

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 7:00 p.m., on April 15, 1999, Display Notice having been published
4 in the Richmond Times-Dispatch on Thursday, March 25, 1999, and Thursday, April 1, 1999.

5
6 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
7 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland
8 C. W. Archer, C.P.C., Fairfield
9 Mary L. Wade, Three Chopt
10 Debra Quesinberry, Varina
11 John R. Marlles, AICP, Secretary, Director of Planning
12

13 Members Absent: James B. Donati, Jr., Board of Supervisors, Varina
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 John Merrithew, AICP, Principal Planner
17 Nancy Gardner, County Planner
18 Jo Ann Hunter, AICP, County Planner
19 Judy Thomas, Recording Secretary
20

21 Ms. Dwyer - Before we get started, Mr. Marlles, I would like to make a short
22 announcement and that is to let everyone know that one of our Planning Commissioners
23 received an honor recently. It was awarded by the Virginia Chapter of the American Planning
24 Association, and it is the Planning Leadership Award, and it was awarded to our own Mrs.
25 Wade. Did you know I was going to announce that?
26

27 Mrs. Wade - Thank you.
28

29 Ms. Dwyer - We're very proud of Mrs. Wade. It's beautiful.
30

31 Mr. Vanarsdall - It's pretty good, Mary.
32

33 Ms. Dwyer - It was mentioned that, when Mrs. Wade began her term of
34 service, that Henrico was a suburban bedroom community, and her district, in particular, has
35 been subject of unprecedented growth. One thing that was mentioned was that her district has
36 received more than its share of cases; 31 percent of the zoning cases and 32 percent of the
37 Plans of Development during her years on the Commission. She's carrying a third of the load
38 for us, and we certainly appreciate it. We are very proud of Mary, and just wanted to make
39 sure everyone knew of her award.
40

41 Mrs. Wade - Thank you.
42

43 Mr. Vanarsdall - Congratulations, Mary.
44

45 Ms. Dwyer - Any comments, Mrs. Wade?

46 Mrs. Wade - No. I don't think so. I am appreciative.

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47
48 Mr. Vanarsdall - I'd like to ask a question of Mrs. Wade, then. Did they keep a
49 number of how many meetings you've attended?
50
51 Mrs. Wade - Well, Mr. Marlles uses that number, but I'm not sure how many
52 it is.
53
54 Mr. Vanarsdall - I know it's a lot of them.
55
56 Ms. Dwyer - Four hundred fifty six. Maybe 457 now.
57
58 Mr. Vanarsdall - That doesn't include all of the community meetings, I'll bet.
59
60 Ms. Dwyer - That's very true.
61
62 Mr. Vanarsdall - That's very good, Mary.
63
64 Ms. Dwyer - Your meetings probably range in the thousands. That's probably
65 a burdensome way to begin our meeting.
66
67 Mrs. Wade - I've enjoyed it for many reasons, not the least of which is I've
68 met so many nice people who live here in the County, interested in the County and the growth,
69 and keeping it a nice place to live.
70
71 Ms. Dwyer - All right, Mr. Marlles.
72
73 Mr. Marlles - Good evening, Madam Chairman. We do have a quorum
74 tonight. Mr. Merrithew is going to be doing our requests for deferrals and withdrawals.
75
76 Mr. John Merrithew, Principal Planner - Thank you, Mr. Secretary, Madam Chairman. We
77 do have a number of deferrals this evening on both agendas. Beginning on the 7:00 o'clock
78 agenda in the Fairfield District, the first case C-13C-99:
79
80 **Deferred from the March 11, 1999 Meeting:**
81 **C-13C-99** **Ralph L. Axselle for Wilton Development Corp.:** Request to
82 conditionally rezone from A-1 Agricultural District and C-1 Conservation District to R-2C One
83 Family Residence District (Conditional) and C-1 Conservation District, Parcel 74-A-20,
84 containing approximately 162 acres, located at the northeast intersection of Diane Lane, Old
85 Sellers Way and Wilkinson Road. A single family residential development is proposed. The
86 applicant has proffered a maximum density of 2.5 units per acre. The Land Use Plan
87 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
88
89 They have requested a deferral until July 15, 1999.
90
91 Ms. Dwyer - Is there any one in the audience who is opposed to the deferral of
92 Case C-13C-99 Wilton Development Corp.? No opposition to the deferral.

93
94 Mr. Archer - Madam Chairman, I move deferral of C-13C-99 to the July 15th
95 meeting at the applicant's request.

96
97 Mr. Vanarsdall seconded the motion.

98
99 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
100 those in favor say aye—all those opposed by saying nay, (Mr. Donati absent). The motion
101 carries.

102
103 Mr. Merrithew - The next case and partner case to C-13C-99 is P-4-99.

104
105 **Deferred from the March 11, 1999 Meeting:**

106 **P-4-99** Ralph L. Axselle for Wilton Development Corp: Request for
107 approval of a provisional use permit in accordance with Sections 24-12.1, 24-95 and 24-122.1
108 of Chapter 24 of the County Code in order to allow a controlled density subdivision in
109 conjunction with rezoning Case C-13C-99 on Parcel 74-A-20, containing approximately 162
110 acres, located at the northeast intersection of Diane Lane, Old Sellers Way and Wilkinson
111 Road. The site is zoned A-1 Agricultural District and C-1 Conservation District.

112
113 They have requested a deferral until July 15, 1999.

114
115 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of P-
116 4-99 Wilton Development Corp.? No opposition. Mr. Archer.

117
118 Mr. Archer - Madam Chairman, I move deferral of P-4-99 to the July 15th
119 meeting at the applicant's request.

120
121 Mr. Vanarsdall seconded the motion.

122
123 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
124 those in favor say aye—all those opposed by saying nay, (Mr. Donati absent). The motion
125 carries.

126
127 Mr. Merrithew - Thank you. On the same page of your agenda in the Three Chopt
128 District: P-23-98:

129
130 **Deferred from the March 11, 1999 Meeting:**

131 **P-23-98** Gloria Freye for Triton PCS, Inc.: Request for approval of a
132 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
133 County Code in order to construct, operate and maintain a communication tower up to 199' high
134 and related equipment and improvements, on part of Parcel 47-A-59, containing 2,500 sq. ft.,
135 east of Interstate 64 between Cox Road and Old Cox Road (3600 Old Cox Road). The site is
136 zoned B-2C Business District (Conditional).

137

138 Mr. Merrithew - That case has been withdrawn. There is no action required. I'll
139 just announce that. However, the next case C-18C-99:

140

141 **Deferred from the March 11, 1999 Meeting:**

142 **C-18C-99** James W. Theobald for H. H. Hunt Corporation: Request to
143 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
144 (Conditional) and R-3AC One Family Residence District (Conditional), Parcels 11-A-3 & 4,
145 and Parcel 19-A-13, containing approximately 79.77 acres, located north of Chappell Road and
146 adjacent to the Chickahominy River. Single family residences are proposed. The applicant
147 has proffered a maximum of 200 residential units which yields a density of 2.51 units per acre.
148 The Land Use Plan recommends and Rural Residential, up to 1 unit net density per acre;
149 Suburban Residential 2, 2.4 to 3.4 units net density per acre, Urban Residential 3.4 to 6.8
150 units net density per acre, and Environmental Protection Area.

151

152 Mr. Merrithew - They have requested a deferral to May 13, 1999.

153

154 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of C-
155 18C-99 H. H. Hunt Corporation? No opposition.

156

157 Mrs. Wade - I move Case C-18C-99 be deferred to the 13th of May at the
158 applicant's request.

159

160 Mr. Vanarsdall seconded the motion.

161

162 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
163 those in favor of the deferral, say aye—all those opposed by saying nay. The vote is 5-0, (Mr.
164 Donati absent). The motion carries.

165

166 Mr. Merrithew - In the same district, C-26C-99:

167

168 **C-26C-99** Jack R. Wilson, III for Tidewater Quarries, Inc.: Request to
169 amend proffered conditions accepted with rezoning case C-28C-91, on part of Parcels 20-A-1
170 and 2A containing 9.25 acres, located west of Staples Mill Road on the north line of I-295.
171 The property is zoned M-2C, General Industrial District (Conditional). The amendment is
172 related to the hours of operation. The Land Use Plan recommends Rural Residential, not
173 exceeding one unit net density per acre and Environmental Protection Area.

174

175 Mr. Merrithew - They have requested a deferral until May 13, 1999.

176

177 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
178 Case C-26C-99 Tidewater Quarries, Inc.? No opposition.

179

180 Mrs. Wade - I move C-26C-99 be deferred until the 13th of May at the
181 applicant's request.

182

183 Mr. Vanarsdall seconded the motion.

184
185 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
186 those in favor of the deferral, say aye—all those opposed by saying nay. The vote is 5-0, (Mr.
187 Donati absent). The motion carries.
188
189 Mr. Merrithew - Thank you. On the same page, C-28C-99:
190
191 **C-28C-99 Henry L. Wilton for Shady Grove Associates:** Request to
192 conditionally rezone from O-2C Office District (Conditional) to RTHC Residential Townhouse
193 District (Conditional), Parcel 10-A-19, containing approximately 12.63 acres, located at the
194 northeast corner of Old Nuckols Road and Shady Grove Road. Townhouses or condominiums
195 are proposed. The applicant has proffered a maximum density of 6 units per acre. The Land
196 Use Plan recommends Environmental Protection Area and Office.
197
198 Mr. Merrithew - They have requested a deferral until May 13, 1999.
199
200 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
201 Case C-28C-99 Shady Grove Associates? No opposition.
202
203 Mrs. Wade - I move Case C-28C-99 Shady Grove Associates be deferred until
204 the 13th of May at the applicant's request.
205
206 Mr. Vanarsdall seconded the motion.
207
208 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
209 those in favor of the deferral, say aye—all those opposed by saying nay. The vote is 5-0, (Mr.
210 Donati absent). The motion carries.
211
212 Mr. Merrithew - Madam Chairman, that's all the deferrals I have on the 7:00
213 o'clock agenda. I would just point out it would take a few minutes, but I could go quickly
214 through the request of the 8:00 o'clock agenda. I think most of them are up on the Board.
215
216 Ms. Dwyer - All right. Why don't you run through the case numbers and
217 names.
218
219 Mr. Merrithew - Okay. Beginning on the 8:00 o'clock agenda, these cases have
220 requested a deferral as well: C-31C-99 James Theobald for Duma and Associates. C-32C-99
221 James Theobald for Duma and Associates. C-33C-99 Henry Wingfield for Robert Bain. That
222 should be James Theobald for Robert Bain. C-34C-99 Jay Weinberg for Dongil Associates.
223 C-81C-98 Jay Weinberg for Buckley Shuler Properties. And then in the Varina District, C-
224 73C-98 James Theobald for W. A. Robins, et al, Redford 131, L.C., Edward M. Luck,
225 Gerald A. Crigger, and C-83C-98 Scott Stole for Lifestyle Homes of Four Mile Run, L.L.C.
226 They have withdrawn that case. The last one has been withdrawn. That is what I have on the
227 8:00 o'clock agenda.
228

229 Ms. Dwyer - It's a surprising number of withdrawals, Mr. Merrithew. All
230 right, we are ready for our first case.

231
232 **Deferred from the March 11, 1999 Meeting:**
233 **C-23C-99** Roy B. Amason: Request to conditionally rezone from B-2
234 Business and O-3 Office Districts to RTHC Residential Townhouse District (Conditional), part
235 of Parcel 33-A-69A, containing 1.986 acres, located on the north side of Virginia Center
236 Parkway, 1,200' east of Interstate 95. Residential townhouses for sale are proposed. The RTH
237 District permits a maximum density of 9.0 units per acre. The Land Use Plan recommends
238 Office development.

239
240 Mr. Marlles - Ms. Gardner will be giving the staff report.

241
242 Ms. Dwyer - Good evening, Ms. Gardner. Is there any one in the audience in
243 opposition to C-23C-99? We have opposition. Ms. Gardner.

244
245 Ms. Nancy Gardner, County Planner - Good evening. Just prior to the meeting, I handed out
246 new proffers on the case. Since these came in on Monday, you do not have to waive the time
247 limits to consider these new proffers.

248
249 The applicant has reduced the acreage of the case, and I will go to a new map (referring to
250 slide). The applicant is now proposing to develop 21 units on 1.986 acres. You'll see its that
251 area outlined in yellow. It is oriented to the left of the image. Virginia Center Parkway is to the
252 south. That is a projection of what had previously been proposed. He most recently proposed
253 25 units and now we're down to 21.

254
255 The property is currently zoned B-2, and its planned for "Office." Of course, townhouses is not
256 consistent with the Office designation on the Land Use Plan. However, townhouses seem more
257 logical than many potential business or office uses, given the location, size and configuration of
258 the lot. And the proffers on this case are consistent with the townhouse development to the
259 south.

260
261 If I could refer you to the proffers, I'll just point out a couple of important things. Minimum
262 building setback from the access easement shall be 25 feet. And that access easement would be
263 through here (referring to slide).

264
265 Ms. Dwyer - Excuse me, Ms. Gardner. Are you referring to the new proffers
266 or the ones we...

267
268 Ms. Gardner - I'm referring to the new proffers on No. 9 that I just handed out.

269
270 Ms. Dwyer - You didn't have a black lined copy?

271
272 Ms. Gardner - No. Minimum building setback from the access easement shall be
273 25 feet. Minimum lot setbacks shall be 15 feet.

274

275 On Proffer No. 11, a minimum 4-foot berm along Virginia Center Parkway. On No. 12, the
276 developer shall provide a landscape easement 10 feet in width along the northern property line
277 and also on the eastern property line. And then plantings along both sides of the access drive
278 would be a part of the landscaping plan. As you read them, you can see there are certain
279 language improvements that need to be made. However, we can deal with these subsequently.

280
281 I'd like to switch to another image of the new proposed layout. As you can see, the applicant is
282 planning to relocate the access drive over here (referring to slide). I'll talk about an issue with
283 that shortly. Currently, the access drive back to the golf course does something like this
284 (referring to slide). I might be over simplifying slightly.

285
286 As I mentioned earlier, townhouses do seem to be a reasonable use for the property. However,
287 in the review of this case, and, especially in the last few days, a number of side issues with this
288 case have cropped up. And there may be other uses of this property which would be better than
289 townhouses.

290
291 The side issues; first, the crowded parking conditions at the golf course, which is adjacent. The
292 parking is over on this side (referring to slide). Up to now, the golf course has counted on using
293 both sides of the access driveway which exists for overflow parking. Even so, it does not appear
294 on some days when everyone is flocking to the golf course, there does not appear to be, at times,
295 sufficient parking.

296
297 The golf course would hope to have parking on both sides of any new access driveway, and I
298 have indications from the Fire Marshall's Office that that would not be permissible. So, they
299 should not count on having parking on both sides.

300
301 There's a second issue that, perhaps, some or all of this property could be used for additional
302 parking area for the golf course. I do not know if the golf course is interested in purchasing this
303 property, but this is something that has not, certainly, been precluded up to this point. And, by
304 moving forward on this case, that would diminish that opportunity.

305
306 There is also, and this I have at least second hand, maybe third hand, that the golf course may
307 object to moving the easement. The golf course, currently, as I mentioned earlier, has an access
308 easement through here (referring to slide). They would have to agree to give up that easement,
309 and to relocate it over here. I don't know if they would be willing to do that. I have indications
310 that they may not.

311
312 And, then, finally, I think that you're going to hear from the Pittston Company, who, of course,
313 is located adjacent, to some objections. Either they, or possibly a subsequent owner of their
314 property, may be interested in putting in a hotel on the property. In the O-3 District there is now
315 a 300 foot required setback from residential and that could impair their potential for putting a
316 hotel there. That certainly is no reason to not approve the rezoning. But, this is yet another
317 issue.

318
319 Given these, staff makes the unusual recommendation to put off action on the case until these
320 side issues have been resolved. Any questions?

321
322 Ms. Dwyer - Any questions for Ms. Gardner by the Commission? Thank you,
323 Ms. Gardner. Would the applicant come forward, please? Good evening.
324
325 Mr. Roy Amason - Can you hear me?
326
327 Ms. Dwyer - I think if you just stand generally between the two mikes is the
328 optimum spot to be.
329
330 Mr. Amason - A couple of things...
331
332 Ms. Dwyer - Would you identify yourself for the record, please?
333
334 Mr. Amason - My name is Roy Amason. I am the developer and I represent
335 Virginia Center, LLC which I am a principal in.
336
337 Ms. Dwyer - Would you like to reserve rebuttal time?
338
339 Mr. Amason - I would really like to make a very brief statement and reserve all
340 of my time for rebuttal.
341
342 Ms. Dwyer - Okay.
343
344 Mr. Amason - We have presented this case, and we have worked hundreds of
345 hours on this, as our Planning Commissioner, Mr. Chris Archer is aware. Nancy was gone for
346 a couple of days recently, in classes or whatever, so a lot of the things that she mentioned came
347 to pass, as she was not here in Henrico. Our Planning Commissioner is aware of many of them.
348
349 Number 1, we have relocated and re-laid out this development at the request of, and working
350 with the Links Corporation, which owns the golf course in the rear. The Links Corporation, at
351 first, came to us and said they might be interested in buying this property. We offered this
352 property to them first, and they rejected it. And, then they came back to us and said, "We might
353 want to buy it because we need the parking." They have since decided that they have enough
354 parking on their site, or have enough site that they can increase their parking to accommodate
355 their access.
356
357 We moved the entrance and the access to the Links for two reasons: One, in order to give the
358 Links an opportunity to have an entrance that was distinctly to them, and also, to have an
359 entrance that did not go through the middle of a townhome project. As you can see from the plat
360 that's on the screen, the entrance goes on the exterior and around the townhouse project at a
361 considerable more cost to us as developers, but it gave us a better traffic flow through there.
362 And that was a concern of both the Planning Office and The Links Corporation.
363
364 I've talked to The Links Corporation at length, like I say for hours and hours and hours,
365 hundreds of hours. We came up with three different scenarios which they might purchase the
366 property. They decided, quite frankly, because of some misinformation that they had, and

367 because they have decided that they can get their own parking on their site, they would not buy
368 the property. They decided, instead, to leave it to us as to what would be happening with us in
369 this hearing.

370
371 We have, in this project, created a residential project that is consistent with the 600 and some
372 units that the Planning Commission and the Supervisors approved at Cross Point when they
373 changed this area from an Office development, much like Innsbrook, to a residential community.
374 Rather that is right or wrong, we were approved to do that by both the Planning Commission and
375 the Supervisors.

376
377 In doing so, we have a B-2 piece of property that sits in the middle of all this residential, next
378 door to an office site, next door to a golf course, that has very little desire for a B-2 user. If we
379 had, in fact, had 4,000 to 5,000 office workers around this property, as originally conceived
380 when the Planning Commission approved the Office project, then B-2 would have been adequate
381 and probably appropriate.

382
383 At the present time, however, what we have is 600 residential units, which is not enough traffic
384 to warrant a business operation; one office user, and a golf course. As Planning has said to you,
385 its probably not inappropriate that we went to Townhomes on this and have left this strip of
386 property between the townhomes and the Office, in order to create a good and adequate and
387 distinctive entrance to the golf course.

388
389 That's where we stand on it now. I might comment that the golf course, by the way, has decided
390 that they do have enough adequate parking. They do not want to buy it. I talked to them as late
391 as 5:00 o'clock this afternoon trying to see what their desires were. To change the entrance to
392 accommodate them, we have a strip here which would be, in our conversations with the Fire
393 Marshall, adequate for us to park cars on both sides. However, the golf course has told me, as
394 late as 5:00 o'clock this afternoon, they did not need that. I did not need to put that wider road
395 in there because they did not need the parking. That was 5:00 o'clock this afternoon with John
396 Fahlberg, Vice-President of the LINKS Corp. in Chicago. With that, I'll leave it for rebuttal.

397
398 Ms. Dwyer - Any questions for Mr. Amason by Commission members?

399
400 Mr. Archer - Mr. Amason, I do have one question. With regard to the golf
401 course having to relinquish the present driveway, in your prior discussions with them, were they
402 willing to do that?

403
404 Mr. Amason - Well, there are two or three things at issue here. It's not a matter
405 of them relinquishing the prior driveway. The LINKS Corp. has a right of a 50-foot ingress,
406 and egress easement across this piece of property, not necessarily designated to exactly to where
407 it is right now.

408
409 Mr. Archer - Okay.

410

411 Mr. Amason - Number 2, Henrico County has required me, as a developer, to
412 move their egress and ingress driveway once I develop this piece of property, because it is not in
413 alignment with other roads that enter to Virginia Center Parkway.

