

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., December 8, 2005, Display Notice having been published in the
4 Richmond Times-Dispatch on November 23, 2005 and November 30, 2005.

5
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield
8 Mr. Tommy Branin, Three Chopt
9 Mrs. Bonnie-Leigh Jones, Tuckahoe
10 Mr. E. Ray Jernigan, C.P.C., Varina
11 Mr. Randall R. Silber, Director of Planning, Secretary
12

13 Members Absent: Mr. David A. Kaechele, Board of Supervisors, Three Chopt
14

15 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
16 Ms. Jean Moore, Principal Planner
17 Mr. Lee Tyson, County Planner
18 Ms. Rosemary Deemer, County Planner
19 Mr. Thomas Coleman, County Planner
20 Ms. Nathalie Neaves, County Planner
21 Ms. Ann B. Cleary, Recording Secretary
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23 Mr. Vanarsdall - Good evening, everyone. The Planning Commission will come to order.
24 We are glad to have you all here tonight, and I want to begin by saying that I won't be here for
25 the next meeting, and so this is my last meeting for this year, and I wanted to honor Mr.
26 Kaechele, who sits on the Commission, representing the Board of Supervisors and the Law
27 requires that. He has been with us all year, but he wasn't able to come tonight because of
28 another engagement, so I thanked him today for staying with us so long. Another thing I want
29 to say is that we have a holiday coming up and whatever you call that holiday, whatever you
30 conceive it to be, I hope you enjoy it and I wish everyone happy holidays and a very Merry
31 Christmas.
32

33 Mr. Archer - Thank you, Mr. Chairman.
34

35 Mr. Vanarsdall - With that we will get started. Anybody else have anything? I will turn it
36 over to Mr. Secretary, Mr. Silber.
37

38 Mr. Silber - Thank you, Mr. Chairman. I appreciate that. We will miss you at the
39 next meeting and we thank you very much for being our Chairman for the year. Thank you very
40 much and we look forward to having you back next year.
41

42 Mr. Vanarsdall - I am glad you didn't start. I want to introduce the press. Glad to have
43 you tonight, Olympia.
44

45 Mr. Silber - With that we can begin the meeting. As indicated, Mr. Kaechele is the
46 only one absent today. The other five members of the Commission are here. We have several
47 deferrals on the agenda. We have six deferrals and if staff can walk us through those deferrals I
48 would appreciate that.
49

50 Mr. Vanarsdall - Good evening, Ms. Moore.
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52 Ms. Moore - Good evening. Thank you, Mr. Silber. The first request for deferral is on
53 Page 2 of your agenda in the Three Chopt District.

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C-75C-05 John J. Hanky III, for Barrington Development, Inc: Request to conditionally rezone from R-3C One Family Residence District (Conditional) to O-2C Office District (Conditional), Parcel 740-758-4797, containing 2.215 acres, located on the east line of the proposed John Rolfe Parkway right-of-way approximately 310 feet south of Three Chopt Road. The applicant proposes an office building. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. The site is in the West Broad Street Overlay District.

Ms. Moore - The deferral is requested to the March 9, 2006 meeting.

Mr. Vanarsdall - Anyone in the audience in opposition to the deferment of Case C-75C-05 in the Three Chopt District? No opposition.

Mr. Branin - Mr. Chairman, I'd like to move that Case C-75C-05 be deferred to the March 9, 2006 meeting, at the applicant's request.

Mrs. Jones - Second.

Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mrs. Jones. All in favor say aye. All opposed say no. The motion passes.

At the applicant's request, the Planning Commission deferred Case C-75C-05, John J. Hanky, III, for Barrington Development, Inc. to its meeting on March 9, 2005.

C-76C-05 Robert Attack for George M. Urban: Request to conditionally rezone from A-1 Agricultural District to R-5C General Residence District (Conditional), Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres, located on the west line of Nuckols Road approximately 350 feet north of New Wade Lane and between the south line of Hickory Park Drive and the north line of New Wade Lane. The applicant proposes a residential development of no more than 150 condominium units for sale. The R-5 District allows a density of 14.52 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Rural Residential, Suburban Residential 2, (2.4 to 3.4 units net density per acre), and Environmental Protection Area.

Ms. Moore - The deferral is requested to the January 12, 2006 meeting.

Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of Case C-76C-05, Robert Attack for George M. Urban? This will be to January 12, 2006. No opposition. Mr. Branin.

Mr. Branin - Mr. Chairman, I move that Case C-76C-05 be deferred to January 12, 2006, per the applicant's request.

Mr. Archer - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-76C-05, Robert Attack for George M. Urban, to its meeting on January 12, 2006.

107 Ms. Moore - The next is in the Varina District on Page 3 of your agenda.
108

109 **C-78C-05 John Shurm for Shurm Construction, Inc.:** Request to conditionally
110 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel
111 803-696-9576, containing 3.558 acres, located on the south line of Harmony Avenue
112 approximately 90 feet west of Woodside Street. The applicant proposes a single-family residential
113 subdivision with no more than eight (8) lots. The R-3 District allows a minimum lot size of 11,000
114 square feet with a maximum gross density of 3.96 units per acre. The use will be controlled by
115 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban
116 Residential 2, 2.4 to 3.4 units net density per acre.
117

118 Ms. Moore - The deferral is requested to the January 12, 2006 meeting.
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120 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-78C-05 in the Varina
121 District, deferment? No opposition.
122

123 Mr. Jernigan - Mr. Chairman, I move for deferral of Case C-78C-05, Shurm
124 Construction, Inc. to January 12, 2006, by request of the applicant.
125

126 Mr. Archer - Second.
127

128 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
129 say aye. All opposed say no. The motion passes.
130

131 At the request of the applicant, the Planning Commission deferred Case C-78C-05, John Shurm
132 for Shurm Construction, Inc. to its meeting on January 12, 2006.
133

134 Ms. Moore - Also, on Page 3 of your agenda is C-80C-05.
135

136 **C-80C-05 Roy Rogers Industries, Inc.:** Request to conditionally rezone from A-
137 1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels- 812-718-
138 1638, 812-718-1655 and 812-718-6325, containing approximately 13.2 acres, located on the
139 south line of Interstate 64 at Millers Lane. The applicant proposes a residential townhouse
140 development of no more than 80 units. The maximum density in the RTH District is nine (9) units
141 per acre. The use will be controlled by zoning ordinance regulations and proffered conditions.
142 The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre,
143 and Environmental Protection Area. The site is in the Airport Safety Overlay District.
144

145 Ms. Moore - The deferral is requested to the January 12, 2006 meeting.
146

147 Mr. Vanarsdall - Anyone in the audience in opposition to C-80C-05, Roy Rogers
148 Industries, Inc., deferment of this case? No opposition.
149

150 Mr. Jernigan - Mr. Chairman, I move for deferral of Case C-80C-05, Roy Rogers
151 Industries, Inc. to January 12, 2006, by request of the applicant.
152

153 Mr. Branin - Second.
154

155 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Branin. All in favor
156 say aye. All opposed say no. The ayes have it. The motion passes.
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158 At the request of the applicant, the Planning Commission deferred Case C-80C-05, Roy Rogers
159 Industries, Inc. to its meeting on January 12, 2006.

160
161 Ms. Moore - In the Brookland District, Case C-69C-05, LIM Properties, LLC.
162
163 ***Deferred from the November 10, 2005 Meeting***
164 **C-69C-05 Jeff Staub for LIM Properties, LLC:** Request to amend proffered
165 conditions accepted with Rezoning Case C-8C-82 on Parcel 755-759-3886, containing 1.35 acres,
166 located at the southeast intersection of Springfield and Meadowgreen Roads. The applicant
167 proposes to amend the proffers pertaining to vehicle access and maximum square footage for
168 office space, and to delete the proffer related to the 35-foot buffer area. The existing zoning is
169 O-1C Office District (Conditional). The Land Use Plan recommends Office.
170
171 Ms. Moore - The deferral is requested to the February 9, 2006 meeting.
172
173 Mr. Vanarsdall - Is anyone in the audience in opposition to deferment of this case, C-69C-
174 05, in the Brookland District? No opposition.
175
176 I move that Case C-69C-05 be deferred to February 9, 2006, at the request of the applicant.
177
178 Mr. Jernigan - Second.
179
180 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
181 favor say aye. All opposed say no. The ayes have it. The motion passes.
182
183 At the request of the applicant, the Planning Commission deferred Case C-69C-05, Jeff Staub for
184 LIM Properties, LLC, to its meeting on February 9, 2006.
185
186 ***Deferred from the November 10, 2005 Meeting***
187 **C-70C-05 G. Stuart Grattan for Duke Management Services:** Request to
188 conditionally rezone from R-4 One-Family Residence District and B-3 Business District to M-2C
189 General Industrial District (Conditional), Parcel 783-759-6898 and part of Parcel 783-760-6649,
190 containing approximately 4.86 acres, located on the west line of Brook Road (U.S. Route 1)
191 approximately 920 feet south of Georgia Avenue. A parking area for portable mini storage units,
192 boats, recreational vehicles and other vehicles are proposed. The use will be controlled by zoning
193 ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial
194 Concentration. The site is in the Enterprise Zone.
195
196 Ms. Moore - Also, on Page 4 of your agenda in the Fairfield District is C-70C-05, G.
197 Stuart Grattan for Duke Management Services. The deferral is requested to the January 12,
198 2006 meeting.
199
200 Mr. Vanarsdall - In the Fairfield District, is anyone in opposition to deferment of Case C-
201 70C-05, G. Stuart Grattan for Duke Management Services? No opposition.
202
203 Mr. Archer - Mr. Chairman, I move deferral of Case C-70C-05, Duke Management
204 Services, to the January 12, 2006 meeting, at the request of the applicant.
205
206 Mr. Jernigan - Second.
207
208 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
209 say aye. All opposed say no. The ayes have it. The motion passes.
210
211 At the request of the applicant, the Planning Commission deferred Case C-70C-05, G. Stuart
212 Grattan for Duke Management Services, to its meeting January 12, 2006.

