

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 12, 2010. Display Notice having been published in the Richmond Times-
5 Dispatch on July 22, 2010 and July 29, 2010.
6

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

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Seth Humphreys, County Planner
Mr. Roy Props, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Lisa Taylor, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, County Planner
Ms. Sylvia Ray, Recording Secretary

7
8 Mr. David Kaechele, the Board of Supervisors' representative, abstains on
9 all cases unless otherwise noted.
10

11 Mr. Vanarsdall - Good evening everyone and welcome to the Henrico
12 County Planning Commission, fellow Commissioners, and a special hello to Mr.
13 Kaechele on the end who represents the Board of Supervisors and keeps us
14 straight. Is there anybody from the media here? I don't see anybody. I'd like
15 everyone to stand and Pledge Allegiance to the Flag.
16

17 Thank you. Now I'll turn the meeting over to our secretary and the Director of
18 Planning, Joe Emerson.
19

20 Mr. Emerson - Thank you, Mr. Chairman. The first item on your
21 agenda tonight are the Requests for Withdrawals and Deferrals. Those will be
22 presented by Mr. Jim Strauss.
23

24 Mr. Strauss - Thank you and good evening, members of the
25 Commission. There are no deferrals this evening, but there is one request for
26 withdrawal and that is on page two of the agenda in the Varina District, C-9C-10,
27 John Weis. This case has been withdrawn by the applicant and no action is
28 required.
29

30 (Deferred from the July 15, 2010 Meeting)

31 C-9C-10 Bob Nelson for John D. Weis, Jr.: Request to
32 conditionally rezone from A-1 Agricultural District to M-2C General Industrial
33 District (Conditional), Parcels 837-704-0031 and 837-704-6522, containing 19.9
34 acres, located on the north line of Portugee Road approximately 135 feet east of
35 La France Road. The applicant proposes a vehicular parking lot and other
36 permitted uses. The use will be controlled by zoning ordinance regulations and
37 proffered conditions. The Land Use Plan recommends Traditional Neighborhood
38 Development. This site is in the Airport Safety Overlay District.

39
40 Mr. Vanarsdall - All right, no action to take on that.

41
42 Mr. Emerson - Correct. No action is required by the Commission on
43 that matter.

44
45 Next are the requests for expedited items. There are three of those and they will
46 be presented by Mr. Jim Strauss as well.

47
48 Mr. Strauss - Yes sir. The first case on the expedited agenda is in
49 the Three Chopt District on page one of the agenda, P-8-10, Towne Center
50 West, LLC. This is a request for a provisional use permit to allow outside dining
51 for a proposed restaurant known as Osteria La Giara. This will be a proposed
52 outdoor dining area. There are handouts this evening. Staff is recommending
53 approval with Condition 1 through 14. There is an additional Condition 14. Staff is
54 still comfortable that this case be expedited.

55
56 P-8-10 Brian Revere for Towne Center West, LLC:
57 Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-
58 122.1 of the County Code in order to allow outside dining for a proposed restaurant
59 in the Towne Center West Shoppes, on part of Parcel 735-764-7376, located
60 approximately 1,100 feet north of W. Broad Street (U. S. Route 250) approximately
61 1,400 feet east of its intersection with N. Gayton Road. The existing zoning is B-2C
62 Business District (Conditional). The Land Use Plan recommends Commercial
63 Arterial. The site is in the West Broad Street Overlay District

64
65 Mr. Vanarsdall - Any opposition in the audience for this case, P-8-10,
66 Brian Revere for Towne Center West, LLC? No opposition. Mr. Branin.

67
68 Mr. Branin - Mr. Chairman, I'd like to move that P-8-10, Brian
69 Revere for Towne Center West, LLC, be approved on the expedited agenda and
70 move forward to the Board of Supervisors with a recommendation for approval,
71 including Condition 14.

72
73 Mr. Jernigan - Second.

75 Mr. Vanarsdall - Motion by Mr. Branin, seconded by Mr. Jernigan. All
76 in favor say aye. All opposed say no. The ayes have it; the motion passes.
77

78 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
79 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
80 the Board of Supervisors grant the request because the conditions should
81 minimize the potential impacts on surrounding land uses and it would not be
82 expected to adversely affect public safety, health or general welfare.
83

84 Mr. Strauss - The next case on the expedited agenda is in the
85 Brookland District, page 2 of the agenda, case C-11C-10, Hallmark Home
86 Builders, Incorporated. This is a request to amend Proffer 13 accepted with
87 rezoning case C-66C-03 related to fence height and type to allow vinyl fencing.
88 Staff is recommending approval with the additional handout this evening.
89

90 (Deferred from the July 15, 2010 Meeting)

91 C-11C-10 Thomas R. Towers, Jr. for Hallmark Home
92 Builders, Inc.: Request to amend proffered conditions accepted with Rezoning
93 Case C-66C-03 on Parcels 771-774-3218, -1883, -3818, -1877, -4418, -1871, -
94 5017, -1765, -5617, -1858, -5837, -1853, -5137, -1747, -4537, -1840, -3937, -
95 1735, -3337, -1729, -3449, -1723, -4049, -4648 -5248, -5847, -6067, -5366, -4765,
96 -4165, -3565 located along the south line of Mill Road approximately 300 feet east
97 of LaVecchia Way. The applicant proposes to amend Proffer 13 related to fence
98 height and type. The existing zoning is R-5AC General Residence District
99 (Conditional). The Land Use Plan recommends Suburban Residential 2, density
100 not to exceed 3.4 units per acre.
101

102 Mr. Vanarsdall - Anyone in opposition to C-11C-10, Thomas R.
103 Towers, Jr. for Hallmark Home Builders, Inc.? No opposition. I move that C-11C-
104 10, Thomas R. Towers, Jr. for Hallmark Home Builders, Inc., be recommended to
105 the Board of Supervisors for approval.
106

107 Mr. Branin - Second.
108

109 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All
110 in favor say aye. All opposed say no. The ayes have it; the motion passes.
111

112 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by
113 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend
114 the Board of Supervisors grant the request because the changes do not greatly
115 reduce the original intended purpose of the proffers.
116

117 Mr. Strauss - The final case on the expedited agenda is in the
118 Fairfield District, page two of the agenda. That's P-9-10, Clearwire US LLC. This
119 is a request for a provisional use permit to retain one microwave dish, replace
120 one microwave dish, and add two new microwave dishes on an existing

121 communications tower. Staff is recommending approval with Conditions 1
122 through 15 on page 3 of the staff report.

