

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, held in the County Administration Building in the Government Center at Parham
3 and Hungary Springs Roads, Beginning at 7:00 p.m. Thursday, July 13, 2006, Display
4 Notice having been published in the Richmond Times-Dispatch on June 22, 2006 and
5 June 29, 2006.

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7 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)
8 Mr. Tommy Branin, Vice Chairperson (Three Chopt)
9 Mrs. Bonnie-Leigh Jones (Tuckahoe)
10 Mr. E. Ray Jernigan, C.P.C. (Varina)
11 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
12 Mrs. Patricia S. O'Bannon (Tuckahoe), Board of
13 Supervisors Representative
14 Mr. Randall R. Silber, Director of Planning, Secretary
15

16 Members Absent: None

17 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
18 Ms. Jean Moore, Principal Planner
19 Mr. Lee Tyson, County Planner
20 Ms. Rosemary Deemer, County Planner
21 Mr. Thomas Coleman, County Planner
22 Mr. Livingston Lewis, County Planner
23 Ms. Jennifer C. Dean, Recording Secretary
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26 Mr. Archer: The Planning Commission will come to order. Good evening,
27 everyone and welcome to the July 13, 2006 edition of Rezoning. I don't think our
28 agenda is too lengthy tonight, so we will try not to hold you too long. We'd like to
29 welcome Ms. Olympia Meola of the Richmond Times-Dispatch and with that I will turn
30 things over to our Secretary, the Director of Planning, Mr. Randall Silber.
31

32 Mr. Silber: Thank you, Mr. Chairman, Members of the Commission. We do
33 have all members of the Commission present this evening. The first on the agenda
34 would be consideration of the withdrawals and deferrals. I am not aware that we have
35 any withdrawals. We have several deferrals. Ms. Moore, can you tell us about these,
36 please.
37

38 **VARINA:**

39 **Deferred from the June 15, 2006 Meeting.**

40 **P-9-06 Gary Barber for National Communication Tower LLC:** Request
41 for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of
42 Chapter 24 of the County Code to construct a 199' monopole telecommunications tower,
43 on Parcel 851-666-7691, located 343' east of Carters Mill Road. The existing zoning is
44 A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. The site is
45 in the Airport Safety Overlay District.
46

47 Ms. Moore: The first request is on page 1 of your agenda. It is P-9-06,
48 National Communications Tower, LLC. The site is located 343' east of Carter Mill Road
49 and the request is for a provisional use permit in order to construct a 199' monopole
50 telecommunications tower. The deferral is requested to the August 10, 2006 meeting.

52 Mr. Archer: All right. Is anyone present who is opposed to deferring P-9-06,
53 Gary Barber for National Communication Tower, LLC? I see no opposition. Mr.
54 Jernigan.

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56 Mr. Jernigan: Mr. Chairman, with that I will move for deferral of Case P-9-06,
57 Gary Barber for National Communication Tower, LLC, to August 10, 2006, by request of
58 the applicant.

59

60 Mr. Vanarsdall: Second.

61

62 Mr. Archer: Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall.
63 All in favor of the motion say aye. All opposed say no. The ayes have it. The motion is
64 carried.

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66 At the applicant's request, the Planning Commission deferred P-9-06, Gary Barber for
67 National Communication Tower LLC, to its meeting on August 10, 2006.

68

69 **Deferred from the June 15, 2006 Meeting.**

70 **C-75C-05**

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

78

79 Ms. Moore: The next is on page 3 of your agenda in the Three Chopt District.
80 It is C-75C-05, Barrington Development Inc. The site is located on the east line of the
81 proposed John Rolfe Parkway right-of-way approximately 310' south of Three Chopt
82 Road. The request is to rezone from R-2C to O-2C for an office development. The
83 deferral is requested to the September 14, 2006 meeting.

84

85 Mr. Vanarsdall: December?

86

87 Ms. Moore: September.

88

89 Mr. Branin: September.

90

91 Mr. Archer: All right. Is there anyone present who opposes the deferment of
92 C-75C-05, Barrington Development, Inc.? I see no opposition. Mr. Branin.

93

94 Mr. Branin: Mr. Chairman, I would like to move for deferral of C-75C-05 to the
95 September 14, 2006 meeting per the request of the applicant.

96

97 Mr. Vanarsdall: Second.

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99 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
100 of the motion say aye. All opposed say no. The ayes have it. The motion is carried.

101

102 At the request of the applicant, the Planning Commission deferred Case C-75C-05,
103 Barrington Development, Inc. to its meeting on September 14, 2006.

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105 **P-12-06 Simon Mueller for Neil Desai:** Request for a provisional use
106 permit under Sections 24-55(a), 24-120 and 24-122.1 in order to operate a convenience
107 store with gas pumps, on Parcel 751-753-0230, located at the southwest intersection of
108 Three Chopt and Pemberton Roads. The existing zoning is B-1 Business District. The
109 Land Use Plan recommends Commercial Arterial.

110
111 Ms. Moore: Also on page 3 of your agenda in the Tuckahoe District is P-12-
112 06, Neil Desai. The site is located on the southwest intersection of Three Chopt and
113 Pemberton Roads. The request is for a provisional use permit in order to operate a
114 convenience store with gas pumps. The deferral is requested to the August 10, 2006
115 meeting.

116
117 Mr. Archer: Is there anyone present who is opposed to this deferral, P-12-06?

118
119 Mrs. Jones: Mr. Chairman, I'd just like to state for the record that I have a
120 representational conflict with this particular case and will not be voting on the case, nor
121 have I been involved in any discussions of the case.

122
123 Mr. Archer: Thank you, Mrs. Jones. So noted. There is no opposition, so with
124 that I will move for deferment of P-12-06, Simon Mueller for Neil Desai, to the August 10,
125 2006 meeting, at the request of the applicant.

126
127 Mr. Vanarsdall: Second.

128
129 Mr. Archer: Motion by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
130 say aye. All opposed say no. The ayes have it. The motion passes.

131
132 At the applicant's request, the Planning Commission deferred Case P-12-06, Simon
133 Mueller for Neil Desai, to its meeting on August 10, 2006.

134
135 Mr. Silber: Are there any other deferrals by the applicant?

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137 Ms. Moore: No, sir.

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139 Mr. Jernigan: Mr. Chairman, I have one. It is on page 1, C-79C-05.

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141 **C-79C-05 Larry Horton for StyleCraft Homes Development Corp.:**
142 Request to conditionally rezone from A-1 Agricultural District to R-5AC General
143 Residence District (Conditional), RTHC Residential Townhouse District (Conditional) and
144 B-3C Business District (Conditional), Parcel 813-701-0425, containing 81.46 acres,
145 located at the southwest intersection of Darbytown Road and Laburnum Avenue. The
146 applicant proposes a retail and residential development with density of no more than one
147 hundred and sixty (160) single family and townhouse units. The uses will be controlled
148 by zoning ordinance regulations and proffered conditions. The R-5A District allows a
149 minimum lot size of 5,625 square feet with a maximum gross density of 7.7 units per
150 acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use
151 Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.

152

153 Mr. Jernigan: Larry Horton for StyleCraft Homes.
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155 Mr. Archer: All right. Is there anyone present who is opposed to this
156 deferment, C-79C-05, Stylecraft Homes Development Corp.? No opposition. Mr.
157 Jernigan.
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159 Mr. Jernigan: Mr. Chairman, with that I move for deferral of Case C-79C-05,
160 Larry Horton for StyleCraft Homes Development Corp. to August 10, 2006, by request of
161 the Commission.
162
163 Mr. Vanarsdall: Second.
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165 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
166 favor say aye. All opposed say no. The ayes have it. The motion is carried.
167
168 The Planning Commission deferred Case C-79C-05, Larry Horton for StyleCraft Homes
169 Development Corp. to its meeting on August 10, 2006.
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171 Mr. Silber: Are there any other deferrals by the Planning Commission?
172 Hearing none and moving on to the expedited items. These are items on the agenda
173 that are somewhat minor in nature, they have no outstanding issues and staff is
174 recommending approval of these rezoning requests. The Commission's member from
175 the district has no issues with the request. The applicant is agreeable to staff's
176 recommendations, so we do have an expedited agenda for these. If there is opposition
177 on these expedited items, they would be pulled off of this agenda and heard in the order
178 in which they are found on the full agenda. I believe we have one item that has been
179 requested to be heard on the expedited agenda.
180
181 **C-33C-06 Gloria Freye for Glen Allen Service, Inc.:** Request to
182 conditionally rezone from B-1 Business District to B-3C Business District (Conditional),
183 Parcels 770-767-2959 and 770-767-4453, containing approximately 1.1 acres, located at
184 the southwest intersection of Mountain and Hamilton Roads. The applicant proposes an
185 automobile repair and service station. The use will be controlled by zoning ordinance
186 regulations and proffered conditions. The Land Use Plan recommends Commercial
187 Concentration.
188
189 Ms. Moore: This is in the Brookland District on page 2 of your agenda. It is
190 Case C-33C-06, Gloria Freye for Glen Allen Services, Inc. The site is located at the
191 southwest intersection of Mountain and Hamilton Roads. The request is to conditionally
192 rezone from B-1 to B-3C to allow an automobile repair and service station. You have
193 before you, revised proffers. The time limits would not have to be waived on them.
194
195 Mr. Archer: Is there anyone here who is opposed to this case, Case C-33C-
196 06, Glen Allen Service, Inc. in the Brookland District? I see no opposition. Mr.
197 Vanarsdall.
198
199 Mr. Vanarsdall: All right. Before I make a motion I would like to acknowledge Mr.
200 and Mrs. McMillan who are in the back row, commonly known as Ellen and Jimmy.
201 These are the applicants and we are glad to have you and we are glad to have you
202 tonight. Good luck on it. With that, I recommend C-33C-06, Glen Allen Service, Inc. to
203 the Board of Supervisors for approval.

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Mr. Jernigan: Second.

Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor of the motion say aye. All opposed say no. There is no opposition. The ayes have it. The motion passes.

Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning Commission voted to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect the pattern of zoning and land use in the area, and the proffered conditions should minimize the potential impacts on surrounding land uses.

Ms. Moore: Mr. Chairman that concludes our report for that. Thank you.

Mr. Archer: Thank you, Ms. Moore.

Deferred from the June 15, 2006 Meeting.
C-12C-04 Andrew M. Condlin for Water Tower Associates, LLC: Request to conditionally rezone from B-1C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 747-757-6938, containing 1.142 acres, located at the northeast intersection of Old Cox and Three Chopt Roads. A veterinarian facility including office, hospital, grooming and day school for dogs is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration.

Mr. Silber: The first case to be heard this evening would be in the Three Chopt District. This was deferred from the June 15, 2006 meeting. This is Case C-12C-04, Andrew M. Condlin for Water Tower Associates, LLC. This is a request to conditionally rezone from B-1C to B-3C containing 1.14 acres located at the northeast intersection of Old Cox and Three Chopt Roads.

Mr. Archer: Thank you, Mr. Secretary. Is there anyone present who is opposed to this case, C-12C-04, Andrew M. Condlin for Water Tower Associates, LLC? I see no opposition. Mr. Coleman, how are you?

Mr. Coleman: Fine, thank you. Mr. Chairman, Members of the Commission, this request would rezone 1.14 acres from B-1C to B-3C. At this location, the Crossroads West Pet Center operates a veterinarian office and pet center providing grooming, "doggy day care", and boarding services. Approval of this request would permit the pet center to utilize an existing outdoor pen area.

The services offered are permitted in the B-1 District provided all activities are conducted indoors. However, outdoor pens or "dog run" areas are being utilized at the site. These enclosures are permitted in the B-3 district with a code-required 200 foot setback from any "R" district. This application would need to be approved to continue utilizing the outdoor pens. As constructed, however, the existing pens are less than the required 200 feet from "R" districts.

Several proffers currently regulating the property would be carried forward. Additional proffers further regulating the property would include:

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- Except for an animal hospital or kennel, the uses first permitted in the B-3 and B-2 districts would be prohibited. Selected B-1 uses would also be prohibited;
- A vinyl fence would be installed to screen the open pen area;
- The animal hospital or clinic would be open to the public from 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday.

Staff has serious concerns with this more intense use of the site, and they include: approval of this request would set a precedent for additional B-3 zoning requests in this area; the existing pens are less than the required 200 foot setback from residential zoning districts to the south and east; the relatively small size of the parcel limits site design and buffer options; and there are potential impacts on adjacent undeveloped land. Considering these issues, staff recommends denial of this request.

