

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 held in the County Administration Building in the Government Center at Parham and Hungary
3 Springs Roads, Beginning at 7:00 p.m. Thursday, August 10 2006, Display Notice having been
4 published in the Richmond Times-Dispatch on July 20, 2006 and July 27, 2006
5

6 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)
7 Mr. Ernest B. Vanarsdall, C.P.C., (Brookland)
8 Mr. Tommy Branin, Vice Chairperson (Three Chopt)
9 Mrs. Bonnie-Leigh Jones (Tuckahoe)
10 Mr. E. Ray Jernigan, C.P.C. (Varina)
11 Mrs. Patricia S. O'Bannon (Tuckahoe), Board of Supervisors
12 Representative
13 Mr. Randall R. Silber, Director of Planning, Secretary
14

15 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
16 Ms. Jean Moore, Principal Planner
17 Mr. Lee Tyson, County Planner
18 Ms. Rosemary Deemer, County Planner
19 Mr. Thomas Coleman, County Planner
20 Ms. Natalie Neaves, County Planner
21 Ms. Ann B. Cleary, Recording Secretary
22

23 **Ms. O'Bannon abstains from voting on all cases (exception of one case) unless it is**
24 **necessary to break a tie.**
25

26 Mr. Archer - The Planning Commission will come to order. Good evening everyone. I
27 would like to recognize Ms. Olympia Meola of *The Richmond Times-Dispatch* and also
28 acknowledge the presence of Ms. Patricia O'Bannon, who is the representative from the Board
29 of Supervisors, and with that I will turn the proceedings over to our Secretary and Director of
30 Planning, Mr. Randall Silber.
31

32 Mr. Silber - Thank you, Mr. Archer, members of the Commission. We do have a
33 quorum. All members of the Commission are present tonight and first on the agenda would be
34 consideration of withdrawals and deferrals. I am not aware that we have any withdrawals, but
35 we do have several deferrals. Ms. Moore, can you tell us about those, please.
36

37 Ms. Moore - Yes, Mr. Secretary. Actually, we have two more that came in since the
38 agenda was published.
39

40 The first is in the Varina District, on page 4 of your agenda.
41

42 **Deferred from the July 13, 2006 Meeting.**

43 **P-9-06 Gary Barber for National Communication Tower LLC:** Request for a
44 Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of
45 the County Code to construct a 199' monopole telecommunications tower, on Parcel 851-666-
46 7691, located 343' east of Carters Mill Road. The existing zoning is A-1 Agricultural District.
47 The Land Use Plan recommends Prime Agriculture. The site is in the Airport Safety Overlay
48 District.
49

50 Ms. Moore - The deferral is requested to the October 12, 2006 Planning Commission
51 meeting.

52
53 Mr. Archer - Thank you, Ms. Moore. Is anyone present who is opposed to this
54 deferment of Case P-9-06, Gary Barber for National Communication Tower, LLC? I see no
55 opposition. Mr. Jernigan.
56
57 Mr. Jernigan - Just to let you all know what is going on here, this has been deferred a
58 couple of times, but they are looking at the possibility of Charles City. This site is close to
59 Charles City, so that is the reason of locating, I think they currently have a case filed there. So,
60 with that, I will move for deferral of Case P-9-06, Gary Barber for National Communication
61 Tower, LLC, to October 12, 2006, by request of the applicant.
62
63 Mr. Vanarsdall - Second.
64
65 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
66 the motion say aye. Those opposed say no. The motion passes.
67
68 At the applicant's request, the Planning Commission deferred Case P-9-06, Gary Barber for
69 National Communication Tower, LLC, to its meeting on October 12, 2006.
70
71 Ms. Moore - Also, on page 4 of the agenda, we have C-79C-05.
72
73 **C-79C-05 Larry Horton for StyleCraft Homes Development Corp.:** Request to
74 conditionally rezone from A-1 Agricultural District to R-5AC General Residence District
75 (Conditional), RTHC Residential Townhouse District (Conditional), and B-3C Business District
76 (Conditional), Parcel 813-701-0425, containing 81.45 acres, located at the southwest
77 intersection of Darbytown Road and Laburnum Avenue. The applicant proposes a retail and
78 residential development with density of no more than one hundred and sixty (160) single family
79 and townhouse units. The uses will be controlled by zoning ordinance regulations and proffered
80 conditions. The R-5A District allows a minimum lot size of 5,625 square feet with a maximum
81 gross density of 7.7 units per acre. The maximum density in the RTH District is nine (9) units
82 per acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per
83 acre, Office, and Environmental Protection Area.
84
85 Ms. Moore - The deferral is requested to the September 14, 2006 meeting.
86
87 Mr. Archer - Thank you. Is there present any person present who is opposed to the
88 deferment of Case C-79C-05, Larry Horton for StyleCraft Homes Development Corp.? I see no
89 opposition. Mr. Jernigan.
90
91 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of Case C-79C-05 to
92 September 14, 2006, by request of the applicant.
93
94 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
95 favor say aye. All opposed say no. The motion passes.
96
97 At the applicant's request, the Planning Commission deferred Case C-79C-05, Larry Horton for
98 StyleCraft Homes Development Corp. to its meeting on September 14, 2006.
99
100 Ms. Moore - The next is Case C-35C-06, E. F. Moseley.
101

102 **C-35C-06** **E. F. Moseley, LLC:** Request to conditionally rezone from A-1
103 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 820-689-
104 0994 and -3688 and part of Parcels 819-689-8194, 820-689-1644, and 818-688-9639,
105 containing 21.33 acres, located on the west line of Doran Road approximately 3,300 feet north
106 of New Market Road (State Route 5). The applicant proposes a single-family residential
107 subdivision at a density of not more than 2.3 units per acre. The R-2A District allows a
108 minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre.
109 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
110 The use will be controlled by zoning ordinance regulations and proffered conditions. The site is
111 in the Airport Safety Overlay District.

112
113 Ms. Moore - The request is to defer until the September 14, 2006 meeting.

114
115 Mr. Archer - Is there anyone here in opposition to the deferment of Case C-35C-06, E.
116 F. Moseley, LLC? I see no opposition. Mr. Jernigan, again.

117
118 Mr. Jernigan - Mr. Chairman, this case is pretty much ready to go. They just haven't had
119 a neighborhood meeting yet, so the case will be ready for next month. With that, Mr. Chairman,
120 I will move for deferral of Case C-35C-06, E. F. Moseley, LLC, to September 14, 2006, by
121 request of the applicant.

122
123 Mr. Vanarsdall - Second.

124
125 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say
126 aye. All opposed say no. The motion passes.

127
128 At the applicant's request, the Planning Commission deferred Case C-35C-06, E. F. Moseley,
129 LLC, to its meeting on September 14, 2006.

130
131 Ms. Moore - On page 5 of your agenda we have Case C-36C-06.

132
133 **C-36C-06** **Gloria Freye for Waypoint Development, LLC.** Request to conditionally
134 rezone from R-4 One Family Residence District, B-1 Business District and M-1 Light Industrial
135 District to R-5AC General Residence District (Conditional), part of Parcel 805-710-1834,
136 containing 13.15 acres, located on the southwest line of Darbytown Road at its intersection with
137 Oregon Avenue. The applicant proposes a single family residential subdivision with a maximum
138 of 40 lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum
139 gross density of 7.7 units per acre. The use will be controlled by zoning ordinance regulations
140 and proffered conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8
141 units net density per acre, Commercial Concentration, and Environmental Protection Area.

142
143 Ms. Moore - The deferral is requested to the September 14, 2006 meeting.

144
145 Mr. Archer - Thank you, Ms. Moore. Is there anyone present who is opposed to this
146 deferment, C-36C-06, Gloria Freye for Waypoint Development, LLC? No opposition. Mr.
147 Jernigan.

148
149 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of Case C-36C-06, Gloria
150 Freye for Waypoint Development, LLC, to the September 14, 2006 meeting by request of the
151 applicant.

152

153 Mr. Vanarsdall - Second.
154
155 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say
156 aye. All opposed say no. The ayes have it. The motion passes.
157
158 Ms. Moore - Also, on page 5 of your agenda, Case P-13-06.
159
160 **P-13-06 Burke Lewis for New Cingular Wireless PCS, L.L.C (Lessee):** Request
161 for a provisional use permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code
162 in order to construct a 199' high telecommunications tower, on parts of Parcel 855-689-5504
163 and 855-688-7082, located approximately 1,450 feet south of Charles City Road and 400 feet
164 west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The Land
165 Use Plan recommends Prime Agriculture
166
167 Ms. Moore - The deferral is requested to the October 12, 2006 meeting.
168
169 Mr. Archer - Is there anyone present who is opposed to the deferral of P-13-06, Burke
170 Lewis for New Cingular Wireless PCS, LLC?
171
172 Mr. Jernigan - Let them come on down.
173
174 Mr. Silber - Come on down and let me tell you where we are. What has been
175 requested by the applicant is this to be deferred for two months so if you could speak to the
176 deferment, not necessarily to the issue of the tower itself.
177
178 Mr. Archer - Ma'am, may we have your name and address for the record?
179
180 Mr. Vanarsdall - Will you speak into the microphone, please?
181
182 Ms. Watson - Margaret Watson, 8041 Upper Western Run Place. Why do they want it
183 deferred? Why don't they just go on and settle it now? There is no one that wants it.
184
185 Mr. Jernigan - Because I requested the attorney to defer this case because it was not
186 ready to try, and I want to meet with you all again, and also there may be another tower that has
187 to be linked in with this one, so...
188
189 Ms. Watson - That is giving them time to set up so there should be no objections to it on
190 the County Board.
191
192 Mr. Jernigan - No. There is another tower that may be needed with this tower, so I told
193 the attorney that we would try both of the cases. The other case was not ready. I told him that
194 we would try both cases and either pass them both or deny them both, but there is no sense in
195 passing one and failing one, because the towers have to work together.
196
197 Mr. Silber - But to answer your question, if you are concerned that they may go out
198 and put the tower up during this time period, no, that cannot happen.
199
200 Ms. Watson - What we are concerned about is the lawyers are getting all of their ducks
201 in a row so when it comes before this Planning Commission that they are going to say, "Well,
202 we've done all of this work, so we are going to pass it no matter what the citizens say." That is
203 what we are concerned about.

204
205 Mr. Jernigan - Margaret, the case gets tried when it comes up. We have deferrals all of
206 the time, and I requested Mr. Lewis to defer this case because it wasn't ready to go. I think we
207 need to sit down and talk about this a little more.
208
209 Ms. Watson - Well, I can understand from your point of view, but you need to
210 understand that this neighborhood is the same and Kenneth has gone around saying, "We've
211 got it in the bag and don't worry about it." Do you see any of them here? It makes me wonder.
212
213 Mr. Jernigan - Well, he knew the case was deferred.
214
215 Ms. Watson - How did he know if we could object to it being deferred?
216
217 Mr. Jernigan - The County can object to it being deferred,
218
219 Ms. Watson - But you have already said it is going to be deferred.
220
221 Mr. Jernigan - I requested the attorney, myself, to defer this case, because first of all, it
222 wasn't ready to try, and secondary was that there was a companion case that has to go with this
223 tower, so I wanted to look at both of them at the same time rather than singularly because there
224 is no sense in passing one and failing one. Either both have to pass or both have to fail.
225
226 Ms. Watson - So if your other one passes, you will pass this one?
227
228 Mr. Jernigan - They will be tried at the same time as companion cases, but that it the
229 reason I said that I wanted to look at this other case. The other case hasn't come to me yet,
230 and it will within the 60 days, and that is the reason I want to look at the other one before we
231 decide.
232
233 Mr. Vanarsdall - You really have another opportunity to have another meeting and to make
234 your opposition again. They can't do anything until we do something.
235
236 Ms. Watson - OK. I just know what I have been told, and so far it has fallen right in line
237 with what we are being told, and no matter what we say, it is not going to mean anything.
238
239 Mr. Jernigan - Well, nothing is in the bag, Margaret.
240
241 Ms. Watson - OK. I'll take your word for it.
242
243 Mr. Jernigan - Everybody here has to vote on it.
244
245 Ms. Watson - And I will take your word for that.
246
247 Mr. Jernigan - The five of us here have to vote on it. Ms. O'Bannon can vote if she
248 wants to, but she doesn't normally.
249
250 Mr. Vanarsdall - She votes the next time for the Board.
251
252 Ms. Watson - OK. I thank you for listening to me.
253
254 Mr. Jernigan - Thank you.

255
256 Mr. Archer - Mr. Jernigan.
257
258 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of Case P-13-06, Burke
259 Lewis for New Cingular Wireless PCS, LLC. (Lessee) to October 12, 2006, by request of the
260 applicant.
261
262 Mr. Vanarsdall - Second.
263
264 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
265 the motion say aye. All opposed say no. The motion passes.
266
267 Mr. Vanarsdall - Mr. Chairman, since we took care of all of the Varina cases, can he be
268 excused?
269
270 Mr. Archer - No. He is going to have to stay. Ms. Moore.
271
272 Ms. Moore - The next is in the Three Chopt District and it is also on page 5 of your
273 agenda. It is P-4-06.
274
275 **P-4-06 Gloria Freye for Bechtel Corp.:** Request for a Provisional Use Permit under
276 Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct a
277 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady
278 Grove Road north of Hames Lane. The existing zoning is A-1 Agricultural District. The Land
279 Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
280
281 Ms. Moore - The deferral is requested to the October 12, 2006 meeting.
282
283 Mr. Archer - Is there anyone present who is opposed to the deferment of P-4-06,
284 Gloria Freye for Bechtel Corporation? I see no opposition.
285
286 Mr. Branin - Mr. Chairman, I'd like to move for deferral of P-4-06 to the October 12,
287 2006 meeting, at the applicant's request.
288
289 Ms. Jones - Second.
290
291 Mr. Archer - Motion by Mr. Branin and second by Ms. Jones. All in favor say aye. All
292 opposed say no. The motion passes.
293
294 At the applicant's request, the Planning Commission deferred Case P-4-06, Gloria Freye for
295 Bechtel Corporation to its meeting on October 12, 2006.
296
297 Ms. Moore - The next is on page 6 of your agenda, P-14-06
298
299 **P-14-06 Gloria Freye for Richmond 20MHz, LLC (NTELOS):** Request for a
300 provisional use permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code in
301 order to construct a PCS wireless communications facility with a 102' high flagpole style
302 antenna, on part of Parcel 752-749-9473, located on the east side of Three Chopt Road at its
303 intersection with Ridgefield Road. The existing zoning is A-1 Agricultural District. The Land
304 Use Plan recommends Semi Public and Environmental Protection Area.
305

306 Ms. Moore - The deferral is requested to the September 14, 2006 meeting.
307
308 Mr. Archer - Is there anyone present opposed to the deferment of P-14-06, Gloria
309 Freye for Richmond 20 MHz, LLC (NTELOS)? Are you opposed to the deferral, ma'am? Could
310 you come down to the microphone, please and state your name.
311
312 Ms. Rhudy - Yes. We represent Windsordale Association and we have petitions from
313 the neighborhood of over 70 people that are opposed to this, so we would like to see it not
314 postponed, because we are not going to change our minds.
315
316 Mr. Branin - Ma'am, the reason why I have asked the attorney to have a deferral was,
317 one of the reasons was, the neighborhood didn't get proper information I was told, and not
318 enough people were informed. It is my duty to make sure that everybody in the neighborhood
319 has that opportunity, so I have asked them to defer it so you all have an opportunity to voice
320 your concerns in front of both Mr. Kaechele and me, and in front of the applicant, as well. So,
321 this isn't for you. We are purposely deferring it to give you all more time to hear and understand
322 and voice your concerns there as well as at the next meeting, if that may be the case.
323
324 Ms. Rhudy - OK, and do you know when that will be?
325
326 Mr. Silber - One month, September 14, 2006.
327
328 Mr. Branin - You are talking about the neighborhood meeting?
329
330 Ms. Rhudy- No. The hearing. The hearing would be September 14, 2006.
331
332 Mr. Branin - Ma'am, can we have your name, please.
333
334 Ms. Rhudy - Lillian and Ralph Rhudy.
335
336 Mr. Silber - Thank you.
337
338 Mr. Archer - Thank you. Mr. Branin.
339
340 Mr. Branin - OK, Mr. Chairman, I would like to move for deferral of Case P-14-06,
341 Gloria Freye for Richmond 20MHz, LLC (NTELOS), to the September 14, 2006 meeting at the
342 applicant's request.
343
344 Mr. Vanarsdall - Second.
345
346 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor say
347 aye. All opposed say no. The ayes have it. The deferral is granted.
348
349 Ms. Moore - The last request for deferral is on page 7 of your agenda. It is P-16-06.
350
351 **P-16-06 Glenn Moore for Basilios E. Tsimbos:** Request for a provisional use
352 permit under Sections 24-58.2(d), 24-120 and 24-122.1 of the County Code in order to construct
353 an outside dining area for a proposed restaurant on Parcel 761-754-1383, located on the east
354 line of Skipwith Road approximately 350 feet south of West Broad Street (U. S. Route 250). The
355 existing zoning is B-1C Business District (Conditional). The property is the subject of rezoning

356 request C-43C-06, which proposes to rezone the property to B-2C Business District
357 (Conditional). The Land Use Plan recommends Commercial Arterial and Office.

358
359 Ms. Moore - The deferral is requested to the October 12, 2006 meeting.

360
361 Mr. Archer - OK. Was that P-16-06?

362
363 Ms. Moore - Yes, it was P-16-06 and the deferral is requested to October 12th.

364
365 Mr. Archer - Is anyone present who is opposed to the deferral of P-16-06, Glenn
366 Moore for Basilio E. Tsimbos? No opposition. Mr. Branin.

367
368 Mr. Branin - Mr. Chairman, I would like to move for deferral of Case P-16-06 to the
369 October 12, 2006 meeting, per the applicant's request.

370
371 Mr. Vanarsdall - Second.

372
373 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor say
374 aye. All opposed say no. The motion passes.

375
376 At the applicant's request, the Planning Commission deferred Case P-16-06, Glenn Moore for
377 Basilio E. Tsimbos, to its meeting on October 12, 2006.

378
379 Mr. Silber - Are there any deferrals on behalf of the Planning Commission? Seeing
380 none, next on the agenda would be consideration of expedited items. These are items that are
381 placed on the agenda that are somewhat smaller in nature. There are no outstanding issues.
382 The staff is recommending approval of these requests. The applicant is in agreement and the
383 Commissioner from the district is comfortable with the request, so it is placed on an expedited
384 agenda, where we do not have public presentation or staff presentation of this case, and this
385 particular case is one item. If there is opposition to this matter, it would be pulled off of the
386 expedited agenda and heard in the order in which it is found on the full agenda. I believe we
387 have one item on expedited.

388
389 Ms. Moore - That is correct. It is in the Three Chopt District on page 6 of your agenda.
390 It is P-41C-06.

391
392 **C-41C-06 Gloria Freye for RER/New Boston Cox Road LLC:** Request to amend
393 proffered conditions accepted with Rezoning Case C-61C-89, on part of Parcel 747-759-4312,
394 located at the northwest intersection of Interstate 64 and Cox Road at the Westmark Office
395 Park. The applicant proposes to amend Proffer 1 to reduce the open space from 35% to 25%
396 and include two new proffers to provide a buffer along Cox Road and language to address
397 severance of proffers. The existing zoning is O-3C Office District (Conditional). The Land Use
398 Plan recommends Office and Commercial Concentration.

399
400 Mr. Archer - Thank you, Ms. Moore. Is there opposition to C-41C-06, Gloria Freye for
401 RER/New Boston Cox Road LLC? No opposition. Mr. Branin.

402
403 Mr. Branin - Mr. Chairman, I would like to move that Case C-41C-06, Gloria Freye for
404 RER/New Boston Cox Road LLC, be placed on the expedited agenda for approval.

405
406 Mr. Vanarsdall - Second.

407
408 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor say
409 aye. All opposed say no. No opposition. The ayes have it. The motion passes.
410

411 Acting on a motion by Mr. Branin, seconded by Mr. Vanarsdall, the Planning Commission voted
412 5-0 to recommend the Board of Supervisors **grant** the request because the changes do not
413 greatly reduce the original intended purpose of the proffers and the proffers will continue to
414 assure a quality form of development with maximum protection afforded the adjacent properties.
415

416 Mr. Silber - Before moving on to the regular agenda, I wanted to make one
417 announcement, if I may. We do have a new staff member in the Planning Department I want to
418 introduce. I wonder if we could have him stand, please. This is Benjamin Sehl. I think he may
419 go by Ben. This is Ben's first day on the job, so he is working 12 hours the first day, but
420 Benjamin comes to us from Stafford County where he was a planner for a number of years, and
421 he holds his Bachelor's degree from Virginia Tech in Urban Affairs and Planning. I wanted to
422 introduce you to him. He fills the position due to the promotion of Seth Humphreys. Seth was
423 promoted to Planner III and Benjamin is a Planner II in Comprehensive Planning. I wanted to
424 introduce him to the Planning Commission.
425

426 Mr. Archer - Welcome, Ben.

427
428 Mr. Vanarsdall - That is the last applause you will ever hear, Ben.
429

430 Mr. Archer - Moving right along.

431
432 Mr. Silber - Next on the agenda is consideration of a plan of development. This was
433 deferred from the July 26, 2006 meeting.
434

POD-42-06
West Broad Village –
W. Broad St./Three Chopt
Road

Timmons Group for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 60,000 square foot grocery store and a one-story, 4,500 square foot bank building, along with additional site grading, infrastructure and landscaping in an urban mixed use development. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

435
436 Mr. Archer - Is there any opposition to this case? No opposition. Good evening, sir.
437

438 Mr. Wilhite - West Broad Village is a large urban mixed use project which will
439 ultimately have 450,000 square feet of retail space, 600,000 square feet of office space,
440 additional hotels and parking decks, and also 884 dwelling units along with a recreation center.
441 The plans that the staff has received pretty much cover the entire project except for the two
442 office buildings and the associated parking deck located at the interchange of I-64 and West

443 Broad Street. This plan was before you at your last Planning Commission hearing. The
444 majority of the project was deferred until September 27th, except for the items before you
445 tonight, the Whole Foods Grocery Stores and the Wachovia Bank site improvements. The
446 architectural plans for those have been deferred until September 27, 2006.

