

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 October 11, 2007. Display Notice having been published in the Richmond
5 Times-Dispatch on September 20, 2007 and September 27, 2007.

6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors Representative
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Mr. Ralph J. Emerson, Jr., AICP, Assistant Director of
Planning
Ms. Jean Moore, Principal Planner
Mr. Lee Tyson, County Planner
Mr. Seth Humphreys, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mr. David Conmy, County Planner
Mr. Tim Foster, Assistant Director of Public Works
Mr. Mike Jennings, Traffic Engineer
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10

11 Mr. Branin - Good evening, ladies and gentlemen. I'd like to
12 reconvene the October 11, 2007 Planning Commission Rezoning meeting. We
13 had a prior meeting earlier to go over some possible changes in the future, so we
14 will now reconvene. Mr. Secretary?

15

16 Mr. Silber - Yes sir. Thank you, Mr. Chairman. We do have all
17 members of the Planning Commission present this evening. First on the agenda
18 would be consideration of withdrawals and deferrals. I understand we have
19 several of each. Ms. Moore, if you can tell us about those please.

20

21 Ms. Moore - Yes sir. We have three and the first is on page 2 of
22 your agenda in the Fairfield District. It is C-28C-07, Tetra Investment Group 14
23 LLC. This was a proposal for an office building under O-1C and has been
24 withdrawn by the applicant. Therefore, no action is required.

25 ***Deferred from the August 9, 2007 Meeting.***

26 **C-28C-07 Mike Morgan Engineering LLC for Tetra**
27 **Investment Group 14 LLC:** Request to conditionally rezone from R-6 General
28 Residence District and B-3C Business District (Conditional) to O-1C Office
29 District (Conditional), Parcel 784-746-3173, containing 1.182 acres, located on
30 the north line of Brook Run Drive (private) at Cliffbrook Lane, approximately 830
31 feet west of Brook Road (U.S. Route 1). The applicant proposes an office
32 building. The use will be controlled by zoning ordinance regulations and
33 proffered conditions. The Land Use Plan recommends Commercial
34 Concentration.

35

36 Ms. Moore - Next also on page 2 is C-39C-07, Herbert King. This
37 has been withdrawn by the applicant.

38

39 ***Deferred from the August 9, 2007 Meeting.***

40 **C-39C-07 James Theobald for Herbert S. King:** Request to
41 conditionally rezone from R-2A and R-4 One-Family Residence Districts and O-
42 2C Office District (Conditional) to R-6C General Residence District (Conditional),
43 part of Parcel 808-733-2903, containing approximately 18.23 acres, located on
44 the south line of Harvie Road approximately 1,150 feet east of Laburnum
45 Avenue. The applicant proposes an age-restricted multi-family residential
46 community with a maximum of two hundred eighteen (218) units. The R-6
47 District allows a maximum gross density of 19.81 units per acre. The uses will be
48 controlled by zoning ordinance regulations and proffered conditions. The Land
49 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per
50 acre, and Office. The site is in the Airport Safety Overlay District.

51

52 Mr. Silber - I don't know if Ms. Moore mentioned this, you may
53 have. Rezoning requests for withdrawal do not require Planning Commission
54 action.

55

56 Ms. Moore - And the last withdrawal we received is on page 3 of
57 your agenda, C-47C-07.

58

59 ***Deferred from the September 13, 2007 Meeting.***

60 **C-47C-07 Andrew M. Condlin for Gregory A. Windsor:**
61 Request to conditionally rezone from A-1 Agricultural District to R-2AC One-
62 Family Residence District (Conditional), Parcels 740-770-9386, 741-770-1920,
63 741-771-6359, and part of Parcels 740-772-8110 and 741-770-0218, containing
64 approximately 20.81 acres, located on the north line of Shady Grove Road
65 approximately 590 feet west of its intersection with Twin Hickory Road. The
66 applicant proposes a single-family subdivision. The R-2A District allows a
67 minimum lot size of 13,500 square feet and a maximum gross density of 3.23
68 units per acre. The use will be controlled by zoning ordinance regulations and
69 proffered conditions. The Land Use Plan recommends Suburban Residential 1,
70 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

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Mr. Branin - Okay. If anyone in the audience came to hear any of these cases, these cases have been withdrawn so they will not be heard. Okay?
Ms. Moore?

Ms. Moore - Next, we'll proceed to the requests for deferrals that we've received, and we have two. The first is on page 3 of your agenda in the Fairfield District. It is C-29C-07. The deferral is requested to the November 8, 2007 meeting.

Deferred from the September 13, 2007 Meeting.

C-29C-07 Caroline L. Nadal for Creighton & Laburnum LLC:
Request to conditionally rezone from A-1 Agricultural District, B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 807-730-9116, 808-730-6309, -4825, -3946, -3162, -2377 and -6227, containing approximately 27.04 acres (B-2C 7.37 ac; M-1C 19.67 ac), located at the northwest intersection of N. Laburnum Avenue and Creighton Road. The applicant proposes retail and office/service uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office/Service, Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. The site is in the Airport Safety Overlay District

Mr. Branin - Is anyone in opposition to the deferral of C-29C-07, Caroline L. Nadal for Creighton & Laburnum, LLC? No one?

Mr. Archer - Mr. Chairman, I move for deferral of C-29C-07, Caroline L. Nadal for Creighton & Laburnum, LLC, to the November 8, 2007 meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred C-29C-07, Caroline L. Nadal for Creighton & Laburnum, LLC., to its meeting on November 8, 2007.

Ms. Moore - On page 4 of your agenda in the Brookland District is case C-10C-07. This deferral is requested to the December 6, 2007 meeting.

117 **Deferred from the August 9, 2007 Meeting.**

118 **C-10C-07 David Johannas for Pied Venture LLC:** Request to
119 conditionally rezone from B-2 Business District to R-6C General Residence
120 District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located
121 between the north line of Fitzhugh Avenue and the south line of Markel Street,
122 approximately 236 feet southeast of Byrd Avenue. The applicant proposes
123 residential condominiums. The R-6 District allows a maximum gross density of
124 19.8 units per acre. The use will be controlled by zoning ordinance regulations
125 and proffered conditions. The Land Use Plan recommends Office and
126 Environmental Protection Area. The site is located within the Enterprise Zone.

127
128 Mr. Branin - Is anyone in opposition to the deferral of C-10C-07,
129 David Johannas for Pied Venture, LLC? No one.

130
131 Mr. Vanarsdall - Mr. Chairman, with that I move that C-10C-07, David
132 Johannas for Pied Venture, LLC be deferred until December 6, 2007, at the
133 applicant's request.

134
135 Mrs. Jones - Second.

136
137 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs.
138 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion
139 carries.

140
141 At the request of the applicant, the Planning Commission deferred C-10C-07,
142 David Johannas for Pied Venture, LLC, to its meeting on December 6, 2007.

143
144 Ms. Moore - Mr. Chairman that concludes our request for
145 deferrals.

146
147 Mr. Branin - Thank you, Ms. Moore.

148
149 Mr. Silber - Are there any deferrals by the Planning Commission?
150 Hearing none, next on the agenda would be consideration of expedited cases.
151 These are cases that are placed on a separate agenda. These are cases that are
152 somewhat minor in scale, smaller in size, there are no outstanding issues, and
153 staff is recommending approval of these rezoning requests. If there is any
154 opposition on these items on the expedited agenda, they would be pulled off of
155 this agenda and heard in the order in which they're found on the full agenda.
156 Tonight, we have two items that have been requested for expedited
157 consideration.

158
159 Ms. Moore - In the Varina District on page 2 of your agenda, this is
160 case C-54-07.

161

162 **C-54-07** **John E. and Elizabeth T. Neagle:** Request to rezone
163 from A-1 Agricultural District to R-3 One-Family Residence District, Parcel 819-
164 729-9442, containing 0.68 acre, located on the east line of Forest Avenue
165 approximately 950 feet north of Polaria Street. The applicant proposes an
166 addition to an existing single-family residence. The R-3 District allows a
167 minimum lot size of 11,000 square feet and a maximum gross density of 3.96
168 units per acre. The use will be controlled by zoning ordinance regulations. The
169 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
170 per acre. The site is in the Airport Safety Overlay District.

171
172 Mr. Branin - Is anyone in opposition to C-54-07, John E. and
173 Elizabeth T. Neagle? No one?

174
175 Mr. Jernigan - Mr. Chairman, with that I would like to move that case
176 C-54-07, John E. and Elizabeth T. Neagle, be sent to the Board of Supervisors
177 with a recommendation for approval.

178
179 Mr. Vanarsdall - Second.

180
181 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
182 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
183 carries.

184
185 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
186 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
187 the Board of Supervisors **grant** the request because it would not change the
188 existing residential use on the property and it is consistent with the adjacent
189 zoning and the recommendations of the Land Use Plan.

190
191 Ms. Moore - In the Three Chopt District on page 4 of your agenda
192 is case P-19-07.

193
194 **P-19-07** **Gloria Freye for New Cingular Wireless PCS LLC:**
195 Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120, and
196 24-122.1 of Chapter 24 of the County Code to construct a 155' high
197 telecommunications tower and related equipment, on part of Parcel 736-764-
198 6294, located on the south line of I-64 approximately 540 feet east of Misty Cove
199 Court. The existing zoning is A-1 Agricultural District. The Land Use Plan
200 Recommends Mixed Use development. The site is in the West Broad Street
201 Overlay District.

202
203 Mr. Branin - Is anyone in opposition to P-19-07? No one. Then I
204 would like to move that P-19-07, Gloria Freye for New Cingular Wireless PCS
205 LLC, be put on the expedited agenda and moved forward for approval to the
206 Board of Supervisors.

207

208 Mr. Jernigan - Second.

209

210 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
211 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
212 carries.

213

214 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
215 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
216 the Board of Supervisors grant the request because it would provide added
217 services to the community and when properly regulated by the special conditions,
218 it would not be expected to adversely affect the public health, safety, welfare and
219 values in the area.

220

221 Mr. Silber - Moving back to the top of the agenda in the Varina
222 District we have three companion items. One is a request to rezone property and
223 the second involves a Provisional Use Permit. But prior to hearing or acting on
224 the rezoning request, it's necessary for the County to consider an amendment to
225 the County's 2010 Land Use Plan Map (LUP-2-07). The first item relates to an
226 amendment to the Land Use Plan, changing it from Suburban Residential 1 and
227 Environmental Protection Area, to Urban Mixed Use. Again, this is necessary to
228 consider rezoning of the property.

229

230 The next request, which is a companion to the amendment to the Land Use Plan,
231 would be the rezoning request itself, which is listed second on your agenda. This
232 is C-52C-07. Again, this is the same property containing 531 acres of property
233 located along the James River and the west line of Osborne Turnpike.

234

235 Finally, as a part of this request is a Provisional Use Permit, which is listed third
236 on your agenda. This is P-17-07.

237

238 ***Deferred from the September 13, 2007 Meeting.***

239 **AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP (LUP-2-07):**

240 The Planning Commission will consider an amendment to the Henrico County
241 2010 Land Use Plan Map to designate the Tree Hill Farm Site – comprised of
242 530.9 acres and generally bordered by the James River, Old Osborne Turnpike,
243 Osborne Turnpike, and Mill Creek as an Urban Mixed Use Development Area
244 (UMU).

245

246 ***Deferred from the September 13, 2007 Meeting.***

247 **C-52C-07 Daniel K. Slone and Gloria L. Freye for Gray Land**

248 **and Development Company-Tree Hill, LLC:** Request to conditionally rezone
249 from A-1 Agricultural District and M-2 General Industrial District to UMUC Urban
250 Mixed Use District (Conditional), part of Parcel 797-706-5048, containing 530.9
251 acres, located between the James River and the west line of Osborne Turnpike
252 and Old Osborne Turnpike, generally located between McCoul Street and the
253 intersection of New Market Road and Osborne Turnpike. The applicant proposes

254 an urban mixed use development including office, commercial and civic uses and
255 a maximum of 2,770 residential units (including single-family, townhouse,
256 condominium, and multi-family units). The uses will be controlled by zoning
257 ordinance regulations and proffered conditions. The Land Use Plan
258 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
259 Environmental Protection Area.

260

261 ***Deferred from the September 13, 2007 Meeting.***

262 **P-17-07 Daniel K. Slone and Gloria L. Freye for Gray Land**
263 **and Development Company-Tree Hill, LLC:** Request for a Provisional Use
264 Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-32.1(g), 24-32.1(k),
265 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(t), 24.32.1(u), 24-32.1(v), 24-32.1(w),
266 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master
267 Plan for The Town of Tree Hill Urban Mixed Use development and to permit
268 certain uses and exceptions to permitted height, density, and design for uses
269 within the proposed UMU, on part of Parcel 797-706-5048, containing 530.9
270 acres, located between the James River and the west line of Osborne Turnpike
271 and Old Osborne Turnpike, generally located between McCoul Street and the
272 intersection of New Market Road and Osborne Turnpike. The existing zoning is
273 A-1 Agricultural District and M-2 General Industrial District. The property is also
274 subject to rezoning request C-52C-07. The Land Use Plan recommends
275 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
276 Protection Area.