If the Commission were to recommend this application, the time limits would need to be waived. That concludes my presentation. I would be happy to answer any questions.

Mr. Archer: Thank you, Mr. Coleman. Are there questions for Mr. Coleman from the Commission members?

Mr. Branin: Not for Mr. Coleman. I would like to hear from the applicant.

Mr. Archer: Would the applicant come forward, please?

Mr. Vanarsdall: Do we have opposition in this case?

Mr. Archer: No. Good evening, Mr. Condlin.

Mr. Condlin: Good evening, Mr. Chairman, and Members of the Commission. My name is Andy Condlin with Williams Mullen. Do you want a full presentation or to go through the case generally?

Mr. Branin: No, sir. I just have a couple of questions. I see that you have now proffered the vinyl fencing and there are some additional elements out there that need to be addressed, such as the internal wood fencing. That is going to be taken down so it won't be visible.

Mr. Condlin: By taken down you mean lower than on the outside fence. Yes.

Mr. Branin: So it won't be able to be seen from the outside.

Mr. Condlin: The intent of those proffers, if you can see a fence, then it has got to be vinyl, the low vinyl, if you look beyond that, but everything else would be below that, because they do have different size dogs, and they don't want the bigger dogs in with the smaller dogs.

Mr. Branin: Mr. Condlin, also there is a motor home that is in the back part of the property that is being used currently as a dog house.

Mr. Condlin: Yes, sir. That will be removed.

306 Mr. Branin: OK. That will be removed and the fence will go around the entire
307 property?
308
309 Mr. Condlin: Yes, sir. I have never written a proffer about removing an RV.
310
311 Mr. Branin: I just wanted to make sure we got that on public record that it
312 would be removed.
313
314 Mr. Condlin: There will be no commercial vehicle other than in front of a
315 commercial business and I think that will satisfy that.
316
317 Mr. Jernigan: Andy, what is the distance from the R-1 district?
318
319 Mr. Condlin: We've got some fencing, there is some fencing over by the
320 veterinarian on the right side that you can see there (referring to rendering) and over on
321 this side, this is within the 200 feet. They are going to be moving that. This is slightly
322 older. There was a mismeasurement. I didn't realize Three Chopt Road – part of it is a
323 restrictive easement in this area on the other side. So, based on that, this line actually
324 moves over with the 200 feet, but the 200 feet runs generally right here, and I think
325 you've got a plat in front of you that was given to Mr. Coleman to share the plat, but the
326 200 feet still runs on this side and this fence area could not be used for any dog
327 purposes. It was there when the Rainbow Station was previously there and all of this
328 would have to be adjusted and you can see some of the internal fence lines in there.
329
330 Mr. Branin: There is also a white picket fence out front that was used as a
331 garden area. Now it is being used as a dog pen.
332
333 Mr. Condlin: That is where the little dogs were. It's understood that is not
334 allowed anymore. That will still be used as a garden area, quite frankly, and keep that
335 white picket fence with a garden around it. The proffers specifically say "All uses related
336 to the dogs have to be in what they call the open pen area behind the building
337 surrounded by the white PVC vinyl fencing.
338
339 Mrs. Jones: So, if I understand this correctly, all of the dog uses on the exterior
340 will be within the prescribed setback?
341
342 Mr. Condlin: Yes, ma'am. The 200 foot setback, otherwise.
343
344 Mr. Jernigan: This has been under this condition for a while.
345
346 Mr. Condlin: It has been in business for five years and two brothers have run
347 the business, a veterinarian and a day school for the dogs, and they have been
348 operating outside and they didn't realize they were in violation. They are purchasing the
349 property, and, of course, they want to get this right under the condition of the purchase,
350 make sure as owners they can use it. They don't want to buy the property and not be
351 able to use it for that purpose. That is why they are doing it now.
352
353 Mr. Jernigan: We don't have any opposition.
354
355 Mrs. O'Bannon - Did anyone in Planning bring the question up about a conditional
356 use permit?

357
358 Mr. Silber - The property is zoned B-1 and in order to have outdoor pens, my
359 understanding is that they need to have B-3 zoning.
360
361 Mr. Condlin There is no provision in the B-1. The only place you can go is B-
362 3.
363
364 Mr. Silber: It is not like it is permitted in B-1 and B-2 with a use permit. It
365 requires B-3.
366
367 Mr. Archer: Mr. Secretary, let me ask a question. Does the introduction of the
368 proffers address the fence? Are they staff's concerns?
369
370 Mr. Silber: We may need to have Mr. Coleman come back up and address
371 that. I haven't had a chance to see the proffered conditions. I think they came in late
372 and I was tied up this afternoon, so I don't know if staff concerns were based on setback
373 issues that have now been addressed and whether the fencing and the obligation to
374 keep this dog outside as setback requirements are still our concerns, or if there are still
375 outstanding concerns.
376
377 Mr. Coleman: I would say that addresses some of our concerns. Our concerns
378 were sensitive about B-3 in this area and putting this use adjacent to undeveloped land
379 which could be used for office or possibly residential uses. As for our other concerns,
380 certainly that would address the concerns with the setbacks and the vinyl fencing, one
381 thing we would like to see is maybe a more clear plan of where the fence is going to be.
382 It is my understanding that is going to be a new fence and the older fence is going to be
383 retained, but would like more detail on that.
384
385 Mr. Silber: Mr. Archer just asked me if this would require a POD. It probably
386 would not require a POD. These improvements would be made administratively.
387
388 Mr. Archer: Are we able to ascertain with some certainty that the things you
389 just mentioned can be incorporated? Something a little more definite.
390
391 Mr. Condlin: We can sit down and talk with them about that and the idea that
392 the vinyl fence is going to be on the exterior of the property including any areas where if
393 there is a fence up and you can see it from the outside, it is going to be white vinyl. That
394 is the answer, and if you can see a fence, it is going to be a white vinyl fence, from the
395 outside.
396
397 Mrs. Jones: Solid?
398
399 Mr. Condlin: Solid opaque. If you'd like the lattice, that part might not be
400 completely OK, but I think it will show three inches on the top and it will be a minimum of
401 six feet tall, white vinyl fence, and the property next door, it is all owned by the church
402 across the street, and part of that is a cemetery, and we had a nice meeting with them
403 and they don't seem to be disturbed by it, because they don't leave the dogs out during
404 the night and on the weekend and Sunday hours are by appointment only, so there is
405 not a lot of activity otherwise, but that property is owned by the church, the wooded area.
406

407 Mrs. Jones: About the fence. Will that be coming back for review and approval
408 by the Planning Department before this is put up?
409
410 Mr. Condlin: We can certainly put that in there, it would be approved by the
411 planners out there.
412
413 Mrs. Jones: Well, with the tie in to old fencing...
414
415 Mr. Branin: I can probably help with that a little bit. The exterior fence around
416 the property is a wood stockade fence that is in disrepair. They have, since they
417 occupied the building, put wood supports on and chicken wire. So, to say the least, it is
418 an eyesore, which was one of the main concerns. The other side of it isn't any concern
419 because of the woods and the cemetery and so forth. But, if they are going to upgrade
420 their property the way it should be done, then they need to do the entire property, so the
421 fence that is coming down, the eyesore fence, will be replaced with vinyl siding in the
422 same space. Inside the property, there are additional fences they will be altering, but not
423 removing.
424
425 Mrs. Jones: So that answers your concerns about the aesthetics?
426
427 Mr. Branin: Yes. The use out front was also a problem with having dogs out
428 front during the day.
429
430 Mr. Silber: Mr. Condlin, I think this illustration clearly shows what the setback
431 requirements are, but I still am troubled that we don't have a plan to show where the
432 fence would go, perhaps a detail of the fence, or if not a detail, perhaps some
433 commitment that a fencing plan and detail would be provided with a landscape plan that
434 can be reviewed administratively by my staff and myself and approved at some point in
435 time. I think that would have to take place soon after zoning, so this isn't something that
436 could linger. I think we just don't have all of the details we need to make sure that this is
437 going to make a commitment that the Commission is considering at this point, so
438 whether this gets forwarded to the Board with more work or whether it gets deferred, but
439 I think it is up to the Commission, but I think it is going to need more work.
440
441 Mr. Condlin: I understand. Whether it is deferred or I can move forward, I could
442 sit down with you and your staff to take care of that and give the details you want, but
443 this is one of those cases that has a different plan. The location to me is simple, but I
444 can see that exterior fences on the rear boundary that is going to be replaced, and this is
445 a question of detail. To me it is common sense, but we can give you the detail for a 6
446 foot white opaque vinyl fence with a lattice top. We can get that to you whether it is...
447
448 Mr. Branin: I am in agreement with the Secretary, that this case has been a
449 difficult one, and you guys are making the right motions to improve the problem out
450 there, but we really do need to see the landscape plan with the fence, and a sample of
451 the fence, and I am going to push it forward contingent on one being provided before it
452 gets to the Board.
453
454 Mr. Condlin: We can do that in the next week and a half.
455
456 Mr. Archer: Well, my concern, Mr. Condlin, was without having the benefit of a
457 development plan that we can have some control over, and I am sure your intentions are

458 honorable here, but we just saw these tonight, and we wanted it to be so we could
459 ascertain...

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461 Mr. Condlin: Just to clarify, I know the landscaping hasn't been brought up, but
462 there is an incredible amount of landscaping up front and on the side where you and I
463 walked, is that what you were thinking, along that area?

464

465 Mr. Branin: Along the side where the massage school is?

466

467 Mr. Condlin: Right.

468

469 Mr. Branin: And out front you can show what is presently there.

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471 Mr. Condlin: OK, we can do that.

472

473 Mr. Archer: All right, Mr. Branin. Any more questions from anybody?

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475 Mr. Branin: Mr. Chairman, with that, I would like to move to waive the time
476 limits.

477

478 Mr. Jernigan: Second.

479

480 Mr. Archer: Motion to waive the time limits by Mr. Branin and seconded by Mr.
481 Jernigan. All in favor say aye. All opposed say no. The motion passes.

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483 Mr. Branin: Mr. Chairman, I would like to move that C-12C-04 be sent to the
484 Board of Supervisors with a recommendation for approval contingent on the conditions
485 set forth by the Commission tonight and the recommendations to the Board.

486

487 Mr. Jernigan: Second.

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489 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor say
490 aye. All opposed say no. The motion passes.

491

492 Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning Commission
493 voted to recommend the Board of Supervisors **grant** the request because it is
494 appropriate business zoning in this area and the proffered conditions should minimize
495 the potential impacts on surrounding land uses.

496

497 **Deferred from the June 15, 2006 Meeting.**

498 **C-26C-06 Roy Amason for McCabe's Grant L.L.C.:** Request to conditionally
499 rezone from A-1 Agricultural District, R-1 One Family Residence District, C-1
500 Conservation District, R-2A One Family Residence District, and R-3 One Family
501 Residence District to R-2AC One Family Residence District (Conditional), Parcels 742-
502 755-8449, 742-754-8984, 743-754-4375, and part of Parcel 743-755-1624, containing
503 approximately 13.77 acres, located at the termini of Crown Grant Road, Loreine's
504 Landing Lane, and Persimmon Trek. The applicant proposes a single-family residential
505 development with a maximum of 23 dwelling units. The use will be controlled by zoning
506 ordinance regulations and proffered conditions. The Land Use Plan recommends
507 Suburban Residential 1, 1.0 to 2.4 units net density per acre, Environmental Protection
508 Area, and Suburban Residential 2, 2.4 to 3.4 units net density per acre.

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Mr. Silber: This is in the Three Chopt District.

Mr. Archer: Thank you, Mr. Secretary. Is there anyone present who is opposed to Case C-26C-06, Roy Amason for McCabe's Grant, L.L.C.? Are you in opposition or do you just want to talk about it? Well, we will consider that opposition. You will have a chance to speak. Thank you, so much. Good evening, ma'am.

Mrs. Croft: Thank you Mr. Chairman, Members of the Commission, Mrs. O'Bannon, Mr. Secretary. This request was amended on July 7, 2006 to reduce the area of the property to be rezoned. A revised concept plan is being distributed with the proffer revisions. The request would now rezone 13.77 acres to R-2AC, One Family Residence District (Conditional) to permit the construction of a single-family subdivision of no more than 23 lots. The subject site is located adjacent to Lake Loreine, at the termini of Crown Grant Road, Loreine's Landing Lane, and Persimmon Trek. An existing single-family dwelling is located on the property, and is proposed to be demolished. The property is surrounded by single-family dwellings and Lake Loreine. The applicant has submitted revised proffers dated July 12, 2006, which include the following: no more than 23 dwelling units; a minimum finished floor area of 3,800 square feet; lot widths of not less than 100 feet for at least 21 of the 23 lots; 70% of the exterior of each home would be brick, stone, or stucco; a minimum of two-car side or rear loaded garages for each home; curb and gutter on all streets within the property; and C-1 zoning for those areas within the 100-year floodplain.

