

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m., on September 9, 1999, Display Notice having been published in the Richmond Times-Dispatch on Thursday, August 19, 1999, and Thursday, August 26, 1999.

Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe  
Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland  
C. W. Archer, C.P.C., Fairfield  
Debra Quesinberry, Varina  
James B. Donati, Jr., Board of Supervisors, Varina  
John R. Marlles, AICP, Secretary, Director of Planning

Members Absent: Mary L. Wade, Three Chopt

Others Present: Randall R. Silber, Assistant Director of Planning  
Judy Thomas, Recording Secretary  
Mark Bittner, County Planner  
Lee Householder, County Planner  
Jo Ann Hunter, County Planner, AICP  
Eric Lawrence, County Planner, AICP

Ms. Dwyer - I'd like to welcome everyone here this evening whose come before the Planning Commission to conduct business. I don't see any members of the press. Is there anyone here from the press? We usually like to recognize members of the media. All right, Mr. Marlles, let's get started with the agenda.

Mr. Marlles - Good evening, Madam Chairman, members of the Commission. We do have a quorum, tonight, although Mrs. Wade will not be with us. The first item on the agenda is the requests for deferrals and withdrawals. That will be handled by Ms. Hunter.

Ms. Jo Ann Hunter - Good evening, Madam Chairman, members of the Commission. We have quite a few deferrals this evening. And they are all on the 7:00 o'clock agenda, so we can go through all of them right now.

The first one is the first case POD-66-99 TIMMONS for Virginia Baptist Homes, Inc.

**PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

**POD-66-99**

**Lakewood Manor**

**Entrance**

**Road - Lauderdale Drive**

**TIMMONS for Virginia Baptist Homes, Inc.:** Request for approval of a plan of development and special exception as required by Chapter 24, Section 24-106 and Section 24-52(e) of the Henrico County Code to construct an entrance road for an existing assisted living facility. The 3.0 acre portion of this site is located at the intersection of Lauderdale Drive and John Rolfe Parkway on Parcel 76-A-8F and part of parcel 77-A-2A. The zoning is A-I, Agricultural District and R-5, General Residence District. County water and sewer. **(Tuckahoe)**

They've requested a deferral until November 17, 1999.

Ms. Dwyer - Is there any one in the audience to the deferral of POD-66-99 Lakewood Manor Entrance? No opposition. I move that we defer POD-66-99 to November 17<sup>th</sup> at the applicant's request.

Mr. Vanarsdall - Second.

Ms. Dwyer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained).

The Planning Commission deferred POD-66-99, Lakewood Manor Entrance Road – Lauderdale Drive, to its meeting on November 17, 1999.

Mr. Vanarsdall - What was it, December?

Ms. Dwyer - November 17<sup>th</sup>. I think the date is on our most recent agenda.

Mr. Archer - I think you're right.

Mr. Vanarsdall - It's on the new agenda?

Ms. Dwyer - Yes sir. Next.

Ms. Hunter In the Three Chopt District, Case C-54C-99 Dennis Farmer for 13654 Gayton Road, L.L.C.

**C-54C-99**

**Dennis Farmer for 13654 Gayton Road, L.L.C.:** Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 35-A-16B, containing approximately 5.0 acres, located on the west line of

Gayton Road approximately 200' south of its intersection with Gayton Station Boulevard. A single-family subdivision is proposed. The R-3 District requires a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

Deferral is requested to October 14, 1999.

Ms. Dwyer - Is there any one in the audience in opposition to the deferral of C-54C-99 Gayton Road? No opposition. Do we have a motion to defer the case on Mrs. Wade's behalf?

Mr. Archer - I move deferral of C-54C-99 to October 14, 1999 at the applicant's request.

Mr. Vanarsdall seconded the motion.

Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained).

Ms. Hunter - Following right along on the agenda, the next case also, C-55-99 James Theobald for H. H. Hunt.

**C-55-99 James W. Theobald for H. H. Hunt Corporation:** Request to rezone from R-3C One Family Residence District (Conditional), R-5C General Residence District (Conditional), and RTHC Residential Townhouse District (Conditional) to C-1 Conservation District, on part of Parcels 27-A-27A, 26-A-31, and 27-A-3A containing approximately 1.60 acres, part of Parcel 27-A-5A, containing approximately 3.29 acres; part of Parcels 27-A-5A, 27-A-11, and 27-A-9A containing approximately 1.73 acres; part of Parcels 27-A-9A, and 27-A-11 containing approximately 19.28 acres; located within Twin Hickory Planned Community south of Shady Grove Road and Twin Hickory Road Extended and east of Pouncey Tract Road. A conservation area is proposed. The Land Use Plan recommends Environmental Protection Area.

The deferral is requested to October 14, 1999.

Ms. Dwyer - How is our October agenda? Do you know, Mr. Marlles?

Mr. Marlles - Well, depending upon, tonight, we're certainly going to have a few more cases...

Ms. Hunter - We received five cases for the October submittal. So, it would be the five case, plus whatever we defer this evening.

Mr. Vanarsdall - I move C-55-99 be deferred to October 14, 1999 at the applicant's request.

Mr. Archer seconded the motion.

Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained). The motion carries.

Ms. Hunter - The next case is in the Varina District. That would be Case C-73C-98 James W. Theobald for W. A. Robins, et. al., Redford 131, L.C., Edward M. Luck, Gerald A. Crigger.

**Deferred from the April 15, 1999 Meeting:**

**C-73C-98 James W. Theobald for W. A. Robins, et. al., Redford 131, L.C., Edward M. Luck, Gerald A. Crigger:** Request to conditionally rezone from A-1 Agricultural District to R-3AC One-Family Residence District (Conditional), Parcels 197-A-21A, 21B (part), 21C and 22 (part), Parcels 197-1-1-6 (part), 7 and 7A, and Parcels 197-4-A-1, 2 and 3, containing 58.214 acres, located on the north line of Portugee Road (beginning in the Capes of Portugee Subdivision) approximately 280' east of the intersection of Portugee Road and Memorial Drive and on the east line of Memorial Drive (beginning in the Gaulding and Orange Subdivision) approximately 1890' north of the intersection of Portugee Road and Memorial Drive. A zero lot line single family residential subdivision is proposed. The applicant has proffered a maximum density of 2.8 units per acre. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay District.

That deferral is requested until December 9, 1999.

Ms. Dwyer - Is there any one in the audience in opposition to the deferral of Case C-73C-98? No opposition. Ready for a motion.

Mrs. Quesinberry - I would like to move for the deferral of Case C-73C-98 to the December 9, 1999 meeting at the applicant's request.

Mr. Vanarsdall seconded the motion.

Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained). The motion carries again.

Ms. Hunter - Also, in the Varina District, Case C-46C-99 Henry Wilton.

**Deferred from the July 15, 1999 Meeting:**

**C-46C-99 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural District to R-1AC One Family Residence District (Conditional), part of Parcel 177-A-40, containing approximately 51.46 acres, located at the southeast intersection of Elko Road and Old Williamsburg Road. A single-family residential subdivision is proposed. The applicant has proffered the overall density not to exceed 1 unit per acre. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre.

The deferral is requested to October 14, 1999.

Ms. Dwyer - Any one in the audience in opposition to the deferral of C-46C-99 Henry L. Wilton in the Varina District? No opposition to the deferral. Ready for a motion.

Mrs. Quesinberry - May I just ask a question?

Ms. Dwyer - Yes ma'am.

Mrs. Quesinberry - And you may not know, Ms. Hunter. I thought the applicant was going to withdraw this case?

Ms. Hunter - My understanding is, that it could, potentially, still could be withdrawn, but they are trying to get a contract tied down before they do that.

Mrs. Quesinberry - So, they're not tied down yet? Okay. Fine. We just thought they would have had that completed by now. I'd like to make a motion that Case C-46C-99 Henry L. Wilton be deferred to the October 14, 1999 meeting at the applicant's request.

Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained). The motion carries again.

Ms. Hunter - And, finally, the last deferral this evening, is on the last page of your agenda, Page 3. It's in the Brookland District. Case C-47C-99 Ralph L. Axselle or Andrew M. Condlin for Penrose Corporation.

**Deferred from the August 12, 1999 Meeting:**

**C-47C-99 Ralph L. Axselle or Andrew M. Condlin for Penrose Corporation:** Request to amend proffered conditions applicable to the Parham Place Office Park and accepted with rezoning case C-113C-85, on Parcel 52-A-5, containing 20.11 acres, located on the south line of Old Hungary Road at the intersection of Hungary Road and Benham Court and also fronting on the north line of E. Parham Road. The proposed amendments are related to access to Hungary Road and buffer area on the property. The Land Use Plan recommends Office.

The sheet says that deferral is requested to October 14, 1999. The applicant has just indicated that they would like to defer it to the November Planning Commission meeting. I believe that would be November 10<sup>th</sup>.

Ms. Dwyer - Is there any one in the audience in opposition to the deferral of C-47C-99 Penrose Corporation? No opposition. Ready for a motion.

Mr. Vanarsdall - I move C-47C-99 Ralph L. Axselle or Andrew M. Condlin for Penrose Corporation be deferred to November 17, 1999, at the applicant's request; a 60-day request.

Ms. Dwyer - Mr. Vanarsdall, Mr. Silber, just informed me that the November Zoning Meeting will be November 10<sup>th</sup>.

Mr. Vanarsdall - Okay. That's on the account of Veteran's Day.

Ms. Hunter - November 10<sup>th</sup>, yes.

Ms. Dwyer - Is there a second?

Mr. Archer seconded the motion.

Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer to defer the case to November 10<sup>th</sup>. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained). The motion carries unanimously.

Ms. Hunter - That's all the deferrals. I think that's left us with two cases.

Ms. Dwyer - Thank you.