447
448 In addition, the site improvements also include the portions of the internal road system that
449 abuts this site; basically there is an additional through lane on West Broad Street being
450 constructed along the frontage. Road H, which is at the location of West Broad Street and
451 Brook River Drive, which is currently a signalized intersection, will have two lanes of ingress and
452 four lanes of egress. Road A to the east of the two building sites which include one lane of
453 ingress into the site and Road B to the south, which is three lanes, with a third lane recently
454 being added to this.

455
456 This plan also includes a request for an exception to the West Broad Street Overlay District
457 requirements along West Broad Street. The request was granted by the Director of Planning
458 and allowed them to reduce the West Broad Street Overlay District from 35 feet to 25 feet in
459 width, due to the requirement of then adding a through lane on West Broad Street and the
460 associated turn lane. As an agreement to the deviation, the applicant will be constructing a new
461 sidewalk along West Broad Street that would be located within the buffer area and be curvilinear
462 in your design, and in addition they will be enhancing the landscaping in this area to exceed
463 both the West Broad Street Overlay District and the UMU requirements, the details of which will
464 be determined when the landscape plan is committed for approval.

465
466 In addition, grading of the site, including the erosion and control measures will be done at the
467 time as will the entire utilities for the project. The BMPs that were shown on the master plan
468 that was approved with the rezoning case have been altered. One BMP has been moved to the
469 area along Pouncey Tract Road (referring to rendering). All of these BMPs are to be designed
470 as amenities for the communities, such as water features with fountains in them, and the design
471 will have natural contours as well.

472
473 One item to still be looked at today involves the Three Chopt Road buffer. The proffers of the
474 zoning case require this buffer to be installed as soon as practical. You just received a handout
475 of a plan that we received today. It will be necessary to waive the time limits on it to accept this
476 plan. Additional annotations were provided and appear on the plan. In essence, they address
477 the original staff comments. The size of the trees within the buffer areas have been increased to
478 4 inch caliper trees. The height of the other trees would be at least 12 feet tall and there are
479 some additional evergreen trees that upon staff's request, that has been added to the plan as
480 well. It is our understanding that the applicant will be able to install landscaping, the eastern
481 portion of which from roughly the cul-de-sac eastward along Three Chopt Road should be
482 installed by December 1, with planting starting in October. The western portion of the buffer
483 along Three Chopt Road would be installed by January 1st. As I said, the buffer meets the
484 requirements of the West Broad Street Overlay District and the UMU requirements, as well as
485 the proffered conditions. There are some items to be worked out before the buffers can be
486 installed, the final grading around the BMP and the impact of the future widening of Three Chopt
487 Road and the final location of the emergency access into the site. Also, the portions that abut it
488 cannot be installed at Three Chopt Lane through the intersection of Three Chopt Road until the
489 John Rolfe Parkway is completed at this location.

490
491 Staff is in a position to recommend approval of the plans in your packet, including the revised
492 landscape plan. We are currently looking at a master plan revision that changes the design of a
493 portion of the site and also relocates a portion of the Plantation Pipe Line easement through this

494 site. Those changes will be reviewed during the September 27, 2006 Planning Commission
495 meeting. Staff can recommend approval of the plan at this time with the annotations on the
496 plans and added conditions Nos. 1 through 46 on your agenda. I will be happy to answer any
497 questions that you have.

498
499 Mr. Archer - Thank you, Mr. Wilhite. We have heard Mr. Wilhite's presentation. Are
500 there questions from the Commission?

501
502 Mr. Silber - Mr. Wilhite, and perhaps this is a question that the applicant can answer,
503 but you mentioned that they would provide planting by a certain period and you indicated they
504 would provide some of the planting along Three Chopt Road by December 1st, as you
505 indicated, from the cul-de-sac. Is there any reason why they are starting from the cul-de-sac
506 and moving eastward and why they can't pick up more of the Three Chopt Road frontage west
507 of that point?

508
509 Mr. Wilhite - That is something that the applicant will have to address.

510
511 Mr. Silber - There is also some concern with fire as to the emergency access and the
512 grade differential from Three Chopt Road into the site. How has that been addressed, or is it
513 addressed with annotations?

514
515 Mr. Wilhite - That is still being looked at. We have to determine what the ultimate
516 grade is going to be through that buffer area. We are looking in an area currently where Three
517 Chopt Lane currently intersects with Barrington Hills Drive. It is possible that might be a better
518 location. There are some existing utility easements that are going to cross at that location, plus
519 the buffer at that location, and if the access is moved to that area, then it would be one less
520 intrusion into the buffer.

521
522 Mr. Archer - All right. Any further questions? Mr. Wilhite, I have a question, and
523 maybe the applicant would be the one to answer it. In condition No. 40, it states that "Prior to
524 issuance of approval of the construction plans, the developer must furnish a letter from
525 Plantation Pipeline Gas." How do you propose those are not a conflict with their facility? What
526 happens if they don't get it?

527
528 Mr. Wilhite - They would have to have the approval of Plantation Pipeline Gas in order
529 to do any work within that buffer area. Obviously, the revisions that we may be looking at
530 comes up September 27 are contingent upon the relocation of the pipeline itself. Once again,
531 the agreements with Plantation would have to allow for that design change, but my
532 understanding is the applicant has been discussing that with Plantation. There is an
533 understanding how that work can be done.

534
535 Mr. Silber - Mr. Archer, I think that is a good question. The applicant can, perhaps,
536 elaborate on this, but my understanding is they are in discussion with Plantation. I think they
537 have had a lot of good dialogue recently and progress has been made, and I don't think that is a
538 condition that would cause them concern, but perhaps you should hear that from them.

539
540 Mr. Wilhite - I would point out that in this particular case the improvements before you
541 today do not impact the Pipeline.

542
543 Mr. Archer - Thank you, Mr. Wilhite. Are there other questions?

544

545 Mr. Silber - Mr. Wilhite, I had one more question. I am sorry. There is a note on the
546 latest plans that shows a 25-foot buffer along Broad Street, and I think this is outside the area
547 that is being considered today, but it indicates the 25-foot buffer, you have indicated deviations
548 required. I think that is in an area where there is a right-turn lane or they would have provided
549 35 feet at that location.
550

551 Mr. Wilhite - I think if you are referring to the area in this location right up here near the
552 interchange with Interstate 64, I think it was looked at as not fronting on West Broad Street in
553 that location, but on the ramp accessing Interstate 64 and, therefore, not part of the West Broad
554 Street Overlay requirement.
555

556 Mr. Silber - OK. There is an annotation on the plan that...
557

558 Mr. Wilhite - Which was just in general, but once again, that portion of the site is not
559 before you today. We will need to take a look at that.
560

561 Mr. Archer - Anything further?
562

563 Mr. Branin - Mr. Chairman, how many conditions are on your case?
564

565 Mr. Archer - Looking at my last agenda, I show 46.
566

567 Mr. Jernigan - Not everybody is on the same paperwork. I have 59.
568

569 Mr. Vanarsdall - All I have is 46.
570

571 Mr. Jernigan - They hand delivered some of these. Mine had to be hand delivered
572 because my mail comes to the house, but this came to my work, so when you were asking
573 about No. 40, No. 40 in mine is not the same thing that is in yours.
574

575 Mr. Silber - Our staff did clarify that.
576

577 Mr. Wilhite - The plan that was before the Planning Commission last month
578 incorporated more, there was more before you then, and there were 59 conditions at that point.
579 Since that time, the entire road system has been removed from the plan. Also, the portion of
580 the site that dealt with the townhouses had been removed. So, the number of conditions was
581 reduced and 46 is the correct one and that was in the packet that was delivered to you on
582 Tuesday.
583

584 Mr. Silber - And it is on the revised agenda and you can get them tonight. Forty-six is
585 the correct number of conditions.
586

587 Mr. Jernigan - All right. I just wanted to make sure everybody was straight.
588

589 Mr. Archer - Any other questions? All right. Thank you, Mr. Wilhite. I think we need to
590 hear from the applicant.
591

592 Mr. Condlin - I sat in the front row.
593

594 Mr. Archer - Good evening, Mr. Condlin. How are you?
595

596 Mr. Condlin - Doing fine. We will take 46 conditions versus the 59. I don't understand
597 why this wasn't on the expedited agenda. Thank you for the time. I want to thank the staff,
598 obviously, and they have put a lot on him since the last time we first heard this case, and,
599 obviously, we scaled it down, but we were able to look at more of the detail that we are looking
600 at. We are looking at the finite issues that we had tonight. Just a couple of points to address
601 the situation with respect to the timing of the buffers. I would like to put one caveat, if I may be
602 allowed for the Director of Planning to suspend that if it seems appropriate, if we put the buffer
603 in by December 1st and January 1st for the rest of the buffer, but, obviously, it is an issue, and
604 also there is some question as to the County has not yet designed Three Chopt Road. Some of
605 that planting, because of the slope or because of Three Chopt Road, as the design comes along
606 and we are putting this in, that may not be appropriate to put all of that landscaping in at that
607 time, so I would like to have an exclusion from those dates to allow for Mr. Silber to provide for
608 extensions as he deems appropriate, if that is a consideration for you all.
609

610 Secondly, the question as to why we chose where we are putting this. The primary issue would
611 be with just respect to the BMP to put that in as soon as possible, which is on the eastern
612 portion of the site. Also, the request in your annotation with respect to location of the
613 emergency access the Fire Department wanted, where that would be. Currently, that is my
614 general location from my understanding. It might be moved down to this location. We picked
615 that one to bring the buffer from the eastern edge over to that area generally for that reason.
616 There is no scientific reason. We all looked at it and said that road would be a good definition
617 about half-way through. We will get that in by December 1st, and the rest of it in by January 1st,
618 again, subject to the road issue and whatever weather would come up, but that is the
619 commitment with respect to the buffer. As for the Plantation Pipeline, we have been in long
620 discussions with Plantation Pipeline. They have generally agreed to a lot of what we have
621 asked for. As a matter of fact, a number of the folks that were here last time are stuck in Atlanta
622 and trying to fly back, having met with Plantation Pipeline and committed to a \$200,000
623 contribution on our part to help move and upgrade that pipe, and that is all going toward their
624 approval, so we are comfortable with that condition that we are going to get there from that
625 standpoint, but the movement of that Plantation Pipeline helps make a better layout than we
626 actually had at the zoning case and, again, signed off in specific detail for Plantation Pipeline.
627 Finally, I guess, all of the conditions we are willing to accept. I wasn't aware and none of our
628 engineers were that we had a new plan submitted today. Was that the landscaping plan? We
629 are all looking at the same plan. I just wanted to make sure that the plan we are looking at is
630 the same date, so that is the only question I had. With that, if you've got any other questions, I
631 will respond.
632

633 Mr. Archer - Thank you, Mr. Condlin. Any questions from the Commission? Thank
634 you, sir.
635

636 Mr. Branin - I don't have any questions. I have a couple of comments. I know you are
637 very, very, very disappointed flying back to Florida two weeks ago, because it didn't proceed
638 forward. I appreciate the effort that your team is doing in easing the pain of our staff in getting
639 submittals and getting them right before you submit them. I appreciate your effort on that and
640 thank you for working with us.
641

642 I move to waive the time limits in order to accept the revised Three Chopt Road buffers,
643 landscaping plans with the annotations on the plans, as well as the dates of December 1st and
644 January 1st for the two buffers, otherwise stated by the Director of Planning.
645

646 Mr. Jernigan - Second.

647
648 Mr. Archer - Motion by Mr. Branin and second by Mr. Jernigan. All in favor of the
649 motion say aye. All opposed say no. The time limits are waived.

650
651 Mr. Condlin - We would like to thank you guys, too. Everybody has been great to work
652 with.

653
654 Mr. Branin - I am in the middle of a motion. I would like to move for approval of the
655 portion of POD-42-06, West Broad Village – W. Broad Street/Three Chopt Road, that includes
656 the revised Three Chopt Road buffer landscaping plan, the site improvements for the Whole
657 Foods Grocery Store and Wachovia Bank along with the portions of internal roads and
658 immediate abutment that immediately abut to the site, based on staff's annotations, standard
659 conditions for developments of this type, the conditional conditions Nos. 24 through 46, as
660 shown on the agenda, all of this with the understanding that the grading and utility work will
661 proceed on the rest of the site as approved by staff and that the remainder of the plan has
662 already been deferred to September 27, 2006 Planning Commission meeting.

663
664 Ms. Jones - Second.

665
666 Mr. Archer - Motion by Mr. Branin and seconded by Ms. Jones. All in favor of the
667 motion say aye. All opposed say no. The motion passes.

668
669 POD-42-06, West Broad Village – W. Broad Street/Three Chopt Road was approved, subject to
670 the following: that it includes the revised Three Chopt Road buffer landscaping plan, the site
671 improvements for the Whole Foods Grocery Store and Wachovia Bank, along with the portions
672 of internal roads and immediate abutment that immediately abut to the site, based on staff's
673 annotations, standard conditions for developments of this type, the conditional conditions Nos.
674 24 through 46, as shown on the agenda, all of this with the understanding that the grading and
675 utility work will proceed on the rest of the site as approved by staff and that the remainder of the
676 plan has already been deferred to September 27, 2006 Planning Commission meeting. The
677 additional conditions are as follows:

678
679 24. The right-of-way for widening of W. Broad Street, Three Chopt Road and John Rolfe
680 Parkway as shown on approved plans shall be dedicated to the County prior to any
681 occupancy permits being issued. The right-of-way dedication plat and any other
682 required information shall be submitted to the County Real Property Agent at least sixty
683 (60) days prior to requesting occupancy permits.

684 25. The easements for drainage and utilities as shown on approved plans shall be granted
685 to the County in a form acceptable to the County Attorney prior to any occupancy
686 permits being issued. The easement plats and any other required information shall be
687 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
688 occupancy permits.

689 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
690 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
691 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
692 easement shall be granted to the County prior to the issuance of any occupancy permits.

693 27. The entrances and drainage facilities on W. Broad Street (U. S. Route 250) shall be
694 approved by the Virginia Department of Transportation and the County.

- 695 28. A notice of completion form, certifying that the requirements of the Virginia Department
696 of Transportation entrances permit have been completed, shall be submitted to the
697 Department of Planning prior to any occupancy permits being issued.
- 698 29. The developer shall provide fire hydrants as required by the Department of Public
699 Utilities and Division of Fire.
- 700 30. Outside storage shall not be permitted.
- 701 31. The proffers approved as a part of zoning case C-12C-06 and the conditions approved
702 as part of provisional use permit case P-2-06 shall be incorporated in this approval.
- 703 32. The certification of building permits, occupancy permits and change of occupancy
704 permits for individual units shall be based on the number of parking spaces required for
705 the proposed uses and the amount of parking available according to approved plans.
- 706 33. Any necessary off-site drainage and/or water and sewer easements must be obtained in
707 a form acceptable to the County Attorney prior to final approval of the construction plans.
- 708 34. Deviations from County standards for pavement, curb or curb and gutter design shall be
709 approved by the County Engineer prior to final approval of the construction plans by the
710 Department of Public Works.
- 711 35. In the event of any traffic backup which blocks the public right-of-way as a result of
712 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
713 drive-up teller facilities until a solution can be designed to prevent traffic backup.
- 714 36. Approval of the construction plans by the Department of Public Works does not establish
715 the curb and gutter elevations along the Virginia Department of Transportation
716 maintained right-of-way. The elevations will be set by the contractor and approved by
717 the Virginia Department of Transportation.
- 718 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
719 Department of Planning and approved prior to issuance of a certificate of occupancy for
720 this development.
- 721 38. The location of all existing and proposed utility and mechanical equipment (including
722 HVAC units, electric meters, junction and accessory boxes, transformers, and
723 generators) shall be identified on the landscape plans. All equipment shall be screened
724 by such measures as determined appropriate by the Director of Planning or the Planning
725 Commission at the time of plan approval.
- 726 39. The names of streets, drives, courts and parking areas shall be approved by the
727 Richmond Regional Planning District Commission and such names shall be included on
728 the construction plans prior to their approval. The standard street name signs shall be
729 ordered from the County and installed prior to any occupancy permit approval.
- 730 40. Prior to issuance of approval of the construction plans, the developer must furnish a
731 letter from **Plantation Pipeline Gas** stating that this proposed development does not
732 conflict with their facilities.
- 733 41. A 5-ft. curvilinear sidewalk shall be constructed within the West Broad Street streetscape
734 buffer with a corresponding pedestrian access easement granted to the County.
- 735 42. A 12-ft. curvilinear sidewalk shall be constructed within the Three Chopt Road
736 streetscape buffer with a corresponding pedestrian access easement granted to the
737 County.
- 738 43. Evidence of the vacation of the existing VDOT service road right-of-way along West
739 Broad Street and its transfer to the applicant shall be provided prior to the approval of
740 the construction plans for any portion of the development impacted by the said access
741 road right-of-way.

- 742 44. This approval is contingent upon the abandonment of the Three Chopt Lane and Three
743 Chopt Road right-of-ways and its transfer to the applicant in accordance with the letter
744 from the County Manager to RJS and Associates, Inc., dated August 23, 2005.
745 45. A traffic control plan shall be approved by the County Traffic Engineer, prior to the final
746 approval of construction plans, for any restricted structured parking.
747 46. A construction staging plan which includes details for traffic control, fire protection,
748 stockpile locations, construction fencing, construction trailer locations, and hours of
749 construction shall be submitted for County review and prior to the approval of any final
750 construction plans.
751

752 **C-26C-06 Roy Amason for McCabe's Grant, L.L.C.:** Request to conditionally rezone from
753 A-1 Agricultural District, C-1 Conservation District, and R-1, R-2A, and R-3 One Family
754 Residence Districts to R-2AC One Family Residence District (Conditional), Parcels 742-755-
755 8449, 742-754-8984, 743-754-4375, and 743-755-1624, containing approximately 14.32 acres,
756 located at the termini of Crown Grant Road, Loreine's Landing Lane and Persimmon Trek. The
757 applicant proposes a single-family residential development with a maximum of 26 dwelling units.
758 The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
759 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
760 Environmental Protection Area, and Suburban Residential 2, 2.4 to 3.4 units net density per
761 acre.
762

763 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is opposed to C-
764 26C-06, Roy Amason for McCabe's Grant, LLC? I see no opposition. Good evening, Ms. Croft.
765

766 Ms. Croft - Thank you Mr. Chairman. This case was previously heard on July 13th.
767 On August 9th, this request was revised to re-incorporate those parcels previously removed from
768 the case. This case would again rezone 14.32 acres to R-2AC, One Family Residence District
769 (Conditional) to permit the construction of a single-family subdivision with no more than 26 lots.
770

771 The applicant has submitted revised proffers dated August 9, 2006, which have addressed each
772 of staff's previous concerns from the last meeting.
773

774 Also, because the three additional lots would be located adjacent to the front yard of an existing
775 dwelling, the applicant has proffered to provide a planting strip along the rear of the three
776 properties with design and detail to be determined during preliminary subdivision review.
777

778 Community meetings were held on June 29th and July 15th. At those meetings, the applicant
779 discussed routing development construction traffic along Crown Grant Road. In order to mitigate
780 any impact to this street, the applicant has submitted a letter of commitment to repair any damage
781 to the road caused by construction traffic.
782

783 The 2010 Land Use Plan designates the majority of the site Suburban Residential 1. The
784 Environmental Protection Area is recommended for those areas adjacent to Lake Loreine and
785 the applicant has proffered to rezone any floodplain C-1 Conservation District at the time of
786 subdivision. The proposed single-family residential development is consistent with the use and
787 density recommended in the 2010 Land Use Plan.
788

789 The request represents a logical continuation of the one-family residential development existing
790 in the area, and the proffered conditions would provide for a higher quality of development than
791 would otherwise be possible. For these reasons, staff recommends approval of this request.
792

793 This concludes my presentation, I would be happy to try to answer any questions you may have.
794 The applicant is also here to answer questions.

