

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m., August 11, 2005, Display Notice having been published in the Richmond Times-Dispatch on July 21, 2005 and July 28, 2005.

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

Others Present:      Mr. Ralph J. Emerson, Assistant Director of Planning  
                          Ms. Jean Moore, Principal Planner  
                          Mr. Lee Tyson, County Planner  
                          Ms. Rosemary Deemer, County Planner  
                          Mr. Thomas Coleman, County Planner  
                          Ms. Ann B. Cleary, Recording Secretary

Mr. Vanarsdall -      The Planning Commission will now come to order. We are glad to have everybody here this evening, fellow commissioners, Mr. Silber and Mr. Joe Emerson and Mr. Kaechele and staff, that does all the work. I will now turn the meeting over to our Director and Secretary, Mr. Silber.

Mr. Silber -            Thank you, Mr. Chairman. First on the agenda would be consideration of withdrawals and deferrals. We do have one withdrawal and four or five deferrals.

Ms. Moore -            Thank you, Mr. Secretary. The first order of business, we do have one request for withdrawal and that is in the Varina District, on page 4 of your agenda.

***Deferred from the June 9, 2005 Meeting:***

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

Ms. Moore -            The request was for townhouses, but they have been withdrawn by the applicant and, therefore, no action is required.

Mr. Silber -            Again, there is no need to take any action on the withdrawals of zoning cases, so we can move into the deferrals. Ms. Moore.

Mr. Silber -            Now we can move into the deferrals. Ms. Moore.

Ms. Moore -            The first request is in the Fairfield District on page 1 of your agenda.

***Deferred from the July 14, 2005 Meeting:***

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

Ms. Moore -      The deferral is requested to the September 15, 2005 meeting.

Mr. Vanarsdall -      Is anyone in the audience in opposition to the deferral of this case, C-48C-04, in the Fairfield District? No opposition. Mr. Archer.

Mr. Archer -      Mr. Chairman, I move for deferral of Case C-48C-04, Henry Wilton, to the September 15, 2005 meeting at the applicant's request.

Mr. Jernigan -      Second.

Mr. Vanarsdall -      Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-48C-04, Henry Wilton, to its meeting on September 15, 2005.

***Deferred from the July 14, 2005 Meeting:***

**C-12C-05**      **Wilton Development Corp.:** Request to conditionally rezone from B-2C and B-3C Business Districts (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District (Conditional), Parcel 804-736-0481, containing 10.77 acres, located at the northeast intersection of Mechanicsville Turnpike (U.S. Route 360) and Neale Street. A single-family residential subdivision (6.87 acres) and business uses (3.9 acres) are proposed. The R-3 District allows a minimum lot size of 11,000 square feet, the equivalent of 3.96 units per acre. The proposed districts would be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

Ms. Moore -      The deferral is requested to the September 15, 2005 meeting.

Mr. Vanarsdall -      In the Fairfield District, another case, C-12C. Is anyone in the audience in opposition to this case being deferred? No opposition.

Mr. Archer -      I move deferral of Case C-12C-05, Wilton Development Corporation, to the September 15, 2005 meeting, at the applicant's request.

Mr. Jernigan -      Second.

Mr. Vanarsdall -      Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-12C-05, Wilton Development Corporation, to its meeting on September 15, 2005.

Ms. Moore -      Then in the Three Chopt District on page 3 of your agenda, C-43C-05.

**C-43C-05**                   **Mark W. Claud:** Request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 735-763-7898, containing approximately 5.0 acres, located on W. Broad Street (U. S. Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant proposes a commercial bank and retail. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.

Ms. Moore -                 The deferral is requested to the October 13, 2005 meeting.

Mr. Vanarsdall -            Anyone in the audience in opposition to deferment of C-43C-05 to October 13, 2005, in the Three Chopt District? No opposition. Mr. Branin.

Mr. Branin -                Mr. Chairman, I move that Case-43C-05, Mark W. Claud, be deferred to the October 13, 2005 meeting, at the applicant's request.

Ms. Jones -                Second.

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

At the request of the applicant, the Planning Commission deferred Case C-43C-05, Mark W. Claud, to its meeting on October 13, 2005.

**C-48C-05**                   **Randy Gibson:** Request to conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District (Conditional), Parcel 762-771-2433, and part of parcel 762-771-7035, containing 7.532 acres, located on the south line of Old Springfield Road approximately 430 feet east of Springfield Court. The applicant proposes a single-family residential subdivision with the maximum density not to exceed 2.1 lots per acre. The R-2 District allows a minimum lot size of 18,000 square feet with a maximum gross density of 2.42 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Ms. Moore -                 The deferral is requested to the September 15, 2005 meeting.

Mr. Vanarsdall -            Anyone in the audience in opposition to deferment of this case in the Brookland District, C-48C-05? No opposition.

I move that Case C-48C-05 be deferred to the September 15, 2005 meeting, at the applicant's request.

Mr. Archer -                Second.

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

At the applicant's request, the Planning Commission deferred Case C-48C-05, Cameron Palmore for Randy Gibson, to its meeting on September 15, 2005.

Ms. Moore -                 That concludes the deferrals requested from the applicant unless there are any more from the Commission.

Mr. Jernigan -              Ms. Moore, I have one, Case C-31C-05.

***Deferred from the July 14, 2005 Meeting:***

**C-31C-05**                   **Richmond Land Company:** Request to conditionally rezone from O-2C Office District (Conditional) to R-3C One Family Residence District (Conditional), Parcel 818-716-1579, containing 0.762 acre, located on the southwest intersection of Audubon Drive and Oakleys Lane. The applicant proposes a single-family residential development. The R-3 District allows a minimum lot size of 11,000 square feet with a maximum gross density of 3.96 units per acre. The Land Use Plan recommends Office and Environmental Protection Area. The site is in the Airport Safety Overlay District.

Mr. Vanarsdall -         Is anyone in the audience in opposition to deferment of C-31C-05, Richmond Land Company, for 30 days, in the Varina District?

Mr. Jernigan -         Mr. Chairman, I make a motion to defer Case C-31C-05, to September 15, 2005, by request of the Commission.

Mr. Vanarsdall -         Do I have a second?

Mr. Branin -         Second.

Mr. Vanarsdall -         Motion made by Mr. Jernigan, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

At the request of the Planning Commission, Case C-31C-05, Richmond Land Company, was deferred to September 15, 2005.

Mr. Jernigan -         And I have one, also, in the Brookland District.

**C-47C-05**                   **Ralph L. Axselle for Benjamin L. Holladay, Jr. and Evelyn J. Holladay, RMA/Hunton, LC and WWJ, LC:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 762-772-5080 and 762-772-6237, containing 13.0 acres, located at the southeast intersection of I-295 and Old Mountain Road. The applicant proposes a single-family residential subdivision with a density not to exceed 1.7 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet with a maximum gross density of 3.96 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

Mr. Vanarsdall -         I would like to defer Case C-47C-05 in the Brookland District. Is there any opposition to deferment of this case?

