

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 March 13, 2003, Display Notice having been published in the Richmond Times-Dispatch on February 20,
4 2003, and February 27, 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. Randall R. Silber, Assistant Director of Planning
15 Mr. Ralph J. Emerson, Principal Planner
16 Mr. Mark Bittner, County Planner
17 Mr. Thomas Coleman, County Planner
18 Ms. Jean Moore, County Planner
19 Mr. Paul Gidley, County Planner
20 Ms. Debra Ripley, Recording Secretary

21
22 **Board of Supervisors Representative abstains on all cases unless otherwise noted.**

23
24 Mr. Jernigan - Good evening, ladies and gentlemen, staff and fellow Commissioners. Ladies and
25 gentlemen, on behalf of the Planning staff and the Planning Commission, we'd like to welcome you to our
26 March 13, 2003 Public Hearing for Zoning. We don't have a large agenda tonight, but I see we have a few
27 people in here that I haven't seen faces before, so I will go over real briefly and tell you how things work.
28 As the cases are announced, we will have expedited cases first, but as the cases are announced, if you are
29 in opposition, I will ask for opposition, and if you are in opposition just raise your hand and you will have
30 time to speak at the appropriate time. If you do speak, please come to the podium. These hearings are
31 audibly taped and you will have to be at the microphone for us to pick you up. And if there is opposition to
32 a case, there will be 10 minutes for the applicant and 10 minutes for the opposition. So, with that, before I
33 turn it over to Mr. Emerson, I would like to welcome Chris Dovi. He is here with the *Richmond-Times*
34 *Dispatch*. Do we have anybody else here with the press? OK.

35
36 Mr. Vanarsdall - You don't need anybody else when we have Chris.

37
38 Mr. Jernigan - That is right. With that, I would like to turn our meeting over to our Secretary, Mr.
39 Marlles.

40
41 Mr. Marlles - Thank you, Mr. Chairman. Good evening, ladies and gentlemen and members of
42 the Commission. We do have a number of items for withdrawal and deferrals, and those will be presented
43 by Mr. Emerson.

44
45 Mr. Emerson - Thank you, Mr. Marlles. Mr. Chairman, you have several items for deferral tonight,
46 approximately five.

47
48 **C-6C-03 Robert L. Stout for Gilbert E. Holt, Jr., Claudia T. Holt and Roberta J. Holt:**
49 Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
50 (Conditional), part of Parcel 805-705-6565 (approx. 2.8 acres) and Parcel 805-705-5584 (approx. 0.767
51 acre), containing approximately 3.567 acres, located on the south line of Old Oakland Road approximately
52 600 feet west of Oakvale Street and adjoining the east line of the Old Oakland subdivision. A single-family
53 residential subdivision is proposed. The applicant proffers no more than four (4) residential lots will be

54 developed on the property. The R-3 District allows a minimum lot size of 11,000 square feet. The Land
55 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

56
57 Mr. Emerson - The deferral is requested to the April 10, 2003 meeting.

58
59 Mr. Jernigan - All right. Is there any opposition to Zoning Case C-6C-03? Mr. Emerson, I am
60 going to use my Commission deferral on that. So, with that, I will make a motion to defer Case C-6C-03 for
61 30 days.

62
63 Mr. Vanarsdall - Second.

64
65 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say
66 aye. All opposed say no. The motion passes.

67
68 The Planning Commission deferred Case C-6C-03, Robert L. Stout for Gilbert E. Holt, Jr., Claudia T. Holt and
69 Roberta J. Holt, to its meeting on April 10, 2003.

70
71 **C-7C-03 F. Robert Loftis for Sunstar Technologies:** Request to conditionally rezone
72 from A-1 Agricultural District and R-2AC One Family Residence District (Conditional) to R-3C One Family
73 Residence District (Conditional), Parcel 762-761-6559 and part of Parcel 766-762-1042, containing
74 approximately 0.37 acre, located on the north line of Hungary Road approximately 60 feet east of Walton
75 Farms Drive. A single-family residential subdivision is proposed. The applicant proffers a maximum of two
76 (2) lots will be developed on the property. The R-3 District allows a minimum lot size of 11,000 square feet.
77 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

78
79 Mr. Emerson - The deferral is requested to the April 10, 2003 meeting.

80
81 Mr. Jernigan - Is there any opposition to Zoning Case C-7C-03? OK. Mr. Vanarsdall.

82
83 Mr. Vanarsdall - Mr. Chairman, I move that Case C-7C-03 be deferred until April 10, 2003, at the
84 applicant's request.

85
86 Mr. Taylor - Second.

87
88 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor say
89 aye. All opposed say no. The ayes have it. The motion passes.

90
91 At the request of the applicant, the Planning Commission deferred Case C-7C-03, F. Robert Loftis for
92 Sunstar Technologies, to its meeting on April 10, 2003.