277

278 Mr. Branin - Mr. Secretary, before we go any further, I want to ask
279 a question. Are we going to take these one by one or are we going to take them
280 as a group?

281

282 Mr. Silber - I believe the staff presentation is one presentation.
283 When it comes to acting on these, it will be necessary to have three separate
284 motions.

285

286 Mr. Branin - Okay. Then I'm going to start off like this. Is anyone in
287 opposition to the Tree Hill Farm Project, as well as the change in the urban land
288 amendment? One, two, three. Okay. Then let me explain to you how this works.
289 We're going to get the presentation by a staff member, Mr. Tyson, at which time
290 we'll allow you to come down and speak in opposition. Before you speak, we'll
291 hear from the attorney and allow them some rebuttal time. Mr. Secretary, what is
292 the amount of time allowed?

293

294 Mr. Silber - Mr. Chairman, typically, on a rezoning request, the
295 Planning Commission's policy is 10 minutes by the applicant to present the case
296 and 10 minutes collectively by the opposition. In this particular case, there are
297 really are two requests—a rezoning request and a Provisional Use Permit. The
298 Planning Commission may want to extend that period of time. And, as you
299 indicated, there is a period of rebuttal that is provided for the applicant. So, the

300 applicant presents his case, or her case, there is time for opposition to speak,
301 and then the applicant may have some time for rebuttal.

302
303 Mr. Branin - Okay.

304
305 Mr. Silber - In this case, if there is interest among the Planning
306 Commission, I would suggest to you that you may want to extend the 10-minute
307 period.

308
309 Mr. Branin - We'll look at that when the time comes. All right, Mr.
310 Tyson, take it away.

311
312 Mr. Tyson - Mr. Chairman, Mr. Thornton, members of the
313 Commission, Mr. Secretary, good evening.

314
315 The subject property is currently designated for SR1 Suburban Residential 1, at a
316 density of 1.0 to 2.4 units per acre, and Environmental Protection Area. In order
317 to be considered for the requested UMU zoning, the applicant has filed a request
318 to amend the 2010 Land Use Plan designations for the property to UMU, or
319 Urban Mixed Use.

320
321 In order to be appropriate for the UMU designation, the proposal must be
322 consistent with the Urban Mixed Use Development Guidelines in the 2010 Land
323 Use Plan and must be consistent with the following criteria:

- 324
- 325 - It is compatible with existing land uses.
 - 326 - It has adequate infrastructure and cannot contain uses that will stress
327 the County's ability to provide services.
 - 328 - It has sufficient public facilities and public services contained within it.
 - 329 - It is served by necessary transportation facilities.
 - 330 - It provides sufficient design guidelines that demonstrate a high level of
331 quality.
 - 332 - It demonstrates a desirable mix and balance of various land uses.
 - 333 - It meets the design standards set forth in the Urban Mixed Use District.
- 334

335 The property is currently zoned A-1, Agricultural and M-2, General Industrial.
336 The site is still actively farmed. No industrial uses are currently taking place on
337 the site. The site is surrounded by a mixture of residential, agricultural uses, and
338 some industrial uses, and the proposed development would be compatible with
339 these.

340
341 The applicant has provided the following project summary. The total size of the
342 project is 530.9 acres. The UMU District regulations require 25% of the building
343 square footage on the site be devoted to commercial uses unless this
344 requirement is otherwise waived by the Board of Supervisors. The applicant has
345 proffered the lesser of 20% of the total building square footage or 1.16 million

346 square feet, whichever is less, that would be devoted to these uses. Provisions
347 have been made for a 300,000-square-foot corporate office center.

348

349 No more than 2,770 dwelling units (including a mixture of single-family detached,
350 townhouses, apartments, and mixed-use buildings) will be constructed across six
351 distinct neighborhoods. The approximate density of the project is 8.7 dwelling
352 units per acre.

353

354 Approximately 250 acres of the site will be in open space, including an extensive
355 park system integrated into the community and a 150-acre park along the James
356 River that will serve the dual purpose of providing stormwater management for
357 the entire project. While the riverside park will be maintained and controlled by
358 the developer and homeowners' association, the applicant has proffered public
359 access to the site.

360

361 Parking will be provided through a mixture of parking spaces on individual lots,
362 parking structures, and on-street parking in the commercial center of the site.
363 Approximately 9,000 parking spaces will be provided throughout the
364 development.

365

366 In order to provide public water and sewer to the project, the applicant will be
367 required to provide significant upgrades to utility infrastructure. The Department
368 of Public Utilities has reviewed the applicant's utility plans and has determined
369 they are adequate to address the project's impacts and will not place an undue
370 burden on the County's ability to provide services.

371

372 The Finance Department has reviewed the required Fiscal Impact Statement and
373 has determined the project would have a positive fiscal impact.

374

375 The Town of Tree Hill is divided into six distinct neighborhoods (East Entrance,
376 Hilltop, Schoolhouse, Town Center, North Village, and North Entrance), all of
377 which are centered on a particular component of the project. For instance, the
378 Hilltop neighborhood will be centered on the renovated existing Tree Hill house,
379 which may serve as the office for the Homeowners' Association as well as
380 housing restaurant and meeting space. Other neighborhoods will center on park
381 space, civic uses, and similar plan components.

382

383 In order to meet the requirements for the UMU designation, the applicant is
384 required to provide spaces for public interaction. A library/museum site will serve
385 as the central point for the Town Center, and the applicant has worked closely
386 with the recognized tribes of Virginia to identify an approximately seven-acre site
387 that can be developed for uses that celebrate the rich Native American history
388 associated with the property. The State Department of Historic Resources has
389 commended the applicant on their preservation and adaptive re-use efforts, and
390 a copy of the letter from the Department has been provided to you. The Varina
391 Beautification Committee has also expressed their support of this application and

392 a copy of their letter of support has been supplied to you as well. All of these
393 sites, in addition to the other proffered civic and open spaces, would be available
394 not only to the residents of Tree Hill, but to the general public as well.
395

396 Besides the park areas and civic uses already mentioned, the applicant has also
397 proffered a 10-acre elementary school site that will serve as the focal point for
398 the schoolhouse neighborhood. Discussions with the Schools Administration
399 Office concerning the adequacy of this site are ongoing.
400

401 Each neighborhood within the project has a proffered development program that
402 identifies approximate amounts of residential uses as well as commercial square
403 footages within the neighborhood. The developer has retained the right to adjust
404 the total number of housing units within each neighborhood by no more than
405 25%, but only if a corresponding reduction in the number of dwelling units in
406 other neighborhoods takes place. In no instances, would the total number of
407 residential uses exceed the proffered maximum of 2,770.
408

409 In addition to being governed by the proffered development program, each
410 neighborhood will be developed in accordance to a strict design code that, while
411 containing common elements, is also unique for that particular neighborhood.
412 This approach will allow the design code to set the regulatory framework for how
413 the built environment within that neighborhood is constructed, while still carrying
414 through a high level of quality and distinction.
415

416 For example, the East Entrance Design Code sets forth the parameters by which
417 the various uses within that neighborhood can be built.
418

419 Each Design Code chapter contains an overview of the neighborhood, which
420 relates the story of that development component and how the elements within
421 that neighborhood relate to the whole.
422

423 Each Design Code will also address such elements as neighborhood character,
424 the key design principals that predominate within the neighborhood, and the
425 approved building types for that neighborhood.
426

427 As part of the Design Code, the developer has identified architectural elements
428 and construction materials that will be permitted within each neighborhood.
429

430 Also part of the Design Code are development standards for each neighborhood
431 that will regulate such elements as lot size, lot coverage, building height and
432 setbacks for each building type within the neighborhood. These are presented
433 not only in text form, but are also illustrated for ease of reference and
434 administration. For instance, these represent how buildings could be set on
435 potential lots indicating side yard setbacks, rear yard setbacks, loading areas,
436 etc.
437

438 The applicant has also proffered conceptual images and requirements for such
439 elements as signage and lighting for the development.

440
441 In order to be considered for the UMU designation, the applicant must also
442 demonstrate that an adequate transportation network will be in place.

443
444 The applicant has designed the Tree Hill community to be served by a variety of
445 street types and widths. The main avenue of the development, which will stretch
446 from the North Entrance to the southern edge of the property at Mill Creek, is
447 identified as the Concept Road on this diagram, and is intended to carry traffic
448 through the site. Neighborhood streets will then branch from this main artery to
449 accommodate local, intra-development traffic.

450
451 For each type of street presented, the applicant has developed graphics and text
452 descriptions of rights-of-way widths, pavement sections, and other design
453 elements.

454
455 As required by both the Zoning Ordinance and State law, the applicant has
456 submitted a Traffic Impact Study identifying potential impacts on the local
457 transportation network and potential improvements needed to address those
458 impacts. VDOT has determined the TIS is satisfactory from their perspective
459 with the addition of supplemental appendices. The applicant has proffered
460 alternatives for improvements to Route 5 based on two different scenarios of
461 right-of-way acquisition and plan approval by VDOT. The Department of Public
462 Works is continuing to work with the developer and VDOT to review these
463 scenarios and the applicant has indicated that they would like to particularly
464 address this issue during their presentation.

465
466 Urban Mixed Use districts are intended to be more urban in character, containing
467 a mixture of uses, and a well-defined sense of place that is designed around
468 pedestrian movement, walkability, and interaction among residents and visitors.
469 These goals can be accomplished by having well-identified and carefully placed
470 public spaces, buildings that are close to the street and which encourage foot
471 traffic, and buildings that are vertical in orientation.

472
473 Staff believes the applications meet the criteria of the Urban Mixed Use district
474 designation in the 2010 Land Use Plan and the intent of the UMU district
475 regulations. Staff can recommend approval of the applications subject to the
476 proffered conditions submitted to you, the recommendations presented for P-17-
477 07, and subject to the resolution of the discussions concerning the improvements
478 of Route 5.

479
480 Prior to the meeting, the applicant did amended Proffer 4, which is in your
481 packet, to restrict the total number of rental units from the original 600 to no more
482 than 450.

483

484 I'll be happy to answer any questions you may have. If you wish to take action
485 on these applications tonight, the time limits must be waived.

486
487 Mr. Branin - All right. Thank you, Mr. Tyson. Does anybody have
488 any questions for Mr. Tyson?

489
490 Mr. Thornton - Mr. Tyson, what's the position of the Planning staff
491 relative to this?

492
493 Mr. Tyson - Staff believes that they have met the criteria for the
494 designation and have supported the application, pending resolution of the traffic
495 and school issues that remain outstanding.

496
497 Mr. Branin - Anyone else have any other questions for Mr. Tyson?
498 No one?

499
500 Mr. Jernigan - I just want to say, Mr. Tyson, you've done an
501 excellent job on this case and I appreciate it.

502
503 Mr. Tyson - Thank you. It was very much a joint effort between
504 lots of people on the Planning staff. I certainly can't take more than my share of
505 credit, but it's the Planning staff and everybody else.

506
507 Mr. Branin - No one would know any better.

508
509 Mr. Jernigan - The GrayCo people have been very good to work
510 with, Dan Slone, Gloria Freye and all their people. It's been great.

511
512 Mr. Branin - All right.

513
514 Mr. Jernigan - I don't have any questions at this time.

515
516 Mr. Branin - Anyone?

517
518 Mrs. Jones - How are we to resolve the pending issues? How will
519 that be phrased as we go through this?

520
521 Mr. Jernigan - The school issues I thought we had solved. I'm pretty
522 comfortable with it, but we're going to have some more discussions on that prior
523 to it going to the Board of Supervisors. The road issue is clear as far as what the
524 GrayCo people are doing. We just have some other issues that are not
525 outstanding with this case particularly, but I guess some future plans that we're
526 trying to map out before it goes to the Board. I know that Tim Foster is going to
527 express that there's a possibility of a phasing for this project. I've told Mr. Donati
528 that at this point right now, until the other negotiations on the road issues have
529 moved along, I'm going to leave the phasing up to the Board of Supervisors.

530
531 Mrs. Jones - Okay.
532
533 Mr. Jernigan - I didn't make that very clear.
534
535 Mrs. Jones - No, you did. I'd like to hear more.
536
537 Mr. Jernigan - We've got some things working. But I can't say
538 anything that's going on right now, because it's not official.
539
540 Mr. Branin - Mr. Jernigan, would you like to hear from the
541 applicant?
542
543 Mr. Jernigan - Yes, Ms. Freye, I would like hear from you. Thank
544 you, Mr. Tyson.
545
546 Ms. Freye - Good evening, Mr. Chairman, members of the
547 Commission. I'm Gloria Freye and I'd like to introduce to you Dan Slone, my
548 partner at McGuire Woods. We are here on behalf of the applicant. I echo what
549 Mr. Jernigan has said to Mr. Tyson and the Planning staff. They have been
550 outstanding to work with. We started working on this, I guess conversations
551 actually started in May of 2006. So, they've had to talk to us a lot, but they've
552 been very accommodating and worked with us every step of the way, and
553 actually helped enable us to get here this evening to be before you. And we very
554 much appreciate their outstanding work as well.
555
556 I would like to ask for two minutes of rebuttal.
557
558 Mr. Branin - Thank you.
559
560 Ms. Freye - And Mr. Chairman, if possible, we would like to have
561 an extension of time. We do have a couple of people who are here to speak in
562 support and I would like to make sure they have that opportunity following our
563 presentation.
564
565 Mr. Branin - Ms. Freye, when we call up the people that are in
566 opposition, it's an open forum. If they're in support, they're welcome to come up
567 at that time. We don't need to set aside time for support. They can join in with
568 the opposition.
569
570 Mr. Silber - Actually, Mr. Chairman, what we have done in the
571 past is those that are in support of the applicant take some of the time of the
572 applicant who is presenting the case. If there are people in support, it should be a
573 part of their time. You can extend that time, if you would like. I would suggest
574 we might want to start with 15 minutes or 20 minutes and then go from there.
575

576 Mr. Jernigan - It's two cases. We normally get 10. So, let's just go
577 ahead and make it 20 minutes now.

578
579 Mr. Silber - If you decide 20 minutes, that'll be fine.

