

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 March 11, 2010. Display Notice having been published in the Richmond Times-
5 Dispatch on February 18, 2010 and February 25, 2010.
6

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

Also Present: Ms. Jean M. Moore, AICP, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Livingston Lewis, County Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Mr. Matt Ward, County Planner
Mr. Mike Jennings, Traffic Engineer
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. David A. Kaechele, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

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11 Mr. Vanarsdall - Good evening everybody. The Henrico County
12 Planning Commission will now come to order. Good evening fellow
13 Commissioners.
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15 Mr. Jernigan - Good evening, Mr. Chairman.
16

17 Mr. Vanarsdall - And Mr. Emerson, our secretary, and Ms. Jean Moore
18 back there. And a special welcome to Mr. Kaechele on the end, who is a
19 member of the Board of Supervisors. He just stepped down from being
20 Chairman.
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22 Mr. Kaechele - Thank you. I'll be here all year.
23

24 Mr. Vanarsdall - With that, I'd like everyone to stand, face the flag, and
25 Pledge Allegiance to the Flag.
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27 Mr. Emerson - Thank you, Mr. Chairman. The first items on your
28 agenda are requests for withdrawals and deferrals. There is one request we are
29 aware of. It will be presented by Mr. Strauss.

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Mr. Strauss - Thank you. Good evening members of the Commission. The first case that we have a deferral requested for is on page two of the agenda. It's in the Three Chopt District. It's case C-4C-10, Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association. This is a request to amend Proffer 3 to allow one direct vehicle access from Glenside Drive to the site. The applicant is requesting deferral to the September 9, 2010 meeting.

(Deferred from the February 11, 2009 Meeting)

C-4C-10 Andrew M. Condlin, Esq. for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-13C-07, on parts of Parcels 765-744-6557 and 767-744-6325, located at the eastern intersection of Forest Avenue and Glenside Drive. The applicant proposes to amend Proffer 3 to allow one direct vehicular access from Glenside Drive to the site. The existing zoning is B-2C and B-3C Business Districts (Conditional) and O-3C Office District (Conditional). The Land Use Plan recommends Commercial Concentration and Office. The site is in the Enterprise Zone.

Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of C-4C-10, Andrew M. Condlin, Esquire, for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc.? There is no opposition.

Mr. Branin - Mr. Chairman, I'd like to move that C-4C-10, Andrew M. Condlin, Esquire, for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc., be deferred to the September 9, 2010, meeting, per the applicant's request.

Mr. Jernigan - Second.

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

At the request of the applicant, the Planning Commission deferred C-4C-10, Andrew M. Condlin, Esquire, for Reynolds Holdings, LLC and Reynolds Crossing Property Owners Association, Inc., to its meeting on September 9, 2010.

Mr. Emerson - We are aware of the one additional request tonight.

C-6C-10 Carol LeRoy for Kneading Therapy, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-36C-92 on Parcel 755-758-3580, located at the southeast intersection of Springfield Road (State Route 157) and Huron Avenue. The applicant proposes to amend Proffer 1(a) related to landscaped buffers, amend Proffer 5(a) related to permitted uses, and amend Proffer 6 related to hours of service to allow for operation on Sundays.

76 The existing zoning is B-2C. The Land Use Plan recommends Commercial
77 Arterial.

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79 Mr. Vanarsdall - I have one additional request. I'd like to defer C-6C-
80 10, Carol LeRoy for Kneading Therapy, for 30 days, which would be April 15th.

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82 Mrs. Jones - Second.

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84 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs.
85 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
86 passes.

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88 Mr. Branin - Mr. Chairman, was anyone in opposition to that?

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90 Mr. Vanarsdall - Is anyone in the audience in opposition to this
91 deferment? Didn't think there was. Thank you.

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93 At the request of the Commission, the Planning Commission deferred C-6C-10,
94 Carol LeRoy for Kneading Therapy, to its meeting on April 15, 2010.

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96 Mr. Emerson - Mr. Chairman that takes us to the next items on your
97 agenda, which are the requests for expedited items. There is one item on that list
98 tonight and it will be presented by Mr. Jim Strauss.

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100 Mr. Strauss - Staff is aware of one expedited case requesting
101 approval on the expedited agenda. This is in the Tuckahoe District, page 3 of
102 your agenda. That would be P-3-10, West End Farmers' Market. This is a
103 request for a provisional use permit in order to change the hours of operation for
104 the existing farmers' market. This farmers' market has been operating since 2009
105 with the approval of a provisional use permit that allows hours of operation from 8
106 to 12 noon on Wednesdays and Saturdays. The applicant would like to adjust
107 the hours of operation on Wednesday to from 3:00 p.m. to 7:00 p.m. to capture
108 the late afternoon market, and for two days during the holiday season to the
109 hours of 10 a.m. to 4:00 p.m. Staff is recommending approval with conditions 1
110 through 15 as contained in the staff report on page four.

111
112 **P-3-10 Kristine Riley for West End Farmers' Market:**
113 Request to amend Conditions 1, 3, and 5 approved with Provisional Use Permit
114 P-4-09, on Parcels 732-751-4078, -0561 and 731-751-8088 located at the
115 southwest intersection of Ridgefield Parkway and Gayton Road. The applicant
116 proposes to change the hours of operation for an existing farmers' market. The
117 existing zoning is B-3 Business District. The Land Use Plan recommends
118 Commercial Concentration.

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120 Mr. Vanarsdall - Any opposition to case P-3-10, Kristine Riley for West
121 End Farmers' Market in the Tuckahoe District? No opposition, Mrs. Jones.

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Mrs. Jones - Then I'll recommend that we forward P-3-10, Kristine Riley for West End Farmers' Market with a recommendation for approval on the expedited agenda.

Mr. Jernigan - Second.

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

REASON: Acting on a motion by Mrs. Jones seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it would provide added services to the community and when properly regulated by the recommended special conditions, it would not be expected to adversely affect the public safety, health, or general welfare.

Mr. Emerson - Mr. Chairman that takes us to the regular agenda.

PLAN OF DEVELOPMENT (Deferred from the February 24, 2010 meeting)

POD-29-09 POD2009-00371 Surrey Lea – 2400 North Parham Road	Koontz-Bryant, P.C. for Haeja O. Namkoong: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 11,998 square foot office building. The 1.65-acre site is located along the west line of N. Parham Road and the east line of Nesselwood Road, approximately 600 feet north of Fordson Road, on parcel 756-751-0563 and part of parcel 756-751-2085. The zoning is O-1C, Office District (Conditional). County water and sewer. (Three Chopt)
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Mr. Vanarsdall - Is anyone in the audience in opposition to POD-29-09, Surrey Lea, Koontz-Bryant, P.C. for Haeja O. Namkoong? Mr. Ward?

Mr. Ward - Good evening. This plan of development, which was originally presented to the Planning Commission at its February 24, 2010 meeting, is a request to permit demolition of two existing single-family homes and construction of a one-story 11,998 square foot office building and a new driveway accessing Nesselwood Road. The building will have brick and EIFS walls accented with tinted glass windows and red aluminum frames. It will also have a simulated slate shingled roof accented with three cupolas. HVAC units will be screened with brick walls.

156 The case was deferred at the February 24, 2010 Planning Commission hearing
157 in response to neighborhood concerns regarding access to the property. The
158 proposed access drive to the office building is located between two residential
159 lots.

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161 The proffers of rezoning case C-36C-93 provide that access to the property
162 would be from Nesselwood Road. Access to the office building is not permitted
163 from N. Parham Road due to the property's proximity to the I-64 interchange. The
164 property occupied by the adjoining single-family residences was rezoned under
165 the same case as the subject property, and the conceptual plan approved with
166 the zoning case provided access in this location between the residential lots.

167
168 A neighborhood meeting was held prior to the February 24, 2010 Planning
169 Commission meeting, and there have been several discussions with adjacent
170 property owners regarding possible alternative access options to the property. To
171 date, no viable alternatives have been found.

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173 The case was deferred at the February 24, 2010 Planning Commission meeting
174 to allow additional discussion with the owner of the adjoining property to the north
175 regarding potential relocation of the access drive through their adjacent O-1C
176 site, but no agreement was reached.

177
178 To mitigate the effect of the proposed driveway between two existing homes on
179 Nesselwood Road, the applicant has agreed to conditions #9 and #11 amended
180 so that the plan will return to the Planning Commission, at a later date, for further
181 consideration of screening and buffering of the site from the adjacent properties.

182
183 The plan satisfies all code requirements and proffers; therefore, staff
184 recommends approval subject to the annotations on the plans, the standard
185 conditions for developments of this type and the additional conditions listed in the
186 agenda.

187
188 Paul Hinson with Koontz-Bryant, Stiles Bartley the architect, and Ms. Namkoong,
189 the property owner, are here to discuss anything further and I'm happy to answer
190 any questions.

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192 Mr. Vanarsdall - Any questions by Commission members for Mr.
193 Ward?

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195 Mr. Branin - I have none, sir.

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197 Mr. Jernigan - Mr. Ward, I have one. In the last hearing, one of the
198 ladies that was adjacent said that she saw that was a right-of-way, that property
199 coming to Nesselwood. Is that a right-of-way?

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201 Mr. Ward - It is just zoned for Office use.

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Mr. Kaechele - Mr. Ward, this is not a question, but I just wanted to report that at the last meeting I had volunteered to go visit with Mr. Upton. I did have an opportunity to visit the site and talk with Mr. Upton. I think I'm reconfirming what the staff has already concluded, that there is not enough physical space or room for a drive through there that could be safely implemented. That just confirms what you said.

Mr. Vanarsdall - We'd like to hear from the opposition, whoever wants to be first. Mr. Secretary, would you please explain the rules?

Mr. Emerson - Yes sir, Mr. Chairman. There are public hearing time limits. The applicant is allowed ten minutes to present the request. Time may be reserved for responses to testimony. The opposition is allowed ten minutes to present its concerns. Commission questions do not count into the time limits and the Commission may waive the time limits for either party at its discretion.

Ms. Mahmoud - Thank you. Good evening, Commission, I'm Sarah Mahmoud. I am the adjacent property owner that was here on the previous hearing date. I think you're going to be handed a packet of photographs that my husband and I have put together for you to let you physically see the site and see the proximity to our driveway. I still have the same concerns that I had when we met in February.

