

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., August 12, 2004, Display Notice having been published in the Richmond  
4 Times-Dispatch on August 19, 2004 and August 26, 2004.

5  
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe  
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland  
8 Mr. C. W. Archer, C.P.C., Fairfield  
9 Mr. John Marshall, Three Chopt  
10 M. E. Ray Jernigan, C.P.C., Varina  
11 Mr. James B. Donati, Jr., Board of Supervisors, Varina  
12 Mr. Randall R. Silber, Director of Planning, Secretary

13  
14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Comprehensive  
15 Planning and Administration  
16 Ms. Jean Moore-Illig, Principal Planner  
17 Mr. Thomas Coleman, County Planner  
18 Mr. Paul Gidley, County Planner  
19 Mr. Seth Humphreys, County Planner  
20 Ms. Samantha Brown, County Planner  
21 Ms. Audrey Anderson, County Planner  
22 Ms. Debra Ripley, Recording Secretary

23  
24 **Unless otherwise indicated, Mr. Donati abstained from voting on all zoning cases.**

25  
26 Mrs. Ware - Good evening, and welcome to the Planning Commission meeting for  
27 Rezoning, September 9. Welcome, Commission members and everyone else. I will turn the  
28 meeting over to our Secretary, Mr. Silber.

29  
30 Mr. Silber - Thank you, Madam Chairman. We do have all members of the Planning  
31 Commission present this evening, so we can conduct business. The Planning Commission has  
32 just come out of a Work Session to discuss ordinance amendments upstairs, so this is a  
33 continuation of the meeting that started at 6:00 p.m. We now will go into public hearing to  
34 discuss rezoning matters this evening. Welcome to all of those who are here this evening. We  
35 do have plenty of seats up front, if those in the back wouldn't mind coming in and sitting down.  
36 I think the Fire Marshall really prefers that we don't have many people standing in the back, so  
37 come on it and make yourself at home. The order of business tonight is to first consider those  
38 requests that have been made by an applicant to defer their request. Those are requested by  
39 the applicant, considered by the Planning Commission on a case by case basis, so if we can have  
40 Jean Moore walk us through those requests for deferral. I do believe we have one withdrawal,  
41 as well. So if you can handle those for us, we'd appreciate it.

42  
43 **Deferred from the July 15, 2004 Meeting:**

44 **C-51C-03 Larry D. Willis:** Request to rezone from A-1 Agricultural District and M-  
45 1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-  
46 9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089 acres,  
47 located at the northern terminus of Brookriver Drive and at the I64E/I295 southeast cloverleaf.  
48 Restaurants and other retail uses are proposed. The use will be controlled by proffered conditions  
49 and zoning ordinance regulations. The Land Use Plan recommends Semi Public. The site is also  
50 in the West Broad Street Overlay District.

51  
52 Ms. Moore - The deferral is requested to the October 14, 2004 meeting.  
53

54 Mrs. Ware - Is there any opposition to the deferral of Case C-51C-03, Larry D. Willis, in  
55 the Three Chopt District? No opposition. Mr. Marshall.

56  
57 Mr. Marshall - Madam Chairman, I move that Case C-51C-03 be deferred to the October  
58 14, 2004 meeting at the request of the applicant.

59  
60 Mr. Vanarsdall - Second.

61  
62 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in favor say  
63 aye. All opposed say no. The motion passes.

64  
65 At the request of the applicant, the Planning Commission deferred Case C-51C-03, Larry D. Willis,  
66 to its meeting on October 14, 2004.

67  
68 **Deferred from the June 10, 2004 Meeting:**

69 **C-52C-03 Mr. And Mrs. Hung Yim:** Request to conditionally rezone from A-1  
70 Agricultural District to B-3C Business District (Conditional), Parcel 735-763-5299, containing 1.922  
71 acres, located on the north line of West Broad Street (U. S. Route 250) approximately 1,450 feet  
72 east of N. Gayton Road. A restaurant is proposed. The use will be controlled by proffered  
73 conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The  
74 site is also in the West Broad Street Overlay District.

75  
76 Ms. Moore - The deferral is requested to the November 10, 2004 meeting.

77  
78 Mrs. Ware - Is there any opposition to the deferral of Case C-52C-03, Mr. and Mrs.  
79 Hung Yim in the Three Chopt District? No opposition.

80  
81 Mr. Marshall - Madam Chairman, I move that Case C-52C-03 be deferred to the  
82 November 10, 2004 meeting at the request of the applicant.

83  
84 Mr. Vanarsdall - Second.

85  
86 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Vanarsdall. All in  
87 favor say aye. All opposed say no. The motion passes.

88  
89 At the applicant's request, the Planning Commission deferred Case C-52C-03, Mr. and Mrs. Hung  
90 Yim, to its meeting on November 10, 2004.

91  
92 **Deferred from the August 12, 2004 Meeting:**

93 **C-22C-04 James W. Theobald for Reynolds Development, LLC:** Request to  
94 conditionally rezone from O-3C Office District (Conditional), B-3 Business District and M-1 Light  
95 Industrial District to O-3C Office District (Conditional) and B-3C Business District (Conditional),  
96 Parcels 767-744-9052, 767-744-6325, 765-744-6557, 766-745-8230 and 767-745-5402,  
97 containing 71.028 acres (31.192 ac. – O-3C; 39.836 ac – B-3C), located along the southeast  
98 intersection of I-64 and Glenside Drive and the southwest intersection of I-64 and W. Broad  
99 Street (U. S. Route 250). An office, hotel and retail development is proposed. The use will be  
100 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
101 recommends Planned Industry and Government. The site is in the Henrico County Enterprise  
102 Zone.

103  
104 Ms. Moore - The deferral is requested to the October 14, 2004 meeting.

105

106 Mrs. Ware - Is there any opposition to the deferral of C-22C-04, James W. Theobald  
107 for Reynolds Development, LLC, in the Three Chopt District. No opposition.

108  
109 Mr. Marshall - Madam Chairman, I move that Case C-22C-04 be deferred to the  
110 October 14, 2004 meeting, at the request of the applicant.

111  
112 Mr. Vanarsdall - Second.

113  
114 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
115 favor say aye. All opposed say no. The motion passes.

116  
117 At the applicant's request, the Planning Commission deferred Case C-22C-04, James W. Theobald  
118 for Reynolds Development, LLC, to its meeting on October 14, 2004.

119  
120 **Deferred from the July 15, 2004 Meeting:**  
121 **PUBLIC HEARING: INNSBROOK URBAN MIXED USE AREA:** The Planning Commission will  
122 consider an amendment to the 2010 Land Use Plan that would redesignate a portion of the  
123 Innsbrook office park to Urban Mixed Use (UMU). The site is generally comprised of the area  
124 bordered by Cox Road, Sadler Place, Highwoods Parkway, and Waterfront Lake. The Recommended  
125 Plans may be examined in the Planning Office on the second floor of the County Administration  
126 Building.

127  
128 Ms. Moore - A deferral is requested to the October 14, 2004 meeting.

129  
130 Mr. Silber - This actually is a public hearing on a Land Use Plan Amendment that  
131 relates to a proposed amendment that would designate this area for Urban Mixed Use. Coupled  
132 with this is one zoning request and several provisional use permits, all of which have been  
133 requested by the applicant to defer to October 14, but this being a public hearing on the Land Use  
134 Plan Amendment, it is not really requested by the applicant, but the County is interested in  
135 deferring this to stay in line with the zoning case, and the provisional use permit. So, it is staff's  
136 recommendation that this be deferred to the October 14, 2004 meeting.

137  
138 Mrs. Ware - Can I have a motion?

139  
140 Mr. Marshall - I make a motion that we defer the public hearing for the Innsbrook Urban  
141 Mixed Use Area until October 14, 2004.

142  
143 Mr. Vanarsdall - Second.

144  
145 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor  
146 say aye. All opposed say no. The motion passes.

147  
148 The Planning Commission voted to defer the public hearing for the Innsbrook Urban Mixed Use Area  
149 until October 14, 2004.

150  
151 **Deferred from the July 15, 2004 Meeting:**

152 **C-27C-04 James W. Theobald for Highwoods Realty LP, etal:** Request to  
153 conditionally rezone from O-3C Office District (Conditional) to UMU Urban Mixed Unit  
154 Development, Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494,  
155 containing approximately 36.13 acres, located along the southwest intersection of Cox Road and  
156 Sadler Place. A mixed use development is proposed. All uses will be controlled by proffered  
157 conditions and zoning ordinance regulations. The applicant proffers any residential use will not

158 exceed three hundred ninety-two (392) units. The Land Use Plan recommends Office and  
159 Environmental Protection Area.

160

161 Ms. Moore - The deferral is requested to the October 14, 2004 meeting.

162

163 Mrs. Ware - Is there any opposition to the deferral of C-27C-04, James W. Theobald for  
164 Highwood Realty, LP in the Three Chopt District. If you will please come forward and give us your  
165 name and address for the record.

166

167 Mr. Mike Molenski - Good evening. I am Mike Molenski, President of the Saddlebrook  
168 Association and I am at 4437 Cedar Forest Road, Glen Allen, Virginia 23060. Tonight I am  
169 representing four neighborhoods that are directly in the vicinity of this rezoning, The Village, Four  
170 Seasons, Saddlebrook and The Cedars. Mr. Marshall, thank you for all the time and the committee  
171 (sic) as well for letting me speak, and I also want to thank Mr. Marshall for the time that he spent in  
172 helping us educate each other on the process, as well as working with Highwoods Property. Thanks  
173 to them as well for providing information to us as we go forward with this process. We are not  
174 opposed to the rezoning tonight. I do ask the panel and Mr. Marshall over the next 30 days, what  
175 would you like us to do collectively as an organization of neighborhoods surrounding this rezoning  
176 area to help with the process and make it smoother for you and make it smoother on us and  
177 Highwoods Property, as well?

178

179 Mr. Marshall - Well, what is going to happen is I am going to have a meeting with Mr.  
180 Theobald. He submitted some revised proffers for the case. They still are not to where I want them  
181 to be and part of it has to do with a lot of the concerns that you and your other neighbors expressed  
182 in our meeting. They have not gone as far as I want to see them to go to address a lot of the  
183 concerns that both you all have and I have with the case, and once I get something close to what I  
184 think is necessary, then I am going to have Mr. Theobald schedule another meeting. Hopefully this  
185 time it will be in a bigger venue, so all of the neighbors can come. The last meeting, as you know,  
186 was a limited meeting. I think we need to have a meeting the next time open to every neighbor  
187 that wants to come and so that is what I anticipate will happen before the October 14 meeting,  
188 because I want to have this case heard on October 14.

189

190 Mr. Molenski - OK, so we will be prepared on the 14<sup>th</sup> for a decision at that time, likely.  
191 Along with that meeting, we will be ready to listen to any adjustments to the plan that was originally  
192 proposed. To this date it has been proposed in a one-way fashion and we are willing to, with open  
193 ears, to see if they have any proposals to adjust the plan at that time during the meeting. Thank  
194 you very much.

195

196 Mr. Silber - Thank you.

197

198 Mrs. Ware - Do you have opposition to the deferral or?

199

200 Gentleman in the  
201 Audience - We'd like to be included in that meeting.

202

203 Mrs. Ware - You need to come up and identify yourself. This is a recorded hearing.

204

205 Mr. Silber - Again, there are plenty of seats in the auditorium. If those standing in the  
206 back would please come forward and have a seat. It looks like there are at least 20 seats up front.  
207 This is a request from the Fire Marshall to please keep the aisles open.

208

209 Mrs. Ware - Can you please identify yourself, with your name and address?

210

211 Mr. Bill Kelly - My name is Bill Kelly and I am at 4705 Rollingwood Lane and we are in The  
212 Forest Subdivision, which is basically at Nuckols and Springfield, so very close proximity and we kind  
213 of just found out about this, and want to be included in that process, so if we can get on whatever  
214 list.  
215

216 Mr. Marshall - Mr. Theobald is over there and Penny Koch, his assistant, is right next to  
217 him. And they would be the ones that would send out the notices of the meetings if you will give  
218 them a name and address.  
219

220 Mr. Kelly - Fantastic. I appreciate that. Thank you very much for your time.  
221

222 Ms. Christina King - Hi. I've spoken with you all a couple of times. Christina King, Wonder Lane  
223 off Sadler Road. I am not in a subdivision, but I have been there since 1990 or 1991. I have talked  
224 with a bunch of the neighbors in that area, and we are not a subdivision; we have just been there  
225 for some time, and I have given my name and my e-mail and my number to Mr. Theobald and have  
226 not received anything.  
227

228 Mr. Silber - Can I interrupt you for a minute before some of you leave. I think any of  
229 those that are concerned and want to be made a part of this list, if you could maybe meet one of my  
230 staff at this time out in the lobby and let them take down your name and address and phone  
231 number, we will make sure that they are a part of this group so you don't all have to come down  
232 and speak. I don't want someone to leave and not get on that list. I didn't mean to interrupt you,  
233 but if you just want to be added to the list...  
234

235 Ms. King - We just want to know about it. We are not exactly adjacent to the land,  
236 and if there wasn't some other neighborhood contact, we wouldn't know about it. And we are very  
237 concerned because of the value of our property.  
238

239 Mr. Vanarsdall - Samantha will take care of you.  
240

241 Ms. King - Thank you for that information. Thank you very much.  
242

243 Mr. Marshall - Madam Chairman, I move that Case C-27C-04 be deferred to the October  
244 14, 2004 meeting at the request of the applicant.  
245

246 Mr. Vanarsdall - Second.  
247

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

251 At the request of the applicant, the Planning Commission deferred Case C-27C-04, James W.  
252 Theobald for Highwoods Realty LP, etal, to its meeting on October 14, 2004.  
253

254 **Deferred from the July 15, 2004 Meeting:**

255 **P-6-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a  
256 Provisional Use Permit under Sections 24-32.1(a) and 24-122.1 of Chapter 24 of the County Code  
257 in order to permit the activities listed in Section 24-32.1(a) of the UMU ordinance, on Parcels  
258 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36.13  
259 acres, located along the southwest intersection of Cox Road and Sadler Place. The existing  
260 zoning is O-3C Office District. The Land Use Plan recommends Office and Environmental  
261 Protection Area.  
262

263 Ms. Moore - This is a companion case to the one we just heard. A deferral is requested  
264 to the October 14, 2004 meeting.

265  
266 Mrs. Ware - Is there any opposition to P-6-04, James W. Theobald for Highwoods  
267 Realty LP, in the Three Chopt District? No opposition. Mr. Marshall.

268  
269 Mr. Marshall - Madam Chairman, I move that Case P-6-04 be deferred to the October 14,  
270 2004 meeting, at the request of the applicant.

271  
272 Mr. Vanarsdall - Second.

273  
274 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor  
275 say aye. All opposed say no. The motion passes.

276  
277 At the request of the applicant, the Planning Commission deferred Case P-6-04, James W.  
278 Theobald for Highwoods Realty LP, etal to its meeting on October 14, 2004.

279  
280 **Deferred from the July 15, 2004 Meeting:**

281 **P-7-04 James W. Theobald for Highwoods Realty LP, etal:** Request for a  
282 Provisional Use Permit under Sections 24-32.1(u) and 24-122.1 of Chapter 24 of the County Code  
283 in order to permit a thirteen (13) foot increase in the permitted height of office buildings in the  
284 UMU District, on Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494,  
285 containing approximately 36.13 acres, located along the southwest intersection of Cox Road and  
286 Sadler Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office  
287 and Environmental Protection Area.

288  
289 Ms. Moore - The deferral is requested to the October 14, 2004 meeting.

290  
291 Mrs. Ware - Is there any opposition to P-7-04, James W. Theobald for Highwood  
292 Realty, LP, in the Three Chopt District? No opposition.

293  
294 Mr. Marshall - Madam Chairman, I move that P-7-04 be deferred to the October 14,  
295 2004 meeting at the request of the applicant.

296  
297 Mr. Archer - Second.

298  
299 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Archer. All in favor  
300 say aye. All opposed say no. The motion passes.

301  
302 At the applicant's request, the Planning Commission deferred Case P-7-04, James W. Theobald  
303 for Highwoods Realty LP, etal, to its meeting on October 14, 2004.

304  
305 **C-42C-04 Skip Gelletly:** Request to conditionally rezone from A-1 Agricultural  
306 District to RTHC Residential Townhouse District (Conditional), Parcel 731-763-1648, containing  
307 approximately 3.1 acres, located on the west line of Gayton Hills Lane approximately 200 feet  
308 south of Graham Meadows Drive. The applicant proposes a maximum density of 2.86 units per  
309 acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use Plan  
310 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

311  
312 Ms. Moore - The deferral is requested to the November 10, 2004 meeting.

313  
314 Mrs. Ware - Is there any opposition to C-42C-04, Skip Gelletly, in the Three Chopt  
315 District? No opposition.

316  
317 Mr. Marshall - Madam Chairman, I move that Case C-42C-04 be deferred to the  
318 November 10, 2004 meeting at the request of the applicant.  
319  
320 Mr. Vanarsdall - Second  
321  
322 Ms. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
323 favor say aye. All opposed say no. The motion passes.  
324  
325 At the request of the applicant, the Planning Commission deferred Case C-42C-04, Skip Gelletly,  
326 to its meeting on November 10, 2004.  
327  
328 **C-44C-04 Andrew Condlin for David E. Cottrell:** Request to amend proffered  
329 conditions accepted with Rezoning Case C-39C-95, on part of Parcel 740-765-2150, containing  
330 1.4019 acres (part of the 9.87 ac. tract), located on the east line of Pouncey Tract Road,  
331 approximately 350 feet south of Twin Hickory Lake Drive. The amendment is related to use  
332 restrictions and hours of operation and would permit a car wash. The existing zoning is B-3C  
333 Business District (Conditional). The Land Use Plan recommends Commercial Concentration,  
334 Office and Environmental Protection Area.  
335  
336 Ms. Moore - A deferral is requested to the October 14, 2004 meeting.  
337  
338 Mrs. Ware - Is there any opposition to Case C-44C-04, Andrew Condlin for David E.  
339 Cottrell, in the Three Chopt District? No opposition.  
340  
341 Mr. Marshall - Madam Chairman, I move that Case C-44C-04 be deferred to the  
342 October 14, 2004 meeting, at the request of the applicant.  
343  
344 Mr. Vanarsdall - Second.  
345  
346 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
347 favor say aye. All opposed say no. The motion passes  
348  
349 At the request of the applicant, the Planning Commission deferred Case C-44C-04, Andrew  
350 Condlin for David E. Cottrell, to its meeting on October 14, 2004.  
351  
352 **C-47C-04 Garry Gallagher:** Request to conditionally rezone from O-2C Office  
353 District (Conditional) to B-2C Business District (Conditional), Parcel 834-714-1831, containing  
354 2.307 acres, located at the eastern corner of the intersection of Williamsburg Road (U.S. Route  
355 60) and Whiteside Road. The applicant proposes a retail use. The use will be controlled by  
356 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office.  
357 The site is in the Airport Safety Overlay District.  
358  
359 Mrs. Moore - The deferral is requested to the November 10, 2004 meeting.  
360  
361 Mrs. Ware - Is there any opposition to Case C-47C-04, Garry Gallagher, in the Three  
362 Chopt District? No opposition.  
363  
364 Mr. Jernigan - Madam Chairman, I move to defer Case C-47C-04, to November 10,  
365 2004 by request of the applicant.  
366  
367 Mr. Vanarsdall - Second.  
368

369 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
370 favor say aye. All opposed say no. The motion passes.

371

372 At the request of the applicant, the Planning Commission deferred C-47C-04, Garry Gallagher, to  
373 its meeting on November 10, 2004.

374

375 **C-48C-04 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural  
376 District to B-3C Business District (Conditional), Parcels 804-737-4084 and 804-737-1251,  
377 containing 4.8303 acres, located on the east line of Mechanicsville Turnpike (U. S. Route 360)  
378 opposite Springdale Road. The applicant proposes business uses. The use will be controlled by  
379 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends  
380 Government and Urban Residential. The site is in the Airport Safety Overlay District.

381

382 Ms. Moore - The deferral is request to the October 14, 2004 meeting.

383

384 Mrs. Ware - Is there any opposition to the deferral of C-48C-04, Henry L. Wilton, in  
385 the Fairfield District. No opposition. Mr. Archer.

386

387 Mr. Archer - Madam Chair, I move deferral of Case C-48C-04, Henry L. Wilton, to the  
388 October 14, 2004 meeting, at the request of the applicant.

389

390 Mr. Vanarsdall - Second.

391

392 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
393 say aye. All opposed say no. The motion passes.

394

395 At the request of the applicant, the Planning Commission deferred Case C-48C-04, Henry L.  
396 Wilton, to its October 14, 2004 meeting.

397

398 Ms. Moore - That concludes staff's report of deferral unless there are any others from  
399 the Planning Commission to be added.

400

401 **Deferred from the August 12, 2004 Meeting:**

402 **C-40C-04 Glenn Moore for RER Properties, LLC:** Request to amend proffered  
403 conditions accepted with Rezoning Case C-73C-85, on part of Parcel 760-755-5474, containing  
404 1.644 acres, located on the north side of W. Broad Street (U. S. Route 250) approximately 220  
405 feet west of N. Skipwith Road. The amendments would permit vehicle repair and service as a  
406 use, and also regulate building location from the northern property line. The existing zoning is B-  
407 3C Business District (Conditional). The Land Use Plan recommends Commercial Arterial.

408

409 Mr. Vanarsdall - Madam Chairman, I have one to defer. Mr. Moore, did Mr. Coleman talk  
410 to you? Then you are OK about that?

