

HMK sues over permit

By Greg Pearson
STAFF WRITER

The developer who wants to build Galleria Mall on 160 acres near Powhite and Chippenham parkways is suing the State Water Control Board and the Department of Environmental Quality (DEQ) after the board denied its permit to disturb wetlands to build the mixed use development.

In September, the board rejected DEQ's recommendations that HMK be allowed to fill in 3.5 acres of wetlands and 2,026 feet of stream channels, and offset environmental impact by making improvements at Mid-Lothian Mines Park in western Chesterfield.

"We have taken the steps to protect HMK's rights," said John Lain, a wetlands attorney from McGuireWoods. "The board's action was arbitrary, capricious and not in accordance with a permit application. There's no reason to deny the permit because it was valid and [exceeded] the mitigation [required]."

In its filing in Chesterfield Circuit Court, attorneys for HMK wrote that the Water Control Board "is a citizen board, composed primarily of individuals with little or no professional expertise in the area of environmental permitting," who disregarded "the professional expertise of staff from DEQ." The suit seeks a reversal of the board's denial and reimbursement of attorney's fees and court costs.

Asked if it was unusual for the board to go against a DEQ recommendation, DEQ spokesperson Bill Hayden said, "It's not unheard of, but it is unusual."

Should developer Jonathan Perel prevail in the suit, HMK will still need to get approval of water protection permits from the Army Corps of Engineers. Spokesman Patrick Bloodgood said, "The decision about a permit has not yet been made."

The Chesterfield Board of Supervisors approved the rezoning for Galleria Mall in 1992,



Chesterfield Observer

Developer Jonathan Perel continues to face hurdles in building a mixed use development bordered by Powhite and Chippenham parkways and Jahnke Road.

but to develop the site, HMK needs state and federal regulatory approval to change the wetlands. "It could have become our Stony Point [Fashion Park]," Beverly Rogers, Chesterfield's assistant director for planning and special projects, has said.

She believes the development, as first proposed, will require a major connection to the Powhite Parkway, which would be expensive. Less intensive development is possible with a road off Jahnke Road.

Asked if it was too late for the retail envisioned by the Galleria concept, Lain said, "That's an economic decision Mr. Perel would have to make."

Dan Gecker, one of the citizen organizers against the retail, office and residential redevelopment then and now Midlothian planning commissioner, said the argument offered by HMK was that "the Water Control Board doesn't have the expertise to make the decision. If that prevails, they might just as well do away with the board and let staff make all decisions. It's like saying that Chesterfield should do away with its planning commission and simply rely on the planning staff's recommendation [for rezonings]."

Chesterfield highlights successful programs

By Greg Pearson
STAFF WRITER

Last week at the county board meeting, Deputy County Administrator Becky Dickson lauded Access Chesterfield, the county's program to provide non-emergency transportation to disabled, elderly and low income persons. Begun in 2004 with a \$900,000 investment, it is expected to cost about \$200,000 annually.

Customers are first screened to make sure they qualify, and then pay 30 percent of the actual cost of transportation. The average trip of 11 miles costs \$24.32 with the rider paying \$7.32. Trips are reserved 1-4 days in advance and are available 6 a.m.-8:30 p.m. weekdays and 8:30 a.m.-4 p.m. on Saturdays with Van Go, the county's contract vendor.

About 65 percent of the riders are disabled, 32 percent are elderly and three percent are low income. Some riders may crossover the categories. County data lists riders based on how they chose to qualify for the program.

"The low ridership for low income persons is probably because of the price," speculated Dickson. At the beginning of the program, riders paid just \$5 per trip.

For the fiscal year ending June 30, there were 18,370 trips throughout the Richmond metro. Of the trips, 45 percent were for medical appointments, 36 percent for work, five percent to go to school and 14 percent for leisure activities.

Riders live throughout the county, but most reside in eastern Chesterfield in either the Bermuda or Dale districts. Expanding the program is under consideration.

Decal program

Treasurer Richard Cordle told Chesterfield leaders that the program which did away with county decals for vehicles last January "has been a success." In the past, as the June deadline approached for decals, some citizens waited in line up to four hours to purchase a county sticker.

"It has really streamlined the process," said County Administrator Lane Ramsey.

The program charges a flat fee of \$20 for vehicle registration even though county residents aren't issued a county sticker as before. Under the previous sticker plan, vehicle owners paid according to the weight of the vehicle up to a maximum of \$45.

"A lot more people benefited," said Cordle. But Chesterfield also realized an immediate savings of \$100,000 by not having to issue stickers.

Board Chairman Dickie King and Vice Chairman Kelly Miller said they only received about seven citizen complaints between them. Most of those believed they shouldn't have to pay for registration if they didn't receive a sticker.

Previously, not having a sticker was one

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