PLANNING COMMISSION REZONING MEETING FINAL AGENDA JANUARY 11, 2007

BEGINNING AT 7:00 P.M.

CALL TO ORDER:

REQUESTS FOR WITHDRAWALS AND DEFERRALS: (1); (14)

REQUESTS FOR EXPEDITED ITEMS: (1)

ELECTION OF CHAIRMAN: Mr. Tommy Branin

ELECTION OF VICE-CHAIRMAN: Mr. Ray Jernigan

CASES TO BE HEARD: (10)

PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION

POD-71-06 Foster & Miller, P.C. for Glen Allen Service Center, Inc.: Request for approval of a plan of development and Glen Allen Service Center transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 106.2(3)b of the Henrico County Mountain Road and Code, to construct a one-story, 3,916 square foot auto Hamilton Road service/repair shop. The transitional buffer deviation would permit deviations in width and alternative planting within the required buffers, as depicted on the plans. The 0.619acre site is located on the south line of Mountain Road west of Hamilton Road at 3015 Mountain Road on parcel 770-767-2959. The zoning is B-3C, Business District (Conditional). County water and sewer. (Brookland)

The staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

- AMENDED A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
- 11. **AMENDED** Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture and

specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.

- 24. The right-of-way for widening of Mountain Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 25. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 27. All repair work shall be conducted entirely within the enclosed building.
- 28. Outside storage shall not be permitted.
- 29. The proffers approved as a part of zoning case C-33C-06 shall be incorporated in this approval.
- 30. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after 12:00 midnight.
- 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- 32. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 34. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 35. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
- 36. **[Deleted]** Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
- 37. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
- 38. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All

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equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

(Staff Report by Mike Kennedy)

(Applicant's Representative: Alex Grinblat) Approved

VARINA:

Deferred from the October 12, 2006 Meeting.

P-13-06 Burke Lewis for New Cingular Wireless PCS, L.L.C (Lessee): Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code in order to construct a 199' high telecommunications tower, on parts of Parcel 855-689-5504 and 855-688-7082, located approximately 1,450 feet south of Charles City Road and 400 feet west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. Staff – Tom Coleman (Deferral requested to the April 12, 2007 Meeting) Deferred to the April 12, 2007 Meeting

Deferred from the December 7, 2006 Meeting.

C-67C-06 Ahmad Jafari: Request to conditionally rezone from R-3 One-Family Residence District and B-3 Business District to B-2C Business District (Conditional), Parcel 818-726-8240, containing 1.859 acres, located on the north line of Nine Mile Road between Barker and Forest Avenues. The applicant proposes a retail shopping center. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the Airport Safety Overlay District. The site is located in the Enterprise Zone. **Staff – Ben Sehl** *(Deferral requested to the February 15, 2007 Meeting)* Deferred to the February 15, 2007 Meeting

Deferred from the November 9, 2006 Meeting.

C-36C-06 Gloria Freye for Waypoint Development, LLC.: Request to conditionally rezone from R-4 One-Family Residence District, B-1 Business District and M-1 Light Industrial District to R-5AC General Residence District (Conditional), part of Parcel 805-710-1834, containing 13.15 acres, located on the southwest line of Darbytown Road at its intersection with Oregon Avenue. The applicant proposes a single-family residential subdivision with a maximum of 40 lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre, Commercial Concentration, and Environmental Protection Area. **Staff – Lee Tyson (Deferral requested to the March 15, 2007 Meeting) Deferred to the March 15, 2007 Meeting**

Deferred from the December 7, 2006 Meeting.

C-51C-06 Caroline L. Nadal for Collins/Goodman Development, LLC: Request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 814-717-0480 and Part of Parcel 813-717-7951, containing

approximately 10.19 acres, located at the south intersection of S. Laburnum and Gay Avenues. The applicant proposes retail uses. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office. The site is in the Airport Safety Overlay District. **Staff – Livingston Lewis (Deferral requested to the February 15, 2007 Meeting)** Deferred to the February 15, 2007 Meeting

C-1C-07 Walter Thomas Fahs for Florence Cooper and Ernest Bernstein: Request to conditionally rezone from B-3 Business District to R-6C General Residence District (Conditional), Parcel 826-719-6572, containing 6.986 acres, located at the northeast intersection of E. Nine Mile Road (State Route 33) and Hart Street. The applicant proposes a senior housing complex with a maximum of 120 residential units. The R-6 District allows a maximum gross density of 19.80 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the Airport Safety Overlay District and the Enterprise Zone. **Staff – Tom Coleman (Withdrawn by applicant)** Withdrawn by Applicant

