

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., on August 10, 2000, Display Notice having been published in the
4 Richmond Times-Dispatch on Thursday, June 22, 2000, and Thursday, June 29, 2000.

5
6 Members Present: Ernest B. Vanarsdall, C.P.C., Chairman, Brookland
7 C. W. Archer, C.P.C., Fairfield
8 Allen J. Taylor, Three Chopt
9 Elizabeth G. Dwyer, C.P.C., Tuckahoe
10 Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
11 John R. Marlles, AICP, Secretary, Director of Planning

12
13 Members Absent: Debra Quesinberry, Vice-Chairman, Varina

14
15 Others Present: Randall R. Silber, Assistant Director of Planning
16 Ben Blankinship, Principal Planner
17 Elizabeth Via, Principal Planner, AICP
18 Mark Bittner, County Planner
19 Lee Householder, County Planner
20 Jo Ann Hunter, County Planner, AICP
21 Eric Lawrence, County Planner, AICP
22 Judy I. Thomas, Recording Secretary

23
24 Mr. Vanarsdall - The Henrico County Planning Commission will come to order. I
25 will turn the meeting over to our Secretary, Mr. Marlles.

26
27 **PLAN OF DEVELOPMENT (Deferred from the June 28, 2000, Meeting)**

POD-47-00 **Balzer & Associates for Youth Services International:** Request
Paragon Office Park – for approval of a plan of development as required by Chapter 24,
Genesis Youth Service Section 24-106 of the Henrico County Code to construct a two-
Institute - Glenside Drive story, 55,391 square foot residential rehabilitation facility for
youth and a two-story, 15,525 square foot future addition. The
5.13 acre site is located at Paragon Office Park, Glenside Drive
and Bethlehem Road on part of parcel 93-A-1C. The zoning B-2C,
Business District (Conditional). County water and Sewer.
(Brookland)

28
29 Mr. Marlles - Good evening, Mr. Chairman, members of the Commission, ladies
30 and gentlemen. There was an item that was originally scheduled on the 6:30 agenda. It was a Plan
31 of Development for POD-47-00 Paragon Office Park, Genesis Youth Services Institute on Glenside
32 Drive.

33
34 I just wanted to inform the Commission there were notices put up on the doors and there was a press
35 release put out earlier in the week. But, just in the event that there are citizens here, the Henrico
36 County Planning Commission cannot take action on this matter at this time. An appeal of the

37 Planning Director's July 20, 2000 interpretation was filed on August 2nd. Under the State Code no
38 action can be taken on this POD request until the Henrico County Board of Zoning Appeals rules on
39 this matter.

40
41 The Board of Zoning Appeals is scheduled to consider this appeal on September 28th. The meeting
42 will begin at 9:00 a.m. and will be held in this room in the County Administration Building. Again,
43 just in case there are citizens here for that hearing, that hearing has been postponed.

44
45 **AMENDMENTS TO CHAPTER 24 (ZONING) OF THE CODE OF COUNTY OF**
46 **HENRICO:**

47 An Ordinance to amend and reordain Section 24-110 of the Code of the County of Henrico to
48 reduce the amount of time of an appeal of a zoning violation from 30 days to 10 days and Section
49 24-120 of the Code of the County of Henrico to increase from 90 days to 100 days the amount of
50 time the Planning Commission has to act on an amendment to the zoning ordinance.

51
52 Mr. Marlles - We have two staff presentations tonight. Mr. Ben Blankinship, I
53 think, is going to begin by presenting, or briefing the Commission on the proposed Section 24-110
54 Ordinance. Mr. Blankinship.

55
56 Mr. Ben Blankinship, Principal Planner - Thank you, Mr. Marlles.

57
58 Mr. Vanarsdall - Good evening.

59
60 Mr. Blankinship - Mr. Chairman, one of the challenges we face in the zoning
61 administration side of the office has to do with violations that don't stay in one place for very long.

62
63 As you know, the State Code was amended several years ago to require, that whenever we issue a
64 notice of violation, that notice has to state that the recipient has 30 days to appeal. And that lets
65 them know right up front that they can continue to violate the Ordinance for 29 days before we can
66 take a concrete action against them.

67
68 Because of problems around the Fairgrounds with temporary vendors, and problems around the
69 County with commercial vehicles parked in residential areas, and certain other violations that just
70 don't stay in one place, we asked the General Assembly to give us a change in the State Code
71 allowing only a 10-day appeal period for a notice of violation on matters of that sort; temporary
72 violations such as seasonal commercial uses, parking of commercial trucks in residential zoning
73 districts, or similar short term recurring violations.

74
75 If you recommend this change, and the Board of Supervisors adopts it, then we will be able to issue
76 notices of violation for those specific types of violations that state that there is a 10-day appeal
77 period, which will put the person in violation, on notice, that we are serious and that we are able to
78 take action against them much more quickly than we used to be able to.

79
80 And that is really the entire substance of this. As you can see, there are only two sentences. It's
81 taken almost verbatim from the State Code. Are there any questions?

82

83 Mr. Vanarsdall - Any questions for Mr. Blankinship by Commission members? All
84 right. Thank you, Mr. Blankinship.
85
86 Mr. Marlles - Mrs. Via, are you presenting the next amendment?
87
88 Mrs. Via - Do you want to take both amendments, or do you want to see if there
89 are comments from the public on the first one?
90
91 Mr. Vanarsdall - Any one in the audience like to speak on this first section or both of
92 them? All right, come on down.
93
94 Ms. Nancy Sappawich - Good evening, gentlemen. Good evening.
95
96 Mr. Vanarsdall - Good evening.
97
98 Ms. Sappawich - My name is Nancy Sappawich. And I like to look at the Codes of
99 our County. I'm learning a lot about where I live. I'm learning about the wonderful job you all do,
100 and how numerous your workload is.
101
102 Having said that, the first thing I catch, and these are very simple questions. I'm not a lawyer. I
103 wouldn't know the first thing about law. But, here's my questions. In your notice, the first thing I
104 picked up on is, it refers to "Notice." Amendments to Chapter 24 of the Zoning of the Code of
105 County of Henrico. An Ordinance to amend and reordain, which we can agree, that "ordain" means
106 institute, or establish, okay. We agree to that.
107
108 ...ordain Section 24-110 of the Code of the County of Henrico to reduce the amount of time of an
109 appeal of a zoning violation from 30 days to 10 days. In looking on your web site, I looked up the
110 Section 24-110. If you gentlemen or ladies would like a copy of this, I'll be happy to give it to you
111 afterward or at this time.
112
113 In any case it does not include the language related to an appeal. It is violations and penalties. If
114 you go to Section 24-117(b) of the Code of the County of Henrico, it relates to an appeal procedure
115 and time limits. So, my question is, what's your answer? I guess is my question to that. You're
116 having a hearing on 24-110 and, yet, it is in regards to appeals and time limits, which is 24-117(b)
117 for the County of Henrico Code.
118
119 Mr. Vanarsdall - All right.
120
121 Ms. Dwyer - Maybe I can take a stab at it, if you like, Mr. Marlles?
122
123 Mr. Marlles - Sure.
124
125 Ms. Dwyer - The existing 24-110 does not include the information about 10 days
126 appeals for short term recurring violations. That language has been added, and that's the substance
127 of the amendment, is that language that was advertised as being added to 24-110.
128

129 Ms. Sappawich - And, then, what you'll do is take 24-117(b) and amend it? That's
130 what I'm trying to understand, because that language includes appeals; relates to appeals.
131
132 So, how will you subsequently revise, amend, or whatever?
133
134 Ms. Dwyer - I believe they are different kinds of appeals. Maybe Mr. Marlles can
135 respond to that specifically?
136
137 Mr. Marlles - Ma'am, the section you're referring to; 24-7(b) actually refers, and
138 I'm looking at the Code as I'm talking, to it looks like non-conforming uses.
139
140 Ms. Sappawich - 24-117(b)?
141
142 Ms. Dwyer - That applies to Special Use Permits, I believe. And this is a
143 violation...So, we're talking about two different kinds of appeals is the bottom line.
144
145 Ms. Sappawich - Well, I guess I still don't understand. 24-110 of the Code of the
146 County of Henrico is violations and penalties.
147
148 Mr. Blankinship - Mr. Chairman, the Section 24-117(b) refers to a different type of
149 appeal. The 10-day appeal period would apply only in the narrow cases that are stated there;
150 commercial vehicles and other violations that are of a short-term nature. For any other kind of
151 appeal, the period would remain 30 days.
152
153 Ms. Sappawich - That was going to be my next question. Specifically, what did this
154 refer to? You know, that's why I was lost also.
155
156 Ms. Dwyer - Ma'am, do you have a copy of the proposed amendment to 24-110?
157
158 Ms. Sappawich - Do I have a copy of it? I have the notice, which is...
159
160 Ms. Dwyer - Okay. Maybe someone could give her a copy of the Code 24-110
161 and the language that's proposed to be added.
162
163 Ms. Sappawich - Okay. That would clear up much more.
164
165 Mr. Blankinship - Bold and italic is the new language.
166
167 Ms. Sappawich - Okay. And next is the substance of why I'm really before you. And
168 I'll make this brief. Other people want to speak. In Section 24-116 Powers for the Zoning Board.
169 This is what concerns me. You're taking 30 days. I'll abbreviate it. Thirty (30) days which is now
170 the time limit on appeal. You want to reduce it by 10 days for the purposes of what, Mr.
171 Blankinship...?
172
173 Mr. Marlles - We want to reduce it to 10 days, ma'am.
174

175 Ms. Sappawich - ...said to 10 days. Yet, it says here, "...To authorize an appeal on
176 specific cases, such variance from the terms of this Chapter, the Chapter 24, and not will be contrary
177 to the public interest and result in unnecessary hardship. Unnecessary to carry out the spirit and
178 purpose of this Chapter 24."

179
180 Then it goes on to tell about the Planning Commission and how they're involved. They have 90
181 days in these kinds of matters; 90 days continuously. It says, "90 days". As I see this picture,
182 visualize it, is a person who is a citizen who had 30 days to make a decision, attorney
183 representation, money to spend for an attorney if they want legal representation, they may have to
184 wait until the next pay check. They may get paid once a month, whatever.

185
186 The next thing is, they, themselves, or the attorney have to get the work product together or all the
187 information to come in and present that appeal. So, if I go back to "contrary to the public interest
188 and result in unnecessary hardship for the citizen..." I would propose or suggest that a more
189 reasonable time be allowed, because of the aforementioned of what I just said to you.

190
191 Ten (10) days doesn't seem like an adequate time. Even if you include the omission of weekends
192 and adding on a Monday, whatever or a holiday, it doesn't seem like the citizen has enough time to
193 do all they have to do to protect their interests and their rights in a 10-day period. My suggestion is,
194 go with 15 days. That's why I'm before you.

195
196 Ms. Dwyer - If I may make a comment?

197
198 Ms. Sappawich - Yes ma'am.

199
200 Ms. Dwyer - If you'll look at the copy I think that has just been provided to you
201 about the additional language which relates to the 10 days, and I think Mr. Blankinship called your
202 attention to the fact that this applies to very narrow circumstances, not old violations. But it says,
203 "...a notice of a violation involving temporary or seasonal commercial uses, parking of commercial
204 trucks...;" that is something that can be moved easily. So, we're talking about short term recurring
205 violations. We're not talking about typical violations. And, the reason, I think an example we had
206 in Tuckahoe District. We had a person who was selling Christmas trees unlawfully from his
207 neighborhood home. The neighbors were understandably somewhat concerned about the
208 commercial activity taking place in their neighborhood, which is a place which you shouldn't be
209 engaging in that kind of commercial activity; the traffic, the noise and all of that.

210
211 Because of the lengthy time period, by the time, because 30 days has to elapse, it was after
212 Christmas before any action could be taken. That was a temporary, seasonal kind of situation. So,
213 what we're trying to address here, we're not trying to diminish the citizens' right to appeal, and
214 having an appropriate time, but we're also trying to be somewhat effective in our ability to deal with
215 these violations.

216
217 In the case of a commercial vehicle, the truck could be moved, and then that violation is over, and
218 they could park down the street. Well, that might be another violation. So, when you have such a
219 long period of time to wait, it renders the law ineffective. It completely nullifies the law, because,
220 as a practical matter, you can't take care of those violations. That's my understanding of why we

221 tried to reduce in this very limited, very narrow situation, why we're limiting the appeal time. Is
222 that accurate?

223
224 Mr. Marlles - Very much so. The other example that I can cite, ma'am, and I think
225 Mr. Blankinship referred to the Fairgrounds or out on Laburnum Avenue. We often have illegal
226 businesses that set up on the sidewalks the day of a race. And, you know, they may be there for
227 three or four days, or even a couple of weekends, but under the Zoning Ordinance, they have 30
228 days to file an appeal. And, basically, what they're doing is blatantly breaking the law. So, there's
229 a very narrow range of uses is what we're trying to come up with a period of time that we can
230 effectively enforce the Ordinance.

231
232 Mr. Vanarsdall - We also had it with the Christmas trees. People selling Christmas
233 trees.

234
235 Ms. Sappawich - Okay. I think, rather than take any more of your time, I found one
236 other item involving appeals, which I think I need more substance and a clear understanding. It is
237 important, because it involves an appeal whereby you can actually go to a Court, where they would
238 have jurisdiction over the Zoning Board. And some of these things; I think overall one the things I
239 would say that, after what I'm hearing tonight is, I wonder how it could be put in here, and I know
240 Patricia O'Bannon whose real good assisting us where I am, as I'm sure you others are. Rather than
241 me to have taken my time to go through this, the additional information I received tonight, could
242 there be something in here saying, "For more clarification, or something, call here, request a copy of
243 this that I got today?" Something; in other words, this is like, unambiguous, the language.

244
245 Mr. Marlles - Right.

246
247 Ms. Sappawich - Section 24-110. The way I read it, I perceived it one way. 100
248 million people perceived it another way. When I look at that Code, you following me?

249
250 Mr. Marlles - Sure.
251 Ms. Sappawich - Maybe there could be more information as to prior to coming here,
252 you understand what I'm saying?