Mr. Vanarsdall - My colleague on my right, said he understood that if we have more deferments than cases, the meeting is automatically cancelled.

Ms. Dwyer - I haven't seen that rule.

Mr. Vanarsdall - Mr. Archer, the Chairman says she has not seen that rule.

Ms. Dwyer - We'll just enjoy the shortened agenda. Maybe we'll be home before Midnight, tonight.

Mr. Marlles - May I go ahead, Madam Chairman?

Ms. Dwyer - Yes.

Mr. Marlles - The first case is in the Tuckahoe District.

**C-56C-99**                      **Scott A. Fath:** Request to amend proffered conditions accepted with rezoning case C-72C-89, on Parcel 99-14-A-7 (9608 Gaslight Place), containing approximately 0.42 acres, located at the northeast intersection of Gaslight Place and Gaslight Drive. The proposed amendment is related to the type of roofing materials. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Marlles -                      Mr. Bittner will be giving the staff presentation.

Ms. Dwyer -                      Is there any one in the audience in opposition to Case C-56C-99 Scott A. Fath, Gaslight Subdivision, roofing? No opposition.

Mr. Bittner -                      Thank you, Ms. Dwyer. The proffers for C-72C-89 require that all homes in the Gaslight Subdivision have roofs made of cedar, cement tile or slate materials. This proposal would amend Proffer 7 to allow the house currently under construction at 9608 Gaslight Place to have a roof composed of Grand Manor by CertainTeed in Stonegate Gray. This is a brand name for a synthetic shingle made of fiberglass. This amendment would apply only to the house at 9608 Gaslight Place.

The applicant is requesting this amendment because he says the fiberglass shingle is a better longer-lasting material than what is required by the proffers. We have a sample of that material right here on the front row of the seats. We also have a slide.

This is a brochure by CertainTeed showing the exact shingle that the applicant wants to use on his house.

The Gaslight Subdivision was rezoned to R-2C and R-1C in 1989, and it contains 38 lots. Most homes in the subdivision appear to have cedar roofing material, but a significant number have cement and slate roofs. The fiberglass shingle proposed by the applicant is similar in appearance and color to the cement and slate shingles. Allowing the proposed roofing material would not appear to disrupt the aesthetics of the neighborhood. Therefore, staff does not object to this proposal.

Revised proffer language has been submitted, and handed out to you tonight. And there is no need to waive the time limit. This revised language more clearly states that this alternate roofing material is permitted only on the single house at 9608 Gaslight Place. Staff feels this language is preferable to the previous request and recommends its approval. I'd be happy to answer any questions you may have.

Ms. Dwyer -                      Mr. Bittner, what is the life of these shingles? Do we know that?

Mr. Bittner -                      My understanding, and the applicant is here, tonight. He can probably answer it, too. But I believe its 30 to 40-year life for these shingles, which is,

apparently, above and beyond what cedar shakes tend to last, which, I've heard ten to fifteen years for cedar shakes.

Ms. Dwyer - My personal experience with cedar shingles, which, I just this year had removed, has been replaced with a similar type of material. Apparently, in the early eighties when we, apparently, got a lot of these proffers for subdivisions, cedar shakes and cedar shingles were all the rage, and were an indication of quality of construction. But, we've learned since then, that this area is not a good locale for cedar shingles, both because of the construction practices have changed and because it is very humid here. They retain moisture and deteriorate fairly quickly. So, I think that this may not be the only time we see a case like this, In fact, I've had calls from other residents in the Tuckahoe District whose houses are subject to the same kinds of proffer restrictions. Mr. Silber and I discussed this about a year or so ago. I'm not sure there's a more efficient way to handle this dilemma or not. If there is, I'd be glad to hear it.

We may just have to go through on a case-by-case basis, lot-by-lot basis with the proffers. But one thing that I'll mention to Commission members is that, as we were talking about this, instead of having these kinds of things in proffers, it might be better, in the future, to put them in the covenants and to be mentioned, perhaps, in the proffer what the covenants may entail. That may make it easier in the future to change roofing.

Mr. Bittner - Right.

Ms. Dwyer - Any other questions by Commission members?

Mr. Archer - Madam Chairman, does Proffer No. 7, that we just received, does that negate the possibility that replacement on one of the other houses be made with the same type, too?

Ms. Dwyer - Yes. It does. I mean, I think, if another home with a cedar roof wanted to replace their cedar with a similar shingle, they would need to come in for a proffer amendment. Is that true, Mr. Bittner?

Mr. Bittner - This application, both the previous language and this language still only apply to this one lot.

Mr. Archer - One lot?

Mr. Bittner - Yes sir.

Mr. Archer - One lot.

Ms. Dwyer - And I think that we could change the proffer, correct me, if I'm wrong, Mr. Silber. You and I talked about this earlier. We would almost have to have the

agreement of every property owner within the subdivision in order to change a proffer that would affect all the lots.

Mr. Archer - That was one of the reasons why I asked.

Mr. Bittner - All the lot owners, and I'm not sure if all 38 have been sold to individuals, but they would all have to agree in one application.

Ms. Dwyer - Which is a rather cumbersome process. So, that is just something to keep in mind.

Mr. Archer - Definitely.

Ms. Dwyer - So, that's just something we need to keep in mind. We should make sure that these go in covenants, rather than in proffers in the future. Any other questions by Commission members? All right, I move that the Commission recommend for approval C-56C-99 for approval to the Board, and we don't have to waive time limits you said, Mr. Bittner?

Mr. Bittner - Correct.

Mr. Vanarsdall seconded the motion.

Ms. Dwyer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained). The motion carries unanimously.

REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors accept the amended proffered condition imposed with C-72C-89 because it is reasonable; it is not expected to have a precedent setting effect on the zoning in the area; and it continues a similar level of single family residential zoning as currently exists in the area.

**C-21C-99 (Revised) Walter J. Monahan for Dakota Associates:** Request to conditionally rezone from A-1 Agricultural, RTH Residential Townhouse District, and R-5 General Residence District to R-3C One-Family Residence District with conditions (20.017 acres) and R-5 General Residence District (34.667 acres), Parcels 192-A-7, 19, & 20, located on the west line of Midview Road approximately 400' south of its intersection with Darbytown Road. Residential townhomes and a single-family subdivision are proposed. The R-3 District requires a minimum lot size of 11,000 square feet and the R-5 District restricts the maximum density to 12 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is also in the Airport Safety Overlay District.

Mr. Marlles - The staff presentation will be by Ms. Jo Ann Hunter.

Ms. Dwyer - Is there any one in the audience in opposition to Case C-21C-99 Dakota Associates? We do have opposition. Thank you. We will call on you later in the meeting. You've been here before. You know how that works. Okay. All right, Ms. Hunter.

Ms. Hunter - Thank you, Madam Chairman. This case has been before the Commission several times before, and it has gone through several changes. So, I do, briefly, want to update the Commission on where we've been and how we've gotten here, tonight.

This property has 11.763 acres in the front along Midview that was zoned RTH unconditionally in 1971, and 34.5 acres here in the rear that was also zoned in 1971 with no conditions. The applicant originally had come in and proposed to rezone this 8-acre A-1 piece (referring to slide) to RTH and develop the entire property. However, the R-5 wasn't part of the case. There were several concerns identified by the neighbors at that time. And there was a petition signed by about 120 citizens opposing the case.

The applicant then came back and requested R-3 zoning for the front piece here (referring to slide), and leave the R-5 zoning, and develop it as either apartments or townhouses. Due to access problems, the multi-family would have been accessing through Trailing Ridge, through the single family, and there were concerns by Public Works about whether they would approve that sort of access.

So, we've met with the applicant. We talked about flipping the zoning. So, the request, tonight, is to have the 34.5 acres of R-5 be moved to the front and be brought in and considered as a conditional case, and the 20 acres in the rear for the single family development.

When the applicant originally brought this case in, it was proposed for 386 townhomes. With the inclusion of the 20 acres of single family, the number of townhomes is reduced to 263. So, there has been some significant improvement in the case. And the way it stands now, we would be eliminating almost 12 acres of RTH zoning that's out there with no proffers on it.

There are a few issues with both the single family, and multi-family development that I'd like to address. The single family, they are requesting R-3 zoning. This is slightly higher than what the Comprehensive Plan allows. The Comprehensive Plan designation is SR-1, which would allow 1.0 to 2.4 units per acre. The applicant is proposing 47 homes, which does fall within that range, but he has not committed to that number.

The property would also be developed with access through Trailing Ridge. So, the development should be consistent with the development of Varina Station. When this aerial was flown two years ago, this section here, the roads were cut in, but the houses weren't developed. The houses are there. The majority of the houses have been developed at this time.

The applicant has proffered many of the proffers that are similar to Varina Station, including brick foundations, minimum house size, paved driveways, and crawl spaces.

The applicant has proffered a conceptual plan for the property. However, staff is concerned that it doesn't meet some of the requirements of our Subdivision Ordinance. There's a lot of area back here (referring to slide) that is not accounted for along the rear of these lots.

The applicant has a cul-de-sac street that is longer than 1,320 feet which is not permitted by Code. There would be more than 50 lots on one single point of access, which is not permitted by the Code. So, there's several problems with this layout that staff has concerns with that it is proffered and does not meet our Ordinance.

In regards to the multi-family development, the applicant has requested to shift the R-5 zoning to the front of the property because they were having trouble developing it because of lack of access in the rear. This moving around of the zoning has been very helpful because it has allowed the applicant to come in and include it as part of the zoning case, and is allowing us, for the first time, to have a comprehensive review of the property, and be able to look at it, so we can address some quality issues. Staff would continue to recommend to the applicant that he address that this property would be developed as townhouses for sale and not apartments. The R-5 zoning does allow apartments for rent. I think with its proximity to Varina Station, the townhouses for sale would be a better neighbor.