580
581 Ms. Freye - Thank you very much. Mr. Tyson has done such an
582 excellent job laying out the details of this case, what we'd like to do is to focus
583 our comments on the issues that you referred to, Mrs. Jones, the open space,
584 the school situation, the commercial component of this, and the road
585 improvements. I would like to turn the mike over to Mr. Slone right now and he'll
586 get us started.

587
588 Mr. Slone - Thank you. We are very proud to be a part of this
589 team. And as most of you know, this began with the charrette process in which
590 we invited a whole lot of folks in the room. No one was sure how that would
591 work. It worked very well. We got a lot of input from the community and that has
592 been a part of what we've been working with since then, as we've continued
593 conversations in the community in working through any issues that were out
594 there.

595
596 As you have heard, the project begins as a large piece of land, but has a number
597 of focal points in the plan that was developed with the community at the
598 charrette, and has come forward, those focal points, which you see circled here,
599 the Surrender Tree, the Manor House, the barn, and the Native-American village
600 site, have formed the plan that you see. They've been the centerpiece of what's
601 come forward with a commitment to restore the Manor House; to give access to
602 the grounds to the public—it's been in private ownership in the past; to restore
603 the dairy to make it part of a park complex; to convey to the Native-Americans a
604 wonderful site along the river that they have committed to turn into a park-like
605 setting that they've gone through a charrette themselves on. All of that ties in to
606 the river frontage, the open space. The open space along the river is 150 acres.

607
608 Our commitment is to give the same access to the public that the homeowners'
609 association has and we'll put that in writing. We'll have it run with the land. That
610 open space is important to us because we use it for a number of things. It ties
611 into the rest of the project. There is about 250 acres of open space in this
612 project, and that's tied together with about five miles of bike trails that lead you
613 down from the Capital Trail that runs along the front, then through the project,
614 tying things together. And green spaces, plazas, parks—It has a wide range of
615 open spaces from very urban to natural along the river, all of which will be
616 available to the public.

617
618 Along the river, that natural area, what we've done is incorporate our stormwater
619 into naturalized forms, incorporated constructive wetlands so we get higher water
620 quality out of the stormwater. I'd like to make a note here. I understand
621 someone called and asked a question about whether this project would have any

622 impact on their wells. Of course, we'll be on water from the County, so we won't
623 be doing withdrawals. As far as the site runoff, remember, 250 acres of open
624 space, much of that riparian zones around the existing creeks. Basically, what
625 we anticipate is the same sort of infiltration that is occurring there now and the
626 stormwater ponds, also, for infiltration. So, there would be no impact on a well.

627

628 So, you see the weaving together of the natural area into these stormwater
629 control basins. We've worked through with the County staff to make sure that we
630 are meeting all of the requirements for runoff on the site, and they've been very
631 helpful in working on these innovative approaches.

632

633 Sort of in between these features of historic elements and open space, we've
634 weaved together a town. That capacity you see, those 2,770 units and the
635 million square feet of commercial, is woven around those as our center points,
636 and a live town comes together. Always conscious of giving back to the
637 community an amenity. What you see in front of you is Lafayette Park proposed
638 along Old Osbourne, and you see the viewshed going down to the Manor along
639 that street. So, that town is woven together around those pieces. This is another
640 focal point intended to be the library or museum from the County, put in a place
641 of honor and focus in the community.

642

643 Ms. Freye - The one thing I wanted to add about this on the
644 commercial development is that it does—and Mr. Tyson referred to this—include
645 a 300,000-square-foot corporate office site. That was designed to be reserved
646 so that that would be an economic development opportunity for the County to
647 attract perhaps a corporate headquarters tenant to the site.

648

649 Mr. Slone - Our commercial density puts us in the upper part of
650 the UMU's that have been mixed use UMU's. We're not quite as high as West
651 Broad and its commercial location, but at 20%, we are one of the strongest
652 commercial mixes.

653

654 So, that all comes together in this plan. Each part of this plan has a centerpiece
655 of one of the elements that I've described. You see the schoolhouse district. We
656 are not casual about the property that the school occupies, and that's led to
657 extended discussions as we've tried to get people comfortable with the notion
658 that if we give actual useable land, if we give an amount of acreage that can be
659 used for the actual functions of the school, then that can be a smaller acreage
660 than sometimes people are used to. Our architects and planners have worked
661 very closely with the staff of the School Board, in locating, actually going out and
662 looking at the existing schools, translating those templates onto the property,
663 going through things like—On this property, you don't have to handle stormwater
664 on the school property. We handle stormwater for you in that 150 acres.

665

666 We have worked through the play areas including the ability for the school to
667 have special days in which they take over the park and are able to have a fair or

668 something like that and completely control the adjoining park. The result of that
669 is what we've proposed is a smaller school site than people are used to. But it
670 only looks smaller until you actually go through some of the numbers.
671 Greenwood was one site that we compared it to. If you look at the amount of
672 wetlands and zoning setbacks and stormwater management on that site, you see
673 that the actual net acreage gets down to about 11.5. If you look at the way Tree
674 Hill over on the far right actually works through how the property is being used,
675 you see it's very comparable. The actual working numbers are very comparable.

676
677 What we think is, we've offered up a site that meets the school's needs and
678 works in a neighborhood. So, it allows us to continue to have the walkability that
679 we need for this sort of site and we would like to have this site in the community.
680 We would like for it to be the centerpiece that we've planned it for. But we can't
681 do that if it's 20 acres. That becomes a completely different sort of use and
682 undermines the neighborhood. But we're working through that. We're working on
683 that use.

684
685 Finally, the roads. To put it in context, I have in front of you the picture that
686 shows Tree Hill and Wilton and Rocketts Landing, so you sort of have the
687 location of all the significant uses that have been approved at this point along
688 that corridor. And you see the concept roads that come from the County's 2026
689 plans. You see that coming from Old Osborne, coming down through Tree Hill
690 and extending along the river.

691
692 What Tree Hill has proposed to do is an alternative. I'll give you the less
693 preferred alternative first, because it's the fallback. If the other doesn't work, this
694 is what we would do. This is the sort of normal. This is what a project would do,
695 which is we would come to our two entrances and we would four-lane those so
696 that they absorb the background traffic. Now, understand, we're dealing with an
697 existing problem, so this isn't what we create. We would four-lane those to
698 absorb the existing traffic at those points, and we would do all of our turns and
699 lanes and those sorts of things that would be necessary. And we would go ahead
700 and four-lane the concept road through Tree Hill down pretty much to its edge.
701 That's our fallback.

702
703 What we've actually proposed to do instead, because we recognize that this is
704 sort of a hopscotch, which allows Rocketts to improve to a certain point. Then we
705 drop down into two lanes. And then Tree Hill improves and then we drop down
706 into two lanes. And then Tree Hill improves again, and then we drop down into
707 two lanes. It really doesn't solve a problem for the County. And when we were at
708 the charrette, the residents often spoke of their concern going back toward
709 Richmond.

710
711 And so that's what we've proposed. We've proposed as our preferred alternative
712 what we would do. If VDOT agrees and the County agrees, what we would do is
713 go to our north entrance, four-lane there, and four-lane between us and where

714 Rocketts Landing's commitment is. So, that would give us a completely four-lane
715 stretch going in from our entrance to the City. We would still do our turn lanes
716 and the elements at our east entrance that are made necessary because of our
717 project. We would still give the easement for four lanes of the concept road, and
718 we would build four lanes through the active center of our town, but we would
719 drop down to two lanes below that. And we would martial those monies into
720 actually putting a solution forward to the County, which is a complete four-lane
721 section from our entrance on into the City. We've had discussions with VDOT on
722 this. We've had good signals that they think this is wiser than the hopscotch
723 method, that they think this is a solution. But, of course, they're finishing up their
724 studies in which they can't actually say anything until every "i" is dotted and every
725 "t" is crossed.

726
727 This not only gives a real current solution, it also sets up the solution in
728 conformance with the 2026 Plan with the concept road ultimately being there to
729 take traffic off Old Osbourne.

730
731 Ms. Freye - The other thing that I would like to add to the record is
732 in addition to the charrette, which was very successful. It was a week long and
733 had a lot of participation, a lot of input, a lot of information shared there, there
734 subsequently have been a lot of effort for outreach to the community since then.
735 Letters were sent to the adjacent landowners. The developer has met individually
736 with neighbors, more than once on several occasions. Most of those have been
737 visited by the developer. There were also several meetings with the Varina
738 Beautification Committee as we developed our application and shared the details
739 of that with them. We also had another community meeting the end of August at
740 Dory Park. That was well attended and fairly well received. We have received
741 letters of support from the Varina Beautification Committee, from the Department
742 of Historic Resources, and from Ms. Margaret Burely Hazelgrove, who actually
743 grew up on this property, and compliments the sensitivity that's been given to the
744 development of this property that preserves the legacy that it has. We do have
745 some folks here that want to speak in support.

746
747 In closing, you know that we do have these multiple companion cases that need
748 to be voted on. We would be glad to also let the record reflect that as to the
749 Provisional Use Permit, that the developer has reviewed each of those conditions
750 and is in agreement with those. So, those are acceptable. We do also request
751 the waiver of the time limits for the proffers that were submitted yesterday and
752 today. And we would be glad to answer and respond to questions that you have.

753 Mr. Jernigan - I don't have any questions, because you all have
754 done a great job on this. I just want to make a statement so the Commission will
755 know. We had a meeting at 1:30 yesterday afternoon to try to clear up the two
756 outstanding issues with the school and VDOT on the roads. I thought we were
757 on board with the School Board at the time, that Tree Hill was dedicating 10
758 acres plus 2 acres of parkland that can be used at their discretion. The School
759 Board feels that they need 20 acres. I made it clear that I don't agree with that.

760 I'm okay with the 10 acres and I think that the school, the average footprint of an
761 elementary school, from what I hear, does not exceed 100,000 feet. Most of it's
762 about 80,000 square feet. So, if you double-decker, if you make that a two-story
763 school, it's a 40,000-square-foot footprint. So, that leaves you about 8-1/2 to 9
764 acres for parking. After thinking about that, I'm comfortable with that and I'm
765 satisfied. And that's one reason that we're moving this case along tonight.

766

767 The second thing on the road is that with the changes that have been made—
768 and I feel myself—that it's better to have the four lanes going into the city rather
769 than going from two to four, back to two, to four, back to two. That, to me, is
770 dangerous. So, we have, at this time, the nod, I'll say, from VDOT. We just don't
771 have it in black and white. But I'm satisfied at that point that we've solved that
772 and that's the reason this case is moving along tonight.

773

774 Mr. Branin - Thank you, Mr. Jernigan.

775

776 Mr. Jernigan - Okay.

777

778 Mr. Thornton - Mr. Chairman.

779

780 Mr. Branin - Yes sir.

781

782 Mr. Thornton - May I ask a few questions? First of all, I want to
783 compliment the staff. This plan seems rather ambitious and innovative. But it is
784 something that's totally new and I think an appropriate question might be—I
785 believe I would like for the applicant to answer this, but you speak, perhaps, for
786 the applicant. Why is this the right time for Tree Hill?

787

788 Mr. Slone - Why is this the right time for Tree Hill? There are lots
789 of parts to that answer. One begins back when this applicant and the County
790 began talking about what the County was considering for zoning and what it was
791 putting in its comprehensive plan. The County began focusing on a version of
792 smart growth that said this is the right place for density. Coming out of the City,
793 this is the right place to put density. This applicant came forward and said, well,
794 not only do we want to respond to that call, we are a good developer who can
795 deal with smart growth and we want to do it in a way that establishes a legacy
796 property in the Varina District that is comparable to the great work that the
797 County has done on the West End and the western part of the County that would
798 give that same sort of character and actually a destination into the Varina District.
799 We said at the beginning, and we still say as we watch this project come forward,
800 that people will land at the Richmond Airport and they will ask to go here. Why
801 now? Because you have to start building it now. It takes a while to build
802 something of this size and depth. But now's the right time to start and we think
803 the Varina District deserves a great project.

804

805 Mr. Thornton - As I hear you articulate that, then part of it, the raison
806 d'etre is then Tree Hill would help to create an impetus for Eastern Henrico, for
807 the Eastern corridor so that in the future we'll have less of two Henrico's.