I move that Case C-47C-05 be deferred to September 15, 2005, at the request of the Commission.

Mr. Archer -         Second.

Mr. Branin -         Second.

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

The Planning Commission deferred Case C-47C-05, Ralph L. Axselle for Benjamin L. Holladay, Jr. and Evelyn J. Holladay, RMA/Hunton, LC and WWJ. LC, to its meeting on September 15, 2005.

Mr. Silber - Any other deferrals? Hearing none, we will move on to the expedited items. These are items on the agenda which are somewhat minor in comparison to the other rezoning requests. These are rezoning requests that staff has no remaining concerns or issues. The Planning Commission member from that district has no issues, and the staff is unaware of any opposition. If there is any opposition to those items on the Expedited Agenda, they will be pulled off of the Expedited Agenda and heard in the order in which they are found on the full agenda. I believe we have four items that are on the Expedited Agenda.

Ms. Moore - The first is in the Three Chopt District. It is on Page 2 of your agenda and it is Case C-40-05, Neil Farmer for Shadow, LLC.

**C-40-05** **Neil Farmer for Shadow, LLC:** Request to rezone from A-1, Agricultural and R-2AC One Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 741-774-7210, containing approximately 0.1 acre, located approximately 255 feet southeast of the southwest terminus of Barnsley Place. The applicant proposes a conservation area. The Land Use Plan recommends Environmental Protection Area.

Mr. Vanarsdall - Is anyone in the audience in opposition to this case, Case C-40-05, Shadow, LLC? Any opposition? All right. Mr. Branin.

Mr. Branin - Mr. Chairman, I recommend that C-40-05 be recommended to the Board of Supervisors for approval.

Mr. Jernigan - Second.

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

REASON: Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Environmental Protection Area recommendation of the Land Use Plan.

Ms. Moore - The next case is C-41C-05.

**C-41C-05** **Marc A. Greenberg, Blackwood Development Co., Inc.:** Request to conditionally rezone from B-1C and B-2C Business Districts (Conditional) to B-2C Business District (Conditional), Parcel 738-762-3715, containing 4.555 acres, located on the south line of W. Broad Street (U. S. Route 250) and along the terminus of Spring Oak Drive. The applicant proposes a shopping center. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.

Ms. Vanarsdall - This is another case in the Three Chopt District. Is anyone in opposition to this case, C-41C-05, Marc A. Greenberg, Blackwood Development Co., Inc.? No opposition.

Mr. Branin - Mr. Chairman, since there is no opposition, I move that Case C-41C-05 be recommended to the Board of Supervisors for approval under the Expedited Agenda, as recommended by staff.

Ms. Jones - Second.

Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Ms. Jones. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Mr. Branin, seconded by Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is appropriate business zoning in this area and would permit commercial uses compatible with the existing shopping center. In addition, the proffered conditions would provide appropriate assurances not otherwise available.

Ms. Moore - Also in the Three Chopt District at the same location, on page 3 of your agenda is P-7-05.

**P-7-05 Vincent J. Lamantia for Blackwood Development Company:** Request for a provisional use permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to construct an outside dining area for the San Francisco Oven Restaurant (The Promenade Shops shopping center) on part of Parcel 738-762-3715, located on the south line of W. Broad Street (U. S. Route 250) approximately 170 feet west of Spring Oak Drive. The existing zoning is B-1C Business District (Conditional). The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.

Mr. Vanarsdall - Is there any opposition to P-7-05 in the Three Chopt District? No opposition.

Mr. Branin - Mr. Chairman, I'd like again to move that Case P-7-05 be recommended to the Board of Supervisors for approval under the Expedited Agenda, as recommended by staff.

Mr. Archer - Second.

Mr. Jernigan - Second.

Mr. Vanarsdall - Did I hear an echo?

Mr. Jernigan - Yes, you did.

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

REASON: Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the use and density conforms to the Suburban Residential 1 recommendation of the Land Use Plan and represents a logical continuation of the one-family residential development which exists in the area.

*Deferred from the July 14, 2005 Meeting*

**C-38C-05 Henry L. Wilton for Wilton Development Corp.:** Request to conditionally rezone from R-4 One Family Residence District to RTHC Residential Townhouse District (Conditional), Parcel 771-748-3499, containing approximately 7.0 acres, located on the north line of Glenside Drive approximately 230 feet east of Fernwood Street. The applicant proposes residential townhouses for sale with a maximum density not to exceed 6.25 units per acre. The maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends Urban Residential 3.4 to 6.8 units net density per acre.

Mr. Vanarsdall - Is anyone in opposition to this case, C-38C-05, Henry Wilton, Wilton Development, in the Brookland District? No opposition.

I move that Case C-38C-05 be recommended to the Board of Supervisors for approval under the Expedited Agenda, as recommended by staff.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

I believe that was Mr. Archer.

Mr. Archer - That is all right. I was looking the other way. Excuse me.

REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is reasonable, and it would not be expected to adversely affect the pattern of zoning and land use in the area.

Ms. Moore - Thank you, Mr. Chairman. That concludes the requests on the Expedited Agenda.

Mr. Silber - First on the agenda is a Transfer of Approval.

## **TRANSFER OF APPROVAL**

### **POD-57-04**

#### **Staples Mill Car Wash**

**Frank Strasser for Trafco, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Joseph M. Coleman, Roger Bouchard and Champe Granger to Joseph M. Coleman and Trafco, LLC. The 0.44-acre site is located along the east line of Staples Mill Road (U.S. Route 33), approximately 75 feet north of Heisler Avenue, on parcel 770-753-9193. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (**Brookland**)

Mr. Vanarsdall - This a transfer of approval which is a transfer of ownership for Staples Mill Car Wash in the Brookland District. Is there any opposition to this case? No opposition. I recommend Transfer of Approval for POD-57-04, Staples Mill Car Wash.

Mr. Archer - Second.

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

The Planning Commission approved Transfer of Approval, POD-57-04, Staples Mill Car Wash, subject to the new developer accepting and agreeing to be responsible for continued compliance with the conditions of the original approval.

**C-39C-05 Ackley Park, LLC:** Request to conditionally rezone from O-3C Office District (Conditional) to M-1C Light Industrial District (Conditional), Parcel 785-768-9646, containing approximately 3.35 acres, located on the west line of JEB Stuart Parkway, approximately 1,125' north of its intersection with Virginia Center Parkway. The applicant proposes an

office/warehouse use. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office.

Mr. Silber - This is in the Fairfield District.

Mr. Vanarsdall - Anyone in the audience in opposition to Case C-39C-05, Clarke Jones, III for Ackley Park, LLC? Any opposition from the audience? No opposition.

Mr. Tyson - Mr. Chairman, Mr. Kaechle, members of the Commission, Mr. Secretary, this is a request to rezone approximately 3.35 acres of property from O-3C, Office (Conditional) and M-1C, Light Industrial (Conditional) to M-1C, Light Industrial (Conditional), to permit the construction of an office warehouse complex. The site is vacant and currently wooded. The property is located at the corner of JEB Stuart Parkway and Technology Park Boulevard.

