

1 Minutes of a special Work Session held in the County Manager's Conference  
2 Room to continue discussion on the potential amendments to the County Code  
3 regarding Public Street Frontage Requirements for Family Subdivisions,  
4 beginning at 5:30 p.m. and held in the County Manager's Conference Room,  
5 followed by the Minutes of the regular monthly meeting of the Planning  
6 Commission of the County of Henrico held in the County Administration Building  
7 in the Government Center at Parham and Hungary Spring Roads, beginning at  
8 7:00 p.m. Thursday, December 9, 2010. Display Notice having been published in  
9 the Richmond Times-Dispatch on November 18, 2010 and November 25, 2010.

10  
Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)  
Mr. C. W. Archer, Vice Chairman C.P.C. (Fairfield)  
Mr. Tommy Branin (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., (Varina)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary  
Mr. David Kaechele, Board of Supervisors Representative

Also Present: Mr. David O'Kelly, Assistant Director of Planning  
Ms. Jean Moore, Assistant Director of Planning  
Mr. Benjamin Blankinship, AICP, Principal Planner  
Mr. Benjamin Sehl, County Planner  
Mr. Livingston Lewis, County Planner  
Ms. Lisa Taylor, County Planner  
Mr. Paul Gidley, County Planner  
Mr. David Seay, Battalion Chief/Fire Marshal, Fire  
Mr. Mike Jennings, Traffic Engineer, Public Works  
Ms. Kim Vann, Henrico Police  
Ms. Sylvia Ray, Recording Secretary

11 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on**  
12 **all cases unless otherwise noted.**

13  
14 Chairman Vanarsdall called the meeting to order. Secretary Emerson explained  
15 that the work session was a continuation of the discussion at the previous  
16 meeting regarding potential amendments to the subdivision ordinance regarding  
17 street frontage requirements for family subdivisions. He introduced Michael  
18 Jennings, Traffic Engineer, Department of Public Works; David Seay, Battalion  
19 Chief, Division of Fire; and Benjamin Blankinship, Zoning Division Manager,  
20 Department of Planning.

21  
22 Mr. Blankinship reviewed the background of the proposed amendment and the  
23 previous discussion. He explained that the zoning ordinance requires very lot to  
24 be used for a dwelling to have 50 feet of frontage on a public street, and  
25 mentioned some of the reasons for that requirement. He said family subdivisions

26 had been approved by the Board of Zoning Appeals in the past, but recent  
27 opinions of the Supreme Court of Virginia necessitated an amendment to resolve  
28 the issue in a different way. The first draft would have authorized the Board of  
29 Zoning Appeals to approve existing lots and new lots by special exception, but  
30 the Board of Supervisors asked staff to revise the draft amendment to allow the  
31 Planning Commission rather than the Board of Zoning Appeals, to approve new  
32 lots.

33

34 In response to questions for the Planning Commission, Mr. Jennings discussed  
35 the basis for the Department of Public Works recommendation that driveways be  
36 24 feet wide, constructed of 6 inches of gravel and 2 inches of asphalt. He  
37 explained that two-way traffic required the width, and the construction standards  
38 would ensure the road remained passable for many years, and lead to lower  
39 maintenance costs over time compared to a gravel road.

40

41 In response to questions for the Planning Commission, Mr. Seay explained that  
42 the Division of Fire needs enough room to drive a fire truck, lay a hose to a  
43 tanker truck (located on the public street at the end of the private drive), and still  
44 leave enough room for an ambulance to pass the fire truck to reach the scene (in  
45 case an occupant or a firefighter needs emergency treatment while the fire is  
46 being contained).

47

48 In addition to supporting the construction details, Mr. Seay recommended three  
49 changes to the private drive standards. First, since fire trucks typically carry  
50 1,000 feet of supply hose, the distance from the public street (where a tanker  
51 truck could park) to the dwelling should be no more than 1,000 feet. Second, on  
52 a long private drive serving more than one dwelling, it would be helpful to have a  
53 sign at any point where the drive splits, indicating the direction to each dwelling  
54 served by the drive. Third, for private drives longer than 500 feet, in addition to  
55 the address sign, it would be helpful to the Division of Fire is there were a sign  
56 indicating the distance to the dwelling. Such a sign would help them decide the  
57 best approach to laying supply hose from the tanker to the fire truck. The  
58 Planning Department concurred with all three of Mr. Seay's suggestions.

59

60 Mr. Branin pointed out the need for excavation of unsuitable materials, and  
61 compaction of the sub-base, before spreading the base course of stone. Mr.  
62 Archer added that the most appropriate construction details depend on the soils,  
63 slope, and other characteristics of each individual site.

64

65 Mr. Emerson summarized the discussion, and offered to have staff continue to  
66 explore the following issues:

67

- 68 • Reducing the maximum length allowed from 1,320
- 69 feet to 1,000 feet
- 70 • Detailed material standards for sub-base, base, and
- 71 surface materials

- 72 • Construction standards, including CBR tests and
- 73 compaction requirements
- 74 • Requirements for signs indicating direction and
- 75 distance to each dwelling
- 76

77 Mr. Emerson suggested the work session continue on December 15, with the  
78 goal of advertising a public hearing early in 2011. By consensus, the Planning  
79 Commission agreed to that approach.

80

81 **[Meeting recesses and reconvenes in the Board Room for the public**  
82 **hearing.]**

83

84 **The Planning Commission reconvened at 7:03 p.m.**

85

86 Mr. Vanarsdall - Good evening everyone and welcome to the Henrico  
87 County Planning Commission. I welcome the Planning Commissioners, and Mr.  
88 Kaechele, who is a member of the Board of Supervisors who sits with us. Good  
89 evening to you, Mr. Kaechele.

90

91 Mr. Kaechele - Good evening.

92

93 Mr. Vanarsdall - And Mr. Emerson. Anyone from the press or the  
94 media here this evening? Now I'd like you to stand and Pledge Allegiance to our  
95 Flag.

96

97 All right, Mr. Secretary.

98

99 Mr. Emerson - Thank you, Mr. Chairman. As you noted, you did hold  
100 a work session earlier in the County Manager's conference room. The discussion  
101 was centered around potential amendments to the County Code regarding public  
102 street frontage requirements for family subdivisions. You did decide to continue  
103 your conversation to the December 15<sup>th</sup> meeting, which will be next Wednesday  
104 at 9:00, as you continue to discuss that draft change to the Code.

105

106 With that, Mr. Chairman, that takes us to requests for withdrawals and deferrals.  
107 Those will be presented by Mr. Ben Sehl.

108

109 Mr. Vanarsdall - Good evening, Mr. Sehl.

110

111 Mr. Sehl - Good evening Mr. Chairman. The first item on your  
112 agenda is requests for withdrawals and deferrals. Staff knows of one deferral  
113 request for this evening and that is on page two of your agenda. That is case C-  
114 22C-10. This is a request to conditionally rezone from R-3 One-Family  
115 Residence District, B-1 Business District, and B-1C Business District  
116 (Conditional) to R-3 One-Family Residence District and B-1C Business District

117 (Conditional). Retail and single-family uses are proposed at this location. The  
118 applicant has requested deferral until the January 13<sup>th</sup> meeting.

119  
120 **C-22C-10 Felts & Kilpatrick Construction Co. Inc.:** Request  
121 to conditionally rezone from R-3 One-Family Residence District, B-1 Business  
122 District, and B-1C Business District (Conditional) to R-3 One-Family Residence  
123 District and B-1C Business District (Conditional), Parcels 802-702-8535, -8929, -  
124 9916, 803-702-2315, -1801, and part of parcels 803-701-8673 and 803-702-  
125 3300, containing 3.825 acres, located at the northeast intersection of New Market  
126 Road (State Route 5) and Midview Road. The applicant proposes retail and  
127 single family uses. The uses will be controlled by zoning ordinance regulations  
128 and proffered conditions. The Land Use Plan recommends Suburban Residential  
129 2; density should not exceed 3.4 units per acre.

130  
131 Mr. Vanarsdall - Anyone in the audience in opposition to deferment of  
132 C-22C-10, Felts & Kilpatrick Construction Company, Inc.? No opposition.

133  
134 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of case  
135 C-22C-10, Felts & Kilpatrick Construction Company, Inc., to January 13, 2011, by  
136 request of the applicant.

137  
138 Mrs. Jones - Second.

139  
140 Mr. Vanarsdall - Motion by Mr. Jernigan, second by Mrs. Jones. All in  
141 favor say aye. All opposed say no. The ayes have it; the motion passes.

142  
143 At the request of the applicant, the Planning Commission deferred C-22C-10,  
144 Felts & Kilpatrick Construction Company, Inc., to its meeting on January 13,  
145 2011.

146  
147 Mr. Emerson - Mr. Chairman, that completes all the deferrals staff  
148 currently has unless the Commission is aware of or needs to make any deferrals  
149 tonight.

150  
151 Mr. Vanarsdall - Yes sir, I have one on the first page. It's in the  
152 Brookland District and the case is C-20C-10.

153  
154 **(Deferred from the November 10, 2010 Meeting)**

155 **C-20C-10 Revado C. Pretlow for Thelma W. Pretlow:**  
156 Request to amend proffered condition accepted with Rezoning Case C-30C-96,  
157 on Parcel 758-770-0117, -0207, 758-769-0297, -0186, 757-769-9875, -9665, -  
158 9453, -8161, -7468, -7275, -7998, -5690, -3698 located at the intersection of  
159 Springfield Road (State Route 157) and Echo Lake Drive. The applicant  
160 proposes to amend Proffer 4 related to the number of single-family homes  
161 developed on the property in order to allow one additional dwelling unit. The

162 existing zoning is R-3C One-Family Residence (Conditional). The Land Use Plan  
163 recommends Suburban Residential 2, density not to exceed 3.4 units per acre.

164

165 Mr. Vanarsdall - I want to defer this to February 10, 2011.

166

167 Mr. Branin - Second.

168

169 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All  
170 in favor say aye. All opposed say no. The ayes have it; the motion passes.

171

172 At the request of the Commission, the Planning Commission deferred C-20C-10,  
173 Revado C. Pretlow for Thelma W. Pretlow, to its meeting on February 10, 2011.

174

175 Mr. Emerson - Mr. Chairman, if there are no other items to be  
176 brought forth by the Commission, the next item on your agenda are the Requests  
177 for Expedited Items. Those will be presented by Mr. Ben Sehl.

178

179 Mr. Sehl - Staff has one item for expedited approval this evening  
180 and that is on page two of your agenda, case C-24C-10, IHH Properties, LLC.  
181 This is a request to conditionally rezone from B-3C Business District to B-3C  
182 Business District the property located on the western terminus of Fountain  
183 Avenue adjacent to Shrader Road. This is a request to bring separate zoning  
184 cases under one zoning classification for a medical office facility.

