

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., July 10, 2007.

Members present: Mayor W. D. Tharp; Councilwoman Mary L. Flood; Councilman Jeffrey B. Hubbard; Councilman C. G. Stanley, Jr.; Councilman Thomas M. Padgett; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei.

Members absent: None

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Tharp opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Tharp declared that the minutes of a regular Council meeting held on June 26, 2007, were approved as distributed.

City Manager Kolakowski reported on the following:

- LibertyFest, held on July 4th, was very successful – almost 1,000 people attended
- The Matrixx Industrial Plant groundbreaking ceremony will be held at the Center for Business on July 13 at 10:00 a.m.
- Asked for a Property Committee meeting to be held prior to the next Council meeting at 6:30 p.m. – topics to be discussed: proposal for utilization of the old electric department office and the old stucco school building – the City will be soliciting ideas for the building from the public

Mayor Tharp reviewed the procedure to be followed for the public hearing regarding a rezoning request, which was postponed from the June 26 Council meeting.

Mayor Tharp opened the public hearing at 7:35 p.m.

The public hearing notice follows:

Public Hearing Notice

Notice is hereby given of a public hearing to be held by the City Council at 7:30 p.m. on Tuesday, June 26, 2007 at the City Municipal Building, Council Hall, 215 East Main Street for the purpose of:

- To consider an application for approval of a Planned Residential Development, rezoning from Single Family Residential District (R-1) to Planned Residential Development District (PRD) and the conditional use permit. The property is located at 1645 Oakwood St., Bedford, VA, tax map #137-A-4A, consisting of approximately 17 acres. The request is made by Oakwood Villas

Townhomes, LLC, the contract purchaser of property currently owned by Thomas J. and June F. Cundiff.

Information regarding these requests is on file in the office of Planning & Community Development.

Anyone who is in favor of or opposed to the requests will have an opportunity to express his/her views at this hearing.

By the Authority of the Planning Commission
And the City Council of the City of Bedford

Bart Warner, Director of Planning & Community Development, reported that on June 7, 2007, the Planning Commission voted to recommend approval of the Oakwood Villas project with conditions, which staff has reviewed. Mr. Warner stated since that meeting, the developer has responded and made modifications to the plan; the latest communications from the developer's engineer was received earlier in the day. Mr. Warner stated that based on this information and subject to information received in the public hearing tonight, the staff is prepared to take the recommendations of the Planning Commission and the City Council and formulate an ordinance allowing the proposed development, if that is the direction given.

Steve Grant, attorney representing Oakwood Villas Retirement Homes, LLC, reviewed the request to rezone a portion of the property currently belonging to the Cundiffs from R-1 to PRD: 68 units on 17 acres in the City and 40 units on 10 acres in Bedford County. Mr. Grant stated that townhomes (a condominium project) will be built on the property. Mr. Grant said the unit price will be \$250,000 and up, very upscale, very high dollar units, and no government money is being used for the project. Mr. Grant stated that Oakwood Villas Retirement Homes, LLC, is completely owned by people local to Bedford. Mr. Grant stated the project will be marketed to the retiring baby boomers.

Bill Berkley, Berkley-Howell & Associates, stated he was representing the developers. Mr. Berkley reviewed the style and construction materials of the townhomes, explained a traffic flow study, and spoke regarding economic development pertaining to the project.

David Whitehurst, attorney, stated he was representing citizens with some concerns about the proposed project. Mr. Whitehurst presented the Mayor with a petition signed by 337 citizens requesting that members of Council vote no to changing the zoning from R-1 to PDR. Mr. Whitehurst gave members of Council a handout entitled "Summary of Opposition to Zoning Change Requested by Oakwood Villas Retirements Homes, LLC."

Twila Ross, 1612 Oakwood Street, gave members of Council several handouts. Ms. Ross reviewed the handout entitled "Concerns on Marketing and Build-out of Oakwood Villas Condominium Development" that addressed: affordability, marketing of the project, inconsistencies, home owners associations and condominium regulations, and use by right for adjacent property owners.

Charlie Schuler, 1204 Maymont Drive, spoke regarding his concerns: a market survey has not been done and the impact of the project on property values.

Gene Mulholland, 715 Sunset Drive, City Planning Commission member, spoke regarding the following: if the project is for retirees, all advertising, promotion, etc. should indicate that it is a “retirement community”; the density should be reduced; traffic study does not reflect the overall traffic generated because of the project; should have an age requirement.

Pauline Korpany, 1350 Boone Drive, stated she felt the project will adversely affect the character of the neighborhood.

Karen Cobbs stated she is building a single-family home on Oakwood Street and spoke regarding the increased traffic that will occur because of the project.

Peggy Vereen, 201 Spring Hollow Road, spoke regarding her appreciation for J. J. Morgan who originally built the single-family homes in the area of the proposed project and the peaceful, harmonious environment he created.

Jane Morgan, 1642 Charolais Farm Road, stated the project would destroy the neighborhood and asked members of Council not to change the zoning to PRD.