The property line of the proposed development is actually five feet from my driveway. I have a 15-year-old with autism who is here with us tonight. He gets on and off the bus at the driveway, and there's a photograph of his bus and where it stops so that you can see that the bus extends into her property area when he is loading and unloading from the bus.

The first photograph is an aerial view of the area now, and the second is one that my daughter used her Photoshop with and overlaid a road over the property that will be a driveway to let you see the proximity of where the driveway will be in relation to my gravel driveway. You can hardly see my gravel driveway in that photo, but they're directly adjacent. Even with a ten-foot buffer, and fencing, and trees, it is going to make it very, very dangerous for my child to get on and off the bus at that site. If the fence extends to Nesslewood Road, you're going to have an additional visibility issue with oncoming traffic. If he's waiting in the driveway, oncoming cars will not be able to see him. My number one concern tonight is his safety.

I also feel that this project is going to minimize the use of our front yard for any kind of leisure activities. I understand that legally you have to allow Ms. Namkoong to have access and use of her property, but at the same time, you're really taking the usage of my property.

248 The other issue that we had is that when we built the home, this was not
249 disclosed to us from the builder. Since the last hearing, I have spoken to a real
250 estate attorney who said that our statute of limitations has expired on any course
251 of action with Finer Homes for improper disclosure. I found my original survey
252 and on that original survey for that piece of property, all it says is "Billy Upton,"
253 and a title book and a page number. That was the only information that we were
254 given at the time of the purchase. Other than that, this was an easement, and
255 that we didn't have to worry about it.

256

257 Since the other meeting, we have circulated a petition in the neighborhood and I
258 have that with me tonight. It says,

259

260 "We, the undersigned neighbors of Nesslewood Road and
261 Nesslewood Drive, do hereby state our resounding opposition to
262 the proposed plan of development, POD-29-09. We, the
263 undersigned, wish for our residential neighborhood to remain as
264 such without the increased traffic, noise, and lighting of a medical
265 office complex. Especially, we are opposed to the access of said
266 office being from Nesslewood Road between two private residential
267 properties. Our hope is that our elected officials will side with the
268 majority on this matter and that common sense will prevail."

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270 I'd like to give that to you.

271

272 Mr. Vanarsdall - Any questions from Commission members?

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274 Mr. Kaechele - I have one question. Ms. Mahmoud, the bus stop, is
275 that a special stop for your son only? Do other students get off there?

276

277 Ms. Mahmoud - By federal law, any special education student has to
278 be provided doorway-to-doorway transportation.

279

280 Mr. Kaechele - Okay, I understand that.

281

282 Ms. Mahmoud - Which means that they have to pick him up at his
283 house and they have to let him off at the school. Both of my sons actually ride the
284 same bus together even though my other son would be able to ride a normal bus.
285 Because my younger son is more disabled, he needs the handicap bus. That
286 handicap bus is required by law to drop him off at our driveway.

287

288 Mr. Kaechele - I understand that. So there are only your two?

289

290 Ms. Mahmoud - These two students at my home.

291

292 Mr. Kaechele - Thank you.

293

294 Ms. Mahmoud - And also, Jerry Hill, the neighbor on the other side,
295 has a five-year-old with autism. The same situation is going to apply to him once
296 he gets to an age where he is—
297
298 Mr. Kaechele - But there is room for the bus to pull up beyond this
299 driveway and drop your sons off?
300
301 Ms. Mahmoud - If you want to let them off in the yard, yes, that's
302 possible, but my concern is the visibility. On Nesselwood, you have a little bit of
303 an incline and then we come back down a hill. If you're coming up over that hill,
304 you're not going to see him until it's too late for you to stop if you're not going an
305 appropriate speed.
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307 The other huge concern that we all have is that the traffic study has not been
308 completed to date. I feel that needs to be done before this plan of development
309 moves forward. I understand that there were some delays because of bad
310 weather and whatnot, but that needs to be done as soon as possible.
311
312 Mr. Branin - Ms. Mahmoud, don't go anywhere. Someone from
313 Traffic?
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315 Mr. Jennings - Yes, Mr. Branin. Mike Jennings, Traffic Engineer for
316 Henrico County.
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318 Mr. Branin - Mike, are you aware of this project?
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320 Mr. Jennings - Yes, sir. I was aware of it coming in, and Tommy
321 Catlett brought me up to speed with what happened at the last hearing and
322 where we are in the studies.
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324 Mr. Branin - Have you resumed now that the snow and ice has
325 cleared?
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327 Mr. Jennings - Yes, we are catching up on our studies from the
328 holidays and from the snow. We have not done the speed studies on this street
329 yet.
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331 Mr. Branin - Any idea when it's going to get done?
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333 Mr. Jennings - Within the next couple of weeks.
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335 Mr. Branin - Thank you. The driveway that comes into this
336 property, you've seen the design?
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338 Mr. Jennings - Yes, sir.
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340 Mr. Branin - On the design, it's 24 feet wide. Is it possible to
341 narrow that anymore than 24 feet, or is 24 feet the standard that we have to use?
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343 Mr. Jennings - Public Works' standard is 24. I know County Code
344 policy for Planning does allow it to go down to 22, but Public Works' policy is a
345 standard 24-foot for a two-way driveway.
346
347 Mr. Branin - So the most we would be able to get is a foot on each
348 side?
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350 Mr. Jennings - Yes, sir.
351
352 Mr. Branin - If this does come back to you with 22, you'll accept it?
353
354 Mr. Jennings - If that's the way it's approved, yes, sir.
355
356 Mr. Branin - Thank you.
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358 Mrs. Jones - May I ask a clarification?
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360 Mr. Branin - Absolutely.
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362 Mrs. Jones - While Mr. Jennings is up. Let's say this is 24 feet as
363 an entrance to the complex. Could that have anything other than just striping to
364 separate the directions?
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366 Mr. Jennings - It would actually just be like a private driveway to any
367 building. There would not be any striping on that.
368
369 Mrs. Jones - So it wouldn't be any markings or *[inaudible]*.
370
371 Mr. Jennings - Just an entrance and exit. It would look like a paved
372 driveway back to this facility.
373
374 Mrs. Jones - The study that you're doing, is it in anticipation of
375 assessing speed so you can see whether we *[inaudible]* started in a traffic
376 calming program, or are you doing this study to confirm the numbers of cars?
377
378 Mr. Jennings - From talking to Tommy Catlett, my understanding is
379 that it concerns speeding on the street. We are looking into the speeding on both
380 Nettlewood Road and Nettlewood Drive for a traffic-calming program. We were
381 looking into that whether this case happens or not. It's for existing concerns on
382 the streets.
383
384 Mrs. Jones - So it wouldn't necessarily be a factor in determining
385 whether the plan of development is appropriate? It's simply addressing speed.

386
387 Mr. Jennings - If there's a speeding problem on the street right now,
388 correct. It wouldn't be a factor with this development.
389
390 Mr. Branin - Ms. Mahmoud?
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392 Mr. Vanarsdall - Thank you, Mr. Jennings.
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394 Mr. Branin - When we started this, I told you this is the worst case
395 absolutely I've ever had in the eight years of being on the Commission.
396
397 Ms. Mahmoud - I understand.
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399 Mr. Branin - I've tried every trick I had to move the entrance. I've
400 gone to the head of our Planning Department and asked if there were any way
401 that I can deny this. I'll ask him to give you the same definition that he gave me,
402 because legally I can't. The second I say to you, "Ms. Mahmoud, we're going to
403 deny this," and I deny it, we're going to get sued because, by law, I can't.
404
405 Ms. Mahmoud - Well, someone's going to get sued when my child
406 gets hit by a car.
407
408 Mr. Branin - Yes, ma'am.
409
410 Ms. Mahmoud - You know, elections are important things, too. That's
411 going to be a factor here for us. We are very unsatisfied with what has
412 happened. We are very disillusioned with the County as far as what they've been
413 able to accomplish. Mr. Kaechele went and talked to Mr. Upton and did not get
414 anywhere. I don't believe anyone has talked to Mr. Nuckols to see if he would be
415 willing to help from Trinity Drive. I've done my part. I've talked to him for a couple
416 of hours. I've put a month of research and hard work into this myself to look into
417 what the zoning laws are and the traffic situation with VDOT. I understand the
418 situation that you're in, but it doesn't help us. It's going to decrease my property
419 value. It's going to put my child at risk, and we are going to have to move. That is
420 what this is going to accomplish. We're going to have to sell our house, take a
421 loss, and move. I'm not the only neighbor here in opposition tonight. There are a
422 few more people that you need to hear from.
423
424 Mr. Branin - Then we'll hear from them now.
425
426 Ms. Mahmoud - My other question to the Commission is has anyone
427 talked to the school about this? There are a lot of schoolchildren across the
428 street that this is also going to affect with the increased traffic. I have a niece and
429 nephew that are going to be at Jackson-Davis. The traffic right now, it has
430 increased steadily over the ten years that we've lived there. I feel that the traffic
431 numbers presented by your people have been grossly understated. I'm very, very

432 concerned about that. Very concerned. That needs to be looked into. His
433 number was 132 cars a day. The way I figure it from a medical standpoint as
434 someone who's been involved in the management of a medical practice, it's
435 going to be more like 500 to 600 a day. That is a huge difference. I don't think
436 you want to live next to this, and I'm certainly not going to. That's my position on
437 that.

438
439 Mrs. Jones - Can I ask you a question. I understand your concerns.
440 This is just a—

441
442 Ms. Mahmoud - A nightmare.

443
444 Mrs. Jones - Well it is. I don't want you to think that people aren't
445 hearing you loud and clear. We're searching for answers. So in an effort to do
446 this, to find an answer—you're concerned about the line of sight. I would hope
447 that a taper on the end of any kind of structure such as a fence would be able to
448 compensate for that. Would you agree that that would be a good step?

449
450 Ms. Mahmoud - It would be a place to start. Honestly, the only thing
451 that Ms. Namkoong could do for me that would help this situation is pay me to
452 relocate my garage and driveway. Honestly, that's the only thing I can think that
453 would give me enough of a buffer between this road and my child to ensure his
454 safety. I think the cost of that would probably be about \$50,000 or \$60,000. My
455 garage is on that side of the house. If I move my driveway, I will not have use of
456 my garage at all. It is a structural element of my home. We are directly adjacent
457 to this. Even a ten-foot buffer is nothing. Nothing. I just don't see how two lanes
458 of traffic and a ten-foot buffer on each side are going to fit into this 42 feet and
459 have safe traffic passage. I just don't see how that's possible.