414
415 When they approved Cross Point, they told me at that time, I would have to move the
416 egress/ingress to the LINKS Corp. So, what we're doing is not out of line with what we were
417 required to do in the past. However, the new entrance and the new ingress and egress will give
418 them a very distinctive driveway back to their property and will not harm them in any way. I
419 can assure you that I've discussed this with them in length. They would not have a problem. In
420 fact, where I have it, is where they suggested that I have it as opposed to the right side of the
421 property. They would like me to be towards the left.

422
423 Mr. Archer - Okay. Thank you, sir.

424
425 Mrs. Wade - Mr. Amason, is a pro-shop with this golf course, I assume? You
426 say it's allowed as an accessory use with the golf course in "A?"

427
428 Mr. Amason - They have a B-2 zoning for the pro-shop and that area in that
429 parking lot, etc. The rest of the golf course is in the "A" zone.

430
431 Mrs. Wade - I thought they might need some B-2.

432
433 Ms. Dwyer - Mr. Amason, I noticed that you've reduced acreage by a third, and
434 then eliminated only four of the 25 townhouses. What's the density calculation now?

435
436 Mr. Amason - It's less than the density calculation that's next to it. If my
437 memory is right, we're at 7.04. And on the other one, we had like; Nancy, am I right on this?
438 10.1 now. On the project next door, we are 7.84. So, we're less density than the project that
439 we adjoin that we just built.

440
441 What we did, was we had 2.96 acres. And by pulling this over, and leaving the 70 to 75 foot
442 strip through there and its present zoning and giving a distinctive entranceway to the townhomes,
443 we've decreased the number of acres that we're actually putting townhomes on, leaving more of
444 a buffer between us and Pittston Corporation.

445
446 Ms. Dwyer - Where it states that, "...the architecture of the townhouses will be
447 as per Exhibit A...", does that mean that half of the townhouses will have brick fronts?

448
449 Mr. Amason - The rendering is the same rendering that we used when we did
450 Golf Villas 1 next door when we originally zoned Cross Point. It works out to about half of
451 them are brick. We have also, I think, proffered that all of the ends of each building will be
452 brick, which is, in addition, to what we did in the original Golf Villas 1.

453
454 What we really do is we go through the buildings and we will have a brick end. Then we'll do a
455 brick front. We might then do one frame front. We might do a brick front. And then we might

456 do two frame fronts, depending on whether it has a bay window or what it has, or how it lends
457 itself to brick. However, we stagger the units back and forth.

458
459 What you see on your plat is the building area, even though they are configured in just a square,
460 as you can see from the rendering, that I hope you have—that Planning has, they are staggered
461 back and forth. The reason our lots are as deep as they are is so that we can do that.

462
463 If you've been over to the project and looked at the ones that we have at Golf Villas One, you
464 will see that we've staggered them well. We've used a lot of brick. We did this very much in
465 conjunction with the Planning Department and our Planning Commissioner. It's very, very
466 attractive; it's probably the most attractive project in the City of Richmond, to be frank with you.
467 I take great pride in it. It looks good.

468
469 Ms. Dwyer - It looks like that either every other townhouse front was brick or...

470
471 Mr. Amason - That's correct.

472
473 Ms. Dwyer - ...(comments unintelligible) – as an alternating...

474
475 Mr. Amason - You have a lot more brick and a lot more bay windows and pop
476 outs and "A's" on the roof than you normally find in townhomes. It does not look like an
477 apartment complex. It looks like individual townhomes. We sold the first 32 units in eight
478 months. I have a feeling that's one of the reasons why.

479
480 Ms. Dwyer - Are there any other questions for Mr. Amason?

481
482 Mr. Silber - I have a question, Mr. Amason. The survey plat that you've
483 submitted with this change shows several easements going across the left hand side of the
484 property. I think a water easement, and a VEPCO easement.

485
486 Mr. Amason - We're going to relocate those to accommodate the development
487 with Virginia Power and with the public utilities.

488
489 Mr. Silber - So, that's been discussed and is feasible?

490
491 Mr. Amason - Yes sir.

492
493 Mr. Silber - Which way would they be shifted? Would they be shifted toward
494 the townhouses, or...?

495
496 Mr. Amason - They'll probably be shifted down that main drive that you see right
497 there (referring to slide). That's normally where Public Utilities likes us to have it, is in some
498 kind of drive. So, we will put it down that road. The Virginia Power now is not far off from
499 that. The water kind of cuts across everything. But getting it from one end to the other on the
500 water is not a big problem, frankly. We just shift our easements. And, as a developer, we pay
501 for the relocation; both for the water and the Virginia Power.

502
503 Ms. Dwyer - Any other questions for Mr. Amason? Thank you, sir. You have
504 about 5.5 minutes remaining for your rebuttal. While the opposition is coming forward, I'll take
505 a moment to review the Planning Commission's Rules.

506
507 In cases in which we have opposition, each side is entitled to 10 minutes to make their
508 presentation. That time does not include the time it takes the Commission, or any one else, to
509 ask a question and for that question to be answered. So, the discussion that you heard was not
510 included in the 10-minute time period. The only thing that is included is the time that is taken up
511 by the applicant or the opposition to state their case.

512
513 One other Planning Commission rule that I will mention just for information purposes and that
514 is, our rules also require that when proffer amendments are submitted, there needs to be a
515 blacklined copy submitted. That is additions and deletions need to be noted on the amended
516 proffers and that is for the Commission's benefit. Sometimes we see proffer changes for the first
517 time when we're up here, hearing a case, and trying to piece together a variety of proffers. So,
518 that's extremely helpful to us, and I just wanted to remind everyone of that particular rule. Good
519 evening.

520
521 Mr. Carl Fisher - Good evening. I'm Carl Fisher. I'm Director of Real Estate with
522 the Pittston Company and our headquarters is at Virginia Center Parkway.

523
524 When Pittston purchased the property in 1996, it was clearly understood that we would have a
525 buffer between the residential properties and our headquarters property. We were not opposed
526 to the residences that were being proposed when we moved in, primarily, as long as that buffer
527 was there.

528
529 We object very much to what Mr. Amason is requesting. The change to residential townhouse
530 district would have greater setback requirements should we ever chose to expand on our
531 property, or if we would sell our property and someone would want to expand upon it.
532 Therefore, it would have a very great detriment to the Pittston Company. It would significantly,
533 in our view, diminish the value and have a negative impact on any buyer that would come
534 forward.

535
536 Second, by changing this zoning to residential, it eliminates any possible support retail that we
537 would like to see put in there. But us, the residents, the golf course, and the other office users in
538 there too, I think its important to note there are other office users on the east side.

539
540 And, third, in our view, it's contrary to the master plan. And it's contrary to the plan that the
541 developers presented to us when we moved in. And, the developers, being Amason, indicating
542 that there was going to be support retail in this particular area. We view it again that as a buffer
543 because it is important to us and now he wants to take it away. So, we really respectfully
544 request the Commission reject his request for a zoning change. Any questions?

545
546 Ms. Dwyer - Any questions for Mr. Fisher by Commission members?

547

548 Mr. Archer - Mr. Fisher, what type of retail uses would you prefer to see in that
549 area?

550
551 Mr. Fisher - We would like to see, I think, support retail; a small restaurant,
552 even cleaners; support that would give people the opportunity to not have to drive over onto
553 Route 1 or over to the Mall. We would be very supportive of that. We would be very
554 supportive of working a better entrance for the golf course. I think it would be to everybody's
555 advantage.

556
557 I'm most concerned, also, about the problems of the buffering. The setback requirements take
558 away property from us. And, that's a clear economic issue right there. I'm very concerned
559 about that.

560
561 Mr. Archer - Did we ever clear up what the exact setback requirements were for
562 that particular use?

563
564 Mr. Fisher - My understanding, and I'm, by no means, an expert at it, but I
565 think it's a 300 foot requirement if anybody would add onto the property if this zoning is
566 granted.

567
568 Mr. Archer - Would you clarify that for us, Ms. Gardner, please.

569
570 Ms. Gardner - That's just for a hotel. A 300-foot setback for a hotel only,
571 because its residential. And it's only in the O-3 District. If they rezone to B-2, that would not
572 be the case.

573
574 Mr. Archer - Okay. Thank you.

575
576 Mr. Vanarsdall - Ms. Gardner, you said, if it was zoned B-2?

577
578 Ms. Gardner - If they did rezone it to B-2, that would not be a required 300 foot
579 setback.

580
581 Mr. Fisher - If I may just make a comment. I understand a hotel is approved in
582 the district that we're in now. Is that correct? So, if we should chose to sell this property to
583 someone who had a hotel, or a conference center, that 300-foot setback would apply if this is
584 rezoned?

585
586 Mr. Archer - That's the clarification I want. I just want to make sure that
587 nobody got the impression it applied to everything.

588
589 Mr. Fisher - Right. No. I understand that.

590
591 Ms. Dwyer - Any other questions for Mr. Fisher? Thank you, sir. Is there any
592 more opposition to speak this evening? No opposition. Mr. Amason, would you like to use
593 your rebuttal time?

594
595 Mr. Amason - Just a short few things. Number 1, when I came in with my
596 zoning request on this, originally, I did not meet with Pittston Corporation. I did not meet with
597 them except on the basis at the request of Economic Development in Henrico. I moved my
598 entrance for my apartments three different times to try and accommodate Pittston Corporation at
599 the request of Economic Development to draw Pittston Corporation from Connecticut to
600 Henrico.

601
602 We moved and we moved and we re-engineered, at the cost of about \$50,000 to me, frankly,
603 because I thought it would be good for Henrico and that's what I did. Little did I know, years
604 later, it would be said to me that I presented to them that they would have a buffer of this B-2
605 property. We did not discuss that. This B-2 property was zoned when Figgie Corporation, now
606 Virginia Center, Inc. came in and got their zoning originally. I did not zone it. I did not proffer
607 it. I was not involved with it. I simply bought the property along with all of Cross Point.
608

609 The setback requirement would remain the same unless they decided some day to put a hotel at
610 that site. If, and when they decided to put a hotel on the site, I would assume, even though its
611 allowed under present zoning, there would be an approval of a POD.
612

613 When the approval of a POD comes up for a hotel, I think you're going to find that you're going
614 to have a very controversial issue. Pittston Corporation has recently opposed Virginia Center,
615 Inc. to put in some office/service warehousing just below them on the other side of this property
616 because it would create too much traffic. And now they're opposing my putting in my
617 townhomes on here because we would not allow them, in case they decided to put in a hotel. I
618 can't tell you how many thousands of vehicles a day that would go into this area if there was a
619 hotel there.
620

621 The residents of the Cross Point development have contacted the Planning Commissioner and
622 informed him that they are not in opposition to this proposal that I have, because I met with them
623 in a group meeting. And they are in favor of this, quite frankly, because it will only create a
624 very few numbers of traffic, very few school students, as your staff report tells you.
625

626 So, I want to make sure that the 300-foot setback was explained, which I think it has been. But,
627 I do think, if a hotel is there, even though it's allowed under an "O" zoning, probably would be
628 more appropriate on a B-2 zoning, but regardless, would have to go through a POD process. I
629 think you're going to get a lot of opposition to the traffic. There is right now a hotel planned at
630 Virginia Center Commons North and there's a hotel planned at the entrance of Virginia Center
631 Parkway and Route 1. So, there's a lot of hotel activity in the area as it is now. I think that
632 pretty well covers it unless you've got any more questions of me.
633

634 Ms. Dwyer - What are your thoughts on the feasibility of retail on that site?
635 And I'm wondering, also, if there may be some of the users of the golf course might be
636 customers of any potential retail?
637

638 Mr. Amason - We have looked at that. Obviously, we have looked at it in detail.
639 Not many developers do you find come in and want you to change from business zoning to

640 residential zoning. Obviously, normally, the business zoning is more profitable, more expensive
641 land. What we found out over the last couple of years, because you and I, when I say, "You
642 and I," I mean the Planning Commission and the Supervisors and I have decided to change the
643 zoning of this area from primarily an office development to a residential development. There is
644 not enough traffic in this area to warrant a "B" zoning. What you're doing is contrary to what I
645 see you do on a day-to-day basis. And that is, if we, in fact, did a service station here or a tire
646 shop or a gun shop or whatever is allowed under the zoning, if you, in fact, were trying to give
647 me new zoning for B-2, it would be 150 to 300 people here in this room opposing me because I
648 wanted to put that zoning at 600 residential neighborhood doors. They'd be here up in arms
649 over that.

650
651 What we found out is that the "B" zoning people are not very interested in this site because we
652 did zone it for 600 residential, and, frankly, they don't have 250,000 cars a day, 20,000 cars a
653 day, 10,000 cars a day, 5,000 cars a day coming by their site. What they have is a residential
654 neighborhood.

655
656 With the few employees Pittston has going in and out and the people going to the golf course to
657 play golf, I, frankly, thought the best use for this property was for the LINKS, Corp. to buy it
658 and use it for additional parking to their existing B-2. We have worked, and worked, and
659 worked with LINKS Corp. We are on very good terms with them. We worked together
660 fantastically as neighbors. And they decided last night that they would not buy this property
661 because they feel like they've got enough parking on their own site.

662
663 The layout in front of you is a layout that I worked out with many, many hours with the LINKS,
664 Corp. to see that we did something that gave them a distinctive driveway and allowed us to
665 utilize the property.

666
667 Ms. Dwyer - Any other questions for Mr. Amason?

668
669 Mr. Vanarsdall - Mr. Amason, what did we end up with? How many units?

670
671 Mr. Amason - We ended up with 21 units.

672
673 Mr. Vanarsdall - Twenty-one (21)? You haven't changed that?

674
675 Mr. Amason - We originally started off with 26. We reduced it to 25. We
676 reduced it to 23. We're down to 21 units.

677
678 Mr. Vanarsdall - It's still 21. Thank you.

679
680 Ms. Dwyer - Thank you. Ready for a motion?

681
682 Mr. Archer - I suppose so, Madam Chairman. Since yesterday, or maybe I can
683 go back as far as Tuesday, we've had a lot of discussion on this case. And I think there have
684 been conflicting signals given. I had a conversation with Mr. Fahlberg from the LINKS Group
685 yesterday, and also received a fax from him requesting that we deny the case. It was not the first

686 time that I had talked with him. I talked with him some weeks ago. And I was hoping that, as
687 Ms. Gardner said, that it would be a good way to resolve some of these side issues. And,
688 obviously, at that time, there was some interest by them in purchasing this property, or I would
689 assume that the first time Mr. Amason wrote to them, they would have just said, "No. We're
690 not interested." So, it seems as though their non-interest occurred somewhere in the last few
691 days, at best.

692
693 And, to be honest with you, I would like to have, because I think the best solution for everybody
694 would have been for them to show more of an interest in purchasing the property. Yesterday, I
695 get the impression that they may have gotten some erroneous information or, at best, they
696 assumed that the information was erroneous, and their perception that it was erroneous. And,
697 because of that, I'm not sure that the decision that they made yesterday is one that they might
698 have made had it occurred otherwise.

699
700 In any event, I think this option is worth pursuing again. I don't know if we can get anywhere
701 with it, but I think I'd like to recommend what Ms. Gardner recommended at the beginning.
702 That we not make a decision on this tonight. I think we've heard enough information on it. And
703 I don't think we need to hear any more information on it concerning what has happened up to
704 this point. But I think it might be in the best interests to pursue that line again, and see if we
705 might not be able to straighten it out and may be have an interest that we can rekindle. So, for
706 that reason, I move, at the Commission's request, we defer this case. And I'm not just exactly
707 sure how long. Mr. Amason, would 60 days have any troubling constraints on you if we went
708 that long?

709
710 Mr. Amason - I wish I could tell you, Mr. Archer. I kind of think 30 days might
711 do it, but if you want...

712
713 Mr. Archer - I don't have any objection to 30 days. I just didn't want to rush
714 you.

715
716 Mr. Amason - If it doesn't, I can always call you ahead of time. Quite frankly, I
717 don't think its going to make any difference at all.

718
719 Mr. Archer - Well, it may not.

720
721 Mr. Amason - I am willing to work with it any way I can, just like I did last time.

722
723 Mr. Archer - It does not sound like it will, but, at least, I want to pursue that
724 option to the fullest and make sure that the information that they did act on was correct, or at
725 least their perception is correct instead of what they may have perceived yesterday. It just
726 doesn't sound right that they would have shown this much interest. And now they say, "We
727 have enough space." So, obviously, they were interested at one point in time.

728
729 Mr. Amason - Since you asked me a question, I would like to make sure that the
730 record is clear. I did not send them bad information. I did not mislead the LINKS Corp. at all.

731 They will tell you that if you call and ask them. I didn't mean that you inferred that. What has
732 been inferred was they got misinformation. It did not come from my office.

733
734 In fact, when I found out about it, I talked to you about it. I talked to them about it. It very
735 much concerned me, because, especially, as they said to me, they said, "Roy, we're in Chicago
736 and we feel very naïve up here. We're getting conflicting information." What they were told
737 was that if they added onto their operation or if they built a new building, it would have to be
738 300 feet back from anything we did with our townhomes." I said at the time, "That is not
739 right." And they told me, "One of the reasons we're making our decision to buy this property is
740 because we think that it is a big investment, but, quite frankly, we can go to the Planning
741 Commission and tell them that we don't want to be in the position where, if we add onto our
742 property, we have to set back 300 feet, then you're going to lose this." And that was not good
743 information for them. When they found out about this, this afternoon, actually yesterday, and
744 then it was reconfirmed this afternoon when I made sure that they made sure what was going on
745 with Henrico County staff. So...

746
747 Mr. Archer - Okay. Well, again, let me clarify it. I didn't know what source
748 their information was. I talked with Mr. Fahlberg quite late yesterday.

749
750 Mr. Amason - Well, I don't think it's up to me to say where the information came
751 from. I just will tell you it did not come from me, and it was very much of a misunderstanding.

752
753 Mr. Archer - It doesn't really matter. I just want to make clear that he did not
754 understand. So, for that reason, Madam Chairman, I will state my motion that we will defer this
755 at the Commission's request for 30 days and bring it back "For Decision Only" at the May 13th
756 meeting.

757
758 Mr. Vanarsdall - And I second the motion, but I have a question, Mr. Archer.

759
760 Mr. Archer - Yes.
761 Mr. Vanarsdall - Madam Chairman.

762
763 Ms. Dwyer - All right.

764
765 Mr. Vanarsdall - Are you saying that we won't hear the case again?

766
767 Mr. Archer - I don't think it is necessary.

768
769 Mr. Vanarsdall - Okay.

770
771 Ms. Dwyer - For Decision Only? Motion made by Mr. Archer, seconded by
772 Mr. Vanarsdall to defer the case until May 13th. All those in favor say aye—all those opposed
773 by saying nay. The vote is 5-0. (Mr. Donati absent). The motion carries.

774
775 **C-25C-99** Andrew M. Condlin for F & P, LLC: Request to conditionally
776 rezone from R-3 One Family Residence District to O-1C Office District (Conditional), part of

777 Parcel 69-A-12 and Parcel 69-A-14, containing 0.82 acres, located at the northwest corner of
778 Parham and Fordson Roads. Office use is proposed. The use will be controlled by zoning
779 ordinance regulations and proffered conditions. The Land Use Plan recommends Office.

780

781 Mr. Marlles - Ms. Jo Ann Hunter will be giving the staff report.

782

783 Ms. Dwyer - Is there any one in the audience in opposition to Case C-25C-99
784 F & P, LLC? There is opposition.

785

786 Ms. Jo Ann Hunter Thank you, Madam Chairman. Revised proffers have just been
787 handed out to you. These were submitted last week, so the time limit does not need to be
788 waived. The applicant has revised this request since your staff report was written. The
789 request is now for O-1C zoning and not O-2C any more.

790

791 The Land Use Plan recommends this site for Office development along Parham Road and
792 Suburban Residential 2 for the rear of the property. The Land Use Plan also designates this
793 property as a Special Strategy Area. Recommended strategies include coordination of all
794 development in terms of access, circulation, architecture, lighting, signage, and also to
795 mitigate the potential disturbance to surrounding residences.

796

797 While a low intensity office use could be reasonable at this intersection, intensity of uses,
798 proper site circulation, and protection of surrounding residences are critical. The requested
799 rezoning of this site fails to incorporate a large grouping of parcels, and the staff is concerned
800 the site is too small to function in a safe, efficient manner.

801

802 The Code requires a minimum lot width of 100 feet for office development. However, this site
803 is only 95 feet wide. The applicant has indicated that he will submit a variance request for the
804 width requirement. Staff has concerns with recommending a property for rezoning that does
805 not meet the minimum standards.

