

CREEK'S EDGE AT STONY POINT TOWN HOMES HOA
Board of Directors Meeting Minutes
Wednesday, January 24, 2023 - 5:00pm
Minutes

Stony Point Fashion Park – 9200 Stony Point Parkway, Suite 190

President – Larry Dahn (2024)
Vice President – Anne Nelson Morck (2026)
Secretary – Melissa Eager (2026)
Treasurer – Roseann Salasin (2024)
Director – Karen Bennett (2025)

I. CALL TO ORDER (President)

Vice President Anne Nelson Morck called the HOA meeting to order at 5:02 pm.

II. ROLL CALL and QUORUM STATUS (Secretary)

Meeting, in attendance at Fashion Park: Karen Bennett – Director; Roseann Salasin - Treasurer; Anne Nelson Morck – Vice President; Melissa Eager - Secretary; Dave Hering - Managing Agent; T. Preston Lloyd, Jr - Williams Mullen; Kristen Nye - City Council President; Timmy Siverd, Jr - Council Assistant; Judy and Mark Beheshti - Homeowners; Mary Beth Matthews - Homeowner; Mike Roscoe - Homeowner; Susan and Joe Persyzk - Homeowners; Pat Mohr - Homeowner; Rob Austin - Homeowner; John Meybin - Homeowner; Bob Camire - Homeowner; Laurie Carter - Homeowner; Rick and Susan Bream - AED Committee Chair and Homeowner; Debbie Markel - Covenants Committee Chair; Sharon and Dallas Benedict - Landscaping Committee Chair and Homeowner; Pat Rollins - Homeowner; Mike McCabe - Electrical Committee Chair; Sara Cowherd - Homeowner; Tom Byrd - Homeowner; Dave Hicks - Homeowner; Wendy Henley - Homeowner; Ken and Kathy Wilson - Homeowners; Lisa and Rob Tait - Homeowners; Tom Scott - Homeowner; Bob and Florence Doyle - Homeowners; Karin Scheiber - Homeowner; Sam Gilbo - Homeowner; Janet Carter - Homeowner; Mandy McLarin - Social Committee Co-Chair; Jeanine Maruca - Homeowner; Jennifer Frisch - Homeowner; Della Dumbaugh - Homeowner; Cathy Cooper - Homeowner; Cindie Rice - Homeowner; Sharon Talarico and Deb Cohen - Homeowners; Mike Shea - Homeowner; Mick and Lorraine Massell - Homeowners.

On speaker phone: Larry Dahn - President.

III. APPROVAL OF MINUTES - Melissa Eager made a motion to approve the below minutes; Karen Bennett seconded the motion; the motion passed unanimously.

- October 25, 2023 Board meeting
- November 23, 2023 Organizational meeting

IV. FORUM WITH REPRESENTATIVES OF STONY POINT FASHION PARK

Kristen Nye, City Council President - Stony Point Fashion Park is currently under a CUP that is restrictive. Owners of the Fashion Park must submit proposed changes to the CUP for Council to vote upon. 2 public hearings will be held before a vote by City Council. The dates of these 2 hearings have not been set yet but will be shared once upon being set.

STONY POINT FASHION PARK Presentation to Creek's Edge Community (Preston Lloyd, Jr)

Background: The current owner of Stony Point Fashion Park ("SPFP"), Second Horizon Capital, acquired the mall property in April of 2022. Since that time, the management team has made investments to stabilize the current tenants and evaluated means to promote the vitality of the retail experience. Subsequent conversations with the City have led to the conclusion that these goals would be better achieved following minor adjustments to the current zoning regulations that apply, known as the Community Unit Plan ("CUP"). The proposed modifications are as follows:

1. **Permitted Uses.** In its two decades of operation, SPFP has witnessed an evolution in how customers interact with retailers. This mirrors a national trend as properties similar to SPFP have evolved into lifestyle center destinations that feature more than restaurants and shops, but also locations that promote experiences and entertainment. In an effort to better align the property with this current market reality, the CUP would be amended to allow a greater mix of uses that complement the current retail and restaurant use. Notably, the overall retail center use is not being modified by this proposal.

2. **Hours of Operation.** The current hours of operation, which are limited to the late morning, afternoon and early evening, are overly restrictive and are focused on the narrow retail and restaurant uses that currently comprise the property. These hours would be expanded to promote full utilization of SPFP as a lifestyle destination, especially during the morning.

3. **Signage.** Currently, there is limited signage for SPFP from Chippenham Parkway. The current regulations pertaining to signage are far more restrictive than in other similarly zoned commercial locations. In an effort to better support the retail and restaurant tenants of the property, the CUP regulations pertaining to signage would be revised to better align SPFP with the standard requirements for similar uses in the City. These would be designed in a manner consistent with the upscale features of SPFP.

