

1 Minutes of a work session of the Planning Commission of the County of Henrico
2 held in the County Manager's Conference Room, County Administration Building
3 in the Government Center at Parham and Hungary Spring Roads, beginning at
4 5:45 p.m. July 9, 2015.

5
Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

Also Present: Mr. Tom Tokarz, Deputy County Attorney
Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Ben Blankinship, AICP, Principal Planner
Ms. Sylvia Ray, Recording Secretary

6
7 Mr. Witte - I'd like to call the Henrico Planning Commission to
8 order. This is our July 9, 2015, work session. I'll now turn over the agenda to our
9 secretary, Mr. Joe Emerson.

10
11 Mr. Emerson - Thank you, Mr. Chairman.

12
13 The Commission convened a work session in the County Manager's Conference
14 Room at 5:45 p.m.

15
16 Mr. Emerson introduced Tom Tokarz, Deputy County Attorney, who provided a
17 presentation regarding revisions to Zoning Ordinance Amendments necessitated
18 by recent General Assembly legislation. Specifically, changes to the zoning code
19 were in regard to the terms and powers of the Board of Zoning Appeals, and in
20 other areas, to ensure conformance with state law, and eliminate instances of
21 language redundancy.

22
23 Further, Mr. Tokarz explained the anticipated impact these changes would have
24 on our citizenry and the probable increase in submission of applications.

25
26 During the question and discussion period, concerns were raised about the
27 interpretive and subjective nature of the BZA regulations and how they will
28 impact granting variances versus Conditional Use Permits, and/or recommending
29 rezoning.

31 Additionally, Mr. Emerson relayed the forthcoming changes in the BZA format, to
32 include preparation/presentation of staff reports with recommendations to the
33 BZA.

34

35 The Planning Commission recessed the work session at 6:41 p.m.

36

37 **THE PLANNING COMMISSION RECONVENED AT 7:02 P.M. FOLLOWING A**
38 **WORK SESSION.**

39

40 Minutes of the regular monthly meeting of the Planning Commission of the
41 County of Henrico held in the County Administration Building in the Government
42 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. July 9,
43 2015. Display Notice having been published in the Richmond Times-Dispatch on
44 June 22, 2015 and June 29, 2015.

45

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mrs. Lisa Blankinship, County Planner
Mr. John Cejka, County Traffic Engineer, Public Works
Ms. Sylvia Ray, Recording Secretary

46

47 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
48 **on all cases unless otherwise noted.**

49

50 Mr. Witte - Good evening. We would like to reconvene the July 9,
51 2015 meeting of the Planning Commission. This is our Zoning and Provisional
52 Use Permit meeting. I'll ask that you silence or turn off your cell phones and while
53 doing that, stand with us for the Pledge of Allegiance.

54

55 We have a guest here this evening. Mrs. O'Bannon, would you do the honors?

56

57 Mrs. O'Bannon - Yes. We have with us this evening Claire Galvin.
58 Claire, would you stand up? Claire is a rising senior at Glen Allen High School.
59 She has been shadowing me as a member of the Board of Supervisors for

60 several meetings. And she's also been working with other people in the County.
61 She is part of the County's internship programs that are held during the year and
62 in the summer. It's great in the summer because she's a rising senior.

63
64 High school students, college students, and graduate students work as interns,
65 some for salary and some for free, to gain experience. We've been doing this for
66 several years and have won several awards for it. And these young men and
67 women, some are hired by the County once they are done. I know our County
68 attorney's office has had interns that have been hired as attorneys once they get
69 they get their law license. I have one that is now working with us. She's in her
70 early twenties, and she came as an intern. And she did a lot of work with
71 computers. She's very computer savvy, and we needed someone like her, so she
72 was hired.

73
74 Internships are very good for the kids in our community, and I just wanted to pass
75 that on. And thank you, Claire, for coming this evening. Thank you.

76
77 Mr. Witte - All right. Do we have any media in the audience? I
78 see none. We have a quorum. Mrs. O'Bannon, our County Supervisor is with us
79 this evening. She generally refrains from voting because she'll see these cases
80 again with the Board. With that I'll turn the meeting over to our secretary,
81 Mr. Emerson.

82
83 Mr. Emerson - Thank you, Mr. Chairman. As you noted, the
84 Commission did hold a work session this evening at 5:45 to discuss upcoming
85 changes to the zoning code addressing duties of the Board of Zoning Appeals.
86 Whereby, the General Assembly has provided new legislation that the code must
87 be amended to reflect. Our public hearing will be held on the twenty-second of
88 this month at your design and site plan review meeting.

89
90 With that said, first on your agenda are the requests for withdrawals and
91 deferrals. Those will be presented by Mr. Jim Strauss.

92
93 Mr. Strauss - Thank you, Mr. Secretary. We do have one request
94 for deferral this evening. It is in the Three Chopt District on page 1 of your
95 agenda. It is REZ2015-00008, Eagle Construction of Virginia LLC. The applicant
96 is requesting a deferral to the August 13, 2015 meeting.

97
98 **(Deferred from the May 14, 2015 Meeting)**

99 **REZ2015-00008 Bay Companies, Inc. for Eagle Construction of**
100 **VA, LLC:** Request to rezone from A-1 Agricultural District and R-3 One Family
101 Residence District to R-5AC General Residence District (Conditional) Parcels
102 743-755-9852 and 743-755-8828 containing 5.11 acres located on the east line
103 of Crown Grant Road at its intersection with Cedar Hill Court. The applicant
104 proposes 16 single family detached homes on zero lot lines. The R-5A District
105 allows a maximum density of six (6) units per acre. The use will be controlled by

106 zoning ordinance regulations and proffered conditions. The 2026 Comprehensive
107 Plan recommends Suburban Residential 2, density should not exceed 3.4 units
108 per acre.

109
110 Mr. Witte - Is there any opposition to the deferral of REZ2015-
111 00008, Bay Companies, Inc. for Eagle Construction of VA, LLC? I see none.

112
113 Mr. Branin - Then Mr. Chairman, I would like to move that
114 REZ2015-00008, Bay Companies, Inc. for Eagle Construction of VA, LLC, be
115 deferred to the August 13th meeting, per the applicant's request.

116
117 Mr. Archer - Second.

118
119 Mr. Witte - We have a motion by Mr. Branin, a second by
120 Mr. Archer. All in favor say aye. Any opposed? The motion passes.