Staff has concerns regarding several of the submitted proffers. First, Proffer 5: Lot Width. For clarification and enforcement purposes, staff recommends the applicant clarify lot widths to be as defined in the County's Zoning Ordinance, which measures lot width at the minimum required front yard setback, not where the building is actually constructed.

Proffer 7: Exterior Materials. This proffer actually gives the Architecture Control Committee ultimate control over the exterior materials of the homes. A condition controlled by an outside entity should not be classified as a proffer if it is not regulated and enforced by the County. Staff recommends the applicant either remove language referring to the "superior materials as determined by the Architectural Control Committee" or assign ultimate control of this proffer to the County, either through the Director of Planning or the Planning Commission.

Proffer 12a: Architectural Control Committee. Staff recommends the applicant delete this proffer entirely. Staff believes the County should not be in the position to enforce the membership of any such committee, nor within how many days written notice should be given from the developer to the Homeowner's Association regarding a vacancy on the committee. This language is suitable to be included in Restrictive Covenants, but not in proffers.

Proffer 12b: Mailboxes. This is appropriate for restrictive covenants, but not for proffers. Staff believes this proffer should be deleted.

Proffer 12c: Fences. Staff believes this proffer should be a stand-alone proffer. In addition to the prohibition on stockade style fences, staff also suggests a maximum fence height of 42 inches.

560 Proffer 13: C-1 Zoning. The applicant is committing to file a rezoning application for those
561 properties within the 100-year floodplain no later than the date of the recordation of the last
562 subdivision plat for the last lot platted on the property. Because this time frame is very
563 open-ended, staff recommends the applicant commit to filing this application prior to final
564 subdivision approval.
565

566 Proffer 16: Construction Access. The applicant has proffered development construction
567 traffic would access the site through Crown Grant Road, while home construction traffic
568 would access the site via Loreine's Landing Lane. Staff notes because development
569 construction and home construction will most likely be ongoing, this proffer would be
570 extremely hard to enforce and most likely should be deleted. Staff suggests the applicant
571 include construction access in their own contracts with subcontractors rather than having
572 the County try to enforce which entrance certain construction vehicles use. If Crown Grant
573 Road is to be used for construction traffic, staff recommends the applicant commit to
574 planting a buffer with a minimum width of 15 feet and planted to a Transitional Buffer 25
575 adjacent to the terminus of Crown Grant Road when the construction traffic at that entrance
576 ceases.
577

578 To be consistent with recently approved residential development in the County, and to
579 ensure compatibility with adjacent neighborhoods, the applicant is encouraged to address
580 the following: installing sod and irrigation on all lots; installing street trees at intervals of
581 approximately 35' on all streets within the property; prohibiting the burning of stumps,
582 cleared trees, branches, and debris; and prohibiting cantilevered features.
583

584 On July 7, the applicant submitted a revised application, reducing the amount of property to
585 be rezoned. As you can see from the original and revised site plans, where the hand is
586 (referring to rendering) the original lots 24 through 26 are no longer part of this application.
587 The only proposed access to the site is via Loreine's Landing Lane through the established
588 Lake Loreine neighborhood; however, staff does note the proposed lot sizes are not
589 comparable with those existing along the street existing. Staff believes the proposal could
590 be enhanced by increasing the proposed lot sizes.
591

592 Staff is also concerned the proposed site plan would impact several residentially-developed
593 properties in the adjoining subdivisions. The proposed cul-de-sac on the southern portion
594 of the property is located approximately 18' from a residentially-developed parcel on
595 Persimmon Trek, and the proposed cul-de-sac on the northern portion of the property is
596 located approximately 48' from a residential property in the Bell Tower subdivision. Staff
597 encourages the applicant to provide supplemental landscaped buffers in areas where
598 proposed cul-de-sacs are located close to existing residences.
599

600 It is important to note Public Works has requested the developers build a cul-de-sac at
601 the end of Persimmon Trek. Schools has noted Godwin High School is currently over
602 capacity and this development will cause additional overcrowding.
603

604 Staff is concerned the applicant has not given the affected community adequate time to
605 review and comment on the request. A community meeting was held on June 29, 2006. At
606 that meeting, the applicant first disclosed the intention to route development construction
607 traffic through Crown Grant Road; however, the applicant sent invitations to only 6 of the 33
608 homes along Crown Grant Road. The applicant sent a notification approximately a week
609 ago to those 33 homes on Crown Grant Road indicating a subdivision would be built and

610 construction traffic would use Crown Grant Road. However, no contact information was
611 included on the letter in case anyone had questions.

612
613 The 2010 Land Use Plan designates the majority of the site Suburban Residential 1.
614 Environmental Protection Area is recommended for those areas adjacent to Lake Loreine,
615 and a small portion of the site is designated Suburban Residential 2 (2.4 to 3.4 units per
616 acre). While the proposed single-family residential development is consistent with the use
617 and density recommended in the 2010 Land Use Plan for the majority of the site, several
618 concerns remain as previously mentioned. This concludes my presentation, I would be
619 happy to try to answer any questions you may have. The applicant is also here. Time
620 limits would need to be waived on these proffers.

621
622 Mr. Archer: Thank you so much, Mrs. Croft. Are there questions from the
623 Planning Commission?

624
625 Mr. Branin: No, but I definitely want to hear from the applicant.

626
627 Mr. Silber: I had one question, Mrs. Croft. The acreage you mentioned which
628 has been removed from this case, is that reflected in the description that is on the agenda
629 now as 13.77 acres?

630
631 Mrs. Croft: Yes, sir.

632
633 Mr. Archer: OK, will the applicant come forward, please. Mr. Amason, how are
634 you, sir?

635
636 Mr. Amason: I am fine, sir.

637
638 Mr. Archer: It has been a while. Nice to see you.

639
640 Mr. Amason: Nice to see all of you.

641
642 Mr. Archer: Bear in mind, Mr. Amason, you have someone who wants to speak
643 to this case, not necessarily in opposition, but you may want to reserve some time for
644 rebuttal.

645
646 Mr. Amason: I think you also have someone who wants to speak in favor of it.

647
648 Mr. Archer: Thank you, sir. Did you want to reserve some time?

649
650 Mr. Amason: I do want to reserve some time. Let me have two or three minutes.

651
652 Mr. Archer: You said three minutes so we will give you seven to present. Thank
653 you, sir. I am sure you heard all of the problems staff mentioned.

654
655 Mr. Amason: I have and to be frank with you, I am shocked. I have been working
656 on these since yesterday at 4:00 and I thought for sure we were going to get a
657 recommendation. There are many things that staff has brought up here tonight that are
658 conflicting, but we tried really hard to do what staff recommended, even though staff always
659 says, "We can't tell you what to proffer. We are just going to recommend." Sometimes that
660 means the developer doesn't necessarily agree with them; however, for example, we have

661 increased the distances between houses at the end of the cul-de-sac significantly from our
662 first lay out and we frankly thought we were doing what staff and neighbors wanted,
663 because we had a meeting over there, and they all talked about it, and they all discussed it.
664 All of the neighborhoods were invited. We invited, by the way, the people that the
665 Supervisor, staff, and Planning Commission recommended to us to invite to a
666 neighborhood meeting, and then we got a call just before, a week before, I think, that we
667 changed our mind and think we ought to direct something to the people about the traffic
668 situation, so we got a flyer together and put them out to those people. So, we were
669 recommended to notify the people that adjoined the property and our meeting was with the
670 Supervisor and staff. We did exactly what we were asked to do.

671
672 Mr. Branin: Mr. Amason, at that time, when that was recommended, I don't
673 believe, and if I missed that I apologize, and if Mr. Kaechele missed that, that we were
674 surprised that at the neighborhood meeting, you stated the road being used for construction
675 was going to be Crown Grant as opposed to Lake Loreine. So, you know, the change in
676 climate was due to the change and lack of knowledge of the road you were going to be
677 using, and now the people that you will be affecting, so to say that we all of a sudden
678 changed; we changed....as a result of new information that was not given to us.

679
680 Mr. Amason: Well that I do understand, because when we had that first meeting,
681 we decided we would address those neighborhoods and the problems, at the neighborhood
682 meeting, as you know. There was a discussion with Lake Loreine's Board as to how much
683 traffic would be coming in and out concerning the structures. So we decided since we had
684 a paved road to the property at Crown Grant Drive, that we would use that road for
685 development traffic. After development, we would cut that off and we would use the
686 Loreine's Landing Drive for the construction traffic of homes. Any way you slice this,
687 nobody wants any traffic on their roads, and so as a developer, we are kind of between the
688 devil and the deep blue sea.

689
690 Mr. Branin: And, you know, I don't condemn you for your decision. You know I
691 think it is a good decision, I think, because it is a paved road. It is wide, but originally all we
692 talked about was Lake Loreine, and when you change it, you are going to impact the
693 people of the Three Chopt District. You need to, by right, notify them and get them
694 involved, because lots of construction traffic through their neighborhood is going to affect
695 them.

696
697 Mr. Amason: What we did was we went to those people's houses. What are we
698 going to do to minimize construction traffic? I believe we've got to go down Lake Loreine
699 Drive.

700
701 Mr. Branin: That is not in contention, sir. The intention is notifying people
702 properly.

703
704 Mr. Amason: All right, OK. Other than that, I think what we have done is we have
705 worked on these proffers, and they have been amended four, five, or six times trying to
706 satisfy staff and mainly the Board of Directors of Lake Loreine, because that is where we
707 are entering and we are going to be part of their neighborhood. There are a couple of
708 things that are in the proffers that staff and I discussed late yesterday afternoon, and I
709 asked that they remain in the proffers, and staff said they would like them taken out. I did
710 that because we had made commitments to the Lake Loreine Association, and I wanted to
711 make sure that we weren't going backwards on that, and I said to staff, "If we have to take

712 out these proffers, then I would really like to ask you to and I will agree, but I don't want to
713 do it on my own, because I don't want Lake Loreine to think I went back on something.
714 We did make some changes, one of them had the Planning Commission would approve
715 the siding, exterior materials, and we felt like that was more of an Architectural Control
716 Committee function and not a Planning Commission function. If I am wrong on that, then I
717 have learned something new. But I just think that is an Architectural Control Committee
718 situation and not a staff situation. Overall, I feel like we have done in the proffers the best
719 we could with the neighborhood and the staff. If there are changes that need to be made, I
720 am sure that we can make these changes. What I would ask you to do is listen to the
721 people that have come tonight and if we could do so, we would like to be able to change
722 between now and the Board of Supervisor's meeting, not defer it for another 30 days,
723 because you have deferred it once and we have tried our best to do it. We do not have an
724 objection to doing what staff wants and what the neighborhood wants as best we can do it.

725
726 We are developing a piece of property that is in the middle of all of these involved
727 neighborhoods and anyway you cut it, you are going to have some controversy over traffic,
728 while we are under construction at least. We do meet all of the requirements as far as
729 number of units, as far as ingress and egress; we are not as big as lots at Lake Loreine.
730 We do have curb and gutter which Lake Loreine does not. We are going to be having
731 \$1,500,000 homes. I think Lake Loreine will tell you tonight that they are in support of what
732 we are doing and the size lots we are doing. We thought that we were in compliance with
733 setbacks and the 100 feet. Evidently we didn't word it right, but we didn't know that until
734 yesterday afternoon. That can be changed just by a typo, so I don't know what else to
735 address. Are there any other questions that you might have? We have worked very hard
736 on this case to make sure we did what staff and, frankly, Tommy, what you wanted, and
737 what the neighborhood wanted, so we are still trying to do that.

738
739 Mr. Silber: I think there is another one we dealt with in C-1 zoning. I am not
740 sure if you addressed that one.

741
742 Mr. Amason: I thought that we did. I know that we had it.

743
744 Mr. Silber: The proffer indicates that you file for the rezoning for C-1 no later
745 than the day of recordation of the last subdivision plat or last lot platted on the property.
746 What would typically happen in rezoning to C-1 the 100 year flood plain property, is we get
747 that application no later than final subdivision approval. That is when you will have your
748 construction plan.

