into your regular agenda. The first item is SIA2021-00003 County of
356 Henrico - Proposed Park.

357
358 **SIA2021-00003 County of Henrico – Proposed Park:** The Department of
359 Planning has received a request from the Division of Recreation and Parks to initiate a
360 Substantially In Accord study for the Phase III expansion of Glover Park. The proposed
361 site consists of Parcel 777-772-0070 containing 6.459 acres located at the terminus of
362 Bent Pine Road, just north of Greenwood Road in the Brookland District. The existing
363 zoning is A-1 Agricultural District and R-6C General Residence District (Conditional). The
364 2026 Comprehensive Plan recommends Suburban Residential 2, density should not
365 exceed 3.4 units per acre.

366
367 The staff report will be presented by Ms. Kristin Smith.

368 Ms. Smith - Thank you, Mr. Chairman, members of the Commission. At
369 the request of the Division of Recreation and Parks, the Planning Department conducted
370 a Substantially in Accord study to determine whether the planned expansion of Glover
371 Park is substantially in conformance with the 2026 Comprehensive Plan.
372

373
374 This site is located at the terminus at Bent Pine Road and approximate -- and is
375 approximately 6.5 acres. The site is surrounded by Glover Park on three sides, and
376 residential uses to the south. A private cemetery is located on a small separate parcel
377 within the western portion of the site and will remain.
378

379 The subject property -- the subject property's existing structures would be removed. The
380 site is zoned R-6C and A-1, which would allow for the proposed facility and incorporating
381 this site into Glover Park would allow for a better alignment of the internal road planned
382 with future phases of the park and with access to the future extension of Woodman Road.
383

384 The 2026 Comprehensive Plan recommends Suburban Residential 2 uses for the subject
385 property. And while a park is not a residential use, it would be a logical expansion of the
386 adjacent park property. With proper design and impact mitigation measures a park could
387 be constructed in a manner compatible with existing uses in the surrounding area.
388

389 No County department has expressed any opposition to the use of this property as a park.
390 More specific comments regarding buffering, lighting, and site layout will be taken into
391 consideration -- excuse me -- for consideration at time of the Plan of Development should
392 this use be found in accord with the comprehensive plan.
393

394 Planning staff recognizes the importance of providing necessary public facilities and
395 services to serve a growing population. The site in question presents no apparent conflict
396 with the intent of the Comprehensive Plan.
397

398 This concludes my presentation, and I'll be happy to try to answer any questions.
399

400 Mr. Mackey - All right. Thank you, Ms. Smith, for that report. Does anyone
401 have any questions or comments for Ms. Smith? No. All right. Thank you.
402

403 Mr. Witte - All right.
404

405 Mr. Mackey - Go ahead.
406

407 Mr. Witte - Mr. Chairman, with the report being substantially in accord, I
408 recommend approval of resolution PCR-5-21 for SIA2021-00003 Glover Park Expansion
409 Phase III.
410

411 Mr. Mackey - Second. All right. We have a motion for approval of the
412 SIA2021-00003 County of Henrico - Proposed Park by Mr. Witte, a second by Mr.
413 Mackey. All in favor say aye.

414
415 The Commission - Aye.
416
417 Mr. Baka - Before you go --
418
419 Mr. Mackey - Oh, I'm sorry. Excuse me. That's right. I apologize. Was
420 there anyone that had any public comments on the --
421
422 Mrs. Thornton - Anyone online.
423
424 Mr. Mackey - Anyone online?
425
426 Ms. Deemer - We have no one on Webex.
427
428 Mr. Mackey - All right. And no one in attendance. All right. We had -- so
429 we had a motion by Mr. Witte, a second by Mr. Mackey for approval of the SIA2021-00003
430 County of Henrico - Proposed Park. All in favor say aye.
431
432 The Commission - Aye.
433
434 Mr. Mackey - Any opposed? All right. It's approved.
435
436 Mr. Emerson - Mr. Chairman, that now takes us on to the next item of the
437 evening, REZ2021-00047 Alvin S. Mistr, Jr.
438
439 **REZ2021-00047 Alvin S. Mistr, Jr.:** Request to amend proffers accepted with
440 C-17C-05 and C-81C-05 on Parcels 806-702-5656, -6251, -6735, and -8243 located at
441 the northwest intersection of Midview Road and Lindsey Gabriel Drive. The applicant
442 proposes to delete Proffer #21 regarding Midview Road improvements. The existing
443 zoning is R-2AC One-Family Residence District (Conditional). The 2026 Comprehensive
444 Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.
445
446 Mr. Emerson - The staff report will be presented by Ms. Kristin Smith.
447
448 Mr. Mackey - Is there anyone in attendance or via Webex that's in
449 opposition of this -- of REZ2021-00047 Alvin S. Mistr, Jr.?
450
451 Ms. Deemer - We have no one on Webex.
452
453 Mr. Mackey - No one in attendance.
454
455 Ms. Smith - Thank you again, Mr. Chairman. This is a -- this is a request
456 to delete Proffer 21 accepted with case C-17C-05 regarding improvements to Midview
457 Road.
458

459 The subject site is located on the north line of Midview Road in the proposed Midview
460 Farm Section C subdivision and is zoned R-2AC. Since I --

461
462 Unknown Speaker - Would you do me a favor? Because I got (indiscernible).

463
464 Ms. Smith - -- The site is surrounded by Midview Farm Subdivision on
465 three sides, and an A-1 parcel to the south. The applicant is proposing to remove Proffer
466 21, which requires the developer to install pavement with curb and gutter to the ultimate
467 width of Midview Road. It also requires these improvements to be shown on the
468 construction plans.

469
470 Public Works determined that roadway improvements could be best -- could best be
471 completed when the entirety of Midview Road could be reconstructed in the area of the
472 proposed development. It was indicated the right-of-way dedication required by proffers
473 would be sufficient to allow the development of Section C.

474
475 The 2026 Comprehensive Plan recommends Suburban Residential 2 for the subject site,
476 and the request is consistent. The proffer removal is not expected to negatively impact
477 the adjacent property owners and Public Works has no objection to the request. For
478 these reasons, staff supports this request.

479
480 This concludes my presentation and I'll be happy to try to answer any questions.

481
482 Mr. Mackey - All right. Thank you, Ms. Smith. Any questions from the
483 Commission? I don't have a question. I have a comment. Just per our conversations just
484 to make everyone aware, while we would be removing proffer 21, it's not like it wouldn't
485 be getting done. It just would be delayed and done at a later time at the end of
486 construction.

487
488 Ms. Smith - That is correct.

489
490 Mr. Witte - Is there a time limit on that? Or a date?

491
492 Mr. Mackey - No. I don't think so. Well, we're taking the burden off of the
493 developer. So, these improvements are still going to be done on Midview.

494
495 Mr. Witte - Okay.

496
497 Mr. Emerson - Right. There is a time limit on the land dedication of 20 years.
498 If the County does not complete the project within 20 years, the land reverts back to the
499 -- whoever the property owner is at that time that's adjacent to it. Code requirements that
500 you have a way of disposing of the property if the County doesn't in a timely fashion make
501 these improvements.

502
503 Mr. Witte - Thank you.

504
505 Mr. Mackey - All right. Any other questions or comments?
506
507 Mr. Archer - So, if I may question?
508
509 Mr. Mackey - Yes, sir.
510
511 Mr. Archer - Mr. Secretary, does that mean that then the original proffer 21
512 would be reinstated.
513
514 Mr. Emerson - It does on this property. Yes. On this particular piece.
515
516 Mr. Archer - Okay. All right.
517
518 Mr. Mackey - All right. I don't -- I don't think we need to hear from the
519 applicant. If there are no other comments or questions, I'm ready to move. Make a
520 motion. All right. With that -- with this not causing any negative effect to the overall
521 development. And, like I said, it's not like it's not going to be completed. It's just going to
522 be delayed a bit. I move that we recommend approval of REZ2021-00047 Alvin S. Mistr,
523 Jr. with the proffers on the staff report dated August 13, 2021.
524
525 Mrs. Thornton - Second.
526
527 Mr. Mackey - All right. We have a motion by Mr. Mackey, a second by Mrs.
528 Thornton. All in favor say aye.
529
530 The Commission - Aye.
531
532 Mr. Mackey - Any opposed? All right. The motion is granted.
533
534 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs.
535 Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board
536 of Supervisors grant the request because the request because it was determined to be
537 reasonable, and it is not expected to adversely impact surrounding land uses in the area.
538
539 Mr. Emerson - Mr. Chairman, we now move on to REZ2021-00049 T.
540 Preston Lloyd for Better Housing Coalition. The staff report will be presented by Mr. Mike
541 Morris.
542
543 **REZ2021-00049 T. Preston Lloyd, Jr. for Better Housing Coalition:**
544 Request to conditionally rezone from M-1C Light Industrial District (Conditional) to R-5C
545 General Residence District (Conditional) Parcel 807-723-6293 containing 10.328 acres
546 located approximately 300' southeast of the intersection of Dabbs House Road and
547 Shillingford Drive. The applicant proposes a multifamily development and townhouses for
548 sale. The R-5 District allows a minimum lot area of 5,625 square feet and a maximum
549 gross density of 12 units per acre for townhouses and 14.5 units per acre for multifamily.

550 The uses will be controlled by zoning ordinance regulations and proffered conditions. The
551 2026 Comprehensive Plan recommends Office/Service, Suburban Residential 2, density
552 should not exceed 3.4 units per acre and Environmental Protection Area. The site is
553 located in the Enterprise Zone and a portion of the site is located in the Airport Safety
554 Overlay District.

555
556 Mr. Mackey - All right. Is there anyone in attendance or via Webex that's in
557 opposition of REZ2021-00049 Better Housing Coalition?

558
559 Ms. Deemer - We have no one on Webex.

560
561 Mr. Mackey - And no one in attendance. We have anyone that'd like to
562 speak in favor of it? All right. Thank you. All right, Thank you, Mr. Morris.

563
564 Mr. Morris - Thank you, Mr. Chairman, members of the Commission. The
565 applicant is requesting to rezone the subject property from M-1C Light Industrial District
566 Conditional to R-5C General Residence District Conditional to allow multi-family
567 development and townhouses for sale.

568
569 The wooded site sits to the southeast of the intersection of Dabbs House Road and
570 Shillingford Road. Adjacent properties to the west are zoned M-1 and M-1C and consist
571 of warehouses and storage. To the east are largely forested properties zoned R-5C
572 General Residence District Conditional and A-1, Agricultural District. To the south is the
573 Carter Woods age-restricted development.

574
575 The proffered concept plan shows the site oriented south to north with a clubhouse at the
576 southwestern corner, two 3-story apartment buildings for-rent surrounded by associated
577 parking in the center and 28 two-story for-sale townhomes to the north. Wetlands to the
578 north would remain undisturbed and would serve as a natural buffer between the subject
579 property and the single-family subdivision to the north.

580
581 The site would be accessed at two points, the first to the south via the existing Carter
582 Woods Access Drive and the second to the west by an existing ingress/egress easement.

583
584 You received revised proffers dated October 12th this evening that address hours of
585 construction, construction of the clubhouse, sound suppression between residential units,
586 a planted buffer along the western boundary, and C-1 zoning of areas on the property
587 that are within the 100-year flood plain.

588
589 Other proffers set the density at no more than 28 townhomes and 106 multi-family units
590 and address exterior building materials, site access, pedestrian amenities, among others.
591 The applicant has also proffered the elevations shown here.

592
593 The 2026 Comprehensive Plan recommends office service for the majority of the
594 property. Property is also located in the Enterprise Zone. While the requested residential
595 use is not consistent with this designation, it could be compatible with adjacent residential

596 property if properly developed. The current M-1C zoning, I should note, could allow for
597 more intensive development that could be incompatible with the surrounding residential
598 units.

599
600 Additionally, the applicant has worked with staff to address concerns outlined in the staff
601 report as reflected in the revised proffers handed out this evening. For this -- for these
602 reasons, staff believes this request could be reasonable.

603
604 The applicant held a community meeting on September 30, 2021 at the Fairfield Library.
605 Four residents attended. And this concludes my presentation. I'm happy to try and
606 answer any questions that you may have at this time.

607
608 Mr. Mackey - All right. Any questions from the Commission? Have we had
609 anyone reach out to you in opposition in any way?

610
611 Mr. Morris - I did hear from one resident this morning via email who is
612 opposed to multi-family in this location.

613
614 Mr. Mackey - Okay. I saw one email as -- I think it's probably the same
615 email.

616
617 Mr. Morris - Yes, sir.

618
619 Mr. Mackey - Okay. All right. All right. Thank you. Any other questions?
620 All right. I think we can hear from the applicant now. Oh. I'm sorry. You have to go to
621 the lectern in the back.

622
623 Mr. Lloyd - Good evening, Mr. Chairman, members of the Commission.
624 My name is Preston Lloyd. I'm the attorney representing Better Housing Coalition. The
625 applicant in this case. And I will be brief and endeavor not to repeat the comments made
626 in the very detailed staff report. And we're pleased to have a positive recommendation
627 based on a number of things that we've been able to change with the case in recent
628 weeks.

629
630 As you see here, the current property is unimproved and located just to the north of an
631 existing senior housing facility that's also operated by Better Housing Coalition. And so
632 this would allow for a compatibility and common management of this project along with
633 the existing project.