121
122 At the request of the applicant, the Planning Commission deferred REZ2015-
123 00008, Bay Companies, Inc. for Eagle Construction of VA, LLC, to its meeting on
124 August 13, 2015.

125
126 Mr. Emerson - Mr. Chairman that completes the requests for
127 withdrawals and deferrals unless the Commission has any deferrals they would
128 like to make at this time. If there are none, next on the agenda are the requests
129 for expedited items; there are none of those this evening. That takes us into our
130 regular agenda at the top of page 2, REZ2015-00017, Jeffrey P. Geiger for
131 Graham Meadows, LLC. The staff report will be presented by Mr. Ben Sehl.

132
133 **REZ2015-00017 Jeffrey P. Geiger for Graham Meadows, LLC:**
134 Request to conditionally rezone from A-1 Agricultural District to O-2C Office
135 District (Conditional) Parcels 732-763-5470 and 732-763-8362 containing 2.712
136 acres located on the south line of Graham Meadows Drive approximately 385'
137 west of its intersection with N. Gayton Road. The applicant proposes a medical
138 office building. The use will be controlled by zoning ordinance regulations and
139 proffered conditions. The 2026 Comprehensive Plan recommends Government
140 and Semi-Public. The site is located in the West Broad Street Overlay District.

141
142 Mr. Witte - Is there any opposition to REZ2015-00017, Jeffrey P.
143 Geiger for Graham Meadows, LLC? I see none. Mr. Sehl.

144
145 Mr. Sehl - Thank you, Mr. Chairman.

146
147 This is a request to rezone approximately 2.7 acres from A-1 to O-2C to allow for
148 the development of a medical office building located between Our Lady of Hope
149 and Nuckols Farm Elementary School. The site would be accessed via Graham
150 Meadows Drive, which also provides access to the elementary school and
151 Graham Meadows and Gayton Station residential developments.

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In addition to the adjacent uses I mentioned, the proposed GreenGate Urban Mixed-Use development would be located north of the subject site and would also have access to Graham Meadows Drive, meaning a wide variety of uses exist or are planned in the immediate vicinity of the site. The 2026 Comprehensive Plan's recommendation for the subject site is Government and Semi-Public. These designations are reflective of the adjacent school and nursing home uses. Properly developed, the proposed medical office building could complement these adjacent uses and be generally consistent with the goals of the Comprehensive Plan for this area.

To ensure the proposed building complements these adjacent uses and minimizes impacts on nearby residential developments, the applicant has provided a number of proffers, including this conceptual plan. Architectural elevations have also been proffered. Additionally, the applicant has provided proffers addressing items such as:

- prohibited uses;
- hours of construction;
- exterior building materials;
- signage and lighting;
- screening of mechanicals; and
- retention of mature landscaping in required landscape buffers.

Additionally, to ensure consistency with the enhanced streetscape measures to be located across Graham Meadows in GreenGate and to minimize the impact of proposed parking areas along Graham Meadows Drive, the applicant has proffered an enhanced buffer in this area.

While not entirely consistent with the 2026 Future Land Use map designations for the site, the proposed use would complement other existing and planned uses in the area, and the proffered conditions should guarantee a level of quality consistent with other recent development in the vicinity. For these reasons, staff supports this request.

I'd be happy to try to answer any questions you might have.

Mr. Witte - Any questions by the Commission? How would you like to proceed, sir?

Mr. Branin - Was there opposition?

Mr. Witte - No.

Mr. Branin - I didn't think so. I would like to speak to the applicant.

198 Mr. Geiger - Jeff Geiger here on behalf of the applicant, Graham
199 Meadows, LLC.

200
201 Mr. Branin - Mr. Geiger, it seems that you do have support from
202 the surrounding community. I want you to be aware that as this moves forward
203 and does get approved by the Board and POD, we're going to be looking at
204 buffers very strongly and also coming up with a good way to deal with
205 construction traffic so it doesn't impede, because this will be going on while the
206 schools are in session.

207
208 Also, as a note to you, I think it's great that every patient from this doctor's office
209 is in favor of this, but I don't know if it was necessary for 280 of them to send a
210 letter stating it. In the future, let's try to combine all 280 letters into five.

211
212 Mr. Geiger - No problem.

213
214 Mr. Branin - Okay?

215
216 Mr. Geiger - Be happy to.

217
218 Mr. Branin - It taxed staff. It taxed Mr. Kaechele.

219
220 Mr. Geiger - I understand.

221
222 Mr. Branin - I enjoyed reading them. I was up until two or three in
223 the morning reading those letters saying boy, this is really great.

224
225 Mr. Geiger - Yes sir.

226
227 Mr. Branin - Okay, thank you.

228
229 Mr. Geiger - Thank you.

230
231 Mr. Branin - Can I speak to traffic?

232
233 Mr. Cejka - Good evening.

234
235 Mr. Branin - How are you?

236
237 Mr. Cejka - I'm just fine.

238
239 Mr. Leabough - State his name.

240
241 Mr. Branin - Would you state your name for the record?

242
243 Mr. Cejka - Oh, sorry. John Cejka, traffic engineer.

244
245 Mr. Branin - John, you did a traffic study when?
246
247 Mr. Cejka - We did traffic counts this week.
248
249 Mr. Branin - This week.
250
251 Mr. Cejka - Correct. GreenGate did one when they did their study,
252 and that was during school.
253
254 Mr. Branin - Okay. And the combination of the two showed?
255
256 Mr. Cejka - This week there were 660 cars on Graham Meadows
257 Drive, and the GreenGate study had approximately 1100 cars.
258
259 Mr. Branin - Okay. This corner concerns me. It's concerned me
260 with every case we've had. Please take note that I'm very interested in the
261 feasibility of a traffic light on that corner.
262
263 Mr. Cejka - Okay.
264
265 Mr. Branin - Okay?
266
267 Mr. Cejka - Yes sir.
268
269 Mr. Branin - I know I have voiced it to Public Works, and they
270 should be looking into it now.
271
272 Mr. Cejka - We actually did do a signal study with approximate
273 volumes of traffic, and it did not warrant it at this time. Of course once everything
274 is built out and we get a real, true effect of the traffic generated then we'll
275 definitely—
276
277 Mr. Branin - My concern is GreenGate is there.
278
279 Mr. Cejka - Correct.
280
281 Mr. Branin - I don't think this doctor's office is going to have that
282 much of an impact because this is the lowest kind of impact. Out of all the things
283 that could be built there, I think this is on the low end of the spectrum. But I think
284 in living there and driving through that area on a daily basis, it gets pretty hairy,
285 especially on rainy days with the school and school buses and the way that hill is.
286 So I would like an in-depth study done also looking at accidents.
287
288 Mr. Cejka - Okay, we'll do that.
289

290 Mr. Witte - Any questions by the Commission for Mr. Geiger or
291 anybody else? It's your floor, sir.

292
293 Mr. Branin - I know, it's an easy case. Mr. Chairman, I would like
294 to move that REZ2015-00017, Jeffrey P. Geiger for Graham Meadows, LLC,
295 move forward to the Board of Supervisors with a recommendation for approval.

