

1 **Minutes of the regular monthly meeting of the Planning Commission of the County of**
2 **Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and**
3 **Hungary Spring Roads at 7:00 p.m., on December 13, 2001, Display Notice having been**
4 **published in the Richmond Times-Dispatch on Thursday, November 29, 2001 and Thursday,**
5 **December 6, 2001.**

6
7 Members Present: C. W. Archer, C.P.C., Chairperson, Fairfield
8 Elizabeth G. Dwyer, C.P.C., Vice-Chairperson, Tuckahoe
9 Ernest B. Vanarsdall, C.P.C., Brookland
10 Allen J. Taylor, C.P.C., Three Chopt
11 Eugene Jernigan, C.P.C., Varina
12 David A. Kaechele, Board of Supervisors, Three Chopt
13 John R. Marlles, AICP, Secretary, Director of Planning
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 David D. O'Kelly, Jr., Principal Planner
17 Mark Bittner, County Planner
18 Thomas M. W. Coleman, County Planner
19 Lee Householder, County Planner
20 Debra M. Ripley, Recording Secretary
21 Tim Foster, Traffic Engineer, Public Works
22

23 Mr. Archer - The Planning Commission will come to order. Good evening, everyone.
24 I would just like to recognize the members of the press. Mr. Lapis, I see you over there. How are you
25 sir?
26

27 Mr. Lapis - Doing pretty well.
28

29 Mr. Archer - Anyone else here from the press? Well, welcome to everyone. Before
30 we start our regular agenda tonight we do have an agenda item that was deferred from the November
31 15, 2001 meeting, that being the Williamsburg Road/Technology Boulevard Corridor Study. I'll turn this
32 over to our Secretary, Mr. Marlles, and we can begin.
33

34 Mr. Marlles - Thank you, Mr. Chairman. Good evening ladies and gentlemen.
35

36 **Deferred from November 15, 2001 Meeting**

37 **Williamsburg Road/Technology Boulevard Corridor Study:** The Planning Commission will
38 consider amendments to the 2010 Land Use Plan in the form of a new Recommended Major
39 Thoroughfare Plan and Land Use Plan for the Williamsburg Road/Technology Boulevard Corridor study
40 area. The study area is generally comprised of the area bordered by Seven Pines, New Kent County,
41 Meadow Road, and Charles City Road. The Recommended Plans may be examined in the Planning Office
42 on the second floor of the County Administration Building.
43

44 The staff report will be given by Mr. Mark Bittner.
45

46 Mr. Archer - Good evening, Mr. Bittner.
47

48 Mr. Bittner - Good evening, Mr. Chairman.
49

50 I have a very brief presentation tonight actually, and before I start I would like to point out that our
51 transportation consultant, Mr. Dick Keller, is with us tonight as well as Mr. Tim Foster from our Public
52 Works Department. As you recall at the last Public Hearing on this matter, we did present a
53 recommended Major Thoroughfare Plan and Land Use Plan for the Williamsburg Road/Technology

54 Boulevard Corridor Study. Part of that plan included some alternate MTP and Land Use Plans for the
55 State Fair Grounds property, which are shown here (referring to rendering). These are the alternate
56 plans (referring to rendering). And then you will also recall there was some explanatory language to go
57 along with these alternate plans, but there was discussion on that and ultimately it was deferred to now.
58 Staff has drafted some new language, which is shown here (referring to rendering). The blue letters are
59 what would be new compared to what you saw thirty (30) days ago. As we hope that you are all aware,
60 we sent copies of this new language to all the Planning Commissioners early this week. We also sent it
61 to some members, we weren't able to reach all, but we did send to some members of the Williamsburg
62 Road Advisory Committee. The point of this Amendment was to come up with some language that would
63 better explain the whole process and timing of the potential for interchanges or separated grade
64 intersections at Williamsburg Road and Memorial Drive and Williamsburg Road and Technology
65 Boulevard. And again, as I said, the blue lettering would be new language. This was the result of
66 several people's input, however, there are still a couple of comments that some others have had which
67 we can also talk about tonight. Also, I do not know whether any of the landowners or Advisory
68 Committee members may have some questions. But to quickly sum up, this is the new language which
69 staff is now recommending become part of the Williamsburg Road Corridor Study along with the Major
70 Thoroughfare Plan and Land Use Plan. That concludes my presentation. I would be happy to answer
71 any questions you may have.

72
73 Mr. Archer - Thank you, Mr. Bittner. Are there any questions or comments from the
74 Commission Members?

75
76 Ms. Dwyer - Mr. Bittner, I remember we spent a lot of time last month discussing the
77 issues of dedication of land for this road and the interchanges and the responsibilities, or who would be
78 responsible then for building those roads. This doesn't really address that. It simply says that the two
79 (2) interchanges could be grade separated and certainly one would be and the other might be, and then
80 leaves those issues to be determined later. Is that your intent?

81
82 Mr. Bittner - Yes. We purposely left it somewhat vague, because we didn't want to
83 tie anybody down and say entity A must build this, entity B this, etc.. Whoever can or is able or has to at
84 that point would do it.

85
86 Ms. Dwyer - So this serves, really, just to show what the road plans will be in the
87 future but not to allocate responsibility to any particular party for doing that?

88
89 Mr. Bittner - Correct.

90
91 Mr. Archer - All right. Any further discussion?

92
93 Mr. Taylor - Mr. Bittner, the last time I think we had a plan view with a map. Do you
94 still have that?

95
96 Mr. Bittner - Yes, we have all those slides. Do you want to look at the alternate plan?

97
98 Mr. Taylor - Can I just take a look at this one again (referring to rendering)? Can
99 you trace what those are on, the changes are on the map?

100
101 Mr. Bittner - There would not be any changes. All that would change is the text that
102 explains what this map is about.

103
104 Mr. Taylor - OK. So that's all represented in this. This is the same plan we looked at
105 the last time? Thank you.

106

107 Mr. Bittner - Yes.
108
109 Mr. Jernigan - Mr. Taylor. What it was, we wanted to change the terminology to where
110 that if a developer went in there now, regardless of his size that he wouldn't be, he wouldn't have to put
111 in split-grade intersections. And where it says now, "at the appropriate time that development and traffic
112 levels warrant." So, even Mr. Keller agreed that we're probably looking at 25 to 30 years down the road
113 before the interchanges would be needed.
114
115 Mr. Taylor - Before they transition to this version.
116
117 Mr. Jernigan - Unless all of a sudden a massive development came in there. But what
118 this does, it gives us wiggle room to, you know, if it's a small cap company or mid-cap company and they
119 are bringing in a certain amount of business, we can adjust the traffic accordingly.
120
121 Ms. Dwyer - May I ask a question related to that Mr. Jernigan?
122
123 Mr. Jernigan - Sure.
124
125 Ms Dwyer - I'm not sure who the appropriate person is to answer, but given that is
126 the way it's going to be handled, say a relatively small business comes in that doesn't take the whole 300
127 or 400 acres now. So there is not enough traffic to warrant the grade separated interchange at this
128 point, but that business or concern will contribute to the future traffic that will eventually warrant that
129 intersection. Is it appropriate then to maybe set up some sort of escrow so that as businesses come on
130 line they can make some sort of a monetary contribution to the future need for that, those road
131 improvements, or has that ever been done?
132
133 Mr. Jernigan - Like you said, you may be asking the wrong person. But that doesn't
134 sound like a bad idea.
135
136 Mr. Marlles - Our Traffic Engineer may be able to answer that question. Mr. Foster.
137
138 Mr. Archer - Good evening, Mr. Foster.
139
140 Mr. Foster - Good evening, sir. I'll try to answer that question. A lot of times in
141 traffic, its literally first come, first served. At this point and time we have no mechanism to set up an
142 escrow fund for future development, especially that far out, unless that particular development is causing
143 the problems to occur. It would be nice to be able to set each development aside how much funds you'd
144 put in to do that. But at this point and time we don't even know, we wouldn't even know how much to
145 escrow, because we wouldn't know 25 to 30 years from now how much it's going to cost. We also
146 wouldn't know at this point and time how much that particular development is contributing to the traffic
147 loads at that point and time.
148
149 Ms. Dwyer - It may be difficult to estimate, but you know, but we hear you all tell us
150 all the time how much traffic would be generated by a particular type of business and we estimate that it
151 may not be an exact science. You know, life insurance concerns project forward, you know, future
152 values of things. So, I guess I'm just wondering if that would be a feasible thing to do, even if we've
153 never done it before, so that no one developer in the future or the county isn't left holding the bag for
154 the entire amount 20 years from now, 15 years or whenever it's developed.
155
156 Mr. Foster - Yes ma'am. I understand the concerns, and Randy or John you may be
157 able to chime in here, but when you start talking about that you're really starting to get into the rim of
158 impact fees, and that's a whole different type of situation of trying to estimate what each development
159 on a roadway system at that time would have to put into a fund to fund future improvements. And we

160 have no mechanism at this point and time to do that. Randy, John, do you have any thing you want to
161 add?

162
163 Mr. Marlles - Yes. I guess the thought that ran through my head was whether or not
164 we have the authority currently in County Code to set up that type of financial arrangement. It may be
165 possible under the State Code to do it, and, in fact, may be done in other areas. But I'm not sure we
166 currently have that authority. Not that it's not a good idea, I'm not sure we currently are structured that
167 way.

168
169 Mr. Jernigan - Well, we have the SPA Fund, the stream fund. Could we set it up similar
170 to that?

171
172 Mr. Marlles - Well, I guess, and Tim I don't know how much you know about that. But
173 what I know about that is there is authority under the State Code to set up that stream assessment
174 program that Public Works just recently got approval for it. But it does go back to having, making sure
175 we have the authority under the State Code to set up these types of financial arrangements or structures.

176
177 Mr. Kaechele - I think part of the problem would be finding who was going to contribute
178 to the fund and at what time, and in what amount, because the zoning hasn't been granted, and you
179 don't know exactly what's going to develop. But I think following the normal course of development as a
180 piece of land is zoned and a use is defined, then the roads are defined for that development as well as
181 the future. You don't even know the exact right-of-way width today in most of our corridor studies or
182 even in the Land Use Plan. We don't define those at this time, do we?

183
184 Mr. Foster - Usually not. It's very difficult at this point and time. We do get some, I
185 suspect, some infrastructure from the development. We get the right-of-way dedication; we get
186 improvements in the vicinity of the development. So we do get a lot of improvements. If you look at,
187 even in the past, of what we've improved, most of what the County ends up paying, or the State, or
188 whomever, are the big projects such as interchanges, unless its being caused by that particular
189 development, or the State Fair which we went through a year and a half ago. So we are getting those
190 types of infrastructure improvements.

191
192 If I could give you a quick example, Virginia Center Commons, for example. Before they could open
193 Virginia Center Commons, anybody that was on the Board then, they had to come in and improve Route
194 1, widen it to a good four-lane divided road from the interstate all the way to their site. That was
195 something they had to do. That was even off-site, but that was the only way we could get the traffic
196 done. So we do have things in place that we do get improvement. It's those big-ticket items that we
197 don't have, such as interchanges. But 30 years from now when an interchange is needed, we have no
198 idea how much that would cost or even what type of design or development would be taking place. So
199 what we look for in these types of studies is having the planning to know that it's possible to be here,
200 let's plan around it. Another quick example is: John Rolfe Parkway was proposed to have several
201 interchanges, one at Ridgefield and John Rolfe. That didn't happen, but now that land is developing, so
202 it doesn't stop development either. So that's what we are looking at.

203
204 Ms. Dwyer - Thank you.

205
206 Mr. Archer - Thank you, Mr. Foster. Any other discussion from the panel here? If not
207 this is a Public Hearing, and if anyone from the audience cares to ask a question or make a comment we
208 would be pleased to hear from you now.

209
210 Mr. Harmon - Good evening. My name is Craig Harmon, one of the landowners in the
211 area.

212

213 Mr. Archer - Good evening, Mr. Harmon.
214
215 Mr. Harmon - I appreciate the chance to speak tonight. I've reviewed the changes and
216 I go along with the changes. I think they did what I wanted and I think was necessary to answer Ms.
217 Dwyer's question. The only thing that concerned me was that this area of Technology and Memorial
218 Drive doesn't have any sewer right now. So, we are not talking about somebody coming in and putting
219 in little small individual businesses, because they can't do it anyway without sewer. What I was
220 concerned, that is somebody coming in with enough money to buy a big block of the land and put in the
221 sewer. Would they also have to put in these interchanges even though they weren't using it at all and
222 stuff like that? But I think the language addresses it. That's the only comment I have.
223
224 Mr. Jernigan - Thank you, sir.
225
226 Mr. Archer - Anyone else? OK, then it would be in order for the Commission to make
227 a recommendation to the Board.
228
229 Mr. Kaechele - Mr. Chairman, this thoroughfare change does come before the Board of
230 Supervisors later and there will be another public hearing.
231
232 Mr. Archer - There will be another public hearing.
233
234 Mr. Marlles - Before the Board of Supervisors.
235
236 Mr. Kaechele - OK.
237
238 Mr. Jernigan - Mr. Archer, on the new language, do we need to show this as an
239 Addendum or just pass it like it is?
240
241 Mr. Marlles - I would say just pass it as it is, Mr. Jernigan.
242
243 Mr. Jernigan - All right. With that I make a motion to approve the Major Thoroughfare
244 Plan and Land Use Plan for Williamsburg Road and Technology Boulevard.
245
246 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
247 the motion say aye—all those opposed by saying nay. The ayes have it. The motion carries and the
248 recommendation will be made to the Board. The vote is 5-0. Mr. Kaechele abstained.
249
250 **THE COMMISSION TOOK A BREAK AT THIS TIME.**
251
252 **THE COMMISSION RECONVENED.**
253
254 Mr. Archer - The Planning Commission will reconvene. Good evening to all of those
255 that we did not greet earlier when we had our Public Hearing. Before we began tonight, I'll probably get
256 hit for doing this, tonight for those of you who won't be here at next Wednesday's meeting, it's Mrs.
257 Dwyer's last zoning meeting. She has elected not to return next year. We know you would want to wish
258 her well. But I would also like to introduce Lisa Ware who will be, thank you Lisa. If you want to greet
259 her before you leave tonight, please feel free to do so. Okay. Mr. Secretary it seems like we have a
260 heavy agenda tonight.
261
262 Mr. Marlles - Yes sir. Mr. Chairman. Good evening. We do have a number of
263 requests for deferrals tonight and I'm going to turn it over to Mr. Bittner who is going to review those.
264
265 Mr. Archer - Good evening again, Mr. Bittner.

266
267 Mr. Bittner - Thank you, Mr. Archer. We have a new deferral request, the first case
268 on your agenda in the Varina District.
269

270 **Deferred from November 15, 2001 Meeting**

271 **C-58C-01 Martin J. Bannister/Luke O. Bannister, Sr.:** Request to amend
272 proffered conditions accepted with rezoning case C-74C-98, on part of Parcel 140-A-45, containing
273 approximately 7.77 acres, located on the east line of Creighton Road approximately 1,600 feet northeast
274 of Caddie Lane. The amendment is related to Proffer 9, home frontage on Creighton Road and landscape
275 buffers. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
276 and Environmental Protection Area. Part of the site is also in the Airport Safety Overlay District.
277

278 The deferral is for two months or 60 days to the February 14th Planning Commission Meeting.
279

280 Mr. Archer - All right. Is there anyone here in opposition to this deferral to the
281 February 14, 2002 meeting? C-58C-01. No opposition, Mr. Jernigan.
282

283 Mr. Jernigan - Mr. Chairman, I make a motion to defer zoning case C-58C-01 to the
284 February 14th agenda.
285

286 Mr. Archer - Motion made by Mr. Jernigan, seconded by Mr. Taylor.
287

288 Mr. Jernigan - Excuse me. That was by request of the applicant.
289

290 Mr. Archer - All those in favor of the motion say aye—all those opposed by saying
291 nay. The ayes have it. The deferral is granted. The vote was 5-0, Mr. Kaechele abstained.
292

293 At the request of the applicant, the Planning Commission deferred Case C-58C-01, Martin J.
294 Bannister/Luke O. Bannister, Sr.; to it's meeting on February 14, 2002.
295

296 **Deferred from the November 15, 2001 Meeting:**

297 **P-19-01 Wes Blatter for VoiceStream Wireless:** Request for a provisional use
298 permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and
299 operate a 165' telecommunications tower and related equipment on part of Parcel 191-A-17, containing
300 10,000 square feet (0.223 acre) located at 6535 Barksdale Road approximately 800 feet north of
301 Kukymuth Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends
302 Suburban Residential 1, 1.0 to 2.4 units net density per acre.
303

304 This is a 30-day deferral request to the January 10th Planning Commission Meeting.
305

306 Mr. Archer - Thank you. Is there anyone here who is opposed to this deferral,
307 VoiceStream Wireless, P-19-01? No opposition, Mr. Jernigan.
308

309 Mr. Jernigan - Mr. Chairman, I make a motion to defer Provisional Use Permit, Case P-
310 19-01, to the January 10th agenda by request of the applicant.
311

312 Mr. Vanarsdall - Second.
313

314 Mr. Archer - Motion made by Mr. Jernigan, seconded by Mrs. Dwyer. All those in favor
315 of the motion say aye—all those opposed by saying nay. The ayes have it. The deferral is granted. The
316 vote was 5-0, Mr. Kaechele abstained.
317

318 At the request of the applicant, the Planning Commission deferred Provisional Use Permit P-19-
319 01, VoiceStream Wireless; to its meeting on January 10, 2002.

320
321 Mr. Bittner - That is all of the deferral requests we have at this time, Mr. Archer.

322
323 Mr. Archer - All right. Thank you.

324
325 Mr. Marllles - Mr. Chairman, the next item on the agenda is requests for inclusion on
326 the expedited agenda. Again, Mr. Bittner will review those.

327
328 Mr. Archer - All right. Mr. Bittner.

329
330 Mr. Bittner - The first request for expedited agenda is on page 3 of the agenda in the
331 Brookland District. There are three cases all grouped together, which are all shown on this map
332 (referring to rendering). I'll call them out one at a time.

