

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., on January 13, 2000, Display Notice having been published in the  
4 Richmond Times-Dispatch on Thursday, December 23, 1999, and Thursday, December 30,  
5 1999.

6

7 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe  
8 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland  
9 C. W. Archer, C.P.C., Fairfield  
10 Debra Quesinberry, Varina  
11 Allen J. Taylor, Three Chopt  
12 Patricia S. O'Bannon., Board of Supervisors, Tuckahoe  
13 John R. Marlles, AICP, Secretary, Director of Planning

14

15 Others Present: Randall R. Silber, Assistant Director of Planning  
16 Elizabeth S. Via, Principal Planner  
17 Mark Bittner, County Planner  
18 Lee Householder, County Planner  
19 Jo Ann Hunter, County Planner, AICP  
20 Eric Lawrence, County Planner, AICP  
21 Judy Thomas, Recording Secretary

22

23 Mr. Marlles - Good evening, Madam Chairman, and members of the  
24 Commission. This is our first meeting of the New Year, not the New Millennium, but the New  
25 Year. We actually do have two new members of the Planning Commission serving with us  
26 tonight. Mrs. Patricia O'Bannon, who is seated on my left, is the Board representative who was  
27 appointed to serve on the Planning Commission for the next year on Tuesday evening. She does  
28 represent the Tuckahoe District on the Board of Supervisors. On my far right, Mr. Allen Taylor,  
29 has been appointed to fill the position vacated by Mrs. Mary Wade. Mr. Taylor does represent  
30 the Three Chopt District. We do have a full Planning Commission here tonight, so we can  
31 conduct business, Madam Chairman.

32

33 Ms. Dwyer - I would like to welcome Mrs. O'Bannon and Mr. Allen Taylor.

34

35 Mr. Taylor - Thank you very much.

36

37 Ms. Dwyer - (Comments unintelligible-microphone not working).

38

39 Mr. Marlles - The next item of business is the request for deferrals and  
40 withdrawals. Mrs. Via.

41

42 Mrs. Dwyer - Good evening.

43

44 Mrs. Via - Good evening, and thank you very much.

45 Mrs. O'Bannon - If I could make one mention, one thing I noticed on this (referring  
46 to agenda). It says, "Planning Commissioner." Beside each name, it says, "C.P.C". I am also a  
47 Certified Planning Commissioner,...and that means that we have taken the course.

48  
49 Mr. Vanarsdall - Mrs. O'Bannon, I will tell you, you will have to remind them  
50 several times before you get that.

51  
52 Mr. Silber - No, she won't.

53  
54 Mr. Archer - (Comments unintelligible).

55  
56 Mr. Vanarsdall - I had to write a letter.

57  
58 Ms. Dwyer - Okay, Mrs. Via.

59  
60 **Deferred from the December 9, 1999 Meeting:**  
61 **C-72C-99 James W. Theobald for Dalriada, L.L.C.:** Request to  
62 conditionally rezone from RTHC Residential Townhouse District (Conditional) to M-1C Light  
63 Industrial District (Conditional), Parcel 58-A-48C, containing approximately 3.588 acres, located  
64 on the northwest line of Gaskins Road approximately 300' south of its southwest intersection with  
65 Three Chopt Road. A mini-storage warehouse facility is proposed. The use will be controlled by  
66 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban  
67 Residential, 3.4 to 6.8 units net density per acre.

68  
69 Mrs. Via - Thank you, Madam Chairman. Our first case this evening to be  
70 deferred on the 7:00 p.m. agenda is case C-72C-99. The applicant has requested a deferral to  
71 March 9, 2000.

72  
73 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of  
74 Case C-72C-99 Dalriada, L.L.C? Any opposition to the deferral? No opposition. It is in the  
75 Tuckahoe District, so I move that case C-72C-99 be deferred to March 9, 2000 at the applicant's  
76 request.

77  
78 Mr. Vanarsdall seconded the motion.

79  
80 Ms. Dwyer - Motion by Ms. Dwyer and second by Mr. Vanarsdall. All in favor  
81 of the motion say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).  
82 The motion carries.

83  
84 Mrs. Via - Thank you. Madam Chairman, we have three cases that will be  
85 deferred on the 8:30 p.m. agenda. Would you like for me to mention them now, but you won't  
86 be able to make a motion until 8:30 p.m.?

87  
88 Mrs. O'Bannon - Can we mention them?

89 Ms. Dwyer - March 9<sup>th</sup>. I'm sorry. That would be March 9<sup>th</sup>, correct? Duly  
90 noted. Do you just want to mention the cases on the 8:30 agenda? We will not take action on  
91 them now. It is not 8:30 yet.  
92

93 Mrs. Via - That's right. The cases will be deferred at 8:30 p.m., in case  
94 anyone is here a little bit early :  
95

96 In the Three Chopt District, C-3C-00 James W. Theobald for H. H. Hunt Corp: Request to  
97 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District.  
98

99 That deferral will be to February 10.  
100

101 The second case on the 8:30 agenda is in the Varina District. This is Case C-10C-00 Jay M.  
102 Weinberg for Attack Properties. This is a request to conditionally rezone from A-1 Agricultural  
103 District, RTHC Residential Townhouse District (Conditional) and O/SC Office/Service District  
104 (Conditional) to RTHC Residential Townhouse District (Conditional), R-5C General Residence  
105 District (Conditional) and O/SC Office Service District. That deferral has been requested to  
106 March 9<sup>th</sup>.  
107

108 And then the last case that we will need to take up before we start our 8:30 agenda is in the  
109 Fairfield District. That is Case C-65C-99 Donald L. Strange-Boston for Steven and Dody  
110 Tribble and Charles W. Sanders, Jr. and J. Sanders.  
111

112 This is, if you remember, a request to conditionally rezone from B-3C Business District  
113 (Conditional) and R-4 One Family Residence District to B-3C Business District. That case also  
114 is being requested deferral to March 9<sup>th</sup>.  
115

116 Mr. Vanarsdall - Madam Chairman, we have another one that should be picked up.  
117 That is C-10C-00 under 8:30. Do you have any record of that?  
118

119 Ms. Dwyer - I think we already mentioned that one.  
120

121 Mrs. Via - In the Brookland District, that is C-10C-00 Jay M. Weinberg for  
122 Attack Properties.  
123

124 Ms. Dwyer - She mentioned that.  
125

126 Mr. Vanarsdall - I'm sorry, I didn't hear it.  
127

128 Ms. Dwyer - All right. Is that it? Thank you, Mrs. Via.  
129

130 Mr. Marlles - The next item on the agenda is the election of Chairman. It gives  
131 me great pleasure to be able to handle this portion of the agenda. At the first meeting of each year,  
132 the Planning Commission elects its Chairman and Vice Chairman for the coming year. So, at this  
133 time, we will conduct this portion of the business. I would like to open the floor, at this time, for  
134 nominations for Chairman of the Planning Commission for 2000.

135  
136 Mrs. Quesinberry - Mr. Secretary, I would like to nominate Mr. Ernest B. Vanarsdall for  
137 Chairman of the Planning Commission for the Year 2000.  
138  
139 Mr. Marlles - We have a motion by Mrs. Quesinberry for Mr. Vanarsdall to serve  
140 as Chairman for the Year 2000. Do we have a second?  
141  
142 Mr. Archer - Mr. Secretary, I will second that motion.  
143  
144 Mr. Marlles - We have moved and seconded that Mr. Vanarsdall serve as  
145 Chairman for the Year 2000. Are there any other nominations? Do we have a motion to close  
146 nominations?  
147  
148 Mrs. Quesinberry - I move that we close nominations.  
149  
150 Mr. Archer seconded the motion.  
151  
152 Mr. Marlles - We have a motion and a second to close nominations for Chairman  
153 of the Planning Commission. All those in favor of Mr. Vanarsdall for Chairman of the Planning  
154 Commission for the Year 2000, signify by saying aye. All those opposed, say nay. Mr. Vanarsdall  
155 is elected Chairman of the Planning Commission for the Year 2000. Congratulations.  
156  
157 We will now vote for the position of Vice-Chairman of the Planning Commission for the Year  
158 2000. Are there any nominations for the position of Vice-Chairman?  
159  
160 Mr. Archer - Mr. Secretary, I would like to place in the nomination the name of  
161 Debra Quesinberry.  
162  
163 Mr. Marlles - Do we have a second on the floor for Mrs. Quesinberry as Vice-  
164 Chairman for the coming year?  
165  
166 Ms. Dwyer - Second.  
167  
168 Mr. Marlles - We have a motion that has been seconded that Mrs. Quesinberry  
169 serve as Vice-Chairman of the Planning Commission for the Year 2000. Are there any other  
170 nominations from the floor?  
171  
172 Mr. Archer - Mr. Secretary, I move that we close the nominations.  
173  
174 Mr. Vanarsdall - Second.  
175  
176 Mr. Marlles - Nominations are closed. All those in favor signify by saying aye. I  
177 believe that is unanimous. Mrs. Quesinberry, congratulations, you are Vice-Chairman of the  
178 Planning Commission for 2000.  
179

180 Mr. Vanarsdall - Mr. Secretary, I thank you for that, and I thank my colleagues for  
181 the election of Chairman. I may not go down to the be the best Chairman, but I will go down to be  
182 the first one of this century.

183  
184 With that, Mr. Secretary, we have a very pleasant duty now to do, and Mrs. Dwyer, the former  
185 Chairman, of about two minutes, will you come down to the microphone?  
186

187 Mrs. Dwyer, it is my pleasure to present you with a gift for being a good chairman for the other  
188 century of the year 1999. And you ought to be very glad that you didn't get another plaque. You  
189 did do a good job, and we disagreed sometimes, but that is what it is all about, and we're glad that  
190 you served. We thank you.

191  
192 Ms. Dwyer - It is not a plaque.

193  
194 Mrs. Quesinberry - Is it something to eat?

195  
196 Ms. Dwyer - Oh, Landscape Plants of the Southeast. I will have to show this to  
197 Mary Wade.

198  
199 I am not going to prolong the meeting with a speech, but I would like to thank everyone for being  
200 such good colleagues during the last year. I have certainly enjoyed the experience of being  
201 Chairman, and I have learned a lot. I have learned a whole lot. I have enjoyed the process, and it  
202 has been my privilege to serve, so, thank you very much.

203  
204 Mr. Vanarsdall - Mrs. Quesinberry, would you like to say something?

205  
206 Mrs. Quesinberry - Oh, that's a dangerous question. I thought we just talked about  
207 having shorter meetings.

208  
209 Mr. Vanarsdall - ...That is going to be one of your jobs this year, to shorten the  
210 meetings.

211  
212 Mrs. Quesinberry - I will assist you in that endeavor.

213  
214 Mr. Vanarsdall - Mr. Secretary.

215  
216 **C-1-00** **Jordan Consulting Engineers for H. H. Hunt Corp.:** Request to  
217 rezone from R-3C One Family Residence District (Conditional) to C-1 Conservation District, part  
218 of Parcel 10-A-7B, described as follows:



264 N 40°02'10" E 99.79 feet to a point in the centerline of the creek.

265  
266 Thence leaving the creek in a southeasterly direction with a line common to Wyndham Forest  
267 Subdivision, Section 4; (1) S 12°36'40" E +/-105.0 feet to a point. Thence leaving the common  
268 line with Wyndham Forest, Section 4, in a southwesterly along the approximate limits of the 100  
269 Year FEMA Flood Plain 623 feet as it meanders to a point. Thence with the lands of Loch Levan  
270 Land Limited Partnership in northwesterly direction; N 79°47'16" W +/-540.0 feet to a point in  
271 the centerline of a creek, said point being the Point and Place of Beginning for the Proposed C-1  
272 area and containing approximately 0.91 acres.

273  
274 Mr. Marlles - Mr. Eric Lawrence will be presenting the staff report?

275  
276 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-1-00? Does  
277 anyone wish to speak on the case? All right, Mr. Lawrence.

278  
279 Mr. Eric Lawrence, County Planner - Thank you, Mr. Chairman. Not to speed up the meeting, but  
280 the first two cases are actually pretty much identical. They are the same development; one is  
281 Section 7 and the other is Section 8, respectively. They are both zoned C-1 cases. If you like, I  
282 can present them together, and then you can just take action separately at the end?

283  
284 Mr. Vanarsdall - We have no objections.

285  
286 Mr. Lawrence - Okay, thank you. These two applications C-1-00 and C-2-00 are  
287 requests to rezone land located within the Wyndham Forest Subdivision, Sections 7 and 8  
288 respectively to the C-1 District. Acceptance of this application will fulfill the sites Proffered  
289 Condition No. 4, and will fulfill the 2010 Land Use Plan's intent of preserving the environmentally  
290 sensitive areas.

291  
292 The two sites; the first a 7-acre site, and the second, a 1-acre site, are predominantly floodplain  
293 areas, occasionally saturated and may be of limited active recreational use. Although, as weather  
294 permits, the area may be useful for passive recreation, such as hiking. In any event, staff would  
295 encourage that the area be promoted as an environmental preservation area rather than a recreation  
296 open space amenity for the neighborhood.

297  
298 I'd like to point out, also, that a little later in this evening's agenda, staff will talk about open space  
299 and C-1 Conservation areas, and particularly, home ownership of them, so we can go into detail  
300 into that later on. But, I would like to point out that, in this particular case, staff has evaluated the  
301 cases as to who should hold ownership to a conservation area.

302  
303 In reviewing the case, it was felt that Wyndham Forest is a large development, ultimately a couple  
304 of hundred homes, and they would have a homeowner's association that would be capable of  
305 maintaining common open space. And from that aspect, the association would be appropriate to  
306 maintain this area. Also, there is an advantage to having it within the homeowners in this  
307 particular situation because of the environmental sensitivity of the area. You place it in common  
308 open space and common areas, it prohibits people from disturbing the environment, removing the

309 trees, from placing sheds and things of that nature. So, for this particular case, it is appropriate that  
310 the homeowner's association would maintain this area.

311  
312 With that said, there are no significant comments from any of the review agencies, and staff  
313 supports both of these applications. I'd be happy to answer any questions if there are any.

314  
315 Mr. Vanarsdall - Are there any questions by Commission members of Mr. Lawrence?

316  
317 Mrs. O'Bannon - Who would accept ownership of the property?

318  
319 Mr. Lawrence - It is my understanding, currently, they are going to deed it over to  
320 the homeowner's association.

321  
322 Mrs. O'Bannon - Do they understand the liability issues?

323  
324 Mr. Lawrence - That is my understanding. Correct.

325  
326 Mrs. O'Bannon - Okay.

327  
328 Mr. Lawrence - The developer is also the same developer whose developed  
329 Wyndham, so he is familiar with the homeowner's association and the creation thereof.

330  
331 Mrs. O'Bannon - Because they are pretty much required to have an insurance policy  
332 on those areas of liability.

333  
334 Mr. Lawrence - That's correct.

335  
336 Mrs. O'Bannon - Okay.

337  
338 Ms. Dwyer - Mr. Lawrence, I don't know if this is an issue for this particular  
339 case, but one of the things we might want to talk about in our discussion item for C-1 we are  
340 accustomed to assuming it is going to be a preservation area, when, in fact, as you know, there are  
341 a lot of different uses that are allowed in the C-1 District. So, maybe one of the discussion items  
342 for that could be, when we accept proffers for C-1, do we expect that it will be a preservation area  
343 that we proffer out some of the other uses, such as A-1 uses, or sawmills or other passive  
344 recreation?

345  
346 Mr. Lawrence - Okay. I'll make a note of that.

347  
348 Ms. Dwyer - Thank you.

349  
350 Mr. Vanarsdall - Any more questions? Mr. Taylor, do you want to hear from the  
351 applicant?

352  
353 Mr. Taylor - No.

354



355 Mr. Vanarsdall - All right, entertain a motion.  
356  
357 Mr. Taylor - I move to recommend approval of Cases C-1-00 and C-2-00.  
358  
359 Mr. Vanarsdall - Do we have a second?  
360  
361 Mr. Archer - I second, Mr. Chairman.  
362  
363 Mrs. O'Bannon - Should we take these separately?  
364  
365 Mr. Archer - I think you do need to take them separately.  
366  
367 Mr. Marlles - I would recommend that we do a separate motion for each case.  
368  
369 Mr. Taylor - I recommend approval of Case C-1-00.  
370  
371 Mr. Archer - I second that.  
372  
373 Mr. Vanarsdall - Motion was made by Mr. Taylor, and seconded by Mr. Archer. All  
374 in favor say aye--all opposed saying no. The vote is 5-0 (Mrs. O'Bannon abstained). The motion  
375 carries.  
376  
377 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission  
378 voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors **grant** the  
379 request because it conforms with the objectives and intent of the County's Comprehensive Plan.  
380  
381 Mr. Vanarsdall - Next case, Mr. Taylor.  
382  
383 Mr. Taylor - I move to recommend approval of Case C-2-00.  
384  
385 Ms. Dwyer - Second.  
386  
387 Mr. Vanarsdall - A motion was made by Mr. Taylor and seconded by Ms. Dwyer.  
388 All in favor say aye--all opposed say nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion  
389 carries.  
390  
391 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Dwyer, the Planning Commission  
392 voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors **grant** the  
393 request because it conforms with the objectives and intent of the County's Comprehensive Plan.  
394  
395 **Deferred from the December 9, 1999 Meeting:**  
396 **C-73C-99 Dean E. Hawkins, ASLA, for Shamin RIC Hospitality, L. C.:**  
397 Request to conditionally rezone from M-1C Light Industrial District (Conditional) and B-3  
398 Business District to M-1C Light Industrial District (Conditional) and B-3C Business District  
399 (Conditional) part of Parcel 163-A-19D, described as follows:  
400

401 Beginning at a point on the north line of Audubon Drive, approximately 500' from the eastern  
402 line of Airport Drive extended, thence on a line bearing N 28 degrees, 40 minutes, 25 seconds W  
403 for a distance of 178.93 feet to a point, thence on a line bearing S 61 degrees, 19 minutes, 35  
404 seconds W for a distance of 13.97 feet to a point, thence on a line bearing N 73 degrees, 45  
405 minutes, 19 seconds W for a distance of 218.22 feet to a point, thence on a line along Airport  
406 Drive (State Route 156) bearing N 17 degrees, 33 minutes, 35, seconds E for a distance of  
407 504.79 feet to a point, thence on a line bearing S 74 degrees, 55 minutes, 10 seconds E for a  
408 distance of 451.83 feet to a point, thence along a line bearing S 17 degrees, 33 minutes, 35  
409 seconds W for a distance of 294.63 feet to a point, thence a long a line b~earing S 61 degrees, 19  
410 minutes, 35 seconds W for a distance of 184.17 feet to a point, thence along a line bearing S 16  
411 degrees, 19 minutes, 35 seconds W for a distance of 106.73 feet to a point, thence along a line  
412 bearing S 28 degrees, 40 minutes, 25 seconds E for a distance of 90.45 feet to a point on the  
413 north line of Audubon Drive, thence along the north line of Audubon Drive bearing S 61  
414 degrees, 19 minutes, 35 seconds W for a distance of 50.00 feet, to the point of Beginning,  
415 containing 5.00 acres.

416

417 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.

418

419 Mr. Vanarsdall - Is there any one in the audience in opposition to Case C-73-99? If  
420 there is no opposition, does anybody want to speak to this case? No opposition. Mr. Bittner, good  
421 evening.

422

423 Mr. Mark Bittner, County Planner - Thank you, Mr. Vanarsdall. As Mr. Marlles said, this is an  
424 application for a hotel. The applicant has stated that it would not be an extended stay hotel. The  
425 applicant is seeking to construct a 70-foot tall structure, but the existing proffers on the site would  
426 allow no more than 40 feet in height.

427

428 The proffered conceptual plan and building elevations show a six-story, 121-room hotel. Let me  
429 pull it up here now (referring to slide). The applicant has amended the site plan, and we are  
430 showing you the amended site plan right now, by shifting the location of the building on the site.  
431 You can see the building is rotated a bit.

432

433 The Capital Region Airport Commission has reviewed this new location and has no objection to it.  
434 With this change, the Airport Commission no longer has any concerns with this application.

435

436 The surrounding property is characterized by other hotels and assorted business and industrial  
437 establishments. There are two other hotels in the immediate area on Parcel 21 directly to the south,  
438 and Parcel 1A on the western side of Airport Drive.

439

440 The applicant has also submitted revised proffers that address the comments in the staff report.  
441 Revised Proffer 11 provides a 25-foot buffer with landscaping and berming along the Airport  
442 Drive frontage of the property. Staff feels that this is acceptable.

443

444 Revised Proffer #13 defines open space to include landscaping, lawns, screening areas, buffer  
445 areas, bodies of water, works of art and outdoor recreational areas. Staff feels that this is also  
446 acceptable.

447  
448 There is one outstanding item that staff wants to bring to the Planning Commission's attention.  
449 There is an existing chain-link fence along the Airport Drive frontage of the property. Both staff  
450 and the applicant feel that the aesthetics of the site would be improved if this fence were removed.  
451 Airport Drive is a limited access VDOT roadway. We have not had an opportunity to discuss  
452 possible removal of this fence with VDOT. Staff encourages the applicant to explore this issue  
453 with VDOT when he prepares the plan of development for this site.

454  
455 In summary, staff feels that this is an appropriate area for a hotel. Neither staff nor the Airport  
456 Commission object to the increased 70-foot height. The revised proffers also address the issues  
457 associated with this request. Staff recommends approval of this application. I'd be happy to  
458 answer any questions you may have.

459  
460 Mr. Vanarsdall - Are there any questions of Mr. Bittner by Commission members?

461  
462 Mrs. Quesinberry - Mark, we have just one question and maybe it is an applicant  
463 question, or maybe it is an M-1 question, of why M-1 for this hotel use; the issue of the two  
464 previous cases, and how this one is carved out? Could you explain that?

465  
466 Mr. Bittner - Okay. Back in 1998, you see two parcels outlined with the thick  
467 dark black line here (referring to slide); Cases C-34-98 and C-35-98, were two separate zoning  
468 requests for two separate hotels. The applicant has since come in with this rezoning, which  
469 involves the property outlined with the dashed line. As you can see, he has taken a little bit of the  
470 property on the right, and also included the property from the Case C-35-98. So there would still  
471 be, where you see this arrowhead pointing here (referring to slide), that 1.054 acres left over for  
472 potential development, and we've had no application or indication as to what may be developed on  
473 the property. With only one acre, it would be difficult, in my opinion, to put a typical hotel or any  
474 typical industrial use on there, but it is still available for potential development.

475  
476 Ms. Quesinberry - Thank you.

477  
478 Ms. Dwyer - If I may follow up on that, why are we requesting M-1 with a hotel  
479 which only needs to be B-2?

480 Mr. Bittner - This was all zoned M-1 in 1989, I believe, for an industrial park, and  
481 nothing was ever developed on this site. The proffers on that case included prohibition of hotels.  
482 In 1998, Cases C-34-98 and C-35-98, they asked for removal of that proffer. They did not ask for  
483 a change in the zoning, and it's, basically, the same situation here tonight.

484  
485 Ms. Dwyer - Because there is also a proffer that relates to industrial use that we're  
486 being asked to look at tonight.

487  
488 Mr. Bittner - I'm not sure.

489  
490 Ms. Dwyer - Will we have to approve a proffer tonight that relates to industrial  
491 uses and not hotel uses? Is that correct?

492

493 Mr. Bittner - I don't believe so.  
494  
495 Ms. Dwyer - In the staff report, Proffers 1 and 2 relate to industrial uses?  
496  
497 Mr. Bittner - What is the proffer? I don't have the proffers in front of me.  
498  
499 Ms. Dwyer - Proffer 1 states "All industrial uses shall be conducted within a  
500 completely enclosed building, etc." Proffer 2 states "All uses shall be conducted so as not to  
501 endanger health, safety and welfare of those industrial type uses." Those are proffers we're being  
502 asked to (unintelligible).  
503  
504 Mr. Bittner - Would you repeat the question again, please?  
505  
506 Ms. Dwyer - The general question is, "Why we are considering M-1 zoning for a  
507 B-2 use?" I guess is my question.  
508  
509 Mr. Bittner - Why the industrial proffer?  
510  
511 Ms. Dwyer - Why the industrial proffer, and why the industrial zoning when it's a  
512 B-2 use?  
513  
514 Mr. Bittner - I don't know. I can't answer that. Maybe the applicant can.  
515  
516 Mrs. Quesinberry - Can we hear from the applicant, Mr. Chairman?  
517  
518 Mr. Vanarsdall - You want to hear from the applicant?  
519  
520 Mrs. Quesinberry - Maybe he can answer that question.  
521  
522 Mr. Vanarsdall - Will the applicant come forward, please?  
523  
524 Mr. Dean Hawkins - Mr. Chairman and members of the Commission, I am Dean  
525 Hawkins, representing the applicant. To answer your question about the proffers, what we have  
526 tried to do was to take the verbiage and the conditions of the previous two cases and essentially  
527 leave them in place and only tailor our requests to the additional height of the building. So I have  
528 tried to match all of the conditions that have been handed down throughout time to safeguard the  
529 site's development with the previous conditions. And, those first two proffers are simply left there  
530 from the previous cases. They really don't mean that much to me, because I don't think it would  
531 ever develop that way. We have a hotel, and more than likely, a restaurant site there, and that's  
532 what we would be looking at.  
533  
534 Ms. Dwyer - I guess my point is, it is good policy to, if you want a B-2 use or a  
535 B-3 use, to ask for that zoning and to have your proffers relate to that rather than carry over zoning  
536 uses and zoning classifications and proffers that are no longer applicable?  
537

538 Mr. Hawkins - Sure. Right. It does give some leeway to the owner of what may  
539 happen in front of that site where the restaurant is, but I generally think that is what is planned  
540 there. So, I am willing to discuss the two proffers, if you think they are valid points of contention.  
541

542 Mrs. Quesinberry - But, you've proffered your conceptual plan here for a hotel?  
543

544 Mr. Hawkins - Yes. It is a pretty well nailed down with a hotel.  
545

546 Mr. Vanarsdall - Are there any other questions of Mr. Hawkins?  
547

548 Mrs. Quesinberry - No. I don't have any other questions.  
549

550 Mr. Vanarsdall - You don't have any other questions?  
551

552 Mrs. Quesinberry - No.  
553

554 Mr. Vanarsdall - I will entertain a motion.  
555

556 Mrs. Quesinberry - This is kind of an odd little piece of property tucked away in an  
557 industrial area, but it is very appropriate for a hotel on the site, and especially a hotel of this  
558 quality. It is a much better plan than we saw in the past where we had two hotels on the same  
559 piece of property. So, I am pleased with what the applicant has done with this on the buffers, and I  
560 did want to make a comment about that chain-link fence, and ask that you consider what is staff's  
561 recommendations. We don't know what the VDOT situation is with that fence, but it is not  
562 attractive to your property and it won't be when you have your design up.  
563

564 Mr. Vanarsdall - Identify yourself, again, for the record.  
565

566 Mr. Hawkins - Once again, Dean Hawkins for the applicant. The fence is on the  
567 state right of way, and I think it was constructed as a barrier to limited access highways. If we are  
568 able to remove it, we will, because behind that, we have a 25-foot wide landscaped bermed buffer,  
569 and it will do better for us to have the fence removed.  
570

571 Mrs. Quesinberry - Absolutely. I would like to make a motion to recommend approval  
572 of Case C-73C-99, Shamin RIC Hospitality.  
573

574 Mr. Vanarsdall - Is there a second?  
575

576 Mr. Taylor seconded the motion.  
577

578 Mr. Vanarsdall - We have a motion by Mrs. Quesinberry, and a second by Mr.  
579 Taylor. All in favor say aye--all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon  
580 abstained). The motion carries.  
581

582 REASON: Acting on a motion by Mrs. Mrs. Quesinberry, seconded by Mr. Taylor, the Planning  
583 Commission voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors

584 **accept the proffered conditions and grant** the request because the business use is compatible  
585 with surrounding development; and the proffered conditions would provide for a higher quality of  
586 development than would otherwise be possible.

587  
588

589 Mr. Vanarsdall - Mr. Secretary, I believe that is the last one we can take right now.

590  
591 Mr. Marlles - Yes sir, Mr. Vanarsdall. We do have quite a bit of time before the  
592 8:30 agenda. Staff would suggest that we take those items, first of all, that are at the end of the  
593 agenda, and then, in addition, we have a number of announcements; updates for the Planning  
594 Commission that we'd like to present to you.

595  
596 Mr. Vanarsdall - Ladies and gentlemen, let me explain. These cases are advertised in  
597 the paper, and the time was in the advertisement and we cannot bring a case forward, even if we  
598 wanted to, until that time, so we can't do anything else on the next case until 8:30 p.m.

599  
600 **DISCUSSION: Set work session on Nine Mile Road Comprehensive Plan Amendment 11:00**  
601 **a.m., February 21, 2000.**

602  
603 Mr. Marlles - The first item on the agenda is the discussion to set a work session  
604 on the Nine Mile Road Comprehensive Plan Amendment. Just in the way of background for  
605 members of the Commission, the Nine Mile Road Plan was prepared by staff and completed, I'm  
606 not sure exactly when, but I know it was several years ago.

607  
608 That Plan recommended a number of implementation measures, including an amendment to the  
609 Comprehensive Plan to designate the Special Project Area or Special Strategy Area. Staff has  
610 prepared a draft amendment and would like to present it to the Planning Commission at a work  
611 session. Staff is recommending that that work session be held on February 21, 2000, at 11:00 a.m.  
612 That is our normal POD meeting and we have a light caseload that day, so we feel that is our  
613 recommendation.

614  
615 Mr. Vanarsdall - Is there anybody on the Planning Commission that could not be  
616 there on that date at that particular time? I thought the POD was on the 23<sup>rd</sup>.

617  
618 Mrs. Quesinberry - It is the 23<sup>rd</sup>.

619  
620 Mr. Archer - I believe Mr. Secretary said the 21<sup>st</sup>, but it should be the 23<sup>rd</sup>. Is that  
621 correct?

622  
623 Mrs. Quesinberry - Yes sir.

624  
625 Mr. Marlles - Mr. Chairman, I have been corrected. That would be a special work  
626 meeting of the Planning Commission on the 21<sup>st</sup>.

627  
628 Mr. Archer - Oh, it is the 21<sup>st</sup>, on a Monday?

629  
630 Mr. Marlles - Yes, sir.

631  
632 Mr. Taylor - I thought you all were closed that day.  
633  
634 Mr. Marlles - I don't believe so.  
635  
636 Mr. Silber - We close on the 17<sup>th</sup>.  
637  
638 Mr. Vanarsdall - Let me ask, does this suit everyone on the Commission this date and  
639 time?  
640  
641 Ms. Dwyer - What is the time again?  
642  
643 Mr. Vanarsdall - It is at 11:00 a.m. on Monday, the 21<sup>st</sup> of February, Washington's  
644 Birthday.  
645  
646 Ms. Dwyer - And at 10:00 o'clock on the 21<sup>st</sup> we already have a work session on  
647 multi-family?  
648  
649 Mr. Vanarsdall - Anyone can't do it then as far as you know tonight? All right, do we  
650 need a motion, Mr. Secretary?  
651  
652 Mr. Archer - Where will that be held, Mr. Secretary, by the way?  
653  
654 Mr. Vanarsdall - Where will that be held?  
655  
656 Mr. Marlles - Most likely, sir, in the Manager's Conference Room on the third  
657 floor.  
658  
659 Mr. Vanarsdall - All right, I will entertain a motion for that.  
660  
661 Ms. Dwyer - I move that the work session on the Nine Mile Road Corridor Study  
662 be held on Monday, the 21<sup>st</sup> of February, at 11:00 a.m.  
663  
664 Mrs. Quesinberry seconded the motion.  
665  
666 Mr. Vanarsdall - A motion was made by Ms. Dwyer, seconded by Mrs. Quesinberry.  
667 All in favor say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The  
668 motion passes. Thank you.  
669  
670  
671 Mr. Marlles - The next item is the approval of minutes of December 9, 1999?  
672  
673 Mr. Vanarsdall - Are you ready to approve those or have some of you not read them?  
674 Does anybody have any corrections? If not, let's proceed with a motion to approve the minutes of  
675 December 9, 1999.  
676

677 Mrs. Quesinberry - I move the approval of the minutes of the December 9, 1999  
678 Planning Commission meeting, with any corrections called in.

679  
680 Mr. Archer - Second.

681  
682 Mr. Vanarsdall - We have a motion made by Mrs. Quesinberry and a second by Mr.  
683 Archer. All in favor say aye--all opposed saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).  
684 The motion passes.

