

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on May 9, 2002, Display Notice having been published in the Richmond Times-Dispatch  
4 on April 18, 2002 and April 25, 2002.

5  
6 Members Present: Allen J. Taylor, C.P.C., Three Chopt, Chairperson  
7 Eugene Jernigan, C.P.C., Varina  
8 C.W. Archer, C.P.C., Fairfield  
9 Lisa Ware, Tuckahoe  
10 Ernest B. Vanarsdall, C.P.C., Brookland  
11 Frank J. Thornton, Board of Supervisors, Fairfield  
12 John R. Marlles, AICP, Secretary, Director of Planning  
13

14 Others Present: Randall R. Silber, Assistant Director of Planning  
15 Joe Emerson, Principal Planner  
16 Mark Bittner, County Planner  
17 Thomas M. W. Coleman, County Planner  
18 Lee Householder, County Planner  
19 Paul Gidley, County Planner  
20 Seth Humphreys, County Planner  
21 Debra Ripley, Recording Secretary  
22 Tim Foster, Traffic Engineer  
23 Jeff Perry, Environmental Management Engineer  
24 Penny Blumenthal, Director, Research and Planning for Schools  
25

26 Mr. Taylor - Good evening, ladies and gentlemen, and welcome to the May  
27 Planning Meeting. We have a long agenda tonight and I think we will be pressed for time, so we  
28 will start right out with the agenda, and I'll turn the meeting over to our Secretary, Director of  
29 Planning, Mr. Marlles.  
30

31 Mr. Marlles - Thank you, Mr. Chairman. Good evening, Members of the  
32 Planning Commission, ladies and gentlemen, we do have a full quorum tonight. We can conduct  
33 business. The first item on the Agenda is Request for Withdrawals and Deferrals. We do have a  
34 number of deferrals tonight; those requests will be presented by Mr. Emerson.  
35

36 Mr. Emerson - Yes sir, Mr. Secretary, Mr. Chairman. The first deferral on your  
37 Agenda tonight is case C-11C-02, its on page 3 of your Agenda.  
38

39 **C-11C-02 Webb L. Tyler for Parham Road Self-Storage, LLC:** Request to conditionally  
40 rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 748-  
41 770-8794 (19-A-27); 11140 Ford's Country Lane, containing 6.668 acres, located on the east line  
42 of Ford's Country Lane approximately 440 feet east of its intersection with Nuckols Road and New  
43 Wade Lane. A mini-storage facility is proposed. The use will be controlled by proffered  
44 conditions and zoning ordinance regulations. The Land Use Plan recommends Office/Service.  
45

46 The deferral is requested to July 11, 2002.  
47

48 Mr. Taylor - Thank you. Is there anyone in the audience who is opposed to  
49 the deferral of case, C-11C-02? There is none. So I will move deferral of case, C-11C-02 at the  
50 request of the applicant.  
51

52 Mr. Vanarsdall - Second.  
53

54 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in  
55 favor, aye. Any opposed? The ayes have it the motion is approved. The vote is 5-0 (Mr.  
56 Thornton abstained).

57

58 At the applicant's request, the Planning Commission deferred C-11C-02, Webb L. Tyler for  
59 Parham Road Self-Storage, LLC to its meeting on July 11, 2002. Mr. Thornton abstained.

60

61 Mr. Taylor - Mr. Secretary.

62

63 Mr. Emerson - Mr. Chairman, the next deferral is on page 3 of the Agenda, C-  
64 6C-02.

65

66 **Deferred from the March 14, 2002 Meeting:**

67 **C-6C-02 Michael J. Kelly for L-C Corporation:** Request to amend proffered conditions  
68 accepted with rezoning case C-14C-87, on Parcel 749-760-0500 (48-A-45) (Universal Ford),  
69 containing 4.057 acres, located on the south line of West Broad Street (U. S. Route 250)  
70 approximately 400 feet east of Cox Road. The amendment is related to eliminating the buffer on  
71 the south line of the property. The existing zoning is B-3C, Business District.

72

73 The deferral is requested to August 15, 2002.

74

75 Mr. Taylor - Thank you. Is there anyone in the audience who is opposed to  
76 deferring case, C-6C-02? No opposition. Then I will move deferral of case, C-6C-02, Michael J.  
77 Kelly for L-C Corporation at the request of the applicant.

78

79 Mr. Vanarsdall - Second.

80

81 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. Those  
82 in favor, aye. Any opposed? The ayes have it; case C-6C-02 is deferred until August 15<sup>th</sup>. The  
83 vote is 5-0 (Mr. Thornton abstained).

84

85 At the applicant's request, the Planning Commission deferred C-6C-02, Michael J. Kelly for L-C  
86 Corporation, to its meeting on August 15, 2002. Mr. Thornton abstained.

87

88 Mr. Emerson - Mr. Chairman, the next case is also on page 3 of your Agenda.  
89 It is C-7C-02.

90

91 **Deferred from the March 14, 2002 Meeting:**

92 **C-7C-02 Michael J. Kelly for L-C Corporation:** Request to conditionally rezone from A-  
93 1 Agricultural District to B-3C Business District (Conditional), part of Parcel 748-759-9860 (48-A-  
94 44), containing 0.687 acre, located on the east line of Cox Road approximately 600 feet south of  
95 West Broad Street (U. S. Route 250). Automobile dealership parking and accessory uses are  
96 proposed. The uses will be controlled by zoning ordinance regulations and proffered conditions.  
97 The Land Use Plan recommends Commercial Concentration.

98

99 The deferral is request to August 15, 2002.

100

101 Mr. Taylor - Thank you, Mr. Emerson. Is there anyone opposed to the  
102 deferral of case, C-7C-02, Michael J. Kelly for L-C Corporation? No opposition. Then I will move  
103 deferral of case C-7C-02, Michael J. Kelly for L-C Corporation to August 15<sup>th</sup>.

104

105 Mr. Jernigan - Second.

106

107 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in  
108 favor, aye. Any opposed? The ayes have it the case is deferred. The vote is 5-0 (Mr. Thornton  
109 abstained).

110  
111 At the applicant's request, the Planning Commission deferred C-7C-02, Michael J. Kelly for L-C  
112 Corporation, to its meeting on August 15, 2002. Mr. Thornton abstained.

113  
114 Mr. Emerson - Mr. Chairman, the next item is on page 4 of your Agenda.

115  
116 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with  
117 rezoning case C-32C-89, on Parcel 740-750-0178 (66-A-11F), containing 12.415 acres, located at  
118 the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest  
119 intersection of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of  
120 Eagles View Drive and Glen Eagles Drive. The amendment would change the maximum density  
121 allowed from 7,850 square feet per acre to 8,975 square feet per acre. The existing zoning is B-  
122 2C, Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

123  
124 The deferral is requested to November 14, 2002.

125  
126 Mr. Taylor - Thank you, Mr. Emerson. Is there anyone in the audience who  
127 is opposed to the deferral of case C-27C-02, RFA Management, LLC to November 14<sup>th</sup>?

128  
129 Mrs. Ware - Then I request that C-27C-02 be deferred to the November 14,  
130 2002 meeting at the applicants request.

131  
132 Mr. Vanarsdall - Second.

133  
134 Mr. Taylor - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall to defer  
135 case C-27C-02, RFA Management, LLC to November 14<sup>th</sup>. All in favor, aye. Any opposed? No  
136 opposition, the ayes have it. The deferral of case C-27C-02 to November 14<sup>th</sup>. The vote is 5-0  
137 (Mr. Thornton abstained).

138  
139 At the applicant's request, the Planning Commission deferred C-27C-02, RFA Management, LLC,  
140 to its meeting on November 14, 2002. Mr. Thornton abstained.

141  
142 Mr. Emerson - The next deferral, and the last deferral is also on page 4 of your  
143 Agenda.

144  
145 **Deferred from the April 11, 2002 Meeting:**

146 **P-21-01 Sprint PCS:** Request for a provisional use permit under Sections 24-95(a) and  
147 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 135'  
148 communication tower and related equipment on part of Parcel 753-740-8228 (100-A-65) (8611  
149 Henrico Avenue), containing 851 square feet, located at the southeast intersection of Henrico  
150 Avenue and Ridge Road. The existing zoning is R-3 One Family Residence District. The Land Use  
151 Plan recommends Government.

152  
153 The deferral is requested to June 13, 2002.

154  
155 Mr. Taylor - Is there any opposition to the deferral of case P-21-01?

156  
157 Mrs. Ware - Is the applicant here? Will you come down? I just want to ask  
158 you...

159

160 Mr. Gil McLemore - Yes ma'am, my name is Gil McLemore, I'm the zoning  
161 coordinator of Sprint PCS. I will be happy to answer any questions that you may have.  
162  
163 Mrs. Ware - Okay. Would you like to defer this longer than 30 days?  
164  
165 Mr. McLemore - Actually, we finally have some end in sight. I apologize it's been  
166 a matter that the board has had to continue for so long. We were trying to consider an  
167 alternative site nearby at Grove Avenue Baptist Church and it was a matter of leasing time frame.  
168 That lease has been closed as of this past week.  
169  
170 Mrs. Ware - It has been closed?  
171  
172 Mr. McLemore - Yes ma'am. It's just a simple technicality; we have to withdraw  
173 that within the next 10-15 days.  
174  
175 Mrs. Ware - Okay. All right. Thank you.  
176  
177 Mr. McLemore - Thank you, very much.  
178  
179 Mrs. Ware - Then I move that P-21-01 be deferred to the June 13, 2002  
180 meeting at the applicant's request.  
181  
182 Mr. Vanarsdall - Second.  
183  
184 Mr. Taylor - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall to defer  
185 P-21-01, Sprint PCS to June 13<sup>th</sup>. All in favor, aye. Any opposed? Being no opposition, the  
186 motion is approved. Case P-21-01, Sprint PCS is deferred to June 13, 2002. The vote is 5-0 (Mr.  
187 Thornton abstained).  
188  
189 At the applicant's request, the Planning Commission deferred P-21-01, Sprint PCS, to it's meeting  
190 on June 13, 2002. Mr. Thornton abstained.  
191  
192 Mr. Marlls - Mr. Chairman, the next item on the Agenda is Request for  
193 Expedited Items, and for the benefit of the citizens in the audience, cases that are on the  
194 Expedited Agenda are cases that staff is recommending approval, the Planning Commission  
195 Member from the District has no outstanding issues and there is no known citizen opposition.  
196 Mr. Emerson.  
197  
198 Mr. Emerson - Mr. Secretary, Mr. Chairman, the first item on your Expedited  
199 Agenda appears on page 2 of your Meeting Agenda.  
200  
201 **C-21-02 Foster & Miller, PC for Clarendon Associates, LLC.:** Request to rezone from  
202 R-5C General Residence District (Conditional) to C-1 Conservation District, part of Parcel 763-  
203 774-7122 (13-5-A-100), containing approximately 9.8 acres, located on the north line of Hunton  
204 Park Boulevard approximately 664 feet east of Staples Mill Road and along the Chickahominy  
205 River approximately 1,425 feet east of the intersection of Hunton Park Boulevard and Hunton  
206 Park Lane. A Conservation District is proposed. The Land Use Plan recommends Environmental  
207 Protection Area.  
208  
209 Mr. Taylor - Is there anybody opposed to case C-21-02, Foster & Miller, PC  
210 for Clarendon Associates, LLC being placed on the Expedited Agenda? No opposition.  
211

212 Mr. Vanarsdall - All right. I move C-21-02 be recommended to the Board of  
213 Supervisors for approval.

214  
215 Mr. Archer - Second.

216  
217 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Archer for case  
218 C-21-02 on the Expedited Agenda. All in favor, aye. Any opposed? The ayes have it, C-21-02 is  
219 approved on the Expedited Agenda. The vote is 5-0 (Mr. Thornton abstained).

220  
221 The Planning Commission approved recommendation of approval of C-21-02, Foster & Miller, PC  
222 for Clarendon Associates, LLC, to the Board of Supervisors.

223  
224 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
225 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
226 request because it conforms to the recommendations of the Land Use Plan and fulfills the  
227 established proffered conditions governing the property.

228  
229 Mr. Emerson - Mr. Chairman, the next item on the Expedited Agenda also  
230 appears on page 2 of your Meeting Agenda, case C-22-02.

231  
232 **C-22-02 Foster & Miller, PC for Hunton RTH Development Corp.:** Request to  
233 rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District, part  
234 of Parcel 762-776-4610 (13-6-0-A), containing approximately 12.9 acres, located along the  
235 Chickahominy River approximately 2,200' northeast of the intersection of Staples Mill Road and  
236 Hunton Park Boulevard; and along the west side of Holladay Branch approximately 1,500' east of  
237 the intersection of Hunton Park Boulevard and Hunton Park Lane. The Land Use Plan  
238 recommends Environmental Protection Area.

239  
240 Mr. Taylor - Is there any opposition to placing C-22-02 on the Expedited  
241 Agenda? No opposition.

242  
243 Mr. Vanarsdall - I move that C-22-02, Foster & Miller for Hunton RTH Corporation  
244 be recommended to the Board of Supervisors for approval.

245  
246 Mr. Jernigan - Second.

247  
248 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan to  
249 approve case, C-22-02, Foster & Miller on the Expedited Agenda. All in favor, aye. Any  
250 opposed? Motion is approved. The vote is 5-0 (Mr. Thornton abstained).

251  
252 The Planning Commission approved recommendation of approval of C-22-02, Foster & Miller, PC  
253 for Hunton RTH Development Corp., to the Board of Supervisors.

254  
255 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning  
256 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
257 request because it conforms to the recommendations of the Land Use Plan and fulfills the  
258 established proffered conditions governing the property.

259  
260 Mr. Taylor - Next case, Mr. Secretary.

261  
262 Mr. Emerson - Again, the final expedited case is on page 2 of your Meeting  
263 Agenda, C-24C-02.

264

265 **C-24C-02 Virginia Center Ventures, LLC:** Request to conditionally rezone from R-2A  
266 One Family Residence District to M-1C Light Industrial District (Conditional), Parcel 784-768-3829  
267 (33-A-55), containing 0.83 acres, located approximately 350 feet north of Virginia Center  
268 Parkway and 540 feet east of Brook Road (U. S. Route 1). A commercial development is  
269 proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.  
270 The Land Use Plan recommends Office/Service.

271  
272 Mr. Taylor - Is there anyone in the audience who is opposed to approval of  
273 case, C-24C-02, on the Expedited Agenda? No opposition. Mr. Archer.

274  
275 Mr. Archer - Mr. Chairman, I move recommendation to the Board of C-24C-02  
276 on the Expedited Agenda.

277  
278 Mr. Vanarsdall - Second.

279  
280 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall to  
281 approve case C-24C-02, Virginia Center Ventures, on the Expedited Agenda. All in favor, aye.  
282 Any opposed? The ayes have it the motion is approved. Case C-24C-02 is approved on the  
283 Expedited Agenda. The vote is 5-0 (Mr. Thornton abstained).

284  
285 The Planning Commission approved recommendation of approval of C-24C-02, Virginia Center  
286 Ventures, LLC, to the Board of Supervisors.

287  
288 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
289 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
290 request because it continues a form of zoning consistent with the area and it would assist in  
291 achieving the appropriate development of adjoining property.

292  
293 Mr. Taylor - Mr. Secretary.

294  
295 Mr. Marles - Mr. Chairman, the first case on the regular agenda is on Page 1  
296 of your Agenda.

297  
298 **P-7-02 Jared Ledet for VoiceStream Wireless:** Request for a provisional use permit  
299 under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct  
300 and operate a telecommunications tower extendable to 199 feet and related equipment and also  
301 to install a temporary tower for 90 days, on part of Parcel 798-696-8886 (213-A-2), containing  
302 10,000 square feet, located on the east side of Osborne Turnpike approximately 1,700 feet north  
303 of Sholey Road (7000 Osborne Turnpike). The existing zoning is A-1 Agricultural District. The  
304 Land Use Plan recommends Office.

305  
306 The staff report will be given by Mr. Tom Coleman.

307  
308 Mr. Taylor - Mr. Coleman, good evening.

309  
310 Mr. Coleman - How are you doing?

311  
312 VoiceStream Wireless is requesting approval to construct a communications tower up to 199'.  
313 The tower would initially be constructed at 158' but could be extended to 199' to accommodate a  
314 future communications provider. VoiceStream is also requesting approval to install a temporary  
315 tower until the permanent one is built. The applicant has also filed a Conditional Use Permit  
316 application for a temporary tower, which is scheduled to be heard by the BZA on May 23<sup>rd</sup>.

317

318 The applicant has amended the application to move the tower to the northeast. The new  
319 location is adjacent to the Dominion Virginia Power Easement approximately 317' west of  
320 Osborne Turnpike. A revised site plan has been distributed to you.

321  
322 The subject property is zoned A-1 and contains approximately 434 acres. Tarmac America has a  
323 Conditional Use Permit to extract material from the subject property and has been mining the  
324 subject property since 1984.

325  
326 This request is consistent with the County's policy of encouraging towers to be located in  
327 industrial, commercial, or agricultural locations not utilized for residential purposes.

328  
329 The comprehensive plan also seeks to protect the character of Route 5 by discouraging towers  
330 within 1,400' of this corridor. The tower would be over 3,000' away from Route 5.

331  
332 Staff is concerned about moving the tower to the new location. The area is characterized  
333 primarily by a combination of agricultural and rural residential development. With the original  
334 application, the closest dwelling units were approximately 1,000' to the south and the northeast.  
335 With the amended request the closest dwelling unit would be approximately 500' to the west.  
336 While the new location may be appropriate for a tower, staff would prefer this application be  
337 deferred to allow the adjacent property owners and other interested parties sufficient time to  
338 review the changes.

339  
340 One of the County's principal goals regarding telecommunication towers is to reduce the  
341 proliferation of towers. Should a tower be considered acceptable at this location, approving a  
342 tower at 199' could accommodate additional communication providers and would support the  
343 County's effort to reduce the need for new towers.

344  
345 At this time, staff recommends deferral of this application to allow adjacent property owners a  
346 reasonable time to review the changes.

347  
348 Should the Planning Commission recommend approval of this Provisional Use Permit it is  
349 recommended the permit be granted subject to the conditions in the staff report.

350  
351 I would be happy to answer any questions.

352  
353 Mr. Taylor - Any questions?

354  
355 Mr. Jernigan - Yes, ask if there is opposition.

356  
357 Mr. Taylor - Is there any opposition to case P-7-02?

358  
359 Mr. Jernigan - Okay. We will be with you in a moment. Mr. Coleman, how  
360 many phone calls have you had on this? How many calls...

361  
362 Mr. Coleman - Two adjacent property owners.

363  
364 Mr. Jernigan - Would they be directed to you in this case?

365  
366 Mr. Coleman - Yes.

367  
368 Mr. Jernigan - Okay. The information that we see here is available on the  
369 internet?

370

371 Mr. Coleman - Actually, the updated information is not available on the internet.  
372  
373 Mr. Jernigan - So anybody that checked in on the internet would have seen  
374 where the tower was before we got the new location.  
375  
376 Mr. Coleman - The original request.  
377  
378 Mr. Jernigan - Okay. That is all I need.  
379  
380 Mr. Taylor - Any other questions for Mr. Coleman? With there being  
381 opposition our Secretary will review the rules for cases where there is opposition, Mr. Marlles.  
382  
383 Mr. Marlles - Ladies and gentlemen, it is the policy of the Planning  
384 Commission that when there is opposition to a case to allow ten minutes to the applicant to  
385 present the case. A portion of that ten minutes by the applicant can be saved for rebuttal of  
386 opposition statements. Time to answer questions by the Commission is not included within that  
387 ten minute time period. Finally, the applicants' presentation, the opponents or citizens concerned  
388 to that application or opposed to it are also allowed ten minutes to present testimony. That ten  
389 minutes can be extended based on approval of the Commission. But, I did want to read those  
390 rules. It is the policy of the Commission.  
391  
392 Mr. Jernigan - I'd like to hear from the applicant.  
393  
394 Mr. Taylor - Is the applicant ready to speak? If you would sir, please come  
395 down to the podium and state your name for the record. We would be happy to hear you.  
396  
397 Mr. Jared Ledet - Yes, sir.  
398  
399 Mr. Marlles - Sir, would you like to reserve a portion of that ten-minute time  
400 for rebuttal?  
401  
402 Mr. Ledet - Yes, sir. I have a short presentation. It will probably take about  
403 five minutes and then I'll maintain...  
404  
405 Mr. Marlles - I'll reserved two minutes or whatever you have left over.  
406  
407 Mr. Ledet - That will be fine. Thank you. Again, my name is Jared Ledet  
408 and I'm here tonight representing VoiceStream Wireless. Before I get started I'd like to pass a  
409 little pamphlet around to you guys so you know exactly what we are discussing here.  
410  
411 First of all I would like to apologize for the last minute change in our proposal. In the real estate  
412 negotiations with the property owner, he has received a permit to mine his property recently and  
413 with intentions of doing so the initial proposal is probably not the most ideal location for the  
414 landlord to mine his property in the most effective way. He has given us the proposed location,  
415 as you can see identified by the yellow dot (referring to slide) on the screen, it's pretty  
416 snug/close to the Virginia Power easement, roughly about 317' from Osborne Turnpike.  
417  
418 If you turn to the second page, this basically shows our footprint for Henrico County, which is  
419 composed of 32 sites, of which 29 we'll have collocated on existing structures. We put a valiant  
420 effort into collocating on existing structures where opportunity is available. With this location  
421 there is, unfortunately no existing structures that VoiceStream would have the opportunity to  
422 collocate on.  
423

424 If you would turn to the third page, you will see a green circle in the middle (referring to  
425 rendering), which is our so-called search ring. The ideal location where VoiceStream would need  
426 a tower, provide quality service to our customers and the surrounding blue dots you will see  
427 (referring to rendering) are sites that we have developed, are starting to develop to tie in and  
428 blend in with the site that we have proposed tonight. Our main coverage objective for this site is  
429 the intersection of Osborne Turnpike and Highway 5.

430  
431 If you turn to the next page we have the new location staked out in the far northeast corner,  
432 which is, like I said, snug against the Virginia Power easement and it's marked at 317' away from  
433 Osborne Turnpike. Again, our initial proposal was more in the center where the pond is located  
434 on the survey, the site sketch.

435  
436 If you turn to the next page you will see our propagation maps. The circle that I'm pointing to  
437 here (referring to slide), the white area is basically the void that we have in our coverage area  
438 without a site in this location. As you can see we have surrounding sites that are blended in to  
439 provide coverage, a very significant gaping hole that would not allow our customers to maintain  
440 calls traveling down Highway 5.

441  
442 If you turn to the next page you will see the proposed site at a 150' elevation. How it blends in  
443 perfectly within the surrounding areas and gives excellent coverage on Osborne Turnpike and  
444 Highway 5.

445  
446 The last page that we have shows the 1,400' setback that we meet from Highway 5 by more  
447 than doubled the required amount.

448  
449 We feel free that we have put a valiant effort in determining a good location for VoiceStream, for  
450 the Landlord and for Henrico County to help eliminate the proliferation of towers in the area. Our  
451 personal needs are only a wraps center of 150', but at VoiceStreams expense we are willing to  
452 purchase a tower of 199' in height and incur the expense of the foundation to maintain a  
453 structurally sound structure to accommodate, in the future, any future collocation opportunities,  
454 cellular companies that would need added coverage in the area.

455  
456 With that said, I will answer any questions that you guys might have for me.

457  
458 Mr. Taylor - Any questions for Mr. Ledet?

459  
460 Mr. Jernigan - Yes. When we discussed before, the meeting about the phone  
461 calls, we have only had two that are directed, but with Mr. Coleman telling me that the internet  
462 service did not pick up the new location. At this time we are going to have to defer this. You've  
463 got a CUP in that you will be able to get up and running, but I don't think it is fair to the citizens.  
464 I don't know how many did, but if it is one I'm going to object to it.

465  
466 I wanted to go ahead and let everyone hear, and I do want to hear from the opposition too. I  
467 am going to defer this for 30 days.

468  
469 Mr. Ledet - Okay. Just keep in mind that VoiceStream takes into effect the  
470 communities interest, as you well know with the withdrawal of the Thompson property, the other  
471 location that we had before us tonight. We feel free and confident that this is a good location.  
472 With two phone calls placed with Tom Coleman I completely respect and understand your  
473 decision.

474  
475 Mr. Jernigan - Well, we know that there was two phone calls, but we don't  
476 know how many hits there were on the internet.

