

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., July 14, 2005, Display Notice having been published in the Richmond
4 Times-Dispatch on June 23, 2005 and June 30, 2005.

5
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield
8 Mr. Tommy Branin, Three Chopt
9 Ms. Bonnie-Leigh Jones, Tuckahoe
10 Mr. E. Ray Jernigan, C.P.C., Varina
11 Mr. David A. Kaechele, Board of Supervisors, Three Chopt
12 Mr. Randall R. Silber, Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
15 Ms. Jean Moore, Principal Planner
16 Mr. Lee Tyson, County Planner
17 Ms. Rosemary Deemer, County Planner
18 Mr. Thomas Coleman, County Planner
19 Mr. Seth Humphreys, County Planner
20 Ms. Audrey Anderson, County Planner
21 Ms. Debra Ripley, Recording Secretary
22

23 Mr. Vanarsdall - The Planning Commission will now come to order and I will turn the
24 meeting over to our Secretary and Director, Mr. Randy Silber.
25

26 Mr. Silber - Thank you, Mr. Chairman. I appreciate that. We do have all members
27 of the Commission present this evening. We do have a quorum and can conduct business. First
28 on the agenda would be consideration of the Withdrawals and Deferrals. I am not aware that we
29 have any withdrawals, but we have a number of deferrals. If Mr. Tyson can walk us through
30 those, I would appreciate that.
31

32 **C-27C-05 James W. Theobald for Pouncey Tract Properties, LLC:** Request to
33 conditionally rezone from A-1 Agricultural District, B-3C Business District (Conditional) and M-1C
34 Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcel 740-765-2150,
35 containing approximately 9.87 acres, located at the southeast intersection of Twin Hickory Lake
36 Drive and Pouncey Tract Road. The applicant proposes a neighborhood retail shopping center.
37 The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
38 Use Plan recommends Office, Commercial Concentration, Light Industry and Environmental
39 Protection Area. The site is in the West Broad Street Overlay District.
40

41 Mr. Tyson - Mr. Chairman and Mr. Kaechele, and members of the Commission and
42 Mr. Secretary, tonight we have no withdrawals. We have seven deferrals. I set out the sheet for
43 you and we will walk through that. The first one is Case C-27C-05. The request is to defer the
44 case to September 15, 2005.
45

46 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of C-27C-05 in
47 the Three Chopt District? No opposition. Mr. Branin.
48

49 Mr. Branin - Mr. Chairman, I move that Case C-27C-05 be deferred to the September
50 15, 2005 meeting at the applicant's request.
51

52 Mr. Archer - Second.
53

54 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
55 aye. All opposed say no. The motion passes.
56
57 At the request of the applicant, the Planning Commission deferred Case C-27C-05, James W.
58 Theobald for Pouncey Tract Properties, LLC, to its meeting on September 15, 2005.
59
60 Mr. Tyson - The next deferral is in the Tuckahoe District. It is on page 2 of your
61 agenda, Case C-27C-02.
62
63 **Deferred from the June 9, 2005 Meeting:**
64 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions
65 accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at
66 the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection
67 of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive
68 and Glen Eagles Drive. The amendment would change the maximum density allowed from 7,850
69 square feet per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District
70 (Conditional). The Land Use Plan recommends Commercial Concentration.
71
72 Mr. Tyson - The request is to defer this case to the September 15, 2005 meeting.
73
74 Mr. Vanarsdall - In the Tuckahoe District, is anyone in opposition to the deferment of this
75 case? Excuse me. Are you in opposition to deferring the case?
76
77 Mr. Mizzell - Correct.
78
79 Mr. Vanarsdall - All right.
80
81 Mr. Silber - I think it may be appropriate to hear what his comment is relative to the
82 requests for deferral.
83
84 Mr. Mizzell - I live within a block of the shopping center. And there are other neighbors
85 on the way down here tonight to object to the deferral, and that speaks to our main reason for the
86 deferral.
87
88 Mr. Vanarsdall - Will you give us your name.
89
90 Mr. Max Mizzell - My name is Max Mizzill and I live at 2017 Old Prescott Court. This
91 particular rezoning issue has, if I am not mistaken, and the County Planning Commission can
92 correct me, has been on the books for almost three years, give or take, and it has been continually
93 deferred. There are a lot of neighbors who feel very strongly and want to come and address the
94 Board (sic), and they have taken time off from work, and made arrangements for babysitting, etc.
95 and it has a history now of being deferred within a week or so of the hearing for the last three
96 years. There are people who didn't know it was deferred and took off time from work and came
97 down here and we feel that we are sort of being held ransom by the developer to this rezoning
98 request because of the continual deferral, and you can ask the Planning staff, but from what I
99 understand, all of the owners of the involved property are not in agreement with this request, and
100 your Planning staff objects to the rezoning as it stands. So, they have had three years to get
101 unanimous consent and they have not succeeded yet. We feel that every couple of months we
102 have got to be on our toes, be sure we don't miss something. We have to make arrangements to
103 be able to come down here just in case it is heard, so we would like for it to be heard and have the
104 issue resolved one way or the other so that we can get our people down here and so that the
105 neighbors aren't making plans and then at the last minute, well, you don't need to come tonight

106 because it is going to be deferred for another couple of months. The neighborhood objects to the
107 deferral.
108
109 Mr. Vanarsdall - I understand where you are coming from, Max. Let me ask you, have
110 you, has anyone had a meeting with the neighborhood about this? And it hasn't been three years.
111 This would be the 14th deferment for this.
112
113 Mr. Silber - It started in 2002.
114
115 Mr. Jernigan - It has been three years.
116
117 Mr. Vanarsdall - It has been three years. I am sorry.
118
119 Mr. Mizzell - Mr. Chairman, we met with the developer...
120
121 Mr. Vanarsdall - We are not prepared tonight, I don't believe, to hear the case. I am going
122 to leave that up to Ms. Jones, and we do appreciate and we do understand it has been a long time.
123 We sympathize with you.
124
125 Ms. Jones - I would like to speak to this for a moment if I could.
126
127 Mr. Vanarsdall - Yes, ma'am.
128
129 Ms. Jones - Mr. Mizzell, I appreciate you coming down here. No one has contacted me
130 and I was assuming the people interested were talking to Planning staff to see if it was going to be
131 deferred or not.
132
133 Mr. Mizzell - I speak to Lee Tyson every week and we had discussions with him. That
134 is my source of finding out that it is going to be deferred.
135
136 Ms. Jones - Well, he is a good source.
137
138 Mr. Mizzell - Some of our other neighbors have since arrived. That is part of our
139 problem. We can't get down here.
140
141 Ms. Jones - I think your interest is well appreciated by all of us. This is what I would
142 like to propose. As you know, we have had a conversation about another case. I am a fairly new
143 Commissioner and this case started many years before my time. A new attorney has been brought
144 on board within the last month or two and he will be bring this case, his request is to the
145 September meeting. I'd like to respond to his request and allow him to do that, since he has just
146 come on board, and I would like to make it very clear to him that at that time his case will be
147 heard.
148
149 Mr. Mizzell - Are you saying, Ms. Jones, that September will be the official fish or cut
150 bait hearing for this issue?
151
152 Ms. Jones - Fish or cut bait, yes.
153
154 Mr. Mizzell - But it will be heard that night?
155
156 Ms. Jones - Sure. I think it should be. I am not telling you that I know all of the ins
157 and outs in this case, because it is a long, long drawn out case, but it is a case that needs to have
158 an end, and his request to September is what is before us tonight.

159
160 Mr. Mizzell - Right, and just to reiterate, it has been three years, and they can't satisfy
161 the Planning Commission. Mr. Tyson tells me if it were heard now, the Planning Commission would
162 recommend against it, because what they have asked the zoners to do, they haven't been able to
163 fulfill the request. If they can't do it in three years, I don't see why they are going to do it in
164 another...
165
166 Ms. Jones - Well, I think we need to give this attorney the benefit of the doubt and to
167 let him do what he can with this case and with his discussions with staff, and with me. There will
168 be, I am sure, a neighborhood meeting at some point, but September 15 is the date and you have
169 my word on it.
170
171 Mr. Mizzell - We have been promised meetings. Mr. Tyson said there were meetings
172 planned, but we have not heard word one about them.
173
174 Ms. Jones - Because they usually happen in conjunction with the case coming forward
175 and if there are situations which have not allowed the case to come forward, and having a
176 neighborhood meetings wouldn't be appropriate.
177
178 Mr. Mizzell - OK.
179
180 Mr. Vanarsdall - All right. Thank you.
181
182 Ms. Jones - Thank you.
183
184 Mr. Vanarsdall - I will entertain a motion, Ms. Jones.
185
186 Ms. Jones - I would like to make a motion that Case C-27C-02, RFA Management, LLC,
187 be deferred to the September 15, 2005 Planning Commission meeting, at the request of the
188 applicant, at which time the case will be heard.
189
190 Mr. Jernigan - Second.
191
192 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor say
193 I. All opposed say no. The ayes have it. The motion passes.
194
195 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA
196 Management, LLC, to its meeting on September 15, 2005.
197
198 **Deferred from the June 9, 2005 Meeting:**
199 **C-21C-05 Youngblood Properties LLC:** Request to conditionally rezone from A-1
200 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 738-754-4849
201 and 738-753-1882, containing 7.72 acres, located on the south line of Church Road
202 approximately 100 feet west of Blandfield Street. The applicant proposes a single-family
203 residential subdivision. The R-3 District allows a minimum lot size of 11,000 square feet with a
204 maximum gross density of 3.96 lots per acre. The Land Use Plan recommends Suburban
205 Residential 2, 2.4 to 3.4 units net density per acre.
206
207 Mr. Tyson - The deferral request is to August 11, 2005 meeting.
208
209 Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of Case C-21C-05,
210 Youngblood, Tyler, LLC, in the Tuckahoe District. Ms. Jones, again.
211

212 Ms. Jones - I would like to move that Case C-21C-05, Youngblood Properties, LLC, be
213 deferred by request of the applicant, to the August 11, 2005 Commission meeting.

214
215 Mr. Jernigan - Second.

216
217 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor
218 say aye. All opposed say no. The motion passes.

219
220
221 At the applicant's request, the Planning Commission deferred Case C-21C-05, Youngblood
222 Properties, LLC, to its meeting on August 11, 2005.

223
224 **C-33C-05 Evan Paner for Prospect Homes of Richmond, Inc:** Request to
225 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
226 (Conditional), R-6C General Residence District (Conditional) and B-2C Business District
227 (Conditional), Parcels 819-684-6961, 820-683-2686, 819-683-2452, 819-683-5565, 818-684-
228 8174, 819-685-1803, containing 62.9 acres, located between the east line of Buffin Road, south
229 line of New Market Road (State Route 5), west line of Fordson Farm Lane and northwest line of
230 Interstate 295 at the New Market Road Interchange. The applicant proposes 40 single-family
231 residential lots, 82 townhouse units for sale and community business uses. The R-2A District
232 allows a minimum lot size of 13,500 square feet with a maximum gross density of 3.23 lots per
233 acre. The R-6 District allows twelve (12) townhouse units per acre. The business uses will be
234 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
235 recommends Office and Office/Service. The site is in the Airport Safety Overlay District.

236
237 Mr. Tyson - The request is to defer the application to September 15, 2005.

238
239 Mr. Vanarsdall - Anyone in the audience in opposition to deferment of this case in the
240 Varina District, C-33C-05? No opposition. Mr. Jernigan.

241
242 Mr. Jernigan - Mr. Chairman, I move for deferral of Case C-33C-05, to the September
243 15, 2005 meeting, by request of the applicant.

244
245 Mr. Archer - Second.

246
247 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
248 say aye. All opposed say no. The ayes have it. The motion is passed.

249
250 At the request of the applicant, the Planning Commission deferred Case C-33C-05, Evan Paner for
251 Prospect Homes of Richmond, Inc., to its meeting on September 15, 2005.

252
253 **C-38C-05 Henry Wilton for Wilton Development Corp.:** Request to
254 conditionally rezone from R-4 One Family Residence District to RTHC Residential Townhouse
255 District (Conditional), Parcel 771-748-3499, containing approximately 7.0 acres, located on the
256 north line of Glenside Drive approximately 230 feet east of Fernwood Street. The applicant
257 proposes residential townhouses for sale with a maximum density not to exceed 6.25 units per
258 acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use Plan
259 recommends Urban Residential 3.4 to 6.8 units net density per acre.

260
261 Mr. Tyson - The request is to defer this case to August 11, 2005.

262
263 Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of C-38C-05, Henry
264 Wilton for Wilton Development, in the Brookland District? No opposition. I move that Case C-

265 38C-05, Henry Wilton for Wilton Development be deferred to the 11th of August at the applicant's
266 request.

267
268 Mr. Archer - Second.

269
270 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
271 say aye. All opposed say no. The motion passes.

272
273 At the request of the applicant, the Planning Commission deferred Case C-38C-05, Henry Wilton
274 for Wilton Development Corp., to its meeting on August 11, 2005.

275
276 *Deferred from the June 9, 2005 Meeting:*

277 **C-48C-04 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural
278 District to B-3C Business District (Conditional), Parcels 804-737-4084 and 804-737-1251,
279 containing 4.83 acres, located on the east line of Mechanicsville Turnpike (U. S. Route 360)
280 opposite Springdale Road. The applicant proposes business uses. The uses will be controlled by
281 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends
282 Government and Urban Residential. The site is in the Airport Safety Overlay District.

283
284 Mr. Tyson - This is in the Fairfield District. The request is to defer the case to August
285 11, 2005.

286
287 Mr. Vanarsdall - In the Fairfield District, C-48C-04, Henry L. Wilton. Any opposition to the
288 deferment of this case? No opposition. Mr. Archer.

289
290 Mr. Archer - Mr. Chairman, I move deferral of Case C-48C-04 to the August 11, 2005
291 meeting, at the request of the applicant.

292
293 Mr. Jernigan - Second.

294
295 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
296 say aye. All opposed say no. The ayes have it. The motion passes.