685  
686 Mr. Marlles - The next item that staff has to present is a presentation by Mr. Eric  
687 Lawrence on the Open Space and C-1 Conservation Areas.

688  
689 Mr. Vanarsdall - Thank you. Mr. Lawrence.

690  
691 Mr. Lawrence - Lee is handing out a little information I put together for you this  
692 evening. This is a follow up on the first two cases we talked about this evening. Based on  
693 direction the Planning Commission gave staff back in December, there was concern over land  
694 ownership of C-1 Conservation District lands. So the staff was directed to look at the situation and  
695 possibly create an evaluation criteria that we could use to help provide guidance as to who should  
696 hold the ownership to land, and what conditions might we expect to be placed on land to help  
697 preserve the environmental integrity of the sites.

698  
699 As the handout says, this is a discussion item, so, certainly, staff isn't fixed in any thoughts. It is  
700 more of putting thoughts out there and get your guidance. Henrico County continues to promote  
701 the preservation of environmentally sensitive areas through the placement in the C-1 Conservation  
702 District. Such areas may include floodplains, wetlands and steep slopes and woodlands. Areas  
703 prompting C-1 consideration have been generally identified in the County's 2010 Land Use Plan as  
704 EPA Environmental Protection Areas.

705  
706 I will point out that, also, that, in conformance with the 2010 Land Use Plan, that, typically, is why  
707 we see C-1 cases come before us to, essentially, rezone the land from whether its industrial or  
708 residential to the conservation area.

709  
710 A concern has been raised that, while the placement of such environmentally sensitive areas in the  
711 C-1 District is important, ownership and maintenance of these areas should also be considered.  
712 The maintenance of the area, to keep the debris, if garbage builds up who removes it? Because a  
713 lot of times you see one district area as flood area; floodplains, so you need to keep it clean and  
714 clear so the waters can continue to flow through, and not be blocked by debris, downed trees or  
715 anything of that nature. So, maintenance of these areas is important to consider.

716  
717 It should be noted that, in staff's evaluation and brief research that we have conducted so far, that  
718 we found that the Division of Recreation and Parks also has a criteria for acceptance of land into  
719 the County's park system. I have included that in this packet. It is about the third page of the  
720 packet, and you actually have a nice list of 12 items that they evaluate a parcel of land to determine  
721 whether or not the County should consider a piece of land for inclusion in the park system.

722



723 With all of that under consideration, what staff has thrown together is a very brief discussion item,  
724 which essentially utilizes the park system's criteria and takes it one step further. Consideration  
725 should be taken whether lands should be included in the public ownership, or should maintain  
726 private ownership.

727  
728 Obviously, if it is going to be public ownership. It's envisioned that it would be a part of the park  
729 system, so you would follow park system criteria for considering whether land should be accepted  
730 by the County. If it goes private, you've got two options that staff is aware of. This land could  
731 belong in the individual property owner's lots, or it could be part of a common area and be  
732 maintained and held ownership by the property owner's association.

733  
734 So, that's the thought pattern staff has had up to this point, and that is what the information that has  
735 been presented to you is based on that thought pattern. If I could get you to look at the second  
736 page of the handout. I've put some criteria down there to provoke some discussion, hopefully.

737  
738 The first one, County ownership. In using the same system that the Parks has, what staff would  
739 envision is, as C-1 discussion came forward, you could sit down with the property owner and  
740 discuss these criteria and figure out where it would be best to place such lands. A lot of times the  
741 developer comes in and, obviously, he is rezoning the property. He is going to sell the land, so we  
742 need to get his input if he is doing a residential development. What does he envision? He  
743 envisions the homeowners association. What would their responsibilities would be? How large is  
744 the association?

745  
746 As was commented earlier, the association, if it is going to hold land, will be obligated to get a  
747 liability insurance policy. So, there is a lot of responsibility that goes along with common area  
748 ownership. And our goal here is to help simplify that and, essentially, help the community help the  
749 citizens make sure people don't buy into residential developments that have a lot of responsibilities  
750 that are really not appropriate and that they are not prepared to handle. That is where we are.

751  
752 The first item; County ownership talks about the criteria that could be used to consider whether  
753 land should be accepted by the County if that was made available. I just pulled a couple of things  
754 off of Park's Department's criteria, which I felt would be significant to our consideration.

755  
756 If the site contains special significance, if it has historical value, if it has archaeological value, that  
757 is something we should consider and that's something the Park's Department should consider. Is  
758 the site adjacent to an existing and proposed park? That is something that the Parks System looks  
759 at, and that is something we could look at.

760  
761 Similar to a case with that in the past, common area floodplain actually was located adjacent to a  
762 County park system. That is something the County might want to look into. If it satisfies your  
763 criteria, then they would be willing to act and to work with the applicant. Essentially, if there was  
764 a dedication, make it a part of the Parks system. These are just things that should be considered.

765  
766 When you look at the private sector, whether it is held by the property owner, or held by the  
767 property owner's association, some key elements that staff has found, that while these numbers are

768 not set in stone, the larger a homeowner's association is, the more appropriate, the more capable,  
769 the more prepared it might be to maintain common open space.

770  
771 Getting back to the responsibilities of a liability insurance plan of collecting membership dues.  
772 While, I don't know where the break line is, a development with 20 lots might have difficulty  
773 maintaining the insurance policy and collecting dues. The larger the organization, they may be  
774 able to contract it out and have a property owner's management group maintain it.

775  
776 Ms. O'Bannon - May I add something? One of the problems that has come up in the  
777 past has to do with, when property is held by all of the property owners, joint owners, some of  
778 whom may be remotely located, a block or two away from the property. And when the sale comes  
779 up, the real estate agent is not required to indicate to them their liability unless the membership  
780 dues are more than, I believe it is \$150 a year.

781  
782 Mr. Lawrence - Okay.

783  
784 Mrs. O'Bannon - So, at the time of the sale when they go to closing, they are not told  
785 that they have a liability for this jointly held property, or the commons area or the conservation  
786 area. And so the individuals will purchase the house will not really even know too much about  
787 their ownership in the property that's a couple of blocks away from their house. And then the civic  
788 association president or resident's association president comes and mentions to them they owe \$50  
789 a year to help pay for a liability policy, and they deny any responsibility. And, therefore, then a  
790 lien gets placed against their house so when they go to sell their house five or ten years later, they  
791 have liens against their house and it causes neighborhood friction.

792  
793 And, that is a problem that has just come up on several occasions...

794  
795 Mr. Lawrence - Okay.

796  
797 Mrs. O'Bannon - ...in various discussions. And, the State set the limit at \$150,  
798 because of the real estate agents indicating they didn't want to have to continue their total  
799 disclosure laws. And that limit was set at a fairly high limit, so that, you know, they wouldn't have  
800 to tell them that you are going to have to pay \$25 a year; \$50 a year. So, that is a problem that has  
801 come up in the past on this type of arrangement.

802  
803 Mr. Lawrence - Okay. That is something I will make note of. Any other thoughts?

804  
805 Mr. Vanarsdall - Any other questions by Commission members of Mr. Lawrence?

806  
807 Mr. Archer - Mr. Lawrence, I would just like to expand a little bit on what Mrs.  
808 O'Bannon just said. I have also known of civic associations where members are very hesitant to  
809 have to pay dues for property that they can't see and don't individually own. By the same token, I  
810 have seen instances where there have been lots sold, individually, that were very irregular in shape  
811 and entirely useless to the homeowner that it belong to. And, yet, they are saddled with the  
812 responsibility, in a lot of cases, of having to pay an extra fee for having a larger useless lot.

813

814 I think that is unfair. But, at the same time, in terms of liability insurance, that persons' individual  
815 homeowner's insurance would cover his own individual lot and he wouldn't be subjected to  
816 whatever liability might accrue to him from somebody else not paying.

817  
818 And the other problems with homeowner's associations, sometimes they become defunct.  
819 Meetings come up, and they can't elect a new president and new secretary and what not, and the  
820 thing just kind of falls by the wayside. People move in and out of neighborhoods.

821  
822 So, I don't know that there is any quick and dirty answer to this, but some of these have merit.  
823 And we might have to come to a point where we pull them all together and come out with the best  
824 thing that is suitable for everybody.

825  
826 Mr. Lawrence - I will make note of that.

827  
828 Mr. Vanarsdall - Thank you. Any more questions.

829  
830 Ms. Dwyer - Mr. Lawrence, I will go back to a comment I made earlier, I think,  
831 on our C-1 case. And I think we could make more use of conditional zoning for C-1 cases.

832  
833 In most instances, we expect the C-1 areas to be preserves; wild life preserves, natural vegetation  
834 preserves, and we expect them not to be developed or used in active ways. So, I think that,  
835 whether it goes to the property owner's association or to individuals, we could still suggest that the  
836 applicant look at conditioning their C-1 cases to proffer out all other active uses, and that would  
837 take care of that issue.

838  
839 I think the other issue that's been raised that probably needs to be addressed, and I am not sure to  
840 what extent government can get involved in this. But, is the question of notice to homeowners,  
841 whether it's part of their property, or whether it's part of the homeowner's association; notice to  
842 them to know what the C-1 zoning means and what their obligation is to the homeowner's  
843 association.

844  
845 In the instance that Mr. Archer was talking about, a person has, in fact, you showed me a lot one  
846 time. I think it is representative of what you are talking about. A person had a regular lot in a  
847 subdivision and had all this swamp land behind the house that was also their property.

848  
849 Mr. Archer - Property going in the whole subdivision if you remember.

850  
851 Ms. Dwyer - Right, in that cul-de-sac. If that were zoned C-1, then the  
852 homeowner would need to have notice of what that means to them, especially if other uses are  
853 proffered out, they would have some sort of notice. And, often developers will agree to include  
854 some kind of notice, either on the plat or the deed or something. So, that might be another policy  
855 suggestion that we could make.

856  
857 And, the other, I think we should look into the liability question for defunct homeowner's  
858 associations, and look into the question of whether dues are required and whether those dues are

859 assessed as liens against the land, and, if so, what kind of notice would a new homeowner would  
860 receive.

861  
862 Mr. Archer - Ms. Dwyer, you might recall, too, part of those lots were in a RPA  
863 Resource Protection Area. They couldn't even break a twig off of a tree without getting approval  
864 from the Corps of Engineers to do it.

865  
866 Ms. Dwyer - And, perhaps, if that had been done through C-1, that might have  
867 triggered something on the part of the attorney who did the title search. Those notice issues, I  
868 think, are important.

869  
870 Mr. Lawrence - Okay.

871  
872 Mr. Marlles - Mr. Lawrence, I think, to respond to several of these questions, it  
873 will be necessary to contact the County Attorney's Office. I know he is fairly well versed on this  
874 issue. But, also, I think it might be helpful to contact some of our neighboring jurisdictions to see  
875 how they handle this issue, because I don't think some of these issues or problems are limited to  
876 Henrico County. If we could look at what some of our neighboring jurisdictions are doing, as well,  
877 it would be helpful.

878  
879 Mr. Vanarsdall - All right, any other questions?

880  
881 Mr. Lawrence - Is there a question?

882  
883 Mrs. Quesinberry - Somebody out in the audience has a question.

884  
885 Mr. Vanarsdall - Come on down to the mike.

886  
887 Someone in the audience - I was just wondering, are your mikes on?

888  
889 Mr. Vanarsdall - Yes ma'am.

890  
891 Someone in the audience - We hear one word but we don't hear the next word.

892  
893 Mr. Vanarsdall - Thank you for telling us.

894  
895 Mr. Marlles - Thank you, Mr. Lawrence.

896  
897 Mr. Lawrence - Thank you.

898  
899 Mr. Marlles - The next item we have is, Ms. Jo Ann Hunter would like to just  
900 comment or address comments to the Planning Commission on Multi-family Design Strategies that  
901 the staff has presented to the Commission over the past several months.

902  
903 Mr. Vanarsdall - Ms. Hunter.

904

905 Ms. Hunter - Thank you, Mr. Vanarsdall. Just to update our two new members of  
906 the Planning Commission, over the last several months has been working on two proposed  
907 ordinance amendments, one dealing with increased standards for our multi-family development,  
908 and the other being residential setbacks along major roads as identified on our Major Thoroughfare  
909 Plan.

910  
911 We have had two work sessions on this item already. At the last meeting we had considerable  
912 input from both the development community as well as interested citizen groups. At that time we  
913 had asked that all groups supply us written comments by the 15<sup>th</sup> of January. We picked that date  
914 as an arbitrary date out of the air. That date ended up being a Saturday, and Monday is a holiday,  
915 so I have let everybody know who has called and asked me that we will accept comments until the  
916 end of the day on Tuesday, the 18<sup>th</sup>.

917  
918 I am also interested in getting Commission comments by that time, also, if that is possible. I have  
919 gotten comments from one Commissioner at this time and appreciate those, and look forward to  
920 getting others.

921  
922 And just again, to remind you, that we will be having another work session on this item on  
923 February 21<sup>st</sup>. We had hoped, by getting the comments by the 15<sup>th</sup>, that we would be able to have  
924 a revised ordinance drafted, and try to get it included in the agenda at the Board Work Session on  
925 the 27<sup>th</sup> and 28<sup>th</sup>. That agenda is already pretty full, and it doesn't appear that this item can be  
926 included on that agenda. So, we will not be hearing it or talking about this at the Work Session.

927  
928 Mr. Vanarsdall - Mr. Hunter, what time are we going to have that  
929 Work Session?

930  
931 Ms. Hunter - On the 21<sup>st</sup> of February, it is at 10:00 a.m. and it will be in this  
932 room.

933  
934 Mr. Vanarsdall - Okay.

935  
936 Ms. Hunter And the Work Session on the Nine Mile Road was set tonight at  
937 11:00 o'clock. But, if any of the Commissioner's have any comments that they would like to give  
938 me at this point, I'd be happy to take them.

939  
940 Mrs. O'Bannon - Is this on the Multi-family Design Strategies? I have received some  
941 comments and praises about the way it has been handled. I just want to say that it's been handled  
942 very well in accepting the comments from one developer and one developer's attorney.

943  
944 Ms. Hunter Great.

945  
946 Mrs. O'Bannon - Of course, that will make me look at it very closely.

947  
948 Ms. Hunter - And there is, actually, two amendments. One sometimes gets lost.  
949 The multi-family ordinance increased standard is probably the bigger one. The second, but no less

950 important ordinance amendment, is to increase the setbacks and provide for some landscaping  
951 along major thoroughfares for residential subdivisions.

952

953 Mrs. O'Bannon - Thank you.

954

955 Mrs. Quesinberry - Ms. Hunter, we've had previous work sessions on the multi-family  
956 issues, and you have alluded to that. Are we, at a point for the Work Session on the 21<sup>st</sup>, where the  
957 Commission will make a recommendation and then you will draft ordinance language; amendment  
958 language?

959

960 Ms. Hunter - What we are proposing to do is we have an ordinance draft at this  
961 time. What I hope to do on the 19<sup>th</sup>, when we get everybody's comments, is to look at all of the  
962 comments that I've received from the Commission, the development community and the citizen,  
963 and see which recommendations that we can work into the ordinance and try to get it as agreeable  
964 to all parties as possible.

965

966 We will present that ordinance. We'll have it to the Commission before our meeting on the work  
967 session on the 21<sup>st</sup>. At that time we will then present the revised ordinance on the 21<sup>st</sup> and allow  
968 the community to comment on that as well as the Commission. And, hopefully, at that point, we  
969 will feel that we will maybe be in a position to advertise it for a public hearing, or we may, you  
970 know, decide that it needs a little more work and do another work session. But, I am sure it is  
971 going to be in such good shape that we will probably be ready for a public hearing.

972

973 Mrs. Quesinberry - Okay. I was just trying to get our time line straight. With all the  
974 public hearings and work sessions, it takes us a while to get to the end product here.

975

976 Ms. Hunter - It should be late March that we could have our first public hearing,  
977 if all goes well.

978

979 Mrs. Quesinberry - And that public hearing would be on the final amendment language  
980 that we have already voted on the 21<sup>st</sup>?

981

982 Ms. Hunter - Correct. So, it is really important to get comments from everybody  
983 as soon as possible.

984

985 Mr. Vanarsdall - Are there anymore questions of Ms. Hunter?

986

987 Mr. Taylor - I have one.

988

989 Mr. Vanarsdall - Go ahead, Al.

990

991 Mr. Taylor - Ms. Hunter, the setback standards you are working on, that is only  
992 going to be for residential structures?

993

994 Ms. Hunter - Correct.

995

996 Mr. Taylor - Has there been any thought given to commercial areas like Broad  
997 Street, because when we were planning, we had the planning sessions on the Short Pump area and  
998 Broad Street, we had talked about the different sites, and I think that was the Liesfeld site it is  
999 commonly referred to. And it was brought up that, whatever we do, we should not look to  
1000 Brookhollow as a model. That the setbacks there, I think, were a little too narrow. I think it was  
1001 the staff's consensus, if we could do that again, we would make those wider.

1002  
1003 So, my question really is, "Can we, perhaps, put commercial in there along with residential? Is  
1004 that a possibility at this time?"

1005  
1006 Ms. Hunter - Currently, along the W. Broad Street Corridor, we do have an  
1007 Overlay District that has some landscaping language in there. These two ordinance amendments  
1008 came out of a project that we have been calling the "Residential Strategy Project" and that the  
1009 Board and Commission has been working on for the last two years.

1010  
1011 The focus, at this point, has really been on residential development. At this point, as part of these  
1012 ordinances, we are not proposing to address any commercial or industrial projects.

1013  
1014 Mr. Marles - Mr. Taylor, also, I will be talking a little bit later about the Retreat  
1015 with the Board of Supervisors that is scheduled on January 27th and 28<sup>th</sup>. And that certainly will  
1016 provide an opportunity for both Planning Commission and Board to identify some areas that they  
1017 would like staff to look at in the future. So there will be an opportunity to talk about that issue.

1018  
1019 Mr. Taylor - Wonderful, John.

1020  
1021 Mr. Vanarsdall - I would like to get a feel from the Board at that time. All right, if  
1022 there are no more questions, thank you, Ms. Hunter.

1023  
1024 Ms. Hunter Thank you.

1025  
1026 Mr. Archer - Ms. Hunter, you did say that the 10:00 meeting is here, right in this  
1027 room?

1028  
1029 Ms. Hunter - The 10:00 o'clock meeting will be here in the Board Room. Yes. It  
1030 is easier for the recording.

1031  
1032 Mr. Archer - Okay. Thank you.

1033  
1034 Mr. Marles - Mr. Chairman, normally, on our first meeting of the year, we have a  
1035 discussion of policies and procedures.

1036  
1037 Mr. Vanarsdall - I wondered where it was.

1038  
1039 Mr. Marles - Staff is working on at least one possible amendment to the  
1040 Commission's policy and procedures and this has been discussed in the past. And that has to do  
1041 with the expedited agenda for rezoning cases. I was going to take advantage of this opportunity to

1042 just ask the Commission if they had other areas of the Rules and Regulations that they would like  
1043 to take up; that they would like staff to look at. And we will bring these back to you on a future  
1044 agenda.

1045  
1046 Mr. Vanarsdall - Does anybody have anything to add to the Rules and Regulations?  
1047 Mr. Taylor, you may want to get a copy of those and read it over, and see if there is anything you  
1048 want to add. All right, thank you, Mr. Secretary. What else?

1049  
1050 Mr. Marlles - Staff just has two quick announcements. First of all, on April 15th  
1051 through the 19<sup>th</sup>, the American Planning Association is going to have its National Conference. This  
1052 year it will be in New York City. The last time it was in New York City was 1987.

1053  
1054 We do have copies of the preliminary program, if members of the Planning Commission have not  
1055 received one, we certainly can provide you with one. We would ask you, if you are interested in  
1056 attending, to let us know as soon as possible, simply because, you know, the programs fill up very  
1057 quickly. So, if you would like to attend that conference, or if you would like to get a copy of the  
1058 program, just either let Mr. Silber or myself know or any one member of staff and we make sure  
1059 you get that information.

1060  
1061 Mr. Vanarsdall - Mr. Secretary, I have already had Melba do all of mine and send it  
1062 in. I already have reservations on the plane, and I am telling you all so you will know who is  
1063 going. I am going and I'm going to take my wife.

1064  
1065 Mr. Marlles - Okay.

1066  
1067 Mr. Vanarsdall - And I understand New York is not like it was in 1987.

1068  
1069 Mr. Marlles - I understand.

1070  
1071 Mr. Vanarsdall - It is cleaner and people speak to you.

1072  
1073 Mr. Marlles - A more civil place.

1074  
1075 Mrs. Quesinberry - And the cab drivers are nicer, too.

1076  
1077 Mr. Marlles - The next announcement has to do with the Retreat that is scheduled  
1078 for January 27th and 28th. This is a Retreat for the Board of Supervisors and the Planning  
1079 Commission.

1080  
1081 The theme for the retreat is "Planning for Henrico's Future." This is a Work Session of the  
1082 Planning Commission and the Board. It will be advertised. The public will certainly be able to  
1083 attend. But, again, it is a work session with the Board and Planning Commission.

1084  
1085 I guess staff sees this as a kick-off for the Update to the Land Use Element of the Comprehensive  
1086 Plan. It will also be an opportunity for both the Board and the Planning Commission members,  
1087 along with staff, to talk about issues that will affect future growth and development of the County.



1088  
1089 I should mention, also, that the Retreat, itself, will be held at the Cultural Arts Center in Glen  
1090 Allen. The actual retreat will start at 9:00 a.m. in the morning on both days. That is Thursday,  
1091 January 27, 2000 and Friday, January 28, 2000. I can tell you that the Planning Commission is  
1092 going to be an active participant in this discussion, along with, as I say, the Board of Supervisors  
1093 and staff.  
1094 I will be glad to answer any questions, and we will be sending out an agenda early next week to  
1095 both the Board and Planning Commission. But, as I've said, at a previous meetings, please mark  
1096 this down on your calendar and plan on attending.  
1097  
1098 Mr. Vanarsdall - Very good, Mr. Marlles. I am looking forward to that. Any  
1099 questions on that by Commission members? What else, Mr. Marlles?  
1100  
1101 Mr. Marlles - Mr. Chairman, that ends announcements and updates from staff. If  
1102 there are any questions that the Planning Commission has of staff, we would be glad to take those  
1103 at this time.  
1104  
1105 Mr. Vanarsdall - Do Planning Commissioners have anything to bring to the table? I  
1106 had one announcement. The next case is at 8:30 p.m., and our normal time is 10 minutes for the  
1107 applicant and 10 minutes for the opposition. And then the applicant has the rebuttal time.  
1108  
1109 I have spoken with both Mr. Theobald and Mr. John Higgins. And Mr. Theobald is going to use  
1110 up all of his time, I think, including the rebuttal, and then he has someone with him that is valuable  
1111 to the case and that will take more time.  
1112  
1113 Mr. Deal has a lady and gentleman with him and they are going to need more time. And, if we  
1114 have as many people as we think, they will probably take up time. So, what I am saying is that we  
1115 are going to make an exception tonight, as this is a most important case and its probably the  
1116 biggest we've had in Varina. It's the biggest since I've been on the Planning Commission, and it is  
1117 not going to be able to be wrapped up in just a few minutes.  
1118  
1119 So, that is all of the announcements that I have. And, if there are no more announcements and  
1120 nothing else, the Commission will adjourn until the time to start again.  
1121  
1122 **The Commission adjourned until 8:30 p.m. at this time.**  
1123  
1124 Mr. Vanarsdall - Thank you for waiting. It is 8:30 p.m. and we can proceed. I want  
1125 to recognize the press, Jeremy?. Is anybody else here from the press? All right, Mr. Secretary.  
1126  
1127 Mr. Marlles - Okay. The first case on the 8:30 p.m. agenda is in the Varina  
1128 District. It's C-8C-00.  
1129  
1130 Mrs. Via - Excuse me, Mr. Secretary. We have to do the deferrals for 8:30  
1131 p.m. I'm sorry to interrupt you.  
1132  
1133 Mr. Marlles - Thank you for reminding me.

1134  
1135 Mr. Vanarsdall - It's my vault. Thank you, Mrs. Via.  
1136  
1137 Mrs. Via - Thank you, Mr. Chairman. We have three deferrals on the 8:30  
1138 agenda that are shown on the screen for the folks in the audience. The first is in the Three Chopt  
1139 District:  
1140  
1141 **C-3C-00 James W. Theobald for H. H. Hunt Corp:** Request to  
1142 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District  
1143 (Conditional), part of Parcel 27-A-2, containing approximately 5.926 acres, located on the south  
1144 side of Shady Grove Road approximately 400' south of its intersection with Sampson Lane and  
1145 approximately .5 mile east of its intersection with Pouncey Tract Road. A single family residential  
1146 subdivision is proposed. The R-2A District requires a minimum lot size of 13,500 square feet. The  
1147 Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre and  
1148 Environmental Protection Area.  
1149  
1150  
1151 Mrs. Via - The applicant has requested deferral to February 10, 2000.  
1152  
1153 Mr. Vanarsdall - Is there any one in the audience in opposition to the deferral of C-  
1154 3C-00? Entertain a motion.  
1155  
1156 Mr. Taylor - I move that Case C-3C-00 be deferred until February 10, 2000.  
1157  
1158 Mr. Archer seconded the motion.  
1159  
1160 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All in favor  
1161 say aye--all opposed saying nay. The vote is 5-0, (Mrs. O'Bannon abstained).  
1162  
1163 Mrs. O'Bannon - I need to point out, as a member of the Board, that I would like to  
1164 have my vote listed as abstaining on all votes unless I otherwise indicate. Thank you.  
1165  
1166 Mrs. Via - Yes ma'am.  
1167  
1168 Mr. Vanarsdall - Thank you, Mrs. O'Bannon. Next case, Mrs. Via.  
1169  
1170 Mrs. Via - We have three, Yes. We have two more. In the Brookland District,  
1171 Mr. Chairman, this is C-10C-00.  
1172  
1173 **C-10C-00 Jay M. Weinberg for Attack Properties, Inc.:** Request to  
1174 conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District  
1175 (Conditional) and O/SC Office/Service District (Conditional) to RTHC Residential Townhouse  
1176 District (Conditional), R-5C General Residence District (Conditional) and O/SC Office Service  
1177 District (Conditional), Parcels 12-A-2, 4B, 5, 6 and 7; 13-A-24, 21-A-2, 4,5 and 18A, containing  
1178 approximately 258.184 acres located at the northeast intersection of I-295 and Staples Mill Road.  
1179 A mixed use office/service, townhomes for sale and apartments development is proposed. The

1180 applicant has proffered no more than 110 townhouse units and no more than 300 apartment units  
1181 on the property. The Office/Service use will be controlled by zoning ordinance regulations and  
1182 proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net  
1183 density per acre, Office/Service and Environmental Protection Area.

1184  
1185 Mrs. Via - The applicant is requesting deferral to the March 9, 2000 agenda.

1186  
1187 Mr. Vanarsdall - Is there any one in the audience in opposition to the deferment of C-  
1188 10C-00 to March 9, 2000? No opposition. I move that Case C-10C-00 be deferred to March 9,  
1189 2000, at the applicant's request.

1190  
1191 Mr. Taylor seconded the motion.

1192  
1193 Mr. Vanarsdall - We have a motion by Mr. Vanarsdall. and a second by Mr. Taylor.  
1194 All in favor say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). Mrs.  
1195 Via.

1196  
1197

1198 **Deferred from the December 9, 1999 Meeting:**

1199 **C-65C-99 Donald L. Strange-Boston for Steven and Dody Tribble and**  
1200 **Charles W. Sanders, Jr. and J. Sanders:** Request to conditionally rezone from B-3C Business  
1201 District (Conditional) and R-4 One Family Residence District to B-3C Business District  
1202 (Conditional), Parcels 52-A-55 and 56 and part of Parcels 52-A-53 and 54A, containing 1.5706  
1203 acres, located on the west line of Mountain Road approximately 275 feet north of its intersection  
1204 with North Run Road. Any permitted B-1 use, B-3 Office/Warehouse and Overnight Respite  
1205 Care for Adults are proposed. The use will be controlled by zoning ordinance regulations and  
1206 proffered conditions. The Land Use Plan recommends Commercial Arterial and Suburban  
1207 Residential 2, 2.4 to 3.4 units net density per acre.

1208  
1209 Mrs. Via - Thank you, Mr. Chairman. And your last case to be deferred this  
1210 evening is in the Fairfield District is Case C-65C-99. The applicant has requested a deferral to  
1211 March 9, 2000.

1212  
1213 Mr. Vanarsdall - Is any one in the audience in opposition to Case C-65C-99? Any  
1214 opposition to the deferral? No opposition. Entertain a motion.

1215  
1216 Mr. Archer - I move deferral of C-65C-99 to the March 9, 2000 meeting, at the  
1217 applicant's request.

1218  
1219 Mrs. Quesinberry seconded the motion.

1220  
1221 Mr. Vanarsdall - We have a motion by Mr. Archer, seconded by Mrs. Quesinberry.  
1222 All in those in favor say aye--all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon  
1223 abstained).

1224

1225 **C-8C-00** **James W. Theobald for Roy B. Amason (Sotherlyn):** Request to  
1226 conditionally rezone from A-1 Agricultural District to A-1C Agricultural District (Conditional); R-  
1227 1AC, R-2AC and R-3C One Family Residence Districts (Conditional); RTHC Residential  
1228 Townhouse Districts (Conditional); R-6C General Residence District (Conditional); B-2C  
1229 Business District (Conditional); O-2C Office District (Conditional); and C-1C Conservation  
1230 District (Conditional), Parcels 240-A-17, 250-A-48, 49 and 51A, and part of Parcel 260-A-28,  
1231 containing 633.61 acres, described as follows:  
1232

1233 PARCEL A: BEGINNING at a point at the northeast corner of Turner and New Market Roads,  
1234 said point being the True Point of Beginning; thence along the eastern right-of-way line of  
1235 Turner Road N 28°45'13" E 1364.68' to a point; thence along a curve to the right having a radius  
1236 of 385.00' for a length of 149.67' to a point; thence N 51°01'36" E 1099.41' to a point; thence N  
1237 51°12'13" E 398.03' to a point; thence N 50°57'00" E 456.98' to a point; thence along a curve to  
1238 the left having a radius of 215.06' for a length of 95.18' to a point; thence leaving the eastern  
1239 right-of-way line of Turner Road S 34°06'26" E 414.39' to a point; thence S 55°53'34" W  
1240 85.74' to a point; thence N 61°21'49" W 144.27' to a point; thence S 58°14'14" W 146.92' to a  
1241 point; thence S 19°34'25" W 95.08' to a point; thence S 57°38'23" W 437.29' to a point; thence  
1242 S 46°53'57" W 815.37' to a point; thence S 35°13'02" W 486.54' to a point; thence S 87°54'05"  
1243 W 193.70' to a point; thence S 27°09'38" W 828.82' to a point; thence S 08°22'23" E 264.51' to  
1244 a point; thence S 31°05'07" W 263.11' to a point on the northern right-of-way line of New  
1245 Market Road; thence along the northern right-of-way line of New Market Road N 62°34'20" W  
1246 399.78' to the Point of Beginning, containing 23.99 acres.  
1247

1248 PARCEL B: BEGINNING at a point at the northeast corner of Turner and New Market Roads,  
1249 thence along the northern right-of-way line of New Market Road S 62°34'20" E 880.85' to a  
1250 point, which point is the True Point of Beginning; thence leaving the northern right-of-way line  
1251 of New Market Road N 33°34'04" E 571.89' to a point; thence N 21°45'06 E 460.64' to a point;  
1252 thence N 47°31'22" E 481.82' to a point; thence N 60°59'03" E 573.93' to a point; thence S  
1253 78°33'05" E 282.20' to a point; thence S 28°06'33" E 111.29' to a point; thence along a curve to  
1254 the left having a radius of 660.00' for a length of 169.07' to a point; thence S 59°01'27 W  
1255 698.76' to a point; thence S 35°52'37" E 78.31' to a point; thence S 40°20'50" W 275.12' to a  
1256 point; thence S 40°20'50" W 199.41' to a point; thence S. 40°20'50" W 767.88' to a point on the  
1257 northern right-of-way line of New Market Road; thence along the northern right-of-way line of  
1258 New Market Road N 62°34'20" W 181.57' to the True Point of Beginning, containing 13.99  
1259 acres.  
1260

1261 PARCEL C: BEGINNING at a point at the northeast corner of Turner and New Market Roads,  
1262 thence along the northern right-of-way line of New Market Road S 62°34'20" E ' 1062.42';  
1263 thence leaving the northern right-of-way line of New Market Road N 40°20'50" E 767.88' to a  
1264 point; thence N 40°20'50" E 199.41' to a point; thence N 40°20'50" E 275.12' to a point, which  
1265 point is the True Point of Beginning; thence N 35°52'37 W 78.31' to a point; thence N 59°01'27  
1266 E 476.08' to a point; thence S 49°51'44" E 894.95' to a point; thence S 20°49'06" E 1525.99' to  
1267 a point on the northern right-of-way line of New Market Road; thence along the northern right-  
1268 of-way line of New Market Road N 88°52'05" W 244.92' to a point; thence N 74°06'31" W  
1269 456.33' to a point; thence S 23°56'24" W 10.65' to a point; thence N 75°47'15" W 479.11' to a  
1270 point; thence leaving the northern right-of-way line of New Market Road N 14°11'40" E 334.61'

1271 to a point; thence N 30°47'15" W 297.50' to a point; thence N 48°10'54" E 442.17' to a point;  
1272 thence N 50°03'49" W 907.19' to the True Point of Beginning, containing 32.24 acres.