477  
478 Mr. Ledet - Yes sir.  
479  
480 Mr. Jernigan - If I send this thing up to Mr. Donati he will want to beat me up if  
481 he starts getting a lot of phone calls at home at night.  
482  
483 Mr. Ledet - I understand.  
484  
485 Mr. Jernigan - I am going to defer it, but I do want to hear from the opposition  
486 and see if we can clear up another matter. Okay.  
487  
488 Mr. Ledet - All right, sir.  
489  
490 Mr. Jernigan - Okay. Thank you.  
491  
492 Mr. Taylor - Thank you, Mr. Ledet. Now we will hear from the opposition.  
493 Please, sir if you would come down and identify yourself at the microphone.  
494  
495 Mr. Anthony Paone - My name is Anthony Paone and I represent ...  
496  
497 Mr. Jernigan - Sir, I didn't get your name.  
498  
499 Mr. Paone - Anthony Paone, P A O N E, I represent Ann Vail Thomas, The  
500 Vail Family Trust, LLC and former Southern Company, Inc., which is now Availand, Inc., that is A  
501 V A I L A N D, Inc, that was a recent name change.  
502  
503 Being that it's being deferred I'll try to be as brief as I can and the next meeting we can deal  
504 further into what our further objections may be at that time. But, certainly site location was a  
505 big concern and I understand that VoiceStream has made other applications that have either  
506 been rejected or, and correct me if I'm wrong, or have been withdrawn and finally what they  
507 found is a commercial entity that is willing to allow this on their property. But what we have  
508 surrounding, is a number of rural residences as well as farmland and certainly for aesthetic  
509 purposes, if we could have this tower, if it is going to be approved, which we would nonetheless  
510 object to, as far away as possible for aesthetic reasons. That would certainly be a benefit to the  
511 landowners in the area, especially my clients. Specifically, as far as land valuation would go,  
512 because if anything is proposed in the future with my clients property a tower sticking out there  
513 is certainly going to be a concern.  
514  
515 Second and probably most important is the precedence it sets. Once things are put in one area  
516 then you begin to cluster. You have extensions off the tower, you have guide wires coming off,  
517 certain other things that could happen. That is kind of a snowball rolling down the hill and it gets  
518 very difficult to stop at that point.  
519  
520 I'll leave it be for now. I think with the deferral at this point and seeing which other landowners  
521 might not of had notice we can take this up at a future date. When does the Commission expect  
522 to defer this until?  
523  
524 Mr. Jernigan - What was the next date?  
525  
526 Mr. Taylor - Would be 30 days.  
527  
528 Mr. Vanarsdall - June 13<sup>th</sup>.  
529

530 Mr. Jernigan - June 13<sup>th</sup>.  
531  
532 Mr. Paone - I understand there is someone behind me, Mr. Marshall, Mr. and  
533 Mrs. Marshall, who have an objection to this also and I understand that they are landowners in  
534 the area. I don't know if they are adjacent or not.  
535  
536 That's June 13<sup>th</sup> at 7:00.  
537  
538 Mr. Jernigan - Yes sir. Was there other opposition?  
539  
540 Mr. Taylor - Excuse me, is there some other opposition.  
541  
542 Ms. Bailey - Yes.  
543  
544 Mr. Taylor - All right, ma'am if you would just wait for a second.  
545  
546 Mr. Jernigan - Well...  
547  
548 Mr. Taylor - If you would like to speak you may. But we would like you to at  
549 least identify yourself.  
550  
551 Mr. Jernigan - Normally on a deferral I would have went ahead and we would  
552 have just deferred this case. But the reason I wanted to get you up here was because I called  
553 Ann Thomas myself, twice, and left a message for her to call me. She never returned my phone  
554 calls. The reason I called was that we had tried, VoiceStream had wanted to put one of these  
555 towers on an existing tower that is in the easement that runs through her property and she  
556 refused. I never got a phone call from her, but somebody else did. She didn't even want to talk  
557 to anybody about it. Now we could cure that problem with having this tower, if we were on that  
558 tower in that Vepco easement. That is a lattice tower that is already up there and they could go  
559 right up on top of it. Now I tell you, the County policy is, the reason that case was deferred off  
560 of, excuse me, withdrawn from Barksdale because it was setting in a residential area. It was on  
561 14 acres and there was enough opposition in that neighborhood for them to withdraw that.  
562  
563 This site, which is an industrial site, is what the County recommends. As a matter of fact, County  
564 was okay with this before it was moved, just within the last few days. The reason that it is  
565 getting deferred is because it has been moved closer to these other residences. But, if you all  
566 don't want that tower there, then why don't you talk to VoiceStream about the Virginia Power  
567 tower that is in that easement.  
568  
569 Mr. Paone - Well, we will certainly, I just met the representative this evening.  
570 I know Ms. Thomas is out of the Commonwealth at this point and time. She did speak to Mr.  
571 Coleman, if I'm not mistaken.  
572  
573 Mr. Coleman - Yes.  
574  
575 Mr. Paone - Certainly, I will be happy to contact you and see whatever we  
576 can discuss to possibly have a resolution.  
577  
578 Mr. Jernigan - Well, what I'm saying is it would be a blessing, everybody would  
579 be happy if you were to due that because the tower is already there. So would you talk to the  
580 representative from VoiceStream.  
581

582 Mr. Paone - By all means. I'll give you a call as well and I'll relate to Ms.  
583 Thomas and the rest of the entities as to what took place this evening and we'll see what we can  
584 do.  
585  
586 Mr. Jernigan - Its merely a suggestion I'm making. But, I think you all need to  
587 talk.  
588  
589 Mr. Marlles - Mr. Coleman can give you some information of where that has  
590 been done elsewhere in the County, but generally as Mr. Jernigan indicated, that is consistent  
591 with the County Policy to try to reduce the proliferation of these towers, by trying to collocate  
592 antennas on existing towers. But, I think we probably have some examples around the County  
593 that she could look at and you could look at to show you what we are talking about.  
594  
595 Mr. Paone - Very good.  
596  
597 Mr. Jernigan - Okay.  
598  
599 Mr. Paone - Thank you, sir.  
600  
601 Mr. Jernigan - Thank you, sir.  
602  
603 Mr. Paone - You are welcome.  
604  
605 Mr. Jernigan - Mr. Chairman, with that I'll make a motion to...  
606  
607 Mr. Taylor - Wait a minute. There is one other lady who...  
608  
609 Mr. Jernigan - I'm sorry.  
610  
611 Mr. Paone - I think there is gentlemen.  
612  
613 Mr. Taylor - ...that would like to speak with the opposition. I think...  
614  
615 Ms. Bailey - I don't have a statement, except that I am opposed to this  
616 tower.  
617  
618 Mr. Jernigan - Ma'am, you have to come to the podium.  
619  
620 Mr. Taylor - Ma'am, please come up to the microphone and give us your  
621 name.  
622  
623 Mr. Archer - Mr. Jernigan, if you are going to defer, do you think there is any  
624 need to hear opposition tonight? We'll have to hear it again when the case comes back.  
625  
626 Mr. Taylor - My thought is to just identify who was going to speak. If you  
627 would...  
628  
629 Ms. Lynn Robertson-Bailey - Hi, my name is Lynn Robertson-Bailey. I reside at 6991 Osborne  
630 Turnpike, which is directly across from the property that you are talking about. It would be in  
631 direct view of my property, which is farm property. I am in the land use program and I actually  
632 follow a lot of strict rules in order to stay in the land use program in Henrico County because I  
633 believe in preserving the farms and agricultural areas. The little few that we have left here, and  
634 I think for aesthetic reasons and also for my property value it would be very detrimental to have

635 this tower anywhere near my property where I can see it. I am already having to deal with the  
636 digging, the noise, the dust and everything else that they are doing across the road because they  
637 got variances on agricultural property to do this to make a profit. I think it's, I will file an  
638 injunction, I'll do whatever I have to do to fight this.

639  
640 Mr. Jernigan - Okay.

641  
642 Mr. Taylor - Thank you, Ms. Bailey.

643  
644 Mr. Jernigan - All right, that will be fine and I am going to defer this and you  
645 can come back at the next hearing. So we don't need to hear anybody else.

646  
647 Mr. Taylor - Motion in order, sir.

648  
649 Mr. Jernigan - Mr. Chairman, I make a motion to defer provisional use permit  
650 P-7-02 to the June 13<sup>th</sup> meeting by request of the Commission.

651  
652 Mr. Vanarsdall - Second.

653  
654 Mr. Taylor - Motion made to defer case P-7-02 to the June 13<sup>th</sup> meeting at  
655 the request of the Commission. All in favor, aye. Any opposed. The ayes have it, P-7-02 is  
656 deferred to our meeting on June 13<sup>th</sup>. The vote is 5-0 (Mr. Thornton abstained).

657  
658 The Planning Commission deferred Provisional Use Permit P-7-02, Jared Ledet for VoiceStream  
659 Wireless to its meeting on June 13, 2002.

660  
661 Mr. Taylor - Mr. Secretary, next case.

662  
663 Mr. Marlls - Okay, Mr. Chairman. The next case is case C-28C-02.

664  
665 **C-28C-02 Laraine Isaac for William D. Godsey:** Request to conditionally rezone from  
666 M-1 Light Industrial District to M-2C General Industrial District (Conditional) and C-1 Conservation  
667 District, part of Parcel 817-721-5981 (154-A-30C), containing 60.696 acres, located on the north  
668 line of Oakley's Lane approximately 94 feet east of Oakley's Place and 217 feet west of S. Holly  
669 Avenue. An industrial park including a contractor's storage yard is proposed. An industrial park  
670 including a contractor's equipment storage yard is proposed. The use will be controlled by  
671 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Planned  
672 Industry and Environmental Protection Area. The site is also in the Airport Safety Overlay  
673 District.

674  
675 The staff report will be given by Mr. Tom Coleman.

676  
677 Mr. Taylor - Mr. Coleman.

678  
679 Mr. Coleman - Thank you. Amended proffers have been distributed to you that  
680 do not require waiving the time limit. The application has also been amended to increase the  
681 amount of C-1 zoning.

682  
683 Mr. Archer - Excuse me, did we ask if there was opposition?

684  
685 Mr. Taylor - Is there any opposition to this? There is opposition.

686  
687 Mr. Jernigan - Go ahead, Mr. Coleman.

688  
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740

Mr. Coleman - Okay. I'll add, the amended proffers do not require waiving the time limit.

This application proposes to rezone 60.696 acres from M-1 to M-2C and C-1 zoning. An industrial park including a contractor's storage yard is proposed. The Land Use Plan recommends Planned Industry and Environmental Protection Area.

The property contains significant wetland and floodplain areas and steep slopes. A series of use permits to mine the property were granted to West Sand and Gravel and E. T. Mankin in the 1960's and the old borrow pits also remain.

Several residential areas are adjacent to the subject property including Viviana Hall, Wynfield, Tucker Acres and Highland Springs. The historic Mankin Mansion is to the south. The Mankin Mansion is listed in the National Register of Historic Places as well as the County's Inventory of Early Architecture and Historic Places. The properties to the west are undeveloped.

There are tracts of industrial zoned property nearby, however the subject property serves as a buffer between the adjacent residential areas and the industrial areas to the south. In the vicinity of the subject property, there is no industrial development north of Oakley's Lane. This request fails to provide for logical arrangements of land uses and does not offer a transition from the more intense industrial uses to the less intense residential uses.

The proposed C-1 zoning would provide a buffer to the areas to the north and northeast of the subject property, however, all of the adjacent properties could potentially be impacted by the development of the subject property.

The C-1 zoning encompasses almost one-half of the property. County records indicate additional areas of floodplain not included in the C-1 request. While the requested C-1 zoning is desirable, staff would prefer to see all areas eligible for the Conservation zoning District be delineated and considered for inclusion in the C-1 District.

The Land Use Plan recommends Planned Industry. Development proposed within Planned Industry areas should have high environmental quality standards, minimal impact on adjacent uses, and function as part of an integrated development plan. The development should have developmental standards that unify individual sites, attractive entrance features, and high quality building materials that are uniformed throughout the development. Development in the M-2C district could only be compatible with this designation when the proposed development exhibits the standards typically associated with a well-planned industrial park.

The proposed development would include a contractor's equipment storage yard. This typically includes a large outdoor area dedicated to parking and storing construction equipment and trucks. It would not comply with the Land Use Plan designation and would not be desirable adjacent to residential property.

Finally, Oakley's Lane is a narrow two-lane road with no shoulders. Lack of appropriate road improvements are a longstanding issue in this area. Oakley's Lane would not appear to be conducive to operating or transporting construction equipment in a safe manner. Also, the historic Mankin Mansion property could be impacted by road improvements.

This request fails to provide for a logical arrangement of land uses, which offer a transition from industrial uses to the less intense residential uses and could have a negative impact on adjacent residential and historic properties. The C-1 zoning district is desirable and appropriate for the

741 floodplain areas and other environmentally sensitive lands, however, the requested C-1 district  
742 boundaries could be expanded to include additional eligible areas. Staff does not believe  
743 sufficient information has been provided to evaluate the development of this site and does not  
744 recommend approval of this application.

745  
746 I would be happy to answer any questions.

747  
748 Mr. Taylor - Thank you, Mr. Coleman. Are there any questions on behalf of  
749 the Commission?

750  
751 Mr. Jernigan - I think I've asked you enough previously. You know where we  
752 stand.

753  
754 Mr. Archer - Mr. Coleman, I have one question before you take a seat,  
755 please. You indicated that there is additional information that could be helpful to you. Do you  
756 feel that this property could be configured in such a manner that you could divide the transition  
757 area and buffering that would make the site acceptable to staff? I understand it's against the  
758 Land Use Plan.

759  
760 Mr. Coleman - Right. I think, we do have a problem with any use that requires  
761 outside storage, like a contractor's equipment storage yard and I would say it would be difficult  
762 to envision that, that they could accommodate it. Certainly they have expanded the C-1 to try to  
763 accomplish that, but that does correspond with what the minimum zoning ordinance setback  
764 requirement anyway for that district is. While we do like to see as much of the property zoned  
765 as C-1 as possible, the idea of introducing an intense general industrial use, it is difficult to see  
766 how we would support that.

767  
768 Mr. Archer - Okay. Even if there were an attempt made on the part of the  
769 applicant to reduce the amount of storage and maybe configure it so that nothing else could  
770 buffer...

771  
772 Mr. Coleman - I mean, absolutely, we have met with the applicant and those  
773 discussions were fruitful. They did expand the C-1 zoning, you know, I guess it is possible that  
774 any future discussions could bring additional remedy.

775  
776 Mr. Archer - Okay. Just trying to explore all of the avenues. I appreciate it.  
777 Thank you.

778  
779 Mr. Taylor - Can we hear from the applicant?

780  
781 Ms. Laraine Isaac - Mr. Chairman, Planning Commission Members, my name is  
782 Laraine Isaac representing William Douglas Godsey.

783  
784 Mr. Marlles - Ms. Isaac, would you like to reserve some time since there is  
785 opposition we are going to have our time policy in effect.

786  
787 Ms. Isaac - My presentation is very short because I think there is going to  
788 be more questions of me so I will only need about 3 minutes for my presentation and I'll reserve  
789 the rest.

790  
791 Mr. Marlles - Okay.

792  
793 Mr. Taylor - Okay, Ms. Isaac.

794  
795 Ms. Isaac - The rezoning request that is before you tonight is quite  
796 appropriate for this location. The site is in an area of industrial users. There is an industrial park  
797 to the southwest, with both M-1 and M-2 zoning, to the southeast is the Tarmac site, which is  
798 zone M-2, in the general area there is Atlantic Industrial Constructors and Simmons. The site has  
799 the advantage of being in a less visible area than these users. The site is also unique in that most  
800 of the site, 28 acres, almost half the total acreage will be zoned C-1 and the map that is up  
801 there, the area outlined in blue (referring to slide) is the area to be rezoned in C-1 and it will be  
802 permanently protected from development and in conformance with the Land Use Plan.  
803  
804 Since this case was originally filed the C-1 district was extended to create a 300' permanent  
805 buffer along the residential property to the northwest of this site. There is floodplain on this site  
806 and that is shown in green (referring to slide) that will limit the intensity of the development  
807 making it appropriate for smaller industrial sites.  
808  
809 The site as it now exist is more detrimental to the community then the development of an  
810 industrial park. I just learned yesterday that the police contacted Mr. Godsey in order to get  
811 permission to arrest people for trespassing on this site. There are roads and trails and they are  
812 being used by people with off road vehicles. There has been occasions of illegal drinking, drug  
813 deals on the property and a man sleeping in his car was arrested on outstanding warrants.  
814 These kind of things will continue as long as this property remains in its present state.  
815  
816 Mr. Godsey has a stake in this development. He plans to move his business to this site. He has  
817 made a commitment to create a nice place for his employees. He is currently working with the  
818 Core of Engineers to enhance the existing wetlands. This will require thousands of dollars for  
819 additional planning. He is willing to do this in order to have a nice development. I believe  
820 adequate protection of adjacent properties has been provided and I believe this rezoning is  
821 appropriate to this site.  
822  
823 I'll be happy to answer any questions.  
824  
825 Mr. Jernigan - Ms. Isaac originally when we talked on this he had not given up  
826 on the C-1 that is to the north side, but he has of now.  
827  
828 Ms. Isaac - Right and the ordinance requires a 50' buffer between this site  
829 and the residential and he has increased that to a zoning classification of 300'.  
830  
831 Mr. Jernigan - And the setback is 300'.  
832  
833 Ms. Isaac - Yes.  
834  
835 Mr. Jernigan - If he didn't make that C-1 then he could park in it, but now as C-  
836 1...  
837  
838 Ms. Isaac - Yes, as C-1 he is very limited in the uses. The C-1 uses allowed  
839 in the ordinances are absolutely not appropriate to this site. He is not going to have a holiday  
840 cabin or something.  
841  
842 Mr. Jernigan - I may have another question for you later, but I want to hear  
843 from the opposition first. Thank you.  
844  
845 Ms. Isaac - That's fine.  
846

847 Mr. Taylor - Is there any other questions of the Commission?  
848  
849 Mr. Archer - Ms. Isaac, do you know what types of industrial equipment  
850 would occupy this site?  
851  
852 Ms. Isaac - Mr. Godsey is a grading contractor and if his equipment is on-  
853 site he is not making any money. So his equipment is normally on a site. It is brought there if it  
854 needs repair work. You may have a lowboy going in once or twice a week. Yes, it is an  
855 equipment yard, but it's rare that you would have more than maybe one or two pieces of grading  
856 equipment there.  
857  
858 Mr. Archer - I was asking that because, you know, looking at Oakley's Lane, I  
859 was just curious as to how much traffic this would engender. Taking equipment back and forth,  
860 but if it's not...  
861  
862 Ms. Isaac - He is going to be required to make improvements on Oakley's  
863 Lane. We proffered that this road would be a public road, which requires any dedication,  
864 improvements, to make the whole thing work. He is going to, at a minimum, is going to have to  
865 improve Oakley's Lane from just west of the entrance to that whole distance to the end of the C-  
866 1.  
867  
868 Mr. Jernigan - And he is widening it 15'.  
869  
870 Ms. Isaac - Yes. We assume that is what, based upon what was done at  
871 Tarmac, what Public Works would want and of course once we get into any POD's or subdivisions  
872 then whatever the requirement is that Public Works wants, if it is in excess of 15' we would have  
873 to meet that.  
874  
875 Mr. Jernigan - Okay.  
876  
877 Mr. Taylor - Any other questions from the Commission for Ms. Isaac? Thank  
878 you, Ms. Isaac. Now there was opposition.  
879  
880 Mr. Jernigan - You've got two in opposition.  
881  
882 Mr. Taylor - Who would like to go first.  
883  
884 Ms. Allen - Same property?  
885  
886 Mr. Taylor - Same.  
887  
888 Mr. Jernigan - Whichever one of you would want to be the speaker. Okay.  
889  
890 Mr. Taylor - If we might, before we start, if you would identify yourselves.  
891  
892 Mr. Tracy Collins - I am Tracy Collins, I'm the current husband of the property  
893 owned at 4300 Oakley's Lane on the south side of this proposal. My wife and I unconditionally  
894 oppose the rezoning put forth as C-28C-02. For reasons including, but not limited to: public  
895 safety, environmental protection, historic preservation quality of life and lack of proper planning.  
896 Additionally, we have enclosed some of our vast collection of photos, official document,  
897 correspondence and study that may not be currently in consideration regarding very similar past  
898 proposals in the area and their impact on the surrounding properties.  
899

900 Let it be known that we are willing to work with the County of Henrico and conscientious private  
901 property owners to promote proper planned economic development in the area for the benefit of  
902 all citizens. At this stage however, zoning changes proposed in C-28C-02 would be a drastic step  
903 in the wrong direction.  
904

905 Mr. Vanarsdall - Don't you live where they built the brick...  
906

907 Mr. Collins - We live in the Mankin Mansion.  
908

909 Mr. Vanarsdall - You all have been there a long time, haven't you?  
910

911 Mr. Collins - My wife has owned the property for approximately 16 years.  
912

913 Mr. Vanarsdall - Yes, good to see you again.  
914

915 Mr. Collins - We have been through a lot of this before.  
916

917 Mr. Vanarsdall - Okay.  
918

919 Mr. Jernigan - What would you like to see there? You know that it's zoned M-1  
920 now.  
921

922 Mr. Collins - It is. We are just not at liberty to say right now. We are open  
923 to earnest discussions on development. We are not going to oppose anything and everything  
924 that comes along, but it is obvious to us that there has just not been proper planning of any type  
925 going into this. I'll leave it at that.  
926

927 Mr. Jernigan - But, you do realize it is zoned an Industrial Site now?  
928

929 Mr. Collins - Yes, M-1 zoning surrounded by residential and historic property.  
930

931 Mr. Jernigan - Okay. Thank you, Mr. Collins. Is there any other questions?  
932

933 Mr. Taylor - Are there any other questions from the Commission? Mrs.  
934 Collins do you want to make a separate statement?  
935

936 Ms. Rhonda J. Allen - Ms. Allen. Yes, I have...  
937

938 Mr. Taylor - Ms. Allen. If you would, ma'am, give us your full name for the  
939 record.  
940

941 Ms. Allen - Okay. My name is Rhonda J. Allen and I guess I'm here for a  
942 little history lesson on the Mankin Mansion and Oakley's Lane. For starters I have a copy of a  
943 letter from November 16, 1996 and I just want to read the second paragraph of it to you:  
944

945 Dear Mr. Licken & Ms. Allen  
946

947 Mr. Richard Glover, Chairman of Board of Supervisors, and Mr. Virgil Hazelett, County  
948 Manager, requested that I respond to your recent letter regarding the relocation of  
949 Oakley's Lane from Holly Avenue to a point approximately one-half mile west of Holly  
950 Avenue.  
951

952 If you will notice that is exactly where they are planning on doing this development. Henrico  
953 County has plans to relocate and design Oakley's Lane to go right through this property.

954  
955 You are correct, Henrico County has designed a relocation for a section of Oakley's Lane  
956 in order to provide a wider roadway to avoid the constriction in the vicinity of the Mankin  
957 Mansion. At the time of Oakley Center development \$100,000 was provided by the  
958 developer towards this project. In addition, the County has \$500,000 allocated for this  
959 project.

960  
961 Where is it? That is what I want to know. It never happened. I've got more letters if you would  
962 like to hear and see them. They are all in those packages.

963  
964 Mr. Jernigan - All right, this is a lot for me to...

965  
966 Ms. Allen - I understand.

967  
968 Mr. Jernigan - Let me ask you this. Are you against Godsey's case or do you  
969 want road improvements?

970  
971 Ms. Allen - Okay. This is what I'm against. I'm against any further activity  
972 on Oakley's Lane, rezoning or otherwise until previous things that are over 10 years old,  
973 resolutions, amendments, by the Board of Supervisors have been discussed. Specifically for  
974 areas of conservations, C-1, where there has been a road design to go across that area and also  
975 specifically for areas where they have a road designed across the middle of a huge beaver dam,  
976 right where they have designed their road, on this particular drawing (referring to rendering).

977  
978 I'm opposed to everything at this point until there is proper planning, as my partner said earlier,  
979 and until there is a review of what promises have been already been made from Henrico County.

980  
981 Mr. Jernigan - Did Mr. Godsey have a neighborhood meeting with you all?

982  
983 Ms. Allen - No.

984  
985 Mr. Jernigan - Okay.

986  
987 Ms. Allen - The first contact I had with anybody from Godsey was a  
988 telephone call this afternoon when I got home from work today. She said that somebody had  
989 been trying to contact us, but we have an answering machine and that was not the case.

990  
991 Mr. Taylor - Ms. Allen, have you had any meetings at all with the staff or the  
992 developer?

993  
994 Ms. Allen - On this particular case?