634
635 And as residents in the vicinity may recall, the initial Carter Woods projects was subject
636 to a lot of community conversation and scrutiny. And, for that reason, we've had extensive
637 conversations and community meetings repeatedly over the past several months in order
638 to make sure that we had appropriate community input as to the proposal that's before
639 you. And we're pleased that we believe that we've been able to incorporate the majority
640 of the comments that we've heard to make it an improved project.

641

642 The surrounding context, as you heard staff describe, is comprised of the existing Carter
643 Woods Projects that you see located at the bottom of your screen. Fairfield Woods, which
644 is single-family residences to north of the project. And then the Dabbs House Road
645 Corridor, which includes Light Industrial Storage facilities which would be screened from
646 this property as shown on this site plan here. The proffered -- the site plan is rotated 90
647 degrees. You'll see the north arrow at the top to orient you. But the western boundary of
648 the property runs along that M-1 corridor along Dabbs House Road, and so that would be
649 heavily screened with a buffer that would be proffered and planted along with additional
650 improvements consisting of a fence to provide that visual barrier between those uses.

651
652 It would be interrupted by the private access drive that's noted at the top of the screen as
653 well as the additional private access through Carter Woods at the screen left, which is the
654 south end of the property.

655
656 This conceptual plan does show the multi-family apartments at the center comprised of
657 two buildings with the townhomes oriented in a semi-circular pattern at the northern end
658 of the property. Those would be for sale townhomes which we desire to emphasize.
659 That's part of the proffers. And then at the very northern end is the conservation area
660 that would be rezoned C-1 in connection with Plan of Development approval.

661
662 The current versus proposed zoning regulations are before you as described by staff.
663 The M-1 district does allow for some light industrial uses that could be perceived as
664 incompatible with adjacent residential uses. Whereas the proposed R-5 zoning district
665 that's proposed by this application would allow for densities that are more in keeping with
666 adjacent neighborhoods and also consistent with the density parameter set forth by the
667 County Zoning Ordinance. As you see, that's broken down into multi-family and
668 townhome components. Our proposed density is below the maximum densities that are
669 contemplated by the code.

670
671 Elevations have been shown to you by staff. Our proffers do require that our final plan of
672 development and ultimately our building plans be in substantial accord with the
673 architectural features that you see in these renderings. And that includes the community
674 building in addition to the multi-family structures and the townhomes. And there are
675 materials proffers as well.

676
677 We've made substantial additions to the proffered conditions at the request of staff. And,
678 based on feedback that we've heard from the community, those are briefly summarized
679 here and also noted with the red line comparison that I believe staff has circulated to the
680 Commission this evening.

681
682 We appreciate the opportunity to present the case and would be happy to answer any
683 questions that the Commission may have. Thank you, Mr. Chairman.

684
685 Mr. Mackey - All right. I have a couple questions. Could you go back to the
686 multi-family options?

687

688 Mr. Lloyd - Yes, sir.
689
690 Mr. Mackey - I remember at the community meeting you said you were
691 waiting to hear if that option of those balconies was able to be approved?
692
693 Mr. Lloyd - Correct. The primary distinction that you see between option
694 1 and option 2 is the walkout balcony. The project would begin financing through VHDA
695 and there are specific parameters associated with project features that are driven by the
696 financing. And so we're not 100 percent sure whether the balcony will be something that
697 our financing would allow, so we wanted to provide flexibility. Obviously, we think that's
698 an important way for residents to be able to get outside and to be able to have additional
699 space out into the unit. But we're at -- somewhat at the mercy of the VHDA in this regard.
700 And so we wanted to give ourselves some flexibility in the event that that wasn't available.
701
702 Mr. Mackey - Do you think you would have an answer before we had the
703 POD hearing -- meeting?
704
705 Mr. Lloyd - I'm -- my client, Lynn McAteer with Better Housing Coalition is
706 nodding and so I believe that we would have clarity at that point and would be able to
707 provide greater detail to staff at that point.
708
709 Mr. Mackey - Okay. I know there was another issue about some
710 connectivity with the gentleman. And I forget his name. But he reached out --
711
712 Mr. Emerson - Mr. Rubis.
713
714 Mr. Mackey - Mr. Rubis. Yes. Were you able to come to an agreement
715 about that?
716
717 Mr. Lloyd - We were. Mr. Rubis inquired as to the availability of the utility
718 service to his property. Which is the subject property of the rezoning case, as noted here
719 in red. There is a port -- a parcel located immediately to the right of the subject property,
720 which is also part of Carter Woods. So that's also controlled by Better Housing Coalition.
721 But then immediately past that one is the one that's owned by Dr. Rubis you have
722 mentioned. He inquired as to whether our rezoning case could be modified to provide an
723 easement to the County for future sewer connections.
724
725 Based on the information we've received from staff the likely location of that sewer
726 connection would be along the creek bed there in the north where the circle is shown on
727 the screen in front of you. And so, we've made the commitment that following the
728 Planning commission should the Planning Commission see fit to make a positive
729 recommendation to the Board. We would include an additional proffer that would allow
730 for the granting of a utility easement to the County within the C-1 area which is that
731 protected conservation area that would be rezoned C-1 at the northern end of the property
732 in connection with Plan of Development review. And my understanding is that
733 representatives of Mr. Rubis-- Dr. Rubis have indicated that's satisfactory to him as well.
734

735 Mr. Mackey - All right. Mr. Condlin, nodding your head. It is satisfactory?
736 Okay. Let the record show that he said yes. Mr. Morris, question to that, Public Works
737 are fine with that. With the agreement.

738
739 Mr. Morris - Yeah. Public Utilities, I believe. And, I mean, I can't speak for
740 them, but they did have input on the location of that. So, I'm sure at time of POD there
741 would be a lot more -- a lot more work put into this.

742
743 Mr. Mackey - Okay. All right.

744
745 Mr. Morris - But at this point --

746
747 Mr. Mackey - Sorry to put you on the spot. Thank you, sir. Any other
748 questions?

749
750 Mr. Witte - I've got a statement. Just an opinion. Just looking at these it
751 looks like option 1 is more -- how can I say this -- commercial looking versus residential.
752 I think option 2 has got a lot of character to it.

753
754 Mr. Mackey- Yeah.

755
756 Mr. Witte - Just an opinion.

757
758 Mr. Mackey - Yeah. We made that point when we were at the community
759 meeting. Looked like in all of the option 1s the multi-family and the community building.
760 They look more like the existing Carter Woods but the option 2s look more, you know --

761
762 Mr. Witte- Better.

763
764 Mr. Mackey - And I'm, you know, I put it on record I like option 2 better. I
765 state -- that's why we were hoping that they could get approval for that. But they may not
766 be able to get approval for that, because it has the balconies on it for their funding.

767
768 Mr. Witte - Still, even without the balconies.

769
770 Mr. Mackey - Oh, well, I mean, you wouldn't have to put the balconies on, I
771 mean, but yeah. I agree. Any other questions or comments? All right. Thank you, sir.

772
773 Mr. Lloyd - Thank you.

774
775 Mr. Mackey - I appreciate, Mr. Preston, you working with staff and being
776 able to come to agreement with all the proffers that, you know, were asked of you and
777 everything. I'm -- but those barriers are on the back end of it that -- and the fencing will
778 make a huge difference. You know, because I -- no one will want to, you know, be staring
779 at the back of those, you know, warehouses and buildings.

780

781 So we really appreciate that and glad that you all were able to come to an agreement with
782 the -- with the sewer with the Dr. Rubis and so we appreciate that. I do think that this
783 development will add to the existing Carter Woods community, and I think it will, you
784 know, help bring it, you know, a little bit more into it like a community.

785
786 I know you talked about some of the connectivity that they would have with the existent
787 building where, you know, the other residents could use some of the green spaces and
788 stuff going forward. So, I'm sure they would appreciate that as well.

789
790 So, having said that, I move that we recommend approval of REZ2021-00049 Better
791 Housing Coalition with the revised proffers dated October 12, 2021.

792
793 Mrs. Thornton - Second.

794
795 Mr. Mackey - All right. So, we have a motion by Mr. Mackey, a second by
796 Mrs. Thornton for approval. All in favor say aye.

797
798 The Commission - Aye.

799
800 Mr. Mackey - Any opposed? The motion is granted.

801
802 **REASON -** Acting on a motion by Mr. Mackey, seconded by Mrs.
803 Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board
804 of Supervisors grant the request because it would not adversely affect the adjoining area
805 if properly developed as proposed and the proffered conditions will provide appropriate
806 quality assurances not otherwise available.

807
808 Mr. Emerson - Mr. Chairman, we now move on to your next item which was
809 on your expedited list but due to opposition was bumped off. And that is REZ2021-00051
810 Andrew M. Condlin for Dragon Spike, LLC.

811
812 **REZ2021-00051 Andrew M. Condlin for Dragon Spike LLC:** Request to
813 conditionally rezone from M-1C Light Industrial District (Conditional) and M-1 Light
814 Industrial District to M-2C General Industrial District (Conditional) part of Parcel 777-742-
815 5090 containing 21.206 acres located at the northwest intersection of Byrdhill Road and
816 Burley Avenue. The applicant proposes metal fabrication. The use will be controlled by
817 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
818 recommends Light Industry. The site is in the Enterprise Zone. The staff report will be
819 presented by Ms. Rosemary Deemer.

820
821 Mr. Mackey - Thank you. Do we have anyone in attendance or via Webex
822 that's in opposition of REZ2021-00051 --

823
824 Mr. Humphreys - We have one person on Webex that would like to speak to the
825 case.

826

827 Mr. Mackey - Yeah. Okay. All right. Anyone in person? Okay. All right.
828 Thank you.

829
830 Ms. Deemer - Good evening. This is a request to conditionally rezone 2. --
831 I'm sorry 21.206 acres from M-1 and M-1C Light Industrial District (Conditional) to M-2C
832 General Industrial District (Conditional) to allow for industrial manufacturing in a former
833 printing facility. The site is located at the northwest intersection of Byrdhill Road and
834 Burley Avenue.

835
836 The subject property is comprised of 21.206 acres of a larger 2602 -- 26.02-acre parcel.
837 It is located east of Interstate 64 and the CSX railway and the site is also bounded by the
838 Richmond Volleyball Club and Upham Brook to the north, Byrdhill Road to the east, and
839 the Shirley Subdivision to the south.

840
841 Formerly owned by William Byrd Press, the site contains a 252,956-square-foot building
842 previously used for printing and warehousing with loading docks located on the south side
843 of the structure.

844
845 Access to the property is provided from Byrdhill Road, which is identified as a major
846 access road on the 2026 Major Thoroughfare Plan. The site is designated as Light
847 Industrial in the 2026 Comprehensive Plan and is part of the County's Enterprise Zone
848 intended to incentivize job-creating land use.

849
850 The applicant currently has facilities in the City of Richmond where they design,
851 manufacture, and test power products such as frequency converters and interruptible
852 power supplies, as well as portable enclosures and shelters. The fabrication of steel for
853 the equipment and enclosures necessitates the rezoning to M-2 General Industrial. Doing
854 so would allow the company to consolidate their operations to one property while also
855 providing opportunities for expansion.

856
857 The applicant has committed via proffers that all manufacturing will in -- will occur indoors.
858 Other proffers include build -- a building-height limitation, restriction of uses to those in
859 the M-1 District, as well as the design, manufacturing, and testing of power systems,
860 controls, and related equipment. There would also be limited hours of operation Monday
861 through Saturday, 6:00 a.m. to 2:00 a.m. the following day and Sundays between 9:00
862 a.m. and 6:00 p.m.

863
864 And then, also, there is a proffer that they would be preserving the Civil War -- or, um,
865 Civil War earthworks that have been identified by the state located on the property and
866 they would be preserved.

867
868 That completes my presentation, and I'd be happy to answer any questions you may
869 have.

870
871 Mr. Mackey - All right. Thank you. Do we have any questions for Ms.
872 Deemer?

873
874 Mr. Witte - No.
875
876 Mr. Mackey - Okay.
877
878 Mrs. Thornton - The uses that are there now, like the volleyball, are they
879 staying?
880
881 Ms. Deemer - The volleyball is located on a separate property.
882
883 Mrs. Thornton - Oh. Okay.
884
885 Ms. Deemer - The -- it's up here.
886
887 Mrs. Thornton - Okay. I -- sorry. I misunderstood, then. Okay. So just the
888 property he already has.
889
890 Ms. Deemer - Right. This property here that I'm circling is also part of this
891 smaller property and some of the property across the road. Across Byrdhill. They are
892 only zoning this particular section, and the volleyball, Richmond Volleyball, is located to
893 the north of this property.
894
895 Mrs. Thornton - Okay.
896
897 Mr. Emerson - Richmond Volleyball is the former Brown Distributing site.
898
899 Mrs. Thornton - Yeah. I've been there.
900
901 Mr. Emerson - This site was the former Cadmus Printing site I believe. Is that
902 correct?
903
904 Mrs. Thornton - Okay.
905
906 Ms. Deemer - Yes.
907
908 Mrs. Thornton - Were they're all kind of connected by a park lot.
909
910 Mr. Emerson - They are, yes ma'am.
911
912 Mrs. Thornton - Yeah. And then 2:00 a.m.? Like how loud is this?
913
914 Ms. Deemer - All operations will be contained indoors.
915
916 Mrs. Thornton - Right.