213
214 Ms. Moore - Mr. Chairman, that concludes my report for requests that staff has
215 received.
216
217 Mr. Vanarsdall - All right. Thank you, Ms. Moore.
218
219 Mr. Silber - Are there any deferrals from members of the Commission?
220
221 Mr. Branin - Mr. Chairman, I have one. It is on Page 5, MTP-2-05.
222
223 **Deferred from the November 10, 2005 Meeting**
224 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN: MTP-2-05** Proposed Addition of a
225 Three Chopt Road Extension and West Broad Street Connector between Lauderdale Drive and
226 North Gayton Road.
227
228 Mr. Silber - This will be on the last page of your agenda. It is the Major
229 Thoroughfare Plan Amendment. This is a public hearing on the proposed amendment to the
230 Major Thoroughfare Plan to add Three Chopt Road Extension running between Lauderdale Drive
231 and North Gayton Road.
232
233 Mr. Vanarsdall - That was deferred last month, too.
234
235 Mr. Branin - Yes, sir, and I am going to – I believe for the other Commissioners – I
236 believe we need a little more time to look at this and also possibly do some changes to benefit
237 the residents of Wellesley. So, with that, Mr. Chairman, I move that MTP-2-05 be deferred to the
238 February 9, 2006 meeting.
239
240 Mrs. Jones - Second.
241
242 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mrs. Jones. All in favor say
243 aye. All opposed say no. The motion passes.
244
245 At the request of the Commission, the Planning Commission deferred Amendment to the Major
246 Thoroughfare Plan: MTP-2-05, to its meeting on February 9, 2006.
247
248 Mr. Silber - Mr. Branin, there is a resolution that we have prepared for the Planning
249 Commission's consideration related to that Major Thoroughfare Plan. There has been some
250 concern and some opposition toward this Major Thoroughfare Plan Amendment for extension of
251 Three Chopt Road, and we believe that preparing an analysis of the land uses, coupled with this
252 road extension, would be helpful to do them at the same time. So, at the request of Mr. Branin,
253 we have prepared a resolution for the Planning for the Planning Commission's consideration, and
254 that would have the staff look at the land uses surrounding this proposed road and bring that
255 back to the Commission in the form of a public hearing at the same time the MTP Amendment is
256 being considered.
257
258 Mr. Vanarsdall - The same time the one we had tonight.
259
260 Mr. Silber - Yes, sir. The same time as the one that was just deferred to February.
261
262 Mr. Vanarsdall - That one there.
263
264 Mr. Silber - Yes, this one right here. So, has staff provided the Commission with
265 that resolution?

266
267 Ms. Moore - We have copies.
268
269 Mr. Silber - Are you ready to deal with this at this time, Mr. Branin?
270
271 Mr. Branin - Yes, I am. And if any of the other Commission members have any
272 questions while reviewing the resolution, please ask.
273
274 Mr. Silber - Again, what this resolution is doing is requesting that the staff prepare
275 the report and advertise a public hearing for the Planning Commission's hearing of February 9,
276 2006. At that time we will bring to you recommended land uses around this proposed road that
277 will then give the residents of this area a better sense for what land uses would be recommended
278 with the extension of this road. Keep in mind, this road extension is not proposed to be
279 constructed by the County. It is not something that will be done at this time, but as this
280 development, as this land develops between Lauderdale and North Gayton Road, the County
281 believes that a road would help the traffic in this area, would help the road situation, and as is
282 shown on the screen, you can see the approximate location of what that alignment would be. So
283 to provide a better analysis of the land uses around there, we think it could be handled at the
284 same time, but the current land use plan shows that this slide indicates mixed use, and the
285 residents in this area that live in Wellesley are concerned that mixed use is not clear enough as
286 to what might end up on the south side of this Three Chopt Road alignment. So, having a better
287 understanding of what land uses might be adjacent to the neighborhood, I think does make
288 sense.
289
290 Mr. Vanarsdall - OK. Any questions?
291
292 Mr. Branin - Then, Mr. Chairman, I'd like to move for the adoption of the resolution to
293 initiate a study of the properties located to the south of the proposed Three Chopt Road
294 Extension.
295
296 Mr. Jernigan - Second.
297
298 Mr. Vanarsdall - All right. Motion made by Mr. Branin and seconded by Mr. Jernigan. All
299 in favor say aye. All opposed say no. The motion passes.
300
301 The Planning Commission approved the adoption of the resolution to initiate a study of the
302 properties located to the south of the proposed Three Chopt Road Extension to be heard on
303 February 9, 2006.
304
305 Mr. Silber - Next on the agenda would be consideration of a request for expedited
306 items. These are zoning requests that the applicant has asked be placed on an agenda that
307 doesn't require a full hearing. These are requests that are somewhat minor in nature. The
308 issues have been addressed. The applicant has addressed the staff concerns, addressed
309 concerns of the Planning Commission, and is placed on an agenda that can be heard quickly. If
310 there is opposition to any of these cases, they will be pulled off the expedited agenda and heard
311 in the order they are found on the full agenda. I think we have three expedited items.
312
313 Ms. Moore - The first one is on Page 2 of your agenda in the Varina District.
314
315 **C-77C-05 Kenneth S. Merner for Ross Run, LLC:** Request to amend proffered
316 conditions accepted with Rezoning Case C-65C-04, on Parcel 823-693-4446, containing 28.21
317 acres, located on the east line of Doran Road approximately 500 feet south of Ella Road. The
318 applicant proposes to delete Proffer 17 related to cash proffers. The existing zoning is R-2AC One

319 Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 1,
320 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay District.

321
322 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-77C-05, in the
323 Varina District? Any opposition? No opposition. Mr. Jernigan.

324
325 Mr. Jernigan - Mr. Chairman, this is just a housekeeping being as cash proffers are
326 gone, the developer just wanted to get this off the record, so with that I will move for approval
327 of Case C-77C-05, Ross Run, LLC, and that it be sent to the Board of Supervisors for their
328 approval.

329
330 Mrs. Jones - Second.

331
332 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mrs. Jones. All in favor
333 say aye. All opposed say no. The motion passes.

334
335 The Planning Commission recommended approval of Case C-77C-05, Kenneth S. Mercer for Ross
336 Run, LLC. And that it be sent to the Board of Supervisors for their approval.

337
338 REASON: The Planning Commission voted 5-0 to recommend the Board of Supervisors **grant** the
339 request because it was determined to be reasonable.

340
341 **C-81C-05 Midview Group, LLC:** Request to amend proffered conditions accepted
342 with Rezoning Case C-17C-05, on Parcel 806-703-3309, containing 40.8 acres, located on the
343 north line of Midview Road approximately 190 feet east of Fox Down Drive. The applicant
344 proposes to amend Proffer 12 related to pavement materials and curb and gutter. The existing
345 zoning is R-2AC One Family Residence District (Conditional). The Land Use Plan recommends
346 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

347
348 Mr. Vanarsdall - Is anyone in opposition to C-81C-05, Midview Group in the Varina
349 District? No opposition.

350
351 Mr. Jernigan - Mr. Chairman, this is another case. They proffered six inch curb and
352 gutter and we thought we'd let them try the 36-inch roll face and see how it works, so with that I
353 will move for approval of C-81C-05, Midview Group, LLC, and that it be sent to the Board of
354 Supervisors for their approval.

355
356 Mr. Archer - Second.

357
358 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
359 say aye. All opposed say no. The ayes have it. The motion passes.

360
361 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
362 request because

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364
365 **C-82C-05 James W. Theobald for Dominion Land & Development:** Request
366 to conditionally rezone from R-3C One Family Residence District (Conditional) and C-1
367 Conservation District to R-5AC General Residence District (Conditional), part of Parcel 759-768-
368 2312, containing approximately 9.4 acres, located on the west side of Francistown Road
369 approximately 116 feet south of Singletree Lane. The applicant proposes a detached single-family
370 residential development. The R-5A allows a minimum lot size of 5,625 square feet and a
371 maximum gross density of six (6) units per acre. The use will be controlled by zoning ordinance

372 regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1,
373 1.0 to 2.4 units per acre and Environmental Protection Area.

374
375 Ms. Moore - This is in the Brookland District.

376
377 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-82C-05, James W.
378 Theobald for Dominion Land and Development? No opposition.

379
380 I move that C-82C-05, James W. Theobald for Dominion Land and Development and Gibson
381 Wright, be recommended to the Board of Supervisors for approval.

382
383 Mr. Branin - Second.

384
385 Mr. Vanarsdall - Motion by Vanarsdall and seconded by Mr. Branin. All in favor say aye.
386 All opposed say no. The motion passes.

387
388 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
389 request because it would not be expected to adversely affect the pattern of zoning and land use
390 in the area; it represents a logical continuation of the one-family residential development which
391 exists in the area; and, the proffered conditions would provide for a higher quality of
392 development than would otherwise be possible.

393
394 Ms. Moore - Thank you. That concludes my report.

395
396 Mr. Silber - Moving back to Page 1 of your agenda, the first case tonight is one that
397 was deferred from the November 10, 2005 meeting.

398
399 ***Deferred from the November 10, 2005 Meeting***

400 **C-56C-05 J. F. Williams for Wms, LLC:** Request to rezone from A-1 Agricultural District to B-
401 3C Business District (Conditional), Parcels 746-760-6689, 746-760-3696, and part of parcel 746-
402 761-5525, containing approximately 5.16 acres, located at the northeast intersection of West
403 Broad Street (U. S. Route 250) and Old Sadler Road. The applicant proposes a convenience store
404 with gas sales and an automobile dealership. The uses will be controlled by zoning ordinance
405 regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration.

406
407 Mr. Silber - This is in the Three Chopt District.

408
409 Mr. Vanarsdall - Any opposition to this case? C-56C-05, J. F. Williams for Wms, LLC? No
410 opposition. Mr. Coleman, good evening.

411
412 Mr. Coleman - Mr. Chairman, Members of the Commission. The application has been
413 amended to include 1.55 acres of B-2C zoning and 3.61 acres of B-3C zoning. The applicant
414 intends to build a convenience store on the B-2C portion and the remainder of the site would
415 include an automobile dealership. The subject properties are designated Commercial
416 Concentration on the Land Use Plan.

417
418 The applicant has also filed Provisional Use Permit P-8-05 to extend the hours of operation for
419 the convenience store which is also before you this evening.

420
421 The proffers include several assurances of quality development including a conceptual site plan
422 and elevations. The conceptual site plan shows ingress/egress to the west from Old Sadler Road
423 in addition to access from West Broad Street.

424

425 The proffers include several positive features. The major aspects include the proffered conceptual
426 site plan, access would be limited to one point along West Broad Street and one along Old Sadler
427 Road, a 35' buffer would be provided along West Broad Street landscaped as regulated in the West
428 Broad Street Overlay District, a minimum 20 foot buffer would be provided along the eastern
429 property line abutting the Bennett Funeral Home which would include a decorative pre-cast
430 concrete wall, and a 15-foot buffer landscaped equivalent to a Transitional Buffer 10 would be
431 provided along Old Sadler Road.

432
433 Building materials would primarily consist of brick, EIFS, glass, stone, split-faced block, and
434 cementitious siding, several objectionable uses are prohibited, elevations have been proffered, and
435 all vehicular service would be conducted indoors.