1273  
1274 PARCEL D: BEGINNING at the southwest corner of Parcel D, thence N 31°48'07" W 254.97'  
1275 to a point; thence N 56°36'31" W 401.86' to a point; thence N 64°45'38" W 782.13' to a point;  
1276 thence along a curve to the right having a radius of 660.00' for a length of 169.07' to a point;  
1277 thence N 32°30'15" E 241.92' to a point; thence N 36°49'16" W 180.22' to a point; thence N  
1278 87°45'38" W 646.09' to a point; thence N 31°59'06" E 285.84' to a point; thence N 16°21'27" E  
1279 161.70' to a point; thence N 19°27'56" E 177.58' to a point; thence N 60°37'29" E 272.74' to a  
1280 point; thence S 08°39'18" E 200.35' to a point; thence S 33°02'18" E 780.68' to a point; thence  
1281 S 09°21'57" W 204.83' to a point; thence along a curve to the right having a radius of 660.00 for  
1282 a length of 653.39' to a point; thence S 23°54'44" E 409.25' to a point; thence S 63°24'52" W  
1283 97.35' to the Point of Beginning, containing 18.11 acres.

1284  
1285 PARCEL E: BEGINNING at the westernmost corner of Parcel E thence N 09°21'57" E 204.83'  
1286 to a point; thence N 16°12'28" E 163.04' to a point; thence N 15°10'28" W 1045.72' to a point;  
1287 thence N 55°53'34" E 85.74' to a point; thence S 34°06'26" E 1399.86' to a point; thence S  
1288 57°37'52" E 493.75' to a point; thence S 78°25'35" W 542.09' to a point; thence S 41°43'19" W  
1289 167.45' to a point; thence S 22°24'48" W 154.70' to a point; thence along a curve to the left  
1290 having a radius of 660.00 for a length of 150.3' to the Point of Beginning, containing 10.65  
1291 acres.

1292  
1293 PARCEL F: Beginning at the southwest corner of Parcel F; thence N 07°29'58" W 824.61' to a  
1294 point; thence along a curve to the left having a radius of 800.00' for a length of 3174.72' to a  
1295 point; thence N 07°29'58" W 828.62' to a point; thence N 54°22'42" E 414.50' to a point; thence  
1296 N 01°37'18" W 394.99' to a point; thence N 88°22'42" E 126.29' to a point; thence S 08°17'28"  
1297 E 105.08' to a point; thence S 84°33'13" E 187.54' to a point; thence S 41°01'42" E 286.55' to  
1298 a point; thence S 32°43'15" E 241.11' to a point; thence S 05°06'38" E 145.72' to a point;  
1299 thence S 88°34'52" W 223.95' to a point; thence S 15°11'24" W 179.24' to a point; thence S  
1300 24°48'45" E 559.14' to a point; thence S 49°22'12" E 719.80' to a point; thence S 75°05'37" E  
1301 241.73' to a point; thence along a curve to the right having a radius of 400.00' for a length of  
1302 106.14' to a point; thence S 30°06'37" W 844.75' to a point; thence along a curve to the left  
1303 having a radius of 530.00' for a length of 340.24' to a point; thence S 06°40'18" E 77.78' to a  
1304 point; thence S 79°34'27" W 250.75' to a point; thence along a curve to the right having a radius  
1305 of 355.00' for a length of 182.92' to a point; thence N 70°45'12" W 237.97' to a point; thence  
1306 along a curve to the left having a radius of 210.00' for a length of 234.81' to a point; thence S  
1307 45°01'57" W 472.49' to a point; thence along a curve to the left having a radius of 345' with a  
1308 length of 283.29' to a point; thence S 02°00'53" E 38.50' to a point; thence N 57°37'52" W  
1309 190.15' to the Point of Beginning, containing 52.25 acres.

1310  
1311 PARCEL G: Beginning at the eastern point of Parcel G; thence S 02°00'53" E 132.94' to a  
1312 point; thence along a curve to the right having a radius of 550.00' for a length of 600.35' to a  
1313 point; thence S 60°31'33" W 211.31' to a point; thence along a curve to the left having a radius  
1314 of 660.00' for a length of 357.53' to a point; thence N 64°51'38" E 811.59' to the Point of  
1315 Beginning, containing 6.28 acres.

1316

1317 PARCEL H: BEGINNING at the northern point of Parcel H; thence S 02°00'53" E 132.94' to a  
1318 point; thence along a curve to the right having a radius of 550.00' for a length of 600.35' to a  
1319 point; thence S 32°27'56" E 211.51' to a point; thence S 53°50'46" E 496.39' to a point; thence  
1320 N 89°36'48" E 658.29' to a point; thence N 36°58'00" E 152.29' to a point; thence N 40°33'28"  
1321 W 579.43' to a point; thence N 29°49'12" W 359.29' to a point; thence N 62°41'43" W 488.87'  
1322 to the Point of Beginning, containing 17.11 acres.

1323  
1324 PARCEL I: BEGINNING at the southwest corner of Parcel I; thence N 69°10'54" E 612.35' to  
1325 a point; thence N 23°54'44" W 310.83' to a point; thence S 63°24'52" W 325.12' to a point;  
1326 thence N 57°06'01 W 448.97' to a point; thence S 20°49'06" E 706.31' to the True Point of  
1327 Beginning, containing 5.97 acres.

1328  
1329 PARCEL J: BEGINNING at the northwestern corner of Parcel J; thence N 69°10'54" E 612.35'  
1330 to a point; thence along a curve to the left having a radius of 800.00' for a length of 87.83' to a  
1331 point; thence S 35°00'06" E 330.64' to a point; thence along a curve to the right having a radius  
1332 of 800.00' for a length of 211.58' to a point; thence S 19°50'54" E 286.52' to a point on the  
1333 northern right-of-way line of Long Bridge Road; thence along the northern right-of-way line of  
1334 Long Bridge Road S 70°09'06" W 480.30' to a point; thence along a curve to the right having a  
1335 radius of 470.49' for a length of 188.59' to a point; thence N 83°20'11" W 74.88' to a point;  
1336 thence leaving the northern right-of-way line of Long Bridge Road N 20°49'06" W 819.68' to  
1337 the Point of Beginning, containing 14.24 acres.

1338  
1339 PARCEL K: BEGINNING at the southeast corner of Parcel K on the northern right-of-way line  
1340 of New Market Road; thence leaving the northern right-of-way line of New Market Road N  
1341 19°50'54" W 150.78' to a point; thence N 35°24'13" W 557.63' to a point; thence N 49°12'59"  
1342 W 460.72' to a point; thence S 66°05'16" W 224.15' to a point; thence S 23°54'44" E 106.66' to  
1343 a point; thence along a curve to the left having a radius of 800.00 for a length of 154.84' to a  
1344 point; thence S 35°00'06" E 330.64' to a point; thence along a curve to the right having a radius  
1345 of 800.00' for a length of 211.58' to a point; thence S 19°50'54" E 286.52' to a point on the  
1346 northern right-of-way line of Long Bridge Road; thence along the northern right-of-way line of  
1347 Long Bridge Road N 70°09'06" E 451.46' to the Point of Beginning, containing 9.33 acres.

1348  
1349 PARCEL L: BEGINNING at the northwest corner of Parcel L; thence N 82°30'02" E 675.29' to  
1350 a point; thence S 14°53'28" E 332.15' to a point; thence S 22°26'28" E 114.38' to a point;  
1351 thence S 23°27'12" E 150.58' to a point; thence N 19°12'43" E 814.85' to a point; thence N  
1352 09°57'42" W 296.16' to a point; thence N 68°18'31" W 362.30' to a point; thence S 78°11'57"  
1353 W 179.16' to a point; thence N 07°29'58" W 345.84' to a point; thence along a curve to the right  
1354 having a radius of 800.00 for a length of 3174.72 to the Point of Beginning, containing 21.18  
1355 acres.

1356  
1357 PARCEL M: BEGINNING at a point at the northeast corner of Turner and New Market Roads,  
1358 thence along the northern right-of-way line of New Market Road S 62°34'20" E ' 880.85' to a  
1359 point; which point is the True Point of Beginning; thence leaving the northern right-of-way line  
1360 of New Market Road N 33°34'04" E 571.89' to a point; thence N 21°45'06" E 460.64' to a  
1361 point; thence N 47°31'22" E 481.82' to a point; thence N 60°59'03 E 573.93' to a point; thence  
1362 S 78°33'05" E 282.20' to a point; thence S 28°06'33" E 111.29' to a point; thence N 32°30'15"

1363 E 241.92 to a point; thence N 36°49'16" W 180.22' to a point; thence N 87°45'38" W 646.09' to  
1364 a point; thence N 31°59'06" E 285.84' to a point; thence N 16°21'27" E 161.70' to a point;  
1365 thence N 19°27'56" E 177.58' to a point; thence N 60°37'29" E 272.74' to a point; thence S  
1366 08°39'18" E 200.35' to a point; thence S 33°02'18" E 780.68' to a point; thence N 16°12'28" E  
1367 163.04' to a point; thence N 15°10'28" W 1045.72' to a point; thence N 61°21'49" W 144.27' to  
1368 a point; thence S 58°14'14" W 146.92' to a point; thence S 19°34'25" W 95.08' to a point;  
1369 thence S 57°38'23" W 437.29' to a point; thence S 46°53'57" W 815.37' to a point; thence S  
1370 35°13'02" W 486.54' to a point; thence S 87°54'05" W 193.70' to a point; thence S 27°09'38"  
1371 W 828.82' to a point; thence S 08°22'23" E 264.51' to a point; thence S 31°05'07" W 263.11' to  
1372 a point on the northern right-of-way line of New Market Road; thence along the northern right-  
1373 of-way line of New Market Road S 62°34'20" E 481.07' to the True Point of Beginning,  
1374 containing 47.17 acres.  
1375

1376 PARCEL N: BEGINNING at the northwestern corner of Parcel N; thence S 62°41'43" E 181'±  
1377 to a point along the 100 Year Floodplain; thence meandering in a southeasterly direction along  
1378 the 100 Year Floodplain 1441'± to a point; thence N 06°40'18" W 321'± to a point; thence S  
1379 79°34'27" W 250.75' to a point; thence along a curve to the right having a radius of 355.00' for  
1380 a length of 182.92' to a point; thence N 70°45'12" W 237.97' to a point; thence along a curve to  
1381 the left having a radius of 210.00' for a length of 234.81' to a point; thence S 45°01'57" W  
1382 472.49' to a point; thence along a curve to the left having a radius of 345' for a length of 283.29'  
1383 to a point; thence S 02°00'53" E 38.50' to the Point of Beginning, containing 9.38 acres.  
1384

1385 PARCEL O: BEGINNING at the southwest corner of Parcel O; thence N 26°02'50" W 618.79'  
1386 to a point in the 100 Year Floodplain; thence meandering in a northeasterly direction along the  
1387 100 Year Floodplain 543'± to a point; thence S 11°36'33" W 222.35' to a point; thence along a  
1388 curve to the left having a radius of 310.00' for a length of 215.67' to a point; thence S 64°06'04"  
1389 W 254.60' to the Point of Beginning, containing 4.41 acres.  
1390

1391 PARCEL P: BEGINNING at the northwestern most corner of Parcel P; thence N 64°06'04" E  
1392 254.60' to a point; thence along a curve to the left having a radius of 310.00' for a length of  
1393 143.04' to a point; thence S 54°41'19" E 131.64' to a point; thence along a curve to the right  
1394 having a radius of 585.00' for a length of 237.66' to a point; thence S 31°24'44" E 131.47' to a  
1395 point; thence along a curve to the right having a radius of 585.00' for a length of 311.16' to a  
1396 point; thence S 01°45'46" W 461.60' to a point on the northern right-of-way line of Long Bridge  
1397 Road; thence along a curve to the right along the northern right-of-way line of Long Bridge Road  
1398 having a radius of 2253.03 for a length of 159.16' to a point; thence leaving the northern right-  
1399 of-way line of Long Bridge Road N 12°47'14" W 331.19' to a point; thence N 70°22'56" W  
1400 493.79' to a point; thence N 26°35'42" W 336.54' to a point; thence N 61°57'17" E 253.11' to a  
1401 point; thence N 26°02'50 W 255.65' to the Point of Beginning, containing 12.83 acres.  
1402

1403 PARCEL Q: BEGINNING at the southeast corner of Parcel Q on the northern right-of-way line  
1404 of Long Bridge Road; thence N 01°45'46" E 476.00' to a point; thence N 87°05'41" W 291.29'  
1405 to a point; thence S 01°45'46" W 461.60' to a point on the northern right-of-way line of Long  
1406 Bridge Road; thence along a curve to the left along the northern right-of-way line of Long Bridge  
1407 Road a radius of 2253.03 for a length of 180.63' to a point; thence along a curve to the left

1408 having a radius of 3603.35' for a length of 110.07' to the Point of Beginning, containing 3.27  
1409 acres.

1410  
1411 PARCEL R: BEGINNING at the southeast corner of Parcel R on the northern right-of-way line  
1412 of Long Bridge Road; thence along a curve to the right along the northern right-of-way line of  
1413 Long Bridge Road having a radius of 1262.97' for a length of 297.51' to a point; thence along a  
1414 curve to the right having a radius of 3603.35' for a length of 284'± to a point at a creek; thence  
1415 leaving the northern right-of-way line of Long Bridge Road and meandering in a northeasterly  
1416 direction along the center line of a creek 1127'± to a point; thence S 16°12'44" E 485'± to a  
1417 point; thence N 81°18'34" W 141.92' to a point; thence S 24°34'15" E 217.80' to a point; thence  
1418 N 68°25'45" E 22.57' to a point; thence S 21°34'15" E 102.96' to the Point of Beginning,  
1419 containing 5.5 acres.

1420  
1421 PARCEL S: Beginning at a point at the northwest intersection of Yahley Mill and Long Bridge  
1422 Roads, said point being the True Point of Beginning; thence along the northern right-of-way of  
1423 Long Bridge Road S 69°06'49" W 149.08' to a point; thence along a curve to the left having a  
1424 radius of 1358.66' for a length of 466.22' to a point; thence N 00°25'45" E 913'± to a point at a  
1425 creek; thence meandering in an easterly direction along the center line of a creek 529± to a point;  
1426 thence S 07°22'24" E 420'± to the Point of Beginning, containing 8.27 acres.

1427  
1428 PARCEL T: BEGINNING at the southeast corner of Parcel T; thence N 06°19'56" W 245.90'  
1429 to a point; thence N 87°43'36" W 118.50' to a Point; thence N 01°25'30" E 729.44' to a point;  
1430 thence N 06°19'03" W 803'± to a point in the 100 Year Floodplain; thence meandering in a  
1431 westerly then southerly direction along the 100 Year Floodplain 1254'± to a point; thence S  
1432 85°19'01" E 97.00' to a point; thence S 27°09'51" E 128.00' to a point; thence S 43°14'56" W  
1433 729.20' to a point in the 100 Year Floodplain; thence meandering in a southerly then easterly  
1434 direction along the 100 Year Floodplain 1771'± to the Point of Beginning, containing 27.37  
1435 acres.

1436  
1437 PARCEL U: BEGINNING at the southeastern point of Parcel U; thence N 26°13'58" W  
1438 688.50' to a point; thence S 30°06'37" W 503.12' to a point; thence along a curve to the left  
1439 having a radius of 530.00' for a length of 340.24' to a point; thence S 06°40'18" E 398.78'± to a  
1440 point in a the 100 Year Floodplain; thence meandering in a southeasterly direction along the 100  
1441 Year Floodplain 261'± to a point; thence N 32°31'37" E 644'± to the Point of Beginning,  
1442 containing 10.21 acres.

1443  
1444 PARCEL V: BEGINNING at the northwestern corner of Parcel V; thence S 39°05'56" E 870'±  
1445 to a point in the 100 Year Floodplain; thence meandering in an easterly direction along the 100  
1446 Year Floodplain 716'± to a point; thence N 56°00'30" W 823'± to a point; thence along a curve  
1447 to the right having a radius of 400.00 for a length of 106.14' to a point; thence S 30°06'37" W  
1448 240' to the Point of Beginning, containing 9.86 acres.

1449  
1450 PARCEL W: BEGINNING at the northwest corner of Parcel W; thence N 49°18'02" E 732.84'  
1451 to a point; thence S 77°22'53" E 1109.89' to a point; thence S 31°15'42" E 396.00' to a point;  
1452 thence N 77°18'32" E 545.00' to a point; thence N 18°28'42" E 639.50' to a point; thence S  
1453 21°58'58" E 57.57' to a point; thence S 28°16'08" E 10.00' to a point; thence S 17°05'22" W



1454 267.82' to a point; thence S 16°51'22" W 112.65' to a point; thence S 10°37'22" W 216.80' to a  
1455 point; thence S 66°51'38" E 49.86' to a point; thence N 89°24'12" E 302.50' to a point; thence S  
1456 78°49'08" E 114.84' to a point; thence S 11°59'38" E 859.56' to a point; thence S 78°04'08" E  
1457 459.20' to a point; thence S 03°47'28" E 120.17' to a point; thence along a curve to the right  
1458 having a radius of 567.94' for a length of 46.98' to a point; thence N 85°48'32" W 204.49' to a  
1459 point; thence S 03°51'28" W 345.00' to a point in the centerline of a creek; thence meandering  
1460 in a westerly direction along the centerline of a creek 925'± to a point; thence N 57°20'28" W  
1461 871.00' to a point; thence N 30°04'48" W 211.12' to a point; thence S 62°04'52" W 480'± to a  
1462 point in a creek; thence meandering in a northerly direction along the centerline of a creek 224'±  
1463 to a point; thence N 60°48'52" E 737.68' to a point; thence N 28°40'22" E 117.11' to a point;  
1464 thence N 85°16'33" W 199.93' to a point; thence S 74°57'01" W 499.83' to a point; thence N  
1465 29°27'45" W 805.91' to a point; thence N 79°35'22" E 593.31' to a point; thence S 46°14'22" E  
1466 657.38' to a point; thence N 71°11'02" E 148.02' to a point; thence N 13°51'33" E 164.40' to a  
1467 point; thence N 56°29'41" W 601.89 to a point; thence N 35°20'27" W 293.35' to a point;  
1468 thence S 83°03'17" W 558.02' to a point; thence S 68°02'14" W 708.66' to a point; thence S  
1469 88°22'42" W 126.29' to a point; thence N 01°37'18" W 306.53' to the Point of Beginning,  
1470 containing 79.90 acres.  
1471

1472 PARCEL X: BEGINNING at the northwest corner of Parcel X; thence N 53°16'50" E 158'± to  
1473 a point in the 100 Year Floodplain; thence meandering in a southerly then a westerly direction  
1474 along the 100 Year Floodplain 1205'± to a point; thence N 01°45'46" E 240'± to a point; thence  
1475 N 87°05'41" W 291.29' to a point; thence along a curve to the left having a radius of 585.00' for  
1476 a length of 311.16' to a point; thence N 31°24'44" W 131.47' to the Point of Beginning,  
1477 containing 4.54 acres.  
1478

1479 PARCEL Y: BEGINNING at a the northeastern point of Parcel Y on the western right-of-way  
1480 line of Yahley Mill Road; thence along the western right-of-way line of Yahley Mill Road S  
1481 07°22'24" E 557'± to a point in the 100 Year Floodplain; thence leaving the western right-of-  
1482 way line of Yahley Mill Road and meandering along the 100 Year Floodplain in a westerly  
1483 direction 405'± to a point; thence N 06°19'56" W 245.90' to a point; thence N 25°27'48" E  
1484 364.53' to a point; thence N 78°53'46" E 122.52' to the Point of Beginning, containing 3.74  
1485 acres.  
1486

1487 PARCEL Z: BEGINNING at the southwestern corner of Parcel Z; thence N 57°06'01" W  
1488 448.97' to a point; thence S 49°51'44" E 894.95' to a point; thence N 59°01'27" E 102.04' to a  
1489 point; thence S 64°45'38" E 782.13' to a point; thence S 56°36'31" E 401.86' to a point; thence  
1490 S 31°48'07" E 254.97' to a point; thence S 63°24'52" W 227.77' to the Point of Beginning,  
1491 containing 7.48 acres.  
1492

1493 PARCEL AA: BEGINNING at the southeastern point of Parcel AA; thence N 57°37'52" W  
1494 190.15' to a point; thence S 78°25'35" W 542.09' to a point; thence S 41°43'19" W 167.45' to a  
1495 point; thence S 22°24'48" W 154.70' to a point; thence along a curve to the right having a radius  
1496 of 660.00' for a length of 145.56 to a point; thence N 64°51'38" E 811.59' to the Point of  
1497 Beginning, containing 4.12 acres.  
1498

1499 PARCEL BB: BEGINNING at the southwestern point of Parcel BB on the northern right-of-  
1500 way line of Long Bridge Road; thence leaving the northern right-of-way line of Long Bridge  
1501 Road N 19°50'54" W 150.78' to a point; thence N 35°24'13" W 557.63' to a point; thence N  
1502 49°12'59" W 460.72' to a point; thence S 66°05'16" W 224.15' to a point; thence N 23°54'44"  
1503 W 613.42' to a point; thence N 60°31'33" E 211.31' to a point; thence S 32°27'56" E 211.51' to  
1504 a point; thence S 53°50'46" E 496.39' to a point; thence N 89°36'48" E 658.29' to a point;  
1505 thence S 26°35'42" E 336.54' to a point; thence S 70°22'56" E 493.79' to a point; thence S  
1506 12°47'14" E 331.19' to a point on the western right-of-way line of Long Bridge Road; thence  
1507 along a curve to the left on Long Bridge Road having a radius of 845.09 for a length of 323.37'  
1508 to a point; thence S 75°22'54" W 127.86' to a point; thence S 70°09'06" W 452.05' to the Point  
1509 of Beginning, containing 23.72 acres.

1510  
1511 PARCEL CC: BEGINNING at the northeast corner of Parcel CC; thence S 25°54'45" E 679.52'  
1512 to a point; thence S 04°01'06" E 261.73' to a point; thence S 47°26'09" W 460.56' to a point;  
1513 thence N 88°34'06" W 178.07' to a point; thence N 22°20'21" E 261.76' to a point; thence N  
1514 35°39'25" E 318.16' to a point; thence N 15°25'07" W 654.03' to a point; thence N 62°01'36" E  
1515 102.89' to the Point of Beginning, containing 5.98 acres.

1516  
1517 PARCEL DD: BEGINNING at the southern point of Parcel DD on the western right-of-way line  
1518 of Yahley Mill Road and adjacent to the northeastern corner of Parcel Y; thence S 78°53'46" W  
1519 122.52' to a point; thence S 25°27'48" W 364.53' to a point; thence N 87°43'36" W 118.50' to a  
1520 point; thence N 01°25'30" E 729.44' to a point; thence N 06°19'03" W 803'± to a point in the  
1521 100 Year Floodplain; thence meandering in the 100 Year Floodplain in a westerly then southerly  
1522 direction 1254'± to a point; thence S 85°19'01" E 97.00' to a point; thence S 27°09'51" E  
1523 128.00' to a point; thence S 43°14'56" W 729.20' to a point in the 100 Year Floodplain; thence  
1524 meandering in the 100 Year Floodplain in a southerly then an easterly direction 1771'± to a  
1525 point on the western right-of-way line of Yahley Mill Road; thence along the western right-of-  
1526 way line of Yahley Mill Road S 07°22'24" E 156'± to a point; thence leaving the western right-  
1527 of-way line of Yahley Mill Road and meandering in the centerline of a creek in a westerly  
1528 direction 529'± to the northwest corner of Parcel S; thence meandering in the centerline of a  
1529 creek in a southwesterly direction 1127'± to a point on the northern right-of-way line of Long  
1530 Bridge Road; thence along a curve to the right along the northern right-of-way line of Long  
1531 Bridge Road having a radius of 3603.35 for a length of 423.63' to a point; thence leaving the  
1532 northern right-of-way line of Long Bridge Road N 01°45'46" E 236'± to a point in the 100 Year  
1533 Floodplain; thence meandering along the 100 Year Floodplain in a northerly direction 1205'± to  
1534 a point; thence S 53°16'50" W 158'± to a point; thence along a curve to the left having a radius  
1535 of 585.00' for a length of 183.47' to a point; thence N 54°41'19" W 131.64' to a point; thence  
1536 along a curve to the right having a radius of 310.00' for a length of 143.04' to a point; thence  
1537 along a curve to the right having a radius of 310.00' for a length of 215.67' to a point; thence N  
1538 11°36'33" E 222.35' to a point in the 100 Year Floodplain; thence meandering along the 100  
1539 Year Floodplain in a westerly direction 543'± to a point; thence S 26°02'50" E 618.79' to a  
1540 point; thence S 26°02'50" E 255.65' to a point; thence N 61°57'17" E 253.11 to a point; thence  
1541 N 36°58'00" E 152.29' to a point; thence N 40°33'28" W 579.43' to a point; thence N 29°49'12"  
1542 W 359.29' to a point; thence N 62°41'43" W 307.87'± to a point in the 100 Year Floodplain;  
1543 thence meandering along the 100 Year Floodplain in a northeasterly then easterly direction  
1544 1702'± to a point; thence N 32°31'37" E 644'± to a point; thence N 26°13'58" W 688.50' to a

1545 point; thence N 30°06'37" E 101.63' to a point; thence S 39°05'56" E 870'± to a point in the 100  
1546 Year Floodplain; thence meandering in an easterly direction along the 100 Year Floodplain  
1547 716'± to a point; thence N 56°00'30" W 823'± to a point; thence N 75°05'37" W 241.73' to a  
1548 point; thence N 49°22'12" W 719.80' to a point; thence N 24°48'45" W 559.14' to a point;  
1549 thence N 15°11'24" E 179.24' to a point; thence N 88°34'52" E 223.95' to a point; thence N  
1550 05°06'38" W 145.72' to a point; thence N 32°43'15" W 241.11' to a point; thence N 41°01'42"  
1551 W 286.55' to a point; thence N 84°33'13" W 187.54' to a point; thence N 08°17'28" W 105.08'  
1552 to a point; thence N 68°02'14" E 708.66' to a point; thence N 83°03'17" E 558.02' to a point;  
1553 thence S 35°20'27" E 293.35' to a point; thence S 56°29'41" E 601.89' to a point; thence S  
1554 13°51'33" W 164.40' to a point; thence S 71°11'02" W 148.02' to a point; thence N 46°14'22"  
1555 W 657.38' to a point; thence S 79°35'22" W 593.31' to a point; thence S 29°27'45" E 805.91' to  
1556 a point; thence N 74°57'01" E 499.83' to a point; thence S 85°16'33" E 199.93' to a point;  
1557 thence S 28°40'22" W 117.11' to a point; thence S 60°48'52" W 737.68' to a point in the  
1558 centerline of a creek; thence meandering in a southeasterly direction in the centerline of a creek  
1559 1699'± to a point; thence S 82°48'09" E 584.75' to a point on the western right-of-way line of  
1560 Yahley Mill Road; thence along a curve to the left along the western right-of-way line of Yahley  
1561 Mill Road having a radius of 366.72' for a length of 130.25' to a point; thence S 07°22'24" E  
1562 1247.33' to the Point of Beginning, containing 140.52 acres.

1563  
1564 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.

1565  
1566 Mr. Vanarsdall - Is any one in the audience in opposition to this case, C-8C-00?  
1567 There is opposition.

1568  
1569 Mr. John Deal, Attorney - I represent Camp Holly Springs in opposition.

1570 Mr. Vanarsdall - Thank you. Any one here in favor of this case? Thank you. All  
1571 right, Mr. Bittner.

1572  
1573 Mr. Bittner - Thank you, Mr. Vanarsdall. The area of this proposal is  
1574 recommended for Prime Agricultural and Environmental Protection Area in the 2010 Plan.  
1575 However, the 2010 Plan also states that large-scaled planned communities could, perhaps, be  
1576 appropriate for this area of the County.

1577  
1578 The intersection of Route 5 and Longbridge Road would be the main entrance to Sotherlyn, and is  
1579 located in this area here (referring to slide). There will be a shopping center at this location on this  
1580 parcel here (referring to slide) and an 18-hole golf course would run throughout the community.  
1581 Several types of residential uses would be developed, including single-family homes, town homes,  
1582 condominiums, and an assisted living facility.

1583  
1584 The proffers limit the total number of residential units to 987. This equals an approximate net  
1585 density of 1.6 units per acre. This is below the previous request for 1998, which contained 1,341  
1586 units for a net density of 2.1 units an acre.

1587  
1588 New information has been submitted which addresses some of the issues outlined in the staff  
1589 report. And, I believe you all have a copy of those new proffers and the new plan. If you don't,  
1590 we have some extra copies here tonight that we could hand to you.

1591  
1592 The uses that have been addressed include the following: Parcel T along the west side of Yahley  
1593 Mill Road, this location here (referring to slide) was labeled for townhouse and condominium  
1594 development. The applicant has stated that this was a mislabeling and has relabeled this area for  
1595 single-family R-3C development, which is what he had originally planned for the site.  
1596

1597 The trail system has also been amended to provide a direct trail access to the main shopping center.  
1598 This is a positive addition. There are several other positive aspects to this plan. They include  
1599 some open space along the Route 5 and the Yahley Mill Road frontages, Some tree-lined roadway  
1600 medians, preservation of a historic site, and open space and buffer areas throughout the  
1601 community. Staff still has several concerns with this proposal, however. Some of these concerns  
1602 include the following: No. 1 Lack of access to Route 5.  
1603

1604 The only access would be at the main entrance via Longbridge Road. There is no access shown to  
1605 Route 5 near Turner Road. Most traffic to Sotherlyn would likely come from Interstate 295 via  
1606 Route 5. The connection here would most likely be needed to better spread traffic throughout the  
1607 development instead of concentrating it at the main entrance. The traffic engineer has stated that  
1608 Public Works would support a connection to Route 5 near Turner Road as this community  
1609 develops.  
1610

1611 Issue 2 is the location of the dedicated school site and it is this purple parcel here (referring to  
1612 slide). The applicant has proffered to dedicate a 20-acre school site along Route 5. This is not an  
1613 ideal location for a school. It fronts on a major roadway, and it is also adjacent to the proposed  
1614 shopping center. A site in the interior of Sotherlyn would be preferable. This would be consistent  
1615 with locations of other schools in Henrico, including Shady Grove Elementary School, which is  
1616 located in the interior of the Wyndham planned community. Staff cannot support the location of a  
1617 new elementary school on a major roadway. The School Board has further stated, that locating  
1618 schools next to shopping centers, is not an ideal situation.  
1619

1620 Issue 3 is the density of proposed zoning. This proposal contains a larger amount of higher  
1621 density; R-3C single-family zoning, than lower density R-1AC and R-2AC zoning. In this area of  
1622 the County, which is open and rural, lower density single-family development should be the  
1623 prominent component. The applicant should consider providing more lower density single-family  
1624 housing.  
1625

1626 Issue 4 is recreational amenities. A golf course and related facilities have been committed to.  
1627 However, other recreational facilities have not been specifically provided. Desirable amenities  
1628 could include: multi-use fields, basketball courts, playgrounds, picnic areas, gazebos and bicycle  
1629 racks.  
1630

1631 In summary, the concept of a large-scaled planned community in the eastern part of the County is  
1632 attractive and supported by the 2010 Plan. Any such community could become the model for  
1633 future development in the surrounding areas. Care must be taken to ensure the desired qualities are  
1634 established.  
1635

1636 There are some items that staff would prefer to be included with this application. However,  
1637 omission of these items does not negate the positive qualities in this proposal. This development is  
1638 considered high-quality model development for the eastern part of Henrico. If the outstanding  
1639 issues were to be addressed by the applicant, staff could recommend approval. At this time,  
1640 however, staff recommends deferral of this case. I will be happy to answer any questions you may  
1641 have.

