

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held
2 in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m.
3 February 13, 2003, Display Notice having been published in the Richmond Times-Dispatch on January 23,
4 2003, and January 30, 2003.

5
6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Richard W. Glover, Board of Supervisors, Brookland
12 Mr. John R. Marlles, AICP, Director of Planning, Secretary

13
14 Others Present: Mr. Virgil R. Hazelett, P.C., County Manager
15 Mr. Robert C. Thompson, Director, Public Works
16 Mr. Paul Carper, Construction Manager, Schools
17 Mr. Randall R. Silber, Assistant Director of Planning
18 Mr. Ralph J. Emerson, Principal Planner
19 Mr. Mark Bittner, County Planner
20 Mr. Thomas Coleman, County Planner
21 Ms. Jean Moore, County Planner
22 Mr. Paul Gidley, County Planner
23 Ms. Debra Ripley, Recording Secretary
24

25 **Board of Supervisors Representative abstains on all cases unless otherwise noted.**

26
27 Mr. Jernigan - Welcome ladies and gentlemen. Mr. Manager, we would like to welcome you and
28 all the department heads. We appreciate you all coming out tonight. Before we do anything else I would
29 like to welcome Mr. Glover back to the Planning Commission.

30
31 Mr. Glover - Thank you. I look forward to it.

32
33 Mr. Jernigan - He was indisposed last month, but he is going to be with us this month.

34
35 Mr. Vanarsdall - Mr. Chairman, I always call this sort of like the Oscar's night because you never
36 get to see all these stars assembled like this and we appreciate you all coming once a year to watch us in
37 action.

38
39 Mr. Jernigan - Thank you, Mr. Vanarsdall. With that I will turn the meeting over to our Secretary,
40 Mr. Marlles.

41
42 **PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENT PROGRAM:**

43 Henrico County's proposed five year Capital improvement Program (CIP) for FY 2003-04 through FY 2007-
44 08.

45
46 Mr. Marlles - Thank you, Mr. Chairman. Good evening Members of the Commission, ladies and
47 gentlemen in the audience. The first item on the agenda is the Capital Improvement Program for fiscal
48 years 2003-08. We do have the Manager and staff with us tonight and Mr. Hazelett, I believe you are going
49 to be making the presentation. Members of the Commission, the department heads and the Manager are
50 here to answer any questions that you may have. I think, as you are aware the Manager usually does give
51 an overview of the CIP. So with that Mr. Manager, I will turn it over to you.

52
53 Mr. Hazelett - Thank your, Mr. Marlles, Mr. Chairman, Members of the Planning Commission, Mr.

54 Glover. This is an annual event. It is where we come to you to make a short presentation on two items.
55 One is Henrico County's proposed Capital Improvement Program, which goes over five years of course.
56 And the second is the Capital Budget for the upcoming budget year, which in this particular instance will be
57 03-04.

58
59 I would tell you that this coming year is a little bit more difficult than usual. I say a little bit more difficult,
60 the budget is still not in the box from that standpoint. But it is more difficult because of the aspect of
61 funding from the Commonwealth.

62
63 When I sent you the proposed Capital Improvement Program and the Capital Budget I indicated in the
64 correspondence that we have not yet, and we still have not yet received the indication of the final budget
65 figures from the Commonwealth of Virginia. We know fairly certain what the bottom line numbers are, we
66 simply don't know where the details are. If you will, the devil is in the details and it can impact us.
67 However, we must continue on with our budget process. So we have prepared the Capital Budget and are
68 still working on the Operating Budget, which will of course be presented to the Board of Supervisors shortly.

69
70 But what we are here for this evening is to indicate to you that we do have a Capital Budget, you will see it
71 in just a few moments, which equates to almost \$81.9 million that does, we think, provide funding and
72 recommendations concerning critical projects for the future of Henrico County. This is in conformance, of
73 course, with the County voters Bond Referendum. And we are on schedule in reference to a number of
74 those projects, which we will also review for you.

75
76 As we begin this effort I will show you that the overall efforts for the five year program, 2003-04 being the
77 beginning year and 2007-08 being the ending year. We are going to go through all of the request, which
78 have been made by the agencies. Now I will not do that in detail, but I will give you a flavor of some of the
79 request that have been made in order that you know the magnitude of all of the requests.

80
81 As you begin this chart (referring to slide) you will see that CATC, Capital Area Training Consortium is
82 requesting approximately \$4.8 million to build what we call a "One Stop Career Resource Center".
83 Something that has been on the books for several years. Something that we also know will take state
84 funding. And something, quite frankly, is not going to happen this coming year, but it is included in the five
85 year program.

86
87 In addition to that you see \$144.2 million for Education projects. Those requests include funding for new
88 elementary schools, new middle schools, high school renovations. A number of projects throughout the five
89 year program. And also include the annual request of \$2.5 million, which we use for roof replacements and
90 mechanical improvements within the school system.

91
92 Finance Department is making a request this year. It is a request for \$2.5 million and it is for the
93 replacement of the tax billing and collection system. No one likes to pay taxes, but quite frankly we'd like to
94 collect them in a very accurate manner and we believe that this is one project that will be moving forward.

95
96 Fire's request, \$16.3 million, includes renovation of fire station, new fire station, relocation of fire stations.
97 It also includes the replacement of a burn building, a request that we included in the Capital Budget, but
98 that it was so critical that the Board of Supervisors, Tuesday in this room, appropriated funding for that.
99 That project will move ahead very quickly. But it is a item, a burn building, if you will, that we have been
100 without for probably a little bit over 18 months.

101
102 General Services is requesting almost \$218 million. Including funds for roof repair, mechanical
103 improvements, pavement rehabilitation and the continued renovation and upgrading of all of our County
104 facilities. We sometimes lose sight of the aspect of the many buildings that we have and the aspect that it
105 takes money in order to maintain these buildings and keep them up to the expectation of our citizens.

106

107 Human Resources is requesting \$6.2 million in order to replace the current payroll, time and attendance
108 system. This is a very complicated system and as the County grows it becomes more complicated and
109 more difficult to maintain and it is going to have to be replaced as we move forward.

110
111 Information Technology is requesting funding to continue to maintain and expand our ever growing and
112 ever important computer network throughout Henrico County.

113
114 The Library's request of \$48 million includes funding for construction of two new libraries, renovations and
115 expansions of other facilities. And even a new identification system to replace the barcode and the
116 electromagnetic security system at the libraries.

117
118 The Juvenile Detention Home is requesting almost a half a million dollars for an expansion for mental health
119 services and training facilities. As we are trying to serve those youth who are obviously incarcerated in
120 Henrico County.

121
122 As you move forward, Public Relations and Media Services, which has been a reorganization over the last 18
123 months is requesting funding, small funding, in relations to the other projects, \$275,000 for studio
124 equipment. This will continue our efforts to upgrade Henrico efforts in the area of video and audio. It is a
125 small price and we see that this is simply for equipment at this point and time. There may be other
126 changes further down the line in a number of years to come.

127
128 The landfill, something ever popular with a lot of people is making a request for \$7.1 million for the closure
129 of what we call Phase III and the opening of Phase IV of our Springfield Road Landfill, also includes some
130 glorious aspects of a gas collection system, a number of other things that obviously the general public does
131 not see but are necessary because of environmental requirements which are placed upon us.

132
133 As always there are drainage projects throughout Henrico County, \$35.1 million over that five years is being
134 requested by the Department of Public Works.

135
136 You will see that the continuation of the implementation and maintenance of our GIS system, Geographical
137 Information System, that I'm sure that you've seen and the Board of Supervisors have seen, is always
138 critical to us. There is a request for \$1.5 million for that effort over five years.

139
140 Road Projects, always important, totally \$14.3 million which are being proposed over the next five years.

141
142 Recreation is requesting \$109.5 million for projects which include improvements to existing facilities, as well
143 as the development of new parks and other facilities to improve the quality of life for our ever growing
144 population base in Henrico County.

145
146 Social Services is requesting funding, almost \$1 million to replace an existing case record system as the
147 number of citizens that we serve in that area is also increasing. That is an internal case management
148 system that was developed with the cooperation of information technology and will need to be replaced.

149
150 In addition to those aspects, which we generally call the General Fund, we also see a proposed expenditure
151 of \$140.4 million for public utilities. This is an on-going effort, constantly for the maintenance, the
152 updating, the renovation of our water and sewer system, which is ever so necessary for our expanding
153 citizen base.

154
155 Of course, the Belmont Golf facility. I will often tease the Planning Commission and simply say that at least
156 half of this is necessary in order to replace the divots that Mr. Archer makes out there. But it is \$4.7 million
157 to provide funding to increase parking spaces. We simply do not have room to accommodate all of the
158 parking because of the use, not only of the Belmont Golf facility but the Belmont facility itself.

159

160 In total, all of these items as you can see come to \$754.7 million over five years. That is the Capital
161 Improvement Program. We of course could not fund all of that. We do not anticipate funding all of that in
162 one year, or even five years, and therefore we come to the most critical aspect and that is the Capital
163 Budget. That which is being proposed for your consideration and for review and a recommendation to the
164 Board of Supervisors for their consideration.

165
166 I will now turn you to that particular aspect, and this you will see, is the accumulation to the \$81.8 million
167 that I spoke to earlier.

168
169 This includes the projects that you see (referring to slide) as far as summary, Education \$10.4 million for
170 renovations, additions at three elementary schools, roof replacements and of course continuous mechanical
171 improvements.

172
173 \$2.5 million for the funding of the Finance tax billing system, which I do believe, and will be making the
174 recommendation that it be included.

175
176 Fire's funding of \$1.5 million for the renovation of Five Station #5 which is included as one of our Bond
177 projects.

178
179 General Services funding of \$1.4 million will upgrade the telephone system, an ever increasing demand
180 upon the Government Center, and provide again continuous funding for roof replacements, mechanical
181 efforts and pavement rehabilitations across the County.

182
183 \$125,000 for Information Technology to update and continue to expand our computer network.

184
185 \$13.4 million for the Library. In this particular instance it is the general obligation Bond project called Short
186 Pump Area Library.

187
188 \$200,000 for Public Relations and Media Service. Simply as we form this effort there is no need to continue
189 with out abilities for audio and visual efforts in our existing studio.

190
191 In addition to that, you of course see Public Utilities at the landfill \$2.5 million.

192
193 You will also see that Public Works, the GIS continuation and request of \$1.5 million we are proposing
194 \$150,000 expenditure.

195
196 \$3.7 million for funding improvements on our road system. Again, the major portion of that going to John
197 Rolfe Parkway, also money going to Creighton Road and Sadler Road. John Rolfe Parkway was a Bond
198 Referendum commitment.

199
200 Recreations funding of \$3.4 will go towards the construction of a recreation center at Deep Run Park, and
201 also will beginning work at Walkerton Tavern in accordance with the Bond Referendum requests.

202
203 Social Services, we must, we believe fund the system to replace the existing case management system and
204 we are including \$400,000 for that particular item.

205
206 And as I indicated, the ever demanding need of Public Utilities, water and sewer for the replacement,
207 rehabilitation of those lines at \$42.1 million.

208
209 All of that is amounting to that \$81.8 million that you see. We can put it in a different form for you that
210 shows you new buildings, additions to buildings, improvement to buildings, the landfill, the roadway, the
211 site improvements, the various categories in which those fundings will be spent. All, of course, amounting
212 to that \$81.8 million.

213
214 \$81.8 million is a lot of money. Where does it come from? We have also presented the funding sources.
215 Gas Tax coming from the Commonwealth of Virginia, a little over \$2 million.
216
217 General Fund, \$7.5 million.
218
219 General Obligation Bonds, \$3.6 for education and \$19.8 for general government.
220
221 Landfill revenue, of course, that comes from billings for the collection of sanitation efforts throughout the
222 County within our own system.
223
224 Lottery proceeds. This is a verified revenue source from the Commonwealth of Virginia. During the year,
225 as we have done in the last several years of additional money comes from the Commonwealth of Virginia
226 through Hold Harmless Funds. We would, of course, bring that to the Board of Supervisors and amend the
227 budget.
228
229 Of course, water and sewer revenues, \$42 million, paid for that which they are proposing to expend in their
230 particular effort.
231
232 Some of the education projects. Some people like to know exactly what we are doing as far as the Bond
233 Referendum efforts. You see Radcliff Elementary School for renovation and addition, 12 classrooms, \$3.2
234 million. And of course the beginning of Ridge Elementary School renovation, the planning effort at
235 \$400,000. And that provide the total of \$3.6 for education.
236
237 The General Government Projects. Those that I have listed for you in various forms as you see (referring to
238 slide). Again, these are the Bond Referendum Projects, Fire Station #5, Short Pump Library, John Rolfe
239 Parkway, Creighton Road, Deep Run Recreation Center and Walkerton Tavern, totaling the General Fund
240 effort of \$19.8 million.
241
242 Mr. Chairman, Members of the Planning Commission, while I went through this very quickly I would simply
243 say to you that it is a monumental effort to look at \$754 million of improvement. To prioritize it, of course,
244 we have a little bit of heads in the aspect that we are committed to meeting the Bond Referendum Projects
245 that were voted upon by the citizens and we are very sensitive to the schedules that we presented to them
246 and we of course know and believe that we will meet those schedules, if not exceed them, in some
247 instances because of the revenue picture as we move forward.
248
249 With that Mr. Chairman, Members of the Planning Commission, I'm here, as I tell you each and every year
250 we all come on a bus, the bus is running outside for those people who can't answer your questions. I have
251 a whole staff here who I believe can answer any and all of our questions, if you have any.
252
253 Thank you, Mr. Chairman.
254
255 Mr. Jernigan - Thank you, Mr. Manager. Are there any questions for Mr. Hazelett from the
256 Commission?
257
258 Mr. Archer - Mr. Hazelett, you do need to know that as I age my divots are becoming much
259 more shallow then they use to be.
260
261 I do want to ask a question about education...
262
263 Mr. Paul Carper - The new Middle Schools that we design have a capacity of 950 students, and of
264 course the newest High School had a capacity of 1,800. And right at the moment that is the determination
265 of the School Board to decide how they want to maintain at those particular levels.

266
267 Mr. Archer - So when we get to those levels then the only options is building...
268
269 Mr. Carper - Building new schools.
270
271 Mr. Archer - Replacing new schools.
272
273 Mr. Carper - That is correct.
274
275 Mr. Archer - Since they're replacement. Okay. I ask that question, because as my colleagues
276 on the Commission know, all of our staff reports have an indication of what impacts new subdivisions will
277 have on schools. We will often see that schools are nearing capacity and it creates a dilemma for us
278 because we can't say to people, you can't build because we don't have schools, it is not a situation that if
279 you build it they will come. We don't usually have a good answer for that when it comes up. I appreciate
280 the information, thank you.
281
282 Mr. Hazelett - It is a difficult situation, Mr. Archer. We obviously have a number of children in
283 school over capacity. The school system continues to expand; literally it is almost a school a year, if you
284 look at it from the standpoint of past expenditures and future expenditures.
285
286 Mr. Archer - Thank you, Mr. Hazelett.
287
288 Mr. Jernigan - Mr. Hazelett, do any of our landfills have power generating systems on them that
289 burn methane gas?
290
291 Mr. Hazelett - Not at this point, Mr. Jernigan. That is what is included as the Capital Project at
292 our Springfield Road landfill. We had contact with one particular firm who wanted to actually do that as a
293 revenue producer and we are in negotiation with DEQ, Department of Environmental Quality, in order to do
294 that. It is included in our program. It will start out as passive gas collection, venting it off, and then going
295 to the active gas collection, and hopefully to be sold.
296
297 Mr. Jernigan - Is that something we might want to look at for all of our landfills?
298
299 Mr. Hazelett - We only have two and I really don't want anymore. Yes sir, we are looking at both
300 of them. The landfill in the eastern portion of the County, we are in negotiations with some other people in
301 reference to that land and consideration of that, but at this point it is only the one location.
302
303 Mr. Jernigan - Okay, thank you.
304
305 Mr. Vanarsdall - I have a question, Mr. Manager. On page 7, item 949, northwest area Middle
306 School number 2. Where is that school located?
307
308 Mr. Hazelett - Northwest Elementary School number 8.
309
310 Mr. Vanarsdall - Number 2.
311
312 Mr. Hazelett - Number 2, I'm sorry. Northwest Elementary School number 2.
313
314 Mr. Vanarsdall - 949 is...
315
316 Mr. Hazelett - 949, located in the Brookland District.
317
318 Mr. Carper - It is the property off of Mill Road (unintelligible). Mill Road and 295.

319
320 Mr. Vanarsdall - Yes. Okay. Thank you. Mr. Chairman, I have one about the Library. On page 9,
321 item 102, going to buy land sometime in 03-04 for \$3.5 million. You see that?
322
323 Mr. Hazelett - Yes, sir.
324
325 Mr. Vanarsdall - Then down on 102, again, 102, 1 there is going to be two new buildings and that
326 will be funded in 06-07. Does that mean that is when they will be occupied?
327
328 Mr. Hazelett - If we were to meet the funding, Mr. Vanarsdall, yes sir, the \$3.5 million was
329 proposed for land acquisition. We, of course, are not recommending that, that be funded at this point and
330 I'm not completely satisfied that the location proposed in the document is appropriate. But assuming that
331 we did acquire the land in 03-04, which we are not going to do. That library would be available according
332 to our funding aspect in 06-07. Yes, sir.
333
334 Mr. Vanarsdall - Thank you. What do we do, regardless of whether..., what do we do with the
335 present building? Is it up to the County to use it for something else or to sell it?
336
337 Mr. Hazelett - It is, Mr. Vanarsdall, and we have to look at each one separately as to whether
338 there is a viable use for the County or whether it is in the best interest of the County to simply sell the
339 location and the building.
340
341 Mr. Vanarsdall - Okay. The only other question I have, on page 11, item 249, Sadler Road
342 improvement. It said it is under 03-04, when will that start? I'm asking the question because we have a lot
343 of subdivisions and things going on there and Sadler Road is crooked as a snake, will that be started in
344 2004 or the end of 2004, or the beginning.
345
346 Mr. Hazelett - Mr. Thompson.
347
348 Mr. Robert Thompson - The engineering agreement has, is being negotiated now with VDOT. So we
349 would start construction in probably three years, Mr. Vanarsdall.
350
351 Mr. Vanarsdall - Three years.
352
353 Mr. Thompson - Three years.
354
355 Mr. Vanarsdall - Okay.
356
357 Mr. Thompson - That is under a best case scenario with VDOT, obviously with state and federal
358 funds we are kind of at the state and federal highway administration mercy on review.
359
360 Mr. Vanarsdall - Thank you, Mr. Thompson. That is all the questions I have Mr. Chairman. Thank
361 you, Mr. Thompson.
362
363 Mr. Thompson - Yes, sir.
364
365 Mr. Jernigan - Anymore questions from the Commission? Thank you, Mr. Hazelett.
366
367 Mr. Hazelett - Thank you, Mr. Chairman.
368
369 Mr. Jernigan - Mr. Vanarsdall.
370
371 Mr. Vanarsdall - Now, therefore, be it resolved that the Henrico County Planning Commission finds

372 after review and discussion that the Capital Budget for the Fiscal Year 2003 and 2004 is generally consistent
373 with the County's Comprehensive Plan and I move that we recommend its approval to the Henrico County
374 Board of Supervisors.

375
376 Mr. Archer - Second.

377
378 Mr. Jernigan - We have a motion on the floor by Mr. Vanarsdall and a second by Mr. Archer. All
379 in favor say aye. All opposed say no. The ayes have it. The Resolution is passed.

380
381 Mr. Glover - Mr. Chairman, I would like to enter an abstention since it is coming to the Board
382 for final approval. I would like to abstain.

383
384 Mr. Jernigan - OK, sir. Thank you.

385
386 Mr. Jernigan - Thank you all for coming.

387
388 Mr. Jernigan - There being no other business, we will adjourn until 7:00 p.m.

389
390 **THE COMMISSION RECONVENES.**

391
392 Mr. Jernigan – I would like to welcome the audience to our February 13, 2003 Public Hearing
393 meeting. I am glad you could make it, on behalf of the staff and the fellow Commissioners. That is the
394 reason you could not hear me before. I didn't have my mike on. We'd like to welcome you. For those of
395 you that this may be your first time here, I want to explain a little bit of the ground rules on how we work,
396 so you will be a little more comfortable.

397
398 When a case is called, I will ask if there is any opposition in the audience. If there is, just raise your hand
399 and you will have a chance to speak at the appropriate time. If you are going to speak, please come to the
400 podium where we have our microphone. These hearings are audibly taped. You will have to be at the
401 microphone for us to pick you up for the record. In cases where there is opposition, we have a 10-minute
402 rule. It is 10 minutes for the applicant and 10 minutes total for the opposition. This does not include
403 questions asked by the Commission. So, with that, I would like to turn the meeting over to our Secretary,
404 Mr. Marlles.

405
406 Mr. Marlles - Thank you, Mr. Chairman. Again, good evening ladies and gentlemen and
407 members of the Commission. The first item on the agenda is Request for Withdrawals and Deferrals and
408 those will be handled by Mr. Joseph Emerson.

409
410 Mr. Emerson - Thank you, Mr. Secretary, Mr. Chairman, Commissioners. The first item on the
411 deferral list tonight is on Page 1 of your agenda and it is an item that normally does not appear on this
412 agenda. It is a Plan of Development, POD-7-03. The deferral is requested to February 26, 2003.

