

Ebinger, Matthew J. - PDR

From: JEFF DONAHUE [JEFF.DONAHUE@Longandfoster.com]
Sent: Wednesday, January 31, 2018 11:55 AM
To: 'lawmanchem@yahoo.com'; 'jthompson@richmondhabitat.org'; Cuffee-Glenn, Selena - CAO; Robertson, Ellen F. - City Council; Stokes, Kiya A. - City Council Office; egreenfield@rarealtors.com; 'max@sportsbackers.org'; 'dave@johannasdesign.com'; 'murthyvg@gmail.com'; Ebinger, Matthew J. - PDR; 'rodney@thewiltonco.com'; Larson, Kristen N. - City Council; Lyle, Bryce H. - City Council Office
Subject: FW: THE SHOPPES AT STRATFORD HILLS
Attachments: [Untitled].pdf

Dear Planning Commission board members and staff:

I have attached correspondence in reference to the public hearing that will be conducted on Monday, Feb. 5th.

The Southampton Citizens Association had objected to the proposals to expand the development included in the current CUP as presented in their letter to the commission in May of 2017. I am the new president of the Association and our new board and I have been working to review the previous Association's position and obtain feedback from the membership on how the objections were formed.

Unfortunately, the objections were based on emotion rather than facts. It is the board's intention to participate with the developer in future plans on the undeveloped parcel if the Commission recommends approval and the City Council approves the proposal from the developer. As you can see by my correspondence with Preston Lloyd, the developer is also willing to re-engage in discussions and workshops with our association as it pertains to the future proposed development of the expanded parcel.

It is obvious that the undeveloped parcel should be included in the current CUP to ensure a cohesive expansion of the development. The possibility of this parcel being developed for single family homes is not realistic and most likely would ensure that the parcel would become a stranded asset.

We have had a membership meeting where we did receive very favorable feedback from many members on re-opening the dialogue with the developer and committing to participate in workshops with the developer to provide a forum that will hopefully be beneficial to all parties.

Because there is still an element of emotion that continues to exist with some members of the association, our new board did not feel that it would be productive or fair to bring a new vote to the issue until the facts could be distributed and all of the interested members had a chance to voice their opinions to the board. We will continue to work towards that goal with our membership.

We look forward to working with the commission and the developer if the project gains approval from the City.

As residents of the neighborhood for over 31 years, my wife Marianne and I would be in favor supporting the approval of this application.

Feel free to contact me with any questions.

Sincerely:

Jeff Donahue
President of the Southampton Citizens Association

The Donahue Team

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Salesperson of the Year
#1 Top Team Long and FosterGrove Avenue 2014,2015,2016

-----Original Message-----

From: L&F Grove Sales 02 [mailto:ds.6330-02@longandfoster.com]
Sent: Wednesday, January 31, 2018 10:48 AM
To: JEFF DONAHUE
Subject: THE SHOPPES AT STRATFORD HILLS

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

The Shoppes at Stratford Hills – Development Update

The developer for the property will be bringing the request to expand the existing CUP back to the City Planning Commission in early Feb.

The SCA's previous position was to oppose the approval of adding the additional 3.5 acres to the existing CUP as per the letter on file from May of 2017.

The developer has, and is continuing to make changes to the request, as it relates to providing more detailed landscaping plans and details to the area in front of the Starbucks.

The SCA now has another opportunity to provide comment and participate in this new proposal that will be brought back to the Planning Commission.

There are several members of the Association that have voiced their opinions that the decision made in 2016 and again in early 2017 to oppose the approval of the development was final and the new Board does not have the authority to make changes or have discussions with the developer and City Planning Commission. The new Board has never and will not take any actions that would change the current position that was decided by the previous board and membership without first having the facts presented to the membership and then allowing the membership to make an informed decision based on the facts presented. The Board is willing to participate in the review of the amended proposal from the developer to see if the previous objections have been addressed.

The current Board has had the opportunity to review the original position taken by the SCA and would like to bring pertinent information to the membership that may or may not have been clear when the decision was made by the SCA to object to the development.

The main objections that remain as outlined in the article presented by Jonathan Young in the Jan. 2018 SCA newsletter are as follows:

1. Clear cutting of the trees on the site.

- a. There seems to be a lot of misinformation surrounding the reason for objecting to the developer's decision to clear cut the trees. The developer has admitted that from a public relations standpoint, they have made a mistake.
- b. The claim by some members of the Association and Board representatives of the SCA, was that the developer did not apply for the proper permits with the City to clear cut the trees and that by doing so broke the law. They also claimed that the developer had been fined by the EPA and or City of Richmond. None of these claims have proven to be true. By right, the developer could and did cut the trees. No permit was required to do this. There were never any laws broken and there were never any fines levied against the developer. The City does require permits for any work on the land beyond the cutting of trees. A Land Disturbance permit would have been required and would have covered such activities as stump removal, land clearing and grading. As per the zoning administrator at the City of Richmond, no such activities have taken place on the site. If we as the SCA use this as an objection to the development, then our argument should not be with the developer. It should be with the City and the Zoning Ordinance that is in effect today. This objection by the SCA is clearly invalid based on the information we have been able to obtain from the City officials concerning alleged violations committed by the developer. The

decision to object to the development based on this issue is solely emotional and will have no merit before the planning commission.