1642  
1643 Mr. Vanarsdall - Any questions of Mr. Bittner by Commission members? I believe  
1644 we can hear from the applicant now. You do want to hear from the applicant, don't you?

1645  
1646 Mrs. Quesinberry - Absolutely. Wouldn't miss it.

1647  
1648 Mr. Jim Theobald - Good evening ladies and gentlemen. Mr. Chairman, ladies and  
1649 gentlemen, my name is Jim Theobald, and I am here this evening on behalf of Mr. Roy Amason.

1650  
1651 This is a request to rezone approximately 633 acres of land near the intersection of Interstate 295  
1652 and Route 5 for the development of Sotherlyn; Varina's premier large-tract planned mixed-use  
1653 community.

1654  
1655 This request provides a unique opportunity to create in Varina a sensible growth community  
1656 consistent with one of the most important goals of the County's Land Use Plan, rather than a  
1657 continuation of ad-hoc piece-meal development.

1658  
1659 Sotherlyn will be a place where people will live, work and play, within a mix of single-family  
1660 detached homes at an average price of \$225,000. Empty-nesters maintenance-free homes around  
1661 the golf course at an average price of \$160,000; an assisted living facility, daycare opportunities,  
1662 office and retail opportunities.

1663  
1664 Sotherlyn enhances and promotes the values of community in Varina by providing a place for  
1665 residents to live and retire who really want to stay in Varina near their family and their friends and  
1666 their doctors and their familiar shopping patterns, and in a community designed around an  
1667 environmentally-sensitive golf course with recreational areas.

1668  
1669 We will also provide homes for those newly employed in the expanding high technology field,  
1670 who will contribute to the social fabric and economy of eastern Henrico. But, the creation of this  
1671 new community cannot be at the expense of the old one. So we have crafted some 50 proffered  
1672 conditions; 10 pages of binding written conditions, designed to guarantee that Sotherlyn will  
1673 respect the historical, environmental and aesthetic integrity of Varina.

1674  
1675 This case has been substantially amended from its initial filing, as Mr. Bitter related, which really  
1676 reflects the input from many Varina residents and the professional planning staff of the County.

1677  
1678 Our overall density has been reduced to 1.56 dwellings per acre, and all apartments have been  
1679 eliminated. The amount of retail zoning has been decreased by 50 percent from the prior request,  
1680 and our open space consisting of greenbelts, buffers, undisturbed forest area, wetlands, floodplains  
1681 and golf course equal nearly 297 acres for 46 percent of our entire development.

1682  
1683 We have engaged geotechnical experts to do additional studies of the geology of the area to assure  
1684 that Sotherlyn will not interfere with Mr. Dowdy and his Diamond Springs Water Bottling and  
1685 Distribution business conducted on adjacent agriculturally-zoned property.

1686  
1687 Our golf course proffer requires an integrated pest-management program designed to minimize the  
1688 use of pesticides, and provide for protection of riparian areas, with buffers of dense veracious  
1689 vegetation, as further evidence of our commitment to be a good neighbor.

1690  
1691 An additional proffer provides that any stormwater which might drain towards the Camp Holly  
1692 Springs area will be controlled by drop inlets and concrete culverts, discharging to an adequate  
1693 outfall at points downgrading of the spring.

1694  
1695 I should add, that our experts do not believe that these measures are needed, but rather constitute  
1696 an additional safety net to assure the integrity of the spring. Our desire is to protect the springs,  
1697 and not hurt the springs.

1698  
1699 Our proffers include an 800-foot no-build area around the southern-most spring, and wherever that  
1700 800-foot radius intersects, property that we have and its in the area in here (referring to slide), we  
1701 have proffered a no-build zone around the spring, which is essentially located in this area (referring  
1702 to slide). But, more on Diamond Springs later.

1703 Our proffered conditions are the most detailed of any case brought before you for a similar  
1704 community. It's a commitment by Mr. Amason by what you see is what you will get. We have  
1705 proffered that the development will be in substantial conformance with the conceptual master plan.  
1706 We have proffered greenbelts along roadways and buffers against some of our closest neighbors.  
1707 We have committed to provide public water and sewer, rather than utilize well and septic. We  
1708 have promised to provide a championship 18-hole golf course and to construct it with the initial  
1709 phase of development. We have proffered elevations of our empty-nester homes around the golf  
1710 course as well as our townhomes. And all other buildings must be Colonial, New England  
1711 Colonial, or Georgian style in appearance.

1712  
1713 Importantly, we have agreed to phase our development consistent with roadway and intersection  
1714 improvements approved by the Department of Public Works. Given our reduction in density from  
1715 our prior case, our revised traffic studies, there is a 30 percent reduction in overall traffic from our  
1716 prior request.

1717  
1718 Significantly, we have also agreed not to request more than 125 Certificates of Occupancy per year  
1719 beginning January of 2001, in an effort to guarantee that the impacts of Sotherlyn will, in fact,  
1720 occur over time. Sotherlyn is not coming out of the ground with every house all at once. These  
1721 impacts are spread out over a large period of time.

1722  
1723 With prior input from Dr. Mannerin and Chuck Peple with the Department of Parks and  
1724 Recreation, we have made a commitment to that department to cooperate with them in evaluating  
1725 and interpreting any historical findings discovered during development.

1726

1727 We have also set aside approximately two acres for the preservation of the ruins of the old breast  
1728 works fort known as Fort Southard, which will include public access, a parking lot, and a  
1729 commemorative plaque.

1730  
1731 We have agreed to donate a school site for a minimum of 20 acres at no cost to the County. We  
1732 are flexible about the location of that school site, and are happy to meet with the school system to  
1733 find the best location. We do have the ability to move that off of Route 5 if there is a better  
1734 location.

1735  
1736 We have regulated signage, lighting, screening, and mechanical equipment. We have provided for  
1737 median landscaping within our roadways. And, importantly, we have reduced and capped our  
1738 residential density to 987 dwelling units, a 26 percent overall reduction in density from our prior  
1739 request.

1740  
1741 We have provided for significant restrictive covenants that will require numerous architectural  
1742 review board approvals in order to guarantee quality.

1743  
1744 We have significantly increased the minimum square footage for our homes; our townhomes. We  
1745 had 25 percent of our townhomes could be at a minimum of 950 feet. We have raised that to 1,000  
1746 square feet. The other three-fourths of all empty-nester projects has to be a minimum of 1,280  
1747 square feet.

1748 Wyndham, the RTH product is proffered to be a minimum of 1,000 square feet overall. Our R-3  
1749 areas, we have increased our proffer from 1,600 square feet minimum to 1,750. Wyndham R-3  
1750 proffered at 1,700. Again, we exceed the standards set in Wyndham.

1751  
1752 R-2A, we have increased from 1,800 square feet to 1,900 square feet, which is the same standard  
1753 Wyndham has established for its R-2A product. Our R-1A product has been increased from a  
1754 minimum of 1,900 minimum square feet to 2,000 square feet. Wyndham does not have any R-1A  
1755 District. Our A-1 zoned land we have increased our minimum square footage from 2,000 square  
1756 feet to 2,200 square feet. Of course, there is not any A-1 comparable land in Wyndham. We have  
1757 proffered the elevation and the mix of the unit types so as to reduce the potential of school-aged  
1758 children.

1759  
1760 Our retail parcels, again, which have been decreased over 50 percent; this being the main retail  
1761 parcel, and has been restricted to only 6,700 square feet per acre, when normally you might expect  
1762 to see 10,000 square feet per acre for retail development.

1763  
1764 The significant use restrictions that are consistent with the Route 5 Proposed Design Guidelines.  
1765 Those buildings must also be of Colonial design, and we have additionally limited the height and  
1766 type of lighting, prohibited outside display, storage or sales along Route 5, and Longbridge Road.  
1767 And this is just a highlight of the 50 proffered conditions that are legally binding on this request.

1768  
1769 We believe that Sotherlyn is consistent with the goals, objectives and policies of the County's land  
1770 use plan. We have demonstrated the ability to provide necessary community amenities and  
1771 infrastructure. Your plan specifically promotes large-tract planned communities as a strategy  
1772 development in eastern Henrico.

1773  
1774 Additional road-strip development on well and septic is, and should be viewed, as a serious  
1775 concern. Large tract development better facilitates the preservation of sensitive areas and does  
1776 traditional development. There is a potential to provide development on a scale in Sotherlyn that is  
1777 needed to fund the necessary investment and the public utilities and the roads.

1778  
1779 As enumerated, we have substantially met the guidelines set forth in the plan to justify  
1780 development in an outlying area.

1781  
1782 ...The general guidelines allowed large tract planned developments to function, in essence, as a  
1783 floating zone. That section of the plan concludes by stating, and I quote, :"...encouraging large  
1784 tract planned development allows the County to plan for its future, while preserving those existing  
1785 qualities which have made Henrico County such an attractive place to live..."

1786  
1787 We've continued our dialogue with the area residents and attended additional meetings with the  
1788 Varina Beautification Committee. And, I'm pleased to inform you of the support of our request by  
1789 the Varina Beautification Committee, which is the result of those meetings, and you'll hear from a  
1790 representative a little bit later.

1791  
1792 Our conditions reflect that constructive dialogue with that group and I sincerely appreciate all of  
1793 the time and effort that they have put into this case. But our dialogue with citizens doesn't end  
1794 here. It really begins here. And as we develop, we commit to keep the community informed as  
1795 plans are finalized.

1796  
1797 Sotherlyn represents a "win-win" opportunity for citizens of Varina and the County at large.  
1798 Closing the door to development in Varina is not the answer. Sotherlyn incorporates the best of the  
1799 past, while planning, and I stress "planning," for the future. If not this planned community at this  
1800 location with all of its guarantees, then what kind of community for Varina and what area?

1801  
1802 And at this time, ladies and gentlemen, what I would like to do with your permission is introduce  
1803 Dr. Jerry Johnson, who is a professor of Geology at the College of William and Mary, to discuss  
1804 various aspects relating to the Diamond Springs, Camp Holly Springs operation.

1805  
1806 Doctor Johnson has worked extensively in this area since 1965 doing mapping for the Virginia  
1807 Division of Mineral Resources and the U.S. Geological Survey. He's also the Director of the  
1808 Colonial Soil & Water Conservation District for over 20 years, which includes parts of New Kent  
1809 County, Charles City, James City, York and the City of Williamsburg; is well respected on a  
1810 national level, and has made significant contributions to the field of geology. With your  
1811 permission, I'd like to introduce Doctor Johnson to walk you through the brief.

1812  
1813 Mr. Vanarsdall - Come on down, Doctor Johnson...

1814  
1815 Dr. Jerry Johnson, Professor of Geology, College of William & Mary - Mr. Chairman, and  
1816 members of the Commission, I'm here tonight to address some of the concerns about the Camp  
1817 Holly Springs area.

1818



1819 The purpose of my appearance here is to present some of the background, or the geology of the  
1820 area so we can better understand where the water is coming from that goes into the spring and how  
1821 that might, in some way, be affected by development by Sotherlyn.

1822  
1823 Springs and seeps are very common in this area. They form where ground water reaches the land  
1824 surface. A spring is a concentrated flow, whereas as seeps are more defuse. Our streams that we  
1825 see in this area are fed by groundwater. And the system that we have around Camp Holly Springs  
1826 is important to understand.

1827  
1828 The sequence of sediments in this area are as follows: the Bacon's Castle is the official aquifer in  
1829 this region. It's upper part is clay. As you go down through the Bacon's Castle, it becomes  
1830 sandier and more gravelly. And its that gravel and sand contains the groundwater that flows to  
1831 make the seeps and springs.

1832  
1833 Underlying the Bacon's Castle is an impervious layer called the "Eastover". The Eastover is a clay  
1834 unit formed in a marine environment about 8 million years ago. This unit prevents downward  
1835 movement of ground water and forces ground water to move laterally to either a stream or through  
1836 a single orifice such as spring or as seeps.

1837 The surface between the Bacon's Castle and the Eastover is an unglulatory surface, so that the lows  
1838 tend to concentrate water and direct that water's flow. That surface, from studies that have been  
1839 made over the last 50 years, possibly 75 years, generally slopes to the south. Locally, it may slope  
1840 to the east. But the general overall slope of that impervious unit is to the south and southeast. That  
1841 means that water in that ground water system is going to flow in that direction unless there is  
1842 something that alters its course.

1843  
1844 Now, what are the components, then, in this aquifer system that feeds Camp Holly Springs? Well,  
1845 it is the Bacon's Castle at the top; the Eastover at the bottom. Of concern to us, tonight, is where  
1846 is the recharge area that feeds Camp Holly Springs? Where does the water come from that goes  
1847 into Camp Holly Springs, and does the Sotherlyn tract impact that in some way, or does it overlap  
1848 it?

1849  
1850 If we look at the land surface, and here's where modern conveniences don't show up too well, but  
1851 the land surface is a rolling terrain with valleys carved into it. To the south of the uplands is a  
1852 major escarpment that is 50 to 60 feet high. Out of that escarpment that the seeps and the springs  
1853 come, where valleys have been cut back into it, such as the blind dolly in which Camp Holly  
1854 Springs is found, the water comes out at the head of the valley and then flows down to the valley  
1855 system to lower elevations.

1856  
1857 Now, if we take the topography, it is commonly thought that ground water surface mimics the land  
1858 surface. That is generally true, but not always true. And, in this case, it is not. What we have  
1859 done is taken the boring records, outcrops, taken boring records from Virginia Power, from the  
1860 Highway Department, from engineering firms, and argers that I have put in, and others have put in.  
1861 The outcrops we find along the road and we dig out, these are the body of evidence that goes into  
1862 this study.

1863

1864 What it shows is that the surface of the Eastover is ungluatory. It's up and down. And, if we start  
1865 to analyze which direction it would require water to flow on the top of the Eastover; that is the  
1866 impervious layer, we discover that, in this illustration here, the flow into the Camp Holly Springs is  
1867 from--the water flows eastward into the green dot (referring to slide), ladies and gentlemen, into  
1868 the Camp Holly Springs. But, just south of that line it flows to the south, and that's critical.  
1869

1870 What it boils down to is that the groundwater flow from the Sotherlyn area flows into the Sotherlyn  
1871 area and not into Camp Holly Springs with the exception of the possible small area, the Virginia  
1872 Geotechnical Services delineated last time, earlier. It's critical. Yes ma'am.

1873  
1874 Ms. Dwyer - Do you know that because of the borings that you've taken, the lay  
1875 of the Eastover?  
1876

1877 Doctor Johnson - In the next illustration, we have taken borings, and the information  
1878 from Joyce Engineering. We've taken and plotted the elevation of the groundwater table, provided  
1879 by Joyce Engineering in their March study, and we have contoured that data. And that data clearly  
1880 shows that the flow is to the east into Camp Holly Springs, and from a peak or a high part in the  
1881 ground water system is to the south into the Sotherlyn area.  
1882

1883 Now, if we look at the red line (referring to slide) which encompasses the Sotherlyn tract, we  
1884 discovered immediately that the groundwater flows not into the recharge area; the area where  
1885 Camp Holly Springs gets its water, but flows to the south, and not into the Camp Holly Springs  
1886 area. Now, this is using data, not gathered by us, but by Joyce Engineering and plotting that  
1887 information.  
1888

1889 Also, Mr. Deal, in a previous statement, mentioned that the groundwater flows to the east. The  
1890 conclusion here is that, if we take the available data on groundwater flow, water will not flow from  
1891 the Sotherlyn development into the Camp Holly Springs recharge area. Groundwater flows away  
1892 from it so that the Sotherlyn development is not within the recharge area for the Camp Holly  
1893 Springs. Thank you.  
1894

1895 Mr. Taylor - Doctor? Are there questions in order? Do you have any indication  
1896 of quantities of flow? For instance, how much water is flowing southward? How much water is  
1897 the spring producing? How much is now pumped out of there?  
1898

1899 Doctor Johnson - The data on the discharge from Camp Holly Springs is available.  
1900 It's calculated on a March flow, which is the high flow, by the way. It's the wettest time of the  
1901 year. And, I don't recall the exact number, but the point is, the area that we're talking about,  
1902 owned or projected for development, is outside that area. We're separate from it. The divide  
1903 between water flowing into the Camp Holly Springs area, and the Sotherlyn area are opposite to  
1904 each other. Water flows down hill.  
1905

1906 Mrs. Quesinberry - Doctor Johnson, I just want to make sure that I understand that; and  
1907 thank you for your presentation. It was very clear to non-geologists and water hydrologists. I  
1908 appreciate that. You, yourself, have not done any field work at Camp Holly Springs? Have you

1909 made all your conclusions from the Joyce Study and from the information you've been able to  
1910 gather in previous studies?

1911  
1912 Doctor Johnson - No ma'am. Over the last 30 years as part of an archeological study;  
1913 as part of mapping the Virginia Coastal Plain, and numerous field trips and so forth, I have  
1914 traversed this area many times. And, so if you look at the list, there are a lot of Johnson's listed in  
1915 the literature about the geology of the coastal plain.

1916  
1917 Mrs. Quesinberry - What does, "traversing the area," mean?

1918  
1919 Doctor Johnson - That means, I probably have gone up the roads and dug in most of  
1920 the road banks. I've put a lot of argers into the ground by hand. And, as most attest, arguing  
1921 through gravels is not very much fun and very difficult.

1922  
1923 I am examined a tremendous number of borings made by whoever I can get a hold of, including  
1924 engineering firms. And, so, its based on 30 years of experience. Mapping, by the way, too. I've  
1925 worked with soils people in the region, and, specifically, in this area. And I have been to Camp  
1926 Holly Springs and I looked at the stratify or the sequence of sediments there.

1927  
1928 Mrs. Quesinberry - And, how certain can you be with this undulating topography and  
1929 impervious surfaces, how do you predict and how certain can you be if you don't do certain tests?  
1930 Don't you make a lot of general conclusions about the way aquifers usually run, or commonly how  
1931 they run similar to the topography?

1932  
1933 Doctor Johnson - Okay. To the northwest is the Holland tract, and there are 48  
1934 borings there, I believe, which went down and defined the clay; the marine, the impervious unit.  
1935 And so that's data we pulled on. We've gone to West Sand and Gravel pit. I've looked at  
1936 probably conservatively 50 pits in this region to see, and over the years, its inadvertent, but you  
1937 discover, after awhile, what the configuration of that layer is, because you see it exposed for its  
1938 flat. You see it exposed where its got channels in it and so for or irregularities where its got  
1939 fractures in it. And, so after awhile, you start building a backlog. And, this is, basically, what I'm  
1940 drawing from are these years of experience, and, of course, the onsite inspections of these  
1941 grounds—these materials.

1942  
1943 Mrs. Quesinberry - Is it safe to assume, if you see fractures, or changes that it alters the  
1944 usual course, or could alter the usual course of the groundwater? In other words, it may not flow  
1945 the way it typically would?

1946  
1947 Doctor Johnson - Well, when we're talking about the Eastover, its so thick. It's 70,  
1948 80, 90 hundred feet thick. So, that means the surface cracks that you see in it are not going to  
1949 extend any great depth, typically. They are stained by iron oxides. When you get a cut, they  
1950 extend a few feet into the impervious unit. So, they will not change in any way significantly the  
1951 flow of water. The water is still perched or force the flow across that surface out to the edge. And  
1952 the edge is where the valleys are cut deeply. Does that answer your question?

1953  
1954 Mr. Archer - Doctor Johnson.

1955  
1956 Doctor Johnson - Yes sir.  
1957  
1958 Mr. Archer - Based on your research, or anybody's research, at what rate, if any,  
1959 do the properties of these layers like Bacon's Castle change, and what occurrence or condition has  
1960 to occur in order for that change to take place?  
1961  
1962 Doctor Johnson - There is a change vertically from very permeable lower beds to  
1963 tighter beds at the very top. This unit is about 50-feet thick, approximately. In many places its  
1964 been eroded. In fact, on this tract, the high ground, 150 feet or so of sea level still is fairly clay.  
1965 But as you go down into the low areas, 120 or 130 feet, it's gotten down into the sandy layers. So  
1966 there's an awful lot of infiltration of rainwater. Well, whenever we have it, snow that melts into it.  
1967 And so we have variations into the permeability of the transmissibility of these units. Laterally,  
1968 they vary too. You'll find them in clay lenses in them and you'll find places where there's coarse  
1969 gravels with very little matrix around them. And, so, there is variation. So, this is why we have to  
1970 look at it in bulk fashion and not the square foot. We have to look at it over the extent that we can  
1971 see a sand and gravel pit.  
1972  
1973 And in the gravel pit, we find out that those lower units are quite permeable. We, simply, dig a  
1974 hole, cut it deep enough, and the water goes out and the people go and mine it as they have at West  
1975 Sand and Gravel.  
1976  
1977 Mr. Archer - To be a little bit more specific, in any one given area, what  
1978 timeframe would occur before there were changes in that specific area, or what condition would  
1979 have to occur to cause it to change? Not as it goes from one place to another, but in any one given  
1980 area?  
1981  
1982 Doctor Johnson - If I were looking at a unit here, a piece of the Bacon's Castle, don't  
1983 hold your breathe, because its going to be ages, geologic ages before there's any change. The  
1984 Bacon's Castle is about 2.5 million years old more or less. And, it, basically, has remained the  
1985 same since its deposition, except for the accumulation of some iron oxide here, or a little  
1986 sedimentation there. But, overall, its very static.  
1987  
1988 Mr. Archer - So, we're talking about a long period time before that would occur?  
1989  
1990 Doctor Johnson - Yes sir.  
1991  
1992 Mr. Archer - Now, what condition; could an earthquake, for example, cause it to  
1993 change, or something more common other than an earthquake?  
1994  
1995 Doctor Johnson - We can change the configuration of the clay layer relative to gravels  
1996 by breaking and displacing it. Yes.  
1997  
1998 Mr. Archer - So, you're talking about manually, somebody actually moves dirt...  
1999

2000 Doctor Johnson - No. I'm talking about mother nature doing it with faulting. Faults  
2001 can produce irregularities on this surface. And, so, you do have those irregularities produced by  
2002 faulting in this region. Okay. But, we haven't put our finger on one, in many places, but we have  
2003 other places.

2004

2005 Ms. Dwyer - Doctor Johnson.

2006

2007 Doctor Johnson - Yes ma'am.

2008

2009 Ms. Dwyer - If I could just tell you what my understanding is, and you tell me  
2010 how far off on base I am on this. It sounds like you have mapped the Eastover, which is the  
2011 impervious layer, and the aquifer is above that.

2012

2013 Doctor Johnson - Yes ma'am.

2014 Ms. Dwyer - And you cannot go below the Eastover layer? Is that right?

2015

2016 Doctor Johnson - It, basically, does not go.

2017

2018 Ms. Dwyer - Okay.

2019

2020 Doctor Johnson - Yes. The surficial aquifer system.

2021

2022 Ms. Dwyer - The "superficial" did you say?

2023

2024 Doctor Johnson - "Surficial."

2025

2026 Ms. Dwyer - Surficial aquifer system? Okay. But, it, basically, lies on top of the  
2027 impervious Eastover layer, and that Eastover layer, basically, the elevation of that has been  
2028 mapped. You're confident of that through your borings. So, that causes the water, then, to flow in  
2029 a southerly, or sometimes easterly direction?

2030

2031 Doctor Johnson - Keller Graham did his PHD thesis on this, and finished that in 1988.  
2032 And he shows the surface of the Eastover sloping southward from the vicinity of Interstate 64,  
2033 where its much higher, sloping southward to this area.

2034

2035 Ms. Dwyer - Does it slope towards the river?

2036

2037 Doctor Johnson - It slopes to the south. And he shows on that surface an impress  
2038 drainage.

2039

2040 Ms. Dwyer - And, therefore, the water would flow, essentially, from the Camp  
2041 Holly Springs area towards Sotherlyn?

2042

2043 Doctor Johnson - No. As the illustration here shows...

2044

2045 Ms. Dwyer - Okay.

2046  
2047 Doctor Johnson - In this local situation you've got an up variation in the surface that  
2048 you've got a high to the west...  
2049  
2050 Ms. Dwyer - Okay.  
2051  
2052 Doctor Johnson - And that, that water flows off of that high into Camp Holly Springs.  
2053 South of that high, it flows to the south. That's a divide between the drainage going into Camp  
2054 Holly Springs, and that going into the Sotherlyn tract.  
2055  
2056 Ms. Dwyer - Can you show me where the divide is on this map?  
2057  
2058 Doctor Johnson - The approximate divide is...  
2059 Ms. Dwyer - This is the divide from the Eastover layer? Is that right?  
2060  
2061 Doctor Johnson - Okay. Here's the high point. The water that's here flows to the east  
2062 to Camp Holly Springs. The divide lies somewhere along this crest (referring to slide) and here.  
2063 So, this area here to the south flows to the south in that manner.  
2064  
2065 Ms. Dwyer - Is north at the top of this map?  
2066  
2067 Doctor Johnson - North is to the top. Yes ma'am. So, the divide between them is  
2068 roughly my middle pink line (referring to slide). So, the divide for the groundwater is to the south  
2069 and to the north. And this is based on the water levels by Joyce, some by Virginia Geotechnical  
2070 and then also seeps along the margin.  
2071  
2072 Ms. Dwyer - So, it does seem to flow towards Sotherlyn, then, from the way you  
2073 said?  
2074  
2075 Doctor Johnson - South of that divide, yes.  
2076  
2077 Ms. Dwyer - Okay.  
2078  
2079 Doctor Johnson - And that divide lies north of the Sotherlyn tract.  
2080  
2081 Ms. Dwyer - And the top line, you're showing an eastward flow?  
2082  
2083 Doctor Johnson - Yes ma'am.  
2084  
2085 Ms. Dwyer - And that's still flowing from...  
2086  
2087 Doctor Johnson - That's flowing from the high point; this water flows down from the  
2088 high on the Eastover to the low, where it issues from the spring itself.  
2089  
2090 Ms. Dwyer - So, that's still flowing into the Sotherlyn tract here?  
2091

2092 Doctor Johnson - No. That is flowing to Camp Holly Springs. I may have overshot  
2093 my line (referring to slide).  
2094  
2095 Ms. Dwyer - Okay. And then it comes out of the spring?  
2096  
2097 Doctor Johnson - I'm not too good at this (referring to slide). That pink line should go  
2098 to Camp Holly Springs. Okay. And then if you go northward further, that water will wrap around,  
2099 if I may do so, it tends to wrap around and goes down towards the spring, itself, because water  
2100 flows perpendicular to those contours, i.e. downhill.  
2101  
2102 Ms. Dwyer - Thank you.  
2103  
2104 Mr. Vanarsdall - Any more questions by Commission members? Doctor Johnson,  
2105 would you, for the record, would you state your full name and your title?  
2106  
2107 Doctor Johnson - Mr. Gerald H. as in "Homer" Johnson, Professor of Geology,  
2108 Collage of William & Mary.  
2109  
2110 Mr. Vanarsdall - Thank you, sir.  
2111  
2112 Mr. Theobald - Mr. Chairman, I think we just have one or two more speakers, and I  
2113 appreciate your indulgence.  
2114  
2115 Mr. Vanarsdall - All right.  
2116  
2117 Mr. Henry Nelson, Varina Beautification Committee - Good evening. I'm Henry Nelson. I  
2118 represent the Varina Beautification Committee. We live at 3600 New Market Road, which is  
2119 approximately one-quarter mile west of this proposed subdivision.  
2120  
2121 Varina has a very interesting history. I guess the soils that we're looking at right here have been  
2122 fought over for so many years as to what the future would bring. And, in many instances, the state,  
2123 the nation, and even the community have been at stake at various times in our history. And,  
2124 tonight, here we are gathered, again, to try and decide the future of Varina.  
2125  
2126 A lot of times, we have found the citizens of Varina, that the decisions don't always go according  
2127 to citizen wishes. There have been people who have objected to such things as the sewage  
2128 treatment plant, which we now enjoy. We have objected to I-295 and its interchange to Route 5,  
2129 and we have it. We have objected to making I-295 interchange a commercial area, and we got that.  
2130 We objected to I-895, and that's on the way. So, after all the debates, the Varina Beautification  
2131 Committee decided to try to see what might happen if we worked with development to try to get  
2132 the best deal that he could for the quality of life in the community. So, we sought out people, or at  
2133 least they sought us out. We decided to try to see what quality elements we could infuse in this  
2134 process that was inevitable.  
2135

2136 We have been disappointed with the overall quality of housing that has been developed in Varina  
2137 thus far. We do not want Varina to become home to all the heavy industry and cheap housing  
2138 that's available.

2139  
2140 We're convinced, that if quality housing is built in Varina, they would be welcomed with a ready  
2141 market. We want no density without amenities. Unlike other projects that have come to Varina,  
2142 we feel that the Sotherlyn project, with its low density; 1.6 houses per acre; 10 pages of proffers;  
2143 preservation of open space of 46 percent; 200 plus acres, with park land and preservation of history  
2144 areas; and the average homes priced at \$225,000, ranging up to \$500,000 is a much needed balance  
2145 to our developing community.

2146  
2147 We feel strongly, that if we turn this opportunity down, we may lose the ability to sort of turn the  
2148 tide of Varina towards a quality balance needed to remain a viable community, not only for our  
2149 own sake, but for that of the County. We would urge that you approve this project. Thank you for  
2150 your time.

2151  
2152 Mr. Vanarsdall - Are there any questions for Mr. Nelson by Commission members?  
2153 Thank you, Mr. Nelson.

2154  
2155 Mr. Theobald - I'm not sure if there was any one else who was intending to speak.  
2156 Yes. There is. We have one more. Thank you.

2157  
2158 Person from Audience - I'd like to say something, too, if I might. I didn't sign up if I was  
2159 supposed to? But, if permitted, I would be happy to.

2160  
2161 Mrs. Alberta Stoneman - I'm Alberta Stoneman from the Varina District. I'm here as a senior  
2162 citizen. We've had many maps and everything when I come to these things, and we've never had  
2163 anything for seniors. Well, this assisted living is the first I've seen where we can stay in Varina  
2164 and still vote in Henrico County.

2165  
2166 Mr. Vanarsdall - Thank you, ma'am. We can't hear you back there. You'll have to  
2167 come down to the mike.

2168  
2169 Man from Audience - Yeah. I thought, perhaps, I would...very much opposed that were  
2170 notable to this objection to the community. Mr. Deal, did you choose not to find an objection with  
2171 this?

2172  
2173 Mr. Theobald - His turn's next.

2174  
2175 Man from Audience - Please, Mr. Deal, you first.

2176  
2177 Mr. Theobald - I think that's it, Mr. Chairman.

2178  
2179 Ms. Dwyer - So, we hear the applicant, and after that we will get to you.

2180



2181 Mr. Vanarsdall - Okay. Thank you. All right, any one else? All right, Mr. Deal. Mr.  
2182 Deal, it will be your turn now.

2183  
2184 Mr. John Deal - Ladies and gentlemen, my name is John Deal with the law firm of  
2185 Deal & Lashney. I represent Camp Holly Springs. It's owned by Mr. & Mrs. Roland Dowdy.

2186  
2187 Camp Holly Springs is located at 4100 Diamond Springs Drive. If you would look on your screens  
2188 (referring to computer screens), you'll see that right up here is the bottling facilities and the  
2189 diamond spring is located. And then, if you'll look down here, right there, (referring to slide), is  
2190 the Camp Holly Springs.

2191  
2192 Now, notice this red line around here. This map was in the notebooks that I delivered to each of  
2193 you people. The red line is the arbitrary outline of the aquifer. And, when I say, arbitrary, it's  
2194 arbitrary because there are no core drillings in that area, not even on the map you're shown, show  
2195 exactly where the limits of that aquifer are.

2196  
2197 It was very interesting to note on the map that Mr. Johnson was just talking about a few minutes  
2198 ago that there were no bore holes on the land of Sotherlyn that overlies the aquifer, even according  
2199 to his own map. The bore drillings he had were from other areas. And Mr. Jim Richard and Terry  
2200 Phillips; Jim is a hydrogeologist from Tennessee and Mr. Phillips is from Joyce Engineering that  
2201 was referred to a bit ago.

2202  
2203 The facility that Diamond Spring operates this place is a state of the art bottle water facility. The  
2204 International Bottle Water Association has routinely given Camp Holly their excellence in  
2205 manufacturing award. The National Sanitation Foundation is a very rigorous sanitation inspection  
2206 coming unannounced has awarded the certification to Camp Holly on an annual basis.