123

124 P-9-10 Brian Bolt for Clearwire US LLC: Request for a
125 Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of
126 Chapter 24 of the County Code in order to retain one (1) microwave dish, replace
127 one (1) microwave dish, and add two (2) new microwave dishes to an existing
128 communications tower, on part of Parcel 784-758-8385, located approximately 575
129 feet east of the intersection of Mountain and Telegraph Roads. The existing zoning
130 is M-1C Light Industrial District (Conditional). The Land Use Plan recommends
131 Planned Industry. This site is in the Enterprise Zone

132

133 Mr. Vanarsdall - Anyone in the audience in opposition to P-9-10, Brian
134 Bolt for Clearwire US LLC? No opposition, Mr. Archer.

135

136 Mr. Archer - Mr. Chairman, I move for a recommendation of
137 approval for P-9-10, Brian Bolt for Clearwire US LLC, subject to the
138 recommended conditions as mentioned in the Staff Report.

139

140 Mr. Branin - Second.

141

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

144

145 REASON: Acting on a motion by Mr. Archer seconded by Mr.
146 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
147 Board of Supervisors grant the request because it would not be expected to
148 adversely affect public safety, health or general welfare, and it would provide
149 added services to the community.

150

151 Mr. Strauss - Mr. Chairman, that completes the expedited agenda.

152

153 Mr. Vanarsdall - Thank you, Mr. Strauss.

154

155 Mr. Emerson - Mr. Chairman, that takes us to the first item on your
156 agenda tonight for public hearing.

157

158 P-7-10 Albert Diradour: Request for a Provisional Use Permit
159 under Sections 24-58.2(d), 24-120, and 24-122.1 of the County Code in order to
160 allow outside dining for an existing restaurant in Westpark Shopping Center, on
161 Parcel 754-758-6408, located at the southwest intersection of W. Broad Street
162 (U.S. Route 250) and Pemberton Road (State Route 157). The existing zoning is
163 B-2C Business District (Conditional). The Land Use Plan recommends
164 Commercial Arterial.

165

166 Mr. Vanarsdall - Anyone in the audience in opposition to this case, P-
167 7-10, Albert Diradour? No opposition. Good evening, Ms. Taylor.

168
169 Ms. Taylor - This request would allow an existing restaurant—
170 Applebee's—located within the Westpark Shopping Center, to operate an
171 outdoor dining area which would be located along the western exterior wall.

172
173 The site is zoned B-2C and designated Commercial Arterial on the 2026 Land
174 Use Plan. The proposed outdoor dining use would be consistent with this
175 designation.

176
177 The applicant has submitted an exhibit illustrating a 675-square-foot enclosure
178 that would be accessed from within the restaurant through the existing "carry-out"
179 or "carside-to-go" door. The outdoor dining area would have a fenced enclosure
180 and the gate would be used by Applebee's employees for "carside-to-go"
181 services or emergency purposes only. Signs would be posted on the enclosure
182 gate stating these requirements and staff has included Condition 8 in the staff
183 report to address this item.

184
185 Prior to the operation of the outdoor dining, the applicant will be required to
186 submit a site plan of the outdoor dining area and obtain administrative approval
187 from the Planning Department. The site plan will need to show the relocation of
188 existing landscaping and ensure consistency with POD-57-89, as recommended
189 by Condition 11 in the staff report.

190
191 The applicant has requested the outdoor dining area close at midnight. However,
192 staff believes operating the outdoor dining area until midnight would be
193 inconsistent with recently approved outdoor dining uses in the area and
194 recommends Condition 1, which would limit hours of operation for outdoor dining
195 to no later than 10 p.m.

196
197 Revised conditions have been handed out to you this evening. Condition 14 has
198 been added which does not allow televisions or other video display devices in the
199 outdoor dining area. These proposed conditions are similar to previously
200 approved provisional use permits for outdoor dining in the vicinity. Properly
201 regulated, the outdoor dining use would be compatible with surrounding uses.

202
203 Staff recommends approval of this request subject to the revised conditions. This
204 concludes my presentation. I will be happy to answer any questions.

205
206 Mr. Vanarsdall - Any questions by Commission members for Ms.
207 Taylor?

208
209 Mr. Branin - Ms. Taylor, I've been briefed and understand and
210 agree with Condition 14. This is a new development that we're going to probably
211 see a lot coming up in the future, because of the no-smoking laws, people

212 wanting outdoor dining to cater to the smokers. With this new condition, for the
213 benefit of the other Commissioners, would you please explain what Condition 14
214 is?

215
216 Ms. Taylor - Condition 14 prohibits any type of television or video
217 display devices in the outdoor dining area.

218
219 Mr. Branin - The thinking behind that is two-fold, correct?

220
221 Ms. Taylor - Yes.

222
223 Mr. Branin - The reason and the thinking behind that can you
224 expand on?

225
226 Ms. Taylor - Just to prohibit any type of video in the outdoor dining
227 area or any type of video signage. It could become a distraction to anyone on the
228 drive aisle if the outdoor dining is adjacent to a drive aisle area. Is that what
229 you're referring to?

230
231 Mr. Branin - Correct. For the benefit of my fellow Commissioners,
232 if you can picture how big the screens can get now, 56-inch, 69-inch plasma
233 screen TV's that are weathered or have a plexiglass out front. When the
234 establishment is not operating, we all know that with technology today you can
235 run banner signs across it, put flashing, and it could be a distraction to drivers. It
236 would then be considered additional signage. So if you're being a distraction to
237 drivers and additional signage, staff came to me and said this is the new
238 condition, what do you think. And I didn't disagree with it. So if you all want to
239 discuss that at a further time. Any comments? None at all?

240
241 Mr. Emerson - Mr. Branin, I might add that in certain instances this
242 may be a fine use if an operator wants to do it, if they come forward and provide
243 us with a design of some type. And of course these provisional use permits can
244 be altered by coming back to both you and the Board in the future. So there is
245 always opportunity. But at this time, the applicants in front of us have not
246 indicated that they want to do this and have not provided any type of information
247 regarding how if they were to use, they would use it. The concerns as you stated
248 are correct. This eliminates a potential problem that could possibly be addressed
249 by proper design in the future is somebody chooses to request it.