93
94 **C-8C-03 Laraine Isaac for Godsey Properties, Inc.:** Request to conditionally rezone
95 from A-1 Agricultural District to R-3C One Family Residence District (Conditional) Parcels 755-768-1347 and
96 755-768-2764, containing 6.0 acres, located on the west line of Springfield Road at Olde Milbrooke Way. A
97 single-family residential subdivision is proposed. The R-3 District allows a minimum lot size of 11,000
98 square feet. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

99
100 Mr. Emerson - The deferral is requested to the April 10, 2003 meeting.

101
102 Mr. Jernigan - Is there any opposition to Zoning Case C-8C-03? Mr. Vanarsdall.

103
104 Mr. Vanarsdall - Mr. Chairman, I move that Case C-8C-03 be deferred for 30 days to April 10, 2003,
105 at the applicant's request.

106

107 Ms. Ware - Second.
108
109 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Ms. Ware. All in favor say
110 aye. All opposed say no. The motion passes.
111

112 At the applicant's request, the Planning Commission deferred C-8C-03, Laraine Isaac for Godsey Properties,
113 Inc. to its meeting on April 10, 2003.
114

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

116 **C-33C-02 Henry L. Wilton for WILHOOK, LLC:** Request to rezone from B-3C Business
117 District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District
118 (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in R-3C;
119 approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville Turnpike and Neale
120 Street (Maplewood Farm). Commercial and single family residential developments are proposed. The uses
121 will be controlled by proffered conditions and zoning ordinance regulations. The R-3 District allows a
122 minimum lot size of 11,000 square feet. The Land Use Plan recommends Commercial Concentration. The
123 site is also in the Airport Safety Overlay District.
124

125 Mr. Emerson - The deferral is requested to the June 12, 2003 meeting.
126

127 Mr. Jernigan - Is there any opposition to Case C-33C-02? No opposition. Mr. Archer.
128

129 Mr. Archer - Mr. Chairman, I move deferral of Case C-33C-02, Wilhook, LLC to June 12, 2003
130 meeting at the applicant's request.
131

132 Mr. Vanarsdall - Second.
133

134 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
135 aye. All opposed say no. The motion is passed.
136

137 At the request of the applicant, the Planning Commission deferred Case C-33C-02, Henry L. Wilton for
138 WILHOOK, LLC, to its meeting on June 12, 2003.
139

140 **C-10C-03 Andrew Condlin/Caroline Browder for Wendy's International, Inc.:**

141 Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional), Parcel 741-
142 741-6996, containing 0.586 acre, located at the southeast intersection of Patterson Avenue (State Route 6)
143 and Pump Road. A Wendy's Fast Food Restaurant with drive-thru is proposed. The use will be controlled
144 by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office.
145

146 Mr. Emerson - The deferral is requested to the April 10, 2003 meeting.
147

148 Mr. Jernigan - Is there any opposition to Case C-10C-03, to the deferral of that case? Ms. Ware.
149

150 Ms. Ware - I move that Case C-10C-03 be deferred to the April 10, 2003 meeting, at the
151 applicant's request.
152

153 Mr. Vanarsdall - Second.
154

155 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Vanarsdall. All in favor say
156 aye. All opposed say no. The motion passes.
157

158 At the request of the applicant, the Planning Commission deferred Case C-10C-03, Andrew Condlin/Caroline
159 Browder for Wendy's International, Inc. to its meeting on April 10, 2003.

160
161 **P-4-03 Andrew Condlin/Caroline Browder for Wendy's International, Inc.:** Request for a
162 provisional use permit under Sections 24.58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to
163 extend the permitted hours of service until 1:00 a.m., on Parcel 741-741-6996, containing 0.586 acre,
164 located at the southeast intersection of Patterson Avenue (State Route 6) and Pump Road. The existing
165 zoning is O-2 Office. The Land Use Plan recommends Office.

166
167 Mr. Emerson - The deferral is requested to the April 10, 2003 meeting.

168
169 Mr. Jernigan - Is there any opposition to the deferral of P-4-03? Ms. Ware.

170
171 Ms. Ware - I move that P-4-03 be deferred to the April 10, 2003 meeting at the applicant's
172 request.

173
174 Mr. Vanarsdall - Second.

175
176 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Vanarsdall. All in favor say
177 aye. All opposed say no. The motion passes.

178
179 At the applicant's request, the Planning Commission deferred Case P-4-03, Andrew Condlin/Caroline
180 Browder for Wendy's International, Inc. to its meeting on April 10, 2003.

181
182 Mr. Marlles - Mr. Emerson, do we have any requests for Expedited Items?

183
184 Mr. Emerson - No, sir, we do not.