995  
996 Mr. Taylor - (unintelligible)

997  
998 Ms. Allen - I talked to Tom Coleman on the phone quite a few times. He  
999 has a lot of the information and he said that he felt there was more history and information that  
1000 was not on the table for Godsey to look at and for you all to look at as well.

1001  
1002 I also have a letter that was generated from Mr. Thornton, if he remembers, and has a copy of it  
1003 as well. He came out to the Mankin Mansion and we had a long discussion and I'm sure that he  
1004 can inform you of that and I can read this if you need to, it's also in that package.

1005  
1006 Mr. Jernigan - All right.  
1007  
1008 Ms. Allen - Also in the package that you have there is a resolution from, I  
1009 believe it's 1990, there is a resolution with the dates in there from, oh here it is, there is one  
1010 from the status report as of December 9, 1991 on Oakley's Lane. A third of the funding for the  
1011 project was provided. Okay, you can look at that and read that and then on another one, let's  
1012 see, excuse me for the delay...  
1013  
1014 Mr. Marlles - Mr. Jernigan, while Ms. Allen is looking for that letter I would  
1015 add that we do have a representative from Traffic Engineering who may be able to brief us on  
1016 what the status of the road plan is.  
1017  
1018 Ms. Allen - Okay.  
1019  
1020 Mr. Jernigan - Yes, Mr. Foster is here and I think that we need to... Let me  
1021 state my part first. In my staff report there is no concept road.  
1022  
1023 Ms. Allen - I noticed that.  
1024  
1025 Mr. Jernigan - And that means that right now the County does not have  
1026 anything in mind. Now, when you speak of doing road improvements down you way, and I'm  
1027 familiar with the brickyard. I've been through that quite a few times.  
1028  
1029 Ms. Allen - I prefer that it be referred to as the Mankin Mansion because the  
1030 brickyard is actually where Tarmac is located now.  
1031  
1032 Mr. Jernigan - Okay.  
1033  
1034 Ms. Allen - We live in the house and then what was actually the brick facility  
1035 is where Tarmac is. People get confused because the part that we are concerned about is  
1036 actually, was the house and the residence of Mr. Mankin in the 1920's. Actually, he owned what  
1037 Godsey and his sons own now with Mr. Burrows for his business, as well as Tarmac.  
1038  
1039 Mr. Jernigan - Do you want the traffic relocated from where it comes next to  
1040 that house now?  
1041  
1042 Ms. Allen - Okay. As you will see in the photos, and for anybody in the  
1043 audience who is not aware of it, there are brick structures and columns that are, and there is a  
1044 diagram in your package that will show you that there is only 17 ½ feet between those columns.  
1045 People refer to Oakley's Lane as a two-lane road. It is not truly a two-lane road in our sense of  
1046 what two lane roads are these days. There is no lines, there is no curves in Oakley's Lane, nor is  
1047 there room for them through that section where the Mankin Mansion is unless you were to  
1048 completely remove these structures that have been there since 1920.  
1049  
1050 I own property on both sides of that road, which is on the National and State Register Properties.  
1051 I've been there since 1986. I personally took a walk down all the history and did all the  
1052 paperwork myself to put it on the National Register and obviously my life is there.  
1053  
1054 Mr. Jernigan - Okay. Thank you. Is there any other questions?  
1055  
1056 Mr. Taylor - Any other questions from Members of the Commission? Mr.  
1057 Jernigan, there does not appear to be any questions.

1058  
1059 Mr. Jernigan - Mr. Foster, can you help us out here?  
1060  
1061 Mr. Tim Foster - Yes sir, Mr. Jernigan, my name is Tim Foster, I'm traffic engineer  
1062 for the County for the record. The County did get funding to do design and engineering for this  
1063 project in the mid 90's. We did the design of the project. There is a realignment that we did do  
1064 that takes Oakley's Lane and relocates into this area here (referring to slide) and back around,  
1065 essentially around the Mansion. That design was approved by the Public Works Department.  
1066 When we went out to do soil borings and also wetland issues there were some very serious  
1067 environmental issues out there. We are still not sure if the road connection will be built because  
1068 of those environmental issues in those soils.  
1069  
1070 The project is still on our books. It's not our CIP, it's not funded, but any development that takes  
1071 place on this site we would expect right-of-way dedication and possibly improvements across that  
1072 site just as we would with any other site. So even though we don't have funding for the project  
1073 at this time it is still an active project on our books.  
1074  
1075 Mr. Jernigan - So you are saying that there still could be a road going through  
1076 there.  
1077  
1078 Mr. Foster - There could be a road going through there. As I said, it is going  
1079 to be very expensive and it is some wetland issues, some environmental issues, and some soil  
1080 issues, however the project has not been removed from our project list. Therefore, any  
1081 development that would take place on the site we would expect the normal standards to take  
1082 place, which would be right-of-way dedication and/or improvements depending on the POD and  
1083 we would have to review the POD before we knew that.  
1084  
1085 Mr. Jernigan - Isn't it normal that they would have a concept road on the plan.  
1086  
1087 Mr. Foster - Usually we have a concept road here, this is just a minor re-  
1088 alignment. Most of our concept roads that show up on zoning maps are the new roads or a very  
1089 big re-alignment, but that plan has been in our office for about six years now.  
1090  
1091 Mr. Jernigan - Okay.  
1092  
1093 Mr. Taylor - One question that I have in furtherance of Mr. Jernigan's, Mr.  
1094 Foster, as I look at this road, the way that it is curved. Would that be significantly straightened  
1095 across that environmental protection area?  
1096  
1097 Mr. Foster - Yes sir. It would meet our current standards for a 35-mile per  
1098 hour-designed road through this area and all the curves would be straightened out to meet that  
1099 standard.  
1100  
1101 Mr. Taylor - All right. Now where would that, basically in your concept,  
1102 where would that road go from/to?  
1103  
1104 Mr. Foster - It would start in this area here (referring to slide) and actually  
1105 go up into this property and around and tie back in somewhere in this area right here.  
1106  
1107 Mr. Taylor - It would still be curved, it would not go straight across the EPA?  
1108

1109 Mr. Foster - That is correct. It was designed to try and minimize the  
1110 crossing, obviously it would still have to be crossed, but it was designed to minimize the  
1111 crossings and also to get around those brick columns that are out there.  
1112  
1113 Mr. Taylor - Now that would miss the Mankin Mansion completely.  
1114  
1115 Mr. Foster - Yes sir. It would pull the road away from it and it would take it  
1116 away from those brick columns at exist out there now.  
1117  
1118 Mr. Taylor - And that would be totally within Mr. Godsey's property.  
1119  
1120 Mr. Foster - At this point and time, yes sir.  
1121  
1122 Mr. Taylor - Okay. Thank you.  
1123  
1124 Mr. Jernigan - This case has to many problems to process tonight. So we are  
1125 going to defer this one. Mr. Chairman, I was wondering...  
1126  
1127 Ms. Isaac - Can I say something, Mr. Jernigan?  
1128  
1129 Mr. Jernigan - Yes ma'am.  
1130  
1131 Ms. Isaac - Can we get additional comments from Public Works since this is  
1132 the first time I have heard of any of this? I'm sure Mr. Godsey has not heard. It was not in the  
1133 staff report.  
1134  
1135 Mr. Jernigan - I know.  
1136  
1137 Ms. Isaac - I'm at a total loss to respond to what Mr. Foster said.  
1138  
1139 Mr. Taylor - We can understand that. Just hearing this and listening to this,  
1140 this is really an engineering issue or an engineering problem.  
1141  
1142 Ms. Isaac - We have a lot of problems if it is going through wetlands and  
1143 floodplains.  
1144  
1145 Mr. Taylor - Yes ma'am, I think you do and the only way I know to resolve  
1146 that is to have a separate meeting, defer this case, have a separate meeting with Public Works,  
1147 review both the physical aspects of the road, the environmental consequences, the  
1148 environmental protection agency, talk with the owners of the Mansion and come up with a plan.  
1149 Because certainly if this is on the National Register of Historic Places it will require preservation  
1150 and routing roads around it. If anything is to be done it would have to meet the environmental  
1151 aspects as well as the historical aspects.  
1152  
1153 Ms. Isaac - I think the case itself has addressed environmental issues. I  
1154 think that it has addressed concerns brought up tonight and even though this is historical  
1155 property it is connected with an industrial use. So I think that some of the issues brought up  
1156 tonight are just, I think...  
1157  
1158 Mr. Taylor - Much more complicated than you thought.  
1159  
1160 Ms. Isaac - The road is the crux of the whole development and we need  
1161 more information from Public Works.

1162  
1163 Mr. Taylor - I concur.  
1164  
1165 Mr. Jernigan - Ms. Isaac, I'm going to do a Commission deferral on this.  
1166  
1167 Ms. Isaac - Thank you.  
1168  
1169 Mr. Jernigan - Do you want 30 or 60 days?  
1170  
1171 Ms. Isaac - I hope we can resolve this in 30. I don't know, let's go for 30  
1172 and if we can't we will request another 30 on our own.  
1173  
1174 Mr. Jernigan - Okay. Well, you make contact with Mr. Foster and you make  
1175 contact with Mr. Godsey and tell him he is to contact these people and get with them and have a  
1176 meeting and anybody else that is around there that is concerned. Okay.  
1177  
1178 Ms. Isaac - Yes. Okay. Very good.  
1179  
1180 Mr. Jernigan - Okay. Thank you.  
1181  
1182 Ms. Isaac - Thank you.  
1183  
1184 Mr. Taylor - Thank you, Ms. Isaac.  
1185  
1186 Mr. Jernigan - Mr. Chairman, with that I make a motion to defer zoning case C-  
1187 28C-02 to the June 13<sup>th</sup> Agenda by request of the Commission.  
1188  
1189 Mr. Vanarsdall - Second.  
1190  
1191 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall to  
1192 defer case C-28C-02 to the 13<sup>th</sup> of June at the request of the Commission. All in favor, aye. Any  
1193 opposed? The ayes have it the case is deferred to June 13<sup>th</sup> at the request of the Commission.  
1194 The vote is 5-0 (Mr. Thornton abstained).  
1195  
1196 The Planning Commission deferred Case C-28C-02, Laraine Isaac for William D. Godsey to its  
1197 meeting on June 13, 2002.  
1198  
1199 Mr. Thornton - Mr. Chairman.  
1200  
1201 Mr. Taylor - Yes, sir.  
1202  
1203 Mr. Thornton - This particular case that you've just deferred, maybe we can  
1204 learn from this. I don't know, just an observation on my part, that in the future that these cases  
1205 that have historical significances, as well as the other (unintelligible) for the developers, is that  
1206 we probably need to share more of that information in the future so that everyone will be privy  
1207 to that. Just my observation that some people didn't know some of the background this evening.  
1208 I think that kind of information is really helpful and that would also provide the Commissioners to  
1209 give more adequate reflection and resolution to cases like this. They are rather complex in some  
1210 parts, but you have got to know all the parts.  
1211  
1212 Mr. Marles - Mr. Thornton, I would say for the benefit of the audience that  
1213 the Staff Reports, the full Staff Reports, written Staff Reports are available on the Planning Office  
1214 web page, which can be accessed through the County web page and downloaded. So there is,

1215 Staff does try to make information available. Of course, I think what happened tonight is that we  
1216 had some new information, of course that is the purpose of Public Hearings, is that new  
1217 information often does come out. But, citizens can certainly get information on any of these  
1218 cases that are presented tonight, before the meetings, on the Planning Office web page.

1219  
1220 Mr. Thornton - Thank you.

1221  
1222 Mr. Taylor - Thank you, Mr. Thornton for that comment and I might just add  
1223 a postscript if this happens again. When cases come up that have questions, I think the real  
1224 thing to do is to probe the staff, all of the staffs of the County, which are there, both  
1225 knowledgeable to an extent that future planned projects and the historical landmark issues and  
1226 the national landmark issues. On this one here I just somehow think it escaped and nobody  
1227 really considered it. Certainly, Mr. Thornton's point is a good one and we hope that we will all  
1228 learn from as we go forward.

1229  
1230 Mr. Jernigan - Mr. Chairman, that didn't escape us because I am familiar with  
1231 the area and I know that it has historical value. The only thing, and the reason this case kept on  
1232 coming because prior, before you get to the Mansion there is industrial, after the Mansion there  
1233 is industrial and I believe the Mansion itself is zoned industrial.

1234  
1235 Ms. Allen - No, the pond actually use to be, but it's all A-1 now. It was  
1236 changed. It doesn't still show on 2. I'm pretty sure it's A-1.

1237  
1238 Mr. Marlles - It's on the diagram.

1239  
1240 Ms. Allen - Yes, it's on the diagram.

1241  
1242 Mr. Jernigan - A-1 and M-2.

1243  
1244 Ms. Allen - The pond. If you will look...

1245  
1246 Mr. Jernigan - Okay, well...

1247  
1248 Ms. Allen - The little circle that you are looking at, that's not my property  
1249 that is Mrs. Creasy's property and she is not here. That is what use to be part of the brickyard,  
1250 but I don't own it.

1251  
1252 Mr. Jernigan - Okay. All right. We will settle this out later and I appreciate you  
1253 coming.

1254  
1255 Mr. Taylor - Thank you. I'll turn it over to Mr. Secretary, we'll go to the next  
1256 case.

1257  
1258 Mr. Marlles - Mr. Chairman, the next two cases are companion cases. They  
1259 are located in the Brookland District.

1260  
1261 **Deferred from the April 11, 2002 Meeting:**  
1262 **C-15C-02 Nicholas A. Spinella & John G. Mizell, Jr. for Margaret J. and James H.**  
1263 **Clifton:** Request to conditionally rezone from R-2A One Family Residence District to B-2C  
1264 Business District (Conditional), Parcel 771-767-7742 (31-A-46) and part of Parcel 771-767-9566  
1265 (47A), containing 5.12 acres, located at the northeast intersection of Mountain Road and Old  
1266 Washington Highway (2900 and 2910 Mountain Road). A bed and breakfast facility is proposed.  
1267 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land

1268 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
1269 Environmental Protection Area.

1270

1271 **Deferred from the April 11, 2002 Meeting:**

1272 **P-4-02 Nicholas A. Spinella & John G. Mizell, Jr. for Margaret J. and James H.**  
1273 **Clifton:** Request for a provisional use permit under Sections 24-58.2 (d) and 24-122.1 of  
1274 Chapter 24 of the County Code in order to use tents for outdoor dining in conjunction with  
1275 weddings and receptions at a bed and breakfast facility, on Parcel 771-767-7742 (31-A-46) and  
1276 part of Parcel 771-767-9566 (47A), containing 5.12 acres, located at the northeast intersection of  
1277 Mountain Road and Old Washington Highway (2900 and 2910 Mountain Road). The existing  
1278 zoning is R-2A. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
1279 density per acre, and Environmental Protection Area.

1280

1281 The staff reports will be given by Mr. Lee Householder.

1282

1283 Mr. Taylor - Good evening again, Mr. Householder.

1284

1285 Mr. Householder - Good evening, Mr. Taylor. Did you want to call for opposition?

1286

1287 Mr. Taylor - Is there any opposition to this case? There is no opposition.

1288

1289 Mr. Householder - Thank you, Mr. Chairman, Members of the Commission. The  
1290 subject property is bordered to the east, west, and south by single-family residential uses and to  
1291 the north by the Cultural Arts Center at Glen Allen. Development in the vicinity of this request  
1292 includes single-family subdivisions along Mountain Road and the Glen Allen Industrial Center is  
1293 located in this area here (referring to slide).

1294

1295 The applicant is currently operating a bed and breakfast facility named the Virginia Cliffe Inn on the  
1296 subject property. The applicant received a provisional use permit in August 1997 (P-12-97) to allow  
1297 the bed and breakfast use with six (6) bedrooms and parking for up to 6 vehicles. Also in the  
1298 provisional use permit there were conditions that limited the employees on the site, the number of  
1299 meals served and signage.

1300

1301 This request for B-2C would allow the applicant to expand their current operations by increasing  
1302 the number of guest rooms and providing for indoor and outdoor activities. They have also  
1303 submitted this companion provisional use permit (P-4-02) that request for tents to be placed in  
1304 the rear yard of the subject property for outdoor dining associated with outdoor events on the  
1305 property.

1306

1307 The applicant has revised their proffers today and they have revised a conceptual layout on the  
1308 site. The revised proffers were handed out to you. Since they were handed out today they  
1309 would require a waiver of the time limits. Also handled out to you are revised conditions for the  
1310 provisional use permit.

1311

1312 The revised plan shown here (referring to slide) depicts the anticipated use of the subject  
1313 property. I'll quickly try and highlight some of the features of it. This gray area would be  
1314 proposed parking (referring to slide) for the site. This would accommodate for activities held on  
1315 the property. Here where this hand is moving is an existing, what they call Cottage (referring to  
1316 slide) and they have a pool table in there and they have extra room space actually for the Inn.  
1317 This gray area here is the proposed expansion of this facility (referring to slide). These dotted  
1318 lines here and here (referring to slide) are proposed tent locations. They would each be a 30' x  
1319 40' tent. Here is a pond and the gazebo area (referring to slide) where they hold weddings in  
1320 this area. This gray area here (referring to slide) is a proposed expansion to the primary

1321 structure, being the bed and breakfast feature and I also have a picture of the facility there  
1322 (referring to rendering).  
1323  
1324 The revised proffers seek to address some of the issues that staff outlined in the staff report.  
1325 Like I said, these proffers were received today.  
1326  
1327 The first proffer was proffer #1 and it was revised to further specify uses on the property. They  
1328 have also reduced the number of guests permitted at events or outdoor activities to 125 and they  
1329 proffered that outdoor activities will only be held 50 days per year. They have added proffer #9,  
1330 which indicates that they will provide a landscape plan at the corner of Mountain and Old  
1331 Washington. I'm bringing this back up so you can see (referring to slide).  
1332  
1333 Staff feels that some aspects of this proposal could be modified to improve the overall design and  
1334 quality of this proposal and we have the following concerns:  
1335  
1336 We are concerned about B-2C zoning in an area, which is residential in character. We believe it  
1337 would only be acceptable if it is heavily restricted. A bed and breakfast use for outdoor  
1338 gatherings of a moderate size is consistent with the surrounding properties. But, an increase in  
1339 the intensity of the use may have an adverse impact on the character of the area. Staff has  
1340 worked with the applicant a great deal to attempt to reduce the scale of the operation such that  
1341 it doesn't have an impact on the surrounding area.  
1342  
1343 Staff has some concerns with the scale of the proposed building additions as shown on the  
1344 revised layout. We encourage the applicant to consider limiting these proposed expansions to  
1345 the facility in order to maintain the appearance and function of a bed and breakfast. We also  
1346 feel that the applicant should reduce the number of guests allowed at outdoor activities to 100.  
1347  
1348 We have concerns with the parking area. We feel that it should be organized and appropriately  
1349 marked so that it functions in a safe and efficient manner. The applicant has attempted to  
1350 address this concern in Proffer #4 by stating that they will provide a parking plan for this area.  
1351 But at this point staff would still like to have some more details on how the spaces will be  
1352 designated on this site. The parking area at this time, this is how it appears (referring to  
1353 rendering) and we feel like some structure to this area would provide guests for the facilities an  
1354 opportunity to park. To that end the applicant has offered to have an attendant for large events  
1355 directing traffic.  
1356  
1357 Staff feels like the existing bed and breakfast use supports County effort to promote heritage  
1358 tourism and is a compatible use on Mountain Road, however staff is concerned about the impacts  
1359 of a more intense commercial operation. If the applicant can address staff concerns we would be  
1360 willing to recommend approval of this request.  
1361  
1362 I will quickly review the provisional use permit. P-4-02 would allow tents in this area and at this  
1363 point they are proposing a 2,400 square feet of tent space as an accessory to the bed and  
1364 breakfast. We have deleted the condition that limited the size of the tent space in the provisional  
1365 use permit because the applicant has added proffer #5 which said the same thing. They are  
1366 limiting their tent space at 2,400 square feet and staff is comfortable with that.  
1367  
1368 We typically recommend a number of conditions that will mitigate the impacts, but we think that  
1369 most of these issues are addressed with the proffers in the case.  
1370  
1371 If it were to be approved we would recommend approval based with the conditions that were  
1372 handed out to you tonight.  
1373

1374 With that I will answer any questions that you may have.  
1375  
1376 Mr. Taylor - Thank you, Mr. Householder. Are there any questions for Mr.  
1377 Householder on the part of the Commission?  
1378  
1379 Mr. Archer - Mr. Householder you indicated that the new proffers do entail  
1380 the recommended conditions.  
1381  
1382 Mr. Householder - Yes, some of the things that we might typically place as a  
1383 condition, as you know the staff can address conditions we think are fairly covered in the issues  
1384 that are still outstanding. We don't feel comfortable applying conditions that relate to the B-2  
1385 zoning on the provisional use permit. So therefore, many of the items that we are concerned  
1386 about lie in the proffers and we feel like they covered some things we might typically condition  
1387 out.  
1388  
1389 Mr. Archer - Thank you, Mr. Householder.  
1390  
1391 Mr. Taylor - Mr. Vanarsdall, would you like to hear from the applicant?  
1392  
1393 Mr. Vanarsdall - Oh yes, of course. Mr. Chairman, we have people here tonight  
1394 that want to speak, but not necessarily in opposition. I'd like to hear from them too, if they want  
1395 to speak.  
1396  
1397 Mr. Taylor - Can I have an idea of how many people might want to speak  
1398 about this project? (hands raised in audience) Thank you. We'll proceed and then we'll open the  
1399 voting of the comments later. Go ahead, sir.  
1400  
1401 Mr. John Mizell - Mr. Chairman, Members of the Commission, my name is John  
1402 Mizell. I'm an attorney with the law firm of Spinella, Owings and Shaia and I'm pleased to be  
1403 here this evening with my partner, Nick Spinella. We represent James and Margaret Clifton on  
1404 cases C-15C-02 and P-4-02, pending before you tonight.  
1405  
1406 In the interest of efficiency, I was aware previously that at least 3 folks in the community would  
1407 like to speak and I've talked to them about trying to address specific issues of about 1 minute  
1408 each and I'll try to confine my remarks to maybe 5 or 6 minutes then reserve a minute or so for  
1409 any rebuttal, response later.  
1410  
1411 Mr. and Mrs. Clifton have owned most of the subject property and resided in the main dwelling  
1412 on the property for approximately 50 years. The Cliftons have requested that the County rezone  
1413 5.12 acres located on the northeast intersection of Mountain Road and Old Washington Highway  
1414 from the present R-2A to B-2C for the bed and breakfast facility with outdoor weddings,  
1415 receptions, and similar events. The applicants request an increase of the intensity of the bed and  
1416 breakfast use to include special event activities for up to 125 people. As was mentioned by staff,  
1417 there is also the companion request for the provisional use permit to allow outdoor dining on the  
1418 premises as well as the temporary use of tents in conjunction with specific events.  
1419  
1420 The applicants are currently operating on the subject property a facility named The Virginia Cliffe  
1421 Inn, which is Henrico Countys first bed and breakfast. The property has about a 5,500 square  
1422 foot home and a 700 square foot accessory building, referred to earlier as the Cottage near the  
1423 rear of the principal structure that is used for recreational purposes for guest of the bed and  
1424 breakfast facility. The site also has a small garage with an attached carport, a small existing  
1425 gravel parking area and a pond and a nearby gazebo.  
1426

1427 The applicants received a provisional use permit in August of 1997 to operate a 6-room bed and  
1428 breakfast facility with parking for up to 15 vehicles. That approval also provided conditions for  
1429 the number of employees, meals, signs and allowed the applicant to host special events on the  
1430 property.

1431  
1432 Over the past year or two some concern has arisen from the County about wedding receptions,  
1433 which the applicants were holding on the property and particularly the temporary use of tents for  
1434 those facilities. Recently there has been a genuine dispute between the County and the Cliftons'  
1435 about precisely what events were permitted under that previous permit granted in 1997.

1436  
1437 So in November of last year the applicants contacted the Planning Office and outlined the  
1438 activities that they wish to conduct on the property and the manner in which they would like to  
1439 expand the existing bed and breakfast facility. It was suggested that the expansion and uses  
1440 requested would require a B-2 zoning and then need a provisional use permit for the outdoor  
1441 dining and tents. So the applicants have filed the rezoning applicant and the provisional use  
1442 permit request on January 31<sup>st</sup> of this year. This would allow for the expansion of the current  
1443 use of guest rooms, where it is now 6, we initially asked for 10 guest rooms for the bed and  
1444 breakfast. As we stand before you at this time with the proffers, that is now an 8 and we have  
1445 been trying to reach some accommodation about a reasonable compromise and also to address  
1446 some of the special activities for limited purposes.