296
297 Ms. Jones - Second.

298
299 Mr. Witte - We have a motion by Mr. Branin, a second by
300 Mrs. Jones. All in favor say aye. Opposed? The motion passes.

301
302 **REASON -** Acting on a motion by Mr. Branin, seconded by Mrs.
303 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
304 Board of Supervisors **grant** the request because it would not adversely affect the
305 adjoining area if properly developed as proposed and the proffered conditions will
306 provide appropriate quality assurances not otherwise available.

307
308 I'd like to welcome Mr. Strong; I saw him come into the room. Thank you, sir.

309
310 Mr. Emerson - Mr. Chairman, we now move on to the next case on
311 your agenda, which is REZ2015-00018, James W. Theobald for Gumenick
312 Properties. The staff report will be presented by Mr. Livingston Lewis.

313
314 **REZ2015-00018 James W. Theobald for Gumenick Properties:**
315 Request to amend proffered conditions accepted with Rezoning Case C-5C-07
316 on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, -4023,
317 773-739-6286, -8155, 773-740-5043, -8899, -9498, 773-741-2637, -3132, -3726,
318 -4222, -5414, -6011, -6808, -7505, -8102, 774-739-4371, -5043, -5750, 774-740-
319 0096, -0894, -1592, -2190, -2403, -2888, -3584, -4182, -4708 located on the east
320 line of Libbie Avenue approximately 310 feet north of W. Broad Street (U.S.
321 Route 250) to its intersection with N. Crestwood Avenue, then along the east line
322 of Spencer Road to the south line of Bethlehem Road and the west line of
323 Staples Mill Road (U.S. Route 33). The applicant proposes to amend proffers
324 related to the pattern book, development standards, prohibited uses, and hours
325 of operation among other items. The existing zoning is UMUC Urban Mixed-Use
326 District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-
327 Use. A portion of the site along Libbie Avenue north of W. Broad Street (U.S.
328 Route 250) and along Staples Mill Road (U.S. Route 33) is in the Enterprise
329 Zone.

330
331 Mr. Witte - Is there any opposition to REZ2015-00018, James W.
332 Theobald for Gumenick Properties? I see none. Mr. Lewis.

333
334 Mr. Lewis - Mr. Chairman, good evening.

335

336 This is a request to amend proffers accepted with rezoning case C-5C-07 for the
337 Libbie Mill - Midtown UMU development currently under construction near the
338 intersection of Staples Mill and Bethlehem Roads. The proposed amendments
339 pertain to a variety of topics including pattern book and master plan revisions;
340 location and mixture of uses; building heights; residential types and sizes; and
341 other details. Although most of the proffers include some change, many items are
342 simply housekeeping to reduce duplication and provide clarification. The general
343 nature and overall appearance of the development would remain in keeping with
344 the originally approved project. This case is also related to the next item on
345 tonight's agenda, PUP2015-00006, which proposes changing some of the
346 project's provisional use permit conditions.

347
348 The originally approved proffers and pattern book are tied to very specific
349 heights, designs, locations, and uses to each building proposed. For flexibility to
350 respond to the residential and non-residential markets more proactively during
351 the multi-year build-out, the applicant wishes to amend the following items:

- 352
353 • The master plan and pattern book. The land bay proffer would be
354 deleted, leaving the organization and makeup of the site's different
355 sections to be governed by the new master plan and pattern book,
356 both of which reflect ideas very similar to the original case. Strictly
357 commercial buildings would still be placed along Staples Mill Road,
358 with mixed-use areas throughout the site's interior, and the residential
359 neighbor sections on the properties western third. The open space and
360 trail areas, central lake park, and internal road network also closely
361 mirror the 2007 layout. The dark red areas identified as residential
362 and/or commercial around the perimeter of the site are the most
363 notable changes from the original plan.
- 364
365 • The residential neighborhood areas would no longer have a detached
366 single-family component, but would still include a variety of townhome
367 designs similar to the types depicted in these revised elevations. The
368 overall maximum number of residential units would not change. The
369 minimum square footage for most apartments, condominiums, and
370 townhomes would be reduced by 100 to 300 square feet depending on
371 the type of unit. New language would also limit the 450-square-foot
372 studio units to no more than 20 percent of the residential mix.
- 373
374 • Most of the structure-specific references to building height have been
375 removed from the proffers leaving the PUP conditions to regulate this
376 aspect of the development. The remaining references to height in the
377 proffers provide the following limitations:
 - 378
379 ▪ Townhomes and stacked townhome-style condos would be
380 no taller than fifty feet.

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- Buildings in the northeastern-most development area would be a maximum of fifty feet. And that area is this portion right here near the corner of Bethlehem and Staples Mill.
 - And any building on the far western parcel at Libbie and North Crestwood would be no higher than sixty feet. That's this L-shaped portion here.
- Hours of operation. Health clubs would be allowed to operate twenty-four hours daily. The hours of all other retail uses would be expanded to 6 a.m. to midnight, Sunday through Wednesday, and 5 a.m. to 1 a.m. Thursday through Saturday. This matches the hours previously allowed for restaurants in the original case.
 - Car title loan businesses would be added to the list of prohibited uses. And several uses currently prohibited by proffer are proposed to be allowed. These include animal hospitals and vets, bars, hotels, and accessory billiard or video game parlors.
 - Standalone parking garages are proposed with the PUP request. If approved, the proffers state these would not be located adjacent to the segments of Bethlehem and Spencer Roads within the residential neighborhood sections, so nowhere along this perimeter.
 - And there are additional amendments that relate to several other topics including the recently added assurances regarding non-combustible soffits and exterior ceiling materials that you should see in your handout.

The nature of the proposed changes would be consistent with the site's Urban Mixed-Use 2026 Plan designation and would be in keeping with the overall character and level of quality established by the original rezoning case.