250
251 Mrs. Jones - I have a quick question about the carside-to-go. The
252 way in which that will be handled by the employees is simply to exit out here on
253 the corner. If you could put the cursor, I want to make sure I understand how
254 that's going to work. Patrons are going to be requested not to use that exit or will
255 somehow be impeded from using it?

256

257 Ms. Taylor - From what I understand, the carside-to-go patrons
258 drive up to the drive aisle, they sit in their car. The Applebee's employees see
259 them drive up and these employees go out and deliver the food to the carside-to-
260 go patrons. They do not exit their car; they will not enter the gate.
261
262 Mrs. Jones - I was thinking more of the folks sitting in the outdoor
263 dining area, those patrons.
264
265 Ms. Taylor - They are not supposed to leave the gate and there
266 should be signage on the gate requesting them not to leave it, it's for Applebee's
267 employees only.
268
269 Mrs. Jones - So it is an operational gate. It doesn't need anything
270 like a swipe or something to be operated; it just opens.
271
272 Ms. Taylor - Yes ma'am, but that's a good point.
273
274 Mrs. Jones - Sometimes folks don't read signs.
275
276 Ms. Taylor - Yes ma'am.
277
278 Mrs. Jones - That's the only concern I have and I guess that may
279 be a question for the applicant.
280
281 Mr. Jernigan - I have a question. In the new no-smoking ban, it's just
282 inside? I don't know because I don't smoke.
283
284 Mr. Branin - What was the question?
285
286 Mr. Jernigan - In the smoking ban now—
287
288 Mr. Vanarsdall - The law?
289
290 Mr. Jernigan - Yes. Can you smoke outside at a restaurant if you
291 have a group around you?
292
293 Mr. Branin - Yes. And inside—and I'm not a restaurant guy. But
294 from what I understand, inside as long as long the area is separate and has its
295 own ventilation and somewhat sort of other pieces of equipment to neutralize the
296 cigarette smoke.
297
298 Mr. Vanarsdall - His question was can you smoke outside.
299
300 Mr. Branin - Yes.
301
302 Mr. Emerson - I believe you can, yes sir.

303
304 Mr. Jernigan - In the crowd.
305
306 Mr. Emerson - I believe that's correct. I'm not an expert on that law. I
307 haven't read it that closely.
308
309 Mr. Jernigan - All right. Mr. Branin, what you said, Mr. Emerson said
310 maybe if somebody wanted to put a TV out there they might come back. Right
311 now this is a proffered condition.
312
313 Mr. Emerson - This is a condition placed by a PUP. We placed these
314 conditions.
315
316 Mr. Jernigan - Okay. Then the Director of Planning—I mean you
317 could change it without having to do an amendment.
318
319 Mr. Emerson - No, it would have to go back through the legislative
320 process.
321
322 Mr. Vanarsdall - Come through the system.
323
324 Mr. Jernigan - Well, if you think it's a possibility, why don't you
325 change that condition to where it'll be what it is but may be changed by—
326
327 Mr. Emerson - Well—
328
329 Mr. Jernigan - If somebody does come back with a plan, we won't
330 have to [intelligible].
331
332 Mr. Emerson - We considered that and we thought the Board of
333 Supervisors might want to have some input into that decision if somebody did
334 want to propose it, so we worded it this way. If you want to send it on this way,
335 we can discuss that some more and change it before the Board, if the Board's
336 comfortable.
337
338 Mr. Jernigan - The only thing I'm thinking about is let's say we have
339 a Super Bowl and it's in California. It doesn't start until 8:00 at night and people
340 watch it outside.
341
342 Mr. Emerson - Sure. I'm comfortable either way, but we thought it
343 might be better for it to come back through the legislative process. We could put
344 it at the Director's discretion if that's what the Commission desires. I'll leave that
345 up to the five of you.
346
347 Mr. Kaechele - Excuse me. Have a lot of these use permits been
348 approved previously without this condition?

349

350 Mr. Emerson - Yes sir.

351

352 Mr. Kaechele - So they're not restricted at the time being.

353

354 Mr. Emerson - That's correct, unless we require the plans of
355 development to be altered on some of these. So if somebody came in and
356 wanted to put it in, we might say you need to show on the plan of development,
357 at least administratively, how it's going to be placed. But yes sir, it would be
358 allowed unless it was used for signage. Then we might get into some of the
359 signage regulations. But yes sir, all the ones previous to this. This is a recently
360 raised concern.

361

362 Mr. Vanarsdall - All right, anymore questions for Ms. Taylor? Thank
363 you, Ms. Taylor.

364

365 Ms. Taylor - Thank you.

366

367 Mr. Branin - The applicant spoke to me previously today and I
368 know he has some questions and concerns, and would like to make some
369 comments. So I'd like to invite him up, if I may.

370

371 Mr. Vanarsdall - Come on down.

372

373 Mr. Branin - Please state your name for the record.

374

375 Mr. Diradour - Good evening. My name is Albert Diradour; people
376 know me as Charlie. I am the president of Lion's Paw Development Company
377 and I reside in Richmond, Virginia. Thank you for having me here this evening.

378

379 We're proud to do business in Henrico County. We built the first drive-thru
380 Starbuck's in the Richmond region in your County at Route 1 and Parham Road,
381 also known as the North Park Shopping Center outparcel.

382

383 Tonight I come before you asking for your help in creating a better economic
384 climate for a new tenant of ours. Last year we purchased the subject property
385 upon which sits Applebee's Restaurant. Applebee's stores throughout the
386 Commonwealth have been adding outdoor patios to their establishments over the
387 past four months in order to deal with this new smoking law. Some of these
388 Applebee's have patios and some of these patios have been placed in counties
389 like Chesterfield and Hanover. The subject property and our tenant add value to
390 the Broad Street corridor and Applebee's has been a good neighbor over the
391 many the years they've been there.

392

393 At this time, I want to ask that you vote affirmatively on this paper for two
394 reasons. As you look at a zoning map along the Broad Street corrdor, you find

395 mainly B zoning in one form or another. And you may even find M-1 zoning upon
396 which some restaurants sit. But in this particular instance, you will find a B zoning
397 with M-1 directly behind it, meaning there is no R behind it, there is no residential
398 behind it. We don't want to create a noise problem; Applebee's has never been
399 noted for a noise problem type of place. To further bolster the argument, all you
400 need to do is look right behind this site and see that it is an M-1 area and know
401 that we're not creating noise in or near a residential district.