Helen Huff, 1724 Wycliffe Street, asked Council to keep the zoning designation for single-family homes.

Janet Fedele, 1210 Maymont Drive, spoke regarding her concerns: environmental issue – runoff will go into High Acres; multi-family housing should be within walking distance of amenities.

Brenda Gregory, Jefferson Terrace, stated the people who purchase the townhomes would have to be told of the hospital’s helicopter pad. Ms. Gregory said that people who are in the income bracket to purchase one of the townhomes would not be interested as Bedford has no amenities, such as grocery stores, shops, malls, medical specialists.

Bob Gregory, Jefferson Terrace, expressed his opposition to the rezoning.

Charlie Frazer, 1387 Jefferson Terrace, gave the Mayor a copy of Saturday’s newspaper. Mr. Frazer stated if the project is not restricted to seniors, families with children will buy the townhomes, which will have an impact on schools.

Bob Chadziewicz, 1717 Oakwood Street, stated he was opposed to the change in zoning and spoke regarding sidewalks and traffic.

Michael Trussell, 1390 Jefferson Terrace, stated he is a volunteer at the Bedford Welcome Center and has had numerous encounters with people who are passing through the Bedford area and are looking for a place to retire. Mr. Trussell stated they want low maintenance, attractive housing that will afford them easier living in an area where they will find like-minded individuals. Mr. Trussell stated that he has to tell them they have to

go to Roanoke or Lynchburg to find what they are looking for. Mr. Trussell asked Council to support the rezoning.

Ronnie Rice, 1802 North Hills Drive, urged Council to support the rezoning.

David Herrick, 1700 Oakwood Street, expressed his concerns regarding the project: sight distance-potential danger for someone traveling north on Oakwood Street making a left turn; suggested placing an entrance for the project on Whitfield Drive.

Joyce Pettigo, North Street, stated she was opposed the project, as she felt it is the wrong project in the wrong place.

Ray Lyons, Sr., 1704 Wycliffe Street, asked what assurance is there that this will not become a government-subsidized housing project in the future.

Charlie Oliver, Meadowview Drive, stated this project is very attractive to him and a lot of people at Smith Mountain Lake who want to move to this kind of development. Mr. Oliver asked Council to vote in favor of the rezoning.

Nat Harvey, 1639 Oakwood Street, stated he is a retired Resident Engineer of the Virginia Department of Transportation with forty-one years of service. Mr. Harvey stated it was his opinion that Oakwood Street would not handle the traffic that would go across it to develop this project. Mr. Harvey estimated it would cost approximately \$73,000 (at today's prices) to repair the damage that heavy equipment would cause.

Bernard Meador, 115 Woodcreek Road, stated his main concern is the hospital and traffic. Mr. Meador recommended the following: to determine if there is available land within the City that is already zoned that could be used for the project and that Council require a second entrance and exit such as Whitfield Drive or extending Maymont Drive.

Robin Zimmerman, 1553 Oakwood Street, Adult Services Supervisor at the Department of Social Services for Bedford County, stated the City absolutely needs housing for the elderly but absolutely does not need housing for the elderly that costs a quarter of a million dollars.

Ben Shrader, 1725 Oakwood Street, owner of an engineering and land surveying business in the City, stated the study needs to address all of the geometric design of Oakwood Street. Mr. Shrader spoke regarding the sidewalks, width of Oakwood Street, compliance with Virginia Department of Transportation regulations, infrastructure (water line breaks), and expenses because of the impact of the project. Mr. Shrader stated he was opposed to putting the additional traffic on Oakwood Street without the street being brought into compliance with VDOT regulations.

Sandra Boyes, 1574 Newton Circle, stated she represented her neighbors, fellow citizens, and taxpayers. Ms. Boyes gave members of Council a handout, which she read. Ms. Boyes stated that she was opposed to the rezoning from R-1 to PDR.

Ken McManis, 106 North Branch Road, stated he was opposed to the rezoning and felt the property should remain a single-family development area. Mr. McManis felt that the surrounding property would be devalued if the rezoning were approved.

Harvey Clark, 1622B Oakwood Street, stated he was opposed to the project. Mr. Clark said he had no problem with R-1 and if the project were R-1, even then there should be two entrances into the project.

Council members had previously been given copies of a letter from Hubert and Betty Fitzgerald, 1718 Oakwood Street, dated July 3, 2007, expressing their opposition to the proposed change in zoning and asking that their opposition be made a part of the record.

As there were no further comments, Mayor Tharp closed the public hearing at 9:30 p.m.

Councilman Stanley moved that Council approve the drafting of an ordinance executing the conditional rezoning of tax parcel 134-4-4A from R-1 to PRD and approving the plan for Oakwood Villas. Councilman Hubbard seconded the motion.

Mr. Berkley spoke regarding the following: the intersection at Oakwood Street will be a safe intersection; the developers are paying for infrastructure; PRD is an overlay district in an R-2 zone; the units will be one level, handicapped accessible.

