

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on January 10, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on December 20, 2001 and December 27, 2001.

5  
6 Members Present: Allen J. Taylor, C.P.C., Chairperson, Three Chopt  
7 Eugene Jernigan, C.P.C., Vice-Chairperson, Varina  
8 C. W. Archer, C.P.C., Fairfield  
9 Lisa D. Ware, Tuckahoe  
10 Ernest B. Vanarsdall, C.P.C., Brookland  
11 Frank J. Thornton, Board of Supervisors, Fairfield  
12 John R. Marlles, AICP, Secretary, Director of Planning  
13

14 Others Present: Randall R. Silber, Assistant Director of Planning  
15 David D. O'Kelly, Principal Planner  
16 Mark Bittner, County Planner  
17 Thomas M. W. Coleman, County Planner  
18 Lee Householder, County Planner  
19 Debra Ripley, Recording Secretary  
20

21 Mr. Archer - The Planning Commission will come to order. Good evening  
22 everyone. Before I begin, we do have some members of the press that I would like to  
23 acknowledge. There is Chris Dovi from *The Richmond Times-Dispatch* and Tom Lappas. I just  
24 saw you come in, and he is from *The Henrico Citizen*, and Chris Woodford from *The Henrico*  
25 *County Leader*.

26  
27 The agenda called for the election of chairmen, but we are going to change the order just a little  
28 bit. I first need to acknowledge the new members who are on the Planning Commission,  
29 beginning tonight. To my left, of course, is Mr. Frank Thornton, who will be the Board's member  
30 to the Planning Commission this year. Welcome, Mr. Thornton.

31  
32 Mr. Thornton - Thank you, Mr. Chairman.

33  
34 Mr. Archer - To my right is Ms. Lisa Ware, who will be the new member from  
35 the Tuckahoe District. And, to her right, I would also like to acknowledge someone who has  
36 been here for 14 years and is beginning his 15<sup>th</sup> season, and without a contract, and that is Mr.  
37 Ernest Vanarsdall. A series of one-year contracts.

38  
39 Mr. Vanarsdall - Thank you for recognizing my seniority, Mr. Chairman.

40  
41 Mr. Archer - That is quite all right. Now, Mr. Secretary, Mr. Marlles, I would  
42 also like to acknowledge you and your staff for all of the fine support you have given us this past  
43 year and also my colleagues here on the Commission. You did not make my job easy, but you  
44 made it easier, and I appreciate that.

45  
46 At this time, we are going to go ahead with the Requests for Withdrawals and Deferrals. Mr.  
47 Secretary.

48  
49 Mr. Marlles - Yes, sir, Mr. Chairman. That will be handled by Mr. Mark Bittner.

50  
51 Mr. Archer - Mr. Bittner, good evening.  
52

53 Mr. Bittner - Thank you, Mr. Archer and Mr. Marlles. I would like to point out  
54 we have a number of deferrals tonight and you see a list right now on the screen (referring to  
55 rendering), and there is actually a second page of deferrals, as well. But, hopefully, as I call  
56 them out, you will be able to follow them along on our agendas.  
57

58 **TUCKAHOE:**

59 **P-21-01** **Sprint PCS:** Request for a provisional use permit under Sections  
60 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 135'  
61 communication tower and related equipment on part of Parcel 100-A-65 (753-740-8228) (8611  
62 Henrico Avenue), containing 851 square feet, located at the southeast intersection of Henrico  
63 Avenue and Ridge Road. The existing zoning is R-3 One Family Residence District. The Land Use  
64 Plan recommends Government.  
65

66 Mr. Bittner - The deferral request is for one month to the February 14, 2002,  
67 Planning Commission meeting.  
68

69 Mr. Archer - All right. Is there anyone here in opposition to the deferral of P-  
70 21-01, Sprint PCS? No opposition. Ms. Ware.  
71

72 Ms. Ware - I move to defer Case C-21-01, Sprint PCS, for 30 days to the  
73 February 14, 2002 Planning Commission meeting at the request of the applicant.  
74

75 Mr. Vanarsdall - Second.  
76

77 Mr. Archer - Motion by Ms. Ware and seconded by Mr. Vanarsdall. All in favor  
78 of the motion say aye. Those opposed say no. The ayes have it. The deferral is granted. The  
79 vote was 5-0. Mr. Thornton abstained.  
80

81 At the request of the applicant, the Planning Commission deferred Case C-21-01, Sprint PCS, to  
82 its meeting on February 14, 2002.  
83

84 **P-1-02** **Wes Blatter for VoiceStream Wireless:** Request for a  
85 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in  
86 order to construct and operate a 175 foot telecommunications tower and related equipment on  
87 part of Parcel 88-A-28 (736-743-5917), containing 2,500 square feet, located approximately 150  
88 feet to the rear of (west of) the Merchant Square Shopping Center along Westbriar Drive. The  
89 existing zoning is C-1 Conservation District. The Land Use Plan recommends Open  
90 Space/Recreation.  
91

92 Mr. Bittner - This request is also for one month to February 14, 2002.  
93

94 Mr. Archer - OK. Thank you. Is there anyone here in opposition to this  
95 deferral, P-01-02?  
96

97 Mr. Pittman - Yes, Mr. Chairman, we are. We ought to hear it and be done  
98 with it tonight.  
99

100 Mr. Archer - OK.  
101

102 Mr. Pittman - I see no reason for deferring it and putting it off any further.  
103

104 Mr. Archer - We will discuss that with the applicant and the staff and see if  
105 we can work it out. Can we leave it on the agenda as it is?

106  
107 Mr. Marlles - We could do that. Yes, sir.  
108  
109 Mr. Archer - It will be called in the order that it was shown, sir. And your  
110 name, sir?  
111  
112 Mr. Pittman - Pittman.  
113  
114 Mr. Archer - You and I used to work together many, many years ago. Nice to  
115 see you.  
116  
117 Mr. Vanarsdall - I told you we were informal, Mr. Pittman.  
118  
119 **C-2C-02 Charles W. Tiller for LLC Capitol City Properties:** Request  
120 to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District  
121 (Conditional), Parcel 57-A-3 (741-756-4435), containing 5.236 acres, located on the south line of  
122 Church Road at its intersection with Oak Point Lane. A single-family residential subdivision is  
123 proposed. The R-2A District allows a minimum lot size of 13,500 square feet. The use will be  
124 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
125 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
126  
127 Mr. Bittner - This is a request for a one-month deferral to February 14, 2002.  
128  
129 Mr. Archer - All right. Is there opposition to this deferment, C-2C-02, Charles  
130 W. Tillar for LLC Capitol City Properties? No opposition. All right.  
131  
132 Ms. Ware - I move to defer Case C-2C-02 for 30 days to the February 14,  
133 2002 Planning Commission meeting at the request of the applicant.  
134  
135 Mr. Vanarsdall - Second.  
136  
137 Mr. Archer - Motion by Ms. Ware and seconded by Mr. Vanarsdall. All in favor  
138 of the motion say aye. All opposed say no. The ayes have it. The motion is granted. The vote  
139 was 5-0. Mr. Thornton abstained.  
140  
141 At the request of the applicant, the Planning Commission deferred Case C-2C-02, Charles W.  
142 Tiller for LLC Capitol City Properties, to its meeting on February 14, 2002.  
143  
144 **Deferred from the December 13, 2001 Meeting:**  
145 **P-19-01 Wes Blatter for VoiceStream Wireless:** Request for a  
146 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in  
147 order to construct and operate a 165' communication tower and related equipment on part of  
148 Parcel 191-A-17 (799-702-8496), containing 10,000 square feet (0.223 acre) located at 6535  
149 Barksdale Road approximately 1,200 feet north of Kukymuth Road. The existing zoning is A-1  
150 Agricultural District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
151 density per acre.  
152  
153 Mr. Bittner - This is a one-month deferral request to February 14, 2002.  
154  
155 Mr. Archer - All right. Is there opposition to this deferral, P-19-01,  
156 VoiceStream Wireless? No opposition. Mr. Jernigan.  
157

158 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case P-19-01 to  
159 February 14, 2002, at the request of the applicant.

160  
161 Mr. Taylor - Second.

162  
163 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Taylor. All in favor  
164 of the motion say aye. Those opposed say no. The ayes have it. The deferral is granted. The  
165 vote was 5-0. Mr. Thornton abstained.

166  
167 At the request of the applicant, the Planning Commission deferred Case P-19-01, Wes Blatter for  
168 VoiceStream Wireless to its meeting on February 14, 2002.

169  
170 **C-3-02 E. Montgomery Thomson:** Request to rezone from A-1  
171 Agricultural District to M-1 Light Industrial District, Parcel 172-2-1-4B (812-712-0438) (1.0 acre)  
172 and part of Parcel 172-A-5 (811-712-7547) (7.9 acres), containing 8.9 acres, located  
173 approximately 75 feet west of Brighton Road, 500 feet north of Charles City Road, and  
174 approximately 655 feet west of the intersection of Klockner and Sarellen Roads. A Light  
175 Industrial facility is proposed. The use will be controlled by zoning ordinance regulations. The  
176 Land Use Plan recommends Planned Industrial. The site is also in the Airport Safety Overlay  
177 District.

178  
179 Mr. Bittner - This is a request for a one-month deferral to February 14, 2002.

180  
181 Mr. Archer - Is there opposition to this deferral, C-3-02, E. Montgomery  
182 Thomson? No opposition. Mr. Jernigan.

183  
184 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-3-02, E.  
185 Montgomery Thomson, to February 14, 2002, at the request of the applicant.

186  
187 Mr. Vanarsdall - Second.

188  
189 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
190 favor of the motion say aye. All opposed say no. The ayes have it. The motion carries. The vote  
191 was 5-0. Mr. Thornton abstained.

192  
193 At the request of the applicant, the Planning Commission deferred Case C-3-02, E. Montgomery  
194 Thomson to its meeting on February 14, 2002.

195  
196 **Deferred from the November 15, 2001 Meeting:**

197 **C-59-01 Robert B. Wilton:** Request to rezone from R-3 One Family  
198 Residence District to M-1 Light Industrial District, part of Parcel 61-A-68 (770-756-2492),  
199 containing 1.15 acres, located on the east line of Old Staples Mill Road approximately 450 feet  
200 north of Staples Mill Road (U. S. Route 33). A mini storage warehouse and office are proposed.  
201 The use will be controlled by zoning regulations. The Land Use Plan recommends Light Industry.

202  
203 Mr. Bittner - This request is for two months, to March 14, 2002, Planning  
204 Commission meeting.

205  
206 Mr. Archer - OK. February is beginning to look like the St. Valentine's Day  
207 Massacre. Is there opposition to this deferral, C-59-01, Robert B. Wilton? No opposition. Mr.  
208 Vanarsdall.

209

210 Mr. Vanarsdall - I move that Case C-59-01, Robert B. Wilton, be deferred to  
211 March 14, 2002, which is 60 days, at the applicant's request.

212  
213 Mr. Taylor - Second.

214  
215 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr. Taylor. All in  
216 favor of the motion say aye. Those opposed say no. The ayes have it. The motion is granted.

217  
218 At the request of the applicant, the Planning Commission deferred Case C-59-01, Robert B.  
219 Wilton, to its meeting on March 14, 2002.

220  
221 **Deferred from the November 15, 2001 Meeting:**

222 **C-62C-01 Darrell Hicks for Southside Investments:** Request to  
223 amend proffered conditions accepted with rezoning case C-129C-88, on Parcel 129-A-59 (809-  
224 730-0626), containing 6.13 acres, located at 1301 N. Laburnum Avenue at the northeast  
225 intersection of N. Laburnum Avenue and Creighton Road. The property is zoned B-3C, Business  
226 District (Conditional) and O-2C, Office District (Conditional). The amendment is related to  
227 building materials, building design, and permitted uses. The Land Use Plan recommends Office.  
228 The site is also in the Airport Safety Overlay District.

229  
230 Mr. Bittner - This request is for a three-month deferral to April 11, 2002  
231 meeting.

232  
233 Mr. Archer - OK. Did we get any new information on that, Mr. Bittner?

234  
235 Mr. Bittner - No, we did not get any information.

236  
237 Mr. Archer - All right. Is there opposition to this deferral, Case C-62C-01,  
238 Southside Investments? No opposition. Then I will move deferral of Case C-62C-01, Darrell  
239 Hicks for Southside Investments, to the April 11, 2002 meeting, at the request of the applicant.

240  
241 Mr. Vanarsdall - Second.

242  
243 Mr. Archer - Motion by Archer and seconded by Mr. Vanarsdall. All in favor of  
244 the motion say aye. Those opposed say no. The ayes have it. The deferral is granted. The vote  
245 was 5-0. Mr. Thornton abstained.

246  
247 At the request of the applicant, the Planning Commission deferred Case C-62C-01, Darrel Hicks  
248 for Southside Investments, to its meeting on April 11, 2002.

249  
250 **C-6C-02 Michael J. Kelly for L-C Corporation:** Request to amend  
251 proffered conditions accepted with rezoning case C-14C-87, on Parcel 48-A-45 (749-760-0500)  
252 (Universal Ford), containing 4.057 acres, located on the south line of West Broad Street (U. S.  
253 Route 250) approximately 400 feet east of Cox Road. The amendment is related to eliminating  
254 the buffer on the south line of the property. The existing zoning is B-3C Business District  
255 (Conditional). The Land Use Plan recommends Commercial Concentration.

256  
257 Mr. Bittner - This request is for two months, to the March 14, 2002 Planning  
258 Commission meeting.

259  
260 Mr. Archer - OK. Is there opposition to the deferral of Case C-6C-02, Michael  
261 J. Kelley for L-C Corporation? Opposition to the deferral? OK, Mr. Taylor, I guess we will have to  
262 hear it. Thank you, gentlemen.

263  
264 Mr. Taylor - Well, Mr. Chairman, the people who are objecting, they might  
265 want to say something now. Can we do that?  
266  
267 Mr. Vanarsdall - Ask them why they want it deferred?  
268  
269 Mr. Taylor - Is there a reason for the deferment.  
270  
271 Mr. Goode - I wanted to make a statement.  
272  
273 Mr. Archer - Do you want to come down, sir? Maybe we can dispose of this  
274 quickly. Please state your name for the record, sir.  
275  
276 Mr. Goode - Yes, sir. Thank you. My name is Read Goode, Jr. I am the  
277 regional partner for Realty Corporation, which is an adjacent landowner to Universal Ford. We  
278 have been involved in a very complicated project for six years immediately behind Universal Ford.  
279 It has involved purchasing an entire neighborhood of 17 homes and a blighted neighborhood,  
280 and in making the whole area better. We have a community there that is made up of Circuit  
281 City, Truliant Federal Credit Union, Universal Ford and Jimmy Plotkin and the Summit Property,  
282 and I just wanted to go on record to state that we have a community there. It is a business  
283 community. We have all worked very hard over six years to give land, to build roads, to be a  
284 good neighbor, to make the neighborhood a better place, and I am glad Mr. Kelly has decided to  
285 defer this case to join the community. He represents an absentee owner, an out-of-town owner,  
286 and has not been that involved with all of this over the years, and we are happy that he is going  
287 to defer the case and hopefully work with us, especially on some drainage, some storm water  
288 problems, and some other situations that involve the ultimate dedication of Westerre Parkway,  
289 which my company has built and is ready to dedicate with their cooperation. And I just wanted  
290 to go on record saying that I am looking forward to working with them.  
291  
292 Mr. Archer - We appreciate that, sir. Thank you.  
293  
294 Mr. Vanarsdall - And you are not in opposition of the deferment at all?  
295  
296 Mr. Goode - No, sir. I just wanted to make that statement.  
297  
298 Mr. Vanarsdall - Thank you. We appreciate that.  
299  
300 Mr. Archer - All right, Mr. Taylor.  
301  
302 Mr. Taylor - Mr. Chairman, as a follow-up to that statement, I really want to  
303 welcome the discourse between Mr. Kelly and Read Goode and all of the people involved, the  
304 Truliant, Circuit City, Summit and Westerre people, working with Universal Ford because there  
305 are a number of conflicts, issues, that the community has faced in that area, including the County  
306 and some drainage issues, that I think now, with Mr. Kelly's efforts in conjunction with Mr. Goode  
307 and staff that a two-month deferral will give us time to sort out all of the complexities and bring  
308 forth a truly beneficial project for the County.  
309  
310 Mr. Archer - All right.  
311  
312 Mr. Taylor - And with that I move that Case C-6C-02, Michael J. Kelly for L-C  
313 Corporation, be deferred at the request of the applicant for two months until March 14, 2002.  
314  
315 Mr. Vanarsdall - Second.

