

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 7:00 p.m., on May 13, 1999, Display Notice having been published
4 in the Richmond Times-Dispatch on Thursday, April 22, 1999, and Thursday, April 29, 1999.

5
6 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
7 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland
8 C. W. Archer, C.P.C., Fairfield
9 Mary L. Wade, Three Chopt
10 Debra Quesinberry, Varina
11 John R. Marlles, AICP, Secretary, Director of Planning
12 James B. Donati, Jr., Board of Supervisors, Varina
13

14 Others Present: Randall R. Silber, Assistant Director of Planning
15 John Merrithew, AICP, Principal Planner
16 Mark Bittner, County Planner
17 Jo Ann Hunter, AICP, County Planner
18 Judy Thomas, Recording Secretary
19 Dwight Grissom, Director, Construction & Maintenance, Schools
20

21 Ms. Dwyer - Tonight is our zoning night, and I would like to welcome each of
22 you here who have come to witness a case or to participate in a case. We have members of the
23 press. We usually like to recognize the press. Ms. Wagner in the rear. Any one else? Henrico
24 County Line. Okay, Mr. Secretary, I believe everyone is here, except for Mr. Donati.

25
26 Mrs. Quesinberry - He'll be late, but he'll be here.

27
28 Ms. Dwyer - Okay. Well, let's proceed.

29
30 Mr. Marlles - Madam Chairman, we do have a quorum. Before getting into
31 requests for deferrals and withdrawals, I would like to ask Mr. Eric Lawrence to stand up. Mr.
32 Lawrence is a new addition to the Planning staff. He was hired as a Planner III to replace Nancy
33 Gardner, who is a very difficult person to replace. Prior to coming to Henrico County, Eric was
34 with Frederick County for six years. His undergraduate degree is from Maryland, and his
35 Masters in Urban and Regional Planning is from Virginia Commonwealth University. We're
36 real pleased to have Eric. He will probably be appearing before you. I don't think tonight.

37
38 Ms. Dwyer - Not tonight?

39
40 Mr. Marlles - But probably starting next month with cases. And welcome, Eric.

41
42 Ms. Dwyer - The Commission would like to welcome you also, Mr. Lawrence.
43 We'll be putting you to work real soon, judging by the look of our agenda this evening.

44
45 Mr. Marlles - We do have a number of request for deferrals and withdrawals for
46 the 7:00 o'clock agenda, which Mr. Merrithew will cover.

May 13, 1999

47
48 Mr. John Merrithew, Principal Planner -Thank you, Mr. Secretary. Madam Chairman, we do
49 have three deferral requests on the 7:00 o'clock agenda. The first request is in the Varina
50 District on Page 1 of your agenda:

51
52 **Deferred from the March 11, 1999 Meeting:**

53 **C-55C-98 James W. Theobald for Roy B. Amason:** Request to conditionally
54 rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 260-A-36,
55 containing 3.87 acres, located at the northeast corner of the intersection of New Market Road
56 (Route 5) and Long Bridge Road. A business use is proposed. The use will be controlled by
57 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Prime
58 Agriculture. The site is also in the Airport Safety Overlay District.

59
60 They have requested a deferral to June 10, 1999.

61
62 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
63 Case C-55C-98, the Southerlyn Case? No opposition to the deferral. Ready for a motion.

64
65 Mrs. Quesinberry - I'd like to make a motion that Case C-55C-98 be deferred to the
66 June 10th agenda.

67
68 Mrs. Wade seconded the motion.

69
70 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mrs. Wade. All
71 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati absent).

72
73 Mr. Vanarsdall - We would like to add, "at the applicant's request." When is it?

74
75 Mr. Merrithew - June 10th. Thank you. The associated case with that, C-56C-98:

76
77 **Deferred from the March 11, 1999 Meeting:**

78 **C-56C-98 James W. Theobald for Roy B. Amason:** Request to conditionally
79 rezone from A-1 Agricultural District to R-1C, R-2AC and R-3AC One Family Residence
80 Districts (Conditional), RTHC Residential Townhouse District (Conditional), R-5C and R-6C
81 General Residence Districts (Conditional), O-2C Office District (Conditional), B-2C Business
82 District (Conditional) and C-1 Conservation District, Parcels 240-A-17, 250-A-48, 49, and
83 51A, and 260-A-28, containing 633.61 acres, generally located along the east line of Turner
84 Road between New Market Road (Route 5) and Camp Holly Drive; along the north line of
85 New Market Road (Route 5) from Turner Road to Camp Hill Road and from Kingsland Road
86 to Long Bridge Road; along the northwest line of Long Bridge Road to its intersection with
87 Yahley Mill Road and along the west side of Yahley Mill to the Virginia Power easement. A
88 mixed use planned community is proposed. The applicant has proffered a maximum of 1,341
89 residential units on the property. The uses will be controlled by proffered conditions and
90 zoning ordinance regulations. The Land Use Plan recommends Prime Agriculture and
91 Environmental Protection Area. The site is also in the Airport Safety Overlay District.

92

93 They have requested a deferral to June 10, 1999.
94
95 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of C-
96 56C-98 in the Varina District; also the Southerlyn Case? No opposition.
97
98 Mrs. Quesinberry - I'd like to move for deferral, at the applicant's request, for Case
99 C-56C-98.
100
101 Mr. Vanarsdall seconded the motion.
102
103 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
104 All those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
105 absent). The motion carries.
106
107 Mr. Merrithew - Thank you. On the same page, the same district, Varina District,
108 C-21C-99.
109
110 **C-21C-99 Jay M. Weinberg for Dakota Associates:** Request to conditionally
111 rezone from A-1 Agricultural District and RTH Residential Townhouse District to RTHC
112 Residential Townhouse District (Conditional), Parcels 192-A-19 & 20, containing 20.017 acres,
113 located on the west line of Midview Road approximately 400' south of its intersection with
114 Darbytown Road. Residential townhomes for sale are proposed. The applicant has proffered a
115 maximum of 130 residential units which yields a density of 6.49 units per acre. The Land Use
116 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. This site is also
117 in the Airport Safety Overlay District.
118
119 They also have a requested a deferral to June 10, 1999.
120
121 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
122 Case C-21C-99 Dakota Associates? You're in opposition to deferring the case, ma'am? Okay.
123 You need to come forward.
124
125 Mrs. Quesinberry - I'd like to hear the case.
126
127 Ms. Dwyer - You'd like to hear the case?
128
129 Mrs. Quesinberry - Yes. I would.
130
131 Ms. Dwyer - Would you like to hear this lady's opposition or go ahead and
132 make a motion on the deferral?
133
134 Ms. Judith Mays Roberts - I'm Judith Mays Roberts. I'm a resident of Varina Station and
135 President of the Homeowners Association. We would like to have the case heard this evening to
136 know where the developer is with his plans so that, we, as residents, might be able to come to
137 the table and do some negotiating. And we have talked about this. And so we would prefer to
138 not have it deferred at this point, but to hear it.

139
140 Ms. Dwyer - So, if we hear the case, then we will need to make a decision,
141 tonight?
142
143 Ms. Roberts - That's correct.
144
145 Ms. Dwyer - I thought I understood you to say you wanted to negotiate further.
146
147 Mrs. Quesinberry - She's just opposing...
148
149 Ms. Dwyer - ...deferring at this point.
150
151 Ms. Mayes - That's correct.
152
153 Ms. Dwyer - Okay.
154
155 Ms. Mayes - Thank you.
156
157 Ms. Dwyer - Thank you, ma'am. Would you like to hear from the applicant?
158
159 Mrs. Quesinberry - I don't think its necessary.
160
161 Ms. Dwyer - Okay. Ready for a motion on the deferral.
162
163 Mrs. Quesinberry - I'd like to move to deny deferral for this case at this time and hear
164 it on the regular agenda.
165
166 Mrs. Wade seconded the motion.
167
168 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mrs. Wade. All
169 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati absent).
170 The case will not be deferred this evening.
171
172 Mr. Merrithew - That is all the deferral requests I have on the 7:00 o'clock
173 agenda. We do have three deferral requests on the 8:00 o'clock agenda, which I will
174 announce, but won't take action on until 8:00 o'clock.
175
176 That would be the Jay Weinberg for Buckley-Shuler Properties - C-81C-98 in the Three Chopt
177 District. All of these are in the Three Chopt District. C-34C-99 Jay Weinberg for Dongil
178 Associates. And then, C-36C-99 Brian Marron for Tsimbos. They have all requested deferrals
179 to June 10th. As you know, the Commission will vote at the 8:00 o'clock agenda for those.
180 Thank you.
181
182 Ms. Dwyer - Thank you, Mr. Merrithew.
183

184 **C-24-99** **Carter Properties:** Request to rezone from B-3 Business District to
185 M-2 General Industrial District, Parcel 128-A-5, containing 3.44 acres, located on the west side
186 of Mechanicsville Turnpike (U. S. Route 360) approximately 494' north of Barlow Street. An
187 equipment/storage yard is proposed. The use will be controlled by zoning ordinance regulations.
188 The Land Use Plan recommends Heavy Industry.

189
190 Mr. Archer - Madam Chairman, if I may. I have a deferral that I have agreed
191 to for the 7:00 o'clock agenda.

192
193 Ms. Dwyer - Okay.

194
195 Mr. Archer - C-24-99 Carter Properties. I've met with the applicant and he
196 has agreed to re-file this as a conditional case. So, I agree to defer that at the Commission's
197 request for one month to the June meeting.

198
199 Mr. Vanarsdall - That's C-24-99?

200
201 Mr. Archer - C-24-99 Carter Properties. So, I move for deferral of C-24-99 to
202 June 10th meeting at the request of the Commission.

203
204 Mr. Vanarsdall seconded the motion.

205
206 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
207 those in favor of the deferral, say aye—all those opposed by saying nay. The vote is 5-0, (Mr.
208 Donati absent). The motion carries.

209
210 **C-21C-99** **Charles H. Rothenberg for Dakota Associates:** Request to
211 conditionally rezone from A-1 Agricultural District and RTH Residential Townhouse District to
212 RTHC Residential Townhouse District (Conditional), Parcels 192-A-19 & 20, containing 20.017
213 acres, located on the west line of Midview Road approximately 400' south of its intersection with
214 Darbytown Road. Residential townhomes for sale are proposed. The applicant has proffered a
215 maximum of 130 residential units which yields a density of 6.49 units per acre. The Land Use
216 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. This site is also
217 in the Airport Safety Overlay District.

218
219 Mr. Marlles - The staff presentation will be given by Mrs. Jo Ann Hunter.

220
221 Ms. Dwyer - Thank you, Mr. Secretary. Is there any one in the audience in
222 opposition to Case C-21C-99 Dakota Associates: We do have opposition. Mr. Secretary, if you
223 would take a moment, at this time, to review the rules of the Commission for cases in which
224 there is opposition.

225
226 Mr. Marlles - The Commission's guidelines call for the applicant to have 10
227 minutes to present his case. That does not include time in which he's answering questions from
228 the Commission. The opponents will also have 10 minutes to present their views on a case.
229 And, again, that does not include time in which the Commission is asking questions. For the

230 opponents, it's often a wise idea if you have someone who can serve as a spokesperson who can
231 summarize the concerns. That makes the best use of the time.

232
233 Ms. Jo Ann Hunter - Good evening, Madam Chairman, members of the Commission.
234 This request is to rezone an 8-acre parcel from A-1 to RTHC and an 11-acre parcel from RTH to
235 RTHC with conditions. The 11-acre parcel was zoned to RTH in 1971. The applicant is
236 proposing to construct 130 townhouse units on the 20 acres. The applicant also has under
237 contract the 35 acres to the rear which is currently zoned R-5.

238
239 This request was deferred for 60 days to encourage the applicant to meet with the neighbors and
240 improve the project. No new information for the rezoning case has been submitted. The
241 applicant has submitted a conditional subdivision approval for the land that is currently zoned.
242 That plan shows 386 townhouse units.

243
244 That layout for the project would be different if this rezoning case was approved. However, the
245 applicant has asked staff to process both applications simultaneously. Currently, there are 209
246 acres in the Varina District that are vacant and currently zoned R-5, R-6, or RTH. This project
247 represents about one fourth of that vacant land.

248
249 The Land Use Plan recommends single family residential and this project would have a density
250 considerably higher than the 2.4 units supported by the plan. There are numerous outstanding
251 concerns with this project, including the rear of the homes facing Midview; the inconsistency of
252 this project with the established development pattern; proposed road connections to Varina
253 Station; the lack of commitment of design features, and no recreational amenities. Staff does not
254 support this proposal. I'd be happy to answer any questions.

255
256 Ms. Dwyer - Are there any questions by Commission members for Ms. Hunter?
257 No questions. Thank you. Would the applicant come forward, please? Good evening.

258
259 Mr. Walter Monahan - Madam Chairman, members of the Commission, I'm Walter
260 Monahan, one of the applicants. What I really would like to address is not this specific plan, but
261 what we would like to do. Things have changed. They didn't change fast enough in the 60 days
262 that we could resubmit a new plan; also visit with the people who live in the area. That was our
263 internal problems and we needed to straighten out some things; talk to various people. We also
264 needed to come to an agreement with the present landowner, because we're the contract owner.
265 And what we've done considerably changes what was submitted to you, and also considerably
266 reduces overall density and what would be done with this property by us if we were to go ahead.

267
268 So, what we would like to do, and I have a plan that has not been submitted. This is a rough one
269 of it. What we would like to do is request not a 30-day deferral, but a 60-day deferral.

270
271 During that time, we would get together with the residents of the area. We've already talked a
272 little bit about that. We would do that. And there would be plenty of time thereafter for all of
273 the people in the area to respond to their selves and to us and so forth. And if we were to visit
274 this application again in July, that would be ample time. Everybody would have plenty of time
275 to go over it. In the meantime, our schedule would be to re-submit a new plan to the County, to

276 the staff for you, and also we've requested a deferral on the preliminary as well. And that new
277 plan would be the plan for both the Commission and for the preliminary as well. So, everybody
278 is looking at the same plan, and it would include all of the property, not just the front. And
279 that's what we'd like to do.

280
281 And I do have some major changes that we really want to do, so I really don't want to address
282 what you're looking at because the new plan has single family up front. So, its really quite a bit
283 different. And, if you'd like to see it, I can show it to you. Like I said, its not in a final form,
284 but will probably change a little bit. But, conceptually, and by the numbers, it is good.

285
286 This plan shows that front 20 acres. That is the application area, to be 49 single family lots. It
287 also shows the back to be toward the south, or the bottom of the page, and along the boundary
288 with the single family to be attached units in groups of three, occasionally four. And those were
289 the patio-type homes that we were originally showing for the front sections. And then toward
290 the northwest in the remaining area, toward the upper part of the page, we're showing some
291 townhouses. And the numbers at the bottom of the sheet, and it shows 302 total lots. All "For
292 Sale" units. This is quite a bit different. Right, wrong, however you look at it, the original
293 zoning; the present zoning, one can get 630 units on the total property, because of what it is
294 zoned today, what it has been for a long time.

295
296 So, what we would like to do is take this plan, but it in the final form, submit it to the County,
297 and also go over, in detail, with the residents of the area, this plan. And, if we have 60 days to
298 do this, I think we can very well accomplish this.

299
300 Mrs. Quesinberry - Mr. Monahan.

301
302 Mr. Monahan - Yes.

303
304 Mrs. Quesinberry - When we met here 60 days ago, and we deferred this case at my
305 request, you were not very amenable to working with citizens.

306
307 Mr. Monahan - We had a different approach then. We think our approach has
308 changed considerably. We've learned something. We've got much advice. We've looked at it
309 again. And, we think this is just a much better way to go.

310
311 Mrs. Quesinberry - Personal growth is a good thing.

312
313 Mr. Monahan - It is. And I wish we could have come to this point earlier in this
314 60-day period, but, frankly, it didn't happen until Monday evening.

315
316 Mrs. Quesinberry - But, you probably can understand, you know, after deferring this
317 case for 60 days, we were all hopeful that there would be some...

318
319 Mr. Monahan - Absolutely.

320

321 Mrs. Quesinberry - ...negotiation and some consensus and some agreement on how this
322 parcel could develop in this area. It's a very nice neighborhood.
323
324 Mr. Monahan - I can just tell you, if we do the deferral this evening, I can tell you,
325 without a doubt, that will happen this time in the next 60 days.
326
327 Mrs. Quesinberry - Tell me a couple of other things while you're standing there? One
328 is, the current POD that you had filed and staff is currently working on, you indicated that you
329 wanted to defer that as well, was your plan.
330
331 Mr. Monahan - By deferring, what I mean is I want to substitute this for that.
332
333 Mrs. Quesinberry - That plan is far different from this plan.
334
335 Mr. Monahan - Right. Yes. It certainly is.
336
337 Mrs. Quesinberry - Why don't you just withdraw it.
338
339 Mr. Monahan - We could do it either way. We could just amend it, and, basically,
340 that's what we'd be doing. Yes.
341
342 Mrs. Quesinberry - That's your intention.
343
344 Mr. Monahan - Whatever is the simplest way to do it. Yes.
345
346 Mrs. Quesinberry - Okay. Then, this is the plan that you'd like to work with the
347 neighbors and get some consensus and...
348
349 Mr. Monahan - Yes.
350
351 Mrs. Quesinberry - Tell me why you need 60 days to do that, sir, when you've had 60
352 days and didn't make much progress. Why would I think in the next 60 days that you would
353 make some progress?
354
355 Mr. Monahan - You're simply going to have to take my word for it, I suppose.
356 This needs a little more work. There are some things to comply with some contacts that came
357 back from that other one; radius of road, this kind of thing. There are things that should be
358 cleaned up on this. And I think there are some things a little bit better that can be done. The
359 front section, I think, is fine. I think, in the back part, there are some things that can be kind of
360 re-arranged, re done to make it better, but, basically, coming out the same way in terms of
361 overall units. That will take a few days. Well, that will probably happen pretty quick; in the
362 next few days, beginning of the week. Our engineering firm, TIMMONS, needs to take that and
363 put it in its proper form and then submit it both to the Commission, staff/Commission and also is
364 that tentative to re-submit that or substitute it, however that would work. And get it into the
365 system for a little bit.
366

367 We, then, would like to tentatively – I have been talking to Mrs. Roberts about is getting
368 together in June, which, a few weeks goes by pretty fast. That would be plenty of time for
369 people; us to schedule a specific time and place and people to be aware of it, and get there
370 without having to be notified its going to happen three days from now, something like that.
371 And, while, frankly, I live in Vermont and it's a little convenient for me that way too. But it
372 gives it time, the plan to get around, to go through the process a bit; people be well aware of this
373 meeting, and we do it. And then it would be plenty of time thereafter, a good month or so,
374 where people could respond. We can respond to the residents. They can respond to us and to
375 you all as well as far as what they think. So, I think it works. Thirty days I don't think is ample
376 time.

377
378 Mrs. Quesinberry - You don't think you can complete that process in 30 days?

379
380 Mr. Monahan - I think that's pushing it.

381
382 Mrs. Quesinberry - Do you think its unreasonable to come back in 30 days just to give
383 us an idea how much progress has been made?

384
385 Mr. Monahan - We can do that. If we agree to do this; if you agree to do this,
386 then I talked to Mrs. Roberts about trying to schedule; I don't know when your next meeting is.
387 I can tell you now, we're looking to do that if we can get together on it approximately June 14th
388 or 15th. I don't know when your next meeting is.

389
390 Mrs. Quesinberry - The next meeting is June 10th.

391
392 Ms. Dwyer - Next zoning meeting. May I ask a quick question here.

393
394 Mr. Monahan - Sure.

395
396 Ms. Dwyer - The numbers that you have on your current plan indicate 302 total
397 lots. That's not on the 20 acres. That's...

398
399 Mr. Monahan - That's on the totality of the project, including all of the back.

400
401 Ms. Dwyer - So, what's the acreage on this 302?

402
403 Mr. Monahan - There's a total of 54.5 acres to the property. We wanted to put
404 this together because there's doubt I know that people have. Well, what are they doing in the
405 back? What are they doing in the back? So, we wanted to put it on one plan and, it crossed
406 everybody's mind, put it all on one sheet and everybody is going to look at it. And any other
407 plan, whatever, is null and void.

408
409 Ms. Dwyer - Any other questions for Mr. Monahan by Commission members?

410
411 Mrs. Quesinberry - I don't have any right now, but I might want to call him back.

412

413 Ms. Dwyer - You have almost five minutes left for rebuttal.
414
415 Mr. Monahan - Okay. I'll reserve the time, if I may. Thank you.
416
417 Ms. Dwyer - Thank you. Will the opposition come forward, please.
418
419 Mr. Bill Axselle - Madam Chairman, Bill Axselle, on behalf of Atlantic Homes.
420 Atlantic Homes is the developer of the adjacent single family subdivision, Varina Station. A
421 couple of comments, if I may. I would say to you, I think we all share the frustration that the
422 matter was deferred 60 days and now, on the hearing date, we hear of an idea of a new plan.
423 Moving beyond that, as we must, looking at the plan, I think it has some pluses. It has some
424 things that may need some work. The plusses are, obviously, is that, now the idea is to work
425 with the entire property out there; that is the property, the front and the back. And I think, from
426 my client's perspective, is a good pattern to follow.
427
428 Second, I think the reduction in density is commendable. Whether it's at the appropriate level or
429 not is something that needs to be determined.
430
431 Third, the area in the back which shows for the townhouses, there is some buffer there. We'd
432 like to know what kind of buffer; what the townhouses will look like; and so forth. That's sort
433 of a neutral factor. That's just lack of information.
434
435 I will tell you that we still would have very much concern with the fact that the road that's shown
436 coming through Varina Station, and by these homes, it would still have access to the rear. And
437 we would like to discuss with the applicant taking all the traffic from those townhouses and
438 putting it out through his subdivision, rather than through ours, if you will. That's something we
439 can address. I think overall, its an improvement. Tardy, but an improvement. I would suggest
440 to you that, if appropriate you're going to defer it, you defer it for 30 days. I would not agree
441 with the approach that the applicant mentioned. That is, get everything final, filing it with the
442 County and then sitting down with the neighbors.
443
444 I suggest we can sit down next week. We can sit down and talk. We can look at this; work
445 things out. And then I do recognize there's a lot that goes into filing a plan with the County. A
446 lot of expense. I suggest its probably more appropriate to have those preliminary meetings with
447 the neighbors now, then do the filings after you know you will be able to reach an agreement on
448 what terms. And that would allow us to do the deferral for the 30 days. If it comes back, at that
449 time, and we're making good progress and more time is needed just because of engineering and
450 other procedural matters, then I think we address it at that time.
451
452 But, I think, to postpone it for 60 days, puts us back where we are now. So, I would hope that
453 you would not approve the case as it is today. I would concur with the deferral, but I would
454 suggest 30 days would be more appropriate.
455
456 Ms. Dwyer - Thank you, Mr. Axselle. Any questions for Mr. Axselle by
457 Commission members? Thank you. Is there any other opposition?
458

459 Ms. Judith Mayes Roberts - Again, I'm Judith Mayes Roberts located in Varina Station. I'd
460 like to follow up. I confirm Mr. Axselle's statement. A part of what we're concerned about,
461 Number 1, the residents have a history of being able to meet in a very few days. So, I don't
462 think that Mr. Monahan has to worry about us giving notice, because we have a system for
463 notifying our residents of meetings. That's Number 1.
464

465 Number 2, we are very concerned about the streets. And, so I would like to follow up on Mr.
466 Axselle's proposal that we would start the meetings right away. I would like to go on record as
467 saying we are very, very disappointed as residents, that we did not hear from Dakota until
468 Tuesday. And that was about 58 days, I would suspect, from the time we were here. So, we
469 would like to be able to have something where we could see some progress; we could know what
470 we're doing. We understand that growth is not something we can halt, but we can match it. So,
471 we're looking forward to something to know we're moving forward in this process and to be
472 able to do that right away. And Mrs. Quesinberry's statement about being able to come back in
473 30 days and see what kind of progress is being made makes a lot of sense to me.
474

475 We, in Varina, on Oakland Road, as well as Midview and Foxboro, are ready to come to the
476 table. That is not a problem. Thank you.
477

478 Ms. Dwyer - Any questions for Mrs. Roberts? Mr. Monahan, do you want to
479 use your rebuttal time?
480

481 Mr. Monahan - Just a couple things. If everybody would like to do it 30 days,
482 that's fine too. As far as submitting a plan; not submitting a plan and just talking about it first,
483 my only idea about submitting it is, it just kind of makes it a little more official for everybody,
484 including residents, because then its not something, "Hey, its one thing one day, why did you
485 change this or why did someone change that?" If it's actually a submission, it makes it a lot
486 more official looking. I would kind of like to do that first, but we can do it either way.
487

488 Mrs. Quesinberry - I don't think there's going to be a large time cap between the time
489 of getting started meeting with the residents and filing a new plan, if that's what you're thinking
490 about.
491

492 Mr. Monahan - Right.

493 Mrs. Quesinberry - I think you're going to get a lot of information meeting with the
494 residents. I think you'll be surprised just how cooperative they can be if you're willing to sit
495 down, in good faith, and work with them.
496

497 Mr. Monahan - They're certainly welcome.
498

499 Mrs. Quesinberry - I think I told you 60 days ago, I was very disappointed with this
500 case because, for all intents and purposes, it really was thrust upon this community in a very
501 negative way. And that's just really unfortunate. I'm hopeful that you can turn it around and
502 that you can work with the neighbors, the community, and come out with a project that really
503 will be a value to this community and an asset to the community. That's something I think we

504 all would like to see happen. And that would be a “win-win” situation for everyone concerned.
505 But there is some attitude adjustment that needs to go on.

506
507 Mr. Monahan - We can, I’m sure, before we leave here, we can set up a time to
508 get together.

509
510 Mrs. Quesinberry - Okay.

511
512 Mr. Monahan - So, we can start this off.

513
514 Mrs. Quesinberry - Well, I wouldn’t oppose a 30-day deferral if you are willing to get
515 in their good faith and work with these folks. Mrs. Roberts and the various neighborhood
516 associations that she’s working with have really been diligent and worked very hard and are very
517 concerned about this neighborhood. And, as you work with them, and you develop this new
518 plan, because you’re going to, for all intents and purposes, withdraw your old plan, I really want
519 you to be cognizant of the areas that were talked about; that staff talked about; that Mr. Axselle
520 talked about; and that the residents talked about, in particular, giving consideration, as you put
521 your plan together about the buffer that’s going to be necessary in this area, about the traffic
522 flow, and about what you will do with either passive open space or recreational facilities for a
523 community that’s going to have 300 plus units in it. I think those are going to be some of the
524 key issues, not all the issues, but certainly things that you need to really be up front about, and
525 work hard with these folks to come out with a really good project. So, I’m ready for a motion if
526 we don’t have any other speakers.

527
528 Ms. Dwyer - Thank you, Mr. Monahan. Ready for a motion?

529
530 Mrs. Quesinberry - Yes. I’d like to move for a 30-day deferral, at the applicant’s
531 request, for Case C-21C-99.

532
533 Mr. Vanarsdall seconded the motion.

534
535 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
536 All those in favor say aye—all those opposed by saying nay. The vote is 5-0. (Mr. Donati
537 absent). The motion carries.

538 Mrs. Quesinberry - I would like to thank the residents. Thank you all for coming out
539 tonight, and for your input, especially Mrs. Roberts. I’m sure you will keep me posted. And
540 if not, I’ll see you in 30 days.

541
542 **C-37C-99** Everette A. Felts for Edwin Warren Prince: Request to rezone
543 from B-1 Business District to R-3 One Family Residence District Parcel 164-5-5-3, containing
544 12,278 square feet (70x 174), located on the east line of Raines Avenue approximately 150’
545 south of its intersection with Williamsburg Road (Route 60). A single family residence is
546 proposed. The R-3 District requires a minimum lot size of 11,000 square feet. The Land Use
547 Plan recommends Commercial Arterial development. The property is also within the Airport
548 Safety Overlay District.