185
186 **Deferred from the February 13, 2003 Meeting:**

187 **C-71C-02 Robert Attack/F. Robert Loftis for Cedar Fork, LLC:** Request to conditionally
188 rezone from A-1 Agricultural District and R-2A One Family Residence District to R-5AC General Residence
189 District (Conditional), Parcels 813-729-0099, 813-729-1810, 813-728-1795, 812-729-4468 and 812-729-
190 5529, containing approximately 51.04 acres, located on the west line of Cedar Fork Road at Tiffanywoods
191 Lane. A zero-lot-line development is proposed. The R-5A District allows a minimum lot size of 5,625
192 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
193 and Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is also in the Airport Safety
194 Overlay District.

195
196 Mr. Archer - Mr. Chairman, I have one more deferral to introduce. We have a case that is not
197 quite ready for preparation, so I will move deferral of Case C-71C-02.

198
199 Mr. Jernigan - Mr. Archer, let me see if there is any opposition. Is there anyone in the audience
200 in opposition to the deferral of Case C-71C-02? No opposition. OK. Mr. Archer.

201
202 Mr. Archer - I move deferral of Case C-71C-02, Robert Attack/F. Robert Loftis, for 30 days to the
203 April 10, 2003 meeting at the request of the Commission.

204
205 Mr. Vanarsdall - Second.

206
207 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
208 aye. All opposed say no. The ayes have it. The motion is passed.

209
210 The Planning Commission deferred Case C-71C-02, Robert Attack/F. Robert Loftis for Cedar Fork, LLC, to its
211 meeting on April 10, 2003.

212 **C-5C-03** **Jacqueline I. Throckmorton:** Request to conditionally rezone from B-1 Business
213 District to R-3C One Family Residence District (Conditional), Parcel 805-711-3602, containing 0.623 acre,
214 located at the northwest intersection of Darbytown Road and Oregon Avenue (Richland Heights). A single-
215 family residential subdivision is proposed. The R-3 District allows a minimum lot size of 11,000 square feet.
216 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

217
218 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.

219
220 Mr. Jernigan - Alright, is there any opposition to Case C-5C-03? Mr. Coleman, you may proceed,
221 sir.

222
223 Mr. Coleman - Thank you, sir. The applicant is requesting to conditionally rezone a .623 acre
224 parcel from B-1 to R-3C. The property is currently vacant and located at the Darbytown Road entrance to
225 Richland Heights. The property is designated SR 1 on the Land Use Plan.

226
227 The small size of the parcel and its close proximity to existing dwelling units limits the viability of this site for
228 quality commercial development.

229
230 County records indicate nearby homes are predominantly one-story dwellings ranging in size from
231 approximately 890 to about 1,500 square feet of finished floor area. The majority of the dwellings are in
232 the 890 to 1,150 square foot range.

233
234 The applicant has proffered a minimum house size of 1,100 sq. ft. of finished floor, and all homes would be
235 constructed with a crawl space and with brick foundations.

236
237 This request is consistent with surrounding residential development, and the applicant has provided
238 sufficient proffers to further regulate development of the property. Single-family residential development at
239 this location is appropriate, and staff recommends approval of this request.

240
241 I would be happy to answer any questions.

242
243 Mr. Jernigan - Did you say single, ranch style and be 1,100 square feet?

244
245 Mr. Coleman - Yes.

246
247 Mr. Jernigan - That is pretty much in the area.

248
249 Mr. Coleman - Yes, sir.

250
251 Mr. Jernigan - Are there any questions for Mr. Coleman from the Commission? Thank you, Mr.
252 Coleman. Ms. Throckmorton, I don't see that you need to speak unless you want to. I am OK with it. I
253 think it is all residential there, and I don't know how it got zoned B to start with, but I guess it has been a
254 while ago. I am OK with it, so with that, I will make a motion to approve C-5C-03.

255
256 Mr. Vanarsdall - Second.

257
258 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say
259 aye. All opposed say no. The ayes have it. The motion is passed.

260
261 The Planning Commission approved recommendation of approval of Case C-5C-03, Jacqueline
262 Throckmorton, to the Board of Supervisors.

263

264 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission voted
265 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is
266 appropriate residential zoning at this location.

267
268 **C-47C-02 James W. Theobald for Timothy L. Ramsey:** Request to conditionally rezone from A-1
269 Agricultural District and RTHC Residential Townhouse District (Conditional) to M-1C Light Industrial District
270 (Conditional), Parcel 776-766-2949 and part of Parcels 776-765-5797 and 776-766-3112, containing 2.083
271 acres, located at the southeast intersection of Woodman and Mountain Roads. A mini storage warehouse is
272 proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land
273 Use Plan recommends Office.

274
275 Mr. Marlles - The staff report will be given by Mr. Coleman.

276
277 Mr. Jernigan - All right, is there any opposition to Zoning Case C-47C-02? We have opposition.
278 Mr. Coleman, you may proceed.

279
280 Mr. Coleman - Thank you. The northern portion of the property was rezoned Residential
281 Townhouse in March 2002.

282
283 The Land Use Plan recommends Office. The proposed industrial zoning district and the proposed use are
284 not consistent with this recommendation and are not appropriate at this location.