185

186 **C-24C-10 IHH Properties, LLC:** Request to conditionally  
187 rezone from B-3C Business District (Conditional) to B-3C Business District  
188 (Conditional) part of Parcel 764-752-9619 containing 1.91 acres, located  
189 between the western terminus of Fountain Avenue and Shrader Road. The  
190 applicant proposes a medical office. The use will be controlled by zoning  
191 ordinance regulations and proffered conditions. The Land Use Plan recommends  
192 Commercial Arterial.

193

194 Mr. Vanarsdall - Any opposition to this case, C-24C-10, IHH  
195 Properties, LLC? No opposition. I move that C-24C-10, IHH Properties, LLC, be  
196 recommended to the Board of Supervisors for approval.

197

198 Mr. Branin - Second.

199

200 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, second by Mr.  
201 Branin. All in favor say aye. All opposed say no. The ayes have it; the motion  
202 passes.

203

204 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by  
205 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend  
206 the Board of Supervisors grant the request because it would provide for

207 appropriate development and the proffered conditions will provide appropriate  
208 quality assurances not otherwise available.

209  
210 Mr. Emerson - Mr. Chairman, that now takes us to you regular  
211 agenda.

212  
213 **C-25C-10 Robert Atack for Atack Properties, Inc.:** Request to  
214 conditionally rezone from O/SC Office Service District (Conditional) to RTHC  
215 Residential Townhouse District (Conditional), part of Parcel 761-775-6361  
216 containing 3.3 acres, located along the north line of Hunton Park Boulevard  
217 approximately 200 feet west of its intersection with Hunton Ridge Lane. The  
218 applicant proposes a residential townhouse development of no more than  
219 thirteen (13) homes. The use will be controlled by zoning ordinance regulations  
220 and proffered conditions. The Land Use Plan recommends Suburban Residential  
221 1, where density should not exceed 2.4 units per acre and Environmental  
222 Protection Area.

223  
224 Mr. Vanarsdall - Anyone in the audience in opposition to C-25C-10,  
225 Robert Atack for Atack Properties, Incorporated? All right. Opposition.

226  
227 Mr. Lewis - Thank you Mr. Chairman. I should mention at the  
228 start, the revised proffers and exhibits just handed out to you do contain a  
229 number of important changes included since the previous versions in the staff  
230 report.

231  
232 This is a request to rezone 3.3 acres in the Hunton Park residential community  
233 from O/SC to RTHC to allow construction of up to 13 townhomes. The subject  
234 site is on the north line of Hunton Park Boulevard between Friars Walk Lane and  
235 Abbots Cross Lane.

236  
237 Adjacent properties consist of C-1 zoned floodplain to the north and west along  
238 Holladay Branch, RTHC zoned townhomes to the east (The Townes), and an R-  
239 2AC zoned single-family residential neighborhood to the south across Hunton  
240 Park Boulevard (The Ridge).

241  
242 The 2026 Future Land Use designations in the area largely reflect the existing  
243 residential development pattern and associated zoning previously mentioned.  
244 The subject site is designated Suburban Residential 1; however, a more compact  
245 townhouse-style development could be an appropriate alternative given the site's  
246 environmental features and adjacent uses.

247  
248 The applicant submitted revised proffers dated December 7, 2010. Proffer #3  
249 references this conceptual layout, which illustrates the applicant's plans to  
250 construct 12 units in a two-building configuration. This represents a gross  
251 density of 3.64 units per acre; however, it should be noted, Proffer #1 would

252 allow a maximum of 13 units, which equates to 3.94 units per acre. Either  
253 density figure is consistent with the density of the adjacent Townes development.

254  
255 A 25-foot-wide buffer is shown extending the length of the site's Hunton Park  
256 Boulevard frontage. This buffer would include a tree save area and  
257 supplemental plantings which would be similar to what is provided along the front  
258 of the Townes development to the east.

259  
260 As illustrated on this elevation and further detailed in several proffers, the  
261 applicant proposes constructing two-story townhomes with a minimum dwelling  
262 unit size of 1,550 square feet. Front building facades would consist of vinyl or  
263 HardiPlank siding and a minimum of 25% brick or stone. Foundation exteriors  
264 would be brick or stone and present a crawlspace appearance. Each dwelling  
265 unit would also include a one-car garage with driveways of concrete, aggregate,  
266 brick or stone.

267  
268 Other proffers relate to unit ownership, internal wall sound suppression,  
269 sidewalks, road construction standards, street lamps, entrance features, the  
270 homeowners' association, and covenants, among other topics. So the  
271 Commission is aware, staff has just recently discussed re-categorizing and  
272 reorganizing some proffers to assist the future review efforts by County agencies.

273  
274 The proposed use would have a gross density slightly higher than the Plan's  
275 recommended range for the property; however, this request is consistent with the  
276 density and character of development on adjacent parcels and would be a logical  
277 extension of the Townes. The 2026 Plan encourages compatible infill such as  
278 this near existing development and infrastructure to promote efficient use of  
279 available land and related services. The revised proffers provide a number of  
280 important quality and compatibility assurances, and have addressed issues listed  
281 in the staff report. For these reasons, staff supports this request.

282  
283 This concludes my presentation. I will be happy to take any questions.

284  
285 Mr. Vanarsdall - Any questions by Commission members for Mr.  
286 Lewis?

287  
288 Mrs. Jones - Mr. Lewis, what were you saying about redoing the  
289 proffers for [unintelligible]?

290  
291 Mr. Lewis - The Planning Department in conjunction with the  
292 Permit Center and Building Inspections has decided that some proffers, in order  
293 to facilitate when inspectors go out to review sites, make it easier for them to  
294 determine what agencies are responsible for what proffered items. We're going  
295 to try to re-categorize proffers. Not in just this case, but in all cases going  
296 forward.

297

298 Mrs. Jones - In a way that would make sense for inspections ...  
299  
300 Mr. Lewis - For them, yes.  
301  
302 Mr. Vanarsdall - Do you want to take the other case, now?  
303  
304 Mr. Emerson - I believe you may want to act on these cases  
305 individually Mr. Vanarsdall.  
306  
307 Mr. Vanarsdall - All right. Now we'll hear from the opposition. Come  
308 down one at a time or have someone speak for the community. You have ten  
309 minutes and the applicant has rebuttal.  
310  
311 Mr. Falby - Sir, are you saying that one person should represent  
312 the community at this time?  
313  
314 Mr. Vanarsdall - No. However you have it worked out you do it.  
315  
316 Mr. Falby - Okay. Good evening. My name is Paul Falby. I have  
317 lived in the Townes of Hunton Park since 2003 in May. I lived in the first phase,  
318 which is on Friars Walk Lane. During that time, I spent about five years in the  
319 homeowners' association and one year as the president. This area that we are  
320 talking about right now is a drainage issue problem. We have tried addressing  
321 this with the County on many occasions. There are other homeowners here who  
322 can tell you exactly what's going on with that area. We feel that it would be  
323 detrimental to their property if this was to go forward.  
324  
325 Mr. Vanarsdall - Drainage?  
326  
327 Mr. Falby - Yes sir. There are several homeowners here who can  
328 attest to that and explain this. This has been going on for five and six years. On  
329 top of this, there was an issue on Abbots Cross Lane from what we will call the  
330 top end, which was Phase C, where we had approximately 31 townhomes that  
331 had drainage issues of which one townhome had a ditch that showed up in his  
332 front yard approximately 4-1/2 feet deep and nobody knew where the water went.  
333 Nobody could explain it. The County was out and visited with us, but we've never  
334 had a good answer of what has happened.  
335  
336 Mr. Branin - Sir, I don't mean to cut you off. Livingston, could  
337 you—  
338  
339 Mr. Falby - I'd like to finish first, sir, if that's all right.  
340  
341 Mr. Branin - Sir, I'm not cutting you off, but I'm going to ask staff to  
342 do us a favor while you are speaking. Do we have a picture that shows the

343 overview of the property so we can see generally where we are referring to? I'm  
344 trying to provide you some visual help so we're on the same page with you, sir.

345  
346 Mr. Falby - Individuals who are here this evening, they are  
347 approximately in this area here. The areas that I'm talking about where there  
348 have been drainage issues include this entire area coming back up the slopes  
349 even beyond where this wetland is and down. This area here, which is on the  
350 side of Abbots Cross Lane, which we in the community address as Abbots Cross  
351 Lane One because we have two entrances, they have also had drainage issues  
352 in that entire area.

353  
354 This is the biggest problem that I happen to have with this. I was also a  
355 committee of one for approximately five years with lawn maintenance. I know the  
356 area inside and out. I have walked it many, many times trying to figure out how  
357 we could correct these issues.

358  
359 Mr. Vanarsdall - Appreciate you telling us about it.

360  
361 Mr. Jernigan - I have a question. With the drainage issue, are you  
362 saying that you're having drainage from this area coming onto to your property or  
363 you can't drain onto this property?

364  
365 Mr. Falby - We cannot drain off our properties into the wetlands,  
366 which is what the wetlands are probably there for, as a holding area for the water  
367 when it comes out of our areas. I will let the other homeowners address this. I  
368 live on Friars Walk Lane. I do not have a drainage issue, but Abbots Cross Lane  
369 has had multiple, multiple drainage issues across the entire length, both in B and  
370 C developments.

371  
372 Mr. Vanarsdall - Is the County aware of this?

373  
374 Mr. Falby - The County has been involved, sir.

375  
376 Mr. Vanarsdall - They have.

377  
378 Mr. Falby - We have not received, to my knowledge, any helpful  
379 information, if you will.

380  
381 Mr. Jernigan - All right. I just want to say this, because I'm not saying  
382 yea or nay. I want you to realize that a lot of times when you go in and develop a  
383 piece of property, if there is a problem there, they have to put drainage in to take  
384 care of that. All of these projects go through Department of Public Works and  
385 their drainage people in there. They have to confirm, before anything can be  
386 done. Even if this is approved and it goes to the Board and gets approved, the  
387 engineers have to show where the water is going to leave out of here.

388

389 Mr. Falby - I agree with you, sir, but it seems like we have water  
390 that comes into the area that we can't get rid of. Again, there are homeowners  
391 here and I would rather have them address their individual issues.

392  
393 Mr. Kaechele - Does the water drain from the existing properties?  
394 Which way is the drainage?

395  
396 Mr. Falby - Sir, as I said, I live on Friars Walk Lane. We do not  
397 have that issue. I'm only addressing this issue as past president and as the  
398 individual who was responsible for the lawn maintenance. I would rather have the  
399 homeowners who have these issues address those directly because then it is  
400 firsthand knowledge and not secondhand knowledge coming from me.

