

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., June 9, 2005, Display Notice having been published in the Richmond
4 Times-Dispatch on May 19, 2005 and May 26, 2005.

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

13
14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
15 Ms. Jean Moore, Principal Planner
16 Mr. Lee Tyson, County Planner
17 Ms. Rosemary Deemer, County Planner
18 Mr. Thomas Coleman, County Planner
19 Mr. Seth Humphreys, County Planner
20 Ms. Audrey Anderson, County Planner
21 Ms. Debra Ripley, Recording Secretary

22
23 Mr. Vanarsdall - Good evening, everyone. The Planning Commission will now come to
24 order. It is nice to have all of you here this evening and I know you don't have anything else to
25 do, and we appreciate you coming in to watch us. Mr. Kaechele, it is good to have you with us.

26
27 Mr. Kaechele - Thank you.

28
29 Mr. Vanarsdall - Mr. Kaechele represents the Board. In addition to the Commissioners up
30 here, Mr. Silber is our Secretary and Mr. Emerson is our Assistant Secretary, and our staff who
31 does all the work is over on the right. Now that everybody knows each other, I will turn the
32 meeting over to Mr. Silber and we will get underway.

33
34 Mr. Silber - Thank you, Mr. Chairman. All of the members of the Commission are
35 present this evening. First on the agenda would be the handling of deferrals, a number of
36 deferrals we have on the agenda this evening, and these are matters that have been requested
37 by the applicant to defer these to future meetings. So, Ms. Moore, if you can walk us through
38 those deferrals, we would appreciate that.

39
40 Ms. Moore - Thank you, Mr. Secretary. We do have a total of 10 requests for
41 deferrals this evening. The first is in the Tuckahoe District. It is on page 1 of your agenda. It is
42 C-27C-02.

43
44 **Deferred from the April 14, 2005 Meeting:**

45 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with
46 rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast
47 intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield
48 Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen
49 Eagles Drive. The amendment would change the maximum density allowed from 7,850 square feet
50 per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District (Conditional).
51 The Land Use Plan recommends Commercial Concentration.

52
53 Ms. Moore - The request for deferral is to the July 14, 2005 meeting.

54
55 Mr. Vanarsdall - Anyone in the audience in opposition to the deferment of this case in the
56 Tuckahoe District? Ms. Jones.

57
58 Ms. Jones - I move that Case C-27C-02, RFA Management, LLC, be deferred to the
59 July 14, 2005 meeting by request of the applicant.

60
61 Mr. Jernigan - Second.

62
63 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor say
64 aye. All opposed say no. The motion passes.

65
66 At the applicant's request, the Planning Commission deferred Case C-27C-02, RFA Management,
67 LLC, to its meeting on July 14, 2005.

68
69 Ms. Moore - The next case is also in the Tuckahoe District. It is on page 1 of your
70 agenda. It is C-20C-05. The deferral is requested to the August 11, 2005 Planning Commission
71 meeting.

72
73 **C-20C-05 Youngblood Properties, L.L.C.:** Request to conditionally rezone from A-1
74 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 741-747-0388,
75 containing 4.902 acres, located on the west line of Pump Road approximately 25 feet north of
76 Falconbridge Drive. The applicant proposes a single family residential subdivision. The R-2A
77 District allows a minimum lot size of 13,500 square feet with a maximum gross density of 3.23
78 lots per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
79 density per acre.

80
81 Mr. Vanarsdall - Anyone in the audience in opposition to the deferment of C-20C-05,
82 again in the Tuckahoe District. No opposition. Ms. Jones.

83
84 Ms. Jones - I move that Case C-20C-05, Youngblood Properties, LLC, be deferred
85 until the August 11 meeting by request of the applicant.

86
87 Mr. Jernigan - Second.

88
89 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor
90 say aye. All opposed say no. The motion passes.

91
92 At the request of the applicant, the Planning Commission deferred Case C-20C-05, Youngblood
93 Properties, LLC, to its meeting on August 11, 2005.

94
95 Ms. Moore - The deferral is requested to the July 14, 2005 Planning Commission
96 meeting.

97
98 **C-21C-05 Youngblood Properties LLC:** Request to conditionally rezone from A-1
99 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 738-754-4849
100 and 738-753-1882, containing 7.72 acres, located on the south line of Church Road
101 approximately 100 feet west of Blandfield Street. The applicant proposes a single family
102 residential subdivision. The R-3 District allows a minimum lot size of 11,000 square feet with a
103 maximum gross density of 3.96 lots per acre. The Land Use Plan recommends Suburban
104 Residential 2, 2.4 to 3.4 units net density per acre.

105

106 Mr. Vanarsdall - Again, in the Tuckahoe District, C-21C-05. Anyone in opposition to the
107 deferment of this case? No opposition. Ms. Jones.

108
109 Ms. Jones - I move that Case C-21C-05, Youngblood Properties, LLC, be deferred to
110 the July 14 meeting at the request of the applicant.

111
112 Mr. Jernigan - Second.

113
114 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor
115 say aye. All opposed say no. The motion passes.

116
117 At the request of the applicant, the Planning Commission deferred Case C-21C-05, Youngblood
118 Properties, LLC, to its meeting on July 14, 2005.

119
120 Ms. Moore - We have one request in the Varina District. It is on page 2 of your
121 agenda. The deferral is requested to the August 11, 2005 meeting.

122
123 **Deferred from the March 10, 2005 Meeting:**

124 **C-54C-04 Craig Erdmann for Chimilson Acres, LLC:** Request to rezone from M-1 Light
125 Industrial District, R-4 One Family Residence District and B-1 Business District to RTHC
126 Residential Townhouse District (Conditional), part of Parcel 805-710-1834, containing
127 approximately 13.07 acres, located on the southwest line of Darbytown Road opposite Oregon
128 Avenue. Residential townhouses are proposed. The maximum density in the RTH District is nine
129 (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered
130 conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net
131 density per acre, Commercial Concentration, and Environmental Protection Area.

132
133 Mr. Vanarsdall - In the Varina District, any opposition to the deferment of Case C-54C-
134 04? Mr. Jernigan.

135
136 Mr. Jernigan - Mr. Chairman, I move for deferral of Case C-54C-04, Craig Erdmann for
137 Chimilson Acres, LLC, to August 11, 2005, by request of the applicant.

138
139 Mr. Archer - Second.

140
141 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
142 say aye. All opposed say no. The motion passes.

143
144 At the request of the applicant, the Planning Commission deferred Case C-54C-04, Craig Erdmann
145 for Chimilson Acres, LLC, to its meeting on August 11, 2005.

146
147 **Deferred from the April 14, 2005 Meeting:**

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

154
155 Ms. Moore - The deferral request is to the July 14, 2005 meeting.

156
157 Mr. Vanarsdall - Any opposition to this case in the Fairfield District, C-48C-04? No
158 opposition.

159
160 Mr. Archer - Mr. Chair, I move deferral of Case C-48C-04, Henry L. Wilton, to July 14,
161 2005, at the request of the applicant.
162
163 Mr. Jernigan - Second.
164
165 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
166 say yes. All opposed say no. The motion passes.
167
168 At the request of the applicant, the Planning Commission deferred Case C-48C-04, Henry L.
169 Wilton, to its meeting on July 14, 2005.
170
171 **Deferred from the April 14, 2005 Meeting:**
172 **C-12C-05 Wilton Development Corp.:** Request to conditionally rezone from B-
173 2C and B-3C Business Districts (Conditional) to R-3C One Family Residence District (Conditional)
174 and B-3C Business District (Conditional), Parcel 804-736-0481, containing 10.77 acres, located at
175 the northeast intersection of Mechanicsville Turnpike (U.S. Route 360) and Neale Street. A
176 single-family residential subdivision (6.87 acres) and business uses (3.9 acres) are proposed.
177 The R-3 District allows a minimum lot size of 11,000 square feet, the equivalent of 3.96 units per
178 acre. The proposed districts would be controlled by zoning ordinance regulations and proffered
179 conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Airport
180 Safety Overlay District.
181
182 Ms. Moore - The deferral is requested to the July 14, 2005 meeting.
183
184 Mr. Vanarsdall - In the Fairfield District, C-12C-05, Wilton Development Corporation. Any
185 opposition to the deferment? No opposition. Mr. Archer.
186
187 Mr. Archer - Mr. Chairman, I move deferral of Case C-12C-05, Wilton Development
188 Corp. to the July 14, 2005 meeting, at the applicant's request.
189
190 Mr. Jernigan - Second.
191
192 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
193 say aye. All opposed say no. The motion passes.
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195 At the applicant's request, the Planning Commission deferred Case C-12C-05, Wilton
196 Development Corp. to its meeting on July 14, 2005.
197
198 **C-23C-05 Gloria Freye for Avalon Investments, LLC:** Request to conditionally
199 rezone from O/SC Office Service (Conditional) to O/S-2C Office Service 2 (Conditional), Parcel
200 781-754-0930, containing 18.787 acres, located on the west line of Villa Park Drive approximately
201 2,117 feet south of Darracott Road. An office/warehouse /distribution facility (Brown Distributing
202 Company) is proposed. The use will be controlled by zoning ordinance regulations and proffered
203 conditions. The Land Use Plan recommends Office/Service.
204
205 Ms. Moore - Also in your Fairfield District, page 3 of your agenda, is C-23C-05.
206
207 Mr. Vanarsdall - Any opposition to deferring this case? No opposition.
208
209 Mr. Archer - Mr. Chairman, I move deferral of C-23C-05, Avalon Investments, to the
210 July 14, 2005 meeting, at the applicant's request.
211

212 Ms. Jones - Second.
213
214 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Ms. Jones. All in favor say
215 aye. All opposed say no. The motion passes.
216

217 At the request of the applicant, the Planning Commission deferred Case C-23C-05, Avalon
218 Investments, to their meeting on July 14, 2005.
219

220 **Deferred from the May 12, 2005 Meeting:**

221 **C-7C-05 Gloria Freye for Fidelity Properties, Ltd.:** Request to conditionally
222 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), R-5AC
223 General Residence District (Conditional), RTHC Residential Townhouse District (Conditional), and
224 O-1C Office District (Conditional), Parcels 745-764-1645, 745-764-2159, 745-764-1031, 745-764-
225 6608, 745-764-7122, 745-764-7834, 746-763-2482, 746-763-2896, 746-763-1769, 746-764-
226 3818, containing 23.162 acres (R-3C - 6.187 acres; R-5AC - 6.186 acres; RTHC 8.794 acres; and
227 O-1C – 1.995 acres), located on the south line of Dublin Road between Belfast and Glasgow
228 Roads, and along the east line of Glasgow Road to its intersection with Dublin Road (McDonald's
229 Small Farms). The applicant proposes a residential and office development with density in the R-
230 3C District not to exceed 2.2 dwelling units per acre; a maximum density of 4.36 units per acre in
231 the R-5AC District; and a maximum density of 6 units per acre in the RTHC District. The R-3
232 District allows a minimum lot size of 11,000 square feet, an equivalent of 3.96 units per acre; the
233 R-5A District allows a minimum lot size of 5,625 square feet, an equivalent of 7.74 units per acre;
234 and the maximum density allowed in the RTH District is nine (9) units per acre. The office use
235 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
236 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
237

238 Ms. Moore - The deferral is requested to the August 11, 2005 meeting.
239

240 Mr. Vanarsdall - In the Three Chopt District, Case C-7C-05, Gloria Freye for Fidelity
241 Properties. This deferment is until August 11, 2005. Is there any opposition? No opposition.
242

243 Mr. Branin - Mr. Chairman, I move to defer Case C-7C-05 to the August 11, 2005
244 meeting, per the applicant's request.
245

246 Mr. Archer - Second.
247

248 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
249 aye. All opposed say no. The motion passes.
250

251 At the applicant's request, the Planning Commission deferred Case C-7C-05, Gloria Freye for
252 Fidelity Properties, to its meeting on August 11, 2005.
253

254
255 **Deferred from the May 12, 2005 Meeting:**

256 **C-8C-05 Gloria Freye for Fidelity Properties, Ltd.:** Request to conditionally
257 rezone from A-1 Agricultural District to RTHC (0.701 acre) Residential Townhouse District
258 (Conditional) and O-1C (3.839 acres) Office District (Conditional), Parcel 746-764-5580,
259 containing 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of
260 Wonder Lane. The applicant proposes a townhouse development not to exceed six (6) units per
261 acre and office. The maximum density allowed in the RTH District is nine (9) units per acre. The
262 uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use
263 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre
264

265 Ms. Moore - Also, on page 4 of your agenda, this is a companion case to the
266 previous. It is C-8C-05, Gloria Freye for Fidelity Properties, Ltd. The deferral is requested to
267 March 9, 2006 meeting.

268
269 Mr. Vanarsdall - I believe this is the longest one we have had this year, which is all right.
270 Is anyone in the audience in opposition to this March 9, 2006 deferment? It is C-8C-05, Gloria
271 Freye for Fidelity Properties, Ltd. No opposition. Mr. Branin.

272
273 Mr. Branin - Mr. Chairman, I move that C-8C-05 be deferred until the March 9, 2006
274 meeting per the applicant's request.

275
276 Mr. Archer - Second.

277
278 Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Archer. All in favor say
279 aye. All opposed say no. The motion passes.

280
281 At the applicant's request, the Planning Commission deferred Case C-8C-05, Gloria Freye for
282 Fidelity Properties, Ltd., to its meeting on March 9, 2006.

283
284 **Deferred from the February 10, 2005 Meeting:**

285 **P-2-05 Andrew Condlin for Kent Little:** Request for a Provisional Use Permit
286 under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to allow
287 extended hours of operation until 2:00 a.m. for a restaurant on Parcel 735-763-5299, containing
288 1.922 acres, located on the north line of W. Broad Street (U.S. Route 250), approximately 1,550
289 feet east of its intersection with N. Gayton Road. The existing zoning is A-1 Agricultural District.
290 The Land Use Plan recommends Mixed Use Development. The site is in the West Broad Street
291 Overlay District.

292
293 Ms. Moore - The deferral is requested to the September 8, 2005 meeting.

294
295 Mr. Vanarsdall - Anyone in the audience in opposition to P-2-05, Andrew Condlin for Kent
296 Little? This is a deferment. No opposition. Mr. Branin.

297
298 Mr. Branin - I move that P-2-05 be deferred to the September 8, 2005 meeting, per
299 the applicant's request.

300
301 Mr. Archer - Second.

302
303 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
304 aye. All opposed say no.

305
306 At the request of the applicant the Planning Commission deferred Case P-2-05 to its meeting on
307 September 8, 2005 meeting.

308
309 Ms. Moore - That concludes the requests that staff has received for deferrals at this
310 time.

311
312 Mr. Silber - Are there any other deferrals that the Commission is aware of?

313
314 Mr. Vanarsdall - Do any of the rest of the Commissioners have a deferment? Is anyone in
315 the audience here to defer a case?

316

317 Mr. Silber - Next on the agenda would be items that would be considered on the
318 Expedited Agenda. This is a portion of the agenda where cases that have no outstanding issues
319 at this point in time, no issues that staff has with the request, the Commissioner from that district
320 has no issues with the request. There is no known opposition to the request. We simply place it
321 on an Expedited Agenda where there is no testimony by the applicant required. If there is
322 opposition tonight, these cases would be pulled off of the agenda, pulled off of the Expedited
323 Agenda, and heard in the order in which it is found on this whole agenda. To the best of my
324 knowledge, we have one expedited item this evening.

325
326 **C-26C-05 Henry L. Wilton for Wilton Development Corp.:** Request to amend
327 proffered conditions accepted with Rezoning Case C-43C-04, on Parcel 747-761-2937, containing
328 4.67 acres, located at the southwest intersection of Sadler Road and Dominion Boulevard. The
329 applicant proposes to amend the use restrictions in Proffer 5 and the hours of operation in
330 Proffer 12 to allow a manned car wash. The existing zoning is B-3C Business District
331 (Conditional). The Land Use Plan recommends Commercial Concentration.

332
333 Ms. Moore - This is in the Three Chopt District.

334
335 Mr. Vanarsdall - Any opposition to this case? C-26C-05, Henry L. Wilton for Wilton
336 Development Corp.? No opposition. Mr. Branin.

337
338 Mr. Branin - Mr. Chairman, I move that Case C-26C-05 be approved on the Expedited
339 Agenda.

340
341 Mr. Jernigan - Second.

342
343 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor
344 say aye. All opposed say no. The motion passes.

345
346 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning
347 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant**
348 the request because the proffers continue to assure a quality form of development with maximum
349 protection afforded the adjacent properties, and it is not expected to adversely impact
350 surrounding land uses in the area.

351
352 Mr. Vanarsdall - Thank you, Ms. Moore. I'd like to recognize the press. To my left is Tom
353 Lapis from *The Henrico Citizen*. Tom, good to have you tonight. Is anyone else here from the
354 press?

355
356 Mr. Silber - Mr. Chairman and members of the Commission, the first item on the
357 agenda would be on page 2 of your agenda. This was deferred from the May 12, 2005 meeting.
358 This is in the Varina District.

359
360 **Deferred from the May 12, 2005 Meeting:**

361 **C-18C-05 James Theobald for Attack Properties, Inc.:** Request to conditionally
362 rezone from A-1 Agricultural District to C-1C Conservation (Conditional), A-1C Agricultural District
363 (Conditional), R-2AC One Family Residence District (Conditional), and B-2C Business District
364 (Conditional), Parcels 833-686-7681, 830-681-3665, 829-681-6852, 832-688-9219 and 833-682-
365 5297, containing approximately 616.2 acres (C-1C – 4.7 ac.; A-1C – 13.7 ac.; R-2AC – 569.6 ac.;
366 B-2C – 28.2 ac.), located along the north line of New Market (State Route 5) and Long Bridge
367 Roads between the east line of Turner Road and the west line of Yahley Mill Road. The applicant
368 proposes a single family residential subdivision with a maximum density of 1.2 lots per acre on
369 the proposed R-2AC portion of the site and neighborhood retail on the proposed B-2C acreage.