2207  
2208 The Camp Holly spring, which, again, of course, is the one down here, by itself, flows in excess of  
2209 half million gallons of water a day. The Diamond spring up here and the other springs that are on  
2210 the Diamond Springs property, including the Camp Holly spring, together, flow about a million  
2211 gallons of natural spring water a day.

2212  
2213 The customers for this spring are in Virginia, Delaware, Maryland, North Carolina, South  
2214 Carolina, and West Virginia, Pennsylvania and Europe. Richfood, Millers Dairy, etc., take this  
2215 water, some in bottle, some in bulk and distribute it to these customers.

2216  
2217 The springs, according to archeological evidence that has been found at the springs, had been in  
2218 use since early 7800 B.C. So, what we're talking about tonight is a natural resource in this County  
2219 that has been providing water since 7800 years before the birth of Christ. Also, the documentation  
2220 in Henrico County shows that the Camp Holly Spring was used during the American Revolution,  
2221 the War of 1812, and by the north and south in the Civil War.

2222  
2223 The Camp Holly Spring is on the Henrico County Historical Register. Camp Holly Spring was a  
2224 proprietorship owned by the Park family and operated by them, and they began selling water in  
2225 Richmond commercially in 1923.

2226

2227 In times of actual and threatened hurricanes, flooding of the James River, algae and drought, Camp  
2228 Holly has had to work around the clock to meet the demand of water distributors, food stores,  
2229 manufacturing facilities because they need a safe, pure, source of drinking water in times of natural  
2230 disaster.

2231  
2232 The aquifer serving the spring, I am not a geologist. I'm a lawyer with a business degree. Jim and  
2233 Terry can go and give you our version of what you've heard about where the water flows, what an  
2234 aquifer means, how it operates, etc. I will say this, I don't think as a geologist wearing a pair of  
2235 shoes that won't say that Number 1, this is a shallow aquifer. Number shallow aquifers are very  
2236 much impacted by what happens on the surface. Fertilizers and pesticides are death to a natural  
2237 spring, especially with a shallow aquifer. But, as to how the water initially gets into the aquifer,  
2238 how it flows in the aquifer, comes out to the spring, I'll defer it to Jim and to Terry on that.

2239  
2240 Now, if you would, please, turn to Tab 4 in the notebook that I had distributed to you folks prior to  
2241 this meeting. And you'll notice at Tab 4 selected portion of the Henrico 2010 Comprehensive  
2242 Plan, Environmental Element of it. And that's Tab 4.

2243  
2244 If you would, you'll notice on the second page of the enclosure, I began highlighting certain  
2245 sections. Notice, then, in the County's own 2010 Land Use Plan approved by this Planning  
2246 Commission and approved by the Board of Supervisors, there's a section entitled, "Protection of  
2247 Portable Water." The first highlight two-thirds of the way down the page says, "The groundwater  
2248 table aquifer is a common term used to describe the level of water trapped within the soil beneath  
2249 the surface. The water table aquifer should be replaced by water which infiltrates into the ground  
2250 surface." In other words, the sole source of water supplying this aquifer is rain. And when the rain  
2251 comes down and hits the ground, it carries down into the ground what's on top of the ground. If  
2252 there's fertilizer and pesticides, they get carried right along with the water. That's the problem.  
2253 And if this aquifer is polluted, it does not only adversely affect Camp Holly, it also affects the  
2254 shallow wells along Turner Road, because nobody knows the habits of this aquifer. And I'm going  
2255 to get into it in a few minutes the extent to which we've gone to show the habits of this aquifer, and  
2256 the total lack of cooperation that we've got from Mr. Amason in that regard over a period now of  
2257 nine months.

2258  
2259 The second highlight on that same page, "Because of the interdependence of the hydrologic cycle,  
2260 anything that affects one part of the system, including pollutants, has the potential to affect other  
2261 parts of the system." This is not Camp Holly's writing. This is your 2010 Land Use Plan writing.

2262  
2263 The third highlighting on that page. "Proper planning can ensure the adequate supply of drinking  
2264 water by protection quantity and quality of drinking water."

2265  
2266 Please turn the page over to the next one. It's Page 61 in the upper right hand corner outlined in  
2267 red. This Land Use Plan says marked in red, "...In addition to the public supply wells, two fresh  
2268 water springs located off of Turner Road in the east end of the County provide commercial bottled  
2269 water." Then that paragraph just says what I have said before. Let's go to the last paragraph.  
2270 "...Camp Holly Springs and Diamond Springs appear to originate in separate shallow aquifers and  
2271 distinct horizons within a single aquifer."

2272

2273 In other words, there is different horizons and one aquifer serving both springs it feeds now, one  
2274 million gallons of water a day that you or I can go down to either one of those springs and with no  
2275 reverse osmosis, no chlorine, no nothing, drink that water, and its fresh and its pure and its been  
2276 that way since God made those springs. And the recharge for the springs is basically from surface  
2277 water infiltration.

2278  
2279 Next page, the second paragraph that's highlighted. "...Surface aquifers not deep enough to be  
2280 protected by layers of clay and that's us, are particularly vulnerable to contamination from any  
2281 pollutants introduced at the land's surface. To protect this type of aquifer, the recharge area around  
2282 the wells needs to be protected..." Notice, it didn't say, "the down water side." Notice it didn't  
2283 say, "...you go by the water flow." It said in your own Land Use Plan, "...the aquifer around these  
2284 sources needs to be protected..."

2285  
2286 The next page, please, 66, in the upper right hand corner, there's three lines that I will have to go  
2287 into. "...Virginia's Groundwater Steering Committee in 1987 identified 32 potential sources of  
2288 ground water contamination. The top five potential threats state wide are, and one of the five  
2289 you'll see underlined is pesticides and fertilizer. And golf courses, and high density development  
2290 have high concentrations of fertilizer and pesticides.

2291  
2292 Now, please turn to Page 82. Now, remember, we're in the County's own Land Use Plan, "Goals,  
2293 Objectives and Policies. The Goals, Objectives and Policies of the environmental element of the  
2294 Comprehensive Plan are designed to balance resource conservation with strong and sustained  
2295 economic growth..." To this end, No. 5,..."We need to protect the care and management of  
2296 ground water resources, including aquifer recharge areas..." Nobody has disputed this is an  
2297 aquifer recharge area that Sotherlyn overlays. It's part of it.

2298  
2299 Number 8, "...The protection of State water quality. Goals: Number 1: "...to protect the natural  
2300 and cultural resources provided for necessary development. 2. Promote environmental  
2301 management. 3. Minimize environmental degradation."

2302  
2303 You know that's ironic, when you look at their subdivision plan, and you look at all that green area  
2304 that's on it, you know what that green area is protecting, swamps, ditches, streams on top of land.  
2305 All of them on Sotherlyn are protected by law, and are not being built on as a result. That's ditch  
2306 water that dogs and animals drink. We're talking about the water that we drink being protected.

2307  
2308 Look under Goals and Objectives, No. 5, "...The care and management of ground water  
2309 resources, includes aquifers."

2310  
2311 Number 8, the protection of State water quality.

2312  
2313 Let's go over, if you would, to Number 83. "Objectives: Paragraph B, Protect unique or critically  
2314 endangered resources by controlling the effects of development." Governor's Land, and I've said  
2315 this before, and I'll say it again, had a problem.

2316  
2317 The concentration of fertilizers and pesticides used on their golf course was collected by rainwater  
2318 into ponds, just as the ponds shown on this plan are. They were pumped back up on the greens and

2319 fairways, and killed the grass. An environmentalist came in and said the problem, :”It’s too much  
2320 concentrations of fertilizers and pesticides, and it’s killing your grass.”

2321  
2322 And, remember, what we are talking about, if you’re standing on a green, you look down 25 or 35  
2323 feet, and there’s that marine clay and that aquifer sitting between your feet and that clay. And  
2324 that’s what people are depending on for drinking water.

2325 Where does the State go? You’ll see it as part of the exhibit here. The State of Virginia called  
2326 Camp Holly in the 1988 drought and asked, “Can we depend on you for drinking water if there’s  
2327 another drought like the one we’re experiencing now?” And I’ll turn the tab in a few minutes, and  
2328 you’ll see that. If this place is polluted, the State cannot depend on that million gallons a day. And  
2329 once you pollute it, you don’t reverse it. What’s done is done.

2330  
2331 The Policies, Number 4, at the bottom of Page 83. “Delineate through on-site assessment aquifer  
2332 recharge areas.” You see that highlighted? Number 4, at the bottom of the page of Page 83 on the  
2333 Policies, “...delineate through onsite assessment...” Now, what does that mean? Drill holes.

2334  
2335 Nobody knows what’s beneath the floor. People can guess what’s beneath the floor of this  
2336 auditorium all they want. They can go in the parking lot and test. They can go across the street  
2337 and test. They can go across Parham Road and test. But, nobody really knows what’s beneath this  
2338 floor of this auditorium unless you drill it. That’s the nature of geology, and both of these people  
2339 will testify to that, which I’m sure Mr. Johnson would.

2340  
2341 Look at Page 84, Number 7 at the top, “...Encourage developers to protect ecologically sensitive  
2342 areas...”No one with a pair of shoes on would dare say that the water table serving this aquifer is  
2343 not in an ecologically sensitive area...For the County to participate in environmental resource  
2344 studies affecting the County...” Then we’ll go on and on.

2345  
2346 And, then, look at Number 10, at the bottom of Page 84. What does it say? “...Protect the quality  
2347 of Camp Holly Springs and Diamond Springs recharge area to the extent reasonably practicable...”  
2348 We’re not talking about two bubbles out in the woods somewhere that coming up to the top and  
2349 there’s 5,000 more. The Land Use Plan says to protect these two sources by name.

2350  
2351 Go to Page 90 at the bottom. “Well head protection program. The goal was to investigate the  
2352 potential for contamination of water supply wells in the County...” The next one; “...A sizeable  
2353 amount of acreage designated as well head and aquifer protection areas coincide with Chesapeake  
2354 Bay preservation areas...” That’s the swamps and the ditches I just referred to.

2355  
2356 Now, if you would, when we were last before this Commission, Mr. Zehler asked this, and this  
2357 begs everything that was just said. Mr. Zehler asked this and this was almost one o’clock in the  
2358 morning on December 10<sup>th</sup>. Mr. Zehler said this and this was to Mr. Sanford, a geologist for Mr.  
2359 Amason. “Do you think it would be possible to sit down with them and hash over this report, find  
2360 out where there’s discrepancies, and where the differences are, and come to a better solution then  
2361 we have tonight?” Mr. Sanford, “I’m certainly willing to try.” Mr. Zehler, “Basically, there’s a lot  
2362 of discrepancies...” In a few minutes, folks, you’re going to hear a lot of discrepancies, and I’m  
2363 making a point here. “...and it’s a problem not only I’m having, but the rest of the Commission is  
2364 having is that two engineers say one thing and another engineer says another. We rely on

2365 professional people to make our decisions. It's difficult for us to make decisions, tonight with  
2366 discrepancies. I would love to see you guys go behind closed doors and hash out your differences;  
2367 come up with a report that everybody can agree upon, and a resolution as to what you can do in  
2368 order to protect that aquifer properly, And I know Mr. Dowdy has been studying that aquifer for  
2369 many, many years. You've got many, many dollars in it and I'd love to see you share that  
2370 information with them."

2371  
2372 Mr. Zehler, "...I think it could be done in order to accomplish what we want to accomplish. Mr.  
2373 Dowdy admitted he is not afraid of this project. He'd like to see it, because it may be a plus. But  
2374 we do have concerns. And we have had other situations with that aquifer where we have denied  
2375 cases. It is our job to protect that," (meaning the aquifer) "It is a very viable water supply that  
2376 needs to take an awful strong look at." I'm almost finished. "...Instead of the engineers not  
2377 working together, we need to get a pattern where we can get together, go behind closed doors, hash  
2378 it out, call each other fibbers, liars, whatever, you want to do, and come out with a report that  
2379 everybody can agree upon. It's going to make our job up here a lot easier, as well as Mr. Donati,  
2380 when it gets to the Board and we can make a reasonable decision..." Now, that was on December  
2381 10<sup>th</sup>.

2382  
2383 After December 10<sup>th</sup>, and into about March, we did have some meetings with Mr. Amason in an  
2384 effort to work this out, and proposals were made back and forth.

2385  
2386 Mrs. Quesinberry - I just want to make a point. That was December 10, 1998?

2387  
2388 Mr. Deal - Yes ma'am.

2389  
2390 Mrs. Quesinberry - Thank you.

2391  
2392 Mr. Deal - Yes ma'am. Now, we got together. We talked about different  
2393 objectives, etc., and I believe it was in May, I got a call from Jim Theobald, and he said, "We are  
2394 withdrawing the case." or words to that effect. And I said, "fine." Now, remember, we were  
2395 instructed to work together.

2396  
2397 What Mr. Dowdy started to do, you heard Mr. Johnson talk about the Carter Sand and Gravel and  
2398 about the Holland Tract. The Holland people across Turner Road were going to dig a big pit to  
2399 mine gravel in. It was denied by the Board of Zoning Appeals because of the effects on the  
2400 aquifer.

2401  
2402 When we got into that case at Camp Holly, Mr. Dowdy told these two engineers right here, "I want  
2403 you to map me out a drilling program for this entire aquifer, running from Darbytown Road, down  
2404 Turner Road on both sides all the way down to Route 5. I want that done." He spent \$33,000  
2405 coming up with the drilling inspection program that's in Tab 8. I will let Mr. Richard get into that.

2406  
2407 The last I heard from Mr. Theobald was when he said he was withdrawing the case. I didn't hear  
2408 from him in May or June. We thought he had forgotten about this. Mr. Amason had left and gone  
2409 to somewhere else for all we knew.

2410

2411 Now, if you would, please turn over to Tab 9. The report is dated, if you'll notice in February, but  
2412 the final revisions, if you'll look at it, were done in late April or early May. So, we've got a  
2413 drilling program.

2414  
2415 On May 24, 1999 you see a letter there to Blackwell and Shelly, Esquire. Mr. Shelly represents the  
2416 Harrelson Trust that owns the majority of the land that Sotherlyn is proposed to go on. "Dear Mr.  
2417 Shelly: Attached is a work plan, prepared by Joyce in the above matter. As part of the plan, there  
2418 is enclosed a large map depicting the entire area to be drilled and monitored by Joyce for Camp  
2419 Holly. The two drill sites on the Harrelson tract are circled in yellow in the lower right hand corner  
2420 of the map. When you've had the opportunity to review it, give me a call. Camp Holly will be  
2421 glad to share the results of the work Plan with Harrelson when those results are available. You  
2422 mentioned the concern about a drill rigging appearing, and we assured him that won't happen."  
2423 That was May 24<sup>th</sup>. Okay. And remember, we were ordered by your Commission to work  
2424 together.

2425  
2426 Turn the page. July 1, 1999, "Mr. Shelley, I've made several attempts in the last month to reach  
2427 you by phone in an effort to secure the permission requested in my letter to you of May 24<sup>th</sup>.  
2428 Camp Holly's request to you is beneficial to both Camp Holly and Mr. Harrelson.

2429  
2430 Certainly, Mr. Harrelson wants to make some use of his property. Camp Holly cannot just  
2431 arbitrarily consent to such use. It is a known fact that the aquifer serving the Camp Holly springs  
2432 lies under a portion of the Harrelson tract. In order to protect the aquifer, and, thereby protect the  
2433 spring, Camp Holly needs to determine the aquifer's habits under the Harrelson tract. Your prompt  
2434 response is appreciated..."

2435  
2436 Please turn the page. July 15<sup>th</sup>. "I've moved my law office" is the only reply I got. That was Mr.  
2437 Shelley writing me, saying, "I've got your letter of July 1. My current address. Your request of  
2438 your client remains under consideration." Please turn the page. August 19<sup>th</sup> - "Mr. Shelley, I've  
2439 got your July 15<sup>th</sup> letter. The program will take in excess of a year to complete and Camp Holly  
2440 would like to move forward as soon as possible. I'll wait your response..." Because, remember,  
2441 what we want to do is go on Sotherlyn and drill holes so nobody comes up  
2442 here and guesses. And when you try to tell what's going on underground, you haven't drilled a  
2443 hole, you are guessing, I don't care where you work or what your education is, it's a guess.

2444  
2445 Please turn the page. November 2<sup>nd</sup>, "Dear Mr. Shelley: My letters to you of May 24, and July 1  
2446 are attached, and I have your letter to me of July 15<sup>th</sup>. Also, we have spoken by phone once since  
2447 that time. Even so, I have yet to hear from you concerning the granting of permission..."  
2448 Remember, this is in November. "...I have yet to hear from you concerning the granting of Camp  
2449 Holly permission to enter upon your property to drill the three test wells in question. In that  
2450 regard, please find a revised map.

2451  
2452 In any event, Camp Holly is anxious to proceed with its drilling program..." and encourages to  
2453 respond at his earliest convenience. As related to you earlier,..." Please listen to this. "As related  
2454 to you earlier, this drilling program is absolutely necessary if we are to determine to a reasonable  
2455 degree of accuracy the potential effects of the development of all or a portion of the Camp Hill  
2456 Farm property on the Camp Holly spring..." You can't ask somebody any better than that. "...As

2457 related to you in the work plan, this drilling program is going to take many months to complete,  
2458 and involves not only Harrelson, but other properties in the area....” Next page, “...otherwise, if  
2459 Harrelson should determine to develop the Camp Holly property prior to completion of the drilling  
2460 program, Camp Holly will have to put forth its concerns and objections to such development based  
2461 on the information that’s now at hand.” Please turn the page. “December 3<sup>rd</sup>.”

2462

2463 Mr. Vanarsdall - Mr. Deal.

2464

2465 Mr. Deal - Yes.

2466

2467 Mr. Vanarsdall - I’m going to have to ask you to try to wrap it up.

2468

2469 Mr. Deal - Yes sir.

2470

2471 Mr. Vanarsdall - ...because you’ve gone way over what the applicant has done.

2472

2473 Mr. Deal - I’ll do that.

2474

2475 Mr. Vanarsdall - We want to hear this. I don’t mean to cut you off, because you do  
2476 have someone else who wants to speak, don’t you?

2477

2478 Mr. Deal - Yes sir. Can I go over this one last letter.

2479

2480 Mr. Vanarsdall - Go ahead.

2481

2482 Mr. Deal - All right. December 3<sup>rd</sup>, Mr. Shelley writes me. “...With regard to  
2483 the referenced matter, I have spoken with my client. He has decided with the following course of  
2484 action: The Gregson Trust has entered into a contract with Noble, Mr. Amason’s company. The  
2485 Trust, therefore, wishes to defer considering your request...” It took them six months to tell me  
2486 that, and I’m sure they were giving these letters to Mr. Amason’s people along. “...Accordingly,  
2487 the trust asks you to direct the request to Mr. Theobald.” The next page, December 14<sup>th</sup>, I write,  
2488 “Jim,” I tell him its regretful that Amason didn’t first contact Camp Holly prior to the filing,  
2489 because, you see, we weren’t even contacted that the zoning case was filed. The only way I knew  
2490 this zoning case was filed, he knew all of our concerns, was when Mr. Bittner, at the Planning  
2491 Office, gave me a call and said, “...The case has been filed again.” I said, “Gee, thanks, I’m glad  
2492 to know. We had no idea about that at all.” And then I sent him all of the correspondence that I  
2493 sent, and to look at my last paragraph. “...If you gentlemen would like to meet to discuss Camp  
2494 Holly concerns prior to the meeting, please give me a call...” That’s on December 14<sup>th</sup>. The first I  
2495 heard from Mr. Amason was one week ago, today. That’s the last I heard. That is not exactly  
2496 cooperation in the face of the problems here. And, I’d like for Mr. Richard to come, if you would,  
2497 please.

2498

2499 Mr. Vanarsdall - Are there questions by Commission members for Mr. Deal?

2500

2501 Mr. Deal - Thank you, sir.

2502 Mrs. O'Bannon - I had a question, actually. You have several letters in here. One is  
2503 from Joyce. And they say there are changes to the Sotherlyn development plan that are relevant to  
2504 the springs and they summarize it?  
2505

2506 Mr. Deal - Yes ma'am. Terry Phillips – Are you talking about...Which tab are  
2507 you on there, ma'am?  
2508

2509 Mrs. O'Bannon - Seven.  
2510

2511 Mr. Deal - Tab 7?  
2512

2513 Mrs. O'Bannon - Yes sir.  
2514

2515 Mr. Deal - Your question was what, ma'am?  
2516

2517 Mrs. O'Bannon - I was just wondering, there was some listings here of what would  
2518 help, and you hadn't addressed any of that. You've gone into concern about not having any  
2519 correspondence.  
2520

2521 Mr. Deal - Could you tell me what she said? I have a little bit of a hearing  
2522 problem.  
2523

2524 Mrs. O'Bannon - Okay. It's just there have been some conclusions that were reached,  
2525 and I was interested in hearing...  
2526

2527 Mr. Deal - The conclusions that Joyce Engineering reached, which is the first  
2528 report, the conclusion of Resource International, which represented us for a good while and still  
2529 does, in some respects, which is the second letter, and James K. Richard, Inc., was that Sotherlyn is  
2530 now planned, will, and its only a question of time pollute the aquifer. Bottom line. And that's the  
2531 conclusion of all three reports.  
2532

2533 Jim, are you ready? Thank you.  
2534

2535 Mr. Jim Richard - I have a loud voice, so if I overdue it, just let me know. Ladies and  
2536 gentlemen, thank you. My name is Jim Richard. I'm a hydro-geologist by training and  
2537 experience; 23 years of it.  
2538

2539 And, I'd like to thank, John. He's one of the few people that pronounces my last name the way it  
2540 was originally intended to be pronounced. It actually is French. So, Richard is correct, but  
2541 Richard is what most people use.  
2542

2543 I have spent the past 23 years working with ground water, with springs, with water supplies. And,  
2544 in those 23 years, I've spent approximately 16 of them working for bottled water companies;  
2545 companies that utilize spring water as a source for their product. It is their raw material.  
2546



2547 And in the process of doing this work, I have investigated or looked at in one form or another,  
2548 perhaps, 250 individual springs in the programs or companies that they support. And, it is that  
2549 perspective I bring to this analysis. I'd like to think that, in addition to what I've done as a  
2550 geologist, I did run a bottling operation for a little over a year, to gain some practical experience  
2551 into what it takes to put water in a bottle. I think that has been helpful, as well.  
2552

2553 So, with that experience and background, I would like to bring to bear some of the concerns that  
2554 we have; bring them before you. And, also, I'll respond to some of the points that Doctor Johnson  
2555 brought up. By the way, tonight, was the first time that we were aware that Doctor Johnson had  
2556 been requested to do any of the work or analyses that he has done. So, we're kind of floating off  
2557 the top, if you will, with that brand new information and interpretations that he presented.  
2558

2559 But, basically, I have been working with Dave for probably 5 years. Joyce Engineering has been  
2560 working with him equally as long. My role in this is primarily review, a benefit of my experience.  
2561 Joyce Engineering has done most of the actual field work. I have been involved with the policies  
2562 and the interpretations. Also, the review of existing information that's been submitted.  
2563

2564 I guess the only way to say this, is to say this. But, the new proposal that was submitted by the  
2565 Sotherlyn Corporation really carries with it very little that's new regarding the central issue, as far  
2566 as we're concerned, and that's pertaining to the aquifer. It does not appear that Doctor Johnson  
2567 really had an opportunity to do any site specific investigation of his own. I'm sure that he would  
2568 have liked to have been given the opportunity.  
2569

2570 It appears as though they have thrown a couple of herricks, if you will, our way; the 800 foot radius,  
2571 buffer zone, most of which is not even on the Sotherlyn property, as well as, some discussion about  
2572 property that could be conveyed to Mr. Dowdy and Camp Holly Springs.  
2573

2574 But, we have, basically, come up with a conclusion that we really aren't looking at a lot of new  
2575 stuff here. We have some reduced density and some stormwater issues that have been addressed.  
2576 I'd like to take some of these technical points one at a time. Terry, can you put this up, please  
2577 (referring to slide)? Unfortunately, we have to put this sideways, because it's a large diagram. But  
2578 this represents the work Plan that we had put together that Mr. Deal referenced in his discussion.  
2579

2580 Mr. Deal - This is north (referring to slide).  
2581

2582 Mr. Richard - I am not familiar with how to use this (referring to map pen). That's  
2583 not going to work, John. Let's turn it sideways and we will state that north extends in this direction  
2584 (referring to slide).  
2585

2586 I think, probably, the best place to start is to talk about Doctor Johnson's interpretations of the data.  
2587 And, I'm going to put up another map, in a moment here, that is using the same data as the data  
2588 that we put together showing the water table configuration.  
2589

2590 And, essentially, given the data that we have, I don't think it's really either appropriate or possible  
2591 to draw the level of detail that's been drawn on the contour map that was presented by Doctor  
2592 Johnson.

2593  
2594 In fact, if we were to, let's just go ahead and put that right on up, John (referring to slide). If we  
2595 were to draw a contour map, based on the data as it is, you see we actually have quite a smaller  
2596 area. If we only go from data point to data point, and remaining within the limit of the data, we  
2597 find that the contour map is really quite a bit less definitive than what you say from Doctor  
2598 Johnson's presentation.  
2599  
2600 That's not to say that Doctor Johnson's interpretation is incorrect at all. I don't mean to say that at  
2601 all. What I do mean to point out is that we just don't know. Unfortunately, we just don't know.  
2602 The level of data that has been completed to date; collected to date, does not allow the opportunity,  
2603 as a result of having detailed water table map, be able to draw a detailed ground water flow  
2604 directions. And it is those ground water flow directions that are going to define the recharge area  
2605 for Camp Holly spring.  
2606  
2607 Doctor Johnson did mention that it is an undulating surface underlying the Bacon's Castle  
2608 formation, and that is correct. Underlying clay will, in fact, govern the direction of ground water  
2609 flow. In many cases we may find that, while we have water flowing easterly for a period of time,  
2610 given an undulating surface of the proper configuration, actually alter that flow and move it  
2611 southward. So, the point being then...  
2612  
2613 Mrs. Quesinberry - Mr. Richard.  
2614  
2615 Mr. Richard - Yes ma'am.  
2616  
2617 Mrs. Quesinberry - To know if that is happening, you would have to drill, to bore holes?  
2618  
2619 Mr. Richard - As John said, yes ma'am.  
2620  
2621 Mrs. Quesinberry - ...at that particular place, would you not?  
2622  
2623 Mr. Richard - That's right. Of course, you can't drill holes everywhere.  
2624  
2625 Mrs. Quesinberry - Right. I understand.  
2626  
2627 Mr. Richard - But, the ideal situation would be to put in as many as is practical and  
2628 as equally dispersed throughout a study area as practical to get some sense of major directions, and  
2629 then to modify that with additional holes as the data may suggest. When you get into taking the  
2630 data and putting it – drawing a map or what not, you may find that you have some questions  
2631 regarding a certain area indicating that more data is probably appropriate in that area, and that's  
2632 how any project like this would proceed in the creation of such map.  
2633  
2634 So, the point I'm trying to make here, really, is that, without the benefit of the full boring program  
2635 that was originally developed back in May, it's only been partially implemented at this point. We  
2636 really didn't know we were staring at a resubmission. And we just don't have the data to be able to  
2637 say or to make some of the assertions that are currently being made with regard to ground water  
2638 flowing away from Camp Holly spring.

2639  
2640 I believe it was Mr. Archer had a question for Doctor Johnson regarding the changing of the  
2641 aquifer. And, while the geology of the aquifer, per se, changes in the geology of the aquifer are in  
2642 periods of geologic time; thousands or even millions of years, there are things that we can do that  
2643 will change the hydrology of the aquifer, the way in which that aquifer transmits water from one  
2644 place to another. Some of these things are naturally occurring; such as, faulting, as he mentioned,  
2645 which is the breaking of the overburden, sliding or movement within that material.

2646  
2647 Other things are man induced, such as the building of buildings; the scraping off of topsoil; the  
2648 placement of parking lots; all of those things that change recharge patterns; the direction of  
2649 stormwater away from the top of the aquifer and down passed or beyond what might be normally  
2650 considered the recharge area. I'll get back to that in a moment because it's a double sword.

2651  
2652 But anytime you develop anything, you change the ability for the land to accept recharge water.  
2653 So, in fact, we're dealing with more than simply a question of groundwater quality, as it might be  
2654 affected by pesticides or besides stormwater runoff and so forth. We're also dealing with an issue  
2655 of groundwater quantity.

2656  
2657 Now, to go back to Doctor Johnson's groundwater flow map, just briefly, which he shows,  
2658 basically, flow patterns that show water not going to Camp Holly Springs. I would point out that  
2659 the observed flow rate of Camp Holly Springs at 370,000 odd gallons per minute cannot be  
2660 explained by the small recharge area, suggested by that map. The recharge area suggested by  
2661 Doctor Johnson's map is entirely too small to support the observed flow rate of Camp Holly  
2662 Springs. Therefore, the water, we know the water has to come from a larger area, but, at this point,  
2663 we don't know what that large of an area is. I can tell you what it isn't. Okay. And, it isn't what  
2664 has been presented.

2665  
2666 Again, back to the coin of the issue, the stormwater plan, the development, and the runoff that's  
2667 associated with it are all going to serve to reduce the amount of water available for infiltration to  
2668 the aquifer, meaning, the recharge to the aquifer, the long term sustained yield of the aquifer will  
2669 be diminished. The reason I said that's a double edged sword earlier is that, one of the reasons for  
2670 diverting the surface water is to take away the contaminants in which it carries.

2671  
2672 So, on one hand, by diverting the surface water, you, perhaps, remove some of the excess  
2673 pesticides and herbicides, but on the other hand, you reduce the infiltration, therefore, reduce the  
2674 recharge and reduce the total volume and the equilibrium in the aquifer. These are the kinds of  
2675 changes, Mr. Archer, that can occur to the hydrologic system that's a result of development.

2676  
2677 Mrs. Quesinberry - Mr. Richard, can you wrap up?

2678  
2679 Mr. Richard - I sure can. There is really only one other point that I would like to  
2680 make. Terry might have a couple of points that she would like to make. And, that is, that no  
2681 mention has been made of geologic structures that were presented by Virginia Geotechnical  
2682 Services in its initial submission.

2683

2684 And, if, in fact, they still hold to the validity of that; by the way, we did not. We disagreed with it.  
2685 Then, that would also have an effect on Doctor Johnson's map. And, in fact, that map would be  
2686 rendered inaccurate by virtue of those structures if, in fact, they did exist.

2687  
2688 And, one final point. Were those structures to exist, the recharge area that would be required under  
2689 that scenario would have to be some three miles long, extending to the north. We know that,  
2690 simply, can't be the case, because of topography and the geology of the area.

2691  
2692 So, that's pretty much the geologic arguments in opposition to the development. I think we just,  
2693 simply, don't have enough data to really make a prudent determination as to whether or not Camp  
2694 Holly Springs is as risk or not, quite frankly. I'd be happy to entertain any questions.

2695  
2696 Mrs. O'Bannon - You disagreed with Virginia Geotechnical Services, sir?

2697  
2698 Mr. Richard - Yes ma'am.

2699  
2700 Mrs. O'Bannon - And what was it you disagreed with?

2701  
2702 Mr. Richard - The Virginia Geotechnical Services conducted a geo-physical  
2703 survey; ground penetrating radar, I believe, in which they, basically, put a radar signal into the  
2704 ground. In the process of interpreting that data, it gives you, not a direct, but a somewhat indirect  
2705 method of determining stratify and geology in any given area.

2706  
2707 And the way in which that information is interpreted, or the way in which Virginia Geotechnical  
2708 Services interpreted that data was to say, there were anomalies in two places and they explained  
2709 them as being geologic structures which would function as dams preventing ground water flow  
2710 from ever reaching the spring from either of the two sides of the spring.

2711  
2712 Mrs. O'Bannon - But, what you're saying is soundings are not sufficient; borings are  
2713 what is necessary?

2714  
2715 Mr. Richard - Well, generally, geophysical work is a common technique and its  
2716 very helpful. But, generally, its done in combination with borings; borings being used to confirm  
2717 and verify what the geophysics area are showing you. So, you really shouldn't use them alone.  
2718 You need to have some confirmation, using borings.

2719 Mrs. O'Bannon - So, your conclusion is, their soundings were not sufficient; not that  
2720 you didn't disagree with it, but it wasn't sufficient information?

2721  
2722 Mr. Richard - I said we did disagree with the interpretation.

2723  
2724 Mrs. O'Bannon - You disagree, then? It's not that its insufficient, it is that you  
2725 disagree?

2726  
2727 Mr. Richard - That's correct.

2728  
2729 Mr. Vanarsdall - Thank you, Mr. Richard.