285
286 The subject property is bordered by existing and proposed residential uses on three sides. Mountain
287 Laurel Townhouses lie to the north across Mountain Road. The proposed Herndon Towne development is
288 to the east. Single-family dwellings lie to the south. The adjacent property to the west across Woodman
289 Road is vacant and is also designated Office on the Land Use Plan. Diagonally to the northwest, lie
290 additional properties including a greenhouse, additional vacant land, and low-density residential
291 development, all designated Suburban Residential 1 on the Land Use Pan.

292
293 Approval of this application would introduce industrial zoning into this area. Considering the close
294 proximity of residential development, this request does not represent a desirable variation from the land use
295 plan, and staff continues to support the Office designation.

296
297 Considering the amount of undeveloped land nearby, the industrial zoning district and the mini storage
298 warehouse facility would not set an appropriate precedent for nonresidential development in this area.

299
300 The applicant submitted a number of proffers, which include several quality elements. At the right location,
301 this could be a desirable proposal.

302
303 In conclusion, this request for an industrial zoning district is incompatible with adjacent zoning districts and is
304 not consistent with the land use plan recommendation. There are more appropriate locations for a mini
305 storage warehouse facility. Planning staff recommends this application be denied.

306
307 I would be happy to answer any questions.

308
309 Mr. Jernigan - Are there any questions for Mr. Coleman from the Commission? Thank you, Mr.
310 Coleman. Mr. Archer, would you like to hear from the applicant?

311
312 Mr. Archer - Yes. We have opposition and I think we need to hear from the applicant.

313
314 Mr. Jernigan - Mr. Theobald, the 10-minute rule is in effect. Would you like to reserve rebuttal
315 time?

316

317 Mr. Theobald - I think I'd like to reserve four minutes, two for my rebuttal and two for other
318 supporters of this case who wish to speak.

319
320 Mr. Jernigan - Do we have, is there anybody that wants to see this case passed? You have
321 support? OK. Mr. Theobald, you may proceed, sir.

322
323 Mr. Theobald - Thank you. Mr. Chairman, ladies and gentlemen, my name is Jim Theobald and I
324 am here this evening on behalf of Timothy and Elaine Ramsey, who have owned this property for over 30
325 years. This is a request to rezone approximately two acres of land from A-1 to M-1C, Light Industrial, for the
326 development of a mini storage facility to serve the needs of residents in this area. You see the conceptual
327 site plan on the screen above you, and you've been supplied it previously in your packets. These plans are
328 very carefully developed to have a minimal impact on the surrounding areas. We have been in very close
329 contact with Mr. Atack, who is developing a new section of town homes adjacent on the east. In fact,
330 utilizing the same engineers, Foster and Miller, to coordinate the development. Mr. Atack has indicated his
331 support for this request as an appropriately designed transitional use, and I have a letter in my file
332 evidencing that support that I can share with the County. Significantly, the Atack parcel was also designated
333 in your land use plan for office development, that they obviously rezoned to a different use. The design has
334 been prepared by Freeman and Morgan, Architects, and as you see on the screen, it is a compound like
335 facility which serves the purpose of screening all of the internal activity. There is but one entrance and exit,
336 that being off Woodman Road, at a point further away from the intersection with Mountain Road. This plan
337 has also been designed to meet all County setback and transitional buffer requirements. The exterior of the
338 buildings are designed to be Colonial in appearance. If we could have the elevations, Tom, please.
339 (Elevations are displayed) The siding that is anticipated on this building is the same that you've seen on
340 Saxon Shoes, and Tom, if you can put up that for a moment. It is a stamped concrete product that is
341 painted that looks exactly like brick. This design also incorporates - if we can go back to the elevation -
342 many architectural features, such as false windows, doors, dormers and cupolas. We have taken a great
343 deal of care to make sure that the town homes to the east, in conjunction with our discussion with Mr. Atack,
344 that the interior of the facilities will not be visible from the second story of those town homes. The roof on
345 this facility is a dimensional shingled product.

346
347 As you can see, the elevations at the very top is what you would see from the Mountain Laurel Town Homes
348 across Mountain Road, the short elevation at the very top. The longer elevation in the middle is the one that
349 you would see from the new town homes proposed by Mr. Atack, and the view at the bottom would be the
350 view from Woodman Road. We have filed a number of significant proffers. We have proffered our site plan
351 and our elevations. We have restricted the use, since it is an M-1 use to only that for a mini-storage
352 warehouse facility, or self-service storage facility, with an accessory office. We have proffered our setbacks.
353 We have minimized lighting to but 10 feet in height above grade level, that was use to a security level at the
354 close of business, commitment to screen all heating, ventilation and air conditioning equipment. Another
355 condition that no doors will be visible from the exterior of the facility, no outside speakers. We have limited
356 the hours of trash pickup, as well.