549

550 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.
551
552 Ms. Dwyer - Is there any one in the audience opposed to Case C-37-99 Everette
553 Felts for Edwin Prince? There is no opposition. Mr. Bittner.
554
555 Mr. Mark Bittner, County Planner - Thank you, Ms. Dwyer. This request would rezone the lot
556 at 6 Raines Avenue from B-1 Business to R-3 One Family Residential. A single family home
557 currently occupied by a tenant, sits on the property. The applicant wants this rezoning because if
558 this house were to burn down, the B-1 zoning would not allow another home to be built and
559 would not allow continued use of the property for a residence. The applicant wishes to keep the
560 property residential.
561
562 This property is designated Commercial Arterial on the 2010 Plan and it is envisioned as part of
563 the Williamsburg Road commercial corridor through the Sandston section of the County. The
564 adjacent property to the south is also zoned R-3 and contains an established residential
565 neighborhood. The only business activity on Raines Avenue is at Williamsburg Road. This is a
566 beauty salon on Lot 1 at the southeastern corner. All other uses on Raines Avenue appear to be
567 residential, including both lots on either side of the property in question. This proposal is not
568 consistent with the Commercial Arterial designation of the 2010 Plan. However, business uses
569 do not appear to be desired development near the intersection of Raines and Williamsburg at this
570 time. Because this rezoning would maintain the present character of this area, staff recommends
571 approval. I'd be happy to answer any questions you may have.
572
573 Mr. Bittner - Are there questions for Mr. Bittner by Commission members?
574
575 Mrs. Wade - This isn't a conditional case is it?
576
577 Mr. Bittner - No. It's not.
578
579 Mrs. Wade - The agenda has a "C" on it.
580
581 Ms. Dwyer - Mrs. Quesinberry, would you like to hear from the applicant?
582
583 Mrs. Quesinberry - Yes.
584
585 Ms. Dwyer - Would the applicant come forward, please?
586
587 Mr. Everette Felts - I've always been told, maybe its time for me to keep my mouth
588 shut since the staff is recommending approval. So, I don't know what else I can add to it. I'd
589 be glad to answer any questions.
590
591 Ms. Dwyer - Could you introduce yourself, please?
592
593 Mr. Felts - Yes. I am Everette A. Felts for Mr. Edward A. Prince and Mr.
594 Grubbs, the owners of the property.
595

596 Mrs. Quesinberry - I just wanted to get you up, Mr. Felts.
597
598 Mr. Felts - Thank you, ma'am.
599
600 Mrs. Quesinberry - I'm ready for a motion.
601
602 Ms. Dwyer - Okay. There's no questions by Commission members then for
603 Mr. Felts?
604
605 Mrs. Quesinberry - This is a piece of property that's really in a nice residential area
606 and its three lots in from Williamsburg Road, which would be the commercial area if it was
607 really and truly a commercial area. And its really not quite there yet. I'd like to move for the
608 approval of the request for rezoning C-37-99 to R-3.
609
610 Mr. Vanarsdall seconded the motion.
611
612 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
613 All those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
614 absent). Motion to recommend approval to the Board is approved.
615
616 Mr. Felts - Thank you.
617
618 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr.
619 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend that the Board
620 of Supervisors grant this request because it is reasonable; it is appropriate residential zoning at
621 this location; and it would permit development of the land for residential use in an appropriate
622 manner.
623
624 **C-38C-99 Herbert E. Fitzgerald for Milhaus Corporation:** Request to amend
625 proffered conditions accepted with rezoning case C-69C-94, on lots 21-6-B-1 through 5 and lot
626 21-6-C-54 (Sheppards Way Subdivision), containing approximately 2.41 acres, located on the
627 east side of Sheppards Way Drive between Thornberry Street (extended) and Fontaine Lane.
628 The amendment is related to fence heights on the property. The Land Use Plan recommends
629 Suburban Residential 1, 1.0 to 2.4 units net density per acre.
630
631 Mr. Marlles - Ms. Jo Ann Hunter is going to be giving the staff presentation.
632
633 Ms. Dwyer - Is there any one in the audience in opposition to Case C-38C-99
634 Milhaus Corporation? No opposition. Thank you.
635
636 Ms. Hunter Thank you. This request is to amend the original proffers accepted
637 with Case C-69C-94 to allow the construction of a "board-on-board" privacy fence not to exceed
638 72 inches in height adjacent to six lots along the eastern boundary of Sheppards Way
639 Subdivision.
640

641 The existing proffers limit the fence height to 41 inches. A six-foot fence is requested to provide
642 better screening for the adjoining residences located here (referring to slide) that would look into
643 Sheppards Way Subdivision.

644
645 A gate will be provided in the middle of each lot so that the homeowner can access the area
646 behind the fence. The fence will be located 25 feet from the rear or side line because there is an
647 existing private drive that would go along the rear of the lots. The rear yard setback in the R-2A
648 District is 45 feet, so at the minimum, the applicant will have a 20-foot rear yard or side yard.
649 Staff would recommend landscaping along the outside of the fence.

650
651 If the rezoning is approved, the applicant will need to seek approval from the Planning
652 Commission for an alternate fence height in the front yard for Lot 54 which is located here
653 (referring to slide).

654
655 A modification of this proffer to allow a six-foot high fence will help protect the privacy of the
656 adjoining residences and should not have an impact on the quality of Sheppards Way
657 Subdivision. Staff supports this proposal. I'd be happy to answer any questions.

658
659 Ms. Dwyer - Are there any questions for Ms. Hunter? The private drive leads
660 from where to where on the map?

661
662 Ms. Hunter - It serves these residences here and it comes out to Mountain Road.

663
664 Ms. Dwyer - What's the status of that? Is it just private property that serves one
665 home?

666
667 Ms. Hunter - The developer of the subdivision has been working with the
668 property owner. There's been no progress at this date.

669
670 Ms. Dwyer - Thank you. Any other questions. Would you like to hear from the
671 applicant, Mr. Vanarsdall?

672
673 Mr. Vanarsdall - No. I don't need to hear from him.

674
675 Ms. Dwyer - Ready for a motion?

676
677 Mr. Vanarsdall - I move C-38C-99 be recommended to the Board of Supervisors for
678 approval, and also I would like recommend that we approve the alternate fence height on Lot
679 No. 54 in Block C as in "Charlie" in accordance with the Land Use Plan, also Goals, Policies
680 and Objectives.

681
682 Mrs. Quesinberry seconded the motion.

683
684 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry.
685 All those in favor say aye—all those opposed by saying nay. The vote is 5-0. (Mr. Donati
686 absent). The motion carries.

687
688 Ms. Hunter The alternate fence height would need to be advertised, so that
689 would not be able to be acted upon in this motion.
690
691 Ms. Dwyer - Okay. Your motion stands, Mr. Vanarsdall.
692
693 Mr. Vanarsdall - Do we need a separate motion for that?
694
695 Ms. Dwyer - That's not before us tonight.
696
697 Ms. Hunter It would need to come back at another time, because it does need
698 to be advertised.
699
700 Mr. Vanarsdall - All right.
701
702 Ms. Dwyer - So, that is not approved, then, by the way.
703
704 Ms. Hunter Correct.
705
706 Mr. Vanarsdall - Okay. Thank you.
707
708 Ms. Dwyer - Mr. Secretary, should we redo that motion?
709
710 Mr. Marlles - It wouldn't be a bad idea.
711
712 Ms. Dwyer - Okay. Let's do that just to be safe.
713
714 Mr. Vanarsdall - I'd like to amend my motion on C-38C-99 and recommend
715 approval to the Board of Supervisors only for the case to allow the 72-inch privacy fence to be
716 constructed on the property.
717
718 Mrs. Quesinberry - Second, again.
719
720 Ms. Dwyer - Okay. Motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry.
721 All those in favor of the motion say aye—all those opposed say nay. The vote is 5-0, (Mr.
722 Donati absent). The motion carries.
723
724 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the
725 Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors
726 accept the proffered conditions and grant the request because it is reasonable; and the proffered
727 conditions will provide appropriate quality assurances not otherwise available.
728
729 P-6-99 David A. Hodges: Request for a provisional use permit under
730 Sections 24-62.2(I) and 24-122.1 of Chapter 24 of the County Code to operate a billiard
731 parlor, on part of Parcel 103-A-100B, containing 2,500 sq. ft., located at the southeast

732 intersection of Staples Mill Road and Park Lane (2125 Staples Mill Road). The site is zoned
733 B-3 Business District.

734

735 Mr. Marlles - Ms. Hunter will also be giving the staff report.

736

737 Ms. Dwyer - Any opposition in the audience to P-6-99 David A Hodges. No
738 opposition.

739

740 Ms. Hunter - Thank you. The applicant is requesting to use the commercial
741 space adjacent to an existing business to install eight pool tables. The County Code defines a
742 billiard parlor as a business establishment or club, open to the public, in which three or more
743 tables are maintained for the play of billiards or pool.

744

745 The applicant is proposing to use the pool tables for instructional classes and pool leagues,
746 including youth leagues. The owner is the only certified billiard instructor in the Richmond
747 region. The lease area is located at the end of an existing shopping center, which is visible from
748 Staples Mill Road. Existing businesses surround this request except for a residential subdivision
749 immediately to the west.

750

751 This use, if managed properly, is not expected to affect the area in an adverse manner. The
752 business is proposed to be operated each day of the week with hours of operation until Midnight.
753 The applicant is not requesting extended hours, or to serve alcohol on the premises. The
754 applicant has an international business that crafts and repairs custom cue sticks. He is one of
755 seven people in the world who handcrafts these custom sticks. The addition of the eight pool
756 tables seems to be a logical extension of his current business. If the permit is recommended for
757 approval, staff would recommend that conditions identified on Page 2 be included in the
758 approval.

759

760 Ms. Dwyer - Any questions by Commission members of Ms. Hunter?

761

762 Mrs. Wade - Is the billiard parlor operating now?

763 Ms. Hunter The applicant does have the pool tables in there, but he is not
764 operating at this time. He had leased the space, not realizing without serving alcohol that it
765 would still be considered a billiard parlor. He has moved in the tables, but he's not operating
766 them at this time.

767

768 Mr. Vanarsdall - I believe he came to the County and asked permission to put them
769 in there. He was not serving alcohol and they told him it was okay.

770

771 Ms. Hunter There was some confusion. It was a confusion.

772

773 Ms. Dwyer - Ms. Hunter, on Condition 5, it says, "The business shall consist
774 of more than eight billiard tables" on our copy.

775

776 Ms. Hunter It should say, "of no more." Thank you.

777

778 Ms. Dwyer - I suspected that. Any other questions? Would you like to hear
779 from the applicant, Mr. Vanarsdall?

780
781 Mr. Vanarsdall - Don't need to.

782
783 Ms. Dwyer - Ready for a motion.

784
785 Mr. Vanarsdall - Ms. Hunter and I went over there. I didn't realize this man was
786 already in operation in making cue sticks. I've never seen anything as pretty. He sells them for
787 \$5,000; sometimes \$30,000. He ships them all over the world. I didn't realize we had a
788 business in the County like that.

789
790 Mr. Archer - One cue stick?

791
792 Mr. Vanarsdall - I can't believe it. It's a very nicely run business. In talking to
793 him and looking at him, I don't believe there will ever be any trouble over there. He doesn't
794 want alcohol and he's not going to even serve food. I recommend P-6-99 be recommended to
795 the Board of Supervisors for approval. It seems to be in order to have it recommended, and its
796 okay in accordance with the Goals, Objectives, and Policies of the Land Use Plan.

797
798 Mr. Archer seconded the motion.

799
800 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All
801 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
802 abstained). Approval recommended to the Board carries.

803
804 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning
805 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
806 requested revocable provisional use permit, subject to the following conditions:

- 807
808 1. This Use Permit shall apply to the 2,500 square feet of floor area that is currently being
809 leased by the applicant.
810
811 2. Public entrance shall be provided through the front door of the building only.
812
813 3. Customers shall be required by the management to leave the premises, including parking area
814 immediately after the close of business.
815
816 4. The interior of the business shall be visible from the parking lot.
817
818 5. The business shall consist of no more than eight (8) billiard tables.
819
820 6. Food service may be provided to patrons but alcohol shall not be served.
821

822 7. The operation of the billiard parlor shall not cause loitering, criminal assaults or public
823 nuisance in the area surrounding the business. Any increase in police incident reports or
824 calls for service may cause the Board of Supervisors to revoke the Provisional Use Permit.
825

826 The Planning Commission's recommendation was based on the fact that the Provisional Use
827 Permit is reasonable; and when properly developed and regulated by the recommended special
828 conditions, it would not be detrimental to the public health, safety, welfare and values in the
829 area.
830

831 **C-39C-99** Gloria L. Freye for Business Keypunch: Request to conditionally
832 rezone from B-2 Business District to B-3C Business District (Conditional), Part of Parcel 82-A-
833 27B, described as follows:
834

835 Beginning at a point of intersection of the S. line of Greencourt Road and the E. line of Arcadia
836 Street; thence N. 84° 08' 40" E., 523.49' to a point; thence S. 00° 03' 19" E., 10.05' to a point;
837 thence S. 84° 08' 40" W., 511.11' to a point; thence S. 41° 44' 58" W., 18.39' to a point;
838 thence N. 00° 11' 47" W., 22.51' to the point and place of beginning, 0.122 acre.
839

840 Mr. Marlles - Ms. Jo Ann Hunter will be giving the staff presentation.
841

842 Ms. Dwyer - Is there any one in the audience in opposition to Case C-39C-99
843 Business Keypunch? No opposition. Ms. Hunter.
844

845 Ms. Hunter The applicant is proposing to rezone a .541 acre parcel from B-2 to
846 B-3C. The proposed use of the site is limited, by proffer, to a single office/warehouse where the
847 warehouse area does not exceed 15,000 square feet. All materials would be stored inside an
848 enclosed building. The requested rezoning would allow for expansion of an existing business
849 called "Business Keypunch," which is a data processing operation. The proposed site is located
850 on Staples Mill Road between Dumbarton Library and Little Texas Restaurant.
851

852 The 2010 Land Use designation for the site is Commercial Arterial along the Staples Mill
853 frontage and Commercial Concentration to the rear. B-3 zoning is consistent with this
854 designation. The current B-2 zoning does not allow for warehousing or for 24-hour operation.
855 The applicant is trying to rectify the problem of illegal storage in the rear yard by rezoning this
856 property. In addition, the use does operate by three shifts, so 24-hour use is required.
857

858 The applicant has submitted revised proffers, which have been handed out to you, and I'll review
859 the changes. The revised proffers include signage limitation to the B-2 standards and limits the
860 existing free-standing signs or any new free-standing signs to 10 feet. And also supplemental
861 landscaping along Staples Mill Road has been proffered.
862

863 The proffer that limits the use to an Office/Warehouse helps to control the intensity of the site
864 and traffic generation should be minimal. However, the use could be further controlled by
865 limiting the use of the office/warehouse for data processing operations or limiting the 24-hour

866 use to the office/warehouse. I believe the applicant may be able to expand on this further. They
867 may be willing to make some revisions at that time.

868
869 The rezoning of this property will allow an existing business to remain at this site. In addition, it
870 will rectify the problem of prohibited storage containers. With the limitation of the B-3 uses,
871 there will be limited intensification of this site.

872
873 Ms. Dwyer - Thank you, Ms. Hunter. Any questions by Commission members
874 for Ms. Hunter.

875
876 Mr. Vanarsdall - I would like to hear from the applicant.

877
878 Ms. Dwyer - Would the applicant come forward, please?

879
880 Ms. Gloria Freye - Good evening. My name is Gloria Freye. I am an attorney here
881 on behalf of the applicant. Also, with me this evening, is Sarah Jenkins, who is the owner of
882 Business Key punch, and Russell Holland who is the owner of the land.

883
884 Ms. Jenkins started this data entry business back in 1975, when they really did use keypunch
885 technology. She moved her business to this location at Staples Mill about four and one half
886 years ago. The technology has changed, and her business has grown. She now uses computers
887 and scanners to process the data entry that she does.

888
889 Her biggest client is Capital One. In one month she can process 7 million pieces of documents
890 for them. She has other agency clients; other business clients who she does data entry for.

891
892 She has a total of 70 to 75 employees, most of whom do not work on the site. At any given
893 period of time, the most of the employees on the site would be ten to twelve.

894
895 The hours where the most employees would be on the site are between 7:00 in the morning and
896 8:00 at night. She does operate 24 hours. That's how much her business, and the demand of
897 her customers have grown.

898
899 To try to meet the demand of her business and her customers, she was using some cargo storage
900 units in the back which are not permitted in B-2. She was working second and third shifts which
901 was not permitted in B-2.

902
903 So, to rectify that problem, she is asking for B-3 zoning, just for those reasons. And one of the
904 concerns, in talking with Mr. Vanarsdall, which we talked some more about this evening is,
905 what we'd like to do is amend the proffers to limit the use even further. So, that No. 1 Use
906 proffer that you have in front of you would be amended and restated to say, "The only B-3 use
907 permitted on the property shall be a single office/warehouse for data processing or similar
908 business where the warehouse does not exceed 15,000 square feet, and all materials are stored
909 within an enclosed building." And then add a sentence that says, "The only use permitted to
910 have 24-hour operations shall be the data processing or similar office/warehouse." That, we
911 think, would address the concern that an expanded B-2 would have an opportunity to operate 24

912 hours which is not the intent. And, we think, that this language would address that concern.
913 And, we would like to submit that proffer along with the case this evening.

914
915 Mr. Vanarsdall - We will have to waive the time limit on this tonight?

916
917 Ms. Freye - Yes sir. If you would do that and accept that proffer, I think that
918 would address...

919
920 Mr. Vanarsdall - Under the circumstances, I don't mind recommending that to the
921 other Commission members.

922
923 Ms. Freye - Thank you.

924
925 Mr. Vanarsdall - I feel better about the case since you did that.

926
927 Ms. Freye - Yes sir. On the landscaping that Ms. Hunter alluded to, we did
928 proffer a minimum. But, we've actually filed a conceptual landscape plan that shows a lot more
929 landscaping than the minimum. We left it conceptual because we knew we were going to have
930 to deal with that at POD when we look at where the engineered plans are, where the utilities are.
931 We're actually proposing several beds of azaleas, borders that are lined with liriope, some
932 rhododerdrans, and other screening and new fencing which will all show up on the POD that
933 they submit with those details.

934
935 The parking for this type use and for this size building requires 17 spaces and we're actually
936 providing 21. The addition that's going to be added, its going to match the existing building
937 with some other design features built in to dress up the building as well as the landscaping that
938 will dress up the property.

939
940 In summary, there is a legitimate need for the change in this zoning to keep this business in the
941 County and keep it in this location. The zoning change will allow the storage area that she so
942 badly needs and to meet the needs of her customers. It is consistent with the 2010 Land Use
943 Plan for Commercial Arterial and Commercial Concentration in this area, particularly since the
944 only B-3 use is going to be the business that she operates on the property.

945
946 Allowing the single office/warehouse is actually going to have a positive impact on this property
947 because the addition of the storage area will actually screen all the activity in the parking lot
948 from the library next door. This business will also help to screen the library from the restaurant
949 on the other side of the business, which has right much activity.

950
951 For these reasons, we ask that you accept the proffer that we've given you this evening, and that
952 you recommend approval of the case to the Board of Supervisors. I will be glad to answer
953 questions.

954
955 Ms. Dwyer - Thank you, Ms. Freye. Are there any questions for Ms. Freye by
956 Commission members? No questions. And there was no opposition to this case. We're ready
957 for a motion, Mr. Vanarsdall.

958
959 Mr. Vanarsdall - Thank you, Ms. Freye. I want Sarah Jenkins and Russell Holland
960 to understand my concern not to either one of you, personally. Now, Russell, I know you're in
961 the business to lease and rent the place, and that's what you should do. I went over and met
962 Sarah Jenkins, and she runs a good ship for a good company, Capital One. Sometimes, if we
963 don't get the proffer worded in the beginning, sometimes we end up having a problem later. We
964 get undesirable people renting something. Russell, you could even rent it to somebody that you
965 thought was up and up and not turned out to be. So, that was my concern. Ms. Freye, I
966 appreciate you changing this. We chased each other all day. I chased her more than she did me.
967 And with that said, first of all, I have to waive the time limit. So, I recommend that we waive
968 the time limit on the proffers.

969
970 Mr. Archer seconded the motion.

971
972 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer to
973 waive the time limits on the proffer. All those in favor say aye—all those opposed by saying
974 nay. The vote is 5-0, (Mr. Donati abstained). The motion carries.

975
976 Mr. Vanarsdall - And then on the case, I recommend Case C-39C-99, I
977 recommend to the Board approval of this case. I want to read the change on the use. "The
978 only B-3 use permitted on the property shall be a single office/warehouse for a data processing
979 or a similar business, where the warehouse does not exceed 15,000 square feet, and all
980 materials are stored within an enclosed building. The only use permitted to have 24-hour
981 operation shall be the data processing or similar office/warehouse." This is signed by Ms.
982 Freye, Attorney in Fact, dated today May 13, 1999. That's my motion.

983
984 Mrs. Quesinberry seconded the motion.

985 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry.
986 All those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
987 abstained). To recommend to the Board carries.

988
989 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the
990 Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors
991 accept the proffered conditions and grant the request because it conforms to the
992 recommendations of the Land Use Plan; the employment use(s) support the County's economic
993 development policies; and the proffered conditions should minimize the potential impacts on
994 surrounding land uses.

995
996
997 Ms. Dwyer - Mr. Merrithew, were you going to talk to us about the 8:00
998 o'clock agenda?

999
1000 Mr. Merrithew - Yes ma'am. On the 8:00 agenda, we again have three deferral
1001 requests. The first request is in the Three Chopt District, I believe its Page 4 of your agenda.

1002
1003 **Deferred from the April 15, 1999 Meeting:**

1004 C-81C-98 (Revised) Jay M. Weinberg for Buckley Shuler Properties: Request to
1005 conditionally rezone from A-1 Agricultural District and B-3 Business District to B-2C Business
1006 District (Conditional) part of Parcels 46-A-19 and 19A, containing approximately 27.75 acres.
1007 Two shopping centers are proposed. One would be located on the west side of John Rolfe
1008 Parkway between W. Broad Street and realigned Three Chopt Road and the other would be
1009 located on the north side of realigned Three Chopt Road between Pump Road and John Rolfe
1010 Parkway. The uses will be controlled by proffered conditions and zoning ordinance
1011 regulations. The Land Use Plan recommends Commercial Concentration and Office
1012 development. The site is also in the W. Broad Street Overlay District.

1013
1014 The request is for a deferral to June 10, 1999.

1015
1016 Ms. Dwyer - I think we'll stop for a moment and let everyone come in. There
1017 are seats down front if all of you would like to come on down and be seated. Is there any one
1018 in the audience in opposition to the deferral of Case C-81C-98 Jay M. Weinberg for Buckley
1019 Shuler Properties?

1020
1021 Mr. Merrithew - Madam Chairman, the applicant would like to call the associated
1022 case, the Dongil case at the same time. Is that okay?

1023
1024 Ms. Dwyer - All right. That's fine.

1025
1026 Mr. Merrithew - The second case requesting deferral this evening is again in the
1027 Three Chopt District: C-34C-99.

1028

1029 **Deferred from the April 15, 1999 Meeting:**
1030 **C-34C-99** Jay M. Weinberg for Dongil Associates, LLC: Request to
1031 conditionally rezone from A-1 Agricultural District to R-6C General Residence District
1032 (Conditional), part of Parcel 46-A-19, containing approximately 14.829 acres, located at the
1033 southeast intersection of Three Chopt and Pump Roads. Condominiums and/or townhouses
1034 and/or assisted living facility are proposed. The applicant has proffered a maximum density of
1035 nine units per acre for townhouses and 12 units per acre for condominiums. The Land Use
1036 Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

1037
1038 They have requested a deferral to June 10, 1999.

1039
1040 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
1041 Case C-34C-99 Jay M. Weinberg for Dongil Associates, LLC.? No opposition to the deferral
1042 of that case.

1043
1044 Mrs. Wade - Before the applicant speaks, I would like to thank all of you for
1045 being here. We appreciate your interest and concern in these zoning matters.

1046
1047 Mr. Jay M. Weinberg - Madam Chairman, and members of the Commission, I am Jay
1048 Weinberg and I represent Dongil Associates and also Buckley-Shuler, the applicants in these
1049 two companion cases. Let me say, that over the past months since November, in fact, as last
1050 Monday, Tuesday, Wednesday night and Thursday morning, I had continued to have a series
1051 of meetings with many of the civic associations in this area, including, but not limited to the
1052 Short Pump Civic Association, the Wellesley Government Affairs Committee, the Wythe
1053 Trace Board of Directors, and the Short Pump Parent Teachers Association.

1054
1055 I felt that during that course and as late as last Thursday, we had made significant progress,
1056 although I certainly could not tell you we had reached a mutually acceptable conclusion on this
1057 case. It was not until 8:30 Tuesday night I learned for the first time that the Short Pump PTA
1058 would oppose the requests for deferrals on these cases this time around. It was not really until
1059 about 3:30 this afternoon that I learned from the receipt of a written letter that there was no set
1060 of proffered conditions that I could come up with that would induce them not to object to this
1061 case. I have known from the very beginning that unless I could reconcile the differences or
1062 find common ground with the Short Pump PTA and these other associations, that neither
1063 Commissioner Mary Wade nor Supervisor David Kaechele would vote to approve this case.
1064 So, having been made aware of that fact that there was no basic grounds to meet common
1065 ground on it, I respectfully request that both of these cases be withdrawn.

1066
1067 Ms. Dwyer - Thank you, Mr. Weinberg.

1068
1069 Mrs. Wade - We thank you, too, Mr. Weinberg. I know how hard you've
1070 worked with all the neighbors as you always do to get community in these matters.

1071
1072 Ms. Dwyer - No action is required when an applicant decides to withdraw a
1073 rezoning case. So, if you're all here for this case, it will not be heard because the case has
1074 been withdrawn.

1075
1076 Mr. Merrithew - We could point out, as well, once a case is withdrawn, a similar
1077 case cannot be heard on the same property for a period of 12 months.
1078
1079 Mr. Vanarsdall - We do appreciate you coming.
1080
1081 Mr. Merrithew - Madam Chairman, I have one more exciting deferral. I believe
1082 we're still in the Three Chopt District and on Page 5 of your agenda:
1083
1084 **C-36C-99** Brian R. Marron for Bill Tsimbos: Request to conditionally
1085 rezone from R-3 One Family Residence District to B-1C Business District (Conditional),
1086 Parcel 59-A-74, containing 0.446 acres, located on the east side of Skipwith Road
1087 approximately 480' south of its intersection with W. Broad Street (U. S. Route 250). A beauty
1088 salon and related uses are proposed. The use will be controlled by zoning ordinance
1089 regulations and proffered conditions. The Land Use Plan recommends Office.
1090
1091 They have requested a deferral to June 10, 1999.
1092
1093 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
1094 Case C-36C-99 Brian R. Marron for Bill Tsimbos? No opposition. Ready for a motion.
1095
1096 Mrs. Wade - I move Case C-36C-99 be deferred to June 10th at the applicant's
1097 request.
1098
1099 Mr. Vanarsdall seconded the motion.
1100
1101 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1102 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
1103 abstained). The motion for deferral carries.
1104
1105 Mrs. Wade - I think maybe we need to talk some more about this case in the
1106 meantime.
1107
1108 Ms. Dwyer - Is that it for the deferrals for the 8:00 o'clock agenda?
1109
1110 Mr. Merrithew - Yes ma'am. That's it for the deferrals on the 8:00 o'clock
1111 agenda.
1112
1113 Ms. Dwyer - Do Commission members have deferrals? Okay. We'll move to
1114 the next case on the agenda which I believe is the last case on the 7:00 o'clock agenda, Mr.
1115 Secretary.
1116
1117 Mr. Merrithew - Your last case, the Carter case was deferred by Mr. Archer.
1118
1119 Ms. Dwyer - C-23C-99 is the next case.
1120

1121 Mr. Merrithew - That's correct.

1122

1123 **Deferred from the April 15, 1999 Meeting:**

1124 **C-23C-99 Roy B. Amason:** Request to conditionally rezone from B-2
1125 Business and O-3 Office Districts to RTHC Residential Townhouse District (Conditional), part
1126 of Parcel 33-A-69A, described as follows:

1127

1128 **Parcel A**

1129 Beginning at a point located on the North West corner of the property running North
1130 65°02'25" East 89.23 feet to a point; thence North 43°26'05" East 402.00 feet to a point;
1131 thence South 01°24'30" West 220.41 feet to a point; thence North 88°35'30" West 96.87 feet
1132 to a point; thence along a curve to the left radius of 21.50 feet a distance of 18.00 feet to a
1133 point; thence South 43°26'05" West 23.90 feet to a point; thence along a curve to the left
1134 radius of 69.50 feet a distance of 34.35 feet to a point; thence along a curve to the right radius
1135 of 97.00 feet a distance of 95.98 feet to a point; thence along a non tangent curve to the right
1136 radius 865.76 a distance of 124.89 feet to the Point of Beginning, containing 0.979 acres.

