

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, held in the County Administration Building in the Government Center at Parham
3 and Hungary Springs Roads, Beginning at 7:00 p.m. Thursday, June 15, 2006, Display
4 Notice having been published in the Richmond Times-Dispatch on May 25, 2006 and
5 June 1, 2006.

6
7 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)
8 Mr. Tommy Branin, Vice Chairperson (Three Chopt)
9 Mr. Ernest B. Vanarsdall, C.P.C., (Brookland)
10 Mrs. Bonnie-Leigh Jones (Tuckahoe)
11 Mr. E. Ray Jernigan, C.P.C. (Varina)
12 Mrs. Patricia S. O'Bannon (Tuckahoe), Board of
13 Supervisors Representative
14 Mr. Randall R. Silber, Director of Planning, Secretary
15

16 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
17 Ms. Jean Moore, Principal Planner
18 Mr. Lee Tyson, County Planner
19 Ms. Rosemary Deemer, County Planner
20 Mr. Thomas Coleman, County Planner
21 Ms. Nathalie Neaves, County Planner
22 Ms. Jennifer C. Dean, Recording Secretary
23

24 **Ms. O'Bannon abstains from voting on all cases unless it is necessary to break a**
25 **tie.**

26
27 Mr. Archer: Good evening, everyone. Welcome to the June 15 Planning
28 Commission Rezoning Meeting. Before I begin, I would like to recognize the media
29 people who are here, Olympia Meola, from The Richmond Times-Dispatch, Tom Lappis
30 from The Henrico Citizen and Mr. Dwight Michie from NBC 12. He told me to say NBC
31 12. That is Channel 12. I would also like to recognize, in addition to our Commission
32 members, Ms. Patricia O'Bannon, who is here from the Board of Supervisors. She
33 reserves the right to not vote on matters that come before us, but she will see these
34 matters again when they come before the Board. And with that I will turn the evening
35 over to our Secretary and Director, Mr. Randy Silber. Good evening, Mr. Silber.
36

37 Mr. Silber: Good evening, Mr. Chairman. We do have all members of the
38 Planning Commission present this evening. First on the agenda would be consideration
39 of withdrawals and deferrals of rezoning and provisional use permit requests. I believe
40 we have one withdrawal and several deferrals.
41

42 Ms. Moore: Yes, Mr. Secretary, we do have a withdrawal which is on page 2
43 of your agenda in the Fairfield District.
44

45 **P-7-06 E. Thomas Rilee, III, P.C. for Padilla's Inc. (t/a Amigo's**
46 **Restaurant):** Request for a Provisional Use Permit in accordance with Sections 24-
47 58.2(a), 24-120 and 24-122.1 of the County Code in order to extend hours of operation
48 to 1:30 a.m. on Saturday and Sunday mornings for Amigo's Restaurant, on Parcel 784-
49 753-7530, located at the southeast intersection of Brookside Boulevard and Brook Road
50 (U. S. Route 1). The existing zoning is B-1 Business District and B-2C Business District

51 (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the
52 Enterprise Zone.

53

54 Ms. Moore: They are withdrawing their application for extended hours and,
55 therefore, no action is required by the Planning Commission tonight.

56

57 Mr. Archer: Thank you, Ms. Moore.

58

59 Ms. Moore: We will move on to deferrals. The first is on page 3 of your
60 agenda.

61

62 **Deferred from the May 11, 2006 Meeting.**

63 **P-4-06 Gloria Freye for Bechtel Corp.:** Request for a Provisional Use
64 Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in
65 order to construct a 149' high telecommunication tower on Parcel 744-771-3182, located
66 on the east line of Shady Grove Road north of Hames Lane. The existing zoning is A-1
67 Agricultural District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4
68 units net density per acre.

69

70 Ms. Moore: The deferral is requested to the August 10, 2006 meeting.

71

72 Mr. Archer: Is there anyone here who is opposed to the deferment of P-4-06,
73 Gloria Freye for Bechtel Corporation? I see no one.

74

75 Mr. Branin: I'd like to move that Case P-4-06, Gloria Freye for Bechtel
76 Corporation be deferred to the August 10, 2006 meeting at the request of the applicant.

77

78 Mr. Vanarsdall: Second.

79

80 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
81 of the motion say aye. All opposed say no. The motion passes.

82

83 At the request of the applicant, the Planning Commission deferred Case P-4-06, Gloria
84 Freye for Bechtel Corporation to its meeting on August 10, 2006.

85

86 Ms. Moore: Also, on page 3 of your agenda is C-12C-04.

87

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

95

96 Ms. Moore: The deferral is requested to the July 13, 2006 meeting.

97

98 Mr. Archer: Is there anyone here who is in opposition to the deferment of C-
99 12C-04, Andrew M. Condlin for Water Tower Associates, LLC? No opposition. Ready
100 for a motion.

101

102 Mr. Branin: Mr. Chairman, I would like to move that case C-12C-04, Andrew
103 M. Condlin for Water Tower Associates, LLC, be deferred until July 13, 2006, at the
104 request of the applicant.

105
106 Mrs. Jones: Second.

107
108 Mr. Archer: Motion made by Mr. Branin and seconded by Mrs. Jones. All in
109 favor say aye. All opposed say no. The ayes have it. The motion passes.

110
111 At the applicant's request, the Planning Commission deferred Case C-12C-04, Andrew
112 M. Condlin for Water Tower Associates, LLC, to its meeting on July 13, 2006.

113
114 **C-26C-06 Roy Amason for McCabe's Grant L.L.C.:** Request to
115 conditionally rezone from A-1 Agricultural District, R-1 One Family Residence District, C-
116 1 Conservation District, R-2A One Family Residence District, and R-3 One Family
117 Residence District to R-2AC One Family Residence District (Conditional), Parcels 743-
118 755-1624, 742-755-8449, 742-754-8984, 743-754-4375, and 743-754-0266, containing
119 approximately 14.32 acres, located at the southern terminus of Crown Grant Road,
120 Loreine's Landing Lane and Persimmon Trek. The applicant proposes a single family
121 residential development with a maximum of 27 dwelling units. The use will be controlled
122 by zoning ordinance regulations and proffered conditions. The Land Use Plan
123 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
124 Environmental Protection Area, and Suburban Residential 2, 2.4 to 3.4 units net density
125 per acre.

126
127 Ms. Moore: The deferral is requested to the July 13, 2006 meeting.

128
129 Mr. Archer: We are still in the Three Chopt District? Is there anyone here who
130 is opposed to deferring Case C-26C-06, Roy Amason for McCabe's Grant, LLC? No
131 opposition. Mr. Branin.

132
133 Mr. Branin: Mr. Chairman, I'd like to move that Case C-26C-06, Roy Amason
134 for McCabe's Grant, LLC, be deferred until the July 13, 2006 meeting at the request of
135 the applicant.

136
137 Mr. Vanarsdall: Second.

138
139 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
140 say aye. All opposed say no. The motion passes.

141
142 At the applicant's request, the Planning Commission deferred Case C-26C-06, Roy
143 Amason for McCabe's Grant, LLC, to its meeting on July 13, 2006.

144
145 **Deferred from the May 11, 2006 Meeting.**

146 **P-6-06 Ann Leonard Harris:** Request for a Provisional Use Permit under
147 Sections 24-12.1(b) and 24-122.1 of Chapter 24 of the County Code in order to operate
148 a bed and breakfast inn on Parcel 802-699-4985, located at the terminus of Equestrian
149 Way in The Paddocks subdivision. The existing zoning is R-3 One Family Residence
150 District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
151 density per acre.

152

153 Ms. Moore: The deferral is requested for one year to the June 14, 2007
154 meeting.

155
156 Mr. Archer: One year, all right. In the Varina District, is there anyone present
157 who is opposed to the deferment of Ann Leonard Harris? I am sorry. Could you come
158 up to the microphone, please? Give us your name, please, if you would.

159
160 Mr. Lohmar: My name is Hans Lohmar and I live at 1201 Jockey Court in The
161 Paddocks Subdivision. I am representing the neighborhood community of The
162 Paddocks which encircles some of this. We are confused as to the deferral, as to the
163 purpose of the deferral to run for a year.

164
165 Mr. Archer: Generally, the deferment is done when the applicant feels that the
166 case needs more work and additions or deletions are to be made to it, and they still have
167 enough time to do them. In this case, they are giving themselves quite a bit of time.

168
169 Mr. Lohmar: Is it part of anything significant that will happen in that area of our
170 neighborhood within a year's time that (unintelligible).

171
172 Mr. Archer: I am not aware of anything. Mr. Jernigan.