806 When the property to the north was rezoned in 1993, the Planning staff and the neighborhood
807 came up with a proposed layout for the office development that could occur in this quadrant
808 that you can see on the screen right now.

809

810 The preferred alternative was interconnection between the parcels and residential development
811 adjacent to Nesselwood Drive. However, the applicant is proposing Office development for
812 the entire parcel. The applicant has not addressed how coordinated access could be provided
813 to the other properties, and how the neighborhood would be protected.

814

815 The applicant has made several improvements to the case with the proffers that were handed
816 out to you this evening, including eliminating a child care center use, reduced building height,
817 reduced signage height to 10 feet, and limited hours for parking lot cleaning. However, the
818 staff is still concerned the site does not meet the minimum lot size requirements and that it
819 would not be able to be developed efficiently.

820

821 The property should be developed in a coordinated fashion with the adjacent property. The
822 Special Strategy designation encourages this type of development. Through a comprehensive

823 review of larger acreage, the protection of residents can be better addressed. Staff does not
824 support this proposal as submitted. I'd be happy to answer any questions.

825
826 Ms. Dwyer - Any questions for Ms. Hunter?

827
828 Mr. Vanarsdall - Ms Hunter, isn't this similar to the case we had over on Brook
829 Road that you and I got with the applicant?

830
831 Ms. Hunter - It is very similar to that case. That applicant was also asking for
832 O-1. And he had about 90 feet of frontage. We did talk to the applicant before that case was
833 advertised and told him that we didn't think the site would work efficiently and he did
834 withdraw the request. The only difference with this one is that it is a corner property.

835
836 Mr. Vanarsdall - We asked him to develop the entire piece of property, just as
837 you've asked for this. Am I right?

838
839 Ms. Hunter - We asked him to show us how it could be laid out and whether it
840 could meet all the requirements. Yes.

841
842 Mr. Vanarsdall - Thank you. I have no further questions, Madam Chairman.

843
844 Ms. Dwyer - Ms. Hunter, it appears that Lots 5 through 8 in this block, have
845 they been consolidated?

846
847 Ms. Hunter - With this project?

848
849 Ms. Dwyer - No. No. No. Not with this project. It just appears on the zoning
850 map that this was rezoned in accordance with the schematic concept plan that you showed us
851 earlier.

852
853 Ms. Hunter - Right. The ones that are adjacent to the interstate.

854
855 Ms. Dwyer - Right. So, we do have a precedent in this block of residential
856 along Nesslewood...

857
858 Ms. Hunter - Right.

859
860 Ms. Dwyer - And then low intensity office along Parham.

861
862 Ms. Hunter - When that was zoned in 1993, there's an existing brick building
863 shell that's there. I think, when it originally came in, it was just the one parcel. And through
864 that rezoning case, they did compile a couple of other parcels so they could have access to
865 Nesslewood. And that's when they worked out the plan for that block with the neighborhood.

866
867 Ms. Dwyer - That was in 1993?

868

869 Ms. Hunter - 1993.

870

871 Ms. Dwyer - Any other questions for Ms Hunter? No questions. Thank you.
872 Would the applicant come forward, please?

873

874 Ms. Andy Condlin - Madam Chair, my name is Andy Condlin, from Williams-Mullen
875 representing F&P, LLC, the current owners of the property. I'd like to reserve three minutes
876 of rebuttal time, if that's all I have. Otherwise, I'd like to reserve whatever I have remaining.

877

878 This location, which, as you can see, is at the corner of Parham and Fordson, which has a
879 traffic light, is where they're asking for Office rezoning designation. Originally, we came in
880 with an O-2. After meeting with the neighbors and hearing some concerns, it was clear that O-
881 1 was clearly the best use for this location.

882

883 This property is almost an acre. We've talked about, and its been mentioned to build a larger
884 scale development. In fact, we wanted to develop with the two adjacent properties next door,
885 but we couldn't work a deal. For whatever reason, they were unable to sell immediately next
886 door.

887

888 The proposed Office zoning, I would contend, is consistent with the surrounding area,
889 particularly along Parham Road with the O-2C across the way, O-1C cater corner and across
890 Fordson Road. There's a business and then there's a recreation center.

891

892 I would also propose that the Land Use Plan, and the plan that was shown earlier, would not fit
893 this particular piece of property. At the corner of Parham and Fordson as you go down and
894 turn right on Nettlewood, the room to put a residence in that area with a driveway
895 immediately on the corner I certainly don't think would be the best case scenario. And, I
896 think, given the timeframe from when that; it's called "The Upton piece," the previous zoning
897 case had been rezoned, I would also contend, that the market does not support such a property,
898 although they currently are developed as residential. We feel it would be inappropriate to put
899 residential in the rear of that property at such a location, particularly with the traffic so close to
900 that corner with the sight lines.

901

902 The proffers that we have submitted that are before you now I believe are very extensive and
903 provide a lot of meaning for the operations of this property. We've limited the permitted uses;
904 provided buffers of 10-feet along Parham; 20 feet behind the property along Nettlewood, and,
905 of course, the Code requires 10 feet on either side.

906

907 We've also provided an exterior appearance of residential in character. We've talked about
908 HVAC screening on the rooftops. Lighting; very consistent with the surrounding properties is
909 limited to 20 feet with no exposed filament. Utility lines underground. Signage; again, the
910 other case limited it to 8 feet, but only along Nettlewood. We've limited it to the property
911 area entirely to 10 feet. We've put in trash, parking lot cleaning, and leaf blowing limitations
912 as to the hours; screening of dumpsters and the building locations so that has to be closer to
913 Parham with the parking behind it.

914

915 I will say this that we've also met with the neighbors on a number of occasions. They've been
916 extremely easy to work with and very accommodating to us and providing a lot of good ideas
917 and good requests. We had a meeting with the neighbors, which resulted in the proffers that
918 are before you.

919
920 Very recently, as of this week, we got a call. They were meeting with Mrs. Wade, I believe,
921 on Monday, and I couldn't meet with them Tuesday because of the Board of Supervisors. So
922 we met Wednesday. They accommodated us. We accommodated them to meet to discuss the
923 last minute issues that they could bring up to change their mind about supporting the case
924 versus opposing the case. I believe, and if I'm wrong, they can certainly say it. I believe that
925 we have accommodated them to that extent that they feel comfortable with our commitments.

926
927 We have committed to keep the residential building in character and conformance with the
928 neighborhood. The HVAC, we're going to screen it regardless of the location. They were
929 concerned, and this is contrary to what the Plan has requested. Our only access is off of
930 Fordson Road. We cannot access Parham Road, as per the staff report, as per traffic. We
931 certainly don't have enough road frontage on Nettlewood. Our only access is off of Fordson
932 Road.

933
934 The neighbors are concerned that we coordinate access to other properties adjacent to us which
935 would also be able to access Fordson Road. They have asked us to make a commitment,
936 which we have made a commitment that no other property will be able to access Fordson
937 Road. We can't coordinate development with adjacent property if they're not willing to work
938 with us either.

939 We've tried many different approaches, and without the immediately adjacent property willing
940 to coordinate the development with us, and they're not willing to for whatever reason. That's
941 personal to them. That's something that we can't control.

942
943 The final thing that we've made a commitment would be to limit the building to 7,500 square
944 feet. The question was whether the lot was too small. The O-1, the Code, in this instance,
945 allows for a lot of 16,000 square feet, which is less an half an acre. This is just a conceptual
946 plan of how the property would work out. You can see along Fordson Road, we could put a
947 building up front, as we proffered, with the parking in the rear, and the BMP to the rear of
948 that. That's an example of good site coordination which we could fit the building that would
949 be allowed on this property which is somewhere around 5,000 to 6,000 square feet.

950
951 I also would like to make a formal objection with respect to the Plan—the Plan that was shown
952 on the Upton case. Certainly, not the Land Use Plan, but with the Upton case. I've talked
953 with the landowners, not the immediately adjacent, but the landowner next to this and the
954 people who own this, including the County of Henrico owned a small part of this that we
955 purchased. We were never notified and we never signed off. Certainly, it's not a legally
956 binding plan. That plan, as you notice, called for residential in the rear. I would contend,
957 again, that residential is just not appropriate for the rear of the property, particularly when
958 we've offered 20-foot buffers and we've offered for the building to be up front so the BMP
959 areas can go in the back as well.

960

961 I would say that this is very consistent with the surrounding area, but also contend its very
962 consistent with the Land Use Plan. Again, although the rear calls for residential, given the
963 proffers that we've provided, given the area with the Fordson and Nesslewood intersection,
964 proposing to put a residence with a driveway at such close location, I think, would create a
965 health and safety problem for the person who would purchase if any, at all would purchase that
966 property.

967
968 I believe we've met all jurisdictional prerequisites of this case and precedents offered and
969 meeting with the Land Use Plan designation. I would ask that you recommend it to the Board
970 of Supervisors to approve this case. And, I'd be happy to answer any questions at this time.

971
972 Ms. Dwyer - Any questions for Mr. Condlin?

973
974 Mr. Vanarsdall - I have a question. Mr. Condlin, did you say you tried to get the
975 other properties to incorporate this as staff recommended?

976
977 Mr. Condlin - Yes sir. The immediately adjacent piece? Yes sir.

978
979 Mr. Vanarsdall - And the other question is, do you consider bad zoning when you
980 know you're asking for zoning that you already have to go to the BZA to get a variance? Do
981 you consider that good zoning, bad zoning, or don't consider it anything?

982
983 Mr. Condlin - Well, as you know, with the BZA, the requirement is you have to
984 show a hardship, and part of the hardship case is based on the configuration of the property.

985
986 Mr. Vanarsdall - What is the hardship?

987
988 Mr. Condlin - The hardship is the narrowness of the property having to do with
989 the takings. At one point, when we were going to purchase the property, we had to take less
990 of property that was being purchased from Henrico County to accommodate the turn, even
991 though its not in the pavement to accommodate the turn when we purchased the property. Our
992 hardship is the narrowness is like four feet. I would contend, based on the...

993
994 Mr. Vanarsdall - Why did you buy the property if you knew it wasn't sufficient for
995 what you wanted to do with it? So, I'm not on the BZA. I'm not arguing with you.

996
997 Mr. Condlin - I understand that. Yes sir.

998
999 Mr. Vanarsdall - The third question I had, is Doctor Shaia going to put his office
1000 on this piece of property?

1001
1002 Mr. Condlin - Not necessarily. They don't have any plans.

1003
1004 Mr. Vanarsdall - They do not. Thank you.

1005

1006 Mr. Condlin - I understand Doctor Shaia, at one point, if they could get all three
1007 properties together had plans for this product, but being as they couldn't get the immediately
1008 adjacent piece now or anywhere in the immediate future, his plans are up in the air. I haven't
1009 spoke to him to see if his office would fit in a 5,000 square foot building.
1010
1011 Mr. Vanarsdall - I have no more questions, Madam Chairman.
1012
1013 Ms. Dwyer - Thank you, Mr. Condlin. Any other questions by Commission
1014 members?
1015
1016 Mrs. Wade - I'm having just a little bit of trouble keeping up with the proffers
1017 here. I know, I started talking to you all several weeks ago. Then they were changed. Then
1018 we went to the citizen meeting. I wasn't at a meeting this last Monday. They may have had
1019 one.
1020
1021 Mr. Condlin - I'm sorry. Yes ma'am.
1022
1023 Mrs. Wade - And so, the latest are the ones dated the 9th?
1024
1025 Mr. Condlin - Yes ma'am. Those are the ones that we're going forward with
1026 tonight. Yes ma'am. And, I will say that, again, I'm sure that they feel comfortable. We've
1027 made commitments to them as to the items that we mentioned. But, tonight, we're asking you
1028 to consider the proffers that are sitting before you. We made commitments to the neighbors as
1029 to those four items. I believe they feel comfortable with that. Certainly, I'll leave it to them
1030 to explain, to expound upon that if they feel necessary. But, most of the neighbors, I believe,
1031 feel comfortable with that situation to go forward. We're in agreement with them, and I
1032 thought, honestly, these are such minor points. You know, residential in character, in keeping
1033 with the neighborhood. That's such a minor point. I know how the Commission feels. I've
1034 been on the opposite end of the Commission, when I've asked for a waiver. I've made a
1035 decision to not ask for the waiver and make the commitments that we can revise the proffers
1036 afterwards based on those, but I'm willing to go forward tonight.
1037
1038 Mrs. Wade - Well, you've certainly come a long way since the first discussions
1039 about the bank and the child care center and other things, but there still maybe some details
1040 that the neighborhood would like to comment on at this point, and we're not, of course,
1041 accepting new proffers tonight.
1042
1043 Mr. Condlin - Nor am I asking you to. I'm asking you to consider what you've
1044 got in front of you. Again, with the commitment that I've made, I'll leave it to the neighbors
1045 to say whether they feel comfortable with that commitment or not at this point.
1046
1047 Mrs. Wade - Okay. Thank you.
1048
1049 Ms. Dwyer - Any other questions for Mr. Condlin? Thank you.
1050
1051 Mr. Condlin - Thank you.

1052
1053 Ms. Dwyer - And you have 3 minutes and 30 seconds for rebuttal.
1054
1055 Mr. Condlin - Thank you.
1056
1057 Ms. Dwyer - Would the opposition come forward now, please?
1058
1059 Mr. Ittalo Ferramosca - I own a piece of property adjacent to the property in question for
1060 rezoning. I have, in my hand, a staff report for the Planning Commission for the public
1061 hearing prepared March 24, 1999 by the County of Henrico. This is not prepared by the
1062 lawyers; not prepared by me. I have some grave concerns about this whole situation. I've
1063 discussed this with the people who are involved, so it should be no surprise to them.
1064
1065 Reading on Page 3, it says, "This property should be developed in a coordinated fashion with
1066 the adjacent properties. This Special Strategy designation encouraged the type of coordinated
1067 development." I've been asked to rezone my property. And, at this particular time, I told
1068 them I wasn't interested for several reasons that are personal.
1069
1070 Also, on Page 2 of this staff report, it indicates here that this Special Strategy Area, and it goes
1071 into definite indication and inclusion of all the description. I won't bore you with that. I think
1072 the lawyer has already mentioned that. Here's the thing that bothers me about this whole
1073 situation, and this is, again, quoting from the staff report. "The staff is concerned that the site
1074 is too small to provide a safe, efficient office site. The Code requires a minimum lot width of
1075 100 feet for Office development. However, the site is approximately 95 feet wide. The
1076 applicant has indicated they are requesting a variance from this requirement." Now, I feel that
1077 if the County has rules, regulations and designs for this particular situation, why should they
1078 not adhere to that? If 100 feet is necessary for this property, why not keep it at 100 feet?
1079
1080 I also note that my property, which is adjacent to this, has an entrance on Parham Road and
1081 exit on the rear of the property. If this is rezoned, there's a possibility I cannot get out of my
1082 property from the rear.
1083
1084 Your staff report, in reading all the way through it, seems to indicate, and again, I repeat, this
1085 is not prepared by the lawyers, not prepared by me. It is prepared by you people in the
1086 County. It indicates that this is not a particular desirable situation. I've known, for years, that
1087 this property has been too small to really develop into any viable constructive office site.
1088
1089 Maybe 25 years ago, and I may be wrong, someone tried to rezone that. And, of course, they
1090 weren't able to get anywhere with it. Why should it be rezoned now? Again, I don't want to
1091 be the one who puts the owners on their situation, but I'm concerned about the impact it has on
1092 my property; the property in this entire area.
1093
1094 Feeling as I do, I see no reason to change the Code requirements simply to adhere to a
1095 situation that even, according to your report, is very questionable. And that's all I have to say.
1096 Thank you.
1097

1098 Mrs. Wade - Now, what did you say again, about access to yours, Mr.
1099 Ferramosca?
1100
1101 Mr. Ferramosca - I beg your pardon?
1102
1103 Mrs. Wade - Would you repeat what you said about access to your property?
1104
1105 Mr. Ferramosca - Well, this property has been there probably, and I'm guessing 60
1106 years. And people and been coming in the rear and the front all this time. It's something, if
1107 this property is developed there, there's a good opportunity they are not able to go out the rear
1108 anymore. That's one of the factors involved. Because, I just feel that, basically, the property
1109 is simply too small to put into an office space. We should adhere to the 100 feet requirement.
1110 Why change it? That's your rule, your requirements, your recommendation.
1111
1112 Ms. Dwyer - Could we have the zoning map back up on the screen, please? I
1113 wanted to ask you a question, but I needed the map on the screen.
1114
1115 Mrs. Wade - Your property doesn't really go back to Nettlewood.
1116
1117 Mr. Ferramosca - No. It doesn't.
1118 Ms. Dwyer - Which property is yours?
1119
1120 Mr. Ferramosca - But they've been using the rear for 50 to 60 years; going out the
1121 rear.
1122
1123 Ms. Dwyer - Is your property Lot No. 13?
1124
1125 Mr. Ferramosca - It's directly north of the property in question. Directly north of
1126 that. It's adjacent to it. It borders it. And another question I have. If the zoning is there,
1127 how many feet from my property line would that office building have to be placed? I've
1128 looked at this one and it seems like it has to be at least 20 feet. That would knock off another
1129 so many feet from the opportunity of building on it.
1130
1131 Mrs. Wade - The 20 feet was...
1132
1133 Mr. Ferramosca - From my property line if they put the office site there?
1134
1135 Mrs. Wade - I'll straighten this out in my mind here.
1136
1137 Mr. Ferramosca - I've seen two or three figures. One said 20 feet. One said 10
1138 feet, so I'm asking the question.
1139
1140 Mrs. Wade - One's the transitional buffer and one's the building setback.
1141
1142 Ms. Hunter - The building setback would be 20 feet and then there would also
1143 be a 10-foot transitional buffer, not in addition to the 20 feet, but as a part of that 20 feet.

1144
1145 Mr. Ferramosca - That's going to squeeze that office park right small.
1146
1147 Mrs. Wade - But you say you all, or somebody who owns your parcel, has
1148 access in the back across this other one for 50 years? I don't know what the legal
1149 ramifications of that are.
1150
1151 Mr. Ferramosca - Well, that's a concern, too, because its been used for years, and
1152 years and years. I'm not sure that would be grandfathered in, but it certainly has to be a
1153 consideration. No restriction would be allowed for me to come in the back of the people who
1154 are living there now.
1155
1156 Mrs. Wade - For the others on the Commission you might describe just a
1157 moment what use is being used of your property at the moment.
1158
1159 Mr. Ferramosca - I don't understand.
1160
1161 Mrs. Wade - What the use of your property is right now.
1162
1163 Mr. Ferramosca - It's a residence. It's being rented. It's been there, like I said,
1164 probably 60 years; 50 years whatever.
1165
1166 Mrs. Wade - It's a small house there now on Parham.
1167
1168 Mr. Ferramosca - Residential.
1169
1170 Mrs. Wade - Yes. Thank you.
1171
1172 Ms. Dwyer - Any other questions by Commission members?
1173
1174 Mrs. Quesinberry - I just had one. The residence on your property faces Parham? Is
1175 that correct?
1176
1177 Mr. Ferramosca - Yes. But they also use the front and rear exit.
1178
1179 Mrs. Quesinberry - If I understand you, you're not interested right now in
1180 coordinating development in this area, but are opposed to this particular development?
1181
1182 Mr. Ferramosca - I've discussed it with the people involved, but we couldn't come
1183 to any logical conclusions.
1184
1185 Mrs. Quesinberry - I'm sorry, you spoke while I was speaking and I couldn't hear the
1186 beginning of your...
1187
1188 Mr. Ferramosca - I discussed the rezoning with them, but we weren't able to reach
1189 any logical conclusion. So, I simply dropped them out.