749
750 Mr. Amason: I do not have a problem with that.

751
752 Mr. Silber: OK.

753
754 Mr. Amason: The items that were in here quite frankly were recommended to us,
755 not necessarily by staff. I don't know where it came from.

756
757 Mr. Silber: I think part of the problem might be that the last proffers we had, I
758 believe, were dated April 19, 2006 and then we received new proffers, the first time revised
759 proffers dated July 12, 2006, so I think some of us are trying to work through these and in
760 kind of a late order. You may have been meeting with some of those residents.

761
762 Mr. Amason: During that time I was meeting constantly with Lake Loreine. You

763 are correct. And they were talking with staff and I was talking with staff all during that time.
764 We were in close contact the whole time with Lake Loreine. We did not realize that it was a
765 problem with staff until tonight. I am sorry.

766
767 Mrs. Jones: May I ask a few questions? I don't know about the time. I have two
768 questions quickly. Staff raised the question that two lots in particular were going to have to
769 be very, very close in proximity, enough to raise a real concern, and I'd like to have your
770 comment on what might be solutions to that, and secondly, I want to check with my
771 understanding of some of this proffer wording as staff pointed out as more appropriate for
772 restrictive covenants. I guess my concern would be enforceability.

773
774 Mr. Jernigan: That has to come out.

775
776 Mrs. Jones: OK, that's no problem. OK. Could you address then the other two
777 lots that staff brought up?

778
779 Mr. Amason: Well, when it originally came up, we adjusted our cul-de-sacs and I
780 thought, quite frankly, we were in compliance with what staff wanted, so I am at a little bit of
781 a loss on it. On the one that is down at the bottom right...

782
783 Mrs. Jones: Can you point that out for me please; to make sure I understand it?

784
785 Mr. Amason: That is the part I am talking about right here (referring to rendering).

786
787 Mrs. Jones: OK.

788
789 Mr. Amason: We moved that in considerably with what it was. It was 25 feet and
790 now it is 48 feet. The concern there, I think, is I don't know what it is. What is it?

791
792 Mrs. Croft: This area right here is a residential lot in Covered Bridge
793 subdivision.

794
795 Mr. Amason: What I am confused about is the Planning Commission approved
796 that subdivision and had that lot put there, and the cul-de-sac was the way that it is. We
797 are on the back of that property. Our front yard is on the side of his front yard. I just don't
798 see where an 18 foot distance is a problem, to be frank with you. There are woods there
799 existing.

800
801 Mrs. Jones: The 18 feet would be between your home, which side?

802
803 Mr. Amason: The front of the home right here.

804
805 Mrs. Jones: OK.

806
807 Mr. Amason: So, the front yard there would be 18 feet from, I think from his side
808 front yard. He faces the same way as our house does.

809
810 Mrs. Jones: OK.

811
812 Mr. Amason: There is his house and here is ours. The 18 feet they are talking
813 about is right in here. But to me that is all front yard. It is not like you are putting a back

814 door 18 feet from his front door. That is not true. On the other one, Bell Tower, we have a
815 side yard which is up here in the corner. We have a side yard right here which is in the
816 front side yard of that dwelling. That adjoins the back yard of a house sitting where my
817 hand is on the picture here (referring to rendering). So, again, on that man's back door,
818 looking way out across his backyard, I don't see where that side yard, not the side yard, but
819 distance of that cul-de-sac here is of great concern. It is not like it is on his front door.
820 What we tried to address was the distance of the end of this cul-de-sac to the
821 neighborhood this way. Here we didn't have a lot of choice. To be frank with you, the way
822 Bell Tower is laid out; all of these are backyards up here. If they are going to have a
823 subdivision, they are going to be doing some backyards somewhere.
824

825 Mr. Silber: Mr. Amason, I see what you are saying and there is some distance
826 there, and we appreciate your pulling the cul-de-sac back and providing some distance
827 between the cul-de-sac and adjacent properties. This may be the best we can get it, but I
828 think typically you like to see a cul-de-sac with lots going around the end of the cul-de-sac
829 in a typical fashion. Like if you look at lots 8, 9 and 10, they are at the end of one of your
830 cul-de-sacs, so you have a backyard backing up to a backyard. If you look at lots 3 and 4,
831 you don't have that arrangement. You have run your cul-de-sac closer to those lots and
832 you don't have that separation that we normally like to have.
833

834 Mr. Amason: I understand and I know that staff and Henrico County are not
835 supposed to and don't want to look at economics, but what we have done to this
836 subdivision at the request of the County is spend a half a million dollars in buying additional
837 land so that we had no out parcels sitting out there. We had to do that and make sure that
838 we wouldn't disturb some others, and we tried hard to do that. I understand what you are
839 saying. Obviously, if we lose two or three of these expensive lots we are in trouble, so
840 reconsider where we are. I don't see a solution on our part about that right now. It is a very
841 expensive, \$350,000 to \$400,000 solution and I don't see the need for it. It may be how
842 County standards are done, but I don't know that I agree with them.
843

844 Mr. Silber: Is there a way of moving that cul-de-sac between lot 3 and 4 and
845 just curving the road so you don't lose a lot, but you have more of a rear yard to rear yard
846 relationship? You may be building more pavement on that cul-de-sac than necessary. I
847 am looking after your economics here, Mr. Amason.
848

849 Mr. Amason: I hear what you are saying. I don't know. We obviously would be
850 willing to look at that.
851

852 Mr. Silber: You might be able to turn that into a normal elbow and not have that
853 cul-de-sac. When we are locking ourselves into a layout like this with the proffered
854 conditions; we'd like to be able to have the ability to improve on it, and I think you have
855 made some improvements. We are just not sure if we are totally there.
856

857 Mr. Amason: I guess what we are going to have to look at, or the engineer is
858 going to have to look at, you get into problems when you come to that. If you have a radius
859 on a curve, that is a traffic bump. Do you understand what I am saying, as opposed to
860 having an intersection?
861

862 Mr. Silber: You are correct.
863

864 Mr. Amason: But when you've got a 300 foot radius as you go around, it may work

865 and it may not. You know what I am saying. Some of these things are Catch 22's. We'd
866 like to have bigger islands in the cul-de-sac, but then there are traffic issues and fire, they
867 say get rid of those islands to guarantee our fire truck. So we are kind of between the devil
868 and the deep blue sea when it comes to that situation. Those things are things that get a
869 developer frustrated. He is trying to do what is good for everybody and it is hard to do
870 sometimes, but that is something, obviously, that we are going to look at.

871

872 Mr. Archer: Any further questions from the Planning Commission? Mr. Amason,
873 you had reserved some time for rebuttal. You have a minute left for your presentation and
874 three minutes rebuttal time left. You can split that out different if you want to. But you did
875 have some proponents here. Would you like for them to come forward?

876

877 Mr. Amason: I think we have one back in the back.

878

879 Mr. Archer: That person has a minute or either you can shave another minute off
880 of your rebuttal time.

881

882 Mr. Amason: He can have a minute or two minutes.

883

884 Mr. Archer: Thank you, sir.

885

886 Mr. Hill: My name is Ed Hill. I am here on behalf of the Lake Loreine
887 Homeowners of about 54 homes. I am on the Board. We have been working with Roy to
888 work through these issues and I just wanted to say that we support the proffers as
889 presented and one of the biggest concerns that we have had was the traffic. We have a
890 narrow road. It is about 24 feet wide and during the development phase, using bigger
891 equipment, you can only pass one car on our road if people park on the street and you
892 can't pass a truck. We just had that happen with an oil spill. We had a lot of traffic down
893 there. It was a nightmare versus Crown Grant Road which is 36 feet wide and has a nice
894 curb on it. There are also very few homes on that versus all of our homes abut right up to
895 our road, so that is one of the contentious issues that has come up to our meeting and I just
896 want to voice our opinion on that, so I just want to let you know that 54 homes were in
897 support of it and actually look forward to incorporating it into Lake Loreine. Thank you.

898

899 Mr. Archer: Thank you. Any questions? Thank you, sir. All right, I believe we
900 had someone who was either in opposition or wanted to voice a concern, and would you
901 come forward and state your name for the record, please.

902

903 Ms. Strobel: My name is Cathy Strobel and I am a member of the Cedar Station
904 subdivision and I would just like to reiterate some of the concerns raised by the staff, as
905 well as some of the concerns that were raised in the meeting on June 29. I just want to
906 reiterate some of the things, as far as what we have heard here tonight, who was invited to
907 the meeting on the 29th. In fact, very few of the Cedar Station residents were informed of
908 that meeting. It happened to be that several of us heard it by word of mouth and I attended
909 that meeting, which was the first point that we had to learn that they were proposing
910 development through Crown Grant Road. The original proffers and information about the
911 subdivision did not indicate anything like that. The residents that were there from Cedar
912 Station expressed concern that we had not been notified and hadn't had an opportunity to
913 express an opinion on it. The people that were there from Cedar Station, however, were
914 very concerned about the condition of the road pending development and construction
915 going through there. One of the other things that we were requesting of the applicant was

916 that the terminus of Crown Grant Road be capped with landscaping at the conclusion of the
917 infrastructure development since we had a limited time frame of enduring traffic,
918 construction traffic, because the home construction would go through Loreine Landing and
919 we would have some assurance of that. The revised proffers that have been presented
920 don't look like any commitment to capping the terminus of Crown Grant Road, nor do they
921 address the condition of Crown Grant Road following completion of development activity,
922 so, with that in mind, at a minimum I'd like to request a letter of agreement from the
923 applicant stating that Crown Grant Road will be repaved upon completion of the
924 development construction and, in addition, I'd like a written commitment from the applicant
925 that the terminus of Crown Grant Road will be capped prior to homebuilding construction
926 with sufficient landscaping to prevent this from being used for access. Thank you.

927

928 Mr. Archer: Do you all have any questions? Any comments? All right, thank
929 you, ma'am. Mr. Amason, I think you've got about three minutes left.

930

931 Mr. Amason: The reason that we took out, in the proffers, I believe they are out
932 now. Staff did not want us to put in there the access and egress. We went back and forth
933 on it. First they wanted us to do that, and they did and they didn't. We do not have a
934 problem with giving Crown Grant a letter saying what is in the proffers, but what we were
935 trying to do, quite frankly, with our development traffic, which is normally bigger equipment,
936 it goes in and out less times than building traffic does, but it is bigger equipment. What I am
937 thinking about is by the time you are storing equipment and the grading equipment, and
938 they stay there until it is finished. They are not going in and out every day. However, they
939 are bigger equipment. This did all come up at the neighborhood meeting and we discussed
940 it and we thought we had made a consensus that we would split the traffic up; have
941 development traffic from one end and building traffic from the other.

942

943 We do not have a problem with cutting off the development traffic when the development is
944 over. We have also committed that, it is not in the proffers, but we just committed to the
945 neighbors the fact that we are going to put some kind of landscaping at the end of Crown
946 Grant Road. Quite frankly, that is a county road. It goes no where. It just ends. But the
947 County has not said what they are going to do with that little piece but if they leave it like it
948 is; we have committed to the neighbors that we will put some plantings on the back of that
949 lot. That is a house, a house will be sitting there and you can't drive through the house. But
950 we will put some landscaping there and we can do that at the same time as we stop our
951 development and went to our building phase. So not only would it be cut off, that it would
952 be aesthetically cut off.

953

954 As far as proffering or making an agreement to repave Crown Grant Road, I think that is a
955 decision that will have to be made at the time that construction traffic is in and out of there.
956 We don't know that we are going to have enough traffic back there quite frankly, to fill that
957 road up. I don't think we are. There is not that much traffic. We are talking about
958 developing 20 some lots here. We are not developing 900 lots on Broad Street. We are
959 just putting in 20 some lots. Most of the time what we will do if someone or whoever the
960 developer or contractor is, will bring in their equipment and they will stay in there until they
961 are finished and then take the equipment out. The main traffic will be the workers going in
962 and out and coming to it. That would involve some pick up trucks itself, but once we get the
963 main traffic in there, it will stay in there.