The applicant has also proffered, in order to try to protect the Varina Station, a 35 feet buffer here (referring to slide) along the whole Varina Station boundary. They have also agreed to a 5-foot berm within that buffer.

The staff would recommend that, if any utility easements are placed in that buffer, that they are placed perpendicular so that we actually can have some plantings in that 35 feet.

I'll show you the aerial photo again. As you drive down Midview Road, all of these houses are fronting Midview. And all the way, a mile away, as you come north on Midview, all of the houses front Midview. The applicant is proposing the rear of the townhouses to be adjacent to Midview, which means a person across the street would be sitting on their front porch and would be looking at the rear of a townhouse. So, that means it could be looking at a tool shed or swing set. And the staff has talked to the applicant about turning the houses; having them front Midview, with shared driveways. The applicant is reluctant to do that. I feel, if they really would like to keep the houses facing Midview, then Midview really needs to be addressed better than a 15-foot buffer, which is what they have proffered.

I have handed out new proffers to you this evening. I do have some concern with the language of a few of them, and I'll quickly review some of my concerns. The applicant has proffered elevations and has attached them, which have also been handed out to you. Those are just for the patio homes, which are not defined anywhere in the proffers. And it does not address the architectural treatment of the single family homes or of the townhouses.

The conceptual plan, which is Proffer No. 2, again, as I spoke earlier, there are some concerns with it not meeting the Code requirements. So, it would be difficult to accept a plan that does not meet Code.

Proffer No. 7, density and lot layout. It would be preferable to have the applicant actually commit to the number of lots and the number of townhouses, rather than a density based proffer.

The applicant, under square footage, the last line, has added a one-story townhouse, with a minimum of 1,000 square feet. I think more clarification on what a "one story townhouse" would be and what it would look like.

Proffer No. 14 concerned with the buffers. I think I talked about that enough in my presentation.

And then also, the final issue is the recreational area, Proffer No. 15. Staff believes that this property is developed very densely and it does not allow for adequate recreational areas, open space, storage, parking of vehicles. It's a density that's inconsistent with some of the proposals that the Planning Commission has been talking about to improve the quality of multi-family development. Staff has looked at some other townhouse projects that we have considered to be quality development. And, we have found that, with the density of about six units per acre, that allows the developer to have enough density to still provide the recreational amenities and still have enough open space to have a good appearance of the project.

The applicant has proffered about nine units per acre. Their conceptual plan shows a little less than eight units per acre. But we have come a long way, in a long time, but significant improvements have been made to the case. The benefit of flipping around the zoning and bringing the whole property in has gone a long way into being able to address a lot of the concerns of the property. A few more issues need to be worked out before staff could recommend approval of the case. I'd be glad to answer any questions you may have.

Ms. Dwyer - Thank you, Ms. Hunter for that comprehensive review. Any questions for Ms. Hunter by Commission members? Did I understand you to say there has been a commitment to sell all of the townhomes or patio homes, or it has not?

Ms. Hunter - It has not. No.

Ms. Dwyer - I didn't see it in the new proffers.

Ms. Hunter - That is one of the outstanding issues.

Ms. Dwyer - Okay. All right, and the elevations that were presented, tonight, you said they only applied to the patio homes? Are they referenced in the new proffers handed out?

Ms. Hunter - Proffer No. 1 has been handed out to you, tonight. It's added the second line of the attached elevation.

Ms. Dwyer - I see.

Ms. Hunter - And those are what are submitted, but it does just address the patio homes, not townhouses or single family?

Ms. Dwyer - Usually, its good to have some other way of identifying the document.

Ms. Hunter - Right. Several of the proffers need some work to make them a little more easier to enforce.

Ms. Dwyer - All right, thank you. Any other questions for Ms. Hunter? No questions? Will the applicant come forward, please? Mr. Secretary, if you would review, for the benefit of everyone in the room, what our rules are that have opposition, as far as time?

Mr. Marlles - Ladies and gentlemen, the Commission's policy, when there is opposition to a case, is to give 10 minutes to the applicant to present his or her case. The Commission also gives 10 minutes to the opponents to present your concerns. That 10 minutes does not include any time responding to questions from the Commission. Generally, it's a good idea for the applicant to reserve some portion of that 10 minutes for a rebuttal. It is also a good idea for the opponents to have a spokesperson who can, perhaps, summarize what their concerns are. I will be keeping the time, and I will notify the Chairman when we're approaching the end of the 10-minute period.

Ms. Dwyer - Thank you, Mr. Secretary. Would you like to reserve some time for rebuttal, sir?

Mr. Walter Monahan - Yes.

Ms. Dwyer - How much?

Mr. Monahan - I don't know.

Ms. Dwyer - Sir?

Mr. Monahan - I'm not sure how long I'll be here.

Ms. Dwyer - Okay.

Mr. Monahan - Whatever is left?

Ms. Dwyer - You want us to let you know when, you say, have two minutes left? You'll be able to gage...

Mr. Monahan - It's so early, we ought to be able to take all the time we want.

Ms. Dwyer - Excuse me?

Mr. Monahan - It's so early, we ought to just be able to go on, after all this time.

Ms. Dwyer - Usually, we end up taking at least an hour or hour and a half for a contested case, even though we have those time limits. So.

Mr. Monahan - Madam Chairman, members of the Commission, I'm Walter Monahan. And Ms. Hunter has pretty well covered the history of this thing, and the comments. Let me add a little bit to the history, and then I want to go over some of the comments, mainly, how we may disagree a little bit.

When we got to showing the R-3C up front and the R-5 in the back, and the front being all this flat area toward Midview; this line right here (referring to slide), that 20.071 acres, that's just before that map, that's when we started getting together with the residents in Varina Station. And the big issue at the time, the overriding issue has been keeping this whole project, basically, from connecting to Varina Station. And, then we got into all these different alternatives.

And, we have another one or two, but they didn't work, because even within the project, we couldn't have multi-family traffic going through single family traffic to get to where ever it would be going.

So, the end result was this, it's the identical acreage in the back; 20.071 acres, as was in the front, the RTH and the A-1 combined. It, basically, does just shift this 34.5 acres toward the front.

It's proffered in this that, first of all, in the single family, we're showing 47 lots. There are a minimum by the R-3C of 11,000 square feet. There might be, depending on exactly where the easements are, the blank area toward the far side are easements. There's a significant drainage easement there, as well as sewer. And, the total number of lots in there would be 46, 47, or 48, somewhere in there. It just depends on exactly how its laid out.

And then, in the orange, (referring to slide), the green area is the open space. The orange are the lots for the patio homes. And then the white area toward the north is the townhouse area. What I wanted to do is just go over some of the comments. It seemed to be, and Ms. Hunter's gone over them. When you read the comments, there are kind of five general areas, one of which is quality of buffers. Another one, she mentioned, dealing with Midview Road. Then, quality, is an issue, itself, then open space, and density.

On the buffers, what we've proffered now, this is a very simple drawing of how the buffer might look with Varina Station. And, the residents, basically, are saying this is what they'd like to see, as well, which is a 5-foot high buffer/berm with grass and then planted in a 35-foot wide area, which would extend all the way across the southern boundary adjacent to Varina Station. And that's just drawn as a 5-foot high such buffer.

What we've also, and that buffer would then continue, it still would be 35 feet coming up all the way within this project, itself. It might not be 5-foot high all the way. It really creates a wall. It really walls this off from Varina Station. And that's kind of been the objection with the circulation as well.

So, what this does now, by the berm and the lack of connection, the multi-family, in fact, is walled off from Varina Station. The single family to the rear works with Varina Station, and, in effect, becomes a part of it, because it does not connect back into the R-5 either.

The other buffers we're showing proffered are 20 feet along the northern boundary and a minimum of 15 feet along Midview. In fact, along Midview, its going to vary. I put 15. It could be 25. It's going to vary in here, say 25 or so back to maybe 80 feet, all along the front, the way its shown. And that's all wooded. The site is completely not wooded to the rear, but the front is wooded.

There's some significant trees right along Midview Road. And that brings us into how to we treat Midview Road. To me, this is, for a lot of reasons, this is the way its shown as a better way to treat it rather than having houses front on Midview Road, frankly, because Midview is a collector. I think its almost a mistake that Varina Station, itself, fronts on Midview Road. I think that new subdivisions that would go in here probably wouldn't. I don't think they should because Midview connects from Darbytown to New Market and its going to have more and more traffic over the years. And, it just doesn't help to have traffic driveways fronting on a collector road like that. And it happens all the time, where in the early stages of a countryish-type road, houses front on the road. As development comes along, it no longer fronts. It's pushed inside.

And, it gives more of an identify to this as a community, as a subdivision as you enter and then the housing starts, versus just having housing along the road when you drive in. And the buffer would stay as a natural area and added to any landscaping, entrance signs and that kind of thing. I think its an advantage to leave it this way. And there really aren't that many rears of houses that are there anyway. And, they're going to be a pretty good distance away from where the road is, as well.

The third item that comes up is quality. It's an issue, and it kind of runs through the comments. And, frankly, I'm not really sure what it means. If its related to Varina Station, then we, basically, have the same proffers for single family as they do, except we lacked a couple, and we have a couple of additional.

One, they do not have paved driveways. Most of the driveways are stone. And they don't have garages, and we proffered garages. A lot of the more recent ones do. A lot of the ones that were there earlier, don't. But, its not proffered anyway.

When they talk about a couple of shade trees, that's fine. We put that in anyway. Cantilevered chimneys, that's, basically, for gas fireplaces. Put a little foundation on it, we do that anyway, as well. So, basically, we do the same with a couple of additional ones.