Staff supports this request. Time limits would need to be waived for the proffers.

This concludes my presentation. I'm happy to answer any questions.

Mr. Witte - Anyone on the Commission have any questions for Mr. Lewis? I see none. I really don't see a need to bring them down. I make a motion that we waive the time limits for REZ2015-00018, James W. Theobald for Gumenick Properties.

Mr. Archer - Second.

Mr. Witte - We have a motion by Mr. Witte, a second by Mr. Archer. All in favor say aye. Opposed? The motion passes.

427 Ms. Jones - Before we go ahead to the final vote, would it be
428 possible just to have the applicant give us a summary from his perspective?

429
430 Mr. Witte - Absolutely.

431
432 Ms. Jones - Okay.

433
434 Mr. Witte - Would the applicant please come forward.

435
436 Ms. Jones - Mr. Chairman, I feel this is a complicated case, and
437 we've all taken a lot of time to look it over. But I'd appreciate hearing a summary
438 from the applicant's perspective. It would make me feel better about my vote.

439
440 Mr. Leabough - I just said the same thing, Ms. Jones. This is a lot to
441 absorb. So thank you.

442
443 Mr. Witte - We have spent many hours on this, all of us.

444
445 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.
446 My name is Jim Theobald, and I'm here this evening on behalf of Gumenick
447 Properties, who through a variety of different entities, owns what is now known
448 as Libbie Mill - Midtown.

449
450 This UMU was zoned some time ago. You may recall this was the old Suburban
451 apartment site. It's about eighty acres in size. We zoned it at one point to
452 increase the multi-family density, and then later on took advantage of the UMU
453 ordinance to create what is now Libbie Mill - Midtown, and have been working
454 with that rezoning ever since.

455
456 The reasons for these changes really boil down to a few. Number one, you've
457 changed your UMU ordinance since we did this first one. So some things that
458 were prohibited are now allowed; some things that were allowed now have
459 restrictions on them. And so we were looking to be consistent with the current
460 ordinance.

461
462 Perhaps the biggest change is that when we first started with this, it was eighty
463 acres of a scraped site. And I think everybody was interested in making sure that
464 they knew exactly what was going to happen on every inch of ground. And so we
465 had a pattern book that you'll recall was about four inches thick. It literally had a
466 fcsighted architecture in the loca:ion and density and parking counts for every
467 building on every inch of the site. And while that was a good guess as to what we
468 anticipated, it went out the window when we donated the land for the public
469 library. Suddenly nothing was in the same place. Everything moved. The uses
470 moved, the sizes moved. And we were able to work with that with the first
471 number of PODs for Southern Season and the office buildings. But we have
472 found it's becoming increasingly difficult to administer the proposed development

473 through the existing case. And it's not only been frustrating for us, but for staff as
474 well as they try to reconcile our request with the pattern book that really had lost
475 its relevance.

476
477 So we met with a variety of folks—Mr. Glover, Mr. Vithoukas, Mr. Witte, staff—
478 and we've been working on this for many, many, many months to explain what
479 we were trying to accomplish. Part of that was to create a little more flexibility so
480 that every time something might differ just a little bit we didn't have to come back
481 in and go through a four-to-six-month process. This is in an Enterprise Zone. And
482 as you know, to take advantage of economic development opportunities, those
483 folks want entitled sites that are ready to roll. They don't want to hear that you
484 have to go through a four-to-six-month zoning amendment.

485
486 You've read here recently that we've landed a Fortune 500 tenant for this second
487 office building here—Rutherford Insurance, which is a subsidiary of Marsh &
488 McLennan. I think those are the kinds of tenants that have found their way to
489 us—and to Henrico County, I might add.

490
491 So the idea was to take advantage of the new ordinance, make it more flexible,
492 but give you the base level guarantees. And so the new pattern book is really
493 more of a form-based type of approach in that it shows architectural styles, and it
494 shows materials, but it doesn't show the architecture of every single building.
495 We've established that through what we've built so far—Southern Season, the
496 office building where Gumenick has its headquarters. Certainly the library has
497 contributed to that as well. So the pattern book is much more flexible, as is the
498 zoning.

499
500 We have committed to leave this part residential. We've worked on the edges in
501 terms of mitigating impacts, as Mr. Lewis described. And we added this potential
502 commercial/residential area over here at Mr. Glover's suggestion, which I think is
503 a good one because it's right behind the shopping center, the Sauer's Shopping
504 Center. We don't really know who's going where, but I think we've built in the
505 protections to allow this.

506
507 So this is just a page or two out of the new pattern book that shows the type of
508 architecture and building materials. It explains things like scale, height, materials,
509 mass, etc. This, of course, is the Southern Season building with the Southerly
510 restaurant that hopefully you all have been able to visit. And then more pictures
511 of the office buildings with the retail occurring on the street level. That exists.
512 Some of the retail leases are being negotiated as we speak. The interest in this
513 site has just been phenomenal. The Gumenicks have made sure the quality of
514 the tenants is superb. They've probably turned down more than you can imagine.
515 It's a very bright beginning for Libbie Mill – Midtown.

516
517 This is your library. It's really neat. It's going to be right on the lake feature. It has
518 a wonderful promenade in front. This is going down to the left down to the lake.

519 There is outdoor public space, green space, street trees, et cetera, occurring
520 around that lake. You saw the elevations of the townhomes. These are the two-
521 over-two stacked condos.

522
523 And just to summarize, although I think Mr. Lewis did just a really nice job and
524 very concise at the difference. But we did revise the pattern book, obviously, the
525 Land Bay Master Plan requirement. The information that was to be provided
526 there really comes with each POD, although we have separately provided—but
527 we do have to provide updated numbers for each—for the parking study because
528 we still have the PUP for reduced parking, as well as helping the County track
529 the number of rental versus for-sale units initially developed to make sure we
530 don't exceed that mix and the cap.

531
532 We've consolidated all the townhome, apartment, and condominium proffers to
533 make it a little more readable. And we've taken out the phasing requirement as
534 we've started with nothing but commercial. The worry up front was you'd only
535 build your apartment project and nothing else would come forth. But the
536 commercial has been off and running here. We did reduce the size of the
537 community building after looking at the needs of other communities from 6,000
538 square feet down to 5,000.

539
540 The uses haven't really changed that much. Your new UMU ordinance allows
541 veterinary clinics without outdoor runs. We had proffered it out in the first, so now
542 it's back in, really by ordinance. Theaters were an initial concern. But in our
543 discussions, a CinéBistro type theater would apparently be acceptable. So that's
544 the only type of theater that we have allowed.