1447  
1448 I think Mr. Householder covered just about all of the special features on the various aspects of  
1449 the site. I would just mention one other thing, where I have the yellow dot there (referring to  
1450 slide) is the Cottage. A 30' x 40' tent is presently requested as a temporary use right beside it.  
1451 But in the long term planning for the property we would like to have the option to have, basically  
1452 a Florida Room or an enclosed room of the exact same dimensions of 30' x 40'. So that is one of  
1453 the additional things in the long-range plan.

1454  
1455 Over the past several months in negotiations with the County the focal points of the discussions  
1456 and deliberations have been about the types of uses and the number of guests allowed on the  
1457 property, particularly for wedding receptions in the parking area generally, especially the  
1458 material, configuration and use of the parking areas on the property.

1459  
1460 The applicants have now provided to the County a second amended set of proffers to further  
1461 limit the nature and scope of the activities as well as an conceptual plan, which you see, I  
1462 believe, attached to the back of the proffers, to visually show the improvement envisioned on the  
1463 property and the location of those.

1464  
1465 At this time I would like to go through the list of proffers in a little bit more detail than what Mr.  
1466 Householder indicated initially. Several of these have in fact been arrived at over the past week  
1467 or so. There was a community meeting a couple of weeks ago and then further deliberations  
1468 with staff.

1469  
1470 Beside the bed and breakfast uses in this first proffer, item 3 we've spelled out special gatherings  
1471 for weddings, wedding receptions, anniversaries, birth dates, meetings and receptions for civic  
1472 groups, neighborhood groups, private individuals, government or not for profit groups. We have  
1473 also set the cap at 125 guests. The number of special outdoor gatherings would be limited to 50  
1474 per year. We put some limitation about on-site catering activities. There was concern from staff  
1475 about on-site catering. The reality is that it is hard to get a caterer to come on-site for much less  
1476 than 50 people, so we tried to use a rational basis for using that figure. For some small groups  
1477 we might still be allowed to do some catering, but for the larger groups that would require a  
1478 caterer coming on-site. But even for the larger groups there would be no cooking of meals on  
1479 site and the property would be used simply as a food staging for those gatherings.

1480

1481 Further, the property would not be used for special events or meetings involving business or  
1482 corporation entities or other for profit groups. The property shall not be used for convention or  
1483 business retreat related purposes. So that is a fairly significant exclusion and the question arises,  
1484 would the Cliftons like to do that, have they done some of that in the past. Yes, but in the  
1485 interest in trying to compromise and focus where they feel they can be of most benefit to the  
1486 community we've seen fit to try to proffer that out. Then furthermore, with the request from the  
1487 County we have gone ahead and delineated some 46 uses in the B-1 and B-2 zoning categories  
1488 that would not be allowed on the property. Of course we could have just said, "If it is not  
1489 specifically requested, we can't do it." But it was thought it might be helpful for some to see that  
1490 none of these uses would be envisioned under this rezoning.

1491

1492 Proffer 2 just simply sets out the hours of operation. Other than the bed and breakfast, which of  
1493 course would be 24 hours a day, any other activities would simply be 8:00 a.m. to 10:00 p.m.

1494

1495 Item 3 basically came out of the present use permit. We just decided to delete the word  
1496 permanent, the adjective of speaker. So none of that would occur in the late evening hours  
1497 between 10:00 p.m. and 8:00 a.m.

1498

1499 Proffer 4; you know in a highlighting way I would just say we added additional proffers to try to  
1500 address some of the concerns about parking. There would be a plan submitted to the County.  
1501 We have indicated that certain levels of numbers of vehicles would trigger the requirement for  
1502 certain attendants to help with that and that we would also take appropriate action to give care  
1503 and maintenance for the parking areas and corrective actions about any dirt or mud that went  
1504 onto the public road. Frankly, proffer #4, a couple of weeks ago before the community meeting,  
1505 that was a major concern of the applicants, but because of the input from the community and  
1506 the response and further discussions with the County Staff we feel like there is not a need to put  
1507 any further types of material in the parking lot itself. So that is a much-improved issue as far as  
1508 the applicants are concerned and we appreciate the flexibility and the responsiveness to what the  
1509 citizens had indicated.

1510

1511 Proffer 5; basically we would make every attempt to minimize any alternations of the existing  
1512 buildings. If it is not on the conceptual plan then it won't be allowed. We've also said there  
1513 would be limitations on the number of tents and the square footage of those tents and that, if in  
1514 fact, we are allowed later to do a permanent structure of 30' x 40', that would basically replace  
1515 the need for one of those tents.

1516

1517 Proffer 6; basically is pulled out of the present use permit about the 1 and only sign that is there  
1518 now.

1519

1520 Proffer 7 just said that there would be one point of access to Mountain Road and one point of  
1521 access to Old Washington Highway.

1522

1523 Proffer 8 at the request of the County to give some limit to the number of employees that would  
1524 be there, we have come up with a number of 12.

1525

1526 Finally, the last proffer added was about a landscaping plan that would include a decorative fence  
1527 and landscaping at the corner of Mountain Road and Old Washington Highway. We've outlined,  
1528 at the County's suggestion, a time frame of how that land would play out.

1529

1530 There are obviously some proffers; I mean buffers and screening that would seem appropriate.  
1531 The B-2 district would normally have a 25' transitional buffer along the property lines adjacent to  
1532 residential zoning. The applicants plan to request a deviation from the normal buffer

1533 requirement that it be granted along the northern and western lines because there is basically  
1534 woods and heavy vegetation there on the west with some fencing on the northwest and then  
1535 across the northern boundary with the Cultural Arts Center. The applicants do recognize that  
1536 additional landscaping would be needed on the eastern property line with that of the Lewis  
1537 property.  
1538

1539 As far as the sequence of events that we've gone through I would just summarize briefly that we  
1540 had a request to defer from the last meeting to allow for a community meeting. It was very well  
1541 attended and those who came from the community were very vocal and I think it was a real  
1542 demonstration of the people wanting to be heard. They spoke in a very resoundingly clear voice,  
1543 essentially to leave the parking area in its natural state as it has been and essentially the  
1544 message was, if it is not broken don't fix it.  
1545

1546 Even since that meeting further deliberations with the County Officials and the applicants have  
1547 continued and we had a very productive meeting two days ago and that has resulted in this  
1548 latest set of proffers. We would request a waiver of the 48-hour rule for the consideration of the  
1549 latest set of proffers at this meeting.  
1550

1551 As far as the issues where we're somewhat in odds with the County Staff, the main one to point  
1552 out is that we are asking for 125 guest to be allowed, where the County Staff is asking to limit  
1553 that to 100. I would say that that is a very significant part of the market and the Cliftons believe  
1554 that can impact significantly on the potential folks that would use this facility. A lot of folks who  
1555 would envision wedding receptions, for example, need numbers higher than 100 or the  
1556 opportunity would just be lost.  
1557

1558 I think we have already discussed earlier one of the conditions in the list of the provisional use  
1559 permit about how we treat the total area of the tents. This has now been removed based on our  
1560 proffer #5, the language gated toward the end there. So I don't really need to discuss that.  
1561

1562 In general we would submit to you that the uses requested by the Cliftons and the conditions  
1563 voluntarily offered by them represent a fair compromise in a delicate balancing of the property  
1564 owners desire to operate a modestly expanded bed and breakfast with special receptions while  
1565 minimizing the impact on the surrounding property. We feel that these requested uses are truly  
1566 compatible with the other uses in the historic Glen Allen District, including the Glen Allen Cultural  
1567 Arts Center.  
1568

1569 At this point I would be glad to answer any questions that you have. If there is none, particularly  
1570 right now, I can ask at least 3 folks that we have identified to make brief points of their own.  
1571

1572 Mr. Taylor - Thank you, Mr. Mizell. Are there any questions on the part of  
1573 the Commission?  
1574

1575 Mr. Vanarsdall - I have a question, Mr. Mizell. On page 1 of the proffers you  
1576 have in the second paragraph that the property will not be used for special events or meetings,  
1577 but on page 3 you refer to the number of during an special event. I don't know why you used  
1578 that term if you are going to proffer it out.  
1579

1580 Mr. Mizell - All right, could you say that again I didn't quite catch...on page  
1581 1...  
1582

1583 Mr. Vanarsdall - On page 1 of the proffers...  
1584

1585 Mr. Mizell - Yes.

1586  
1587 Mr. Vanarsdall - It said the property will not be used for special events, but you  
1588 go on down to the same proffers on page 3 down in number 5, down at the bottom of number 5,  
1589 it said, "the number of tents during an special event..."  
1590  
1591 Mr. Mizell - All right. Well...  
1592  
1593 Mr. Vanarsdall - I think we never did establish what a special event was. Mr.  
1594 Householder did you mention that the County Attorney looked at this? I didn't hear you say that.  
1595 And that was one of the County Attorneys questions, "what is a special event and that is where  
1596 we started out a long time ago?" What is a special event?  
1597  
1598 Mr. Householder - We have gotten confused a little bit with describing the activities  
1599 outdoors and in the proffer the meaning of that first paragraph was trying to layout what a  
1600 special event use is. In there they called it a gathering and that was the recommended term by  
1601 staff. With that being described as what a gathering is maybe on page 3, in proffer 5, it should  
1602 refer to special gathering to be consistent with proffer 1. I think that may...  
1603  
1604 Mr. Vanarsdall - Did the County Attorney question that?  
1605  
1606 Mr. Householder - That was kind of his point, was to just be consistent with the  
1607 language in proffer 1.  
1608  
1609 Mr. Vanarsdall - Okay. At this time I don't have any more questions, Mr.  
1610 Chairman.  
1611  
1612 Mr. Taylor - All right.  
1613  
1614 Mr. Mizell - We certainly don't have any problem with that change. We  
1615 would be glad to make that.  
1616  
1617 Mr. Vanarsdall - Do you have any rebuttal time left?  
1618  
1619 Mr. Mizell - What do we have?  
1620  
1621 Mr. Marles - Mr. Vanarsdall, because there was no opposition the rules for  
1622 the 10-minute time frame really did not apply here, because we had no opposition.  
1623  
1624 Mr. Vanarsdall - All right, good.  
1625  
1626 Mr. Mizell - But we will certainly still try and keep it brief. First on my list  
1627 was Michael Duke, a long time resident of Glen Allen.  
1628  
1629 Mr. Vanarsdall - All right.  
1630  
1631 Mr. Michael Duke - Mr. Chairman, Members of the Commission, my name is Michael  
1632 Duke and I reside on Courtney Road and have for more than 20 years, in the same community as  
1633 The Virginia Cliffe Inn and have known well, and are considered close friends of Mr. and Mrs.  
1634 Clifton and their family. I have 2 concerns, if you will, that I would like to respectfully ask the  
1635 County to consider on this case.  
1636  
1637 First of all is the access and availability that smaller groups will have to the Cottage facility,  
1638 commonly known as the Barn, which is a detached facility behind their residence. It is a well

1639 used, gathering place for members of our church, members of the community. Personally I have  
1640 used and availed myself to that facility on 2 occasions where my extended family of 25 to 30  
1641 people have gathered, reception type area meal. One was a graduation party, if you will. A  
1642 gathering of our family for one of our children and the other was a Christmas gathering, again for  
1643 the same members of my extended out of town family. We used the kitchen and I would ask  
1644 that the catering and food service and access to the food and meals be considered for smaller  
1645 gatherings in the 25 or less group. I have been in attendance numerous times to mention with  
1646 other gatherings in the community of like nature and it is pretty much a benefit to the community  
1647 and a place for fellowship, if you will. I would like to maintain that use, if possible.  
1648

1649 Secondly, is the placement of burden and sealing limitation, if you will, of head count for larger  
1650 gatherings, the rehearsals and receptions, weddings that have been taking place there for the  
1651 last 5 years. Some more than twice the 125 headcount have been into attendance there. The  
1652 two ingress and egress that they have on 2 separate state routes there on Washington Highway  
1653 and Mountain Road. I don't feel it places unnecessary risk or burden or safety or traffic patterns  
1654 in that area and on that corner. I believe that doing so, the placement of less than 125  
1655 headcount would place unnecessary burden on the business that is being conducted there.  
1656

1657 Thank you for consideration on this matter.  
1658

1659 Mr. Vanarsdall - Mr. Duke, I have a question for you.  
1660

1661 Mr. Duke - Yes sir.  
1662

1663 Mr. Vanarsdall - You described the things that you have been going to...  
1664

1665 Mr. Duke - Yes sir.  
1666

1667 Mr. Vanarsdall - ...and I know you have, because I know you. How would that  
1668 change if this stayed as it is or if it went to B-2.  
1669

1670 Mr. Duke - Well, I don't know that it would. I'm asking you, "Would we still  
1671 have access to food service being catered there for groups of less than 30 people?" Is that,  
1672 maybe a kitchen facility is available to us there in the Cottage. Would we still continue?  
1673

1674 Mr. Vanarsdall - Are you just in much in favor of the changing of the zoning if the  
1675 Cliftons weren't there, as you speak now?  
1676

1677 Mr. Duke - I'm not prepared to really answer that. It is a legitimate  
1678 question. What makes this such an inviting and comfortable and real access to the community is  
1679 the present of the Cliftons.  
1680

1681 Mr. Vanarsdall - Okay.  
1682

1683 Mr. Duke - Creditability and warmth that they bring to the facility is a big  
1684 part of this zoning. I can't really answer that, if someone other than the Cliftons were there.  
1685

1686 Mr. Vanarsdall - I don't have any more questions, Mr. Chairman.  
1687

1688 Mr. Taylor - All right. Thank you, Mr. Duke. Is there anyone else who would  
1689 like to speak on behalf of the project?  
1690

1691 Mr. Mizell - I had Tommy Trexler and then Matt Davidson as the other two  
1692 and then there maybe others that I'm not aware of.  
1693

1694 Mr. Marlles - Mr. Chairman, while the speaker is coming to the podium I do  
1695 want to say for the Commission Members and the audience that we do know it is hot in this  
1696 room. The lightening has knocked out our air conditioning. We have a contractor who is trying  
1697 to get the air conditioning going for this room. So we know it is uncomfortable.  
1698

1699 Mr. Taylor - Thank you, Mr. Director. I wasn't actually sure of why the  
1700 temperature is... Go ahead sir, if you would just identify yourself for the record and we will go  
1701 ahead and get started.  
1702

1703 Mr. Tommy Trexler - Good evening, my name is Tommy Trexler and thank you for the  
1704 opportunity to speak tonight.  
1705

1706 Mr. Vanarsdall - Tommy, may I interrupt you a moment. Don't you live in  
1707 Deersprings?  
1708

1709 Mr. Trexler - Yes sir, I certainly do.  
1710

1711 Mr. Vanarsdall - Anybody else here from Deersprings?  
1712

1713 Mr. Trexler - Dr. Collier.  
1714

1715 Mr. Vanarsdall - Thank you. I didn't mean to interrupt you. Go ahead.  
1716

1717 Mr. Trexler - That's okay. Thank you again for the opportunity to speak. I  
1718 am both a resident living within about a half of a mile of The Virginia Cliffe Inn and also  
1719 Chairman of Deacons of Glen Allen Baptist Church. I would like to speak a little bit on behalf of  
1720 both of those.  
1721

1722 Number one: As a residence I just like to say that I am very much in support of this rezoning  
1723 that the Cliftons have proposed. I think the business that they run is a great asset to our  
1724 community. Nothing gives me greater pride in our community, then to ride down the street and  
1725 see a beautiful home, one of the most beautiful homes in our community with a bride and groom  
1726 dressed to the hilt on the steps. I mean, it's just a wonderful site and I would like to see it every  
1727 weekend. Frankly, I think it makes our community a very desirable place to be.  
1728

1729 With respect to utilization, obviously I have no problem with anything that they have put forth  
1730 with respect to how often they would like to use it and I have observed gatherings there where  
1731 they have probably in excess of 200 visitors or guest. I have no concerns whatsoever with the  
1732 way that they manage the crowd. I have never ever heard any noise coming from the group.  
1733 Never seen any traffic problems. So with that in mind I would support the Cliftons with whatever  
1734 they would like to do in terms of the total number of guest.  
1735

1736 As Chairman of Deacons at the church we frequently have the opportunity to use the Clifton  
1737 property known as the Cottage. They make if available to our Sunday School classes every  
1738 winter. I've have Christmas parties and other types of anniversary gatherings we like to do  
1739 there. We had one there last fall for our retiring organist and we had it outside under the tent.  
1740 We were very thankful for the opportunity to have that there, but it was cold and rainy and  
1741 therefore I certainly support them in their bid to be able to enclosed that area so that as they  
1742 make it available to other community events it would be more comfortable. But again, I'm very  
1743 appreciative to have had what we have had in the past.

1744  
1745 With respect to catering, there have been opportunities when we would have liked to have been  
1746 able to have had catering on-site for small groups. I understand that is not permitted. So I  
1747 would also like to support them in their bid to be able to have events catered for up to 50  
1748 individuals.  
1749  
1750 That is all I have. Thank you, very much.  
1751  
1752 Mr. Taylor - Thank you, Mr. Trexler. I think there was one other person. Sir,  
1753 if you would step forward and identify yourself please.  
1754  
1755 Mr. Matt Davidson - Matt Davidson, sir. I live in the neighborhood. I would like to  
1756 add one to, not from the standpoint of a business, but this is a service to the community. Much  
1757 has been made about this from a business standpoint, but I want you to understand that one of  
1758 the changes that took place that I think is fuel, particularly the wedding aspect of this facility is  
1759 that many of the churches, and Glen Allen Baptist Church being one, decided to limit weddings to  
1760 church members or to children of church members. That created a very much, a demand I don't  
1761 think was recognized either by the County or by the community or by the Cliftons. One of the  
1762 things that I would say is this is helping to give a venue for young people to have a wedding in a  
1763 very nice place and I think it is helping from the standpoint, by having this, that we don't have  
1764 people trying to hold weddings in their backyards. People trying to find a public park facility  
1765 where they could have a wedding event. As a former Pastor, and one that has conducted  
1766 outdoor weddings, I much rather see it an opportunity like the Cliftons environment rather than a  
1767 public place. So I would encourage you to take the suggestions, number #1 in a positive way.  
1768  
1769 Mr. Taylor - Thank you, sir.  
1770  
1771 Ms. Janice Clifton - Hi, my name is Janice Clifton. I just have one quick comment. I  
1772 know it's hot and a long evening. I wanted to address Mr. Vanarsdall question. I did want you  
1773 to know that I am very, very proud of my place, I was born there, grew up there. I do want to  
1774 continue the business many years after my parents are not able to do that. I feel like a lot of  
1775 their efforts have been so that it could remain Clifton property and I could continue the business.  
1776 So I'm very grateful to them and all of you all for trying to work with us.  
1777  
1778 Thank you.  
1779  
1780 Mr. Vanarsdall - Thank you, Janice.  
1781  
1782 Mr. Taylor - Is there anybody else in favor of this case that would like to  
1783 speak? Two people. Sir, if you would come down, one at a time, and identify yourself we would  
1784 be happy to hear you.  
1785  
1786 Mr. Steven Lewis - My name is Steven Lewis. I am the immediate neighbor to the  
1787 Cliftons on the east. I apologize to them for them not knowing that I would be here. The nature  
1788 of my work, I was not sure until about 6:00 that I could actually be here.  
1789  
1790 I've been next door for 5 years, for all of these functions. I have no complaints, no objections  
1791 whatsoever. I feel like it has been done very professionally, like I said, my wife and I fully  
1792 support the Cliftons in what they do and I am in agreement with everyone else in the community.  
1793 I've been in the community for over 50 years myself. Grew up with the Clifton family, attending  
1794 the church and I just want to say that I'm fully behind them and what it is they want to do.  
1795 Thank you.  
1796

1797 Mr. Vanarsdall - Mr. Lewis, I don't know if I saw you at the meeting at the school  
1798 or not, I know I saw Mrs. Lewis. It was noisy when we were leaving; she said something about  
1799 you did want something, some buffer I believe. I'm not sure. Could you clear that up?  
1800  
1801 Mr. Lewis - I not sure what the need of the buffer is. I just assumed it was  
1802 buffer enough for me.  
1803  
1804 Mr. Vanarsdall - Wasn't that next to your house?  
1805  
1806 Mr. Lewis - Pardon me.  
1807  
1808 Mr. Vanarsdall - Wasn't that next to your house?  
1809  
1810 Mr. Lewis - Yes, it is.  
1811  
1812 Mr. Vanarsdall - Okay. Thank you.  
1813  
1814 Mr. Lewis - Most of the functions are in the back. The wedding ceremonies  
1815 themselves, quite a few are on the front porch of the house, but the receptions themselves...  
1816  
1817  
1818 Mr. Vanarsdall - What you are telling us is that you have been there for 5 years  
1819 and it hasn't bothered you?  
1820  
1821 Mr. Lewis - No, it hasn't.  
1822  
1823 Mr. Vanarsdall - Thank you.  
1824  
1825 Mr. Taylor - Thank you, Mr. Lewis. We have time for one more person to  
1826 comment. I think there was one person in the back that would like to speak. Sir, can you come  
1827 down.  
1828  
1829 Mr. Vanarsdall - We will take as many of you all who want to speak, if you don't  
1830 mind Mr. Chairman. I want everybody to have a say.  
1831  
1832 Mr. Taylor - Actually, are there any other people that would like to speak?  
1833 Mr. Vanarsdall, up to you.  
1834  
1835 Mr. Mizell - I won't belabor the issue anymore. Again, if you have any other  
1836 questions that have come to mind by any comments that were made I would be glad to answer  
1837 them.  
1838  
1839 Mr. Archer - Mr. Mizell.  
1840  
1841 Mr. Mizell - Yes.  
1842  
1843 Mr. Archer - I can recall when we voted on this case in 1997 and I must say  
1844 that it apparently has been a wonderful asset to the community because all these people  
1845 wouldn't have come up and spoke so nicely about it. But, do you have any knowledge as to  
1846 what, since it was originally a bed and breakfast, that was what we intended back in 1997, what  
1847 the breakdown would be of the gross receipts from bed and breakfast as opposed to the other  
1848 gatherings? Has it changed in character, I guess, is I'm asking?  
1849

1850 Mr. Mizell - Well, it is my impression that the market, the interest in the  
1851 reception part of the situation has increased dramatically. I don't think the Cliftons even  
1852 expected as much interest in the wedding reception area. They did put in the application, the  
1853 questionnaire about what intended uses and they talked about special gathering. It is somewhat  
1854 vague and it is very possible that the County has some limited thoughts about what might go on  
1855 there and I think the Cliftons thought they had a whole lot of flexibility and the language even in  
1856 the letter from the County about the permit talked about as long as the cars can be  
1857 accommodated on the site and not spill over onto the public roadway. That might have had  
1858 something to do with the way they felt there was more flexibility. I'm not aware of any instances  
1859 where they have gone beyond the site. Whatever, even though there are large numbers in some  
1860 cases, they've been able to accommodate them adequately on the site. I think they are deriving  
1861 a fairly significant part or have in the last year or two from the reception part. Bed and breakfast  
1862 was what it began with but it has triggered some additional things. If they have had family  
1863 parties and some of these other private groups, I think previously, and the interest in that has  
1864 just continued to grow.

1865  
1866 Ms. Ware - I have a question. You said that you have had some receptions  
1867 of up to 200 people attending. Have you calculated any type of average on the amount of guest  
1868 you have generally, have you looked though and come up with...?

1869  
1870 Mr. Mizell - Well, in some of our discussions with the staff. I believe it has  
1871 been stated, and some of the family members could do this better than I that, more than 50% of  
1872 them are in the above 100 range. As we began our efforts with this case the 100 to 150 range  
1873 was a target that we wanted very much to be able to achieve. The staff wanted much less. Our  
1874 earlier proffer had the figure 150. We have lowered it somewhat, but there is still a fairly  
1875 significantly part of the market there between 120 and 125. So I think it is more than 50%, it's  
1876 in that range, and if any of the family members want to be more precise, or can...Janice...

1877  
1878 Ms. Janice Clifton - For about a year I worked with my parents at the Inn when they  
1879 were getting a lot of wedding calls and he is right, we do get lots of calls because it's a beautiful  
1880 wedding plantation location. The majority of brides tell us when they call a year ahead they  
1881 think it is going to be 150. I would say 25% end up being at the 150. We've had a few that  
1882 were more than that. Some cut their list and it goes to 100-125, but 150 is what almost every  
1883 bride tells us when they call.

1884  
1885 Mr. Taylor - Thank you, Ms. Clifton. Mr. Vanarsdall.

