

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico, held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,  
4 August 14, 2008. Display Notice having been published in the Richmond Times-  
5 Dispatch on July 24, 2008 and July 31, 2008.

6

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)  
Mrs. Bonnie-Leigh Jones, Acting Chairperson (Tuckahoe)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mr. Richard W. Glover (Brookland)  
Board of Supervisors Representative  
Mr. R. Joseph Emerson, Jr., Director of Planning,  
Secretary

Member Absent: Mr. Tommy Branin, (Three Chopt)

Also Present: Mr. Benjamin Sehl, County Planner  
Ms. Rosemary Deemer, County Planner  
Mr. Livingston Lewis, County Planner  
Mr. Roy Props, County Planner  
Ms. Lisa Taylor, County Planner  
Ms. Audrey Anderson, County Planner  
Mr. Kevin Wilhite, County Planner  
Ms. Sylvia Ray, Recording Secretary

7

8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10

11 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M.**

12

13 Mr. Jernigan - Good evening, ladies and gentlemen. On behalf of the  
14 Planning Commission and the Planning staff, we'd like to welcome you to our  
15 August 14, 2008 public hearing for Zoning. Mr. Branin is not with us tonight, but  
16 we do have a quorum. With that, I will turn the meeting over to our secretary, Mr.  
17 Emerson.

18

19 Mr. Emerson - Thank you, Mr. Chairman. As you noted, Mr. Branin  
20 does have a business conflict and won't be able to be with us tonight. We did  
21 begin the meeting earlier with a work session to discuss a potential amendment  
22 to the County Code in regards to alternate fence heights. That takes us to first  
23 item on the agenda, which is, requests for withdrawals and deferrals. Those will  
24 be presented tonight by Mr. Ben Sehl.

25

26 Mr. Jernigan - Good evening, Mr. Sehl.

27

28 Mr. Sehl - Good evening, Mr. Chairman. Good evening,  
29 members of the Commission. The first item is a request for a withdrawal, and that  
30 is on page 3 of your agenda. That is item P-10-07, Richmond Strikers Soccer  
31 Club, Incorporated. This is located on the east line of Pouncey Tract Road,  
32 approximately 900 feet south of Shady Grove Road. This item has been  
33 withdrawn by the applicant; no action is necessary by the Commission at this  
34 time.

35

36 ***Deferred from the July 10, 2008 Meeting.***

37 **P-10-07 Scott Turner for Richmond Strikers Soccer Club,**  
38 **Inc.:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120  
39 and 24-122.1 of Chapter 24 of the County Code in order to construct a 144' high  
40 telecommunications tower on part of Parcel 740-768-1098, located on the east  
41 line of Pouncey Tract Road (State Route 271) approximately 900 feet south of  
42 Shady Grove Road. The existing zoning is A-1 Agricultural District. The Land  
43 Use Plan recommends Open Space/Recreation and Environmental Protection  
44 Area.

45

46 Mr. Jernigan - Okay.

47

48 Mr. Sehl - Your first request for deferral is on page 2 of your  
49 agenda. This is P-7-08, Diamond Communications. This is located on the north  
50 line of Midview Road, approximately 1,075 feet east of New Market Road. The  
51 applicant is proposing a 150-foot-tall telecommunications tower. The deferral is  
52 requested to the October 9, 2008 meeting.

53

54 ***Deferred from the July 10, 2008 Meeting.***

55 **P-7-08 Gregory S. Tully for Diamond Communications,**  
56 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120  
57 and 24-122.1 of Chapter 24 of the County Code in order to construct a 150' high  
58 monopole telecommunications tower and related equipment, on part of Parcel  
59 804-702-0772, located on the north line of Midview Road approximately 1,075  
60 feet east of New Market Road (State Route 5). The existing zoning is R-3 One-  
61 Family Residence District. The Land Use Plan recommends Suburban  
62 Residential 1, 1.0 to 2.4 units net density per acre.

63

64 Mr. Jernigan - Is there any opposition the deferral of case P-7-08,  
65 Gregory S. Tully for Diamond Communications? There is no opposition. With  
66 that, I will move for deferral of P-7-08, Gregory S. Tully for Diamond  
67 Communications, to October 9, 2008, by request of the applicant.

68

69 Mr. Vanarsdall - Second.

70

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

73

74 At the request of the applicant, the Planning Commission deferred P-7-08,  
75 Gregory S. Tully for Diamond Communications, to its meeting on October 9,  
76 2008.

77  
78 Mr. Sehl - The next item is also on page 2 of your agenda. This  
79 is case C-25C-08, Tuckaway Child Development Center. This is located at the  
80 southeast intersection of New Market Road and Midview Road. A daycare is  
81 proposed, and the deferral is requested to the September 11, 2008 meeting.

82  
83 **C-25C-08 Kristen D. Keatley for Tuckaway Child**  
84 **Development Center:** Request to conditionally rezone from R-2AC One-Family  
85 Residence District (Conditional) and B-1C Business District (Conditional) to B-1C  
86 Business District (Conditional), Parcels 803-701-8673 and 803-701-3978,  
87 containing approximately 5.22 acres, located at the southeast intersection of New  
88 Market Road (State Route 5) and Midview Road. The applicant proposes a  
89 daycare. The use will be controlled by zoning ordinance regulations and  
90 proffered conditions. The Land Use Plan recommends Suburban Residential 1,  
91 1.0 to 2.4 units net density per acre, and Commercial Concentration.

92  
93 Mr. Jernigan - Is there any opposition to the deferral of case C-25C-  
94 08, Kristen D. Keatley for Tuckaway Child Development Center? There is no  
95 opposition. With that, I will move for deferral of case C-25C-08, Kristen D.  
96 Keatley for Tuckaway Child Development Center, to September 11, 2008, by  
97 request of the applicant.

98  
99 Mrs. Jones - Second.

100  
101 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All  
102 in favor say aye. All opposed say no. The ayes have it; the motion passes.

103  
104 At the request of the applicant, the Planning Commission deferred C-25C-08,  
105 Kristen D. Keatley for Tuckaway Child Development Center, to its meeting on  
106 September 11, 2008.

107  
108 Mr. Sehl - The next item is on page 3 of your agenda. This is  
109 case C-26C-08, Ethan and Elizabeth Krash. This is a request to rezone from A-1  
110 Agricultural District to R-3C One-Family Residence District. It's a request located  
111 on the north line of Dublin Road approximately 250 feet east of its intersection  
112 with Belfast Road. The deferral is requested to the September 11, 2008 meeting.

113  
114 **C-26C-08 Andrew M. Condlin for Ethan and Elizabeth**  
115 **Krash:** Request to conditionally rezone from A-1 Agricultural District to R-3C  
116 One-Family Residence District (Conditional), Parcel 745-764-4296, containing  
117 2.94 acres, located on the north line of Dublin Road approximately 250 feet east  
118 of its intersection with Belfast Road. The applicant proposes a single-family  
119 residential subdivision with a density not to exceed 2.4 dwelling units per acre.

120 The R-3 District allows a minimum lot size of 11,000 square feet and a maximum  
121 gross density of 3.96 units per acre. The use will be controlled by zoning  
122 ordinance regulations and proffered conditions. The Land Use Plan recommends  
123 Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
124

125 Mr. Jernigan - Is there any opposition to the deferral of C-26C-08,  
126 Andrew M. Condlin for Ethan and Elizabeth Krash? There is no opposition. Mr.  
127 Vanarsdall, I'm sorry, I'll make the deferral on that. With that, I make a motion to  
128 defer C-26C-08, Andrew M. Condlin for Ethan and Elizabeth Krash, to  
129 September 11, 2008, by request of the applicant.  
130

131 Mrs. Jones - Second.  
132

133 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All  
134 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
135

136 At the request of the applicant, the Planning Commission deferred C-26C-08,  
137 Andrew M. Condlin for Ethan and Elizabeth Krash, to its meeting on September  
138 11, 2008.  
139

140 Mr. Sehl - The next request is in the Brookland District, and is on  
141 page 4 of your agenda, and is case C-64C-06, Wistar Creek, LLC. This is a  
142 request to rezone from R-3 One-Family Residence District to RTHC Residential  
143 Townhouse District (Conditional). It is located on the south line of Wistar Road,  
144 approximately 140 feet west of Walkenhut Drive. The deferral is requested to the  
145 September 11, 2008 meeting.  
146

147 ***Deferred from the July 10, 2008 Meeting.***

148 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request  
149 to conditionally rezone from R-3 One-Family Residence District to RTHC  
150 Residential Townhouse District (Conditional), Parcels 767-750-8298, 768-750-  
151 0490, and part of Parcels 767-751-8651, 768-751-0638, 768-751-2435, 768-751-  
152 4119, and 768-751-1362 containing 20.38 acres, located on the south line of  
153 Wistar Road approximately 142 feet west of Walkenhut Drive. The applicant  
154 proposes a residential townhouse development with a maximum of 72 dwelling  
155 units, an equivalent density of 3.53 units per acre. The RTH District allows a  
156 maximum gross density of 9 units per acre. The use will be controlled by zoning  
157 ordinance regulations and proffered conditions. The Land Use Plan  
158 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and  
159 Office.  
160

161 Mr. Jernigan - Is there any opposition to the deferral of case C-64C-  
162 06, Jennifer D. Mullen for Wistar Creek, LLC? There is no opposition, Mr.  
163 Vanarsdall.  
164

165 Mr. Vanarsdall - Mr. Condlin, would you come down to the mike,  
166 please? Mr. Condlin, I won't be able to honor your request tonight because, as  
167 you know, this will be the 14<sup>th</sup> deferment, 13 before this. It started out in  
168 December of 2006. So, I'd like to hear it tonight.

169  
170 Mr. Condlin - Yes sir, if that's your pleasure. We're obviously not  
171 prepared, given everything else. We just needed one more month, given the last  
172 comments we've received from the County, including as late as Monday.

173  
174 Mr. Vanarsdall - That's all right.

175  
176 Mr. Condlin - Okay. I appreciate that.