917
918 Ms. Deemer - If you have specific questions, I believe the applicant's
919 representative is here and can answer questions.
920
921 Mrs. Thornton - Okay. I was just curious. Steel, you know, and 2:00 a.m.
922
923 Mr. Witte - Well, we can find out. Let's listen to the --
924
925 Mr. Mackey - Do you want to hear from the applicant?
926
927 Mr. Witter - The opposition first. And then the applicant can take care of
928 whatever.
929
930 Mr. Mackey - All right. We'd like to hear from the -- we'd like to hear from
931 the opposition online.
932
933 Mr. Humphreys - Okay. Mr. McVeigh. I am now unmuting you.
934
935 Mr. Mackey - Thank you.
936
937 Mr. McVeigh - Hello. Can you hear me?
938
939 Mr. Mackey - Yes, sir.
940
941 Mr. McVeigh - All right. My name is Andrew McVeigh of 5104 Hill Drive. I've
942 -- I'm -- my residence is immediately across Upham Brook from the property that's being
943 considered for rezoning. I am concerned about the additional noise pollutions and other
944 odors which might accompany a heavier industrial designation. General industry is not
945 an appropriate use where adjacent to residential districts.
946
947 Our community has experienced significant improvements in the last several years, and
948 this would be a step backwards. The 2026 Comprehensive Plan recommends Light
949 Industry and the property is currently zoned as Light Industry, therefore a change to
950 General Industry would not be aligned with the Plan. And I believe it should project it.
951
952 I second the concerns about the late-night times of operations. Thank you.
953
954 Mr. Mackey - All right. Thank you, Mr. McVeigh. Any questions or
955 comments for Ms. -- to Mr. McVeigh? All right. Thank you, sir.
956
957 Mr. Witte - I would like to know where his house is. I can't read the small
958 print.
959
960 Mr. McVeigh - I live at 5104 Hill Drive. It's the dead-end street that's just to
961 the -- to the north and you have -- Hill Drive is right there; I'm the second house from the
962 creek.

963
964 Mr. Witte - Okay. Thank you.

965
966 Mr. Condlin - Good evening, Mr. Chairman, members of the Planning
967 Commission, Andy Condlin here on behalf of Dragon Spike, LLC with the request from
968 the applicant in this case. Just to make sure that we're talking about the property itself,
969 that what we're discussing is property that's currently zoned M-1 unconditional. The only
970 part that actually does currently have any proffered conditions is the front part, which will
971 be retained with those same conditions that doesn't provide for any use of that front site
972 other than for parking area, outdoor seating for the employees, and things of that nature.

973
974 So, nothing's changing on the front part. It's just the building itself which has been vacant
975 since the printing press has moved out. And this is an opportunity consistent not only
976 with the Comprehensive Plan but also the County's economic zone, excuse me,
977 Enterprise Zone that's intended to incentivize job creation. And that's a very important
978 part of this development itself.

979
980 This particular property and this particular use are, with respect to only asking for M-1
981 plus the additional use that's dealing with the power supply, which is not a heavy noise,
982 but also the fabrication, the metal fabrication, dealing with enclosures and shelters.
983 Dealing with the armed forces and some of the emergency products that they have to be
984 able to provide for. And that's why they are asking for the extended hours, as you know,
985 under M-1. We're allowed to be 24 hours as it is. We'd be actually cutting those hours
986 back.

987
988 And where this is located certainly long distance from any of the residents. Everything
989 surrounding it is from the Light Industrial or the highway and the areas that -- for the
990 deliveries and the loading bays are the opposite side away from the residents --
991 residences themselves.

992
993 So, with that, I do think that it's consistent with both the County's designation for
994 Enterprise Zone as well as the Light Industrial. This particular use, specifically, we're
995 restricting the M-2 use specifically to that one use in which they need to have it to be able
996 to consolidate and provide more employment opportunities. With that, I'll be happy to
997 answer any questions that you may have.

998
999 Mr. Mackey - All right. Questions for Mr. Condlin?

1000
1001 Mr. Witte - Mrs. Thornton, would you like to ask Mr. Condlin your
1002 question?

1003
1004 Mrs. Thornton - Yes. So, you were saying that it's -- the noise level that they
1005 will be -- is not loud?

1006
1007 Mr. Condlin - Well, for part of the -- what we're asking for M-2, which is the
1008 power systems and the manufacturing and uninterruptible power systems, is not a heavy
1009 noise producing. But I don't want to mislead the other part, including the metal fabrication

1010 with the enclosures does involve welding and securing metal products, quite frankly, that
1011 are enclosures for the armed forces that they used for protection of the -- of the -- from
1012 the army.

1013
1014 So, those -- that will be allowed, but that's all indoor. We proffered that it would all be
1015 indoors. It is metal fabrication, which is one of the reasons why it's under M-2 and allowed
1016 under M-2 only. So that's why we're asking for this in particular. For those two -- for
1017 those two uses.

1018
1019 Mrs. Thornton - I don't know how the building is sound-proof wise or I don't
1020 know how loud it'll be. I just -- I just want to make sure that the residents that are there
1021 now aren't going to be affected. I know it's printing press I -- that's not quite loud. That's,
1022 you know, not a loud business even if they go 24 hours.

1023
1024 Mr. Condlin - Right.

1025
1026 Mrs. Thornton - So, I mean, that's my only concern.

1027
1028 Mr. Baka - So, garage doors --

1029
1030 Mrs. Thornton - So --

1031
1032 Mr. Baka - -- could I add onto your comment?

1033
1034 Mrs. Thornton - Yeah.

1035
1036 Mr. Baka - Mr. Witte, may I -- if I could add on to Ms. Thornton's
1037 comment. I was wondering -- and I don't know the façade of this building -- are there any
1038 garage doors or pull-up doors on any of the three sides, either the north, the east, or the
1039 south side, that you're aware of?

1040
1041 Mr. Condlin - Well, I don't think -- I don't know if you -- Rosemary, go ahead.

1042
1043 Ms. Deemer - If you'll look at the cursor. This section right in here, the lower
1044 part of the property, that is where the loading docks are.

1045
1046 Mr. Condlin - Yeah.

1047
1048 Ms. Deemer - So they do have, you know, doors up. But that particular area
1049 directly to the south of that is wetlands area. And part of it, a significant portion of that
1050 area, is owned by an LLC that has placed a conservation easement on this entire area
1051 right here and so it can never be developed.

1052
1053 Mr. Baka - Okay. And I guess to follow up on Mrs. Thornton's comments.
1054 I'm wondering if the heavy activity can be done at times when the loading dock doors are
1055 closed. However, you have to receive the shipments and unload the shipments, so I'm
1056 guessing they need to be open quite frequently.

1057
1058 Mr. Condlin - Right. And to be honest I don't know if there's air conditioning
1059 in this facility itself. Which is some -- one of the issues, you know, that often takes a look
1060 at that. So, I know that the client did not necessarily -- with deliveries and having to restrict
1061 those doors and whether they're coming down, because those are facing away from all
1062 the residential.
1063
1064 I mean, that was one of the things that we talked about specifically. That there's not going
1065 to be any development behind this site given the conservation easement and the fact that
1066 there are wetlands in this area. There's no existing homes and that's all place -- there's a
1067 buffer. That area that's where the arrow was pointed to, that's all a, you know, a wooded
1068 area that's going to be preserved in that area as well. So, I think it's all involved.
1069
1070 Mr. Baka - And you talk about air condition and given a context of noise
1071 from an HVAC unit? Is that what you mean?
1072
1073 Mr. Condlin - Well, and the fact that sometimes they need to have the bay
1074 doors open.
1075
1076 Mrs. Thornton - They're keeping the door open. Yeah.
1077
1078 Mr. Baka - All right. And then, secondly, I was going to talk about
1079 additional landscape and trees. So, in those two areas where there's no parking east of
1080 the building, one has a pond in it in the triangular corner and the other has maybe a pond
1081 in the middle. So, will those trees remain? I don't know if they offer much noise
1082 attenuation. But --
1083
1084 Mr. Condlin - Yeah. I'm not sure where you're referring to. I apologize.
1085
1086 Mr. Baka - That's okay.
1087
1088 Ms. Deemer - Andy, I believe he's referring to this area right here.
1089
1090 Mr. Baka - Yes.
1091
1092 Ms. Deemer - And were you also referring to this area?
1093
1094 Mr. Baka - Yes. That one has a larger pond. But would those trees
1095 remain and not be taken out as part of this?
1096
1097 Mr. Condlin - So, we've got our preservation on the -- one the one area for
1098 the Civil War earthworks so that's not to be disturbed. That's where that is currently and
1099 that's what we'll be -- remained on that. Quite frankly there's no need to -- and I don't -- I
1100 think that's preserved as well under that existing case that we've proffered for that. So,
1101 certainly we could -- if not we can talk with -- work with staff to make sure that that's
1102 preserved as well.

1103
1104 Mr. Baka - All right. This -- and this photo shows a good view of the
1105 loading docks there on the south side.
1106
1107 Mrs. Thornton - Right.
1108
1109 Mr. Witte - And none of the vegetation on the other side of Byrdhill is
1110 going to be disturbed. Right?
1111
1112 Mr. Condlin - That's not -- that's not part -- it's part of Upham Brook and
1113 none of that can be disturbed. No, sir.
1114
1115 Mr. Witte - Okay.
1116
1117 Mr. Condlin - That's not part of -- that's -- I think that's under the -- if I'm not
1118 -- that's C-1, correct?
1119
1120 Ms. Deemer - C-1.
1121
1122 Mr. Condlin - That was part of the original case. So, even though that's part
1123 of this property, it's not part of the zoning case. And it's all part of the --
1124
1125 Mr. Witte - It's C-1. Right?
1126
1127 Mr. Condlin - Yes, sir.
1128
1129 Mr. Witte - Okay.
1130
1131 Mr. Mackey - Are any other questions?
1132
1133 Mr. Baka - I don't have any questions.
1134
1135 Mr. Witte - Nope.
1136
1137 Mr. Mackey - All right. How would you like to proceed?
1138
1139 Mr. Witte - Well, Mr. Chairman, I've got a little comment here. I was very
1140 familiar with that place when it was Byrd Press. I had several people I know that worked
1141 there and they worked 24-hour shifts and there was a lot of traffic. But I think in the recent
1142 years since it's been vacant, I think people have gotten used to not having anything back
1143 there. But there's really not much other use for it. I'm glad they're preserving the Civil
1144 War section of it.
1145
1146 And I really doubt, since all the work's going to be done inside, that the gentleman on Hill
1147 is going to see any significant issues. When it was Byrd Press there used to be ink
1148 (indiscernible) all over there. And that was the best thing they moved.

1149
1150 But, anyway, that being said -- oh, let me see here. I've got to find my note. What'd I do
1151 with it? All right. Mr. Chairman, I move that REZ2021-00051 -- move with the
1152 recommendation of approval as presented with the comments and notations presented. I
1153 had my notes. They're gone.

1154
1155 Mr. Mackey - It's all right.

1156
1157 Mr. Witte - I had a note accounted for it. Give me one second.

1158
1159 Ms. Deemer - Mr. Witte, did you mean with the proffers dated September
1160 22nd?

1161
1162 Mr. Witte - Proffers, yes. I don't know what I -- I had a bunch of notes,
1163 and I lost them. I don't know. Anyway, let's try this again.

1164
1165 Ms. Deemer - September 22nd.

1166
1167 Mr. Witte - I move that we recommend approval on -- was that REZ2021-
1168 00051 Dragon Spike, LLC with the proffers from the staff report in September 22nd, '21
1169 and as presented.

1170
1171 Mr. Mackey - All right. Second.

1172
1173 Mr. Witte - I don't know what the hell I did --

1174
1175 Mr. Mackey - All right. We have a motion for approval by Mr. Witte, a
1176 second by Mr. Mackey, for REZ2021-00051 Andrew M. Condlin for Dragon Spike, LLC.
1177 All in favor say aye.

1178
1179 The Commission - Aye.

1180
1181 Mr. Mackey - Any opposed? The motion is granted.

1182
1183 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr. Mackey, the
1184 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
1185 **grant** the request because the employment uses support the County's economic
1186 development policies and the proffered conditions should minimize the potential impacts
1187 on surrounding land uses.

1188
1189 Mr. Emerson - Mr. Chairman, we now move on to the next two items on your
1190 agenda which appear on page 3. They are companion cases. And the first one is
1191 REZ2021-00028 Andrew M. Condlin for Lingerfelt Development [sic] Properties, LLC.

1192
1193 **REZ2021-00028 Andrew M. Condlin for Lingerfelt Office Properties, LLC:**
1194 Request to conditionally rezone from O-3C Office District (Conditional) and M-1C Light

1195 Industrial District (Conditional) to UMUC Urban Mixed-Use District (Conditional) Parcels
1196 752-767- 4970 and 752-768-2795 containing 12.217 acres located on the east line of Cox
1197 Road at its intersection with North Park Drive and the west line of Cox Road approximately
1198 990' north of its intersection with North Park Drive. The applicant proposes an urban
1199 mixed-use development. The uses will be controlled by zoning ordinance regulations and
1200 proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use and
1201 Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay
1202 District.

1203
1204 And also, the companion case, PUP2021-00011 Andrew M. Condlin for Lingerfelt Office
1205 Properties, again, LLC.