413
414 **Deferred from the January 22, 2003 Meeting:**

415 **PLAN OF DEVELOPMENT**

POD-7-03

Park Commons @ Twin
Hickory

Youngblood, Tyler & Associates, P. C. for Shunt Corporation:
Request for approval of a plan of development, as required by Chapter
24, Section 24-106 of the Henrico County Code, to construct 60
detached condominiums. The 12.99-acre site is located on the west side
of Hickory Bend Drive and the south side of Twin Hickory Road on part
of parcels 745-770-0962; 746-770-1492 and 0619; 745-769-6789. The
zoning is RTHC, Residential Townhouse District (Conditional). County
water and sewer. **(Three Chopt)**

416

417 Mr. Jernigan - Is there any opposition to the deferral of POD-7-03? No opposition. Mr. Taylor.
 418
 419 Mr. Taylor - Mr. Chairman, there being no opposition, I move deferral of case POD-7-03 to
 420 February 26, 2003, at the applicant's request.
 421
 422 Mr. Vanarsdall - Second.
 423
 424 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor
 425 signify by saying aye. All opposed say no. The motion is passed.
 426
 427 At the request of the applicant, the Planning Commission deferred POD-7-03, Park Commons at Twin
 428 Hickory to its meeting on February 26, 2003.
 429
 430 Mr. Glover - Mr. Chairman and Mr. Secretary, before you go further I would like to have you
 431 aware that on zoning cases I will abstain on all zoning cases unless I indicate differently, and that is
 432 because it will eventually come to the Board of Supervisors where the final decision is made. I would rather
 433 abstain here and vote with the Board.
 434
 435 Mr. Jernigan - Thank you, Mr. Glover. I am glad Mr. Glover spoke up. I meant to welcome him
 436 back to the Planning Commission. He wasn't able to join us last month. He had a previous engagement,
 437 but it is a pleasure to have you back with us and we look forward to your input.
 438
 439 Mr. Glover - Looking forward to it. This is where I started in 1984.
 440
 441 Mr. Jernigan - Thank you, sir. Mr. Secretary.
 442

443 **Deferred from the January 9, 2003 Meeting:**

444 **C-71C-02 Robert Attack/F. Robert Lofts for Cedar Fork, LLC:** Request to conditionally
 445 rezone from A-1 Agricultural District and R-2A One Family Residence District to R-5AC General Residence
 446 District (Conditional), Parcels 813-729-0099, 813-729-1810, 813-728-1795, 812-729-4468 and 812-729-
 447 5529, containing approximately 51.04 acres, located on the west line of Cedar Fork Road at Tiffanywoods
 448 Lane. A zero-lot-line development is proposed. The R-5A District allows a minimum lot size of 5,625
 449 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
 450 and Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is also in the Airport Safety
 451 Overlay District.
 452

453 Mr. Emerson - The deferral is requested to March 13, 2003.
 454
 455 Mr. Jernigan - Is there any opposition to the deferral of Case C-71C-02? Mr. Archer.
 456
 457 Mr. Archer - Mr. Chairman, I move deferral of Case C-71C-02 to the March 13, 2003 meeting at
 458 the request of the applicant.
 459
 460 Mr. Vanarsdall - Second.
 461
 462 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
 463 aye. All opposed say no. The ayes have it. The motion is passed.
 464

465 At the request of the applicant, the Planning Commission deferred Case C-71C-02, Robert Attack/F. Robert
 466 Loftis for Cedar Fork, LLC, to its meeting on March 13, 2003.
 467

468 **Deferred from the January 9, 2003 Meeting:**

469 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with

470 rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast
471 intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield Parkway
472 and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen Eagles Drive. The
473 amendment would change the maximum density allowed from 7,850 square feet per acre to 8,975 square
474 feet per acre. The existing zoning is B-2C, Business District (Conditional). The Land Use Plan recommends
475 Commercial Concentration.

476
477 Mr. Emerson - The deferral is requested to April 10, 2003.

478
479 Mr. Jernigan - Is there any opposition to Zoning Case C-27C-02, RFA Management, LLC? No
480 opposition.

481
482 Ms. Ware - Then I move that Case C-27C-02 be deferred to the April 10, 2003 meeting at the
483 applicant's request.

484
485 Mr. Vanarsdall - Second.

486
487 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Vanarsdall. All in favor say
488 aye. All opposed say no. The ayes have it. The motion passes.

489
490 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA Management, LLC,
491 to its meeting on April 10, 2003.

492
493 **C-4C-03 Larry Willis:** Request to conditionally rezone from R-3 Residence to O-1C Office
494 District (Conditional), part of Parcel 755-738-9807, containing 1.452 acres, located on the north line of
495 Ridge Road approximately 60 feet west of Sinton Road and at the south terminus of Spottswood Road. An
496 office building is proposed. The use will be controlled by proffered conditions and zoning ordinance
497 regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

498
499 Mr. Emerson - The deferral was received late this afternoon. The deferral was requested to April
500 10, 2003.

501
502 Mr. Jernigan - Is there any opposition to the deferral of Case C-4C-03, Larry Willis. We have
503 opposition.

504
505 Ms. Ware - Based on the number of people who have come out to hear this case tonight, I
506 request that we take it off the deferral and hear the case.

507
508 Mr. Jernigan - We don't need a motion for that. We will hear the case tonight.

509
510 Mr. Emerson - Mr. Chairman, you have one item on your Expedited Agenda.

511
512 **P-2-03 Larry O'Neil for Belle Enterprises, Inc. T/A Buffalo Wild Wings:** Request for a provisional
513 use permit in accordance with Sections 24-62.2(i) and 24-122.1 of Chapter 24 of the County Code to
514 operate three billiards tables with extended hours (11 A.M. – 1:30 A.M., 7 days a week), on part of Parcel
515 764-750-7286 (Old Towne Shopping Center), located at 7801 W. Broad Street, approximately 450 feet east
516 of Hungary Spring Road (Buffalo Wild Wings Bar and Grill). The existing zoning is B-3 Business District.
517 The Land Use Plan recommends Commercial Arterial.

518
519 Mr. Marlles - Mr. Chairman, if I could explain to the audience what items on the Expedited
520 Agenda are, before you take action. Ladies and gentlemen, cases on the Expedited Agenda are cases that
521 staff is recommending approval. There are no known concerns by the Planning Commission member and

522 there is no known citizen opposition. If there is citizen opposition, the case can be taken off the Expedited
523 Agenda and then heard on the normal agenda. Thank you, Mr. Chairman.

524
525 Mr. Jernigan - Thank you, Mr. Marlles. Is there any opposition to Provisional Use Permit Case P-
526 2-03, Larry O'Neil for Belle Enterprises, Inc. T/A Buffalo Wild Wings? No opposition. Mr. Taylor.

527
528 Mr. Taylor - Mr. Chairman, I move approval of Case P-2-03, Larry O'Neil for Belle Enterprises,
529 Inc. T/A Buffalo Wild Wings on the Expedited Agenda.

530
531 Mr. Jernigan - I will second that. We have a motion on the floor by Mr. Taylor and a second by
532 Mr. Jernigan. All in favor say aye. All opposed say no. The motion is passed.

533
534 The Planning Commission approved recommendation of approval of Provisional Use Permit P-2-03, Larry
535 O'Neil for Belle Enterprises, Inc. T/A Buffalo Wild Wings, to the Board of Supervisors.

536
537 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning Commission voted 5-
538 0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is consistent
539 with surrounding uses and existing zoning on the property and is not expected to adversely impact the
540 surrounding land uses in the area.

541
542 **Deferred from the January 9, 2003 Meeting:**

543 **C-80C-02 RRI, LLC:** Request to conditionally rezone from A-1 Agricultural District to R-3C One
544 Family Residence District (Conditional), Parcels 811-731-2493, 811-731-6048 and 812-731-4040, containing
545 78.679 acres, located on the north line of Creighton Road approximately 800 feet east of Harvest Crest
546 Drive, 600 feet west of Cedar Fork Road, and at the eastern terminus of Seasons Lane and Harvest Grove
547 Lane. A single-family residential development with a maximum of 175 homes is proposed. The R-3 District
548 allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1,
549 1.0 to 2.4 units net density per acre. The site is also in the Airport Safety Overlay District.

550
551 Mr. Marlles - The staff report will be given by Ms. Jean Moore.

552
553 Ms. Moore - Good evening, Mr. Chairman, and Commissioners.

554
555 Mr. Jernigan - Is there any opposition to Zoning Case C-80C-02, Roy Rogers Industries? We
556 have opposition. Ms. Moore, you may proceed.

557
558 Ms. Moore - Good evening. This item is a request to rezone the subject property to R-3C to
559 allow the construction of up to 175 single-family residences. The 2010 Land Use Plan designates the
560 subject site as Suburban Residential 1. The proposed use and density, which by proffer would be a
561 maximum of 2.2 units per acre, are consistent with this designation. At the time the staff report was drafted,
562 there were outstanding issues regarding the overall quality of the proposed subdivision. Specifically, staff
563 had concerns regarding:

- 564
565
- The proposed slab construction;
 - The lack of brick exteriors for the homes; and
 - The minimum 20' landscaped buffer along Creighton Road.
- 566
567
568

569 As you're aware, this property lies within the Creighton Road Corridor Special Strategy Area, which sets
570 forth design recommendation to enhance development along Creighton Road. For residential development,
571 this includes the encouragement of brick facades, landscaping and other features that generally are
572 consistent with more quality construction.

573

574 The applicant held a neighborhood meeting on February 4, 2003. During this meeting, residents of the
575 adjoining subdivisions also expressed their concerns regarding quality.

576
577 To address staff and the residents' concerns, the applicant submitted revised proffers dated February 12,
578 2003, which you just received. Subsequently, the time limit would have to be waived to allow any action on
579 this project tonight.

580
581 Staff has had an opportunity to review the revised proffers, which do satisfy the concerns expressed in the
582 staff report. These revisions include:

- 583
- 584 • Proffer 1, which states that all homes would be built on crawl space foundations and finished with
585 brick or stone.
 - 586
 - 587 • Proffer 3, increases the finished floor area of homes from a minimum 1,200 square feet to a minimum
588 of 1,450 square feet.
 - 589
 - 590 • Proffer 7, increases the minimum landscape buffer along Creighton Road from 20 to 25 feet.
 - 591
 - 592 • Proffer 12, increases the total number of homes with brick facades from 30% to 50% and of these
593 homes the minimum brick coverage on the front to 50%
 - 594
 - 595 • Proffer 16, increases the number of trees planted in the front yard from 1 to 2.
 - 596

597 Overall, the proposed project would be in keeping with the existing adjacent residential developments and
598 with the 2010 Land Use Plan. The revised proffers address staff's previous concerns and offer positive
599 elements including porches, brick facades, standard curb and gutter and garages. Therefore, staff is more
600 supportive of this application.

601
602 This concludes my presentation. I would be happy to try to answer any questions you may have.

603
604 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? OK. Thank you,
605 ma'am. Mr. Archer, would you like to hear from the applicant?

606
607 Mr. Archer - I don't suppose I really do, but if there is opposition then I can reserve the right to
608 call him back later.

609
610 Mr. Jernigan - All right. How many folks do we have in opposition? OK. In cases where there is
611 opposition, as I explained earlier, you will have a total of 10 minutes to present your case. So you all can
612 come on up to the podium.

613
614 Mr. Archer - Mr. Chairman, before we do, I would like to ask the applicant if you all would like
615 to speak first before the opposition, or would you rather just reserve your time until later. OK.

616
617 Mr. Miller - We will reserve the time if that is OK.

618
619 Mr. Archer - OK. Fine.

620
621 Mr. Jernigan - So one of you may come up now. Sir, if you would, just state your name and
622 address for the record, please.

623
624 Mr. Lee Burcham - My name is Lee Burcham. I live at 3805 Pinoak Road, which backs up against the
625 back section of this land that is up for rezoning. My concern is not with rezoning the property but the type
626 of houses that are going to be built in there. I built my house back there 47 years ago and we have

627 improved the property over that period of time. Now, if what they are going to put in there is anyways
628 close to what they've got over in Harvest Crest, the whole area, the property in there is going to be, the
629 value of it is going to tumble. And another thing, where are these children going to school? Are those
630 schools in that area capable of taking care of them? I asked a question, too. What price house were they
631 going to build behind mine. At the time, the developer said that they weren't in a position to state what the
632 houses were going to cost, because they did not know. Now, these are going to back right up on my
633 property and I would like to know what type of houses are going to be put in there, because we have been
634 there 47 years and we have paid taxes on that property and worked on it ever since we moved there, and I
635 don't want them putting up any junk like they put up over there in Harvest Crest. On the front they did
636 pretty good, but as they came back they got worse. Another thing is traffic. They have got two outlets
637 going onto Harvie Road. Harvie Road, you can't hardly get through there now because they widened one
638 little section of it and cut it back into another small road, and it is creating some traffic problems. Getting
639 off of Harvie Road onto Creighton Road is really getting to be something now. They have got two outlets
640 for this property over on Creighton Road, so between all of that, I question the quality, too, of these houses
641 that these people are putting in there. If you go over to Arthur Ashe School, it is Ryan, I think, that is
642 building those houses. That is a very nice development. The houses have some character to them. I think
643 the people take a lot of pride in their community. Up on Harvie Road, they are developing the Orange Farm
644 property. Those houses are going to be quality homes. Now if you go over to Arthur Ashe and look at the
645 signs, those houses start at \$150,000. That is the least you can get a house in that area for. If you go up
646 to Orange's, where they are starting to develop now on Harvie Road, the price starts at \$170,000. So, what
647 are the prices going to be for these houses in here and that is what concerns me. If they are going to put
648 up houses, which I believe, if my memory serves me right, the man stated from the developer that they
649 were going to be a continuation of Harvest Crest. And I think they need to be looked at. Thank you.

650
651 Mr. Jernigan - Hold on, Mr. Burcham. Thank you. Are there any questions from the Commission
652 for Mr. Burcham?

653
654 Mr. Archer - Mr. Burcham, you attended the meeting on the 4th, did you not? Did you attend
655 the meeting at the library?

656
657 Mr. Burcham - Yes, sir. I did.

658
659 Mr. Archer - Are you aware of the improvements Ms. Moore says has been made on the way
660 these houses are to be built?

661
662 Mr. Burcham - I am not familiar with that because I think the people that lived in that area
663 expressed their opinions about the quality of those houses.

664
665 Mr. Archer - They did. Those are some of the issues that we have worked on at a subsequent
666 meeting with the developer, and quite a few of the issues that were raised at that meeting have been
667 answered and these are the new proffers she indicated that we received tonight. But, as time goes by and
668 the applicant comes up to speak, I think we will get to that issue. I just wanted to know if you had heard
669 that when she was up here.

670
671 Mr. Burcham - No, I hadn't heard that until I came in here tonight, when the young lady here
672 spoke of it. I didn't know that they had made any improvements. I haven't seen anything on it. But, I still
673 would like to know what the price of these houses is going to be, that is going to be put up behind me.

674
675 Mr. Archer - Well, perhaps the applicant can tell us when he comes up.

676
677 Mr. Burcham - OK, thank you.

678
679 Mr. Archer - Thank you.

680
681 Mr. Jernigan - Thank you, Mr. Burcham. All right, the next person that would like to speak. Is
682 there anymore opposition?
683
684 Mr. Overton - Good evening. I am Carl Overton from Mitcheltree, across the road from this. I
685 may or may not have an objection. I need information from the Board (sic). The area that looks like a
686 wide path appears to take up, oh, I'd say about 1/6th of the area. When they are computing the number of
687 units per acre, do you use the gross acreage or do you use the actual developed area only?
688
689 Mr. Marlles - Mr. Overton, did you ask all of your questions?
690
691 Mr. Overton - That is it, sir.
692
693 Mr. Marlles - Ms. Moore, can you answer that please?
694
695 Ms. Moore - In the rezoning cases, we do take the aggregate land use, that is how we calculate
696 our density, so to answer your question, they do include the power line easements and that is consistent to
697 other rezoning.
698
699 Mr. Overton - In effect then the actual development of homes is greater than the actual
700 development area, because that power line place will not be developed, and there is only one other thing
701 and that is that from conversations I have heard is that the houses backing on the restricted area,
702 supposedly restricted area, that they, the properties are allowed to infringe upon, as far as what the people
703 are paying for, even though they cannot use that area for any permanent structures. Am I correct in what
704 I believe I have heard?
705
706 Mr. Marlles - I am not sure I understand the question.
707
708 Mr. Overton - The properties, which I guess are backing on the area, is that property, do they
709 have the full lot for their use, or is part of what their property in the right of way?
710
711 Mr. Marlles - Their lot is not within the right of way.
712
713 Mr. Archer - That belongs to Virginia Power.
714
715 Mr. Overton - I have heard this before in Mitcheltree, a part of the power line area was sold to
716 some of the homeowners. It appeared to us that it was getting a service off the County's back and putting
717 it on the back of the homeowner, because even though all he could do with it is maintain it; he can't put
718 any buildings on it and what happens when they put in the gas line, the yards were torn up. They were
719 replaced, of course, what was done, but the people who pay for the property and pay the taxes on the
720 property are not, it just doesn't seem like a fair deal if they can't use that property. What I wanted to know
721 is that same thing going to happen with this property? Are those people whose property backs or faces
722 whichever that property, do they own all of the land that they are going to be signing for on their contract?
723
724 Mr. Marlles - Ms. Moore, would you come up to the podium, please. Is this concept plan
725 proffered or not?
726
727 Ms. Moore - It is not proffered. It is conceptual only and to my understanding, and maybe the
728 applicant can address it further, is that the lots will all be contained outside that right of way.
729
730 Mr. Archer - Mr. Overton, we will get the applicant to address that when they come up though,
731 so we will know.
732

733 Mr. Overton - I thank you very much.
734
735 Mr. Archer - You are welcome, sir.
736
737 Mr. Jernigan - Thank you, Mr. Overton. Is there anyone else in opposition? All right, Mr. Archer.
738
739 Mr. Archer - Was there someone else?
740
741 Mr. Jernigan - There were three hands over here, but I think only one wanted to speak.
742
743 Mr. Archer - All right, well we need to hear from someone on the applicant's side, Mr. Rogers or
744 Mr. Miller.
745
746 Mr. Miller - Thank you. My name is Steve Miller and what I'd like to do is, I had prepared some
747 comments, but what I'd like to do first is address some of the issues that were brought up by the
748 opposition, and then answer any questions that you may have of us. As for the types of homes, as we
749 have been going through the process and getting feedback from the community and from staff, we are
750 building the homes in the remaining section of Harvest Crest, which was originally started by another
751 builder, and the homes that we built in there has a difference from the homes that were initially in there,
752 and that has raised some concerns with the neighborhood. What we have done is gone back and proffered
753 in some of the items that we understood to be most important and improving the quality of the homes in
754 the neighborhood, and those are, as Jean mentioned, increasing the amount of brick that is going to be put
755 on the homes, making sure that everything is going to be built on a crawl foundation instead of just a
756 raised slab foundation as we initially proposed, increasing the landscaping in the front yard and some of
757 those items. In addition, we have included some other proffers that I think make a big difference in the
758 streetscape of the neighborhood. At least 30% of the homes will have a front porch, which creates a nice
759 look on the front of the homes. Streets that have a side of the house that faces a public right of way will
760 have additional windows placed on the side, and overall, the lot size in this neighborhood, as compared to
761 Harvest Crest; in Harvest Crest the lot sizes were 70 and 75 feet wide, but because this is R-3C the
762 minimum lot size is 1100 square feet and this layout that we are working from is 80 and 85 ft. wide lots, 80
763 ft. wide being the minimum, so the smallest lot in here is going to be bigger than the lots at Harvest Crest.
764 I think that will do a lot to improve the streetscape of the neighborhood and make it a very nice community.
765 For the price of the houses, because of the improvements that we are putting into the homes that we are
766 building there, we expect that we are going to start somewhere in the \$150,000 price range and you get a
767 feel for what that means for the homes that are actually built. We typically see in a neighborhood like this a
768 person buying the house between structural options and upgrades inside the home will typically add about
769 \$20,000 to that base price, so we would expect the average sales price in here to be somewhere around
770 \$170,000, but that is going to depend on final plans that we decide to offer and what the housing market is
771 like at the time we actually start selling them. But that is our best estimate right now.
772
773 The power line easements, we do not, as is shown on this plan, have any of those property lines going into
774 the Virginia Power right of way. We have the same feeling. That doesn't have a lot of value to the
775 customer that is buying a lot if it is a part of the lot that they can't use. So, right now, we are not planning
776 on doing that. I am not aware of any restriction that would prevent that from happening, but we are not
777 planning on doing that, having any lots, because we do have other areas that we are going to be leaving as
778 common open space and that would also be left as open space within the community. Specifically, for the
779 gentleman that lives on an area behind the property, and if I am correct, that is an area with the single
780 loaded street that is on the left-hand side of the lot. Because of the constraints of the power line easement
781 and the property line, that is going to be a single loaded street out there and just so that there is not a strip
782 of common area in there, that will be left, as the lots will be deeper than average for the subdivision. So,
783 that will, hopefully, provide a little bit of buffering between his home and some of those other homes. And
784 those were the comments that I had and I will be happy to answer any questions that you may have.
785