436
437 Additional proffers would regulate trash receptacles, HVAC equipment, underground utilities,
438 lighting, outdoor speakers, signage, and other items.

439
440 The property is located along the north line of W. Broad Street in very close proximity to the
441 Interstate 64 West Broad Street interchange. Public Works requested a traffic impact study due to
442 the amount of existing traffic in the area, the potential trip generation from this request, and the
443 consideration of a realignment of Sadler Road in close proximity to this site to the north.

444
445 Properly designed and regulated the proposed uses could be appropriate and would be consistent
446 with the Land Use Plan recommendation. Although the applicant provided several assurances of
447 quality development, the applicant has not submitted the traffic study. Once the applicant is able
448 to satisfactorily identify and address potential concerns from the traffic study, staff could be more
449 supportive of this request.

450
451 That concludes my presentation. I would be happy to answer any questions. I do note the time
452 limits on the proffers would have to be waived if the Planning Commission wanted to recommend
453 approval.

454
455 Mr. Vanarsdall - Any questions for Mr. Coleman by Commission members? No questions.
456 Mr. Branin, do you need to hear from the applicant?

457
458 Mr. Branin - I don't think it is necessary, sir.

459
460 Mr. Vanarsdall - All right. I will entertain a motion.

461
462 Mr. Branin - OK. My first motion would be I would like to move to waive the time limits
463 for C-56C-05.

464
465 Mr. Jernigan - Second.

466
467 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor say
468 aye. All opposed say no. The motion passes.

469
470 The Planning Commission waived the time limits on proffers on Case C-56C-05, J. F. Williams for
471 Wms, LLC.

472
473 Mr. Branin - And with that I'd like to move for approval of C-56C-05 per staff's
474 recommendation.

475
476 Mr. Archer - Second.

477

478 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
479 aye. All opposed say no. The ayes have it. The motion passes.
480

481 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
482 request because it is appropriate business zoning in the area and the proffered conditions will
483 assure a level of development otherwise not possible.
484

485 Mr. Silber - As a companion to that request, the next item is P-8-05. Again, this was
486 deferred from the November 10, 2005 meeting.
487

488 **Deferred from the November 10, 2005 Meeting**

489 **P-8-05 J. F. Williams for Wms, LLC:** Request for a provisional use permit under Sections 24-
490 58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code, in order to allow 24-hour operation
491 of a convenience store with gas sales as permitted in the B-2 Business District, on Parcel 746-760-
492 3696, located at the northeast intersection of West Broad Street (U. S. Route 250) and Old Sadler
493 Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Commercial
494 Concentration.
495

496 Mr. Silber - Again, this is on part of the same site that was just discussed.
497

498 Mr. Vanarsdall - Any opposition to the companion case, P-8-05, J. F. Williams? No
499 opposition.
500

501 Mr. Branin - Mr. Chairman, I'd like to move that P-8-05 move forward with approval
502 with provisional use plan, subject to conditions Nos. 1 through 7 including the staff's
503 recommendation.
504

505 Mr. Jernigan - Second.
506

507 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor say
508 aye. All opposed say no. The motion passes.
509

510 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
511 request because it is reasonable and it would not be expected to adversely affect public safety,
512 health, or general welfare.
513

514 **C-74C-05 Andrew M. Condlin for Koll Bren Fund V, LP:** Request to conditionally rezone from
515 O-2 Office District to O-3C Office District (Conditional), Parcel 757-753-9760, containing
516 approximately 9.95 acres, located on the west side of N. Parham Road approximately 300 feet north
517 of Mayland Drive and on the north side of Mayland Drive approximately 390 feet west of N. Parham
518 Road. The applicant proposes an office building for educational uses. The use will be controlled by
519 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office.
520

521 Mr. Silber - This is in the Three Chopt District.
522

523 Mr. Vanarsdall - Any opposition to this case? C-74C-05, Andrew M. Condlin for Koll Bren
524 Fund V? No opposition. All right, Mr. Coleman.
525

526 Mr. Coleman - Thank you, Mr. Chairman. This request would rezone 9.95 acres from O-
527 2 to O-3C. The applicant proposes to utilize the existing office building for education uses,
528 classrooms, and a classroom use is first permitted in the O-3 district. The applicant has indicated
529 that Virginia Tech and the University of Virginia would operate at this location. The site is
530 designated Office on the Land Use Plan.

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The applicant submitted revised proffers which require waiving the time limit. Uses would be limited to O-2 district uses plus the classroom use; classroom use would be limited to 20,000 square feet; and building height, setbacks, and signage would remain as regulated in the O-2 district.

In the staff report, staff noted concerns with revised parking requirements and the regulation of permitted business uses. The revised proffers adequately address these concerns.

The existing office building is a longstanding use. Utilizing the office building for classrooms, properly regulated, would be an appropriate use at this location and would remain consistent with the Land Use Plan recommendation.

Staff recommends approval of this request.

I would be happy to answer any questions.

Mr. Vanarsdall - Any questions of Mr. Coleman by Commission members? Thank you, Mr. Coleman. Mr. Branin, do you need to talk to the developer?

Mr. Branin - No, sir, I don't think so. I'd like to move to waive the time limits for C-74C-05.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

Mr. Archer abstained from voting on waiving the time limits.

Mr. Branin - Mr. Chairman, I move for approval of C-74C-05 per staff's recommendations.

Mr. Jernigan - Second.

Mr. Vanarsdall - We have a motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the request because it continues a form of zoning consistent with the area.

Mr. Archer abstained from voting on this motion.

Deferred from the November 10, 2005 Meeting

C-67C-05 Andrew M. Condlin for Dtown L.L.C.: Request to conditionally rezone from R-4 One Family Residence District and M-2 General Industrial District to R-5AC General Residence District (Conditional), Parcels 806-710-8061 and 807-711-0058, containing 21.694 acres, located on the north line of Darbytown Road approximately 765 feet southeast of Oregon Avenue. The applicant proposes a single-family residential development with a maximum density of eighty (80) lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of six (6) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Heavy Industry and Suburban Residential 1, 1.0 to 2.4 units net density per acre.

584
585 Mr. Silber - This is in the Varina District.
586
587 Mr. Vanarsdall - Any opposition to this case, C-67C-05, Andrew M. Condlin for Dtown,
588 LLC? All right. Thank you.
589
590 Mr. Tyson - Good evening, Mr. Chairman, members of the Commission, Mr.
591 Secretary. This is a request to rezone approximately 21 acres to permit construction of a single-
592 family residential subdivision. It was deferred at your last meeting. The applicant has proffered a
593 conceptual layout of the development. The property is located on the north line of Darbytown
594 Road.
595
596 The Land Use Plan recommends SR-1, Single Family Residential use for the northern portion of
597 this parcel. The majority of the parcel is slated for Heavy Industrial uses.
598
599 The applicant has submitted a revised proffer statement dated December 6, 2005 that contains
600 many assurances of quality development. Should the Planning Commission wish to take action
601 on this case tonight, the time limits would not have to be waived on these proffers as we
602 received them on time.
603
604 The applicant has proffered no more than 88 lots on the property. The property is intended to
605 be developed using traditional neighborhood design concepts. The lots would be 50 feet in
606 width, all would contain porches designed to encourage residents to be outside, and all would be
607 accessed via an alley that would run the perimeter of the property. No front loading garages
608 would be permitted, and there would be no curb cuts along the street frontages. Additionally,
609 brick foundations would be provided. Minimum house sizes of 1,700 square feet finished floor
610 area are proposed. No ranch-style homes would be permitted. The houses would be similar in
611 design to these proffered renderings. (See case file)
612
613 Because this is a zero lot line development, some of the homes will have to be semidetached,
614 and the following exhibits have been proffered as showing those two-family dwellings, and I
615 apologize for the quality of the renderings here.
616
617 Standard six-inch curb and gutter would be used. A four-foot sidewalk would be provided on one
618 side of the public streets in the development.
619
620 A clubhouse a minimum of 2,000 square feet in size would be constructed prior to the issuance
621 of the 40th certificate of occupancy. It would be substantially similar to this rendering.
622
623 A 6-foot white vinyl fence, with lattice top, would be installed around the perimeter of the
624 property. The applicant would also provide a minimum of a four-foot buffer between the fence
625 and the alley at the rear of the lot. That could be increased to actually seven feet in some areas.
626 The applicant has proffered that the alleys will be restricted to vehicles weighing 10,000 pounds
627 or less and a speed limit of 15 miles per hour.
628
629 The applicant has proffered that all homes shall be one-family dwellings. Because of the
630 requested zoning, the homes must be on zero lot lines and this will require some semi-detached
631 housing on certain lots.
632
633 The flag lots shown on the original plan from last month have been deleted, and significant
634 improvements have been made to the conceptual layout. The applicant has proffered that this
635 plan is conceptual in nature and may be amended to reflect regulatory conditions as approved at
636 the time of Planning Commission approval.

637
638 The proposed use, while not in keeping with some of the adjacent uses, may be an appropriate
639 transition from the industrial development to the east and south and the residential uses to the
640 north and west. Staff supports the traditional neighborhood design concepts the applicant is
641 attempting to incorporate and believes that enough flexibility exists in the proffers to permit
642 more detailed design work to occur in the future. Staff will note that there are two or three
643 housekeeping matters in the proffers that will need to be addressed. For instance, there will be
644 12 parking spaces provided for this clubhouse and there are actually 15 shown on the concept
645 plan. And the date that is actually referenced in the proffers will need to be changed. Other
646 than that, staff believes the applicant has addressed our concerns and recommends the Planning
647 Commission forward this case to the Board of Supervisors with a recommendation for approval.
648

649 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members?
650

651 Mr. Silber - Mr. Tyson, there are a couple of elevations and most of these are single-
652 family. Right?
653

654 Mr. Tyson - Yes.
655

656 Mr. Silber - Are there two that are detached?
657

658 Mr. Tyson - There are three, Exhibits C1, C2 and C3, are the attached constructions.
659 One unit and one unit and then again, those are attached.
660

661 Mr. Silber - Thank you.
662

663 Mr. Jernigan - And they are only through the center.
664

665 Mr. Vanarsdall - All right. Thank you, Mr. Tyson. Good evening, Mr. Condlin.
666

667 Mr. Condlin - Mr. Chairman, Andy Condlin from Williams, Mullen. Since we have
668 opposition I didn't know if you wanted to go through the rules or not. I was going to reserve five
669 minutes, and I am not going to take but a few minutes to go over some of the changes.
670

671 Mr. Silber - Let me just say that the policy of the Planning Commission on a rezoning
672 request, the applicant is provided 10 minutes to present his case. Some of that time can be
673 saved for rebuttal time. The opposition is also entitled to a total of 10 minutes to express their
674 concerns and opposition. When the Planning Commission is asking anyone at the podium
675 questions, that is not a part of the 10-minute allocation. The Planning Commission can extend
676 that period of time if they so choose. So you would like to save five minutes?
677