253
254 Mr. Marlles - Sure. The legal ad is really just intended, under the State Code,
255 certain information has to be put into the legal advertisement. But, complete copies of the
256 amendment are available in the Planning Office. Liz, I'm not sure, but do we have copies of the
257 Ordinance Amendments also on the Web page, as well?

258
259 Mrs. Via - Not consistently, Mr. Marlles. They're not posted in this instance.
260 We can make that a policy in the future. We have not normally put the amendments on the web
261 site.

262
263 Mr. Marlles - I would, though, note that, in the AD it does indicate that files are
264 available in the Planning Office for people who would like a complete description of the proposed
265 Ordinance Amendment.

266

267 Ms. Sappawich - In my field of what I do, particularly in research, for me to be
268 coming, running down here all the time, I access, and I'm not looking for any special privileges. I
269 access your web site continuously. So, if somebody could think about that; refer to, or put a copy
270 in brief summation. I thank you for your time.

271
272 Mr. Marlles - That's a good suggestion.

273
274 Mr. Vanarsdall - Thank you for your interest and your suggestion.

275
276 Ms. Sappawich - Thank you.

277
278 Mr. Vanarsdall - Any one else like to speak? All right, Mr. Marlles.

279
280 Mr. Marlles - Mrs. Via, would you give the next presentation on the next proposed
281 Ordinance Amendment?

282
283 Mrs. Via - Yes sir. The next ordinance amendment is to Section 24-120,
284 Subsection C. And the blackline version of the amendment is in your package, along with a
285 corresponding change to your Rules and Regulations. We will just need action on the Ordinance
286 Amendment this evening. The Rules and Regulations change of action will come back to you after
287 the Board acts on the Ordinance Amendment. But, I did want to give you a heads up on that.

288
289 Section 24-120, Subsection C, the Ordinance Amendment changes the length of time the Planning
290 Commission has to act from 90 days to 100 days. This amendment, theoretically, depending on the
291 calendar, will give you an extra deferral without the applicant's consent, depending on how the
292 meetings fall on the calendar. Currently, because it takes about 42 days for us to get an application
293 on your agenda, you only have one deferral that you can do without the applicant's consent. Those
294 extra 10 days may give you two deferrals without the applicant's consent.

295
296 There was a change made in the General Assembly a few years back. We've never amended our
297 Code to catch up to the General Assembly. So, this is simply a housekeeping amendment to bring
298 our Code into compliance with the Virginia State Code. I will answer any questions that you might
299 have.

300
301 Mr. Vanarsdall - Any questions for Mrs. Via? Thank you, Mrs. Via. Any one else
302 want to speak? Okay. What do you want to do, Mr. Marlles?

303
304 Mr. Marlles - I would suggest that the Commission consider each proposed
305 Ordinance Amendment separately, there's a motion.

306
307 Mr. Vanarsdall - 24-110 would be the first.

308
309 Mr. Taylor - Mr. Chairman, I would move that the Commission amend and
310 reordain Section 24-110 of the Code of the County of Henrico to reduce the amount of time of an
311 appeal of a zoning violation from 30 days to 10 days.

312

313 Ms. Dwyer seconded the motion.
314
315 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Ms. Dwyer All those in
316 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
317 O'Bannon abstained). Next Section, 24-120.
318
319 Mr. Archer - Mr. Chairman, I move that we adopt Section 24-120, the changes as
320 recommended by the staff tonight.
321
322 Ms. Dwyer seconded the motion.
323
324 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Ms. Dwyer All those in
325 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
326 O'Bannon abstained). Thank you very much. Mr. Marlles.
327
328 Mr. Marlles - Mr. Chairman, we are into our regular agenda. The first item is
329 Requests for Withdrawals and Deferrals and that will be handled by Mrs. Via.
330
331 Mr. Vanarsdall - All right, Mrs. Via.
332
333 Mrs. Via - Thank you, Mr. Chairman, and members of the Commission, starting
334 off on Page 1 of your agenda in the Brookland District, the first case is C-36C-00.

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Deferred from the July 13, 2000 Meeting:

C-36C-00 Gloria L. Freye for McDonald’s Corp.: Request to conditionally rezone from R-3 One Family Residence District to O-2C Office District (Conditional) and B-2C Business District (Conditional), Parcels 61-A-2 and 31, containing 2.046 acres, located on the west line of Staples Mill Road approximately 160 feet north of Parham Road and on the north line of Parham Road approximately 170 feet west of Staples Mill Road (U. S. Route 33). A fast food restaurant with drive through is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

The applicant has requested a deferral until September 14, 2000.

Mr. Vanarsdall - Any one in the audience in opposition to the deferment of C-36C-00? I move that C-36C-00 be deferred, at the applicant’s request, until September 14th.

Mr. Taylor seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs. O’Bannon abstained). Next case.

Mrs. Via - Thank you. The next case on Page 2 of your agenda, also continuing in the Brookland District is Case C-52C-00.

Deferred from the July 13, 2000 Meeting:

C-52C-00 Gloria L. Freye for Doswell Properties, Inc.: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) and O-2C Office District (Conditional), Parcel 103-A-104, containing 1.721 acres, located at the southwest intersection of Staples Mill and Massie Roads. A fueling facility is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration.

The applicant has requested a deferral until September 14, 2000.

Mr. Vanarsdall - Any one in the audience in opposition to this case, Gloria Freye for Doswell Properties? I move that C-52C-00 be deferred to September 14th at the applicant’s request.

Mr. Archer seconded the motion.

Mr. Vanarsdall - 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. Quesinberry absent, Mrs. O’Bannon abstained). Next case.

Mrs. Via - Thank you, sir. Continuing on Page 2. P-8-00.

380 **P-8-00 Heidi H. Parker for RCTC Wholesale Corp.:** Request for a
381 provisional use permit in accordance with Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the
382 County Code in order to construct a 199 foot telecommunications tower and related equipment, on
383 part of Parcel 116-A-13, containing 4,200 square feet of leased area, located on the east line of
384 Westmoreland Street approximately 400 feet south of its intersection with Jacques Street (2001
385 Westmoreland Street). The site is zoned M-1 Light Industrial District. The Land Use Plan
386 recommends Heavy Industry.

387

388 The applicant, in this case, has requested a deferral until September 14, 2000.

389

390 Mr. Vanarsdall - Any one in the audience in opposition to this case P-8-00? No
391 opposition. I move that P-8-00 be deferred to September 14th at the applicant's request.

392

393 Mr. Taylor seconded the motion.

394

395 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those
396 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
397 O'Bannon abstained). Next case.

398

399 Mrs. Via - Thank you. Also on Page 2 of the agenda, Case C-53C-00.

400

401 **C-53C-00 Henry L. Wilton for Wilton Development Corp.:** Request to
402 conditionally rezone from R-4 One Family Residence District to R-5C General Residence District
403 (Conditional) and B-3C Business District (Conditional), Parcels 82-A-14 through 18 & 20 and
404 Parcels 82-7-A-2 & 9, containing 28.4 acres, located on the west line of Staples Mill Road at its
405 intersection with Dublin Street. Townhouses and business uses are proposed. The R-5 District
406 requires a minimum lot size of 3,000 square feet. The business use will be controlled by proffered
407 conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential,
408 3.4 to 6.8 units net density per acre.

409

410 The applicant, in this case, has requested a deferral, again, until September 14, 2000.

411

412 Mr. Vanarsdall - Any one in the audience in opposition to C-53C-00 Henry Wilton for
413 Wilton Development being deferred tonight? I move that C-53C-00 be deferred to September 14th at
414 the applicant's request.

415

416 Mr. Archer seconded the motion.

417

418 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All those
419 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
420 O'Bannon abstained). Next case.

421

422 Mrs. Via - Thank you, sir. Moving to Page 3 of your agenda in the Fairfield
423 District, Case C-29C-00.

424

425 **C-29C-00** **Roy B. Amason for Virginia Center, L. L. C.:** Request to amend
426 proffered conditions accepted with Rezoning Case C-38C-97, (zoned R-6C) on Parcel 44-A-1,
427 containing 8.416 acres, located on the north line of Virginia Center Parkway, approximately 570
428 feet east of its intersection with Carriage Homes Way and 360 feet west of its intersection with
429 Carriage Point Lane. The amendment would allow the development of 60 townhouse units instead
430 of a 160 unit assisted care facility. The Land Use Plan recommends Office.

431

432 The applicant, in this case, has requested a deferral until September 14, 2000.

433

434 Mr. Vanarsdall - Any one in the audience in opposition to Case C-29C-00 being
435 deferred for 30 days? No opposition. Mr. Archer.

436

437 Mr. Archer - Mr. Chairman, I move deferral of C-29C-00 to September 14th at the
438 applicant's request.

439

440 Mr. Taylor seconded the motion.

441

442 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor. All those in
443 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
444 O'Bannon abstained). Next case.

445

446 Mrs. Via - Thank you, sir, that concludes the requests for deferrals for your 7:00
447 o'clock agenda. There is one case that will be requested at 8:30 p.m. This is in the Three Chopt
448 District on Page 4. It will be Case C-60C-00. We'll take it up at 8:30 p.m.

449

450 Mr. Vanarsdall - Which case is that?

451 Mrs. Via - C-60C-00. That is MCI WorldCom.

452

453 Mr. Vanarsdall - Okay. Thank you, Mrs. Via. Mr. Secretary.

454

455 Mr. Marlles - Mr. Chairman, the first case...

456

457 Mr. Vanarsdall - We have some expedited.

458

459 Mr. Marlles - You're right. Mrs. Via, you're going to be handling the expedited
460 agenda items as well?

461

462 Mrs. Via - Yes, Mr. Secretary. Mr. Chairman, and members of the
463 Commission, for the benefit of the audience, these are expedited items. Unless there is opposition
464 this evening from the citizens, these will be acted on by the Commission as I read them.

465

466 **C-55C-00** **Max Pearson for Holly Brook, Inc.:** Request to amend proffered
467 conditions accepted with rezoning case C-100C-86, (zoned B-3C) on Parcel 60-A-2, containing
468 7.01 acres, located at the northwest intersection of West Broad Street (U. S. Route 250) and E.
469 Parham Road. The amendment proposes to withdraw the proffer related to signage on the property.
470 The Land Use Plan recommends Commercial Concentration.

471
472 This is a request to amend proffers in the Brookland District on Page 2 of your agenda.
473
474 Mr. Vanarsdall - Any one in the audience in opposition to C-55C-00? Any one in
475 opposition to this case? I move that C-55C-00 be approved under the expedited agenda and be
476 recommended to the Board for approval.
477
478 Mr. Taylor seconded the motion.
479
480 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those
481 in favor say aye—all those opposed by saying nay. Ms. Dwyer voted nay. The vote is 3-1 (Ms.
482 Dwyer voted nay, Mrs. Quesinberry absent, Mrs. O'Bannon abstained).
483
484 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
485 Commission voted 3-1 (one nay, one absent, one abstention) to recommend that the Board of
486 Supervisors **grant** the request because it is not expected to adversely impact surrounding land uses
487 in the area; and the changes do not greatly reduce the original intended purpose of the proffers.
488
489
490 Mr. Vanarsdall - Next case.
491
492 **C-56C-00 Robert M. Atack for Staples Mill. L. C.:** Request to conditionally
493 rezone from R-2 One Family Residence District to R-2AC One Family Residence District
494 (Conditional), part of Parcel 50-A-20, described as follows:
495
496 Tract 9
497
498 Beginning at a point on the northern boundary of the right of way line of Hungary Road, said point
499 being 722.96 feet west of the intersection of the northern boundary of the right of way line of
500 Hungary Road and the eastern boundary of the right of way line of Vantay Drive (unimproved).
501
502 Thence leaving the northern boundary of the right of way line of Hungary Road in a northerly
503 direction with two (2) courses and distances: (1) N 25°08'31" E 158.80 feet to a point; (2) Thence N
504 26°01'46" E 111.25 feet to a point, said point being the Actual Point and Place of Beginning for
505 Tract 9.
506
507 Thence in a northerly direction with five (5) courses and distances: (1) N 26°01'46" E 951.22 feet to
508 a point; (2) Thence N 88°42'06" E 219.38 feet to a point; (3) Thence S 02°49'19" W 716.41 feet to a
509 point; (4) Thence S 88°41'19" W 257.35 feet to a point; (5) Thence S 68°06' 45" W 370.94 feet to a
510 point, said point being the Point and Place of Beginning for Tract 9 and containing 6.625 acres.
511
512 Mrs. Via - The next case is C-56C-00. It is also in the Brookland District on
513 Page 2 of your agenda.
514

515 Mr. Vanarsdall - Any one in the audience in opposition to C-56C-00 Robert Atack for
516 Staples Mill, LLC.? I move that C-56C-00 Staples Mill LLC. be recommended to the Board for
517 approval under the expedited agenda.

518
519 Mr. Taylor seconded the motion.

520
521 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those
522 in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
523 O'Bannon abstained).

524
525 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
526 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
527 **grant** the request because it reflects the Land Use Plan and future use and zoning of the area; and it
528 would permit development of the land for residential use in an appropriate manner.

529
530
531 Mr. Vanarsdall - Next case.

532
533 Mrs. Via - That is the expedited agenda for 7:00 o'clock, sir. On your screen,
534 you see there are several cases for 8:30. If you like, I can read them now.

535
536 Mr. Vanarsdall - 8:30? All right. Which ones are those just in case someone is in the
537 audience? You understand we can't take action until the time its advertised. And it's advertised in
538 the paper for 8:30 p.m., so we can't take any action. Glad to see y'all.

539
540 Mrs. Via - Did you want me to read these, sir?

541
542 Mr. Vanarsdall - Would you please?

543
544 Mrs. Via - Certainly. At the 8:30 hour we will take up on the expedited items.
545 The first would be Case C-59C-00 in the Three Chopt District. This is TGM Realty. And then the
546 Varina agenda at 8:30 would be C-73C-98 Redford 131; C-61-00 H. W. Owens; C-62C-00 Bradley
547 T. Marshall; C-63C-00 Battlefield Vet Clinic; and C-64-00, again, the Battlefield Veterinary Clinic.