1190
1191 Mrs. Quesinberry - So, you're opposed to the particular development from this
1192 applicant, not...
1193
1194 Mr. Ferramosca - Mainly because I don't feel the property is sufficient to put an
1195 office space on it.
1196
1197 Mrs. Quesinberry - And what do you think it is sufficient for?
1198
1199 Mr. Ferramosca - You tell me. Residence is about the only thing I can see...
1200
1201 Mrs. Quesinberry - So, you'd rather see a house on that parcel? Is that what you're
1202 saying?
1203
1204 Mr. Ferramosca - I really don't care. I just don't feel its sufficient to put an office
1205 park there—an office space. If you look at the requirements, you would think it couldn't be.
1206
1207 Mrs. Wade - I understand the problem, Mr. Ferramosca. Thank you.
1208 Mr. Vanarsdall - Did they ask you to sell your property? Did they try to buy your
1209 property?
1210
1211 Mr. Ferramosca - No, because I wasn't interested in selling it. They asked me to
1212 coordinate with them to develop it and we couldn't reach any logical conclusion. I told them I
1213 simply wasn't interested one way or the other. I'm not trying to deny them anything. I'm
1214 simply protecting my own situation. I'm also concerned that, realistically, it's not no space for
1215 an office place. I think it will impact on the area, not only my property, but the whole area in
1216 there. Right now, we own a piece of property across from that...
1217
1218 Mr. Vanarsdall - Well, in all fairness, staff doesn't support this request. You keep
1219 reading what staff says. They don't support this.
1220
1221 Mr. Ferramosca - I'm reading from the staff report that Henrico County...
1222
1223 Mr. Vanarsdall - And you'll see in there they don't support it.
1224
1225 Mr. Ferramosca - Would you like to look at this? I'm sorry. I didn't understand
1226 your question. I can't hear you too well from here.
1227
1228 Mrs. Wade - You're certainly within your rights not to use your property.
1229 Nobody would argue with that.
1230
1231 Ms. Dwyer - Any other questions by Commission members? Thank you, Mr.
1232 Ferramosca, Would the applicant like to...
1233
1234 Mrs. Wade - I don't know whether there is anybody else in opposition, but,
1235 perhaps, a spokesman from the neighborhood could shed a little light on the recent

1236 developments in this regard. You don't have to, but I know you have met with them since I
1237 have.

1238
1239 Mr. Bob Decker - I live in the Westbriar Subdivision. We have been working with
1240 the applicant on this. Not all of the situation has been brought up tonight has been brought into
1241 this conversation, especially, the one that just took place. So, it appears to me more
1242 conversations are necessary for all the people to be satisfied here. So, although, we're not
1243 opposing to the third set of proffers, which were submitted today, he said the 9th. Now, it's
1244 very important, there's a set coming, which a few of us in our subdivision agreed to. But, all
1245 the landowners also have a right to speak and make comments too, and that person is one of
1246 the landowners right near there. So, at this point, it seems to me as though more conversations
1247 are necessary to see if coordination is possible. If it's not, then the proffers that you're going
1248 to be receiving would be acceptable to a number of us, but not the whole group.

1249
1250 Mrs. Wade - We have to deal with these that we have dated the 9th, because we
1251 don't have any others.

1252
1253 Mr. Decker - We're in opposition to those on the 9th. But the understanding is,
1254 there's another set.

1255
1256 Mrs. Wade - You have progressed past this point.

1257
1258 Mr. Decker - Right. It all occurred last night. And I realize there's limits
1259 there.

1260
1261 Mr. Vanarsdall - Are you opposing the case, or are you for it?

1262
1263 Mr. Decker - We're not opposing it with the third set of proffers. Okay. But
1264 we're not trying to over rule the gentleman who just spoke who is a landowner right there. To
1265 me, his concerns are more important because he owns land right there. We're members of the
1266 subdivision behind it.

1267
1268 Mrs. Quesinberry - As you are opposed to the proffers that we're considering tonight
1269 which are the proffers dated 4/9/99?

1270
1271 Mr. Decker - But the only reason I'm saying that, I know there's a better set
1272 coming which we're not opposed to.

1273
1274 Ms. Dwyer - That's the mystery set that we don't know about, so...

1275
1276 Mr. Decker - I would like to speak for the record. The plan that was put up a
1277 few minutes ago, which showed what the neighborhood is really interested in, kind of a master
1278 plan of offices in the front and homes in the back, okay, is what we still prefer.

1279

1280 However, if we were to accept no house on that corner, we would not want that to stop or to
1281 interfere with the additional homes that could be developed later on. In other words, we don't
1282 want to change the precedent that's already been set. That's very important.

1283
1284 Ms. Dwyer - But you would be doing that with this case.

1285
1286 Mr. Decker - We would accept that one corner lot, because of some of the
1287 things that are included in the proffers that you haven't seen.

1288
1289 Mrs. Wade - And because the traffic would wrap around. It's a little
1290 different...

1291
1292 Mr. Decker - I'm kind of in a difficult position here. I can't discuss those
1293 unless you have officially accepted them.

1294
1295 Mrs. Wade - It sounds as if you have made a lot of progress. We can't get
1296 around the narrowness of the lot, so we would get to the point where we would have to decide
1297 whether to overlook that in favor of all the other values here. So, it's either deal with the case
1298 with the proffers that we have, which...

1299
1300 Ms. Dwyer - Mrs. Wade, I don't know if Mr. Condlin wanted to use his
1301 rebuttal time.

1302
1303 Mrs. Wade - Yes. That's fine with me. I was going to suggest an alternative
1304 of deferral to him, but...\

1305
1306 Ms. Dwyer - Okay. I thought you were making a motion.

1307
1308 Mrs. Wade - No. I hadn't started the motion.

1309
1310 Mr. Condlin - Again, a couple of points in response. As to the 100 foot versus
1311 95 foot, I would propose, tonight, that we're not putting in a non-conforming use. There's
1312 nothing on this property currently. If you zone it to Office and we don't get the variance,
1313 nothing happens on this property. It's Office, if approved, and it's up to us to convince the
1314 BZA. We're not asking for a change in the Code, tonight. We're asking if this is deemed
1315 appropriate for office use. We don't have a current house in there. We're not creating a legal
1316 non-conforming use. Any construction to occur on there would have to get the BZA approval,
1317 if it is only 95 feet at that point.

1318
1319 With respect to the rear access, there is nothing to prevent Mr. Ferramosca from gaining rear
1320 access from the property next door to him. He's already stated he's currently using rear access
1321 on a little piece that's right behind him that's not owned by the current owners, apparently,
1322 that he's using currently.

1323
1324 The case, tonight, would not prevent a coordinated fashion. The problem is, I'm going to let
1325 Larry Shaia, who is here tonight, since they brought it up to discuss, about the specifics of

1326 what they've offered to try to get a coordinated fashion. The conclusion is, we feel like we're
1327 being handcuffed by the inability to do anything now or in the future. There's no timeframe
1328 given, and they wanted to develop all this property together. Yet, they can't get the critical
1329 middle piece. I've done cases before where we've tried to zone around the middle piece, and,
1330 quite frankly, that's not the best case scenario either. So, that's why we came in, tonight, with
1331 this particular case. And I'd like Larry to speak to the...

1332
1333 Mrs. Wade - Well, we understand that situation.

1334
1335 Mr. Condlin - But I'd like Larry to speak to, you know, the discussions with
1336 Mr. Ferramosca as to what's been offered, if I may, as part of my rebuttal time.

1337
1338 Mrs. Wade - How much longer has he got?

1339
1340 Mr. Condlin - How much time?

1341
1342 Ms. Dwyer - One minute and 50 seconds.

1343
1344 Mr. Lawrence Shaia - Thank you. Madam Chair, members of the Planning
1345 Commission, with all due respect Ittalo Ferramosca, his wife, Gloria, his son, Paul, have been
1346 neighbors of ours for close to 20 years. So, you know, we know them well, and they just
1347 happen to own the parcel next to us.

1348
1349 Mrs. Wade - And you are?

1350
1351 Mr. Shaia - My name is Lawrence Shaia and I'm a member of the F&P, LC.
1352 When we purchased the property, we didn't feel like there would be any doubt that we would
1353 be able to work things out with Mr. Ferramosca, but he does have different views on this
1354 property. And, that's certainly what he's entitled to. But, I did want to point out three or four
1355 things that we did offer to him.

1356
1357 At first we offered to purchase the property out right from him. He stated to you all that he
1358 had no interest in selling his property. We then asked him if he would enjoin us with - come
1359 with us and join in the rezoning. Again, he said, no. He didn't want to do that. We actually
1360 gave him several proposals on how the buildings could be laid out on three different pieces of
1361 property and all that. And he was not interested in that. We also offered a perpetual 50-year
1362 lease to lease his property. He said he was happy with the lease that he had. We said we
1363 would be happy to lease it for 50 years. He would have a 50-year lease. We'll rezone the
1364 property. We'll put the building on it. We'll do everything. You'll still get your rent money.
1365 Again, he was not interested in that. And, finally, we offered a land swap. We would give
1366 him part of our property and he would give us a part of his property, in order to make all of
1367 this work. That didn't work out. The ratios weren't quite favorable for either us and so he
1368 wanted a little bit more. He didn't want to give as much. So, that didn't work out also.

1369
1370 Again, I just want to state to the Planning Commission that we did everything we could to
1371 work with him. And, again, with the people here, we've done everything and worked with

1372 them, even meeting with them last night, again, as Mr. Decker has stated. We will be coming
1373 forth with additional proffers, and, hopefully, that will be between now and, hopefully, the
1374 Board of Supervisors would be able to see that. And, I know that you can't address that, but
1375 just wanted to let you know that was happening. That's our commitment to them.

1376
1377 Ms. Dwyer - Thank you, sir.

1378
1379 Mr. Vanarsdall - I have a question. You say, you didn't know that you couldn't
1380 develop the property before you bought it, or before you went forward with the case?

1381
1382 Mr. Shaia - No sir. We knew that we would have to get a BZA if we were to
1383 develop just this single property.

1384
1385 Mr. Vanarsdall - You knew that?

1386
1387 Mr. Shaia - Yes sir.

1388
1389 Mr. Vanarsdall - Did you have an original meeting with Ms. Hunter when she told
1390 you all the pitfalls of the case?

1391
1392 Mr. Shaia - Oh sure. Yeah. We're under that understanding. We're willing
1393 to take that risk. We just feel...

1394 Mr. Vanarsdall - You know the risks?

1395
1396 Mr. Shaia - Yes sir.

1397
1398 Mr. Vanarsdall - Okay. Thank you.

1399
1400 Mr. Shaia - With any development, there's always risks.

1401
1402 Mr. Vanarsdall - Thank you. I don't have any more questions.

1403
1404 Ms. Dwyer - Are there any questions by Commission members? Thank you.
1405 Ready for a motion.

1406
1407 Mrs. Wade - I assume since you don't have a building plan, you don't have a
1408 customer in mind here, I realize the cleanest way to handle this would be to defer it and get the
1409 new proffers in, and then, if everything is agreeable, and apparently, the neighbors who feel
1410 comfortable with the latest proffers you all of have discussed, but which we can't accept,
1411 tonight. And, then, of course, we would have to decide whether we thought all the advantages
1412 were worth the variance that you would have to acquire as far as the general overall
1413 development of that area is concerned. As staff said, ideally, and as everybody else said,
1414 except Mr. Ferramosca, it would be best if they were all done together, but the other property
1415 owners aren't ready to do that yet. But with the current proffers, and the gaps that are in here,
1416 tonight, I don't feel as though I can recommend it to the Board. Now, I don't know if you
1417 want to go with that possibility, or defer it until next month.

1418
1419 Mr. Condlin - My clients have requested, and its your right, of course, to
1420 always make a deferral at your motion, but they don't want to make that motion, tonight, on
1421 their behalf. They'd either like the case be considered tonight for recommendation to the
1422 Board of Supervisors or, of course, it's always up to you if you want to defer it.
1423
1424 Mrs. Wade - Okay. Yeah. Well, I may have to do that, because I really
1425 rather have all the information that's out there before making a decision. So, I move,
1426 therefore, then it we defer Case C-25C-99 be deferred to the 13th of May.
1427
1428 Mr. Vanarsdall seconded the motion.
1429
1430 Mrs. Wade - And we'll have a busy night, but everyone doesn't need to come
1431 back, unless they want to.
1432 Ms. Dwyer - Motion by Mrs. Wade to defer this case to May 13th, seconded by
1433 Mr. Vanarsdall. All those in favor say aye—all those opposed by say nay. The vote is 5-0
1434 (Mr. Donati absent). The motion is carried.
1435
1436 Mrs. Wade - We thank all of you who are working on it.
1437
1438 Ms. Dwyer - Mr. Merrithew, perhaps, we could go over the 8:00 o'clock
1439 deferrals while we're readjusting our audience.
1440
1441 Mr. Merrithew - Thank you, Madam Chairman. On the 8:00 O'clock agenda this
1442 evening, we're still in the Three Chopt District.
1443
1444 **C-31C-99** James W. Theobald for Duma & Associates, L. C.: Request to
1445 conditionally rezone from A-1 Agricultural District and O-3C Office District (Conditional) to
1446 R-5AC General Residence District (Conditional), Parcel 20-A-29A, containing 35.184 acres,
1447 located at the northwest intersection of Staples Mill Road (State Route 33) and Springfield
1448 Road and the south side of Old Springfield Road. Residences for seniors are proposed. The
1449 applicant has proffered a minimum lot size of 6,500 square feet. The Land Use Plan
1450 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
1451
1452 Mr. Merrithew - They have a requested a deferral to May 13, 1999.
1453
1454 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of C-
1455 31C-99 Duma & Associates? No opposition to the deferral. Mrs. Wade.
1456
1457 Mrs. Wade - Okay. I think I'm going on a cruise next month. I move C-31C-
1458 99 be deferred at the 13th of May at the applicant's request.
1459
1460 Mr. Vanarsdall seconded the motion.
1461
1462 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1463 those in favor say aye—all those opposed by saying nay, (Mr. Donati absent).

1464
1465 Mr. Merrithew - Thank you. The next case C-32C-99.
1466
1467 **C-32C-99** James W. Theobald for Duma & Associates, L. C.: Request to
1468 conditionally rezone from A-1 Agricultural District and R-2C One Family Residence District
1469 (Conditional) to R-2AC One Family Residence District (Conditional), Parcel 20-A-12 and part of
1470 Parcels 20-A-14 and 14NR, containing approximately 30.311 acres, located at the southwest
1471 intersection of I-295 and Staples Mill Road (State Route 33). Single family subdivision is
1472 proposed. The R-2A District requires a minimum lot size of 13,500 square feet. The Land Use
1473 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and
1474 Environmental Protection Area.
1475
1476 Mr. Merrithew - They also have a requested a deferral to May 13, 1999.
1477 Ms. Dwyer - Any opposition in the audience to the deferral of C-32C-99 Duma
1478 & Associates? No opposition. Ready for a motion.
1479
1480 Mrs. Wade - I move C-32C-99 be deferred to the 13th of May at the applicant's
1481 request.
1482
1483 Mr. Vanarsdall seconded the motion.
1484
1485 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1486 those in favor say aye—all those opposed by saying nay, (Mr. Donati absent). The motion
1487 carries.
1488
1489 Mr. Merrithew - Thank you. The next case, C-33C-99:
1490
1491 **C-33C-99** James W. Theobald for Robert P. Bain: Request to conditionally
1492 rezone from A-1 Agricultural District and C-1 Conservation District to R-2AC One Family
1493 Residence District (Conditional), Parcel 20-A-15, containing 28.71 acres, located at the
1494 northwest intersection of Springfield Road and Old Springfield Road. Single family subdivision
1495 is proposed. The applicant has proffered a minimum lot size of 18,000 square feet for lots
1496 abutting Springfield Road. The R-2A District requires a minimum lot size of 13,500 square feet.
1497 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre
1498 and Environmental Protection Area.
1499
1500 Mr. Merrithew - They also have a requested a deferral to May 13, 1999.
1501
1502 Ms. Dwyer - Any one in the audience in opposition to the deferral of Case C-
1503 33C-99 Robert Bain? No opposition.
1504
1505 Mrs. Wade - These three cases are, basically, adjacent. Although, separate,
1506 but there are certain links that need to be considered together. They are not unrelated. I move
1507 C-33C-99 be deferred to the 13th of May at the applicant's request.
1508
1509 Mr. Vanarsdall seconded the motion.

1510
1511 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1512 those in favor of the deferral, say aye—all those opposed by saying nay, (Mr. Donati absent).
1513 The motion carries.
1514
1515 Mr. Merrithew - Thank you, Madam Chairman. The next deferrals are all of Page
1516 4.
1517
1518 **C-34C-99 Jay M. Weinberg for Dongil Associates, LLC:** Request to
1519 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
1520 (Conditional), part of Parcel 46-A-19, containing approximately 14.829 acres, located at the
1521 southeast intersection of Three Chopt and Pump Roads. Condominiums and/or townhouses
1522 and/or assisted living facility are proposed. The applicant has proffered a maximum density of
1523 nine units per acre for townhouses and 12 units per acre for condominiums. The Land Use
1524 Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
1525
1526 Mr. Merrithew - They also have a requested a deferral to May 13, 1999.
1527
1528 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
1529 Case C-34C-99 Dongil Associates? No opposition to the deferral. Ready for a motion.
1530
1531 Mrs. Wade - Did they indicate that's long enough?
1532
1533 Mr. Merrithew - I have not had any discussions with the applicant.
1534
1535 Mrs. Wade - I move Case C-34C-99 be deferred to the 13th of May at the
1536 applicant's request.
1537
1538 Mr. Vanarsdall seconded the motion.
1539
1540 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1541 those in favor of the deferral say aye—all those opposed by saying nay, (Mr. Donati absent).
1542 The motion carries.
1543
1544 Mrs. Wade - The neighbors, I gather, are aware of this?
1545
1546 Ms. Dwyer - Motion for deferral carries.
1547
1548 Mr. Merrithew - Thank you. The next case, C-81C-98:
1549
1550 **C-81C-98 (Revised) Jay M. Weinberg for Buckley Shuler Properties:** Request to
1551 conditionally rezone from A-1 Agricultural District and B-3 Business District to B-2C Business
1552 District (Conditional) part of Parcels 46-A-19 and 19A, containing approximately 27.75 acres.
1553 Two shopping centers are proposed. One would be located on the west side of John Rolfe
1554 Parkway between W. Broad Street and realigned Three Chopt Road and the other would be
1555 located on the north side of realigned Three Chopt Road between Pump Road and John Rolfe

1556 Parkway. The uses will be controlled by proffered conditions and zoning ordinance
1557 regulations. The Land Use Plan recommends Commercial Concentration and Office
1558 development. The site is also in the W. Broad Street Overlay District.

1559
1560 Mr. Merrithew - They have requested a deferral to May 13, 1999.

1561
1562 Ms. Dwyer - Any one in the audience in opposition to the deferral of Case C-
1563 81C-98 Buckley Shuler Properties? No opposition to the deferral.

1564
1565 Mrs. Wade - I move Case C-81C-98 be deferred to the 13th of May at the
1566 applicant's request.

1567 Mr. Vanarsdall seconded the motion.

1568
1569 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1570 those in favor of the deferral say aye—all those opposed by saying nay, (Mr. Donati absent).
1571 The motion carries.

1572
1573 Mr. Merrithew - Thank you. The next case in the Varina District C-73C-98:

1574
1575 **Deferred from the February 11, 1999 Meeting:**
1576 **C-73C-98 James W. Theobald for W. A. Robins, et al, Redford 131, L.C.,**
1577 **Edward M. Luck, Gerald A. Crigger:** Request to conditionally rezone from A-1 Agricultural
1578 District to R-3AC One Family Residence District (Conditional) Parcels 197-A-21A, 21B
1579 (part), 21C and 22 (part), Parcels 197-1-1-6 (part), 7 and 7A, and Parcels 197-4-A-1, 2 and 3,
1580 containing 58.214 acres, located on the north line of Portugee Road (beginning in the Capes of
1581 Portugee subdivision) approximately 280' east of the intersection of Portugee Road and
1582 Memorial Drive and on the east line of Memorial Drive (beginning in the Gaulding and Orange
1583 subdivision) approximately 1890' north of the intersection of Portugee Road and Memorial
1584 Drive. A zero lot line single family residential subdivision is proposed. The applicant has
1585 proffered a maximum density of 2.8 units per acre. The Land Use Plan recommends Rural
1586 Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area.
1587 The site is also in the Airport Safety Overlay District.

1588
1589 They have requested a deferral until September 9, 1999. September 9, 1999.

1590
1591 Ms. Dwyer - Mr. Merrithew, what is the status of the study of the
1592 Williamsburg Road corridor?

1593
1594 Mr. Merrithew - The study is currently in a review phase. We had comments
1595 from Commissioners and from Board members and the administration and are now going back
1596 and reworking some of the issues that came up in those discussions. I don't have a time line.
1597 We did have to delay our town meeting because of some changes we expect to make to the
1598 study. I, unfortunately, cannot tell you a timeline at this point for coming back to you.

1599
1600 Mrs. Wade - Till when do they want to defer?