1206
1207 **PUP2021-00011 Andrew M. Condlin for Lingerfelt Office Properties, LLC:** Request
1208 for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120 and 24-
1209 122.1 of Chapter 24 of the County Code to allow the following: a parking garage with no
1210 associated ground floor retail or useable floor space for residential or nonresidential uses
1211 along a façade facing street; building and structures exceeding 60' in height; residential
1212 density exceeding 30 units per acre; open space of less than 20 percent; commercial or
1213 office square footage of less than 25 percent of the total building square footage of the
1214 UMU district; number of for-lease multifamily dwelling units exceeding 30 percent of the
1215 total units of the UMU district; and a parking plan on Parcels 752-767-4970 and 752-768-
1216 2795 located on the east line of Cox Road at its intersection with North Park Drive and
1217 the west line of Cox Road approximately 990' north of its intersection with North Park
1218 Drive. The existing zoning is O-3C Office District (Conditional) and M-1C Light Industrial
1219 District (Conditional). UMUC zoning is proposed with REZ2021-00028. The 2026
1220 Comprehensive Plan recommends Urban Mixed-Use and Environmental Protection Area.
1221 The site is in the Innsbrook Redevelopment Overlay District.

1222
1223 The two staff reports will be presented by Mr. Livingston Lewis, and each one will require
1224 separate action once your public hearing is done.

1225
1226 Mr. Mackey - Absolutely. Okay. So, we're going to hear the rezoning case
1227 and the companion case together and then separate actions.

1228
1229 Mr. Emerson - Right.

1230
1231 Mr. Mackey - All right. Is there anyone in attendance or via Webex in
1232 opposition of REZ2021-00028 Andrew M. Condlin for Lingerfelt Office Properties and the
1233 companion case PUP2021-00011 Andrew M. Condlin for Lingerfelt Office Properties?
1234 Anyone in attendance or via Webex in opposition?

1235
1236 Ms. Deemer - We have no one on Webex.

1237
1238 Mr. Mackey - And no one in attendance. Thank you.

1239
1240 Mr. Lewis - Good evening, Mr. Chairman, members of the Commission.

1241
1242 Mr. Archer - Evening sir.
1243
1244 Mrs. Thornton - Good evening.
1245
1246 Mr. Lewis - This is a request to rezone two separate sites totaling 12.217
1247 acres in the northern end of the Innsbrook Office Park from O-3C and M-1C to UMUC for
1248 Urban Mixed Use infill development.
1249
1250 Surrounding properties consist of various corporate offices as well as Lake Rooty to the
1251 west. The 2026 Plan recommends both sites for Urban Mixed Use. The same
1252 designation applied to all of Innsbrook as part of the County's adoption of the Innsbrook
1253 Area Study in 2010. The properties are also part of the Innsbrook Redevelopment
1254 Overlay District approved in 2016 as a zoning code amendment to further encourage
1255 mixed-use infill projects.
1256
1257 Proffered conceptual layouts have been provided for each property to show how the
1258 proposed infill developments could be located on the sites in place of the existing surface
1259 parking lots.
1260
1261 This is the basic plan for the 4880 Cox parcel illustrating a 5-story, 200-unit, apartment
1262 building adjoining a 5-story, 500-space, parking garage on two sides. A central courtyard
1263 and pool are also shown. And the site would be accessed via the private drive to the
1264 south.
1265
1266 This layout for 4801 Cox shows a 5-story, 295-unit apartment building wrapping 2 1/2
1267 sides of a 5-story, 500-space, parking garage. It also includes a central courtyard and
1268 pool. The two points of access would be from Cox Road and North Park Drive.
1269
1270 These proffered architectural elevations illustrate a modern industrial style and present
1271 the buildings' general appearance from various perspectives. The two properties will be
1272 developed with a combined maximum of 495 multi-family units, up to 115 of which may
1273 be 2-bedroom, but no 3-bedroom. This equates to a gross residential density of 40.5
1274 units per acre, which is consistent with the density recommendation for these sites in the
1275 Innsbrook Area Study.
1276
1277 The mixture of uses on the respective parcels will be ensured by the applicant's
1278 commitment to have a minimum amount of commercial, office, and related accessory
1279 uses on each- proffered as 60,000-square-feet on 4880 Cox, and 87,500-square-feet on
1280 4801 Cox. Maintaining the existing office buildings would mostly meet this requirement.
1281
1282 Other new retail and office uses are not specifically proposed or represented on the
1283 layouts, but such additional uses would be allowed. Other proffered commitments
1284 address prohibition of incompatible uses. This includes a clarifying change to number
1285 9(u) in the revised -- in the version handed out this evening; residential amenities including
1286 a 2000-square-foot clubhouse for each site; quality exterior building materials; submittal

87 of a pedestrian connection plan; a road improvement phasing plan; conveyance of an
1288 easement to accommodate access across the Lake Rooty dam to the north; and use of
1289 the Innsbrook Urban Mixed-Use Design Guidelines, or UDG, as the overall master plan
1290 for the project's final form.

1291
1292 The UDG document provides the general requirements related to architectural design
1293 standards, building setbacks and frontage parameters, interconnected road networks,
1294 pedestrian accommodations, streetscape, lighting, signage, and landscaping and open
1295 space, among other topics.

1296
1297 The development would also be regulated by the companion provisional use permit
1298 application which requires approval of the rezoning case prior to being considered. The
1299 PUP application requires the modification of seven UMU standards and thresholds. One
1300 of these allowances is the use of a shared parking plan based on the time-of-day formulas
1301 to reduce the required number of parking spaces. As stated on Condition #7, each plan
1302 of development must demonstrate adequate parking and adjustments must be made for
1303 increased demand as necessary.

1304
1305 Several other items typical of UMU requirements are also in the PUP, including Condition
1306 #12 related to ensuring recycling facilities.

1307
1308 While stand-alone residential use does not necessarily reflect each site's UMU
1309 designation, the Innsbrook Area Study does allow for this type of development if a proper
1310 balance of residential and non-residential is maintained throughout the office park.

1311
1312 This request would preserve such a balance and it includes many positive features to
1313 complement and support Innsbrook's evolution and ongoing success. It also provides
1314 significant quality and compatibility assurances consistent with the 2026 Comprehensive
1315 Plan.

1316
1317 For these reasons and because all previously identified issues have been resolved, staff
1318 supports these requests and believes the proposed uses would be appropriate in these
1319 locations. This concludes my presentation and I'm happy to answer any questions. The
1320 time limits would need to be waived for you to accept the proffers handed out this evening.

1321
1322 Mr. Mackey - Thank you, Mr. Lewis. Any questions for staff for Mr. Lewis?
1323 All right. How would --

1324
1325 Mrs. Thornton - Andy.

1326
1327 Mr. Mackey - All right. We'll hear from the applicant.

1328
1329 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin
1330 here on behalf of Lingerfelt Office Properties. With us is Brian Witthoefft and John Mason.
1331 I also have with me Zanas Talley from my office and Erich Strohhacker from Green Light
32 Solutions to help answer any questions you may have.

1333
1334 Obviously, we're pleased to present to you tonight. And I think it's -- Fred, if you can pull
1335 up my PowerPoint -- the next generation development in Innsbrook. I apologize in that
1336 the next two cases after this also involve the same developer and applicant with respect
1337 to the -- Innsbrook. And so, I'm going to put them all together, if that's okay, so you don't
1338 have to listen to me again. I'm getting head nods extraordinaire on that.

1339
1340 So, we'll -- and we actually have five different cases. Five properties and two cases. That
1341 are three south of Nuckols Road. Mr. Lewis has described the two that are north of
1342 Nuckols Road, numbers 4 and 5 on this particular map. We've also shown on this that
1343 the other approved and pending zoning cases that are within Innsbrook, and this is filling
1344 out that corridor.

1345
1346 The request is reflective of the necessary change of thinking related to the continued
1347 viability of suburban office parks. The County has taken a leadership role in that vision
1348 with the passage of the 2010 Small Area Plan for Innsbrook. And that plan recognized a
1349 need to position a traditional office park to be competitive; there has to be a diversity of
1350 uses; including retail, restaurant services, experiential, and entertainment; but you also
1351 have to residents to draw and support those -- the demand for those services and have
1352 close proximity to each other.

1353
1354 So, it will add to the existing employment base and provide opportunities for the entire
1355 community surrounding. The businesses, too, are laser focused on recruiting and
1356 retaining talent to give employees a sense of place. And this has been proven over and
1357 over again throughout the country in the conversion and the retention of suburban office
1358 parks into more dynamic areas.

1359
1360 The result is the County's Master Plan encouraging this mix of uses, as you can see here
1361 where our properties are located in the blue. The areas in the red in the center are
1362 specifically calling for higher density in those areas. And the Innsbrook Association has
1363 created an Urban Design Guidelines, which we've proffered as is consistent with the other
1364 cases in Innsbrook itself.

1365
1366 So specifically with our project itself, we feel it fits well with the already approved and
1367 pending, and the -- our property fits well within the plan overall for Innsbrook. So I'm not
1368 going to go through all of the individual cases. I'll be happy to do that if you have any
1369 specific questions.

1370
1371 I thought what I would do is talk a little bit about the first and second, numbers one and
1372 two, that we have there that are closer to Broad. That really being the gateway into
1373 Innsbrook from Broad. We do believe on Nuckols Road that's going to be another
1374 gateway, particularly with the Highwoods case that was recently approved as well. We
1375 plan on having development begin south and move north hand-in-hand with other
1376 expected projects as the come online.

1377

1378 And so, for example, this is 4198, which Mr. Lewis will refer to. Again, I apologize in that
1379 I wasn't prepared to split them up. But I thought I'd just use this as an example. This is
1380 a 47,000-square-foot office building with a large surface parking lot, as you can see, next
1381 to the existing Innslake Apartments that are open and continuing to be under construction.
1382 Hyatt Place, Hondos, The Shoppes at Innsbrook, other hotels and other users.
1383

1384 We've proffered a conceptual plan, which is a little unique in Innsbrook from the
1385 standpoint of having a general conceptual plan as to how it would function, with the idea
1386 and understanding that there's a concern on the impact on each of these properties that
1387 has an existing office building.
1388

1389 Obviously, there's some flexibility in how we will change this as we respond to the market
1390 and design specifically, but wanted to be able to provide for insight as to how it would be
1391 developed.
1392

1393 Particularly -- with this particular development on 4198, we provided a different and a
1394 sample elevation that you might see otherwise. This particular property is -- we're going
1395 to -- as you'll hear from me, is going to have specific proffers as to the minimum height.
1396 But each property that we provided has a conceptual plan and elevations.
1397

1398 So, one of the significant proffers that we've provided for is not only density for each
1399 property at one and two-bedrooms only, but also density with respect to the commercial
1400 uses so that all the existing office buildings, that commercial square footage we're
1401 retaining and have proffered, that they will have commercial uses to that square --
1402 minimum square footage.
1403

1404 Mr. Lewis has already described the significant amenities that we are providing. We did
1405 ask for a change in the use proffer based on the Board of Supervisors approval recently
1406 of the -- just a few nights ago of the Highwoods case. So, we're trying to mirror that on
1407 the CBD sales prohibiting any CBD sales on any of these properties. So that's a request
1408 that we've asked for the change.
1409

1410 Specific to the south, 4198, which is that proffer -- or that Property Number 1, is going to
1411 be a minimum of 7 stories. So, we've shown that on the -- on the site plan -- or on the
1412 concept plan for the elevations as well -- we've proffered that it'd be a minimum of 7
1413 stories being the idea that it's really a gateway as you come in to be able to grab that wow
1414 factor and have that ability to set the tone for the rest of the development.
1415

1416 It also must be built first. We've proffered that it would have -- 50 percent of the units
1417 would have a certificate of occupancy before we have any other units south of Nuckols
1418 Road have any other CO so that this will be up and running and be open before we can
1419 have any other open as well.
1420

1421 We're also concerned with respect to sanitary sewer, again south of Nuckols Road,
1422 specifically providing for a hydraulic study to make sure that there is capacity for sanitary
1423 sewer. Analyzing that through this area. And also, specific as to the proffer that you see

1424 -- or property that you see labeled as number 3 at 4510 Cox. That we limited the number
1425 of dwellings until the Director of Public Utilities determines that there is a specific
1426 allowance for a sanitary sewer capacity. So, I believe DPU is comfortable with that as
1427 well.

1428
1429 On all the properties we provided for both cases a TIA. And obviously traffic is a
1430 significant issue. And we've committed to both the north and south -- for north and south
1431 the phasing of road improvements as determined by the County through the POD
1432 process. We studied a number of intersections throughout the entirety of the Innsbrook
1433 development for those that have been approved and, of course, pending. And that
1434 included our road improvements, which I'll be happy to go through, but include those that
1435 are labeled on here as Number 1, which is a West Broad and Dominion Boulevard.
1436 Excuse me. Labeled as Number 3 is West Broad and Dominion Boulevard. Number 5
1437 at West Broad and Cox. Cox and Inslake. And Cox and Village Road Drive, which is
1438 labeled as Number 9.

1439
1440 Obviously, we're looking for conflict points and providing for specific improvements that,
1441 again, were approved by VDOT and with respect to the Transportation Engineer of the
1442 County.

1443
1444 And then, finally, with respect to the northern parcels. Going up -- piggy-backing off of
1445 what Mr. Lewis has described, also obligated with the same road improvements -- and
1446 you can see we've circled here the Lake Rooty with some of the pedestrian improvements
1447 that are existing in Innsbrook with both of our subject sites located.