333
334 **C-68C-01 Jay M. Weinberg for Attack Properties, Inc.:** Request to
335 conditionally rezone from A-1 Agricultural District and Office/Service District (Conditional) to R-1AC One
336 Family Residence District (Conditional), Parcel 13-2-A-1 (Rock Springs Estates) and Parcel 13-A-23,
337 containing 5.15 acres, located at the northeast intersection of Mill Road and Long Meadow Drive and on
338 the west line of Long Meadow Drive approximately 400 feet south of Wood Brook Road. A single-family
339 residential subdivision is proposed. The R-1A District allows a minimum lot size of 21,500 square feet.
340 The applicant proffers no more than three (3) units will be built on Parcel 6 as noted on the filed plat.
341 The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit's net density per acre, and
342 Office/Service.

343
344 Mr. Archer - Is there opposition to C-68C-01? No opposition.

345
346 Mr. Vanarsdall - I move C-68C-01, Jay Weinberg for Attack Properties, be recommended
347 to the Board of Supervisors for approval on the expedited agenda.

348
349 Ms. Dwyer - Second.

350
351 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mrs. Dwyer. All those in
352 favor of the motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted.
353 The vote was 5-0, Mr. Kaechele abstained.

354
355 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, The Planning Commission
356 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it
357 continues a similar pattern of residential development and the proffered conditions assure a level of
358 quality not otherwise possible.

359
360 Mr. Bittner - The next expedited case is the next one on the agenda.

361
362 **C-69C-01 Jay M. Weinberg Attack Properties, Inc.:** Request to amend
363 proffered conditions accepted with rezoning case C-72C-90, on part of Parcel 12-A-4B, Parcel 12-A-7, part
364 of Parcel 13-A-24, and part of Parcels 21-A-2, 4, and 5, containing 194.7 acres, located beginning on the
365 north line of I-295 approximately 600 feet west of Mill Road. The property is zoned RTHC Residential
366 Townhouse District (Conditional) and O/SC Office/Service District (Conditional). The amendment is
367 related to buffers, setbacks, access, fencing, and total amount of development on the overall Hunton
368 Property. The Land Use Plan recommends Office/Service, Urban Residential, 3.4 to 6.8 units net density
369 per acre, and Environmental Protection Area.

370

371 Mr. Archer - Is there anyone present opposed to this case, C-69C-01?
372
373 Ms. Dwyer - Mr. Chairman this is a...
374
375 Mr. Jernigan - Wait a minute. That lady had her hand up.
376
377 Mr. Archer - I'm sorry, ma'am. Are you opposed to this case?
378
379 Mr. Vanarsdall - You just have a question?
380
381 Mr. Archer - You want to get an answer, Mr. Vanarsdall?
382
383 Mr. Vanarsdall - I would like to hear the question then take it off.
384
385 Mr. Archer - OK. Would you come down ma'am? Maybe we can handle it quickly,
386 maybe not. Please state your name for the record if you would.
387
388 Ms. Joyce Hann - My name is Joyce Hann. I live on Long Meadow Drive in Rock Spring
389 Estates and I pulled copies of this case from the Internet and I noticed that there were some staff, I
390 believe some staff comments regarding the buffering and some other things. And I have concerns about
391 the points that the staff had made about those things, and was hoping tonight to hear a fuller discussion
392 about those issues and any proposed resolution of them.
393
394 Mr. Archer - OK. Mr. Vanarsdall would you like to remove it and put it back in order?
395
396 Mr. Vanarsdall - I think we should take it off the expedited agenda.
397
398 Mr. Archer - Thank you, ma'am. We'll hear it in the regular order that it would be
399 called.
400
401 Ms. Hann - OK.
402
403 Mr. Archer - Thank you. OK, Mr. Bittner.
404
405 Mr. Bittner - The next expedited request is case C-70C-01.
406
407 **C-70C-01 Jay M. Weinberg for Atack Properties, Inc.:** Request to
408 conditionally rezone from A-1 Agricultural District to O/SC Office/Service District (Conditional), Parcel 12-
409 A-6 and Parcel 21-A-18A, containing 1.67 acres, located on the south line of the proposed Hunton Park
410 Boulevard approximately 1,100 feet northeast of the intersection of Staples Mill Road (U. S. Route 33)
411 and Old Mountain Road (Parcel 6) and on the north line of I-295 approximately 1,600 feet west of Old
412 Mountain Road (Parcel 18A). An Office/Service development is proposed. The use will be controlled by
413 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office/Service.
414
415 Mr. Archer - All right. Is there anyone here who is opposed to C-70C-01? No one.
416
417 Mr. Vanarsdall - I move that C-70C-01, Jay Weinberg for Atack Properties, be
418 recommended to the Board of Supervisors for approval on the expedited agenda.
419
420 Ms. Dwyer - Second.
421

422 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mrs. Dwyer. All those in
423 favor of the motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted.
424 The vote was 5-0, Mr. Kaechele abstained.

425
426 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, the Planning Commission voted
427 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it
428 represents a logical continuation of the office/service zoning which exists in the area.

429
430 Mr. Bittner - The next expedited case request is on page 4 of the agenda in the Three
431 Chopt District.

432
433 **C-72C-01 Edward B. Kidd for Louis Clifford Schroeder:** Request to amend
434 proffered conditions accepted with rezoning cases C-1C-84 and C-54C-85, on Parcels 69-A-18 & 19 and
435 69-4-A-1 & 2, containing approximately 1.96 acres, located at the northeast intersection of N. Parham
436 and Gwinnett Roads. The property is zoned O-1C Office (Conditional). The amendment is related to
437 structural design, landscaping and lighting, and would allow additional structures on the site. The Land
438 Use Plan recommends Office.

439
440 Mr. Archer - Is there opposition to this case, C-72C-01, Edward Kidd for Clifford
441 Schroeder? There is opposition. Sir, I think we'll just put it back in the order. There are more than you.
442 I think we will hear it on the regular agenda. There is opposition to this case.

443
444 Mr. Bittner - All right. Our final expedited request is in the Tuckahoe District.

445
446 **C-73C-01 Youngblood, Tyler & Associates for Youngblood Properties, LLC:**
447 Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
448 (Conditional), Parcel 78-A-25 (1822 Pump Road), containing 6.168 acres, located on the west line of
449 Pump Road approximately 670 feet north of Sancrest Road. A single-family residential subdivision is
450 proposed. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan
451 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

452
453 Mr. Archer - All right. Is there opposition to this case in the Tuckahoe District, C-73C-
454 01, Youngblood, Tyler & Associates for Youngblood Properties? No opposition. Ms. Dwyer.

455
456 Ms. Dwyer - Mr. Chairman I recommend that the Commission recommend to the
457 Board for Case C-73C-01, Youngblood Properties, LLC.

458
459 Mr. Taylor - Second.

460
461 Mr. Archer - Motion by Ms. Dwyer and seconded by Mr. Taylor. All in favor of the
462 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
463 5-0. Mr. Kaechele abstained.

464
465 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Planning Commission voted 5-0
466 (one abstention) to recommend that the Board of Supervisors **grant** the request because it continues a
467 similar pattern of residential development and the proffered conditions assure a level of quality not
468 otherwise possible.

469
470 Mr. Bittner - That concludes the expedited requests.

471
472 Mr. Archer - Thank you, Mr. Bittner. All right, Mr. Secretary.

473
474 **Deferred from the June 14, 2001 Meeting:**

475 **P-1-01** **John G. Chip Dicks for Telecom Consulting Group, Inc.:** Request
476 for a provisional use permit under Sections 24-95(a), 24-120, and 24-122.1 of Chapter 24 of the County
477 Code in order to construct a 250' lighted telecommunications tower and support facilities, on part of
478 Parcel 205-A-44, containing 4,900 square feet, located at 6929 Monahan Road, on the east side of
479 Monahan Road approximately 1,170 feet north of its intersection with Darbytown Road. The existing
480 zoning is A-1 Agricultural District. The site is also in the Airport Safety Overlay District.
481
482 The staff report will be given by Mr. Tom Coleman.
483
484 Mr. Archer - OK. Mr. Coleman. Is there opposition to this case, P-1-01? No
485 opposition. Go ahead, Mr. Coleman.
486
487 Mr. Coleman - This application has been significantly revised. The applicant has
488 addressed a number of the concerns raised in the staff report. The height has been reduced from 250' to
489 130'. The tower is now monopole and the revised location meet the setback requirements. While these
490 changes significantly improve this request, staff cannot recommend approval.
491
492 Mr. Archer - Are there questions for Mr. Coleman? Mr. Coleman, how many co-
493 locaters could we do on 130'?
494
495 Mr. Coleman - The applicant has indicated that he would be willing to permit up to
496 three at this height. I think we are a little skeptical that if placing antenna between 10' and 20' apart
497 that they would actually be able to achieve that many co-locations.
498
499 Mr. Archer - I just wanted to get some general idea. Any other questions from the
500 Commission?
501
502 Ms. Dwyer - So at this height it would not need to be lighted or stripped?
503
504 Mr. Coleman - We do not have that information from the FAA. From our experience
505 with locations within this proximity of the interstate, I would anticipate that it would be lit.
506
507 Ms. Dwyer - Even at ...
508
509 Mr. Coleman - 130'.
510
511 Ms. Dwyer Even at 130'.
512
513 Mr. Jernigan - Mr. Coleman, also the setbacks have been met?
514
515 Mr. Coleman - Correct. When the application was originally filed, it would have
516 required a variance at the proposed location. This new location would not require any waivers or
517 variances.
518
519 Mr. Jernigan - And the closest house is more than 110% away from the tower.
520
521 Mr. Coleman - Yes.
522
523 Ms. Dwyer - So staff is not recommending this because it's in a residential area and
524 its fairly exposed.
525
526 Mr. Coleman - The concerns staff has primarily would be the fact that it is in an area
527 that's planned for residential and that looking at the site for the long term this would inhibit future

528 development of the property. Also, we do not feel that the applicant has significantly proved that there is
529 the demand or need for a site. There have been no lease agreements or propogation maps from a
530 carrier. And it is unusual for us to receive an application that does not have that information from a
531 provider.

532
533 Mr. Archer - Any further questions for Mr. Coleman?
534

535 Mr. Jernigan - Well, I just have a comment, and I'll clear this up with Ms. Dwyer. This
536 case was originally filed in January and then it was deferred and deferred and then they took a six month
537 deferral in June, I believe it was. The residential property Mr. Coleman is talking about, this property is
538 surrounded by a barrow pit from English Construction Company. And I spoke with the CEO of English
539 Construction, and he was more than willing to give up anything for this. He said, "When we had a
540 problem with setback before, he was willing to give up some land." But in a barrow pit, which is being
541 used now as I understand, it is 25 years before you can build on it. Plus this tower sets approximately
542 500' from 895.
543

544 Mr. Coleman - I would say about 250'.
545

546 Mr. Jernigan - OK. So even though it may be in a residential area, I don't think there
547 will be any residential built in there for many a year. And I think Mr. Bowery has made his decision as to
548 what he wants to do with his land. Whether he wants to sell it for residential or get money off of it now.
549 That's it.
550

551 Mr. Archer - OK. Any further questions? Any discussion? Need to hear from the
552 applicant, Mr. Jernigan?
553

554 Mr. Jernigan - Chip, I'm okay with it unless you want to...
555

556 Mr. Dicks - No, you learn a long time ago when somebody is okay with it you don't
557 say anything. But I'm happy to answer any questions.
558

559 Mr. Jernigan - I think everybody is... Are you interested in hearing it?
560

561 Ms. Dwyer - I think in light of staff's recommendation against the case, I would like to
562 hear a few words from the applicant in support of it.
563

564 Mr. Dicks - Mr. Chairman, Members of the Commission, my name is Chip Dicks, and
565 I'm a owner in Telecom Consulting Group and we are the applicant this evening and we have, as Mr.
566 Jernigan has indicated, over the last 12 months, tried to move this application in a positive direction in
567 light of staffs original comments. Part of the reason for the extensive deferral is that the Airport was
568 going through extensive expansion and it was difficult to make a determination exactly where the flight
569 patterns would be and what height would be allowed by the FAA. We finally got a commitment that 133'
570 was what would be allowed by the FAA, therefore, our request for 130'. It is our understanding that
571 based upon the location and the height of the tower that no light would be required. But the FAA has
572 not given us a final determination on that at this point, to answer your question.
573

574 The other issue that was raised as to whether or not there has been a radio frequency study. We hired a
575 radio frequency engineer, Dave Coddington, and he submitted a report which staff has which shows a
576 demonstrated hole in this particular area. And also it shows that at a height of 130' we should be able to
577 locate somebody, although the consultant said, "four co-locating carries", I would suggest to you that
578 three is probably more realistic, one at 130', a 15' spacing down to 115', and then another 15' down to
579 100'. At those three levels our consultants' report shows connectivity with the surrounding towers and
580 that three co-locating carriers would be able to function on this particular facility. We looked at other

581 locations on the other side of 895, but we were not able to find locations. Obviously the closer you get
582 to the Airport the lower the tower has to be. We also looked at other locations with the topography of
583 the area and the other locations didn't match up, and connect, and allow connectivity with the other
584 towers at the height it would be allowed by the FAA. We have met all the setback requirements. Mr.
585 Bowery has a large hedge in his yard, his side yard. What we have done is place this facility in the
586 middle of his side yard with a hedge. As Mr. Jernigan pointed out, we are roughly 250' from the new 895
587 in that area. The barrow pit cannot be, in essence reclaimed for, as we understand it, for 25 years. It is
588 going to be significantly lower, some 20' to 25' lower as a result of the barrow activities that were
589 approved by the Board of Zoning Appeals last summer. So while there will be some resodding, and
590 reseeding, and replanting in that area, there will be an inability to use that area for residential
591 development which is what the Comp Plan recommends, which is why, I think, the staff has a reservation
592 with respect to the project. But I submit to you that this is a good case. We have a carrier who has
593 indicated already that they want to be on it. We submitted that Letter of Intent. We have other carriers
594 who have expressed interest. We are willing to accept the condition that says that we will not be able to
595 obtain a building permit until he have a signed lease. And as you gentlemen and lady know, basically
596 what happens in the carrier business is Letters of Intent are nonbonding. And so what we do is, we
597 operate and build based upon sign binding leases. And so we are willing to accept the condition that
598 says that we will not pull a building permit and build this particular facility until such time as we have a
599 signed lease with a carrier. But with that, Mr. Chairman and members of the Commission, I'm happy to
600 answer any further questions there might be.

601
602 Mr. Archer - Thank you, Mr. Dicks. Are there questions?

603
604 Mr. Jernigan - Thank you, sir.

605
606 Mr. Coleman - Mr. Dicks had mentioned a condition concerning the building permit and
607 that was not included in the original staff reports. I did want to give you condition number 8 which
608 would state, "The tower should not be constructed until a lease from a telecommunication provider has
609 been secured," and that would be condition 8.

610
611 Mr. Jernigan - It is in there.

612
613 Mr. Coleman - It was not in the staff report.

614
615 Mr. Jernigan - OK. But he has committed to that.

616
617 Mr. Dicks - That is acceptable, yes.

618
619 Ms. Dwyer - And that language that Mr. Coleman just read is acceptable.

620
621 Mr. Dicks - That is acceptable to the applicant. I suggested that language and
622 pulled it from a similar case we had in Stafford County.

623
624 Mr. Jernigan - So you have a Letter of Intent from Staffnet now?

625
626 Mr. Dicks - That is correct.

627
628 Mr. Jernigan - At the time they give you a lease, then you will file for a building permit?

629
630 Mr. Dicks - That is correct.

631
632 Mr. Jernigan - If this is approved?

633

634 Mr. Dicks - That is correct.
635
636 Mr. Archer - All right. Any other comments/questions? All right, Mr. Jernigan.
637
638 Mr. Jernigan - Mr. Chairman, I make a motion to approve provisional use permit P-1-
639 01, Telecom Consulting Group.
640
641 Mr. Vanarsdall - Second.
642
643 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
644 the motion say aye—all those opposed by saying nay. The ayes have it. Request for approval is granted.
645 The vote is 5-0. Mr. Kaechele abstained.
646
647 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission
648 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is
649 reasonable in light of the surrounding uses.
650
651 Mr. Kaechele - Mr. Chairman, again for the benefit of the audience and for the record,
652 all cases coming before the Board of Supervisors tonight, I'm abstaining in my vote.
653
654 Mr. Archer - All right. Thank you, Mr. Kaechele. All right, Mr. Secretary.
655
656 ***Deferred from the November 15, 2001 Meeting***
657 **C-64C-01** **Debbie Stoddard:** Request to conditionally rezone from A-1 Agricultural
658 District to R-2C One Family Residence District (Conditional), Parcels 149-A-46 and 54, containing 27.7
659 acres, located at 445 and 505 Hanover Road approximately 700 feet south of Rose Ann Lane and 900
660 feet north of Graves Road. A single-family residential subdivision is proposed. The R-2 District allows a
661 minimum lot size of 18,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to
662 2.4 units net density per acre, and Environmental Protection Area. The site is also in the Airport Safety
663 Overlay District.
664
665 The staff report will be given by Mr. Lee Householder.
666
667 Mr. Archer - All right. Is there opposition to C-64C-01? There is opposition. We'll
668 get to you. All right, Mr. Householder.
669
670 Mr. Householder - Thank you, Mr. Chairman, members of the Commission. The subject
671 property in this case consists of two parcels, parcel 149-A-46, to bring up the zoning map here, and then
672 the parcel below 54 (referring to rendering). Together the parcels have over 800 feet of road frontage
673 on Hanover Road and there are adjacent single-family homes in this area fronting on Graves and in this
674 area in Hanover (referring to rendering). So all these are larger lots, two to five-acre lots with single-
675 family homes on them. So, in general, there is a residential character to this area.
676
677 The requested zoning classification is R2C and the 2010 Land Use Plan designation is Suburban
678 Residential 1, which is 1.0 to 2.4 units per acre. The applicant in this case has proffered to develop 45
679 lots, at a density of 1.6 units per acre and this is consistent with the plan.
680
681 They have also submitted, but not proffered, this preliminary subdivision layout for this property that
682 shows 45 lots off a single access point on Hanover Road. It also shows these wetland areas in this area
683 (referring to rendering) that run throughout the property and they have already been delineated by the
684 applicant's engineer.
685

686 They have submitted proffers that were included in the staff report that for minimum house sizes
687 between 1,600 and 1,750 square feet, brick foundations with crawl spaces, sidewalks, and prohibited
688 stem shaped lots. They have also proffered that there shall be no direct vehicular access to Hanover
689 Road, and a 25-foot landscape buffer along Hanover, and they've not proffered this exhibit, but the stub
690 street connection to the north has been proffered.