401  
402 Mr. Vanarsdall - Thank you.

403  
404 Mr. Falby - There is one other issue that I would like to address  
405 here and I want to bring it up to the surface. The current president of the  
406 homeowners' association is here right now. And he has indicated, why are these  
407 homes going to be—well, I'm going to ad lib and say forced down our throats. We  
408 have no rights to turn around and say no, we don't want these homes in our  
409 development. They're different from the rest of the other 245 units. There's no  
410 continuity. How do we turn around and establish the fees that have to be paid  
411 every month. It also looks like it's going to be very difficult for any emergency  
412 vehicles to get in and out of this particular development, based on what's been  
413 projected. We need more green areas, sir. We came out there and we bought  
414 homes out there because it is a green area. I would prefer to see Attack turn  
415 around—or Mr. Attack turn around, take this with a deed of trust and turn it into a  
416 common area for the entire Hunton Park Boulevard, all associations, to use as a  
417 common area. Develop it that way so we can have areas to walk our dogs, so we  
418 can maybe put in playgrounds for our children. That's where I will close. I will  
419 turn it over to some of the other members who are here from the community.  
420 Thank you for hearing me.

421  
422 Mr. Vanarsdall - Thank you.

423  
424 Mr. Duffy - Good evening, my name is Thomas Duffy. I am one of  
425 the homeowners. I actually live in the building where the hand is. I definitely  
426 want to talk to what Paul said about the drainage issues, but I first want to speak  
427 to when I purchased this home back in 2003. I met with Ryan and it was a new  
428 development. I could have picked any unit in that new development. I could have  
429 chosen what lot I wanted to buy. Ryan assured me and several other  
430 homeowners that will also speak that nothing would ever be built in that area. It's  
431 considered wetlands and it can't be developed. So obviously that's why I chose  
432 where I bought. I figured hey, it's nice, it has trees in the backyard, it's nice and  
433 green. It would be great. I don't understand now why Ryan all of a sudden is now  
434 coming in and they're the ones that are going to throw up these 12 townhomes. If

435 they wanted to develop the land back then and it was suited to be built on, why  
436 not just clear the land and build more homes then? It just seems silly to me to do  
437 it now; it doesn't make any sense.

438

439 Mr. Branin - Mr. Duffy, can I comment to that?

440

441 Mr. Duffy - Sure.

442

443 Mr. Branin - Ryan, Centex, the smaller developers, we as a  
444 Commission hear that same thing all the time. I had a case two or three months  
445 ago where just five houses were built and they swore behind it nothing would  
446 ever be built there. I said to the lady at the time did you ever check to see if it  
447 was actually a wetland or did you just go on the real estate salesperson's word.  
448 She said she listened to the salesperson. It's terrible, but we can't make them  
449 tell the truth.

450

451 Mr. Duffy - Right, I understand. It's sad that it's come to this and  
452 they're now shoving these 12 units down our throat. To me it's considered  
453 wetlands because if you were to actually walk that property—the Chickahominy  
454 runs basically right up and to that point and then there's runoff that goes pretty  
455 much behind the house. I don't know what percentage of the 3.3 acres is actually  
456 buildable but—I don't know. It's crazy. I'm upset about it because, as I said, I was  
457 assured that nothing would ever be built.

458

459 To speak to the drainage issue, again, I have lived there six years and I have had  
460 a swamp in my backyard for six years. The water just comes down the hill from  
461 Abbots Cross. It's like a river and it just sits in my backyard.

462

463 Mr. Branin - Could you point out where Abbots Cross is, please?

464

465 Mr. Duffy - I'm sorry. Hunton Park Boulevard so this road here is  
466 Hunton Park. Again, I live right down in this last unit right here.

467

468 Mr. Branin - Right on that curve.

469

470 Mr. Duffy - Right. So the rain comes from this area here and  
471 literally runs right back down in the back here. And then it just sits in this area  
472 back in here. It's been like that for six years. It just sits. You can walk back there  
473 now and your feet will be soaked by the time you're done because you're just  
474 going to sink into mud. I've tried to bring it up before and nothing has ever gotten  
475 addressed. As Paul said, the County has been out but it's never been addressed.

476

477 Again, what Paul was also speaking to, the turn lanes, emergency vehicles,  
478 things of that nature. I don't understand how they're going to get in there. The  
479 road here now is built with a divider in the middle. The only place to turn is here  
480 and they're talking about putting the entrance right in here.

481  
482 Mr. Vanarsdall - The way the system works is first of all, the applicant  
483 has the property and the first thing he has to do is have it rezoned as to what he  
484 thinks it can be. After that, we have subdivision approval. If he runs into  
485 something that he cannot do, it's against the EPA, then it's not built. I'm not  
486 saying one way or the other, but I know that Ryan shouldn't have promised you  
487 anything.  
488  
489 Mr. Duffy - I understand.  
490  
491 Mr. Vanarsdall - Like Mr. Branin said, we often hear that and we  
492 understand. Thank you. Any questions from the Commission?  
493  
494 Mr. Duffy - As Paul was also saying, if you were to take a ride  
495 into Hunton Park, which used to be really nice, it's just being overbuilt now. There  
496 aren't many other areas on the entire Boulevard that are open—or that are not  
497 even open, that area green or that are nice. This is one of the last parcels that  
498 actually still has trees on it that haven't been ripped down and houses built on it.  
499  
500 Mr. Vanarsdall - That whole parkway is about the prettiest we have  
501 anywhere in the area, from one end to the other.  
502  
503 Mr. Duffy - If they rip all these trees down, now you're talking—  
504 there's one other area that's gone. They're going to be ripping these trees down  
505 here—so it's going to mirror this area here—to build more houses on, which I  
506 understand is later on in the meeting. But there is not much other area back in  
507 there. So what Paul was saying, maybe turning it into something different or just  
508 leaving it as it is. And maybe fixing the drainage issues, maybe that's a better  
509 way to go as opposed to just throwing up—I don't like the plan either. They're  
510 asking to build a building consisting of eight units. You have two nice four-unit  
511 buildings on Abbots Cross Lane. Then in the new section you're going to have a  
512 building of eight consecutive buildings that just back up to the nice two four-unit  
513 buildings. It doesn't fit within the development. No other buildings in there are  
514 eight units long. It just seems like they're just trying to build every little parcel in  
515 Hunton Park and I don't think it's necessary. They're just jamming it down our  
516 throats to build more houses. It's upsetting. I don't think the land is suitable for it  
517 either.  
518  
519 Mr. Vanarsdall - Thank you, Mr. Duffy.  
520  
521 Mr. Duffy - Thank you for your time.  
522  
523 Mr. Jernigan - Thank you.  
524  
525 Mr. Vanarsdall - Anybody else want to speak?  
526

527 Mr. Emerson - Mr. Chairman, you have approximately two minutes of  
528 the ten left at this point.

529  
530 Mr. Vanarsdall - Under the ten-minute limit, we have about two more  
531 minutes.

532  
533 Mr. Satori - I live in the house right next to where it says—

534  
535 Mr. Vanarsdall - Can we get your name, please?

536  
537 Mr. Satori - Marc Satori. Right next to where it says subject  
538 property. My house isn't necessarily going to be affected by this, but I'm also one  
539 of the houses that has drainage issues. On top of that, the entire community has  
540 a community group to protect the property values. Building suburban sprawl  
541 within Hunton Park, all it's going to do is lower the value of our houses. Now if  
542 that person living in the first and second houses on Abbots Cross Lane, when  
543 they look out there back window, right now they have a beautiful wooded yard.  
544 When they go to sell their house, that is a feature to sell. When they look out their  
545 backyard and see an apartment building, which is what they're really building  
546 with eight houses altogether, that's not a beautiful sight. So right now we're  
547 talking about having issues with lowering house values and we're going to make  
548 it worse. Right now we have a beautiful street and you're going to make it worse.  
549 That's all I have to say.

550  
551 Mr. Vanarsdall - Thank you. We'll take one more and that's all the  
552 time we have.

553  
554 Ms. McClellan - My name is Ann McClellan and I'm president of The  
555 Townes at Hunton Park Association. This is my third year as president. With the  
556 concern as a homeowner, I also am quite concerned with #8 on the proffer,  
557 which says "Association." It says, "The property shall be annexed into and  
558 become part of The Townes at Hunton Park Townhouse Association or the  
559 Hunton Park Recreation Association." I'm somewhat concerned because a piece  
560 of property is not owned in our association. Based on the agreement of the  
561 Hunton Park Landscaping Committee, which every association contributes to for  
562 the Hunton Park Boulevard aesthetic value of landscaping and that—I'm on that  
563 committee, too, and based on my investigation through County records, that  
564 parcel of land is not part of our association. So I'm quite concerned how  
565 someone can build townhouses that, number one, do not mimic our townhouses  
566 at all, so we have a discrepancy on how do you determine association fees for  
567 outside maintenance for these townhouses that are different from all the other  
568 townhouses. And also how they can become a part of our association when no  
569 one has contacted our association. That is quite disturbing to me, if that is the  
570 case. That is something that is quite concerning to the Board of The Townes.  
571 Thank you.

572

573 Mr. Vanarsdall - Thank you for voicing your opinion.  
574  
575 Mr. Wilson - I'm Brian Wilson. I live at 11498 Abbots Cross Lane,  
576 which is right here. The drainage issues do exist. Two neighbors had to have  
577 their whole basement redone, houses flooded. I've not experienced these  
578 problems directly. My larger concern is houses in the community already don't  
579 sell. They're going to bring in new houses. They have 100% markup, so they  
580 undercut the prices of the people who are trying to sell their existing homes. It's  
581 not what I bought in for. I bought in for a mixed-use community—business,  
582 residential homes, age-restricted homes and townhouses. It's not what I bought  
583 in for in 2003. I appreciate your time.  
584  
585 Mr. Vanarsdall - Thank you. Mr. Atack, do you want to come down  
586 and talk to us?  
587  
588 Mr. Atack - Mr. Chairman, members of the Planning Commission,  
589 Mr. Kaechele, my name is Bob Atack. I'm the applicant before you this evening. I  
590 just want to make two fundamental points. As staff has recommended for  
591 approval and I think that we have worked out the satisfactory and necessity and  
592 the protocol with the staff of Henrico County, I think the residents that are here  
593 before us have a legitimate concern. They have reiterated specifically issues  
594 pertaining to drainage. We know in our business that when we develop this that  
595 this property cannot drain onto their property. But in fairness to these folks here  
596 who have not had that audience, what we would like to suggest is if you would  
597 make a motion to approve this to the Board of Supervisors, I would be glad to  
598 meet with these residents, as well as with our engineer, to explain the drainage,  
599 the entire wetland issues—and there are some wetland issues, ladies and  
600 gentleman, you are correct—the common areas, as well as the legalities and the  
601 formalities of Proffer 8 as to how the annexation of the associations can be  
602 accomplished—to answer these very legitimate questions that these folks have.  
603 I'll be glad to answer any questions.  
604  
605 Mr. Branin - Mr. Atack, we as a Commission don't have any  
606 authority over the association or annexing, do we?  
607  
608 Mr. Atack - No.  
609  
610 Mr. Branin - We can't comment on associations' bylaws or  
611 annexation.  
612  
613 Mr. Atack - Sir, I was only referring to—the president is  
614 concerned as she articulated was that we refer to it as being involved in an  
615 association. And she inquired as to the technicalities and formalities of it. In  
616 fairness to her, I think we could help her understand and explain how that  
617 participation can be made. We've developed this entire community and we're  
618 very proud of it. We appreciate our relationship with the residents. We appreciate

619 that these people have a significant economic value interest in this community  
620 and we think it's our responsibility to give them an opportunity to meet with us  
621 and discuss their specific points.