402

403 So to sum up, the subject property is uniquely situated for this request and I hope
404 that by examining a zoning map, you'll find that we will not create a nuisance for
405 the residents of Henrico County.

406

407 Secondly, while the economic climate currently is, as we all know, to say the
408 least, not what it was a few years ago and the casual dining market has been hit,
409 as every economic indicator has indicated, you here tonight, by allowing
410 Applebee's to operate this proposed patio, will be allowing this unit to maximize
411 its ability to increase its profit margins while not infringing upon the rights of
412 homeowners. I appreciate your time and attention and hope that you will vote in
413 our favor.

414

415 I would like to add, if I may speak directly to one of the Board members. Ma'am,
416 you raised a very good point earlier in the fact that this gate situation is
417 troublesome to you. I take my family to Noodles over at Willow Lawn and they
418 have a similar situation. They have done these gates in Hanover and in
419 Chesterfield and have had no problems. It's a family restaurant and it will
420 continue to be a family restaurant.

421

422 Mrs. Jones - So the two that are in existence now, as you
423 mentioned, are Applebee's and their setup and pickup aisle exactly set up like
424 this and it really hasn't been a safety issue at all?

425

426 Mr. Diradour - It's not a pickup; it's a to-go. The way it works is an
427 Applebee's employee exits that gate, hands the patron their food, takes the card,
428 goes back through the gate, charges, and then takes the card and the charge bill
429 to the patron. Any further questions on that point?

430

431 Mr. Vanarsdall - How is this like Noodles?

432

433 Mr. Diradour - At Noodles, they have an outdoor dining area at
434 Willow Lawn and they have a gate as well. People can exit through that gate. In
435 this situation, there will be the ability to exit, I grant you that, but it will be watched
436 very closely. I thought it was a very interesting point you brought up, so I thought
437 I better address it.

438

439 Mr. Vanarsdall - Noodles does not serve alcohol on the outside dining
440 area.

441
442 Mr. Diradour - They don't?
443
444 Mr. Vanarsdall - No they do not.
445
446 Mr. Diradour - Oh, well I apologize. I did not know that.
447
448 Mr. Vanarsdall - That's the difference.
449
450 Mr. Diradour - I don't drink alcohol when I go into Noodles, so.
451
452 Mrs. Jones - But you were making the comparison to two other
453 Applebee's, not to other Noodles.
454
455 Mr. Diradour - No, no ma'am.
456
457 Mrs. Jones - And I'm sorry to say I have not done the to-go
458 meals—I almost said pickup again—but I know it's a very popular service. My
459 only concern was the safety of them coming out and cars coming in.
460
461 Mr. Diradour - It was a valid concern, so I thought I would talk about
462 it.
463
464 Mrs. Jones - It's a word to the wise. I'm sure if that becomes an
465 issue, there will have to be a modification.
466
467 Mr. Diradour - Any further questions?
468
469 Mr. Branin - You are familiar with all of the different conditions?
470
471 Mr. Diradour - I am, sir.
472
473 Mr. Branin - And you're comfortable with all of the conditions?
474
475 Mr. Diradour - Indeed. I agreed to the latter condition that you
476 placed, what was it, yesterday, I believe, regarding video screens, immediately.
477
478 Mr. Branin - And Condition 1?
479
480 Mr. Diradour - Give me a moment, please. In Condition 1 I'm
481 reading—okay. We had asked for 12 p.m. and I'm being told now that it's 10 p.m.
482
483 Mr. Branin - Right, right. And I'd like to make—
484

485 Mr. Diradour - I'm sorry, I'm confused. I came here this evening
486 under the assumption that what we had asked for was a 12 a.m. close on this
487 patio.

488
489 Mr. Branin - Correct. And what's being recommended by staff is
490 closing at 10.

491
492 Mr. Diradour - Okay.

493
494 Mr. Branin - You hadn't brought comment up about that and I was
495 anticipating that. That's why I'm asking you—I didn't want you to walk out of here
496 feeling pretty good about it and then get to the Board of Supervisors and not
497 know that you said, yes, you felt real good about it.

498
499 Mr. Diradour - Then let me address it because I did not realize that
500 this is the way it had been drafted until you brought it to my attention. Thank you,
501 Mr. Branin. We are asking for 12:00 and to be quite frank with you, I had asked
502 Applebee's state director whether he would put this patio in if we closed it at
503 10:00, and he said it would not be economically feasible for them to build the
504 patio if we did close it at 10:00. Not we; I am not the operator. If they close it at
505 10:00.

506
507 Mr. Branin - Well, we have had a couple of discussions back and
508 forth in regards to the time and I'll ask Ms. Vann to weigh in with the police
509 opinion of it as well. As I stated to you, in the Three Chopt District we have set a
510 precedent of 10:00. With what we have experienced in the West End with
511 restaurants that are beyond 10:00, if we use that as a barometer, it's not a
512 positive barometer. That would not sway us to go to midnight. If this was indeed
513 for outdoor dining, I don't know how many people are going to be out in
514 December, January, and February eating at 11:00 at night outdoors.

515
516 Mr. Diradour - Not many.

517
518 Mr. Branin - If we were in Florida, I would say yes, I can see it. So,
519 I've struggled. I know you and I have spoken and I haven't been closed off to it.
520 I've tried to justify it and see all sides of it. But I'm in the same camp with staff
521 that it would be at 10:00. Now with this going to the Board, because this is just a
522 recommendation by this Commission, you still have a fight.

523
524 Mr. Diradour - Well, I don't like to look at it as a fight.

525
526 Mr. Branin - You still have an opportunity to sway judgment. But at
527 this point, I'm going to stand in the camp with staff because I could not find a
528 legitimate reason. If Applebee's chooses not to open outdoor dining, I think
529 they're missing an absolutely wonderful opportunity to allow their patrons to enjoy
530 the fantastic Richmond air. But that's their decision.