316  
317 Mr. Taylor - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
318 favor of the motion say aye. All in opposition to the motion say no. The ayes have it. The  
319 deferment is granted to March 14, 2002. The vote was 5-0. Mr. Thornton abstained.  
320  
321 At the request of the applicant, the Planning Commission deferred Case C-6C-02, Michael J. Kelly  
322 for L-C Corporation, to its meeting on March 14, 2002.  
323  
324 **C-7C-02 Michael J. Kelly for L-C Corporation:** Request to  
325 conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), part of  
326 Parcel 48-A-44 (748-759-9860), containing 0.687 acre, located on the east line of Cox Road  
327 approximately 600 feet south of West Broad Street (U. S. Route 250). Automobile dealership  
328 parking and accessory uses are proposed. The uses will be controlled by zoning ordinance  
329 regulations and proffered conditions. The Land Use Plan recommends Commercial  
330 Concentration.  
331  
332 Mr. Bittner - This is a request to defer for two months to March 14, 2002.  
333  
334 Mr. Archer - All right. Is there opposition to this deferral to the March 14,  
335 2002 meeting, C-7C-02? Mr. Taylor.  
336  
337 Mr. Taylor - Mr. Chairman, I think that we should note that Case C-6C-02  
338 and Case C-7C-02 are two cases that are directly linked, and I think it is wise to go ahead and  
339 defer that for the same reason that we deferred Case C-6C-02, and that will give all of the parties  
340 the opportunity to work in some degree of harmony and bring forth a good product. So, I will  
341 move for approval of the deferment of Case C-7C-02, Michael J. Kelly for L-C Corporation, for two  
342 months to March 14, 2002, at the request of the applicant.  
343  
344 Mr. Vanarsdall - Second.  
345  
346 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
347 favor say aye. Those opposed say no. The ayes have it. The deferral is granted. The vote was  
348 5-0. Mr. Thornton abstained.  
349  
350 At the request of the applicant, the Planning Commission deferred Case C-7C-02, Michael J. Kelly  
351 for L-C Corporation, to March 14, 2002.  
352  
353 Mr. Bittner - That concludes the request for deferrals and withdrawals and I  
354 would also like to point out that we do not have any cases on the Expedited Agenda tonight. We  
355 are going to hear them in order.  
356  
357 Mr. Archer - Thank you, Mr. Bittner. You almost got them all. OK, at this  
358 point, we will have the election of officers for the Year 2002, and I would be remiss if I didn't  
359 remind you that it is customary for the outgoing Chairman to receive a gift, and my colleagues  
360 have already given me a gift. So, don't feel like they are slighting me. They are not.  
361  
362 Mr. Vanarsdall - I was going to mention that if he didn't, because I didn't want  
363 you to think we were cheapskates.  
364  
365 Mr. Archer - I appreciate that. I will now turn it over to our Secretary, Mr.  
366 Marlles.  
367

368 Mr. Marlles - Thank you, Mr. Chairman. Good evening, members of the  
369 Planning Commission, ladies and gentlemen in the audience. It is my duty and honor each year  
370 to preside over the election of the Chairman and Vice-Chairman of the Commission at the first  
371 meeting of the Commission in January. I would like to start by opening the floor for nominations  
372 for Chairman of the Planning Commission for 2002. Do we have a nomination?  
373

374 Mr. Vanarsdall - I nominate Mr. Al Taylor to take us down the road for the Year  
375 2002.  
376

377 Mr. Jernigan - Second.  
378

379 Mr. Marlles - We have a motion and a second nominating Mr. Taylor as  
380 Chairman of the Planning Commission for 2002. Are there any other nominations?  
381

382 Mr. Archer - I move to close the nominations, Mr. Secretary.  
383

384 Mr. Vanarsdall - Second.  
385

386 Mr. Marlles - We have a motion and a second closing the nominations for  
387 Chairman of the Commission. All those in favor for Mr. Taylor to serve as Chairman of the  
388 Planning Commission for 2002 say aye. All those in opposition say no. I believe the vote is  
389 unanimous. Mr. Taylor is elected Chairman of the Commission for the coming year, and  
390 congratulations, Mr. Taylor.  
391

392 Mr. Taylor - Thank you, sir.  
393

394 Mr. Marlles - We must now elect the Vice-Chairman. Are there any  
395 nominations from the floor for Vice-Chairman of the Planning Commission for the coming year?  
396

397 Mr. Vanarsdall - Mr. Secretary, I move that we honor Mr. Ray Jernigan as Vice-  
398 Chairman for the Year 2002.  
399

400 Mr. Taylor - Second.  
401

402 Mr. Marlles - OK. Are there any other nominations from the floor? OK. Do we  
403 have a motion to close the nominations?  
404

405 Mr. Archer - Motion to close, Mr. Secretary.  
406

407 Mr. Vanarsdall - Second.  
408

409 Mr. Marlles - We have a motion and a second nominating Mr. Jernigan as  
410 Vice-Chairman of the Commission. All those in favor signify by saying aye. All those opposed by  
411 saying nay. Again, I believe that the vote is unanimous. Congratulations, Mr. Jernigan, you have  
412 been elected Vice-Chairman.  
413

414 Mr. Jernigan - Thank you.  
415

416 Mr. Taylor - May I proceed?  
417

418 Mr. Vanarsdall - Before you proceed, I have a remark before you. We already  
419 did all of this in the December meeting, but some of you may not have been here. I want to  
420 congratulate Mr. Archer for the good job that he did in taking us through 2001.



421  
422 Mr. Archer - Thank you, Mr. Vanarsdall. I appreciate that.  
423  
424 Mr. Taylor - And I would also like to thank Mr. Archer for his year as  
425 Chairman. I also want to thank Ms. Dwyer for her year as Vice-Chairman. She has left the  
426 Planning Commission this year due to professional demands. As Mr. Archer said, both received a  
427 small token from the staff on the Commission's esteem at the POD meeting for their long service  
428 on the Commission, but I also want to acknowledge the new appointee from the Tuckahoe  
429 District, Ms. Lisa Ware. She will ably fill in for Ms. Dwyer and I also acknowledge the press  
430 people being here, and with that, Mr. Director (sic), I will turn the meeting back to you.  
431  
432 Mr. Marlles - Mr. Chairman, and members of the Commission and ladies and  
433 gentlemen, before I read the first case, I do want to explain that it has been the tradition that  
434 the Board representative, in this case Mr. Thornton, who sits on the Planning Commission,  
435 typically does not vote on every case that comes before the Commission. The reason for that is  
436 for many of the actions that come before the Planning Commission, the Board of Supervisors  
437 makes the final decision. So, unless there is a need for a tiebreaker for a vote, the Board  
438 representative usually does not vote on these cases. I just wanted to explain that, Mr. Chairman.  
439  
440 The first case on tonight's agenda, and this was originally a request for a deferral, is P-01-02.  
441  
442 **P-1-02 Wes Blatter for VoiceStream Wireless:** Request for a  
443 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in  
444 order to construct and operate a 175 foot telecommunications tower and related equipment on  
445 part of Parcel 88-A-28 (736-743-5917), containing 2,500 square feet, located approximately 150  
446 feet to the rear of (west of) the Merchant Square Shopping Center along Westbriar Drive. The  
447 existing zoning is C-1 Conservation District. The Land Use Plan recommends Open  
448 Space/Recreation.  
449  
450 Mr. Marlles - The staff report was prepared by Mr. Tom Coleman from the  
451 Planning Office.  
452  
453 Mr. Coleman - Thank you, Mr. Secretary. The applicant has requested a  
454 deferral on this case. Staff raised a number of issues concerning this application and we felt that  
455 30 days was warranted to allow the applicant additional time to address those concerns.  
456 Obviously, there were persons here who were in opposition to the deferral of this case and if  
457 they have specific questions concerning this, we will be happy to try to attempt to answer those  
458 questions.  
459  
460 Mr. Taylor - Sir, would you like you to approach the podium and explain why  
461 you are in opposition to the deferral of this case?  
462  
463 Mr. Buddy Pittman - Yes, sir, Mr. Chairman. We have been adverse to this proposal  
464 for a long period of time and...  
465  
466 Mr. Taylor - Would you state your name for the record, please?  
467  
468 Mr. Pittman - My name is Buddy Pittman. I reside at 1603 Hollandale Road  
469 directly across the street from the proposed site, and several neighbors of Tuckahoe Village are  
470 here tonight to speak on our position. We think it is incumbent upon the party to move forward  
471 with their request, and if they are not prepared to do so, we would ask you to dismiss this matter  
472 in its entirety and have it stricken from any further consideration.  
473

474 Mr. Taylor - Thank you, sir. Are there any other comments?  
475  
476 Ms. Ware - Has the applicant had an opportunity to meet with the residents  
477 concerning this case?  
478  
479 Mr. Pittman - He has made no effort to do so, ma'am.  
480  
481 Ms. Ware - You've not received a letter or any information?  
482  
483 Mr. Pittman - No, ma'am.  
484  
485 Ms. Monticelli - My name is Joan Monticelli. And I wish I could show you where  
486 I live on this map, but my back yard, yes, (referring to rendering). Yes, I will show you where I  
487 am. This is the tower right here. OK. My hand is shaking. There is another tower within a block  
488 of this tower and I would say that it is in here (referring to rendering). There is a tower at the  
489 beginning of the shopping center right off of Patterson Avenue, and the other tower is projected  
490 where those three dots are (referring to rendering) now, and that is my backyard. My backyard is  
491 right here (referring to rendering). I think that is right. Yes. My fence. It is 250 feet from this  
492 tower. It is only across the parking lot, and all of this area behind this recreation association is a  
493 floodplain, and the tower is going up adjacent to tennis courts where, when we had two  
494 hurricanes, the tennis courts were under water. The 10-foot fence on the tennis court was gone  
495 over in canoes with children and adults in the neighborhood at this time. Now, I see water  
496 coming up into this parking lot several times a year. Not this year, because we have had a  
497 drought, but I mean, it comes up half way into the parking lot, two or three times a year. When  
498 we have a good downpour, this tower, the base of this tower is going to be under water, and this  
499 recreation center cannot expand. They have nowhere to go, and it my understanding they have  
500 a good membership. They are not in debt; they are not going to reduce the dues. It is a strictly  
501 a money venture, and one of the Board members commented to me that this whole area back  
502 here (referring to rendering) is going to be tower alley. Now, I have driven around a lot since I  
503 received this letter, and I have looked for towers. I don't think I have seen any as close to  
504 homes as this tower is to my home. It is directly out of my kitchen window. I mean, out of my  
505 kitchen window. The other one is, too, but it is less than a block away, and I would like to ask  
506 the people who are applying for this, and the Board of the Tuckahoe Village Association, would  
507 they want this in their backyard? I don't think so. And I am strongly opposed to this, and I  
508 opposed the other one by letter, but we have not received anything. This has been talked about  
509 to me many times this past summer, that it is going to go through. No, they voted it down. And  
510 then they wanted more money. They are getting more money. And it was also told to me that if  
511 we don't take the opportunity, Wilton will get it, and we need the money more than he does. And  
512 that, I think, is all I have to say.  
513  
514 Mr. Taylor - Thank you, ma'am. Is there anybody else that would like to  
515 speak? Please approach the podium. Please state your name.  
516  
517 Mr. D. Andrew Monticelli - Yes, my name is Dr. D. Andrew Monticelli. I am the husband of  
518 the young lady who just spoke. Young lady! Truly, this area is zoned Conservation and I brought  
519 the dictionary with me to read the definition of conservation, and it says, "Planned management  
520 of natural resource to prevent exploitation." My God, they are going to put a tower there. What  
521 does that mean? They want to make some money. That is exploitation, right? OK. Strike one.  
522 Then it goes on and says after that, "Destruction and the invading of the area" which is  
523 supposed to be natural and quiet, "or neglect." Exploitation, that is a big strike. And I just want  
524 to say that the area is conservation. It is zoned that way. And these people want to come in  
525 and change it. It is all right. Leave it the way that it is. If it is not broken, don't fix it.  
526

527 No. 2, let me get my 3 x 5 card. Danger. OK. Climbing towers. I am from New Jersey. Years  
528 ago they had barbed wire around these towers, but we got over them and we climbed up, and I  
529 mean I am glad that I made it. None of us had any accidents, and this is right by the  
530 Pennsylvania Railroad tracks, going by the land where the New York Giants play, but there was  
531 barbed wire on those fences. We got over them. And it is dangerous, No. 1. No 2, icicles in  
532 winter. Ice could form up, form icicles and fall down. And if anybody is close by, I know that it  
533 is not very common, but there is a slight chance this could happen. Would you rather have no  
534 chances or a slight chance? I would rather have no chances. A slight chance, there is some  
535 danger there. There is No. 2 danger. No. 3 danger, if the tower falls, most likely it won't. But it  
536 could. If it did, it is right next to that swimming pool. It would fall on the swimming pool, fall  
537 on the tennis courts. There are people there. People would be hurt and maybe somebody killed.  
538 It is a small danger. But it is a danger. Most likely it wouldn't, but there is a danger there. No.  
539 3, it is an eyesore definitely, and I would like to ask all of you here if anybody here would  
540 welcome a tower a couple hundred feet from their homes, raise your hands. Anybody would  
541 want a tower, two or three hundred feet. Any of you? Mr. Thornton? Would you want a tower  
542 two hundred or three hundred feet? Would you welcome it? Would you want one? Nobody  
543 would want one. That is unanimous.

544  
545 Mr. Vanarsdall - One almost got near my house, and I worked hard getting rid of  
546 it.

547  
548 Mr. Monticelli - So, my reasons, I will go over again. One is exploitation  
549 definitely and zoned conservation Let's keep it that way. No. 2, danger. They are not high  
550 dangers, but there is a chance. Some of the dangers are children getting over there, climbing.  
551 Icicles, tower falling, and it is an eyesore. And that is why I would say, and this is where I  
552 definitely, definitely it should not be built. And thank you for your time and thank you for  
553 listening to me go on and on.

554  
555 Mr. Taylor - Thank you, doctor.

556  
557 Mr. Vanarsdall - Mr. Secretary, did you explain the rules about the time limits on  
558 this?

559  
560 Mr. Marlles - Yes, sir. Mr. Vanarsdall, I don't think we are intending on  
561 hearing the case, but I think the Commissioner would like to know the reasons why the residents  
562 felt they were opposed to it.

563  
564 Mr. Vanarsdall - Well, it looks like we are hearing it, which I don't object to.  
565 That is up to the Chairman there.

566  
567 Citizen - Unintelligible.

568  
569 Mr. Marlles - Yes, ma'am. If your concerns are similar to those that have  
570 already been expressed, and I think we would suggest you not repeat the same concerns that  
571 have already been expressed by similar speakers, just so we can move ahead with the agenda.  
572 Ma'am, you have to come up to the podium if you are going to comment.

573  
574 Ms. Lois Backer - I am Lois Backer and I have been a resident on Hollendale Road  
575 since the early 1970s, and I don't want to take up your time erroneously, only to support what  
576 Dr. Monticelli and Ms. Monticelli have said, that we want to retain the safe and aesthetic quality  
577 of our neighborhood that we have worked so hard to keep for many years, and with a tower so  
578 close by already, we would prefer that another one not be put right there behind our home. And  
579 I appreciate you letting me say that. Thank you.

580  
581 Mr. Taylor - Thank you very much. I think you are going to say the same  
582 thing; please go ahead.  
583  
584 Ms. Ware - At this point, I want to thank you for expressing your opinion in  
585 opposition to this tower. I would also at this point like to support the deferral for 30 days for a  
586 couple of reasons: #1, I would like to give the applicant the opportunity to respond to you the  
587 neighbors and citizens that live in this area, and secondly, I would also like the opportunity to  
588 explore with the applicant the alternatives that the staff report has presented on this case that  
589 have not, as yet, been explored. So, with that, I would like to request that Case P-01-02 be  
590 deferred for 30 days and will be heard in completion at the February 14, 2002 meeting of the  
591 Planning Commission.  
592  
593 Mr. Vanarsdall - Second, and that is at the applicant's request.  
594  
595 Ms. Ware - At the applicant's request, yes.  
596  
597 Mr. Taylor - OK, the motion is made and seconded to defer case P-01-02 for  
598 30 days.  
599  
600 Ms. Ware - May I also say one more thing? If you could all write your  
601 names and phone numbers down and could you get that, Mr. Coleman, from them, so that I can  
602 be in touch with them and keep them updated.  
603  
604 Mr. Archer - We need to vote on the motion.  
605  
606 Mr. Taylor - All in favor of deferral for 30 days say aye. Opposed say nay.  
607 The ayes have it and we will proceed to the next item. The motion carried. The vote was 5-0.  
608 Mr. Thornton abstained.  
609  
610 At the request of the applicant, the Planning Commission deferred Case P-01-02, Wes Blatter for  
611 VoiceStream Wireless, to its meeting on February 14, 2002.  
612  
613 **C-1C-02 Henry A. Shield:** Request to amend proffered conditions  
614 accepted with rezoning case C-72C-89, on Parcels 99-14-A-2 (745-739-0596), 9 (744-739-8744),  
615 29 (744-739-0693) and 38 (744-740-7611), containing 2.3 acres, located south of Derbyshire  
616 Road in the Gaslight Subdivision at 9504 Gaslight Court; 9600 Gaslight Place; 9632 Gaslight  
617 Place; and 516 Gaslight Drive. The amendment is related to the types of roofing materials  
618 allowed. The property is zoned R-2C One Family Residence District (Conditional). The Land Use  
619 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
620  
621 Mr. Marlles - The staff report will be given by Mr. Lee Householder.  
622  
623 Mr. Vanarsdall - Was this pulled off of the Expedited Agenda?  
624  
625 Mr. Householder - Yes, I believe it was. This case was originally on the Expedited  
626 Agenda and we have received a call in opposition and a letter in opposition. So, staff suggested it  
627 be taken off of the Expedited Agenda. We are prepared to make a presentation, but it is my  
628 understanding that the Commission member was thinking about deferring this case.  
629  
630 Mr. Vanarsdall - The applicant didn't think it was still on Expedited Agenda, did  
631 he?  
632

633 Mr. Householder - I informed him when he got here.  
 634  
 635 Mr. Vanarsdall - OK. Good.  
 636  
 637 Mr. Householder - With that, if you are interested in deferring, Ms. Ware?  
 638  
 639 Ms. Ware - Yes. I am. I move to defer Case C-1C-02 for 30 days to the  
 640 February 14, 2002 Planning Commission meeting at the request of the Commission member.  
 641  
 642 Mr. Jernigan - Second.  
 643  
 644 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Jernigan. All in  
 645 favor say aye. All opposed say nay. The motion passes. Unanimous in favor of deferral. The  
 646 vote was 5-0. Mr. Thornton abstained.  
 647

648 The Planning Commission deferred Case C-1C-02, Henry A. Shield, to its meeting on February 14,  
 649 2002.  
 650

651 **C-4C-02 Andrew M. Condlin for Better Housing Coalition and**  
 652 **Henrico Community Housing Corporation:** Request to conditionally rezone from M-1C Light  
 653 Industrial District (Conditional) and A-1 Agricultural District to R-5C General Residence District  
 654 (Conditional), Parcels 146-A-94 (807-723-9052), 96 (807-723-6957) and 97 (807-723-4861),  
 655 containing 27.84 acres, located on the north line of Nine Mile Road approximately 218 feet east  
 656 of Dabbs House Road. A senior housing development and other multi-family development is  
 657 proposed. The R-5 District allows a density up to 14.52 units per acre. The use will be  
 658 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
 659 recommends Office/Service. The site is also partially in the Airport Safety Overlay District.  
 660

661 Mr. Marlles - The staff report will be given by Mr. Lee Householder.  
 662

663 Mr. Householder - All right. Thank you, Mr. Secretary.  
 664

665 As you mentioned, the subject request would rezone 27.84 acres from A-1 Agricultural District  
 666 and M-1C Light Industrial District (Conditional) to R-5C General Residence District (Conditional).  
 667 The requested use is the development of 160 senior apartment units and 50 multi-family  
 668 apartments. The subject request consists of three long, heavily wooded parcels that you see here  
 669 (referring to rendering) that front on Nine Mile Road.  
 670

671 Approximately one-third of the subject property is zoned M-1C, and the property also surrounds a  
 672 much smaller residential parcel that is a single-family home here (referring to slide), which is still  
 673 zoned A-1 and fronts on Nine Mile Road, and is not a part of this request. The most recent  
 674 development in this area is the Hilliard House. The Hilliard House was rezoned to R-5 in August  
 675 1997 and built in 1999 as multi-family facility for homeless women and children. Other notable  
 676 developments in the vicinity of this request include the Henrico County Eastern Government  
 677 Center here (referring to rendering) and across the street here (referring to rendering), we have  
 678 the Masonic Home of Virginia, and then the Fairfield Woods Subdivision is on the northern border  
 679 of the property.  
 680

681 The applicant has indicated, and I will show you a Concept Plan (referring to rendering) that this  
 682 project will be developed in three distinct phases and they have proffered this Conceptual Site  
 683 Plan. In the first phase, which you see with the red lines and the red structure (referring to  
 684 rendering), the applicant would like to construct a 160-unit apartment building that is age  
 685 restricted. Behind it to the north in the orange (referring to rendering), in second phase, the

686 applicant would like to construct up to 50 apartment units in several two to four unit structures  
687 that have the appearance of single-family homes. Both developments would be partially funded  
688 by tax credits and marketed to low and moderate-income individuals. The overall density for this  
689 proposal would be 8.4 units per acre.  
690