1137

1138 **Parcel B**

1139 Beginning at a point located on the South West corner of the property running North along a
1140 curve radius 865.76 feet a distance of 181.93 feet to a point; thence along a non tangent curve
1141 to the right radius 97.00 feet a distance of 95.98 feet to a point; thence along a curve to the
1142 right radius 69.50 feet a distance of 34.35 feet to a point; thence North 43°26'05" East a
1143 distance of 95.66 feet to a point; thence North 41°08'39" East a distance of 50.04 feet to a
1144 point; thence North 43°26'05" East a distance of 23.90 feet to a point; thence along a curve to
1145 the right radius 21.50 feet a distance of 18.00 feet to a point; thence South 83°35'30" East a
1146 distance of 98.87 feet to a point; thence South 01°24'30" West 223.22 feet to a point to a
1147 point; thence South 17°17'20" East 93.21 feet to a point to a point; thence South 72°42'40"
1148 West 310.09 feet to the Point of Beginning, containing 1.986 acres.

1149

1150 Mr. Marlles - This case is "For Decision Only," and the staff presentation will
1151 be by Mr. Merrithew.

1152

1153 Mr. Merrithew - Thank you, Mr. Secretary. First some housekeeping. The
1154 proffers I handed out this evening, I believe, are the same ones that were handed out at the last
1155 Planning Commission meeting, but unfortunately, only the first page of those proffers got in the
1156 subsequent staff report; in my staff report anyway. So, I wanted to make sure you had the
1157 complete set that was not included in the staff report.

1158

1159 Secondly, this case has been modified since its original proposal, and the screen in front of you
1160 shows the realignment of the case. It shows the residential RTHC case being pulled back from
1161 the northwestern boundary property line, leaving a strip of B-2 property between the townhouse
1162 portion of the site and the Pittston property. It's approximately 75 feet give or take a few feet in
1163 width at its narrowest point.

1164

1165 As I said, the case has been reduced from 2.9 acres to approximately 1.9 acres with the western
1166 portion retained as B-2. The change reduces the number of units from 25 townhouses to 21,
1167 with a density of about 10.6 dwellings per acre.
1168

1169 The change allows the golf course access road to be relocated to the northern edge of the
1170 townhouse property and not run through the townhouse property as it was originally proposed.
1171 And we have a plan submitted by the applicant showing that change in the alignment of the road.
1172 Thank you.
1173

1174 The road was originally, or currently running through about the middle of the property. The
1175 original proposal had it running through the middle of the townhouse development with
1176 townhouses on either side. With this move to the northern edge of the site, we feel is a better
1177 location for that access to the golf course and better suited for the development overall. The
1178 change also addresses concerns that have been raised by the adjoining property owner, Pittston,
1179 concerning the impact of this development on their property.
1180

1181 Moving the RTH zoning closer to Pittston, which is zoned O-3, impacts the development
1182 potential for hotels on that site. As you recall, a year or little better past, we amended the O-3
1183 zoning ordinance to put in standards for the development of hotels in that district.
1184

1185 The standard was one hotel for every 50 acres. And also that any hotel and accessory uses had
1186 to be 300 feet away from property that was zoned or used as residential. By zoning a portion of
1187 this site to RTH, we are, in fact, applying that 300 foot setback to the Pittston property. That,
1188 potentially, has an impact on the future use of that site.
1189

1190 The modification to this case, allowing the B-2 to remain adjacent to Pittston, does one important
1191 thing. It allows the hotel to actually occur, if one is to occur. It allows it to occur on the
1192 Pittston property. If the RTH went all the way to the Pittston property, it would disqualify that
1193 site for a hotel use. And, by leaving the B-3, it now allows the hotel to occur on that site,
1194 subject to the 300-foot setback. That's probably clear as mud, but it is an important impact on
1195 that property.
1196

1197 As before, staff feels that the RTHC zoning is a continuation of the Golf Villas at Cross Point
1198 and a more realistic use of this B-2 property. Any B-2 use short of, perhaps, golf course related
1199 uses probably would not have enough consumer traffic in the area to justify a business on the
1200 site. So, we feel the extension of the townhouse development is reasonable and is more realistic.
1201

1202 With the access issue addressed, and the golf course now proposing to accommodate all their
1203 parking on site, staff feels the change in the plan is also appropriate.
1204

1205 With regard to the proffers submitted, they provide for consistency with the golf course. They
1206 limit the development to 21 units, which is a reduction from the original submittal. They require
1207 compliance with the Plan that you see on the screen now. And they're submitting this as a
1208 preliminary plan not as a final plan. And we believe that there are some issues that will have to
1209 be addressed.
1210

1211 They provide setbacks and landscaped easements along the Pittston property 10-feet wide along
1212 the golf course are 10-foot wide, and 15-foot setbacks for the lots, and 25-foot setbacks for the
1213 buildings along this edge of this access easement to the golf course. So, the buildings along this
1214 edge are 25 feet off the easement and the lots are to be 10 feet off the easement.

1215
1216 With one final point on the proffers. Virginia Center, Inc. listed in the proffers as having say in
1217 the final landscaping and any fence construction that might be included on the site.

1218
1219 Staff can support this request provided the applicant and the golf course reach agreement on the
1220 proposed access location as its shown on the concept plan. And, also, with the understanding by
1221 the applicant, future access to those townhouses is still something that should be discussed or
1222 negotiated at the POD. You can see the access point for the townhouses is off the same road that
1223 will serve the golf course.

1224
1225 Staff is unclear, and would like to discuss more with the applicant, possible access for these
1226 townhouses through the existing townhouse project. There may be some blockage there. There
1227 may be a reason it cannot happen, but we believe its an issue that should be left open through the
1228 POD process.

1229
1230 Access through the existing townhouse project might provide a safer point of access for the
1231 residents, and it might also provide a cleaner break between the commercial access to the golf
1232 course and the residential units.

1233
1234 Those two issues outstanding, we still feel it is a reasonable use of the property and can support
1235 the applicant. I'd be glad to answer any questions.

1236
1237 Ms. Dwyer - Any questions for Mr. Merrithew by Commission members?

1238
1239 Mrs. Quesinberry - I just have one about, when you look at that plan, I know you said,
1240 a preliminary plan?

1241
1242 Mr. Merrithew - Yes ma'am.

1243
1244 Mrs. Quesinberry - Units No. 21 and 20, they don't even having parking in front of
1245 the units.

1246
1247 Mr. Merrithew - They will have parking in the space to the east or south, I guess.
1248 You raised another point on that. There are nine units shown on that stick of townhouses. The
1249 Ordinance only allows eight, so they will have to do some redesign on that stick and move one of
1250 those units some place else on the site. But it is a preliminary plan. It is something that is still
1251 subject to final approval.

1252
1253 Ms. Dwyer - Is this plan proffered?

1254
1255 Mr. Merrithew - Yes ma'am. Proffer 7, as per Exhibit B, titled "Preliminary
1256 Layout Plan," dated April 9, 1999.

1257
1258 Ms. Dwyer - Your thought then was to eliminate access to the golf road and
1259 have access only to the adjoining townhouse subdivision?
1260
1261 Mr. Merrithew - We'd like to leave that option open to explore when the POD
1262 comes. It may be that Traffic has a concern about coming back through the existing
1263 development. I'm not sure. It's not an issue that we have pursued to any great deal. It's a
1264 question that has come up about why it has to be there and why not provide a cleaner separation
1265 between the B-2 and the RTH.
1266
1267 Ms. Dwyer - How many points of access does the adjoining townhouse
1268 development have?
1269
1270 Mr. Merrithew - I believe they have one point of access at this point.
1271
1272 Ms. Dwyer - And how many units?
1273
1274 Mr. Merrithew - That I don't know right off the top. Thirty-two units.
1275
1276 Ms. Dwyer - Any other questions for Mr. Merrithew by the Commission? No
1277 questions. We did have an extensive hearing on this case last month and it was deferred to this
1278 month's meeting "For Decision Only." Are we ready for a motion, Mr. Archer?
1279
1280 Mr. Archer - I believe so, Madam Chairman. Let me summarize, somewhat, if
1281 I may. Last month we decided to bring this back for a decisive decision only. Since that time,
1282 (comments unintelligible) Fahlberg of The LINKS Corp. so he understood and was clear on the
1283 setback finding. I have wrote to him and I have also talked with him...I spoke with him today.
1284
1285 As Mr. Merrithew pointed out in the staff report, access to the golf course is a concern, because
1286 the LINKS Corp does have an easement. And to what extent that easement might be moved,
1287 may be something that has to be worked out with them. And I also shared his concern about
1288 access to the proposed townhouses, and that would require a resolution also.
1289
1290 I do find it difficult, in my opinion, to see how this property would develop as commercial
1291 property, just as Mr. Merrithew indicated. If it did, it would require at least some truck traffic
1292 to service any commercial entity. You may recall trucks from Virginia Center Parkway was a
1293 major point in a previous case...that was denied.
1294
1295 I believe that the addition of 21 single units to an already existing site would have no debilitating
1296 effect on nearby property if the access issues can be addressed in a satisfactory manner. I also
1297 point out, I don't know if this came up in the last meeting or not, that I do have a letter from the
1298 residents of the community association. And I certainly don't feel that they should be ignored in
1299 this, but they support this proposed project. And, of course, our recommendation, tonight, has
1300 to be finally approved by the Board. So, there's another opportunity for both sides to be heard.
1301

1302 But I think that this proposal is worthy of that opportunity, subject to the concerns that I have
1303 mentioned, and I, therefore, move to recommend that the Board approve C-23C-99.

1304
1305 Mr. Vanarsdall seconded the motion.

1306
1307 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
1308 those in favor say aye—all those opposed by saying nay. The vote is 5-0, (Mr. Donati
1309 abstained).

1310
1311 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
1312 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
1313 proffered conditions and grant the request because it is appropriate residential zoning at this
1314 location; and it reflects the type of residential growth in the area.

1315
1316 **Deferred from the April 15, 1999 Meeting:**
1317 **C-18C-99 James W. Theobald for H. H. Hunt Corporation:** Request to
1318 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
1319 (Conditional) and R-3AC One Family Residence District (Conditional), Parcels 11-A-3 & 4,
1320 and Parcel 19-A-13, described as follows:

1321
1322 Etta M. Graser, et als - Rezone A-1 to R-3c
1323 Beginning at a point on the south line of twin hickory lane, said point being 2,186.02' east of
1324 the East line of Nuckols Road; thence from said point of beginning N 44° 58' 05" E, 984.01'
1325 to the true point and place of beginning; thence from said true point and place of beginning N
1326 44° 58' 05" E, 700' + to a point in the centerline of the Chickahominy River; thence
1327 following the meandering of the centerline of the Chickahominy River in a easterly direction
1328 970' + to a point; thence leaving the centerline of the Chickahominy River S 45° 42' W,
1329 1,138' + to a point; thence along a curve in a northwest direction to the right with a radius of
1330 1,413.51' and a length of 603.07' to a point; thence N 36° 24' 35" W, 41.98' to the true point
1331 and place of beginning containing 14.6 + acres of land.

1332
1333 Etta M. Graser, et als - Rezone A-1 to R-3AC
1334 Beginning at a point on the south line of Twin Hickory Lane, said point being 2,186.02' east
1335 of the East line of Nuckols Road; thence from said point of beginning N 44° 58' 05" E,
1336 984.01' to a point; thence S 36° 24' 35" E, 41.98' to a point; thence along a curve to the left
1337 with a radius of 1,413.51' and a length of 603.07' to a point; thence S 45° 42' W, 1,133.89'
1338 to a point; thence N 43° 55' 08" W, 269.07' to a point; thence N 44° 01' 53" W, 355.50' to a
1339 point on the south line of Twin Hickory Lane; thence continuing along the south line of Twin
1340 hickory Lane N 45° 01' 46" E, 107.07' to the point and place of beginning containing 15.771
1341 acres of land.

1342
1343 John F. & R. M. Chappell - Rezone A-1 to R-3AC
1344 Beginning at a point on the south line of Twin Hickory Lane; said point being 2,186.02' east
1345 of the East line of Nuckols Road; thence from said point of beginning and continuing along the
1346 South line of Twin Hickory Lane S 45° 01' 46" W, 107.07' to a point; thence leaving the
1347 south line of Twin Hickory Lane S 44° 01' 53" E, 355.50' to a point; thence S 43° 55' 08" E,

1348 269.07' to the true point and place of beginning; thence from said true point and place of
1349 beginning N 45° 42' E, 1,133.89' to a point; thence along a curve to the left in an easterly
1350 direction with a radius of 1,413.51' and a length of 531.77' to a point; thence S 82° 24' 35"
1351 E, 278.48' to a point; thence S 47° 34' 05" W, 501.55' to a point; thence S 46° 19' 05" W,
1352 1,051.67' to a point; thence N 43° 55' 08" W, 661.06' to the true point and place of beginning
1353 containing 20.098 acres of land.

1354
1355 John F. & R. M. Chappell - Rezone A-1 to R-3C

1356 Beginning at a point on the South line of Twin Hickory Lane, said point being 2,186.02' east
1357 of the east line of Nuckols Road; thence from said point of beginning and continuing along the
1358 south line of Twin Hickory Lane S 45° 01' 46" E, 107.07' to a point; thence leaving the south
1359 line of Twin Hickory Lane S 44° 01' 53" E, 355.50' to a point; thence S 43° 55' 08" E,
1360 269.07' to a point; thence N 45° 42' E, 1,133.89' to the true point and place of beginning;
1361 thence from said true point and place of beginning N 45° 42' E, 1,138' to a point in the
1362 centerline of the Chickahominy River; thence along the meandering of the centerline of the
1363 Chickahominy River in an easterly direction 1,553' ± to a point; thence leaving the centerline
1364 of the Chickahominy River S 47° 34' 05" W, 1,335' ± to a point; thence N 82° 24' 35" W,
1365 278.48' to a point; thence along a curve to the right with a radius of 1,413.51' and a length of
1366 531.77' to the true point and place of beginning containing 24.3 ± acres of land.

1367
1368 Arthur O. Houston - Rezone A-1 to R-3AC

1369 Beginning at a point on the north line of Opaca Lane, said point being 753.85' east of the east
1370 line of Chappell Road; thence from said point of beginning and leaving the north line of Opaca
1371 Lane N 47° 15' 01" W, 813.45' to a point; thence N 46° 19' 05" E, 244.14' to a point; thence
1372 S 47° 22' 28" E, 967.22' to a point on the north line of Opaca Lane; thence continuing along
1373 the north line of Opaca Lane S 77° 15' 29" W, 298.24' to the point and place of beginning
1374 containing 5.000 acres of land.

1375
1376 Mr. Marlles - Mr. Mark Bittner will be giving the staff presentation.

1377
1378 Ms. Dwyer - Is there any one in the audience in opposition to Case C-18C-99
1379 H. H. Hunt Corp.? We do have opposition. We will call on the opposition in a moment. Mr.
1380 Bittner.

1381
1382 Mr. Bittner - Thank you, Ms. Dwyer. I'd like to point out this application has
1383 been revised since the previous meeting. The property that fronts on Opaca Lane has been
1384 removed from this case. It is this property right here (referring to slide). That is no longer a
1385 part of the rezoning application. Therefore, no property along Opaca Lane would be rezoned
1386 as a result of this case. New proffers have also been submitted that include a phasing of
1387 development provision. The applicant has proffered that no more than 70 Certificates of
1388 Occupancy or CO's may be issued per year for this subdivision. The applicant is also now
1389 requesting rezoning of property along this site's northwestern border. That is this property
1390 here (referring to slide).

1391
1392 This property is the subject of a separate rezoning case, but the applicant intends to develop all
1393 of this property as one subdivision. A preliminary road layout has been submitted but it has not

1394 been proffered. This is the preliminary road layout here. It shows access coming from Twin
1395 Hickory Lane and through the Wyndham Forest Subdivision. The applicant has also proffered
1396 that Twin Hickory Lane will be improved to County standards from the property in question to
1397 Nuckols Road.

1398
1399 Staff has several concerns with this application: First is that this proposal involves a single
1400 subdivision, but it is being processed under two rezoning applications which are scheduled to be
1401 reviewed at different times by the Planning Commission. These cases should be brought under
1402 one rezoning or, at the very least, processed at the same time.

1403
1404 The applicant should also consider making the following items part of this application:

1405
1406 One, that no more than 50 new lots will be built on this property until a second permanent point
1407 of access is constructed; and, two, that Concept Road 10-1 which is somewhere along here
1408 (referring to slide), we suggested the applicant provide construction of Concept Road 10-1 as
1409 part of this application.

1410
1411 Also, the phasing level of 70 CO's per year may not be an effective proffer. There are
1412 concerns with school overcrowding and traffic congestion in this area. The purpose of a
1413 phasing proffer would be to slow down development to allow public facilities to accommodate
1414 new growth. Allowing 70 CO's per year would not appear to slow down development when
1415 development levels in neighboring subdivisions are examined. During 1998, 54 CO's were
1416 issued in Avery Green, 45 CO's were issued in Scots Glen, and only 4 CO's were issued in
1417 Wyndham Forest. The applicant should consider decreasing the amount of CO's to be
1418 permitted per year in this subdivision.

1419
1420 In summary, the requested use, zoning, and proffers are compatible with the adjacent
1421 development. However, there are still several outstanding issues. Because of these issues,
1422 staff recommends deferral of this application. I'd be happy to answer any questions you may
1423 have.

1424
1425 Ms. Dwyer - Any questions for Mr. Bittner by Commission members? Mr.
1426 Bittner, do you have a comment on the R-3 and the R-3A, division of the zoning there. Do
1427 you think it should be consistent across all parcels?

1428
1429 Mr. Bittner - We thought it was acceptable because it was not exactly
1430 consistent, but mostly consistent with Wyndham Forest which is also a split-zoned subdivision.
1431 I believe, I can't recall at the moment, but not R-3, or R-3A, but they are something similar.
1432 They are R-4 and R-3. So, in actuality, the density proposed in these zoning districts will be a
1433 little less than Wyndham Forest.

1434
1435 Ms. Dwyer - Are there some amenities with the R-4 parcel? Is there
1436 compensation for the density in that parcel in Wyndham Forest?

1437
1438 Mr. Bittner - Not that I'm aware of.

1439

1440 Ms. Dwyer - Any other questions for Mr. Bittner? Would the applicant come
1441 forward, please? Mr. Secretary, since we do have opposition, and the opposition may not
1442 have been able to get a seat earlier when we talked about the Commission rules, I wondered if
1443 you would review those again?
1444

1445 Mr. Marlles - Sure. The Commission's policy, when there is opposition on a
1446 case to allow for 10 minutes for the applicant to present his case. That 10 minutes does not
1447 include any time in which he's responding to questions from the Commission. The opposition
1448 is also provided 10 minutes under the same guideline. It is recommended, if possible, the
1449 opposition has a spokesperson who can summarize the group's position. That makes more
1450 effective use of time.
1451

1452 Ms. Dwyer - Thank you. Would you like to reserve some time for rebuttal,
1453 Mr. Theobald?
1454

1455 Mr. James W. Theobald - I think three minutes will do, Ms. Dwyer. Madam Chairman,
1456 ladies and gentlemen, my name is Jim Theobald, and I'm here this evening on behalf of H. H.
1457 Hunt. This is a request to rezone approximately 80 acres at the end of Twin Hickory Lane
1458 adjacent to the Chickahominy River from A to R-3 and R-3A, perfectly consistent with the
1459 County's Land Use Plan designations.
1460

1461 The proffered conditions in this case are consistent with Wyndham Forest and the other Hunt
1462 communities. These proffers include a commitment to rezone the flood plain to a C-1
1463 Conservation District category. We have proffered minimum house sizes of 1,800 square feet
1464 in the R-3A category. Minimum house sizes of 1,850 square feet in the R-3 category. For
1465 your information, the homes in this subdivision are expected to sell in excess of \$200,000. We
1466 have proffered that there will be no stem-shaped flag lots, consistent with our other cases.
1467 We've also agreed that no homes would front Concept Road 10-1. We've also provided a
1468 phasing proffer in response to concerns about schools. I would like to say that such a proffer
1469 is not necessarily designed to slow growth, but rather to give the school system an opportunity
1470 to plan for growth up to certain levels.
1471

1472 We've also agreed that there would be no CO's prior to September of the Year 2000 which is
1473 the opening date of the new elementary school in Twin Hickory, the POD for which was
1474 approved by the Board of Supervisors Tuesday evening.
1475

1476 Based on a voice mail message from Mr. Bittner earlier this morning, and his comments this
1477 evening with regard to a proffer regarding construction of our share of Concept Road 10-1
1478 within the boundaries of our property, we are prepared to submit tonight, if you're prepared to
1479 waive the time limit for proffers, that we would construct 10-1. It has always been our
1480 intention to do so, consistent with our phases of development. I'm happy to turn those in this
1481 evening, and also that we would not receive more than 50 Certificates of Occupancy until we
1482 had a secondary means of access.
1483

1484 We have capped our density at 200 homes on this 80-acre parcel. That provides us with a
1485 gross density of 2.51 units per acre; a net density of 2.79 units per acre, well within the SR-2
1486 designation range which is 2.4 to 3.4 in this area.

1487
1488 As Mr. Bittner indicated, we had originally included a parcel of land that connected to Opaca
1489 Lane. Mr. Schmidt met on two different occasions with residents of Opaca to discuss our
1490 plans. They were not happy about the possibility of using Opaca as secondary or even
1491 emergency access we had offered at one point. And, as a result, Hunt has agreed to acquire
1492 the 10.5 acre parcel of land over here (referring to slide) included it as a new zoning request
1493 which is pending with the County.

1494
1495 Upon contracting for that parcel of land, a series of meetings occurred with the Public Works
1496 Department to assure that we had a road access acceptable to Public Works which met all of
1497 the County's requirements so that we could, in fact, withdraw this parcel of land and,
1498 therefore, have no need to use Opaca whatsoever for emergency purposes or otherwise.

1499
1500 We presented Public Works with four different possible alternatives for how to best access this
1501 new development, and the conceptual plan that you see before you is the one that Mr. Tyler
1502 and Mr. Schmidt, Mr. Thompson, Mr. Foster basically decided to support. It does provide us
1503 with the two means of access, both down Twin Hickory Lane and through Wyndham Forest.

1504
1505 Accordingly, we believe that we've addressed all of the issues that was put forth in the staff
1506 report. We are consistent with the Land Use Plan in this area. We're familiar with the quality
1507 development that H. H. Hunt has provided in this area of the County with consistent proffers.
1508 With that, I would respectfully request your recommendation of approval to the Board of
1509 Supervisors, and I'd be happy to answer any questions.

1510
1511 Ms. Dwyer - Any questions for Mr. Theobald by Commission members?

1512
1513 Mrs. Wade - Would you describe, briefly, then, the access points proposed for
1514 the combined...?

1515
1516 Mr. Theobald - Yes ma'am. We've agreed, by proffer, and again, these
1517 agreements have long been in place with the County, but we've reiterated then again in our
1518 condition, for Nuckols Road, up Twin Hickory, we will improve Twin Hickory within the 45-
1519 foot right of way that we control up to the property. We'll have to do that with the first CO's
1520 up in here.

1521
1522 Mrs. Wade - It seems to me you have the proffer that says you're going to do
1523 it, but it isn't indicated.

1524
1525 Mr. Theobald - This road, right now, has already been dedicated.

1526
1527 Mrs. Wade - But it doesn't say when you're going to do it.

1528

1529 Mr. Theobald - We'll have to do it with the first set of lots, I presume. Is that
1530 correct? Yes. That's a nod. We can clarify that, Mrs. Wade. The access as Twin Hickory
1531 goes in a northerly direction and enters the property will be able to access here to Twin
1532 Hickory. We will also be able to access down through here, through Wyndham Forest and our
1533 Wyndham Forest Drive ultimately back down to Nuckols. And, again, as you know from
1534 prior cases, there are also connections that end up going out to Shady Grove Road and Concept
1535 10-1 will also take you out there in the future. So, all of the traffic will be coming back
1536 towards Twin Hickory and then being defused either through Wyndham Forest or down Twin
1537 Hickory Lane.

1538
1539 There are, from past cases, as you know, commitments to provide signalization and turning
1540 lane improvement by the YMCA and by Hunt at that intersection as and when VDOT will let
1541 us do it.

1542
1543 Mrs. Wade - And when would improvements be made to 10-1 then?

1544
1545 Mr. Theobald - Well, as we develop subdivisions adjacent to it, they will be
1546 incorporated within our subdivision plats. If we do a section starting over here, for instance,
1547 we would do this section. And, then, as we do sections adjacent to it, this becomes a part of
1548 our subdivision, where, as you know, you've had a request to amend the Major Thoroughfare
1549 Plan and the design standards of 10-1. 10-1 is not intended to continue beyond this point here
1550 (referring to slide) towards the land fill. And, so you've had many discussions about 10-1 in
1551 the last couple of months.

1552
1553 Mrs. Wade - Apparently, there was some concern about drainage in this area.
1554 Do you know anything about that?

1555
1556 Mr. Theobald - The drainage issue was raised by Mrs. Edwards whose property
1557 we're not purchasing. There is a draw. You can see the low area in here on which Mr. Tyler
1558 is suggesting we might have the ability to provide a lake feature. But there is a draw that goes
1559 to the Chickahominy here. And, at one point, we were discussing with Mr. Edwards how best
1560 to handle the drainage that went back towards the rear of this property. Now, that we will be
1561 developing that in concert with the subdivision, obviously, we will take care of that for our
1562 own account.

1563
1564 Mrs. Wade - And how would you respond to the staff's suggestion, request
1565 that these two be considered for rezoning at the same time?

1566
1567 Mr. Theobald - Well, that would be, I suppose, nice from a housekeeping
1568 standpoint. These cases have been deferred twice already. This is, obviously, the bulk of the
1569 property. We have tied the phasing proffers, etc., together by referencing the other case in
1570 each of the two cases so they do act in concert with one another with regard to phasing as well
1571 as the proffer to be submitted this evening with regard to 50 CO's until we have a secondary
1572 access.