808
809 Mr. Slone - Yes sir.

810
811 Mr. Thornton - Okay. My second question is, from my educational
812 hat, is the school. Now, the school system is asking for 20 acres for a school,
813 and you are stringently suggesting 10 acres. I don't know whether or not the 20-
814 acre requirement is one that one needs to adhere to. But I don't know about the
815 10 acres that you are putting on the table there. So, my second question is,
816 then, we want to make sure we make the right decision from the educational side
817 there, and have you fully thought that out? This 10 acres, is that it, or are you
818 open to maybe going maybe a little bit higher than that? I heard what Mr.
819 Jernigan said, how he feels about it. But how far are you willing to go on that, or
820 is this it?

821
822 Mr. Slone - Yes sir. We've worked very hard on this issue. I think
823 it's rare for a developer to go out and hire architects to work with folks to come up
824 with making sure that, in fact, their program can be met not only at a two-story
825 level, but also at a one-story level so that they have the flexibility that they are
826 looking for. If you look at the figures that I showed you a moment ago, this
827 school district has dealt with pretty much 10 acres before. They've gotten sites
828 that have six acres of wetlands on them and they weren't able to do anything on
829 those. They've had to do their own stormwater on their sites. They've had to do
830 their road system coming in. What we've done is been very, very careful to pull
831 those pieces out and make sure that in working with them and listening to them,
832 that all of their needs could be met on the remaining land. That back and forth
833 has gone through many, many meetings and, as Mr. Jernigan indicated, we
834 thought everything was resolved because of those listening sessions and
835 response. We didn't hear any more needs expressed. When you look at it, we've
836 not just offered up 10 acres. When you add back in our off-site stormwater and
837 the other things that we put in, and the periodic use of the two acres adjacent to
838 it, it ends up being closer to about 15 acres that is on the table in terms of useful
839 land. It's just arrayed so that they're not responsible for the stormwater. The
840 things that we've done all seem to make sense to us that it's better for us to be
841 responsible for the stormwater, for us to do it in the green way that we propose to
842 do it. And we believe we've met all the needs.

843
844 We are pretty much as tight as we can get because if we were to do 20 acres,
845 that would essentially be putting a big box in the neighborhood and we don't want
846 to do that. It changes the way people walk. And it is a suburban school design,
847 which is great in those locations where you expect everybody to drive, where it's
848 not a big interruption in the neighborhood, where it doesn't create concerns about
849 people walking by it at night. We're looking for something that's part of the
850 neighborhood and we feel very strongly about the architecture. Of course, we'll

851 always work with everyone and we continue to stand up and look for an
852 expression of what the need is we need to accommodate. And we've responded.
853 Each time we've heard a need, we've stepped up and responded. We're not
854 aware of any outstanding needs that we haven't met. We'd have to understand
855 what it is that was necessary before I could answer the real meat of your
856 question, which is could you do something more? If we saw that something more
857 had to be done to meet an identified need? But frankly, we've worked so long on
858 it, we're not aware of what that need would be.

859

860 Mr. Thornton - I appreciate your response to that. Finally, many
861 Henrico citizens and really people in the United States are now having a
862 challenge with buying a house. What is your commitment to this Board, to the
863 County, to the future of the County as these houses are built to the concept of
864 affordability?

865

866 Mr. Slone - Yes sir. It's a very, very important issue. One that
867 this particular type of development, which is a new urban development, has a
868 very strong response to. This development—and you'll see it if you look in the
869 design code that we've put forward—is committed to a wide range of housing
870 types and sizes. We believe the best way to respond to the market is to make
871 sure that those varying types and sizes of lots are brought onto the market in a
872 good mix so that this is not one place that you've got, oh, those are the little tiny
873 lots, and those are the great big lots. What we've committed to is that mix of
874 housing that allows everybody to have the same respect, the same sidewalks to
875 share, and to meet a range of market conditions. We've included an element of
876 multi-family in this that's also in a form that would be a minor amount of rental,
877 but also condominiums. The total design is supposed to respond to multiple
878 parts of the market. It would be very easy to come to a riverfront location and put
879 nothing but the high end in. What we wanted to do was to do something that
880 gave you the quality of the high end, and that's what our architectural code does,
881 but to vary size of the housing product so a lot of people could get access to that.

882

883 Mr. Thornton - Obviously there are some things that are beyond your
884 control, but, to me, demographics are very important. What would be any
885 projections on your part, if you could make some, about the demographics of
886 Tree Hill?

887

888 Mr. Slone - We actually have market studies that make those
889 projections and I'd be happy to share those with you. What we find is—And you
890 can see some of it at Rocketts as it begins. The front part of those projects are
891 pioneers who are willing to come into the city, who are willing to come to the
892 edge there. So some of those are people who are moving in from the County,
893 moving in from other places, wanting to be closer to jobs, wanting to be closer to
894 the urban area. Some of them are people who want to be close to the river. Who
895 makes up those demographics are a mix of retirees, empty-nesters, people with
896 kids. What happens with these projects is people come and have these

897 discussions and they'll often say, well, you know, it'll be mostly empty-nesters
898 and that sort of thing. But what actually happens on the ground is these are
899 beloved communities. And the ability to have a place that has these types of
900 parks, where you can walk down to the riverfront and those sorts of things. It
901 makes it very difficult to predict the demographics of people who will simply look
902 at this and say, "I really want to be there," and will make it happen. I'll be happy
903 to share with you. We paid a lot of money for people to predict those sorts of
904 things, but the fact of the matter is, my own experience with lots of these is those
905 are rough predictions.

906
907 Mr. Thornton - Thank you very much, Mr. Slone. I notice that you
908 use rather interesting terminology, and it's very laudable. You said it's "a beloved
909 community." Hopefully, that will be done. Thank you.

910
911 Mr. Slone - Thank you, sir.

912
913 Mr. Branin - Does anybody else have any questions for Mr. Slone
914 or Ms. Freye?

915
916 Mr. Jernigan - I wanted to tell Mr. Thornton that also, as far as the
917 fire site, there is not a fire site on the premises, which we had discussed
918 previously. But they have put into a fund for fire \$250,000 to purchase a site off
919 premises to wherever the fire department feels that they need to be. They really
920 didn't want to be down deep in here because of access to Route 5. They need to
921 get moving quick. So, they will either have a site up on Route 5 or Osborne.

922
923 Mrs. Jones - I'd like to ask two questions, if I could. Well, I'd like to
924 make the first a comment here. The proffers that I have that are dated the 10th,
925 the school proffer, which is E#1, is the most current version, is that correct?

926
927 Ms. Freye - Yes ma'am, it is.

928
929 Mrs. Jones - Okay. I am so happy to see that school in there. The
930 school becomes, for these kinds of traditional neighborhoods, a real focal point
931 and a gathering spot, and obviously serves an education purpose. But I would
932 have been sorry to see that change. I think we would be hard-pressed to find an
933 urban neighborhood with a 20-acre school site. I just wanted to make sure I had
934 the last version.

935
936 The second thing was the VDOT comments. My understanding, if I heard you
937 correctly, is that this has not all been received yet. It hasn't been totally
938 reviewed?

939
940 Mr. Slone - It has been reviewed. And what we've gotten is a
941 letter that says that you are in substantial conformance. We want these additional
942 pieces to be in the appendix for this. And they gave us a list of the zoning on the

943 adjoining properties and a list of i-dotting and t-crossing that they wanted in order
944 to finalize their report. But—

945
946 Mrs. Jones - Is that a wish list or is that a list which you can
947 deliver?

948
949 Mr. Slone - Oh, it's easily met, easily met. We saw the list and
950 the only concern we have is because—We are, as you know, in a new part of the
951 process with VDOT and the way they go through this review, our only concern
952 was getting it at the last minute. But VDOT's worked very hard to continue
953 learning their process as well. It's a new process for them. Everybody's working
954 hard to get there. We would have had all of these items in.

955
956 Mrs. Jones - So, there were no surprises, is what you're telling me.

957
958 Mr. Slone - No surprises.

959
960 Mrs. Jones - Okay. And the other thing is just a quick comment I'd
961 like to make because as some of you have never attended a charrette before. I
962 had the privilege of being down there for several sessions and watching the
963 public, watching the incredible work by the professional planners and the banks
964 of computers. This has been an amazing process to watch. It's been an
965 overwhelming process. It's not even my district and it's overwhelming. I'm not
966 sure how you all have dealt with it. But I want to just tell you how informative and
967 enlightening it was to be part of the actual long-term process of developing this.
968 For me personally, I have enjoyed it tremendously and I've learned a lot from it. I
969 wanted to tell you how very much I admired the process that it went through.

970
971 Mr. Slone - That's great to hear. Thank you.

972
973 Mr. Vanarsdall - The UMU and the traditional zoning is supposed to be
974 compared to small town America. And in small town America, you can live in a
975 mansion or you can live in a small house, and still you have what you feel like is
976 a quality house. I think what you've done in this is the square footages of some of
977 this, maybe I could buy one and someone who wants one larger can buy it. It's
978 just a good mix.

979
980 Mr. Slone - Yes sir, you've hit the heart of it.

981
982 Mr. Vanarsdall - What you started out with, what this was when we
983 had the first meeting, and this is the first time since I've sat on the Commission
984 that we ever had that. I think it certainly paid off. There may be some people
985 here tonight against this, but if you hadn't have had that, I think the house would
986 be full. I think you'd see a lot.

987

988 Mr. Slone - It's an incredible thing when you start the process by
989 getting to listen and working with people.
990

991 Mr. Vanarsdall - You included the people in the beginning, the first
992 day, the first hour, the first night.
993

994 Mr. Slone - Yes sir.
995

996 Mr. Branin - Does anyone have any questions for Ms. Frye or Mr.
997 Slone?
998

999 Mr. Archer - I had one question. At this point, are there any
1000 potential committed uses of the commercial portions? Has anybody been
1001 identified that said they want to be there?
1002

1003 Mr. Slone - I don't think that we've closed with anyone. I know
1004 that our client has had substantial discussions. This has had a lot of press and I
1005 know that we periodically hear about some of the discussions. But I don't know
1006 of anyone who has actually signed a Letter of Intent. We really just haven't been
1007 part of that process.
1008

1009 Mr. Archer - Understood. Just curious.
1010

1011 Mr. Vanarsdall - It's too early.
1012

1013 Mr. Branin - Does anyone have any questions, again, for Mr.
1014 Tyson or Traffic with Mr. Foster?
1015

1016 Mr. Jernigan - We have Mike Jennings and Mr. Foster.
1017

1018 Mr. Branin - Brought in the big guns. Anybody have any questions
1019 for them? No one? Okay. Ms. Freye, you want to call in your positive
1020 reinforcement?
1021

1022 Ms. Freye - Yes sir. Mr. Funk is here and he would like to make a
1023 few statements. He's one of our neighbors.
1024

1025 Mr. Branin - You have just over five minutes. Sir, I'm going to ask
1026 you to state your name for the record when you come up to the mike.
1027

1028 Mr. Funk - Mr. Chairman, Mr. Vice Chairman, members of the
1029 Commission, my name is Mahlon Funk. I live in a parcel on Route 5 that with my
1030 neighbor and I, we own together the larger part of the white area that you see
1031 that is enveloped by this planned community. So, I think it is fair to say that
1032 between Mr. Garber, who is my neighbor, and myself, we are as significantly
1033 impacted by this as anybody in Varina or anywhere else in Henrico. I have lived

1034 there 30 years. My neighbor, Mr. Garber, has lived there 60 years, and his wife
1035 and her family were there 90 years in the aggregate. I would be disingenuous
1036 and less than candid if I didn't say to you that in the abstract world, I would wish
1037 we were not here and that there was no development taking place because for
1038 those many years that the two families, mine and the Garber's, have lived there,
1039 we have enjoyed the beneficence and the beneficial use of this property, thanks
1040 to the Burley family that has owned it about 100 years, as I understand. We've
1041 had the benefit of all the accoutrements of country living a hop, skip, and a jump
1042 from downtown and, in my case, my office. And you can't beat that. But, we
1043 don't live in the abstract. Time moves on; it stands still for no man or woman, and
1044 Varina has been discovered.