1601

1602 Mr. Merrithew - I'm sorry. They wanted a deferral until September 9, 1999.
1603
1604 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
1605 Case C-73C-98 W. A. Robins and Redford 131, L.C. No opposition to the deferral.
1606
1607 Mrs. Quesinberry - Are you ready, Mr. Theobald? Just kidding. I just wanted to see
1608 if you were awake. I move deferral of Case C-73C-98, at the applicant's request, to
1609 September 9th.
1610
1611 Mr. Vanarsdall seconded the motion.
1612 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
1613 All those in favor of the deferral say aye—all those opposed by saying nay, (Mr. Donati
1614 absent). The motion carries.
1615
1616 Mr. Merrithew - Thank you, Madam Chairman. That's the last of the deferrals this
1617 evening.
1618
1619 **Deferred from the March 11, 1999 Meeting:**
1620 **C-83C-98 Scott Stolte for Lifestyle Homes of Four Mile Run, L.L.C.:**
1621 Request to conditionally rezone from R-2AC One Family Residence District (Conditional) to
1622 R-3AC One Family Residence District (Conditional), Parcels 238-2-A-22 to 24, being part of
1623 Four Mile Run Subdivision Section A, Parcels 227-5-D-28, 29 and 100; 227-2-E-2 to 5 and
1624 100; 238-2-C-12 to 34; 238-2-D-1 to 27; 238-2-E-1; and 238-2-G-1 to 23, being Four Mile
1625 Run Subdivision, Section B; part of Parcel 238-A-31 and Parcel 238-A-38, containing
1626 approximately 89.00 acres, located approximately 550' east of the intersection of New Market
1627 Road (State Route 5) and Doran Road. A single family subdivision is proposed. The applicant
1628 has proffered the development shall not contain more than 432 dwellings. The Land Use Plan
1629 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
1630 Protection Area. The site is also in the Airport Safety Overlay District.
1631
1632 C-83C-98 Scott Stolte for Lifestyle Homes of Four Mile Run has been withdrawn by the
1633 applicant. Thank you.
1634
1635 Ms. Dwyer - No action required. Thank you, Mr. Merrithew.
1636
1637 Ms. Dwyer - How does the agenda look for next month, Mr. Silber?
1638
1639 Mr. Silber - New cases, Mr. Merrithew knows. About seven or eight?
1640
1641 Mr. Merrithew - I'm sorry. The number of new cases?
1642
1643 Ms. Dwyer - For May.
1644
1645 Mr. Merrithew - I believe we had six new cases come in for May, plus we had
1646 four bumped. So, we're starting with 10, plus about 3,000 that you deferred tonight.
1647

1648 Mrs. Wade - They're going to be all ready.
1649
1650 Mr. Merrithew - I expect we're at about 22 or 23, if I get the corrected numbers.
1651
1652 Ms. Dwyer - All right. Thank you.
1653
1654 **C-27C-99 Glenn R. Moore for The Innsbrook Corporation: Request to**
1655 **conditionally rezone from A-1 Agricultural District to O-3C Office District (Conditional),**
1656 **Parcels 37-A-41, 47, 48, 52, 52A and 53, described as follows:**
1657 **Commencing at a point on the north line of Innslake Drive, said point being the intersection of**
1658 **the north line Innslake Drive extended with the west line of Dominion Boulevard extended,**
1659 **thence in a northerly direction along the west line of Dominion Boulevard for a distance of**
1660 **791.5 feet to a point, thence N 45 degrees 07 minutes 58 seconds West for a distance of 48.2**
1661 **feet to the "point of beginning". Thence North 45 degrees 07 minutes 58 seconds west for a**
1662 **distance of 454.11 feet to a point; thence South 42 degrees 05 minutes 09 seconds West for a**
1663 **distance of 328.29 feet to a point; thence North 57 degrees 16 minutes 02 seconds West for a**
1664 **distance of 572.91 feet to a point; thence along the south line of Sadler Road through a curve**
1665 **to the left having a radius of 382.99 feet and an arc length of 103.05 feet, being subtended by a**
1666 **chord of North 52 degrees 17 minutes 18 seconds East for a distance of 102.74 feet to a point;**
1667 **thence North 37 degrees 06 minutes 24 seconds East for a distance of 173.22 feet to a point;**
1668 **thence along a curve to the left having a radius of 1043.10 feet and an arc length of 382.29**
1669 **feet, being subtended by a chord of North 26 degrees 36 minutes 26 seconds east for a distance**
1670 **of 380.16 feet to a point; thence North 16 degrees 06 minutes 28 seconds East for a distance of**
1671 **115.09 feet to a point; thence along a curve to the right having a radius of 365.20 feet and an**
1672 **arc length of 105.02 feet, being subtended by a chord of North 24 degrees 20 minutes 46**
1673 **seconds East for a distance of 104.66 feet to a point; thence North 32 degrees 35 minutes 04**
1674 **seconds East for a distance of 286.86 feet to a point; thence along a curve to the left having a**
1675 **radius of 263.75 feet and an arc length of 15.17 feet, being subtended by a chord of North 30**
1676 **degrees 56 minutes 11 seconds east for a distance of 15.17 feet to a point; thence leaving the**
1677 **South line of Sadler Road North 32 degrees 55 seconds 30 seconds East for a distance of**
1678 **125.47 feet to a point; thence South 41 degrees 26 minutes 11 seconds East for a distance of**
1679 **702.03 feet to a point; thence South 46 degrees 53 minutes 31 seconds West for a distance of**
1680 **425.73 feet to a point; thence South 40 degrees 01 minutes 05 seconds east for a distance of**
1681 **527.20 feet to a point; thence South 25 degrees 36 minutes 49 seconds West for a distance of**
1682 **302.04 feet to the point of beginning; said property containing 19.4 acres more or less and**
1683 **being all of parcels 37-0A-41,47,48,52,52A and 53 as shown on Henrico County Property**
1684 **Identification Map. together with and subject to all covenants, easements and restrictions of**
1685 **record.**
1686
1687 Mr. Marlles - The staff presentation will be by Ms. Jo Ann Hunter.
1688
1689 Ms. Dwyer - Is there any one in the audience in opposition to Case C-27C-99
1690 Innsbrook Corp.? We have opposition. We'll hear from you in a moment, sir. Good
1691 evening.
1692

1693 Ms. Jo Ann Hunter - Good evening. Office development is proposed for 19.4 acres.
1694 The requested rezoning will allow for the expansion of existing office development in the
1695 Innsbrook Corporate Center. Office development on the property would be subject to
1696 protective covenants of Innsbrook. The 2010 Land Use Plan does designate this property for
1697 Suburban Residential. Although the 2010 Land Use Plan is for Suburban Residential, this
1698 property could be the logical extension of office development. It's the last piece of property
1699 that has access off of Dominion Boulevard, a public road, serving commercial development in
1700 Innsbrook. The staff believes it should be the last extension of Office development, and no
1701 office development should be extended past Thorncroft Drive.

1702 The applicant has proffered a 50-foot buffer along the road in order to protect some of the
1703 residences. The revised proffers that have been handed out to you this evening include the
1704 addition of a berm within the buffer area along Sadler Road, if determined it is necessary at the
1705 time of POD.

1706
1707 The existing buffer along Sadler here (referring to slide) that screens First Union development
1708 is a combination of buffer and heavy berms, and it's a very effective buffer for the residences
1709 along Sadler Road.

1710
1711 The applicant has also proffered a 30-foot buffer along this boundary of the property (referring
1712 to slide), and the staff is recommending that buffer to be increased to 50 feet and have the
1713 same characteristics as the buffer and berm on Sadler Road.

1714
1715 The revised proffers that have been handed out to you this evening also include that no
1716 buildings would be located within 200 feet of the existing Sadler Road boundary. Other
1717 proffers submitted with this case are consistent with cases submitted in the Innsbrook area and
1718 include access restrictions to Sadler Road; architectural treatment; site coverage; underground
1719 utilities; screening for HVAC equipment; and irrigation for landscaped areas.

1720
1721 These proffers, and the restrictive covenants, should assure that this project will have the same
1722 quality features of other developments in Innsbrook. Submitted proffers should also provide
1723 protection to the residents along Sadler Road. Staff supports this proposal. I'd be happy to
1724 answer any questions.

1725
1726 Ms. Dwyer - Any questions for Ms. Hunter? Ms. Hunter, in your staff report,
1727 I think you recommended a 50-foot buffer along the northeastern boundary which is, presently,
1728 I guess being used for residential purposes, but zoned A-1?

1729
1730 Ms. Hunter - Right. Along this boundary there (referring to slide). The
1731 applicant has proffered a 30-foot buffer.

1732
1733 Ms. Dwyer - And you recommend 50 feet?

1734
1735 Ms. Hunter - Correct.

1736
1737 Ms. Dwyer - Would you also recommend a berm along that boundary line?
1738

1739 Ms. Hunter - What we recommended is that it be treated in the same manner
1740 that they treat the Sadler Road buffer.

1741
1742 Ms. Dwyer - Thank you. Any other questions for Ms. Hunter? We'll hear
1743 from the applicant.

1744
1745 Mr. Glenn Moore - Ms. Dwyer, members of the Commission, my name is Glenn
1746 Moore. Can you all hear me all right?

1747 Mrs. Wade - We can.

1748
1749 Mr. Moore - My name is Glenn Moore. I'm an attorney. I'm here this
1750 evening on behalf of the Innsbrook Corporation, which is the applicant in this rezoning case.
1751 Also, with me, tonight, are a number of people associated and do work with this in connection
1752 with First Union Bank, which will be a principal user of this property if it is rezoned.

1753
1754 Ms. Dwyer - Mr. Moore, excuse me. Would you like to reserve...

1755
1756 Mr. Moore - I'd like to reserve two minutes, please.

1757
1758 Ms. Dwyer - Two minutes?

1759
1760 Mr. Moore - Yes. I'd like to acknowledge the presence of Mr. Chip Miller,
1761 who came up from Charlotte; First Union; Ashley Pierce, who is a consultant for First Union
1762 in connection with the development of this project; Mike Benning, an architect from Tampa
1763 who has been involved with the site layout and also the architectural planning for the
1764 improvements on the property; Mr. Spud Mistr, whom I think you know, is the engineer for
1765 the project; Sidney Gunst, President of the Innsbrook Corporation, Dexter Williams, who has
1766 been involved in traffic planning, and Ann Vaughan in my office has also been involved in
1767 working on this case.

1768
1769 If the property is rezoned as requested, First Union plans to acquire approximately 13 of the
1770 19.5 acres to establish a mid-Atlantic region operations center in Henrico County, capable of
1771 accommodating First Union's anticipated growth in our area for the next five to ten years. The
1772 northernmost 6.25 acres of the property is planned to be acquired by Highwoods for future
1773 development.

1774
1775 I'm going to turn now to the site plan we'll try to get on the screen. What you see on the
1776 screen, all of the development area that you see on the screen is already zoned. It's not all
1777 developed, but it is already zoned. The part that we're talking about rezoning is the green area
1778 on the right hand side (the light green area that's just below Sadler Road). First Union
1779 currently has 330,000 square feet of operation facility in Innsbrook. You can see the darker
1780 brown area on the site plan is its existing facility.

1781
1782 Their current plans are to build a 195,000 square foot addition (the lighter brown areas) on
1783 their existing owned and zoned land to accommodate its current need for expansion of its

1784 operation facilities. However, they need a site, which will accommodate its needs for a major
1785 operations center in the Mid-Atlantic area for the next five to ten years.

1786
1787 So, consequently, it is very important that the light green area to the north or right hand side of
1788 the concept plan is rezoned as requested to anticipate those future needs. First Union does not
1789 want to move forward, and will not move forward with the establishment of a Mid-Atlantic
1790 operation center in Henrico County or any locality, for that matter, unless it has zoning in
1791 place to allow its operation to expand for the foreseeable future. Approval of this request will
1792 provide that assurance to First Union that it will be able to expand the Innsbrook Corporate
1793 Center.

1794
1795 The 195,000 square foot addition represents a significant commitment, by itself, in Henrico
1796 County. It can accommodate up to an estimated 975 employees in a letter that was written to
1797 the County by First Union. That figure was set forth in that letter.

1798
1799 So, consequently, where we've had some situations where jobs have been reduced by First
1800 Union in the Richmond Metropolitan Area, the establishment of a major Mid-Atlantic
1801 operations center at this location—Innsbrook, will more than make up for the jobs which have
1802 been lost in our area.

1803
1804 I would like to point out that First Union has worked diligently with Mr. Gunst of the
1805 Innsbrook Corporation and its architects and engineers to assure that the establishment of this
1806 major operations center can be accomplished in accordance with the strict development
1807 standards of Innsbrook, and in a manner which will have minimal impact on area residents.

1808
1809 The proffered conditions submitted, as a part of the request, are consistent with the proffers in
1810 place with respect to First Union's currently owned property, and, in some instances, at least,
1811 in particularly one instance, establish more restrictive development standards. And that is the
1812 addition of the 200-foot building setback from Sadler Road. It's not a condition that exists
1813 with respect to the existing property. However, the development plan that you see, does
1814 incorporate that concept.

1815
1816 Since all the property will be developed as a part of Innsbrook and will come under the terms
1817 of the Innsbrook protective covenants, accordingly, and, in addition, to having Plan of
1818 Development approval for the development of the property, the plans of development will be
1819 scrutinized by the Innsbrook Architectural Control Committee.

1820
1821 In order to protect the neighborhood a very important proffer that we continued with this land,
1822 as we have with the already zoned land, is that there will be no direct access between the
1823 property and Sadler Road. Consequently, all traffic from the property will be directed away
1824 from the residential to the areas to the west and north of the property and onto Dominion
1825 Boulevard.

1826
1827 I would like to point out, I think that residential development of this property, as recommended
1828 by the Master Plan, would probably put more traffic on Sadler Road than this development
1829 would.

1830
1831 The 50-foot landscape buffer will be continued along Sadler Road. With respect to the berm,
1832 we have committed that, if a berm is determined to be necessary, and when I say, "going to be
1833 necessary," I mean by the County of Henrico, either the Planners or the Planning Commission,
1834 not the developer, of course. I'm sure the developer will take a position with respect to that.
1835 But, ultimately, this Commission will determine whether or not a berm and what sort of berm
1836 would be desirable in that buffer. There's some pros and cons on that berm. The berm has
1837 generally proven to be a nice addition to the buffer area, but there are some people that aren't
1838 that crazy about it.

1839
1840 To further protect the area residents, as I've stated, we specified that no building will be
1841 constructed within 200 feet of Sadler Road. And, as is true throughout all Innsbrook, all
1842 buildings will be constructed of finished architectural material. And, we also will continue to
1843 adhere to the site coverage ratios for Office development within Innsbrook, in connection with
1844 development on this property.

1845
1846 We also have determined that the Innsbrook lakes have sufficient capacity to handle stormwater
1847 from development on the property, and that will eliminate the need for addition detention
1848 facilities.

1849
1850 There are a number of obvious benefits to the County for approving this request to allow First
1851 Union to establish a major operation's center in Innsbrook. First Union currently pays over
1852 \$280,000 a year in real estate taxes, with respect to its existing facility. We would anticipate
1853 that with the construction of the new improvements in just Phase 1, alone, will be an excess of
1854 an additional \$140,000 a year in tax revenue to the County; thereby, a total of \$400,000 a year
1855 from this acreage that's already zoned. And, I might add, that these revenues are generated
1856 with virtually no demand on County services. The additional employees will spend money in
1857 Henrico County; thereby, generating more jobs and additional sales tax revenues.

1858
1859 As you all are very aware, one of the Goals of the County's Comprehensive Plan is to
1860 encourage large tract, mixed-use development. Approval of this request will allow one of the
1861 most successful large tract mixed use developments in the Commonwealth of Virginia—
1862 Innsbrook, to be expanded in a quality manner which will benefit all concerned.

1863
1864 With the loss of bank headquarters in the Richmond area, I believe it is a significant
1865 accomplishment for Innsbrook and Henrico County to attract a major mid-Atlantic operations
1866 center for a national bank such as First Union.

1867
1868 Accordingly, we would submit that all the jurisdictional prerequisites for this Commission to
1869 recommend approval of this case to the Board of Supervisors are satisfied and we ask that you
1870 take that action and recommend the case to the Board for approval, subject to proffered
1871 conditions. I'll be happy to answer any questions Commission members may have.

1872
1873 Ms. Dwyer - Thank you, Mr. Moore. Any questions?
1874

1875 Mrs. Wade - I hadn't thought to ask you this before, is a power line along
1876 Sadler adjacent to this parcel? Do you know where that is?
1877
1878 Mr. Moore - I do not.
1879
1880 Mrs. Wade - ...to interfere with the buffer? It runs along here and takes up a
1881 big block along the road and then it crosses over when it gets a little further north, whether
1882 that would interfere with the...
1883
1884 Mr. Moore - I'd have to look into that, Mrs. Wade. I don't know. One thing
1885 you did ask me about and I meant to say about, I don't know the answer to your question. We
1886 can try to find it out, hopefully, between now and when the Board considers this case. But, I
1887 do want to comment on a question you did ask me about the width of the buffer.
1888
1889 We've proffered 50 feet, and that would be 50 feet from the existing right-of-way line of
1890 Sadler Road, which is consistent with the buffer that we have on the property that's already
1891 owned by First Union and currently zoned. However, in talking to the architect, we believe
1892 that we have room, that if we had to dedicate 10 more feet, or something like that, for the
1893 widening of the road, that we can still maintain that 50-foot buffer. So, in effect, we believe
1894 we can do 50 feet from the new right of way if its only 10 feet. That's what we don't know
1895 the answer to, though. We don't know where Sadler Road, how it's going to be widen, and
1896 exactly where the widening is going to be. We can't commit in the proffer, to say, "The 50-
1897 feet will be from the new right-of-way line." However, I am representing for the record,
1898 tonight, we will try to achieve that 50-foot buffer, even with dedication of right of way, which
1899 we feel confident that if the right-of-way dedication is approximately 10 feet, that we can
1900 achieve that 50-foot buffer. Maybe that will help. I don't know if that addresses your question
1901 about the power line easement. It should help with your concern about the width of the buffer.
1902
1903 Ms. Dwyer - Could you proffer that there'd be a 50-foot buffer, plus, an up to,
1904 10 feet dedicated to the right of way?
1905
1906 Mr. Moore - Yes. We can do that. I can amend the proffer between now and
1907 when the Board takes action to accomplish that.
1908
1909 Mr. Silber - It might be easier, Mr. Moore, just to proffer that it would be 60
1910 feet from the existing right of way.
1911
1912 Mr. Moore - Okay. Well, I think we can work that out. I understand the
1913 concept.
1914
1915 Mrs. Wade - Now, are we talking buffer, or are we talking road dedication,
1916 though, here?
1917
1918 Mr. Silber - I think we're talking about buffer, but I think that would be one
1919 way of accomplishing that.
1920

1921 Ms. Dwyer - Right. If there's a 60-foot buffer, well, then they couldn't use it.
1922
1923 Mrs. Wade - I don't know what the eventual Sadler Road width is.
1924
1925 Mr. Moore - Can I get Mr. Mistr to comment on that, maybe?
1926
1927 Mr. Mistr - I'm Spud Mistr with Foster & Miller. To proffer right-of-way
1928 dedication, in addition to the buffer is directly in conflict with the agreement we had on the
1929 original First Union or Signet Bank Headquarters at the time. And the letters that Harvey
1930 Hinson wrote to Signet Bank saying that any right-of-way dedication requested by the County
1931 would be placed in the buffer, and the buffer would not have to be extended additionally to
1932 accommodate the right of way. And that was from July 14, 1994.
1933
1934 Ms. Dwyer - So, if they need 20 feet, that means the berm would come down,
1935 right?
1936
1937 Mr. Mistr - The right-of-way alignment along the existing property has
1938 already been set. I don't believe that affects the berm.
1939
1940 Ms. Dwyer - How about along this property?
1941
1942 Mr. Mistr - I haven't seen a right-of-way alignment for this property. But, I
1943 would expect it would be 10 feet, at the most, based on what's happened along the existing
1944 frontage.
1945
1946 Ms. Dwyer - In any event, was the applicant willing to proffer a 60-foot
1947 buffer, acknowledging that the right of way would encroach upon that, potentially?
1948
1949 Mr. Mistr - Yes. That would be fine.
1950
1951 Mr. Moore - What we would like to do, Ms. Dwyer, is to say that we will
1952 have a 50-foot buffer, provided we are not required to dedicate any more than 10 feet. So, if
1953 we're only required to have 5 feet dedicated, then its going to be 55 feet from the existing line.
1954
1955 Ms. Dwyer - You mean, a 60-foot buffer provided...
1956
1957 Mr. Moore - No. We will adhere to a 50-foot buffer, provided we're not
1958 asked to dedicate any more than 10 feet.
1959
1960 Ms. Dwyer - Outside of the buffer, you mean?
1961
1962 Mr. Moore - Yes.
1963
1964 Ms. Dwyer - Dedicate right of way outside?
1965

1966 Mr. Moore - Right. If we have to dedicate 15 feet, it will end up being a 45
1967 foot buffer. If we only dedicate 5 feet, it may be 55 feet.
1968
1969 Ms. Dwyer - Well, maybe we need to talk about that one some more.
1970 Mrs. Wade - Of course, this is the first I've heard of the 1994 letter. And this
1971 may be something you may have to work out before the Board.
1972
1973 Mr. Mistr - Oh, absolutely.
1974
1975 Mr. Moore - We can do that. It's a little bit of an unusual concept.
1976
1977 Mrs. Wade - What is the big gray area behind the building, a potential deck?
1978
1979 Mr. Moore - Yes. And it's labeled that way on the plan.
1980
1981 Mrs. Wade - Well, it didn't show. It's off the edge here.
1982
1983 Mr. Moore - I'm sorry.
1984
1985 Mrs. Wade - Now, is the picture an accurate depiction of the landscaping on
1986 the site, currently?
1987
1988 Mr. Moore - I think, actually, there's some parking where that landscaping is.
1989
1990 Mrs. Wade - Oh. You think so.
1991
1992 Mr. Moore - It's fairly extensive landscaping there, though.
1993
1994 Mrs. Wade - I guess I haven't been out there since the leaves came on the
1995 trees.
1996
1997 But, really, about the power line that could interfere with the buffer there. There is one area
1998 down in the lower part of the curve there that the landscaping screening currently is a little
1999 skimpy, so in the overall picture you might want to re-look at that.
2000
2001 Mr. Moore - I mean, that's something that will be revisited at the time of Plan
2002 of Development. I mean...
2003
2004 Mrs. Wade - No. The current one I'm talking about.
2005
2006 Mr. Moore - Well, if they come back for Phase 1, they have to amend that
2007 POD and would give you an opportunity to revisit that.
2008
2009 Mrs. Wade - I haven't heard anything. There's a house across the street. I
2010 haven't heard anything from them, actually. Okay, so you're going to work on the 10 and the
2011 50, whatever, between now and the Board, because they have some kind of understanding

2012 about that, with which we're not familiar. That would be the time to handle that. I think they
2013 were the only questions that I had.