795
796 Mr. Archer - Thank you, Ms. Croft. Are there questions from the Commission?
797

798 Ms. O'Bannon - I have one question. He has agreed to repave the road after it is used if
799 there is a problem with construction from the construction traffic. How will that be handled?
800

801 Ms. Croft - The applicant and the Department of Public Works has made an
802 agreement to inspect the road prior to development and reinspect it after development traffic
803 has commenced and they have finished, and at that point it would be determined whether or not
804 repaving would be necessary.
805

806 Ms. O'Bannon - Public Works is OK with that?
807

808 Ms. Croft - Yes, ma'am.
809

810 Ms. O'Bannon - With both inspections and going and doing it a second time?
811

812 Ms. Croft - Yes, ma'am.
813

814 Ms. O'Bannon - Thank you.
815

816 Mr. Branin - I have one question. In that second neighborhood meeting, which was
817 the last one we had, we were concerned about traffic and construction traffic and the speed of
818 traffic. I will ask you and then I will also ask Mr. Amason if we have gotten any further with
819 putting up temporary signs and Mr. Silber, you might be able to shed some light on this for me
820 as well. Putting up traffic signs to help slow down traffic and also possible temporary speed
821 bumps.
822

823 Ms. Croft - I will be contacting the Department of Public Works and possibly the
824 Division of Fire to see if any temporary rubberized speed bumps are available for use during
825 development construction traffic.
826

827 Mr. Branin - Someone from Traffic, I am going to ask to come up as well. You might
828 be able to help me with it so I can get it wrapped up this evening.
829

830 Mr. Archer - Good evening, sir.
831

832 Mr. Jennings - I am Michael Jennings, the Assistant Traffic Engineer with the County.
833 Mr. Branin, we do have some rubberized temporary speed humps we have used in certain
834 situations. We haven't offered them up on a construction site at this time, but I don't see it being
835 a problem. They have been using our traffic calming program on a temporary basis until they
836 put in asphalt speed humps in, but I don't see why we couldn't use them in a situation like this.
837

838 Mr. Branin - And those are purchased from the County, rented from the County?
839 What is it?
840

841 Mr. Jennings - I don't know. We actually own some and since it is a public street, we
842 could probably install them on the street on a temporary basis.
843

844 Mr. Branin - And I will find out from the applicant.
845
846 Mr. Jennings - You can look at plan details and what locations and how many. I know
847 we have some out at a shop at Woodman that probably could be used for this.
848
849 Mr. Branin - I know he would need at least three.
850
851 Mr. Jennings - OK. I think we have that.
852
853 Mr. Archer - Thank you, Mr. Jennings.
854
855 Mrs. Jones - Are these made to sustain the weight of construction material.
856
857 Mr. Jennings - We actually have these on Avalon Drive right now. They are rubberized
858 speed humps that in some cases, they are permanently installed and the permanent installation
859 lasts forever. They are made to handle fire equipment going over them. They have run test on
860 them and it handles that amount of traffic and big trucks.
861
862 Mr. Archer - Thank you again, Mr. Jennings. Will the applicant come forward, please?
863 Good evening, Mr. Amason.
864
865 Mr. Branin - Good evening, Mr. Amason. Isn't Henrico County a great county that we
866 are actually going to help you out with this?
867
868 Mr. Amason - Thirty-three years I have been doing this.
869
870 Mr. Branin - And it is not going to cost you any money, possibly.
871
872 Mr. Amason - I will add this. Other than speed bumps, we may be coming to staff and
873 asking them to put some kind of temporary signs up, to warn our truck drivers that there is a
874 strict speed limit along there. A lot of kids live in that area. We had a good discussion with the
875 neighborhood and the neighborhood and I agreed that I don't want a phone call one afternoon
876 that we have had an accident. So, we are going to do everything we can do, that the County
877 will allow us to do, to help control the speed and the attitude of the drivers. I will say this. This
878 area that you are considering is only development traffic. Most of our heavy traffic will go in and
879 stay in until it is finished and then come out, but we will have more dump trucks, pickup truck
880 type traffic as opposed to the front-end loaders, etc. going in and out on any given time. We are
881 all in agreement with that, and the neighborhood and I agreed to protect the neighborhood.
882
883 Mr. Archer - Any other questions for Mr. Amason from the Commission? Thank you,
884 Mr. Amason.
885
886 Mr. Branin - Thank you, Mr. Amason, please get with Mr. Jennings and get that,
887 because it is something that really needs to be done.
888
889 Mr. Amason - I totally agree with you and I would thank you and the staff for working with us.
890 Seriously, staff has worked with us on this case tremendously well and I do thank all of you.
891 One of them is sitting back in the back, back there and so is Nathalie and it has been good
892 working on this case.
893
894 Mr. Archer - All right. I believe we need to waive the time limits, or do we?

895
896 Mr. Branin - Yes, we do. Mr. Chairman, I'd like to move to waive the time limits on
897 Case C-26C-06.
898
899 Mr. Jernigan - Second.
900
901 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Jernigan to waive the time
902 limits. All in favor say aye. Those opposed say no. The ayes have it. The motion is granted.
903
904 Mr. Branin - Mr. Chairman, I'd like to move to approve C-26C-06, Roy Amason for
905 McCabe's Grant, LLC, with the annotations on the plan that provides proffers as of 8/9/06.
906
907 Mr. Jernigan - Second.
908
909 Mr. Archer - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor
910 say aye. All opposed say no. The motion passes.
911
912 Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning Commission voted 5-
913 0 to recommend the Board of Supervisors **grant** the request because it represents a logical
914 continuation of one family residential development which exists in the area, and the proffered
915 conditions would provide for a higher quality of development than would otherwise be possible.
916
917
918 **C-40C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd:** Request to
919 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
920 (Conditional), Parcel 743-763-9533 and part of Parcel 743-763-9020, containing approximately
921 3.046 acres, located on the west line of Belfast Road approximately 270 feet north of Edinburgh
922 Road. The applicant proposes a single family residential subdivision with no more than three
923 (3) dwelling units per acre. The R-3 District allows a minimum lot size of 11,000 square feet and
924 a maximum gross density of 3.96 units per acre. The Land Use Plan recommends Suburban
925 Residential 1, 1.0 to 2.4 units net density per acre. The use will be governed by zoning
926 ordinance regulations and proffered conditions.
927
928 Mr. Archer - Is there opposition to Case C-40C-06, G. Edmund Massie, IV for Fidelity
929 Properties, Ltd? I see no opposition. Mr. Coleman.
930
931 Mr. Coleman - Mr. Chairman and members of the Commission, good evening.
932
933 Since March 2003, a series of rezoning and subdivision applications have been approved to
934 redevelop sections of McDonalds Small Farms and other nearby properties and incorporate
935 them into a larger single family development known as Greenbrooke. This request proposes a
936 continuation of this redevelopment.
937
938 The applicant submitted proffers which are largely consistent with previously approved rezoning
939 applications in the area, and major aspects include:
940
941 No building permits prior to January 1, 2008; a minimum house size of 2,200 square feet of
942 finished floor area; at least 50% of homes would have brick or stone fronts, and at least 20%
943 would be all brick or stone; each dwelling would have a two-car garage with at least 50% side or
944 rear loaded; all lots would have a minimum lot width of 85 feet; streets would have standard six-
945 inch curb and gutter and four-foot sidewalks; uniform streetlights up to 12' in height would be

946 installed along both sides of new streets; at least two (2) trees measuring a minimum 2.5"
947 inches in caliper would be planted/retained in each front yard and in side yards on corner lots;
948 and front yards would include foundation plantings, and front/side yards would be sodded and
949 irrigated.

950
951 As individual parcels or parts of parcels in McDonalds Small Farms are redeveloped, challenges
952 are presented for creating well designed subdivisions. To support this request, the applicant
953 submitted an unproffered conceptual subdivision design. Staff is concerned about the stem lots
954 shown on this exhibit because Planning staff does not support creating stem lots.

955
956 Overall, single-family residential development is an appropriate use for the property, and the
957 proffers are consistent with recently approved rezoning applications. Except for the proposed
958 stem lots, staff believes this request continues a pattern of coordinated, high quality
959 redevelopment in this area.

960
961 That concludes my presentation, I would be happy to answer any questions.

962
963 Mr. Archer - Thank you, Mr. Coleman. Are there questions for Mr. Coleman from the
964 Commission?

965
966 Mr. Branin - Mr. Coleman, has the applicant by chance said he would not proffer the
967 stem lots and we would handle that personally when we got the POD?

968
969 Mr. Coleman - He submitted this as an exhibit at staff's request. This layout is not a
970 proffered condition.

971
972 Mr. Archer - Would the applicant come forward, please?

973
974 Mr. Massie - Good evening. I am Edmond Massie of Fidelity Properties and I have
975 enjoyed also working with the staff and Tommy Branin as we have done a very good job in
976 redeveloping this particular area of Henrico County. It is challenging and the exhibit is an
977 illustration. In fact, it is a challenge because we recognize that the staff is concerned about
978 stem lots and we understand Henrico County is not in favor of stem lots. We hope that is not
979 the issue tonight. Tonight our issue is getting rezoning and to be able to address that later.

980
981 Mr. Branin - OK, and now do you have any other alternative plans that you are
982 working on, because the County does not prefer stem lots and that could weigh greatly on the
983 layout of the project.

984
985 Mr. Massie - We understand the concerns, Mr. Branin, about the stem lots. This was
986 an initial sketch as requested by the staff to illustrate how the property might be incorporated to
987 the resulting projects that surround this property, so we recognize that there may need to be
988 some tweaking. They asked for a submission to show how it would be with Section C, which has
989 already been rezoned.

990
991 Mr. Branin - You guys have done a fantastic job out there of redevelopment. I know
992 you are faced with a bunch of challenges now that you are picking up pieces... and we will keep
993 working with you.

994
995 Mr. Massie - We appreciate that I am suitable to massaging this before the tentative
996 subdivision plan.

997
998 Mr. Silber - Mr. Branin, I think you are aware at this point, this is not a proffered
999 layout. Staff is simply making note that it is not good land division practice to have stem lots.
1000 We discourage those and since this is shown on this tentative layout, we thought it was
1001 important to bring it to your attention. It is not prohibiting it, not allowing it, but what we are
1002 simply pointing out is we have a concern with that and when it comes up with a subdivision plat,
1003 he will probably hear the same comments from staff. It is not something we would prefer, but
1004 your point is well taken, and they may want to again look at some alternative designs.

1005
1006 Mr. Branin - I have no further questions.

1007
1008 Mr. Archer - Anyone else have a question of Mr. Massie? All right. Then I suppose we
1009 are ready for a motion.

1010
1011 Mr. Branin - I am, sir. With that I would like to move that C-40C-06, G. Edmond
1012 Massie, IV for Fidelity Properties, Ltd, be approved.

1013
1014 Mr. Jernigan - Second.

1015
1016 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Jernigan. All in favor of the
1017 motion say aye. All opposed say no. The ayes have it. The motion passes and C-40C-06 is
1018 recommended to the Board.

1019
1020 Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning Commission voted 5-
1021 0 to recommend the Board of Supervisors **grant** the request because it represents a logical
1022 continuation of single family development which exists in the area, and the proffered conditions
1023 would provide for a higher quality of development than would otherwise be possible.

1024
1025
1026 **C-42C-06 James Theobald for Smith Packett Med-Com:** Request to conditionally rezone
1027 from A-1 Agricultural District, R-3 One Family Residence District, and R-5C General Residence
1028 District (Conditional), to R-6C General Residence District (Conditional), Parcels 752-753-3276
1029 and 753-754-0908, containing approximately 46.73 acres, located on the east line of Pemberton
1030 Road (State Route 157) between the north line of Fordson Road and the south line of Interstate
1031 64. The applicant proposes a life care facility and community with retail uses. The use will be
1032 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
1033 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Multi-Family
1034 Residential, 6.8 to 19.8 units net density per acre, Semi-Public, and Environmental Protection
1035 Area.

1036
1037 **P-15-06 James Theobald for Smith Packett Med-Com:** Request for a provisional use
1038 permit under Sections 24-36.1, 24-120 and 24-122.1 of the County Code to construct and
1039 operate a life care facility with retail uses, on Parcels 752-753-3276 and 753-754-0908,
1040 containing approximately 46.73 acres, located on the east line of Pemberton Road (State Route
1041 157) between the north line of Fordson Road and the south line of Interstate 64. The existing
1042 zoning is A-1 Agricultural District, R-3 One Family Residence District and R-5C General
1043 Residence District (Conditional). The property is the subject of rezoning case C-42C-06, which
1044 proposes to rezone the property to R-6C General Residence District (Conditional). The Land
1045 Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Multi-
1046 Family Residential, 6.8 to 19.8 units net density per acre, Semi-Public, and Environmental
1047 Protection Area.

1048
1049 Mr. Archer - Is there anyone in the audience in opposition to C-42C-06 and P-15-06?
1050 We do have opposition. We will explain the rules after Mrs. Croft finishes with her presentation.
1051 Mrs. Croft.

1052
1053 Mrs. Croft - Thank you. The 47-acre site does contain two parcels and is occupied by
1054 the existing University Park Nursing Home which would be incorporated into the proposed life
1055 care facility. The properties are bounded by I-64 to the north and residential neighborhoods to
1056 the south, east, and west. The life care facility would be developed with a total of 464
1057 independent units, 100 beds in the assisted living facility and 194 beds in the existing nursing
1058 home. The facility would also include a child care center to be used by employees only, limited
1059 retail uses, walking trails, a pond and a picnic and park area. Revised proffers were submitted
1060 on August 8 and include proffered elevations and conceptual plans, exterior materials of brick
1061 EIFS, stone, split-face block and cement, vinyl or composite siding. A maximum height of one
1062 story for any building within 150 feet of the southern and eastern property line and adjacent to
1063 the Westbriar and Roxbury subdivisions and a maximum height of five stories are also on the
1064 site. A 25-foot buffer planted to a transitional buffer 25 standard along the easternmost property
1065 line and southern property line and adjacent to homes on Minna Drive. A perimeter fence
1066 constructed, possibly a split rail, access to the site from Pemberton and Fordson Roads only
1067 and Fordson Road would not be connected through to the existing neighborhood. Any child
1068 care facility would be located no closer than 150 feet to any adjacent residence. No
1069 construction entrances would be permitted through adjacent neighborhood streets, and no more
1070 than six, townhouse style condominiums units would be located in a row. The conceptual plan
1071 shows the five-story independent living building would be located towards the center of the site
1072 where the topography is lowest. The four-story independent living buildings will be located on
1073 the northwest portion of the site. The orientation of the building closest to Pemberton Road has
1074 been shifted to create a smaller façade along the roadway. Condominiums and private drives
1075 would be located along the eastern portion of the property.

1076
1077 The 2010 Land Use Plan recommends Suburban Residential 2, Multi-family Residential, Semi-
1078 Public and Environmental Protection Area. While the proposed life care facility is not entirely
1079 consistent with these designations, it would be a reasonable use of the property and a logical
1080 expansion of the existing nursing home. A life care facility is generally residential in character
1081 and is not typically a high impact use. Further, the request would not adversely affect the
1082 adjoining area if properly developed as proposed and recommended. However, unresolved
1083 issues related to perimeter fencing, the number of townhouse units in a row and traffic
1084 improvements still remain. A split-rail fence would not generally meet the intent of a physical
1085 barrier and a perimeter but would serve more as a decorative element. Staff recommends a
1086 more substantial and lower maintenance type of fence to be used.

1087
1088 Also, in order to be more consistent with the existing single-family detached character of the
1089 adjacent neighborhood, and due to the limited variation and detail, staff recommends no more
1090 than four townhome units be permitted in a continuous row as shown here (referring to
1091 rendering). The current proffer would permit six units in a row.

1092
1093 The Department of Public Works has reviewed the Traffic Impact Study and is requesting the
1094 following improvements: The dedication of right-of-way and construction of Pemberton Road
1095 along the property frontage north of Grand Oaks Drive. The construction of a northbound right-
1096 turn lane and a southbound left-turn lane at the northernmost entrance of the property, as
1097 shown here (referring to rendering). Staff recommends the applicant commit to these
1098 improvements.

1099
1100 A life care facility is permitted in the R-6 District as a provisional use and the companion case
1101 PUP application has been filed. Based on the submitted proffers, including the conceptual plan
1102 and elevations, the request for a provisional use permit for a life care facility should not have a
1103 detrimental impact on persons residing in close proximity. Staff can support this request with
1104 the following conditions: All proffered conditions accepted with case C-42C-06 to be made a
1105 part of this provisional use permit. No more than four townhouse style condominiums should be
1106 permitted in a continuous row. Staff has removed earlier conditions related to buffering,
1107 landscaping, and C-1, Conservation District based on revised proffers and the conceptual plan.
1108

1109 The applicant is also requesting a provisional use permit in order to allow exterior access and
1110 signage for the limited retail uses permitted within the life care facility. Because of the location
1111 and orientation of the retail uses, toward the interior of the site, signage and exterior access
1112 should not negatively impact adjacent residential usages. However, staff does believe the
1113 permitted B-1 uses should be limited to those permitted under the life care facility section.
1114 Therefore, with the following conditions, staff could support this request: 1) All proffered
1115 conditions, again, accepted with case C-42C-06, should be made a part of the provisional use
1116 permit. 2) Only those retail and service uses permitted in the life care facility section should be
1117 permitted and 3) Signage should be limited to no more than eight square feet of sign area per
1118 tenant.
1119

1120 Overall, staff believes this case is appropriate and of high quality and supports their request with
1121 the recommended conditions. While there is neighborhood opposition, regarding inadequacy of
1122 perimeter buffer and sensitivity of use and traffic impacts that were raised at the community
1123 meetings, staff believes the revised proffers have addressed most of these issues. Staff does
1124 note that the request could be strengthened and enhanced if the applicant could commit to an
1125 alternative fence style, limiting townhouse units, and meeting the request for traffic
1126 improvements. This concludes my presentation and I will be happy to answer any questions.
1127 The applicant is also here tonight.
1128

1129 Mr. Archer - Thank you for that presentation, Mrs. Croft. Are there any questions by
1130 the Commission?
1131

1132 Mrs. Jones - Can I ask about the signage you referenced for the retail uses? Could
1133 you go over that, quickly, again?
1134

1135 Mrs. Croft - The section of the zoning ordinance which they are requesting a
1136 provisional use permit, typically allows 15 square feet of signage per tenant, and we feel that
1137 because the retail uses are typically to be used for people within the community, they are not
1138 facing Pemberton Road, that 15 feet might be a little excessive, so we are recommending eight
1139 feet, about half of that.
1140

1141 Mrs. Jones - Thank you.
1142

1143 Mr. Jernigan - Mrs. Croft, I see that the sound suppression between the units is 54, what
1144 is it against the interstate?
1145

1146 Mrs. Croft - I don't know. I think the applicant can address that.
1147

1148 Mr. Vanarsdall - It's probably the same thing.
1149

1150 Mr. Jernigan - We would normally have sound suppression 55.
1151
1152 Mr. Silber - The proffer only addresses between the units it's not speaking to outside
1153 the perimeter of the building, so it would not deal with anything protecting the residents from the
1154 interstate.
1155
1156 Mr. Archer - Okay, is there anything further? Thank you, Mrs. Croft.
1157
1158 Mrs. O'Bannon - Can I just ask a question? Is the topography, would those be up close to
1159 the interstate or will they be below the level of the interstate?
1160
1161 Mrs. Croft - The topography on that site starts low in the middle and increases up
1162 toward the interstate and I believe it falls back down towards the roadway.
1163
1164 Mrs. O'Bannon - Are they above the road?
1165
1166 Mrs. Croft - They are above the road.
1167
1168 Mr. Silber - I believe I-64 is depressed relative to the site.
1169
1170 Mrs. O'Bannon - That usually helps the noise, if the road is lower than the facility. Okay.
1171 And I agree, 55 is usually what they do. I know the standard is very difficult to meet and/or to
1172 understand from a building code for what they have to do to get that standard, but it's really after
1173 it's done that we often hear about being against the interstate, it's often the windows
1174 themselves, if they are double panel, or if they have storm windows they add to them and things
1175 like that to keep the sound out not just the walls, it's the windows.
1176
1177 Mr. Silber - You can see that the majority of the homes in this case are not adjacent
1178 to the interstate, they are....
1179
1180 Mrs. O'Bannon - They are away from it.
1181
1182 Mr. Silber - That's correct, away from the interstate.
1183
1184 Mrs. O'Bannon - Being above the interstate will be very helpful.
1185
1186 Mr. Silber - That should be very helpful, yes, ma'am.
1187
1188 Mrs. O'Bannon - Thank you.
1189
1190 Mr. Archer - Okay, anything further? Thank you, Mrs. Croft. While the applicant is
1191 coming forward, let me explain the rules of the Planning Commission concerning opposition.
1192 The applicant has 10 minutes to present his side of the case and the opposition also has 10
1193 minutes and it is not 10 minutes each, it's 10 minutes total. So, those of you that have similar
1194 comments to make, it would be wise to reserve your time by having one person speak for the
1195 group, or maybe two or three, but not to repeat yourself over and over again. And, of course,
1196 Mr. Theobald, the applicant, can reserve some of his time for rebuttal. And with that, good
1197 evening, Mr. Theobald, and how much time would you like to reserve?
1198
1199 Mr. Theobald - Good evening, Mr. Chairman, members of the Commission. I would like
1200 to reserve perhaps two minutes.