548
549 Mr. Vanarsdall - Thank you, Mrs. Via. Now, Mr. Marlles.

550
551 Mr. Marlles - The first case will be in the Fairfield District C-57C-00.

552
553 **C-57C-00 John Weis for David C. Circeo, DDS, PC:** Request to
554 conditionally rezone from R-4 One Family Residence District to O-1C Office District (Conditional),
555 Parcels 83-23-C-37 through 40, described as follows:

556
557 Beginning at a rod set on the corner of the N. line of Lakeside Avenue; thence N. 4° 27' 00" W.,
558 192.6' to a point; thence N. 4° 20' 00" E., 200.00' to a point; thence S. 4° 39' 00" E., 191.6' to a
559 point on the S. right of way line of Lakeside Avenue; thence S. 4° 46' 00" W., 200.00' to the point
560 of beginning, containing 0.80 acre more or less.

561
562 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
563
564 Mr. Vanarsdall - Any one in the audience in opposition to this case. This case is C-
565 57C-00 and its in the Fairfield District. Any opposition? Mr. Bittner, good evening.
566
567 Mr. Mark Bittner, County Planner – Good evening. Thank you, Mr. Chairman. This property is
568 designated Urban Residential on the 2010 Plan, and it is adjacent to single family residences along
569 its southern and eastern borders. There are also single-family residences to the west across Lakeside
570 Avenue.
571
572 Because of the adjacent residences, staff would not support a business rezoning on this site.
573 However, a properly designed office development could be appropriate. It should also be noted that
574 two nearby property owners, including the adjacent property owner to the south, have contacted
575 staff to express their support of this proposal.
576
577 The proffers include several quality control items. However, there are still some outstanding issues,
578 which the applicant should consider addressing, including the following: No. 1 is buffers. The
579 applicant has proffered a 10-foot natural or landscaped buffer along the property’s boundary which
580 is the minimum required by the Ordinance. Staff recommends that, at least, a 35-foot buffer be
581 provided along the southern and eastern borders. The site is approximately 200 feet by 200 feet in
582 size. So, this buffer should be able to be accommodated. I’ve prepared a graphic here I’d like to
583 show you (referring to slide).
584
585 The site’s borders are outlined in green. The yellow stripe represents the 10-foot buffer that’s been
586 proffered by the applicant. The white stripe represents a 35-foot buffer, which staff is
587 recommending. I’d also like to point out that, along the southern border, we already received a
588 message of support from that property owner. We think this expanded buffer is less critical. But,
589 we do think, along the rear, or the eastern border adjacent to those homes, that a larger buffer is
590 necessary.
591
592 The second item is the parking lot. Staff recommends that the applicant consider facing the parking
593 area to the rear of the building instead of on the front, along Lakeside Avenue. This would improve
594 the aesthetics of the site, as well as the aesthetics of the lakeside Avenue corridor. I’d also like to
595 point out that some nearby businesses, directly to the north, also have rear parking lots.
596
597 The third issue is the sidewalk. There is an existing sidewalk along Lakeside Avenue. And, we feel
598 the applicant should consider incorporating this sidewalk, or preserving this sidewalk as part of the
599 development of this site.
600
601 In summary, the requested use is not consistent with the Urban Residential designation of the
602 property. However, the site does not appear to be attractive for residential development. A small
603 scale office development, as proposed, could be compatible with surrounding development, if the
604 proper quality controls were incorporated. If the applicant could address the issues outlined,
605 tonight, staff could support this application. Until then, we recommend deferral. I’d be happy to
606 answer any questions you may have.

607
608 Mr. Vanarsdall - Any questions for Mr. Bittner? All right, do you want to hear from
609 the applicant, Mr. Archer?
610
611 Mr. Archer - I think we need to, Mr. Chairman.
612
613 Mr. Vanarsdall - All right. Good evening.
614
615 Dr. David Circeo - I'm a dentist in the Lakeside area.
616
617 Mr. Archer - Doctor Circeo, I understand from talking to Mr. Bittner, that you all
618 have had some miscommunication?
619
620 Doctor Circeo - Yes.
621
622 Mr. Archer - I shouldn't say, "miscommunication." I should say missed
623 communication.
624
625 Doctor Circeo - Yes.
626
627 Mr. Archer - You know, there's no opposition to this case, but I do think that the
628 issues Mr. Bittner has raised, would make this awfully easy for us to pass along to the Board. I
629 think the most stringent one has to do with the parking in the rear; the 35-foot buffer adjacent to the
630 residential area. He has indicated to me that he's not quite as concerned about the southern buffer
631 line, but the one to the east, I think, and he does too. That's kind of critical to this case.
632
633 Doctor Circeo - Is the 35-foot buffer along the east, is that strict?
634
635 Mr. Archer - Is it strict?
636
637 Doctor Circeo - Yes. Is there a compromise that we can come up with between the
638 10 and the 35 feet?
639
640 Mr. Archer - Thirty-four (34) maybe.
641
642 Doctor Circeo - It just seems like a lot of land.
643
644 Mr. Archer - Mr. Bittner, can you explain that a little bit better as to why you think
645 we need it. That's the main thing.
646
647 Mr. Bittner - Well, the "why" is I think shown right on this graphic. There are
648 single-family homes directly behind this property and in fairly close proximity as well. And buffers
649 are a typical planning tool that we use to help minimize the negative impacts between residential
650 and non-residential areas.
651
652 Mr. Archer - And 35 feet is not an unusual request in that regard, is it?

653
654 Mr. Bittner - No. I do not feel so.
655
656 Mr. Archer - Okay. That's pretty typical, Doctor Circeo.
657
658 Doctor Circeo - We had originally planned on putting the parking lot in the front.
659 We don't have a problem with the parking lot in the back. It seems that if I put a natural buffer of
660 35 feet in the rear, along with the parking lot in the rear, it just seems like a lot of space between – It
661 seems like a good buffer between the residents and where the building is going to be placed.
662
663 Mr. Archer - Would you be interested in making sure the buffer is treed, if we
664 agreed to make it a little bit smaller?
665
666 Doctor Circeo - That's what my plan was. I was planning on putting shrubs – big
667 shrubs.
668
669 Mr. Archer - No trees?
670
671 Doctor Circeo - Trees would be fine as long as they're going to be solid.
672
673 Mr. Archer - I really don't want to hold this up. Are you agreeable to doing the
674 parking in the rear?
675
676 Doctor Circeo - I'm agreeable to parking in the rear. Yes.
677
678 Mr. Archer - And we're agreeable to maybe not having quite as much of a buffer
679 on the southern side of the property, especially since the neighbors indicated that they are in support
680 of the plan. But, we might be willing to chop a little off of that one. We can kind of feel pretty
681 strict about the one in the back.
682
683 What I can do to keep from holding this up, and Mr. Bittner, if this is okay with you. If we agree to
684 pass this along to the Board with a recommendation that the buffering part would be studied. You
685 might have to be open to going along with the 35 feet, rather than just defer this to talk about a
686 buffer.
687
688 Doctor Circeo - Okay.
689
690 Mr. Archer - But, they may demand it. And, if they do, are you willing to do it, if
691 the Board won't accept it any other way?
692
693 Doctor Circeo - Yes.
694
695 Mr. Archer - Is that okay with you?
696
697 Mr. Bittner - Yes. That's fine.
698

699 Mr. Archer - Okay. There was one proffer that needs to be – Well, the staff seems
700 to feel like its unnecessary, having to do with the building size. Would you just remove that all
701 together, Mark?
702

703 Mr. Bittner - Yes sir.
704

705 Mr. Archer - Okay.
706

707 Mr. Vanarsdall - It's No. 9?
708

709 Mr. Archer - It's third in the staff notes. I believe it is No. 9.
710

711 Mr. Vanarsdall - About the building size? Yeah. That's 9.
712

713 Mr. Bittner - Staff is confidant that I think that we can get everything worked out
714 as necessary between now and the Board meeting.
715

716 Mr. Archer - Okay. We can eliminate No. 9 all together?
717

718 Mr. Bittner - If that's the one concerning the building height?
719

720 Mr. Archer - It is the building size. "No building constructed on the property
721 should exceed two stories or 30 feet in height."
722 Mr. Bittner - Well, we need to keep the second sentence in there about the
723 building square footage.
724

725 Mr. Archer - 8,500 square feet?
726

727 Mr. Bittner - But, the first sentence is simply an ordinance requirement, so, the
728 proffer is not necessary.
729

730 Mr. Archer - All right, I think I'm ready, Mr. Chairman. With that, with the
731 limitation that I mentioned, I move to recommend approval to the Board of C-57C-00, with the
732 removal of the first sentence in Proffer No. 9, and I'll leave it to the staff to word it the way it should
733 be worded. And, also, with the understanding that the buffering was to be worked out between now
734 and the Board time. And they may ask for the 35 feet, but you've indicated you're agreeable if they
735 have to have it, that you'll give it, and the parking will be in the rear.
736

737 Doctor Circeo - Yes.
738

739 Mr. Archer - Very good, sir.
740

741 Doctor Circeo - Thank you.
742

743 Mr. Archer - All right, that's my motion, Mr. Chairman.
744

745 Mr. Taylor seconded the motion.

746

747 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor. All those in
748 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
749 O'Bannon abstained).

750

751 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Taylor, the Planning Commission
752 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
753 request because

754

755

756 **P-9-00 Heidi Parker for RCTC Wholesale Corp d/b/a ALLTEL:**
757 Request for a provisional use permit in accordance with Sections 24-95 (a)(3) and 24-122.1 of
758 Chapter 24 of the County Code in order to construct a 199 foot monopole wireless
759 telecommunications tower with related shelter and equipment, on part of Parcel 118-3-4-1,
760 containing 4,200 square feet, located at the northern terminus of Benton Avenue (East Highland
761 Park subdivision). The site is zone M-1 Light Industrial District.

762

763 Mr. Marles - The staff report will be given by Mrs. Jo Ann Hunter.

764

765 Mr. Vanarsdall - All right, any one in the audience in opposition to Case P-9-00? This
766 is in the Fairfield District, and it's an Alltel cellular tower – 199 feet? No opposition.

767

768 Ms. Jo Ann Hunter, County Planner - Good evening, Mr. Chairman, members of the Commission.
769 This request is to construct and operate a 199-foot wireless telecommunications facility at 4100
770 Benton Avenue, an existing warehouse facility.

771

772 The original application was for a 155-foot tower with the possibility of an extension to 199 feet.
773 However, another Provisional Use Permit tower request was submitted at the same time to extend
774 the height of an existing tower.

775

776 There's an existing tower here (referring to slide) that was built, by right, at 100 feet in the M-1
777 District. PrimeCo requested to extend that tower to 150 feet to improve their coverage.

778

779 Looking at these two towers, we felt that this location was a better location. The other site had
780 setback problems. It was also closer to residences. So, we asked the two providers to work
781 together. And we've got written confirmation from PrimeCo that, if this application was approved,
782 and the tower is constructed, they would collocate on this tower and actually remove their 100-foot
783 existing tower.

784

785 The property is zoned M-1. The general vicinity is industrial. The proposed tower site is consistent
786 with the siting policies to look for sites that are zoned or planned for industrial. There is a
787 subdivision that surrounds this property here (referring to slide). This is the East Highland Park
788 Subdivision. We asked the applicant to consider moving the tower to the west on the site so that we
789 could push the tower further away from the residences. The applicant was willing to work with us

790 on that. And we've handed out a revised sketch to you tonight where they'll be relocating the tower
791 slightly to the west.

792
793 The applicant has addressed all of staff's concerns. The tower site does not appear to be
794 objectionable, and staff recommends approval with the conditions identified in the staff report. I'd
795 be happy to answer any questions.

796
797 Mr. Vanarsdall - Any questions for Ms. Hunter by Commission members? Thank
798 you, Ms. Hunter. Mr. Archer.

799
800 Mr. Archer - I don't think we need to hear from the applicant. We didn't have any
801 opposition, did we?

802
803 Mr. Vanarsdall - All right.

804
805 Mr. Archer - This is pretty much of an industrial area. In fact, I was just over there
806 this morning. And they were agreeable to moving the tower to accommodate not having it near the
807 residences. So, with that, Mr. Chairman, I move to recommend approval of P-9-00 RCTC
808 Wholesale Corp./Alltel.
809 Ms. Dwyer seconded the motion.

810
811 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Ms. Dwyer. All those in
812 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
813 O'Bannon abstained).

814
815 REASON: Acting on a motion by Mr. Archer seconded by Mr. Dwyer, the Planning Commission
816 voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors **grant the**
817 **requested revocable Provisional Use Permit**, subject to the following conditions:

- 818
819 1. If the use of the tower for communication purposes is discontinued for 180 days, the tower
820 and all related structures shall be removed from the site within ninety (90) days. Within ten
821 (10) business days after written request by the County, the owner of the tower shall provide
822 the County with written confirmation of the status of the tower, the number and identity of
823 users on the tower, available co-location space on the tower and such additional
824 information as may be reasonably requested.
825
826 2. Application for a building permit to install the tower must be made within one year after
827 the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of
828 time is granted by the Director of Planning upon written request by the applicant.
829
830 3. The applicant shall obtain approval from the Henrico County Planning Commission should
831 the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting
832 and orange and white striping) to the tower. The applicant shall notify the Henrico County
833 Planning Director prior to making any changes to the original galvanized finish of the
834 tower.
835

- 836 4. When site construction will be initiated as a result of this Provisional Use Permit, the
837 applicant shall complete requirements prescribed by Chapter 10 of the Henrico County
838 Code. In particular, land disturbance of more than 2,500 square feet will require that
839 construction plans include a detailed drainage and erosion control plan prepared by a
840 professional engineer certified in the State of Virginia. Ten (10) sets of the construction
841 plans shall be submitted to the Department of Public Works for approval.
842
- 843 5. The applicant shall allow the co-location of at least 3, and as many additional users as
844 technically possible at this site.
845
- 846 6. A landscaping plan for the purpose of screening the base of the tower from view shall be
847 submitted to the Planning Office for approval prior to the issuance of a building permit for
848 the tower. The Director of Planning may waive the enforcement of this condition if it is
849 deemed unnecessary.
850

851 If ownership of the lease is transferred to another provider, the applicant will need a Transfer of
852 Provisional Use Permit.