173
174 Mr. Jernigan: No, she just wanted more time to talk to you all.

175
176 Mr. Lohmar: So the one year is an arbitrary date, not set around some other
177 party to that?

178
179 Mr. Jernigan: No. That is what she requested. Mr. Chairman, with that I will
180 move for deferral of Case P-6-06, Ann Leonard Harris, to the June 14, 2007 meeting by
181 request of the applicant.

182
183 Mr. Vanarsdall: Second.

184
185 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
186 favor of the motion say aye. Those opposed say no. The ayes have it. The motion
187 passes.

188
189 At the applicant's request, the Planning Commission deferred Case P-6-06, Ann
190 Leonard Harris, to its meeting on June 14, 2007.

191
192 **P-9-06 Gary Barber for National Communication Tower LLC:** Request
193 for a Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of
194 Chapter 24 of the County Code to construct a 199' monopole telecommunications tower,
195 on Parcel 851-666-7691, located 343' east of Carters Mill Road. The existing zoning is
196 A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture. The site is
197 in the Airport Safety Overlay District.

198
199 Ms. Moore: The deferral is requested to the July 13, 2006 meeting.

200
201 Mr. Archer: Is there anyone present in the Varina District who is opposed to
202 the deferment of P-9-06, Gary Barber for National Communication Tower, LLC? Mr.
203 Jernigan.

204
205 Mr. Jernigan: Mr. Chairman, with that I will move for deferral of Case P-9-06,
206 Gary Barber for National Communication Tower, LLC, to July 13, 2006, at the request of
207 the applicant,
208
209 Mr. Vanarsdall: Second.
210
211 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
212 favor of the motion say aye. All opposed say no. The ayes have it. The motion is
213 granted.
214
215 At the request of the applicant, the Planning Commission deferred Case P-9-06, Gary
216 Barber for National Communication Tower, LLC, to its meeting on July 13, 2006.
217
218 Ms. Moore: The last request for deferral by the applicant is on page 3 of your
219 agenda. It is C-11C-06.
220
221 **Deferred from the May 11, 2006 Meeting.**
222 **C-11C-06 Neil Rankins for R & R Development, LC.:** Request to rezone
223 from [R-5C] General Residence District (Conditional) to B-2C Business District
224 (Conditional), Parcels 739-761-2693 and 739-762-0100, containing 2.441 acres, located
225 on the south line of West Broad Street (U. S. Route 250) approximately 195 feet east of
226 Spring Oak Drive. The applicant proposes a retail development. The use will be
227 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
228 recommends Mixed Use. The site is in the West Broad Street Overlay District.
229
230 Ms. Moore: The deferral is requested to July 13, 2006.
231
232 Mr. Archer: Is anyone here opposed to the deferment of Case C-11C-06, Neil
233 Rankins for R & R Development, LC? Mr. Branin.
234
235 Mr. Branin: Mr. Chairman, I would like to move to defer Case C-11C-06, Neil
236 Rankins for R & R Development, LC, to the July 13, 2006 meeting at the request of the
237 applicant.
238
239 Ms. Vanarsdall: Second.
240
241 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
242 say aye. All opposed say no. The ayes have it. The motion passes.
243
244 At the request of the applicant, the Planning Commission deferred Case C-11C-06, Neil
245 Rankins for R & R Development, LC, to its meeting on July 13, 2006.
246
247 Mr. Silber: Do you have any more deferrals, Ms. Moore?
248
249 Ms. Moore: Not from the applicant, no sir.
250
251 Mr. Silber: Are there any from the Planning Commission?
252
253 Mr. Branin: Mr. Secretary, I have one. Case C-75C-05. This is on page 2.
254

255 **Deferred from the May 11, 2006 Meeting.**
256 **C-75C-05 John J. Hanky III, for Barrington Development, Inc:** Request to
257 conditionally rezone from R-3C One Family Residence District (Conditional) to O-2C
258 Office District (Conditional), Parcel 740-758-4797, containing 2.215 acres, located on the
259 east line of the proposed John Rolfe Parkway right-of-way approximately 310 feet south
260 of Three Chopt Road. The applicant proposes an office development. The use will be
261 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
262 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
263 Environmental Protection Area. The site is in the West Broad Street Overlay District.
264

265 Mr. Archer: OK, is there anyone present who is opposed to the deferment of
266 Case C-75C-05, John J. Hankey, III for Barrington Development, Inc? No opposition.
267 Mr. Branin.

268
269 Mr. Branin: Thank you, Mr. Chairman. I would like to move that Case C-75C-
270 05, John J. Hankey, III for Barrington Development, Inc. be deferred until the July 13,
271 2006 meeting at the Planning Commission's request.
272

273 Mr. Vanarsdall: Second.

274
275 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
276 of the motion say aye. All opposed say no. The ayes have it. The motion passes.
277

278 The Planning Commission deferred Case C-75C-05, John J. Hankey, III for Barrington
279 Development, Inc. to its meeting on July 13, 2006.
280

281 Mr. Silber: No other deferrals we are missing? Moving on to requests for
282 expedited items. These items are placed on a portion of the agenda called the
283 expedited agenda. These zoning requests are minor in nature. There are no
284 outstanding issues that staff is aware of nor is the Commission, and so we place this on
285 the agenda so it can be acted on by the Planning Commission without a presentation by
286 the staff. If there is opposition to any of these cases on the expedited agenda, then they
287 can be pulled off of the expedited and heard in the order they are found on the full
288 agenda. Now, I believe we have five items that have been requested for expedited
289 consideration.
290

291 Ms. Moore: The first is on page 1 of your agenda in the Brookland District and
292 it is in the Brookland District. It is P-10-06 for Crown Castle.
293

294 **P-10-06 Roger Hughett (Ntelos) for Crown Castle:** Request for a
295 Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24
296 of the County Code in order to increase the height of an existing telecommunications
297 tower, approved by P-1-04, an additional 14 feet (138' proposed total height) and install
298 unmanned communications equipment at the base of the tower, on part of Parcel 775-
299 744-9936, located on the west side of Byrdhill Road approximately 200 feet south of
300 Oakland Avenue. The existing zoning is M-1 Light Industrial District. The Land Use
301 Plan recommends Light Industry.
302

303 Mr. Archer: Is there opposition to Case P-10-06, Robert Hughett (Ntelos) for
304 Crown Castle? All right. Mr. Vanarsdall, do you want to hear from the applicant? I will
305 entertain a motion.

306
307 Mr. Vanarsdall: I move that case P-10-06 be approved on the expedited agenda
308 as requested by staff.

309
310 Mr. Jernigan: Second.

311
312 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
313 favor say aye. All opposed say no. The ayes have it. The motion is carried.

314
315 The Planning Commission voted to recommend the Board of Supervisors grant the
316 request because it was reasonable and the proposed extension of tower height at this
317 location is of adequate distance from the closest residential area and would not be
318 expected to adversely affect public safety, health, or general welfare.

319
320 **P-11-06 Caroline Nadal for BRC Richmond, LLC:** Request for a
321 Provisional Use Permit in accordance with Sections 24-58.2(a), 24-58.2(d), 24-120 and
322 24-122.1 of the County Code to extend hours of operation to 1:00 a.m. Wednesday
323 through Sunday and to permit an outside dining area for Ham's Restaurant, on Parcel
324 755-758-7804, located at the northeast intersection of West Broad Street (U. S. Route
325 250) and Old Springfield Road. The existing zoning is B-2 Business District. The Land
326 Use Plan recommends Commercial Concentration.

327
328 Mr. Archer: Is there anyone present who is opposed to Case P-11-06, Ham's
329 Restaurant? No opposition. Mr. Vanarsdall.

330
331 Mr. Vanarsdall: I move that Case P-11-06 be recommended to the Board of
332 Supervisors for approval on the expedited agenda.

333
334 Mr. Jernigan: Second.

335
336 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
337 favor say aye. All opposed say no. The ayes have it. The motion is granted.

338
339 The Planning Commission voted to recommend the Board of Supervisors grant the
340 request because it is reasonable in light of the surrounding uses and existing zoning on
341 the property and would not be expected to adversely affect the public safety, health or
342 general welfare.

343
344 **C-31C-06 Ralph Axelle, Jr. for Marchetti Properties I, LLC and**
345 **Marchetti Properties V, LLC:** Request to conditionally rezone from R-3 One Family
346 Residence District and B-2C Business District (Conditional) to B-2C Business District
347 (Conditional), Parcels 769-756-5278, 769-756-6190 and part of Parcels 769-756-3391,
348 769-757-3723 and 769-757-3204, containing approximately 2.303 acres, located
349 between the east line of Staples Mill Road (U. S. Route 33) and the west line of Old
350 Staples Mill Road approximately 396 feet north of their intersection. The applicant
351 proposes retail uses and an access road. The use will be controlled by zoning
352 ordinance regulations and proffered conditions. The Land Use Plan recommends
353 Commercial Concentration.