Other than that, I don't know where quality really comes in. I'm sitting here with some other; we're just talking about roofs. I don't really know how you zone quality. I don't understand that. To me, building housing, is like any other product. You're producing a product. And anybody is a fool if they don't build it in a quality way. And the real quality to a house is not so much what you can look at, its how its done inside. Where the money really goes into a house, typically, is how you finish it off. The flooring, the trim, the cabinets; those are the quality items. Those are what make a difference as well as the design itself. You can have a lousy design and dress it up nice, but it's still lousy. So, I'm not sure where the quality really comes in, or how you zone something like that.

What I wanted to do, is just go over some of the comments in the Comment section itself. We do with, I think Ms. Hunter mentioned, the 47 or 48, if you take 2.4 units per acre in the single family, you come up with 48, and we're going to be there anyway.

Ms. Dwyer - Sir, you have about two minutes left.

Mr. Monahan - Okay. This back area that comes around, the open space area, those would be lotted. The reason they're not is just to show the lots have 11,000 square feet. We, basically, divorced the multi-family from Varina Station. And, I think it holds true. It is more reason to have that as some kind of pedestrian thing that would tie back into the R-5. It just follows through that we treat that the same way we're treating Varina Station. And I'll come back with the rest at the end, and I'll just reserve a little bit.

Ms. Dwyer - Any questions of Mr. Monahan by Commission members? We have some questions for you, sir. Thank you.

Mrs. Quesinberry - My questions, I think, kind of evolve around quality, too, and just clearing up some of the things. I've looked over your proffers, and I really do appreciate your offering these proffers, because it does help when you're zoning like this to ensure that we get the kind of quality that we're looking for and that the neighbors really expect in their areas. And I just wanted to ask a few questions just to clarify some things.

Looking at Proffer No. 7, you know that really deals with density and lot layout and that sort of thing. And that's a pretty important thing, I think, when you're looking at a development like this. I'm just kind of wondering, you said a couple of times that, for the proposed R-3C that that lays out, basically, to 47 houses. I mean, it could change as you get in there, but it lays out to

47 houses. So, wouldn't it be pretty straight forward to just include that in the proffer and say that section will develop with no more than 47 houses?

Mr. Monahan -                    If we made it 48?

Mrs. Quesinberry -            Okay. Let me move on, and still talk to that Number 7. I know Varina Station has something in their proffers that deals with the number of ranch homes that they have. They mostly have colonial two-story homes. They do have a few ranch homes, but when their proffers were laid out, they really addressed that just to help ensure that they didn't end up with a lot of smaller ranch homes, because that wasn't the intention of that subdivision. It's not something that's really desirable in that neighborhood. So, I'm wondering if maybe it wouldn't be a good idea, or if it wouldn't add again to the quality of this subdivision that you're looking at, is, to come right out to say, for example, that you would have no more than "X" ranch style homes? If you're looking at say, 47 homes, maybe no more than a third, because that's the way Varina Station is set up. So, maybe you could say, you know, that there would be a maximum number of ranch style homes, and that might be a number like 15, for example.

One of the other issues, and, I think, it sort of fits No. 7, as well, is that, again, looking at the density and the quality and so forth, in the proposed R-5 section, where you're looking at townhouses and patio homes, that you come right out and say in your proffer, for example, that that's going to be developed as townhouses for patio homes for sale, as opposed to, apartments for rental property.

And, then again, you asked questions about quality, too. Density really does speak to quality. You can build something out of fine material, but if its...

Mr. Monahan -                    How about the Fan District?

Mrs. Quesinberry -            Well, they have issues there too, with their density. I mean it brings a certain kind of eclectic lifestyle and some things people like, but they have sidewalks to walk places and they have services that are close by. But they do have parking problems, because it's a pedestrian-kind of set up, but there are a lot of cars in there. I mean this is truly a place where people are going to have cars and park and drive to where they need to go. And that creates a lot of issues with parking and density and that sort of thing. So, I'm wondering about the proposed R-5C section, as well, if you could not just come out straight forward and say that that would develop with no more than say, six units per acre?

I'm really fearful that you're going to have driveways so close to each other and next to each other, that there is no place to park except in your own driveway. When your mother-in-law comes to visit, I don't know what she's going to do; drive by and yell out the window or what, or somebody is just going to drop her off, because its going to be very tight in there for cars and people.

Mr. Monahan -                    Okay.

Mrs. Quesinberry - And, then I want to move onto No. 14. Number 14 talks about the buffers. I have a couple of questions about the buffers. I really do like your 35-foot buffer and your berm. I think that's just excellent. You've really thought about that, and were sensitive about that and worked on that very hard. And, I really appreciate that, and I think the neighbors probably do too. But, I really would like to address and ensure that the buffer stay a 35-foot buffer, and not be, you know, encroached with utilities or other things unforeseen that may come in. I'm wondering if it would not be a good idea just to kind of restate it or state it again that utilities in the 35-foot buffer would have to be perpendicular to ensure the integrity of that buffer?

Mr. Monahan - Yes. I don't think - I don't think there will be any utilities back there, myself, but that's a problem then.

Mrs. Quesinberry - The buffer along Midview, Ms. Hunter talked about that, too, and then you did, too, because there are backs of townhouses or backs of patio homes that could be facing Midview. I know there are a lot of woods there, and it varies a little bit. The woods are great, but, you know, because this design could change, somewhat, I think that it's just a good idea to be clear up front. It saves a lot of misunderstanding and haggling later to just be real clear that the buffer along Midview needs to be substantial and to state that it, obviously, needs to be more than 15 feet along that side. I'm thinking maybe 50 feet.

I have a question also, and I think its addressed in this No. 14, but I want to make sure I understand it. The 35-foot buffer between Varina Station and the proposed R-5C is the 35-feet, you know, with the berm. And, it does extend north and west between the proposed R-3C and the proposed R-5C, so that, truly, all the single family homes, both old and new, has a 35-foot buffer with the berm? I'm just asking for confirmation that I understood that correctly?

Mr. Monahan - The only thing I would mention about the berm that as it goes northwest, it might not be five feet.

Mrs. Quesinberry - It may not be five feet?

Mr. Monahan - If I have a choice, I don't want it to be five feet. It could be 5 feet, but it might go down to 2.5 feet. They're not straight lines either.

Mrs. Quesinberry - Right. I understand undulating berm.

Mr. Monahan - It's not just that. They meander a bit. But, I would rather have something like this than a wall, if I have control over it.

Mrs. Quesinberry - It's just not clear to me in the proffer that that's clear, because it talks about the buffer between Varina Station and the proposed 5C. And then it goes north, you know, it continues north and west, but I wasn't sure about that part that continued between the proposed R-3C and the proposed R-5C. So, I just had some question about that.

Ms. Dwyer - Excuse me. You're not clear whether the buffer is in that area or not? Is that your question?

Mrs. Quesinberry - That's my question.

Ms. Dwyer - I don't see it in there either. And, while we're on that subject, if I may just ask a question about this Proffer 14? In the second sentence, you say specifically a minimum 30-35 foot buffer. What does that mean?

Mr. Monahan - Let me get that out. I think the 30 is supposed to be crossed out. Yes. The 30 should be crossed out. That was the old one. It was 30, originally, and that should be 35. It should be crossed out. It's supposed to be 35 twice. It should be crossed out.

Mrs. Quesinberry - Because the way it looks to me is, the piece of the buffer between the proposed R-3C and the proposed R-5C would be 35 feet, but it could just be, you know, 35 feet of grass there. It's not clear that it's going to be bermed or landscaped or whatever.

Mr. Monahan - We could add that. We would definitely berm it, plant it.

Mrs. Quesinberry - Because you would have backs of single family homes probably backing up to backs of multi-family homes with a lot of stuff out there.

Mr. Monahan - Yes. We could put that in somehow.

Mrs. Quesinberry - That piece is not really wooded out through there, is it?

Mr. Monahan - Not where the division line is. No.

Mrs. Quesinberry - Okay. While we're talking about buffers, too. The natural landscaped buffer provided along is it the north side of the property; the north property boundary? That's looking at the top of this conceptual plan where you have the backs of multi-family, and you've got the BMP, backing up to some older pieces that are developed with some single family homes. And I know the front part of it, closer to Midview, has some woods there. That's fairly natural, but, as you move towards the back, towards where the BMP is, I don't think you would have what you would consider a natural buffer there.

Mr. Monahan - It's still wooded.

Mrs. Quesinberry - Not very much, though.

Mr. Monahan - It's not much of a drop down, but its wooded.

Mrs. Quesinberry - I'm a little concerned about that, and some of those residents along there having the backs of their homes, maybe looking at a BMP of something.

Mr. Monahan - They are a number hundred feet north of that.

Mrs. Quesinberry - Okay. Well, that's not clear to me, so, I just bring that up.

Ms. Dwyer - Are you talking about the homes that face Oakland Road?

Mr. Monahan - Oakland, yes.

Mrs. Quesinberry - Yes.

Mr. Monahan - There's a significant distance between...

Ms. Dwyer - Of course, that could be developed for another residential area.

Mr. Monahan - Sure.

Ms. Dwyer - You may have...

Mr. Monahan - You could have a buffer on this side and a buffer on that side.

Ms. Dwyer - Well, that's just a 20-foot buffer along there, right?

Mr. Monahan - Right.

Mrs. Quesinberry - I just want to ask one more question before we hear from the opposition. Looking at No. 15, with proposed R-5C area, "Recreation shall be provided to include a club house and related facilities." I know this is a conceptual plan that we're looking at, but its not really clear to me that there's a lot of room for a club house or related facilities. I know you've got some space allotted right there by the BMP. I'm just wondering, when it comes down to time for development, if that doesn't hem you in more than provide a real benefit. Maybe you might think about some wording that says something to the effect of you know whatever you want to do with recreation facilities, tying it to something like square footage per unit or a total amount of acreage for recreation, and identifying exactly what it's going to be in there, that you're going to do it and you're going to allow so much space to do it, and you're going to allow so much space to do it, rather than saying we're going to have that little circle right next to the BMP.