297
298 At the applicant's request, the Planning Commission deferred Case C-48C-04, Henry L. Wilton, to
299 its meeting on August 11, 2005.

300
301 *Deferred from the June 9, 2005 Meeting:*

302 **C-12C-05 Wilton Development Corp.:** Request to conditionally rezone from B-
303 2C and B-3C Business Districts (Conditional) to R-3C One Family Residence District (Conditional)
304 and B-3C Business District (Conditional), Parcel 804-736-0481, containing 10.77 acres, located at
305 the northeast intersection of Mechanicsville Turnpike (U.S. Route 360) and Neale Street. A
306 single-family residential subdivision (6.87 acres) and business uses (3.9 acres) are proposed.
307 The R-3 District allows a minimum lot size of 11,000 square feet, the equivalent of 3.96 units per
308 acre. The proposed districts would be controlled by zoning ordinance regulations and proffered
309 conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Airport
310 Safety Overlay District.

311
312 Mr. Tyson - The deferral is requested to August 11, 2005, in the Fairfield District.

313
314 Mr. Vanarsdall - And being in the Fairfield District, C-12C-05, Wilton Development Corp.,
315 deferment to August 11, 2005. Any opposition? No opposition. Mr. Archer.

316

317 Mr. Archer - Mr. Chairman, I move deferral of C-12C-05, Wilton Development Corp. to
318 the August 11 meeting at the applicant's request.

319
320 Mr. Jernigan - Second.

321
322 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
323 say aye. All opposed say no. The ayes have it. The motion passes.

324
325 At the applicant's request, the Planning Commission deferred Case C-12C-05, Wilton
326 Development Corp., to its meeting on August 11, 2005.

327
328 Mr. Jernigan - Mr. Tyson, I have one more in the Varina District.

329
330 **C-31C-05 Richmond Land Company:** Request to conditionally rezone from O-2C
331 Office District (Conditional) to R-3C One Family Residence District (Conditional), Parcel 818-716-
332 1579, containing 0.762 acre, located on the southwest intersection of Audubon Drive and Oakleys
333 Lane. The applicant proposes a single-family residential development. The R-3 District allows a
334 minimum lot size of 11,000 square feet with a maximum gross density of 3.96 units per acre.
335 The Land Use Plan recommends Office and Environmental Protection Area. The site is in the
336 Airport Safety Overlay District.

337
338 Mr. Vanarsdall - Is anyone in the audience in opposition to Case C-31C-05 in the Varina
339 District, Richmond Land Company? Any opposition to the deferment? No opposition. Mr.
340 Jernigan.

341
342 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of Case C-31C-05,
343 Richmond Land Company, to August 11, 2005, by request of the Commission.

344
345 Mr. Archer - Second.

346
347 Mr. Vanarsdall - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in favor say
348 aye. All opposed say no. The ayes have it. The motion passes.

349
350 At the request of the applicant, the Planning Commission deferred Case C-31C-05, Richmond
351 Land Company, to its meeting on August 11, 2005.

352
353 Mr. Silber - Next on the agenda would be items that are requested and are actually
354 on our expedited agenda. These are zoning cases that are minor in comparison to the other
355 cases. There are no issues that staff has with these requests for rezoning. The Commission
356 member from the district has no outstanding issues, so these are placed on an expedited agenda
357 so we don't necessarily have to hear the entire zoning case. If there is opposition to any of these
358 items on the expedited agenda, they would be pulled off of the agenda and heard in the order in
359 which they are found on the full agenda.

360
361 So, we have five items tonight on the expedited agenda and heard in the order in which they are
362 found on the full agenda. So, we have five items tonight on the expedited agenda.

363
364 Mr. Tyson - Mr. Chairman, the first expedited item is in the Three Chopt District, on
365 page 1 of your agenda.

366
367 **C-28C-05 Andrew Condlin for Shady Grove Co., Inc.:** Request to amend
368 proffered conditions accepted with Rezoning Case C-4C-05, on part of Parcel 738-772-9227,
369 containing 13.966 acres, located approximately 361 feet east of Pouncey Tract Road along the

370 south line of proposed Grey Oaks Park Drive approximately 660 feet south of the southern
371 terminus of Hillshire Way (and approximately 915 feet south of Perrywinkle Road). The
372 amendment would delete proffer 14 related to cash proffers. The existing zoning is RTHC
373 Residential Townhouse District (Conditional). The Land Use Plan recommends Suburban
374 Residential 1, 1.0 to 2.4 units net density per acre.

375
376 Mr. Vanarsdall - In the Three Chopt District, any opposition to this case, C-28C-05? Mr.
377 Branin.

378
379 Mr. Branin - Mr. Chairman, I move to recommend approval to the Board of
380 Supervisors Case C-28C-05, on the expedited agenda.

381
382 Mr. Archer - Second.

383
384 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
385 aye. All opposed say no. The motion passes.

386
387 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission
388 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because
389 the Board of Supervisors, at their May 10, 2005 work session, voted to indefinitely table the cash
390 proffer policy and it is consistent with the 2010 Land Use Plan Residential Policy to minimize
391 development costs.

392
393 **C-29C-05 Andrew Condlin for Shady Grove Co., Inc.:** Request to amend
394 proffered conditions accepted with Rezoning Case C-16C-03, on Parcel 738-772-1725, 7781,
395 6678, 4560, 3854, 3147, 2542, 4530, 5435, 6239, 6455, 7047, 8040, 9144, 9753, 9164, 8472,
396 5972, 5166, 0109, 0369, 0975, 1652, 4983, 2158, 2865, 3671, 4177, 5888, 6198, 7330, 1915,
397 0932, 0343, 1682, 2388, 3195, 3725, 737-772-9100, 8957, 9663, 9636, 8929, 9920, 7602, 7112,
398 6419, 5930, 6838, 7645, 8251, 737-771-7684, 5796, 738-773-4607, 739-770-0693, and part of
399 Parcel 738-772-9227 containing 120.34 acres, located on the east line of Pouncey Tract Road
400 approximately 600 feet north of Shady Grove Road. The amendment would delete proffer 17
401 related to cash proffers. The existing zoning is R-2AC One Family Residence District (Conditional)
402 and RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends
403 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

404
405 Mr. Vanarsdall - Any opposition to C-29C-05, Andrew Condlin for Shady Grove Co., Inc. in
406 the Three Chopt District? No opposition.

407
408 Mr. Branin - Mr. Chairman, I'd like to move that Case C-29C-05 be recommended to
409 the Board of Supervisors for approval, on the expedited agenda.

410
411 Mr. Archer - Second.

412
413 Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Archer. All in favor say
414 aye. All opposed say no. The ayes have it. The motion passes.

415
416 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission
417 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because
418 the Board of Supervisors, at their May 10, 2005 work session, voted to indefinitely table the cash
419 proffer policy and it is consistent with the 2010 Land Use Plan Residential Policy to minimize
420 development costs.

421

422 **C-30C-05 Andrew Condlin for West Cary Street Associates; Dominion Land &**
423 **Development Partnership; John W. Gibbs, Jr.; Gregory A. Windsor and Robert P. Bain;**
424 **Robert B. Parkerson, Sarah S. Parkerson, Floyd E. Foster, Marilou S. Foster, Allen G.**
425 **Dorin, Nancy C. Dorin:** Request to amend proffered conditions accepted with Rezoning Case C-
426 15C-03, on Parcels 740-775-9712, 740-774-4255, 739-774-4564, 740-774-1407, 740-771-4107,
427 740-773-4426, 740-772-8110 (now includes 740-771-4780) and 740-775-5801, containing 129.9
428 acres, located on the east line of Pouncey Tract Road approximately 600 feet north of Shady
429 Grove Road. The amendment would delete proffer 21 related to cash proffers. The existing
430 zoning is R-2AC One Family Residence District (Conditional). The Land Use Plan recommends
431 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.
432

433 Mr. Vanarsdall - Any opposition to this case, C-30C-05, Andrew Condlin for West Cary
434 Street Associates, in the Three Chopt District? No opposition.
435

436 Mr. Branin - Mr. Chairman, once again, I move to recommend approval to the Board
437 of Supervisors Case C-30C-05, on the expedited agenda.
438

439 Mr. Jernigan - Second.
440

441 Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in favor say
442 aye. All opposed say no. The motion passes.
443

444 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning
445 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the
446 request because the Board of Supervisors, at their May 10, 2005 work session, voted to
447 indefinitely table the cash proffer policy and it is consistent with the 2010 Land Use Plan
448 Residential Policy to minimize development costs.
449

450 **C-35-05 Chris Sims for Clarendon Associates L.L.C.:** Request to rezone from
451 RTHC Residential Townhouse District (Conditional) and R-2AC One Family Residence District
452 (Conditional) to C-1 Conservation District, part of Parcels 762-773-4696 and 764-774-3512,
453 containing approximately 6.2 acres, located on the south line of Hunton Park Boulevard and the
454 north line of I-295, approximately 240 feet east of Friars Walk Lane. The applicant proposes a
455 conservation area. The Land Use Plan recommends O/S Office Service and Environmental
456 Protection Area.
457

458 Mr. Vanarsdall - Any opposition to Case C-35-05, in the Brookland District? No opposition.
459 I recommend to the Board of Supervisors, Case C-35-05, for approval.
460

461 Mr. Branin - Second.
462

463 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Branin. All in favor say
464 aye. All opposed say no. The ayes have it.
465

466 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Branin, the Planning
467 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the
468 request because it is reasonable and it conforms to the goals, objectives, and policies of the Land
469 Use Plan to protect environmentally sensitive areas.
470

471 **C-36-05 RMA/Hunton, L.C. and WWJ, LLC:** Request to rezone from R-2AC
472 One Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 762-774-
473 3512 containing .19 acres, located on the south line of Hunton Park Boulevard approximately 935

474 feet east of the I-295 exit ramp (north on Staples Mill Road – U.S. Route 33). The applicant
475 proposes a conservation area. The Land Use Plan recommends O/S Office Service.
476
477 Mr. Vanarsdall - Is anyone in opposition to this case in the Brookland District? No
478 opposition. I move that Case C-36-05, RMA/Hunton, L.C. and WWJ, LLC, be recommended to
479 the Board of Supervisors for approval.
480
481 Mr. Branin - Second.
482
483 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Branin. All in favor
484 say aye. All opposed say no. The ayes have it. The motion passes.
485
486 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Branin, the Planning
487 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the
488 request because it is reasonable and it conforms to the goals, objectives, and policies of the Land
489 Use Plan to protect environmentally sensitive areas.
490
491 Mr. Silber - Mr. Tyson, is that all of the expedited items?
492
493 Mr. Tyson - Yes, sir.
494
495 Mr. Vanarsdall - Thank you, Mr. Tyson.
496
497 Mr. Silber - Members of the Commission, before we get into the regular agenda, if I
498 could, I wanted to introduce to you a new staff member of ours. If I could have Nathalie stand,
499 please. Nathalie Neaves is a new planner, Planner II, in our Comprehensive Planning Division.
500 Nathalie comes to us from the City of Richmond. She worked there for four years as a senior
501 planner. She has her Bachelors Degree in Architecture from Virginia Tech and she has her
502 Master's Degree in Urban and Regional Planning from VCU. She has been with us, I guess, for
503 about two or three weeks. Two weeks. So, we welcome Nathalie, and wanted to introduce you
504 to the Planning Commission. She will be presenting cases before you shortly.
505
506 Mr. Vanarsdall - And for good or for bad or for worse, she is from the Joe Bison state of
507 Connecticut.
508
509 Mr. Silber - Next on the agenda would be Case C-15C-05, on page 3 of your agenda,
510 in the Tuckahoe District.
511
512 **C-15C-05 Koontz & Bryant for Kathleen S. Shobe:** Request to rezone from R-
513 3 One Family Residence District to O-1C Office District (Conditional), Parcel 754-743-5843,
514 containing 1.02 acres, located on the south line of Jesse Senior Drive approximately 306 feet east
515 of Eastridge Road. An office building is proposed. The use will be controlled by zoning ordinance
516 regulations. The Land Use Plan recommends Office.
517
518 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? All right. Thank
519 you. There is opposition. Good evening, Mr. Coleman.
520
521 Mr. Coleman - Mr. Chairman, members of the Commission, this request would rezone
522 1.02 acres from A-1 to O-1C to construct an office building. The property is designated for Office
523 uses on the 2010 Land Use Plan, and staff believes office development, properly designed and
524 regulated, would be an appropriate use for the site. However, due to the close proximity to
525 single-family residences, staff had expressed several concerns regarding the proffers, building
526 architecture, site design, buffers, and other issues.

527 The applicant submitted several proffers to address these concerns, including proffers to
528 regulate:

- 529 • Uses
- 530 • Exterior building materials
- 531 • Underground utilities
- 532 • Hours of construction (Layout)
- 533 • A building elevation
- 534 • A conceptual site plan
- 535 • Exterior lighting
- 536 • Buffers
- 537 • BMP areas
- 538 • Signage
- 539 • And other items

540
541 In summary, staff believes an office building at this location, properly designed and regulated, would
542 be an appropriate use. With the revised proffers submitted by the applicant, staff can recommend
543 approval of this application. The proffers were received today, therefore the time limits would need
544 to be waived.

545
546 Mr. Vanarsdall - Any questions for Mr. Coleman by Commission members? All right. Ms.
547 Jones, we have some opposition, if you want to hear from the applicant.

548
549 Ms. Jones - I do.

550
551 Mr. Vanarsdall - Will the applicant come down?

552
553 Ms. Jones - Should we explain the process to him?

554
555 Mr. Silber - I certainly could do that. Yes, ma'am. The Planning Commission's policies
556 indicate that on a request for rezoning, the applicant has 10 minutes to present his or her case to
557 the Planning Commission. Some of that time can be saved as rebuttal following presentation by the
558 opposition. The opposition, likewise, has 10 minutes collectively to present their case relative to the
559 request for rezoning. Anytime that the Planning Commission is asking either party questions, that is
560 not taken away from the 10 minute allocation. You still have your full 10 minutes. So, in this
561 particular case, if the Commission wishes to extend the 10 minutes, Ms. Jones, you can do that, but
562 the policy is 10 minutes.