357
358 I want to talk for a moment about the Land Use Plan. The Land Use Plan does suggest office development
359 for this site. Keep in mind your office designation would include, if rezoned for office, medical office
360 buildings, professional office buildings, banks and day care facilities. Of course, mini storage facilities do
361 require M-1, Light Industrial Zoning, but I think to an extent they are mis-categorized, as they primarily serve
362 residences and we have evolved in our design of these in conjunction with staff over the years to a use that
363 is certainly far from an industrial appearing use.

364
365 I submit to you that this use has far less of an impact than that would be permitted under the uses office
366 designation. These uses are enormously quiet, they generate less traffic than any other use other than a
367 cemetery, and the ITE Manual that the Transportation Department uses, I believe the staff report suggests
368 that there could be as many as 32 trips a day, and they are a good transitional use. We've used them in
369 many areas along Parham Road and elsewhere as a transition between either high traffic areas and

370 residential uses. The trick is having them well designed and well proffered. These uses use virtually no
371 County services. There are no children to educate. There are no demands on our libraries, our parks,
372 emergency services or utilities. All they do is generate taxes.

373
374 If we look at the area a little bit, and opportunities for development, if we could look at that aerial, Tom,
375 (referring to rendering), it is not a predominantly residential area. It is an area with a variety of uses. It is
376 greatly impacted, as you might expect, by the Interstate 295, impacted by the interchange with 295 and
377 Woodman Road. This is the site here in the very corner (referring to rendering), but what you see is the
378 County Depot down here for its busses and other vehicles, a highly impacted area, as well as County Water
379 Tower and athletic fields and Virginia Randolph School Complex over here. So there is a variety of things
380 going on in this area. There is also a commercial greenhouse operation catty-cornered to the site, which is
381 actually quite an appropriate use.

382
383 And so I would end by saying if the impacts of office zoning are appropriate for this site, then so too should
384 be the use of a site with less impact that has all of the appearance of a quality office-type development. So,
385 with that, I would be happy to answer any questions and would respectfully ask that you recommend
386 approval of this case to the Board of Supervisors.

387
388 Mr. Jernigan - All right. Are there any questions for Mr. Theobald from the Commission?

389
390 Mr. Theobald - Thank you. We do have some proponents that would like to speak.

391
392 Mr. Jernigan - But, Mr. Theobald, I am going to hear from the opposition first and then we will get
393 them.

394
395 Mr. Theobald - OK. That is fine.

396
397 Mr. Jernigan - I stand corrected. We will hear from the supporters now. Whoever would like to
398 speak, you have two minutes.

399
400 Mr. William Seay - My name is William Seay and I am a landowner at 2222 Hobley Circle, at the
401 condos, and I want to express my wife and my support for the improvements. We have been looking at that
402 old house and that old piece of property for a long time and we talked to the Ramseys and have seen what
403 they proposed, and we think it is appropriate for the area, and I understand, when I got here tonight, that
404 there was a letter of opposition saying that the homeowners, you know, were opposed to it. I was never
405 made aware of any meeting that the homeowners' association was going to have to discuss this topic, but
406 my wife and I are both in support of it and that is pretty much all I had to say. Any questions?

407
408 Mr. Jernigan - Are there any questions for Mr. Seay from the Commission?

409
410 Mr. Taylor - I have one question. Mr. Seay, where do you and your wife reside relative to this in
411 terms of distance and location?

412
413 Mrs. Seay - We own property in the Mountain Laurel Townhomes, 2222 Hobley Circle.

414
415 Mr. Taylor - That is across Mountain Road?

416
417 Mrs. Seay - Correct.

418
419 Mr. Taylor - Thank you.

420
421 Mr. Archer - Mr. and Mrs. Seay, do you reside there, though?

422

423 Mr. Seay - No. We don't reside there.
424
425 Mr. Archer - OK, thank you.
426
427 Mr. Seay - But we would like to protect our investment as well. Thank you.
428
429 Mr. Archer - I understand.
430
431 Ms. Deborah Daniel - Good evening. I am Deborah Daniel. This is my husband, Dewey Daniel. We also
432 are property owners at the Mountain Laurel Town House Community and we also have met with the
433 Ramseys and have seen their plans and are in approval. We would like to see this project approved. We like
434 the way that it looks, and we think it would be an improvement to that parcel of property, and I have a real
435 concern that if something like this is not approved, that something that we would not want to be there would
436 be built. So, my husband and I would both like to say that we would like to see this project approved and
437 built.
438
439 Mr. Vanarsdall - When you say you are property owners, you mean you don't live there?
440
441 Ms. Daniel - We do not reside there, but we have an investment there.
442
443 Mr. Jernigan - All right. Are there any questions for Mr. and Ms. Daniel from the Commission?
444 Thank you all.
445
446 Ms. Archibeque - My name is Molly Archibeque and I live right there near his property and I am in
447 favor of him getting that, because I think it is a beautiful building that they are planning to put up, the traffic
448 will be a whole lot less than offices, and I know that. I think he deserves to get this, because all of us have
449 gotten things we didn't want, so I am for him getting it.
450
451 Mr. Jernigan - Are there any questions?
452
453 Mr. Taylor - Ms. Archibeque, could you, do you live across the street from this one...
454
455 Ms. Archibeque - I live right there right between him and the housing project you are putting up, too.
456 He is on the corner, the housing project is coming in, and I am next. I do live there.
457
458 Mr. Taylor - So you live right on Mountain Road?
459
460 Ms. Archibeque - Absolutely.
461
462 Mr. Taylor - Is that where you live (referring to rendering)?
463
464 Ms. Archibeque - Yes.
465
466 Mr. Taylor - Thank you, ma'am.
467
468 Mr. Jernigan - Thank you, Ms. Archibeque. Do we have anybody else? OK. Then, I guess we will
469 hear from the opposition. Who would like to speak first?
470
471 Ms. Michelle Faison - Good evening. My name is Michelle Faison. I am a home owner and a resident of
472 Mountain Laurel Townhouses, and I am also president of the Board of Directors of the Townhouse
473 Association. Mr. Theobald met with me as well with the Board on another occasion to explain this
474 development to us. We understand the work that has gone into it in terms of trying to come up with a plan.
475 But it still mini storage, which requires industrial zoning. Our big concern here is that because it requires