531
532 Mr. Diradour - May address you for just one moment on that issue?
533
534 Mr. Branin - Absolutely.
535
536 Mr. Diradour - It has to do with why I brought up the M-1 zoning
537 behind. If you do allow it to open until 12:00 in the evening, you're not going to
538 endanger or engender, if you will, any ill will between any residential and
539 commercial. There's no residential within a distance to be concerned with in this
540 instance.
541
542 Mr. Branin - One residential within 600 feet. One.
543
544 Mr. Diradour - And Applebee's has never been known as—
545
546 Mr. Branin - When you said there is none, there is one.
547
548 Mr. Diradour - I apologize. That's significant; I apologize, sir. I'm
549 leaning towards going somewhere I don't want to go right now. When you look at
550 the Broad Street corridor, there are restaurants within close proximity to
551 residential, much closer proximity to dense residential. In fact, this is not. But be
552 that as it may—
553
554 Mr. Branin - There are only two that are beyond 10:00. One is no
555 longer in business, so it's irrelevant. The other is one of the reasons why I'm
556 swaying towards the camp of staff.
557
558 Mr. Diradour - The one that's no longer in business, Mr. Branin, was
559 that a special use or conditional use?
560
561 Mr. Emerson - It was a provisional use.
562
563 Mr. Diradour - Provisional? Okay, all right. I thank the Board for its
564 time. Any other questions I might answer? Thank you.
565
566 Mr. Branin - I'm going to mark you down as you don't agree with it,
567 but you understand it.
568
569 Mr. Diradour - I don't agree with it, but I certainly do understand it.
570 And I would tell you for the record, Mr. Branin, that I agree with you, that I think
571 that Applebee's should build a patio if you all are willing to give 10:00. But having
572 spoken with the state director as late as this afternoon, his indication to me was
573 that he was not going to do it.
574
575 Mr. Branin - Tell him to call me because I would be saddened if I
576 can't sit at Applebee's and—

577
578 Mr. Diradour - I'm sure he'll take the opportunity to speak to you, sir.
579 Thank you very much, ladies and gentlemen.
580
581 Mr. Vanarsdall - Thank you.
582
583 Mr. Branin - I don't think it's going to be necessary to call Ms.
584 Vann up.
585
586 Mr. Vanarsdall - Thank you anyway, Ms. Vann.
587.
588 Mr. Branin - Mr. Chairman, I'd like to move that P-7-10, Albert
589 Diradour, move forward with the recommendation of approval with Conditions 1
590 through 13 and the additional added 14.
591
592 Mrs. Jones - Second.
593
594 Mr. Vanarsdall - Motion by Mr. Branin, second by Mrs. Jones. All in
595 favor say aye. All opposed say no. The ayes have it; the motion passes.
596
597 **REASON:** Acting on a motion by Mr. Branin seconded by Mrs.
598 Jones the Planning Commission voted 5-0 (one abstention) to recommend the
599 Board of Supervisors grant the request because the conditions should minimize
600 the potential impacts on surrounding land uses and it would not be expected to
601 adversely affect public safety, health or general welfare.
602
603 **C-14C-10** Ron Swinson: Request to conditionally rezone from
604 R-2 One-Family Residence District to R-2AC One-Family Residence District
605 (Conditional), Parcels 766-762-5366 and 766-762-6067 containing .658 acres,
606 located at the northeast intersection of Staples Mill Road (U.S. Route 33) and
607 Attems Way. The applicant proposes to construct one additional dwelling unit. The
608 use will be controlled by zoning ordinance regulations and proffered conditions.
609 The Land Use Plan recommends Suburban Residential 1, density not to exceed
610 2.4 units per acre.
611
612 Mr. Vanarsdall - Anyone in the audience in opposition C-14C-10, Ron
613 Swinson? Opposition. Thank you. Good evening, Mr. Sehl.
614
615 Mr. Sehl - Good evening, Mr. Chairman.
616
617 As Mr. Emerson stated, this request would rezone .658 acres from R-2 to R-2AC.
618 The site is located at the entrance to the Tall Timbers subdivision, and one
619 dwelling currently exists on the property at this time.
620
621 The 2026 Comprehensive Plan recommends Suburban Residential 1, with a
622 recommended density of no more than 2.4 units per acre. The applicant

623 proposes an equivalent density of just over 3 units per acre, which is inconsistent
624 with this recommendation.

625

626 The property subject to this request has already been subdivided as shown on
627 this plat, which was recorded by the applicant in September of 2008. This plat
628 was not reviewed by county staff prior to recordation, and the proposed lots do
629 not meet the minimum lot size in the R-2 District, which is 18,000 square feet.
630 Subsequent to recording this plat, the applicant obtained an address for the rear
631 parcel adjacent to Contessa Drive and installed utilities to each of the parcels.
632 Because the lots do not meet minimum area requirements, no building permit
633 could be issued for the construction of a new dwelling.

634

635 While staff recognizes the efforts the applicant has taken in installing utilities to
636 the site, and although the proffers addressing foundations and dwelling size
637 provide some measure of quality assurances, staff is concerned that the lots
638 proposed by this application would be inconsistent with the size and zoning of
639 other residential lots in the area.

640

641 All adjacent parcels on the east side of Staples Mill Road are zoned R-2 and lots
642 adjacent to the subject property in Tall Timbers average over 19,000 square feet.
643 Overall the lots in Tall Timbers average larger than the lots proposed with this
644 request, despite the fact Tall Timbers was approved as a controlled density
645 subdivision with large areas of common open space.

646

647 In conclusion, staff believes the proposed single-family use could be appropriate;
648 however, the lot sizes and zoning proposed by the applicant are inconsistent with
649 the 2026 Plan recommendation and the zoning and lot size of adjacent
650 properties. For these reasons, staff recommends the Planning Commission deny
651 this request.

652

653 I'd be happy to answer any questions you might have at this time.

654

655 Mr. Vanarsdall - Question for Mr. Sehl by Commission members?
656 Since we have opposition—Mr. Swinson, you want to come down first or wait and
657 hear the opposition? Come on down and state your name. Tell us what's on your
658 mind.

659

660 Mr. Reynolds - Thank you, Mr. Chairman. I'm Courtney Reynolds. I'm
661 the president of the 191-member Tall Timbers Homeowners' Commission. I've
662 lived in my home for 18 years. I endorse and second Mr. Sehl's recommendation
663 that the rezoning be denied because the lots would be much too small for our
664 area. I respectfully request the Planning Commission deny this.

665

666 Mr. Vanarsdall - Any questions for Mr. Reynolds? Thank you.

667

668 Mr. Reynolds - Thank you, sir.

669
670 Mr. Vanarsdall - Anyone else want to come down? Okay, sir. Come on
671 down and tell us your side of the story. Good evening.