691 To the front along Nine Mile Road (referring to rendering) is an area that could possibly be used  
692 for what is called CATC. In addition, this request includes an area that is set aside for the  
693 development of an employment center for the Capital Area Training Consortium (CATC). The  
694 applicant and the representatives of the County are currently negotiating the potential  
695 development of an employment center on a small portion of the subject property that fronts on  
696 Nine Mile Road.  
697

698 The applicant has revised their proffers for the property. The proffers are divided into four  
699 sections to reflect the varying types of developments that are on this property. I will go over  
700 each phase as quickly as I can.  
701

702 The two developments in Phases II and III would be partially funded by tax credits, and are  
703 marketed to low or moderate-income individuals.  
704

705 Phase I of the property is shown on the conceptual site plan as the area proposed for the senior  
706 apartments. The applicant has revised proffer #16, and those were handed out to you this  
707 evening, which limits the use of the property to multi-family independent living residences for  
708 seniors. In this proffer, they also define the term "senior" to mean someone that is at least fifty-  
709 five (55) years of age and that would be enforced upon rental adhering to the Fair Housing  
710 requirements. The applicant has also submitted and proffered this architectural elevation showing  
711 a 3-story senior apartment building, limited the density to no more than 160 units, and added  
712 proffer #18 that the senior apartments will be a mix of one and two bedroom units ranging from  
713 500 to 800 square feet per unit.  
714

715 Phase II of the property is shown on the conceptual site plan as the area proposed for low to  
716 moderate-income apartments. It would not be restricted to seniors. This apartment proposal is  
717 unique in that the applicant is proposing several 2 to 4 unit structures that have the appearance  
718 of single-family housing development. The applicant has proffered architectural elevations for  
719 these structures (see Exhibits C-1, C-2, C-3, and C-4) and proffered to limit the density to fifty  
720 (50) units (referring to rendering).  
721

722 Phase III - The applicant has submitted three proffers for the Phase III of the proposal, which is  
723 the proposed location for the employment center. These proffers include a 25' landscape buffer  
724 along Nine Mile Road.  
725

726 The applicant has address the concerns that were listed in the staff report including:  
727

- 728 1. There are Civil War earthworks located on the proposed development site. The conceptual  
729 plan shows the protection of the earthworks, and there now a proffered commitment in  
730 proffer #3 offered commitment to preserve them.  
731
- 732 2. The concept plan also shows a substantial amount of landscaping and buffer areas. Staff  
733 feels that this landscaping adds to the appearance and overall quality of the proposal and  
734 the applicant has added Proffer #27 to provide a 75' building setback along the western  
735 boundary line and Proffer #30 to provide a 100' buffer along the northern property line.  
736

737 The applicant has also addressed staff concerns regarding Recreation Areas, stormwater  
738 management facilities, conservation zoning, sound suppression, screening of mechanical equipment,

739 and tree protection.  
740  
741 In summary, the requested zoning is not consistent with the 2010 Land Use Plan's  
742 recommendation of Office/Service in this area. The applicant has proffered many elements which  
743 staff feels may justify a deviation from the recommendations of the 2010 Plan and staff feels this  
744 subject property is located in an area that may be sensible for this type of development,  
745 especially for senior housing and low/moderate income apartments. Staff recommends approval  
746 of this request. I will answer any questions that you may have.  
747  
748 Mr. Jernigan - Thank you, Mr. Householder. Let me ask you one thing. When  
749 we were at the neighborhood meeting, and I know that you were not on the bus trip with us,  
750 was any financing discussed on this, how it was going to be financed?  
751  
752 Mr. Householder - No, sir. I don't remember any particulars mentioned in a public  
753 setting.  
754  
755 Mr. Jernigan - Yes, I wasn't sure if it was. I didn't think it was. I thought we  
756 discussed it on the bus trip, but you weren't there. OK. You have to ask for opposition.  
757  
758 Mr. Householder - I didn't hear anyone ask for opposition. That is what Mr.  
759 Jernigan was asking. Is there a call for opposition?  
760  
761 Mr. Taylor - Is there any opposition to this case? Oh, there is substantial  
762 opposition. Well, Mr. Secretary, what shall we do here?  
763  
764 Mr. Marlls - Mr. Chairman, when there is opposition to a case, it is the policy  
765 of the Commission to impose a ten minute time limit. The applicant, basically, ladies and  
766 gentlemen, has 10 minutes to present their case. That 10 minutes does not include any time  
767 responding to questions from the Commission. Generally, it is advisable for the applicant to set  
768 aside a couple of minutes for rebuttal. The opponents to the case are also granted a total of 10  
769 minutes to present their concerns. Again, the same rules apply. Any time spent answering  
770 questions from the Commission is not included in that 10 minutes. Of course, the applicant's do  
771 not have a chance for rebuttal. So, Mr. Chairman, I do have the clock, so I assume the  
772 Commission will want to follow the policy.  
773  
774 Mr. Jernigan - Let me ask Mr. Householder one more question. After the  
775 discussions that we had in the meetings the other day, have they fulfilled all of the proffers,  
776 everything that we requested?  
777  
778 Mr. Householder - Yes, sir. One thing that Mr. Condlin mentioned this evening was  
779 the sound suppression measures. He has, he is going to have to revise that proffer to meet their  
780 needs, but staff is comfortable with his request and we asked for a sound suppression of 55 and  
781 co-efficient rating, and they proffered that. Now, they would like to maintain 55 in the floors but  
782 only 50 in the walls between the units, and staff is comfortable with that. If this case moves  
783 forward, we would be willing to work on that between now and the Board, unless you would like  
784 to discuss it further, but that was the only other item that was possibly outstanding. But, yes,  
785 they do have...  
786  
787 Mr. Jernigan - Everything else was fulfilled?  
788  
789 Mr. Householder - Yes.  
790  
791 Mr. Taylor - I guess we will hear from Mr. Condlin.

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Mr. Marlles - Mr. Condlin, would you like to reserve some time for rebuttal?

Mr. Condlin - Yes, I will take six minutes for my presentation. I believe there are some people here to speak in favor beyond me, and they are going to take about a minute and so if I can have two minutes for rebuttal time from there. Mr. Chair, members of the Commission, my name is Andy Condlin from Williams Mullen and am here on behalf of Nine Mile Road, LLC. We have with us, and Nine Mile Road, LLC is made up of two organizations. The first is Henrico Community Housing Corporation, represented tonight by Elizabeth Palen?. I think some of you know that it is a private non-profit organization that has, that you are probably familiar with, but the Hilliard House is responsible for, and working with the County on the Hilliard House on the corner of Nine Mile and Dabbs House Road. Also, Nine Mile Road, LLC, is made up of the Better Housing Coalition, and I have with me this evening T. J. Somanath and Bob Newman from the Better Housing Coalition. Again, a private, non-profit organization, they have extensive experience in metropolitan Richmond in constructing and managing housing communities well over 10 years, and that is going to be one of the keys to my presentation this evening, the fact that this is not a situation where it is a for-profit developer. These are non-profit entities and they are going to be here and have great experience in managing. They not only will construct, but they will stay and manage these facilities for the housing needs of the area. As Mr. Householder has explained, the property is broken out into three parts, three distinct areas, and unto that end we have designed the proffers in this case specifically to that. What I mean by that is we have four sections of the proffer. Proffers in the first section applies to the entire property, to all three areas, and then we break it up into the various sections, Phase I being the senior housing, Phase II being the family housing, and then Phase III being the anticipated County Civil War earthworks. I did want to explain a little bit and touch on some of the proffers about the unique features of this site. I don't think the right pen is working, so I am going to, this is the area with the bunkers (referring to rendering) that Mr. Householder had mentioned. These are Civil War earthworks that we have tried very hard to preserve and quite frankly, at a great, to the great advantage of having a much lower density than would otherwise be typical for an R-5 zoning. As a matter of fact, in this Phase II, we have a density with the 50 units of within 17 acres. We have a density of about 2.8 units per acre in an R-5. The bunkers will be cleaned up. Apparently, I have not walked in that area, but I understand it is full of bottles, mostly beer bottles, for what that is worth up to your knees as you walk through the center of this. That will be cleaned up and those will be preserved. As you can see on our site plan, we have also proffered in our proffers that we will have walking trails when we develop the Phase II. We will have some walking trails, and this will serve, not only as an amenity, but we are also going to maintain our rug structure to preserve these bunkers, and have some open space, and make it a part of our recreational area for this community. Also, a significant part of our property includes what I call "wetlands area" which is, I know the engineers are cringing at me when I just call everything that is green with water on it " a wetlands area," but that is well over, we are going to have 100 foot buffer and we have proffered a 100-foot buffer separating this community from the Fairfield Woods community. We will also have, and we have put in our proffers, come back and rezone the 100-year floodplain when we do the Phase II POD. We will actually be rezoning that to a conservation area to further preserve that. Another issue that I think is kind of unique to this site is the way that this land falls and the ability to put the stormwater management pond in this area, that would tie in not only the bunkers and the wetland area, but the added advantage of being able to serve the entire property through that stormwater management pond. We have also proffered that if it is a wet pond, we are going to have some water features associated with that and make it part of the recreation area, some water decks, water oriented decks, and things of that nature. As you can see in our concept plan (referring to rendering), we have also buffered, of course, some areas to the west and, of course, the 25-foot buffer along the north side.



845 We have worked, I think, and made a couple of presentations with the Fairfield Woods  
846 subdivision representatives, as well as the Dabbs House Road owners, and I certainly do  
847 appreciate all the time. I know it has not been the most convenient time, but we have gone  
848 through, and I think, quite frankly, not only to respond to the staff, but I think we have tried very  
849 hard and I think we have legitimately responded to almost all of the concerns as far as the  
850 neighbors and the residents go.

851  
852 On the concept plan, as you can see, (referring to rendering) as we go through the proffers, we  
853 not only have, we've got 15 proffers covering the entire property including a 40% open space,  
854 preserving the bunkers, utilities to be underground, a very typical proffer that you would expect.  
855 We have also proffered street trees along all circulation roads and, as Mr. Householder  
856 referenced, a sound suppression system between all residential units, not just for the senior  
857 housing, but also for the other family housing, and that is something, that was a typo. It was my  
858 fault, my misunderstanding of what was to be 55 and what was to be 50, and I got those mixed up  
859 in the proffers themselves.

860  
861 Turning to the senior housing, which is the Phase I portion of the property, this requires, and we  
862 proffered that there has to be at least one tenant 55 years and older, absolutely. It is a senior  
863 housing facility. We have limited it to 160 units, and all of this is in the proffers. You can see  
864 that it is a three-story facility on the wings, and you can see it a little bit better on this exhibit  
865 here (referring to rendering). This area, these wings, will be three-story, because there will be  
866 one or two bedroom units. The central part, as you can see here (referring to rendering), will be  
867 a community area, including a library and a common room. These are all things that we have  
868 proffered. There is nothing that we are promising that maybe we can't do. These are things  
869 that we have put into the proffers. I think there is a real need within Henrico County for senior  
870 housing, particularly in this area.

871  
872 As for the Phase II, I think there is a very unique, and something that we have not seen in  
873 Henrico County. These are going to be two and three-bedroom units. Again, proffered. We have  
874 minimum square footage requirements being at least 1,000 to over 1,400 square feet, is what we  
875 anticipate. These are going to be side by side, and you can see that they each have their own  
876 separate entrance. This is where there are four units (referring to rendering) and you can see  
877 here, there is an entrance there (referring to rendering) and there is an entrance there (referring  
878 to rendering). Each one is a two-story unit consisting of either two or three bedrooms, and these  
879 are like, as we called them, mini-mansions is one of the terms that has been thrown around.  
880 There may be 2,400 square feet divided between two homes, or in between it will look just like  
881 and function exactly as if they would be otherwise residential. A lot of these buildings, when you  
882 look at them, you might not be able to tell the difference between this and any typical single-  
883 family residential detached housing. Again, we have limited this to 50 dwelling units on the 17-  
884 acres for a density in an R-5 for family, family housing area of 2.8 units per acre, and I think that  
885 is pretty significant, considering especially when the Fairfield Woods area to the north is right at  
886 that 2.4. It is very consistent with single-family detached housing typical subdivision.

887  
888 Finally, the Phase III, and I think the County can speak better to this or the staff could speak  
889 better to this than I could, be that we are working toward the County to be able to provide for  
890 this work force one area. So, it really will be a truly mixed-use facility with a density that really  
891 does not rise much above, if at all, beyond that which would otherwise be allowed in a single-  
892 family typical subdivision. Finally, I conclude by saying that I am aware that this property is  
893 listed in the Land Use Plan for Office/Service, and that it is zoned M-1C. I think some people  
894 might disagree with me, but I think, at least it is our feeling, that given the proximity to the  
895 Eastern Government Center, and also given the proximity to the single-family residential, that  
896 this is, in fact, not appropriate for Office/Service or M-1. We have done, I think a very good job,  
897 I think an excellent job, we have bent over backwards to try to list everything, to be up front and

898 honest with the neighbors and the County to discuss the issues and put them in the proffers, and  
899 these are pretty extensive proffers as we go through, at least in my experience, and practicing in  
900 Henrico. The fact that this is appropriate for housing has been identified in the County's, it  
901 wasn't the County's study but was done on behalf of the County, the Nine Mile Road Economic  
902 Analysis and Revitalization Plan called for housing on this exact property. Now while they don't  
903 necessarily dictate the type of housing, I think this is a good mixed use between the office for  
904 the County facility and the other mixed use of senior housing, as well as the family housing in the  
905 rear. Finally, it is also consistent with the stated goal of the goals and objectives and policies of  
906 the Comprehensive Plan, calling for the provision of the need for the elderly and residential  
907 opportunities that accommodate a variety of housing types for all people. This is obviously a  
908 very unique subdivision or development. It is a very unique case that we brought forward to you  
909 today. There is a lot of detail in the proffers. We have tried to if we said anything back it up  
910 with a proffer and make that promise. By these proffers we have not only met the other  
911 concerns of the staff, and I believe concerns of the neighbors, but we have met every applicable  
912 requirement or suggestion of the multifamily guidelines. And I think those are significant. I  
913 think we have probably met each and every one of the criteria that has been set by the County.  
914 We provide for and protect the very unique features of this site, and also buffer this site, I think,  
915 probably more extensively than is particularly usual for this site of facility with senior housing and  
916 this type of density next to other residential property. For these reasons, I believe we have  
917 matched or exceeded the jurisdictional prerequisites for this request. We, therefore, ask that you  
918 follow the staff's recommendation and recommend this to the Board of Supervisors for approval.  
919 And, of course, at this time, I will be happy to answer any questions that you might have.

920  
921 Mr. Taylor - Thank you, Mr. Condlin. Are there any questions for Mr.  
922 Condlin?

923  
924 Mr. Jernigan - Yes, Mr. Condlin, this is going to be done on Section 42  
925 financing. Would you explain to some of the people basically how that works.

926  
927 Mr. Condlin - Yes, basically, that is a housing tax credit that is able to, well,  
928 simply to be honest, the tax credit financing at this point is only for the senior housing. We have  
929 not committed to do any tax credit financing for the back part of the housing. What this does is a  
930 tax credit that has to do with the financing available for the construction of these facilities for  
931 both the senior and certainly there has been many multi-family developments within Henrico  
932 County that have been financed by the tax credit program, and what that does is gets an ability  
933 for these organizations to work with the federal government and get the tax credit that they can  
934 sell on the open market. What this is able to do is then it creates the equity that is necessary for  
935 them to go out and get the financing. So, the tax credit itself gets sold and produces equity that  
936 gets put into the facility. This is not what you might typically think of as a Section 8 housing or  
937 government housing that is capped or anything of that nature. What we are dealing with here, is  
938 there are some standards that we have to meet as far as our qualifications for the tax credit  
939 financing, but you can see through the quality of the proffers that we put in here, this is no  
940 different, and in this case I think we exceed most of your private developments, and most of  
941 your privately financed developments. It is just a financing structure is all that it is. It is not  
942 related to but only to be able to create equity.

943  
944 Mr. Jernigan - And income on this basically to qualify for this your income  
945 would between \$20 and \$40 thousand dollars?

946  
947 Mr. Condlin- That is in roughly general terms. They are currently working  
948 and using tax credit financing on the bus tour that we took with some of the residents, yourself  
949 and staff, or some of the other members. We went over to Winchester Green. They range  
950 anywhere from, I guess, roughly, \$17,000 in the low range, but generally around \$20,000, and

951 they've got some, depending on the number of people in your family, up to \$70,000 for  
952 qualifying under this. I don't want to mislead you. By no means is this a "Gee, you qualify,  
953 therefore, we have to let you in." This works just and exactly as any other multifamily  
954 development, if you will, in that they have rental criteria. You have to pass and they do a  
955 criminal background check on every resident that might come into here. They do credit  
956 references. They want to know that these people are going to pay, and the critical issue for these  
957 tax credits and for this group is that normally the type of people that might be going in here, the  
958 teachers or the police officers, people in this area are running around income levels of \$20 to \$40  
959 thousand. What they want to be able to create is that your housing costs are about a third of  
960 your overall income, as opposed to 50% where they would sit otherwise, so they are trying to  
961 reduce from about 50% of your income down to about a third of your income, and it is one of  
962 the great benefits of this tax credit program.

963  
964 Mr. Jernigan - And one other thing, to the Fairfield Woods behind, what is the  
965 closest distance that we figured for those who weren't at the meeting? The distance to the  
966 house?

967  
968 Mr. Condlin - Right. The homes, as you can see on this plan (referring to  
969 rendering), here is the parking area and these are the potential housing areas. We figured there  
970 were over 350 feet between where there is one potential home and the next closest home in  
971 Fairfield Woods would be. Three hundred and fifty feet separated by a required 100 foot buffer,  
972 which, as you know, we cannot touch, cannot go into, except for what is otherwise allowed  
973 during POD and also there is a wetland area that is also; we are benefited as well as they are by  
974 this wetlands area in here (referring to rendering), but it is 450 feet to answer your question  
975 between the closest point and our house, and one of the homes in our development, and one of  
976 the homes in Fairfield Woods.

977  
978 Mr. Jernigan - OK. That is all I have.

979  
980 Mr. Taylor - Does anybody else have any questions?

981  
982 Mr. Thornton - Mr. Chairman, I would like to ask a question. Mr. Condlin, would  
983 you clarify the statement you made about how an aspect of this housing was analogous to the  
984 Nine Mile Road Corridor Study? Would you clarify that a little bit, please?

985  
986 Mr. Condlin - If I may, the Nine Mile Road Corridor Study identified this  
987 particular piece of property as existing at Nine Mile and Dabbs House Road as for the whole  
988 economic, you know, having read through this, this is an analysis for the Nine Mile Road Corridor,  
989 the whole corridor, not this particular section and it would bring past Laburnum and that whole  
990 area, and including the mall, and this whole idea was that this would, the thought was from this  
991 study that this particular property, and I don't know if you can put this up there (referring to  
992 rendering), they show on there that this is for housing, what they call new housing. They don't  
993 identify the type. You will see in the graph I am showing you up there that it has got some sort  
994 of subdivision with roads coming off of there, but that is what they do. As part of the economic  
995 vitality, you need in order to bring businesses in and you have to have viable housing  
996 opportunities for workers that are going to be working at some of these businesses. So, I think  
997 that is part of the analysis that they went through for this property.