1573

1574 And, so, we have legally tied these two together, but rather than to continue to defer this
1575 matter, since this piece is but 10 acres of land, gives us another, I think, 32 lots. I believe, if
1576 you so desire, we can, hopefully, act on the large piece this evening.
1577

1578 Ms. Dwyer - Will this map that we're looking at, will this subdivision have a
1579 separate identity from Wyndham Forest?
1580

1581 Mr. Theobald - Is it going to be marketed as part of Wyndham Forest? Yes. It
1582 is.
1583

1584 Ms. Dwyer - Will it have any amenities for the residents?
1585

1586 Mr. Theobald - It will not, on site, other than the normal small area parks and
1587 areas that end up in all Hunt Subdivisions. But they have the ability to participate in the
1588 Dominion Club recreational facilities as being part of Wyndham Forest as well as the WMCA
1589 at the end of Twin Hickory Lane should they chose to join and the various public recreational
1590 opportunities that, as you know, are coming to that area with the public park, and school
1591 properties, etc.
1592

1593 Ms. Dwyer - Will they be sidewalks in the subdivision?
1594

1595 Mr. Theobald - They have a habit of connecting pedestrian access ways, so that
1596 there is some internal circulation, but it would not be anticipated that every street be ringed
1597 with sidewalks. No.
1598

1599 Ms. Dwyer - So, there would be some sidewalks?
1600

1601 Mr. Theobald - Some sidewalks with some connection with cul-de-sacs through
1602 pedestrian access ways as and where that makes sense.
1603

1604 Mrs. Wade - How about trails in the C-1 area?
1605

1606 Mr. Theobald - There's some interesting opportunities, you know, along the
1607 Chickahominy to do that and, obviously, as they have acquired property, it provides an
1608 opportunity to do some programming for some nature trails, etc. We're very much involved in
1609 that, currently, in Twin Hickory as we've identified the flood plains and have a programming
1610 document for the flood plain areas in Twin Hickory. I think that's a neat concept and
1611 something I'm sure they'd be happy to look at.
1612

1613 I think their history would suggest they're not adverse to looking at things like that.
1614

1615 Ms. Dwyer - Any other questions for Mr. Theobald? Mr. Theobald, let me
1616 just ask you one more question about all of these cul-de-sacs. I'm wondering if we're building
1617 in some heavy traffic loads on the two roads I'm looking, I guess, south of the Concept Road
1618 10-1. I'm wondering if it wouldn't be wise to maybe connect some of these roads to Concept
1619 Road 10-1 rather than having, say, that major cul-de-sac, the one that's to the east, rather than

1620 funneling all that traffic along, what amounts to maybe two spine roads? Have you considered
1621 about having more access to Concept Road 10-1 and fewer cul-de-sacs?

1622
1623 Mr. Theobald - I certainly haven't.

1624
1625 Ms. Dwyer - The cul-de-sacs are popular, but it also tends in a confined
1626 subdivision like this. That would be my concern.

1627
1628 Mr. Theobald - Well, we seem to be in a period where, I know, Mr. Schmidt
1629 provided the County, today, with a national survey that suggested that the Number 1 amenity
1630 was quiet cul-de-saced streets. And for years, and years, and years in Henrico, that has been
1631 the desired pattern of development. And, I believe, that it still is, certainly based on the
1632 comments from some Commission members and staff members. There, at least, seems to be
1633 some interest in exploring alternatives, I suppose, at this point. I still believe, however, that
1634 the consumer would prefer to live on a cul-de-saced street rather than on a connecting street.
1635 Personally, I think that's been borne out by both the studies and the marketing efforts that Hunt
1636 has undertaken at Wyndham and Wellesley, for that matter.

1637
1638 Ms. Dwyer - Well, we have some experience, at least, in the Tuckahoe District
1639 of some neighborhoods that have cul-de-saced streets and then other spine roads that are not,
1640 on which houses front, as well. And those spine roads tend to bear more than their share of
1641 the traffic burden. And, that creates some undesirable living conditions for those residents.

1642
1643 Mr. Theobald - I agree, but also I think the opportunity that you have here that
1644 you haven't had in the Tuckahoe District where I live as well, is that, the development in the
1645 Tuckahoe District tends to be on (gap in tape) parts of development.

1646
1647 Mrs. Wade - Perhaps, there's nothing said about not having driveways from
1648 houses directly to 10-1.

1649
1650 Mr. Theobald - We said, "No houses shall front 10-1."
1651 Mrs. Wade - Is that in there now?

1652
1653 Mr. Theobald - Yes ma'am.

1654
1655 Mrs. Wade - Oh. Okay.

1656
1657 Mr. Theobald - It's already there, I believe. Proffer No. 10. That includes
1658 driveways.

1659
1660 Mrs. Wade - Oh. Okay. Thank you.

1661
1662 Ms. Dwyer - Any other questions for Mr. Theobald? Thank you.

1663
1664 Mr. Theobald - Thank you.

1665

1666 Ms. Dwyer - Would the opposition come forward now, please? Do we have
1667 anyone who wanted to speak in opposition to the case? All those who might want to begin
1668 coming forward so we'll be prepared to get to the podium.
1669

1670 Mr. Ben Holloway - Good evening, Madam Chairman, and members of the
1671 Commission. I'm Ben Holloway, resident of Opaca Lane. Perhaps, each of you have a copy
1672 of my letter which was addressed to the Secretary. I will not repeat everything that this relates
1673 to. However, my main concern to - Two. Number 1, as of this date, Nuckols Road has either
1674 reached or surpassed the capacity of vehicles for which it was designed, in my opinion. It's
1675 quite difficult to enter Nuckols Road from a side road without extreme caution, first of all, and
1676 really a danger. Another issue of grave concern is our schools.
1677

1678 According to the published reports, schools in our district are already at or near capacity. In
1679 fact, it has been reported that trailers will be in place to be used as classrooms at Shady Grove
1680 Elementary for the next school year. This is an alarming revelation inasmuch as the school is,
1681 I believe, only six years old.
1682

1683 How about teachers for the classrooms? It has been reported that there is a shortage of
1684 qualified teachers. The aforementioned conditions should give us reason for pause. Recent
1685 reports disclose that the planned Twin Hickory neighborhood will have approximately 1,400
1686 homes. Wyndham Forest, 53 homes; Avery Green, 172 homes; and Scotts Glen, 76 homes.
1687 In addition, the apartments known as Cameron at Wyndham continued to advertise vacancies.
1688 And since my letter to you, ladies and gentlemen, further research has revealed that ground
1689 breaking is just beginning for Courtland at Wyndham townhouses or condominiums.
1690

1691 I don't know the number, but there's a new community west of Wyndham called "Westchase"
1692 by Ryan. How many homes there? Cambridge, Nuckols Road at Pouncey Tract, how many?
1693 Rezoning signs just west of Shady Grove Road and south of Nuckols. I suggest that we have
1694 really been inundated with requests for rezoning in our community. I've been a resident there
1695 since '51. I've seen it change from agricultural or rural to suburban and now, we're rapidly
1696 reaching an urban community in my opinion. I'm not opposed to orderly growth or planned
1697 development. But, I do think its time for us to pause and let the infrastructure; the services
1698 that can be provided to accommodate for this additional rezoning. And, I respectfully ask that
1699 you take these things into consideration, and I know you will. Perhaps a moratorium on all
1700 rezoning would be appropriate. I thank you for your time.
1701

1702 Ms. Dwyer - Thank you, Mr. Holloway. Any questions for Mr. Holloway by
1703 Commission members?
1704

1705 Mrs. Wade - Mr. Holloway.
1706

1707 Mr. Holloway - Yes ma'am.
1708

1709 Mrs. Wade - I know you called and left a message. I'm sorry I got kind of
1710 busy the last couple of days and didn't get back to everybody.
1711

1712 Mr. Holloway - That's all right.
1713
1714 Mrs. Wade - Where do your grandchildren live?
1715
1716 Mr. Holloway - My grandchildren live on Opaca Lane.
1717
1718 Mrs. Wade - Oh. Okay.
1719
1720 Mr. Holloway - And they are students. Two of them are students of the Shady
1721 Grove Elementary School. As a grandparent, I'm concerned in that regard.
1722
1723 Mrs. Wade - Yes. There certainly has been a lot of growth in the area. And
1724 you may recall when we moved in the fifties to the County that children were going half a day
1725 at that time. Then the big boom subsided and they caught up. So, presumably, that's what
1726 will develop here.
1727
1728 Mr. Holloway - I agree. I think, at least my experience having been a real estate
1729 agent could understand, I'm not anti-development. Quite the contrary. But I think the growth
1730 in our area in the corridor between Springfield Road and Pouncey Tract Road is
1731 unprecedented. And I do believe that, you, as professionals, not I, as a citizen, but I have to
1732 leave it to your good judgement. And I hope that you can realize the concerns of our people.
1733 Not just the people on Opaca Lane, not the people on Nuckols Road, necessarily, but the
1734 people who are now living in Wyndham and those who will be occupying new homes. They
1735 will be faced with the same issues that I described.
1736
1737 Mrs. Wade - I understand that. Yet, they keep coming. And, I, of course,
1738 have family in the area, too. Whenever I begin to feel, as you do, about the growth, I live not
1739 far from here. I'm thankful though that there are job opportunities for the children and the
1740 grandchildren here, available. This is all part and parcel of the same situation.
1741 Mr. Holloway - I would urge anyone if they question my statement about the
1742 traffic on Nuckols Road, just to attempt to get out on one of the lanes, shall we say 8:00
1743 o'clock in the morning and 5:00 in the afternoon.
1744
1745 Mrs. Wade - Mr. Theobald was going to give you a way to get out at the light,
1746 but you didn't want that. But, no, I know it's a problem and the cars go by there very fast too.
1747 Thank you.
1748
1749 Mr. Holloway - Thank you.
1750
1751 Ms. Dwyer - Is there any one else wanting to speak in opposition?
1752
1753 Ms. Jennifer Lindsay - My name is Jennifer Lindsay. I also live on Opaca Lane. I
1754 really want to ditto what Mr. Holloway has already said. I absolutely agree with him.
1755
1756 We are not necessarily opposed to the development of this area. We understand that is
1757 something that is necessary for the continuing growth of the County. We are, however,

1758 concerned about the 1,700 homes that have already planned for the area that some of which
1759 have started to having been built; most of which have not.

1760
1761 The traffic on Nuckols Road is a major problem. There are major safety issues. There's
1762 nowhere to walk. There's nowhere for bikes. We have a lot of bicyclists in that area. Its
1763 dangerous for them.

1764
1765 As relates to this specific zoning issue on the Chappell property, it does not appear to me, with
1766 the information that's been presented tonight, that there is really anything that could be decided
1767 right now. The original plan, which is what I'm looking at and what we got in our mail, was
1768 for 79 acres, which included a 4-acre parcel known as the Houston Property. As we have just
1769 been advised, that parcel has been dropped off-19-A-13. So, we're not looking at 88 acres
1770 anymore. We're probably looking at 75. Originally required for that was emergency access
1771 which does not exist right now. Everything is pending on the zoning of the Edwards property,
1772 which, I would assume, is going to be heard next month. And, considering that one issue on
1773 the Chappell property and its really not in a position right now I think to even be discussed,
1774 especially considering the fact all the other growth that we have. We all have a responsibility
1775 to try and maintain the quality of life, not only for the people that are currently living there,
1776 but for the people that will be moving into that area. And considering all of the development
1777 that's already gone on, and all the homes that will already be built, to approve additional
1778 zoning and additional homes without a really iron clad plan as to what that's going to look like
1779 and what the impact on the area is, I really don't think is a really good idea. Thank you.

1780
1781 Ms. Dwyer - Could you spell your last name, please?

1782
1783 Ms. Lindsey - Lindsey.

1784
1785 Ms. Dwyer - Lindsey. Okay. Any questions for Ms. Lindsay by Commission
1786 members? Is your concern about this particular parcel been one of density; too many houses;
1787 or you'd like to see fewer houses; or is it an overall concern?

1788
1789 Ms. Lindsey - Personally? I would like to see no more houses. I would really
1790 prefer not to see any more houses, not for right now. We have already received for approved
1791 zoning on hundreds and hundreds and hundreds of houses that have not been built. We all
1792 have conceptual plans as to what that area is going to look like two years from now, but we
1793 really don't know.

1794
1795 There's not a lot of room for Nuckols Road to expand any wider than what it is right now in a
1796 lot of areas. In some areas there is and a lot of areas, there's not. There's been a lot of
1797 development in the Springfield area; The Village and The Woods and the Nuckols Road area
1798 towards Springfield. The Nuckols Road area and Shady Grove, there's just a huge amount of
1799 development already planned. And with the overcrowding of the schools, my daughter goes to
1800 Henrico County Schools. She goes to Short Pump now. She'll go to Tucker next year. Those
1801 schools are already overcrowded. They are seriously overcrowded and its really taxing the
1802 ability, I think, for the County to provide, in a responsible manner, quality education in the
1803 schools. I think with all the issues that we've got going on in schools right now, and the

1804 responsibility for those School Boards to keep our children safe, the last thing I think we need
1805 to do is overtax those schools to the point where they're so overcrowded, we're using trailers.
1806 I think, by doing that, we're affecting the ability of the school system to really keep our
1807 children in a safe and controlled environment. And I am very concerned about that, as I know
1808 anybody in this room would be. And I'm not saying we shouldn't do it. I'm just saying
1809 maybe we ought to kick back just a little bit.

1810
1811 Ms. Dwyer - Any questions?

1812
1813 Mrs. Lindsey - Thank you. Any one else who would like to speak in opposition?

1814
1815 Mr. Gill Vanderbush - I agree with everything that Mr. Holloway and Mrs. Lindsey
1816 have said so far, but there's just a couple of little things that I wanted to add to it, or maybe,
1817 perhaps, just emphasize a little bit.

1818
1819 We are not only concerned with the density of the proposed Chappell development; Wyndham
1820 Forest, but the density of the whole area. I mean, everything is so crowded out there right
1821 now. And it is so dangerous to get out onto Nuckols Road from any of the side streets,
1822 including getting out of Wyndham. I'm amazed there aren't more accidents there now.

1823
1824 In my letter to the Commission, I mentioned that, by my check, the average speed that people
1825 are going on Nuckols Road is not the posted 45. It's between 50 and 60. And there are many
1826 areas where you cannot see when you're trying to get out from a side street adequately in
1827 either direction, let alone the number of cars that are coming at you. You're talking about
1828 having to wait there at intersections sometimes for as long as five minutes to get out. It's
1829 ridiculous. There's too many cars out there right now.

1830 The other point that I wanted to emphasize was that the new Twin Hickory Elementary School.
1831 From what I read in the newspaper, that if the development is allowed to continue the way that
1832 it is, that elementary school will be overcrowded a year after its built. I think that's ridiculous.
1833 If that's the case, why not plan to built it twice as big right now or plan on building another
1834 one right behind it?

1835
1836 I have a son whose going to go to Short Pump Middle. He's graduating from Shady Grove
1837 Elementary and my daughter will begin kindergarten at Shady Grove Elementary School and,
1838 more than likely, will have to go in a trailer. And, the people that will be moving into these
1839 new communities, they don't even know it yet, but their kids are going to have to go school in
1840 trailers. They are over crowded. That's all I want to say.

1841
1842 Ms. Dwyer - Thank you. Any questions by Commission members? I believe
1843 we did have someone here from the School Board or from the School Department if you have
1844 any questions?

1845
1846 Mrs. Wade - Yes.

1847
1848 Ms. Dwyer - Please come forward.

1849

1850 Mrs. Wade - Yes. Please expand a bit on...
1851
1852 Mr. Dwight Grissom, Director, Construction & Maintenance, Schools - Good evening. I'm
1853 Mr. Dwight Grissom, Director, Construction & Maintenance, Schools. I'd be glad to try and
1854 answer any questions that Commission members may have.
1855
1856 Mrs. Wade - All right. You've heard the questions, more or less, in terms of
1857 projections and plans to deal with these concerns.
1858
1859 Mr. Grissom - We have worked with the former Snyder-Hunt folks; current H.
1860 H. Hunt when we built Shady Grove Elementary School. They donated that property to the
1861 school system, and currently, two nights ago, as has already been mentioned, the Northwest
1862 Elementary School Number 5 was approved by the Board of Supervisors for the POD. That
1863 school will be under construction hopefully this summer, and open for Fall of 2000.
1864
1865 There will be probably six or seven trailers at Shady Grove this coming fall. In response to
1866 the last gentleman that spoke, the School Board has a policy to try to limit our elementary
1867 schools to 736 capacity. So, we don't think it's wise to build a large elementary school that
1868 can be somewhat awesome to a youngster.
1869
1870 Our new policy on middle schools is 900. Our next high school will be a capacity of 1,800.
1871 So, we certainly build a larger elementary school, but we just think that's something that's not
1872 wise for our youngsters to have to deal with.
1873
1874 Ms. Dwyer - We have a new middle school coming...
1875 Mr. Grissom - Yes ma'am. The new middle school that's under construction on
1876 Three Chopt Relocated now, Pocahontas Middle School, will be opening January of 2000.
1877 That will relieve the crowding at Byrd Middle School and Short Pump Middle School. Those
1878 trailers that are there now will be removed in January, 2000.
1879
1880 One of the items on tonight's agenda for you to consider is a Substantial Accord for another
1881 elementary school site. We have another middle school site off of Mill Road that the School
1882 Board has purchased. Of course, we're working on the high school site, just across the road
1883 from this development, down Twin Hickory. That will come on line in 2002.
1884
1885 Ms. Dwyer - Any other questions?
1886
1887 Mrs. Wade - So, basically, your plan for this all you need are the resources to
1888 accomplish these goals, basically,...
1889
1890 Mr. Grissom - Yes ma'am. It takes money, and our Capital Budget is pretty
1891 aggressive and we recognize the taxpayers have to pay for these schools. We know
1892 infrastructure costs can be extensive. But we did work with H. H. Hunt, and we're sharing in
1893 the infrastructure costs, in both the elementary and the high school with H. H. Hunt. And we
1894 thought that was a "win-win" situation for both them and the school system and the taxpayers.
1895

1896 Mrs. Quesinberry - Can I ask you a question? You may have mentioned this, and I
1897 might have missed it. Directly in relation to this development, you heard the concerns of some
1898 of these residents on the elementary level and with the trailers at Shady Grove. What do you
1899 have on your plan and in your budget right now to address the elementary school issues with
1900 this development if it went on line, and, in fact, phased in, as proposed?
1901

1902 Mr. Grissom - Zoning, and where children go is handled through the Research
1903 and Planning Department of the School System. I take care of getting them built. They kind
1904 of tell us where they'd like to see schools go.
1905

1906 Mrs. Quesinberry - Okay. So, you don't know if they really have anything dedicated
1907 or proposed for this area?
1908

1909 Mr. Grissom - At this time, it would be premature for me to say, "Yes. We can
1910 accommodate this growth." I don't even know if our people have had a chance to look at this
1911 proposed development.
1912

1913 We do get those, and staff members could probably address that. We do get proposed
1914 developments so we can respond how it impacts the School Division.
1915

1916 Ms. Dwyer - Well, there was School comments in our staff report.
1917

1918 Mr. Grissom - That came from Research and Planning.
1919

1920 Mrs. Quesinberry - Doesn't that just address the fact that the schools are
1921 overcrowded?
1922

1923 Ms. Dwyer - Yes.
1924

1925 Mrs. Quesinberry - What I'm really asking is...
1926

1927 Mr. Grissom - Where do they go?
1928

1929 Mrs. Quesinberry - So, what now? And you don't have the answer to my question.
1930

1931 Mr. Grissom - No ma'am. That's a little bit out of my jurisdiction.
1932

1933 Mrs. Quesinberry - Thank you. I appreciate it.
1934

1935 Ms. Dwyer - Well, it does say, a new elementary, middle, and high school will
1936 provide relief for those schools. However, as we know, dramatic growth is continuing.
1937

1938 Mrs. Wade - Is this an uncommon situation for a growing area, such as ours to
1939 be in this bind where its hard to keep up? You can't build the roads ahead of the need. It's
1940 hard to do the same with the schools.
1941

1942 Mr. Grissom - Well, we certainly don't want to get behind the eight ball. The
1943 County just south of us has 230 trailers in their school system. We have, I think, its 31. In
1944 relationship, we're in good shape, but it doesn't take very long to get behind and its very
1945 difficult to catch up.

1946

1947 Mrs. Wade - How many trailers did you have last year?

1948

1949 Mr. Grissom - Mrs. Wade, I'm sorry, I can't tell you. It was very close to the
1950 same numbers because we've got seven at Springfield Park right now. Those seven will be
1951 relieved with the new elementary school on Francistown Road that will open this fall. So,
1952 we'll take those seven trailers and put them over at...

1953

1954 Mrs. Wade - So, that's where the new school is.

1955

1956 Mr. Grissom - Yes ma'am. We do have a new elementary coming on this fall.

1957

1958 Mrs. Wade - Now, this, I think, is a concern of all of us, and, yet, we, in a
1959 way, I'm not trying to pass the buck, the Supervisors are "Where the Buck stops."

1960

1961 Mr. Grissom - Yes ma'am.

1962

1963 Mrs. Wade - I think, basically, in this regard. This is a good time to talk to
1964 your Supervisor, School Board member about these things. If the situation's to change, we
1965 need some direction I think from them. It's hard just to say, "Sorry. No more. You can't
1966 build any more houses."

1967

1968 Mr. Grissom - Right. I think, certainly, there is some concern and we
1969 understand that.

1970

1971 Mr. Archer - Mr. Grissom.

1972

1973 Mr. Grissom - Yes sir.

1974

1975 Mr. Archer - I don't know if its fair to ask you this, but I don't have anybody
1976 else to ask. Given that there are several sites in the County that have trailers, some in pre-
1977 development areas and some in areas that are already developed, is it the goal of the School
1978 system to eliminate all trailers at some point in time?

1979

1980 Mr. Grissom - That would certainly be a goal. I don't know that I could stand
1981 here and tell you, unequivocally, we'll ever reach that point where we have zero trailers.
1982 Federal programs sometimes demand that you take a very small number of children and
1983 occupy full size classrooms. So, you have to displace 25 children, 23 children for three or
1984 four. You may ride by and don't see them being used, but maybe two hours out of the day and
1985 sometimes that's the reason. It's not always the capacity. It's just because we've gone to so
1986 many specialized programs to accommodate disabled, handicap, Federal mandates; those type
1987 of things.

1988
1989 Mrs. Wade - Now, are all the schools in the older areas over capacity, or is it
1990 more typical out further west?
1991
1992 Mr. Grissom - Well, Tucker, as you know, is going to be...
1993
1994 Mrs. Wade - I mean elementary schools, basically.
1995
1996 Mr. Grissom - Elementary? Fair Oaks has three trailers there.
1997
1998 Mrs. Wade - I mean older areas in the west end?
1999
2000 Mr. Grissom - West end?
2001
2002 Mrs. Wade - They're not bursting at the seams, and yet, you're not able, as a
2003 practical matter, to take the children and divide them up and spread them around. That
2004 wouldn't be satisfactory at all. So, sometimes, these inequities...
2005
2006 Mr. Grissom - And rezoning is always a controversial issue as you well know to
2007 take children from Short Pump Elementary and send them to Gayton.
2008
2009 Mrs. Wade - I doubt that anybody here would necessarily want that to happen
2010 either.
2011
2012 Mr. Grissom - Right.
2013
2014 Mrs. Wade - It used to be they had Quonset huts and that sort of thing in the
2015 boom period. Okay. Thank you.
2016
2017 Ms. Dwyer - Any other questions? Thank you, sir.
2018 Mr. Grissom - Thank you.
2019
2020 Ms. Dwyer - Any one else to speak in opposition to this case?
2021
2022 Ms. Renee Daush - I'm also a west end resident in this area that we are speaking
2023 about, tonight. And, I'm going to speak extemporaneously. I didn't bring any notes. I
2024 wanted to let you know that I had been in this area for about a year. My family and I relocated
2025 to the west end from Marietta, Georgia. I will tell you that one of the main reasons that
2026 pushed us out of the Georgia area was because of the poor planning and the public school
2027 situation.
2028
2029 I wanted to get back to this area, and we had planned to get back here. I was a graduate of
2030 Short Pump Elementary, as well as a graduate of Tucker High School. And I was very, very
2031 proud to be a Henrico County resident at that time, as well as a student. I had bragged, and
2032 bragged to my family about how great the schools were in Henrico County, and was very

2033 proud to be a product of the schools. But, I must say, that I have grave concerns about the
2034 development that is taking place in the west end.

2035
2036 The school that my son was going to attend in the Kennasaugh, Georgia area had 27 trailers at
2037 the high school. If you were to double the size of Godwin High School, that would have been
2038 the school and he was going to attend. And my husband and I just said, "We're not going to
2039 have this. This is just not a good situation for these kids."

2040
2041 Number 1, when children are placed in trailers, they know that they're going to go to trailers,
2042 they feel different than the rest of the school, especially at the elementary level. When they
2043 get that little slip of paper in the mail that says, "You're going to be in Mrs. Smith's class and
2044 you need to report to a trailer." They automatically, before the school year even starts, feel
2045 like that they are not a part the spirit and what's going inside the building. It's not a good
2046 situation.

2047
2048 I have three boys. I have two that go to Shady Grove Elementary. And, I know that it was
2049 probably the second or third month in the school year that my second grader got a letter from
2050 the principal, very well written, saying, "Due to the overcrowding of the second grade class,
2051 we're going to have to bring in another teacher and split the classroom." Now, these children
2052 had already bonded, and they had already gotten their friends and its already two to three
2053 months into the school year, and they receive this letter saying, "Now, we've got to come up
2054 with another teacher, qualified teacher and split the class due to the development in the
2055 Wyndham area."

2056
2057 I am not against development. I have loved what has gone on from an attractive standpoint in
2058 the west end, but I do think that it has to be done in the proper timing.

2059
2060 In the Georgia area, there were developers that developed and developed and developed. And
2061 there were no schools. And that's the reason why that this high school had 27 trailers. The
2062 middle school had about 15 trailers, and the only negative thing I have heard about Short Pump
2063 Middle School, is the fact that they actually need to police the hallways due to the over
2064 crowding in the middle school so that the kids don't get shoved down the steps during the class
2065 day.

2066
2067 Now, if we are already at that point where we're having to police the hallways during the
2068 exchange of classes, what is going to happen with what's being proposed here tonight and in
2069 and around the area? It's just not a good situation for our children.

2070
2071 Ms. Dwyer - Thank you, Mrs. Daush. Any questions of Mrs. Daush by
2072 Commission members? I believe we are out of time for the opposition. I'll give you 30
2073 seconds.

2074
2075 Mr. Don Rogers - My name is Don Rogers. And nobody has addressed the issue of
2076 the other schools that are currently adjacent to that already in the trailers. I grew up in a
2077 military family and moved my entire life. My child, who is entering the fifth grade next year,
2078 will be in his third school. We put up two playgrounds. He's been in two trailers. I disagree,

2079 respectfully, with your opinion that you cannot stop building, but you need to start building
2080 schools based on everybody out here. That's my 30 seconds. Thank you.

2081
2082 Ms. Dwyer - Thank you, sir.

2083
2084 Mrs. Wade - Well, basically, that's what we're attempting to do. It's not
2085 simple.

2086
2087 Ms. Dwyer - Would you like some time, Mr. Theobald?

2088
2089 Mr. Theobald - A few words on Nuckols Road. As you know, Nuckols Road, as
2090 we know it, today, was constructed by Snyder-Hunt and Mr. Tyler and I, along with Schmitt,
2091 have had the privilege of being involved in probably every aspect of the negotiating, design,
2092 and planning for that road and most of what has occurred out there.

2093
2094 Nuckols Road is, notwithstanding the number of cars and frustrations trying to get out from the
2095 side streets in the morning, Nuckols Road is currently probably at about half of its capacity.
2096 It's design capacity.

2097
2098 Nuckols Road is designed to be widened to six lanes. The right of way is in place, and it is
2099 able to be widened to six lanes, which, some day, will occur. The County won't tell you that's
2100 going to occur tomorrow, based on the number of cars that's on it currently.

2101
2102 The entrances into Nuckols Road are a challenge certain times a day. Snyder-Hunt, along with
2103 the original Wyndham rezoning, has agreed with Public Works to provide signalization at a
2104 number of locations. Various other entities, like the YMCA, etc., have also agreed to
2105 contribute to that. But, as you know, until the traffic warrants, approved by VDOT, are in
2106 place, they will not permit signals to occur.

2107
2108 We believe that the signal at Twin Hickory and Nuckols Road best guess, based on advice
2109 from the County and VDOT, is that signal can be expected within the next 12 to 18 months.
2110 But understand that people don't build roads or traffic signals in advance of traffic. As the
2111 traffic warrants, required by VDOT, that will ultimately cause those turning lane
2112 improvements and signalization to occur. This will be one of the developments that will,
2113 obviously, both contribute to traffic, but contribute to the warrants making that signalization,
2114 obviously, a reality.