622  
623 Mr. Branin - The only reason I brought that up, Mr. Atack, was  
624 because I didn't get a chance—because she turned around and the other guy  
625 came up so quick, I didn't get a chance to stop her. That's why I addressed Mr.  
626 Atack with the answer to your question. We as a Commission, when it comes to  
627 homeowners' associations and bylaws and annexing, we in Three Chopt just  
628 went through this in Wyndham because they annexed a new area, brought it in.  
629 And, of course, everybody in Wyndham, which is a larger community than  
630 Hunton Park, came running to us and said you need to help us with this. And  
631 legally we can't even comment on it, basically.

632  
633 Mrs. Jones - How can we possibly vote on Proffer 19?

634  
635 Mr. Atack - If I may, I believe Proffer 22 would be the ultimate  
636 solution to that, Mrs. Jones.

637  
638 Mr. Jernigan - Mr. Secretary, don't we—

639  
640 Mrs. Jones - I don't believe so.

641  
642 Mr. Jernigan - I believe by County Code there has to be an HOA.  
643 We just have to make sure there is one, but we have no—

644  
645 Mr. Emerson - That's correct, Mr. Jernigan. What we normally do is  
646 we review—the covenants are submitted to us prior to recordation and we review  
647 them, but we do not get involved in the enforcement of them.

648  
649 Mrs. Jones - Annexation shall take place.

650  
651 Mr. Emerson - It does say, "The property shall be annexed into and  
652 become a part of The Townes at Hunton Park Townhouse Association and  
653 Hunton Park Recreation Association." What you could do, you could remove that  
654 sentence and just leave it, "There shall be a homeowners' association. The  
655 owners of the townhomes shall be responsible for the enforcement of the  
656 restrictive covenants. The annexation is really a private issue between Mr. Atack  
657 and the residents he's annexing to, so that doesn't necessarily have to be in the  
658 proffer.

659  
660 Mr. Branin - Could that just state the intent is to annex.

661  
662 Mr. Emerson - I don't know if that even needs to be stated.

663  
664 Mrs. Jones - We do not have that authority.

665  
666 Mr. Atack - I'll be glad to voluntarily strike that. It still gives us that  
667 flexibility. It does not prohibit us from doing that.  
668  
669 Mr. Emerson - Sure. To me it's merely stating something that he  
670 already has the ability to do. But by it being in the proffers, you would be ratifying  
671 that, so I believe it could come out.  
672  
673 Mr. Kaechele - Has there been any past history of other subdivisions  
674 being annexed into this? So that precedent is already there.  
675  
676 Mr. Atack - Yes Sir. In fairness to Madam President, we have not  
677 had that discussion.  
678  
679 Mrs. Jones - I would like to ask how many meetings have you had  
680 with the neighborhood to discuss this case?  
681  
682 Mr. Atack - None.  
683  
684 Mrs. Jones - I find that very helpful prior to a case coming forward  
685 to have those discussions so that we're not in the middle of a lot of  
686 misunderstandings and intentions. I think this has a lot of awfully nice qualities to  
687 it, but it has an awful lot of unanswered questions. I would suggest that the  
688 question of the wetland delineation, the type of drainage issues, the solution to all  
689 that is something that probably could be very well defined, but it's not.  
690  
691 Mr. Atack - And Mrs. Jones, I don't mean to interrupt you, but that  
692 is not a part of the zoning case. Wetland delineation is done during the POD  
693 process.  
694  
695 Mrs. Jones - I understand that. But for the folks who are here  
696 objecting to this on that basis, I think their understanding of the process would  
697 have been a very helpful situation for us here tonight so that we're not trying to  
698 solve all this at the podium, home values, all those issues, why they feel that the  
699 townhomes you're proposing would not be compatible with theirs. These are all  
700 things that you could I'm sure very effectively work out with them. I think this  
701 case has a lot of unanswered questions that could be answered but just haven't  
702 up to this point. Is there anything that you'd like in their specific objections that  
703 you'd like to specifically answer here tonight?  
704  
705 Mr. Atack - I'd be glad to go through these issues point by point,  
706 Mrs. Jones, I just thought it might expedite these things and in fairness to them to  
707 have this dialogue—when I had said I've had no meetings, I've had a number of  
708 discussions with a number of the homeowners, but I've not had any meetings  
709 with them as such. But if you would like for me to have a dialogue with them  
710 here, I'm very receptive to that.

711  
712 Mr. Vanarsdall - We'll take care of that.  
713  
714 Mr. Branin - Ma'am, this is all taped and put into minutes as legal  
715 record, so if you are going to speak, we invite you to and we want you to, but you  
716 actually have to come forward and state your name again so we know by tape  
717 who it is and then ask your questions.  
718  
719 Mr. Vanarsdall - Any more questions for Mr. Atack? Thank you, Mr.  
720 Atack.  
721  
722 Mr. Archer - I have one question Mr. Atack, before you leave. Has  
723 your experience been that when a homeowners' association absorbs another, do  
724 the same rules, regulations, and so forth apply to the new entity?  
725  
726 Mr. Atack - Yes sir. In our 35 years, I'm trying to think if there's an  
727 exception to that. The intention is for continuity both physically, economic  
728 establishment. Also importantly the maintenance of the property and the  
729 association fees, that there by equitable participation by all.  
730  
731 Mr. Archer - So should this go forward, then it does give the  
732 existing association an opportunity to have some control over the one that is  
733 absorbed into it.  
734  
735 Mr. Atack - Yes sir. That would be our intention. This association  
736 would actually be folded into their association. This new association would be a  
737 smaller participant in the umbrella association.  
738  
739 Mr. Archer - Okay, that answers my questions.  
740  
741 Mr. Branin - Mr. Atack, I have one for you. I just have one. In  
742 regards to—and if you could help us because you have the mouse down there. I  
743 can't see what the—what's that road called right there that you're on?  
744  
745 Mr. Jernigan - Abbots Cross.  
746  
747 Mr. Branin - Abbots Cross?  
748  
749 Mr. Atack - Yes sir.  
750  
751 Mr. Branin - Okay. Where Abbots Cross meets Hunton Park  
752 Boulevard, if we come down to the bottom corner right there where you are,  
753 according to whoever it was—Mr. Duffy said that this is where the single-point  
754 source seems to appear for their flooding and their retaining of stormwater at that  
755 point—I don't know the topo of this, but if it is indeed the single point, would your  
756 development address and take care of that issue?

757  
758 Mr. Atack - I'm aware there is a drainage question. But yes sir,  
759 this may very well be an opportunity for a solution to put a drop inlet in that very  
760 location to take care of any drainage that they have.  
761  
762 Mr. Branin - Okay, that's all. He actually gave us a single-point  
763 source, so that's why I was wondering if this development would address that,  
764 which could possibility alleviate all the other issues down that row.  
765  
766 Mr. Atack - Yes sir.  
767  
768 Mr. Branin - Okay, thank you.  
769  
770 Mr. Vanarsdall - Thank you. Come on down; that's all right.  
771  
772 Ms. McClellan - Thank you. My name is Ann McClellan. I'm president  
773 of the current Townes at Hunton Park Association. It is my understanding based  
774 on my association with associations for ten years that when a new development  
775 starts, the actual association is basically the developer and someone he or she  
776 or the company selects to be the association until 75% of the homes are then  
777 occupied and owned by others. At that time, then, it is turned over to the  
778 homeowners of the association. Therefore, those association documents up until  
779 that point can say whatever they want to say because they are implemented in  
780 the name of the developer. This is one of our concerns. I'm not familiar or  
781 educated on how annexing can happen, but it's strange to me that we can be  
782 annexed with a piece of property that's not in our association currently. I also do  
783 not know any other annexation that has taken place on Hunton Park Boulevard.  
784 Each one of these communities has its own association. The apartments have an  
785 association; The Townes has an association; The Manor has their association;  
786 The Villas have their association.  
787  
788 Mr. Emerson - Ms. McClellan, we can't speak to the rules of the  
789 covenants.  
790  
791 Ms. McClellan - And I understand that, but I wanted to correct an  
792 impression that I thought was made in his observation. We're hoping you will  
793 defer this decision. Thank you.  
794  
795 Mr. Vanarsdall - Mr. Lewis, will you come to the microphone please?  
796  
797 Mr. Lewis - Yes sir.  
798  
799 Mr. Vanarsdall - I was under the impression that you didn't have many  
800 inquiries on this.  
801

802 Mr. Lewis - No, there were numerous inquiries. Tonight is the first  
803 time I've heard the drainage issue, though. I received numerous calls as to, "I've  
804 seen zoning signs, can you explain what those proposals are," and so forth.  
805 Several issues were raised, but not the drainage issue.

806  
807 Mr. Vanarsdall - First of all, we appreciate you coming and speaking  
808 and letting us know how you feel. We were not aware of the drainage problem. I  
809 had no one call me and I don't think Mr. Glover had anyone call him. That's why  
810 we didn't have a community meeting in the beginning. So we as a Commission  
811 and the staff have done all we can do right now for this case. I'm going to send it  
812 on to the Board where Mr. Glover will have a community meeting. Mr. Atack has  
813 already said that he would do that. With that, I move that C-25C-10, Robert Atack  
814 for Atack Properties, Incorporated, be recommended to the Board of Supervisors  
815 for approval.

816  
817 Mr. Branin - Second.

818  
819 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All  
820 in favor say aye. All opposed say no,

821  
822 Mrs. Jones - No.

823  
824 Mr. Vanarsdall - The ayes have it. We'll have a community meeting  
825 between now and the Board meeting, which is in 30 days.

826  
827 Mr. Kaechele - Mr. Chairman, I'd like to remind the people in the  
828 audience that I don't vote on cases that come before the Board of Supervisors so  
829 I abstain.