998  
999 Mr. Thornton - That was my point because I am very much familiar with that,  
1000 and so I just wanted to make sure that the statement is clarified by that.

1001  
1002 Mr. Vanarsdall - You are speaking of that study that they made, aren't you, Mr.  
1003 Thornton?

1004  
1005 Mr. Thornton - Yes, sir.  
1006  
1007 Mr. Vanarsdall - And what did you say that that section is?  
1008  
1009 Mr. Condlin- Well, you can see here (referring to rendering) they have got it  
1010 here at the, this being the, of course I can never get this thing to work. The Eastern Henrico  
1011 County Government Center is labeled up there, and I put a dot for no apparent reason, just to  
1012 show it there, that we have asked for the rezoning, so it is, that is where the housing area would  
1013 be. They call it new housing, and I don't think they specified, at least I didn't see anywhere  
1014 where they specified the type of housing that was called for. I see the type of housing they've  
1015 got in here, and I don't think our density level, certainly in the family housing, don't exceed this,  
1016 but, again, senior housing, I think, there is a real need for this area, and this would provide that  
1017 and have good quality, very similar to, if not exceeding, what we saw in Winchester Green in  
1018 Chesterfield. I believe there are a few other speakers that wanted to speak in favor.  
1019  
1020 Mr. Marlles - Mr. Condlin, you've got a little less than three minutes, so do  
1021 you still want to reserve two minutes for rebuttal?  
1022  
1023 Mr. Vanarsdall - The Land Use Plan recommends office.  
1024  
1025 Mr. Karl Bren - My name is Karl Bren and I am the President of the Board of the  
1026 Henrico Community Housing Corporation, and I am also the vice-chairman of the Board of the  
1027 Better Housing Coalition. Very briefly, let me say this. We do this as volunteers, and we have  
1028 been at this for a number of years. We have had a very close association working with the  
1029 County, particularly with the development of Hilliard House. What we feel, very briefly, is this:  
1030 We build absolutely quality developments and we take a backseat to no private development and  
1031 certainly no non-profit development, and not only do we build quality in every aspect, but we will  
1032 manage that property to absolutely high standards. We never do anything that would in any way  
1033 deteriorate that community. In fact, we think it will enhance it tremendously. And so, we thank  
1034 you for the chance to be here tonight and urge you to support it. I'd be glad to answer any  
1035 questions as well.  
1036  
1037 Mr. Taylor - Are there any questions from the Commission?  
1038  
1039 Mr. Archer - Mr. Bren, I had just one question and I just wanted to clarify  
1040 something. The staff report indicates that there is merit to this concept, but it also indicates that  
1041 there is considerable vacant land in Varina already zoned. Had you all looked at any alternative  
1042 sites other than this one that might fit your purposes?  
1043  
1044 Mr. Bren - Well, we are a small non-profit in terms of the time of  
1045 development, and we spent a very substantial time being able to obtain and get this property.  
1046 This is the property we are familiar with because it is near the development we worked on for a  
1047 long time with Hilliard House, and I guess there is always, theoretically, other land out there, but  
1048 just because of economics and the rest of it, you simply can't evaluate every possible thing out  
1049 there. We think this is an excellent use. We think that it will be an asset and certainly it will be  
1050 an enhancement to making that corridor come alive again.  
1051  
1052 Mr. Taylor - Thank you, sir.  
1053  
1054 Mr. Lambert - Good evening, Mr. Taylor, and members of the Commission. My  
1055 name is Bryce Lambert and I am an attorney here in Henrico County, and a 30-year resident. I  
1056 actually personally know a lot of the members here in opposition of this in walking in. I would

1057 say I join Henrico Community Housing Corporation two years ago, and the one thing I would  
1058 touch on is I had the privilege and opportunity of joining them at the time they were completing  
1059 Hilliard House, and one thing they mentioned is the quality of the construction. You can imagine  
1060 how difficult it is to convince a County or a community to build a homeless shelter for women  
1061 and children in your backyard, but when you drive by, and I encourage everyone to do it if you  
1062 haven't, when you see this you don't see a homeless shelter. And when you go inside, you don't  
1063 feel like you are in the middle of a homeless shelter. It is absolutely beautiful, and the time they  
1064 spent in making sure they had appropriate staff to manage it also impressed me, so that is why I  
1065 am here in support of this motion by the petitioner. Thank you.  
1066

1067 Mr. Taylor - Thank you very much.  
1068

1069 Mr. Marlles - Sir, you have about 20 seconds.  
1070

1071 Mr. Harwood - Good evening. My name is Drew Harwood and I am a Henrico  
1072 County resident for 10 years and for those 10 years I have been involved professionally with the  
1073 people that are leading this development. In each and every case that I have witnessed  
1074 throughout the Commonwealth of Virginia over the last 10 years, these people are in the  
1075 business of building and improving neighborhoods, not destroying them. We think we have a  
1076 very appropriate and very consistent opportunity and I think they deserve the chance. I support  
1077 the proposal for rezoning. Thank you.  
1078

1079 Mr. Taylor - Very well done. You kept it to 20 seconds, too.  
1080

1081 Mr. Vanarsdall - I didn't get a chance to ask either one of you. Do either one of  
1082 you live anywhere near this site?  
1083

1084 Mr. Harwood - I do not live there, but my office is.  
1085

1086 Mr. Vanarsdall - How about the other gentleman? Do you live anywhere near the  
1087 site?  
1088

1089 Mr. Lambert - I live in the Tuckahoe District.  
1090

1091 Mr. Vanarsdall - That is not near it.  
1092

1093 Mr. Taylor - I believe that is all. We go to the opposition.  
1094

1095 Mr. Marlles - Ladies and gentlemen, just as a suggestion, if you have a  
1096 spokesperson, you might want to allow that person to speak first just to try to get your points  
1097 across.  
1098

1099 Ms. Pearlengi - Good evening. My name is Carolyn Pearlengi. I reside at 517  
1100 Bressingham Drive. I am here tonight as President of the Fairfield Woods Homeowners  
1101 Association. I represent 75 single-family homeowners that live within a development that is  
1102 adjacent to the proposed area, and I also would like to add that the development continues to  
1103 grow. We oppose rezoning for more unrestricted multifamily rental housing adjacent to a single-  
1104 family homeowners' development when the area already has three other multifamily rental  
1105 complexes within a three-mile radius of the proposed property. Henrico County's Comprehensive  
1106 Plan 2010 provides encouragement for owner-occupied residential housing for this area. And this  
1107 proposal does not support that plan. We feel that the proposed development is too massive for  
1108 that area and we have concerns about the preservation of the Civil War bunkers and the  
1109 wetlands located in the area. Therefore, the Fairfield Woods Homeowners want the zoning to

1110 remain as is, and are willing to deal with any development that may come about pursuant to the  
1111 current zoning. Thank you.  
1112  
1113 Mr. Jernigan - Don't leave yet. I want to clear up something with you.  
1114  
1115 Ms. Pearlingi - OK.  
1116  
1117 Mr. Jernigan - When we talked when we were in southside on the bus trip,  
1118 remember that they said they didn't know what kind of financing they were using on the back  
1119 portion, but that they were using Section 42 on the front. Do you remember the discussion on  
1120 that?  
1121  
1122 Ms. Pearlingi - I do not remember that. I remember a discussion about  
1123 financing. I questioned the financing in my mind. I did not address, personally, I did not ask a  
1124 question, but I do remember, and I have checked with other people present tonight to ask if they  
1125 remembered, and none remembered that being addressed at the meeting, and it was certainly  
1126 not discussed with me during the transit from the Government Center to the site.  
1127  
1128 Mr. Jernigan - OK. Ms. Pearlingi, what would you like to have back there?  
1129  
1130 Ms. Pearlingi - I would like, we would like, I don't want to speak personally. I  
1131 was asked a question on Saturday. I don't want to speak just for myself. I speak for my  
1132 community, and we would like the zoning to remain as is. We are satisfied with it as is and we  
1133 feel that we are willing to let the future deal with the future.  
1134  
1135 Mr. Jernigan - You'd rather have an industrial complex?  
1136  
1137 Ms. Pearlingi - Yes. We feel that this massive development will – is just a bit  
1138 much for our area, and as I said previously, we do have several, three multifamily housing  
1139 developments within a three mile radius of this proposed area. There is one at the corner of  
1140 Nine Mile and Laburnum, which is within a mile, and if you go down approximately two more  
1141 miles, if that far, there are two other multifamily housing developments. So, within a three-mile  
1142 radius we have three others, and we feel that this was certainly tax our community in every area.  
1143  
1144 Mr. Jernigan - OK. Thank you.  
1145  
1146 Mr. Taylor - When you say tax, do you really mean from...  
1147  
1148 Ms. Pearlingi - Services. I am sorry. As far as services, schools, all of the  
1149 services, yes.  
1150  
1151 Mr. Taylor - And with the County's Eastern Center there, are there not many  
1152 services available, social services, that perhaps could handle this additional workload?  
1153  
1154 Ms. Pearlingi - I don't think so. I feel, we feel that this, we are talking about a  
1155 lot of people. We are talking about a lot of people and we are also talking about a lot of housing  
1156 on approximately 17 acres of land. It was presented as 27, but it was not presented with the  
1157 wetlands and bunker areas subtracted from the total area, so the density of that area definitely  
1158 concerns my community.  
1159  
1160 Mr. Jernigan - Now, you know the density, I thought it was 2.9. Mr. Condlin  
1161 said 2.8, and your neighborhood is 2.6.  
1162

1163 Ms. Pearlingi - We understand that, but when we say density as far as buildings  
1164 we are talking about people. We are talking about multifamily.  
1165  
1166 Mr. Jernigan - Two, three and four bedrooms, but on that, there will probably  
1167 be no more than, I am going to guesstimate 25 structures.  
1168  
1169 Ms. Pearlingi - Yes, and we are three or four – two to three apartments per  
1170 structure, and we are talking about a lot of people in a little space.  
1171  
1172 Mr. Jernigan - We are talking a total of 50 families.  
1173  
1174 Ms. Pearlingi - Which could mean as much as 800 to 1,000 people, and we are  
1175 talking...  
1176  
1177 Mr. Taylor - Would you go through the math on that?  
1178  
1179 Ms. Pearlingi - Well, I probably over-estimated. Excuse me. I probably over-  
1180 estimated, but you have to agree, we are talking about the addition of a lot of people.  
1181  
1182 Mr. Jernigan - OK.  
1183  
1184 Mr. Taylor - My concern is really in the numbers. In looking at that particular  
1185 site for that particular group of people, it is quite close to the Henrico Center and community  
1186 facilities there, and I see that really as a very major advantage of that site, so those families who  
1187 may need that type of assistance.  
1188  
1189 Ms. Pearlingi- Well, that might very well be true, but it still puts a lot of extra  
1190 traffic on that area, when you look at it. You know, it is a lot being jammed in that one area. If  
1191 you look at it. And, as homeowners, we do support single-family housing in that area. That was  
1192 the plan. We support that. We feel that homeownership supports the area. When you own a  
1193 piece of property, you have a tendency to care for it. Rental you do not have as much, I want to  
1194 say, owner or respect for the property. You have to agree that there is a difference between  
1195 ownership and rental.  
1196  
1197 Mr. Taylor - I do, and I do understand that the care and maintenance is  
1198 something that you are very concerned about.  
1199  
1200 Ms. Pearlingi - Exactly.  
1201  
1202 Mr. Taylor - But if the management authority, I believe the comment was  
1203 made, that the authority would have a history or reputation of really well-maintained facilities,  
1204 and, again, with the mathematics, your numbers kind of. We may have to go over the math  
1205 here a little bit.  
1206  
1207 Ms. Pearlingi - Well, I am a math, well, I did concentrate on math and I will  
1208 agree that I probably over-estimated, but in mind, the only thing that I will say is we are talking  
1209 about a lot of people.  
1210  
1211 Mr. Taylor - And I think maybe Mr. Condlin can help us by defining what  
1212 perhaps is a lot, because looking at that particular location, what it has in terms of location, its  
1213 adjacent to the Henrico County Eastern Facility in terms of social services, and I think that really  
1214 is the major plus in terms of the care that would be given to the elderly people that were there,  
1215 and some of the needy people. The other thing is that it is in a neighborhood right now, when I

1216 was over there had a lot of storage facilities, and it looked like it could use a facility that was well  
1217 built, well constructed, well maintained, that did preserve the Civil War Site, and upgrade the  
1218 neighborhood.

1219  
1220 Ms. Pearlingi - Well...

1221  
1222 Mr. Taylor - To work with that, we would have to make sure that we  
1223 maintained the neighborhood and perhaps Mr. Condlin can give us some more thought to the  
1224 care and maintenance, because I hear that being one of your major areas of concern, that you  
1225 want to be sure that this is up to or above the quality of the individual residences in the area,  
1226 and is maintained at that level.

1227  
1228 Ms. Pearlingi - That is just one. First of all, I am speaking personally now; I feel  
1229 that everyone thinks that the West End is where all the social services should be. My community  
1230 has a large investment in the community in their homeownership and the services available, that  
1231 is fine. But that is not, we have ownership and it didn't come cheap, and we want to preserve  
1232 our property, and we want the area surrounding our property to be preserved as well. We have  
1233 no guarantee. The only thing we have is we have seen an area in Chesterfield that the company  
1234 did develop, but that does not guarantee us what services or how well they will maintain a  
1235 property adjacent to our community. The only thing we have seen is what we have seen, yes.  
1236 But, as far as management and maintenance, we don't have anything but what they have  
1237 presented to us, and there has been a lot of changes in the way it was presented to us.  
1238 Originally, it was presented as single-family housing, the first notice that we received, and then,  
1239 when we had our community meeting, we received another letter. Then it said multifamily. So,  
1240 we have been, you know, I just feel first of all very strongly that we have not yet received the  
1241 complete truth about the proposed plan because it has changed so often.

1242  
1243 Mr. Jernigan - Ms. Pearlingi, I think even Mr. Condlin admitted that he made a  
1244 mistake on the draft and sent you all another letter.

1245  
1246 Ms. Pearlingi - Yes, he said that. That was what he said, but I have a hard time  
1247 believing that an attorney would make such a gross, such an error.

1248  
1249 Mr. Jernigan - Let me ask you this.

1250  
1251 Ms. Pearlingi - Yes, sir.

1252  
1253 Mr. Jernigan - The senior housing, how, are you OK with that?

1254  
1255 Ms. Pearlingi - Well, as I said before, my community wants the zoning to  
1256 remain as is. That is what we have agreed on and that is what we want.

1257  
1258 Mr. Jernigan - OK. OK. Well, let's change the scenario. You said that you would  
1259 rather have it as single-family dwellings. If that was rezoned R-3 with 3.5 density, how would  
1260 you feel about that?

1261  
1262 Ms. Pearlingi - To be honest with you, I am not clear on what that means.

1263  
1264 Mr. Jernigan - Single-family dwellings, but you can put 3 and one-half families  
1265 per acre. That is what R-3 zoning allows. Where we are talking 2.9 now, R-3 zoning, which is a  
1266 downgrade from R-5; excuse me, it is a lesser, single-family is on R-3. That density can go from  
1267 2.6 to 3.5. Would you rather have 3-1/2 families per acre there than 2.9?  
1268



1269 Ms. Pearlingi - We would like the zoning to remain as it is.  
1270  
1271 Mr. Jernigan - OK. That is all that I have.  
1272  
1273 Mr. Archer - Mr. Jernigan, would it be fair to somewhat advise them of the  
1274 type of stuff that can be put into an M-1 zoning? The current zoning is M-1, I believe.  
1275  
1276 Mr. Jernigan - Yes, it is M-1, light industrial.  
1277  
1278 Mr. Vanarsdall - A little bit of it is A-1.  
1279  
1280 Mr. Jernigan - Well, the portion closest to them.  
1281  
1282 Mr. Vanarsdall - That is a good question, Mr. Archer. Do you understand what he  
1283 said, what the things could be going in there as opposed to...  
1284  
1285 Ms. Pearlingi - We are – I have discussed light industrial. I think we are talking  
1286 like office complex, and warehouse, and I still say my community would rather the zoning stay as  
1287 it is.  
1288  
1289 Mr. Archer - OK. I just wanted to be sure that you knew what that meant.  
1290  
1291 Ms. Pearlingi - Yes, we do.  
1292  
1293 Mr. Jernigan - OK.  
1294  
1295 Mr. Taylor - Thank you, Ms. Pearlingi, and I think now, do we have time?  
1296  
1297 Mr. Marlls - There are seven or eight minutes left. Yes. So there is plenty of  
1298 time.  
1299  
1300 Mr. Taylor - There is plenty of time, ma'am, if you would approach the  
1301 podium and give us your name and we would enjoy you addressing the group.  
1302  
1303 Ms. Oliver - Hello. I am Cynthia Oliver and I live 412 East Richmond Road,  
1304 and I have been living there since 1975, and I notice that none of you gentlemen who are in  
1305 opposition live there, and we do have, as you say, the Hilliard House. That is about enough. Give  
1306 it to somebody else. And it will make your property come down. I am a retired federal  
1307 employee. I know about the subsidized housing, and I know there are some that they do  
1308 manage good, and I know that they tear it down. And my home is my possession, and I don't  
1309 think you'd want it in your home. I don't think you would want it, any of you, would you? Why  
1310 don't you put it around your way?  
1311  
1312 Mr. Jernigan - Well, I live pretty far out, almost to Bottoms Bridge, but...  
1313  
1314 Ms. Oliver - Do you have it down there?  
1315  
1316 Mr. Jernigan - No.  
1317  
1318 Ms. Oliver - And those people can still come, where do they go now, how do  
1319 they get back and forth now to get to the County? The same transportation they get there to go  
1320 to, he said for services. They go now and get them. That is no problem. But if we have already  
1321 shared Hilliard House, and they need to come around there and fix that shrubbery. Hello?