411

412 Mr. Moore - I suppose.

413

414 Mr. Vanarsdall - I move that Case C-40C-04 be deferred to October 14, 2004, at the  
415 Commission's request.

416

417 Mr. Marshall - Second.

418

419 Mr. Vanarsdall - This is a freebie for Mr. Moore.

420



421 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in  
422 favor say aye. All opposed say no. The motion passes.

423

424 The Planning Commission deferred C-40C-04, Glenn Moore for RER Properties, LLC, to its  
425 meeting on October 14, 2004.

426

427 Mr. Jernigan - Madam Chairman, I have one in my district.

428

429 **P-8-04 Omnipoint Communications CAP Operations LLC:** Request for a  
430 Provisional Use Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code  
431 in order to construct a 140-foot wireless telecommunications tower, on part of Parcel 833-716-  
432 9203, containing 2,500 square feet, located between I-64 and Old Williamsburg Road, 2,000 feet  
433 west of Drybridge Road. The existing zoning is M-1C Light Industrial District (Conditional). The  
434 Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

435

436 Mrs. Ware - Is there any opposition to this deferral? No opposition.

437

438 Mr. Jernigan - This case was looking OK, but there was a small glitch in the paperwork,  
439 so I am going to defer this. I make a motion to defer P-8-04 to the September 22, 2004 POD  
440 Meeting by request of the Commission.

441

442 Mr. Vanarsdall - Second.

443

444 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
445 favor say aye. All opposed say no. The motion passes.

446

447 The Planning Commission deferred P-8-04, Omnipoint Communications CAP Operations, LLC, to  
448 its meeting on September 22, 2004.

449

450 Mr. Jernigan - And also we have one withdrawal.

451

452 Mr. Silber - She will cover that. If there are no other deferrals, Ms. Moore, if we can  
453 move on to the withdrawals, I believe there is one on the agenda.

454

455 **C-46C-04 J. Thomas O'Brien for Roberta J. Holt:** Request to conditionally  
456 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel  
457 805-705-5884, containing 0.767 acre, located on the south line of Old Oakland Road  
458 approximately 350 feet west of Oakvale Street. The applicant proposes three (3) single-family  
459 residential lots. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use  
460 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

461

462 Ms. Moore - The applicant states to withdraw this application, and, therefore, no  
463 motion or action is needed.

464

465 Mrs. Ware - Thank you.

466

467 Mr. Silber - Next on the agenda would be those items on the Expedited Agenda.  
468 These are items that have not been deferred. They are up for hearing tonight but there are no  
469 known issues from the staff's perspective. The applicant is comfortable with the staff's  
470 recommendations and the Planning Commissioner from that district has no outstanding issues. If  
471 there is opposition or concerns from the public, it will be pulled off of the Expedited Agenda and  
472 heard in the order in which it is found on the agenda. If there is no opposition or concerns, we  
473 can hear this case without lengthy discussion or input. Is there one, Ms. Moore?

474  
475 Ms. Moore - Yes, there is one.  
476 **C-45C-04 Edward Kidd for Retlaw 100, LLC:** Request to conditionally rezone  
477 from B-2C Business District (Conditional) and O-3C Office District (Conditional) to B-2C Business  
478 District (Conditional) and O-3C Office District (Conditional), part of Parcels 748-758-5169 and  
479 748-759-6017, containing 17.277 acres, located on the east line of Cox Road between Westerre  
480 Parkway and Interstate 64. The applicant proposes office condominiums and retail uses. The use  
481 will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan  
482 recommends Office.  
483  
484 Mrs. Ware - Is there any opposition to hearing Case C-45C-04, Edward Kidd for  
485 Retlaw 100, LLC, on the Expedited Agenda? It is in the Three Chopt District. No opposition.  
486  
487 Mr. Marshall - Madam Chairman, I move that Case C-45C-04 be recommended for  
488 approval to the Board of Supervisors.  
489  
490 Mr. Vanarsdall - Second.  
491  
492 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
493 favor say aye. All opposed say no. The motion passes.  
494  
495 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning  
496 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**  
497 the request because the realignment of the office and business districts would not be expected to  
498 adversely affect the pattern of zoning and land use in the area and that it would provide for  
499 appropriate development.  
500  
501 Mr. Silber - Given the large number of deferrals tonight, this agenda has become  
502 much more reasonable.  
503  
504 **C-43C-04 Wilton Development Corp.:** Request to amend proffered conditions  
505 accepted with Rezoning Case C-42C-01, on Parcel 747-761-2937, containing approximately 4.67  
506 acres, located at the southwest intersection of Dominion Boulevard and Sadler Road. The  
507 amendment is related to uses, building height and materials, site design, landscaping, and  
508 buffers and would permit an automobile dealership. The existing zoning is B-3C Business District  
509 (Conditional). The Land Use Plan recommends Commercial Concentration.  
510  
511 Mrs. Ware - Is there any opposition to Case C-43C-04, Wilton Development  
512 Corporation, in the Three Chopt District? No opposition. Good evening, Mr. Coleman.  
513  
514 Mr. Coleman - Good evening, Madam Chairman. The revised proffers are being  
515 distributed to you. It would not require waiving the time limit.  
516  
517 Mrs. Ware - Did you say it would not?  
518  
519 Mr. Coleman - Correct. It would not.  
520  
521 Mr. Marshall - Is there a picture in there?  
522  
523 Mr. Coleman - Yes, sir. The subject property was rezoned to B-3C in 1988 as part of a  
524 larger tract that now includes the Innsbrook Autoport shopping center adjacent to West Broad  
525 Street. The proffers were amended in 2001 to permit construction of a restaurant that was not

526 built. This request would revise the proffers to regulate construction of a Hummer dealership and  
527 one out parcel.

528

529 The applicant's proposal includes the following proffers:

- 530 - A conceptual site plan;
- 531 - No outdoor paging or speakers;
- 532 - Ground mounted signs no greater than six feet high;
- 533 - A 25' streetscape buffer along Dominion Blvd. and Sadler Rd.;
- 534 - Extensive list of restricted uses;
- 535 - Restrictions on HVAC equipment, underground utilities, lighting, hours of operation, and  
536 other items and elevations.

537

538 The applicant revised the proffers to address several issues raised in the staff report. However,  
539 several concerns remain and staff encourages the applicant to further regulate the proposed  
540 development to keep the existing high level of development standards. Staff offers the following  
541 recommendations:

542

- 543 - Staff encourages the applicant to supplement the elevation with restrictions on building  
544 materials;
- 545 - The applicant should consider enhancing landscaped buffers along the boundary with the  
546 funeral home. As proffered with the existing zoning, the applicant should commit to  
547 preserving the width of the required Transitional Buffer in addition to providing an attractive  
548 fence adjacent to the funeral home.
- 549 - The applicant has provided little additional information about the out parcel and how this  
550 would be developed. The applicant should submit additional information to assure quality  
551 building materials, layout standards, and landscaping at this location.
- 552 - The conceptual site plan does not appear to provide wider drive isles or other site design  
553 elements to help maneuver the Hummer vehicles, which are renowned for their larger  
554 size. The applicant should also provide additional information on how vehicles will be  
555 stored on the site.
- 556 - This request would not be physically connected to the Autoport, and as proposed, would  
557 create a nonconforming setback for the Autoport Shopping Center.

558

559 Properly designed and regulated, this request may be an appropriate location for an automobile  
560 dealership and could be consistent with the Land Use Plan recommendation. If the applicant  
561 were to address the concerns presented, staff could be more supportive of this request.

562

563 This afternoon, the applicant indicated their intention to revise Proffer #3 concerning the buffer  
564 with the funeral home. I will defer to them to explain the proposed revisions during their  
565 presentation.

566

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

568

569 Mrs. Ware - Thank you, Mr. Coleman. Are there any questions for Mr. Coleman from  
570 the Commission? OK, thank you. We will hear from the applicant. Good evening.

571

572 Mr. Wilton - Madam Chairman and members of the Commission, my name is Henry  
573 Wilton and I recommend the contract purchasers of the subject property and Mrs. Goldstein also.  
574 The intended use will be the Moore's Hummer Dealership, currently located on Broad Street. I  
575 had originally changed these proffers on this particular case years ago for the relocation of  
576 Buckhead's, which did not materialize. Therefore, I was selected to reoffer the property for the  
577 Hummer dealership, given that I am familiar with the site. We have gone through a number of  
578 provisions with the proffers and we've basically increased the buffers and changed the project to

579 accommodate requested suggestions of the staff, the Planning Commission member and also the  
580 Supervisor. I am also meeting with the Funeral Home people, there was a comment in regard to  
581 the buffer adjacent to field and I have a meeting with Mr. Morehead set up, he's the owner of  
582 the funeral home, for September 17 between the Planning Commission and Board of Supervisors  
583 hearing to finalize that. Right now we have a fence and landscaping that we are paying for trees  
584 on his side, which was the same proffer that we had come to with the earlier case of Buckhead's,  
585 and again, that is when a restaurant was going to be back there, a lot more movement, a lot  
586 more noise and so on, so again I will finalize any change in that proffer between the Planning  
587 Commission and the Board of Supervisors. The main change regarding the property is that now  
588 it is a location for a new car dealership, a Hummer dealership. The relocation was necessitated  
589 by a request of the Hummer organization of General Motors. Mr. Moore does want to go ahead  
590 and keep the business in Henrico, and this is one of the four locations that were sited by the  
591 Planning Staff as possible locations for the relocation. We have met again with the staff, the  
592 Planning Commission member and the Supervisor said we might proffer the case appropriately,  
593 and I believe we have done that at this point. We have come to architectural style, and I believe  
594 that it is acceptable to the County now. We will have a full set of plans when we come back  
595 before you during the POD process, which we again will press through, because we need to open  
596 this dealership and relocate it as soon as possible per GM. The property will encompass these as  
597 the Hummer dealership and then the 1.2-acre parcel, which will be developed at a later time, but  
598 will have to be compatible with existing architecture of the Hummer dealership. Again, that plan  
599 will have to come before this body for review and hopeful approval. I believe these proposed  
600 uses are less intense than the ones we had allocated toward this site earlier with a restaurant  
601 and retail building in the front. Again, the staff did suggest that this site would be appropriate if  
602 we had the correct proffered conditions, which I believe we have now. Therefore, I do  
603 respectfully request approval of this case. I will be happy to answer any questions.

604  
605 Mrs. Ware - Are there any questions for Mr. Wilton from the Commission?

606  
607 Mr. Vanarsdall - Yes, ma'am. Mr. Wilton, is this going to be a lot of different kind of cars  
608 or one kind?

609  
610 Mr. Wilton - Just a Hummer dealership, sir. It is a new car dealership for Hummer.

611  
612 Mr. Vanarsdall - I knew it was for Hummer, but it won't be anything but that, right?

613  
614 Mr. Wilton - Now it is proffered that it has to be a new car dealership. It could not  
615 revert to a used car dealership, so it always has to be, whether it be a Subaru or a Cadillac or  
616 whatever, but right now it is a Hummer dealership.

617  
618 Mr. Vanarsdall - I didn't know if it was going to eventually take on another new...

619  
620 Mr. Wilton - I don't know, sir.

621  
622 Mr. Silber - Mr. Wilton, you say that you thought that the previous development that  
623 was proposed with the restaurant would create more impact and more movement than the  
624 proposed dealership.

625  
626 Mr. Wilton - The restaurant the way that we had proposed it earlier actually backed  
627 up to the Bennett Funeral Home site and the back of the restaurant was where the wedding and  
628 the large parties were going to be held outside, so, yes. I think the intensity of that use would  
629 have been substantially greater than we are allocating now. The back of the property here is  
630 going to be a secured gate area for the excess Hummer stock, so again, very little movement at  
631 the back of the property as it is adjacent to the Bennett Funeral Home. That is the least intense

632 area that we have. The buildings are all at the front of Dominion Boulevard. Of course, that was  
633 my opinion.  
634  
635 Mr. Silber - I guess we should have gotten greater buffers when that restaurant was  
636 proposed.  
637  
638 Mr. Wilton - I can't answer that.  
639  
640 Mrs. Ware - Any more questions for Mr. Wilton from the Commission?  
641  
642 Mr. Jernigan - Hank, I have a question for you. We have a picture, unproffered picture  
643 #1 and unproffered picture #2. #1 shows all flat across the front with green grass and #2  
644 shows boulders.  
645  
646 Mr. Wilton - I don't know which ones are #1 and #2. This is Exhibit A now(referring  
647 to slide). This is the one we are going with as far as the conceptual architecture. At the POD,  
648 we will have full architectural, of course, for the entire building. But we were trying to isolate  
649 what would be acceptable to the County in regard to the general architecture of the Hummer  
650 building. This is what we agreed to.  
651  
652 Mr. Jernigan - One reason Hummer went to separate dealerships is because they  
653 wanted to have like an obstacle course kind of built on their lot.  
654  
655 Mr. Wilton - Sir, we are not building an obstacle course.  
656  
657 Mr. Jernigan - That was shown in unproffered picture #2.  
658  
659 Mr. Wilton - We did that in Goochland.  
660  
661 Mr. Jernigan - I just wanted to make sure.  
662  
663 Mrs. Ware - Any more questions. Thank you, Mr. Wilton.  
664  
665 Mr. Marshall - Madam Chairman, the funeral home actually requested a fence along the  
666 property line with trees on the other side, and that is what is proffered right now. There was a  
667 question late today about whether or not that fence was going to be brick or wood. The issue, I  
668 believe, can be satisfactorily handled at the POD as to what fence ultimately is built. The owner  
669 of the funeral home did not request any additional buffer. He said that a fence was fine with  
670 him, and the point is, that the funeral home, if you are familiar with the site, the building is  
671 actually out on Broad, and this area is well behind the building and it is nothing but an open field,  
672 basically, grass and a driveway. So there is nothing that can be seen there. But Mr. Wilton is  
673 going to have another meeting with Mr. Moorehead. He is willing to build him whatever one he  
674 prefers, be it the wood one with the trees on the other side, or the brick one, so I don't have any  
675 problem with that. And, this is not really a change in the zoning and is a use, I think, is  
676 compatible, so I am going to recommend that Case C-43C-04 be recommended for approval to  
677 the Board of Supervisors.  
678  
679 Mr. Vanarsdall - Second.  
680  
681 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in  
682 favor say aye. All opposed say no. The motion passes.  
683  
684 The Planning Commission approved Case C-43C-04, Wilton Development Corp.

685

686 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning  
687 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
688 request because the change in business use is consistent with the Land Use Plan  
689 recommendations and the changes do not greatly reduce the original intended purpose of the  
690 proffers.

691

692 Mr. Silber - The next request is on page 4 of the Agenda. This is in the Tuckahoe  
693 District.

694

695 **Deferred from the August 12, 2004 Meeting:**

696 **C-35C-04**

697 **James Theobald for Gaskins Centre, L.C.:** Request to  
698 conditionally rezone from R-3C One Family Residence District (Conditional), R-5C General  
699 Residence District (Conditional), and RTHC Residential Townhouse District (Conditional) to RTHC  
700 Residential Townhouse District (Conditional), Parcels 745-740-9892, 746-741-3665 and part of  
701 Parcel 745-741-0907, containing 54.589 acres, located at the southeast intersection of N. Gaskins  
702 Road and Patterson Avenue (State Route 6). The applicant proposes a mixed-residential  
703 development with no more than two hundred twenty (220) dwelling units. The maximum density  
704 in the RTH District is 9 units per acre. The Land Use Plan recommends Suburban Residential 1,  
705 1.0 to 2.4 units net density per acre.

706

707 Mrs. Ware - Is there any opposition to C-35C-04, James Theobald for Gaskins Centre,  
708 in the Tuckahoe District.

709

710 Voice in the Audience - Yes ma'am there is.

711

712 Mrs. Ware - Okay. There is opposition. In the interest of moving this meeting along  
713 at the time I would like to ask who would like to speak in opposition tonight.

714

715 Voice in the Audience - I would like to speak Madam Chairman.

716

717 Mrs. Ware - I need the hands of how many people would like to speak for the  
718 opposition so I can manage time. One, two, three, four...

719

720 Mr. Silber - Four hands.

721

722 Mrs. Ware - Okay, we will just go to 15 minutes. The General Policy of the Planning  
723 Commission when it comes to speaking is we allow 10 minutes for the applicant and 10 minutes  
724 for the opposition total. Tonight we have a few more people speaking on this case, somewhat  
725 more then we usually do. So I was thinking about adding 5 minutes.

726

727 Mr. Silber - It is up to the Commission what they want to add in addition to the  
728 normal 10 minutes, for either side. Any questions that the Planning Commission ask of that  
729 person that is speaking does not count towards their time. In addition, the applicant typically,  
730 after the staff makes presentation, presents the case and they save some of their time for  
731 rebuttal. Again, the applicant and those supporting the request are given the same amount of  
732 time to speak as those that might be speaking in opposition.

733

734 Mrs. Ware - Following the rebuttal by the applicant as well the Commission will be  
735 allowed to ask questions that they need to ask. And following that the floor will be closed and at  
736 that time a motion will be made. So I just wanted to...since there are a lot of people here  
737 tonight, I just wanted to let you know how the process went, so you will know what to expect as  
we move through this case.

738  
739 Mr. Silber - That is good.  
740  
741 Mrs. Ware - Anything else? Hello Ms. Moore.  
742  
743 Ms. Moore-Illig - Good evening.  
744  
745 Mr. Jernigan - Good evening, Ms. Moore.  
746  
747 Mr. Archer - Good evening.  
748  
749 Mr. Vanarsdall - Good evening, Ms. Moore-Illig.  
750  
751 Ms. Moore-Illig - As stated, the applicant wishes to construct 220 townhomes on the  
752 property. The applicant has already received approval to construct 220 residential units  
753 comprising of 23 single-family dwellings, 79 townhomes and a 118 condominium on the property.  
754 This was approved in 1998, via rezoning case C-32C-98. The applicant is seeking to essentially  
755 amend this approval to develop a cohesive and high-end residential community with four types of  
756 town home designs. Most of the proffers accepted with the previous case, C-32C-98, are  
757 proposed with this request and have been enhanced. The primary difference is the elimination of  
758 the 23 single-family dwellings slated for the southern portion of the property.  
759  
760 The applicant has submitted revised proffers dated September 7, 2004. The proffers were  
761 received in a timely manner; therefore, the time limits do not have to be waived. The revisions  
762 include two changes. The first change is to Proffer #6 and language has been added to ensure a  
763 50' buffer would be maintained along Derbyshire Road. The second change is Proffer #32 to  
764 clarify and correct the references to Estate and Executive homes.  
765  
766 The proffers include provisions for buffers, open space, and tree save areas, which would provide  
767 substantially the same green space as the previously approved case. The proffers would also  
768 provide controls of the following items.  
769  
770 • Architecture. The building design would be substantially similar to the following four  
771 elevations, which I'm showing on this screen now (referring to slide).  
772  
773 • The majority of the house facades will be brick. Other material would include stone and  
774 hardiplank. Vinyl siding would be prohibited.  
775  
776 • Each unit would have an attached two-car garage.  
777  
778 • Access to the site would only be from Gaskins Road and Patterson Avenue.  
779  
780 • There would be 64 executive homes located along the southern and eastern boundaries of  
781 the property. These are the largest proposed units with a minimum of 3,200 square feet. To  
782 mitigate the larger mass, a 75' landscaped buffer is proposed along the eastern property line  
783 and a 50' landscaped buffer is proposed along Derbyshire Road. The applicant has stated  
784 they would revised proffer #6 to insure vegetation removed in the 50' buffer due to grading  
785 would be replaced.  
786  
787 • 61 Estate homes are proposed along the northern and southwestern portion of the site. The  
788 minimum square footage would be 3,100 square feet. The buildings would be placed a  
789 minimum of 100' from Patterson Avenue and Gaskins Road. In addition, there would be a  
790 50' landscape buffer installed along these roads.

791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843

- 60 Courtyard homes are proposed within the interior of the site, with a few end units placed at an angle along Derbyshire Road. The minimum floor area for these units would be 2,600 square feet.
- 35 City Homes are also proposed within the interior of the northern portion of the property. These units would have a minimum of 1,800 square feet and would have front loading garages.
- No buildings on the property would exceed 35' in height.
- A Landscaping Plan, which includes the installation of 5 to 6 inch caliper deciduous trees, 12 to 14' high flowering trees and 12 to 16' high evergreen trees along Derbyshire Road and the eastern property line would be installed. The minimum size of the trees referenced would be the size at time of planting.
- There would be no more than 6 consecutive townhouse units in any one building.
- Front entries would not be at grade level and would have a minimum of 2 steps before the entry.
- Any retaining walls exposed would be finished with brick.
- Sidewalks and pedestrian paths would be provided within the interior and perimeter of the site.

There have been several concerns raised regarding potential traffic generated from this proposal. Initially, staff had similar concerns since the proposed project did not include age-restricted units as slated for the development already approved for the property. In response to these concerns,

- The applicant has proffered to age restrict 71 of the units to match the proffer for the approved development on this site.

With these proffers, the impact of this development would be no more intensive than what can currently be constructed on the site.

There were two unresolved issues stated in the staff report. The first pertained to the installation of sidewalks along the right-of-ways of Gaskins Road and Patterson Avenue. The applicant has stated that they fully intend to install sidewalks and that they are currently looking at plans to this in regards to looking at utility easements and other issues in the proper placement. The second pertained to the implementation of Traffic Engineering Division's recommendations. We have received correspondence and a letter of intent from the applicant that these recommendations will be implemented.