964

965 As you have heard, we have worked very hard with Lake Loreine and there has been some
966 confusion as we went along because we were trying to satisfy three masters. That was all

967 of the public, Lake Loreine, staff and the County. I think we have done a good job of it
968 although it doesn't sound like it here, I think we have done a good job of it. If you want us
969 to take more time and try to do it again, we will try to do it again. I didn't feel like we gave
970 Cedar Station too short of notice because I felt like we were doing what we were requested
971 to do. I know what Tommy was saying. It's because of the traffic that things changed.
972 Now if we need to have another meeting with Cedar Station, we will be glad to. I don't know
973 that the facts are going to change any however. I don't know what we can say to these
974 people. We can't say that we are not going to have traffic. I don't think that's fair to Lake
975 Loreine. I think the way we've got it, we have both entities getting some traffic during a
976 shorter period of time. I don't know what else I am going to say to those people but I will be
977 glad to say what ever I need to, but not something that's not realistic. We will be glad
978 to.....and at any time when you are working on roads, etc., if the County inspectors come
979 to us and say you are leaving mud on the roads, you are tearing up the roads, they make
980 us take care of that as we are going along. I think that's a fair statement. They always
981 have for me. I think to just say right up front we are going to repave that road whether it
982 needs it or not is not very prudent. I guess that's about all I have at this stage unless you
983 have more questions of me.

984
985 Mr. Archer: Thank you Mr. Amason. Are there more questions?
986

987 Mr. Branin: Just a couple of comments. Mr. Amason, first of all I want to
988 commend you for the quality of development that you have done in Henrico County. You
989 have been a quality builder from the get go and that has never been in question. Your
990 proposal and architectural committee and where we are now, as opposed to where we
991 originally started, we have come a million miles. Your layout is pretty much there. Your
992 proffers are rough with the wording. I know it's made me as well as some of the other
993 Commissioners a little uneasy with them. As I stated to you before, we have to be, we
994 have to recognize everybody that this will affect. With someone from that community
995 coming out and saying and I recognize that she was at the meeting, that she doesn't feel
996 that she was notified and the rest of the people were notified well enough, is what I think I
997 heard her say. I'm going to allow you to defer this or I will defer this, it's up to you. In that
998 time, I would like those proffers tied up a little bit tighter and have a meeting with hopefully
999 everybody. I know Lake Loreine is tickled pink with this. I will tell you again I think you are
1000 going to build a quality subdivision, I really do, but there is a little bit of housekeeping that
1001 we need to take care of before we push it up to the Board.

1002
1003 Mr. Amason: I think if I ask for a deferral, I will do it in front of you all so that it is on
1004 record. I will do this deferral for 30 days but I would like for us to take 20 days deadline or
1005 15 days deadline so that I know when I come before you next time, that I have made
1006 agreements that are good. Because that's what I thought I was told.

1007
1008 Mr. Branin: Considering that I saw these proffers this evening, I am 100% with
1009 you sir. My fellow Commissioners would be happy to have their copies as well.

1010
1011 Mr. Amason: I tried to change those. I did not agree with all of them and I didn't
1012 change all of them. Proffers are supposed to be voluntary and that's what...but we only
1013 had a few issues on that situation. I think our main issue tonight is getting with Cedar
1014 Station and talking with them. That's fine. I am more than willing to do that. I will say again
1015 however, I do not know how to solve the problem of the traffic so I will look to you all to help
1016 me do that.
1017

1018 Mr. Branin: We will hold your hand and lead you through that.
1019
1020 Mr. Amason: That's good, that's good. So with that, I would like to ask for a 30-
1021 day deferral.
1022
1023 Mr. Archer: Before we move on that I would like to ask...Ms. Strobel made some
1024 remarks concerning assurances that you would like to see in written form and I think I heard
1025 some conversation indicating that those are already in the form of the proffer.
1026
1027 Mr. Branin: No.
1028
1029 Mr. Archer: No, they are not?
1030
1031 Mr. Amason: We can make some of those. What I said was we will make...if you
1032 want to put them in....I don't know if that is proper or not but if you want us to have a
1033 proffer that says we will plant at the end of Crown Grant Drive at the back of that lot when
1034 we finish the development, I will be more than happy to do that. I don't want planting before
1035 that because we will tear it up.
1036
1037 Mr. Archer: I think that would have a little bit more permanence than even a
1038 letter to Cedar Station.
1039
1040 Mr. Amason: If we are going to do it, then we are going to do it. What I didn't want
1041 to proffer was that I would pave from the end of Crown Grant Drive all the way out to
1042 Church Road. I would rather the County tell me, well you need to pave that. What I am
1043 saying is that I don't really want to tear it up.
1044
1045 Mr. Silber: Mr. Amason, I think a proffer saying that you would plant at the end
1046 of the street would be appropriate because that's on your property. The paving of that road
1047 would be off your property. It would be an off-site proffer. What I suggest that you do is
1048 provide a letter to the neighborhood and to the County committing that you would be willing
1049 to have the County evaluate the status of that road at the end of your construction period
1050 and if it does need to be resurfaced or repaved, you would be willing to do that. Let the
1051 County decide and the Department of Public Works decide whether that is necessary or
1052 not.
1053
1054 Mr. Amason: I think that's good. I think what we would do is agree that the
1055 County can inspect it and tell us what repairs need to be done to the road.
1056
1057 Mr. Branin: Mr. Amason, I would also request that the County inspect it prior to
1058 the start.
1059
1060 Mr. Amason: Oh, absolutely.
1061
1062 Mr. Branin: We don't want these potholes that are already current....
1063
1064 Mr. Amason: I have just done that and as you know I have done a lot of
1065 developments and I've just done that one over at Crosspoint where we had the County
1066 come out. We walked it. We did the repairs the County made without any question and
1067 now we are turning it over to the association. We are not trying to run from the problems.
1068 We just don't want to proffer something upfront that we don't know exists.

1069
1070 Mrs. O'Bannon: I would suggest that you videotape it and have a date on the video
1071 tape. That's the way it's been done before; before construction starts.
1072
1073 Mr. Amason: Ok, not a problem. So with that I think that we are all in agreement.
1074
1075 Mr. Archer: Thank you Mr. Amason. Ms. Strobel, before we move on, you are
1076 going to have to come up, but does that address your concerns about how we would put
1077 this into the record? Ok.
1078
1079 Ms. Strobel: (Unintelligible)
1080
1081 Mr. Branin: Please ma'am come up here to talk.
1082
1083 Mr. Amason: Do we need to have a meeting or do we need to just do this?
1084
1085 Mr. Branin: I would prefer a meeting at your convenience.
1086
1087 Ms. Strobel: I think a meeting would be appropriate because the letter that was
1088 distributed to the entire subdivision as far as the development traffic actually does not
1089 include any contact information nor does it say who it came from. So while the
1090 development was notified, we can assume it came from you Mr. Amason, but I think the
1091 entire neighborhood needs to hear these concerns and weigh in. I am sharing my opinion
1092 and the opinion of those that were present on the 29th, but that was limited.
1093
1094 Mr. Archer: What we are trying to accomplish Ms. Strobel, is to make sure that
1095 all of the things we are talking about tonight can be agreed to here in public for everybody
1096 to hear and it's on the record. So thank you for coming up. I think you will find that Mr.
1097 Amason will work with you on that.
1098
1099 Ms. Strobel: Thank you.
1100
1101 Mr. Archer: All right, we will go ahead and vote on the deferral Mr. Branin.
1102
1103 Mr. Branin: Again, Mr. Amason, I appreciate you working with us and I
1104 appreciate you taking the movement to defer this. With that Mr. Chairman, I would like to
1105 make a motion that C-26C-06, McCabe's Grant LLC, be deferred at the applicant's request
1106 to the August 10, 2006 meeting.
1107
1108 Mrs. Jones: Second.
1109
1110 Mr. Archer: Motion by Mr. Branin, seconded by Mrs. Jones. All in favor of the
1111 motion say aye. Those opposed say no. The ayes have it. That motion is granted.
1112
1113 The Planning Commission deferred Case C-26C-06, McCabe's Grant LLC, to its
1114 meeting on August 10, 2006.
1115
1116 **Deferred from the June 15, 2006 Meeting.**
1117 **C-11C-06 Neil Rankins for R & R Development, LC.:** Request to rezone from [R-5C]
1118 General Residence District (Conditional) to B-2C Business District (Conditional), Parcels
1119 739-761-2693 and 739-762-0100, containing 2.441 acres, located on the south line of West

1120 Broad Street (U. S. Route 250) approximately 195 feet east of Spring Oak Drive. The
1121 applicant proposes a retail development. The use will be controlled by zoning ordinance
1122 regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site
1123 is in the West Broad Street Overlay District.

1124
1125 Mr. Silber: Next on the agenda is a matter deferred from the June 15, 2006
1126 meeting. It is C-11C-06, Neil Rankins for R & R Development, LC. It is a request to rezone
1127 from [R-5C] General Residence District to B-2C Business District Conditional. This
1128 property contains 2.4 acres located on the south line of West Broad Street approximately
1129 195' east of Spring Oak Drive in the Three Chopt District.

1130
1131 Mr. Archer: Thank you Mr. Secretary. Is there anyone present who is opposed
1132 to C-11C-06, Neil Rankins for R & R Development, LC.? I see no opposition. Mr.
1133 Coleman.

1134
1135 Mr. Coleman: Mr. Chairman, Members of the Commission. This application would
1136 rezone 2.44 acres from [R-5C] to B-2C for retail development. The property is designated
1137 Mixed Use on the 2010 Land Use Plan and lies within the West Broad Street Overlay
1138 District. The subject property was rezoned in 1981 (C-72C-80), and the proffers strictly
1139 limit development to attached housing for the elderly.

1140
1141 Retail development could be consistent with the Mixed Use designation and compatible
1142 with existing uses along West Broad Street. However, staff strongly recommends a more
1143 significant commitment to interconnectivity in support of a well-designed and coordinated
1144 site plan.

1145
1146 The applicant submitted several proffers to further regulate the property, and major
1147 aspects include: Proffered conceptual site plans for Parcels A and B; elevations for the
1148 proposed furniture store on Parcel A; building materials would consist primarily of brick,
1149 EIFS, stone, ceramic tile, glass, cast stone, split-faced block, and cementitious siding; and
1150 selected B-2 and B-1 uses would be prohibited. Additional proffers would regulate
1151 screening HVAC equipment, dumpster enclosures, underground utilities, signage, lighting,
1152 public address systems, and other items.

1153
1154 The applicant also committed to providing two points of access - including one from West
1155 Broad Street plus one additional access from either the east or west. Staff believes
1156 interconnectivity with both the adjacent parcels is a critical component to a well designed
1157 project at this location. Therefore, although this application contains positive aspects, staff
1158 cannot support this application as proposed and strongly recommends a full commitment
1159 to creating and maintaining access to the abutting properties to the east and west.

1160
1161 In conclusion, there are housekeeping matters with the proffers that should be corrected.

1162
1163 That concludes my presentation. I would be happy to answer any questions.

1164
1165 Mr. Archer: Thank you Mr. Coleman. Are there questions from the
1166 Commission?

1167
1168 Mrs. O'Bannon: Is what we see here, has it been proffered? (referring to rendering)

1169

1170 Mr. Coleman: No, I was showing the options that have been discussed to show
1171 the connectivity. The applicant has agreed to provide one connection from Broad Street
1172 and either one to the west or to the east. We believe they should provide one to the east
1173 and west. It's very important.
1174
1175 Mrs. O'Bannon: Ok, thank you.
1176
1177 Mr. Archer: Anything further? Mr. Branin.
1178
1179 Mr. Branin: I would like to hear from the applicant.
1180
1181 Mr. Archer: All right. Will the applicant come forward and identify yourself.
1182 Good evening gentleman.
1183
1184 Mr. Reynolds: Good evening. My name is Sarge Reynolds.
1185
1186 Mr. Branin: Good evening gentleman. The project has come along greatly and
1187 it is about ready to go. The only reason I brought you up was so the other Commissioners
1188 can hear. Mr. Reynolds, I know you are working currently to get access. Can you explain
1189 where you are and tell us what access you will be achieving?
1190
1191 Mr. Reynolds: Well we do, we will have the access off of West Broad Street. We
1192 have a verbal agreement to get access from the west side. We are very confident that we
1193 can have that before the Board of Supervisor's meeting next month. We have been in
1194 talks with the neighbors to the east. It has been a little more complicated because it's a
1195 larger center and their association and ECR's allow for not only the landowner to have to
1196 get permission from him but we also need some of the anchor tenants as well. We have
1197 gotten verbal commitments and even a letter from several of them but they are not all
1198 unanimously on board yet but we are still working on that.
1199
1200 Mr. Branin: The main anchors in there would be?
1201
1202 Mr. Reynolds: Ukrops, which we had a meeting with Brian Jackson today. Brad
1203 Sauer, an owner, we had a meeting and have a letter from him in support but it takes
1204 everybody. Nusbaum owns the center and right now they have some concerns about
1205 traffic coming through their center. I actually have concerns about traffic coming through
1206 our center if we open that up, cutting over to get to the stop light to take a left on Broad
1207 Street. I think it creates safety issues. I think, in my opinion, and I will let Neil speak to
1208 this, but access from the west side plus Broad Street should be sufficient for the flow of
1209 traffic to and from our property.
1210
1211 Mr. Branin: Ok, Mr. Rankins do you want to make a comment as well?
1212
1213 Mr. Rankins: Only that you also recognize we are putting in a continuous right
1214 turn lane on Broad Street right in front of the Four Eyes property over to the Short Pump
1215 Crossing entrance. There is currently a right turn lane from the Short Pump Crossing
1216 entrance to Pump. So that will be continued. That's why we felt like for us to get over to
1217 Short Pump Crossing is just a matter of ruling out a right turn lane into another right turn.
1218 Obviously for Short Pump Crossing traffic to get on to Broad other than through Pump
1219 Road, they would go through our site and then over to the Four Eyes property at Spring
1220 Oak Drive. So I have always felt like the connection to Short Pump Crossing was really an

1221 advantage to Short Pump Crossing and not so much to us. But we had really hinged our
1222 development on getting the access to Spring Oak Drive, I mean road. We have a contract
1223 and an easement document that's prepared and we will be trying to get that executed
1224 before the next 30 days passes, whether it's the Board of Supervisors or Planning
1225 Commission meeting. That's for a price as well so we felt like that was a pretty good offer.
1226 It's not free.