786 Mr. Jernigan - Are there any questions for Mr. Miller from the Commission?
787

788 Mr. Taylor - Mr. Miller, do you have any elevation pictures or drawings that might show what
789 the house looks like with you this evening?
790

791 Mr. Miller - I do. I have some of them with me if you'd like to see them.
792

793 Mr. Taylor - It would be of some help if you would show those so the people might understand
794 what they look like.
795

796 Mr. Miller - Yes, I would be happy to do that if people would like to see them, the
797 Commissioner or anybody in the audience.
798

799 Mr. Jernigan - We would like to see them, yes. If you bring them up front, we can put them on
800 the projector. Mr. Miller, I notice in your first set of proffers that the two-story houses were going to be
801 1,500 sq. ft. and now this new proffer, no house will be under 1,450. Are you still planning on making the
802 two-stories 1,500 sq. ft. plus?
803

804 Mr. Miller - Yes, the plans we are planning on offering, their smallest two-story home is about
805 1,600 sq. ft., but we wanted to leave some flexibility in there depending on market conditions and things
806 like that. What you will see here is, these are some of the same homes that we are building in Harvest
807 Crest right now (referring to rendering). This is a neighborhood in Chesterfield (referring to rendering)
808 where there was a requirement in that community, because of the covenants of the neighborhood that the
809 homes be built on a crawl space, and you will see that there is a difference in the appearance of the home
810 from the street. What I have done is I have taken the best selling plans from over in that neighborhood,
811 you can see the buyers are in there, and these are just pictures of the first ten people that have moved into
812 the neighborhood, but you will see that a lot of them have already chosen the elevations with the front
813 porches on them. We think it creates a real nice look for the neighborhood.
814

815 Mr. Jernigan - OK. Are there any more questions from Mr. Miller?
816

817 Mr. Taylor - Mr. Miller, will these be proffered by you, these types, The Fairfield, The Chelsea
818 designs?
819

820 Mr. Miller - We have not proffered specific plans. We have proffered architectural elements,
821 like the crawl and the front porches and things like that.
822

823 Mr. Taylor - But basically sir, they would be two-stories, all of them seem to have double
824 garages, or garage and a half, and basically some brick in the façade.
825

826 Mr. Miller - Yes, and there will be – with the brick on these homes – one of the things we went
827 back and forth on is how do we define how the brick goes on the front of the house. What you will typically
828 see if you look at some of the other homes, we do have a ranch plan that they just put up there, so there
829 will be some one-story homes in the neighborhood. The homes are available in a variety of combinations.
830 We have proffered that at least 75% of the homes will have garages in the neighborhood, but they are
831 available without garages if a buyer – if that is something that is not important to the buyer. The brick
832 elements would be, for instance, one of the, a portion of the front – an area under the porch perhaps and
833 an area going up for a partial brick front, something like that would add the brick.
834

835 Mr. Taylor - Now I believe you stated that the lots are all going to be 85 feet?
836

837 Mr. Miller - That's 80 feet that is the minimum required by the zoning
838

839 Mr. Taylor - What are the, what is the side to side distance of the houses with the garage?
840
841 Mr. Miller - The widest one is the Fairfield that is 56 feet wide.
842
843 Mr. Taylor - So you would say there is a generous yard?
844
845 Mr. Miller - Yes, I would, and they are not very deep. On the average about 32 to 36 feet
846 deep, so it leaves a nice size backyard.
847
848 Mr. Taylor - Thank you, sir.
849
850 Mr. Miller - You are welcome.
851
852 Mr. Jernigan - Are there any more questions?
853
854 Mr. Marlles - Mr. Chairman, I believe the opposition did indicate a concern with the traffic as
855 well as school capacity, and I would just note that the staff report indicates that the report from the Traffic
856 Engineer indicates that the surrounding road network is capable of accommodating the additional traffic
857 volume from this development and I believe under the Schools' section of the staff report that the number
858 of school children that would be generated from this development could be accommodated by the
859 elementary, middle and high school servicing this development. I just wanted to make sure that those
860 points were addressed.
861
862 Mr. Jernigan - Thank you, Mr. Marlles. All right, Mr. Archer.
863
864 Mr. Archer - Yes, sir. Mr. Chairman, I would like to compliment Ms. Moore first of all for working
865 so hard with the applicant in trying to alleviate some of the conditions that we discussed in the meeting on
866 February 4th and for those of you who are here who attended that meeting, you will know that we have
867 come quite a ways in terms of quality issues in defining what we would like to have in this neighborhood so
868 that it will be an enhancement. The proffers do indicate, first of all they were to be, originally, all of these
869 homes are, I think, unless someone wanted one different, would be built on slabs. They all would have
870 foundations, the minimum home sizes have been proffered, the landscape strip, as Ms. Moore said, is an
871 additional feature that is an enhancement. The exterior finishes are now 50% brick on at least 50% of the
872 houses. No less than 75% of the homes will have a minimum single-car garage and we've doubled the
873 number of trees from one to two. So, bearing in mind that this still has to get by the Board of Supervisors
874 before final approval, and I can't suggest proffers to anybody, because that is not within our bailiwick to
875 that, but I would suggest to you that you may want to, in looking at the features of the homes that you
876 have, you may think about a small design feature of some type that would be above the blank area on the
877 garages that we are looking at here. I don't think it would be too costly to do that, but it would certainly be
878 an enhancement to these houses. So, with that, Mr. Chairman, I would move to waive the time limits on
879 the freshly received proffers.
880
881 Mr. Vanarsdall - Second.
882
883 Mr. Jernigan - We have a motion by Mr. Archer to waive the time limits and a second by Mr.
884 Vanarsdall. All in favor say aye. All opposed say no. The motion is passed.
885
886 The Planning Commission voted to waive the time limits on Case C-80C-02, RRI, LLC.
887
888 Mr. Archer - OK, and before I make a motion on this case I would like to thank the people at
889 Mitcheltree and the surrounding community for attending the meetings and their initial input was extremely
890 helpful in allowing us to be able to make a decision and we appreciate your being here tonight also. And,
891 with that I will move for a recommendation of approval of Case C-80C-02 to the Board of Supervisors.

892
893 Mr. Vanarsdall - Second.
894
895 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
896 aye. All opposed say no. The motion is passed.
897
898 The Planning Commission approved recommendation of approval of Case C-80C-02, RRI, LLC, to the Board
899 of Supervisors.
900
901 Mr. Marlles - Yes, sir, Mr. Chairman, I do want to note for the citizens in the audience that this
902 matter will be heard at a public hearing before the Board of Supervisors on Tuesday, March 11, 2003.
903
904 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted
905 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it represents
906 a logical continuation of the one-family residential development which exists in the area and it conforms to
907 the Suburban Residential 1 recommendation of the Land Use Plan.
908
909 **C-2C-03 James W. Theobald for James Barden:** Request to conditionally rezone from B-1
910 Business District to B-2C Business District (Conditional), a part of Parcel 754-744-6868, containing 5.742
911 acres, located on the north line of East Ridge Road approximately 400 feet west of Three Chopt Road and
912 460 feet east of N. Parham Road (Ridge Cinema 7). A retail use is proposed (Kroger Food Store). The use
913 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
914 recommends Commercial Concentration.
915
916 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
917
918 Mr. Jernigan - In the audience is there any opposition to Zoning Case C-2C-03, James Barden?
919 We have opposition. Mr. Bittner.
920
921 Mr. Bittner - Thank you, Mr. Jernigan. The applicant desires to develop a Kroger Grocery Store
922 at the previous Ridge Cinema site on Eastridge Road. The applicant needs B-2 to permit a drive-thru
923 pharmacy as part of the main grocery store. The site is designated commercial concentration under the
924 2010 Land Use Plan. The applicant proposes to demolish the existing cinema and redevelop the site with a
925 new structure, which is shown on this plan here (referring to rendering). Let me orient everybody on this.
926 On the left side of the drawing is Eastridge Road. The existing Ridge Cinema sits approximately here
927 (referring to rendering). This will be the proposed new grocery store. Here is the Ramada Inn, Westbury
928 Pharmacy and this piece of the property goes out to Three Chopt Road. Staff views this application as a
929 positive request and it could improve the aesthetics of an existing commercial corridor.
930
931 The applicant has submitted revised proffers, which address the comments in the staff report, including the
932 provision of a larger buffer along Eastridge Road. The applicant had been proposing a 10-foot landscaped
933 buffer along the site's frontage. The revised proffers now state this buffer shall be at least 19 feet in width.
934
935 Because the revised proffers now address the issues listed in the staff report, staff can recommend approval
936 of this application. I would be happy to answer any questions you may have.
937
938 Mr. Jernigan - Thank you, Mr. Bittner. Are there any questions for Mr. Bittner from the
939 Commission? Thank you, sir. Mr. Taylor, would you like to hear from the applicant?
940
941 Mr. Taylor - Yes, I would, Mr. Chairman.
942
943 Mr. Jernigan - Mr. Theobald, you have 10 minutes. Would you like rebuttal time?
944

945 Mr. Theobald - I think perhaps three minutes would suffice, Mr. Chairman.

946

947 Mr. Jernigan - Thank you, sir. Mr. Theobald, you may proceed.

948

949 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald. I am here this
950 evening on behalf of Freeman Partners, LLC, and you have heard this is a request to rezone 5.7 acres of
951 unrestricted B-1 zoning to a highly conditioned B-2C District classification for the construction of a Kroger
952 Grocery Store on the recently vacated Ridge Cinema site. This really is a significant opportunity for quality
953 new development in what is a very densely developed commercial area. We have worked very hard with
954 the County staff and administration in terms of considering alternate layouts and positioning of the building
955 and the orientation of various features to surrounding uses, and I am pleased to bring you this proffered
956 plan and elevation that you see on the screen before you. This plan basically has the building moved back
957 off of Eastridge Road.

958

959 As many of you know, this site falls significantly from Eastridge Road to the rear of the property, and the
960 idea was to provide convenient parking in front of the store for the customers, and I will show you a better
961 detailed plan of the buffer here in a moment. Two entrances off of Eastridge Road fairly close to the
962 common property lines here, going back down this way there is a drive-thru pharmacy on this side of the
963 building, continuing on back around to our loading area. This site includes property all the way out to
964 Three Chopt. The back part of this site and the part out to Three Chopt is zoned O-2, which does allow you
965 to park for B uses, and so we have an excellent traffic circulation on this site. The proffers include the site
966 plan elevations. This store, as you can see, actually exists in Mechanicsville. It is primarily of brick, the
967 front and the two sides. It is integral-color split faced block on the way, the same color as the brick. It has
968 significant architectural features in the archways, and again, these are actual photographs of the site in
969 Mechanicsville. We have eliminated a number of uses that would otherwise be prohibited in the B-2
970 District, which you can see here, including the sale of gasoline and also businesses, the primary business of
971 check cashing or the making of payday loans. The buffer area, in the front, if I might - you have that on
972 the screen - the buffer area. Of course, let's show the better buffer. Let's put this on the table. We have a
973 graphic of the enhanced buffer which we have been able to increase from the 10 feet to 19 feet if we can
974 blow that up a little bit (referring to rendering). What you see along Eastridge Road is the enhanced buffer
975 area. At the top you will see a detail as to how that looks. We have basically the buffer area, we have a
976 sidewalk, a sidewalk within the right of way. We have 19 feet of area that is available for landscaping. We
977 have a decorative fence on the inside of that buffer, because then we have a retaining wall, because the
978 site is lower at this point, and so many rows of parking will be screened in terms of the screening wall. As
979 you come back, there is another row of landscaped islands providing further aesthetic enhancement as you
980 go back through the parking field. So, we spent a lot of time with staff working on how to try to get the
981 sidewalk in there and as much buffer as possible, as well as working with the grades of the site. We have
982 limited the height of parking lot lighting to the 20 feet and proffered that the lighting had to be directed to
983 minimize the glare on public roads and adjacent properties. We have agreed to screen mechanical
984 equipment. We have agreed to irrigate the landscape buffer along Eastridge Road. We have discussed our
985 plans with a variety of adjacent property owners. Some you will hear from in a moment. We have tried to
986 make this the best case possible. This request is consistent with your land use plan, and represents really
987 an excellent opportunity to do something significant on this site rather than to see it used for its current B-1
988 unrestricted uses or the current reused for a variety of uses. With that, I will be happy to answer any
989 questions that you might have.

990

991 Mr. Jernigan - Thank you, Mr. Theobald. Are there any questions for Mr. Theobald from the
992 Commission? Thank you, sir. Mr. Taylor. We have opposition.

993

994 Mr. Taylor - I think we should hear from the opposition, sir.

995

996 Mr. Axselle - Mr. Chairman and ladies and gentlemen of the Commission, my name is Bill
997 Axselle. Andy Condlin and I are working with LCL Properties, which are the Marchetti family, which owns

998 the Ridge Shopping Center to the rear of the rear area that is under proposal for rezoning tonight. Mr.
999 Theobald said that this is an opportunity for quality development. Those were his words. It is, and they've
1000 done a nice job along Eastridge Road. They have not done any type of protection and quality development
1001 as applies to the adjacent Ridge Shopping Center. Keep in mind that usually when you have commercial
1002 development, you have the rear of commercial and the rear of commercial facing each other. That is the
1003 way the zoning ordinance is usually contemplated and so forth. Here we have the situation, for those of
1004 you who are familiar with the Ridge Shopping Center, is that this Ridge Shopping Center was here long
1005 before Regal, long before any of this. And it had been built in two stages, the main part, which is where
1006 the Saxon Shoes is, and then later the part along the side, which faces towards the Ridge Shopping Center.
1007 Some of those go to a nice restaurant there called Jimney's, but there a lot of – seven or eight shops along
1008 there, and it faces right into the Regal Shopping Center property. Thus it will be facing right into the back of
1009 the Kroger Center. The objection is not the Kroger. The objection is not to the B-2 zoning classification.
1010 The objection is to the fact that they have not put forward what we think are the necessary and reasonable
1011 protection. And we met with them and Mr. Theobald has been very open in the discussion. We suggested
1012 to them four changes that we thought were appropriate. They ultimately said, "We will make those four
1013 changes."

1014
1015 They drew up a plan, a good plan, a plan we were agreeable to, but they said we will make those changes
1016 only if you will give us a permanent irrevocable easement. For 30 years now this property, these two
1017 properties have been developed and there has been a cross access agreement, but it is not permanent. It
1018 is not irrevocable. I think you will see in a moment that the four things we are requesting, and why we
1019 cannot give a permanent irrevocable easement are very understandable.

1020
1021 First off, as we mentioned, the building that is proposed is primarily brick. It has brick on three sides, but
1022 not on the back. It does not have brick in the rear, which is where the shopping center is located. One
1023 brick side faces the back of Westbury Pharmacy. They propose to put brick on that side, which faces just
1024 the back of another building, but do not propose to put brick facing our shops. If you go to the Kroger
1025 Center at Gayton Crossing, the rear is brick; if you go to Willow Lawn Kroger Center, the rear is brick. It
1026 should be required and we suggest they do brick here. As a matter of fact, and Mr. Theobald, knowing my
1027 good friend, he will get up here and tell you, "Well, the rear of the shopping center at Saxon's is not brick."
1028 And that is true. It was built long, long ago when there was nothing but woods behind it, but in 1970 or
1029 1971 when this part of the center we are concerned with was built, we had brick on the back of our center
1030 and it faces woods. We certainly think it is reasonable that we should have brick facing the center so our
1031 patrons will have the benefit of that.

1032
1033 The second thing that we requested was that the truck loading area in the rear be screened. Obviously, for
1034 a food store, you have to have trucks come in. They load, they unload, their produce, their supplies. This is
1035 natural. There is no problem with that, but we have asked that there be a designated truck area and that it
1036 be screened by a brick wall. They have indicated they cannot do that unless we give them the irrevocable
1037 permanent easement. If you go to Gayton Crossing Shopping Center and look at the Kroger Center there,
1038 there is a screening. If you go to Willow Lawn, there is a tall brick wall screening the trucks. We think the
1039 same should be done here. They have proffered that they will screen the mechanical equipment, they will
1040 screen the refuse containers. We think they should also proffer and they should also screen the trucks.

1041
1042 The third thing that we asked for that there be changes made so that by islands and the direction of traffic
1043 on the site the trucks would not be coming through the Ridge Shopping Center. They drew a plan up that
1044 you will see in a moment that did that, but they have not proffered it. And the reason is, for those of you
1045 who have been in the center, we obviously have a lot of pedestrians. We have a lot of automobiles, and we
1046 don't want tractor-trailers and other trucks coming through the center, and while that may not be their
1047 intent, that is what can be allowed under this zoning case. We want the truck traffic to be directed out to
1048 Three Chopt Road and we think that is only reasonable.

1049
1050 The fourth change that we asked for was some landscaping in the rear. They have done a nice job of

1051 landscaping in the front and we suggest they should do, not the same, but at least reasonable landscaping
1052 in the rear.

1053

1054 Now, let me hand to you, if I may, Mr. Archer, if you don't mind passing these out.

1055

1056 Mr. Archer - Sure, Mr. Axselle.

1057

1058 Mr. Axselle - This is a plan that was under discussion and what it does show, and you can't see
1059 it all from this, but it does show brick on the rear. It does show a designated parking area for the trucks.
1060 It does show, as you can see in the top left, it does show the tractor-trailer truck and it shows a brick wall
1061 screening that, and it does show that by virtue of the movement along the bottom of the document that the
1062 truck traffic would be directed to go out to Three Chopt Road, and that is very important. Those of you
1063 who have been in the Center, if someone wanted to leave the Kroger Center, they would go down to the
1064 current access, they would take a left, they would take a little right, and then they'd take a left and then
1065 right in front of Saxon's they'd take a right to go back on to Parham Road. It is not an easy movement, but
1066 is one that people can make. We don't think the trucks should be allowed to make that movement. We
1067 just do not believe it is reasonable for the applicant to request, and we do not believe it respectfully that it
1068 be reasonable for the County to approve or recommend for approval this case without these conditions.

1069

1070 All four requests, I believe, are reasonable. They are things you see in zoning cases every day that are not
1071 unreasonable. There is also the premise, and also the principle. Is this County going to say "We are going
1072 to allow an applicant to not do the things that you would normally require unless he can force us to give
1073 him a permanent irrevocable easement." I think that is wrong. Now what is the problem with a permanent
1074 irrevocable easement? First of all, that is not the way it has been for 30 years, but that doesn't mean it
1075 couldn't be for the future. Kroger has not been able to tell us how many vehicles are going to be coming in
1076 and out of the site. They have not been able to tell us how many vehicles will be coming off of our
1077 property, so we don't know. It really is an unknown. There is also the unknown as to how long Kroger will
1078 be there. Suppose it is another use later on. The Marchetti family is willing the access open, but the
1079 arrangement they have had with other adjacent neighbors is that it is open but either party can change it.
1080 We need to see the impact before we can make a permanent commitment to an easement, and I just think
1081 that it is inappropriate for this Board (sic) to consider this application without doing the things that you
1082 would normally do in a zoning case to protect an adjacent commercial property owner. Now the fact that
1083 this is an adjacent commercial property owner is no less significant than if it were a residential. There are
1084 people in either instance and I think that you recognize that requiring brick in the rear in this instance is not
1085 unreasonable, requiring that the truck traffic go out to Three Chopt by virtue of islands and so forth is not
1086 unreasonable. Likewise, the landscaping and likewise the screening of the trucks. That is all we ask. If the
1087 applicant chooses, as I believe he has, not to proffer those, we would suggest to you that the appropriate
1088 action would be to recommend this case for denial.

1089

1090 Mr. Chairman, I would be glad to respond to any questions that you or the Board members (sic) have.

1091

1092 Mr. Jernigan - Are there any questions for Mr. Axselle from the Commission?

1093

1094 Mr. Vanarsdall - Mr. Axselle, where do you think the trucks, would the trucks come off of Eastridge
1095 Road and come in or would they come down Three Chopt and come back in through there?

1096

1097 Mr. Axselle - I think that would be the normal way, but there would be nothing prohibiting a
1098 vehicle, a truck, if you will, coming from Parham Road to wind through the center or somebody wanting to
1099 leave and then just wind through the center, and I think you can understand, if you've been out there to
1100 Saxon Shoes, which I think everybody in Richmond has, you know putting the potential of truck traffic
1101 through there is not a reasonable mix of traffic.