853 The Planning Commission's recommendation was based on the fact that it is reasonable in light of
854 the surrounding uses and existing zoning on the property; and when properly developed and
855 regulated by the recommended special conditions, it would not be detrimental to the public health,
856 safety, welfare and values in the area.
857

858 Mr. Vanarsdall - Next case. Before you announce the case, I just saw Tom Lappas
859 from the Henrico Leader. It's nice to have you, Tom. And we have some guests here. Do you
860 want to tell us who the scouts are?
861

862 Lady from Audience - Yes sir. I've got four boy scouts from Troop 737. And they are
863 working on their citizenship merit badge.
864

865 Mr. Vanarsdall - We're glad to have you. If you have any objections to any of these
866 cases, just raise your hand.
867

868 Mr. Archer - They're taking you seriously too.
869

870 **C-58C-00 Garry Gallagher for Edge Development, L. L. C.:** Request to
871 conditionally rezone from R-2A One Family Residence District to M-1C Light Industrial District
872 (Conditional), Parcels 33-A-53 and 54, containing 3.652 acres, located on the north line of Virginia
873 Center Parkway approximately 553 feet east of its intersection with Brook Road (U. S. Route 1).
874 Commercial development is proposed. The use will be controlled by zoning ordinance regulations
875 and proffered conditions. The Land Use Plan recommends Office/Service.
876

877 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
878

879 Mr. Vanarsdall - Any one in the audience in opposition to this case? This is Case C-
880 58C-00 Garry Gallagher for Edge Development? We have some opposition in the back. We'll be
881 with you as soon as he finishes his presentation.

882
883 Mr. Bittner - Mr. Chairman, the applicant just indicated to me that they would like
884 to defer this case. If you like, I could still give my presentation, or maybe you'd just like to hear
885 from the applicant about why he wants to defer?
886
887 Mr. Vanarsdall - Mr. Gallagher.
888
889 Mr. Garry Gallagher - Mr. Chairman, members of the Board, we've just learned that there's
890 some opposition from the neighborhood that might be more serious than we gambled for, if you
891 will. So, we'd like an opportunity to discuss the case further with these folks and clear up an
892 ambiguities. So, we'd respectfully request a deferral.
893
894 Mr. Vanarsdall - Is that all right with you, Mr. Archer?
895
896 Mr. Archer - I think so, Mr. Chairman. I would like, though, for Mr. Bittner, can
897 you just briefly summarize what your objections were to this case prior to the opposition? It will
898 save us some time when we hear it again.
899
900 Mr. Bittner - The main objection is they are proposing commercial development
901 for this property, but the property is designated Office/Service on our Land Use Plan. They intend
902 to combine the property with this property to the west which is also zoned M-1, and develop a
903 commercial center there.
904
905 We are concerned with the potential encroachment of commercial development east along Virginia
906 Center Parkway. Therefore, we would recommend strictly office development or Office/Service-
907 type development on this property to be consistent with our Land Use Plan, and also to prevent the
908 potential encroachment of commercial development.
909
910 Mr. Archer - Okay. Thank you, Mr. Bittner. Mr. Chairman, the reason I asked
911 him to do that is because I'm not familiar with what the objections from the neighborhood might be.
912 I'm sure Mr. Gallagher is going to try to work that out with them.
913
914 This is a pretty tight little piece of property. If you'll notice on the map that's on the screen, there's
915 an area that's designated "55," that would remain R-2A. Is that right, Mark?
916
917 Mr. Bittner - Yes. That's true.
918
919 Mr. Archer - It is landlocked by the rest of what's in there. So, at some point, we
920 would have to deal with that, too, I'm pretty sure.
921
922 Mr. Bittner - I have another graphic here that might help. This is Brook Road on
923 the left - Virginia Center Parkway here (referring to slide). The property they want to rezone is
924 generally in this area right along here. Parcel 55, you were just referring to, sits right about I believe
925 right here. You can see where that is. But, you can see, this would be a gas/convenience store.
926 This is just an illustrative plan. It's nothing that's been engineered or proffered. That's a bank, I

927 believe. And this will be a restaurant. And then a combination office and commercial retail on the
928 back.

929
930 Mr. Archer - Okay. Thank you, Mark.

931
932 Mr. Marlles - Mr. Archer, do you want to hear from the citizens, or would you
933 prefer they had the opportunity to meet and discuss it first?

934
935 Mr. Archer - Is there anybody who would like to summarize what your objections
936 are? Give us a little bit of substance when we do get a chance to meet, I think.

937
938 Mr. Tony DeMartino - My name is Tony DeMartino. I'm a resident of Stonewall Glen
939 Subdivision. That is just down Virginia Center Parkway from this, and a member of our
940 Homeowners Association. We've had several rezoning issues that have come up in our
941 neighborhood in the past, and we've always worked very closely with the developers regarding
942 those conditions. And we do have a concern with the increased commercial traffic that would come
943 down Virginia Center Parkway, especially, in light of, even though this is not a proffered
944 development. The gas/convenience store access along this could be from Virginia Center Parkway.
945 It's so close to the interstates, that this could be a lot of transient traffic; folks that don't know their
946 way around. Not only is the Stonewall Glen Subdivision very close to this, but so is the Holly Glen
947 Subdivision which sits behind all this. We have a concern about traffic coming down Virginia
948 Center Parkway. It really has been designated in the Land Use Plan and all the rezoning that has
949 gone on previously as kind of Office and residential.

950
951 We acknowledge that the Brook Road, whole Virginia Center corridor there is developing very
952 quickly with commercial development. And, we certainly have worked with the developers in the
953 past, and would like the opportunity to work with them in this case as well.

954
955 Mr. Archer - Okay, Mr. DeMartino.

956
957 Mr. Vanarsdall - Thank you.

958
959 Mr. Archer - Mr. Chairman, I'm sure this meeting is going to be worked out
960 between Mr. Gallagher and the residents. So, with that, I move deferral of; was it 30 days?

961
962 Mr. Gallagher - Yes.

963
964 Mr. Archer - I move deferral of C-58C-00 to the September 14th meeting at the
965 applicant's request.

966
967 Mr. Taylor seconded the motion.

968
969 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor All those in
970 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
971 O'Bannon abstained). Thank you. Mr. Secretary.

972

973 Mr. Marlles - Mr. Chairman, that concludes our 7:00 o'clock agenda. We can take
974 up the approval of minutes for June 15, 2000 and July 13, 2000.
975
976 Mr. Vanarsdall - That would be good.
977
978 Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Zoning Minutes of June 15, 2000
979 were approved as corrected:
980
981 Page 15, Line 615 - instead of residential, residences.
982
983 Acting on a motion by Mr. Archer, seconded by Mr. Taylor, the Zoning Minutes of July 13, 2000
984 were approved as corrected:
985
986 Page 1 – Ms. Dwyer listed as Chairwoman on Line 13. She was absent.
987 Page 1 – Line 25 – Spelling – Mr. Lappas.
988 Page 31, Line 1402 – After the word, “I don’t” should be the word, “know.”
989 Page 32, Line 1430 – Should read “Did you not...”
990 Line 1439 – We just sit around and rearrange “ignorance”...
991
992 Mr. Vanarsdall - All right, Mr. Secretary.
993
994 Mr. Marlles - Mr. Chairman, that concludes the items on our 7:00 o'clock agenda.
995 Unless Mrs. Via has some special presentation she can give you, I would suggest we take a break
996 for 30 minutes.
997
998 Ms. Dwyer - I have something that I can bring up just as a topic. As the
999 Commission knows, we worked long and hard on amendments to our County Ordinance relating to
1000 multi-family development. And we've been asking about it since April when we passed that
1001 Ordinance. And, I have in my hands, a memo from Mr. Marlles to Mr. Hinson saying that we are
1002 now ready for the Board to establish a work session on this. Of course, this is August. So, I have
1003 two questions. One, is it actually going to be set for a work session, and if so, when? And my
1004 second question is, why has it taken so long to happen?
1005
1006 Mr. Marlles - Do you want me to take a shot at that?
1007
1008 Ms. Dwyer - Sure.
1009
1010 Mr. Marlles - I do expect some correspondence to be coming from the Manager's
1011 Office to the Board to update them on the Multi-family ordinance as well as the West Broad Street
1012 Land Use Plan that was also acted upon by the Commission. So, I think that information will be
1013 sent to the Board. I believe that it will indicate that there will be work sessions scheduled soon on
1014 both of those items.
1015
1016 Ms. Dwyer - When would we expect...
1017

1018 Mr. Marlles - I actually don't know any actual dates those work sessions will be
1019 scheduled. I can tell you, I know that, with the number of the major issues that the Board has been
1020 dealing with, and the County Administration has been dealing with, that there are a number of items
1021 that are under consideration for scheduling for both work sessions and public hearings. But, you
1022 know, I have talked personally to Mr. Hinson and let him know that the Planning Commission is
1023 interested in seeing those two matters proceed forward. So, he is aware of that.

1024
1025 Ms. Dwyer - Well, I would just like to underline that, because I think the
1026 Commission was very concerned about this issue, and has worked very hard on it. We passed in
1027 April. We're already in August and we still don't know if and when its going to be scheduled for a
1028 work session by the Board. So, this seems to have been an inordinate delay in my opinion in
1029 moving this along.

1030
1031 The concern is, this is a very time sensitive issue. I have last month and this month a multi-family
1032 case come through on POD, on previously zoned land, and would have liked very much for those
1033 cases to have been subject to the new Ordinance. And, of course, they will not be. And I think this
1034 presents a serious problem for us when we announce that we are going to enact an ordinance, and
1035 then we sit on it for an inordinately long period time, and it allows folks so inclined to come in and
1036 get approvals, without being subject to the specified intent of the law.

1037
1038 I know that the Board and the staff have been very busy, but we just simply need to act on this.
1039 Because the longer we delay, the longer the more critical cases come to our attention and have to be
1040 acted upon and will not be subject to the laws that the Commission has determined need to be in
1041 place. I've made my speech.

1042
1043 Mr. Vanarsdall - Okay. Thank you, Ms. Dwyer. Anybody else have anything? Then
1044 we'll have to recess until 8:30 p.m.
1045 We will now reconvene. We've passed the hour of 8:30 p.m. Mr. Secretary.

1046
1047 Mr. Marlles - Mr. Chairman, the first item on the 8:30 p.m. agenda is Requests for
1048 Withdrawals and Deferrals. Mrs. Via.

1049
1050 Mr. Vanarsdall - Hi, Mrs. Via, again.

1051
1052 Mrs. Via - Thank you, Mr. Secretary, Mr. Chairman, and members of the
1053 Commission, on the 8:30 agenda, you have one request for a deferral. This is on Page 4 of your
1054 agenda in the Three Chopt District. This is Case C-60C-00. This is MCI WorldCom.

1055
1056 **C-60C-00 Andrew Condlin or Patrick Sanderson for MCI WorldCom:**
1057 Request to amend proffered conditions accepted with rezoning case C-30C-93 (zoned R-3C) on
1058 Parcel 29-A-50, containing 1.584 acres, located on the west line of Francistown Road
1059 approximately 150 feet north of its intersection with Castle Point Drive. The amendment is related
1060 to the front yard setback and non clearing area on the property. The Land Use Plan recommends
1061 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1062
1063 The applicant has requested a deferral to September 14, 2000.

1064
1065 Mr. Vanarsdall - Any one in the audience in opposition to deferment of C-60C-00.
1066 This is Andrew Condlin for MCI? All right. Mr. Taylor.
1067
1068 Mr. Taylor - Mr. Chairman, I move that we defer Case C-60C-00 at the request of
1069 the applicant until September 14, 2000.
1070
1071 Ms. Dwyer seconded the motion.
1072
1073 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Dwyer All those in
1074 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1075 O'Bannon abstained). Mrs. Via.
1076
1077 Ms. Via - That is the requests for deferrals. We can take the expedited now if
1078 you wish.
1079
1080 Mr. Marlles - Yes ma'am, Mrs. Via.
1081
1082 Ms. Via - Thank you, sir. Your first case this evening that's requested for
1083 expedited also in the Three Chopt District on Page 4 of your agenda is Case C-59C-00.
1084
1085 **C-59C-00 Mark H. Slusher or Jeff Bisger for TGM Realty Investors:**
1086 Request to conditionally rezone from A-1 Agricultural District to B-2C Business District
1087 (Conditional), Part of Parcel 36-A-49A, described as follows:
1088
1089 Beginning at the intersection of the northeast corner of tax parcel 36-A-49 (in part) and the southern
1090 right of way line of US Route 250 which point is the True Point of Beginning; thence S 79° 52' 28"
1091 E, 137.37' to a point; thence S 28° 42' 35" W.; 153.75' to a point, thence N 79° 43' 24" W.; 88.60' to
1092 a point; thence S 28° 39' 54" W., 12.64' to a point; thence N 79° 42' 08" W., 25.30' to a point; thence
1093 N 28° 45' 08" E., 12.65' to a point; thence N 79° 42' 59" W., 23.31' to a point; thence N 28° 41' 29"
1094 E., 153.34' to the True Point of Beginning containing 0.466 acres.
1095
1096 Mr. Vanarsdall - Any one in opposition to this case, C-59C-00? I know Mr. Slusher
1097 hopes not because he's been here since 7:00 p.m. All right, Mr. Taylor.
1098
1099 Mr. Taylor - Mr. Chairman, I move that Case C-59C-00 be approved on the
1100 expedited agenda at our request.
1101
1102 Mr. Archer - You're right. Second, Mr. Chairman.
1103
1104 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Dwyer All those in
1105 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1106 O'Bannon abstained). Mrs. Via.
1107
1108 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
1109 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the

1110 request because it would not adversely affect the adjoining area if properly developed as proposed;
1111 and it is reasonable in light of the business zoning in the area.