2014
2015 Mr. Archer - Mr. Moore, I had one question, sir.

2016
2017 Mr. Moore - Yes sir.

2018
2019 Mr. Archer - The staff did indicate a concern, although they weren't that
2020 adamant about it, about not allowing any lighting within 75 feet of Sadler Road. I noticed your
2021 revised proffers didn't revisit that. Is that something that's not workable, or you're going to
2022 do it at landscaping?

2023
2024 Mr. Moore - That's what we would like to do. There are some issues; and I
2025 think I indicated in my cover letter with the proffers, I'm sure you got, that this concern about
2026 security, insurance. It may be something that will make a lot of sense. It may be something
2027 that will be difficult. Well, one thing you can do regardless of where you place them, is make
2028 sure that they're designed properly and directed properly.

2029
2030 Mr. Archer - Okay.

2031
2032 Mrs. Wade - That's all I would want there now. Is this the same?

2033
2034 Mr. Moore - I think they can only be 20 feet tall within 75 feet.

2035
2036 Mrs. Wade - They're a little lower back by the berm.

2037
2038 Mr. Moore - 25 foot maximum.

2039
2040 Mrs. Wade - So, they're much the same here.

2041
2042 Mr. Moore - The proffer is the same.

2043
2044 Mrs. Wade - I haven't been out there at night, but in the daytime...

2045
2046 Mr. Moore - Spud, says he thinks they're 25 feet, for the most part.

2047
2048 Mrs. Wade - But they do look a little shorter back toward the berm, it seems
2049 like what you're proposing here.

2050
2051 Ms. Dwyer - Mr. Moore, you mentioned that the northern most portion would
2052 be purchased by Highwoods?

2053
2054 Mr. Moore - Yes ma'am.

2055
2056 Ms. Dwyer - Would their access be from Dominion Boulevard, or would it be
2057 through...

2058
2059 Mr. Moore - Dominion Boulevard. None of this property can have direct
2060 access to Sadler.
2061
2062 Ms. Dwyer - Would it be interconnected to the First Union property?
2063
2064 Mr. Moore - It probably would be. Yes ma'am. It would probably be a
2065 common drive there along the northern edge of what you see is First Union's piece on the right
2066 hand side of the screen (referring to slide).
2067
2068 Ms. Dwyer - So, that would increase access to the First Union property as
2069 well? A second point of access.
2070
2071 Mr. Moore - Which was something that the Traffic Department mentioned in
2072 their staff report also.
2073
2074 Ms. Dwyer - And you said something about, some people disagree with the
2075 berm. Have you heard from the neighbors that the berm is not adequate or any complaints
2076 about the existing berm?
2077
2078 Mr. Moore - Some people think maybe it's too big. And it came up at a
2079 meeting with area residents, that because you're not always going back there, there's no access
2080 back there; is a tendency not to be sure that its always well maintained. Now, there was a
2081 concern raised at the meeting about the maintenance of that berm. Mr. Pierce had some
2082 people out there. You know, they have people that contract that are supposed to take care of
2083 that. So, we've gotten people out there. And, hopefully, that's been a situation that's been
2084 resolved.
2085
2086 Ms. Dwyer - I noticed the grass has grown up among the trees and a little bit
2087 unkempt looking.
2088
2089 Mr. Moore - And that's part of the problem you have with a berm.
2090
2091 Mrs. Wade - But that doesn't mean you can't get back there.
2092
2093 Mr. Moore - No. I know, but I mean...
2094
2095 Ms. Dwyer - Can't maintain it well.
2096
2097 Mrs. Wade - And the berm does vary in height. In some places it is very high
2098 and then down lower. It's high enough to hide the cars, basically.
2099
2100 Mr. Moore - Yes. And I think that's what we have in mind, as if a berm
2101 would be useful in screening lights from cars and maybe a two to three foot berm. That kind
2102 of thing may very well be useful, at least, in part of the buffer. That's something you all will
2103 have an opportunity to decide.

2104 Ms. Dwyer - What's the height of the buffer now?
2105
2106 Mrs. Wade - It varies.
2107
2108 Ms. Dwyer - It's more than two feet. Well, it does taper off, but...
2109
2110 Mr. Moore - In some places, it's 10 feet.
2111
2112 Mrs. Wade - But then it goes down to several feet by part of the parking lot.
2113 But it pretty much conceals the cars. And then there's planting also, is there not in conjunction
2114 with the berm? There, of course, are things left over from what used to be a nursery. Some
2115 of that along Sadler is old growth.
2116
2117 Ms. Dwyer - What about the 30 feet along the northeastern boundary? Staff
2118 recommended 50-feet there as well to protect those neighbors?
2119
2120 Mr. Moore - Yes. We have, I think in other areas, in and around Innsbrook,
2121 have had a 30-foot buffer in situations like that. And we've also been in contact with that
2122 neighboring property owner. They're comfortable with the 30 feet, primarily, I think, because
2123 their house is pretty well removed from that boundary. So, we felt like the 30 feet would give
2124 us more flexibility in the layout. (Speaking to Mr. Mistr) Say that again?
2125
2126 Mr. Mistr - (Comments unintelligible).
2127
2128 Mr. Moore - Well, that's true. Right now, along the boundary of First
2129 Union's property is a 30-foot buffer that's being shifted. I guess that's another way of looking
2130 at it.
2131
2132 Ms. Dwyer - One comment on the 50/60 foot discussion we just had, the
2133 proffer is presently worded so that, it says, "Fifty feet in width along Sadler Road." If you
2134 just change that to 60, it seems to me, we might be satisfying...for the encroachment for the
2135 future right of way.
2136
2137 Mr. Moore - What I want to do is maintain a 50-foot buffer. I want to do that
2138 from the right of way, provided the right-of-way line is no more than 10 feet from where it is
2139 now. If it's only 3 feet, I don't want to have a 57-foot buffer. I just want to be required to
2140 have a 50-foot buffer.
2141
2142 Mrs. Wade - What's this 18-foot right of way here? It doesn't seem to go
2143 anywhere, except at Parcel 38.
2144
2145 Mr. Sidney Gunst - Good evening, I'm Sidney Gunst, President of Innsbrook
2146 Corporation. That 18-foot is not part of this case and it belongs to the adjoining neighbor, the
2147 Symeondis's. They have three different parcels of land, plus this 18-foot unbuilt road. And
2148 we have been very cooperative in communicating with that family.

2149 Back to the issue on this 50-foot thing. In working with the staff, it has not been determined
2150 exactly what it's going to be and how much – It's not necessarily going to be uniform. Even in
2151 the old case, it would more in the curves and less in other areas. What we're saying, up to 10
2152 feet will accommodate in any way they want to do it. In some areas it will be only three feet
2153 or five feet. In others it may be 10 feet. If it goes over 10 feet, then we want to stop it at that
2154 point. So, I think we're in a conceptual agreement, but we're trying to make the language
2155 consistent with the discussions we've been having with the Traffic Department.

2156
2157 Ms. Dwyer - What's your commitment regarding the power lines if they
2158 interfered with your ability to place a berm or to landscape in the buffer area? Would that be
2159 moved or?

2160
2161 Mr. Gunst - I just talked to Spud. We believe they are low voltage lines.
2162 They're not major transmission lines. They could be moved. We think they're in the right of
2163 way, which we cannot. But, if they're not in the right of way, we can move those type of
2164 power lines. These are relatively low capacity lines going down Sadler Road. But, again,
2165 Spud, you think its in the right of way? We'll have to verify that.

2166
2167 Ms. Dwyer - Are there any other questions of the applicant by the Commission
2168 members? No more questions. Thank you, Mr. Moore, Mr. Gunst, and Mr. Mistr. Will the
2169 opposition come forward, please?

2170
2171 Mr. Dave Comings - If there's any other opposition, I'd certainly give some time. My
2172 name is Dave Comings with The Cedars neighborhood.

2173
2174 Ms. Dwyer - There is other opposition? You have one other person,
2175 apparently.

2176
2177 Mr. Comings - I should take, probably, five or six minutes. The Cedars and the
2178 Saddlebrook neighborhoods; The Cedars has 100 homes. Saddlebrook has about 50. We've
2179 been very concerned with the development along this Sadler Road corridor. We're very
2180 interested in preserving the residential character of the neighborhood. Every time a rezoning
2181 issue has come up by the neighborhoods, the Planning Commission has generally made their
2182 decision in accordance with the Land Use Plan.

2183
2184 Development on the other side of Sadler Road toward Nuckols was zoned, or recommended
2185 for zoning, as Office in the Land Use Plan. And, the residents had concerns about that, but
2186 nevertheless, that's the zoning that took place. And, we've been working, at some length,
2187 with the developers to accommodate the neighborhoods with adequate screening and buffering
2188 and so forth. We've been working with Mr. Gunst and others to try to develop a piece of
2189 property that's been very contentious.

2190
2191 The Land Use Plan for this property calls for "Residential R-1," not R-2, R-3, but R-1. The
2192 property borders, and its not on this map, but it borders Thorncroft. And The Cedars
2193 homeowners do live on Thorncroft Road. So, The Cedars neighborhood would be directly
2194 impacted.

2195
2196 Unfortunately, we had no knowledge of this entire development, other than there was a request
2197 for rezoning. It wasn't until about 15 minutes ago that we found out First Union wanted to
2198 build. Obviously, they've thrown around some pretty impressive numbers with employment
2199 statistics and tax revenues. But, certainly, the property owners who live there now are paying
2200 property taxes and contribute to the economy of the area and so forth.

2201
2202 We, obviously, have some concerns with traffic, especially on Sadler Road. We just heard that
2203 they proffered no access to Sadler Road. And that's good, but I understand it will be another
2204 2,000 to 3,000 cars or trips per day generated from this type of development, which is better
2205 than a 50 percent increase along Dominion Boulevard and some of that certainly is going to go
2206 back along Sadler.

2207
2208 Additional access points if development is over 100,000 square feet. I've just heard it's planned
2209 to be 195,000, and that doesn't include the property to the north of that with Highwoods. So,
2210 that will generate additional traffic and additional access.

2211
2212 Secondly, just the whole character of Office development along Sadler Road could prove to be
2213 problematic. It's in direct line of sight of the residents. The berms that's there now behind First
2214 Union, as it exists, does provide some protection for lights from cars and that sort of thing. But
2215 if a parking deck is going up there, and other parking and other office buildings are going up
2216 further north, you know, a three, to five, to ten foot berm may provide protection against traffic
2217 and headlights, but it certainly doesn't protect the people working in the second floor of those
2218 offices from looking right over into residents bedrooms.

2219
2220 So, certainly, protect visibility. We'd want to see, if there is development, plenty of screening.
2221 A 50-foot buffer along Throncroft Road is a bare minimum. It, certainly, needs to be considered
2222 more than 30 feet.

2223
2224 The lighting issue is another issue; certainly, an adverse impact to the residential neighborhoods,
2225 especially in the evenings. You know, again, there's some restriction that they've offered to
2226 limit to 25 feet. Right now, I think they are 20 feet or lower along Sadler Road. And we would
2227 like to see that kind of thing implemented here as well.

2228
2229 The setbacks are important for any type of development. But, I guess the primary concern is the
2230 total lack of information. We've had absolutely no information other than what we've heard
2231 tonight. All we were aware of was a rezoning request. And we would like to recommend denial
2232 of this rezoning. We'd like to support what's in the Land Use Plan as residential. However,
2233 recognizing that there's some pressure on the County for jobs and tax revenue and that sort of
2234 thing, at minimum, we'd like a deferral of 30 to 60 days, tonight, so that we can hear what's
2235 going on and we can be privy to some of the discussions that have been held with some of the
2236 neighbors, but certainly not all of the neighbors that would be impacted. Any questions from
2237 you all?

2238 Ms. Dwyer - Any questions for Mr. Comings?

2239
2240 Mrs. Wade - You know this doesn't go all the way up to Throncroft?

2241
2242 Mr. Comings - Well, it does just about go to Thorncroft, and right on the other
2243 side of Thorncroft are residences that belong to The Cedars Homeowners Association. And,
2244 certainly, they would be impacted; the whole Cedars neighborhood is right across the fence
2245 there. The residential character of Sadler Road would impact the development in The Cedars
2246 and just behind The Cedars as well.
2247
2248 Ms. Dwyer - So, if I may understand your position, is that you're not opposed,
2249 perhaps, with some additional proffer modifications?
2250
2251 Mr. Comings - Well, again, and the neighbors met on other zoning issues and
2252 discussed what was going on. None of us knew what was going on. It was a fairly adamant
2253 support to keep this residential, like for which the Plan calls.
2254
2255 Personally, I think if we were aware of what was going on and had an opportunity to participate
2256 in the discussions, we'd be comfortable with the proffers that were being made, expand some of
2257 those proffers to provide adequate protection along Sadler Road, and particularly along the
2258 Thorncroft side, that we may be in a position to support some of that. Right now, certainly not.
2259
2260 Ms. Dwyer - Any questions for Mr. Comings? Thank you. There's other
2261 opposition. Please come forward.
2262
2263 Mr. Willie Loving - My property is directly in front of what they're speaking about
2264 here on Thorncroft. You can see on the map here right at the curve here my property goes
2265 passed Thorncroft. It is 4.75 acres.
2266
2267 Ms. Dwyer - Is it Lot 42, sir?
2268
2269 Mr. Loving - It's right on the curve. And, of course, when they're saying
2270 putting the buffer there, that would be entirely in front of my property, in front of my house. I
2271 mentioned, at the meeting, before, that the buffer that they have going to Broad Street from my
2272 house, there's a lot of weeds there growing all the time. Trash will be out there; beer bottles,
2273 soda bottles, and it looks real messy. I'm just wondering how its going to be in front of my
2274 house? As it is now, it's a beautiful scenery in front of my house. I've been there since 1970.
2275
2276 I'm concerned about the fact that when they extend the buffer, I wonder how far coming back on
2277 Thorncroft going towards Broad would that buffer begin? Is it going to be from Thorncroft
2278 going all the way, because the Symeondis's on the corner there, and I don't think they have
2279 sold their property.
2280
2281 Mrs. Wade - Now, it wouldn't go all the way to Thorncroft.
2282
2283 Mr. Loving - Excuse me?
2284
2285 Mrs. Wade - It wouldn't go all the way to Thorncroft.
2286

2287 Mr. Loving - That's what I don't understand.
2288
2289 Mrs. Wade - There's another house there.
2290
2291 Mr. Loving - Now, how far back from their house would that buffer start?
2292
2293 Ms. Dwyer - If you want, look at the map, the heavy dotted line shows the
2294 property line for the case that we're reviewing now. Does that help illustrate where the buffer
2295 would be? Maybe Ms. Hunter can help.
2296
2297 Ms. Hunter - It's 4420. His lot is right here. The buffer is proposed to be
2298 along here, as well as along there. And your house sits right here.
2299
2300 Mr. Loving - Directly in front of my house.
2301
2302 Mrs. Wade - Apparently, some of your neighbors are moving.
2303
2304 Mr. Loving - Mrs. Wade, let me say this to you. You know, I believe in
2305 progress, but I don't believe in anyone making my property look bad. A few years ago, when
2306 Innsbrook first came out there, the assessment on my property in one year's time it went up to
2307 \$22,500 in one year's time.
2308
2309 When I went down to the courthouse, I asked them why was it? They said because of
2310 Innsbrook. Now, I didn't realize when I built my house there I was going to go into all of this.
2311 And Innsbrook is still increasing; still developing. I don't go against that, but it's just the fact
2312 that no one has been able to tell me whose going to take care of all of this trash that's around
2313 these buffers and things like that.
2314
2315 As I go down further on Sadler Road, I know I have run across at least four snakes. That is
2316 because of those buffers. No one is taking care of it. Kill those snakes out in the middle of
2317 the road. I'll tell anybody. There's not but three kinds of snakes I'm scared of. That's the
2318 big one, the little one, and the dead one. The rest, I'm not scared of.
2319
2320 But, however, I'd like for someone to tell me who is going to take care of the buffer after its
2321 put up there? See, we have an illusion that after all of this stuff is done, the property owner
2322 has got to face all of this. I'm wondering what solution would you say y'all can take care of
2323 trying to help the property owner?
2324
2325 Ms. Dwyer - You're concerned about the maintenance of the buffer. We'll ask
2326 the applicant to answer that question.
2327
2328 Mr. Loving - That's what I'm really concerned about.
2329
2330 Mrs. Wade - Your assessment continued to go up?
2331
2332 Mr. Loving - I'm looking for it. I'm really looking for it to go up more.

2333
2334 Mrs. Wade - I assume it's the land. The house hasn't changed. The land
2335 value is what's driving it up. Often times they compare it with other house sales in the area,
2336 but, apparently, there is more to it than that. But, we'll let them answer the question about the
2337 maintenance. Thank you for coming.

2338
2339 Mr. Loving - Thank you for your time.

2340
2341 Ms. Dwyer - Any questions by Commission members? We'll be gracious and
2342 give you two minutes.

2343
2344 Mr. Moore - I never heard that bell go off. Let me address some of the
2345 comments that Mr. Comings made. If you could put that plan on, please. We had a meeting;
2346 we invited the residents directly across the street, including Mr. Loving to a meeting. And a
2347 number of other people came, which was fine. Anybody who was interested in the case, we
2348 were delighted to have them. We did invite people that we thought reasonable would be
2349 concerned about this case. And that is the people in the immediate vicinity.

2350
2351 The Cedars and Saddlebrook, if you see where that is up closer to Nuckols Road, that is almost
2352 a mile away from this property. We don't know what our responsibility is. We don't know
2353 why it should be to go that far from this property to meet with people and explain the case.
2354 Having said that, now that I know Mr. Comings has an interest in the case, we certainly would
2355 be willing to meet with him hopefully between the time the Planning Commission and the
2356 Board considers the case.

2357
2358 Mr. Comings mentioned the Land Use Plan. I think, in other instances, the Land Use Plan, as
2359 you know, is a guide. It's not a mandate for the type of development. And, in a situation like
2360 this, as the staff has acknowledged, is an opportunity to take this land, incorporate it into
2361 Innsbrook, which is a large mixed use development, which the County encourages that type of
2362 development. It's one of the goals of the Comprehensive Plan. I think the rezoning is
2363 appropriate, in this instance, because we're able to make this part of Innsbrook.

2364
2365 We don't border Thorncroft. However, there were people from Thorncroft were at that
2366 meeting, including Harold Atkinson who lives right almost in the back door of the Bowers,
2367 Nelms and Fonville Building, and he's not here tonight. So, I think the people on Thorncroft,
2368 at least a number of them, were advised of this. We are very aware, though, there is a
2369 residential character on Sadler Road that needs to be maintained. That's why we've proffered
2370 a 200-foot building setback.