Overall, the proffers would provide assurances of high quality development in keeping with the surrounding area and with the intent of the approved development slated for this property. The proposed design of the buildings would be effectively articulated through varied rooflines, building heights and high quality materials, which would reduce the massing effect on adjacent properties. With the implementation of sidewalks and addressing the traffic engineers concern staff supports this request.

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



844 Mrs. Ware - Are there any questions for Ms. Moore-Illig from the Commission?  
845 You said they have addressed the sidewalks and the proffer concerning the buffer at Derbyshire  
846 is...  
847  
848 Ms. Moore-Illig - With the support of this request we would like to have sidewalks and  
849 make sure that is implemented, if that is the case, along one of the right-of-ways as intended  
850 before the Board of Supervisors.  
851  
852 Mrs. Ware - Are there any other questions for Ms. Moore-Illig?  
853  
854 Mr. Vanarsdall - She also said staff supports this request. It is in accordance with the  
855 Goals, Objectives and Policies and also the Land Use Plan.  
856  
857 Mr. Silber - For the Commissions benefit we also have the Traffic Engineer, Mr.  
858 Tim Foster here this evening if you have questions of him.  
859  
860 Mrs. Ware - All right.  
861  
862 Ms. Moore-Illig - Thank you.  
863  
864 Mr. Jernigan - Thank you.  
865  
866 Mrs. Ware - We will hear from the applicant at this time. I'll let you identify  
867 yourself.  
868  
869 Mr. Silber - Mr. Theobald, I think the Commission is interested in extending their  
870 normal policy for hearing cases to be at least 15 minutes so the same is granted to you. Do you  
871 want to save some of that time for rebuttal?  
872  
873 Mr. James Theobald - I think 3 minutes, Mr. Silber.  
874  
875 Mr. Silber - For rebuttal?  
876  
877 Mr. Theobald - Please.  
878  
879 Mr. Silber - Okay.  
880  
881 Mr. Theobald - Madam Chairman, Ladies and Gentlemen, my name is Jim Theobald  
882 and I'm here this evening on behalf of Gumenick Properties. We are requesting the ability to  
883 enhance the approval granted in 1998 and nothing more. We are offering a better choice as a  
884 result of superior planning, superior architecture, superior quality, a significant increase in the  
885 selling price of homes, a significant increase in surrounding property values, a significant increase  
886 in tax revenues to the County, a significant increase in landscaping adjacent to single-family that  
887 is not required in the 1998 case. We are offering the same number of homes, that being 220  
888 and the same number of age restricted homes, that being 71 out of those 220, same amount of  
889 green space and tree save area. Less impact on traffic then the 1998 case and no negative  
890 impact on schools.  
891  
892 Allow me to provide a little bit more detail with regards to the forgoing assertions:  
893  
894 • Superior Planning: This endeavor represents the creation of a community reminiscent of  
895 traditional Virginia, Old Charleston and Savannah, creating a sense of place. It is an  
896 alternative for empty nesters desiring a maintenance-free upscale environment near

897 where they have raised their families and prospered. The neighborhood of small parks  
898 and lots as you see on the site plan, pedestrian trails, brick sidewalks, porches, homes  
899 that are oriented to the streets, attractive streetscapes, and a pool and a clubhouse  
900 facility. We have also provided some additional details that show you the amount of  
901 quality and thought that has gone into this development. This is the entranceway off of  
902 Patterson Avenue (referring to slide). And what this shows is alternative pavers, brick  
903 pavers or cobblestone like pavers, letting you know you have arrived someplace  
904 different. A 3600 square foot pool and clubhouse building. We have put the pool on the  
905 western side of this, as far away from the neighborhood along Lakewater, as possible.  
906 Note, behind this facility we created a courtyard effect so that the townhomes behind  
907 there would be looking into this courtyard. A screening wall or arbor-like device beside  
908 the pool. Notice that there is not parking in front (referring to slide) of this facility. We  
909 want the vista to be preserved and the parking has been provided at the rear. This  
910 shows the detail while looking from Patterson Avenue with colonial like features and a  
911 wall, brick wall showing a small identification sign with brick columns (referring to slide).  
912 Again, creating the sense of place and uniqueness. We have also prepared some  
913 drawings of the entrance off of Gaskins Road, oppose Castile. What you see here is,  
914 again, different paving alternatives, a scaling down, a narrowing in of the feature. It  
915 aligns with one of the many pocket parks on the property. What you see there (referring  
916 to slide) are brick pavers, benches, a fountain, notice the green area - that is one of our  
917 tree save areas where we preserve the trees and given the topography goes from  
918 Gaskins Road to the east, you can see here that this is a nice elevated park with  
919 walkways and places for people to set and enjoy the landscaping.

920  
921 • Superior Architecture: Jean has shown you these slides. This is the City Home (referring  
922 to slide). There will be approximately 35 City Homes and they are a minimum of 1800  
923 square feet in size. The end units are brick on all three sides. The interior units are a  
924 combination of brick fronts and brick rears. Brick fronts and hardiplank type siding on  
925 the rear, or hardiplank type siding on the front and rear. Four of the six home fronts are  
926 all brick. These have english basements, there are no lofts, the dormer treatment above,  
927 are basically false dormers, there is no living space up there. What you see on the rear  
928 and side elevations is again carrying out the theme of attention to detail. You see decks  
929 above the rear entry garages here (referring to slide), you see differing materials and  
930 brick on the end.

931  
932 The Courtyard Homes (referring to slide), there are approximately 64 courtyard homes.  
933 These are a minimum of 2600 square feet in size. Courtyard homes will be of the small  
934 materials as referenced with the City Homes and here you start to get sort of a single-  
935 family feel given the design elements of these units. These are really interesting because  
936 the doors you see entering the front don't go into the living space but rather into a little  
937 courtyard like you might see in Charleston. You can see the side detail versus side  
938 elevation, there is an upper and lower porch and you can see the rear (referring to slide).  
939 And here is a photo of one of those homes and again these are attached townhomes, but  
940 certainly a single-family feel. So the door you see on the right (referring to slide) enters  
941 into a courtyard not into the living space and then you would enter another door to your  
942 left. They are a lovely design and create a real sense of place.

943  
944 The Estate Homes (referring to slide), there will be approximately 61 of these, a  
945 minimum of 3100 square feet in size. The Estate Homes have end units with brick on  
946 three sides. Interior units, again, a combination of brick fronts and brick rears, brick  
947 fronts and hardiplank sidings on the rear, but all of the fronts in this product are brick.  
948 Notice the sidewalk section with brick sidewalks, street trees, green space between the  
949 curb and the walkways and notice the driveways - the driveways, again have an

950 alternate paving treatment breaking up the driveways. This is the rear and side elevation  
951 (referring to slide) of those homes, again, note the attention to detail.

952  
953 This is the largest of the townhomes (referring to slide). This is the Executive Home,  
954 there is approximately 64 of these, a minimum of 3200 square feet in size. The  
955 Executive Homes will utilize the same materials and combinations as the Estate Homes.  
956 These truly are attached single-family homes in a quad type design and are magnificent  
957 looking. We took a couple of members of the NUTAG organization up to northern  
958 Virginia and showed them these homes and they are as spectacular in real life as they  
959 are here in elevations.

960  
961 The forgoing represents different and very unique architectural designs with varying fronts,  
962 rooflines, lots of brick and a predominance of rear loading garages entering from private alleys.  
963 If you remember the site plan, you noticed that the front loaded garages are all away from the  
964 edges next to single-family residences along Lakewater and Derbyshire.

965  
966 To contrast the current elevations that are binding on this property that were offered in the 1998  
967 case, these are the townhomes that were originally designed back in the mid 80s (referring to  
968 slide). These were the duplex condominiums (referring to slide), and lastly these were the 3 and  
969 4 story condominiums stacked units (referring to slide) that were permitted on the R-5 portion of  
970 the property.

971  
972 We expect a significant increase on the purchase price of homes. Adjusted for inflation the old  
973 plans would likely range from \$170,000 to \$310,000. The new plans start at \$350,000 for City  
974 Homes and increase by about \$100,000 per home type up to the Executive Homes, which would  
975 be approximately \$650,000 not including add-ons. That can only benefit the property values of  
976 the surrounding neighborhoods. A significant increase in tax revenues utilizing a conservative  
977 average sale prices this community will generate \$1.1 million in real estate tax revenue. A  
978 quarter to a half million dollars more then the revenues that would be anticipated under the  
979 current zoning. Now at a time when the county is asking citizens to support a bond referendum,  
980 which I do, and a meals tax, shouldn't we be looking for opportunities to promote both enhanced  
981 revenues and quality development wherever possible, particularly where there are no negative  
982 impacts.

983  
984 This shows you the landscaping (referring to slide). We have offered over a quarter of a million  
985 dollars in landscaping treatment. We took pictures the first week in April when the leaves were  
986 just starting to come out on the trees, which is what you see on the top slide (referring to slide).  
987 We then dropped in our elevations having used balloons to peg the elevations and then we have  
988 also dropped in the computer plantings at the size at the time of planting, not ten years later, not  
989 5 years later, but at the time of planting. These have been designed with native varieties they  
990 are indigenous to this area. They provide for a minimum amount of maintenance and they are  
991 also sensitive to wildlife, in terms of promoting nesting areas and the types of food that the local  
992 bird life desires. The deciduous shade trees have been proffered to be 5 to 6 inches in caliber at  
993 the time of planting, the flowering under story trees 12 to 14 in height, evergreens 12 to 16 feet  
994 in height. They will planted in their entirety at the first planting season after POD approval all  
995 along Derbyshire and Lakewater.

996  
997 Mr. Silber - Mr. Theobald,...

998  
999 Mr. Theobald - Sir.

1000  
1001 Mr. Silber - ...excuse me, you have about 2 minutes left.

1002

1003 Mr. Theobald - In my regular time.  
1004  
1005 Mr. Silber - Yes, then you have 3 minutes of rebuttal.  
1006  
1007 Mr. Theobald - Okay. Well, let me know and we may have to expand into rebuttal a  
1008 little bit.  
1009  
1010 The amount of green space and tree save areas are identical in these two cases.  
1011  
1012 Less impact on traffic. So there would be no confusion we actually ran the study under both the  
1013 old traffic manual and the new traffic manual because there was a difference. This is the worst  
1014 case, this is under the old traffic manual and what it shows, the 1998 study shows 1438 total 24-  
1015 hour types weekday. The new proposal 1161 trips. Again, this is the worst case. The traffic  
1016 information under the 7<sup>th</sup> manual that is currently in use shows but 1150 average daily trips  
1017 generated by this development. And just for your information were this project to be developed  
1018 for 135 single-family homes as has sometimes been requested by others, that would generate  
1019 1370 trips per day which is more than the current plan and the 1998 plan.  
1020  
1021 Staff report states that the Division of Traffic Engineering has completed its review and has  
1022 agreed with our analysis and our conclusions that the adjacent road network could accommodate  
1023 the traffic generated by the project. We have agreed to do some improvements and are  
1024 committed to do that after discussions with Mr. Foster and others. The County Traffic Engineer  
1025 has confirmed that no increase in traffic is expected from the new request over the old request  
1026 and in fact peak hour traffic volumes would decrease as previously shown.  
1027  
1028 So as you have heard we have over 30 proffered conditions, which were closely patterned on the  
1029 old case with additional guarantees. Staff has confirmed that the 1998 zoning and density were  
1030 determined by the Board to be appropriate for this site, in essence revising the Land Use Plan by  
1031 their approval. Staff has also indicated that this request introduces a more cohesive  
1032 development with high quality design and elements of traditional neighborhoods.  
1033  
1034 School system has stated that schools can accommodate any students generated from this  
1035 development.  
1036  
1037 Gumenick family with each generation has developed to the highest of the times. We are not  
1038 asking to do anything less at Gaskins and Patterson, only to make our development better than  
1039 as previously proposed and approved. This site will be developed and it is up to you and the  
1040 Board of Supervisors as to how. The old case will not go away should this case be denied. This  
1041 represents the perfect transitional use from the single-family homes adjacent on the eastern  
1042 south to multi-family residences in Kings Crossing to the west and the significant commercial  
1043 development directly across Patterson. So it is all about choice. The right choice, promoting an  
1044 enhanced standard of development in Henrico County. The people want to live here. We have  
1045 over 140 people already on our list who have expressed an interest in purchasing a home. They  
1046 comprise a constituency that's already voted on this case with their pocketbooks. You have also  
1047 seen letters of support for this community. I would ask that you too would show your support  
1048 and recommend approval of this case to the Board of Supervisors and I'd be happy to answer  
1049 any questions.  
1050  
1051 Mrs. Ware - Are there any questions for Mr. Theobald from the Commission?  
1052  
1053 Mr. Vanarsdall - Yes, I have one. Mr. Theobald...  
1054  
1055 Mr. Theobald - Sir.

1056  
1057 Mr. Vanarsdall - ...when you first filed this case, this new case, how many units did  
1058 you file it for? I mean...  
1059  
1060 Mr. Theobald - Actually when it was first filed I believe, I believe we filed it for 220  
1061 units, but before filing we had discussed with the neighborhood the possibility of 262 units, I  
1062 believe. But we started working with neighbors back in February or March of this year, before  
1063 the case was filed, so we had made a number of revisions to the proffers before it was actually  
1064 filed in May.  
1065  
1066 Mr. Vanarsdall - So then you got it down to the same number as '98.  
1067  
1068 Mr. Theobald - Yes, sir, that was very clear that no one was interested in having  
1069 additional units.  
1070  
1071 Mr. Vanarsdall - Thank you.  
1072  
1073 Mrs. Ware - Anymore questions? I'll come back to you after the...  
1074  
1075 Mr. Theobald - Madam Chairman, I would, I'm not sure whether there are others  
1076 here, this evening who would wish to speak in favor of this case. It is not an easy thing to do,  
1077 but I know that there are a number of people here who are not opposed to this case, are in  
1078 support of it. With your permission I would like to ask them to raise their hands at this time.  
1079  
1080 Hands Raised in the Audience.  
1081  
1082 Mr. Theobald - Thank you, very much. And we do have at least one speaker.  
1083  
1084 Mr. Silber - Members of the Commission, the applicant has approximately 2  
1085 minutes left for rebuttal. It is up to the Commission whether you want to allow additional time  
1086 for speakers. I think given the nature of this case I would suggest that the Commission consider  
1087 adding some additional time, to both sides.  
1088  
1089 Mrs. Ware - Yes, both sides.  
1090  
1091 Mr. Marshall - That is fine.  
1092  
1093 Mr. Silber - Three to 5 minutes.  
1094  
1095 Mr. Barry Hofheimer - I'll be here a minute.  
1096  
1097 Mrs. Ware - Okay.  
1098  
1099 Mr. Hofheimer - Madam Chairman, Members of the Commission, my name is Barry  
1100 Hofheimer. My wife and I have lived in the area of Gaskins and Patterson for over 30 years. We  
1101 have raised our 3 sons. They are off, empty nesters and we have been waiting to move into this  
1102 project for, ever since our youngest son went to college in 1995 almost. So we are ready for this  
1103 to happen. My office happens to be in the Boulders. I drive down Derbyshire Road everyday, so  
1104 I won't be generating any more traffic. In addition, my wife's parents live in Moreland Commons  
1105 and we'd like to stay close to them. We don't want to move to Goochland, we want to be here  
1106 and participate in this quality project. It is a lot better than what was proposed in '98. Thanks.  
1107  
1108 Mrs. Ware - Thank you, Mr. Hofheimer.

1109  
1110 Mr. Silber - Someone else wants to speak.  
1111  
1112 Mrs. Ware - Hello, Mr. Zell.  
1113  
1114 Mr. Barry Zell - My name is Barry Zell and I also live in this area. I have lived in this  
1115 area for more than 35 years, just off of Derbyshire and now just about 1½ miles away. I have  
1116 attended other meetings that most of the people here have attended. Most of what I heard was  
1117 someone who spoke about the so-called win, win situation. I think what you have the  
1118 opportunity for is a win, win, win situation. That is 3 wins, that is one for the developer, that is  
1119 one for the County which you know about, and 1 for me because you will make my wife happy.  
1120  
1121 Mrs. Ware - Thank you, Mr. Zell. Are we ready to hear from the opposition at  
1122 this time? First one, please. Let's say 4 minutes, that would kind of even out, 4 minutes a  
1123 person.  
1124  
1125 Mr. Silber - They have a total of 20 minutes. So, however they would like to  
1126 allocate that.  
1127  
1128 Mr. Howard Willard - I have about 5 minutes and 45 seconds based on my timing.  
1129  
1130 Mr. Vanarsdall - Down packed.  
1131  
1132 Mrs. Ware - Does that give everybody else who wants to speak adequate time to  
1133 make their presentation?  
1134  
1135 Mr. Willard Okay, thank you. My name is Howard Willard. I live at 9713 Old  
1136 Dell Trace and I am a member of the Neighborhood United to address Gaskins Center Group that  
1137 has been working to keep the residents and the 15 neighborhood associations surrounding  
1138 Gaskins Center informed about the proposed development and to work to create a 2004 Gaskins  
1139 Center case that benefits the surrounding neighbors, the County and Gumenick properties. The  
1140 1998 zoning on the Gaskins Center parcel was approved after an exhausted process by the  
1141 neighbors and the county with Gumenick Properties to create a reasonable compromise. My  
1142 group strongly believes that this 1998 case is significantly more advantageous than the 2004  
1143 case proposed this evening. The 1998 case included a mix of 220 townhomes, condominiums  
1144 and single-family homes that represented a compromise and a commitment by all parties  
1145 involved. The overall layout of the homes in the development and their proposed sizes were  
1146 designed to be compatible with the surrounding community. The 1998 case was presented to  
1147 the community by Gumenick Properties in 1998 as a high quality development that would be an  
1148 asset to the community. The 2004 case eliminates the single-family homes and condominiums  
1149 and proposes an all townhome development with total minimum square footage that is more  
1150 than 60% larger than proposed in the 1998 case. The developer has pointed out previously that  
1151 this calculation is based on the minimums contained in both cases and that they could build  
1152 larger units in the 1998 case. The developer probably can increase the size of the 1998 homes,  
1153 but they are limited by the elevations and plans they legally proffered in the prior case. The  
1154 massive buildings in the new case are taller, longer and less compatible with the surrounding  
1155 neighborhoods than the mix of homes in the 1998 case. In our opinion the 2004 case proposes a  
1156 development that is overbuilt for both the character of the surrounding neighborhoods and for  
1157 the intended high-end market position of the development. We believe that fewer units and  
1158 more open green space will enable the developer to hit his higher price point goals. I also want  
1159 to offer up that at least some of the pictures that were shown earlier are not included in the legal  
1160 proffers.  
1161

1162 Traffic has increased greatly since 1998. Roads in our area are already to congested and there  
1163 are no plan changes that will improve the situation. Of special concern is the fact that the  
1164 undeveloped land Gumenick owns across Gaskins from this development is already approved for  
1165 two 8-story high-rise towers with a total of 80 units. The Gaskins/Patterson intersection is a  
1166 critical intersection that is already straining under the current load.

1167  
1168 We have proposed 2 key changes to the 2004 case that would make it acceptable to our group  
1169 and represent a case that would be a win, win and I hope win for Gumenick and the neighbors.  
1170 We have recommended that they reduce the number of townhomes to 195 and provide a true  
1171 50' buffer measured from the alternative right-of-way under Derbyshire. Reducing the number of  
1172 townhomes to 195 would allow layout options that would mitigate the impact of the proposed  
1173 larger, taller buildings on the surrounding neighborhoods and also provide some relief from the  
1174 traffic issues that are going to be created by the development.

1175  
1176 Our community strongly suggest that the Planning Commission recommend denial of the 2004  
1177 case as presented this evening. There are 2 reasons to reject the 2004 case. First, it appears to  
1178 be the only way to encourage Gumenick to create a true win, win version of the 2004 case with  
1179 195 units and an expanded Derbyshire buffer. Second, the 1998 case already has the approval  
1180 of the neighborhoods, the developer and the County.

1181  
1182 Given the level of development that has occurred since 1998 and the traffic issues that currently  
1183 exist in the area. We believe that the County should only be approving new zoning cases that  
1184 move closer to the density proposed in the 2010 Land Use Plan, which for this case would  
1185 suggest a maximum of 132 homes for this parcel of land.

1186  
1187 While I understand that many people have expressed an interest in purchasing a home in the  
1188 new development I believe that they would also benefit from a reduction in the number of units  
1189 to 195, which would provide them with more open space. I know that many of you in the  
1190 audience picked up lapel stickers to indicate your alignment with our position of 195 units and an  
1191 expanded Derbyshire buffer or denial of the case in favor of the current 1998 zoning. I would  
1192 like to thank you each for coming and could each of you please raise your hand if you agree with  
1193 our proposal to recommend denial.

1194  
1195 Hands Raised in the Audience.

1196  
1197 Mr. Willard - Thank you. In addition I would like to remind everybody present  
1198 that your attendance at the Board of Supervisors Meeting is also critical.

1199  
1200 Members of the Planning Commission we appreciate your consideration and again we strongly  
1201 suggest that you recommend denial of the 2004 case.

1202  
1203 Mrs. Ware - Are there any questions for Mr. Willard from the Commission?

1204  
1205 Mr. Jernigan - I have a question. Mr. Willard you said that the building height,  
1206 these are limited to 35' and you said the other buildings...wasn't there a 4-story building in the  
1207 1998 case.