1886  
1887 Mr. Vanarsdall - Everyone finished? All right. I promised John Mizell if he did get  
1888 the proffers in that I would waive the time limit. So I'm going to keep my promise on that.

1889  
1890 I move that we waive the time limit on case C-15C-02.

1891  
1892 Mr. Jernigan - Second.

1893  
1894 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan to  
1895 waive the time limit. All in favor, aye. The motion carries. The vote is 5-0 (Mr. Thornton  
1896 abstained).

1897  
1898 The Planning Commission voted waived the time limits on case C-15C-02, Nicholas A. Spinella &  
1899 John G. Mizell, Jr. for Margaret J. and James H. Clifton.

1900

1901 Mr. Vanarsdall - Now, I want to start on the case. This is the most unusual case  
1902 that I have ever had and I have been setting here for quite a number of years. I thought back  
1903 on this and I wish there were cases that we wouldn't of have any opposition that we did.  
1904  
1905 I want to thank everyone who came and everyone who spoke.  
1906  
1907 I have had a concern about this case from the day that I was called from John Mizell to enter it.  
1908 I've had concerns on it and I didn't know what some of the concerns were. I have quite a file  
1909 here, and here, and I set down yesterday afternoon and last night late, and I went through all of  
1910 it. I kept coming back to the same thing over and over.  
1911  
1912 I want to start from the beginning. I have some notes here, if I can read them. I don't  
1913 understand in Mr. Mizell's cover letter to all of the Planning Commissioners, he talks about that  
1914 the clients wanted 200 guests.  
1915  
1916 First of all I want to clear myself. I think Mr. and Mrs. Clifton are nice people just like you all do.  
1917 I have been to the place. I have been there for the grand opening. Janice played the piano. I  
1918 gave Mr. Clifton the name of a man here in Richmond that works on pianos. I do know a little bit  
1919 about it and I was in on the 1997 case. I have the letter here that Mr. Archer asked about  
1920 written by Mr. and Mrs. Clifton on what they wanted to do, August 27, 1997. I made the motion  
1921 that night to approve it and Mr. Zeyler, who was then in the Varina District, position that Mr.  
1922 Jernigan is in, seconded it. It was unanimous. That was in 1997, that was a different situation  
1923 altogether.  
1924  
1925 I don't understand some of the things and I'm going to try to explain before I give you my  
1926 answer. I don't understand if you need 200 guest to get by, how you can then settle for 125,  
1927 staff said 100. Mr. Mizell has written in 125. If you need 200 to make money and to come out  
1928 on, then I don't understand how you can settle for 125.  
1929  
1930 The other thing that I am concerned about is this: I never liked a case that has a lot of proffers  
1931 on it that you can't enforce. We have a lot of proffers and a lot of cases, probably that can't be  
1932 enforced over the past. But you can enforce the proffer, for example, a subdivision and the  
1933 applicant, the developer said I'm not going to build but 50 houses. Well, you can't hide a house,  
1934 so the inspector can go and see how many houses are there. I'm not concerned about the  
1935 present way things are being run by the Cliftons because I went to that Glen Allen School  
1936 meeting and I was really shocked that you all would have no reservation at all for a commercial  
1937 zoning being in the area on the highway. Only one person said, he said, if, and it's not a if it's  
1938 when. He said when the Cliftons are gone that may make a difference. So I ask you tonight if  
1939 you took the Cliftons away, and that is why I asked Michael Duke, if you took the Cliftons away  
1940 from this case what would you have? You would have a B-2 zoning in a residential area, the  
1941 Land Use Plan is just halfway on it, said it could be consistent. The Goals, Objectives and Policy  
1942 said that, and that is what we go by also, that it would promote heritage culture. It also may be  
1943 an encroachment in that area, because the Goals, Objectives, Policies.  
1944  
1945 I want to point out that Lee Householder has been the lead planner on this case and has done an  
1946 excellent job on working with it, and the other staff members, Joe Emerson and Mr. Silber.  
1947 Randy Silber is the one that came to the meeting and tried in vain to explain the procedures of  
1948 what we go through and I told him when he got home, don't take a drink of water because it  
1949 would all run out as many holes they shot in him. What he was doing was trying to tell you the  
1950 process. The process I'll tell you again tonight is that you work with the staff, and then staff  
1951 brings it to the Planning Commission, then the Planning Commission either recommends denial or  
1952 approval to the Board of Supervisors and that has always been the system. I don't know of  
1953 anywhere that we have any better system of government.

1954

1955 So get back on the proffers. We have in here that the gatherings for these purposes will not  
1956 exceed 125 guests. Then it said, that a number of special outdoor gatherings, whatever that  
1957 may be, will be limited to 50 days per year. Then we go down to another one that said we limit  
1958 the groups to no more than 50 guests. Then we go down to 50 guests again. Who is going to  
1959 follow this? How can it possibly be enforceable? There again, its not a (unintelligible) to the  
1960 Cliftons. I know how you feel about it and I want you to, if you can, to appreciate how I feel  
1961 about it. I am a keeper of the flame and if we appeared zoned in personalities we really would  
1962 have some bad zoning. So who can enforce this? We would have to have an inspector up a tree  
1963 counting people. Counting instead of 50 people there are 52 and what are we going to do? If  
1964 someone else, if new owners took it over and they had 250 guest and it was reported, an  
1965 inspector went out the next day, you had 250 guests, well yes we did, we didn't know we were  
1966 going to have that many. So we did. Don't you all do it again? We won't. That would never  
1967 end. It is totally unenforceable. I've used this term before and I think it is appropriate to use it  
1968 tonight. An attorney in California at one of the American Planning Associations said, "if you can't  
1969 police it, don't pass it."

1970

1971 Now we will go to another one. One of the things that was proffer out that Mr. Mizell mentioned  
1972 was hotel, motels and motor lodges. The staff report from day one that came out said that this  
1973 was bordering on a hotel. If the Cliftons ever sold out and Don and Janice took it over and  
1974 decided it was to much work, to restricted, they would sell it or if they liked it and they were just  
1975 trilled about the work and somebody came along and gave them a price, they would sell it. The  
1976 new owner would immediately go into this case and see where it was mentioned a hotel. He  
1977 would be back here to us or to someone to amend the proffer that said hotels, motels, motor  
1978 lodges, and restrictions. So there we are. I think you see where I'm going with it.

1979

1980 Over on page 3 it said, here again, we will have special gatherings with at least 25 vehicles. If  
1981 you have 25 vehicles, we'll have a parking attendant, and if you have more than 25 vehicles,  
1982 we'll have two parking attendants. I'm not going to go over there every time they have an event  
1983 to see if you all have two parking attendants or one. Here again, it's totally unenforceable. It  
1984 just can't be.

1985

1986 You all are thinking, I know Mr. Mizell is thinking, this and the rest of them can read the pages.  
1987 Well we are not the ones that are asking for that. The only way that this will work is if really  
1988 restrictive. I said from the beginning and I think I have covered everything. I said from the  
1989 beginning that this is a heavy zoning, it never was intended to have a commercial, a B, B is  
1990 commercial, business there. Everything around it including the Cultural Arts Center is in the R  
1991 district, except the place across the street, which is the Glen Allen Industrial. That has been  
1992 there before most of us were born and will probably be there after most of us die. We can't do  
1993 anything about that, but maybe someday they may close up. We had the same problems with  
1994 them. They had proffers, we won't stack the pipes higher than 8. We'd never be able to see  
1995 them over the top of the fence, we won't do it on Tuesday and Thursday, and we won't start  
1996 before 5:30. We would have had to have an enforcement officer with a chair like a movie  
1997 director uses to set over there all of the time. It just doesn't work.

1998

1999 I know, I have heard enough at the School, I've heard enough tonight, and I've heard enough  
2000 from emails and from phone calls. If Mr. and Mrs. Clifton were not involved, and if somebody  
2001 came in from out of state and put something there, my phone would ring, John Marlles phone  
2002 would ring off and everybody else, to try to do something about it. So I'm trying to make you  
2003 understand the problem. I'm trying to make you understand, while I would like to be a good guy  
2004 tonight, I can't do that. That is not my job. I wouldn't be setting here if I felt that way.

2005

2006 Having said all of that I cannot in good conscience and recommend this to the Board of  
2007 Supervisors. So I would therefore make the motion that C-15C-02 be recommended to the Board  
2008 of Supervisors for denial.

2009  
2010 Mr. Taylor - Are we going to take these one at a time, C-15 and P-4?

2011  
2012 Mr. Marlles - Yes sir.

2013  
2014 Mr. Archer - Second.

2015  
2016 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Archer to  
2017 disapprove case C-15C-02. All in favor, aye. The motion carries. The vote is 5-0 (Mr. Thornton  
2018 abstained).

2019  
2020 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
2021 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the  
2022 request because the intensity of business development will detrimentally impact surrounding uses  
2023 and it failed to include the proffered conditions deemed necessary to lessen the impact of B-2C  
2024 zoning on the area.

2025  
2026 Mr. Vanarsdall - I move P-4-02 be denied along with it.

2027  
2028 Mr. Archer - Second.

2029  
2030 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Archer to  
2031 disapprove P-4-02. All in favor, aye. The motion carries. The vote is 5-0 (Mr. Thornton  
2032 abstained).

2033  
2034 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
2035 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the  
2036 request because it could have a detrimental impact on property owners in the vicinity and it could  
2037 have a precedent setting impact on existing land uses in the area.

2038  
2039 Mr. Taylor - I think ladies and gentlemen we will take a five-minute break  
2040 and enjoy the cool air.

2041  
2042 Mr. Marlles - Ladies and gentlemen I just wanted to let you know that the  
2043 recommendation to the Board is a recommendation and the Board makes the final decision and  
2044 that this matter would come up before the Board of Supervisors on June 11<sup>th</sup>. That is their  
2045 zoning hearing. That is an evening meeting, 7:00. Thank you.

2046  
2047 **THE COMMISSION RECESSED FOR FIVE MINUTES.**

2048  
2049 **THE COMMISSION RECONVENED AT THIS TIME.**

2050  
2051 Mr. Taylor - Mr. Director, our next case.

2052  
2053 **THREE CHOPT:**  
2054 **Deferred from the March 14, 2002 Meeting:**

2055 **C-49C-00 Henry L. Wilton:** Request to amend proffered conditions accepted with  
2056 rezoning case C-45C-99, on Parcels 748-756-8078 (58-A-3), 749-756-6440 (6) and 749-756-6859  
2057 (6A) and part of Parcels 749-755-4576 (58-A-4) and 749-755-6396 (5), containing approximately  
2058 38.3 acres, located on the north line of Three Chopt Road at its intersection with Pell Street. The

2059 amendment would allow an eighty (80) unit townhouse development in place of a detached  
2060 single family development. The existing zoning is R-6C, General Residence District (Conditional).  
2061 The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units per acre, and Environmental  
2062 Protection Area.  
2063  
2064 Mr. Marlles - The staff report will be given by Mr. Lee Householder.  
2065  
2066 Mr. Taylor - Good evening, Mr. Householder.  
2067  
2068 Mr. Householder - Good evening, Mr. Chairman. Did you want to call for  
2069 opposition?  
2070  
2071 Mr. Taylor - Do we have any opposition to Case C-49C-00? There is.  
2072  
2073 Mr. Householder - The property is located between Interstate 64 and Three Chopt  
2074 Road between Greenaire Wood Townhouses. The property to the west is a townhouse community  
2075 and a kennel. That is what is west of this site. Development to the south side of Three Chopt  
2076 consists of Deep Run Manor, a single-family subdivision, and The Hermitage at Cederfield, a  
2077 retirement community, which is in this area here (referring to slide).  
2078  
2079 This site is designated on the 2010 Land Use Plan for Urban Residential and Environmental  
2080 Protection Area. Recommended uses in that designation include townhouses, condominiums, zero  
2081 lot line homes as well as single-family homes. The proffers accepted with case C-45C-99 restricted  
2082 the overall density to 6.8 net units per acre.  
2083  
2084 The primary reason for this amendment of proffers is to allow townhouse units instead of single-  
2085 family independent units, that the approval of C-49C-00 consisted of single units, duplexes, and  
2086 triplexes. The single-family independent living units were age-restricted; the current request for  
2087 townhouse units is not age restricted. The applicant has proffered the townhouses will have a  
2088 minimum of 1,700 square feet, 50 percent of the front building façade will be brick, and proffered  
2089 an architectural elevation (referring to slide). The applicant has also proffered a preliminary layout  
2090 for the subject property that shows 78 townhouse units and five acres set aside in a revised plan  
2091 received in the Planning Office this week for an assisted living development (referring to slide).  
2092  
2093 The preliminary layout displays a considerable amount of environmental and topographic  
2094 constraints on the property. Staff feels the preliminary plan is sensitive to the constraints of  
2095 developing this property, but many of the environmental and topographic issues will have to be  
2096 resolved during the Plan of Development stage when more specific information is provided.  
2097  
2098 In this request, the applicant has removed the age-restriction on the townhouse units, and added  
2099 an age-restriction on the assisted living elements of this proposal, which is right in this area here  
2100 (referring to slide). Staff feels that an age-restricted use would be preferable at this location.  
2101 The principal benefit is the lower peak hour traffic. Other benefits include a decrease in the  
2102 number of children, obviously, with an age-restriction and a reduction in associated public school  
2103 costs, and a lower demand for government services. The applicant has attempted to address this  
2104 concern by limiting the townhouses to 78 units and the overall density of the entire site to 4.7  
2105 units per acre. Staff recognizes that the reduction in density is an improvement over the original  
2106 submittal that was included in the Staff Report; however, staff would still prefer to see a further  
2107 reduction in density. This would not only reduce the traffic generated by the proposed use, but  
2108 also provide greater flexibility developing in site design, especially with respect to the  
2109 environmental constraints on the property.  
2110  
2111 One of the concerns in the staff report was the height, which was Proffer #18, which was deleted

2112 in the version of the Staff Report, but there are some new proffers handed out to you that re-  
2113 instates this proffer with a limited height to three stories, unless otherwise approved by the  
2114 Planning Commission. Staff is content with that, addressing our concern with height.

2115  
2116 Overall, the proposed amendment to allow residential townhouse and assisted living residences  
2117 at a density of 4.7 units per acre is consistent with the Urban Residential designation of the 2010  
2118 Land Use Plan and the zoning of surrounding properties. The applicant, we feel, has also  
2119 submitted proffers that will help to ensure a quality development on the property. If the applicant  
2120 can address staff concerns regarding the density of the townhouse units developed on the  
2121 property, staff could recommend approval of this request. I will answer any questions that you  
2122 may have.

2123  
2124 Mr. Taylor - Are there any questions on behalf of the Commission? Mr.  
2125 Householder, you mentioned that the density of 4.7, you feel is still higher than the staff would like  
2126 to see?

2127  
2128 Mr. Householder - Yes, 4.7 is a hard figure to work from. We would prefer to work  
2129 from the density of the townhouse portion. To understand density; you look at the five acres  
2130 proposed for assisted living at a maximum density of 19.8 units per acre, and then combined with  
2131 the townhouse density, you get an overall density of 4.7. If you were to decrease a few townhouse  
2132 units, it would be negligible in the overall density, but staff still feels like maybe reducing the  
2133 townhouse density proffers from 78 to 75 would allow more flexibility. At the time of the staff  
2134 report, because he was at 80, staff was recommending 70 units. Given the proffers and things that  
2135 they have addressed that staff was concerned about, we think 75 townhouse units would  
2136 sufficiently address our density concern.

2137  
2138 Mr. Taylor - And what was the density for the individual units, 4.7, no, the  
2139 density for the multiple occupancies?

2140  
2141 Mr. Householder - The density of the assisted living portion of the property taken at  
2142 the five-acre level would be 19.8 for the five acres. If you take in the additional townhouses and  
2143 combine it with that, that is how you get the overall density of 4.7, and given that there are a lot of  
2144 areas that will not be developed on the property. So, overall, if you reduced to 75 units, I think you  
2145 would end up with 4.6 units per acre.

2146  
2147 Mr. Taylor - So 4.6 is acceptable?

2148  
2149 Mr. Householder - Yes, sir.

2150  
2151 Mr. Taylor - Any other questions on behalf of the Commission? I guess we will  
2152 hear from the applicant.

2153  
2154 Ms. Sandra Verna - My name is Sandra Verna and I am here tonight on behalf of  
2155 Wilton Development. Also, here with me tonight is Mark Kikoski from our firm, Wilton  
2156 Development. Before we start, I have two handouts for you.

2157  
2158 Mr. Marlles - Ms. Verna, because there is opposition, the time limits will be in  
2159 effect. Would you like to reserve some portion of your 10 minutes for rebuttal?

2160  
2161 Ms. Verna - I am just giving a short speech.

2162  
2163 Mr. Marlles - OK.

2164

2165 Ms. Verna - I do want to begin by saying that we will be happy to reduce the  
2166 number of units to 75, and, although my report talks about density with 78, before the Board of  
2167 Supervisors' meeting, we will be happy to change that number to 75 to comply with the staff  
2168 recommendation. I would like to clarify that this is not a new rezoning case, but only a change in  
2169 the proffered conditions approved with the original rezoning case, C-45C-99. We are proposing a  
2170 maximum of now 75 townhouse units, instead of the 85 units that were approved with the original  
2171 rezoning case. Even though the townhouse units are not age restricted, a recent survey of  
2172 residents in a similar Ryan development showed at least 50% of the buyers were over the age of  
2173 50 and only one in ten had children. We have included an age-restricted assisted living facility for  
2174 future development. We held a neighborhood meeting. We walked the site with representatives  
2175 from the neighborhood. We sent the neighbors who attended the meeting revised proffers, and  
2176 asked them if they would like to have an additional meeting to please contact us. Before you is a  
2177 letter that I sent to the neighborhoods on April 23, which gave them the proffered conditions, and  
2178 said if you have any concerns and would like to meet before the Planning Commission, please give  
2179 us a call. We'd be happy to meet with you to discuss any additional concerns. We were not  
2180 contacted by any of the neighborhood. Today I did receive comments from a member of the  
2181 neighborhood, and that was just today. If there is a need for a meeting after tonight, we would be  
2182 happy to set up a meeting with the neighborhood between now and the time of the Board of  
2183 Supervisors' meeting. Since the assisted living facility is planned for future development, we will  
2184 hold a meeting with the neighborhood prior to submitting any plan of the assisted living facility to  
2185 the County for review. We have made a number of additional improvements from the original  
2186 rezoning, as result of meetings and suggestions with the neighborhood and County staff. Those  
2187 improvements include reducing the density from 6.8 to 4.7 units per acre. Of course, that will be  
2188 additionally reduced after we change the number to 75. Reducing the number of units from 80 to  
2189 75. Eighty was the last proffered condition that we had. Increasing the buffer along Interstate 64  
2190 from 15 to 25 feet, limiting the height of the assisted living facility from four stories to three stories,  
2191 fronting units on Three Chopt Road versus backing them up to Three Chopt Road, which was in the  
2192 original case, adding construction standards to the townhouses and assisted living facility, which  
2193 will insure a quality development. We are extremely aware of the environmentally sensitive  
2194 features of the site, and plan to incorporate those features into our development plan, which will be  
2195 fully detailed at the time of POD review before the Planning Commission. At the request of the  
2196 members of the community, we asked the County to look at the delineation of the RPA, the letter  
2197 presented to you tonight confirms the original delineation approved with the original case. Mr.  
2198 Perry is here tonight to answer any questions you may have regarding that delineation. As  
2199 previously stated, the density of the original case was 6.8 units per acre, which is the maximum  
2200 density allowed in an Urban Residential zoning classification. We have proffered a density of 4.7  
2201 units per acre. When the five-acre parcel for future development is subtracted from the total  
2202 acreage, the overall density of the townhouse parcel is only 2.3 units per acre. The lowest density  
2203 of an urban residential zoning classification is 3.4 units per acre. Our development is less than the  
2204 one that was originally approved by the Board of Supervisors. This will be a quality development,  
2205 similar to The Townes of Shady Grove that we are currently developing for Ryan Homes on Shady  
2206 Grove Road. Current sales of The Townes of Shady Grove are averaging in the low \$200,000s. For  
2207 these reasons, I respectfully request the Planning Commission to approve this request. Any  
2208 questions?

2209  
2210 Mr. Taylor - Any questions on behalf of the Commission? Ms. Verna, could  
2211 you go over again the density. It is such an important thing. Go over the final numbers now  
2212 relative to density. I guess one of them is from 78 to 75, and it is 2.3 units per acre?

2213  
2214 Ms. Verna - Well, the density that I have mentioned in my presentation, I did  
2215 not calculate 75. I calculated the 78, so what I am mentioning is even less than when we used the  
2216 75 units. It is less, but basically the bottom line is that when you take out the five-acre parcel, the

2217 assisted living parcel, and we are just talking about the townhouse units, even at 78. The overall  
2218 density of that acreage, that remaining acreage is only 2.3 units per acre.

2219  
2220 Mr. Taylor - Thank you very much for that.

2221  
2222 Ms. Verna - And it is a little bit lower when you use 75.

2223  
2224 Mr. Taylor - Another area of concern here from the beginning has been the  
2225 environmental aspect, and I believe Mr. Perry is here, so we will ask Mr. Perry to come up.

2226  
2227 Ms. Verna - And you do have his letter.

2228  
2229 Mr. Taylor - Are there any other questions on the Commissions' part? Thank  
2230 you, Ms. Verna. Now, I guess we will hear from the opposition. Who would like to speak? Mr.  
2231 Kovacs? If you would come down, sir, to the podium and identify yourself for the record.

2232  
2233 Mr. Kovacs - Thank you. Hello. My name is David Kovacs and I live at 10803  
2234 Foxmore Avenue.

2235  
2236 Mr. Vanarsdall - Did you come in from Chicago?

2237  
2238 Mr. Kovacs - I came in from Chicago. I was there last month. I am just the  
2239 lead off person that wants to speak, so I am going very quickly. You do have a five-page white  
2240 paper handout that is for you and things that I would like to have entered into the record. I am  
2241 going to summarize them. The one page buff sheet that you have is what I am going to go  
2242 through very quickly to make our main point, and the other folks will follow in. In one sense, just  
2243 two of you were on the Planning Commission when we were here in 1999 with the CareMatrix  
2244 proposal, and, of course, Supervisor Thornton was on the Board of Supervisors at that time. That  
2245 proposal was really worked out with the neighborhood folks, and even though there was some  
2246 opposition, a very compelling proposal and presentation was made to the Planning Commission  
2247 about why the CareMatrix project was suitable for the property. What we have here for this project  
2248 are substantial changes. I identified six substantial changes, and I will just highlight each one of  
2249 those. First is the change in overall character. CareMatrix was an integrated senior citizen care  
2250 facility, just like Cedarfield was, and that was a big selling point, to be able to get the zoning from  
2251 Agricultural to the present zoning, and because of its character, the lower peak-hour traffic, and as  
2252 was mentioned in staff report, the decreased impact on schools was a real benefit over the  
2253 previous site plan. That previous proposal, C-79C-97, was withdrawn, and it proposed attached  
2254 units in apartment complexes, and the Planning Commission received a very thorough report about  
2255 the number of six units in the area and the like, and that was a significant factor in it being  
2256 withdrawn. The changes in character along Three Chopt, the current zoning for this property is  
2257 single-family to single-family relationship. Again, Gloria Freye made a presentation and made that  
2258 as a very strong point. The one-story height restriction was proffered along Three Chopt. That is  
2259 now being taken away to go to two-stories for the town-homes and three stories for the assisted  
2260 care facilities. The care facility first showed up in CareMatrix on Three Chopt Road. That was a  
2261 major point of objection. CareMatrix moved it to 600 feet and proffered that it would be no closer  
2262 than 600 feet to Three Chopt, and now we see it coming back to Three Chopt. So, all of those  
2263 things that were negotiated out in CareMatrix are now being reversed in this development project.