678 Mr. Condlin - Yes, five minutes is fine or whatever I have left.
679

680 Mr. Chairman and members of the Commission, my name is Andy Condlin and I have with me
681 Dave Jester. If you remember, the last time we were here we were saying that we could only
682 have a few minor revisions to make this plan better, I think. Thankfully, despite our potential
683 objection, it did get deferred, and I am going to agree that it is a better plan with the staff's
684 comments and really everyone rolled up their sleeves to make this a much better plan overall, to
685 take what we thought was a good plan and make it even better to protect the residents and the
686 surrounding area with good quality property, but also to provide a better layout overall with
687 respect to the clubhouse and the lot layout, as well as the alley distribution. Mr. Tyson has gone
688 through, for the most part, most of the significant items. I will make a mention that we have
689 specifically taken out the provision of the public road. I did want to mention that, so that they

690 could be public or they could be private. We have shown them here on the plan as public roads.
691 These are public road widths, and public roads for the curbs and the cul-de-sacs would meet all
692 public road standards. If we do go to private road standards, we don't have anymore lots. It
693 just serves to provide more green space and brings the homes closer to the roads is what it
694 ultimately provides for. So, that would be a great benefit, but as I said, this is the worst case
695 scenario with respect to the type of distribution of the lots and the road system itself. In
696 addition, we have shown on the plan, and it is a little harder to see on here, but we did
697 specifically show on the plan the sidewalks. It was a concern. You can see that on this plan.
698 There is a significant amount of sidewalks and the dark line that runs through is really where the
699 sidewalks will be provided, again, with the ability to get to the clubhouse and the whole idea is
700 with the alleyway, and restriction of the truck traffic in the alleyway, to make it pedestrian
701 friendly. One of the unique circumstances with this property, and this development, is with only
702 80 lots, we are providing a clubhouse and a pool and the alley system, which is just not the initial
703 cost to bring that up, but also the cost of maintenance that goes with that, and we think that is a
704 great benefit to the community, with this community and the surrounding community, as well.
705 Other than that, I don't think there is anything that we need to mention with respect to the rest
706 of the property that Mr. Tyson hasn't already met. I will be happy to answer any questions you
707 might have, and I have Mr. Jester here, as well.

708
709 Mr. Vanarsdall - Any questions by Commission members of Mr. Condlin?

710
711 Mr. Jernigan - I would like to hear from the opposition.

712
713 Mr. Vanarsdall - Thank you, Mr. Condlin. Now we will hear from the opposition. Come
714 on down and state your name and tell us what you have to tell us.

715
716 Mr. Cary - Mr. Chairman and members of the Planning Commission, my name is
717 Whit Cary. I am the president of Structural Concrete Products. We are the concrete plant to the
718 south and the east of the proposed subdivision. This is a little new to me, so I raised my hand in
719 opposition. I don't know if I am in opposition or whether we just need to address our concerns
720 to make sure that the neighborhood is a safe and good neighborhood for the area.

721
722 I might mention that we recently had some lots across the street that we sold to Habitat for
723 Humanity, so we are certainly not adverse to people building in the area, but since we've got a
724 shared property boundary and everything else, we do have some concerns. I think probably
725 most people know here that we are a manufacturer of pre-cast concrete. We handle a lot of
726 heavy equipment. We have trucks moving in and out of there, not necessarily on a 24-hour
727 basis, but from sunup to after dark. We have been in the area, the plant was originally founded
728 in 1946, and the current plant has been there since 1951. We are an outside facility. We have
729 storage for concrete products and as such, we have a lot of heavy equipment and different
730 things like that moving around. The land was originally purchased, I don't know if it is
731 appropriate, but it was originally purchased from Commonwealth Sand and Gravel. That area
732 was a gravel area. We obviously are not quite that old yet, but the people who originally
733 purchased the company, it was purchased due to the close proximity of sand and gravel. Now
734 those pits have been closed down and we purchase our sand and gravel elsewhere, but those
735 trucks come and go, as well as do our heavy trucks moving in and out, moving up and down the
736 road they are hauling pre-cast elements to different job sites, all up and down the Eastern
737 Seaboard. I think that our concerns are that there is an adequate buffer between our property
738 and the proposed subdivision. One of the things that comes to mind is that we have a lot of
739 products stored out there that would make a great place for young children to go out and play in.
740 In fact, we gave a bunch of it to Henrico County Fire Department because they built an
741 enactment area where they go in, and they pile all of this stuff up, but you know, we have stuff
742 that is piled up 30 feet in the air and it has got big voids in there where kids could play and hide

743 and different things like that, and we certainly don't want anybody being hurt as a result of
744 coming in there, innocently as it may be, coming in there. The other thing is it is our
745 understanding that there is a quarry, I believe it is in Henrico County, that was allowed to build
746 some houses around it, and now there have been some problems with blasting and different
747 things like that, and so we have some concerns, also, about what kinds of problems will we have
748 in the future. People will make a decision to move in, they want to move in there, but later on
749 they are next to a heavy industrial plant with a lot of equipment and a lot of different things
750 going on, and we are outside, and what kind of liability do we have there, at a future date? I
751 mean, we've been there for 40-50 years, so that would be another concern. Like I say, this is all
752 new to me, so I don't know exactly what to say but you know, it seems like sort of an odd place
753 to build residential for what appears to be pretty close to our plant and everything, with
754 everything going on. You know, the noise with trucks and equipment and cement mixers and
755 different things like that, and I guess I would hope that you would take that into account
756 because we have been there for a long time and I think we've been a good citizen through the
757 years, so with that, do you all have any questions, and if not, I will sit down.

758
759 Mr. Archer - Mr. Cary. It is Mr. Cary, right? Besides the trucks moving around, what
760 other activities would you all have that might cause some discomfort to the neighborhood?

761
762 Mr. Cary - Well, did you ask the size of the trucks?

763
764 Mr. Archer - No, I didn't, but you can tell me.

765
766 Mr. Cary - Excuse me.

767
768 Mr. Archer - I didn't, but you can tell me.

769
770 Mr. Cary - Oh, no. I didn't know. We have over the road trucks with large pieces of
771 pre-cast. We have a batch plant. We have vibrators on the bed that vibrate. We have lighting
772 that is outside that lights up the area. We have travel lifts that are large cranes that travel the
773 yard way to pick up the pieces. The pieces on the average weigh about 56,000 pounds, and
774 place them on the truck and ship them out.

775
776 Mr. Archer - But other than the noise of the engines, would there be anything that
777 would cause earth movement or shaking or noises like blasting?

778
779 Mr. Cary - I wouldn't anticipate like blasting. No. We have vibrators on the bed. I
780 can hear them from time to time in the office, which is right there, but that would be it.

781
782 Mr. Archer - So, nothing makes the earth tremble?

783
784 Mr. Cary - Not like blasting or not like digging or anything like that. No.

785
786 Mr. Archer - Thank you.

787
788 Mrs. Jones - Mr. Cary, I'd like to ask just so I am clear. I am looking at this site plan
789 in front of you there. You are directly to the south?

790
791 Mr. Cary - To the south and the east, I believe.

792
793 Mr. Condlin - I can show you on the zoning map. You can see the plans right there
794 along this edge right there and that is the plant. So, if you look at our exhibit, that line is the
795 corner that moves over that way, so his plant sits back in this area right here.

796
797 Mrs. Jones - And the trucks are to the east of the plant is where they normally come
798 and go?
799
800 Mr. Condlin - The trucks come down a roadway that goes right along the property
801 boundary.
802
803 Mrs. Jones - Right next to where the subdivision would be.
804
805 Mr. Cary - Yes. In fact, I am not sure that it is not encroaching, slightly.
806
807 Mr. Jernigan - I have never talked to you before. This case came up last month. It has
808 been around for a while, so I will say this. As you know, the front of this property is zoned R-4
809 and had been zoned sometime, so they could have built houses a long time ago. We are
810 rezoning all of it, but the corner in the back is zoned M. What you are saying is right, yet if this
811 residence was there, I would not put you next door to them, but you are already there, so the
812 noise and the fact of everything is there, when somebody walks in the door and looks at a place
813 to buy, they know that that noise is there, so it is up to them whether they want to buy it or not.
814 The fact that you are talking about kids coming in,
815
816 Mr. Cary - Yes, sir.
817
818 Mr. Jernigan - That can be a problem, but I believe you said there is a 6-foot fence
819 around the perimeter, so that should ease up on it. I am not saying, let's face it, somebody is
820 going to probably come in there, but they are taking precautions to try to ward that off.
821
822 Mr. Cary - What about some type of sound wall or something like that down
823 through there?
824
825 Mr. Jernigan - Well, like I said, if somebody buys there, they know that noise is there.
826 I mean it is like moving in next to an airport. They know they are going to hear the sound of jet
827 engines, and that is their option to buy. Like I said, I wouldn't put you there if they were already
828 there, but being as you are there, and have been there for sometime, if those people opt to buy
829 a house there, they have to put up with the noise. If somebody comes back to me and says, you
830 know, we've got too much noise next door, I am not going to come looking for you to do
831 something about it.
832
833 Mr. Cary - OK, and that is different than the quarry. Somebody just brought that
834 up to me, but I understand that was the same situation, where the people had, in fact, situated
835 or rezoned around a quarry or something, and then that there was ongoing – and we are not
836 blasting and doing things like that, but, you know, I guess I am just looking for some assurances
837 that we won't have a problem down the road provided that we live within the bounds of what we
838 are supposed to do as a good neighbor and dust control, and you know the different things that
839 are associated that we are required to do by law.
840
841 Mr. Jernigan - You were there first.
842
843 Mr. Cary - OK.
844
845 Mr. Jernigan - I am not to come looking for you to do something.
846
847 Mr. Silber - Mr. Cary, I think your point is valid and I am glad you are here tonight.
848 I think that this is a concern of planners, to make sure that there is a proper separation and we

849 are not putting people in harm's way of sound and vibration and impact. Mr. Jernigan is right.
850 The use is there. It is properly zoned. There is going to be impact on this neighborhood and I
851 think we need to try to recognize that and minimize that and they have designed this in a way
852 that they have placed their driveway and clubhouse and those type of facilities closer to your
853 high impact side, and have run the residences in the back more where the impact is less. I did
854 want to ask you maybe a question or two. How close are your activities or some of your highest
855 impact activities and where do you plan to expand in the future if you do plan to expand?
856