1045
1046 I start for Mr. Garber and myself, if you will let me speak for him as well, with a
1047 statement in staff's study that is on page 4 that says, "The applicant, GrayCo, is
1048 encouraged to provide appropriate transition areas along the shared edges of the
1049 site to lessen the potential impacts to the residential neighbors," me and Mr.
1050 Garber. I come to you and say that GrayCo, whose representatives Mr.
1051 Middleton, Mr. Dempsey, Mr. Ewing, and through his counsel, Ms. Freye, have
1052 worked hand-in-glove with us. They have met every one of our desires and
1053 needs in the transition area along a very substantial border. All of Cattle Drive
1054 running down to the barn is the border between the shared properties that I'm
1055 speaking on behalf of tonight, and all along—It looks like the southern edge, but
1056 actually it's the western edge, the edge that is the town center edge. Running all
1057 along that is the lane that runs perpendicular to the existing barn. They have
1058 worked with us hand-in-glove and met all of our desires, needs, and wants there.
1059 They have explained to us fully, as we have heard tonight through staff and
1060 through your questions, all of the things that have been discussed. We are
1061 convinced that since we don't live in an abstract world, that if it has to be
1062 developed, we are very fortunate to have such a quality and integridible
1063 developer, as evidenced by the things that you all have said, and the charrettes,
1064 and the way they've worked with us. We are convinced that if the plan that has
1065 been presented to you all and is in the big booklet that was given to me, and the
1066 proffers that have been made, that if that is held to by the developer, and I am
1067 confident that it will be based on our dealings with them and my prior dealings of
1068 over 30 years with Gloria, and if it is held to by this Commission and by the
1069 Board, that we will have a quality development here. Which in comparison to
1070 what could be with other developers, other plans, and other ideas, in comparison
1071 to those, it's an A+. So, we commend this to the Commission. We ask for your
1072 approval because we think it will work well with us, and that is especially true in
1073 light of all the potential of other things it could have been. Thank you very much.

1074
1075 Mr. Branin - Thank you, Mr. Funk.

1076
1077 Ms. Freye - Next we'd like to ask Steve Atkins to come forward.

1078
1079 Mr. Branin - You have two minutes remaining.

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Mr. Atkins - Good afternoon, Mr. Chairman, members of the Planning Commission. When I walked in, I was struck with the slogan, "Proud of Our Progress; Excited About Our Future." At the risk of sounding impertinent, I think you might add, "Building and Learning from Our Past." Add that to it. And I'll give you some context for that because as I look at this project and my involvement in it from essentially the outside, GrayCo has been very active in ensuring that the historical aspects of this property are maintained. I say that in light of the fact that, historically, Virginia hasn't been that kind as it relates to African-American sites or Native-American sites of historical importance. Typically, they find themselves under a bulldozer's blade, under asphalt, or under concrete. In this instance, the Native-American community believes that Tree Hill Farm is the site or the birthplace of Chief Powhatan, paramount chief of over 35, 40 tribes that were here indigenous to this area when the settlers landed in 1607. So, I think GrayCo has stepped up and answered especially my desire, my need around maintaining the historical aspect as it relates to Native-Americans on this site, to the extent that they have delineated 7-1/2 acres that we will use to both teach history and practice history, and talk about who Native-Virginians are today. Lots of time we're relegated to 17th Century artifacts or museum pieces. This will tell a living dynamic history of Virginia Indians, of all the tribes in Virginia.

Significant to note that on May 23, 2007, 400 years after the settlers ventured up to the Richmond area and planted a cross, talking about forever establishing friendly relations with the native tribes, 400 years to the date, GrayCo established the first permanent Native-American settlement in Virginia in 15,000 years when they deeded 7-1/2 acres, or began the process under the tutelage of Mr. Charles Ewing to eventually convey that land to Native-American people. The two oldest reservations in the United States are Native-American Virginia Reservations, the Mattaponi and Pamunkey. But they're in a trust relationship with the State, and you have to look at those trust relationships because that land has continued to diminish over the years. With this one, we have the option to have it fee-simple. It says we own it. So, it's the first permanent settlement to people who have been here in this land for over 15,000 years. So, it's very significant. And I get a little emotional thinking about it.

When I first heard of this, I said, here's my opportunity. I have to talk to these folks. And I thought when I entered the room, I might get kicked out. I said, "Here's some things we want. We want to maintain the historical value, the historical authenticity of this birthplace, and we want to use that as a forum to teach the people about the Virginia Indians and let them know how important this is to us. To do that, we'd like a building. We would like some parkland. And we would like to make it look natural and inviting and be a destination point for people who want to learn more about Virginia and about us." Surprisingly, they didn't kick me out. And they were very receptive to the concept.

1125 I'm sure I'm out of time, but I want to say that the Native-American community,
1126 the eight state-recognized tribes in Virginia strongly endorse this. We demanded
1127 and we asked for an eco-friendly development. We asked for the inclusion of as
1128 many green buildings as possible, because we believe we've gotta be compatible
1129 with nature, and we believe we need to preserve this fine land for the next seven
1130 generations. Thank you very much.

1131

1132 Mr. Branin - Ms. Freye, would you state his name for the record,
1133 please?

1134

1135 Ms. Freye - Steve Atkins.

1136

1137 Mr. Branin - Thank you, sir. Okay. You are out of time.
1138 Opposition.

1139

1140 Mr. Silber - Is there anyone who wants to speak in opposition to
1141 the request may come forward now.

1142

1143 [Off mike] - [Unintelligible.]

1144

1145 Mr. Branin - Yes sir. And please state your name for the record.

1146

1147 Mr. Dowdy - My name is Horace Dowdy. I'm really not in
1148 opposition. I think it's a great plan and everybody knows that Varina is going to
1149 start growing. I do have a concern and I don't know if it quite got across
1150 correctly. My land connects with Tree Hill Farm and I'm the one about the well. I
1151 knew that you all were going to be on public water, so I realize they wouldn't be
1152 drawing any water out of the ground. I was more concerned about the
1153 construction and the digging. Recently when they put in 895, a lot of wells went
1154 dry around that area around 895. I want to know if they start putting in the roads,
1155 putting in the infrastructure, putting in the foundation for what they told me was
1156 going to be a six-story building, what happens if my well goes dry? And I want to
1157 know what is the plan for that, what is the trigger, what is the mechanism, who do
1158 I call? Am I calling the County? Am I calling GrayCo? I just want to know who
1159 do I call and what is the response to that type of scenario because of putting in
1160 the infrastructure that wells go dry. That's it.

1161

1162 Mr. Branin - Mr. Slone, please respond to that.

1163

1164 Mr. Slone - I'll be happy to respond to that. I think, as you've
1165 already heard, GrayCo has established itself as a good neighbor. What would
1166 happen is we'd get a call from a neighbor and we'd look and see if this was
1167 something that, in fact, was the circumstance, that we had caused the problem
1168 and we would respond to it. It's easy. I think that as you heard from Mr. Funk,
1169 the approach that we've taken in the community is to go out, hear concerns, and

1170 respond to them. I don't know that there's anything else we can do other than tell
1171 you you've already proven that we're there and we're a good neighbor.

1172

1173 Mr. Branin - Okay, thank you sir. Mr. Dowdy, I would recommend
1174 also, if for some reason this does occur and you do call the applicant and the
1175 applicant doesn't respond in a timely fashion, we would implore you to
1176 immediately call the County and let us know.

1177

1178 Mr. Slone - If there's any question about where to call, we have a
1179 website and we'll be happy to give you a whole bunch of numbers tonight. You'll
1180 have personal numbers for people to call.

1181

1182 Mr. Dowdy - That would great.

1183

1184 Mr. Vanarsdall - Good.

1185

1186 Mr. Branin - Anyone else in opposition? Please come down.

1187

1188 Ms. Price - Good evening. I'm Annette Price and I'm bordering
1189 along the Mill Creek there, the 57 acres next door. As Horace said, I'm not
1190 opposed to the building at all. It's very nice, it looks good, and we want to go
1191 along with it very well. What we're concerned about right now, when all of the
1192 building starts and the paving goes in and you put down your storm drains, all of
1193 those things, what is going to end up running into Mill Creek? Is there going to
1194 be runoff from the single-family homes, runoff from the businesses? The runoff
1195 from the creek that comes from the barn that empties into Mill Creek into my
1196 property, and another creek that empties there in another spot onto my property.
1197 And then what about what's coming along, the nature area and ending up in my
1198 swamp? Is anybody going to be testing these waters and seeing what's in there
1199 now and what's in there later?

1200

1201 Mr. Branin - That's it?

1202

1203 Ms. Price - That's it.

1204

1205 Mr. Branin - Okay. I'm going to ask the applicant to address that
1206 as well, and then Mr. Foster to come out and make some comments on what the
1207 County has seen.

1208

1209 Mr. Slone - Yes sir. We have worked with some of the best
1210 stormwater people out there. This site has a lot of topography. It's been important
1211 from the beginning and obvious from the beginning that we needed to be very
1212 conscious of stormwater runoff. So, there has already been aggressive
1213 discussion about where construction ponds need to be, if they need to be in
1214 higher locations, higher up on the site as temporary measures. As the pieces of
1215 the site come together, the target is for the lower part of the site, to send that into

1216 the nature area. There it goes into constructed wetlands. The whole design of
1217 that is so that it's got a fore bay for catching sediment, and then it goes into
1218 constructed wetlands to make sure that any water coming out of the site has
1219 been polished, as it's called, going through to the wetlands. So, what I'd say is
1220 we have a combined program that will all, of course, be subject the County's
1221 erosion and sediment control supervision. But a lot of detailed thought because
1222 of the topography on the site to make sure that there are no runoff problems.

1223

1224 Mr. Branin - Mr. Slone, you have taken into consideration Mill
1225 Creek?

1226

1227 Mr. Slone - We have taken into consideration all of the creeks.
1228 We are a little unusual in that we don't fill any wetlands on the site, we don't fill
1229 any of the creeks. We create riparian zones around all of the creeks. We
1230 basically began this site with the appropriate setbacks and worked from the very
1231 beginning, because of the County's own concerns, to make sure that from the
1232 beginning, those creeks were protected and the stormwater was appropriately
1233 dealt with.

1234

1235 Mr. Branin - Okay. Mr. Foster, if you wouldn't mind coming up and
1236 telling us what the County has seen.

1237

1238 Mr. Foster - Yes sir. I am Tim Foster, the Assistant Director of
1239 Public Works. In any plan like this, big or small, they will be required, as Mr.
1240 Slone said, to have an Erosion and Sediment Control Plan. They will also need to
1241 have adequate outfalls for all runoff on the plan. We have environmental
1242 inspectors that will be reviewing the plans, as well as our normal inspectors. We
1243 also want to make sure with that E & S plan, Erosion and Sediment Control Plan
1244 that we have the proper silt fencing in, we have the proper runoffs, and that we
1245 have wetland delineations by not only our wetlands people, but also the Army
1246 Corp will have to review that as well.

1247

1248 Mr. Branin - Okay. Does anybody have any questions?

1249

1250 Mrs. Jones - Is there actual testing done, water testing?

1251

1252 Mr. Foster - What we look at would be—For example, we have silt
1253 fencing around some the creeks and that type of thing. If we start seeing mud or
1254 get calls or complaints about water with excess silt or mud or that type of thing,
1255 that would probably be a violation of the Erosion and Sediment Control program
1256 and we'd have our inspectors go out and take care of that.

1257

1258 Mr. Branin - Ms. Price?

1259

1260 Ms. Price - [Off mike.] I'd like to say I'll be testing in the next
1261 couple of days, because I've already got the call on that. But we're going to be
1262 continuing to monitor that so that we don't find the problem later on.
1263

1264 Mr. Branin - Ms. Price, you got me before I could speak. I was just
1265 going to say, just like the gentleman before, if there are problems, the applicant
1266 seems to be a good neighbor and is working hard to be a good neighbor. But the
1267 only way we'll know is if you let us know. Okay?
1268

1269 Mr. Jernigan - I wanted to say something else for the folks that live
1270 on Kukymuth, which you all do, that one of the other things that came up in our
1271 meeting yesterday was that Mr. Brown had had some water problems which they
1272 felt was coming off of Tree Hill, and we wanted to address that. They've already
1273 had engineers go out there and he's definitely had a problem. I know it washed
1274 his pond out once or twice.
1275

1276 Mrs. Jones - With him.
1277

1278 Mr. Jernigan - Yeah, with him. But anyway, they've determined now
1279 that he does have a problem, that's not directly related to Tree Hill. The
1280 engineers feel that more of that water is coming off of Route 5 and coming down.
1281 But the engineers with Tree Hill have said that they are going to help him through
1282 this process to take care of that problem also. I just wanted to let you know
1283 they're kicking in on that, too.
1284

1285 Mr. Branin - Anyone else? Come down, ma'am. And when you
1286 get down, if you could state your name for the record.
1287

1288 Ms. Wagner - My name is Susan Wagner and I'm a homeowner in
1289 the area. In reality, isn't most of the nature area topographically a floodplain?
1290

1291 Mr. Branin - Ma'am, would you repeat that? I didn't quite hear
1292 you.
1293

1294 Ms. Wagner - In reality, I believe that most of the nature area is
1295 topographically a floodplain. I could be mistaken, but I believe it is.
1296

1297 Mr. Jernigan - No, you're right.
1298

1299 Mr. Silber - You're right, it is.
1300

1301 Ms. Wagner - It looks very good on paper. I'm opposed to the
1302 project. It's been very well presented, but I think it's going to have a terrible
1303 impact on the environment. I don't know where all the wildlife on that land is
1304 going to go. Daily, I see carnage on the street from deer to bunnies. I know the

1305 Burley's. It functioned as a family farm for a long time. I'd like to still see
1306 farmland, a working farm.

1307

1308 Mr. Branin - Thank you, Ms. Wagner. Is there anyone else that
1309 would like to voice opposition or concerns? No one? Okay. Then I'm going to
1310 turn it over to Mr. Jernigan.