177  
178 Mr. Vanarsdall - Okay, thank you. With that, Mr. Chairman, I move  
179 that deferment for C-64C-06, Jennifer D. Mullen for Wistar Creek, LLC, be  
180 denied.

181  
182 Mr. Archer - Second.

183  
184 Mr. Jernigan - We have a motion by Mr. Vanarsdall, seconded by  
185 Mr. Archer to deny the deferral of C-64C-06, Jennifer D. Mullen for Wistar Creek,  
186 LLC. All in favor say aye. All opposed say no. The ayes have it; the motion  
187 passes.

188  
189 The Planning Commission denied the applicant's request for deferral of C-64C-  
190 06, Jennifer D. Mullen for Wistar Creek, LLC.

191  
192 **THIS CASE IS HEARD ON PAGE 23 OF THE MINUTES.**

193  
194 Mr. Emerson - Mr. Chairman, that completes your requests for  
195 withdrawals and deferrals, and takes you to the requests for expedited items.  
196 You have one item on the expedited agenda tonight, and that will be presented  
197 by Mr. Ben Sehl.

198  
199 Mr. Sehl - Thank you, Mr. Secretary. This expedited request is  
200 in the Three Chopt District, and is located on page 3 of your agenda. This is  
201 case C-27C-08, The Peck Company. This is located on the northeast line of  
202 Mayland Drive, approximately 250 feet east of its intersection with Stillman  
203 Parkway and is a request to amend proffered conditions accepted with rezoning  
204 case C-1C-86, and is an amendment to Proffer 8 to increase the permitted site  
205 coverage from 65% to 70% to allow for additional parking area.

206  
207 **C-27C-08** **John Nolde for The Peck Company:** Request to  
208 amend proffered conditions accepted with Rezoning Case C-1C-86, on Parcel  
209 753-757-6051, located on the northeast line of Mayland Drive approximately 250  
210 feet east of its intersection with Stillman Parkway. The applicant proposes to

211 amend Proffer 8 to increase permitted site coverage from 65% to 70% to allow  
212 additional parking area. The existing zoning is O-2C Office District (Conditional).  
213 The Land Use Plan recommends Office.

214  
215 Mr. Jernigan - Is there any opposition to case C-27C-08, John Nolde  
216 for The Peck Company? There is no opposition. With that, I will move for—

217  
218 Mrs. Jones - Um—

219  
220 Mr. Jernigan - Oh, there is opposition?

221  
222 Male in audience - [Off mike.] There is some opposition. We would like  
223 to have some more information about what that entails...[remained inaudible.]

224  
225 Mr. Jernigan - Okay. What we'll do is we'll pull that off the expedited  
226 agenda, and we'll hear it in its order on the agenda. Thank you, sir.

227  
228 **THIS CASE IS HEARD ON PAGE 12 OF THESE MINUTES.**

229  
230 Mr. Emerson - Mr. Chairman, that takes you to the public hearing  
231 portion of your agenda with six cases to be heard.

232  
233 Mr. Jernigan - Okay.

234  
235 **PLAN OF DEVELOPMENT** (*Deferred from the July 23, 2008 Meeting*)

236

POD-53-08 B&S Tree Service – Old Staples Mill Road	<b>Balzer &amp; Associates, Inc. for Richard S. Bonds:</b> Request for approval of a Plan of Development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,707 square foot office/warehouse building. The 1.47-acre portion of the 2.78-acre site is located on the east line of Old Staples Mill Road, approximately 425 feet south of Hungary Road, on parcel 770-758-0073. The zoning is M-1, Light Industrial District. County water and sewer. <b>(Brookland)</b>
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237

238

239 Mr. Jernigan - Is there any opposition to POD-53-08, B&S Tree  
240 Service? There is no opposition. Good evening, Mr. Wilhite.

241

242 Mr. Wilhite - Good evening. Thank you, Mr. Chairman.

243

244 Mr. Jernigan - You may proceed.

245

246 Mr. Wilhite - This case was deferred from your July 23<sup>rd</sup> meeting.  
247 Since that time, we have met twice with the applicant to discuss the architectural  
248 design of the proposed building. In the last week, we did receive revised  
249 architectural plans; they're included with the packet that was just handed out to  
250 you. This building has gone from primarily a metal building to mostly a masonry  
251 building on three sides with split-face block and brick. It will remain a metal  
252 building in the rear façade. We also received a detail for a seven-foot-high chain  
253 link fence that is around the gravel storage lot in the rear of this building. The  
254 fence is black-vinyl coated with a black fabric mesh attached to the fence so you  
255 will not be able to see through it.

256  
257 The only thing being stored in the gravel lot will be the vehicles in use for this  
258 business. All their contractors' equipment must be stored within the enclosed  
259 building.

260  
261 Since the last meeting on July 23<sup>rd</sup>, a condition has been added—it appears as  
262 #35 on your agenda. This deals with the need for a maintenance agreement with  
263 the Department of Public Works for an existing billboard on this site. There is  
264 some dedication of additional right-of-way for Old Staples Mill Road. This  
265 billboard will encroach slightly into the public right-of-way.

266  
267 Staff recommends approval of the revised plans in your packet.

268  
269 Mr. Jernigan - Are there any questions for Mr. Wilhite from the  
270 Commission?

271  
272 Mr. Vanarsdall - I don't have any.

273  
274 Mr. Jernigan - Okay, Mr. Vanarsdall.

275  
276 Mr. Vanarsdall - I don't need to hear from the applicant.

277  
278 Mr. Jernigan - You do?

279  
280 Mr. Vanarsdall - Do not.

281  
282 Mr. Jernigan - Do not. Okay.

283  
284 Mr. Vanarsdall - I want to thank Mr. Wilhite for the work he did on this.  
285 We had a meeting with Ms. Croft—who used to be with us and is representing  
286 the consulting company—Mr. Simon Muller, and Christopher Wolfe. I appreciate  
287 all the cooperation they gave us. Mr. Bonds is here tonight, and we thank him.

288  
289 With that, I recommend POD-53-08, B&S Tree Service, be approved with the  
290 annotations on the plans, standard conditions for developments of this type, and

291 the following additional conditions 29 through 35, and I want to delete Condition  
292 #30.

293  
294 Mr. Archer - You said delete #30?

295  
296 Mrs. Jones - Delete?

297  
298 Mr. Vanarsdall - Delete #30, the sidewalks.

299  
300 Mr. Archer - I'll second, Mr. Chairman.

301  
302 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All  
303 in favor say aye. All opposed say no. The ayes have it; the motion passes.

304  
305 The Planning Commission approved POD-53-08, B&S Tree Service, subject to the  
306 annotations on the plans, the standard conditions attached to these minutes for  
307 developments of this type, and the following additional conditions:

308  
309 29. The right-of-way for widening of Old Staples Mill Road as shown on  
310 approved plans shall be dedicated to the County prior to any occupancy  
311 permits being issued. The right-of-way dedication plat and any other  
312 required information shall be submitted to the County Real Property Agent  
313 at least sixty (60) days prior to requesting occupancy permits.

314 30. ~~DELETE. A concrete sidewalk meeting County standards shall be~~  
315 ~~provided along the east side of Old Staples Mill Road.~~

316 31. All repair work shall be conducted entirely within the enclosed building.

317 32. Outside storage shall not be permitted except as shown on the approved  
318 plan. All storage of contractor's equipment shall occur entirely within an  
319 enclosed building.

320 33. Approval of the construction plans by the Department of Public Works  
321 does not establish the curb and gutter elevations along the Henrico  
322 County maintained right-of-way. The elevations will be set by Henrico  
323 County.

324 34. The location of all existing and proposed utility and mechanical equipment  
325 (including HVAC units, electric meters, junctions and accessory boxes,  
326 transformers, and generators) shall be identified on the landscape plan. All  
327 building mounted equipment shall be painted to match the building, and all  
328 equipment shall be screened by such measures as determine appropriate  
329 by the Director of Planning or the Planning Commission at the time of plan  
330 approval.

331 35. The applicant shall enter into a maintenance agreement with the  
332 Department of Public Works for any portion of the existing outdoor  
333 advertising sign that encroaches into the public right-of-way along Old  
334 Staples Mill Road prior to the issuance of a certificate of occupancy for  
335 this development.

336



337 **P-13-08 Gloria L. Freye for Richmond 20 MHz LLC:**  
338 Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-  
339 122.1 of Chapter 24 of the County Code in order to construct a 151.8' high  
340 flagpole-style telecommunications tower and related equipment, on part of Parcel  
341 814-687-3204, located on the west line of Recreation Road approximately 1,200  
342 feet south of its intersection with New Market Road (State Route 5). The existing  
343 zoning is A-1 Agricultural District. The Land Use Plan recommends Open  
344 Space/Recreation. The site is in the Airport Safety Overlay District.

345

346 Mr. Jernigan - Is there any opposition case P-13-08, Gloria L Freye  
347 for Richmond 20 MHz LLC? There is no opposition. Mr. Props, how are you this  
348 evening?

349

350 Mr. Props - Fine, sir. How are you?

351

352 Mr. Jernigan - Great. You may proceed.

353

354 Mr. Props - Mr. Chairman, members of the Commission, nTelos is  
355 requesting to construct a 151.8 foot high stealth flagpole communication tower  
356 and related equipment on a 1.22-acre parcel located at 8088 Recreation Road.  
357 American Legion Post #233 owns the lease area and occupies a building  
358 adjacent to the proposed tower. The site is currently zoned A-1 Agricultural, is  
359 within the Airport Safety Overlay District, and requires a Provisional Use Permit  
360 for towers exceeding 50 feet in height.

361

362 The 2010 Land Use Plan recommends Open Space/Recreation. This  
363 recommendation does not preclude tower facilities and is consistent with a  
364 County preference for locating towers on land zoned agricultural and not planned  
365 or utilized for residential purposes. Varina Recreation Association, Varina  
366 Elementary School, Varina Ruritan Club, and the Varina Scout House are all  
367 located in the immediate area. There are also two large-lot, A-1 single-family  
368 residences over 330 feet away, and Battery Hills Subdivision, zoned A-1, is over  
369 750 feet to the south.