460
461 Mrs. Jones - Well, I do understand that it becomes difficult to
462 imagine. However, there are standard widths, and they're used all over the
463 County successfully, which is what we must go on. The traffic counts are borne
464 out from experience, models, and Henrico County data.

465
466 Ms. Mahmoud - If you look at the property now, though, the school
467 that's across the street, there is no existing sidewalk, there are no flashing
468 school-zone signs—nothing to protect these children. Nothing. There are no
469 crosswalks. Nothing. I feel that's negligent on the part of the County. I know
470 there are budget concerns. I'm dealing with the special education already with
471 budget concerns. A lot needs to be done in this little area to ensure the safety of
472 these children.

473
474 Mrs. Jones - There was a case in my district not long ago that
475 engendered an awful lot of neighborhood involvement. We always, always
476 encourage this because it is where [inaudible].
477

478 Ms. Mahmoud - Right.
479
480 Mrs. Jones - That case was very contentious, but there were a
481 number of things that came through that honestly needed to be done regardless
482 of the case. That may well be the situation here, that there will be a number of
483 things that must be looked at just because it's right to do so and this has brought
484 it to light. Hopefully, some of those can be addressed.
485
486 Ms. Mahmoud - Mr. Kaechele, in your defense, I also tried to reach
487 Mr. Upton and talk to him. He put his staff between us, and I was unable to even
488 speak with him. So you did better than I did.
489
490 Mr. Jernigan - You realize, too, if this was a zoning case, we'd have
491 more flexibility.
492
493 Ms. Mahmoud - Absolutely. But the zoning happened before we were
494 neighbors, before we were homeowners there. So I feel that this was done in a
495 really shady fashion. The zoning was done before we had a say-so.
496
497 Mr. Jernigan - It was 1993.
498
499 Ms. Mahmoud - That's right. I lived in another area of the County at
500 that time.
501
502 Mr. Jernigan - When we looked at this case, we could tell there was
503 a lot of neighborhood involved in this case for it to be drawn up the way it was.
504 Normally that whole tract would have been retail. But I'm sure that the
505 neighbors, the surrounding neighbors were involved then and that's the reason it
506 ended up the way it did. The only problem that happened was you weren't told
507 the truth—
508
509 Ms. Mahmoud - Absolutely.
510
511 Mr. Jernigan - —when you bought the property. It was a zoning
512 case. It's law, and by law, we have to follow it. There's no flexibility.
513
514 Ms. Mahmoud - I understand. Trust me, I've been on the phone with
515 poor Matt Ward for hours on end.
516
517 Mr. Jernigan - They were sensitive to your concerns, but we can
518 only do what we can do.
519
520 Ms. Mahmoud - I understand that. At the same time, I also feel that
521 the developer herself has not made enough of an effort to make
522 accommodations, to seek a resolution that's beneficial to everyone.
523

524 Mr. Kaechele - Let me suggest that—I know you're very
525 apprehensive about how this may turn out, but until that drive is constructed, and
526 landscaping is in place, and you see the activity and possibly less traffic than you
527 anticipate—it's always the worst thing that's going to happen, but if it doesn't turn
528 out that way, it can be workable.

529
530 Ms. Mahmoud - My husband's and my issue is that we don't want to
531 wait for it to happen. If it's approved tonight, we've already made plans to put the
532 house on the market. I feel like we need to sell it before it happens—

533
534 Mr. Kaechele - No—

535
536 Ms. Mahmoud - —rather than wait for it. Granted, we would disclose
537 that. We would have to legally. Our chances of selling the home are better
538 before all of this takes place.

539
540 Mr. Kaechele - That's what the developer told you. In reality, they
541 know it's going to be there, and they don't know how it's going to look. So you
542 may not find it easy to sell the home.

543
544 Ms. Mahmoud - If it's money versus my child's safety, there's no
545 issue. You have to go with the safety.

546
547 Mr. Kaechele - Well, okay. It's not designed to be unsafe.

548
549 Ms. Mahmoud - But it is inherently unsafe. Even if you do all the
550 things that you're saying about making sure that it's visible, it is going to be
551 unsafe.

552
553 Mr. Kaechele - If your sons could get off at the other side of your
554 property line, they're away from that intersection. I don't know. When the bus is
555 there, traffic is going to be stopped anyway. That shouldn't be too unsafe.
556 That's my view anyway.

557
558 Ms. Mahmoud - I disagree. I've had to live with him for 15 years.
559 Taking him anywhere is a struggle because even if you have hold of his hand, he
560 can dart away. Bus stopped or not, if he darts, nobody's going to see him
561 coming and they're going to hit him. Granted, that's on us to keep him safe, and
562 we do everything possible. But barring locking him in the house and not allowing
563 him to even go in his own yard, we can't do that. It's unfair to us to have to. I'm
564 sorry, that's the way I feel. I'd like for you to hear from other neighbors because
565 there is more than just my issue.

566
567 Mr. Archer - I'm sorry. I apologize for interrupting you. I think you
568 said last time we met that you did receive a verbal agreement from the person
569 you bought the property from. So you didn't have anything in writing.

570

571 Ms. Mahmoud - On my original survey, this piece of property has Billy
572 Upton's name, a number for a deed book, and a page number. That's all that's
573 on the survey other than the dotted line that goes across the front of the property
574 that says, "20-foot utility easement." Now, Finer Homes was real slick because
575 instead of putting that 20-foot utility easement where they typed it, instead of
576 putting it on our property to show that that's a 20-foot utility easement, they typed
577 it on this property. So it's very misleading. It makes you think that this is a 20-foot
578 utility easement because that's where it's typed. I have a copy of it. I don't know
579 if it would make any difference because what's done is done.

580

581 Mr. Archer - I was paying attention to something that you said.
582 You indicated moving the driveway would be a start. I'm assuming that in order
583 to get on the bus, your son comes down the driveway.

584

585 Ms. Mahmoud - Yes, sir.

586

587 Mr. Archer - What if you were to put a walkway on the other side of
588 the property?

589

590 Ms. Mahmoud - Well, my sister is my neighbor and she has a
591 driveway on that side.

592

593 Mr. Archer - But I mean a walkway that leads from your front door
594 down to the street. Would that alleviate the problem any? At least the bus would
595 be down a little bit further.

596

597 Ms. Mahmoud - But that's not the only issue. I also have two teenage
598 drivers who back out of my driveway every day. What if somebody misses their
599 turn for her office and comes past while one of them is trying to back out and
600 they can't see. It's a basic visibility issue. It's unsafe.

601

602 Mr. Archer - I'm not unsympathetic—

603

604 Ms. Mahmoud - That's why I said if I moved my driveway to the other
605 side, at least we would have a little bit more distance to be able to see what was
606 coming. If she has trees, and a fence, and sign, and security lights and whatnot
607 that's in this plan, it's going to decrease the visibility. It's hard enough for me to
608 get out of my driveway at 8:00 a.m. because of the school traffic and the buses.
609 To add her little situation on top of that, it's going to be next to impossible. I've
610 had to change my work schedule already to accommodate the school traffic.
611 Thankfully, I work in a place where I was able to do that.

612

613 Mr. Vanarsdall - Any more questions by Commission members?

614

615 Mr. Branin - I'd like to hear the rest of the opposition.

616

617 Mr. Jerry Hill - Thank you. I'll be pretty fast; I just have a few things
618 to add. My name is Jerry Hill. I'm the neighbor on the other side. The thing I
619 wanted to point out is the grading of the road. There's a crown in the road right
620 before these properties. I've had both a boat and a truck hit on the side of the
621 road now. People come over, speeding through the neighborhood. They don't
622 see our lots until they pop the hill. When they come down the hill and there's
623 something there, they hit it. This has happened twice over the past ten years that
624 I've lived there. So my fear is more traffic, more people coming over the hill,
625 somebody is there and they hit it. There are three residential houses before this
626 driveway. I understand your position; it's just unfortunate. I wish there was some
627 way to figure out a different entrance for such a high-volume commercial
628 establishment right in the middle of a residential area. That's all I had to add.

629

630 Mrs. Jones - Is this part of the traffic study—sight distance,
631 visibility?

632

633 Mr. Emerson - Mr. Jennings, could you respond to that?

634

635 Mr. Jennings - Mrs. Jones, we were not asked to look at that. On
636 their plan, they show adequate sight distance coming out of the facility. It's a 25-
637 mile-an-hour road and they show that there is 282 feet of sight distance in each
638 direction, which is adequate. It shows that there is adequate sight distance
639 coming out of that entrance.

640

641 Mrs. Jones - So the problem is the speed.

642

643 Mr. Jennings - It might be, and that's why we're doing the speed
644 studies. As far as I was aware, we were not asked to look at the sight distance
645 along that stretch.

646

647 Mrs. Jones - So speed may be what you need.

648

649 Mr. Jernigan - You said 282 feet.

650

651 Mr. Jennings - Yes, sir. On that width of road with that posted speed
652 limit, that's what the minimum required sight distance is.