370 The R-2A District allows a minimum lot size of 13,500 square feet, an equivalent of 3.23 units per
371 acre. The uses will be controlled by proffered conditions and zoning ordinance regulations. The
372 Land Use Plan recommends Prime Agriculture and Environmental Protection Area. The site is in
373 the Airport Safety Overlay District.

374
375 Mr. Vanarsdall - Is anyone in the audience in opposition to Case C-18C-05, James
376 Theobald for Attack Properties, Inc., in the Varina District? Any opposition in the audience? No
377 opposition. Good evening, Mr. Tyson.

378
379 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary.

380
381 This is a request to rezone approximately 616 acres to permit construction of a residential
382 subdivision of not more than 679 lots with a 7-acre community center and approximately 29
383 acres of commercial space. The applicant has submitted a conceptual layout of the proposed
384 development. The property is nearly surrounded by large lot, rural residential development with
385 an important exception which is the Camp Holly Spring and Diamond Spring Bottled Water
386 facilities which are located immediately adjacent to the property. The applicant has proffered
387 that the two shaded areas that you see on your screen, which are delineated as Aquifer
388 Protection Areas, would be rezoned to C-1C and A-1C. More detail will be provided about the
389 proposed uses for these sites in a moment.

390
391 The Land Use Plan recommends Prime Agricultural and Environmental Protection Area uses for
392 this parcel. The Prime Agricultural designation does not contain a recommended residential
393 density, even though residential uses are identified as a potential use in that the Land Use Plan
394 says the PA areas roughly correspond to areas covered by the A-1 zoning district regulations.
395 The 2010 Land Use Plan does include a recommended Rural Residential density of 1.0 units per
396 acre and the applicant is only slightly exceeding that at a proposed density of 1.2 units per acre.
397 Accordingly, while the use and density are not specifically recommended by the 2010 Land Use
398 Plan, a residential subdivision and commercial uses could be an appropriate use for the property
399 if the project is carefully planned and designed to not only protect the natural resources of the
400 site, but to also fit within the historical context of the area.

401
402 The applicant has submitted a revised proffer statement dated June 9, 2005 that address many
403 of staff's initial concerns with the application. The time limits will have to be waived for
404 consideration of these proffers.

405
406 The applicant is proffering the following:

407
408 • **Landscape buffer:** A 70' greenbelt measured from the ultimate right-of-way of New
409 Market Road (Route 5), exclusive of side or rear yard requirements for any lots developed
410 on New Market Road.

411
412 • **No access to Turner Road:** No direct access would be provided to Turner Road. Along
413 Turner Road, a landscaped buffer a minimum of 15' in width will be provided as follows:
414 For a distance of 1,642' from the intersection of Turner and New Market, the existing
415 vegetation will be left in its natural state, except for removal of dead, diseased, or dying
416 vegetation, or for the installation of sidewalks, jogging trails, bicycle paths, fencing, or
417 easements. All encroachments into the buffer will be reviewed and approved at the time of
418 subdivision approval. Beyond 1,642' the applicant will install a 4-board vinyl fence located
419 approximately 10' from the ultimate r-o-w, to be supplemented in the final 5' of the buffer
420 by plantings to be determined at the time of Landscape Plan review. The idea is to retain
421 natural vegetation and trees and where there are open views of fields, to supplement that
422 with a fence and plantings.

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- **Curb and Gutter:** 6" standard curb and gutter has also been proffered for the entire development.
- **Land Bay Master Plan:** The applicant is proffering to develop a Land Bay Master Plan would be submitted at the time of each subdivision or Plan of Development application showing the specific types and locations of uses to be developed within that Land Bay.
- **Historical Findings:** The developer has proffered to consult with the Department of Recreation and Parks on any historical findings made on the property. Additionally, a minimum of two acres, which would remain open and accessible to the public, would be reserved for the preservation of Fort Southard. The site would include a non-hard surface parking area and historical marker to commemorate the site.
- **Public Utilities:** The applicant has proffered the installation of both public water and sewer to serve the development. Individual septic systems would be prohibited.
- The applicant has proffered that the development would be in general conformance with this overall site plan. A pool cabana, known as The Stables, community meeting and recreation center called The Manor House are to be constructed.

Proffers applicable to the R-2AC, One Family Residential (Conditional) portion of the site include:

- **House Size:** Homes would have a minimum finished floor area of 2,400 square feet, except for houses that have front loaded garages. 50% of those homes will have a minimum finished floor area of 2,700 square feet.
- **Foundations:** Houses would be constructed on crawl space foundations. All exposed portions of foundations would be constructed of brick or stone.
- **Foundation plantings:** Foundation plantings would be provided.
- **Garages:** Each house shall have a minimum of a two car garage, with 50% of all garages being side or rear loaded. Any front loading garages would be set back a minimum of 5' from the front line of the home;
- **Street Trees:** The neighborhood would have a street tree landscape plan with an average spacing of 50' between trees.
- **Yards:** Front and side yards would be sodded and irrigated.
- **Architecture:** All homes would include Colonial, New England Colonial, or Georgian features and would include architectural details as shown here. The applicant has provided a number of entrance features and various styles of architecture.

Proffers applicable to the B-2C, Business (Conditional) portion of the property include the applicant has proffered a number of uses that would not be permitted and all businesses would also be Colonial and New England Colonial or Georgian architecture in appearance.

All buildings would have exposed exteriors of brick, wood, EIFS, vinyl siding with a nominal thickness of .042 inches or composite siding.

475
476 Roofs would be slate, simulated slate, standing seam metal or textured fiberglass
477 shingles, cedar shake, or concrete or composition shingles. Canopies over fuel islands
478 would be of the same architectural design and materials as the principal building.

- 479
480 • **Refuse containers:** Except for gates and doors, all screening of refuse containers
481 would be constructed of the predominant materials as the primary structure.
482
483 • **Trash removal and parking lot cleaning:** Trash removal and parking lot cleaning
484 would be limited to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday and
485 there would be no outside display of merchandise.
486

487 This portion as shown on your screen is slated to be zoned C-1C, Conservation. The only
488 permitted uses would be permitted in that portion are storm water management facilities, ponds,
489 lakes, or passive recreation areas, non-hard surface access ways to Fort Southard, or similar areas
490 as deemed compatible by the Director of Planning would be permitted.
491

492 Proffers applicable to the A-1C, Agricultural (Conditional) portion would be the same uses in
493 addition to riding club or private non-commercial stables for no more than 15 horses. No horse
494 shows would be conducted. Manure be collected from any stable would be stored on a covered,
495 concrete slab.
496

- 497 • **Permitted Uses:** Only storm water management facilities, ponds, lakes, or passive
498 recreation areas, or similar areas as deemed compatible by the Director of Planning would
499 be permitted.
500

- 501 • **Riding Stables:** A riding club or a private, non-commercial stable for no more than 15
502 horses would be permitted. No horse shows would be conducted. Manure collected
503 from any stable would be stored on a covered, concrete slab.
504

505 Additional proffers for the residential component of the project address paved parking areas, utilities,
506 restrictive covenants, and a prohibition on cantilevers. Additional proffers for the commercial
507 component of the project address parking lot and canopy lighting, shielding of mechanical
508 equipment, and public address systems. The applicant has proffered that dumpster pads will be
509 enclosed by materials matching the principal buildings, with chain link fences and staff strongly
510 discourages chain link fence and slat enclosures.
511

512 The applicant has made a good effort at providing a quality proposal, and staff appreciates the
513 efforts put forth to date. The applicant has hosted a number of community meetings with area
514 residents and has addressed some of the concerns raised at those meeting. Staff would like to
515 point out that the County Code requires 400' between any stable or area for boarding horses and
516 the nearest residential uses, and given the R-2AC, One Family Residence zoning requested, the
517 keeping of horses on individual lots may be precluded depending on the lot size.
518

519 Staff is also concerned about the lack of variety in lot sizes and zoning classifications that have
520 been requested. Given the size of the property, opportunities would seem to exist to have a
521 variety that could better delineate the neighborhood and make it a more identifiable destination.
522 At the time staff report was prepared, VDOT and the Traffic Engineer had not had time to review
523 the Traffic Study. We did receive late this afternoon some information from the Traffic Engineer,
524 who I believe is here, that can answer questions related to traffic engineering. I will be happy to
525 answer any questions that you might have.
526

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

528
529 Mr. Jernigan - Lee, I have got a couple of things. First of all, when you were talking
530 about the overall house density, it was, 650 was the count. You said 679. That figure got
531 thrown in there somewhere before, but it is 650.
532
533 Mr. Tyson - OK. I was working from the Concept Plan we have before us.
534
535 Mr. Jernigan - That equates to 1.2 in the density, and we had agreed with Mr. Atack it
536 would be a 650 count. A correction on the house size. You said all of them with front loaded
537 garages would be 2700 sq. ft. Twenty-five percent of them with front-loaded garages and a
538 decorative door can be 2400 sq. ft. The additional 25% is 2700 sq. ft.
539
540 On lot sizes we had discussed, because of the massive size of this project that we would adjust
541 the lot sizes during the POD. Today Mr. Atack has said that some of these will be smaller lots
542 and some of them will be bigger lots. So in the land bays, we will attend to that at that time. On
543 traffic, I spoke to Mr. Foster yesterday in a meeting and he told me before we had received this
544 report he had read it and we didn't see anything that was erratic, so if there is anybody that has
545 any questions on traffic, we can get him to come up.
546
547 Mr. Silber - Mr. Jernigan, I think since we've just been given his comments this
548 evening. I haven't had a chance to go through them in any detail. I think it would be
549 appropriate for him to come up at some point during this public hearing and address his concerns
550 or matters that need to be addressed and we can discuss those. I would think that if you feel
551 comfortable receiving this case, I'd like to, at some point in time, have some commitment from
552 the applicant to address these improvements that he feels are important.
553
554 Mr. Jernigan - Yes, and I didn't want to, I knew the traffic report had been in, but we
555 hadn't received it, and he was late getting it, but I didn't feel that we were going to stop the
556 case.
557
558 Mr. Vanarsdall - We don't have any opposition or anyone that wants to know anything
559 about the traffic.
560
561 Mr. Silber - I think it would be appropriate for him to at least address the concerns
562 that he has. They may not be concerns, maybe improvements that are required to accommodate
563 this development. If the applicant is agreeable to those, it would be good to have those on
564 record.
565
566 Mr. Jernigan - OK, but I don't have anymore questions, Lee.
567
568 Mr. Tyson - Mr. Chairman, one thing I will point out that I have already spoken to
569 the applicant's legal council about, I think there is a conflict between Proffer 12 and 23, both of
570 them dealing with the 10 ft. landscape buffer along Turner Road, so we will address that, should
571 the case move forward to straighten that issue out.
572
573 Mr. Vanarsdall - All right. Anymore questions? Thank you, Mr. Tyson.
574
575 Mr. Jernigan - Mr. Deal, I am going to hear from Mr. Atack first, and then I will have
576 you.
577
578 Mr. Vanarsdall - We will hear from the applicant first, John.
579
580 Mr. Jernigan - Mr. Deal is not in opposition, but he wanted to make statements.

581
582 Mr. Vanarsdall - I know, but we have got to hear from the applicant first. Mr. Atack.
583
584 Mr. Atack - Mr. Chairman, members of the Planning Commission, my name is Bob
585 Atack, on behalf of Atack Properties. Also assisting me is Penny Koch. Mr. Theobald is out of
586 town and Ms. Koch, I believe, will be handling this. As I said, my name is Bob Atack, on behalf
587 of Atack Properties with a request to rezone approximately 600 acres of land from A-1 to R-2AC,
588 C-1C, A-1C, and B-2C, for the development of a community to be known as The Ridings at
589 Warner Farm. Our firm currently has subdivision approval under the existing A-1 zoning to
590 develop some 317 lots. These lots will be served by private wells and septic systems. However,
591 in evaluating the potential for this site over the past few years, we believe that the highest and
592 best use of the property is to create a community rather than a subdivision. This community
593 would be served by public water and sewer, not wells and septic systems.
594
595 The Ridings at Warner Farm is named after the owner of the property in the 1800s. The Ridings
596 is a master planned community, evoking the images of the great horse farms of Virginia. A
597 massive landscape and entrance median leading to a manor house and community building are
598 patterned after two of Colonial Williamsburg's finest homes, one of which is on the left and right,
599 which is the St. George Tucker Home and Bassett Hall. Amenities include two pools and a
600 cabana, which are to be located behind the 5,000 sq. ft. manor house. Four acres of open space
601 for recreation adjoin the manor house. Picnic pavilions and tot lots are also to be provided.
602 Within the 600 acres of the property, 200 acres will be reserved as additional amenities. Six mile
603 of pedestrian and equestrian trails are being planned for the benefit of the residents at The
604 Ridings. A retail area of approximately 28 acres featuring Colonial architecture will later be
605 developed to support the new community. As described in Mr. Tyson's presentation, significant
606 proffered conditions include a 70 ft. greenbelt along Route 5 supplemented where necessary with
607 species of plantings indigenous to the area. We will not access Turner Road and have agreed to
608 provide natural areas, fencing and additional landscaping within a 15 foot strip. The area of
609 historic Fort Southard will be preserved and made accessible to the public for the first time in 200
610 years. The master plan, entrance plan, manor house and cabana elevations are all proffered. No
611 more than 1.2 homes per acre will be permitted. All homes must be a minimum of 2400 sq. ft.
612 with some having a minimum of 2700 sq. ft. Homes will include Colonial or Georgian
613 architectural features, and be constructed on crawl spaces. Front and side yards must be sodded
614 and irrigated. Street trees will be planted to add additional quality. Brick would be constructed
615 on 25% of the fronts of all homes.
616
617 The B-2 uses of development standards are highly restrictive within the retail area. We have met
618 with the area residents at Varina High School Library as well as the Varina Beautification
619 Committee on two occasions. We believe that we have addressed the vast majority of all issues
620 raised by the staff and our amendments to the request. The staff report acknowledges that the
621 subject property offers an opportunity to protect identified historical resources while at the same
622 time allowing for a better lot arrangement than would be possible under the existing agricultural
623 zoning. The Ridings at Warner Farm represents a high quality, low density community, with
624 tremendous amenities, which we believe will be an asset to the area. And I will be glad to
625 answer any questions you may have.
626
627 Mr. Vanarsdall - Any questions for Mr. Atack?
628
629 Mr. Jernigan - Mr. Atack, the only thing that I told Ms. Koch prior to the meeting was
630 between now and the Board, we would like to see a phasing schedule.
631
632 Mr. Atack - Yes, sir. She has advised me of that and we will be glad to provide that.
633

634 Mr. Jernigan - Well, Bob, I think they have worked you over pretty good on this one, so
635 I don't know that I have any more questions for you. I think it is a good looking project and I
636 think it is going to be an asset to Varina.
637
638 Mr. Vanarsdall - Thank you, Bob.
639
640 Mr. Silber - I have a question, too, if you don't mind. I would second the fact that
641 this looks like a wonderful development. I think it has much to offer, and I think it will be a nice
642 complement to the Varina District. I did have a question or two, I guess, in looking at these
643 proffers. I did also want to ask you, Mr. Attack, have you seen a copy of what has been handed
644 out this evening by the Traffic Engineer?
645
646 Mr. Attack - No, sir. We just received it momentarily.
647
648 Mr. Silber - I think it would be appropriate for Mr. Foster to come up and explain to
649 us the improvement that he is proposing. You were talking to us about the equestrian aspect of
650 the development and I see that you have added to the development the A-1C zoning. I think
651 one of the reasons for that is, perhaps, the protection of the adjacent property, but also is to
652 accommodate some of the horses you had in mind. I notice there was a proffer No. 40E that
653 dealt with a limitation on the number of horses in A-1. Was there a reason for a limitation? Is
654 that even necessary? They are limiting the number of horses to 15.
655
656 Mr. Jernigan - That was me, because by County Code you are only allowed one horse
657 per acre, so I didn't want to have it, and even though these horses would probably be grain fed
658 or whatever, I felt that this is right around 15 acres, that 15 horses was ample. We had
659 discussed that before and if he wants to have more horses, then he may look at redistributing
660 some of the housing that is adjoined to this.
661
662 Mr. Silber - But are you saying to me, Mr. Jernigan, that you will limit that to 15?
663
664 Mr. Jernigan - Yes, because remember that is still a sensitive area next to Camp Holly,
665 and I felt that that was a good number. I don't want to have 30 horses in there. No.
666
667 Mr. Silber - If they want to have 16, they will need to come back and do a proffer
668 amendment.
669
670 Mr. Jernigan - No, if they want 16, they will have to put them somewhere else because,
671 remember, that area that is the A-1C area, we designated that to protect the Diamond Springs,
672 and I feel with the 15 acres, 15 horses will be OK, and we have talked to people about that. I
673 don't want to have that much manure dropped in the fields for runoff to Camp Holly. That is the
674 reason we limited the horses. That is protection for the aquifer recharge area.
675
676 Mr. Attack - If I might comment, Mr. Silber, what Mr. Jernigan is alluding to, this
677 would be a market driven scenario and fortunately, in this area, we have the ability of
678 expandable land through acquisition, and so as I think you have said, 100% correct, if you want
679 to have 16 horses, you'd have to have a proffer amendment and I agree. Mr. Jernigan sounds
680 like he said, "No, you don't need to worry about that, because there won't be a proffer
681 amendment." And I think the expansion is going to be through additional land, not through any
682 proffer reconsideration.
683
684 Mr. Silber - I think the development would be enhanced by the fact that people can
685 house horses within this development. I think it is a real limitation to have a development with