545
546 We took out the bar language. You don't have the word *bars* in your ordinance.
547 And it's all regulated by ABC. And we're starting to find these uses like
548 microbreweries, brew pubs, and we're not really sure what they are. In any event,
549 I don't think we've done any real damage there.

550
551 Hotels were an initial concern, I think, of Mr. Glover. Now I think with the
552 experience at West Broad Village with the hotel there and in other developments
553 a hotel is now an acceptable use, but not motels or motor lodges.

554
555 Floor limitations. Some of the ordinance requirements have changed, and we just
556 want to be able to make sure that our use—other than office, parking garages,
557 hotels, and multi-use—could be up to 25,000 square feet, except a fitness center
558 can be up to 60,000 square feet, grocery store and/or gourmet grocery store
559 could each be up to 65,000 square feet, and your library is also 65,000 square
560 feet.

561
562 The PUP conditions, which we have worked with staff on and are before you this
563 evening, basically address the building heights and parking decks. We have
564 limited the heights of buildings in the areas around the edges.

565

566 It's a lot of language. The staff report is complicated when you have proffers and
567 the PUP conditions. But staff has done a great job. Jean Moore, Livingston
568 Lewis. Mr. Emerson was also involved in these discussions. Taking this from a
569 very conceptual level of what we wanted to accomplish and then getting it down
570 on paper—I hope we've succeeded.

571

572 With that, I'll be happy to answer any questions. I would respectfully ask that you
573 recommend approval of this case to the Board of Supervisors.

574

575 Mr. Witte - Any questions by the Commission?

576

577 Ms. Jones - That was helpful to me. I appreciate it; going through
578 it like that.

579

580 Mr. Witte - Any questions? You covered pretty much everything
581 for the rezoning and the PUP, I believe.

582

583 Mr. Theobald - Mmm-hmm.

584

585 Mr. Witte - Okay. Thank you, sir.

586

587 Mr. Theobald - Thank you.

588

589 Mr. Witte - We've already waived the time limits. I move that
590 REZ2015-00018, James W. Theobald for Gumenick Properties, move to the
591 Board of Supervisors with a recommendation for approval.

592

593 Mr. Branin - Second.

594

595 Mr. Witte - We have a motion by Mr. Witte, a second by
596 Mr. Branin. All in favor say aye. All opposed say no. The motion passes.

597

598 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
599 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
600 Board of Supervisors **grant** the request because the changes do not greatly
601 reduce the original intended purpose of the proffers.

602

603 Mr. Emerson - Mr. Chairman, the next item on your agenda is a
604 companion case to the case you just discussed. It's PUP2015-00006, James W.
605 Theobald for Gumenick Properties. The staff report will be presented by
606 Mr. Livingston Lewis.

607

608 **PUP2015-00006 James W. Theobald for Gumenick Properties:**
609 Request for a Provisional Use Permit under Sections 24-32.1(aa), 24-34(p), and
610 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2014-

611 00014 for the mixed-use development on Parcels 771-740-9118, 772-740-0431,
612 -1137, -1743, -2229, -2836, -4023, 773-739-6286, -8155, 773-740-5043, -8899,
613 -9498, 773-741-2637, -3132, -3726, -4222, -5414, -6011, -6808, -7505, -8102,
614 774-739-4371, -5043, -5750, 774-740-0096, -0894, -1592, -2190, -2403, -2888,
615 -3584, -4182, -4708 located on the east line of Libbie Avenue approximately 310
616 feet north of W. Broad Street (U.S. Route 250) to its intersection with N.
617 Crestwood Avenue, then along the east line of Spencer Road to the south line of
618 Bethlehem Road and the west line of Staples Mill Road (U.S. Route 33). The
619 applicant proposes changes in development standards related to building height,
620 floor area limitations, vendor areas, fire protection, and outdoor dining areas for
621 the mixed-use development, among other items. The existing zoning is UMUC
622 Urban Mixed Use District (Conditional). The 2026 Comprehensive Plan
623 recommends Urban Mixed Use. A portion of the site along Libbie Avenue north of
624 W. Broad Street (U.S. Route 250) and along Staples Mill Road (U.S. Route 33) is
625 in the Enterprise Zone.

626

627 Mr. Witte - Is there any opposition to PUP2015-00006, James W.
628 Theobald for Gumenick Properties? I see none. Mr. Lewis.

629

630 Mr. Lewis - Mr. Chairman, thank you again.

631

632 All of the basics have been covered about the property and the intent of the
633 request. So here are the items that the applicant that wishes to change with the
634 provisional use permit.

635

636 The current height condition allows two buildings up to 175 feet, five buildings up
637 to 75 feet, and townhomes and stacked condominiums up to 50 feet. The
638 applicant's request would keep the pair of 175-foot buildings and maintain
639 townhomes and stacked condominiums at 50 feet. The changes would be adding
640 one building up to 250 feet in height and allowing all other buildings to be 100
641 feet tall except as limited in the proffers.

642

643 The request would allow over 30 percent of residential units to be rental,
644 reflecting the same provision in the revised UMU ordinance. The proffered
645 maximum numbers of residential unit totals for owner-occupied and rental would
646 remain unchanged.

647

648 The UMU district allows that a minimum of 25 percent of aggregate building
649 square footage be for commercial or office uses, but this percent can be reduced
650 with a provisional use permit approval. The applicant proposes reducing this
651 minimum percentage to 10 percent.