563
564 Mr. Bob Fitz - Good evening, Mr. Chairman, ladies and gentlemen. My name is Bob Fitz
565 and I am with Koontz-Bryant Consulting Firm. I represent the owner, Kay Shobe, the applicant for
566 this property. We have had quite a few discussions on this property with staff and Ms. Jones as
567 well, in terms of generating the appropriate proffers to address the concerns that staff and Ms.
568 Jones have called to our attention. As discussed in the report, we have addressed everything from
569 building elevations to conceptual site plan, buffering, architectural elements, lighting, colors,
570 materials, and the most important thing I think I can say is that the building is supposed to
571 represent a residential character style architecture to fit into the neighborhood, but still be an office
572 use. Other than that, I'd like to reserve the remaining time for any type of questions or rebuttal.

573
574 Mr. Vanarsdall - All right. Any questions by Commission members for Mr. Fitz? No
575 questions. You did a good job, Bob.

576
577 Come on down. State your name and tell us what you'd like for us to do.

578

579 Ms. Nichols - I am the daughter of Mr. Ernest A. Dabney who owns the property that
580 adjoins the proposed site for the building, and I am Ms. Brenda Dabney Nichols. I do not reside at
581 the site, but my father does. He has lived there all of his life and the property that adjoins his is his
582 home place. We are concerned about the increased traffic that would come about as a result of any
583 business that would take place in a residential community. These are senior citizens who live there.
584 They have lived there all of their lives and they have worked and they have retired and we feel as if
585 this is to some point an invasion of the privacy, because of the increased traffic surrounding the
586 property. There will certainly be more cars coming and going, and also it would take away secondly
587 any privacy they would have at the present time. We are concerned that cars, instead of using the
588 appropriate means of arrival and departure may decide to cut through my father's property and use
589 its driveway to come in and out of the proposed property. It is quiet. It is peaceful there at the
590 present time and they experience not a lot of problems with regards to that type of thing.
591

592 Ms. Jones - Ms. Nichols, could you tell us exactly where your father's home is?
593

594 Ms. Nichols - It is 1407 East Ridge Road and his property – he is going to bring it up.
595

596 Ms. Jones - OK. Is your father's property next to the law office?
597

598 Ms. Nichols - Yes.
599

600 Mr. Silber - It is the middle parcel.
601

602 Ms. Jones - And those are your concerns. The traffic and the lack of, the eroding of
603 the privacy that you now enjoy?
604

605 Ms. Nichols - Yes. And also, two years ago there was an incident involving someone
606 coming from the hotel over to my father's home and breaking in, and I don't know what goes on
607 and what would go on in this property, but to me it exposes the private life of citizens to businesses
608 that would now see that this is someone who lives there by themselves, and people come and go,
609 and one never knows what one's intentions may or may not be upon learning of the situation that
610 evolves around he and my aunt who lives next door, widow and widower living by themselves.
611

612 Ms. Jones - And your aunt's property is then the property that comes next to the Holly
613 Hill homes.
614

615 Ms. Nichols - Yes.
616

617 Ms. Jones - I see. All right. I think, obviously, we are very happy that you have taken
618 the time to make your concerns known. We'd like to make sure that we can address them. Did
619 your father receive notice that the rezoning was taking place?
620

621 Ms. Nichols - Yes. He is here and that is why I came.
622

623 Ms. Jones - OK. And was that from the County?
624

625 Ms. Nichols - Yes.
626

627 Ms. Jones - You got the letter from the County?
628

629 Ms. Nichols - Yes.
630

631 Ms. Jones - Have you had a chance to talk to the developer at all?

632
633 Ms. Nichols - No. That would have been considerate had that occurred.
634
635 Mr. Silber - Ms. Jones, I think to address a couple of her concerns, I believe one of
636 your points that you made dealt with access that may be coming through your property, your
637 father's property, to access the site. This site would be designed independently. It would have its
638 own parking and access and would not be designed in a fashion that would encourage or allow
639 access from your property to this property. It would have some impact on increased traffic on
640 Jesse, Sr. Drive, but I don't see that traffic coming through your property.
641
642 Ms. Nichols - But it could.
643
644 Mr. Silber - I don't know why they would do that when they have another road to get
645 there.
646
647 Ms. Nichols - It happens now, and either with the property that is on Jesse, Sr. Drive,
648 which, incidentally, was named for my great grandfather, but there is a piece of property there
649 behind the restaurant and sometimes they do short cuts. When they leave their property they come
650 down through that little road, come behind my Dad's house, and use that to exit, to go out onto
651 Ridge Road.
652
653 Mr. Silber - Yes, ma'am, but I think right now there is a driveway connection that runs
654 all the way through. This development would cut that off and they would provide a paved parking
655 area that would not continue that access.
656
657 Ms. Nichols - I see. Well, again as I said, if for some reason, communication had been
658 had between the developer and us, and we could have had a chance to sit down and discuss that.
659 Some of these issues, we may have had a chance to ask questions about to know that, but since we
660 did not have that opportunity, this was the place, obviously, that we could come and address that.
661
662 Mr. Silber - Yes, ma'am.
663
664 Ms. Jones - Yes, that is true. The lack of privacy is something that I wish I could tell
665 you that land will never be developed and will stay the way it is. Unfortunately, the folks who own
666 property do have the right to seek to develop it, and so what we are looking for is something that is
667 going to be a complement to the area, something that will be amenable to the neighborhood and
668 will develop this one-acre parcel in a very positive way. I think there are probably solutions to your
669 concerns and I think that we could address them, not perhaps easily, but certainly thoroughly. I'd
670 like to know if it is possible to discuss this at this time, or whether we should defer to the next
671 meeting. Can the developer...
672
673 Mr. Silber - I am sorry. What was your question?
674
675 Ms. Jones - Would it be appropriate at this time to take five minutes and have perhaps
676 our staff member discuss this with her?
677
678 Mr. Silber - That would be fine. You could pass this case by and they could go out into
679 the lobby and discuss this, and we can pick this up later in the meeting.
680
681 Ms. Jones - Just to show you what is planned, and then at that point if you'd like
682 further discussion of it, perhaps we could go ahead and defer this to the next month. Would you be
683 willing to take a look at this? Have you seen a site plan at all?
684

685 Ms. Nichols - No. We haven't seen anything.
686
687 Mr. Silber - Ms. Jones, why don't we just pass this by and we will pick it up in a few
688 minutes or later in the meeting, or we can do it at the end of the meeting if you wish.
689
690 Ms. Jones - If you wouldn't mind doing that, I'd appreciate it. We will see you in a few
691 minutes.
692
693 Ms. Nichols - I just want to say that my time is limited because I am a grandmother, and
694 my grandchildren are with me and I have to go back and pick them up from Vacation Bible School,
695 so my whole night is just not free to stay indefinitely.
696
697 Mr. Vanarsdall - Ms. Jones, you can excuse yourself if you like, and go ahead and help her.
698
699 Ms. Jones - I'd like to do that. Thank you.
700
701 Mr. Archer - Mr. Chairman, it might be good, also, to let Ms. Nichols know that the next
702 stage in this process, is, if this case is passed by this Commission and then the Board of Supervisors,
703 there is a development plan that has to be submitted for approval, also, that will show the layout in
704 its entirety, so even if it is passed, you still get another opportunity to look at it before it is finalized.
705
706 Ms. Nichols - All right. Thank you.
707
708 Mr. Archer - That will show the streets, roads, planting, everything.
709
710 Ms. Nichols - Sure. Thank you.
711
712 Mr. Vanarsdall - All right. Thank you.
713
714 **AT THIS TIME MS. JONES LEFT THE MEETING TO DISCUSS CASE WITH DEVELOPER AND**
715 **CITIZEN.**
716
717 **C-32C-05 Courtney Fisher for Centex Homes and Fon-Saw, L.L.C.:** Request to
718 amend proffered conditions accepted with Rezoning Case C-67C-97, on Parcels 820-687-3114, 3618,
719 4127, 4536, 5044, 5317, 5553, 5962, 6113, 6436, 6470, 6979, 7111, 7131, 7248, 7388, 7799, 7908,
720 8030, 8166, 8344, 8977, 9104, 9130, 9162, 9441, 9797, 820-688-8408, 9314, 9724, 821-687-0310,
721 0464, 0489, 0525, 1340, 1450, 1575, 3081, 3237, 3296, 4560, 5075, 5383, 5690, 5898, 5953, 7356,
722 7766, 7875, 8083, 8390, 8598, 9364, 821-688-0232, 0939, 1114, 1544, 2206, 2544, 2713, 3318,
723 3445, 4324, 5041, 6105, 6413, 6720, 7326, 8805, 9113, 9430, 822-687-2896, 822-688-0228, 0501,
724 0709, 1126, 1924, 2822, 3003, 3620, 4519, 5317, 6215, 7013, 7912, 8809, and 823-687-0682
725 containing 88.955 acres, located along Heather Ridge Drive approximately 2,379 feet north of New
726 Market Road (State Route 5) on the west line of I-295. The amendment is to delete Proffer 11
727 related to the buffer along I-295. The existing zoning is R-2AC One Family Residence District
728 (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
729 per acre, Office Service and Environmental Protection Area.
730
731 Mr. Silber - This is in the Varina District.
732
733 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, Case C-32C-05, in the
734 Varina District? All right. Mr. Coleman.

735 Mr. Coleman - Thank you, Mr. Chairman, members of the Commission.

736 The subject property was rezoned R-2AC in 1998 with Case C-67C-97 and has been tentatively
737 approved as a future section of Four Mile Run subdivision. This request would amend Proffer
738 #11 which requires a 35' buffer plus provisions to preserve trees within the buffer area on lots
739 contiguous to Interstate 295.

740
741 The Department of Public Utilities is currently coordinating infrastructure improvement projects
742 that include an existing sanitary sewer line located within the proffered 35' buffer area. Due to
743 the sewer line, construction activities, and future maintenance requirements, it is not possible to
744 preserve the trees within the buffer area as required by Proffer #11.

745 Since it is not possible to preserve the trees, staff supports providing relief from this requirement
746 but recommends retaining provisions requiring the 35' buffer area in addition to required
747 setbacks. This would require rear yards along I-295 to be a minimum of 80 in depth, thereby
748 assuring some useable rear yard area for future homeowners for garages, sheds, fences, etc.,
749 and staff can recommend approval of this request.

750 That concludes my presentation.

751
752 The time limits would need to be waived.

753
754 Mr. Vanarsdall - Any questions for Mr. Coleman? All right.

755
756 Mr. Nelson - Mr. Chairman, members of the Planning Commission, my name is Bob
757 Nelson and I am substituting for Courtney Fisher tonight and I am representing Centex Homes
758 and Fon-Saw, L.L.C. I just would respectfully request that you follow the staff's recommendation
759 and recommend this request for approval.

760
761 Mr. Jernigan - That was short. Thank you.

762
763 Mr. Nelson - Thank you.

764
765 Mr. Vanarsdall - That is the shortest presentation...

766
767 Mr. Jernigan - That you ever had, isn't it? Mr. Chairman, this is more or less a
768 housekeeping issue. When the proffers originally came through on this case, naturally you try to
769 keep all of the wooded buffer, but being that public utilities is using this area, we don't want to
770 have any tree roots growing down into these lines, so with that I will move for approval of Case
771 C-32C-05, to be sent to the Board of Supervisors for their approval.

772
773 Mr. Archer - Second, Mr. Chairman.

774
775 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
776 say aye. All opposed say no. The ayes have it. The motion passes.

777
778 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning
779 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant
780 the request because the proposed amendment change does not greatly reduce the original intended
781 purpose of the proffers nor is it expected to adversely impact surrounding land uses in the area.

782
783 **C-34C-05 Andrew Condlin for Kindred Healthcare:** Request to conditionally
784 rezone from B-2 Business District and M-2 General Industrial District to O-3C Office District
785 (Conditional), Parcel 775-740-2527, containing 5.09 acres, located between the east line of

786 Staples Mill Road (U. S. Route 33) and the west line of Edward Holland Drive approximately 270
 787 feet south of Bethlehem Road. The applicant proposes a long-term acute care hospital. The use
 788 will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
 789 recommends Heavy Industry. The B-2 portion of the property is in the Enterprise Zone.

790
 791 Mr. Silber - This is in the Brookland District.

792
 793 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-34C-05, Kindred
 794 Healthcare? No opposition.

795
 796 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary,
 797 this is a request to rezone approximately five acres of property from M-2, Heavy Industry and B-
 798 2, Business to O-3C, Office to permit the operation of a long-term acute care hospital, on
 799 property located at 2220 Edward Holland Drive. This is the site of a former Trigon/Blue Cross,
 800 three-story office building.

801
 802 The Land Use Plan recommends Heavy Industry for this site. The proposed project is not
 803 supported by this designation; however, the proposed use may be more in keeping with the
 804 surrounding land uses than a heavy industrial use would be.

805
 806 The property is surrounded by the following uses:

807

	ZONING	USE
NORTH	M-1, Light Industrial	Warehouse- Owens and Minor
	B-2, Business	Retail – American Power (vacant)
SOUTH	M-2, General Industrial	Office and Printing
	B-2, Business	Office – Holland Business Center
EAST	M-2, General Industrial	Office – Trigon #2
WEST	B-2C, Business (Conditional)	Former Suburban Apts.

808
 809 The applicant is proposing to operate an acute care hospital with up to 92 beds. The use would
 810 create 162 new full-time equivalent jobs. The patients at the hospital would be ventilator
 811 dependent or in need of acute care that cannot be provided at general hospitals in the area. The
 812 facility would be unique in Central VA.

813
 814 The applicant has proffered that patients needing OB/GYN care, emergency room services,
 815 pediatric, psychiatric, or alcohol and substance abuse treatment as their primary care would not
 816 be permitted at the hospital, nor would prisoners or sex offenders.

817
 818 Staff believes that the proposed use is appropriate for the site. The use would provide a needed
 819 service to the community, would generate employment opportunities, and would have minimal
 820 impact on surrounding areas.