2730  
2731 Mr. Taylor - Could I just ask a question?  
2732  
2733 Mr. Vanarsdall - Yes sir.  
2734  
2735 Mr. Taylor - Mr. Richard, knowing that this is ambiguous, at best, what would it  
2736 take to accurately, between you and Doctor Johnson, or whoever the experts are, how long would it  
2737 take, and what would it cost to get conclusive answers to bring back to this Board (sic)? Let me  
2738 just add another sentence. I'm sorry, I have to interrupt, actually.  
2739  
2740 The staff has recommended deferral. This is my first night here. And my background is  
2741 engineering, and I have dabbled in geology. But, I probably slept through a couple of lectures of  
2742 Geology 101, and I missed some of that ground water. And the state of the art has continued.  
2743 But, being new, I was quite distraught by the Sotherlyn project because I think it offers something  
2744 to people in Varina that is well needed. And, as I look at it, I sense there's goodness there. And, as  
2745 I hear about Camp Holly Springs, there is great goodness there. And, we have good on one hand,  
2746 and good on the other hand. Yet, it seems to me, that until we know some real answers on  
2747 Diamond springs, it is hard for us to make a wise judgement as to whether or not it is really  
2748 conclusively a situation that science and technology might be able to resolve for us. And, then,  
2749 perhaps, we could look at, what I think, has some merit for Varina. And, I admit, I'm new, but, I'd  
2750 like to have your view on both things; the cost and how you feel about the project if you were able  
2751 to study it?  
2752  
2753 For instance, if we were to be able to absolutely, positively, without a shadow of a doubt, assure  
2754 that Diamond Springs would not be contaminated by anything that Sotherlyn would do, would you  
2755 be in favor of the project? That's an unfair question. Let me rephrase that.  
2756  
2757 Mr. Richard - I'm a technical person, and I try to limit my work to that arena.  
2758  
2759 Mrs. Quesinberry - Well, let me just ask you, from what Mr. Deal was talking about  
2760 earlier, that you all have tried to move forward with your work plan and your bore holes. It sounds  
2761 to me like you're continuing to try to do that. But, really, for the last year, you haven't had as  
2762 much cooperation to get additional information to some of those educated conclusions that we're  
2763 asking you for?  
2764 Mr. Richard - If I had a wish list, if someone said, "How would you do it? What  
2765 would you do so that you were comfortable with it?," which I think is what you're asking, sir.  
2766  
2767 Mr. Taylor - I want it to be absolutely conclusive.  
2768  
2769 Mr. Richard - I would go back to probably our original drilling plan, which had a  
2770 more equally spaced boring pattern for groundwater monitoring wells, not only to be placed on the  
2771 Sotherlyn property, but also on other properties in the area. Any time you try to do a project like  
2772 this, there are always folks that don't want you on their property for whatever reasons. We are  
2773 always forced to compromise, and put borings, perhaps, in areas that are not as useful or in areas  
2774 where it is really not a lot of point in putting them there, and, what you end up with, are then gaps.  
2775

2776 So, I guess, if it was a perfect world, I would say, first, I would say, the County needs to support  
2777 us. And by "us," I mean both parties. The County needs to support us by some how asking folks,  
2778 or compelling folks to let us put borings where they need to be put in order to identify the data that  
2779 needs to be provided. Then we would have to take that information and prepare groundwater flow  
2780 maps and water table maps that have a sufficient number of data points so that we can rely on it.  
2781 And, I would institute some additional detailed precipitation monitoring. I would have flow  
2782 monitoring of the springs. And the whole thing would take over a year, because ground water is a  
2783 very seasonal animal.

2784  
2785 It flows in response to its recharge rates. And recharge rates change with the course of the year, as  
2786 I'm sure you can expect. As well as, in an area like this with an undulating surface, that is  
2787 essentially, a confining layer, not a confining layer; but it's the restrictive layer that perches the  
2788 water on top of it.

2789  
2790 With an undulating surface like that, ground water flow directions may very well be much different  
2791 in a spring when the water levels are high than in October, when the water levels are low. So, you  
2792 may have things that show absolute flow in one direction in the month of March. However, in  
2793 October, the flow may be 20, 30, 40, even 60 degrees or 90 degrees oblique to that flow direction,  
2794 based upon the lowering of the water table and the influence that's now being imposed upon that  
2795 water table with the undulating clay surface.

2796  
2797 So, I would say, we're talking a year, year and a half, and probably \$96,000 is the proposal we had  
2798 put in; something in that neighborhood.

2799  
2800 Mr. Deal - Camp Holly has already contracted, and prepared to spend that.  
2801 That is an addition to the \$33,000 they're already spent, and we're not asking the County to  
2802 contribute a dime. And we're willing to put that; that's why we want to get on that property and  
2803 drill.

2804  
2805 Mr. Vanarsdall - I'm going to have to ask y'all to wrap it up now. Camp Holly  
2806 Springs is a very important issue in this case. It is not the only; and I think we've heard a very  
2807 good presentation from both sides. We know there are other issues, and we'd like to hear from the  
2808 other people. Just for the record, the applicant took 27 minutes; and the opposition took 36  
2809 minutes. So, I think we should go ahead now, and go on with the opposition. Is there anyone in  
2810 the audience in opposition to this? Would you come down to the podium and please state your  
2811 name very distinctly, and spell if it's difficult.

2812  
2813 Mr. George Taylor - I'm George Taylor. I live at 855 Camp Hill Road, which is located  
2814 approximately right there (referring to slide). This whole subdivision horse shoes around it. I have  
2815 several issues and concerns; mainly being, that the density sounds much better than it was the first  
2816 time. But, to the overall public, 1.6 houses per acre is misleading, when he's only building on  
2817 approximately half of that acreage. Its actually equals out to buildable land that he's putting  
2818 residential units on; 3 units per acre.

2819  
2820 Mr. Vanarsdall - We don't need anything from the audience. It's his turn to speak.

2821

2822 Mr. Taylor - She was telling me she couldn't hear.  
2823  
2824 Mr. Marlles - Mr. Bittner, could you help direct the microphone down, please?  
2825  
2826 Mr. Taylor - Also, I think its great that houses average \$220,00 and up. Some of  
2827 them as much as \$500,000, but there's only 28 lots of one-acre sizes. Everything east of I-295  
2828 where I'm at, everybody in that area has one acre minimum lots which is standard for that area.  
2829 And to change that to two and three, and some cases, townhouses and apartments; well, no  
2830 apartments. Townhouses at six or eight per acre really brings the density completely different than  
2831 what the area is at. It's all agricultural now. It's just such a drastic change.  
2832  
2833 With that, comes the traffic situation in the area. At our last meeting, it was told that Route 5 could  
2834 handle 1,700 cars in rush hour traffic. That's one car every 2.2 seconds. Most of us that live on  
2835 Route 5 that have to exit onto Route 5, or off of Route 5 to go to I-295 or either way, take a chance  
2836 every time we pull out now with roughly 400 and some cars in that hour.  
2837  
2838 The staff's proposal is saying, if it went up 1,700 cars, they would need to widen the road. My  
2839 suggestion would be to widen the road, where it's only 400 cars an hour, instead of waiting until its  
2840 1,700 cars and then try to widen a two-lane road.  
2841  
2842 Also, I think it's a great commitment to the developers to donate the land; the 20 acres of land. It  
2843 may not be in the exact spot it should be the site for the elementary school. I think that's a big  
2844 thing in his favor. But we still have the issue to address for the middle school and the high school.  
2845 Neither one of those are in the development for eastern Henrico County right now. Once it hits the  
2846 Board, it takes approximately five years to build each one of those schools at an average cost of  
2847 \$25 million to \$35 million like the high school that's coming out in the west end.  
2848  
2849 Average real estate taxes for the 1,000 units there, figure the taxes at \$2,500, a 1,000 units, it's  
2850 only \$2 million revenue for Henrico County. It costs over \$5,000 per child at 1,717 from this  
2851 subdivision at a cost of \$3,500,000 that would cost the taxpayers additional money, not counting  
2852 the cost of the schools.  
2853 Mrs. O'Bannon - Actually, some of that comes from the State also.  
2854  
2855 Mr. Taylor - It does.  
2856  
2857 Mrs. O'Bannon - There are other sources for schools...  
2858  
2859 Mr. Taylor - Where does the State get that money from? From the tax base?  
2860  
2861 Mrs. O'Bannon - Well, that amount is made up of business taxes, and others...It's  
2862 different.  
2863  
2864 Mr. Taylor - I also feel, in reviewing the staff report, they've been under scrutiny  
2865 about how long it takes to approve or disapprove of a program. You take about a 25 page report,  
2866 and you put a recommendation of things that needs to be done, that have to be done, or should be  
2867 done, and only some are addressed. As Mark Bittner stated earlier, it takes a lot of their time to

2868 review this case each time, whether its days, weeks or months. For them to be under scrutiny for  
2869 this, and then, someone to ask, where Mr. Taylor just addressed Mr. Richard, and ask him how  
2870 long it would take for the experts to figure these things out, when they were asked to do this by the  
2871 Commission back in April, all the experts to work together, work this out, it should have been  
2872 done. It could be six months through at this point. It just takes everybody's time, mine, everybody  
2873 out here, yours, experts, everybodys, where it could have been done and they could have been  
2874 working on some other cases at this point. That's it. Thank you.

2875  
2876 Mrs. O'Bannon - Thank you, Mr. Taylor.

2877  
2878 Mrs. Marilyn Paschke - My name is Marilyn Paschke, and I represent the Varina  
2879 Environmental Protection Group. We'd heard the name Wyndham used here quite a bit tonight.  
2880 I've had someone prepare something about Wyndham that hasn't been addressed to use as an  
2881 illustration.

2882  
2883 Wyndham contains approximately 1,300 acres. It's built around a golf course and a club house. It  
2884 resembles a small town. But its built in the headwaters of the Chickahominy River, and it ends up  
2885 being an environmental disaster.

2886  
2887 The original Corps of Engineers permit was issued in 1990. It was Nationwide 26 for 1.29 acres of  
2888 impact. Even then, unconscious abuse of the nation wide permit program for projects of minor  
2889 impact. Wyndham, though, was never considered a minor project. The actual impacts to the  
2890 wetlands in the construction of Wyndham are calculated. Indirect and secondary impacts have  
2891 taken place over the entire 1,300 acres. Roads, culverts, utility lines, fill, changes in service water  
2892 flow by contouring of land, rain or blocked water from wetland eco-system, they killed those  
2893 systems as surely if we filled it from side to side. Loss of springs, seeps, and creeks to give rise to  
2894 the Chickahominy River due to Wyndham's development amounts to an ecological and  
2895 environmental disaster.

2896  
2897 From the beginning, Wyndham has been in violation of several permits and forced to supply  
2898 mitigation for violations discovered by the Corps of Engineers. Unfortunately, for some residents,  
2899 parts of the subdivision are built on soggy wetlands within a few feet of the edge of the  
2900 Chickahominy River. Residents could not, and still cannot get their lawns to dry out. Swing sets  
2901 sink repeatedly into watery soils. The status of foundations and driveways was at risk from the day  
2902 they were built. Residents have made numerous complaints.

2903  
2904 Water has been relocated from natural areas over large portions of the subdivision to feed the lakes  
2905 in front of the clubhouse. The result is an arid network of sterile roads, small lots, patch-size  
2906 lawns. The center water guzzling golf course requires 375,000 gallons per acre of water in a year  
2907 of regular rainfall, and 787,000 gallons per acre of water in a drought's year. That does not include  
2908 the hundreds of acres of lawns, flower beds, free islands that contain so little surface area that a  
2909 regular rain year cannot even provide sufficient water to support. That water comes from the  
2910 James River and we use it in the form of irrigation.

2911  
2912 Economics: For the project of a few, the people of Henrico County are robbed of an important  
2913 resource; an important source of clean water. The Chickahominy River has been rised of the



2914 cleansing, purifying headwaters wetlands that once rose to create a beautiful ravine system from  
2915 Richmond to the Tidewater shores of the Virginia coast. There is no way to mitigate for the  
2916 damage that has been done to the quality of Virginia waters.

2917  
2918 There are not enough taxes created in Wyndham to support and maintain the infrastructure.  
2919 Wyndham has to be subsidized by either rural agricultural tracts or business, or commercial  
2920 property. We must reiterate that Wyndham and caused incalculable environmental problems. This  
2921 was prepared by the scientists of our group.

2922  
2923 I just use this as an illustration. Large developments do change the groundwater. And there's been  
2924 a lot of talk about an aquifer, tonight, that is prominent and important, but I can guarantee its going  
2925 to affect somebody's aquifer and somebody's drinking water. So, we must keep that in mind.

2926  
2927 It's going to affect the traffic. It's going to change a way of life for rural residents. And we do  
2928 realize change is coming. This is too drastic a change. It's premature. We are at the point in the  
2929 County where we are looking at the growth patterns, trying to better the growth patterns. We can  
2930 always better our system. And I think that's something humans should strive for and governments  
2931 particularly.

2932  
2933 So, therefore, I ask that you deny Sotherlyn and the Land Use. We found it the hard way that this  
2934 is covered under a floating zone. I'm not sure what that denotes. I guess that means that planned  
2935 communities could really be built anywhere they chose, because the County has not defined it very  
2936 well. But, it also doesn't say that it has to be built in one area. It says it could be only. So, again,  
2937 because of all the effects on the neighborhood, the effects on the environment, a golf course can be  
2938 environmentally friendly or an environmental disaster, depending on the design. And we have not  
2939 had perimeters. That has not been described adequately for the County for the residents. I do not  
2940 think we have enough information to make a proper decision at this time, so I ask for denial.  
2941 Thank you.

2942  
2943 Mr. Vanarsdall - Any questions of Mrs. Paschke? Thank you, Mrs. Paschke. Are  
2944 there any more speakers, other than the lady coming down?

2945  
2946 Mr. Edward Clark - I would like to say a few words before this objection if so permitted.

2947  
2948 Mr. Vanarsdall - Go ahead.

2949  
2950 Mrs. Anne Morrow Donley - My name is Ann Morrow Donley. I am a resident of the Varina area  
2951 and my property is on Longbridge Road which is one of the boundaries of this project. I am a part  
2952 of the Environmental Protection Group, along with Marilyn Paschke. And, as she said, we ask that  
2953 you deny this project.

2954  
2955 In deference to Mr. Taylor and your scientific and technical background, I think its admirable that  
2956 you want more information, and I think we always need more information. But I don't think any of  
2957 us will live long enough to get enough information on this to determine whether to everyone's  
2958 satisfaction what's going to happen.

2959

2960 I think many of us were concerned many years ago when we first read and heard on the news that  
2961 they were finding pollutants in the Antarctica, that it was being carried down there. I think this  
2962 gives us pause to think about not only what's going to come some the pollutants on the golf course  
2963 into the water that we drink, but all the lawns, the pesticides the people will use on that to the  
2964 changes in the contours which we still, Mr. Theobald when we met with him, they have no idea of  
2965 what kind of landscaping they would do or anything on it. We don't know how the hydrologies  
2966 will be changed and so on. All the stormwater runoff and so on.

2967  
2968 I think that what has been presented to you has been quite misleading from the standpoint of the  
2969 developer and Mr. Theobald. And I have to comment that there is a real, I think, lack of faith of  
2970 someone who wants to be a good neighbor to the people who are out there, because we were under  
2971 the impression last summer, when this was withdrawn, that it was withdrawn for a year. We were  
2972 also, at the last time that I was in this room, Mrs. Dwyer, and the rest of the Commission very  
2973 kindly pressed to ask the Planning Staff to please find ways to let civic and environmental groups  
2974 know what is happening. And you, sir, on the Planning Staff assured us that, at least, at the very  
2975 minimum, anything that was controversial, we would be notified, and we were not notified. Not a  
2976 single person or group was notified that this had come about.

2977  
2978 We found out about it by accident. There was no signs from the County on Longbridge Road, or  
2979 Route 5 or anything saying, "Rezoning coming up", and so forth, until right before Christmas.  
2980 That's when we found out about it. This does not seem to me a good way to go about things.

2981  
2982 From the standpoint of the density, I think Mr. Taylor is quite correct. That is, again, misleading.  
2983 And in talking with Mr. Theobald, we have learned that there would be an area which Camp Holly  
2984 Springs considers to be the recharge area. There would be nine, ten, and maybe even more  
2985 dwellings per acre over that. I don't think this is the kind of housing; row houses. I'm a native  
2986 Virginian, a native Varianian. And I lived for a time in Baltimore, Maryland. They have lots of  
2987 row houses. And I don't call them townhouses down here. I call them row houses. That's what  
2988 they are. And they are fine for some people. And if you want one on Park Avenue, in the City of  
2989 Richmond, then that's great. But, if you come out and visit us, I'd be glad to have you come out  
2990 and visit and we'll show you around the area. You will see it is a rural area; a rural way of life.

2991  
2992 We need to go back, and if you want to have some kind of development out there, then we need to  
2993 be talking about this at your retreat and other places about what we need. But, we don't want  
2994 something that's an environmental disaster. Mr. Taylor also pointed out about the economic  
2995 disaster to the taxpayer. I think that's very important to see here.

2996  
2997 We don't have figured into this what its going to cost for more than 987 units. When you multiply  
2998 that by the number of people who are living there, the number of children who are going to be in  
2999 school; the amount of cars; delivery trucks, etc., it is going to be a real problem for all of us. It's  
3000 going to increase not only the water pollution, but the air pollution with all of those fumes; the light  
3001 pollution at night is going to disturb those of us who enjoy going out and looking at the night sky  
3002 and so on.

3003  
3004 It will also bring with it many other developments down there once water and sewer is out there.  
3005 So, I think you have to think about this very carefully. Deny it. And if anyone wants to go back to

3006 the drawing board and look at it, that's fine. I don't know that we really need another golf course  
3007 out there. An assisted living place might be a possibility, but Mr. Theobald told us at the meeting  
3008 that they weren't even positive that they would really put the assisted living in there. And if they  
3009 did, it would be 95 units.

3010  
3011 So, I think that it all needs to be looked at more carefully. And I think also to re-emphasize, when  
3012 they say 46 percent is open space, green space, we need more natural vegetation areas. In the  
3013 newest proffers that they have offered, they still want to cut down all the vegetation. The  
3014 blueberry bushes and things like that, get rid of them. If a tree is under 6 inches, get rid of it.  
3015 Sometimes, when there are large trees, get rid of them. They don't really have any forested areas,  
3016 open space or green space, except that which is required by State law or that which they have said  
3017 they would have a buffer around the wetlands and so on, which, as I understand it, is also required  
3018 by law. So, they're not really giving us anything in Varina.

3019  
3020 The remarks that our scientists prepared, we have a copy of it to give to you so each one of you can  
3021 have that on Wyndham.

3022  
3023 Mr. Taylor - Thank you very much.

3024  
3025 Mr. Vanarsdall - Thank you, Mrs. Donley. I will respond to part of what you said by  
3026 saying that the reason the case was brought back in less than a year is because it was changed so  
3027 much that staff made the decision that it was legal and proper to bring it back. That's what  
3028 happened on that.

3029  
3030 As far as the rezoning, I'm at a loss why the sign wasn't there. We'll look into that, and we  
3031 apologize for that. As far as keeping you informed, we are working on that also, keeping the  
3032 County more informed. Our staff does do a good job in sending out the letters over and above the  
3033 property owners.

3034  
3035 The blue and white sign that you see on Rezoning does not have to be there. That is a rule that  
3036 Henrico County has always gone by. So, I appreciate your comments and thank you very much.

3037  
3038 Mrs. Donley - If I could just answer, thank you so much for that. It did seem that  
3039 within less than two months after we were told that if anything controversial came up, we would be  
3040 notified, and we were not.

3041  
3042 Mr. Vanarsdall - I know.

3043  
3044 Mrs. Donley - This developer did not notify anyone in the community.

3045  
3046 Mr. Vanarsdall - All right, thank you for your comments. Does any one else have  
3047 anything different to say? We're going to have to wrap this up. We have seven more cases and the  
3048 people have waited here patiently. I agreed to open it up and give you a longer time, having no  
3049 idea that it was going to take this long, so go ahead, sir.

3050

3051 Mr. Roy Props - My name is Roy Props. I reside at 3883 New Market Road, which  
3052 is at the southwest corner of the intersection of New Market Road and Kingsland Road, which is  
3053 directly across from the proposed development.

3054  
3055 I support the recommendations and guidelines of the adopted Land Use Plan. This plan has had a  
3056 lot of work put into it by the Planning Commission, by the Planning Staff in their diligent efforts in  
3057 developing it, but more importantly, by the citizens who attended the public meetings and put their  
3058 input into this Plan. I am concerned however, that the use of the term “planned community” is  
3059 being used to circumvent the sound land use and planning principles in a rural area that is unserved  
3060 by public utilities and inadequate roads.

3061  
3062 I don’t know how many of you are familiar. We talked about the roads in this area, but what  
3063 Longbridge Road, Turner Road and Yahley Mill Road consist of. They are unmarked roadways,  
3064 open ditches, and no shoulders. Route 5, which is a two-lane road, is the only major roadway  
3065 that’s going to be serving this area.

3066  
3067 The development levels that are proposed would have a devastating impact to the surrounding area  
3068 by impacting traffic, which has been addressed previously, but I would like to note that my son  
3069 catches the school bus on New Market Road. The County schools, which I have not heard a  
3070 response this evening of what their opinion is, already does not like to have buses stopping on New  
3071 Market Road.

3072  
3073 Also, the public facilities in the area, we’ve talked about schools. And George brought up, that  
3074 they’re giving land, but that’s going to be \$25 million, \$35 million of somebody’s money that’s  
3075 going to have to go to go to build these schools. What about a fire station? What about Police  
3076 protection? The libraries? We already know, I think, that residential development does not pay for  
3077 itself. We have no community impact analysis that even addresses what the deficit is going to be.

3078  
3079 Also, the future land use impacts in this area are going to be greatly influenced. We’re extending  
3080 water and sewer to an area which really is, in all cases, leap frog development. And development  
3081 expectations that this is development are going to increase.

3082  
3083 People are going to look at this. They’re going to make plans and say, “Well, this is support. You  
3084 need more commercial. You’re going to need this. You’re going to need that.” And its going to  
3085 be a domino effect. And that domino is going to be falling up and down Route 5.

3086  
3087 I urge you to deny this case, and it can be developed and used in a manner that is consistent with  
3088 the Land Use Plan. Thank you.

3089  
3090 Mr. Vanarsdall - Thank you. Yes sir.

3091  
3092 Mr. Clark - Good evening. My name is Ed Clark. I live at 4181 Camp Holly  
3093 Drive. I’m very much in the respects. Excuse me. As you would say with Mr. Amason and Mr.  
3094 Dowdy and his attorney.

3095

3096 If you'll note the area there and the middle of the change that has been made since, I believe, this  
3097 came before the Planning Commission the last time, there's a park. That green area, as I  
3098 understand to be associated with those areas of ditches and wastewater, etc., etc., as it has been  
3099 brought up before.

3100  
3101 That area there to the right, which is to the east of the spring, is a matter that I have had contention  
3102 with Mr. Deal and Mr. Dowdy about in the past. Without going into a lot of detail about that, I  
3103 will tell you that I am very much concerned about that. I'm also concerned, too, about the  
3104 consensus that Mr. Johnson gave us about ground water flowing in an easterly direction. Now, if I  
3105 understood him correctly, that's what he said. Mr. Johnson, is that what you said?

3106  
3107 Mr. Johnson - (Comments unintelligible – not at microphone).

3108  
3109 Mr. Clark - Excuse me. Thank you, Mr. Johnson. That being the case, the  
3110 property, in question, then, is also involving; and the property, in question, I'm speaking of right  
3111 now, is that green area referred to here as a "park zone." That area is also attenuated to a spring on  
3112 the property of those people who are very close to me.

3113 Now, as it is a matter of consideration for Mr. Johnson in that respect, outside of those concerns of  
3114 Mr. Amason, I find this property to be probably suspect of some very serious considerations before  
3115 it should be approved by this Planning Commission. And I hope you do so. Thank you.

3116  
3117 Mr. Vanarsdall - Thank you, very much. All right, that wraps it up. If there are any  
3118 questions by Commission members, I'd like to hear them now, and if not, we'll entertain a motion  
3119 on the case from the Varina District Commissioner, Mrs. Quesinberry.

3120  
3121 Ms. Dwyer - How about rebuttal? Is there any time allotted for rebuttal?

3122  
3123 Mr. Vanarsdall - I didn't know you wanted any rebuttal.

3124  
3125 Ms. Dwyer - Five minutes.

3126  
3127 Mr. Vanarsdall - ...and make it short as possible.

3128  
3129 Mr. Theobald - Mr. Chairman, I do appreciate your indulgence this evening. And I  
3130 appreciate the attention that all the Commissioners have paid to the presentations given this  
3131 evening.

3132  
3133 I'm going to take a moment or two and Doctor Johnson just a moment or two.

3134  
3135 Mr. Clark - (Comments unintelligible – not at microphone).

3136  
3137 Mr. Theobald - Excuse me, sir. I'm going to give it to you real quick. You know  
3138 what, it takes two to tango. It takes two to cooperate. And I've heard a lot about how we haven't  
3139 cooperated for years and I'm not even just going to distinguish that discussion, because that's a  
3140 whole another side in terms of cooperating, in terms of testing, drilling, proffers to give and buy

3141 land, and you just don't need to hear all that. But, I've got to tell you, you're not getting the whole  
3142 story on that one.

3143  
3144 I've heard a lot about the 2010 Plan. Mr. Dowdy has been very, very good at getting his Camp  
3145 Holly Springs included in the 2010 Plan. You know what, we want to preserve Camp Holly  
3146 Springs. Nobody wants to hurt Camp Holly Springs. But he's in the Plan, but he's continually  
3147 expecting the County from them to protect his bottling operation to the detriment of every  
3148 development opportunity that's been introduced in that entire area.

3149  
3150 And I really think this case needs to be more than just about Mr. Dowdy. I think one of you said  
3151 that this evening. I don't remember who said that. But this really needs to be about opportunities  
3152 for Varina; opportunities to provide for quality development and opportunities to improve the  
3153 quality of schools.

3154  
3155 And, if not this vision for Varina, then what vision for Varina? That's all I have to say. I would  
3156 appreciate your consideration of recommendation of approval of this case to the Board of  
3157 Supervisors and Doctor Johnson just has a moment or two. Thank you.

3158 Doctor Johnson - I may have failed to mention that I have done field work in this  
3159 specific area. I want to make that clear. So, it's not something done from afar.

3160  
3161 It's interesting to note, if you take the map that they've put up, they had it upside down. But the  
3162 drainage-the ground water flow is to the east to Camp Holly Springs and to the south into the  
3163 Sotherlyn tract. That was on their map. We can stand around all day bringing up hypothetical  
3164 long distance questions. When you come down to the ground, the context I located in the field for  
3165 the Eastover, that clay layer, I can take you out and document it again. That tells me that I know  
3166 the geology and, therefore, the drainage in those aquifers can be partially predicted from that, and  
3167 then from the data provided by Joyce. I can go on. I've got about 20 discrepancies between what  
3168 they say. I have eight articles of geologic journals indicating geologic structures in this area, and  
3169 so forth. And I can go on down the list.

3170  
3171 The problem is, what you've got to make a decision on from a scientific standpoint is, "Where  
3172 does the water go into the Camp Holly recharge area?" And the answer is, that area that we've  
3173 been talking about, it does not go from Sotherlyn into it.

3174  
3175 All the stormwater drainage basins are below the base of the eastover, which means the water  
3176 would have to up gradient to get into any recharge area, or they are outside the drainage basin; the  
3177 recharge area for Camp Holly Springs. Thank you for your patience.

3178  
3179 Mr. Vanarsdall - Thank you, Doctor Johnson. I will now entertain a motion, Mrs.  
3180 Quesinberry.

3181  
3182 Mrs. Quesinberry - Thank you. We've heard a lot about this case tonight. I'd like to  
3183 point out, the Commission has been hearing a lot of this case over the last year, and even in 1998  
3184 before I had the pleasure of sitting on this Commission. The case has come a long way. It's  
3185 evolved very differently over the last year and months. But we still have some fundamental issues  
3186 with this case. Certainly, some of them are planning philosophy and some of them are other more

3187 tangible, direct issues with schools, and traffic, and impact on the community and density, and  
3188 what defines quality, and how do you improve quality in a certain area. So, we've been through a  
3189 lot of those discussions, and we've heard a lot tonight. So, I don't want to belabor this any longer.  
3190 I just want to point out that, when looking at a development, when moving into an expansion area,  
3191 when planning into the future and looking at the consequences after moving into an expansion  
3192 area, I think the community has to be prepared and ready for the consequences of opening up a  
3193 door where one does not exist right at the moment.

3194  
3195 I don't believe my approving this plan or denying this plan, we set some path from which we can't  
3196 vary, that determines that we'll have the same old development, or we'll have better improved  
3197 development. I don't think we're going to make those kinds of changes by simply approving or  
3198 denying this plan.

3199  
3200 I think we're going to make changes in Varina, and we're going to see changes in Varina on a  
3201 case-by-case basis, and by proper planning, and doing our due diligence in our service to the  
3202 community.

3203 I'd like to also say that before making this motion, there's been a lot of work on both sides. I think  
3204 we just have to acknowledge that Mr. Theobald and Mr. Amason have worked very, very hard, and  
3205 this plan came from quite a mediocre plan to very substantial changes and some real commitment  
3206 to make some changes in the community.

3207  
3208 On the other side, we still have issues of just how impact would those changes be and if it's the  
3209 appropriate time and the appropriate place to do this. There will be development in Varina and  
3210 there will be planned communities, and there will be multi-use, but it won't be in this particular site  
3211 at this particular time.

3212  
3213 This plan is not consistent with the Land Use Plan as it stands today. There are issues with Camp  
3214 Holly Springs. We are obligated to provide some reasonable protection. Reasonable protection  
3215 does not mean that the land will not develop. But reasonable protection also does not mean that  
3216 nearly 1,000 units developed right upon the spring is proper protection either. And there will be  
3217 some give and take on that. I think Mr. Dowdy understands that the onus is really on him to very  
3218 definitively provide information, gather information, and he's responsible for; information that  
3219 helps us make those decisions in the future because he understands very clearly that development  
3220 will occur. We also have the responsibility to make sure that its reasonably protected in that area.

3221  
3222 For the Plan, itself, although, it is a good plan. It's come along, and its better. It really should be a  
3223 lower density in that area to comply with the Land Use Plan. I would like to see, and I think it  
3224 would be more appropriate for more single family development, rather than more units towards the  
3225 RTH and multi-family. And I'm concerned about the traffic and the vehicle trips. This  
3226 development could develop to its maximum full potential, including the commercial, before it  
3227 would hit or cap at the 1,700 trips per day on that two-lane road. I think that speaks to the health,  
3228 safety, and welfare of the community, as much as the ground water, spring quality issue does.

3229  
3230 So, in having said that, and knowing that you all have heard enough, and you've learned a lot of  
3231 geology, tonight, and water hydrology, I'd like to make a motion to recommend denial of Case C-  
3232 8C-00.

3233  
3234 Mr. Vanarsdall - Is there a second?  
3235  
3236 Mr. Taylor seconded the motion.  
3237  
3238 Mr. Vanarsdall - Before we vote, I wanted to thank everyone who came and everyone  
3239 who spoke and everyone who listened and the other people in the other cases who have been  
3240 patient with us. I'd like to thank John Deal for having his expert, Mr. Jim Richards, and I'd like to  
3241 thank Mr. Theobald for having Doctor Johnson. So, we have a motion on the floor and a second.  
3242 All in favor say aye—all those opposed say nay. The vote is 5-0 (Mrs. O'Bannon abstained). The  
3243 ayes have it. The case will go forward to the Board of Supervisors with a denial from the Planning  
3244 Commission, and the case will be heard in approximately 30 days from today at night.  
3245 Mrs. O'Bannon - I'd like the record to reflect that I abstained, as I mentioned earlier.  
3246 I will abstain on all votes, unless indicated otherwise.  
3247  
3248 Mr. Vanarsdall - Mrs. O'Bannon abstains because she's on the Board of Supervisors.  
3249  
3250 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning  
3251 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors  
3252 **deny** the request because it represents an increase in intensity which could influence future  
3253 zoning and development of adjacent properties; and it does not conform to the recommendation of  
3254 the Land Use Plan nor the Plan's goals, objectives and policies.  
3255  
3256  
3257 **C-6C-00 Joe Williford for Ivystone Properties, Inc.:** Request to  
3258 conditionally rezone from R-2A One Family Residence District to R-5AC General Residence  
3259 District (Conditional), Parcel 67-A-19, containing 3.232 acres, located on the south line of  
3260 Ridgefield Parkway at the eastern terminus of Dawndeer Lane. Zero lot line residential  
3261 development is proposed. The R-5A District restricts the maximum density to 6 units per acre.  
3262 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
3263  
3264 Mr. Marlles - The staff presentation will be made by Jo Ann Hunter.  
3265  
3266 Mr. Vanarsdall - Any one in the audience in opposition to this case?  
3267  
3268 Person from Audience - Yes.  
3269  
3270 Mr. Vanarsdall - Oh, my goodness, okay. All right, thank you. Good evening, Ms.  
3271 Hunter.  
3272  
3273 Ms. Hunter Good evening. Thank you, Mr. Chairman. This application would  
3274 rezone 3.2 acres from R-2A One Family Residence District to R-5A General Residence District for  
3275 the development of a zero lot line residential development. The applicant has indicated that there  
3276 would be groupings of two attached residential units. If the proposal were to have more than two  
3277 units attached, then RTH zoning would be required.  
3278



3279 The property is located across the street from Deep Run Park which is here (referring to slide), and  
3280 there's a vacant B-1 parcel to the west, and is surrounded on two sides by the Raintree Subdivision.