4. **New Flexible Retail Location.** SPFP's design does not allow sufficient flexibility for new national tenants who desire a modified floor plan for their retail space, such as the use of outdoor showroom space. In order to provide space that fits the needs of these retailers, the CUP would be amended to allow construction of a new, up-to 30,000 sq. ft. (approximate) retail space in the northeast area of the property, replacing a superfluous portion of surface parking and enhancing the eastern entrance to the site from Stony Point Parkway. This modification would be well under the maximum allowed building density (i.e. floor area ratio) for the property established in the initial CUP.

These changes are intended to reflect existing lifestyle center trends and support the current tenants, customers and communities in and surrounding SPFP. They are not intended to represent a shift in the current use of the property as proposed in the City's Richmond 300 Master Plan, which may be considered in the future.

Contact for more information:
T. Preston Lloyd, Jr. Williams Mullen
(804) 420-6615 plloyd@williamsmullen.com

Typical Process for a Community Unit Plan (CUP) Amendment:

- Pre-Application meetings with Councilperson and City Department of Planning and Development Review (PDR)
- Application filed with PDR
- Notification of nearby community associations of pending application
- Application circulated for review/comment to various departments (e.g. Public Works, Public Utilities, Urban Forester, Fire Department, Zoning Administration, etc.)
- Comments received by PDR and forwarded to Applicant
- Revisions, if any, and resubmission by Applicant
- PDR requests preparation of Ordinance by City Attorney
- Ordinance introduced to City Council and referred to City Planning Commission
- Public Hearing before the City Planning Commission and vote for recommendation of approval/disapproval
- Public Hearing before City Council and vote for approval/disapproval (Estimated March/April '24)

Comments/Questions:

Sharon T. - concern of treatment of restaurants in the city as far as taxes are concerned. Per Kristen N., have met with the owner of Latitude and have heard the issues that have been going on with taxes and fees, and there is a piece of legislation in process. We want to keep restaurant owners in City and there are some current challenges.

Tom S. - hotel setback line depicted on map? Per Preston L., the proposed Amended Concept Plan Map is the original zoning and there are no plans for a hotel with current owners. There is a restriction at Line F on Map too.

Wendy H. - where do we stand with the Richmond 300 plan? Per Kristen N., new owners at Stony Point FP are initiating changes with the CUP and organically Richmond 300 Plan will be affected especially if, in the future, there are more changes.

Rick B. - really enjoys Sunshine Play at Fashion Park. What community will have influence over the CUP? Per Kristen N., Creek's Edge is the most engaged. At the end of the day, anyone has a voice. As the representative this area, she will weigh what residents are saying and whom will be affected the most. Community engagement - 2 public hearings: Planning Commissions (not all stakeholders are treated equally) and City Council Meeting. If this organization has a view on the proposed CUP changes, please make it known to Planning Commission and City Council meeting.

Anne N. - is it ideal for a letter from head of organization versus multiple letters/emails in position on CUP changes? Per Kristen N., one letter indicating support from a neighborhood group is positive.

Mike R. - when owners purchased property was there an agreement to reduce taxes with he City? Per Preston L., no.

Joe P. - explain voting process more. Per Kristen N., the planning commission makes a recommendation to the Council and the council can then vote independently - needs 5 votes by council to be approved.

Mark B. - do the owners have a business plan? Per Preston L., yes, to make it the strongest lifestyle attraction in area.

Tom B. - vague info about CUP amendment area. Per Preston L., zoning can't be predicated on a particular user but a particular use instead. Encourage further individual discussion if need additional clarity before public hearings,

Cathy C. - work with patients and employees close by - did you get their feed back? Plans for gas station? Market? Groceries/convenience store? Per Preston L., the ship has sailed on high end fashion. Owners desire a lifestyle center destination. They are aware of demand from near by tenants and nearby residents. There will not be any gas station approvals.

Roseann S. - perspective on Second Horizon Capital - what's the bandwidth? Per Preston L., huge benefit of pricing upon buying out of receivership. Clients felt they got an incredible deal based upon the value. Second Horizon Capital has a strong financial position and are excited to take what was purchased and making it better.

Dave H. - doesn't want the mall to deteriorate. Preston L. has gotten to know the 2 principals - they are doing it the right way and we are fortunate to have them as owners.

Sharon T. - part of 300 plan was to build up and have living spaces. Is that still in vision? Per Preston L., we aren't there yet. This isn't the time for that conversation.

Jennifer F. - low income housing is a concern. This proposal doesn't involve any housing.

Rick B. - will any free standing drive thru building like a Duncan/Starbuck's? Per Preston L., no drive thru building will be proposed.

Joe P. - notifications of public meetings? We will keep you abreast of everything and the dates of the upcoming meetings.

Anne N. - anyone in opposition to the proposal changes to CUP?

Contact Preston prior to public meetings and let's have a conversation. He wants to have community engagement and feedback.

V. HOA REPORTS

A. President (Larry Dahn read by Anne Nelson)

- Eagle Construction has started working with an outside real estate company, The Yeatman Group, to list their newly built homes in Creek's Edge. Lauren Renschler – Director of Sales for Yeatman, will lead the marketing of Eagle homes and they will be on site every Saturday/Sunday from 1-4 pm, beginning this past weekend. They will be putting up lead-in signage to direct people back to the homes.