1322  
1323 Mr. Jernigan - Am I wrong? Isn't the Hilliard House for battered women?  
1324  
1325 Ms. Oliver - Yes. That wasn't, that got around there without my even  
1326 knowing it. I wasn't notified of this.  
1327  
1328 Mr. Jernigan - You were not notified of what?  
1329  
1330 Ms. Oliver - Of this new development that they are proposing now.  
1331  
1332 Mr. Jernigan - You are on East Richmond Road?  
1333  
1334 Ms. Oliver - Un hum. That will affect my home. Sale-ability.  
1335  
1336 Mr. Jernigan - They do send out notices to adjacent landowners.  
1337  
1338 Ms. Oliver - Didn't get one. No one in our area.  
1339  
1340 Mr. Vanarsdall - They had a big article in the paper about the unwed mothers  
1341 home.  
1342  
1343 Ms. Oliver - OK, that was in the paper, but I thought you were supposed to  
1344 be notified, and I am in agreement with Fairfield Woods. Thank you.  
1345  
1346 Mr. Taylor - Thank you, ma'am. Mr. Director, do we have any more time  
1347 left?  
1348  
1349 Mr. Marlles - Yes, sir. We have six minutes remaining.  
1350  
1351 Mr. Taylor - We have six minutes remaining. Is there anybody else from the  
1352 opposition who would like to speak? Please come down and address the podium and give us  
1353 your name and we'd be happy to hear you. You have six minutes. You may want to ask. Are  
1354 there other people who would like to speak? OK. You have a few of your associates who might  
1355 want to speak, so if you can make your comments in less than six minutes, we will have some  
1356 residual, sir.  
1357  
1358 Mr. Pearlingi - Good evening. My name is Bill Pearlingi and I reside at 517  
1359 Bressingham Drive. What really confuses me is that, that was my wife that spoke for the  
1360 Fairfield Woods Association; we have three large, very large housing or apartment complexes  
1361 very close to the area, very close to the area.  
1362  
1363 I am not even sure why we are even considering this proposal. We own homes. We have a big  
1364 investment in our homes. We are committed to the community, and we are hearing a proposal  
1365 and we have heard it come from, we didn't get the letter until December 13. The meeting was  
1366 December 19. I would suspect that not many people would show up at a meeting on December  
1367 19. We showed up. I am not really sure why you are considering low-income housing in an area  
1368 that the County talked about developing in the 2010 Plan to encourage owner-occupied housing,  
1369 and I am not sure why we, on the East End, are forced to swallow something like this. I don't  
1370 think it would even be proposed in another part of the County. That is all that I have to say.  
1371  
1372 Mr. Taylor - Thank you, sir.  
1373

1374 Mr. Jernigan - Wait a minute. I've got a question. Now when you speak of  
1375 low-income housing, like I said, do you know what the median income is in the State of Virginia?  
1376  
1377 Mr. Pearlingi - Tell me.  
1378  
1379 Mr. Jernigan - About \$23,000. In this, you have between \$20 and \$40  
1380 thousand, maybe a little more.  
1381  
1382 Mr. Pearlingi - My kids are grown, but I am sure when they were going to  
1383 college two or three or four or five or six of them could have gotten together and rented an  
1384 apartment. We were talking about apartments. We are talking about homeowners, people that  
1385 invested a lot of money in their homes. We don't want another apartment complex in the area.  
1386 We have three large ones now. Why do we need another one? You know what, it would be  
1387 attractive in this part of town, that is very patronizing. That is very patronizing. We live on the  
1388 East End. We are citizens of the County and we expect as much respect on the East End as we  
1389 get in the rest of the parts of the County. That is what we expect.  
1390  
1391 Mr. Jernigan - OK. Thank you.  
1392  
1393 Mr. Taylor - Thank you, sir. And with regard to that respect, we would hope  
1394 that everybody use the same degree of respect, and that is why we have these hearings and that  
1395 is why we want to review it and ponder it and then judge whether or not it is beneficial to  
1396 everybody in Henrico County. So, please, if you would, just bear with us, and we will enjoy  
1397 hearing from you, sir. Please state your name for the record.  
1398  
1399 Mr. Williams - My name is Andre Williams. I live at 516 Bressingham Drive. I  
1400 think just by coming out tonight with the show of people in our community represents how we all  
1401 feel, being homeowners in this development. One thing that me and my wife talked about is  
1402 selling ours, and I think this might have some influence on selling this particular property. When  
1403 you are looking into buying homes, you are looking at a ratio of people that might be interested  
1404 in buying, and I believe all these people that came here tonight from this particular development,  
1405 if they knew before what they know now, they might be looking into buying this particular house  
1406 in this community. So, I consider that just by the show of people from this particular community,  
1407 it kind of brings down the buyer on the homes by putting up this particular development right  
1408 here, and that is what I have to say.  
1409  
1410 Mr. Taylor - Thank you, Mr. Williams.  
1411  
1412 Mr. Jernigan - Thank you.  
1413  
1414 Mr. Taylor - Mr. Director, do we have anymore time?  
1415  
1416 Mr. Marles - Yes, sir. Three minutes.  
1417  
1418 Mr. Taylor - We have three minutes more. Would somebody else like to  
1419 approach the podium? We have three minutes that will provide for the opposition. Please state  
1420 your name for the record.  
1421  
1422 Mr. Brailey - My name is Willis Brailey and I live at 3901 Elmswell Drive in  
1423 Fairfield Woods. I think the massive impact of this development that they are proposing to the  
1424 County is too massive, for one thing. And No. 1, it will bring down depreciation of the homes.  
1425 We have a very good community, nice homes out there, and plenty of other property, I believe,  
1426 in Henrico County than to stuff this on our community. Now, our Chairman said the impact of a

1427 number of people in these apartments, now we don't have any objection to the elderly, which I  
1428 am one of the elderly, but to use the elderly to try to put up this type of project in our  
1429 neighborhood has a big impact. If I had known this was going to be proposed, I would never  
1430 have bought a home in Fairfield Woods. I was one of the first homes in Fairfield Woods, and I  
1431 have seen the value of my house appreciate. Now the impact, if I put my house up for sale and  
1432 someone looks at my home and finds out that they are going to put this in our community, I  
1433 wouldn't be able to sell my house. I think it is plenty of other places in Henrico County that they  
1434 can put this type of community for the elderly, single-family homes and low income homes some  
1435 place else like the Chairman of our Committee for Fairfield Woods said. We have enough  
1436 projects. We have enough apartments in that area already, and that many people in that area  
1437 will have a great impact on the County. Now, the Hilliard House. I understand the people at the  
1438 Hilliard House can only stay there a certain number of days and then they have to leave. This is  
1439 not a residence where people come that are battered or women come in there and stay for a  
1440 year or two years. This is only a temporary service that these people come in and out. This is  
1441 not someone that is sitting there for months and months at the time. That is the only thing I  
1442 have to say. I think that the land should remain the same and that nothing should change at this  
1443 time. Thank you.

1444  
1445 Mr. Taylor - Thank you.

1446  
1447 Mr. Condlin - I want to interrupt. I've heard it three times. Hilliard House is  
1448 not a shelter for battered women. It is a shelter for homeless women and children.

1449  
1450 Mr. Marlles - Mr. Condlin will have an opportunity for rebuttal in a few  
1451 minutes.

1452  
1453 Mr. Vanarsdall - I appreciate you saying that because that is the reason I told her  
1454 it was for unwed mothers.

1455  
1456 Mr. Condlin - Homeless women and children.

1457  
1458 Mr. Vanarsdall - Oh, I am sorry.

1459  
1460 Mr. Jernigan - Is there anyone else that would like to speak?

1461  
1462 Mr. Marlles - There are about 30 seconds remaining, Mr. Jernigan.

1463  
1464 Mr. Taylor - Sir, if you would, state your name.

1465  
1466 Mr. Robertson - My name is Robert Robertson and I live in Fairfield Woods. The  
1467 only problem I have is, the big problem is what they want to build. The second problem is the  
1468 people that presented building this; they misrepresented themselves first by sending us a letter  
1469 saying single-family homes. Then they had the meeting in the middle of December when I am at  
1470 my shopping spree. I had to break my shopping spree to go to this meeting. The second, we  
1471 went to the housing and we discussed these low-income homes. They say it was a misprint, so I  
1472 really don't trust the people that are building it. And I don't want the project, period. Because I  
1473 am 55 and this is my home. I think this is going to be the last property I will be able to afford,  
1474 so I want to enjoy it, I want to get my money out of it, and so I feel like they should put it  
1475 somewhere else. Other than that, thank you.

1476  
1477 Mr. Taylor - Mr. Robertson, before you leave, how many years have you lived  
1478 in your area?

1479

1480 Mr. Robertson - Well, I am a resident of the City of Richmond. I was there all  
1481 my life and I decided to come to Eastern Henrico County because of the development and I love  
1482 it. It is quiet and you put this here, I am going to have to go somewhere else, and I will make it  
1483 my business to go somewhere else. So, I am on the verge of retirement in a year and a half, so  
1484 think about somewhere else. Thank you.  
1485  
1486 Mr. Jernigan - Thank you, sir.  
1487  
1488 Mr. Taylor - Mr. Condlin, I think you have, according to the numbers, three  
1489 minutes.  
1490  
1491 Mr. Marlles - Two minutes.  
1492  
1493 Mr. Condlin - Thank you, Mr. Chairman, I appreciate those comments. I will  
1494 have to say first to kind of clarify that issue, in our first letter I don't think there was any doubt,  
1495 and we sent it to Mr. Jernigan and I provided copies to the Commission. We talked about the  
1496 senior housing in the first letter. I called it single-family and I was trying to be careful in how I  
1497 phrased it. This is not what I would consider multifamily with multiple levels horizontally up and  
1498 above. We called it single-family and I intentionally did not call it town homes, because we know  
1499 townhouses have been defined in Henrico County meaning ownership. So I did not call them  
1500 that. I called them single-family and attached. At the request of the homeowners, we actually  
1501 did say they are multifamily, because that is what they wanted us to call them when we sent out  
1502 new notices to all the area people that they asked us to send it to. So, that was kind of a  
1503 description of what we did.  
1504  
1505 As to the financing, the question that was presented to us was, "Isn't it low income housing, low-  
1506 income financing for the entire project or property? We said, "No, it is not. The only thing we  
1507 have is the income tax credit for the senior housing portion. We have not committed to nor do  
1508 we know what the financing is going to be." That was for clarification on that point.  
1509  
1510 There was a concern mentioned about bunkers and wetlands. I have mentioned those. We put it  
1511 in the proffers. I am not sure what else we can do to assure you that we are going to protect  
1512 those areas. Like anything else, I think you realize that it will be protected. Other developments  
1513 were mentioned about apartment units or apartment developments, which are much more dense  
1514 than what we are considering here. Those do not have the senior housing facility associated with  
1515 them. The area that we are talking about that seems to be creating all the concern is the area,  
1516 and I don't know where the zoning map is up here, Lee, but it is the area that is zoned M-1C is  
1517 where this facility is going, where most of this is going. Almost half of that 17 acres is zoned M-  
1518 1C. The C, the only condition on the entire M-1 property there has to do with no B-3 zoning, no  
1519 B-3 uses. We can have flammable liquid storage facility there operating 24 hours a day currently.  
1520 That is what is going on that could go on that property without even having to come back to  
1521 court (sic) here. I would also point out that there is a tool and die facility that is located right at  
1522 this portion of the property. No homes would be closer than that, and we are protecting, with a  
1523 100-foot buffer. I would contend that there would be very little, if any, impact that would be  
1524 resulting from this facility.  
1525  
1526 Finally, I would point out that there are, as Ms. Pearlingi pointed out, there are 75 homeowners.  
1527 Those 75 homeowners are located on 29 acres. We've got 50 homes located on 17 acres, a  
1528 difference of 2.9 versus 2.4 in density on 17 acres. I think we have proffered this case to the  
1529 level where it can give the assurance of protection for the residents, and the residential area.  
1530  
1531 Mr. Marlles - Mr. Condlin, are you close to wrapping up?  
1532

1533 Mr. Condlin - I am very close to wrapping up, yes, sir. Finally, there was a  
1534 question with respect to the kind of values that we are talking about. I would not consider these  
1535 low-income housing. This is affordable housing for moderate incomes, 60% of the mean level of  
1536 income in Henrico County. At the senior housing facility, rents will be somewhere in the  
1537 estimated range of \$450 to \$575 and for the family housing, two bedrooms will be about \$550;  
1538 three bedrooms will be about \$650 to \$700. These are quality area development that we are  
1539 providing here and proffering in these proffers. I would ask that you follow staff's  
1540 recommendation and recommend this to the Board of Supervisors. I will be happy to answer any  
1541 questions if you have any.

1542  
1543 Mr. Vanarsdall - Mr. Condlin, how much of that 27.84 acres do you have for  
1544 senior housing?

1545  
1546 Mr. Condlin - Well, there is 17 acres for the family housing on Phase II, there  
1547 is five acres on Phase III, so that is 22, so what is that, about 6 acres? Robert? Seven?

1548  
1549 Mr. Vanarsdall - How many acres for the multifamily?

1550  
1551 Mr. Condlin - Seventeen for the family housing, five acres for Phase III, and  
1552 that gives me 22, so that is about five and half or six acres for senior housing.

1553  
1554 Mr. Vanarsdall - Thank you.

1555  
1556 Mr. Jernigan - Mr. Condlin, in our discussions the other day when I asked you  
1557 about splitting the zoning, taking the senior housing first with the wetlands and the bunkers into  
1558 one zoning case, and taking the additional – the other acreage for the multifamily, we weren't  
1559 able to do that.

1560  
1561 Mr. Condlin - No, sir. I will go to this map and I will show you why, because  
1562 unlike what seems to be the general opinion of the Fairfield Woods folks, is that their M-1C  
1563 located here is almost exclusively on where the family housing is. The senior housing area is  
1564 right in here (referring to rendering), the idea being that, No. 1, they would not want to  
1565 construct senior housing adjacent to M-1 zoned property. The second point is that if this is  
1566 rezoned R-5, but we are not allowed to construct at least the minimum 50 units, which is at a  
1567 density of 2.9, then there is a carrying cost associated with that. The rents go up and it defeats  
1568 the purpose of the affordable housing for the senior units. That all works together to be able to  
1569 work on the financing of this and providing the amenities that we want to be able to provide for  
1570 both the senior housing and the family housing. I would also point out that, you know, we talked  
1571 a little bit about single-family residential, and that may be another option. We have taken a look  
1572 at this in rough form. We can fit 40 to 45 single-family traditional detached, not attached, but  
1573 detached units, 40 to 45 on the same 17 whatever acres, but we are asking for only 50 attached.  
1574 There is little if any difference resulting from a detached or attached. The bottom line is we do  
1575 have concerns being next to a light industrial for senior housing right next door to that, and/or  
1576 the carrying costs that are associated with that. So, that is why we are bringing this together. I  
1577 think we've got a good case in totality. The totality includes the bunkers, includes the wetlands  
1578 that we are preserving, that are for the benefit. It is not like they are just going to be sitting  
1579 there. We are going to have walking areas and trails and recreation areas, and that is going to be  
1580 part of that and that is held and financed by the family housing, and I am trying very hard not to  
1581 call it single-family housing, but it is family housing itself.

1582  
1583 Mr. Vanarsdall - When you say that you couldn't put the senior housing next to  
1584 the M-1 property, I notice the M-1 is conditioned and it is light industry. It is the mildest of the M  
1585 zoning. Conditions on it may not be offensive to senior citizens.

1586  
1587 Mr. Condlin - I have got a copy of the case. The only condition on the case,  
1588 and no other condition on the case. One condition on that case is "Any uses permitted in B-3 are  
1589 not allowed." Nothing about 24-hour operation, nothing about material, nothing about...  
1590  
1591 Mr. Vanarsdall - That takes care of a lot of uses.  
1592  
1593 Mr. Condlin - Well, it does, but it still leaves the M-1 light industrial uses,  
1594 which is a concern, and also, you know, I can't come forward with an industrial case without  
1595 defying a lot of the other proper development standards, you know, for this community. That  
1596 wouldn't be allowed, and this doesn't have that.  
1597  
1598 Mr. Vanarsdall - Thank you.  
1599  
1600 Mr. Taylor - Mr. Condlin, one thing, could you, in this presentation here that  
1601 you have, showing the geometric shape on the screen right now, is there any way that you can  
1602 superimpose on this or side by side to display it with the developed site to show the area, the  
1603 residential area is at the top of the screen to the north, and I understand. My view is that the  
1604 only single-family housing area adjacent to the site.  
1605  
1606 Mr. Condlin - Yes, sir. There is a home right here on Lot 99 (referring to  
1607 rendering).  
1608  
1609 Mr. Taylor - OK, but for the most part in that M-1 section, those are pretty  
1610 much all warehouses, as I remember.  
1611  
1612 Mr. Condlin- Yes, sir. Right along here is a tool and die shop (referring to  
1613 rendering).  
1614  
1615 Mr. Taylor - Right, but that is basically along Dabbs House Road. That is  
1616 moving and van storage, supply warehouses.  
1617  
1618 Mr. Condlin - Right. You can see the single-family home is right there. That is  
1619 what we are looking at.  
1620  
1621 Mr. Taylor - Just one single-family home near...  
1622  
1623 Mr. Condlin - The M-1 line starts right there and runs approximately like that.  
1624  
1625 Mr. Taylor - What is it, from the area that you have, the line between Phase  
1626 I and Phase II, the distance from that line to the nearest neighbor? Is it not to the north?  
1627  
1628 Mr. Condlin- The nearest neighbor is to the north?  
1629  
1630 Mr. Taylor - Well, I believe most of the people are not...(unintelligible)  
1631  
1632 Mr. Condlin - Yes, sir. I believe. I am not sure, but one person I spoke to on  
1633 Dabbs House Road or Fairfield Woods is right here, that facility. Let me pull out my survey. I  
1634 can try to figure out how long this area is real quick. I've got the survey that we did for that  
1635 particular area.  
1636  
1637 Mr. Taylor - Because I think one of the concerns that while you are bring up  
1638 that, I will just state that for the most part, the houses that at the top being effected are the

1639 ones that I think everybody lives in. Is that correct? Most everybody resides in that one sector  
1640 there to the north? The distance between there and the red line, which is the difference  
1641 between Phase I and Phase II, it seems to me to be fairly substantial like a quarter of a mile, I  
1642 would think. And that is buffer, non-commercial area?  
1643  
1644 Mr. Condlin - Unfortunately, my copy, I don't know if you've got the  
1645 application material, my survey is so small I can't read the letters on how long that strip is.  
1646  
1647 Mr. Taylor - Because one of the concerns of the residents is, I can see, is the  
1648 impact of that multiple occupancy dwelling and the people that live there on their houses, yet  
1649 looking at the distance of a quarter of a mile, I really wonder if there is going to be that kind of  
1650 impact.  
1651  
1652 Audience - Yes, yes, yes.  
1653  
1654 Mr. Condlin - Mr. Stout is the engineer for this project, so there is 3,000 feet  
1655 between Phase I and Phase II lines, and the nearest home. Did I get that right?  
1656  
1657 Mr. Taylor - So that lot, that is a half a mile?  
1658  
1659 Audience - That is not true.  
1660  
1661 Mr. Condlin - I am sorry. I can't hear you over that.  
1662  
1663 Mr. Taylor - What I am asking is the distance, and if the question is not true,  
1664 if the engineer, Mr. Stout, is here, 3,000 feet is over half a mile.  
1665  
1666 Mr. Jernigan - It is not 3,000 feet. It is close to..it would be around 1,300 or  
1667 1,400 feet. It is from the camel-colored line on this side of the wetlands to the nearest house. I  
1668 believe we measured that off.  
1669  
1670 Mr. Condlin - It was 3,000 from Nine Mile to the lots, so about not quite half,  
1671 so it got to be 1,500 to 1,800 feet. Yes, sir.  
1672  
1673 Mr. Taylor - So one would wonder with that kind of distance, just exactly,  
1674 what the impact would be on that housing area, given their industrial facilities between them and  
1675 the County facility now, and everybody seems to be living in harmony.  
1676  
1677 Mr. Condlin- I would agree with that, yes, sir.  
1678  
1679 Mr. Taylor - But the guarantee, I think, or the issue that is here is if there is  
1680 any, I am going to use the word transit, invasion, if you will, of their privacy and peace and quiet  
1681 and quality of life from that facility, and to the extent that you've got a large buffer in there, it  
1682 would seem to me that that buffer is going to go a long way towards preserving the current  
1683 nature of the residential area to the north, and the facilities to the south.  
1684  
1685 Mr. Condlin- I would agree with that. Yes, sir.  
1686  
1687 Mr. Taylor - And if I can see that that is a legitimate worry of the residents in  
1688 view of past history or intrusion...  
1689  
1690 Mr. Condlin - I don't disagree. Change is always difficult and we feel that  
1691 we've got a quality and we can help protect that area.