The Land Use Plan recommends Office and Office/Service for this site. The proposed office use is supported by this designation; however, the proposed warehouse use is not supported by the Plan. The use is in keeping with adjacent land uses (including the adjacent industrial uses) and may be appropriate if designed and developed in a manner that reflects high quality standards.

The property is surrounded by the following categories:

To the North, M-1C, Light Industrial (Conditional), warehouse use by Amerisource Bergen, to the South, M-1, Light Industrial, office/warehouse use by Virginia Center West Tech Center. To the East, O-3C Office, now vacant and to the West , M-1C, Light Industrial (Conditional), office use by Balzer and Associates.

The applicant is proposing to construct a two-story 23,000 square foot office/warehouse building. He has submitted this revised building layout showing the breakdown of the interior floor spaces. He has also submitted a conceptual layout. The applicant has submitted a revised proffer statement that has been submitted to you that includes both the building layout and the conceptual plan and the proffers.

The applicant has proffered that uses will be limited to: clinics and labs, business administrative, or professional offices, catering establishments, printing and similar uses, office warehouse, trade schools, wholesale establishments, or warehouses. The applicant has also submitted proffered construction materials, a prohibition on outside loading docks, and ground-mounted, monolithic signs no more than 8' in height' that would be externally illuminated. The applicant has amended the proffer statement to include a 20' landscaped area adjacent to JEB Stuart Parkway planted to a transitional buffer 35 standard. Since the time the staff report was prepared, the applicant has submitted revised elevations for the proposed building. In response to staff's initial comments, the applicant has broken up the visual mass of the building by adding design elements, has provided more visual interest through additional brick, and has provided more façade articulation. All of these additions we see are positives elements of the applicant's case. Additionally, the applicant has provided rear elevations that show the possible location of rear loading doors. The elevations have been shared with adjacent property owners, particular Balzer and Associates, and they indicated they did not have any issue with the proposed building.

The office use envisioned for the property is in keeping with the recommendations of the Land Use Plan. The warehousing component, while not in keeping with the Plan, is consistent with other uses in the vicinity. The building has been designed to incorporate many of staff's initial suggestions concerning architectural features.

This concludes my presentation. I will be happy to answer any questions you may have and it will be necessary for you to waive the time limits for the proffers that have been submitted.

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

Mr. Archer - Mr. Tyson, I may have some questions, but we will hear from the applicant first and go from there if that is all right.

Mr. Silber - Mr. Tyson, let me ask you a question. I was trying to read these proffers as you were presenting them. Has there been a change in the landscape width on JEB Stuart Parkway?

Mr. Tyson - Yes. The landscape buffer has now been proffered to 20 feet in width, planted to a transitional 35 standard.

Mr. Archer - That is 10. Is that correct?

Mr. Silber - So, what has been given to the Commission doesn't show that.

Mr. Tyson - Oh, I am sorry. No. We have revised proffers that they just signed. They didn't provide additional copies. I am sorry. There has been a change to the copy you have been provided.

Mr. Silber - What other changes do you have that we don't have?

Mr. Tyson - Those should be it.

Mr. Silber - OK.

Mr. Tyson - I looked them over. That was the only change.

Mr. Archer - Mr. Silber, are you talking about proffer 10?

Mr. Silber - Right. I thought they had made changes and the one you gave us is not the latest set of changes. There have been other changes made?

Mr. Tyson - Yes. They have formalized – gave us a signed copy of the changes reflecting the 20 foot landscape buffer that I don't think is reflected in the set you have.

Mr. Vanarsdall - It is not in this set.

Mr. Tyson - Right. They just didn't provide enough additional copies to be distributed.

Mr. Vanarsdall - Why did we get this set then? Any other questions for Mr. Tyson? Thank you, Mr. Tyson. Now we will hear from the applicant, Mr. Glen Moore.

Mr. Moore - Mr. Vanarsdall and members of the Commission, my name is Glen Moore. I am an attorney and I am here on behalf of Clarke Jones, III for Ackley Park, LLC. I do have more copies of these proffers if you would like them.

Mr. Silber - Yes, if you could pass those out that would be wonderful.

Mr. Moore - What happened was the changes, many of the changes were made earlier in the day and we got them up here in time for Mr. Tyson and have them printed and circulated. The last change with respect to the increase in the buffer width and the requirement for the transitional 35' buffer planting was not made until about 6:00 tonight, and that is why it is not in the set that you have, but we proffered, as you can see, we proffered the elevations and the site plan, which I think, in fact, not only have we proffered those, he has actually filed a POD already for this, with these plans included, so he is very committed to what you have seen. We also changed the way we addressed the issue of uses on the property. Instead of prohibiting a longer list of uses, we decided at the request of the staff just to enumerate the uses that would be permitted on the property. Jones Corporation, and I am sure you all are familiar with Mr. Jones and his father, Clarke Jones, Jr., have been in Henrico County all of their lives and what they will be doing here is relocating their own offices from Thrush Lane in Henrico County to this location. It will be a nicer facility for them and they also will be leasing some space. They will take about 25% of the space themselves and will be leasing space to other users. And, obviously, since they are contractors, they needed this M-1 type zoning, because they would have some storage if they moved, too, in conjunction with their own use, and perhaps some of the space they lease out. I think that we have complied with virtually all of the recommendations of the staff and we would ask that you recommend approval of this request to the Board of Supervisors, subject to the amenities and the stated proffered conditions.

Mr. Vanarsdall - Any questions for Mr. Moore?

Mr. Silber - Mr. Moore, I have one question. Permitted uses under F says "wholesale establishments." Are you talking about retail sales?

Mr. Moore - Wholesale is separate for me. In the M-1 District, as you know, you pick up B-3 uses and wholesaling is a use that will be permitted in a B-3 District. We could talk about this some more, but I think that might be a good use for this particular location. You take somebody like Maddox Supply, the electrical supply company. Are you familiar with them? They wholesale electrical items and I think they will be a compatible use. That is what I had in mind.

Mr. Silber - I think we were trying to limit this area to retail type of use. Wholesaling is a form of retail sales, depending on how an operation is actually...

Mr. Moore - It seems to me that a wholesale facility would generate less traffic, and I would think it would be more consistent with the Office and Office/Service use, but I would be very happy to talk to you some more about that.

Mr. Silber - OK.

Mr. Archer - Mr. Moore, also under proffer #7 uses, the first one, A, says experimental. What did you have in mind?

Mr. Moore - Mr. Archer, I picked that up right out of the zoning ordinance. I just tried to pick up the language in the zoning ordinance for uses that are permitted in the various categories. I don't have anything against it in mind, but it is a permitted use, and a laboratory and a clinic where you experiment with things.

Mr. Archer - I was just curious. I didn't have anything in particular in mind.