1311

1312 Mr. Jernigan - Mr. Chairman, I'm ready to make a motion. Mr. Silber,
1313 can I waive the time limits on all three at one time, or do they have to be
1314 separate?

1315

1316 Mr. Silber - I think the time limits only need to be waived for
1317 acceptance of the proffered condition, so that would be on C-52C-07.

1318

1319 Mr. Jernigan - All right. I'll start off by first recommending approval of
1320 the Land Use Amendment, LUP-2-07, for Tree Hill Farm, and send that to the
1321 Board of Supervisors for their approval.

1322

1323 Mr. Vanarsdall - Second.

1324

1325 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
1326 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
1327 motion carries.

1328

1329 Mr. Jernigan - On C-52C-07, I'd like to waive the time limits.

1330

1331 Mr. Vanarsdall - Second.

1332

1333 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
1334 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
1335 carries.

1336

1337 Mr. Jernigan - I would like to move for approval of case C-52C-07,
1338 Tree Hill Farm, to send to the Board of Supervisors for their approval.

1339

1340 Mr. Vanarsdall - Second.

1341

1342 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
1343 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
1344 carries.

1345

1346 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1347 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1348 the Board of Supervisors **grant** the request because it would provide for a unified
1349 large tract development, it would not adversely affect the adjoining area if

1350 property developed as proposed, and the proffered conditions will assure a level
1351 of development not otherwise possible.

1352

1353 Mr. Jernigan - And I move for approval of the Provisional Use
1354 Permit, P-17-07 Tree Hill Farm, to send to the Board of Supervisors for their
1355 approval.

1356

1357 Mrs. Jones - Second.

1358

1359 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
1360 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion
1361 carries.

1362

1363 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs.
1364 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1365 Board of Supervisors **grant** the request because it would provide for a unified,
1366 high quality development and when properly developed and regulated by the
1367 recommended conditions, it would not be detrimental to the public safety, health,
1368 or general welfare.

1369

1370 Mr. Jernigan - I would like to thank staff. You've done an excellent
1371 job, all the attorneys, GrayCo and everybody for making this a great case. Thank
1372 you.

1373

1374 **C-56C-07 John S. Smart for Ginter Park Congregation of**
1375 **Jehovah's Witnesses of Richmond, VA:** Request to conditionally rezone from
1376 A-1 Agricultural District to B-1C Business District (Conditional), Parcel 800-729-
1377 2497, containing 3.486 acres, located at the northeast corner of Mechanicsville
1378 Turnpike (U. S. Route 360) and St. Claire Lane. The applicant proposes to
1379 construct a place of worship. The use will be controlled by zoning ordinance
1380 regulations and proffered conditions. The Land Use Plan recommends
1381 Commercial Concentration. The site is in the Enterprise Zone.

1382

1383 Mr. Branin - Mr. Secretary, I'm going to hold on a minute until the
1384 room clears, if you don't mind. Okay. I think we're good now. Is anyone in
1385 opposition to C-56C-07, John S. Smart for Ginter Park Congregation of
1386 Jehovah's Witnesses of Richmond, Virginia? Anyone? No one? Mr. Sehl, good
1387 evening.

1388

1389 Mr. Sehl - Good evening, Mr. Chairman, members of the
1390 Commission. This is a request to conditionally rezone 3.5 acres from A-1 to B-
1391 1C, Business District to permit the development of a place of worship. The
1392 property is located on the east line of Mechanicsville Turnpike at St. Claire Lane.
1393 The property is currently improved with a two-story frame dwelling, which was
1394 constructed in 1910.

1395

1396 This request proposes to develop two structures containing a total of 10,000
1397 square feet. Revised proffers, dated October 9, 2007, and distributed to you this
1398 evening, limit the use of the property to a place of worship. The 2010 Land Use
1399 Plan designation for the subject property is Commercial Concentration. The
1400 requested zoning and use would be consistent with this designation.

1401

1402 The applicant has proffered a conceptual plan depicting an entrance on St. Claire
1403 Lane with two buildings and associated parking. This plan indicates the existing
1404 dwelling would not remain. Staff does note that the Division of Recreation and
1405 Parks originally requested to photo-document the structure if it were not to
1406 remain, but has since indicated that a fire within the structure earlier this year, as
1407 well as subsequent training by the Division of Fire, left little to be documented.
1408 Therefore, Recreation and Parks no longer requests access for photo-
1409 documentation prior to the demolition of the structure.

1410

1411 The applicant has also proffered that any building constructed on the site would
1412 be similar to these elevations. The elevations indicate that any structure on the
1413 property would be one-story in height with a pitched roof and surfaced in brick on
1414 all four sides. Other major aspects of the proffers include: transitional buffers
1415 along the northern and eastern property lines as well as Mechanicsville Turnpike;
1416 height limits for any parking lot lighting standards; screening for trash receptacles
1417 and HVAC equipment; and detached signage would be limited to monument-style
1418 signage on a brick base.

1419

1420 The applicant has also committed to providing sidewalk along Mechanicsville
1421 Turnpike and preserving the cemetery on the site.

1422

1423 All concerns outlined in the staff report have been addressed by the applicant,
1424 and the requested zoning and use are consistent with the recommendations of
1425 the 2010 Land Use Plan. Staff supports this request and recommends it be
1426 approved.

1427

1428 I would be happy to answer any questions you might have, and the applicant and
1429 his representative are available as well.

1430

1431 Mr. Branin - Thank you, Mr. Sehl. Does anybody have any
1432 questions for Mr. Sehl?

1433

1434 Mr. Thornton - Yes, I have a question. Montezuma, that's the
1435 building that's on there? Did you say that was damaged?

1436

1437 Mr. Sehl - The indication that was given to me—Recreation and
1438 Parks had originally requested that if it couldn't be preserved, which the applicant
1439 had indicated that it was not to be preserved, that they be allowed to photo
1440 document it. Subsequently, they learned that there had been a fire. Actually, on
1441 staff visits to the site, the Division of Fire was out there practicing with their

1442 trainees, I guess being able to bust through walls and things like that. So, I think
1443 that has left the structure not necessarily in a preservable state. They're
1444 proposing to remove it. The applicant indicated that they'd be very willing to allow
1445 Recreation and Parks to do any sort of documentation that they wished to do, but
1446 they didn't believe the structure was able to be saved.

1447

1448 Mr. Thornton - Thank you.

1449

1450 Mr. Branin - Any other questions for Mr. Sehl? None? Mr. Archer,
1451 would you like to hear from the applicant?

1452

1453 Mr. Archer - I don't think it's necessary, Mr. Chairman.

1454

1455 Mr. Branin - Well, I'm okay with that as well.

1456

1457 Mr. Archer - All right. I had quite a bit of discussion with Mr. Sehl
1458 on this, and he and I talked a bit about trying to preserve the house that's not
1459 preservable. I found out something that I didn't know, that there's a family
1460 cemetery on that property that will be preserved. But in any event, I think the
1461 proposed building would be a nice transition from the current neighborhood and
1462 also into the impending, new development that's coming about next door to it.
1463 With that in mind, and with the staff's recommendation, I move for approval of C-
1464 56C-07 and send it along to the Board with a recommendation for approval.

1465

1466 Mr. Jernigan - Second.

1467

1468 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
1469 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
1470 carries.

1471

1472 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1473 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
1474 the Board of Supervisors **grant** the request because it conforms to the
1475 Commercial Concentration recommendation of the Land Use Plan and the
1476 proffered conditions will assure a level of development not otherwise possible.

1477

1478 ***Deferred from the September 13, 2007 Meeting.***

1479 **C-46C-07 James Theobald for Attack Properties:** Request to
1480 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence
1481 District (Conditional), Parcel 750-773-1173 and part of Parcel 751-773-4286,
1482 containing approximately 34.9 acres, located between the terminus of Opa
1483 Lane and the Chickahominy River. The applicant proposes a single-family
1484 residential subdivision with a maximum of 90 units. The R-3 District allows a
1485 minimum lot size of 11,000 square feet and a maximum density of 3.96 units per
1486 acre. The use will be controlled by zoning ordinance regulations and proffered
1487 conditions. The Land Use Plan recommends Rural Residential, not to exceed 1.0

1488 unit per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
1489 Environmental Protection Area.

1490

1491 Mr. Branin - Is anyone in opposition to C-46C-07? One, two,
1492 three. Okay. You all were here earlier. You heard the ground rules for
1493 opposition? Would you like it restated? No? Okay. Then Mr. Lewis.

1494

1495 Mr. Lewis - Good evening Mr. Chairman. Thank you. This is a
1496 request to rezone approximately 35 acres from A-1 to R-3C between the north
1497 line of Opaca Lane and the Chickahominy River. Single-family residential
1498 neighborhoods are adjacent to the site's western and southern boundaries, and a
1499 120-foot wide utility easement runs between the site and a large A-1 residential
1500 lot to the east.

1501

1502 On the 2010 Land Use Plan, the majority of the site is recommended for
1503 Suburban Residential 2. Two other smaller portions are designated Rural
1504 Residential and Environmental Protection Area. The 2010 Major Thoroughfare
1505 Plan shows Concept Road 10-1, a minor collector, extending eastward across
1506 the subject site and intersecting Concept Road 19-1, also a minor collector,
1507 approximately a third of a mile east of the site. The subject property is also part
1508 of the Nuckols Road / I-295 Small Area Land Use Study.

1509

1510 As shown on this unproffered conceptual plan, the applicant proposes a single-
1511 family residential subdivision on the site. Revised proffers dated October 9,
1512 2007, which you now have, include the following commitments: A maximum of 90
1513 homes; minimum finished floor area of 2,000 square feet; two-car garages;
1514 consideration of traffic calming measures; a sidewalk along the north side of
1515 Holman Ridge Road Extended; and a list of potential exterior building materials to
1516 be used.

1517

1518 Other proffers relate to foundation materials, cantilevering, underground utilities,
1519 covenants, floodplains, entrance features, and severance. None of the proffers
1520 would apply to the existing home on the property, which on the conceptual plan is
1521 represented by this lot right here.

1522

1523 While these proffers contain many positive elements, staff believes opportunities
1524 are available to provide additional clarity about several issues and further
1525 increase compatibility with adjacent properties.

1526

1527 Holman Ridge Road is shown being extended into the subject property, although,
1528 it is unclear if this extension would be consistent with existing Holman Ridge
1529 Road as it relates to landscape buffers, sidewalks, home orientation, and
1530 prohibition of direct driveway access. To illustrate compatibility with the area
1531 road network and adjacent development, the applicant is encouraged to provide
1532 proffer language to address this concern related to Holman Ridge Road.

1533

1534 This proposal could also be improved if the applicant would consider the
1535 following: increasing the proffered minimum house size to 2,500 square feet;
1536 prohibiting slab foundations; committing to a minimum percentage use of
1537 masonry on external walls; adding closets and windows to the list of features not
1538 to be cantilevered; sodding and irrigating front and side yards; providing for street
1539 trees; and committing to brick steps and stoops.

1540

1541 The 2010 Land Use Plan supports single-family residential use for the site, and
1542 staff believes the proposed use could be an appropriate extension of residential
1543 development in the area; however, staff recommends the request be deferred to
1544 provide the applicant time to address the remaining issues.

1545

1546 This concludes my presentation. I will be happy to take any questions.

1547

1548 Mr. Branin - Okay. Does anybody have any questions for Mr.
1549 Lewis?

1550

1551 Mr. Jernigan - What did you say about closets, cantilevering closets?

1552

1553 Mr. Lewis - To add closets and windows to the list of features not
1554 to be cantilevered.

1555

1556 Mr. Jernigan - Okay.

1557

1558 Mrs. Jones - I'd like to ask a question. I'm not sure if you would
1559 know right off hand, but are the issues that you've just gone over that staff still
1560 would like to have addressed, would those issues make this development
1561 compatible with the R-3 developments that it adjoins?

1562

1563 Mr. Lewis - Yes.

1564

1565 Mrs. Jones - In those proffers, and you'd like to have them in these
1566 as well?

1567

1568 Mr. Lewis - The recommendations come from a comparison of
1569 the adjacent properties, as well as similar residential development in the area.