Mr. Warner stated that the information provided about the VDOT specifications for the pavement width on Oakwood Street is correct, and is considered to be grandfathered as it was constructed prior to the specifications in question. Mr. Warner said that Oakwood Street is included in the part of the road system that the City receives reimbursement for from the State. Mr. Warner reported that the City abandoned the water line at issue approximately two years ago.

Councilman Stanley asked about the exterior walls of the townhouses.

Mr. Berkley indicated that all exterior walls will be brick to grade on foundations with vinyl eaves as provided in information given to the Building Department earlier in the day. Mr. Berkley reiterated that all units are one-level living.

Councilman Hubbard asked if utility buildings would be allowed.

Mr. Berkley said that utility buildings or fences would not be allowed.

Councilman Vest thanked the persons who spoke for presenting their views in the manner in which they did.

Councilman Vest asked if the units would be built randomly.

Mr. Berkley stated the developers would build the units to meet demand, not in a specified sequence.

Councilman Vest asked if the developers have done a marketing plan.

Mr. Berkley stated he was not aware of any studies that have been done.

Councilman Vest asked if the hospital has given permission for a construction entrance on its property.

Mr. Berkley stated the developers have not talked with the hospital about a construction entrance since last year at the beginning of the project. Mr. Berkley indicated that this would certainly be pursued. Mr. Berkley stated that the hospital is not interested in selling a permanent right-of-way and that the only thing offered was a construction entrance.

Councilman Vest asked about government subsidy housing.

Mr. Berkley stated that there is no intent on the developers part for this to ever be government subsidized housing, as this is a privately funded project that would be built for sale to owners – the units are not to be rented.

Councilman Vest asked if the property were sold by the current developers, what restrictions would there be.

Mr. Warner stated he did not believe the City could regulate the conditions of a sale to a future buyer.

City Attorney Berry stated that whatever zoning restrictions are put on the land would go with the land unless changed and the City could not prohibit their selling the land.

Mr. Berkley stated that the developers have proffered that the project will be developed in general accordance with what is presented.

Vice Mayor Wandrei asked if the developers would consider making Oakwood Villas an age-qualified community.

Mr. Berkley indicated that the developers would not make Oakwood Villas an age-qualified community under HUD regulations.

The Vice Mayor then asked if the developers will sell the units to whomever pays the value.

Mr. Berkley responded by answering yes.

Vice Mayor Wandrei asked if there has been a marketing study made to determine if there is a need for this type of housing.

Mr. Berkley stated he did not believe that the bank has asked for a marketing study. Mr. Berkley said that they were entering into this project based on similar projects in the area and based on the success of those projects.

Vice Mayor Wandrei said that based on the assumption that retirees do not move into the Oakwood Villas, what would be the financial impact on the City if families with children moved there.

Mr. Berkley said he did not believe the project will appeal to families with children. Mr. Berkley said there are no plans for any facilities for children.

The Vice Mayor asked if Mr. Berkley felt this project would enhance the value of the adjoining property.

Mr. Berkley said it was his opinion that the project will not detract from the value of the adjoining property.

Vice Mayor Wandrei asked if any consideration has been given to reducing the density of the project.

Mr. Berkley said the density of the project has already been reduced since the beginning of the project. Mr. Berkley spoke of the vegetative buffers for the project.

The Vice Mayor spoke about the stopping sight distance at the Oakwood Street intersection with the project and the widening of the section of Oakwood Street in front of the hospital.

Mr. Wandrei asked what assurance does the City have that the units will be built as proposed.

Mr. Berkley said that the developers have proffered that the property will be developed in accordance with the plan as proposed. Mr. Berkley said that one of the conditions the Planning Commission has named is that if the project is not successful or the developers choose not to complete it, the property reverts to the R-1 zone.

The Mayor stated the property would then be subject to existing R-1 regulations.

Mr. Berkley said that the property will be advertised as a retirement community.

Councilman Padgett asked if the developers would consider reducing the density of the project and opening up more open space.

Mr. Berkley stated that the developers are not interested in reducing density at this point in time.

Councilman Vest stated there was a letter to the editor that said if the City runs water and sewer lines to the proposed project, in order to make more money, the homeowners along Oakwood Street will be forced to hook up to water and sewer lines and bear the cost of filling in existing septic tanks.

Mr. Warner said that statement is incorrect; water and sewer services would be available to homeowners, but they would not be required to connect.

It was clarified by the Mayor that all the conditions that heretofore have been stated by the developers and agreed to by the City are part of the motion and the Planning Commission recommendations.

City Attorney Berry stated that if the motion passes, he will draft an ordinance that includes every condition. Mr. Berry stated to amend the Zoning Ordinance, Council must do that by an ordinance, which has to be posted before the meeting.

The motion that Council approve the drafting of an ordinance executing the conditional rezoning of tax parcel 134-4-4A from R-1 to PRD and approving the plan for Oakwood Villas was then voted upon and carried by the following roll call vote:

Councilwoman Flood	aye
Councilman Hubbard	aye
Councilman Padgett	nay
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	nay
Mayor Tharp	aye

Mayor Tharp adjourned the meeting at 10:07 p.m.