1201
1202 Mr. Archer - Okay.
1203
1204 Mr. Theobald - And I guess since we have sort of like two cases, we might roll over the
1205 10 minutes a little bit but we will try to keep it to that, okay?
1206
1207 Mr. Archer - We understand.
1208
1209 Mr. Theobald - Mr. Chairman, members of the Commission, my name is Jim Theobald
1210 and I am here this evening on behalf of Smith Packett Med-Com with a request to rezone
1211 approximately 47 acres of land from A-1, R-5C and R-3 to an R-6C classification with significant
1212 proffered conditions as well as seeking two provisional use permits (one permit application with
1213 two requests) in order to permit expansion of the Villa Park Nursing Home site into a retirement
1214 life care type campus as is permitted under your ordinance. Smith Packett, since 1983, has
1215 developed or acquired over 150 projects with a value in excess of one billion dollars, providing
1216 high-quality, aging and place communities is their business. There are the largest long-term
1217 care and rehabilitation center developer in this nation and we are fortunate to have them here in
1218 western Henrico County.
1219
1220 Let's just take a moment to look at the site and the existing zoning as Mrs. Croft pointed out to
1221 you. We are essentially up against I-64. This is very much of an infill type development with the
1222 existing nursing home being located in this area here (referring to map on the screen). The
1223 nursing home exists by virtue of a conditional use permit that was granted in 1961. In 1983 Mr.
1224 Regirer came back and rezoned these two parcels R-5C with virtually no restrictive covenants.
1225 They were supposed to be for elderly housing etc. in conjunction with the nursing home facility.
1226 And, if you will note, around the edges of this zoning not only is it zoned R-5C but you have an
1227 R-5A community directly across Pemberton and R-4A community, townhome communities and
1228 the unrestricted R-3, single-family residential communities.
1229
1230 What is planned in this area is a retirement campus on about 45, actually closer to 47 acres. It
1231 is age restricted. We also provide independent living through condominiums, apartments and
1232 cottages, townhomes, assisted living services as well as skilled nursing home services, which of
1233 course exist. The amenities will include walking trails, gazebos, flower gardens, benches and
1234 water amenities also a wellness center café a variety of sundry and retail type shops for the
1235 benefit of the residents. The design, as you will see in a moment, has been planned in order to
1236 be complimentary to the designs that you see in the Richmond area and to be in harmony with
1237 this residential location. It is a plan that has been planned around the environmental features,
1238 taking into account some of the streams, and providing recreational areas as well as walking
1239 trails.
1240
1241 This is a site plan, just to walk you around it a little bit on this, you know that we have three
1242 different entrances, forks in roads, which exists, another entrance to the back area of the
1243 nursing home and a new main entrance midway, and Pemberton, the site does include a
1244 reorientation of the plans that were shown at the community meeting in order to pull this five-
1245 story building back into the lower or depressed area and away from Pemberton Road, you will
1246 note that the edge of this building is now essentially the same size as two single family lots,
1247 down here (referring to map), and has been pulled back away from Pemberton Road,
1248 significantly. These are our independent living buildings, this is the assistant living facility with
1249 approximately 100 beds and continuing along the edge, our condominium style townhomes.
1250 We have increased the buffers and setbacks in this area. The closest point, I think, is 30 feet
1251 which is this unit in here. These are actually becoming larger and more setback, this is about

1252 50 feet over in this area off the line and we have also proffered a 25-foot buffer planted to
1253 Transitional 25 buffer standards. The fence is not necessarily a split-rail fence. We had some
1254 discussions with the neighbors about providing a physical barrier. It is not limited to a split-rail
1255 fence in the proffers, it was merely our way of saying that there will be a physical barrier. It can
1256 be determined at the time of POD, but it was not designed to be like a board on board fence or
1257 a screening type fence nor was it designed to be a chain-link fence either. So, it could be
1258 conditioned to be a split rail, it could be a vinyl type fence with a board appearing/like a horse
1259 type fence, aluminum, etc. but that fence has also been provided, as we discussed, not just
1260 around the edge against the existing single family but the entire perimeter of the site.
1261

1262 This is an illustration of our assisted living facility. All of the buildings essentially, the
1263 independent as well, are designed to be complimentary with these materials and this
1264 architecture. Again, this is just a little profile of the retail, these are the existing cottages down in
1265 that far right corner, behind the nursing home (referring to map on screen) on the site. And, this
1266 is a detail of the townhomes and I think we will need to have a little discussion on the PUP. The
1267 idea is we may have up to six in a row but they are not flushed, they are offset. In other words,
1268 there will be more than two. They were together, in fact, when we go back to this plan what you
1269 will see is that really other than where there are two sitting back their lonesome, up here by the
1270 interstate, all of these are, basically, stairstep and off set and so we will maybe work on the
1271 language a little bit on that one proposed condition because perhaps we are saying the same
1272 thing.
1273

1274 This is designed to be a life care facility and your ordinance provides exactly what that means in
1275 terms of providing a continuum of care from independent living through nursing home type care.
1276 It is restricted to persons 62 years of age or older. If two people desire to live together in a life
1277 care unit, only one has to satisfy the 62 years of age requirement. Our proffers include a five-
1278 story maximum, that's for that one independent living building in the middle, and except for
1279 buildings within 150 feet of the southern and eastern property lines, those are limited to one-
1280 story in height, those townhome style condominiums are one-story buildings. There are sound
1281 suppression measure between units. I'll be happy to address sound suppression on the
1282 exterior. We are having some issues, and you will be seeing some cases next month where we
1283 have had....initially this, we were only talking about in between units, that how this whole issue
1284 has evolved in our proffering case after case for many years. A year ago somebody proffered
1285 the same standard to the exterior and it doesn't work if you have a door or a window. So, we've
1286 got some language that you all used on Three Chopt for I think those townhomes, senior facility
1287 there that we have refiled on some other cases that have a construction specification and a
1288 window rating in order to achieve sound suppression. We are happy to work on that. We have
1289 proffered the setback which was new from the meeting with the residents as well as the first 25
1290 feet of that setback will be planted to the transitional buffer requirements. We have limited
1291 access to Pemberton and Fordson. Fordson will not go through. We have reserved the ability
1292 to have a child care facility but for staff only. That cannot be located within 150 feet of a single-
1293 family home. Any wet BMP must be aerated and we have limited the hours of construction to
1294 7:00 a.m. to 7:00 p.m. There is no construction access by way of those stub streets into the
1295 neighboring residential areas, parking lighting won't exceed 20 feet and we have provided for a
1296 pedestrian access way through out.
1297

1298 A traffic study has been filed. The traffic engineer has determined that this will not provide a
1299 significant impact on area traffic. We are happy to do the turn lanes. We didn't understand the
1300 comment about additional paving along Pemberton. My understanding, from talking to Nathalie,
1301 is that what we put in the turn lane, if we have to do some widening to accommodate the turn
1302 lane, we would certainly do that. But, in fact, traffic has been found not to be an issue. In fact, it

1303 would be less of an impact than permitted perhaps on an existing zoning or even single-family
1304 zoning were that to occur on this site. This is really the perfect place for this type of
1305 development. It is essentially infill development. It fills a great need and void in the market.
1306 This is pay as you go, this is not give you \$400,000.00 from the sale of your home and bet on
1307 how long you are going to live, I'm not aware of any other facility like that in Henrico County. It
1308 is a little different than what I would call the faith based development like Cedarfield and
1309 Westminster Canterbury. So, if you are really up in years and find yourself in certain need, and
1310 rather than give your life savings, you will have the opportunity to avail yourself of continuing
1311 care on a pay as you go basis. The average age of the residents, and I will be finished in just a
1312 minute.

1313
1314 Mr. Archer - I'm being very patient.

1315
1316 Mr. Theobald - I'm taking the PUP case along with the rezoning.

1317
1318 Mr. Archer - Yes, we realize that.

1319
1320 Mr. Theobald - I'm almost through. Thank you. The average age of the independent
1321 living buildings is mid to uppers 70s and in our assisted living the average age is 82 to 84. It
1322 has a very, very, low impact on the County and surroundings. It has no impact on schools
1323 whatsoever. On the PUP conditions we are on the life care facility, we are okay with the first
1324 condition about proffers, and, again, I think the no more than four in a row, we would like to see
1325 no more than six in a row, but I'm happy to modify that so that no more than two would ever be
1326 flush and I think that perhaps that is what was bothering staff because the elevations we
1327 showed them might suggest that if we had six they would be lined up like soldiers. So, perhaps
1328 if we could modify that one and then on the retail conditions we are fine with those in terms of
1329 the uses go consistent with the life care facility. So, with that, Mr. Chairman, I respectfully
1330 request that you all recommend approval of this case before the Board of Supervisors and I
1331 would be more than happy to answer any questions.

1332
1333 Mr. Archer - Thank you, Mr. Theobald. Are there any questions by Commission
1334 members?

1335
1336 Mr. Branin - Not at this time, Mr. Chairman.

1337
1338 Mr. Archer - Now, we did have some opposition and who would like to come first?
1339 Please state your name for the record when you arrive at the microphone please.

1340
1341 Mr. Childress - My name is Conrad Childress and I represent the Three Chopt
1342 Pemberton Road Homeowners. Although, the residents of the area do not object to the
1343 concept, we are concerned about the density of the project. There are no buildings within our
1344 area currently that are as high as five stories and we would like to see the five-story building
1345 perhaps reduced to three and the four-story building reduced to two. Under the present plan
1346 494 units for independent living plus 100 beds for assisted living and the nursing facility already
1347 existing, and we feel that to adequately maintain this project that many new employees will have
1348 to be hired for housekeeping, maintenance, nursing, kitchen and administrative help. We would
1349 also like to see that the child care facility be amended so that the unit would be no closer than
1350 150 feet from the property line as opposed to from any single residence. The original staff
1351 report that I got online today recommended that we should have some further meetings and
1352 therefore they were recommending that the case be deferred and we would also like to

1353 recommend that the case be deferred so that we can have further meetings with the attorney
1354 and the developer.

1355
1356 Mr. Archer - Thank you, Mr. Childress. Are there any questions for Mr. Childress
1357 before he takes his seat? Thank you, sir. Next.

1358
1359 Mr. Levins - Good morning, my name is Chris Levins and I live on Minna Drive. I have
1360 a couple of concerns that I wish to express, they are not just mine but also shared by my other
1361 neighbors. The first one is that as a part of the construction plan, the area behind Minna Drive
1362 between I-64 and Minna Drive would be developed and cleared of trees. In today's world those
1363 trees provide a buffer for us between I-64 and our property, not only visually but also
1364 acoustically. It blocks a lot of the highway sounds, especially in the spring, summer and fall.
1365 After development, if you were to add in fencing that wouldn't do much to suppress the sound
1366 because many of us have multi-story houses, so if you open your windows in the springtime on
1367 a nice warm night you are going to have the highway noise coming through that. The plan that
1368 was presented tonight also addresses sound barriers for the individual buildings but does not
1369 address the sound issues with our houses.

1370
1371 The second point that I would like to bring out is that the property in question is a rather odd
1372 extension off the proposed main development area. Development of the other parcel of land
1373 would not have as dramatic impact on our houses or property. The existing wetland areas
1374 because of those the developer is forced to squeeze and residential areas into areas that are
1375 fairly close to our property line.

1376
1377 The third point, the property homeowners bordering this particular property, on Minna Drive,
1378 would have difficulty erecting some sort of visual barrier, landscaping barrier, because the
1379 edges of our properties have a 20-foot easement for the telephone lines that currently goes
1380 through there. That could result in a loss of use for a significant portion of our backyards.

1381
1382 Fourth. I purchased my house about a year and a half ago. Prior to this, I contacted the
1383 Henrico County Planning Commission to inquire about the possibility of the property behind the
1384 house I was looking at being developed. I was informed that because the property contained
1385 wetlands it was unlikely to be developed for anything more extensive than the establishment of
1386 walking trails and maybe bike paths. The proposed development would result in almost
1387 complete clearing of vegetation, and while this may be desirable for constructing, the residents
1388 in the proposed plan, it is not something that the residents on Minna Drive finds desirable or
1389 would want to encourage. Okay. At this point, is the parcel of land in question for development
1390 includes areas that are designated as wetlands. Over the year and a half I've live in Minna
1391 Drive I've enjoyed and have seen many different types of wildlife in this area and they include
1392 not one but two deer, red tail hawks, blue herring, wild turkeys, large snapping turtles, raccoons
1393 and frogs and salamanders and things like that. I am concerned that the intended development
1394 on this property would result in a irreplaceable loss of habitat in the area of the County that is
1395 rapidly running out of safe haven for its wild life. In closing, I would like to encourage that this
1396 parcel of land not be rezoned and that it be used for something more like a park and walking
1397 trails instead of developing buildings and roadways on it. Thank you.

1398
1399 Mr. Archer - Thank you, Mr. Levins.

1400
1401 Mr. Jernigan - Mr. Levins, before you go, did the County also tell you that this was zoned
1402 R-5?

1403

1404 Mr. Levins - No. My understanding was that it was Agricultural, A-1.
1405
1406 Mr. Jernigan - A small portion of it is but the majority of it is R-5C.
1407
1408 Mr. Levins - Yes, you are correct. The large area down there on Pemberton Road is,
1409 but the area behind Minna Drive, which we are concerned about is, agricultural.
1410
1411 Mr. Jernigan - Okay. And you were asking about sound suppression to your house.
1412
1413 Mr. Levins - Yes. In the plans that were presented to you tonight, they were talking
1414 about sound suppression for the windows in the buildings that are going to create, well that
1415 addresses the sound issues for the buildings that are going to be added to, proposed to be
1416 added, but it does not address the sound of the windows in our houses, it may not have the
1417 same sound suppression.
1418
1419 Mr. Jernigan - Fifty-four is pretty standard, 50 to 54, anyway it works both ways. You
1420 know, keeping the sound in as far as keeping the sound out.
1421
1422 Mr. Branin - And his question was more, it's great that they are providing
1423 (unintelligible) of sound to the new buildings but by removing the trees they are going to be
1424 affected which some will come right back and say to you those trees aren't that thick, they are
1425 sparse so you know it does provides some and their dense buildings will provide more because
1426 when I brought that, that's what I was told.
1427
1428 Mr. Levins - The buildings that are proposed are one-story building and most of us
1429 have two-story building. Once again, the scenario I brought up before, in the spring or
1430 summertime if you open your window up, the exposure to sound from I-64 would be much
1431 louder.
1432
1433 Mr. Silber - I think that it is somewhat of a balancing act. We supported the fact that
1434 there are one-story buildings so that it didn't have a large impact on the neighborhood from the
1435 building standpoint but you may be right. You may get more sound from the I-64 as a result of
1436 one story versus two stories.
1437
1438 Mr. Levins - And we are concerned that that may adversely impact our property
1439 values.
1440
1441 Mr. Branin - Do you think you would be more comfortable with two story buildings
1442 there and free you more, sound wise?
1443
1444 Mr. Levins - From what we've discussed together, we would be more comfortable with
1445 leaving it as agricultural and having it used for trails or bike paths or something like that.
1446
1447 Mr. Branin - That's in regard to...
1448
1449 Mr. Levins - We don't have any problem with the main part of the development, the R-
1450 5, we do not have a problem with that, but we are concerned about the stretch of land that sticks
1451 off from the main development.
1452
1453 Mr. Silber - Would you tell us your last name again please?
1454

1455 Mr. Levins - My last name is Levins, L E V I N S.
1456
1457 Mr. Silber - Thank you.
1458
1459 Mr. Archer - Are there any further questions for Mr. Levins? Thank you sir.
1460
1461 Mr. Levins - Thank you.
1462
1463 Mr. Branin - Is there anyone else?
1464
1465 Mr. Fasanello - Good evening. My name is Chris Fasanello and I live at 9302 Minna
1466 Drive. I believe you have a letter from me that you received this week. I would just like to
1467 emphasize the points that were just made as far as the property running down Minna Drive. It is
1468 right now agricultural and as you can see with the development that is going to happen, it's
1469 going to be at least 20 to 30 acres that's going to be destroyed as far as woodland and if the
1470 residential area gets developed. And, again, the wildlife that is there will have no place to go
1471 accept Minna Drive and I again would just like to emphasis that, as a community on Minna
1472 Drive, would like to see that area remain agricultural and not developed at all with any homes.
1473 And, I think it is a fair compromise considering the campus will gain tremendous amount of
1474 revenue from the housing that will go up. The County will receive their tax dollars. All we are
1475 asking is that our area stay for the community and wildlife that will be displaced. Thank you.
1476
1477 Mr. Archer - Thank you, sir. Okay, we've got a little more than five minutes left for the
1478 opposition. Would someone else like to speak? Good evening, ma'am.
1479
1480 Ms. Major - Hello. I'm Nancy Major and I live on Overhill Road which is the street that
1481 is parallel to Fordson. That road now is a very low-traffic road. The nursing home currently has
1482 a chin link fence that I believe goes from Pemberton and kind of follows Fordson to the end.
1483 And what I'm asking is if the applicant would commit to a solid fence, not hem and haw over
1484 some sort of split rail fence, whether it's vinyl or not, I don't want to see all of the extra traffic.
1485 It's going to totally change our neighborhood. There are times when we are outside and we can
1486 see the laundry trucks, that's about it. There is no other traffic really on that road and it's really
1487 going to be a big road that leads to all of the condominiums. So, I'm just asking that if you are
1488 not going to defer it for more neighborhood discussion, if you can get a commitment from the
1489 applicant to have solid fencing and really consider the impact. And, just like the Minna Road
1490 people, when we bought our property we look out at a nursing home and lots of mature trees
1491 and this is really going to change our neighborhood. So, please get a firm commitment from
1492 them before you approve this or let the neighborhood have more time to get back in touch with
1493 you folks.
1494
1495 Mr. Branin - As for that, the way the proffer was written, because that was one of the
1496 things, if you remember the night of the meeting, we recommended....
1497
1498 Ms. Major - I wasn't at the meeting.
1499
1500 Mr. Branin - At the night of the meeting, the people in the community will tell you, I
1501 specifically said "what is it that you guys are looking for?" I don't think chain link is the proper
1502 fencing and....
1503
1504 Ms. Major - Oh, no. That is what is currently down that road, but I don't want it to be
1505 replaced with just a split level....

1506
1507 Mr. Branin - They provided for a fence for Commission's recommendation because I
1508 was hoping that I would get more input on what you all were looking for.
1509
1510 Ms. Major - A solid six to eight foot fence is what I am recommending, if you could
1511 keep that in mind. Thank you.
1512
1513 Mr. Archer - Thank you, Ms. Majors. All right, we've got about three and a half
1514 minutes?
1515
1516 Mr. Hunsicker - How are you all this evening? My name is Jeff Hunsicker and I live at
1517 9202 Minna which is, if you look at that chart there at the far end of Minna, my house runs up to
1518 the I-64 property. You can't go any farther up toward Parham Road unless you go through my
1519 property. I'm right at the very end. Where that property is, where they have the little cul-de-sac
1520 as you go round, the very end property is where me and my wife live. That property right there
1521 they were saying the elevation between I-64 and the existing land, they are trying to say that
1522 there is a hill there between I-64, it's almost leveled at my area of land. My land actually backs
1523 to I-64. I can watch traffic going by if I walk on my land back there, it's very low and flat there
1524 and it very gradually goes up hill and it really don't get to where there is a hill of any substantial
1525 of blocking of sound until you get pass this Minna Drive area. Then it gets up to a high hill. All
1526 the way down Minna Drive, there (referring to map) is pretty close to the road. So, if you allow
1527 them to strip away all those trees, which according to, when they sent the first thing out, they
1528 talked about the place over in southside, and I've got some pictures if y'all would like to see
1529 them of the place on southside how they just go in and totally cleared the land out completely to
1530 start. I think that there really needs to be some form of fencing if you are going to allow this,
1531 especially if you allow them to take away that wetlands that back there, or get in there in change
1532 it. There needs to be some type of fencing that is no less than a quarter inch spacing between
1533 the boards and between no less than six-feet high and something that should be maintained on
1534 a regular basis. So, if it's got a problem there should be some limitation of time that they have
1535 to repair that fencing. And the reason why I think that fencing is necessary is not only as a
1536 sound buffer, it also prevents, if you look in the picture, I don't know if they gave you the same
1537 thing in the mail that they mailed us, it also gives a picture of the building that they are going to
1538 be building along the Minna Drive area. The back doors of these buildings are going to be
1539 facing our property, and these back doors are also going to be, some of them, around 30 feet
1540 from my property lines. As somebody addressed earlier, all the way down Minna Road there,
1541 there is a right-of-way for the power lines to come down through there, so they have already
1542 maintained a clear area of at least 15 feet on each side of that power line by Virginia Power.
1543 So, now if you are talking about 30 feet, 15 feet of a wooded buffer area that may be left. And I
1544 also think you should address the fact that with the fencing, if this fence is built prior to the
1545 construction of the actual buildings themselves because they are going to come in there and cut
1546 all these trees down and they want to come in there and work everyday between 7:00 in the
1547 morning and 7:00 in the evening, and you are going to have people there at 6:30 in the morning
1548 getting ready to work and people there 7:30 at night leaving. So, we are going to be hearing
1549 stuff from 6:30 in the morning, in reality to 7:30 at night, if you allow them to work six days a
1550 week from 7 to 7. So, we also want something in there to buffer the construction sounds.
1551 That's my concern down there at that end. If you are going to allow them to access this, what
1552 was supposed to be protected land, that's what I was told when we bought the property, like the
1553 gentleman earlier was saying, if you are going to allow them to change that and access it, we
1554 are asking that you at least make them put some form of a sound and barrier to prevent their
1555 grandchildren from coming over into our properties. With a split rail fence, they could walk into
1556 our properties right out of their back doors because you are 30 feet away from our property line.

1557 Their grandchildren could very easily wonder onto our property, which is then going to raise our
1558 insurance cost because if somebody falls over that split rail fence on our side of the fence, then
1559 we could be sued. Thank you. Would y'all like to see the pictures of the one they did on the
1560 southside?

1561
1562 Mr. Vanarsdall - Yes, hand them to me and I'll pass them down. Thank you.

1563
1564 Mr. Silber - Could you spell your last name for us please?

1565
1566 Mr. Hunsicker - Yes, sir. It's Hunsicker, H U N S I C K E R, and again it's 9202 Minna
1567 Drive. All right.

1568
1569 Mr. Archer - All right, we have a minute or so left would someone else like to speak?

1570
1571 Ms. Tucker - Yes, my name is Paige Tucker and I live at 2425 Boissevain Road. I've
1572 lived in this neighborhood for about 14 years and I've been concerned about the noise that we
1573 hear from I-64 from the moment I moved there, and it's a long story why we ended up moving
1574 there in spite of the noise. We have gone through a number of efforts working with the County,
1575 the State, got the same answer, basically, it's too bad and nothing can be done about the noise.
1576 So, now we have a plan here that is going to take out 40 acres of trees. I'm concerned about
1577 the property that backs right up to my neighbors on Minna and I'm also concerned about the
1578 rest of the acres that are basically, as this gentleman before me said, it's all going to be cut
1579 down and they are going to put back twigs. That's not going to really deflect the sound. I hear
1580 you talking about buildings deflecting it, I would like to see some proof of that rather than just
1581 speculation. I would agree with some of the other folks from our neighborhood that we are not
1582 looking forward to seeing five story and four story buildings at the end of our residential
1583 neighborhood. I can't say that I approve of this concept of this development. It looks like it is
1584 inevitable maybe this is the best case. However, I would like to see an awful lot more
1585 vegetation left, lower buildings and leaving that area behind Minna as it is. Thank you.