653

654 Mr. Branin - For the traffic study you said two weeks.

655

656 Mr. Jennings - Yes. I can make sure it's done—

657

658 Mr. Branin - You're one ahead of us?

659

660 Mr. Jennings - There's a lot that we're doing—involved in right now,
661 but I can—

662
663 Mr. Branin - I'm speaking for myself—and I'm sure Mr. Kaechele
664 will agree with me—that we need this done posthaste.
665
666 Mr. Jennings - Okay.
667
668 Mr. Kaechele - Do you have the traffic count there now?
669
670 Mr. Jennings - No, sir, I do not. Most of the time we do system
671 counts and counts on the main roads that we maintain. Most of the subdivision
672 streets we do not have traffic counts unless we've done a specific study like that.
673 So I don't have any recent counts on this road.
674
675 Mr. Branin - Thank you.
676
677 Mr. Vanarsdall - Thank you, Mr. Jennings.
678
679 Mr. Branin - Mr. Ward? This will be coming back to us for
680 landscaping and so forth, correct? You will have the traffic study done at that
681 time. We should have it done way prior to that, so one of the things that we want
682 to be looking at with this is the opening of this entrance and how we will change
683 that in the landscaping, what we can change design-wise to ensure safety
684 coming in and coming out. Yes, ma'am. You're going to have to come up,
685 ma'am.
686
687 Mr. Vanarsdall - Mr. Ward, will that be coming back to us on the 28th of
688 April?
689
690 Mr. Ward - Or when the traffic study is done.
691
692 Mr. Vanarsdall - Good time to have the traffic study and the
693 landscaping. We're running out of time, but we're glad to have you. State your
694 name, please.
695
696 Ms. Namkoong: Good evening. My name is Mrs. Namkoong. I'm the
697 property owner. The reason I came up here is just to express that I am
698 concerned and I sympathize with all of my neighbors and their concern. It sounds
699 like I don't really care. This is very much my concern. I have a couple of
700 grandchildren, and I live just down the road from there as well. This is out of my
701 hands. I have spoken to Mr. Upton and received a letter that I presented to you
702 last time. Also, after the last meeting, February 24, 2010, I went straight to talk to
703 Mr. Nuckols, who is here tonight. I asked him about access to Trinity Drive that
704 she's talking about. Mr. Nuckols is on one side, and Mr. Ferramosca owns
705 another side, which is an empty lot right now. I went to talk to Mr. Nuckols to see
706 if he was interested in selling his property. He and his wife were together at that
707 meeting. They were absolutely not interested in doing that. Then I also had a

708 meeting with Mr. Ferramosca. I think that it would be a better right-of-way for us,
709 and also there are children involved here. I thought the company could maybe
710 purchase the empty lot and use it for the right-of-way. Mr. Ferramosca showed
711 some interest at the meeting at the library, the neighborhood meeting, but he was
712 not interested. His property is right there at Parham Road and Fordson, and he
713 wants to move that house to there. That's why he bought that property. So I
714 tried. It sounds like I wasn't trying, that I don't care, but that's not the case.

715

716 Also, when we rezoned this about 16 years ago, Mr. Kaechele was right there in
717 the same spot. It wasn't shady rezoning. It was a very difficult rezoning. Mr.
718 Upton had to rezone first, and I came behind him. At that time, we very much
719 wanted to rezone the entire tract for office sites, but there was so much
720 opposition from the neighborhood. The neighborhood recommended that we put
721 a house there toward the Jackson-Davis side and just develop at the front. So we
722 did that. I had to purchase Mr. Upton's back property to be able to do that. We
723 did everything we could to meet the neighborhood's wishes.

724

725 I just wanted to clarify that we didn't just come in there and were able to control
726 somebody, and do some shady deal. I just can't believe something like that. I
727 can't even think about that. I feel that was on public record. We did this 16 years
728 ago before the Finer Homes. After the rezoning, it took a couple of years. It
729 didn't happen right away. So there was a public record. I feel if any family who
730 saw there was a right-of-way right beside their home, they have to think twice, to
731 ask the right questions. I speak pretty much broken English, but I would do
732 checks and things like that if I was going to build my house right there. I'm not
733 trying to attack anybody, but this is common sense. Every time we do this,
734 coming back and forth, it costs us a lot of money. Again, we considered the
735 alternative driveway even though we couldn't go back and forth to Parham Road.
736 I thought it was better access for us, as well as protecting the neighbors. So we
737 did everything we could. I would like to express to my neighbors that I didn't just
738 come and do all of this on my own; it's out of my control. We did everything we
739 could, made every effort, even though we spent some money here. We tried to
740 buy the right-of-way. We were willing to do that. Mr. Nuckols is right here. I went
741 to see him, and I went to see Mr. Ferramosca. We did everything we could to
742 protect the neighbors and have better access. I want to speak to my neighbors
743 that I tried everything. Thank you.

744

745 Mr. Kaechele - Ma'am, let me thank you for trying hard to find
746 another solution to this. You're exactly right. Sixteen years ago, I was
747 somewhere along here when this zoning took place, and it was very
748 controversial. We wanted to make the whole parcel Office zoning, I believe, at
749 the time. The school and the PTA severely objected to that. This was a
750 compromise, to leave a row of lots along Nesslewood Road so it would be more
751 compatible with the schools. At that time, it was also known that an entrance off
752 Broad Street [sic Parham Road] was highly unlikely. This is the reason that
753 parcel was left there. There could have been access to Mr. Upton, as well as

754 your property, perhaps, but he developed along the other side of Nettlewood.
755 That's exactly what happened, and it was well-reviewed with a lot of
756 neighborhood participation, including the schools. That was the best compromise
757 that could be made. It shouldn't be residential along Parham Road either
758 because of the traffic there.

759
760 Mr. Namkoong - At the time, Mr. Silber was in the Planning
761 Commission. I had many meetings with him at the time. He pretty much
762 explained to us that the County would really like to see that whole tract from
763 Fordson Road to Mr. Upton's property become office complexes, just like
764 Pembroke across the street. So when they come to the light at Fordson, they
765 can just go right there and have access. So it wouldn't be disturbing any of
766 Nettlewood Road. That was their recommendation. To have seven or eight
767 property owners agree to that, this would have gone on for 20 years. That's why I
768 just sat there and did nothing. There were a couple of people who just sat there
769 and would not make a decision one way or the other. They were playing the
770 game of who was going to buy that to benefit. He also tried to zone that, and he
771 was turned down on the very first lot. We had a home built there about six
772 months ago. A family moved in. So there is no other future to that whole thing. It
773 could have been developed really nicely where it could have been good for the
774 neighbors and good for the property. That hope has taken 20 years, but it just
775 has all disappeared now. Mr. Upton built his a while back. We were already
776 zoned at the same time. My only option is to go ahead and build that. We would
777 very much like an exit from Parham Road; that would be wonderful, but that's
778 almost impossible. The Highway Department said that was never going to
779 happen. We tried every way, and that's why it took so long. I was hoping not to
780 do anything until everything was rezoned to come in from Fordson Road directly
781 into that area. That's why we waited this long. There is no chance now as there is
782 a house built right there.

783
784 Mr. Vanarsdall - Thank you, ma'am. Mr. Branin, do you want to hear
785 from the applicant?

786
787 Mr. Branin - If there's any other opposition—absolutely, sir.

788
789 Mr. Gary Hill - I'm Gary Hill. I'll make it kind of short. I have two
790 problems. One is you'll have commercial traffic in a school zone. It's real heavy
791 in the mornings and the evenings now with the children. I live right there. I just
792 don't see it happening. The other problem I have is right behind my house I
793 believe there will be 9- to 15-foot-tall lights that will shine right in my bedroom
794 window every night. That's all I have.

795
796 Mr. Vanarsdall - Thank you.

797
798 Mr. Branin - Any other opposition? Mr. Hill, we'll be bringing this
799 back to landscaping and lighting. We'll be able to address that at that time.

800 Please come to the landscaping hearing so we can stay on top of it. Matt, please
801 make notes that Mr. Hill's house backs up.

802
803 Mr. Ward - I have a note that no landscaping or lighting is
804 approved with this.

805
806 Mr. Branin - Mr. Chairman, I'd like to make a motion. I would like
807 to move for approval of *POD-29-09, Koontz-Bryant, P.C. for Haeja O. Namkoong*
808 with the standard conditions for developments of this type and additional
809 conditions #9 amended, #11 amended, and #29 through #32, with the
810 understanding that this will come back in front of the Commission for lighting and
811 landscaping.

812
813 Mr. Jernigan - Second.

814
815 Mr. Vanarsdall - Motion made by Mr. Branin, second by Mr. Jernigan.
816 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

817
818 The Planning Commission approved *POD-29-09, Koontz-Bryant, P.C. for Haeja*
819 *O. Namkoong*, subject to the annotations on the plans, the standard conditions
820 attached to these minutes for developments of this type, and the following
821 additional conditions:

- 822
- 823 9. **AMENDED** - A detailed landscaping plan shall be submitted to the
824 Department of Planning for review and Planning Commission approval prior
825 to the issuance of any occupancy permits.
 - 826 11. **AMENDED** - Prior to the approval of an electrical permit application and
827 installation of the site lighting equipment, a plan including depictions of light
828 spread and intensity diagrams, and fixture specifications and mounting
829 height details shall be submitted for Department of Planning review and
830 Planning Commission approval.
 - 831 29. A concrete sidewalk meeting County standards shall be provided along
832 the west line of Parham Road.
 - 833 30. The proffers approved as a part of zoning cases C-21C-93 and C-36C-93
834 shall be incorporated in this approval.
 - 835 31. The location of all existing and proposed utility and mechanical equipment
836 (including HVAC units, electric meters, junction and accessory boxes,
837 transformers, and generators) shall be identified on the landscape plans.
838 All equipment shall be screened by such measures as determined
839 appropriate by the Director of Planning or the Planning Commission at the
840 time of plan approval.
 - 841 32. The developer shall use best efforts to quitclaim the existing Trinity Drive
842 private access easement located on this site prior to landscape plan
843 approval.
- 844
845

846 (Deferred from the February 11, 2010 Meeting)

847 **C-31C-09 Andrew M. Condlin for White Oak Crossing**
848 **Acquisition, LLC:** Request to conditionally rezone from A-1 Agricultural District,
849 R-5 General Residence District and M-1 Light Industrial District to R-5C General
850 Residence District (Conditional) and M-1C Light Industrial District (Conditional),
851 Parcels 811-719-8863, 812-719-1130, 811-718-1589 and part of Parcel 813-720-
852 9405, containing approximately 30.9 acres, located at the northwest intersection
853 of S. Laburnum Avenue and Interstate 64, south of the Southern Railway right-of-
854 way. The applicant proposes a multi-family development of no more than three
855 hundred fifty (350) dwelling units and retail/business uses. The R-5 District
856 allows a maximum gross density of 14.52 units per acre. The uses will be
857 controlled by zoning ordinance regulations and proffered conditions. The Land
858 Use Plan recommends Planned Industry and Environmental Protection Area.
859 The site is in the Airport Safety Overlay District.

860

861 Mr. Vanarsdall - Anyone in the audience in opposition to case C-31C-
862 09, Andrew M. Condlin for White Oak Crossing Acquisitions, LLC? Good
863 evening, Ms. Sherry.

864

865 Ms. Sherry - Good evening. The applicant is proposing to rezone
866 approximately 30.9 acres to allow for the development of up to 350 multi-family
867 dwellings and retail and business uses.