Mr. Jernigan - I don't think we want to clone anybody.

Mr. Archer - Well, I don't know. I am sure when the zoning ordinance was written that was not even in my thoughts. I don't have anymore questions. You know, these proffers did come in quite late and staff has not had a chance to review them and maybe treat them to everybody's satisfaction. I think we want to make sure that you understand that and get it on the record that we might have to change some of the conditions between now and when it goes to the Board.

Mr. Moore - I would absolutely agree with that and understand that, and we would appreciate. I know you all don't like having conditions come in like this and I try to avoid doing it, but that particular instance, Mr. Jones, if it is possible, would like to get this moved along and possibly your approval is done and maybe start construction before real bad weather starts. I don't know if that is realistic or not, but that is why we would like to keep this moving forward. So, we absolutely, in answer to your question, we will continue to talk with staff about concerns that you have or the staff has with respect to this case.

Mr. Archer - Well, we understand that there are some contractual time constraints. Don't start construction before it gets to the Board, though.

Mr. Moore - I don't think they will approve the POD before it gets to the Board.

Mr. Archer - More than anything, I just wanted to make sure that everybody understood that that is a concession that you'd have to make to staff because of the fact that you didn't have...

Mr. Moore - And we appreciate working with them.

Mr. Vanarsdall - These proffers are dated today, aren't they?

Mr. Archer - They are, yes, sir.

Mr. Jernigan - So you'd have to waive the time limits?

Ms. Jones - Has the parking been addressed because they have various constraints on parking lots?

Mr. Archer - It has, and I think that is one of the items that staff wants to discuss further with the applicant. Do you understand it that way, Mr. Moore?

Mr. Moore - If anything, it is over parked.

Mr. Silber - Ms. Jones, yes it is actually over parked. There is more parking provided than is really necessary. In fact, we want to talk further with the applicant between now and Board if it goes on tonight about maybe reducing some parking to provide for landscaping that we think is appropriate.

Mr. Vanarsdall - Any other questions for Mr. Moore? If not, I will entertain a motion, Mr. Archer.

Mr. Archer - OK, Mr. Chairman. As long as everybody has the understanding of what we are up against between now and the next Board meeting. I just wanted to get it on the record. I would first move to waive the time limits for the acceptance of these proffers.

Mr. Jernigan - Second.

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

Mr. Archer - And I will move to recommend approval of C-39C-05, Ackley Park, LLC, to the Board of Supervisors.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because the proposed warehouse and office uses are reasonable in light of the industrial zoning in the area and the proffered conditions will provide appropriate quality assurances not otherwise available and will provide for development in keeping with the Office/Service designation for the property.

***Deferred from the June 9, 2005 Meeting:***

**C-7C-05 Fidelity Properties, Ltd.:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and R-5AC General Residence District (Conditional), Parcels 745-764-1645, 745-764-2159, 745-764-1031, 745-764-6608, 745-764-7122, 745-764-7834, and 745-764-6084, containing 15.142 acres (R-3C - 8.956 acres; and R-5AC - 6.186 acres), located on Dublin Road between Belfast and Glasgow Roads, and along the east line of Glasgow Road south of its intersection with Dublin Road (McDonald's Small Farms). The applicant proposes a residential development with density not to exceed 2.2 dwelling units per acre. The R-3 District allows a minimum lot size of 11,000 square feet, an equivalent of 3.96 units per acre; the R-5A District allows a minimum lot size of 5,625 square feet, an equivalent of 7.74 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Silber - This is in the Three Chopt District.

Mr. Vanarsdall - Is anyone in the audience in opposition to P-7C-05 in the Three Chopt District? Any opposition from the audience? No opposition. Good evening, Mr. Coleman.

Mr. Coleman - Good evening, Mr. Chairman, members of the Commission. This application has been amended since its original filing, initially, also proposing office, townhouses, rear lot line development. The request before you this evening is to limit it to single-family development as regulated by the R-3 District and the proposed proffers. Also, the overall amount of acreage has been reduced from approximately 22 acres to 15.1 acres. The subject property and surrounding areas are designated Suburban Residential 1 on the Land Use Plan. Since March, 2003, a series of rezoning and subdivision applications have been approved to rezone to R-3C and to re-subdivide several nearby properties. These development activities have been generally consistent with the S/R-1 designation and have resulted in the redevelopment of much of the area from large lot residential uses to more contemporary single-family subdivisions.

The applicant submitted proffers to further regulate development and the major aspects include:

No building permit applications before January 1, 2007, a standard six-inch curb and gutter, street lights with a maximum height of 12 feet and uniform in style provided along roadways, sidewalks, a minimum of two trees measuring at least 2-1/2 inches in caliper to be retained or

planted in each front yard with two additional trees for corner lots, foundation plantings, irrigated and sodded front and side yards, a density not to exceed 2.2 units per acre, a minimum house size of 2,200 sq. ft., a minimum of 50% of the homes having brick or stone fronts or the equivalent amount provided elsewhere on the building, and at least 20% of the homes, including all homes on corner lots, being constructed of brick or stone.

Also, there will be minimum lot width of 85 feet, each dwelling except model homes shall have a two-car garage with at least 50% being side or rear loaded, front loaded garages would be recessed five feet from the plan of development and the additional proffers address underground utilities, paved driveways, restrictive covenants and other matters.

Although the proposed residential use could be consistent with the Land Use Plan recommendation, and the proffers include assurances of quality development, staff is recommending deferral of this request for the following reasons: 1. The Department of Public Works continues to consider the realignment of Sadler Road in this area and the design of this roadway is not complete. 2. Public Works also reviewed the Traffic Impact Study submitted by the applicant, and the traffic study identified several serious concerns regarding traffic and necessary roadway improvements to accommodate future development of this area.

For these reasons, Public Works continues to recommend deferral of this application until the public hearings for Sadler Road are complete and an alignment is approved. Also, the County is in the process of updating the 2010 Land Use Plan and will examine alternative Land Use recommendations for the subject property and the surrounding area. Given the need to have a cohesive development pattern, it would be appropriate to defer consideration of this request until other possible land use patterns for the area are studied.

That concludes my presentation. I'd be happy to answer any questions.

Mr. Vanarsdall - All right. Thank you, Mr. Coleman. Any questions for Mr. Coleman by Commission members?

Mr. Jernigan - Mr. Coleman, looking at proffer #6, are these on slabs?

Mr. Vanarsdall - What is your question?

Mr. Jernigan - Are these on slabs?

Mr. Vanarsdall - They must be.

Mr. Coleman - It was indicated they would have brick foundations.

Mr. Jernigan - But it says all houses and buildings shall be constructed on foundations or shall have the appearance of a foundation except for garages. Are these crawl spaces?

Mr. Silber - I am not sure why it needs language that says "shall have appearance of a foundation."

Mr. Vanarsdall - Is that a nice way of saying slabs?

Mr. Coleman - We can work on the language, too.