652

653 The maximum square footage for specific individual uses would be increased as
654 follows:

655

- 656 • Fitness center and health club would go from 15,000 square feet to
657 60,000.
658 • All other non-exempt uses would go from 10,000 square feet to 25,000.
659 • The library and grocery store will remain at the previously approved
660 65,000-square-foot maximum.
661 • Office buildings, hotels, multi-family buildings, and parking garages are all
662 exempted from the size restrictions by the UMU ordinance.
663

664 A new condition #14 would allow stand-alone parking garages with no additional
665 uses included in the structure. Therefore, a change to condition 8 was requested
666 to eliminate the need for fire suppression and sprinkling in these structures.
667 Condition #7 still requires the installation of standpipe fire protection.
668

669 Garages would be finished with masonry material and are proffered to not be
670 located adjacent to the segments of Bethlehem and Spencer Roads within the
671 residential sections.
672

673 Given the many proffered assurances in place, including the additional height
674 restrictions along Bethlehem Road, staff believes the changes proposed in this
675 request would be consistent with the site's UMU designation and in keeping with
676 the quality established by the original cases. Staff supports this request subject
677 to the recommended conditions distributed this evening.
678

679 This concludes my presentation.
680

681 Mr. Witte - Any questions for Mr. Lewis? Would anyone like to
682 hear from the applicant again? All right. With that I move that PUP2015-00006,
683 James W. Theobald for Gumenick Properties, move to the Board of Supervisors
684 with a recommendation for approval.
685

686 Mr. Leabough - Second.
687

688 Mr. Witte - We have a motion by Mr. Witte, a second by
689 Mr. Leabough. All in favor say aye. Opposed? The motion passes.
690

691 **REASON -** Acting on a motion by Mr. Witte, seconded by Mr.
692 Leabough, the Planning Commission voted 5-0 (one abstention) to recommend
693 the Board of Supervisors **grant** the request because it is reasonable in light of
694 the surrounding uses and existing zoning on the property.
695

696 Mr. Emerson - Mr. Chairman, we now move to the top of page 3 for
697 REZ2015-00016, Michael and Angela Kelly. The staff report will be presented by
698 Mr. Ben Sehl.
699

700
701

702 *(Deferred from the June 11, 2015 Meeting)*

703 **REZ2015-00016 Michael and Angela Kelly:** Request to conditionally
704 rezone from A-1 Agricultural District to R-2AC One-Family Residence District
705 (Conditional) Parcel 823-696-3910 containing 3.955 acres located on the
706 northwest line of Henry Ward Boulevard approximately 490' north of Darbytown
707 Road. The applicant proposes a single family development. The R-2A District
708 allows a minimum lot area of 13,500 square feet and a gross density of 3.22 units
709 per acre. The use will be controlled by zoning ordinance regulations and
710 proffered conditions. The 2026 Comprehensive Plan recommends Suburban
711 Residential 1, density should not exceed 2.4 units per acre. The site is located in
712 the Airport Safety Overlay District.

713
714 Mr. Witte - Is there any opposition to REZ2015-00016, Michael
715 and Angela Kelly? I see none. Mr. Sehl.

716
717 Mr. Sehl - Thank you again, Mr. Chairman.

718
719 As Mr. Emerson mentioned, this application is to rezone 3.96 acres from A-1 to
720 R-2AC to develop approximately seven homes. The property is adjacent to the
721 Henry Ward Elementary School and the Bewdley subdivision, which is located to
722 the north in this location.

723
724 The applicant has not provided a maximum density, but has provided this
725 un-proffered conceptual plan that shows the proposed pattern of development.
726 The proposed subdivision would use the site's existing frontage on Henry Ward
727 Boulevard to develop seven lots, an equivalent density of 1.77 units per acre.
728 This density would be in line with the site's SR1 designation on the 2026 Future
729 Land Use Map.

730
731 In addition to the un-proffered concept plan, the applicant has provided a number
732 of proffers detailing quality guarantees for the subdivision. Major aspects of the
733 proffers include the following:

- 734
735
- 736 • There would be a minimum finished floor area of 1,700 square feet for
737 one-story homes and 2,200 square feet for two-story or cape-style
738 homes.
 - 739 • Seventy percent of the homes would have garages, with 60 percent of
740 the garages being side or rear loaded.
 - 741 • Homes would be constructed of brick, stone, HardiPlank or vinyl, with
742 40 percent required to have 33 percent brick or stone on the front
743 elevation.
 - 744 • Stoops and steps would be constructed of brick or stone, with brick or
745 stone piers for country porches.

746 In addition, the applicant has proffered several photographs illustrating the
747 general character of the proposed homes, as shown here. These photos were

748 included in the revised proffers distributed to you this evening and are also
749 shown here. There are four of them in total, and they're in the back of the packet
750 just handed to you as well. The revised proffers were received yesterday, so time
751 limits would need to be waived to accept them this evening.

752
753 In general, this request would be consistent with the 2026 Comprehensive Plan
754 and other recent residential developments in the area; however, as noted in the
755 staff report, staff believes that additional provisions could be made for providing
756 access to potential development areas located to the west of the subject site and
757 encourages the applicant to consider providing for the integration of this site into
758 the overall development pattern of the area.

759
760 The revised proffers distributed to you this evening generally address the
761 concerns noted in the staff report. If the applicant were to address the noted
762 concerns regarding access to the west to the Commission's satisfaction, staff
763 could support this request.

764
765 This concludes my presentation. I'd be happy to try to answer any questions you
766 might have.

767
768 Mr. Witte - Any questions for Mr. Sehl? Mr. Leabough.

769
770 Mr. Leabough - Yes. Would the applicant please come forward? Oh, a
771 question for Mr. Sehl first.

772
773 Mr. Sehl - Yes sir.

774
775 Mr. Leabough - Did you mention that time limits would have to be
776 waived?

777
778 Mr. Sehl - They would need to be waived, yes sir.

779
780 Mr. Leabough - Okay, thank you for that.

781
782 Mr. Kelly - Good evening.

783
784 Mr. Witte - Good evening.

785
786 Mr. Leabough - Could you state your name for the record, please?

787
788 Mr. Kelly - My name is Mike Kelly. I'm the owner of the property
789 there.

790
791 Mr. Leabough - Okay. Mr. Kelly, a couple of quick questions. There
792 are a couple of items that need to be cleaned up in the proffered conditions that
793 we have in front of us—

794

795 Mr. Kelly - Okay.

796

797 Mr. Leabough - —related to the percentages and just putting some
798 hard numbers in there. Seventy percent of seven homes is 4.9. So we need to
799 clean that up a little bit. And then item #17 in the proffers referring to the Colonial
800 Transition or Craftsman. But it looks like you have kind of a mix of
801 Craftsman/Transitional. We need to clean that up as well between now and the
802 Board. Are you in agreement with that?

803

804 Mr. Kelly - Yes, we can take care of that. That's not a problem.

805

806 Mr. Leabough - Okay. Anyone else have questions? Ms. Jones?

807

808 Ms. Jones - You are not proffering the site plan, the layout.

809

810 Mr. Kelly - No ma'am.

811

812 Ms. Jones - Do you have other layouts that you're considering?

813

814 Mr. Kelly - There are other layouts, yes ma'am. These are just
815 overall what—the elevations are what I'm trying to show the Commission what
816 I'm trying to do.