686 650 units and marketing this as equestrian community, and then limiting the community to 15
687 horses. To me it seems somewhat contradictory.
688
689 Mr. Jernigan - Well, he can take some of the area that he has for housing and put
690 horses on it.
691
692 Mr. Silber - In fact, the Code may be more restrictive to the number of horses you
693 can have in those residential districts as well. Mr. Jernigan, I understand where you are coming
694 from.
695
696 Mr. Jernigan - This has been a long process, but I mean, and I told Mr. Dowdy and Mr.
697 Deal and all that the limit is 15, and that is what it is going to be. I mean I can't vary off of that.
698 This deal has been put together through a lot of work, and that is the deal we have reached, and
699 that is what we will have to stick with. Now, if he wants to put some more horses in there, he
700 can take some of the residential area and maybe come back and put them there, but right now
701 we are going to be limited to 15 on that recharge area.
702
703 Mr. Silber - OK. I wasn't aware that was being discussed.
704
705 Mr. Vanarsdall - Well, it is something that you can't police anyway. It is not something
706 anybody can keep up with. Nobody is going to check that once a month to see if they have got
707 15 horses there.
708
709 Mr. Jernigan - Mr. Deal might. Well, I think that we have come this far on this one,
710 and I think everybody is going to be straight up on it, because the paddocks itself will be limited,
711 the horse stables themselves, will be limited to how many you can take care of.
712
713 Mr. Silber - The only question I had Mr. Atack was the Proffer No. 31 that dealt with
714 some screening of the dumpsters and it says that the gates and doors will be screened by chain-
715 link fence and metal slats. That is a technique we really stopped using many years ago. In our
716 opinion it is not the most attractive screening technique, so that is something that maybe we can
717 talk about between now and the Board meeting.
718
719 Mr. Jernigan - Well, that was me again. What would you rather have there? Because I
720 thought, the ones I have gone to, we have, with the brick enclosure, I have seen the slats falling
721 off of them when they put the wooden fence up, because some people don't take care of it. So
722 that is the reason that I had them put the chain link because I know that is not going to fall
723 down.
724
725 Mr. Vanarsdall - What he is getting at is we went to opaque doors years ago, to keep
726 people from looking in it.
727
728 Mr. Jernigan - You can put the steel rails with it and screw the wood to it, if you want
729 to, but I mean I have been to quite a few sites that have the wooden doors on them and they
730 are falling off.
731
732 Mr. Silber - Maybe there is another technique that we can talk about. I think that is
733 one that would be of concern to staff.
734
735 Mr. Jernigan - OK.
736
737 Mr. Vanarsdall - Anymore questions? Thank you, Mr. Atack. Mr. Deal, do you want to
738 come down?

739
740 Mr. Deal - Good evening. My name is John Deal.
741
742 Mr. Vanarsdall - Are you in opposition, John, or do you just want to speak?
743
744 Mr. Deal - We are not speaking in opposition at all. I just want to put a few points
745 on the record. I am John Deal and I represent Camp Holly Springs, Inc. First, Mr. Dowdy wants
746 to very much thank Ray Jernigan for everything he has done in this project. If it wasn't for Ray,
747 we'd have a contest here tonight and Ray, we certainly appreciate it. You brought the parties
748 much closer together. And it is a good development. Anybody would say it is a good
749 development and something we would be proud to have in Varina, but we've got natural
750 resources in Varina, too, to be concerned about, and I have been practicing law for 38 years and
751 I am here tonight addressing horse poop. OK.
752
753 Mr. Jernigan - I am glad we got it down to that.
754
755 Mr. Deal - You've got to call it what it is after 38 years. Lawyers know a lot about
756 it. What I would like to address is to go to Mr. Silber's comment to maybe help Mr. Silber a little
757 bit. If you would, could you put back up on the screen the long area, preservation area, that is
758 going to be on Turner Road because I want to make a point. I think, Mr. Silber, it might help
759 you understand where we are and why we are there. You see the hatched off area on Turner
760 Road, the long rectangle. Right there, on the left. Turner Road. In that area, the aquifer
761 actually surfaces on the ground. When you have rain, the aquifer actually comes out of the
762 ground and then, as water, as the rain goes away and the water goes down, anything that is on
763 top of that ground is going to get mixed in with that aquifer. This aquifer is an extremely shallow
764 aquifer, and what we worked out with Mr. Jernigan and Mr. Attack, and we appreciate Mr. Attack's
765 concessions on this, too, is that there would be no more than one per acre. The reason is with
766 the shallow aquifer where it is, not only there but up where the large, on the 15-acre cross-hatch
767 area is, the horse stable right now is sited to be in the northeastern corner. The reason for that,
768 rather than the northwestern quadrant of that area, but the northeastern quadrant, is that some
769 of that area falls off towards and flows away from the Camp Holly Springs, which is directly south
770 of that hatch mark area, and so anything going on the surface of the ground would go down that
771 far. And what I am speaking about tonight primarily is Camp Holly Springs reserves the right to
772 address the issues raised in the placement and construction of the stables, the manure storage
773 building, and maintenance of the pasture stable and manure storage building. The reason is like
774 right now, it says the manure storage area will be on a concrete pad, a covered concrete pad.
775 Well, that could mean a tarpaulin. A strong wind comes along, blows the tarpaulin off, the rain
776 gets in the manure, the manure turns to water, goes in the ground, and you have got a bad
777 aquifer, and that aquifer right below that area flows 10 and 10s of thousands of gallons of water
778 a day that is pure now, but then would be messed up, but what we are working towards here is
779 getting that squared away and we are very much looking forward to doing that. Hopefully, by
780 the time the POD comes up for the placement of the bond, the manure storage area and that
781 area, by that time we can have some recognized standards of maintenance and care that are
782 drawn by VPI or somebody as to how a stable and a manure storage area should be maintained.
783 What would be proper to do? We have checked into it and right now there are none, and we are
784 hoping that by the time this project progresses and gets to that point, that some kind of
785 standards would be there, going back to Mr. Vanarsdall's comment, but we wanted the record to
786 reflect that we had a concern with that, and what we are hoping can be done is, and we are not
787 hung up on this stable being in the northeastern corner. What we would like to do, and I haven't
788 even had time to talk to Mr. Attack about it, Mr. Dowdy and I discussed this tonight, is to put
789 some test wells along that northern line of that 15 acres to determine where is the best area. It
790 might be the northwest quadrant. It might be the northeast quadrant. We won't know until we
791 can drill, and we've never been able at this point to drill that property to find those answers. And

792 another thing, Mr. Silber, when you go more than one horse per acre, there were some people
793 who spoke at the Varina High School on this issue that had one horse per acre, and they were
794 telling us what a job it was to keep that one acre per horse clean, and as free as possible of
795 picking of the horse droppings to get it squared away, and they live right there by it. Lastly, we
796 would also like to, between now and the Board meeting, have, and I will discuss this with Mr.
797 Jernigan or Mr. Donati as to how we would best do this, and with the attorneys, is we want to
798 mention about putting ponds in this area along Turner Road. We are concerned about putting
799 ponds in that road and that area could invade the aquifer by simply digging a pond, because as I
800 said, in that area, and matter of fact, right across that road, there is a man who has a well there
801 and his water level in the ground is something like 15 feet. And when it rains, the water comes
802 up right out of the ground, the aquifer does, and we like the vegetation area there. We have no
803 problem with that at all. We are just concerned about ponds, but I think that is something we
804 can work out before we get to the Board meeting, but I just wanted to put it on the record. I'd
805 be glad to answer any questions you all might have.

806
807 Mr. Vanarsdall - Any questions for Mr. Deal?

808
809 Mr. Jernigan - John, one thing we will have to get worked out. Maybe we will have to
810 change that proffer on the positioning, because if is proffered that it is the northeast corner, it
811 has to be in the northeast quadrant, so maybe we will just say the northern quadrant, which we
812 have in there the time is to be, with the location of such stable generally being in the north
813 quadrant, we will just say the north quadrant of the A-1C parcel, the exact location which to be
814 determined at the time of POD.

815
816 Mr. Deal - That sounds good. I think that is a smart thing to do.

817
818 Mr. Jernigan - We will just change that and have that straight for the Board.

819
820 Mr. Deal - That would be the northern quadrant rather than the northeast or
821 northwest. That makes a lot of sense.

822
823 Mr. Jernigan - Well, if you are not sure where the northeast or northwest, it would be
824 better.

825
826 Mr. Deal - If we drill, we will know exactly where to put it.

827
828 Mr. Jernigan - The POD on the stable has to come back to the Planning Commission,
829 too, so we are going to make sure that it is not going to be a tarpaulin over there. Mr. Attack has
830 assured me it is going to be covered like the rest of them.

831
832 Mr. Deal - I understand.

833
834 Mr. Silber - I do appreciate your explanation of that. I think my concern was, you
835 know, I understand the storage of manure. That seems to be your concern, the storage of
836 manure, and the impact it may have on Camp Holly Hills.

837
838 Mr. Deal - Not only just the storage, but the amount of manure built up in the field
839 and how often is it...the race tracks have this down. Of course, we don't have a race track here.
840 But in race tracks they have it down, when you have got to clean that stable, when you have got
841 to clean the manure storage. All of that is done and it is usually in the conditions of the proffers,
842 but here we don't have a race track, so the law is void of criteria, and what we are saying is we
843 hope we can find some valid criteria to guide everybody to go by.

844

845 Mr. Silber - I think from our perspective, and I understand it and I do appreciate
846 that, and there is some correlation between the number of horses and potential contamination of
847 the springs. That is an important consideration and it seems like it is more a storage of manure
848 concern more so than the number of horses. I think staff's concern is that this is a community
849 built around the desirability of horses, yet it lacks some of those elements. It's almost like
850 building a golf course community and then building two holes. You either want to do it or you
851 don't want to do it. It seems like, if this isn't the place for the horses then let's find another
852 place for the horses, but if this is going to be a community for that purpose, which I think there
853 is probably a tremendous market for, I think it is a great idea, then lets allow for that to take
854 place. I'm just concerned that the proffer is so specific as to the number of horses. There's
855 going to be enforcement issues. There are going to be some challenges dealing with that, but I
856 understand where you are coming from and I'm sure we can work around that.
857
858
859 Mr. Deal - And we will be working about the ponding or whatever may go in this
860 vegetation area on Turner Road. We will get with the attorneys for Mr. Attack on that and see
861 what we can get straight there.
862
863 Mr. Vanarsdall - Thank you, John.
864
865 Mr. Jernigan - Thank you, Mr. Deal.
866
867 Mr. Vanarsdall - Yes, sir. Come on down. What side are you on?
868
869 Mr. Dowdy - I'm on everybody's side. For the first time that I have ever stood before
870 you, I like what's happening, and I just want to say again what John said about Ray. I
871 appreciate all the hard work. Ray has been able to get the engineers from this side and the
872 engineers from this side together and walk over the property. And, Ray was wise enough to say
873 "The lawyers can't come and you can't come Dave." And so he was able to work it out and we
874 are real happy with the way things are going.
875
876 Mr. Vanarsdall - We need for you to put your name in the mike there.
877
878 Mr. Dowdy - Oh, I'm sorry. It's Roland Dowdy, Jr., Dave Dowdy. And I'm the
879 president of Camp Holly Springs. We are enthusiastic about this. We have some concerns, of
880 course, that all of a sudden there may be 50 horses over there and maybe not enough people to
881 keep it clean, but our enthusiasm comes from the fact that this property that is now a farm, and
882 we have no control over the way fertilizer is applied and insecticides and pesticides, all of these
883 things that are inorganic can and harmful. And even things that are organic, which still too much
884 of is not a good thing. So, the encouraging part about this is that this way we think that, at its
885 worse, it still will be better than the existing use. And it is always a pleasure to be able to stand
886 here and talk and feel at ease instead of thinking I'd wished I had gotten a stiff drink before I
887 came in here, even though I don't use it.
888
889 Mr. Vanarsdall - It's been a long time coming.
890
891 Mr. Dowdy - But, anyhow thinks so much for everybody efforts. I appreciate it and
892 we are looking forward to anything that we need to work out I think with Ray's help. In fact,
893 with Ray's supervision, we will be able to get all of these little details ironed out and I appreciate
894 it. Thank you.
895
896 Mr. Jernigan - Thank you, Dave, and I appreciate that.
897

898 Mr. Vanarsdall - We are glad to see you smiling and happy tonight.
899
900 Mr. Dowdy - I'm glad not to have people staring at my back.
901
902 Mr. Jernigan - Mr. Chairman, do you want to hear from Mr. Foster now?
903
904 Mr. Vanarsdall - Yes. Good evening, Mr. Foster.
905
906 Mr. Foster - Thank you, Mr. Chairman. I am Tim Foster, the Traffic Engineer, with
907 the County. I apologize for getting the comments for the traffic study late. I met with VDOT at
908 2:30 p.m. this afternoon so we were able to get that done and write this up. As far as the traffic
909 goes, we have reviewed the Traffic Impact Study. We agree with 99% of it, which for a traffic
910 study that's about two inches thick. It's pretty rare on a first case. So, the traffic study was very
911 detailed, it's very good. When we first reviewed this, as a part of the Southerlyn case, we were
912 looking at a site that generated about 27,000 vehicles a day. This site, based on what's
913 proposed, generates about 18,000 of that, but about 2/3 of that is the retail use. During that
914 original study, we stated that we think we can accommodate 1,700 PM peak hour trips from this
915 development in the future. The previous study had a lot more than that. This particular study
916 will have about 1,500 so we were pleased to see that number lowered.
917
918 Essentially, our recommendation for this is that the developer follow the guidelines that are set
919 forth in the study that they submitted. They had a number of improvements, which are really
920 construct left-turn and right-turn lanes at various entrances and we concur with that. We did
921 have two additional improvements we were requesting. One I might be able to strike if I
922 understood correctly. We were requesting that a left-turn lane be placed at Turner Road.
923 However, did I hear correctly that there is going to be no access to this site on Turner Road? If
924 that is the case, we can strike that comment because the Traffic Impact Study shows access to
925 Turner Road. So, once I heard that comment I went back and reviewed it and did some quick
926 calculations and we can strike that comment so that "no left-turn lane will be required at Turner
927 Road" since they have no access to it.
928
929 The only other additional comment that I would have is that we would require a westbound
930 right-turn lane at Long Bridge. They do not propose that in their development scheme. We
931 would request they put a right-turn lane in there. It's very possible that by nature of the
932 standard improvements they have to make to Route 5, that will be easier enough to be a part of
933 that anyway, but it is not a part of the Study. Other than that, the rest of our comments are
934 standard comments about dedication of right-of-way, which we will get at subdivision stage. We
935 are concerned about some of the narrow roads through the area, but again as with normal
936 development, as we get development, those roads will be widen in front of their property. And
937 the only other thing we would say is that any traffic signals that are needed based on this
938 development, we would request that the developer pay for it. Other than that, we are okay with
939 the study, we are okay with the zoning, and can support it with what I consider minor additions
940 to the Traffic Impact Study that was submitted.
941
942 Mr. Jernigan - Thank you, Mr. Foster.
943
944 Mr. Silber - What we will probably recommend, is typical for a development of this
945 type and we get comments from the traffic engineer in the form of a memo or letter, we typically
946 would prefer that the developer proffer that he would make the improvements that are stated in
947 this memo from the traffic engineer. So, between now and the Board meeting we would like to
948 talk to the applicant about that. I would assume that he is agreeable to those improvements
949 since most of those came out of the study that was done by his traffic engineer.
950

951 Mr. Jernigan - Are you okay with that?
952
953 Mr. Dowdy - I might have the opportunity to discuss that with the architect, and it
954 sounds fine.
955
956 Mr. Jernigan - Well, I shouldn't ask you that now because there are too many things to
957 go over, but I mean between now and the Board.
958
959 Mr. Foster - I have one additional thing that I did not mention. In the Traffic Impact
960 Study, the traffic engineer recommended that there be right-turn tapers built at some of the
961 entrances. We don't approve tapers. We would recommend those be four, right-turn lanes
962 which would be 100-foot long storage lanes and then the taper. So, other than that, except for
963 the right-turn lane, and those tapers, what's recommended in the traffic study is what we
964 recommend.
965
966 Mr. Silber - Mr. Foster, if there is no access to Turner Road, and their traffic
967 engineer showed that as part of their calculations, would that then put traffic out at the other
968 access points that could change these improvements?
969
970 Mr. Foster - It does, but it doesn't change the improvements. Once I heard that, I
971 actually did some quick calculations and it doesn't change them at all.
972
973 Mr. Silber - Okay. There is one segment that would require the four-laneing of a
974 road.
975
976 Mr. Foster - That's correct. The Traffic Impact Study recommended that Long Bridge
977 from Route 5, New Market Road, to these, what they call side access four, which would probably
978 be the first major entrance to the site would be four lanes. And, that came straight out of the
979 traffic study, and we concur with that.
980
981 Mr. Silber - I have one last comment. Your first bullet says, "Construct westbound
982 right-turn lane on New Market Road at Turner Road." Is that a right-turn lane or a left-turn lane?
983
984 Mr. Foster - Yes. That came out of the study and we can also eliminate that one. If
985 they are not doing anything to Turner Road, I don't think it's fair to ask them to make
986 improvements there. The first six bullets are actually, nine bullets there, came directly out of the
987 traffic study.
988
989 Mr. Silber - Okay. Thank you.
990
991 Mr. Vanarsdall - Thank you, Tim.
992
993 Mr. Jernigan - Thank you, Mr. Foster.
994
995 Mr. Vanarsdall - Does anyone else have any questions on this case? If not, we will put it
996 into your lap, Mr. Jernigan. I know you are glad to get rid of it. You've been working on it
997 diligently for months and years. It turned out to be a wonderful case.
998
999 Mr. Jernigan - Oh, boy. Well, first of all I want to thank Lee Tyson and the staff that
1000 worked with him. I mean, Lee was out there with me walking the project all day with the
1001 geologist and hydrologist and we just had a good time. But, he has put a lot of work into this
1002 case and you can see by the thickness of the proffers that there has been a lot of work that Mr.
1003 Tyson had to do on this case. But, I think you, Lee, very much and all staff that was related.