C-2-07 Eugene Fitz: Request to rezone from A-1 Agricultural District to R-3 One-Family Residence District, Parcel 828-722-6529, containing 1.009 acre, located on the southwest line of Midage Lane approximately 900 feet northwest of Hanover Road. The applicant proposes to construct an additional single-family dwelling. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay District. **Staff – Livingston Lewis Deferred to the February 15, 2007 Meeting**

C-3C-07 J. Thomas O'Brien, Jr. for The Tetra Group One, LLC: Request to conditionally rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5 General Residence District and B-3 Business District to R-3C One-Family Residence District (Conditional), R-5C General Residence District (Conditional), B-3C Business District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-1662 and 836-713-7564, containing 78.709 acres (R-3C - 9.654 ac; R-5C - 8.976 ac; B-3C - 48.742 ac; and M-1C – 11.337 ac.), located between the north line of E. Williamsburg Road, the south line of Old Williamsburg Road, the east line of Dry Bridge Road and the west line of Old Memorial Drive. The applicant proposes a mixture of uses including a single-family development, age-restricted multi-family dwelling units, general business, and light industry. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-5 District allows a maximum gross density of 14.52 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban

Residential 2, 2.4 to 3.4 units net density per acre, Office and Environmental Protection Area. The site is in the Airport Safety Overlay District. **Staff – Nathalie Croft** *(Deferral requested to the March 15, 2007 Meeting)* Deferred to the March 15, 2007 Meeting

C-4C-07 Todd M. Lynn for Twin Oaks Business Park, LLC: Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 814-710-0782, containing 2.505 acres, located at the northwest intersection of Glen Alden Drive and Charles City Road (Garden City subdivision).

The applicant proposes a warehouse with limited office. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District. **Staff – Tom Coleman** (*Deferral requested to the February 15, 2007 Meeting*) Deferred to the February 15, 2007 Meeting

BROOKLAND:

Deferred from the December 7, 2006 Meeting.

C-64C-06 Wistar Creek, LLC: Request to conditionally rezone from R-3 One-Family Residence District to RTHC Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-8651, 768-750-0490, 768-751-0638, -2435, -4119, and -1362 containing 24.46 acres, located on the south line of Wistar Road approximately 142 feet west of Walkenhut Drive. The applicant proposes a residential townhouse development with a maximum of 130 dwelling units, an equivalent density of 5.31 units per acre. The maximum density allowed in the RTH District is 9 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per ace, and Office. **Staff – Lee Tyson** (*Deferral requested to the February 15, 2007 Meeting*) **Deferred to the February 15, 2007 Meeting**

AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP: LUP-1-07 The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan Map to designate Staples Mill Centre Site– comprised of approximately 79.5 acres and generally bordered by the Libbie Avenue, Spencer Road, Bethlehem Road, Staples Mill Road, and north of Mayfield subdivision – as an Urban Mixed Use Development Area (UMU). Staff – Lee Tyson Recommended for Approval

C-5C-07 Gumenick Properties: Request to conditionally rezone from R-3 One Family Residence District, R-5 General Residence District, R-6C General Residence District (Conditional), O-2 Office District, B-1 Business District, B-2C Business District (Conditional) and M-1 Light Industrial District to UMUC Urban Mixed Use Development (Conditional), Parcels 773-741-3132, -2637, -4222, -3726, -6011, -7505, -5414, -6808, -8102, 773-739-8155, 773-740-5043, -9498, -8899, 774-739-3999, -4569, -5043, 774-740-0096, -3584, -2888, -2190, -4182, -0894, -1592, 772-740-1743, -1137, -0431, -2836, -4023, -2229 and 771-740-9118, containing approximately 79.5 acres, located on the east line of Libbie Avenue, approximately 310 feet north of W. Broad Street (U. S. Route 250) to its intersection with N. Crestwood Avenue, then between the south line of

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N. Crestwood Avenue to the south line of Bethlehem Road, and the east line of Spencer Road and the west line of Staples Mill Road (U. S. Route 33). The applicant proposes an urban mixed use development (Staples Mill Centre) including offices, commercial and a maximum of 2,090 residential units (including single-family, townhouse, condominiums, and multi-family). The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office, Office/Service, Commercial Concentration, Semi-Public and Environmental Protection Area. A small area of the site is in the Enterprise Zone. **Staff – Lee Tyson Recommended for Approval**