691
692 Overall, staff feels the requested zoning and proffered density are consistent with the density
693 recommended by the 2010 Land Use Plan, and they have proffered features that will help ensure a
694 quality development on this site. Staff recommends approval of this request. I'll answer any questions
695 that you may have.

696
697 Mr. Archer - Thank you, Mr. Householder. Are there questions from the Commission?

698
699 Mr. Taylor - Mr. Householder.

700
701 Mr. Householder - Yes, sir.

702
703 Mr. Taylor - On the lots that I see it's cross-hatched for wetlands, which I make out
704 to be lots, 2, 3, 4 and 22. Is there adequate space remaining on there to site the house or is there some
705 special provision to build houses on those sites containing wetlands?

706
707 Mr. Householder - My guess is that they are going to have to do some additional mitigation
708 of those wetlands to fit houses. The applicant does have their engineer here. I think he will probably be
709 able to clarify how a house will be able to fit on those lots with that amount of wetlands. But it doesn't
710 appear to me that you could, especially lot 22, given the easement that is shown here (referring to
711 rendering). Given that this is a preliminary plan. To me you would have to do something back in this
712 area (referring to rendering).

713
714 Mr. Taylor - Lot 22 seems to me to be, to have some additional contour lines on
715 there that indicates some degree of relief. Is the engineer here?

716
717 Mr. Householder - Yes, he is.

718
719 Mr. Taylor - Could he address us at this time, Mr. Chairman?

720
721 Mr. Archer - Yes. Are there other questions from the Commission on any other topic?

722
723 Ms. Dwyer - Mr. Householder, I have one question. Just as I looked at the site plan
724 tonight, it occurred to me that had staff considered the need for a stub road to the south as well as one
725 to the property to the north?

726
727 Mr. Householder - Originally yes, but because of these houses fronting on Graves, it didn't
728 seem to me, I would image they will probably remain, it's my guess they would remain that way. So
729 there was no need to stub.

730
731 Ms. Dwyer - So those lots would remain most likely single-family?

732
733 Mr. Householder - If you look to the north, if you combined these (referring to rendering)
734 you might be able to create more of a subdivision then here (referring to rendering) in which wouldn't
735 really allow for much development.

736
737 Ms. Dwyer - And this is only 30 lots to begin with, so there is no real need for another
738 stub to serve this subdivision.

739
740 Mr. Householder - Correct.
741
742 Ms. Dwyer - Do we know why this particular subdivision plan was not, preliminary
743 plan, was not submitted as a proffer?
744
745 Mr. Householder - It was explained to me as just a general reluctance. They've done
746 preliminary engineering and without doing more detailed work they were afraid that they might not be
747 able to do, this configuration may change due to the typography and wetlands. But it was indicated they
748 felt like this could work as it is shown, but they weren't willing to proffer because of that.
749
750 Mr. Archer - All right. Any thing further? Thank you, Mr. Householder. While the
751 applicant's engineer is coming down, we do have opposition to this case and because we do, I would ask
752 the Secretary if he would explain the rules of discussion before we began.
753
754 Mr. Marlles - Thank you, Mr. Chairman. Ladies and gentlemen, as the Chairman
755 indicated when there is opposition to a case it's the policy of the Commission to grant a total of ten
756 minutes to the applicant to present the case. Some of that ten minute period may be saved for rebuttal
757 of opposition statements. Time to answer questions of the Commission is not included within the
758 applicants allotted time. Following the applicant's presentation, the opposition will also be allowed a total
759 of ten minutes to present testimony. This time may be used as desired, but generally with larger groups
760 having a spokesperson or several spokespersons/people present the concerns, it makes the best use of
761 the available time. Following the opposition's testimony, the applicant will then be allowed the remainder
762 of the ten-minute period to rebut opposition statements. Would the applicant like to reserve, at this
763 point, some time for opposition?
764
765 Mr. Richard Minter - Yes.
766
767 Mr. Marlles - How much time sir? Generally two minutes.
768
769 Mr. Minter - Yes.
770
771 Mr. Archer - All right. Go right ahead, sir.
772
773 Mr. Minter - Why we didn't proffer this...
774
775 Mr. Archer - Please state your name for the record.
776
777 Mr. Minter - My name is Richard Minter with Potts, Minter and Associates. I
778 represent the development, which is also the builder of this project. Why we didn't proffer a subdivision
779 is because we are just in the tentative stages. Because as always you don't want to spend your
780 developer's money going through all the detailed calculations and everything without getting your zoning
781 approval.
782
783 And this lot 22, this is the whole lot (referring to rendering), that whole parcel is lot 22. We believe right
784 here (referring to rendering) we can put a house in this. This is a sewer line that goes all the way
785 through this property right here (referring to rendering), that wraps around like this, the county sewer.
786 Also here (referring to rendering) we feel that we can get it in there, but because we're in preliminary
787 stages we're going to make our adjustments. We know there are setbacks for wetlands and things like
788 that we had not engineered for at the present time.
789
790 Mr. Archer - All right.
791

792 Mr. Taylor - So your comments would indicate that while we're looking at this
793 platted, the platting may change depending on...
794
795 Mr. Minter - Sure.
796
797 Mr. Taylor - ...how those wetlands are handled. So your yield may not be what we
798 see on this last page.
799
800 Mr. Minter - Right. As a matter of fact we had 42 lots on here and two of them we
801 are using existing houses we're fitting in within the lot. This is proffered for 45. Because of the
802 calculations, we may be able to get a couple more lots, but I doubt it. I think this is going to be the
803 extent of it.
804
805 Mr. Taylor - In the write up, sir, it mentioned that these wetlands have been
806 delineated and there is an intermittent stream that connects the two areas.
807
808 Mr. Minter - Yes.
809
810 Mr. Taylor - So I guess that would be.... Does that run from east to west or west to
811 east?
812
813 Mr. Minter - West to east. It's running along the back of these lots right here
814 (referring to rendering) down through here (referring to rendering) and there is a larger stream that runs
815 down the back of the side of the property.
816
817 Mr. Taylor - And when you say intermittent, is that intermittent to seasonal or is that
818 active during the summer. How intermittent is intermittent?
819
820 Mr. Minter - Not positive.
821
822 Mr. Taylor - OK. Thank you.
823
824 Mr. Archer - All right. Any other questions for Mr. Minter?
825
826 Mr. Taylor - No, I'm satisfied Mr. Chairman. If this is a preliminary plan and we may
827 be looking at these as platted areas and that may not be possible.
828
829 Mr. Minter - Right. Also like this lot here (referring to rendering), we may try to save
830 this swimming pool to go with this house right here (referring to rendering). So the lots may come down
831 even more than what I have on this preliminary plan.
832
833 Mr. Taylor - Thank you.
834
835 Mr. Archer - If there are no other questions? Thank you sir, and we will hear from
836 the opposition.
837
838 Ms. Sealey Good evening Chairman, Lady and Gentlemen my name is Cecile Sealey
839 and I live at 498 Hanover Road in Sandston.
840
841 Mr. Archer - Good evening, Ms. Sealey.
842
843 Ms. Sealey - I am one of the spokespeople for the community and I'm new at this
844 process. But there is a lot that the community has discussed. We've had meetings and one of the main

845 issues that we are concerned about is how the increase in density in building this or developing this area
846 would create urban sprawl. Urban sprawl is a term a lot of you probably don't want to hear or you've
847 heard enough of it, but we are the faces who are being affected by the urban sprawl. We are looking to
848 keep the zoning at A-1. We don't want it to be changed to R-2C because it will allow, like the gentleman
849 just said, "an increase in our community of at least 44 homes." Now he mentioned that they might try to
850 place even more homes on that property. We have chosen to live in a rural area and we expect a certain
851 quality of life in living in the area that he choose too. Now a lot of people have stated that they are
852 against urban sprawl but they don't have the guts to come forward and say we are against it. We're
853 doing that. One of the things that, another thing that we are concerned about is the fact that a
854 developer can come in, a developer who lives on a property that is over 30 acres, could come in and
855 have such an affect on our community and walk away reaping the financially benefits.

856
857 I, and the others don't have any problem with people being able to earn a living, people being able to
858 prosper from the work that they do. Mr. Holt has put up the Chartwood Development, which has created
859 a lot of job opportunities for people in this area, so we don't knock it completely. But what we are asking
860 is that you look into the impact that this has on us as a community. We are looking in this city to prevent
861 the problems that are created when to many people live in a particular space. One of the
862 recommendations that, and I'm not here to lecture or try to lecture you all on prevention of urban sprawl.
863 But one of the things that we know can be done is that builders can look to areas where there has
864 already been urbanization rather than come into a rural area and change it around and have a negative
865 impact on us.

866
867 One of the other items that we talked about and asked questions of the builder on, because we did meet
868 with the builder at least on one occasion, we meet directly with him as a group. We asked him what
869 would happen with the run-off, and the run-off from the development and we were given a pretty
870 nebulous answer, which is also reflective of the same thing that we have just heard. We have certain
871 general answers to conditions that really seem like they should have been looked into a little bit more
872 before this time. We should be able to know how the developer's plans to deal with the run-off. I am
873 new to the area and I'm trying to learn about the impact that the run-off has on the Chickahomony River
874 and the other areas where the water would be deposited. I do understand that it would be a negative
875 environmental impact.

876
877 Another thing that we have discussed is the problem that having 44 extra families would create on the
878 school system. The school system where our children go is not stressed yet in terms of the numbers of
879 students, but according to Debbie Stoddard report the schools would be able to handle the additional
880 projected number of students who would come in. I asked where the projection came from and I also
881 asked if we should be comfortable saying that it's okay to have schools filled and not look at the fact that
882 the existing ratio teachers to students and students in the building is a workable number at this time.
883 There is a another person who wants to talk about the schools, Ms. Tracy Sovackus is a community
884 member and she is here now to speak. I don't think I've used up all our time yet.

885
886 Mr. Archer - You haven't yet, Ms. Sealey.
887
888 Mr. Jernigan - Ms. Sealey, I will say this, that Debbie Stoddard didn't put those
889 statistics, they...
890
891 Ms. Sealey - Thank you.
892
893 Mr. Jernigan - The school data came from the Henrico School Board.
894
895 Ms. Sealey - Thank you.
896

897 Mr. Archer - There are approximately 4 minutes and 14 seconds left. Are there any
898 questions for Ms. Sealey from the Commission before she takes her seat?
899

900 Mr. Jernigan - Ms. Sealey, you live directly across the street.
901

902 Ms. Sealey - Yes.
903

904 Mr. Jernigan - And have a little over 3 acres. Right?
905

906 Ms. Sealey - Excuse me.
907

908 Mr. Jernigan - You live directly across the street from where this development will be
909 and you have a little over 3 acres.
910

911 Ms. Sealey - Yes, Mr. Jernigan. Thank you.
912

913 Mr. Archer - Anyone else before she takes a seat. Okay. There are 4 minutes and
914 some seconds left for the next speaker.
915

916 Ms. Tracy Sovackus - May I ask a question before I began?
917

918 Mr. Archer - Certainly.
919

920 Mr. Jernigan - State your name first.
921

922 Ms. Sovackus - My name is Tracy Sovackus and I live at 1690 Graves Road. I also am
923 new to this process. Should we save 2 minutes for rebuttal also.
924

925 Mr. Marles - Ma'am under the policy only the applicant is allotted the time for rebuttal
926 because it's assumed that he is rebutting statements by the opposition.
927

928 Ms. Sovackus - Okay. Thank you very much. I'm coming here tonight not only as a
929 resident of Graves Road and the Hanover Road Community but as the PTA President for Donahoe
930 Elementary School which is on Graves Road. It's approximately a half-mile off Hanover. This school is a
931 wonderful elementary school. I don't know how much information you all get on the individual schools
932 themselves. Eighty percent (80%) of our students are high-risk students. It is in one of the poorest
933 school zones in Henrico County. This school however is fully accredited which is amazing when you think
934 that 80% of these students don't get their basic needs met. Currently we have 347 students. The
935 school's capacity is 370. Now Mr. Holt has a subdivision that is approximately a quarter (1/4) mile from
936 the school. It still has 29 lots available as of our last meeting with Mr. Holt. I was told by one of my
937 Board Members on the PTA that has purchased a home in there that when they first marketed this
938 subdivision it was marketed to middle, to early senior citizen age residence. Now it has turned into a
939 family subdivision. We have also been told by Mr. Holt that the subdivision that they are proposing is
940 going to be for early retirees or someone in middle age that would not have children. That people our
941 age with children would not be able to afford these homes. And when I asked then can you guarantee
942 me that if 30 people come and offer to purchase 30 homes that have 3 children each that you are not
943 going to sell these homes to them. And they said, "No, we can not guarantee that." My concern is for
944 these children. Our schools can only hold so much. Our student/teacher ratio right now is one (1)
945 teacher to eighteen (18) students and I don't think that the children, I believe that they need a voice.
946 That we need to be concentrating on these children because no one else is.
947

948 The traffic increase with these houses is going to be horrendous. It is very hard to get out on Hanover
949 Road from Graves and it is very hard to get out on Airport Drive from Hanover Road right now. So I ask

950 you just to remember the children. That right now they have a chance, they have a wonderful chance
951 and when these class sizes increase are they not going to get the attention that they are getting now.
952

953 Mr. Jernigan - Mrs. Sovackus, you are a teacher.
954

955 Ms. Sovackus - No, I'm not.
956

957 Mr. Jernigan - Oh, you are not, you are just...
958

959 Ms. Sovackus - I'm just the PTA President. I volunteer at the school three (3) days a
960 week helping students learn to read, learn their basic ABC's. A lot of these children don't get pre-school
961 and things like that.
962

963 Mr. Jernigan - Now, are you aware of the statistics on the staff sheet?
964

965 Ms. Sovackus - Yes.
966

967 Mr. Jernigan - Okay. And it states that the membership now is 342 and has a capacity
968 of 434.
969

970 Mr. Sovackus - Well, these statistics that I have came straight from Dr. Nelson and we
971 did pick up 4 or 5 students last week and I specifically sat down with Dr. Nelson who assured me that the
972 school capacity was 370.
973

974 Mr. Jernigan - Okay. Thank you.
975

976 Mr. Archer - Anyone else have a question? Are you done ma'am?
977

978 Ms. Sovackus - Yes sir, I'm finished.
979

980 Mr. Archer - There is approximately a minute and 45 seconds left if there is another
981 person who wishes to speak.
982

983 Ms. Sealey - Yes, we want to know if we can present a batch of petitions from the
984 community. These are the people who are against rezoning the property at all.
985

986 Mr. Archer - Yes ma'am, we'll accept that.
987

988 Ms. Sealey - Thank you.
989

990 Mr. Archer - Mr. Householder will take it. Thank you. Is there anyone else?
991

992 Mr. Jernigan - How much time is left Mr. Chairman.
993

994 Mr. Archer - A minute and 45 seconds. No one else wishes to speak? Mr. Jernigan
995 do you have anymore comments or do we need to hear from the applicant?
996

997 Mr. Jernigan - I guess we will hear from Mr. Minter again.
998

999 Mr. Minter - First thing is concern about the run-off. That's going to be handled
1000 when we do engineer design and we have to process it through Henrico County, the engineering
1001 department and they will approve or disapprove of our design for the run-off of the water that is coming
1002 here (referring to rendering). As far as the number of lots, we've proffered for 45, the area is 2.4 acres

1003 times 27 we could have about 66 lots and we're down to 1.6. So we are about in the middle ground of
1004 what County proposed zoning for this area. I mean this area is developing as you can see (referring to
1005 rendering). You see subdivisions all around. I mean you've got Airport Drive and 295, which is in
1006 proximity to this location. Schools, we cannot control the schools and traffic. Hanover Road has been
1007 there for years and we can't control what's happening on all of Hanover Road.

1008
1009 Mr. Vanarsdall - But you understand that everything is A-1 as we speak now.

1010
1011 Mr. Minter - There is R-2A right behind it.

1012
1013 Mr. Vanarsdall - Right. Whatever comes now its usually going to follow and I think what
1014 I've heard tonight is they don't want the density that you are proposing.

1015
1016 Mr. Minter - Right.

1017
1018 Mr. Vanarsdall - Because all those people have larger lots.

1019
1020 Mr. Minter - Right. I have names of four (4) of the surrounding property owners that
1021 about the properties on the same side of the street that are signed and I had some names of people of
1022 Chartwood Area around there that have no opposition to this development also.

1023
1024 Mr. Vanarsdall - And what the lady said was about the school. The school is going to
1025 become overcrowded and the more homes, you know, the more crowded the school is. That is the only
1026 point that you are missing.

1027
1028 Mr. Minter - Right. I understand that. But you know we can't predict how many
1029 people are going to move into any subdivision. No one can predict how many people are going to move
1030 in with children now or in the future.

1031
1032 Mr. Archer - All right. Any other questions for Mr. Minter?

1033
1034 Mr. Taylor - Mr. Chairman with regards to that last point. Our control of density is
1035 really a function of the zoning and the size of lots permitted, which is the R-2, is roughly a half-acre lot.
1036 So at a half-acre lot on this, theoretically you'd get up to 54 units. But if you made those 1 acre lots
1037 you'd get 27 and there is a number in there that is kind to the community, kind to you, and fits the area
1038 and that's the condition that we are in now is to try to find out. Recognizing that is agricultural land,
1039 recognizing that it will probably transit to residential which fills the adjoining area. What is a reasonable
1040 fit of lot size and occupancy that goes with the rest of the community? So, as you deal with numbers
1041 and you said, " you had to put this together in a hurry", we can understand that. But in looking at the
1042 numbers, if the numbers were 5 or 6 or 7 or 16 it might be more tolerable than what you have here.