1112
1113

1114 Mrs. Via - I'm going to skip a little bit out of order and take up C-61-00 on Page
1115 5 of your agenda.

1116

1117 **C-61-00 Laraine Isaac for H. W. Owens, Inc.:** Request to rezone from R-
1118 3AC One Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 146-
1119 A-13, described as follows:

1120

1121 Commencing at the Point of Beginning, being a point located North 78°05'33" West, a distance of
1122 161.32 feet from a gum tree (which is one of the boundary markers); thence North 57°12'32" East, a
1123 distance of 103.07 feet; thence North 55°17'38" East, a distance of 89.36 feet; thence North
1124 26°16'14" East, a distance of 94.66 feet; thence North 60°09'51" East, a distance of 143.17 feet;
1125 thence North 46°15'49" East, a distance of 81.64 feet; thence North 73°50'08" East, a distance of
1126 121.95 feet; thence North 15°00'40" East, a distance of 78.65 feet; thence North 07°53'23" East, a
1127 distance of 114.39 feet; thence North 10°46'28" West, a distance of 115.77 feet; thence North
1128 30°02'16" East, a distance of 72.06 feet; thence North 52°34'33" East, a distance of 87.46 feet;
1129 thence North 72°37'55" West, a distance of approximately 174.7 feet to the centerline of the Creek;
1130 thence southwest along the centerline of the creek, a distance of approximately 1210 feet; thence
1131 South 78°05'33" East, a distance of 191.1 feet more or less to the Point of Beginning, containing
1132 4.183 Acres, more or less.

1133

1134 The applicant has requested an expedited agenda.

1135

1136 Mr. Vanarsdall - Any one in the audience in opposition to this Case? This is C-61-00?
1137 No opposition. Need a motion.

1138

1139 Ms. Dwyer - Mrs. Quesinberry is not here this evening. She's asked me to make
1140 the motions on her cases.

1141

1142 Mr. Vanarsdall - Good.

1143

1144 Ms. Dwyer - So, I'll move that we recommend approval of C-61-00.

1145

1146 Mr. Archer seconded the motion.

1147

1148 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Archer All those in
1149 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1150 O'Bannon abstained). Next case.

1151

1152 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Archer, the Planning Commission
1153 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1154 request because it conforms with the objectives and intent of the County's Comprehensive Plan;
1155 and it continues a form of zoning consistent with the area.

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Mrs. Via - Thank you. I'd like to go back. These next two cases that have been requested for Expedited are Cases , and Case C-62C-00. We have had a letter of opposition on these two cases from the Varina Environmental Protection Group. However, the applicant has requested expedited, and the issues are resolved on these two cases with the staff.

I'll take up the first one for you. Redford 131 on Page 4 of your agenda.

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 O-3C Office 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, described as follows:

Beginning at a point on the eastern right-of-way line of Memorial Drive, which point is the northwest corner of Tax Parcel No. 197-1-1-7A and the southwest corner of Tax Parcel No. 197-1-1-8, said point being the True Point of Beginning; thence S 77°05'55" E 847.48' to a point; thence S 33°05'38" E 1,401.33' to a point in the centerline of an unnamed creek; thence along the meandering of the unnamed creek in a southerly direction a distance of 1,440' +- a point; thence S 77°27'22" E 142.95' to a point; thence S 19°40'28" W 528.02' to a point; thence N 70°21'32" W 300.00' to a point; thence S 19°38'28" W 270.00' to a point; thence along a curve to the left having a radius of 25.00' for a length of 39.27' to a point on the northern right-of-way line of Portugee Road; thence along the northern right-of-way line of Portugee Road N 70°21'32" W 100.00' to a point; thence leaving the northern right-of-way line of Portugee Road along a curve to the left having a radius of 25.00' for a length of 39.27' to a point; thence N 19°38'28" E 270.00' to a point; thence N 70°21'32" W 514.52' to a point; thence S 06°19'18" W 303.58' to a point on the northern right-of-way line of Portugee Road; thence along the northern right-of-way line of Portugee Road N 70°21'22" W 889.40' to a point; thence leaving the northern right-of-way line of Portugee Road N 17°47'50" E 175.89' to a point; thence N 72°05'07" W 35.56' to a point; thence N 17°47'58" E 283.49' to a point; thence N 69°28'13" E 853.05' to a point; thence N 15°44'05" E 1145.72' to a point; thence N 73°44'12" W 884.75' to a point on the eastern right-of-way line of Memorial Drive; thence along the eastern right-of-way line of Memorial Drive N 13°00'15" E 226.33' to the True Point of Beginning, containing 56.214 acres.

Mr. Vanarsdall - Any one in the audience in opposition to this Case? This is Case C-73C-98 James W. Theobald for W. A. Robins, etc.?

Ms. Dwyer - May I see the letter of opposition?

Mr. Vanarsdall - Said what?

Ms. Dwyer - There's a letter of opposition.

Mrs. Via - There is a letter of opposition. Mrs. Paschke was informed that they were on the expedited agenda this evening, but preferred just to submit her comments in writing for the record.

1202
1203 Mr. Vanarsdall - All right.
1204
1205 Mrs. Via - I would add, as I mentioned, her comments address both this case
1206 and the next one on the expedited agenda.
1207
1208 Ms. Dwyer - So, apparently, its her view that this could be considered by the
1209 Board; this letter?
1210
1211 Mrs. Via - Yes.
1212
1213 Ms. Dwyer - Because it has not been handed out to the Commission until this
1214 evening.
1215
1216 Mrs. Via - That's correct.
1217
1218 Ms. Dwyer - All right. Thank you. This will be a part of the record that goes
1219 forward?
1220
1221 Mrs. Via - This will be a part of the record that goes forward. The Board will be
1222 made aware in the staff report.
1223
1224 Ms. Dwyer - Okay. Because, as you said that, I was thinking we don't really see a
1225 record of the case. We normally see the staff report. But, the Board, then, will be made aware of
1226 this letter? I just don't want the letter to be lost.
1227
1228 Mrs. Via - No ma'am. It won't be lost.
1229
1230 Ms. Dwyer - Thank you.
1231
1232 Mr. Vanarsdall - All right. What do we need?
1233
1234 Ms. Dwyer - We're on C-73C-98?
1235
1236 Mrs. Via - C-73C-98.
1237
1238 Ms. Dwyer - Were there any comments by Commission members?
1239
1240 Mr. Vanarsdall - No.
1241
1242 Ms. Dwyer - All right. I move that the Commission recommend to the Board
1243 Case C-73C-98 be approved.
1244
1245 Mr. Taylor seconded the motion.
1246

1247 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Taylor. All those in
1248 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1249 O'Bannon abstained). C-62C-00.

1250
1251 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Planning Commission
1252 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1253 request because the employment use(s) support the County's economic development policies; and
1254 it is reasonable in light of the industrial zoning in the area.

1255
1256
1257 Mrs. Via - Thank you. The next Case C-62C-00 on Page 5 of your agenda in
1258 the Varina District.

1259
1260 **C-62C-00 James W. Theobald for Bradley T. Marshall, et al:** Request to
1261 conditionally rezone from A-1 Agricultural District to O-3C Office District (Conditional), part of
1262 Parcel 186-A-22, described as follows:

1263
1264 Beginning at a point on southwestern right-of-way line of Technology Boulevard, which point is the
1265 northeastern-most point of Tax Parcel 186-A-22 south of Technology Boulevard and the
1266 southeastern-most point of Tax Parcel No. 186-A-22N, said point being the True Point of
1267 Beginning; thence along the southwestern right-of-way line of Technology Boulevard S 38°45'46"
1268 E 1,242.68' to a point; thence leaving the southwestern right-of-way line of Technology Boulevard
1269 N 84°26'22" W 182.58' to a point; thence S 89°49'38" W 798.84' to a point; thence S 87°41'49" W
1270 361.02' to a point; thence N 00°03'04" E 635.21' to a point on the southern right-of-way line of
1271 Poplar Spring Road; thence along the southern right-of-way line of Poplar Spring Road N 51°14'14"
1272 E 378.73' to a point; thence N 58°04'48" E 100.72' to a point; thence N 51°14'14" E 89.92' to a
1273 point; thence leaving the southern right-of-way line of Poplar Spring Road S 83°01'03" E 112.60' to
1274 the True Point of Beginning, containing 19.173 acres.

1275
1276 Mr. Vanarsdall - Any one in the audience in opposition to this case? This is C-62C-00
1277 James W. Theobald for Bradley T. Marshall, in the Varina District. No opposition. Need a motion,
1278 Ms. Dwyer.

1279
1280 Ms. Dwyer - Mrs. Via, I'm assuming that the amended proffers were received in
1281 time? There's no need for a waiver of time limits? Is that right?

1282
1283 Mrs. Via - Yes.

1284
1285 Ms. Dwyer - Well, let me just make a statement about the previous case, as well as
1286 this case. The proffers were amended to be responsive to the staff's concerns, as expressed in the
1287 staff report. Mrs. Quesinberry and I exchanged voice mails on this case for the last two days. And
1288 she is satisfied with the amended proffers on both of these cases. With that, I will move that the
1289 Commission recommend to the Board that Case C-62C-00 be approved.

1290
1291 Mr. Archer seconded the motion.

1292

1293 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Archer. All those in
1294 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1295 O'Bannon abstained). Next case, Mrs. Via.

1296
1297 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Archer, the Planning Commission
1298 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1299 request because the employment use(s) support the County's economic development policies; and
1300 it is reasonable in light of the industrial zoning in the area.

1301
1302
1303 Mrs. Via - Thank you. The next Case also on Page 5 of your agenda in the
1304 Varina District is Case C-63C-00.

1305
1306 **C-63C-00 Engineering Design Associates for Battlefield Veterinary Clinic:**
1307 Request to conditionally rezone from A-1 Agricultural District to B-1C Business District
1308 (Conditional), part of Parcel 165-A-27, containing 4.149 acres, located at the northwest intersection
1309 of the Williamsburg Road (U. S. Route 60) Service Road and Whiteside Road. Commercial uses
1310 including a veterinary clinic are proposed. The use will be controlled by zoning ordinance
1311 regulations and proffered conditions. The Land Use Plan recommends Office. The site is also in
1312 the Airport Safety Overlay District.

1313
1314 Mr. Vanarsdall - Any one in the audience in opposition to this case – C-63C-00? Any
1315 opposition? All right. No opposition.

1316
1317 Ms. Dwyer - I had some questions about this case. And those questions related to,
1318 in particular, the buffers that were being offered. I think the staff had recommended that 35-foot
1319 buffers be placed on this property along the residential areas. And I don't believe that's been
1320 included in the amended proffers that have been submitted. Is that correct?

1321
1322 Mrs. Via - Let me ask Mr. Householder, the case planner, to come up and
1323 respond to your questions.

1324
1325 Ms. Dwyer - I know we don't like to do this on an expedited agenda. These are
1326 someone else's cases, and I just wanted to be...

1327
1328 Mr. Vanarsdall - That's all right. That's fine. No problem.
1329 Mr. Householder - The amended proffer addresses the buffer area to say 25 feet, as
1330 opposed to 35 feet as staff recommended. I can pass the proffer out, if you'd like.

1331
1332 Ms. Dwyer - I think I have it. Do I have it? No. C-63C-00. I'm sorry. I'm
1333 looking at the wrong one. Mr. Householder and I have talked about it, and I'm not comfortable
1334 making a motion to approve this case. So, if the applicant is willing to defer, that would be one
1335 option.

1336
1337 Mr. Vanarsdall - Is the applicant here? There she is.

1338

1339 Ms. Laraine Isaac - Time is of the essence. Excuse me. Laraine Isaac, Engineering
1340 Designs. Time is of the essence on this case. I'd like to have it heard and acted on tonight.
1341
1342 Ms. Dwyer - Okay. Well, I'm going to go ahead and make a motion that we defer
1343 this case so Mrs. Quesinberry can address whatever development issues she happens to see. I'm not
1344 in a position to make a recommendation for approval or denial at this time.
1345
1346 Ms. Isaac - May I talk to my client?
1347
1348 Ms. Dwyer - Certainly.
1349
1350 Mr. Vanarsdall - The companion case is C-64C-00?
1351
1352 Ms. Dwyer - Right. I don't have a problem with C-64-00. This is a separate
1353 parcel.
1354
1355 Ms. Isaac - Would you take this off the expedited agenda, and let me talk to the
1356 client and hear the case in order?
1357
1358 Ms. Dwyer - Okay. We'll do that. We'll move this from the expedited agenda
1359 with the concurrence of the Commission.
1360
1361 Mr. Vanarsdall - They have a companion case, Mrs. Via?
1362
1363 **C-64-00 Engineering Design Associates for Battlefield Veterinary Clinic:**
1364 Request to rezone from A-1 Agricultural District to R-3 One Family Residence District, part of
1365 Parcel 165-A-27, described as follows:
1366
1367 Beginning at a point in the S. line of Old Williamsburg Road, said point being marked by an iron
1368 rod, running thence along the S. line of Old Williamsburg Road S. 82° 26' 53" E., 126.18' to an
1369 iron rod; thence leaving said road and running S. 0° 19' 08" E., 201.93' to an iron rod, running
1370 thence N. 82° 19' 04" W., 153.29' to an iron rod, running thence N. 7° 23' 43" E., 199.68' to the
1371 point and place of beginning, containing 0.641 acres of land.
1372
1373 Mrs. Via - This case does have a companion if the Commission would like to go
1374 ahead and act. C-64-00. This actually just splits off the existing single family residence from the
1375 parcel that is being developed. Because this parcel, which is currently zoned A-1, would not meet
1376 the zoning requirements – the lot requirements for A-1, it does need to be rezoned to the R-3 One
1377 Family Residence District.
1378
1379 Ms. Dwyer - Is there any opposition?
1380
1381 Mr. Vanarsdall - Any opposition to the companion case C-64-00? No opposition.
1382
1383 Ms. Dwyer - Okay. I move that the Commission recommend for approval C-64-
1384 00.