1692  
1693 Mr. Taylor - And it seems to me that with that kind of distance and that kind  
1694 of buffering and that kind of quality of architecture that could be in there, effectively a park like  
1695 setting...  
1696  
1697 Mr. Condlin- I would agree with that. We've proffered this concept plan that  
1698 we have to build substantially in accord with that subject to engineering purposes. We have  
1699 proffered these architectural renderings that you see here, that are a part of the case. We have  
1700 to meet these. And you know, going through the POD process, the plan of development process,  
1701 another public hearing, our feet are going to be held to the fire to meet these standards,  
1702 especially after this hearing, which, you know, and we are committing to these things in writing,  
1703 all of these protections for the bunkers, all of these protections for the buffers, the wetlands, the  
1704 C-1 property, and all of these architectural. I really have a hard time thinking that M-1, even  
1705 though conditional M-1, along Dabbs House Road does not bother them, that this is going to be  
1706 any greater bother and potentially even better than what is currently on the property, or what  
1707 currently could be on the property.  
1708  
1709 Mr. Taylor - All right, and let me just move forward. Yes, ma'am. We will get  
1710 to you in a second. But if you would, let me ask another question, because I want to clarify that  
1711 there are two stages for this process. One stage is the zoning stage, which we are at now, which  
1712 will allow us to decide whether or not this is a prudent project to change the zoning. The next  
1713 stage is the plan of development stage. That, too, is a public stage where everybody gets to  
1714 comment. At that time, the building and construction details are reviewed by this group and  
1715 passed by this group. In that second stage, which is also a public hearing, there is still the  
1716 opportunity for public input, but there is another input that we have, and that is to make sure  
1717 that the quality and the nature of the construction is high, and that everybody gets to look very  
1718 carefully at it so that we can insure the integrity of the areas that are now single-family  
1719 dwellings. I just wanted to make that point that we frankly have two bites at the apple, and we  
1720 would be worried, I am worried the same way you are worried, because if I am to believe as one  
1721 Commissioner what Mr. Condlin says that there is no impact on the area, and the quality of  
1722 construction is going to be high, and it will be maintained, and there is distance, the impact  
1723 should be mostly positive, in my mind. But I want you to understand that we have another  
1724 phase. Now, Mr. Director, can we entertain the question in the back?  
1725  
1726 Mr. Marlls - Mr. Chairman, the rebuttal period is over. Ladies and  
1727 gentlemen, I explained the rules for the 10-minute period that the applicant is given a two-  
1728 minute period or a period of time for rebuttal, and those are the rules of the Commission.  
1729  
1730 Mr. Jernigan - But our questions do not fall under the time period. The rebuttal  
1731 time falls under the time period.  
1732  
1733 Mr. Taylor - All right, Mr. Jernigan. I think we are ready for a motion.  
1734  
1735 Mr. Archer - Mr. Jernigan, before you vote, I'd like to be able to explain  
1736 something simply because of two comments I heard coming from the opposition tonight. One of  
1737 them was why are we even considering this, and the second one had to do with, had I known  
1738 this was coming; I may not have bought here. And I need to make sure before we vote that  
1739 everybody understands that any applicant has a right to bring a zoning case. We didn't ask for  
1740 it. We have to entertain it when it does come and if you own property, and there is property  
1741 adjacent to your property, that you do not own, it is always subject to a request for rezoning. I  
1742 just thought I would clarify that so you wouldn't think the Commission is promoting this in any  
1743 way. We just have to try to make an arbitrary decision. Thank you, sir.  
1744

1745 Mr. Jernigan - I don't want anybody to think that I've taken anybody's side on  
1746 this because if that would have been true, I wouldn't have taken the bus trip with you all to go  
1747 out and check these other places. I don't know if what I am getting ready to do is  
1748 unprecedented or not, but anyway I feel this is what I have to do. I don't think anybody in the  
1749 audience has any problems with the senior living. It seems to be that everybody is upset about  
1750 the multifamily going in the back. What the Planning Commission does, this is a legislative  
1751 process and what we do here tonight is a recommendation to the Board of Supervisors, and they  
1752 will have to make the final decision as to what this is going to be. So, what I am going to do, I  
1753 am going to recommend approval of the senior living, that it is in Phase I. It would be 160 of the  
1754 senior living homes, but I am not going to send to Mr. Donati approval of the acreage behind it.  
1755 There are four of the multifamily dwellings there. But, the way this is, I can't split it and make  
1756 two cases. That is up to Mr. Donati. So that is going to be my motion that I make. I move for  
1757 approval of C-4C-02, to the Board of Supervisors, recommending approval of the senior living  
1758 quarters, but not recommending the zoning of the rear parcel for the multifamily dwelling.

1759  
1760 Mr. Vanarsdall - I second that.

1761  
1762 Mr. Taylor - All right. There is a motion made by Mr. Jernigan and seconded  
1763 by Mr. Vanarsdall to approve the senior living quarters, not the zoning as a part of this approval.  
1764 All in favor say aye. All opposed say no. The ayes have it. The dissenting vote is Mr. Archer.

1765  
1766 The vote was as follows:

1767 Mr. Jernigan – yes  
1768 Mr. Vanarsdall – yes  
1769 Mr. Archer – no  
1770 Ms. Ware – yes  
1771 Mr. Taylor – yes

1772  
1773 The Planning Commission voted to approve recommendation to the Board of Supervisors the  
1774 senior living quarters portion of Case C-4C-02.

1775  
1776 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
1777 Commission voted 4-1 (one abstention) to recommend that the Board of Supervisors **grant**  
1778 the request for the senior housing portion but not the 50 units of multi-family apartments because  
1779 the senior-housing portion would provide for appropriate development to service a growing  
1780 market. The multi-family apartments were not recommended for approval because it was felt  
1781 they would have a detrimental impact on the adjoining residential neighborhood.

1782  
1783 Mr. Marlles - Mr. Chairman, before the citizens leave, I do want to mention  
1784 that this will come up before the Board of Supervisors on February 12. That is a Tuesday  
1785 evening, and the Board of Supervisors' meeting is held at 7:00 p.m. in this room, so I did not  
1786 want you to leave without knowing that, February 12 at 7:00 p.m.

1787  
1788 **THE COMMISSION TOOK A 10-MINUTE RECESS AT THIS TIME.**

1789  
1790 **THE PLANNING COMMISSION RECONVED.**

1791  
1792 Mr. Marlles - The next case is on Page 3.

1793  
1794 **P-2-02 VoiceStream Wireless:** Request for a provisional use permit  
1795 under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct  
1796 and operate a 155 foot telecommunications tower and related equipment, on part of Parcel 61-A-  
1797 75A (772-757-4125), containing 1,732 square feet, located at 2800 Ackley Avenue (north side)

1798 approximately 250 feet north of Peyton Street. The existing zoning is M-1 Light Industrial District.  
1799 The Land Use Plan recommends Planned Industry.  
1800  
1801 The staff report will be given by Mr. Tom Coleman.  
1802  
1803 Mr. Coleman - This request is to construct a 155 ft. monopole-style  
1804 communication tower.  
1805  
1806 Mr. Archer - Excuse me, Mr. Coleman. Did we ask for opposition, Mr.  
1807 Secretary?  
1808  
1809 Mr. Taylor - We did not.  
1810  
1811 Mr. Archer - OK.  
1812  
1813 Mr. Marlles - Ask now.  
1814  
1815 Mr. Taylor - Is there opposition to this case? No opposition. All right. Go  
1816 ahead, Mr. Coleman.  
1817  
1818 The tower would be approximately 125 feet north of Peyton Street and 650 feet north of Parham  
1819 Road, immediately adjacent to Topside Building Supply, a building supply business.  
1820  
1821 The subject property is zoned M-1 and adjacent properties are also industrially zoned. No dwelling  
1822 units are nearby. This location is consistent with the County's preference for identifying industrial  
1823 sites to locate communication towers. Staff does not anticipate that this tower would be lit.  
1824  
1825 The applicant has demonstrated a need for communications equipment to complete network  
1826 coverage in this area. The applicant evaluated nearby structures for collocation potential and  
1827 provided evidence that no existing towers would provide complete coverage. However, there is a  
1828 Dominion Virginia Power easement with lattice towers approximately 1000 ft. from the subject  
1829 property. Placing equipment on existing structures within the easement would support the  
1830 County's effort to reduce the proliferation of towers. Prior to the approval of this application,  
1831 staff would prefer the applicant to demonstrate why equipment could not be placed in the  
1832 easement.  
1833  
1834 Overall, the site is not objectionable for a tower, and the applicant has demonstrated a need for  
1835 equipment to complete coverage in this area. If the applicant could eliminate the option of locating  
1836 equipment in the Virginia Power easement, staff could support this request.  
1837  
1838 Should the Board of Supervisors ultimately decide to grant a Provisional Use Permit for the  
1839 proposed tower, it is recommended the requested permit be granted subject to the conditions  
1840 listed in the staff report. I will be happy to answer any questions.  
1841  
1842 Mr. Taylor - Are there any questions?  
1843  
1844 Mr. Archer - Mr. Coleman, you and I had a conversation about this yesterday,  
1845 and just for the benefit of the rest of the Commission members, there was a propagation map  
1846 that had been provided by the applicant, which indicated the areas that..can we show that?  
1847 Tom, do you have it? If I can remember correctly, and you correct me if I am wrong, Mr.  
1848 Coleman, the red areas (referring to rendering) would indicate the area that would have good  
1849 coverage. Am I right?  
1850

1851 Mr. Coleman - Correct.  
1852  
1853 Mr. Archer - The yellow areas (referring to rendering) would indicate the  
1854 ones that are sort of iffy, and the green areas would indicate limited coverage, and the white  
1855 would indicate no coverage. And, this would probably be an ideal site for a tower because it is in  
1856 an industrial area. There are no residences anywhere near this. The Virginia Power tower, I  
1857 guess, that was adjacent to this has not really been at this point bargained for, to your  
1858 knowledge, Mr. Coleman.  
1859  
1860 Mr. Coleman - Not to my knowledge. That may be something that the  
1861 applicant may be willing to address.  
1862  
1863 Mr. Archer - OK, and I may have to ask him that, but I guess in terms of  
1864 where this will be located, probably one of the better tower sites we have seen for a while in that  
1865 it really does not infringe on any residential area at all, and the only question that Mr. Coleman  
1866 and I had, and I can ask the applicant this, is whether or not if we located here as opposed to  
1867 locating on the adjacent tower, which I should not say adjacent. It is not that far away, which  
1868 would not be that high would be the best use for it, and looking at it from a future standpoint,  
1869 we are looking at 155 ft. as opposed to the limited height of the other tower, so we have been  
1870 able to get more co-locators on this one than on the other. So, I think I might get the applicant  
1871 to address that and we can make a pretty quick decision on this.  
1872  
1873 Mr. Coleman - And what I've attempted to do, Mr. Archer, in blue is – in that  
1874 green area here – this is sort of their coverage. You can see that will include the intersection of  
1875 Parham and Staples Mill, so I think a busy intersection like that we can understand and I  
1876 mentioned the fact that they have established a need for the tower.  
1877  
1878 Mr. Archer - OK. All right. That is all of the questions that I have unless  
1879 somebody else has some.  
1880  
1881 Mr. Marles - Mr. Archer, do you wish to hear from the applicant?  
1882  
1883 Mr. Archer - Yes, I do need to just for a moment.  
1884  
1885 Mr. Cliff Nordyke - Mr. Chairman and members of the Commission, my name is Cliff  
1886 Nordyke, representing VoiceStream Wireless, and I will be happy to answer any questions that  
1887 Mr. Archer may have.  
1888  
1889 Mr. Archer - Did you hear the other thing about the other tower site?  
1890  
1891 Mr. Nordyke - The VEPCO tower?  
1892  
1893 Mr. Archer - Yes.  
1894  
1895 Mr. Nordyke - Yes. Actually, I don't know if you have the design in here for it  
1896 that shows the VEPCO tower, but the VEPCO tower at the point where we had done some studies  
1897 does not provide adequate coverage more to the north than what we were needing, and the  
1898 tower that we have actually done a study on is now taken up by another carrier. There was  
1899 actually one on there before, and a second carrier has gone on that tower, which would force us  
1900 to move to another tower on down further.  
1901  
1902 Mr. Archer - What would be the height on that tower, on the VEPCO tower?  
1903

1904 Mr. Nordyke - I can tell you what the tower height is. The VEPCO tower is 125  
1905 feet.  
1906  
1907 Mr. Archer - So we are 30 feet higher on this one?  
1908  
1909 Mr. Nordyke - Correct.  
1910  
1911 Mr. Archer - OK, so in looking at that now, what I am trying to get is how  
1912 many co-locators could you possibly put on this one?  
1913  
1914 Mr. Nordyke - Three additional.  
1915  
1916 Mr. Archer - Three additional, so we would have four altogether.  
1917  
1918 Mr. Nordyke - Correct.  
1919  
1920 Mr. Archer - Which would probably in the future preclude us from having to  
1921 put another one in close proximity and the range would be better. OK. That is all I had. Thank  
1922 you.  
1923  
1924 Mr. Nordyke - Any questions?  
1925  
1926 Mr. Taylor - Any other questions from the Commission? Thank you very  
1927 much.  
1928  
1929 Mr. Archer - OK. I am ready for a motion, Mr. Chairman.  
1930  
1931 Mr. Taylor - Sorry, Mr. Archer.  
1932  
1933 Mr. Archer - I guess what I was trying to establish was as we look at these  
1934 towers...  
1935  
1936 Mr. Jernigan - Mr. Archer, hold on a second.  
1937  
1938 Mr. Archer - I am sorry.  
1939  
1940 Mr. Taylor - Oh, I am sorry.  
1941  
1942 Mr. Dan Myers - My name is Dan Myers and I am vice-president of Top Side  
1943 Building Supply, which is located at 2800 Ackley Avenue. The property is owned by SKS. It is a  
1944 limited liability corporation and we rent the building, they own the property. I just wanted to  
1945 make a couple of comments. No. 1 is that the applicant met with us a number of times prior to  
1946 submitting their proposal to the County to make sure that we worked out anything that we  
1947 possibly could that would make it more compatible to our site, and they did, and I appreciate the  
1948 applicant doing that. It was not the gentleman who is here this evening, but it was someone  
1949 else. Also, although I am not a resident of Henrico County, I believe it is a good location for a  
1950 tower, since it is light industrial and it is not close to a residential area. Thank you.  
1951  
1952 Mr. Archer - Thank you, sir.  
1953  
1954 Mr. Taylor - Thank you very much, Mr. Myers. Anybody else?  
1955

1956 Mr. Archer - OK, as I was going to say, Mr. Chairman, this will probably be  
1957 one of the better sites that we have had to put a tower and I think in the long run we would be  
1958 better off with four locators on the one tower than the limited amount that would go on a VEPCO  
1959 tower. This site is next to an EPA Superfund site, so it is not one that is going to be developed  
1960 into anything meaningful, I would suppose, for some time, so I would move approval of P-2-02  
1961 to the Board.  
1962  
1963 Mr. Vanarsdall - Second.  
1964  
1965 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall, P-  
1966 2-02. All in favor say aye. All opposed say no. The motion passes.  
1967  
1968 The Planning Commission voted to recommend approval of Case P-2-02, VoiceStream Wireless,  
1969 to the Board of Supervisors.  
1970  
1971 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
1972 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1973 request because it is reasonable in light of the surrounding uses.  
1974  
1975 **Deferred from the December 13, 2001 Meeting:**  
1976 **C-72C-01 Edward B. Kidd for Louis Clifford Schroeder:** Request to  
1977 amend proffered conditions accepted with rezoning cases C-1C-84 and C-54C-85, on Parcels 69-  
1978 A-18 & 19 (755-750-8173) and 69-4-A-1 & 2 (755-750-6245), containing approximately 1.96  
1979 acres, located at the northeast intersection of N. Parham and Gwinnett Roads. The property is  
1980 zoned O-1C Office (Conditional). The amendment is related to structural design, landscaping and  
1981 lighting, and would allow additional structures on the site. The Land Use Plan recommends  
1982 Office.  
1983  
1984 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.  
1985  
1986 Mr. Archer - Mr. Coleman.  
1987  
1988 Mr. Taylor - Is there any opposition in this case?  
1989  
1990 Mr. Marlles - Yes, there is.  
1991  
1992 Mr. Taylor - Would everybody that is opposed raise their hands? All right, Mr.  
1993 Coleman.  
1994  
1995 Mr. Vanarsdall - I figured there was. It is the case.  
1996  
1997 Mr. Jernigan - I didn't think they just wanted to watch us. I don't believe that.  
1998  
1999 Voice from the Audience - It has been entertaining tonight.  
2000  
2001 Mr. Jernigan - Will we make it to Jay Leno? That is what we want to know.  
2002  
2003 Mr. Archer - I don't know if that is a compliment or not.  
2004  
2005 Mr. Coleman - The proffers, which were distributed to you, do not require waiving  
2006 the time limit for accepting them. This application to amend proffers would permit the construction  
2007 of an office building on the southern half of a 1.96-acre parcel at the corner of Parham and Gwinnett  
2008 Roads. The original cases approved in 1984 and 1985 limited construction to one 5,000 square foot

2009 building with additional proffers addressing uses, landscaping, buffering, and lighting. A Patient's  
2010 First Medical Office Building (POD-43-86) was subsequently constructed on the northern half of the  
2011 property. The southern half (Lots 1 and 2 of Parham Hills Subdivision) remained a buffer area and  
2012 provided access to Gwinnett Road.  
2013  
2014 The proposed changes would permit a second office building while essentially retaining and  
2015 updating the remaining proffers. The applicant added new proffer, #4, prohibiting egress directly  
2016 to Parham Road.  
2017  
2018 Prior to the January meeting, nearby residents expressed a problem with "cut through" traffic  
2019 driving thru their neighborhood to access the stoplight at Fordson Road and driving through the  
2020 adjacent church parking lot to access the stoplight at Bronwood Road. Proffer #10 is a new proffer  
2021 representing the applicant's commitment to pursue an access onto the adjacent Park and Ride  
2022 property to facilitate access to the stoplight at Fordson. While the amount of additional traffic  
2023 generated by a new office building may be minimal, reducing the amount of traffic in the  
2024 neighborhood would obviously be desirable.  
2025  
2026 This application would permit the reasonable use of the remaining O-1C zoned property, and staff  
2027 recommends approval. I would be happy to answer any questions.  
2028  
2029 Mr. Taylor - Any questions from members of the Commission?  
2030  
2031 Mr. Jernigan - Mr. Coleman, I missed what you were saying about using the  
2032 church parking lot. I know that was an issue. What is the problem?  
2033  
2034 Mr. Coleman - The issue here is that there are two stoplights. The subject  
2035 property is here (referring to rendering) and Fordson Road has a stoplight and Bronwood Road has  
2036 a stoplight. The church has access from Gwinnett to Bronwood. A driver could drive through the  
2037 church property to gain access to this stoplight or they could work their way back through the  
2038 residential area and the problem is turning left. A person does not need to do that to make a right  
2039 turn on Parham, but because of the traffic volume it is difficult to make a left-hand turn movement,  
2040 so the drivers will go to extra means to gain access to a stoplight with the left-hand turn  
2041 movement.  
2042  
2043 Mr. Jernigan - OK.  
2044  
2045 Mr. Vanarsdall - We understand it now. They will either come through the church  
2046 parking lot and a lot of people cut through the church parking lot.  
2047  
2048 Mr. Coleman - Right.  
2049  
2050 Mr. Vanarsdall - If the church chained off the parking lot, would that cut it down?  
2051  
2052 Mr. Coleman - In two conversations with Mr. Kidd, who is the representative of  
2053 the applicant, he has had conversations with the nearby residents and the church, and I believe he  
2054 is going to outline some of the steps that they are working on with the church.  
2055  
2056 Mr. Vanarsdall - You had a question, too, didn't you, Mr. Chairman?  
2057  
2058 Mr. Taylor - Yes, I did, and I will wait for Mr. Kidd to discuss the options that  
2059 we have. I have also met with Rev. Denton and Bill Londree in the church and I asked them what  
2060 we could do to reduce the cut-throughs and they have asked for a few signs, which Mr. Kidd's  
2061 client has agreed to provide. So, we will wait to hear from Mr. Kidd.