1043
1044 Mr. Minter - I only have 15. It's only 15 compared to what I have. I had 42 and it
1045 may come down to 41 and two (2) of them are existing houses that's on here now. So we are talking
1046 about 41, 39, we are talking about 12 additional houses compared to what it could be.

1047
1048 Mr. Taylor - Well, when we get to that range we are in the R-1 category basically.

1049
1050 Mr. Minter - But we have some restrictions on there. You've got the County sewer
1051 that runs right through the middle of the property that is restricting some of it and you've got the
1052 wetlands.

1053
1054 Mr. Taylor - So what I'm saying, if we go ahead and put this as R and then the next
1055 time that we look at this it would be at POD stage and we'll get the layout. What we have now is the

1056 layout and looking at the layout I'm thinking the neighbors are saying that is to dense for our community
1057 and our environment and that's their only concern, as I hear it. They are not adverse to you developing
1058 it as residential. The question is how dense is, dense enough to be fair to you and consistent with the
1059 neighborhood has it stands today.
1060
1061 Mr. Minter - I understand. But I don't, if it comes down to it I'll have to talk to the
1062 developer. The feasibility of putting it in the roads, the sewer, and the water. It's not feasible, you know
1063 to go down to any less lots then what we have.
1064
1065 Mr. Taylor - At this point and time, what you are saying is we haven't really looked at
1066 that.
1067
1068 Mr. Minter - Right.
1069
1070 Mr. Taylor - And what you might want to think about is looking at deferring this for a
1071 few days to give you some more time. The other question that I had in passing is whether or not you
1072 have meet publicly with the neighbors...
1073
1074 Mr. Minter - Yes.
1075
1076 Mr. Taylor - ... and discussed the density issue.
1077
1078 Mr. Minter - We've meet with the neighbors and we meet with an Association that we
1079 thought was representing the area before we meet with the neighbors because I deferred the last
1080 meeting because we were lead in the wrong direction that this Association represented these neighbors.
1081
1082 Mr. Kaechele - Are the neighbors concerned about the home sizes and home values as
1083 opposed to what's there? Has that been brought up?
1084
1085 Mr. Minter - We've talked about the sizes, the sizes are larger than your normal R-2,
1086 you know.
1087
1088 Mr. Kaechele - But in comparison to the neighborhood and what's there today?
1089
1090 Mr. Minter - The houses are going, it's going to be above some and below some, I
1091 mean.
1092
1093 Mr. Kaechele - They don't see it as bringing down their property values.
1094
1095 Mr. Minter - No, I don't see it bringing down the property values. I see it bringing up
1096 the property values.
1097
1098 Mr. Kaechele - Thank you.
1099
1100 Mr. Archer - All right. Are there further questions from the Commission?
1101
1102 Mr. Jernigan - Mr. Minter do you have any wiggle room on the lots as far as numbers?
1103
1104 Mr. Minter - I don't believe so. May have one or two but I don't believe I can come
1105 down to what, to make it work to what they are looking for, 28 lots. And that's 26 houses because 2 of
1106 them are existing. I mean we are incorporating 2 of the houses into the lots that we are going to
1107 develop.
1108

1109 Mr. Jernigan - Ms. Sealey would you come back up front please. Mr. Minter you can
1110 wait.
1111
1112 Ms. Sealey - Yes sir.
1113
1114 Mr. Jernigan - Being that you are the spoke person for the neighborhood.
1115
1116 Ms. Sealey - Yes.
1117
1118 Mr. Jernigan - If we didn't do 1.6 density, what do you think you all would be happy
1119 with?
1120
1121 Ms. Sealey - We spoke about this and we said that we would be happy with one acre,
1122 one home per acre.
1123
1124 Mr. Jernigan - If he could come down a few points, do you think you could go up a
1125 couple of points?
1126
1127 Ms. Sealey - That is not, I cannot make that decision on my own just now, sir.
1128
1129 Mr. Archer - Please state your name for the record ma'am.
1130
1131 Ms. Soile Hepp - My name is Soile Hepp, I live at 490 Hanover and this development
1132 would be very close to my driveway. I really have no problem if there were a few homes built across the
1133 way. But when we are talking about 40 some homes, there is just one entrance way and that would
1134 affect us most directly.
1135
1136 Mr. Vanarsdall - That's what we said, "you are concerned about density."
1137
1138 Ms. Hepp - Oh, absolutely.
1139
1140 Mr. Taylor - And we've been talking about, Ms. Hepp. is the developer has mentioned
1141 45 lots and he is not sure he can make that number. And the acreage is 28 acres and somewhere
1142 between that there is probably a number we can all agree is environmentally sound because there is such
1143 a thing as net space that comes off of a lot and that's the lot for water being base and management
1144 program type things and roads, and he has got some wetlands in there. So when we look at the net, I'm
1145 not sure what the net is on that log and I just think it requires some additional looking, and platting, and
1146 working with the community to come up with something that is fair to the community, but something
1147 that's also fair to the developer and is fair to the people who is going to buy in there. Because if he only
1148 gets 5 or 6 lots in there those homes for him to make a reasonable economic return has to be very highly
1149 priced and possibly out of creature with the neighborhood.
1150
1151 Ms. Hepp - Well, especially if you are looking at such, you know, low amount. But if
1152 we are talking about one house per acre and putting on possibly 27 houses there I understand that some
1153 people feel that they could not handle that because houses would be so much more expensive and that
1154 area would not sustain that. But I believe that there is room for upper scale homes in that area. Now I
1155 live right across the way and we have upper scale homes.
1156
1157 Mr. Taylor - And I think this is what I hear. So I don't, I think perhaps if you get
1158 together privately and discuss this openly and recognize that there is a number in there somewhere that's
1159 fair to the developer and fair to the neighbors and would result in up scale development that protects
1160 everybody's values and it is nice and rural that can be arrived at.
1161

1162 Ms. Hepp - Well, what they've proposed I think is nice. But the range you are
1163 talking about is good. I've looked at the different houses that would be available. You know the
1164 different...
1165
1166 Mr. Taylor - But I want you to recognize that the next stage of the plan in process is
1167 at the plan of developing stage where we get a better site plan. It is easier for us to look at this and get
1168 resolution and that to is a public hearing.
1169
1170 Ms. Hepp - Right.
1171
1172 Mr. Taylor - So if we go ahead and approve the zoning change tonight we can still
1173 have another opportunity to discuss the density at a later time after the applicant meets with the
1174 neighbors and comes to something that everybody can agree with.
1175
1176 Ms. Hepp - Right. Well our major concern is the entrance way and all those cars,
1177 you know, pretty much right across from our property. Right, you know, close to my driveway.
1178
1179 Mr. Taylor - And that becomes an issue of design, where to best put it, how to dress
1180 it up so that it is attractive and nice and pleasant and fits the community and a wise developer works
1181 with the neighbors that are adjacent because they are the ones that set the climate for the people who
1182 are new comers to the neighborhood to live with them.
1183
1184 Ms. Hepp - Right.
1185
1186 Mr. Taylor - So it's to everybody's advantage to work together and get something
1187 that's a matter of many difficult compromises.
1188
1189 Ms. Hepp - Right.
1190
1191 Mr. Taylor - And everybody benefits from that approach.
1192
1193 Ms. Hepp - But generally we would like to see one house per acre, but I know it's
1194 not feasible.
1195
1196 Mr. Taylor - Well, and that's what I'm saying. You may find in net that comes out to
1197 be true.
1198
1199 Ms. Hepp - Yes, I understand.
1200
1201 Mr. Archer - Excuse me Mr. Taylor. May I ask ma'am you were concerned about the
1202 configuration of the property and that the driveway or the entrance road would be across from you. We
1203 normally don't require more than one point of entrance when they are less than 50 houses in a
1204 subdivision.
1205
1206 Ms. Hepp - Yes, we are aware of that.
1207
1208 Mr. Archer - But if the configuration could be done so that there is more than one
1209 entrance would that satisfy you to any degree.
1210
1211 Ms. Hepp - Yes that would help, definitely, absolutely.
1212
1213 Mr. Archer - Okay, just wanted to know.
1214

1215 Mr. Marlles - Ma'am would you spell your name for the record. I just want to make
1216 sure it gets picked up by our Recording Secretary.
1217
1218 Ms. Hepp - Yes, it is S O I L E H E P P.
1219
1220 Mr. Archer - Mr. Taylor, I believe you had something else you wanted to mention.
1221 I'm sorry...
1222
1223 Mr. Jernigan - Ms. Sealey you don't have to leave yet. I still want to ask you something
1224 else. I know you are trying to get out.
1225
1226 Ms. Sealey - No.
1227
1228 Mr. Jernigan - Initially I had made up my mind and that I was going to try this case
1229 and we were going to come out with a decision tonight. And I would still like to do that but at the
1230 neighborhood meeting there was a lot of head butting going on. I mean, everybody was nice to each
1231 other but we didn't come out with anything. Mr. Minter, are you stuck on the 1.6 density?
1232
1233 Mr. Minter - I'd have to talk to the developer.
1234
1235 Mr. Jernigan - All right. Mr. Holt is not here.
1236
1237 Mr. Minter - He is not here. I mean that 1.6 is based on 45.
1238
1239 Mr. Jernigan - I know.
1240
1241 Mr. Minter - Okay. I'm sure it's going to be 42, which is down to less than 1.5, I
1242 believe and it may be down to another lot. Because if we try to save the swimming pool there and put in
1243 another we are more than likely going to loose another lot. I mean, but right now here we are bouncing
1244 back and forth. I can't spend the developer's money to do this design work and come in here and this is
1245 what is going to happen again.
1246
1247 Mr. Jernigan - Well, what I was thinking if, I know that the neighborhood wants one
1248 per acre and you are at 1.5 or 1.6, if there was a little bit of ground that we may be able to negotiate
1249 between that I would be willing to defer this to the next month. If we are stuck on those figures from
1250 both parties then we'll have to try tonight.
1251
1252 Mr. Minter - Can she speak?
1253
1254 Mr. Jernigan - Who is it?
1255
1256 Mr. Minter - This is Debbie Stoddard.
1257
1258 Ms. Stoddard - My name is Debbie Stoddard. My father is not here right now so I'll
1259 speak briefly on his behalf. You had asked about the number of lots and the feasibility of that. I think
1260 originally Richard had something like 45 or 46 lots in there which we were going to try to go for and in
1261 the process of meeting with the original group of people that we did and kind of being led down the road
1262 that they were the representative. We thought everything was fine at that point. They had expressed a
1263 desire to increase the lots at that point, at that meeting with them. We had gone back with Richard and
1264 actually dropped it down to 42 lots to make the lots even larger than they were. The preliminary figures
1265 that we have are judging by the water and sewer and cost of curb and gutter and making this a really
1266 nice subdivision with a nice entrance. Forty-two (42) lots is looking like a minimum that we're going to

1267 do in order to make this thing work. You know, we certainly understand the adjacent homeowners and
1268 their concerns and we have been talking to them. Its either been, what has it been two (2) meetings.
1269

1270 Mr. Minter - No, we met with that Association, Clay met with him several times.
1271

1272 Ms. Stoddard - Several times. So it's not just been a one time or two time meeting.
1273 The first group we met with we thought was the group we needed to talk to.
1274

1275 Mr. Jernigan - All right. You are stuck on 42 then.
1276

1277 Ms. Stoddard - Yes. In order to make it work for us. You know, as far as the cost in
1278 water and sewer.
1279

1280 Mr. Jernigan - Okay.
1281

1282 Mr. Archer - All right. Thank you, ma'am. All right, Mr. Jernigan.
1283

1284 Mr. Jernigan - I thought if you'll want to take your seat. Mr. Chairman this has been a
1285 tough case.
1286

1287 Mr. Archer - Yes it has.
1288

1289 Mr. Jernigan - The developer, you know, does propose a nice subdivision, nice size
1290 homes, 1,750 square feet on the two levels and 1,650 on the single level. We do have R-2 behind it and
1291 R-3 behind the acreage across the street. The only thing that really bothers me about this, all the
1292 adjoining landowners and those are abutted across the street all have 2 plus acres. If these were acre
1293 lots next door I wouldn't hesitate, but at this point, being that there is no wiggle room I'm looking for one
1294 acre per lot density. So I going to send it to the Board of Supervisors with a denial.
1295

1296 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
1297 the motion say aye—all those opposed by saying nay. The ayes have it. Planning Commission
1298 recommends denial. The vote is 5-0. Mr. Kaechele abstained.
1299

1300 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission
1301 voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it
1302 represents an increase in intensity which could influence future zoning and development of adjacent
1303 properties.
1304

1305 Mr. Coleman: Mr. Chairman, I'm sorry. In light of the discussions that the applicant
1306 has had, the representative of the applicant, with some neighbors concerning case C-72C-01 that would
1307 be Kidd for Louis Clifford Schroeder in the Three Chopt District. They have requested deferral of that
1308 case. So if the Planning Commission would hear that at this time this would allow the neighbors not to
1309 continue to sit through the meeting.
1310

1311 Mr. Archer - Okay.
1312

1313 Mr. Vanarsdall - What case is that?
1314

1315 Mr. Coleman - C-72C-01.
1316

1317 Mr. Marlles - Mr. Coleman, if I could get this in. Ladies and Gentlemen on that last
1318 case the Planning Commission is actually making a recommendation to the Board of Supervisors. The
1319 Board of Supervisors will hold a similar Public Hearing on January 22nd and of course they will make the

1320 final decision. I just want to make sure you are aware of that. It does go to the Board and the Board
1321 does make the final decision.

1322
1323 Mr. Vanarsdall - January 22nd.

1324
1325 Mr. Marlles - January 22nd.

1326
1327 Mr. Archer - Thank you, Mr. Marlles. Mr. Coleman you were saying now.

1328
1329 Mr. Coleman - Concerning case C-72C-01, that would be Kidd for Louis Clifford
1330 Schroeder, the applicant has requested a one (1) month deferral on that case.

1331
1332 Mr. Archer - Is there anyone in opposition to the deferral?

1333
1334 Mr. Kaechele - The deferral is to get together with the opposition to further refine their
1335 concerns.

1336
1337 Mr. Coleman - Yes sir.

1338
1339 Mr. Kaechele - Okay.

1340
1341 Mr. Archer - We need a motion Mr. Taylor.

1342
1343 Mr. Taylor - Mr. Chairman, I will move one (1) month deferral for case C-72C-01,
1344 Edward Kidd for Louis Schroeder at the request of the applicant.

1345
1346 Mr. Vanarsdall - I believe that would be January 10th.

1347
1348 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor of the
1349 motion say aye—all those opposed by saying nay. The ayes have it. The deferral is granted. The vote is
1350 5-0. Mr. Kaechele abstained.

1351
1352 **THE COMMISSION WILL RECESS FOR APPROXIMATELY 10 MINUTES.**

1353
1354 **THE COMMISSION RECONVENED.**

1355
1356 Mr. Archer - The Planning Commission will reconvene. All right, Mr. Secretary let's
1357 take up where we left off.

1358
1359 Mr. Marlles - The next case is C-65C-01.

1360
1361 **C-65C-01 Robert L. Stout for Roberta J. Holt:** Request to conditionally rezone
1362 from A-1 Agricultural District to R-3C One Family Residence District, part of Parcel 192-A-5, containing
1363 approximately 3.9 acres, located on the south line of Old Oakland Road approximately 190 feet west of
1364 Oakvale Street. A single family residential subdivision is proposed. The applicant proffers no more than
1365 four (4) residential lots will be developed on the property. The Land Use Plan recommends Suburban
1366 Residential 1, 1.0 to 2.4, units net density per acre.

1367
1368 The staff report will be given by Mr. Lee Householder.

1369
1370 Mr. Archer - Thank you, Mr. Marlles. Is there anyone here opposed to C-65C-01,
1371 Robert L. Stout for Roberta Holt? No opposition. Mr. Householder.

1372

1373 Mr. Jernigan - Mr. Householder, I'm going to defer this tonight so there is no sense in
1374 you giving a speech on it. Mr. Stout, I'm going to take it for sixty (60) days because of the time of the
1375 year. All right? Because Christmas is here. Let's do sixty (60), we're not in a push on this.
1376
1377 Mr. Holt - Okay.
1378
1379 Mr. Jernigan - So, Mr. Chairman I'd like to make a motion to defer zoning case C-65C-
1380 01, Roberta J. Holt with my commission deferment.
1381
1382 Mr. Vanarsdall - Second.
1383
1384 Ms. Dwyer - May I ask a question? Do you have sixty (60) days? Are you allowed
1385 sixty (60) days?
1386
1387 Mr. Marlles - This hasn't been deferred before has it?
1388
1389 Mr. Jernigan - No. This is the first time it's come around.
1390
1391 Mr. Vanarsdall - That would be February 14th, Mr. Jernigan.
1392
1393 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
1394 the motion say aye—all those opposed by saying nay. The ayes have it. The deferral is granted. The
1395 vote is 5-0. Mr. Kaechele abstained.
1396
1397 Mr. Archer - Okay.
1398
1399 Mr. Marlles - Mr. Chairman, the next case is C-66C-01.
1400
1401 **C-66C-01 H. R. Pollard, IV for Branch Banking & Trust Co. of Virginia:**
1402 Request to conditionally rezone from O-1 Office District and R-3 One Family Residence District to O-2C
1403 Office District (Conditional), Parcels 162-A-56 and 56A and part of Parcel 162-A-52, containing 1.421
1404 acres, located at the northeast intersection of S. Laburnum Avenue and Finlay Street. A commercial
1405 branch bank is proposed. The use will be controlled by proffered conditions and zoning ordinance
1406 regulations. The Land Use Plan recommends Office. The site is also in the Airport Safety Overlay
1407 District.
1408
1409 The staff report will be given by Mr. Lee Householder.
1410
1411 Mr. Archer - All right. Thank you, sir. Is there anyone here opposed to C-66C-01,
1412 BB&T? No opposition. Mr. Householder.
1413
1414 Mr. Householder - Thank you, Mr. Chairman, Members of the Commission. The subject
1415 property in this case consists of, basically this parcel here (referring to rendering), this parcel 56 and then
1416 a part of this parcel up here (referring to rendering). It is located at the corner of busy intersection at
1417 the corner of Laburnum and Finlay. There is an existing office on the site, it looks like this (referring to
1418 rendering) and there is also a residential structure that I'll pull up that is located within the zoning
1419 request, the applicant has indicated that both structures will be removed for the development of a
1420 commercial bank.
1421
1422 The 2010 Land Use Plan recommends Office for the subject parcels, and the proposed use is consistent with
1423 this designation.
1424

1425 The applicant has also revised their proffers from the time the staff report was written. Those proffers were
1426 just handed out to you. They are not black lined, but the proffers that they are adding are proffers 2
1427 through 11. So the only proffer that is the same is proffer 1.