868

869 The 2026 Comprehensive Plan recommends Planned Industry and
870 Environmental Protection Area for the subject property.

871

872 The applicant has submitted revised proffers, which you have just received.
873 These proffers include a conceptual plan (Exhibit A) that indicates the location of
874 the proposed apartment buildings as well as roads within the development. The
875 applicant has also provided architectural elevations and photographs to illustrate
876 how the proposed residential development may appear when completed.

877

878 Other major aspects of the proffers relate to exterior building materials;
879 landscaping and buffering; sound suppression measures within the residential
880 portion of the development; underground utilities; an overall sign plan; and, future
881 C-1 zoning for areas within the 100-year floodplain.

882

883 The Henrico County Divisions of Fire and Police have expressed concern that
884 the only access to this property can be provided along S. Laburnum Avenue.
885 The railway and Interstate 64 prohibit access on three sides of the development,
886 and in the case of an emergency along S. Laburnum Avenue, access to the site
887 could be eliminated completely. There are two access points as required by
888 Department of Public Works policy; however, they are both located on S.
889 Laburnum Avenue.

890

891 Staff does not support residential uses at this location. However, if this use is
892 deemed appropriate staff recommends the applicant provide additional details
893 pertaining to dwelling unit types, internal landscaping and buffers, cantilevered
894 features, and sound suppression measures as detailed in the staff report.

895
896 The applicant is also requesting to rezone the property identified on the zoning
897 plat as Parcels B and C to the M-1C District to allow for retail and business uses.
898 The applicant has committed to limiting signage and restricting all uses to that
899 which are permitted in the B-2 District, with the exception of outdoor dining areas.
900 The property proposed for retail and business is currently zoned M-1. However,
901 this use is not entirely consistent with the Planned Industry designation.

902
903 The submitted proffers for the M-1 portion of this request provide some
904 guarantees regarding operation and development, but given the proximity to the
905 proposed residential uses, the applicant is encouraged to provide proffers related
906 to hours of operation, outdoor storage, and outdoor speakers. Additionally, staff
907 encourages the applicant to provide architectural elevations and provide details
908 on the conceptual plan.

909
910 In accordance with the Virginia Department of Transportation 527 Traffic Impact
911 Regulations, a Traffic Impact Study has been submitted to Henrico County Traffic
912 Engineering and VDOT to determine the impact to the adjacent traffic network.
913 The study is currently still under review; however, the applicant has committed to
914 three road improvements that the traffic engineer has indicated are known to be
915 necessary at this time. The applicant has also agreed to provide additional
916 proffers based on the recommendations that may come out of the final analysis.
917 Staff has concerns that until this review is finalized, staff is unable to determine
918 what improvements will be necessary to address transportation impacts.

919
920 In summary, the proposed uses are not consistent with the 2026 Comprehensive
921 Plan's recommendation of Planned Industry. Development of the subject
922 property as requested would result in the loss of a potential industrial or office
923 site with a large acreage in close proximity to the interstate and the railway.
924 However, if this use is recommended for approval, staff recommends the
925 applicant address staff concerns for both residential and commercial uses. A
926 commitment to any additional recommendations from the traffic study should also
927 be provided.

928
929 For these reasons, staff does not support this request.

930
931 Staff notes time limits would need to be waived on the amended proffers. This
932 concludes my presentation, I would be happy to answer any questions.

933
934 Mr. Vanarsdall - Any questions for Ms. Sherry from Commission
935 members?
936

937 Mr. Jernigan - I don't have any right now.
938
939 Mr. Vanarsdall - Thank you, Ms. Sherry.
940
941 Mr. Jernigan - I'd like to hear from Mr. Jennings first. He's been
942 pretty popular tonight, hasn't he?
943
944 Mr. Jennings - Hello there, Mr. Jernigan.
945
946 Mr. Jernigan - What Ms. Sherry was referring to from Department of
947 Fire was that we only had one point of access. How many sites in Henrico do
948 have *[blank section on recording][0:58:04].
949
950 Mr. Jennings - On this number of units or?
951
952 Mr. Jernigan - In general.
953
954 Mr. Jennings - In general there are a lot of sites with only one point
955 of access. When they get a certain size, we do require two.
956
957 Mr. Jernigan - But what they're speaking of—We have two points of
958 access going into the facility, but we only have Laburnum Avenue. What they're
959 saying is that we can't access another way because of the interstate and the
960 railroad tracks.
961
962 Mr. Jennings - Yes sir.
963
964 Mr. Jernigan - In my neighborhood, the only access we have is one
965 road coming in. I mean it's not that this is an odd site because there are plenty of
966 other sites that have the same thing.
967
968 Mr. Jennings - Correct. A lot of times when we require two points of
969 access, they're still out on the same road.
970
971 Mr. Jernigan - Thank you. Now I'd like to hear from the applicant.
972 Good evening, Mr. Condlin.
973
974 Mr. Condlin - Members of the Commission, Andy Condlin from
975 Williams Mullen. Did you want me to make a quick presentation?
976
977 Mr. Jernigan - Yes sir, I would appreciate that.
978
979 Mr. Condlin - I have one page of notes here and I can use those. I'll
980 keep it brief. This property, as Ms. Sherry has already pointed out, already exists
981 as R-5 and M-1. It has about 2-1/2 acres of A-1. It's been a longstanding-zoned
982 R-5 property that I know I had three different contacts—clients that have had

983 contracts on this property to try to develop the R-5. Primarily dealing with the one
984 point of access has been the real issue in trying to make the R-5 work, as well as
985 the size of the existing R-5. We're going from approximately a little over 17 acres
986 to 29.4 acres for R-5 with about 2 acres right in the floodplain. So about 10
987 additional acres that we're adding to the R-5. Going from R-5 Unconditional to
988 providing for the conditions on the property. Also going from M-1 Unconditional to
989 adding the conditions, really separated by the floodplain. Really, the difference
990 between the zoning is really created by the floodplain that exists between the
991 properties. We thought that was a natural divide.

992
993 I very rarely—and I know this is a big moment where I might disagree with staff. I
994 will say it's a small disagreement with respect to what is appropriate for this site. I
995 do know it's in the 2026 Plan for Industrial, but as I said, it's a longstanding
996 zoning for R-5 Unconditional—since 1969. Also, under the 2026 Plan, it calls for
997 Planned Industrial, large tract development. Looking at this site for industrial
998 development, you know, the 30 acres that's useable, but 27 acres—given the
999 configuration of the property, it's really not as conducive for large-tract industrial
1000 development. The biggest issue, really, has to do with the traffic. Looking at the
1001 traffic analysis, the context of traffic, the truck traffic serving this industrial site,
1002 given it's off of 64 and Laburnum, it really would not be conducive because of the
1003 number of conflicts. With the multi-family zoning, the peak hours are spread out
1004 a lot more. Obviously, they're cars. With the resolution with cars with respect to
1005 the road improvements, I think this serves it well for the multi-family versus what
1006 otherwise would be placed there for the industrial.

1007
1008 We have addressed—as Mr. Jernigan and Mr. Jennings pointed out—the two
1009 access points, which would really solve the issue. The second point is up here,
1010 which has really solved a lot of the issue. Quite frankly, the additional acreage
1011 that we've been able to add does add to the property. It actually lowers the
1012 density. While we're building it to 350 units at maximum, it still does lower the
1013 density. And it provides for numbers to be able to provide for amenities and a
1014 better design, to be able to work with and provide the trails that we proffered.

1015
1016 We have tried to clarify, I think, a lot of the questions. I'll be happy to go through
1017 the issues one by one. Did we hand out the other proffers? I apologize that that
1018 came in late. I think it was a misunderstanding of when we were waiting for
1019 VDOT. We expect the final review approval from VDOT to come in, quite frankly,
1020 at any time. Things get a little slow when you get to VDOT, but I think Mr.
1021 Jennings is comfortable and VDOT is comfortable with moving the case forward.
1022 We've proffered the specific improvements in there. You'll see in that one item,
1023 that last line in there, "such additional improvements as may be required." Once
1024 we get final approval from VDOT or final review from VDOT, certainly then we
1025 can say these are the improvements. But these are the ones that have been
1026 suggested. I think Mr. Jennings certainly can speak to that fact, that he thinks
1027 that these probably will be all the ones that will be required. But again, we're

1028 waiting for VDOT. Once that review comes in, we certainly can add any
1029 additional improvements from that standpoint.

1030

1031 I just don't understand, for example, the cantilever bay windows. We've taken out
1032 the chimneys and we've taken out the other aspects that they've asked for, but I
1033 quite frankly like the cantilever bay window and we're trying to come up with a
1034 little bit more unique design. I don't think these are critical items or questions that
1035 they've asked with respect to the staff report. I think these are issues that can be
1036 worked out through the POD. They're really site design issues we've proffered.
1037 For example, sound suppression from 300 feet. We just haven't shown it on the
1038 site plan because buildings were moved a little bit. We didn't want to identify this
1039 building specifically being where it is. We said within 300 feet we'll have the
1040 enhanced sound suppression, for example.

1041

1042 All in all, I think we've tried to address most, if not all, of staff's concerns. I know
1043 they're in opposition to it, but we do think it is really better for multi-family. With
1044 that, I'll be happy to answer any questions that you may have.

1045

1046 Mr. Kaechele - The property near the entranceway is not included in
1047 this zoning?

1048

1049 Mr. Condlin - We're going from M-1. I apologize, Mr. Kaechele.
1050 We're going from M-1 Unconditional on the front to M-1 Conditional. What we've
1051 done is exhibited it to be two uses, other than outside dining, the idea being that
1052 we wanted to have the 24-hour use allowance in this area. We thought the B-2
1053 was more appropriate given Laburnum Avenue. We also wanted to be able to
1054 have outside dining and not come forward for the provisional use permit every
1055 time we wanted to have outside dining. Again, we thought this was appropriate
1056 with two service stations—one across the street and one right next door. I think it
1057 would make a nice entryway into the multi-family, but also along Laburnum,
1058 which is a major arterial road.