821
 822 I would be more than happy to answer any questions the Commission might have.

823
 824 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members? Thank you, Mr.
 825 Tyson. I'd like to hear from Mr. Conklin. Normally I wouldn't need to hear from you, but I think
 826 this is the first and only one in the entire Richmond area, I'd like for you to explain that.

827

828 Mr. Condlin - Mr. Chairman and members of the Commission, Andy Condlin from
829 Williams Mullen. We are very pleased to present this case to you, which has two benefits, one is
830 taking a pretty large building that is currently vacant and bringing a use into it that is quite
831 frankly very important to this region, with the closest long-term acute care hospital approximately
832 90 miles away. This hospital will serve not as a replacement of an existing hospital services in
833 Henrico and the surrounding region, but, in fact, will provide for a long-term care for patients
834 who otherwise would have to stay at the hospital on a ventilator or things of that nature, and
835 they can come to this for long-term care, care that exceeds 25 plus days. So, that is where they
836 wouldn't be typically served through an emergency or a typical hospital. This will actually
837 supplement existing hospital services and free up beds for those that actually need them. We
838 are hopeful and we are quite excited. We have to go through this public need process, which is
839 still ongoing to the State, which is required by our proffers, and, of course, we hope to receive
840 the application while there and go to the Board of Supervisors and get approval for the zoning
841 and open up soon. With that, I will be happy to answer any questions that you have.

842
843 Mr. Vanarsdall - Any questions of Mr. Condlin?

844
845 Mr. Condlin - I wasn't as short as Mr. Nelson, but I tried to keep it down. I know you
846 have a long agenda.

847
848 Mr. Vanarsdall - Very good. I just want to say that this is the first of this type hospital in
849 the Richmond Metropolitan area. They have them in most of the states and I don't believe West
850 Virginia has one yet, does it John? And Virginia does not have any. There is very much a need
851 for this. People come here, as he said, after they are in the hospital, and they stay right up to 25
852 days or maybe more and then they go on. They have proffered that it won't have but 92 beds,
853 and as Mr. Condlin mentioned, there are a lot of prohibited uses on here. There are no
854 emergency services, so there will be no siren and noise, and at the hospital they have proffered
855 out sex offenders and a lot of other things, and it seems to be the best use of this property, and
856 it used to be an office building for Blue-Cross Blue-Shield, and it will have far less traffic than the
857 office building would have. I think it is going to be a good neighbor. With that, I will
858 recommend approval of C-34C-05 to the Board of Supervisors.

859
860 Mr. Jernigan - Second.

861
862 Mr. Vanarsdall - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say
863 aye. All opposed say no. The motion passes.

864
865 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning
866 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the
867 request because it is reasonable, it would provide for appropriate infill development, the
868 proffered conditions will assure a quality of development not otherwise possible, and the
869 employment use supports the County's economic development policies.

870
871 Mr. Jernigan - Mr. Chairman, before we go any further, I needed to waive the time
872 limits on Case C-32C-05. Staff said that and I wrote it down, but forgot it.

873
874 Mr. Silber - This is Case C-32C-05.

875
876 Mr. Jernigan - With that I move to waive the time limits per the proffers on Case C-
877 32C-05.

878
879 Mr. Archer - Second.

880

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

883
884 Mr. Silber - Ms. Jones, do you want to bring the other case back up or are they still
885 discussing it?

886
887 Ms. Jones - Not at the moment, if you don't mind.

888
889 Mr. Silber - That is fine.

890
891 **C-37C-05 Henry L. Wilton for Wilton Development Corp.:** Request to
892 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
893 (Conditional), Parcels 775-770-7996, 777-773-0724, 776-771-1032, 776-771-2769 and part of
894 Parcels 777-771-7377, 778-772-1405 and 775-772-3794, containing 112.30 acres, located on the
895 northeast side of Greenwood Road beginning approximately 325 feet northwest of Quail Walk
896 Drive to the west line of Winfrey Road. The applicant proposes an age restricted residential
897 development. The R-6 District allows a maximum multi-family density of 19.8 units per acre, and
898 a maximum townhouse density of 12 units per acre. The Land Use Plan recommends Suburban
899 Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

900
901 Mr. Silber - This is in the Brookland District.

902
903 Mr. Vanarsdall - Any opposition to this case in the Brookland District? Thank you. Mr.
904 Tyson again.

905
906 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary.
907 This is a request to rezone approximately 112 acres of property from A-1, Agricultural to R-6C,
908 General Residence Conditional, to permit construction of a gated, age-restricted condominium
909 community.

910
911 The Land Use Plan recommends SR-1, One Family Residence, with a density of 1.0 – 2.4 units
per acre, and EPA, Environmental Protection Area for this site.

912
913
914 The property is surrounded by the following uses:

915
916 To the north is A-1, Agricultural property and the Chickahominy River, to the South the property
917 is zoned A-1, R-2, R-2AC, R-3C. They are large lot single-family residences adjacent to the
918 property and adjacent to Quail Walk and Forest Trace Subdivisions.

919
920 To the East is A-1, Agriculturally zoned property, again consisting of large lot residential uses,
921 and to the West the property is A-1, Agricultural, the former borrow pit for construction of I-295.

922
923 According to this un-proffered concept plan, the applicant is proposing to construct up to 361
924 units. The units would be owned in condominium, and would consist of detached "cottage"
925 units, attached two-unit buildings, townhouse-style units, and multi-family style units. There
926 would also be 1.7 acres of active recreation space, consisting of a clubhouse with pool and
927 related facilities, passive recreation space along the river, and 25.5 acres of other open space. A
928 5.5 acre "tree save area" is also proposed along the western property line.

929
930 The applicant has proffered a number of quality assurance measures for the property. These
931 include:

- 932
933
 - A minimum finished floor area of 1100 square feet.

- 934 • 4' sidewalks along one side of all interior streets
- 935 • Sodding of all yards
- 936 • 40' between the front and rear of all units
- 937 • 30' roads with 3' planting strips
- 938 • A 6' white, vinyl fence surrounding the entire property except along the River, through
- 939 wetlands and any approved emergency entrances
- 940 • STC ratings of 55 between units
- 941 • A prohibition on child care centers and apartments

942
943 The applicant has also proffered an entrance feature substantially similar to the one shown here
944 (referring to exhibit). The community is to be gated; however, the gate will need to be approved
945 through a Provisional Use Permit approved by the Board of Supervisors at a later date. The
946 applicant has also proffered that no access will be provided via either Bent Pine or Ryall Road.

947
948 Other proffers address such items as hours of trash service, underground utilities, chimneys,
949 parking areas for recreational vehicles, lighting, and off-street parking.

950
951 The applicant has provided many assurances of a high quality development. The proposed use
952 may be an appropriate alternative to the 2010 Land Use Plan recommendations, particularly in
953 light of the age-restricted nature of the project and the open space provided on-site. That
954 concludes my presentation and I will be happy to try and answer any questions you may have.

955
956 Mr. Vanarsdall - Any questions for Mr. Tyson? All right. Thank you, Mr. Tyson. We have
957 opposition, so we will hear from the applicant.

958
959 Mr. Silber - Would you like to save some time for rebuttal?

960
961 Ms. Verna - Yes. My presentation is very short, so I would like to save time for
962 rebuttal. This isn't going to take 10 minutes.

963
964 Planning Commission, Chairman, Mr. Kaechele, my name is Sandra Verna and I am here with
965 Henry Wilton representing Wilton Development. What we are proposing tonight is an age-
966 restricted community with high-quality residential housing of different types, styles and sizes,
967 including cottages, condominiums and town homes. This will be a gated community surrounded
968 by a white vinyl fence. One of the most significant features of this request is the retention of 5.5
969 acres of natural forest along the western property line, 125 feet in width. In addition, we have
970 proffered no access to Bent Pine or Ryall Road. The community will have a full range of active
971 and passive recreational amenities, including a clubhouse with an indoor pool. This request is an
972 alternative to the typical single-family residential development in the area providing less impact
973 on roads and schools. We have worked closely with the Commissioner and staff to address their
974 concerns. We have also attended a large neighborhood meeting of the residents in the area to
975 listen to their comments and concerns. Based on the quality assurances represented in the
976 proffered conditions, the reduced impact on traffic and schools, and the alternative life style that
977 this would bring to the existing residents in the community, I respectfully request approval of this
978 rezoning application. Myself or Mr. Wilton will be happy to answer any questions. I have handed
979 out proffered conditions to the residents who are here tonight, and if anybody didn't get a copy,
980 I'd be happy to give them a copy, and we would also be happy to have a meeting between now
981 and the Board if this should go to the Board of Supervisors, to address their concerns. Any
982 questions?

983
984 Mr. Vanarsdall - Any questions for Ms. Verna from Commission members? Ms. Verna, I
985 have one. You don't have the renderings here tonight, but we had them at the community

986 meeting. We must have had 10. Are you going to proffer those between now and the Board
987 meeting?
988
989 Ms. Verna - Yes.
990
991 Mr. Vanarsdall - OK. Thank you.
992
993 Ms. Verna - We are still working on it.
994
995 Mr. Vanarsdall - All right. Thank you. Now we will hear from the opposition. I'd like for
996 the opposition to come down and state your name very slowly, and spell it, so we will know who
997 you are. And also, I'd like to know, we have 10 minutes as Mr. Silber has explained, and we'd
998 like to know if you are going to have more than one speaker, or two or three speakers.
999
1000 Mr. Stephen
1001 R. Cutright I am sure there will be more than one. I will try to be brief. My name is
1002 Stephen R. Cutright. I live at 11101 Greenwood Road, which abuts this property, because they
1003 are planning to build a pond right beside the fire road, I guess, they are planning to put in,
1004 beside it through the woods. I am in opposition to this plan in part. One, this land, it doesn't
1005 conform to the Comprehensive Plan. Most of the property around here is zoned R-2. This would
1006 create a much higher density. Also, I think there is some information you need to know about
1007 this land. This is flat open land, Mr. Harris' property. It used to be a horse track. That is what it
1008 was used for. There are two ponds on it and there is also the Chickahominy River, which backs
1009 up to it. So you are talking about 112 acres, but you are really not talking about 112 acres that
1010 you can build on. I will tell you this. There will be some drainage problems on this property
1011 from the pit that was dug beside it where two million or so pounds of dirt was taken out to build
1012 295. They built a flood wall back there and they put the pipe underneath, and they are flooding
1013 the water across the property onto Mr. Harris' property. I discussed this at the meeting and
1014 brought it to the attention of the representative, Mr. Wilton, or at least I attempted to, so there
1015 are going to be some problems with that, I think, but this simply does not match the
1016 neighborhood that surrounds it. The neighborhoods that surround it are R-2, Quail Walk, and
1017 the other neighborhoods are built on R-2. Our house is actually built on two acres. The houses
1018 that abut the back of this project are built on two acres plus most of them are on Bent Pine Road
1019 or at least a half acre. Most of them are over an acre, so simply putting this many units on what
1020 will ultimately, I believe, end up being about 70 acres. They even proffered just a minute ago
1021 that 25 acres isn't going to be used, and there is a reason for that. You can't use it because of
1022 wetlands, because of where the ponds are located and because of some of the drainage
1023 problems, and I think when they do the Environmental Impact Study you will find more
1024 problems. But if you put 360 homes on 70 acres, it isn't going to work. That is too much traffic,
1025 even if it is a senior community, I understand there is less traffic. That is fine. But I know plenty
1026 of 55 year old people who still work. Some of you gentlemen look like you are older than 55 and
1027 are still working, and will probably work many more years. Also, if you are a professional, a 55-
1028 year old person, chances are you've got kids because you had them later in life. So, just because
1029 it is a senior neighborhood doesn't necessarily mean that the traffic is going to go down that
1030 much, so I think the traffic issue is a problem coming out onto Greenwood Road, plus there are
1031 going to be future projects built along Greenwood Road. You have already got one planned here
1032 tonight, and where you are talking about this project is going to back up to Winfrey Road, the
1033 Schermerhorn property is ultimately going to be developed, and I know that there are several
1034 hundred acres in there. Also, I will finish up and be very brief and let the rest if these people say
1035 what they want to say. There are no townhouses on Greenwood Road. If you were to go from
1036 Old Washington Highway down to Woodman Road, there are not 360 units on the whole road.
1037 This will double the size of the number of units on the road itself. So, I think that would have a
1038 drastic impact, and it doesn't set with what has already been built out there. It doesn't fit with

1039 Quail Walk or Forest Trace, which is R-2, so I think that the density level is too high. The adult
1040 community concept, I think it is a great idea. It does keep down the traffic, but when you put
1041 300 units on it, and you put townhouse units and duplex housing units on it, what you are going
1042 to have is a cluster back there on 70 acres of land of 360 units. So, the density level does not
1043 match out there with what surrounds it, and it doesn't match the neighborhood which is out
1044 there, which is residential. So, that is why I am opposed to this plan. Thank you very much.

1045
1046 Mr. Vanarsdall - One thing I will say and they will answer it in rebuttal, but if they do run
1047 into the wetlands and the property they can't use, then they don't go forward with it, but they
1048 can't go on there and do anything without having permission and having it rezoned first.

1049
1050 Mr. Cutright - I understand that, but I want you all aware of what, because what
1051 typically happens is, none of you all have ever been out there and seen the property or anything
1052 else. I have lived there for 35 years. I can tell you everything about that property.

1053
1054 Mr. Vanarsdall - I have seen the property. I just have not walked it, but I am sure
1055 somebody at Wilton has.

1056
1057 Mr. Cutright - I apologize for interrupting, sir, but I told the Wilton people this problem,
1058 originally when this plan was drawn up. This was drawn up as residential and they thought they
1059 were going to build 480 homes back there on the Duval property, when they realized they
1060 couldn't do that after I told them, that that has never been filled back in. That is what is going
1061 to be considered to be donated to be a park, and now one of the problems we have had out on
1062 Greenwood Road is when they built Quail Walk and they built Forest Trace, you built them on
1063 swamp. And the water floods back into those lands, and we have a huge mosquito problem out
1064 there. You did the same thing when you built the school. If you go around the school, it looks
1065 like a castle with a moat around it. We don't want the same thing to happen behind us when
1066 you start knocking down trees and start digging up, and you are going to have to dig up that
1067 race track. That is a sand race track and it is going to have to be dug up to be built upon. And
1068 right in the middle of that race track is a pond, right there. There are at least six rivers that flow
1069 into that pond, and all the years that I have lived there that pond has never gone dry with all of
1070 the droughts we have had.