1004
1005 When I first started working on this case, my hair was black. So, it's been a while, but this case
1006 probably goes back eight years or nine years with its original test for zoning, which didn't make
1007 it. But, anyway, through a little hard work with everybody and Mr. Attack helping us out and Mr.
1008 Dowdy and we all got together and got in for a common cause and it was amazing. We went out
1009 there and spent all day with a bunch of specialist and we came up with an answer. So, I want to
1010 thank y'all for letting everybody walk the property, Mr. Attack, and get everything straight. This
1011 area is sensitive because of the Camp Holly Springs which is Diamond Springs. And when we
1012 went through there with the geologist and the hydrologist, we came up with an area that had to
1013 be safe so that there wasn't contamination to the aquifer. That aquifer pumps out on its max
1014 day about a million gallons of water and on a slow day probably seven hundred and fifty
1015 thousand gallons. So, we wanted to make sure that the area was protected and wouldn't be
1016 protected with housing because of using fertilizers and everything else. At first it was a 56-acre
1017 tract that we narrowed down to about 14 to 15 acres. And through negotiations that day, with
1018 everybody, we figured with an equestrian theme it would be okay to have horses there and that's
1019 the reason that I've limited the amount of horses because we felt 15 was safe. They do have
1020 droppings out there and we don't have it so much to clean up, but all this, this, if it is an
1021 excessive amount can contaminate the springs. So, anyway, that's the reason the proffers are
1022 written up like that. Normally, you don't get that intricate into a zoning case that you've got to
1023 get there but we did on this case to make everybody happy. And at this point, Mr. Dowdy is
1024 happy. Mr. Attack is happy. He gets to use 96% of his property just about and Mr. Dowdy is
1025 safe.

1026
1027 Also on this, Fort Southard.... I don't know how many of you all know this but Fort Southard is
1028 an entrenchment in there that was used during the Revolutionary War and during the Civil War.
1029 And this area will be taken care of. We have discussed with Mr. Attack that they have groups of
1030 people that will come in there and take jurisdiction on that and clean it up and get it looking like
1031 it's new. But this is a piece that we do need to reserve, you know, for history of America. So, I
1032 guess with that, I just want to thank everybody that helped out on this one. And with that, I will
1033 ask for approval for zoning case....

1034
1035 Ms. Moore - You will have to waive the time limits.

1036
1037 Mr. Jernigan - Excuse me. I've got to waive the time limits. First of all I want to waive
1038 the time limits on the proffers for case C-18C-05.

1039
1040 Mr. Archer - Second.

1041
1042 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All
1043 in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1044
1045 The Planning Commission approved to waive the time limits on Case C-18C-05, Attack Properties.

1046
1047 Mr. Jernigan - And with that, I will ask for approval of zoning case C-18C-05, Attack
1048 Properties Camp Hill, be sent to the Board of Supervisor for their approval.

1049
1050 Mr. Archer - Second, Mr. Chairman.

1051
1052 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All
1053 in favor say aye. All opposed say no. The ayes have it. The motion is passed. Thank you. And
1054 thank everybody who came.

1055

1056 **REASON:** Acting of a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission
1057 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request
1058 because it would permit development of the land in an appropriate manner, and the proffered
1059 conditions will provide quality assurances not otherwise available.

1060
1061 Mr. Silber - The next request case is C-16C-05, David Campbell, in the Varina
1062 District.

1063
1064 **C-16C-05 David Campbell:** Request to amend proffered condition accepted with
1065 rezoning Case C-50C-02, on Parcel 823-716-6129, containing approximately 4.5 acres, located on
1066 the south line of Audubon Drive and the north line of W. Williamsburg Road (U. S. Route 60)
1067 approximately 264 feet west of Trampton Road. The applicant proposes to amend Proffer 12 in
1068 order to reduce the amount of landscaping required along the western property line. The existing
1069 zoning is M-1C, Light Industrial District (Conditional). The Land Use Plan recommends
1070 Commercial Concentration. The site is in the Airport Safety Overlay District.

1071
1072 Mr. Vanarsdall - Is there anyone here in the audience in opposition to C-16C-05, David
1073 Campbell? No opposition.

1074
1075 Mr. Coleman - Mr. Chairman and members of the Commission, the applicant is
1076 requesting to amend Proffer No. 12 approved with C-50C-02 in 2002 on the recently constructed
1077 Airport Self-Storage site (POD-90-02). Approval of this request could reduce the amount of
1078 landscaping required along the western property line. The site is zoned M-1C and architectural
1079 design and landscaping were important considerations during review and approval of the
1080 rezoning and POD applications. Architecturally, the newly constructed buildings are consistent
1081 with the quality envision for the site. Due to its location as a gateway to the airport and to
1082 Sandston and also due to the length and high visibility of the building walls along the western
1083 property line, a substantial landscape buffer along this property is important to enhance the
1084 aesthetics and reduce the visual impacts of the building walls. The applicant is proposing to add
1085 the following language to Proffer No. 12: *Alternative landscaping plans, which meet the intent of*
1086 *such plantings, may be submitted, subject to approval by the Planning Commission under the*
1087 *provisions of Proffer #14.*

1088
1089 The applicant has already installed landscaping consistent with a landscape plan submitted to
1090 staff. While staff can support the amended language proposed by the applicant, at the time of
1091 landscape plan review, staff will recommend supplemental landscaping consistent with an
1092 annotated plan that would add 6 Leyland cypress along the western property line.

1093
1094 I do need to point out an error that was in the staff report. The applicant has committed to 16
1095 evergreen trees instead of the 8 evergreen trees listed in the graph on page 3.

1096
1097 That concludes my presentation, I would be happy to answer any questions.

1098
1099 Mr. Vanarsdall - Are there any questions by Commission members?

1100
1101 Mr. Jernigan - You did say that you are recommending approval?

1102
1103 Mr. Coleman - Yes.

1104
1105 Mr. Silber - So, Mr. Coleman, if I understood you correctly, there has been some
1106 evergreen trees added to....

1107
1108 Mr. Jernigan - The count was wrong.

1109
1110 Mr. Coleman - He provided 16 and the staff report said he provided 8. Sixteen are
1111 installed.
1112
1113 Mr. Silber - Okay. So, is staff recommending approval of the plan as it currently
1114 stands and what's planted at the site?
1115
1116 Mr. Coleman - It would be the approval of the annotated plan which would include the 16
1117 plus the six additional plantings.
1118
1119 Mr. Silber - And the applicant is agreeable to that? Well, we can let him speak to that.
1120
1121 Mr. Coleman - I can defer to the applicant on that.
1122
1123 Mr. Silber - So, Mr. Jernigan, if I understand the position, and correct me if I am
1124 wrong, then the staff report will be corrected and staff is still recommending a couple more trees
1125 along there.
1126
1127 Mr. Jernigan - They want six more trees. Mr. Silber, right now there are 259 plantings on
1128 this property. What happened originally, and if you will remember when we started out, I think
1129 staff kind of wanted to hide the building because it was the gateway coming out of the airport,
1130 coming down Airport Drive and we were going to have this large storage facility. Mr. Campbell
1131 spent a lot of money to make this a nice looking building. It ended up with split block all the way
1132 down and using standing seam roof on it. When we originally did this, all the plantings were all on
1133 the west side. There was no plantings on the east side at all. And that was to hide everything.
1134
1135 Mr. Silber - Mr. Jernigan, let me correct that. I don't think we were trying to hide the
1136 building, I think we were trying to compliment the building based on the long length that we were
1137 working with. I don't think what is shown here in this picture, and this is only a portion of the
1138 building, it's not the whole building, but I think what you are saying is the applicant wants to leave
1139 what is currently planted there the way it is, and we don't have great difficulty with that but I think
1140 that is a far cry from hiding the building. All we are saying is along this length, several hundred
1141 feet of building, we are suggesting six additional plants.
1142
1143 Mr. Jernigan - All right. I will ask him, and we will ask him about that. But, what I am
1144 saying is, remember that all of the plantings were on one side of the building.
1145
1146 Mr. Silber - I understand.
1147
1148 Mr. Jernigan - Now when we met with them, they said that money wasn't a problem. If
1149 they wanted to escrow the amount that roughly the plantings were going to be, they were willing
1150 to do that. But, they wanted to redistribute the amount in different types of plantings other than
1151 just one thing. Right here (referring to map on the screen) are 52 Red Tip Dogwoods. What they
1152 did, they took the existing plan, they spread it out around the building because on the eastern side
1153 where the property next to them, which is a lot of wetlands, may never be developed. We didn't
1154 want to have it where the eastern side was bare and the western side had all the foliage on it. Like
1155 I said, I'll just tell you. You have got 70 of just Inkberry shrubs. Like I said, there are 52 of the
1156 Red Tip Dogwoods. It ends up with 259 plantings. But, anyway, staff wants six more evergreens?
1157
1158 Mr. Coleman - That's what we will be recommending. And the landscape plan has been
1159 submitted to staff for the Planning Commission review during their POD and subdivision meeting.
1160
1161 Mr. Jernigan - All right. Dave, state your name and everything for the record.

1162
1163 Mr. Campbell - David Campbell, owner of Airport Self Storage.
1164
1165 Mr. Jernigan - Are you willing to put in six more evergreens?
1166
1167 Mr. Campbell - If that's what it takes to get over this, I'll put in six more trees. But, we
1168 don't have any Leyland Cypress. They are Arborvitae. I would like to keep the same thing in
1169 theme.
1170
1171 Mr. Silber - That's not a problem.
1172
1173 Mr. Jernigan - Is that okay, Tom? Are you all right with that?
1174
1175 Mr. Coleman - Yes.
1176
1177 Mr. Silber - Thank you, Mr. Campbell, we appreciate that.
1178
1179 Mr. Jernigan - Tom, the next time you are going to take a picture like that, move that
1180 County car out of the way.
1181
1182 Mr. Coleman - That's because I backed up and I didn't realize it was in there. It's a long
1183 wall.
1184
1185 Mr. Jernigan - Mr. Chairman, I don't have any more questions.
1186
1187 Mr. Vanarsdall - All right, anybody else have any more questions for Mr. Coleman? All
1188 right, we'll entertain a motion, Mr. Jernigan.
1189
1190 Mr. Jernigan - Like I said, this ended up being a very nice project and I think that it is an
1191 asset to the County. It is the gateway. The airport is right across the street. People come down
1192 Airport Drive and see this. But, the plantings that are in there now I think look good but Mr.
1193 Campbell is willing to put in six more and we will have this thing straight. So, with that, I will move
1194 for approval for the proffer amendment on case C-16C-05 and sent to the Board for their approval.
1195
1196 Mr. Branin - Second.
1197
1198 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All in
1199 favor say aye. All opposed say no. The ayes have it. The motion passes. Thank you.
1200
1201 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Branin, the Planning Commission
1202 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the
1203 proposed amendment does not greatly reduce the original intended purpose of the proffers.
1204
1205 Mr. Archer - Mr. Jernigan is doing pretty good. He's got us 15 horses and six trees so
1206 far.
1207
1208 Mr. Silber - The next request is on page 3. This is C-24C-05, G. Stuart Grattan, in the
1209 Fairfield District.
1210
1211 **C-24C-05 G. Stuart Grattan for Commonwealth Home Building Corp.:** Request to
1212 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
1213 (Conditional), Parcel 778-768-4780, containing approximately 4.16 acres, located on the east line of
1214 Greenwood Road at Old Woodman Road. The applicant proposes a single family residential

1215 subdivision with overall density not to exceed 2.4 units per acre. The R-2A District allows a
1216 minimum lot size of 13,500 square feet with a maximum gross density of 3.23 units per acre. The
1217 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre
1218

1219 Ms. Deemer - Thank you, Mr. Secretary. Good evening members of the Commission,
1220 Mr. Kaechele. The applicant proposes as Mr. Silber indicated to rezone approximately 4.16 acres
1221 from A-1, Agricultural District to R-2AC, to construct a subdivision of up to nine single-family
1222 homes. The Land Use Plan designates the area as Suburban Residential 1, which is 1.0 to 2.4
1223 units net density per acre and the proposed project, at 2.4 units per acre, is generally consistent
1224 with the Land Use Plan. The requested single-family use could be a logical continuation of the R-
1225 2AC zoning to the south and east.
1226

1227 The applicant has submitted a revised conceptual plan (which is being passed out to you along
1228 with revised proffers.) While the conceptual plan is not proffered it does provide a basic design
1229 of the road layout and orientation of the houses.
1230

1231 The applicant has submitted revised proffers dated June 3, 2005. The time limits will have to be
1232 waived for consideration of these proffers.
1233

1234 Major aspects of the proffers include:
1235

- 1236 • Homes would be constructed on a crawl foundation finished with brick or stone and
1237 foundation plantings will be provided
- 1238
- 1239 • There would be no direct access from lots to Greenwood Road
- 1240
- 1241 • Dwellings would have a finished floor area of no less than 2,000 square feet
- 1242
- 1243 • Sixty percent of the homes shall have a two-car garage and at least 30% of the homes
1244 will have side or rear-loaded garages. Any front loading garages will be recessed at least
1245 5 feet beyond the front elevation
- 1246
- 1247 • All side facades will contain at least 2 windows
- 1248
- 1249 • A minimum of two (2) trees measuring at least 2.5" in caliper would be planted in the
1250 front yards and sides yards on corner lots.
1251

1252 The revised proffers address a number of staff concerns; however, there remains a few
1253 unresolved issues pertaining to connectivity.
1254

1255 As you will note on the new layout, the road within the subdivision abuts the northern property
1256 line. In order to ensure that future development can occur to the north without a separate stub
1257 street, staff would recommend the applicant provide language in the proffers indicating that no
1258 landscaping or common area will obstruct connectivity north of the property. Additionally, staff
1259 recommended that the proposed subdivision street be aligned with Old Woodman Road. As the
1260 current layout only illustrates the parcel limits, it is recommended that the applicant proffer this
1261 condition.
1262

1263 Overall, staff is supportive of the proposed R-2AC for this property. If the applicant could address
1264 these remaining issues, staff could support this request. I'll be happy to answer any questions
1265 you may have.
1266

1267 Mr. Vanarsdall - Are there any questions for Ms. Deemer by Commission members?

1268
1269 Mr. Archer - Ms. Deemer, with the addition of those two conditions that you just
1270 mentioned. Would that then serve to get use recommendation?
1271
1272 Ms. Deemer - I think that it probably would, sir. We did have some other concerns
1273 such as the fact that the lots to the south in Greenwood Glen subdivision are substantially wider
1274 than the lots being proposed here. The subdivision to the south are approximately 112 feet wide
1275 whereas these lots would be the 80-foot minimum width. However, the applicant has pointed
1276 out that their lots are deeper than the lots to the south of them. So, it was kind of a give and
1277 take situation. So, I believe if they will make sure to address the connectivity issue to the north
1278 so that we can make sure that in the future if there is more development beyond the northern
1279 boundaries of this property that there will be the access necessary I think that staff would be in
1280 favor of this rezoning.
1281
1282 Mr. Archer - Okay, and then the other part would be the alignment with Woodman
1283 Road?
1284
1285 Ms. Deemer - Right. As you see now on the sketch in front of you, really they have
1286 only provided us with the limits of their parcel. And, so, we can't quite exactly see where Old
1287 Woodman Road would align. It should be directly across from them, but as we don't have any
1288 schematic larger than what is provided to us and the parcel limit it's difficult for us to tell
1289 otherwise.
1290
1291 Mr. Archer - That's all I have for Ms. Deemer, Mr. Chairman.
1292
1293 Mr. Vanarsdall - All right. Does anyone else have any questions for Ms. Deemer?
1294
1295 Man From Audience - I have an objection.
1296
1297 Mr. Archer - Oh, we have opposition.
1298
1299 Man From Audience - We definitely have some questions.
1300
1301 Mr. Archer - You will get a chance to ask them, sir. We will need to hear from the
1302 applicant first.
1303
1304 Mr. Vanarsdall - Mr. Grattan, do you want to come forward.
1305
1306 Mr. Grattan - Good evening, everyone. My name is Stuart Grattan with Grattan
1307 Associates representing Mr. Mazloom and Commonwealth Home Building Corporation. I would
1308 like to address some of the concerns that Ms. Deemer brought up. Regarding the connectivity
1309 and such to the north of this, there is.... I can't read the road name, it's Songs Road or
1310 something like that, to the north.
1311
1312 Mr. Silber - It's Kings Road.
1313
1314 Mr. Grattan - I'm sorry, I can't read it that well. There is a road to the north. It's a
1315 connectivity to all the parcels to the north. Really, it's not that big an issue I don't believe
1316 because they have access from another road there. We do not have a problem in providing
1317 connectivity to the north. The problem we've got is we are in discussions now with the adjacent
1318 property owner to try to purchase more property and if that occurs then we will be back here
1319 trying to rezone that adjacent property and incorporate that into this development. And as a