2264  
2265 Another one is a change in access. By moving the care facility back down to its location on Three  
2266 Chopt, it precludes the ability to use Pell Street as a major intersection. Precluding the ability to  
2267 use Pell Street as a four-way intersection, then precludes other things from happening in a traffic  
2268 situation, which may well, in a relatively short period of time, lead to median installation and other  
2269 things versus traffic safety, which then changes a whole neighborhood traffic pattern. And while

2270 this is being advertised as a change in proffers, it is really much more significant than that, and I  
2271 would think you'd certainly want to have the implications of more traffic on West Tec, more traffic  
2272 on the north part of Sebring, more traffic on Newland, and issues like that all brought into the  
2273 decision-making process, none of which is addressed in the staff report or has been presented to  
2274 you. Also, CareMatrix resolved a problem of internal circulation by having an internal interconnect.  
2275 That is not there today. So, what you have in the proffered site plan for, I think, several of the  
2276 units, about 25 units, is right in and right out only, so I certainly hope that people who buy those  
2277 town-homes will be told that you are purchasing this and it may well be that you are going to be  
2278 right in and right out only in the future.  
2279

2280 And the next is the change in development approach. CareMatrix Foundation ran from 2,000 to  
2281 5,000 square feet per foundation, and this proposal we are dealing with a minimum of 10,500  
2282 square feet per foundation. So, in this very steep terrain, in this Resource Management Area,  
2283 which is supposed to be more sensitive to these things than elsewhere, and I think CareMatrix did a  
2284 fairly good job of that, we now have the doubling of that foundation space. Also, we are going  
2285 from parking requirements that more than double the number of parking spaces and the  
2286 impervious coverage associated with that. All of these things add up together to say that this  
2287 proposed change has a lot of adverse things that were all negotiated out and worked out in  
2288 CareMatrix, and to go to this proposal is very much contrary to the decisions that were made  
2289 before and should be rejected. Thank you.  
2290

2291 Mr. Taylor - Any questions for Mr. Kovacs? I just have one, Mr. Kovacs. As I  
2292 remember on the CareMatrix, you were opposed to that development.  
2293

2294 Mr. Kovacs - On CareMatrix, two of us remained opposed to the end of the  
2295 project and the testimony.  
2296

2297 Mr. Taylor - And now you are in favor of the CareMatrix proposal?  
2298

2299 Mr. Kovacs - All of the issues that I have raised today were all the beneficial  
2300 aspects of the CareMatrix. There was one other aspect in the CareMatrix proposal that I remained  
2301 with concerns with. But all the things that I presented today were all of the positive things, and  
2302 these were the things I was supportive of in the CareMatrix. There was just one other part of  
2303 CareMatrix that I had a problem with. But these were the things that swayed the neighborhood,  
2304 the compelling arguments before the Planning Commission, and these are the things that should be  
2305 changed.  
2306

2307 Mr. Taylor - One of the original things we thought of in the first proposal was  
2308 the environmental considerations. Are you satisfied that the environmental considerations on this  
2309 particular proposal are acceptable now?  
2310

2311 Mr. Kovacs - No. I think the points I made at the end, going to these much  
2312 larger foundations, meaning much more earth moving, going to the more parking spaces, and more  
2313 impervious coverage makes development of the site much more difficult with this project than what  
2314 it was with CareMatrix, which was going to present a challenge, in and of itself.  
2315

2316 Mr. Taylor - I recognize it is a challenging site and I think that everybody is  
2317 looking for a good engineering approach and coming up with a quality product, and I thought this  
2318 particular one here, relative to this reduced density, was really an improvement over the  
2319 CareMatrix.  
2320

2321 Mr. Kovacs - Well, you might be reducing the number of units, you are  
2322 increasing the traffic volume, because of the characteristics. You are increasing public service

2323 demands because of the characteristics. You are increasing impervious coverage due to the  
2324 doubling of the parking space requirements, and we are increasing the amount of land disturbance  
2325 due to the doubling and greater of the foundation space, so the fact that it is a reduced number of  
2326 units is not at all reducing the impacts upon this site.  
2327

2328 Mr. Taylor - Thank you very much.  
2329

2330 Mr. Jernigan - Mr. Chairman, how many neighborhood meetings have been on  
2331 this project?  
2332

2333 Mr. Taylor - Well, I think we had the litany of the meetings, but I am not sure  
2334 of the exact answer of the neighborhood meetings. Mr. Householder, do we have any record of  
2335 that?  
2336

2337 Mr. Householder - I really didn't hear the question, sir.  
2338

2339 Mr. Taylor - How many meetings have we had with the neighbors on this one?  
2340

2341 Mr. Householder - On this exact case, this exact proposal, one.  
2342

2343 Mr. Taylor - How much on the previous proposal?  
2344

2345 Mr. Householder - There were a lot of meetings on the CareMatrix proposal. I am  
2346 hearing almost 10, but there was quite a lot of discussion on that case.  
2347

2348 Mr. Vanarsdall - When you say community meetings, do you mean with you  
2349 attending?  
2350

2351 Mr. Householder - I wasn't here with the CareMatrix case. In this case, one meeting.  
2352

2353 Mr. Taylor - I have not attended a meeting on this proposal, this project, at all.  
2354

2355 Mr. Householder - I was present at one community meeting discussing this case with  
2356 the members of the development community.  
2357

2358 Mr. Taylor - We have a little over four minutes left, if you'd like to come up to  
2359 the podium and we'll go ahead and start.  
2360

2361 Mr. Todd Lewis - Hello. My name is Todd Lewis and I live at 10809 Foxmore. My  
2362 objections are primarily that what was described at the community meetings is upscale town-  
2363 homes in the \$200,000 range don't seem to match the presence of the assisted living facility,  
2364 especially given the multi-story facilities prominent location on Three Chopt. As well, given the  
2365 possible traffic and storm water issues that we observed at the walk-through of the site, it seemed  
2366 to be prudent in that area moving the ACLF or releasing the land reserve for the assisted care living  
2367 facility back to the overall development would give adequate flexibility to address these issues and  
2368 provide for better placement of buildings, parks, areas and roads. In short, the current proposal in  
2369 my view has several basic issues, which make it inconsistent, and not in harmony with the  
2370 surrounding neighborhood or even within the development itself. My preference is for a  
2371 repositioned ACLF and the 55 and over limitation to be restored as a proffer. Thank you.  
2372

2373 Mr. Taylor - Thank you, Mr. Lewis. Any questions for Mr. Lewis? Are there  
2374 any other questions? Any other speakers?  
2375

2376 Mr. Duncan Mills - Mr. Chairman, Commission members, my name is Duncan Mills.  
2377 My wife and I have acted as representatives for the Deep Run Manor community with various  
2378 developers since the mid-1980s, I guess. And we worked very, very hard with CareMatrix to  
2379 develop their site plan, and one of the major issues, at that time, with the community, was in their  
2380 assisted living facility and where it would be located to maintain the residential needs of the  
2381 community and other neighbors. When we met with the Wilton developers in March, they indicated  
2382 at that time that they would send us the new proffers, and, at that time, that I would have the  
2383 opportunity to meet with the two people on either side of Pell and Three Chopt, and meet with  
2384 them over various issues that we might have. I didn't receive those proffers until two days ago,  
2385 and that was after my wife called and indicated that we did not receive a copy of those changes.  
2386 So, we weren't able to reach our neighbors in that amount of time or get together with him in any  
2387 way. Basically, the community designed by Wilton Real Estate doesn't answer our needs. The  
2388 multi-level assisted living facility will loom over the trees that are in the buffer, and distract from  
2389 our community as far as we are concerned, rather than the CareMatrix design, which placed the  
2390 facility at the rear of the property. In addition, the placement of the multi-level assisted living  
2391 facility on Three Chopt Road eliminates the placement of an entrance across from Pell Street,  
2392 which, in our opinion, limits traffic problems. Members of our subdivision are also concerned about  
2393 the impact of non age-specific housing, and what that impact will have on the school system.  
2394 Lastly, we concur with the neighbors in Cross Keys in voicing concerns related to changes in the  
2395 overall character and development approach of this plan of development vs. those of the  
2396 CareMatrix design. Thank you very much.  
2397

2398 Mr. Taylor - Thank you, Mr. Mills. Any questions for Mr. Mills? Thank you, Mr.  
2399 Mills. We've got one minute left if we've got somebody that cares to speak. Sir, if you would,  
2400 please identify yourself.  
2401

2402 Mr. Richard Solari - My name is Richard Solari and I live at 10805 Three Chopt Road,  
2403 directly across the street from this proposed development. As the others have indicated, this is  
2404 now at this point in time an entirely different proposal than C-45C-99 was, and it is substantively  
2405 different from what was approved, most notably as they have mentioned, the dropping of the age  
2406 restriction and the impact that that is going to have on traffic. In C-79C-97, five years ago, the  
2407 staff report on a proposal on this same piece of property at that point and time stated, and I quote,  
2408 "Three Chopt Road is operating at or near maximum capacity now." That was five years ago.  
2409 Since then they have built a children's daycare facility on Three Chopt Road less than half a mile  
2410 from this proposed development, and removing the age restriction from this proposed development  
2411 now, according to the preliminary numbers from the traffic engineer will increase the traffic on  
2412 Three Chopt Road at peak hours somewhere in the neighborhood of 150 trips a day. There is  
2413 nothing in this proposal that stipulates that Three Chopt is going to be widened to four lanes. In  
2414 order to accommodate this sort of a proposal, Three Chopt would absolutely have to be widened to  
2415 four lanes. But, aside from the traffic concerns, the other major concern is the environmental  
2416 impact on the land and the RPA. This is not an environmentally sensitive proposal at all. They  
2417 have development crammed up against the RPA on all sides, as you can see from the site map  
2418 there (referring to slide). Two of the corners of these structures, as drawn now anyway, are  
2419 actually sitting in the buffer zone and in construction, obviously, you are going to have bulldozers,  
2420 cement mixers, all sorts of heavy equipment rolling through that buffer zone, just to construct  
2421 these where they are drawn. So given that it is an entirely different proposal than the one that was  
2422 approved, I would have to ask the Commission to reject these amended proffers tonight. Thank  
2423 you.  
2424

2425 Mr. Taylor - Thank you, Mr. Solari. I think that is it.  
2426

2427 Mr. Marlles - Mr. Chairman, I believe that Ms. Verna has four minutes and 30  
2428 seconds for rebuttal if she would like to take advantage of it.

2429  
2430 Mr. Taylor - Before that, would it be appropriate if Mr. Perry – there is one  
2431 point that Mr. Solari made with regard to the environmental issues, and I thought we had worked  
2432 on the environmental issues, and I would enjoy hearing Mr. Perry talk about the environmental  
2433 aspects of this proposal. If you would, Mr. Perry. This is environmentally sensitive. This is not an  
2434 environmentally challenging site, and I would like to hear generally speaking what it is and then,  
2435 specifically, as to his proposal what your thoughts are.

2436  
2437 Mr. Perry - Sure. For the record, I am Jeff Perry. I am the Environmental  
2438 Management Engineer for the Department of Public Works. Before I do get started, I just want to  
2439 say that I am here at the request of the Planning Department and Mr. Taylor, not at the request of  
2440 the applicant. I just want to clarify that. As far as the site is environmentally sensitive, Mr. Taylor,  
2441 you and I were both in a meeting where I discussed the RPA and the fact that those buildings that  
2442 would encroach into the RPA would need to be removed, basically down-scaled. We would not  
2443 accept that unless they could demonstrate a hardship into the RPA, and, quite frankly, at this time,  
2444 I see no such hardship. The applicant has been made aware of that, and I believe at least, just in  
2445 some preliminary conversations, they agreed that they recognized they would need to move that.  
2446 We did make a call on the RPA, where it was located when the CareMatrix site was in. We stand  
2447 behind that RPA delineation and I don't know what else to say with respect to that. I did hear  
2448 some comments saying that there would be an increase in impervious cover possibly for more  
2449 parking. The only way that I can address that is to say that whatever is built on that site, we  
2450 would require storm water quality management, and they would have to meet those requirements,  
2451 and that is standard for all development sites. The more impervious cover they put on, the more  
2452 efficient the BMP has to be, sometimes the larger it has to be, but that is all taken care of during  
2453 the design phase of the development. At this point, to be quite honest, I am not sure what else to  
2454 say about the site.

2455  
2456 Mr. Taylor - With regard to the environmental aspects in terms of the wetlands  
2457 delineation, do you see him as being accurate on the sheet?

2458  
2459 Mr. Perry - That is correct pretty much. I think you have a letter that I wrote.  
2460 I was requested by the applicant to actually review what he has in front of you, and, in fact, this  
2461 site, the RPA boundary does match up to the RPA boundary that we feel verified and approved  
2462 when the site was formerly CareMatrix. And, at that time, we took a great deal of care making that  
2463 determination. We went out and determined where the streams were perennial and where they  
2464 weren't. As a matter of fact, we had the Chesapeake Bay Local Assistance Department come out  
2465 and look at the site with us, and they determined that our determination was, in fact, appropriate. I  
2466 have a letter in the file so stating. So, I feel confident what we did was accurate, and at this point I  
2467 see no reason of changing our determination.

2468  
2469 Mr. Taylor - All right. Thank you very much.

2470  
2471 Mr. Thornton - Mr. Perry, I have just one question just for my edification. It has  
2472 to do with the BMP. As I said, I just didn't understand this. If that have water, a storm water  
2473 management is a pond, a wet pond, it shall be designed to include water features. I just want to  
2474 know, what is meant by water features?

2475  
2476 Mr. Perry - Well, I guess what I think of as a water feature. I've seen some  
2477 people put in wet ponds with fountains, well landscaped. I think that is what they imply. I guess I  
2478 would have to ask the applicant, is that what they envisioned when they say water feature. That is  
2479 what I envision when someone does something like that. Now, I am not speaking for them.  
2480 Maybe the question needs to be to the applicant what they envision when they say water feature in  
2481 a BMP.

2482  
2483 Mr. Thornton - That gives me an idea. That helps me a little bit. Thank you very  
2484 much.  
2485  
2486 Mr. Vanarsdall - Somebody put one over near Virginia Center Commons on Brook  
2487 Road and it was a fountain, and that was one of the things that they use. It kind of dresses it up.  
2488  
2489 Mr. Taylor - The Chair recognizes Mr. Kovacs.  
2490  
2491 Mr. Kovacs - This is an opportune time because of the testimony and your  
2492 question. As Mr. Perry pointed out, there may be some problems being able to construct in the  
2493 proximity as shown there. As he has pointed out, there may be a need for a considerable BMP of  
2494 some sort, which the land does not accommodate for under this site plan, and my question is, with  
2495 the proffered site plan, what does it mean, what gives? In other words, if Mr. Perry comes in and  
2496 says, "You can't do this here and do that there," does this mean that 75 units are going to be shoe-  
2497 horned in this thing, no matter what, and accommodations have to be made for the development  
2498 that is approved, or do we look at the wetland delineations that are put on this thing. Those are  
2499 the most important things, and if you have to do earth movement that is going to go into or  
2500 destroy those wetlands, no, you've got to use the units. It doesn't seem, the topography and all,  
2501 and discussions here that this is really all going to fit there. Something is going to have to give.  
2502 So, my question is what gives? Or might it be best not to have a proffered site plan, and if the  
2503 access point, after further, if this goes forward, is then discussed and they say, "Hey, that access  
2504 should really be somewhere else." And they say, "We can't change the access without going to  
2505 another public hearing and opening the whole thing again. We don't want to do that." That is the  
2506 wrong reason to preclude a change in access, so some of the things here; this site plan really locks  
2507 a lot of things in. I want to know, what does it lock in, and if it locks in that access at that point  
2508 and at that point only, and it has a lot of implications, so my question came from that  
2509 environmental thing. Environmental or units, which gives? What is the right that is created with  
2510 the plan?  
2511  
2512 Mr. Taylor - Thank you, Mr. Kovacs. I appreciate that.  
2513  
2514 Mr. Marlls - Mr. Chairman, I can take a shot at answering that. Mr. Kovacs,  
2515 when we have a proffered site plan as part of the rezoning case, and then, of course, the next step  
2516 in the process is usually the plan of development, which is the more detailed engineering plan,  
2517 basically what staff looks for is that there aren't major changes between the proffered site plan and  
2518 the POD. It should be in substantial conformance. These are words that planners use, but it is a  
2519 judgment call, but basically we want to make sure that the major elements that are proffered on  
2520 the proffered site plan are reflected in the final POD.  
2521  
2522 Mr. Householder - Just to follow up on that, I think Mr. Kovacs is also saying that  
2523 since they have proffered 75 units, does that entitle them to 75 units, or they will proffer 75 units.  
2524 That wouldn't be the case. If they can't make 75 units work to meet our standards, then they will  
2525 get less than that, so that is another point to make. I think the site plan should not show  
2526 encroachments into RPAs that have been proffered. I would encourage the applicant to; if they are  
2527 going to reduce the units, maybe reduce and make the site plan reflect their proffer to tighten that  
2528 up.  
2529  
2530 Mr. Jernigan - That was my question because if you have units that are in the  
2531 RPA now, and you've given up three, you're going to have to give them up anyway.  
2532  
2533 Ms. Verna - When we met with County staff last week or this week, I am  
2534 confused, Jeff Perry brought that up, as far as we had one of the lots that was encroaching on the

2535 RPA. We eliminated two of those lots with the buildings on them and we no longer have a building  
2536 or a lot encroaching on the RPA, and I do want to clarify, and I am assuming that everybody  
2537 understands that the lines on these plans, the interior lines are the buildings. The exterior lines on  
2538 the box are lots. These are lots that people have. They buy lots so that they can have their own  
2539 personal little lot. So, you are looking at green area on the outside and then the buildings are just  
2540 the interior lot, and I do want to clarify one point. I did talk to Michael Kennedy and asked him the  
2541 parking requirements for the CareMatrix site, and they are identical to the parking requirements for  
2542 the townhouses. There is no change in the parking requirements. They both require 2.25 parking  
2543 spaces per unit, so they would require a lot more parking than we currently require. I did do a very  
2544 rough calculation of the impervious area of the CareMatrix site. I did eliminate the assisted living  
2545 site from our plan and from their plan, so that we are matching apples with apples, and the  
2546 CareMatrix site had 25% site coverage. Our site, including the entrance road, which goes through  
2547 the assisted living parcel, only had 20% coverage, and that is using 78 units. So, it is really  
2548 impossible to tell exactly what that site coverage will be until the property is totally engineered, and  
2549 a lot of these concerns and questions are POD questions and are not questions that can be  
2550 addressed at this point in time, and we don't normally totally engineer a site until we have gone  
2551 through the Board of Supervisors. It is a very expensive process. As far as the residential  
2552 character of these buildings, as far as two-story versus one-story, I feel like my house is of  
2553 residential character. I live in a two-story house. I don't think you find very many single-family  
2554 residences out there in homes anymore that are one-story. I wish there were more one-story. But  
2555 I think the residential character of this neighborhood will enhance the area, not detract from it.  
2556 Traffic impact, I will let Tim Foster talk to you about that, but I think the main concerns here are  
2557 the traffic, and that was the main reason for the age restriction, and we met with Tim, and it  
2558 seemed like the impact of the traffic from this development will be minimal. The other point is we  
2559 do not know who will be developing the assisted living care facility. That is why we have tried to  
2560 proffer 50% brick on the building, no higher than three stories. Once we actually find someone, we  
2561 will go back to the neighborhood prior to presenting anything to the Planning Department and work  
2562 with them on what it will look like and what the access points will be, and the reason why we did  
2563 eliminate the access from one point to the next, as far as the town-homes were concerned is so  
2564 that we wouldn't have to cross the wetlands and we wouldn't be disturbing anymore of the  
2565 environmentally sensitive areas of the site. So, for those reasons, I think I do request that the  
2566 Planning Commission approve this request and send it on to the Board of Supervisors meeting. We  
2567 will be more than happy to meet and will set a meeting between now and the Board of Supervisors  
2568 meeting to discuss the points that Mr. Kovacs suggested for proceeding when he gave you his  
2569 literature and also faxed, e-mailed it to me today, and I really think we could work out any  
2570 differences in the site plan between now and the Board of Supervisors meeting.

2571  
2572 Mr. Taylor - Would you be willing to take a 30 or 60-day deferral to do some  
2573 of the designs?  
2574

2575 Ms. Verna - No. You mean to engineer the site before we have even come into  
2576 the, before the Board of Supervisors meeting?  
2577

2578 Mr. Taylor - Well, right now, because there are some concerns that I have,  
2579 one is that we haven't done a real traffic impact study, and traffic along Three Chopt right now,  
2580 there are mornings when you try to get down to Three Chopt, and you can barely get below the  
2581 church before you find a queue of cars waiting for the signal on Gaskins, and admittedly there are  
2582 construction problems, but the aspect of widening Three Chopt as a result of this, I think is real.  
2583

2584 Ms. Verna - Well, we will be widening our side of Three Chopt.  
2585

2586 Mr. Taylor - Yes.  
2587

2588 Ms. Verna - As part of this development plan, so that will be an improvement  
2589 right there, because that is part of the process. We will have to make that additional lane across  
2590 Three Chopt on our side of the property, so you will have the additional two lanes on our side, but  
2591 as far as traffic, I would refer all of those questions to Tim Foster.

2592  
2593 Mr. Taylor - Well, that is what I was about to do, but I wanted to ask you if  
2594 you thought that a deferral would allow you to answer the questions on traffic, the questions on  
2595 environmental, meet with the neighbors, and then take a look at the three-story assisted living  
2596 facility.

2597  
2598 Ms. Verna - And as I said...

2599  
2600 Mr. Taylor - I don't mean to slow it down, but I do think that these are  
2601 reasonable questions in the neighbors' minds that really should have an answer developed. I know  
2602 when CareMatrix did it we worked on some of these things, and their environmental was a major  
2603 consideration. Now, it seems that environmental is maybe not as much a consideration, but the  
2604 rest of the development and the assisted care facility of three stories, I think is still a worry, and I  
2605 think some time might help to work it out. If I might, if you are unwilling to defer it, let me just  
2606 stop right here and I will ask Tim Foster to talk about the transportation standing.

2607  
2608 Ms. Verna - And I am – if we could do a two-week deferral to the next  
2609 Planning Commission meeting instead of a one month deferral, we'd be happy to do that, and meet  
2610 with the neighborhood next week.

2611  
2612 Mr. Taylor - I really think a month is about as, knowing how fast time passes  
2613 and trying to schedule a couple of meetings, two weeks is really in my mind right now a little bit  
2614 too short a time to enable us together, working with the neighbors, to look at these issues and then  
2615 come up with a reasonable solution to them.

2616  
2617 Mr. Jernigan - Ms. Verna, let me ask you a question. This letter is dated April 23  
2618 and it says in the last paragraph, "We have attached a copy of the changes to the proffered  
2619 conditions." You said you only had one response to this letter?

2620  
2621 Ms. Verna - Oh, and again, the gentleman that didn't get a copy, and I  
2622 apologize for that. I sent everyone a copy, and basically the letter even said that if you know  
2623 anybody that didn't get a copy, please let me know and we will be happy to send them an  
2624 additional copy, and I do apologize for that. I did send them out to the neighborhood and  
2625 everybody that had attended a meeting, and everybody wrote down their address, so I apologize  
2626 for that.

2627  
2628 Mr. Jernigan - My question is, "Did you people receive this letter?" We can't  
2629 hear you. I just wanted to make sure the people had received this. OK. I wanted to make sure  
2630 that it had been received.

2631  
2632 Mr. Taylor - Thank you, Ms. Verna. Let me talk to Tim Foster, if I might. Mr.  
2633 Foster, I would like to talk about the traffic along Three Chopt, and what the extra-added traffic of  
2634 this project might mean on that road.