1385
1386 Mr. Taylor seconded the motion.
1387
1388 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Taylor. All those in
1389 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1390 O'Bannon abstained). Mrs. Via. Thank you very much. Mr. Secretary.

1391
1392 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Planning Commission
1393 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1394 request because it conforms with the objectives and intent of the County's Comprehensive Plan;
1395 and it would permit development of the land for residential use in an appropriate manner.

1396
1397
1398 **Deferred from the July 13, 2000 Meeting:**

1399 **C-40C-00 William W. Johnson:** Request to conditionally rezone from A-1
1400 Agricultural District to R-2AC One Family Residence District (Conditional), on Parcels 18-A-8, 9
1401 and 10-A-17D, described as follows:

1402
1403 COMMENCING at a point on the west line of Shady Grove Road, said point being the intersection
1404 of the centerline of Old Nuckols Road with the west line of Shady Grove Road. Thence, North 9
1405 degrees 16 minutes 13 seconds East for a distance of 152.76 feet to a point, being the point of
1406 BEGINNING. THENCE along the west line of Shady Grove Road, South 09 degrees 16 minutes 13
1407 seconds West for a distance of 179.19 feet to a point; THENCE South 09 degrees 57 minutes 12
1408 seconds West for a distance of 362.31 feet to a point; THENCE along a curve to the right having a
1409 radius of 930.40 feet and an arc length of 260.59 feet, being subtended by a chord of South 17
1410 degrees 58 minutes 38 seconds West for a distance of 259.74 feet to a point; THENCE North 55
1411 degrees 44 minutes 41 West a distance of 298.58 feet to a point; THENCE North 40 degrees 58
1412 minutes 51 seconds West for a distance of 257.80 feet to a point; THENCE North 47 degrees 06
1413 minutes 51 seconds West for a distance of 211.50 feet to a point; THENCE South 42 degrees 10
1414 minutes 31 seconds West for a distance of 29.89 feet to a point; THENCE North 49 degrees 01
1415 minutes 20 seconds West for a distance of 140.25 feet to a point; THENCE North 40 degrees 15
1416 minutes 40 West for a distance of 248.16 feet to a point; THENCE North 48 degrees 15 minutes 40
1417 seconds West for a distance of 155.10 feet to a point; THENCE North 38 degrees 15 minutes 40
1418 seconds West for a distance of 162.36 feet to a point; THENCE North 45 degrees 45 minutes 40
1419 seconds West for a distance of 146.52 feet to a point; THENCE North 39 degrees 15 minutes 40
1420 seconds West for a distance of 132.00 feet to a point; THENCE South 73 degrees 39 minutes 48
1421 seconds East for a distance of 1493.91 feet to a point on the west line of Shady Grove Road, and
1422 being the point of beginning, together with and subject to covenants, easements, and restrictions or
1423 record, containing 15.253 acres more or less.

1424
1425 Mr. Marlles - The staff report will be given by Mr. Bittner.

1426
1427 Mr. Vanarsdall - C-40C-00 Right?

1428
1429 Mr. Marlles - C-40C-00, yes sir.

1430

1431 Mr. Vanarsdall - Any one in the audience in opposition to C-40C-00 William W.
1432 Johnson? No opposition. Mr. Bittner.
1433
1434 Mr. Bittner - Thank you, Mr. Chairman. We are just passing out now some
1435 revised proffers on this case. I would like to point out that these new proffers do include some
1436 positive aspects, including a road connection to the adjacent proposed development to the north,
1437 which is Rezoning Case C-39C-00. And I'll point out that case is on the September 12th Board of
1438 Supervisors agenda. So, if this case tonight were to go forward, the two cases would be on the same
1439 Board agenda.
1440
1441 The applicant has also proffered a full 30-foot buffer along Shady Grove Road that would be
1442 compatible with the adjacent rezoning site's buffer along Shady Grove as well.
1443
1444 Again, I think these are positive developments. However, there are still some outstanding issues
1445 that staff has with the application, concerning density and lot width.
1446
1447 The applicant has lowered the proffered density from 2.4 to 2.3 units per acre. However, staff is
1448 recommending a lower density of 1.6 to 1.8 units an acre.
1449
1450 Staff is also recommending a 90-foot wide width for all lots in this development. And the applicant
1451 has proffered that no more than ten lots would have a width less than 90 feet. This would result in
1452 approximately two-thirds of the lots in the development being a width greater than 90 feet. So, he's
1453 about two-thirds of the way towards what staff is recommending.
1454
1455 In summary, the revised proffers are positive and address most of the issues associated with this
1456 case. However, staff cannot fully recommend approval because of the density and lot width issues.
1457 We continue to recommend a lower density, and that all lots be at least 90 feet wide. I'd be happy
1458 to answer any questions you may have.
1459
1460 Mr. Vanarsdall - Any questions of Mr. Bittner by Commission members?
1461
1462 Mr. Taylor - I would like to add too, Mr. Chairman, with regard to the 2.3 units
1463 per acre, when we did Case C-39-00, what was Mr. Wilton's overall density?
1464
1465 Mr. Bittner - 2.4 units an acre.
1466
1467 Mr. Taylor - 2.4? So, we're just one-tenth of an acre off?
1468
1469 Mr. Bittner - Yes. One-tenth of an acre under Mr. Wilton's proffer.
1470
1471 Mr. Taylor - And, with regard to the 90-foot wide lot width, what percentage are
1472 they 90-feet wide?
1473
1474 Mr. Bittner - Approximately one third; 33 percent.
1475

1476 Mr. Taylor - Do we have overall what the average width is of those, because I
1477 understand those are on a cul-de-sac?
1478

1479 Mr. Bittner - Right. We don't have an average width figure, but I might be able to
1480 show you some on this?
1481

1482 Mr. Taylor - Could we see that? This is kind of fill in parcel, and the triangular
1483 area matching the Wilton parcel.
1484

1485 Mr. Bittner - This is a conceptual plan submitted by the applicant. It's not
1486 proffered, but its just for illustrative purposes. Every lot with a dot on it indicates a lot that would
1487 be less than 90-feet wide at the building setback line. However, you'll notice, let me point to it
1488 (referring to slide), these two right here, as well as these cul-de-sac lots around the edge whatever.
1489 They probably average at least 90 feet, if not more in width, especially in a cul-de-sac. You can see
1490 that they fan out a great deal towards the rear. So, that an average lot width is probably over 90 feet,
1491 but still at the building setback line, it would be less than 90 feet.
1492

1493 Mr. Taylor - Do we know what the average area is relating to the standard in
1494 there?
1495

1496 Mr. Bittner - To what standard?
1497

1498 Mr. Taylor - Acreage in that parcel? Those lots, for instance, even though they're
1499 narrower, they actually look like they're larger in terms of area.
1500

1501 Mr. Bittner - Yes. I agree with that. I think the minimum lot size in R-2A is
1502 13,500 square feet. I'm not positive. But, I think those lots would exceed the minimum zoning
1503 ordinance requirement for lot size.
1504

1504 Mr. Taylor - Would the applicant have that information?
1505

1506 Mr. Bill Johnson - No. I don't.
1507

1508 Mr. Taylor - And the other issue that we had, I believe, is along Shady Grove
1509 Road. One of the concerns we had when we looked at these two cases together was the setback and
1510 the landscaping pattern was the same landscaping pattern that Mr. Wilton had for his case C-39C-
1511 00.
1512

1513 Mr. Bittner - What has been proffered, they have both proffered a 30-foot buffer,
1514 which will be in addition to normal setback requirements. And they've proffered to work together
1515 in designing that buffer. They have not come right out and said, "They'll be exactly the same,"
1516 because they wanted to have a little bit of flexibility. But, they will, and we have every confidence
1517 that they will work together to make it look compatible all along Shady Grove Road.
1518

1519 Mr. Taylor - Thank you. Does the applicant care to make some comments?
1520

1521 Mr. Johnson - Mr. Chairman, members of the Commission, I'm Bill Johnson, the
1522 applicant on this. I think most of the comments I was going to make was questions that you had
1523 asked.

1524
1525 We will be putting the greenbelt in the same width as Mr. Wilton. And our landscaping and fencing
1526 will be compatible to his.

1527
1528 The lot widths, all of them are 90 feet, except the ones that are shown on this map by the dot. And
1529 the average of the ones on here range from 95 to 120 feet, other than the three sort of to the left,
1530 which are 85 feet. I'm not sure there are any other comments I need to make unless there are
1531 questions you need to ask.

1532
1533 Mr. Taylor - The lots sizes; when we looked at these the last time, these have been
1534 adjusted, I think, to fit the road condition. And the road condition matches with the road system that
1535 Mr. Wilton has for his subdivision?

1536
1537 Mr. Johnson - That's right. We have a stub road tying into Mr. Wilton's. And the
1538 lots that are less than the 90 feet in width are 85, which is still five feet above the minimum in R-
1539 2A. And the majority of those lots that are even 85 feet, are larger in square footage-wise than the
1540 some of the lots that are 90 feet in width, because of being on the cul-de-sac. And the two at the
1541 corners you can see they are larger.

1542
1543 Mr. Taylor - I can see, to an extent, on this kind of site, where we're a victim of
1544 geometry and the way that those roads are laid out.

1545
1546 Mr. Johnson - Right.

1547
1548 Mr. Taylor - Okay, Mr. Johnson, do you have any more comments?

1549
1550 Mr. Johnson - No.

1551
1552 Mr. Taylor - I'm ready for a motion, Mr. Chairman.

1553
1554 Mr. Vanarsdall - All right.

1555
1556 Mr. Taylor - I would move approval of case - Well, first off, I want to
1557 congratulate Mr. Johnson on all of the efforts he's made, and also the staff. This is one we had tried
1558 to match the last time, and it didn't quite match to Mr. Wilton's pattern of development. And, I
1559 though, at my request, we deferred this 30 days to give Mr. Johnson and Mr. Wilton a chance to
1560 make a common greenbelt, and also do the best he could with the geometry to maximize the fit with
1561 Mr. Wilton. And I'm satisfied that we've done that.

1562
1563 With regard to the narrowness of the lots, although it's a few feet below, I think that the geometry is
1564 such that, what is offset along the front of the cul-de-sacs is more than made up by the back lot
1565 lines, such that the average is beyond our minimums. And, certainly, the area is in excess of our
1566 minimums. So, I would move approval of Case 40C-00, as presented, and as proffered.

1567
1568 Mr. Vanarsdall - You recommend approval to the Board?
1569
1570 Mr. Taylor - I recommend approval to the Commission.
1571
1572 Mr. Vanarsdall - Do I have a second? All right.
1573
1574 Ms. Dwyer - You recommend approval to the Board? Is that right?
1575
1576 Mr. Vanarsdall - Right.
1577
1578 Mr. Taylor - Yes.
1579
1580 Ms. Dwyer seconded the motion.
1581
1582 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Ms. Dwyer All those in
1583 favor say aye—all those opposed by saying nay. The vote is 5-0, (Mrs. Quesinberry absent, Mrs.
1584 O'Bannon abstained). Thank you. Mr. Secretary.
1585
1586 REASON: Acting on a motion by Mr. Taylor, seconded by Ms. Dwyer, the Planning Commission
1587 voted 4-0(one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1588 request because it reflects the Land Use Plan and future use and zoning of the area; and it would
1589 permit development of the land for residential use in an appropriate manner.
1590
1591
1592 **Deferred from the July 13, 2000 Meeting:**
1593 **C-50C-00** **Ralph L. Axselle for Mr. & Mrs. Theodore Keflas:** Request to
1594 amend proffered conditions accepted with rezoning case C-54C-84, (zoned B-2C) on Parcel 59-3-
1595 A-2A, containing 1.75 acres, located at the southwest intersection of West Broad Street (U. S. Route
1596 250) and Tanelron Drive. The amendment is to permit outdoor dining at the Red, Hot & Blue
1597 Restaurant. The Land Use Plan recommends Commercial Concentration.
1598 **(All testimony heard under P-6-00).**
1599
1600 **P-6-00** **Ralph L. Axselle for Virginia Crescent One, L.P.:** Request for a
1601 provisional use permit in accordance with Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the
1602 County Code in order to permit outdoor dining at the Red, Hot & Blue Restaurant, on Parcel 59-3-
1603 A-2A, containing 1.75 acres, located at the southwest intersection of West Broad Street (U. S. Route
1604 250) and Tanelron Drive. The Land Use Plan recommends Commercial Concentration. The site is
1605 zoned B-2C Business District (Conditional).
1606
1607 Mr. Marlles - The staff report will be given by Mr. Bittner.
1608
1609 Mr. Vanarsdall - Any one in the audience in opposition to C-50C-00? And the
1610 companion case P-6-00? All right, no opposition. Mr. Bittner.
1611

1612 Mr. Bittner - Thank you, Mr. Chairman. As you mentioned, there is a companion
1613 case, and if the Commission prefers, my presentation will cover the next two cases on the agenda,
1614 and you'd have to make two motions.

1615
1616 Mr. Vanarsdall - Then we'll take them separately. Good.

1617
1618 Mr. Bittner - As you recall in the staff report, staff is in favor of this application,
1619 except they do not meet the required parking standards. However, the applicant has been working
1620 with North Carolina Furniture Company to the west, right here, (referring to slide), to lease out
1621 some spaces in their parking lot. And we have looked at the parking calculations and the approved
1622 site plan for North Carolina Furniture, and they have more than enough parking to accommodate
1623 spaces designated for Red Hot & Blue's Restaurant.

1624
1625 That lease hasn't been finalized. However, I have spoken with the attorneys for both North
1626 Carolina Furniture and Red Hot and Blue. And we feel confident that can be worked out between
1627 now and the Board of Supervisors' meeting.

1628
1629 At this point, staff is prepared to recommend approval of the rezoning application, and also
1630 recommend approval of the Provisional Use Permit, with an additional condition, which we just
1631 passed out to you tonight that would require employees of Red Hot and Blue to park at North
1632 Carolina Furniture. And in the event the spaces designated for the restaurant in that parking lot
1633 were used up, they could then park at the main parking lot right next to the restaurant.