1586
1587 Mr. Archer - Thank you. That just about extends the time for the opposition. And, Mr.
1588 Theobald, I believe you reserved a couple of minutes for rebuttal.

1589
1590 Mr. Theobald - As a response to some of the comments that were made, as a result of
1591 the community meeting, we were asked to basically flip the townhomes and the drives so that
1592 the drive was not close to these neighbors but rather the backs of these units so that was purely
1593 a function of that community meeting. To the extent that there are wetlands on this site and
1594 there are some, they are not extensive, they have all been delineated and we cannot disturb
1595 those wetlands so this is not, a quote, protected area as some would have you believe. In fact,
1596 there is some 60 feet of trees between the edge of pavement and our property line is technically
1597 part of the right-of-way but there is additional buffering in here. At least some at the meeting
1598 thought that these townhomes would provide a better sound barrier than the sort of high canopy
1599 trees that are located in here presently. There is a significant amount of underground parking
1600 being provided with this project that allows us to preserve additional greenspace. And, again
1601 respect some of the environmentally sensitive areas that are on this site. I'll be happy to answer
1602 any additional questions. I have not further comments.

1603
1604 Mr. Branin - Mr. Theobald, I don't remember if you proffered or.... How are we going
1605 to handle the perimeter road issues? Staff recommends the turn lanes and you said that "we
1606 would be happy to provide that."

1607

1608 Mr. Theobald - We are not generally asked to proffer the road improvements. They are
1609 suggested by the Transportation Department but we can certainly do that between now and the
1610 Board, but I will indicate for the record is that it was our traffic study that suggested doing those
1611 turn lanes and we are absolutely okay with that. We didn't understand Mr. Foster's comments
1612 about additional, we understood dedication along Pemberton, but we weren't sure about paving,
1613 and Mrs. Croft indicated to me that she thinks what he meant by that was to the extent that we
1614 need additional width to provide for the turn lanes, to get traffic around that turn lane, and we
1615 would certainly do that.

1616
1617 Mr. Branin - Okay. Thank you, sir. And the fencing?
1618

1619 Mr. Theobald - The fencing, we are happy to look into. We were trying not to build this
1620 barricade, if you will, this board on board barricade. It might be some places where it's more
1621 appropriate than others, but that's something that we want to talk about further, presumably at
1622 POD when you've got plans to look at as to what type of fencing is appropriate in what location,
1623 so we are open to that discussion. We didn't really want to wall the place off with an eight-foot,
1624 board on board, fence.

1625
1626 Mr. Branin - I don't have any further questions, just some comments.
1627

1628 Mrs. Jones - Can I just ask a quick question?
1629

1630 Mr. Branin - Yes, Mrs. Jones.
1631

1632 Mrs. Jones - Just so that I am clear on this, the original design, if I'm hearing you, Mr.
1633 Theobald, was that the townhomes would be toward I-64 and the driveway toward the
1634 residents?
1635

1636 Mr. Theobald - You note the stream in here, that area has to be respected, but basically
1637 just this access road and these townhomes were just flipped.
1638

1639 Mrs. Jones - That was protested at the meeting?
1640

1641 Mr. Theobald - Yes, ma'am. They didn't want the traffic close to the rear property lines
1642 preferring the units themselves but that sentiment might not be universal.
1643

1644 Mr. Branin - Many of the residents said they would rather have the back of their
1645 houses face the back of the townhouse.
1646

1647 Mrs. Jones- That maybe a point of further discussion, but what I am hearing from you
1648 is that there are pluses and minuses and some of these are short term problems and some of
1649 these are long term problems. And, I think it is proper to focus certainly on what can be done
1650 about construction noise and this kind of thing, but the bigger issue right now is the
1651 appropriateness of the rezoning request. If a tweaking of the design can accomplish a
1652 compromise there that might be something to look at. The number of units in a row, the
1653 elevations are fairly flat, there is no way to make them look probably the way you like, as far as
1654 the definition, from a perspective standpoint. However, they really do have much more interest.
1655 I think most of the buildings that you've had drawn for us to look at, the independent living, the
1656 retail area are quite articulated, there is a tremendous amount of detail. I didn't see that same
1657 amount of detail on the cottages and townhomes necessarily, but you are saying that those will
1658 be in the same style?

1659
1660 Mr. Theobald - No, the townhomes are essentially, in this style in terms of roof lines,
1661 materials, garages, orientation, chimneys, etc. What I think perhaps what we were
1662 unnecessarily debating with staff I not sure, I'm hoping Mrs. Croft will help me out here, in a
1663 moment, but when we were talking about the number in a row, your ordinance allows eight in a
1664 row, and we had suggested no more than six, now their condition says in a continuous row and
1665 by that perhaps they meant in a flat façade without breaks. And what we were suggesting,
1666 these units will be offset, I think there is literally only one possibly two places where we have
1667 even got two units in a row that aren't offset. Now this is a very flat drawing here but other than
1668 a two-unit configuration on this plan, I mean even this is shown as offset. These are all offset.
1669 It's a little harder to see but these step down basically with offset. I think this is the only one that
1670 we can identify that perhaps wasn't offset and certainly it could be, but these are all offset from
1671 one another.
1672
1673 Mrs. Jones - It is hard to see isn't it.
1674
1675 Mr. Theobald - It is and let's just make sure that the condition is correct. We would like to
1676 be able to have as many as six units in a row but not necessarily flat. And, so, we are happy to
1677 say no more than two in a row would be the same or any way that made you comfortable in that
1678 regard.
1679
1680 Mr. Silber - Mr. Theobald, maybe staff can correct me if I am wrong, but I think we are
1681 talking about attached units. So, you have six attached units in a block?
1682
1683 Mr. Theobald - Correct.
1684
1685 Mr. Silber - I think that's where we have concern. I think when you break them up
1686 and create greenspace between them than you began to create a different appearance than
1687 when you have six in a row. When I say there are six in a row, we mean six attached whether
1688 they are offset or not.
1689
1690 Mr. Theobald - Well, in that case I would like to have six in a row, your ordinance
1691 standard is eight. I don't know where we get the four. I don't get that.
1692
1693 Mr. Silber - It's a design preference in this case.
1694
1695 Mr. Theobald - This was a long run (referring to map). We did split these. This is a five-
1696 unit run and this is a six. So, we would prefer to have no more than six in a row, in fact, that
1697 only occurs in one place on this plan.
1698
1699 Mrs. Jones - The last clarification, if you don't mind, is the retail uses as defined in the
1700 report is, are geared really for the residents of the community.
1701
1702 Mr. Theobald -Right.
1703
1704 Mrs. Jones - Why then would there be signage of any kind on the exterior of the
1705 property to bring people into a retail use that is not designed for the general public?
1706
1707 Mr. Theobald - Well, we just allowed this for the residents so that they can access the
1708 retail from the outside to know as opposed to by memory to know where they are going. And

1709 keep in mind that that eight square feet is total signage so these are open to the inside of this
1710 building as well. So, that's totally amount of signage per tenant for basically the two facades.
1711
1712 Mrs. Jones - So, it's directional is what you are saying. It's not intended to be
1713 advertisement.
1714
1715 Mr. Theobald - Oh, no, no, no. We don't really want people to come in, and I know you
1716 are familiar with these facilities, and ...
1717
1718 Mrs. Jones - This is not for the general public?
1719
1720 Mr. Theobald - No.
1721
1722 Mr. Archer - Is there anything further?
1723
1724 Mr. Branin - Mr. Theobald, a couple of comments. There have been many, many
1725 proposals, which I think you have brought in a couple for this land. This is absolutely probably
1726 the best proposal that we have seen. I think it would be a great addition to the County, the
1727 corporation that's coming in seems to be a well ran corporation from what I've gather from my
1728 studies of them. I think we still have some rough spots. I think the staff still have some
1729 questions. I know the people of the area still have some questions. I would like to tighten up
1730 some of the questions that are being asked and get it a little bit tighter before we move it up to
1731 the Board, so I'm going to give you a choice, either you can ask for the deferral or I'll defer it, for
1732 one month? You rather I do it? I know I'm breaking your heart but....
1733
1734 Mr. Theobald - Well, I won't object to your deferral since you seem on taking one, so I will
1735 save my client \$100.00 bucks if you do it.
1736
1737 Mr. Branin - Okay.
1738
1739 Mr. Theobald - Thank you.
1740
1741 Mr. Archer - For both cases?
1742
1743 Mr. Branin - Yes, both cases. Can I put them together?
1744
1745 Mr. Archer - I think you will have to do them separately.
1746
1747 Mr. Branin - Okay. Mr. Chairman, I would like to move for deferral of C-42C-06, Smith
1748 Packett Med-Com to the September 14, 2006 meeting per the Commission's request.
1749
1750 Mr. Jernigan - Second.
1751
1752 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan to
1753 defer C-42C-06 to September 14, 2006 meeting. All in favor say aye, all opposed say nay. The
1754 motion passes.
1755
1756 The Planning Commission deferred Case C-42C-06, James Theobald for Smith Packett Med-
1757 Com, to September 14, 2006.
1758

1759 Mr. Branin - And, Mr. Chairman, I would like to move that P-15-06, Smith Packett
1760 Med-Com be deferred to the September 14 meeting per the Commission's request.

1761
1762 Mr. Jernigan - Second.

1763
1764
1765 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan to
1766 defer P-15-06 to September 14, 2006 meeting, at the Commission's request. All in favor say
1767 aye...all opposed say nay. The motion passes.

1768
1769 The Planning Commission deferred Case P-15-06, James Theobald for Smith Packett Med-
1770 Com, to September 14, 2006.

1771
1772 Mr. Jernigan - Let me ask one question. Do you want this for decision only or do you
1773 want to retry the case?

1774
1775 Mr. Branin - Strictly for decision only. I'm sure we can address everything.

1776
1777 Mr. Archer - We will note for the record, for decision only.

1778
1779 Mr. Branin - And, Mr. Theobald, if could you have another neighborhood meeting,
1780 please, sir. Thank you.

1781
1782 **C-43C-06 Glenn Moore for Basilius E. Tsimbos:** Request to conditionally rezone from B-
1783 1C Business District (Conditional) to B-2C Business District (Conditional), Parcel 761-754-1383,
1784 containing approximately 0.773 acres, located on the east line of Skipwith Road approximately
1785 350 feet south of West Broad Street (U. S. Route 250). A restaurant is proposed. The use will
1786 be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
1787 recommends Commercial Arterial and Office.

1788
1789 Mr. Archer - Is there anyone in the audience in opposition to C-43C-06, Glenn Moore
1790 for Basilius E. Tsimbos? No opposition. Good evening, sir.

1791
1792 Mr. Tyson - Thank you, Mr. Chairman and members of the Commission, good
1793 evening. The applicant is proposing to rezone 0.773 acres from B-1C, Business (Conditional) to
1794 B-2C, Business (Conditional) to permit development of a restaurant. A companion case, P-16-
1795 06, has also been submitted however it has been deferred. The site is located on Skipwith
1796 Road, south of West Broad Street.

1797
1798 The 2010 Land Use Plan recommends Commercial Arterial (CA) land uses for the northwestern
1799 portion of the site and Office (OF) land uses for the remainder of the parcel. The proposed use
1800 is only partially consistent with the land uses envisioned by the 2010 Land Use Plan because
1801 the proposed restaurant would be located on the portion of the site slated for Office land uses;
1802 however, the site is already zoned for business uses and the development of a restaurant could
1803 be appropriate given the commercial development patterns and trends of this portion of Skipwith
1804 Road.

1805
1806 The subject property and an adjoining parcel were rezoned B-1C, Business (Conditional) by
1807 case C-12C-02 to permit construction of the adjacent beauty salon. The applicant has
1808 submitted proffers that contain many of the same proffers approved with that case, including
1809 proffers related to the coordinated development of the property, site design and architecture,

1810 signage, and the prohibition of certain uses. Through the proposed proffers, the applicant is
1811 committing to a coordinated site development plan with some assurances of quality
1812 development.

1813
1814 Development of the property for a restaurant with outdoor dining would continue the
1815 predominant office/service and neighborhood commercial land uses in the vicinity and, properly
1816 designed, would have minimal impact on adjacent properties. While the proposed restaurant
1817 use is only partially consistent with the 2010 Land Use Plan designation for the property, it is an
1818 appropriate use for the site given the land use trends in the area. Staff recommends approval of
1819 this request. This concludes my presentation, I will be happy to answer any questions.

1820
1821 Mr. Archer - Thank you, Mr. Tyson. Are there any questions for Mr. Tyson from the
1822 Commission? No questions. Would you like to hear from the applicant, Mr. Branin?

1823
1824 Mr. Branin - I don't, sir. Perhaps some of the other Commissioners would like to hear
1825 from him.

1826
1827 Mr. Archer - Any of the Commissioners would like to hear from the applicant? Okay
1828 we are ready for a motion.

1829
1830 Mr. Branin - Mr. Chairman, I would like to move for approval of C-43C-06, Glenn
1831 Moore for Basilos E. Tsimbos for approval.

1832
1833 Mr. Vanarsdall - Second.

1834
1835 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall all
1836 in favor say aye...all opposed say nay. The motion passes.

1837
1838 Acting on a motion by Mr. Branin, seconded by Mr. Vanarsdall, the Planning Commission voted
1839 5-0 to recommend the Board of Supervisors **grant** the request because it is reasonable, it would
1840 not be expected to adversely affect the pattern of zoning and land use in the area, and the
1841 proffered conditions will provide appropriate quality assurances not otherwise available.

1842
1843 **C-44C-06 Andrew Condlin for Kalyan Plaza II, Inc.:** Request to amend proffered
1844 conditions accepted with Rezoning Case C-43C-05, on Parcel 735-763-7898, located on the
1845 north line of West Broad Street (U. S. Route 250) approximately 1,650 feet east of North Gayton
1846 Road. The applicant proposes to amend Proffer 13 related to use restrictions and square
1847 footage, Proffer 15 related to exterior elevations, and Proffer 17 related to site coverage. The
1848 existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Mixed
1849 Use. The site is in the West Broad Street Overlay District.

1850
1851 Mr. Archer - Is there anyone in the audience in opposition to C-44C-06, Andrew
1852 Condlin for Kalyan Plaza II, Inc.? I see no opposition. Mrs. Croft.

1853
1854 Mrs. Croft - Thank you, Mr. Chairman. The applicant proposes to amend proffers
1855 accepted with rezoning case C-43C-05 related to permitted uses, maximum square footage,
1856 elevations, and site coverage. This site was rezoned to B-2C in 2005. The site abuts a retail
1857 development currently under construction and although this parcel was zoned separately from
1858 that case, many of the proffers accepted with the subject site are tied to that development. The
1859 applicant wishes to modify three proffers accepted with rezoning case to allow the construction
1860 of a hotel. Specifically,

1861
1862 Item L of proffer 13 would be eliminated to allow permit hotel, motel, and motor lodge uses on
1863 the property;

1864
1865 In addition, language has been added to this proffer to allow hotels to exceed 32,000 square
1866 feet in floor area;

1867 Proffer 15 would be modified to reference new elevations which have been submitted. It should
1868 be noted, however, revised elevations were submitted Tuesday for the hotel, which will be
1869 discussed momentarily. Proffer 17 would be modified to allow site coverage to increase from
1870 70% to 75%. This request seems in part to allow parking to support the hotel use.

1871
1872 The site is located within the West Broad Street Overlay District and is designated for Mixed
1873 Use in the 2010 Land Use Plan. Both the Mixed Use designation and the West Broad Street
1874 Overlay District call for unified and high quality development. Much consideration was given to
1875 providing a cohesive and interconnected development in conjunction with the adjoining
1876 commercial development. A hotel use may be acceptable at this location provided it promotes
1877 these goals; however, motels, and motor lodges would not be appropriate for the overall
1878 development and staff encourages the applicant to eliminate these uses.

1879
1880 There are also unresolved issues pertaining to this request including vehicular connectivity,
1881 quality of development, and site layout, as well as continuity with the original proffers to remain
1882 in effect.

1883
1884 The applicant has submitted revised elevations and the applicant will need to modify proposed
1885 Proffer 15 to reflect this change. While the applicant is specifically requesting to allow a
1886 different architectural style for the hotel, staff strongly believes any building on the site should be
1887 in keeping with the high quality development found in the overlay district such as the bank to the
1888 west of Short Pump Town Center and overall development of the Breeden case, as referenced
1889 in the original proffers shown here (referring to elevations on the screen). This includes
1890 providing varied roof pitches, high quality materials and congruent type and color of building
1891 materials. In addition, the ground level of the elevation needs to provide a more pedestrian
1892 oriented detail similar to the elevations submitted with the Breeden development. The
1893 submitted elevations for the hotel deviates from this intent.

1894
1895 The applicant has submitted but not proffered a conceptual site plan, West Broad Street, is at
1896 the bottom of your page (referring to elevations on screen). Because of the intensity of the
1897 proposed hotel use, staff encourages the applicant to provide a conceptual plan demonstrating
1898 how the remaining proffers addressing pedestrian walkways and plazas would be met. Based
1899 on the plan submitted, staff has concerns regarding the expansive parking lots and strip type
1900 development and over all coordination with the adjoining commercial development. Because of
1901 the over parking proposed for the site, it is also not determined whether an increase in
1902 impervious cover from 70% to 75% is warranted and how such an increase would diminish the
1903 opportunity of pedestrian area and green space.

1904
1905 Staff also notes only one access is proposed to the property to the west. The site plan accepted
1906 with the surrounding property depicts two access points. One located toward the hotel use
1907 here. Staff encourages the applicant to retain both connections in order to create a more
1908 integrated development.

1909
1910 This property is integral in providing an attractive and cohesive development for the area just
1911 west of the Short Pump Town Center as designated in the Land Use Plan. One of the key

1912 aspects of a mixed-use development is the integration and incorporation of public elements into
1913 the overall site design. The request to modify site coverage does not appear to be warranted
1914 and would reduce opportunity for pedestrian and open space features encouraged in this area.
1915 Therefore, staff does not support the proposed amendment for Proffer #17. Staff also has
1916 concerns regarding the architecture and overall quality of the building elevations. Due to the
1917 other unresolved issues pertaining to the proposed elevations and site layout, staff recommends
1918 deferral of this request. That concludes my presentation. Thank you.

1919
1920 Mr. Archer - Are there any questions for Mrs. Croft from the Commission? Mr. Branin.

1921
1922 Mr. Branin - I would like to hear from the applicant.

1923
1924 Mr. Archer - Good evening, Mr. Condlin.

1925
1926 Mr. Condlin - Mr. Chairman, members of the Commission, thank you for having me
1927 again, Andy Condlin from Williams Mullen, on behalf of the applicant in this case. This is a 4.8
1928 acre parcel. A part of this application includes, which is not a part of the site plan but you can
1929 see it on the zoning map I believe, a small piece that's along here (referring to the elevations on
1930 the screen) that's a part of the original Breeden case. This is about 1.25 acres. The entire
1931 property to be developed would include that 1.25 acre strip but the Breeden case already allows
1932 for a hotel so we are not asking for amendment of that case. We are asking for amendment of
1933 the original, Mr. Moudilos case that was for this 4.8 acres. The reason is I was approached by
1934 the applicant, who said that they would like to put a hotel here but swore that the proffers said
1935 that hotels weren't allowed, so I thought that couldn't be because it's allowed on the Breeden
1936 case. I said that could be, because it's allowed in the Breeden case. I talked to Mr. Mark Claud
1937 who did the rezoning, a fine attorney; Mr. Axselle handled that case as well. He couldn't
1938 remember why they proffered out hotels. I talked to Mr. Branin and the staff and either they
1939 looked at me with surprise or with a question, as to no one could understand why a hotel wasn't
1940 allowed there, particularly when it's allowed for the Breeden case, and certainly up and down
1941 Broad Street, it would be an appropriate use. So, with that we came in and we started looking
1942 at that. That's really ultimately the request to delete the prohibition on the hotel. The question
1943 about the motor lodge and the motel, have no problem, obviously with that. This is a hotel with
1944 interior rooms. That's my fault for not knowing the difference, I guess, between the definitions.
1945 We just took that out all together and you can continue that prohibition on motor lodges and
1946 motels if you request. And, that's not a problem at all. The question regarding the buildings, the
1947 original case prohibited buildings over 32,000 square feet. We allow for a hotel, in this case, to
1948 be over 32,000 square feet. With respect to the exterior elevations and the open space issue,
1949 proffer 15, with respect to the reference – we'll reference the appropriate exhibit as we're
1950 showing on there, which we have as far as this elevation here (referring to the rendering). We
1951 designed this elevation based on the staff comments and the staff report. We felt that it didn't
1952 meet, otherwise, the requirement, specifically one of the questions that came up in discussions
1953 with the staff is the question of having more brick. You want to flip that around (referring to the
1954 rendering).

1955
1956 Mr. Branin - How many feet is that?

1957
1958 Mr. Vanarsdall - Too tall.

1959
1960 Mr. Branin - How many stories is that?

1961
1962 Mr. Silber - That is too tall.