If tree cutting and tree clearing were included as an activity that is included in the Land Disturbance permit requirements, we could then use this as an objection. I don't think that anyone here wants to be required to get a land disturbance permit any time they want to have a tree taken down on their property. Individual property rights are what makes this country so unique.

2. Objection to the tenant mix being proposed on the expanded site.

- a. Again, this argument is invalid in that the two proposed businesses are clearly allowed as permitted businesses within the uses defined in the CUP. This argument again is with the City and not the developer. If the Association wishes to pursue changes to the allowed uses within the CUP, then we will need to take this request to the Planning Commission for consideration. The decision to object to the development based on the tenant mix as proposed, will also have no merit before the planning commission.

3. Excessive vacancies in the Center.

- a. With the addition of the Publix, the last large space is now filled. The vacancy issues seem to have stabilized and part of the request from the developer will include the chronic vacancy that has affected the two small spaces between the Starbucks and the Game Stop. We do not see the overall vacancy as a concern to the success of the development. To the contrary. With the addition of the Publix, it will enhance the interest by other small business to look for opportunities in the center as they become available. The Publix will bring a new excitement to the center that is needed.

It is clear that the developer has admitted to his mistakes for failing to do a better job communicating the decision to clear cut the trees and is willing and has committed to bringing the additional changes requested back before the Commission as it pertains to the enhanced landscaping. The developer has also agreed not to put in the curb cuts on the main entry boulevards that the SCA was willing to support. This decision was made due to traffic and engineering review by the City that raised traffic safety concerns.

The new Board would like direction and comments from the membership on how you would like us to proceed with bringing closure to this issue. The Board takes exception to the issues outlined as being a reason to object to the approval of the development. We are however willing to listen to the voice of the membership so that hopefully we can move forward as a unified group. In this way, we will have more respect as an organization that has credibility and we will be able to present constructive ideas that any developer will be willing to consider that clearly will make their projects better for our community. The Board's goal is to provide complete and factual information to the membership that will bring trust and transparency back to the organization.

Sincerely:

Jeff Donahue
President

----- Original message -----

From: "Lloyd, Preston" <plloyd@williamsmullen.com>

Date: 1/17/18 11:45 AM (GMT-07:00)

To: JEFF DONAHUE <JEFF.DONAHUE@Longandfoster.com>

Subject: RE: Fwd: [IWOV-IWOVRIC.FID1145020]

Jeff:

Kristen Larson and I caught up briefly via phone this morning and she described some of the conversations last night. I gather it was a challenging and emotionally charged meeting. Your role as peace-maker is not an easy one.

Kristen specifically indicated that no vote was taken and there is interest in having us return to make a presentation. I would be happy to offer any information that would be helpful to the Association, so if that is something you had in mind, we would be glad to do so. Our challenge is timing. As you're aware, we have two signed leases with AutoZone and Valvoline. These leases include contingency periods, during which the Landlord is obligated to obtain the necessary entitlements. Our contingencies expire soon, which means that we cannot take another deferral at the next PC. If we do so, our tenants would have the right to terminate the leases.

I have given this some thought, as we want to be responsive to the Association and show good faith in working with the community. Perhaps we could (a) have a special meeting next week and provide an update then, or (b) I provide a letter to you, committing to a workshop, where the SCA board could designate a delegation of residents to sit down with us and provide feedback on the final CUP that is proposed for the Center.

Here's my thinking on the workshop: You may be aware that the application currently pending before the Planning Commission, which will then go to City Council, is a Preliminary Community Unit Plan. This is the first step in what is ultimately a two-step process. If there Preliminary CUP were to be approved by Council, we would not be able to develop the Phase II Outparcel until the Planning Commission has reviewed and approved a Final Community Unit Plan. The final CUP is, in essence, the site plan, which must generally conform with the approved Preliminary CUP. My suggestion is that we move forward with the Preliminary CUP, but that when we prepare our Final CUP Plan, before we submit, we commit on the record to having a workshop with your delegation. That would give us an opportunity to review in a smaller group setting and hopefully determine what comments we can reasonably accommodate. We would then incorporate those changes into the Final CUP before it goes back to the Planning Commission.

This is one idea, but I welcome your thoughts. Safe travels today.

Best,

Preston

PS: I have not had any interaction with Ms. Moore.

T. Preston Lloyd, Jr. | Attorney | Williams Mullen

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