P-1-07 Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a), 24-32.1(e), 24-32.1(l), 24-32.1(m), 24-32.1(t), 24.32.1(u), 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master Plan for the proposed Staples Mill Center Urban Mixed Use development and to permit certain uses and exceptions to height, setbacks, and square footage of uses on Parcels 773-741-3132, -2637, -4222, -3726, -6011, -7505, -5414, -6808, -8102, 773-739-8155, 773-740-5043, -9498, -8899, 774-739-3999, -4569, -5043, 774-740-0096, -3584, -2888, -2190, -4182, -0894, -1592, 772-740-1743, -1137, -0431, -2836, -4023, -2229 and 771-740-9118, containing approximately 79.5 acres, located on the east line of Libbie Avenue, approximately 310 feet north of West Broad Street (U. S. Route 250) to its intersection with N. Crestwood Avenue, then between the south line of N. Crestwood Avenue to the south line of Bethlehem Road, and the east line of Spencer Road and the west line of Staples Mill Road (U. S. Route 33). The existing zoning is R-3 One-Family Residence District, R-5 General Residence District, R-6C General Residence District (Conditional), O-2 Office District, B-1 Business District, B-2C Business District (Conditional) and M-1 Light Industrial District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office, Office/Service, Commercial Concentration, Semi-Public and Environmental Protection Area. A small area of the site is in the Enterprise Zone. Staff - Lee Tyson Recommended for **Approval**

FAIRFIELD:

Deferred from December 7, 2006 Meeting.

C-55C-06 Caroline L. Nadal for First Centrum of Virginia, Inc.: Request to conditionally rezone from O-1 Office District and C-1 Conservation District to R-6C General Residence District (Conditional), Parcel 783-772-1148, containing 8.7 acres located on the west line of Brook Road (U.S. Route 1) at its intersection with Presbytery Court. The applicant proposes age-restricted multi-family dwellings. The R-6 District allows a minimum lot size of 2,200 square feet per family for multi-family dwellings and a maximum gross density of 19.80 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office and Environmental Protection Area. Staff – Nathalie Croft (Deferral requested to the February 15, 2007 Meeting) Deferred to the February 15, 2007 Meeting

Deferred from the December 7, 2006 Meeting.

C-65C-06 Dan Caskie for Barrington Investors, LTD: Request to conditionally rezone from R-4 One-Family Residence District and M-2 General Industrial District to R-5AC General Residence District (Conditional), part of Parcel 799-732-4991, containing approximately 19.98 acres, located between the west line of Barrington Road at its intersection with Glenthorne Road and the east line of the Chesapeake and Ohio Railway right-of-way. The applicant proposes a maximum of 54 zero lot line one-family dwellings. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre and Environmental Protection Area. **Staff – Nathalie Croft Recommended for Approval**

THREE CHOPT:

Deferred from the April 13, 2006 Meeting.

C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 746-763-2482, -2896, -1769, 746-764-3818, and 746-763-7257 containing 12.54 acres, located between the east line of Glasgow Road and the west line of Sadler Road, approximately 600 feet north of Ireland Lane. The applicant proposes a residential townhouse development not to exceed 6 dwelling units per acre. The RTH Residential Townhouse District allows a maximum gross density of 9 units per acre. The proposed use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. Staff – Tom Coleman (*Deferral requested to the March 15, 2007 Meeting*) Deferred to the March 15, 2007 Meeting

Deferred from the April 13, 2006 Meeting.

C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a townhouse development not to exceed six (6) units per acre. The maximum density allowed in the RTH District is nine (9) units per acre. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Tom Coleman (Deferral requested to the March 15, 2007 Meeting) Deferred to the March 15, 2007 Meeting**

Deferred from the November 9, 2006 Meeting.

P-4-06 Gloria Freye for Bechtel Corp.: Request for a Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct a 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady Grove Road north of Hames Lane. The existing zoning is A-1

Deferred from the December 7, 2006 Meeting.

C-49C-06 Caroline L. Nadal for Rockwood, Inc: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 738-771-6301, -4105, and -2400, containing approximately 7.081 acres, located on the east line of Pouncey Tract Road approximately 1,412 feet north of its intersection with Shady Grove Road. The applicant proposes a single family residential subdivision with a maximum density not to exceed 2.0 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. Staff – Lee Tyson (Deferral requested to the February 15, 2007 Meeting) Deferred to the February 15, 2007 Meeting)

Deferred from the December 7, 2006 Meeting.