3281  
3282 In 1988, a conditional subdivision was granted for this property for six single-family residential  
3283 lots. Access to the single family residential lots was from Dawndeer, and it cul-de-saced down  
3284 here (referring to slide) with lots backing up to Ridgefield Parkway. That conditional subdivision  
3285 expired in 1990.

3286  
3287 The zero lot line development allows two units to share a common wall. The zoning ordinance  
3288 requires a minimum lot area of 5,625 square feet, and an overall density of six units per acre. The  
3289 applicant has proffered brick, stone or stucco foundations, limitation to one point of access at the  
3290 median break from Deep Run Park, and landscaped buffers. Staff does believe that the language  
3291 on the buffers should be improved.

3292  
3293 Staff is concerned that not enough information has been provided to determine the impacts of the  
3294 proposed rezoning. Staff encourages the applicant to provide additional information such as, but  
3295 not limited to, the proposed density, location of access drives and building design and elevation.  
3296 With this information the review can determine the impact on the adjoining neighborhood.

3297  
3298 The site is small and awkwardly shaped. From the information provided, it is difficult to determine  
3299 how the site could or would be developed.

3300  
3301 The existing zoning is consistent with the 2010 Land Use Plan. Staff does not support this  
3302 proposal as submitted and would recommend that additional information be provided. I'd be  
3303 happy to answer any questions.

3304  
3305 Mr. Vanarsdall - Any questions for Ms. Hunter by Commission members?

3306  
3307 Ms. Dwyer - Ms. Hunter, your staff report is very clear about what information  
3308 you think is necessary in order to adequately consider this case. Have you contacted the applicant  
3309 to seek additional information?

3310  
3311 Ms. Hunter The applicant was contacted twice; once before the staff report was  
3312 written to see if there was any information that he could provide for a better staff report, and then  
3313 once again after the staff report was written. We contacted the applicant so that when he saw my  
3314 concerns, and at that time, he indicated there was no additional information.

3315  
3316 Ms. Dwyer - Thank you. I have no more questions.

3317  
3318 Mr. Vanarsdall - Any other questions by Commission members? All right, we'll now  
3319 hear from the applicant. Do you want to hear from the applicant?

3320  
3321 Ms. Dwyer - Yes. I do.

3322  
3323 Mr. Joe Williford - Mr. Chairman, Board, my name is Joe Williford. I represent  
3324 Ivystone Properties. I do not take any argument with the staff's opposition to this zoning. But

3325 there are some other extenuating factors that I think need to be pointed out. This little piece of  
3326 property has been a “thorn in the side” for Planning Staff, the Planning Commission since 1979.

3327  
3328 Ivystone Properties was approached by a seller in 1979, asking us to trade property for this tract of  
3329 land. The piece that was to be offered in trade was a 17-acre site on the northern boundary of what  
3330 was then Deep Run Park. This piece of land was purchased to be included in Deep Run Park, but  
3331 with the alignment of Ridgefield Parkway, it was excluded. Before that trade could take place, we  
3332 were requested to have a plan developed for both sites, at our expense, to determine whether it was  
3333 “apples and apples” or “apples and oranges.”

3334  
3335 The owner affected the rezoning of that property, and the first conditional subdivision approval for  
3336 21 lots. Fourteen of those lots were in Section A of a tract known as “Raintree East.” There was a  
3337 condition put on these 7 lots that they could not be developed until such time as Ridgefield  
3338 Parkway was in effect.

3339  
3340 Ms. Dwyer - Excuse me, Mr. Williford, which 7 lots are you referring to now?

3341  
3342 Mr. Williford - The 7 lots that were in this tract, in this 3-acre tract.

3343  
3344 Ms. Dwyer - That were already approved?

3345  
3346 Mr. Williford - Right. After the subdivision was rezoned, conditional approval was  
3347 made, we took title to the property. The subject of not being able to do something with the 7 lots  
3348 on Ridgefield was of no concern at that time. The other 14 lots were developed and built on.

3349  
3350 After completion of Ridgefield Parkway, we made application; well, before that happened, during  
3351 the public hearing for Deep Run Park, there was opposition raised to the extending of Dawndeer  
3352 into Ridgefield. The residents of the Raintree area felt that that was creating a traffic pattern for  
3353 access to the park.

3354  
3355 We received a call and a request from the Deputy Director of Public Works asking if we had any  
3356 objection to closing of Dawndeer. Now, two of those 7 lots faced on that Dawndeer extension.  
3357 We raised the question. “If you close Dawndeer, do we still get the 7 lot yield?” And the answer  
3358 was, “Yes.”

3359  
3360 When time came to get subdivision approval for these 7 lots is when things began to go in another  
3361 direction. They were approved for six lots with access made off of Dawndeer, and access made to  
3362 the lots by an alley to be maintained by the residents.

3363  
3364 This was not acceptable. Your addresses are 1, 2, 3, 4, Ridgefield Parkway, but to get there,  
3365 you’ve got to turn on Falconbridge Drive and take the second road to the right and go to the dead  
3366 end and take a right and then turn down the alley.

3367  
3368 Our proposal is to go back to the original intent; one access off of Ridgefield Parkway, as opposed  
3369 to seven driveways. If we’ve got to put in an alley, or subdivision maintained street, then let’s do it  
3370 in the right fashion in a area that has restrictions and covenants and an association to maintain it.

3371 Well, let's go back to 7 lots fronting on Ridgefield Parkway with seven driveways. I'd be glad to  
3372 entertain any questions that might be...

3373  
3374 Ms. Dwyer - Mr. Williford, I appreciate your explanation of the history of this  
3375 case, and I understand that we are all presented with a very unique parcel of land here. It presents  
3376 some very difficult, I think, development challenges as you alluded to in your presentation. I think  
3377 that's all the more reason to address all of those issues up front so that the Commission knows, and  
3378 certainly neighbors who live around this parcel know what the concept is for the development of  
3379 this site.

3380  
3381 I, personally, am not necessarily opposed to the increase in density of this parcel because I  
3382 understand the unique difficulties that it presents. It may be that's the only way to actually  
3383 adequately have any development. So, I'm not suggesting that the R-5A and the increase in  
3384 density is inappropriate, but I do agree with staff that because a triangular piece of property  
3385 surrounded on two sides with existing development. The third side is Ridgefield Parkway which is  
3386 a major collector. Seven driveways certainly would not be appropriate. I think you would agree  
3387 with that from your point of view. Certainly, the County would not want to see that.

3388  
3389 But, because of the shape and location, the topography, the access, issues, buffering, the staff  
3390 report mentions some downstream flooding issues, possibly BMP. I'm not sure we need to look at  
3391 those to see if that's an issue here. We, simply need to get some more information into the County  
3392 and the Commission before we can make a decision to increase the density on such a difficult site  
3393 to develop.

3394  
3395 If I may ask a question, first. You know, you have a couple of options. One would be to request a  
3396 deferral for 30 days, and I'd be happy to sit down with you and the staff and look at some of your  
3397 ideas and look at flushing out the proffers so that we have a better understanding of what can be  
3398 done. We can resolve these issues up front at zoning.

3399  
3400 Mr. Williford - The reason that there aren't some pretty pictures and all this, in the  
3401 course of all of this, we have affected upneenth pictures. And I could not see the point in going  
3402 and hiring an architect and a land planner at \$3,500 to \$5,000 to come up with another plan on a  
3403 questionable thing. That's the reason there are no pretty pictures. We have had, and the staff is  
3404 privileged to a sketch; a preliminary sketch that I think shows 14 units, a water retention basin, and  
3405 a scheme of the roadway.

3406  
3407 In regard to the proffers offered, and the wording on the proffers, the wording on the proffers is the  
3408 exact duplicate, because I copied it from it, the last zero lot line project done in Raintree on  
3409 Raintree Drive.

3410  
3411 Deferrals; we've been deferred since 1979. And, incidentally, it was the County of Henrico who  
3412 sold us this property and platted it and subdivision planned it before we took title to it.

3413  
3414 Ms. Dwyer - Mr. Williford, be that as it may, I think, as the person who needs to  
3415 make a motion on this case, what I'm saying is, I'm happy to work with you to work out some of

3416 these issues. What I'm saying, before I can make a motion in favor of this case, I need more  
3417 information. So, I'm asking you, what you would like to do, knowing that.

3418  
3419 Mr. Williford - If you want to defer it, I will work with you on that.

3420  
3421 Ms. Dwyer - Okay. Would you like to defer the case?

3422  
3423 Mr. Williford - Me? I'm not. No. I wouldn't, but that's up to you.

3424  
3425 Ms. Dwyer - Would you be interested in sitting down with staff and me and  
3426 involving the neighbors also informing them, certainly before the next meeting, about what kinds  
3427 of concept plans might be possible for this site?

3428  
3429 Mr. Williford - Well, certainly.

3430  
3431 Ms. Dwyer - Set up a meeting then. Did you have anything else you wanted to  
3432 say, Mr. Williford?

3433  
3434 Mr. Williford - No.

3435  
3436 Ms. Dwyer - I'm going to make a motion to defer Ivystone Properties Case C-6C-  
3437 00 on my own motion to our February meeting and that's February 9<sup>th</sup>? No. February 10<sup>th</sup>, to our  
3438 February 10<sup>th</sup> meeting. And Mr. Williford, if you would contact staff and give staff available dates  
3439 within the next couple of weeks, a date that would work for you for us to sit down and talk about  
3440 the case, I'd appreciate it. Thank you.

3441  
3442 Mr. Williford - Thank you.

3443  
3444 Mr. Vanarsdall - Motion made by Mrs. Dwyer. Did I hear a second?

3445  
3446 Mrs. Quesinberry seconded the motion.

3447  
3448 Mr. Vanarsdall - Seconded by Mrs. Quesinberry. All those in favor say aye—all  
3449 those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). We thank all of you  
3450 who came lined up to speak.

3451  
3452 Ms. Dwyer - Before everyone leaves, I would like to say, Mr. Secretary, we had a  
3453 number of concerns expressed here tonight about the fact that neighbors had not gotten notice and  
3454 that the sign was not up on the site. If we could make certain that next month the blue sign is on  
3455 Ridgefield Parkway and also make sure that we get letters out.

3456  
3457 Sometimes our records are not as up to date. Sometimes people move around faster than we can  
3458 keep our records. So, if you all would; those of you who are here tonight, if you would like to  
3459 leave your names and addresses, just write it on a notebook piece of paper. We want to make sure  
3460 you get a notice if you didn't get one. Then, please do that, and bring it up here and I'll make sure

3461 staff gets that so that, you do get notice in a timely fashion for the next meeting. Thank you very  
3462 much for waiting and being so patient.

3463  
3464 Mr. Vanarsdall - May I suggest when you get a chance, each one of the  
3465 Commissioners go by the property and check the sign. I've done that in the past and found the  
3466 signs were not up, but, as soon as I brought it to the attention of the staff, they were up before the  
3467 day was over.

3468  
3469 **C-7C-00 Henry L. Wilton:** Request to conditionally rezone from A-1  
3470 Agricultural District to O-1C Office District (Conditional), part of Parcel 177-A-40, described as  
3471 follows:

3472  
3473 Beginning at a point on the south right-of-way line of Ruritan Lane (formerly Old Williamsburg  
3474 Road) and the east right-of-way line of Old Elko Road; Thence along the south line of Ruritan  
3475 Lane N 86°23' 16" E 198.28' to a point; Thence along a curve to left having a Radius of 806.38', a  
3476 Delta of 15°17'04" and a Length of 215.11' to a point at the intersection of the south right-of-way  
3477 line of Ruritan Lane and the west right-of-way line of Elko Road; Thence along the west right-of-  
3478 way line of Elko Road S 12°01'04" E 234.85' to a point; Thence S 05°47'04" E 400.00' to a point;  
3479 Thence leaving said right-of-way line S 45°42'24" W 71.84' to a point; Thence S 83°31 '52" W  
3480 66.99' to a point on the west right-of-way line of Old Elko Road; Thence along said right-of-way  
3481 line along a non-tangent curve to the right having a Radius of 1026.74', a Delta of 14°31'52" and a  
3482 Length of 260.40' to a point; Thence N 20°35'03" W 16.49' to a point; Thence along a curve to the  
3483 left having a Radius of 658.77', a Delta of 16°05'30" and a Length of 185.02' to a point; Thence N  
3484 36°40'33" W 202.96' to a point; Thence along a curve to the right having a Radius of 1195.47', a  
3485 Delta of 03°35'01" and a Length of 74.77' to the point and place of beginning and containing 3.968  
3486 acres of land.

3487  
3488 Mr. Marlles - The staff presentation will be by Lee Householder.

3489  
3490 Mr. Vanarsdall - Before we get started, what's the date of this?

3491  
3492 Mr. Lee Householder, County Planner - Those proffers were received on Tuesday before the  
3493 deadline.

3494  
3495 Mr. Vanarsdall - So, what's the date?

3496  
3497 Mr. Householder - It was the 11<sup>th</sup>.

3498  
3499 Mr. Vanarsdall - Okay. Thank you.

3500  
3501 Mr. Householder - We stamped the originals; the blackline should have been on there.  
3502 I apologize for that.

3503  
3504 Mr. Vanarsdall - Go ahead.

3505  
3506 Mr. Householder - Okay. Thank you, Mr. Chairman.

3507  
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Mr. Vanarsdall - Lee, how are you doing, tonight?

Mr. Householder - Excellent.

Mr. Vanarsdall - Good.

Mr. Householder - The applicant seeks O-1C zoning on 3.9 acres located at Ruritan Lane's southwest intersection with Elko Road. A 4,000 square foot office building is proposed. To the north of the subject property there is a Ruritan Club located on land zoned A-1. Further to the north closer to Williamsburg Road is vacant parcel zoned B-3, and to the east, there is a 58.57 acre parcel zoned A-1. Recently, this property was purchased by a religious organization that hopes to build a church on this site which would be pictured right here (referring to slide). To the south past the intersection of Old Elko Road and Elko Road are A-1 properties that include the Old Cannon Estates Subdivision.

The 2010 Land Use Plan recommends Rural Residential for this property, and the surrounding properties are designated also Rural Residential with the exception of the existing Ruritan Club, which was there at the time the Land Use Plan, so it is designated Open Space or Recreation.

This site is probably no longer desirable for residential development because of its location at the intersection of two roads. Therefore, an office use may be a more appropriate transition between the commercial zoning and uses on Williamsburg Road and the surrounding rural residential properties. Although O-1C is not consistent with the Rural Residential, we do still feel this is a logical use of the property.

This property also has significant topographic and wetland constraints that limit the development potential. There is a creek that traverses the north portion of the property and there are wetlands issues that leave only a small area toward the southern tip. This map is not oriented to the north. But, to the north of the property, there is potential for development.

The applicant has proffered this conceptual layout and staff has discussed the need for landscape buffering in the staff report, which they have addressed in the new proffers, where they proffered a 20 foot landscape buffer along Elko Road and the front portion of the property that would face south on Elko Road.

Staff is also concerned that Old Elko Road would have increased traffic. Old Elko, being this road right here, (referring to slide). This is where the Old Cannon Estates, and some rural residential properties would be impacted by this development.

Staff was concerned about access being provided to the site through this Old Elko Road. The applicant has proffered that they will not have access from Old Elko Road until such time a median would be constructed on Elko Road which is in the long range plans for Elko Road that there would be a median. There are no immediate plans for this to happen. So, until such time as a median is constructed, there will be no access from Old Elko Road. When a median is constructed, it would be to their benefit to have this access. Staff feels that this is legitimate.

3553  
3554 The applicant has submitted proffers that limit the floor area of the building to 4,000 square feet. A  
3555 maximum of 20-foot parking lot lighting, limited hours of operations, and they have ensured  
3556 screening of trash receptacles. To better clarify the architectural style of this office building, staff  
3557 mentioned in its report that they would like to see some sort of rendering and rewording. And this is  
3558 what they have proffered that the building constructed will match the colonial style that will match  
3559 the style of this rendering.

3560  
3561 The applicant has also addressed the concerns of a child care center as a use being this is surrounded  
3562 by three roads. They have proffered there shall be no child care centers on the property.

3563  
3564 While this site has an awkward shape and limited buildable area, staff feels an office use is more  
3565 appropriate than a residential use. Overall, we feel the proffers that have been submitted with this  
3566 case have been significantly improved since the staff report and that it will not detract from the  
3567 overall rural residential character of this area. Based on these considerations, staff recommends  
3568 approval of this zoning request. I'd be happy to take any questions that you may have.

3569  
3570 Mr. Vanarsdall - Is any one in the audience in opposition to this Case C-7C-00? Any  
3571 questions by Commission members of Mr. Householder?

3572  
3573 Mrs. Quesinberry - I don't see any indications about anything about where a BMP would  
3574 be. And, I know we look at that at POD, but it's such a tiny little piece of property. They've got  
3575 most of it covered with the building and the parking lot. Would there is an issue with something...

3576  
3577 Mr. Householder - I may refer that to the applicant, if he's willing to address that, so he  
3578 can address that.

3579  
3580 Mr. Vanarsdall - All right, Mr. Wilton.

3581  
3582 Mr. Henry L. Wilton - Yes sir.

3583  
3584 Mrs. Quesinberry - Where's it going to be, Mr. Wilton?

3585  
3586 Mr. Wilton - I don't know exactly where its going to be. We will have to have a  
3587 BMP on this site.

3588  
3589 Mrs. Quesinberry - It's not going to be on Elko Road and ugly, is it?

3590  
3591 Mr. Wilton - No ma'am. If we have to go with an above ground BMP, we will go  
3592 ahead and make sure you cannot see it from Elko Road or we can put it underground like we've  
3593 done with commercial facilities I just completed off of Dickens Place.

3594  
3595 I understand nobody likes to see a BMP. We will screen it appropriately. We'll be back here to  
3596 make sure we go with that promise.

3597

3598 Mrs. Quesinberry - Actually, the issues here, where your building is about all that is  
3599 buildable on this site, is it not? I mean, you don't have...

3600  
3601 Mr. Wilton - Actually, we can move a little bit further down. Basically, the septic  
3602 field is right below that. We have commissioned our engineers to go ahead and go forward with  
3603 the POD right after zoning, along with the POD on the site that I own on the front of Elko Road  
3604 and Route 60. I own 3.5 acres on the front of the property right next to the Ruritan community.  
3605 And we're doing a POD with that site and this site together, so that we can, hopefully, lessen the  
3606 impacts of the BMPs and so on. We may use one for the two sites. So, we'll go forward with the  
3607 POD as soon as we go ahead and get the zoning.

3608  
3609 Mrs. O'Bannon - Don't we have issues because there's no sewer in this area?

3610  
3611 Mr. Wilton - Do I have issues?

3612  
3613 Mrs. O'Bannon - Are there going to be issues?

3614  
3615 Mr. Wilton - No. Our septic man, Mr. Harold Matthews, has gone out there and  
3616 he's looked at the site. And that's the reason why its only 4,000 square feet is because of  
3617 limitations of the septic field. And, again, we can do one septic field for both developments. So,  
3618 hopefully, we can do one BMP for both developments, depending on what you do as far as redoing  
3619 the drainage study now as far as BMPs maybe not being used in the future.

3620  
3621 I didn't really have anything to add. I think he made a nice presentation, and, basically, had all my  
3622 points in it.

3623  
3624 Mr. Vanarsdall - Any other questions of Mr. Wilton?

3625  
3626 Ms. Dwyer - I have a question.

3627  
3628 Mr. Wilton - Yes ma'am.

3629  
3630 Ms. Dwyer - I'm not sure if you answered the BMP question. But the remainder  
3631 of this property which is heavily wooded, would you be clearing the whole remainder or any of it  
3632 or leaving it?

3633  
3634 Mr. Wilton - No ma'am. It's wetlands. We're not going to clear it. It will stay  
3635 pristine like this as much as possible. We're going to bring any type of utilities up the side of the  
3636 road and we wouldn't come into the middle of the property, nor would you want to try.

3637  
3638 Ms. Dwyer - So, everything that is outside this drive area will remain exactly as  
3639 you...

3640  
3641 Mr. Wilton - Well, you're going to have to clear the septic field which is below  
3642 the site coming this way (referring to slide). The septic field is below the site. Going away from  
3643 the tip points towards Route 60.



3644  
3645 Mrs. Quesinberry - Does that mean it goes towards the Ruritan's building?  
3646  
3647 Mr. Wilton - Yes. If that way is below the site right there. We don't have enough  
3648 space on the other side. And we're working with the Ruritan on putting an access, both of us  
3649 having a joint access for that other piece of property which would help access coming into their  
3650 property off of Rt. 60 also.  
3651  
3652 Ms. Dwyer - Do you know how much clearing you'll have to do on the site?  
3653  
3654 Mr. Wilton - Well, we'll have to clear for the septic field and wherever we  
3655 eventually put the BMP. Certainly, we have to go ahead and clear for that, and then the parking.  
3656 Other than that, its going to be limited because we don't want to impact any of the wetlands. And,  
3657 again, most of the site is wetlands and floodplain.  
3658  
3659 Ms. Dwyer - I guess the point of my questions is maybe there is a way to make a  
3660 commitment about tree preservation and that kind of thing on the site.  
3661  
3662 Mr. Wilton - I really can't tell you until I go with the POD. I will come back  
3663 here, and when I go with the POD, I will outline areas where we will have tree preservation areas.  
3664 I promise that I'll do that at the time of POD.  
3665  
3666 Ms. Dwyer - It's always better to do that at zoning.  
3667  
3668 Mr. Wilton - Yes ma'am, but I don't have that information right now.  
3669  
3670 Mr. Vanarsdall - All right, thank you, Mr. Wilton. Entertain a motion, Mrs.  
3671 Quesinberry.  
3672  
3673 Mrs. Quesinberry - Mr. Wilton, I notice this is four miles from my house. It's my main  
3674 drag home every night. So, a point well taken, okay.  
3675  
3676 Mr. Wilton - Yes ma'am.  
3677  
3678 Mr. Archer - Watch where you put that BMP.  
3679  
3680 Mrs. Quesinberry - Let's watch where we put that BMP. How many trees we take out.  
3681 I'd like to make a motion to recommend approval for Case No. C-7C-00 Henry L. Wilton, with the  
3682 additional proffers that were presented tonight, delivered on Tuesday.  
3683  
3684 Mr. Archer seconded the motion.  
3685  
3686 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Archer. All  
3687 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon  
3688 abstained).  
3689

3690 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer, the Planning  
3691 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors  
3692 accept the proffered conditions and grant the request because it is appropriate commercial  
3693 zoning in this area; and the proffered conditions would provide for a higher quality of development  
3694 than would otherwise be possible.  
3695

3696 **C-75C-99 Henry L. Wilton:** Request to conditionally rezone from O-2 Office District to M-1C  
3697 Light Industrial District (Conditional), part of Parcel 61-A-75, described as follows:  
3698

3699 Beginning at a point on the northern right-of-way line of Parham Road, said point being the  
3700 southeast corner of Henrico County tax parcel number 61-A-76. Thence, leaving said Parham  
3701 Road along the eastern property line of said tax parcel 61-A-76, N. 41°-20'-21" W., 1406' +- to a  
3702 point in the southern line of Hollins Glen Subdivision; thence along the southern line of said  
3703 Hollins Glen Subdivision, N. 72° 01' 10" E., 198' +- to a point; thence leaving said line of  
3704 Hollins Glen Subdivision, S. 52° 06' 20" E., 1365' +- to a point on the northern right-of-way line  
3705 of Parham Road; thence along the northern right-of-way line of said Parham Road, S. 48° 58'  
3706 50" W., 167' +- to a point; thence continuing along the right-of-way of said Parham Road on a  
3707 curve to the right with a radius of 2794.79', a central angle of 5° 31' 49" and a length of 270' +-  
3708 to the point of beginning and contains approximately 9.6 acres.  
3709

3710 Mr. Marles - The staff presentation will be made by Eric Lawrence.  
3711

3712 Mr. Vanarsdall - Any one in the audience in opposition to C-75C-99? No opposition.  
3713 Mr. Lawrence.  
3714

3715 Mr. Lawrence - Thank you, Mr. Chairman. This request is to rezone approximately  
3716 10 acres from O-2 to M-1C Light Industrial. The applicant has indicated that there are no users at  
3717 this time.  
3718

3719 Revised proffers were just handed out to you. They were received yesterday. So, if you feel  
3720 they're appropriate, you may have to waive the time limit on them.  
3721

3722 The subject site is actually 24 acres total; the parcel is, but we're only looked at the 10-acre O-2 in  
3723 the middle. The property is split into three zonings; M-1, O-2, and R-3. The site is located at the  
3724 terminus of Ackley Avenue, which you can see right there (referring to slide). The entire O-2 site  
3725 currently has road frontage on Parham, but the applicant has discussed, and will be extending  
3726 Ackley Avenue to provide service to it also, and, you've noticed the residents to the east and to the  
3727 north. You've got R-4C to the north, and R-3 to the east.  
3728

3729 Also, I'll point out that this R-3 portion right here that I'm indicating on the map is actually owned  
3730 by the applicant and is a part of the 24-acre parcel. It's currently undeveloped, and, as indicated on  
3731 the Land Use Plan, the R-3 and a portion of the site being considered tonight are impacted by  
3732 environmental protection areas on the Land Use Plan.  
3733

3734 The existence of these environmental features; floodplain and stream divides this site into a few  
3735 sections. This division actually separates the R-3 section from what is being considered for the M-  
3736 1C. It creates a natural division.

3737  
3738 The applicant intends to apply to rezone the R-3 section to C-1, essentially, creating a buffer  
3739 between the light industrial development from the existing residential.

3740  
3741 In the staff report, staff identified a number of issues regarding development along Parham Road.  
3742 Such issues include the establishment of setbacks, building materials, signage similar to other  
3743 projects in the vicinity.

3744  
3745 The applicant has addressed these issues through a revised proffer statement that was distributed  
3746 tonight. The applicant has proffered a 25-foot greenbelt along Parham. He's proffered buildings  
3747 that front on Parham shall be constructed of reddish brown brick which, again, complements the  
3748 structures around it, and that a monument-style sign would be permitted.

3749  
3750 While staff feels the site should not have direct access on Parham Road, the applicant has proffered  
3751 the front of the parcel would have access to Parham Road, and serve a parcel no larger than 4.5  
3752 acres. Essentially, it's hard to see, but it would just be in the front corner there (referring to slide).

3753  
3754 Staff, again, does not support that. Staff's feeling is because it's a limited "right in-right out"  
3755 opportunity, there's a median blocking crossovers, so its really not a good place to have entrances.  
3756 In discussions with the applicant this evening, consensus was brought that, if he was willing to  
3757 proffer out heavy users, heavy traffic generators, then an entrance on Parham may be a little more  
3758 acceptable. But, it's staff's belief, without the uses being proffered out, that no entrance should be  
3759 permitted along Parham Road, and that the entire site should be accessed through the existing  
3760 Ackley Avenue.

3761  
3762 Based on the existing surrounding uses, the location of the environmental areas, and the submitted  
3763 proffers, the request appears reasonable. The potential for the applicant to rezone the R-3 to C-1  
3764 creates a natural buffer to the adjoining existing residents, and, essentially, creates a nice transition  
3765 to the existing light industry to the existing residents. And, again, staff could support this  
3766 application if the application is revised so that no direct access to Parham Road is sought or that if  
3767 the heavy users and heavy traffic generators are proffered out, then access to Parham Road would  
3768 be appropriate. I'd be happy to answer any questions and the applicant is here this evening.

3769  
3770 Mr. Vanarsdall - Any questions of Mr. Lawrence by Commission members?

3771  
3772 Ms. Dwyer - Mr. Lawrence, I noticed that there's a commitment to rezone  
3773 property that's not subject to this case. I would assume that's a significant proffer as far as this  
3774 case is concerned. In other words, does a commitment to zone property that's now R-3 that's  
3775 outside the boundary of the case that's before us tonight, are we running into legal problems like  
3776 we had in Tanfield with that kind of a proffer?

3777  
3778 Mr. Lawrence - Right. That was actually raised before the meeting tonight. I need  
3779 to confer again with the County Attorney. The proffers were submitted, and whether it was not

3780 caught, I'm not sure. I do want to confirm that a legal proffer and can be enforced. The intent is to  
3781 rezone this R-3 to C-1.

3782  
3783 Ms. Dwyer - I understand that. But, if the proffer doesn't work, then...

3784  
3785 Mr. Lawrence - I understand. I need to look into that.

3786  
3787 Ms. Dwyer - Okay. Thank you.

3788  
3789 Mr. Vanarsdall - Any other questions? Mr. Wilton. Thank you, Ms. Dwyer.

3790  
3791 Mr. Henry L. Wilton - Mr. Chairman, members of the Commission, for the record, my  
3792 name is Henry Wilton. I represent Wilton Development. We own this property. We own all 25  
3793 acres. We are rezoning 9.6 acres to M-1 Conditional.

3794  
3795 The three acres plus of R-3, we're going to go ahead and rezone that to Conservation or C-1  
3796 designation after the rezoning. We did this at Dickens Place, when we developed that site, which  
3797 was over five acres, we only developed 2.5 acres. And after we finished the POD, we came back;  
3798 we just did that two months ago. If it's illegal, I just did it two months ago.

3799  
3800 Mr. Vanarsdall - Ms. Dwyer's question was, "Would we need that proffer in there?"

3801  
3802 Mr. Wilton - Well, I mean, I certainly could make it a letter of agreement, but I  
3803 did that before. It was a condition of the case at Dickens Place.

3804  
3805 Ms. Dwyer - Well, in that case, was the parcel you were committing to rezone,  
3806 was that a part of the case?

3807  
3808 Mr. Wilton - Yes, it was, because I was rezoning the entire piece.

3809  
3810 Ms. Dwyer - Okay. So, that's different.

3811  
3812 Mr. Wilton - You're right. We would have to increase, I guess, the size of the  
3813 case to take in the R-3, which, again, is a separate case to have to rezone it according to my  
3814 proffers. But, however, you want to work it, as far as, obviously, legally, I'd like to do it that way.

3815 Mr. Vanarsdall - Now, you understand on a "right in, right out," there will be no  
3816 crossover there? We've already checked that out.

3817  
3818 Mr. Wilton - Yes sir. We checked with that again, and that's why we think its  
3819 going to have limited retail usage. And, I'm willing to go ahead and sit down with the staff and,  
3820 basically, proffer out the more intense types of uses. I'll do that between now, if it's okay, between  
3821 the Planning Commission hearing and the Board of Supervisors.

3822  
3823 The O-2 originally was thought to be a buffer between the M-1 and the residential zoning. In fact,  
3824 the R-3, the residential zoning is forested wetlands and floodplain and could never be developed.  
3825 So, when we go ahead and put the C-1 designation on it, that will ensure the development of that

3826 R-3 will work as a buffer and it will never be cleared or developed. We've also proffered  
3827 additional landscaping and buffering to protect adjoining residential properties at the northern tip  
3828 of the property.

3829  
3830 In regard to the traffic per the staff's suggestion, we do have limited access off of Parham. As you  
3831 can see on the plat we have here, this is a POD that's been submitted to the County of Henrico  
3832 already. And, you can see, with the placement of our BMPs and the wetlands, actually, excludes  
3833 this site from being accessed from Ackley. The useable acreage on that site is probably about one  
3834 and a half acres. And that's why we've accessed that particular parcel off of Parham. That would  
3835 be the only piece of this 24-acre parcel would have access to Parham Road, because, again, the  
3836 topo, the wetlands and the floodplain pretty much prevent access coming from the interior Ackley  
3837 Road access.