Mr. Monahan - I think we want to tie it into the BMP. Hopefully, it would be a wet one, not a dry, ugly one. And we don't know how big it is, frankly. It may be bigger.

Mrs. Quesinberry - I mean, that's my whole point, though...

Mr. Monahan - Well, I want to tie it around it somehow, depending on what the final configuration is.

Mrs. Quesinberry - What I'm saying is, the way you have it worded, you really hem yourself in. And you say, "Our recreational facility is going to be a clubhouse."

Mr. Monahan - It might be a pool.

Mrs. Quesinberry - This dot right here by the BMP. And, I'm just saying, if you're committed to recreational facilities, why don't you just, since you know exactly what it's going to look like, why don't you say, "We're going to do recreational facilities, and we're going to do this amount." It's going to be permit so much square footage per unit, like 250 square feet per unit, or it's going to be so much acreage, like we're going to save in total an acre, or acre and a half. We're going to devote it to some kind of recreation for these nearly 300 units; that kind of wording so that you're not hemmed in. When it comes down to time to build, it's like, "My God, you're got to have a clubhouse right here at the BMP." What if it doesn't work out well? Maybe it turns out that something else would be a lot nicer. Why do you want to hem yourself in? Why don't you commit to recreational facilities, and say we're going to do this much and save this much space to do it? And then where it works out nicely, and really provides a benefit for an amenity, put it there.

Mr. Monahan - Okay. That's what I think... We also proffered it would be at least 300 feet away from Varina Station, whatever it is.

Mrs. Quesinberry - Yes. I understand that. It needs to be away from Varina Station, but it seems like you hemmed yourself in really tight with that.

Mr. Monahan - Okay. Do you want me to go back over your comments? Questions?

Mrs. Quesinberry - Probably, it would be better if we heard from the opposition, and then gave you some chance for rebuttal.

Mr. Monahan - Okay.

Ms. Dwyer - Are there any other questions by Commission members? I had a few. And, I'd like to first of all say, that, looking at the number of concerns and questions Mrs. Quesinberry has raised, tonight, it looks to me like the proffers are not in a form for approval, or even disapproval, tonight. Could you have, you know, a set of proffers that are clear and that specifies what you have agreed to, tonight, or what you may agree to tonight. I think that there are so many things, that it's hard for us, and really hard for staff, too, to keep track of what's been agreed to and how that could be worded. So, I'd just like to preface my comments with that.

I think a number of things have been addressed, but not really answered. Just some things that are a concern to me, too, is a second point of access. We have 50 lots. There was a question

raised about the standards for the length and width of the roadway serving the single-family homes. I agree, I think there should be some commitment as to quantity of open space so that we're clear that, at least, a minimum amount of open space and/or recreational space will be provided.

Additional parking, storage areas for recreational vehicles, boats, are two issues I don't think have been addressed. Pedestrian walkways, building the roads to the townhouses to County standards is another issue that I think we need some commitment on. I think, if the rear of the townhouses does face Midview, I would agree with Mrs. Quesinberry that a 50-foot buffer, preserving the existing trees, would be in order or would be appropriate. I just want to look at my notes.

I think we do need to define what a patio home is. That's not a term that we're accustomed to using that we're clear about. Let's see, I think you left in Proffer No. 7 this language about the, "...The aggregate density for the R-3 parcel shall be as allowed by the underlying R-3 zoning, with all lots in conformance..." I don't think that language is necessary. I think all you're saying is that R-3 zoning will comply with R-3 zoning, which is understood. I think that's confusing to me, you know, whether or not you're adding something in there. That might be something that we should take out.

The term, "natural state" is another one in Proffer 14 that has caused us a considerable amount of heartburn in the past. So, I think we should rethink that term. You know, if we're going to preserve trees, then, I think we say that, but using the term, "natural state," gives rise to confusion about what can be done in that buffer area. Can you put structures like bird baths, in a natural area, because that's not a natural structure or natural items? So, I would recommend we not use that term, based on past experience.

Also, Proffer No. 16, I'm not sure what we are referring to there. If these proffers are adopted in regard to this property, then they, would, in fact, supercede, or replace whatever existing proffers there are. And, I don't believe there are any proffers on any of this property anyway. So, I would recommend taking 16 out, just because it doesn't serve a purpose.

I'm sure there are some more issues, but those are just the ones, you know, I picked out from this first report, that I think need to be addressed. Any other comments or questions by Commission members?

Mr. Archer - I just had one, Madam Chairman. Mr. Monahan, how many driveways would you propose to come out into Midview?

Mr. Monahan - The way I'm doing it, none.

Mr. Archer - I'm sorry.

Mr. Monahan - None, the way I'm showing it.

Mr. Archer - You're showing it with the backs, but there won't be any driveways coming out? The only two points to get to Midview then would be the two roads that I'm looking at (referring to slide)?

Mr. Monahan - Yes sir.

Mr. Archer - I guess, what I'm really asking, if that were reversed, and you, obviously, don't want to do that, how many houses that would front on Midview, if it were to be reversed, eight or nine?

Mr. Monahan - Probably, 10, or something like that.

Mr. Archer - Ten? Okay. Just curious.

Ms. Hunter - Mr. Archer, I think what we would recommend if they did front the houses that they would have some sort of shared access drive along Midview so that you didn't have 10 houses with driveways with direct access to Midview. It would be an example similar to how they have it at Mountain Glen, if you're familiar with that subdivision.

Mr. Archer - Yes.

Ms. Hunter Sheppards Way.

Mr. Monahan - You mean, like a "feeder road?"

Mr. Archer - An access road, somehow, is that what you're saying? I just wanted to have some idea in case that came up.

Mr. Monahan - To me, all that does is put more pavement and knocks down the trees. I don't understand it.

Ms. Dwyer - Any other questions or comments? Just one more on the elevations you submitted, are just for "patio homes?"

Mr. Monahan - Yes.

Ms. Dwyer - I think it would be good to have elevations for the others.

Mr. Monahan - Yes. Basically, the single family really becomes a part of Varina Station would be, basically, like the latter part, specifically, that's being built now in Varina Station. In fact, we tried to get the same person building those involved in this. And we don't, we're even looking for something. Now, the patio homes in terms of parking, and all, the patios are going to have garages.

Ms. Dwyer - Of course, they can always be converted to living space.

Mr. Monahan - They can, but I mean they're going to be garages. Like going to look like it. And we're even thinking of putting, at least, one unit of the townhouses and put a garage on it as well. And parking more than complies with any ordinance that's out there.

Ms. Dwyer - All right, thank you, Mr. Monahan. Would the opposition come forward, please? How many speakers do we have this evening? If you could raise your hand, just so we'd know. Two?

Ms. Judith Mayes Roberts - I have been here before. I am very pleased from the first time that we were here back in March that progress has been made. What we are concerned about, when I met with the subcommittee last week, we were concerned about the number of things that were not said. When we had made an initial list of things that Mr. Monahan looked at to see if he was willing to say that they would be negotiable, what concerns us is that things that were negotiable that he agreed to that would be proffers listed in this document don't show up on the proffer list. And it becomes confusing for us, because we're learning the language. The things that you talked about, tonight, Ms. Dwyer, Mrs. Quesinberry when you mentioned the issues of the buffers, the quality; all of those are things that we have a concern about.

The biggest concern, however, is what I call "the peg continues to move." That, for us, because we are learning this language, we need to know, and see in writing, that which we have agreed to as it relates to buffers, as it relates to trees, as it relates number of homes that they will be patio; that they will be townhomes. We are very concerned about this. We are in good faith. We were pleased when we were able to agree that there would only be one entrance into Varina Station, and that would be through Trailing Ridge Road. What we're hoping, and we're dependant upon, from the Commission, is that these issue that you have continued to outline tonight and ask Mr. Monahan about, that somehow they could be brought to some closure, in writing, in the form of proffers, so that we would know that our investment has been protected. This is about our children. So, we're looking forward to the good faith effort. And we need you in order to make that happen. Thank you.

Ms. Dwyer - Thank you. Any questions by Commission members? Okay.  
Anyone else?

Mr. Ernest B. Parrish - Madam Chairman, and members of the Board, my name is Ernest B. Parrish, and I live at 6261 North Midview Road. That's directly across from this project, right on the corner of Haversham and Midview.

Mr. Monahan has proposed not to have any entrances onto Midview Road, and I agree with it. But there are some other things that I don't. He says, its trees there. And he'd rather not put a berm there. However, when those homes are built, if a man wants to cut a tree down in his back yard, whose going to stop him? He'd be able to clean his lot if he'd like to.

Also, if that is open to Midview Road without a berm there, he could pull his boat in from off of Midview Road into that section, or put anything he wants to back there. So, I'm recommending that we leave the design like Mr. Monahan has it, and leave every tree he can, but also have that berm down there. What is it, 5-foot he said? Thirty-five foot and this 5-foot berm planted where necessary. Thank you, gentlemen?

Ms. Dwyer - Thank you. Any questions for Mr. Parrish? Did I hear you say, you understood there'd be no entrances on Midview from the...

Mr. Parrish - I can't hear you.

Ms. Dwyer - Did you say you understood that there would be no entrances to Midview from the townhouses, because there will be two entrances, according to this plan.

Mr. Parrish - Oh. There'll be two roads going in there. I'm talking about the houses fronting Midview Road. Mr. Monahan has recommended that no entrances would be from Midview Road.

Mr. Vanarsdall - You're talking about driveways.

Mr. Parrish - Driveways. I'm sorry.

Ms. Dwyer - Thank you. Mr. Monahan, would you like some rebuttal time? Did we have any other opposition, because I don't think they used up all the time? Would any one else, the opposition come forward and speak? We do have time left for you.