1634
1635 Mr. Vanarsdall - It is six spaces, isn't it?

1636 Mr. Bittner - Six spaces. That's what we're talking about.

1637
1638 Mr. Vanarsdall - All right. Any questions for Mr. Bittner by Commission members?

1639
1640 Mr. Archer - Mr. Bittner, would that hold true if North Carolina Furniture some
1641 day is no longer North Carolina Furniture?

1642
1643 Mr. Bittner - If they would change the use? Depending on what use they go to,
1644 that could change their parking requirements. But, at that point, whoever wants to move into North
1645 Carolina Furniture's building or site would have to provide the necessary parking.

1646
1647 Mr. Archer - So, this would run with the land, this condition that we're talking
1648 about?

1649
1650 Mr. Bittner - This condition would run with Red Hot and Blue Restaurant, that
1651 property.

1652
1653 Mr. Archer - Okay. I guess what I'm asking is, if North Carolina Furniture
1654 changed ownership, would the new owners be bound by the same agreement that North Carolina
1655 Furniture entered into, to accommodate Red Hot & Blue?

1656

1657 Mr. Bittner - I believe so, although, I think that would be the result of a lease
1658 entered into between these two private parties. And I've seen a draft copy of that lease. But, I
1659 believe, yes, any future user or owner would be bound by it as well.

1660
1661 Mr. Archer - Okay. Thank you.

1662
1663 Mr. Vanarsdall - That's a good question. Any more questions for Mr. Bittner? All
1664 right, Mr. Taylor.

1665
1666 Mr. Taylor - Mr. Chairman, we might want to hear from counsel for the applicant
1667 who is here tonight.

1668
1669 Mr. Vanarsdall - All right. Good evening, Mr. Axselle.

1670
1671 Mr. Bill Axselle - Mr. Chairman, ladies and gentlemen of the Commission, Bill
1672 Axselle, on behalf of the applicant. I think Mr. Bittner has laid it out for you. It's rather
1673 straightforward. The request is for a fairly small 600 square foot outdoor dining area, compatible to
1674 what is found, otherwise, along Broad Street and other commercial areas.

1675
1676 The property is zoned B-2 which allows outdoor dining with a Provisional Use Permit. The
1677 conditions on the case restrict it to B-1 uses. So, the request of the zoning case is to amend the
1678 proffers to allow the continuation of the B-1, plus restaurants, as permitted and regulated in B-2.
1679 It's actually an amendment of the proffers. And, then the Provisional Use Permit, of course, is the
1680 means of asking for the approval of the outdoor dining.

1681
1682 As Mr. Bittner has said, we will need six parking spaces. Jay Weinberg represents the North
1683 Carolina Furniture Company. We have reached agreement on business terms of a lease. We have a
1684 draft lease going back and forth, because his client is out of town, and my client is on vacation, the
1685 lawyers and clients have agreed. We just haven't gotten the lease signed.

1686
1687 Mr. Weinberg and I called Mr. Bittner today and indicated to him that "the deal was done," to use
1688 Mr. Weinberg's term. The paperwork will have to come before the Board of Supervisors.

1689
1690 North Carolina Furniture has a requirement to have 133 spaces. They have 185. So, they have
1691 about 52 extra. And six will be within that range, even on occasion, they put up temporary tents, I
1692 think, 20 days a year. I think Mr. Bittner has done the calculations. They will still be well within
1693 that range.

1694
1695 And the conditions of the Provisional Use Permit, as suggested by staff, are agreeable to the
1696 applicant. There is one issue that Mr. Taylor and I have talked about that I'll let him address, and
1697 I'll respond to. But it is something that we agree on. But, that, basically, is the two cases. It is
1698 consistent with you being ahead of ...(end of tape).

1699
1700 Mr. Taylor - Mr. Chairman, Mr. Axselle referred to my comments relative to this
1701 site. And I have visited the site and looked at it. And those comments have been discussed between
1702 Mr. Axselle and myself. And, since his client here is out of town, I'm going to just describe them

1703 because; well, there is adequate parking. And this extra dining space is to the benefit of Red Hot
1704 and Blue. It does have a side along the parking area. I've asked Mr. Axselle for the unusual effort,
1705 since we cannot plant any additional vegetation through the macadam that we would put some
1706 temporary urns or something to buffer, if you will, to the maximum extent the dining area from the
1707 parking area.

1708
1709 The parking area in there, while it seems tight, its been my observation that its not well occupied,
1710 and the North Carolina parking is adjacent. So, parking, I think, is not going to be an issue. I think
1711 the dining will be welcomed by all of the patrons of the restaurant.

1712
1713 So, with that, I will move approval of Case 50C-00.

1714
1715 Mr. Vanarsdall - All right.

1716
1717 Mr. Archer seconded the motion.

1718
1719 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
1720 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
1721 O'Bannon abstained).

1722
1723 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
1724 voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors **grant** the
1725 request because it conforms with the objectives and intent of the County's Comprehensive Plan;
1726 and the changes do not greatly reduce the original intended purpose of the proffers.

1727
1728
1729 Mr. Vanarsdall - All right, P-6-00.

1730
1731 Mr. Taylor - Mr. Chairman, with regard to P-6-00 request to permit the extra—the
1732 dining, I would move for approval of P-6-00. I move approval. Yes sir.

1733
1734 Mr. Archer seconded the motion.

1735
1736 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
1737 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
1738 O'Bannon abstained).

1739
1740 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
1741 voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors **grant the**
1742 **requested revocable Provisional Use Permit**, subject to the following conditions:

- 1743
1744 1. No outside, amplified live music performances shall be permitted.
1745 2. Any outside speakers or sound system shall comply with the following standards:
1746
1747 a. Sound systems must be equipped with controls permitting full volume
1748 adjustment.

- 1749 b. Sound from the system shall not be audible beyond 100 feet from the
1750 source.
1751 c. Sound systems may be used only when outside dining is permitted.
1752
- 1753 3. The outdoor dining area shall be limited to 600 square feet in size.
1754 4. Trash receptacles shall be provided and properly serviced to control litter generated by this
1755 use.
1756 5. Access to the outdoor dining area shall be available only through the restaurant; patrons may
1757 not gain access directly from the adjacent parking area except that an emergency exit may be
1758 provided.
1759
- 1760 6. Revision and administrative approval of the Plan of Development (POD) for this site shall
1761 be obtained to reflect the proposed outdoor dining area and related ordinance requirements,
1762 including the requirement for additional parking spaces.
1763
- 1764 7. Employees of Red Hot & Blue must park off-site in the shared parking spaces. If all of
1765 those spaces are used, employees may park in the main Red Hot & Blue parking lot.
1766 The Planning Commission's recommendation was based on the fact that it is reasonable in light of
1767 the surrounding uses and existing zoning on the property; and when properly developed and
1768 regulated by the recommended special conditions, it would not be detrimental to the public health,
1769 safety, welfare and values in the area.
1770

1771 **C-63C-00 Engineering Design Associates for Battlefield Veterinary Clinic:**
1772 Request to conditionally rezone from A-1 Agricultural District to B-1C Business District
1773 (Conditional), part of Parcel 165-A-27, described as follows:
1774

1775 **PARCEL A**

1776 Beginning at a point in the south line of Old Williamsburg Road, said point being marked by an iron
1777 rod, running thence along the south line of Old Williamsburg Road South 82° 26' 53' East 126.18
1778 feet to an iron rod, thence leaving said road and running South 0° 19' 08' East 201.93 feet to an iron
1779 rod, running thence North 82° 19' 04' West 153.29 feet to an iron rod, running thence North 7° 23'
1780 43' East 199.68 feet to the point or place of beginning. Containing 0.641 acre of land.
1781

1782 **PARCEL B**

1783 Beginning at a point in the westerly line of Whiteside Road, said point being marked by an iron rod,
1784 running thence along the westerly line of Whiteside Road South 26° 35' 36' West 236.22 feet to an
1785 iron rod and South 35° 51' 19" West 195.61 feet to an iron rod at the intersection of Whiteside Road
1786 and Williamsburg Road (U.S. Route 60), running thence South 68° 44' 10' West 38.21 feet to an
1787 iron rod in the North line of Williamsburg Road, running thence along the north line of
1788 Williamsburg Road North 59° 16' 47' West 275.84 feet to an iron rod and North 34° 56' 57' West
1789 64.68 feet to an iron rod at the intersection of Williamsburg Road and Cardwell Circle, running
1790 thence North 17° 28' 41' West 308.56 feet partially along the easterly line of Cardwell Circle and
1791 partially along the easterly line of Lot 8 of Whiteside Park to an iron rod, running thence South 82°
1792 30' 19' East 119.59 feet to an iron rod, running thence South 82° 19' 04' East 153.29 feet to an iron
1793 rod, running thence South 82° 27' 31' East 104.58 feet to an iron pipe, running thence South 77° 34'
1794 16' East 254.60 feet to the point or place of beginning. Containing 4.149 acres of land.

1795
1796 Mr. Marlles - The staff report will be given by Mr. Lee Householder.
1797
1798 Mr. Vanarsdall - I don't believe we had any opposition the first time. I don't guess
1799 we'll have any the second time. Any opposition to C-63C-00 Battlefield Veterinary Clinic? Mr.
1800 Householder.
1801
1802 Mr. Householder - Thank you, Mr. Chairman. This application would rezone 4.149
1803 acres from A-1 to B-1C, a veterinary clinic and other unspecified commercial uses are proposed.
1804 As was said, the subject site is located at the northwest intersection of Williamsburg Road and,
1805 actually, the Williamsburg Road; U.S. 60 service road and Whiteside Road. The property is
1806 bounded to the south by the service road and to the east by Whiteside Road.
1807
1808 Also, to the north, I want to point out, we approved a companion case, which should give you an
1809 idea visually where the companion case is in relation. It is just above this piece (referring to slide).
1810 It is C-64C-00.
1811
1812 The reason for this case was it was going to be subdivided from the rest of the property, and the lot
1813 would then be less than the A-1 zoning that was required. So, R-3 was appropriate, and it was kind
1814 of a housekeeping measure.
1815
1816 The 2010 Land Use Plan recommends Office for the subject parcel. The applicant is proposing a
1817 veterinary clinic and other unspecified commercial uses. Although a veterinary clinic is not an
1818 office use, staff feels that this veterinary use would not have a negative impact on adjoining
1819 property.
1820
1821 The zoning ordinance requires for veterinary clinics that they take place in a completely enclosed,
1822 sound proof building, so as not to produce objectionable noise or vermin outside its walls. No
1823 outside cages, pens, or kennels would be permitted at this site.
1824
1825 Ms. Dwyer - May I stop you there for just a minute, Mr. Householder? When I
1826 look at the copy of proffers, the revised proffers, that provision you just mentioned is stricken.
1827 Mr. Householder - It was stricken because it is already codified under the B-1. It was a
1828 redundant proffer.
1829
1830 Ms. Dwyer - That's right. Okay.
1831
1832 Mr. Householder - Staff recommended that they would delete that.
1833
1834 Ms. Dwyer - Gotcha. Okay.
1835
1836 Mr. Householder - Staff has met with the applicant and discussed exactly how this site
1837 would be developed outside the veterinary clinic, and they submitted a preliminary layout. This
1838 layout shows where the red dot is (referring to slide) where the veterinary clinic would go,
1839 and then these other two parcels are unspecified for what the use would be. At this point, only a

1840 third of the site use is known for sure at this point. And they have been unable to provide any other
1841 information on what would possibly develop at this site.

1842
1843 In our staff report, the staff recommended that they revise their proffers to eliminate uses that would
1844 not be appropriate within the B-1 District. The applicant has addressed this concern by prohibiting
1845 grocery, convenience stores, laundromats, commercial parking lots, private clubs, shopping centers,
1846 automobile filling stations, and recycling collection centers. The only use that was left out from
1847 staff's request was funeral homes. The applicant has also submitted proffers handed out to you this
1848 evening that help to enhance the quality of his development.

1849
1850 Preservation of existing vegetation to the maximum extent as possible, the applicant has proffered a
1851 25-foot natural buffer along the north and west property lines. That's Proffer No. 3. Staff, in this
1852 case, recommends a 35-foot buffer along the north and west property lines.

1853
1854 A 15-foot landscaped buffer was recommended by staff and proffered by the applicant. Screening
1855 of trees, trash receptacles, detached signage that is ground-mounted, monumental style, not to
1856 exceed six feet, and the applicant, as was mentioned, has removed Proffer 7 that was redundant.

1857
1858 The remaining concern that staff has, at this point, is the lack of a architectural elevation that will
1859 show potentially what this site would look like. The applicant has indicated that they have not come
1860 to a decision on what they would like the structures on this site to look like. They are not prepared,
1861 at this time, to provide an architectural elevation. Overall, staff feels the revised proffers submitted
1862 adequately address our concerns and we are prepared to recommend approval of this request. I'd be
1863 glad to answer any questions that you have.

1864
1865 Mr. Vanarsdall - Any questions for Mr. Householder?

1866
1867 Ms. Dwyer - The Land Use Plan recommends this property for Office. Is that
1868 right?

1869
1870 Mr. Householder - That is correct.

1871
1872 Ms. Dwyer - And not commercial?

1873
1874 Mr. Householder - Correct.

1875
1876 Ms. Dwyer - And, is there any commercial in the vicinity on the Land Use Plan?

1877
1878 Mr. Householder - The Sandston commercial area would be the nearest, and, I wouldn't
1879 consider that to be close by.

1880
1881 Ms. Dwyer - Okay. And, as I look at this map (referring to slide), this map makes
1882 it fairly clear that we have the site surrounded by residential properties?

1883
1884 Mr. Householder - Yes. I can pull up the zoning map.

