Minutes of the Planning Commission Work Session held in the County Manager's Conference Room to discuss and receive comments regarding the implementation of the Planning Commission Portal beginning at 5:00 p.m., Thursday, February 11, 2010.

Members Present:	Mr. Ernest Vanarsdall, C.P.C., Chairperson (Brookland) Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield) Mr. Tommy Branin, (Three Chopt) Mr. E. Ray Jernigan, C.P.C. (Varina) Mr. David A. Kaechele Board of Supervisors Representative Mr. R. Joseph Emerson, Jr., AICP, Director of Planning, Secretary
Absent:	Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Also Present:	Ms. Jean Moore, AICP, Assistant Director of Planner Mr. James P. Strauss, CLA, Principal Planner Mr. Jonathan Steele, Technology Support Specialist IV (GIS) Ms. Sylvia Ray, Recording Secretary

Mr. Vanarsdall called the meeting to order at 5:08 p.m.

Mr. Emerson asked Jon Steele to update the Commission about the progress of the Planning Commission website portal and asked the Planning Commissioners to think about questions, concerns, or issues in regards to their experience so far in using the portal. Mr. Emerson stated if the Planning Commissioners were comfortable using the system, planning staff could set up and go live with the Commissioners' email.

Mr. Steele updated the Planning Commissioners of new features of the portal, including a calendar of monthly events and discussed how individual email for the commissioners is accessed via the portal. Mr. Steele referred to the user manual, a handout given to the Commissioners, demonstrating how the portal is accessed and the resources available. At the Planning Director's request, Mr. Steele provided a demonstration on accessing the web version of Outlook Exchange.

Mr. Emerson suggested sending test emails next month, and postponing the implementation of email for the Commissioners to the first of April. Mr. Vanarsdall stated he was comfortable implementing this month.

Both Mr. Emerson and Mr. Steele responded to comments and questions from the Commission which covered the following areas:

-The Planning Commissioners wish to have the names and email addresses for county staff in an area that is easily retrievable within the Portal;
-Recap in how to log in to the Portal;
-Requirements for creating/changing passwords
-Portal website setup/calendar
-Generating new emails
-Deleting old email/email backup
-Receipt of email at old/new addresses
-Start time for using new County email addresses
-Addition of Adobe .pdf calendar

Mr. Emerson responded to questions raised by the Planning Commissioners regarding emails and FOIA requests.

Following the discussion of the Portal, Ms. Jean Moore provided a summary of the Department's workload and development indicators in relation to past trends and updated the Commissioners on continuing and upcoming major work items within the Planning Department.

Mr. Archer made a motion at 5:50 p.m. to recess and reconvene in the Board Room of the County Administration Building for public hearing items beginning at 6:00 p.m. Motion was seconded by Mr. Branin.

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday, February 11, 2010. Display Notice having been published in the Richmond Times-Dispatch on January 21, 2010 and January 28, 2010.

Members Present: Mr. Ernest B. Vanarsdall, C.P,C., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. David A. Kaechele
Board of Supervisors Representative

Members Absent: Mrs. Bonnie-Leigh Jones (Tuckahoe)

Also Present: Mr. Virgil Hazelett, County Manager
Mr. John Vithoulkas, Director of Finance
Mr. Gene Walters, Budget Director
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Ms. Jamie Sherry, County Planner
Mr. Mike Jernigan, Traffic Engineer

Ms. Sylvia Ray, Recording Secretary
Other Departments Heads and Key Officials

AT 6:00 P.M. THE MEETING RECONVENED IN THE BOARD ROOM FOLLOWING A WORK SESSION.

PUBLIC HEARING ON CAPITAL IMPROVEMENT PROGRAM:

Mr. Vanarsdall - The Planning Commission will now reconvene. We just had another meeting upstairs. We adjourned from that. I'd like to welcome everyone here this evening, including my fellow Commissioners. Mr. Kaechele, welcome to you—Mr. Kaechele is our representative from the Board, Mr. Emerson our Director, and Ms. Moore in the back.

Our first part of the meeting tonight—this is a public hearing commonly known as the Budget, Capital Improvement Program. I want to welcome all the people here from the County, and Mr. Manager. It is very much a pleasure—and I really mean this—to have ya'll. I know every year we gather the who's who in Henrico. I know its been a tough budget this year. But, I figure we're better off than anybody around us. With that, I'll turn the meeting over to Mr. Emerson, our Director.

Mr. Emerson - Thank you Mr. Chairman, did you note that Mrs. Jones could not be here tonight? She had an emergency she had to attend too.

Mr. Vanarsdall - She's in New Jersey and—is snowed under. She said she hated to miss the CIP Mr. Manager, but she couldn't get back if she wanted to.

Mr. Emerson - Thank you Mr. Chairman. As you noted the first item on our agenda is the Capital Improvement Program. There is a public hearing to consider the FY 2010-11 through FY 2014-15 for the County. We are honored to have many esteemed guests here tonight, and I will turn the presentation over to the Manager.

Mr. Vanarsdall - Good evening Mr. Manager.

Mr. Hazelett - Thank you Mr. Emerson.

Mr. Hazelett - Good evening Mr. Chairman, members of the Planning Commission, Mr. Kaechele. It's a pleasure for us to be here this evening. I affectionately joke every once in a while, if we can't answer any of your questions there's a bus waiting outside for us. However, there is no bus this year, it's a snow plow. Unfortunately, it's not running cause it's about to run out of gas.

Mr. Vanarsdall - Excuse me, Mr. Manager do YOU mind if we interrupt you when we get on some page that we have a question or need an [unintelligible] opinion.

Mr. Hazelett - Not at all, not at all.

Mr. Hazelett - To begin this presentation I would tell you it will be a little bit of what you've seen before—a little bit different because we will be giving you some additional information concerning the economy overview. And then a little bit different in reference to the presentation of the Capital Improvement Program and the Budget.

We are here of course to present to you the five-year Capital Improvement Program and also, to highlight the proposed Capital Budget which of course, are two different things. The Capital Budget represents those projects that we will be recommending funding for, for the 1st year,—the first year of the Capital Improvement Program. And, of course, the CIP or the Capital Improvement Program consists of all projects which are to be considered over a five-year period. In essence, it's a tool that we use to insure that we are planning for the future in Henrico County.

I must also tell you that in this uncertain economic environment, reaching a balance between the many infrastructure needs that we will list for you this evening and give you some figures on, and the careful stewardship of our financial resources is something that is very, very difficult this year. This is reflected in the change in the CIP document that you have before you. In the past, projects that did not have an identified funding source used the "General Fund" as the funding source. However, due to the economic reality, these projects are now more accurately reflected, if you will look in the CIP, as "no funding source" and are red in color in the summary sheets. That is in essence a way of assisting you, as well as the citizens, as we go forth with these documents to understand that there is not sufficient money to do all of these projects and that we are only doing those that are most critical in the first year.

As we move forward I would tell you that there is a bright side to this, the G.O. Bond projects that were originally slated for funding in this year's budget 2009-2010 but were delayed, because of economic considerations, are included in the proposed Budget and the CIP for 2010-11. You will remember that these projects are Education projects, Fire, Public Library, and additional funding for the one road project that was included on the Bond referendum.