- The Yeatman Group wants to do a lifestyle video of Creek's Edge. They will be looking for community input in terms of what the community offers from our unique perspective. Please feel free to walk in during one of the open houses on the weekends.
- As you have probably noticed, Eagle has only sold/closed on one home and is close to finishing the remaining homes. The remaining homes will now become spec homes, ready for move-in. Any leads would be appreciated by both Eagle and The Yeatman Group as we would like to see the build-out of the community finished as quickly as possible. NOTE: we received word during the meeting that the other end unit sold.
- The "Poop Patrol" is always looking for volunteers to help with the two dog waste stations. There is a sign-up sheet at the community garage that still has spaces open for volunteers; you can also reach out to either Nancy Pinkerton and/or Anita McCabe.
- We are working with NTS for updates and resolution to the damaged gate at the entrance. They have received one quote for the repair which is \$25,293.84 and they're waiting for a second quote from the company that services the gate. They indicated they have video of the vehicle that damaged the gate and are in the process of filing a police report, and will provide both the apartment complex and our community with an update - hopefully within the next week.
- As a community we want to continue to support Stony Point Fashion Park in all ways possible. Tonight, you've heard from representatives of the Fashion Park and City Council regarding proposed development initiatives that could get things going in a positive direction.
- We will not have committee reports tonight as the focus of this meeting is Stony Point Fashion Park.

B. Treasurer (Roseann Salasin)

As of YTD December 2023:

Assets/Investments:

Reserve asset accounts totaling \$289,241 are invested with Pacific Premier MM and staggered certificates with MoneyOne FCU and Towne Bank 3.15% and 4.96%. Investment details can be found in the financial statements listed on the HOA website.

Operating Checking account balance of \$9,150.

Operating Contingency account balance of \$17,507.

Paint Fund money market account balance of \$35,262.

Accounts Receivable of \$412.

Operating Income/Expense (Year-to-date):

Net operating income/expense was \$(3,667) excess net expense.

Income of \$383,041 were under budget by \$(4,709) due to delayed home sales net of \$90 in fees.

Expenses were \$386,708, \$1,042 under budget for the year.

Major expense category differences:

Administrative/Clubhouse/Pool \$3,218 under budget primarily reflecting prior year credit for taxes, insurance, and pool phone service offset by repairs needed from a leak in the clubhouse;

Landscaping \$3,673 under budget reflecting lower expenses in irrigation repairs and lawn maintenance/Turf Treatments;

Maintenance/Repairs (\$4,885) over budget reflecting the additional gutter cleanings and greater than budget roof repair expenses;

Utilities \$(964) over budget reflecting higher electricity and storm water fees offset by lower trash collection, gas, water and sewer fees.

Our repair/replacement reserve is funded in accordance with the 2021 reserve study recommendation.

VI. OWNER COMMENT PERIOD*

Bob C. - did the camera capture the license plate of car crashing into gate? No, it is from a state that doesn't require a front plate. NTS has other information.

VII. UNFINISHED BUSINESS

A. Clubhouse access for homeowners - no update. Waiting to hear back from 3 homeowners for proposed ideas.

B. Proposed revisions to Architectural Standards and Rules and Regs

Karen Bennett made the motion to approve the revisions; Melissa Eager seconded the motion; the motion passed unanimously. Clean copy of the revisions needs to be provided to Dan to update the website and an email will be sent to homeowners from Community Partners alerting them of revisions.

VIII. NEW BUSINESS

A. Dog station relocation

Melissa Eager made the motion to approve not to exceed \$350 for the purchase of an additional dog station - location TBD; Karen Bennett seconded the motion; the motion passed unanimously.

B. N. Chasen quote for rake trim repairs

Melissa Eager made the motion to approve \$18,897 to repair rake trim; Karen Bennett seconded the motion; the motion passed unanimously.

IX. NEXT MEETING DATE

Annual meeting on 4/10/24 @ 5 pm.

X. EXECUTIVE SESSION

Melissa Eager made the motion to move into Executive Session for the purpose of discussing violations; Karen Bennett seconded the motion; the motion passed unanimously.

XI. RETURN TO OPEN SESSION

Melissa Eager made the motion to move back into Open Session after closing out one violation and suspending any further action on the second violation; Karen Bennett seconded the motion; the motion passed unanimously.

XII. ADJOURNMENT

Melissa Eager made a motion to adjourn at 7:23 pm: Karen Bennett seconded the motion; the motion passed unanimously.

Maintenance or service requests can be submitted at www.communitypartnersva.com or sent to Community Administrator Jessica Crump (378-5000 x232) – jcrump@communitypartnersva.com

**Residents are welcome to address the Board during the Owner Comment segment of the meeting. This segment is intended to provide members an opportunity to give input to the Board of Directors. The Board will take any input under advisement but may not respond immediately as they proceed with the planned business of the meeting. The Board reserves the right to limit this section of the meeting to a time they believe is appropriate. Please observe Robert's Rules of Order.*