370

371 A siting policy contained in the 2010 Wireless Communication Technology  
372 Element recommends no towers within 1,400 feet of Route 5 unless an  
373 acceptable stealth tower design is utilized. This request to construct a stealth  
374 flagpole tower is in harmony with that policy. While the actual tower will be  
375 located less than 1,200 feet from selective locations along this scenic byway,  
376 natural wooded buffers effectively screen and conceal view areas that are less  
377 than 1,400 feet. The only exception is an isolated area near the Gregg  
378 Road/Route 5 intersection. Since the flag will fly continually, a 20-foot by 30-foot  
379 all-weather flag and low-level lighting have been conditioned. The applicant  
380 conducted a balloon float and held a community meeting. Concerns expressed at  
381 this meeting include the need for adequate landscaping, landscaping  
382 maintenance, and drainage.

383

384 The stealth tower will be separated from the equipment compound by the access  
385 road easement. Condition #14 has been included to enhance compound  
386 screening and buffering. In consideration of the towers stealth flagpole design,  
387 limited visibility, surrounding land use compatibility, co-location opportunities, and  
388 written support from the Varina Beautification Committee, staff supports this  
389 request with the recommended conditions submitted in the staff report.

390

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

392

393 Mr. Jernigan - Are there any questions for Mr. Props from the  
394 Commission? Thank you, Mr. Props.

395

396 Mrs. Jones - I do want to ask a real quick one. Do you happen to  
397 know the height of the lights at McGeorge Field right there at the Varina  
398 Recreation Association?

399

400 Mr. Props - The ball field lights?

401

402 Mrs. Jones - The light poles.

403

404 Mr. Props - Not exactly. If I had to guess, probably 50 or 60 feet.

405

406 Mrs. Jones - Okay. It's just hard to get a feel for that. When  
407 looking at those, I didn't know if they were closer to a hundred. Okay. Mighty tall  
408 tower here. Thank you.

409

410 Mr. Jernigan - All right. I would like to hear from the applicant. So,  
411 Ms. Freye, would you come down, please?

412

413 Ms. Freye - Good evening, Mr. Chairman, members of the  
414 Commission. My name is Gloria Freye. I'm an attorney with McGuire Woods,  
415 here on behalf of nTelos.

416

417 I would like to thank the staff for the work they've put in on reviewing this case.  
418 I'd also like to thank the members of the Varina Beautification Committee who  
419 made special efforts to visit this property, view the balloon test, and to work with  
420 us on an acceptable stealth design because of the proximity to Route 5.

421

422 As far as I know, there is no public opposition to this request. There are folks  
423 here in support, and I would like to ask them to stand at this time. Thank you.

424

425 Mr. Jernigan - Thank you.

426

427 Ms. Freye - nTelos has reviewed the conditions that are proposed  
428 for the provisional use permit, and they are in agreement with the terms and  
429 conditions. We'll be glad to answer any questions that you have.  
430

431 Mr. Jernigan - Ms. Freye, please explain to them that it's a little  
432 different than most of the towers we do in that the equipment on this will not be at  
433 the pole, it'll be screened behind another building.  
434

435 Ms. Freye - That's correct. We're moving that behind, separated  
436 from the pole, and against a stand of trees and a backdrop of landscaping so  
437 we'll have some buffering and screening back there. Then with the fencing and  
438 the landscaping that we'll do around the base of it, it will virtually disappear and  
439 be camouflaged into that wooded area.  
440

441 Mr. Jernigan - Did you bring the pictures with you?  
442

443 Ms. Freye - Yes sir.  
444

445 Mr. Jernigan - If you have it, can you show the one from the school  
446 site? Can you show us the pole?  
447

448 Ms. Freye - Yes sir. Okay. It does show that the school has three  
449 flagpoles in the foreground. You can tell the day that we did that the wind was not  
450 blowing because those flags are not unfurled. We went ahead and did the  
451 photo, the computer-generated photo in the background to show what the  
452 visibility of the flag would be if the wind were blowing. It's right in that section of  
453 Route 5 where you do have the visibility. That's from the commercial area there  
454 at Strath Road. Once you get right past the school, you lose sight of the flag  
455 again.  
456

457 Mr. Jernigan - This was the most visible spot.  
458

459 Ms. Freye - Yes sir, it was the most visible spot.  
460

461 Mr. Jernigan - Okay. Are there any questions for Ms. Freye from the  
462 Commission?  
463

464 Mrs. Jones - Do you happen to know the height of the poles—  
465

466 Ms. Freye - We were guessing as well that they're probably 50, 60  
467 feet.  
468

469 Mrs. Jones - Okay.  
470

471 Ms. Freye - One of the things that the company looked at, Mrs.  
472 Jones, was whether they'd be tall enough to have an extension, like a light  
473 standard extension, and they weren't.

474  
475 Mrs. Jones - They're not. Okay.

476  
477 Mr. Jernigan - Thank you, Ms. Freye. Well, this worked out good.  
478 This pole was originally in another spot, and was relocated to this spot. I think  
479 this is great to have an American Legion, and have this tall pole and a 30 by 20  
480 flag flying. It worked out great because we do have to have a stealth design  
481 since it's within the 1400 foot range of Route 5. I think this will give us  
482 communication, and look good, too. With that, I will move for approval of P-13-  
483 08, Gloria L Freye for Richmond 20 MHz, LLC, to send to the Board of  
484 Supervisors for their approval.

485  
486 Mr. Vanarsdall - Second.

487  
488 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
489 All those in favor say aye. All opposed say no. The ayes have it; the motion  
490 passes.

491  
492 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
493 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
494 recommend the Board of Supervisors grant the request because when properly  
495 developed and regulated by the recommended special conditions, it would not be  
496 detrimental to the public health, safety, welfare and values in the area and it  
497 would provide added services to the community.

498  
499 Mr. Glover - Mr. Chairman, I want to abstain because all cases  
500 that we'll be hearing tonight will be coming before the Board for final decisions.  
501 So, I will not be voting. I will be abstaining on all of them.

502  
503 Mr. Jernigan - Thank you, Mr. Glover. I wanted to bring up, also, I  
504 told them who wasn't with us tonight, but I didn't tell them who is with us—Mr.  
505 Glover, who is our Brookland representative from the Board of Supervisors.  
506 Thank you.

507  
508 Mr. Glover - They couldn't miss my pretty face.

509  
510 Mr. Jernigan - Okay, Mr. Emerson.

511  
512 **C-27C-08 John Nolde for The Peck Company:** Request to  
513 amend proffered conditions accepted with Rezoning Case C-1C-86, on Parcel  
514 753-757-6051, located on the northeast line of Mayland Drive approximately 250  
515 feet east of its intersection with Stillman Parkway. The applicant proposes to  
516 amend Proffer 8 to increase permitted site coverage from 65% to 70% to allow

517 additional parking area. The existing zoning is O-2C Office District (Conditional).  
518 The Land Use Plan recommends Office.

519  
520 Mr. Jernigan - We don't have to ask if there's opposition because we  
521 already have it, so Mr. Lewis, you may go ahead and proceed.

522  
523 Mr. Lewis - Thank you Mr. Chairman. Good evening.

524  
525 Mr. Jernigan - Good evening.

526  
527 Mr. Lewis - This is a request to amend Proffer 8 accepted with  
528 Rezoning Case C-1C-86 in order to increase the maximum permitted site  
529 coverage from 65% to 70%. The subject property is located at 9816 Mayland  
530 Drive and is zoned O-2C as part of the Stillman Place office development. The  
531 2010 Plan recommends Office for the site.

532  
533 We'll zoom in so we can see better here. As illustrated on this unproffered  
534 conceptual plan, the applicant wishes to install approximately 30 additional  
535 parking spaces and a new drive aisle behind the office building on site to  
536 accommodate a prospective medical tenant. Replacement of the landscaped  
537 area behind the building with a paved drive aisle would result in a site coverage  
538 ratio above the 65% maximum currently permitted by Proffer 8; therefore, the  
539 applicant wishes to increase the maximum site coverage to 70%.

540  
541 Additional parking for this site would provide flexibility to attract a wider variety of  
542 potential office tenants in an area planned for and well-suited to office  
543 development. Visual impacts would be minimized because the parking  
544 expansion would be toward the interior of the parcel, and perimeter landscaping  
545 along Mayland Drive is to remain intact. This request would be compatible with  
546 surrounding office and service uses, and is consistent with the 2010 Plan and  
547 similar requests approved in the County. For these reasons, staff supports this  
548 request.

549  
550 This concludes my presentation, and I will be happy to take any questions.

551  
552 Mr. Jernigan - Mr. Lewis, this is Mr. Branin's case and I told him I'd  
553 take it for him tonight. Are you aware if they sent out letters on this, or do you  
554 know?

555  
556 Mr. Lewis - The applicant indicated to me that they had called all  
557 surrounding property owners, and had not received responses from some. I'm  
558 not sure where the opposition is from. The applicant did indicate that the  
559 residential neighborhood across the street had been contacted, the ownership  
560 had been contacted, but no response had been received. I'm not sure further  
561 than that, but that's what was indicated to me.

562

563 Mr. Jernigan - Okay. All right. Are there any questions for Mr. Lewis  
564 from the Commission? Okay, thank you, Mr. Lewis. We have opposition. You  
565 can come on down.

566  
567 Male - [Off mike.] We had some opposition, but that's okay.  
568 We're okay with it at this point. [Remainder inaudible.]

569  
570 Mr. Jernigan - Strictly a parking lot.

571  
572 Male - [Off mike.] Right. And that's fine. We just  
573 weren't...[inaudible]...At the point that we received this (referring to letter), we  
574 hadn't heard anything about what [remainder inaudible.]

575  
576 Mr. Jernigan - All right.

577  
578 Male - [Off mike.] [Inaudible.] We just wanted to further  
579 understand what it was.

580  
581 Mr. Jernigan - Does he need to come down?

582  
583 Mr. Emerson - No, I guess not.

584  
585 Mr. Jernigan - Okay. Thank you. With that, I will move for approval  
586 of case C-27C-08, John Nolde for The Peck Company, to send to the Board of  
587 Supervisors for their approval.