830  
831 Mr. Emerson - Mr. Archer and Mr. Jernigan, I wasn't sure that I  
832 heard—

833  
834 Mr. Archer - I didn't vote either way. How many votes do we have  
835 to have to move this to the Board?

836  
837 Mr. Emerson - You need a majority of those present.

838  
839 Mr. Archer - I'll vote to move it to the Board.

840  
841 Mr. Jernigan - Mr. Atack has said—ladies and gentlemen, hold on.  
842 Most of the time we have a community meeting in all our districts, but we weren't  
843 aware of the opposition that is here. We normally get that from our staff. What  
844 Mr. Vanarsdall is going to do—there is going to be a community meeting.

845  
846 Mr. Vanarsdall - You're still going to have the community meeting.  
847

848 Mr. Jernigan - When we—  
849  
850 Mr. Emerson - Excuse me, sir, you cannot speak from the—Mr.  
851 Chairman, it's up to you whether or not you allow him to come forward and  
852 speak.  
853  
854 Mr. Vanarsdall - No, I do not want to defer the case. I want to send it  
855 on to the Board and have a community meeting.  
856  
857 Mr. Branin - There's a gentleman coming forward to speak.  
858  
859 Mr. Emerson - It's up to you whether or not you allow individuals to  
860 come forward to speak.  
861  
862 Mr. Jernigan - What I was explaining is where we normally have a  
863 meeting before the Commission, Mr. Atack wants to have a meeting after this  
864 and before it goes to the Board.  
865  
866 Mr. Vanarsdall - I've already explained that, Mr. Jernigan. I appreciate  
867 you doing it.  
868  
869 Mr. Branin - Mr. Jernigan, let me ask a question because  
870 obviously—you all know that this is just a recommendation. It goes to the Board  
871 and there again—Mr. Atack, with the feelings in the room, you've been through  
872 this process a bunch of times and you know it can be stopped at any time. Would  
873 you like to move it forward with the way we're going or would you like to change  
874 directions to appease the people that are not happy.  
875  
876 Mr. Vanarsdall - I don't want to defer the case, Mr. Branin. I've already  
877 made my motion and I don't want to change it.  
878  
879 Mr. Emerson - Mr. Atack, did you wish to speak?  
880  
881 Mr. Vanarsdall - All right, Mr. Atack, come back up to the microphone  
882 and we'll ask Mr. Atack.  
883  
884 Mr. Atack - Mr. Chairman, I would like to make a request for a  
885 deferral. I appreciate staff's position, but I think in fairness to the residents, a  
886 deferral would be appropriate.  
887  
888 Mr. Vanarsdall - You're going to defer it yourself, right?  
889  
890 Mr. Atack - I will defer, sir, yes.  
891  
892 Mr. Emerson - So this is a deferral at the applicant's request.  
893

894 Mr. Atack - At our request and our cost.

895

896 Mr. Vanarsdall - I move that C-25C-10, Robert Atack for Atack  
897 Properties, Incorporated, be deferred until January 13<sup>th</sup> by the applicant.

898

899 Mr. Branin - Second.

900

901 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All in  
902 favor say aye. All opposed say no. The ayes have it; the motion passes.

903

904 At the request of the applicant, the Planning Commission deferred C-25C-10,  
905 Robert Atack for Atack Properties, Incorporated, to its meeting on January 13,  
906 2011.

907

908 **C-28C-10 Robert Atack for Atack Properties, Inc.:** Request to  
909 conditionally rezone from R-3 One-Family Residence District, O/SC Office  
910 Service District (Conditional), and B-3 Business District to R-5AC General  
911 Residence District (Conditional), Parcels 761-774-1070, -2729, and 760-774-  
912 7961 containing 13.284 acres, located along the south line of Hunton Park  
913 Boulevard between Old Mountain Road and Hunton Park Lane. The applicant  
914 proposes a single-family zero lot line development of no more than forty-nine (49)  
915 homes. The use will be controlled by zoning ordinance regulations and proffered  
916 conditions. The Land Use Plan recommends Office and Urban Residential,  
917 where density should range from 3.4 to 6.8 units per acre.

918

919 Mr. Vanarsdall - Anyone in the audience in opposition to case C-28C-  
920 10, Robert Atack for Atack Properties, Inc.? Okay.

921

922 Mr. Lewis - Thank you Mr. Chairman. As with case 25C, the  
923 revised proffers and exhibits just distributed include numerous changes provided  
924 by the applicant since the previous versions in the staff report.

925

926 This is a request to rezone 13.3 acres in the Hunton Park residential community  
927 from B-3, O/SC, and R-3 to R-5AC to allow construction of up to 49 zero lot line  
928 dwellings. The subject site is on the south line of Hunton Park Boulevard  
929 between Old Mountain Road and Hunton Park Lane.

930

931 Adjacent properties consist of R-5C zoned apartments to the north across  
932 Hunton Park Boulevard (The Hamptons), RTHC zoned condominiums to the east  
933 (The Villas), and a mixture of R-3, A-1, and B-3 zoned residences to the south.

934

935 The 2026 Future Land Use Plan recommends the eastern half of the site for  
936 Urban Residential (with a density range from 3.4 to 6.8 units per acre). The  
937 western half of the site is designated Office. Although the property's land use  
938 recommendation is split, residential use could be appropriate on the entire site,  
939 given the predominance of residential development in the area.

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The applicant submitted revised proffers dated December 7, 2010. Proffer #20 references this conceptual layout which illustrates the applicant's plans to construct 46 detached zero lot line homes accessed via Hunton Park Lane. This represents a gross density of 3.46 units per acre; however, it should be noted, Proffer #1 would allow a maximum of 49 units, which equates to 3.69 units per acre. Either density figure is on the low end of the Urban Residential density range and is less than the density of the adjacent Villas neighborhood. Most lots shown on this plan are approximately 60 feet wide and an average of over 9,200 square feet each.

As illustrated by the elevations on Exhibits A and B and further detailed in the proffers, the applicant proposes constructing homes with craftsman and cottage style elements and an average finished floor area of no less than 2,000 square feet. The absolute minimum size of any single home would be 1,700 square feet. Front building facades would consist of vinyl or HardiPlank siding and a minimum of 25% brick or stone on a quarter of the homes. Foundation exteriors would be brick or stone and present a crawlspace appearance. Each dwelling unit is to include a two-car garage and a driveway of concrete, aggregate, brick or stone.

The site of the proposed development serves as the gateway to Hunton Park and is highly visible to anyone entering or exiting the community along Hunton Park Boulevard. In light of this, careful consideration must be given to ensure the quality and appearance of this gateway is representative of the continuity and high-quality development achieved throughout Hunton Park. In addition to the architectural treatment of the buildings, other important aspects include buffers and supplemental landscaping, fencing, and neighborhood entrance features. The applicant's proffers address each of these issues in the following ways: To screen views of rear and side yards, a 6-foot tall ornamental fence and 25-foot wide irrigated landscape buffer is to be installed along Hunton Park Boulevard and a portion of Hunton Park Lane. That buffer is indicated on the layout stretching from this location all the way across the rear yards of those homes and then down Hunton Park Lane to this extent, as indicated by that graphic right there.

This proffered exhibit uses the plan and photos of the existing Villas buffer to illustrate what would be provided along the subject site. The berm would not be constructed but the brick and wrought iron style fence and general planting scheme would be very similar to achieve continuity along Hunton Park Boulevard. Proffer #10 and Exhibit D commit to a planting volume nearly identical to a Transitional Buffer 35.

It should also be noted, although much of the buffer is located on individual lots, it would be placed in a planting strip easement dedicated to and maintained by the Homeowners' Association. To protect the aesthetic qualities of this buffer area, fences in rear yards could be no taller than 42 inches and constructed of

986 only white vinyl or white composite style material. In addition, an irrigated  
987 landscaped entrance feature will be provided and is to be similar to the Villas  
988 entrance feature on Hunton Park Lane.

989  
990 Other proffers relate to supplemental landscaping adjacent to several properties  
991 to the south, step/stoop/porch pier materials, sidewalks, road construction  
992 standards, street lamps, the homeowners' association, and covenants, among  
993 other topics.

994  
995 One pending issue is the location of the Hunton Park Lane entrance. Public  
996 Works requires the access point be located at least 150 feet from Hunton Park  
997 Boulevard rather than the 140 feet shown on this exhibit, although staff  
998 understands the layout is conceptual. To provide safer access, the applicant is  
999 encouraged to align this new entrance with the existing western entrance to the  
1000 Villas.

1001  
1002 As with the previous case presented, staff has recently discussed re-categorizing  
1003 and reorganizing some proffers.

1004  
1005 This development would continue to enhance the variety of residential choices in  
1006 Hunton Park and would be a logical extension of the surrounding residential  
1007 development pattern. In addition, the proffers submitted provide a number of  
1008 important quality and compatibility assurances. For these reasons, staff supports  
1009 the proposed use in this location.

1010  
1011 This concludes my presentation. I will be happy to take any questions.

1012  
1013 Mr. Vanarsdall - Any questions for Mr. Lewis by Commission  
1014 members?

1015  
1016 Mrs. Jones - May I just ask to clarify once more what the Public  
1017 Works requirement for the entrance. Where would you rather have them bring it  
1018 in?

1019  
1020 Mr. Lewis - Ideally it would be located directly across from The  
1021 Villas entrance, which is indicated by this graphic where the cursor, where the  
1022 mouse is. So somewhere in the location of Lot #8.

1023  
1024 Mrs. Jones - Okay. But you have no conceptual plan that uses that.

1025  
1026 Mr. Lewis - Correct.

1027  
1028 Mrs. Jones - Okay. My other question is since—by the way, there  
1029 are many, many good features in the case that we heard before and this one. But  
1030 always the devils are in the details. I notice that in our revised proffers here, we  
1031 do have a revised proffer that references restrictive covenants. We do have

1032 references to items that are really bylaws items, as well as in the association  
1033 proffer we do have again the annexation issues. So my concern is that details be  
1034 defined before I give my vote. Not that the project has no future or no promise,  
1035 but I think these details are important. So I wanted to ask you whether you would  
1036 think that these particular two places would have to be modified to meet our  
1037 responsibilities as a Commission and our powers or lack of powers as a  
1038 Commission. We can't get involved in this.

1039  
1040 Mr. Emerson - Mrs. Jones, if I could speak to the association issue.  
1041 You have to remember the size of the associations. Sometimes it's not viable for  
1042 some of these to stand on their own; they need to join the collective mass to  
1043 make it cost-effective in order for them to operate. While it doesn't necessarily  
1044 have to be proffered in, we would strongly encourage that these communities be  
1045 inclusive and included within the HOA in order to maintain the quality of the  
1046 community. If you have a standalone unit of say 13 townhomes, it could be cost-  
1047 prohibitive for them to maintain them to the same standard as the larger group  
1048 does at a lower cost.