Again, this year there will be some differences in the way in which we complete the Capital Budget. The Public Works projects that receive funding from State Transportation or Gas Tax are not included in the proposed Improvement Budget for 2010-11. That is due to the continuing shortfalls at the State level. The fact is that we simply do not know how much money will be provided to Henrico

County for capital road efforts. Therefore, as those monies are brought forward to us we will amend the budget, we will amend the process as we move forward. We believe this is the only prudent way to address this particular unknown coming from the State. You will hear me talk about some other unknowns in the future.

The same also holds true for State Lottery or State Construction funding for School projects. Effectively, we believe that that has been zeroed, and will not be available. However, should the County receive those funds, in some form, then we will appropriate those funds during a budget amendment process.

As we begin your presentation this evening, you notice some of these concerns—some of you who have been in other presentations know that these all reflect considerations not only for Henrico County, but for the national effort. While there is talk at the national level of economic recovery, the unfortunate truth is that the economic indicators that impact state and local government are all lagging indicators. And they continue to lag. In other words, while the economy may begin to grow at the national level, and we believe that it is, it will take a number of months, and more possibly even years, before this growth translates into revenue growth locally. And that is a real concern as we put this budget together, both operating and capital, and as I look to the future.

As you may have read in the newspapers and seen on the news, the FY2010-11 operating and capital budgets for all localities are being severely impacted. Frankly, this budget process has proven to be one of the biggest challenges in all of my years in Henrico County. And until we have some more concrete numbers from the State and the General Assembly, this nightmare will continue. We simply can't close this budgetary process because we know we are going to receive additional reductions in revenue from the State of Virginia. And we can't seal off and make a presentation on the budget until we know what that is, how it affects us, and what we can do.

As you look at this slide, the most important economic driver for any locality is jobs. With the loss of jobs, and subsequent loss of household income, a number of local revenues are impacted. Residential real estate values decline as foreclosures increase due to the inability to pay the mortgage on time. Commercial real estate values drop due to all of the vacant office space. Local sales tax receipts decline, new vehicle purchases drop substantially impacting our personal property tax receipts, and tax payment delinquencies also rise. In other words, nearly every facet of local government revenue is being impacted.

In the Metro Richmond Area, if you recall looking at all of the newspaper items, jobs is a serious concern. Over 14,100 jobs have been lost since January 2008, half of those, one-half of those in are Henrico County. Included in that figure is the closing of Qimonda and the bankruptcies of LandAmerica and Circuit City, which are changing the landscape of business in Henrico County. Qimonda

alone, is a $4 million dollar reduction in tax receipts, almost a $2 million dollar reduction in revenue to the Public Utilities Department in reference to the use of water and sewer. We are definitely being impacted by all of these closures.

The two largest revenue sources for Henrico are real estate revenue of course, which is reducing, and State aid, when combined total nearly 70.0 percent of General Fund revenues in the this budget, in this present year. And I'm sure, as you have read in the press, both of these revenue sources have declined significantly.

The value of real estate declined by an unprecedented, an 8.0 percent from January 1, 2009 to January 1, 2010. This is the first time since 1935 that the County's real estate valuation has actually declined.

The County is still experiencing a decline in its sales tax collections. The County receives one percent of the sales taxes collected by our businesses and we lead the region in sales tax revenue collections thanks to the County's diverse retail establishments that we have. Currently the drop in sales tax receipts is 5.1 percent when compared with the same period last year. To date, this decline is the lowest in the region – and it is very likely that that decline would be much greater if not for the Henrico, Virginia address initiative.

The reduction in the value of real estate, the reduction in sales tax revenue both are impacting the current physical year budget as well. This is evident by the introduction of a budget amendment to reduce the present year's budget by $18.5 million dollars that took place last Tuesday evening before the Board of Supervisors. This reduction is necessary to keep the budget in balance due to reductions in the two local revenue sources as well as the reduction in State Revenues that is anticipated.

I can tell you that I am concerned about the declines in our local revenue that's fairly obvious, but what troubles me most is the further cuts in State aid to all localities. From 2007-08 from that budget year until to the present budget year the County has absorbed over $39 million dollars in cuts in the State of Virginia, most of which were cut in the current year. And we are facing a very difficult time. In 2010-11 a number of new reductions have been proposed by former Governor Kaine to offset the State's anticipated $4.2 billion dollar shortfall for the biennial 2010-11. These reductions to Henrico would likely grow twofold when Governor McDonnells' budget goes forth as he has made it very clear, as have many members of the General Assembly, that every tax increase proposed by Governor Kaine will not be considered. In essence, at this point in time, in the conversations that I have at the General Assembly level there will be no new tax rates. There will be simply be cuts in revenue; cuts in services. And what concerns all local governments is the conversations that we have seen, and that is, at least $720 million dollars in those cuts will come through aid to local K-12 education. Depending upon what that real number is, every locality is going to

have a difficult time. Our difficulty will be relative. It will not be as great as others but I can assure you it will be difficult.

As you can see, we are faced with an economic environment of what we define as historic proportions. As difficult as this journey has been, I can say wholeheartedly that I have never been more proud to work in Henrico County. As scary as it may sound, in spite of the physical troubles, this County has positioned itself better than any other locality in the State. Due to the efforts of the individuals behind me, due to the efforts of this Planning Commission in setting the forth the development processes in the development of this County and due the efforts and leadership of the Board of Supervisors of this County. It is not going to be easy; but we will do it. We'll fight our way through this as we always have.

I thought it necessary to present you with an overview of these challenges we are facing, so that you understand they have a direct impact on this public hearing item the Capital Improvement Program which is being presented to you. I will generally go through all of these. I will not go through them in detail because things are going to change because of budget considerations.

In looking at the five-year CIP, those requests by all of the Departments behind me for necessary or needed projects over the next five years, these next three slides will show you where we are.

- Customer Relationship Management is a tool that we have looked at for a long period time. It in essence provides a call center as this County gets larger and larger in order to handle those cornplaints and the needs of our citizens.

- You will note that there is $627.4 million dollars for improvements in Education. This total 5-year request includes 5 new elementary schools; 2 new middle schools, 2 new high schools, 1 new high school technical center, and the final allocation for Glen Allen HS, which will open in September of this year. There are many other projects included here. And in addition to this, the school system, the Budget office and myself are earnestly trying to come up with ways to fund the shortfalls as we move forward.

- Fire's: five-year request of $86.9 million includes 3 new fire stations and rebuilding other fire stations, as this is always necessary as the County grows older and larger.

- General Services: you see a figure of $387.0 million dollars a five-year request for things we don't often think about, but we accept them and take for granted includes funding for roof repair, mechanical improvements, pavement rehabilitation, the continued renovation and upgrading of

County facilities. Also included in the request is the construction of a small new courts complex which is going to be necessary in the next several years, a figure in excess $120 million dollars by itself.

- The request of Human Resources: to assist in our further effort to determine the feasibility of a fitness and wellness center.

- Information Technology: this includes a project which addresses the on-going replacement of the County-wide computer hardware and software efforts.

- Mental Health: three projects totaling a little over $900,000 dollars, a feasibility study for consideration of a new facility in the east end and the possible expansion in the west end.

- Libraries: They are requesting $91.2 million dollars funding for 3 new libraries and, renovation and expansion of 1 library.

- and in the area of Public Works, a five-year request for $64.2 million dollars for 80 Drainage projects.