354
355 Mr. Archer: Is there anyone present who is opposed to C-31C-06, Marchetti
356 Properties?

357
358 Mr. Vanarsdall: We do have a gentleman here who would like to speak, so we will
359 pull it off of the expedited.
360
361 Mr. Archer: Mr. Vanarsdall, are these proffers in time or do they need to be
362 voted on?
363
364 Mr. Vanarsdall: These are the same proffers that were faxed to everyone. There
365 are no changes.
366
367 Mr. Archer: We will move this off of the expedited and hear it in order.
368
369 Mr. Silber: What we may do is go on and continue on with the expedited
370 agenda items, so that case will be held.
371
372 Mr. Vanarsdall: We will finish the others and then come back. I think he is just
373 going to ask a question.
374
375 Ms. Moore: Moving on to the Fairfield District.
376
377 **C-25-06 James W. Fleming:** Request to rezone from R-4 One Family
378 Residence District to R-0 One Family Residence District, Parcel 799-735-8376,
379 containing 2.42 acres, located on the east line of Duke Street at its intersection with
380 Young Street. The applicant proposes to construct a detached garage. The R-4 District
381 regulations permit a maximum of 682.5 square feet of accessory structures; the R-0
382 District regulations permit a maximum of 3000 square feet of accessory structures. The
383 Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.
384 The site is in the Airport Safety Overlay District.
385
386 Mr. Archer: Is there anyone present who is opposed to C-25-06, James W.
387 Fleming? No opposition. I, therefore, move that Case C-25-06, James W. Fleming, be
388 approved on the expedited agenda and recommended to the Board for approval.
389
390 Mr. Vanarsdall: Second.
391
392 Mr. Archer: Motion by Archer and seconded by Mr. Vanarsdall. All in favor
393 say aye. All opposed say no. The ayes have it. The motion passes.
394
395 The Planning Commission voted to recommend the Board of Supervisors grant the
396 request because it is reasonable in light of the large acreage single family use and it
397 would not be expected to adversely affect the pattern of zoning and land use in the area.
398
399 Ms. Moore: Next is on page 3 of your agenda in the Three Chopt District. It is
400 P-8-06, Innsbrook Foundation.
401
402 **P-8-06 Denise Kranich for Innsbrook Foundation:** Request for a
403 provisional use permit in accordance with Sections 24-62.2(f), 24-120 and 24-122.1 of
404 Chapter 24 of the County Code in order to extend provisional use permit P-12-03 to
405 continue operating a temporary outdoor entertainment pavilion (Innsbrook Pavilion) for
406 an additional three (3) years, on part of Parcel 750-768-4593, containing approximately
407 6.4 acres, located at the northeast intersection of Nuckols Road and Interstate 295. The

408 existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan
409 recommends Planned Industry.

410

411 Mr. Archer: Is there anyone present who is opposed to P-8-06, Denise
412 Kranich for Innsbrook Foundation? I see no opposition. Mr. Branin.

413

414 Mr. Branin: Mr. Chairman, I would like to move that Case P-8-06, Denise
415 Kranich for Innsbrook Foundation, on the expedited agenda, be sent to the Board of
416 Supervisors with a recommendation for approval.

417

418 Mr. Vanarsdall: Second.

419

420 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor
421 say aye. All opposed say no. The motion passes.

422

423 The Planning Commission voted to recommend the Board of Supervisors grant the
424 request because it is reasonable, and when properly developed and regulated by the
425 recommended special conditions, it would not be expected to adversely affect public
426 safety, health, welfare, or values in the area.

427

428 Ms. Moore: Mr. Chairman, that concludes the expedited agenda.

429

430 Mr. Archer: Thank you, Ms. Moore.

431

432 Mr. Silber: OK, if we can move back to the top, we will start with Rezoning
433 Request C-31C-06.

434

435 **C-31C-06 Ralph Axselle, Jr. for Marchetti Properties I, LLC and**
436 **Marchetti Properties V, LLC:** Request to conditionally rezone from R-3 One Family
437 Residence District and B-2C Business District (Conditional) to B-2C Business District
438 (Conditional), Parcels 769-756-5278, 769-756-6190 and part of Parcels 769-756-3391,
439 769-757-3723 and 769-757-3204, containing approximately 2.303 acres, located
440 between the east line of Staples Mill Road (U. S. Route 33) and the west line of Old
441 Staples Mill Road approximately 396 feet north of their intersection. The applicant
442 proposes retail uses and an access road. The use will be controlled by zoning
443 ordinance regulations and proffered conditions. The Land Use Plan recommends
444 Commercial Concentration.

445

446 Mr. Archer: Good evening, Mr. Tyson.

447

448 Mr. Tyson: Good evening, Mr. Chairman, and members of the Commission.
449 The applicant is proposing to rezone 2.3 acres to permit an additional access point and
450 an additional out parcel for a shopping center, Staples Mill Square, that is currently
451 under plan of development review and under development. The 2010 Land Use Plan
452 recommends CC, Commercial Concentration land uses for the property subject to this
453 request. The applicant has submitted proffers that have been distributed to you that are
454 nearly identical to those approved with rezoning case C-77C-94 which the Staples Mill
455 Square Shopping Center is being developed under. Major aspects of the proffers
456 include landscape buffers of 25 feet in width along both Staples Mill and Old Staples Mill
457 Road. Architectural treatments that will insure the same architectural elements will be
458 used in any outbuildings or out parcels as will be used in the major shopping center.

459 The applicant has prohibited a number of potential incompatible uses, including check
460 cashing businesses, adult businesses and automobile service stations and towing
461 businesses. Any out parcel access would be accessed via an internal road network.
462 The applicant has proffered no direct access to Staples Mill Road would be provided.
463 Any signs to be constructed would be internally illuminated if they are illuminated at all,
464 and no unfavorable attention-getting devices would be permitted. Other proffers relate
465 to parking lot lighting, HVAC system screening, hours of trash pickup and parking lot
466 cleaning and similar quality assurances. The uses proposed by the applicant are
467 consistent with recommendations of the 2010 Land Use Plan and the land use trends in
468 the immediate vicinity. The applicant has proffered a number of items that refer to the
469 architecture and quality of the already-approved shopping center. Staff recommends the
470 Planning Commission forward this case to the Board of Supervisors with a
471 recommendation for approval. I will be happy to answer any questions and Mr. Axselle
472 is representing the owner, who is here, as well.
473

474 Mr. Archer: Thank you, Mr. Tyson. Are there questions for Mr. Tyson from the
475 Commission? Well, Mr. Vanarsdall, what do you need from the applicant?
476

477 Mr. Vanarsdall: I need to hear from the applicant because there is a gentleman
478 who wants to speak.
479

480 Mr. Archer: Mr. Axselle, how are you, sir?
481

482 Mr. Axselle: Fine, Mr. Chairman. Ladies and gentlemen of the Planning
483 Commission, I am Bill Axselle on behalf of Marchetti Properties, the applicant in this
484 matter. As Mr. Tyson mentioned, the property and all of the property on Old Staples Mill
485 Road in the entire area there is in the Land Use Plan for Commercial Concentration. So,
486 this use is consistent with the terms and conditions of the proffers and is consistent with
487 the approved zoning that is on the adjacent property. This case was brought primarily to
488 provide a second or additional point of access. The shopping center that is to be
489 developed is primarily the access from Staples Mill Road. The thought from the County
490 and the applicant was that it would be appropriate to have an access from that shopping
491 center to Old Staples Mill Road under the theory of disbursing the traffic out in many
492 directions and thus it was necessary to zone the property, and as I said, the property
493 zoning being sought is consistent with the Land Use Plan. Mr. Harrison is here, who I
494 have spoken to and the staff has spoken to this evening. He owns some property
495 adjacent to the property being zoned, and his property is currently zoned R-3, but it is
496 proposed for use as commercial concentration. Across the street, the property is zoned
497 M-1 and with a Wawa store there, it is a fairly industrial and commercial area all along
498 there, and so all of the zoning along that whole space of Staples Mill Road, with the
499 exception of two pieces, his being one of them, are zoned commercial or industrial. And
500 I think Mr. Harrison can speak for himself, but I think he does not object to the zoning
501 and he does not object to the use. He has asked us to consider placing a wall or fence
502 between his property and the property being rezoned. We will have to comply with the
503 County Ordinance regarding landscaping and a 25-foot landscape buffer and the
504 standards that are set forth in the Ordinance. We suggest that, although the concern,
505 although we appreciate it, is more properly addressed the plan of development stage
506 when we come back in for an eventual POD on this property. In other words, Mr.
507 Chairman, I will reserve the remainder of my time for rebuttal unless you have any
508 questions.
509