1071
1072 From the back end of that other property, there is a huge pond back there, and unless they are
1073 planning to take that out, there is no way they are going to be able to build around that, plus
1074 you've got the Chickahominy River that backs up right into it, so, again, as I say, you are not
1075 talking about building on a 112 acres likes this makes it indicate you are going to build on. You
1076 are end up being able to build on maybe 60 or 70 acres, maybe 80 if they are lucky. They have
1077 already said they are not going to build on 20. They have already indicated that, but I think it
1078 will be much smaller than that, and I will just end with this note. There are no townhouses out
1079 there. There are no duplexes out there. I see no need to change this into a community where
1080 we have a bunch of high-density duplexes and townhouses. If they want to put these cottage
1081 concepts out here for retirement homes, I see no problem with that. Build it as a cottage.
1082 People don't want to cut the grass. They want to retire. Let's let the association pay for it, as
1083 there is no point in putting 19.8 density on one acre of land. It doesn't match what is out there
1084 now. The highest density out there right now is R-2, and we have got a lot more development
1085 coming, and if you allow this type of density, development on this property, as I said, if we go
1086 down Greenwood Road, we are going to be back in here with the rest of these developers on at
1087 least 400 or 500 more acres farther down the road there they'll ask for the exact same thing. So,
1088 that is why I oppose it. Thank you for you all's time.

1089
1090 Mr. Vanarsdall - Thank you for your time. All right. Who would like to be next?
1091

1092 Mr. Lewis - Hello. My name is Joseph Lewis. We received this letter about
1093 conditional rezoning of this property. We oppose the multiple housing units, because then you
1094 have the parking lots. You have drainage problems along the Chickahominy River, and the pitch
1095 of the land goes back to the Chickahominy, however, residential, the Land Use Plan recommends
1096 suburban residential. I am not exactly opposed to that because it will keep my property value
1097 up. I believe if you go to multiple housing, it will reduce property values in that area. It will also
1098 give less restriction to what you can do along the Chickahominy River. If it is one-acre or
1099 quarter-acre lots for residential, the land can absorb the drainage problems, the rain that we may
1100 have and it would be less of an open space and more of a land space. Also, you have to
1101 consider traffic. Greenwood Road is just two lanes. We just put a new school on the corner.
1102 We've got children going to that school and I feel like there is going to be a middle school and a
1103 high school to go in this area, too. So, Henrico County has to consider traffic problems in these
1104 areas, and with multiple housing, even if you have several inward roads to the place, you are
1105 going to have parking lots. You are going to have asphalt. You are going to have sewerage
1106 drainage, runoff. With a subdivision you can plan your roads a little bit better. There is less
1107 asphalt, but Greenwood Road has to be a four-lane road if you do that through this section. At
1108 least from Woodman all the way to Hunton Store and maybe from Woodman all the way to
1109 Mountain Road, in both directions. It will, because of the amount of traffic that is on that road. I
1110 travel it everyday. Sometimes I have to wait almost seven or eight minutes just to make a left-
1111 hand turn off of Woodman Road onto Greenwood at 5:00 in the afternoon. They need a traffic
1112 light there. There are four lanes coming into that road, into a two-lane road, and you're talking
1113 about putting multiple housing units. Well, I feel that there are going to be too many restrictions
1114 on that, but I am not opposed to the residential, suburban residential. I am not opposed to that.
1115 It is less restrictions. It is more open. The traffic problems aren't quite as bad. You have maybe
1116 three cars per home, so it is going to be less on the County, less on us, our property values will
1117 stay up, and anything around there, like this gentleman said is R-2. It is all residential. We have
1118 no apartments and no condominiums on Greenwood Road, so please consider it.

1119
1120 Mr. Vanarsdall - Thank you. Who will be next? Come on down.

1121
1122 Ms. Southall - Hello. I am Debra Southall. I live at 3000 Quail Walk Drive, which is
1123 just not too far from where this proposed development is. After reading tonight's proffers and
1124 attending a previous meeting that Dick Glover held for this, I do have several questions. The
1125 word townhouses was never mentioned at that meeting. We were originally told that these
1126 would be all duplexes or cottage-type homes. Everything would be single-story. No two-story
1127 buildings at all. So that is a change from the original meeting of information. There are several
1128 other things in the proffers that have not been addressed as far as the curbing and outside
1129 sidewalks, that the County requires now, I believe, for a subdivision. Of course, the traffic is
1130 going to be an issue. When we get heavy rains, Greenwood Road floods. People's ditches on
1131 Greenwood Road are to the brim with water because of the wetlands we have. We just spent a
1132 lot of time and money putting drainage in our yard, so I would recommend that the proffers be
1133 changed to not include the word townhouses, and that it maintain single-story duplexes. We
1134 were also told by Mr. Glover that the developer was going to donate 70 acres to the County for
1135 development of the park. When I did talk to Mr. Tyson about that, he told me that the County
1136 was not going to develop that, that it would be up to the developer. So, I see no mention of that
1137 in the proffers whatsoever, and also part of that was the developer was going to donate money
1138 after X amount of houses were to be built for the extension of Woodman Road and make that the
1139 primary entrance of Woodman Road and not Greenwood Road, and to change that. So, those
1140 are my main concerns. I am not against the whole development as far as what they have initially
1141 suggested, but now that I have seen some different changes that we weren't told originally, I
1142 have some more concerns and I think they need to address their proffers.

1143
1144 Mr. Vanarsdall - All right. Thank you.

1145
1146 Mr. Jernigan - Ms. Southall, let me ask you. You were at the neighborhood meeting
1147 and they had elevations of the units?
1148
1149 Ms. Southall - Yes, they did. And I think only one floor plan had a second story, but
1150 everything was going to be a first floor master suite with an attached two-car garage. There was
1151 nothing depicting a townhouse-type situation at all. And I agree. There are no townhouses. I
1152 moved from a townhouse, and I certainly don't want a townhouse across from my subdivision.
1153 My other concern is going to be the traffic and the maintenance of Greenwood Road. When we
1154 have dump trucks going up and down that road, it is going to have pot holes the size of kingdom
1155 come, and also with the elementary school right there, they are going to plan to not have any
1156 of the construction going on while the kids are being taken to and from school to school buses,
1157 because like everyone mentioned, you can take quite a bit of time to turn off Woodman into
1158 Greenwood in the evening. That traffic flows quite heavy and I know eventually Greenwood
1159 Road will probably be a four-lane road, because there is going to be more development out
1160 there, but all those things need to be addressed if this is going to be the first subdivision you
1161 come to off of the intersection.
1162
1163 Mr. Vanarsdall - All right. Thank you.
1164
1165 Mr. Jernigan - Thank you.
1166
1167 Mr. Vanarsdall - I might have time for one more. That's all, because...
1168
1169 Mr. Jernigan - Mr. Chairman, Mr. Lewis would like to say something else.
1170
1171 Mr. Lewis - One more quick thing. I opposed Wilton's recommendation for this, but
1172 I am not against a residential development in that area.
1173
1174 Mr. Vanarsdall - We understand. Thank you. We are out of time. So we will hear back
1175 from the applicant to answer some of the questions, and all of the questions.
1176
1177 Mr. Henry Wilton - For the record, my name is Henry Wilton and I am here to hopefully
1178 answer some of the questions. We have been working with the community for quite some time
1179 again with the staff and also with you on it, too. What we basically, we have used Crossridge as
1180 a model, again, an age-restricted community. We have got some of the things we have done
1181 just to give you a little history. You can see the light green that wraps around the development.
1182 That is all cottages, so basically what we have done is we have put single-family against single-
1183 family.
1184
1185 The lady was just saying, again, that townhouses weren't shown at the last meeting. I believe
1186 we did have townhouses between now and the Planning Commission, between now and the
1187 Board of Supervisors, we will actually have proffered renderings and elevations of the homes and
1188 we are finalizing that right now. It also seems apparent that we will need another meeting, a
1189 general meeting, to go over all of the proffers and the elevations between the Planning
1190 Commission and the Board of Supervisors' meeting, and we will call, again, a general meeting to
1191 go through all the proffers and address any additional concerns that aren't addressed tonight,
1192 and in regard to what the lady said, there are proffered conditions in regard to sidewalks. Mr.
1193 Cutright, I believe, said something about children. There are no children allowed here unless
1194 they are over the age of 19. Again, the same proffer that we had that Crossridge had. So, there
1195 are not a lot of children.
1196

1197 The traffic pattern is generated by these people again. They are leaving at different times of the
1198 day. Most of these people are, they come in here because they are retired or maybe they are
1199 working part time, and, again, it is an age-restricted community. The suburban residential
1200 district, I think, allows a density up to 2.4 units to the acre. I think it is one to 2.4, and
1201 everybody is talking about ¼ acre lots. Well, ¼ acre lots would basically give you a density of
1202 about four units per acre. What we have here is a density of about four units to the acre, but we
1203 have got, obviously, green area. We have got cottages. We have got townhouses, and we've
1204 got some multi-families to give different people different price points as far as what they can
1205 afford when they go ahead and retire. We think that is a good thing to have.
1206

1207 We are working with the County on the Woodman Road Extension and hopefully we can help
1208 with that, but we have not come to any type of agreement.
1209

1210 Again, what I would like to suggest is that we plan for again another public meeting with them,
1211 all of the interested people, go over the proffers and, again, between now and the Board of
1212 Supervisors meeting, if that would be all right. Other than that, if you have any questions, I will
1213 be happy to answer them.
1214

1215 We have done an analysis of the wetlands. We know we are going to leave, if you can see some
1216 of the green areas where again we are not going to get into the wetlands area, we are going to
1217 use the ponds as amenities and, again, we are not going to touch those during the development
1218 process. So, again, if I can answer any questions, I will be happy to.
1219

1220 Mr. Vanarsdall - Any questions for Mr. Wilton? I do thank you for volunteering to have
1221 another meeting with the people who are here and the other people who came to it. We must
1222 have had 50, 60 or 70 people at the other community meeting.
1223

1224 Mr. Wilton - Well, obviously we missed a couple, so I will be happy to have another.
1225

1226 Mr. Vanarsdall - I appreciate it. Thank you.
1227

1228 Mr. Archer - Mr. Wilton, did you say that they, the light green area in this picture
1229 represents cottages that would about the single-family residences.
1230

1231 Mr. Wilton - Yes, sir. What we did is we did the single-family cottage. They are
1232 anywhere from 1700 to 2400 or 2300 sq. ft. Again, depending on whether you want one floor or
1233 two floors, but again, actually it is a floor and a half, and I think those renderings were at the
1234 meeting.
1235

1236 Mr. Vanarsdall - Mr. Archer, over here where it shows the map, there is a block and it
1237 gives the cottages, the townhouses, etc.
1238

1239 Mr. Wilton- What we planned again, either a townhouse or multi-family, would be in
1240 the interior or against the buffered area, so again, we tried to put single-family against single-
1241 family. The denser uses would be on the inside of the community.
1242

1243 Mr. Vanarsdall - Thank you, Mr. Wilton. With that, I will start by thanking everyone who
1244 did come and spoke and those who came and didn't speak. I will start out by saying that there
1245 are two sides to this. The people who live around it are concerned about some things, and some
1246 of you, if it were built, might want to live within it. So, one of the plusses of this case is, as has
1247 been said, is it is age restricted. It is very true that somebody over 55 can work, and I hope they
1248 can work over 85, but what that means is that you won't have as many people out in the traffic
1249 as you would if it were not age restricted. Most of the time, that doesn't say that somebody 55

1250 is not going to get into this pattern, but most of the time they go to work or go out, leave the
1251 place they live later. They don't get into the 8:00 traffic. That is a plus. Now, if it were single-
1252 family homes that some of you mentioned, it is 10 trips a day for one single house. With the age
1253 restricted and what is proposed here, it is three to five trips a day. I believe Mr. Foster can verify
1254 that. He is in the audience if you need that. So, there is definitely no impact on the schools. In
1255 fact, the school system gave us a breakdown of how many students it would be if it were not age
1256 restricted, and then they said that if it is age restricted, no one under 19 can live there. Then it
1257 wouldn't have any impact whatsoever. I understand where you are coming from and I
1258 understand how you would feel. Now, one of the big plusses to it is that we are not going to
1259 open Bent Pine Road or the other road, so there will be no traffic coming through the
1260 subdivisions out of there now. And that is a proffer on the case here, and there are a lot of good
1261 things on here that I will just mention a few of them: open space along the Chickahominy River.
1262 They are going to have an emergency exit that won't be used except for fire trucks, ambulances
1263 and so forth. Parking: each unit will have 2.25 parking and each unit will have a two-car
1264 garage. Well, that may not mean much to many people, but most one-car garages, I shouldn't
1265 make this statement like I really know, but many, many one-car garages turn out to be one-car
1266 workshops, and the two-car garages are much more popular and much more attractive. There
1267 are a lot of things in here. They are going to have sidewalks and it is going to be built to high
1268 quality, very high quality. Now, I don't understand why, the No. 1 thing that we always are
1269 faced with is traffic, and, unfortunately, it is not much we can do about it, so we feel like with
1270 this unit that is proposed there is much less traffic, and so, with that, and I want you all to
1271 understand that Mr. Wilton has volunteered to have another community meeting as we had
1272 before the other night, and have everybody together, go over the proffers again, and then you
1273 will have another meeting before the Board of Supervisors. Mr. Tyson, would you like to say
1274 something?
1275

1276 Mr. Tyson - Mr. Chairman, if you are going to move to recommend approval, you will
1277 need to waive the time limits on the proffers.
1278