2635  
2636 Mr. Foster - For the record, I am Tim Foster, the Traffic Engineer for the  
2637 County, and as Mr. Perry spoke earlier, we are here at the request of the Planning Office and the  
2638 Planning Commission, even though my name was mentioned by the applicant. We are not here at  
2639 the request of the applicant, so we want to make that clear. We did look at the traffic volumes at  
2640 this site and we compared it to the CareMatrix site. This site generates about 150 more vehicles

2641 per day than the CareMatrix site did. During the peak hour, which is the worst times we have out  
2642 there, it generates about 35 vehicles more than the CareMatrix site did. In the scheme of things,  
2643 as much traffic as is out there, adding 35 cars to the mix, we'd probably get that type of change  
2644 daily, so from a standpoint of making it worse out there, it is not going to be any better, obviously,  
2645 but we felt it wouldn't make it any worse than it is now. Now, normal development will require  
2646 them to widen in front of their property to the ultimate section; however, that is not going to  
2647 decrease the queue that you are speaking off, because that problem exists down at the intersection  
2648 of Three Chopt and Gaskins, and we have had a little bit of a change in traffic patterns because of  
2649 the construction on Gaskins Road. That construction should be finished late summer/early fall  
2650 finally, and we think the patterns will change back. We also looked at the traffic volumes on Three  
2651 Chopt and we compared them over the last five years, and what we found was, in 1996 we had  
2652 about 13,500 cars per day on Gaskins Road, or excuse me, Three Chopt Road. That number  
2653 increased to about 14,500 in 1997-98 time frame, and it has been hovering around that number for  
2654 the last three years. So, we haven't seen an increase in traffic volume on that particular road,  
2655 mainly because we think that the widening of Broad Street took some of that traffic out west for  
2656 that. So, from a standpoint we compared CareMatrix to this development, and we felt from that  
2657 standpoint that the changes would not be that noticeable. Now, one thing that we did do is we  
2658 recommended that the access originally be opposite Pell. In this case, we recommended that the  
2659 access be changed to opposite Cedarfield, and the reasoning for that is, as we are looking and we  
2660 get ready to do a feasibility study for the widening of Three Chopt Road, it was originally set up as  
2661 a four-lane undivided roadway. We feel that we probably need a wider road than a four-lane  
2662 undivided, so we are now looking at a four-lane divided. There's two ways with that width, you can  
2663 do four-lane divided or five-lane sectioned. I feel that we should not have 6700 feet of pavement  
2664 out there, because that is a lot of pavement, and we don't have many five-lane sections in the  
2665 County, especially through areas that are predominantly residential. So, I think that Three Chopt  
2666 Road will be a four-lane divided roadway with a raised median. Based on that then, and given the  
2667 fact that Cedarfield only has one access point, and given the population in that facility, we feel that  
2668 a crossover should be provided at Cedarfield, if we go to a four-lane divided section. That would  
2669 preclude a crossover from happening at Pell. Therefore, we recommended that this access point to  
2670 this development be opposite Cedarfield, where the next crossover would probably be at Newlands  
2671 north of this site. That does mean that people turning left on the Pell would have to go up to  
2672 Newlands, and we felt that by the time we widened Three Chopt Road that Cox Road Extension will  
2673 be in place, and we should see a traffic decrease through the neighborhood at Pell, Ghana and the  
2674 cut-through problem that we have now. Also, this has to all be done at a public hearing, because  
2675 there are residents that would be affected by putting a median on Three Chopt Road, so this is  
2676 going to be our proposal. However, the residents that live on Three Chopt in the area would also  
2677 have to make that determination. So, that is another reason that we looked at putting the access  
2678 across from Cedarfield. Another reason we looked at Cedarfield instead of Pell was we have always  
2679 had a concern about cut-through traffic through the neighborhood, and that has been a concern. I  
2680 have talked to several neighbors over many years for that, and we felt that maybe by moving it  
2681 down to Cedarfield, even though I don't think we'll have a lot of cut-through traffic from this  
2682 development, it actually takes that access point and moves it further away from Pell to not entice  
2683 someone to just go straight across the street and cut through the neighborhood. Also, by having  
2684 the access at Pell, we have to have a left-turn lane at Pell and even though we can fit that in with  
2685 the widening, that means the car is actually stopped in front of the single-family homes on Three  
2686 Chopt. By moving it down to Cedarfield, we eliminate that situation as well. So, those are some of  
2687 the traffic aspects that we looked at during this review.

2688  
2689 Mr. Taylor - How long do you feel it would take you to work with the applicant  
2690 and rearrange the traffic from so that it does the things that you are saying, particularly relative to  
2691 Cedarfield, and then Pell or Newlands?

2692  
2693 Mr. Foster - As far as...

2694  
2695 Mr. Taylor - Working with the applicant to rearrange the traffic from this  
2696 sketch to what you feel is the long-range...  
2697  
2698 Mr. Foster - This sketch does have what we think the long-range would be.  
2699 Now, Mr. Kovacs is right. The access point that is to the west, if we go with the median, would  
2700 eventually be a right-in right-out only access point. They would be able to turn left out of their  
2701 now, but sometime within the next 10 years they won't be able to do that anymore. The access  
2702 across from Pell, we can still make work. I don't have a problem with the access there. But  
2703 looking at the long-range plan of what may happen out there, we thought would work better at  
2704 Cedarfield and with the widening that the developer will have to do, is required to do, we will still  
2705 be able to keep the left-turn lane and fit a left-turn lane in at Pell, a left-turn lane in at this  
2706 development, and also a left-turn lane for Cedarfield.  
2707  
2708 Mr. Taylor - One thing that we have in there besides the difficulty on those  
2709 roads is there is on a hill and that complicates...  
2710  
2711 Mr. Foster - Yes, sir. Any access point will have to meet sight distance  
2712 requirements. If they don't meet sight distance requirements, then the access point has to be  
2713 relocated or eliminated. We will not compromise on that issue.  
2714  
2715 Mr. Taylor - Thank you, sir. I appreciate that. I am still looking at the  
2716 opportunity to defer this for some period of time.  
2717  
2718 Ms. Verna - Um...  
2719  
2720 Mr. Taylor - I mean there is a lot of study here, there's a lot of things that I  
2721 think need to be done, and I think I would like to try and see if you would be agreeable to a 30-day  
2722 deferral.  
2723  
2724 Ms. Verna - If that is what you would like, we can accommodate you.  
2725  
2726 Mr. Taylor - All right. Then I will move deferral of C-49C-00 for one month at  
2727 the applicant's request.  
2728  
2729 Mr. Jernigan - Second.  
2730  
2731 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
2732 favor say aye. All opposed say no. The motion passes. The vote is 5-0 (Mr. Thornton abstained).  
2733  
2734 At the applicant's request, the Planning Commission deferred C-49C-00, Henry L. Wilton, to its  
2735 meeting on June 13, 2002.  
2736  
2737 Mr. Taylor - We will defer this for 30 days for further study and I do want to  
2738 thank the people and all of the neighbors. And I do want to ask that Sandy, that you have a  
2739 meeting with the neighbors.  
2740  
2741 Ms. Verna - We have always scheduled meetings with the neighbors. As I said,  
2742 we wanted to schedule a meeting prior to this meeting to get their point, so that we wouldn't have  
2743 had this long discussion tonight, and they did not contact us. But we will be happy to schedule  
2744 another meeting.  
2745

2746 Mr. Taylor - And I will be delighted to attend. Thank you very much. Mr.  
2747 Director, next case.

2748

2749 **Deferred from the April 11, 2002 Meeting:**

2750 **C-20C-02 James W. Theobald for HHHunt Corporation:** Request to conditionally  
2751 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional),  
2752 Parcels 744-773-3059 (18-A-11) and 744-773-6354 (18-A-12), containing 11.329 acres, located  
2753 on the south line of Old Nuckols Road approximately 300 feet east of Shady Grove Road.  
2754 Residential townhouses for sale are proposed. The RTH District allows a maximum density of 9  
2755 units per acre. The use will be controlled by proffered conditions and zoning ordinance  
2756 regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per  
2757 acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, Environmental Protection Area  
2758 and Government.

2759

2760 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

2761

2762 Mr. Bittner - Do you want to see if there is any opposition?

2763

2764 Mr. Taylor - Is there any opposition to this project? Thank you.

2765

2766 Mr. Bittner - I would like to point out we just handed out some revised  
2767 proffers, but I do believe all of the members of the Commission got their own copy of those  
2768 earlier this week. We just gave them to you for ease of reference. These proffers are different  
2769 versus what is contained in the staff report. New proffer items include the following.

2770

2771 - Architectural Standards: A minimum of 50% brick has been proffered on the front  
2772 exterior of buildings. Also, any building side facing a road or driveway would be 100%  
2773 brick.

2774

2775 - Southern Border Buffer: The Kensington single-family subdivision is proposed on  
2776 adjacent property to the south zoned R-3C, and that is in this area right here (referring  
2777 to rendering). The applicant has proffered a line of wax myrtles and a wooden fence in  
2778 this area. The developers of Kensington have submitted a letter stating that this buffer  
2779 material is acceptable to them.

2780

2781 - Eastern Border Stub Road: A vacant parcel of land is along the eastern border of the  
2782 site. It would be logical for the proposed townhouse development to someday  
2783 incorporate this property. The conceptual plan submitted with this application shows  
2784 parking areas along this border, and on this drawing that border is on the bottom side of  
2785 the page. It shows parking area along the border that could someday be extended with  
2786 a road connection. The applicant has submitted proffer language that ensures this  
2787 possibility.

2788

2789 - Entrance Landscaping: The conceptual layout also shows a boulevard-type entrance with  
2790 a median. This could become a very attractive entrance feature to this community. The  
2791 applicant has submitted proffer language that provides the type of entrance shown on  
2792 the layout plan.

2793

2794 Staff finds these new proffers to be acceptable.

2795

2796 There is still one outstanding issue that has not been addressed. The applicant has stated that  
2797 the units in this development will not have garages. These are generally considered to be a  
2798 high-quality feature and are included with units in the nearby Townes at Shady Grove. Staff

2799 recommends that the applicant consider garages for all, or at least some, of these units. If not,  
2800 perhaps the applicant could consider providing carport structures.

2801  
2802 The proposed townhouses are an appropriate use on this site. The current proffers provide  
2803 several positive items and address most issues in the staff report. Staff continues to recommend  
2804 the inclusion of garages or carports but also recommends approval of this application. I would  
2805 be happy to answer any questions that you may have.

2806  
2807 Mr. Taylor - Any questions for Mr. Bittner?

2808  
2809 Mr. Jernigan - Mr. Bittner, across the street at Townes of Shady Grove, do they  
2810 have garages?

2811  
2812 Mr. Bittner - Yes, sir, they do.

2813  
2814 Mr. Jernigan - And Kensington?

2815  
2816 Mr. Bittner - Kensington is a single-family development.

2817  
2818 Mr. Jernigan - OK.

2819  
2820 Mr. Taylor - Any other questions for Mr. Bittner? Then we will hear from the  
2821 applicant. Thank you, Mr. Bittner.

2822  
2823 Mr. Jim Theobald - Good evening, Mr. Chairman, ladies and gentlemen. My name is  
2824 Jim Theobald and I am here this evening on behalf of HHHunt to request this rezoning to RTH  
2825 Conditional on this 11.329-acre site along Old Nuckols Road. As you know, and Mr. Bittner has  
2826 pointed out, this project is directly adjacent to County Fire Station #16. It is also across from the  
2827 RTH zoned land that comprises The Townes of Shady Grove, and it is also across from R-6 zoned  
2828 land, which is the apartment community, formerly known as The Cameron at Wyndham, which I  
2829 think has been recently renamed. This request is to develop this site as owner-occupied town-  
2830 homes as a part of Hunt's award winning Twin Hickory community. This request is absolutely  
2831 consistent with the County's Land Use Plan that recommends Urban Residential development for  
2832 the vast majority of this site. We plan some 69 units and have proffered that, representing a  
2833 density of 6.09 units per acre, which is well within the recommended range in the Land Use Plan  
2834 of 3.4 to 6.8 units per acre. This site is proposed to be ultimately developed by Ryan Homes, the  
2835 developer of The Townes of Shady Grove. While this is a little different product than The  
2836 Townes of Shady Groves, it is similar in overall quality. We have amended our conditions to  
2837 address the comments in the staff report. Those conditions include, as you know, green belts  
2838 along Old Nuckols Road, 25 feet in width and a minimum underground utilities. It is proffered  
2839 that no driveway would have direct access to Old Nuckols Road. We will have restrictive  
2840 covenants that set forth controls on the development, and maintenance of the property. This will  
2841 be a part of the Twin Hickory community. We have proffered that the town-homes will have a  
2842 minimum of 1,500 square feet of floor area. Again, we have proffered that the density would not  
2843 exceed the 69 units shown on the plan. We did add a couple of proffers, again solely to address  
2844 some raised by the staff report; the 50% brick proffer, brick on the sides facing public rights of  
2845 way or internal drives, as Mr. Bittner has relayed to you. We have limited the height of our  
2846 parking lot lighting, added an appropriate buffer next to Kensington, after consultation with  
2847 Santex, who is developing that site. We have proffered, I believe, the possibility of a connection  
2848 to this parcel here (referring to rendering). We do have that parcel under contract; however, the  
2849 matter is currently in litigation as we seem to be disagreeing with the owner of that property as  
2850 to the status of that contract. So, it is our hope to eventually prevail in that action and bring that  
2851 piece into this development, and we have designed our plan accordingly. And, again, we did

2852 proffer the entrance feature would be provided consistent with this plan. This is a very logical  
2853 transitional use, as I think you saw by the zoning map. It is consistent both with your land use  
2854 plan and surrounding development, and with that I will stop and be happy to answer any  
2855 questions, and reserve the balance of my time for rebuttal.  
2856  
2857 Mr. Taylor - Any questions for Mr. Theobald? From the Commission?  
2858  
2859 Ms. Ware - You had mentioned that there are RTH and R-6 across the street  
2860 from this proposed location for the townhouses. It is also a considerable amount of residential  
2861 backing up to it and on the other side of Shady Grove Road.  
2862  
2863 Mr. Theobald - There is the Centex development, known as Kensington, on this  
2864 side of the property to the south (referring to rendering). This is the side of the site in question,  
2865 proposed single-family development by Centex here, and this was the parcel that is currently in  
2866 litigation in the existing development with Avery Green. This is the County Fire Station right  
2867 here.  
2868  
2869 Mr. Taylor - What is the density of The Townes of Shady Grove? Do we  
2870 know that?  
2871  
2872 Mr. Theobald - No, sir. I honestly don't know that. Six? About six. This is 6.09.  
2873  
2874 Mr. Taylor - And you said The Townes of Shady Grove do or do not have  
2875 garages?  
2876  
2877 Mr. Theobald - I believe Mr. Bittner said that they do have garages, and this  
2878 project does not.  
2879  
2880 Mr. Taylor - Is there a possibility to put some garages in there?  
2881  
2882 Mr. Theobald - No, sir. There honestly is not. I want to clarify one thing. The  
2883 Townes of Shady Grove is about a 5.7 unit per acre density.  
2884  
2885 Mr. Taylor - There is no way we could put any garages into this project.  
2886  
2887 Mr. Theobald - On the design of these units, I want to put this up (referring to  
2888 rendering), the garages are not consistent with this architectural design, and nor are the site plan  
2889 that Mr. Bittner had up earlier. Many fine homes in the Richmond area do not have garages,  
2890 and, as you know, your ordinance does not require garages nor carports or anything. In fact,  
2891 when we provide garages, you don't let us count it toward our parking requirements anyhow, for  
2892 fear that some will turn it into a rec room. So, no, this does not have garages, and is not  
2893 designed to.  
2894  
2895 Mr. Taylor - Any other questions of Mr. Theobald? Thank you, Mr. Theobald.  
2896  
2897 Mr. Theobald - Mr. Chairman, I do believe there were one or two people that  
2898 expressed an interest in speaking in favor of this case, although I am a little confused as to  
2899 whether who is speaking in favor of this case or the next case, but there may be some people in  
2900 the audience that want to speak in favor. I am not sure.  
2901  
2902 Mr. Marles - Mr. Theobald, you've got a little less than four minutes. Do you  
2903 want to reserve maybe two minutes for rebuttal?  
2904

2905 Mr. Theobald - Sure.  
2906  
2907 Mr. Taylor - Let me have another show of hands of those who are opposed.  
2908 How many would like to speak in favor of this project? Does anybody wish to speak in favor of  
2909 this project? We have 10 minutes for the opposition. Is there a key spokesperson? If you would  
2910 please, come down to the microphone and identify yourself.  
2911  
2912 Mr. Rick Dodge - My name is Rick Dodge and I live at 5108 Park Meadows Court.  
2913 If you recall, I was here at the April hearing talking and asking your deferral of 30 days on this  
2914 case, which you did grant, I think, in part, to allow residents to provide input to the applicant,  
2915 and what we would like to see in this area of development, and I thought it was interesting that  
2916 Mr. Theobald mentioned several things that they included would more closely align their proffers  
2917 with the staff report, but he didn't mention anything about the resident input that we provided  
2918 after our May 1 all residents meeting that we held. I helped Chair that meeting, just as an  
2919 individual resident with 84 residents in attendance. We provided that feedback to H.H. Hunt on  
2920 May 5, sorry, to the applicant, on May 5, and I don't see where there has been any response to  
2921 the resident input in the proffers, and as we have learned, perhaps the hard way, proffers mean  
2922 everything. So, most of my feelings can be relayed through another resident who would like to  
2923 speak, so I would like to basically cut off my comments, and maybe answer any questions that  
2924 you might have, but I do want to thank you for the 30-day deferral. I thought it would be very  
2925 fruitful and, unfortunately, I have been disappointed. But I welcome your questions.  
2926  
2927 Mr. Taylor - Thank you, Mr. Dodge. Are there any questions from the  
2928 Commission? In the interest of time, we will pick up the other speakers for the opposition.  
2929  
2930 Mr. Dodge - Thank you.  
2931  
2932 Mr. Rick Zuercher - Good evening, Mr. Chairman and members of the  
2933 Planning Commission. My name is Rick Zuercher. I live at 5109 Dorin Hill Court in the Scotsglen  
2934 subdivision of Twin Hickory. In the interest of time, I have been asked to speak on this case for  
2935 the concerned Twin Hickory residents you see in the Board Room with their hands raised. On  
2936 behalf of these residents, I would like to express three reservations concerning the applicant's  
2937 proffers for these 70 townhouses to be built by Ryan Homes. First, I and those for whom I  
2938 speak today, believe that townhouses are probably the most realistic use of the proposed  
2939 acreage the applicant wishes to develop. We appreciate the applicant's proffer amendment of a  
2940 minimum of 50% brick front elevations and 100% brick sides of units facing public roads and  
2941 internal driveways. We also appreciate the applicant's proffer of a 6 ft. privacy fence between  
2942 this parcel and the adjacent Kensington subdivision, and a landscaped entrance feature. We still  
2943 wish to see the applicant meet the County's staff report recommendation of a one-car garage for  
2944 each of the town-homes. To bring these town-homes closer to the quality of Ryan Homes' The  
2945 Townes of Shady Grove across the road. In fact, The Townes of Shady Grove Townhomes are so  
2946 attractive an addition to the Old Nuckols Road that we would have liked to have seen the  
2947 applicant replicate them entirely on this parcel. We would have liked there parking design, which  
2948 avoids masses of parked vehicles outdoors, to be imitated by the applicant on this parcel. The  
2949 Townes of Shady Grove are set back 45 feet from the road, insuring a quality look of  
2950 development that is not too close to the road. We would like the applicant to increase the  
2951 setback proffer from 25 ft. to 45 ft. for this reason. Finally, many residents have let the applicant  
2952 know, and that came in that report that Mr. Dodge spoke about, that we do not want these  
2953 town-homes annexed into Twin Hickory or welcomed into our homeowners association, which the  
2954 applicant wishes to do. Should the applicant meet these three conditions, a one-car garage for  
2955 each town home, 45-foot setback, and restriction from the Twin Hickory Homeowners'  
2956 Association, many residents could support this case. Even so, we strongly feel that the addition  
2957 of townhouses to our community, including those proposed by the applicant for a separate 120-

2958 acre parcel on the east side of Shady Grove YMCA, that the Planning Commission will consider  
2959 later this evening, will only increase population density and traffic in our community. We believe  
2960 that the applicant's combined proposals, if approved, will result in an overcrowding of the Twin  
2961 Hickory Elementary School and high school, and increase traffic volume on the roads through our  
2962 community, jeopardizing the safety of pedestrians and bicycle riders, especially our children. I  
2963 am the father of two children, a boy age 9 and a girl age 6, and I am greatly concerned about  
2964 their safety. That is one of the main reasons I am participating in this public hearing tonight.  
2965 We will have more to say about the subject when you consider the 120-acre rezoning request  
2966 later this evening. We greatly appreciate the continuing efforts of the County staff in ensuring  
2967 that residents' wishes are respected as development of Twin Hickory continues. We are counting  
2968 on the responsiveness to residents' concerns continuing through the upcoming rezoning and  
2969 planning cases in our community. The group of residents that I represent have looked closely at  
2970 the applicant's case, and we feel we cannot support it without the further concessions that I have  
2971 outlined. Residents present who agree with my remarks may raise their hands. Thank you. That  
2972 is all I have.

2973  
2974 Mr. Taylor - Thank you, Mr. Zuercher.

2975  
2976 Mr. Jernigan - Mr. Zuercher, it is three things that are the problem.

2977  
2978 Mr. Zuercher - That is correct.

2979  
2980 Mr. Jernigan - That is it. There are no other problems but those three?

2981  
2982 Mr. Zuercher - These are the issues.

2983  
2984 Mr. Taylor - Do you want to repeat those again?

2985  
2986 Mr. Zuercher - Yes. One-car garages for each town home.

2987  
2988 Mr. Jernigan - From a 25 to a 45-foot setback, and..

2989  
2990 Mr. Zuercher - That's right. And we don't want them being in the Twin Hickory

2991 Homeowners' Association.

2992  
2993 Mr. Taylor - So, if they meet those conditions, you are for annexation?

2994  
2995 Mr. Zuercher - Annexation? Meaning annexation to the Twin Hickory  
2996 Homeowners' Association? No. No. Because the applicant is in the process of basically doubling  
2997 the size of our community, and we are concerned about this, the additional amounts of people  
2998 taxing the amenities that we currently have and enjoy, that being the pool, the tennis courts and  
2999 the club house.

3000  
3001 Mr. Taylor - Thank you, Mr. Zuercher. We now have four minutes left for the  
3002 opposition. Would there be another speaker or spokesman? Is Ms. Blumenthal here? There is  
3003 somebody? Please, sir, if you'd approach the microphone and provide your name and address.

3004  
3005 Mr. Cunningham - My name is Dan Cunningham and I live at 5007 Harvest Glen  
3006 Court, which is in the Harvest Glen portion of Glen Hickory. I had not planned to speak tonight,  
3007 so I don't have any prepared notes, but this particular development would add quite a bit of  
3008 traffic to the area, which is already a, without the Twin Hickory Lake Drive extending all the way  
3009 through to Pouncey Tract, is already becoming a very busy traffic roadway. The Shady Grove  
3010 Road is currently one lane in each direction over to Pouncey Tract. There is no traffic signal at

3011 Pouncey Tract, so as a result, typically on a Saturday, maybe 20 or 30 cars looking to make that  
3012 left turn. This is in that area. These are cars will either feed onto Shady Grove Road or run right  
3013 through the middle of Twin Hickory, and I am not aware of any plans to increase the size of  
3014 Shady Grove Road to accommodate this additional development, so I think in addition to the  
3015 three items that were mentioned earlier, those three issues, the issue, the additional issue that  
3016 needs to be addressed with this proposal is expanding Shady Grove Road to accommodate the  
3017 extra traffic.

3018  
3019 Mr. Taylor - There are plans to do Shady Grove Road. Isn't Shady Grove  
3020 being widened as we speak?

3021  
3022 Mr. Cunningham - I was not aware of that.

3023  
3024 Mr. Taylor - Thank you for coming. Maybe Mr. Foster can resolve that  
3025 question. Mr. Foster, would you discuss what the road plans are out in that area.

3026  
3027 Mr. Foster - Yes, sir, Mr. Taylor. For the record, again, I am Tim Foster,  
3028 Traffic Engineer. Shady Grove Road is not under construction at this time. It is being widened  
3029 gradually with development, as development occurs, portions of Shady Grove Road are being  
3030 widened. Twin Hickory Lake Drive is being built down Pouncey Tract Road. As a matter of fact,  
3031 they are down to Pouncey Tract Road, and we have paved part of that. We just got word about  
3032 two weeks ago that VDOT is going to put a traffic signal at that location, at Pouncey Tract Road  
3033 and Twin Hickory. After much discussion, they are going to put a traffic signal there, and they  
3034 are working on getting their plans together and do that as soon as possible. We are also going  
3035 to be putting a traffic signal and I am hoping construction will begin in July, and it will be up  
3036 before school starts at the intersection of Twin Hickory and Twin Hickory Lake Drive. We do  
3037 think, it was always thought that, long before when we were in the planning stages of Twin  
3038 Hickory, that we would see a decrease in traffic on Shady Grove Road to the west because of the  
3039 Twin Hickory Lake Drive Extension. Our traffic counts and models showed that we would have a  
3040 decrease. We expect it will probably be about a 40% decrease on Shady Grove between Twin  
3041 Hickory and Pouncey Tract, because most people go Twin Hickory to take advantage of the traffic  
3042 signal. That was always planned that way, from day one when we looked at the traffic impact  
3043 studies for Twin Hickory.

3044  
3045 Mr. Taylor - Do you have any idea how far that will be in the future?

3046  
3047 Mr. Foster - Those improvements, that change will take place, I estimate, in  
3048 the next six months, because Twin Hickory Lake is under construction now by the developer, and  
3049 those signals; I know that our signal will be up by the start of school. That is what we have  
3050 committed to and we are on that schedule. I am assuming the state signal will probably be up in  
3051 the same time frame.

3052  
3053 Mr. Taylor - Thank you, sir. Any other questions for Mr. Foster? Ms.  
3054 Blumenthal, will you just come up and talk to us about the schools and the crowding issue,  
3055 please, and what we are doing.