- The Geographical Information System, which we must continue on an annual basis, is requesting $1.5 million again over the five-year period that would allow for the accumulation of funds in order to continue to fly the County, which is so very, very, valuable for the development of the County.

- Public Works is also requesting $35.2 million dollars to improve our roadways to alleviate traffic congestion and safety concerns. This continues on, with the County's current 3,348 lane miles of roadway making us the 3rd largest road system in the network in the State of Virginia. I would also tell you its the 3rd largest holding spot for snow in the State of Virginia.

- Recreation and Parks is requesting $262.1 million dollars for projects that include improvements to existing facilities as well as new parks as we continue to develop.

- The Registrar: $1.0 million dollars for electronic polling books, which is being considered across the State of Virginia.

- The Sheriff's Office: one project totaling $47.0 million dollars, believe it or not, for a possible jail expansion due to the inmate population. That total when we get to that point $1.6 billion dollars for consideration over five years.

- The next slide shows you Public Utilities and the Belmont Golf Course, which of course are in the Enterprise Funds.

- The small figure in reference to Public Utilities: $502.2 million dollars over five years. The infrastructure system of the County continues to age. There are necessary improvements which have to take place and those of course will cost. I wish that we had funding for more of these projects because of the prices that we're receiving for projects that are going to bid this year. We are saving funds, which of course could be applied to other projects.

- In the area of Belmont Golf Course, the request has been made on number of occasions for $7.2 million dollars to increase the number of parking spaces available at the facility and to make the necessary improvements for Mr. Archer so that he can continue to play golf without damaging the course any more that he does on an annual basis.

Mr. Archer - I really appreciate that Mr. Manager.

Mr. Vanarsdall - I told you he said there wasn't enough in there.

Mr. Kaechele - It's an Enterprise Fund so you pay as you go.

In total, requests amount to $2.12 billion over this five-year period. This is the highest CIP request the County has ever had. Of the total amount requested, due to funding constraints, obviously, where we are in this economic environment, only those with the most pressing needs are recommended for the Budget.

And, as I noted earlier, this year the projects that do not have an identified funding source are listed as "no funding source".

The proposed FY2010-11 Proposed Capital Budget is as follows:

- $68.2 million in Education includes funding for the construction of the new West Area Elementary School #9; the final allocation for the Glen Allen High School, which is under construction. Planning and designing for a number of other renovation projects. The renovations to Johnson Elementary, Brookland Elementary, and Varina High School. In addition as is necessary, there is always included funding for roof and mechanical improvements for various school buildings.

- It is important to note that funding of $6.2 million dollars has been designated for an Education Bond Project Reserve. This funding was originally requested for projects that included only land, planning, and/or other partial renovation costs within the original $220,000,000 for Education projects which were approved in the March 2005 Bond

Referendum. With identified funding shortfalls in some of the higher priority projects, the prudent decision is to propose putting these funds, which could not go forward until there is an additional revenue provided for these projects to be completed, into a reserve for future allocation, which is what is being proposed. The School Board is aware of this. I believe that there is general agreement in my conversation with Dr. Russo and we will be moving ahead with that recommendation.

- Fire's funding of $4.1 million dollars will allow for the construction of the new Fire Station #19.

- General Services total allocation of $4.2 million dollars includes funding for the Human Services building HVAC replacement, which has been a difficult problem for a long period of time. There is renovation to the Magistrate's Office, replacement of various generators, building maintenance and so forth, which are continuous year in and year out in reference to the number of buildings that we have.

- We are proposing to fund Information Technology for the various technology upgrades projects which are necessary in these spaces.

- Public Library's funding $1.7 will allow for planning and design costs associated with the new Varina Area Library which was included as part of the Bond Referendum.

- $300,000 dollars for the County's Geographical Information System that is for the accumulation of funds in order to continue to fly to provide the necessary topo to provide the necessary descriptions for development in this County.

- $6.8 million for roadway improvements will fund the final the final phase of the North Gayton Road Extension project and will allow for various improvements to some County road system projects.

- Recreation's funding of $935,000 dollars includes facility rehabilitation projects, historic facility rehabilitation, a master plan for land acquired adjacent to Belmont Golf Course.

- $36.6 million for Public Utilities is proposed for the expansion and rehabilitation of the water and sewer system.

- Public Utilities has requested funding for recurring water and sewer projects throughout Henrico County. This includes rehabilitation, connections, extensions, preventive maintenance of various water and sewer pump stations, and relocations and so forth, which come before the Board of Supervisors.

- The remaining projects in this program are planned in the 2010-11 Budget and include a number of items within Public Utilities that we would be most happy to answer any question that you might have in reference to the overall efforts of that Enterprise Fund.

This is a different slide, which is showing you the proposed capital budget so that you can see how the proposed expenditures would be made. You see the red being the Education Projects, which was the G.O. Bonds approved in 2005. You see the Enterprise Fund being almost 30% of the total. You see 9.55% being the G.O. Bonds again for General Government recognized from the 2005 Referendum and the additional funding in Public Works and also the General Fund.

I'm very, very proud to include in the proposed capital budget the projects that were approved by the citizens in 2005 and that were originally scheduled for FY2009-10, but had to be delayed. While the economy has not improved, I believe we have planned to move forward with these needed projects in the coming year.

As you have seen throughout this presentation, there are still a number of unknowns in regards to this economic environment – and a number of County resources are also a moving target.

Where will the State Budget shortfall end, what is the final impact on our County Budget? I wish I knew. What plan can we provide in order make sure that this budget is approved on time and in a reasonable manner before our citizens? I wish I knew.

Mr. Chairman and Members of the Planning Commission – what you've seen this evening is very a real picture of Henrico County which is not an island. We are being impacted. Perhaps not to the degree of other localities because of the constant planning efforts that we have had in place for a number of years. But when you hear it on the news, when you read in the paper, it does and has an impact on Henrico County. We have done very, very well in all of our years and I believe that we will continue to do well. I can only tell you as I have told staff on many occasions and as we do many things as we move to the future. Business as usual is not an option. The revenues as presented three years ago will not occur. Life is very, very different. The Government is and will be different as we move to the future. We have presented this Capital Budget to you and I can honestly say to you that we sincerely believe that we can do this. That we will move forward with these capital expenditures along with the operating expenditure presentation to the Board of Supervisors once we receive all of the information in reference to State revenue so that we can finalize the operating budget. We do not believe that it will impact the Capital Budget which we have just presented to you.

Mr. Chairman, Members of the Commission, and Mr. Kaechele, of course, we stand ready to answer any questions you may have.

Mr. Vanarsdall - Any questions for Mr. Hazelett?

Mr. Branin - I have three. Now Mr. Hazelett thank you and staff for coming out this evening and giving us this information. First one, if we are waiting on the General Assembly to keep cutting, when would we actually know and be able to close out our budget? Are we looking and May or June?

Mr. Hazelett - We're under certain restrictions in reference to tax bills in reference to providing revenue to the school system in accordance to the State code. We don't actually know. There are certain items in State code that says we may have up to 30 days from the time that information is presented. We don't know when it will come out. We have set up legislative hearings for the Board of Supervisors beginning on March 15th. I'm hopeful that we'll have that information from the State of Virginia in sufficient time to make the necessary additional cuts, which I know are coming, prior to going through legislative consideration by the Board. If not, in all probability I will delay the legislative hearings as far back as I possibly can. But, then I'm hit against the back end in reference to the adoption of the budget and the public hearing. One of the other practical things is that we can't send out tax bills for the June receipt of real estate tax until we know where we are in reference to the tax rate which of course impacts the budget. I would very honestly tell you we need to do all of that by about May 1. I'm hoping we'll get there.