1320 result, that's why we are hesitant to proffer a layout on this. As far as aligning with Woodman
1321 Road, did I get that name right, Old Woodman Road, excuse me.
1322

1323 Mr. Archer - It is Old Woodman Road, yes.
1324

1325 Mr. Grattan - As far as aligning with that we are willing to do what we can. I think it is
1326 going to be tough for us to commit to align to Old Woodman Road if it is actually north of our
1327 property line. So, the alignment that we have now is to locate this as far north as we can so that
1328 that northern edge of the right-of-way aligns with our northern property line, providing access to
1329 the properties to the north. That's the intent of this layout and if we are unsuccessful in
1330 purchasing additional properties, this is what we will develop in which it will be developed so
1331 access will be granted to the north with the co-linear right-of-way to the property line.
1332

1333 Mr. Archer - Mr. Grattan, couldn't we somehow word the proffer to state that. Staff's
1334 concern is that you wouldn't in some way with your layout obstruct the ability to connect and if
1335 you are planning on purchasing that property.... Mr. Secretary, could that proffer be constructed
1336 so that you could put an "if" in there somewhere?
1337

1338 Mr. Silber - Yes, I think anything is possible. That certainly could be worded that
1339 way.
1340

1341 Mr. Archer - Are you close, Mr. Grattan, do you think?
1342

1343 Mr. Grattan - Close to what?
1344

1345 Mr. Archer - Close to purchasing that piece, do you think?
1346

1347 Mr. Grattan - There have been discussions going on, but there have been issues that
1348 have occurred in that individuals life that has taken that property off the.... It's not for sell at this
1349 time.
1350

1351 Mr. Archer - Well, we don't try to intend to make one case contingent upon
1352 purchasing something that you don't own, but if you think you are going to then it would help us
1353 if you could word the proffer so that if it didn't occur we would be protected.
1354

1355 Mr. Grattan - I'm probably not as familiar with the ordinance as Mr. Silber is but I'm
1356 pretty sure that there is some wording in the ordinance prohibiting spite strips and so on
1357 prohibiting access to public roads. Clearly, we are not trying, and have no intention of
1358 preventing access of the properties to the north, to this road, hence the layout we have drawn
1359 with the edge of the right-of-way aligned with that northern property line.
1360

1361 Mr. Archer - We also have a concept plan that is not proffered.
1362

1363 Mr. Grattan - And, right. The understanding of that is not to commit to it, it's just that
1364 if we proffer this, and acquire additional properties then we would have to rezone both.
1365

1366 Mr. Silber - Mr. Archer, I think what Mr. Grattan has provided us, with the latest
1367 layout, he has the road now on the northern side of his property. I think that takes care of
1368 some of the staff concern. When the road was on the other side of the property it really was
1369 going to prohibit access to the north.
1370

1371 Mr. Archer - Do you know, Mr. Secretary, just from your knowledge, how close the
1372 alignment is with the other side?

1373
1374 Mr. Silber - The alignment that he is showing on this drawing should be very close to
1375 the alignment of Old Woodman Road. In fact, I think the traffic engineer will make him align
1376 with that.
1377
1378 Mr. Archer - Okay.
1379
1380 Mr. Grattan - Provided we can keep the improvements on site.
1381
1382 Mr. Silber - Provided you can keep the improvements on site?
1383
1384 Mr. Grattan - My question is if Old Woodman Road aligns....
1385
1386 Mr. Silber - I understand. It doesn't look that way from this graph.
1387
1388 Mr. Grattan - Understood, but I don't want to agree to something that if this picture is
1389 drawn incorrectly it would obligate us to something that would render this.... We couldn't meet
1390 develop with that condition.
1391
1392 Man from
1393 Audience - Old Woodman Road don't touch that property, (unintelligible) Road does.
1394
1395 Mr. Archer - Mr. Grattan, we have some opposition. If you want to withhold some of
1396 your comments until we can hear what they have to say.
1397
1398 Mr. Grattan - I'll be happy to. Is there anything else that I can bring up now that
1399 would just... or just wait?
1400
1401 Mr. Vanarsdall - Anybody else want to ask Stuart any questions?
1402
1403 Mr. Archer - I don't think so. Ms. Deemer, was there something else that you need
1404 to interject?
1405
1406 Mr. Grattan - Do you want to speak to the....
1407
1408 Mr. Vanarsdall - We will speak to the opposition and then we will get back to you for
1409 rebuttal.
1410
1411 Mr. Silber - Do you want me to mention about the time limitation?
1412
1413 Mr. Vanarsdall - Yes.
1414
1415 Mr. Silber - I think the Planning Commission is ready to have anyone to come down
1416 who may have questions or want to speak in opposition. As you come down, and you may all
1417 want to come down closer if you like. Let me just remind you that the Planning Commission's
1418 rules and regulations stipulate that there is a limitation to the speaking to ten minutes as a
1419 group. The Planning Commission can extend that if they wish. Tonight's agenda is fairly short
1420 so they may wish to extend it. But, there is a 10-minute limitation to speak. So, if you would
1421 keep that in mind we would appreciate it.
1422
1423
1424 Mr. Vanarsdall - Give us your name. Good evening.
1425

1426 Mr. Olson - My name is Eric Olson and I have a home at 1965 Kings Road. My
1427 question is, since I have not seen the plans, is that the property you are trying to require, if they
1428 purchase it then again this development would be adjacent to my property. We have a high
1429 water table in this area. I have a 30-foot, brick-lined well, which I use to supply water to my
1430 home. From by experience, they are going to have to either.... The backend of Mr. Jewel's
1431 property is quite swampy. So, they are either going to have to supply a drain to make it
1432 buildable or increase the grade, which then would flood out a portion of my property. My main
1433 concern is the change in the water table which will render my well insufficient for my five-
1434 bedroom home. And just by the drawings, they don't indicate any drainage or any contingencies
1435 for that purpose. So, that's my concern. Thank you.
1436
1437 Mr. Silber - Can you tell me again where your property is.
1438
1439 Mr. Olson - Yes. It's on Kings Road and Old Greenwood Road, 1965 Kings Road.
1440
1441 Mr. Archer - Can we get somebody to point that out on the map?
1442
1443 Mr. Silber - Okay. Can you use the pointer to show us where that's at (speaking to
1444 Ms. Deemer).
1445
1446 Mr. Olson - That is my property (referring to map on the screen). Bring it down to
1447 the other side of Kings Road, that there is my property, yes.
1448
1449 Mr. Silber - Okay. To maybe partially answer your question. If this is recommended
1450 for approval, if this zoning case was to go to the Board of Supervisors, the Board of Supervisors
1451 makes the final decision on the rezoning of this property. The next step would be for them to
1452 come in and file a subdivision plat for this property and it is at that time that we will have a
1453 better idea as to how this all will be laid out. And at that time, they would also deal with
1454 drainage issues associated with this development. Any stormwater runoff that comes from this
1455 development will have to be contained within structures on the property and it should not cause
1456 any increase and runoff from this property onto adjacent properties.
1457
1458 Mr. Olson - Well, I will defer that to some other people who have lived here a lot
1459 longer than I have, but there is a considerable water problem in that area. Thank you.
1460
1461 Mr. Silber - Thank you.
1462
1463 Mr. Vanarsdall - Thank you. Who wants to be next?
1464
1465 Mr. Byers - My name is John Byers. I would like to know where that road is going to
1466 be put in at. If it is not going to be off of Kings Road, where is it going to be off of?
1467
1468 Mr. Silber - Ms. Deemer has a plan that shows where that proposed road would be.
1469
1470 Ms. Deemer - The road would come right in (referring to map) here is the edge of the
1471 property. Here is the rectangular part of the property and the road would come then off of it. It
1472 would come in right here.
1473
1474 Mr. Silber - The road would be a cul-de-sac road, sir, that would come off of
1475 Greenwood Road.
1476
1477 Mr. Archer - The north side of the property.
1478

1479 Mr. Byers - And that property is that wide back there?
1480
1481 Ms. Deemer - Yes.
1482
1483 Mr. Byers - It is?
1484
1485 Ms. Deemer - Yes.
1486
1487 Mr. Byers - You go back there and measure it. I've been living there for 39 years.
1488 That property goes into a peak just like this, right behind me. That's why I'm looking at that
1489 drawing. That drawing is not right. Cause I can go out there and show you every line of it.
1490
1491 Mr. Archer - Sir, it would have to fit or they couldn't build it.
1492
1493 Mr. Byers - It's not that wide back there. It comes in on a peak, like this.
1494
1495 Mr. Silber - The plat that we have, as a part of the County records and has been
1496 submitted by the applicant, the back property line is squared off and it is 211 feet wide at its
1497 deepest point. Now, we can show you that plat. But, as Mr. Archer indicated they would have to
1498 be able to meet the zoning requirements and road width requirements in order to get that in
1499 there. If it is not wide enough the County will not let them subdivide that property.
1500
1501 Mr. Byers - The road comes down behind me like this, the line does, and these
1502 houses built over here where Wilton built, goes over like this and goes down. I have walked
1503 every piece of it. And there's a graveyard out there. Anybody knows where that's at?
1504
1505 Mr. Silber - I'm not aware of where it's at, no, sir.
1506
1507 Mr. Jernigan - Has this property been staked, Mr. Grattan?
1508
1509 Mr. Byers - I can tell you a whole lot about that property. There is a graveyard out
1510 there too.
1511
1512 Mr. Grattan - Mr. Jernigan, it has not. We have compiled this map from the plat of
1513 record and pulled up adjacent property adjacent maps and fit this together. We have not had
1514 anyone in the field to actually verify that boundary. That's why it is here. There is some
1515 verbiage they used when we submitted the legal descriptions as it was unverified.
1516
1517 Mr. Vanarsdall - All right. Who wants to be next?
1518
1519 Mr. Johnson - Hello. I'm Jeff Johnson. My wife and I have the property over here.
1520 The question that I have, primarily, is when you talk about lining up the road with Old Woodman,
1521 you've got Old Greenwood Road that shoots off right here and that would be our, our home faces
1522 Old Greenwood. You are looking at an intersection now that will have.... All of those roads will
1523 come together you couldn't really separate that intersection. Old Greenwood from Old Woodman
1524 to whatever the new road would be. It will be about a five-way intersection there when you
1525 count Greenwood Road in. I'm not sure.... Basically, when I walk up Old Greenwood Road and
1526 walk across Greenwood I'm on Old Woodman. If you want to line something up with Old
1527 Woodman, you've already got Old Greenwood aligned up with it. I really don't know how that is
1528 going to shape out and I would be interested in seeing that a little bit better before anything
1529 went forward. The access I can see but like Mr. Olson I'm certainly concerned with drainage
1530 problems. We have lived out there for about 12 years and our home is over 100 years old. It
1531 was a farm in my wife's family before that. We know now that there is property out there that

1532 you would sink two feet in, in water that used to have structures standing on it. It's between
1533 Greenwood Road and I-295 and other improvements out here we have a lot of problems with
1534 drainage and we would be very interested in anything that goes on out there that might bring
1535 more water, more flooding to the area, if you will. Thank you.
1536
1537 Mr. Archer - What is your name again, sir. I'm sorry?
1538
1539 Mr. Johnson - It's Jeff Johnson.
1540
1541 Mr. Archer - Okay. Thank you, Mr. Johnson.
1542
1543 Mr. McPherson - I'm Dunkin McPherson. I own all the property on the other side of
1544 Greenwood Road. Actually, my property line is from Old Woodman on up Greenwood. I would
1545 use the mouse but I am computer illiterate. That's my main concern too is the ground water. I
1546 mean we are.... They are all on the other side of Greenwood, I'm on the low side. The back of
1547 my property line is actually I-295. It's like living in a swamp and every time they build more
1548 houses, like the subdivision directly across the street from me that's existing now, the runoff, and
1549 we don't have adequate drainage ditches along the roadways and the properties now. At the
1550 very end of Old Woodman there are a set of culvert pipes that goes underneath the Woodman
1551 Road ramp off of I-295. Those culvert pipes are almost 18 inches higher than the road surface.
1552 Then the Old Woodman where it's cut off by the ramp, backs up with water every time it rains.
1553 The land is just so over saturated now and there's nowhere for it to go and you start covering up
1554 more ground space with additional roads, additional lots, additional houses, additional driveways
1555 whatnot, where is that water going to go? And I agree with them. I don't have to deal with the
1556 traffic situation on that end because my property runs up farther, but to align that proposed road
1557 with Old Woodman, I don't see how anybody is going to get in or out. It's going to be one, two,
1558 three, four, five different directions at one intersection. Those are my main concerns.
1559
1560 Mr. Archer - Mr. McPherson, can you point that out. I'm looking at my map and I
1561 don't see five intersections. I see Old Greenwood....
1562
1563 Mr. McPherson - This is Old Woodman (referring to map) and Greenwood runs....
1564
1565 Lady Speaking - This is Old Greenwood and then we are....
1566
1567 Mr. McPherson -Right.
1568
1569 Mr. Archer - It looks like it is a couple of blocks away.
1570
1571 Mr. Jernigan - Old Greenwood is probably another 75 to 80 feet....
1572
1573 Mr. McPherson -It's deceiving on that. If you are standing at Old Woodman, that's where my
1574 property corner is, you can look almost. Slightly, caddy cornered is where Old Greenwood comes
1575 out.
1576
1577 Mr. Archer - It can't be....
1578
1579 Mr. Jernigan - What he's saying is that it is coming, it looks like it is coming to that....
1580
1581 Mr. McPherson -Yes, it looks like it is quite a distance from Old Greenwood to Old Woodman.
1582 You know, the distance where they both entered onto Greenwood, but they are not that spread
1583 out. I mean, they are almost directly across from each other now.
1584

1585 Mr. Jernigan - From the looks of it on the map, just looking according to scale, it looks
1586 like 75 or 80 feet.
1587
1588 Mr. McPherson -It's not.
1589
1590 Mr. Silber - Members of the Commission, I think regardless of as to whether it's 10
1591 or 75, they are correct. These roads come in at angles. They are very close in proximity and
1592 having another road here is going to be a challenge. This would have to be worked out with our
1593 traffic engineers. There will be some road alignments and configurations and intersections here.
1594 That will be a challenge. There is no doubt about it. With Old Greenwood coming in at an angle
1595 like that of 45 degrees poses quite a challenge. There are advantages to aligning up this
1596 proposed road with Old Woodman Road because they will be across from each other shortly
1597 down the road, probably in the neighborhood of around 50 feet. You are going to have the
1598 angular 45 degree road coming off which is Old Greenwood. There are going to be some
1599 challenges with that. That's why I think staff is saying that ideally, in a perfect situation, it would
1600 be better to put some additional properties together, have your access maybe worked out so that
1601 the road alignments would work better, but under the circumstances we have, we have to work
1602 with the traffic engineer and try to get this to work the best we can.
1603
1604 Mr. Byers - If you put a new road in that 's going to be on an angle too.
1605
1606 Mr. Silber - Typically, new roads that are built must hit 90 degree angles into
1607 existing roads, similar to what you will see down at Greenwood Glen Drive and Hunton Common
1608 Drive those all head at 90 degree angles. They curve so they form the 90 degree but it does
1609 become a challenge.
1610
1611 Mr. Byers - All of that property is off of Old Greenwood Road before they changed it
1612 and put the new road in. That's the reason all that stuff was (unintelligible) off of old man Kings
1613 farm.
1614
1615 Mr. Silber - Yes, sir. That's how it happened.
1616
1617 Mr. Vanarsdall - Who wants to be next at the mike, you? Go ahead and state your name,
1618 please.
1619
1620 Mrs. Jen Paul-Melendez -Good evening, Mr. Chairman, members of the Board (sic). My name is
1621 Darlene Jen Paul-Menlendez. I live at that first, on the opposite side where the back of the
1622 houses are now proposed to be before it was.... The road was going to be right behind my
1623 property line and my concern was with all this new development also, what are they going to do
1624 about the potential traffic. Are they going to put a light there? Are there going to be traffic
1625 lights? Are they going to build some kind of aesthetically pleasing sound barrier for us that live
1626 right there? That is my concern, with all the traffic because I am the first house, right there.
1627
1628 Mr. Silber - More than likely, well let me say this. The traffic engineer could address
1629 this, but maybe Tim Foster can come forward and help me with this. But, typically there needs
1630 to be the warrants there to justify a traffic signal. I don't see a need for a traffic signal here
1631 based on the traffic from this development. Mr. Foster.
1632
1633 Mr. Foster - Tim Foster, traffic engineer. We don't expect but about 100 trips a day
1634 from this subdivision, which is typical for a small subdivision. One hundred sounds like a lot but
1635 from a traffic standpoint it is not. Quite, frankly, we are concerned about the access to the angle
1636 that comes in and where it comes in and that's something that we are going to have to work very
1637 closely with the developer on. I haven't got my comments, but I think that we did mention that