1208  
1209 Mr. Willard - Yes, there was. There was a 4-story condominium, I think. I think  
1210 my reference to the building heights is that in the past when our group has run a calculation on  
1211 the new development being substantially larger, like I said in this case in excess of 62% larger  
1212 than the old development. The developer has explained to us that they could just build the 1998  
1213 case and (unintelligible) it and I understand that there is probably some latitude for them to do  
1214 that just in using that larger calculation I wanted to explain to people that there is a limit to how

1215 much they can do that given that they proffered elevations in the 1998 case and also other plans  
1216 that would at least put some, I think, limitation on that. That was my intention with that part of  
1217 our comments.  
1218  
1219 Mr. Jernigan - Another thing, you have 62% green space. That is pretty good.  
1220  
1221 Mr. Willard - That is your opinion, I think.  
1222  
1223 Mr. Jernigan - Well, I mean it, from what I've seen on other developments 62% is  
1224 a lot of open space.  
1225  
1226 Mr. Marshall - I have a question about the buffer. Isn't the current buffer 25' along  
1227 Derbyshire in the '98 case?  
1228  
1229 Mr. Willard - I believe that to be correct.  
1230  
1231 Mr. Marshall - And this case it is 50'.  
1232  
1233 Mr. Willard - That is correct, I believe. Well, let me be specific, the buffer on  
1234 Derbyshire in 1998 was actually a smaller buffer than existed along Patterson and Gaskins in the  
1235 1998 case with the justification being that along Derbyshire there were single-family homes that  
1236 had relatively low elevations and that really didn't need much of a buffer from the single-family  
1237 homes from across the street. With the new 2004 case there are going to be these very large  
1238 multi-unit townhome buildings that are going to be along Derbyshire and so our request to  
1239 Gumenick Properties was that they make a buffer along Derbyshire that was compatible and  
1240 comparable to the buffer they had previously created along Gaskins and Patterson because they  
1241 had changed the land use along that Derbyshire buffer. My understanding is that while there  
1242 have been some changes in the case, at least prior to this meeting with the latest proffers that  
1243 we had seen, there was not a buffer along Derbyshire that was calculated comparably and was  
1244 equivalent to the buffer along Gaskins and Patterson. And we were asking that they make that  
1245 change to this case in addition to reducing to 195 units because it doesn't make sense to have  
1246 the same buffer as the 1998 case when they changed from single-family homes to very large  
1247 multi-unit buildings.  
1248  
1249 Mr. Vanarsdall - Howard, let me ask you a question. Do you really believe that 25  
1250 fewer units would make that much difference? You said 195 out of 220.  
1251  
1252 Mr. Willard - I think our group does believe that it would make a big difference.  
1253  
1254 Mr. Vanarsdall - And the green space?  
1255  
1256 Mr. Willard - Well, what I think in the green space...  
1257  
1258 Mr. Vanarsdall - You already have 62%.  
1259  
1260 Mr. Willard - Well, I think in the green space, I think in the traffic generated by  
1261 the development and I think also in the ability to come up with sightings for the buildings on the  
1262 property that would allow some of those large buildings impact on the adjoining neighborhoods  
1263 to be mitigated.  
1264  
1265 Mr. Vanarsdall - Would this be a good case if it was 25 fewer units?  
1266  
1267 Mr. Willard - I think my group would be in favor of it, wouldn't oppose.



1268  
1269 Mr. Vanarsdall - So the quality and everything you are getting doesn't make any  
1270 differences in it.  
1271  
1272 Mr. Willard - Well, I think when we look at the 2004 with 25 fewer units we look  
1273 at the entire case. We don't look at a single element.  
1274  
1275 Mr. Vanarsdall - I tell you I have set here a long time and I don't know of any more  
1276 quality case or product that I have seen yet. I wish we could all get them in our district, like  
1277 that.  
1278  
1279 Mr. Willard - Well, I think our position would be that one more quality  
1280 improvement that would make this a win, win would be the 2004 case with 195 units.  
1281  
1282 Mr. Vanarsdall - Thank you.  
1283  
1284 Mr. Willard - Thank you.  
1285  
1286 Mr. Archer - Mr. Willard, one more question. In your remarks you stated that the  
1287 pictures that were shown tonight were not proffered. So is that an indication that if those  
1288 elevations were proffered you would be in approval of the design of the elevation.  
1289  
1290 Mr. Willard - No, I think that there were several pictures shown at the beginning  
1291 of the presentation that I think, again, getting to the quality of the development. And I just  
1292 wanted to point out to folks that at least those first 3 or 4 pictures are not proffered so that folks  
1293 were not confused. I don't know that those 3 or 4 pictures being proffered would address our  
1294 primary concerns of over 195.  
1295  
1296 Mr. Archer - Excuse me, I was just speaking of it in terms of whether or not you  
1297 opposed the elevations or just the fact that they were not proffered. Were they elevations or  
1298 just some other...  
1299  
1300 Mr. Willard - I think the elevations are proffered. I think that what we are looking  
1301 at here are part of the proffers. In the opening comments there were several pictures of the  
1302 entry gate and the layout of the pool and many other things and to the best of my knowledge  
1303 were not included in the proffers.  
1304  
1305 Mr. Archer - Okay.  
1306  
1307 Mr. Willard - We are not opposed to the elevations that are indicated in the  
1308 proffers for these buildings.  
1309  
1310 Mr. Archer - That is what I was trying to determine. Thank you.  
1311  
1312 Mr. Willard - Thank you.  
1313  
1314 Mr. Jernigan - Well, Mr. Willard, looking at the elevations of the 1998 case and  
1315 what is presented now, would you rather have the '98 case.  
1316  
1317 Mr. Willard - Yes, I think that is the case.  
1318  
1319 Mr. Jernigan - You would rather have the townhomes that were shown in the  
1320 pictures of the '98 case rather than these state of the art that are shown now.

1321  
1322 Mr. Willard - Yes, I would.  
1323  
1324 Mr. Jernigan - How many people in the audience feel that way.  
1325  
1326 Hands Raised In The Audience.  
1327  
1328 Mr. Archer - How many don't feel that way?  
1329  
1330 Mr. Vanarsdall - Half of them.  
1331  
1332 Mrs. Ware - You can ask, how many don't.  
1333  
1334 Mr. Jernigan - Thank you.  
1335  
1336 Mr. Marshall - How many don't feel that way?  
1337  
1338 Hands Raised In The Audience.  
1339  
1340 Mr. Archer - About half isn't it.  
1341  
1342 Mr. Jernigan - I don't have any more questions, Mrs. Ware.  
1343  
1344 Mrs. Ware - Okay. Any more questions for Mr. Willard from the Commission?  
1345 Thank you.  
1346  
1347 Mr. Willard - Thank you.  
1348  
1349 Mrs. Ware - Our next speaker and we have...  
1350  
1351 Mr. Silber - Fifteen minutes left.  
1352  
1353 Mrs. Ware - Do we have our next speaker? I believe there were 4 of you. Is  
1354 there someone else who would like to speak tonight in opposition? Here comes someone, we will  
1355 get you next. Thank you.  
1356  
1357 Mr. Mack Tabb - I'm Mack Tabb, 204 Kanawha Drive.  
1358  
1359 Mrs. Ware - I'm sorry, could you say your last name again?  
1360  
1361 Mr. Tabb - Tabb, T A B B.  
1362  
1363 Mrs. Ware - Thank you.  
1364  
1365 Mr. Tabb - Unlike most people here I don't live in the immediate neighborhood  
1366 although I am in the Tuckahoe District and I am here basically just to convey what is not only my  
1367 concern, but I know on a local level the two most important issues to the people in the Tuckahoe  
1368 District are education and traffic. This plan apparently will not effect us, but I tried to get a hold  
1369 of the traffic study, but couldn't. I tried to understand, it certainly looks like they are building a  
1370 lot more bedrooms then the original plan. I don't know if that is the case, but from what I see  
1371 here versus what I saw back in 1998, if one of you would ask them that question please. I don't  
1372 see how you can build that many more bedrooms and more fill them with either students or  
1373 people who are going to be driving to work. But, we are not going to impact our schools and we

1374 are not going to impact our traffic, but we are going to have a lot more bedrooms built. I would  
1375 have gone into more detail, but I just mainly wanted to let you that it is not just the  
1376 neighborhood that is concerned about the impact of this it is the entire Tuckahoe District that is  
1377 concerned and will be effected if traffic increases and if there is an increase in our schools, school  
1378 attendance.  
1379  
1380 Mrs. Ware - Are there any questions for Mr. Tabb?  
1381  
1382 Mr. Silber - Mr. Tabb, we do have the Traffic Engineer here and perhaps when  
1383 everyone has spoken we will have him respond to your concerns regarding traffic and size of  
1384 unit. Typically, from a planning prospective a larger unit doesn't necessarily mean a greater  
1385 population. There is a standard that we use for single-family homes and it is pretty close to what  
1386 you can expect in a type of development like this. Likewise, the traffic engineers also have  
1387 calculations they use on the type of unit and the expected traffic generation from that unit. Mr.  
1388 Foster can speak to that in a minute. Your point is well taken and we will have Mr. Foster  
1389 address the traffic prospective in a few minutes.  
1390  
1391 Mr. Tabb - Is there anyway I can get a hold of that traffic study before the  
1392 Supervisors meeting?  
1393  
1394 Mr. Silber - Well, the traffic study has been done by the applicant. It has been  
1395 reviewed extensively by our traffic engineering division. Mr. Foster is there a copy that can be  
1396 made available to the public?  
1397  
1398 Mr. Tim Foster - I'm Tim Foster the Traffic Engineer. We typically don't have copies  
1399 we can make available to the public. If someone wants to come by and look at them, we can  
1400 give them to them or if they want to call the engineer who did the study. Typically those are the  
1401 property of the engineers. Being a government entity and the freedom of information we have  
1402 no problem with someone coming over reading it, but we just don't have copies to give out.  
1403  
1404 Mr. Silber - Approximately how thick is it?  
1405  
1406 Mr. Foster - It's actually not a thick one. It is about...  
1407  
1408 Mr. Theobald - I'll provide him with a copy.  
1409  
1410 Mr. Silber - You will provide him with a copy, okay. Any other concerns? Thank  
1411 you.  
1412  
1413 Mrs. Ware - Thank you.  
1414  
1415 Mrs. Silber - You still have about 13 minutes.  
1416  
1417 Mrs. Ware - I think the lady over here, well here comes a gentlemen, okay, all  
1418 right.  
1419  
1420 Mr. Silber - Name, please.  
1421  
1422 Mr. Jernigan - How are you sir.  
1423  
1424 Mr. Rodney Adams - Good evening everyone I'm Rodney Adams. And if we could go back  
1425 to the survey.  
1426

1427 Mr. Vanarsdall - Where do you live Mr. Adams?  
1428  
1429 Mrs. Ware - Where do you live Mr. Adams?  
1430  
1431 Mr. Adams - Well, I live at 700 Lakewater Drive, I didn't hear where these  
1432 gentlemen lived, I think they lived with Mr. Gumenick's company.  
1433  
1434 Mrs. Ware - Actually, no there were...Do you mean the last 2 speakers?  
1435  
1436 Mr. Adams - No, not the last 2 speakers.  
1437  
1438 Mrs. Ware - Oh, I'm sorry.  
1439  
1440 Mr. Adams - Thank you. If we look at this survey (referring to slide) and if we  
1441 look at Derbyshire, what Mr. Theobald has not mentioned tonight is that they are now attempting  
1442 to acquire and have acquired 1 of the lots to fill in the cut out. That of course would be a  
1443 separate zoning case, but obviously you get the big nugget you can take the rest of it. The  
1444 problem we have is I live on the corner of Lakewater and Derbyshire and on a nice Saturday  
1445 night you can open the windows and listen to the accidents on Derbyshire. It is an incredibly  
1446 dangerous road at this juncture. Just last Saturday I was taking my 5 year old across Derbyshire  
1447 to the swimming pool, swim club that is across the street and we were about hit in that process,  
1448 he didn't run fast enough. Mr. Zell, I'm sure would be very concerned about the fact that a  
1449 number of residents in the area walked to Temple on the Sabbath. It is not unusual on the  
1450 Sabbath to hear the screeching of tires of people about to be hit at sundown. That has not been  
1451 addressed...and the irony I see in this presentation is for some reason we have sidewalks on  
1452 Patterson and on Gaskins there really almost is no pedestrian traffic on those 2 streets. On  
1453 Derbyshire there is an incredible amount of bicycle and pedestrian traffic and yet there is no  
1454 discussion of addressing those which I think is terribly important.  
1455  
1456 I didn't hear Mr. Theobald discuss the new urbanism, which was the catch phrase that we heard  
1457 during the meetings. All of these walkways and so forth apparently go to nowhere. There is no  
1458 connection with any of the other neighborhoods for all of these pedestrian walkways. If we were  
1459 to integrate this as part of the neighborhood, which I would hope that that would be the goal.  
1460 There should be connections of those pedestrian walkways into the other pedestrian areas. I  
1461 personally would like to walk over to Ukrops on Patterson. There is no way to do that under the  
1462 current plan as it is.  
1463  
1464 So will bank for the buck we are going to finally destroy the last open space in this area because  
1465 that is the last wooded area in that region of Tuckahoe. It is a very up market area, fantastic  
1466 looking developments, but it doesn't address the human factor of the dangers of Derbyshire,  
1467 which was provided for when the Sleepy Hollow Forest Subdivision was put in. There was  
1468 additional space brought in there for additional lane or sidewalks, or whatever that currently  
1469 exist. That isn't the case in this development, which it should it fact, I believe, be developed. So  
1470 with that I would ask that while I don't flat out oppose this development, I think it needs some  
1471 modifications to address those issues because we are going to be adding kids, we are going to  
1472 be adding cars, whether it is significantly worse than 1998, probably not, but 1998 was going to  
1473 have an impact on this area. Route 288 has had no impact on Derbyshire from the functional  
1474 level of those who live there. Thank you.  
1475  
1476 Applause From The Audience.  
1477  
1478 Mrs. Ware - Are there any questions?  
1479

1480 Mr. Vanarsdall - Mr. Adams, then your concern is for a sidewalk and so you are not  
1481 concerned with...  
1482  
1483 Mr. Adams - That is one of the...that is certainly the practical effect of every  
1484 weekend, every evening, there are 50 to 100 people who walk or ride bicycles up and down  
1485 Derbyshire, probably the most dangerous activity they could think of next to going up and down  
1486 Gaskins, but there is no sidewalk there. There is no area to walk period.  
1487  
1488 Mr. Vanarsdall - You are not against the project, you are just against not having  
1489 sidewalks.  
1490  
1491 Mr. Adams - I think the project is almost a done deal to the extent of what I see  
1492 here, we are going to get something. We are not going to have forest land there, as we have  
1493 none.  
1494  
1495 Mrs. Ware - Right.  
1496  
1497 Mr. Adams - So we need to develop, you are the Planning Commission, we should  
1498 plan for the neighborhood not just for this one development at a time. And to do that you need  
1499 to develop a comprehensive system to address the traffic issues including the pedestrian issues.  
1500  
1501 Mr. Vanarsdall - Thank you.  
1502  
1503 Applause from the Audience.  
1504  
1505 Mr. Silber - Mr. Adams, can I address one or two of our items.  
1506  
1507 Mr. Adams - Sure, please.  
1508  
1509 Mr. Silber - I do agree with you and I don't think this will remain a wooded tract.  
1510 I think it will be developed. It is an infill site. This is a desirable piece of property to be  
1511 developed and there is development all around it. I don't think that it is going to remain wooded  
1512 forever. That being the case we do need to look as planners to place some type of development  
1513 on this piece of property and we may have disagreements as to what is most appropriate, but I  
1514 think it is going to be developed.  
1515  
1516 Mr. Adams - Certainly.  
1517  
1518 Mr. Silber - At one point Avalon Drive was a road that included right-of-way that  
1519 went to the edge of this property and that right-of-way at the request of, I believe, your  
1520 neighborhood was vacated. That could have been a connection that could have been made at  
1521 least from a pedestrian standpoint, but I don't know if there is any pedestrian links that could be  
1522 made at this point because there are residential lots all along that side.  
1523  
1524 Mr. Adams - Well, Avalon is still...I mean, that area is still open, there could still  
1525 be pedestrian access to that. There is still, if you look at, I can't do it very well on this drawing,  
1526 but if you...  
1527  
1528 Mr. Silber - You can use the mouse to show on there.  
1529  
1530 Mr. Adams - ...if you, I'm trying to get my bearings here, in this area right in here  
1531 (referring to slide) there is an open lot there that is mostly drainage at this juncture that  
1532 pedestrian access certainly could be below the floodplain there. That would be very easy to work

1533 through. They have purchased the lot behind my house. I wouldn't say (unintelligible), but it  
1534 was purchased recently, unbeknownst to any of the neighbors and in fact, that would be a  
1535 pedestrian access because there is right-of-way along Derbyshire for any additional lane right  
1536 now that has been already built. It was primarily used as a used car lot for a long time for  
1537 neighbors to try and sell their cars, but there is also readily enough space under the right-of-way  
1538 there for the electrical company to put in sidewalks, are right there. So there certainly is an  
1539 opportunity to develop a fantastic recreational area here. Unfortunately, we are looking at an  
1540 isolation of this one individual unit and then they're going to put a big wall around it or a big  
1541 buffer around it when in fact that buffer should be there to protect the landscaping, but there  
1542 needs to be the pedestrian access and the pedestrian safety if we are in fact going to be  
1543 advancing this neighborhood as I think you are intending to do.

1544  
1545 Mr. Silber - I think your point is well taken and we certainly can look at that and  
1546 work with the developer. I don't think there are too many points so you can bring an access to  
1547 Lakewater. We can explore that. I think that has good possibilities.

1548  
1549 Mr. Adams - Readily available right there...

1550  
1551 Mr. Silber - Okay.

1552  
1553 Mr. Adams - ...as far as pedestrian access. As far as traffic access I don't think  
1554 so, no.

1555  
1556 Mr. Silber - Yes, sir. The other comment you made was the purchasing of  
1557 additional parcels along Derbyshire, that the applicant may have an interest in rezoning in the  
1558 future. From a land planning prospective I think the county's interest in determining how that  
1559 might be developed in the future, I don't think it is going to stay the way it's currently used  
1560 forever. I think the County has to consider the best use for that property, whether it is for  
1561 townhouses or for some other purpose.

1562  
1563 Mr. Adams - I think the catch phase was the highest and best use, as I remember  
1564 from law school.

1565  
1566 Mr. Silber - Well, I think in this particular case from a land planning stay point  
1567 you don't want to leave a remnant piece of property out dangling that later becomes very difficult  
1568 to develop. So I think...

1569  
1570 Mr. Adams - I don't think that is going to be a problem with the prices of property  
1571 in that neighborhood that you are going to have open spaces that are going to be derelict  
1572 homeless people living there. I think it will be developed. I think if any of those properties were  
1573 to be on the market they would be purchased as maybe a tear down property as opposed to the  
1574 property they are now. Thank you.

1575  
1576 Mrs. Ware - Anymore questions for Mr. Adams from the Commission? No.  
1577 Thank you, sir. Please state your name and address for the Commission.

1578  
1579 Ms. Lindsey Melvin - Good evening, my name is Lindsey Melvin and I live at 814  
1580 Lakewater Drive, adjacent to the property that we are speaking of and I come tonight just to try  
1581 and bring a face to the situation to the case because, again, I do live adjacent to, with a family  
1582 with two small children. And I just feel compelled, let me say I do understand very clearly that  
1583 we already have the case zoned from '98 and every time I have brought this up and spoken with  
1584 someone from the County the impression I've had is you shouldn't really complain about it  
1585 because it is already zoned. So if you complain about this one we will go back to the other one.