3056  
3057 Ms. Blumenthal - Good evening. My name is Penny Blumenthal, Director of  
3058 Research and Planning for Schools. We have on the books, in terms of planning for schools in  
3059 the area, we have a new elementary school that is scheduled to open in the Fall of 2003, we  
3060 have a new middle school that will open in the fall of 2004, that will provide relief for Short Pump  
3061 Middle, and, of course, the new high school will open this coming fall. And, then in the distant  
3062 future we have another elementary school on the books in the area of northwest Henrico.  
3063

3064 Mr. Taylor - Those school improvements are based on demographic  
3065 projections and the comments that we have basically from that, I would guess, would be that  
3066 schools are adequate now.  
3067  
3068 Ms. Blumenthal - Yes. We believe the schools at this point in time are adequate to  
3069 serve the growth needs in that area of the County.  
3070  
3071 Mr. Taylor - And our construction program for schools is in place with the  
3072 development statistics that we've gotten from Twin Hickory.  
3073  
3074 Ms. Blumenthal - Yes. We stay in contact with the Planning Department.  
3075  
3076 Mr. Taylor - So you feel that schools and the population, depending on those  
3077 schools, is well paced and well planned.  
3078  
3079 Ms. Blumenthal - Yes, sir, at this point in time we do.  
3080  
3081 Mr. Taylor - So you wouldn't characterize schools as a limitation on  
3082 development?  
3083  
3084 Ms. Blumenthal - No. I would not consider that to be a big issue at this point.  
3085  
3086 Mr. Taylor - Thank you, ma'am. I appreciate that.  
3087  
3088 Mr. Jernigan - I have a question for Mr. Bittner. Mr. Bittner, in Code, there is  
3089 nothing stated in there that anybody has to put on a garage, is it?  
3090  
3091 Mr. Bittner - No.  
3092  
3093 Mr. Jernigan - It is strictly an amenity that is put on by a developer.  
3094  
3095 Mr. Bittner - Yes, that is true.  
3096  
3097 Mr. Jernigan - And the reason I asked that question is, I know everybody over  
3098 here wants a garage, but the decisions that we have to make, even though they go from here to  
3099 the Board of Supervisors have to stand up in court. There's no sense in us turning down a  
3100 project because it doesn't have a garage if it is going to the Board of Supervisors and be  
3101 approved because of the legal status. So, what we try to do is clean these cases up before they  
3102 go to the Board of Supervisors. I don't see how we can demand a garage. If Mr. Theobald and  
3103 Hunt want to put them on there, they can. But I don't think we can deny it on that. The second  
3104 thing, on the homeowner's association. Is that in our jurisdiction?  
3105  
3106 Mr. Bittner - That is a legal question that I can't answer and it is really not an  
3107 issue that we have dealt with before.  
3108  
3109 Mr. Jernigan - I think that is along the lines of restrictive covenants, which we  
3110 have nothing to do with. So I am not too sure that the two issues, the two out of three issues  
3111 here are even controlled by us. The only thing that I see that is the setback situation. Am I  
3112 correct?  
3113  
3114 Mr. Marles - I think you are basically correct, Mr. Jernigan.  
3115  
3116 Mr. Jernigan - Did everybody understand what I said about the garage?

3117  
3118 Citizen Speaking but mic does not pick it up.  
3119  
3120 Mr. Jernigan - What I am saying is, I am not sure this Commission has control  
3121 of that. Restrictive covenants does not fall under us. And I am not sure that is even, I  
3122 understand what you are saying but I am not sure that is in our control. I'm not sure that we  
3123 can legally tell him that you can't add that in there.  
3124  
3125 Mr. Vanarsdall - We don't get into homeowner associations. We don't get into  
3126 that. We don't ever get into that.  
3127  
3128 Mr. Jernigan - That is what I am saying. That is what I am trying to clear up,  
3129 the three issues here. Two of them I don't think we have any control over.  
3130  
3131 Ms. Karen Aiken - I am Karen Aiken and I am a resident of Twin Hickory, and to  
3132 just address that issue on the homeowners, and I don't have the answer, but I am looking at the  
3133 proffers for C-13C-02 which you will hear later, and one of the proffers is that based on rezoning,  
3134 and this is from the staff report previously, no access to pool; residents of the RTH zoned  
3135 property shall not be entitled to use of the swimming pool complex at Twin Hickory. It is not a  
3136 proffer on the current issue that we are talking about, but it was a proffer put forward by Hunt  
3137 and if it is not enforceable, I don't know why they would make that proffer. That is the point I  
3138 am making.  
3139  
3140 Mr. Jernigan - Mr. Theobald...  
3141  
3142 Mr. Taylor - Thank you, ma'am. Would you like to address that Mr.  
3143 Theobald?  
3144  
3145 Mr. Theobald - Are you ready for me?  
3146  
3147 Mr. Taylor - I believe so.  
3148  
3149 Mr. Marlles - Mr. Theobald, you have a little less than four minutes for  
3150 rebuttal.  
3151  
3152 Mr. Theobald - That should be sufficient, Mr. Marlles. Thank you. Mr. Jernigan,  
3153 you have been reading law at night, obviously. I would tell you, you are correct in your  
3154 interpretation as to the garage issue. It is not a legal requirement in the County Ordinance and  
3155 would not be an appropriate topic for you all to consider in your decision. Let's talk a little bit  
3156 about the HOA situation. You are also correct in terms of that. That is really a private matter. It  
3157 really goes beyond that, though, because in the Twin Hickory restrictive covenants that all  
3158 residents are bound by, and which they are given copies of when they buy their homes, Hunt has  
3159 specifically reserved the right to add additional property to become a part of Twin Hickory, and  
3160 those people pay dues and assessments and are entitled to use the amenities. So, not only can  
3161 it be done, but that legal right was reserved with the very first piece of paper that was handed to  
3162 every homeowner when they closed, so the expectation is that property will be added. These 69  
3163 units are – will likely be occupied – if our demographics are correct, by an empty-nester type  
3164 population, generally people without children. Interestingly, the group that is opposed to this  
3165 has expressed interest in inviting the Kensington Subdivision to join the Twin Hickory Association,  
3166 those being single-family homes. I do have correspondence in my file that indicates that, but  
3167 nonetheless, we have specifically reserved the legal right to add additional land as part of the  
3168 homeowners' association.  
3169

3170 The setback is probably the easiest and that the last issue, and Mark, if you can help me put  
3171 back up the site plan here. We actually set back further (referring to rendering) than 45 feet,  
3172 which is very difficult to see along here on this scale, but I will pass along this larger version. We  
3173 first had to dedicate 15 feet of right of way, but after that, we've got the 25 feet of landscaped  
3174 common area buffer. There is then, it looks like, about a 10-foot, I believe it is probably a  
3175 sidewalk area, and then what we have here (referring to rendering) are the front yard setback  
3176 another 35 feet before you get to a unit. So these units, and if I am mis-stating that, Mr. Tyler,  
3177 wherever you are, would you stop me.

3178  
3179 Mr. Tyler - I am right here. You are exactly correct.

3180  
3181 Mr. Theobald - So these units are almost 65 feet from the ultimate right of way.

3182  
3183 Mr. Tyler - That is correct.

3184  
3185 Mr. Theobald - So problem No. 3 is solved. I believe with regard to comments  
3186 about the schools, Ms. Blumenthal has responded consistent with her written report, as put forth  
3187 in the staff report, and with regard to traffic, Mr. Foster and whoever did the traffic commentary  
3188 in the staff report said that the roads can adequately handle this traffic. I am sure he will  
3189 confirm that to you.

3190  
3191 I would just like to close again by respectfully reminding you that this is absolutely consistent  
3192 with your Land Use Plan, absolutely consistent with the surrounding development, and I  
3193 respectfully ask that you recommend approval of this case to the Board of Supervisors.

3194  
3195 Mr. Thornton - Mr. Theobald, before you sit down, I have a few observations. I  
3196 think that linguistically you obviously have a good point, from the legal aspect about the garages,  
3197 but then there is another level, too. There's a level of wherein you are doing a process like this,  
3198 seeing how far the developer and his applicants will go to accommodate the residents who are  
3199 affected by this, and it has a lot to do with prestige, honor, and all of that. So, my question to  
3200 you, though, where that may be from a legal aspect that the County may not can require that,  
3201 but isn't there another dimension wherein an august company like H. H. Hunt, that you are  
3202 representing, that they owe it to listen to the citizens who are affected by this and to see  
3203 whether or not there can be flexibility. You show flexibility with the setbacks, more than 45 feet,  
3204 you said 65 feet. And I even thought I heard that the Planning Commission suggested maybe  
3205 that the plan could have been improved with the garages. I am just wondering about the  
3206 principle about flexibility. Another comment I heard, too, was that you met the ceiling of the  
3207 Planning Commission, but probably could have done better by listening to some of the residents  
3208 there, so I am saying, is there any ground there where what I am saying has any merit at all?

3209  
3210 Mr. Theobald - Well, it certainly has merit, Mr. Thornton, and we do try to listen  
3211 to the comments from neighbors, and then we have to decide whether or not those comments  
3212 have merit and which comments we are able to incorporate into our design. I would say that  
3213 garages don't necessarily equate to quality. Otherwise, what we would need to do is make sure  
3214 that garages were used for, I guess, garages, and not converted into rec rooms and everything  
3215 else, which is why you don't give credit for the parking. So, I don't want you to think that  
3216 because there isn't a garage that it is not a quality product. These town-homes will start at  
3217 nearly \$200,000 and go up to a quarter of a million dollars in purchase price. That is a pretty  
3218 steep price. This site, as you know, is a little physically disconnected from Twin Hickory  
3219 property. It is next to the Fire Station and across from the apartments and town-homes. And I  
3220 want to get back to one other issue that the last speaker raised, and that is that we did proffer in  
3221 the case that comes up next that certain of those communities, the townhouse communities  
3222 would not be a part of the association. Those were much larger communities that we thought

3223 appropriate to have their own amenity package in those. And so while we can voluntarily say we  
3224 won't do that, Mr. Jernigan correctly stated, I think, the Planning Commission's discretion with  
3225 regard to this issue. So these 69 town-homes, again, could readily be absorbed into the Twin  
3226 Hickory community, and, again, I remind you, were specifically allowed, pursuant to the  
3227 restrictive covenants that bind Twin Hickory.

3228  
3229 Mr. Thornton - You know, my point was simply this. I am not enamored,  
3230 necessarily, to a garage, but I am just talking about the principle of just working with groups that  
3231 are affected by these things. I just take the citizens' view sometimes, just putting myself in their  
3232 position, and I am sure as you also do. When you come in you build this establishment and then  
3233 you leave, but those citizens that are affected are still there, so I was just talking about the  
3234 principle of flexibility and I'd appreciate your comments on that.

3235  
3236 Mr. Theobald - Thank you.

3237  
3238 Ms. Aiken - Along with flexibility would there be room for a percentage of  
3239 the town-homes to have a garage attached to them?

3240  
3241 Mr. Theobald - No, ma'am, I am sorry. There is not.

3242  
3243 Mr. Marlles - Mr. Theobald, I think this is spelled out in the staff report, but I  
3244 think staff's perspective on the garages is that it would result in better design and a less  
3245 monotonous development or design, at least to our experience, that garages and curbing the  
3246 street do help improve the quality of the design. So, again, that is stated in the staff report, but I  
3247 think you know our position on that.

3248  
3249 Mr. Theobald - Well, it is my understanding that Mr. Bittner's position, say for  
3250 the garages, was that this plan accomplished his concern with regard to the layout, but for the  
3251 garages.

3252  
3253 Mr. Marlles - I think you are correct.

3254  
3255 Mr. Theobald - OK.

3256  
3257 Mr. Taylor - Are there any questions for Mr. Theobald?

3258  
3259 Mr. Archer - One more thing. You did indicate that the present restrictive  
3260 covenants did state that there would be additional users of the homeowners' association?

3261  
3262 Mr. Theobald - Hunt has the ability to annex additional parcels of land into Twin  
3263 Hickory, yes, sir.

3264  
3265 Mr. Archer - Does it stop with this particular case or are there more?

3266  
3267 Mr. Theobald - No. Well, there could be more, but in the next case, which is  
3268 120 acres, not all residential, we have basically said that one section of single-family detached  
3269 homes would be part, and we would have the ability to annex that in, but that the other larger  
3270 town home or condominium communities would have their own amenities.

3271  
3272 Mr. Archer - No, I wasn't specifically referring to 13.

3273  
3274 Mr. Theobald - There is the legal ability.

3275

3276 Mr. Archer - But are there...proffers even now to be added to that.  
3277  
3278 Mr. Theobald - Yes, sir. There is, if there was more land that was logically to be  
3279 made a part of Twin Hickory, but I think we are running out of that.  
3280  
3281 Mr. Archer - OK. Well, that answered my question. Thank you.  
3282  
3283 Mr. Thornton - Mr. Chairman, may I ask Mr. Marlles a questions? Just for my  
3284 own edification, do developers have that ability that, if you will allow me to just use, this is not  
3285 my area of specialty, but wherein seemingly you can kind of lock any group once you buy a piece  
3286 of property like that, and people don't have the option of not being a part of a group?  
3287  
3288 Mr. Marlles - I am not sure I totally understand the question.  
3289  
3290 Mr. Thornton - Maybe I didn't, let me try again. Mr. Theobald was saying that  
3291 there is an automatic right that the person he is representing, that the people must join this  
3292 group. Am I right in saying that?  
3293  
3294 Mr. Theobald - If you reserve in your restrictive covenants the ability to annex  
3295 additional land in, then you've given notice to everybody, and they buy, knowing that it can  
3296 become bigger. Now, if that had not been reserved legally, and somebody else just bought land  
3297 next door and said, I want to make you a part of the association, you couldn't legally do that.  
3298 But, keep in mind the concept of a planned community is that you have the amenities. You have  
3299 people, and you make people pay dues. They know what those are up front, to support the  
3300 amenities, and you do have the ability to grow a community. This was done at Wellesley. It was  
3301 done at Wyndham. It was done here. It was done at Brandermill. It was done at Woodlake. It  
3302 was done in every planned community. It is done in many subdivisions, perhaps where many of  
3303 you live, where the developers had subsequent sections of, you know, whether it is Barrington  
3304 countryside or whatever.  
3305  
3306 Mr. Marlles - Mr. Thornton, I am going to have to defer this, because I am not  
3307 an attorney of Mr. Theobald's legal expertise.  
3308  
3309 Mr. Taylor - Thank you, Mr. Theobald.  
3310  
3311 Mr. Theobald - Thank you.  
3312  
3313 Mr. Taylor - Any other questions or comments from the Commission? Well,  
3314 listening to this tonight indicates that some additional work needs to be done, but I think we  
3315 need to have something more in the way of mutual respect for each other here. As I listen to  
3316 these, I begin to see what is distressing to me, and that a breakdown of what communities like  
3317 Twin Hickory is trying to achieve. I am not sure what the capital appreciation has been with  
3318 those properties, but I can't help but believe that it is not helped by the amenities, the  
3319 togetherness, and the neighborliness of the area, and what I see here is a rupture in that, and it  
3320 is somewhat distressing, perhaps the most distressing part, and I would like to try to work out all  
3321 of these issues tonight, but it is apparent I cannot, even with the best of intentions. And I am  
3322 not sure we have the best of intentions here. And I am not sure we are working with goodwill  
3323 towards all in trying to work out the best for all of the residents of Twin Hickory. I can't do that  
3324 alone. The Commission can't do that alone. That has to come from within. But I have seen  
3325 enough of what Twin Hickory is doing to recognize that the people in Twin Hickory have received  
3326 significant benefits from being a part of Twin Hickory. One of them I am sure is in capital  
3327 appreciation. I don't know what the capital appreciation has been from year to year, but I am  
3328 sure it has been highly positive, and, in fact, I don't know. Mr. Theobald, do you know that?

3329  
3330 Mr. Theobald - Mr. Taylor, the average price of homes in Twin Hickory from  
3331 1999, when this project started, through today has appreciated almost 53% in terms of those  
3332 average home prices. So you are correct. An amenity is a very, very popular, it is the fastest  
3333 selling community in the metropolitan area, and has won four or five awards for the quality of  
3334 that community.  
3335  
3336 Mr. Taylor - Say that again. I didn't copy down the numbers.  
3337  
3338 Mr. Theobald - Since 1999 the average home price has increased by 57%.  
3339  
3340 Mr. Taylor - (Talking to lady in the audience) Ma'am, I am not sure we do,  
3341 but would you come up and ask that question on the record, and perhaps somebody here can  
3342 give you that figure.  
3343  
3344 Ms. Stephanie Hunt - Hello. My name is Stephanie Hunt. I live at 11405 Scotsglen  
3345 Court, and in terms of appreciation, our home prices. That is wonderful. But that has a lot to do  
3346 with the actual area and the schools. Northwestern Henrico County has a wonderful reputation  
3347 for schools and that was ultimately what has driven people to buy a home in the area. Shady  
3348 Grove Elementary, for example, is a wonderful school. That was an impetus for us to move to  
3349 the area. We wanted something a little smaller than Wyndham, but I do know that the homes in  
3350 Wyndham, their resale value is also very high. As a matter of fact, some of those are selling for a  
3351 higher per square foot value than the homes in Twin Hickory are. So, I will like for the applicant  
3352 to, maybe, perhaps, give some of us resident's ratio, like multi-family to single-family ratio  
3353 between Wyndham and Twin Hickory. How many acres is Wyndham vs. Twin Hickory? How  
3354 many units will feed into their pool vs. our pool. I am also president of the Twin Hickory Swim  
3355 Team, and I am very pleased and excited to know that we have 76 swimmers already, and Mr.  
3356 Theobald can probably tell me how many units we presently have in Twin Hickory, but I don't  
3357 even think we are a third of the way through. And, as a resident and trying to get an amenity  
3358 established for my community, the swim team, I am looking at 76 swimmers. What am I going  
3359 to have five years from now? So, that is my concern as a resident. Thank you.  
3360  
3361 Mr. Taylor - Thank you. I am not sure of the answers, either. I don't know  
3362 if anybody is, but it seems that, that particular rate of growth, I think, is acceptable in any group.  
3363 And as I look at this project I feel it fits with the other projects that are out there. We certainly  
3364 can't do anything about the annexation. I don't think we can put the one-car garages in there.  
3365 And I think that this is a reasonable fit with the townhouses that are out there. So, with that, I  
3366 will move approval of Case C-20C-02.  
3367  
3368 Mr. Jernigan - Second.  
3369  
3370 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
3371 favor say aye. All opposed say no. The motion carries. The vote is 5-0 (Mr. Thornton  
3372 abstained).  
3373  
3374 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
3375 Supervisors **grant** the request because it is consistent with the Urban Residential Land Use Plan  
3376 designation and the proffered conditions will assure a level of development otherwise not  
3377 possible.  
3378  
3379 **C-13C-02 James W. Theobald for HHHunt Corporation:** Request to conditionally  
3380 rezone from A-1 Agricultural District and RTHC Residential Townhouse District (Conditional) to O-  
3381 3C Office District (Conditional), RTHC Residential Townhouse District (Conditional), R-5AC

3382 General Residence District (Conditional) and R-6C General Residence (Conditional) Parcels 747-  
3383 771-2430 (18-A-35), 747-771-4048 (36), 747-771-3965 (37), 746-770-1492 (38), 745-770-0962  
3384 (39A), 746-770-0619 (56), 745-769-6789 (56A), 746-770-4038 (57), 746-769-3486 (57A), and  
3385 Parcels 745-768-7374 (27-A-14B), 745-769-5071 (15), 745-769-6845 (15A), 745-769-0926 (15B)  
3386 and 746-769-3767 (49), containing approximately 120 acres, located along the north and west  
3387 lines of New Wade Lane and Nuckols Road. A residential and office development is proposed.  
3388 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land  
3389 Use Plan recommends Rural Residential, not exceeding 1.0 unit net density per acre, Suburban  
3390 Residential 2, 2.4 to 3.4 units net density per acre, Open Space/Recreation, and Environmental  
3391 Protection Area.

3392

3393 Mr. Marlles - The staff report will be given by Mr. Bittner.

3394

3395 Mr. Theobald - Mr. Marlles, with your permission, at this time on behalf of the  
3396 applicant, I would like to request a 60-day deferral of this case. We have had people and staff  
3397 members coming up to us all evening asking our consideration of a 60-day deferral, primarily so  
3398 that Mr. Foster can have a fighting chance of reviewing the Traffic Impact Study, which we had  
3399 hoped to have to him a little bit sooner, and in the interest of saving everybody some time, if it is  
3400 your will, I would request that you defer this case at the applicant's request for 60 days.

3401

3402 Mr. Marlles - That would be to July 11, Mr. Theobald?

3403

3404 Mr. Theobald - That sounds right.

3405

3406 Mr. Taylor - Is there any opposition to a 60-day deferral in case C-13C-02 to  
3407 give H. H. Hunt the opportunity to review the...

3408

3409 Mr. Vanarsdall - None.

3410

3411 Mr. Taylor - No opposition. I didn't think there would be, but I wanted to  
3412 ask. I move for a 60 day deferral, Case C-13C-02, at the request of the applicant to July 11,  
3413 2002.

3414

3415 Mr. Vanarsdall - Second.

3416

3417 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
3418 in favor say aye. All opposed say no. The motion is approved. The vote is 5-0 (Mr. Thornton  
3419 abstained).

3420

3421 At the applicant's request, the Planning Commission deferred Case C-13C-02, James W. Theobald  
3422 for HHHunt, to it's meeting on July 11, 2002.

3423

3424 Mr. Vanarsdall - Mr. Secretary, I have a correction for the minutes.

3425

3426 Mr. Taylor - Thank you very much for coming tonight, folks. I appreciate the  
3427 involvement.

3428

3429 Mr. Vanarsdall - I have a correction on Page 49.

3430

3431 Mr. Taylor - Ladies and gentlemen, please hold it down. We have some  
3432 more business to transact before we are finished tonight. Mr. Vanarsdall, it might be good if you  
3433 state that again, please. Sorry about that.

3434

3435 Mr. Vanarsdall - Mr. Marlles, I have something to say about the minutes.  
3436  
3437 Mr. Marlles - Yes, sir.  
3438  
3439 Mr. Vanarsdall - I remember, and you may, too, that we used to be approving  
3440 minutes, like in December we may be approving the February before minutes, and somehow or  
3441 another the system has really paid off, and Debbie has anything to do with it and I want to  
3442 congratulate her back there, because we are now approving April, last month's minutes. You  
3443 remember when they used to be backlogged, Randy.  
3444  
3445 Mr. Silber - They haven't been backlogged for a while.  
3446  
3447 Mr. Vanarsdall - I just want to congratulate whoever got it moving.  
3448  
3449 Mr. Marlles - Thank you for those comments, Mr. Vanarsdall.  
3450  
3451 Mr. Vanarsdall - You can't believe what Debbie says, because her last name is  
3452 Ripley. Believe it or not.  
3453  
3454 Mr. Marlles - She stepped into some pretty large shoes when Judy Thomas  
3455 passed away, and she has hit the ground running. She has done a great job.  
3456  
3457 Mr. Taylor - All right, let's have a round of applause here. Thank you very  
3458 much.  
3459  
3460 Mr. Archer - I have already got next month's minutes.  
3461  
3462 Mr. Jernigan- On line 668 and on line 669, not that it really matters, but when  
3463 they were stating that, he said 18,000 square feet and 11,000 square feet, and then we  
3464 straightened him out later, but he did state that. He said 18,000, because we made the  
3465 comment, "That's a big house."  
3466  
3467 Mr. Archer - I remember that.  
3468  
3469 Mr. Taylor - Do we have a motion to adjourn?  
3470  
3471 Mr. Marlles - Have we approved the minutes for April?  
3472  
3473 Mr. Archer - So moved.  
3474  
3475 Mr. Jernigan - Second.  
3476  
3477 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Jernigan, to  
3478 approve the minutes. All in favor say aye. All opposed say no. The motion passes. The minutes  
3479 are approved.  
3480  
3481 Mr. Marlles - We also have to re-approve the March 14, 2002 Work Session  
3482 Minutes.  
3483  
3484 Mr. Taylor - I move approval of the March 14, 2002 Work Session Minutes.  
3485  
3486 Mr. Archer - Second.  
3487

3488 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Archer. All in favor  
3489 say aye. All opposed say no. The motion passes. The minutes are approved. Do we have a  
3490 motion for adjournment?

3491  
3492 Mr. Jernigan - So moved.

3493  
3494 Mr. Archer - Second.

3495  
3496 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in  
3497 favor say aye. All opposed say no. The motion passes. The meeting is adjourned.

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Allen Taylor, PE, Chairman

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John R. Marlles, AICP, Secretary

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