1428
1429 The applicant has proffered this preliminary site layout for the bank on this site. This shows one access
1430 point on Laburnum and one access point on Finlay and this layout has been discussed with the
1431 Department of Public Works. What they were originally concerned with the first layout in the staff report
1432 and this meet their standards both for access and in these locations and then the stacking and general
1433 circulation on the site and a preliminary review by the Assistant Traffic Engineer.

1434
1435 The applicant has also given us this elevation (referring to rendering) for the proposed bank, but this has
1436 not been proffered. Instead they have included proffer number 3, which provides more details as to the
1437 type building materials that will be used in construction.

1438
1439 They also have proffered number 4 to provide a 15-foot landscape buffer along Laburnum and Finlay
1440 Street and a 20-foot buffer, let me pull up the site plan again (referring to rendering), and fence to be
1441 vinyl or a wooden fence

1442
1443 Other proffers they have added to this case include limited lighting, signage, screening of HVAC and trash
1444 receptacles, site coverage ratio, as staff requested, limited building height, and all utilities will be
1445 underground.

1446
1447 Overall, this request does conform with the land use designation of the 2010 Plan. There are commercial
1448 banks located at the other three corners of this and staff feels that the proposed use is reasonable and
1449 the revised proffers we feel will ensure quality development on the site. Staff does recommend approval
1450 of this request and I'll answer any questions you may have

1451
1452 Mr. Archer - Thank you, sir. Are there questions from the Commission for Mr.
1453 Householder?

1454
1455 Mr. Kaechele - The elevation of the building, is that just a typical elevation or is that
1456 proposed for this site.

1457
1458 Mr. Householder - My understanding is what is proposed for this site.

1459
1460 Mr. Jernigan - It hadn't been proffered though.

1461
1462 Mr. Archer - All right. Any thing further?

1463
1464 Mr. Jernigan - I'm okay with this Mr. Householder.

1465
1466 Mr. Archer - Okay. You don't need to hear from the applicant Mr. Jernigan?

1467
1468 Mr. Jernigan - Well we don't have any opposition and Mr. Pollard and I have spoke on
1469 this a couple of times and I feel pretty good about it.

1470
1471 Mr. Archer - All right.

1472
1473 Mr. Jernigan - So, Mr. Chairman I'd like to make a motion to approve zoning case C-
1474 66C-01, Branch Banking & Trust Co. of Virginia.

1475

1476 Mr. Archer - Motion by Mr. Jernigan and seconded by Ms. Dwyer. All in favor of the
1477 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
1478 5-0. Mr. Kaechele abstained.

1479
1480 REASON: Acting on a motion by Mr. Jernigan, seconded by Ms. Dwyer, the Planning Commission voted
1481 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it complies
1482 with recommendation of the Land Use Plan and the proffered conditions will provide appropriate quality
1483 assurances not otherwise possible.

1484
1485 Mr. Archer - Okay, Mr. Secretary the next case.

1486
1487 Mr. Marllles - The next case is in the Brookland District

1488
1489 **C-67C-01 Chamberlayne Realty Co. for G. A. Barta T/a Glen Allen Towing:**
1490 Request to conditionally rezone from R-3 One Family Residence District to M-1C Light Industrial District
1491 (Conditional), Parcel 61-7-9-12, containing approximately 0.573 acre, located on the west line of
1492 Broadway Avenue approximately 570 feet south of Oakdale Avenue in the Brookland Gardens subdivision.
1493 A fenced storage lot and towing business are proposed. The use will be controlled by proffered
1494 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1,
1495 1.0 to 2.4, units net density per acre.

1496
1497 The staff report will also be given by Mr. Lee Householder.

1498
1499 Mr. Archer - Good evening again Mr. Householder. All right. Is there anyone here
1500 opposed to C-67C-01? No opposition. Did you raise your hand sir, I'm sorry? Oh, okay. All right. Mr.
1501 Householder.

1502
1503 Mr. Householder - Okay. Thank you Mr. Chairman.

1504
1505 The subject property of this request is a small heavily wooded parcel that acts as a buffer between the
1506 industrial zoning in this area (referring to rendering) to the north, and the R-3 residential zoning in this area
1507 (referring to rendering) to the south and it sets on the dividing line between the M-1 zoning and the
1508 Brookland Gardens subdivision. There is an existing single-family home on this parcel right here (referring
1509 to rendering) and property is being cleared in this area (referring to rendering) for new single-family homes.

1510
1511 There is a towing business located on this parcel (referring to rendering) that is adjacent to the north and
1512 that is subject of this request. They would like to expand their existing business by permitting a larger area
1513 dedicated to the storage of cars, trucks, and other vehicles on this subject parcel. The requested M-1C
1514 zoning would permit a variety of light industrial and business/retail uses, but in this case the applicant has
1515 proffered to limit the use of the property to only a storage lot.

1516
1517 The applicant has submitted additional proffers that were handed out to you. To ensure the protection of
1518 nearby residential areas including a 50' buffer between the residential property here to the south (referring
1519 to rendering) and along Broadway Avenue. They have also revised proffer number 5 to address the
1520 appearance of the chain link fence and they have proffered that they would paint the fence black to help
1521 improve the appearance of the site.

1522
1523 It is likely that this development would not require a Plan of Development, but staff feels that administrative
1524 site planning review would be necessary in order to adequately enforce the proffers that have been
1525 submitted on this site.

1526
1527 The 2010 Land Use Plan recommends Suburban Residential for this subject property. This request is not
1528 consistent with this designation. However, staff feels that the buffers that have been proffered by the

1529 applicant and the other elements would provide adequate protection to the nearby residential properties.
1530 Therefore, staff recommends approval of this request and I'll answer any questions that you may have.

1531
1532 Mr. Archer - Okay. Thank you, sir. Are there questions?

1533
1534 Ms. Dwyer - Mr. Householder do we know how this came to be zoned as it is with M-1
1535 against R-3? I imagine it has a pretty interesting history.

1536
1537 Mr. Householder - I didn't do research into the original zoning, but my guess the zoning
1538 reflects existing use. So it was obviously zoned at a time for what was existing. The residence has been
1539 there for a while. Business has been there for a while. And this vacant property, I'm not real sure why
1540 they drew the line where they did, but it most likely was because it was existing industrial use, they drew
1541 the line there between the vacant to provider a buffer.

1542
1543 Ms. Dwyer - Right. Because it's a nice neighborhood.

1544
1545 Mr. Householder - Yes and there is a defiant residential character in the area too about this
1546 point. But then there is a very definite industrial character. This is vacant land here (referring to
1547 rendering), but I would characterize this as non-residential for sure and while this would act as a buffer we
1548 think the proffers, I did a little diagram on the GIS that kind of shows what would be left with a 50' buffer.
1549 With seeing that made staff more comfortable in the 50' buffer recommendation.

1550
1551 Ms. Dwyer - Will the fence have, or is it prevented from having the slats that go in and
1552 out the chain length? That's not addressed here obviously.

1553
1554 Mr. Householder - There is no prevention from that or requirement for that. It was discussed
1555 with the applicant. He indicated that he would like to do that and I told them that staff did not recommend
1556 that type of fencing. We didn't think the slats were a long term solution and because the buffers are fairly
1557 deep and a chain link fence without slats would be adequate to fence in this area.

1558
1559 Ms. Dwyer - Do you think it would be better to put the chain link inside in the 50' buffer
1560 instead of around the perimeter of the property? Or it's going around the storage lot, so would that in fact
1561 be inside the buffer.

1562
1563 Mr. Householder - To me the storage lot would be the more appropriate place, the perimeter
1564 of the storage lot. Are you saying put the fence around here instead (referring to rendering)?

1565
1566 Ms. Dwyer - No, I don't think it should be there. I just wanted to make sure that's
1567 what was intended.

1568
1569 Mr. Householder - Yes, the intention is to place it directly around the storage lot. It wouldn't
1570 be allowed the way it's proffered to go in the buffer.

1571
1572 Ms. Dwyer - Okay. That's just what I want to be sure about.

1573
1574 Mr. Jernigan - Mr. Householder, why wouldn't they just put up a black clad fence rather
1575 than a chain link and paint it?

1576
1577 Mr. Householder - I don't know, you might want to ask the applicant.

1578
1579 Mr. Jernigan - I'd suggest to them that would be the best thing to do rather than having
1580 to maintain that fence. The black clad is vinyl.

1581

1582 Mr. Vanarsdall - I can answer that. Are you talking about a stockade fence?
1583
1584 Ms. Dwyer - No.
1585
1586 Mr. Jernigan - No, he is putting up a chain link, but you can get...
1587
1588 Mr. Householder - A vinyl coated fence, is that what you are talking about?
1589
1590 Mr. Jernigan - Yes. Get the black vinyl coated fence and you don't have to maintain it.
1591
1592 Mr. Householder - That was the recommendation from staff originally and the applicant said
1593 we would rather just paint it black. But he said he could answer that one.
1594
1595 Ms. Dwyer - Do you think that, were you recommending that an additional condition be
1596 added to require a POD type submission to staff before any development occurred?
1597
1598 Mr. Householder - I would like to recommend that, but I have not. That came up recently
1599 and I haven't had a chance to address it with the applicant. I do think staff would prefer to have some sort
1600 of review to ensure that the proffers would be enforced properly. Most likely we would require
1601 administrative review of some sort, but to ensure it I think a proffer would be helpful. But like I said, "I've
1602 haven't communicated that until now to the applicant."
1603
1604 Mr. Archer - All right. Are there any further questions? All right, I think someone
1605 wanted to hear from the applicant.
1606
1607 Mr. Vanarsdall - Wasn't any opposition was it?
1608
1609 Mr. Archer - No, I don't think so.
1610
1611 Mr. McKinney - Good evening Mr. Chairman, Ms. Dwyer, Mr. Supervisor, Mr. Kaechele and
1612 Board Members. My name is Mo McKinney I own Chamberlayne Realty and I represent Mr. Barta from Glen
1613 Allen Towing.
1614
1615 Mr. Jernigan, we did some studies on the fencing. We've found recently that the coated fencing on the
1616 change of weather, on the cold and the warm, expansion and contracting, the coating pops off. They have
1617 a new way of doing the fences, they call it electro-galvanized coating which they charge the fence and once
1618 this goes onto the fence it stays, it doesn't come off. And that is the reason we went with that rather than
1619 the coating. Even though this buffer that you've got around this, but inside it's trees all the way around it.
1620 We're setting the fence back inside the trees where you really can't see it any how. This property has
1621 worked out, in fact, Mr. Householder and myself worked on it and tried to address all the staffs concerns.
1622 It's working out right now. The usable area that he is getting is running 62,240 an area in this area, which
1623 is totally ridiculous in my opinion. Mr. Barta of Glen Allen Towing has a contract for Henrico County Police
1624 Department and all this is to be used for is some overage for the towing for the County and usually these
1625 cars are only there for a couple of weeks and he just needs some more space.
1626
1627 Mr. Archer - All right. Any further questions for Mr. McKinney?
1628
1629 Ms. Dwyer - Staff mentioned that they would like to have some sort of proffer that
1630 would agree to submit whatever development is planned as a POD.
1631
1632 Mr. McKinney - There is no development plan whatsoever other than a storage lot and we
1633 have not problem with that Ms. Dwyer.
1634

1635 Ms. Dwyer - Okay. So that will just be added as a...

1636

1637 Mr. McKinney - That's fine, yes ma'am.

1638

1639 Mr. Archer - Okay. Any thing else?

1640

1641 Mr. Jernigan - Mr. McKinney when I was speaking of the fencing, I've had vinyl fencing

1642 for 16 years and mine is in perfect shape. You might have seen a cheaper grade that came apart, but there

1643 are some good ones that don't.

1644

1645 Mr. McKinney - There might be.

1646

1647 Mr. Jernigan - I was just looking after the applicant. He might be better off rather than

1648 having to go out and service or paint it on a regular basis.

1649

1650 Mr. McKinney - Well he intends, the adjacent property, to upgrade that also. He has a

1651 first right-of-refusal, has a contract on this property. So he wants to encompass all of it together and he

1652 wants to do some landscaping and so forth on the existing M-1 that he has adjacent. And we've proffered

1653 that we will not enter from Broadway. It will be entered from the property he has now. So we'll not impact

1654 the street whatsoever other than the impact that it has. Actually all the way down to this property is M-1.

1655 It's high industrial property.

1656

1657 Mr. Jernigan - There is not going to be any barbed wire on this fence.

1658

1659 Mr. McKinney - No sir.

1660

1661 Mr. Jernigan - Okay.

1662

1663 Mr. Archer - All right. Any thing further? Thank you Mr. McKinney.

1664

1665 Mr. McKinney - Thank you, Mr. Chairman.

1666

1667 Mr. Archer - All right. Mr. Vanarsdall.

1668

1669 Mr. Vanarsdall - Mr. Chairman you want to word something about the POD on there or Mr.

1670 Householder.

1671

1672 Mr. McKinney - Whatever Mr. Householder would like I would be glad to initial it for him.

1673

1674 Mr. Vanarsdall - You want to word it Lee?

1675

1676 Mr. Householder - My recommendation is to do it. To get the language right I'd rather spend

1677 some time on crafting it. I think we can do it between now and writing the Board Reports so it's included in

1678 the report for the Board of Supervisors.

1679

1680 Mr. McKinney - That's fine. Yes sir.

1681

1682 Mr. Archer - All right. Thank you sir.

1683

1684 Mr. Vanarsdall - I move that C-67C-01, G. A. Barta Trading as Glen Allen Towing be

1685 recommended to the Board for approval and would add a proffer number 7 between now and the Board

1686 which would indicate some sort of a review for POD and landscaping and so forth back to the Commission.

1687

1688 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Ms. Taylor. All in favor of the
1689 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
1690 5-0. Mr. Kaechele abstained.

1691
1692 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
1693 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because the zoning
1694 allows for the expansion of an existing business and proffered conditions should minimize the potential
1695 impacts on the surrounding neighborhood.

1696
1697 Mr. Archer - All right, Mr. Secretary where are we.

1698
1699 Mr. Marlles - Okay. Mr. Chairman the next case was originally on the expedited
1700 agenda.

1701
1702 **C-69C-01 Jay M. Weinberg Attack Properties, Inc.:** Request to amend
1703 proffered conditions accepted with rezoning case C-72C-90, on part of Parcel 12-A-4B, Parcel 12-A-7, part
1704 of Parcel 13-A-24, and part of Parcels 21-A-2, 4, and 5, containing 194.7 acres, located beginning on the
1705 north line of I-295 approximately 600 feet west of Mill Road. The property is zoned RTHC Residential
1706 Townhouse District (Conditional) and O/SC Office/Service District (Conditional). The amendment is
1707 related to buffers, setbacks, access, fencing, and total amount of development on the overall Hunton
1708 Property. The Land Use Plan recommends Office/Service, Urban Residential, 3.4 to 6.8 units net density
1709 per acre, and Environmental Protection Area.

1710
1711 The staff report will be given by Mr. Mark Bittner.

1712
1713 Mr. Archer - All right. Thank you Mr. Secretary. This is the case we moved off the
1714 expedited agenda I believe, isn't it.

1715
1716 Mr. Marlles - Yes sir.

1717
1718 Mr. Archer - All right. Is there any one here opposed to this case, C-69C-01? There
1719 is a hand I believe. Is that correct? All right. Go ahead Mr. Bittner.

1720
1721 Mr. Bittner - Thank you Mr. Archer. Bear with me, please. I had not prepared a full
1722 presentation for this. I'm going to have to wing it a little bit.

1723
1724 Just some quick history on the Hunton Property, which was originally rezoned in 1990 and extended from
1725 Staples Mills Road onto this site here (referring to rendering) underneath Mill Road and further to the
1726 east. It was planned for mainly office service development and there would have been a main road, as I
1727 said, underneath Mill Road to the south side of Mill Road to a large piece of property there (referring to
1728 rendering). Over the last decade, as you are probably, several changes to that original plan have taken
1729 place including the south side of Mill Road which would be to the right of this picture (referring to
1730 rendering) has been rezoned from, when it was planned for office service and is now a single-family
1731 residential development. Then recently we also had a rezoning for Manor Homes for retiree type
1732 residents in this area as well (referring to rendering). There's no longer a plan for a road to go
1733 underneath Mill Road or to access Mill Road in any way. Basically the road will cul-de-sac here (referring
1734 to rendering) and be called Hunton Park Boulevard and will extend all the way out to Staples Mill Road
1735 near 295. Because of all the changes that have taken place from the original plan many of the proffers
1736 that were put in place in 1990 are no longer in effect or they need to be changed basically because in
1737 essence they don't make sense at this point. That is what the applicant is asking to do with this case
1738 right here. We look at it as mainly a house cleaning type measure.