1586 So that is where we are. But I still live in a situation that is a democracy we ought to be able to  
1587 state what your concerns are even though if this one isn't to go then the '98 one is a go. But  
1588 essentially what my concern boils down to are very similar to the previous gentleman that spoke,  
1589 which is traffic and pedestrian safety. I am not opposed to the development as a concept. I too  
1590 understand that the property will be developed at some point likely in the near future and in  
1591 someway I don't naively hold onto the idea that it will remain a wooded tract. I do feel that over  
1592 the past several years the traffic situation since 1998 has changed significantly. Anyone that  
1593 goes through that area has lived what I'm speaking about. In addition, we've had a number of  
1594 new developments since the '98 time. There is a new one, I believe, being built off of Sleepy  
1595 Hollow that adds, I'm sorry being a layperson in this I don't have all the data, but somewhere  
1596 around 50 units. There is a new one that is being developed, I believe a little bit further out  
1597 Patterson, if I'm right, close to the Patterson/Pump area. And the combined effect of all this is  
1598 just congestion. We are already living with congestion and this will just further add more to  
1599 congestion. The bottom line is: (1) I strongly support the proposal to, put forth by NUTAG to  
1600 reduce the number of units to 195 units rather than the 220 and I do know, you say is it really  
1601 worth it, that small of a number, I believe that it is, because I believe at some point you have to  
1602 draw the line. If we let every subdivision push to the extreme then we continue to just get  
1603 congestion and at some point you just have to draw the line especially in light of the  
1604 development that has occurred since 1998. I do realize that, you know, the Gumenick Company  
1605 does have the right at this point under the previous zoning to have 220 units. Mine is not so  
1606 much about what do you have the right to do or what is within your zoning to do but is really the  
1607 right thing to do. I see everything through sort of a lens of education being a teacher and very  
1608 often what we talk to our students about is we have the right to do lots and lots of things that  
1609 doesn't mean that it is necessarily the right thing to do. And I think it will be a gesture to the  
1610 neighborhood and to the traffic situation to reduce the numbers. Finally, I would just speak to  
1611 the pedestrian traffic to echo some of the previous concerns. I have read through the staff  
1612 report and the application and I will be honest being a layperson it is tedious in reams of paper,  
1613 but I have made my best attempt to understand it, so I hope I'm not speaking under incorrect  
1614 information. The best I can understand about traffic is there has been a lot of concern about the  
1615 major streets as there should be, Derbyshire, Patterson and Gaskins. I have not been able to  
1616 find out a lot of information about any of the impact on some of the smaller streets including  
1617 Lakewater. I do understand at Avalon was closed off in '98. However, what has happened, as  
1618 anyone can tell you that lives on Lakewater, that over the last 5 years our traffic has significantly  
1619 increasing with cut through traffic. I don't know that there are any studies on that, I don't know  
1620 if that is an easy thing to measure, if you can measure who lives in the neighbor and is using it.  
1621 It is a residential street where people are cutting through to avoid traffic. That is what people do  
1622 when there is congestion; they look for the other way out. I see this as just creating further cut  
1623 through traffic. I am interested, of course, like everyone in the property value of my home going  
1624 up, but if I live on a major thoroughfare with small children my property value is not going up, it  
1625 is just not safe. Finally, it is not the county's reasonability to deal with this, but there is the  
1626 Avalon pool, which is at the end of, when you go across Lakewater it, becomes (unintelligible)  
1627 and ends at Avalon pool. That is major traffic, excuse me, a major safety situation with children  
1628 crossing the street and perhaps that is not the county's responsibility that is perhaps the parent's  
1629 responsibility to insure that their children cross the street safely. We don't belong to that pool  
1630 because I don't allow my children to cross that, but it is a frightening sight. I am cautious in that  
1631 area, but I would love to see as part of this proposal the county address some sort of a safety  
1632 feature in that area, a stop sign, I don't know. I realize that would slow traffic. Something to  
1633 address the safety of the children's pedestrian traffic. You have a tremendous amount of  
1634 children going across from the 2 different subdivisions. So, again, just to conclude, I understand  
1635 that it is already zoned for 220 and that any change to a lesser number would not be out of any  
1636 requirement to do so, but would more likely be out of a gesture to do so and I realize I'm  
1637 probably being idealistic, but I do think that is the right thing to do and I would just like to have

1638 that voiced and to make sure that the county is really looking at all the safety aspects of both  
1639 traffic and pedestrian traffic. Thank you for your time.  
1640  
1641 Mrs. Ware - Thank you. Are there any questions for...  
1642  
1643 Applause in the Audience.  
1644  
1645 Mrs. Ware - ...Ms. Melvin from the Commission? No. Thank you.  
1646  
1647 Ms. Melvin - Thank you.  
1648  
1649 Mr. Vanarsdall - Thank you.  
1650  
1651 Mrs. Ware - Do we have anyone else here to speak in opposition tonight? We  
1652 have one more. We have 4 minutes left. Do we have anybody else who wants to speak? You  
1653 all can split it. All right.  
1654  
1655 Mr. Jernigan - You have got a gentlemen over there.  
1656  
1657 Mrs. Ware - Yeah.  
1658  
1659 Mrs. James Borges - James Borges. I live in River Road Farms.  
1660  
1661 Mrs. Ware - Could you say your last name again, please?  
1662  
1663 Mr. Borges - Borges.  
1664  
1665 Mrs. Ware - Okay. Thank you.  
1666  
1667 Mr. Borges - I just wanted to address a comment that Mr. Jernigan made.  
1668  
1669 Mr. Vanarsdall - Can you give us your address?  
1670  
1671 Mr. Borges - 9500 Arrowdel Road. Mr. Jernigan you asked the audience if they  
1672 would prefer to see the architecture in the 1998 plan versus the 2004 plan and the suggestion  
1673 being that those are not attractive buildings and I quite agree with that suggestion. But I think  
1674 that to suggest that is maybe somewhat misleading. I think that if the 2004 plan was in fact  
1675 rejected we might get a different plan from the developer potentially with less units, fewer units  
1676 as maybe as desirable to the community. I think it is probably unlikely that they would go in and  
1677 building the '98 plan with uglier units that would probably be hard to sell and at a lesser value.  
1678 So, I'd like to just make that point to the board.  
1679  
1680 Also your comment about the green space. While 61% maybe high according to other  
1681 developments you have looked at, when I looked at this map and see a lot of single family  
1682 homes I say that is probably not a high percentage for this area in terms of green space and the  
1683 number of units. So, I would like for the board to consider that as well. Thank you.  
1684  
1685 Mr. Jernigan - Wait a minute I want to respond to what you said. If they build, if  
1686 you said they wouldn't build the old case they would probably build what is the new case then  
1687 that is the new case. It is just all townhouses rather than the single-family 23 single-family.  
1688  
1689 Mr. Borges - Well, if the '04 case presented currently isn't approved, don't you  
1690 think they might come back with an alternative versus just going back to building the '98 plan?



1691  
1692 Mr. Jernigan - I'll tell you...  
1693  
1694 Applause from the Audience.  
1695  
1696 Mr. Jernigan - ...let me ask you this way because I want to phrase this right. If you  
1697 got a choice, they took a Volkswagen and turned it into a Porsche.  
1698  
1699 Mr. Borges - I agree.  
1700  
1701 Mr. Jernigan - That is exactly what you are getting...  
1702  
1703 Mr. Borges - I agree. It is a beautiful development.  
1704  
1705 Mr. Jernigan - ...this is a nice development.  
1706  
1707 Mr. Borges - Well, don't tell me to be satisfied with it, please. Okay. You are  
1708 hearing our concerns, don't tell me to be satisfied with what we are getting.  
1709  
1710 Mr. Jernigan - Do what now?  
1711  
1712 Mr. Borges - I said don't tell me to be satisfied with what we are getting. We are  
1713 voicing our concerns.  
1714  
1715 Mr. Jernigan - No, what I'm saying it is a nice development.  
1716  
1717 Mr. Borges - It absolutely is.  
1718  
1719 Mr. Jernigan - But when you said if you take it and if they didn't build the old stuff,  
1720 say they'd probably build what they are doing now then that is the new case expect it is all  
1721 townhouses rather than having the 23 single family.  
1722  
1723 Mr. Borges - I don't know how to say this anymore plainly, but if this case is  
1724 rejected, I think it is likely the developer will come back with a case that is more suited to the  
1725 community. Meaning, fewer units as been suggested, 195 units. I don't think it is likely the  
1726 developer will come back and build the '98 plan.  
1727  
1728 Mr. Jernigan - Do you think that...  
1729  
1730 Mr. Borges - Which is what you were suggesting to the audience by asking us if  
1731 we thought those were, you know, more attractive buildings. Is that clear or not?  
1732  
1733 Mr. Jernigan - If you were a developer would you cut it from 220 when you're  
1734 already approved?  
1735  
1736 Mr. Borges - I don't think that is relevant.  
1737  
1738 Mr. Jernigan - Sure it is. Now I've never know anybody to do it.  
1739  
1740 Mr. Borges - You heard the developer say the value of those building are much  
1741 less than the values of the buildings in the 2004 plan, correct.  
1742  
1743 Mr. Jernigan - Right.

1744  
1745 Mr. Borges - So, don't you think they might be willing to except a few fewer units  
1746 when the overall development is going to be a much higher value. A hundred million dollar  
1747 development versus the old plan, which is, fifty or sixty million-dollar development. So , that is  
1748 the point, I don't have anything...  
1749  
1750 Mr. Jernigan - So if they're approved for 220 I really don't think they will go in and  
1751 build, they are not going to build any less.  
1752  
1753 Mr. Borges - That seems like quite...when you consider the total value of the  
1754 development. Have you calculated the total value of the development estimate on the '98 plan?  
1755  
1756 Mr. Jernigan - No. ...  
1757  
1758 Mr. Borges - Have you done it on the 2004 plan?  
1759  
1760 Mr. Jernigan - ...I looked at the elevations...  
1761  
1762 Mr. Borges - Have you done an estimate...  
1763  
1764 Mr. Jernigan - ...the architectural of what is proposed now for 220 units and what  
1765 was proposed in 1998 for 220 units. It's a whole lot of difference.  
1766  
1767 Mr. Borges - Well, I guess the most surprise you don't know the value, or don't  
1768 have an estimate of the entire development, but it seems to me that if the value of the '04 plan,  
1769 lets use an example of one hundred million dollars and the value of the '98 plan is 50 million  
1770 dollars the 2004 plan with fewer units might be worth ninety million dollars. It might be  
1771 something a developer would consider.  
1772  
1773 I guess the other question I would like to ask you, have you done an estimate of what the tax  
1774 revenues would be for the county with the this plan.  
1775  
1776 Mr. Jernigan - Have I? No.  
1777  
1778 Mr. Borges - Does the Board? Is that something that the Board is considering?  
1779  
1780 Mr. Jernigan - We normally don't do that.  
1781  
1782 Mrs. Ware - The Commission deals with land use issues.  
1783  
1784 Mr. Jernigan - We don't calculate the taxes on...  
1785  
1786 Mrs. Ware - No.  
1787  
1788 Mr. Jernigan - ...we look at...  
1789  
1790 Mrs. Ware - The land uses.  
1791  
1792 Mr. Jernigan - ...we look at...  
1793  
1794 Mr. Borges - So the potential income from this development isn't something you  
1795 take in consideration when approving a zoning case.  
1796

1797 Mrs. Ware - No, not when I look at a case. Absolutely not.  
1798  
1799 Mr. Vanarsdall - It is not our job.  
1800  
1801 Mr. Silber - No, sir. In a rezoning request the county and the state code sets  
1802 criteria for which you review rezoning request. We do not get into the evaluation of the revenue  
1803 from a project. What this Commission is slated to do, is responsible to do, is to evaluate the  
1804 appropriateness of this rezoning against the surrounding land uses and zoning, with the  
1805 underlying zoning which currently exist and makes a recommendation to the Board of  
1806 Supervisors. This body does not make the final decision. This body makes a recommendation  
1807 from a planning prospected based on the Plan's Goals, Objectives and Policies and sound land  
1808 use planning. That is what they are suppose to do. They will not be looking at the revenue side  
1809 of this development.  
1810  
1811 Mrs. Ware - Thank you. Are there anymore...  
1812  
1813 Mr. Vanarsdall - Let me ask you a question, which I haven't heard much about this  
1814 this evening. Won't you admit that the developer has just about done everything they can do to  
1815 make this a much better case then they started out?  
1816  
1817 Mr. Borges - No, sir I wouldn't admit that and I don't think that's what you have  
1818 heard from the community.  
1819  
1820 Mr. Vanarsdall - They haven't given you a better...  
1821  
1822 Mr. Borges - So I would ask you not to admit that at this point either.  
1823  
1824 Mr. Vanarsdall - You don't think they have done anything to make it a better case for  
1825 you and the other people?  
1826  
1827 Mr. Borges - Oh, absolutely, I think they have, but I don't think we should be  
1828 satisfied at this stage.  
1829  
1830 Mr. Vanarsdall - I kind of get the impression you would like for nothing to be there  
1831 and...  
1832  
1833 Voices from Audience - No, no.  
1834  
1835 Mr. Borges - You've got the wrong impression.  
1836  
1837 Mr. Vanarsdall - We would all like to see the woods stay there.  
1838  
1839 Voices from the Audience - We're not saying that.  
1840  
1841 Mr. Borges - I hope you listen to the people from the community that spoke a  
1842 little bit more carefully than that. I don't think that is what we have heard.  
1843  
1844 Mr. Vanarsdall - I said that was my opinion. I have an opinion.  
1845  
1846 Mrs. Ware - Are there any more questions for Mr. Borges? Thank you.  
1847  
1848 Mr. Silber - About 3 minutes.  
1849

1850 Mrs. Ware - We have 3 minutes. Did you want to come speak, please?  
1851  
1852 Mr. Joseph Gainfortoni - I will try to speak clearly for you. My name is Joseph Gainfortoni. I  
1853 live at 113 Branchview Circle in George's Bluff. I just wanted to sort of summarize a couple of  
1854 things for this. I mean the main concerns that we've had and we've expressed have to do with  
1855 population density; it has to do with school issues, which have to do with traffic issues. I think  
1856 that the Gumenick Properties is trying to sell us the idea that these are quality townhouses,  
1857 which they are, similar to Northern Virginia, is going to help us, is not necessarily what we want  
1858 since the people in Northern Virginia are screaming because of there population density and  
1859 traffic problems. I think that we have for, if we can summarize it, four options: one is to deny  
1860 the request at this time for rezoning and to make the amendments to the original plan. I think  
1861 that this would limit the population density and therefore the pressure on the roads and the  
1862 schools. Having larger houses will mean larger, more bedrooms and more people filling them. I  
1863 don't think that the assumption is that you can make are going to be limited by saying that these  
1864 are 2 family, 2 people houses. The second, as we stated would be to decrease the number of  
1865 units, which would also decrease the number and this could be done and keep the enhancements  
1866 that they mentioned. The third possibility would be to eliminate or to decrease the size of the 8  
1867 story apartment buildings that are going to be made across the street at Gaskins. When we first  
1868 talked about these back in '95 and '98 that these were really quite an issue, but by decreasing  
1869 those (unintelligible) that would also help to eliminate or at least decrease the pressure. By  
1870 looking, as somebody said, at the overall effect that we have on the surrounding areas and the  
1871 developments instead of piece milling it here, here, here and here, but to look over the whole  
1872 plans would be appropriate. And the fourth one maybe to make the entire development a  
1873 community of 55 or older, which would help to ensure limited use of those extra bedrooms.  
1874  
1875 Mrs. Ware - Are there any questions for Mr. Gainfortoni from the Commission?  
1876 No. Thank you, sir.  
1877  
1878 Applause from the Audience.  
1879  
1880 Mrs. Ware - Is there anyone else who would like to speak in opposition. All right,  
1881 Mr. Theobald, rebuttal.  
1882  
1883 Mr. Theobald - Not really, Madam Chairman. I think that we've probably discussed  
1884 this case long enough. We have met with neighbors on any number of occasions. I know there  
1885 are different points of view that produce the diversion of opinion and that, at least we can all  
1886 take pride that we live in an area where we can agree to disagree and voice our views. I can  
1887 only promise that if permitted Gumenick Properties will far exceed their written commitments and  
1888 create a first class neighborhood that will truly redefine the standards of quality development in  
1889 all of Henrico County and I appreciate your attention this evening. Thank you, very much.  
1890  
1891 Mrs. Ware - Before you leave I'd like to ask a few questions and perhaps other  
1892 Commissions Members would as well. But I do want to ask you, the concern has been brought  
1893 up many times throughout this process and tonight concerning the perimeter of the  
1894 development, the impact and it was brought up in the staff report as well, the impact of the  
1895 larger Executive Homes on the adjacent property owners as well as the lost of the single family,  
1896 the 23 single family homes and the replacement of the Executive Homes and the impact that has  
1897 on the surrounding area and this development. Is there anyway that you could see to minimize  
1898 the bulk of these units? Moving things around, changing things perhaps that would even be  
1899 considered a reduction.  
1900  
1901 Mr. Theobald - A reduction in...  
1902

1903 Mrs. Ware - Well, in some way in which to lessen the impact of these larger units  
1904 that are up against these single family homes.  
1905  
1906 Mr. Theobald - The impact, Mrs. Ware, have already been demonstrated to not exist  
1907 in regards to traffic and to not exist with regard to schools and if you are referring to the visual  
1908 impacts on the homes along Lakewater and Derbyshire, please remember that the homes along  
1909 Derbyshire as proposed in this new plan are 2 stories in height. Just like the homes across the  
1910 way in Gaslight and along Derbyshire and the landscaping has been supplemented as you see it  
1911 here (referring to slide). This is a perhaps an example of what you would see without any  
1912 additional landscaping under the old plan and with landscaping under the new. We have actually  
1913 pulled our buildings back off of the Lakewater line and added the additional landscaping in order  
1914 to create a wall of vegetation. We've turned some buildings down in that corner closer to Mr.  
1915 Adams home, we have provided additional setbacks of 135' off the property line back and there  
1916 was 75' buffers as well. We believe we have very significantly, you know, mitigated the impacts,  
1917 the visual impacts, both in terms of the landscaping, not to mention that if you could see through  
1918 at the quality that you would see.  
1919  
1920 Mrs. Ware - What are the actual length of these units?  
1921  
1922 Mr. Theobald - About 120' to 130' long of the kind, the type that are along that  
1923 edge. Keep in mind that they are the same number of units along that edge under this plan as  
1924 under the 1998 plan. There are still 32 units along that edge. These are (unintelligible) on the  
1925 Executive Homes versus the Duplexes under the old and actually this new product would on a  
1926 relative basis be the same height if not a little bit lower than under the old plan because we are  
1927 depressing the grade of the Executive Homes along these perimeters. The old plans had crawl  
1928 spaces and these do not, so just if you took a mean sea level elevation as to what you look at at  
1929 the back of somebody's home you would be looking at virtually an identical roofline.  
1930  
1931 Mrs. Ware - What I hear is the people feel that they have lost the single-family  
1932 homes and the lower impact along these perimeter areas with the new plan.  
1933  
1934 Mr. Theobald - They have also lost the 4 story stacked condominium units and  
1935 looking into the backyards of other people, 25' buffer.  
1936  
1937 Mrs. Ware - That is true. I believe the comment was made that that wasn't  
1938 along the exact perimeter though. That is what I was speaking too as well as the difference in  
1939 now that is not the mix of units. Now it is totally townhomes as opposed to...  
1940  
1941 Mr. Theobald - They are totally townhomes, but they certainly are a wonderful  
1942 variety of architectural styles.  
1943  
1944 Mrs. Ware - They are. Are there any questions for Mr. Theobald from the rest of  
1945 the Commission?  
1946  
1947 Mr. Archer - Mr. Theobald.  
1948  
1949 Mr. Theobald - Sir.  
1950  
1951 Mr. Archer - I would just like to possibly make a comment, it might be in the form  
1952 of a question and I think Madam Chairman already asked that in terms of whether or not there is  
1953 any re-arrangement that could be done that could make this more palatable to the neighborhood. I  
1954 ask that because, you know from where we set up here, when hands were raised the split looked  
1955 almost 50/50 and personally I hate to see neighborhoods divided against themselves and we're

1956 always (unintelligible) compromised. I'm just wondering if there is anyway that an arrangement  
1957 of the project could be made to more satisfy the folks who are opposed to it.  
1958  
1959 Mr. Theobald - Honestly, Mr. Archer I just don't know how we could do that. In the  
1960 context and the shape of this parcel there has to be a linear orientation along those property  
1961 lines and we have to meet road width requirements and we have to respect the wetlands that  
1962 are on this site as well. So it is not as though we can load all the units up onto Gaskins Road and  
1963 the county has setback requirements between buildings as well that we have to deal with. We  
1964 have tried to tweak this along the way to preserve the lakes, the pedestrian walkways, preserve  
1965 the significant buffers and obviously all of that takes up your usable area. So I honestly don't  
1966 know how to reorient this in a way that still delivers 220 units. We do have the nearly identical  
1967 amount of green space as under the old case. So, that is the best I can answer for, Mr. Archer.  
1968  
1969 Mr. Archer - Well, that was what I was looking for. Just wanted to make sure  
1970 that it had been done.  
1971  
1972 Mrs. Ware - The large contingent of the people here tonight have asked for a  
1973 decrease in the number of units.  
1974  
1975 Mr. Theobald - Yes.  
1976  
1977 Mrs. Ware - I'm going to ask your response to that.  
1978  
1979 Mr. Theobald - It doesn't serve a purpose. I'm not sure what purpose it satisfies.  
1980 We have 220 units presently approved, we'd like to build 220 units. We've already demonstrated  
1981 and I won't repeat again, the lack of impact on county infrastructure that these 220 units would  
1982 provide. To cut your project over 10% I'm not sure anybody here who is in business and I  
1983 resume we all are, would consider such a thing given the rights they have, given the amount of  
1984 money that they've spent on the architecture and the landscaping to ensure that its going to be  
1985 an absolute jewel of a development. So, Ms. Ware you have asked me that before and that I  
1986 respectfully decline and I don't mind you asking that at all, I know you have to.  
1987  
1988 Mrs. Ware - Are there any more questions for Mr. Theobald from the  
1989 Commission? Would the Commission care to hear from the Traffic Engineer concerning the  
1990 traffic issues in the area?  
1991  
1992 Mr. Silber There was, I believe, a Mr. Tabb had some questions about traffic  
1993 and size of units relative to traffic. I think maybe, I promised that Tim Foster would address that  
1994 comment.  
1995  
1996 Mrs. Ware - We'll do that briefly.  
1997  
1998 Mr. Silber - If there are any other questions that the Commission has of Tim  
1999 Foster this might be a good time to ask.  
2000  
2001 Mrs. Ware - Good evening, Mr. Foster.  
2002  
2003 Mr. Tim Foster - Thank you, Madam Chairman. I am Tim Foster. I am the Traffic  
2004 Engineer for the county. This is a situation and in these types of cases that obviously from a  
2005 traffic standpoint the best thing would be nothing. Unfortunately, in this case there is already  
2006 220 units on this development, so what we look at is what can go there versus what is proposed.  
2007 As far as the traffic generation goes, trip generation is what we call a best guess. It is based on  
2008 what we call the Trip Generation Handbook published by the Institute of Transportation

2009 Engineers. It is based on dwelling units, not size, not the number of bedrooms. The reason  
2010 being is that they have numbers for people in households and that type of thing, but the  
2011 overwhelming more accurate number tends to be dwelling units. What we have done is an  
2012 average, actually it's a lot (unintelligible) equation, but it is really an average. There are some  
2013 townhouses of this size that generate 10 trips per day. There are some that generate 2 trips per  
2014 day, but the typical national average for these types of development even of this size is  
2015 approximately 6 trips per day. I am simplifying it, like I said, it is all lot (unintelligible) equations.  
2016 So, we have done some counts in the area ourselves and we found even single-family homes,  
2017 we've got some subdivisions that generate an average of 14 trips a day. We've got some that  
2018 generate an average of 8 trips a day and we've also found is that size of the dwelling unit doesn't  
2019 make that much difference. Household sizes are typically standard all over the county with  
2020 families. So, to answer that question it is a national average, it is a best guess, but they seem to  
2021 be pretty accurate.