2115
2116 With regard to schools, I guess we've heard a number of different things. I think Mr.
2117 Grissom's comments about the County's involvement with Snyder-Hunt and H. H. Hunt over
2118 the years is exactly right. I mean their involvement with schools is anything but recent. They
2119 did donate the land without cost for Shady Grove Elementary.

2120
2121 We've recently negotiated a complicated agreement to swap land with Short Pump Middle and
2122 have provided a sharing of costs that Mr. Grissom referred to, for water, sewer, roads, and
2123 BMPs for the Twin Hickory Elementary School. The high school, which we believe has
2124 provided a benefit, in terms of infrastructure costs, and a savings to the school system of well

2125 over a million dollars. We've always provided infrastructure far beyond the need of just the
2126 Hunt communities, as we have developed the various subdivisions out there.

2127
2128 And we talked to Schools about these cases on a regular basis. We just don't go plan
2129 subdivisions and then worry about schools later. We've got great schools. Henrico County
2130 has great schools. You'd think we had horrible schools. We have wonderful schools. It's
2131 probably Henrico County's single greatest achievement. That's why people move to Henrico
2132 County. Witness some of the comments made at the podium this evening. It's, perhaps, the
2133 bedrock of our community, and it attracts people and commerce. We don't want to tell people
2134 not to send their kids to public schools, or don't have kids. And we don't have a moratorium
2135 in place that says, "No more homes.:" In fact, what the School Board is saying, and was
2136 confirmed to you, Mrs. Wade, in a conversation you had with the School official, as well as
2137 conversations that Mr. Schmidt has, what the School Board is saying in their staff reports is
2138 not that we ought to stop development, but, rather to continue to fund a planned, reasonable
2139 expansion of the school system.

2140
2141 The School system is prepared to keep up. And, I think we don't, perhaps, give enough credit
2142 to the Board of Supervisors and to the School Board keeping up and providing us with a level
2143 of educational experience that we have today.

2144
2145 I will tell you that, in terms of having a plan for this property, or others in the area, we do
2146 have a plan. It's called the, "2010 Plan." And this request is absolutely consistent with that
2147 plan. Interestingly, the Plan calls for additional residential development and Office/Service
2148 development over in this 100 acres that's undeveloped, does dead end into Opaca Lane. And,
2149 you know, I suppose, at some point, that's going to be on the table with some developer who
2150 will come in, consistent with the Land Use Plan again. So, these things aren't done in a
2151 vacuum as, perhaps, some of the speakers would have you believe.

2152
2153 The Chappell family has owned this property for decades and decades and decades. I think
2154 they have a reasonable expectation that their property can be zoned, consistent with the Land
2155 Use Plan. We've provided a well proffered case, consistent with other high quality Hunt
2156 communities. This is a large-tract, planned development, not a striped-out development. And,
2157 I believe, based on the foregoing, that I would respectfully request that you do recommend
2158 approval of this case to the Board of Supervisors.

2159
2160 Ms. Dwyer - Thank you, Mr. Theobald. Any questions of Mr. Theobald? I
2161 have a question relating to staff's concerns. In one of staff's comments, which was that the
2162 phasing, which, I believe was designed to address, to some extent, concerns about the school
2163 system by limiting the number of occupancy permits that could be obtained on an annual basis.
2164 Staff seems to think that the 70 housing unit cap is sufficient to accomplish that in that regard.
2165 How would you respond to that concern?

2166
2167 Mr. Theobald - Well, the comment that was made, was that it was not designed to
2168 slow growth. As I said in my initial presentation, its not designed to slow growth. It's
2169 designed to tell the School Board what to plan for in terms of future growth. I mean, they
2170 didn't suggest that, you know that 65, or 50, or 40, or 30, or 20 would make the situation any

2171 better, in their opinion. I believe the genesis of the comment was one of slowing growth,
2172 which I don't think is the issue nor appropriate. We're under the Land Use Plan designation
2173 here.

2174
2175 Ms. Dwyer - So, you would not be interested then in reducing that number?

2176
2177 Mr. Theobald - What number makes sense? I don't know what the goal is?

2178
2179 Ms. Dwyer - Well, how did you pick 70?

2180
2181 Mr. Theobald - It seemed like a reasonable absorption based on prior experience
2182 of other communities where we knew we could both market our property, get a return on our
2183 investment; pay back our lender within those parameters.

2184
2185 Ms. Dwyer - So you would not be interested in reducing that?

2186 Mr. Theobald - Not unless somebody could tell me what the goal is. I feel like
2187 I'm sort of doing it in a vacuum. I don't know that 60 makes the school system any better or
2188 any worse, to be honest with you.

2189
2190 Ms. Dwyer - The other question I think I asked earlier about sidewalks; as I
2191 recall your response, it was, basically, we'll probably put some sidewalks in, but it wasn't...

2192
2193 Mr. Theobald - I think there will be some pedestrian connections. And,
2194 obviously, this is a conceptual road layout. We haven't designed the lots for the subdivisions.
2195 The final wetlands haven't been delineated, and then we go about connecting the
2196 neighborhoods. But, I didn't want to leave you with the impression that we'd have sidewalks
2197 on both sides of all streets, because that was not our intent. We do believe in pedestrian
2198 connections. I believe we proffered that. "Pedestrian bicycle access ways shall be provided at
2199 the time of subdivision approval."

2200
2201 Ms. Dwyer - So, at subdivision time you will, obviously,...

2202
2203 Mr. Theobald - Oh. Absolutely.

2204
2205 Ms. Dwyer - Any other questions by Commission members? Thank you, Mr.
2206 Theobald.

2207
2208 Mr. Theobald - Thank you.

2209
2210 Mrs. Wade - Actually, I believe the County built a part of Nuckols, didn't
2211 they? Yes. A joint effort. And, you're right, 14,000 to 15,000 there is considered by the
2212 traffic people to be well below what a four-lane divided highway can hold. I live down near
2213 Parham and we've got 30,000. I'm not saying that's a good thing, necessarily. Every time we
2214 have a subdivision come up, we have these same issues. I don't know exactly how to deal with
2215 them other than to say, "No more housing." And we've already, I think, agreed that we can't
2216 do that. We should give our support, perhaps, to the Supervisors and the School Board as they

2217 try to keep up and solve these problems. I don't know how many of you have been involved in
2218 any of these issues up to this point, but I would suggest – we won't waive the time limit
2219 tonight for the proffers, but you have one coming on when you're going to do 10-1 and only
2220 50 certificates of occupancy before you get a second access. And I don't see really any reason
2221 why, other than it would be neater to put this case off until the other one comes up next month.
2222 I don't see that it would be to your advantage not to do as you said you will and connect it
2223 through here, after all everybody has been through to work that out. And, it does, as you
2224 point out, come within the recommendations of the 2010 Plan as far as the density is
2225 concerned. And you will have the adequate second access. And you won't have to go down to
2226 Opaca, although they would have had access to the light that's coming at Twin Hickory had
2227 that occurred. But, obviously, that wasn't very popular. As soon as the count is right, there
2228 will be a light there at Twin Hickory. So, I would move, therefore, that Case C-18C-99 be
2229 recommended for approval.

2230
2231 Ms. Dwyer - Is there a second to C-18C-99?

2232
2233 Mrs. Wade - If you all don't like this, what are your alternatives now? We
2234 just don't build here?

2235
2236 Mrs. Quesinberry - I actually think this is a health, safety, and welfare issue.

2237
2238 Ms. Dwyer - I'll second the case.

2239
2240 Mrs. Wade - This is a very popular area for schools. The fact that they're
2241 crowded does seem to be discouraging people from moving into the area, because the houses
2242 are selling very well and its very popular.

2243
2244 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Ms. Dwyer. All those
2245 in favor say aye—all those opposed by saying nay. The vote is 4 to 1 (Mrs. Quesinberry voted
2246 and Mr. Donati abstained). The motion to recommend to the Board of Supervisors is
2247 approved. This case will be coming up before the Board on June 9, 1999.

2248
2249 Mrs. Wade - Election day is the 8th.

2250
2251 Ms. Dwyer - For your information, for those who are interested in this case,
2252 the Board of Supervisors makes the final decision on this zoning case. It will come up June
2253 9th. So, you have an opportunity to speak to your Supervisor about that final decision at that
2254 time. Thank you very much.

2255
2256 REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning
2257 Commission voted 4-1 (one no, one abstention) to recommend that the Board of Supervisors
2258 accept the proffered conditions and grant the request because it is reasonable; it conforms to the
2259 recommendations of the Land Use Plan; and it reflects the type of residential growth in the area.

2260
2261 Deferred from the April 15, 1999 Meeting:

2262 C-25C-99 Andrew M. Condlin for F & P, LLC: Request to conditionally
2263 rezone from R-3 One Family Residence District to O-1C Office District (Conditional), part of
2264 Parcel 69-A-12 and Parcel 69-A-14, described as follows:
2265

2266 BEGINNING at a point at the intersection of the west line of Parham Road and the north line
2267 of Fordson Road; thence with the north line of Fordson Road N50° 22' 05" W, 50.00 feet to
2268 the TRUE POINT OF BEGINNING; thence continuing along the north line of Fordson Road
2269 N50° 22' 05" W, 285.09 feet to a point; thence with a curve to the right with a radius of 50.00
2270 feet and a length of 78.51 feet to a point on the east line of Nesslewood Road; thence along the
2271 east line of Nesslewood Road N39° 35' 55" E, 47.61 feet to a point; thence leaving
2272 Nesslewood Road S73° 05' 40" E, 30.92 feet to a point; thence S08° 57' 07" W, 17.59 feet to
2273 a point; thence S50° 27' 56" E, 347.62 feet to a point on the west line of Parham Road; thence
2274 with the west line of Parham Road S39° 37' 55" W, 44.99 feet to a point; thence along a curve
2275 to the right with a radius of 50.00 feet and a length of 78.54 feet to the POINT OF
2276 BEGINNING; and containing a total of 0.820 acre of land.
2277

2278 Mr. Marlles - Ms. Jo Ann Hunter will be giving the staff report.
2279

2280 Ms. Dwyer - Is there any one in the audience in opposition to Case C-25C-99
2281 Andrew M. Condlin for F & P, LLC.? We do have opposition. Thank you. We'll get to the
2282 opposition in a moment.
2283

2284 Mrs. Wade - At least he isn't proposing any school children.
2285

2286 Ms. Hunter Thank you. Revised proffers have just been handed out on this
2287 case. These proffers were submitted on Tuesday, so the time limit does not need to be waived.
2288 The applicant has improved this case considerably since its original submission.
2289

2290 The revised request is for O-1C zoning and the use is limited to office buildings or studios.
2291 The Land Use Plan recommends the site for Office development along Parham Road and
2292 Suburban Residential 2 for the rear of the property.
2293

2294 The Land Use Plan also identifies this property as a Special Strategy Area. This designation
2295 includes recommendations for coordinated development in terms of access, signage, circulation
2296 and architecture.
2297

2298 The requested rezoning at this site fails to incorporate a large grouping of parcels. The staff is
2299 concerned that, if this property is developed in this manner, then it will encourage each
2300 property to come in separately to be developed. The property does not meet the minimum
2301 Code requirements of 100 foot width for Office development and would require a variance.
2302

2303 Staff has concerns with recommending a property for rezoning that does not meet the minimum
2304 standards. In 1993, when the O-1 zoning to the north was zoned, the neighborhood and
2305 Planning Staff developed a concept sketch of how this area between Interstate 64 and Fordson
2306 Road could be developed.

2307
2308 The preferred alternative is on the screen right now and it shows Office development along
2309 Parham Road with coordinated access points to Nettlewood Road and residential development
2310 along Nettlewood.

2311
2312 In March of this year, there has been a subdivision approved. It's called Nettlewood Seven,
2313 which includes the seven lots on the end. The residential portion of this concept plan is
2314 beginning to be developed.

2315
2316 In order to try to address the concerns of Office development along Nettlewood and coordinate
2317 development, the applicant has proffered a temporary access only to Fordson Road which
2318 would be eliminated when adjacent properties are developed. However, to enforce this
2319 proffer, staff believes that a cross access easement would be necessary.

2320
2321 In addition, the applicant has also proffered a rear yard setback of 100 feet and 20 feet along
2322 Nettlewood Road. However, the staff is still concerned that the site does not meet the
2323 minimum lot size, and that better protection for the residences could be achieved if the
2324 property was developed in a coordinated fashion.

2325
2326 The zoning of this narrow property seems premature and is inconsistent with the Special
2327 Strategy designation of the Land Use Plan. Staff does not support this proposal. I'd like to
2328 answer any questions you may have.

2329
2330 Ms. Dwyer - Thank you, Ms. Hunter. Any questions of Ms. Hunter? Thank
2331 you so much. We may have some later. Would the applicant come forward, please.

2332
2333 Mr. Andy Condlin - Good evening, Madam Chairman, members of the Planning
2334 Commission. My name is Andy Condlin with Larry Shaia who is one of the members of F&P,
2335 L.C. At least, I am a step ahead from last month where we have no secret proffers and
2336 everything is in front of you at this point.

2337
2338 As you know, this is almost a one-acre site at the corner of Fordson and Parham Roads. I
2339 would appreciate the position that we've substantially revised our proffers in the case. We've
2340 had, most recently, a meeting with the neighbors as well as some additional meetings prior to
2341 that. They have been very receptive to listening to our proposal. Last month, we thought we
2342 had something worked out, which, it turns out, that this month a number of the neighbors are
2343 going to oppose the case.

2344
2345 They have raised a number of concerns, and I believe we have tried to, as successfully address
2346 all but just one or two items that they have a concern about which I will also go over.
2347 Primarily, these are substantial proffers that we have provided on this Office proposal.

2348
2349 We're limiting the permitted uses to offices and studios. No child care centers. We've got
2350 buffers of 10 feet on either side of the property and 20 feet on the rear of the property along
2351 Nettlewood.

2352

2353 The exterior appearance, in response to the neighbor's concern, have been revised so that it is
2354 in keeping with the character of the existing neighborhood. Again, responding to the
2355 neighbors, all HVAC systems will be screened. We've proffered about lighting, utility lines,
2356 signage, trash, screening, parking lot cleaning, leaf blowing, trash pick up and building
2357 location.

2358
2359 The neighbors were very concerned with access. They understood we needed to access
2360 Fordson Road to this property. And they worked very hard with us to allow that access and
2361 asked us to limit that access only to our property.

2362
2363 The staff, however, was concerned with the lack of coordinated development and wanted
2364 access to be provided for all the property. Despite this fact, we tried to accomplish both with
2365 the new Proffer No. 10. That proffer does say that access to Fordson Road is only for this
2366 property. In addition, it also says that its temporary.

2367
2368 Upon adequate development of the property next door, and a mutual access to Nesslewood,
2369 access to Fordson Road will be closed. In addition the neighbors were concerned with the
2370 amount of development. So, we limited the development to 7,500 square feet, which is on a
2371 ratio to the other Upton case which is north of this site.

2372
2373 In addition to the 20-foot buffer, we have also provided a 100-foot building setback. The
2374 proposed residential provision only allows for 136 feet. So, we're only missing 30 feet back
2375 there without the building. All in all, I hope you will agree that we have provided, I think, a
2376 heavily proffered case with a lot of protection for the neighbors and surrounding area.

2377
2378 The staff does agree that this property is suited for office and not residential. They voiced one
2379 concern about allowing for coordinated development. I'm hopeful that this Proffer 10 would
2380 address that issue together with the neighbors' concern of limiting access on Fordson.

2381
2382 In addition, about allowing a larger tract, there are only four other properties available on this
2383 block. It's not as if it is a long line of properties, as you can see. The Plan for the Upton case
2384 provided for larger and fewer buildings, but still a similar square footage, and we're meeting
2385 that ratio of the square footage of the number of buildings.

2386
2387 I believe we have addressed all the issues of the staff and the neighbors, but for two issues:
2388 Those two issues being consistency with the sketch plan; and whether the lot is too small to
2389 develop sufficiently. Let me deal first with the lot configuration.

2390
2391 As to the size of the lot, there's nothing I can do about the 95 feet. I'd love to proffer, 95
2392 equals 100, but I can't do that, tonight, and I can't do it anytime. To say that is too small to
2393 be developed efficiently, I have to disagree, at this point. If this were five feet wider, would
2394 that mean that it would be developed more efficiently? If this were a B-1 case, does that mean
2395 it would be developed more efficiently? The Code only requires 16,000 square feet. We have
2396 2.5 times that. We have enough room for lot efficiency which can be addressed at the time of
2397 POD.

2398

2399 As to that five feet, I would respectfully contend to this body that this is not the appropriate
2400 forum to discuss that issue. We are here, tonight, to talk about the highest and best use of this
2401 property with regard to the negative impact upon the health, safety, and welfare of the
2402 community.

2403
2404 To talk about compliance with Code standards, I can state to you, tonight, that despite that the
2405 lot is 95 feet, and the Code requires 100 feet, we comply with the Code, because the Code
2406 allows for, if you're not 100 feet, you have to prove hardship. I believe I can prove hardship.
2407 That's a Code interpretation and that's an interpretation for the BZA to consider, not this body.
2408 I don't have to be 100 feet if I can prove hardship, and I believe I can at the time of BZA, and
2409 that's the appropriate forum for that issue. Before we can build a building we have to come
2410 before you for a POD.

2411
2412 In addition, we've created an extra step for ourselves. We have to go to the BZA. We don't
2413 get BZA approval, we don't build the building. We don't get POD approval, we don't build
2414 the building. It's just an extra step that is for the forum of the BZA to consider.

2415
2416 Let me address the consistency with the sketch plan if you don't mind popping that on the
2417 screen for me (referring to document camera). We, generally, are in favor of the Upton Plan.
2418 We do appreciate the hard work and the concept, and we do support the concept of that plan.
2419 However, we contend that this particular lot at the corner of Nesselwood and Fordson is not
2420 appropriate to have residential at the corner.

2421
2422 Our proposed plan would, instead, remove the access point that would have to be created at the
2423 corner. It would remove the additional traffic that would be created at a house or two houses
2424 at that position. It would provide sight lines at Fordson and Nesselwood, and would provide a
2425 greater buffer and setback.

2426
2427 What this plan calls for is a building up to 35-feet in height, with no buffer. We're providing
2428 that there be no building, 100-foot building setback with a 20-foot natural and landscaped
2429 buffer, a very mature area.

2430
2431 I would propose that, in fact, the plan, tonight, that we're offering with all office with a 100-
2432 foot setback, with a 20-foot buffer is a better scenario than that provided for and agreed with in
2433 the Upton case. We were not part of the Upton case, and the 20-foot buffer, I contend, with
2434 the 100-foot setback versus a 35-foot building with no buffers is a better case.

2435
2436 The bottom line, we think the plan, as provided, tonight, provides better screening and is safer
2437 for not only the people that would be a resident at that particular property right at the corner of
2438 Nesselwood and Fordson, but all of the property owners. We are trying to be responsive to
2439 both the neighbors and the County, the Upton Plan and the Land Use Plan. I simply feel, for
2440 this lot, no residential is appropriate.

2441
2442 In addition, I would say that this proposal is very consistent with the surrounding area. It's
2443 very consistent with the Land Use Plan. And, with all due respect, I believe that the proposed
2444 neighborhood plan created in the Upton case.

2445
2446 Nettlewood, Fordson corner simply is not suited for residential. It's right at the corner, what
2447 has been admitted by the neighbors as a high traffic, heavily traffic area.
2448
2449 We have met all jurisdictional prerequisites. I believe that following the Land Use Plan to the
2450 letter in this case would be detrimental to the health, safety, and welfare. We have followed
2451 the Goals, Objectives, and Policies for all the Code requirements. I would ask that you
2452 recommend to the Board of Supervisors that this be approved. I'd like to reserve the rest of
2453 my time for rebuttal, and answer any questions you may have.
2454
2455 Ms. Dwyer - Thank you, Mr. Condlin. Any questions for Mr. Condlin by
2456 Commission members?
2457
2458 Mrs. Wade - Are you going to need a BMP on here, Mr. Condlin?
2459
2460 Mr. Condlin - Yes ma'am. There will be a BMP as part of the property.
2461
2462 Mrs. Wade - Which you anticipate being where?
2463
2464 Mr. Condlin - You know, we haven't done any drainage studies of the
2465 topography of this property. And that's the other reason why maybe residential does not fit
2466 within this area. It decreases substantially back towards the corner of Fordson and
2467 Nettlewood. Where it would be, specifically, is not required. A maximum of a 7,500 square
2468 foot building does not require a substantial BMP. It will be back in that corner within that
2469 area.
2470
2471 Mrs. Wade - Probably in the buffer?
2472
2473 Mr. Condlin - Not necessarily. No ma'am. The 20-foot buffer is not
2474 necessarily the lowest point on the property. We can't tell exactly where its going to be. They
2475 haven't done those studies.
2476
2477 Mrs. Wade - The materials and the appearance, I haven't really understood this
2478 since I saw this the first time. "Residential in character in keeping with the character of the
2479 then existing neighborhood..."
2480
2481 Mr. Condlin - Well, I guess I mean, is the character of the neighborhood, if
2482 they don't build for 15 years, and the character of the neighborhood changes, I don't want to
2483 have to come back and try to figure out what the character is at the time of the proffers. As
2484 that existing, when we come forward with the POD was the concept there.
2485
2486 Mrs. Wade - Oh, okay.
2487
2488 Mr. Condlin - I'll be happy to take that word out, if that's your desire, but it
2489 made sense to me that, when we come forward with the POD, we have to, what exists at the
2490 time of POD.

2491
2492 Ms. Dwyer - Do you have a concept plan for the building and the BMP and the
2493 parking would fit on this narrow lot?
2494

2495 Mr. Condlin - Well, I've got a plan which I showed you last month that shows,
2496 not necessarily the BMP, but shows how conceptually a building that, I believe, was about
2497 5,000 square feet, that building with the required parking and the BMP being at the corner of
2498 Fordson and Nesslewood. And with the 100-foot setback and the 20-foot buffer, all of that
2499 will fit within that area. We need to, you know, squeeze the building down a little bit and
2500 squeeze the parking. But, that's the concept.
2501

2502 As you can see, as the adjacent property gets developed to the right, I guess that's to the north
2503 or northeast, and can access Nesslewood Road. Obviously, Doctor Shaia owns property along
2504 Nesslewood Road. That was one of the original concepts. As you know from last month, was
2505 to develop that property all together and we just couldn't get the individual in the middle to
2506 agree, for whatever reason. He's got his own plans and that's fine. That's his property. He
2507 has a right to do that. We were able to do that to get access to Nesslewood, but without him,
2508 we can't at this point.
2509

2510 I mean, so it is conceptually feasible to get a building in at that point. It doesn't have to be
2511 5,000. It can be 4,000 square feet. We're limited to a 25-foot height by Code. The house in
2512 the back will be 35-foot high. As it stands right now, three 35-foot homes could be placed on
2513 this property.
2514

2515 Ms. Dwyer - What will the setback be from Parham?
2516

2517 Mr. Condlin - Whatever the Code requires. The O-1, I think, is 40 feet.
2518

2519 Ms. Hunter - O-1 is 40 feet.
2520

2521 Mr. Condlin - And we've got a 10-foot proffered buffer up front on Parham
2522 Road, which the Upton case does not have. Again, these are additional proffers that have gone
2523 above and beyond what the Upton case provided. And, I believe our plan, for this particular
2524 property, on the corner at Nesslewood and Fordson with a driveway, as you can see, if you put
2525 a house on there, you'd be right at the corner. This plan provides a better scenario than the
2526 Upton case. Certainly safer, in my opinion.
2527

2528 Ms. Dwyer - Any other questions for Mr. Condlin?
2529

2530 Mr. Archer - Mr. Condlin, the staff report indicates the staff does not support
2531 this proposal as submitted. Have you explored with staff what changes might be made to
2532 this...
2533

2534 Mr. Condlin - Well, I can't say I specifically came out. I may have begged for
2535 them to approve, but I didn't specifically come out and ask them. I believe we have addressed
2536 or attempted to address, I think we have successfully addressed every issue but this 95-foot

2537 issue. That's why, with this coordinated development, we made Fordson a temporary to
2538 provide access to the right. I can't do anything with the 95 feet. Again, being respectful to
2539 the Planning Office, I don't think its proper for them to object tonight as to the width of the
2540 property. I believe we have enough room to develop the property with a 4,000 square foot
2541 building. We're twice the area. So, I think there's enough room. I think the time for them to
2542 object is at the time of the BZA, at least make their report as to whether this is a hardship.
2543 Again, that's a Code interpretation. I, of course, take the interpretation that we meet that
2544 hardship. That's for me to prove to the BZA. That's my burden and I'm willing to take that
2545 on.

2546
2547 Ms. Dwyer - I guess it's a question, are you "putting the cart before the
2548 horse," because, by rezoning it, are you creating your own hardship?
2549

2550 Mr. Condlin - Are you creating your own hardship? Certainly, that's a case,
2551 but there are cases out there that says that's not necessarily the scenario. I've got my case in
2552 here somewhere, in researching for the BZA, that's not necessarily. That doesn't prevent, in
2553 that particular case, I forget the exact scenario that came up in the Supreme Court that says
2554 that does not prevent you from getting a variance, but in that particular case, they did create
2555 their own hardship. Now, that I talk about it, a surveyor made the mistake. You see it all the
2556 time getting approved at the BZA. But the surveyor made a mistake and the corner of the
2557 house was in the setback. But they said, if the configuration of the property was different, that
2558 it could be approved of the facts because of the configuration of the property. The survey had
2559 nothing to do with the property.
2560

2561 My arguments will be the configuration of this property, because without the ability to get the
2562 adjacent landowner involved, there's no way we can get 95 feet. There's absolutely no way.
2563

2564 It was a recommendation, and I agreed with the recommendation of the Planning Office. You
2565 can't go before the BZA and ask for a variance for something we don't have. We didn't have
2566 a need for a variance until we get a rezoning. So, we're caught in a "Catch 22" at that point.
2567

2568 It's appropriate for Office. We can't get the people next door. We're willing to take the
2569 chance, get it Office, never put a building on there if we can't convince the BZA. I've got one
2570 shot. I'm willing to take that; my client's willing to take it. He's got the burden on me.
2571

2572 Ms. Dwyer - You can't really say, "It's none of our business what the Code
2573 says."
2574

2575 Mr. Condlin - Absolutely not. I didn't mean to imply that. It's incorrect to say,
2576 "Well, it's a 100-foot requirement. You've only got 95, therefore you don't meet the Code."
2577 I was being somewhat dramatic by saying, "We meet the Code because the other avenue is if I
2578 can prove a hardship. It's not your determination of whether I can prove a hardship, I don't
2579 think, again, being of utmost respect. But I think it's the BZA.
2580

2581 Mr. Marlles - Madam Chairman, I would like to ask Ms. Hunter if she would
2582 address that issue.

2583
2584 Ms. Hunter I would have to respectfully disagree with Mr. Condlin. I don't
2585 believe that a rezoning of a piece of property creates a hardship. I think that's self-imposed.
2586 And I do believe that it is appropriate to look at, when you're rezoning a property, that it
2587 meets the minimum standards.

2588
2589 Ms. Dwyer - Thank you.

2590
2591 Mr. Condlin - If I may respond to that. Of course, that's a judicial
2592 determination of the post of a legislator, not an interpretation of the Code and what the Code
2593 allows. I mean we've agreed and disagree. I've never claimed to be reasonable, so...

2594
2595 Ms. Dwyer - Any questions for Mr. Condlin?

2596
2597 Mr. Condlin - Thank you.

2598
2599 Ms. Dwyer - We did have opposition. Would the opposition come forward,
2600 please, keeping in mind that we do have the 10-minute rule. Anyone else who would like to
2601 speak in opposition, perhaps, could come forward so you would be ready to get to the podium.

2602
2603 Ms. Paige Tucker - I represent Westbriar neighborhood, about 217 homes. I guess
2604 the easiest thing would be to say, "Ditto" what the County said, the County Planner, but we do
2605 have some comments we'd like to share.

2606
2607 Mrs. Wade joined us on Monday. We had 37 people/families represented in our
2608 neighborhood who came and met with the developers to discuss this plan. We have met with
2609 them on a couple of other occasions.