Mr. LaVern Mitchell - Good evening, Madam Chairman, and members of the Board. My name is LaVern Mitchell. I live at 1745 Old Oakland Road. And I would like to see a berm also in the back of my property. I wouldn't like to look out my back door and just see what's in the back yard, just because there are a few trees there now, they might be cut down later. Thank you.

Ms. Dwyer - You're on Oakland Road?

Mr. Mitchell - Old Oakland Road. It used to be Oakland Road. They changed it to Old Oakland Road.

Ms. Dwyer - I see. You're right. So, you're talking about the 20-foot buffer, you'd like to be larger with the berm also?

Mr. Mitchell - Yes. I'd like for it to be a berm also. Thank you.

Ms. Dwyer - Thank you. Any questions for Mr. Mitchell? Now, Mr. Monahan, would you like to come forward for your rebuttal? I don't think there is any more opposition.

Mr. Monahan - Okay. I'm going to try to go back over some of the things that were mentioned. The first one was mentioned, I think, was ranchers versus two-stories in the single-family. And, we could do that. We can say, "A third will be...", the reason I don't like to do that is, it's a market driven thing, and it was mentioned, "quality." I don't think it has anything to do with quality, whether it's a ranch or a two-story. It's a market thing. This is going to take four or five years to do. Three years from now, ranchers are all the rage, I doubt they will be. But I've built over a 1,000 houses and I've never been in a subdivision where probably two stories are, typically, 80 percent or better versus ranchers. The simple reason is that people get more for their money. It has nothing to do with anything else. That's the bottom line.

Mrs. Quesinberry - Yes. From your perspective, it's a market kind of thing. If you're the owner of the two story, 2,000 square foot colonial, then you have a concern how many 1,000 square foot ranchers are in your neighborhood.

Mr. Monahan - It's a consumer thing.

Mrs. Quesinberry - Well, but that speaks to the quality of that neighborhood is what we mean when we're saying...

Mr. Monahan - Is quality, price? What is quality? Is it price? Is it price driven? I'm still trying to find that out.

Mrs. Quesinberry - Well, it has to do with, I think, in total, for the whole community.

Mr. Monahan - Okay.

Ms. Dwyer - And, perhaps, compatibility to what's in Varina Station.

Mr. Monahan - Usually, you have a ranch that's a little smaller within a subdivision than the two stories are. And that's a matter because of cost. And usually there's a very small number of those, there always is, because people recognize the difference unless you're in a retirement community, or unless some people just want a ranch. But there's not that many. They're going to take the most house they can get for their dollar. It's a two-story.

Anyway, parking in the R-5 with garages in there, and when its done in its final form, you can find more spaces. We'll be way in excess of what the Ordinance requires. As far as the roads being City standards, originally, we wanted to put, we talked, and we showed public streets in the R-5. We've gone to private. And whatever the standards are the standards are. And they're engineering factors. They're governed by soils, as well as groups of standards. It's a relationship of soils are to what a road has to be. And what it has to be, it is. We don't have a

problem with that. Whatever combination of engineers in the County, and a civil engineer, whatever it is, it is. It's very simple.

Mrs. Quesinberry - Yes. I know. But you kind of went around in a circle there and lost me. And, I admit, I'm simple, so just back up for a minute. Are you saying that you would commit to County standards for roads in the multi-family section?

Mr. Monahan - Sure. We're talking depth. Yes, sure. That's not a problem.

Mr. Marlles - Public street?

Mr. Monahan - Yes. Certainly. That's not a problem.

Ms. Dwyer - There was also a question, I think, regarding the single-family street about length and width?

Mr. Monahan - Now, that is a little bit of an issue. The width, we're showing 50 feet. Now, they're public streets. We're showing them 50. If 44 is the desired right of way, that's fine too. You know, in fact, that's fine. The pavement widths are going to be the same. So, whatever it is, it is. The pavement is going to be...That's all that really matters. That's going to be the standard public street anyway. So, 44 is fine. Some places want 50 feet.

Now, the distance, okay, we're got an Ordinance that says you can have 1,320 feet as a maximum between interconnecting streets. Now, that intersecting intersection is within Trailing Ridge Court, which is right down in here (referring to slide). That's the first intersection. And, its just about 1,320. It's real close. In fact, I think its about 1,300. But, basically, with this configuration, you have to extend the street up to the north and to the upper part. We can't connect it back to the R-5, so it is going to be a dead end. It's got to be. There's no choice.

It could slide over. It might be 1,350. If, one day, this gets approved, we'd like to be assured that its buildable, if it slightly exceeds that, that its okay. Now, the bigger number is the 63, because the rule is 50. And, its going to be 63 or 64, whatever it is. And, we need something almost, if this got to that point, proffered to us, that, in fact, we could do that. Otherwise, the zoning is no good anyway, because if we can't do that, then you can't develop it.

Ms. Dwyer - May I ask a question here and maybe Ms. Hunter can answer this. Would it be appropriate to have a stub street heading toward Oakland, expecting that some day one of these other lots will open up and be developed, to provide a second point of access to Old Oakland?

Ms. Hunter - We had talked with the applicant about stubbing here to Foxboro down. And there is a deep ravine there. We had not looked at the possibility of stubbing this way. I'm not sure what the topography is. We can check on the aerial to see if we can tell anything from there. That may be a good alternative.

Mr. Monahan - If I may add, you've got some major things going on up to the north. You've got the sewer which goes on up. You've got the drainage which goes on up that way. And, I've talked to the property owner in that corner. I think you're going to get a big objection from the property owner, because we tried to tie that in. So, I'm not saying it can't be done. It can be done, but it's got its own issues.

Let's see, we talked about, I'm trying to go back to the other things that Mrs. Quesinberry mentioned. Okay, along Midview, I can see where we could do; I don't want to do a 50-foot buffer, frankly. What I would suggest be done in a situation like that is a variable buffer, because that's the way the lots are going to be configured. And, depending on how; some of it is a little higher than other parts of it. There's more trees on parts of it, as well. And that can be taken into consideration. I can see where we could have like a 30 to 35 foot variable buffer, and accomplish more than just a 50-foot buffer. In other words, what I'm saying, you'd do is, you take, rather than taking like a 50-foot line along that front. Yes, let's do that one. Take an area, take a swath down here (referring to slide), make it variable. But make the average equal to the 35-foot width times length, whatever that is. So, you're accomplishing the same thing, but you kind of swinging it in and out.

Mrs. Quesinberry - But, really, what you're trying to accomplish, is that the streetscape along Midview there, be dense, because you don't want the backs of townhouses and patio homes with all of the adjoining accoutrements in the backyard sticking out on Midview.

Mr. Monahan - I don't want them there either.

Mrs. Quesinberry - ...and for the people across the street to be on their front porch.

Mr. Monahan - I don't want them out there because what we're doing on the inside. The worse thing you can do with anything like this is junk up the entrance.

Mrs. Quesinberry - Right.

Mr. Monahan - I mean, you're killing yourself. It doesn't make any sense.

Mrs. Quesinberry - I was trying to find a way that ensures that its dense enough...

Mr. Monahan - It's self-preservation.

Mrs. Quesinberry - ...that does create a nice street scape through there. Even though, its developed, it's really a rural area, still, and has that feel. In fact, the townhomes just don't fit on Midview Road. There needs to be adequate screening, whether its 50 feet or 35 feet or it undulates or it berms, whatever it is, it does, its got to be dense and its got to do the job.

Mr. Monahan - Right. I think that can be done and keep them interior. Now, what the last gentleman got up and talked about, a berm along the north, I'd be real hesitant to

do that, because, to do that, you're got to take down all the trees. And there are trees along that boundary. And you've got to take them out to put in a berm. To me, that's not something I'd want to do.

Could we, what I'd like to go, I don't know how many things that we've talked about, you've caught, but can we talk about density, because I know Mrs. Quesinberry talked about that, and you mentioned the six units per acre.

Mr. Archer - Mr. Monahan, excuse me just one second, before you go on. I need to ask staff this, I suppose. What is the minimum street width for two side parking?

Ms. Hunter - So, that you could park on either side—44.

Mr. Archer - Okay. That's what I thought. Thank you. I'm sorry, Mr. Monahan, go ahead.

Mrs. Quesinberry - You were talking about density, Mr. Monahan.

Mr. Monahan - Yeah. What we're showing on the plan is 263 townhouses and patio homes, attached homes, plus 47 single family – 310. Now, what I proffered is nine units per acre in the R-5 as a maximum. Now, if you take that and multiply it out, you're going to come up with just over 350 total, as a possibility. Now, it could be that the patio homes are a wider unit is a much better unit in there to build. We could end up instead of 310, we could be down to 270. I just don't want to tie us down. What I'm trying to retain in this is a bit of flexibility, because it's a long-term type project. It's going to easily take four or five years. And, I don't want to get in there, and "Gee, we've got a problem." The patio homes, the wide ones are going to be adjacent to Varina Station no matter what. We proffered that. But, I want to be able to have a little bit of flexibility to do some things in there. I don't want to tie four or five years down the road to something I do now. I want to retain a little bit of flexibility.

Now, you mentioned six units per acre. Now, what I need to ask you, is that your feeling? Is that the maximum density the R-5 should be?

Mrs. Quesinberry - I think that six units per acre gives you a little more flexibility like you're talking about to be able to develop this in such a quality way that you can add some amenities. You can have some room for recreational space and you can address some of the parking issues that you're going to have with this many units.

Mr. Monahan - Well, again, that's why I'd like, if you took – I look at things a little differently. Again, it is this so called "quality" word. I don't look at density as a so called "quality" issue. I mean we can go lots of places and very intense projects have tremendous amount of quality, just from the...

Mrs. Quesinberry - I bet they have a lot of amenities, too, for all those people that live next to each other in close proximity.