510 Mr. Archer: Are there questions for Mr. Axselle from the Commission?
511
512 Mr. Silber: Yes, I have one question for Mr. Axselle. Some of the property,
513 much of the property is already zoned B-2C and some of that B-2C does back up to the
514 R-3. Are there any requirements for fencing if there is existing B-2C?
515
516 Mr. Axselle: No, sir, there are not. In other words, the property that surrounds
517 Mr. Harris' property is already zoned and does not require fencing or a wall.
518
519 Mr. Silber: OK, thank you.
520
521 Mr. Archer: All right. Any further questions? Sir, you may come up now and
522 identify yourself, please.
523
524 Mr. Harris: The property owned is at 9100 Staples Mill Road, Old Staples Mill
525 Road and 9016. What I am concerned about is, I need a fence, I would like to have a
526 fence around it or something to protect my property, and this street right here, this street
527 right here going around the property line, Old Staples Mill. I mean that place is packed
528 with cars going down to Wawa, and then they want to put a street right here beside my
529 property going to the back of the shopping center.
530
531 Mr. Vanarsdall: Behind Wawa, is there any traffic to the mini-storage?
532
533 Mr. Harris: Yes, sir. Do you know where the Kings live?
534
535 Mr. Vanarsdall: Yes.
536
537 Mr. Harris: All right. They want to come here. They bought that property and
538 they want to come beside that with a street and go behind my property.
539
540 Mr. Vanarsdall: I often wonder where everybody went that comes to Wawa.
541
542 Mr. Harris: I don't know. They come from Route 33 and back from the
543 (unintelligible) from Wawa area, but I live there, and I am going to tell you, it is traffic.
544
545 Mr. Vanarsdall: After we saw you, Charlie, Mr. Axselle and I talked about
546 everything and what we will do at POD time, plan of development time, is when we will
547 address that.
548
549 Mr. Harris: There ain't no way I could stop that street from going through
550 there.
551
552 Mr. Vanarsdall: No, that is part of it. That is the main reason for the rezoning.
553
554 Mr. Harris: You are right.
555
556 Mr. Vanarsdall: Thank you.
557
558 Mr. Harris: All right. Thank you.
559
560 Mr. Archer: Do you understand what the plan of development meeting is?

561
562 Mr. Harris: No, sir.
563
564 Mr. Archer: That is when they work out the inner workings and how it is going
565 to be and that meeting would be, has it been scheduled yet? I guess it hasn't been.
566
567 Mr. Silber: No. The plan of development meeting for this portion has not been
568 scheduled.
569
570 Mr. Archer: It would be a morning meeting at 9:00 a.m.
571
572 Mr. Silber: You will be notified just like you were notified at the rezoning.
573
574 Mr. Harris: All right. I thank you, sir.
575
576 Mr. Archer: It will be at 9:00 a.m. on the fourth Wednesday. All right. Mr.
577 Vanarsdall.
578
579 Mr. Vanarsdall: I move that C-31C-06, first of all, the large box that is going to be
580 in this shopping center, is Target. So I move that C-31C-06, Marchetti Properties be
581 recommended to the Board of Supervisors for approval.
582
583 Mr. Branin: Second.
584
585 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Branin. All in favor
586 of the motion say aye. All opposed say no. The ayes have it. The motion is passed.
587
588 The Planning Commission voted to recommend the Board of Supervisors grant the
589 request because it is reasonable, it would not be expected to adversely affect the pattern
590 of zoning and land use in the area, the business use is compatible with the surrounding
591 development, and the proffered conditions minimize the potential impacts on
592 surrounding land uses.
593
594 **C-32C-06 Courtney Fisher for Wilton Real Estate & Development Co.:**
595 Request to amend proffered conditions accepted with rezoning case C-51C-02, on
596 Parcel 770-745-1768, located at the northeast intersection of Interstate 64 and
597 Bethlehem Road. The applicant proposes to amend Proffer 4 related to the company
598 preparing the building elevations, and Proffer 7 to increase the building height limitation
599 from thirty-five (35) feet to forty-five (45) feet. The existing zoning is C-1 Conservation
600 District and O-2C Office District (Conditional). The Land Use Plan recommends
601 Environmental Protection Area.
602
603 Mr. Silber: This is located in the Brookland District.
604
605 Mr. Archer: All right. Is there anyone here opposed to C-32C-06, Wilton Real
606 Estate and Development Company? I see no one. Mr. Tyson.
607
608 Mr. Tyson: Thank you, Mr. Chairman, members of the Commission, Mrs.
609 O'Bannon, Mr. Secretary.
610

611 This request is to amend proffers approved with rezoning case C-51C-02, which would
612 permit development of an office building on the subject property. The request is to
613 amend Proffer 4 related to the renderings prepared by Freeman Morgan Architects and
614 Proffer 7 to permit a maximum height of 45'.

615

616 The site is located east of Bethlehem Road and would be accessed via an entrance
617 drive from that street.

618

619 The 2010 Land Use Plan recommends EPA and Urban Residential land uses for the
620 site; however, the property has already been rezoned to a zoning category O-2C that
621 permits the proposed use and no change in use are contemplated.

622

623 The applicant is proposing to substitute this elevation for the elevation originally
624 approved with case C-51C-02. The building would be used as the headquarters for
625 Wilton Real Estate and Development. Parking for the use would be provided on-site,
626 including under the building.

627

628 The maximum height of the building would be 45', an increase of 10' over the height
629 approved with case C-51C-02.

630

631 The proposed use of the property will remain the same as previously approved. The
632 applicant is currently working through the POD process for the site and staff would
633 recommend this case be forwarded to the Board of Supervisors for approval.

634

635 Mr. Archer: Thank you, Mr. Tyson. Are there questions from the
636 Commission?

637

638 Mr. Vanarsdall: Does anybody need to hear from the applicant? I don't.

639

640 Mr. Archer: Thank you. I guess we are ready for a motion, Mr. Vanarsdall.

641

642 Mr. Vanarsdall: I want to bring you up to date on this. This was rezoned sometime
643 ago and in rezoning we asked if this building and the applicant certainly did it as close to
644 64 as possible and it was kind of back in the woods there, and we asked him to use the
645 same road that used to be in there, and he used that, and he did everything, and I asked
646 the applicant at the time would he proffer not to use Old Bethlehem Road, and he said
647 he didn't mind proffering it, but it would cost him \$500,000 if they tried to cross the creek
648 with a bridge, but he'd do it anyway. I told him people that lived down in there would feel
649 better about it, so he did that. So he did everything he could with the cooperation of Mr.
650 Wilson. They made it a real good case. They are a good office. So I recommend that C-
651 32C-06 be sent to the Board of Supervisors for approval.

652

653 Mrs. Jones: Second.

654

655 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mrs. Jones. All in
656 favor say aye. All opposed say no. The ayes have it. The recommendation is
657 approved.

658

659 The Planning Commission voted to recommend the Board of Supervisors grant the
660 request because it does not change the intended use of the site, and the proffers
661 continue to provide quality assurances for the development.

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Mr. Silber: Moving on to page 4 of your agenda. This is in the Varina District.

C-28C-06 William W. Browning, Jr.: Request to conditionally rezone from R-3 One Family Residence District and M-2 General Industrial District to M-2C General Industrial District (Conditional) and C-1 Conservation District, part of Parcel 799-709-0564, containing 7.48 acres, located at the northeast intersection of Old Osborne Turnpike and McCoul Street. The applicant proposes an office warehouse. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Environmental Protection Area, and Open Space/Recreation.

Mr. Archer: All right. Is there present any person who is opposed to C-28C-06, William W. Browning, Jr.? No opposition. Mr. Lewis.

Mr. Lewis: Thank you, Mr. Chairman.

Mr. Jernigan: Mr. Chairman, there is a lady to speak.

Mr. Archer: I am sorry, ma'am. I didn't see you.

Mr. Lewis: Good evening. You should have the revised proffers and a revised elevation that we received this morning.

This request would rezone 7.48 acres of an 8.68 acre parcel from M-2 General Industrial, and R-3 One Family Residence, to M-2C General Industrial (Conditional), and C-1 Conservation. The rezoning would allow for an access drive off of Old Osborne Turnpike (Route 5) approximately 160 feet northwest of McCoul Street as well as parking to support a 10,500 square foot office warehouse for the applicant's company.