Mr. Archer - Mr. Coleman, when we offer the terminology of street tree, do we have something that defines what a street tree is?

Mr. Coleman - Generally, there is not a specific definition for that. They have provided specific guidelines about where they would be placed. They said they would provide two trees, and the trees would be located within 10 ft. of the back of the curb of the front yard, so with this application they have determined where the trees would be 10.

Mr. Archer - I have seen it before and probably quite often, and I didn't know if it referred to a particular type of tree or whether or not...

Mr. Vanarsdall - How about a tree that hangs out in the street?

Mr. Coleman - Sometimes there is a concern because we require trees in the front yard, but if we don't state where they are located, they could be street trees or they could be somewhere else in the front yard. In this case, they have agreed to either plant or to retain trees. They would be within 10 feet from the back of the curb.

Mr. Archer - So the proximity to the street is what makes it a street tree. Is that oversaying it? Not a particular type of tree.

Mr. Coleman - One could define it that way.

Mr. Silber - I think, Mr. Archer, it includes both. I think the proximity to the street is important and the type of tree is important. You want this tree to grow and have some height to it, so that at some point you do have a lined street with certain type of trees. So, not all trees would be appropriate at this location on the lot.

Mr. Archer - That is sort of what I had in mind, Mr. Secretary.

Mr. Kaechele - Mr. Coleman, you said the paper has been amended and we don't have an amended copy, but what you are really doing is just changing R-5AC to R-3C. Right?

Mr. Coleman - Yes, sir.

Mr. Kaechele - Scratching the R-5.

Mr. Coleman - Correct. The acreage does not change from R-5 to R-3.

Mr. Branin - One of the reasons you were concerned about for not recommending it was traffic.

Mr. Coleman - Correct. The Traffic Engineer has recommended deferral in consideration of this request.

Mr. Branin - Would Mr. Foster like to comment on that?

Mr. Kaechele - Was that prior to this case being changed for the bigger case?

Mr. Coleman - His latest, the notes were dated August 1.

Mr. Foster - For the record, I am Tim Foster, with the Department of Public Works, Traffic Engineer, and when we did our original comments, we did recommend deferral of the cases for two reasons. One was the traffic load that the traffic impact study stated and also our concerns about our preliminary plans for Sadler Road. Quite frankly, we were concerned the

zoning case would influence more what the road did instead of vice versa. The comments I wrote about deferral were before our meeting last week, and before I realized that the R-5 was being changed to R-3. The traffic impact study did state, and we do agree, that we could go with 48-single-family dwelling units and 60 multifamily dwelling units, as was presented in the traffic study for up to 2009. From those numbers we do feel comfortable, as long as the traffic loads don't exceed the amount of traffic generated by those, we would be OK from a traffic standpoint with this.

Mr. Kaechele - And these proposed lots have no interference with either location of the new location?

Mr. Foster - From the latest plans I have seen, these two locations, the two alignments we have, they might have a problem with.

Mr. Kaechele - OK.

Mr. Vanarsdall - Any other questions for Mr. Foster?

Mr. Branin - Thank you, Mr. Foster.

Mr. Vanarsdall - Thank you, Tim. Do you want to hear from the applicant?

Mr. Branin - Yes.

Mr. Vanarsdall - OK. Ms. Freye.

Ms. Freye - Good evening, Mr. Chairman, members of the Commission. My name is Gloria Freye. I am an attorney here on behalf of the applicant, Fidelity Properties. Approval of this case will permit this developer to continue the redevelopment of this area into high quality homes that as they have done with the previous, I think they have had seven other cases in this area and this will be a continuation of those neighborhoods. They have demonstrated that they created a very nice neighborhood with street trees, sidewalks, street lights, green open spaces throughout and homes that are selling in the range of \$400,000 and more. Allowing them to go forward will redevelop this area into one with higher standards for today's standards for housing and will replace a lot of older development that is really outdated and needs to be updated. Mr. Coleman has gone over the proffers with you. I don't know that I really need to go over that again unless you have other questions about it. They have proffered the aggregate density of 2.2, which is within the Land Use Plan recommendation. The use is also within the Land Use Plan recommendation. We do realize that the County is undertaking a study of the Land Use Plan in this area. However, the proposal that is before you tonight is entirely consistent with the current Land Use Plan as the other cases have been. I think that Mr. Foster has addressed the traffic question and the reason that the case is modified was in response to the concerns that the staff raised about the traffic. So, we feel that the case is ready to go forward. We don't think there is a real reason to defer it at this time, because it is consistent with the Land Use Plan and even on a conceptual that you have on your screen shows how this can be done in a cohesive manner and in a way that is unified with the previous developments that they have done and in harmony and coordinated with that, so we believe that with the proffers that you have that you would be assured of a quality development that will actually improve this neighborhood and actually raise property values in this area. So, we ask that you recommend approval of this case and we will be glad to respond to questions you might have.

Mr. Vanarsdall - All right. Are there any questions for Ms. Freye by Commission members?

Mr. Branin - No questions. The only thing I would ask is that you would and your applicant keep in mind that the Land Use Plan has not been completed for future development and also Sadler Road hasn't gotten a placement, so for anything in the future and as you guys are finishing your design and tightening this one up, that you keep both of those aspects in mind.

Ms. Freye - Yes, sir. We will try to stay very much involved with that. Thank you.

Mr. Silber - Members of the Commission, I think given the fact that this case has been changed to an R-3 request and the comments made by the Traffic Engineer, staff is in a position to recommend approval at this time.

Ms. Freye - Thank you.

Mr. Coleman - If the Planning Commission is inclined to recommend approval, they would need to waive the time limits.

Mr. Branin - Thank you. Mr. Chairman, I'd like to move to waive the time limits on Case C-7C-05, Fidelity Properties, Ltd.

Mr. Jernigan - Second.

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

Mr. Branin - Mr. Chairman, I'd like to recommend approval to the Board of Supervisors Case C-7C-05, Fidelity Properties, Ltd., with proffers 1 through 17 as stated on the revised proffers.

Mr. Archer - Second.

Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because the use and density conforms to the Suburban Residential 1 recommendation of the Land Use Plan and represents a logical continuation of the one-family residential development which exists in the area.

#### ***Deferred from the June 9, 2005 Meeting***

**C-20C-05 Youngblood Properties, L.L.C.:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 741-747-0388 and part of Parcel 741-748-0208, containing 6.23 acres, located on the west line of Pump Road approximately 25 feet north of Falconbridge Drive. The applicant proposes a single family residential subdivision. The R-2A District allows a minimum lot size of 13,500 square feet with a maximum gross density of 3.23 lots per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Silber - This was deferred from the Commission's June 9, 2005 meeting. This is in the Tuckahoe District.

Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, C-20C-05 in the Tuckahoe District. No opposition. Good evening, again, Mr. Tyson.

Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary. The applicant has applied to rezone approximately 6.2 acres to permit construction of a single-family residential subdivision. The applicant has proffered this conceptual plan of the development. The property is located on the south line of Pump Road, adjacent to the Whitaker Woods and Wellington Subdivisions.