1963
1964 Mr. Condlin - You narrow it down a little bit. As you know, currently I think the zoning
1965 ordinance allows for three stories. In order to exceed that, we would have to ask for a use
1966 permit to exceed that. It's not an appropriate time to ask for that, but we felt we'd show the
1967 elevations to show where it is, so.
1968
1969 Mr. Vanarsdall - Doesn't look too tall once it's scaled down, does it?
1970
1971 Mr. Condlin - The issue with respect to the open space, now that we've got this all
1972 worked out. The open space does not include that Breeden strip that I was talking about that
1973 changed. That's still up to 30%. We're technically at somewhere close to 26.8%, and the issue
1974 is not with respect to the hotel rooms, which is parked per code. We are over-parked per the
1975 code for the restaurant uses that we're proposing up front. The answer is quite frankly, from a
1976 practical standpoint, that's what they would like to have. We think that this is just a minor
1977 change. We have tried to keep the connectivity to the adjacent parcels. We have signage
1978 easements, so there will be only one exterior sign – free standing sign. We have the cross
1979 access for both pedestrians and vehicles. That is all part of the overall agreement that was
1980 originally brought in with the original Breeden case, which I handled. We did not proffer the
1981 concept plan, and that was more of an idea of what was to be developed. It obviously hasn't
1982 been engineered. The proffers say that there's a required amount of connectivity, and alluding
1983 to the open space and pedestrian activity – those have to be accommodated. That literally was
1984 to show the amount of parking and the hotel, the side of the building, the footprints. That was all
1985 it was intended to do. It was not supposed to go through and do a complete site plan to meet all
1986 the proffers. That was more for information purposes. So with that, I think other than two
1987 changes that need to be made, specifically with respect to deleting motel and motor lodge from
1988 allowed uses, and then providing for the appropriate proffer with respect to reference to this
1989 exhibit. I've talked to the client and they agreed to requiring brick, where they have shown here,
1990 and also brick on this level (referring to rendering) to match the Breeden case. Otherwise this
1991 was designed to meet the staff's concerns as expressed in the staff report. With that I'd ask for
1992 your support, and be happy to answer any questions that you may have.
1993
1994 Mr. Branin - Thank you Mr. Condlin. Are there questions?
1995
1996 Mr. Vanarsdall - Did you say why the hotel was proffered out to begin with?
1997
1998 Mr. Condlin - Anyone I talked to, couldn't quite answer why they were proffered out to
1999 begin with. I think the idea was, the only person I could talk to in Mr. Claud's office that would
2000 have even a remote answer was, they had no plans for a hotel because they're not in that
2001 business. And they just put it on the list because that wasn't something that they were
2002 expecting to do, but it is in the B-2, B-3 corridor and along Broad Street and is certainly a
2003 permitted use. Should be in a permitted use from that purpose. That's the only answer I can
2004 come up with.
2005
2006 Mr. Silber - I think the staff concern is less related to the hotel, than it is related to the
2007 design of the site. Obviously this piece was an integral part of the Breeden piece when that was
2008 being considered and we worked very hard to try to have these two parcels combined and
2009 developed as a whole. It didn't work out, but a lot of time and energy went into the Breeden
2010 rezoning case to make sure that the design and the pedestrian feel and open space and the
2011 architectural appearance is all quality. The Moudilos piece, the case you have before you today
2012 tonight was handled separately, but we tried to get them to be as connected as much as
2013 possible from the design standpoint. Staff just feels at this point that this is a step in the wrong

2014 direction, from the standpoint of design. They're taking the open space in the wrong direction.
2015 The architectural compatibility doesn't seem to be there. Some of the design features we think,
2016 are just lacking, so I think we're less concerned about the hotel aspect than we are with some of
2017 the design components.

2018
2019 Mr. Branin - Mr. Condlin, do you feel you'll be able to bring the architecture into what's
2020 expected actually?

2021
2022 Mr. Condlin - Yes. This doesn't change any of the exhibits with respect to the Breeden
2023 case that are still proffered as a part of this case. And that was thought to be consistent with
2024 that, and we can continue to work with staff on that. I don't think it's even a matter of opinion, I
2025 think – I agree with Mr. Silber that maybe this exhibit could be revised slightly, but we can talk
2026 about that and adding more of the features that they want. We just took what was from the staff
2027 report and added those features that they referenced, and we can continue to work with them.
2028 So, yes – the answer to that is yes.

2029
2030 Mr. Branin - And, also how firm are you on the 75% versus 70%?

2031
2032 Mr. Condlin - Well, in talking with the folks that were looking to take down the
2033 restaurant and based on that we're, you know, in order not to split hairs we're at 76.8% or
2034 something of that nature. That's why we geared it down to 75%. It is such a small parcel, that's
2035 4.8 acres, that the 5% we felt wasn't a huge change from that standpoint. From the amount of
2036 acreage and the amount of green space that otherwise would be allowed. With the hotel and a
2037 restaurant use in this area, there's not going to be a lot of pedestrian traffic, quite frankly in and
2038 among this.

2039
2040 Mr. Branin - No.

2041
2042 Mr. Condlin - No. Between this and the other sites that are going on here. In using the
2043 kind of, not like common space in a residential area or you know, in West Broad Village where
2044 it's got a lot of pedestrian areas for people to congregate, and that kind of thing.

2045
2046 Mr. Branin - But I could show you where there are restaurants and hotel areas just
2047 down the street where there's tons of pedestrian traffic.

2048
2049 Mr. Condlin - And we expect it. We have to abide by the proffers, provide for
2050 pedestrian connection between the uses. It just wasn't shown on that layout plan, because that
2051 was just a concept of footprints and the parking spaces. You still have to meet those proffers
2052 and the intent of those proffers when they come forward with the site plan. The actual POD
2053 comes forward. Pedestrian connectivity is already required by the proffers.

2054
2055 Mrs. Jones - I've got a question about when it goes 75% to 70%, excuse me 70% to
2056 75% it doesn't sound like a lot, but in actuality it really translates to a lot of area that's been lost,
2057 in my view – because it's so precious in this particular corridor. You say you're over parked?

2058
2059 Mr. Condlin - Well, over-parked by the standards of the minimum standards of the code
2060 requirements for restaurant uses, and it's pretty typical for localities to their minimum standards
2061 aren't quite what the standards are for the industry for restaurants. But they typically require a
2062 lot more parking than what is required by the locality, particularly with restaurant uses. And
2063 we're just trying to accommodate what the demand is in a typical restaurant use as far as the
2064 number of parking spaces. That's when I say we're over-parked.

2065
2066 Mrs. Jones - So you can't reduce the over-parking in this design?
2067
2068 Mr. Condlin - That's what I understand from the design, that's what is needed to meet
2069 the standards for these stand-alone restaurants. This does meet the minimum standards for the
2070 hotel, as far as the number of spaces I think, for the hotel. It does match, one per one room.
2071
2072 Mrs. Jones - One way to accomplish that, I guess, would be to cut down on the size?
2073
2074 Mr. Condlin - Cut down on the size of the hotel, or the size of the restaurant. That may
2075 be one way to do that, yes ma'am. But these are footprints that are designed for specific
2076 restaurant users that they've got in mind. For that, they're usually ... the footprints are used as
2077 steps for that, and of course the number of hotel rooms that he's trying to accommodate for that.
2078
2079 Mrs. Jones - You envision these being national chains, kind of thing?
2080
2081 Mr. Condlin - Yes. There's no fast food or drive-thru. These are sit-down national
2082 restaurants, yes ma'am.
2083
2084 Mrs. Jones - So they're design standards are set, and they're not going to ... their style
2085 is set. What ever they are, they have their signature look? They're not going to blend into the
2086 Breeden ...
2087
2088 Mr. Condlin - Oh, no, they'll blend in. I mean, that's required by the proffers anyway,
2089 that they have to meet those standards. That was something where they didn't have an issue
2090 with that. We showed the hotel because that was a different use. The restaurants can go out
2091 there today without an amendment of the proffers. They just have to meet those proffered
2092 conditions. So they're going to blend in, from a conceptual standpoint we have to go back and
2093 satisfy the staff that they meet the Breeden proffers and the proffers that were submitted for this
2094 case.
2095
2096 Mrs. Jones - I guess what I'm trying to enunciate and not doing a great job of it up
2097 here, is the fact that this might be ... somehow this looks to me it like it might be fine in another
2098 place and time, but this is such a special development coming out there, I just would like to see
2099 it a little more enhanced. I hate to lose that open space and I hate to lose the really higher
2100 quality design elements we've already mentioned for the ... perhaps the façades of the hotel.
2101
2102 Mr. Condlin - Well, I would say the open space is what it is. That we're only doing the
2103 one portion of the property, at least a quarter ... almost a third of the property is not being
2104 changed from the 30%. I mean, it's just the one portion of it. With respect to the façade, I don't
2105 think that this is unattractive, and I think it does meet a lot of the intent if not a lot of what was
2106 proffered otherwise, and all of Breeden, particularly if we can tweak and accommodate the type
2107 of materials with the brick, which I heard for the first time tonight, before the hearing, so I think
2108 we can accommodate that. I think it's of the quality that's standard. I think, we will get the staff
2109 happy with that, and make whatever specific changes and if this is the only issue, we can sit
2110 down with them and make those changes to the hotel plan.
2111
2112 Mr. Jones - Well, the only other thing I'd say, is that we've worked so hard on these
2113 cases as they come through. This one is really quite young. If it was November of last year, the
2114 reference that we are making here and, we had a lot of discussion at that time. To come back,

2115 and re-do and change, there would have to be a really compelling reason. Somewhere in the
2116 minutes, somewhere there is a reason for why that was proffered out. Somebody must know.

2117
2118 Mr. Condlin - I looked through the minutes, ma'am, I couldn't find it. And, I think that
2119 contract fell through, which does happen on occasion. You know there's a ... they had the right
2120 to walk away, and Mr. Moudilos ended up with the property, and wanted to market it, and you
2121 know the market will stand a hotel. I think, as Mr. Silber pointed out, the hotel itself as a use is
2122 not objectionable. No one can understand why it wasn't placed in there the first time. It just
2123 seemed to be an oversight, and I think it was probably applied for at that time, and staff had no
2124 reason to object to the prohibition of that, you know. That makes sense.

2125
2126 Mrs. Jones - Thank you.

2127
2128 Mr. Branin - Mr. Condlin, I think that my fellow commissioner from Tuckahoe got to
2129 say everything that I wanted to say, so thank you.

2130
2131 Mrs. Jones - Sorry.

2132
2133 Mr. Branin - No. It's a good thing this time. Mr. Condlin, the hotel use is fine. And, I
2134 don't see anybody here that's opposing that. I mean it's a good use. I think this was rushed in
2135 here. I think, because you and I both know what the proffers are because we've been picking
2136 around with Breeden, and so forth, for so long, we know what's proffered there. We know
2137 what's expected of you there. I think you had to get us an elevation, and you pulled one out of
2138 the hat and got it here. And it's not really ...

2139
2140 Mr. Condlin - By Tuesday, by the way, so we don't have to waive the time limit. That
2141 was a very specific request. I did that on time. That's not getting me any points.

2142
2143 Mr. Branin - I do think you got it here quickly, but it wasn't the right one and then with
2144 switching from 70% to 75% and saying, well the plan doesn't show but we're going to provide
2145 the amenities that are needed because of the proffers. All that's great to say that, like I said, I
2146 think it was rushed a little bit. I think by next month you'll have all that shown to staff and shown
2147 to me so when it does go to the Board, we will feel confident that it's what the Board's looking
2148 for. Okay, so I'm going to ask you to go ahead and ask for your deferral.

2149
2150 Mr. Condlin - You let Mr. Theobald get away without paying for the deferral.

2151
2152 Mr. Branin - Alright, I'll ask He got away with it.

2153
2154 Mr. Condlin - No problem ...

2155
2156 Mr. Branin - Make sure the minutes reflect that. I will ask for you, but I'd prefer you
2157 ask for this one because I think this one was rushed.

2158
2159 Mr. Condlin - Okay, I'll be happy to do that. We'll ask for the deferral for thirty days.
2160 And note that I'm much more conciliatory than Mr. Theobald was.

2161
2162 Mr. Branin - He looked like a sad duck.

2163
2164 Mr. Condlin - I'm always willing to. I'll pay the \$100.00 out of my pocket.

2165

2166 Mr. Branin - You're such a sport.
2167
2168 Mr. Condlin - I am.
2169
2170 Mr. Archer - Alright, motion.
2171
2172 Mr. Branin - Mr. Chairman, I move that C-44C-06 be deferred until the September 14th
2173 meeting, per the applicant's request.
2174
2175 Mr. Archer - Second?
2176
2177 Mrs. Jones - Second.
2178
2179 Mr. Archer - The motion was made by Mr. Branin and seconded by Mrs. Jones all in
2180 favor say aye...all opposed say nay. The deferral is granted.
2181
2182 Mr. Branin - Thank God. Three Chopt's done for the night.
2183
2184 Mr. Silber - The next request is in the Tuckahoe District. This is a provisional use
2185 permit that was deferred from the July 13, 2006 meeting.
2186
2187 **P-12-06 Simon Mueller for Neil Desai:** Request for a provisional use permit
2188 under Sections 24-55(a), 24-120 and 24-122.1 in order to allow fuel pumps at an existing
2189 convenience store, on Parcel 751-753-0230, located at the southeast intersection of Three
2190 Chopt and Pemberton Roads. The existing zoning is B-1 Business District. The Land Use Plan
2191 recommends Commercial Arterial.
2192
2193 Mr. Archer - Alright, is there opposition to P-12-06?
2194
2195 Mrs. Jones - Before we begin this case, I need to, just for the record make a
2196 statement. This case is located in my district; however, I have a representational conflict. I will
2197 not be voting on this case, nor have I been involved in any discussions of it.
2198
2199 Mr. Archer - Alright, Mrs. Jones, so noted.
2200
2201 Mrs. O'Bannon - And, I'd like to point out that usually I do not vote as a member of the
2202 Board, because I will be seeing this case again in front of the Board of Supervisors. However,
2203 since I happen to serendipitously sit on the Board at this time, I went ahead and took over the
2204 case and rather than asking other Planning Commissioners to do so. I will be voting in this
2205 case.
2206
2207 Mr. Archer - Alright, Mrs. O'Bannon. Thank you so much. Mrs. Croft, we'll get to you
2208 now.
2209
2210 Mrs. Croft - This request would allow two fuel pumps at an existing Lucky's
2211 convenience store. The property is zoned B-1 Business District; therefore, a provisional use
2212 permit is required to operate fuel pumps. It should also be noted the applicant has submitted a
2213 preliminary Plan of Development to construct a 1,077-square foot addition and a parking area
2214 on the eastern side of the existing building.
2215

2216 The existing convenience store is located at the southeast corner of the intersection of Three
2217 Chopt and Pemberton Roads. The adjacent uses are primarily commercial; however, the
2218 property does abut residential zoning and uses to the east and south.

2219
2220 A revised site plan and elevations have been submitted. The addition proposed here (refer to
2221 concept plan) and required additional parking would be located on the east side of the building.
2222 The pumps and canopy are proposed adjacent to the front of the store, facing Pemberton Road.

2223
2224 The Land Use Plan designates the site as Commercial Concentration Arterial and the current
2225 use is consistent with this designation. However, staff does have several concerns regarding
2226 the proposed fuel pumps and believes the layout and use would be too intensive for the site.

2227
2228 Service stations are first permitted by right in the B-2 District, and because the proposed
2229 convenience store with fuel pumps is essentially a B-2 use, similar design standards and code
2230 requirements should apply to mitigate negative impacts on the adjacent properties. This would
2231 include providing a 25' transitional buffer adjacent to the residential district along the eastern
2232 property line. Because of the close proximity of the residential district, staff believes the 25'
2233 buffer width should be retained. The applicant shows a 13' wide buffer with a wall, but no
2234 details of the wall have been provided. In addition, staff has concerns regarding the limited area
2235 for parking, fuel pumps, and appropriate area for queuing of cars; the glare and visual impacts
2236 from the fuel pump canopy and façade signage on adjacent properties; encroachment of a more
2237 intensive use toward the residentially zoned properties; and the site layout may not be
2238 conducive for safe pedestrian and vehicular access.

2239
2240 Staff recognizes there are existing retail uses with fuel service located at the opposite corners of
2241 the site. While fuel service is a use generally consistent with the Commercial Arterial
2242 designation, staff must evaluate site specific issues including access, lot size, and the close
2243 proximity to the residential district. Staff believes the existing and proposed improvements on
2244 the site, as well as the size of the lot, do not provide for an appropriate layout to afford the
2245 maximum protection to the adjacent uses or for vehicular and pedestrian circulation. For these
2246 reasons, staff does not support this request.

2247
2248 It should be noted, the applicant held two community meetings on July 12th and August 2nd.
2249 The majority of residents who attended these meetings expressed concerns and opposition to
2250 this request. This concludes my presentation, and the applicant is here tonight as well.

2251
2252 Mr. Archer - Alright, thank you Mrs. Croft. Are there questions for Mrs. Croft from the
2253 members of the Commission?

2254
2255 Mrs. O'Bannon - There was one that came up, and it'll probably come up again about if
2256 any construction is done on this site, are they required to change the entrance and exit areas?
2257 And, that maybe, is more of a question for the traffic engineer.

2258
2259 Mrs. Croft - Yes, ma'am. Mike Jennings is here to answer those questions.

2260
2261 Mrs. O'Bannon - Maybe that would be something we could address right up front.

2262
2263 Mr. Archer - Mr. Jennings.

2264
2265 Mr. Jennings - Good evening, again. Yes ma'am, Ms. O'Bannon, if they do any plans of
2266 development on this site – any improvements, they would be required to do the road

2267 improvements on Pemberton and Three Chopt. With that, we would look at bringing the
2268 entrance locations up to better standards, and we would have them move them further away
2269 from the intersection.

2270
2271 Mrs. O'Bannon - And those are for safety reasons?
2272

2273 Mr. Jennings - Yes, ma'am. I did an accident update at this intersection. Since 2000,
2274 there have been 76 accidents at this intersection. And, six of them were in parking lots. I threw
2275 those out. But, 37 of the accidents, out of the seventy remaining were because of conflicts of
2276 private drives being too close to the intersection. Our current standard is to have an intersection
2277 at least one-hundred-fifty feet away from an intersection. So, that's what we asked the applicant
2278 to do. In one instance, he couldn't quite move it 150, but he moved it a good portion away from
2279 Three Chopt, the one on Pemberton. And at this particular site, with the existing entrance
2280 locations, there's been six accidents since 2000. So, six of the accidents have been this
2281 particular site, so that's why we're looking at moving them further away from the intersection,
2282 especially when we have increased traffic and wider roads. To reduce conflicts you have to
2283 remove the entrances, our standard is one-hundred-fifty feet from the intersection.
2284

2285 Mrs. O'Bannon - You did mention that since 2000, there've been six accidents directly
2286 related to where the entrances are?
2287

2288 Mr. Jennings - Yes, ma'am. They were actually, when it happened to be a 7-Eleven, but
2289 there were six accidents with conflicts on Three Chopt and Pemberton from their existing
2290 entrances.
2291

2292 Mrs. O'Bannon - But this facility has not been opened for all six years since 2000, did you
2293 do an update on when it was closed, or ...?
2294

2295 Mr. Jennings - No, ma'am. I have not found out the exact dates of when it was closed. I
2296 do know that there have been 76 accidents at this intersection since 2000.
2297

2298 Mr. Jennings - From what I remember it closed probably about a year and a half, but I
2299 cannot find a date of how long it was closed.
2300

2301 Mrs. O'Bannon - That sounds about right. Okay. That was the question that continued to
2302 come up at the meetings.
2303

2304 Mr. Jennings - Actually instead of it being six years of data, you can throw out a year and
2305 a half on this site, approximately.
2306

2307 Mrs. O'Bannon - Okay. Thank you. That was just a question that continues to come up.
2308

2309 Mr. Archer - Thank you Mr. Jennings.
2310

2311 Mr. Archer - I may have failed to ask, is there any one here opposed to this case. I
2312 must have failed to ask. I apologize.
2313

2314 Mr. Vanarsdall - Since you kind of knew that, Mr. Chairman.
2315

2316 Mr. Archer - Did you want to hear from the applicant first?
2317

2318 Mrs. O'Bannon - Usually we hear from the applicant first.
2319
2320 Mr. Archer - We'll call you ma'am. Alright, would the applicant come forward, please?
2321
2322 Mr. Mueller - Good evening Mr. Chairman, members of the Commission.
2323
2324 Mr. Archer - Good evening, sir.
2325
2326 Mr. Mueller - My name is Simon Mueller. I'm with Balzer and Associates, representing
2327 Mr. Neil Desai of Lucky's. And, I just wanted to add quickly to some of the points that both Mr.
2328 Jennings, and Ms. Croft made. This is our second go-round, as far as the layout's concerned.
2329 The original layout had some technical deficiencies that we have since remediated. And, we
2330 have met all of the technical requirements, especially of the traffic department. We've greatly
2331 improved the circulation on the site in relation to the gas pumps and the front doors of the
2332 building, as Mike Jennings said, we've pulled the entrances back away from the intersection
2333 which is a significant safety enhancement to the site. The parking on the site currently is
2334 inadequate according to current county code and that has been brought up to date with this
2335 layout. And, I'd like you to know we have reduced the proposed addition, in order to meet some
2336 of the County's requirements. Again, this was an old 7-Eleven that was boarded up for a
2337 number of years and a good reason that it was boarded up is because, seeing as how two of
2338 these four corners have gas pumps already, a convenience store with no gas pumps is a hard
2339 go. It was boarded up so, Mr. Desai does feel that these pumps are necessary to be able to
2340 continue as a convenience store, and to keep it from being boarded up in the future. Again,
2341 some of the enhancements we are making, Ms. Croft did say that we are going to a 13'
2342 transitional buffer. This will include significant landscaping inside that buffer, as well as a 6' high
2343 wall going down that entire eastern property line. And, again, we are expanding from a basic
2344 convenience store to a convenience store with a full service deli inside. That's part of the
2345 addition, and again, the gas pumps are what's driving all of this. Without the gas pumps to bring
2346 the people in, financially the rest of it won't work, and it probably would be boarded up again. I
2347 can answer any questions you have at this point.
2348
2349 Mr. Archer - Thank you Mr. Mueller. Are there questions?
2350
2351 Mr. Branin - Did you say that there are two other gas stations or convenience stores?
2352
2353 Mr. Mueller - Yes, of the four intersections, or the four-corner pieces on this
2354 intersection, two of them currently have gas pumps right now.
2355
2356 Mr. Branin - Gas pumps, but they aren't convenience stores? Only one of the two is..
2357
2358 Mr. Mueller - The other one is a service station. Yes.
2359
2360 Mr. Branin - The other two are ...
2361
2362 Mr. Mueller - I misspoke there. One is a service station with gas pumps, the other's a
2363 convenience store with gas pumps.
2364
2365 Mr. Vanarsdall - 7-Eleven started out there, didn't it?
2366
2367 Mr. Mueller - Yes.
2368