The 2010 Land Use Plan recommends Environmental Protection Area for the parcel's northern two-thirds, and Suburban Residential 1 (SR1) for most of the southern third except for a half-acre recommended as Open Space / Recreation (OS/R). Because of its proximity to Route 5, all but the northeastern edge of the subject property is included in Special Strategy Area SC1 (Scenic Corridor 1). This designation raises the expectation of high quality development and recommends additional planning and design criteria to protect the scenic character of the Route 5 corridor.

The northern two-thirds of the property is currently zoned M-2 and the southern third containing the applicant's residence is zoned R-3. This request would shift the M-2C zoning boundary south to the northern property lines of the neighboring residential parcels. The portion of the property designated as 100-year floodplain would be rezoned to C-1. (Referring to rendering)

This preliminary plat illustrates the site of the warehouse currently permitted and under construction. The proposed office space is planned to be attached to the western and southern walls of the warehouse, and the associated parking would be located as shown. The access drive is currently designed to be approximately 160 feet northwest of McCoul Street and would extend from the east side of Route 5 onto the site as shown here. (Referring to rendering)

713 County Code requires M-2 and R-3 districts to be separated by a 50 foot wide
714 landscaped transitional buffer. As proposed, this project would meet the buffer
715 requirement along most of the southern edge of the M-2C boundary; however, the
716 access drive off of Route 5 is proposed to be approximately 29 feet from the R-3 district.
717 To accommodate the access road in its proposed location, a buffer deviation would need
718 to be approved by the Planning Commission during the plan of development process. To
719 mitigate potential impacts of the access road, the applicant has proffered to maintain a
720 minimum 25 foot wide buffer planted to the level of a transitional 50 foot buffer.

721

722 In addition to the required buffer, the applicant has submitted several other proffers in an
723 effort to reduce the project's potential impact on surrounding properties. These proffers
724 limit the property to only three potential principal uses, prohibit outdoor storage of
725 supplies, prohibit overnight parking of large commercial vehicles and equipment, and
726 control site lighting.

727

728 The applicant has also proffered a detailed site plan and an elevation of the proposed
729 office space.

730

731 The type of office warehouse use proposed is permitted by the subject property's current
732 M-2 zoning and may serve as a reasonable transition from the more intense industrial
733 uses to the north. The current rezoning request is also reasonable given the need for
734 vehicle access and parking. Proffers submitted by the applicant may mitigate potential
735 impacts on the nearby residential properties. For these reasons, staff recommends
736 approval of this request. If this request is approved, time limits would need to be waived
737 for the revised proffers.

738

739 This concludes my presentation. I will be happy to take any questions, and I believe the
740 applicant, Mr. Browning, is here as well.

741

742 Mr. Archer: Thank you, Mr. Lewis. Does anyone on the Commission have a
743 question for Mr. Lewis? Thank you, sir.

744

745 Mr. Jernigan: Mr. Chairman, I think I would like to hear from the young lady first,
746 because she may have the questions that Mr. Browning can answer.

747

748 Mr. Archer: Ma'am, would you come forward with your question, please, and
749 let us have your name.

750

751 Ms. Gingrich: Gayle Gingrich and I live on Long Street, which runs into McCoul
752 Street. He answered most of the questions, I guess, in his proposal. First of all, I had
753 no idea that it was going to be such a big deal. I thought it was going to be kind of a
754 storage facility, but it is going to be a big office. Right now the road they are using runs
755 into McCoul Street, exactly at the corner on this major, as far as I am concerned and
756 dangerous road. I go in and out of that road five times a day, and if there are cars
757 coming out of it, you can't even see it coming down our drive. It was my idea that that
758 road was going to be a permanent road. It looks like the road is going to come in further
759 down eventually. I'd like to know how long that access road is going to be used,
760 because really and truly when you are headed eastbound Route 5 and want to take a left
761 at McCoul Street, on two separate occasions there were trucks coming down that road.
762 They don't have enough room to come out and make a right and go ahead toward the
763 City, so they swing out across (unintelligible) and you don't see them, and you're looking

764 at something coming at you, not at traffic coming from behind you and around. That is
765 kind of a dangerous area that they have set up right now. I'd like to see that road
766 finished off and done with if possible, because it is a dangerous place to be.

767

768 Mr. Jernigan: You are speaking of big trucks?

769

770 Ms. Gingrich: Yes, and even smaller trucks. Like today, when I came through,
771 there was a small truck there, and he came out of that road and he wanted to come out
772 at the access road, which runs parallel to Route 5, and take a right and head toward the
773 City, and to do that he had to come all the way across McCoul Street. I am getting ready
774 to take a left. I am watching traffic coming towards me and as I start to go, he swings
775 out and way around. We almost had a head-on collision right there. That was way too
776 close to the corner to be safe. I am glad that they are going to move.

777

778 Mr. Jernigan: You saw the diagram on this list, haven't you?

779

780 Ms. Gingrich: Yes, I am happy the road is moving. That was my main complaint
781 or my main fear, that that road was going to stay where it was and it wasn't going to
782 work. Get the access road further down Route 5 and it will be OK, I guess, from all I can
783 tell from the picture. I did want to object to one of the buffers. They said that there was
784 a buffer between the residential area.

785

786 Mr. Jernigan: It requires a 50 foot buffer, landscape buffer. The little pipe down
787 to the road back up to R-3 property, what we can do at the time of plan of development
788 is give them a transitional buffer deviation, but what that means is they are going to plant
789 a 50-foot buffer in a 25-foot area, and that is what it is. It is a mixture of trees, shrubs, so
790 you will have protection. That road will be buffered.

791

792 Ms. Gingrich: And the place where his house is on McCoul Street, that is
793 residential zoning, correct?

794

795 Mr. Silber: Yes. Maybe you can point to what she is referring to. All of the
796 houses along McCoul will stay zoned residential right through there, and so the industrial
797 zoning would be back at the back of those lot lines.

798

799 Mr. Lewis: Mr. Secretary, the M-2 line would follow the cursor this way, this
800 boundary here would dip down and follow along over here and then down that angle
801 right there.

802

803 Mr. Silber: So none of the industrial zoning would come out to McCoul Street.

804

805 Mr. Jernigan: This was zoned M-2 some years ago, unconditional, and what he
806 is doing is rezoning this to M-2C and which puts some conditions on it, plus you get the
807 buffering for the driveway coming up. OK?

808

809 Ms. Gingrich: OK, thank you.

810

811 Mr. Jernigan: Thank you so much.

812

813 Mrs. O'Bannon: Is the reason that the driveway is situated there and not a little
814 further because of the topography of the land? Is that what happened? They couldn't
815 move it a little further away?
816
817 Mr. Lewis: That is my understanding. The applicant may be able to speak
818 better to that, but in the area north, there is an area with steeper slopes and I believe
819 that is what the idea of having, and also, the applicant does not own the property
820 extending north, as well. So, that issue and the steep slopes.
821
822 Mr. Archer: All right. Any further questions? Did that satisfy you, Mrs.
823 O'Bannon?
824
825 Mr. Archer: Mr. Browning, would you come down please.
826
827 Mr. Jernigan: How are you? Just state your name and address for the record,
828 please.
829
830 Mr. Browning: I am William Browning. I live at 706 McCoul. That would be the
831 lot in the center. I have lived there for 20 years.
832
833 Mr. Jernigan: I think everything is looking OK on this. The only thing that I
834 question is you don't have some landscaping around the building. You have
835 landscaping on the driveway. Had you planned on doing some landscaping around the
836 building?
837
838 Mr. Browning: That would be correct. I have submitted some early copies of the
839 plans that show landscaping immediately beside the office building both on the east side
840 and the south sides. That would be the faces of the building looking toward Osborne
841 and McCoul, a landscape strip adjacent to the building.
842
843 Mr. Jernigan: Are you going to proffer those elevations? Are you going to
844 proffer this landscaping?
845
846 Mr. Browning: I didn't, but I certainly could. That is a natural. I am going to do
847 that. That is a must.
848
849 Mr. Jernigan: Well, you have to tell us that you are going to do it. I can't ask you
850 to do it. Are you willing to do it?
851
852 Mr. Browning: I am going to do it. I over-landscape my property as it is, and will
853 continue to do so. That is with the public area. It is my intentions to conform to that to
854 the letter of the law. I truly want to have it. I live in the middle house. This will be my
855 office building, where my firm is. It is an architectural design firm and a construction
856 firm, and it has to look good.
857
858 Mr. Jernigan: You are proffering this?
859
860 Mr. Browning: I am proffering this, yes, sir.
861
862 Mr. Archer: We will condition that at POD, too.
863

864 Mr. Browning: I would like to make just one comment to the lady that spoke. The
865 road that is there is an access road. We were allowed to have an access road to the site
866 because we have no other way to get to the rear for a short period of time, while I was
867 trying to do some construction on what was already zoned to put a porch in the back.
868 That is just a construction access road. Yes, there are vehicles that are not the best
869 condition, but it was the only condition. That will be gone within the month. We have the
870 other one that is going in. I have VDOT's approval to do that. I had to get Dominion
871 Virginia Power, water, sewer, and Verizon straight to be able to put the road in. They
872 are almost in place. That will be taken out very shortly.