The Land Use Plan recommends SR-1, Single Family Residential, use for this parcel. The proposed project is consistent with the uses recommended in the 2010 Land Use Plan, as is the proffered density of 2.1 units per acre.

The applicant has submitted a revised proffer statement dated August 10, 2005 that addresses several of staff's initial concerns with the application, which has been provided to you.

In addition to the lot layout, the applicant is proffering:

Brick or stone foundations, no stepping-down of vinyl siding. Foundation plantings.

Minimum house size of 2,500 square feet finished floor area.

No cantilevered chimneys or gas vents. Chimneys to be brick or stone.

No direct access will be permitted from an individual lot to Pump Road.

A 25' transitional landscape buffer will be provided adjacent to Pump Road.

A tree save area 20 feet in width will be provided adjacent to the lots in the Wellington and Whitaker Woods Subdivisions. The applicant has also proffered that any that would be removed would be replaced pending approval by the Planning Director.

The applicant held two community meetings on this case. The primary areas of concern were not the proposed use, but rather drainage issues and issues related to the tree save area adjacent to the Wellington and Whitaker Woods subdivisions. In response to those concerns, the applicant has prepared and submitted the proffer statement you have before you.

The proposed use is in keeping with the surrounding land uses, and both the use and proposed density are in keeping with the recommendations of the 2010 Land Use Plan. The applicant's proffer statement contains many of the same proffers that were approved with the first phase of Falcon Rest. The applicant has attempted to address many of the neighboring concerns by proffering both the tree save area and the 16' wide utility easement that will provide additional open space. You will need to waive the time limits should you decide to send the case to the Board of Supervisors with a recommendation of approval.

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

Mr. Vanarsdall - All right. Any questions for Mr. Tyson?

Ms. Jones - Mr. Tyson, I would just like to ask you. The tree protection area was quite a project for us to get the wording right here. We have in our copy that I have from you, "except those which are naturally dead or diseased" has been removed. Did you read that into it?

Mr. Tyson - I prepared by staff report and thought that had been left in.

Ms. Jones - It is crossed off and we had agreed to cross that off. The applicant will be leaving that tree save area in its natural state.

Mr. Vanarsdall - Any other questions for Mr. Tyson? All right. Ms. Jones, you want to hear from the applicant, don't you?

Ms. Jones - I would. I'd like to talk to him just for a second. Can he come forward?

Mr. Vanarsdall - I thought you were going to get Nancy, not Mr. Youngblood.

Mr. Youngblood - Mr. Chairman and members of the Commission, I am Dick Youngblood and I am one of the principals in Youngblood Properties, and I have the other principal here and my daughter, Nancy Dearnley, who is the builder in our joining development, and we are building this one, should this be rezoned. There was one other change, I think, in the proffer that, I think, Mr. Tyson got wrong. We said modified transitional buffer adjacent to Pump Road because it had overhead power lines. So, it won't be exactly as described in the ordinance, but it will be modified because of the overhead power lines, and yes, the tree protection area was a sticking point with the people in Whitaker Woods primarily because they have a plantation pipe line in their backyard and don't have any trees in their yard, so they would like to see some of our trees saved so that they can have some vegetation back there. Other than that, I think that the proffers and the plan that has been proffered must have satisfied the neighbors from my two neighborhood meetings and I would like to request that you all recommend approval and I am available to answer any questions.

Mr. Vanarsdall - Any questions for Mr. Youngblood?

Mr. Youngblood - Or my daughter can answer yours, Mr. Vanarsdall, if you have any.

Ms. Jones - I want to comment that I appreciated your willingness to have not one but two neighborhood meetings. I think there were significant concerns, and I appreciate your willingness to work those through. I notice on the new site plan that is attached to the proffers the 20 foot tree save along all of Wellington and Whitaker Woods is clearly marked. The 16 foot drainage easement is also clearly marked and it goes back to the corner of lot 4, which is exactly as we had discussed this in our neighborhood meeting, and I wanted those neighbors who are here to understand that that is part of the proffers that are being submitted tonight.

Mr. Youngblood - We have also flagged that 20 foot tree-save area in the field. It was done today, so between now and the Board meeting, if they would like to see what is in that area, it is there for them to see.

Ms. Jones - OK. I thank you for that and I appreciate the time that everyone spent, even though it was last minute and we will have to waive the time limits, I guess, on these. Unfortunately, we will. I'd like to not, but we do. Thank you.

Mr. Vanarsdall - Thank you, Mr. Youngblood. All right, Ms. Jones.

Ms. Jones - I would like to move that we waive the time limits for rezoning case C-20C-05.

Mr. Jernigan - Second.

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

Ms. Jones - I'd like to move that we recommend to the Board of Supervisors for approval Rezoning Case C-20C-05, Youngblood Properties, LLC.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

**REASON:** Acting on a motion by Ms. Jones, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a similar level of family residential zoning as currently exist in the; the use and density conforms to the recommendations of the Land Use Plan; and the proffered conditions will assure a level of development otherwise not possible.

***Deferred from the July 14, 2005 Meeting:***

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

Mr. Silber - This was deferred from the Planning Commission's July 14, 2005 meeting.

Mr. Vanarsdall - Is there anyone here in opposition to C-21C-05, Youngblood Properties, LLC? It is also in the Tuckahoe District. No opposition. Mr. Tyson.

Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary, this is a request to rezone approximately 7.7 acres to permit construction of a single-family residential subdivision. The applicant has proffered this conceptual layout of the development. The property is located on the south line of Church Road, west of Blandfield Street, adjacent to the existing Keswick Subdivision. Two larger parcels, zoned A-1, are to the west of the site. The Tuckahoe Little League complex is to the south. Small-lot residential development is to the north.

The Land Use Plan recommends SR-2, Single Family Residential use for this parcel. The proposed project is consistent with the use recommended in the 2010 Land Use Plan, as is the proposed density of 1.9 units per acre.

The applicant has submitted a revised proffer statement dated July 29, 2005 that includes not only the conceptual layout, but that brick or stone foundations would be used, no stepping down to vinyl, a minimum house size of 2,350 s. f. of finished floor area, no cantilevered chimneys or gas vents. Chimneys to be brick or stone.

No direct access will be permitted from an individual lot to Church Road.

A 25 ft. landscape buffer will be provided adjacent to Church Road and will be included in the lot.

A 20 ft. undisturbed natural area is proffered along the rear of the lots adjacent to Keswick Subdivision.

All homes will have a two-car garage, and 50% of these will be side or rear-loaded.

The rear yard setback on lots 4, 5, and 16, which share a common property line with the Keswick Subdivision, will be increased to 55 feet in width.

The applicants held a community meeting on June 6, 2005 and July 29, 2005. While there were several questions related to drainage issues in the area, no one in attendance spoke against the proposed use as a single-family residential subdivision.