817

818 Mr. Leabough - She's talking about the site plans.

819

820 Ms. Jones - I'm talking about the site plans.

821

822 Mr. Kelly - Oh, I'm sorry. No ma'am. Right now this is what I'm
823 pretty much going by.

824

825 Ms. Jones - There are big disparities on the sizes of the lots,
826 aren't there?

827

828 Mr. Kelly - Yes, just the way it was—.

829

830 Mr. Leabough - Is there any explanation as to why you didn't proffer
831 the site plan?

832

833 Mr. Kelly - No, no reason why I didn't.

834

835 Mr. Branin - You're comfortable with the site plan, right? I mean
836 there's not a lot that you can do with your site. You can't put in cross streets and
837 so forth.

838

839 Mr. Kelly - Sure, sure.

840
841 Mr. Branin - So that's pretty much the layout.
842
843 Mr. Kelly - Exactly, exactly. This is my first time; bear with me.
844
845 Mr. Leabough - I just don't think you have a lot of options unless you
846 want to build a road through there.
847
848 Mr. Kelly - No.
849
850 Mr. Leabough - And we definitely don't want a cul-de-sac. Even if he
851 proffers or doesn't proffer the site plan, he doesn't have many options. But that
852 could be something if you want to proffer that between now and the Board.
853
854 Mr. Kelly - Okay. Well thank you. I didn't realize that.
855
856 Ms. Jones - One more. Did Mr. Sehl refer to western access?
857
858 Mr. Kelly - Yes.
859
860 Ms. Jones - How has that been discussed or resolved?
861
862 Mr. Leabough - Do you want to speak to western access? I mean it's
863 a seven-lot subdivision.
864
865 Mr. Kelly - If you look at the rest of the properties behind it, they
866 all have access to Britton Road to the west and Darbytown to the south. The
867 subdivision adjacent, was that Stansfield Court, maybe? That has a stub road in
868 there. I think from what I can read, staff didn't want to whole of traffic out onto
869 Ward Boulevard. So if you opened up—you're probably looking at another
870 sixteen acres that could be zoned R-2 or whatever, R-3. That might put another
871 fifty units in there. I think that's kind of the threshold for one entranceway, fifty
872 homes on one street.
873
874 Ms. Jones - Okay. Thank you.
875
876 Mr. Leabough - Okay, thank you, sir. I have no further questions. Do
877 others?
878
879 Mr. Witte - Anyone else with questions? Mr. Leabough.
880
881 Mr. Leabough - All right. Thank you, Mr. Chairman. With that I move
882 that we waive the time limits for receipt of the proffered conditions.
883
884 Mr. Archer - Second.
885

886 Mr. Witte - We have a motion by Mr. Leabough, a second by
887 Mr. Archer. All in favor say aye. Opposed? The motion passes.

888

889 Mr. Leabough - Now I move that REZ2015-00016, Michael and
890 Angela Kelly, move forward to the Board of Supervisors with a recommendation
891 of approval.

892

893 Mr. Archer - Second.

894

895 Mr. Witte - We have a motion by Mr. Leabough, a second by
896 Mr. Archer. All in favor say aye. Opposed? The motion passes.

897

898 **REASON -** Acting on a motion by Mr. Leabough, seconded by
899 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend
900 the Board of Supervisors **grant** the request because it conforms to the
901 recommendations of the Comprehensive Plan, continues a form of zoning
902 consistent with the area, and the proffered conditions will assure a level of
903 development otherwise not possible.

904

905 Mr. Emerson - Mr. Chairman, the next item on your agenda is
906 REZ2015-00019, Andrew M. Condlin, Esquire, for Ryan Converse, CWC Food
907 Properties, LLC. The staff report will be presented by Ms. Lisa Blankinship.

908

909 **REZ2015-00019 Andrew M. Condlin, Esq. for Ryan Converse, CWC**
910 **Food Properties, LLC:** Request to conditionally rezone from O-2 Office District
911 to B-2C Business District (Conditional) Parcel 815-715-7156 containing .95 acres
912 located on the west line of S. Laburnum Avenue at its intersection with Finlay
913 Street. The applicant proposes a restaurant with drive-through window. The use
914 will be controlled by zoning ordinance regulations and proffered conditions. The
915 2026 Comprehensive Plan recommends Office. The site is located in the Airport
916 Safety Overlay District.

917

918 Mr. Witte - Is there any opposition to REZ2015-00019, Andrew
919 M. Condlin, Esquire for Ryan Converse, CWC Food Properties, LLC? I see none.
920 Ms. Blankinship.

921

922 Ms. Blankinship - Good evening. Thank you, Mr. Chairman, members of
923 the Commission.

924

925 This is a request to conditionally rezone .95 acres from O-2 to B-2C to allow for a
926 proposed restaurant with drive-thru services, Zaxby's. The site is located on the
927 west line of South Laburnum Avenue at its intersection with Finlay Street.

928

929 The applicant has submitted proffers that would further regulate the development
930 of the site. These proffers are largely consistent and compatible with surrounding
931 commercial uses and address:

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- building materials;
- building and parking lot lighting heights;
- signage requirements;
- prohibited uses;
- landscape buffers and sidewalks; and
- screening of HVAC equipment and dumpsters.

The applicant has also proffered a conceptual plan and architectural elevations as seen here. This is showing the front and rear elevations, and this is showing the side elevations. These un-proffered photos show the type of building that would be constructed. This is the front view and the side views.

The site is designated Office on the 2026 Comprehensive Plan and is part of the South Laburnum Avenue Revitalization/Reinvestment Opportunity Area. This request would not be consistent with the Office designation, but would support the Plan's special focus area incentives directed at encouraging continued revitalization and economic growth.

In addition, the proposed zoning and use could be appropriate given its consistency with recent rezoning cases and the infill redevelopment nature of the proposal. Staff believes the proffers submitted would provide assurances for a quality development. For these reasons, staff supports this request.

Mr. Witte - Any questions by the Commission? I see none.
Mr. Leabough.

Mr. Leabough - You said there was no one in opposition, correct?

Mr. Witte - No one—oh, wait minute. He's raising his hand now.

Mr. Emerson - We have opposition.

Mr. Witte - We now have opposition.

Mr. Branin - Sir, you have to come down because we record this.
And you do have to state your name.