873
874 Mr. Silber: Mr. Jernigan, would it be acceptable to have that proffer drafted
875 and replaced before we get to the Board of Supervisors? Or do you want that done
876 tonight?

877
878 Mr. Jernigan: No. That will be fine. We will just take care of that before we get it
879 to the Board. Thank you, sir.

880
881 Mr. Archer: Thank you, Mr. Browning. All right, Mr. Jernigan.

882
883 Mr. Jernigan: Well, Mr. Chairman, I think that I will move for approval of Case C-
884 28C-06, William W. Browning, be sent to the Board of Supervisors with a
885 recommendation for approval.

886
887 Mr. Vanarsdall: Second.

888
889 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
890 favor say aye. All opposed say no.

891
892 Mr. Jernigan: Mr. Chairman, we have to waive the time limits on the proffers, so
893 I make a motion we raise the time limits on the proffers on Case C-28C-06.

894
895 Mr. Vanarsdall: Second again.

896
897 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
898 favor say aye. All opposed say no. The motion passes.

899
900 The Planning Commission voted to recommend the Board of Supervisors grant the
901 request because it is reasonable, it would not be expected to adversely affect the pattern
902 of zoning and land use in the area, and the proffered conditions would provide
903 appropriate quality assurances not otherwise available.

904
905 Mr. Silber: The last rezoning request on the agenda this evening is C-29C-
906 06.

907
908 **C-29C-06 Ralph Axelle for Laburnum Associates LLC:** Request to
909 conditionally rezone from PMD Planned Industrial District to B-3C Business District
910 (Conditional), Parcel 815-718-5710, containing 136.493 acres, located on the east line of
911 South Laburnum Avenue at its intersection with I-64. A retail shopping area is proposed.
912 The use will be controlled by zoning ordinance regulations and proffered conditions. The
913 Land Use Plan recommends Planned Industry and Environmental Protection Area. The
914 site is in the Airport Safety Overlay District.

915
916 Mr. Silber: This is in the Varina District.
917
918 Mr. Archer: Thank you, Mr. Secretary. Is there anyone present in the
919 audience who is opposed to C-29C-06, Ralph Axselle for Laburnum Associates, LLC? I
920 see no opposition. Good evening again, Mr. Tyson.
921
922 Mr. Tyson: Thank you Mr. Chairman, members of the Commission, Mrs.
923 O'Bannon, Mr. Secretary.
924
925 This request is to rezone approximately 136 acres from PMD, Planned Industrial District
926 to B-3C, General Business (Conditional) to permit development of the Shops at White
927 Oak Village retail center.
928
929 The site is located on the east line of Laburnum Avenue, at its intersection with I-64, Gay
930 Avenue, and Audubon Drive. The property is currently the site of the VIA Systems
931 Manufacturing facility, which has been vacant for a number of years and would be
932 demolished.
933
934 The 2010 Land Use Plan recommends PI, Planned Industrial uses for the property;
935 however, the proposed use may be more appropriate, given the existing development
936 pattern and trends in the area. The proposal would also reclaim a brownfield industrial
937 site.
938
939 The site is surrounded by properties with a large variety of zoning classifications. Along
940 Laburnum Avenue, zonings range from A-1, Agricultural, for an undeveloped parcel at
941 Gay Avenue, to O-2, Office for a variety of professional office uses, to B-2, Business for
942 the Laburnum Square Shopping Center. The property to the rear, fronting on Audubon,
943 is zoned M-1C, Light Industrial (Conditional).
944
945 The applicant has submitted proffers dated June 12, 2006 that have been given out to
946 you. The applicant has proffered that a number of potentially incompatible commercial
947 uses will not occur on the property. The proffered conceptual plan shows three major
948 anchor stores containing nearly 365,000 square feet. Junior anchor stores containing
949 nearly 324,000 square feet would also be provided. Specialty stores known as the
950 LifeStyle Center would contain 153,000 square feet. Twelve out-parcels would be
951 provided, one of which would contain a hotel. The applicant has proffered no more than
952 three fast foot restaurants and no more than two convenience stores dispensing
953 gasoline as tenants of these out parcels.
954
955 A landscaped buffer 50' in width would be provided along Laburnum Avenue. The buffer
956 would include a landscaped berm and central irrigation.
957
958 A landscaped and natural buffer 25' in width would be provided along Audubon Drive.
959
960 Both landscaped buffers would be designed and planted in a cohesive and unified
961 fashion.
962
963 All entrance roads from Laburnum would be landscaped from Laburnum to the internal
964 access road serving the rear of the out parcels.
965

966 The applicant has proffered the building constructed on site would be generally
967 consistent with the following exhibits that have been submitted to you.

968
969 Buildings within 250' of the right-of-way of Laburnum Avenue would be limited to 35' in
970 height except for hotels. Heights in excess of 45' in the B-3 district are permitted with a
971 provisional use permit or as a special exception up to a maximum of 8 stories.

972
973 The rear of the buildings in the LifeStyle Center portion of the property would be
974 compatible in architecture to the other sides of the buildings, given their exposed nature
975 and loading docks would be screened from view by walls constructed of the same
976 materials or a combination of landscaping and structural screening.

977
978 A Traffic Impact Study was completed by the applicant and reviewed by the County's
979 Department of Public Works. The applicant and the County have agreed to the road
980 improvements needed to accommodate this development, and they are outlined in a
981 letter to the Director of Public Works from the applicant's attorney, dated June 12, 2006,
982 and a copy of that letter has been provided to you.

983
984 The applicant has also proffered a coordinated sign package would be developed for the
985 entire site, pedestrian circulation routes linking the four distinctive retail types would be
986 provided, and public transportation modes will also be included.

987
988 While the proposed use is not consistent with the recommendation of the 2010 Land Use
989 Plan, it does provide for increased retail, service, and employment opportunities for the
990 area. Additionally, it would rehabilitate an abandoned brownfield site. These positive
991 factors, in addition to the quality assurances provided by the applicant's proffers, make
992 the deviation from the recommendation of the Plan acceptable and staff recommends
993 the Planning Commission forward this case to the Board of Supervisors with a
994 recommendation for approval.

995
996 The applicant's attorney, Mr. Axselle, is here, and I will be happy to try to answer any
997 questions you have for me.

998
999 Mr. Archer: Thank you, Mr. Tyson. Are there questions from the Commission
1000 for Mr. Tyson?

1001
1002 Mr. Jernigan: Mr. Tyson, for your information, the only question I had, and I
1003 have already discussed this with you was on page 5, which was the end of proffer #18
1004 that says "There won't be any painted or unfinished concrete blocks." And then below
1005 that it says, "The rear of the major anchor will continue as it is made with painted
1006 concrete blocks as specifically requested." I have already made them aware and we
1007 have discussed that. Other than that, I think you have done a fine job on this and it is in
1008 pretty good shape to me.

1009
1010 Mr. Vanarsdall: There is one thing I would suggest under Proffer #25-H under use
1011 restrictions. Since you have funeral home, mortuary, undertaking, crematory or
1012 crematorium would be nice to put there, and under J, where it says automobile service
1013 stations, we got caught on this one time and the service station closed and the question
1014 was towing, and there shouldn't have been any towing service there either, so I am just
1015 suggesting this. I don't know.