1279 Mr. Vanarsdall - OK, thank you. One of the things that is proffered out on this case,
1280 which means it can't be there, are two things, a child care center and apartments. The one that
1281 you see in a lot of places is apartments and there won't be any of that. It won't be any of that
1282 and the only way it will ever happen is come back through here and through the Board, so I am
1283 going to waive the time limits on this Case C-37C-05.
1284

1285 Citizen - Did you ask yet for a rebuttal?

1286 Mr. Vanarsdall - Do I have a second? We are in the middle of a motion.

1287 Mr. Jernigan - Second.

1288
1289
1290
1291 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
1292 favor say aye. All opposed say no. The ayes have it. The motion is passed.
1293

1294 I didn't hear your question.
1295

1296 Citizen - Are you going to ask for rebuttal? Mr. Wilton got a chance to a rebuttal.

1297
1298 Mr. Vanarsdall - No, sir. You don't get a chance for a rebuttal. You get a chance at the
1299 Board meeting for a rebuttal.
1300

1301 So, I move that Case C-37C-05 be recommended to the Board of Supervisors for approval.
1302

1303 Mr. Archer - Second.
1304
1305 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
1306 say aye. All opposed say no. The motion passes.
1307
1308 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning
1309 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the
1310 request because it would not adversely affect the adjoining area if properly developed as
1311 proposed, and the proffered conditions will provide appropriate quality.
1312
1313 Mr. Silber - If you'd like to go back to the previous case, OK. The previous case that
1314 we passed by was C-15C-05. This is a request to rezone property on Jesse, Sr. Drive to Office
1315 District, O-1C.
1316
1317 Mr. Vanarsdall - If you all want to talk, I would appreciate your going out in the lobby.
1318 We have another case to take up, several more.
1319
1320 Ms. Jones - Mr. Fitz, thank you.
1321
1322 Mr. Fitz - I did go out and meet with the adjacent property owner and some family
1323 members, and they were agreeable to allow us to meet with them in the very near future to go
1324 over any specific concerns that they might still have. There was one family member that couldn't
1325 be present tonight, and we would like to include them in the meeting. They indicated to me and
1326 to Mr. Coleman as well that they didn't have a problem with this case moving forward, as long as
1327 we can meet with them before the Board hearing.
1328
1329 Ms. Jones - All right.
1330
1331 Mr. Coleman - I just wanted to remind the Commission that the time limits need to be
1332 waived and (unintelligible).
1333
1334 Ms. Jones - Mr. Chairman, we first need to move that the time limits be waived for
1335 the proffers that are being offered with Case C-15C-05, Kathleen Shobe.
1336
1337 Mr. Jernigan - Second.
1338
1339 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor
1340 say aye. All opposed say no. The motion passes.
1341
1342 Ms. Jones - And I would like to thank the applicant for working out a solution to the
1343 questions that were raised and I understand that you will be meeting with adjacent neighbors
1344 prior to the Board of Supervisors meeting. I also thank you for working hard on the proffers of
1345 this case and I hope it will be a good project if approved. I would like to move that we send
1346 Case C-15C-05, Kathleen Shobe, to the Board of Supervisors with a recommendation for
1347 approval.
1348
1349 Mr. Jernigan - Second.
1350
1351 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor
1352 say aye. All opposed say no. The ayes have it. The motion passes.
1353
1354 **REASON:** Acting on a motion by Ms. Jones, seconded by Mr. Jernigan, the Planning Commission
1355 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it

1356 is reasonable, it conforms to the Land Use Plan and the proffered conditions should minimize the
1357 potential impacts on surrounding land uses.
1358

1359 **Deferred from the June 9, 2005 Meeting: C-23C-05 Gloria Freye for Avalon**
1360 **Investments, LLC:** Request to conditionally rezone from O/SC Office/Service (Conditional) to
1361 O/S-2C Office/Service 2 (Conditional), Parcel 781-754-0930, containing 18.787 acres, located on
1362 the west line of Villa Park Drive approximately 2,117 feet south of Darracott Road. An
1363 office/warehouse /distribution facility (Brown Distributing Company) is proposed. The use will be
1364 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
1365 recommends Office/Service.
1366

1367 Mr. Silber - It is in the Fairfield District.
1368

1369 Mr. Vanarsdall - Is there any opposition to C-23C-05, Avalon Investments, LLC? No
1370 opposition. Rosemary.
1371

1372 Ms. Deemer - Thank you Mr. Chairman. Good evening members of the Commission,
1373 Mr. Kaechele. The applicant proposes to rezone approximately 18.8 acres from O/SC to O/S-2C
1374 in the Villa Park Office/Service Park for an office/warehouse/distribution facility. The rezoning
1375 would facilitate the relocation of the Brown Distribution Company's facility from its current
1376 location on Byrdhill Road.
1377

1378 The Land Use Plan recommends Office/Service for the area. The proposed project is generally
1379 consistent with the Land Use Plan and would be in keeping with its location within the
1380 Office/Service Park and the surrounding uses.
1381

1382 The applicant has submitted a revised conceptual plan (which is being passed out to you along
1383 with revised proffers.) The conceptual plan is proffered and shows two points of access along
1384 Villa Park Drive. There is an existing 9,380 square foot non-operational service repair garage and
1385 structured canopy on-site. The repair garage will remain, but the canopy will be removed to
1386 allow for better internal circulation.
1387

1388 The applicant has submitted revised proffers dated July 14, 2005. The time limits will have to be
1389 waived for consideration of these proffers.
1390

1391 Major aspects of the proffers include:
1392

- 1393 • Screening of mechanical equipment from view.
- 1394 • Screening of loading and fleet parking areas from Villa Park Drive.
- 1395 • One free-standing, monument type sign with an architectural precast concrete base.
- 1396 • Architectural treatment of the office portion of the building to be constructed of precast
1397 concrete, glass and prefinished metal accent panels.
- 1398 • Architectural treatment of the warehouse portion of the building to be constructed with
1399 load bearing or tilt-up concrete panels with limited exposed aggregate accents.
- 1400 • Security fencing of the fleet parking area consisting of one-inch chain link, a minimum of
1401 8 feet in height.
1402

1403 Over the past month, the applicant has made good progress in addressing many of staff's
1404 concerns, especially related to the building articulation of the warehouse/distribution facility.
1405 Because of the existing integrity of the Villa Park development, staff felt the expanse of the
1406 warehouse had to be mitigated with architectural treatments and landscaping as can be seen in
1407 the elevation provided by the applicant.
1408

1409 The revised proffers address the majority of staff concerns; however, there remains an
1410 unresolved issue pertaining to landscaping and screening of fleet parking. Specifically, staff
1411 encourages the applicant to provide a wing wall east of the warehouse to screen the entire rear
1412 fleet parking from view of Villa Park Drive as required by the Zoning Ordinance. Structural
1413 screening composed of masonry materials compatible with the main office building will effectively
1414 block the view of the fleet parking from Villa Park Drive. While staff recognizes the need for
1415 flexibility in development, the need to ensure quality development within Villa Park is of utmost
1416 importance.

1417
1418 Overall, staff is supportive of the proposed O/S-2C District for this property. If the applicant could
1419 address the remaining issue, staff could support this request.

1420
1421 This concludes my presentation, I would be happy to try to answer any questions you may have.
1422 The applicant is here if you wish to have her address the Commission.

1423
1424 Mr. Vanarsdall - Does anyone have any questions for Ms. Deemer?

1425
1426 Mr. Archer - I may have some later, Ms. Deemer, but I will hear from the applicant
1427 first, if that is all right.

1428
1429 Mr. Vanarsdall - Thank you, Ms. Deemer. Good evening, Ms. Freye.

1430
1431 Ms. Freye - Good evening, Mr. Chairman, members of the Commission. My name is
1432 Gloria Freye. I am an attorney here on behalf of the applicant, Brown Distributing has outgrown
1433 their facility that they have on Byrd Hill Road and they'd like to build a new office headquarters
1434 here in Villa Park along with the warehouse distribution facility in this office service park. The
1435 project before you this evening represents an 11 million dollar investment that will be developed
1436 at first-class standards with very attractive curb appeal, as you can see from the renderings that
1437 are on your screen. That will complement the office service uses that are already in Villa Park.
1438 Brown plans a facility that reflects a quality image, as you can see, and very high standards of
1439 excellence, all are perpetually aesthetically and operationally. Since this case was deferred at the
1440 last Planning Commission, Brown has worked with staff to revise the exhibits and the proffers to
1441 respond to staff's concerns. The most recent proffers were submitted today and as staff
1442 mentioned, will need a motion to waive the time limits.

1443
1444 The revised conceptual rendering shows how the front walls of the warehouse will be designed,
1445 and how the use of reveal panel windows and other architectural features will be used to break
1446 up the expanse of the warehouse wall and coordinate that wall with the office portion of the
1447 building. Brown is actually in total agreement with the staff about blocking the view of the fleet
1448 parking area from Villa Park Drive. They have made that commitment in proffer No. 3 and added
1449 language today that talks and explains how that will be done. Now, the site is being designed so
1450 that the fleet parking is behind a dense stand of 30 to 60 ft. tall trees and existing vegetation
1451 that is located to the east of the building, and that area can be supplemented as needed,
1452 wherever needed, to block the view from Villa Park Drive. One of the things that has just been
1453 distributed to you is a cross-section that shows that existing stand of trees and how that can be
1454 utilized. If you look at a cross-section and you look at Point A to Point A at the bottom on the
1455 plan view, and then you look above that and see that from Villa Park Drive how that stand of
1456 trees will be in the area that blocks not only the fleet parking area, but also helps to screen the
1457 east elevation of the building.

1458
1459 The specifics of the screening will actually be provided at the plan of development, but the
1460 standard that the view will be blocked is already provided in the proffers. Also included in your
1461 materials today was another schematic that shows how, in a worse case scenario, if these trees

1462 are not effective, how a 5 foot berm with 10-foot trees planted on top of it could effectively
1463 screen the fleet parking area as well as another alternative. Or, if the building is actually
1464 expanded, then the fleet parking area would be designed to be behind that expanded area and
1465 screened by the building itself. The bottom line here about screening the fleet parking area is
1466 that the proffer requires that the fleet parking area not be visible, that the view of it be totally
1467 blocked from Villa Park Drive, and Brown is confident that it can accomplish that in its plan of
1468 development.

1469
1470 The adjacent landowners were all contacted. We have worked very closely with the Bank of
1471 America folks, who are the declarant, under the Villa Park protective covenants, and as far as we
1472 know, there is no opposition. We did get support from the Brook Road Business Association and
1473 from the property managers of some of the properties that surround this property.
1474

1475 In conclusion, I'd like to say that Brown, like the staff, wants a high-end development, worthy of
1476 Villa Park, and one that promotes their public image and their high standards. Brown's
1477 commitment to this goal is reflected in the proffers, and their exhibits, and we ask that you
1478 accept the revised proffers and exhibits and recommend approval of this rezoning, and we will be
1479 glad to respond to questions.

1480
1481 Mr. Vanarsdall - Any questions for Ms. Freye?
1482

1483 Mr. Archer - Ms. Freye, we talked (unintelligible) which seems to be the issue that is
1484 foremost in this case, at least as of right now, and for the benefit of the other Commission
1485 members, it is Brown's contention that a wing wall would take away from the attractiveness of
1486 the building. Am I understanding that?
1487

1488 Ms. Freye - Yes, sir. The concern that we have is, they have worked very, very hard
1489 to make sure that warehouse portions of the building looks more like an office than a warehouse,
1490 and to just extend a bare wall from that side of the property, potentially makes it look more like a
1491 warehouse, which is what they have worked very hard not to have, and the purpose of giving
1492 you these schematics is to show you that we have several means of effectively screening that
1493 area, blocking the view, in a very attractive manner other than taking out trees and putting in a
1494 wing wall, and they are very confident that they will be able to demonstrate that at plan of
1495 development, which they know has to be approved by the Commission, and they know that the
1496 standard has to be met because that is in the proffers.
1497

1498 Mr. Branin - Ms. Freye, how wide of a berm is this going to be?
1499

1500 Ms. Freye - One of the options would be to include a berm if it is needed. If the
1501 existing mature trees that are 30 to 60 feet tall and the under story that is there, if that is not
1502 effective, then they can work in a berm, whatever height is needed, and meander that through
1503 the existing trees to keep that canopy and plant evergreens on top of that, and all of that would
1504 have to be engineered right at the time of POD, so you would have the specifics of that done.
1505

1506 Mr. Branin - They would look at putting a berm between the existing trees?
1507

1508 Ms. Freye - Within the existing trees or in between the trees or between the trees
1509 and the fleet parking area against the security fence. The other thing that these schematics
1510 don't show you in that from Villa Park Drive, which is a curvy driveway, you want to be
1511 concerned not only of the front on view but also the view as you come around that curve to the
1512 east elevation. What is not shown in these schematics is that there is a 20-foot transitional
1513 buffer that is planted to a 35, along Villa Park Drive. Then you have the parking lot that has
1514 landscaping in back, then you have landscaping in front of the building so that, all we are

1515 showing you is there are a number of ways where we can effectively build in attractive
1516 landscaping, berming, whatever is needed to meet that standard that that area is blocked from
1517 view.