588  
589 Mr. Vanarsdall - Second.

590  
591 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
592 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

593  
594 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
595 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
596 recommend the Board of Supervisors **grant** the request because it was  
597 determined to be reasonable and it is not expected to adversely impact  
598 surrounding land uses in the area.

599  
600 **C-28C-08 Gloria L. Freye for Twin Hickory Stables LLC:**  
601 Request to conditionally rezone from A-1 Agricultural District, R-3C One-Family  
602 Residence District (Conditional), R-4C One-Family Residence District  
603 (Conditional) and C-1 Conservation District to R-3C One-Family Residence  
604 District (Conditional), Parcels 747-776-8848, 748-776-3108, and 747-775-9503,  
605 containing 46.7 acres, located on the southwest line of the Chickahominy River  
606 and bisected by the proposed Holman Ridge Road Extended between Twin  
607 Hickory Road and Lemoore Drive. The applicant proposes a single-family  
608 residential subdivision with no more than ninety-one (91) lots. The R-3 District

609 allows a minimum lot size of 11,000 square feet and a maximum gross density of  
610 3.96 units per acre. The use will be controlled by zoning ordinance regulations  
611 and proffered conditions. The Land Use Plan recommends Suburban Residential  
612 2, 2.4 to 3.4 units net density per acre, Urban Residential, 3.4 to 6.8 units net  
613 density per acre, and Environmental Protection Area.

614

615 Mr. Jernigan - Is there any opposition to case C-28C-08, Gloria L.  
616 Freye for Twin Hickory Stables, LLC? Okay, we do have opposition. Mr. Sehl,  
617 you may proceed.

618

619 Mr. Sehl - Thank you again, Mr. Chairman. As the secretary  
620 mentioned, this request would rezone three parcels totaling approximately 46.7  
621 acres from a number of zoning districts to R-3C to allow for a single-family  
622 subdivision.

623

624 The 2010 Land Use Plan recommends Suburban Residential 2, Urban  
625 Residential, and Environmental Protection Area for the subject site. The  
626 proposed use is consistent with these designations, and would be in keeping with  
627 the land use trends established by previous rezonings on adjacent parcels

628

629 The applicant has provided this un-proffered conceptual plan to indicate how the  
630 property subject to this rezoning case would be integrated into the existing  
631 surrounding uses by the extension of Holman Ridge Road, which would serve  
632 this development.

633

634 The applicant has submitted revised proffers, dated August 11<sup>th</sup>, which address  
635 various elements to enhance the quality of the proposed development. These  
636 include a maximum of 91 lots, an equivalent density of 1.95 units per acre; a  
637 minimum finished floor area of 2,250 square feet; an average minimum lot width  
638 of 85 feet; a minimum of a two-car garage for each home; and greenbelts and  
639 sidewalks provided along both sides of Holman Ridge Road Extended. The only  
640 change in the revised proffers distributed to you this evening is a limitation on the  
641 clearing of healthy mature trees on future building lots.

642

643 Other proffers submitted by the applicant address exterior building materials,  
644 chimneys, cantilevering of architectural features, foundations and front steps of  
645 brick, driveways, landscaping, and fences along Holman Ridge. The proffers also  
646 address the location of lots outside the cell tower fall zone, which is located along  
647 the Chickahominy River. The proffers submitted by the applicant should ensure a  
648 quality development that is compatible with adjacent residential developments,  
649 and a level of quality that would not otherwise be possible.

650

651 Staff notes that two community meetings were held by the applicant.

652

653 In conclusion, staff believes this is a quality extension of surrounding residential  
654 developments. The requested zoning and proposed single-family use is

655 consistent with zoning trends and the 2010 Land Use Plan. Staff recommends  
656 approval of this request. I'd be happy to answer questions you might have. I  
657 believe the applicant's representative is here as well.

658

659 Mr. Jernigan - Mr. Sehl, looking through this, Holman Ridge is not a  
660 concept road that comes through here, but there are two stubs coming down  
661 there. Public Works figured that this would be a through road.

662

663 Mr. Sehl - Holman Ridge Road is a concept road on the 2010—

664

665 Mr. Jernigan - Is a concept road. Okay. I didn't see a designation  
666 on it, that's the reason I was wondering. All right. Are there any questions for Mr.  
667 Sehl from the Commission? All right. I'd like to hear from the applicant.

668

669 Ms. Freye - Good evening again, Mr. Chairman, members of the  
670 Commission. My name is Gloria Freye. I'm an attorney with McGuire Woods,  
671 here on behalf of Twin Hickory Stables. Since there is opposition, I would like to  
672 reserve two minutes for rebuttal.

673

674 I would like to thank the staff for their work, and the citizen meetings that they  
675 attended with us. We did have two citizen meetings. The proffers that are before  
676 you are the result and responses to the comments and concerns that we heard at  
677 those meeting from the neighbors. As Mr. Sehl reported, the most recent  
678 amendment was the addition of a lot-clearing restriction, which was in response  
679 to the neighbors concerned about keeping as many mature, healthy trees as we  
680 could on the development.

681

682 Overall, the proffers are intended to match or exceed the quality of the  
683 development around it, and it will provide protections for the existing  
684 development that would not otherwise be provided if the property were  
685 developed under the existing zoning. Based on our last conversation with  
686 homeowners' association communications officer, his response to me was that  
687 he felt the proffers were responsive to the neighbors concerns. He was  
688 appreciative of the changes that the developer had made in response to the  
689 comments, and that because of that, he was going to recommend that the  
690 association not take a position for or against. A lot of that, I think, is based on the  
691 recognition that most folks in the neighborhood believe that this property, if it's  
692 going to be developed, is going to be developed with residential development.

693

694 Overall, this proposed development is basically infill. So, we ask that you  
695 recommend approval because the request is consistent with the Land Use Plan;  
696 the density is below the recommended density; it is consistent with the  
697 surrounding zoning; the road network can accommodate the traffic; the existing  
698 and planned schools will accommodate the children; and the proffers are proffers  
699 that assure a quality development that will assure that the houses on this  
700 property will complement the surrounding subdivisions.



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With that, we'd be glad to answer any questions that you have.

Mr. Jernigan - Your density calculation is less than two.

Ms. Freye - Yes sir, 1.95. Yes.

Mr. Jernigan - All right. Are there any questions for Ms. Freye from the Commission? Okay, thank you. We do have opposition. You may come on down. Young lady, before you get started, Mr. Emerson needs to explain the rules of opposition.

Mr. Emerson - We should have done this earlier; I apologize. Rules governing public hearings on time limits, the applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony, which is what Ms. Freye has done. Opposition is allowed ten minutes to present its concerns. Commission questions do not count into the time limits, and the Commission may waive the limits for either party at its discretion.

Mr. Jernigan - Ma'am, would you state your name for the record, please?

Ms. Burcher - My name is Kathy Burcher, and I am the PTA president at Rivers Edge Elementary School, which abuts the property we're speaking of. I'm speaking tonight on behalf of the Executive Board of our PTA, and represent nearly 700 members.

While we are also sad about losing the trees and the horse farms, and all the lovely things our students get to look at through their classroom windows, our main concern is walk zone safety. Rivers Edge Elementary has a very large walk zone, one of the largest in the County. Currently, 125 students, ages 5 through 13, are designated as non-transportation students. This number will increase when this development becomes part of our non-transportation zone.

Rivers Edge currently has two crosswalks along Holman Ridge Road. One is at one of the school's main entrances across from Chappell Ridge Court—although called a court, it's a thru-road—and the other is at the intersection of Holman Ridge Road and Twin Hickory Road across from our bus loop. That will become the main construction entrance, once construction begins, as well as the main entrance to the new development. Because of current traffic patterns, which limits traffic through that intersection at this point with the way the road has stopped, and current crossing guard allocation for the County sadly is only one—which is not your responsibility; we're going to work on that next,—the crosswalk at the intersection of Holman Ridge Road and Twin Hickory Road is not guarded. It is considered by many in our community to be potentially dangerous. Sadly, at a time when our governor has designated \$13 million for

747 Safe Routes to School programs to ensure safer routes for walkers and bike  
748 riders to encourage physical activity, this proposed zoning change will make a  
749 dangerous crosswalk even more dangerous to the students who walk or ride their  
750 bikes to school.

751

752 It is for this reason that the PTA would like to make the following three requests.  
753 While the school administration, the PTA, and the families of Rivers Edge are  
754 working with the County schools and Henrico County Police Department to  
755 address our unguarded crosswalk, we would like this Commission to consider the  
756 potential hazard this development will create at the crosswalks located at the  
757 corner of Holman Ridge Road and Twin Hickory Road. Second, the PTA would  
758 like to have construction start hours, currently set at 7 a.m., to be changed to 8  
759 a.m. during school days to limit construction traffic that will travel down Twin  
760 Hickory Road and turn through this intersection while our children are walking to  
761 school. Generally, the walk hours are between 7:10 and 7:50 a.m. Lastly, we ask  
762 that the Rivers Edge principal or administration be informed before any potential  
763 increase of traffic through this intersection through the early phases of  
764 construction, including engineering crews, survey crews, or any construction  
765 crews, so that extra school staff can be assigned to the unguarded crosswalks  
766 before traffic volume changes.

767

768 As a PTA, we will increase our efforts with the School Board to gain additional  
769 crossing guards before major construction begins. That is our goal. But this  
770 Commission and any potential developers need to be aware of the potential  
771 dangers to our children with the Holman Ridge Road extension and this  
772 development. Thank you.