1739

1740 Now during the break I had a chance to speak with Ms. Hann. Her main concern is the buffering and I'll
1741 let her and the applicant speak to what their major ideas might be on that. But I will quickly go over
1742 what the applicant is asking to do relative to buffers. The current proffers right now, along the Rock
1743 Springs Estates subdivision in this area (referring to rendering), require either a 75' or a 50' buffer. And
1744 this property on the Hunton Estate site is zoned RTHC. The applicant is not asking to change the width
1745 of that buffer at all. That would stay the same. There is also required a 50' buffer along either side of
1746 Hunton Park Boulevard and then a 50' buffer along this border (referring to rendering) which is the O/S
1747 or Office Service portion of the site extending in this direction. The applicant has asked to change that
1748 from a 50' buffer to a 25' buffer with a 50' building setback. Staff had no objection to reducing the buffer
1749 along Hunton Park Boulevard. We feel that the main purpose of that buffer is aesthetic instead any type
1750 of barrier between differing uses. However, we were not in favor of reducing the buffer along this
1751 section (referring to rendering). However, once we looked at the case further and checked all the
1752 surrounding zoning, which in this case is R-3, A-1, and R-5AC, we went back and looked at the code.
1753 The code requires a 50' buffer on O/S property when it is next to those zoning districts. So even if they
1754 ask to reduce it, they can't because the code requires a 50' buffer. So in essence the only ways buffers
1755 would change with this case are to allow 25' buffers along Hunton Park Boulevard instead of 50'. As I
1756 said, the other measures are mainly housekeeping. I'd be happy to answer any questions you may have.
1757 Other than that staff recommends approval of this application.

1758
1759 Mr. Archer - All right. Thank you, Mr. Bittner. Are there questions from the
1760 Commission?

1761
1762 Ms. Dwyer - I must admit Mr. Bittner I'm still a little confused about the buffer
1763 situation in part because we have two (2) sets of proffers that we're working from. I received a revised
1764 set of proffers...

1765
1766 Mr. Bittner - Yes.

1767
1768 Ms. Dwyer - ...that were faxed to me and I assume those are the ones that you are
1769 working from as well.

1770
1771 Mr. Bittner - Yes, those are...

1772
1773 Ms. Dwyer - Not the ones that were originally submitted in the staff report.

1774
1775 Mr. Bittner - Correct.

1776
1777 Ms. Dwyer - So the new, the most recent set of proffers that I have simply said, "that
1778 there will be a 75' buffer along the eastern exterior boundary of the Office Service property," and omits
1779 any other references. Is that because a 50' buffer is required by code so nothing is mentioned about
1780 those?

1781
1782 Mr. Bittner - Yes.

1783
1784 Ms. Dwyer - Because they are no longer suggesting that for a 25' buffer.

1785
1786 Mr. Bittner - Yes. That is correct.

1787
1788 Ms. Dwyer - Okay. So that explains the absence of that. Okay. Would you mind just
1789 for my information again going around the outside borders of this property and explaining what the
1790 buffers will be.

1791
1792 Mr. Bittner - There would be 50' along here (referring to rendering)...

1793
1794 Ms. Dwyer - By code.
1795
1796 Mr. Bittner - ...by code. This property and you've actually already recommended
1797 approval to add that to the Hunton Property, 50' and was it 75'...
1798
1799 Ms. Dwyer - 75'.
1800
1801 Mr. Bittner - ...along the R-5AC, then, I can't recall exactly but along Rock Springs
1802 Estates where there is townhouse property (RTHC) its either a 50' or a 75' buffer, I just can't recall.
1803 Maybe you know Jay, where 50' or 75' would be along this northern border next to Rock Springs Estates.
1804
1805 Ms. Dwyer - Is that by code or proffer?
1806
1807 Mr. Bittner - Proffer.
1808
1809 Mr. Jernigan - I think you said 50' earlier.
1810
1811 Ms. Dwyer - I thought that was taken out of the second version, but I could be
1812 wrong.
1813
1814 Mr. Bittner - Let me see if I can double check for it real quick. So it would be 75'
1815 here on this portion (referring to rendering), and 50' here (referring to rendering).
1816
1817 Ms. Dwyer - Which proffer, okay that is proffer 22 then.
1818
1819 Mr. Bittner - 22, yes. Basically is would be 75' where the lots in Rock Springs Estates
1820 comes up next to the Hunton Property, 50' where there is a little more space where there is some, looks
1821 like floodplain area back there.
1822
1823 Ms. Dwyer - So 50' along the western most portion of the northern boundary is the
1824 way that's worded. Okay. I think I'm clear on that. Thank you.
1825
1826 Mr. Archer - Okay. Any thing further? All right. Thank you, Mr. Bittner. Mr.
1827 Weinberg we did have opposition, sir. Ms. Hann were you here when we were explaining the ten (10)
1828 minute rule previously?
1829
1830 Ms. Hann - Yes.
1831
1832 Mr. Archer - Okay. Mr. Weinberg knows that rule well.
1833
1834 Mr. Weinberg - Yes sir.
1835
1836 Mr. Archer - Would you like to reserve some time sir?
1837
1838 Mr. Weinberg - Two (2) minutes, please?
1839
1840 Mr. Archer - Two (2) minutes need to reserve, Mr. Secretary. Good evening sir.
1841
1842 Mr. Weinberg - Good evening, Mr. Chairman and Members of the Commission. I'm Jay
1843 Weinberg and I represent Atack Properties, Bob Atack is with us this evening. As Mr. Bittner has
1844 explained it is a request to amend and restate the proffered conditions for all of this property, which is
1845 now east of Mill Road out to Staples Mill Road. The principle changes involve the fact that the

1846 development of this property is no longer planned to access Mill Road or Long Meadow Drive rendering a
1847 number of the proffers obsolete and to amend the traffic proffers to bring them into conformity with the
1848 revised traffic study and recent approved zoning. The Department of Public Works has specifically
1849 approved those proffers. Also in a number of instances the Planning Departments more current wording
1850 has been utilized. Such as specific language regarding HVAC, trash dumpsters and conservation areas.
1851 These proffers have been amended merely to utilize the more current language preferred by the
1852 professional staff without changing the substance or meaning of the original proffers and to make them
1853 uniformed throughout all of this Hunton community. It should also be noted that we have addressed the
1854 questions raised by staff, specifically buffers and traffic impact studies were needed. And we have
1855 revised our proffers so that we are now in complete conformity with what the staff has requested of us,
1856 both orally and in meetings and in their staff report. We've also reviewed all of the foregoing with the
1857 Commissioner of the district, Mr. Vanarsdall, who attended our meetings with Mr. Bittner and Mr. Silber.
1858 And I believe it's a fair statement to say that we are all in agreement regarding these proffer
1859 amendments. We also submit that the request complies with all of the jurisdictional conditions precedent
1860 and that it complies with the Land Use Plan Recommendation, the Land Development Guide as well as
1861 the goals, objectives and policies and is recommended to you by your professional staff. Accordingly, I
1862 would respectfully request that you recommend approval to the Board of Supervisors of these amended
1863 and restated proffered conditions. Mr. Chairman, I would be happy to answer any questions that anyone
1864 may have.

1865
1866 Mr. Archer - Thank you so much sir. Are there questions from the Commission?

1867
1868 Mr. Vanarsdall - I believe you changed the proffers. What was the date of the last ones?
1869 I know I have them.

1870
1871 Mr. Weinberg - I think it was December 6th.

1872
1873 Mr. Vanarsdall - Yea, okay.

1874
1875 Mr. Weinberg - Immediately following our meeting to review those.

1876
1877 Ms. Dwyer - Mr. Weinberg I have just one question for clarification...

1878
1879 Mr. Weinberg - Yes ma'am.

1880
1881 Ms. Dwyer - ...again. When I look at the old 32, which is the traffic proffer and the
1882 new 33. I guess I'm trying to determine what, if there is any difference between the two. I mean,
1883 they've been revised but they seem to say the same thing.

1884
1885 Mr. Weinberg - Proffer number 32 reflects the current zoning. Namely it not only has
1886 the office service component but also to reflect the townhouses and the apartments and the age
1887 restrictive houses, which was not addressed in the other proffer. Now it's a comprehensive proffer that
1888 covers it all based on statistics agreed to with our traffic engineer and Mr. Foster, who wrote a specific
1889 memorandum addressing it. In number 33, we added the last four (4) lines, which basically said, "Upon
1890 the written request of the County, from time to time, we'll provide a traffic study." That was in the old
1891 1990 proffers, it was not in the proffer as we filed the case and staff asked us to put it back in, which
1892 really gets us back to where we started from.

1893
1894 Ms. Dwyer - Well 32 said, "when the owner desires to exceed the numbers, the
1895 owners will provide at the written request of the County an updated study in 32."

1896
1897 Mr. Weinberg - Right. We had it in both places and in rewriting the language with staff
1898 we thought it more appropriate to put it in number 33, which is if owner desires to exceed those he'll

1899 have to come back for the study. It was duplicative and somewhat conflicting. This is more easily
1900 understood.

1901

1902 Ms. Dwyer - That's all.

1903

1904 Mr. Weinberg - Thank you.

1905

1906 Ms. Dwyer - Thank you.

1907

1908 Mr. Archer - All right. Any one else? Thank you Mr. Weinberg. All right, Mrs. Hann.

1909

1910 Ms. Hann - Thank you. I would like to thank Mr. Bittner and Mr. Weinberg. Their
1911 comments and your questions have clarified a great deal for me this evening. I have one last area that
1912 we hadn't heard discussed that I was hoping that I could learn a little bit more this evening. And it has
1913 to do with the fencing and of, I think, a proposed break in the fencing with the boundary to Rock Springs
1914 Estates. First I guess I just need to clarify if I'm correct that there would be a break in the fencing.

1915

1916 Mr. Weinberg - Yes ma'am. The break is right there at the floodplain (referring to
1917 rendering). Right there is the floodplain (referring to rendering) that is the way the break is. The staff
1918 advised us that we are not going to be allowed to put a fence through the floodplain because it would
1919 block the drainage and also it's about a 30' drop in there. So we corrected the error on the old proffer by
1920 eliminating the requirement for it to go. But it's right there (referring to rendering).

1921

1922 Ms. Hann - Will there be any provision to fence that drop-off and in anyway
1923 bounded by the residential property on either side?

1924

1925 Mr. Weinberg - We are not allowed to do it because it is floodplain and we are not
1926 allowed to put any form of fencing through there.

1927

1928 Ms. Hann - I'm not sure I was clear with my question. My question is whether or
1929 not, it's not so much about here, but whether anything can go here and here (referring to rendering).

1930

1931 Mr. Weinberg - Along the sides of that?

1932

1933 Ms. Hann - Yes.

1934

1935 Mr. Weinberg - What you have is, you have a residential townhouse community and I'm
1936 sure to the extent that, we can't separate it, but to the extent that we can it will be cleaned up and
1937 graded and perhaps that's a matter that can be addressed. I honestly don't have a answer to you. But
1938 it's not going to serve the purpose that this fence or that fence serves (referring to rendering) by bringing
1939 it down here (referring to rendering). It's going to really do nothing more than separate what we hoped
1940 would be a unified community. But it is something we need to give some thought too.

1941

1942 Ms. Hann - I appreciate that. If it is that much of a physical barrier already existing
1943 then it seems like maybe re-looking at the fencing for that area would not necessarily be as much a
1944 division. But I remain concerned about what people might do cutting through that area. But I very
1945 much appreciate your comments and I think that's all I have.

1946

1947 Mr. Archer - Thank you, Ms. Hann.

1948

1949 Mr. Vanarsdall - Thank you.

1950

1951 Mr. Archer - All right. I think that was the only... Okay, Mr. Vanarsdall.

1952
1953 Mr. Vanarsdall - So you are all right about it now.
1954
1955 Ms. Hann - I think so. I have that remaining question about the fencing, but I
1956 understand that Mr. Weinberg can't really answer that right this minute. So I don't know what the next
1957 opportunity would be to address it, but I think we've said all we can say for tonight.
1958
1959 Mr. Vanarsdall - Okay. Thank you. Thank you Mr. Weinberg. This is actually, I believe
1960 you call it a housekeeping type thing. We did have a nice meeting on it. I recommend C-70C-01, Attack
1961 Properties to the Board of Supervisors for approval.
1962
1963 Mr. Archer - C-69C-01.
1964
1965 Mr. Vanarsdall - I don't know what I was looking at, C-69C-01.
1966
1967 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Ms. Taylor. All in favor of the
1968 motion say aye—all those opposed by saying nay. The ayes have it. The motion is granted. The vote is
1969 5-0. Mr. Kaechele abstained.
1970
1971 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
1972 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would
1973 amend proffers that are no longer relevant because of recent rezonings on surrounding properties and
1974 because the substantive aspects of the proffered conditions would remain unchanged.
1975
1976 Ms. Dwyer - Mr. Weinberg, would it be possible to meet with Ms. Hann and discuss
1977 the fencing before any...
1978
1979 Mr. Weinberg - (unintelligible)
1980
1981 Ms. Dwyer - Before POD.
1982
1983 Mr. Weinberg - (unintelligible)
1984
1985 Mr. Archer - Thank you Mr. Weinberg.
1986
1987 Mr. Weinberg - Thank you.
1988
1989 Mr. Vanarsdall - Mr. Weinberg, I think you will be doing that before the Board Meeting.
1990
1991 Mr. Weinberg - Sometime early next week.
1992
1993 Mr. Archer - Okay. Mr. Secretary next case.
1994
1995 Mr. Marlles - The case is C-71C-01.
1996
1997 **C-71C-01 Jeffrey W. Soden:** Request to conditionally rezone from A-1
1998 Agricultural District to R-2C One Family Residence District (Conditional), Parcels 30-A-56 and 58 and part
1999 of Parcel 30-A-57, containing 14.34 acres, located on the northwest line of Courtney Road approximately
2000 500 feet southwest of Lakewood Road. A single family residential subdivision is proposed. The R-2
2001 District allows a minimum lot size of 18,000 square feet. The Land Use Plan recommends Suburban
2002 Residential 1, 1.0 to 2.4 units net density per acre.
2003
2004 The staff report will be given by Mr. Mark Bittner.

2005
2006 Mr. Archer - Thank you, sir. Is there any one here opposed to C-71C-01? Okay. We
2007 will get to you. All right, Mr. Bittner.
2008
2009 Mr. Bittner - Thank you Mr. Chairman. This site is adjacent to a stub at the end of
2010 Farm Meadow Road in the Meadow Farms Subdivision. The applicant has submitted several potential
2011 layouts. The traffic engineer has recommended having a connection to both Farm Meadow Drive and
2012 Courtney Road. The applicant has proffered that he will access Farm Meadow Drive. However, the
2013 applicant has also indicated, although I don't know if he has signed it yet, but he is prepared to offer
2014 another proffer stating that he would not access Courtney Road. Again, I would like to point out that is
2015 not what the traffic engineer is recommending. But the applicant has indicated that he wants to proffer
2016 no access to Courtney Road other than for the existing home, which is on Courtney Road right now.
2017 We've also just passed out some revised proffers, which you have not seen before. I believe these were
2018 submitted today or yesterday, but you would have to waive the time limit to accept them. The new
2019 proffers are highlighted and they include an increase in the amount of finished floor area. One hundred
2020 percent (100%) of the minimum 2,000 square feet of living space as opposed to the previous eighty
2021 percent (80%) must now be finished space. Ten feet (10') of additional rear setback along the Virginia
2022 Power easement has been provided, crawl spaces on all dwellings have been provided with the
2023 exceptions that dwellings can be constructed over a basement, garages may be built on concrete slabs
2024 and accessory first floor rooms need not be over a crawl space. A twenty-five foot (25') landscape buffer
2025 along Courtney Road in addition to building setbacks has been provided. This buffer would not apply to
2026 the existing home on Courtney Road. Staff suggests that the applicant also consider providing
2027 landscaping in the buffer equivalent to transitional buffer 25 as defined in the zoning ordinance. Staff
2028 also recommends that BMPs not be located in this area.
2029
2030 Finally the applicant has included stub road connections to adjacent undeveloped property. Staff feels
2031 that the substance of these proffers are acceptable although the wording could be clarified. However, we
2032 also feel that this case could be sent forward tonight and that the wording could be clarified prior to the
2033 Board of Supervisors Meeting. Actually all of the issues we have are technical in nature, like I said not
2034 substantive.
2035
2036 In summary the proposed zoning is consistent with Suburban Residential One designation of this
2037 property. The revised proffers provide several new positive items. Staff recommends approval and I'll be
2038 happy to answer any questions you may have.
2039
2040 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the Commission?
2041
2042 Ms. Dwyer - Mr. Bittner did you say that the applicant was going to prohibit access to
2043 Courtney Road?
2044
2045 Mr. Bittner - Yes.
2046
2047 Ms. Dwyer - And access would only be to Farm Meadow.
2048
2049 Mr. Bittner - Yes, that is correct.
2050
2051 Ms. Dwyer - How many lots are we talking about?
2052
2053 Mr. Bittner - Potentially up to 34, although from the layouts I've seen it'll probably be
2054 less than that, probably in the range of 22 to 30, I believe.
2055
2056 Ms. Dwyer - But in the view of traffic engineers that would not provide good
2057 circulation. They recommend access to Courtney.