1049  
1050 Mrs. Jones - Understood.

1051  
1052 Mr. Emerson - They really need to join together. While I understand  
1053 the concerns possibly of the community, that is the reason for these annexation  
1054 clauses within these developments, within these covenants when these  
1055 communities are developed. I don't have a concern one way or the other  
1056 because I believe it makes perfectly logical sense for them to be annexed. If the  
1057 language is in here in the proffer that they shall be annexed, I think that's a good  
1058 thing. If the Commission is uncomfortable with that and wants to request the  
1059 developer to take it out, that's fine. I would still encourage that these  
1060 developments be inclusive within the community.

1061  
1062 Mrs. Jones - My question was clarification for them to do it one way  
1063 or the other. I understand the economic reasons. Do we have the authority to  
1064 incorporate that—to vote on that requirement?

1065  
1066 Mr. Emerson - I would think you do, but we can clarify that with the  
1067 County Attorney.

1068  
1069 Mrs. Jones - Because we just established a few minutes we don't  
1070 [unintelligible].

1071  
1072 Mr. Branin - My point was they were talking about different  
1073 aspects of their bylaws, which we don't have the legal authority to interject  
1074 opinions into their bylaws.

1075

1076 Mrs. Jones - Right here we're talking about the architectural  
1077 committee and the Board of Directors of the associations. Those are bylaws  
1078 issues.

1079  
1080 Mr. Emerson - We can clarify that between now and the Board  
1081 meeting. I can sit down with the County Attorney, if you make a recommendation  
1082 to the Board, then the Board makes the final decision. At that point, it becomes  
1083 essentially law or legislation. So we can clarify that point between now and the  
1084 Board meeting if you chose to send this forward. Or if you are uncomfortable with  
1085 it, if the Commission requested and the applicant were willing to remove, we  
1086 certainly could clarify what we need between now and the Board and amend  
1087 them as appropriate prior to the Board hearing.

1088  
1089 Mrs. Jones - All right. I just felt while we were talking about it we  
1090 should discuss it. Thank you.

1091  
1092 Mr. Vanarsdall - Thank you, Mrs. Jones.

1093  
1094 Mr. Jernigan - Mr. Lewis, what's the distance between the two  
1095 entrances?

1096  
1097 Mr. Lewis - Well, as shown on this plan—and again, it is a  
1098 conceptual plan, so it's not necessarily something that needs to be nailed down  
1099 on this image. But judging from the 140-foot lot depth indicated on Lot #38, we  
1100 were going with 140 feet being the approximate distance between the existing  
1101 entrance and Hunton Park Boulevard.

1102  
1103 Mr. Vanarsdall - Public Works wanted it moved ten feet south.

1104  
1105 Mr. Lewis - To meet their requirements, it would need to move ten  
1106 feet south.

1107  
1108 Mr. Vanarsdall - I'm sure Public Works, they always want to line them  
1109 up. I can't imagine them—

1110  
1111 Mr. Lewis - Yes, I think that would be Public Works'  
1112 recommendation to line it up.

1113  
1114 Mrs. Jones - Is the applicant willing to do that?

1115  
1116 Mr. Lewis - The point has been discussed with the applicant and  
1117 the conceptual plan has remained as such to date. I can't speak any further as to  
1118 what the applicant might do or not.

1119  
1120 Mr. Vanarsdall - All right, we'll take the opposition. Thank you, Mr.  
1121 Lewis. Come on down.

1122  
1123 Mr. Brown - My name is Bradley Brown and I live at 11601 Old  
1124 Mountain Road. It backs up to this property that he wants to develop. I don't have  
1125 a problem with the development, but what I do have a problem with is Ryan  
1126 Homes built all the other ones and now you are going to cut all the trees out of  
1127 here then I'm looking out my front door at this backyard. So what are you going  
1128 to do for a buffer there, number one, is the issue. Number two is that entrance  
1129 right there. Getting in and out of there now, and then you're going to build more  
1130 homes up above us, that becomes an issue coming out onto Hunton Park  
1131 Boulevard. Crossing over you have apartment homes there, people trying to get  
1132 out. And then getting out of the entrance of Hunton Park onto Staples Mill Road.  
1133 There have been 47 wrecks this year down there and this County has done not a  
1134 thing to fix it. Nothing. Are we waiting for how many people to get killed, how  
1135 many school buses? I think you need to address that issue more so than being  
1136 worried about this—I mean wetlands are one thing we have to worry about, but I  
1137 think we need to worry about these kids on these school buses getting killed out  
1138 here. I'm not the brightest bulb in the pack, but I think that's one of the biggest  
1139 issues you need to address. You build a nice home; I've seen a bunch of your  
1140 homes. I don't have a problem with it. But I think that is a concern. Getting in and  
1141 out of there right now, it takes us 20 minutes. My wife works for Dr. Baxter  
1142 Perkinson. It takes her 20 minutes every morning just to get out of there. Nobody  
1143 has ever addressed the issues off the exit ramp. You have dump trucks coming  
1144 off there 80 miles an hour going in that quarry across the road at Tidewater.  
1145 Crashing cars one behind the other, knock them over from your property line into  
1146 Hanover County. I think that's what you need to address. Thank you much.

1147  
1148 Mr. Branin - Mr. Brown, don't go too far. Mike, can you come up?  
1149 And also Ms. Vann. Are you aware of the possible traffic issues?

1150  
1151 Mr. Jennings - No sir. I'm Mike Jennings, Traffic Engineer for Henrico  
1152 County. No sir, I'm not aware of the amount. I've never been called on this  
1153 intersection and I'm not aware of 47 wrecks in the last year. This intersection is  
1154 actually maintained by the Virginia Department of Transportation. I will  
1155 definitely—

1156  
1157 Mr. Branin - So this isn't one of our roads.

1158  
1159 Mr. Jennings - No. Staples Mill is State Route 33, so they maintain  
1160 that road and all the intersections along that route. They would maintain control,  
1161 either stop condition or stoplights or whatever. So they maintain this intersection.

1162  
1163 Mr. Branin - Thank you, sir.

1164  
1165 Mr. Brown - What about Hunton Park Lane and Hunton Park  
1166 Boulevard?

1167

1168 Mr. Jennings - That is Henrico County. I will definitely review that.  
1169  
1170 Mr. Brown - [Off microphone.] I think if you do your homework—  
1171 I've been back there for 10 years. I don't [unintelligible].  
1172  
1173 Mr. Branin - Mr. Jennings, can you do me a favor and whatever he  
1174 just pointed to, could you put the mouse on it so we know what he's talking  
1175 about? That one right there.  
1176  
1177 Mr. Jennings - That's his property.  
1178  
1179 Mr. Branin - On the other side of Mountain Road?  
1180  
1181 Mr. Jennings - He lives right here.  
1182  
1183 Mr. Brown - [Off microphone.] I live right here.  
1184  
1185 Mr. Branin - Okay, okay.  
1186  
1187 Mr. Brown - [Off microphone.] That is an issue that needs to be  
1188 addressed [inaudible]. I'd like to see some sidewalks. They have sidewalks  
1189 coming down there for that private cemetery. [At microphone.] It starts there at  
1190 the entrance of Hunton Park and then it just quits. We have people walking,  
1191 jogging, riding bicycles and getting hit in that area right there. Somebody needs  
1192 to do something about it, especially if you're going to add another 49 houses and  
1193 another 13 up there. That's 60-some more houses. How many families is that?  
1194 Another 120 people.  
1195  
1196 Mr. Branin - Mr. Brown, in regards to the Henrico County road,  
1197 we're going to address that with our road division right away. We're going to look  
1198 into that. We can do that, okay. Ms. Vann, are you aware of multiple accidents in  
1199 this area?  
1200  
1201 Ms. Vann - Kim Vann with Henrico Police. No sir, I'm not, but I  
1202 can certainly look into it.  
1203  
1204 Mr. Branin - Can you look into it and, also possibly get some more  
1205 police cars in the area to observe.  
1206  
1207 Mr. Brown - You all have been working radar in Hunton Park and  
1208 that's greatly appreciated. They come up here 45 and 50 miles an hour. That's  
1209 something in the last two years that's been addressed. I was over here at a  
1210 meeting a couple years ago when Ryan Homes started building to the right of me  
1211 over there. I addressed that same issue we were just talking about regarding the  
1212 traffic to Henrico County and also called them and nobody has yet to do  
1213 anything.

1214  
1215 Mr. Branin - Okay. Well, we're going to take care of getting the  
1216 police to look into it. Now let me tell you the other issue we're going to have for a  
1217 traffic light. It has nothing to do with us and I can tell you from Nuckols Road,  
1218 having to deal with Nuckols and Pouncey Tract, it's a tough battle. Your delegate  
1219 in that area is Bill Janis. Now Bill Janis is a great fighter for traffic lights. You  
1220 need to get the people of Hunton Park and yourself and call Mr. Janis. I know  
1221 that Mr. Vanarsdall has Mr. Janis' phone number. That's who you need to  
1222 address.  
1223  
1224 Mr. Brown - Who has the phone number?  
1225  
1226 Mr. Vanarsdall - 359-6393. Be glad to hear from you.  
1227  
1228 Mr. Branin - Mr. Janis' number is 784-8897. The good news is  
1229 they're about to go into session. The other good news is next year is an election  
1230 year. The point of it, sir, is we can't do stoplights since it's their road.  
1231  
1232 Mr. Brown - Well, I've been told that on Quioccasin Road when  
1233 they said it didn't have enough fatalities.  
1234  
1235 Mr. Branin - Well, Bill Janis will reach out to you. Thank you, sir.  
1236  
1237 Mr. Vanarsdall - Thank you. Anybody else want to speak?  
1238  
1239 Mr. Wilson - I'm Brian Wilson. I live at 11498 Abbots Cross Lane.  
1240 I'm a police officer with Henrico. I've written tickets on that road for speeding.  
1241 We have a standing traffic complaint. Call the...They can provide the  
1242 information. It's a constant problem. I've come across bad crashes. Fifty-five-  
1243 mile-an-hour road on Staples Mill. And I understand it's a State problem, but  
1244 we're going to be adding to a State problem. Extra houses. I've come across  
1245 bad crashes. There's the quarry and the big trucks. There's the Tyson Food plant  
1246 just inside of Hanover County. Four-thirty to six-thirty, you can't get out. It's  
1247 backed up coming down the Chickahominy.  
1248  
1249 Mr. Branin - Mr. Wilson, let me repeat this again. Everyone in the  
1250 room that has a pen and paper handy—784-8897. Tell Mr. Janis that Mr. Branin  
1251 gave you his number.  
1252  
1253 Mr. Wilson - Not a problem. I just wanted to let you know that the  
1254 road the County does control is affected by this. [Blank section] [1:10:17]\* into  
1255 the State road.  
1256  
1257 Mr. Vanarsdall - Thank you.  
1258