773

774 Mr. Jernigan - Your main concern here is the safety of the children  
775 during the construction phase.

776

777 Ms. Burcher - Right now that intersection has two cross lanes. One  
778 is on the dead-end side on Twin Hickory Road, and the other one is front of our  
779 bus loop on Holman Ridge. No traffic goes down that road, aside from going to  
780 the playground, which is at the end. Once Holman Ridge Road is extended, that  
781 will become a major thoroughfare for children who are in non-transportation  
782 zones, but parents choose to drive them, or bus riders whose parents choose to  
783 drive them, as well as traffic that will continue to come down Twin Hickory Road.  
784 We will go from what is really a two-corner intersection to a four-corner  
785 intersection, and we have no crosswalk at this point. We desperately need to  
786 have a crossing guard. We desperately need to maintain our crossing guard at  
787 the other intersection because of the number of walkers we have that walk  
788 though Chappell Ridge. Again, certainly, we understand that a crossing guard is  
789 not your responsibility; however, at this point in time, we have what we have. So,  
790 our concern is any increased traffic, and we know there will be, even when  
791 engineering begins. This is going to be a big change for our children.

792

793 I live inside the walk zone as well, but we have talked regularly in our  
794 neighborhood meetings and our homeowners association meetings about how  
795 dangerous that intersection is already because of cars that turn around, and  
796 having that crossing guard there. I know our principal has worked with the Police  
797 Department and the County schools as well. It is definitely a dangerous  
798 intersection, and we are very concerned about increased traffic, and certainly any  
799 traffic that makes a left-hand turn. That's very unfamiliar to our children.

800

801 Mr. Jernigan - What you said initially is right. That's not what we do,  
802 but it's something that we can look into. I guess we have to contact the schools?

803

804 Mr. Emerson - Yes sir, we would.

805

806 Mr. Jernigan - You're not worried about the long-term effect; you're  
807 worried about the construction phase.

808

809 Ms. Burcher - Right, absolutely.

810

811 Mr. Jernigan - We will look into that. I don't know what we can do,  
812 but we will try to do something for the safety.

813

814 Ms. Burcher - I appreciate it. Thank you very much.

815

816 Mr. Jernigan - Okay, thank you. Are there any questions for Ms.  
817 Burcher from the Commission? Okay, thank you, ma'am. Okay. Did you all want  
818 to come down? Who's next? Hello. Would you state your name for the record  
819 please?

820

821 Ms. Kramen - Yes. My name is Debra Kramen.

822

823 Mr. Jernigan - Okay.

824

825 Ms. Kramen - I'm a homeowner that backs up to the horse farm.

826

827 Mr. Jernigan - All right.

828

829 Ms. Kramen - I'm not prepared, but I will say this. I have enjoyed the  
830 horses that were back there and am disappointed that they're gone. I'm glad that  
831 they are maintaining the property now, because it wasn't being maintained. Ms.  
832 Freye did that for us, and I appreciate that.

833

834 The safety of the kids is one huge concern of ours because not only are they  
835 going to put 90 new homes to the left of me, they're going to be 90 new homes to  
836 the right of us also, and they're putting a Ukrop's within walking distance to my  
837 home. They're also building the sanctuary at Mount Vernon Baptist Church, and  
838 there's a new middle school going in within the next three years. So, we have all

839 of this growth going on. We don't think that our amenities are being increased.  
840 We just feel like all our land is being taken away. We don't feel like our kids can  
841 ride their bikes anywhere safely now because there is all this traffic from every  
842 direction.

843  
844 I can't stop development, but maybe somebody could look at the speed of the  
845 growth and maybe slow it down a little bit, and have everything catch up. Also,  
846 look into getting new jobs within Richmond, because if we did lose our big  
847 employer like Capital One, like we lost Wachovia, we are not going to be able to  
848 sell our homes with all these new homes going up. My house is on the market.  
849 I've had three showings in a month. My husband is working up in Baltimore, and  
850 I'd like to be with him. But with all of these new houses going up off Nuckols  
851 Road, the competition is just very, very high. The only way that I can have my  
852 house move is to decrease it by \$30,000.

853  
854 What I'm trying to say is the supply is becoming too great for the demand. I think  
855 somebody needs to look at bringing new corporations in, and speeding up the  
856 growth economically if you're going to start building all these homes. What's  
857 happening is people who are in smaller homes are buying the bigger homes  
858 across the street from us, and leaving the smaller homes empty and not being  
859 able to sell. That's my concern. I know I can't stop the growth, but maybe we can  
860 do something to slow it down a little bit, especially for the safety and for the  
861 children, and for the trees. They're just being carted away, and the kids are  
862 crying, actually. It's sad. That's just what I have to say.

863  
864 Mr. Jernigan - All right. Thank you. Hello.

865  
866 Ms. Springer - My name is Sherry Springer. I also back up to the  
867 property. I moved to Richmond 12 years ago from Southern California. We fell in  
868 love with Henrico—the trees, the beauty. I'm excited to see what's happening.  
869 When I bought our house there five years ago, I also knew that at one point in  
870 time, homes would come in behind us. The only thing that concerns me is in the  
871 past two years, we're having a Ukrop's put in front of us—which I'm excited  
872 about—we're having 90 homes on this side and 90 homes on this side;  
873 townhouses. I watch what used to be trees and more dense land turning out to  
874 look like Southern California, which is beautiful, but at the same time, it's a land  
875 of cement now. I just am concerned with the beauty of Henrico and our County,  
876 and our roads, and our schools. I just ask, consider slowing down. I'm just  
877 concerned with the rate of growth, and the number of homes. It just seems like a  
878 lot of homes for that small amount of space. Thank you.

879  
880 Mr. Jernigan - Thank you.

881  
882 Ms. Farney - My name is Julie Farney. I'm also adjacent to the  
883 property that's being developed. I, too, knew at one point this would be  
884 developed residential. I spent some time today on the Internet reading Henrico's

885 2026 Plan, looking at the surveys they did for the residents, looking at the land  
886 use and what their long-term development plan is. While I understand part of  
887 that, I didn't understand it all. A lot of mathematical equations, a lot of if it's going  
888 to grow at this rate or this rate or this rate. I guess what I'm concerned with is no  
889 matter what rate of growth they looked at, you can't predict economic factors  
890 such as companies moving in and out. You can't predict gas at, you know, \$4.00  
891 a gallon. You can't predict the things that are going to happen in the next 20  
892 years to say that all of the land should be developed this way. We have in  
893 Wyndham Forrest a neighborhood that is completely surrounded right now by  
894 new development. Again, I think the wise thing at this point is that while yes, this  
895 land will probably be most appropriately used as residential development, it does  
896 not need to be developed right now. There is a lot of new construction. There  
897 are a lot of houses sitting empty, both existing homes and new homes that aren't  
898 selling. There is really not a need for 91 more houses in the middle of a  
899 neighborhood right now. Thank you.

900  
901 Mr. Jernigan - Thank you. Well, I thank all of you for coming up, and  
902 all of you had good responses. Let me explain to you our position. The Planning  
903 Commission is bound by a very tight set of rules that are set by the State  
904 Constitution. One of the laws says that a person has a right to develop their  
905 property if it's done in accordance with the zoning, with the codes that this  
906 County has. Now, if this project that was coming in was less than what's around  
907 you, then we would have something where they would have to bring it up better,  
908 or deny it. This neighborhood, though, the way I understand it, will be as good as  
909 the neighborhood that you have now; it's a complement. It's tough for us to—A  
910 person has a right to develop, and we have to have reasons why we shouldn't.

911  
912 Ms. Freye, you can come back up please. I was going to get to you, but I did  
913 want to explain to them because they all had good issues. I wish we had some  
914 business coming in here, too. We have the EDA Division that does work on that  
915 to bring business in, it's just that there's not much going on right at this point.

916  
917 Ms. Freye - Yes sir, Mr. Jernigan. Thank you for letting me come  
918 back. One of the things that I did want to clarify is that even though the zoning is  
919 being done at this time, the development is probably not going to happen on this  
920 site for two years. Considering the market, considering the subdivision work, the  
921 engineering that would have to be done, it's going to be about two years before  
922 construction starts on this property. Hopefully, that will be enough time for some  
923 of the other development that's currently underway to get settled, pretty much  
924 done or completed before this does start.

925  
926 We had not been aware of the request about this particular intersection. We had  
927 heard at the citizen meeting that there was a problem with not having enough  
928 crossing guards, and that the school and the community were going to be  
929 approaching the School Board about asking for another school guard to be  
930 placed there. While they're working on that, the developer is willing at that

931 intersection to change the construction hours to 8:00, as Ms. Burcher requested.  
932 We would be glad to make that change and put that in the proffers. That's  
933 something that can be done. That will help while they're working on getting a  
934 guard there.

935  
936 Mr. Jernigan - Okay. Thank you. Any other questions for Ms. Freye?  
937 With that, I am going to move for approval of case C-28C-08, Gloria L. Freye for  
938 Twin Hickory Stables, LLC, to send to the Board of Supervisors for their  
939 approval.

940  
941 Mr. Vanarsdall - Second.

942  
943 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
944 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

945  
946 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
947 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
948 recommend the Board of Supervisors grant the request because it represents a  
949 logical continuation of the one-family residential development which exists in the  
950 area, conforms to the recommendations of the Land Use Plan, and the proffered  
951 conditions will assure a level of development not otherwise possible.

952  
953 Mr. Glover - Mr. Chairman.

954  
955 Mr. Jernigan - Yes sir.

956  
957 Mr. Glover - If I can address two things that these ladies talked  
958 about. Over the last 30 years, Henrico County has planned their growth. They  
959 haven't tried to control it, but they planned it and then worked the plan. As a  
960 result, Henrico over the last 30 years I think has only had one year that had more  
961 growth than 2% increase in population.

962  
963 The other thing is keeping up with the industrial/commercial. Henrico is also the  
964 envy of counties all across the nation with our combination or ratio of business  
965 revenue to residential revenue. We're the envy of all across this nation with  
966 70/30—70% residential, 30% commercial, office, and industrial. As a result, we're  
967 the lowest tax burden to our citizens of any of the 15 major jurisdictions in the  
968 state of Virginia. I think it's worth telling you that because I wouldn't want you to  
969 go away thinking that we're growing at such a pace. Certain areas certainly do. I  
970 wouldn't say that Broad Street isn't growing pretty rapidly, but I would say overall  
971 the County of Henrico has a plan, and we do work that plan. That's why we put  
972 together this 2026, and we work that plan. That's so that we don't have to put  
973 reigns on it, and hold back and control it. We work the plan that we have.