Mr. Branin - If the General Assembly follows suit like they do generally, they may not even come out of session until May. My second question is in regards to the projects that the capital improvement and the bond have provided for 2009-2010 that are going forward, isn't it a bright note that because of the economic situation and the climate out there currently that we'll be able to bring those in under budget by large–by a decent amount.

Mr. Hazelett - Very much so, Mr. Branin. The construction prices that we're receiving are very, very low at this point and time and we need to take advantage every one that we possibly can; which is what we have done. We took of course a one-year hiatus because of revenue concerns. But we did plan on making sure that we could let these projects in next year. And I believe that we will receive help by the reduction in those construction costs and therefore we'll be able to move with other projects. It is the time to do that. And also, we still believe that we will have very, very good bond ratings that we have received in the past year, to year and a half. At the Board of Supervisors meeting Tuesday, we requested and received approval to consider refinancing any of our bond projects for the last several years due to the good bond ratings that are out there or that may be out there for the next several months.

Mr. Branin - And, my third and final; with the climate on the federal level in D.C., and with the Obama administration pushing for green, green everything. I know that there are programs out there for when we go to upgrade or repair, or change out AC units, and heating units, and so forth. Are we taking advantage of those green elements and LEEDs programs that are out there? Because I've had people say to me in the past we know that you can get your air conditioning replaced and LEED pay for the initial. I don't know exactly how that systems works. Has the County looked into federal help and the green initiatives and all of that?

Mr. Hazelett - Yes, we have in reference to the County that undertakes new or any large projects we are looking for LEED elements to become LEED certified in reference to all of that. In reference to any renovations if there are federal grants available, and they are somewhat different than single-family, but if they are available in reference to environmental aspects/green, we are looking into and do use them. Thank you.

Mr. Branin - That's all I have. Thank you.

Mr. Archer - I had a couple of questions, but I think I'll just ask one and this is more specific to Fairfield. Under the partially-funded Henrico High School. The first phase appears to be designated to plan and design, and some construction. Will that involve any new construction as far as the physical plant is concerned or is it demolition and reconstruction? That's on page 6, I believe.

Mr. Hazelett - Page 7 perhaps?

Mr. Archer - Could be. Yes, I wrote over my page number.

Mr. Hazelett - Showing $1.2 million in 2010-11 which is a request showing $16.4 million in 2011-12. Mr. Archer part of my problem is there's also an additional $33 million dollars that would be needed for that project. So I'm proposing to take that $1.2 million dollars and put it into the reserve which would be available for other projects. There is going to have to be consideration of a bond referendum for education projects. At this point and time I have suggested to the Board of Supervisors that it probably would not be considered. Of course it is up to the Board of Supervisors, until February 2012. That will carry a number of education projects and well as other improvements. My concern is that we have to be able to pay the debt service and reach all of our debt parameters. And I quite frankly, I don't see spending 1.2 million dollars this year and $16.4 million next year when I don't have the $33 million dollars. That's not partial.

Mr. Archer - That was part of why I was asking now. But I was also asking considering the physical plant as it is now, will that take in to

consideration building new buildings, or demolishing and reconstructing what's already there? I don't know if there's a lot of space over there.

Mr. Hazelett - I'll have to let Mr. Chiarochi, who is here from Schools answer that question. Even though I believe I know the answer, Al.

Mr. Chiarochi - [Unintelligible]

Mr. Archer - I believe the folks in the back wanted that on the mike for the record. But, you can repeat that. I think it just says no new construction.

Mr. Hazelett - That is correct. No new construction. They'll just see improvements within the building.

Mr. Vanarsdall - Any more questions for Mr. Manager?

Mr. Kaechele - Yes I have one. Mr. Manager in all these capital projects the funding source is identified and a lot of it is bonds and outside of the Enterprise Zone. About $8.6 million is identified as general fund revenue, does that include fund balance–general fund revenue?

Mr. Hazelett - Yes sir it actually comes as an overage. If you recall our internal policy is to restrict fund balance accumulation to 18% of the operating budget. Any funds that have been received–we do look to that for consideration of capital improvement, which is where that is. Yes sir.

Mr. Kaechele - So would you identify most of that $8.6 million of general fund revenue as fund balance.

Mr. Hazelett - Yes sir.

Mr. Kaechele - Thank you.

Mr. Vanarsdall - Mr. Hazelett, how does this downturn—I know the lottery funds are earmarks for education. How does this affect the lottery funds— a downturn like this?

Mr. Hazelett - Actually, the lottery funds were taken by the States and are included in operating expenses of the school. They simply took it away as far as a construction intent, and giving it back in reference to the funding that there providing for operations of the school. So in essence, it does not exist.

Mr. Vanarsdall - [unintelligible] done recently?

Mr. Hazelett - It was done—not this budget year, but last budget year.

Mr. Vanarsdall - How [unintelligible].

Mr. Hazelett - Yes.

Mr. Vanarsdall - I knew they did something to it.

Mr. Vanarsdall - The other thing, along educational lines. I saw this article in the paper. It says the government wants to unfreeze school funds to take care of I believe it's eight counties—northern Virginia counties that have suffered more than anybody they say. Today this came up in the Richmond Regional Planning District. Mr. Silber was there, and Mr. Kaechele. We voted for them not to unfreeze it, to keep it like it is. I'm not familiar with the index they used when it isn't unfrozen. I know you know about that. This would affect our funds if they unfroze it.

Mr. Hazelett - It does affect our funds. The item that you're referring to is a little misleading. It does show about a $1.3 million impact to Henrico County if the composite index is changed. And I believe that's what the General Assembly's going to do. If it remained the same or frozen then we would be in a better position. We would not be losing $1.3 million dollars. There's a figure beside it that we've been trying to provide information to those of you who were there. It's a little over $25 million dollars. That in essence—you have to be very careful. This was not put together by the PDC or its staff, it was put together by an individual who provides this information to different entities. We believe Henrico's position was for $14 million dollars of stimulus which was taken back and we only use for capital purposes in schools. And a little over a $10 million reduction between this budget year and the next budget year which we have been aware of since last year. We have accounted for all of that and that is not an impact. The $1.3 is an impact to us but that is not all of the education reduction that we know is going to come. There are some other conversations. There have been news reports. We don't know exactly where it will land—that across the state the General Assembly will reduce education funding by an additional $720 million dollars. And so that will impact all of us. When you speak to the movement or the unfreezing of the composite index, what that means is some of the northern Virginia counties will receive additional funding. I do know the number for Fairfax County is $61 million. There are other counties who will receive additional funding, but, they will also receive a reduction in funding of the $720 million dollars or whatever that figure is that the General Assembly considers for education reduction before they come out of session; hopefully.

Mr. Vanarsdall - Thank you.

Mr. Vanarsdall - Any other questions?

Mr. Kaechele - Yes, one more. Mr. Manager, the projects listed under the General Obligation bonds of 2005. If we complete these projects will that complete this referendum?

Mr. Hazelett - I believe these are the last projects. Walter is there any more?