1518
1519 Mr. Vanarsdall - Ms. Freye, is this the color? Is this the yellow that it is going to be?
1520

1521 Ms. Freye - No, sir. The rendering that was on the screen first is going to be
1522 indicative of the color scheme. This is just a schematic to show you our screen.
1523

1524 Mr. Silber - Member of the Commission, I think to further explain some of the staff's
1525 concerns, Villa Park Office/Service was zoned back probably about 15 years ago, and
1526 Office/Service is primarily an Office District that allows up to 40% warehousing and with a use
1527 permit you can lift that to 60% warehousing, and in this case we are beginning to consider here
1528 bringing in an operation that is going to have a lot more warehousing, a lot more truck traffic,
1529 and storage of trucks than what we are accustomed to. Staff wanted to make sure that in
1530 bringing in Brown Distributing, which we think is acceptable, we want to make sure it is properly
1531 screened, we are not seeing loading docks, and fleet parking, so we feel that it is very important
1532 that it be screened. They are pushing the envelope here, if you will, with the use that they are
1533 proposing. I think what Ms. Freye is proposing, in my opinion, might work. It might be fine. I
1534 think the gotcha' here is that she indicated that through the combination of these different
1535 devices, screening and landscaping combination thereof, that she has indicated that it will not be
1536 visible from Villa Park Drive, and the word "not" is pretty strong. I guess, Ms. Freye, my question
1537 was, in the second sentence you go on to say, "that it would be effectively blocked from view", I
1538 would interpret the first sentence to say it can not be visible. In fact, what we would adhere to
1539 or require you to adhere to.
1540

1541 Ms. Freye - And the use of that word is to block the view. If you want to strike the
1542 word "effectively", I have no problem with that because the standard they will be held to is to
1543 block the view, and this will be effective to do that. The "effectively" was put in there so that
1544 whatever was necessary, whatever combination of screening methods was necessary to
1545 effectively do that, is what they were committing to do. But, if you see that as a qualifying term,
1546 it was not intended that way.
1547

1548 Mr. Silber - Well, we may want to modify that then.
1549

1550 Ms. Freye - OK. I understand.
1551

1552 Mr. Silber - Is there any way also to lower the parking area where the parking will
1553 be located? It looks like it is somewhat elevated or certainly the same elevation as Villa Park
1554 Drive, where...
1555

1556 Ms. Freye - Mr. Silber, that is exactly part of the engineering work that has to be
1557 done is what is the grading that needs to be done to effective save those trees, get the drainage,
1558 because it drains in different directions on that property, but we also have designed all of the
1559 loading docks in the rear, and so some of those have to actually back into the building, so we
1560 also have to account for the grade for that area to be able to access those loading docks from
1561 Greg, so that is why I said, all of these specifics and details you will have at POD. What we are
1562 committing to today is that criteria is what they will be held to.
1563

1564 Mr. Branin - Ms. Freye, how many loading docks are there?
1565

1566 Ms. Freye - Oh my gosh. Thirteen exposed loading docks, meaning they are open to
1567 the exterior, and then there are internal loading docks where the truck actually backs into the
1568 building.
1569

1570 Mr. Branin - Right and I assume those would be, because of your concern for height
1571 and the parking lot being so accessible, you'd put those in the middle so they would be further
1572 blocked...
1573

1574 Ms. Freye - At this point, they are actually toward the east elevation, the east side of
1575 the building, and that also helps as a court yard to screen the exterior loading docks, because it
1576 comes out from the building some what. Do you see where the portion extends in the rear.
1577 Those are the internal loading docks (referring to rendering). And that helps to screen the
1578 exterior loading areas.
1579

1580 Mr. Vanarsdall - Well, in O/S 2, you don't have the protection and the doughnut as O/S
1581 did.
1582

1583 Ms. Freye - No, sir, but I think that in this plan, because all of the operations and the
1584 operational part of their distribution is all in the rear and not visible from Villa Park, from Villa
1585 Park this is going to look just as much as the office service use as the other uses. Actually, it is
1586 going to look a lot better because of the investment that they are making into the architecture of
1587 this building and the landscaping.
1588

1589 Mr. Vanarsdall - Well, aren't most of the buildings over in Villa Park brick?
1590

1591 Ms. Freye - No, sir. They actually took pictures of the buildings over there and
1592 selected materials that would be compatible with the other buildings, although substantially
1593 better.
1594

1595 Mr. Vanarsdall - Some of them were, so the idea of going from O/S which it was
1596 designated, the whole place, is to get more warehouse. Is that right?
1597

1598 Ms. Freye - Yes, sir, because the high standards of Villa Park are the same standards
1599 that Brown wants in its new office headquarters. That is the image. That is the profile that they
1600 want to establish. Being sensitive to Villa Park and the high standards, they designed a site so
1601 that their operations are all in the rear and not visible from Villa Park.
1602

1603 Mr. Archer - Ms. Freye, let me see if I can briefly say some of the things that concern
1604 me and see how we can try to resolve these. As Mr. Secretary said, we are kind of pushing the
1605 envelope with the use as opposed to the other uses that are designated in Villa Park, but it
1606 seems like the thing that causes the most concern is effectively, using your word, blocking the
1607 view of the fleet traffic. That is the sticking point in this case. And I think the thing that
1608 concerns me most is that even though the proffers indicate architectural screening or a
1609 combination thereof (unintelligible), we don't have anybody designated that would make that
1610 call, and the berming and planting, I am sympathetic with what you are saying with having that
1611 in lieu of a wall that you think would blend more to having a warehouse flavor added back in that
1612 you are trying to take out.
1613

1614 Ms. Freye - Yes, sir.
1615

1616 Mr. Archer - And my concern is that, and again you have to volunteer proffers. We
1617 can't make them for you, but my concern is that I think at least the Director should have the
1618 authority to make that call, if it is felt that berming or whatever you provide is not sufficient to do

1619 the screening, and perhaps, Mr. Secretary, you can correct me, it could be proffered in a way
1620 that says "if after using the method that you want to use to do the screening, it is deemed by
1621 the Director of Planning that that is not sufficient, then we'd have to move into some other form
1622 of screening. I don't know to put that in the words of a proffer, but that is not for me to do, but
1623 I guess what that does is, it would at least eliminate some of the concern about whose call is it
1624 to say that one is effective and one is not.

1625
1626 Ms. Freye - Mr. Archer, I have no problem removing the word "effectively" because it
1627 was meant to hold them to a standard, not to qualify that standard.

1628
1629 Mr. Archer - I understand that, and I wasn't really picking on...I am more concerned
1630 about...

1631
1632 Ms. Freye - We can fix that. The way it stands right now, the power to see is this
1633 effective or not is in the hands of the Planning Commission, when this plan of development
1634 comes back. If they have not demonstrated at the time of POD that they have blocked the view
1635 from Villa Park Drive, then the Planning Commission doesn't approve their POD. And, of course,
1636 we will be working with staff every step of the way before that POD gets submitted to prove to
1637 staff that we have blocked that view. The goal for every POD is to get on the Expedited Agenda
1638 and to make sure that everybody is on the same page, and that burden will be on the applicant
1639 to do that. The power to decide whether they have accomplished that right now rests with the
1640 Planning Commission to be held to the standard.

1641
1642 Mr. Silber - Mr. Archer, I think in reading this proffer,

1643
1644 Mr. Archer - The last sentence of it?

1645
1646 Mr. Silber - Well, I also think that even the first proffer, when she has "fleet parking
1647 shall be screened in a manner such that the area is not visible from Villa Park Drive, if they plant
1648 this, and berm this, and screen this, and we go out and see that it is visible, we are going to
1649 make them screen it some more.

1650
1651 Ms. Freye - At that point, it becomes a zoning violation. Yes, sir.

1652
1653 Mr. Archer - Well, that is what I am trying to understand. I want to make sure that
1654 that is clear to everybody.

1655
1656 Ms. Freye - Yes, sir.

1657
1658 Mr. Archer - That there is an authority that we have to say, "Hey, that is not good
1659 enough."

1660
1661 Ms. Freye - That is correct, and this standard is unequivocal, not visible, blocks the
1662 view of.

1663
1664 Mr. Silber - It might take some tall trees.

1665
1666 Ms. Freye - It might take some good berming, too.

1667
1668 Mr. Archer - Well, you know, the thing that concerns me is that even after they go all
1669 through the zoning process and do the POD, and then the actual thing is there, and all of a
1670 sudden you look at it, and maybe it doesn't screen quite as well as we thought it would. And I

1671 just want to make sure that there was some leeway that would allow the Planning staff the ability
1672 to come back to you and say, "Hey, you made a good effort."
1673
1674 Ms. Freye - But it is not good enough.
1675
1676 Mr. Archer - "But it is not good enough."
1677
1678 Ms. Freye - Yes, sir.
1679
1680 Mr. Silber - I think the language is here, Mr. Archer. I think we can do that.
1681
1682 Mr. Archer - If you are happy with that...
1683
1684 Ms. Jones - I just have a quick question. The 85-15 warehousing to office that
1685 potentially could come after an expanded facility is certainly out of line with what was originally
1686 envisioned for this area.
1687
1688 Ms. Freye - Ms. Jones, we did proffer, and that would be in your revised proffer that
1689 in no event would the service portion of it exceed 80%. That does put a cap on it. Whether
1690 they expand in the future or not, that remains to be seen. They are looking for a long life there.
1691 They are looking for 20 to 30 years, and yet staff was concerned that if they are successful and
1692 they grow, which everybody likes economic growth, that there is a cap on that, and that ratio
1693 would be reflective of the office, as well.
1694
1695 Ms. Jones - Thank you very much.
1696
1697 Ms. Freye - That cap was put in there. Yes, ma'am.
1698
1699 Ms. Jones - I have not read this staff...
1700
1701 Ms. Freye - That is OK. It changes frequently.
1702
1703 Mr. Vanarsdall - There is nothing behind it but wetlands and other things.
1704
1705 Ms. Freye - That is correct, and even in the rear, Mr. Vanarsdall, we have proffered
1706 that the 40 foot yard setback would be supplemented to a transitional buffer 25, because there
1707 are a few bare spots back there and so we will fill that in with supplemental planting, as well.
1708
1709 Mr. Archer - I don't think I have anything else, Ms. Freye.
1710
1711 Ms. Freye - Thank you very much.
1712
1713 Mr. Silber - If you are willing to remove "effectively."
1714
1715 Ms. Freye - Yes, sir.
1716
1717 Mr. Silber - You might want to do that tonight in the file.
1718
1719 Ms. Freye - I will be glad to do that.
1720
1721 Mr. Silber - Thank you.
1722

1723 Mr. Vanarsdall - Any more questions for Ms. Freye? No more questions. Thank you, Ms.
1724 Freye. It is up to you, Mr. Archer.

1725
1726 Mr. Archer - All right, Mr. Chairman. I first want to thank staff and Ms. Deemer for
1727 working so hard and effectively on this case to get it to where we are, and if the Secretary is
1728 satisfied that the language gives us the leeway that we need to have the final say in this, then I
1729 think we have something we can move with, bearing in mind that the Board may want to tweak
1730 it again. I do have to waive time limits on the proffers. A gentlemen that was here earlier said
1731 that some of us looked like we were over 55, and actually most of us are in our 30s. It is just
1732 the job that makes us look that way. With that, I will move to accept the proffers dated July 14,
1733 2005 and waive the time limits.

1734
1735 Mr. Jernigan - Second.

1736
1737 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
1738 say aye. All opposed say no. The ayes have it. The motion passes.

1739
1740 Mr. Archer - And with the revised proffer as accepted today, I would move to
1741 recommend to the Board C-23C-05, **Avalon Investments, LLC**.

1742
1743 Mr. Jernigan - Second, Mr. Chairman.

1744
1745 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
1746 say aye. All opposed say no. The motion passes.

1747
1748 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning
1749 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant**
1750 the request because it is in keeping with the 2010 Land Use Plan and the proffer conditions will
1751 ensure the property will be developed in a manner that is consistent with the surrounding office
1752 developments.

1753
1754 **Deferred from the June 9, 2005 Meeting:**

1755 **C-24C-05 G. Stuart Grattan for Commonwealth Home Building Corp.:** Request to
1756 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
1757 (Conditional), Parcel 778-768-4780, containing approximately 4.16 acres, located on the east line
1758 of Greenwood Road at Old Woodman Road. The applicant proposes a single family residential
1759 subdivision with overall density not to exceed 2.4 units per acre. The R-2A District allows a
1760 minimum lot size of 13,500 square feet with a maximum gross density of 3.23 units per acre. The
1761 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1762
1763 Mr. Silber - Our last rezoning case this evening is a case that was deferred from the
1764 June 9, 2005 meeting. This is C-24C-05, Stuart Grattan for Commonwealth Home Building Corp.

1765
1766 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-24C-05, in the
1767 Fairfield District, again? No opposition. Ms. Beemer.

1768
1769 Ms. Deemer - Thank you, Mr. Secretary. Good evening members of the Commission.
1770 The applicant proposes to rezone approximately 4.16 acres from A-1 Agricultural District to R-
1771 2AC to construct a subdivision of up to nine single-family homes.

1772
1773 The Land Use Plan designates the area as Suburban Residential 1 and the proposed project at
1774 2.4 units per acre, is generally consistent with the Land Use Plan. The requested single-family
1775 use could be a logical continuation of the R-2AC zoning to the south and west.

1776

1777 The applicant has submitted a conceptual plan, which though not proffered, does provide a basic
1778 design of the road layout and orientation of the houses.

1779

1780 The applicant has submitted proffers dated June 3, 2005. Major aspects of the proffers include:

1781

1782 • Homes would be constructed on a crawl foundation finished with brick or stone and
1783 foundation plantings will be provided.

1784

• There would be no direct access from lots to Greenwood Road.

1785

• Dwellings would have a finished floor area of no less than 2,000 square feet.

1786

• All side facades will contain at least two windows.

1787

• A minimum of two (2) trees measuring at least 2.5" in caliper would be planted in the
1788 front yards and sides yards on corner lots.

1789

1790 At the June 9 meeting the Commission discussed with the applicant aligning the proposed road
1791 with Old Woodman Road. The applicant has worked with the Public Works Department and they
1792 have proposed a layout similar to the one on the screen. Also at the June 9 Planning
1793 Commission Meeting it was suggested that there was a cemetery located on the property. After
1794 some research it has been determined that the information in question was incorrect and there is
1795 no indication to suggest that a cemetery or graveyard was ever located on the property. Finally,
1796 Public Works Drainage Division has been notified and will be making an effort to contact the
1797 neighboring property owners to discuss drainage issues in the area.

1798

1799 While staff would have preferred that the property had been assembled for a more
1800 comprehensive development in the area, overall, staff is supportive of the proposed R-2AC for
1801 this property.

1802

1803 This concludes my presentation. I would be happy to try to answer any questions you may have.
1804 The applicant is here if you wish to have him address the Commission.