1570

1571 Mrs. Jones - I just wanted to understand if you were trying to have
1572 some consistency.

1573

1574 Mr. Lewis - Yes.

1575

1576 Mrs. Jones - Okay.

1577

1578 Mr. Silber - I think, Mrs. Jones, one of the points is that the
1579 proffered conditions on the property adjacent to this do not contain some of those
1580 elements that staff has asked for, so I wanted to clarify that.
1581
1582 Mrs. Jones - They do not.
1583
1584 Mr. Silber - Do not. What is built next door contains some of these
1585 elements, but what has been proffered next door does not.
1586
1587 Mrs. Jones - Okay.
1588
1589 Mr. Branin - Does anybody else have any questions for Mr. Lewis?
1590 None? Okay. I would like to hear from the applicant. Would the applicant like to
1591 reserve any time?
1592
1593 Ms. Nadal - Yes, Mr. Chairman, I'd like to reserve two minutes for
1594 rebuttal.
1595
1596 Mr. Branin - Okay.
1597
1598 Ms. Nadal - Good evening, Mr. Chairman, members of the
1599 Commission. My name is Caroline Nadal and I'm here on behalf of the applicant,
1600 Attack Properties.
1601
1602 This is a proposed 35-acre development at the end of Opaca Lane, and it's
1603 adjacent to the Wyndham developments of Rivers Edge and Chappell Ridge.
1604 This property has been considered for a number of uses to include
1605 condominiums, townhouses, and single-family homes. When we originally filed
1606 this case, we did so as RTH, but realized that that was not going to satisfy the
1607 community, so we amended that to make it single-family homes.
1608
1609 What we're proposing, as Mr. Lewis explained, was a limit to a 90 single-family,
1610 detached home development. It is going to be of similar or exceeding quality to
1611 that which is surrounding it. In today's market, we're proposing homes that
1612 would sell somewhere in that half-million dollar range. Very importantly, this
1613 request is consistent with the Small Area Use Plan, which calls for almost an
1614 almost entirely SR2. Our proposed density is 2.58 acres and this is certainly at
1615 the lower end of the 2.4 to 3.4 acre density of the SR2 designation. When we
1616 filed this case and we drafted the proffers, we used the Wyndham Forest proffers
1617 as our guide in drafting our own so that we would be at least consistent. And in
1618 some instances, we've exceeded their requirements. For example, our proffer,
1619 on square footage is actually a higher minimum square footage for the homes
1620 than it is in the Wyndham Forest development, where they have for their R-3
1621 portion, 1,850. So, we've exceeded that.
1622

1623 I believe that the intention of the applicant is to—as has happened in Wyndham
1624 Forest—ultimately construct larger homes, but would like to maintain a little bit of
1625 flexibility.

1626
1627 A couple of other things. And I won't go over everything that Mr. Lewis went
1628 over, but we have, in response to staff's most recent concerns, we have added
1629 some proffers to address those concerns, one of which is a sidewalk on the north
1630 side of Holman Ridge Road; an entrance feature; potential traffic calming
1631 measures, as we understand that there is concern from the neighbors about the
1632 traffic impact. I think that we have gotten this to a point where it is consistent
1633 with, and in some instances exceeding the proffers of the Wyndham Forest
1634 development. That's the proposed entrance, and then this is the concept plan
1635 that we have provided.

1636
1637 In closing, I'm happy to answer your questions, but we believe that we have done
1638 everything we can to make this a quality development. We believe that it will be
1639 equal to or exceeding what is neighboring it. I'm happy to answer your questions.

1640
1641 Mr. Branin - That you, Ms. Nadal. Does anybody have any
1642 questions for Ms. Nadal? No one? Okay. Then I would like to hear from the
1643 opposition.

1644
1645 Mr. Silber - Why don't you all come forward and sit close by. As
1646 one finishes, the other can come up to speak.

1647
1648 Mr. Branin - A quick reminder. Please state your name for the
1649 record.

1650
1651 Ms. Reichert - Good evening. My name is Kathy Reichert and I live
1652 in Chappell Ridge on Lot 31, which three pieces of property would be coming
1653 together in our backyard. My main opposition is to the rezoning. Henrico, at
1654 least in the West End as I've seen it, has not done a very good job of keeping
1655 some green areas and having some park areas. This area does not have any
1656 parks whatsoever. I would really like to see some green space preserved. The
1657 horse barn on the other side of the Rivers Edge Elementary School, to our
1658 understanding, has been under sealed bid. The owner died and there will be
1659 another housing subdivision going in there, crowding the schools. I will admit I
1660 don't have any more children in school, but I have been a big public school
1661 advocate and an advocate of community schools. Adding 90 more homes, that's
1662 at least two cars per house. However, I have two grown children and that's four
1663 cars for my house. It just doesn't seem to quite fit. I don't know if the density
1664 needs to be lesser or someone needs to put a park in.

1665
1666 I don't know exactly what needs to be done. I don't feel it was a very open
1667 process to the neighbors. We didn't know what to do. This isn't really an open
1668 process. I would like to see the Planning Commission consider this a little

1669 longer. I understand some of my objections would be at another meeting,
1670 another type of meeting. I really do oppose the rezoning of this land. Our
1671 children need some green space. Thank you.

1672

1673 Mr. Branin - Thank you, Ms. Reichert.

1674

1675 Mr. Wade - Good evening and thank you for the opportunity to
1676 speak. My name Chet Wade and I live at 5557 Holman Drive in Wyndham
1677 Forest. I'm here tonight as the authorized representative of the Wyndham Forest
1678 Homeowners' Association Board of Directors. Wyndham Forest is a community
1679 of about 350 single-family homes made up of the Wyndham Forest, Chappell
1680 Ridge, and Rivers Edge neighborhoods.

1681

1682 Two of our neighborhoods, Chappell Ridge and Rivers Edge, adjoin the site of
1683 the conditional rezoning request and a proposed development called, as we
1684 believe, Hollow Way. All of the members of our association would be in some
1685 way affected by the development.

1686

1687 Overall, we are not opposed to the rezoning and development, per se, according
1688 to the Board's instructions. We recognize it wasn't that many years ago that our
1689 homes were the site of farms and fields and forests, and that there needs to be
1690 room for the additional residents of a growing and prospering Henrico County.
1691 But we do have several concerns about the proposal, as we understand it.

1692

1693 First, we believe, as the staff does, that the minimum house size should be larger
1694 than 2,000 square feet. We believe it should be something more in the
1695 neighborhood of 2,700 to 3,000 square feet, which would be more in line with the
1696 homes that exist in the communities today.

1697

1698 Second, we're concerned about protecting the privacy and viewscape of the
1699 Wyndham Forest homeowners, particularly those property owners who abut the
1700 area asked to be rezoned. There are approximately 19 homes along Riverplace
1701 Court and Chappell Ridge Place that would abut the rezoned property. If you
1702 look at the plan laid out for us, particularly on the left side, you'll see that in some
1703 cases, side yards would abut the rear yards of our property owners and make
1704 those homes very close to the existing homeowners.

1705

1706 When Chappell Ridge was installed, the County required that a common area be
1707 installed and maintained behind some of the homes in Chappell Ridge to
1708 maintain the privacy of the homeowner on Opaca Lane. Given that precedent, we
1709 believe that it would fair that a green buffer be installed and properly maintained
1710 on Hollow Way property between the yards of Hollow Way and Wyndham Forest
1711 homes, where the two communities abut. As an alternative, we would suggest
1712 that it appears that the drawing here contains a second layer where a previous
1713 layout design was considered. On the left side of the drawing, there were fewer

1714 homes and more space between the Wyndham Forest and the Hollow Way
1715 community. So, that may be an option to consider.

1716

1717 We also note that while there appears to be some consideration on the drawing
1718 to maintain a certain amount of green space and trees, there is nothing in the
1719 proffers that would indicate that there's a commitment to do so. We would
1720 encourage the applicant to retain as many mature trees as possible, both for the
1721 benefit of the homeowners in Hollow Way and our community as well.

1722

1723 Third, we're concerned about something in the staff report about this project,
1724 about the possibility of closing Opaca Lane to traffic connecting it to Nuckols
1725 Road. It currently intersects Nuckols at a four-way intersection where the County
1726 recently installed a traffic signal. Closing Opaca would divert all of the traffic of
1727 the proposed development through our community and past the Rivers Edge
1728 Elementary School. According to the staff report, that would be a minimum of 861
1729 vehicles a day past the school, therefore creating a safety hazard. It might also
1730 create problems for Mt. Vernon Baptist Church, which is in the process of moving
1731 forward with a 1,500-seat expansion of its property, or of its facility, and I believe
1732 that they had hoped to exit onto Opaca Lane to come to the traffic signal to help
1733 with the traffic from their facility.

1734

1735 A small point. We suggest that the applicant be required to extend a sidewalk
1736 along Holman Ridge Road, as mentioned in the amended proffers, to make sure
1737 that it does connect, in fact, with the existing sidewalk so that we don't end up
1738 with a little bit of a dead zone there, because it doesn't currently go all the way to
1739 the property line. In fact, it might not be a bad idea to have sidewalks on both
1740 sides of the extended Holman Ridge, because that's what exists already.

1741

1742 Finally, we were a bit disappointed that the Board, our Wyndham Forest Board
1743 did not have sufficient notice to attend the meeting the applicant had with some
1744 of the adjoining homeowners. As we understand it, the initial invitation may have
1745 been misdirected and our Board did not learn about that event until after it was
1746 over. We would like that opportunity to have a good dialogue with the applicant.

1747

1748 So, respectively, we ask that should the Planning Commission be inclined to
1749 recommend approval of the conditional rezoning, that the Commission include
1750 our requests, or that you defer the request until these issues can be addressed.
1751 Thank you very much.

1752

1753 Mr. Vanarsdall - Thank you.

1754

1755 Mr. Vanderbush - My name is Gil Vanderbush. I live at the last house on
1756 the right-hand side of Opaca Lane. By the way, what you said is going to be a
1757 little bit tough to follow. You did a great job. From my line of sight, the biggest
1758 complaint that I have about this is the secondary ingress and egress onto Opaca
1759 Lane. I think clearly that this is going to create a cut-through situation between

1760 the Chappell Ridge and Rivers Edge property through Opaca Lane out to the
1761 traffic light. I mean, that's going to be the shortest way to get onto 295. And all of
1762 those homes for the proposed development, as well as many others in the
1763 existing development over there are going to be cutting through on Opaca.
1764 Opaca, to the best of my knowledge, was not designed for that type of traffic on
1765 it. I would recommend that what would be considered would be fewer homes so
1766 that the secondary ingress and egress is not needed and that the primary
1767 Holman Road ingress and egress can be used for the entire development. My
1768 understanding is that the cutoff point is somewhere around 50 homes. If you
1769 have 90 homes selling for a half-million dollars, isn't that the same as 50 homes
1770 selling for \$900,000?

1771
1772 I'm certain that Mr. Attack will build terrific-looking homes in this development,
1773 and I certainly don't begrudge him the opportunity to do that. And I certainly don't
1774 begrudge the Holloway's and Houston's for wanting to sell their property. But as
1775 Mr. Thornton pointed out with the belovedness of our properties, I mean, Opaca
1776 Lane has provided myself and my family with a beloved home for about 23 years,
1777 and this development has no plus side, the way I look at it, for the quality of life
1778 that my family and I are going to experience on Opaca Lane. That's all I have to
1779 say.

1780
1781 Mr. Branin - With 34 seconds remaining. You guys did it perfect.
1782 All right. Would the applicant please come up and address some of these
1783 issues?

1784
1785 Ms. Nadal - Absolutely. I'll go through all of the concerns
1786 mentioned by Mr. Wade and Mr. Vanderbush.

1787
1788 Mr. Branin - Let's start with Ms. Reichert.

1789
1790 Ms. Nadal - Oh, and Ms. Reichert. Ms. Reichert as well. The one
1791 comment I did want to say to her is that she was concerned that it hadn't been an
1792 open process to the neighbors. There was a community meeting held last week.
1793 Mr. Attack has committed to, will commit to having another between now and the
1794 Board hearing, and we'll give plenty of notice to the homeowners' association, as
1795 well as the surrounding community, so we will do that and have further
1796 discussions with the neighbors about the site.

1797
1798 Turning to Mr. Wade's comments. He mentioned the minimum house size, and
1799 while their houses might be averaging 2,700 to 3,000 square feet, all that was
1800 proffered was 1,850. Mr. Attack is a very well-known developer and he has never
1801 built the minimum that he's proffered, but he would like to maintain that flexibility.
1802 His intention is to build approximately 3,000-or-above square feet. He would like
1803 to meet the market needs and committing to that level is a little too high for us.

1804

1805 Secondly, I'd like to discuss the issue that Mr. Wade brought up about in the
1806 Wyndham Forest case, there was a small portion of common area designated.
1807 Let me find it in my slide and I can show you. It's a little hard to see on this, but
1808 right along here, that's what he was talking about. That is a small area of
1809 common area. It's between the properties. The reason that was added is
1810 because the homeowner on this site actually built the home virtually right up
1811 against the property line facing those lots. And so, it was worked out for a very,
1812 very specific situation to designate a small portion of common area, but if you
1813 look along the rest of the development, you don't see any type of common area.
1814 That was a very specific instance. It's not in the Code and it's never, to my
1815 knowledge, been the County's policy to buffer residential against residential. And
1816 certainly, Mr. Attack would bear the onus of that.

1817
1818 Also, I heard Mr. Wade's concern about preservation of trees. It's certainly Mr.
1819 Attack's intention to do that, to preserve as many trees as he can, especially
1820 along the boundary between the properties.

1821
1822 He also mentioned, and it's a bit of a—we have two different viewpoints on this
1823 where the folks in the developments, in Wyndham Forest don't want the Opaca
1824 Lane closed, but the folks on Opaca Lane might have a different position on that.
1825 It's really outside of our control whether—and what we're talking about is Opaca
1826 Lane here, that Opaca Lane would actually be closed, would be cul-de-saced off
1827 to Nuckols Road. And that's nothing that we can really address. It's off of our
1828 property. We need the access because we're going to have over 50 lots and
1829 that's a Code requirement that we have two points of access. We don't really
1830 have a position on whether Opaca Lane is ultimately closed or not.