Mr. [unintelligible] - [unintelligible]

Mr. Kaechele - Okay, so it's still going on. Okay, but what about selling—will we have to sell new bonds for these projects? Or is that in the pipeline.

Mr. Hazelett - Yes we do.

Mr. Kaechele - All of it.

Mr. Hazelett - A number of years ago we went to only selling the bonds when it was necessary. So bonds will be sold after July 1 assuming the Board approves the capital budget as well [unintelligible].

Mr. Kaechele - The whole $70 million plus or whatever.

Mr. Hazelett - That which is designated for the year. Yes sir, $68 million something like that.

Mr. Vanarsdall - Thank you very much for all that hard work and efforts.

Mr. Hazelett - Thank you Mr. Chairman, members of the Planning Commission. Although these individuals behind me don't say a lot in this particular hearing, I assure you we could not do without each and every one of them. And them being very much aware and mindful of the impacts of where we are today and where we were last year, where we are going and where we may have to go in reference to our expenditures. I'm very, very proud to work with these individuals. Even though I lose hair over this particular budget each and every day, I'm tickled to be able to be a part of this team. It makes a difference each and every day.

Mr. Vanarsdall - A good team you've had for a long time. This is a public hearing. Anyone in the audience like to speak?

Mr. Vanarsdall - Mr. Secretary you need the resolution don't you?

Mr. Emerson - Yes I do. You have a Resolution that I provided to you at the beginning of the meeting. Resolution PCR-1-10 Capital

Improvements Program for FY2010-11 through FY2014-15. If you'd like I can read it into the record.

WHEREAS, in accordance with §15.2-2239 of the Code of Virginia, the County Manager requested the Planning Commission to review and make recommendations concerning the Capital Budget for fiscal year 2010-11 and the Capital Improvements Program for fiscal years 2010-11 through 2014-15 to the Board of Supervisors; and

WHEREAS, the Planning Commission has completed its review of the Capital Budget and the five year Capital Improvements Program.

NOW, THEREFORE, BE IT RESOLVED, that the Henrico County Planning Commission finds that the Capital Budget for fiscal years 2010-11 and the Capital Improvements Program for fiscal years 2010-11 through 2014-15 are generally consistent with the County's Comprehensive Plan and recommends their approval.

Mr. Vanarsdall - We need a motion.

Mr. Branin - I move for approval of the Resolution.

Mr. Archer - Second.

Mr. Kaechele - Mr. Chairman I'm going to abstain on this vote.

Mr. Vanarsdall - Yes sir, Mr. Kaechele.

Mr. Vanarsdall - A motion made by Mr. Branin, seconded by Mr. Archer. All in favor say aye, all opposed. The ayes have it.

Mr. Vanarsdall - Before we close—as difficult as this has been, the hard times, then it will be better times. We live and work in the best County in the best Country of the world in the world. With that, I would like to have everyone face the flag and say the Pledge of Allegience.

Mr. Vanarsdall - Thank you and thank you for coming.

Mr. Hazelett - Thank you Mr. Chairman and members of the Planning Commission.

Mr. Emerson - Mr. Chairman you could recess the meeting for nine minutes until you begin your regular agenda, if you so choose.

Mr. Vanarsdall - Alright.

THE COMMISSION CONVENED AT THIS TIME FOR A BREAK.

THE PLANNING COMMISSION RECONVENED AT 7:07 P.M.

Mr. David Kaechele, the Board of Supervisors' representative, abstains on all cases unless otherwise noted.

Mr. Vanarsdall - Good evening everyone. The Planning Commission will now come to order. I believe we have two cases tonight and we would like to get underway. I'll turn this over to our secretary and director, Mr. Emerson.

Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda tonight under the regular section beginning at 7:00 p.m. will be the Requests for Withdrawals and Deferrals. Those will be presented by Mr. Jim Strauss.

Mr. Vanarsdall - Good evening, Mr. Strauss.

Mr. Strauss - Good evening. The first deferral request this evening is on page 1 of the agenda; it is in the Varina District, C-31C-09. This is a request to conditionally rezone from the A-1 Agricultural District, R-5 General Residential District and M-1 Light Industrial District Conditional to the R-5C General Residence District. A multi-family development and retail business uses are proposed. The applicant is requesting a deferral to the March 11, 2010 meeting.

(Deferred from the January 14, 2010 Meeting)

C-31C-09 Andrew M. Condlin for White Oak Crossing Acquisition, LLC: Request to conditionally rezone from A-1 Agricultural District, R-5 General Residence District and M-1 Light Industrial District to R-5C General Residence District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 811-719-8863, 812-719-1130, 811-718-1589 and part of Parcel 813-720-9405, containing approximately 30.9 acres, located at the northwest intersection of S. Laburnum Avenue and Interstate 64, south of the Southern Railway right-of-way. The applicant proposes a multi-family development of no more than three hundred fifty (350) dwelling units and retail/business uses. The R-5 District allows a maximum gross density of 14.52 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry and Environmental Protection Area. The site is in the Airport Safety Overlay District.

Mr. Vanarsdall - Is there any opposition in the audience to C-31C-09, Andrew M. Condlin for White Oak Crossing Acquisition, LLC? No opposition.

Mr. Jernigan - Mr. Chairman, with that I will move for deferral of case C-31C-09, Andrew M. Condlin for White Oak Crossing Acquisition, LLC, to March 11, 2010, by request of the applicant.

Mr. Branin - Second.

Mr. Vanarsdall - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred C-31C-09, Andrew M. Condlin for White Oak Crossing Acquisition, LLC, to its meeting on March 11, 2010.

Mr. Strauss - The second request for deferral this evening is in the Three Chopt District, page 2 of the agenda. This is case C-4C-10 and is a request to amend proffered conditions accepted with rezoning case C-13C-07. An amendment to Proffer 3 is proposed to allow one direct vehicular access from Glenside Drive to the site. The applicant is requesting a deferral to the March 11, 2010 meeting.

C-4C-10 Andrew M. Condlin, Esq. for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-13C-07, on part of Parcels 765-744-6557 and 767-744-6325, located at the eastern intersection of Forest Avenue and Glenside Drive. The applicant proposes to amend Proffer 3 to allow one direct vehicular access from Glenside Drive to the site. The existing zoning is B-2C and B-3C Business Districts (Conditional) and O-3C Office District (Conditional). The Land Use Plan recommends Commercial Concentration and Office. The site is in the Enterprise Zone.

Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of this case, C-4C-10, Andrew M. Condlin, Esq. for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc.? This is in the Three Chopt District. No opposition.

Mr. Branin - Mr. Chairman, I'd like to move that C-4C-10, Andrew M. Condlin, Esq. for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc., be deferred to the March 11, 2010 meeting, per the applicant's request.

Mr. Archer - Second.

Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred C-4C-10, Andrew M. Condlin, Esq. for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc., to its meeting on March 11, 2010.

Mr. Strauss - Those are all the deferrals that staff is aware of at this time.

Mr. Emerson - Mr. Chairman, if there are no deferrals from the Commission tonight, the next item on your agenda would be requests for expedited items, and we do not have any. That leaves two cases to be heard on your regular agenda.

Mr. Vanarsdall - All right.