1059

1060 Mr. Vanarsdall - Any questions for Mr. Condlin from Commission
1061 members?

1062

1063 Mrs. Jones - I do. Just so I understand. I sat next Mr.
1064 *[unintelligible][1:05:01] and we looked at this site, and up and down Laburnum,
1065 trying to get my head around how 350 residential units could be wedged in
1066 between the railroad and—we have a difficult situation especially with the *[voice
1067 fading in and out][1:05:16]. I simply want to make sure that we've covered the
1068 bases here. I know you all have worked awfully hard, but explain to me what is
1069 your target market for these? How do you envision this going forward? It looks
1070 like a nice building.

1071

1072 Mr. Condlin - Of course we worked on the White Oak Shopping
1073 Center. I do a lot of work in the city. It's amazing when I hear in City Hall that—

1074 and I will get to your question—it's amazing how quickly you can get from Church
1075 Hill and downtown to the White Oak Shopping Center. They're finding a large
1076 part of their clientele are coming from the city because they don't have any of the
1077 dry goods, they don't have any services within the city center in that area from
1078 the downtown along the—as soon as you get on 64, you can take Route 5 and
1079 come off.

1080
1081 Quite frankly, we've done some zoning cases around MCV—technically called
1082 the VCU School of Medicine; no longer called MCV. They have a need for over
1083 4500 employees and students who will not be housed by MCV in their growth
1084 plans. This is an easy access that provides security and amenities that maybe
1085 they can't find otherwise within the city area. We also see this supporting the
1086 retail that's coming along Laburnum Avenue. People that normally would
1087 otherwise not have a place to locate on the East End, this is a little bit higher
1088 quality than I think they typically have found in the past for multi-family. It
1089 compliments White Oak Shopping Center very well. It's amazing how close we
1090 are into the downtown area, as well as serving, obviously, the natural market in
1091 the East End.

1092
1093 Mrs. Jones - Do you see this as young professionals—

1094
1095 Mr. Condlin- Yes ma'am.

1096
1097 Mrs. Jones - —commuting to the city on a daily basis?

1098
1099 Mr. Condlin - Yes. Only 30 of the 350 would be three or more
1100 bedrooms, the idea being it's really not for families. But again, that goes to the
1101 school issue, to limit the number of schoolchildren that are otherwise in there.
1102 That's obviously the market and that's one of the reasons it's easy to do that, to
1103 be able to limit the number of families that would go in there. That's really what
1104 we're looking for.

1105
1106 Mrs. Jones - These would be market-base pricing?

1107
1108 Mr. Condlin - Yes ma'am. It's impossible to get financing now for
1109 condominiums. It's just not there.

1110
1111 Mrs. Jones - Well, the need may be elsewhere.

1112
1113 Mr. Condlin - Yes.

1114
1115 Mrs. Jones - Let me ask you also. The problems that staff had with
1116 your elevations, quality commitments, this kind of thing, I'm not a speed-reader.
1117 You've solved those, you say, except for cantilevered—
1118

1119 Mr. Condlin - No. The only change that we've made has to do with
1120 traffic. This area pointed out, I think, about six items that were in the staff report
1121 and I can go through them one by one if you want. Is that what you would like to
1122 do?

1123
1124 Mrs. Jones - If you could. I think sometimes we get hung up on
1125 little things while we're missing—I'd hate to have a problem with
1126 *[unintelligible][1:09:02] because there's a minor point that everybody's digging
1127 their heels in. So I'd like to know.

1128
1129 Mr. Condlin - Absolutely. There's a larger issue here that we're not
1130 matching up to the Comp Plan for Industrial. That having been said, they really
1131 haven't left out any detail on the residential aspect. I think part of that is this
1132 would be a really good case I think they would support elsewhere with the quality
1133 that we provided. At this location, I think there's a fundamental philosophical
1134 difference as to what the appropriate use would be. That having been said, at
1135 least in my reading of the staff report and going through and talking with Ms.
1136 Sherry, running down the issues, which are on page four of the staff report for the
1137 most part—exterior materials. One of the things we've tried to do is to provide for
1138 a great percentage of brick along those building faces along 64. So we provided
1139 for 30% along 64. Otherwise, within each of the buildings, as you can see in the
1140 elevations—and we've provided a number of them—we've provided for 25%
1141 brick otherwise in the aggregate. I think staff's concerns were that we didn't
1142 identify each face and that there will be a certain percentage on each face of
1143 each of the buildings. The idea was that we really did want to try to provide a little
1144 bit more variation. We've gone through and looked at some other buildings so
1145 that, you know, we wouldn't have 20% here and 20% facing; they would actually
1146 look a little different and create some variation. In my reading, it was that we
1147 haven't identified specifically to how much—we quite frankly don't want brick on
1148 every face. We did provide for brick foundations to provide for some of the issues
1149 on every building of people pulling in and being close to the building. We are
1150 looking at HardiPlank and we're looking at some other material that would
1151 provide a lot more color variation. Quite frankly, I don't think it was a huge issue,
1152 but it's something that we wanted to have some ability for.

1153
1154 The second issue had to do with we proffered the three bedrooms. The concern
1155 was one and two bedrooms, how many of each. We're not going to put all one
1156 bedrooms and then put all two bedrooms. We don't have a specific number that
1157 we provided for. I didn't want to proffer specifically what it is. I wasn't sure why
1158 the staff wanted to have that number to say what it was. Three bedrooms makes
1159 sense because of the impact on schools and that's what we tried to address.
1160 That's as simple as I can make it.

1161
1162 I know Mr. Jernigan and I talked a little bit about internal landscaping. We did
1163 provide for the street trees in response. I think there was concern about what
1164 kind of additional landscaping would be around the clubhouse to protect that,

1165 which we haven't provided otherwise. I know this comes back as part of the POD
1166 and there are certain standards that the County has. Typically, I don't provide
1167 specific landscaping that's in apartments and multi-family, so I wasn't sure. We
1168 tried to address it with the street trees that we provided with the hope that that
1169 would be enough.

1170

1171 The cantilever, I already covered. The only thing we didn't cover was cantilever
1172 bay windows. Again, we're trying for a little variation in the use.

1173

1174 Sound suppression, I think the only thing they asked for was we have enhanced
1175 sound suppression to from 300 feet of I-64, which is generally this driveway here.
1176 So that's about 300 feet. Those units that are within 300 feet, they wanted that
1177 shown on the plan.

1178

1179 Mrs. Jones - You're submitting to that.

1180

1181 Mr. Condlin - We submitted in the proffers at 300 feet, we just didn't
1182 show it on the plan because buildings change a little bit. As you can see, it
1183 actually goes through some of these buildings and we didn't want to, you know,
1184 dot that line specifically.

1185

1186 Amenities, they wanted us to show the trails we've committed to. Generally,
1187 we've committed to the length of the trail, that we would have a trail system and
1188 sidewalk system on the property, but we didn't show them on the plan. Again,
1189 that's more of a site design. When we come forward with our POD, we can
1190 certainly address it at that time. Again, with the wetlands and the building design
1191 substantially similar, it could be anywhere and it would just be a person's best
1192 guess.

1193

1194 We've addressed the residential with the commercial, the hours of operation. We
1195 wanted to keep it open for 24 hours, you know, that ability to have 24 hours. We
1196 thought that was appropriate, given what's up and down Laburnum, given what's
1197 around us with the service stations.

1198

1199 Because of the concern about the elevations, we committed to 80% brick, unless
1200 otherwise approved by the Planning Commission. Otherwise, we have to come
1201 forward and say this is a good-looking building, otherwise it is going to be 80%
1202 brick. There really isn't any common theme once you cross 64 up and down
1203 Laburnum Avenue, so we didn't really have an idea.

1204

1205 Outdoor storage is also mentioned. I have to be honest, I thought that was
1206 covered under B-2 limitations. I may be wrong. We limited it to B-2 uses other
1207 than the outdoor dining. That may just need to be a clarification.

1208

1209 Mr. Vanarsdall - I passed this site about twice a day for eight years.
1210 The unique thing about this is that, as Mr. Branin can tell you, there was no one

1211 to notify about this case because there was nobody around. Like he said, I don't
1212 know a better place to put this in the East End.
1213
1214 Mr. Condlin - The access to 64, it's right there. In fact, the study
1215 shows no backups with the turn lanes in here. That's one of the reasons we
1216 talked about the city.
1217
1218 Mr. Vanarsdall - It's only five minutes away.
1219
1220 Mr. Condlin - Yes, it's amazing.
1221
1222 Mrs. Jones - I was just thinking about the access from Laburnum.
1223 Given the fact that that could stop and be clogged up for an accident or whatever
1224 and people not being able to get in, would your client consider sprinkling these
1225 buildings as a benefit to the homeowner and adjacent *[voice fades out][1:14:59]
1226 the street?
1227
1228 Mr. Condlin - Right. That's a huge cost. That really puts us different
1229 in the marketplace.
1230
1231 Mrs. Jones - If I never ask, I never know.
1232
1233 Mr. Condlin - That's right. That's the answer, I think. Unless
1234 otherwise required by the building code, that's not something they would want to
1235 commit to.
1236
1237 Mr. Branin - Mr. Condlin, is this your short version?
1238
1239 Mr. Condlin - I had to answer questions. I gave my short version.
1240 That doesn't count.
1241
1242 Mr. Archer - Mr. Condlin, the report indicates no more than 350.
1243 Have you come up with a finite number or is that somewhere between something
1244 and something else?
1245
1246 Mr. Condlin - I think the units they have shown there is 350. We
1247 had a higher number on that but that's—
1248
1249 Mr. Archer - I was just looking at the staff case, not so much at the
1250 report itself. It indicates the applicant proposes a multi-family development of no
1251 more than 350 dwelling units and retail business uses.
1252
1253 Mr. Condlin - Well certainly as you build them, sometimes you
1254 might go a little bit below that, so that was a number that—we're showing 350 on
1255 that plan right there.
1256

1257 Mr. Archer - Okay.
1258
1259 Mr. Condlin - Based on that standpoint, that's where we came up
1260 with that number. The expectation is to be very close to that number.
1261
1262 Mr. Archer - The other question was you mentioned—there was
1263 some reference in here to one, two, and three bedrooms and that the three
1264 bedrooms would probably be held in advance because it would prevent children?
1265 In most instances, a three-bedroom would indicate children, so you're making an
1266 account as to the number of three bedrooms you will have?
1267
1268 Mr. Condlin - No more than 30 units may contain three or more
1269 bedrooms.
1270
1271 Mr. Archer - Thank you, sir.
1272
1273 Mr. Condlin - And they're only planning one, two, and three
1274 bedrooms.
1275
1276 Mr. Vanarsdall - Any more questions for Mr. Condlin?
1277
1278 Mr. Jernigan - I have a couple. Mr. Condlin?
1279
1280 Mr. Condlin - Yes sir.
1281
1282 Mr. Jernigan - You mentioned a minute ago about the internal
1283 landscaping. Can you commit to something that would just say—
1284
1285 Mr. Condlin - We could commit to the landscaping as required by
1286 the Planning Commission at the time of POD.
1287
1288 Mr. Jernigan - I think that would suffice. You've already made a
1289 change so that you can get whatever road improvements that are required.
1290
1291 Mr. Condlin - That's right. We've made those commitments for
1292 specific road improvements.
1293
1294 Mr. Jernigan - We have sound suppression 58 and this is within 300
1295 feet of 64. How about the railroad?
1296
1297 Mr. Condlin - Well, that's the first time that's been raised. I guess
1298 we hadn't thought about that.
1299
1300 Mr. Jernigan - I'll tell you, a train only comes through there about
1301 once every two weeks. Those units will be there for a long period of time,
1302 though, so we might want to look at that before it gets to the Board.