C-59C-06 Andrew Condlin for Towne Center West, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to R-6C General Residence District (Conditional), part of Parcels 734-764-9340 and 736-764-1136, containing 13.56 acres (Parcel B - approximately 9.38 acres and Parcel I approximately - 4.18 acres), located on the north line of West Broad Street (U. S. Route 250) approximately 540 feet east of N. Gayton Road (Parcel B) and approximately 700 feet north of W. Broad Street (U. S. Route 250) (Parcel I). The applicant proposes retail and office uses with no more than 165 multi-family dwelling units on Parcel B, and retail and office uses with no more than 75 multi-family dwelling units on Parcel I. The R-6 District allows a minimum lot size of 2,200 square feet per family for multi-family dwellings and a maximum gross density of 19.80 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District. Staff – Tom Coleman (Deferral requested to the February 15, 2007 Meeting) Deferred to the February 15, 2007 Meeting

Deferred from the December 7, 2006 Meeting.

P-19-06 Andrew Condlin for Towne Center West, LLC: Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-122.1 of the County Code to permit retail and office uses within the proposed multi-family development on parts of Parcel 734-764-9340, and 736-764-1136, located on the north line of W. Broad Street (U. S. Route 250) approximately 540 feet east of N. Gayton Road (Parcel B) and approximately 700 feet north of West Broad Street (U.S. Route 250) (Parcel I). The existing zoning is B-2C Business District (Conditional). The property is the subject of rezoning case C-59C-06, which proposes to rezone the property to R-6C General Residence District (Conditional). The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District. Staff – Tom Coleman (Deferral requested to the February 15, 2007 Meeting) Deferred to the February 15, 2007 Meeting

C-6C-07 Andrew M. Condlin for Imperial Real Estate Holdings, LLC: Request to conditionally rezone from R-3 One-Family Residence District to O-2C Office District (Conditional), Parcel 758-753-8008, containing 1.053 acres, located on the southeast line of N. Parham Road approximately 500 feet north of Mayland Drive. The applicant proposes a parking lot for an adjacent office building. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office. Staff – Ben Sehl (*Expedited agenda requested*) Recommended for Approval

TUCKAHOE:

Deferred from the November 9, 2006 Meeting.

C-27C-06 James Theobald for The Rebkee Company: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to RTHC Residential Townhouse District (Conditional), B-2C Business District (Conditional) and C-1C Conservation District (Conditional), Parcel 739-754-7156, containing 21.493 acres (RTHC – 12.252 ac.; B-2C – 8.502 ac.; C-1C – 0.739 ac.), located at the southwest intersection of Church and Pump Roads. The applicant proposes retail uses and residential townhouses with a density of no more than seventy (70) units. The uses will be controlled by zoning ordinance regulations and proffered conditions. The RTH District allows a maximum of nine (9) units per acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and Open Space / Recreation. Staff – Nathalie Croft Recommended for Approval

C-8C-07 Gumenick Properties: Request to conditionally rezone from R-2 One-Family Residence District to RTHC Residential Townhouse District (Conditional), Parcels 745-740-3611, -4804, 745-739-5887, -7086, -7474, and -8598, containing approximately 6.02 acres, located on the northeast line of Derbyshire Road at its intersection with Branway Drive. The applicant proposes a residential townhouse development with a maximum of 16 units, an equivalent density of 2.66 units per acre. The RTH District allows a maximum density of 9 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. **Staff – Lee Tyson Recommended for Approval**

RESOLUTION: SIA-1-07 – Nuckols Farm Historic Park Site – Substantially In Accord with the County of Henrico Comprehensive Plan. (Three Chopt District) Staff – Lee Tyson Recommended for Approval

RESOLUTION: SIA-2-07 – High School #1 Site – Substantially In Accord with the County of Henrico Comprehensive Plan. (Brookland District) Staff – Rosemary Deemer Recommended for Approval

DISCUSSION ITEM: CAPITAL IMPROVEMENT PROGRAM: The Commission will discuss scheduling a Public Hearing to consider the FY 2007-2008 through FY 2011 – 2012 Capital Improvement Program for February 15, 2007 at 6:00 p.m.

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APPROVAL OF MINUTES: Planning Commission - December 7, 2006 Approved

Acting on a motion by <u>Mr. Vanarsdall</u>, seconded by <u>Mr. Archer</u>, the Planning Commission adjourned its meeting at <u>10:07 p.m.</u> on <u>January 11, 2007</u>.

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