Mr. Monahan - Some of them. We can go to Bethesda, Maryland. They don't care. They don't need them.

Mrs. Quesinberry - Well, those people live in their cars.

Mr. Monahan - Whatever. And, just because something is low density, to me, it doesn't mean quality either.

Mrs. Quesinberry - And I agree with you there.

Mr. Monahan - How things are prided? You build it and you see it built well. If its not built well, I don't care what, you know, its got to be done a good job.

Mrs. Quesinberry - But, we're also talking about quality of life for the people who are going to be here, too. And if there's no, the density speaks to the room to put in some quality life, so that you're not...You've either got to be playing in the street, in your driveway, or in your townhome. I mean, there's nowhere to walk. There's nowhere to do anything.

Mr. Monahan - What do we do in single family? What about 11,000 square foot lots? Are they big enough?

Mrs. Quesinberry - Well, those people do have a place, other than their driveway, there's usually space to park other cars and they've got enough lot that they can do things around their home. They've got some space. They're not under their neighbor's window if they walk outside to kick a ball around or something.

Mr. Monahan - Okay.

Mrs. Quesinberry - I mean, some of that is what we roll into quality, as well, because it fits with the quality of life that these people will have once they buy and move into a neighborhood that's dense. So, we're just trying to ensure that there's enough flexibility in you plan that you can do some of those things when you get to that point.

Mr. Monahan - Okay. I understand what you're saying. My point of view, we're trying to retain some flexibility, too. How many? And it really is market driven more than anything else. And we can go back and change wording and make all these other, whether it is city standards; that's an issue I wasn't even aware of. I mean the streets are going to be whatever they're going to be. We can make enough parking. We can do enough between a combination of facilities and open space, we can make the recreation work. And all these other things; buffers and all that sort of stuff.

But, what we're really down to, I think, is the one thing and that's how many units going in there. That's the bottom line. We can't live with six on the R-5. So, I, frankly, rather than going through the process, and trying to write all these other things up, and make them work, really would you just as soon you deny it at six, if that's the maximum you can go to, because we can't do that. I just want to be straight forward about it.

Mrs. Quesinberry - Okay. And I want to be straight forward with you, too. I think everybody has done a lot of work on this; the citizens, and you, and the staff and bringing it along this far. I really appreciate it and really thank everybody who put their time into this. But, you're right, it's time to "fish or cut bait" here.

Mr. Monahan - Well, that's what I'm saying. You know, I don't want to, we can solve all the other things. We can proffer this and that and make all of those things so everybody is reasonably happy on every other thing, I'm sure, now, that we've got a little more say about what all these things should be. But, in the end, we're going to come down to, "What are you willing to approve in terms of how many units can be on that R-5?" Even the single family speaks for itself. It is what it is. The other has this big flexibility thing.

Mrs. Quesinberry - Yes. And one of the reasons we're discussing that density, too, I just want to be clear about this, is you've got this conceptual plan that, you know, there's room to make changes. It's not locked in stone. It certainly speaks for itself. But, when you start looking at higher density, its very hard to see and ensure that you're going to be able address some of these issues, like parking, and like amenities for all the people living in this space. Without designing a proffer in such a way to do that, was a way to be able to see that, see that you had some recreational space and amenities.

Mr. Monahan - Right. You know, space can be a field that grows grass and does nothing. It doesn't mean its good.

Mrs. Quesinberry - I know. And that's why, you know, you can address that. You have the power to address that and say what you want to do without hemming yourself in too tightly. But the conceptual plan doesn't address that. I guess we're having this discussion because we're just trying to see is there a way to ensure that you would have enough space there with nine units per acre to address amenities, to address some space, to address parking; all those kinds of issues that are going to add into and roll into that quality and quality of life all those people living in this area. And I don't see that its ensured with this plan, realizing it's a conceptual plan.

Then, we're looking to, well, okay, what proffers would ensure it? And I still don't see that. That's why I offered, would you consider six units, because that would definitely give you some more space? You're saying you can't do six units, and I understand that. But, you know, if nine units is your limit, then is there a way that you can ensure that you could have adequate recreational facilities and space for people and adequate parking and that sort of thing?

Because I agree with you, you can have a dense development and it can be top quality. It's just that we can't see this right now. It's not really ensured, looking at this and that's what we're kind of looking for, some assurance that it would be there.

You could do a very dense development and have top, top quality, but it would have a lot of things rolled into it to provide that top quality. And, its just hard to see this right now the way its laid out for us.

Mr. Monahan - We could take the recreation as an issue and try, you know, show you better just what it could be, yes. Combine it, and look into that BMP thing a little more, too.

Ms. Dwyer - So, are you saying you would like to redraft the proffers, and come back next month, you know, with proffers that reflect what you have committed to...

Mr. Monahan - If we're not wasting everybody's time?

Mrs. Quesinberry - Well, that's kind of up to you. We have to be here anyway, you know.

Mr. Monahan - We can do that. I really; we may come out six units or five units an acre in the R-5, in the long run, when its all done. I don't know. I want to be over here at five or six. I want to be up here as high as possible. I don't think it will ever get near nine. I can't imagine it will. We're not there with this layout. I can't imagine it. But, I just want to have some; its too long a time, to just cut yourself off. You need some flexibility. That's what I'm saying.

Mrs. Quesinberry - Yes. And I understand that. I'm kind of with you. I wouldn't want to be locked into this conceptual plan, either.

Mr. Monahan - No. But it's going to get locked in here if you start to go to a subdivision thing. You start to make changes maybe down the road, but its going to get locked in pretty quick, at least part of it will.

Mrs. Quesinberry - Well, yes.

Mr. Monahan - If it ever got to that stage of being approved by zoning.

Mrs. Quesinberry - But, if you just looked at this conceptual plan, there's not room for amenities and there's not room for recreation and there's not room for, you know, a place for people to walk. It's really, the way its laid out, we talked about the multi-family part now. If you just looked at this conceptual plan and locked it in exactly the way it is, its either a lot of asphalt or a lot of concrete door to door any way you do it.

Mr. Monahan - I don't want to go on and on here. The recreation, I understand that. We should do certain things. The pedestrian stuff kind of befuddles me a bit now, see. Like, I know Ms. Hunter mentioned that exterior out there. I don't want that to be a pedestrian thing anymore Varina Station wanted pedestrian walkways or any kind of possibility along; we had patio homes coming down through here, because the privacy is a lot more important.

Mrs. Quesinberry - Yeah, but in a multi-family section, where you've got a lot of...

Mr. Monahan - Maybe they want privacy, too.

Mrs. Quesinberry - Privacy between their car, the driveway, and the front door?

Mr. Monahan - Between, you know, their back yard. You don't have people around. I don't know which is better. I'm really not sure, because a lot of people say, "I much prefer privacy." I don't want some walkway behind me, people are out there running back and forth, or whatever. I don't know.

Mrs. Quesinberry - You're right. But, if you have some kind of amenities or facilities in that neighborhood, in that multi-family neighborhood, you need to be able to get there. They're just going to be just walking out in the street, hoards? I mean, what are they going to do? You've got to have a path, or a trail or a sidewalk or some way to get around their little community?

Mr. Monahan - Sidewalks.

Mrs. Quesinberry - In essence, it's a little planned community.

Mr. Monahan - Right.

Mrs. Quesinberry - Let me see if I can just rap a little bit, and you decide what you want to do. I have a lot of notes here on these proffers. I'm sensitive to Mrs. Roberts' and the neighbors with changes. I think she calls it "the moving peg." I like that. I'm going to steal that term. We're trying to be clear on what everybody has agreed to, because I have several notes. I think Ms. Dwyer has some notes too. I'm not putting words in your mouth, Mr. Monahan, but just for starters, just things we talked about. As far as proffering no more than 47 houses and the number of ranchers, and the houses for sale versus apartments for rent. Something about the density, you know. The utilities being perpendicular in the 35-foot buffer. I have some notes here just about the buffer, in general, with some agreement on the Midview side. And then some kind of commitment, or, you know, I'm just not real clear on No. 15 about the proposed recreation. I think there's a better way to state that to wordsmith it a little bit for the commitment that you've, obviously, made to do something along the lines of recreation or amenities. And then there was, you know, some other commitments concerning parking and roads being built to public street construction standards. And addressing something about

parking and making sure there's enough parking and areas for storage for people who have boats and RV's or whatever else they're going to need to park in that little multi-family area.

Mr. Monahan - Not a lot?

Mrs. Quesinberry - Pardon me?

Mr. Monahan - Not a lot?

Mrs. Quesinberry - "What is a patio home?", because we need a definition for that. And, then elevations for the other parts of the development, besides the patio homes, like elevations for the townhomes and elevations for the single-family homes. So, those are just some of the things that I kind of jotted down that needed to be worked into your proffers, if that's what you'd like to do. I think Ms. Dwyer may even have a few more that I didn't pick up. I don't know. So, my question to you is, again, do you want to go back and address some of those things and work them out so that the neighbors are really clear on what your intentions are, and we are, too, and everybody has some agreement, or do you want to fly back to Vermont?

Mr. Monahan - I can't stay here until next month.

Mrs. Quesinberry - So, we're here. What would you like to do?

Mr. Monahan - I think we can work all those things out.

Mrs. Quesinberry - These proffers, because they're really not in good shape. Ms. Dwyer addressed that, too. Just the verbiage and that kind of thing are not just real clear. Some of them are good proffers. They need to be cleared up. And then some of them need some changes to them.

Mr. Monahan - Okay. I'll hire a lawyer. I can get an attorney to do them instead of me.

Mrs. Quesinberry - You did a good job, I mean. I'm not criticizing you. You did a good job, here.