1303
1304 Mr. Condlin - Okay.
1305
1306 Mr. Jernigan - I'll discuss that with you. That's it.
1307
1308 Mr. Vanarsdall - You want to come on down, sir?
1309
1310 Mr. Jernigan - Come on down to the microphone. Would you state
1311 your name for the record?
1312
1313 Mr. Bland - Richard Bland from Hechler Village. Our area is
1314 adjacent to where they want to put their homes. We have a school there, Jacob
1315 Adams. And up on the other end we have Fairfield Middle. The improvements for
1316 Nine Mile Road or Laburnum Avenue are what we're interested in. You
1317 mentioned 64 is there. The children coming from that school—I don't know how
1318 many children we have at this one right here. But it's going to increase the
1319 children. The children population is going to double. We were wondering about
1320 the improvements, do you have improvements for Laburnum Avenue.
1321
1322 Mr. Condlin - Pursuant to the staff reports, both the elementary and
1323 middle were more than able to accommodate within their membership versus
1324 their capacity. And Varina High School currently has a membership of 2010 and
1325 their capacity is 2022. We would add about 28 students. They would just be right
1326 at their capacity at that point. Of course some of the population is going down.
1327
1328 Mr. Jernigan - He's not asking about the students. He wants to know
1329 if there are going to be any improvements to Laburnum Avenue. You can tell him
1330 or I will that only—He only has to make improvements to the part of the property
1331 that the developer owns. He can't go up and widen Laburnum Avenue up and
1332 down the road. No sir. But he does have to make changes in that property
1333 where it comes in off of Laburnum. He may have to be a deceleration lane. It
1334 hasn't been determined by Department of Public Works yet what will have to be
1335 done. But that will be determined before it goes to the Board of Supervisors. He
1336 will meet with our Traffic Department and get that straight.
1337
1338 Mr. Bland - Thank you.
1339
1340 Mr. Jernigan - Yes sir. Appreciate it.
1341
1342 Mr. Condlin - Your answer was much better than mine was.
1343
1344 Mr. Jernigan - Well, I'm not an attorney, but anyway.
1345
1346 Mr. Branin - Did you sleep in a Holiday Inn last night?
1347
1348 Mr. Jernigan - Sir, did you want to say something?

1349
1350 Mr. Vanarsdall - Come on down and state your name.
1351
1352 Mr. Johnson - Yes sir, how you doing?
1353
1354 Mr. Jernigan - Fine. How are you this evening?
1355
1356 Mr. Johnson - My name is Walter Johnson and I'm from the Varina
1357 area. I want to thank the Commission for putting a shopping center in Varina at
1358 last. This is a good idea, but I have a couple of concerns about it, especially the
1359 parcel being between the railroad track and the ramps to 95. One of the things
1360 I'm concerned about is the barrier from the railroad track. I understand that there
1361 will be some three-bedroom units that will also have children. Children going from
1362 the school, which is Jacob Adams on the side of the railroad track, cross back
1363 and forth on the railroad tracks. Is there any type of barrier that would separate
1364 them to keep them from crossing the railroad tracks? Also on the opposite side,
1365 we have the ramps coming off 95—64. Anything to keep children from venturing
1366 out in those areas?
1367
1368 The other concern is the impact it's going to have on Laburnum. What have they
1369 taken into consideration to cover the additional traffic that's coming from White
1370 Oak? And these 350 units, they're going to have a great impact on Laburnum.
1371 Laburnum is beginning to fill the niche of even White Oak, but I'm proud to have
1372 it there. This coming in, too, is going to have a little bit more impact, especially in
1373 that area. And also not just there, but also going out to Creighton Road with
1374 people coming to that facility, and also getting on the interstate back and forth.
1375 But what I'm concerned with is Laburnum.
1376
1377 Also, you said that this is in the 2026 Plan. Has another plan been developed
1378 since that time?
1379
1380 Mr. Jernigan - No.
1381
1382 Mr. Johnson - That's the latest?
1383
1384 Mr. Jernigan - 2026 was just approved a few months ago.
1385
1386 Mr. Johnson - Oh, that's the County plan?
1387
1388 Mr. Jernigan - Yes sir.
1389
1390 Mr. Johnson - I was just concerned about that. The other thing is
1391 environmental. I notice you have some wetlands out there. What kind of impact is
1392 that going to have on the environmental issues as far as protecting species and
1393 things like that?
1394

1395 Again, this is a good location, but it's a small area to have such big numbers in it.
1396 I'm just concerned about the children and the buffers. Also, what noise barriers?
1397 I notice when I ride down some of the interstates, you see these nice sound walls
1398 that kind of keep the noise away. Here, you're going to have a train on one side
1399 and the ramp on the opposite side. Once in a while, it might happen you have the
1400 cars coming and also the train at the same time. Can you imagine living in a
1401 condition where you have that right there? I understand that the train comes
1402 through at least once a day. That was one of my concerns. I just wanted to see
1403 about protecting the kids crossing the—not just the ones living in those units. But
1404 once they do that, kids have a tendency to venture, coming from Adams and
1405 from the subdivision on the other side.

1406
1407 Mr. Jernigan - Don't leave yet and I'll tell you. You were talking about
1408 the environmental issues. Mr. Jennings is with the Department of Public Works,
1409 but he's our traffic man, so I'm not going to call on him anymore. But all of this
1410 has to go through—this is the big picture as it comes in right now, the zoning
1411 process. After this leaves here and goes to the Board with a recommendation of
1412 approval or denial, it comes back to the finer picture which is the plan of
1413 development. At that point, it has to go through all the different departments of
1414 the County to make sure that this project will work. We have seen cases where
1415 pieces were zoned but they couldn't be built on because they couldn't take care
1416 of the drainage. So this is the big picture, and then we get to the smaller pictures.
1417 All of the environmental concerns will be taken care of.

1418
1419 On the sound suppression, which I mentioned earlier with sound suppression 58,
1420 that is definitely a couple of steps up because most of the time sound
1421 suppression on normal houses is from 50 to 54. Fifty-five is a jump after that and
1422 then we're at 58 now, which means the side walls, the exterior walls, and the
1423 windows all have to meet that sound suppression. And it deadens it down quite a
1424 bit. So that will take care of the traffic on 64. It's a whole lot more than what you
1425 would have in normal house.

1426
1427 For protection of the children, that's something that I hadn't really thought about.
1428 Does the school have a fence now that separates them from the railroad tracks?

1429
1430 Mr. Johnson - There is a fence around the school. But on the
1431 weekends, I know that there are children that come out to play basketball
1432 because there is a court in that fence right behind on the other side of the track.
1433 It's in the back of the school and they're playing out there. Sometimes they are
1434 with their parents; other times you have older kids that are not. That is kind of my
1435 concern, the ones that are by themselves, teenagers or something like that who
1436 venture out further than they really should.

1437
1438 Mr. Jernigan - All right, I thank you, sir.

1439

1440 Mr. Jernigan - Mr. Condlin, that may be something we should look
1441 into.
1442
1443 Mr. Condlin - Of course there's already a 30-foot buffer planted to
1444 35. It's a pretty heavily wooded area. If that's something your want to address at
1445 the time of POD when we're putting in things and where they're located. I'm not
1446 sure we can keep people from the other side of the railroad tracks where—
1447
1448 Mr. Jernigan - No, no. I'm talking about children, which should be a
1449 limited amount coming out of this, but we do need some protection up to the
1450 railroad track.
1451
1452 Mr. Condlin - Right, right.
1453
1454 Mr. Jernigan - So if you would be willing, we can put in something at
1455 the time of POD?
1456
1457 Mr. Condlin - Right. We can discuss it at that time.
1458
1459 Mr. Kaechele - Does school bus loading take place for children in
1460 this?
1461
1462 Mr. Condlin - Of course it doesn't do anything right now, but Miller
1463 Lane—what little I know about the school bus and how they operate, they have to
1464 stay on public roads. Miller Lane is actually a public road now. I think you can
1465 see that in the zoning. You can see we put a cul-de-sac. That would be the end
1466 of it so they could do the turnaround at that point. So they would be off
1467 Laburnum, be able to move out, and they can make that left turn if they need to
1468 or continue on the right and pick up other children.
1469
1470 Mr. Vanarsdall - One more. Ma'am, you want to speak?
1471
1472 Ms. Hughes - My name is Avis Hughes and I am representing
1473 Heckler Village subdivision. These apartments are going to be very, very close
1474 to us, almost right at our back door. I don't know if the airport has been
1475 addressed because the airport is very close to our area. We have the railroad
1476 track, the airport, White Oak—all of these things have already been addressed.
1477 But it's very congested in that area, which you already have addressed. But I
1478 don't know if Mr. Condlin has taken into consideration the airport. And the trains
1479 do run every day, sometimes two and three times a day.
1480
1481 Mr. Vanarsdall - Thank you.
1482
1483 Mr. Jernigan - We know this is in the Airport Safety Overlay District.
1484 That is taken into consideration when it goes to staff. Ms. Sherry had it in the
1485 staff report that it does meet the criteria.