2610
2611 While the developers, we definitely give them credit. They have tried to work with us and
2612 listened to our complaints and tried to come up with ways to improve the proffers and the
2613 project. We voted at this meeting on Monday that we could not support this project.

2614
2615 You've already heard about the '93 plan. It isn't up there any more (referring to slide), but this
2616 is what I'm referring to, when this concept was developed in connection with the Upton
2617 project.

2618
2619 That plan calls for there to be zoning O-1C for two-thirds of the property that faces onto
2620 Parham and residential property for the one-third that faces onto Nettlewood. We feel very
2621 strongly that's a good plan. That's the way it should remain. By supporting the project, as
2622 proposed, it deviates from this plan. We have great concern, that by deviating from it. I feel
2623 this concept will be setting a precedent, then, in the future, other developers will say, "First
2624 you said it was going to be residential. You gave into having Office zoned completely through
2625 that strip, so what do you want and where's the precedent now?" We feel very strongly that
2626 we need to object to this plan as it stands.

2627

2628 We also agree that the issue of it not being wide enough and not meeting what is expected by
2629 Code is an issue at this point. I understand there are steps in which it can be addressed, but it
2630 is a point. We do have concern about traffic congestion. Yes, the new proffer does address
2631 having a short term access off of Fordson and then changing it to Nesslewood access.
2632 However, how long is short term? When does that change? How that will change? Is this 10
2633 years, 15 years, you know, we don't know. We are very concerned about the traffic issue
2634 there. However, we feel that there is going to be more of a traffic issue putting an office
2635 building there, than it would be putting several homes. It really cannot be compared.
2636

2637 We have concern about the drainage issue. Because we haven't seen a very detailed plan, we
2638 don't know what kind of BMP is going to be placed on this property. We have concerns, if it
2639 is going to be a stagnant pond, or dry pond. What's it going to be? We haven't really gotten
2640 those answers.
2641

2642 Basically, our bottom line is that we just don't want to deviate from this plan. I won't say,
2643 "hard to come by," but it was a good plan in '93 and we still believe it's a good plan now. I
2644 understand the argument, somewhat, about not having a house on that corner. However, if the
2645 property were wider, there would be more room to put a house. Right now, the strip, we feel,
2646 is just too narrow to be developed in this way. I guess that's really about it. We just feel we
2647 can't support it.
2648

2649 Ms. Dwyer - Any questions for Mrs. Tucker by Commission members?
2650

2651 Mr. Vanarsdall - It doesn't make any difference to you where the BMP went, you
2652 still don't support it?
2653

2654 Mrs. Tucker - No, because it's inconsistent with this plan.
2655

2656 Mrs. Quesinberry - What would you like to see developed on this?
2657

2658 Mrs. Tucker - On this particular strip, as it stands? Personally, I think we've
2659 discussed this as a group. Personally, we don't see this is really wide enough for much of
2660 anything.
2661

2662 Mrs. Quesinberry - What's the landowner to do?
2663

2664 Mrs. Tucker - They knew that when they purchased it. I guess the only thing
2665 would be acceptable would be, keep it R-1 and develop - keep it residential. From what
2666 they've told us, it's not enough space on this property to split it and do a house on the corner.
2667 Basically, split it two-thirds and one-third. But it wouldn't be to their advantage to do that,
2668 and there's not enough room. It seems like, basically, from what the County is saying, and
2669 what we believe that piece of property is too narrow and I believe Ms. Hunter's words were,
2670 "This rezoning is premature."
2671

2672 Mr. Vanarsdall - Thank you.
2673

2674 Ms. Dwyer - Any more questions for Mrs. Tucker? Thank you. Is there any
2675 one else who would like to speak in opposition to the case? Mr. Condlin, I believe you have
2676 some time for rebuttal. About 4 minutes.

2677
2678 Mr. Condlin - I'll be all right. It's getting late. Many of the issues to do with
2679 drainage, I think, I think is just periphery. It can be addressed at the time of POD. But for
2680 five feet, I'd have one issue, when we hit the Plan. We're five feet off. As a matter of fact,
2681 and I hope we didn't mislead folks, the type of building for the size of building of a 5,000
2682 square foot building with the parking. Yes, we need more than the two-thirds office. We need
2683 the additional one-third for the residential to the office to put the BMP area, basically. There's
2684 no doubt that we could fit our property, according to this plan, a specific office building, a
2685 small office building and a residence behind it. I would disagree with Page in that, if you look
2686 at that plan, there's two lots at the corner; two lots. One lot is exactly as wide, I didn't go
2687 through and measure, but I know less than 95 feet at that point or approximately at that point.
2688 That is where the house is going. We're supposed to get two houses, plus an access for an
2689 office; seven more access points, so another access point for the office, plus three more access
2690 points.

2691
2692 If they do follow the proposal, I guess I would contend, "Is it such a bad precedent." They're
2693 already going to have, currently, seven access points on the left side, on the north side of
2694 Nesselwood Road where it turns at that point.

2695
2696 Under the proposed plan, they're looking at a five more access points, plus the office access
2697 point - the two access points for both the office developments. Under our scenario, we would
2698 have, obviously, two access points we retain for the office. We'd get rid of the remainder of
2699 the residential. I think that's a benefit. I think that benefits everybody. We're not proposing
2700 a greater increase in square footage. We took the same ratio of square footage that was
2701 applied, that was allowed in the Upton case. Our plans, if you take them for each of the lots
2702 and add them together, individually, will create no more office space. In addition, you gain
2703 the benefit of 20-foot of buffer and 100-foot of setback. I don't think these are bad precedents
2704 that we are setting.

2705
2706 Regardless of that, if it is such a bad precedent with a 20-foot buffer and a 100-foot setback, I
2707 do think that the precedent is, and I think I find myself here arguing precedent quite a bit
2708 sometimes. Throw away all the proffers. I think we're different with this lot on the corner. I
2709 don't think anyone should live at that corner, than if we go exactly with this plan. I think,
2710 quite honestly, its better for the entire plan. Maybe not that entire corner, but I would propose
2711 that entire corner of Nesselwood and Fordson, to be a setback area, to be a buffer area, to be a
2712 green area to use for the BMPs. I don't think its appropriate for residential.

2713
2714 This plan that they propose, like any plan, can be improved. I'm not saying we've got all the
2715 answers. I'm just saying that the proposal that we're providing tonight, despite the fact that
2716 we're missing five feet, I would again, respectfully, contend that the five feet is not necessary,
2717 because we can prove a hardship, regardless of the fact that its "self-imposed" by the Zoning
2718 Ordinance. The law does not prohibit us from gaining a variance, at that point, and does not
2719 prevent the BZA from gaining that variance.

2720
2721 As to the traffic congestion, I would point out, that with the additional access points shooting
2722 on at Nesslewood Road with those driveways for those five additional houses that they've
2723 proposed, I think is more of a traffic congestion and traffic problem for this area.

2724
2725 The bottom line is, I think we've got a better plan, that benefits, at least, with this very parcel,
2726 benefits for this parcel. We're not creating more square footage than if we had all the parcels
2727 that are remaining together, according to this plan. I would ask that you recommend this for
2728 approval to the Board of Supervisors.

2729
2730 Ms. Dwyer - Thank you, Mr. Condlin. Any questions for Mr. Condlin?

2731
2732 Mrs. Wade - Do you know how much frontage the parcel just next to this has,
2733 Mr. Condlin?

2734
2735 Mr. Condlin - It was hard to tell from the plans exactly which parcels made up
2736 which areas. No. I don't know exactly. I do know that parcel does not access Nesslewood
2737 Road. It does have access along Parham Road. I don't know if you know, Larry, how much
2738 frontage that has; the Ferramosca parcel. If you put the tax map back on, if you don't mind.
2739 So, much for not running over four minutes.

2740
2741 Ms. Dwyer - Are you asking about Lot 13, Mrs. Wade?

2742
2743 Mrs. Wade - Whatever that next one is, the adjacent parcel. Yes, 13.

2744
2745 Mr. Condlin - It's an oddly shaped lot that flares out. They had an agreement
2746 with the owner of Parcel 10 to develop all three of those parcels together. I've been in
2747 situations where we've tried to develop around the property. It's not preferable, and that's
2748 why we came in, tonight, with just this. Believe me, they tried. It's just they're not ready to
2749 develop, not even in the immediate future, at any future time at this point. They just do not
2750 want to developed at this point.

2751
2752 Mrs. Wade - I didn't ask you that. I just wondered how much frontage it is.
2753 Thank you.

2754
2755 Mr. Condlin - Thank you.

2756
2757 Ms. Dwyer - Thank you. Ready for a motion.

2758
2759 Mrs. Wade - Well, this case has certainly gotten better as time has gone on.
2760 They tried very hard to address the concerns of the neighborhood. I know we've had at least
2761 one other case since I've been here, and possibly two, for Office on this corner; both of which
2762 were denied for the shape and the lack of space on the site.

2763 What he says makes a lot of sense, in some ways. But in 1993, when the lots, up to the north
2764 of this were rezoned, and the tentative plan, which really has no official authority, but it was
2765 agreed upon by the planners and the neighborhood, and the other owners of the other parcels,

2766 at the time. It was agreed by everyone that this site should be developed in a coordinated
2767 fashion. This is not a Special Strategy Area by accident. This area of Parham is very sensitive
2768 for a number of reasons, because its surrounded by residential, for the most part, and also, due
2769 to the traffic, that comes through there. And the Special Strategy designation implies a lot of
2770 detail, does not apply to many other areas.

2771
2772 I would intend to agree that if we, indeed, said that it was appropriate to put business on there,
2773 that would imply certain things at the Board of Zoning Appeals level, I think.

2774
2775 We don't have any firm concept plan. They don't know exactly what use. The traffic would
2776 vary a lot, depending on what kind of office it is, and the traffic there is a problem.

2777
2778 I would move, therefore, that, perhaps, this is still premature. The owners were aware of
2779 these problems when they bought this site. And, especially in this special area, we should do
2780 everything we can to conform to the requirements of the Ordinance. So, I move, therefore,
2781 that Case C-25C-99 be recommended for denial.

2782
2783 Mr. Vanarsdall seconded the motion.

2784
2785 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
2786 those in favor of the motion, say aye—all those opposed by saying nay. The vote is 5-0, (Mr.
2787 Donati abstained). Motion to recommend denial to the Board of Supervisors carries.

2788
2789 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
2790 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors deny the request
2791 because it represents an increase in intensity which could influence future zoning and
2792 development of adjacent properties; and the intensity of the business development will
2793 detrimentally impact surrounding uses.

2794
2795 Ms. Dwyer - Mr. Secretary, would you call the next case?

2796
2797 Mr. Marlles - Madam Chairman, I have been negligent. I do want to introduce
2798 another new member of the Comprehensive Planning Division. Lee Householder, would you
2799 stand up for a second. Lee, although he's not a new member of the Planning Staff, he was
2800 previously working for the Community Development Block Grant Division. He is a new
2801 member of the Comprehensive Planning section. Lee's been with us, I think it's a little over
2802 three years. Besides being well versed in the Block Grant Program, he has a lot of experience
2803 and knowledge of neighborhood planning. We think he's going to be a good addition to the
2804 Comprehensive Planning section. Thank you, Lee.

2805
2806 **Deferred from the April 15, 1999 Meeting:**
2807 **C-26C-99 Jack R. Wilson, III for Tidewater Quarries, Inc.:** Request to
2808 amend proffered conditions accepted with rezoning case C-28C-91, on part of Parcels 20-A-1
2809 and 2A, containing 9.25 acres, located west of Staples Mill Road on the north line of I-295.
2810 The property is zoned M-2C General Industrial District (Conditional). The amendment is
2811 related to the hours of operation. The Land Use Plan recommends Rural Residential, not
2812 exceeding one unit net density per acre and Environmental Protection Area.

2813
2814 Ms. Dwyer - Any one in the audience in opposition to C-26C-99 Jack R.
2815 Wilson, III for Tidewater Quarries? We do have opposition. Was the opposition in the room
2816 when we discussed the 10-minute rule, earlier? Yes. Okay, we won't review that again, then.
2817 Mr. Bittner.

2818
2819 Mr. Bittner - Thank you, Ms. Dwyer. This application would allow a concrete
2820 mixing plant and asphalt mixing plant to operate during expanded hours at Tidewater Quarries,
2821 Inc.

2822
2823 The applicant is requesting hours of operation from 4:00 a.m. until 8:00 p.m. The concrete and
2824 asphalt plants would not operate on Sundays.

2825
2826 The hours of operation for the plants are currently restricted to 7:00 a.m. to 6:00 p.m. with no
2827 operation permitted on Sundays. The applicant says that many construction projects, which
2828 could be supplied with material from the concrete and asphalt plants, take place at night and
2829 early in the morning. Because of the restricted hours, material cannot be supplied for these
2830 projects, making these plants economically unfeasible.

2831
2832 There is a single-family neighborhood approximately 400 feet across Staples Mill Road from the
2833 entrance to the site. The Hartley Plantation Subdivision is also approximately 1,000 feet south of
2834 the site across Interstate 295.

2835
2836 Staff is concerned with the potential noise impact on surrounding property during early-morning
2837 operating hours starting at 4:00 a.m. During the day, traffic from Staples Mill Road and
2838 Interstate 295 helps to drown out noise from the quarry. This would not be present during early-
2839 morning hours.

2840
2841 Staff recommends that the proposed concrete and asphalt plants be allowed to begin operation no
2842 earlier than 7:00 a.m. This would mirror the opening time for operation of the quarry and
2843 crusher which are already on site. It is also what the proffers currently require. Staff feels that
2844 the proposed 8:00 p.m. closing time is acceptable.

2845
2846 An advantage to a 7:00 a.m. opening time is that it would allow operations on this quarry site to
2847 be directly observed, so that noise impacts could be precisely determined. The proposed plants
2848 could be operated, and the noise levels generated by them, could be accurately assessed. If it is
2849 determined that the noise level is not significant, the applicant could then, perhaps, seek another
2850 proffer amendment to stay open during expanded hours. Staff does not recommend that these

2851 plants be allowed to operate earlier than 7:00 a.m. I'd be happy to answer any questions you
2852 may have.

2853
2854 Ms. Dwyer - Any questions for Mr. Bittner? No questions. Thank you. Would
2855 the applicant come forward, please?
2856

2857 Mr. Jack R. Wilson, III - Good evening, Madam Chairman and members of the
2858 Commission. I am Jack Wilson, an Attorney with Hunton & Williams, representing Tidewater
2859 Quarries, this evening, your applicant. Tidewater Quarries is seeking to amend one of the
2860 proffered conditions that applies to their facility located at the northwest quadrant of the
2861 Interchange of I-295 and State Route 33. Tidewater Quarries refers to this as the "Springfield
2862 Quarry."

2863
2864 With me, tonight, from Tidewater Quarries are Johnny Glazebrook, who is the Vice-President
2865 of Tidewater Quarries; Paul Saunders, who is the Superintendent of the Quarry; George
2866 Hassenlop, who is President of the Concrete Materials Section.

2867
2868 These gentlemen should be able to give a thorough description and answer any questions about
2869 the quarry, including the stone mining and concrete mixing operation at the facility. I would like
2870 to, given the opposition, reserve four minutes for rebuttal. Thank you.

2871
2872 Although not many people are even aware of the Springfield quarry, it has, in fact, been
2873 operating at this site for nearly 30 years. In 1970, the Henrico County Board of Zoning Appeals
2874 first approved a special Use Permit for the quarry. And the Board of Zoning Appeals has
2875 periodically renewed this permit, with the latest five-year renewal approved on January 28th of
2876 this year. There was no opposition at the public hearing for its renewal, notwithstanding
2877 significant notice that went out.

2878
2879 As you might expect, the use permit for the quarry, itself, contains a number of regulatory
2880 conditions. In fact, there are 25 conditions that regulate just about every aspect of the quarry
2881 operations. The quarry operation is also closely regulated by the Commonwealth of Virginia
2882 Division of Mineral Mining, the Department of Environmental Quality.

2883
2884 Tidewater Quarries is the owner of the site which consists of a total of 205 acres. The mining
2885 area, itself, consists of 89 acres, and the rest of that is left as a natural buffer to protect adjacent
2886 properties.

2887
2888 The quarry meets all the setback distance requirements specified by the County Ordinance. The
2889 stone mining operation has been very successful at this location. In fact, Tidewater Quarries
2890 received a \$3 million industrial development bonds from Henrico County to purchase the rock
2891 crushing equipment that forms the basis of their business at this location.

2892
2893 In 1991 Tidewater Quarries saw an opportunity to further develop the Springfield quarry by
2894 locating a concrete mixing facility and an asphalt mixing plant on the quarry floor, which is
2895 about 70 feet below the surrounding grade.

2896

2897 In August of 1991, the Board of Supervisors approved rezoning about nine acres of the property
2898 to the M-2 Industrial District to allow further development of this site. And that is the district
2899 that is on the display, the small segment that's pieced out in the middle of the overall quarry site.
2900

2901 The 1991 rezoning included a number of proffered conditions. For instance, there can be only
2902 one concrete mixing facility, and only one asphalt mixing facility located on the property.
2903

2904 The proffers also control the location and the height of the facility, and the access to those
2905 particular plants.
2906

2907 The application before you, tonight, seeks to modify only one of those conditions. Proffer No. 8
2908 controls the hours of operation for the concrete and the asphalt plants. Existing Proffer No. 8
2909 states these facilities can operate from 7:00 a.m. to 6:00 p.m. Monday through Saturday. These
2910 are the same hours of operation the quarry previously conducted at the stone quarry under the
2911 old permit. However, during the last renewal process, the Board of Zoning Appeals enlarged
2912 the stone shipping hours. Now, the quarry can ship from 6:00 a.m. to 8:00 p.m.
2913

2914 The other difference between the proffer and the use permit conditions relate to national
2915 holidays. And for consistencies sake, we proposed that the quarry would be closed all together
2916 on national holidays.
2917

2918 Although Tidewater Quarries would like, and originally requested, the restrictions on operations
2919 of the concrete plant and the asphalt plant be removed entirely, the Planning Staff apparently had
2920 some concern about a 24-hour operation or those two plants.
2921

2922 In response to that concern, we modified our request so that, with the Board of Supervisors
2923 approval, the facilities would operate between 4:00 a.m. in the morning and 8:00 p.m. in the
2924 evening. In other words, the concrete mixing operation could commence two hours before the
2925 shipping of stone from the facility and cease operating at the same time in the evening.
2926

2927 Let me take just a minute to explain the importance of these hours to Tidewater Quarries. First,
2928 it is important to note that the concrete mixing facility already is constructed; exists at the site,
2929 and was built at a cost of around \$300,000 on the floor of the quarry. There is no asphalt
2930 mixing plant located on the facility now. Mrs. Wade and Mr. Vanarsdall were kind enough to
2931 visit the site this last month. I believe they have an understanding of the operation of the
2932 concrete mixing facility.
2933

2934 Try, as we might, at various points, we were unable to really hear any offsite noise from the
2935 concrete mixing facility, itself. Keep in mind that during this time, the rock crusher was going
2936 on. Obviously, there was no blasting going on while we were there, but the stone crusher was
2937 going. We went off-site. You could not identify any sound coming from the concrete mixing
2938 facility, itself.
2939

2940 Just prior to the public hearing that was scheduled last month, we were advised that some of the
2941 Hartley Plantation residents had requested further information about this case. And, so, based

2942 on that, we agreed to defer the case so that we could meet with our neighbors and explain the
2943 concrete plant operations.

2944
2945 On April 21st, we met with Mr. Hilliard, who is the President of Hartley Plantation Homeowners
2946 Association and about a dozen or so neighbors. We fully explained our request and answered all
2947 the questions that were asked of us that evening.

2948
2949 We then conducted a tour of the entire quarry, and the concrete plant, and conducted a
2950 demonstration of the concrete plant's operations. We then dispersed that entire group to various
2951 sites within the quarry property to establish, again, the concrete plant noise could not be heard
2952 while it was in operation.

2953
2954 I believe I'm accurate when I state that no one from Hartley Plantation there that night had any
2955 concerns directly related to the concrete plant or noise from the concrete plant. We couldn't
2956 hear any noise from the concrete plant that evening, even while it was in operation.

2957
2958 I understand that some of the Hartley Plantation residents, and, perhaps, other residents are here
2959 this evening. From discussions with Mr. Hilliard, I believe their issues relate to the operations
2960 of the quarry; blasting, the rock crusher, etc. Frankly, those issues are unrelated to this case.
2961 But I wanted to assure you that Tidewater Quarries continues to work with the neighbors as this
2962 development approaches this long existing quarry to try to alleviate whatever concerns that can
2963 be alleviated with this operation. But we have to recognize that this is an operating quarry, and
2964 crushing of stone and blasting is necessary.

2965
2966 The bottom line is that the concrete plant cannot compete under the currently proffered
2967 condition imposed on it. 7:00 o'clock in the morning, as a commencement of operations, does
2968 not allow Tidewater Quarries to compete with other concrete plants in the area, either in
2969 Hanover County, or elsewhere, that don't have any restrictions on them at all. So, Tidewater
2970 Quarries is handicapped. It cannot operate its current concrete plant and make it economically
2971 viable.

2972
2973 So, the suggestion that we start at 7:00 o'clock, and see how it goes, will not work because we
2974 could be doing that already. It's just not economically viable. Most of the jobs the contractor
2975 will want the concrete on site well before 7:00 o'clock in the morning, especially, in the
2976 summer months as they're trying to beat the heat and so forth. So, we need to start earlier
2977 than 7:00 o'clock. We had asked that we go 24 hours and we've cut that back to 4:00 o'clock.
2978 There will be very little truck traffic associated with this concrete plant.

2979
2980 And because of the economic issues involved, we would just ask this Commission recommend
2981 approval to the Board of Supervisors of our limited and reasonable request for additional
2982 hours. Thank you.

2983
2984 Ms. Dwyer - Any questions of Mr. Wilson?

2985
2986 Mrs. Wade - How many times do they blast say in a month?

2987

2988 Mr. Wilson - Currently, I think, last year, it was about 42 to 45 blasts the
2989 entire year. So, it is less than once a week. In general, the blasts from the quarry is done
2990 around the Noon hour. The limitations under the use permit as to when the blasting can occur
2991 and, I believe, it is between the hours of 9:00 in the morning and 5:00 in the evening, but most
2992 of that's done around the Noon hour.
2993
2994 Mrs. Wade - And they have other plants; other locations?
2995
2996 Mr. Wilson - Tidewater Quarries has another facility in Richmond.
2997
2998 Mrs. Wade - On Creighton.
2999
3000 Person from Audience - We have a concrete plant on Creighton Road.
3001
3002 Mrs. Wade - Concrete plant on Creighton? They don't have anything in
3003 Hanover or Goochland?
3004
3005 Person from Audience - Creighton Road is...
3006
3007 Mrs. Wade - Yes. I didn't think there was one on Creighton on this side.
3008 Okay, I noticed you said that the others who do these things are on more outlying areas where
3009 they don't have any regulations because they don't need any, probably, but... Okay, thank
3010 you.
3011
3012 Mr. Vanarsdall - I just have a couple of comments. There are about 10 holidays a
3013 year and I believe you close six of them? Four of them you don't close. And the other thing
3014 is, I did visit there and it seems to be a very good shop. I see Saunders sitting here and it
3015 seems like they run a very good shop. My concern then, and I posed this to George, was the
3016 safety of trucks coming out on Staples Mill Road. Still is. If you're coming from Hanover
3017 way, and you're running 55 or 60 mph and you don't know that intersection is there, or if you
3018 know it, those trucks don't run over 5 mph when they come out of there so you have to get out
3019 of the way.
3020
3021 The other thing was, those trucks are very noisy and you can't proffer, "There shall not be
3022 noise." So, the only way you can keep the noise down, is by limiting the hours as Mark
3023 Bittner stated. That's all the questions I have, Madam Chairman.
3024
3025 Ms. Dwyer - Just to summarize so I'm sure that I understand what you're
3026 changing, you're not changing the hours for mining and crushing operations?
3027
3028 Mr. Wilson - That's correct. That's under the use permit so that we can't
3029 address that here. That stays the same.
3030
3031 Ms. Dwyer - Blasting stays the same. Shipping stays the same. The only thing
3032 that you're asking to change are the hours for the concrete mixing and asphalt paving?
3033

3034 Mr. Wilson - Yes ma'am. In fact, there is no asphalt plant currently located on
3035 the site. And, I suspect, even if we were to get the hours of 4:00 in the morning until 8:00 at
3036 night that an asphalt plant still would not be economically viable, even with those hours. So,
3037 its unlikely, although I couldn't be certain, that an asphalt plant would even be constructed if
3038 we got those hours. So, what we're primarily focusing on is the concrete plant which is
3039 currently located on the site.

3040
3041 Ms. Dwyer - These other noise producing and potential safety concerns really
3042 are not being changed at all?

3043
3044 Mr. Wilson - None, whatsoever.

3045
3046 Ms. Dwyer - Or just the concrete mixing facility. And that 70 feet below
3047 grade is in the quarry, you said?

3048
3049 Mr. Wilson - Yes ma'am.

3050
3051 Ms. Dwyer - Other than the mixing, the only other consequence would be the
3052 trucks leaving the facility with concrete in them?

3053
3054 Mr. Wilson - And let me address that briefly, because that also goes to Mr.
3055 Vanarsdall's issue. Currently, shipping of stone can commence at the quarry at 6:00 o'clock
3056 in the morning. Approximately, 300 to 400 stone trucks per day leave the quarry between
3057 6:00 in the morning and 8:00 in the evening. The concrete plant is expected to, perhaps,
3058 generate, if its going well, 20 trucks a day. And, so, in those first few hours in the morning,
3059 if we had six to eight trucks leaving between 4:00 in the morning and 6:00 in the morning, that
3060 would be because the plant is really operating at peak efficiency with a big job. So, the truck
3061 traffic increase is diminimous compared to the trucks that are already exiting the quarry under
3062 the current use permit. So, there really isn't going to be really any significant increase in truck
3063 traffic.

3064
3065 In fact, and I can't, you know, quantify this, exactly, but some of the stone trucks that are
3066 leaving the site now would not be leaving the site because the stone that they would be
3067 transporting offsite currently, would instead would be diverted to the concrete facility. So the
3068 stone trucks leaving would actually decrease, as a result of the concrete facility coming on line.
3069 So, there may not even be a net increase at all of truck traffic.

3070 Ms. Dwyer - The other point made by staff was that there are other facilities
3071 that do not need these hours. Can you address why you do and they don't?

3072
3073 Mr. Wilson - Well, in the staff report, the issues that we had raised before is
3074 that the plants that were observed by staff are not the same type of plants that we have. Those,
3075 we believe, were a cement block manufacturing plant. And that's where you get the loud
3076 speaker noise, the bells, the whistles, those type of things where its an active manufacturing
3077 process. That's not what we have here. What we have is a process, basically, of loading the
3078 materials onto the back of a concrete truck. It mixes on the way to the job site and then
3079 deposits wet concrete. The sites that were observed by staff were molding cement blocks.

3080
3081 We honestly don't really even need to go to 8:00 o'clock at night. I mean, if I could give up
3082 the later hours in the evening to get the morning hours, I'd do that immediately. It's the early
3083 morning hours that are essential for the concrete plant to work. The contractors want to get
3084 out at the beginning of the day so they can pour their concrete; have the day for it to cure, and
3085 be able to get their workers off the concrete site before its get too warm, especially in the
3086 summer time. So, most of the concrete jobs are early morning jobs.

3087
3088 Ms. Dwyer - Any other questions for Mr. Wilson?

3089
3090 Mr. Vanarsdall - In 1991, I don't think you handled the case, but this proffer was
3091 agreed to in 1991. But, as time went on, business picked up, and you need to change it. And
3092 the same thing is going to happen if you get a bigger contract. You're going to put more
3093 trucks on the road. That's business. I mean you don't have to argue that point.