974  
975 I think Henrico has been very, very successful in our growth. You live in one of  
976 the best school districts in the country. You live in one of the best areas for

977 entertainment. You live near one of the top ten shopping centers in the world in  
978 Short Pump Mall.

979  
980 I know that growth right next door to you does kind of get to you, but I think  
981 you're going to be pleased with the growth there. If we could slow growth down  
982 and still maintain our revenue sources, I think we'd probably do that. We just  
983 can't put a moratorium on that parcel without putting a moratorium on the entire  
984 County, and that's not something we'd be able to do. I did want to just sort of  
985 explain to you. Our growth hasn't been what it may seem to be. It's 2% or less  
986 per year for the last 30 years.

987  
988 Thank you, Mr. Chairman.

989  
990 Mr. Jernigan - Thank you, Mr. Glover. Mr. Secretary?

991  
992 ***Deferred from the July 10, 2008 Meeting.***

993 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request  
994 to conditionally rezone from R-3 One-Family Residence District to RTHC  
995 Residential Townhouse District (Conditional), Parcels 767-750-8298, 768-750-  
996 0490, and part of Parcels 767-751-8651, 768-751-0638, 768-751-2435, 768-751-  
997 4119, and 768-751-1362 containing 20.38 acres, located on the south line of  
998 Wistar Road approximately 142 feet west of Walkenhut Drive. The applicant  
999 proposes a residential townhouse development with a maximum of 72 dwelling  
1000 units, an equivalent density of 3.53 units per acre. The RTH District allows a  
1001 maximum gross density of 9 units per acre. The use will be controlled by zoning  
1002 ordinance regulations and proffered conditions. The Land Use Plan  
1003 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and  
1004 Office.

1005  
1006 Mr. Jernigan - Is there any opposition to case C-64C-06, Jennifer D.  
1007 Mullen for Wistar Creek, LLC? There is no opposition. Mr. Sehl, you may  
1008 proceed.

1009  
1010 Mr. Sehl - Thank you, Mr. Chairman. As the secretary said, this  
1011 is a request to rezone 20.38 acres from R-3 to RTHC. The 2010 Land Use Plan  
1012 recommends Suburban Residential 2 and Office for the subject properties. While  
1013 this request is not entirely consistent with these designations, residential  
1014 development could be appropriate if properly designed and regulated.

1015  
1016 The acreage of this request has been reduced since the staff report was issued.  
1017 The applicant is now proposing to retain the existing houses and associated lots  
1018 which face Wistar Road.

1019  
1020 While the applicant has submitted a new conceptual plan consistent with the  
1021 reduced acreage, new proffers have not yet been provided. This means there is  
1022 some disconnect between the proffers and the new conceptual plan.

1023 Specifically, the unit width shown on the new concept plan does not match the  
1024 minimum unit width contained in the proffers, and the number of units proffered is  
1025 greater than that shown on the conceptual plan. Staff recommends these items  
1026 be addressed and encourages the applicant to provide a unit width consistent  
1027 with recent rezoning requests in the vicinity.  
1028

1029 The proffers submitted by the applicant and included in the staff report contain  
1030 many assurances of quality, including two-car garages; high quality exterior  
1031 building materials; sidewalks; minimum sound suppression requirements  
1032 between units; sod and irrigation for grassed yard areas; and, limits on the hours  
1033 of trash pickup and street cleaning.  
1034

1035 While the quality of the development is largely consistent with other recent  
1036 developments in the area, staff is concerned the removal of the houses which  
1037 front Wistar Road from this request could negatively impact the development of  
1038 the subject property. Specifically, the applicant should consider including all of  
1039 the properties previously part of this case in their request so that a more  
1040 cohesive development could be achieved. Staff is also concerned that the  
1041 development of the subject property as proposed would negatively impact the  
1042 future residents of those houses fronting Wistar Road that would remain.  
1043

1044 If the applicant were to include all of the properties previously part of this request  
1045 and was able to ensure a level of quality consistent with adjacent residential  
1046 rezonings, staff could more fully support this request.  
1047

1048 This concludes my presentation, and I would be happy to answer any questions  
1049 you might have.  
1050

1051 Mr. Jernigan - Are there any questions for Mr. Sehl from the  
1052 Commission?  
1053

1054 Mr. Vanarsdall - I don't have any.  
1055

1056 Mr. Jernigan - Thank you, Mr. Sehl. I'm assuming you'd like to hear  
1057 from the applicant, Mr. Vanarsdall.  
1058

1059 Mr. Vanarsdall - Well, I see him approaching the bench, so might as  
1060 well.  
1061

1062 Mr. Condlin - I appreciate it, Mr. Chairman, members of the  
1063 Commission. Andy Condlin from Williams Mullen. First, let me apologize for  
1064 putting both the staff and you in this position. I'll take full responsibility. The  
1065 proffers that we have been submitting have been in draft form for review by the  
1066 staff, and quite frankly, I could have submitted them in final form, but hadn't just  
1067 because we were continuing to work on them. I do know that this case has been  
1068 deferred a number of times, and I again apologize for that. We were looking at a



1069 different concept. We originally applied for townhomes. I have two different  
1070 property owners, but one property owner has four different partners in it, so it's a  
1071 lot of people to get together. Also, one of the property owners was concerned  
1072 and decided that maybe he didn't want to sell all of his property, and retain the  
1073 home up front.

1074

1075 We looked at a different configuration, quite frankly. I'm going on memory; I don't  
1076 have my notes. We tried for about nine months to try to coordinate a meeting  
1077 with the County Manager and some of the staff to go down to look at a site in Isle  
1078 of Wight County that was a similar proposal that we were putting forth. Through  
1079 various reasons, we couldn't get that together. That was one of the reasons for  
1080 many of the deferrals. It's not like we were sitting still; I didn't want you to think  
1081 that. Again, this was our fault that we went back into townhomes. That proposal  
1082 really wasn't going to gain any traction. We decided, along with the County  
1083 suggestions, it may not be appropriate at this location. So, we came back to the  
1084 original townhomes.

1085

1086 So, in the last few weeks, we've been meeting with the County and the staff. As I  
1087 said, one of the property owners asked for the property to be reconfigured, so we  
1088 amended the case to bring up this concept plan and to reduce the acreage. But  
1089 again, I haven't officially amended the proffers by submitting those. Again,  
1090 because I was out of town on Monday, I received comments—and I could have  
1091 had them on probably Friday or Monday, but I received comments on Tuesday  
1092 from the staff. Again, that's not their fault; that's really just a response to drafts  
1093 that I'd been giving them. They've been very diligent about turning those around,  
1094 as Mr. Vanarsdall has. Quite frankly, I feel we can meet all those, but there are  
1095 some things that have been asked for, for example, the entrance feature. I had  
1096 proposed just allowing for the Planning Commission to approve the entrance  
1097 feature at the time of POD and not get into the design of this specifically here,  
1098 that it would be subject to the Planning Commission completely. Staff felt it would  
1099 be appropriate to have a specific exhibit. We just need time to get that together,  
1100 quite frankly. The same would apply for a garage exhibit. We heard that they  
1101 wanted a specific exhibit, not just the dimensions. Again, we'd be happy to get  
1102 that together.

1103

1104 I personally feel like we can meet all the concerns. Again, I have six people to get  
1105 together—or excuse me, five people to get together to agree on things, and  
1106 exhibits to prepare. I feel like we're finally getting traction. I do feel like just 30  
1107 more days' deferral will get us there. I'll be happy to go over some of the changes  
1108 that we're proposing for the proffers, but again, I would appreciate—I'll follow  
1109 your lead on that. I can go through the existing proffers and show you some of  
1110 the changes such as reducing the number of units to match the conceptual plan,  
1111 changing the square footage, the question on the exhibits on the garage and  
1112 things of that nature, the road width and the sound coefficient—little minor  
1113 changes. I don't want to waste your time, either, if you don't find that productive.  
1114 With that, I'll do as you see fit at this point.

1115  
1116 Mr. Vanarsdall - I don't think that will be necessary tonight, Mr.  
1117 Condlin. You'll still have a chance before it comes to the Board to take care of all  
1118 that. I think you will admit that I have been pretty lenient. I've never refused until  
1119 tonight—thirteen deferments, five meetings we've had recently. I think we've  
1120 come to the end of the road for this now because it's just not up to par with  
1121 adjoining property and so forth, just like Mr. Sehl pointed out.  
1122  
1123 Mr. Condlin - I agree completely. You've been more than lenient,  
1124 more than patient. I feel like we've finally been able to work on the case. With  
1125 one more month, I can get the applicants to get up to par to the property next  
1126 door. We've received all the final comments. Only recently, just last week,  
1127 Thursday or Friday, did we provide this new concept plan with the houses up  
1128 front. We hadn't really received the reaction from the staff. That's one of the other  
1129 examples.  
1130  
1131 Mr. Vanarsdall - Since you mentioned the future proffers, I will tell you  
1132 that what you're trying to do is down-zone, and that we don't want. The adjoining  
1133 property was approved in 2005, approved by the Board in June 2005. What  
1134 you're doing doesn't do it.  
1135  
1136 Mr. Condlin - I agree with you that the current case as it is before  
1137 you doesn't do that. I feel like we can do that, if given the opportunity. But again,  
1138 I'll follow your lead on that.  
1139  
1140 Mr. Vanarsdall - Thank you.  
1141  
1142 Mr. Condlin - All right, thank you.  
1143  
1144 Mr. Jernigan - Thank you, Mr. Condlin.  
1145  
1146 Mr. Vanarsdall - Mr. Sehl said about all that I have to say on it. He has  
1147 been working on it since 2006, and we still don't have it right. We have had a lot  
1148 of things done recently on the elevation that was just submitted this week. It  
1149 shows they're going to leave some homes facing Wistar Road, which is very out  
1150 of character, and we can't make the entrance feature compatible to what  
1151 entrance features are along this road on both sides and the adjoining property. I  
1152 could go on and on. I've been sitting here long enough to know when a case  
1153 needs to be moved to the Board, and that's what I'm going to recommend  
1154 tonight. I recommend C-64C-06, Jennifer D. Mullen for Wistar Creek, LLC, be  
1155 sent to the Board of Supervisors for denial.  
1156  
1157 Mr. Archer - Second.  
1158

1159 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer to  
1160 recommend denial of case C-64C-06. All in favor say aye. All opposed say no.  
1161 The ayes have it; the motion passes for denial.