1227
1228 Mr. Branin: It never is.

1229
1230 Mr. Reynolds: This may be speculation on my part but the owner of the center
1231 perhaps is not necessarily enthusiastic about that access because perhaps he views us as
1232 competition for him. I don't know. I just wonder why he wouldn't want access. He knows
1233 the County would like for us to have all three points of access. We are certainly pursuing it
1234 but I think it would be a shame to deny us rezoning if we can only get the two points of
1235 access. I feel like we are kind of caught in the middle of it a little bit.

1236
1237 Mr. Rankins: I think the point of access to the east is really as I said is more of an
1238 advantage to Short Pump Crossing and not so much to us because we really don't need it
1239 to get to Short Pump Crossing. They need it to get back to Spring Oak Drive. Which I
1240 think would be, I've told people for years, I think the County should always require
1241 interconnectivity out on these parcels. I myself have problems going from one retail center
1242 to the other and not being able to cross-pollinate.

1243
1244 Mr. Silber: The interconnectivity here for the benefit of the Commission has
1245 some history. The piece of property that is up for rezoning is owned by the Haithcocks.
1246 When the B-1C property at Spring Oak Drive came in for rezoning, they were proposing
1247 building at a location that would make it very difficult to have access through that B-1C and
1248 to the Haithcock property whereby we were trying to get a connection over to the shopping
1249 center to the east. The property owner at that time didn't cooperate with the
1250 interconnectivity therefore, the B-1C building got placed in a position that did not best
1251 facilitate this interconnectivity. However, it was still the County's administrations position
1252 that interconnectivity was very important for several reasons. One is as you just indicated
1253 Mr. Rankins, you don't have to go out on to Broad Street or the major roads. You can get
1254 from parcel to parcel without getting on to the major roads which is always desirable.

1255
1256 Secondly, if you can envision this, you can actually travel from the shopping center, Short
1257 Pump Crossing center, through the subject site, through the B-1C, past Spring Oak Drive
1258 and behind those retail stores. All of that is interconnected and goes all the way through
1259 to the O-3C, actually ties over to Lauderdale Drive or you can go all the way down Three
1260 Chopt Road. Three Chopt Road is proposed to connect all the way over to North Gayton
1261 Road. So you can actually travel.....

1262
1263 Mr. Branin: Go from Chick-Fil-A to Starbuck's.

1264
1265 Mr. Silber: And all the way over to North Gayton without being on Broad
1266 Street. We are trying to facilitate interconnectivity for many reasons. I can't speculate who
1267 would benefit more but I certainly think if someone was in Short Pump Crossing mall
1268 wanting to get to the furniture store you are proposing or the bank you are proposing, they
1269 would much prefer to go right into your site and get out on Pump Road then make a left
1270 and U-turn and go all the way back around. It really makes sense. The County
1271 administration feels very strongly that it should be connected in both directions.

1272

1273 As you are also aware, on the north side of Broad Street, we have spent a tremendous
1274 amount of effort in trying to get the connection, and successfully we have, from
1275 connections behind Wal-Mart all the way through the properties zoned M-1 on this map,
1276 through the mall and that parallel road of Broad Street will go all the way to North Gayton
1277 Road. Having these parallel private drive connections really are very important. So we
1278 understand that we are asking a lot of you to coordinate your development with what is
1279 proposed or the interconnection to the properties to the east. Even when there are
1280 multiple property owners, we feel committed that we would like to work with you on that
1281 and have you continue to pursue that. We believe it is very important to the zoning of this
1282 property.

1283

1284 Mr. Branin: Mr. Silber, can I ask a question? Because this is in my opinion a
1285 good project and it's getting rid of a piece of property that isn't desirable right now with the
1286 way it is today. Is there anything that the County can do to help in facilitating that access?
1287

1288

1289 Mr. Rankins: I guess the only interjection that I would make is that we want the
1290 access and we have been trying diligently and I think have made very good progress. We
1291 are probably down to one party kind of acquiescing. But we are the one that wants to put
1292 the access in per your desires and ours as well. It's the other party that we have no
1293 control over other than convincing them.

1294

1295 Mr. Reynolds: Quite frankly to add to that, we will keep trying but we will lose our
1296 major tenant if we don't get this thing through. We are about to lose them now and if I lose
1297 that tenant, I will have to move on to another project. The next person is going to need to
1298 come in and fight that battle. So hopefully, we can get everybody to cooperate and we
1299 can get that access but again my hands are tied a little bit. We had a great meeting today
1300 with Ukrops and hopefully they will help us get through this. We will keep trying but we are
1301 on a very short timeline with our major tenant which is getting back to economics, what I
1302 heard earlier, that is critical to this project.

1303

1304 Mr. Rankins: I think that we will have the one, I'm very, very confident we will
1305 have the one to Spring Oak Drive.

1306

1307 Mr. Jernigan: Tom, could I see the aerial again please?

1308

1309 Mr. Branin: Randy, do you have any comment to my question?

1310

1311 Mr. Silber: I think we can try.

1312

1313 Mr. Branin: Mr. Rankin, as he blows this up and gets it a little bit bigger, you
1314 want to show exactly the lane you are putting in, the access point.

1315

1316 Mr. Rankin: On here? (referring to rendering) Well, the Four Eyes is a
1317 development which is WSG and they are actually stubbed out to our property and it could
1318 be because the County required that, I don't know. They are very anxious to tie into our
1319 property and that would be right there (referring to rendering) and then we would go
1320 through their property and then out on to Spring Oak either way, right there, (referring to
1321 rendering) so that would go out like that. Then our other access which VDOT (Virginia
1322 Department of Transportation) has approved is right there off of Broad Street. Then we
would have access over to here (referring to rendering) via a right turn lane which is of

1323 course is a bit slower traffic. The key connection that everyone is talking about here is
1324 either here or back here (referring to rendering). The problem back here is it's about a 20
1325 foot high bank so it just presents technical problems and traffic in getting the cars up from
1326 one level to the other. We felt like we could make a connection here across from that
1327 entrance into Capri Jewelers and make a little but more even traffic flow. I think we are
1328 down pretty much to Nusbaum and they haven't disagreed.

1329
1330 Mr. Branin: They just haven't given the agreement.

1331
1332 Mr. Rankin: We talked to Nusbaum first. He was like well it's a lot of trouble.
1333 There are about 25 people that we have to amend ECR's for joint access and all that stuff.
1334 It's just a lot of trouble but then we went ahead and talked to Brad Sauer and he thought it
1335 was a great idea and was very much behind it. He said go talk to Jim Ukrop. If Jim Ukrop
1336 is behind it, I'm pretty sure it will go through. We've done that and he is behind it.

1337
1338 Mr. Reynolds: Well they are going to meet about it but I think that he is but it's not
1339 official.

1340
1341 Mr. Rankin: Once it goes through that circuit it will come back around to
1342 Nusbaum probably and they will say (unintelligible).

1343
1344 Mr. Branin: Ok, thank you. Like I said to start with I think this is a good project.

1345
1346 Mr. Rankin: This is basically the building that will go there.

1347
1348 Mr. Branin: Which would be a nice addition.

1349
1350 Mr. Rankin: It's compatible. This is what's there now.

1351
1352 Mr. Branin: If you would pass these up so we can all see it while I speak.

1353
1354 Mr. Rankin: It's a project that I don't know what else I would put on the....I was
1355 talking to Tom today that if this doesn't pass I'm not sure what I would put on the property
1356 otherwise. It's a very low traffic generator.

1357
1358 Mr. Branin: Mr. Reynolds and Mr. Rankin, we will and I will commit in trying to
1359 assist in what we can do to get the dialogue going and possibly these problems answered.
1360 You guys like I said are coming with a good project. You know the problem that we have
1361 with it is the access. I am going to move it forward. You guys really need to get that in
1362 writing, legally documented, that you have the access before it gets to the Board.

1363
1364 Mr. Rankin: Yes, sir. Thank you.

1365
1366 Mr. Archer: Mr. Branin, before you vote it might be helpful and you may have
1367 already done this is to take the approach that connectivity is a two way street.

1368
1369 Mr. Jernigan: Literally.

1370
1371 Mr. Archer: Traffic there on your property might also want to have access to the
1372 property that is over there. Maybe they haven't seen that point yet.

1373

1374 Mr. Rankin: We have tried to present it in a light that is an advantage to you.
1375
1376 Mr. Branin: That's where I think the County could possibly say we were in favor
1377 of this because it helps with our connectivity.
1378
1379 Mr. Silber: Yes, Mr. Branin that has been done. I have talked to the majority of
1380 the property owners that they are referring to and there are some that are in agreement
1381 and there are some that are not. I think some of it comes down to being a business deal.
1382 That has to be discussed among the parties involved. The County can only go so far in
1383 becoming involved with that.
1384
1385 Mr. Archer: I think that we ought to be able to solve this.
1386
1387 Mr. Branin: I think we can and that's why we are going to do this.
1388
1389 Mr. Archer: All right Mr. Branin.
1390
1391 Mr. Branin: Mr. Chairman, I'd like to make the motion that C-11C-06 R & R
1392 Development LLC, be approved with the understanding that some items need to be
1393 documented and solved before it reaches the Board of Supervisors.
1394
1395 Mr. Jernigan: I don't know if I would word it that way. I mean I am for it but I'm
1396 just saying....
1397
1398 Mr. Branin: Well then let me redo that.
1399
1400 Mr. Jernigan: I would just move ahead for approval because....
1401
1402 Mr. Branin: With the understanding that they.....
1403
1404 Mr. Jernigan: They would still work on it too but I mean I have a little problem. If
1405 they are willing to put in both entrances and somebody else won't let them. I don't think
1406 we can hold them hostage at that point. You can't put a gun to the other persons head
1407 either to give them access. So maybe if we move it along it will get them cracking a little
1408 bit and see that we feel that it's all right, then maybe they might get it straight before it
1409 goes to the Board.
1410
1411 Mr. Silber: I think part of the issue Mr. Jernigan is that we need to make sure
1412 that if the interconnectivity does not occur then you want to put uses on this property that
1413 do not generate a lot of traffic. Otherwise you are putting a larger burden of that traffic out
1414 on to Broad Street. So it does tie in to the zoning. Is B-2 zoning appropriate or should it
1415 be B-1 zoning if you are not going to have interconnectivity. I think what Mr. Branin is
1416 saying is he can support this moving on to the Board of Supervisors with the
1417 understanding they need to resolve this interconnectivity. Get them a step closer. It
1418 sounds like they are making some good strides but I think, I don't think the staff is
1419 supporting the rezoning moving forward unless there is a strong commitment to this
1420 connection.
1421
1422 Mr. Rankin: A furniture store is about the lowest use of vehicular traffic
1423 generator that there is.
1424