476 industrial zoning, if the zoning is approved, that sets a precedent for potential rezoning of adjacent parcels
477 also as light industrial. Granted, in these proffers, they are saying mini-storage use only, but you can't put
478 proffers on zoning that hasn't yet been done. There is nothing to prevent future zoning as light industrial
479 that then would have other more undesirable uses. We also are not in favor of having mini-storage right
480 there in the midst of a very up and coming residential section, residential community. Unfortunately, the
481 aerial photo which you see was taken some time ago. Now the unconstructed area across the street, first
482 you have existing townhouses and beyond there where you just see dirt, is now a large townhouse
483 community. The Herndon Townes are going to be going in there to the right of that yellow dotted line with
484 60 or 70 some townhouses. Also, Ryan Homes is developing a large community of very large single-family
485 homes in excess of \$200,000 down Woodman Road, but on this same corner of the Woodman Road-
486 Mountain Road corridor. It is becoming a very desirable residential neighborhood, and we feel that putting
487 mini-storage or any such use in the midst of a good residential neighborhood would be detrimental, not only
488 to our property values, which we strongly feel, but also to our sense of community as the neighborhood at
489 Woodman and Mountain Roads. We feel a mini-storage really has no place there. We have heard from
490 people who are not residents, but support this for their investment. Granted, we have a different opinion on
491 what it would do to our home investments, but these are people who don't live there. We, the residents of
492 Mountain Laurel, will be forced to live with the results of this zoning. That concerns us very much. We are
493 cognizant of the fact that perhaps there will be fewer auto trips per day in this facility than in the proposed
494 office use. However, it is still mini-storage, it may look like brick, it is still painted concrete. Painted
495 concrete looks like painted concrete. We appreciate the work that has gone into it, but we hope that the
496 Planning Commission will hear our concerns for our neighborhood and reject this proposition. Thank you.

497
498 Mr. Jernigan - Are there any questions from the Commission for Ms. Faison? Thank you, ma'am.

499
500 Ms. Faison - I did have one thing I wanted to add. I forgot. No, we did not have a public
501 meeting of all residents about this. We tried to get the word out in our phone network, and we don't
502 necessarily have the non-residents phone numbers. We talked about it in the Board. We called concerned
503 residents, and communicated with them via phone and e-mail. Thank you.

504
505 Mr. Jernigan - Thank you, ma'am. Come on down, sir. Good evening.

506
507 Mr. Arthur St. John - Good evening. I will try to be brief. My name is Arthur St. John and I reside in the
508 2200 block of High Bush Circle, which parallels the 2200 block of Mountain Road, where the light industry is
509 being discussed. I have been a resident of Henrico County for over 10 years. I am speaking in opposition to
510 this request to rezone. I understand the owner wanted to utilize his property to its fullest potential, however,
511 his current plan will have a negative impact on existing communities and those under construction as has
512 been mentioned. It is my concern that a business, this type of business would attract other types of
513 businesses subsequently, which would have a greater impact on our property values. As a homeowner, I
514 realize change is inevitable, but I would like to see the neighborhood remain as zoned. As you deliberate,
515 please consider our community and remember, we are not just homeowners but we are tax payers as well.
516 And it has been mentioned that one homeowner lived at 222 High Bush Circle. I am not familiar with that in
517 Mountain Laurel. Mountain Laurel runs 2200 and upwards. There are no three digit numeral addresses in
518 Mountain Laurel.

519
520 Mr. Jernigan - OK. Are there any questions for Mr. St. John? Thank you, sir. Good evening,
521 ma'am.