The proposed use is in keeping with the surrounding land uses, and the both the use and proposed density are in keeping with the recommendations of the 2010 Land Use Plan. The applicant's proffer statement contains many of the same proffers that were approved with the adjacent Keswick Subdivision and again the use and density are in keeping with the surrounding land uses.

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

Mr. Vanarsdall - All right. Any question for Mr. Tyson? Thank you, Mr. Tyson. There is no opposition. Ms. Jones, you don't have to waive the time limits on the proffers.

Ms. Jones - This was a little easier.

Mr. Vanarsdall - Mr. Youngblood.

Mr. Youngblood - Mr. Chairman, I am Dick Youngblood, here again. I am one of the principals of Youngblood Properties and the other one is in the audience. Here again, this is a kind of an infill area. We were able to obtain this property and have met with the neighbors twice and we have proffered the plan that we feel would be a quality development. We trust that you all would recommend this to the Board of Supervisors for approval, and if you have any questions I will be glad to answer them.

Mr. Vanarsdall - Thank you, Mr. Youngblood. Any questions for Mr. Youngblood on this case? No questions. Thank you.

All right, Ms. Jones.

Ms. Jones - I would like to recommend that Rezoning Case C-21C-05 be sent to the Board of Supervisors for approval.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Ms. Jones, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it continues a similar level of family residential zoning as currently exist in the; the use and density

conforms to the recommendations of the Land Use Plan; and the proffered conditions will assure a level of development otherwise not possible.

**C-45C-05 Aspen Gayton Terrace, LLC:** Request to amend proffered conditions accepted with Rezoning Case C-95C-96, on Parcel 732-750-7894, containing 9.874 acres, located on the east line of Gayton Road at Gayton Centre Drive. All proffers accepted with the above case are amended and restated. The amendment is to allow alternative plans for previously approved additions to the assisted living facility, and includes additional proffers regulating storm water facilities, building height and severance. The existing zoning is R-6C General Residence District (Conditional). The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre.

Mr. Silber - This is in the Tuckahoe District.

Mr. Vanarsdall - Is anyone in the audience in opposition to Aspen Gayton Terrace, LLC?  
No opposition. All right. Ms. Deemer. Good evening.

Ms. Deemer - Good evening, Mr. Chairman.

Mr. Vanarsdall - Do we have the right proffers? It says C-95C-96.

Ms. Deemer - This is a case for an amendment to the case.

Mr. Silber - This is a change of proffers to the original rezoning case.

Ms. Deemer - Right. The original case is C-95C-96.

As we were indicating, this request is to amend proffers accepted with rezoning case C-95C-96 to allow alternative plans for additions to the existing Gayton Terrace Assisted Living Facility. The 9.87-acre property is located on Gayton Road, south of Ridgefield Parkway, adjacent to Ginter Hall West.

The 2010 Land Use Plan recommends Multi-Family Residential for the subject property. The proposed project is consistent with the Land Use Plan and would be in keeping with its location and the surrounding uses.

The applicant has submitted a revised conceptual plan which has been passed out to you along with revised proffers. The conceptual plan is proffered and shows a proposed 4-story addition, a stormwater retention pond, and a new parking layout. The existing 90 foot vegetated buffer along the eastern property line, adjacent to the western right-of-way line of Poplar Forest Drive, remains undisturbed.

The revised proffers are dated August 9, 2005 and the major aspects of the proffers include:

- Adding "housing for older persons" to the use of structures
- Screening of ground level or roof-mounted mechanical equipment from view
- Stormwater facilities shall be dry, above-ground, landscaped bio-retention facilities
- Buildings shall not exceed the lesser of 4 stories or 65 feet
- Additional landscaping will be provided along Gayton Road and
- The facades of the proposed addition will be generally consistent with the exterior elevations provided.

In front of you is a copy of the proposed conceptual elevations that were provided by the applicant. The revised proffers address the majority of staff concerns; however, there remains one unresolved issue pertaining to the building articulation of the existing building.

Specifically, staff recommends that the applicant qualify Proffer #5 regarding the architectural treatment of windows on the existing building. The section of the proffer stating "architectural treatment, which resembles the treatment of the new addition applied to various windows" is of concern because it appears vague. Based on the new elevation provided, all windows on the 1<sup>st</sup> through 3<sup>rd</sup> floors have treatments at the head of windows but the proffer, as written, only applies to various windows.

Overall, staff is supportive of the proposed proffer amendments for this property. If the applicant could address the remaining issue, staff could support this request.

This concludes my presentation. I believe the applicant is here to address any questions that you may have and I am available to answer any additional questions.

Mr. Vanarsdall - All right, Ms. Deemer. Any questions for Ms. Deemer by Commission members? All right. Thank you. Do you want to hear from the applicant?

Ms. Penny Koch - Good evening.

Mr. Vanarsdall - Glad to see you behind that mike this evening.

Ms. Koch - Thank you. Good evening, ladies and gentlemen. I am Penny Koch, a legal assistant at Hirschler Fleischer and I am here on behalf of the applicant. We also have Joan Everett of the Gayton Terrace Residents' Council, who is here to speak in support of this request. Gayton Terrace obtained zoning in 1996, which permitted the addition, as shown on the proffered site plan you see here (referring to rendering). This is Gayton Road, to orient you. This is the existing building. This is the location of the proposed building, which is closer to the single-family residences in back here. Elevations were not proffered, but language was proffered stating that the addition would look like the existing building in design and utilize the same color of brick. Since then, the owner decided to update the look of the facility and make it appear more residential and less institutional, which requires this proffer amendment before you tonight. This is the new site plan that you are seeing again. This is Gayton Road. This is the location of the existing building (in all instances referring to renderings), and this is the location of the proposed addition. As you can see, rather than having the majority of the addition located in the rear, adjacent to the single-family homes, there is just a short end here facing those neighbors. The 90 foot buffer here, which was previously proffered adjacent to those homes, remains unchanged and mature vegetation is in place. In fact, all of the proffers remain in place and eight new proffers have been provided, including this elevation, and here is the color version of that. We have also proffered that the portion of the existing building, which faces Gayton Road, would be refurbished and will utilize architectural elements of the new addition. In our proffer, we provided the architectural treatment over the existing windows. We have been asked why we use the phrase "various windows." Well, first, we can't just paste the enhancement onto the old building. There are also different window shapes and sizes, which have to be taken into account in blending the two buildings. Frankly, we believe if we put the window treatments over all of the existing windows, it may look a little gloppy, and our architect, Ed Winks, said I could use the word gloppy, because he thought that was appropriate. We do believe we can add the treatment to a majority of the windows, which will help the transition of the new building. Aspen is here because it wants to update and improve its facility, and that includes the front door on Gayton, and we think Mr. Winks is the fellow that can do that for us. There are no vacancies at Gayton Terrace. It has been full since 1997 and there is a waiting list for new residents. It was a good

case when it was first approved and it has gotten even better. I'd appreciate your recommending approval of this request to the Board of Supervisors. I will be happy to answer any questions the Commission might have.