1425 Mr. Silber: That's true. But a bank with a drive-thru can generate some traffic.
1426
1427 Mr. Rankin: Yes, it can.
1428
1429 Mr. Jernigan: I would just....what Mr. Branin said that we would continue to work
1430 and try to get this access but I wouldn't want to say that we have to get this access before
1431 it's cleared up.
1432
1433 Mr. Reynolds: Where the bank would be located is over in the area where they
1434 could get in and out and have that control signalization at Broad and Spring Oak Drive. I
1435 would think that and I'm not a traffic engineer but I would think that would help with the
1436 traffic right there.
1437
1438 Mr. Branin: If you have ever gone into that Four Eyes and that Verizon, you
1439 know that is probably undoubtedly the worst parking lot in western Henrico.
1440
1441 Mr. Rankin: It should help them clear up the flaws that they have there.
1442
1443 Mr. Branin: So do I stick with my original motion or should I change it?
1444
1445 Mr. Silber: I really think your recommendation is to send it forward with
1446 recommendation for approval from the Planning Commission with the commitment from
1447 the applicant that they continue to work on the desire for this interconnectivity.
1448
1449 Mr. Branin: What he said.
1450
1451 Mr. Jernigan: That sounds good.
1452
1453 Mr. Branin: Do you want me to repeat that or can we just go with that?
1454
1455 Mr. Silber: We will go with it.
1456
1457 Mr. Branin: We'll go with that.
1458
1459 Mr. Jernigan: Second.
1460
1461 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor say
1462 aye. Those opposed say no. The ayes have it. The motion is granted. You all will try to
1463 get that access.
1464
1465 Mr. Reynolds: Thank you, have a great evening.
1466
1467 The Planning Commission voted to recommend the Board of Supervisors **grant** the
1468 request because it continues a form of zoning consistent with the area and the proffered
1469 conditions will assure a level of development otherwise not possible.
1470
1471 **C-34C-06 Mike Haurand for Disco Sports, Inc.:** Request to conditionally rezone
1472 from R-6C General Residence District (Conditional) to B-2C Business District
1473 (Conditional), part of Parcel 752-744-2461, containing 0.4 acres, located on the west line
1474 of Starling Drive approximately 360 feet south of Quioccasin Road. The applicant
1475 proposes a therapeutic massage and wellness center. The use will be controlled by

1476 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends
1477 Commercial Concentration.

1478
1479 Mr. Silber: Next on the agenda is in the Tuckahoe District. This is request C-
1480 34C-06 Mike Haurand for Disco Sports Inc. This is a request to conditionally rezone from
1481 R-6C to B-2C Business District Conditional. This property is containing 0.4 acres located
1482 on the west line of Starling Drive approximately 360' south of Quioccasin Road. Again,
1483 this is in the Tuckahoe District.

1484
1485 Mr. Archer: Thank you Mr. Secretary. Is there anyone in the audience who is
1486 opposed to C-34C-06 Mike Haurand for Disco Sports Inc? Well the applicant is here.

1487
1488 Mr. Jernigan: I know they are here.

1489
1490 Mr. Archer: I don't know. I saw on the news last night about a husband and
1491 wife that were running against each other in public office. It should be interesting. Good
1492 evening sir.

1493
1494 Mr. Lewis: Good evening Mr. Chairman. You should be receiving copies of
1495 revised proffers that were submitted today. This is a request to rezone 0.4 acres of a 1.2
1496 acre parcel from R-6C General Residence Conditional to B-2C Business Conditional. The
1497 subject site is located off of Starling Drive just south of Quioccasin Road between
1498 Regency Square Mall and the Greenbriar Hills residential neighborhood. A vacant parking
1499 lot surrounds the property. The eastern portion of the subject parcel already zoned B-2C
1500 is occupied by a two-story building under renovation by Disco Sports and is not included in
1501 this case.

1502
1503 The applicant wishes to construct a 4,272 square foot one story structure behind Disco
1504 Sports for a wellness center, including therapeutic massage. This use would be
1505 considered similar to a medical clinic which is permitted in B-2 districts. The applicant also
1506 plans to lease space to additional wellness related tenants.

1507
1508 Revised proffers dated July 12, 2006 have been submitted by the applicant. The major
1509 aspects of the proffers include; the property will not be used for the establishment of a
1510 number of incompatible uses as seen your sheet; no massage therapist employed without
1511 Virginia Board of Nursing certification; no internally lit or moving signs and no inflatable
1512 attention getting devices; hours of operation limit from 7 a.m. to 9 p.m.; confirmation of
1513 shared access and parking agreements; new building styles and materials will be similar to
1514 the Disco Sports building on the property; commitment to submit a landscaping plan during
1515 the plan of development.

1516
1517 The 2010 Land Use Plan recommends Commercial Concentration for the subject site and
1518 the surrounding properties. This designation is consistent with the requested B-2C zoning
1519 proposed use of the property and service business trend in this area of Starling Drive.
1520 Also, the updated proffers may mitigate potential impact on nearby properties. For these
1521 reasons and because the project may help promote the commercial vitality of the
1522 immediate area, staff generally supports this request. Staff notes the case could be
1523 strengthened by the applicant providing landscape details as well as more assurances that
1524 the building will be constructed with quality materials. This concludes my presentation and
1525 I would be happy to take any questions. Both the applicant and her representative are
1526 here. Time limits would need to be waived to accept the updated proffers.

1527
1528 Mr. Archer: Thank you Mr. Lewis. Are there any questions for Mr. Lewis from
1529 the Commission?
1530
1531 Mrs. Jones: One quick one if I could. Mr. Lewis, the architectural treatment
1532 number two on the proffer list, the last proffers, will the exterior elevations be presented as
1533 part of POD? Was that considered in this proffer?
1534
1535 Mr. Lewis: I don't think that was, that was not proffered to be submitted during
1536 POD. That can certainly go up for discussion.
1537
1538 Mrs. Jones: I thought we were going to see that then but I will ask the applicant
1539 about that.
1540
1541 Mr. Archer: Anything further from the Commission? Thank you, Mr. Lewis. I
1542 think we need to hear from the applicant then. Please state your name for the record.
1543
1544 Mr. Haurand: Good evening Mr. Chairman, Planning Commission. I am Michael
1545 Haurand with Grand Metro Builders. This is Paige Beale.
1546
1547 Mr. Jernigan: I'm sorry, what was your last name?
1548
1549 Ms. Beale: Beale.
1550
1551 Mrs. Jones: Mike, do you have a little bit that you would like to tell the
1552 Commission about the project?
1553
1554 Mr. Haurand: Well, I am going to take the opportunity to give you a little bit of
1555 background. It is kind of a family project for the whole property just so everybody that is
1556 involved understands that Disco Sports owned by Gail and Lew Held, which they have
1557 certainly been in the area for a considerably long time. I can remember back at Regency
1558 Square and of course now they are at Westbury Shopping Center. My involvement began
1559 in October of last year when we started on some plans for them to take over what was the
1560 Darryl's restaurant and turn it into their new location, so that's when I became involved. At
1561 the time, very early on, we submitted plans and received a building permit approval in
1562 January or February of this year. In that process, Gail had passed on to me some
1563 correspondence that she had with the County and as far as rezoning this piece of property
1564 which I like to call the residential island that got left behind. It is a kind of strange situation,
1565 if somebody could help me pull that back up (referring to rendering). My brief
1566 understanding of what has transpired and gotten involved in this over time; at some point
1567 this was one large piece of property obviously. There was a line that ran this direction
1568 (referring to rendering) about 300' off of Starling Drive where the entire front of the
1569 property was B-2C. The entire rear of the property was R-6 and in a subdivision of this
1570 small portion, the R-6 got left behind when the remainder of the property got changed to B-
1571 2C. The first goal was to change that zoning. I don't know if we put the cart before the
1572 horse with Paige looking to find a location to locate her business. She has also been in
1573 Westbury Shopping Center for the last almost 6 years and of course it made it very
1574 feasible for her to join her parents on their property so we decided to put this all together
1575 into one little package here.
1576

1577 I guess that's the first issue is the three points of discussion would be the rezoning. The
1578 building I know is the main issue and what we are doing with the building. You know in
1579 listening to some of the comments earlier, the first thing we did here with the property, we
1580 used the term eyesore earlier. I think our first point of construction was picking up the
1581 couches and the refrigerators and everything else on the back of the property. They have
1582 certainly taken a piece of property that has been less than desirable and gone a long way
1583 in the last few months. Certainly with Paige's building there we are going to be continuing
1584 that and by continuing that, Livingston if you could help me bring the elevations back up, I
1585 know it's been a process and Mrs. Jones has been very helpful in offering her comments
1586 in what we are trying to put together. We want to make it blend with the property. You
1587 can draw an elevation in black and white. You can draw an elevation and put color on it
1588 and try to give somebody an idea of what the building is going to look like. If you want to
1589 go out there and look at the existing building, that's the best description of what the
1590 building is going to look like. We tried to represent that in the elevations we put together
1591 here briefly. The old Darryl's which I have shunned on people even using the word Darryl's
1592 anymore. It's not the old Darryl's; it's the new Disco now. The new Disco building
1593 certainly has batten board siding on some parts. It has brick on some parts and it has
1594 clapboard siding on some parts. The roofing is a metal, just VC metal roofing on it. Those
1595 are the exact same materials we would like to use. Certainly this building was built in the
1596 early 80's. We have progressed in the construction industry and in the trades to different
1597 products that have been developed that the sidings will be of better materials. The
1598 finishes will be better but it is going to be the same type of look and it's fortunate it's almost
1599 uncanny how this whole project comes together for the Held's of Disco Sports in that
1600 building, with Paige and her business which she wants to move over there. Her vision for
1601 the village she wants to create with her business. I know a landscaping plan is one thing
1602 that had been suggested and recommended. Obviously that is part of our POD process. I
1603 think this would be the first project that I have been involved in where the owner has come
1604 with more ideas of landscaping than I think you would even think about because her ideas
1605 generate this feel for the outside of the building. I have a picture of her looking at a site
1606 that we looked at out on Skipwith Road about six months ago standing in front of a tree
1607 and she wanted to make sure I wasn't going to cut that tree down. So the idea is to keep
1608 every tree we can to create courtyards and give it a feel that she is looking for in that area.
1609 So I hope that would quell everybody's concern as to the look of the building, the style and
1610 how it will blend with the property and create not only a village for Paige but almost a little
1611 village of that style with bringing the two buildings together. That is my part of the project,
1612 the construction, the details that are involved with that and this has been a joint process
1613 with Paige and I and I guess if there area any questions of me with regard to that, I would
1614 be glad to answer them and then pass on to Paige with the aspects of her business.

1615
1616 Mr. Archer: Thank you Mr. Haurand. Are there any questions?

1617
1618 Mrs. Jones: I would like to ask Mike a question. In our last case, you heard
1619 some of the challenges of access when some folks are more cooperative with that than
1620 others. Have you all worked out the access to the property to your satisfaction; the access
1621 road?

1622
1623 Mr. Haurand: As far as the actual moving the entrance way that we were
1624 speaking of earlier?

1625
1626 Mrs. Jones: No, are you getting cooperation so that you know you can do what
1627 you want to do?