1102

1103 Mr. Vanarsdall - Thank you.

1104
1105 Mr. Taylor - With the number of commercial facilities in there, what are trucks doing now?
1106
1107 Mr. Axelle - Well, the trucks that are there now are...
1108
1109 Mr. Taylor - I mean, what are the trucks serving Saxon's or the other facilities there, how do
1110 they service their clients?
1111
1112 Mr. Axelle - Some of them go out to Parham and a lot of them go out to Three Chopt by use of
1113 this access, because that is a clearer route, but these are smaller, if you will, trucks. They are not the big
1114 tractor-trailers you normally see with a food store.
1115
1116 Mr. Taylor - Are we defining the difference between trailer-trucks and other than trailer-trucks,
1117 or is that the demarcation?
1118
1119 Mr. Axelle - I don't think so.
1120
1121 Mr. Taylor - Or is it me and my carriage and my van?
1122
1123 Mr. Axelle - No, I think it has to do with the size and the mobility or lack of mobility of the
1124 truck, and so that is why, and I think it is not unreasonable. I think if you ask Kroger, they think the trucks
1125 are going to go out to Three Chopt. I think that is what their plan is. Why not make the islands, why not
1126 have the islands direct them out that way?
1127
1128 Mr. Taylor - But I want to go back to the trailer-trucks because if you make that curve too
1129 sharp the trailer trucks won't be able to negotiate it anyway, and my question is whether or not trailer-
1130 trucks are now going from Parham across the site pass Saxon's, and then out on Three Chopt, which to me,
1131 looking at this, and using that facility, natural entrances on Three Chopt coming in.
1132
1133 Mr. Axelle - My client advises that that is not the way they normally do it now. We are trying
1134 to make sure that is not the way it is used by this new user.
1135
1136 Mr. Taylor - Specifically, we don't have trailer trucks coming in on Parham and weaving their
1137 way through or vice versa. So you won't to, would it satisfy you if going through that narrow access
1138 between the two properties, we have made it clear that no trailer-trucks would go through there, or police it
1139 to the same extent we do, I guess, now, which allows the private use of vehicles, some small vans that
1140 service the facility, and I don't know if any of the 18-wheelers would use that.
1141
1142 Mr. Axelle - Mr. Taylor, your question probably prompts me to say, maybe by my emphasis of
1143 trying to get the truck onto Three Chopt Road I have over-emphasized that and under emphasized the fact
1144 that we don't know the number of cars that will be coming through the center. In other words, that is the
1145 real reason that we have not been able to agree to give them a permanent irrevocable easement. Kroger
1146 has not been able to tell us how many cars are going to be coming. The Regal Shopping Center, the access
1147 has worked pretty well, but that was an off hour, off peak hour use, nights and so forth. But Kroger will
1148 probably be different, and so we can't agree to a permanent unknown situation, and if they can't tell us and
1149 we don't know, and thus we cannot, that is why we could not agree to that condition, that they put on
1150 trying to do the brick and the other things. And again, that is nothing that the Planning Commission or the
1151 Board usually gets involved in enforcing easements back and forth.
1152
1153 Mr. Taylor - I understand that. We will let Mr. Theobald answer that question.
1154
1155 Mr. Archer - Mr. Axelle, you did mention a couple of times about this permanent and
1156 irrevocable easement and you indicate you have a problem with it because you don't know what the traffic

1157 count might be, so is that an indication that it might be something that is doable if you could later on
1158 quantify the traffic count, or is that just not doable at all?

1159
1160 Mr. Axselle - I think it would perhaps be doable if it could be quantified, but quite frankly, the
1161 best quantifier is the actual experience and use.

1162
1163 Mr. Archer - I understand it would have to be sometime in the future, after you are there. That
1164 is the only way you can tell.

1165
1166 Mr. Axselle - Yes, if we are there and the operations settle in and everything is settling fine, you
1167 know, that is perhaps something that could be explored at that time, but I think that we need to see the
1168 experience of what impact this will have on that shopping center.

1169
1170 Ms. Ware - Closing this easement will cut off contact between the shopping center and the
1171 grocery store, area. Will it also affect coming into the shopping center, into the grocery store from Three
1172 Chopt. That is that access road. Would that go straight on the Kroger property?

1173
1174 Mr. Axselle - Yes. That goes straight on the Kroger property, so the dispute, if you will, between
1175 the shopping center and the Ridge Shopping Center will not affect Three Chopt. The first part of your
1176 premise would, that is, if we closed that easement, it would not allow someone to go from the Ridge
1177 Shopping Center to Kroger and vice versa.

1178
1179 Ms. Ware - So you cut off shoppers going back and forth?

1180
1181 Mr. Axselle - That is not what we want. That is not our intent. But to say that we are going to
1182 forever and ever have that commitment when Kroger or no one else can tell us what the experience is
1183 going to be is just something we cannot do, and to say that we've got to do that in order to brick and
1184 landscaping, I just don't think that is consistent with what the County has done in the past.

1185
1186 Mr. Taylor - Mr. Axselle, let me, Commissioner, did you finish? Just go back to the trailer-
1187 trucks now. Do we know that, I mean, Saxon's Shoes, do they use trailer-trucks? Does anybody else in
1188 there use trailer-trucks? Do trailer-trucks ever now come to that break and then try to exit on Three Chopt?

1189
1190 Mr. Axselle - If I can ask Mr. Marchetti, maybe there is somebody here from Saxon's Shoes. I
1191 do not know the answer, Mr. Taylor.

1192
1193 Mr. Taylor - Because we may be trying to prevent something that doesn't exist.

1194
1195 Mr. Bobby Marchetti - My name is Bobby Marchetti. The majority of them are UPS trucks. They do have
1196 small 18-wheeler type trucks, but they enter from Parham Road and exit Parham Road.

1197
1198 Mr. Taylor - So it is really your belief, the way you are stating that, that if we continue the
1199 present trend, trailer-trucks would continue to service the stores in the front, half the Parham side of the
1200 shopping center by entering and exiting on Parham, and you would like to do likewise, with those that serve
1201 the Kroger store. In other words, if we could put a sign at that exit that said "No trailer trucks" it would
1202 seem to serve your needs as well as Kroger's needs. Is that correct?

1203
1204 Mr. Axselle - It would serve the need in the sense that it would be a legal prohibition. I think
1205 the best way would be to just have the island from where the truck leaves the Kroger in effect lead them
1206 out to Three Chopt. It has the same practical effect and the island-type arrangement that they drew in is a
1207 good plan. The plan they did in a response to what we requested is a good plan. They would just not do
1208 it, but the point again that I make is that it is not just tractor-trailers that we are worried about. It is just
1209 hundreds, thousands, we don't know how many cars it is going to be coming through there and until we

1210 have some experience, we just cannot make a permanent commitment, and we have never been required
1211 to do that before.

1212
1213 Mr. Taylor - Well, I must say that shopping center has frankly had a renaissance lately and it
1214 really looks great, and I think that is probably a lot of Mr. Marchetti's doing, and for that, sir, I congratulate
1215 you. I want that to continue, but, of course, with those good stores in there, you are going to get more
1216 traffic. If we put Kroger in there, people are maybe going to go from Kroger to your shopping center, and
1217 they are really not going to be well disposed to go all around the block seeking the right entry point. They
1218 just want to go from Kroger the nearest way, and I use that shopping center some, and I know with the
1219 path, if I want to go from one side to the other, I seek out the pass and go through there, and I think most
1220 drivers would like to go from let's say Saxon's over to Kroger's or from Kroger's to Saxon's, and I don't think
1221 we would want to inhibit that. I do not think we want trailer-trucks going through there, but occasionally
1222 we will get somebody from out of town and may not know our convention, and may not be able to find the
1223 hidden path, and I don't know what we could do for him, because he is just a lost out-of-towner who is not
1224 dealing with Richmond, shame on him.

1225
1226 Mr. Axelle - Let me go back to one point, and to get us back, the access and the traffic is
1227 important, but the question I asked you is it reasonable to put a brick side against the back wall of
1228 Westbury, but not put a brick rear facing the shops in the Ridge Shopping Center. Is it reasonable not to
1229 have the landscaping? Is it reasonable not to help direct the traffic? Is it reasonable not to have a shield
1230 for the trucks, much as they do in Willow Lawn or Gayton Crossing. I think that is really the zoning issue.

1231
1232 Mr. Taylor - I think you are right, Mr. Axelle, and I think what we should do here is hear from
1233 Mr. Theobald and see how he feels about it.

1234
1235 Mr. Jernigan - I have one question, Mr. Axelle. We are talking about cutting this right of way
1236 through or closing it, would that have an effect with fire and safety and fire and rescue for the County?

1237
1238 Mr. Axelle - When the shopping center had its plan of development approved, it was not part
1239 of the conditions, but I will tell you that was 30 or 40 years ago. It would be better to have the center
1240 access open for fire and safety. There is no question about it. But if it is going to allow a volume of traffic
1241 that ruins the viability of the center, then it is not worth it, and that is all we are asking, is to allow us as the
1242 owner of that property to determine the access and egress.

1243
1244 Mr. Marchetti - Mr. Axelle, I have one final point. The busiest time for Saxon's and all of my
1245 tenants is Easter, Thanksgiving, Christmas. That is the busiest time for Kroger's, and our fear is that our
1246 stop light can only handle a certain amount of traffic. If the traffic backs up during those peak times for
1247 Saxon's that will deter shoppers from coming to our center because there is a traffic jam, and we just don't
1248 know how much overflow we'll get from Kroger's cutting through at those busy times, also.

1249
1250 Mr. Axelle - Thank you very much.

1251
1252 Mr. Jernigan - Thank you, Mr. Axelle and Mr. Marchetti.

1253
1254 Mr. Marles - Mr. Theobald, you have four minutes and 44 seconds.

1255
1256 Mr. Theobald - Could we have the aerial of the plan. I think Mr. Axelle used the word that I think
1257 really is the key here, and that is reasonable, and we need to clarify a few issues. No. 1, staff has found
1258 the request as filed and proffered to be reasonable.

1259
1260 Secondly, the conceptual plan that has been proffered does include a screening wall. It has always had a
1261 screening wall. The loading dock is depressed; the trucks have always been fully screened, and there is
1262 landscaping out behind it to further break up the façade of that parking area. What you see here on this

1263 aerial (referring to rendering) is the issue. This is the Saxon's Shoes Shopping Center and this is Saxon's at
1264 the end and Marchetti has done a superlative job of doing a face lift over here, and it really does look nice.
1265 It is this row of shops that extends on behind that is issue. It is three few tenants at the end, I think,
1266 where the concern has risen, and, frankly, these tenants looked down the back of the Saxon's Shoe
1267 Shopping Center, which is painted block. Their dumpsters are not screened and there is very little
1268 landscaping. So, their view is of this currently. Now, we never suggested anything other than an integral
1269 color split-face block on the back and on the screening wall, and landscaping back in there. In fact, when
1270 we met with Mr. Marchetti he asked that we not do too severe landscaping on the property line so people
1271 from our site could see his site, and that was fine, and we did, we set out to never, ever negatively impact
1272 this center. He asked for certain enhancements that we spent a lot of time and money and effort
1273 preparing, and you saw those...the plan was on the table. Has that disappeared? I've got another one
1274 here. With that plan (referring to rendering) what they asked us to consider was instead of split-faced block
1275 doing brick, and changing the island configuration a bit and adding more landscaping, and we were happy
1276 to do that. We asked for but one thing in return, and that was to memorialize on a permanent basis this
1277 access point. Has the pen died over here somewhere? The access point that connects the two that you
1278 can see down there as you look over here to the right. The practical aspect is that you can't get a tractor-
1279 trailer through that opening today. It is not physically possible. A big truck can't go through there because
1280 of the parking isles, and that has never been a problem. What you see in this plan is, we have a
1281 designated truck pass through to handle the loading, and we have extended the island out into the
1282 telescoped area, so that even if they could physically go that way they can't possibly make that turn, and
1283 then landscaping and then a two-lane pass-through lane for vehicles result. What we saw all along is the
1284 back is going to look fine. We are willing to make it look exactly the way you want it to look, Mr. Marchetti,
1285 but there is one thing we want. Please memorialize on a permanent basis that cross access point. In terms
1286 of the amount of traffic, we don't know how much traffic comes from Saxon's, and what we know about
1287 Kroger is we know they are busiest. They are busy at night from 5 to 7:00 p.m. and they are busy on
1288 weekends from midmorning to mid-afternoon, but think about where our customers are going to come
1289 from. They are going to come from the south and they are going to come from the east. They are not
1290 going to come from the west, because there is a Kroger Store at Gayton Crossing. Most of this traffic is
1291 going to go back out Eastridge Road or it is going to go to Three Chopt. If you ever been to Saxon's Shoe
1292 Shopping Center, it is very difficult to get on that exit road out to the light. You never know exactly where
1293 you are, and so the people that might go from Kroger to the Marchetti property, those people who are
1294 going to want to shop there, we really don't think the traffic is going to be that significant, but we think it is
1295 a huge benefit to the citizens of Henrico to be able to do that without having to go back out onto the public
1296 roads and go all the way around and back in, so I want to assure you that whatever happens in the back
1297 will be well screened, will be well landscaped, has been found to be reasonable by your staff after many
1298 reiterations of this plan, and I'd be delighted to proffer this plan. I just ask for one consideration and that is
1299 please don't ever close off that access because we think it is convenient for everybody involved. That is
1300 really the issue.

1301
1302 Mr. Taylor - Right on the buzzer. Very good, Mr. Theobald. When you talk about the plan that
1303 you are proffering, is that this plan that you handed out? Can you see it?

1304
1305 Mr. Theobald - No, I can't tell which plan it is.

1306
1307 Mr. Taylor - This is the one, I believe, that Mr. Axelle, I believe, passed around.

1308
1309 Mr. Theobald - This is simply brick versus integral-colored split-face block on the back and this
1310 shows an elongated island for the truck pass by and some additional landscaping. That is the one that we
1311 are prepared to proffer if we are assured of having unimpeded access, and the difference between the two
1312 plans is simply brick versus integral-colored split-face block on the back and this shows an elongated island
1313 for the truck pass-by and some additional landscaping. We haven't even gotten the landscape plan. We
1314 went to some effort to try to make sure that we could meet what they had asked us to do, but we had
1315 asked for one thing and we don't think that is unreasonable, particularly in light of what we're looking at in

1316 terms of the back of this access, and we haven't asked them to brick up their back. We have not asked
1317 them to screen their dumpsters. We haven't asked them to do additional plantings. We haven't asked them
1318 to build a screening wall. It looks OK back there. They keep it clean. It is just reasonable; reasonable is a
1319 two-way street. Quality development is a two-way street, so you are going to get a quality development
1320 here and staff has found that to be reasonable, and I'd be delighted to proffer this plan. I'd just like to
1321 know that the citizens would always be able to use that at that point.
1322

1323 Mr. Taylor - Well, I think that is a reasonable request in terms of knowing, because I know that
1324 between Three Chopt Road and Parham, having used it, and knowing some of the other Commissioners
1325 have used this, that is a very important area, and I think all of us have come to realize that one of the most
1326 straightforward ways into that shopping center is to go along Three Chopt and use that access into the
1327 Saxon area.
1328

1329 Mr. Theobald - Well, if there isn't any irrevocable cross-access easement, then either party can
1330 block it off at will at any point legally, and we would each have the ability to do that. I am not sure why we
1331 would. I can't for the life of me imagine that the tenants on Mr. Marchetti's property would, yet we spend a
1332 gazillion dollars trying to bring cars to a shopping center for the benefit of the people that have stores
1333 there, so I really think it is going to be a benefit, and whether or not this plan gets proffered, the back is
1334 going to be quality. It is going to be protective and respectful of his property, and if we can't have a
1335 permanent easement, then I guess we will all wait to see what happens.
1336

1337 Mr. Taylor - So, let me get this straight. If you get a proposal for a permanent easement, you
1338 will proffer the plan?
1339

1340 Mr. Theobald - Yes, and keep in mind this is really not the Planning Commission's burden to get
1341 into this issue. We have met County standards and we are prepared to do a quality job in the back
1342 regardless. We have added some way over and above enhancements on this if we are able to get this,
1343 what I believe is a very reasonable request, and we have agreed to disagree on the reasonableness of that
1344 request apparently.
1345

1346 Mr. Taylor - How about will you agree to a...

1347
1348 Mr. Theobald - I have made my position clear and I think gone the extra mile to provide
1349 something that I know that they like, and...
1350

1351 Mr. Taylor - Well, I think you are saying that you will meet, Mr. Axelle gave us four conditions
1352 which I wrote down as brick on the back of the building, truck loading area screened, islands not going
1353 through the shopping center, and rear landscaping.
1354

1355 Mr. Theobald - Yes, sir. And that is what this plan says.
1356

1357 Mr. Taylor - And you say you are prepared to do all of those. He said if you did all of those
1358 he'd provide you with an irrevocable permanent easement.
1359

1360 Mr. Theobald - No. He said he would not provide me with that easement. He said he would not
1361 oppose my case.
1362

1363 Mr. Taylor - He would not oppose your case.
1364

1365 Mr. Theobald - This is a great opportunity for this site. Look at what is out there now. You don't
1366 want to see that thing used as it is now.
1367

1368 Mr. Taylor - The question that I have is how in the future do we assure that the two parties are

1369 going to agree?
1370
1371 Mr. Theobald - Well, what I would suggest you do...
1372
1373 Mr. Taylor - Well I am talking to two lawyers here, so we should be able to come up with an
1374 answer.
1375
1376 Mr. Theobald - And two lawyers who have always found a way to work things out in the past, I
1377 might add, but keep in mind what we are asking you to do is to respectfully recommend approval to the
1378 Board of Supervisors. We still have to go through POD where the same issues are going to be presented,
1379 but again, it has always been screened, it has always been a masonry wall up there. The trucks have
1380 always been screened. There has always been landscaping back there, and I assure you that there is
1381 absolutely no effort to denigrate the view of that hill of Mr. Marchetti's shops. It was never intended. It
1382 was never planned that way and it was never drawn that way.
1383
1384 Mr. Taylor - Now let me get this straight. I am standing between two lawyers, one
1385 commissioner, and I've got to make a motion, between the two of you and what I am going to do is make
1386 the motion that we approve Case C-2C-03 and present it to the Board of Supervisors.
1387
1388 Mr. Jernigan - We have a motion by Mr. Taylor. Do we have a second? We don't have a second.
1389
1390 Mr. Taylor - We don't have a second to approve the case.
1391
1392 Mr. Jernigan - Would you guys like to step out into the hall and discuss this for about five
1393 minutes?
1394
1395 Mr. Taylor - Mr. Chairman, I recommend we take a five-minute break.
1396
1397 Mr. Archer - Mr. Chairman, before we do, can I ask one question, please. It is sort of amusing
1398 seeing these two friendly attorneys trying to define reasonable.
1399
1400 Mr. Taylor - Try standing between the two of them when you are doing that.
1401
1402 Mr. Archer - No. I like both of them too much, but Mr. Theobald, is there any easement
1403 arrangement that could be made that would use terminology other than permanent and irrevocable that
1404 would work? It seems to me like that is the sticking point that is holding everything else up and I am just
1405 trying to figure out, is there another way to say that other than saying permanent and irrevocable, at least
1406 for the time being until, Mr. Axselle indicated that they would like to quantify what the traffic effect would
1407 be, and they can't do that until it is actually up and running to see. Is there a way to do it? I don't know. I
1408 am not an attorney.
1409
1410 Mr. Theobald - Well, you know, I am not a Traffic Consultant either, but typically we look at levels
1411 of service and things like that. I am not sure that is applicable within a shopping center, plus you can't
1412 really ever tell whether a car is coming from Three Chopt to go to Mr. Marchetti's center bypassing Kroger's.
1413
1414 Mr. Archer - I can understand why you want it to be permanent and irrevocable, and that is
1415 what Mr. Axselle doesn't want, and I am trying to figure a way...
1416
1417 Mr. Theobald - I am also saying I am happy to live without that and go with the plan that we
1418 have, which is a good plan and...
1419
1420 Mr. Archer - And I won't disagree with that, but what I am saying is since this seems to be the
1421 sticking point, is there another way to word that so that both of you could live with it and...