857 Mr. Cary - Well, in terms of our manufacturing facility, we have a roadway that all
858 the traffic comes in and out of. I would say on the average we probably have 30 to 40 semi-
859 tractor trailers a day that go up the road that is common to the....(referring to rendering). So our
860 main roadway where we access all of the trucks come in right down on this property line. This is
861 our office building right here. This is the land that we sold to Habitat for Humanity last year.
862 This is the manufacturing facility down through here. It consists of, I think, about 800 or 900
863 feet long, about 100 feet wide. It is serviced by three overhead bridge cranes that are used to
864 pick up and carry the pre-cast concrete out to the finishing area, and then we have ancillary
865 houses and craneways down through here, a welding shop that is right there. We are right up
866 against this property line with the main portion of the plant. Over here is where we do dry
867 finishing and cleaning and different things, and then this out to here is primarily for storage. So,
868 we are right down along that property line, and I don't know. It is not for me to say. I wouldn't
869 buy it. But that is not for me to say, but it just seems like there should be more of a buffer and
870 it makes sense to sort of close it off and everybody is going to be happier with one another, and
871 you guys are going to get less phone calls, and different things. People change their minds, you
872 know, once they move in, sometime.
873

874 Mr. Jernigan - Oh, yes.
875

876 Mr. Silber - I suspect, Mr. Jernigan, that we will be getting some phone calls. I think
877 that there is going to be impact here and I think one thing Mr. Cary needs to understand also is
878 when the zoning does go in place, then they would be subjected to some transitional buffers
879 themselves as they expand in the future, because they would be next to residentially-zoned
880 property, whereas now they are adjacent to manufacturing or M-1 or M-2 zoned property. That
881 is why I was asking about, sir, your expansion plans in the future. I don't know if you had any
882 plans.
883

884 Mr. Cary - Well, we looked at doing some expansion over in here (referring to
885 rendering). We were planning on covering the rest of the craneway down through here.
886

887 Mr. Silber - The property further to the south is all zoned industrially, so if you own
888 property in that area where the pointer just was...
889

890 Mr. Cary - Yes. We own all the way down to here and all the way back up to the
891 landfill, and then back through here, back by the pond. So, that is all of our property in there, as
892 I understand it.
893

894 Mr. Silber - You can see the area back toward the pond, but up against their
895 property looks green, so it looks like there is some vegetation back on that one side, next to the
896 subject property.
897

898 Mr. Cary - This here?
899

900 Mr. Silber - No. The north side.
901

902 Mr. Cary - No, I don't think there is anything.
903
904 Mr. Silber - Back a little bit further.
905
906 Mr. Cary - Oh, I am sorry. Back here, yes. Back in there is not quite as much of a
907 concern. I mean, we've got employees that we try to keep from coming back there and fishing
908 in the ponds, because they are really sort of nice ponds back here. You know, you've got to
909 factor in the...I don't know. I don't know, but it makes good concrete.
910
911 Mr. Jernigan - Mr. Silber, one thing I looked at, too, and let's face it, this is not a prime
912 site, but the area that is along Darbytown was zoned R-4 before and it was M-1 in the back or M-
913 2. If we keep it M-2, and a M-2 user comes along, he is coming in next to that neighborhood
914 that is there. So, at least now, I mean they would be upset if we put somebody heavy in there.
915
916 Mr. Cary - But he is coming in, as opposed to us already being there. That is the
917 difference in your point.
918
919 Mr. Jernigan - Right. See you are already there, and if people come in and buy those
920 homes, they know what they are getting, where those people that are established over on the
921 other road, if we put another M-2 user there that makes a lot of noise, they will be upset. So, I
922 did take that into consideration, that whoever buys these knows what they are buying.
923
924 Mr. Silber - Yes, the lesser of two evils. I think what we might also do is, perhaps
925 ask the applicant what they intend to do to inform the residents that would be buying in here.
926 We did have another quarry operation just outside of the County but could potentially impact the
927 County, that came and met with us recently, and they were concerned about potential impact
928 from their blasting on future homeowners, not Tidewater Quarry, that you've read all about, but
929 a different quarry, and I think one of the things that can be done is proper notification by the
930 developer and builder of that residential subdivision, so the people that are moving in understand
931 what they are moving in next to, the impact of that, and sometimes they can actually put
932 something into the marketing and sales agreement indicating that there is impact next door.
933 Sometimes they are reluctant, because that could hamper the sale of homes, but I think that it is
934 incumbent upon them to recognize what is next door.
935
936 Mr. Cary - Oh, yes, that was my thought about some type of sound wall or
937 something like that, like you see along the highways, to give a buffer, a sound buffer, everything
938 else. Like I say, we are not against the subdivision. We have got employees who might want to
939 move in there, and that is not so much the problem, but it is just so close, down through that
940 area, and that is our main thoroughfare as we, where everything comes in and out, that it is a
941 potentially, it is going to be problematic, I think, unless something, more of a setback and some
942 type of sound wall or something goes in there, in my opinion. But I am just a concrete guy.
943
944 Mr. Jernigan - If you were moving in next to them, you'd have to be 300 feet away.
945
946 Mr. Cary - Well, that is one of the things that we talked about. Since you are
947 moving in there, why wouldn't you be required to have 300 feet?
948
949 Mr. Jernigan - Because they don't require residential to have that much, but only if they
950 put industrial right next to residential that is already existing.
951
952 Mr. Vanarsdall - Thank you. Does anyone else want to speak? Come on down.
953

954 Mr. Dodd - My name is Jimmy Dodd and I own the M-1 property across Darbytown
955 Road from the proposed site, and there is a small creek that runs through my property that the
956 County insists is floodplain, but even when we had Gaston come through and dump 10 inches of
957 rain in an afternoon, and everywhere around me flooded, but the creek handled it fine because I
958 am wondering is there going to be any difference in the, are they going to do anything about the
959 drainage or whatever? Is it going to make it worse? Any of the water coming through that
960 property? That was one of my concerns. The other is, is it going to have any impact on me
961 wanting to develop my M-1 property that is already there and already zoned M-1?
962
963 Mr. Jernigan - Well, you have a restaurant sitting in there?
964
965 Mr. Dodd - What?
966
967 Mr. Jernigan - Are you talking about the restaurant?
968
969 Mr. Dodd - No. I am talking about the block on this side of the restaurant. I own
970 that, too.
971
972 Mr. Jernigan - OK.
973
974 Mr. Silber - Let me try to answer your question. I will take the second one first.
975 You have property zoned M-1. You have the right to develop that. This should not impact your
976 development rights in that M-1. Relative to the drainage, the drainage aspects would be looked
977 at very closely when they come in with their plan of development, their subdivision plans. All of
978 the surface water that would be contained on this property would be captured in a retention
979 basin and released slowly, but the County drainage engineers will be looking very closely at their
980 construction plans when they come in to develop this property. You really should have no
981 increased flow coming towards your property and, in fact, it may be less.
982
983 Mr. Dodd - Another question. What is the price range of these homes going to be?
984
985 Mr. Silber - The applicant would have to address that. Do you have any other
986 questions?
987
988 Mr. Dodd - Well, the reason I am wondering what the price range is because from
989 the apartments down the road and from Fulton Hill, and that area, we have had some problems,
990 not a lot, but some problems with the people. Because of the woods and the area and them
991 away from us somewhat with the low income housing. It hasn't impacted us that much, but if
992 they move to where it is all low income right up to it, that I feel as though it will be. We seem to
993 have more problems since the Habitat houses moved in down the street and since they have
994 developed more, and I think these houses are going to have problems with the people from the
995 Habitat houses. I don't know how, if they are going to get a real high class of people wanting to
996 move in there.
997
998 Mr. Jernigan - They start right around \$190,000.
999
1000 Mr. Condlin - Actually the starting point now is set to \$250,000 to \$300,000,
1001 depending on the model of the home, and that is the starting price, so we would probably be
1002 averaging about \$275,000. I will say that it sounds like everyone is trying their best to
1003 discourage them from going forward, but he still think he's got a good project here to move
1004 forward and the starting price, with all the quality with the elevations, that is really where this is
1005 going to come from. And there is a different type of folks that would want to live in the
1006 neighborhood feel that you get. That is why, one of the reasons we put the fence around here.

1007 It was not only to protect against the concrete plant but also to provide that feel for the
1008 protection of the neighborhood and bring the houses in closer together. I think the other thing
1009 that on the plan, as you see, we tried to take advantage of a couple of things with the BMP area,
1010 which will be the one that captured all of the stormwater that you are concerned about. There is
1011 a delineation of the wetlands, with no wetlands on here, of course, as well. That is not even
1012 done, but I will point out that the design we tried to incorporate, and this was one of the things
1013 that was done on purpose, and this home is actually – the closest home is more than 60 feet
1014 away. There is a 6 foot right-of-way and a buffer and a fence, with a fence separating it, and
1015 that is why we put the clubhouse with the parking unit. It was a conscious effort to do that.
1016 Related to Mr. Silber's concerns or his comments, I think that certainly we've done that in other
1017 cases, for various reasons, County roads, to get notice of County roads on the Major
1018 Thoroughfare Plan coming through and for other surrounding noise. That is not a problem. We
1019 could work out a proffer. We can get into it immediately about the marketing material, and if it
1020 is still desired under restrictive covenants, which would run with the land, but it really is a
1021 marketing material that is probably more important. So, if you are going to hide that concrete
1022 plan next door, the alleys are going in behind the house. The clubhouse is going to be a part of
1023 that and you are going to see that there, but we will certainly be happy to put it into the
1024 marketing material and make some sort of commitment on that to satisfy the staff on that. We
1025 have to make the change from 12 to 15 on the parking on the clubhouse anyway, so we can do
1026 that immediately within a week in that time period. Otherwise, give him the other benefit around
1027 the boundary next to the concrete plant in addition to the fence and the additional buffer and the
1028 clubhouse, the road sitting there, and the alleyway, and the common green area. I do think that
1029 we are protected enough against the primary activity of the concrete plant along that area, which
1030 primarily goes right up to this point here. With that, I hope you would follow staff's
1031 recommendation and recommend this to the Board of Supervisors, and if you have anything else,
1032 I'd be happy to answer your questions.

1033
1034 Mr. Jernigan - Andy, I think one of the concerns that Mr. Cary has, he wants to make
1035 sure that they didn't have any liability as this moved along, which I don't feel that he should.

1036
1037 Mr. Condlin - I wasn't involved with the quarry case and I think you guys can tell me a
1038 little bit different, but they had a special permit that they had with respect to the noise issue.
1039 That was the issue there, that this is a by-right into the neighborhood that you cited, obviously.
1040 That was one of the points that you brought up that I was going to bring up as well, that
1041 someone could come in here, and while it is a new use, and they'd have to abide by the buffers,
1042 there were no conditions on that property. It is wide open with the M-2. At the very least, with
1043 their current operations, they don't have any special permit that they need. They are operating
1044 by right under the M-2 as it currently exists, so I do see that as a different case than the other
1045 cases that might be involved otherwise.