2369 Mr. Vanarsdall - I remember when they opened. Busy intersection.
2370
2371 Mr. Archer - Any further questions? Sir, we didn't ask if you wanted rebuttal time, but I
2372 think you used about 5 minutes, so you would have about that much time.
2373
2374 Mr. Mueller - Okay. If need be, I can come back.
2375
2376 Mr. Archer - All right.
2377
2378 Mr. Mueller - Thank you.
2379
2380 Mr. Archer - Thank you. Alright the opposition may now come and speak and please
2381 identify yourself.
2382
2383 Ms. O'Neill - Thank you. I'm Barbara O'Neill, and I live at 9811 Three Chopt Road.
2384 I'm about a block from this intersection. As Nathalie Croft said, we did have two community
2385 meetings. The people that weren't there were opposed to it. They just couldn't get to the
2386 meetings. Myself and the neighbors that were at the meeting, all oppose these fuel pumps. We
2387 just don't feel like we need any more fuel pumps on that corner. We've got enough as it is.
2388 And, I have talked with the prospective owner that wants to make these improvements, and I
2389 have told him many times that you can go to any gas station and they will tell you they don't
2390 make any money off gas. They make it off of their repair business. I really do feel like he is not
2391 being sincere. He's not going to make any additional money by having fuel pumps. And,
2392 another thing they are just too intrusive to our residential property, and the residents that live
2393 very, very close to this corner. And we just cringe to think about what's going to go there and
2394 what he's going to do. What it's going to do, and the impact it's going to have on us. We also
2395 are concerned about the possibility, in the event that the County wants to move this entrance off
2396 of Three Chopt Road, and move it down eastward, that's going to be a tremendous impact on
2397 us. Or, it's going to be another intrusion on residential property. I got a copy of the traffic report
2398 for one year. And, it was three accidents at that intersection.
2399
2400 Mr. Branin - Ma'am do you know what year that was?
2401
2402 Mrs. O'Neill - From June, I believe I have here, I've got it in my folder. But I believe it
2403 was from June the 30th of last year to July the 1st of this year. And it was three accidents; two of
2404 them were DUI's, one following too close. And, so I have talked with Mike Jennings about this.
2405 We are in conflict about these accidents, with due respect. And, he is breaking it down to six
2406 accidents, possibly for that one entrance that comes onto Three Chopt. That averages out to
2407 one accident per year, which to me is fantastic. I mean, you cannot ask for any more than that.
2408 As you know the majority of the accidents are driver error. I've seen it. So we are just totally
2409 opposed to this entrance being moved, invading our space down on Three Chopt, which there's
2410 not enough room down to do it, and these fuel pumps that are just going to create a real big
2411 problem for our whole neighborhood. We've got to look out for our neighborhood. Nobody else
2412 is going to look out for it but us. I thank you, if there's any questions I'd be glad to answer them.
2413
2414 Mr. Archer - Thank you, Mrs. O'Neill. Are there questions?
2415
2416 Mr. Branin - I'll ask you this ...
2417
2418 Mrs. O'Neill - Alright.
2419

2420 Mr. Branin - Is the building boarded up now?
2421
2422 Mrs. O'Neill - No sir. No sir, he ... it's opened now, as a convenience store.
2423
2424 Mr. Branin - So, the year and a half that it was closed, was some time ago?
2425
2426 Mrs. O'Neill - Yes.
2427
2428 Mr. Branin - Would you rather see it boarded back up?
2429
2430 Mrs. O'Neill - I'd rather see it boarded up then have those gas pumps there. I mean
2431 that's just being my honest opinion.
2432
2433 Mr. Vanarsdall - How did you leave the community meeting? What was the consensus of
2434 the meeting?
2435
2436 Mrs. O'Neill - I'm sorry?
2437
2438 Mr. Vanarsdall - How did you leave the community meeting, was the consensus to have
2439 another community meeting or what?
2440
2441 Mrs. O'Neill - We've had two.
2442
2443 Mr. Vanarsdall - Oh, I see.
2444
2445 Mrs. O'Neill - We've had ...
2446
2447 Mr. Vanarsdall - Yeah, I believe it says in here you had two.
2448
2449 Mrs. O'Neill - Yes, sir. We've had two. At both times, everybody there was opposed to
2450 both of the issues. The fuel pumps and the entrance being moved, because the entrance is
2451 going to be moved farther east toward us. And, that in itself is just an intrusion on the traffic,
2452 and what it's going to do, and the impact it's going to have on us that are already residents.
2453 And, not only that, but the adjacent property is residential also. So we just feel like we've
2454 (unintelligible) it's not many people I haven't talked to. I think, I wonder why I haven't had
2455 laryngitis. It's so many people I've talked to and they say we want to get to the meeting, but for
2456 other reasons we can't, but we are opposed to this. We even got to the point of suggesting to
2457 sign and get a petition. But then the weather, to be honest, got so hot we didn't know we could
2458 make it, walking from door to door. But all-in-all, I can say honestly that everybody in that
2459 neighborhood is opposed to these fuel pumps and opposed to this entrance in the event the
2460 County thinks it should be moved, we're opposed to that also.
2461
2462 Mr. Archer - Alright, thank you Mrs. O'Neill.
2463
2464 Mrs. O'Neill - Thank you.
2465
2466 Mr. Archer - We've got about 5 minutes and a little bit more left if someone else ...
2467
2468 Mrs. O'Neill - I appreciate it. Nice to see you, Mrs. O'Bannon.
2469
2470 Mrs. O'Bannon - Thank you.

2471
2472 Mr. Branin - While we're waiting for the next person to come up, I'd like to make one
2473 comment. I don't live in the district, but my house is very, very close and I was very happy to
2474 see the boards come down, and I think the client cleaned it up quite a bit from what it used to
2475 be, just a year ago. Which has no relevance on the fuel pumps, but you know, boarding it back
2476 up wasn't good.
2477
2478 Mrs. O'Bannon - A quick question. I know it's only been open fairly recently. When did Mr.
2479 Desai open it up as a convenience store? Do you have just the date on this?
2480
2481 (Person from audience) - November of 2005.
2482
2483 Mrs. O'Bannon - In November of 2005? Okay. So from the last year, about 4 months of it
2484 or so would be of the dates that she was indicated, would have been vacant, so ... okay.
2485
2486 Mr. Archer - Alright. Next speaker. Good evening again sir.
2487
2488 Mr. Fasanello - Hi, Chris Fasanello, 9302 Minna Drive.
2489
2490 Mr. Silber - Could you spell your last name please.
2491
2492 Mr. Fasanello - F as in Frank, A S A N E L L O.
2493
2494 Mr. Vanarsdall - You look familiar.
2495
2496 Mr. Fasanello - I'm sorry.
2497
2498 Mr. Vanarsdall - You look familiar.
2499
2500 Mr. Fasanello - Oh, okay.
2501
2502 Mr. Branin - Different district, but he was just here.
2503
2504 Mr. Fasanello - Just, again the University Park that we just also were discussing is right,
2505 almost right on that corner. Also, the additional traffic from that along with the additional traffic
2506 from these gas pumps are all going to come in at the same time, or close to it. You just want to
2507 keep in mind that, you know, it's already a very crowded intersection. If you could see that
2508 intersection at rush hours, it's pretty tough right now. Just really have to keep in mind that there
2509 are a lot of new things coming in there and it has to be kept under control. Thank you.
2510
2511 Mr. Archer - Thank you, Mr. Fasanello. We've got about 4 minutes left.
2512
2513 Mr. Clark - William Clark, and I own a property at 9912 Three Chopt across the street
2514 from this property and I have no real objection to the rezoning. My objection also is to traffic.
2515 It's a bad intersection. I've been there for 30 years. I've made a lot of improvements about 20
2516 years ago. It was probably the second worst intersection in the County. We have three wrecks
2517 a day, and most of that has been solved, but I'm afraid that this will get us back in that problem
2518 again. So, I just thought I would mention that although it's fine for my for enterprising business
2519 to be there, I don't think we need another service station, but other than that it's okay with me.
2520 Thank you.
2521

2522 Mr. Archer - Thank you sir. Anyone else?
2523

2524 Mr. Crum - My name is James Crum. I live at 9807 Three Chopt. Five doors down
2525 from the 7-Eleven or from Lucky's now, and if they change that and put in gas pumps, I've seen
2526 traffic back up from Pemberton all the way back to Parham Road. We don't need any more gas
2527 pumps. They've got them on both corners across the street. They don't do any business, and
2528 so, I don't know what he thinks he's going to gain, but I'm against it.
2529

2530 Mr. Archer - Thank you, Mr. Crum.
2531

2532 Mr. Vanarsdall - Thank you.
2533

2534 Mr. Archer - Well, we've got about 3 minutes left if someone else wants to speak.
2535

2536 Mr. Scott - Thank you Mr. Chairman, members of the Commission. My name is Glen
2537 Scott. I live at 2200 Sommie Lane, which is about right here (referring to rendering) on the map,
2538 and I'm not questioning the decision about moving one of the entrances to the Lucky's
2539 Convenience Store, but my property is right here (referring to rendering), and a lot of times
2540 during the day especially morning and rush hour traffic – traffic backs up from here all the way
2541 back and people that are right in that curve, people have a very difficult time seeing around that
2542 curve. We've been neighbors of Mr. Clark for about 28 years and I think he's a prime example
2543 of someone who has made a lot of improvements to the property. It's very attractive. And while
2544 Mr. Desai has done an excellent job, it's a nice facility. He keeps it very clean, if perhaps as an
2545 alternative we could have something with less dense traffic in and out of these, such as Mr.
2546 Clark's property. I will say that Mr. Clark has been an excellent neighbor, as far as keeping his
2547 property clean and helping the concerns of the neighborhood. Thank you.
2548

2549 Mr. Archer - Thank you, Mr. Scott. A little bit more than a minute. Is there any one
2550 else? Alright, if not, Mr. Mueller you have some rebuttal time left, sir. It's about 5 minutes I
2551 believe.
2552

2553 Mr. Mueller - Yes, I just need a quick minute here. I do want to acknowledge a couple
2554 of things that were brought up just recently. One being, we fully acknowledge that gas pumps
2555 itself are not really a money maker. It's just a way to draw people into a site, to in turn get them
2556 to use the convenience store and deli part of the property. And, again, I know we've been over
2557 this a couple of times in the meetings, a use like this does not increase traffic at the intersection.
2558 The people at the intersection are already going through there. Instead, we're trying to draw
2559 people from the intersection into our site. So, yes, there is going to be an increase in traffic, in
2560 and out of our site, but we will not be adding any extra traffic at the intersection. We're instead
2561 giving them another option when they're at the intersection. And, I just want to make a couple
2562 of real quick points here. We're improving the entrances on this site. We're improving the
2563 parking. Improving the building, the appearance and the buffers around the edge of the site.
2564 And, what we are asking in return is the ability to construct and use fuel pumps.
2565

2566 Mr. Branin - Can I ask a question?
2567

2568 Mr. Mueller - Yes.
2569

2570 Mr. Branin - If for some reason, and the decision is made that gas pumps are not
2571 approved, wouldn't it be beneficial for your client to still go ahead and do the addition to attract
2572 more business and would help make profit?

2573
2574 Mr. Mueller - Again, that would attract more business, but just the cost of doing the
2575 addition and all the improvements that are required, gas pumps are such a driving force with the
2576 number of people they bring in.
2577
2578 Mr. Branin - But you just stated that the gas pumps won't create more revenue.
2579
2580 Mr. Mueller - Well they won't create more traffic. The gas pumps itself will not create
2581 more revenue, but they bring more people in and out of the site. People walking in and out of
2582 the store, that instead won't be going there. If they need gas and coffee or gas and a sandwich,
2583 without the pumps they're not going to be making two stops on the way to work, on their way
2584 home from work.
2585
2586 Mr. Branin - Okay. Just checking. I'd like to say in the filling, gas pump business
2587 today, they're going to make some money. Exxon proved that.
2588
2589 Mr. Archer - Any further questions for Mr. Mueller?
2590
2591 Mr. Mueller - Thank you.
2592
2593 Mr. Branin - Thank you very much.
2594
2595 Ms. Coursey - Do we still have our minute left ?
2596
2597 Mr. Archer - Ma'am, we normally don't allow but one period of time.
2598
2599 Ms. Coursey - (Unintelligible) Mr. Desai, because I like him. We go in there and buy our
2600 lottery tickets.
2601
2602 Mr. Silber - Why don't you come on down.
2603
2604 Mr. Archer - Would you come up to the microphone?
2605
2606 Mr. Silber - You okay with one more minute?
2607
2608 Mr. Archer - Sure.
2609
2610 Mr. Vanarsdall - Come up here and tell us your winnings.
2611
2612 Mrs. O'Bannon - ... gets a percentage if you do.
2613
2614 Ms. Coursey - My name is Jeanette Coursey and I live over in the Westbriar subdivision.
2615
2616 Mr. Archer - Good evening, Ms. Coursey.
2617
2618 Ms. Coursey - And, Mr. Desai, we would go in there just to go in and give him some
2619 traffic because for the longest time just his car sat there. And I wanted to see him, you know,
2620 encourage his business. But, as far as the gas pumps, we'll have people stopping in for gas on
2621 their way home from work, in a rush, and when they leave there, and they want to go further
2622 north or west, whatever that is, they're going to have to jet across the traffic. We used to have
2623 that at one time when it was a much busier corner. And it is a dangerous corner. We've had a

2624 young lady killed on that corner, and accident after accident. But I do, I wish there was some
2625 way we could, you know, manage to keep him in business because he's very clean. The
2626 property looks wonderful since he got there.
2627
2628 Mr. Branin - Let me ask you this. How many convenience stores in the county do you
2629 know of that don't have gas pumps?
2630
2631 Ms. Coursey - I don't really frequent them that often, so I ...I don't notice the gas pumps
2632 because their gas is way to expensive any way.
2633
2634 Mr. Vanarsdall - Well you don't feel it, it's not going to affect you, all of the others in the
2635 county are not going to affect you.
2636
2637 Ms. Coursey - I don't really care about their gas.
2638
2639 Mr. Branin - Well, what I mean, I guess ...
2640
2641 Ms. Coursey - I don't use their gas. I go to Sam's.
2642
2643 Mr. Branin - Two of your biggest people, Sheetzs and WaWa go under the same
2644 assumption that they have gas, so they'll get people in to purchase sandwiches and extras for
2645 ...
2646
2647 Ms. Coursey - We go to Sheetzs all the time, but we never bother to get their gas.
2648
2649 Mr. Branin - Ma'am.
2650
2651 Ms. Coursey - We go to Sheetzs all the time, but we never bother with their gas.
2652
2653 Mr. Vanarsdall - I know why you don't go to WaWa, cause they don't sell the lottery
2654 tickets. I tried to buy them in there myself.
2655
2656 Mrs. O'Bannon - Put a bigger lottery sign in.
2657
2658 Mr. Archer - Alright, thank you ma'am.
2659
2660 Mrs. O'Bannon - I have several in my district that don't have gas pumps, so I want to point
2661 that out. I go to one a lot, a 7-Eleven, up the corner. Are we ready? First I do want to point out
2662 that this property is currently zoned B-1. I know everybody knows that. It currently is used in
2663 the appropriate uses and in this case a convenience store, so even if the way it is zoned
2664 currently, pretty much what you see here in front of you, it could be expanded. If Mr. Desai, who
2665 feels he needs more foot traffic, could expand it, and we've talked about how he could expand it
2666 with a deli or something like that, and, would need more parking. This has been discussed at
2667 length, with the community meetings that we had, that if he were to expand it, it could ... I'll just
2668 say ... pretty much look like what you see here, minus the gas pumps right now. And, he
2669 wouldn't have to go through this process. I also would like to point out that if he does make
2670 these improvements or makes any of these changes, as Mr. Jennings has said we'll require
2671 some improvements to the ingress and egress because of the access. And, as Mr. Jennings
2672 will tell you he always would tell you, I think that one accident is too many. He's trying to avoid
2673 any accidents and trying to make this intersection as safe as possible. That's his job, and that's
2674 why I don't go against something that a traffic engineer tells me needs to be done on a site.

2675
2676 What we have here is a provisional use request to add gas pumps. And, if you look at the
2677 reports and if you look at the information that we've been given, and if you look at the way the
2678 site has been designed by Balzer and by Mr. Mueller and the folks there at Balzer, we have
2679 some problems with the site. Whenever you add gas pumps you're adding light to the site.
2680 You're adding noise. You are adding more cars, but remember, you're going to probably add
2681 some cars anyway to get more traffic to the site. But you're also adding again, extra light to the
2682 pumps and around the pumps. And, cars waiting in line to get at the pumps. The problem with
2683 this particular site is, it is right up against residential. It's very close. The other sites where you
2684 have the gas pumps and the other amenities and so on, are not as tightly up against residential.
2685

2686 They are buffered. Using the term buffered to mean distance, as much as anything else. What
2687 we've been shown was the suggested way of changing this site to accommodate the gas
2688 pumps, actually adds to the side of the building and forces the light more on to the residential
2689 property instead of less. In other words, the side of the building could act as a buffer in itself for
2690 the light going towards Three Chopt. But the way this site had to be designed because it is very
2691 small, or it's compact or intense, the intensity of the use, the light actually goes more into the
2692 residential properties next to it. So we get the addition of light, sound, noise and so on, the
2693 noise, the light and the intensity of use. This has happened before in the Tuckahoe district, I'll
2694 just point it out. There have been other cases where people really want to get more business
2695 and so on, because people love to live in this district. You said how do we get more traffic into
2696 this site? We had suggestions from both the public and from me to add the ability to walk to the
2697 site. We had folks along Three Chopt wanting to add sidewalks on Three Chopt if it gets
2698 widened, so that folks around the neighborhood can walk to the site. Because they very much
2699 appreciate Mr. Desai's business as you heard also. According to the goals, objectives and
2700 policies in your 2010 Plan, and by the way right now we're having public hearings for the 2026
2701 Plan, and I want to point that out because it's citizens like you that put that input into that Plan.
2702 The site design should help to keep the impacts away from residential property when it's this
2703 tight. And what we're seeing in the design that's been given to us, in the presentation that's
2704 been done to the community, instead of minimizing these impacts, it's maximized the impacts.
2705 And, again that's a real problem for me, and I think for the neighbors as they've expressed.
2706 When you talk about, again, businesses across the street, they were designed well, for many
2707 years ago, in the mid-1980s I drove by these every single day to go to my job. And, saw the
2708 traffic problems in the area through the '80s and as a matter of fact, it was requested this site, in
2709 the mid-'80s to make it a 24-hour 7-Eleven and that was denied. So, again, the intensity of the
2710 site was kept to what was appropriate because it's right up against residential. So, in short, I do
2711 agree with the conclusions of the staff for the provisional use permit, but I also want to let the
2712 neighbors know it is, it can be developed pretty much the way you see it right here (referring to
2713 rendering) on this plat, without the gas pumps. So don't think that nothing is going to happen or
2714 that it is going to stay just as it is. And I think everyone understood that also. And I will agree
2715 with Mr. Jennings, one more time about the safety of the entrances and exists. But I pretty
2716 much agree with the staff report that adding the gas pumps would put it over the line for
2717 intensity of use, and so therefore, I move that Case P-12-06 for Lucky's, that the Planning
2718 Commission recommend denial to the Board of Supervisors.
2719

2720 Mr. Vanarsdall - Second.

2721
2722 Mr. Archer - Okay, motion by Mrs. O'Bannon, seconded by Mr. Vanarsdall to
2723 recommend denial to the Board of Supervisors. All in favor of the motion say "Aye". All those
2724 opposed say "No". The Aye's have it. Motion for denial is granted.
2725

2726 Acting on a motion by Ms. O'Bannon, seconded by Mr. Vanarsdall, the Planning Commission
2727 voted 5-0 to recommend the Board of Supervisors deny the request because the use would not
2728 be appropriate due to the intensive nature of proposed fuel pumps and the impacts on
2729 pedestrian and vehicular circulation. In addition, due to the close proximity of residential
2730 districts, the proposed use would have a detrimental impact on property owners in the vicinity.

2731
2732 Mrs. Jones - And one abstention.

2733
2734 Mr. Silber - The next item of business would be a resolution.

2735
2736 **RESOLUTION: SIA-03-06 – Northwest Elementary School Site #9 – Substantially In**
2737 **Accord with the County Comprehensive Plan (Three Chopt District).**

2738
2739 Mr. Archer - Alright, Mr. Tyson. Good evening again sir.

2740
2741 Mr. Tyson - Good evening. The proposed site contains approximately 23 acres of a
2742 larger 29.3-acre site. It is located on the west line of Pouncey Tract Road, just north of Henley
2743 subdivision. A private road, Quarry Hill Road, borders the property's northern property line.
2744 The property has an irregular shape in part due to an adjacent one-acre parcel improved with a
2745 single-family residence at the northwest corner, that is under separate ownership and not
2746 included in this analysis.