C-2C-10 Larry Horton for Saint Claire Ridge Development Company, LLC: Request to amend proffered conditions accepted with Rezoning Case C-58C-04, on Parcels 800-730-7438, 800-730-6327, 800-730-6531, 800-730-8916, and 800-730-5923 located on the north line of Elkridge Lane at its intersection with 20th Street. The applicant proposes to amend Proffer 1 related to entrance features, Proffer 10 related to density, Proffer 11 related to the illustrative master plan, and Proffer 19 related to conceptual elevations. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre.

Mr. Vanarsdall - Anyone in the audience in opposition to C-2C-10, Larry Horton for Saint Claire Ridge Development Company, LLC? This is in the Fairfield District. There is no opposition. Good evening, Mr. Props.

Mr. Props - Good evening, sir. Mr. Chairman, members of the Commission, this request would amend proffers accepted with C-58C-04 located on the north line of Elkridge Lane at its intersection with 20th Street. Montezuma Farms and Oak Hill subdivisions are to the east and south, single-family residential to the north, and Mosby Memorial Baptist, Osthimer Florist, and St. Claire Ridge Townhomes to the west

The 2026 Comprehensive Plan recommends the site for Urban Residential with a density range of 3.4 to 6.8 units per acre. The requested amendments would not change the overall use of the property. However, the requested higher density is not consistent with the Vision, Goals, Objectives, and Policies of the Plan because it over-intensifies the site and would disrupt the logical arrangement of land uses intended as a transition from more intense to less intense development.

Proffer 1 originally proffered an entrance feature substantially similar to those shown on Attachment A. This request would remove the gazebo as an entrance

feature to develop one of three additional condominium units. Deletion of this feature should not diminish the overall development.

Proffer 10 approved with C-58C-04, restricts the maximum number of homes to 37 detached condominium units or 5.3 units per acre. This proffer amendment would allow 3 additional units for a total of 40, or 5.73 units per acre. The 37 units approved with C-58C-04, while greater than the 2010 Land Use Plan recommendation of 3.4 units per acre, was considered as an appropriate transition from the adjoining R-5 townhouse development, also owned by the applicant. This transition was important when considering rezoning, density, and amenities for this property.

Proffer 11 would amend the Illustrative Master Plan by substituting a new "Site Layout Plan." This plan would reduce the open space area enclosed by Elkridge Circle. Two of the three additional condominium units would be developed on this area. This open space area is an important component of the original unified and cohesive development concept and not only serves 37 condominiums, but also the adjacent 54 townhomes to the north. A third additional unit is proposed adjacent to the deleted gazebo entrance. This proposed unit, however, would not meet side yard setback requirements.

Proffer 19 would replace approved architectural drawings with five new conceptual elevations shown on this exhibit. These revised elevations range from 1,350 square feet to 1,795 square feet.

While staff believes that Proffers 1 and 19 could be acceptable provided all other proffers remain unchanged, it does not support the overall request. The original rezoning case, C-58C-04, represented a level of development that would be diminished with the increased density and reduced open space. This request would also lessen the overall character and development quality while over-intensifying a transitional site. Should the applicant desire to pursue amending Proffers 1 and 19, this could be accomplished through a Plan of Development amendment.

This concludes my presentation and I would be happy to answer any questions.

Mr. Vanarsdall - You support 1 and 19, and do not support 10 and 11.

Mr. Props - Yes sir. As an overall case, we are not supportive. There are other avenues, we feel, to amend those.

Mr. Vanarsdall - Thank you, Mr. Props. Any questions?

Mr. Jernigan - Mr. Props, you said where the gazebo was, that would be another lot but it won't meet the side yard setback?

Mr. Props - That's correct, sir.

Mr. Jernigan - He would have to file for a variance for that or either [blank space on recording] lot.

Mr. Props - Yes sir.

Mr. Vanarsdall - Mr. Archer, do you want to hear from the applicant?

Mr. Archer - I think we need to.

Mr. Vanarsdall - Do you think he wants to speak?

Mr. Archer - Absolutely.

Mr. Horton - Good evening. My name is Larry Horton from Style Craft Homes. We're the developer and builder on this site. This site was zoning in 2005 and we started selling and developing it on 2007. We have been in there for about three years and it's been a tough climate for homebuilders these days. We have yet to sell any houses in there, so I'm trying to get a little density to see if it can help me out.

As far as trying to qualify people, during 2008, I was a site agent out there in the townhouse building trying to sell both of these and never could get anybody interested in it. So we're trying to get a couple more lots to hopefully be able to reduce our sales price to qualify some people. I had sent out letter to all the adjacent properties a month or so ago. Didn't have anybody call me except for one lady that wanted to know when we would put a privacy fence up. We're having a privacy fence I guess along the east property line next to the neighborhood. Due to some issues over there—if you know this area over by the Showplace—they'd very much like to have that fence up to keep out some of the foot traffic. That's the only thing. I personally talked to the president of the homeowners' association of the neighborhood and he had no problems with me increasing the density. The letters I sent, I told them what I was trying to do and I did send them a letter with the same layout that the staff had up here, circling the units, and they didn't seem to mind me adding point two tenths of a density.

I take exception with the Comp Plan calling this Urban Residential with a density of 3.4 to 6.8. This was zoned in 2005 to RTH and the condo portion of that clearly permits nine per acre. I don't know why this is called Urban Residential because it was already zoned RTH when the 2026 Plan was done in 2006 and this was done in 2005. So clearly, if I get these .2 units, I'm at 5.7. That is below the density that staff states, but I think it's nine because it's zoned condos. The staff ordinance clearly says it's nine per acre. So I take exception to that.

Staff had mentioned cutting back on the open space and amenities, and unified developed. I also take exception to this. This was done under two separate POD's. We are the owner of both of them, but it's two separate POD's. I tried to combine the two associations at one point in time to see about the side yard setback that I'll explain in a minute, but the County Attorney ruled that since it was two separate zoning, two separate POD's, that it was two separate projects and not combined. Furthermore, I have two associations and have two separate Board of Directors, and fee structure. These are two separate sites. They are not one unified development. It's different categories with different Boards. The townhouse people have their thing and the single-family condo people have theirs. It's not one development.

In our opinion and also that of the County Attorney's office, this is a single-family subdivision with 37 lots. I have never seen anywhere in this County or anywhere else, even if I was out on Pouncey Tract Road, where a 37-unit subdivision would have amenities and a lot of open space and all that staff seems to feel like this supports. This area in the circle was just a field. With this price going over here, reducing the homeowners' fees is very, very important. It's the difference between qualifying somebody and getting a loan, and not getting a getting loan. And I'd like to get a couple more lots in there to bring the overall cost down. Nothing was ever proffered or shown on the approved POD for that particular area at all. My breakeven that we use to consider putting in amenities is about 110 to 120 units of same zoning, like units. Thirty-seven? No way, particularly in this particular market. Never planned on doing anything because, like I say—and as a practical matter, it's kind of ownership, to the whole 6.98 acres is all open space, all common area owned by everybody in there. They all own everything so everything is open space with the condo ownership.

Addressing Lot 38, which is the one that I have the setback issue on, I can't slide my buildable area over because there's a storm sewer line through there. That's cost-prohibitive to adjust that. So what I'd like to propose there is I need a 45-foot setback from the townhouses and I'd like to cut back on that buildable area about 10 feet. That gives me a buildable area of about 24 by 35. In that space, I would like to add three new elevations to the mix I already have, which would be the three units that I have in my townhouse building. They meet the square footage and the other proffers. As far as to what I'm amending, it's strictly trying to get a density thing. I'm not changing any of the brick fronts or the garages or changing any of that. So I'd like to add, basically, the one townhouse building we've got there. I would like to take those three separate units and include them into my product mix. All three of those would meet all of the zoning proffers and they would fit in this new buildable area on that first lot.