1422
1423 Mr. Theobald - I am afraid, I don't know how. We are happy to live with it forever. I think they
1424 want to reserve the right to on a given date decide it is too much and then terminate it.
1425
1426 Mr. Archer - And I understand that because permanent and irrevocable is forever.
1427
1428 Mr. Theobald - Well, except that most jurisdictions promote internal circulation among commercial
1429 properties, and I think that staff has consistently suggested that this is a place where it should be
1430 encouraged as well. I mean, why not? So I think you've got to separate the two issues. Are you going to
1431 get a quality development whether or not there is an easement? Yes. Would you get an enhanced product
1432 in the rear? Yes. And we want to make sure that for the convenience of Henrico County citizens his
1433 customers and ours would continue to do that. People use that every hour of the day.
1434
1435 Mr. Archer - Just trying to be helpful.
1436
1437 Mr. Jernigan - Mr. Archer, how about, this is just thinking around now. Maybe after the
1438 construction of the Kroger that would maybe be like a one-year moratorium to give it a chance to see how
1439 it works before any action was taken, and that would give both parties a year to see what is going on and
1440 whether there is a need to shut it down or just leave it open. Would you be acceptable to something like
1441 that, Bill?
1442
1443 Mr. Vanarsdall - Mr. Chairman, I suggested that to Mr. Condlin this afternoon on the telephone for
1444 what it is worth.
1445
1446 Mr. Axselle - Mr. Jernigan, the way I understand the concept would be that there would be a
1447 point of access/egress as it is today, and that after a year the parties could reevaluate, and could determine
1448 whether they wanted to continue that. We would do that. The problem we've got is that, and this Mr.
1449 Theobald's fault, we are asking them to commit to the known, the brick, a certain thing. They are asking us
1450 to commit to an unknown, and that is why we have, sort of, our reluctance.
1451
1452 Mr. Jernigan - Mr. Theobald is ready to commit on his side.
1453
1454 Mr. Vanarsdall - I think he could find that brick if you commit to that.
1455
1456 Mr. Axselle - We could commit to the arrangement that Mr. Jernigan said, as I understood it,
1457 having a period of time and then we'll see and reevaluate it as to whether that relationship continues on a
1458 permanent irrevocable basis.
1459
1460 Mr. Archer - Well, Mr. Axselle, wouldn't it also be a disadvantage to your side to have this
1461 easement not open? Of course, you control it because it is yours, though. Right.
1462
1463 Mr. Axselle - It could be an advantage or it could be a disadvantage. It just depends, quite
1464 frankly, on the unknown, as to how much traffic, at what time, is going to be coming through there. Jim
1465 and I have talked and it could be an enhancement by bringing people into our center.
1466
1467 Mr. Archer - That is kind of the way I was looking at it.
1468
1469 Mr. Axselle - And it could be a disadvantage to bring so many people in there that people say,
1470 "I am not going over to Ridge Shopping Center, because I can't move around in the parking lot." It is not
1471 the best situation right now as far as the internal traffic flow, but this approach, Mr. Jernigan, perhaps has
1472 merit because it gives us a chance to then access, based on the known, if you will.
1473
1474 Mr. Jernigan - And also the other tenants that's in the existing shopping center now. I am not

1475 sure that they want to shut that down because those are dollars flying back and forth through that
1476 easement.
1477
1478 Mr. Axelle - I think there are a couple here tonight who have the same reservations and would
1479 like to see the known rather than the unknown. But we can deal with that later.
1480
1481 Mr. Theobald - I am not sure I understand that your proposal is being any different than what
1482 exists today. Are you saying that for some period of time they would not be able to close?
1483
1484 Mr. Jernigan - No. I am saying that after the opening of the Kroger – the opening day – that one
1485 year from that date you would do a reassessment as to see the traffic, if the traffic is a hindrance.
1486
1487 Mr. Theobald - And who decides?
1488
1489 Mr. Jernigan - It would have to be between you all. We can't decide that.
1490
1491 Mr. Theobald - But at that point I have already proffered the plan...
1492
1493 Mr. Jernigan - Between two lawyers.
1494
1495 Mr. Theobald - Yes, I have proffered the plan and basically they have accomplished their purpose.
1496 They have got the enhanced rear of the store and they still have full control over closing the access, so
1497 what have I gained?
1498
1499 Mr. Archer - Well, I think you were asking, Mr. Theobald, what that means is for a year they
1500 would not be able to close it. That is the only advantage to you at this point, I suppose.
1501
1502 Mr. Theobald - And I am not sure that is long enough.
1503
1504 Mr. Jernigan - Well, if they do close it then you will probably have so many complaints from the
1505 customers that...
1506
1507 Mr. Theobald - I can't imagine, it makes no sense to me.
1508
1509 Mr. Jernigan - I think whether it be a year, whether it be 18 months, it would give the traffic
1510 pattern a time to congeal and everybody would get used to going through there and you would see how it
1511 works.
1512
1513 Mr. Theobald - I am not sure that what that situation is isn't today's situation, where we have a
1514 license agreement, which is revocable by either party, and so at the end of a year or two, then they can still
1515 close it whenever they want.
1516
1517 Mr. Jernigan - Yes, they could.
1518
1519 Mr. Theobald - So, I am where I am today. So I haven't advanced anything. I mean, I am not
1520 sure what really bothers you about the proposal as proffered, other than somebody who has asked for
1521 additional enhancements that go beyond what they have provided in the back of their center.
1522
1523 Mr. Glover - What bothers me, Mr. Theobald, is you are holding up without a gun. You are
1524 asking somebody to give you something that is irrevocable, and I haven't said anything, but I think that is
1525 going a bit far with one business person to another, the fact that Kroger's is out of Nashville or Atlanta or
1526 somewhere like that, it is almost impossible to come back to Kroger's at some point in time and reason with
1527 them. I have dealt with Kroger's for many, many years in a different capacity, but I think when you are

1528 asking for irrevocable access to my property, you are asking for more than you have a right to ask for.
1529
1530 Mr. Theobald - It is not uncommon among commercial centers.
1531
1532 Mr. Glover - I realize that, but in this particular case I think you are asking for more than what
1533 is reasonable.
1534
1535 Mr. Jernigan - Well, I tell you what. Mr. Taylor suggested that we take a five-minute recess, and
1536 it is probably close to that time.
1537
1538 Mr. Vanarsdall - Mr. Chairman, you have a motion on the floor. You have to get rid of the motion.
1539 You can't just get up and take a break.
1540
1541 Mr. Taylor - There is no second to the motion.
1542
1543 Mr. Jernigan - Well, you will have to withdraw the motion and then we will take a five-minute
1544 break.
1545
1546 Mr. Glover - I thought when you got no second it was a denial of that particular motion, and
1547 then someone else can make a motion.
1548
1549 Mr. Marlles - The motion dies for lack of a second.
1550
1551 Mr. Glover - It dies for lack of a second. And the next person makes a motion if they care to.
1552
1553 Mr. Jernigan - OK. It is 8:27 p.m. We are going to take a 10-minute break.
1554
1555 **THE COMMISSION CONVENED AT THIS TIME FOR A 10-MINUTE BREAK.**
1556
1557 **THE COMMISSION RECONVENED.**
1558
1559 Mr. Jernigan - All right, ladies and gentlemen, I'd like to call the meeting to order. It is 8:44.
1560 The Commission with staff has been deliberating over Robert's Rules of Order, which is the way some
1561 things have to be done, and I am not going into detail about it, but we have got it worked out. This case
1562 came to us or better still, Mr. Taylor, do you want to withdraw your motion?
1563
1564 Mr. Taylor - Mr. Chairman, in view of what has transpired, I move to withdraw my previous
1565 motion.
1566
1567 Mr. Jernigan - OK. Ms. Ware.
1568
1569 Ms. Ware - OK, then I will make a motion that Case C-2C-03 be approved to the Board of
1570 Supervisors with a recommendation of approval.
1571
1572 Mr. Archer - Second, Mr. Chairman.
1573
1574 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Archer to approve Case C-2C-
1575 03. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.
1576
1577 The Planning Commission approved recommendation of approval of Case C-2C-03, James W. Theobald for
1578 James Barden, to the Board of Supervisors.
1579
1580 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Archer, the Planning Commission voted 5-0

1581 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is appropriate
1582 business zoning in this area and improves the aesthetics of an existing commercial area.
1583

1584 Mr. Jernigan - I want to explain to the people in the audience so you will understand a little bit
1585 more. When this case came to us, this case was endorsed by staff because it met all of the qualifications,
1586 the building and everything. And what happened here was that there was a discrepancy between the two
1587 parties on this right of way through the shopping center. As we sat and talked about it, if this case had
1588 come up without any discussion on this right of way it would have been passed because it meets all of the
1589 criteria and it has staff approval, and that is the reason it is being approved. The right of way will have to
1590 be worked out between the two parties, and the County has no jurisdiction over that. So the motion is
1591 passed.
1592

1593 Mr. Archer - Excuse me. Before we go on, there is a Scout Troop here tonight that has been
1594 sitting here, and I know they've gotten a good lesson in civics tonight, and I just thought we'd like to
1595 introduce them.
1596

1597 Mr. Jernigan - Would you like to introduce your Scouts?
1598

1599 Ms. Daniel - I am Cindy Daniel, Assistant Scout Master for Troop 751, Greenwood United
1600 Methodist, and I have two of my Scouts here tonight, and two are observing. They are working on their
1601 communications merit badges. This is Allen Daniel and Brandon Luther.
1602

1603 Mr. Jernigan - Thank you. You picked a premiere night for it, too. They didn't fall asleep on that
1604 one, did they?
1605

1606 **C-3C-03 Gloria L. Freye for Webb L. Tyler & G. Edmond Massie, IV:** Request to
1607 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and C-
1608 1 Conservation District, Parcels 744-765-2664, 744-765-0530, 743-764-8795 and 744-765-4795, containing
1609 20.8 acres (R-3C - 8.8 acres; C-1 - 12.0 acres) located along the east line of I-295 and adjoining the west
1610 line of McDonald's Small Farms subdivision approximately 1,800 feet north of I-64. A single-family
1611 residential subdivision is proposed. The applicant proffers a density not to exceed 2.2 units per acre
1612 defined in this case and rezoning cases C-74C-02, C-2C-01 and C-77C-99 in the aggregate. The R-3 District
1613 allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1,
1614 1.0 to 2.4 units net density per acre, and Environmental Protection Area.
1615

1616 Mr. Marlles - The staff report will be given by Mr. Paul Gidley.
1617

1618 Mr. Jernigan - Is there any opposition to Zoning Case C-3C-03? We have no opposition. Mr.
1619 Gidley, you may proceed.
1620

1621 Mr. Gidley - Thank you, Mr. Chairman, Mr. Secretary and members of the Planning
1622 Commission.
1623

1624 This case is C-3C-03, a request to rezone 20.8 acres of land from A-1 to R-3C and C-1. The subject
1625 property is located in the northern part of the McDonalds Small Farm subdivision, just east of Interstate
1626 295.
1627

1628 The applicant has submitted new proffers since the staff report went out, which you should now have
1629 copies of.
1630

1631 The original proffers promised several features. These included:
1632

- 1633 • Minimum home sizes of 2,000 square feet

- 1634 • Chimneys and foundations of brick or stone
- 1635 • 2 car garages, half of those being side or rear entry
- 1636 • A minimum of two trees in each front yard
- 1637 • Those lots adjacent to C-1 property, would contain an average minimum of 12,500 square feet.
- 1638 However, this would not apply to the remaining lots.

1639 The latest revisions have added the following improvements, including:

- 1641 • Standard curb and gutter
- 1642 • Sound proofing for homes within 300 feet of the Interstate 295 right of way
- 1644 • And 33% of homes will have brick fronts or partially brick fronts, though partially is not defined in the proffers

1646 Even with these new proffers, there is still one significant outstanding issue, which staff has maintained throughout this case, and that is the requested density or lot yield.

1649 The County's Land Use Plan designates this area as SR-1 or 1-2.4 units net density per acre, which at its highest end coincides with our R-2 zoning district.

1652 The developer's request is for R-3, which is two zones more intense than the maximum recommended by our Land Use Plan. This R-3 designation allows for a potential 60% increase in the recommended density above that permitted in the R-2 District.

1656 I call your attention to proffer No. 3 which deals with density. Due to the way this is worded, staff does not believe it accomplishes the goal of limiting density to that recommended in our Land Use Plan. If the developer wishes to bring this case into compliance with the Plan, staff would recommend this proffer be changed to read and I quote, "The number of units constructed on this parcel, excluding floodplain, shall not exceed 2.2 per acre." This would clarify the density proffer, by not calculating density in the aggregate with previous cases. It would also go a long way toward addressing staff's concerns.

1663 Related to density is the issue of lot size. If developed properly, larger lot sizes can make for a more attractive community by providing added privacy, open areas, and by allowing for greater flexibility in home design. It also helps residents avoid setback conflicts when they are considering future additions. Staff considers this preferable to placing large homes on quarter acre lots.

1669 The lot size notwithstanding, staff's key concern has been and remains that of density or lot yield. If this application were to be amended to a more reasonable zoning category and density, staff's position could possibly change.

1672 I thank you and if there are any questions I can answer.

1674 Mr. Jernigan - Are there any questions for Mr. Gidley from the Commission? Thank you, Mr. Gidley.

1677 Mr. Gidley - Thank you, Mr. Chairman.

1679 Mr. Jernigan - Mr. Taylor, would you like to hear from the applicant?

1681 Mr. Taylor - Indeed I would, Mr. Chairman.

1683 Ms. Freye - Good evening Mr. Chairman and members of the Commission, my name is Gloria Freye. I am an attorney here on behalf of Webb Tyler and Ed Massie, both of whom are also here this evening. This case is really a follow-up to the case that you all heard and recommended approval on at

1687 your December hearing. This case would add land to the property that was proposed to be developed in
1688 that December case as the proposed extension of the Sadler Grove Subdivision. The land in the case
1689 before you this evening is actually, the majority of it is being asked to be rezoned to C-1, 12 acres to C-1
1690 Conservation and the other 8.8 for the R-3C zoning. In December when we talked about this case, the
1691 companion case, we noted that there were several development challenges that were going to face the
1692 developer in expanding the Sadler Grove Subdivision into this area, primarily the fact that public water and
1693 sewer is not available here. In addition, this land brings its own challenges with it because of the 12 acres
1694 that are constituting the environmental protection area, the fact that it is adjacent to the Interstate makes it
1695 much less marketable, and then the fact that we've got a 50-foot gas pipeline easement that runs on the
1696 southern perimeter of this property. So, you add all of that together and you do have some challenges
1697 here. As Mr. Gidley explained the proffers in this case, a sister case to the one you heard in December are
1698 actually improved. As he relayed to you, the other thing that we did change in the proffers is that the
1699 phasing, because of concerns about Sadler Road improvements, and the previous case that you heard, the
1700 phasing was worded so that no building permit could be approved until after January, 2004, and we have
1701 followed staff's recommendation that that should be reworded to say that you cannot apply for that, for a
1702 building permit before January, 2004. The other issue that staff has raised in this case is their concern
1703 about R-3 density. The proffers in this case do address that concern, the density for the Sadler Grove
1704 Subdivision and the recent cases that you all have approved is being held to the 2.2 standard. At 2.2, the
1705 density is in the R-2 range. It is also within the Land Use Plan, SRI recommendation from 1 to 2.4.

1706
1707 To put this case in context, it is actually the 6th zoning case for the developer in this area. The first case
1708 was in 1999, and that case started with an R-3A zoning category, with a density of 2.91. The next case
1709 went to a category of R-3A and R-3, with a density of 2.58. The next case was all R-3 and the subsequent
1710 cases are R-3 and the densities have gone down from 2.58 to 2.43 and now down to 2.2, where we have
1711 committed to hold the Sadler Grove expansion to the 2.2 level. The R-3 designation does not present a
1712 problem in this case because the proffers will control the development. The proffers will require the 2.2
1713 density, which is in the R-2 range as I said. The proffers do require 85-foot wide lots, which is actually in a
1714 range of R-2A, and the proffers require house sizes of a minimum of 2,000 square feet, which is actually in
1715 the R-0 range. So, this case, with the proffers that are being submitted and considered as part of the case
1716 and that will control the development, you end up with development that is within the standards of R-0, R-
1717 2A and R-2. There is considerable risk for the developer in taking on the challenge of extending the Sadler
1718 Grove Subdivision into this area, not only because of the lack of infrastructure and the other challenges of
1719 where it is located, but also because the area as McDonald's Small Farms has developed is a somewhat
1720 troubled area. It is a unique piece of property, this area. It was platted in the 1940s but it was never
1721 rezoned. It does have large lots, but the large lots have not resulted in quality development or high value
1722 properties. As I said, there is no public water and sewer. There are property owners in that development
1723 who have actually experienced well failures and drainfield failures. There is a wide range of house values
1724 that you will find in this area. There are some nice homes, but there are also homes that are mobile homes
1725 and block homes that tend to depress the value of the nicer homes.

1726
1727 The County is not really in a position to step in and solve the problem of McDonald's Small Farms, but you
1728 have a developer here who has a vision of transforming it and taking this area and bringing it up to today's
1729 higher standards by expanding the Sadler Grove Subdivision into this area. That expansion will bring
1730 homes consistently in the value of \$325,000 to \$400,000. To take this risk, the developer does need the R-
1731 3 designation to get the best lot yield that he can, still being governed and controlled by the 2.2 density
1732 proffer so that he can offset the high cost of acquiring this land, part of it that has been developed, the high
1733 cost of providing utilities and the high cost that the proffers will demand for the high quality that is being
1734 proffered.

1735
1736 For these reasons, we request that you recommend approval of this case as proffered and treat this case
1737 similarly as its sister case that you heard in December. We will be glad to respond to questions.
1738

1739 Mr. Jernigan - Thank you. Are there any questions for Ms. Freye from the Commission? Thank
1740 you, Ms. Freye. Mr. Taylor. We didn't have any opposition.

1741
1742 Mr. Taylor - I know and I want to say those comments by Ms. Freye to say this really is, Mr.
1743 Chairman, a very challenging redevelopment case. As Ms. Freye said, this is the 6th case in a series that
1744 started out in 1985, I believe, and has step by step, piece by piece, proceeded with a complete renovation
1745 of that area along Sadler Road. It has been a complex and very troubled parcel over the period, and it has
1746 been a considerable risk to the applicant, who has really exhibited in my view, considerable skill in
1747 surmounting the environmental cleanup and some of the environmental risks he has undertaken,
1748 particularly with regard to materials that were simply dumped there over the years, used cars, machinery,
1749 trucks and all kinds of other things, and sometimes I shudder when I think if we dig deeper what we might
1750 find, but so far we haven't come up with Jimmy Hoffa. But in fairness to the developer, it has been a very
1751 complicated project and at a very considerable risk, as Ms. Freye said. The site had to be acquired from
1752 many owners over almost a century of existence, and some of the deeds went all the way back to the
1753 1800s requiring great legal effort to find out just who owns it and who lived on it during that period. The
1754 site had to be cleared of debris, junk, old septic systems, wells were capped, trash was removed, buildings
1755 were removed. It was an undertaking. In that site there is no or very limited public utilities, particularly if
1756 you scroll back to the early 1900s. It was really very primitive in there, and they had old septic systems,
1757 wells, basically there were no public utilities, no sewer and water. Power was sketchy at best and the roads,
1758 once you got off of Sadler Road, the road virtually just went in and then disappeared through a group of
1759 trees, and I would say if it was ever platted, it was probably platted in the pre-war period and it wasn't a
1760 very quality job. Now, complicating all of those factors, it is in a sensitive flood plain area that had to be
1761 crossed by Route 295, and it had areas where there were culverts going under 95. There were wetlands
1762 and all of this had to be considered in the redevelopment. Besides that, there is a 50-foot wide pipeline
1763 area that cuts right across the site, which complicates site use and platting. And, of course, it is close to
1764 the interstate. Now, with all of this, I think that the developer, Mr. Tyler and Mr. Massie, have done really a
1765 masterful job in arising to a lot of individual challenges that a developer doesn't necessarily face. Usually
1766 developers look for a piece of land that they can do the same thing over and over and over and everyday
1767 isn't a new challenge and insight, and this particular one that was exactly the case. Every day brought on
1768 new challenges, new risks, new costs, and I think all of these have been met very professionally and
1769 anybody that goes into that area today along Sadler Road, that went in there 10 years ago, or 15 years
1770 ago, when I first went in there, they will notice a complete renaissance. And I think that is a great credit to
1771 the developers that have undertaken this very risky procedure. As I say, it is also close to the interstate,
1772 which poses its own problems, but with all of the work that has gone on, basically the density has been 2.3,
1773 2.58, 2.9 and overall I think that with, and that is going to be 2.2 acres, they are sticking with 2,000 square
1774 foot houses, lots that are 85 feet wide, and this is very similar to Case C-74C-02, which we handled a few
1775 months ago. And I feel that it should be handled in conjunction with Case C-74C-02 because it is
1776 complicated, and I think we can pass it on to the Board of Supervisors, many of whom have sat here
1777 through the past cases and can judge the intensity of the effort and the intensity of the requirements that
1778 the developer has done. So, with that I move approval of Case C-3C-03 for referral to the Board of
1779 Supervisors.

1780
1781 Mr. Jernigan - Second. We have a motion by Mr. Taylor and a second by Mr. Jernigan. All in
1782 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1783
1784 The Planning Commission approved recommendation of approval of Case C-3C-03, Gloria L. Freye for Webb
1785 L. Tyler & G. Edmond Massie, IV, to the Board of Supervisors.

1786
1787 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning Commission voted 5-
1788 0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would permit
1789 development of the land for residential use in an appropriate and consistent manner.

1790

1791 **P-3-03 Dean E. Hawkins, ASLA:** Request for a provisional use permit under Sections 24-58.2.d and 24-
1792 122.1 of Chapter 24 of the County Code in order to allow an outside dining area at Garland's Way
1793 Restaurant, on part of Parcel 746-772-0397, containing approximately 1,265 square feet, located on the
1794 north line of Twin Hickory Road approximately 230 feet west of Nuckols Road (Twin Hickory Town Center-
1795 Phase 1). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends
1796 Commercial Concentration.

1797
1798 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

1799
1800 Mr. Jernigan - Is there any opposition to P-3-03, Dean E. Hawkins, ASLA? Comments? We will
1801 say that is opposition and give you a chance to speak. Thank you. All right, Mr. Bittner. You may proceed.

1802
1803 Mr. Bittner - Thank you, Mr. Chairman.

1804
1805 The site is at the southern side of the main Twin Hickory Town Center commercial building adjacent to the
1806 restaurant in question. The proposed outdoor dining area would remove six existing parking spaces
1807 adjacent to the restaurant.

1808
1809 This request is consistent with the 2010 Land Use Plan designation of Commercial Concentration. However,
1810 the site is also adjacent to the Avery Green Subdivision to the southwest as shown in this photograph
1811 (referring to photograph). Great care should be taken to insure this outdoor dining area does not
1812 negatively impact this residential area. To accomplish this, staff has recommended several conditions for
1813 this provisional use permit, including:

- 1814
1815 - Prohibiting use of the outdoor dining area past the hour of 10:00 p.m.
1816 - Prohibiting outside amplified music performances; and
1817 - Prohibiting outside speaker or sound systems.