2022

2023 Mrs. Ware - Any questions for Mr. Foster? Thank you, very much.

2024

2025 Mr. Silber - Thank you.

2026

2027 Mrs. Ware - Are there any more questions at all from the Commission? Okay.  
2028 Then I guess it is time for me to make a motion. As you can assess from being here tonight this  
2029 case has a long and very complicated history. The current zoning that is on this property was  
2030 past by the Board of Supervisors following a lengthy mediation, or a lengthy negotiation through  
2031 court order mediation which was a result of a lawsuit which was brought by the applicant. The  
2032 details of the new case are generally positive when compared to the 1998 case and many of the  
2033 elements remain the same. The number of units remain at 220. Seventy-one units would  
2034 continue to be age-restricted. The buffers are the same or increased. There is increased  
2035 landscaping over the 1998 plan, quality construction materials and design are evident. Traffic  
2036 can be accommodated and schools can accommodate this development. After many large and/or  
2037 lengthy meetings concerning this case I believe there remains one outstanding and very  
2038 important issue and that is the mixture of uses proposed. The 1998 case offers a mix of uses,  
2039 which reduce the impacts on the adjacent property owners and the neighborhoods. With the  
2040 new case the 23 single-family homes along Derbyshire are lost. These homes along with the two  
2041 four story condo buildings have been replaced in the new case by all townhomes. The units that  
2042 have been proposed for the perimeter of the development are larger in length and thus impose a  
2043 different scale and bulk that appears to overwhelm, that appears overwhelming to those single  
2044 family houses that surround the property to be developed. In order to reduce this impact the  
2045 massive structures would need to be moved further away from the perimeter of the  
2046 development. This could be done by reducing the number of units to create a larger buffer or  
2047 moving different housing types to the perimeter areas to reduce the imposing impacts of this  
2048 Executive Home style. Throughout the meetings, discussions and communications with  
2049 neighborhood groups, this concern has been repeatedly expressed. The consensus of the  
2050 citizens in the area, and have received reams of emails, letters and phone calls as well, but the  
2051 consensus of the citizens in this area is that they would prefer the old 1998 plan with the lower  
2052 perimeter impacts even if this means excepting an older design style and fewer quality  
2053 construction products and features. Perhaps a movement can be made between now and the  
2054 Board of Supervisors, if I see any wiggle room or negotiating room with this case its in this area  
2055 of impacts on the adjacent neighborhoods. Therefore, I feel I must move that C-35C-04 be sent  
2056 to the Board of Supervisors with a recommendation of denial.

2057

2058 Mr. Vanarsdall - I'll second the motion just to get it on the floor only.

2059

2060 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall,

2061

2062 All in favor: Mrs. Ware.  
2063  
2064 All opposed: Mr. Marshall  
2065 Mr. Vanarsdall  
2066 Mr. Archer  
2067 Mr. Jernigan  
2068  
2069 Mr. Donati abstained.  
2070  
2071 Mrs. Ware - Okay, we'll need another motion.  
2072  
2073 Mr. Marshall - Madam Chairman...  
2074  
2075 Mrs. Ware - Wait a second. We have one...  
2076  
2077 Mr. Silber - I recorded one voting in favor and four against, Mr. Donati  
2078 abstained.  
2079  
2080 Mr. Donati - Abstained.  
2081  
2082 Mr. Silber - Then that motion failed.  
2083  
2084 Mrs. Ware - We will need another motion, please.  
2085  
2086 Mr. Marshall - Madam Chairman, I'm going to make a motion that C-35C-04 be  
2087 recommended for approval to the Board of Supervisors. Before I do that and before it is  
2088 seconded I want to state some reasons why. From a planning prospective we are asked to look  
2089 at these cases as a planning issue. Currently we have a 1998 case on the books that can be built  
2090 tomorrow. So the issue was to look at this case compared to that case because it wasn't a  
2091 rezoning of an A-1 parcel, which would allow us a lot of led way as far as what we could require  
2092 of the developer. From the start the number of units, as you stated are the same. The fact that  
2093 four story buildings were eliminated, I think is a big positive for the development. The fact that  
2094 the buffer along Derbyshire was increase or doubled from 25' to 50' was a definite plus. The fact that  
2095 the surface parking that you get with apartment style buildings was eliminated and you now  
2096 have attached garages, I think is a big plus that appeals for the case. And a lot of people raised  
2097 the issue of traffic and I certainly understand that in the last 6 years since the old case traffic has  
2098 increased. The problem is under the '98 case you will be having 277 more trips per day then you  
2099 would have under this case. So by approving this case we are lessening the traffic impact not  
2100 increasing. The supplemental landscaping in the buffer areas, I think, and the increase in some  
2101 of the buffer definitely addresses the increase and size in the units. There are some setbacks as  
2102 much as 150', I think against Sleepy Hollow Forest, which is a plus. The square footage  
2103 minimums were raised and I say minimums because even under the '98 case they could have  
2104 built as big of a units depending on how they configured them, I guess and there has been no  
2105 doubt or argument about the quality of construction. Our school systems said, yes there is an  
2106 impact on schools as is when one house is built, but our schools can handle the students from  
2107 the case as they could, I guess, from the '98 case. You can ask someone to build less, but as Mr.  
2108 Jernigan stated we've never seen anybody asking that and quite frankly it is rare to see someone  
2109 to come in for rezoning or back on a project and want to do to the extent of this case so much  
2110 more quality. It is usually gives me the bare minimums or maximums. I see this case as a lot of  
2111 maximums as far as quality goes. Sure you can take a gamble and say, well they may not build  
2112 the '98 case, but from a planning prospective that is not something I need to look at because I  
2113 think if we have a chance, why take the chance that they would build a '98 case when we have a



2114 case before us that is definitely a great improvement. So for all those reasons I want to  
2115 recommend this case for approval to the Board of Supervisors.  
2116  
2117 Mr. Vanarsdall - I second.  
2118  
2119 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall.  
2120  
2121 All in favor: Mr. Marshall  
2122 Mr. Archer  
2123 Mr. Vanarsdall  
2124 Mr. Jernigan  
2125  
2126 Mr. Donati - abstained  
2127  
2128 All opposed: Mrs. Ware  
2129  
2130 The motion passes.  
2131  
2132 Mr. Silber - Four to one, one abstaining. The motion passes. The  
2133 recommendation will go onto the Board of Supervisors with a positive recommendation. This will  
2134 come up before the Board of Supervisors at their meeting in October.  
2135  
2136 Mrs. Ware - We'll take a minute or two for those involved in this case to clear out  
2137 and we are going to proceed with the next case on the agenda at this time. So if you all will  
2138 please exit to the lobby for your conversations I would appreciate it.  
2139  
2140 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning  
2141 Commission voted 4-1 (one abstention) to recommend that the Board of Supervisors **grant** the  
2142 request because the proposed 220 townhome units would be no more intensive than the existing  
2143 approval for 220 residential units and is reasonable in light of the current R-3C, R-5C, RTHC  
2144 zoning districts on the property and the R District zoning in the area; and the proffered  
2145 conditions would provide for a higher quality of development than currently allowed or would  
2146 otherwise be possible.  
2147  
2148 Mrs. Ware - Are we ready to resume?  
2149  
2150 Mr. Silber - The next request is on page 4, in the Varina District.  
2151  
2152 **C-39-04 Stuart Ludeke for Rodney Williams:** Request to rezone from A-1  
2153 Agricultural District to R-3 One Family Residence District, part of Parcel 815-727-4924, containing  
2154 .182 acre, located on the east line of Orams Lane, approximately 530 feet south of Natchez Road.  
2155 The applicant proposes adding this property to the Orams Estates Subdivision to potentially allow  
2156 an additional residential lot. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4  
2157 units net density per acre. The site is in the Airport Safety Overlay District.  
2158  
2159 Mrs. Ware - Good evening, Mr. Gidley.  
2160  
2161 Mr. Paul Gidley - Good evening, Madam Chairman. Thank you.  
2162  
2163 This is a request to rezone 0.182 acres of land from A-1 to R-3 in order to create an additional lot in  
2164 the future Orams Estates subdivision. The 2010 Land Use Plan designates the site as Suburban  
2165 Residential 2.  
2166

2167 In order to create this additional lot, the applicant is proposing to combine this piece of land,  
2168 subject to tonight's rezoning, with a portion of lot 10 in the Orams Estates Subdivision. However,  
2169 the portion of lot 10 that would be combined with this lot was required during subdivision  
2170 approval to be reserved for a future access road to the undeveloped property to the east. The  
2171 proposed rezoning would conflict with this condition.

2172  
2173 The reasons for requiring this road during subdivision approval still exist. Several large,  
2174 undeveloped parcels of land exist to the east of this subdivision. For these to be developed in a  
2175 coordinated fashion would require them to have access to public roads and utilities. In addition,  
2176 without this street stub, the block of lots would exceed the length allowed under the Subdivision  
2177 Ordinance. As a result, staff does not support the rezoning of this property.

2178  
2179 This concludes my presentation. I would be happy to try to answer any questions you may have.

2180  
2181 Mrs. Ware - Before we go to questions for Mr. Gidley I do need to ask if there is  
2182 any opposition to C-39-04. No opposition. Okay, are there any questions for Mr. Gidley from the  
2183 Commission?

2184  
2185 Mr. Jernigan No.

2186  
2187 Mrs. Ware - Thank you, Mr. Gidley.

2188  
2189 Mr. Gidley - Thank, you, Madam Chairman.

2190  
2191 Mrs. Ware - Would you care to hear from the applicant?

2192  
2193 Mr. Jernigan - Yes, I would like to hear from the applicant.

2194  
2195 Mrs. Ware - The applicant. Would you please come forward and give us your  
2196 name and address.

2197  
2198 Mr. Rodney Williams - Good evening, my name is Rodney Williams. I live at 4229 Seminary  
2199 Avenue.

2200  
2201 Mr. Vanarsdall - Are you any kin to Attorney Rodney Williams?

2202  
2203 Mr. Williams - That is my old man, sir.

2204  
2205 Mr. Vanarsdall - Okay. I was looking forward to seeing him tonight.

2206  
2207 Mr. Williams - He couldn't make it tonight, it is past his bedtime. Should I begin?

2208  
2209 Mr. Jernigan - Yeah, go ahead, Rodney.

2210  
2211 Mr. Williams - All right. Lets see here, I own the adjacent subdivision, Orams  
2212 Estates and I've been trying to develop this subdivision for the past 4 years now. The reason I  
2213 have not been successful in developing this subdivision is all due to a drainage outfall problem. I  
2214 have gone through a number of different engineers and I've finally been successful in finding an  
2215 engineer who has been able to solve this drainage outfall problem. His plan, although I don't  
2216 have it in writing yet, but his plan has been for all intents and purposes accepted by Public  
2217 Works, Bob Thomspson with Public Works. In order for me to move forward with this new  
2218 drainage plan I'm having to acquire this triangular shape piece, this web shaped piece of  
2219 property that is owned by Stuart Ludeke. I first approached Mr. Ludeke about obtaining an

2220 easement in order to work in front of his property along beside the roadside ditch. He was not  
2221 interested in giving or selling an easement. He wanted to sell the real property, and to put it  
2222 bluntly, the only way I can justify the purchase price that I contracted to pay for the land from  
2223 Mr. Ludeke is to convert this web shaped piece into an eleventh building lot. Right now Orams  
2224 Estates is only approved for 10 lots. I have some extra square footage at Lot 10 that is  
2225 contiguous to the south of this web shaped piece and there is enough square footage per the R-3  
2226 minimum lot size requirements to create an eleventh lot. The only obstacle is this reserved area  
2227 for a future street to access the property to the east, it abuts me and also for what it is worth we  
2228 could buy that property and the property to the east of that. It did not pass a feasibility study  
2229 done by my engineers because of sewer problems. We couldn't get the fall to the sewer in  
2230 Orams. I don't see anyway that property can be developed anytime soon. If it could I would like  
2231 to buy it. That is all I have to say.  
2232

2233 Mr. Jernigan - All right. Rodney, you remember when you came to see me on this  
2234 property?  
2235

2236 Mr. Williams - Yes, I did.  
2237

2238 Mr. Jernigan - You were in trouble weren't you?  
2239

2240 Mr. Williams - A little bit.  
2241

2242 Mr. Jernigan - And I told you that I would go and talk to Public Works. As a matter  
2243 of fact I made 2 trips. Mr. Donati made a trip too. And when I came back and told you I said,  
2244 "Rodney, I may be able to get you 5 lots out of here", and what did you tell me?  
2245

2246 Mr. Williams - I can't remember.  
2247

2248 Mr. Jernigan - You told me, man if you can do that I'll be happy. You got 10 lots.  
2249 You got approval for 10 lots.  
2250

2251 Mr. Williams - I got approval for 10 lots, but I'm having to spend twice the amount  
2252 of money on drainage and road side improvements, curb and gutter, road widening.  
2253

2254 Mr. Jernigan - You had to do that anyway.  
2255

2256 Mr. Williams - Not for 5 lots. Five lots was...  
2257

2258 Mr. Jernigan - No, but you told me you would be happy with 5 lots because you  
2259 told me what you paid for the property and you were in trouble with the drainage.  
2260

2261 Mr. Williams - Five lots with a roadside ditch.  
2262

2263 Mr. Jernigan - Now you have an approval for 10, but when you got that approval  
2264 you had to make a deal that you wouldn't make the eleventh lot.  
2265

2266 Mr. Williams - That is not correct.  
2267

2268 Mr. Jernigan - That is what it said here (referring to staff report), "would conflict  
2269 with the condition of approval for the Orams Estate Subdivision which requires a portion of the  
2270 property be reserved for a future road". That was in the condition of the subdivision.  
2271

2272 Mr. Williams - What we are talking about, 4 years. What condition are we talking  
2273 about?  
2274  
2275 Mr. Jernigan - It was a condition in your subdivision that you wouldn't try and zone  
2276 that eleventh lot and leave it as an access for the property behind you. If you take that lot that  
2277 land behind you is land locked.  
2278  
2279 Mr. Williams - That land fronts Nine Mile Road.  
2280  
2281 Mr. Jernigan - Anise, okay, you didn't raise your hand earlier.  
2282  
2283 Ms. Anise Williams - I'm here.  
2284  
2285 Mr. Jernigan - Does that property run all the way to Nine Mill that you have.  
2286  
2287 Ms. Williams - Yes, sir. It fronts on Nine Mill Road, 151.78 areas.  
2288  
2289 Mr. Jernigan - I thought you said it didn't.  
2290  
2291 Ms. Williams - Yeah, mine fronts. I have frontage on Nine Mile Road all the way  
2292 back.  
2293  
2294 Mr. Jernigan - Rodney, do you remember. Did you get a staff report?  
2295  
2296 Mr. Williams - No, sir.  
2297  
2298 Mr. Jernigan - You didn't. Stuart Ludeke filed the case, right?  
2299  
2300 Mr. Williams - I filed the case. He is actually the agent for the owner.  
2301  
2302 Mr. Jernigan - Okay, because in here it said Stuart Ludeke for you.  
2303  
2304 Mr. Williams - That is a mistake.  
2305  
2306 Mr. Jernigan - But in your subdivision approval you agreed not to go for the  
2307 eleventh lot.  
2308  
2309 Mr. Williams - I have no subdivision approval. All I have is a final approval for a  
2310 final plat dated back to the year 2000 that was subject to Public Works approving the  
2311 construction and utility plans, which they're rejecting.  
2312  
2313 Mr. Jernigan - Paul.  
2314  
2315 Mr. Gidley - Yes, sir.  
2316  
2317 Mr. Jernigan - Are we misreading this? It said in the proposal it would conflict with  
2318 the condition of approval for the Orams Estate Subdivision which requires a portion of the  
2319 property be reserved for a future road".  
2320  
2321 Mr. Gidley - You are correct, sir. I can read that from the subdivision file which  
2322 is here. Also, Ms. Anise...  
2323  
2324 Mr. Jernigan - Williams.

2325  
2326 Ms. Williams - Williams.  
2327  
2328 Mr. Gidley - ...I'm sorry, Anise Williams, who is the gentle lady here, evidently  
2329 fears that VDOT may use the Nine Mile frontage in front of her for a turn lane which could make  
2330 access to her property via (unintelligible) difficult. But I would be happy to pull the subdivision  
2331 file for you.  
2332  
2333 Mr. Jernigan - No, if you know it is there...  
2334  
2335 Mr. Gidley - Yes, sir.  
2336  
2337 Mr. Jernigan - ...it is there. Rodney, I can't help you on this.  
2338  
2339 Mr. Williams - Well...  
2340  
2341 Mr. Jernigan - I'm not going to land lock Ms. Williams.  
2342  
2343 Mr. Williams - ...all I can tell you is... How is she land locked? She has frontage on  
2344 Nine Mill Road.  
2345  
2346 Mr. Jernigan - Well, he just said that it will be used as a turn lane.  
2347  
2348 Mr. Williams - Turn lane where?  
2349  
2350 Mr. Jernigan - VDOT requires it as a future turn lane. But, the deal that you made  
2351 with us was you wouldn't go after the eleventh lot.  
2352  
2353 Mr. Williams - I've made no deals. I am completely unaware of what you are  
2354 telling me.  
2355  
2356 Mr. Jernigan - All right. Well, what we can do then, Mr. Gidley, between now and  
2357 the Board of Supervisors he can get you a copy of it and let you see it.  
2358  
2359 Mr. Williams - I've made no deals. I've agreed to nothing. This, the whole reason  
2360 for my even being here is to solve a drainage problem.  
2361  
2362 Mr. Jernigan - Well, the way I'm reading this you already have an approval for the  
2363 lots.  
2364  
2365 Mr. Williams - When is this approval dated.  
2366  
2367 Mr. Silber - Subdivision approval?  
2368  
2369 Mr. Marshall - It is the tentative subdivision approval.  
2370  
2371 Mr. Silber - Sure, staff should have that.  
2372  
2373 Ms. Moore-Illig - The approval pertains to a conditional approval that was granted by  
2374 the Board of Supervisors September 27, 2000. So, it's at the conditional approval phase and that  
2375 is what we are referring to with the condition.  
2376  
2377 Mr. Silber - It was granted by the Planning Commission.

2378  
2379 Ms. Moore-Illig - I'm sorry, by the Planning Commission, you are correct.  
2380  
2381 Mr. Silber - So they don't have final approval, but they have conditional  
2382 approval.  
2383  
2384 Ms. Moore-Illig - That is correct.  
2385  
2386 Mr. Silber - Part of the conditional approval is this condition that requires the  
2387 road access.  
2388  
2389 Ms. Moore-Illig - Exactly.  
2390  
2391 Mr. Jernigan - So that is in the approval. I mean that is in the subdivision case that  
2392 we won't go for the eleventh lot.  
2393  
2394 Ms. Moore-Illig - That is correct. That it would have to be reserved for future  
2395 construction of public street from Orams Lane to the adjacent parcel to the east. It was  
2396 condition number 12.  
2397  
2398 Mr. Silber - And in the staff report, Ms. Moore, it would have been sent to, in  
2399 this case, to the representative.  
2400  
2401 Ms. Moore - It would have been to the (unintelligible).  
2402  
2403 Mr. Silber - So that is why Mr. Williams didn't receive it.  
2404  
2405 Mr. Williams - I have that dated back to '04, but that is a conditional approval  
2406 subject to Public Works approving the drainage problems over there that you and Mr. Donati are  
2407 aware of.  
2408  
2409 Mr. Silber - Now, the conditional subdivision approval is granted by the Planning  
2410 Commission and a condition was placed on that approval that a stub road would be provided  
2411 through this property or reserved to access a property to the east. So that condition is on there  
2412 and has to stay on there unless it is removed by the Planning Commission.  
2413  
2414 Mr. Williams - Okay, well I'm asking you to remove it then.  
2415  
2416 Mr. Silber - What is before the Commission tonight is a request for rezoning, it is  
2417 not the subdivision. They don't have the right at this point and time to remove that condition.  
2418  
2419 Mr. Williams - Okay. Well can we still rezone the land with the contemplation that  
2420 we can later address removing that reserved area?  
2421  
2422 Mr. Silber - It is up to the...  
2423  
2424 Mr. Jernigan - Well, let me ask you this...would you rather give up another lot and  
2425 let her have another lot for access and get this little portion here?  
2426  
2427 Mr. Williams - Not really. I can only justify the cost that...the price that the owner  
2428 wants for that land by creating an eleventh building lot.  
2429  
2430 Mr. Jernigan - Well, Rodney you told me you would be happy with 5 lots.