On the two in the circle, like I say, nothing was ever shown or proffered in that area. It was just a grassy field. As stated before, this is condo ownership, so everybody there owns all the property out there. The adjacent area around it, that neighborhood is R-4. It's been a long time since I've done R-4 since you

deleted it. Seem to me I recall you could get around five or so in an R-4 if you did a lot of cul-de-sacs. I'm right at that now and not really bumping that up that much.

This area is in an Enterprise zone and if you recall when you went down Mechanicsville Pike, there was this old nursery that had abandoned cars and houses and all kinds of stuff. We cleaned it up and turned into a nice townhouse feature sitting up on a hill. And, of course, the condos are in the back.

I guess that's about it. I don't think this is a big request, .2. As far as for the neighborhood, no one's here, no one called, they have no problem, so I don't think there was anything that was promised to them or deception in any part. I'm talking about three homes. I'd like to get something, so if I could get all three, that would be great; if I could get one, that would be great; if I could just get two. But I'd like to get all three and I think this is a very reasonable request based on the density, where it is, and trying to keep my dues low and my costs low to try to get somebody the homeownership that most people desire these days. With that, I'd be glad to answer any questions.

Mr. Branin - Mr. Chairman, I have a comment. Mr. Horton?

Mr. Horton - Yes sir.

Mr. Branin - I'm familiar with the case and I've heard you take a lot of exceptions this evening to staff's report.

Mr. Horton - Yes sir.

Mr. Branin - It's my turn to take an exception. In the Three Chopt District—which I represent and have had the pleasure and the honor to represent for seven years—I have 12-lot subdivisions and I've had 300-lot subdivisions. No matter what the size, what the density is, on every case in the Three Chopt District we ask for amenities. So I take exception to your exception.

Mr. Emerson - Mr. Chairman, if I might clarify a few points as well. There were many references made regarding lots. This is a detached condominium development; there are no lots. The setback that Mr. Horton is referring to is the side setback line overall. The other thing I would like to remind the Commission, many of you probably remember this case. The actual request from staff was that this go to an R-5A zoning. The developer at that time, which wasn't Mr. Horton or his company, did not want to go that route because of the surrounding R-4 zoning. The compromise that was reached on this case was the detached condominium at a density that would blend in with the surrounding neighborhood. The 37 units that were approved essentially achieved that. So that's the history behind the case, if you will recall. We also requested the developer at that time to combine the cases and bring in the town home

community along with it. Of course that did not happen, but there was overall discussion regarding both developments at that time. The overall conceptual plan was what was accepted by the Commission as a quality development in keeping with this area.

Mr. Horton - The townhouse portion was already zoned. That was zoned when the application was done. I don't know the history of it because I wasn't involved, but it's R-5, and I don't know if it was a Comp Plan amendment or not.

Mr. Emerson - It was existing zoning.

Mr. Horton - It was existing zoning where the townhouses are. Yes it was.

Mr. Vanarsdall - Any other questions for Mr. Horton?

Mr. Jernigan - Mr. Horton?

Mr. Horton - Yes sir.

Mr. Jernigan - Ms. Sherry just handed me this. These are the three new elevations that you want?

Mr. Horton - Yes sir.

Mr. Jernigan - One of these would be on Lot 38.

Mr. Horton - Yes sir.

Mr. Archer - Mr. Horton, you're not changed from the Bruton, though.

Mr. Horton - No sir. I'm just adding these for my setback situation. The Bruton is still in there. I have filed my POD because I know I have to go through that. I've also filed a Building Permit for the Bruton. We'd very much like to get started on that Building Permit as soon as possible. Assuming we are going to have a spring market, we would like to have that model started to maybe pick up some homeowners with that $8,000 tax credit before it expires. I know I need to go through the POD. If I get through the elevations, I'd like to be able to start my permit. But if I can't, I'll just have to wait until the 24th to come to POD to officially add these elevations to get my model going.

Mr. Archer - Okay. Now, when we talked Tuesday, I mentioned that there were two elevations shown as the Bruton. One is Elevation A and the other one is Elevation B. Elevation B, of course, is not going to be [audio fades

out] one because it has some dormer windows in the roof that sort of breaks things up. At that time, you weren't sure which one?

Mr. Horton - No sir.

Mr. Archer - Are you still not?

Mr. Horton - No sir. I do not know. If it's important for me to say that my commitment would be to the one with the dormers, I can do that. The person that fills out Building Permits has been sick for a couple of days. Since we met Tuesday afternoon, I couldn't find out what elevation we actually filed. I know it's the Bruton, but I don't know which one.

Mr. Archer - I was just commenting that, that is the most desirable one of the two.

Mr. Horton - I don't know what we filed for.

Mr. Emerson - Mr. Chairman, if I might add a comment again; I'm sorry to keep interrupting. On the two proffers that staff supports—and Mr. Props did note this—if you look at the original proffers, June 21, 2005, Proffer #1 talks about the entrance feature, which deals with the lot in question. It allows for changes, if they're requested and specifically approved at the time of plan of development. Then Proffer 19, which deals with conceptual elevations, contains the same language, that the elevations will be the same as submitted with the case unless otherwise requested and specifically approved at the time of plan of development. So both of those items can be addressed through the plan of development process.

Mr. Horton - On the gazebo, as far as for the entrance feature there, I'm still leaving the landscaping and the monuments we're putting up. The gazebo is something that would have been a gathering place that we thought would be undesirable based on me going up in that area, personally sitting [unintelligible] neighbors. When the gazebo was sited, I guess it was an oversight on a lot of people on top of that sewer line. The other entrance feature and the landscaping, everything else that was proffered is going to be there. It's just the gazebo is what I would like to eliminate. Everything else will still be there. I want it to look nice when you come in just like the entrance coming off Mechanicsville Pike looks nice. I want my back entrance to look nice also.

Mr. Archer - I don't have any more questions.

Mr. Horton - Thank you.

Mr. Archer - Mr. Chairman, we've had quite a few meetings on this in the past two or three months. There have been a lot of phone conversations.

Mr. Horton has really worked diligently and very cordially with us in trying to make these changes that he wants to accomplish. I every much appreciate what he's trying to do. He did mention that none of the neighborhood associations have objected for what his use would be. I still contend that we also, in addition to looking out for the adjacent neighborhoods, we have to look out for the prospective buyers.

When we originally brought this case—and some of you may recall it—it took some time because originally we were asked to do something that we really weren't much interested in at all. It was a difficult case and looking at the fact that we paired it down to these 37 units, we can't throw out the fact that all of the elements in that case, taken in totality, were considered when trying to make a decision as to whether or not we would grant that zoning case. Because they were, we did, and we thought that it would make a reasonable transition between Montezuma Gardens and what we were building here. Having said all that—and I have to agree with staff—if we didn't do the things that we originally had proffered in this case, it would reduce the overall quality and it would increase the density to something we didn't want to do back at that time. While I agree that it's reasonable that we could support the amendments to proffers 1 and 19, I can't support 10 and 11. So, with that, my recommendation would be to the Board that no changes be made to 10 and 11 in the original Master Plan.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Archer, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes to deny the request.