1818
1819 The applicant had indicated he would prefer a closing time of 12:00 midnight. The applicant had also
1820 expressed a desire to install a speaker system to allow outside diners to hear the same background music
1821 that inside diners would hear. However, the applicant has indicated tonight that he is in agreement with all
1822 of the conditions recommended in the staff report.

1823
1824 That concludes my presentation, and I would be happy to answer any questions you may have.

1825
1826 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?

1827
1828 Mr. Taylor - Mr. Bittner, do we have any concrete plans as to how the dining area will be
1829 utilized and developed outside the skin of the building? The diagram that we have just seems to cross-
1830 hatch the area where the outdoor patio would go.

1831
1832 Mr. Bittner - There are some details on this plan, however, it has not been fully fleshed out. I
1833 know the applicant is still working on it.

1834
1835 Mr. Taylor - Do we know what the size will be?

1836
1837 Mr. Bittner - Twelve hundred and sixty-five square feet, and the applicant is proposing 50 seats,
1838 I believe.

1839
1840 Mr. Taylor - Now on this drawing, do you know, have you scaled off the area of that to see if it
1841 could handle 50 seats?

1842

1843 Mr. Bittner - No. I do think from looking at this drawing that 50 is probably about the max. I
1844 imagine that there is a good chance there will be less than 50 seats ultimately in that area.
1845
1846 Mr. Taylor - And one of the other concerns that has been expressed is that the, from the traffic
1847 people...is anybody from Traffic here tonight?
1848
1849 Mr. Bittner - I don't believe so.
1850
1851 Mr. Taylor - I had asked them to look at this, and their concern is that with this entrance
1852 feature, this is down a hill I believe...on the entrance. I don't know if we have got the contours there. But
1853 as you look at that, it goes down the hill. You are looking down hill, and I would guess that is about a 10
1854 degree grade, maybe more. And then it sweeps to the left, and that is on a 10% grade. So, I have tried
1855 this myself in a car, and driving in there and making the turn. You have to be very careful that the car does
1856 not drift into that parking area. Nobody parks, I have not seen a car parked in that parking area yet, and I
1857 am concerned about the safety of people in that area. I had talked to the Traffic Engineer and he thought
1858 the recommendation would be that some kind of wall would need to be put there, some kind of strong wall
1859 to keep cars that might meander across the line out of that area. Have you had any kind of discussion with
1860 the roads people?
1861
1862 Mr. Bittner - No. I have not discussed any particular wall with the roads people. We did get
1863 their comments, though, on this application, and I believe they had no objection to it. I have not discussed
1864 any wall with them.
1865
1866 Mr. Taylor - We have had a few e-mails that have come in expressing some concern. Do you
1867 have those for the record?
1868
1869 Mr. Bittner - Yes. I have all of those e-mails on my computer.
1870
1871 Mr. Taylor - And you said they were, one of them says, and I will quote it at my liberty without
1872 disclosing the source, but "they didn't seem to have any concrete plans on how the design of the dining
1873 area would be utilized." Another, just quoting from it, "it is a great concept, but there some issues that
1874 need to be resolved." And I am concerned about the safety. Do we have the applicant here?
1875
1876 Mr. Bittner - Yes, we do.
1877
1878 Mr. Taylor - Could the applicant speak?
1879
1880 Mr. Jernigan - Thank you, Mr. Bittner.
1881
1882 Mr. Archer - Mr. Bittner, I have one question before you sit down, please. I think you said this.
1883 You indicated in the staff report that there were some conditions that, if met, would preclude you
1884 recommending approval or you would recommend approval, and you said that they had been met. Is that
1885 right?
1886
1887 Mr. Bittner - Yes. The applicant has now told me he is in agreement with all of the conditions
1888 recommended in the staff report.
1889
1890 Mr. Archer - That is all I needed. Thank you.
1891
1892 Mr. Jernigan - Sir, you have 10 minutes. Would you like to reserve rebuttal time?
1893
1894 Mr. Hawkins - Well, I don't even want to call it rebuttal time. I don't think I will use 10 minutes
1895 now, and I probably won't use 10 minutes then. I am Dean Hawkins, Landscape Architect, representing

1896 Garland's Way Restaurant tonight. Members of the Commission and Mr. Chairman, we do agree with the
1897 staff report. The 11 conditions that are outlined here are acceptable to us. We have no reservations about
1898 any of them. Last night we were able to arrange a meeting between some residents who are in the
1899 subdivision behind us and I apologize for the late timing of that, but it was only apparent to us that they
1900 needed to see us at the very end of last week, and last night was the first time we could see them. So, we
1901 had a good chance to go over the staff report and also look at the sketch that I have prepared, and I do
1902 have that. It is in the staff report, but I have a colored copy that might show things a little bit better, but
1903 your main concern, Mr. Taylor, about the accessibility to the dining area, the café patio. It would be
1904 enclosed with an additional curb and gutter line at the front of the parking spaces that you are speaking of
1905 at the building, and then, in addition to that, we plan to put a wall equal to the gray knee wall that you see
1906 at the base of the building, totally enclosing the patio. So, for a car to hit a diner, let's say in that area,
1907 they would have to jump the curb and go through that wall, which is probably more protection than what
1908 you have now, as a car might approach the building itself. So, we feel like that, plus some landscaping
1909 around the perimeter, will provide a buffer and a security area between any traffic and the building and the
1910 diners. So, with that, I would like to reserve comments after the residents who might be here may have a
1911 few moments to say some things, and then if they have any questions, I'd be glad to respond.

1912
1913 Mr. Taylor - Yes, just one more question before we leave this image here. There is a slope in
1914 those parking spaces, about a foot. How do you propose to level that out or will it be on an incline?
1915

1916 Mr. Hawkins- The pavement that is within the parking spaces will be leveled out basically even
1917 with the top of the sidewalk that is around the building. And then the perimeter wall that goes around the
1918 care itself will be above that, so the actual diners will be about 6 inches to a foot below the grade at the
1919 front of the spaces, but they will have a 30 or 36 inch wall above that point surrounding them between any
1920 traffic and the dining area. But you are right. It is almost exactly a foot of differential on grade between
1921 the front of our dining area and the building or the curb at the building. So, the dining area will be sunken
1922 by about a foot at the deepest point.

1923
1924 Mr. Taylor - Will there be some kind of metal...
1925

1926 Mr. Hawkins - Well, we have the wall like you see there out around the dining area and then we
1927 will have about a four foot separation between the wall and another curb, a six-inch concrete curb, which
1928 will delineate the travel lane that goes across there now at the end of the building. So, there will be three
1929 things there. There will be a six-inch curb, landscaping strip about four or five feet wide, and a wall about
1930 36 inches tall.

1931
1932 Mr. Taylor - Will the landscaping be cut into the slope or will it be, how will you get rid of the
1933 paving there?
1934

1935 Mr. Hawkins - The pavement that is at the very front of the parking spaces will be removed. The
1936 paving will be removed on the entire asphalt area of those parking spaces, and then that is where the curb
1937 line will extend from the nose of the curb to the right all the way over to the other island to the left, except
1938 for a slot to let some water go into a drop inlet, so there will be a four or five foot green space there, and
1939 then the wall.

1940
1941 Mr. Taylor - Has the owner of the center or HHHunt looked at your plans that you know of?
1942

1943 Mr. Hawkins - I don't believe they have looked at it. They are the ones who signed off on our
1944 request. I think they have looked at a sketch of an original layout that was a little more simple than what I
1945 have put forward showing the dining area and the 50 seats. They know exactly where it is going to be.
1946

1947 Mr. Taylor - To an extent, of course, that is my concern. This is a sketch and we are dealing
1948 with the traffic and I am concerned.

1949

1950 Mr. Hawkins - Well, possibly I can put up my color rendering that might show that sketch a little
1951 better. It is the same sketch. It is just colored and larger and it might help to see it.

1952

1953 Mr. Taylor - Do you have an elevation drawing of the finished product?

1954

1955 Mr. Hawkins - No, I do not, because what you see at the base of the building, that will be the
1956 elevation that you will see, the gray stone wall. That is what it will be made of, and we are so tied to the
1957 architecture of the center that we really can't deviate from what you see there in materials or colors.

1958

1959 Mr. Taylor - Will that be awnings or covered or...

1960

1961 Mr. Hawkins - It is probably possible that it will be covered with an awning. I have tried to show
1962 something of an awning there, just to cover the sun. If it is waterproof it may be a compatible color of an
1963 awning that drapes over the area, but at this time we are not asking for a totally enclosed area, weather
1964 proofed, because we just wanted to make a low impact on that wall now.

1965

1966 Mr. Taylor - Oh, let's hear from the other people now. Thank you, sir.

1967

1968 Mr. Jernigan - Thank you, Mr. Hawkins. OK. Ladies, who would like to speak?

1969

1970 Ms. Lucy Zuercher - Good evening, Mr. Chairman, ladies and gentlemen. I am Lucy Zuercher and I live
1971 in Scottsglen, 5109 Doran Hill Court. I would just like to comment. Garland's Way is a popular, elegant and
1972 very original restaurant that is an asset to our community, and we want to support its success. Garland's
1973 Way is a good citizen in Twin Hickory, offering PTA Night in Henrico County, teacher discounts and healthy
1974 children meals, and the applicant made a point to solicit resident input on this case by hosting an open
1975 house for Twin Hickory residents. I think the patio as done is a great concept. The preliminary plan I saw
1976 last night just seemed to lack definition, and the applicant is considering some terrific possibilities, such as
1977 the awning on windows that perhaps can be removed in pleasant weather. As a resident, I am pleased that
1978 the applicant agreed to all of the staff conditions, but I would like to see the concept fleshed out with some
1979 more details, particularly, I would like to see the applicant address the need for a visual and sound barrier
1980 between the back of the patio and the Avery Green residents, whose property lines are a hundred feet
1981 away. Is it possible to put up that image with the Avery Green homes right behind it? (Referring to
1982 rendering) At night, behind the restaurant, I could clearly see residents eating dinner in their kitchens and
1983 in any weather they will be able to look out and see not what is now a blank back wall, which is invisible in
1984 the dark, but outdoor diners receiving service. Now, I understand the plan is to submerge it and then there
1985 will be the wall and then some landscaping, but I believe if the patio is open in design that those residents
1986 will be able to hear clinking glasses and table ware and conversations when they are in their yards, and I
1987 feel an obligation to insure that there is some kind of visual and sound barrier included in this plan that is a
1988 little more firmed up. I feel certain that this applicant can devise some trellis, a decorative wall a few feet
1989 higher than the other two walls, a row of decorative columns, and attractive window shade or even a boring
1990 row of Leyland Cyprus or something. I think it might take some imagination, but Garland's Way is a very
1991 imaginative restaurant, and I think this is a creative challenge that easily can be addressed and resolved
1992 and I think that it needs to be addressed and resolved. I thank Garland for bringing his wonderful
1993 restaurant to Twin Hickory and for the way he embraces our community. I know that this patio dining,
1994 once the plan has been more defined, will be a big success. Thank you.

1995

1996 Mr. Jernigan - Are there any questions for Ms. Zuercher from the Commission? Thank you,
1997 ma'am. Did anybody else want to speak?

1998

1999 Ms. Kimberly Mullins - Good evening. My name is Kimberly Callas Mullins and I live at 4916 Saddleridge
2000 Court. Lucy pretty much summed up how I feel. I did attend the open house held by Mr. Taylor, and I
2001 appreciate that. It was an opportunity for me and my husband, who also attended, to review the plans that

2002 he would like to have for the outdoor patio. As Lucy said, the concept is good, but again all I saw pretty
2003 much was concrete and I tried to envision a brick wall. My concern as being a resident of Twin Hickory and
2004 the fact that Avery Green is in Twin Hickory is that noise and a visual barrier that would obstruct the view it
2005 may have. I am afraid that if Mr. Garland no longer owns the restaurant and there is no proper barrier and
2006 noise restrictions that if someone else bought it, they may not have the same care and concern. I know he
2007 has a lease for seven years and I think he said seven more, but again, he may want to retire early and
2008 move to Florida. Somebody else buys it and they don't have the same care and concern, so I am extremely
2009 concerned with the layout of the patio and the landscaping and the buffers for noise as well as sight. I
2010 don't think it is fair to ask people in Avery Green to turn their blinds down and keep their shades closed all
2011 the time so they don't have to see the diners, so I'd appreciate it if you would take that into consideration
2012 and the fact that right now we don't have a concrete plan to look at to see if it is going to be visually
2013 attractive, as well as the barriers that we need. Thank you. And do you have any questions?
2014

2015 Mr. Jernigan - Are there any questions for Ms. Mullins from the Commission?
2016

2017 Mr. Archer - Ms. Mullins, were you familiar with the 11 conditions that staff had recommended?
2018

2019 Ms. Mullins - Correct. Yes, I did. I read the staff report. I spoke to Mr. Bittner a few times and
2020 I actually told the applicant last night when I had heard that he wanted a midnight closing and outdoor
2021 speakers that I was completely opposed to that, that I did not think that was a good idea. I thoroughly
2022 support the plan recommendation and the staff report, however, my concern is right now, like I'm seeing a
2023 slab of concrete, and a brick barrier, and I really don't see any barrier for Avery Green, and if I stand in the
2024 parking lot, I can see the homes and I know they can see in.
2025

2026 Mr. Jernigan - Ms. Mullins, would you, do you feel like Ms. Zuercher? Would you like to see some
2027 Leyland Cyprus across there or what would you want to do?
2028

2029 Ms. Mullins - Well, when the shopping center was developed a lot of trees went down. I think it
2030 would be nice that trees could be planted there to help with, first of all, you are looking at an ugly fence,
2031 but even behind it, because they do grow rather quickly, I think that some landscaping even back there
2032 could help, because even if it is there, if you don't have any you are going to have a brick wall and you are
2033 going to look out and see a brick wall. And you can see that during the daytime, so a nice row of Leyland
2034 Cyprus back in that area also would help out.
2035

2036 Mr. Jernigan - OK. Thank you.
2037

2038 Mr. Taylor - Ms. Mullins, when you say back there, if I might, there is a cedar fence. There is a
2039 curb, a small two-foot wide curb area, grass area, then there is a cedar fence. There are some trees, some
2040 bushes behind there. Do you know whether those are Leyland Cyprus or are those some no-name brand?
2041

2042 Ms. Mullins - They are not Leylands.
2043

2044 Mr. Taylor - They are not Leylands. But then is there not an inner fence between Avery Green
2045 and the fenced area or the buffered area?
2046

2047 Ms. Mullins - There is the small – the buffer fence that was built from Avery Green to the
2048 shopping center. But if the Leylands were put there, they would grow higher than the fence.
2049

2050 Mr. Taylor - I am asking you if there is an inner layer or inner line of shrubs inside of the layer
2051 that is immediately adjacent to the fence.
2052

2053 Ms. Mullins - I don't think so, all the times I have looked.
2054

2055 Mr. Taylor - So you can see right through completely? You can see into the kitchen?
2056
2057 Ms. Mullins - When you are standing you can see over the fence and you can see in, when you
2058 are standing up. Of course, you will be sitting down, but still when you are seeing diners come in and out.
2059
2060 Mr. Taylor - So where would you want the layer of trees, on the residents' property or in the
2061 buffer?
2062
2063 Ms. Mullins - Probably in the buffer.
2064
2065 Mr. Taylor - Leyland Cyprus in the buffer, OK. Thank you.
2066
2067 Ms. Mullins - As well as, even a possible wall as well, if they weren't going to do the Leylands on
2068 the opposite side, at the end of the patio, or some type of trellis, etc. that would have like ivy or whatever
2069 they could grow in Richmond.
2070
2071 Mr. Jernigan - Thank you, Ms. Mullins.
2072
2073 Mr. Rick Dodge - I will keep this ridiculously short. My name is Rick Dodge. I live at 5108 Park
2074 Meadows Court, which is, of course, in Twin Hickory. What the applicant doesn't know and perhaps I have
2075 not told him is the reason we are so specific about proffers and specific details is we have experience with a
2076 completely different applicant, unrelated to this applicant that taught us we need to look at the details and
2077 we need to see them, so I again echo what my friends have said. We want Garland's Way to succeed. We
2078 would like to see a patio because we believe it will be an asset to the community. We just have learned
2079 over the past two years that we have to see very specific language to make sure that this is in line with
2080 what the community wants to see. We have nothing against the applicant and that is all I have to say.
2081
2082 Mr. Jernigan - Thank you, Mr. Dodge.
2083
2084 Mr. Dodge - I don't suppose you have any questions?
2085
2086 Mr. Taylor - No. I don't have any questions.
2087
2088 Mr. Dodge - I don't blame you. I wouldn't ask me any questions either.
2089
2090 Mr. Jernigan - Rick, you have been with this Commission almost as long as I have. Every time I
2091 am up here, you are kind of repetitious.
2092
2093 Mr. Dodge - As far as I am concerned you don't meet often enough. I miss you sometimes.
2094 Thank you very much.
2095
2096 Mr. Jernigan - We thank you.
2097
2098 Mr. Archer - You are getting really good at this, Mr. Dodge.
2099
2100 Mr. Taylor - I guess I'd like to hear from the applicant some more.
2101
2102 Mr. Jernigan - OK, Mr. Hawkins.
2103
2104 Mr. Taylor - It looks to me like you've got a lot of supporters here. There are details that we
2105 need to look into though.
2106
2107 Mr. Hawkins - Well, we've hung into a nest of pros here, I believe, tonight.

2108
2109 Mr. Taylor - I think if you work with a group from the community to help you, they will indeed
2110 do that.
2111
2112 Mr. Hawkins - Well, let me offer this. Time is of the essence to us. If we were to be deferred
2113 tonight, it would be a month that would be very critical to us. I have listened to what they have said about
2114 their comments, these few comments, and I think we can address all of them, because we just need to
2115 move along. The back area there, from the very tip of the building where the brick is, to our property line of
2116 the shopping center is 120 feet. From the corner of our building to that fence is 70 feet, and then there is a
2117 50-foot buffer behind the fence, and that is where some of those large deciduous trees are. Coming back
2118 in that buffer and planting Leyland Cyprus, if they were 6 feet tall, you would hardly see them right now. I
2119 am about Leyland Cyprused out, personally. I think over time we are going to regret planting quite as
2120 many, because just of what they have become. I would agree, in addition to the 11 proffers that we have
2121 already listed, to add a trellis coming out from the building for the depth of our patio as it comes out,
2122 because I think that I'd like to have something to satisfy their requirements of screening, but I don't wish to
2123 put something there as massive as a wall, even solid. I think if you do some planting plus the tracery of the
2124 trellis itself that it would suffice. And I just think that would satisfy their requirements. If I was in the
2125 second story of any of those homes looking out, I could not see diners really through that once it develops
2126 over a short period of time. Behind our building is already a dumpster enclosure and a pad there, so in the
2127 back of the kitchen, that is the service entrances back there, and so that is what we have to look at and
2128 deal with back there. Like I say, time is of the essence. We will, if we are approved tonight, with all of the
2129 conditions and ideas, we will press full steam ahead to have full construction drawings ready for review next
2130 month at the Board level. And mainly it is going to be the wall and the trellis, and the landscaping and the
2131 curbing. And I think that would cover everything that we have spoken about tonight.
2132
2133 Mr. Taylor - I am not quite sure, because I really think the traffic people need to look at what
2134 you are doing in terms of providing the structural guards that would protect the diners.
2135
2136 Mr. Hawkins - The structural guards that I am proposing are no, well, actually they are greater
2137 than what you have there at the building, because you've got that same façade at the base of the building,
2138 plus separation of landscaping and curbing, so I would just think that if somebody could drive into my
2139 diners, they could drive into that building, and I appreciate what you are saying, and I have thought of that,
2140 and that is why I added the extra distances.
2141
2142 Mr. Taylor - My concern, I think, is the same as Mr. Zuercher and Mr. Dodge. We have learned
2143 in the past unless we get this really written down and clear we really don't get what we expect to get, and it
2144 leads to some frustration, and I understand your efforts to go ahead, and I am willing to allow two weeks
2145 deferral to go ahead with this, if that will allow you enough working time, and I think there is enough work
2146 that it will take really two weeks to come to answer all of the questions working with the community and
2147 working with the staff, even at a high rate of speed. So I would like to get your cut on two weeks.
2148
2149 Mr. Hawkins - Well, I would ask this question. I really don't feel that it is necessary, because so
2150 much of what I can do here with respect to the architecture is already determined. The colors, the material
2151 is there. I have the plan of a colored rendering here of what you have in black and white that might help
2152 you see where the wall is, but I don't have elevations. I have a plan and I think it is a simple enough
2153 concept that you might be able to follow along with that. But, if I take a two-week deferral, is it my
2154 understanding that I would come back in two weeks to the Planning Commission?
2155
2156 Mr. Taylor - I think we can arrange that. I really think, looking at it, being familiar with the
2157 design process, it will take, in my judgment, two weeks for you to dot all the I's and cross all the T's and
2158 coordinate with the residents who I think should be coordinated with. You have my telephone number.
2159 You have the staff. You have access to the staff. I am primarily worried about safety, the safety of that to