672
673 Mr. Swinson - How are you doing tonight? My name is Ron
674 Swinson. I grew up right there in that little house that's on that lot. I've seen this
675 whole County grow. I was there when the houses were built behind us. My father
676 and I planted the cedar trees there to kinda block that little area off. That was my
677 father's garden spot. When my father passed away, my mother was still there.
678 We put her in a nursing home in 2008 and I bought my brother and sister out
679 from that property.

680
681 My brother had checked on the property before it was sold to see if there were
682 any future plans for commercial or anything like that. They said no, no
683 commercial would be built, but it was large enough to put another house on it.
684 My brother and sister were up in their late 60's, early 70's at the time. They didn't
685 feel like messing with it, so I pursued it. I went down to the permit center. I was
686 told it was big enough to put another house on it, so I pursued it from there. I
687 went to the permit center. They told me that and they told me what different
688 sections to go to. I went to the water and sewer and had all that stuff done. They
689 accepted my money. I went to the courthouse and had the plot submitted like
690 that. I went to the engineering department. They gave me a physical address.
691 I've been paying taxes on the lot that I supposedly don't have for two years.

692
693 Something is wrong here. I've been treated wrong. It should have never gotten to
694 this point. I've spend a lot of money. I have to work for my money just like
695 everybody else and I spent a lot of money on this. I am a licensed contractor.
696 I've been a contractor since 1980. The process of going through the Permit
697 Center, I have different stations I have to go to and each one of them are signed
698 off. Something like this should have to be done on this process when you're
699 trying to do a lot. I was just told for each section to go to. I'm a contractor, but I
700 do mostly remodeling and stuff, so I'm not used to dividing up lots. Something
701 needs to be changed if you don't grant me this lot. I don't like having to pay the
702 extra money to come here for this. But at this point, I've spent so much money on
703 it, it's just a roll of dice; what do I have to lose. If nothing else, something needs
704 to be changed with the way this process is, because it's wrong for somebody to
705 have to spend the money that I've spent out of my pocket and to take the chance
706 of losing it because of this, because of the process that's going through this
707 County and how it works.

708
709 That's my side of the story. Do you have any questions that I can answer for
710 you?

711
712 Mr. Vanarsdall - Mr. Swinson, did you tell me that you went to the
713 Permit Center first?

714

715 Mr. Swinson - Yes sir. My brother went there first checking on the
716 lots to see if anything was in the future where that little strip right there might be
717 zoned as commercial. If it was, we wanted to hang onto it. Just like anybody
718 else, you want to get the most you can for your piece of land. We found out that
719 there was not anything in the future for it, but he was told at that time that there
720 was room for a residence there. Like I said, my brother at the time was in his late
721 60's; my sister was in her 70's. They didn't feel like pursuing all this stuff; I did. So
722 that's where I started. And I went to the Permit Center and that's where it started
723 there. I was told the same thing. Had I been told no, you don't have enough lot to
724 do anything with, I certainly wouldn't have wasted my time and my money to get
725 to this point. I don't have the extra money just to throw around to try to get
726 something that might happen.

727

728 Mr. Vanarsdall - At what point in time did you subdivide the lot?

729

730 Mr. Swinson - After I was told it was a building lot there, I had a
731 surveyor come out there. I spent \$750 to have it resurveyed, to get it that size lot.

732

733 Mr. Vanarsdall - Was that some time ago?

734

735 Mr. Swinson - Yes sir. It was back in 2008 after I was told at the
736 Permit Center that I had a big enough place to subdivide it.

737

738 Mr. Vanarsdall - Questions for Mr. Swinson?

739

740 Mr. Swinson - I do feel like that something needs to be changed on
741 this process so that this doesn't happen to somebody else. I feel very strongly
742 about that.

743

744 Mrs. Jones - I have a question about the subdivision process. This
745 parcel should have come through the subdivision process.

746

747 Mr. Emerson - Yes ma'am, it should have. It should have come
748 through the Planning Office, and in this case, through the Commission for
749 approval as other subdivisions do prior to recordation. With that said, there is
750 nothing in State law that prohibits you from having a survey of your property and
751 having it cut up in any configuration and taking it to the Clerk's Office. The Clerk's
752 obligated to record it. That doesn't necessarily mean that it's consistent or
753 approvable by the County through the subdivision process or that has a building
754 right. What happened was Mr. Swinson went through this process, recorded it at
755 the Clerk's Office, came back and applied for a building permit, and was denied
756 by the Permit Center.

757

758 Mr. Swinson - I didn't apply for a building permit.

759

760 Mr. Emerson - You did come in.

761
762 Mr. Swinson - I came in. I thought this was a done deal. I went for a
763 refinancing earlier this past year. When the title company came back to me, they
764 told me they couldn't find anything on this lot that I thought I had because I've
765 been paying taxes on it for two years, I have an assigned address for it. When
766 they told me they couldn't find any records of it, that's when I came back here
767 and started pursuing to see what was going on. I shouldn't have had an address
768 or been paying taxes on something for two years that I don't have.
769
770 Mr. Emerson - But you did come back to the Permit Center. That's
771 where it came to my attention.
772
773 Mr. Swinson - I've never filed for a building permit yet. If I'm allowed
774 to get this, yes, I will built a house on it and I've done proffers on it saying that it
775 would be a minimum size and it would be good quality, brick foundation,
776 crawlspace, brick stoop, so forth. It would be a good quality house; it's not going
777 to be a piece of junk.
778
779 Mrs. Jones - The reason I asked the question about the
780 subdivision—and I realize there's enough blame to go around here; this is just a
781 difficult situation. But the reason I asked specifically what you said, having spent
782 a lot of time in the record room, I wanted to confirm with you that many things are
783 put to record. It doesn't mean that that means they are officially acceptable in
784 that form.
785
786 Mr. Swinson - Correct.
787
788 Mrs. Jones - And while I can understand why you might have
789 thought that that would have done the process, there was a whole step of the
790 process that was overiooked, omitted, not done somehow. I wanted you to know
791 that the courthouse recordation did not constitute an official subdivision.
792
793 Mr. Swinson - I understand this now. But my thought is, too, when I
794 go to put in for a building permit on an addition, I have to go through different
795 stations. Each one of those people have to sign off for that section. Something
796 like that needs to be done on this, something to stop what's happened here,
797 because what's happened here to me, in my opinion, is an injustice; it's not right.
798
799 Mr. Vanarsdall - Mr. Secretary, did you say that the request was
800 denied?
801
802 Mr. Emerson - It was my understanding when he came back to the
803 Permit Center to inquire about a building permit, that's when it came to the
804 attention of my office and came to my attention. Perhaps he didn't apply—
805
806 Mr. Swinson - I haven't applied for any building permit.