3094
3095 Mr. Wilson - The only point is to the 1991 condition. I don't know; again, I
3096 didn't handle the case in 1991, talking with the folks from Tidewater Quarries here this
3097 evening. I don't know, had it been thought through at that time what exactly the hours needed
3098 to be. They just seemed to mirror, at that point, what the quarry's operation hours were. And
3099 the plant was later built. And it turns out, its not economically viable to operate under those
3100 hours. They've tried it. It doesn't work. So, that's why we're back tonight asking for a little
3101 latitude so that we can make that quarter million dollar investment profitable.

3102
3103 Ms. Dwyer - It would seem that being 70 feet below grade would make a big
3104 difference in the noise factor? Can you quantify that in any way?

3105
3106 Mr. Wilson - Well, again, only from anecdotal evidence where we actually put
3107 the plant in operation. They put people at various spots inside the quarry property and ran the
3108 concrete truck where we could hear it. And this is at various points within the quarry
3109 operation. Down in the hole, obviously, sound to the extent its going anywhere, its going to
3110 go up, and it is just not a loud operation. So, I can quantify that diminishment of the sound
3111 from 70 feet in the ground, but its not a loud operation to begin with.

3112
3113 Mr. Vanarsdall - I can tell you now, you can hear those trucks when they get on
3114 the highway. They're not 70 feet below the ground. You can hear them for miles.

3115 Mr. Wilson - But many of those are not concrete trucks. Many of those are not
3116 the trucks that would be coming—A concrete truck doesn't operate that way. I mean I guess
3117 somebody explain the difference between a concrete truck and a stone truck and the 18-
3118 wheelers that you hear on I-295. But a concrete truck is not as loud a truck as those that are
3119 hitting their breaks as...

3120
3121 Mr. Vanarsdall - A truck by any other name is still a truck.

3122
3123 Mr. Wilson - It's not a Honda. I will concede that, but a concrete truck is not
3124 as loud as some of the other trucks that you hear on that, because its I-295. It's a major
3125 interstate. There's a lot of traffic that comes through there. Frankly, I think Tidewater

3126 Quarries gets pegged with noise that isn't Tidewater Quarries' noise. What this application
3127 does is may be add 20 trucks a day to 400 that are already there.

3128
3129 Ms. Dwyer - The concrete mixing process generates what kind of noise? I
3130 guess I would imagine the mining and blasting and crushing would be the nosiest operation in
3131 the quarry?

3132
3133 Mr. Wilson - Correct. The blasting, by far, for a short period of time.

3134
3135 Ms. Dwyer - Blasting, mining, crushing maybe in the descending order of
3136 noise making?

3137
3138 Mr. Wilson - Right.

3139
3140 Ms. Dwyer - But the process that we're talking about, tonight, the concrete
3141 mixing, how is that done and what kind of noise does that generate?

3142
3143 Mr. Wilson - Essentially, the noise that you would hear, its not a sustained
3144 process. What happens is, a truck backs up to the concrete facility and the two components
3145 are added to the back of the truck. The loudest noise is just the truck revving up so that the
3146 mixer can turn as its starting to load the material. Once a truck is loaded, it moves offsite.
3147 And there is no noise until the next truck comes in to get loaded up.

3148
3149 So, the materials drop down or go down a conveyor into the back of the truck. It mixes and
3150 leaves the site. So, its not a sustained noise you get with the crusher, for example, that goes
3151 pretty much continuously during the hours of operation.

3152
3153 Ms. Dwyer - Are there any other questions of Mr. Wilson? Thank you. Three
3154 minutes for rebuttal.

3155
3156 Mr. Wilson - Thank you.

3157
3158 Ms. Dwyer - Would the opposition come forward, please?

3159
3160 Mr. Dick Hilliard - Hello, my name is Dick Hilliard. I represent Hartley Plantation,
3161 which lies just across I-295 to the south of the quarry, as you can see on the map there. After
3162 I became involved in this project, I realized that opposition to the quarry is extensive in our
3163 neighborhood and extends far beyond Hartley Plantation. In fact, I've contacted a number of
3164 residents in the near neighborhood and also over across the line on the other side of the quarry
3165 in Hanover County. And, tonight, we have some guests from Hanover County, who are
3166 interested in seeing how this thing turns out, because they have the same concerns that we do.

3167
3168 The quarry impacts us in three ways: by blasting, by noisy machinery, and by truck traffic and
3169 truck noise. And, although, its been pointed out that the current proffer doesn't really apply to
3170 blasting, I would point out to you that we can't see little proffers when we look across the line
3171 into the quarry. What we get is blasting, noise, and irritation. So, whether this applies to this

3172 particular instance, applies to blasting or not is irrelevant to the extent that the quarry is a
3173 major nuisance in our neighborhood.

3174
3175 I said that it affects us in three ways: blasting. The blasting has the impact of shaking the
3176 house. It shakes the windows. It rattles the china, and, in fact, we've had cases where baby
3177 sitters have called 911 because they'd thought there'd been some sort of explosion in the house
3178 that they should report. So, this is, what you might call, "A bone rattling explosion."

3179
3180 We do have reports of damage in the neighborhood. Cracked driveways, and ceramic tiles that
3181 are cracked, but we can't prove that this comes from the blasting. But, its not often necessary
3182 to prove that it does come from the blasting. You all know the real estate industry is based on
3183 rumor as much as fact. And, once the community gets the reputation of having trouble with
3184 blast damage, whether its true or not, it will affect our property values, and that concerns us.

3185
3186 The second impact that they have on us is noisy machinery. This is, in particular, the crusher.
3187 And this is rather like having your molars drilled by a dentist, as you listen to it all day. It's
3188 irritating. It's a constant background noise in the neighborhood.

3189
3190 And the third impact is the noise from trucks getting off and on Interstate I-295. They down
3191 shift as they get off. The engine races, and you can hear them for quite a distance, certainly in
3192 our neighborhood.

3193
3194 These are the impacts. Our fear here is, if you increase the hours of operation, you will
3195 increase the scope of the quarry operation and all of the impacts on us will be intensified. I
3196 might point out one thing; that it takes aggregate to operate a concrete plant and it takes
3197 aggregate to operate an asphalt plant. To us, that means more blasting in order to get that raw
3198 material to operate those plants. The plants, themselves; the concrete plant and the asphalt
3199 plants may be relatively quiet. In fact, I imagine that they are. But, it's the aggregate mining
3200 that we're concerned about and the blasting.

3201
3202 To address some of the particular points that Mr. Wilson raised, we did tour the facility and it
3203 is an impressive facility. It's very well kept. But, I would point out that the tour began at
3204 6:00 p.m., and lasted until about 7:00 p.m. And, as we dispersed in the neighborhood, you
3205 couldn't distinguish the sound of the cement truck from the sounds of the other trucks on I-
3206 295. But I would point out that this is between 6:00 and 7:00 p.m., not 4:00 a.m. as the
3207 quarry proposes. I don't know about you, but I'm sound asleep at 4:00 a.m. I think one truck
3208 would be sufficient to wake me.

3209
3210 Also, they're competing plants that don't have the same restrictions. Well, other plants are
3211 probably not located in residential neighborhoods like this one is. So, it's a matter of location,
3212 rather than more compliant neighbors.

3213
3214 I think, in general, we have a problem here that's brought on by having an industrial mining
3215 operation in the middle of what is becoming, and will continue to become a residential area.
3216 And I ask you to please bear with us and not increase the operating hours of the quarry. I
3217 think we're all mature enough to know that we moved into these houses. The quarry's been

3218 operating a long time. And, we're willing to accept the current conditions. But we ask you
3219 not to increase the neighborhood nuisance by extending the hours. Are there questions?

3220
3221 Ms. Dwyer - Any questions by Commission members? No questions. Thank
3222 you, sir. Any one else would like to speak in opposition?
3223

3224 Mr. Don Rogers - My name is Don Rogers, and I stood before you folks two years
3225 ago when this extension was granted for the current operations. And, at that particular time,
3226 and its been well discussed, that some of the standards that are established over there are rather
3227 significant, and open-ended, if you will. They'll admit to you that, currently, they blast at no
3228 more than 10 percent of the allowable rate. And, we're talking about giving them the ability to
3229 go to 100 percent of the maximum. I think we would have substantial damage in the
3230 neighborhood. This applies, again, to the hours of operation. You're giving them a larger
3231 block to operate, and I'd like to go back and revisit a couple of notes from a few years ago,
3232 and ask, again, when were the standards established to allow the current set of circumstances?
3233 Were they 25 years ago where they say they've been good neighbors, they have. But these
3234 standards were long before you folks, or your body approved the development within 400
3235 yards of the actual facility. So, I'm asking for you folks to go out on Staples Mill Road and
3236 watch the traffic that turns in and out that does not have a single caution light or sign or speed
3237 limit or "Truck Entering the Highway" notification. I'd like for you go and look, and possibly
3238 find out why there is an auto body shop there that put in a glass repair facility just on the other
3239 side of the County line. Exactly, from the County line there.
3240

3241 I will tell you that the acceleration and deceleration is extremely loud. Being a tanker, myself,
3242 in the Army, if you can imagine having that kind of activity, its like having tanks driving
3243 through your back yard. That's 400 yards away from our neighborhood, and I think, Mr.
3244 Wilson, if he has a \$400,000 home, he would be annoyed if somebody were approving the
3245 operation of heavy trucks at 4:00 a.m. in the morning. Thank you. Any questions?
3246

3247 Ms. Dwyer - Mr. Rogers, do you live in Hartley Plantation?

3248
3249 Mr. Rogers - Yes, I do.

3250 Ms. Dwyer - Because, I guess our staff report says you're a 1,000 feet to the
3251 south of the property on the other side of I-295? Is that right? You said 400?
3252

3253 Mr. Rogers - Its 400 yards straight across the interstate.

3254
3255 Ms. Dwyer - 400 yards, okay.
3256

3257 Mr. Rogers - Yes. I stood here before as the representative of the
3258 Homeowners Association as the President, as well, about these issues, asking these same
3259 questions. I would like to share with you, as well, that during the last two years, it was told to
3260 us, that, if there was any problems, document them, and what we received from your
3261 organization, your body, is a number to the plant to talk to them about it. So, I think there's
3262 some frustration over the last couple of years, in particular, that we're being referred right
3263 back to the profit center; the folks that are making the financial decisions, and letting, and

3264 hoping that we will resolve our issues between neighbors. And that's just not happening, as
3265 evident with the folks from Hanover here, tonight, as well.

3266
3267 Ms. Dwyer - Are there any questions for Mr. Rogers?

3268
3269 Mrs. Wade - You say you were here for the permitting stage?

3270
3271 Mr. Rogers - Two years ago.

3272
3273 Mrs. Wade - Okay, that would have been, I expect, the Board of Zoning
3274 Appeals. You came in the daytime?

3275
3276 Mr. Rogers - No. It was in the evening when there was an extension. Was it
3277 the zoning?

3278
3279 Person from Audience - ...it was 1991.

3280
3281 Mrs. Wade - Well, in 1991, we had the zoning case that allowed the asphalt
3282 plant, but two years, we wouldn't have been...

3283
3284 Person from Audience - In 1994.

3285
3286 Mrs. Wade - The Board of Zoning Appeals?

3287
3288 Person from Audience - In 1994, we were at the Board of Zoning Appeals.

3289
3290 Mr. Rogers - This originally came up in 1991?

3291
3292 Mrs. Wade - Yes. You were here in 1991. I know, because I was down there
3293 in 1991 in the quarry.

3294
3295 Mr. Rogers - 1994 and 1999. It only comes up every five years.

3296
3297 Mrs. Wade - That's the Board of Zoning Appeals that approves that permit.

3298
3299 Mr. Rogers - I was speaking with you, and was in the capacity as an officer.
3300 And I only moved in there in 1993. So, I'd have to go back and pull files.

3301
3302 Mrs. Wade - Yes. They're the ones that put the UP-5-99 that was just
3303 renewed here. That's what they do. We don't do permits for mining in a quarry.

3304
3305 Person from Audience - He didn't live there when the previous case came up.

3306
3307 Mrs. Wade - No. I assume most of you didn't. I forget when Hartley
3308 Plantation was built.

3309

3310 Mr. Rogers - I was the third house in, in October 31, 1993. That was part of
3311 my point is that, from y'all's perspective, I think y'all have done a great thing in terms of
3312 working with us. I think that there's some responsibility on your part, to understand again,
3313 going back to some of the other issues, tonight, that the growth that you've allowed. I was one
3314 of the first folks there that had no idea there was a quarry there, because nobody notified us.
3315 Nobody notified the developer. Nobody had any disclosure whatsoever.
3316
3317 Mrs. Wade - No. And its pretty well concealed.
3318
3319 Mr. Rogers - Yes. It was, but blasting isn't. And when you experience this
3320 thing first hand...
3321
3322 Mrs. Wade - The realtor didn't tell you about this?
3323
3324 Mr. Rogers - Absolutely not. Absolutely not. Thank you.
3325
3326 Mrs. Wade - Thank you.
3327
3328 Mr. Mike Shaughnessy - I live in Hartley Plantation. One of the things I would like to
3329 request of the Planning Commission is to defer any judgement, tonight. There are some folks
3330 here who couldn't make it; folks who live 400 feet away from Tidewater Quarries. We sent
3331 some folks to talk to them to find our how they're doing; how they're coping with the noise.
3332 They couldn't make it tonight because they're scared of the dark. It's dangerous outside.
3333 These are elderly folks who have to keep their front windows closed during the day because of
3334 the dust caused by the truck traffic.
3335
3336 The other thing they did mention, as well, was the sound as the trucks go by, the dust. They
3337 have to clean their house constantly.
3338
3339 The other thing I'd also like to point out, is Martin Marietta Aggregate. It's in Goochland
3340 County also requested extended hours two years ago. I had the opportunity to speak to the
3341 foreman of the site. About three weeks ago, they were turned down by the County. One of
3342 the things they were requested to do was put in noise abatement equipment, as well. I would
3343 suggest that maybe the staff contact them, as well, and find out their view of things. That's all
3344 I have to say.
3345
3346 Mrs. Wade - Thank you.
3347
3348 Mr. Shaughnessy - Sure.
3349
3350 Mrs. Wade - Those people that you are describing live in Hanover, across
3351 the...
3352
3353 Mr. Shaughnessy - Yes. These folks live very close. When our folks went there to
3354 talk to them, they said, one of the things they were describing was the "chick, chick, chick."

3355 Our folks were thinking, "What is this; animals, chickens, or what?" It turns out the conveyor
3356 belts from the crushers going on all day.

3357
3358 If we do extend the hours, I think it would be nice to have someone come out and talk to them
3359 to see what the impact is on them.

3360
3361 Mrs. Wade - Of course, we wouldn't be extending crushing hours, you
3362 understand. But the trucks, you would still be having trucks, I'm guessing?

3363
3364 Mrs. Wade - Thank you. We appreciate you bringing their thoughts, but we
3365 can't really defer.

3366
3367 Ms. Joanna Pitts - I'm a homeowner in Hartley Plantation.

3368
3369 Mrs. Wade - I feel as if I know all of you. I've talked to all of you all over the
3370 telephone.

3371
3372 Ms. Pitts - You have.

3373
3374 Mrs. Wade - And, if I didn't, is because I ran out of time to call you back.

3375
3376 Ms. Joanna Pitts - I'm a homeowner in Hartley Plantation. As the quarry had
3377 discussed, I know that you feel there's no extra noise added, because the concrete plant, itself,
3378 doesn't make noise and you asked them how the plant operates. My main concern is that, they
3379 validated it by saying the trucks pull into the plant. They back up to the plant. They get the
3380 concrete and they take off. When they back up, it's the beep noise. I know that's a safety
3381 issue, and I know you think its no big deal, but I'm an operating room nurse, and a lot of times
3382 I'm on call, and I get home at 2:00, 3:00, 4:00 in the morning and have to return to work at
3383 7:00 a.m. When the trucks are backing up, if, by chance, it was at 4:00 a.m., back up, it
3384 would sound like an alarm; beep, beep, beep. At that hour it sounds just like that. So, that is
3385 my concern. I know that's a personal issue for me, but I know that other homeowners who are
3386 up at that time in the morning. I don't like to see it go on at 7:00. I can tolerate it at 7:00.
3387 That's normal working hours for people and I would expect that to happen. But I do have a
3388 problem at 4:00 a.m. with the trucks backing up.

3389
3390 And, also, as far as notification for some of the previous quarry issues, I never received one.
3391 I'm probably the newest owner there. I didn't know the quarry even existed. So, I just make
3392 a point. Thank you.

3393
3394 Mrs. Wade - Thank you.

3395
3396 Ms. Dwyer - We are out of time. I'll give you a minute.

3397
3398 Mr. Tom Kalaich - Thank you. I appreciate it. I'm from Hanover County. My
3399 name is Tom Kalaich. I'm a resident of Meade Subdivision. Meade Subdivision is a neighbor
3400 of the quarry on the other side of the Chickahominy. And there are a couple questions I'd like

3401 to ask you all. It seems you all required the quarry probably to berm the side of their property
3402 adjacent to I-295 to help prevent the sound from bothering the people in Hartley Plantation.
3403 But, I sure can't tell you asked them to berm the side on the Hanover County line. And I'm
3404 wondering if you all have contacted any of the people in Hanover County to address the
3405 concerns that the Hanover residents have? And, I think it would be a real neighborly thing to
3406 do to contact the people in Hanover, because we weren't made aware of this until someone
3407 from Hartley Plantation happened to run into someone from our neighborhood. I learned of
3408 this two days ago.

3409
3410 And, so, Number 1, I'd like for you to prevent the operation of the quarry hours being
3411 extended. And, if you can't do that, tonight, I'd like for you give us an opportunity to get
3412 more information about this. Thank you.

3413
3414 Ms. Dwyer - How many more people would like to speak?

3415
3416 Mrs. Wade - Are you from Winterberry? Oh. I was going to ask if there was
3417 anybody here from Winterberry.

3418
3419 Ms. Dwyer - Sir, you cannot speak from the rear. We are recording this.
3420 You need to be up front. I will allow 30 seconds per person, as long as you are not repetitive.

3421
3422 Mr. Andrew Proctor - My name is Andrew Proctor from the Winterberry Subdivision,
3423 adjacent to the Hartley Plantation on the south. I would just like to say we have same concerns
3424 that the Hartley Plantation people have.

3425
3426 Ms. Dwyer - Okay. Thank you.

3427
3428 Mrs. Wade - You all can hear it in Winterberry?
3429 Mr. Proctor - We can hear the blasts and we can hear the trucks. Yes, and its
3430 134 homes in Winterberry.

3431
3432 Ms. Dwyer - Sir, let me ask you a question, Mr. Proctor. Can you distinguish
3433 the truck traffic noise from I-295 and the quarry truck traffic?

3434
3435 Mr. Proctor - I would say that, during the day, I could not. At 4:00 a.m., I
3436 guarantee, I could, because there is very little traffic on I-295 at 4:00 a.m. Thank you.

3437
3438 Mr. Doug Woods - I live in Hartley, as well. I live directly across the street from
3439 that. I live actually right there (referring to slide). And I do hear the beeping of the trucks. I
3440 hear the rock crushers. I can assure you at 4:00 o'clock in the morning, I don't want to hear
3441 those trucks. I can hear them backing up now. Obviously, I can't in the middle of the day,
3442 but I can in the morning when I get up before the traffic starts.

3443
3444 But, one other thing I'd like to add is, I do have a child. There's a lot of young children in
3445 this area. I can guarantee you, a lot of us are going to get awakened from this noise that early
3446 in the morning. And I built a house over 4,000 square feet five years ago in Hartley, as my

3447 dream home, which I plan on living there. I told my wife, the next time I move it's going to
3448 be six feet under in my backyard and I don't want to have to speed that up and move
3449 elsewhere. So, that's it. Thank you.

3450
3451 Ms. Dwyer - I'm sorry. Could I have your last name again, sir, please?

3452
3453 Mr. Wood - Woods.

3454
3455 Ms. Dwyer - Woods?

3456
3457 Mr. Wood - Yes.

3458
3459 Ms. Dwyer - Was there someone else?

3460
3461 Mr. Mark Smith - I will be extremely brief, too. My name is Mark Smith, and I
3462 actually live in Hartley Plantation. And, I'm, actually, this house right here that actually butts
3463 up to I-295. And I can actually hear the noise inside my house from I-295. And, I can assure
3464 you, that at 4:00 o'clock in the morning, it is extremely quiet. And it picks up around rush
3465 hour at 6:00 a.m., which is when they currently can operate trucks into the quarry. So, any
3466 noise that would go in that quarry at 4:00 a.m., would, if you look at this, the interchange is
3467 right here (referring to slide), very close to my house. They would need to decelerate and hit
3468 the brakes and come off this interchange right here to go to the quarry; anybody on I-295. So,
3469 that's going to be extremely disturbing to anybody that that's close to I-295.

3470
3471 When we moved in there, they were not operating at 4:00 a.m. in the morning. And, they
3472 built a concrete plant on that property in the early 1990's, knowing what their operating hours
3473 were - 7:00 a.m. to 6:00 p.m., not 4:00 a.m. So, to grant them their request at this point,
3474 after we've moved in, that would actually add noise to I-295 and affect the quality of our life
3475 in this residential subdivision is, in my opinion, not appropriate.

3476
3477 Mrs. Wade - Mr. Smith, staff has suggested a compromise of 7:00 to 8:00.
3478 How do you feel about extending it?

3479
3480 Mr. Smith - They even made a comment that they don't really want the
3481 evening hours. So, I would recommend it would be 7:00 to 6:00, which is what the rock
3482 quarry hours are right now. If they want the early morning hours, to me, when they were that
3483 close to a residential subdivision to extend hours - We all know a business has to operate. We
3484 all have jobs from businesses. But to interfere with the quality of life in your actual home
3485 because you want to extend their hours to 4:00 a.m. in the morning, if they get 4:00 a.m., they
3486 even admitted they wanted to come back and get 2:00 a.m. or Midnight or 24 hours. So, its
3487 just going to exacerbate the problem and have continuous truck noise on I-295, when currently
3488 its very quiet from 11:00 p.m. to 6:00 a.m., which is when I get my sleep. Noise does not
3489 bother me. It picks up tremendously at 6:00 a.m. rush hour. It picks up again extremely and
3490 its constant all day. It kind of dies down after rush hour. But the trucks, primarily, go away
3491 at 10:00 p.m.

3492

3493 Mr. Silber - Mr. Smith, is the noise you hear from the trucks, is the truck
3494 traffic on the interstate in the ramps, or is it noise you hear from the quarry site?

3495
3496 Mr. Smith - Well, at 4:00 a.m., they're not operating at 4:00 a.m. I mean the
3497 truck noise that I hear now is off of I-295 when I hear it. Like I said, in the wee hours of the
3498 morning, there is no truck traffic. They're just not there, so I don't hear that.

3499
3500 Mr. Silber - The truck traffic you hear now they claim is associated to the
3501 quarry. Is that truck traffic you hear from the quarry site, or from the public right of way?

3502
3503 Mr. Smith - I couldn't tell you. There's a lot of trucks that use I-295 to get to
3504 the quarry. So, I'm sure that there are other trucks that use I-295 that don't go to the quarry.
3505 But, as somebody said before, adding more trucks to the highway at 4:00 a.m., that's already
3506 there, it's just more possible noise that can wake you up in the middle of the night.

3507
3508 Mr. Silber - But I'm not sure if this body has the right, or even the Board of
3509 Supervisors has the right to govern who uses the interstate highways at what hours. I mean, if
3510 there are people using the interstate coming from different locations, I understand your point.

3511
3512 Mr. Smith - That's not the point. The point is, by allowing them to increase
3513 the operating hours, they will drive more noise into the neighborhood through truck traffic,
3514 through operations in the quarry, themselves, and the combination of the two needs to be
3515 considered.

3516
3517 Person from Audience - (Comments unintelligible - not at microphone).

3518
3519 Mr. Smith - Yes. You can hear truck noise and hear the backing up, beeping
3520 noise. I can hear the crusher, as plain as day, inside my house. But I'm not sure that's the
3521 issue that they're raising. But, by having these plants in there operating more, they will have
3522 the crusher running at maximum capacity all the time that they can, which would be a lot more
3523 noise as well.

3524
3525 Ms. Dwyer - Is there someone else who wanted to speak, one last person?

3526
3527 Mr. Allen Bittman - Thanks for your forbearance. I know its late and you guys have
3528 a lot of things going on. My name is Allen Bittman. I'm also a resident of Hartley Plantation.
3529 I'd like to point out that right now, their proffer statement would allow them to operate not
3530 only the concrete plant and asphalt plant which does not currently exist. There's nothing that
3531 says they can't build it and start building it as soon as they get the operating hours. It's a
3532 supposition, but my guess is that's actually what they want to have there. You know they
3533 made a big claim that the concrete trucks are quieter than the aggregate trucks. They don't
3534 have big jack brakes and all they do is they sit there and they rev the engines. But the trucks
3535 that pick up asphalt that would be providing all those to the plants and different places that use
3536 that, are the big trucks that do make all the noise that would be a lot of additional traffic. And,
3537 that would be an hour, you know, that would be very unpleasant to my family. I have three

3538 young children that, you know, need their rest as well. Our neighborhood is full of children.
3539 Thank you. That's the extent of my comments if you have any questions.

3540
3541 Ms. Dwyer - What was your last name again?

3542
3543 Mr. Bittman - Bittman.

3544
3545 Ms. Dwyer - I believe that they're already permitted to have an asphalt paving.

3546
3547 Mr. Bittman - Yes ma'am, they are. But they're saying they can't do it right
3548 now because of, its not economically feasible so they've never built one. They actually said
3549 they probably wouldn't build it, themselves. They would actually contract it out to somebody
3550 else; subcontract out, you know, their right to have the plant there.

3551
3552 Ms. Dwyer - Thank you.

3553
3554 Mr. Bittman - Thank you.

3555
3556 Ms. Dwyer - Ready for rebuttal.

3557
3558 Mr. Wilson - I'll be brief. Let me address some of the issues raised first by
3559 Mr. Hilliard. And some of these comments were throughout those who spoke at the podium.
3560 The issue with the blasting is, again, unrelated to this case. There are some rumors circulating
3561 in the area that this application was actually to permit blasting 24 hours a day. If that was a
3562 concern, I wanted to make sure that nobody leaves here, tonight, thinking that's the purpose of
3563 this application.

3564 All this application addresses is the concrete plant, itself. It has nothing to do with the
3565 crusher. It has nothing to do with blasting. It has nothing to do with changing the quarry
3566 operations at all.

3567
3568 Currently, the quarry is operating at full capacity. So, there is nothing more that can be
3569 generated by way of noise from a crusher or blasting that is already being generated at the
3570 quarry site. All that may happen, as a result of the concrete plant, as mentioned earlier, is
3571 some of the traffic that is currently exiting the site with stone, will, instead, go to the concrete
3572 plant instead.

3573
3574 The other issue that I wanted to address is the truck traffic relating to the concrete plant, itself.
3575 The current Proffer No. 1 permits and limits the number of trucks to be parked onsite to 10.
3576 The concrete operations would begin in the morning with the trucks already onsite, so there
3577 would be no trucks driving on to the site starting at 4:00 o'clock. Those trucks would already
3578 be located at the site.

3579
3580 What would happen in the morning starting at 4:00 o'clock if a job came in that required
3581 starting at 4:00 o'clock, and most of them would likely be 5:00 to 6:00 timeframe. We just
3582 need the flexibility in case a job requires an earlier start.

3583

3584 What would happen is the trucks are already staged on the quarry site. They're already there,
3585 and the first one would probably start loading around 4:15 to 4:30, because it takes some time
3586 to get the plant in operation before the first truck could even load. So what you would have is
3587 a truck that is already located onsite, filling up with concrete and exiting.
3588

3589 Between the hours of 4:00 and 6:00 o'clock, you would likely have fewer than 10 trucks
3590 exiting the site. And none of them coming back because none of them would be able to leave
3591 the site, unload the concrete and get back onsite within the two hours that would be permitted
3592 between 4:00 and 6:00.
3593

3594 So, the concern about truck traffic is just not a valid issue, given the operation of this facility
3595 and the way the concrete plant would work; concrete trucks or Tidewater Quarry trucks
3596 already located onsite starting in the morning. So, there isn't any increase in truck traffic,
3597 significantly, as a result of this application.
3598

3599 And, again, the one issue about the berming and Mr. Kalaich from Hanover County
3600 mentioned, the quarry has been bermed around all sides, not just the side that faces Hartley
3601 Plantation.
3602

3603 Finally, one other issue. We had spoken with Mr. Harris, who is, actually, the closest
3604 neighbor. Mr. Harris lives right at the gate over here (referring to slide). Mr. Harris lives
3605 right here. He was advised, again, of the permit application. Advised of this application. Has
3606 no concerns with the noise. Has no concerns with the operation. And, so some of the closest
3607 neighbors to the facility recognize that its an operating quarry. It's got a concrete plant in
3608 there that's economically viable and doesn't have any concerns.