Mr. Monahan - Yeah. Those aren't a problem. They can all be accomplished. I got to go back to the same thing. Do we get all that and everybody says, "Okay. Now, the proffers look okay, we don't like the density." Are we going to consider density, or are we just saying, are we're still going to keep open that issue, or we just closing it off at six? That's all I'm saying, because if it's going to be six after we go through all of this, we don't need to go through it?

Mrs. Quesinberry - I can tell you what my feel on it is. It's going to be six, unless there's some assurance in what you'd like to offer in the way of a proffer that really

demonstrates that you've addressed some of those issues of amenities and space for amenities, recreation, and parking, and those kinds of issues.

Mr. Monahan - Okay.

Mrs. Quesinberry - Because if you can't adequately address that, then having a proffer that says, "Nine units per acre," you know, it's kind of scary. It's going to be pretty tight in there, and there's no assurance that there's going to be any space to do anything that you want to do. You know what I mean? I'm not sure I'm really clear about this. I'm not sure that you can...

Mr. Monahan - Yes. No. You're clear about it. I'm not sure its possible to be clear enough on those particular items to make everybody feel like, "Hey, this really works."

Mrs. Quesinberry - Well, that's why - Now, listen. Without being redundant here, that's why, and this is just suggestions that I offered up to think about, you know, wording, and Mrs. Dwyer is a lot better at this than I am, think about, you have a commitment. You've stated you have a commitment to some recreational space and amenities for people in this multi-family area. Think about how you could tie that to, preserving a minimal amount of space, whether its an acre or an acre and a half and say, you know, "We're going to commit to that and we'll have that much space to either build a club house or provide some passive open space for recreation, you know, whatever would work out and look nicest aesthetically in that development." Because, again, you can just build something for the sake of building it, but it might not really offer much benefit to the residents there, and it might not be very practical, and you know, might not be very useful. But trying to build a quality development to think about what might fit in there, what would be practical, useful, and provide benefit to the people that live there, you've got to have some kind of space to do that. Sometimes it would be an active kind of recreational thing like a club house and a pool, and sometimes it would be a passive kind of amenity where, you know, they can just...

Mr. Monahan - Kind of give it a combination is probably the best.

Mrs. Quesinberry - Yes. But, you've got to have space to do it. My concern is, if you set your density too high, then you don't have space to do it here, because we can't see it in the conceptual plan. Even though you are committed to doing it, we can't see it. So, then, my only recourse is to say, "Well, back up. Lower the density," so we make sure there is space in there, because we can't see the space right now.

Mr. Monahan - Okay.

Mrs. Quesinberry - So, what do you want to do?

Mr. Monahan - Let's try to show the space.

Mr. Donati - Madam Chairman, I have one question of the staff. We might need to confer with our legal counsel. That's the proffer that Mrs. Quesinberry spoke of that limits the sale of the townhouses to "For Sale Only." I'm wondering, is that legal? Can you have a binding proffer and would it fall under the Fair Housing Act, things of that nature?

Ms. Dwyer - I don't know, and that might be something that we would want to refer to the County Attorneys' Office. I do know that, just from personal experience, even before I was on the Commission, there was a development near my home, and that was one of the proffers. And that was critical to the neighbors that it be, you know, "Units for Sale." And that was put in the proffers.

Mr. Donati - Mr. Monahan could have them all "For Sale." Someone could come in and buy them all, and then rent them out.

Ms. Dwyer - Right. Well, and I think the way that one was worded, that the developer would offer them for sale. You can control, as I understand it, working on my age-old memory, so it may not be entirely accurate. But, I don't think you can bind in perpetuity every owner who will ever own that home. Because once you buy a home, then you have the right to rent it if you want to. This is a commitment from the developer that the first dealing with that property will be a "For Sale." And I think, based on that case, that the developer can make that commitment, but not bind a future owner.

Mr. Donati - Because I know of a group of townhomes that are, basically, all rental units now that were "For Sale" at one time.

Ms. Dwyer - Yes. And that could happen.

Mr. Marlles - Ms. Hunter, do you have a comment?

Ms. Hunter - I think the intention of what we were talking about is the Townhouses for Sale. The permitted uses in the R-5 district similar to what we have a commercial or industrial use, we proffer out the uses that would not be compatible. So, we would be proffering out the option of using apartments. They would be constructed as "Townhouses for Sale." If someone bought it, and rented it, it would not affect that, but it's the use of apartments versus townhouses for sale.

Mr. Donati - Does that block out anyone whose buying the home from renting them out?

Ms. Hunter - No. It would not. Somebody could do that.

Mr. Marlles - Madam Chairman, I would point out, too, that RTH Residential Townhouses for Sale are specifically permitted as a permitted use. But, I think your description is accurate as far as...

Ms. Dwyer - All right. Do we have a motion on the case?

Mrs. Quesinberry - May I ask Mr. Monahan just to make sure we're clear about this. Mr. Monahan, is it your desire to request a deferral to work on these proffers to October 14<sup>th</sup>? Is that what your...

Mr. Monahan - Yes. It is.

Mrs. Quesinberry - This is the next date of the Planning Commission? Yes. I'm ready for a motion. I'd like to move for the deferral of Case C-21C-99 Walter J. Monahan for Dakota Associates to the October 14<sup>th</sup> zoning meeting, at the applicant's request.

Mr. Archer seconded the motion.

Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Archer to defer the case to October 14th. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Wade absent, Mr. Donati abstained).

Mrs. Quesinberry - Mr. Monahan, I'm going to ask Ms. Hunter if she will get back with you, once she compiles up all the notes I have and the notes and Ms. Dwyer has to make sure that you're pretty clear, as you put your offered proffers together for next month that we have everything that we discussed tonight, so, you'll have everything you need to wordsmith that to make it clean and get it out to the neighbors before the meeting.

Ms. Dwyer - That motion carried unanimously.

Mrs. Quesinberry - Thank you, very much. I do appreciate all the work you have done.

Ms. Dwyer - Thank everyone for coming out this evening. I'm glad you weren't last on a long agenda.

Mrs. Quesinberry - Thank you, Mrs. Roberts.

Ms. Dwyer - Is that it for the agenda items?

Mr. Marlles - I just wanted to give the Commission a reminder. There is a joint workshop of the Board and the Commission next Tuesday. It starts at 4:00 o'clock. We're meeting with the Board to do a presentation by staff on video stores and book stores. We will be presenting a white paper, as well as a draft Zoning Ordinance Amendment, which you will get copies of tomorrow. But, again, we do have a joint work session with the Board on Tuesday at 4:00 p.m.

Ms. Dwyer - There is a joint meeting with the Board at 4:00 o'clock...

Mr. Marlles - Tuesday.

Ms. Dwyer - In the Manager's Conference Room?

Mr. Marlles - Manager's Conference Room.

Mr. Archer - Tuesday, the 14<sup>th</sup>.

Ms. Dwyer - I was going to wait until Mr. Vanarsdall came back before getting in to this Residential Strategies. Does anybody else have any business?

Mr. Archer - What is an "Adult Book Store," anyway?

Ms. Dwyer - Don't ask. We don't know how to define it, but we know what it is.

Mrs. Quesinberry - It's kind of like "quality."

Mr. Archer - It has nothing to do with density, is that what you're saying.

Ms. Dwyer - I had something for Mr. Strauss. Can someone give that to him tomorrow if you see him? I wanted to talk about the Residential Strategies. This is something the Commission had talked about before. Of course, a number of residential strategy issues were raised by the Board or have been raised during the last year. And these were two, that as a Commission, we had talked about over the last couple of months as being possibly ready and ripe for some kind of action. And, so, Mr. Merrithew was going to do a white paper. We talked about that and we talked about maybe having a letter to the Board seeking guidance about how the Commission should proceed with these. So, one of the things that we talked about was that each Commission member would discuss these issues with their Board member, and then try to get some feedback about whether they were interested in giving us a "green light" or not, if some of the ideas that we discussed; some were acceptable and some were not as far as the Board was concerned.

So, Ms. Hunter has followed up from our discussions and drafted this point sheet for both issues, both for multi-family and residential setbacks and listed some of the issues that we see as being somewhat problematic and then some possible ways to address those issues. So, we thought if each Commission member had this in hand when they discussed with their respective Supervisor, then we would all be on the same page. Everybody would be discussing the same issues. Everybody would be sort of floating the same ideas with their Board member. Then we could get back together and decide whether, and how to proceed. So, that's all this is. It's just kind of some talking points about this just to make sure that, you know, I said we're all on the same page and that we covered the same material with each Board member just to get some guidance about

how to proceed. So, if each person could kind of use this and discussing these issues with their Board member and then, perhaps, get back with me, within the next, what couple weeks? What do you think?

Mr. Archer - We've almost got time to do it tonight.

Ms. Dwyer - Almost. You could go home and give them a call.

Mr. Archer - By POD.

Ms. Dwyer - By POD? Okay. That'd be great. Okay. So, that's all this is. It's not an official document. It's just kind of notes to use as a guide.

Mr. Archer - It's a good idea, Madam Chairman.

Mr. Marlles - Ms. Hunter may have some comments, but it may not be an astute observation, but I think this last case is a good example of why we do need to have something prepared...instead of having to extract them...

Ms. Dwyer - ...painfully...

Mr. Marlles - ...painfully extract them. I think its obvious to staff that...

Ms. Dwyer - A good example was, he said, tonight, "Well, I meet the parking requirements of the Code," whereas, we know that those aren't going to be adequate for the density that he has. Did you have any comments, Ms. Hunter?

Ms. Hunter - I don't have anything else to add. John said it pretty well.

Ms. Dwyer - Well, okay. So, we'll talk to our respective Board members between now and POD, and then we'll get together and decide with staff how to proceed. Any other business?

There being no other business, acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission adjourned its meeting at 8:58 p.m. on September 9, 1999.

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Elizabeth G. Dwyer, C.P.C., Chairwoman

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John R. Marlles, AICP, Secretary