2062  
2063 Mr. Marlles - Mr. Chairman, while Mr. Kidd is coming to the podium, because  
2064 there is opposition, the ten minute rule will be in effect. Were you here when I explained how that  
2065 operates? OK, so you are generally familiar with it? Mr. Kidd, would you like to reserve some time  
2066 for rebuttal?  
2067  
2068 Mr. Kidd - I won't take anything close to the ten minutes, so I will just  
2069 reserve whatever is left over.  
2070  
2071 Mr. Taylor - OK.  
2072  
2073 Mr. Kidd - Good evening, Mr. Chairman, and members of the Commission.  
2074 My name is Ed Kidd and I am here tonight representing the applicant, Mr. Clifford Schroeder. As  
2075 Tom indicated, the subject property was zoned O-1 back in 1985 to allow construction of the  
2076 Patient First Medical Office Building. The proffers submitted at that time restricted development to  
2077 the Patient First facility on the northern portion of the property. From my review of the files and  
2078 discussions with those that I could, my understanding is that the proffer was really submitted to  
2079 just eliminate any discussion of what else besides the Patient First facility would be there as  
2080 opposed to addressing any particular concern or issue that may have related at the time to the  
2081 development of the southern portion of the property. I want you to understand that Mr. Schroeder  
2082 purchased this property back in 1986 following completion of the Patient First facility, just as part of  
2083 his personal real estate investments, so he is a long-term owner. He is a resident of the Richmond  
2084 area, and he has been here for a while. Patient First does continue to be a tenant of the property.  
2085 With the changes that have taken place in Parham Road over the last 15 years with additional  
2086 office development and with the traffic and so forth, I think it is clear that, you know, a residential  
2087 use for this property is not realistic, so the O-1 use that is zoned presently and which we are  
2088 requesting to continue with is really the lowest intensity use that is realistic for this property. Mr.  
2089 Schroeder believes that that development is now right. He is requesting the proffers to be  
2090 amended and be updated essentially to eliminate that restriction regarding development of the  
2091 southern portion of the property. While there are some additional language modifications, the  
2092 substance of all the proffers previously submitted which address uses, landscaping, buffering,  
2093 lighting and architectural design will remain in effect. In addition, Mr. Schroeder has submitted a  
2094 proffer prohibiting direct access to Parham Road, which the staff thought was appropriate, and  
2095 then the additional proffer which I will go over in more detail in a minute, with respect to the cut-  
2096 through traffic issue. We do believe the request is reasonable as development of an office on the  
2097 southern portion of the property is consistent with the Comprehensive Plan, are consistent with  
2098 other development over these last 15 years along Parham Road, and with the proffers protection is  
2099 provided to adjacent properties. The only issue that has arisen during the review of this request is  
2100 a concern that was expressed by the Parham Road Baptist Church, which as Tom pointed out, is  
2101 located across Gwinnett Road from this property, and some of the area residents regarding cut-  
2102 through traffic, and just to state it again, because of the difficulty of making a left-turn from  
2103 Gwinnett onto Parham and the fact that there are existing traffic signals located on Bronwood,  
2104 which is the next street over to the south, and on Fordson, which is the next street over to the  
2105 north, there is some traffic that wants to go left on Parham that will cut through the church  
2106 property to gain access to Bronwood, and some traffic that would go south on Gwinnett circles  
2107 around to Fordson to obtain access to that traffic signal. Now, I do want the Commission to  
2108 understand that this traffic comes not only from Mr. Schroeder's property but also from the  
2109 neighborhood as a whole, including the residents on Gwinnett Road, so it is a neighborhood  
2110 situation as a whole, and not a particular problem associated only with Mr. Schroeder's property.  
2111  
2112 During the review period, I have talked with the staff and the affected property owners about the  
2113 situation, and Mr. Taylor, as has been mentioned, has met with Pastor James Denton of the  
2114 Parham Road Baptist Church, and Mr. Schroeder and I met with Pastor Denton and some of the



2115 other property owners, all of that to investigate whether anything could be done to mitigate the  
2116 cut-through traffic. Two suggestions came out of those discussions: One being the installation of  
2117 some additional signage on the church property, and the other being the possibility of creating a  
2118 secondary access to Mr. Schroeder's property through the adjacent Park and Ride facility, which  
2119 would allow a more direct access to the traffic signal on Fordson Road.

2120  
2121 By private letter, a copy of which has been provided to the Planning office, Mr. Schroeder has  
2122 agreed to provide signage on the church property indicating that it is a private driveway, not for  
2123 public access, and also work with the church on any other signage that may be needed to do the  
2124 best that we can through signage. We recognized that there are some people that are not rule  
2125 followers that will disregard signs, but we and the church believe that the signage will help and  
2126 Pastor Denton has indicated to us that this is sufficient to address the church's concerns about the  
2127 case. He is here tonight and perhaps will want to speak to you directly.

2128  
2129 By the additional proffer which is shown as Item 10 of the most recent proffers that you have, Mr.  
2130 Schroeder has also agreed that as long as the owners of the Patient First facility and VDOT, which  
2131 is the owner of the Park and Ride facility will grant the required consents that are connections to  
2132 the Park and Ride facility, which would allow that more direct access to Fordson Road and the  
2133 traffic signal there, would be provided at the time of the further development of the property. The  
2134 proffer does recognize that there may be situations where that access, if it is able to be provided  
2135 initially, might have to be closed or might be closed in the future, and those would include, if they  
2136 were a traffic signal installed at Gwinnett, I think there would no longer be a need for it and then  
2137 more significantly, perhaps, if VDOT or any successor owner of the Park and Ride facility withdrew  
2138 any consent that they gave, and we have also provided that if the Director of Public Works made a  
2139 determination that this was not appropriate for some reason, or if this Commission authorized it for  
2140 some reason, that that access could be closed. The reasons for those exceptions are, what we  
2141 have been trying to do here is to say that Mr. Schroeder, as owner of the property, is going to do  
2142 everything within his power to provide that connection which would again mitigate this  
2143 neighborhood situation, but if there are those that he does not control, such as VDOT, who  
2144 determine that this shouldn't be, then we have to provide for that. I would like for you to know  
2145 that the Director of Public Works, Mr. Thompson, has reviewed this, and indicated that he would  
2146 approve of the connection to the Park and Ride facility subject to the usual plan review details. I  
2147 have also made an initial inquiry at VDOT and the initial reaction I received appeared favorable,  
2148 although their ultimate position is unknown at this time to the extent the County can assist us in  
2149 encouraging VDOT to approve the connection and Mr. Schroeder would solicit that assistance from  
2150 you.

2151  
2152 Mr. Marlles - You are down to about two minutes, just to let you know.

2153  
2154 Mr. Kidd - On behalf of Mr. Schroeder, I ask that you follow the staff's  
2155 recommendation and recommend approval of the requested proffered amendments to the Board of  
2156 Supervisors. I will be glad to answer any questions.

2157  
2158 Mr. Taylor - Thank you, Mr. Kidd. We will save the remainder of your time for  
2159 rebuttal because my first question that I would like to ask is whether or not you have a sketch or  
2160 map to show how that traffic pattern through VDOT and the site would be developed.

2161  
2162 Mr. Kidd - No, sir.

2163  
2164 Mr. Taylor - Have you seen any sketch at all?

2165  
2166 Mr. Kidd - No, sir, but if you, could you put the picture back up Tom?

2167

2168 Mr. Taylor - I know they have agreed to do that or at least the probability, but  
2169 in my mind I am not exactly sure how that would work.  
2170  
2171 Mr. Kidd - OK.  
2172  
2173 Mr. Taylor - And that would provide...  
2174  
2175 Mr. Kidd - Park and Ride is the parking area to the right-hand side of the  
2176 drawing (referring to rendering). The driveway from Gwinnett is parallel to the southern green line  
2177 on the right hand side, and the concept would be that as you get over towards the Patient's First  
2178 building, you would make a physical connection probably to line up with one of those driveways,  
2179 and be able to gain access to the driveway in the Park and Ride, and then you would just follow  
2180 through the existing driveways over to Fordson Road, so physically what we are talking about is  
2181 just, for example, you know, this area, somewhere in here, so that you get into the driveways of  
2182 that parking facility.  
2183  
2184 Mr. Taylor - So traffic would be able to exit from the medical facility, go into  
2185 the parking lot, and then east or northeast or southwest, southeast?  
2186  
2187 Mr. Kidd - They would work their way over to Fordson Road and there is an  
2188 access that is off the screen, so they go down there, make a left onto Fordson, get them up to the  
2189 traffic signal at Fordson and Parham.  
2190  
2191 Mr. Taylor - OK, thank you very much. Mr. Marles, I believe we had some  
2192 people in opposition, so we will have ten minutes for the opposition, and if you would please  
2193 identify yourself.  
2194  
2195 Mr. J. Shearin - Mr. Chairman and members of the Planning Commission, my  
2196 name is J. Shearin. I own property along Gwinnett Road, so I was intimately involved in some of  
2197 the discussions with Mr. Kidd regarding our concerns, and I just wanted to highlight. We have a lot  
2198 of information that has already been presented to you, and so far I can't say that there is any  
2199 conflict in what has been presented to you. I think it is all in line with what we have discussed.  
2200 One of the things I wanted to bring to your attention and just, I'm sure other people would like to  
2201 say things, but I went out there and took a look at the traffic situation out there for the Patient  
2202 First, and I went out one evening and looked at the traffic going in and out of that site, and for a  
2203 one-hour period, during that time period that I was out there, there were basically 18 vehicles that  
2204 were coming in and out of the Patient First site, and obviously everything that I saw reflected what  
2205 was the concerns that people are coming in on Parham Road, but they weren't leaving that way,  
2206 because they couldn't get out on Gwinnett at that intersection, and, in fact, I didn't see two people  
2207 who did, in fact, go through the parking lot and so, I don't want to confirm that I saw for my own  
2208 self that that was in fact taking place out there in the field. While I am a property owner along  
2209 Gwinnett Road, I also happen to be in the traffic engineering profession. In fact, I used to work  
2210 with Bob Thompson in the Public Works Department. But, anyhow, I just want to let you know  
2211 that from my work and knowledge of projecting traffic, the facility, Patient First which I believe is a  
2212 5,000 square foot building, if you use the standards that we used to generate traffic, would  
2213 generate basically the same amount of traffic, 18 vehicles is what I counted out there during a  
2214 typical hour. Now if you want to use the same standards, you would be talking about  
2215 approximately 180 vehicles in a typical day, so that is the kind of magnitude of traffic we are talking  
2216 about trying to go in and out of the facility at the Patient First. Given the zoning that they have out  
2217 there and the restrictions, it would be reasonable to assume that another 5,000 square foot  
2218 building that is going to generate the same kind of traffic will show up there and do the exact same  
2219 traffic patterns. So, I think our concerns are that it doesn't work today and another building out  
2220 there will do exactly the same thing.

2221  
2222 We have quite a few neighbors. I was going to say that we have approximately a dozen, but  
2223 obviously you have seen that yourself who are here, and there are two other people who were  
2224 here, I believe at the last meeting. I know of one who was here at the last meeting, but could not  
2225 attend, but they did write letters saying that they were also concerned. We agree that, at least I  
2226 do from my expertise in talking with Mr. Kidd, that this Park and Ride lot connection would be the  
2227 most preferable way of handling the traffic issues. Where we have our disagreements is the  
2228 wording of the proffer. As I think Mr. Kidd alluded, the proffer is set up to say we will build this,  
2229 however, if VDOT or the Public Works Director decides that they do not wish to have that  
2230 connection, then, as it is written, as I interpret, the proffers, and I think Mr. Kidd has concurred  
2231 when I talked to him about it, is that they would be able to continue on with development of this  
2232 building. Therefore, we have a building in place, even though a good faith effort was made, but  
2233 now the traffic problems are still there for our neighborhood, and the thing I wanted to bring to  
2234 your attention, also, was the original application for rezoning asked for and got one building. That  
2235 is what they got. Now they are asking for additional buildings, so they have to go through  
2236 additional rezonings, so I just want to be aware that if there are some issues that are saying we  
2237 haven't developed this site fully, I am only saying they had that opportunity before to fully identify  
2238 what was going on there and taking care of it at that time. Now the conditions have changed.  
2239 Gwinnett and Parham is not an adequate access for a commercial drive, and the only other option  
2240 is, besides taking the Park and Ride lot, is to use Gwinnett Road, and Gwinnett Road, as you can  
2241 see a little bit in the picture, it is paralleled by Bronwood and by Fordson, and those are two  
2242 collector type facilities. They have traffic lights on Parham Road and they are designed in order to  
2243 handle traffic, such as a commercial access. Gwinnett Road is a local street. It is designed to  
2244 handle our resident traffic. If it is not designed for commercial vehicles or commercial  
2245 developments along Parham Road, we should not be the focal point for commercial. I would hope  
2246 that the Commission recognizes this and would request that the developer or through the attorney  
2247 to make a more stringent proffer saying that it will be built rather than (unintelligible) will be built  
2248 or made to build it, so that is the gist of what our concerns are.  
2249  
2250 Mr. Taylor - OK. Thank you.  
2251  
2252 Mr. Jernigan - I have a question. Did you check it for one hour?  
2253  
2254 Mr. Shearin - What I did, well, in typical traffic engineering what you do is go  
2255 out from 4:00 to 6:30 p.m. period and during that time frame you look at the highest peak at that  
2256 time. That is how we do traffic studies, and so I didn't go out there one time. I did what I would  
2257 typically do if I were doing this for a developer.  
2258  
2259 Mr. Jernigan - Was this on a weekend or a weekday?  
2260  
2261 Mr. Shearin - It was on a weekday.  
2262  
2263 Mr. Jernigan - And they had 18...  
2264  
2265 Mr. Shearin - Eighteen people total going in and out of there and it fits exactly  
2266 what the standards say a 5,000 square foot medical office building ought to do.  
2267  
2268 Mr. Vanarsdall - Do you know of any traffic study that has been done on all of  
2269 those streets?  
2270  
2271 Mr. Shearin - On what now?  
2272

2273 Mr. Vanarsdall - On those streets. Do you know if a recent traffic study has been  
2274 done?  
2275  
2276 Mr. Shearin - Not that I am aware of. I don't think there was a need for one  
2277 since there were no major developments, not that I am aware of.  
2278  
2279 Mr. Vanarsdall - Where does the traffic come from that goes through there?  
2280 Where does it originate?  
2281  
2282 Mr. Shearin - Are you talking about the traffic on Fordson Road?  
2283  
2284 Mr. Vanarsdall - Yes.  
2285  
2286 Mr. Shearin - It is almost, it is primarily people from the neighborhood going in  
2287 there, but also people are going into the Patient's First, and, obviously, the church has also got  
2288 people.  
2289  
2290 Mr. Vanarsdall - All right.  
2291  
2292 Mr. Jernigan - I am not disputing what you had there, but, you know, the total  
2293 figure 18 an hour seems a pretty heavy load for Patient's First. I am not sure they could handle  
2294 that on a regular basis.  
2295  
2296 Mr. Vanarsdall - That Patient's First has a lot of business. It always has.  
2297  
2298 Mr. Shearin - And once again, if I came out and counted double what the  
2299 standards said, I would agree with it, but it came out just within the standards.  
2300  
2301 Mr. Vanarsdall - That is a very popular location.  
2302  
2303 Mr. Jernigan - That is a pretty heavy load for that facility.  
2304  
2305 Mr. Shearin - Well, around the United States when they study them, there is  
2306 other places just like it, because they have studied them.  
2307  
2308 Mr. Jernigan - I am surprised. I didn't know it was that heavy.  
2309  
2310 Mr. Taylor - Thank you very much, Mr. Shearin. Are there other people who  
2311 would like to speak? Please come to the podium and identify yourself, please.  
2312  
2313 Mr. Vanarsdall - We are being recorded.  
2314  
2315 Ms. Corrine Griffin - My name is Corrine Griffin and I live at 8406 Gwinnett Road, and I  
2316 am the third house from Patient's First, what you see on the map is the second and I am one  
2317 house down, and the traffic coming from Parham into Patient's First and also the people leaving,  
2318 they are not the best drivers in the world, and many times I have almost been hit. Like Monday, I  
2319 was almost hit on the side by people coming out of that Patient's First without even bothering to  
2320 stop and look either way or anything like that, and you will find some of the other people that live  
2321 on Gwinnett have had the same problem, too. So, if we can divert that traffic going to Fordson  
2322 through that parking lot, that would be a solution to one of our problems.  
2323  
2324 Mr. Vanarsdall - It seems like it would.  
2325