REASON: Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **deny** the request because it over-intensifies the site and would disrupt the logical arrangement of land uses intended as a transition from more intense to less intense development.

Mr. Emerson - Is that a motion for denial?

Mr. Archer - Yes it is. Of course he has between now and the time the Board meets. He has to amend this to the point that they could pass it. I'm recommending that 1 and 19 [blank section on recording] by the Board, but it will be up to them.

Mr. Emerson - I think if Mr. Horton wanted to discuss it with the Planning Commission at the time of POD—and he has a plan of development pending on this project—that it's within the Commission's discretion on those two proffers, Mr. Archer. Those two really do not require a proffer amendment. That can be handled at time of plan of development if the Commission so desires to

consider his requests. Therefore, Mr. Horton wanted to withdraw this case, he possibly could accomplish at least the two items that staff supports at plan of development.

C-3C-10 Grattan Associates, P.C. for Edward Lee Clay and Carl John Bailey Clay: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 738-756-7754, containing 1.93 acres, located at the northwest intersection of Sunrise and Pump Roads. The applicants propose a single-family residential subdivision. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre.

Mr. Vanarsdall - Anyone in the audience in opposition to case C-3C-10, Grattan Associates, P.C. for Edward Lee Clay and Carl John Bailey Clay? No opposition. Good evening, Rosemary.

Ms. Deemer - Good evening members of the Commission and Mr. Kaechele.

As our Director mentioned, this request is to rezone 1.93 acres from A-1 Agriculture to R-3C One Family Residence District to allow for the development of a residential subdivision. Located at the northwest intersection of Sunrise and Pump Roads, the property is surrounded by the Laurel Woods, Willbrook, Kingsbury, and Summerwood subdivisions while the Chesterbrook Academy is located directly to the south.

Zoning in the immediate area is predominantly R-3AC, with a mixture of R-3, R-5 and A-1. The properties zoned A-1 are characterized as residential uses on parcels smaller than five acres and property owned by Henrico County for the design and construction of John Rolfe Parkway.

Since the distribution of the staff report, the applicants have submitted revised proffers dated February 11, 2010, which are consistent with other recently approved residential rezonings. Major aspects of the proffers include: a minimum house size of 1,800 square feet for two-story dwellings and 1,300 square feet for one-story dwellings; No more than three houses, including the existing house, will be one-story; exterior materials of brick, stone, cultured stone, EIFS, cementitious siding or a combination thereof; vinyl siding is prohibited, with the exception of the existing house on the property; all houses would be constructed on crawl space foundations finished with brick or stone; all driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete, or other similar materials and all houses would have a minimum of a one-car garage.

The 2026 Comprehensive Plan recommends Suburban Residential 2 at a density not to exceed 3.4 units per acre, which is consistent with this request. With the submission of the revised proffers, the applicants have ensured the proposed development would be compatible with surrounding residential developments and staff could recommend in favor of this request with the waiver of time limits on the proffers.

I'd be happy to answer any questions you may have.

Mr. Vanarsdall - Questions for Ms. Deemer?

Mr. Branin - I have none.

Mr. Vanarsdall - Thank you, Ms. Deemer. Do you want to hear from the applicant, Mr. Branin?

Mr. Branin - Absolutely.

Mr. Vanarsdall - Mr. Grattan? Good evening.

Mr. Grattan - I'm fine. Good evening to all.

Mr. Branin - Mr. Grattan, they already asked you how you were doing this evening, so I don't have to. I appreciate you coming in at the end and increasing the quality of these houses. I think it's going to add to the value of the area and I appreciate your effort on it.

In regards to the one house that's existing, the owner of the house, who is the owner of this development, is aware that if that house is moved that the driveway will have to be moved.

Mr. Grattan - Yes, he is.

Mr. Branin - All right. That's the one sticking point that I wanted to make sure was clear. I have no further questions for you.

Mr. Grattan - Thank you.

Mr. Vanarsdall - Thank you, Mr. Grattan.

Mr. Branin - Mr. Chairman, I'd like to move to waive the time limits on C-3C-10.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Mr. Branin - Mr. Chairman, I'd like to move that C-3C-10, Grattan Associates, P.C. for Edward Lee Clay and Carl John Bailey Clay, proceed to the Board of Supervisors with a recommendation for approval.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

REASON: Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Comprehensive Plan, is appropriate residential zoning at this location, and it represents a logical continuation of the one-family residential development which exists in the area.

Mr. Emerson - Mr. Chairman, that takes us to the next item on your agenda, which is approval of the minutes from your Planning Commission meeting on January 14, 2010.

Mr. Branin - I found no problems.

Mr. Vanarsdall - Anybody read the minutes?

Mr. Branin - I did twice.

Mr. Archer - I did notice something on page 31, top line, 1352.

Mr. Branin - Wait a minute; let me get there.

Mr. Archer - Mr. Theobald says, "I'm not sure, that sounds a bit tying in the sense that..." I don't think he said, "tying," maybe he said, "trying."

Mr. Branin - I missed that one.

Mr. Archer - Maybe he did say that. I don't remember him saying it.

Mr. Branin - I don't know how I missed that; I'm sorry.

Mr. Archer - That's all I saw. Just goes to show you, the more you read these things, the worse they are.

Mr. Branin - That means next time I have to read it three times.

Mr. Archer - That was all I saw, Mr. Chairman.

Mr. Branin - Move for approval.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

I couldn't find anything in the rules and regulations of the Planning Commission that says you have to read the minutes.

Mr. Branin - I read them for you.

Mr. Vanarsdall - Mr. Secretary, while I'm thinking of it, you feel free to give us any input you want to, as long as you feel comfortable, because we need your input.

Mr. Emerson - Thank you.

Mr. Vanarsdall - Sometimes we might not like it, but.

Mr. Emerson - With that said, Mr. Chairman, I have nothing further for you tonight.

Mr. Vanarsdall - Anybody else have anything? Oh, I'd like to ask this. I know Ray has one and you told me you had one.

Mr. Archer - I did?

Mr. Vanarsdall - What do you think we're talking about?

Mr. Archer - Oh, are you talking about the card that I have?

Mr. Vanarsdall - Do you have an ID card that you can get in that deck and the other boardroom? If you don't, would you want one?

Mr. Branin - Absolutely.

Mr. Archer - You don't have one?

Mr. Vanarsdall - You absolutely do have one or you absolutely—

Mr. Branin - I have my Commissioner ID, but I don't know if it gets me in the parking deck.

Mr. Vanarsdall - Yes, it does.

Mr. Jerrigan - Yes, that's it.

Mr. Vanarsdall - Have you ever tried to get in the door?

Mr. Branin - I have not. I've never used that parking deck.

Mr. Vanarsdall - Sometime when you get a chance, try it so we'll find out if they're working or not. I keep mine in my back pocket and I back up to the thing and it trips the door. That's true. And I'll use it tonight on the deck.

Mr. Branin - I'm not even going to touch that one. Have we closed yet? Mr. Chairman, I'd like to make a motion to adjourn.

Mr. Vanarsdall - Well go ahead.

Mr. Archer - I'll second the motion.

Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The meeting adjourned at 7:41 p.m.

Mr. R. Joseph Emerson, Jr., Secretary

Mr. Ernest B. Vanarsdall, Chairperson