1638 we are concerned due to the small frontage along Greenwood that it would be a challenge and
1639 we will work with the developers on that. As far as the traffic volumes go, the trips generated by
1640 this will be about the same as the first 10 houses on Greenwood Glen so we don't foresee a
1641 traffic problem at all from the trips generated by the site. It's just that when we have that many
1642 entrances so close together it can get confusing so we want to work with the developer on
1643 getting that right.
1644
1645 Mr. Archer - Mr. Foster, I know you probably can't give an answer, but just looking at
1646 this on the surface. Do you see any other way that the road alignment into that piece could be
1647 constructed that would fit this site? It's an odd shape and small site.
1648
1649 Mr. Foster - Well, in an ideal world, let me give you an ideal situation first. The best
1650 thing would be is to align this road (referring to map on the screen) with the proposed
1651 subdivision of Old Woodman and then take Old Greenwood Road and actually move it to the
1652 vacant property, the large lot there, and actually curve it down so that it intersects about 150
1653 feet away. Again, that's the ideal world. Obviously, that's someone else's property so it's not
1654 something that we can require.
1655
1656 Mr. Archer - But, just given what we have here to work with....
1657
1658 Mr. Vanarsdall - What did you say to do with Old Greenwood?
1659
1660 Mr. Foster - If we move it slightly to about where the "D" is on the word Greenwood
1661 on the map.
1662
1663 Mr. Archer - Move it northwest, I guess.
1664
1665 Mr. Foster - Right. Again, that's the ideal world, but that's somebody else's property
1666 and we can't make anyone do that. Being asked that question, that's the easiest and the
1667 cleanest way to do something like that. We still think that it is going to be a challenge. We don't
1668 like intersections that are within 75 or 50 feet of each other. If there is any saving grace to any
1669 of that is the fact that it is very little traffic generation in the scheme of things. During the
1670 morning rush hour, for example, we expect about 7 vehicles to come out of here, of this
1671 subdivision.
1672
1673 Mr. Byers - We were told the same thing when the last subdivision was put over
1674 there.
1675
1676 Mr. Vanarsdall - Are there any questions of Mr. Foster?
1677
1678 Mr. Kaechele - Mr. Foster, when this subdivision layout was submitted with the staff
1679 report the road was on the south side of the property and now its been moved to the north side,
1680 is that probably the better location?
1681
1682 Mr. Foster - Well, I actually preferred the south side, quite frankly.
1683
1684 Mr. Kaechele - You did?
1685
1686 Mr. Foster - Yes, sir.
1687
1688 Mr. Kaechele - You would rather have it on the other side?
1689

1690 Mr. Foster - Once again, strictly from a traffic's standpoint, that gets it away from
1691 that intersection up there.
1692
1693 Mr. Archer - It is a double frontage lot.
1694
1695 Mr. Foster - But, the problem is you end up with lots on both.... You end up with the
1696 lots right on the back of it, backed up there. But, again, I'm only speaking from a traffic
1697 standpoint and not anything else.
1698
1699 Mr. Archer - I understand.
1700
1701 Mr. Foster - And that was a concern, obviously, having traffic, houses that have
1702 roads on both sides. It's a big concern.
1703
1704 Mr. Vanarsdall - Okay. Thank you, Tim. Is there anybody else left in opposition that
1705 wants to speak? Okay. Thank you.
1706
1707 Mr. Archer - Well, Mr. Chairman, we are in a quandary here because Ms. Deemer has
1708 worked awfully hard on this thing to try to get it to the point that we have it now but the road
1709 network is really a concern that needs some attention.
1710
1711 Mr. Vanarsdall - I think you are right.
1712
1713 Mr. Archer - Mr. Secretary, how would the acquisition of this other property, that Mr.
1714 Grattan is talking about, help us in this situation, or could it? Will it provide access to it for
1715 another way in and out?
1716
1717 Mr. Silber - I'm not sure I know which one he is talking about, but if there is access,
1718 it goes to Kings Road, then another form of access could be provided to Kings Road.
1719
1720 Mr. Grattan - It doesn't go through to Kings Road, it would get into Old Greenwood
1721 but not to Kings.
1722
1723 Mr. Archer - If he acquired the other piece of property.
1724
1725 Ms. Deemer - Mr. Archer, I believe it's this property right here (referring to map).
1726
1727 Mr. Jernigan - That's the property we are speaking of that they are trying to acquire.
1728
1729 Ms. Deemer - I believe that's so. Is that not correct, Mr. Grattan.
1730
1731 Mr. Archer - You couldn't get to Greenwood either unless you knocked down some
1732 houses.
1733
1734 Ms. Deemer - This property right here (referring to map).
1735
1736 Mr. Archer - Mr. Grattan, I think that it is going to be in the best interest of
1737 everybody concerned here is to defer this case and get together with Traffic and also with some
1738 of the neighbors out there and see if we can come up with some other kind of way to do this.
1739 This is not making a lot of people happy. I understand the constraints that you have and I
1740 sympathize with you but I don't think that it is ready to go tonight.
1741
1742 Mr. Grattan - Okay.

1743
1744 Mr. Archer - How much time do you think you need? You might want to consider
1745 deferring this for two months. This is going to take some work and it might also give you an
1746 opportunity to find out whether or not the piece of property that you propose to buy might
1747 become available.
1748
1749 Mr. Grattan - What is the difference in deferring it one month now and coming back
1750 and taking it for another month?
1751
1752 Mr. Archer - I really do think you need to get together with the neighbors out here
1753 that have come up tonight and let them in on what it is you are proposing.
1754
1755 Mr. Grattan - I agree. There were some good points that were brought up. When I
1756 drove by the site and looked at it, it drains well and the vegetation.
1757
1758 Mr. Archer - And I'm not trying to make you responsible for the existing problems
1759 that are there, but we don't want to increase anything that's there either. But, with the
1760 challenges that have come from trying to get traffic, even though it is not a lot of traffic, we are
1761 talking about nine houses, that's not a lot. But, you heard what the traffic engineer had to say.
1762 And it just seems like, it even seems like, with the land not being staked out there, there's some
1763 question as to whether or not the property lines are as you perceive them to be. That's kind of
1764 disturbing also.
1765
1766 Mr. Grattan - There is no doubt we've got some work to do before this thing is ready
1767 to be built.
1768
1769 Mr. Archer - I mean, if you think you can do it by July you can defer it until then, but
1770 I just want to make sure that you've got enough time.
1771
1772 Mr. Grattan - What we are asking for as far as the rezoning, existing keeping with the
1773 master plan, we are not proffering a layout. The issues that have come up tonight have been
1774 design issues. And all of those can and will be addressed at the time of subdivision division
1775 approval. We do have some work to do, clearly, with the traffic engineer, with the drainage
1776 engineers, with the neighbors and so on. But, I think that all of those issues that have come up
1777 have been design issues.
1778
1779 Mr. Archer - Okay. I'll leave it up to you. How far do you want to defer it?
1780
1781 Mr. Grattan - We will start with a month and if we need another, we will defer it from
1782 a month from now.
1783
1784 Mr. Archer - We can do that. In the meantime, it might be good to get the addresses
1785 of the people that are out here tonight so that you all can get together and have a discussion
1786 about this and also talk with the traffic engineer. And, we will work with you, however we can,
1787 with what we've got.
1788
1789 Mr. Grattan - Okay. Thank you for your time.
1790
1791 Mr. Vanarsdall - So, what did you say, Stuart, August 11?
1792
1793 Mr. Grattan - No. We want to go for a month, and that will be July.
1794

1795 Mr. Archer - And he said if we have to go for it again, he will do it. That's July 14,
1796 right?
1797
1798 Mr. Silber - That's right, the 14th.
1799
1800 Mr. Vanarsdall - July 14.
1801
1802 Mr. Archer - Thank you, Mr. Grattan. Mr. Chairman, I move deferral of the case, at
1803 the applicant's request, to the July 14, 2005 meeting.
1804
1805 Mr. Jernigan - Second.
1806
1807 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All
1808 in favor say aye. All opposed say no. The ayes have it. The motion passes.
1809
1810 At the request of the applicant, the Planning Commission deferred cases C-24C-05, G. Stuart
1811 Grattan for Commonwealth Home Building Corp., to its meeting on July 14, 2005.
1812
1813 Mr. Silber - The next case on the agenda is P-6-05, Martin & Paula Ramirez, in the
1814 Fairfield District.
1815
1816 **P-6-05 Martin & Paula Ramirez:** Request for a Provisional Use Permit under Sections
1817 24-51.1(c) and 24-122.1 of the County Code in order to operate a bed and breakfast with
1818 outdoor events, on part of Parcel 817-720-2092, containing 2.5 acres, located on the west line of
1819 Oakley's Lane approximately 840 feet south of Oakley's Place. The existing zoning is A-1
1820 Agricultural District. The Land Use Plan recommends Planned Industry and Environmental
1821 Protection Area. The site is in the Airport Safety Overlay District.
1822
1823 Mr. Vanarsdall - Anyone in the audience in opposition to Mankin Mansion? No opposition.
1824 Mr. Coleman.
1825
1826 Mr. Coleman - Members of the Commission, the applicants propose to run a bed and
1827 breakfast with outdoor events on the grounds of the historic Mankin Mansion property. Mankin
1828 Mansion is listed in the State and National registers of historic places and the County's Inventory
1829 of Historic Places. The property is zoned A-1 and approval of a provisional use permit is required
1830 to operate the bed and breakfast.
1831
1832 The applicants submitted a conceptual plan showing the location of existing buildings, parking areas,
1833 and areas for tents for outdoor gatherings. They have indicated extensive rehabilitation of the
1834 buildings and grounds are required, but no new buildings would be constructed. They are working
1835 with historic preservation consultants to ensure rehabilitation and maintenance activities are
1836 acceptable for historic buildings.
1837
1838 The property includes:
1839
1840 • **(Windows walk)** The 7,000 square foot mansion house;
1841 • **(BB unit 1, BB unit 2, BB unit 3)** Three cottages ranging in size from 1,000 - 1,200
1842 square ft.;
1843 • **(Rear Lawn)** Masonry gazebo and trellis structure;
1844 • **(Landscape Plan)** Numerous walkways, walls, retaining walls, fountains, and benches
1845 constructed of brick; and
1846 • Former lawn tennis and lawn bocce ball areas and pocket gardens.
1847

1848 The applicants reside in the mansion and would occupy the west wing. The bed and breakfast
1849 would eventually include five guest areas able to accommodate up to 26 guests. The (3) cottages
1850 would accommodate 2 to 6 guests each. The east wing of the principal dwelling has two sections
1851 which would accommodate 2 to 4 guests each.

1852
1853 The owners and two assistants would run the daily operations. In addition to the bed and
1854 breakfast, the site would be marketed for weddings, wedding receptions, anniversaries, birthdays,
1855 and meetings and receptions for civic groups, private individuals, or non-profit groups. The
1856 applicant has indicated their intention to allow up to 25 events per year and the events would take
1857 place only on weekends.

1858
1859 The conceptual plan identifies an area to allow tents for outdoor activities and also identified two
1860 parking areas that could accommodate up to 58 vehicles. The applicant will have to continue to
1861 work with county staff to identify areas for required parking and areas that may be designated for
1862 overflow parking. These determinations may impact site design including storm water control.

1863
1864 The site is recommended for Planned Industry and Environmental Protection Area on the Land Use
1865 Plan. The proposed use is not consistent with these designation. There are several tracts of
1866 industrially zoned property nearby including vacant parcels.

1867
1868 In summary, a bed and breakfast would provide an economic means for the owner-occupants of the
1869 Mankin Mansion to maintain and preserve the historic property, which requires substantial
1870 rehabilitation. The property is surrounded by industrial uses and vacant industrial land, therefore
1871 outdoor activities, properly regulated, are unlikely to impact adjacent properties or any residential
1872 neighborhoods. Staff recommends approval of this request subject to a number of conditions
1873 specified in Section IV of the staff report.

1874
1875 That concludes my presentation, I would happy to answer any questions.

1876
1877 Mr. Vanarsdall - Are there any questions for Mr. Coleman?

1878
1879 Mr. Archer - Mr. Coleman, in regard to the parking, I know we talked about expanding it
1880 into an area that is not always used. Is that a part of it? There are two levels out there I believe,
1881 aren't they?

1882
1883 Mr. Coleman - Yes. We have had some preliminary conversations with the applicant and
1884 with Public Works. They will have to have a required parking area that have to be improved.

1885
1886 Mr. Archer - Okay.

1887
1888 Mr. Coleman - It's likely that they will be allowed to designate an area as overflow
1889 parking. What has not been determined yet is the amount of parking that will have to be improved
1890 as required and the amount that would be overflow. The advantage to them is overflow parking
1891 could conceivably be left as for an example; a grass field. Required parking would have to be
1892 improved.

1893
1894 Mr. Archer - So, depending upon the event that was held and the number of vehicles
1895 that would be present, it could fit or it may not fit?

1896
1897 Mr. Coleman - They have indicated that they could accommodate up to 58 vehicles.

1898

1899 Mr. Archer - I just want to make sure that they understand that. Are we continuing to
1900 look at something else that could maybe be viable between now and the time the Board meets, as
1901 to an alternative?

1902 Mr. Coleman - I think the one thing that we could work with them on is to at least specify
1903 the number of parking spaces that will be required. In that way, on the future plans we could give a
1904 better indication of the areas that will be improved and areas that would not have to be improved.
1905

1906 Mr. Archer - Okay. That's all I have.

1907

1908 Mr. Vanarsdall - Are there any more questions for Mr. Coleman?

1909

1910 Mr. Archer - We didn't have opposition, did we?

1911

1912 Mr. Vanarsdall - No opposition

1913

1914 Mr. Archer - I would like to hear from the applicant for just a second or two, if I may.

1915

1916 Mr. Vanarsdall - All right. Come on down. Good evening again.

1917

1918 Mr. Mamirez - Good evening, Mr. Chairman, members of the Planning Commission. My
1919 name is Martin Ramirez and this is my wife Paula. We would like to thank everyone involved in this
1920 process. Everyone we have worked with in Henrico County has been very helpful. The historic
1921 Mankin Mansion on Oakley's Lane will make a perfect bed and breakfast for special events. We
1922 along with many in the community are very pleased with bringing the old mansion back to life. The
1923 historic home was built by Edward Q. Mankin in 1920 as a showplace for his brickwork. Mr. Mankin
1924 was known as the south's most prominent brick maker. He was commissioned for bricks for Yale
1925 University, Colonial Williamsburg, Cooperstown Hall of Fame and for Mr. John D. Rockefellers private
1926 home.
1927

1928 Many local Richmond residents value and cherish the home, it's history, and many have personal
1929 memories of the home's original gardens and are very pleased with the preservation of the state and
1930 national historic site. The plan that your staff has presented is very thorough and complete. We
1931 have only a minor request to change the existing proposal. Number eight, on page four. First, since
1932 the tent for a special event will not be visible from the street, we are requesting that it be allowed to
1933 remain in place only as needed. And number 11, on page five, we would like to, for the speaker
1934 distance from the street to be a peaceful 60 feet, as the outdoor speakers will only be used for
1935 soothing, ceremony, music. We agree with all the other conditions regarding the bed and breakfast
1936 and special events place. And, again, thank Henrico County for their assistance. Thank you very
1937 much for your consideration and we will be happy to answer any questions you may have.
1938

1939 Mr. Archer - Thank you, Mr. Ramirez. I'm glad you came up because you wouldn't have
1940 gotten an opportunity to say all that and you had prepared it, didn't you? So, are you suggesting on
1941 No. 11 that 150 feet be reduced to 60, is that what you are saying?
1942

1943 Mr. Ramirez - Yes. If you look at the plan. Let me pull the mouse up here. Right here in
1944 this area (referring to map on the screen) is the tennis court area, what is considered tennis court
1945 area, and right here is Oakley's Lane. We plan on having weddings where the potential clients could
1946 have their ceremony right here on the lawn. One hundred and fifty feet would put the speakers
1947 right here and the guest would be congregating in this area, right here. So, basically, if we put the
1948 music this far away it would have to actually project a longer distance and have to be louder so that
1949 the guest could hear the background music prior to the ceremony. And it would only be playing for
1950 about a half an hour and it would be soothing, instrumental, classical music. So, if we put the

1951 speakers closer to the area where they would be congregating for ceremony, we could actually
1952 reduce the volume.
1953
1954 Mr. Archer - Would it be possible to orient the speakers so they won't face Oakley's
1955 Lane?
1956
1957 Mr. Ramirez - Oh, definitely, yes. They would actually be pointing.... the speakers would
1958 be placed right here (referring to map on the screen) and they will be pointing in that direction. And
1959 Oakley's Lane, like I said, is over here.
1960
1961 Mr. Archer - Well, there's nothing out there but the road.
1962
1963 Mr. Ramirez - I don't think the people driving by wouldn't mind a little soothing music.
1964
1965 Mr. Archer - Mr. Secretary, do you see that as being a problem?
1966
1967 Mr. Silber - I don't. I guess I would like to have Mr. Coleman comment on that. I
1968 don't see a problem with that.
1969
1970 Mr. Coleman - I think maybe we could work with the applicant on coming up with a plan
1971 for the speaker. We can take a look at and see if we can come up with new distances.
1972
1973 Mr. Silber - Okay.
1974
1975 Mr. Archer - Okay, thank you, sir.
1976
1977 Mr. Jernigan - And what was the other one on, No. 8?
1978
1979 Mr. Archer - Yes.
1980
1981 Mr. Ramirez - Yes. The proposed tents for the events. Basically, the tent area would be
1982 right here (referring to map). And there is a cottage right here that is between where the tent
1983 would be and where Oakley's Lane is. Right there, where you see the mouse, behind it is where the
1984 tent would be and the cottage.
1985
1986 Mr. Silber - The tent that you are proposing would be erected and how long would it
1987 stay?
1988
1989 Mr. Ramirez - Only as needed and when speaking with Mr. Coleman we realized a couple
1990 of things. Number one, the tent wouldn't be cost effective because we would be renting a tent and
1991 every time we would erect it and bring it back down, it would be a charge instead of just, you know,
1992 for longer periods of time. Secondly, because of the weather and since it would be on grass. If it
1993 rained on Thursday, I believe on the paperwork it says that it can't be erected until five o'clock on
1994 Friday evening. Say for example: It rained on Wednesday or Thursday then the grounds would be
1995 wet for an event on Saturday.
1996
1997 Mr. Silber - So, how long do you propose to have it up?
1998
1999 Mrs. P. Ramirez - If we need to be specific, we can come up with a, well we would have to
2000 come up with a time period.
2001
2002 Mr. Ramirez - We will have basically 25 events a year, and usually during the summer
2003 season, the winter would not be conducive, so it would be during that summer session, if we don't