1448
1449 There was a concern on the other case in the Highwoods Case with respect to access
1450 across the northern part of Lake Rooty on the top there. And you can see that there's a
1451 spillway partially owned by this applicant. And the concern was being able to create an
1452 access point beyond that. And so, what we've provided for is a plan, actually, we found
1453 in 2003 that was designed for a 40-foot-wide right-of-way or road network, that would be
1454 able to cross there.

1455
1456 And you can see in that particular -- on this -- on this slide itself. We actually own just a
1457 portion of that, which is that -- kind of that triangular -- or, excuse me, rectangular area
1458 that juts out into Lake Rooty. That we would be able to complete that. Otherwise
1459 Highwoods owns on the other side of that, so that's about so that's about 130-feet in
1460 length. We would commit to -- we've committed to in the proffers to be able to provide
1461 that road network. And there is the plan itself that was in the design.

1462
1463 So, with that -- I went through it rather quickly -- I'll be happy to answer any specific
1464 questions that you have and ask that you follow staff's recommendation and recommend
1465 both these cases and then the other two cases that'll be coming up for recommendation
1466 to the Board of Supervisors. Thank you.

1467
1468 Mr. Mackey - All right. Questions for Mr. Condlin?

1470 Mrs. Thornton - Mr. Witte. You have any questions?
1471
1472 Mr. Witte - No. I'm good.
1473
1474 Mrs. Thornton - Are you happy?
1475
1476 Mr. Witte - I was looking at this spillway.
1477
1478 Mrs. Thornton - What is it?
1479
1480 Mr. Baka - We're glad to see the road go around the lake.
1481
1482 Mrs. Thornton - Yes. So, this --
1483
1484 Mr. Witte - Well, I think that's a bridge over the --
1485
1486 Mr. Emerson - Yes, it is.
1487
1488 Mr. Witte - Yeah. There we go. Okay. I was trying to pick it out. I
1489 couldn't find it.
1490
1491 Mr. Archer - May I ask a question, Mr. Condlin?
1492
1493 Mr. Condlin - Yes, sir.
1494
1495 Mr. Archer - You indicated a rectangular piece of something that your
1496 client owns.
1497
1498 Mr. Condlin - Right. And you can see it a little bit better on this one.
1499
1500 Mr. Archer - Yeah. I can't.
1501
1502 Mr. Condlin - That's that -- the -- where they've -- where, it's not land. It's
1503 actually part of lake, but it juts out in that area. That's where the spillway is and so that's
1504 -- that area is what's owned by my client. And that's what the commitment is too. And
1505 that goes back over top of the area as you head up towards there. So that's all owned by
1506 my client and they've made that commitment to allow for a dedication if someone, in this
1507 case probably Highwoods, would end up constructing that road.
1508
1509 Mr. Archer - Okay. So, the use would be as a spillway. That's --
1510
1511 Mr. Condlin - It's still -- yeah. The answer is that the engineering, based on
1512 what we know, obviously we haven't done it, but that what we understand is that would
1513 accommodate a road going across that. But they would have to, obviously, go through
1514 that process through the POD process.
1515

1516 Mr. Archer - Okay. I guess I was just trying to reconcile it on mine where,
1517 you know, where the water would be coming from, toward the spillway.

1518
1519 Mr. Condlin - Well, I think it comes from the other areas and comes into the
1520 lake under where that white area is, where the road is showing. It would still continue to
1521 be running into there. You can see it a little bit better there. There's a jogging trail
1522 currently over that area and that's where the spillway is that you can see there.

1523
1524 Mr. Archer - Okay.

1525
1526 Mr. Condlin - And that's what's -- a part of that's what's owned by my client.
1527 More specifically the spillway.

1528
1529 Mr. Archer - Thank you.

1530
1531 Mr. Condlin - Thank you.

1532
1533 Mrs. Thornton - Okay. Well, Andy, I appreciate your presentation and I
1534 appreciate all the work that's gone into it for many months back and forth and proffering
1535 and everything that we've worked on for the last couple of months. I appreciate that.

1536
1537 I do think it will make a statement. Apartment Number 1, as you pull into Innsbrook,
1538 there's already apartment there. Two, you know, I guess, garages beside each other and
1539 then a big statement of the apartments would be nice as you go in.

1540
1541 And, as you all know, at -- in the report, 2 and 3 will be looked at making sure that the
1542 sewer can hold the volume. Thank you so much for proffering the road improvements
1543 and the road in the back around the lake. I think those are very important for this project
1544 to be successful and for other projects to be successful in the area.

1545
1546 So, with that, Mr. Chairman, I move that we grant a waiver of time limits and accept the
1547 proffers dated October 13, 2021 for REZ2021-00028 Lingerfelt Office Properties, LLC.

1548
1549 Mr. Mackey - Second. All right. We have a motion to -- for the time waiver
1550 of the proffers. All in favor say aye.

1551
1552 The Commission - Aye.

1553
1554 Mr. Mackey - Any opposed? It's granted.

1555
1556 Mrs. Thornton - Mr. Chairman, I move that we recommend approval of
1557 REZ2021-00028 Lingerfelt Office Properties, LLC with the revised proffers dated October
1558 13, 2021.

1559
1560 Mr. Baka - Second.

1561
1562 Mr. Mackey - All right. We have a motion by Mrs. Thornton, a second by

1563 Mr. Baka, for the approval of REZ2021-00028 Lingerfelt Office Properties, LLC. All in
1564 favor say aye.

1565
1566 The Commission - Aye.

1567
1568 Mr. Mackey - Any opposed? Motion is granted.

1569
1570 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
1571 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1572 Supervisors **grant** the request because it conforms to the Urban Mixed Use
1573 recommendation of the Land Use Plan.

1574
1575 Mrs. Thornton - And, Mr. Chairman, I recommend approval of the Provisional
1576 Use Permit PUP2021-00011 Lingerfelt Office Properties, LLC with the recommendation -
1577 - I mean, recommended conditions listed in the staff report.

1578
1579 Mr. Witte - Second.

1580
1581 Mr. Mackey - All right. We have a motion by Mrs. Thornton, a second by
1582 Mr. Witte, for the approval of PUP2021-00011 Andrew M. Condlin for Lingerfelt Office
1583 Properties, LLC. All in favor say aye.

1584
1585 The Commission - Aye.

1586
1587 Mr. Mackey - Any opposed? The motion is granted.

1588
1589 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Witte,
1590 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1591 Supervisors **grant** the request because it would not be expected to adversely affect public
1592 safety, health or general welfare.

1593
1594 Mr. Emerson - Mr. Chairman, we now move on to the next two companion
1595 cases, which Mr. Condlin mentioned in his presentation. REZ2021-00029, again, Andrew
1596 M. Condlin for Lingerfelt Properties, LLC.

1597
1598 **REZ2021-00029 Andrew M. Condlin for Lingerfelt Office Properties, LLC:**
1599 Request to conditionally rezone from O-3C Office District (Conditional) and B-2C
1600 Business District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels
1601 748-761-5174, 749- 761-0971, and 750-765-5718 containing 16.486 acres located at the
1602 southwest and southeast intersection of Cox Road and Innslake Drive and on the west
1603 line of Cox Road at its intersection with Village Run Drive. The applicant proposes an
1604 urban mixed-use development. The uses will be controlled by zoning ordinance
1605 regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban
1606 Mixed-Use and Environmental Protection Area. The site is in the Innsbrook
1607 Redevelopment Overlay District.

1608

1609 The companion case appearing on page 4 is PUP2021-00012, again, Mr. Condlin for
1610 Lingerfelt Properties.

1611
1612 **PUP2021-00012 Andrew M. Condlin for Lingerfelt Office Properties, LLC:**
1613 Request for a Provisional Use Permit under Sections 24-32.1 (n, s, t, v, w, z, aa), 24-120
1614 and 24- 122.1 of Chapter 24 of the County Code to allow the following: a parking garage
1615 with no associated ground floor retail or useable floor space for residential or
1616 nonresidential uses along a façade facing street; buildings and structures exceeding 60'
1617 in height; residential density exceeding 30 units per acre; open space of less than 20
1618 percent; commercial or office square footage of less than 25 percent of the total building
1619 square footage of the UMU district; number of for-lease multifamily dwelling units
1620 exceeding 30 percent of the total units of the UMU district; and a parking plan on Parcels
1621 748-761-5174, 749-761-0971, and 750-765-5718 located at the southwest and southeast
1622 intersection of Cox Road and Innslake Drive and on the west line of Cox Road at its
1623 intersection with Village Run Drive. The existing zoning is O-3C Office District
1624 (Conditional) and B-2C Business District (Conditional). UMUC zoning is proposed with
1625 REZ2021-00029. The 2026 Comprehensive Plan recommends Urban Mixed-Use and
1626 Environmental Protection Area. The site is in the Innsbrook Redevelopment Overlay
1627 District.

1628
1629 The staff report will be presented by Mr. Livingston Lewis.

1630
1631 Mr. Mackey - Okay. Is there anyone in attendance or via Webex that's in
1632 opposition of REZ2021-00029 Andrew M. Condlin for Lingerfelt Office Properties, LLC or
1633 the companion case?

1634
1635 Ms. Deemer - We have no one -- I'm sorry. We have no one on Webex.

1636
1637 Mr. Mackey - Okay. Or the companion case PUP2021-00021 [sic] Andrew
1638 M. Condlin for Lingerfelt Office Properties, LLC. All right. We have no one in person.

1639
1640 Mr. Lewis - Thank you, Mr. Chairman. This is going to be repetitive, but
1641 we will all be experts in the cases. This is a very similar request to the previous ones
1642 from the same applicant. This one would be -- would rezone three separate sites totaling
1643 16.486 acres in the center of Innsbrook. From O-3C and B-2C to UMUC for Urban Mixed
1644 Use.

1645
1646 Collectively, adjacent uses include a lake, hotel, apartment building, restaurant, variety of
1647 multi-tenant office buildings and large, surface parking lots. The 2026 Plan recommends
1648 all three sites for Urban Mixed Use. As are all others in Innsbrook.

1649
1650 Proffered conceptual layouts have been provided for each property. This is the plan for
1651 4510 Cox illustrating three interconnected 5-story apartment buildings totaling 310 units
1652 along with a pool and a 5-story parking garage. A recent revision to proffer Number 13
1653 states that only 270 of these units would be permitted until the applicant demonstrates
1654 adequate sewer capacity is available for the other 40.

1655

56 Access will be from existing Cox Road entrance. And views from Cox Road will be
1657 primarily of the apartment building which is represented by the following proffered
1658 elevation exhibit. This is also the same elevation proffered for the second site farther
1659 south at 4121 Cox Road. The concept plan for 4121 Cox shows two 5-story apartment
1660 buildings with a 5-story parking garage in between. This one would have a combined
1661 total of 320 residential units and two points of access from Cox Road and Innslake Drive.
1662

1663 The third site, at 4198 Cox is a bit different from the other two. Because the property is
1664 smaller, a single 250-unit apartment building with a reduced footprint is proposed along
1665 with a 3-story, 306-space parking deck. The primary access would be from Innslake
1666 Drive.
1667

1668 And these are the elevations of 4198 Cox. They show a 10-story building, but it could
1669 end up being a minimum of seven stories, as proffered, Proffer number 4. Also as
1670 required in Proffer number 14, this would be the first building constructed of the three in
1671 this case. And that was previously mentioned in Mr. Condlin's presentation.
1672

1673 All together the three properties would have a combined maximum of 880 multi-family
1674 units, up to 340 of which may be 2-bedroom, but no 3-bedroom. This equates to a gross
1675 residential density of 53.4 units per acre, which would be comparable to other previously
1676 approved Innsbrook UMU projects.
1677

1678 A mixture of uses on the respective parcels would be ensured by the applicant's
1679 commitment to have a minimum amount of commercial, office, and related accessory
1680 uses on each. And those amounts would mostly be met by maintaining the existing office
1681 buildings as in the previous cases.
1682

1683 Other proffers address many of these same items as previously covered in the applicant's
1684 rezoning case number 28: incompatible uses, residential amenities, exterior building
1685 materials, road phasing and pedestrian plans, and using the Urban Design Guidelines as
1686 the master plan. The applicant will also submit sanitary sewer capacity studies if
1687 requested during any POD review for the sites to ensure adequate sewer capacity at each
1688 stage of buildout.
1689

1690 An evaluation of the traffic study for these locations also resulted in numerous road
1691 improvement commitments in Proffer number 12 to mitigate impacts at the following four
1692 intersections and they were previously mentioned: West Broad and Dominion, West
1693 Broad and Cox, Cox and Innslake, Cox and Village Run Drive. The road proffer also
1694 includes some recent clarifying revisions requested by VDOT. The request would also
1695 be regulated by the provisional use permit requests. The same requests as in case
1696 number 28.
1697

1698 And, again, while stand-alone residential uses do not necessarily reflect each site's UMU
1699 designation, we do believe that it's consistent with the Land Use Plan, the Innsbrook Area
1700 Study, and surrounding properties. And it would help support Innsbrook's ongoing
01 success.

1702
1703 For these reasons and because all previously identified issues have been resolved, staff
1704 supports these requests and believes the proposed uses would be appropriate in these
1705 locations. Time limits will be -- need to be waived for the proffers. And this concludes
1706 my presentation.

1707
1708 Mr. Mackey - All right. Thank you. Any questions for Mr. Lewis?