2160 provide enough steel, concrete or whatever to stop a car that comes down that hill, turns left into your
2161 parking lot, and he loses control, and he doesn't run into 50 diners....that is my nightmare.
2162
2163 Mr. Hawkins - Yes, sir.
2164
2165 Mr. Taylor - And I would think if we look at that for two weeks, with the staff, with the people
2166 from Traffic, with the neighbors, and you have my phone number if you need it. I'd be willing to work with
2167 you because I have looked at it and I'm just a little unsure about it, and I am a little concerned about it,
2168 and, as a matter of judgment in this condition as an engineer, I think it best to take two weeks, delay it,
2169 work it out, make sure that everything is completely resolved, coordinated, come back. I will approve it if it
2170 is done and it can right to the Board.
2171
2172 Mr. Hawkins - And we can stay on track next month at the Board level, that will be fine. I have
2173 no problem with that.
2174
2175 Mr. Taylor - That is what I really recommend we do, and I will again volunteer my access to
2176 you anytime during that period.
2177
2178 Mr. Hawkins - Thank you very much. That is fine with us.
2179
2180 Mr. Taylor - So,
2181
2182 Mr. Jernigan - Al, just tell him that meeting would be at our POD Meeting, which is on
2183 Wednesday at 9:00 a.m.
2184
2185 Mr. Taylor - On the 26th of February.
2186
2187 Mr. Marles - Mr. Hawkins, that will allow you to stay on track for the Board meeting; however, I
2188 would tell you that there is a lot of work to be done, and so you are going to have to move very
2189 expeditiously to make sure that we get the required information and we coordinate with the residents.
2190
2191 Mr. Taylor - And I think to follow up with what the Director says, if you work carefully with the
2192 staff, and we work carefully with the neighborhood and we work an engineer in there, and we work the
2193 landlord, and I am presuming the landlord has approved this concept.
2194
2195 Mr. Hawkins - He has given his blessings to what we are proposing. Yes, sir.
2196
2197 Mr. Taylor - And he had some engineers at his call, I believe, does he not?
2198
2199 Mr. Hawkins - I think he has a local firm that he used for the shopping center design.
2200
2201 Mr. Taylor - Is it your thought that he would be willing to work with that same - that same
2202 consultant would be willing to work with you on this project?
2203
2204 Mr. Hawkins - I have no reason to think not.
2205
2206 Mr. Taylor - I think that is the fastest way to get it, because it would allow us to do it without a
2207 lot of contracts. You can tell them what we want. You can keep in touch with me. You can keep in touch
2208 with the neighborhood, and we will do everything we possibly can to expedite it.
2209
2210 Mr. Hawkins - Sure. Thank you for your input and the residents, too. I think their comments
2211 were very helpful.
2212

2213 Mr. Taylor - Well, they have had experience and they are a big help.
2214
2215 Mr. Hawkins - So I have seen.
2216
2217 Mr. Taylor - Thank you, sir. With that, Mr. Chairman, I move approval of...
2218
2219 Mr. Jernigan - Not approval, deferral.
2220
2221 Mr. Taylor - I'm sorry, I move deferral of P-3-03.
2222
2223 Mr. Jernigan - Do you want to move for a two-week deferral?
2224
2225 Mr. Taylor - A two week deferral and I will approve it for a two-week deferral to come back to
2226 us for approval at POD.
2227
2228 Mr. Ware - Second.
2229
2230 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Ms. Ware. All in favor say aye.
2231 All opposed say no. The ayes have it. The motion is passed. Two week deferral.
2232
2233 The Planning Commission, at the applicant's request deferred Case P-3-03, Dean E. Hawkins, ASLA, to its
2234 meeting on Wednesday, February 26, 2003.
2235
2236 **C-4C-03 Larry Willis:** Request to conditionally rezone from R-3 Residence to O-1C Office District
2237 (Conditional), part of Parcel 755-738-9807, containing 1.452 acres, located on the north line of Ridge Road
2238 approximately 60 feet west of Sinton Road and at the south terminus of Spotswood Road. An office
2239 building is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.
2240 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
2241
2242 Mr. Marlles - The staff report will be given by Mr. Bittner.
2243
2244 Mr. Jernigan - All right, is there opposition to Zoning Case C-4C-03? We have opposition. All
2245 right, Mr. Bittner, you may proceed, sir.
2246
2247 Mr. Bittner Thank you, Mr. Jernigan. The applicant is proposing a two-story office building.
2248 The 2010 Land Use Plan recommends Suburban Residential 1 single-family development. This request is
2249 not consistent with the 2010 Land Use Plan and would introduce a non-residential use into an established
2250 residential area. The proffer submitted with this application does not provide sufficient reason to consider
2251 this alternative to the Land Use Plan recommendation. Staff cannot support this request for an office
2252 building at this location and recommends denial of this application. I'd be happy to answer any questions
2253 you may have.
2254
2255 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?
2256
2257 Ms. Ware - Just one. You have received calls concerning this case?
2258
2259 Mr. Bittner - Several, yes.
2260
2261 Ms. Ware - And what was the general...
2262
2263 Mr. Bittner - The general tone was one of opposition. Generally, but you can probably say
2264 unanimously.
2265

2266 Mr. Jernigan - OK. Thank you, Mr. Bittner. Ms. Ware, would you like to hear from the applicant?
2267
2268 Ms. Ware - Sure. Actually, don't we generally have, I'd prefer the applicant speak and then as
2269 we always handle things, then have them timed by the clock.
2270
2271 Mr. Jernigan - You can come up and speak and you will have rebuttal time.
2272
2273 Mr. Jernigan - Sir, you have 10 minutes. Would you like to reserve rebuttal time?
2274
2275 Mr. Larry Willis - My name is Larry Willis and I am with Atlantic Development, 1720 East Cary
2276 Street. The reason we asked for a deferral is two days ago we received quite an extensive list of things
2277 that people were concerned about, and we would like to meet with the community and walk through each
2278 one of those concerns, see if we can overcome them. Some of things are just incorrect. But since we
2279 didn't get our deferral, we'll just go through them one by one here. Mark is a co-developer and attorney
2280 and he will speak first.
2281
2282 Mr. Mark Rempe - Good evening. I am Mark Rempe of 1219 Windsor Avenue. The applicant is
2283 proposing office use that is very compatible with the residential surrounding uses. Office and residential
2284 use are compatible uses. You see them all of the time and they are all over the Henrico County landscape.
2285 We acknowledge that the proposed use is inconsistent with the zoning, the existing zoning, and the
2286 Comprehensive Plan. However, we contend that the proposed use is consistent with the market dynamics
2287 of the area. We feel the market dynamics of the area are changing to more of a mixed use. As a
2288 developer we believe in mixed uses. We think they are healthy. We like people living in and working in the
2289 same area. We believe that the Comprehensive Plan is a guideline. It is not a rigid tool and it should
2290 change in a reasonable manner as the market changes. We are offering and suggesting a deferment here
2291 so we can better utilize the decision making process for everybody, all of the parties involved. We figure if
2292 we all sit down at a table and get the facts, we can all make a better decision. I will pass it on to Larry.
2293
2294 Mr. Willis - I think most of the people in the neighborhood know that Heritage Savings and
2295 Loan was one of the corner buildings. My investor in this bought that building and spent over 4 million
2296 dollars renovating it. He probably has the nicest building in Henrico County. It is a very innocuous use, he
2297 manages a billion dollars worth of commodity funds. He has no signage. He has complete shrubbery
2298 around the building and you would not know that it is there. His business has expanded. He, for example,
2299 has a couple mini-storage buildings that he has invested through me. He is a philanthropist. He has a staff
2300 that donates money in Richmond and around the world for charitable organizations. He just needs more
2301 room, and because he spent over 4 million dollars on the building he is currently in, he would like to build
2302 another office building as close by as he can. I bought this acre and a half. It is the closest property to his
2303 property. The property is not currently being used. The property is 100 yards deep, a football field deep.
2304 Most of the office buildings in the area are half that deep, and have houses directly behind them, so we
2305 have a lot of land that is very deep and we can offer a lot of buffers for the neighborhood. This is going to
2306 be a very innocuous use. We are not going to have people coming and going, day and night. All we are
2307 going to have is people, at the office during the day, and going home at night. Roy has been an architect
2308 in town for 20 some years and he would like to tell you about the building.
2309
2310 Mr. Roy Mitchell - My name is Roy Mitchell and I am an architect. I was asked to design a structure
2311 that fit into a residential community, had residential detailing and complied with residential zoning. We
2312 believe this complies. It is 6,000 sq. ft. foot print, about 35 feet in height, like a big house. We have done
2313 this sort of thing at Lauderdale and Gayton behind a residential community and it fit in real well, and we
2314 think it will fit in here, too. Any questions?
2315
2316 Mr. Willis - And we recently did this. We built that office building within the last two months.
2317 And right behind the building was a residential use. It fit well into the community. The community serves it

2318 well. One of the concerns is the property slopes toward the residential houses in the back. We have a civil
2319 engineer here from MIT and we have corrected that problem, and we'd like to tell you about it.

2320
2321 If you look the property slopes to the back, and a lot of the neighbors there are really concerned that
2322 putting the parking lot in there is going to flood the property. We haven't shown what type of retention
2323 facility we are going to use here, whether it is going to be underground or whether it is going to be a pond.
2324 We haven't made that decision yet. This was a very preliminary plan, but we will be capturing all of the
2325 water in the parking lot that would normally have fallen on a grassed area and run down to their back
2326 yards. We will be capturing that, putting it into a detention facility. When we got this property we also got
2327 a drainage easement that goes across to the dead end street there, so we will be routing the water back
2328 around to the ditch that serves at the drainage for the whole subdivision, so in a way we will be correcting a
2329 problem, and not contributing to even more of a problem. We'd like to defer our time to the end.

2330
2331 Mr. Jernigan - Are there any questions for Mr. Willis from the Commission?

2332
2333 Ms. Ware - You do not own the property, you are developing it for someone else?

2334
2335 Mr. Willis- I am the managing member of the property, and I am an investor in the property,
2336 yes.

2337
2338 Ms. Ware - And you said the use of the building is office, obviously, but...

2339
2340 Mr. Willis - It is going to be office.

2341
2342 Ms. Ware - Is it going to be leased - is the space going to be leased or...

2343
2344 Mr. Willis - At the beginning, the tenant does not need all of the space. I am going to be
2345 using some of the space for my development company. We have a law firm that he currently has in house.
2346 He is going to move over there because he has a global commodity firm that requires a lot of accounting.
2347 The accounting department will be moving over there and he is going to have an employee gym, so his
2348 employees can have a gym to work out in.

2349
2350 Ms. Ware - For the record, there was a public informational meeting on January 30.

2351
2352 Mr. Willis - Yes, 40 people attended and I think 6 people got up and opposed.

2353
2354 Ms. Ware - What do you mean, got up and opposed?

2355
2356 Mr. Willis - There were over 40 people at the meeting, and I believe six people got up and
2357 opposed the office building.

2358
2359 Ms. Ware - OK. Wait your turn.

2360
2361 Mr. Willis - I am sorry I wasn't there. I was in Brazil.

2362
2363 Ms. Ware - In attendance at this meeting you had your staff with Mr. Miller.

2364
2365 Mr. Willis - Yes, and that is what I heard had happened, but I will be glad to hear from
2366 everybody, and I would love to meet with the people. The reason I asked for a deferral is that any people
2367 that had a complaint, I wanted to meet with them individually.

2368
2369 Mr. Vanarsdall - Mr. Willis, have you read, do you have a copy of this report? The staff report.

2370

2371 Mr. Willis - No, sir.
2372
2373 Mr. Vanarsdall - You don't have a copy of that?
2374
2375 Mr. Willis - No, sir.
2376
2377 Mr. Vanarsdall - See, staff never has recommended this. They recommend denial, so it wouldn't
2378 make any difference how many people, or anything. It is like spot zoning or leap frogging is what it is. No
2379 matter what you do with it. You should have had a copy of this.
2380
2381 Mr. Willis - I am certain we could build other things at the property. I would like to build an
2382 office building there, but R-3 allows me quite a few other alternatives.
2383
2384 Mr. Vanarsdall - What you want to do, you can't live up to the Land Use Plan and you can't live up
2385 to the goals, objectives, and policies of the Land Use Plan no matter what you do.
2386
2387 Mr. Willis - Say that again, please.
2388
2389 Mr. Vanarsdall - It is not in accordance with the Land Use Plan, the Comprehensive Land Use Plan
2390 and it is not in accordance with the goals, objectives and policies of the County and the Land Use Plan, so
2391 no matter what you did to it, you can never change that.
2392
2393 Mr. Willis - Well, I know a lot of buildings in Henrico County are built where the Master Plan
2394 was a guide, but things change, and as things change, people come and ask you to change your Plan. I am
2395 very aware of that.
2396
2397 Mr. Vanarsdall - I just wanted you to know that.
2398
2399 Mr. Willis - For example, I built a mini-storage behind Haynes Jeep recently and it was right in
2400 the middle of a residential neighborhood. It was zoned R-3 and we built a mini-storage there.
2401
2402 Mr. Jernigan - You didn't change the zoning on it?
2403
2404 Mr. Willis - We did change the zoning on it. But the Master Plan was R-3.
2405
2406 Mr. Marles - Mr. Willis, you are correct. The Comprehensive Plan or Land Use Plan is a guide,
2407 but it is up to the Planning Commission to determine whether or not the conditions have changed to deviate
2408 from that plan, and I think at least in speaking for staff, we don't see the changes that you all purport to
2409 have occurred in this area, so I just wanted to clarify that. But it is up to the Commission to determine
2410 whether or not conditions have changed sufficiently to deviate from the Plan.
2411
2412 Mr. Willis - We think the area has evolved and maybe you guys don't.
2413
2414 Mr. Jernigan - Any more questions for Mr. Willis? All right. Thank you, sir.
2415
2416 Mr. Willis - Thank you.
2417
2418 Mr. Jernigan - We'd like to hear from the opposition, but not everybody is going to be able to
2419 speak, so if you have a spokesman, would you please come up. Thank you, sir. Sir, you have 10 minutes.
2420
2421 Mr. Ken Dickinson - Thank you sir. Mr. Chairman, members of the Commission, Mr. Glover, my name
2422 is Ken Dickinson. I am a resident of 8009 Silver Spring Drive in Spotswood Park. Initially I want to tender
2423 to Mr. Archer the petitions from the members of Spotswood Park in opposition to the rezoning.

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Mr. Archer - Thank you, sir.

Mr. Dickinson - Let me just say that I am here on behalf of a number of associations in the neighborhood area that are in opposition to this proposed rezoning of 334 Ridge Road to O-1C Office Use. There are a number of neighborhood representatives here tonight, specifically on the north side of Ridge Road, Spotswood Park, which has 62 households, Oak Forest, Stinton Road area, which has eight households, Westham Woods could not send a representative tonight. They have 24 households, but they have indicated, I've been told, that they are in opposition to this, however a representative could not be here tonight.

On the south side of Ridge Road, the properties that are affected are Greystone Condominiums, which have 53 households represented, Tuckahoe Club Court, which has 14 households represented, St. Albans' Condominiums, which has 51 households represented, Bell Grove, which has 33, White Hall, which has 84 and Forest Ridge, which has 106, which are all located specifically on the south side of Ridge Road. All of these subdivisions and neighborhoods, with the exception of Westham Woods have representatives here tonight and they can certainly address you after I finish. What I have been asked to do is specifically outline the objections that we have in opposition to this proposed rezoning.

First of all, we agree with Mr. Bittner in his staff report that this proposed rezoning is inconsistent with the 2010 Henrico County Land Use Plan and that it recommends a Suburban Residential Use of 1.0 to 2.4 units per acre. That is what the plan recommends. The proposed rezoning plan introduces a non-residential use in an established single-family residential community. The closest non-residential use is the West End Community Center, which is approximately 400 feet east along Ridge Road. The closest office uses are the Ridge Office Building and the Chesapeake Capital Building, which are approximately 525 ft. away. These two office buildings, and I am sure you are all familiar with the area, lie near or at the intersection of Ridge Road and Forest Avenue, and have been in existence for quite some time, as one of the members indicated about the Heritage Savings and Loan Building. As you know, the Tuckahoe Shopping Center lies across the road. You have the Rite-Aid and the flower shop on the other opposite side of the road. You have Third Presbyterian Church on the other side of Silver Spring Drive, and then you have Tuckahoe Elementary School and the Forest Professional Building on the opposite side. So, everything, all the commercial office spaces combine to the four corners of that intersection.

The proposed rezoning, we believe, is also inconsistent with the surrounding areas, all of which are residential. The subject property is bounded to the north by Spotswood Park, Oak Forest Subdivision, the Stinton Road area on the east, and Greystone Condominiums and Tuckahoe Court on the south, and the vacant land and single-family individual homes in the immediate west of the area. Also located along Ridge Road to the west of St. Alban's Condominiums, Belle Grove and White Hall. There are four single-family residences along Ridge Road to the north side, between the subject property that is contemplated here, and the closest non-residential use. These homes provide a natural buffer to the office and the commercial zone located near the Forest and Ridge intersection continuing on Forest Avenue towards Tuckahoe Elementary, and on the north side of Ridge Road, going down North Ridge towards Holmes Avenue.

The second major point we have is what we determine is a domino or precedent setting affect. A grave concern of all the neighborhood is that the domino effect that will occur if this rezoning is granted. If this property is rezoned O-1C Office, we fully expect to see zoning requests for other office/commercial uses for adjacent parcels, which would extend the subject property all the way up Ridge Road to Westham Woods Subdivision. What you would have is a commercial office zone in the middle of an established residential neighborhood. If this or one or more of the parcels along Ridge Road are rezoned for non-residential use, our argument of incompatibility or inconsistency has been destroyed. We believe a precedent will have been set and any further applicant that comes along is certainly going to rely on the fact that this Planning Commission would have granted a non-residential use along Ridge Road. Obviously that is a major concern of the residents and neighborhoods.

2477
2478 What this rezoning request is in effect asking this Commission to do, as one of the Commission members
2479 pointed out, is to leap frog completely from the West End Community Center, jump over top of Oak Forest
2480 Subdivision to create a spot zoning right in the middle of an established residential neighborhood. The
2481 office of the indicated area, the office commercial space in this area has been confined and located at or
2482 near the confluence or intersection of Forest Avenue and Ridge Road. And it has been buffered with a
2483 blend of the surrounding neighborhood subdivision.
2484

2485 Another concern that they have is increased traffic. Now the staff report indicates that an approximately
2486 additional 260 vehicle trips per day if this zoning request is approved. The net effect of the traffic may not
2487 appear significant, since staff estimates that the Ridge carries approximately 5,712 vehicles a day.
2488 However, what increased traffic does do, which we believe is joining our neighborhood, is enhance an
2489 existing dangerous situation that the neighborhood has with Ridge Road, in that there are a number of
2490 children who go to Tuckahoe Elementary that walk to the school buses. You have a lot of people who walk,
2491 jog and they run up and down Ridge Road. And at the times the traffic would be coming in and out of this
2492 property, which are at the peak times, which is the same time the traffic pattern is going up Ridge Road
2493 headed toward Parham.
2494

2495 The fourth reason we see no compelling need to have additional office space, as the staff reports, there is
2496 no compelling need for additional office spaces in the immediate area. There is the Forest Professional
2497 Building at 500 Forest Avenue, the Ridge Office Building at 8010 Ridge Road, The Chesapeake Capital
2498 Building, 410 Forest-Ridge Road, all of which are office buildings. In addition, if you drive down the road to
2499 hit Patterson Avenue, go up to the left toward Parham, there are a number of office buildings there. There
2500 are office buildings at Glen Forest, at Three Chopt and Forest Avenue, and then you've got Glen Forest
2501 Center, Capstone, all just prior to coming to Glenside Drive. One major area that the Spotswood Park
2502 residents which Mr. Willis addressed was the drainage issue. This residential looking dwelling is proposed
2503 to have 52 parking spaces, so, therefore, we looked at a topo map and there is a 30 foot drop between this
2504 site and Carriage Road, which in essence would create tremendous storm water drainage onto Carriage
2505 Drive and just on the opposite side of Carriage Drive, there is the creek, and that creek runs all the way
2506 through Spotswood Park neighborhood, and into a number of people's front yards. The increased water
2507 flow, we believe, has not been addressed by the applicant nor in the staff report. In closing, we as
2508 residents, are not naive that this property is going to remain dormant in its vacant condition. But, we do
2509 feel that it is now zoned R-3. It consists of 1.452 acres and has 214 ft. of road frontage, and we believe
2510 due to our excellent school systems that we have in this area, the close proximity to the city, the general
2511 location and the amenities that we have in this area; the area is an extremely popular place to live and raise
2512 a family, and if you experience this area, as evidenced by the recent residential development along
2513 Zionsville Road, I am sure you are all familiar with that, and Hampton Ridge Court, and we sincerely believe
2514 that the owner of this property could develop it into a residential character, two residential building lots,
2515 which would be consistent with the neighborhood, consistent with the staff report, and most of all
2516 consistent with the 2010 Land Use Plan. In addition to the Spotswood Park issues that I have enumerated,
2517 and the number of issues raised by the other neighborhood, we have John Alexander here tonight of Oak
2518 Forest, Stinton Road area, Lucy Stockdale, who is here from Greystone Condominiums, Robert Scott of
2519 Tuckahoe Club Court, Carolyn Nance of St. Albans Condominiums, Mr. Harold Payne of Belle Grove
2520 Subdivision, Mr. Dave Irvin of White Hall, and Justin Shepherd of Forest Ridge. They may have some
2521 comments in addition to what I have had to say, and I don't want them to be cumulative and I don't want
2522 to be cumulative, but we had a plat, and the only area that does not have one, somebody here, is Westham
2523 Woods. These are all, the orange area is the parcel in question. All of these areas here are areas of
2524 subdivisions or neighborhoods that expressed opposition to this plan, and you can see where this area fits.
2525 Now this property right in here is vacant, as well. It is part of the other two acres. So, with that, I will
2526 close. I ask if there are any questions, and I want to thank all of the neighbors for coming out tonight. I
2527 think we may have lost some of our contingency because of the hour, but if anybody has any questions, I
2528 will be glad to answer any questions.
2529