1259 Mr. Trefsgar - Good evening ladies and gentlemen. My name is  
1260 Brent Trefsgar. I'm also a resident of the Hunton Park, The Villas specifically. I  
1261 just want to first of all thank Mr. Atack and Atack Properties for a wonderful and  
1262 nice looking community which he has developed in Hunton Park. It was the nice  
1263 appearance of the community that drew me to the property to begin with. We  
1264 hope that the new proposed properties will continue to be of equal or better  
1265 quality to continue the Hunton Park uniform appearance and nice landscaping. It  
1266 is hoped that as many of the trees will be saved as possible to help provide a  
1267 natural appearance, privacy, and act as a sound barrier to the passing traffic.  
1268

1269 The primary issue that we have, many of the residents in my community, is,  
1270 again, with a traffic light. And I understand it's a VDOT issue there. But without a  
1271 traffic light, many of have a concern over the number of homes already in the  
1272 Hunton Park Boulevard community, numbering already in the hundreds. And  
1273 Hunton Park Boulevard, having only one lane in and one lane out for the entire  
1274 community. During rush-hour commuting, a significant number of cars are  
1275 already backed up waiting to jet out across Route 33, a four-lane divided highway  
1276 with less than ideal visibility, especially looking west where the County of  
1277 Hanover seems to empty out at once. At times, it feels like being a contestant in  
1278 one of those reality obstacle game shows where you need to have your timing  
1279 just right to make it between the left and the right coming vehicles, at times,  
1280 making it only halfway across and getting stuck in the middle turn lane. At night,  
1281 this location is very dark and the curbing is difficult to see when turning onto  
1282 Hunton Park Boulevard, especially when coming east from the Hanover County  
1283 area.  
1284

1285 I know Route 33 is a VDOT-controlled highway and would need to approve any  
1286 traffic light installation. We ask that Henrico County and/or Atack Properties  
1287 contact VDOT and investigate the possibility of getting a traffic light. If no traffic  
1288 light is possible, then what about measures such as reduced speed limits or have  
1289 flashing yellow lights on the speed limit signs passing through that area. What  
1290 about a few streetlights well placed to light up the intersection? When you drive  
1291 down through Staples Mill Road passing that area, you don't even know there's  
1292 an intersection or a road or Hunton Park Boulevard or anything that's even  
1293 existing there at night when it's that dark. Even better lighting, stronger lighting  
1294 that would be at the entrance of Hunton Park Boulevard would be of some help  
1295 to identify that there is something there and there could possibly be traffic coming  
1296 out of there. There is some lighting at the beginning of the Hunton Park entrance,  
1297 but it's very low, very dim. It's what they call low-voltage lighting. If that could be  
1298 increased. Anything would help increase the visibility there. And speaking to the  
1299 accidents, I have personally witnessed accidents at this location.  
1300

1301 Another incident that we have in our community is—again, going back to what  
1302 they were talking about previously—we have a drainage issue also in our  
1303 community of The Villas. We have water that is literally bubbling up through the  
1304 concrete and asphalt on the street. I have called Henrico County before and

1305 asked for somebody to come out and look at that; I never hear anything back. I'm  
1306 going to attempt again to see if we can get somebody to come out and look at  
1307 our streets to find out why is it that every time it rains the water bubbles up and  
1308 drains across our street ovetop of the asphalt for days. It is still wet. We have  
1309 one particular intersection in the middle of our community that when it freezes  
1310 with the cold temperatures, we have ice sitting on our streets. There has to be a  
1311 way to get this water to flow under the streets or somewhere other than coming  
1312 up through the asphalt, through the concrete curbing that is there. I can literally  
1313 take a video of the water that's bubbling up through after it rains. There's some  
1314 kind of an issue there if Mr. Atack could have somebody look into it or Henrico  
1315 County could have someone come take a look at it to see if there may be some  
1316 kind of an issue underneath the streets in our community. There are two or three  
1317 locations on our streets that do that.

1318

1319 Mr. Jernigan - Mr. Jennings, you made a notation on that, didn't  
1320 you?

1321

1322 Mr. Jennings - Yes.

1323

1324 Mr. Trefsgar - Also on the new plans you have up here, are there  
1325 any sidewalks that are proposed along that edge, along the Boulevard itself? We  
1326 have a lot of people that like to walk up and down the Boulevard. They use it for  
1327 jogging, for exercise or whatever. Again, especially at night, you can't see these  
1328 people and they're on the street. The streets are a little narrow. Somebody's  
1329 going to get hit one of these days. It would be really nice if we could have more  
1330 sidewalks put along Hunton Park Boulevard. I know this property was originally  
1331 deemed to be office property, but it is now residential. We now have people out  
1332 there who are jogging, walking, even pushing baby carriages along the street just  
1333 to go out for exercise or to enjoy the weather. It would be safer for the residents  
1334 if we could have some sidewalks.

1335

1336 Mr. Jernigan - Proffer 18 has sidewalks in it.

1337

1338 Mrs. Jones - That's inside. They're talking about Hunton Park  
1339 Boulevard.

1340

1341 Mr. Trefsgar - I'm talking about the Boulevard itself. There are  
1342 already sections that have sidewalks, but there are big gaps where there are no  
1343 sidewalks. So you're walking along the sidewalk and then you have to get off into  
1344 the street and walk along the street to get back on the sidewalk again further  
1345 down the road. It would be nice if we could have a continuous line of sidewalks  
1346 along that street so you don't have to step out into traffic to get to the next  
1347 section of sidewalk.

1348

1349 Mr. Vanarsdall - All right, thank you.

1350

1351 Mr. Branin - One second. Mr. Jennings, before this man gets away  
1352 from us, would you get his name and number and get Public Works on reviewing  
1353 the drainage issues with him personally so he can show them exactly where the  
1354 issues are. Thank you, sir.

1355

1356 Mr. Vanarsdall - Mr. Atack, you want to come over to the microphone,  
1357 please?

1358

1359 Mr. Atack - Again for the record, my name is Bob Atack.

1360

1361 Mr. Vanarsdall - I'm going to ask you to do the same thing with this  
1362 one as you did with the other one and put them both on the same date.

1363

1364 Mr. Atack - Yes sir, that will be fine.

1365

1366 Mr. Vanarsdall - All right.

1367

1368 Mrs. Jones - Would it be possible, Mr. Vanarsdall, to incorporate  
1369 this case into a community meeting?

1370

1371 Mr. Vanarsdall - That's what we're talking about.

1372

1373 Mrs. Jones - Okay, a community meeting for both. That would be  
1374 great.

1375

1376 Mr. Vanarsdall - I move that C-28C-10, Robert Atack for Atack  
1377 Properties, Inc., be deferred to January 13, 2011.

1378 Mr. Branin - Second.

1379

1380 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Branin. All  
1381 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1382

1383 At the request of the applicant, the Planning Commission deferred C-28C-10,  
1384 Robert Atack for Atack Properties, Inc, to its meeting on January 13, 2011.

1385

1386 **C-26C-10 G. Stuart Grattan for Sky 88 LLC:** Request to  
1387 conditionally rezone from O-2 Office District to B-1C Business District  
1388 (Conditional), Parcel 769-741-6348 containing 0.47 acres, located on the east  
1389 line of Morningside Drive approximately 160 feet south of its intersection with W.  
1390 Broad Street (U. S. Route 250). The applicant proposes a hair salon. The use will  
1391 be controlled by zoning ordinance regulations and proffered conditions. The Land  
1392 Use Plan recommends Suburban Residential 2, where density should not exceed  
1393 3.4 units per acre and Environmental Protection Area. The site is in the  
1394 Enterprise Zone.

1395

1396 Mr. Vanarsdall - Anyone in the audience in opposition to this case, C-  
1397 26C-10, G. Stuart Grattan for Sky 88, LLC.? No opposition. Mr Sehl?

1398  
1399 Mr. Sehl - Thank you again, Mr. Chairman.

1400  
1401 As Mr. Emerson stated, this request would rezone .47 acres from O-2 to B-1C to  
1402 allow a hair salon—

1403  
1404 Mr. Vanarsdall - Wait a minute, the Commission is having a meeting.

1405  
1406 Mr. Archer - I'm sorry, Mr. Chairman.

1407  
1408 Mrs. Jones - All right.

1409  
1410 Mr. Vanarsdall - Okay. Go ahead, Ben.

1411  
1412 Mr. Sehl - Thank you again. The applicant is proposing to  
1413 rezone from O-2 to B-1C to allow a hair salon to operate within an existing office  
1414 building. The only uses permitted on the property would be a hair salon and  
1415 those uses permitted in now the O-1 district. The proffers just handed out to you  
1416 this evening have been amended by the applicant this evening to limit the uses to  
1417 a hair salon that has those uses in the O-1 versus the O-2 district. They're in the  
1418 proffers in front of you.

1419  
1420 The subject site is developed with a duplex-style office building and gravel  
1421 parking lot. Retail uses, including a car rental facility and small grocery store are  
1422 located to the north and west between the site and West Broad Street. Office  
1423 uses are located to the east, and the Westwood residential neighborhood is to  
1424 the south.

1425  
1426 The applicant has submitted proffers regulating the use of the property. The  
1427 proffers have been revised since the staff report was distributed, and have been  
1428 provided to you this evening. The proffers address the issues identified in the  
1429 staff report regarding site lighting, trash pickup, architectural standards, signage,  
1430 and landscaping.

1431  
1432 The site is located in the Enterprise Zone and the 2026 Comprehensive Plan's  
1433 future land use recommendation is Suburban Residential 2 and Environmental  
1434 Protection Area. The proposed zoning and use is not consistent with the SR2  
1435 designation. However, the site has been used for non-residential purposes for  
1436 many years under the existing O-2 zoning, and the pattern of development in the  
1437 area indicates a use such as a hair salon could be an appropriate transition to  
1438 the residential area to the south. Providing a viable use within a vacant structure  
1439 would meet the goals of the Enterprise Zone, provided careful consideration is  
1440 given to the protection of adjacent residents. Staff believes limiting the uses on  
1441 the property to a hair salon and those uses permitted in the O-1 district, and

1442 providing guarantees regarding signage, trash disposal, and site lighting,  
1443 addresses this concern.

1444

1445 For these reasons, staff supports this request. I would like to note that time limits  
1446 would need to be waived to accept the proffers distributed to you this evening.