2058
2059 Mr. Bittner - Yes, that is correct.
2060
2061 Ms. Dwyer - So they would recommend access to Farm Meadow or Courtney or
2062 Courtney and not Farm Meadow.
2063
2064 Mr. Bittner - They recommended it to both. They've also recommended that not be...
2065
2066 Ms. Dwyer - Stub roads.
2067
2068 Mr. Bittner - ...a direct connection.
2069
2070 Mr. Vanarsdall - I don't think you all agreed with that 100% did you, Courtney Road?
2071
2072 Mr. Bittner - No, I'm not sure I said that. What I had said is if we were in a situation
2073 where we had to have only one, I think it would be preferable for that to be Farm Meadow. But again
2074 the most preferable situation is an access to both and not a direct throughway, staggered sort of thing so
2075 you wouldn't have cars speeding through there.
2076
2077 Ms. Dwyer - To discourage cut though traffic.
2078
2079 Mr. Vanarsdall - It's not going to be but 22 houses anyway.
2080
2081 Mr. Bittner - That is correct and this proffer came today so we haven't had a chance
2082 to examine it closely. If there is only one entrance and it came from Farm Meadow we'd have to look at
2083 the fact that there are many other houses already on Farm Meadow and the traffic engineer would have
2084 to be certain that there is not any traffic hazards created. But again, traffic is recommending both
2085 accesses.
2086
2087 Ms. Dwyer - Did you say 32 houses?
2088
2089 Mr. Bittner - Thirty-four at the most.
2090
2091 Mr. Vanarsdall - Thirty-two in one of these and thirty-four in the other and the applicant
2092 said it may be twenty-two.
2093
2094 Mr. Bittner - The applicant has shown us several different layouts, basically drafted
2095 layouts, he's not settled on one. And we haven't asked him to give us the exact layout. We've been
2096 trying to just settle the parameters where the access and so forth would be.
2097
2098 Ms. Dwyer - Why would the applicant not want to have access to Courtney Road?
2099
2100 Mr. Bittner - I think perhaps maybe the applicant should answer that question instead
2101 of me.
2102
2103 Mr. Archer - All right. Okay. Any thing further, any other questions? All right if not
2104 the applicant will please come forward. To those members of the audience that were in opposition do we
2105 need to explain the ten (10) minute rule or did you all hear it when we did it before. Okay, Mr.
2106 Youngblood you are aware of it I'm sure.
2107
2108 Mr. Youngblood - Yes sir.
2109
2110 Mr. Archer - All right. Thank you sir.

2111
2112 Mr. Youngblood - Mr. Chairman, Members of the Commission, I'm Dick Youngblood and
2113 I'm here to represent Jeff Soden.
2114
2115 Mr. Archer - I'm sorry sir, did you want to reserve some time for rebuttal.
2116
2117 Mr. Youngblood - Two (2) minutes is fine. I'm going to be brief anyhow.
2118
2119 Mr. Archer - Okay.
2120
2121 Mr. Youngblood - The proffered conditions that have been offered are very similar to the
2122 proffered conditions in the adjacent subdivision, which was Meadow Farms. The reason the layout hasn't
2123 been settled on is at the time that we were working on the layout the wetlands had not been physically
2124 located and we are aware because of the sanitary sewer this area of Meadow Farms went through this
2125 property and we were aware there were wetlands there and the wetlands are fairly extensive. So I think
2126 Mr. Vanarsdall is right. There will not be 32 lots in this property. There will be a great deal less lots.
2127
2128 Concerning the connection with Farm Meadow Drive to Courtney Road, it's kind of makes a through
2129 street from Mountain Road to Courtney Road and we didn't think that was going to be acceptable to the
2130 neighborhoods so we had offered a proffer which I do not have signed because my client is not here to
2131 sign it. It would not make that connection of Courtney Road. But there is a street, Meadow Pond Lane
2132 that connects to Staples Mill Road. It would take most of the traffic off of Farm Meadow Drive. So that
2133 is another reason we hadn't proposed a connection to Courtney Road. We feel that with the proffered
2134 conditions that have been offered that this makes it a good zoning case and hope that you would
2135 favorably recommend it to the Board of Supervisors for approval. Do you have any questions?
2136
2137 Mr. Archer - Thank you, sir. Are there questions for Mr. Youngblood from the
2138 Commission?
2139
2140 Ms. Dwyer - So you would have access to Farm Meadow and may or may not have
2141 stub roads. Is that other stub roads?
2142
2143 Mr. Youngblood - We are considering stub roads. It depends on where the wetlands are
2144 going to dedicate where stub roads can go because you are only allowed to cross a certain width of
2145 wetland. There are substantial amounts of wetlands on the property. We have physically located them.
2146 They were done today. So, I have a map that shows them. That is why I told you there won't be 32
2147 lots.
2148
2149 Ms. Dwyer - I think the proffer where you say, "stub roads will be provided if
2150 practical," that if practical should be taken out and it just should be at the option of the Planning
2151 Commission.
2152
2153 Mr. Youngblood - That is fine. We realized that...
2154
2155 Ms. Dwyer - Don't want to make you do something that you aren't allowed to do
2156 obviously.
2157
2158 Mr. Youngblood - Right. Any other questions?
2159
2160 Ms. Dwyer - With the houses then, if you don't have access to Courtney you'd have
2161 houses with rear yards backing up to Courtney then.
2162

2163 Mr. Youngblood - There is an existing house on this property that fronts Courtney Road.
2164 That was one of the reasons that we factored the buffer on that existing house. There could possibly be
2165 another house that would front on Courtney Road.
2166
2167 Ms. Dwyer - So you just have...
2168
2169 Mr. Youngblood - We'd just have two (2) houses that front on Courtney Road. One of
2170 which already exist.
2171
2172 Mr. Archer - All right. Any thing further? Anyone care to speak for the opposition or
2173 if there is more than one person that would be fine? While you are coming down please state your name
2174 for the record.
2175
2176 Mr. Boyer - Dan Boyer.
2177
2178 Mr. Archer - I mean when you got here.
2179
2180 Mr. Boyer - I don't usually need a microphone. Thank you. I am a resident of
2181 Meadow Farms subdivision, 10405 Brendan Robert Court and I would like to ask the Commission, request
2182 the Commission to defer consideration of this rezoning of this property for approximately 60 days until
2183 adjacent residents have been given an opportunity to meet with the developer for the purpose of
2184 resolving a number of issues which can not be resolved tonight and not waste the Commissions valuable
2185 time. Number one; the holidays are upon us. Residents were not contacted and just found out about
2186 the rezoning approximately three (3) weeks ago. A lot of the residents have been out of town. We were
2187 not made aware of this from the developer, only from Mr. Dick Glover, Chairman of the Board of
2188 Supervisors, Brookland. Again, attempt by the developer needs to be made to meet with the residence
2189 of Meadow Farms Subdivision now since I hear that the access is going to be out through Farm Meadow
2190 Drive instead of also the adjacent Courtney. And meet with other adjacent residence close to the Library.
2191 The Meadow Farms Subdivision currently has outstanding issues to resolve with Mr. Soden related to the
2192 commons area. That is all I have right now.
2193
2194 Mr. Archer - All right. Thank you, sir.
2195
2196 Mr. Vanarsdall - I think that, I believe you all understood that you all had a meeting
2197 about some of the things that Mr. Soden hadn't done, isn't that right.
2198
2199 Mr. Boyer - Yes sir.
2200
2201 Mr. Vanarsdall - I wasn't there, but I understand you did.
2202
2203 Mr. Boyer - Yes sir, we did. It was about the third week of November.
2204
2205 Mr. Vanarsdall - Didn't it come up that one of the roads, that first, what is the name of
2206 that street? Farm Meadow.
2207
2208 Mr. Boyer - Yes.
2209
2210 Mr. Vanarsdall - Didn't it come up that it maybe connected to the new subdivision.
2211
2212 Mr. Vanarsdall - Did this come up that one of the ways that, what is it, what is the name
2213 of that street, Far Meadow? Didn't it come up that that may be connected to the new subdivision?
2214

2215 Mr. Boyer - Yes, sir. Mr. Glover made us aware after a meeting concerning the
2216 commons areas, get that resolved, and made us aware. Approximately less than 60% of the residents
2217 were present. I have tried to educate them on this meeting, but again, we are in the holidays, so we
2218 have a lot of people that are not available.
2219
2220 Mr. Vanarsdall - I think Mr. Silber was there, too.
2221
2222 Mr. Boyer - Yes. Mr. Silber was there.
2223
2224 Mr. Vanarsdall - I certainly don't have any objection as a Planning Commissioner to do
2225 that if the applicant doesn't have any objection to defer the case.
2226
2227 Mr. Archer - Mr. Youngblood.
2228
2229 Mr. Youngblood - Well, I had understood that there was a meeting with the residents of
2230 Meadow Farms and that it did concern the common area in the last section of Meadow Farms, which is
2231 close to being recorded, and as they were made aware at that time that this zoning case was coming up.
2232 I wasn't present at the meeting.
2233
2234 Mr. Vanarsdall- I wasn't either.
2235
2236 Mr. Youngblood - And I understood that the common area had been resolved with the
2237 residents at that meeting or soon thereafter, so this is a surprise to me that has come up tonight. I don't
2238 have an objection to a deferral. I think 60 days is a little long.
2239
2240 Mr. Vanarsdall - Do you think that issues that have never been addressed, do you think
2241 that we could get those addressed? Do you think so, Mr. Silber?
2242
2243 Mr. Silber - I don't think 60 days is too long.
2244
2245 Mr. Vanarsdall - OK. Thank you, Mr. Youngblood.
2246
2247 Mr. Youngblood - Thank you.
2248
2249 Mr. Vanarsdall - That is the Christmas Spirit. I can tell that on your face. On a serious
2250 matter, I appreciate you suggesting the deferral and I wasn't aware, I knew you had a meeting, but I
2251 wasn't aware that this was not brought out, so Mr. Chairman, I move that we defer C-71C-01 for 60 days
2252 at the applicant's request.
2253
2254 Mr. Taylor - Second.
2255
2256 Mr. Archer - Motion by Mr. Vanarsdall and second by Mr. Taylor to defer for 60 days
2257 at the applicant's request. All in favor say aye. All opposed say no.
2258
2259 At the applicant's request, the Planning Commission deferred Case C-71C-01, Jeffrey W. Soden, to its
2260 meeting on February 14, 2002.
2261
2262 **Deferred from the November 15, 2001 Meeting**
2263 **C-61C-01 Robert M. Atack:** Request to conditionally rezone from A-1 Agricultural
2264 District to RTHC Residential Townhouse District (Conditional), Parcel 32-A-8N and 9, containing 7.9 acres,
2265 located at the southeast intersection of Woodman Road and Mountain Road. Residential townhouses for
2266 sale are proposed. The densities in the RTH District cannot exceed nine (9) units per acre. The Land
2267 Use Plan recommends Office.

2268
2269 Mr. Marlles - The staff report will be given by Mr. Householder.
2270
2271 Mr. Archer - Thank you, Mr. Secretary. Is there anyone here opposed to Case C-61C-
2272 01? We have opposition. Thank you. We will get to you.
2273
2274 Mr. Householder - Thank you, Mr. Chairman. The subject property consists of one large L-
2275 shaped property as seen here on the aerial, and then this one small triangular-shaped piece that is right
2276 up here named Parcel B. The two parcels are separated by an undeveloped right of way, what was
2277 originally known as Old Woodman Road. There is also an existing single-family home located on the
2278 subject property and there are three homes to the west in this area (referring to slide, and then there is a
2279 home to the east in this area (referring to slide). This area here is owned by the County around this
2280 water tower, and then right here (referring to slide), this property is also owned by the County of
2281 Henrico, and much of this area serves as parking for the Glen Allen Softball Complex. The applicant is
2282 pursuing the purchase of a piece of land right in this area (referring to slide), from the County, and if
2283 they do obtain it, this land would need to be rezoned if it was to be included as part of this development,
2284 and I will get into that in a minute. The 2010 Land Use Plan does recommend Office for the subject
2285 parcel. This request is not consistent with the recommendation, but because the Mountain Laurel
2286 Townhouses are across the street here, in such close proximity to this request, staff feels that it is a
2287 reasonable variation from the Land Use Plan recommendation.
2288
2289 The applicant has submitted two schematic plans. This one for as the property is without the 40 feet of
2290 additional land purchased by the County, and as you see, this is Mountain Road here, and this is that
2291 small triangular piece and this is most likely what the configuration would be, but this has not been
2292 proffered in terms of the layout. This area is undeveloped in here because of environmental issues.
2293 They have also submitted another layout, if they were to obtain the additional 40 feet, and as you can
2294 see, this is where the additional land would be obtained possibly from the County, and it would allow
2295 them to add these additional units to the request. As far as the subject request goes, without the 40
2296 feet, they have proffered to develop no more than 63 units on this site, and they have also addressed
2297 staff's concern by proffering an overall density of 7.2 units per acre. This would maintain the density
2298 whether they had the 40 feet from the County or not. They have also proffered elements that would
2299 assure quality development on this site, staff feels. These include brick foundations, no cantilevered
2300 chimneys or closets, a commitment to provide restrictive covenants, sidewalks, parking lot lighting and a
2301 residential scale impervious cover at 40%, not to exceed 40%, and a minimum of one acre of
2302 recreational area. They have also proffered this layout in terms of the buffers, in Proffer No. 10, and
2303 they have committed to provide a minimum of 10 feet of buffer around the perimeter of the site, and in
2304 some instances, it is 20 feet, most notably this area long Mountain Road is shown as a 20-foot buffer in
2305 this area.
2306
2307 Staff feels that this does address our concerns with buffering for this case. They have also added at
2308 staff's request Proffer No. 14, which was handed out to you this evening, which commits to obtaining the
2309 fee simple ownership of this Old Woodman Road, and that is prior to any building permits, or occupancy
2310 permits issued on this site. Overall, staff feels that the proposal for townhouses at this location is a
2311 reasonable variation from the 2010 Plan, in that they have addressed staff's concerns with the quality of
2312 the development in the original staff report. Therefore, staff does recommend approval of this request
2313 and I will answer any questions that you may have.
2314
2315 Mr. Archer - Thank you, Mr. Householder. I will have some questions for the
2316 applicant, Mr. Householder, but does the rest of the Commission have questions of Mr. Householder?
2317 Thank you, sir. Would the applicant come forward, please.
2318
2319 Mr. Bob Attack - Mr. Chairman, and members of the Planning Commission, my name is
2320 Bob Attack and I am the applicant before you this evening. Our zoning request has met with the County

2321 Planning staff's recommendation for approval, which is based on 13 proffered conditions. Mr.
2322 Householder articulated those, I think, very well. I would allude to some, I think, that are most
2323 important to insure quality and have as little impact on the area as possible. Those areas are that the
2324 site will have an impervious cover area of no more than 40%. That is a very low ratio of site coverage
2325 for a multifamily site. We will also have a recreation area of a minimum of one acre. Please take into
2326 consideration this site is only approximately eight acres. It is a not a site in which we do have the
2327 advantage to put in amenities that our company is quite accustomed to. We will also have sound
2328 suppression between the walls of each of these homes, with a transmission co-efficient rating between
2329 50 to 54. All utilities shall be underground with the exception of junction boxes, meters, pedestals,
2330 transformers and existing overhead utility lines for technical and environmental reasons. As well, we
2331 have proffered that we will not access Woodman Road as was suggested by the County. I will be glad to
2332 answer any questions that you may have.
2333

2334 Mr. Archer - Thank you, Mr. Attack. If this zoning, Mr. Attack, would you develop this
2335 yourself or would you transfer it to someone else?
2336

2337 Mr. Attack - Probably we would be the developer.
2338

2339 Mr. Archer - Have you met with the opposition? Are you aware what the opposition
2340 is?
2341

2342 Mr. Attack - I hesitate only in that the opposition I have known for a lot of my life,
2343 and so, sometimes it is questionable as to whether this is the opposition tonight or just my growing up
2344 with some of them. But, so, what we did. We had a meeting with, as you folks may recall, the
2345 townhouses that are directly across the street are Mountain Road and have been very active in the
2346 residential impacts of this area. We met. We had a meeting and one of the directors, Michelle Faison,
2347 who has spoken before this Board (sic) in the past, was the representative for that association and she
2348 was quite satisfied with what we are proposing. Now, I will say in all due respect, some of the folks that
2349 are here this evening are being impacted in a different manner in which those people's concerns were.
2350 But Ms. Faison was in attendance, also Mr. William Lane, who is one of the adjoining property owners
2351 and has lived on the adjoining property for 16 years. He and his wife also were in favor of the case, and
2352 I should say this. For the record, and I mentioned to these people that I would be stating this at this
2353 public hearing that I was quoting them that they were in favor of this case, and in Mr. Lane's situation,
2354 he does have a swimming pool in the back of his yard. Though we did not proffer it, we are going to
2355 meet with him and our landscape architect and look at putting some Leyland Cyprus and a visual barrier
2356 between the back of our town homes and the corner of his property.
2357

2358 Mr. Archer - OK. Does anyone else have a question for Mr. Attack? All right. Thank
2359 you, sir.
2360

2361 Mr. Attack - Thank you.
2362

2363 Mr. Archer - Who would like to speak for the opposition? Come on up, sir.
2364

2365 Mr. George Miles - My name is George Miles and I live at 10517 Woodman Road. Could
2366 someone get me to the plat?
2367

2368 Mr. Archer - Mr. Miles, before you go on, there were some folks in the center here
2369 who were opposed. Are you all neighbors or are you from a different area?
2370