2431  
2432 Mr. Williams - Five lots if Public Works would agree to a roadside ditch. They won't  
2433 agree to it. They want complete road widening, curb and gutter, storm sewer, which requires  
2434 moving power poles.  
2435  
2436 Mr. Jernigan - Well, we can't do that. I mean that would land lock Ms. Williams. It  
2437 is a condition in the conditional approval that you won't seek the eleventh lot. I'm not going to  
2438 change that.  
2439  
2440 Mr. Williams - Well, it doesn't say anything about an eleventh lot, not seeking an  
2441 eleventh lot. It just said, 50' reserved area for a future road.  
2442  
2443 Mr. Jernigan - But you are land locking her.  
2444  
2445 Mr. Williams - Well, there may be a way...  
2446  
2447 Mr. Jernigan - You said that you wouldn't do that.  
2448  
2449 Mr. Williams - I never said I wouldn't do anything. There is nothing...  
2450  
2451 Mr. Jernigan - It is in the conditional approval.  
2452  
2453 Mr. Williams - It doesn't say that I would not seek an eleventh lot. It just said...  
2454  
2455 Mr. Marshall - It said, "you will not use the land that you are now trying to rezone".  
2456 You will leave it there for a future road.  
2457  
2458 Mr. Williams - How could I have said that back then when I had no control over  
2459 that land.  
2460  
2461 Mrs. Ware - Someone did. It's in the record. It is there.  
2462  
2463 Mr. Jernigan - It is in the conditional approval.  
2464  
2465 Mrs. Ware - It is black and white. It exists.  
2466  
2467 Mr. Marshall - A portion of the lot that you are seeking...  
2468  
2469 Mr. Williams - Right.  
2470  
2471 Mr. Marshall - ...is, you own it, but it was intended and said in the conditional  
2472 subdivision approval that it wouldn't be used or rezoned and you are now using that in addition  
2473 to this extra piece that you want and you can't do that.  
2474  
2475 Mr. Williams - It is not as black and white as that.  
2476  
2477 Mrs. Ware - Yeah.  
2478  
2479 Mr. Williams - I don't see it.  
2480  
2481 Mr. Jernigan - I'm not going to approve this.  
2482  
2483 Mrs. Ware - Okay.

2484  
2485 Mr. Williams - Okay. Well, what if the issue is land locking Ms. Anise Williams, why  
2486 can't I just move the location?  
2487  
2488 Mr. Jernigan - Why can't you do what?  
2489  
2490 Mr. Williams - Why can't I just move the location of that reserved area and  
2491 reconfigure the lot lines?  
2492  
2493 Mr. Jernigan - Well, do you want to give her another lot? Do you want to let her  
2494 have access from another position on Orams Lane?  
2495  
2496 Mr. Williams - I can have my engineer look at it.  
2497  
2498 Mr. Silber - That is a possibility. That is...  
2499  
2500 Mr. Williams - I am willing to...  
2501  
2502 Mr. Silber - ...that has to be considered at another time. What is before us  
2503 tonight is a request to rezone this small triangular piece of property. There is a condition on this  
2504 subdivision plat that has this stipulation that we've told. I think if you want to adjust your lot  
2505 lines, you need to resubmit a plat for this subdivision showing where that right-of-way would be  
2506 and bring that back to the Planning Commission. That is not before us tonight. What is before  
2507 us is this request for rezoning and they need to act on that in some fashion. This is a  
2508 recommendation that is going to be made tonight by the Planning Commission; it goes to the  
2509 Board of Supervisors. The Board will act on this in a month. You can begin to have you  
2510 engineer look at options for a possible stub to this other piece of property. You might want to  
2511 adjust some lot lines. After the zoning goes through whatever you can begin to adjust, those lot  
2512 lines. But that subdivision condition is not before the Planning Commission at this time.  
2513  
2514 Mr. Williams - Okay.  
2515  
2516 Mrs. Ware - Thank you.  
2517  
2518 Mr. Williams - Thank you.  
2519  
2520 Mr. Jernigan - Rodney, what I'm going to do, I'm going to ask for denial on this  
2521 case and between now and the time it goes to the Board of Supervisors you can get with Ms.  
2522 Williams and your engineer and see if you can work something out with her.  
2523  
2524 Mr. Williams - Okay.  
2525  
2526 Mr. Jernigan - Okay.  
2527  
2528 Mr. Williams - Thank you.  
2529  
2530 Mrs. Ware - Thank you.  
2531  
2532 Mr. Jernigan - Madam Chairman, with that I will move for denial of case C-39-04,  
2533 Rodney Williams.  
2534  
2535 Mr. Vanarsdall - Second.  
2536



2537 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
2538 favor, aye. All opposed. The motion passes.  
2539

2540 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
2541 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the  
2542 request because the applicant failed to meet his burden to show the requested changes are in  
2543 the best interest of the welfare and future of the community in that the proposed rezoning would  
2544 conflict with conditions of approval for the adjacent Oram Estate Subdivision to the south and  
2545 would not provide adequate access to properties to the east.  
2546

2547 Mr. Silber - The next request is in the Fairfield District.  
2548

2549 **C-41C-04 Skip Gelletly for EJD Associates, Inc.:** Request to conditionally  
2550 rezone from O-2 Office District to RTHC Residential Townhouse District (Conditional), part of  
2551 Parcel 810-728-3075, containing 7.125 acres, located at the western terminus of Mitcheltree  
2552 Boulevard along the western boundary of the Mitcheltree subdivision. The applicant proffers to  
2553 develop no more than twenty-six (26) units; density not to exceed five (5) units per acre. The  
2554 maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends  
2555 Office. The site is in the Airport Safety Overlay District.  
2556

2557 Mrs. Ware - Is there any opposition to C-41C-04, Skip Gelletly for EJD Associates,  
2558 Inc. in the Fairfield District? No opposition. Good evening.  
2559

2560 Mr. Seth Humphreys - Thank you, Madam Chairman.  
2561

2562 This request would be developed in conjunction with the townhouse development currently under  
2563 construction to the north, Dominion Townes, approved with rezoning case C-9C-03. C-9C-03 was  
2564 approved in September of 2003 for 137 townhouse units. This request, that we are hearing  
2565 today, would basically be an extension of that current project.  
2566

2567 The subject property is designated Office in the 2010 Land Use Plan. While this request is not  
2568 consistent with the designated land use, it is consistent with the surrounding residential  
2569 development trends.  
2570

2571 The applicant has proffered a conceptual plan as shown here (referring to slide) for the entire  
2572 development. The development under question tonight is this section over here (referring to  
2573 slide) which would be an extension of the rest of Dominion Townes. The applicant has also  
2574 submitted revised proffers dated August 16, 2004 which appeared in the staff report. Many of  
2575 the proffers submitted with this request are the same as those submitted with C-9C-03 including:  
2576

- 2577 • A 25' buffer along the eastern property line to mitigate any impacts on the Mitcheltree  
2578 Subdivision,
- 2579 • 50% of the front elevations would be brick,
- 2580 • and a minimum unit size of 1,280 square feet with at least 50% being 1,400 square  
2581 feet. Also 9 of the units would be 1,700 square feet and contain an integral garage.  
2582

2583 However, the unit sizes do not appear on the site plan. The applicant should submit a revised  
2584 site plan specifically showing the 1,700 square units mentioned in the proffers.  
2585

2586 There has been strong neighborhood opposition to any further connections to Mitcheltree  
2587 Boulevard, and MTP-1-03 removed the portion that would have been extended through this  
2588 property to Laburnum Avenue from the Major Thoroughfare Plan. Proffer #14, addresses access,

2589 indicates this request would be accessed through Dominion Townes from the north. However, staff  
2590 recommends the applicant specifically state there would be no access to Mitcheltree Boulevard.  
2591  
2592 Additionally, this request has not addressed the impacts it would have on the schools, libraries,  
2593 roads, and parks for the surrounding area. Specifically the school department staff has stated a  
2594 need for new schools at all three levels in this area due to approved rezonings, new development,  
2595 and larger cohorts of students.  
2596  
2597 Overall, the project would be an appropriate use for the site. The project includes positive features  
2598 including quality architectural design and landscaping. If the applicant could address the issues  
2599 pertaining to proffer language clarifications, and the potential impact on County services, staff could  
2600 be more supportive of this request.  
2601  
2602 This concludes my presentation. I would be happy to try to answer any questions you may have.  
2603  
2604 Mrs. Ware - Are there any questions for Mr. Humphreys from the Commission?  
2605  
2606 Mr. Archer - Mr. Humphreys, I can ask the applicant.  
2607  
2608 Mr. Humphreys - Okay.  
2609  
2610 Mr. Archer - Mr. Gelletly.  
2611  
2612 Mr. Skip Gelletly - Yes, sir.  
2613  
2614 Mr. Archer - How are you, sir?  
2615  
2616 Mr. Gelletly - Fine, sir. How are you doing? Skip Gelletly, 11248 Prescott Place,  
2617 Glen Allen 23059.  
2618  
2619 Mr. Archer - Okay. Mr. Humphreys indicated that there were 2 conditions that  
2620 needed to be addressed. Are you prepared to address those? Are you familiar with them? One  
2621 having to do with specifying which units would be 1700 square feet.  
2622  
2623 Mr. Gelletly - No problem.  
2624  
2625 Mr. Archer - The other one having to do with the impact on infrastructure.  
2626  
2627 Mr. Gelletly - What is that suggestion, really?  
2628  
2629 Mr. Archer - Impact fee.  
2630  
2631 Mr. Gelletly - Yes.  
2632  
2633 Mr. Archer - We have another word for it I believe.  
2634  
2635 Mr. Gelletly - Okay. Well, you know, it was anticipated that that would be  
2636 required on these.  
2637  
2638 Mr. Archer - It will need to be spelled out between now and the time it goes to  
2639 the Board of Supervisors.  
2640  
2641 Mr. Gelletly - That can be done.

2642  
2643 Mr. Archer - Are you...  
2644  
2645 Mr. Gelletley - Yes, we can do both of those. Also, the original plan that we had for  
2646 this actually had access to Mitcheltree and this was sort of a composite, you know, working with  
2647 the planning office to do it this way as opposed to the other way.  
2648  
2649 Mr. Archer - Well, we just need to clear the proffers...  
2650  
2651 Mr. Gelletley - We can indicate that.  
2652  
2653 Mr. Archer - ...so that we can indicate that will be eliminated altogether. And  
2654 there was one more and this is what I was going to refer to. The County Attorney's office  
2655 indicated that Proffer 15 and it reads, "The developer will provide where practical a 10% tree  
2656 canopy coverage in common areas." The attorney's comments indicate that Proffer 15, who  
2657 determines whether the 10% tree canopy coverage in common areas is practical. Is this  
2658 determined by the county or by the developer, this ambiguity needs to be clarified before the  
2659 proffer is accepted. Perhaps staff can get with you to determine...  
2660  
2661 Mr. Gelletley - Yeah, we maybe able to do that. We actually have difficulty on this  
2662 kind of a project coming up with that umbrella. A lot of times, I mean, we run out of places to  
2663 put trees. We do have a fair amount of conservation area. In the first unit we have a lot of  
2664 perimeter buffering that is happening. This site actually is a little over 7 acres and we are  
2665 developing only 3 of it, 3½. It is not difficult, especially for this section to have that kind of a  
2666 canopy. The canopy design for the other, I think, that was between our engineers and the  
2667 county landscaping people to get as close to that as possible, but that plan is of record now.  
2668  
2669 Mr. Archer - All right. Mr. Secretary we would prefer to see these proffers  
2670 cleared up tonight or can we do it between now and Board time, would that be sufficient?  
2671  
2672 Mr. Silber - Mr. Archer, I think we can clear them up between now and the  
2673 Board meeting. We really, we need to be getting these proffers as straight as possible, as early  
2674 as possible, and when we send these things onto the Board when they are not straight, we really  
2675 need for the applicant to address those immediately and not the week before the board meeting.  
2676 We need to turn around a staff report, brief the County Manager's staff, so a resolution of  
2677 proffers that have not been reserved tonight, Mr. Archer, I encourage them to be addressed, I  
2678 would say next week.  
2679  
2680 Mr. Archer - Okay.  
2681  
2682 Mr. Gelletly - We will have it done by Wednesday.  
2683  
2684 Mr. Archer - Okay. Mr. Humphreys did you understand the implications in Proffer  
2685 15?  
2686  
2687 Mr. Humphreys - Yes, sir. I believe we can (unintelligible).  
2688  
2689 Mr. Archer - Okay. All right. That is all the questions I have for Mr. Gelletly,  
2690 somebody else might have some.  
2691  
2692 Mr. Gelletly - Thank you, sir.  
2693

2694 Mr. Archer - Madam Chairman, with that I will move to recommend C-41C-04,  
2695 subject to the revised proffered conditions as discussed with the applicant.

2696  
2697 Mr. Vanarsdall - Second.

2698  
2699 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in  
2700 favor, aye. All opposed. The motion passes.

2701  
2702 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
2703 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**  
2704 the request because the townhome development would be a part of and a logical continuation of the  
2705 townhouse development to the north and the proffered conditions will assure a level of  
2706 development otherwise not possible.

2707  
2708 Mr. Silber - That completes the rezoning items on the agenda tonight. We do  
2709 have several other items at the end of the agenda here. We have 2 substantially in accords.  
2710 The first is a Substantially in Accord 03-04, which is the East Area Middle School site. I believe  
2711 Jean Moore is going to present both of these.

2712  
2713 **RESOLUTION:** SIA-03-04 - East Area Middle School Site -- Substantially In Accord  
2714 with the County Comprehensive Plan (Varina District)

2715  
2716 Ms. Moore-Illig - Thank you, Mr. Secretary.

2717  
2718 At the request of Schools, the Planning Office conducted this Substantially In Accord Study to  
2719 determine whether the proposed site for the East Area Middle School is substantially reasonable  
2720 in light of the Comprehensive Plan's recommendations for this area.

2721  
2722 The proposed middle school would provide relief for existing and future capacity issues for  
2723 Fairfield and John Rolfe Middle Schools. The proposed site consists of 53 acres of a larger 96-  
2724 acre parent tract. The site is located south of E. Williamsburg Road at Whiteside Road in the  
2725 Varina District.

2726  
2727 A site analysis was conducted in October 2003 on three separate properties in this area, which  
2728 included the subject property, also known as the Taylor site. Based upon the site analysis, the  
2729 Taylor property had the most potential for the proposed school site.

2730  
2731 The topography ranges from relatively flat terrain to moderate to steep slopes. The sloping  
2732 topography is typical around stream channels, which are present on the western boundary of the  
2733 property; however, there are no floodplains on this site.

2734  
2735 The proposed middle school site would have frontage along Whiteside Road, which is identified  
2736 as a Major Collector on the Major Thoroughfare Plan. Whiteside Road currently terminates 820  
2737 feet south of the subject site. Therefore, access to the site would currently be limited to E.  
2738 Williamsburg Road, which is a Minor Arterial road.

2739  
2740 The Major Thoroughfare Plan does designate an extension of Whiteside Road. This extension will  
2741 begin just south of the site and will extend south to Portugee Road. It will also split just south of  
2742 the subject property and extend north to connect with Drybridge Road.

2743  
2744 While the topography and limited access may pose development challenges, these challenges are  
2745 surmountable with proper design.

2746

2747 The zoning on the subject site is A-1 which does allow for schools.  
2748  
2749 The 2010 Land Use Plan designates the property as Suburban Residential 1 with an  
2750 recommended density of 1.0 to 2.4 units per acre of single-family for the site. The Code of  
2751 Virginia requires a public use designation for government facilities unless it can be shown the  
2752 facility would be substantially in accord with the County's Comprehensive Plan.  
2753  
2754 Given the number of large proposed residential developments in the east end of the County in  
2755 conjunction with exiting residential developments, staff has deemed this project reasonable to  
2756 provide adequate facilities and services to the County's growing population. There are 1,447 new  
2757 lots currently under subdivision review in this area.  
2758  
2759 The middle school would be in keeping with the Goals, Objectives and Policies of the 2010 Plan in  
2760 that:  
2761  
2762 • The proposed use of the subject site will maximize opportunities for service to the County's  
2763 residents; and  
2764  
2765 • Use of the proposed site for the middle school will promote orderly growth and development of  
2766 County facilities and services based on the needs of its growing population.  
2767  
2768 The facility would also be compatible with the residential developments, vacant parcels and the  
2769 YMCA in the surrounding area.  
2770  
2771 Staff, therefore, recommends the Planning Commission approve the resolution to find the proposed  
2772 East Area Middle School site substantially in accord with the County's Comprehensive Plan.  
2773  
2774 This concludes my presentation, I would be happy to try to answer any questions.  
2775  
2776 Mr. Marshall - Ms. Moore.  
2777  
2778 Ms. Moore - Yes, sir.  
2779  
2780 Mr. Marshall - Did that analysis take into account the noise that is going to be  
2781 generated by those planes going to the airport right next door.  
2782  
2783 Ms. Moore - We have looked at the site. I do believe, and maybe Mr. Silber can  
2784 address this as well, but there has been schools within, I guess, the flight contours or decibels  
2785 contours in other areas of the county. The newest airport study has a contour map for decibels.  
2786 This site, I believe, follows within a 60' decibel contour, which is on the outlying area and that  
2787 study also shows that anything with 65 decibels or less is compatible and would be a compatible  
2788 use with this area. It would be acceptable.  
2789  
2790 Mr. Marshall - If just seems to me that there is a whole lot of land in the east end  
2791 and they pick this piece right near the airport and you read in the paper everyday they are  
2792 constantly trying to get more air traffic out of the airport. They want to get one of these low  
2793 cost carriers so they can have all kinds of people flying out of the airport. This doesn't seem like,  
2794 to me that it would be a place where you would want your kids trying to listen and learn. It  
2795 would probably increase, greatly, the cost of trying to buffer the noise and the construction of  
2796 the building.  
2797  
2798 Mr. Silber - Mr. Marshall, Ms. Moore answered the question very adequately. It  
2799 is not within the noise contour that we typically are most concerned with and that would be

2800 within a 65-decibel contour. It is within the 60-decibel contour. We do have schools, not that it  
2801 makes it right, but we do have schools that are more within flight paths of the airport and  
2802 greater impact from a noise standpoint. There are 2 main runways at the airport but neither of  
2803 these impact the site. A minor runway does or a less used runway does take off and run in this  
2804 direction therefore decibel levels do extend out in an eastern direction. We feel that the level  
2805 overall is acceptable, but your point is well taken. It's in proximity of an airport and there will be  
2806 noise issues.  
2807  
2808 Mr. Marshall - You said there was a stream on there.  
2809  
2810 Ms. Moore - Yes, sir. There is a stream on there that would border the western  
2811 portion of the site, which follows the property line that they are looking at. You can see it right  
2812 here (referring to slide).  
2813  
2814 Mr. Marshall - After the recent rain they might want to go and check the flood line.  
2815  
2816 Ms. Moore - There would be a stream protection area around that, so they would  
2817 not be able to build, I believe, within 50' or more. They may be looking at that differently today.  
2818  
2819 Mr. Marshall - Yeah, over the last couple of weeks I image a lot of streams people  
2820 didn't think were a problem have become a problem.  
2821  
2822 Mr. Vanarsdall - Absolutely.  
2823  
2824 Mr. Marshall - That is all I have go to say. Mr. Jernigan...  
2825  
2826 Mr. Silber - Mr. Marshall, we will take care of that typo that you picked up in this  
2827 report earlier under the conclusion.  
2828  
2829 Mr. Jernigan - Well, I'll say this, I guess everybody knows that I'm not exactly  
2830 excited about this site.  
2831  
2832 Mr. Marshall - I can see why.  
2833  
2834 Mr. Jernigan - As you know, Mr. Palmer voted against it during the School Board  
2835 hearing and vote. There are some better sites. As an example, in the last, in our Commission  
2836 meeting last month we're having another school site dedicated, which I think will be a better  
2837 spot. But, we are where we are and even if we find this substantially in accord, if it is down the  
2838 road we can change it. Is that correct, Mr. Silber?  
2839  
2840 Mr. Vanarsdall - You don't have to approve it.  
2841  
2842 Mr. Jernigan - Oh, I know. Well,  
2843  
2844 Mr. Silber - Mr. Jernigan, your recommendation to the Board is a  
2845 recommendation. They will be hearing this next month and make a determination on whether  
2846 this is in their views substantially in accordance with the Comprehensive Plan. Staff believes it is.  
2847  
2848 Mr. Jernigan - Right. Like I said, because we do a substantially in accord that  
2849 doesn't mean that we can't change it later.  
2850  
2851 Mr. Marshall - Right, but it doesn't mean you have to automatically move to  
2852 approve it either.