522
523 Ms. Janis Bell - Good evening. My name is Janis Bell and I am resident at 2208 High Bush Circle
524 and I wrote Mr. Thornton and Mr. Archer a letter of opposition to this, and basically I oppose it for the same
525 reasons that Mr. St. John and Michelle have, is that we have worked really hard. I have lived there for five
526 years and we've worked really hard to make a community in that area, and we really want to see it stay that
527 way, and they are right in that we feel this will open up other businesses, which are going to be a blight in
528 that area. To keep it residential is going to be so important for the people who live there and own that

529 property, so again I just agree with everything that has been said in opposition.
530
531 Mr. Jernigan - Thank you. Are there any questions for Ms. Bell from the Commission? Thank you,
532 ma'am. Is there anyone else who wants to speak in opposition? OK. Thank you. Mr. Theobald.
533
534 Mr. Theobald - Mr. Chairman and members of the Commission, with regard to future zoning in this
535 area, as you all know better than most, each request is considered and must stand on its own merits and so
536 you would have the first say in making the recommendation to the Board of Supervisors as to any other
537 zoning request that might occur in this area, and I will suggest to you that there is going to be a lot of
538 pressure on this area for a mix of uses in development, given its proximity to 295 and the growth in the
539 number of rooftops in that area.
540
541 Curiously, when we met with the Board, it was stated they were also opposed to office development on this
542 site. So, it is not as though they are holding out for development consistent with the Land Use Plan.
543 Apparently, they are holding out for additional residential development, which is certainly their prerogative.
544 Keep in mind that when we talk about residential development on three sides of this property, we have
545 letters of support in the file from Mr. Attack on the west, property owners to the south, and certainly some
546 property owners in the townhouse development, themselves, as well as Ms. Archebeque on Mountain Road,
547 all of whom I believe have thought through this request as thoughtfully as members of the opposition. I do
548 believe we need to look beyond the labels of this case, the label suggested by the Land Use Plan for office.
549 The label or stigma that comes with M-1 zoning for light industrial. And really, look at the merits of the case
550 and gauge the quality and impact of the request. The Ramseys have owned this property for over 30 years.
551 They are hopeful that they will have the ability to develop it, and with that I will finish and ask for your
552 support.
553
554 I will be happy to answer any questions.
555
556 Mr. Jernigan - Are there any questions for Mr. Theobald from the Commission? Thank you, Mr.
557 Theobald. Mr. Archer.
558
559 Mr. Archer - Yes, I knew eventually you would get to me.
560
561 Mr. Jernigan - I will turn this over to you.
562
563 Mr. Archer - First of all, I would like to thank all of those people who called and wrote.
564
565 Ms. Faison - (unintelligible)..
566
567 Mr. Jernigan - Excuse me, Mr. Archer.
568
569 Ms. Faison - May I have the floor for just a moment, please, to respond to something
570 Mr.Theobald said?
571
572 Mr. Jernigan - I am sorry, we can't.
573
574 Ms. Faison - Because he did state something that is untrue.
575
576 Mr. Jernigan - OK. Let's clear it up.
577
578 Mr. Theobald - (unintelligible)..
579
580 Ms. Faison - Mr. Theobald stated that in meeting with our Board we had expressed our
581 opposition to offices there, and that is not the case. We did not state our opposition to offices at that

582 location. Our opposition is to M-1 type zoning and to mini-storages. Thank you.

583

584 Mr. Glover - Would you accept an office there, ma'am?

585

586 Ms. Faison - It would depend on the offices, but we are aware of the type of office zoning there
587 is similar to the office complexes along Parham Road, I believe, The Forum, and we would not necessarily
588 see that as undesirable. It depends on what is proposed.

589

590 Mr. Glover - Good.

591

592 Mr. Jernigan - Ma'am, I think, and I may be wrong, but I thought he said that in the Land Use
593 Plan that they weren't excited about it. You may be right, but I didn't hear that. But, anyway, Mr. Archer,
594 you can take it from here.

595

596 Mr. Archer - Thank you, Mr. Chairman. I will start over. And, again, I want to thank all of you
597 who participated in this process, some called, some wrote letters, and some who came out to speak tonight.
598 That is what a public hearing is all about. Your participation is what makes government work. And I have
599 received quite a few letters and calls, some in favor of, some not opposed to it, and some very much
600 opposed to. I have met with Mr. Theobald and Mr. and Ms. Ramsey, who are, indeed, very nice people, and
601 who are spoken highly of by those who reside in the neighborhood. The problem with this particular case is
602 that we don't generally as a rule introduce industrial development into a residential community, and in those
603 rare cases where I am sure it has been done, it should be done probably with support, bi-lateral support
604 from all of the people in the community, and strong support. It would be very presumptuous of me to ignore
605 the information that was given in the staff report, and the staff has given no indication that there is any
606 reason why we should vary from the Land Use Plan to that degree. The Board may have a different opinion
607 about this, but with the information that we have, and based on what we have heard tonight, and the strong
608 opposition, even though I realize there are people who are here in favor of it, it is my position that I would
609 recommend that this Commission recommend denial to the Board.