1885

1886 Ms. Dwyer - ...on Whiteside Road.
1887
1888 Mr. Householder - If you look at the zoning, that shows it best.
1889
1890 Ms. Dwyer - Right.
1891
1892 Mr. Householder - The staff's perspective for recommending approval outside of the
1893 Land Use Plan, is a heavily proffered B-1 uses, essentially, is very close to Office.
1894 Ms. Dwyer - I guess my concern is that, it may not be heavily proffered in my
1895 view.
1896
1897 Mr. Householder - Heavily proffered from the use standpoint, I think.
1898
1899 Ms. Dwyer - Okay.
1900
1901 Mr. Householder - That they've eliminated uses that would be objectionable to
1902 residential areas nearby.
1903
1904 Ms. Dwyer - I mean, I'm looking at a piece of property that's recommended for
1905 Office. It's surrounded by residential uses. And, we're really looking, you know, it seems to me,
1906 the applicant is looking for an exception. "You know, we want a veterinary clinic. That's sort of
1907 like an Office. So, let us do that." Well, I might be able to go that far. But the problem I have with
1908 it is, we're asking for two other parcels to also be zoned B-1 and we don't know what those are
1909 going to be. And, while some uses have been eliminated, others have not been. And we may end
1910 up with, you know, a strip commercial center or strip-type commercial buildings on the remainder
1911 of the property. And, it might be a hodgepodge of buildings because we don't have elevations. We
1912 don't really have any specificity of building materials. So, I'm just thinking out loud.
1913
1914 Mr. Householder - I agree with you from the elevation standpoint. That would be some
1915 assurance that we wouldn't get the strip-type development.
1916
1917 Ms. Dwyer - There's no commitment to coordinating the three parcels that are
1918 nestled there together. So, those are some outstanding questions that I have. That's all I had.
1919 Thank you.
1920
1921 Mr. Vanarsdall - All right. Thank you. Thank you, Mr. Householder. Do you want to
1922 hear from the applicant?
1923
1924 Ms. Dwyer - Yes. I'd like to hear from the applicant.
1925
1926 Mr. Vanarsdall - Would the applicant come down, please? Ms. Isaac.
1927
1928 Ms. Laraine Isaac - Laraine Isaac, Engineering Design Associates. This area of the
1929 zoning case is a mix of zoning classifications. There's industrial to the north; agricultural, office
1930 and residential uses. B-1 uses are not usually associated with four-lane limited access roadways.

1931 The type of businesses that will be allowed will not attract additional traffic from I-295, but will
1932 provide service and commercial uses to the residents living in the area.

1933
1934 As stated in the staff presentation, the buffers along the existing residential area to the north have
1935 been increased. We've added proffers restricting use of this property. We've added additional
1936 landscaping on the south and west sides.

1937 In dealing with Mr. Householder on this project, and I would like to thank him very much for all
1938 the time he's given me. He's been very helpful. We changed the proffers, based upon the staff
1939 recommendation. And, with that, we did ask to be put on the expedited agenda. So, I'm here
1940 reacting more than presenting, I guess, at this point.

1941
1942 Dr. Rich Harden is here tonight. And, just as I came up, he said, "I have no problem coordinating
1943 the development. I don't know how we do that." His building has not been designed yet. And it
1944 will be assumed that he plans to build a brick building at this point. I'll answer any questions you
1945 have.

1946
1947 Ms. Dwyer - Well, let me just make a comment and then I'll let you know what
1948 my thoughts are on that. I think I've pretty much outlined my thoughts on it. To me, it's a site
1949 surrounded by residential uses, and the Land Use Plan recommends Office. So, I think that's a
1950 fairly steep burden to overcome if you want to be one use. I'm not opposed particularly necessarily
1951 to the veterinary center. And, if we were just here looking at that, then I think we could "talk
1952 turkey." But, I'm concerned about not having an adequate buffer along the residential development
1953 on the north and west sides. I think that 35 feet is important.

1954
1955 I'm very concerned about Parcels 3 and 4 because we have no idea if there's going to be
1956 coordination. We don't know what's going to be there. We don't know what it's going to look like.
1957 We don't know what materials there are going to be. There are too many unanswered questions in
1958 my mind to extend the commercial use in this particular area; an area that's surrounded by
1959 residential uses and is designated on the Land Use Plan for Office.

1960
1961 If it were my case, I'd probably recommend denial. But, it's a Varina case and I think Mrs.
1962 Quesinberry should have an opportunity to work with you on it more. So, I'm going to recommend
1963 that the Commission defer this case to our September 14th meeting.

1964
1965 Ms. Isaac - And I would like to request this Commission act on the case tonight,
1966 even if it is to deny.

1967
1968 Ms. Dwyer - Okay. I appreciate your...

1969
1970 Ms. Isaac - We also have adjacent neighbors here tonight.

1971
1972 Ms. Dwyer - Okay.

1973
1974 Ms. Isaac - And I don't know if they want to speak to the case or not.

1975
1976 Ms. Dwyer - If they'd like to, that's fine. Thank you.

1977

1978 Mr. Billy Cathey - Good evening, Mr. Chairman and members of the Board (sic). My
1979 name is Billy Cathey, and I live in the house that is behind the parcel of land that is to the east of I-
1980 64 and north of this piece of property. I'm right in the corner of the two pieces. My old house is 90
1981 years old is the Muller House. And he went next door and built the little house which is on I-64.
1982 We have a common driveway.

1983

1984 Ms. Dwyer - Excuse me, sir. I'm not clear where you are? I mean as far as where
1985 your house is on the map.

1986

1987 Mr. Cathey - One to the right, right there. You did the one above the "A." Move
1988 over one ((referring to slide)).

1989

1990 Mr. Vanarsdall - Where did you end up?

1991

1992 Mr. Householder - We haven't ended up yet.

1993

1994 Mr. Cathey - That's where I live. I have no objections to these people building
1995 this place back there. On the other side of the road, they're getting ready to build a big used car lot.
1996 We're completely surrounded by commercial, basically. Our land, at one time, was marked, when
1997 they built the apartments across Route 60 as possibly becoming commercial. I have no objections
1998 to them being there. I haven't heard any from any of the neighbors. The land is fairly level. I've
1999 been there 31 years. We have great neighbors. I see no opposition. I have heard no one speak of
2000 opposition to this movement to put this animal care center back there.

2001 Ms. Dwyer - What was your name again, sir?

2002

2003 Mr. Cathey - My name is Billy Cathey. My wife's name is Joyce. And
2004 everywhere I listen, people are opposed to this and opposed to that. I think sometime we need to
2005 speak up for the people we believe in. This gentleman was nice enough to come, and we had a
2006 conversation about the two properties; one driveway; what he was going to build; and how he
2007 proposed to do it. And I'm all for him doing it.

2008

2009 Ms. Dwyer - Thank you.

2010

2011 Mr. Vanarsdall - Thank you. All right. What next, Ms. Dwyer?

2012

2013 Dr. Rich Harden - Thank you. My name is Dr. Rich Harden. I'm a veterinarian and
2014 myself and my business partners, other veterinarians, are trying to develop this. We bought this
2015 parcel as a veterinarian hospital. We didn't buy it to develop it into anything else. I would have
2016 been perfectly happy to rezone one little piece up there, but I was informed that the Planning Office
2017 and everyone doesn't like to rezone one piece of a parcel. So, we were, basically rezoning the
2018 whole piece because that's the way we were told that things are done. We don't have plans for the
2019 other things. We haven't bought the parcel yet. I'm trying to determine if its feasible or possible.
2020 And we've had nothing but positive answers from everyone we've spoken to. And we're perfectly
2021 willing to have all of the parcels coordinated, and so forth. It's just until we had some indication
2022 that things were going to move properly, we didn't want to spend many thousands of dollars with

2023 architectural design drawings, etc., until I had some indication of where we were. We were of the
2024 belief that Mrs. Quesinberry was, basically, on board with what we had proposed.

2025
2026 The R-3 parcel to the west of this is vacant property that's presently for sale by a developer who is
2027 advertising it for commercial use. So, to look at zoning this piece based on the property to the west
2028 of it being R-3 is somewhat misleading because it is R-3 because relocating Williamsburg Road
2029 bisected that piece of property. And the south side of Williamsburg Road is developed in an R-3, a
2030 housing project, but the north is raw land. It's entirely in woods, and is being marketed by Lee
2031 Conner as a commercial piece of property.

2032
2033 Ms. Dwyer - It may be false advertising.

2034
2035 Mr. Harden - It very well may be. I understand that.

2036
2037 Mrs. O'Bannon - Is he putting that on a sign out front?

2038
2039 Mr. Harden - Yes ma'am.

2040
2041 Mrs. O'Bannon - Tuesday night we heard a case where the person was called and told
2042 to remove the sign. Has anybody in the Planning Department seen the sign?

2043
2044 Ms. Dwyer - This particular sign?

2045
2046 Mrs. O'Bannon - In another area of the County there was a piece of property zoned A-
2047 1, and it was saying, "commercial use," on the For Sale sign. And they were told by the County to
2048 take the sign down.

2049
2050 Mrs. Via - We can look into that, ma'am, on this particular case, but we have
2051 not noticed it ourselves.

2052
2053 Mrs. O'Bannon - As soon as he said that, it set off bells and whistles, because there
2054 were a lot of discussion on Tuesday night on that.

2055
2056 Mr. Harden - Well, I'm not defending that piece of property by any means. I'm
2057 just saying, though, that is not residential property and it is very unlikely, at least, with the present
2058 owner, is very unlikely to be residential. And I'm just a businessman that knows virtually nothing
2059 about trying to deal with the County planners. It's a very frustrating process. I hope you can
2060 appreciate that, that we're trying to do things right. It just seems like we're having difficulties.

2061
2062 At any rate we are under some time constraints because we have sold our present location. And I
2063 know you're not in much of a consideration regarding saving tax in other ways. But, we have a
2064 time limitation just to when we need to close on this property in order to protect some taxes. And
2065 its enough of a tax figure that it could very well put a strain on us if we wind up getting delayed.
2066 And that was our objection to deferral was because we're getting later and later in the year. We
2067 very well may lose our 180 day window to defer some property taxes.

2068

2069 Ms. Dwyer - Mr. Marlles, could we throw this to our POD meeting? That would
2070 give Mrs. Quesinberry time to look at this and consider it?
2071

2072 Mr. Marlles - We could, Ms. Dwyer.
2073

2074 Mrs. O'Bannon - Is Mrs. Quesinberry going to be at that meeting?
2075

2076 Mr. Marlles - I have not heard otherwise. Mrs. Via, do we know?
2077

2078 Mr. Vanarsdall - She will be not be here on the 23rd nor Mrs.....
2079

2080 Ms. Dwyer - You know, well, I'm in a difficult position. If I have to make the
2081 motion, I'm accountable for the disposition. And, I'm not comfortable with the case as it stands
2082 now. If we defer it for two weeks and Mrs. Quesinberry and I could actually have a conversation
2083 about it, because we've actually not talked about this yet, we've been leaving each other voice
2084 mails. She just called me yesterday afternoon and asked me to handle her cases. So, I'm not
2085 comfortable approving it or denying it; sending it forward. If I deny it, it sends forward a half baked
2086 case which we don't like to do from the Commission. We like to work out everything that we can
2087 think of before its moved onto the Board. I'm not comfortable approving it. So, perhaps, a middle
2088 ground would be to defer it for two weeks. That way Mrs. Quesinberry, who apparently is not
2089 going to be at the next meeting, she and I would have a chance to talk about it.
2090

2091 Ms. Isaac - I just have one thing to say. I don't think we can get you any kind of
2092 elevations in two weeks.
2093

2094 Ms. Dwyer - Well, I'm not sure we necessarily have to have elevations, but I think
2095 you could have a little bit of narrowing the field in terms of materials and a statement about
2096 coordinating the buildings on the three parcels; that kind of language we see frequently in the
2097 Commission. So, I think that would be satisfactory. I'm not asking you to invest thousands of
2098 dollars, necessarily, in all the elevations for the structures. So, when is our POD meeting?
2099

2100 Mr. Vanarsdall - August the 23rd.
2101

2102 Ms. Dwyer - All right. That would give you a little bit of relief. We could hear it.
2103

2104 Ms. Isaac - I'm sorry. We have to work out these dates and what's going to
2105 happen and when.
2106

2107 Ms. Dwyer - Mr. Silber has told us that if we hear this on August 23rd, then it
2108 could still be on the next Board schedule, which means you would not be off track.
2109 Ms. Isaac - It would go to the Board in September.
2110

2111 Ms. Dwyer - It's the same time it would go in the paper. So, it wouldn't make any
2112 difference.
2113

2114 Mr. Taylor - That would give us time to get Mrs. Quesinberry and get some; while
2115 you may not be able to get the elevations or engineering work done with any great degree of detail,
2116 simply some sketches or ideas of what you have in mind would help us all to get an idea of what
2117 you're looking at. And, I think the two-week delay would be wise in just clearing our heads,
2118 clearing our thoughts, and, at least, not making a wrong decision for the wrong reason.

2119
2120 Ms. Dwyer - Okay. It sounds like this would do no harm if we hear it on the 23rd
2121 because it would still be at the Board at the same time as if we had approved or acted on it tonight.

2122
2123 Ms. Isaac - If it can go to the Board at the same time, I know it gives Doctor
2124 Harden a lot of comfort.

2125
2126 Ms. Dwyer - Right. So, you're on the same time schedule. So, that seems to be
2127 the best solution. So, I'll move, then, the Commission defer C-63C-00 to our August 23rd POD
2128 meeting.

2129
2130 Mr. Taylor seconded the motion.

2131
2132 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Taylor. All those in
2133 favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mrs.
2134 O'Bannon abstained).

2135
2136 Mr. Vanarsdall - Do you have anything to ask Mr. Lawrence?

2137
2138 Mr. Marlles - No sir. That concludes our agenda.

2139
2140 There being no further business, acting on a motion by Mr. Taylor, seconded by Mr. Archer, the
2141 Planning Commission adjourned its meeting at 9:30 p.m. on August 10, 2000.

2142
2143
2144
2145 _____
Ernest B. Vanarsdall, C.P.C., Chairman

2146
2147
2148
2149
2150 _____
John R. Marlles, AICP, Secretary

2151