1709
1710 Mr. Baka - Yes. I have one. The 10-story building, would the top floor
1711 be suitable for wireless telecommunication facilities and antennae at that height? You're
1712 at 100 feet, so you could have microcell sites rather than have any towers in the area.

1713
1714 Mr. Lewis - I imagine it would be. I -- just going off of my experience with
1715 working on those types of cases.

1716
1717 Mr. Baka - So I guess my question would be are the -- since there's 100
1718 -- since it's 10 stories, and I don't know if that's 100 feet let's say, you're at a great height
1719 for wireless microcell sites.

1720
1721 Is the -- is the plan for the rooftop to be publicly accessible? Because if it's publicly
1722 accessible and there's some type of public use and then you typically don't have any
1723 wireless antennae on top. Or is it planned to be entirely restricted where no public access
1724 would be granted to the rooftop. And then that, therefore, allows for an environment to
1725 allow for a wireless antenna.

1726
1727 So, I guess I may have a question for the applicant in a minute if I can defer on that.

1728
1729 Mr. Lewis - It is. That is a question for the applicant. Because the
1730 application does not speak to that.

1731
1732 Mr. Baka - And there's no -- I apologize, I could have asked this question
1733 previous to tonight. But I was wondering if there was anything proffered that specifies
1734 one way or the other. Okay. I'll ask them.

1735
1736 Mr. Lewis - There's a proffer that there won't be any communication
1737 towers. But I believe it does allow for building colocation.

1738
1739 Mr. Baka - Fixtures. Yeah. Building-mounted fixture. All right. No
1740 further questions of staff.

1741
1742 Mr. Mackey - All right. Anyone -- anyone else have any questions for staff
1743 -- Mr. Lewis? All right. Thank you, sir.

1744
1745 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin.
1746 Again, I already did my presentation. To answer your question, Mr. Baka, they haven't
1747 really determined whether they're going to do any of that. I don't know if that's a good or
1748 a bad thing in your eyes. But that's certainly something that they are not having

1749 [unintelligible] defined the rooftop amenities and what they're going to do up on this
1750 particular site. It's always a possibility but, you know, again they don't have any specific
1751 plans for that.

1752
1753 Mr. Baka - Okay. So that item will remain flexible for the time being until
1754 such time --

1755
1756 Mr. Condlin - Right.

1757
1758 Mr. Baka - -- the market tries it. Fair enough.

1759
1760 Mr. Mackey - All right.

1761
1762 Mrs. Thornton - Okay. Well, you've already heard from me. So, Mr.
1763 Chairman, I move we grant a waiver of time limits and accept the proffers dated October
1764 13, 2021 for REZ2021-00029 Lingerfelt Office Properties, LLC.

1765
1766 Mr. Baka - Second.

1767
1768 Mr. Mackey - All right. We have a motion by Mrs. Thornton, a second by
1769 Mr. Baka, to waive the time limits for the proffers dated October 13, 2021. All in favor say
1770 aye.

1771
1772 The Commission - Aye.

1773
1774 Mr. Mackey - Any opposed? Motion is granted.

1775
1776 Mrs. Thornton - Mr. Chairman, I move that we recommend approval of
1777 REZ2021-00029 Lingerfelt Office Properties, LLC with the revised proffers dated October
1778 13, 2021.

1779
1780 Mr. Archer - Second.

1781
1782 Mr. Mackey - Okay. We have a motion for approval by Mrs. Thornton,
1783 second by Mr. Archer for REZ2021-00029 Andrew M. Condlin for Lingerfelt Office
1784 Properties, LLC. All in favor say aye.

1785
1786 The Commission - Aye.

1787
1788 Mr. Mackey - Any opposed? Motion is granted.

1789
1790 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Archer,
1791 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1792 Supervisors **grant** the request because it conforms to the Urban Mixed Use
1793 recommendation of the Land Use Plan.

1794

1795 Mrs. Thornton - Mr. Chairman, I recommend approval of the Provisional Use
1796 Permit PUP2021-00012 Lingerfelt Office Properties, LLC with the recommended
1797 conditions listed in the staff report.

1798
1799 Mr. Baka - Second.

1800
1801 Mr. Mackey - All right. We have a motion by Mrs. Thornton, a second by
1802 Mr. Baka, for approval of PUP2021-00012 Andrew M. Condlin for Lingerfelt Office
1803 Properties, LLC. All in favor say aye.

1804
1805 The Commission - Aye.

1806
1807 Mr. Mackey - Any opposed? The motion is carried.

1808
1809 **REASON -** Acting on a motion by Mrs. Thornton, seconded by Mr. Baka,
1810 the Planning Commission voted 5-0 (one abstention) to recommend the Board of
1811 Supervisors **grant** the request because it would not be expected to adversely affect public
1812 safety, health or general welfare.

1813
1814 Mr. Emerson - Mr. Chairman, we now move to Page 5 of your agenda for two
1815 more companion cases: REZ2021-00013 Andrew M. Condlin for 6531 Broad, LLC.

1816
1817 **REZ2021-00013 Andrew M. Condlin for 6531 Broad LLC:** Request to
1818 conditionally rezone from R-6 General Residence District, B-2 Business District, and B-3
1819 Business District to R-6C General Residence District (Conditional) Parcel 767-743-7902
1820 containing 6.67 acres located between the west line of W. Broad Street (U.S. Route 250)
1821 and the east line of Betty Lane. The applicant proposes residential apartments and
1822 commercial uses. The R-6 District allows a maximum gross density of 19.8 units per acre.
1823 The uses will be controlled by zoning ordinance regulations and proffered conditions. The
1824 2026 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise
1825 Zone.

1826
1827 Mr. Emerson - And the companion case Provisional Use Permit 2021-00004,
1828 again, Mr. Condlin for 6531 Broad, LLC. The staff reports will be presented by Mr. Ben
1829 Sehl.

1830
1831 **PUP2021-00004 Andrew M. Condlin for 6531 Broad LLC:** Request for a
1832 Provisional Use Permit under Sections 24-36.1 (b), 24-120 and 24-122.1 of Chapter 24
1833 of the County Code to allow a master planned community on Parcel 767-743-7902
1834 located between the west line of W. Broad Street (U.S. Route 250) and the east line of
1835 Betty Lane. The existing zoning is R-6 General Residence District, B-2 Business District,
1836 and B-3 Business District. the R-6 District is proposed with REZ2021-00013. The 2026
1837 Comprehensive Plan recommends Commercial Arterial. The site is in the Enterprise
1838 Zone.

1839

1840 Mr. Mackey - All right. Thank you. Do we have anyone in attendance or via
1841 Webex that's in opposition of the two cases, REZ2021-00013 6531 Broad, LLC or
1842 PUP2021-00004 6531 Broad, LLC?

1843
1844 Ms. Deemer - We have no one on Webex.

1845
1846 Mr. Mackey - And no one in attendance. Thank you.

1847
1848 Mr. Sehl - Thank you again, Mr. Chairman.

1849
1850 Mr. Mackey - Thank you.

1851
1852 Mr. Sehl - These companion items would allow for the development of
1853 up to 250 apartment and corporate living units on a parcel that was previously developed
1854 for a hotel and conference facilities. The rezoning would allow the residential uses on the
1855 site, which is zoned a mixture of B-3, B-2, and R-6.

1856
1857 Residential uses are allowed in the R-6 District but are not allowed in the B-2 or B-3
1858 Districts. To accommodate the proposed development, the applicant is proposing to
1859 rezone the entire site to R-6C and has also submitted a companion provisional use permit
1860 request that would allow for commercial uses along West Broad Street and for a
1861 modification of setback, density, and parking requirements.

1862
1863 The applicant proposes to develop the site as shown on this concept plan. The first phase
1864 of development would include the conversion of the existing hotel tower into 78 corporate
1865 apartment units, all of which would be either studio or one-bedroom.

1866
1867 The second phase would consist of 172-multi-family units and no 3-bedroom units will be
1868 allowed per the revised proffers handed out to you this evening. This 7-story building is
1869 generally located in the area of the site already zoned R-6.

1870
1871 A third phase is also planned, as shown here. Development of the third phase would
1872 require the construction of a parking deck and would involve full development of the site's
1873 West Broad Street frontage. The timing of this phase is unclear, although the revised
1874 proffers handed out to you this evening do make commitments to improving the site's
1875 frontage as part of the initial phase of development.

1876
1877 In addition to the concept plans, the applicant has proffered elevations of both residential
1878 buildings and has committed to designing the future commercial building in a similar
1879 architectural style. Exterior building materials will consist of brick, stone, or cementitious
1880 siding and other proffers address typical development details such as underground
1881 utilities, parking-lot lighting, sound suppression, signage, and amenities for future
1882 restaurants -- or residents, excuse me.

1883
1884 With regards to the Provisional Use Permit, staff notes the applicant has also provided a
1885 revised parking analysis that was handed out to you this evening that has been certified
1886 by a professional engineer. The revised analysis indicates all phases of the development

1887 could be accommodated in an incremental manner with the construction of each use.
1888 That revised study provided to you this evening addresses the major concern that was
1889 noted in the staff report for the provisional use permit.

1890
1891 The proposed conditions that are in the report are in keeping with other recent
1892 developments of this type and would continue forward and would reference that revised
1893 parking study as well.

1894
1895 Staff notes that concerns were recently raised by residents to the west regarding the use
1896 of Betty Lane as an access point for the community. There's some residents in this area.

1897
1898 Staff believes interconnection between various development sites helps to reduce the
1899 burden on arterial roadways by providing multiple ways for current and future residents
1900 to access the area's transportation network but understands that nearby resident
1901 concerns are regarding cut-through traffic.

1902
1903 The recently revised proffers commit to not allowing construction traffic to use this
1904 entrance, which at a minimum should reduce the use of Betty Lane for heavy construction
1905 vehicles.

1906
1907 The site is designated Commercial Arterial on the 2026 plan. While the proposed
1908 residential uses are not consistent with this designation, components of the proposed
1909 development would be allowed under the site's existing zoning.

1910
1911 Additionally, the redevelopment of the site with a mixture of uses would fulfill the goals of
1912 the relatively recent zoning ordinance amendments that were adopted to encourage
1913 mixed-use communities along the county's major thoroughfares.

1914
1915 While the proposed uses could be appropriate and the building heights proposed by the
1916 applicant with this request would be consistent with those allowed under the site's current
1917 zoning.

1918
1919 Staff does note goals of the recent zoning ordinance amendments that prioritize the use
1920 of the PUP to facilitate innovative mixed-use development. The applicant has shown the
1921 result of that flexibility in a design that makes the most of a challenging, narrow site.
1922 However, there are no assurances that the future commercial uses and associated
1923 parking structure would be constructed in the future.

1924
1925 While staff recognizes it would be difficult to make commitments regarding this
1926 construction, the applicant is encouraged to provide additional information on their plans
1927 for that portion of the site.

1928
1929 The revised proffers and new parking study largely addressed the concerns noted in the
1930 staff reports. Therefore, if the applicant were to address the concerns regarding the timing
1931 of the future commercial building, staff could be supportive of these requests.

1932
1933 I would note the applicant did host a community meeting earlier this week, on October

11th. My understanding is one participant at that meeting, I was not in attendance, and I would note that a waiver of time limits would be needed -for the proffers that were submitted this afternoon with that last change regarding the construction traffic prohibition.

With that, I will conclude my presentation and would be happy to try and answer any questions you might have.

Mr. Mackey - All right. Thank you, Mr. Sehl. Any questions for Mr. Sehl or for staff?

Mr. Baka - Yes, sir. I had a couple questions for staff. And thank you, Mr. Sehl, for your diligent work on this over the past few months. I just want to briefly go over a couple of the issues. The -- originally -- one of the original issues was the height of the building and also more recently came up was questions regarding parking, secondly, parking on site and, third, access to Betty Lane in the rear and parking. Do you want to basically start, you know, by understanding that this was a previously developed hotel site that had a certain height or mass to the building, and we recognize that in part of the process that was there.

So, I guess my question about the access to the rear, Mr. Sehl, goes with I have an email from John Hruska, who's the President of the Charles Glen HOA. And he was asking about permanent closure of the gated access to the rear. So, one of the questions that we had talked about in revised proffers was could that be -- could the access point be restrictive for construction traffic? And, secondly, my second question is could it be restricted for the entire Phase 1 of the 78 corporate apartment housing units? Could that access not be opened until Phase 2, which is the larger -- the multi-story apartment building on the east -- on, I'm sorry, on the -- on the south side of the property. Could that access remain closed until Phase 2 starts and they keep it closed for a longer duration?

Mr. Sehl - Mr. Baka, as you noted, they have prohibited the construction traffic. Phase 1 is 78 units, as proposed, so that would be under Department of Public Works policy regarding the maximum number of units on a single point of access, which is 82. So, the applicant can certainly speak to that and their willingness to limit that access.

Ultimately, with the number of units and density of development proposed here, a second point of access would be necessary per public works policy. And staff also believes it would be -- would be good planning to allow that connection between West Broad Street and the residents of to the west, which could serve not only this development, but residents to the west as well that would now have access to Broad Street without going down to Horsepen.

Mr. Baka - And the reasoning for that 82-unit threshold deals with public safety and access of -- is it because of emergency access? How would you explain that?

1980 Mr. Sehl - Yes. Yes, sir. It would be regarding emergency access and
1981 making sure that there isn't a density of development that's beyond, you know, that's 50
1982 single-family units and 82 multi-family townhouse units.