1016

1017 Mr. Tyson: I am sure Mr. Axselle is taking notes.
1018
1019 Mr. Vanarsdall: He has a bigger pencil than we have. More expensive, too.
1020
1021 Mr. Archer: Mr. Vanarsdall is speaking of H and J on page 6. Are there any
1022 further questions or comments from Commission members? I didn't note any opposition.
1023 I know there has been quite a bit of publicity about this case and we have learned a lot
1024 about it. There have also been a couple of neighborhood community meetings and if
1025 there are questions, this is a public hearing, so now is the time. This is a sizeable
1026 project. Yes, ma'am. Could you come up to the microphone? Give us your name if you
1027 would, please.
1028
1029 Ms. Keeve: My name is Sonja Keeve. I live at 1308 Arbor Ridge Lane in the
1030 Glenwood Lakes subdivision. I just kind of wanted to comment on behalf of the
1031 Glenwood Lakes subdivision and I am the President. We are very excited about the
1032 proposed plan of retail shopping in the area. We feel that it has been long overdue
1033 because we have a lot of subdivisions in the past several years pop up right there along
1034 Laburnum Avenue and Creighton Road, and a lot of the comments we've gotten in our
1035 homeowner's association meetings was, "Are we going to see any type of retail
1036 shopping?" because a lot of people have to travel either to the far West End, to
1037 Mechanicsville or Southside, and the attraction to bring more people into the community
1038 and having the retail shopping is a great selling point for a lot of people who wanted to
1039 move into the community, and we are very excited about hearing that we were going to
1040 have the proposed plan, and I had to come to this. I hope it is approved, and it is
1041 something we really been praying about and hoping that it will pass and go on to the
1042 next stage. I definitely want to thank the staff for having this meeting. Thank you.
1043
1044 Mr. Archer: Thank you. It was good to hear from you.
1045
1046 Mr. Vanarsdall: Better thank Mr. Pruitt in the back there, too.
1047
1048 Mr. Axselle: I am glad that we could answer her prayer and I think this has
1049 been the prayer of a lot of people in the East End. I will tell you that the principal, whose
1050 idea this is, is Forest City Enterprises. Jim Richardson is here from Forest City, and
1051 Allen Winfree, who is the architect, Tommy Pruitt and Michael Pruitt are local partners in
1052 this endeavor, and, of course, they did the Short Pump Town Center. It is, quite frankly,
1053 a wonderful, wonderful addition to our County and it will be only slightly smaller than
1054 Short Pump Town Center, and as you can see from the configuration, it is not laid out
1055 the same and there are a number of differences, but, quite frankly, the Short Pump Town
1056 Center was designed to be a center.
1057
1058 This is Shops at White Oak Village and we think we will have a village component. It is
1059 very unusual to see what they would refer to in the industry as a power center, which is
1060 major anchors and Virginia anchors, combined with a lifestyle center, the smaller shops,
1061 big shops, some national, some regional, some local, and so it is a major investment by
1062 Forest City and the entire investment that will be made on this property by everyone, by
1063 the time it is finished is \$161,000,000, creating over 2,000 jobs in Henrico and a
1064 tremendous amount of economic benefit for the County.
1065
1066 Having said that, my clients were quick to point out the demolishing of concrete buildings
1067 and getting the site ready and doing the substantial road improvements, water and

1068 sewer, will have some costs, but it still is going to be a wonderful endeavor, so we are
1069 very excited for this opportunity to get rid of a brownfield and make it a very good,
1070 productive retail use. It is in fact long over due in Eastern Henrico.

1071
1072 Mr. Archer: All right. Thank you for those remarks, Mr. Axselle.
1073

1074 Mr. Silber: Mr. Axselle, I know you have been working on some aspect of a
1075 possible fire station site on this property. Can you speak to where that stands at this
1076 point?

1077
1078 Mr. Axselle: Yes. There is a fire station, if you will. Henrico County looks
1079 constantly at locations and by virtue of the configurations and lots, they are not able to
1080 expand. We have in this area here (referring to rendering), that is red, a proposed fire
1081 station location. We would donate the land for the fire station. It is not visible here. We
1082 originally had designed a fire station that was more direct. It had direct access to
1083 Audubon. The adjacent property owner, who owns the access to Audubon, is not yet,
1084 and has not yet the County has not yet reached some understanding of that. So, we had
1085 it in there. We couldn't leave it in legitimately, so we moved it, and now the plan shows
1086 this as a fire station. The Fire Department indicated they appreciated the possibility of
1087 doing this. Their preference, obviously, would be not to have access onto this access
1088 road, because you could have traffic backed up and so forth, and so between now and
1089 the Board, we, I think, will try with the County to try to work out an arrangement that we
1090 are committed to dedicating the land for the fire station. The County would construct it
1091 and so forth, and we have not yet found quite the combination of our property and some
1092 adjacent property that is needed, but that is still under discussion.

1093
1094 Mr. Silber: Thank you.
1095

1096 Mr. Branin: Mr. Axselle, I have got one question. With this being an industrial
1097 site, what is the cost (unintelligible) or is there a Phase 1 being done on the actual land
1098 itself?

1099
1100 Mr. Axselle: Yes. This is a former circuit board site where they made circuit
1101 boards for AT&T and other different companies. The property did develop a slight
1102 environmental problem in the 1980's. The previous owner and the current owner had
1103 approved EPA plans, all of the monitoring wells had been installed and all of the traction
1104 wells had been installed as a treatment facility, and the treatment center will be new and
1105 the phasing has been done and they have an EPA approval for what they are looking
1106 for. So, it is a problem in the sense of going down 15 to 20 feet and that could have
1107 been a problem, but since the late 1980's, that was resolved and (unintelligible).

1108
1109 Mr. Archer: Anybody else have a comment or question of Mr. Axselle? OK.
1110 Any further questions or comments? These proffers are timely. Well, Mr. Jernigan, I
1111 suppose we are ready.
1112

1113 Mr. Jernigan: Well, I want to start by saying I want to thank Forest City
1114 Developers, Tommy Pruitt, Mr. Axselle and everybody that has been in on this, and this
1115 is truly something that is needed in the East End, and we've had excitement at
1116 neighborhood meetings, at town hall meetings. This is going to be a great asset, and I
1117 have had some people comment to me about traffic. You are going to have traffic, and
1118 you have to have traffic to support stores. So, in the proffers there are a lot of roads,

1119 additional construction that is going to be done to facilitate that. I want to thank you for
1120 making this an easy case for Mr. Tyson. He did a good job on that and it was fun
1121 working with you all.

1122

1123 With that, I will move for approval of zoning case C-29C-06, Ralph Axselle for Laburnum
1124 Associates LLC, and recommend to the Board of Supervisors for their approval.

1125

1126 Mr. Vanarsdall: Second.

1127

1128 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1129 favor say aye. All opposed say no. The motion passes.

1130

1131 The Planning Commission voted to recommend the Board of Supervisors grant the
1132 request because the use is reasonable, it would not be expected to adversely affect the
1133 pattern of zoning and land use in the area, the business use is compatible with the
1134 surrounding development, and the proffered conditions minimize the potential impacts
1135 on surrounding land uses.

1136

1137 Mr. Vanarsdall: I would add one thing, Mr. Chairman. One of the people, who
1138 used to sit here in Ray's seat and represented Varina at one time, said people in the
1139 East End wanted the same thing that was in the West End, but they didn't want to see it.
1140 They didn't mind a great big grocery store if it was out of sight. So, I think this is going to
1141 be seen by everybody and it is going to be in the right place and won't bother many
1142 people.

1143

1144 Mr. Archer: All right, Mr. Secretary, where are we sir?

1145

1146 Mr. Silber: Yes, sir, Mr. Chairman. Next on the agenda is a RESOLUTION
1147 provided to the Planning Commission. This Resolution, if passed, would direct the
1148 Director of Planning to have the Planning Department study and prepare a zoning
1149 ordinance amendment regarding building height regulations. Now this relates to
1150 business and office zoning classifications, specifically the O-3 and the B-3 and possibly
1151 even into the B-2 zoning classification. There have been some requests by the
1152 development community to construct taller buildings, yet our zoning ordinance only
1153 allows a maximum height of eight stories, 110 feet. The County administration would
1154 like the Planning Commission and the Board of Supervisors to consider an ordinance
1155 amendment to allow for taller structures than 110 feet or eight stories, so we would like
1156 to study this and bring the ordinance amendment back to the Planning Commission in
1157 the form of a work session one month and then set a public hearing after that. This is in
1158 direct response to a proposal we had for economic development purposes for taller
1159 buildings in O-3 and B-3.

1160

1161 Mr. Archer: How high do they want to build the structures?

1162

1163 Mr. Silber: The requests we have had so far are for 10 story buildings. I think
1164 the County administrations thinks that we may be raising the limit and we might want to
1165 consider something taller than 10 stories because the next one that comes along might
1166 want 12 or 15. Our initial reaction was to allow taller structures by way of a provisional
1167 use permit, so that if someone came in in B-3 or O-3, they would need to then file a
1168 provisional use permit to go up to a certain height. We now are looking at the possibility
1169 of permitting by right some taller structures in certain locations, perhaps around

1170 interchange locations, that buildings proposed in a certain distance of a major road and
1171 interchange can perhaps, by right, go up to 15 stories, but if you are not within that area,
1172 then you may need to apply for a provisional use permit to go up to 15 stories. We are
1173 not complete in our study of this. We have just started having discussions occurring at
1174 the County Manager's level and the Planning Department. It was considered to be
1175 necessary, so they asked the Planning Commission to go ahead and send a Resolution
1176 to ask us to study it and bring back an amendment.