1447

1448 This concludes my presentation, I would be happy to try and answer any  
1449 questions you might have.

1450

1451 Mr. Vanarsdall - Would do we do about the hours?

1452

1453 Mr. Sehl - Mr. Vanarsdall, the hours of operation currently in the  
1454 Office District are not restricted. The B-1 zoning would restrict hours of operation  
1455 to 6 to 12 and there is no provision for those hours to be extended.

1456

1457 Mr. Vanarsdall - Had them in there and took them out, so it's okay to  
1458 leave them out.

1459

1460 Mr. Sehl - Yes sir. The previous version of the proffers listed  
1461 additional B-1 uses that staff was not comfortable with, hence the hours of  
1462 operation limitations. Those other uses were removed; therefore, we are  
1463 comfortable with the proffer as it stands.

1464

1465 Mr. Vanarsdall - Thank you.

1466

1467 Mr. Sehl - You're welcome, sir.

1468

1469 Mr. Vanarsdall - I don't need to hear from the applicant. I do have a  
1470 question for you, Mr. Grattan. Come down to the microphone and identify  
1471 yourself.

1472

1473 Mr. Grattan - Good evening, Mr. Chairman, members of the  
1474 Commission, Mr. Kaechele. I'm Stuart Grattan representing the applicant.

1475

1476 Mr. Vanarsdall - Mr. Grattan, between now and the Board, I'd like for  
1477 the number one use to be changed to be allowed it in O-1 instead of O-2.

1478

1479 Mr. Grattan - That was done this evening before the meeting. The  
1480 change has been made prior to this meeting.

1481

1482 Mr. Vanarsdall - Okay.

1483

1484 Mr. Sehl - Yes sir, Mr. Vanarsdall. We weren't able to make the  
1485 changes on the proffers that were handed to you. Mr. Grattan did make that  
1486 change to the O-1 district and initialed that change in the proffers provided to  
1487 staff.

1488  
1489 Mr. Vanarsdall - Thank you.  
1490  
1491 Mr. Grattan - You're welcome. I like the easy questions.  
1492  
1493 Mr. Vanarsdall - All right. I recommend that we approve the time limits.  
1494  
1495 Ms. Jones - Second.  
1496  
1497 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Ms. Jones. All in  
1498 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1499  
1500 Now I recommend C-26C-10, G. Stuart Grattan for Sky 88, LLC., to the Board of  
1501 Supervisors for approval.  
1502  
1503 Mr. Jernigan - Second.  
1504  
1505 Mr. Vanarsdall - Motion by Mr. Vanarsdall, second by Mr. Jernigan. All  
1506 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1507  
1508 **REASON:** Acting on a motion by Mr. Vanarsdall seconded by  
1509 Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to  
1510 recommend the Board of Supervisors grant the request because it would provide  
1511 for appropriate development in light of the business zoning in the area and the  
1512 proffered conditions should minimize the potential impacts on surrounding land  
1513 uses.  
1514  
1515 Mr. Emerson - Mr. Chairman, that takes us to the final item on the  
1516 agenda tonight, which is the approval of your minutes from the November 10,  
1517 2010 meeting.  
1518  
1519 Mr. Vanarsdall - Anybody have any changes? No changes. I'd like to  
1520 have a motion and a second. Thank you, Mr. Jennings and Ms. Vann.  
1521  
1522 Mrs. Jones - I move we approve the minutes as submitted.  
1523  
1524 Mr. Branin - I'll second that.  
1525  
1526 Mr. Vanarsdall - Motion by Mrs. Jones, second by Mr. Branin. All in  
1527 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1528  
1529 Mr. Emerson - Mr. Chairman, that completes all items that staff has  
1530 to bring forward to the Commission.  
1531  
1532 Mrs. Jones - Mr. Chairman, we have a request.  
1533

1534 Ms. McClelland - Thank you. My name is Ann McClelland. I was at the  
1535 meeting for an earlier issue. I was just wondering if I might have some clarity. I  
1536 know it was mentioned that there was no community meeting held. It was  
1537 inferred because the gentleman here on your staff had not received calls. I was  
1538 just wondering if I could have some information on when these rezoning signs do  
1539 appear, what is the criteria for having a community meeting before we have a  
1540 discussion at your meeting.

1541  
1542 Mrs. Jones - I'll address that because I brought it up. It is my  
1543 personal belief that a community meeting serves a very important purpose for  
1544 many reasons if it is warranted by either neighbor inquiries or past history of the  
1545 project. Sometimes there are all kinds of reasons to have a community meeting.  
1546 The supervisor for whom I work likes to have a community meeting no matter  
1547 what; other folks approach it differently. It's absolutely discretionary. There is no  
1548 County requirement for that.

1549  
1550 Ms. McClelland - So if I were to see a sign and requested a community  
1551 meeting, would that come through our representative.

1552  
1553 Mr. Vanarsdall - Let me answer it for you. You will be notified by letter  
1554 from the County with Mr. Glover's, the supervisor's signature. You're going to  
1555 have a meeting on such-and-such an evening and where it will be.

1556  
1557 Mr. Branin - But to answer your question even further—

1558  
1559 Mr. Vanarsdall - Let me finish if you don't mind. The way this all got  
1560 out of hand is—I've been here a pretty good while. If we don't have a community  
1561 meeting before the Planning Commission, which we most always do, then I  
1562 always have the Board member—he always says if you don't have it, I'll have it.  
1563 The answer to your question is I don't know when it'll be, but it'll be long before  
1564 the Board meeting.

1565  
1566 Ms. McClelland - And I understand that. My concern is how would we  
1567 have initiated that community meeting before coming here tonight. Some people  
1568 received notices about this going on and I didn't have anything. My concern is if I  
1569 saw a zoning sign, would I call our representatives to say I think we should have  
1570 a community meeting?

1571  
1572 Mr. Emerson - Ma'am, if you see a zoning sign, this would be your  
1573 normal process. If you see the blue zoning sign, call the number at the bottom of  
1574 the sign. That will give you the County Planning Department. Then you should be  
1575 directed to the staff person that is handling that case or someone who will be  
1576 able to take your information. The staff handling the case will get back to you. In  
1577 most situations, if we receive numerous phone calls and concerns, the Planning  
1578 Commissioner and our Board member of that district will hear from staff saying  
1579 you have a lot of folks out there that are really interested in this case. It's

1580 discretionary upon those individuals whether or not they hold a public meeting  
1581 prior to a public hearing. Many times we will not get phone calls on very simple  
1582 cases. At that point, we don't require the applicant, or the Planning Commission  
1583 or the Board member does not request the applicant sponsor a public meeting  
1584 because it's just an innocuous issue, we're cleaning something up. Sometimes  
1585 you hold those meetings and no one comes. So it's a good indicator for us that  
1586 when you see those blue signs and you have questions, dial that number that's  
1587 at the bottom of the sign and let us know what your concerns are. If we can  
1588 answer your questions, we will. You tell us your concerns. We pass those along  
1589 and also put them in the file. And yes, that sometimes can trigger a meeting, at  
1590 which time your name also—when you leave it with us—goes into the file and  
1591 you would be notified if there were a meeting scheduled on the project.

1592  
1593 Mr. Branin - And you, Ms. McClelland, since you're the president  
1594 of your association, are in an even more important position. When you see that  
1595 blue sign go up, anything that you would inquire on and the information that you  
1596 would get back, we would hope as a Commission that you would go to your  
1597 residents, explain to them what is coming, and then come right back to us with  
1598 notification that you have your members very interested in having a community  
1599 meeting.

1600  
1601 Ms. McClelland - That's why I asked. I was inquired by many of my  
1602 association members as to what it was. I found out what it was, but I was  
1603 unaware that if 20 people asked me if they were to call you it might have made a  
1604 difference on having a community meeting.

1605  
1606 Mr. Branin - As president of an association, you solely calling and  
1607 saying I have 20 members—Mr. Smith, Mrs. Johnson and so on—and they are  
1608 all concerned and would like the Commissioner and the Supervisor to know that  
1609 we would prefer having a meeting prior. You have more clout than just one  
1610 person calling and we would hope that you would be working with your  
1611 community and us.

1612  
1613 Ms. McClelland - And that's what I—

1614  
1615 Mr. Vanarsdall - I want to tell you that each one of us represents a  
1616 different district, as you know, and we all have community meetings. No one has  
1617 had any more community meetings than Mr. Glover, the Supervisor of the  
1618 Brookland District. In 24 years, nobody.

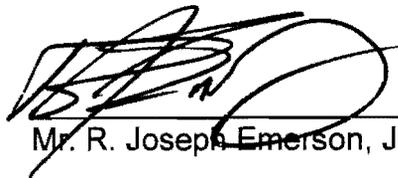
1619  
1620 Male - For zoning cases.

1621  
1622 Mr. Vanarsdall - I had no intention to have this through without a  
1623 community meeting.

1624  
1625 Ms. McClelland - And I understand that. I just wanted to—

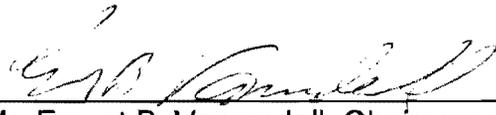
1626  
1627 Mr. Vanarsdall - No one has called me and no one has called him. I  
1628 didn't realize that Mr. Lewis had received many calls.  
1629  
1630 Ms. McClelland - That's what I'm trying to discern is what do we do so  
1631 you know.  
1632  
1633 Mr. Vanarsdall - What I'm trying to tell you is we would never have  
1634 approved this without a community meeting.  
1635  
1636 Ms. McClelland - Okay.  
1637  
1638 Mr. Vanarsdall - Out where you live, I guess we—I can't tell you how  
1639 many community meetings we had for every one of those subdivisions.  
1640  
1641 Ms. McClelland - Well, I appreciate that.  
1642  
1643 Mr. Vanarsdall - In fact, we had one all the way down at the end last  
1644 year and hardly 15 people were there. And we still had one and had a second  
1645 one.  
1646  
1647 Ms. McClelland - Well, and I appreciate that. I just want to know how to  
1648 go about it.  
1649  
1650 Mr. Vanarsdall - I appreciate your coming tonight and I appreciate your  
1651 interest.  
1652  
1653 Ms. McClelland - Thank you.  
1654  
1655 Mr. Vanarsdall - Anything else, Mr. Secretary?  
1656  
1657 Mr. Emerson - No, Mr. Chairman, that completes all items that staff  
1658 has for the Commission this evening.  
1659  
1660 Mr. Archer - Mr. Chairman, I move for adjournment.  
1661  
1662 Mrs. Jones - Second.  
1663  
1664 Mr. Vanarsdall - Motion by Mr. Archer, second by Mrs. Jones. All in  
1665 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1666  
1667 The meeting adjourned at 8:35 p.m.  
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Mr. R. Joseph Emerson, Jr., Secretary



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Mr. Ernest B. Vanarsdall, Chairperson