2530 Mr. Jernigan - Are there any questions from Mr. Dickinson from the Commission?
2531
2532 Ms. Ware - How many households do you represent?
2533
2534 Mr. Dickinson - Sixty-two in our subdivision, in Spotswood Park.
2535
2536 Ms. Ware - OK, and they all have expressed opposition?
2537
2538 Mr. Dickinson - Well, there is one employee of the applicant here, and I can't honestly say that he
2539 has expressed opposition to the proposed plan, but I will let him speak on his behalf in that regard. But,
2540 let's put it this way. We have a majority and a quorum.
2541
2542 Ms. Ware - I would like for each person, if it is possible time wise, to stand and identify
2543 themselves and say how many households they represent.
2544
2545 Mr. Jernigan - The neighborhood leaders.
2546
2547 Ms. Ware - Right. That have come out tonight...
2548
2549 Mr. Vanarsdall - Thank you.
2550
2551 Mr. Jernigan - Sir, you will have to come to the podium.
2552
2553 Ms. Ware - One at a time.
2554
2555 Mr. Shepherd - Justin Shepherd, I represent 106 households in Forest Ridge Subdivision and the
2556 majority are opposed to the rezoning.
2557
2558 Mr. Jernigan - Thank you, Mr. Shepherd.
2559
2560 Mr. Scott - I am Robert Scott and I represent Tuckahoe Club Court and we have 14 houses
2561 there and everybody is opposed to it.
2562
2563 Mr. Jernigan - Thank you, Mr. Scott.
2564
2565 Mr. Alexander - My name is John Alexander and I live on Sinton Road. There are eight homes. I
2566 have seven petitions against the building. The 8th person, I could not find her. She was not home. And I
2567 also have one from Dr. and Mrs. Everett on the corner, so the majority is definitely opposed. We live right
2568 where this building is going to abut against, so we are mainly concerned.
2569
2570 Mr. Jernigan - Thank you, Mr. Alexander.
2571
2572 Mr. Irvin - Dave Irvin with the Whitehall Neighborhood Association. I am president of our
2573 civic association and we have 84 homes. In preparation for having our Board meet to discuss this issue, we
2574 sent out a notice and asked folks basically to let us know whether you opposed the rezoning request. We
2575 gave them some information about it and asked them to let us know, do you oppose, do you support, or do
2576 you not care one way or the other? We got back in a very short period of time, I believe, about 50
2577 responses. We had three folks who indicated that they supported and one person who indicated they really
2578 didn't care one way or the other, and 43 homes who indicated that they opposed or had concerns about the
2579 rezoning. I submitted a letter to Commissioner Ware yesterday, sent it by Fax and by mail. I have brought
2580 copies of that if the other Commissioners would like to have a copy of that, and I have also brought along
2581 all of the responses that we got to our neighborhood notice, so I'd be happy to give you all, all of those
2582 papers. Thank you.

2583
2584 Ms. Ware - Thank you.
2585
2586 Ms. Carol Nance - Carol Nance, St. Alban's Association. I represent 51 units. I provided a
2587 packet of our petitions to every individual Board (sic) member prior to this meeting. I had some more
2588 petitions received this afternoon after I got home from work and it was too late to Xerox them. In addition,
2589 Dick Nelms, who is the regional president of Long and Foster additionally wrote a letter. As I mentioned, I
2590 consider him my expert witness as to property value depreciation that could result from placement of an
2591 office right in a residential area. Although I studiously avoided mentioning property value problems in the
2592 petition, I think he speaks with 38 years of experience and knows better than all of us.
2593
2594 Mr. Jernigan - Thank you, ma'am. I think...
2595
2596 Mr. Glover - I think that is checkmate.
2597
2598 Mr. Jernigan - I think we have seen enough. Mr. Willis, you have about four minutes left in
2599 rebuttal if you'd like to speak.
2600
2601 Mr. Willis - Well, since I currently own the property, I think there is an abundance of things
2602 that I can build under R-3 and I will be looking at those uses and we will be building something on the
2603 property. Thank you very much.
2604
2605 Mr. Jernigan - Thank you, Mr. Willis.
2606
2607 Mr. Glover - What you build on it is going to be quality, I am sure.
2608
2609 Mr. Willis - I hope so.
2610
2611 Mr. Glover - You hope? You build in Henrico real often?
2612
2613 Mr. Willis - Yes. I built the office building at Gayton and Lauderdale.
2614
2615 Mr. Glover - I just want to be sure you are looking at quality whatever you put there.
2616
2617 Mr. Willis - Absolutely.
2618
2619 Mr. Glover - Very good.
2620
2621 Mr. Willis - It might not be what everybody wishes to go there, but I am going to build
2622 something that is nice there. Thank you for your time.
2623
2624 Mr. Jernigan - Thank you, Mr. Willis. All right, Ms. Ware.
2625
2626 Ms. Ware - The applicant has proposed an attractive office building that in the right location
2627 would be a welcome addition. However, the location proposed in this case is not a location that is
2628 conducive to office use. Zoning is land use and it is long term. This company may sell or move and the
2629 land would still be zoned office with all of its uses in the midst of a heavy residential area. Based on the
2630 staff report, the application for O-1 zoning does not meet the Land Use Plan recommendation of Suburban
2631 Residential 1. It leap frogs over existing residential development, and would be surrounded on all sides by
2632 established and thriving residential neighborhood. The opposition to this rezoning is strong and covers
2633 most of the neighborhoods along Ridge Road as well as many of the adjacent property owners. These
2634 residents, as do I, believe that this office zoning would cause an increase in applications for zoning other
2635 than residential to be introduced along the Ridge Road corridor. This could significantly change the

2636 character of this area. Due to the demand for quality housing in this area as a result of the schools and its
2637 convenient location, the residential zoning that is in place in no way prevents or impedes the applicant from
2638 profitably developing this property. Due to these reasons, I move that C-4C-03 be sent to the Board of
2639 Supervisors with a recommendation of denial.

2640
2641 Mr. Vanarsdall - Second.

2642
2643 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Vanarsdall to deny. All in
2644 favor say aye. All opposed say no. The motion is denied.

2645
2646 The Planning Commission approved recommendation of denial of Case C-4C-03, Larry Willis, to the Board of
2647 Supervisors.

2648
2649 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning Commission voted
2650 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not
2651 conform to the recommendation of the Land Use Plan and it would introduce office zoning into an
2652 residential area.

2653
2654 **THE COMMISSION TOOK A FIVE-MINUTE BREAK AT THIS TIME.**

2655
2656 **THE COMMISSION RECONVENED.**

2657
2658 Mr. Jernigan - I would like to bring the meeting back to order. It is 10:18 p.m. Mr. Secretary, if
2659 you would give us the next case.

2660
2661 **Deferred from the December 12, 2002 Meeting:**

2662 **C-65C-02 Sharon & Dwight Fortune, et al:** Request to amend proffered conditions accepted with
2663 rezoning case C-61C-99, on Parcels 823-696-9339, 824-696-0738, 824-696-2237, 824-696-3536, 824-696-
2664 4734, 824-696-7532, 824-696-8055, 824-696-6684, 824-696-4265, 824-696-3265, 824-696-2265, 824-696-
2665 1265, 824-696-0266, 823-696-9167, 823-696-7861, 823-696-6569, 823-696-5469, 823-696-7443, 823-696-
2666 6345, 823-696-5246, located on Stansfield Court (Bewdly Subdivision). The amendment would reduce the
2667 natural buffer on the property. The existing zoning is R-2AC One Family Residence District (Conditional).
2668 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is
2669 also in the Airport Safety Overlay District.

2670
2671 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.

2672
2673 Mr. Jernigan - All right. Is there opposition to zoning case C-65C-02? OK. You will have a
2674 chance to speak, Mr. Hicks. Mr. Coleman, you may proceed.

2675
2676 Mr. Coleman - Thank you. You have received a blackline version of the proposed proffer which
2677 will require waiving the time limits.

2678
2679 This is an application to amend proffers approved with case C-61C-99. The applicants hosted two meetings
2680 with nearby property owners to discuss concerns regarding this request.

2681
2682 In February 2000, the Board of Supervisors approved C-61C-99 which rezoned 19.7 acres to R-2AC.
2683 Bewdley, a 20-lot subdivision, was subsequently recorded in May 2000, and several new homes have been
2684 constructed. Proffer #9 designated three areas as Tree Preservation Areas. The proffer also mandated
2685 that tree preservation areas be left in a natural state.

2686
2687 Owners of 19 of the 20 lots are a party to this application and are essentially requesting two changes to the
2688 proffers.

2689
2690 The first change would reduce the size of the Tree Preservation Areas on lots 6-14. On lots 8-14, the size
2691 would be reduced from variable widths in a range of 145 to 200 feet to a uniform 75 feet. On lots 6-8, Tree
2692 Preservation Areas would be reduced to match existing RPA, floodplain, and wetland areas designated on
2693 Bewdley subdivision plats and construction plans.
2694
2695 This amendment also proposes to omit the language requiring Tree Preservation Areas be left in a natural
2696 state. This language is very restrictive and prohibits property owners from installing fences, clearing
2697 underbrush including noxious plants, and undertaking other maintenance and minor improvement activities
2698 within the Tree Preservation Areas.
2699
2700 New language proposes to prohibit buildings and the removal of trees four inches in caliper and larger, and
2701 to also prohibit dog pens, doghouses, and other structures or enclosures for dogs.
2702
2703 Planning staff supports this request for the following reasons. The Tree Preservation Area will continue to
2704 provide a substantial buffer benefiting the adjacent property owners and the residents of Bewdley.
2705 Environmental regulations including wetlands and Chesapeake Bay Preservation regulations will continue to
2706 apply to selected areas and will limit land disturbance activities. Property owners in Bewdley will be able to
2707 undertake maintenance and minor improvements to their property.
2708
2709 I would be happy to answer any questions.
2710
2711 Mr. Jernigan - All right, Tom. We made a mistake. You said lots 8-14 and then lots 6, 7 and 8.
2712 It is 9 through 14.
2713
2714 Mr. Coleman - The amendment included lot 8, it includes, do you see this area where the hand is
2715 moving right here? Lot 8 was included to capture this area right here (referring to rendering).
2716
2717 Mr. Jernigan - All right.
2718
2719 Mr. Coleman - And that was different from what was discussed at the last community meeting.
2720
2721 Mr. Jernigan - OK.
2722
2723 Mr. Marlls - Tom, just a point of clarification, if the buffer is reduced, there still may be
2724 wetlands and RPA and other environmental requirements that would still be in place.
2725
2726 Mr. Coleman - Yes. This area shows the approximate limits of the flood plain, RPA, and wetlands,
2727 that contains overlapping flood plain, RPA areas and wetlands. The new line for the tree preservation areas
2728 would coincide with that. The areas designated in red here, this area here and this area here, were not
2729 included in the original proffer and they are not included now, but they are designated wetlands areas on
2730 the construction plans and are regulated by wetland regulations.
2731
2732 Mr. Jernigan - And also in this we decided that there would be no heavy equipment that would go
2733 up into this area other than a tractor with a bush hog, and anything in the wetlands area would be cut with
2734 a hand sickle.
2735
2736 Mr. Coleman - Right.
2737
2738 Mr. Jernigan - Now, lots 6, 7 and 8, all they are having is the RPA line is just being relocated,
2739 which in some cases there will only be 20 some feet.
2740

2741 Mr. Coleman - Right. The easement line – the tree preservation line – is being moved to coincide
2742 with the RPA line.
2743

2744 Mr. Jernigan - OK. Are there any questions for Mr. Coleman?
2745

2746 Mr. Vanarsdall - Where would you find that hand sickle?
2747

2748 Mr. Jernigan - I have got one. Well, it is a little strange. Where the wetland shows, it is wet
2749 there, so it was all agreed that anything they cut there would have to be cut with a hand sickle. All right,
2750 Mr. Hicks, you have heard everything. Do you want to speak for the group?
2751

2752 Mr. Hicks - My name is Shirley Hicks. I have lived down there for 44 years, but the lots you
2753 are talking about, 6, 7 and 8, that is down at where the pond is. Right?
2754

2755 Mr. Jernigan - Right. But the only thing they are doing there is relocating line to the RPA line.
2756 They are not going to pick up lots 9 through 14.
2757

2758 Mr. Hicks - Well, that land is going to actually get wetter down there when they take that
2759 pond out. That land is going to get in worse shape than what it is today. Because that holding pond is
2760 coming out. The builders are going to build houses there. They are going to build houses where that
2761 holding pond is. They are going to take that holding pond out. That is going to be piped directly into the
2762 swamp.
2763

2764 Mr. Jernigan - And I talked to Bob Thompson before today, before the meeting. And Ms. Foster
2765 didn't come tonight. Was she earlier?
2766

2767 Mr. Hicks - I really don't know. It was almost like a circus here tonight.
2768

2769 Mr. Jernigan - He explained to me then that the reason that they can't do the pipes in Britton
2770 Road right now...
2771

2772 Mr. Hicks - Yes, I have had several County officials call me today, Sam Amos, he called me
2773 today, because I was concerned about dumping all that water down there out of that holding pond. I don't
2774 know how many feet of water it is. But you take all the water off all the ridge, the drain-off on the land
2775 that has been cleared, all the storm sewers in the backs of those yards going up through there, all of that is
2776 running down there, and what it does is raises its level of water up higher and that restricts the flow from
2777 my side going down there.
2778

2779 Mr. Jernigan - Well, what Mr. Thompson said was that he can't do the pipes under Britton Road
2780 until Ms. Foster gives them an easement for them to run those pipes through there.
2781

2782 Mr. Hicks - Well, Sam Amos told me about the same thing, but if I owned a piece of property
2783 or something and highway is coming through, they'd take that, wouldn't they? That water is so deep on
2784 that curb down there that the kids go down there swimming sometimes. I mean they shouldn't be
2785 swimming in that nasty water. That is how deep it is. And it is getting worse each year because the leaves
2786 fall and it creates like a sponge. The water eventually runs into Deer Licking Creek, but it just acres and
2787 acres of swamp land down there, and there is no where for it to run.
2788

2789 Mr. Jernigan - Well, I am talking to Mr. Thompson. We are trying to get this straight.
2790

2791 Mr. Glover - Ray.
2792

2793 Mr. Jernigan - Excuse me. What did you want?

2794
2795 Mr. Glover - What I wanted to say is he mentioned about roads, if it was a road they could take
2796 it. The law doesn't allow the County to take land from anyone for a drainage outfall, but the law does allow
2797 taking it for roads, mainly because it serves the masses. Now, I am not saying I agree with it or disagree
2798 with it, but that is the law. We can't condemn land and take it for drainage.
2799
2800 Mr. Hicks - Well, you might not can by law, but the County has got a different set of rules that
2801 they go by. If the County wanted to do it, they could do it.
2802
2803 Mr. Glover - No, sir.
2804
2805 Mr. Hicks - Let me tell you something. I know a little bit about this plant down there at White
2806 Oak. In White Oak, if they'd put the water lines and things in there, they said that would have taken 10
2807 years to get the permit. Henrico County went right on through there and put them in.
2808
2809 Mr. Glover - OK.
2810
2811 Mr. Jernigan - Mr. Hicks, what I would like to do tonight and I mean when we met at the meeting
2812 everybody seemed to be on the same page when we left, and are you still OK with this?
2813
2814 Mr. Hicks - These changes are significant, the buffer, what is that? How many feet?
2815
2816 Mr. Jernigan - Seventy-five feet.
2817
2818 Mr. Hicks - All right.
2819
2820 Mr. Jernigan - And no dogs would be closer, because you said you didn't want the barking dogs.
2821
2822 Mr. Hicks - Right. I don't want them no closer than they are. They drive me crazy now.
2823
2824 Mr. Jernigan - So, I will tell you what I will do, I'd like to go ahead and recommend approval for
2825 this and send it on to the Board, but what we are going to do is work on the situation with the Department
2826 of Public Works to get you straight, too, and I guess...
2827
2828 Mr. Hicks - It isn't only me, it isn't only me. I was told by this lady here, something about the
2829 permit was already issued for the bridge. When they closed Britton Road, there was 1,100 or 1,200 cars
2830 that went through there. It is not only for me. But it does the water flow up in my yard because it is a pipe
2831 that runs under the road there and it backs up. Now, Sam Amos, they're going to get somebody to come
2832 out there and vacuum the leaves and things out of the ditch, which will help some.
2833
2834 Mr. Jernigan - Well, I think Ms. Wilder also said that they have received the OK to raise the road
2835 and put the culverts in. Well, I think, we've got two issues.
2836
2837 Mr. Hicks - All right. Let's get back on the other issue.
2838
2839 Mr. Jernigan - What I'd like to do is go ahead and approve the proffer change that we have
2840 tonight and work with the Department of Public Works to see if we can get straight on the flooded portion,
2841 too.
2842
2843 Mr. Hicks - OK, and one more thing. Has it been marked or do you know? The 75 feet?
2844
2845 Mr. Jernigan - No. Nothing has been done yet, because we haven't approved it. It wouldn't get
2846 marked until after we've approved it.

2847
2848 Mr. Hicks - And will you see that I get a copy of everything that we say here tonight?
2849
2850 Mr. Jernigan - Yes, sir. I will get you a copy of the minutes on this portion of it, OK.
2851
2852 Mr. Hicks - OK.
2853
2854 Mr. Jernigan - Is there anybody else that wanted to speak? OK. With that, I will move approval
2855 of Case C-65C-02, Sharon and Dwight Fortune.
2856
2857 Mr. Vanarsdall - Second.
2858
2859 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say
2860 aye. All opposed say no. The ayes have it. The motion is passed. Thank you, gentlemen.
2861
2862 The Planning Commission approved recommendation of approval of Case C-65C-02, Sharon & Dwight
2863 Fortune, et al, to the Board of Supervisors.
2864
2865 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission
2866 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because the
2867 proffers continue to assure quality development with maximum protection afforded adjacent properties.
2868
2869 Mr. Jernigan - I do want to say, too, that it was nice to see everybody work together on this.
2870 The two neighborhoods got together and saw that there were equal problems, so I appreciate your being
2871 good to work with. Thank you.
2872
2873 Mr. Marlles - The next thing on the agenda is the approval of minutes for the January 9, 2003
2874 meeting.
2875
2876 Mr. Vanarsdall - I wanted to let Mr. Glover know that since you were here before we changed it so
2877 that whoever represents the Board is supposed to read the minutes.
2878
2879 Mr. Glover - I have already read them.
2880
2881 Mr. Vanarsdall - And let us know if they are OK.
2882
2883 Mr. Glover - I already read them and everything seems to be out of order!
2884
2885 Mr. Jernigan - Are there any corrections to the minutes?
2886
2887 Mr. Archer - Page 23, Line 802. It says "I think that is the way it ought to be right now until we
2888 really "now", and I think that is really "know". Just put the k in there and I will be happy. It is near the
2889 end, right before the phrase "Thank you." Should be really "know" instead of really "now". That is all I
2890 have.
2891
2892 Mr. Jernigan - Are there any other corrections to the minutes? All right I make a motion that the
2893 minutes of the January 9, 2003 meeting be approved.
2894
2895 Mr. Vanarsdall - Second.
2896
2897 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say
2898 aye. All opposed say no. The minutes are approved.
2899

2900 OK, one more thing.
2901
2902 Mr. Marlles - The Regional Planning Commissioners Forum being sponsored by the PDC is going
2903 to be held at the Cultural Arts Center. Has everybody responded or indicated. This is the one we did last
2904 year.
2905
2906 Mr. Vanarsdall - A long time ago.
2907
2908 Mr. Marlles - This year I think it is March 14, isn't it Lisa, at the Cultural Arts Center. If you are
2909 going, and we would certainly encourage you to attend, please let us know as soon as possible.
2910
2911 Ms. Ware - I did.
2912
2913 Mr. Jernigan - Put me on it.
2914
2915 Mr. Marlles - Do you want me to get you some information?
2916
2917 Mr. Archer - Yes, I would appreciate it.
2918
2919 Mr. Jernigan - We have a motion from Mr. Vanarsdall to adjourn.
2920
2921 Mrs. Ware - Second.
2922
2923 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in favor say
2924 aye. All opposed say no. The meeting is adjourned.
2925
2926
2927
2928
2929

 J. Ray Jernigan, C.P.C., Chairman
2930
2931
2932
2933

 John R. Marlles, AICP, Secretary
2934