2371
2372 With respect to the buffer that Mr. Loving said, I want to say, we are now aware that there has
2373 been a problem of maintenance of that buffer. The responsibility is the owners, and they will
2374 undertake to correct that situation. We acknowledge its been a problem, but it is their
2375 responsibility. The County will also force the owner to do that, as will the Innsbrook Owners
2376 Association, since this is part of Innsbrook. I think that's a situation that can be remedied and
2377 we will certainly take steps to remedy it with respect to the existing buffer.

2378

2379 Mrs. Wade - Perhaps, they need a number for somebody to call. Where on
2380 this diagram is this site?
2381

2382 Mr. Moore - If you look on the very left hand, that's the First Union piece
2383 (referring to slide). Okay. Here is The Cedars and Saddlebrook.
2384

2385 Mrs. Wade - You said, "First Union." Are you talking about the whole
2386 zoning case or the First Union part?
2387

2388 Mr. Gunst - This is the Highwoods portion. This is the First Union portion.
2389 Thorncroft Road comes around like this and comes out. There's a parcel that's in between it.
2390 Mr. Comings is saying that the people on Thorncroft Road are part of The Cedars. I'm not
2391 sure that's correct, since we have met with residents along Thorncroft Road, and we're not
2392 aware of them being a part of The Cedars. I think there's some confusion here.
2393

2394 Mr. David Comings lives in either Saddlebrook or The Cedars. All these exit at this area
2395 (referring to slide), is, at least, a half mile to a mile drive back around Sadler Road to our
2396 parcel. So, we have met with the immediate vicinity, and have addressed those issues. I'd be
2397 delighted to meet with Mr. Comings, but I do not think its appropriate since his access is here
2398 that we're going up to a mile away. I'm glad to give him the information.
2399

2400 Mr. Moore - Now, I would also say, from a traffic standpoint, we're taking all
2401 of the traffic and putting it back into Innsbrook. If this were to develop residentially, the
2402 traffic would go on Sadler. It seems to me it would be more traffic if this were developed in
2403 accordance with the Land Use Plan on Sadler Road.
2404

2405 Ms. Dwyer - Any other questions by Commission members for the applicant?
2406 Thank you, Mr. Moore and Mr. Gunst. Ready for a motion.
2407

2408 Person from Audience - Does the opposition have any more time?
2409

2410 Mrs. Wade - No. Opposition doesn't get rebuttal time.
2411

2412 Ms. Dwyer - Ready for a motion.
2413

2414 Mrs. Wade - There is one fallacy, and I'm not really relating this to this
2415 request, necessarily, about the fact the fact it brings all these jobs in and this tax base money.
2416 But these people live some place. My thought was when I first saw this was, "Well, there
2417 won't be any children involved here." But, of course, the people who come to work here have
2418 children, and they'll live in the County. So, indirectly, we still get the children and the need
2419 for services, although the business, itself, might not require them. But, basically, it is another
2420 expansion here at Innsbrook; one of many that we've seen. But, as far as the Land Use Plan is
2421 concerned, it meets the economic development goals, especially expanding existing business.
2422 And, there appears to be adequate screening to protect the residential area. And, they're going
2423 to work on the buffer situation with Public Works between now and the Board hearing. And,
2424 of course, those who are opposed are certainly welcomed to talk to their Supervisor also in the

2425 intervening month, and express their concerns. I'm sure the applicant would be glad to meet
2426 with some of you to explain more about what their plan is.

2427
2428 As far as the clean up is concerned, you've heard them now. They've all vowed they're going
2429 to clean up here. And, so, give Mr. Loving and anybody else who is concerned about that
2430 some kind of number where he might call. It shouldn't be necessary for him to do that. It
2431 should be somebody else to take the responsibility to do that. I'm sure the County has some
2432 kind of weed ordinance anyway that things aren't supposed to get over 12 or 18 or however
2433 many inches before action is taken there. Anyway, I would move in this case that Case C-
2434 27C-99 be recommended to the Board for approval.

2435
2436 Ms. Dwyer - Is there a second?

2437
2438 Mr. Archer seconded the motion.

2439
2440 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer. All those
2441 in favor say aye—all those opposed by saying nay, (Mr. Donati absent). The motion carries.

2442
2443 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Archer, the Planning
2444 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors accept the
2445 proffered conditions and grant the request because the employment use(s) support the County's
2446 economic development policies; and the proffered conditions should minimize the potential
2447 impacts on surrounding land uses.

2448
2449 **C-29C-99 Charles H. Rothenberg for H. H. Hunt/Wyndham Development**
2450 **Corporation:** Request to conditionally rezone from R-2C One Family Residence District
2451 (Conditional) to R-2AC One Family Residence District (Conditional), part of Parcel 10-A-12,
2452 described as follows:

2453
2454 BEGINNING at a point on the southern right-of-way line of Nuckols Road 1160' ± west of
2455 the western line of Shady Grove Road; thence leaving the southern right-of-way line of
2456 Nuckols Road S 18°04'45" W 81.64' to a point; thence S 18°55'00" E 106.41' to a point;
2457 thence S 80°36'40" W 1142' ± to a point at the approximate location of the line for the 100
2458 year flood plain; thence along the meandering of the flood plain line in a northerly direction a
2459 distance of 739' ± to a point on the southern right-of-way line of Nuckols Road; thence S
2460 71°55'15" E 10' ± to a point; thence S 71°55'15" E 1178.98' to the point and place of
2461 beginning, containing 11.6 + - acres.

2462 Ms. Hunter - The surrounding properties to the east, south and west are
2463 currently undeveloped. The property was zoned to R-2C, with conditions, in 1989 as part of the
2464 original Wyndham application. The existing R-2 zoning allows a minimum lot size of 18,000
2465 square feet, and a minimum lot width of 100 feet.

2466
2467 The requested R-2A zoning would allow a minimum lot size of 13,500 square feet, and the Code
2468 requires a minimum lot width of 80 feet. However, the applicant has proffered an increased lot
2469 width of 90 feet. The applicant has also proffered a minimum of a 2,500 square foot home.

2470

2471 The revised proffers were handed out before the break. The current R-2C would allow an
2472 estimated net density of 21 lots, and the applicant has proffered an overall density of 21 lots.

2473
2474 The revised proffers also include a stub street to property 17C which is located to the south of
2475 this property. Other proffers submitted include; No driveways with direct access to Nuckols
2476 Road. Proffered foundation materials. No cantilevered chimneys and Wyndham's protective
2477 covenants.

2478
2479 While it appears there would be no density increase with this request, the rezoning of this
2480 property would set a precedent for future development in this area. Dominion Hills, across the
2481 street, is currently zoned R-2, and property to the east and south are zoned A-1. Staff believes
2482 that this property should be developed low density residential and even lower densities as you
2483 move away from Nuckols Road.

2484
2485 Staff believes the existing R-2 zoning is appropriate. However, if the case is rezoned to R-2A,
2486 the applicant has addressed all of the staff's concerns. I'd be happy to answer any questions.

2487
2488 Ms. Dwyer - Any questions of Ms. Hunter by Commission members?

2489
2490 Mrs. Wade - This will still fit in the Suburban Residential category as far as the
2491 units per acre are concerned?

2492
2493 Ms. Hunter - Yes ma'am.

2494
2495 Mrs. Wade - Thank you.

2496
2497 Ms. Dwyer - If there's no increase in density, why are we rezoning from R-2 to
2498 R-2A which would set a...

2499
2500 Ms. Hunter - I'll let the applicant address that, but I imagine its because of the
2501 lot size. The property is impacted by wetlands along this boundary (referring to slide); the major
2502 flood plain. I imagine that they want the smaller lots so they can get the 21 lots, which they may
2503 not be able to get with the lot size of 18,000 square feet.

2504
2505 Ms. Dwyer - Any other questions for Ms. Hunter? Thank you. Would the
2506 applicant come forward, please.

2507 Mrs. Wade - I don't think we need to hear a whole lot, Mr. Rothenberg.

2508
2509 Mr. Chuck Rothenberg - Madam Chair, members of the Commission, my name is Mr.
2510 Rothenberg. This is a request to rezone from R-2 to R-2A, 11.6 acres on the south line of
2511 Nuckols. To answer Ms. Dwyer's question, the purpose of the request is simply to obtain relief
2512 from the lot size and lot width requirements. So, we reduce that down from the 18,000 square
2513 feet size in R-2 down to 13,500. And the lot width is reduced from 100 to 90 feet. We have
2514 proffered 90 feet instead of the 80 feet required under the R-2A zoning.

2515

2516 The very conceptual plan that is up on your screen shows a possible lot layout which is not, by
2517 any means, a final layout. It's just very conceptual at this time. But it does show some of the
2518 constraints on the site at Loch Levan and Hunt are dealing with. You will see there's a
2519 significant amount of wetlands, floodplain and RPA over here. And, because of that, those lots
2520 need to be a little bit larger to actually accommodate buildable area and swing back and capture
2521 that wetland. I think those lots are in the 30,000; 35,000 square foot range. So, I think these
2522 lots really are virtual R-2 lots, with some minor deviations.

2523
2524 You'll also note that we've shown on this concept plan the stub road that ties into the adjacent
2525 property which is something we're not required to do under the existing zoning, but is something
2526 that staff requested. And, on balance, I know we went through this on the last case a little bit
2527 further west on Nuckols Road. Hunt certainly has a desire to maintain the integrity of these
2528 small parcels, but, I think, has also acknowledged, through this proffer, that it does make sense
2529 to have a tie in road for traffic and safety purposes; and, certainly, the school buses will
2530 appreciate that.

2531
2532 But, anyway, to accommodate that, the road needs to be set back a certain distance from the
2533 wetlands and floodplain back here and that dictates where the road goes and effects how these
2534 lots are set up. And, because of the narrowness of the site up here, that dictates how those lots
2535 can be set up.

2536
2537 So, it's a very confining site. And, again, simply, the R-2A helps us on the width and lot size.
2538 It gives us a little bit of flexibility there. I'm not aware of any opposition to the request. As far
2539 as precedent setting, I don't think we're in that category. The Board recently approved a site
2540 further west on Nuckols that has a higher density that is both R-2, and R-2A. So, I hardly think
2541 we're breaking ground with this case. And, of course, we are up along Nuckols Road. And, we
2542 think the R-2A is a more appropriate transition from Nuckols Road back to the property further
2543 off of Nuckols. So, we request that you recommend the case for approval. I'd be happy to
2544 answer any questions.

2545
2546 Ms. Dwyer - Any questions for Mr. Rothenberg by Commission members?

2547
2548 Mrs. Wade - How many acres, then, would be served by the stub route that you
2549 show here? What's it...

2550
2551 Mr. Rothenberg - Off the top of my head, I'm not sure what the acreage is. It's
2552 probably...

2553
2554 Mrs. Wade - 17. Does that sound right?

2555
2556 Mr. Rothenberg - Seventeen (17) acres sounds about right, 15 to 17 acres.

2557
2558 Mrs. Wade - Of course, assuming this is the only access, they all have to go
2559 down through this neighborhood right down the street here the way this is laid out.

2560
2561 Mr. Rothenberg - That's true.

2562
2563 Mrs. Wade - Now, is that 35-foot greenbelt, which, I think, is fairly standard, in
2564 addition to the setback?
2565
2566 Mr. Rothenberg - That's outside of the lot. The 30-foot greenbelt is outside of the
2567 lot.
2568
2569 Mrs. Wade - Okay. And there's no provision about fences along here. Had you
2570 given any thought to that?
2571
2572 Mr. Rothenberg - No. We really haven't addressed that. Of course, the 30-foot
2573 greenbelt is consistent with everything else in Wyndham, and everything else along that Nuckols
2574 Road corridor.
2575
2576 Mrs. Wade - There won't be any fences in the greenbelt?
2577
2578 Mr. Rothenberg - I'm sorry?
2579
2580 Mrs. Wade - There won't be any fences in the greenbelt?
2581
2582 Mr. Rothenberg - I believe not.
2583
2584 Mrs. Wade - But they're outside the lot. So, if a person wanted to fence his lot,
2585 it wouldn't be in the greenbelt?
2586
2587 Mr. Rothenberg - It wouldn't. That's right.
2588
2589 Ms. Dwyer - Will this access point be serving all this A-1 property to the south?
2590
2591 Mr. Rothenberg - I think if you look at the concept plan, there is, I think it says,
2592 "Lloyd" right here. I think that's, actually, landlocked. The site a little bit further to the east,
2593 this Brill site is actually fronting on Shady Grove Road. So, those parcels actually have access
2594 along there.
2595
2596 Ms. Dwyer - It looks like Lot 15 on my map is also landlocked. Possibly 17B.
2597
2598 Mrs. Wade - Fifteen's got some kind of road or lane that goes out to Shady
2599 Grove.
2600
2601 Ms. Dwyer - It does.
2602
2603 Mr. Rothenberg - I'm not sure of the ownership of 17B, whether or not the same
2604 owner of 17C has an interest in 17B, but, of course, it's not contiguous with 17B.
2605
2606 Ms. Dwyer - Well, I guess I'm just wondering about the future of this adjoining
2607 property between Nuckols and Shady Grove. And, as Mrs. Wade pointed out, the road system

2608 on the concept plan that's serving that is a fairly awkward entryway. The Concept Plan that
2609 you've not committed to.

2610
2611 Mr. Rothenberg - That concept plan, sure. It's just conceptual at this point.

2612
2613 Mrs. Wade - Of course, what happened here, Ms. Dwyer, was Nuckols was
2614 intended to go in a slightly different route. When it was moved somewhat north here, that
2615 curve, there were some parcels that were left over with no direct access. But this seems to take
2616 care of everybody who doesn't have any other possibilities.

2617
2618 Ms. Dwyer - Would the lots that include the flood plain, would they be more
2619 valuable lots, since they're larger? Sell for more?

2620
2621 Mr. Rothenberg - Well, I suppose that's a matter of some subjectivity. You know,
2622 I'd like to think so. They are, certainly, larger lots, and probably provide a homeowner with the
2623 feeling like they have a much bigger piece of property.

2624
2625 Ms. Dwyer - Any other questions for Mr. Rothenberg?

2626
2627 Mr. Archer - Mr. Rothenberg, what is the condition of the flood plain? Is it
2628 dry?

2629
2630 Mr. Rothenberg - There is a stream running through there. I don't know exactly if
2631 that flood plain is wet or dry, but certainly, its designated as a flood plain, so it has a potential to
2632 flood.

2633
2634 Ms. Dwyer - Well, I just want to state for the record that I'm concerned about
2635 increasing the density on a piece of property that has what one might call a "defect," such as
2636 flood plain on it, that affects the cost of the land, and that's not something the Zoning Ordinance
2637 should be used to compensate for a defect in the land. In this case I'm referring to the flood
2638 plain as a defect in terms of development. I'm just concerned about having the R-2A on this
2639 map, because I think its going to set a bad precedent for increased density in this area, which we
2640 could otherwise expect to see R-2 zoning.

2641 Mr. Rothenberg - Had we not capped the density, I would tend to agree that it would
2642 establish a precedent, but anybody looking at the conditions in the case would realize that
2643 distinction.

2644
2645 Ms. Dwyer - Well, the next person who comes in who wants to develop a parcel
2646 is going to say, "Well, hey, it's R-2A next door." They're not going to say, "Oh, but we had
2647 capped the density." That tends to be clear when one looks at a zoning map. Any other
2648 questions for Mr. Rothenberg? Ready for a motion?

2649
2650 Mrs. Wade - All right. I actually share the concerns about the precedent in
2651 which he said about the flood plain, because often times we'll say, "Well, if it's got this land you
2652 can't use, why did you pay what you probably did for the land?" But, having said that, the
2653 Board agreed with their conditions around the bend there, although we had recommended that

2654 not be changed from R-2 to R-2A. There is certainly no school concerns here because there
2655 won't be any more children than there would be in the R-2, with no increase in the density.
2656 And, since he has provided the access to the adjoining land which was an important factor, and
2657 the density does fit into the Land Use Plan recommendation of Suburban Residential 1, I would
2658 move that Case C-29C-99 be recommended for approval to the Board.

2659
2660 Ms. Dwyer - Is there a second?

2661
2662 Mrs. Quesinberry seconded the motion.

2663
2664 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mrs. Quesinberry. All
2665 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati absent).

2666
2667 REASON: Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the Planning
2668 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors accept the
2669 proffered conditions and grant the request because it conforms to the recommendations of the
2670 Land Use Plan; it is appropriate residential zoning at this location; it reflects the type of
2671 residential growth in the area.

2672
2673 **C-30C-99 James W. Theobald for H. H. Hunt Corporation:** Request to
2674 conditionally rezone from R-4C One Family Residence District (Conditional) to RTHC
2675 Residential Townhouse District (Conditional) and R-5C General Residence District
2676 (Conditional), part of Parcels 27-A-4 and 11, described as follows:

2677
2678 **R-4C TO RTH-C**

2679 Beginning at a point on the east line of concept road 27-1, said point being 544.55' south of the
2680 south line extended Twin Hickory Road; thence from said point of beginning and leaving the
2681 east line of Concept Road 27-1 N 75° E, 510' to a point; thence N 20° 20' E, 430.2' + to the
2682 centerline of an unnamed creek; thence continuing along the meandering of the centerline of
2683 the unnamed creek in a southeasterly direction 111' + to a point; thence leaving the centerline
2684 of the unnamed creek S 7° 52' E, 159.88' + to a point; thence S 50° 45' W, 82.48' to a
2685 point; thence S 35° 08' W, 164.95' to a point; thence S 17° 50' W, 138.37' to a point; thence
2686 N 86° 35' W, 437.08' to a point; thence S 81° 43' W, 108.09' to a point on the east line of
2687 Concept Road 27-1; thence continuing along the east line of Concept Road 27-1 along a curve
2688 to the left with a radius of 1,616.39' and a length of 4.69' in a northerly direction to the point
2689 and place of beginning, containing 2.167 + acres of land.

2690
2691 **R-4C TO R-5C**

2692 Beginning at a point in the centerline of Road CC, said point being 148.56' east of the East
2693 line of Concept Road 27-1; thence from said point of beginning and leaving the centerline of
2694 Road CC N 46° 41' 10" E, 147.29' to a point; thence N 45° 14' 45" E, 621.43' + to a point
2695 in the edge of a proposed lake; thence continuing along the edge of a proposed lake
2696 meandering in an easterly direction 220' + to a point in the centerline of an unnamed creek;
2697 thence continuing along the meandering of the centerline of the unnamed creek in a southerly
2698 direction 577.10' +- to a point in the centerline of Road CC; thence continuing along the
2699 centerline of Road CC in a westerly direction along a curve to the right with a radius of

2700 1,284.96' and a length of 700.90' + to a point; thence N 77° 40' W, 189.37' to the point and
2701 place of beginning containing 7.127 + acres of land.

2702
2703 Mr. Marlles - The staff presentation will be by Ms. Jo Ann Hunter.

2704
2705 Ms. Dwyer - Good evening, Ms. Hunter. Is there anyone in opposition to
2706 Case C-30C-99 H. H. Hunt Corporation? No opposition. Ms. Hunter.

2707
2708 Ms. Hunter - Thank you. This request is a modification to Case C-48C-98
2709 TwinHickory, a large mixed use development, consisting of 425 acres, including 1,400
2710 residential units, and 378 apartments. C-48C was approved by the Board of Supervisors in
2711 November of 1998.

2712
2713 It is actually two requests with this rezoning application. The first one is to rezone 2.167 acres
2714 from R-4C to RTHC, and 7.127 acres from R-4 to R-5C. The applicant has indicated that
2715 when detailed engineering was completed, it was determined that these rezonings would be
2716 necessary in order to achieve a better design layout. The area is impacted by the 100-year
2717 flood plain.

2718
2719 The applicant has proffered that the existing proffers approved with Case C-48C would remain
2720 in effect and the overall density of the project will not change. The 2.67 acres that are
2721 proposed from R-4 to RTHC will increase the total acreage of this portion of the RTH zoning
2722 to 13.67 acres. The total RTH zoning for the entire project is approximately 44 acres.

2723
2724 The proffers require the aggregate density in the RTH District to be no greater than five units
2725 per acre. The additional 2.167 acres being added to the RTH parcel could increase the total
2726 number of townhomes in the project by 10 units. The project total maximum of 1,400 units,
2727 however, will still need to be met.