2747
2748 The subject site is zoned A-1 Agricultural. The proposed school is permitted in the A-1 district.
2749 The proposed site was the subject to a conditional subdivision plan approved for 20 lots and has
2750 since expired. The property is surrounded by single family subdivision development to the east,
2751 across Pouncey Tract Road and to the south. The Henley subdivision, currently under
2752 construction, lies directly south and southwest. The properties to the north are owned by
2753 Quarry Hill Estates LC and contain single family residences. An active quarry operated by
2754 Vulcan is located to the west in Goochland County.

2755
2756 The 2010 Land Use Plan recommends Rural Residential (RR) for the proposed school site and
2757 the surrounding area. Areas with this designation are intended to accommodate single-family
2758 detached dwellings at a density of not more than one unit per acre. Public schools are generally
2759 compatible with the uses recommended for that designation.

2760
2761 Considering the pace of residential development in the northwest area of the County, the need
2762 for providing necessary public facilities and services has become more and more challenging,
2763 while options for viable sites with few development constraints become increasingly less
2764 available. The proposed elementary school would be compatible with the goals, objectives, and
2765 policies of the 2010 Land Use Plan in terms of providing such service to a predominantly
2766 residential areas; however, the proposed location does pose some challenges in terms of
2767 design and incompatibility with the quarry activities in Goochland County. Those challenges are
2768 present but may not be insurmountable.

2769
2770 The General, and Government, and Semi-Public Goals, and Objectives of the 2010 Land Use
2771 Plan are supported by this proposal. They include among others:

2772
2773 General Goal II, to promote orderly development and growth based on physical, social and
2774 economic needs, for facilities to support development of the County.

2775

2776 General Goal III, to encourage land uses throughout the County which provide for the most
2777 efficient and desirable arrangement based on land use trends and area needs, as well as
2778 others.
2779

2780 Recognizing both the need to provide an elementary school to the rapidly growing northwest
2781 corner of the County and the need to mitigate the potential impacts of surrounding land uses
2782 and development costs, staff would recommend that the Planning Commission find the site
2783 substantially in accord with the Comprehensive Plan. I'll be happy to answer any questions that
2784 you might have.
2785

2786 Mr. Archer - Are there any questions that we might have?
2787

2788 Mr. Vanarsdall - Well, I've already called Lee and expressed this, and called Randy and
2789 discussed this, and I never did say I was not in favor of it. I guess what I'd like for the secretary
2790 to do is, if you don't mind Randy, is explain what our role is of ... I've sat here quite a number of
2791 years and I don't remember but one of these SIA's ever being turned down, and that was the
2792 Varina school.
2793

2794 Mrs. O'Bannon - Oh, no. I can tell you some that have.
2795

2796 Mr. Vanarsdall - And ...
2797

2798 Mrs. O'Bannon - I remember.
2799

2800 Mr. Vanarsdall - And, that was like a shot that rang around the world. That upset
2801 everybody. I think upset staff, upset school officials and everything, but in the end it got a better
2802 site and a better school, a much better school site. So, anyway, all I'm saying is this being near
2803 the quarry, I just wondered if we're sending the wrong message. And, so ... we must not be
2804 because I think that Tommy told me, I talked to Tommy about this last night too, that Bob Atack
2805 is building a million dollar houses near there. So I'm not trying to make a big deal out of this, I
2806 just ... I guess, Randy, I'm asking you just what, are we supposed to just say yes, it's okay to
2807 put this there, although it's zoned something else, or what.
2808

2809 Mr. Silber - Mr. Vanarsdall, you and I spoke today about this. And, I think your
2810 questions are valid about the proximity of the quarry to this school. We were asked to do a site
2811 selection study when Schools asked us to look at several sites out in this area, and we received
2812 comments from the other departments and agencies, identified issues or pros and cons
2813 associated with sites. When this site was studied, the site selection location, we identified the
2814 quarry as a concern, as well as a pond that sits in the middle of this piece of property. Those
2815 were specific concerns that were expressed in the site selection for this particular piece of
2816 property. What's before you today though, is a determination of this site being substantially in
2817 accordance with the Comprehensive Plan or not. Does this site comply with your land use plan,
2818 or your comprehensive plan? We believe it does. As you can see from the Land Use Plan
2819 here, this is within a primarily residential area. It's showing us rural residential. You have
2820 Wyndham across the street, and in fact it's rapped around on three sides by this Henley
2821 subdivision that is going to be a very, very expensive residential subdivision. So we believe that
2822 if it is okay for people to live in these nice homes adjacent to the quarry, we believe it's
2823 appropriate for it to be used as an elementary school. Is it ideal for an elementary school? No.
2824 We would prefer that it not be next to a quarry, and a road that comes along the side carrying
2825 gravel trucks. But we do believe that it's substantially in accordance with the County's adopted
2826 Comprehensive Plan.

2827
2828 Mr. Vanarsdall - And, that what the law requires? I mean, that's what the law requires us
2829 to do this, so that's the reason I want you to explain this. So our role is to do that and then of
2830 course if it doesn't work out in the end, this is just the beginning. Of course, they're not going to
2831 put it there.
2832
2833 Mr. Silber - Yes, this would obviously go on to the Board of Supervisors. They would
2834 be considering this as well, and then the Schools may or may not chose to put a school here.
2835 They do have to look at this.
2836
2837 Mr. Vanarsdall - It meets all the criteria for our responsibilities. Not just this one, any of
2838 them, we've had. It meets the criteria for under our part, to say yes or no.
2839
2840 Mr. Archer - As it pertains to the Land Use Plan.
2841
2842 Mr. Silber - Right, we believe it does. Yes, sir.
2843
2844 Mr. Vanarsdall - Thank you for explaining that Randy.
2845
2846 Mr. Silber - Yes, sir.
2847
2848 Mrs. O'Bannon - Were there usually the schools, I don't think the School Board is even
2849 given the different choices. Don't they narrow it down to like three finalists or something?
2850 When they see if they get the properties together, they combine properties and that sort of thing.
2851 I know the people who purchase the property for schools often look at more than one site,
2852 obviously and any given time looking for a school site, and this must have been the number one
2853 choice of the finalists. The finalist of the choice, I guess that's my question, is what were the
2854 other options for an elementary school in this area?
2855
2856 Mr. Silber - That's part of the problem, Mrs. O'Bannon.
2857
2858 Mr. Tyson - As sort of pointed out in the staff report, you're running out of potential
2859 sites in that area.
2860
2861 Mr. Vanarsdall - Running out of land.
2862
2863 Mr. Tyson - They're becoming fewer and fewer, far between.
2864
2865 Mrs. O'Bannon - And so this is the best site they could find that was appropriate for an
2866 elementary school in western Henrico?
2867
2868 Mr. Tyson - Actually ...
2869
2870 Mr. Bessette - I've been with schools for about seven months. I'm the construction
2871 manager.
2872
2873 Mr. Vanarsdall - You want to identify yourself?
2874
2875 Mr. Bessette - Steve Bessette, construction manager with Henrico County Public
2876 Schools.
2877

2878 Mr. Vanarsdall - You work in there with Dwight and them?
2879
2880 Mr. Bessette - That's correct. I know one of your concerns is about the access road. I
2881 believe there's a quarry down this road (referring to rendering). If the quarry's down this road,
2882 we're accessing the school from the other road, so we're not going to be conflicting with the
2883 trucks right across where our entrances are. From the proposed layout, an elementary school
2884 doesn't require as much acreage as we're buying on this lot, so we've already designed it where
2885 it will fit from a conceptual standpoint.
2886
2887 Mr. Vanarsdall - So you must have been satisfied when you chose that site?
2888
2889 Mr. Bessette - That's correct.
2890
2891 Mrs. O'Bannon - Were there any other sites that were considered?
2892
2893 Mr. Bessette - I'm sure they looked at others, but like I say, it's prior to my arrival here. I
2894 was handed this and said hey, give me the soil samples, give me the wetland study, get me the
2895 survey, and I've accomplished all of those. And, I can show you how it's laid out and those
2896 things. But I can't talk about stuff that happened before I go here.
2897
2898 Mrs. O'Bannon - So the geology works and you can fit the school on the site, and even the
2899 pond's there – how are you going to work with the pond?
2900
2901 Mr. Bessette - That's correct.
2902
2903 Mrs. O'Bannon - So how will you handle the pond?
2904
2905 Mr. Branin - That was going to be my question. What are you going to do with the
2906 pond? Are they going to have PE for fishing?
2907
2908 Mrs. O'Bannon - With a big fence around it?
2909
2910 Mr. Silber - I'll need you to go back to the microphone, if you don't mind.
2911
2912 Mrs. O'Bannon - I'm trying to ask the question that I'm sure someone else is going to ask if
2913 I don't.
2914
2915 Mr. Bessette - These details will come forward when we start doing our design. You
2916 know, we could, it's my understanding it's just a farm pond. We could fill that thing in fairly
2917 easily.
2918
2919 Mr. Branin - It's a what kind of pond?
2920
2921 Mr. Bessette - A farm pond.
2922
2923 Mrs. O'Bannon - It's not a wetland?
2924
2925 Mr. Bessette - It's not designated as a wetland. We did do delineation of it also, so we
2926 know where the wetlands and our impacts can be less than an acre.
2927
2928 Mr. Vanarsdall - A frog pond.

2929
2930 Mr. Bessette - A farm pond.
2931
2932 Mr. Vanarsdall - Oh, okay.
2933
2934 Mrs. O'Bannon - I have a question, and it may be, I'm sorry, Lee this may be better for you.
2935 We're all pretty sensitive to the quarry, after this obviously. It's the first thing that jumps out at
2936 us. I have two questions. One is how does the 1800' of separation between the active quarry
2937 and this school site compare to the recent cases with other Henrico neighborhoods that have
2938 been not so much in the news. And, secondly, when you say in the staff report that the
2939 presence of an active in Goochland, those challenges for the site and for the quarry will need to
2940 be mitigated. Are you talking about screening from view the traffic to the road ... or are you
2941 talking about something more substantial to mitigate the active quarry?
2942
2943 Mr. Tyson - There could be a number of ways that the potential impacts could be
2944 mitigated. The timing of operations could be adjusted one way or another on the quarry
2945 operation, some agreement could be made that way. There could be mitigation along the road.
2946 For instance, fencing, screening, buffering to better coordinate that traffic. All of those have yet
2947 to really be resolved, but there are ... staff just doesn't believe that any of this is quite
2948 insurmountable. There are potential conflicts. They just need to be ironed out before the site is
2949 finalized and decided on.
2950
2951 Mrs. Jones - Okay.
2952
2953 Mr. Tyson - As far as the difference in spacing ...
2954
2955 Mrs. Jones - 1800 feet.
2956
2957 Mr. Tyson - It's my understanding, that the residential area that's been impacted and
2958 has been sort of the basis of the news reports is actually a fair distance away from ... I'm just
2959 not really totally familiar with it, but I think it's probably more than 1800 feet.
2960
2961 Mrs. Jones - Well, that was my impression too. Which means that we're getting
2962 ourselves in here a little deeper. Driving by the site I'm sure it's a site, that needs, that will be
2963 well positioned, it certainly meets a lot of criteria. I just can envision a public outcry as a result
2964 of the current feeling about quarry construction. So the question is whether we care to put
2965 ourselves in that position.
2966
2967 Mr. Archer - If I may ... I don't know whether I'm asking or saying something here, but
2968 I've always viewed these SIA's as us trying to determine whether or not it is in conformance with
2969 the Land Use Plan. Not so much that we're actually approving a site. And, I could be wrong, I
2970 don't know. But that's the way I've always viewed it. You know, we're not saying "hey this is a
2971 great place to put a school". We're saying "this is substantially in accord with the Land Use
2972 Plan".
2973
2974 Mrs. Jones - But that was the point of Mr. Vanarsdall. I understand.
2975
2976 Mr. Branin - So, Mr. Tyson are we in accordance with the Land Use Plan here?
2977
2978 Mr. Vanarsdall - That's what I was asking.
2979

2980 Mr. Tyson - I'm sorry.
2981
2982 Mr. Branin - Are we in conformance with the Land Use Plan here?
2983
2984 Mr. Tyson - Yes. It's supported by the Land Use Plan.
2985
2986 Mr. Silber - And, it goes beyond the Land Use Plan. It's in conformance with the
2987 entire Comprehensive Plan, which is the Road Plan, the Open Space Plan, so it's all the
2988 different elements and components of the Comprehensive Plan.
2989
2990 Mr. Branin - And, do we meet all those elements?
2991
2992 Mr. Silber - We believe it's substantially in accordance with the Comprehensive Plan.
2993
2994 Mr. Branin - Can I make a motion?
2995
2996 Mrs. O'Bannon - Can I ask quickly ... I know it's going to come up at the Board meeting
2997 and somebody needs to answer the question about other sites were reviewed.
2998
2999 Mr. Tyson - I don't have that information for you, but we can ...
3000
3001 Mrs. O'Bannon - I know it's going to come up. The second thing is, and understanding the
3002 substantially in accord being next to a quarry and we talked about the distance of the quarry, I
3003 just have a question about do we have any elementary, any schools near the pipe line? I am
3004 just curious. You may not be able to answer that, but again that's not something we have a lot
3005 of control of. And, we have houses right on that, the various pipelines in the County. So you
3006 know, I mean impacts. I'm thinking of impacts. The gas pipeline is loaded near the school.
3007
3008 Mr. Tyson - I don't know the answer to that question, but we can certainly look at that.
3009
3010 Mrs. O'Bannon - Those are the kinds of questions I know are going to come up, particularly
3011 the one about what other sites because that has come up in the past when we talk about school
3012 sites. At least at the Board level. Do you know what other sites were analyzed?
3013
3014 Mr. Silber - Mrs. O'Bannon, if you could look at this map that the staff has on the
3015 screen now (referring to rendering), you can see that what is needed is another elementary
3016 school in the northwest quadrant, which above 295 and 64.
3017
3018 Mrs. O'Bannon - Right.
3019
3020 Mr. Silber - You can see we have three existing elementary schools identified in
3021 green, and there's another one that's under construction at the lower side on the cove off of
3022 Pouncey Tract Road site. So you can see how these kind of have a spread, you need to then
3023 move away from those locations and find another school location. You really begin to run out of
3024 possibilities. We had a possibility for a school site in the Tommy Pruitt development, Grey
3025 Oaks, that's right in the middle of Shady Grove and Nuckols and Pouncey Tract. We had a
3026 possible there.
3027
3028 Mrs. O'Bannon - I'm sorry, can you move the hand some (referring to rendering)
3029
3030 Mr. Silber - Can you show with the hand?

3031
3032 Mr. Tyson - Trying to get control over it again.
3033
3034 Mr. Silber - Okay. There's one proposed there. That did not work out. Mr. Atack
3035 proposed one up at the Henley subdivision site. That ended up being on some wetlands and a
3036 cemetery, and that didn't work out.
3037
3038 Mr. O'Bannon - Okay.
3039
3040 Mr. Silber - So you can see, we are very close to the proposed site that's shown as
3041 number 9. You could go out near Kain Road and began to locate a school out in that area, but
3042 you have inferior roads, you don't have utilities and we don't see that area developing for quite
3043 some time.
3044
3045 Mr. Bessette - Then, we also getting right back on top of Shady Grove Elementary and
3046 Twin Hickory Elementary, and we're right back in that same corridor.
3047
3048 Mr. Silber - Right. So it becomes a challenge on trying to locate these. It's not an
3049 ideal site, but you know, we believe that it's in accordance with your Comprehensive Plan.
3050 There may be, there's going to be a need for another elementary school out here.
3051
3052 Mrs. O'Bannon - Another one? What about the high school? Isn't there a high school?
3053
3054 Mr. Silber - There is a need for a high school in this quadrant also. And, we have a
3055 site that has possibilities. But that has not been secured at this point.
3056
3057 Mrs. O'Bannon - Okay. And that's a good answer to the question. I mean, what you just
3058 said is very appropriate, and that's what I'm getting at.
3059
3060 Mr. Silber - Okay.
3061
3062 Mrs. O'Bannon - There aren't a lot of choices.
3063
3064 Mr. Silber - Right. There aren't.
3065
3066 Mr. Branin - If we could get the School Board to act quicker when lands available, than
3067 we may not be in a predicament on some of these sites.
3068
3069 Mrs. O'Bannon - Yes.
3070
3071 Mr. Archer - Well, okay. I think we need to terminate the discussion at some point.
3072 And, we need to decide whether or not we're going to determine that this is or is not
3073 substantially in accord and approve this resolution or disapprove it.
3074
3075 Mr. Branin - Well, I would like to make a motion to approve ... if I may.
3076
3077 Mr. Archer - It's your district, sir.
3078
3079 Mr. Branin - Thank you, sir. Mr. Chairman, I'd like to move for approval of resolution
3080 SIA-03-06 with the Northwest Elementary School #9 site.
3081

3082 Mr. Archer - Do I get a second?
3083
3084 Mr. Jernigan - Oh, second.
3085
3086 Mr. Archer - The motion is made by Mr. Branin, seconded by Mr. Jernigan. All in favor
3087 of the motion, say "Aye". Those opposed say "No". The Aye's have it. And we have found that
3088 the Northwest Elementary School site is substantially in accord.
3089
3090 Mr. Vanarsdall - I forgot to ask Mr. Tyson, will the Pouncey Tract Road be widened by
3091 2011? Will that all be finished? What is the target on that? Is it about 2010, isn't it?
3092
3093 Mr. Tyson - Yeah, I think it is.
3094
3095 Mr. Silber - Pouncey Tract's going to be widened over I-64 up to Twin Hickory Lake
3096 Drive.
3097
3098 Mr. Vanarsdall - I know. What's the target date to completion? About 2010?
3099
3100 Mr. Silber - That portion of it should be finished in about 2 years. There are no plans
3101 at this point to widen it beyond Twin Hickory Lake Drive, but who knows in the distant future.
3102
3103 Mr. Jernigan - We're also worried about getting Three Chopt done before that.
3104
3105 Mr. Silber - The remaining item on the agenda is a discussion item. This is to initiate
3106 a discussion and set public hearing date for a resolution to amend the County Code to allow
3107 replacement of nonconforming structures. We've provided you with a copy of this resolution.
3108 This ordinance amendment that is proposed simply mirrors the language that was approved by
3109 the General Assembly. This language is now on the State Code. So whether we adopt this or
3110 not we will be bound to comply with these regulations. Our county attorney says that we should
3111 make our County Code in compliance with State Code, from this perspective, so what this
3112 basically does is initiate an ordinance amendment. We will be bringing that ordinance
3113 amendment back to you. We're recommending a public hearing on September 14th. I would
3114 recommend at 6:30. We have one set for 6:30 already for the height of buildings ordinance
3115 amendment. We'll have two ordinance amendments on the 14th at 6:30, if you pass this
3116 resolution.
3117
3118 Mr. Archer - Okay. May I have a motion on the resolution?
3119
3120 Mr. Vanarsdall - I'll make a motion. I move that the Henrico County Planning Commission
3121 directs the Director of Planning to draft an amendment to Section 24.8 of the Henrico County
3122 Code to permit the replacement of non-conformance structures damaged or destroyed by
3123 national disasters in accordance with amended statute. Be it further resolved that the Director
3124 of Planning is directed to advertise these amendments for Public Hearing on September 14,
3125 2006.
3126
3127 Mr. Branin - Second.
3128
3129 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin. All
3130 in favor say aye...all opposed say nay. The motion passes.
3131
3132 Is there any discussion on the minutes, corrections or do we approve them as written.

3133
3134 Mr. Silber - Minutes of the July 13th meeting. Any changes?
3135
3136 Mr. Branin - Did you fax yours in.
3137
3138 Mrs. Jones - You know I didn't. And it's just two little things. Just little tiny ... I believe
3139 Mr. Vanarsdall, not Mr. Branin made the motion on page 5, line 211.
3140
3141 Mr. Vanarsdall - What line?
3142
3143 Mrs. Jones - Page 5.
3144
3145 Mr. Silber - 211.
3146
3147 Mrs. Jones - Line 211.
3148
3149 Mr. Vanarsdall - I believe you're right.
3150
3151 Mr. Silber - Okay. Thank you.
3152
3153 Mrs. Jones - And then the other was just one little grammatical thing. I'll email it in.
3154
3155 Mr. Archer - Okay, may I have a motion for approval of the July 13th Minutes?
3156
3157 Mr. Vanarsdall - So moved.
3158
3159 Mr. Branin - Second.
3160
3161 Mr. Archer - Okay. Motion made by Mr. Vanarsdall and seconded by Mr. Branin for
3162 approval of the July minutes, July 13th. All in favor say aye. All opposed say no. The motion
3163 passes.
3164
3165 Mr. Silber - I have one other comment. Just a reminder that we do have a Board of
3166 Supervisors/Planning Commission work session on the Comprehensive Plan 2026 Plan,
3167 October 4th. Pretty much all day, so if you could put that on your calendar, and book that –
3168 that's a Wednesday, I believe. Wednesday, October 4th, so please put that in your calendar. All
3169 day Planning Commission and Board work session.
3170
3171 Mr. Archer - About what time will that start, Randy, do you know?
3172
3173 Mr. Silber - About 8:30/9:00 a.m.
3174
3175 Mr. Vanarsdall - That one's at the Conference Room isn't it?
3176
3177 Mr. Silber - That's correct.
3178
3179 Mr. Vanarsdall - And, we're going to have lunch too.
3180
3181 Mr. Branin - October 4th, at what time?
3182
3183 Mr. Silber - Say 8:30.

3184
3185 Mr. Vanarsdall - You get there early enough we'll have breakfast for you.
3186
3187 Mr. Jernigan - That's right.
3188
3189 Mr. Archer - This meeting is officially adjourned at 10:14 p.m.
3190
3191
3192
3193
3194

C. W. Archer, C.P.C., Chairman

3195
3196
3197
3198
3199
3200

Randall R. Silber, Secretary