3838  
3839 We have revised the proffers. And we were late on getting out proffers, because my next door  
3840 neighbor, Mr. Cantor, called with a few changes that he needed. And those changes were in regard  
3841 to the building that would be placed with the access to Parham Road. He wanted that to be, instead  
3842 of a reddish brown brick, or similar material, that we would commit to it would just be a reddish  
3843 brick, and we've done that.

3844 Mr. Vanarsdall - Was it Roy Cantor or his daddy?

3845  
3846  
3847 Mr. Wilton - It was Stuart Cantor, who has always been our contact person over  
3848 there. He's one of the owners of the building, along, I think, with Mr. Eric Cantor and some of the  
3849 others.

3850  
3851 Mr. Vanarsdall - I know, at one time, they weren't satisfied with something that was  
3852 going there, but I understand they are satisfied with this?

3853  
3854 Mr. Wilton - Yes sir.

3855  
3856 Mr. Vanarsdall - They're sitting on a piece of "B" property, and they built an office  
3857 building.

3858  
3859 Mr. Wilton - Yes sir. They have B-3 property in there. They have a red brick in  
3860 there. They also have dryvit, I think, in that building.

3861  
3862 Mr. Vanarsdall - They own "B" on Parham Road.

3863  
3864 Mr. Wilton - They're my closest neighbor, but, again, I wouldn't be able to see  
3865 them because of the wetlands separating; and, again, we're not going to clear the wetlands.

3866  
3867 I guess that was the only point he wanted us to change in regard to the proffers.

3868  
3869 Looking at the proffers, they're standard proffers, again, that I used in Dickens Place M-1  
3870 development that I moved my office over there at the end of this month. That was the format we  
3871 used here again. The screening, the underground utility lines, the ratio of office use, conservation

3872 district. I guess I'll have to work with the staff. Can you accept Proffer No. 7 in regard to  
3873 rezoning of the R-3 portion.

3874  
3875 Mr. Marles - Mr. Wilton, the staff's concern with Proffer No. 7 is enforceability.  
3876 It sounds like its your intent to rezone that property, regardless of whether it's a proffer or not. If  
3877 it's determined by the County Attorney's Office that it is not enforceable, would you be willing to  
3878 give the Commission a letter, basically, that you do intend on rezoning it?

3879  
3880 Mr. Wilton - Yes sir.

3881  
3882 Mr. Marles - We don't want to hold you up or have the case remanded back to the  
3883 Planning Commission.

3884  
3885 Mr. Wilton - Yes sir. I have no problem with doing that. I own the property, so I  
3886 can make that commitment.

3887  
3888 Mr. Vanarsdall - That's a good suggestion, Mr. Marles. Would it be any harm just to  
3889 delete it, tonight?

3890  
3891 Mr. Wilton - No sir. I would be fine with that change. And I'll issue a letter to  
3892 that effect.

3893  
3894 Mr. Vanarsdall - We put that under the category of a promise, and not a proffer.

3895  
3896 Mr. Wilton - Sir?

3897  
3898 Mr. Vanarsdall - We put that under the category of a promise, and not a proffer.

3899  
3900 Mr. Wilton - Yes sir.

3901  
3902 Mr. Vanarsdall - Would that be better, Mr. Marles?

3903  
3904 Mr. Marles - That would be fine, sir.

3905  
3906 Mr. Vanarsdall - Any more questions for Mr. Wilton? Thank you, Mr. Wilton. I  
3907 move that Case C-75C-99 be recommended to the Board of Supervisors for approval, and I would  
3908 like to delete Proffer No. 7.

3909  
3910 Mr. Taylor seconded the motion.

3911  
3912 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those  
3913 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).

3914  
3915 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning  
3916 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors  
3917 **accept the proffered conditions and grant** the request because it is appropriate industrial zoning

3918 in this area; and the proffered conditions would provide for a higher quality of development than  
3919 would otherwise be possible.

3920  
3921 **C-11C-00**                                    **Thomas & Associates for Kenny Wilbourne:** Request to  
3922 conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District  
3923 (Conditional), Parcel 147-A-77, containing 1.00 acre, described as follows:

3924  
3925 Beginning at a set rod on the east line of Oakley's Lane 158.97' south of the intersection of the  
3926 east line of Oakley's Lane and the south line of Yates Lane; thence N7° 40' 29"W a distance of  
3927 158.97' along the east line of Oakley's Lane to a set road at set intersection, thence N80° 33'  
3928 59"E a distance of 267,27' along the south line of Yates Lane to a found rod at the intersection of  
3929 the south line of Yates Lane and the west line of Bowitch Court, thence along the west line of  
3930 Bowitch Court S7° 40' 29"E a distance of 167.14' to a found rod on the west line of Bowitch  
3931 Court, thence S82° 19' 31 "W a distance of 267.16' to the place and point of beginning and  
3932 containing 1.00 Acre.

3933 Mr. Marllles -                                    The staff presentation will be made by Lee Householder.

3934  
3935 Mr. Vanarsdall -                                    Mr. Householder.

3936  
3937 Mr. Householder -                                    Thank you. As was stated, this request would rezone 1.0 acre from  
3938 A-1 District to R-3AC. The property lies at the southeast intersection of Oakley's and Yates Lanes.  
3939 It is surrounded by other single-family residential uses. This infill project would have lot sizes and  
3940 house sizes that would be compatible with the surrounding neighborhood.

3941  
3942 The minimum lot size in the R-3A District is 9,500 square feet. The applicant has limited the 1.0-  
3943 acre property to four lots; therefore, the average lot size would be greater (approximately 10,800  
3944 square feet); greater meaning than what is required by the R-3A standards. The lot sizes in the  
3945 general vicinity of this request range from 7,000 square feet to 14,000 square feet. Immediately  
3946 adjacent to this project is the Wynfield Subdivision. It is zoned R-5. It has an average lot size of  
3947 7,000 square feet. Because this request would be slightly larger than the directly adjacent  
3948 subdivision, we feel that this is a reasonable request.

3949  
3950 The applicant has submitted proffers which have been slightly changed since the staff report and  
3951 handed out to you, tonight, and these were accepted by the Board of Supervisors for similar infill  
3952 projects in this area.

3953  
3954 The applicant proffered that all homes will be constructed on crawl space foundations and that the  
3955 exposed portions of the foundations of the homes shall be brick. Staff feels this case could be  
3956 improved if they proffered that all chimneys shall be constructed of brick or similar to the exterior  
3957 of the home, and no cantilevered chimneys will be allowed. They have addressed this concern in the  
3958 new proffers in Proffer #4 where they have stated such.

3959  
3960 Overall, the proposed infill development is compatible with the surrounding neighborhood, and the  
3961 use is consistent with the 2010 Land Use Plan Suburban Residential 2 designation. Staff  
3962 recommends approval of this request, and I'd be glad to answer any questions that you may have.

3963

3964 Mrs. Quesinberry - Just one question, the four lots from Yates Lane? Where are they  
3965 going to front?  
3966  
3967 Mr. Householder - Let me see if I can zoom in on it (referring to slide). They're going  
3968 to front two on Oakley. This would be a line down the center. It would be something like this  
3969 (referring to slide). It bisects the property. So, you have two fronting on Bowitch Court and two  
3970 fronting on Oakleys Lane.  
3971  
3972 Mrs. Quesinberry - Oh. So, nobody's going to front on Yates?  
3973  
3974 Mr. Householder - There was a request made earlier in 1999 for this property. And they  
3975 were proposing to front on Yates, but they withdrew that case, because they couldn't get ownership  
3976 of the property at that time. So, we wrote a staff report and it never went any further than that.  
3977  
3978 Mr. Vanarsdall - There wasn't any opposition to this case, was it? Any opposition to  
3979 Case C-11C-99? No opposition. Thank you.  
3980  
3981 Mrs. Quesinberry - Do we need to waive the proffers?  
3982  
3983 Mr. Householder - No. They were here on Tuesday in time.  
3984  
3985 Mrs. Quesinberry - I'm ready for a motion.  
3986  
3987 Mr. Vanarsdall - Entertain one.  
3988  
3989 Mrs. Quesinberry - Question?  
3990  
3991 Mr. Archer - This case is in Fairfield. I know the staff report says Varina.  
3992  
3993 Mrs. Quesinberry - Are you ready for a motion?  
3994  
3995 Mr. Archer - I'm ready for a motion. Yeah. We did have one outstanding issue  
3996 on this. That had to do with chimneys, and that has been resolved. The proffers have been received  
3997 in time. And, actually, the plan does, in some ways, exceed some of the surrounding residences. It  
3998 fits with the Land Use Plan. The applicant did give me permission to defer if there was opposition  
3999 to defer. There was none. I recommend approval of C-11C-00 Kenny Wilbourne.  
4000  
4001 Mrs. Quesinberry - And I'd be glad to second that.  
4002  
4003 Mr. Archer - Thank you.  
4004  
4005 Mrs. Quesinberry - We have a motion and a second.  
4006  
4007 Mr. Vanarsdall - Motion made by Mrs. Quesinberry.  
4008  
4009 Mrs. Quesinberry - No. Motion was made by Mr. Archer.



4010  
4011 Mr. Archer - It was the other way around.  
4012  
4013 Mrs. Quesinberry - It's in Fairfield.  
4014  
4015 Mr. Vanarsdall - Mr. Archer?  
4016  
4017 Mrs. Quesinberry - And seconded by Quesinberry. It was a team effort, truly.  
4018  
4019 Mr. Vanarsdall - All those in favor say aye—all those opposed by saying nay. The  
4020 vote is 5-0 (Mrs. O'Bannon abstained). Next case.  
4021  
4022 *REASON:* Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning  
4023 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors  
4024 **accept the proffered conditions and grant** the request because it conforms to the  
4025 recommendations of the Land Use Plan; it would permit development of the land for residential  
4026 use in an appropriate manner; and it reflects the type of residential growth in the area.  
4027  
4028  
4029 **Deferred from the December 9, 1999 Meeting:**  
4030 **C-66C-99** **Ralph L. Axselle or Andrew M. Condlin for Windsor**  
4031 **Enterprises:** Request to conditionally rezone from A-1 Agricultural District to R-2C One  
4032 Family Residence District (Conditional), Parcels 64-A-24 and 26, described as follows:

4033

4034 **Parcel 1 (Existing A-1 Zoning)**

4035 Beginning at a point in North Wilkinson Road. 155.00 feet east of the intersection of Diane Lane  
 4036 and North Wilkinson Road, being the place and point of beginning. Thence a bearing of N  
 4037 02°43'45" E. a distance of 41.78 feet along the east line of North Wilkinson Road to a point  
 4038 along the rear property, line of Chamberlayne Hills, Block E. Section D and the north line of  
 4039 North Wilkinson Road. Thence leaving said point at the north line of North Wilkinson Road and  
 4040 the rear property line of Chamberlayne Hills, Block E. Section D, a bearing of N 02°43'45" E, a  
 4041 distance of 744.32 feet to a point. Thence leaving said rear property line of Chamberlayne Hills,  
 4042 Block E, Section D a bearing of N 84°43'45" E, a distance of 484.00 feet to a point. Thence a  
 4043 bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a bearing of N 84°43'45"  
 4044 E, a distance of 1184± feet to a point on the flood plain as shown on Henrico County. Zoning  
 4045 Map sheet number 64 Thence meandering along said flood plain in a southerly direction 802±  
 4046 feet to a point on said flood plain. Thence a bearing of S 88°41'30" W, a distance of 519+- feet to  
 4047 a point. Thence a bearing of S 70°26' 30" W, a distance of 513.86 feet to a point. Thence a  
 4048 bearing of S 55 °41' 30" W, a distance of 207.09 feet to a point. Thence a bearing of S 42°02'45"  
 4049 W, a distance of 290.52 feet to a point. Thence a bearing of S 80° 11' 15" W, a distance of  
 4050 234.04 feet to a point. Thence a bearing of S 61°13'22" W. a distance of 670.77 feet to the place  
 4051 and point of beginning, Said parcel containing 27.6+- acres of land.

4052

4053 **Parcel 1 (Existing C-1 Zoning)**

4054 Commencing at a point in North Wilkinson Road. 155.00 feet east of the intersection of Diane  
 4055 Lane and North Wilkinson Road, being the place and point of beginning. Thence a bearing of N  
 4056 02°43'45" E, a distance of 41.78 feet along the east line of North Wilkinson Road to a point  
 4057 along the rear property line of Chamberlayne Hills, Block E, Section D and the north line of  
 4058 North Wilkinson Road. Thence leaving said point at the north line of North Wilkinson Road and  
 4059 the rear property line of Chamberlayne Hills, Block E, Section D, a bearing of N 02°43'45" E, a  
 4060 distance of 744.32 feet to a point. Thence leaving said rear property line of Chamberlayne Hills,  
 4061 Block E, Section D a bearing of N 84°43'45" E, a distance of 484.00' feet to a point. Thence a  
 4062 bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a bearing of N 84°43'45"  
 4063 E, a distance of 1184+- feet to the true point and place of beginning Thence a bearing of N  
 4064 84°43'45" E., a distance of 193+- feet to a point. Thence a bearing of S 45°01 '30" E, a distance  
 4065 of 151.25 feet to a point. Thence a bearing of S 71°56'40' E, a distance of 86.08 feet to a point.  
 4066 Thence a bearing S 48°30'00" E, a distance of 300+- feet to a point along the east line of the  
 4067 Chickahominy River. Thence along said east line of Chickahominy River, a distance of 115 +-  
 4068 feet to a point. Thence leaving said east line of the Chickahominy River, a bearing of S  
 4069 88°41'30" W, a distance of 143+- feet to a point on the flood plain as shown on Henrico County  
 4070 Zoning Map, sheet number 64. Thence meandering along said flood plain in a northerly direction  
 4071 802+- feet to the true point and place of beginning on said flood plain. Said parcel containing  
 4072 2.8+ acres of land.

4073

4074 **Parcel 2**

4075 Commencing at a point in North Wilkinson Road, 155.00 feet east of the intersection of Diane  
 4076 Lane and North Wilkinson Road. Thence a bearing of N 02°43'45" E, a distance of 41.78 feet  
 4077 along the east line of North Wilkinson Road to a point along the rear property line of  
 4078 Chamberlayne Hills, Block E, Section D and the north line of North Wilkinson Road. Thence

4079 leaving said point at the north line of North Wilkinson Road and the rear property line of  
4080 Chamberlayne Hills, Block E, Section D, a bearing of N 02°43'45" E, a distance of 744.32 feet to  
4081 the tree point and place of beginning. Thence along the rear property line of Chamberlayne Hills,  
4082 Block E, Section D a bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a  
4083 bearing of N 84°43'45" E, a distance of 484.00 feet to a point. Thence a bearing of S 02°43'45"  
4084 W, a distance 363.53 feet to a point. Thence a bearing of S 84°43'45" W, a distance of 484.00  
4085 feet to the true point and place of beginning. Said parcel containing 4.00 acres of land.

4086  
4087 Mr. Marlles - The staff presentation will be made by Elizabeth Via.

4088  
4089 Mr. Vanarsdall - Any one in the audience in opposition to C-66C-99?

4090  
4091 Person from Audience - I'd like to speak to it, but I'm not in opposition.

4092  
4093 Mr. Vanarsdall - All right. Thank you, sir. Mrs. Via.

4094  
4095 Mrs. Elizabeth Via, County Planner - Thank you, Mr. Chairman. As the Secretary read, this is a  
4096 case where the applicant is proposing to rezone approximately 32 acres from A-1 Agricultural to  
4097 R-2C One Family Residential with conditions for a single-family subdivision.

4098 The case is located here, as shown outlined in the slide. It backs up to the Chickahominy River  
4099 in this area here (referring to slide). And it is located at the terminus of Pilgrim Lane in this  
4100 location here (referring to slide). It is surrounded by existing residential neighborhoods. Several  
4101 of these that you'll remember from a case we had last month.

4102  
4103 This is the Shrader Woods neighborhood right here (referring to slide). It's a small subdivision.  
4104 Chamberlayne Hills-right here (referring to slide), and Chickahominy Bluffs is right in this  
4105 location here (referring to slide). And this, of course, is the Faith Landmark Ministries Church  
4106 property in this location up here (referring to slide).

4107  
4108 The applicant is proposing a single-family residential neighborhood with a maximum of 45 lots.  
4109 The Land Use Plan recommends SR-1 Suburban Residential which is 1.0 to 2.4 units an acre.  
4110 And the applicant is proposing a development that equates to 1.4 units per acre, which is  
4111 consistent with the Land Use Plan...a road access plan shown here, which has an access off of  
4112 Pilgrim Lane. They are providing a stub street in this location here (referring to slide) to a three  
4113 to five acre parcel in this location that could yield an additional two or three lots. There are a lot  
4114 of constraints on this parcel, so, that the entire subdivision could be maybe 48 lots.

4115  
4116 The applicant does not have control of this vacant parcel here (referring to slide) so they are just  
4117 stubbing if the owner of that property would like to develop that into a couple of lots.

4118  
4119 This plan here that is shown on the screen is a little bit different. It is one of the proffer changes  
4120 that got handed out to you tonight. The only difference is the length of this cul-de-sac, which  
4121 goes up to the property line in this general area here (referring to slide). There is actually a little  
4122 bit of land between that cul-de-sac and this property here.

4123

4124 This is a large single-family home lot (referring to slide). This is not an undeveloped parcel.  
4125 There is a single-family home on this property which is a member of the Chickahominy Bluffs  
4126 Subdivision.

4127  
4128 The proffers that you have in front of you that have been handed out tonight and did make the  
4129 deadline on January 11<sup>th</sup> dated at the top have a couple of minor changes. The roads and the  
4130 access, Proffer No. 4, dated January 3, 2000 is a change. And Proffer No. 2, I would point out,  
4131 that the lots in the subdivision shall have an average lot area of 23,000 square feet now, instead  
4132 of 20,000 which is what is referred to in the staff report.

4133  
4134 These new proffers also speak about finished floor area in Proffer No. 1. I am not going to  
4135 attempt to explain Proffer No. 1, but I am going to ask Mr. Condlin to explain that to the  
4136 Commission. But it deals with the finished floor area, and mandates the construction of some  
4137 speculative homes. And, I'll let Mr. Condlin speak to that.

4138  
4139 When this case was first submitted, the staff did have some concerns. We no longer have any  
4140 concerns. The applicant has proffered and resolved all of the staff's issues. The proffers seem  
4141 consistent with the Land Use Plan, and the development seems consistent with surrounding  
4142 areas, particularly if we go back to the zoning map; the density, and the lot sizes that are being  
4143 proposed, in what will be Rolling Hills, is consistent that is what's around it in the Chamberlayne  
4144 Hills area; Chickahominy Bluffs, and, of course, Shrader Woods. I'd be happy to answer any  
4145 questions at this time.

4146  
4147 Mr. Taylor - I had one question, Mrs. Via.

4148  
4149 Mrs. Via - Yes sir.

4150  
4151 Mr. Taylor - Where road A-2 goes through and they have extended the cul-de-  
4152 sac, on my drawing, there are two lots; 37 and 38. Are they going to be replatted so they face  
4153 road A-2, and then the cul-de-sac ends at another piece of property, as I understand it?

4154  
4155 Mrs. Via - I believe so. What's the date on the drawing that you have in front  
4156 of you, Mr. Taylor at the bottom left corner?

4157  
4158 Mr. Taylor - The date that I have is 12/13/99.

4159  
4160 Mr. Archer - ...the one in the staff report. But I think there has been a different  
4161 drawing since that time.

4162  
4163 Mrs. Via - Okay. Yes. There's a different layout drawing, that I apologize, I  
4164 thought was included in our presentation and is not. The orientation, let me actually leave the  
4165 podium for a moment and pass this down to the Commission for you to take a look at, Mr.  
4166 Taylor. This is the revised drawing.

4167  
4168 Mr. Taylor - Okay so those two lots...Would anybody else like to see it?

4169

4170 Mrs. Via - We'll try and show it on the document camera in just a moment.  
4171 There we go. This drawing is the revised drawing that shows the road access plan that has been  
4172 proffered. This lot layout is not proffered, but again, the road access plan is proffered.  
4173  
4174 It shows, Mr. Taylor, I just pointed it out at your seat is that these lots here have been realigned  
4175 slightly, but they still face the end of that cul-de-sac of Road A-2.  
4176  
4177 Mr. Taylor - Thank you, Mrs. Via.  
4178  
4179 Mr. Vanarsdall - Any more questions for Mrs. Via? Mr. Archer, do you want to  
4180 hear from the applicant?  
4181  
4182 Mr. Archer - I'm sure he'll insist on it.  
4183  
4184 Mr. Andrew Condlin - I don't insist.  
4185  
4186 Mr. Vanarsdall - He's already at the microphone. He's ready.  
4187  
4188 Mr. Condlin - I just want to get out of here like you do. Mr. Chairman, members  
4189 of the Commission, my name is Andrew Condlin. I have with me Greg Windsor from Windsor  
4190 Enterprises. Given the late hour, I'll try to keep my presentation very short, but I have to toot my  
4191 own horn. It's not very often I come before you with a case that is not only not opposed by  
4192 neighbors, but actually meets the Land Use Plan, and I have full and right access to the property.  
4193 I see in the Year 2000, I'm quite impressed with myself already.  
4194  
4195 I will say, we also, of course, are consistent with the surrounding zoning, as well as consistent  
4196 with the Land Use Plan. I believe we meet or exceed at least, in my opinion, a precedent set by  
4197 the recent case for the Lawrence tract.  
4198  
4199 We proffer a minimum house size of 2,200 square feet, while proffering an average of 2,400  
4200 square feet. And with a number of amenities, some of which you have seen in some of Mr.  
4201 Windsor's cases, including a tot lot, paved drives and walks, a homeowners association with an  
4202 architectural review committee. We have a tree preservation plan, with the zoning of unused  
4203 land to C-1, given the fact that we're on the Chickahominy River at the rear of this property.  
4204  
4205 I will say there are two unique and unusual proffers that I was somewhat hesitant to give. Given  
4206 the ability for the County to have to enforce them, but, of course, you have to accept them as part  
4207 of that or the Board of Supervisors will. One of those is what Mrs. Via has referred to.  
4208  
4209 We have proffered an average house size, which I said, is consistent with the large tract case of  
4210 2,400 square feet. Unlike that case, we have a minimum of 2,200 square feet, as opposed to  
4211 1,800 square feet. But, the average has to be 2,400 square at the conclusion of construction.  
4212  
4213 The neighbors have asked us to add in that there be a report every six months to indicate the  
4214 square footage and how this property is going along. This was brought to us after we had  
4215 submitted for the Tuesday deadline. And I cannot, obviously, be in a position to offer that unless

4216 you so agree. I'm going to leave that to the neighbors more to address as well. But, we are  
4217 prepared, and I brought a draft of that, consistent with the Wilton case, if we need to look at that  
4218 issue.

4219  
4220 There's also a proffer that's a little bit complicated. Actually, it's a lot complicated in the way  
4221 we had to look at the many variables with respect to the model home size. I think, primarily,  
4222 again, I don't want to put words in the neighbors' mouths, but I think they wanted to set the tone  
4223 for the development to say, and I can summarize it pretty quickly by saying, you must have at  
4224 least four model homes built on the property; model home or speculative homes, and the first  
4225 two must be built immediately.

4226  
4227 The first of these four homes must be 2,600 square feet; the second 2,400; the third 2,600, and  
4228 the fourth 2,400. The idea being, again, to set the higher standard for the spec homes or model  
4229 homes. And, finally, no more than two model homes or spec homes may be built next to the  
4230 existing subdivisions, or what I refer to as Doctor Jones's property, which is right here (referring  
4231 to slide), a large individual parcel. That is really all I wanted to say about the case other than  
4232 being quite impressed with myself, and, of course, Mr. Windsor, being that we're consistent with  
4233 the surrounding area; consistent with the Land Use Plan; and that we meet or exceed all the  
4234 previous precedents set by the recent case. I'll be happy to answer any questions at this time.

4235  
4236 Mr. Vanarsdall - Any questions of Mr. Condlin?

4237  
4238 Mrs. Quesinberry - You just covered it so well.

4239  
4240 Mr. Condlin - I earned my dollar tonight.

4241  
4242 Mr. Vanarsdall - It was shorter, too.

4243  
4244 Mrs. Quesinberry - You're on a roll here. You did really well with Ken's Cycle  
4245 Center and now you've got this.

4246  
4247 Mr. Condlin - That's right.

4248  
4249 Mr. Marles - Mr. Condlin, I'm assuming it would be the developer or the  
4250 applicant who would be providing that report every six months?

4251  
4252 Mr. Condlin - Yes sir. That would be the intent, obviously. I think that's what  
4253 the neighbors would like to see.

4254  
4255 Mr. Vanarsdall - All right. A gentleman in the back has a question.

4256  
4257 Mr. William Timberlake - Thank you, Mr. Chairman. I'm William Timberlake, member of  
4258 North Chamberlayne Civic Association. I'm the Chairman of a committee of citizens in the area,  
4259 which Mr. Condlin referred to. We've met with him on numerous occasions. I would like to say  
4260 our meetings have been very productive. We support these proffers and this project. But, I  
4261 would like ask you to please waive the requirements for the 48-hours relating to the proffer

4262 change of annual and bi-annual notification. We feel like that's necessary. And, Mr. Windsor  
4263 has agreed to do that. If you would do that we'd appreciate it very much. Other than that, we do  
4264 support the project, and urge you to approve it.

4265  
4266 Mr. Archer - I'm sorry, your request; you wanted to waive what now?

4267  
4268 Mr. Timberlake - As a proffer we have asked to be put in that did not meet the 48-  
4269 hour deadline relative to annual and bi-annual notification of the house sizes. Mr. Condlin  
4270 referred to that in his remarks. I believe that you can waive that yourself, can you not?

4271  
4272 Mr. Archer - Did we not cover that in Proffer No. 1?

4273  
4274 Mr. Timberlake - No sir.

4275  
4276 Mr. Archer - That's not covered? I'll make a remark about that, and then we'll  
4277 talk about how we might be able to handle it.

4278  
4279 Mr. Timberlake - Thank you, Mr. Chairman.

4280  
4281 Mr. Vanarsdall - Thank you very much. Mr. Archer, do you want to hear from Mr.  
4282 Windsor? He's in the back there...Do you need to hear from him?

4283  
4284 Mr. Archer - Not unless he's dying to say something. I don't think he is. What  
4285 I need to refer to, and want to be clear on this proffer we may have to waive. But, staff is  
4286 concerned about something, and I am also. And it speaks mostly to Proffer No. 1. There's a  
4287 concern that has been raised that, when we try to dictate the size of houses that are located in any  
4288 particular area of a project, they could be considered exclusionary, and, as such, might be illegal.  
4289 And I realize we did that on the last project, and I'm not sure it would stand the test if it was  
4290 challenged. And, because of that, I'm probably going to vote to recommend approval of this  
4291 case. But, there may be some other way we might want to address that proffer going to the  
4292 Board. And, I'm going to ask Mrs. Via if she would look into how we might be able to express  
4293 in that in another manner. Not necessarily now, but at some point in time before it gets to the  
4294 Board.

4295  
4296 Mrs. Via - Yes. Staff has a couple concerns about Proffer No.1 related a little  
4297 bit to exclusionary nature, but also related to the enforceability and the administration of  
4298 enforcing Proffer No. 1. As you can see, its fairly detailed. When I think of the counter  
4299 personnel that are going to have to enforce this as the building permits come in. We don't think  
4300 this should hold up the case for action tonight. And this is may be something that can be  
4301 addressed with the County Attorney between now and the Board. It may be something that the  
4302 applicant can address in their covenants, as opposed to a proffer. But we would like to, with Mr.  
4303 Archer's consent, maybe talk to the County Attorney a little bit between now and the Board  
4304 about this particular proffer and how we might administer it.

4305  
4306 Mr. Archer - I would like that, yes. While you there, Mrs. Via, would you  
4307 explain the proffer that we need to waive the time limit on, tonight?

4308  
4309 Mrs. Via - The neighborhood has asked that additional language be attached  
4310 to Proffer No. 1. That would actually have the applicant, Mr. Windsor, providing bi-annual  
4311 tabulations of the average floor area, if I've got that generally correct. And that request was  
4312 made, Mr. Windsor, after he had submitted his proffers in time for the deadline. So, with the  
4313 additional language to Number 1, you would have to waive the time limit to allow Mr. Condlin  
4314 to submit a new Proffer No. 1.  
4315  
4316 Mr. Archer - I don't have any problem with waiving the time limit to do that,  
4317 except that it all would come under the scrutiny of the County Attorney before we can pass any  
4318 of it. So, I don't guess it hurts to attach this language to it.  
4319  
4320 Mrs. Via - Just add the additional language and do it all at one time.  
4321  
4322 Mr. Archer - Do it all at once. Mr. Condlin, do you understand what we're  
4323 saying here with regard to that language?  
4324  
4325 Mr. Condlin - It's so late, I don't understand anything at this point. Yes. I do.  
4326  
4327 Mr. Archer - You've been here later than this, I know.  
4328  
4329 Mrs. Quesinberry - That's right. We're going to let you go home early tonight.  
4330  
4331 Mr. Condlin - My wife's not going to like that.  
4332  
4333 Mrs. Via - Let me, just for the record, read the additional language that's been  
4334 proposed by the neighborhood, and the Commission would be expected accepting this evening, if  
4335 you wanted to. "On January 1<sup>st</sup> and July 1<sup>st</sup> of each year, following the recordation for the first  
4336 plat of the subdivision, and continuing thereafter, until a building permit is issued for the last  
4337 dwelling on the subdivision, the applicant will provide to the County Planning Office a written  
4338 report of the square feet of finished floor area of each dwelling, based on the finished floor area  
4339 approved for such dwelling by the appropriate County department for which a building permit  
4340 has been issued."  
4341  
4342 Mr. Archer - Mr. Windsor, did you write that?  
4343  
4344 Mr. Vanarsdall - You said the neighborhood wrote that?  
4345  
4346 Mrs. Via - Mr. Condlin wrote that.  
4347  
4348 Mr. Condlin - Bill Axelle.  
4349  
4350 Mr. Vanarsdall - Mr. Condlin, can you incorporate that?  
4351  
4352 Mr. Archer - I beg your pardon, Mr. Chairman?  
4353



4354 Mr. Vanarsdall - I was asking Mr. Condlin, can he incorporate all of that?  
4355  
4356 Mr. Archer - Well, he's asking us to do that now. Well, Mr. Chairman, so we  
4357 won't have to prolong this, I have the language here. It's rather lengthy. We'll need you to  
4358 initial and date this. Mr. Condlin, are you done?  
4359  
4360 Mr. Condlin - Yes sir.  
4361  
4362 Mr. Archer - We'll have to waive the time limits on that portion of that proffer.  
4363  
4364 Mrs. Via - We'll have to waive the time limit.  
4365  
4366 Mr. Archer - Well, Mr. Chairman, just so everybody will understand exactly  
4367 where we're going with this, this will become a part of Proffer No. 1, correct? And when I make  
4368 my motion, I move to waive the time limit on that portion. But, I would ask staff to please  
4369 follow up on the request to make sure that the County Attorney approves of the language in the  
4370 proffer period so that we'll know exactly where we're going with this so that we won't pass  
4371 something that's not legally enforceable.  
4372  
4373 With that, I move to waive the time limits on the additional language on Proffer No. 1.  
4374  
4375 Mrs. Quesinberry seconded the motion.  
4376  
4377 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All  
4378 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon  
4379 abstained).  
4380  
4381 Mr. Archer - I also move approval of C-66C-99 Windsor Enterprises, as  
4382 presented and proffered.  
4383 Mrs. Quesinberry seconded the motion.  
4384  
4385 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All  
4386 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon  
4387 abstained).  
4388  
4389 REASON: Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning  
4390 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors  
4391 **accept the proffered conditions and grant** the request because it would permit development of  
4392 the land for residential use in an appropriate manner; it reflects the type of residential growth in the  
4393 area; and it continues a similar level of single family residential zoning as currently exists in the  
4394 area.  
4395  
4396 Mr. Vanarsdall - Mr. Marlles, do we have any more cases, if not, we'll adjourn.  
4397  
4398 Mr. Marlles - Mr. Chairman, that concludes the business of the Commission.  
4399

4400  
4401 There being no further business, acting on a motion by Mr. Archer, seconded by Mrs.  
4402 Quesinberry, the Planning Commission adjourned its meeting at 12:10 a.m. on January 14, 2000.

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Ernest B. Vanarsdall, C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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