1046
1047 Mr. Archer - Mr. Condlin, is there any type of buffering that is already proposed that
1048 is adjacent to the M-2?

1049
1050 Mr. Condlin - Well, in addition to the 6-foot fence around the entire property, we've
1051 got that around the entire property.

1052
1053 Mr. Vanarsdall - Is that a fence or a wall?

1054
1055 Mr. Archer - Fence.

1056
1057 Mr. Condlin - It is a 6-foot fence, not a wall.

1058
1059 Mr. Archer - What about sound suppression, like berms?

1060
1061 Mr. Condlin - We have submitted to put in within the 7-foot area behind this area,
1062 behind the fence, planting. It is a 7-foot area. It is not a wide area, obviously, but you could put
1063 planting in there, but by no means are we putting in a concrete wall. I don't think anybody
1064 wants a concrete wall in that area, next to that material there.
1065
1066 Mr. Vanarsdall - Let's see, white vinyl fence. Right?
1067
1068 Mr. Condlin - Yes, sir.
1069
1070 Mr. Vanarsdall - That doesn't stop much noise there.
1071
1072 Mr. Condlin - Again, it doesn't stop a lot of noise, but I will tell you this, too, there is
1073 nobody's backyard backing up to that vinyl fence either. These folks, the people that are living in
1074 this home, with the clubhouse and pool in front of it, there is no lot here along that area. That is
1075 why it was designed that way, so the road is there. There is enough distance, I think, in that
1076 respect.
1077
1078 Mr. Jernigan - Mr. Cary has some defects he may want to donate to you. You know,
1079 blemishes.
1080
1081 Mr. Condlin - We will talk to him and see if we can put those up and come back and
1082 amend it if he does. As I said, we will put the notice in there. People moving into this area know
1083 it. Mr. Jester has been out there. He owns the property. He is familiar with this operation and
1084 the noise from the trucks and feels comfortable with where he is.
1085
1086 Mr. Jernigan - I don't have any more questions. Jimmy, do you want to say something
1087 else? You have to come up to the podium.
1088
1089 Mr. Dodd - I was wondering if there could be any help for the businesses along
1090 there to improve them, from the County. I tried to get, last year to get you all to change the
1091 Enterprise Zone to include part of Darbytown Road right there, because I think if we had some
1092 help to really improve the businesses and as far as the looks and stuff, including my own
1093 restaurant, I would like to really upgrade it and improve it. I think it would help these houses
1094 and all sell better, and the County, too, and attract more business to me and the other
1095 businesses right there from the County.
1096
1097 Mr. Jernigan - Well, the Enterprise Zone, as it stands right now, comes down Nine Mile
1098 Road and juts off a little bit through there, but I don't know that we have anything coming down
1099 Darbytown.
1100
1101 Mr. Silber - There is no plan.
1102
1103 Mr. Jernigan - Down Darbytown Road or Williamsburg Road in that area.
1104
1105 Mr. Silber - There are no plans to take it out this way. Part of the challenge is that
1106 we typically run those along our commercial corridors, and you can see there is a commercial
1107 area here with the B-1 and the M-1, but on either side, you have these residential separations,
1108 and it is hard to run though Enterprise Zones through that to get to the area you are talking
1109 about, so I don't see the Enterprise Zone coming out in this direction at this time.
1110
1111 Mr. Vanarsdall - Do you want to come on back?
1112

1113 Mr. Jernigan - Jimmy, you are right. That area does need some help.
1114
1115 Mr. Dodd - I guess my comment is, when I heard the prices of the homes, I am
1116 flabbergasted. I am appalled. I can't believe that you would run a 6-foot high chain-link fence
1117 with plastic in there up against our facility, with the types of houses that you are building.
1118
1119 Mr. Jernigan - That is 6-foot vinyl.
1120
1121 Mr. Dodd - Vinyl. OK. I mean, it just absolutely blows my mind that you all would
1122 allow that to happen. Absolutely blows my mind, and I came in here open minded. I thought
1123 that these were going to be \$150,000 houses and different things like that, and you know, to be
1124 up against us, I am telling you, we are going to have problems. OK. And I don't know what we
1125 will do about it. I don't mean it as a threat or anything like that, but you know, to have 7-feet
1126 between our plant with everything that goes on there, the dump trucks coming in, the gates
1127 falling. You have got dirt roads in there that generate some dust. You know, we try to keep the
1128 dust down and different things like that. It blows me away. It just floors me, but that is how I
1129 feel. Thank you.
1130
1131 Mr. Vanarsdall - Thank you.
1132
1133 Mr. Jernigan - Well, I guess as everybody can see, this has been somewhat of a tough
1134 case because of the area there. There has been no industrial that has come in, and like I said, if
1135 an M-2 user does come in, he is going to be up with that next neighborhood. I feel that the
1136 developer, we worked with him on this, and I feel we have just about the best that we can other
1137 than a sound wall. I will agree with you on that, Mr. Cary. The way it is laid out, the quality of
1138 the homes, most of the toughest area is coming from Darbytown Road right up to where it cuts
1139 to the back and the houses there are limited. You have the pool facility and the road separation
1140 on that, but we spent a lot of time on this case and I have thought a lot about this case, and
1141 decided to let it move along. At first I wasn't for it, but then I did consider it, and we are where
1142 we are. So, with that, I will move for approval of C-67C-05, Dtown, LLC, to the Board for their
1143 approval.
1144
1145 Mr. Branin - Second.
1146
1147 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Branin. All in favor
1148 say aye. All opposed say no. The motion passes.
1149
1150 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
1151 request because it is reasonable, it would not adversely affect the adjoining properties if properly
1152 developed, and the proffered conditions will provide for a higher quality of development than
1153 would otherwise be possible.
1154
1155 **P-12-05 Edward B. Kidd for Nextel Communications of the Mid-Atlantic, Inc.:** Request
1156 for a provisional use permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of
1157 the County Code in order to construct and operate a telecommunications tower up to 199 feet in
1158 height and related equipment, on part of Parcel 847-703-4371, containing approximately 2,500
1159 square feet, located on the south line of Technology Boulevard at Elko Tract Road. The existing
1160 zoning is M-2 General Industrial District. The Land Use Plan recommends Planned Industry and
1161 Environmental Protection Area.
1162
1163 Mr. Vanarsdall - Is anyone in the audience in opposition to this Provisional Use Permit for
1164 a tower? Any opposition? No opposition. Mr. Coleman.
1165

1166 Mr. Coleman - Thank you, sir, Mr. Chairman, and members of the Commission. Nextel
1167 is requesting this provisional use permit to install a monopole-style communication tower up to
1168 199 feet in height on the Infineon Technologies property. The site is zoned M-2 and is
1169 designated Planned Industry and Environmental Protection Area on the 2010 Land Use Plan. The
1170 Infineon Site is undeveloped and industrially zoned property on all four sides.
1171
1172 The applicant provided evidence this tower would improve network coverage in the area and
1173 enable Nextel to provide in-building wireless communications services on the Infineon campus.
1174
1175 The tower and support equipment would be located within a lease area to the rear of the
1176 property inside the existing fence line and adjacent to a Dominion Virginia Power substation.
1177
1178 The applicant has not submitted a "letter of intent" to commit to provide co-location for
1179 additional providers at this location. The Land Use Plan encourages co-location on all towers,
1180 and staff encourages the applicant to provide co-location on this tower in support of the County's
1181 efforts to reduce the proliferation of towers.
1182
1183 The applicant has requested amending the conditions as listed in the staff report, and staff
1184 supports the request to amend condition #1 to increase the number of business days from 10 to
1185 15.
1186
1187 In summary, the applicant has demonstrated this tower would improve network coverage in this
1188 area and enable Nextel to provide additional services on the Infineon campus. The site is not
1189 objectionable for a tower, and this request is consistent with the County's preference for locating
1190 towers in industrial zoning districts and in areas designated industry on the Land Use Plan.
1191
1192 If the applicant could satisfactorily address staff's concern regarding co-location, staff could fully
1193 recommend approval of this request subject to amended condition #1 and conditions #2 through
1194 10 as listed in the staff report.
1195
1196 I'd be happy to answer any questions.
1197
1198 Mr. Vanarsdall - Any questions for Mr. Coleman from Commission members?
1199
1200 Mr. Jernigan - I don't have any, Mr. Chairman.
1201
1202 Mr. Vanarsdall - Thank you, Mr. Coleman. There wasn't any opposition.
1203
1204 Mr. Jernigan - Mr. Chairman, I don't really need to hear from the applicant. We have
1205 discussed this and everything is OK on this case with the exception of Condition #1 that they just
1206 wanted to change the business days from 10 to 15, which I didn't have a problem with. Staff
1207 also spoke about co-location. This is at the Infineon Chips Plant and Nextel had to do a lot of
1208 testing to get in there themselves. The problem with this is they have so much sensitive
1209 equipment, electronic equipment, in the Infineon facility, that they are afraid to get anybody else
1210 in there. They have the option to get somebody else on that pole, but they'd have to go through
1211 extensive testing, just like Nextel did. So, what I'd like to do is strike #5 Condition as for the co-
1212 location.
1213
1214 Mr. Silber - That would be recommendation with Conditions #1 through 10, minus
1215 #5, and #1 would be modified from 10 business days to 15 business days.
1216

1217 Mr. Jernigan - Mr. Coleman has already modified that. We just need to strike #5. And
1218 with that, I will move for approval of Provisional Use Permit P-12-05, Nextel at Infineon, with the
1219 changes of striking #5 and conditions #1 through 4, and #6 through 10.

1220
1221 Mr. Branin - Second.

1222
1223 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Branin. All in favor
1224 say aye. All opposed say no. The motion passes.

1225
1226 REASON: The Planning Commission voted 5-0 to recommend the Board of Supervisors **grant** the
1227 request because it is reasonable in light of the surrounding uses and existing zoning on the
1228 property.

1229
1230 ***Deferred from the November 10, 2005 Meeting***

1231 **C-50C-05 James W. Theobald for Parker & Orleans Home Builders, Inc.:** Request to
1232 conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District
1233 (Conditional), Parcels 762-768-2433, 762-768-3508, and 762-767-5793 containing approximately
1234 17.152 acres, located on the west line of Staples Mill Road approximately 1,350 feet north of
1235 Meadow Pond Lane. The applicant proposes a single-family subdivision with a maximum of 33
1236 dwellings. The R-2 District allows a minimum lot size of 18,000 square feet with a maximum
1237 gross density of 2.42 units per acre. The use will be controlled by zoning ordinance regulations
1238 and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
1239 units net density per acre.