1983
1984 Mr. Baka - And I know the -- when you leave Crestview Elementary
1985 School and head in this direction, there's sidewalks for a certain distance. Would there
1986 be -- and this is vehicular access for vehicles. Would there be full pedestrian access in
1987 the long run to this site from Crestview up? So, kids could walk to school?

1988
1989 Mr. Sehl - Certainly. That would be a full access point here that they
1990 have provided for pedestrian. One of the things that, as you noted, you and Mrs.
1991 O'Bannon worked closely with the applicant and with staff to ensure that there was
1992 pedestrian access throughout this site and make the design to allow for pedestrian access
1993 between West Broad Street.

1994
1995 So that includes a number of pedestrian amenities within the development, sidewalks on
1996 both side of the access drive through here, as well as some pedestrian areas around
1997 each building. So that would provide access out to Betty Lane.

1998
1999 Mr. Baka - Okay.

2000
2001 Mr. Sehl - There are, I think, some holes elsewhere, farther west, that
2002 wouldn't be fully filled, but there is -- the good news is, is a lot of the apartments that are
2003 in this area have frontage sidewalks along them, as you note, along the roadway here.
2004 So that will get them pretty close, Mr. Baka.

2005
2006 Mr. Baka - Okay. And I do want to add, I do think it's an improvement.
2007 You mention the 3-bedroom units were stricken from the plan and proffered out. So that
2008 is helpful to know. So, thank you.

2009
2010 Mr. Sehl - And there was a also a prohibition in the PUP conditions prior
2011 to the proffer prohibitions. So, we have it covered with both applications.

2012
2013 Mr. Baka - Okay. I have no further questions of staff.

2014
2015 Mr. Sehl - All right.

2016
2017 Mr. Mackey - And would you like to hear from the applicant?

2018
2019 Mr. Baka - Yes. And I realize there's no one in opposition in attendance
2020 or on Webex.

2021
2022 Mr. Mackey - Right or on Webex.

2023
2024 Mr. Condlin - Good evening. Andy Condlin again on behalf of 6531 West
2025 Broad, LLC with Zanas Talley here as well if, Fred, if you could bring up my presentation

26 for this purpose. I do have a couple of slides I think may be helpful in response to some
2027 of the concerns that were raised.

2028
2029 The proposal that Mr. Sehl has provided otherwise, I think it's a -- pull forward here. He's
2030 -- as he's already described, it's somewhat of a unique site in the -- that is formerly a
2031 number of hotels, including the Magnuson Hotel. My client has actually purchased, KM
2032 Hotels, which, as a subsidiary, being the applicant itself purchased a property and took
2033 down the conference center, closed the hotel which was causing problems. Left the
2034 tower, the middle tower, which we'll show you in a second. This property's also unique in
2035 the -- in the type of zoning that we have, which includes the multi-family zoning in the rear
2036 already with the B-3, B-2, 1, and conditional.

2037
2038 This is the site from Broad Street as it currently exists. Again, with just the tower standing
2039 -- from standing there, and then Mr. Sehl has already pointed out quite a bit the different
2040 phases that we're providing for, including the commercial phase up front, which I'll speak
2041 to in a second, and that particular phase that we're looking at we didn't proffer specific
2042 elevations as we're continuing to work on that.

2043
2044 But we do have some renderings that we've put together that we've showed to the
2045 community meeting as to what it would look like along Broad Street once built, which
2046 would have the commercial -- the idea being with that particular commercial, we would
2047 have some -- and that's without the landscaping. You wouldn't be able to see the building
2048 itself.

2049
2050 There would be some outdoor facilities, as was shown. If you look on the bottom-right of
2051 that concept plan, we showed the outdoor seating. The idea being restaurants on the
2052 first floor, have office, and actually have a daycare center that they're working on currently
2053 with Primrose Place to be able to have a daycare in that particular facility. That, again,
2054 still working with the franchise to have that available.

2055
2056 And we've got -- see in the back, again, just to block out is the parking garage that we're
2057 providing for in that area. We also have in the center, which is the existing hotel tower is
2058 what we call it. It's 6 stories, but it really is 7 with that first floor being about a half a story
2059 extra, so it's about 1 1/2 stories. So, it's 6 1/2 to 7 stories in theory.

2060
2061 But -- and this is -- this is really just repurposing this building I think for somewhat of a
2062 unique use that really hasn't been in the area. This particular operator and owner owns
2063 a number of hotels in the area, including extended stay hotels. They find that there's a
2064 big market for corporate employee housing.

2065
2066 So, the idea would be to have studio or one-bedroom units that are very similar to
2067 extended stay with a modified small kitchen in it. Then they would have a minimum of 4-
2068 month lease, but it would be leased to the business itself so that they could then rotate
2069 their employees and a number of employers in this region, specifically in this area, already
2070 take advantage of that with the extended-stay hotels to have opportunities.

2072 This would be a little different with being able to, the longer you rent, the lower the rental
2073 value would be for that. But we have a four-month minimum where you could rent one or
2074 more -- particularly already have contracts with a block of rooms to be able to rent out.
2075 Again, these would only be one-bedroom or studios. No two-bedroom or up. This is
2076 specifically for that with their calling it corporate housing. It's not quite a hotel. It's not
2077 quite a -- it's not quite apartments. It's somewhere in between. And that's really, I think,
2078 a unique use and, quite frankly, a good repurposing of this existing facility.

2079
2080 We did try to -- we didn't have access to the Altria Site, but that was a concern as to what
2081 it would look. This is actually taller than the Altria building looking down on what you
2082 would see. And, again, trying to -- getting ready for the community meeting and
2083 discussions with Altria.

2084
2085 Mr. Baka - And that's from a drone?

2086
2087 Mr. Condlin - Yes, sir.

2088
2089 Mr. Baka - Just clarifying. Thanks.

2090
2091 Mr. Condlin - Yep. I was told it was on the property line, but it might have
2092 leaked over on the opposite line. But we'd -- from that standpoint. The final portion, which
2093 will be the Phase 2, so the idea would be to repurpose and redo the hotel tower site into
2094 the corporate apartments. The second phase would be to the apartments to be able to -
2095 - for this facility we can see that particular unit here.

2096
2097 Based on comments from Mr. Baka and Mrs. O'Bannon wanting to see from Betty Lane
2098 what that would look like, again, a rendering from that site looking in. And then the Virginia
2099 Apartments are next door, again, trying to -- as your -- the topography, as you can see,
2100 rises up to this particular site and what it would look like from there as well. So that's the
2101 entirety of that.

2102
2103 One of the comments that was made on Betty Lane, we already just proffered based on
2104 the comments that were received today with respect to construction. More than happy, if
2105 the staff is -- staff being Public Works and transportation and Planning, are okay with only
2106 the Phase 1 not accessing Betty Lane, we would certainly be open to that -- or closed to
2107 that, I guess. Closing that access, per se. So that would leave that -- we can certainly
2108 draft up a proffer.

2109
2110 I'd want to be able to say subject to approval by the County Planning Director I think is
2111 probably the better way so that during the POD process we would make sure that it kept
2112 -- if it's required, then we would open it up. But we're happy to have it closed and that
2113 would be opened up only in Phase 2. All our construction traffic, regardless, would not
2114 come through Betty Lane at that point.

2115

2116 The final comment I would make in response to the comments of staff is, quite frankly,
2117 this has taken some money to stabilize this and tear down the parts of the hotel that were
2118 having problems. I -- it was already vacant.
2119

2120 What we wanted to be able to do, it's 75,000 square feet of commercial, building the
2121 parking deck is going to take some expense and financing, so the ability to bring in the
2122 apartments would be a very important for the financing to stabilize this property and
2123 provide income assurance for the lenders. We will.
2124

2125 And our plan is to have the commercial to be started within 12 months after the Phase 2.
2126 The idea being that we would provide for that. And I think we had on the original, if I can
2127 go back to the original, Phase 1 and Phase 2. We are providing for parking, surface
2128 parking. That entire back portion is a surface part. So certainly, for Phase 1 we have
2129 more than enough parking.
2130

2131 When we go to Phase 2, right now based on our parking study, we will have 92 percent
2132 occupancy of -- at a maximum -- what we anticipate to be the maximum occupancy of all
2133 the parking at night for the residents.
2134

2135 And then, when we build the deck, which is a 228-space deck, we will obviously be taking
2136 spaces that are right in front of that Phase 1 building. But at that point we'll be able to
2137 provide additional parking on that green field temporary surface parking. We'll work with
2138 staff to make sure that we -- how we implement that. And then we'll be able to build a
2139 deck and then the commercial building would go on top of that once the deck is up. So
2140 we'll have to phase that accordingly.
2141

2142 But until that's built, we're going to provide for sidewalks along West Broad Street,
2143 landscaping along West Broad Street, and providing for a nice entryway and visual focal
2144 point from Broad Street. And we'll go from there. So, with that I'll be happy to answer
2145 any questions. Ask that you recommend this to the Board of Supervisors in following
2146 staff's recommendation.
2147

2148 Mr. Mackey - All right. Thank you, Mr. Condlin. Any questions for Mr.
2149 Condlin?

2150
2151 Mr. Baka - Yes. Does anyone else have other questions?

2152
2153 Mr. Mackey - Go right ahead, Mr. Baka.
2154

2155 Mr. Baka - And appreciate the work the applicant's put in to redo the site
2156 where the hotel was. So, I had a couple questions regarding the revised parking analysis.
2157 But let me first start with the construction proffer for -- proffer number 13. So just to be
2158 clear of what we have right now, in Phase 1 we have this new concept of corporate
2159 apartment housing for 4-month minimum stay for businesses in the area that maybe those
2160 folks bring a car here, maybe they don't. During Phase 1, Betty Lane would remain

2161 restricted for -- from any construction traffic and restricted from any traffic if that proffer
2162 were acceptable to Public Works and the Planning Director. That part makes sense.

2163
2164 In Phase 2 and 3, I just want to clarify. Am I correct to say that construction traffic would
2165 still be prohibited from Betty Lane at that point and construction traffic would need to come
2166 in from Broad Street?

2167
2168 Mr. Condlin - Correct.

2169
2170 Mr. Baka - Because I know Betty Lane would be opened. So that's --

2171
2172 Mr. Condlin - Correct. That is absolutely correct.

2173
2174 Mr. Baka - Okay. So that makes sense in my mind. I had it -- I don't
2175 know to what extent that will give neighbors in the area on the street -- I know some
2176 comfort or some solace. But I do want to -- I did want to see -- we didn't have that in
2177 there, the proffers, yesterday. I did want to see that no construction traffic coming through
2178 the neighborhoods. Some of the traffic may actually come from Horsepen, further east,
2179 and not necessarily through the neighborhoods. But that remains to be seen.

2180
2181 Questions on the revised traffic study, Mr. Condlin, Ramey Kemp.

2182
2183 Mr. Condlin - Yes, sir.

2184
2185 Mr. Baka - Page 2 and 3. On page 2, you've got 78 bedrooms in phase
2186 1, 55 spaces parking-demand at midnight. That's about 70 percent of the bedrooms are
2187 expected to have one car.

2188
2189 Mr. Condlin - Correct.

2190
2191 Mr. Baka - The other 30 percent aren't. Can you elaborate on that a little
2192 bit more? We're counting on them not having cars here in town?

2193
2194 Mr. Condlin - Right. So, the expectation is with the -- based on other
2195 corporate housing of this type, that they've been able to -- and the ITE code does not
2196 reflect this type of housing.

2197
2198 Mr. Baka - Yeah.

2199
2200 Mr. Condlin - They just see it as multi-family. But looking at a practical
2201 aspect, what we've found is that either people will be carpooling, because of the number
2202 of employees that are working together for the week won't be coming from another
2203 location. Let's say from Blacksburg or wherever they may be to drive. And if they're
2204 flying, usually they'll have corporate housing -- that's what -- or corporate transportation
2205 which a lot of them will have for folks that -- depending on who they're working with or
2206 doing Uber, quite frankly, is what they're -- are using.

97

2208 So that's based on what they're seeing in the market for this type of housing. Otherwise,
2209 that they seem to be using -- having their own cars a lot less from that standpoint.

2210
2211 Mr. Baka - Not disputing that. I'm just pointing out that's a, you know, it's
2212 a pretty assertive standard there. Pretty aggressive that we're saying 30 percent of the
2213 people definitely will not have a car and they were not counting them on demand at
2214 midnight.

2215
2216 Mr. Condlin - Well that's assuming 100 percent occupancy, too.

2217
2218 Mr. Baka - Correct.

2219
2220 Mr. Condlin - So when --

2221
2222 Mr. Baka - If you have 100.

2223
2224 Mr. Condlin - Right. When you have a business renting out and they might
2225 rent -- lease out four rooms, they may only need three at any given time. They may have
2226 four some weeks and some not others. So.

2227
2228 Mr. Baka - Yeah. So just underneath those two numbers, the 78 and 55
2229 -- I'm not as concerned with the Phase 1, because that's corporate housing. I'm more --
2230 a little more concerned with Phase 2. 214 bedrooms. So you have that many bedrooms.
2231 The concept plan shows 172 units, 172, yet parking demand at midnight is only 187.

2232
2233 There again, we're counting on not all the bedrooms -- when you're at 100 percent
2234 occupancy -- not all the bedrooms having a car, a vehicle, there at night. I'm wondering
2235 -- I'm looking at that wondering if that's a little too aggressive. I mean, what's -- how do
2236 you -- how do you respond to that?