610

611 Mr. Vanarsdall - Second.

612

613 Mr. Jernigan - We have a motion for denial from Mr. Archer and a second by Mr. Vanarsdall. All in
614 favor say aye. All opposed say no. The ayes have it. The motion is denied.

615

616 The Planning Commission recommended **denial** of Case C-47C-02, James W. Theobald for Timothy L.
617 Ramsey, to the Board of Supervisors.

618

619 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted 5-0
620 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not conform
621 to the recommendation of the Land Use Plan nor the plan's goals, objectives, and policies and would possibly
622 begin an adverse zoning and land use pattern for the area.

623

624 Mr. Marlles - Ladies and gentlemen, the Planning Commission does make a recommendation to
625 the Board. This is a recommendation. This matter will come up on the Board's agenda on April 8, 2003 for a
626 final decision.

627

628 Mr. Glover - Mr. Chairman, I also remind you that my vote here is abstained on all of it, because
629 it will come to the Board and I will cast a vote there.

630

631 Mr. Jernigan - Thank you, Mr. Glover. Our secretary has a comment to make.

632

633 Mr. Marlles - Mr. Chairman, and members of the Commission, that ends our agenda for tonight,
634 our active cases. I did want to just mention one particular land use that we have been monitoring, I guess

635 you could say, over the past four or five months, and they are known as Pay Day Loans or Cash Advance
636 operations. What I want the Commission to be aware of is that we have had some concern from some
637 citizens about the clustering of these businesses together. There was some legislation that was approved
638 last year by the General Assembly, which has led to a proliferation of these businesses. At this point in time,
639 staff does not believe an amendment to the Code is warranted. However, we are starting to recommend
640 that applicants for rezonings for certain commercial rezonings proffer out these types of uses at certain
641 locations. So, if you are starting to see some of these proffers, I just want to make you aware of it. At this
642 point in time, we feel that is the appropriate way of handling the concentration of these types of businesses.
643 We think, eventually, over time, the market will shake out some of these businesses so there won't be so
644 many of them, but I do want the Commission to be aware of that. It is something that staff is monitoring
645 and right now we feel that is the appropriate action, but if there are any questions, I will be glad to try to
646 answer them.

647
648 Ms. Ware - You said those were acceptable under what zoning?

649
650 Mr. Marlles - What I am saying is in certain commercial rezonings, we are encouraging the
651 applicant to proffer those out from those locations.

652
653 Mr. Glover - You are asking them to volunteer to proffer them out?

654
655 Mr. Marlles - Yes, sir.

656
657 Mr. Glover - OK, because we can't tell them to proffer anything out. We can tell them...

658
659 Mr. Jernigan - Right now it falls in with banks and other financial institutions in the B-2 zone. In
660 the Code book it says banks, loan companies and other financial institutions.

661
662 Mr. Vanarsdall - Thank you covering that.

663
664 Mr. Marlles - That is all that I have.

665
666 Mr. Jernigan - Are there any changes to the minutes of last month.

667
668 Ms. Ware - I have one. It is on Page 74, Line 2632, instead of driving it should be thriving.
669 From driving to thriving.

670
671 Mr. Jernigan - Mr. Taylor, what do you have?

672
673 Mr. Taylor - Mr. Chairman, on Page 50, Line 1759, and I would like to change that to "say" - I
674 would like to say if it was ever platted, and two lines down, Line 1761, insert "under" between "going under
675 Route 95" and then generally, Mr. Chairman, on Page 56, and those that followed, we had spelled Ms.
676 Zuercher's name wrong, a handful of times, and I think we need to go through and correct all of those. They
677 are on Page 56, 57, and a couple of others. The correct spelling of her name is "Zuercher".

678
679 Mr. Jernigan - Good gosh. Zuercher. I would have spelled it wrong, too, Al.

680
681 Mr. Taylor - I just want the record to show I did read the minutes.

682
683 Mr. Archer - I want to compliment the transcriber for doing that well!

684
685 Mr. Jernigan - We have two folks left in the audience. Did you all have a question or anything?
686 OK.

687

688 Mr. Glover - Did you have fun?
689
690 Mr. Jernigan - So with that, I will ask for approval of the minutes.
691
692 Mr. Taylor - I move approval of the minutes.
693
694 Ms. Ware - Second.
695
696 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Ms. Ware. All in favor say aye. All
697 opposed say no. The ayes have it. The motion is passed. The minutes are approved. And with that, I will
698 ask for a motion to adjourn.
699
700 Mr. Archer - So moved, Mr. Chairman.
701
702 Mr. Taylor - Second.
703
704 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Taylor to adjourn. All in favor
705 say aye. All opposed say no. We are adjourned.
706
707
708
709
710

J. Ray Jernigan, C.P.C., Chairman
711
712
713
714

John R. Marles, AICP, Secretary
715