Mr. Rhodes - Hello. My name is Andre Rhodes. I'm not in opposition, but I have a question. Has a traffic study been done for this area? It's already super congested. We have two banks on the corners. We have a pay loan or something, and a doctor's office and dentist office behind this proposed site. You have the Kroger Market right around the curb. And you have another block of offices across the street parallel to this. I just wanted to know has there been any type of traffic monitoring in this area. It's already horrible.

978 Mr. Witte - Anyone else like to speak?
979
980 Mr. Leabough - All right. Mr. Cejka, it looks like you're up again.
981
982 Mr. Cejka - Good evening.
983
984 Mr. Leabough - You heard Mr. Rhodes' question about traffic. You all
985 did provide that input in the staff report. Could you speak to the traffic that will be
986 generated by this use, please—proposed use?
987
988 Mr. Cejka - Yes sir. The traffic generated would be very similar to
989 the bank that was there. Zaxby's does not have an a.m. peak; they're not open in
990 the morning. So there wouldn't be any congestion there. From what I saw with
991 the numbers, it would generate approximately fifty new p.m. trips. It doesn't seem
992 like much. A lot of the traffic for fast food restaurants are pass-by trips, which
993 means they're already on the road. They just pull in, get the food, get back out.
994 These were just new trips.
995
996 Mr. Leabough - So fifty in addition to the office zoning that's there now
997 or fifty—
998
999 Mr. Cejka - Just fifty for Zaxby's. The bank had approximately
1000 seventy.
1001
1002 Mr. Leabough - So it's actually lower than what would be allowed by
1003 the O-2.
1004
1005 Mr. Cejka - Slightly lower, yes sir.
1006
1007 Mr. Leabough - Okay. All right. Thank you. Anyone else have any
1008 questions for Mr. Cejka? Would the applicant please come forward?
1009
1010 Mr. Condlin - Members of the Commission, Andy Condlin on behalf
1011 of CWC Properties.
1012
1013 Mr. Leabough - Yes. You heard the question about traffic.
1014
1015 Mr. Condlin - Yes sir.
1016
1017 Mr. Leabough - Sounds like it was answered by Mr. Cejka.
1018
1019 Mr. Condlin - I couldn't do any better than what he just said, yes sir.
1020
1021 Mr. Leabough - Anything else you want to add to address concerns
1022 raised about traffic?
1023

1024 Mr. Condlin - The only other things we are going to—pursuant to
1025 the staff report, we are going to have to do a dedication along Laburnum Avenue
1026 as well as proffering for sidewalks. We've proffered for that, as well as enhancing
1027 the landscaping along Laburnum Avenue. It may not help with traffic, but it
1028 certainly helps the corridor. Those are the only other things I would add to that.

1029

1030 Mr. Leabough - All right.

1031

1032 Mr. Condlin - Thank you.

1033

1034 Mr. Leabough - Thank you. Any other questions? All right. I
1035 understand your concerns about traffic. The only complicated part of it is that this
1036 property is already zoned for Office. As our traffic engineer told us, it's going to
1037 actually generate less traffic than what could be generated if this were
1038 redeveloped as a bank site or some other office building. So it actually puts less
1039 traffic on the road, according to our traffic engineer. I do agree with you,
1040 Laburnum is pretty congested at rush hour, at peak hours. That's noted I think in
1041 the Comprehensive Plan. That's why we have asked and you all have minimized
1042 the number of access points on Laburnum. And you have the access point on
1043 Finley as opposed to having two access points on laburnum. Correct? Yes.

1044

1045 If there are no other question from the Commission, I move that REZ2015-00019,
1046 Andrew M. Condlin, Esquire for Ryan Converse, CWC Food Properties, LLC,
1047 move forward to the Board of Supervisors with a recommendation of approval
1048 subject to the conditions as noted in the staff report.

1049

1050 Mr. Branin - Second.

1051

1052 Mr. Witte - We have a motion by Mr. Leabough, a second by
1053 Mr. Branin. All in favor say aye. Opposed? The motion passes.

1054

1055 **REASON** - Acting on a motion by Mr. Leabough, seconded by
1056 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend
1057 the Board of Supervisors **grant** the request because it would not adversely affect
1058 the adjoining area if properly developed as proposed and the proffers conditions
1059 would provide for a higher quality of development than would otherwise be
1060 possible.

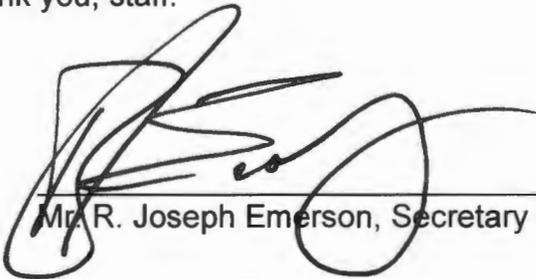
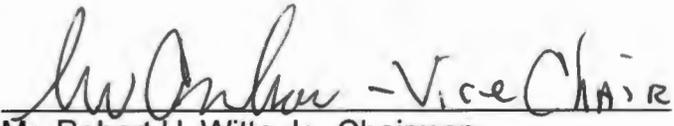
1061

1062 Mr. Emerson - Mr. Chairman, the next item on your agenda will be
1063 the consideration of the approval of your minutes from your June 11th meeting.
1064 You do have an errata sheet.

1065

1066 Mr. Branin - Ms. Jones, in regards to that last case, I know you
1067 were seriously considering voting no, as I was, because we haven't had an
1068 opportunity to have a Zaxby's come into our districts. So I was thinking about it.

1069

1070 Ms. Jones - At the applicant's peril they brought this case forward,
1071 that's true.
1072
1073 Mr. Witte - They hit the best district first.
1074
1075 Mr. Leabough - I move that the minutes be approved subject to the
1076 errata sheet.
1077
1078 Mr. Branin - Please.
1079
1080 Mr. Archer - Second.
1081
1082 Mr. Witte - We have a motion by Mr. Leabough, second by
1083 Mr. Archer. All in favor say aye. Opposed? The motion passes.
1084
1085 Mr. Emerson - Mr. Chairman, I have nothing further for the
1086 commission this evening.
1087
1088 Mr. Archer - Mr. Chairman, there being nothing further, I move for
1089 immediate adjournment.
1090
1091 Mr. Leabough - Second.
1092
1093 Mr. Witte - Thank you, staff.
1094
1095
1096
1097
1098
1099 
1100 _____
1101 Mr. R. Joseph Emerson, Secretary
1102
1103
1104 
1105 FOR Mr. Robert H. Witte Jr., Chairman