1162

1163 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by  
1164 Mr. Archer, the Planning Commission voted 4-0 (one absent, one abstention) to  
1165 **deny** the request because it failed to include the proffered conditions deemed  
1166 necessary to lessen the impact of residential zoning on the area and would not  
1167 represent sound zoning or logical land use practices.

1168

1169 **C-29C-08 M. Akbar Ali for 1241 Associates, LLC:** Request to  
1170 conditionally rezone from O-3C Office District (Conditional) to R-2AC One-Family  
1171 Residence District (Conditional), part of Parcel 775-749-1480, containing 3.6031  
1172 acres, located on the east line of Impala Drive at its intersection with Impala  
1173 Place. The applicant proposes a place of worship. The R-2A District allows a  
1174 minimum lot size of 13,500 square feet and a maximum gross density of 3.23  
1175 units per acre. The use will be controlled by zoning ordinance regulations and  
1176 proffered conditions. The Land Use Plan recommends Office and Environmental  
1177 Protection Area.

1178

1179 Mrs. Jones - Excuse me. I need to mention for the record that I will  
1180 not be participating in the discussion or the vote on this case due to a  
1181 representational conflict.

1182

1183 Mr. Jernigan - Thank you, Mrs. Jones. All right. Is there any  
1184 opposition to case C-29C-08, M. Akbar Ali for 1241 Associations, LLC? All right,  
1185 we do have opposition. Okay, Mr. Sehl, you're back again.

1186

1187 Mr. Sehl - Yes sir, thank you.

1188

1189 Mr. Vanarsdall - You've been busy this week, haven't you?

1190

1191 Mr. Sehl - This request would rezone 3.60 acres on Impala Drive  
1192 from O-3C to R-2AC to allow a place of worship. Adjacent properties are zoned  
1193 O-3C, M-1, and R-4.

1194

1195 The subject site is mostly wooded and vacant, and contains several prominent  
1196 environmental features, including a stream and associated wetlands.

1197

1198 The 2010 Land Use Plan recommends Office and Environmental Protection Area  
1199 uses for the subject site. The requested zoning and proposed use are in conflict  
1200 with these designations.

1201

1202 In response to the concerns outlined in the staff report, the applicant has  
1203 submitted revised proffers, dated August 12<sup>th</sup>, and an updated concept plan, both  
1204 of which have been distributed to you this evening. The updated proffers address

1205 items including use restrictions; building materials; landscape buffers; location of  
1206 storm water management facilities; screening of mechanical equipment;  
1207 conservation areas; and restrictions on the hours of exterior construction and  
1208 trash removal.

1209

1210 The revised proffers address many of the concerns outlined in the staff report;  
1211 however, staff notes the proposed zoning and use deviate from the 2010 Land  
1212 Use Plan. Staff believes the current Office zoning and the 2010 Land Use Plan  
1213 designation are appropriate. The existing zoning on the property helps to  
1214 implement the goals, objectives, and policies of the County's Comprehensive  
1215 Plan by encouraging land uses in harmony with adjoining uses and which can  
1216 function in a compatible fashion; by discouraging development which over-  
1217 intensifies the site; and by providing for the logical arrangement of land uses  
1218 which offer transitions from more intense to less intense uses.

1219

1220 Staff believes the requested zoning and use would allow for a level of  
1221 development that could negatively impact adjacent uses. In addition,  
1222 development of the property as proposed could hinder the viability of office uses  
1223 on the residual property to the north. Staff believes the Office recommendation  
1224 in the Land Use Plan and Office zoning on the site are appropriate; therefore,  
1225 staff does not support this request.

1226

1227 This concludes my presentation. I will be happy to answer any questions you  
1228 might have.

1229

1230 Mr. Jernigan - Are there any questions for Mr. Sehl?

1231

1232 Mr. Vanarsdall - You said the staff does not support.

1233

1234 Mr. Sehl - Yes sir.

1235

1236 Mr. Vanarsdall - I have a question. Tell me again about the  
1237 Comprehensive Plan?

1238

1239 Mr. Sehl - The Comprehensive Plan, as you know, has a  
1240 number of goals, objectives, and policies that outline the visions of the County as  
1241 the plan was adopted. We feel that approval of this request would be in conflict  
1242 with those policies and goals, several of which I have stated here. That's the  
1243 basis for staff's recommendation on this request.

1244

1245 Mr. Vanarsdall - Thank you. Those are the only questions I have.

1246

1247 Mr. Jernigan - Thank you, Mr. Sehl. Mr. Vanarsdall, would you like  
1248 to hear from the applicant?

1249

1250 Mr. Vanarsdall - No, I don't need to

1251  
1252 Mr. Jernigan - Okay.  
1253  
1254 Mr. Vanarsdall - Are you ready for a motion?  
1255  
1256 Mr. Jernigan - Yes sir.  
1257  
1258 Mr. Vanarsdall - First of all, this case—  
1259  
1260 Mr. Jernigan - Oh, wait a minute. Mr. Vanarsdall, we do have  
1261 opposition.  
1262  
1263 Mr. Vanarsdall - Oh, I'm sorry, we do. I'm sorry. I knew that. So, we'll  
1264 hear from the applicant. I want to hear from the applicant first, and then we'll  
1265 take all of you.  
1266  
1267 Mr. Jernigan - Would the applicant for this case come down please?  
1268  
1269 Mr. Vanarsdall - Good evening.  
1270  
1271 Mr. Ali - Good evening Mr. Chairman and other members of  
1272 the Planning Commission.  
1273  
1274 Mr. Vanarsdall - Can you get a little bit closer to the microphone so we  
1275 can hear you?  
1276  
1277 Mr. Ali - We are proposing—  
1278  
1279 Mr. Jernigan - Sir, would you state your name for the record,  
1280 please?  
1281  
1282 Mr. Ali - My name is M. Akbar Ali. I am the president of Artco,  
1283 Incorporated. We are consultants for our client, 1241 Associates, LLC.  
1284  
1285 Mr. Jernigan - I didn't catch your last name.  
1286  
1287 Mr. Ali - A-I-i. Ali is the last name.  
1288  
1289 Mr. Jernigan - Okay, thank you.  
1290  
1291 Mr. Ali - We are proposing the rezoning of this property for a  
1292 place of worship. This property was previously a residential district, so all we are  
1293 suggesting is to revert it to the residential district so it can be permitted for a  
1294 place of worship. We have revised the concept plan several times to meet the  
1295 requirements of the County. We have revised the proffers as well to satisfy the  
1296 need of the adjoining properties. For example, on Proffer #5, we have a 25-foot

1297 buffer along the southern property line, which shall be provided and planted to a  
1298 foundational buffer #25 standard. Also on the eastern side, we have the 15-foot  
1299 buffer. We also are restricting the time for construction, which shall be between 7  
1300 a.m. and 7 p.m. Monday through Saturday, and no construction will be conducted  
1301 on Sundays. We are also providing a 10-foot right-of-way dedication along  
1302 Impala Drive. We will be using brick for this building, and it will be just one story  
1303 that is not more than 25-feet high. We will screen all the HVAC items. We will  
1304 also screen the dumpster, as per the proffered statement. We have also  
1305 considered the wetland protection area conservation. On item #14, we did  
1306 mention that for that portion of the property that lies within the 100-year  
1307 floodplain, the developer will submit an application for C-1 Conservation District  
1308 zoning prior to approval of the final POD.  
1309

1310 We have taken all the planning strategies to minimize and mitigate on the  
1311 property, and also the aesthetics of the development, and we meet the  
1312 requirements of the County, as well as taking care of the environment. We  
1313 realize that there is a floodplain area there also, a stream protection area. We are  
1314 not making any development in the floodplain area.  
1315

1316 Mr. Vanarsdall - Mr. Ali, you are also the architect, aren't you?  
1317

1318 Mr. Ali - Yes sir. I'm planner and architect both, yes.  
1319

1320 Mr. Vanarsdall - When you filed this case in June of this year, June 6<sup>th</sup>,  
1321 you also said it's a community center.  
1322

1323 Mr. Ali - Yes. Place of worship and accessory uses.  
1324

1325 Mr. Vanarsdall - Thank you. I don't have any questions, Mr.  
1326 Chairman.  
1327

1328 Mr. Jernigan - Okay. Are there any other questions from the  
1329 Commission for Mr. Ali? Okay, thank you, sir.  
1330