2237
2238 Mr. Condlin - Well, I mean, some of that is based on the ITE code based on
2239 the number of bedrooms with the studios, ones and twos, that they do have. And, of
2240 course, even with that aggressive, you know, as you've termed it, the aggressive number
2241 at 87 percent. With that assumption, the reality is that some folks just don't. And we're
2242 certainly on a bus line and have an ability living in this area to not have to have a vehicle
2243 particularly if there's -- if there's just a one-bedroom or a studio having more than just one
2244 in that case.

2245
2246 We also have 92 percent -- so even though when you add those numbers up, if you look
2247 over in the far right in the totals, there's 242 demand. Based on our numbers we're
2248 providing for 262. So, we're at 92 percent -- at full occupancy, 100 percent occupied with
2249 all the units, we'd be at 92 percent at that point.

2250
2251 Mr. Baka - Understood. I mean it's a slim parking surplus, for lack of a
2252 better word, of 262 over 242. And I would just say, I mean, I don't know if there's any way

2253 to improve your parking ratio between now and next month, but if there's anything you
2254 can do just to make -- perhaps go back and sharpen pencils and just say take a look at
2255 it, I think it might be worthwhile.

2256
2257 Mr. Condlin - Well I -- certainly the ease -- well the easy answer, Mr. Baka,
2258 is that we've got that green space in the front, and that was just kind of a balance from
2259 that standpoint.

2260
2261 Mr. Baka - Sure.

2262
2263 Mr. Condlin - Certainly we can work with staff. I can talk to a client and, you
2264 know, we can add parking into that area. We're just trying to maximize that view and that
2265 green space.

2266
2267 The answer is that also when we come in with the -- with the commercial and build a
2268 parking deck, we're going to have to have parking in that area, too. So, we've got some
2269 flexibility in there. This was just our minimums that we're providing. So certainly, Mrs.
2270 O'Bannon's here hearing this, let us -- let us go back and, you know, we can always
2271 increase that if we need to based on the parking study just to say that we can commit to
2272 adding necessary as determined at the time of POD.

2273
2274 Mr. Baka - I think the parking deck will go a long way to help alleviate
2275 some of your parking concerns.

2276
2277 Mr. Condlin - Absolutely.

2278
2279 Mr. Baka - And, I mean, you have good resources here working with you
2280 on that. And to jump topics to Mr. Sehl's comments earlier, I do think there's some benefit
2281 to have connectivity or connection points to other public roads in the area. We want to
2282 be mindful of the improvements that -- the traffic-calming improvements that were made
2283 by Department of Public Works in this area and continue to work with Mr. Hughes to see
2284 if there's other ways to improve traffic-calming efforts in the -- in the area. Because that's
2285 a benefit that the residents recently enjoy and want to be mindful of their concerns.

2286
2287 No further questions for the applicant.

2288
2289 Mr. Mackey - All right. Does anyone else have any questions?

2290
2291 Mrs. Thornton - No.

2292
2293 Mr. Mackey - All right.

2294
2295 Mr. Baka - If there's no further questions, Mr. Chairman, at this time
2296 tonight recognizing the issues we have before us would make our recommendations, and
2297 this would go on to the Board of Supervisors next month. I would move that we grant a

2298 waiver or time limits and accept the proffers dated October 14, 2021 for REZ2021-00013
2299 6531 West Broad, LLC.

2300
2301 Mr. Mackey - Second. All right. We have a motion to grant the waiver of --
2302 the time waiver for the proffers dated October 14, 2021 by Mr. Baka. Seconded by Mr.
2303 Mackey. All in favor say aye.

2304
2305 The Commission - Aye.

2306
2307 Mr. Mackey - Any opposed? Motion is granted.

2308
2309 Mr. Baka - Mr. Chairman, I move that we recommend approval of
2310 REZ2021-00013 6531 West Broad, LLC with the revised proffers dated October 14, 2021.

2311
2312 Mr. Archer - Second.

2313
2314 Mr. Mackey - All right. We have a motion for approval by Mr. Baka, excuse
2315 me -- a second by Mr. Archer, for REZ2021-00013 6531 Broad, LLC. All in favor say aye.

2316
2317 The Commission - Aye.

2318
2319 Mr. Mackey - Any opposed? Motion is granted.

2320
2321 **REASON -** Acting on a motion by Mr. Baka, seconded by Mr. Archer, the
2322 Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors
2323 **grant** the request because it would permit infill redevelopment with the proper connection
2324 for roads and other public facilities and the proffered conditions will provide appropriate
2325 quality assurances not otherwise available.

2326
2327 Mr. Baka - Mr. Chairman, I recommend approval of provisional use
2328 permit, PUP2021-00004 6531 West Broad, LLC with the recommendations listed in the
2329 staff report.

2330
2331 Mrs. Thornton - Second.

2332
2333 Mr. Mackey - All right. I have a motion for approval of PUP2021-00004
2334 Andrew M. Condlin for 6531 Broad, LLC by Mr. Baka. A second by Ms. Thornton. All in
2335 favor say aye.

2336
2337 The Commission - Aye.

2338
2339 Mr. Mackey - Any opposed? Motion's granted.

2340
2341 **REASON -** Acting on a motion by Mr. Baka, seconded by Mrs. Thornton,
2342 the Planning Commission voted 5-0 (one abstention) to recommend the Board of

2343 Supervisors grant the request because it would provide added services to the community
2344 and would not be expected to adversely affect public safety, health or general welfare.
2345

2346 Mr. Emerson - Mr. Chairman, before we move on to the next item on your
2347 agenda, I wanted to speak to some folks out in our -- in our virtual audience. I've received
2348 a couple of emails indicating they're having some challenges with Webex. But I believe,
2349 based on communication I had with my staff, they actually are on the correct Webex. And
2350 it's Mr. Yasin Vohra and, let's see, who else is on this? There is an Eliot Evans, let me
2351 see. We had a -- had an earlier email. Let's see. I'm not sure who Jim is. It's a James
2352 Davidson it looks like. And they're frustrated, I guess, because they're not -- they're
2353 hearing Ms. Deemer say there's no one on Webex.
2354

2355 The case that they're interested in, the James W. Theobald for Triple J. Farms, LLC, ME
2356 Taylor LLC, and ME Payne LLC, those cases were deferred. The -- when you hear staff
2357 indicating that there's no one on Webex, they are indicating there's no one on Webex to
2358 speak to a particular case. There isn't a public comment area on the -- on the Planning
2359 Commission's agenda. You take comments directly on cases under consideration.
2360

2361 Mr. Mackey - Right.
2362

2363 Mr. Emerson - So, if you folks -- I believe you may live in the Bentley
2364 neighborhood or in the Wellwood neighborhood. If you're still watching, that's the reason.
2365 You're in the correct place, but the item that you're interested in was deferred to
2366 November 10th.
2367

2368 Now the question they have, Mrs. Thornton, is whether or not there will be a community
2369 meeting for the -- that particular case, the Avenlea cases. And, of course, there wasn't
2370 one prior to tonight, but the case was deferred. So, I'll pass that on to you for you to
2371 respond.
2372

2373 Mrs. Thornton - Okay. Thank you, if you all are still on. I will talk to Mr. Branin.
2374 At the time there was not going to be a community meeting on this particular property,
2375 since it was not adjacent to any of the Bentley or Welwood neighborhoods. If you would
2376 please email me directly, and I can communicate with Mr. Brannon and we can make that
2377 decision going, you know, forward. Is that okay?
2378

2379 Mr. Emerson - Yes, ma'am. And one other thing. There was another
2380 question in the email. So, do you -- the folks that did send the email and had this question,
2381 you were indicating that you could only find a few people that received adjacent property
2382 owners' notifications. Well, there's a 200-plus acre parcel of property to the north of those
2383 cases that you mentioned in your email that belongs to the County. Therefore, you
2384 wouldn't necessarily receive a notification for a rezoning on the lower side, the south side,
2385 of that property because you're not directly adjacent. That is a large property separating
2386 you. I believe notifications did go to your Homeowner's Associations.
2387

2388 There was also a note in the email regarding the Marshall Springs Apartments that
2389 residents of the Marshall Springs Apartments did not receive notifications. Well, they

2390 would not receive notifications either, because the Marshall Springs apartments are rental
2391 properties. That property is in one ownership by the Breeden Companies, so the
2392 notification to that property would have gone to the Breeden Companies and not to the
2393 individual renters from the Breeden Companies.

2394
2395 So, I hope that helps you understand. And Mrs. Thornton will be in touch with you if you'll
2396 email her regarding a potential community meeting.

2397
2398 And with that said, Mr. Chairman, the next item on your agenda this evening is a
2399 discussion item. And I noted to you last week, or last -- not last week, last meeting, that
2400 I would be asking you to begin scheduling some work sessions. I would like to begin with
2401 a work session on November 10th.

2402
2403 We plan to present to you information regarding the Comp Plan. Ms. Deemer, who is the
2404 planner managing the Comp Plan process for us, will bring you up to date and talk to you
2405 about some of the components regarding the Comprehensive Plan. I also want to talk to
2406 you regarding your bylaws and some contextual updates to the bylaws and changes.

2407
2408 So, I would suggest if it is -- if it is acceptable to you, that you schedule a work session
2409 for 5:30 p.m. on November the 10th, and I will -- I will make sure that we have dinner here
2410 for you.

2411
2412 And, right now, I don't know where we would meet if we would go to the manager's
2413 conference room or if possibly, we might use the large conference room in the Planning
2414 Department. But I'll -- if that's acceptable to the Commission, I will communicate with you
2415 a location at a later date.

2416
2417 Mr. Mackey - Okay. Is that -- is that okay with everyone?

2418
2419 Mrs. Thornton - Yes, sir.

2420
2421 Mr. Mackey - Okay. Fine with you, Mr. Archer?

2422
2423 Mr. Archer - Yep.

2424
2425 Mr. Mackey - Okay. It sounds like a good plan.

2426
2427 Mr. Emerson - All right. We'll plan on a 5:30 work session on the 10th. I will
2428 note to you that because of Veteran's Day, November 10th is a Wednesday.

2429
2430 Mrs. Thornton - Yes. That's what I was going to say to make sure everybody
2431 knows.

2432
2433 Mr. Emerson - So that's a Wednesday meeting. So, make sure you note that.

2434
2435 Mr. Mackey - It's your anniversary?

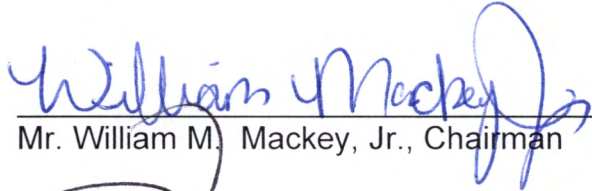
2436
2437 Mrs. Thornton - Oh. Well, we'll celebrate.
2438
2439 Mr. Mackey - All right.
2440
2441 Mr. Emerson - And with that, Mr. Chairman, the next item on your agenda
2442 this evening for your consideration are your minutes from your September 9th meeting.
2443 And we have no errata sheet. But, of course, we'll make any changes that the
2444 Commission deems appropriate.
2445
2446 Mr. Mackey - All right. Do we have any corrections to the minutes? All right.
2447 A motion would be in order.
2448
2449 Mr. Archer - I move that the minutes be approved as written.
2450
2451
2452 Mr. Baka - Second.
2453
2454 Mr. Mackey - All right. We have a motion by Mr. Archer, a second by Mr.
2455 Baka, to accept the minutes as presented. All in favor say aye.
2456
2457 The Commission - Aye.
2458
2459 Mr. Mackey - Any opposed? Motion is granted.
2460
2461 Mr. Emerson - Mr. Chairman, I don't have any further business for the
2462 Commission this evening. However, I will note to you that Mr. Sehl has worked his
2463 birthday today and spent the whole -- spent the whole day in the office and the meeting.
2464 So we'll wish him a happy birthday. And I have nothing further for the Commission.
2465
2466 Mr. Mackey - I'd like to piggy-back on that. On behalf of the entire
2467 Commission, happy birthday, Mr. Sehl.
2468
2469 Mrs. Thornton - Happy birthday. I would sing, but I'm not very good.
2470
2471 Mr. Baka - Happy birthday, Ben. Thanks for working on all these cases
2472 and taking all my questions.
2473
2474 Mr. Mackey - Absolutely. All right. If there is no further business, a motion
2475 for adjournment will be in order.
2476
2477 Mr. Baka - So moved.
2478
2479 Mr. Archer - Second.
2480

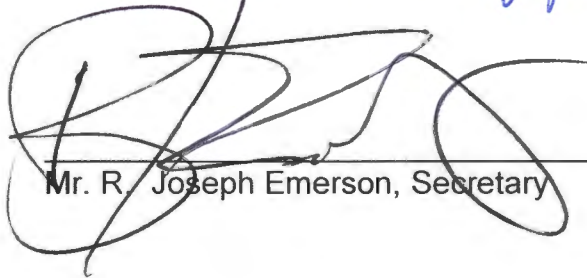
2481 Mr. Mackey - Okay. All right. We have a motion by Mr. Baka a second by
2482 Mr. Archer for adjournment. All in favor say aye.

2483
2484 The Commission - Aye.

2485
2486 Mr. Mackey - Meeting adjourned.

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Mr. William M. Mackey, Jr., Chairman


Mr. R. Joseph Emerson, Secretary