1628
1629 Mr. Haurand: We don't have any opposition at this point. That's again as I heard
1630 earlier is going to enhance all of the property there.
1631
1632 Mrs. Jones: It just made me think about your property when we were listening to
1633 the case before you trying to work out a way to have an access to their property through
1634 someone else's property and it becomes an issue sometimes. So I was hoping that
1635 maybe that was not going to be an issue for you all.
1636
1637 Mr. Haurand: No, it's not an issue that is foreseen at all. Of course that is all a
1638 deeded access as it was for the original property.
1639
1640 Mrs. Jones: Ok, well that answers that. You all have done a tremendous
1641 amount of work in preparation for this meeting tonight and I can't thank you enough.
1642 Livingston Lewis has more notes on this small property than he does I'm sure for many
1643 other larger cases but I appreciate his help as well. The structure is a little different just
1644 because the style of the new Disco is a little different. I know that as you get an architect
1645 involved as you move through, there may be some modifications to that as well. Is it
1646 possible or would you be agreeable to present elevations at the POD, as part of the POD
1647 application?
1648
1649 Mr. Haurand: Certainly.
1650
1651 Mrs. Jones: Do you have for the benefit of the Commission, there could, Paige
1652 could you describe the businesses that you envision being part of your wellness center?
1653
1654 Ms. Beale: I am sure they are here. My practice, therapeutic massage and
1655 wellness center has been in practice for six years. The pamphlets that I gave you have all
1656 of my certifications. It has letters from doctors and nurse practitioners in the community
1657 that support our practice as far as for its therapeutic benefits. So it kind of gives all of the
1658 information about our existing business. You guys are giggling over there. It's getting late
1659 isn't it? So the other businesses that come in, what we want to build is what we call now,
1660 it's not called a healing village anymore, it's called the wellness village and what we want
1661 to do is in the center is going to be a studio for yoga and pilates, which is incredibly
1662 beneficial for the body. Then acupuncture and a nutritionist in the second building and
1663 then we will occupy one of the buildings with our massage therapy clinic. So that is what
1664 we kind of see coming together. I think we are the first applicants to come for rezoning
1665 that is a massage therapy practice. Our field in general in Richmond has gained a lot
1666 more respect and I guess understanding too of what the practice is all about and so this
1667 whole idea is really to continue educating the community about the holistic alternatives out
1668 there. The complimentary medicine, we call it complimentary because it's not in direct
1669 conflict with the conventional medicine but it compliments conventional medicine. So we
1670 hold strong ties with doctors and medical professionals in the community that support us.
1671
1672 Mrs. Jones: Thank you.
1673
1674 Mr. Archer: Thank you Ms. Beale.
1675
1676 Mr. Branin: Ms. Beale, I only have one comment.
1677

1678 Mr. Vanarsdall: Your business Paige, you don't necessarily need, you have been
1679 right beside the drugstore.
1680
1681 Ms. Beale: We are actually right across the street.
1682
1683 Mr. Vanarsdall: In the other one. You used to be over there, that's Westbury too.
1684 But you don't necessarily need to be that close to a drugstore in your business.
1685
1686 Ms. Beale: No sir.
1687
1688 Mr. Vanarsdall: But you won't be far from the other one.
1689
1690 Ms. Beale: We are only like a quarter of a mile where we are, I mean about a
1691 ½ a mile from there either.
1692
1693 Mr. Vanarsdall: Disco Sports is going to move out of the shopping center where you
1694 are too. They are going to move that one next to the....
1695
1696 Ms. Beale: Yes, they are moving out too so we will all be in this one little area.
1697
1698 Mr. Vanarsdall: So you will have a lot of business over there.
1699
1700 Ms. Beale: Yes, we hope so because it's been sitting there for a long time.
1701
1702 Mr. Vanarsdall: Ok, that's good. Thank you.
1703
1704 Mr. Branin: Ms. Beale, I'm sorry that you are not coming into the Three Chopt
1705 District.
1706
1707 Ms. Beale: I tried numerous times looking for property.
1708
1709 Mr. Branin: I know I worked on one property with you in the infancy and you
1710 couldn't make it go but I think it's going to make a great addition to an area that is
1711 depressed.
1712
1713 Mrs. Jones: Well we are happy to have her in Tuckahoe.
1714
1715 Mrs. O'Bannon: I have one comment. I did call some of the adjacent property
1716 owners and none of them are objecting or anything, but it was interesting what I learned
1717 about what their concerns are about the property around this property. I agree too that
1718 this will help bring it up, clean it up and so on. So I will just put that out there. That was
1719 why they are certainly not opposed to it, put it that way. Their concerns involve the other
1720 property and I am sure as that comes along you will probably be paying attention to that
1721 too.
1722
1723 Ms. Beale: Yes.
1724
1725 Mrs. Jones: I do thank you for your time and effort and I appreciate the
1726 professionalism you are bringing to your wellness center and I wish you great luck with it.
1727 Before I make the motion to move this on, may we make an addition Mr. Lewis, could you
1728 assist me with this? Could we make an addition of wording to proffer 2 that the elevations

1729 would be presented at the time of POD, something to that effect? Is that appropriate
1730 wording?
1731
1732 Mr. Lewis: Yes, that sounds appropriate and I will make that addition to the
1733 proffer.
1734
1735 Mrs. Jones: When we waive the time limits on the proffers that will be included
1736 in our vote?
1737
1738 Mr. Lewis: Yes.
1739
1740 Mrs. Jones: OK, thank you.
1741
1742 Mr. Silber: Mrs. Jones, I think before you make the motion I also wanted to say
1743 that the proffers still need to have some work done to them. I think there are some things
1744 that we would be suggesting to strengthen the proffers. I think they can be worded
1745 somewhat differently. You can start but I think there is more work that needs to be done to
1746 them. If you are going to forward this on to the Board of Supervisors for consideration, I
1747 would ask that the applicant continue to work with staff to make sure the proffers are
1748 explicit and indicate more specifically what is being proposed.
1749
1750 Mrs. O'Bannon: Something to the effect of what it says about the elimination of
1751 lighting should be reduced to security level. I mean are you going to ask for foot candles
1752 per property owner?
1753
1754 Mr. Silber: Maybe to that extent Mrs. O'Bannon. In some cases it's just
1755 changing words from may to shall. Maybe some wording changes but I just think it needs
1756 more work on the proffers.
1757
1758 Ms. Beale: And there is nothing else specific that you needed us to focus on
1759 because this proffer business is fun. I keep going back and forth and I am happy to make
1760 accommodations if I know what they are so if you have any other specific
1761 recommendations do you let the staff know that so that I am aware of them prior to the
1762 next process.
1763
1764 Mr. Silber: I would be happy to do that.
1765
1766 Ms. Beale: Thank you.
1767
1768 Mr. Silber: I think the proffer stuff is fun too.
1769
1770 Mrs. Jones: Well with that and the last case on the agenda, I'm sorry but thank
1771 you for presenting this. I would like to move that case C-34C-06, excuse me that the
1772 proffers for case C-34C-06 have the time limits waived.
1773
1774 Mr. Jernigan: Second.
1775
1776 Mr. Archer: Motion by Mrs. Jones, seconded by Mr. Jernigan on the time limits.
1777 All those in favor say aye. Those opposed say no. The ayes have it. Time limits are
1778 waived.
1779

1780 Mrs. Jones: Then I will recommend that case C-34C-06 be brought to the Board
1781 of Supervisors with the recommendation for approval.
1782
1783 Mr. Branin: Second.
1784
1785 Mr. Archer: Motion by Mrs. Jones, seconded by Mr. Branin. All in favor of the
1786 motion say aye. All of those opposed say no. The ayes have it. The motion is granted.
1787
1788 The Planning Commission voted to recommend the Board of Supervisors **grant** the
1789 request because it conforms to the recommendations of the Land Use Plan, and it is
1790 appropriate business zoning in this area.
1791
1792 Mr. Silber: Next on the agenda we had listed discussion items evaluation of
1793 the August agenda considering waiving the maximum number of new cases and that is no
1794 longer needed. The case load has dropped. There were a couple of cases that were
1795 tabled so the discussion item no longer needs to be considered. We are within the limits
1796 of twelve zoning requests. But we do need to consider two additional things; one being
1797 the minutes from the June 15, 2006 meeting.
1798
1799 Mr. Archer: All right. Is there anyone present who has read the minutes and
1800 has any changes?
1801
1802 Mr. Vanarsdall: I have a correction. On page 631.
1803
1804 Mr. Archer: Excuse me?
1805
1806 Mr. Vanarsdall: I'm sorry, page 13, line 631. So he did everything he could with the
1807 cooperation of Mr. Wilton and not Wilson. I may have said this, I hope I didn't. 'They
1808 make a real good case'. I meant to say they made a real good case. Made it a real good
1809 case.
1810
1811 Mr. Silber: That's on the same line, 631.
1812
1813 Mr. Vanarsdall: Then I don't know how I said this, they are a good office.
1814
1815 Mr. Archer: I was wondering why you said that.
1816
1817 Mr. Vanarsdall: I must have been in some other kind of....and then on page 20, line
1818 999, I know I didn't say this, I never use "has and got" in the same sentence and I never
1819 end a sentence with got. So would you delete got twice.
1820
1821 Mr. Branin: No got.
1822
1823 Mr. Vanarsdall: He has got a bigger pencil than we have got. I might talk country
1824 but I don't talk like that.
1825
1826 Mr. Silber: Thank you Mr. Vanarsdall.
1827
1828 Mr. Archer: Mr. Vanarsdall never says off of either.
1829
1830 Mr. Vanarsdall: I seldom read the minutes but I did that time.

1831
1832 Mrs. Jones: I have emailed my corrections.
1833
1834 Mr. Branin: I would like to move for the approval of the minutes.
1835
1836 Mrs. Jones: Second.
1837
1838 Mr. Archer: Motion by Mr. Branin, seconded by Mrs. Jones to approve the
1839 minutes.
1840
1841 Mrs. O'Bannon: Wait a minute, I have a change. Line 1215, unintelligible. I'm sorry.
1842
1843 Mr. Silber: Do you remember what you said?
1844
1845 Mrs. O'Bannon: I'm trying to remember but I don't want it to appear that I said a
1846 curse word.
1847
1848 Mr. Archer: No ma'am we always use the word unintelligible. It's a time
1849 honored tradition.
1850
1851 Mr. Silber: You will see that it's picked up on page 25 as well Mrs. O'Bannon
1852 and Mrs. Jones.
1853
1854 Mrs. Jones: I have another unintelligible and I don't know what I said.
1855
1856 Mr. Archer: Yes, you both had an unintelligible on the same page.
1857
1858 Mr. Branin: You need to get your unintelligible straight.
1859
1860 Mrs. O'Bannon: I apologize. I must not be talking loud enough or maybe I don't
1861 have my microphone on at the time.
1862
1863 Mr. Archer: Ok, we have a motion on the floor. Has it been seconded?
1864
1865 Mrs. Jones: Yes, sir.
1866
1867 Mr. Archer: All in favor of the motion say aye. Those opposed say no. The
1868 ayes have it. The minutes are approved as corrected.
1869
1870 Mr. Silber: The only other thing I have this evening is that we did have a work
1871 session this evening to discuss the proposed ordinance amendment regarding building
1872 heights but we did not set a public hearing. I would like to propose that we set a public
1873 hearing for September 14, 2006.
1874
1875 Mr. Jernigan: We will be here anyway so we might as well.
1876
1877 Mr. Silber: I know it is going to be a heavy evening with zoning cases but we
1878 will not be able to do it at the zoning hearing in August and the second meeting in August
1879 for POD has as you know been cancelled so the next available date would be September
1880 14, 2006.
1881

1882 Mr. Branin: I would like to move for approval of.....
1883
1884 Mr. Archer: What time though before you move?
1885
1886 Mr. Silber: That's a good point. Mr. Emerson, do you know what the case load
1887 might be for September zoning cases? Do we want to set this public hearing early like
1888 6:30 p.m.?
1889
1890 Mr. Jernigan: Yes, let's have it early. How many cases do we have?
1891
1892 Mrs. Jones: We have a lot.
1893
1894 Mr. Silber: It is probably going to be fairly heavy for September.
1895
1896 Mr. Jernigan: How many Joe?
1897
1898 Mr. Emerson: I would guess 15.
1899
1900 Mr. Jernigan: Let's have it early.
1901
1902 Mr. Silber: We will start the public hearing at 6:30 p.m. and the zoning cases at
1903 7:00 p.m.
1904
1905 Mr. Branin. Yes.
1906
1907 Mr. Vanarsdall: Yes.
1908
1909 Mr. Archer: Do we need a motion here Mr. Secretary?
1910
1911 Mr. Silber: Yes, we need a motion to set the public hearing.
1912
1913 Mr. Archer: All right. May I have a motion for setting the public hearing for 6:30
1914 p.m. on September 14, 2006? Motion by Mrs. Jones.....
1915
1916 Mr. Branin: Second.
1917
1918 Mr. Archer: And seconded by Mr. Branin to accept the public hearing on
1919 building heights at 6:30 p.m. on our regular zoning meeting September 14, 2006. All in
1920 favor of the motion say aye. Those opposed say no. The ayes have it. The public
1921 hearing will be on September 14, 2006 at 6:30 p.m.
1922
1923 Mr. Silber: Do we have a motion?
1924
1925 Mrs. Jones: Yes.
1926
1927 Mr. Branin: Is that all Randy?
1928
1929 Mr. Silber: The only other thing I was going to mention is we have just handed
1930 you the minutes from your May 11, 2006 meeting. We apologize for these coming to you
1931 late. We plan to put them on to the Planning Commission POD meeting for July for your

1932 consideration. So you only have about 10 days to review these and we will have them on
1933 the next agenda.

1934
1935 Mr. Archer: Anything further?

1936
1937 Mr. Silber: That's it.

1938
1939 Mr. Archer: Meeting adjourned at 8:58 p.m.

1940

1941

Randall R. Silber, Secretary

1942

1943

1944

1945

C. W. Archer, CPC, Chairman

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