1331 Mr. Vanarsdall - Thank you, Mr. Ali.  
1332

1333 Mr. Jernigan - Sir, would you like to speak? Are you with him?  
1334

1335 Mr. Khan - Good evening.  
1336

1337 Mr. Jernigan - Good evening.  
1338

1339 Mr. Vanarsdall - Good evening.  
1340

1341 Mr. Khan - Mr. Chairman—  
1342

1343 Mr. Jernigan - Would you state your name for the record?  
1344  
1345 Mr. Khan - Yes. My name is Dr. Naji Khan.  
1346  
1347 Mr. Jernigan - K-h-a-n. Okay, thank you.  
1348  
1349 Mr. Vanarsdall - K-h-a-n.  
1350  
1351 Mr. Khan - Thank you, Mr. Chairman and members of the  
1352 Planning Board to give an opportunity for me to speak in the support of this C-  
1353 29C-08 for the place of worship.  
1354  
1355 The great thing about our country is that every American has the right to exercise  
1356 the freedom of speech and worship. Our community in Henrico County does not  
1357 have a single place of worship. We've been operating out of rented facilities. We  
1358 are operating out of hotels. We have two choices. Either we drive from here  
1359 across the river to Chesterfield County and join them in the congregation, or we  
1360 all move to Chesterfield County. Neither of those solutions is practical.  
1361 Therefore, our goal is to have a very small place of worship in which we can  
1362 meet, pray, discuss the issues facing the Henrico County resident, and come up  
1363 with a solution so we can put a plan together to make Henrico County a safe  
1364 place to live and work.  
1365  
1366 There is a three-way win/win situation in this proposal here. We get a small  
1367 place to worship, which is guaranteed by the Constitution, and also do something  
1368 to make Henrico a safe place, because unless we meet together and discuss our  
1369 mutual problems, we won't be able to solve them individually. The second  
1370 win/win situation is for the residents surrounding this area. This place is no Short  
1371 Pump. It's not lush; it's not really expensive. The life will come to there because  
1372 of the small group of people moving in there. Because of that, and the law of  
1373 supply and demand, the prices of the houses around this are going to go up. The  
1374 congregation people want to move closer to the houses. The third win/win  
1375 situation is Henrico County revenue. As soon as the prices go up, so the property  
1376 taxes go up, and you meet your goal of revenue.  
1377  
1378 Therefore, we can achieve our goal if you approve our rezoning request to build  
1379 the infrastructure, the small one, where we can perform our prayer. Last but not  
1380 least, we have complied with all the regulations such as the minimum acreage  
1381 required—3 acres, and we have 3.6. You require 72 spaces for parking; we have  
1382 80. We also know that this place was originally R-4 Residential zoning. All we're  
1383 asking is to reverse from O-3C Office District to R-2AC One-Family Residential  
1384 District. It is not a very big structure that is going to upset the entire area of  
1385 Impala Drive and surrounding area.  
1386  
1387 With that, I request strongly that you consider the case and approve C-29C-08.  
1388 Thank you very much.

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Mr. Vanarsdall - Thank you.

Mr. Jernigan - Thank you, sir. We do have opposition. I don't know if you have one speaker; you have several coming down. Come on down, please. Good evening.

Ms. Rose - I'm Pamela Rose. I represent myself, my family, and my neighbor, Ms. Johnston. We received this notice, and our first response is that we are not opposed to a worship place. Our concern is traffic, it is noise. What we already have to deal with in our neighborhood to begin with is, I don't know how many buildings, trucks, and transfer trucks that go through our neighborhood, and traffic of office buildings and everything that's back behind our house. The only buffer that we do have is this piece of woods that they're talking about developing into a church and a community center. The only way for the traffic to come into our neighborhood from Hermitage or Hilliard Road would be from Impala, or our street, Lafayette, or Lincoln. Now, on Lafayette and Lincoln, you have no sidewalks and people park on the streets. So, I don't know how we could support more traffic coming through there for this type of center. In addition, whatever development is going to take place, it's going to have to be looked at as to what hours they have, and what kind of buffering we will have. As a neighborhood, we already have to deal with the truckers going through there, the office traffic going through there. There are plants back there that run three shifts, and that traffic goes either down Impala or down our street. There is no exit way from Impala. It doesn't exit out any other way back through Hermitage Road, it just comes out right at Impala and Hilliard, and down our streets. We already have to deal with the trucks, the noise, the alarms of these buildings going off whenever there's a storm (you never know who owns the property), and the lighting issues.

It's just something that needs to be looked at. This neighborhood cannot take this kind of traffic. The only buffer that we have from all of these buildings and offices behind our house is this piece of property. Although we understand that they can do whatever they want to with their property, there still needs to be consideration of the traffic. All these cars, transfer trailers, transfer trucks, and moving trucks—everybody's back there. It's tough, but it's a nice neighborhood. We like our neighborhood.

Mr. Vanarsdall - Thank you very much.

Mr. Jernigan - Thank you, ma'am. Are there questions for Ms. Rose from the Commission? Yes, you can come on up, sir.

Mr. Rhodes - I'm Charlie Rhodes. I'm a resident and homeowner as well. I think we're representative of about 60% of the property owners that abut the property. Honestly, I'm here because I was really take aback with



1435 surprise by the developments, and just recently received a notice. I wasn't really  
1436 clear on what the plans were. Given what I've seen here tonight, I'm here to  
1437 stand in opposition to the proposed rezoning, just consistent with the  
1438 recommendations already made by the Planning Committee, or the gentleman  
1439 that—I'm sorry I don't know the official terminology—the staff. Thanks, that all I  
1440 have to say.

1441

1442 Mr. Jernigan - Thank you, sir.

1443

1444 Mr. Vanarsdall - Thank you.

1445

1446 Mr. Jernigan - All right. Does anybody else have anything to say?  
1447 All right, Mr. Vanarsdall.

1448

1449 Mr. Jernigan - You have to come down to the podium, sir.

1450

1451 Mr. Vanarsdall - Good evening.

1452

1453 Mr. Surani - Hi. My name is Munaf Surani. I want to ask one  
1454 question. If we don't do something—it's O-2C zoning—an office building is going  
1455 to come. They're going to have a lot more traffic on this. The congregation is not  
1456 going to bring as much traffic seven days a week like the O-2C zoning is going to  
1457 bring. We usually pray on Friday. That's where you're going to see the traffic.  
1458 Otherwise, hardly anybody will be there. There might be four cars or five cars  
1459 that go there. So, that's my answer to the traffic concerns. It's only Friday.  
1460 Otherwise, it's not going to be much. A few people will be going every day. If  
1461 you go to any other mosque, at a given time you will see hardly any or some, four  
1462 or five, ten maybe, that kind of thing. So, that's my answer to your traffic issue.  
1463 Thank you.

1464

1465 Mr. Jernigan - Thank you, Mr. Surani.

1466

1467 Mr. Vanarsdall - Anyone else? Is that it?

1468

1469 Mr. Jernigan - You can go ahead, Mr. Vanarsdall.

1470

1471 Mr. Vanarsdall - First, I want to thank all of you who came in  
1472 opposition, who came to present the case, and the people who are here on  
1473 behalf of the case. Mr. Chairman and members of the Commission, I specifically  
1474 asked Mr. Sehl about the Comprehensive Plan. He answered, and I will spell this  
1475 out. First of all, staff does not support this case. It's against the Land Use Plan of  
1476 2010; there are conflicts with it. It's also against the goals, objectives, and  
1477 policies of the 2010 Land Use Plan. With that, I recommend to the Board of  
1478 Supervisors that C-29C-08, M. Akbar Ali for 1241 Associations, LLC, be denied.

1479

1480 Mr. Archer - Second.

1481  
1482 Mr. Jernigan - We have a motion by Mr. Vanarsdall, seconded by  
1483 Mr. Archer to deny C-29C-08. All in favor say aye. All opposed say no. The ayes  
1484 have it; the motion is denied.  
1485  
1486 Mrs. Jones - I abstain.  
1487  
1488 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by  
1489 Mr. Archer, the Planning Commission voted 3-0 (one absent, two abstentions) to  
1490 recommend the Board of Supervisors deny the request because it does not  
1491 conform to the recommendation of the Land Use Plan nor the Plan's goals,  
1492 objectives and policies.  
1493  
1494 Mr. Archer - Mr. Chairman, before we move off this, I think it would  
1495 probably be beneficial to let the applicant know, because they may not know, that  
1496 our recommendation for denial is what goes to the Board of Supervisors, who  
1497 does have the final say on this. It will be heard, when, in 30 days?  
1498  
1499 Mr. Glover - September 11<sup>th</sup>.  
1500  
1501 Mr. Archer - September 11<sup>th</sup> meeting in front of the Board of  
1502 Supervisors.  
1503  
1504 Mr. Emerson - September the 9<sup>th</sup>.  
1505  
1506 Mrs. Jones - The 9<sup>th</sup>.  
1507  
1508 Mr. Archer - The 9<sup>th</sup>.  
1509  
1510 Mr. Emerson - Yes sir, September the 9<sup>th</sup>.  
1511  
1512 Mr. Archer - I just want to make sure that the applicant and the  
1513 folks that came out in support of this plan understand that.  
1514  
1515 Mr. Jernigan - Okay, thank you, Mr. Archer.  
1516  
1517 Mr. Emerson - Mr. Chairman, that brings us to the next item, which is  
1518 a discussion item. As you know, we held a work session earlier this evening to  
1519 discuss potential amendments to the County Code relating to the alternate fence  
1520 height. Based on what you represented tonight, staff would like the Commission  
1521 to schedule a public hearing to consider the amendments to the Code for our  
1522 next meeting on September 11, 2008.  
1523  
1524 Mr. Jernigan - Okay. We don't have to have a motion on that, do  
1525 we?  
1526

1527 Mr. Emerson - It would probably be good to have a motion, yes sir.  
1528  
1529 Mr. Jernigan - All right. Do we have a motion?  
1530  
1531 Mr. Vanarsdall - I move that—What was the time?  
1532  
1533 Mr. Emerson - September 11, 2008, at 7 p.m.  
1534  
1535 Mr. Vanarsdall - All right. I move that we set the time for 9/11 at 7 p.m.  
1536  
1537 Mrs. Jones - Second.  
1538  
1539 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones to  
1540 have the public hearing for fence heights at 7:00 on September the 11<sup>th</sup>. All in  
1541 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1542  
1543 Mr. Emerson - Mr. Chairman, the next item will be the approval of the  
1544 minutes.  
1545  
1546 Mr. Jernigan - Are there any changes to the minutes for July 10,  
1547 2008? Do I have a motion?  
1548  
1549 Mrs. Jones - I move the minutes be accepted as distributed.  
1550  
1551 Mr. Archer - Second.  
1552  
1553 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer to  
1554 approve the minutes for July 10, 2008. All in favor say aye. All opposed say no.  
1555 The ayes have it; the motion passes.  
1556  
1557 Mr. Emerson - Mr. Chairman, staff does not have anything else for  
1558 the Commission tonight.  
1559  
1560 Mr. Archer - Mr. Chairman, I move for adjournment.  
1561  
1562 Mr. Jernigan - So moved.  
1563  
1564 The meeting was adjourned at 8:24 p.m.  
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Mr. R. Joseph Emerson, Jr., Secretary

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Mr. E. Ray Jernigan, Chairman