1805

1806 Mr. Branin - I have one question. How many lots did you say?

1807

1808 Ms. Deemer - Nine.

1809

1810 Mr. Branin - OK. I thought I heard you say something else and I was sitting here
1811 looking at nine.

1812

1813 Mr. Silber - Ms. Deemer, did the Traffic Engineer elaborate on who would make
1814 improvements with the other road alignment?

1815

1816 Ms. Deemer - Well, I believe that they had indicated when I spoke with the applicant
1817 that part of the other piece of property is right of way that is owned by the County, and some of
1818 it is owned by another property owner, so there would have to be some discussion by the other
1819 property owner as to whether or not they would be participating in the project, and I believe that
1820 Mr. Grattan may be able to discuss that to some extent.

1821

1822 Mr. Silber - OK.

1823

1824 Mr. Vanarsdall - Any other questions for Ms. Deemer? Thank you, Ms. Deemer. Mr.
1825 Grattan, how are you this evening?

1826

1827 Mr. Grattan - Fine. Good evening, Mr. Chairman, members of the Commission, Mr.
1828 Kaechele. My name is Stuart Grattan and I am representing the applicant here.

1829
1830 I guess we will just start into the access issue, first of all, since that has come up. What is on the
1831 screen before you is what Tim Foster came up with, and one of the potential issues we may have
1832 is how much right of way we have on that inside corner of Greenwood and Old Woodman Road.
1833 We met with the neighbors after the meeting last month, and about two weeks ago, and with the
1834 network of roads in the area, as you've got Old Woodman and Old Greenwood and all these
1835 roads being realigned and Woodman coming through with new alignments in there, I think
1836 spaghetti is a pretty good word to describe how the roads work through there. In discussing the
1837 best fix with the neighbors, they would prefer that Old Greenwood between Woodman and King's
1838 Road be closed. I presented that to Mr. Foster some time in the last week or so, and he said
1839 that that could be a possibility, but it takes an effort to do so, to study that and all that, and that
1840 solution, or that potential as a solution is something that is going to be looked in as the whole
1841 area is addressed, and that is really going to come into the planning proposed with the extension
1842 of Woodman Road. So, there are various potential fixes that we can have. One would be
1843 something similar to what we are looking at here, and another being possibly even closing Old
1844 Greenwood Road between Greenwood Road and Kings Road, and at this time the options are
1845 there. We are not committing one to another right now, but we know we can find something
1846 that will work.
1847
1848 Mr. Silber - Mr. Grattan, are you saying then that you would commit to some
1849 improvement outside of just the public road that you will be building, maybe this one that is on
1850 the screen?
1851
1852 Mr. Grattan - I think we could do something. I think the question that I have in my
1853 mind right now is, depending on how much right of way that we have on that inside corner, in
1854 the acute corner there, we could do what Mr. Foster has proposed here, and if we get that
1855 separation, then I'd say, yes, we could probably do it. If we don't have enough right of way,
1856 then...
1857
1858 Mr. Silber - I think most of it is in the right of way. Perhaps not all of it.
1859
1860 Mr. Grattan - It all comes in to, what is out there, and you know, there are a number
1861 of problems out here. In discussing with the neighbors the drainage issues, I think the culvert
1862 under Old Greenwood Road there is blocked, so there is work to be done in that area, and so I
1863 am sure County forces will be out there, hopefully doing something, and whether they can
1864 coordinate that with installing new pipe, if necessary, and sliding that road over, it might be
1865 some sort of shared effort that has to be taking place.
1866
1867 Mr. Archer - Mr. Grattan, the smaller yellow section that is shown here. Is that
1868 something that can be done, the straightening of Old Greenwood at that point?
1869
1870 Mr. Grattan - Mr. Archer, I think anything can be done.
1871
1872 Mr. Archer - Is that a part of what you are proposing?
1873
1874 Mr. Grattan - Yes, that...
1875
1876 Mr. Silber - Mr. Archer, I think what Tim Foster is saying is, if this rezoning is
1877 approved and Mr. Grattan develops this property, the subject property, then Mr. Foster is saying
1878 that the smaller yellow improvement would greatly improve these roads in this area.
1879
1880 Mr. Archer - It would.
1881

1882 Mr. Silber - That is why I was trying to see if Mr. Grattan was able to commit to
1883 making the smaller improvement on the north side. I would think most of that looks like it is in
1884 the existing right of way. It doesn't look like it would take much improvement outside of the
1885 right of way. There may be some little tip that has to be obtained that looks like most of it is in
1886 the existing right of way. When he is out there constructing his road for his development, he
1887 might be well to just realign to come into a 90 degree angle like that smaller yellow is showing
1888 on the screen.
1889
1890 Mr. Archer - You know, that area, I've been by several times since the last time we
1891 met, and you really have to drive it to appreciate it. When you come off of 295 and head back
1892 this way, toward Old Woodman Road, if you look at that picture very carefully you can see one
1893 automobile, I believe, between Old Greenwood and Old Woodman.
1894
1895 Mr. Grattan - Yes, sir.
1896
1897 Mr. Archer - So that shows you there are only about three or four cars that could fit
1898 in that space, even if they were close together, so it is really close there, and the only thing, I
1899 guess, that helps a little bit is that Old Woodman on the bottom side of the picture, they are only
1900 like a residence back in there, maybe three, that would access that out to Greenwood. But Mr.
1901 Grattan is right in describing this as spaghetti. It is a spaghetti network if I have ever seen one,
1902 but it would appear to me that if we could do the same job proposed in the two yellow plots on
1903 the picture, then given what you have to work with, it seems to be about all we can do with it at
1904 this point. I know there were some drainage issues that were of concern at the last meeting, but
1905 we are not looking to create any, and I can't hold you responsible for the ones that are already
1906 there, except to bring it to somebody's attention. Mr. Grattan, if you are willing to try to work
1907 within the constraints of what we've got in this picture, I can't think of any good reason why we
1908 should not at least recommend this to the Board. I don't know what will happen by the time it
1909 gets to that level.
1910
1911 Mr. Grattan - I understand. Can I ask that if decisions are made to close Old
1912 Greenwood Road between Greenwood and Kings Road, would us agreeing to do what is in yellow
1913 obligate or eliminate that possibility?
1914
1915 Mr. Silber - That is a question for the Traffic Engineer to answer. I would think the
1916 Traffic Engineer would, with the development you have to do, which is fairly modest in size, I
1917 would think that he could commit to this. I don't think that they are going to close Old
1918 Greenwood based on this proposed development that you have before us.
1919
1920 Mr. Grattan - I guess. I don't think so. I am asking that if the powers to be, for
1921 whatever reason, whether it is us or whether it is the extension of Woodman Road stipulates that
1922 Old Greenwood Road between Greenwood and Kings Road be closed. Am I still obligated to tie
1923 it to just that intersection.
1924
1925 Mr. Archer - I guess the best answer is it would take a long time to get it done,
1926 probably, anyway. Wouldn't it? You would be finished with the development by the time the
1927 road was closed anyway, I am thinking. Doesn't it take a process to go through to close the
1928 road?
1929
1930 Mr. Jernigan - You have to go through the Major Thoroughfare Plan.
1931
1932 Mr. Silber - I don't know if Old Greenwood is on the Major Thoroughfare Plan, but I
1933 think to close that road, I think is larger in scale and in scope than what your development would
1934 require, so I don't know why the County would be interested in doing that. The County is not

1935 going to make you close that road for nine lots, when it is off-site like that. I think the Traffic
1936 Engineer has a solution that is workable. It may not be the best solution, but I think it is
1937 workable.
1938
1939 Mr. Grattan - I think at this point we are willing to commit to something along the
1940 lines that Mr. Foster suggested provided we need not acquire right of way. We have had
1941 discussions with that property owner there, and she is upset over various other things and lack of
1942 attention for drainage issues and other things, and that would be a very difficult proposal to
1943 commit to. So, I think as long as we can align this to the maximum extent practicable within the
1944 existing right of way, we can do it. Yes.
1945
1946 Mr. Archer - Mr. Foster, they say timing is everything.
1947
1948 Mr. Kaechele - Mr. Secretary, is this considered an off-site improvement? It can't be in
1949 the proffer.
1950
1951 Mr. Silber - The County Attorney has indicated that you can do off-site proffers that
1952 relate to the rezoning. The rezoning brings rise to the off-site improvement, then it can be
1953 proffered. So, he could proffer this improvement.
1954
1955 Mr. Kaechele - Is that a change or has it always been that way?
1956
1957 Mr. Silber - I think, we got a recent interpretation on that, didn't we?
1958
1959 Mr. Archer - Mr. Foster, I guess you may have heard our conversation concerning
1960 this. I was just seeing if you had any take at all you could give us on the yellow areas in the
1961 picture there.
1962
1963 Mr. Foster - Yes, sir. For the record, my name is Tim Foster. I am the Traffic
1964 Engineer with the County. After your last Planning Commission meeting it was asked if there
1965 could be something looked at to try to make the entrance work at this location. Our normal
1966 standards urge separation center line to center line and it is 150 feet. We looked at trying to
1967 separate this as far as we could. We were able to get 135 feet separation from center line,
1968 which is a little lower than 150, but it has been something we've approved before. We looked at
1969 the yellow for two reasons: 1. To bring entrance in at a more 90 degrees. I felt it would help
1970 slow people down, as one of the concerns I heard at the last meeting was people sort of take
1971 that curve real fast. To help slow that down and to make that a more of a conventional turn,
1972 then when you are coming out turning right, right now with the sharp acute angle, and you really
1973 have to turn sharp to get back. This helps that movement to get out, too, and then separated
1974 two entrances far enough way that we felt that both entrances could operate safely.
1975
1976 Mr. Archer - OK. Making that right angle on Old Greenwood would certainly be a lot
1977 safer than it is now.
1978
1979 Mr. Foster - And our goal was to try to keep it all within the County right of way.
1980
1981 Mr. Silber - Mr. Foster, Mr. Grattan was asking about the potential closure of a
1982 portion of Old Greenwood Road. Do you see that occurring in the future?
1983
1984 Mr. Foster - That is something we can look at, but any time you close a road, it is
1985 more than just Public Works to look at it. A road goes through every County department to see
1986 what happen if that road is closed. Obviously, when Woodman Road is extended, the traffic
1987 patterns change in there. There really hasn't been a detailed study of how the road would be

1988 reconfigured when it happens, but anytime if we get a formal request from a citizen to look at a
1989 road closure, we look at them, and I will be right up front with you, the ones I have looked at,
1990 we probably have a 90% ratio that we do not close the road, but it is something that we always
1991 look at, but it is more than just Public Works. Fire has to look at it, especially Fire and
1992 emergency access. The Planning Department looks at it. Just about every department in the
1993 County reviews it, but we'd be more than happy to start that process for the citizens in the area.
1994

1995 Mr. Vanarsdall - It takes a while to do that, too.
1996

1997 Mr. Foster - It does, because...
1998

1999 Mr. Vanarsdall - I remember when they did Nuckols Road. It took a long time.
2000

2001 Mr. Foster - Right. And we collect traffic counts. We also run different scenarios.
2002 One of the things that we are always concerned about when we close a road is that it may
2003 change the traffic pattern in the area, and a lot of times, and this may not be the case because it
2004 is not that many houses, but sometimes when we close a road, in front of someone's house they
2005 are going to get less traffic, but someone else's house, they are going to get more traffic. Now
2006 everybody has to pass by their house. We always look at that very closely.
2007

2008 Mr. Vanarsdall - Thank you, Mr. Foster. Mr. Foster is going on vacation. He ought to be
2009 home packing.
2010

2011 Mr. Archer - Anybody else have any questions for Mr. Grattan? Ms. Deemer? Well,
2012 Mr. Chairman, Mr. Grattan did have another community meeting between the last meeting and
2013 this one. I wasn't able to attend it, but Ms. Deemer did and I appreciate that, and I think the air
2014 was cleared about a lot of things in that meeting. We discovered there was no cemetery as was
2015 mentioned at the last meeting, but it seems to me like the problems that we had with the
2016 roadway network, it has probably been worked out as good as we can do it. As far as the
2017 assemblage of the other properties that were adjacent to it, Mr. Grattan wasn't able to achieve
2018 that, so we can't hold him responsible for not being able to do it. I don't know what will become
2019 of this by the time it gets to the Board level, but at this point I move to recommend it for
2020 approval.
2021

2022 Mr. Jernigan - Second.
2023

2024 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
2025 say aye. All opposed say no. The motion passes.
2026

2027 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission
2028 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because
2029 the single family use is consistent with the 2010 Land Use Plan and is a logical continuation of
2030 the R-2AC zoned properties to the immediate south and west.
2031

2032 **APPROVAL OF MINUTES:**
2033

2034 Mr. Silber - Next on the agenda would be approval of the minutes of the
2035 Commission's June 9, 2005 meeting.
2036

2037 Mr. Vanarsdall - Anybody read the minutes, Mr. Archer? Are there any changes to the
2038 minutes? If not, we will have a motion.
2039

2040 Mr. Archer - Wait a minute. I did have a change. On Page 30, Line 1561, it reads "I
2041 am looking at my map and I don't see if there are but five intersections." I think it says "five
2042 intersections." I don't think I said but.
2043
2044 And on Page 47, Line 2475, "If we mitigate the land, the mitigation ratio" not ration.
2045
2046 Mr. Silber - Ratio. OK.
2047
2048 Mr. Archer - I think that is it for me.
2049
2050 Mr. Branin - I have got one, on Page 44, Line 2302. It should be "width" not worth.
2051
2052 Mr. Vanarsdall - Is that it? Then we need a motion to approve the minutes.
2053
2054 Mr. Archer - So moved, Mr. Chair.
2055
2056 Mr. Branin - Second.
2057
2058 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Branin. All in favor say
2059 aye. All opposed say no. The motion passes.
2060
2061 Anything else, Mr. Secretary?
2062
2063 Mr. Silber - No, sir. Nothing tonight.
2064
2065 Mr. Vanarsdall - Anything else from anybody else? If not, then we will adjourn the
2066 meeting.
2067
2068
2069
2070
2071
2072

Randall R. Silber, Secretary
2073
2074
2075
2076

Ernest B. Vanarsdall, CPC, Chairman
2077
2078