1177
1178 Mr. Vanarsdall: Did this come about because of the Broad Street Village?
1179

1180 Mr. Silber: No, sir. It did not. It came about because of some office users
1181 that have asked to locate in Henrico County in taller structures than they enjoy, and they
1182 have consideration of two different sites right now, in two different magisterial districts,
1183 for taller structures. In both cases, they are in an O-3 District. One case is O-3 and one
1184 case is B-3 and O-3.

1185
1186 Mrs. O'Bannon: What other issues would come up other than by right?
1187

1188 Mr. Silber: Well, Mrs. O'Bannon, the parking shouldn't be affected because
1189 the parking space is based on square footage of the structure.

1190
1191 Mrs. O'Bannon: How many levels? Under the building, a level?
1192

1193 Mr. Silber: I think we would strongly encourage parking structures and if you
1194 go for taller buildings and you are going to surface park, all of your parking is going to be
1195 massive areas of surface parking. We would strongly encourage parking decks and
1196 parking structures. In the case of the Unicorp development in West Broad Village, they
1197 are now proposing, I think four to five stories of parking deck, with eight stories of offices
1198 on top of that, and they are now down to 13 stories tall for that building. So, your point is
1199 well taken. We would very much encourage parking structures. I don't know how we
1200 can require; the parking is based on four parking spaces per thousand square feet of
1201 office space.

1202
1203 Mrs. O'Bannon: I was just thinking (unintelligible) and everybody had to look at it,
1204 and that sort of thing. It seems to me it is going to be kind of difficult to write it.

1205
1206 Mr. Silber: That is a very good question. We are struggling with that. There
1207 is no other language in the ordinance that allows by right, uses based on geographical
1208 locations. I guess this would be the first time we have considered that, and we may not
1209 come back with that. We are looking at the possibilities.

1210
1211 Mrs. O'Bannon: Because the provisional use permit is going to....sometimes it is a
1212 good idea and sometimes it isn't by right, it makes it more difficult from the beginning.
1213 That is what I am thinking. It is going to be a difficult ordinance to write.

1214
1215 Mr. Silber: Right. I think it probably is not a very good ordinance to write. If
1216 we just simply put this under the provisional use permit section of the O-3 and the B-3
1217 and just acquire certain height by a PUP, if you get into this geographical location by
1218 right, yes ma'am, it becomes much more difficult. Does the Planning Commission have
1219 any particular concerns or issues that you think should be looking at while we are doing
1220 these?

1221
1222 Mr. Archer: I suppose the study will bring up and answer many of the
1223 questions that we might have without even asking when you simply do it.
1224
1225 Mrs. O'Bannon: Is transit use and the need for it, is that an indirect cause or is it
1226 something with office buildings?
1227
1228 Mr. Silber: Yes, ma'am. I think as we become more urbanized and begin to
1229 stack stories and square footage on top of each other, and we go up vertically, you begin
1230 to concentrate on people and cars. I think we'd have to look at mass transit and other
1231 ways of moving people. When you get concentrations like that, they may be future
1232 locations for mass transit stops; maybe busses or some other form of transportation.
1233
1234 Mrs. O'Bannon: (unintelligible) high rise buildings.
1235
1236 Mr. Silber: Right.
1237
1238 Mrs. O'Bannon: By geographic locations, along maybe corridors or that
1239 possibility...
1240
1241 Mr. Silber: Keep in mind we already have a fair number of taller size buildings
1242 or medium rise building. There is an eight story office building and you probably drive by
1243 and don't even realize it is eight stories, and there are some other taller buildings as
1244 well. This is quite a compensation of office development. Traffic moves fairly well on
1245 Broad Street and in that area by the interchange. I think there could be secondary
1246 considerations that will come out of concentrations.
1247
1248 Mrs. O'Bannon: Connection study there. You know that is what the General
1249 Assembly is talking about, mass transit....
1250
1251 Mr. Silber: Yes, I have heard them say when you cross that threshold, the
1252 point in which it really makes sense to increase mass transit, but I think right now the
1253 County is not quite at that point. As we begin to become more urbanized...
1254
1255 Mrs. O'Bannon: (unintelligible)
1256
1257 Ms. Jones: May I ask, the Resolution is simply a study to go forward. The
1258 Resolution does not prevent the Planning Commission's opinion on endorsement of
1259 raising the height. Is that something you'd use.....
1260
1261 Mr. Silber: That is correct. It is directing me to conduct a study and bring
1262 back to you a draft ordinance amendment for your consideration at a work session.
1263
1264 Mrs. Jones: Because the resolution, as I see it, is what they hope to amend.
1265
1266 Mr. Silber: That is correct. You would have to hold a public hearing and you
1267 would just recommend to the Board of Supervisors.
1268
1269 Mrs. Jones: (unintelligible)
1270

1271 Mr. Archer: OK, so we need to vote on that. Do we need to read it into the
1272 minutes?
1273
1274 Mr. Silber: Did you receive a copy?
1275
1276 Mr. Archer: I did. I just misplaced it.
1277
1278 Mr. Silber: Let me go ahead and read it.
1279
1280 Mr. Archer: We understand what it is going to be.
1281
1282 Mr. Silber: Then I won't bother. Let me read the "Now, therefore, be it
1283 resolved that the Henrico County Planning Commission directs the Director of Planning
1284 to study this issue and prepare such amendments of Chapter 24 of the County Code that
1285 will allow building heights in excess of 110 feet in certain office and building districts."
1286 The intent here is to study the issue and prepare amendments. And it goes on to say,
1287 "Be it further resolved that the Director of Planning is directed to schedule a work
1288 session on July 13, 2006 or as soon thereafter as practicable."
1289
1290 Mr. Vanarsdall: I make a motion that we do that.
1291
1292 Mr. Branin: Second.
1293
1294 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Branin. All in favor
1295 say aye. All opposed say no. The ayes have it. The motion is granted. Are we going to
1296 schedule a work session tonight?
1297
1298 Mr. Silber: If you could, let's go ahead and schedule the work session and if
1299 we can't get this draft finished, we will need to reschedule that work session. We have a
1300 lot of work to do between now and July 13. It is a month away, but if you would not mind
1301 setting a work session, it would avoid us having to do it at the next POD meeting. We
1302 need a motion to set a work session on July 13.
1303
1304 Mr. Vanarsdall: I move
1305
1306 Mr. Jernigan: Second.
1307
1308 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
1309 favor say aye. All opposed say no. The motion passes. Do you want to do it at 5:30
1310 p.m.?
1311
1312 Mr. Silber: At 5:30 p.m.
1313
1314 Mr. Vanarsdall: That would be upstairs in the Manager's Conference Room?
1315
1316 Mr. Silber: Yes, sir, it will.
1317
1318 Mr. Vanarsdall: Will dinner be served?
1319
1320 Mr. Silber: It sounds like you might want dinner.
1321

1322 Mr. Archer: OK, that will then become a part of the motion, 5:30 and dinner.
1323 Did I get a second?
1324
1325 Mrs. Jones: Second.
1326
1327 Mr. Archer: All in favor of the motion say aye. All opposed say no. The ayes
1328 have it. The motion passes.
1329
1330 Mr. Silber: One other item is I want to inform you that, if you recall, we had a
1331 work session scheduled at the Board of Supervisors and Planning Commission June 21.
1332 However, we have cancelled that. Please keep in mind we do still have the work
1333 session scheduled with the Board of Supervisors and Planning Commission for August
1334 16, and because we let you off the hook on the 21st, plan on a longer day August 16.
1335 So, I think we are looking at probably all day. Keep your calendars open, please.
1336
1337 Ms. Jones: Where are the minutes?
1338
1339 Mr. Silber: They are not complete. We will get them out next time.
1340
1341 Mr. Archer: Can I have a motion for adjournment?
1342
1343 Mr. Jernigan: I so move.
1344
1345 Ms. Jones: Second.
1346
1347 Acting on a motion by Mr. Jernigan and seconded by Ms. Jones, the Planning
1348 Commission adjourned at 8:19 p.m.
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1351

Randall R. Silber, Secretary
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1354

C. W. Archer, CPC, Chairman
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