2004 have an event, for example, for the first year we don't see us right-a-way booking 25 events. So, if
2005 we have one event in May, for example, and one event in August, we would bring it down. If we
2006 have an event every other weekend, we would prefer to have the tent erected for that long period of
2007 time.
2008
2009 Mr. Silber - So, you may put the tent up and leave it for a six-month period of time or
2010 during the six months period of time you are likely to put up for a week, take it down for a week, put
2011 it up. I'm still confused as to how....
2012
2013 Mr. Ramirez - Put it up for a week and if we don't have any events for three or four
2014 weeks after, thereafter, then bring it down. But, if we have continuous events for, let's say, all of
2015 July we have event weekend after weekend, it would be more conducive to leave it up.
2016
2017 Mr. Branin - So, theoretically, it could be up for a three-month period?
2018
2019 Mr. Ramirez - Yes. And we have a couple of extra pictures that we brought so... the two
2020 (unintelligible) that we could think of were seeing the tent from the street, which from all angles it
2021 seems to be block some where along the line. You can see this cottage, that's a street shot and it
2022 would be directly behind the cottage. Where the tent would be it is a couple of, I would say about
2023 four feet lower than this cottage. Can I just pass these along?
2024
2025 Mrs. P. Ramirez - This picture here (referring to picture on the screen) that's up is probably
2026 the absolute best vantage point to see the tent from the road, and I don't know when the tent is up
2027 that you could actually see any of it. The two pictures that were handed out is coming from each
2028 direction on Oakley's Lane.
2029
2030 Mr. Archer - Commissioners, if you would look at "Exhibit A" attachment A on the staff
2031 report, it shows the proximity to the cottage. It is behind the cottage.
2032
2033 Mr. Ramirez - Yes. It would be directly behind the cottage. It's about, this is just a
2034 guesstimation, but it is about 10 feet from the end of the cottage to where the tent would be.
2035 Actually, you can see a little wall right there behind the cottage. Do you see the little wall to the
2036 right-hand side? Then after there is where the tent would be.
2037
2038 Mr. Silber - Mr. Archer, my concern is not one of difficulty with this request, my
2039 concern is that the zoning speaks to temporary use of tents and I'm not sure if the ordinance would
2040 allow them to do what they intend to do. I believe we need to look into this and determine this
2041 between now and the Board's consideration.
2042
2043 Mr. Archer - Okay. Do you understand what we are saying here, Mr. Ramirez?
2044
2045 Mr. Ramirez - Yes.
2046
2047 Mr. Archer - You've got to come back again before the Board of Supervisors, and
2048 between now and the time the Board meets, you and Mrs. Ramirez will have the opportunity to
2049 know what exactly we have to do in order to stay in regulations with the ordinance. We can't allow
2050 you to do it if it is illegal is what I'm saying.
2051
2052 Mr. Ramirez - Right.
2053
2054 Mr. Archer - So, it may involve, in some instances, where you have to take it down and
2055 put it back up. But, we will try to work with you to resolve this as best we can. We don't want to
2056 put any more hardship on you then we have to.

2057
2058 Mr. Ramirez - We appreciate that. We have a heavy investment in this property just to
2059 even maintain it. But, our main concern would be during the events is that if it rains a couple of
2060 days later, you know, and erect the tent and the grounds are already soggy, yes walking in, ladies
2061 dressed in high-heel shoes, walking around on the grass that's already soggy, you know, it just
2062 wouldn't make for a pleasant wedding for somebody or a birthday party or something of that nature.
2063 So, any leeway you can give us would be really appreciated.
2064
2065 Mr. Archer - Hopefully, we can find a way to work with that. Does anybody else have
2066 any questions?
2067
2068 Mr. Ramirez - I have a quick question. So, if a tent is considered a permanent structure,
2069 another thought, and this was a very brief thought. Like a canopy, a permanent canopy, I mean if
2070 the tent is the issue, I'm not sure.... We've seen other venues where they have just, I don't know
2071 the specific word for it, but it's almost like a long roof where they can occasionally enclosed it if need
2072 be, but it is does not have four wall, pavilion.
2073
2074 Mr. Silber - Yes, a pavilion.
2075
2076 Mr. Jernigan - That's what I was thinking. You might be off with that.
2077
2078 Mr. Silber - That would be appropriate. As long as you meet the setbacks for an
2079 accessory structure, that would be permitted. I'm sure at that location that would work.
2080
2081 Mr. Ramirez - And originally we wanted not to construct anything because of the historic
2082 part of it, but if a pavilion is allowed and it's permissible then that would be something that we
2083 would be willing to explore.
2084
2085 Mr. Silber - Why don't we talk more about that in the coming weeks.
2086
2087 Mr. Jernigan - It you are using that a lot, putting that tent up and down can get
2088 expensive.
2089
2090 Mr. Ramirez - Exactly. Even if it is a one-time fee for just a pavilion we would be better
2091 off and we could always put the tent-style walls down that could come back up later on.
2092
2093 Mr. Jernigan - Let me ask you. How do you like the place?
2094
2095 Mr. Ramirez - Oh, we love it.
2096
2097 Mr. Jernigan - It's unique, isn't it?
2098
2099 Mr. Ramirez - Yes, we love it. The wall is a little lighter but other than that.
2100
2101 Mr. Jernigan - For those of you that's never been there, the interior walls are brick too.
2102 When they built the place, the fellow that owned the brickyard he had every brick that they built in
2103 the brickyard some of that was in the house. So, Mr. Archer and me have been through there
2104 before on previous occasions.
2105
2106 Mr. Silber - Here is a picture of the inside.
2107
2108 Mrs. P. Ramirez - With the paint supplies in the corner.
2109

2110 Mr. Vanarsdall - All right, thank you.
2111 Mr. and Mrs. Ramirez - Thank you, we appreciate your time.
2112
2113 Mr. Vanarsdall - Mr. Archer.
2114
2115 Mr. Archer - Well, I've spoken with Mr. and Mrs. Ramirez on quite a few occasions
2116 before tonight and also with Mr. Coleman, they have been very helpful and very easy to work with
2117 and they've have done about everything we have asked them to do. And I'm going to recommend
2118 this to the Board for approval. I think it's, well, it's certainly something we don't have in Fairfield.
2119 How many we've got? We don't have but one Bed and Breakfast in the whole County, do we?
2120
2121 Mr. Silber - That's correct.
2122
2123 Mr. Archer - Well now we will have two; one in the East and one in the West.
2124
2125 Mr. Vanarsdall - Do you know where that one is in old Glen Allen?
2126
2127 Mr. and Mrs. Ramirez - We haven't been. We have just been told about it here and there.
2128
2129 Mr. Vanarsdall - It's on Old Washington Highway.
2130
2131 Mr. Archer - Okay. Well, Mr. and Mrs. Ramirez, you understand that there are some
2132 things that we have to work out between now and the time the Board gives final approval on this, at
2133 least I hope they will, but for now, Mr. Chairman, I recommend approval of P-6-05, Martin & Paula
2134 Ramirez. I recommend it to the Board for approval.
2135
2136 Mr. Branin - Second, Mr. Chairman.
2137
2138 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Branin. All in
2139 favor say aye. All opposed say no. The ayes have it. The motion passes.
2140
2141 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Branin, the Planning Commission
2142 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
2143 it is reasonable, and when properly developed and regulated by the recommended conditions, it
2144 would be not be detrimental to the public health, safety, welfare, and values in the area.
2145
2146 Mr. Silber - The last rezoning request this evening is on page five of your agenda,
2147 this is C-25C-05 in the Three Chopt District.
2148
2149 **C-25C-05 Andrew Condlin for Dominion Land & Development:** Request to
2150 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
2151 (Conditional), Parcel 740-774-1487, containing 6.813 acres, located approximately 388 feet east
2152 of Nuckols Road and 200 feet south of Heather Brook Lane. The applicant proffers to develop no
2153 more than sixteen (16) single-family units, an equivalent density of 2.35 units per acre. The R-
2154 2A District allows a minimum lot size of 13,500 square feet with a maximum gross density of 3.23
2155 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
2156 density per acre.
2157
2158 Mr. Humphreys - The applicant is requesting this rezoning in order to develop a residential
2159 subdivision as part of the proposed Grey Oaks subdivision on the adjacent property. The site is
2160 also located just to the south of the existing Edgemoor Subdivision. An existing single family
2161 home on the property would be removed for construction of the subdivision.
2162

2163 The 2010 Land Use Plan recommends this property for Suburban Residential 1, and the request is
2164 consistent with this designation.

2165
2166 The applicant has submitted revised proffers dated June 7, 2005, which have just been handed
2167 out to you. These proffers are substantially similar to those accepted with C-15C-03 on the
2168 adjacent proposed Grey Oaks subdivision.

2169
2170 Major revisions to the proffers from the version in the staff report include:

- 2171
- 2172 • Proffer #1, which has been revised to state when combined with the properties rezoned by
2173 rezoning case C-15C-03, the overall density would not exceed 1.8 units per acre.
 - 2174
 - 2175 • Proffer #16 was added to prohibit access to the Edgemoor Subdivision to the north. This
2176 was requested by the residents of the Edgemoore Subdivision because they just wanted to
2177 eliminate that altogether.
 - 2178
 - 2179 • Proffer #17 has been added to state the property will be developed generally as shown on
2180 Exhibit A. I have it shown here on the screen.

2181
2182 While these revisions address the majority of concerns expressed in the staff report, the
2183 applicant has not addressed how this proposal would affect the existing private road on the
2184 property, Circus Farm Road. Staff recognizes issues involving the deletion of private roads are
2185 normally handled during the subdivision process; however, this road would still need to be used
2186 by a nearby property owner following the development of this parcel. At a minimum the existing
2187 road should be shown on the conceptual plan to ensure the issue is addressed during the
2188 subdivision process.

2189
2190 Overall, the proposed single-family development with a density of 1.8 units per acre is consistent
2191 with the Land Use Plan recommendation for SR-1 and it would also be a logical extension of the
2192 proposed Grey Oaks subdivision. If the applicant could address the concern regarding Circus
2193 Farm Road, staff could recommend approval of this request.

2194
2195 This concludes my presentation. I would be happy to try to answer any questions you may have.

2196
2197 Mr. Vanarsdall - Are there any questions for Mr. Humphreys? Is there any opposition in
2198 the audience? No opposition. Do you have any questions, Mr. Branin?

2199
2200 Mr. Branin - I would like to have the applicant address this question.

2201
2202 Mr. Vanarsdall - All right. Come on down, Mr. Condlin.

2203
2204 Mr. Condlin - Mr. Chairman, member of the Commission, I'm Andy Condlin from
2205 Williams Mullen. I don't charge my client after nine o'clock so I was hoping you wouldn't call me
2206 down here. The Circus Farm Road was something that was addressed in the original Grey Oaks
2207 subdivision, not during the zoning case, but in that subdivision approval we put a condition on
2208 the subdivision that said any lots that were over top of where the existing private road is would
2209 be reserved until Circus Farm could be dealt with. There are two property owners who currently
2210 use Circus Farm Road. One is Mr. and Mrs. Meyer who are here tonight, whose property we are
2211 discussing, and the other is property owned by Mr. Parrish. It is our intent to quite frankly deal
2212 with it in the same way which is any lots that the road would cross, would be dealt with at the
2213 time of subdivision. That road actually runs from this location. We have gotten an agreement
2214 among the property owners to bring it down to this location (referring to map on the screen) and
2215 it runs right along this reserved area here and then going in and leaving the Meyer's property up

2216 into this area as it goes on. So, we propose to handle it the same way during the subdivision
2217 ordinance. We believe that we can come up with an agreement with Mr. Parrish as we have with
2218 Mr. and Mrs. Meyer to ultimately buy the property, an agreement as to moving the road and if
2219 we can't accomplish it with one of those two ways, reserve the necessary area during the
2220 subdivision approval in order to accommodate that. We have to accommodate the road. It is
2221 what it is. It has a right to use it, and we also have a third option which is to, in our opinion, go
2222 to the Circuit Court. There is a provision in the State Code that allows for movement of a road
2223 such as this to another location off of another public road and that would be available to us as
2224 well, if we can't come to an agreement. Otherwise, we have to accommodate the road and the
2225 subdivision would have to account for that. That's how we propose to handle it.

2226
2227 Mr. Silber - At this point in time, you don't know which method you are going to
2228 use?

2229
2230 Mr. Condlin - No. Quite frankly, it's kind of a drawn out process and we are now
2231 dealing with one of the two property owners and as far as the purchase for that land, and that
2232 will accommodate half of the users and then we will have to handle Mr. Parrish after that point.
2233 As you know, it is a long process to get even tentative subdivision so I don't think that will be a
2234 problem. During that time period we are going to work on that immediately after this.

2235
2236 Mr. Branin - Mr. Condlin, have you spoken with Mr. Parrish recently?

2237
2238 Mr. Condlin - Not recently, not as a part of this case. I know before this case there
2239 was a lot of discussion during the original Grey Oaks subdivision case in order to get the concept
2240 road. I know the County spoke with him. I think Mr. Silber has spoken with him during this case
2241 time period, but we have not. We have made contact with his attorney to discuss settling the
2242 road issue in order to either purchase his property or come to an agreement to move the road.
2243 But, nothing has been finalized and I don't whether he's talked... We obviously can't contact
2244 him directly, well I can't directly because of his attorney, attorney, client privilege. We are going
2245 through his attorney currently.

2246
2247 Mr. Kaechele - Has it been determined where that temporary road that's being used
2248 today, is that on the Meyer' property or is it on the property line or is it just....

2249
2250 Mr. Condlin - Well, the road currently comes down generally as this and cuts across
2251 this way (referring to map) along the property line.

2252
2253 Mr. Kaechele - Well, that's the property line right there (referring to map) right?

2254
2255 Mr. Condlin - It's within that reserved area and then it comes in and comes off to
2256 Parrish that way, I believe. You can see that there is a road here. This is the Edgemoor
2257 subdivision, you might look at the zoning plat because that might be a little bit easier to see.
2258 There it is right there (referring to map) Circus Farm Road.

2259
2260 Mr. Silber - Mr. Kaechele, I believe it cuts across a portion of that existing
2261 subdivision but a portion of it is also on the Meyer' property.

2262
2263 Mr. Condlin - So, there is the existing subdivision here and here (referring to map)
2264 which is how we handled it during the subdivision approval as it came up along here, excuse me,
2265 right along this way.