Mr. Vanarsdall - Thank you, Ms. Koch. Any questions by Commission members?

Ms. Jones - I want to just double check. When we were discussing the façade for Gayton Road and the modifications to the existing building that will be tied in with the new look of the addition that will be wrapped to the north.

Ms. Koch - Yes, ma'am. They intend to wrap it around this portion of the north building, because coming down Gayton Road, that is what you can see...

Ms. Jones - And that is considered part of the Gayton Road façade?

Ms. Koch - Yes. Yes, ma'am.

Ms. Jones - OK.

Mr. Vanarsdall - Any other questions for Ms. Koch?

Mr. Branin - Can you give me the definition of gloppy?

Ms. Koch - A big fat wedding cake with lots of stuff on the side.

Mr. Vanarsdall - Mr. Theobald taught you very well.

Mr. Archer - That was a good answer.

Ms. Joan Everett - Good evening. My name is Joan Everett and I am a resident at Gayton Terrace and my father was also a resident there, and he lived there for 10 years and was very happy, and I spent many, many days and weeks over there, so when I could no longer go up and down the stairs in my own home, I decided it was definitely the place for me to go, so I speak very highly of it, and the residents, I have not heard anybody who isn't in favor of the new proposal, and so I wish to add our support to the plans that they have. Thank you.

Mr. Vanarsdall - We appreciate you coming down and putting a nice touch to it. Thank you. Anyone else?

Mr. Archer - I've got a question, Mr. Chairman. In the first proffer under "use", the last statement speaks to Code 36.96.7 in Virginia Fair Housing and it says housing for older persons. Does that define what an older person is? I think recently I have become an older person. Is there an age limit attached to it?

Ms. Koch - Yes, 55 and older is attached to that.

Mr. Archer - OK. I am an older person then.

Mr. Vanarsdall - All right. Any more questions? If not, Ms. Jones.

Ms. Jones - I would like to recommend that the amended and restated proffers for Case C-95C-96, as stated in the current rezoning case C-45C-05, Aspen Gayton Terrace, LLC, be recommended to the Board of Supervisors for approval.

Mr. Jernigan - Second.

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

REASON: Acting on a motion by Ms. Jones, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable and the proposed proffer amendments to allow an alternative site plan and architectural design for the previously approved building addition continue to assure a quality form of development with maximum protection afforded to adjacent properties.

**C-46C-05                    Alfred M. Loyall:** Request to amend proffered conditions accepted with Rezoning Case C-1C-97, on Parcels 827-715-8082 and 827-715-7583, containing 0.27 acre, located at the southwest intersection of E. Williamsburg Road (U. S. Route 60) and Rodes Avenue. The amendment would revise Proffer 1 related to permitted uses on the property to include sales and installation of automotive wheels and hubcaps. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

Mr. Silber - This is located at the southwest corner or intersection of E. Williamsburg Road and Rodes Avenue in the Varina District.

Mr. Vanarsdall - Is anyone in opposition to this case in the Varina District? No opposition.  
Ms. Deemer.

Ms. Deemer - Good evening members of the Commission, Mr. Kaechele. This request is to amend proffers accepted with rezoning case C-1C-97 to permit the sale and installation of automotive wheels and hubcaps. The site is located at the southwest corner of East Williamsburg Road and Rodes Avenue.

The 2010 Land Use Plan recommends Commercial Concentration for the subject area. The proposed project is consistent with the Land Use Plan. The site is also located in the Redevelopment Corridor 9, which is defined as the area along both sides of East Williamsburg Road, east of Early Avenue and west of Nine Mile Road. There is a need to focus on improving the appearance of the corridor which this project fails to address.

Despite numerous attempts, the staff was not able to obtain a site plan, concept plan or revised proffers. The applicant proposes to use the storefront at 63 E. Williamsburg Road to sell wheels and hubcaps and the garage located on 61 E. Williamsburg Road (seen in the picture) for the installation of the products.

Staff has several concerns regarding this proposal which include:

- This use is related to an automotive service use which requires 2 parking spaces per bay – a site plan would provide details on where parking would actually occur, because as you see, it isn't likely to occur there in this area.
- All public lots, as well as any parking within 200 feet of any "R" zoning must be paved, and this area does fall within 200 feet, and this area currently is not paved.
- It has been indicated that pneumatic tools will be used to install the wheels and hubcaps, which produce a high volume of noise. The garage is located in very close proximity to single-family residences to the south, actually right on the other side of these cars. The applicant may consider improving the garage with sound absorption

materials and to minimize the impact to the adjacent residences, the applicant is encouraged to limit the hours of operation from 8:00 a.m. to 6:00 p.m. with no Sunday hours.

At this time, while the proposal itself is consistent with the 2010 Land Use Plan, staff does not feel it can recommend in favor of the rezoning. Staff encourages the applicant discuss and resolve all outstanding issues.

Those are all of the comments that I have, and I don't believe the applicant is here at this time.

Mr. Jernigan - I don't have any questions.

Mr. Vanarsdall - I don't have any questions.

Mr. Jernigan - Mr. Chairman, this case has a lot of problems. They are not going to be able to be cured tonight, so with that I am going to recommend denial of Case C-46C-05 and send it to the Board of Supervisors with that recommendation.

Mr. Archer - Second.

Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it.

REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors deny the request because it failed to include the proffered conditions deemed necessary to lessen the impact of the proposed automobile related retail and service uses on surrounding residential uses and given the close proximity of residential uses and the configuration of the existing improvements, the applicant did not provide how required buffers, parking and other site design features could be met.

Mr. Vanarsdall - Thank you very much. All right, Mr. Secretary, I believe we have some minutes.

#### **APPROVAL OF MINUTES - Planning Commission July 14, 2005**

Mr. Silber - That concludes the requests for rezoning this evening. We do have a set of minutes. These minutes are the July 14, 2005 Planning Commission minutes that were provided to you a week ago. Any corrections to the minutes?

Ms. Jones - Just one. On page 3, line 144, bring should be bringing.

Mr. Silber - Any other corrections?

Ms. Jones - Actually I do have one small sentence, just for spelling, page 4, line 193, the letter I should be aye.

Mr. Silber - OK.

Ms. Jones - Sorry. I am an English teacher. What can I say?

Mr. Vanarsdall - We need a motion if that is all of the corrections.

Mr. Archer - I move that the minutes be approved as corrected.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The minutes are approved.

Mr. Silber - I want to remind the Commission that there is no second meeting this month, so the next meeting you have will be the first meeting in September.

Mr. Vanarsdall - All right. Thank you.

Mr. Archer - Mr. Chairman, I move for adjournment.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made and seconded. All in favor say aye. All opposed say no. The motion passes. The meeting is adjourned at 8:16 p.m.

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Randall R. Silber, Secretary

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Ernest B. Vanarsdall, C.P.C., Chairperson