1486
1487 Ms. Hughes - Yes, I saw it. I really did not know exactly what it
1488 meant.
1489
1490 Mr. Jernigan - Everything in a certain radius around the airport is in
1491 that Airport Safety Overlay District. That means we're not going to have any real
1492 tall buildings. But take Airport Drive where you have the runway, I mean, a dead
1493 runway, you have six-story hotels there. So we don't want anything up 20 stories.
1494 On a project this size, it meets the criteria of airport zone.
1495
1496 Ms. Hughes - Okay, thank you.
1497
1498 Mr. Jernigan - Thank you, ma'am.
1499
1500 Mr. Vanarsdall - Thank you.
1501
1502 Mr. Branin - Mr. Jernigan?
1503
1504 Mr. Jernigan - Yes sir.
1505
1506 Mr. Branin - When this comes back to POD, we're going to be
1507 looking at a fence?
1508
1509 Mr. Jernigan - Yes sir. Mr. Condlin just stated we'll see what we can
1510 do, whether it be heavy buffering or a fence. It'll probably be a fence.
1511
1512 Mr. Branin - Just want to make sure.
1513
1514 Mr. Vanarsdall - All right, Mr. Jernigan.
1515
1516 Mr. Jernigan - Okay. Well, let's see, where should I start. Sometime
1517 ago, Mr. Greer asked me to take a trip with him to Charlottesville and he would
1518 discuss this property with me. So we went to Pantops in Charlottesville, which I'm
1519 sure you all know Charlottesville is pretty tight on their regulations. We looked at
1520 an apartment complex up there, which I thought was pretty nice. This project
1521 here mimics pretty much what we saw in Charlottesville.
1522
1523 This property has been there for years and it's been zoned R-5 and M-1 and
1524 there have been no takers on it for many years. I don't know that an industrial
1525 site will ever go up there because of a couple of things. The main thing that I see
1526 is that the school is about 1500 feet away. In our County ordinance, you can't
1527 have any hazardous chemicals within a mile of a school district. So whatever
1528 manufacturing would go in there, they're going to be limited in the amount of
1529 things that they can do and the chemicals they can have.
1530

1531 I don't think it's a good spot for industrial because, as the gentleman back there
1532 was saying, the traffic problems would probably be more if you had heavy trailers
1533 coming in and out of there than if you had passenger cars.

1534
1535 In Varina, we really don't have any nice apartments. Through the years, most of
1536 the apartments that we've had come up, a lot of them were Section 8 and that
1537 made a lot of people mad. Today, when you mention putting apartments
1538 anywhere, well, it's a good way to get a wage war going because nobody wants
1539 them anywhere around. But this is a nice looking facility here. You have an
1540 interstate on one side and a railroad track on the other side. It's going to have
1541 good sound suppression. The people that will move in there will know what is
1542 around them when they move in. It's not that we're going to build the interstate
1543 or railroad track later; that's already there. So when they go in there, they can
1544 check it out and see how noisy it is, and if they want to live there, they can.

1545
1546 I'm going to say there is almost no impact as far as the neighbors having it right
1547 directly next to them. I believe Hechler Village is probably 1700 feet away. I don't
1548 see a negative impact for the neighborhood, but I see a positive impact for the
1549 shopping center. This will put 350 units—if they build that many—and
1550 approximately 700 people closer to helping the shopping center survive.

1551
1552 The traffic coming out, a lot of it is, as he said, minutes away from being
1553 downtown. I'm hoping that this will be one of the nicer apartment complexes that
1554 we can get in Varina because right now we have people that have asked me
1555 about it, we just don't have any nice apartments. There have been some ladies
1556 from church who have asked me, who are seniors, who wanted some place to
1557 go. The one place that we have down in Seven Pines is a Section 42, which
1558 limits how much money you make. You have about a \$13,000 bottom line with
1559 about a \$30,000 top line. You can't live there if you make over that amount.
1560 Some of these ladies are in pretty good financial shape, so they really don't have
1561 anywhere to go. They're looking at moving to the West End or into Hanover. So
1562 hopefully this will help that along.

1563
1564 I know that this does not fall along with the Comp Plan and the Comp Plan is a
1565 guide. But I feel at this point this is not a bad use.

1566
1567 With that, Mr. Chairman, I will move for approval of case C-31C-09, Andrew M.
1568 Condlin for White Oak Crossing Acquisitions, LLC, to send to the Board for their
1569 approval.

1570
1571 Mr. Branin - Second.

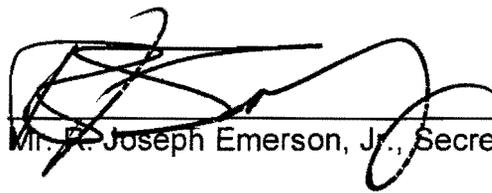
1572
1573 Mr. Emerson - Mr. Jernigan, you do need to waive the time limits.

1574
1575 Mr. Jernigan - I would like to waive the time limits on case C-31C-09,
1576 Andrew M. Condlin for White Oak Crossing Acquisitions, LLC.

1577
1578 Mr. Branin - Second.
1579
1580 Mr. Vanarsdall - Motion made by Mr. Jernigan, second by Mr. Branin.
1581 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1582
1583 Mr. Jernigan - Then I would like to move for approval of case C-31C-
1584 09, Andrew M. Condlin for White Oak Crossing Acquisitions, LLC, to send to the
1585 Board of Supervisors for their approval.
1586
1587 Mr. Branin - Second.
1588
1589 Mr. Vanarsdall - Motion by Mr. Jernigan, second by Mr. Branin. All in
1590 favor say aye. All opposed say no. The ayes have it; the motion passes.
1591
1592 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.
1593 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
1594 Board of Supervisors grant the request because the proffered conditions will
1595 provide appropriate quality assurances and it would not be expected to adversely
1596 affect the pattern of zoning and land use in the area.
1597
1598 Now that takes us to the minutes and we have two of them, don't we, Mr.
1599 Secretary?
1600
1601 Mr. Emerson - Mr. Chairman, the last item on the agenda is the
1602 approval of your minutes from the February 11, 2010 meeting. We do have
1603 some minor changes. Because the meeting was recessed and reconvened, we
1604 made some changes to the minutes today to make them a little more cohesive in
1605 how the meeting flowed. If you want to take a quick look at those or if you would
1606 like to wait until your next meeting to approve the minutes, I'll leave that up to
1607 you.
1608
1609 Mr. Branin - Mr. Chairman, do you want to move forward or do
1610 them tonight? You want to do them tonight?
1611
1612 Mr. Vanarsdall - Yes.
1613
1614 Mr. Branin - All right. I'm good with that. I have two corrections.
1615
1616 Mr. Jernigan - You have a correction?
1617
1618 Mr. Branin - Two. Not one, but two. You ready?
1619
1620 Mr. Jernigan - Yes.
1621

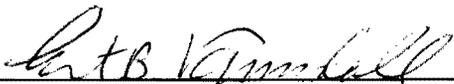
1622 Mr. Branin - Page 22, line 992. I said, "I have 12-lot subdivisions
1623 and I've had 300-lot subdivisions." Got it? Get it?
1624
1625 Mr. Jernigan - On page 22 what line?
1626
1627 Mr. Branin - 22. 992. The very last line on the page.
1628
1629 Mr. Emerson - You're looking at the first set.
1630
1631 Mr. Branin - Yes, the first set.
1632
1633 Mr. Emerson - We know what you're talking about. We can figure it
1634 out.
1635
1636 Mr. Vanarsdall - You finished?
1637
1638 Mr. Branin - No, I'm not done yet.
1639
1640 Mr. Vanarsdall - He has another one.
1641
1642 Mr. Branin - I'll let you know. I have two. You guys should be
1643 pretty excited that I actually have two.
1644
1645 Mr. Archer - Actually I am.
1646
1647 Mr. Branin - On page 30 from the old set, I said, "I have my
1648 Commissioner ID, but I don't know if it gets me in the parking deck," not just "gets
1649 me." Okay?
1650
1651 Mr. Vanarsdall - First time you ever read the minutes.
1652
1653 Mr. Jernigan - I was getting ready to say you must have had a boring
1654 week if you sat down and read the minutes.
1655
1656 Mr. Branin - TV hasn't been that good, Mr. Jernigan.
1657
1658 Mr. Vanarsdall - I have some changes on page 16, lines 677, 678,
1659 679. It says, "Before we close, as difficult as this has been, the hard times, and
1660 there will be better times." And then it says, "There will be better times." We'll
1661 take out, "and there will be better times," and leave "then it will be better times."
1662 "We live and work in the best County in the best country of the world in the world.
1663 With that, I would like to have everyone and face the flag and say the Pledge." I
1664 think it's, "I would like to have everyone face the flag and say the Pledge of
1665 Allegiance."
1666
1667 Mr. Branin - Okay. Mr. Archer?

1668
1669 Mr. Archer - No sir, I have nothing.
1670
1671 Mr. Branin - Mr. Jernigan?
1672
1673 Mr. Jernigan - I'm clear, sir.
1674
1675 Mr. Branin - Mrs. Jones?
1676
1677 Mrs. Jones - I was not present.
1678
1679 Mr. Branin - And you still didn't review them. I'm pretty
1680 disappointed.
1681
1682 Mr. Archer - Mr. Chairman, I move that the minutes be approved
1683 as corrected.
1684
1685 Mr. Branin - I second.
1686
1687 Mr. Vanarsdall - Motion by Mr. Archer, seconded by Mr. Branin. All in
1688 favor say aye. All opposed say no. The ayes have it; the motion passes.
1689
1690 Thank you. And thank you for consolidating these, Mr. Secretary.
1691
1692 Mr. Emerson - You're welcome. Mr. Chairman, that leaves one final
1693 action on your agenda. I have no other items. Your final action would be to
1694 adjourn the meeting.
1695
1696 Mr. Archer - I move for adjournment.
1697
1698 Mr. Vanarsdall - The motion has been made to adjourn.
1699
1700 Mrs. Jones - Second.
1701
1702 Mr. Vanarsdall - Motion by Mr. Archer, second by Mrs. Jones. All in
1703 favor say aye. All opposed say no. The ayes have it; the motion passes.
1704
1705 The meeting adjourned at 8:43 p.m.
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Mr. R. Joseph Emerson, Jr., Secretary

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Mr. Ernest B. Vanarsdall, Chairperson