1240
1241 Mr. Silber - This is in the Brookland District.

1242
1243 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-50C-05? No
1244 opposition. All right. Ms. Deemer.

1245
1246 Ms. Deemer - Good evening. The applicant proposes to develop no more than 33
1247 homes in a single-family subdivision. The property is located along the west line of Staples Mill
1248 Road north of Meadow Pond Lane. The 2010 Land Use Plan recommends Suburban Residential 1
1249 with a density range of 1.0 to 2.4 units per acre. The requested single-family use and proposed
1250 density of 1.92 units per acre are consistent with this designation. The staff encouraged the
1251 applicant to integrate the remaining adjacent parcel and the applicant revised the original
1252 rezoning request, adding the residual parcels remaining along Staples Mill Road, after the recent
1253 Marchetti zoning case. The applicant has submitted proffers dated December 8, 2005, which I
1254 believe staff has just passed out to you, that includes a conceptual plan of the development. The
1255 other major aspects of the proffers include homes will have a minimum of 2,700 square feet. All
1256 homes will have two-car garages with 75% of the garages being side or rear loaded, front and
1257 side yards will be sodded and irrigated. Chain link and wooden stockade fences will be prohibited
1258 and an irrigated and landscaped entrance feature will be provided. The applicant has made a
1259 concerted effort to address the majority of concerns identified in the staff report.

1260
1261 The remaining outstanding issue is elevations and building materials. The applicant is
1262 encouraged to provide elevations and information related to the types of materials to be used in
1263 the construction of the dwellings. Additionally, County Schools Administration notes that the
1264 proposal will cause additional overcrowding in Hermitage High School. If the applicant could
1265 address the outstanding elevation and building material issues, staff could recommend approval
1266 of this request.

1267
1268 This concludes my presentation and I would be happy to try to answer any questions that you
1269 may have. Time limits will have to be waived on the proffers.

1270
1271 Mr. Vanarsdall - All right. Any questions for Ms. Deemer by Commission members?
1272 Thank you, Ms. Deemer. Mr. Theobald. I believe you sent all of the Commissioners a copy of
1273 this latest one, didn't you?
1274
1275 Mr. Theobald - Yes, sir.
1276
1277 Mr. Vanarsdall - Because I know we have several changes, and they are all for the better,
1278 but I didn't know we had it in there.
1279
1280 Mr. Theobald - We worked it to the end.
1281
1282 Mr. Vanarsdall - Does anyone have any questions for Mr. Theobald?
1283
1284 Ms. Jones - I do. Just the access for the five lots right here. Point to that access so
1285 I am sure I understand.
1286
1287 Mr. Theobald - This is the entrance road which has been relocated from down in this
1288 portion of the site. We have a boulevard entrance and then these five homes are to face Staples
1289 Mill Road and so we have a 50-foot landscape area adjacent to the right-of-way. We have a 20-
1290 foot private access easement that is part of the lot in order to provide access for these homes
1291 facing Staples Mill Road.
1292
1293 Ms. Jones - And that will be, that private road will be maintained by...
1294
1295 Mr. Theobald - It will be part of the obligation of each lot owner. It is just like a
1296 driveway with 20-foot asphalt sections. It would not be maintained by the homeowners
1297 association.
1298
1299 Mr. Vanarsdall - The setback on these homes is 100 feet?
1300
1301 Mr. Theobald - Yes, sir. They are 100 feet.
1302
1303 Mr. Silber - Mr. Theobald, we had another driveway access similar to this recently,
1304 and Public Works had asked that that 20 foot driveway be back far enough, say off of Staples Mill
1305 Road, in this case, so as to allow cars making a right-hand turn off of Staples Mill not to run into
1306 someone trying to turn down the driveway, so you may need to have some flexibility in the
1307 movement of that secondarily as they come out of that little driveway, trying to get on to their
1308 residential street. That median right there has to be short enough so that they can come out
1309 and make that left.
1310
1311 Mr. Theobald - Right. We have. That is a good point, Mr. Silber. We have actually run
1312 this plan by Public Works and the requirement is that this private drive, the closest edge to the
1313 right-of-way, be a minimum of 50 feet off, and that is what this is designed to do.
1314
1315 Mr. Silber - OK. Good.
1316
1317 Mr. Vanarsdall - Thank you. If there are no more questions, thank you, Mr. Theobald.
1318
1319 Mr. Branin - Mr. Chairman, I have worked with Mr. Theobald. He feels very flexible,
1320 don't you?
1321

1322 Mr. Vanarsdall - All right. If there are no more questions, I am ready for a motion. This
1323 is a continuation of the C-19C case that we had a few months ago, that had all of these
1324 amenities and very upscale, and one thing I liked is the 100 foot setback and no homes facing
1325 Staples Mill, and all of the rest of the quality goes along with the other one. With that I
1326 recommend C-50C-05 be recommended to the Board of Supervisors for approval.
1327
1328 Mr. Jernigan - Second.
1329
1330 Mr. Vanarsdall - I recommend that we waive the time limits on the proffers.
1331
1332 Mr. Archer - Second.
1333
1334 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say
1335 aye. The motion passes.
1336
1337 I now recommend that Case C-50C-05 be sent to the Board of Supervisors for approval.
1338
1339 Mr. Branin - Second.
1340
1341 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Branin. All in favor
1342 say aye. All opposed say no. The motion passes.
1343
1344 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
1345 request because it conforms to the recommendations of the Land Use Plan, it is appropriate
1346 residential zoning at this location and it represents a logical continuation of the one-family
1347 residential development which exists in the area.
1348
1349 ***Deferred from the November 10, 2005 Meeting***
1350 **C-64C-05 Robert M. Atack for Kent and Mary Glass:** Request to conditionally rezone from
1351 A-1, Agricultural District to R-2AC, One Family Residence District (Conditional), Parcel 765-769-
1352 5497, containing 5.7 acres, located on the west line of Mountain Road at its intersection with
1353 Good Oak Lane. The applicant proposes a single-family residential subdivision. The R-2A District
1354 allows a minimum lot size of 13,500 square feet and a density of 3.23 units per acre. The use will
1355 be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
1356 recommends SR-1, Suburban Residential uses (1.0 – 2.4 units per acre).
1357
1358 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-64C-05, Robert
1359 Atack for Kent and Mary Glass? Mr. Tyson.
1360
1361 Mr. Tyson - Mr. Chairman, members of the Commission, Mr. Secretary. This is a
1362 request to rezone approximately 5.7 acres to permit construction of a single-family residential
1363 subdivision. The applicant has proffered this conceptual layout of the development. The
1364 property is located on the west line of Mountain Road at Good Oak Lane which is a private road,
1365 shown here on the conceptual plan. The Crump Manor nursing home is immediately across
1366 Mountain Road from this site.
1367
1368 The Land Use Plan recommends SR-1, Single-Family Residential uses for this parcel. The
1369 proposed project is consistent with the use recommended in the 2010 Land Use Plan, as is the
1370 proposed density.
1371
1372 The applicant has submitted a proffer statement that has just been submitted to you. The
1373 foundations will be brick or stone, 2,000 square feet of finished floor area for one-story dwellings

1374 and 2,500 square feet for two-story dwellings will be required. Three foot roll face curb and
1375 gutter will be used throughout the neighborhood.

1376
1377 Two car garages will be provided.

1378
1379 There is an existing home on Lot 2. That home would be preserved. No additional structures
1380 would be permitted on this lot, and no homes would be permitted to be constructed between
1381 such home and Mountain Road. Essentially the home to be constructed on Lot 1 could be no
1382 closer to Mountain Road than the existing structure. The Recreation and Parks Department did
1383 note that it was fairly significant and the applicant is preserving it.

1384
1385 The use is in keeping with the surrounding land uses and both the use and density are in keeping
1386 with recommendations of the 2010 Land Use Plan. I will point out that the Department of Public
1387 Works has expressed concern about the proposed location of the streets serving the community.
1388 This street is immediately adjacent to Good Oak Lane, which is a private road. Other than that,
1389 the use and density are in keeping with the recommendations of the 2010 Land Use Plan. The
1390 applicant has proffered that the road would be located along the southeast portion of the
1391 property.

1392
1393 With that, I will be happy to answer any questions that you might have and I believe the
1394 applicant's representative is here.

1395
1396 Mr. Vanarsdall - All right. Any questions for Mr. Tyson by Commission members?

1397
1398 Mr. Silber - I think it would be appropriate for the applicant to explain how this
1399 public road will function in its close proximity to this private drive. I am confused by how that is
1400 going to work. We will let the applicant address that.

1401
1402 Mr. Vanarsdall - Thank you. Mr. Theobald. Before you start, I tried to get some
1403 verification on this and I wasn't able to do it. I ran out of time. So we can address it at the
1404 Board time, but I would like to hear what you have to say about it.

1405
1406 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald. I am
1407 here on behalf of Clarendon Associates, LLC. We have been discussing this issue with Mr.
1408 Vanarsdall and Mr. Glover. The hope is to find a solution to locate the road here. The private
1409 road does serve a few homes going down...

1410
1411 Mr. Vanarsdall - About three back there, I think.

1412
1413 Mr. Theobald - There are a few more than that, actually down Good Oak, but the real
1414 issue is in order to provide access, we really want to avoid harming the integrity of what is really
1415 a charming home there on Lot 2, and so to flip it on the other side would really cause formal
1416 disruption to that house, if you've ever seen it. I was out there today and really they've done a
1417 lovely job of maintaining it. So, we are working with Mr. Glover and with transportation to make
1418 sure we can do this, so it is an issue that we are certainly aware of, and we are looking for a
1419 solution and I think a solution is going to be that it is going to be closer to that side of the
1420 property than not.

1421
1422 Mr. Silber - Is it possible to have this private drive simply tie into the public road?

1423
1424 Mr. Theobald - By eliminating the private roads?