2266
2267 Mr. Kaechele - So, it will continue to operate until a new....
2268

2269 Mr. Condlin - Until we either come to an agreement or a judge allows us to move it.
2270 That's the answer. Our options are, either a judge will bring it in this way or you can see that
2271 this 17-1 was brought down this way, I believe, and it is something that Mr. Parrish has
2272 propertied there. That's our thoughts. We can either build him another access point.
2273
2274 Mr. Kaechele - Somebody will build that for Mr. Parrish?
2275
2276 Mr. Condlin - Right. Or we are hopeful, quite frankly, to be able to purchase the
2277 property as we came to an agreement with the Meyers. That seems to be the easiest solution
2278 that way we can deal with the road construction as the County wants it. I know that we will all
2279 be happy at that point, if we can punch through 17-1. That's my goal.
2280
2281 Mr. Kaechele - Good luck.
2282
2283 Mr. Condlin - Thank you, I'll need it.
2284
2285 Mr. Vanarsdall - All right. Thank you, Andy.
2286
2287 Mr. Branin - Is there any other opposition or anything else?
2288
2289 Mr. Vanarsdall - Nope.
2290
2291 Mr. Branin - Comments?
2292
2293 Mr. Vanarsdall - No.
2294
2295 Mr. Silber - Concerns?
2296
2297 Mr. Branin - Okay. I would hope that the road issue would be addressed in some
2298 fashion, such as a proffer with an explanation. I know the staff and I would appreciate that
2299 before it gets to the Board, if possible, please. I would like to move that C-25C-05, be approved.
2300
2301 Mr. Jernigan - Second.
2302
2303 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
2304 in favor say aye. All opposed say no. The ayes have it. The motion passes.
2305
2306 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning
2307 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
2308 the request because the use and density of the project is in keeping with the 2010 Land Use Plan's
2309 designation for Suburban Residential 1 which recommends a density of 1.0 to 2.4 units per acre
2310 and it continues a similar level of single family residential zoning as currently exists in the area.
2311
2312 Mr. Silber - That concludes the Rezoning Requests and Provisional Use Permits on
2313 tonight's agenda. There are two additional items and the first being a public hearing in the
2314 Brookland District. This is an amendment to the Major Thoroughfare Plan of the Comprehensive
2315 Plan. This is MTP 105. This involves the proposed deletion of a portion of Shrader Road. This is
2316 the Shrader Road extension between Northwest terminus of Bunche Street and Wistar Road.
2317
2318 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN:**
2319 **MTP-1-05** Proposed Deletion of Shrader Road Extension between the northwest terminus of
2320 Bunche Street and Wistar Road.
2321

2322 Mr. Vanarsdall - Good evening, again, Mr. Tyson.
2323
2324 Mr. Tyson - Good evening, Mr. Chairman, members of the Commission, the proposed
2325 amendment would delete Shrader Road extended from the 20/10 Major Thoroughfare Plan west
2326 of Armstrong Road through to the intersection of Shrader Road and Wistar Road. This
2327 consideration to eliminate the Concept Road was prompted by rezoning case C-10C-05, which
2328 took place on this piece of property for the construction of a townhouse development. The
2329 Concept road, as you can see, does extend through this portion of the property. Reviewing
2330 agencies have reviewed it. Public Works has no comments or no opposition to the removal of
2331 this from the Major Thoroughfare Plan. It would be in keeping with the goals, objectives of the
2332 Comprehensive Plan and we would recommend that you send this to the Board of Supervisors
2333 with a recommendation of approval.
2334
2335 Mr. Vanarsdall - Are there any question of Mr. Tyson from Commission members? All
2336 right. No opposition so I recommend to the Board of Supervisors that Shrader Road extension be
2337 removed to the Major Thoroughfare Plan as recommended.
2338
2339 Mr. Jernigan - Second.
2340
2341 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.
2342 All in favor say aye. All opposed say no. The ayes have it. The motion passes.
2343
2344
2345 Mr. Silber - Next on the agenda is the consideration of a substantial in accord. This
2346 involves the East Area Middle and High Schools Site. This is one parcel of land, one tract of land
2347 made up of several parcels but one tract that would involved a potential site for middle and high
2348 school. This is in the eastern area and it is between Elko Road and Old Williamsburg Road. We
2349 do have a Resolution that I believe was included in the Planning Commission's packet or was not
2350 included?
2351
2352 Mr. Jernigan - It was not.
2353
2354 Mr. Silber - I have a Resolution and I don't know if it necessary that we read it at
2355 the conclusion of the presentation, but there is a Resolution that would require a motion and a
2356 second to have this sent on to the Board of Supervisors. But, with that, Ms. Moore.
2357
2358 **RESOLUTION:** East Area Middle and High Schools Site -- Substantially In Accord with
2359 the County Comprehensive Plan (Varina District)
2360
2361 Ms. Moore - I thank you just did my whole report.
2362
2363 Mr. Silber - Oh, I'm sorry.
2364
2365 Ms. Moore - I'm just kidding. Thank you, Mr. Secretary. At the request of the School
2366 Administration, the Planning Department has conducted a Substantially In Accord Study to
2367 determine whether the proposed site for middle and high schools is substantially reasonable in
2368 light of the Comprehensive Plan's recommendations for this area. The site consists of five
2369 parcels, which would be consolidated to obtain approximately 108 acres. The site does has
2370 frontage on Old Williamsburg Road and extend south to Elko Road.
2371
2372 The property is zoned A-1, Agricultural and schools are permitted in this District. The
2373 surrounding uses comprise of large tract single-family uses and vacant land to the north and

2374 east. Robin Dale Farm subdivision and vacant land lie to the west and industrially zoned land, as
2375 a part of White Oak Technology Park, lies to the south, across Elko Road.
2376
2377 Approximately, 2,807 lots are pending or received final subdivision approval in the eastern
2378 portion of the County. Given the growth trends in the east end as a whole, the site would be
2379 appropriate to accommodate the expanding need for services in this area. The proposed schools
2380 would relieve existing and future capacity issues for John Rolfe and Fairfield Middle Schools, and
2381 Varina and Highland Springs High Schools. The capacity of the proposed Middle and High
2382 schools would be 956 and 1,800 students, respectively.
2383
2384 The Planning Department coordinated a site analysis of the site in December 2004. The site was
2385 found to have several positives attributes including good access from Williamsburg, Old
2386 Williamsburg and Elko Roads, and the availability of contiguous parcels to accommodate the
2387 schools.
2388
2389 There are no floodplains on the site; however, there are streams along a portion of the eastern
2390 property line and the presence of wetlands within the south portion of the site. The site also has
2391 steeper slopes on the south end of the parcel. These topographical constraints are not
2392 insurmountable and can be mitigated or accommodated with proper site design. The slopes and
2393 natural wetland features could also serve as a good buffer area between the schools and
2394 potential uses within the White Oak industrial areas to the south.
2395
2396 The 2010 Land Use Plan recommends residential uses for the majority of the site, specifically:
2397 Suburban Residential 1 and 2, and Urban Residential. The southwest portion of the property is
2398 designated Semi-Public, which reflects the church use to the northwest.
2399
2400 The Code of Virginia (Section 15.2-2232A) requires a Public Use designation for government
2401 facilities, unless it can be found the use would be in substantially in accord with the County's
2402 comprehensive plan. The use would support the Plan in regards of the importance of providing
2403 adequate public facilities and services located in a manner for maximizing service delivery
2404 efficiency while minimizing negative impacts on surrounding uses. Staff believes a middle school
2405 and high school would have minimal impact on the existing and recommended development in
2406 the area and with proper site design, schools are often encouraged within residential designated
2407 land.
2408
2409 The use of schools for this site would support the Government and Semi Public goals, which
2410 focuses on the need for effective planning for these types of facilities. As mentioned, residential
2411 development is expected to continue to increase and this growth will have significant impacts on
2412 Schools' ability to support the facility and service needs of the school age population.
2413
2414 In conclusion, Staff has determined, the use of the subject site for the proposed East Area Middle
2415 School and High School is not in conflict with, or a significant departure from the Goals, Objectives
2416 and Policies of the Land Use Plan, including but not limited to:
2417
2418 • To maximize opportunities for service to the County's residents (Semi-Public/Gov Goal V);
2419
2420 • To promote orderly growth and development of County facilities and services based on the
2421 needs of its growing population.
2422
2423 Staff, therefore, recommends the Planning Commission approve the resolution to find the proposed
2424 East Area Middle and High Schools site substantially in accord with the County's Comprehensive
2425 Plan.
2426

2427 This concludes my presentation, I would be happy to try to answer any questions you may have.
2428
2429 Mr. Vanarsdall - Are there any questions for Mrs. Moore-Illig.
2430
2431 Mr. Jernigan - Jean, what did you say was the student count in each one?
2432
2433 Ms. Moore - The proposed?
2434
2435 Mr. Jernigan - Yes, the proposed student count.
2436
2437 Ms. Moore - It is 956 for the middle school and 1,800 students for the high school.
2438
2439 Mr. Jernigan - I thought that was what you said. I just wanted to make sure. I don't
2440 have any questions. I think it is a great site.
2441
2442 Mr. Archer - Can I ask one question, Mr. Jernigan?
2443
2444 Mr. Jernigan - Yes, sir.
2445
2446 Mr. Archer - Ms. Moore, you indicated that there are some wetlands that could be
2447 used, is that what you were alluding to, it could be used if necessary?
2448
2449 Ms. Moore - I think that has to be analyzed. Certainly, the more moderate slopes are
2450 here in the northern area, so, typically, until they get into the site design, the school will probably
2451 be in the northern area. This is what we found in the analysis. Again, that has to be flushed out
2452 and detailed if the site is acquired as the plans come in. But, certainly, if that is the case, and
2453 they don't need that land for whatever programmatic needs they have, that could provide some
2454 good buffer area.
2455
2456 Mr. Archer - You indicated also mitigation and I know the mitigation ratio is 3 to 1,
2457 does that mean we will have to give up three acres for each one of these acres, if we used it.
2458
2459 Ms. Moore - According to wetlands?
2460
2461 Mr. Archer - Yes.
2462
2463 Ms. Moore - I don't know the answer to that.
2464
2465 Mr. Archer - If we didn't use it, we probably wouldn't. Is that the way it works, Mr.
2466 Silber?
2467
2468
2469 Mr. Silber - Are you saying to give it up?
2470
2471 Mr. Archer - Well, if we mitigated the land, the mitigation ratio I think is 3 to 1.
2472
2473 Mr. Jernigan - It was 2 to 1, did it change?
2474
2475 Ms. Moore - Mr. Archer, I should interject that Mr. Don Large is here and actually he
2476 runs the Construction and Maintenance for Schools if you have any questions. He might be able
2477 to answer that better than I could.
2478
2479 Mr. Archer - I was just curious.

2480
2481 Mr. Silber - While he's coming down. I think, Mr. Archer, what staff is trying to point
2482 out that there are some challenges with this site, but we believe that will still work for the two
2483 school sites. Keep in mind, this is for a middle and high school, but we believe that there is room
2484 to make it fit.
2485
2486 Mr. Archer - I may have framed my question wrong. I guess what I was thinking is if
2487 the land is useable, and it is designated as wetlands, I think the CORPS requires that if we use it,
2488 we either have to pay for it or we have to give up three acres for each one acre that we use
2489 somewhere else.
2490
2491 Mr. Silber - I don't know the exact requirements, but you are right, you can impact
2492 wetlands and use it to a certain ratio.
2493
2494 Mr. Large - Good evening, I'm Don Large, Director of Construction and Maintenance
2495 for Schools. Unfortunately, that would be an engineering analysis when they go in. They just
2496 started the topo survey. At this point, they will collect that data, make an evaluation on the
2497 preliminary site plans that we have. And as they have the preliminary laid out, we are going to
2498 avoid most of the wetland areas using one of the separators between the two sites.
2499
2500 Mr. Archer - Okay. Then we wouldn't have to mitigate.
2501
2502 Mr. Vanarsdall - Thank you.
2503
2504 Mr. Jernigan - Mr. Large, let me ask you one thing. On the site, I believe what I have
2505 been told before that both schools will be moved more to the north, up close to Williamsburg
2506 Road. I know they flipped the site a couple of times.
2507
2508 Mr. Large - The middle school will be here to the south and there is a wetlands
2509 separator right through here (referring to map) as I understand the preliminary information and
2510 the high school to the north of the site, which may even extend them farther into this area.
2511
2512 Mr. Jernigan - Okay. Thank you.
2513
2514 Mr. Vanarsdall - Mr. Silber, this is sort of a landmark school, isn't it? This was the only
2515 time that I can ever remember that the first site....
2516
2517 Mr. Jernigan - The first site got shot down. See, Mr. Silber, we ended up with
2518 something better.
2519
2520 Mr. Vanarsdall - It got shot down. It got in the newspaper and upset Stewart Meyer and
2521 the whole works. So this is really a landmark case.
2522
2523 Mr. Jernigan - Well, let me tell you. See those two little parcels down at the bottom on
2524 Elko Road (referring to map). Mr. Campbell who was just here, lives in the left one.
2525
2526 Mr. Silber - Is that right?
2527
2528 Mr. Jernigan - Yes.
2529
2530 Mr. Vanarsdall - Really.
2531

2532 Mr. Jernigan - Yes. There are two parcels right there and his is the one on the left-
2533 hand side and then you have got that other house right here. His is stuck right up there in the
2534 corner.
2535
2536 Mr. Silber - I didn't realize that.
2537
2538 Mr. Jernigan - I think the night we shot down that other one, I know everybody was
2539 kind of wondering what was going on, but I think we ended up better off and we have got a
2540 school east of I-295 and that's what we wanted.
2541
2542 Mr. Vanarsdall - That's what you and Jim wanted in the first place.
2543
2544 Mr. Jernigan - Yes. We wanted it in this area.
2545
2546 Mr. Vanarsdall - The School Board is the one that messed it up.
2547
2548 Mr. Jernigan - We hadn't particularly picked this site, we had another site in mind, but
2549 this works out.
2550
2551 Mr. Branin - Mr. Jernigan, can we somehow get those two pieces of property?
2552
2553 Mr. Jernigan - Well, let me tell you what happened. They first came to them that they
2554 wanted to buy it. So, they were getting their ducks in a row to see how much it was and then
2555 they came back and said they were going to buy it. Were you in on that?
2556
2557 Mr. Large - Mr. Jernigan, working with the School Board and discussions....
2558
2559 Mr. Jernigan - You don't even want to get in on that.
2560
2561 Mr. Branin - Mr. Jernigan, can we condemn those properties and take them in?
2562
2563 Mr. Jernigan - No, sir.
2564
2565 Mr. Silber - If there is no other discussion, we will need a motion to send this
2566 forward. I'll spare you the reading of full Resolution but it basically says: Therefore be it
2567 resolved that the Henrico County Planning Commission finds the proposed East Area Middle and
2568 High Schools Substantially In Accord with the County's Comprehensive Plan.
2569
2570 Mr. Jernigan - Therefore, Mr. Chairman, I will make a motion that we accept the
2571 Resolution for the East Area Middle and High School substantially in accord.
2572
2573 Mr. Archer - Second.
2574
2575 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All
2576 in favor say aye. All opposed say no. The motion passes.
2577
2578 Mr. Kaechele - Mr. Chairman, I abstain again.
2579
2580 Mr. Vanarsdall - All right. Thank you.
2581
2582 The Planning Commission voted to recommend to the Board of Supervisors to approve the
2583 Substantially In Accord for the East Area Middle and High Schools site.
2584

2585 Mr. Silber - Mr. Chairman, I have two other quick announcements, if you would
2586 please.

2587
2588 Mr. Vanarsdall - Wait a minute, let's get the minutes first.

2589
2590 Mr. Silber - Oh, yes, let's get the minutes first.

2591
2592 **APPROVAL OF MINUTES: Planning Commission May 12, 2005**

2593
2594 Mr. Archer - I do have a couple of corrections on the minutes, Mr. Chairman. On
2595 page 27, line 935, in all the instances where Rev. Young is referred, his name is "Barry" instead
2596 of "Berry." Page 29, line 1007, I think I was trying to say "faux" like faux not "for." And on page
2597 33, line 1162 the word should be "alleviate" instead of "elevate" and then "alleviate" again in line
2598 1168 and I guess in line 1175 I was trying to say "to be aware of" and it says "way off." And I
2599 believe that's all.

2600
2601 Mr. Vanarsdall - All right we need a motion and a second.

2602
2603 Mr. Archer - I move that the minutes be accepted as corrected.

2604
2605 Mr. Jernigan - Second.

2606
2607 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All
2608 in favor say aye. All opposed say no. The motion passes.

2609
2610 The Planning Commission approved the May 12, 2005, minutes as corrected.

2611
2612 Mr. Silber - I just want to thank the Commission for attending the Visioning Session
2613 on Tuesday and Wednesday of this week. I think they were productive and I appreciate you all
2614 taking the time to be there. Mr. Branin wasn't able to make it but we will get him on the 15th. I
2615 want to remind you that we have one more, third session, scheduled for the 15 and again it is
2616 from 12:00 noon until around 5:00 p.m.

2617
2618 And my last note is that I want to let you know that Debbie Ripley, who has been sitting in the
2619 booth for us for a number of years now, will be leaving us. Actually, she is not leaving the
2620 County she's moving from the Planning Department to the Permit Center.

2621
2622 Mr. Jernigan - Oh, she's still on the same floor then.

2623
2624 Mr. Silber - Same floor. She will be the administrative secretary for Fred Overmann
2625 in the Permit Center.

2626
2627 Mr. Archer - Don't we get to vote on whether or not she can go?

2628
2629 Mr. Silber - That's right. But, we won't have her here with us.

2630
2631 Mr. Jernigan - We are going to deny it.

2632
2633 Mr. Vanarsdall - That's good, Debbie.

2634
2635 Mr. Silber - I just wanted to pass that on so that you all could wish her well.

2636
2637 Mr. Jernigan - Have you got anything else to say?

2638
2639 Mr. Silber - I don't.
2640
2641 Mr. Jernigan - I want to tell you. I really enjoyed yesterday's seminar. I thought it was
2642 great. I think Ernie enjoyed it, too.
2643
2644 Mr. Vanarsdall - Yes.
2645
2646 Mr. Jernigan - As a matter of fact.... Well, everybody enjoyed it.
2647
2648 Mr. Branin - Except me, I wasn't there.
2649
2650 Mr. Jernigan - Yes, you weren't there. But, I'll tell you this.... Randy, I don't know
2651 what it will cost, but I would like to have him (consultant) back here and have all the engineers
2652 and developers and have a meeting in this room, and let him come back. We need to get them
2653 in tune, because if they hit the button on the computer and spits out, they put max density, and
2654 that's what it spits out. And those computers don't have any foresight. We need to let them
2655 look at something and get back to where things used to be.
2656
2657 Mr. Silber - To me the engineers are designing things by using a CAD system and it
2658 does, exactly what you said, you put the calculations in and it designs it for you and there is no
2659 imagination being used at all. We need to have some better designs.
2660
2661 Mr. Jernigan - And we all saw it, but I think the development community needs to see
2662 it. So, if you would, I know he's expensive...
2663
2664 Mr. Silber - He's very expensive.
2665
2666 Mr. Jernigan - ... but that may be money well spent. And, like I said, book it up here
2667 one day and let's fill this auditorium and get them in here.
2668
2669 Mr. Silber - I'll make a note of that and we will take that under consideration.
2670
2671 Mr. Vanarsdall - Randall was a little bit better than Greg, although Greg was good,
2672 Randall's subject was more appealing to everybody, all the villages and all that.
2673
2674 Mr. Silber - I think they both are very talented consultants and we benefited from
2675 both.
2676
2677 Mr. Jernigan - Okay. We can use the money out of Mr. Kaechele's discretionary fund to
2678 do it.
2679
2680 Mr. Archer - He can't even vote on it. He will have to abstain.
2681
2682 Mr. Vanarsdall - The Planning Commission is now adjourned.
2683
2684 Mr. Branin - Second.
2685
2686
2687
2688
2689
2690

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

2691
2692
2693
2694
2695
2696

Randall R. Silber, Secretary