2326 Mr. Taylor - I think right now from the discussions that I have had with the  
2327 staff which have been very positive with regard to VDOT, as you know, that Park and Ride isn't  
2328 heavily utilized.  
2329  
2330 Ms. Griffin - It used to be, but not anymore.  
2331  
2332 Mr. Taylor - And there is just a lot of parking available to that in that the  
2333 parking in there and the access through the site would dramatically increase both parking available  
2334 and the accessibility of the road system to it.  
2335  
2336 Ms. Griffin - You can see part of the parking lot now, but further on up there is  
2337 a whole section that is not even used at all, because the majority of the parking is close to where  
2338 the buses come. So, there is a whole section that is never used now and that could be additional  
2339 parking for whatever is going to be put there.  
2340  
2341 Mr. Taylor - That is right. In fact, with that parking open and an opening  
2342 between the two, a lot of the Patient's First parking or the other buildings parking could stay right  
2343 in that lot and almost is a preferable thing. I was heartened and delighted when VDOT agreed that  
2344 they would be willing to improve the traffic and provide an opening between Patient's First and that  
2345 parking lot.  
2346  
2347 Ms. Griffin - Are they actually going to do that or is this...  
2348  
2349 Mr. Taylor - Well, we have several options. One option is, as you know, the  
2350 problem that comes up on Gwinnett is the fact that there is no traffic signal there. We have one  
2351 option that VDOT could put a traffic signal there and that would stop it. When I went there with  
2352 Pastor Denton, a couple of cars actually started to go down Gwinnett and did a u-turn, so we are  
2353 going to have to do something to resolve that issue, and a traffic light is a possibility. But the  
2354 break-through of that passage way into the Park and Ride is an easier option, one that VDOT  
2355 seems to want to try first...  
2356  
2357 Ms. Griffin - Right, because the only thing that is separating the two are the  
2358 bushes.  
2359  
2360 Mr. Taylor - Right, but the bushes are easy to remove. In fact, the applicant  
2361 has agreed to do a lot of remedial landscaping. He has been very cooperative in dealing with the  
2362 church. We have talked to Pastor Denton and asked him what he would like, and he said he would  
2363 really like a couple of signs, and he thinks that that would be adequate, and Mr. Londree kind of  
2364 agreed with him that we would try that, so that in the first phase of this I think we can do some  
2365 things and then we can just watch it, and if things work out, that is fine. We won't need any  
2366 additional administrative action. But, if we do need administrative action and we can prove the net  
2367 volume of cars increasing, VDOT agrees that they can put a traffic light at that corner sometime in  
2368 the future, and I use that road all the time, so I am quite familiar with it, and I know when you get  
2369 down in there it is hard to get up because of the traffic volume and the lights, and you've got to be  
2370 a little bit daring at times to poke your nose out there, as you know.  
2371  
2372 Ms. Griffin - And also Gwinnett is not really, it is more like a road that has a  
2373 little bit of black top on it. It is not a two-lane road.  
2374  
2375 Mr. Taylor - It is not a heavy surfaced road and I think that appeals to the  
2376 County in terms of the County may need to do something because of the cars that turn around  
2377 there, and I have reported that to the County Transportation people, and I think we can reasonably  
2378 expect to have improvements on all of that. There is no one here from Transportation, I don't

2379 think now, but they have assured me that they've got it on their radarscope and they can take care  
2380 of it, so I think we can absolutely guarantee results in the future.

2381

2382 Ms. Griffin - Thank you.

2383

2384 Mr. Vanarsdall - Mr. Chairman, what is, what is the office going to be used for?

2385

2386 Mr. Taylor - I will address that one to Mr. Kidd, because this is not the POD  
2387 stage. This is the zoning stage. We are going to do the zoning and then the POD.

2388

2389 Mr. Vanarsdall - You don't know what it is going to be used for?

2390

2391 Mr. Taylor - Well, it was an office building, but he didn't tell me what was  
2392 going to be in the office building. It could be medical. It could be something else. We will hear  
2393 from Mr. Kidd.

2394

2395 Mr. Kidd - If the property is zoned O-1, there are only a very few permitted  
2396 uses in O-1. Proffers exclude a day care use, so you are basically talking about regular business  
2397 offices or medical offices. Mr. Schroeder does not have a particular plan or design at this point. As  
2398 I indicated, he has owned the property for the last 15 years and as the character of Parham Road  
2399 has evolved before he comes forward, he has had a number of inquiries over the years and he has  
2400 not been able to respond to those because of the existence of these proffers. We think that with  
2401 the overall proffers that require a maximum size, require the architectural plan to be compatible  
2402 with the neighborhood and to be approved by this Commission. The other restrictions are on  
2403 lighting and so forth that, I think, we all should be very comfortable that whatever is going to go  
2404 there is going to be compatible and nice, and I don't think that there is any disagreement among  
2405 the nice neighbors about the use itself, the question just being the one of traffic.

2406

2407 Mr. Vanarsdall - Well, the reason that I asked the question is because that  
2408 determines how much more traffic you are going to have. If it is 10 people occupied, then it will be  
2409 10 people and if it 20 people occupied, it will be 20 people.

2410

2411 Mr. Kidd - Right. The information that I have at this point that I could offer  
2412 to you is basically two or three points. One, the existing lease with the Patient's First facility  
2413 prohibits a competing medical office use. That lease was initiated in 1987. That was its  
2414 commencement and it had an initial 10-year term, and then it had six 5-year renewals. So, it does  
2415 go five years at a time, but that lease now would run through, without any modifications to it,  
2416 2027, and it is has been apparently a good location for them, so that would be expected to  
2417 continue. With that assumption, the additional use would not be the same type of medical office  
2418 from my understanding. It could be a dentist or something like that, but not a medical office ala  
2419 Patient's First. The other thing is that we continue with the existing proffers that put a 5,000  
2420 square foot limit on that first building, and so we have got them drafted. So it says, you know,  
2421 maximum 5,000 square feet on this. So that is the upper limit on the size. If you look at the  
2422 picture, you can see that there is probably more than half of the site that has been utilized for the  
2423 Patient's First facility, which is approximately 5,000 square feet, so the site design limitations, in  
2424 terms of setbacks and parking and all of that, there is a reasonable likelihood that the actual size of  
2425 the building would be less than the 5,000 square feet. Five thousand square feet is what the  
2426 proffer says, so that is realistic for you all to think in those terms, but I just share with you that  
2427 point.

2428

2429 Mr. Vanarsdall - Thank you.

2430

2431 Mr. Taylor - Are there any other questions of Mr. Kidd?

2432  
2433 Mr. Marlles - There is still opposition.  
2434  
2435 Mr. Taylor - All right. We have a couple of minutes left for the opposition.  
2436 Please come down to the podium and state your name and affiliation if you would like.  
2437  
2438 Mr. Williams - Matt Williams and I live at 8500 Gwinnett Road. Which is the  
2439 second house on Parham coming down.  
2440  
2441 Mr. Taylor - Is that the one you can see clearly on the slide, Mr. Williams?  
2442  
2443 Mr. Williams - Yes. That is correct. I would like to see Mr. Schroeder change  
2444 around a little bit here and build a residential home there that he could rent out. I don't see any  
2445 need to put another building on this property that (unintelligible), that it was, put this building back  
2446 in the corner there, the Patient's First, and we have the Park and Ride in back of us, with a lot of  
2447 traffic. This was a little quiet neighborhood when I moved there 25 years ago and our homes have  
2448 appreciated, and that has been nice. But you're talking about giving us another building down on  
2449 the corner. Our homes are anywhere from \$100,000 to \$150,000 along that road, and why build  
2450 another building to cause us more traffic and more problems, that are getting older, and I'd like to  
2451 see him build a nice home there and rent that out, and he obviously has a nice income from where  
2452 he is now, and I don't blame him to want to increase his income. But if he would think about it, he  
2453 could probably get a \$1,000 rent for a home setting on that lot, which would not mess you up on  
2454 Parham Road. All you guys run up and down Parham Road, so it is a mess out there, so if you put  
2455 up a building, he is going to have trouble parking there, and I would like to see you consider going  
2456 back to a residential with that. Thank you for your time.  
2457  
2458 Mr. Taylor - Thank you.  
2459  
2460 Mr. Vanarsdall - I can answer two of your questions. One of them the Land Use  
2461 Plan of the County recommends office. It does not recommend residential. The second one and  
2462 most important to me would be, if you want to ask for trouble, and you want to ruin a  
2463 neighborhood, have a lot of rented houses in it. That is one way to go. And whoever builds their  
2464 home, if they do, you would have absolutely no control over who lives in it or how many people.  
2465 Ten people could live in it. There is no such thing as the number of a family. You may have four, I  
2466 may have six. The County has gone through trying to figure out how many people can live in a  
2467 house for years and they can't do it. I would strongly disagree with any kind of a rented home  
2468 there or home period.  
2469  
2470 Ms. Griffin - Then why does Mr. Schroeder want it rezoned if he doesn't have  
2471 any idea what he wants to put on there?  
2472  
2473 Mr. Vanarsdall - Speculation.  
2474  
2475 Ms. Griffin - Well, then shouldn't he do that after the fact? After it has been  
2476 decided and he does have something to move in there and build there, then go back to the Board  
2477 and have it rezoned?  
2478  
2479 Mr. Taylor - Ma'am, could you come up to the podium and identify yourself for  
2480 the record. The Director reminded me as a brand new chairman that I really need to get these on  
2481 record and it hard to hear all of the comments. If you wouldn't mind, would you like to scroll all  
2482 the way back and start over?  
2483  
2484 Ms. Griffin - I am Corrine Griffin again.

2485  
2486 Mr. Taylor - Pardon me.  
2487  
2488 Ms. Griffin - My name is Corrine Griffin and my question, why are you trying to  
2489 have it rezoned before you have any idea what is going to be built there? Why don't they decide  
2490 who is going to build there, what is going to be there, and then come to the Commission and have  
2491 it rezoned? Right now we are sitting here and you are asking us to have this rezoned, and we  
2492 don't even know what is going to go there.  
2493  
2494 Mr. Taylor - OK. Thank you very much. I will try to answer that before the  
2495 next speaker, and...  
2496  
2497 Mr. Marlles - Mr. Chairman, that does conclude the time.  
2498  
2499 Mr. Taylor - That concludes the time. That is the 10 minutes that we have,  
2500 but maybe our Director would like to answer that question or I will answer that question.  
2501  
2502 Mr. Marlles - Is the question why are they proposing to rezone now before they  
2503 have a specific use in mind? Well, I would say, and the applicant can certainly address that, but  
2504 the County's Land Use Plan does recommend office on this development, so a rezoning that would  
2505 be consistent with the Comprehensive Plan for the County is not out of line. It certainly will be  
2506 reviewed. Any development on this site will be reviewed for all the County's various development  
2507 standards, including traffic. Often we will get a conceptual plan for a specific use at the time of  
2508 rezoning, but it is not totally unusual not to or out of the ordinary, but I would also add, I will allow  
2509 the applicant to respond to that question, too.  
2510  
2511 Mr. Vanarsdall - When you had your Community meeting, that was the first  
2512 question you should have asked, well, what do you want to put there, and that determines  
2513 everything else. So, and if he'd said, "Well, I don't know what I am going to put there," then it  
2514 would not have been any surprise to you.  
2515  
2516 Ms. Griffin - We didn't have a Community meeting.  
2517  
2518 Mr. Taylor - I realize that. In fact, before you start, Mr. Kidd, just let me say  
2519 this. Let me explain why you didn't. And that was because when I reviewed this case, and looked  
2520 at the land use, and I visited the site and I talked to Pastor Denton, it looked perfectly reasonable  
2521 to me that on that particular site, as Mr. Vanarsdall points out, that the O-1 use is a good use right  
2522 along Parham Road. It is consistent with the use along there. It is consistent with what is on the  
2523 site now and the issue that appealed to me immediately that we had to solve was the issue of  
2524 transportation and parking, and we have worked very hard on that issue, to the point that I am  
2525 quite satisfied that VDOT, one way or another, can solve the traffic problem that exists there. I am  
2526 also convinced from talking to Mr. Kidd about the fact that it will be O-1, and that means basically  
2527 O-1 when it gets to the next stage, and we will review the type of structure in there, we will review,  
2528 to an extent, by reviewing that what the use will be, and the intensity and the arrangement of the  
2529 site, and I feel, after conferring with everybody that this is a perfectly reasonable beneficial use of  
2530 the site, and it will fit. The applicant has agreed to lots of landscaping and we can solve the traffic  
2531 problem in and across the church and in that neighborhood either by lights or fixing up the road.  
2532 So, it seemed perfectly reasonable to me, and the staff. Would you like to speak to that, Mr. Kidd?  
2533  
2534 Mr. Kidd - Well, very briefly. I would just say in terms of a neighborhood  
2535 meeting, in advance of the December Planning Commission meeting, I did send a letter notice to  
2536 adjacent property owners. I didn't hear anything back, but at the December Planning Commission  
2537 when it was indicated opposition, I did speak to some of the folks out in the lobby and we talked



2538 about what we would try to do between then and now, and I think we have been consistent with  
2539 that. I have been in communication with Mr. Shearin primarily on their behalf. We did have a  
2540 meeting earlier today. I think I have answered that question in terms of proposed use.

2541  
2542 Mr. Vanarsdall - In all fairness, I talked to Mr. Kidd and he told me, "Well, I would  
2543 have been glad to have a community meeting, but I got absolutely no interest from the letters."  
2544 So, when we send out letters like that in my district and we don't get any response, we just say  
2545 that nobody cares.

2546  
2547 Mr. Kidd - The letters went to the adjacent property owners. Not all of you  
2548 are adjacent property owners, and I understand it took time for that to filter down. Again, what the  
2549 standard practice is and what the County does and what we do is send those notices to the  
2550 immediate adjacent property owners. I don't think there is any real, you know, difference of  
2551 opinion there. I just want to reinforce what was said in terms of the zoning process and the POD  
2552 process. Given the fact that this property is zoned O-1 and has been zoned O-1 since 1985, we are  
2553 only asking for a tweak in the proffer, and it is very restricted in terms of the type of use and with  
2554 the additional proffers, I think that any question about the details can very legitimately and  
2555 appropriately in following good land use and planning practices be dealt with at the POD stage, and  
2556 I think this is a good use for this property. It is really the only appropriate use, given all of the  
2557 factors and considerations, and I again ask you to recommend approval.

2558  
2559 Mr. Taylor - Thank you, sir. The time is up. I will just say that consistent with  
2560 what Mr. Kidd has said and looking at the property and looking at the alternatives, and talking to  
2561 the staff, I had no calls from any neighbors with the exception of Rev. Denton, and my number is  
2562 available to everybody, and I am convinced that every issue that has been raised can be resolved  
2563 to everybody's satisfaction, either through a series of meetings or using the O-1 by-right  
2564 development for the parcel. At the POD stage we will be able to work out whatever refinements  
2565 that we need to make for the benefit of the entire community. So, with that, I will move approval  
2566 of Case C-72C-01.

2567  
2568 Mr. Jernigan - Second.

2569  
2570 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
2571 favor say aye. All opposed say no. The ayes have it. The motion passes.

2572  
2573 The Planning Commission approved recommendation to the Board of Supervisors of Case C-72C-01  
2574 -Edward B. Kidd for Louis Clifford Schroeder.

2575  
2576 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning Commission  
2577 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request  
2578 because the proffers continue to assure a quality form of development with maximum protection  
2579 afforded the adjacent properties.

2580  
2581 Mr. Marlles - Ladies and gentlemen, this will come up before the Board of  
2582 Supervisors at the February 12, 2002 meeting, at 7:00 p.m.

2583  
2584 Mr. Taylor - And if anybody would like to meet on this, I will give you some  
2585 cards and we can have a neighborhood meeting, and I am sure Mr. Kidd and the applicant will be  
2586 happy to resolve most of the problems that we see. Mr. Marlles, is there anything else on the  
2587 agenda?

2588  
2589 **DISCUSSION: Set Public Hearing for Capital Improvement Program 02-**  
2590 **03 to 06-07 for February 14, 2002 (6:15 p.m.).**

2591  
2592 Mr. Marlles - Yes, sir. There are two items left. The first item has to do with  
2593 setting a public hearing for presentation of the Capital Improvement Program for 2002-2003 to  
2594 2006-2007.  
2595  
2596 Mr. Vanarsdall - Why don't we have them go out before we talk about this? I  
2597 cannot hear.  
2598  
2599 Mr. Marlles - Ladies and gentlemen, if you would, adjourn to the lobby,  
2600 please, so we can continue our meeting.  
2601  
2602 Mr. Taylor - Thank you very much for coming.  
2603  
2604 Mr. Vanarsdall - Go ahead, Mr. Marlles.  
2605  
2606 Mr. Marlles - Thank you, Mr. Vanarsdall. The staff is requesting that the  
2607 public hearing on the CIP be scheduled for the February 14 meeting and traditionally we do this  
2608 before the regular meeting. We are requesting that it be set at 6:15 p.m.  
2609  
2610 Mr. Vanarsdall - In the past that time has always suited the people who have to  
2611 come, which is every administrator in this County.  
2612  
2613 Mr. Marlles - Yes, I believe that is correct. Yes, sir.  
2614  
2615 Mr. Vanarsdall - They don't have to go home and come back. My only question  
2616 was "Are we going to get dinner at 5:30 p.m.?"  
2617  
2618 Mr. Marlles - Staff will have to look into that, Mr. Vanarsdall. I am sure the  
2619 Commission's budget has sufficient funds for dinner in it.  
2620  
2621 Mr. Vanarsdall - If there is no opposition, I will move that we have the public  
2622 hearing on the CIP on February 14 at 6:15 p.m. and dinner at 5:30.  
2623  
2624 Mr. Jernigan - Second.  
2625  
2626 **APPROVAL OF MINUTES: December 13, 2001**  
2627  
2628 Mr. Taylor - The next item on the agenda is the approval of minutes?  
2629  
2630 Mr. Marlles - Yes, sir, for December 13, 2001.  
2631  
2632 Mr. Taylor - Has everybody had the opportunity to read the minutes? Is  
2633 there a motion? First, are there any corrections?  
2634  
2635 Mr. Vanarsdall - I move that the December 13, 2001 minutes be approved.  
2636  
2637 Mr. Archer - Second.  
2638  
2639 Mr. Taylor - Motion by Mr. Vanarsdall and second by Mr. Archer. All in favor  
2640 say aye. All opposed say no. The motion passes.  
2641  
2642 Mr. Archer - Mr. Chairman, before we close, are you ready to adjourn? I  
2643 want to thank the Director for making the copies of the article *Stucco Woes* and distributing it to

2644 the members, and I hope you got something out of it. We might have to do something about  
2645 this one day.

2646  
2647 Mr. Jernigan - I make a motion that we adjourn the meeting.

2648  
2649 Mr. Vanarsdall - Second.

2650  
2651 Mr. Taylor - We have a motion for adjournment by Mr. Jernigan, seconded  
2652 by Mr. Vanarsdall. The meeting is adjourned.

2653  
2654 There being no further business, acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan,  
2655 the Planning Commission adjourned its meeting at 10:12 p.m. on January 10, 2002.

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Allen J. Taylor, C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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