1831
1832 The next issue I heard Mr. Wade mention was the connection of sidewalks and
1833 sidewalks on both sides of the Holman Ridge. We've already proffered that we'll
1834 include sidewalks on the northern side of Holman Ridge. We will also amend to
1835 include that they would be on the southern side of Holman Ridge.

1836
1837 I believe that should address—I do have one other issue and that is Mr.
1838 Vanderbush brought up a point about worrying about traffic on Opaca. How we
1839 designed the site is so it's not going to be just a straight shot down Holman Ridge
1840 and then moving off into Opaca. It's actually going to be rather discouraging for
1841 folks to just, to use Opaca as their main entrance point, or as a cut-through in the
1842 proposed development. They would have to sort of zigzag around the
1843 development. So, we've tried to design it in a way that would be discouraging for
1844 cut-through traffic.

1845
1846 I'm happy to answer your questions. I also have Mr. Holloway here, who would
1847 like to make a couple of comments very briefly.

1848
1849 Mr. Branin - You are out of time.

1850

1851 Ms. Nadal - May I request that he be given just a couple of
1852 minutes to make a couple of comments?

1853
1854 Mr. Branin - Okay, Ms. Nadal.

1855
1856 Ms. Nadal - Thank you.

1857
1858 Mr. Holloway - I'll make this as brief as possible. Mr. Chairman and
1859 members of this august body, I'm Ben Holloway. I thank you for the opportunity
1860 to offer a few prepared comments.

1861
1862 I live on Opaca Lane approximately 300 yards from the parcel of land being
1863 considered here this evening. My wife and I have resided on this road for 55
1864 years, building our first home at the age of 27. At that time, Opaca Lane was a
1865 dirt right-of-way and we identified it as Holly Lane. There were three other
1866 houses on the road. All surrounding properties were woodlands and/or
1867 farmlands. The parcel in discussion is a part of my wife's homeplace, which was
1868 acquired by her parents in December 1929. Her pre-teen and teenage years
1869 were spent in that location until our marriage in 1944. Through the years, we
1870 witnessed the rezoning of farmlands in our area, followed by development of
1871 delightful communities such as Wyndham Forest, Chappell Ridge, Rivers Edge,
1872 and others. We have benefited from these and added amenities resulting there
1873 from. This was made possible in part by construction of I-295 and the ensuing
1874 improved infrastructure, which resulted from the visionary leadership of Henrico
1875 County officials.

1876
1877 We recently learned that when Opaca Lane was constructed by the County in
1878 1963, area studies and site planning was done for the specific purpose of
1879 qualifying the new road to handle the traffic which would be generated from our
1880 property at such time development occurred. This is yet another example of the
1881 vision and excellent planning of our elected and appointed officials of Henrico
1882 County. Every person who owned land at that time along the proposed road,
1883 conveyed a part of it to the County for construction of Opaca Lane. My wife and I
1884 were among those who gave parts of their front yard to accomplish the
1885 development of the new road. There are others present here tonight who were
1886 among the original grantors of their portion of the road's construction.

1887
1888 In the spring of this year, we decided to offer a part of my wife's land for sale.
1889 We conferred with several developers, some of whom were out of the area.
1890 Several offers came to purchase and we received and carefully, deliberated and
1891 researched. We elected to enter an agreement with Mr. Atack. Our decision
1892 was predicated on Mr. Atack's past performance in the delightful communities he
1893 had developed and his reputation for integrity. In addition, his plans for
1894 development were consistent with the surrounding communities and conformed
1895 to the long-range plan of Henrico County for our property.

1896

1897 We hope that it's the pleasure of this Commission to approve our request for the
1898 rezoning. Thank you.
1899
1900 Mr. Branin - Thank you, Mr. Holloway, and I'm glad I gave you the
1901 time, because you said so many great things about our County and our vision.
1902 Thanks again. Mr. Atack, may I see you for one minute please? Just for the
1903 record, you will be putting in a sidewalk on both sides of Holman Ridge now,
1904 correct?
1905
1906 Mr. Atack - Yes sir. We committed to do that.
1907
1908 Mr. Branin - Staff's concerns about brick steps and stoops?
1909
1910 Mr. Atack - Sir, I wasn't aware of those concerns until—
1911
1912 Mr. Branin - All right. I would like you to take it under consideration
1913 and we would be looking at this possibly for the Board of Supervisors, if not at
1914 POD. Okay?
1915
1916 Mr. Atack - Yes sir.
1917
1918 Mr. Branin - At our neighborhood meeting, you heard concerns
1919 about the land backing up to neighborhoods and preserving trees. What are your
1920 feelings on that?
1921
1922 Mr. Atack - We are in agreement with preserving trees. It is an
1923 extremely important commodity in residential housing. This particular site is a
1924 very attractive site because it's a wooded site, it's a heavily wooded site. So, our
1925 intention is to save as many trees as possible. As well, I made a commitment to
1926 the residents who back up to the property line, to our property line, to meet with
1927 them individually, and to walk their property line along with ours, so that we can
1928 attempt to maximize the saving of vegetation along both of our property lines,
1929 theirs and ours.
1930
1931 Mr. Branin - Okay. Now, there was a comment from Mr. Wade
1932 that Wyndham Forest, Chappell Ridge, Rivers Edge didn't feel that they got the
1933 announcement in the proper amount of time. I've requested, which you know, a
1934 meeting before the Board of Supervisors, which would be November 13th. Will
1935 you all prepare to have another meeting so they can voice their concerns and
1936 opinions?
1937
1938 Mr. Atack - Yes sir. We'd be happy to meet with Mr. Wade and
1939 his fellow officers of his association and discuss this in its fullest.
1940
1941 Mr. Branin - Okay. And that's all I had for you. Does anybody
1942 have any questions for Mr. Atack?

1943
1944 Mrs. Jones - I'd like to just ask about the site plan. This is not
1945 proffered. This is your conceptual plan.
1946
1947 Mr. Atack - Yes ma'am.
1948
1949 Mrs. Jones - The concerns about the neighbors who have
1950 backyards coming against your side yards, certainly it looks to me, at first glance,
1951 that this might be solved by reducing by one or two lots, and making those cul-
1952 de-sac lots as you have elsewhere in this development. Have you considered
1953 that or are you planning to change this in ways that you're already thinking
1954 about?
1955
1956 Mr. Atack - Well, that's a good question, Mrs. Jones. This plan,
1957 and, in fact, the staff report mentions in the plan about the frontage of our lots.
1958 Under the ordinance, the lot is allowed to be 80 feet wide. The plan that is before
1959 you, these lots are a minimum of 85 feet wide. So, we are exceeding those
1960 ordinances and we are continuing to work on this plan, and we will continue to do
1961 so. We really would like to try to maintain the less-than-rifle-shot access to
1962 Opaca Lane, as Ms. Nadal spoke of, so that it would be more of a traffic-calming
1963 event. But we will evaluate. There are two lots I believe you're referring to right
1964 at the end of that cul-de-sac?
1965
1966 Mrs. Jones - Yeah. It seems that those could be adjusted so that
1967 the side yards weren't smack up against the back yards and leading to the issues
1968 that the neighbors raised.
1969
1970 Mr. Atack - Yes ma'am.
1971
1972 Mrs. Jones - I hope you'll give that thought. This has to be a
1973 design that accomplishes your goal, obviously, as well as, hopefully, resolves
1974 their problems. I would hope that you could address that.
1975
1976 Mr. Atack - Yes ma'am. And we'd like to meet with those
1977 residents. Just glancing at this, there may a scenario in which we would do
1978 fencing on this property line that would give them greater protection for screening
1979 their property, as well as trying to adjust those lot lines. I'm sensitive to the fact
1980 that these homes that are backing up would have two houses that would be on
1981 the side of their houses.
1982
1983 Mrs. Jones - Okay. The other thing is about the proffers you have.
1984 Everyone understands the type of home that you're hoping to put on there. It just
1985 seems curious to me that knowing what has been in the adjacent
1986 neighborhood—for instance, just on square footage—that 2500 would not be an
1987 acceptable square footage to you. I'm curious to know. Flexibility is one thing,

1988 but you have to maintain the neighborhood consistency as well. So, why is that
1989 really a sticking point?

1990
1991 Mr. Atack - That's a very fair question, Mrs. Jones. We have just
1992 built four homes on Opaca Lane ourself, and those houses each exceed 3,000
1993 square feet, so that sort of affirms the direction that you're referring to, as well as
1994 staff's. Our concern is this. We are in a very depressed real estate market
1995 today. We are very concerned about this real estate market today. In fact, one of
1996 the questions that was brought to us at the meeting with the residents was a fear
1997 that this development would be started and not completed because of the market
1998 conditions today. We are hoping that by the time we have homes here, that the
1999 market will have recovered. This is an excellent location. We hope that it will. But
2000 we feel like it is fair that we have exceeded the proffered conditions of the
2001 adjoining property, and that that example was a fair example that was used at its
2002 time.

2003
2004 Mrs. Jones - Thank you.

2005
2006 Mr. Atack - Thank you.

2007
2008 Mr. Branin - Okay. Ms. Reichert, did you raise your hand again?
2009 You're going to have to come down.

2010
2011 Ms. Reichert - Thank you. And it's Reichert.

2012
2013 Mr. Branin - I'm sorry.

2014
2015 Ms. Reichert - Okay. I'm concerned about the three properties
2016 adjoining our property on Lot 31 in Chappell Ridge. I don't know if you all can
2017 see that. My other concern is green space. I think when you did your planning
2018 10, 15, 20 years ago, that wasn't a big deal. But I think green space is really
2019 important now. I'm sorry that Chappell Ridge doesn't have more green space. I
2020 do think the Planning Commission needs to take a look at that. I would suggest
2021 that maybe this be deferred to another meeting. Thank you.

2022
2023 Mr. Branin - Thank you, ma'am. Does anybody else have any
2024 other questions for the applicant? None? All right. Ms. Nadal, when you have
2025 your next meeting, I would like to be informed so I can attend, please.

2026
2027 Ms. Nadal - Absolutely.

2028
2029 Mr. Branin - With this moving on to the Board, normally I wouldn't
2030 be—

2031
2032 Ms. Nadal - Right. We'll provide you that notice, no problem.

2033

2034 Mr. Branin - Thank you. All right. With that, I would like to move
2035 that C-46C-07, James Theobald for Attack Properties, be approved and move
2036 forward to the Board of Supervisors with a recommendation for approval.

2037
2038 Mr. Jernigan - Second.

2039
2040 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
2041 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
2042 carries.

2043
2044 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
2045 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
2046 the Board of Supervisors **grant** the request because it represents a logical
2047 continuation of the one-family residential development which exists in the area
2048 and the proffered conditions will assure a level of development not otherwise
2049 possible.

2050
2051 Mr. Emerson - Mr. Chairman, that completes your agenda for tonight,
2052 leaving the approval of the minutes. We have two sets of minutes to approve
2053 tonight. We have the minutes of the Planning Commission work session of
2054 September 13th, 2007, and then the minutes of your regular monthly meeting on
2055 September 13th as well.

2056
2057 Mr. Branin - Are there any changes?

2058
2059 Mrs. Jones - Hold on. Yes sir.

2060
2061 Mr. Branin - To the work session.

2062
2063 Mrs. Jones - Yes sir. On page 6, line 229, it's "Mr. Axselle," as
2064 opposed to "Mr. Axel." And on page 11, line 465, it's "75,000 or 80,000 square
2065 feet." Just little typo things, that's all.

2066
2067 Mr. Branin - Okay. Is anyone else with the work session?

2068
2069 Mrs. Jones - That's it.

2070
2071 Mr. Branin - No one. Motion?

2072
2073 Mrs. Jones - I move they be approved as corrected.

2074
2075 Mr. Jernigan - Second.

2076
2077 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.
2078 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
2079 carries. [Mr. Vanarsdall did not vote as he had already left the meeting.]

2080 For the meeting.

2081

2082 Mrs. Jones - I just have a couple of those, as well. Just little typos.
2083 Page 20, line 866. As opposed to the word, "they'll," it is "there'll." It doesn't
2084 make sense the other way. On page 22, line 953. "Residents" as opposed to
2085 "resident." In two places. And I either stopped there or there were no more
2086 corrections. I don't see any more pages marked.

2087

2088 Mr. Branin - Anyone else? No one? Motion?

2089

2090 Mrs. Jones - I move the minutes be accepted as corrected.

2091

2092 Mr. Jernigan - Second.

2093

2094 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.
2095 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
2096 carries.

2097

2098 Any other business we need to address?

2099

2100 Mr. Emerson - Mr. Chairman, I do need to let you know that at the
2101 next meeting, October 24th, Mr. Silber and I will be out of town at the Urban Land
2102 Institute Conference, and Mr. O'Kelly will be running the meeting.

2103

2104 Mr. Branin - Okay. And we will also have two public hearings.
2105 Okay. So noted. Anyone else? All right, we are adjourned.

2106

2107 The meeting was adjourned at 9:11 p.m.

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2109

2110

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2112

Randall R. Silber, Secretary

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Tommy Branin, Chairperson