807
808 Mr. Emerson - But you didn't come in to the Permit Center—
809
810 Mr. Swinson - I came back in to see what was going on here. I have
811 never applied for any type of building permit to put anything on there yet.
812
813 Mr. Emerson - But you did come back to the Permit Center and at
814 that time you were advised that this was not a buildable lot.
815
816 Mr. Swinson - Yes. I've talked to them. I realize this money I've
817 spent to come here definitely could be very well in vain, but I'm already so far in it
818 I have to try.
819
820 Mr. Vanarsdall - I think we understand it now, Mr. Swinson. I have one
821 question for you. You did come in and talk to Mr. Sehl, Ben Sehl over there.
822
823 Mr. Swinson - Yes sir.
824
825 Mr. Vanarsdall - I don't believe he gave you any encouragement to go
826 forward with this.
827
828 Mr. Swinson - He didn't encourage me, no. But like I said, I was so
829 far in this thing. What I've also had to do, that house at 9901, the residence
830 that's on there had a perfectly good well, a perfectly good septic tank. When I
831 was told this was a buildable lot, they said it's buildable under conditions that you
832 put water and sewer onto that house there. So I've not only spent money for that
833 house, I've spent money on putting and water and sewer on this lot that I don't
834 have. I have a lot of money wrapped here that I don't have to be throwing
835 around, especially in this economic time.
836
837 Mr. Vanarsdall - We fully understand that the problem is tonight. The
838 problem is applying for the wrong zoning. That makes the density 3.3 instead of
839 2.4 per acre. It's what we call the R-2A instead of an R-2. R-2 is 18,000 square
840 feet.
841
842 Mr. Swinson - I'm lacking 4,000.
843
844 Mr. Vanarsdall - The problem is people just like the gentleman that
845 was here, Mr. Reynolds, all behind you is a different zoning.
846
847 Mr. Swinson - I'm proposing to do is not going to devalue any of that
848 property back there behind there, though.
849
850 Mr. Vanarsdall - But you see, that's not the way the system is. If we
851 allow one like that, someone else will come along and want the same thing. And

852 the way things are today, a developer may come and buy five or six houses and
853 then come back and say he wants them smaller than what Tall Timbers is.

854
855 Mr. Swinson - I understand that.

856
857 Mr. Vanarsdall - You and I have never talked before, so I came back
858 there tonight. I apologize for the way you think you were treated.

859
860 Mr. Swinson - The way i know I was treated. It's not right.

861
862 Mr. Vanarsdall - I can send it on to the Board, but I can't put my
863 blessings on it because two wrongs don't make a right.

864
865 Mr. Swinson - Let me ask you this. What's the County going to do
866 about reimbursing me on some of this money?

867
868 Mr. Vanarsdall - The County is not liable for any of that.

869
870 Mr. Swinson - Somebody's liable for letting this happen, yes sir.

871
872 Mr. Vanarsdall - Like I suggested to you tonight, if you had gone to a
873 zoning attorney to begin with, he would have probably told you to save your
874 money and you wouldn't be in this.

875
876 Mr. Swinson - Save my money by what, coming here? What's going
877 to save all the other money that I've already put out?

878
879 Mr. Vanarsdall - If you would have presented it to a zoning attorney,
880 he would have probably—I don't know this—but in all probability he would have
881 known he had no chance of getting this changed.

882
883 Mr. Swinson - Well, this won't be the end of it. Somebody needs to
884 see about the reimbursement on some of this money on the water and sewer
885 that's been put on that piece of property. And at this point, it's a matter of
886 principle.

887
888 Mr. Emerson - Mr. Swinson, weren't you advised to go to the Utilities
889 Department and discuss that with them? I believe they were willing to listen to
890 you regarding the utility connections.

891
892 Mr. Swinson - Well, yes sir. And that's where I will go next. But like I
893 say, I was so far—I'm so far into this, it's one of these things that you're so far in,
894 you have to try.

895

896 Mr. Emerson - The Utilities Department has indicated willingness to
897 discuss this with you. Have you talked to them after my staff contacted you about
898 that?
899
900 Mr. Swinson - No, not at this point. I guess I was leaving that for my
901 last option. Like I say, at this point it's a matter of principle. What has happened
902 here is not right. And if you think that it is, I think there's a problem here in this
903 system.
904
905 Mr. Vanarsdall - Like I said, I'm sorry that you feel that way.
906
907 Mr. Swinson - I've lived in this County almost all my life except for
908 when I was in the service. I've watched it grow. I've probably been here a lot
909 longer than most of you all have.
910
911 Mr. Vanarsdall - Probably have.
912
913 Mr. Swinson - What has happened is just not right.
914
915 Mr. Vanarsdall - I'm going to send it on to the Board tonight. They'll
916 take it up 30 days from now.
917
918 Mr. Swinson - Okay.
919
920 Mr. Vanarsdall - Appreciate you coming down. Thank you, Mr.
921 Swinson.
922
923 Mr. Swinson - Thank you.
924
925 Mr. Vanarsdall - Anybody else have anything? I move that C-14C-10,
926 Ron Swinson, be recommended to the Board of Supervisors for denial to follow
927 the recommendation by staff.
928
929 Mr. Branin - Second.
930
931 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All
932 in favor say aye. All opposed say no. The ayes have it; the motion passes.
933
934 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by
935 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend
936 the Board of Supervisors deny the request because it does not conform to the
937 recommendation of the Land Use Plan and represents an increase in intensity
938 which could influence future zoning and development of nearby properties.
939
940
941

942 (Deferred from the July 15, 2010 Meeting)

943 C-13C-10 Guy Blundon for Brook Run Somerset LLC: Request
944 to amend proffered conditions accepted with rezoning case C-33C-04 on Parcels
945 784-749-1627 and 784-748-0982, located on the west line of Brook Road (U.S.
946 Route 1), approximately 875 feet south of its intersection with Hilliard Road
947 (State Route 161). The applicant proposes to amend Proffer 2 related to age
948 restrictions and Proffer 3 related to enforcement of age restrictions. The existing
949 zoning is R-5C General Residence District (Conditional). The Land Use Plan
950 recommends Multi-Family Residential and Environmental Protection Area. The
951 site is in the Enterprise Zone

952

953 Mr. Vanarsdall - Anyone in the audience in opposition to C-13C-10,
954 Guy Blundon for Brook Run Somerset LLC? Mr. Sehl.