2853  
2854 Mr. Silber - You need to clarify what you mean by that, Mr. Jernigan.  
2855  
2856 Mr. Jernigan - Well, I'm not excited about the site as I said, but the School Board  
2857 has made their decision as to what they are going to do.  
2858  
2859 Mr. Marshall - We don't have to be bound by that.  
2860  
2861 Mr. Vanarsdall - Why does it come to us if it has already been done?  
2862  
2863 Mr. Marshall - Right.  
2864  
2865 Mr. Jernigan - Because we have to find it substantially in accord.  
2866  
2867 Mr. Vanarsdall - Didn't you just point out some things that are detrimental, that's not  
2868 in here.  
2869  
2870 Mr. Marshall - That's right.  
2871  
2872 Mr. Vanarsdall - All right.  
2873  
2874 Mr. Silber - I think, Mr. Vanarsdall, from our prospective and maybe what Mr.  
2875 Jernigan is trying to say is the School Board did vote on selecting this site as being acceptable for  
2876 a Middle School. It does have to be reviewed on several other levels or aspects, one of which is  
2877 determining whether it is substantially in accordance with the Comprehensive Plan. We did our  
2878 evaluation based on the merits of this site being in compliance with the Comprehensive Plan and  
2879 we believe that it is in compliance with the Comprehensive Plan. We did not take the position  
2880 that it is in compliance because the School Board decided to select the site. We do believe it  
2881 complies with the plan. That being said the Planning Commission can take whatever action they  
2882 prefer.  
2883  
2884 Mr. Marshall - I mean, it is just like a zoning case, you all say it doesn't comply with  
2885 the Comprehensive Plan and we approve it anyway.  
2886  
2887 Mr. Jernigan - When we make our decision here it is a recommendation to the  
2888 Board as is a zoning case.  
2889  
2890 Mr. Marshall - Right.  
2891  
2892 Mr. Jernigan - So if the Board doesn't accept it the School doesn't go there, right.  
2893  
2894 Mr. Marshall - That is what I would say.  
2895  
2896 Mr. Donati - I believe there was a letter received from the Capital Regional  
2897 Airport Commission from Mr. Mathiasen that they did express concerns about the school being in  
2898 the glide path of the crosswind runway that is shown here. Are you aware of that letter?  
2899  
2900 Mr. Silber - I was aware that the County did receive a letter, yes sir.  
2901  
2902 Mr. Jernigan - Mr. Silber, do we have to read the resolution before there is  
2903 recommendation?  
2904

2905 Mr. Silber - I don't think we have to necessarily read it, but the Commission  
2906 would need to act on this resolution, either voting to recommend in favor of this resolution or  
2907 recommending to the Board of Supervisors denial of this resolution.  
2908  
2909 Mr. Archer - Mr. Silber, may I ask a question?  
2910  
2911 Mr. Jernigan - Madam Chairman...  
2912  
2913 Mr. Marshall - Madam Chairman...  
2914  
2915 Mr. Silber - Mr. Archer had a question.  
2916  
2917 Mr. Jernigan - Oh, Mr. Archer...  
2918  
2919 Mr. Archer - I was just going to ask, when we vote aye or nay on this  
2920 substantially in accord what we are saying in effect is that the staff has found that this resolution  
2921 would be substantially in accord with the Comprehensive Plan. It doesn't say that we are  
2922 recommending that a school be built at this site or anything like that, right.  
2923  
2924 Mr. Silber - That is correct.  
2925  
2926 Mr. Archer - Because I have been here 9 years and I've never seen us not  
2927 approve one of these.  
2928  
2929 Mr. Donati - Doesn't it also deal with the Policies, Goals and Objectives?  
2930  
2931 Mr. Marshall - Right.  
2932  
2933 Mr. Silber - Yes, sir.  
2934  
2935 Mr. Marshall - I don't think educating kids by an airport should be in compliance  
2936 with the Goals and Objectives of the County.  
2937  
2938 Mr. Archer - That is why I'm asking, because we are not saying build a school  
2939 here.  
2940  
2941 Mr. Marshall - Right.  
2942  
2943 Mr. Archer - We are saying that based on your studies that this is substantially in  
2944 accord with the Comprehensive Plan.  
2945  
2946 Mr. Marshall - Which they do in zoning cases and sometimes we don't agree with  
2947 them.  
2948  
2949 Mr. Archer - I understand, but substantially in accord doesn't mean that it is  
2950 100% anything. To me it just means that it is substantially in accord, that doesn't say we will  
2951 build a school here.  
2952  
2953 Mrs. Ware - We need a clarification on that.  
2954  
2955 Mr. Silber - The state code said that before you build a public facility it has to  
2956 comply with a locality's Comprehensive Plan and it has to meet the Land Use Plan designation.  
2957 This is shown as a suburban residential area, so it is not shown for a school. We have to



2958 determine whether this public facility is generally in conformance with the county's adopted  
2959 Comprehensive Plan. The steps that take place then is the county staff performs a study and  
2960 analysis to determine whether this is substantially in conformance with the plan. A hearing is  
2961 then held with the Planning Commission, presented to the Planning Commission for your  
2962 consideration, whether you believe it is in substantially conformance with the plan and you make  
2963 a recommendation to the Board of Supervisors. The Board of Supervisors makes a final decision.  
2964 If the Board decides that this is substantially in conformance with the plan, it doesn't mean that a  
2965 school has to go here. If the Board decides that this is not substantially in accordance with the  
2966 plan then there is some legal question as to whether this site meets the test for a public facility.  
2967 I think that depending on which way the Board goes with this, I think they could block a school  
2968 from going at this location. If they find that this site does not meet the test of being  
2969 substantially in accordance with the Comprehensive Plan then I think a school would not be  
2970 allowed to be constructed at this location.

2971

2972 Mr. Archer - Now, as in a zoning case if we were to vote against this  
2973 recommendation does it still go to the Board.

2974

2975 Mr. Silber - Yes. Like Mr. Marshall said, it is similar to a zoning case in that you  
2976 are making a recommendation to the Board and then they make the final decision.

2977

2978 Mr. Archer - Okay.

2979

2980 Mr. Jernigan - The Board may be in shock because I doubt that there has ever  
2981 been a resolution that had been denied. I have never seen one.

2982

2983 Mr. Marshall - Go ahead and make your motion.

2984

2985 Mr. Vanarsdall - Wait a minute. Mine was voted against. I had a replacement and  
2986 the person she replaced voted against the Crossridge School. The first school in the Brookland  
2987 District in 150 years.

2988

2989 Mr. Silber - Mr. Jernigan, I think, first of all staff has not always supported a  
2990 substantially in accord. The school site on Gill Dale that was approved is in a flight path also and  
2991 staff noted that as a concern. I think ultimately we recommended in favor of it, but that was a  
2992 concern that was expressed. I think there have been some substantial in accord that didn't have  
2993 an unanimous position by certain members of the Planning Commission and the Board. I  
2994 certainly think that we take for granted the substantial in accords. I personally think they should  
2995 have closer review and determination as whether they really are the proper place for public  
2996 facilities. I think to often these things are quickly reviewed at the end of agendas and quickly  
2997 passed on when in fact, I think, they need and desire some careful review. That being said, in  
2998 this particular case I think this site is suitable for a Middle School. It doesn't mean that everyone  
2999 has to agree with that decision, but I think it is a suitable site. Please keep in mind that we do  
3000 have other school sites in eastern Henrico that are directly within flight paths, major flight paths  
3001 and have greater safety issues, far greater safety issues then this site and far greater noise  
3002 impacts then this site.

3003

3004 Mr. Marshall - Mr. Silber, just because somebody else chose to approve that and  
3005 ignored those dangers doesn't mean that I have to do it.

3006

3007 Mr. Silber - Mr. Marshall, I don't disagree, but there may be other public facilities  
3008 that may be proposed in close proximity to the airport and you need to be concerned about the  
3009 precedence you are setting here if you recommend against this. A library may be needed close  
3010 by.

3011  
3012 Mr. Marshall - It doesn't mean we can't vote different then. Just like a zoning case,  
3013 you tell us all the time just because you approve one next door doesn't mean you have to  
3014 approve the next one next door.  
3015  
3016 Mr. Silber - I'm just pointing out the reality.  
3017  
3018 Mr. Vanarsdall - Those 2 on the end had the site and they ask the School Board, told  
3019 them about it, ask them to pick the other one and everything and they completely ignored...  
3020  
3021 Mr. Marshall - Make your motion.  
3022  
3023 Mr. Jernigan - I'm ready to make a motion.  
3024  
3025 Mr. Marshall - Thank you.  
3026  
3027 Mr. Jernigan - Are you finished Mr. Silber.  
3028  
3029 Mr. Silber - I'm finished. So there is a resolution that the staff is recommending  
3030 and it would say, basically, "Whereas a Planning Commission is charged with making this  
3031 determination." It goes on to say, "Now therefore it be resolved that the Henrico County  
3032 Planning Commission finds the proposed...  
3033  
3034 Mr. Archer - East End Middle Site substantially in accord with the County  
3035 Comprehensive Plan.  
3036  
3037 Mr. Silber - Right. That is the language. That the Henrico Planning Commission  
3038 finds the proposed East End Middle site substantially in accord with the County's Comprehensive  
3039 Plan. So we would need a motion on that resolution. In some fashion or another.  
3040  
3041 Mr. Jernigan - Madam Chairman, I make a motion to deny the resolution for the  
3042 East Area Middle School site substantially in accord with the Comprehensive Plan for the reasons  
3043 that it is in the crosswinds runway from Richmond International Airport. I don't feel that the site  
3044 is proper also for roads, behind the YMCA, secluded back there and I don't feel that the site is  
3045 proper, so therefore I request denial.  
3046  
3047 Mr. Vanarsdall - I'll second it.  
3048  
3049 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
3050 favor, aye. All opposed. The motion passes.  
3051  
3052 The Planning Commission voted to deny East End Middle School Site Substantially in Accord (SIA-  
3053 03-04), to the Board of Supervisors.  
3054  
3055 Mr. Vanarsdall - The first one in history.  
3056  
3057 Mr. Silber - The next substantially in accord is Fire Station #3.  
3058  
3059 **RESOLUTION:** SIA-04-04 -- Fire Station 3 Relocation Site -- Substantially In Accord  
3060 with the County Comprehensive Plan (Varina District)  
3061  
3062 Ms. Moore - Thank you, Mr. Secretary.  
3063

3064 At the request of the Division of Fire, the Planning Office conducted this Substantially In Accord  
3065 Study to determine whether the proposed site for the Fire Station 3 Relocation is substantially  
3066 reasonable in light of the Comprehensive Plan's recommendations for this area.

3067  
3068 The relocation of the fire station is prompted by the operational needs to continue to serve an  
3069 existing and growing population in the year, and based on the age of the current facility.

3070  
3071 County growth and call loads have resulted in increased need for additional equipment and  
3072 personnel to service the east end of the County. The current location of Fire Station 3 is on the  
3073 northwest intersection of N. Rose Avenue and E. Nine Mile Road in Highland Springs. This facility  
3074 was constructed in the 1950's and the space in this station is inadequate for present and future  
3075 needs intended for the services to be provided. Estimated costs to update the existing facility would  
3076 not be cost effective.

3077  
3078 The proposed site is located at 617 N. Airport Drive and is located just northeast of the intersection  
3079 of Washington Avenue.

3080  
3081 In conjunction with two other sites in this vicinity, the property was evaluated as part of a site  
3082 selection study conducted in May 2003. Originally, this site included the adjoining parcel to the  
3083 north, ...let me pull up an easier map to look at (referring to slide)..., for a total of 8.32 acres.  
3084 The site analysis determined the site's location; accessibility, physical conditions, and access to  
3085 adequate infrastructure deemed it suitable for Fire Station 3.

3086  
3087 It should be noted, while the subject property does not now included the 2.29 acre parcel to the  
3088 north, the site would still be feasible and could accommodate the operational needs and training  
3089 features proposed for this facility.

3090  
3091 The fire station would be approximately 10,350 square feet with 3 bays and it would include a  
3092 2000 square foot training room to serve all east end fire stations and a 3000 non-burn training  
3093 building.

3094  
3095 The current zoning on the property is B-1 Business District. The proposed fire station is a  
3096 permitted use in this zoning district.

3097  
3098 The Henrico 2010 Land Use Plan recommends Commercial Concentration for the subject site, which  
3099 generally accommodates retail service establishments corresponding with the B-1, B-2 and B-3  
3100 Zoning Districts.

3101  
3102 The Code of Virginia requires the public use designation for government facilities; unless the  
3103 facility can be shown to be substantially in accord with the County's Comprehensive Plan.

3104  
3105 Although the Land Use Plan does not designate the subject site for a public use, the proposed  
3106 facility supports the following goals, objectives and policy of the Plan:

- 3107
- 3108 • To promote orderly growth and development based on physical, social and economic needs,  
3109 environmental considerations, and the ability of public facilities and services to support  
3110 development.
  - 3111 • To plan and design development in a manner that minimizes strain on existing facilities and  
3112 service areas.
- 3113  
3114

3115 In addition, the fire station would be in keeping with the commercial uses designated in the  
3116 immediate vicinity.

3117  
3118 In conclusion, staff has determined, use of the subject site for the proposed Fire Station would  
3119 not be in conflict with, or would not be a significant departure from the Goals, Objectives and  
3120 Policies of the Land Use Plan.  
3121  
3122 Staff therefore recommends that the Planning Commission approve the resolution to find the  
3123 proposed Fire Station #3 site for the relocation substantially in accord with the County's  
3124 Comprehensive Plan. This concludes my presentation and I'll be happy to answer any questions.  
3125 Also, note that Nick Caputo from the Fire Division is here to answer any questions you may have  
3126 as well.  
3127  
3128 Mrs. Ware - Thank you, Ms. Moore-Illig. Are there any questions?  
3129  
3130 Mr. Donati - Yes. Could you go over the various services that are going to be  
3131 available there, again? The square footages and so forth.  
3132  
3133 Ms. Moore-Illig - Yes, sir. I can get into a little bit more detail if you like, too. What I  
3134 said is that it would be 10,350 square feet, the building with 3 bays.  
3135  
3136 Mr. Donati - That is the firehouse by itself.  
3137  
3138 Ms. Moore-Illig - Yes. That would include a 200 square foot, my understanding, a  
3139 police office. It would also allow for an EMS unit. It would also include, on the site, a 2000  
3140 square foot training building or room to serve the east end fire facilities. I guess that is part of  
3141 the original 10,350 square feet, but in addition to that they would have a 3000 square foot non-  
3142 burn facility on this site. Essentially, that allows them to have exercises, but they would not burn  
3143 the building as they would on Woodman Road.  
3144  
3145 Mr. Donati - I was just wondering if that is going to be unsightly to the  
3146 community, that type of training. I don't know, I'm just curious.  
3147  
3148 Mr. Silber - We may want to have Fire respond to that.  
3149  
3150 Mr. Nick Caputo - Actually at this time it is all conceptual, so the design of the actual  
3151 station will probably follow Fire Station #22, a smaller scale and then adjacent, the burn building  
3152 itself with a non-burn building would like a resident. There is not going to be any burning in  
3153 there, of course, we have to deal with the architecture and engineering side and with General  
3154 Service to make it fit into the community, obviously.  
3155  
3156 Mr. Donati - Okay.  
3157  
3158 Mr. Caputo - It would be someplace where they can pull a hose through, throw  
3159 ladders against, do smoke-free, fire-free type of training.  
3160  
3161 Mr. Marshall - Are there sleeping quarters in this building?  
3162  
3163 Mr. Caputo - Absolutely. In the fire station?  
3164  
3165 Mr. Marshall - Right.  
3166  
3167 Mr. Caputo - Yes.  
3168  
3169 Mr. Marshall - Well, being near the airport, are they going to be able to sleep?

3170  
3171 Mr. Caputo - Yes, sir.  
3172  
3173 Mr. Marshall - Thank you.  
3174  
3175 Mr. Caputo - That station is running about 2600 calls a year, so they don't sleep  
3176 too much there.  
3177  
3178 Mr. Donati - Do you have a projected cost?  
3179  
3180 Mr. Caputo - It is right around 4.4.  
3181  
3182 Mr. Donati - For everything you've described.  
3183  
3184 Mr. Caputo - Yes, sir.  
3185  
3186 Mr. Archer - Is it near anything that is near anything else?  
3187  
3188 Mr. Jernigan - I'm okay.  
3189  
3190 Mr. Caputo - Actually, near the Fastmart.  
3191  
3192 Mrs. Ware - Are we ready for a motion?  
3193  
3194 Mr. Jernigan - Madam Chairman, I would like to make a motion for approval for a  
3195 resolution for Fire Station #3 Relocation Site substantially in accord with the Comprehensive Plan.  
3196  
3197 Mr. Archer - Second.  
3198  
3199 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in favor,  
3200 aye. All opposed. The motion passes.  
3201  
3202 The Planning Commission voted to approve Fire Station 3 Relocation Site Substantially In Accord  
3203 (SIA-04-04), to the Board of Supervisors.  
3204  
3205 Mr. Silber - Next on the agenda would be the Planning Commission August 12,  
3206 2004 Minutes.  
3207  
3208 **APPROVAL OF MINUTES:** Planning Commission August 12, 2004 Minutes  
3209  
3210 Mr. Ware - Any changes?  
3211  
3212 Mr. Archer - I did find a couple of things. On page 30, line 1038, which is the  
3213 first line where it said, "I have a couple questions in the entire project." I think we need to  
3214 delete the word in.  
3215  
3216 Mrs. Ware - Delete the word in.  
3217  
3218 Mr. Archer - And on page 61, line 2153, it said, it is not unappreciated I want you  
3219 to know that, not I what you to know that. Just a simple typo, no problem.  
3220  
3221 Mrs. Ware - Are there any more changes? Okay, can we have a motion for the  
3222 approval of the minutes.

3223  
3224 Mr. Marshall - I move we approve the minutes from August 12<sup>th</sup>.  
3225  
3226 Mr. Archer - Second.  
3227  
3228 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Archer. All in favor,  
3229 aye. All opposed. The motion passes.  
3230  
3231 The Planning Commission approved the August 12, 2004 Planning Commission minutes.  
3232  
3233 Mr. Silber - Next on the agenda...  
3234  
3235 **DISCUSSION ITEM:** Set Public Hearing for the Amendment to the A-1 District Ordinance.  
3236  
3237 Mr. Silber - We did this earlier this evening. That has been set for September  
3238 22<sup>nd</sup> after the POD Meeting. Last on the agenda...  
3239  
3240 **DISCUSSION ITEM:** Set a maximum number of new applications for the October 14,  
3241 2004 Planning Commission agenda.  
3242  
3243 Mr. Silber - For your information, I think you have been just provided a list. The  
3244 cut off for the August zoning agenda we had 17 new zoning applications. If you recall the  
3245 Planning Commission Rules and Regulations say that you would accept no more than 12 rezoning  
3246 request. We have 17, so the caseload is really up. We are recommending that you not waive  
3247 your limit or your policy to accept these 17, however, cases 12 and 13 came in as companion  
3248 cases, a zoning case and provisional use permit, so that would make 13 cases, so we are asking  
3249 that you waive your normal policy to accept the 13<sup>th</sup> case, but we are recommending that the  
3250 remaining 4, which are listed here be bumped to the November meeting.  
3251  
3252 Mrs. Ware - I don't have a case in my district, so it is whatever you all want to  
3253 do.  
3254  
3255 Mr. Marshall - I only have one so I don't care if I have one more.  
3256  
3257 Mr. Vanarsdall - I have one and I don't either.  
3258  
3259 Mrs. Ware - That is 2, so we would have 2 more.  
3260  
3261 Mr. Silber - It is my recommendation that the 4 that are listed here, on the  
3262 page, all go to November. Does anyone have a problem with that?  
3263  
3264 Mr. Jernigan - No, because I'm sure that Gill Holt is not going to be ready by next  
3265 month anyway.  
3266  
3267 Mr. Silber - Okay. Mr. Archer, there are 2 in the Fairfield District. You are  
3268 comfortable with...  
3269  
3270 Mr. Archer - I have no problem with it.  
3271  
3272 Mr. Marshall - Well, mine is very simple, so I don't see why mine couldn't go. I  
3273 mean it is just a provision use permit for something we already...the gated thing.  
3274  
3275 Mr. Silber - Right.

3276  
3277 Mrs. Ware - Can they wait to November?  
3278  
3279 Mr. Silber - Is there a problem with waiting till November.  
3280  
3281 Mr. Marshall - I don't guess so.  
3282  
3283 Mr. Silber - We are going to have 28 cases total.  
3284  
3285 Mr. Marshall - Half of them will be deferred.  
3286  
3287 Mr. Vanarsdall - The one I deferred tonight, I would prefer for that one to be heard  
3288 because that is the second time that it has been deferred. It would be so simple, it would be on  
3289 the expedited agenda.  
3290  
3291 Mr. Marshall - He is not talking about that.  
3292  
3293 Mrs. Ware - But those that were deferred tonight were counted in your number,  
3294 right?  
3295  
3296 Mr. Silber - That is counted in the 28.  
3297  
3298 Mr. Marshall - I don't care.  
3299  
3300 Mr. Silber - I need a motion to accept 1 additional case over and above your  
3301 normal policy of 12.  
3302  
3303 Mrs. Ware - Okay.  
3304  
3305 Mr. Marshall - I move that we accept 13 cases instead of 12 for the October  
3306 meeting.  
3307  
3308 Mr. Vanarsdall - I second.  
3309  
3310 Mr. Silber - Thank you.  
3311  
3312 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in  
3313 favor, aye. All opposed. The motion passes.  
3314  
3315 The Planning Commission made a motion to accept 13 new cases instead of 12 for the October  
3316 12, 2004 meeting.  
3317  
3318 Mr. Silber - That is it.  
3319  
3320 Mrs. Ware - Motion to adjourn  
3321  
3322 Mr. Archer - So moved Madam Chairman.  
3323  
3324 Mr. Marshall - Second.  
3325

3325  
3326  
3327  
3328  
3329  
3330  
3331  
3332  
3333  
3334  
3335  
3336  
3337  
3338  
3339

Mrs. Ware - Motion mad by Mr. Archer, seconded by Mr. Marshall. All in favor,  
aye. All opposed. The motion passes. The meeting is adjourned.

---

Lisa Ware, C.P.C., Chairman

---

Randall R. Silber, Acting Secretary