2728
2729 The applicant is also requesting to rezone the 7 acres from R-4C to R-5C, however, that
2730 additional acreage would still be limited to 378 apartments. This request will allow for minor
2731 modifications to a large mixed-use development, and the requested amendment should not have
2732 an impact on the overall quality of the project, and will result in no overall increase in density.
2733 Staff supports this proposal.

2734
2735 Ms. Dwyer - Any questions for Ms. Hunter by Commission members? No
2736 questions. Mrs. Wade, would you like to hear from the applicant?

2737
2738 Mrs. Wade - I don't think so. There's nobody here in opposition, is there?

2739
2740 Ms. Dwyer - No.

2741
2742 Mrs. Wade - Not unless you all have questions.

2743
2744 Ms. Dwyer - Any questions by Commission members of the applicant? No.

2745

2746 Mrs. Wade - No. Okay.
2747
2748 Ms. Dwyer - All right.
2749
2750 Mrs. Wade - As staff has indicated, the same proffers and the same density
2751 max, so forth, and the same quality is assured. Actually, there may be fewer children than
2752 there would have been under R-4, not that we don't like children. I would move that C-30C-
2753 99 be recommended for approval.
2754
2755 Ms. Dwyer - Is there a second?
2756
2757 Mrs. Quesinberry seconded the motion.
2758
2759 Ms. Dwyer - Motion made by Ms. Wade, seconded by Mrs. Quesinberry. All
2760 those in favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Donati absent.
2761 The motion carries.
2762
2763 REASON: Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the Planning
2764 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors accept the
2765 proffered conditions and grant the request because it is reasonable; it would assist achieving the
2766 appropriate development of adjoining property; and it would permit development of the land for
2767 residential use in an appropriate manner.
2768
2769 Mr. Archer - Now we move to the 8:00 o'clock agenda.
2770
2771 Ms. Dwyer - But, fortunately, there's only one case on it.
2772
2773 Mr. Marlles - Madam Chairman, before announcing the next case, it's probably
2774 an appropriate time to remind this Commission that this is Mrs. Gardner's last Planning
2775 Commission meeting she'll be attending. I think most of the Commission members are aware
2776 that she is leaving us to pursue a PHD in Economics from Georgetown. She's been with the
2777 staff a little bit more than 2.5 years, I believe. And, I think, we all know has made just a very
2778 valuable contribution to the staff. I know, speaking on behalf of the staff, we're certainly going
2779 to miss her very much. But I wanted to remind the Commission that this would be her last
2780 Planning Commission meeting.
2781
2782 Ms. Dwyer - We're very sorry to see you leave.
2783
2784 Mrs. Wade - Yes. We are. You're leaving Buckley-Shuler in a lurch.
2785
2786 Mr. Vanarsdall - You've always been very pleasant to work with, Nancy.
2787
2788 Mrs. Wade - Yes, indeed. I know you will succeed in your next endeavor.
2789
2790 Mr. Archer - Get used to saying, "Doctor Gardner".
2791

2792 Ms. Dwyer - You'll have to come back and visit.

2793

2794 **Deferred from the March 11, 1999 Meeting:**

2795 **C-22C-99** Strange-Boston & Associates for Woodmen, L.C.: Request to
2796 amend proffered conditions accepted with rezoning case C-51C-98, on Parcels 51-A-98 & 99,
2797 also known as 9010 Woodman Road, containing 3.919 acres, located on the west side of
2798 Woodman Road, 200' north of Parham Road. The proposed amendment would permit an
2799 adult day care and amend other proffered conditions. The current zoning is R-6C General
2800 Residence District (Conditional). The Land Use Plan recommends Office development.

2801

2802 Mr. Marlles - Ms. Nancy Gardner will be presenting the staff report.

2803

2804 Ms. Dwyer - Is there any one in the audience in opposition to Case C-22C-99
2805 Woodmen, L.C.? No opposition. Ms. Gardner.

2806

2807 Ms. Gardner - The applicant has request an amendment to the proffers
2808 associated with C-51C-98 which the Planning Commission and Board considered, of course,
2809 just last year to allow an adult day care facility and to revise the Concept Plan accepted with
2810 that previous case.

2811

2812 The adult day care facility would accommodate 15 to 20 people. These people would go
2813 through an application process. They would be regular customers. The applicant has
2814 discussed setting up a van service to pick them up and bring them to the facility.

2815

2816 Regarding the conceptual site plan, the applicant, at one time, thought that more parking would
2817 be necessary than they had originally thought, and, therefore, they would have to clear more
2818 trees than they had previously proposed. According to the applicant, they are now okay on the
2819 parking. They had calculated parking incorrectly. Therefore, not as many parking spaces will
2820 be necessary. However, this is the plan submitted in conjunction with this case, and we do
2821 recommend that you carry this forward with the case, as well.

2822

2823 A couple of changes since the staff report was issued. It's still a two-story building, but it's
2824 actually 65,700 square feet. And the POD had indicated there would be 150 beds. The
2825 applicant has told me its going to be more like 85 or 90 beds.

2826

2827 As I mentioned, they're okay on the parking. I stated they would need a variance on the
2828 parking. Apparently, they now no longer need a variance.

2829

2830 This proposal would represent an intensification of use of the property, and would, somewhat,
2831 increase traffic going to and from the site. And, I'd be happy to answer any questions.

2832

2833 Ms. Dwyer - Any questions for Ms. Gardner?

2834

2835 Mrs. Wade - Now, where are they going to park when they're constructing?

2836

2837 Ms. Gardner - That I certainly can't answer.

2838
2839 Mrs. Wade - My experience with an assisted living with a much larger site is
2840 they don't seem to have any place to park while they're working on the building. I assume
2841 they've taken that into consideration.
2842
2843 Ms. Gardner - That would be a good question to ask of the applicant.
2844
2845 Ms. Dwyer - I guess they're not going to be parking on Woodman or Parham?
2846
2847 Mrs. Wade - No.
2848
2849 Ms. Gardner - Certainly not.
2850
2851 Ms. Dwyer - Any other questions? Thank you, Ms. Gardner. Mr. Vanarsdall,
2852 would you like to hear from the applicant?
2853
2854 Mr. Vanarsdall - Yes ma'am.
2855
2856 Ms. Dwyer - Okay. Would the applicant come forward, please?
2857
2858 Mr. Don Strange-Boston - Madam Chairman, members of the Commission, I'm Don
2859 Strange-Boston, representing the owner in the application for this. There are two reasons why
2860 we would like to add in 15 to 20 adult day care spaces. We had thought, primarily, to begin
2861 with, that this was covered under assisted living. We found out it wasn't. We would like to
2862 do that for a means of screening applicants for the assisted living facility, because it would
2863 give us a chance to look at them under controlled conditions and plan for their care when they
2864 entered the assisted living facility. It gives you a screening opportunity, plus the fact, for the
2865 second reason, that we believe that this market is vastly under served in Henrico County.
2866
2867 In our market area, which is defined as west of U. S. 1, east of the Rolfe Parkway, and north
2868 of River Road, in 1998 there were 3,159 people 85 years or older. And there were an
2869 additional 7,900 75 to 84, for a total of 11,000 people 75 years or older in this market area.
2870
2871 There are a total of 260 licensed adult care spaces in this area. That's a 2.5 percent coverage.
2872 We think this is spreading it pretty thin. We don't think that it's likely that 97.5 percent of
2873 those 11,000 folks over 75 are fully self-sufficient during the day or are fully covered by
2874 family care during the day. We think this is under served and we believe that Henrico County
2875 Department of Social Services agrees with this.
2876
2877 We would be adding a very small percentage to that. But, we think, as I say, the County is
2878 under served, in this respect, and that a great many more of these type of facilities are going to
2879 be needed in the future.
2880
2881 There is an example of a combination of assisted living and an adult day care facility; Ginter
2882 Hall West, has 256 licensed adult living facility spaces and 30 adult day care spaces. It's a
2883 good combination and it's one that's becoming much more popular in the health care industry

2884 because it gives a little broader spectrum (gap in tape) assisted living facility. Are there any
2885 questions that I can answer on that?
2886
2887 Ms. Dwyer - Are there any questions by Commission members for Mr. Strange-
2888 Boston?
2889
2890 Mr. Vanarsdall - How many square feet was this going to add to the building?
2891
2892 Mr. Strange-Boston - It's the same square footage—65,700, I think it is. That was
2893 always in the building.
2894
2895 Mr. Vanarsdall - And how many staff members; additional staff?
2896
2897 Mr. Strange-Boston - Four.
2898
2899 Mr. Vanarsdall - Four?
2900
2901 Mr. Strange-Boston - You figure one to five.
2902
2903 Mr. Vanarsdall - The staff, in the present assisted living, can't handle this, can they?
2904
2905 Mr. Strange-Boston - We wouldn't want them handling it. A food service may very well
2906 do with that, but it's a different kind of a thing. So, we would have staff for this.
2907
2908 Mr. Vanarsdall - And, I believe, when we first met about this site, it was never any
2909 mention that you were going to do anything whatsoever with adult daycare, even though you say
2910 now that you didn't know that was covered?
2911
2912 Mr. Strange-Boston - We thought that assisted living covered adult day care. We didn't
2913 realize that it did not.
2914
2915 Mr. Vanarsdall - Do you remember we went to a great length to get the use of this
2916 property...
2917
2918 Mr. Strange-Boston - I do, indeed. I really do remember that. Yes sir.
2919
2920 Mr. Vanarsdall - Mark has done a great job on it. In fact, I got Jay Weinberg to
2921 talk to Pete Runkle, your partner there, in relation to proffers that were in the Sunrise Cottages—
2922 Beth Sholom. And then, I was a little surprised when I saw you had filed for this, because you
2923 didn't talk to me or anyone else about that. We could have saved you some time.
2924
2925 I understand the POD; is that straight yet?
2926
2927 Mr. Strange-Boston - No sir. That's not. We're awaiting this before we do that.
2928
2929 Mr. Vanarsdall - I don't have any more questions, Madam Chairman.

2930
2931 Ms. Dwyer - Any other questions by Commission members? No questions.
2932 Ready for a motion. Thank you.
2933
2934 Mr. Strange-Boston - Thank you.
2935
2936 Mr. Vanarsdall - Thank you, Don. I don't have a lot to say about this other than,
2937 had I known that you had this in mind, in my part, I would never let the property be rezoned for
2938 assisted living. You stated a lot of facts, and figures, and people, but Sunrise Cottages has no
2939 plans yet to put a daycare center in that, and neither does Beth Sholom. And, as you pointed
2940 out, there is only one in the area that does have that, but there is a daycare center across the
2941 street from this location that takes care of it and one up the street on Staples Mill.
2942
2943 I think it will do exactly what staff points out. It will intensify the area. And, although you say
2944 a van will pick these people up, a lot of these people are not going to ride on a van and you're
2945 going to start getting requests from so far away, you're going to have to start charging more for
2946 the van. And you're not going to be able to control the people who ride it. So, therefore, it's
2947 going to be more traffic, require more parking spaces. They've already got to go to the BZA to
2948 get a variance for parking spaces.
2949
2950 When Woodman Road was widened, they tried to get a crossover there to take care of the bank
2951 and the child daycare center, and Traffic wouldn't allow that. It said it was one of the most
2952 congested intersections in traffic. Since then, it has even increased. So, I have concerns about
2953 the traffic. I have concerns about the need. I think all this is, to me, is a adult day care center in
2954 a location that's supposed to be assisted living.
2955
2956 And because you already have the staff and the facilities, it seemed to fit. Now, we could use
2957 that same theory on a restaurant. You already have a restaurant in there and staff, and put a
2958 restaurant there for outside people.
2959
2960 I think it would be too intense on the property, and the Goals and Objectives, its inconsistent. It
2961 discourages development of this site. I, therefore, recommend denial to the Board of
2962 Supervisors of C-22C-99.
2963
2964 Ms. Dwyer - Motion for denial by Mr. Vanarsdall. Is there a second?
2965
2966 Mrs. Quesinberry seconded the motion.
2967
2968 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry.
2969 All those in favor say aye—all those opposed by saying nay. The vote is 5-0. (Mr. Donati
2970 absent). The motion to recommend denial to the Board of Supervisors carries.
2971
2972 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the
2973 Planning Commission voted 5-0 (one absent) to recommend that the Board of Supervisors deny
2974 the request because it would have a detrimental impact on the adjoining residential
2975 neighborhood; the applicant failed to meet his burden to show that the requested changes are in

2976 the best interests of the welfare and future of the community; and it represents an undesirable
2977 increase in intensity.

2978
2979 Ms. Dwyer - The next item on the agenda, Mr. Secretary.

2980
2981 Mr. Marlles - Madam Chairman, members of the Commission, in past
2982 meetings, we have talked about a number of recommended changes to the Commission's Rules
2983 and Regulations. I believe Mr. Silber is prepared to briefly summarize those?

2984
2985 Mr. Randall Silber, Assistant Director of Planning - Briefly, yes, briefly. I think we have
2986 been provided with copies and this brings about changes that you've asked for. We've already
2987 discussed these once before, but let me just quickly tell you, that on Page 3, we have made the
2988 change to move the POD meetings to Wednesday. That will begin to take place in May.
2989 That's one change.

2990
2991 There's two other changes on Page 4. One is to move the Approval of the Minutes to the end
2992 of the meeting order of your agenda items, and the real change you haven't seen or we haven't
2993 discussed is the underlined portion that's shown on Page 4 that speaks to the length of
2994 testimony.

2995
2996 The Commission had wanted something in the Rules and Regulations that spoke to that. We
2997 didn't want to limit it, necessarily, to 10 minutes. We wanted to have some flexibility. So,
2998 we've come up with this language, which I hope is acceptable to you.

2999
3000 Ms. Dwyer - It looks good to me.

3001
3002 Mr. Vanarsdall - Are they the only two changes?

3003
3004 Mr. Silber - Those are the only changes.

3005
3006 Mr. Vanarsdall - This change on Page 4 doesn't keep us from still going over the
3007 10 minutes if we want to, does it?

3008
3009 Mr. Silber - No. It doesn't. It gives you the flexibility to set whatever you
3010 want as long as you give both sides equal time.

3011
3012 Mr. Vanarsdall - We already knew that anyway.

3013
3014 Mr. Silber - You've pretty much been using that as your policy, but its not in
3015 the Rules and Regs.

3016
3017 Mrs. Wade - Yes, because it seems to me the 10-minute thing works.

3018
3019 Ms. Dwyer - It does or does not?

3020
3021 Mrs. Wade - It has. If we are too flexible here, we get to sort of be subjective.

3022
3023 Ms. Dwyer - Right.
3024
3025 Mr. Archer - Well, I guess we still have the option to restrict it to that, if we
3026 want to, don't we?
3027
3028 Mrs. Wade - I mean there are some great big cases that we used to allow
3029 longer. We agreed on that, but otherwise, I don't know how you determine exactly if you
3030 don't have some set time.
3031
3032 Mr. Silber - Mary, I would assume that you would follow your normal
3033 practice which is 10 minutes. This gives you the flexibility, if you had a really big case come
3034 up and you wanted to give them 15 or 20 minutes, then by your Rules and Regs, it gives you
3035 that flexibility.
3036
3037 Ms. Dwyer - The problem is, before, there was nothing in the rules that we
3038 would do that. It was questioned for one case we had.
3039
3040 Mr. Vanarsdall - We never got in trouble over that.
3041 Ms. Dwyer - Well, I did.
3042
3043 Mr. Vanarsdall - Yeah. I know that. Pat got a letter, didn't she?
3044
3045 Ms. Dwyer - Yes. And, so, I thought it should be in the rules.
3046
3047 Mr. Vanarsdall - This won't keep people from getting upset?
3048
3049 Ms. Dwyer - This doesn't change anything, but if anybody wants to force the
3050 point, its clear that it's permitted in the rules.
3051
3052 Mr. Vanarsdall - I don't object to it, as long as it doesn't restrict it.
3053
3054 Mr. Silber - It does not.
3055
3056 Mr. Vanarsdall - Okay.
3057
3058 Ms. Dwyer - Mrs. Wade, were you suggesting that we be more specific and
3059 impose the 10 minutes?
3060
3061 Mrs. Wade - So, the 10 minutes wasn't in the Rules before?
3062
3063 Ms. Dwyer - No. There was nothing.
3064
3065 Mr. Silber - No.
3066
3067 Mr. Archer - ...as policy.

3068
3069 Ms. Dwyer - We're not making it more vague, or lose. Do we have a motion
3070 on the Rules and Regs?
3071
3072 Mr. Archer - Were there any other changes, Mr. Silber?
3073
3074 Mr. Silber - No. Just the ones I enumerated.
3075
3076 Mr. Vanarsdall - I move we adopt the Rules and Regulations, as stated, and dated
3077 April 15, 1999 with the three changes.
3078
3079 Mrs. Wade seconded the motion.
3080
3081 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Wade. All
3082 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati absent).
3083 The Rules are adopted as amended.
3084
3085 Mr. Marlles - Madam Chairman, before we adjourn, I asked Mr. Silber if he
3086 would just make the Commission aware of some additional staff changes that we have in case
3087 you see some new faces around the Planning Office you will know who they are. So, Randy.
3088
3089 Mr. Silber - Yes. We do have some new staff members coming on. We have
3090 filled some critical positions. I believe it was announced that Nancy is leaving us. I was out
3091 of the room, but I think that was done.
3092
3093 Her position will be filled by a gentleman by the name of Eric Lawrence. I think you know
3094 him, but he did work in our office as an intern for about a year. He comes to us from
3095 Albermarle County.
3096
3097 Ms. Gardner - Ben is coming from Albermarle.
3098
3099 Mr. Silber - Yes. Thank you. I got it mixed up. That's right, Eric is from
3100 Frederick County.
3101
3102 Mr. Marlles - And what is his nickname, Randy?
3103
3104 Mr. Silber - His "nickname?"
3105
3106 Mr. Marlles - Yes. I understand he has a nickname?
3107
3108 Mr. Silber - Eric does? I don't know.
3109
3110 Mr. Marlles - Lee Yolton told me it was "Stinky," because wasn't he in charge
3111 of our septic pump out survey.
3112
3113 Mr. Silber - I was not aware of that.

3114
3115 Mr. Silber - We have also filled Allen Webb's position with a gentleman by
3116 the name of Ben Blankenship. Ben is from Albermarle County. The Zoning Administrator
3117 there. Before that, he was a Planning Director in Orange County.
3118
3119 Mr. Archer - Ben Blankenship?
3120
3121 Mr. Silber - Blankenship.
3122
3123 Ms. Dwyer - Albermarle does some interesting stuff.
3124
3125 Mr. Silber - And the third one is that we have promoted someone; an existing
3126 staff person by the name of Lee Householder. I don't know if you all know Lee. He's
3127 currently a Planner 1 in our Block Grant staff section. He's been promoted to fill the County
3128 Planner 2 position that's been vacated by Jo Ann. Jo Ann received her promotion to a 3, so
3129 Lee Householder will be the new Planner 2 in Comp Planning. So, you will see him here next
3130 month.
3131
3132 Mrs. Quesinberry - Is Jo Ann going to dump him all of her really stinky cases, then?
3133
3134 Mr. Silber - Probably so.
3135
3136 Mrs. Quesinberry - Good. Good.
3137
3138 Mr. Silber - So, those are the major changes. Those are some new faces you
3139 can look forward to seeing.
3140
3141 Mrs. Wade - And "Stinky" is what kind of degree planner?
3142
3143 Mr. Merrithew - He's a Planner 3.
3144
3145 Mrs. Wade - Three? Okay.
3146
3147 Mr. Silber - Judy has also given me a note saying that next month we have 24
3148 zoning cases and a Substantially in Accord Study.
3149
3150 Ms. Dwyer - Maybe 20 of them will be deferred.
3151
3152 Mr. Silber - Maybe?
3153
3154 Mr. Marlles - We also had another first. On the Collegiate POD that was
3155 approved by the Commission, we had not one, but two appeals filed on that. That is a first.
3156 That will be going to the Board of Supervisors on the 27th.
3157
3158 Ms. Dwyer - Courtesy of the Tuckahoe District.
3159

3160 Mr. Archer - We're just a precedent setting commission.
3161
3162 Mrs. Wade - Do we have minutes here?
3163
3164 Mr. Silber - Yes. Two sets of minutes.
3165
3166 Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the February 11, 1998
3167 minutes were approved as corrected.
3168
3169 The March 11, 1998 minutes were deferred to the April 23, 1999 POD Meeting.

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There being no further business, acting on a motion by Mr. Archer, seconded by Mrs. Wade, the Planning Commission adjourned its meeting at 10:28 p.m. on April 15, 1999.

Elizabeth G. Dwyer, C.P.C., Chairwoman

John R. Marlles, AICP, Secretary