2371 Mr. Miles - Yes, we are.
2372

2373 Mr. Archer - You are all together then. OK. Thank you. Go ahead, sir.

2374
2375 Mr. Miles - My property is right there (referring to slide). It is approximately 2.9
2376 acres. There is five residents that live around this piece of property and all of us have approximately two
2377 acres or more. They are all single-family homes. We are really concerned about the value of our
2378 property. I have that acreage and I have a 4,000 square foot home on it. We are concerned with the
2379 density. It is a whole lot more people per acre than we have around the area, and we were worried
2380 about the traffic. We are kind of used to having yard lights instead of street lights, driveways instead of
2381 parking lots. The traffic on Woodman Road is fierce in the morning and late afternoon coming off of 295
2382 coming back out of the County Depot. Most of us have thought or built our homes around the way that
2383 this neighborhood has evolved. Every piece of property there is a single-family home, and we are just
2384 really concerned about the traffic. We have all of the townhouses across the street. It is a tremendous
2385 amount of traffic for us, and we are really concerned about our privacy that we basically built around.
2386
2387 Mr.Archer - Mr. Miles, you know this Land Use Plan calls for Office at this location.
2388 Between the two things, would you be opposed to Office if it were to develop that way?
2389
2390 Mr. Miles - Well, I believe the whole area is for office, everything from the creek to
2391 the County. Is that right?
2392
2393 Mr. Archer - Lee, can you help me out with this?
2394
2395 Mr. Householder - It is mostly office, if you look at, if you are following this line (referring
2396 to slide), so you go up...and extends on both sides of Woodman Road.
2397
2398 Mr. Miles - Well, we feel that basically our property value would be worth more to
2399 us as office space than it would be to put these townhouses in.
2400
2401 Ms. Dwyer - Would your preference be single-family homes on this site?
2402
2403 Mr. Miles - Yes, it would be, as it is now.
2404
2405 Mr. Archer - But the intended acquisition of the piece of County property to add to
2406 this, does that have any impact at all on how you feel about it?
2407
2408 Mr. Miles - On buying that piece of property? Well, you know, we all live in the
2409 County. Who is going to vote on it?
2410
2411 Mr. Archer - Well, let me ask you this. Is there anyway that the applicant could
2412 change this plan or reduce it in anyway that you think would be favorable to you and your neighbors?
2413
2414 Mr. Miles - Well, you know, the area all has single family homes, and that is kind of
2415 what we would like to have in there. I don't know if they can put them in there or not, but that is
2416 basically how this whole neighborhood evolved, not just this piece of property, but the way everything
2417 was developed there. So, that is kind of the way we built in that area. I built my home further to the
2418 back of my property line because of Woodman Road, which is horrendous in the morning with traffic.
2419
2420 Mr. Archer - OK. Any further questions from anyone else? Thank you, sir. Does
2421 anyone else care to speak? Come on up, ma'am.
2422
2423 Ms. Molly Archibeque - My name is Molly Archibeque and I live on Mountain Road east of his
2424 property, and I definitely wouldn't want, can you put that picture up here? This one. With all of those
2425 houses (referring to slide) being right next to me, my property runs pretty much. It is about, nearly two
2426 acres, until the County took part of it for a road. It was two acres. So, I would not want all of those

2427 houses right next to me. That is where they would be (referring to slide). And, the traffic coming out of
2428 there would be coming out on Mountain Road, and we already have town houses on the opposite side
2429 where probably there are 100 over there that we have to contend with, and like George said, Mountain
2430 Road is awful in the mornings. The traffic coming off of 295 going into Richmond or wherever. And, of
2431 course, when I moved out there it was rural, and that is what I went out there for, because I liked the –
2432 just by myself – just as anyone else did out there, so I would like for it to stay like it is if I could, but...
2433
2434 Mr. Archer - Well, Ms. Archibeque, let me ask you a question. Obviously, it won't
2435 stay as it is.
2436
2437 Ms. Archibeque - That is right.
2438
2439 Mr. Archer - But, you know, I was thinking about this also, in terms of traffic, and if it
2440 were to develop as office space...
2441
2442 Ms. Archibeque - Well, that would be much better.
2443
2444 Mr. Archer - It would appear to me, though, that there would probably be a heavier
2445 concentration of traffic, at least twice a day, than it would be if it were developed as townhouses.
2446
2447 Ms. Archibeque - I don't think so.
2448
2449 Mr. Archer - I am just throwing that out as a...
2450
2451 Ms. Archibeque - Well, I don't really think so, but I still wouldn't have all of these houses
2452 setting right next to my line.
2453
2454 Mr. Archer - All right. OK.
2455
2456 Mr. Jernigan - Ma'am, which lot is yours?
2457
2458 Ms. Archibeque - It is not there. Where is it?
2459
2460 Ms. Dwyer - Is it Lot 10?
2461
2462 Ms. Archibeque - Yes. Right there (referring to slide).
2463
2464 Mr. Jernigan - How many people are adjoining this property? How many homes are
2465 adjoining this property?
2466
2467 Ms. Archibeque - My property?
2468
2469 Mr. Jernigan - The total property. How many adjoining homes are there?
2470
2471 Ms. Archibeque - Me? Is he talking about me?
2472
2473 Mr. Householder - He is talking in general.
2474
2475 Mr. Jernigan - Where are they?
2476
2477 Mr. Archer - They are mostly on Woodman.
2478

2479 Mr. Householder - There is one here. We have an aerial and you can see the footprints on
2480 that and get an idea of where the houses are.
2481
2482 Mr. Archer - OK. Any further questions from anyone?
2483
2484 Ms. Archibeque - I don't know what questions you are asking.
2485
2486 Mr. Archer - No. I was asking the Commission if they had questions for you. Thank
2487 you, ma'am. Is there anyone else who would like to speak to this? Come on up.
2488
2489 Ms. Elaine Ramsey- Good evening. My name is Elaine Ramsey and I currently live in King
2490 William County, but I own the property on Woodman Road that would adjoin the back of this property.
2491 My concern is about a year ago I received a letter from Henrico County – I believe it was from the Corps
2492 of Engineers where they were going to improve the property at Mountain and Woodman Road, so I got
2493 on the phone and called, and I even came out to the County and asked exactly what they were planning
2494 to do, and they explained to me that they were having a problem in that area with the sewage
2495 underground right at Mountain and Woodman Road and that their plan was to have to go in there and
2496 redo some of the construction they had done many years ago. I lived there myself 27 years ago, and it
2497 was my first home. Also, when I came to the County I met with people in different departments to find
2498 out exactly what they projected for that area because I do have a piece of property on Woodman at the
2499 corner, and they told me it was projected for office space. And, also, on the back of our land that will
2500 adjoin this property is a creek, and that was a little of our concern. If they are already having problems
2501 with the sewage or with the water problems in that area, if they put in this multi-housing, where is the
2502 runoff going to go? How is that going to be addressed if the County already has a problem with it? That
2503 was my concern.
2504
2505 Mr. Archer - Yes, ma'am. Any questions for her before she takes a seat? Thank you,
2506 ma'am. Anyone else. Mr. Attack, could we get you to come back up, please sir? Mr. Attack, you know, I
2507 was not aware, and I don't know if you were or not, that we had this much opposition to this case, and,
2508 in fact, I was hoping after the staff report, it could run through rather smoothly. Of course, you and Mr.
2509 McFarlane and I and Mr. Householder met sometime ago, and we talked about what may come out of
2510 this, and I really expected more opposition from the townhouse owners on the other side of the street.
2511 Is there anyway that you can think of that you could address any of the concerns, maybe with a lesser
2512 density pattern or any kind of buffering that might answer the concerns that you have heard here
2513 tonight?
2514
2515 Mr. Attack - Mr. Archer, I think that, in fact I am not sure Ms. Ramsey opposed the
2516 case. I think she was very concerned about drainage, and how it affected her house, and Mr. Miles' is
2517 absolutely the nicest house on Woodman Road as far as it goes in any direction, and he has a very
2518 legitimate concern, and I appreciate that. It was a question asked as to how many home owners were
2519 affected by this property. Mr. Miles is, so is Ms. Archibeque, Mr. Lane is as well, and does not have any
2520 objection to this case. I am not sure if it would be important to cast the Ramsey question as to what
2521 their position is. But, regardless, to answer your question, sir, this is an unusual piece of property just by
2522 its shape. It does not allow very much. We have an exhibit before you next to Mr. Parker that shows
2523 that what we have done is pulled the townhouses off or as far away from Mr. Miles' house, because it
2524 does, he has decided to put his home on the front portion of his property in the rear, and it is a lovely
2525 home. I would say that we probably have in this area, as you can see, we have probably buffered this as
2526 much as we possibly could. An interesting point is this. A question you asked is what would you like to
2527 see done, Ms. Archibeque, and she said she'd like it to stay as woods, or business. Business, as a fact,
2528 will generate more traffic. It generates peak traffic. Residential housing does not. Staff report shows
2529 this will generate exactly 13 school-aged children. We are receptive to office or business zoning on the
2530 property. I fear it would be an effort in futility for the townhouse residents across the street would find
2531 this very annoying to them, and I think they would take a great stand against it. We are receptive to

2532 that, Mr. Archer, and I would be willing to defer to your preference. As I said, we did meet with those
2533 other folks. I don't know, and I think you begged the question as to what we could do to help soften the
2534 impact for the adjoining property owners. I think it is a precarious property in that it is also affected by
2535 the townhouses across the street. As far as economic values, the town homes we would build on here
2536 would be a higher accessed value than the Ramsey residence, as well as it would be approximately 50%
2537 higher value than the tax assessment of all of the townhouses across the street.

2538
2539 Mr. Archer - Thank you, Mr. Atack. In fact, that was why I did ask that question as
2540 to whether or not you plan to develop it or somebody else would, because I am familiar with the quality
2541 of your development. But to be honest with you, I did not expect to have this much opposition come out
2542 tonight and I am not shocked by it, but I am somewhat surprised by it.

2543
2544 Mr. Atack - Sir, I usually plan for the worse and I am seldom surprised.

2545
2546 Mr. Archer - I guess I want to ask you, in terms of what other types of development
2547 might go here, would you be willing to let all of us get together, sit down and talk about this, since you
2548 indicate that you understand what their concerns are, and that maybe this could be developable as
2549 something else other than town houses.

2550
2551 Mr. Atack - Absolutely, sir. If there was a desirability to use it as some type of
2552 office, office/service, or mini-warehouse, those types of uses, economically, I think, that would be fine.
2553 So, if you want to have a work session and have these residents, we will be glad to participate in that
2554 open forum.

2555
2556 Mr. Archer - Well, my concern is that, as Ms. Archibeque said, it is not going to stay
2557 there as nothing forever, and I really am concerned, as you just reiterated that office traffic would
2558 probably be much heavier than it would be for townhouses, but we would have to be able to make folks
2559 see what it is that we are talking about. So, if you don't mind, I would prefer that you delay this and let
2560 us have an opportunity to present exactly what could be here, and have a chance to discuss it with these
2561 neighbors, if that is agreeable with them. Mr. Miles, OK? Would that be OK with you?

2562
2563 Mr. Miles - Absolutely, Mr. Archer.

2564
2565 Mr. Archer - What time would you think, 60 days or 30 days? Are you in a hurry?

2566
2567 Mr. Atack - Well, the property owner does have a sizeable investment and he would
2568 like to expedite this transaction, but in fairness to coming to a resolve, this is an unusual situation in that
2569 we have different property owners, with different motives, and the opposition, who I believe in my
2570 personal and professional opinion might oppose a different use, would want to come to the table. But we
2571 are receptive. Economically, actually, the property has a higher value if it is a use other than residential.
2572 So, I would defer to you, Mr. Archer, if you want a 60-day deferral. That would be fine. I would beg to
2573 question as to who is going to quarterback this meeting.

2574
2575 Mr. Archer - I will be glad to do it. Mr. Householder and I, am sure, could work
2576 together on doing that, and I'd like that, so if you don't mind, and with the concurrence of these folks,
2577 and with the holidays upon us as they are, perhaps it would be wiser to defer it until at least the St.
2578 Valentine's Day meeting, which I hope won't turn out to be the St. Valentine's Day Massacre, but I would
2579 ask that you do that then. We will defer that for 60 days.

2580
2581 Mr. Atack - If you are asking me if I will pay the \$100 deferral fee, yes, sir. I will be
2582 happy to, and defer the case for 60 days.

2583

2584 Mr. Archer - With that then, Mr. Atack, I will move for deferral until February 14,
2585 2002, at the applicant's request.
2586
2587 Mr. Vanarsdall - Second.
2588
2589 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall to defer for 60 days until
2590 the February 14, 2002 meeting. And Mr. Atack if you and Mr. Householder would coordinate a time when
2591 we can get together, maybe sometime in mid to late January, and let's bring in some things that we can
2592 show and some "what if's" and have a chance to discuss with these folks out here, if that is agreeable
2593 with you all. Thank you very much. Thank you, Mr. Atack.
2594
2595 Mr. Archer - All in favor say aye. All opposed say no. The motion passes.
2596
2597 At the applicant's request, the Planning Commission deferred Case C-61C-01, Robert M. Atack, to
2598 February 14, 2002.
2599
2600 Mr. Marlles - This next item is an introduction of an Ordinance Amendment to Amend
2601 and Reordain Section 24-104 entitled "Signs" of the Code of the County of Henrico to regulate changeable
2602 message signs. These are the electronic signs that you see flashing as you are driving down the street.
2603 Currently, those signs can change as frequently as once every five seconds. There has been concern
2604 about the frequency of some of those signs and how quickly they change. Staff is requesting that the
2605 Commission initiate an Ordinance Amendment which would increase the length of time stipulated under
2606 the Zoning Ordinance to a lesser frequency, so that sign will not change so fast.
2607
2608 Mr. Vanarsdall - Mr. Marlles, several years ago, five or six or four, we went through all of
2609 this.
2610
2611 Mr. Marlles - Yes, sir.
2612
2613 Mr. Vanarsdall - That is how we were able to get Capitol Lincoln Mercury their sign. At
2614 that time it was going to be the end of the world and we were going to have fender benders from people
2615 reading the sign. I don't believe we ever had the first one, and they have found out that the Fairgrounds
2616 has had one forever, and Harvey Hinson, I believe, was riding in a car of six or seven people and said,
2617 "How did you all like the new sign?" And they all said, "What sign?" So, I am just wondering what
2618 happened. Didn't we change the Ordinance?
2619
2620 Mr. Marlles - We did at that time. Yes, sir, Mr. Vanarsdall. I think with experience we
2621 are finding though that a change in messages once every five seconds is probably too fast.
2622
2623 Mr. Vanarsdall - This all came about by the request of GE Financial wanting a changeable
2624 message sign on Broad Street.
2625
2626 Mr. Marlles - It wasn't just that request. Actually there was concern about the, sign at
2627 the CVS Drug Store on Parham Road. We received some concern from a Board member regarding that
2628 specific sign.
2629
2630 Mr. Vanarsdall - I saw that Christmas when I was in there.
2631
2632 Mr. Marlles - Excuse me?
2633
2634 Mr. Vanarsdall - I saw that sign Christmas when I was by there.
2635

2636 Mr. Marlles - The resolution that I have passed out would initiate that Ordinance
2637 Amendment which actually has been drafted, it would schedule a work session on December 19, and
2638 advertise the amendment for public hearing on January 23. That is staff's recommendation.
2639
2640 Mr. Vanarsdall - Do you want a motion on that, Mr. Chairman?
2641
2642 Mr. Archer - Yes. Was I supposed to pass these out, Mr. Secretary?
2643
2644 Mr. Marlles - Yes.
2645
2646 Mr. Vanarsdall - I move that we do that on the December 19.
2647
2648 Mr. Jernigan - Second.
2649
2650 Mr. Marlles - The last paragraph gives the date.
2651
2652 Mr. Kaechele - Mr. Secretary, this resolution just starts the process.
2653
2654 Mr. Marlles - Yes, sir. It schedules a work session and public hearing.
2655
2656 Mr. Archer - We have a motion by Mr. Vanarsdall and a second by Mr. Jernigan. All in
2657 favor of the motion say aye. All opposed say no. There is no opposition, so we will do it on the 19th.
2658
2659 Mr. Archer - Mr. Secretary, is there a suggested time frame?
2660
2661 Mr. Marlles - Actually, for this?
2662
2663 Mr. Taylor - About 60 days.
2664
2665 Mr. Marlles - We have not looked at that.
2666
2667 Mr. Archer - Do you know what the timing is on the Fairgrounds?
2668
2669 Mr. Marlles - On that one I don't know.
2670
2671 Mr. Archer - Because I pass it everyday.
2672
2673 Mr. Taylor - Well, I think we spoke in terms of not less than five seconds on the
2674 change.
2675
2676 Mr. Marlles - Currently there is a table in the existing ordinance that is based on the
2677 speed and the size of the lettering on this sign. My guess is the message on the sign at RIR changes
2678 every five seconds. I know the one on Parham Road at the CVS Pharmacy is five seconds.
2679
2680 Mr. Vanarsdall - I think that is what it was, and we the president of one of the companies
2681 that was in on it and helped us a lot with it. I think that was what it is.
2682
2683 Mr. Taylor - I talked to Mr. Hinson today, and his concern was that the current sign
2684 resolution allows for signs that appear to be flashing, and it just seems to turn very quickly. So, it would
2685 seem to me that we want to give it enough time that somebody could read it and get the intelligence and
2686 then have it disappear. I would guess that would be for Planning purposes, ten seconds.
2687
2688 Mr. Archer - That's 9.34, maybe.

2689
2690 Mr. Vanarsdall - I thought we were going to have a work session on it.
2691
2692 Mr. Archer - What is the next item, Mr. Secretary?
2693
2694 Mr. Marlles - We have the minutes of November 15, 2001.
2695
2696 Mr. Archer - OK. Does anyone have any corrections to the minutes of November 15?
2697
2698 Ms. Dwyer - I have a few short ones, if you will bear with me. Page 6, line 188,
2699 instead of "act", it should be "and" and it does change the meaning of the sentence. Page 14, line 476,
2700 instead of "effective", it is "affected." And then one last one, Page 34, line 1212, the word "minutes"
2701 instead of the word "work session".
2702
2703 Mr. Archer - OK. Anyone else?
2704
2705 Mr. Jernigan - I thought I had a problem, but I can't believe that on page 20, line 711,
2706 I thought what I said was "I do feel this is a good plan for the distant future, but not for the immediate
2707 future." Now if I said short future. I mean as much as I practice it, it should come out right. It is page
2708 20, line 711.
2709
2710 Mr. Archer - There is nothing worse than a short future. OK. If there are no more
2711 corrections, would somebody move for approval of these minutes?
2712
2713 Ms. Dwyer - I move that the minutes be approved as corrected.
2714
2715 Mr. Taylor - Second.
2716
2717 Mr. Archer - Motion by Ms. Dwyer and second by Mr. Taylor. All in favor of the motion
2718 say aye. All opposed say no. The minutes stand approved as corrected.
2719
2720 Is there another item, Mr. Secretary?
2721
2722 Mr. Marlles - No, sir.
2723
2724 Mr. Archer - I will entertain a motion for adjournment.
2725
2726 Mr. Dwyer - So moved.
2727
2728 Mr. Taylor - Second.
2729
2730 Mr. Archer - OK. Motion by Ms. Dwyer and second by Mr. Taylor. We are officially
2731 adjourned at 9:58 p.m.
2732
2733
2734
2735
2736 _____
Chris W. Archer, C.P.C., Chairman
2737
2738
2739
2740 _____
John R. Marlles, AICP, Secretary
2741