955

956 Mr. Sehl - Thank you again, Mr. Chairman.

957

958 This request is to amend two proffers accepted with rezoning case C-33C-04 in
959 order to reduce the minimum age requirement for an age-restricted development.
960 The property was rezoned to R-5C in 2004 in order to develop an age-restricted
961 residential community with up to 240 units. Proffer 2 accepted with the rezoning
962 case states the development would be restricted to those 62 years of age or
963 older. The applicant wishes to amend this proffer to lower the age limit to 55 and
964 older and amend Proffer 3 related to the implementation of enforcing the age
965 restriction. Proffer 2 would also state that only 12 units would be occupied by
966 those between 55 and 62 years of age until the permanent second point of
967 access is completed. That would be in this location here.

968

969 This request is the same as a request submitted by the applicant in 2009. The
970 Board of Supervisors ultimately denied that request because it was deemed to be
971 in conflict with the age-restriction proffer that was central to the approval of C-
972 33C-04

973

974 While the proposed amendment would not alter the physical form or operation of
975 the existing development, the concerns raised during the 2009 request remain.
976 Citizens voiced opposition to that request and the Planning Department has also
977 received a letter from the North Chambertayne Civic Association voicing their
978 concerns with the potential reduction in minimum age for the development.
979 Based on these factors, staff does not support this request. I would be happy to
980 answer any questions you might have.

981

982 Mr. Vanarsdall - Any questions for Mr. Sehl? Mr. Archer, do you want
983 hear from the applicant?

984

985 Mr. Archer - He's not here.

986

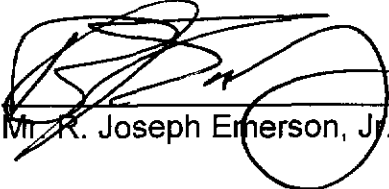
987 Mr. Vanarsdall - I don't guess you want to hear from him tonight then.

988
989 Mr. Archer - But I am prepared to move on the case, Mr.
990 Chairman. If you all recall, when this case came to us last time, we saw fit to
991 send it along with a recommendation for approval. It was then disallowed at the
992 Board level. So it would seem to me to be a little bit redundant to send it along
993 again with another recommendation when it's already been denied and it hasn't
994 been substantially changed. So for that reason, my motion is recommend denial
995 to the Board.
996
997 Mrs. Jones - Second.
998
999 Mr. Vanarsdall - Motion by Mr. Archer, second by Mrs. Jones. All in
1000 favor say aye. All opposed say no. The ayes have it; the motion passes.
1001
1002 **REASON:** Acting on a motion by Mr. Archer seconded by Mrs. Jones, the
1003 Planning Commission voted 5-0 (one abstention) to recommend the Board of
1004 Supervisors deny the request because the applicant failed to meet his burden to
1005 show that the requested changes are in the best interests of the welfare and
1006 future of the community.
1007
1008 Mr. Emerson - Mr. Chairman, that takes us to the next item on your
1009 agenda, which is approval of the minutes of the Planning Commission for July
1010 15, 2010.
1011
1012 Mr. Vanarsdall - Anybody read them? Mrs. Jones?
1013
1014 Mrs. Jones - Yes I did.
1015
1016 Mr. Archer - Actually, I did too, Mr. Chairman.
1017
1018 Mr. Vanarsdall - Mr. Branin, did you read them?
1019
1020 Mr. Branin - Yes, I did. I didn't find anything wrong.
1021
1022 Mr. Jernigan - I even read mine.
1023
1024 Mr. Vanarsdall - You all must be hard up for something to read.
1025
1026 Mr. Branin - As a matter of fact, Mr. Jernigan and I, we had dinner
1027 together and compared. Neither one of use could find anything.
1028
1029 Mr. Vanarsdall - Used to do that in high school.
1030
1031 Mr. Archer - Mr. Chairman, I did note one error on page 22, line
1032 957. It reads, "Are you, sir." I think it should be, "How are you, sir." I was
1033 addressing Mr. Strauss.

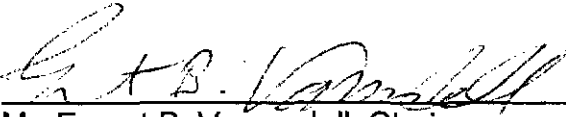
1034
1035 Mr. Jernigan - I'm clear.
1036
1037 Mr. Vanarsdall - Mrs. Jones?
1038
1039 Mrs. Jones - I'm fine.
1040
1041 Mr. Vanarsdall - Mr. Branin?
1042
1043 Mr. Branin - Feel pretty good about it.
1044
1045 Mr. Vanarsdall - Mr. Kaechele?
1046
1047 Mr. Kaechele - Fine, thanks.
1048
1049 Mr. Vanarsdall - Mr. Emerson?
1050
1051 Mr. Emerson - I am perfect, sir.
1052
1053 Mrs. Jones - I move that the minutes be accepted as corrected.
1054
1055 Mr. Branin - Second.
1056
1057 Mr. Vanarsdall - Motion by Mrs. Jones, second by Mr. Branin. All in
1058 favor say aye. All opposed say no. The ayes have it; the motion passes.
1059
1060 Anything else, Mr. Secretary?
1061
1062 Mr. Emerson - Mr. Chairman, staff has nothing else for the
1063 Commission this evening.
1064
1065 Mr. Vanarsdall - Mr. Jernigan had something. Did he talk to you about
1066 it?
1067
1068 Mr. Emerson - He did and we agreed we'd discussion it after,
1069 possibly you, he, and I would talk about it after the meeting.
1070
1071 Mr. Vanarsdall - Okay. I guess we have nothing else to do by adjourn.
1072
1073 Mrs. Jones - I move for adjournment.
1074
1075 Mr. Branin - Second.
1076
1077 Mr. Vanarsdall - Motion by Mrs. Jones, second by Mr. Branin. All in
1078 favor say aye. All opposed say no. The ayes have it; the motion passes.
1079

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The meeting adjourned at 7:55 p.m.



Mr. R. Joseph Emerson, Jr., Secretary



Mr. Ernest B. Vanarsdall, Chairperson