1425

1426 Mr. Silber - I don't see the purpose of having this private road. It looks like it might
1427 serve a neighborhood of six to eight houses, something like that. Immediately adjacent to it, it
1428 looks as though there is no separation...
1429
1430 Mr. Theobald - There is actually a little separation. Apparently that dirt road is not quite
1431 contiguous with the property line. I mean, that is something we can certainly explore.
1432
1433 Mr. Vanarsdall - I think those three houses are all that wanted to use it right now.
1434
1435 Mr. Theobald - Yes. There is another road that connects back in there, I think, as well,
1436 but the dirt road goes back fairly far.
1437
1438 Mr. Vanarsdall - It is more than three. I thought it was three.
1439
1440 Mr. Silber - I think, I would guess there is a workable solution, because that private
1441 drive is having to be maintained by the property owners, and I think they would probably
1442 welcome the opportunity to be able to have access to the public road that is going to be
1443 maintained by the County.
1444
1445 Mr. Theobald - Unless there is an effort to screen this new subdivision from the homes
1446 on the other side of that dirt road, which might be desirable.
1447
1448 Mr. Vanarsdall - Do you all have any questions for Mr. Theobald? OK, thank you, Jim. I
1449 would like to make sure that this is addressed between now and the Board meeting, Mr.
1450 Theobald. And I know there is a solution to it. If there are no more questions, I'd like to make a
1451 motion.
1452
1453 I move that we waive the time limits on Case C-64C-05.
1454
1455 Mr. Archer - Second.
1456
1457 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
1458 say aye. All opposed say no. The motion passes.
1459
1460 Mr. Vanarsdall - I move that C-64C-05 be recommended to the Board of Supervisors for
1461 approval.
1462
1463 Mr. Branin - Second.
1464
1465 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Branin. All in favor
1466 say aye. All opposed say no. The motion passes.
1467
1468 REASON: The Planning Commission voted 5-0 to recommend the Board of Supervisors **grant** the
1469 request because it is reasonable, it conforms to the recommendations of the Land Use Plan, it
1470 continues a similar level of single family residential zoning as currently exists in the area, and the
1471 proffered conditions will assure a level of quality otherwise not possible.
1472
1473 **C-83C-05 Deborah G. LaVecchia:** Request to rezone from R-2 One Family Residence District
1474 to R-2AC One Family Residence District (Conditional), Parcel 813-727-8406, containing 1.0 acre,
1475 located on the west line of Biloxi Road approximately 340 feet south of Natchez Road. The
1476 applicant proposes a single-family residential subdivision. The R-2A District allows a minimum lot
1477 size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The use will be
1478 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan

1479 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is in the
1480 Airport Safety Overlay District.
1481
1482 Mr. Silber - This is in the Fairfield District.
1483
1484 Mr. Vanarsdall - Is anyone in the audience in opposition to C-83C-05? No opposition. Mr.
1485 Coleman.
1486
1487 Mr. Coleman - Mr. Chairman, members of the Commission, this proposal would rezone
1488 one acre from R-2 to R-2AC to permit a three lot single-family subdivision. The site is designated
1489 SR2 on the Land Use Plan.
1490
1491 The applicant submitted revised proffers to further regulate the development. Lots would have a
1492 minimum lot width of 90 feet, all new dwellings would have a minimum square footage of 1,400
1493 square feet and all homes would have a crawl space with brick foundations.
1494
1495 The SR2 designation recommends 2.4 to 3.4 units net density per acre. With a density of 3.0
1496 units an acre, this proposal would fall within the recommended density range for the SR2
1497 designation.
1498
1499 Single family development is appropriate, and the proposed use and density are consistent with
1500 the Land Use Plan recommendation. The proposal would be consistent with other lot sizes and
1501 with development patterns in the area. The applicant also provided proffers to improve the
1502 quality of the development. Staff recommends approval of this application.
1503
1504 Mr. Vanarsdall - Any questions for Mr. Coleman?
1505
1506 Mr. Archer - I don't have any, Mr. Chairman.
1507
1508 Mr. Vanarsdall - Thank you, Mr. Coleman, again. Do you need to hear from anyone?
1509
1510 Mr. Archer - I don't believe so, Mr. Chairman. There were two items that staff was
1511 wanting to have addressed in order to recommend approval and it seems like the proffers might
1512 have done that. Do these need to have the time limits waived? They don't? OK.
1513
1514 Mr. Vanarsdall - All right. Thank you.
1515
1516 Mr. Archer - Mr. Chairman, I move to recommend to the Board of Supervisors
1517 approval of Case C-83C-05, Deborah G. LaVecchia.
1518
1519 Mr. Jernigan - Second.
1520
1521 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
1522 say aye. All opposed say no. The motion passes.
1523
1524 REASON: The Planning Commission voted to recommend the Board of Supervisors **grant** the
1525 request because it is appropriate residential zoning at this location and it would not be expected
1526 to adversely affect the pattern of zoning and land use in the area.
1527
1528 **APPROVAL OF MINUTES:** Planning Commission November 10, 2005
1529
1530 Mr. Silber - We do have approval of the minutes from the Planning Commission's
1531 November 10, 2005 meeting.

1532
1533 Mr. Vanarsdall - All right. Does anybody have any changes on the minutes?
1534
1535 Mr. Archer - You know I did, Mr. Chairman, but I forgot to bring them with me.
1536
1537 Mr. Vanarsdall - That is good. Thank you.
1538
1539 Mr. Silber - You didn't need to bring them. You can just tell us what the changes
1540 were.
1541
1542 Mr. Archer - I don't remember what they were.
1543
1544 Mr. Vanarsdall - Any other changes? If not, I would like to have a motion.
1545
1546 Mrs. Jones - I move approval of the Minutes of November 10, 2005 as read.
1547
1548 Mr. Jernigan - Second.
1549
1550 Mr. Vanarsdall - Motion made by Mrs. Jones and seconded by Mr. Jernigan. All in favor
1551 say aye. All opposed say no. The motion passes. The minutes are approved.
1552
1553 **Deferred from the November 10, 2005 Meeting**
1554
1555 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN: MTP-2-05** Proposed Addition of a
1556 Three Chopt Road Extension and West Broad Street Connector between Lauderdale Drive and
1557 North Gayton Road.
1558
1559 Mr. Silber - The last item on the agenda is a resolution to direct staff to prepare a
1560 Land Use Plan Amendment designating the Liesfeld property, which is located between the south
1561 line of West Broad Street and the north line of Three Chopt Road, at the southwest interchange
1562 of I-64 and West Broad Street. The designation is proposed to go to Urban Mixed Use
1563 development. We have provided you with a resolution. For your information, this precedes an
1564 application for rezoning of this property that we anticipate being filed next week. We have met
1565 with the applicant and the applicant 's representatives and they have made this request to
1566 amend the Land Use Plan to Urban Mixed Use, which is a requirement for rezoning property to
1567 Urban Mixed Use to have it designated on the Land Use Plan. So, this resolution would direct
1568 staff to study this, bring this forward, and we would have an advertised public hearing for
1569 February 9, 2006.
1570
1571 Mr. Vanarsdall - Any questions?
1572
1573 Mrs. Jones - I do. Just to make sure I understand. It is staff that will be doing this
1574 study and assessment, it is not an outside consultant or something like that? This is all internal.
1575
1576 Mr. Silber - This is all internal.
1577
1578 Mrs. Jones - And is it paid for by the applicant, or is that just part of our service?
1579
1580 Mr. Silber - It is part of our service. You get many services from this Planning
1581 Department.
1582
1583 Mrs. Jones - Wonderful, and secondly, we've had a number of cases come up. There
1584 are some exciting possibilities for new development along Broad Street. I keep coming back to

1585 traffic. First, take tonight's traffic plan that wasn't quite in place, which I am sure it will be for
1586 presentation to the Board, but under this study that we're going to do for the UMU possibility,
1587 how extensive will the traffic analysis be?
1588

1589 Mr. Silber - That is a good question. As part of the Land Use Plan Amendment, we
1590 will be looking at traffic as we look at all aspects of the impact of the land use change. But, in
1591 addition to our evaluation of the Land Use Plan or the transportation aspect associated with this
1592 amendment, when they file the rezoning request, they also have to submit a very detailed traffic
1593 impact analysis. That really is where the more difficult questions will be asked as to whether the
1594 road network can support this type of development. The Land Use Plan Amendment, more or
1595 less, would look at the acceptability of having an Urban Mixed Use form of development in this
1596 vicinity. We will be looking at transportation network, but the real detail will happen when they
1597 file for zoning, and they have to hire the traffic experts to do that analysis and it will be
1598 extremely detailed and thick, and look at all the turning movements and all of the access to and
1599 from the property and then our traffic engineer reviews that in great detail.
1600

1601 Mrs. Jones - I just wanted to underscore my concern with that because we can have
1602 beautiful developments that need the mix, and I would love to be able to think it could.
1603

1604 Mr. Silber - I think your point is well taken. I think if this property were developed
1605 today as a UMU, or construction started today, I would have some real serious concerns, because
1606 you don't have John Rolfe Parkway in, you don't have some improvements that we are planning
1607 at 64 and Broad Street. Pouncy Tract Road, which is just off this map, will have another bridge
1608 crossing over 64 and widening their plans to have a crossing a little bit further out at North
1609 Gayton Road over at 64. So, there are some planning improvements out here that really help
1610 further development along Broad Street.
1611

1612 Mr. Branin - As a matter of fact, Bonnie-Leigh, if you look at just west of the red line
1613 on your screen, that parcel there, next month you will have some of it in front of you, a POD for
1614 actually a part of the road of that project that will tie into Three Chopt, which will then allow the
1615 County access to get into there and begin John Rolfe, so before this UMU study is put into action
1616 and the UMU is developed, we will be looking at John Rolfe underway and many of the other,
1617 Three Chopt and so forth, being in place to help with that traffic concern.
1618

1619 Mrs. Jones - Well, we have talked about this a little before. I know you are as tuned
1620 in as can be to it, and I just wanted to emphasize the fact that we have great opportunities in
1621 these areas. These are exciting concepts that we need to be ever mindful of how it is in reality if
1622 you live around the area. That is fine. I look forward to the projects.
1623

1624 Mr. Branin - Mr. Chairman, I would like to move for the adoption of the resolution to
1625 initiate the study of the Land Use Plan Amendment for the Urban Mixed Use development of the
1626 Liesfeld property located on West Broad Street.
1627

1628 Mrs. Jones - Second.

1629
1630 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mrs. Jones. All in favor say
1631 aye. All opposed say no. The motion passes.
1632

1633 Thank you for your patience, Mr. Condlin.

1634
1635 Mr. Branin - And Mr. Condlin, I have to admit that is a very nice bow tie you have.
1636

1637 Mr. Vanarsdall - We know when you come in here with that dickey bow on, you mean
1638 business.
1639
1640 Mr. Archer - Oh yes, all of this is being recorded. You can read about this 100 years
1641 from now.
1642
1643 Mr. Chairman, I move for adjournment before any more comments get on the record.
1644
1645 Mr. Vanarsdall - Adjourned.
1646
1647 The meeting adjourned at 8:45 p.m.
1648
1649
1650
1651
1652

Ernest B. Vanarsdall, C.P.C., Chairman
1653
1654
1655
1656

Randall R. Silber, Secretary
1657
1658
1659