3609 As far as the asphalt plant, itself, goes, again, there is no asphalt plant currently on site, as
3610 Ms. Dwyer, you pointed out. We currently could build an asphalt plant. It could operate
3611 currently under the current conditions between 7:00 in the morning and 6:00 in the evening.
3612 That's not feasible. It's unlikely that it would be feasible, even if we would be permitted to
3613 start at 4:00 o'clock in the morning. The primary focus of this application is to allow the
3614 concrete plant, which is currently located on the site at a cost of \$250,000 to \$300,000, to be
3615 able to generate some revenue for Tidewater Quarries. And, moving to 4:00 o'clock in the
3616 morning is not going to impose any additional hardship on the surrounding neighbors. So, we
3617 would, again, ask for your recommendation of approval. Thank you.
3618

3619 Ms. Dwyer - Thank you, Mr. Wilson. Any questions for Mr. Wilson?
3620

3621 Mrs. Wade - So, he's the only person you spoke to on the other side of the
3622 quarry, because it seemed to me in 1991, and then, again, this time, I got the impression you
3623 had talked to people on the Hanover side and they didn't have any problem, but that's not
3624 what I'm hearing now.
3625

3626 Mr. Wilson - There hadn't been any contact other than with Mr. Harris.
3627

3628 Person from Audience - Mr. Early Wood, Overhill Farm Subdivision.
3629

3630 Mrs. Wade - (Comments unintelligible).
3631
3632 Person from Audience - (Comments unintelligible).
3633
3634 Mr. Lee Yolton - Notification was sent to Hanover County.
3635
3636 Mr. Wilson - Notification was sent to Hanover County residents as well as on
3637 the zoning case. In both cases that have come up in the last six months, Hanover County
3638 residents were notified as well.
3639
3640 Ms. Dwyer - We notified adjacent Hanover County residents of this case?
3641
3642 Mr. Bittner - Yes. We did.
3643
3644 Ms. Dwyer - Okay. Well, that's good to know. We didn't leave them out.
3645
3646 Mrs. Wade - Neighborly.
3647
3648 Person from Audience - I never heard anything about it.
3649
3650 Ms. Dwyer - Are you an adjacent property owner?
3651
3652 Person from Audience - My property, specifically, does not abut the plant.
3653
3654 Ms. Dwyer - That's why you didn't...
3655
3656 Person from Audience - It abuts Hartley Plantation.
3657
3658 Mr. Bittner - If it's across some right of way such as Interstate 295, it is
3659 considered abutting or adjacent to property, such as Hartley Plantation...
3660
3661 Ms. Dwyer - So, property across a right of way is considered abutting
3662 property. Thank you for that edification, Mr. Bittner.
3663
3664 Person from Audience - May I make one quick comment? (Comments unintelligible).
3665
3666 Ms. Dwyer - all right. This is the last comment. Please summarize because
3667 that comment was not picked up on our microphones. The comment was that the concrete
3668 mixing facility would be audible at 4:00 a.m., whereas it may not be audible later in the day
3669 when there are other competing noises that may drown out that. Would you address that
3670 quickly?
3671
3672 Person from Audience - I will address that quickly. First of all, again, it is 70 feet down
3673 in the ground. We did observe this site. We put the concrete plant in operation well after rush
3674 hour the night the Hartley Plantation residents were there. And from locations within the
3675 quarry site, you couldn't hear the concrete trucks revving up to mix the mixer. We were at

3676 points near the offices which, I gather, were right in here (referring to slide), which are out of
3677 the pit, but still well within the quarry site. And, try as we might, with a couple of us standing
3678 there, we could not hear the truck revving as it mixed the concrete.
3679

3680 Ms. Dwyer - Thank you. Your point is well made. We will not hear any more
3681 comments. Mrs. Wade, you're ready for a motion, I presume.
3682

3683 Mrs. Wade - All right. Yes, staff and I tried to determine the noise level, but
3684 we really couldn't tell much just from the few minutes at different times of the day and
3685 evening. So, I've been interested, you know, in the comments of you who live near there.
3686 And, we had, of course, some conflicts here, as we often do. Our growth of the suburbs are
3687 moving out and the conflicting visa versa with other kinds of activities that have been long
3688 what have been, basically, more agricultural areas. And, we have to realize that that's the
3689 case. Also, the other conflict is with all aspects of our Land Use Plan that, we, you know,
3690 encourage businesses. We encourage businesses to expand. On the other hand, we are
3691 worried about the quality of life in our residential neighborhoods.
3692

3693 Having said all of that, staff recommended, you know, that we say from 7:00 to 8:00. They
3694 don't seem to need that, and that's not what their proposed proffer says any way. So, given
3695 the proposed proffer that they have, I would move that Case C-26C-99 be recommended for
3696 denial.
3697

3698 Ms. Dwyer - Do I have a second?
3699 Mr. Archer seconded the motion.
3700

3701 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer. All those
3702 in favor say aye—all those opposed by saying nay. The vote is 4-0, (Mrs. Quesinberry absent,
3703 Mr. Donati absent). The motion to recommend denial is carried.
3704

3705 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
3706 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
3707 **deny** the request because it would have a detrimental impact on the adjoining residential
3708 neighborhood; and it would not be in the best interest of the health, safety, and welfare of
3709 residents in the vicinity.
3710

3711 **Deferred from the April 15, 1999 Meeting:**

3712 **C-28C-99 Henry L. Wilton for Shady Grove Associates:** Request to
3713 conditionally rezone from O-2C Office District (Conditional) to RTHC Residential Townhouse
3714 District (Conditional), Parcel 10-A-19, described as follows:
3715

3716 Beginning at a point at the intersection of Shady Grove Road and Old Nuckols Road, said point
3717 being on the eastern right-of-way line of said Shady Grove Road and the northern right-of-way
3718 line of said Old Nuckols Road. Thence, with the eastern right-of-way of Shady Grove Road
3719 N10-48-43E 447.96' to a point. Thence, N10-25-04E 371.55' to a point. Thence, on a curve to
3720 the left with a radius of 2483.26' a central angle of 1-12-18 and a length of 52.22' to a point.
3721 Thence, leaving said right-of-way S74-50-00E 535.53' to a point. Thence, S74-52-31E 112.29'

3722 to a point. Thence, with the land now or formerly John R. and P.S. Jones, S10-09-00W
3723 395.08' to a point. Thence, N77-23-39W 39.27' to a point. Thence, with the land now or
3724 formerly Security Capital Atlantic S10-08-35W 483.62' to a point in the northern right-of-way
3725 of Old Nuckols Road. Thence, with said right-of-way N74-04-37W 617.29' to the point of
3726 beginning. The parcel of land herein described is located in the Tuckahoe District of Henrico
3727 County, Virginia and contains 12.63 acres and was compiled from available records.

3728
3729 Mr. Marlls - Mr. Mark Bittner will be giving the staff report.

3730
3731 Ms. Dwyer - Is there any one in the audience in opposition to Case C-28C-99
3732 Henry L. Wilton for Shady Grove Associates? There is no opposition.

3733
3734 Mr. Bittner - Thank you, Ms. Dwyer. This application would rezone 12 acres
3735 from O-2 Office to RTHC Residential Townhouse for the development of townhouses or condos.
3736 The requested use and zoning is not consistent with the Environmental Protection Area or Office
3737 designations of this property.

3738
3739 This property was rezoned to O-2C in 1990. At that time it was viewed as a "spin-off"
3740 development of the Concourse at Wyndham Business Park. This business area is generally
3741 around the intersection of Nuckols Road, Old Nuckols Road, and Wyndham Forest Drive.

3742
3743 When Wyndham was first designed, the area around this proposed site was conceived as a
3744 business and office development node. Despite the adjacent Camden Apartments to the east,
3745 most of this area has been developing with business and office uses. Staff prefers to see this
3746 trend continue.

3747
3748 Staff is also concerned with the precedent of townhouse or condominium zoning on this parcel.
3749 This request would reduce land available for economic development and increase the demand for
3750 government services. Adjacent Parcels 20, 21, and 22, to the north, could see pressure to be
3751 rezoned for townhouses or condominiums, further eroding the envisioned commercial
3752 development for this area. Townhouse or condominium development could also increase
3753 pressure to develop the surrounding residential property at a density higher than what is planned.

3754
3755 Townhouses or condominiums in this area could serve as a transition between apartments to the
3756 east and single-family development to the west. However, the planned concept of a commercial
3757 node along Nuckols Road and low-density residential development in the surrounding areas could
3758 be lost if this application is approved.

3759
3760 The proffers submitted with this proposal; and I'd like to point out we have some new proffers
3761 which we handed out tonight. We did receive those on Tuesday, so that did make the 48-hour
3762 waiver of time limit.

3763
3764 These proffers include limitations on access, a minimum unit size of 1,500 square feet, private
3765 streets, and sidewalks. Staff has also encouraged the applicant to consider providing the
3766 following a conceptual layout for the property; building elevations and designs, and development
3767 standards, and amenities consistent with the proposed Residential Strategies, including 250

3768 square feet of recreational area per unit, and a minimum front, side and rear yard setback of 50
3769 feet.

3770
3771 The applicant has shown staff a conceptual layout plan that includes many of these suggested
3772 items. However, this plan has not been proffered.

3773
3774 I think we have that here. Let me check. This is the layout plan right here (referring to slide).

3775
3776 In summary, the requested use and zoning is not consistent with the Environmental Protection
3777 Area and Office designations of this property. It is also not consistent with the planned
3778 commercial node around Nuckols Road, or the planned surrounding low-density residential
3779 development. The proposed townhomes or condominiums could serve as a transitional use,
3780 but they could also encourage an increase in the planned residential density of the area. There
3781 are also items the applicant should consider providing to increase the quality of this proposal.
3782 Staff does not recommend approval of this application. I'd be happy to answer any questions
3783 you may have.

3784
3785 Ms. Dwyer - Are there any questions for Mr. Bittner by Commission members?

3786
3787 Mrs. Wade - You all got this Tuesday?

3788 Mr. Bittner - Yes.

3789
3790 Mrs. Wade - I did not get one Tuesday, until tonight. And your reaction to the
3791 proffers, you're still not satisfied?

3792
3793 Mr. Bittner - They do not address all the comments that were made in the staff
3794 report. No.

3795
3796 Ms. Dwyer - Is the layout and building elevation, are they now proffered?

3797
3798 Mr. Bittner - No. They are not.

3799 Ms. Dwyer - Any questions for Mr. Bittner? Thank you. Will the applicant
3800 come forward, please?

3801
3802 Mr. Henry L. Wilton - Madam Chairman, members of the Commission, for the record,
3803 my name is Henry Wilton. I represent Wilton Development. I am the contract purchaser of the
3804 12.63-acre parcel which is currently zoned O-2 and has been zoned O-2 Conditional for many
3805 years, which we are requesting RTH Residential Townhouses for Sale.

3806
3807 The staff report acknowledges that this area was originally planned to be developed Office, but
3808 this overall plan has been affected by the development of a large apartment complex located next
3809 to this site. I would also suggest that this site's location off of Nuckols Road lends itself more to
3810 residential development versus an Office development.

3811

3812 The proposed residential development of no more than 68 units, which reflects a density of about
3813 5.4 units per acre, is a better transition to the low density, single family developments that are
3814 proposed across Shady Grove, and on Nuckols Road.

3815
3816 I would submit that these single family buyers would rather view \$160,000 to \$200,000
3817 townhouse; townhouse for sale, or condominium versus an office building, for which would
3818 represent, in my opinion, a more intense use for the property.

3819
3820 I understand the staff cannot support this case, as the Land Use Plan has designated this Office
3821 Development. But, again, also note that the Plan has changed substantially with the apartment
3822 development. And the use of a townhouse development as a transitional is now a logical option.

3823
3824 Mr. Bittner did request of us a conceptual plan, which I gave him, and, basically, this plan
3825 shows you the most dense application of this property, given a townhouse development. We
3826 cannot proffer this conceptual layout. The reasons are, we don't have the final wetlands issues
3827 resolved. The pond onsite will, actually probably have to be enlarged. But I wanted to give Mr.
3828 Bittner something he could refer to. Again, this would be the most dense application for the
3829 property. I wanted to show the County what could be developed here.

3830
3831 We have, in the proffers, which I'll go through in a minute, we have proffered some of the
3832 building materials, and such, to make sure that this is a quality product. We've also proffered
3833 greenbelts that were requested of us. And, certainly, the actual POD will come before this very
3834 body once the zoning is granted, if it is granted, at the Board of Supervisors.

3835
3836 In regard to the proffers, which I did submit in some what of a timely fashion, the first seven
3837 proffers remain the same in regard to access, right of way, the minimum square footage of 1,500
3838 square feet, the architectural treatment, clearing limits, the road, obviously, being private in
3839 character, sidewalks and so on.

3840
3841 The density, Number 8, did change. Originally, we left it at six units per acre. We have now
3842 reduced that to no more than 68 units again; 5.4 units density.

3843
3844 We will, of course, have a homeowners' restrictive covenants. And, in that, we'll also have as
3845 conditions of 25 dimensional shingle, brick and vinyl siding, hard surfaced driveways, and
3846 garages as standard features.

3847
3848 I have not proffered, again, the product, even though, you did see an illustration. The reason
3849 being that the product hasn't been totally developed for this site yet. It will be a little different
3850 than anything else that you've seen before. And, in each site, depending on where the location
3851 is, it's going to be extremely expensive townhouses. Again, starting at \$160,000 going to
3852 \$200,000. So, the final product hasn't been designed. We, obviously, proffered some building
3853 materials to make sure you do have a quality product.

3854
3855 At least 50 percent of the façade of each building will be brick. That will be before you when I
3856 come back before you with a POD, if I am successful in the rezoning request. At that time I will

3857 have the exact pictures, exactly what you will get as far as the building. And each building will
3858 have at least 50 percent on the front.

3859
3860 We've also added to that proffer that any of the end units that face any parking areas, public or
3861 private road, will also be brick. That was in addition to what we talked about before.

3862
3863 Proffer No. 11 is for Mr. Jones. When we met with him, he is the adjacent property owner. He
3864 has a 20-foot road coming in right there (referring to slide). It goes back in here. And this
3865 proffer, basically, is our commitment to him to give him some landscaping, berming, whatever
3866 this body feels necessary, when we come back before you. We've spoken to Mr. Jones. His
3867 only access into his property is a 20-foot right of way right there. He did not get any buffering
3868 from the apartment complex when they did their rezoning. And this is in there to assure that he
3869 does have protection.

3870
3871 And, then, again, the buffer along Shady Grove Road which was a request by the County.

3872
3873 The staff report states that the road network can handle the traffic generation of this
3874 development. Our request further agrees with the Land Use guide.

3875
3876 In regard to the Schools, our marketing has shown that the homebuyer will be young
3877 professionals or empty nesters and should not adversely affect the schools, which, obviously,
3878 have been talked about a lot here.

3879
3880 Townhouses, in general, the less expensive ones, usually, they will have children in them, but
3881 they're usually pre-school children. When the children get older, they move to a single family
3882 home when they can afford it.

3883
3884 In this particular case, they're going to be high-end townhouses, \$160,000 to \$200,000. We
3885 don't foresee a lot of children coming into these, especially small children. We see more of the
3886 "empty nester" market. People who have lived in Wyndham in the larger houses, but want to
3887 stay in the area, but want to go ahead and move into a smaller unit, but a quality unit.

3888
3889 For these reasons we would respectfully request approval of this case. If you have any
3890 questions, I'd be happy to answer them.

3891
3892 Ms. Dwyer - Any questions for Mr. Wilton by Commission members?

3893
3894 Mrs. Wade - Did you just say, "It conforms to the Land Use Plan?" It doesn't
3895 because it...

3896
3897 Mr. Wilton - It conforms to the Land Development Guide.

3898
3899 Mrs. Wade - Oh. Okay.

3900
3901 Mr. Vanarsdall - What is the date of these proffers?

3902

3903 Mr. Wilton - The original proffers, 1-8...
3904
3905 Mr. Merrithew - May 11th.
3906
3907 Mr. Vanarsdall - Thank you.
3908
3909 Ms. Dwyer - I guess my concern, Mr. Wilton, is that, you know, we've had a
3910 lot of discussions about density in the County, and I would echo staff's concern about having this
3911 density at this location would further erode the low density residential plan for the surrounding
3912 undeveloped property.
3913
3914 Mr. Wilton - I realize that could...
3915
3916 Ms. Dwyer - ...that concern.
3917
3918 Mr. Wilton - I realize the plan for the property immediately across on Shady
3919 Grove and also on Nuckols, they're looking at R-2 and R-2A zoning for that area. We are
3920 adjacent, obviously, to a large apartment complex, with a substantial amount of density. We're
3921 limiting our density to 5.4 units per acre, which in the RTH zoning, you can have up to 9 units
3922 per acre. We're adjacent to probably around 15 or 16 units per acre.
3923
3924 Mrs. Wade - That apartment complex, as I recall, had a site plan, and, you
3925 know, renderings in the case.
3926
3927 Mr. Wilton - Yes ma'am.
3928
3929 Mrs. Wade - So, if we're going to deviate from the Land Use Plan, we need to
3930 be careful about the details.
3931
3932 Mr. Wilton - Yes ma'am.
3933
3934 Mrs. Wade - Actually, I've had a lot of information thrown at me, today, and
3935 didn't get these until this evening. I don't know whether, and we haven't done this in a long
3936 time, but could we put it off for two weeks, so we could have more time, and talk about and
3937 firm up, and maybe we can address some of the staff's concerns.
3938
3939 Mr. Wilton - That would be fine. I'd be happy to request a two-week deferral.
3940
3941 Mrs. Wade - ...in the meantime. So, don't wait until the day before...
3942
3943 Mr. Wilton - Yes ma'am. I won't.
3944
3945 Mrs. Wade - To do it. What the 25th of May.
3946
3947 Ms. Dwyer - When is our POD meeting?
3948

3949 Mr. Archer - The 26th, I believe.
3950
3951 Mrs. Wade - 26th, I'm sorry. Wednesday.
3952
3953 Mr. Wilton - Okay.
3954
3955 Mrs. Wade - That's right, for the first time.
3956
3957 Ms. Dwyer - Ready for a motion then?
3958
3959 Mrs. Wade - Did we have any opposition?
3960
3961 Ms. Dwyer - I called. There was none.
3962
3963 Mrs. Wade - Okay. I move, therefore, that Case C-28C-99 be deferred until the
3964 26th of May at the applicant's request.
3965
3966 Mr. Archer seconded the motion.
3967
3968 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer to defer
3969 the case to May 26th.. All those in favor say aye—all those opposed by saying nay. The vote
3970 is 4-0 (Mrs. Quesinberry absent, Mr. Donati abstained). The motion carries.
3971
3972 Mr. Wilton - Thank you.
3973
3974 Mrs. Wade - Work on the proffers.
3975
3976 Mr. Wilton - Yes ma'am.
3977
3978 Ms. Dwyer - Shall we call the next two cases together, or...
3979 Mr. Merrithew - Staff and I discussed calling this case by itself and then C-32C-
3980 and C-33C-99 together—C-32C-99 and C-33C-99 being two R-2AC's.
3981
3982 Mrs. Wade - Yes. Don't call them all together.
3983
3984 **Deferred from the April 15, 1999 Meeting:**
3985 **C-31C-99 James W. Theobald for Duma & Associates, L. C.:** Request to
3986 conditionally rezone from A-1 Agricultural District and O-3C Office District (Conditional) to
3987 R-5AC General Residence District (Conditional), Parcel 20-A-29A, described as follows:
3988
3989 Beginning at a point 1134.00' west of the western line of Staples Mill Road on the northern
3990 line of relocated Springfield Road ; thence N. 76° 03' 00" E., 241.07' to point; thence N. 68°
3991 42' 45" E., 258.88' to a point; thence S. 46° 38' 13" E., 39.28' to a point; thence N. 76° 03'
3992 00" E., 376.96' to a point on a curve ; thence along said curve to the left having a radius of
3993 1392.39', and an arc length of 173.45' to a point; thence N. 15° 16' 25" E., 89.09' to the

3994 western line of Staples Mill Road; thence N. 27° 40' 39", 349.50' to a point; thence N. 27°
3995 11' 51" W., 751.32' to a point on a curve; thence along said curve to the right, having a
3996 radius of 2044.86', arc length of 319.52' and a chord bearing and chord distance of N. 22° 52'
3997 25" W., 319.20' to a point; thence N. 15° 17' 30" W., 114.50' to a point; thence N. 45° 19'
3998 00" W., 79.43' to a point; thence N. 85° 40' 50" W., 100.82' to a point on the southern line
3999 of Old Springfield Road; thence S. 56° 22' 40" W., 49.30' to a point; thence N. 33° 37' 20"
4000 W., 10.00' to a point; thence along a curve to the left having a radius of 3826.03', arc length
4001 of 100.39' and chord bearing and chord distance of S. 57° 07' 48" W., 100.38' to a point;
4002 thence S. 57° 52' 54" W., 55.02' to a point on a curve; thence along said curve to the left
4003 having a radius of 1356.52', arc length of 363.77' to a point; thence S. 42° 31' 01" W.,
4004 263.35' to a point; thence S. 19° 39' 21" E., 269.26' to a point; thence S. 26° 36' 58" W.,
4005 56.67' to a point; thence S. 06° 02' 00" W., 88.72' to a point; thence S. 27° 15' 05" E.,
4006 76.96' to a point; thence N. 66° 06' 30" E., 14.57' to a point; thence S. 45° 13' 00" E.,
4007 126.80' to a point; thence S. 19° 39' 21" E., 228.00' to a point; thence S. 13° 23' 09",
4008 526.61' to the point of beginning, containing 35.184 acres, more or less.

4009
4010 Mr. Marlles - John Merrithew will be doing the staff presentation.

4011
4012 Ms. Dwyer - Is there any one in the audience in opposition to Case C-31C-99
4013 Duma and Associates? We do have opposition. Thank you. Mr. Merrithew.

4014
4015 Mr. Merrithew - Thank you, Madam Chairman. This is a proposal to rezone
4016 approximately 35 acres from A-1 and O-3C land to R-5AC General Residence District. The
4017 purpose of the rezoning is to permit development of an age-restricted, single family subdivision
4018 of about 120 units. The site is situated on the west side of Staples Mill Road, between
4019 Springfield and I-295. You can see its surrounded by R-2AC, R-3C, A-1, and there's R-2AC
4020 proposed to the north of this site, adjacent to I-295, and you'll hear those cases later on this
4021 evening.

4022
4023 Let me explain the site as well. The site is open, with mature trees spread throughout. A
4024 plantation house and barn sit on the site. Both are used as conference facilities currently. There
4025 are two large ponds on the site. So, it is cleared, except for the mature trees, and relatively flat,
4026 and there are really no encumbrances to the development of the property, as proposed.

4027
4028 The Comprehensive Plan calls for Suburban Residential 1 development with densities between
4029 1.0 and 2.4 net units per acre. The application, at it's proposed density, does not comply with
4030 this Land Use Plan designation. It complies with the residential use, but the density is higher
4031 than what is supported by the Plan.

4032
4033 However, County goals for residential development seek to provide housing for all residents and
4034 provide a variety of housing types to encourage home ownership, compatibility with existing
4035 residences, and quality design.

4036
4037 The applicant has met with residents at least once. They may have had subsequent meetings to
4038 the one I attended, and they've had a good turnout and a good discussion of issues. And, there is

4039 concern about the impact of this proposal, the density, the number of units, and the types of units
4040 they are; they being on small lots. There is concern about the compatibility with the surrounding
4041 neighborhood.

4042
4043 This case does not comply with the Land Use designation, but the residential development can be
4044 considered compatible with surrounding development. It has a number of benefits that we
4045 normally associate with lower density uses. Those, specifically, would be because its' age
4046 restricted, either zero or very few children in the project, so lower school costs; lower traffic,
4047 particularly peak hour traffic on the roads. And, certainly, lower demand for other types of
4048 government services.

4049
4050 The site is, as you've seen in the staff report, intends to use the existing estate house, if you will,
4051 on the site as a recreation facility with a pool and so on. So, they will have onsite amenities, to a
4052 degree, for the residents.

4053
4054 The applicant has submitted amended proffers, which were handed out this evening. I wrote on
4055 those that they were submitted on May 7th. So, they do not require that the time limit be waived.
4056 Those proffers address a number of issues that staff raised before. However, staff still has a
4057 concern about the overall design of the proposal. We say it has benefits associated with the low
4058 density development and imply that it might be supportable in this case.

4059
4060 We think, in order to go against the Plan designation, there should be a serious step towards
4061 quality design; a quality product in the area. The applicant has made efforts in that direction, but
4062 we feel they should go further.

4063
4064 However, in going through the proffers, you'll note they are proposing a 15-foot buffer, adjacent
4065 to the road frontage around them, as well as along the western side of the site, which backs up to
4066 properties existing down this line (referring to slide). They have proposed a certain degree of
4067 landscape material with plants, and evergreen trees in that buffer.

4068
4069 Staff feels, and based on the D. O. Allen case, which is another age-restricted case on the south
4070 end of Francistown Road, that, that buffer should be widened and should be more substantial.
4071 The D. O. Allen case, I believe, proffered 20 and 25-foot buffers. This case is down to 15.

4072
4073 The applicant has provided for 60 percent of each residential buildings to be of brick, and has
4074 provided other material qualifications in that proffer to suggest quality materials. And that
4075 proffer does match D. O. Allen in terms of the other materials being proposed.

4076
4077 The applicant has also increased their minimum finished floor area from 1,200 square feet to
4078 1,500 square feet, and proffered a total square footage, this would be adding the garage to the
4079 total, up to 1,700 square feet per unit.

4080
4081 The other changes: the applicant has agreed to provide sidewalks, as shown on the plan. And to
4082 the best of my ability in looking at the plan, it looks like the sidewalks are down both sides of the
4083 street on all streets in that case. You can't read it there.

4084

4085 Finally, the applicant has proffered a site plan, and elevations, which show up better on your
4086 copies than they do on the screen. The layout of the subdivision has improved a little bit since
4087 the original proposal. They eliminated, I believe, one or two cul-de-sacs. They connected the
4088 streets so the people living in the neighborhood can walk around the neighborhood. It supports
4089 interaction.

4090
4091 One of the things that we feel is missing in this particular design is more of an effort to connect
4092 the ponds and the recreation space with trails or sidewalks, or what have you, and make them
4093 accessible to the community. Right now, the properties back up to the ponds, and there's no
4094 common area around those ponds that would be useable to the residents in the area, other than
4095 the ones who back up to it. But we feel that's a key part of the design that could improve the
4096 current design.

4097
4098 Staff's position is that this project offers the benefits of low density development, and, therefore,
4099 from a policy point of view, is supportable. We do think there are improvements to the
4100 landscaping, the perimeter buffering, the onsite common open space, or the lack of it at this
4101 point. It would need to be addressed before we could really suggest that we ignore the Plan
4102 designation and go with the higher density proposal. With that, I'd be glad to answer any
4103 questions.

4104
4105 Ms. Dwyer - Any questions for Mr. Merrithew?

4106
4107 Mrs. Wade - Now, the 15-foot buffer is not in addition to the setback. What
4108 would be the rear setback in this...

4109
4110 Mr. Merrithew - I'd have to look that up. I don't have that right here.

4111
4112 Mrs. Wade - Anybody know, offhand? While he looks that up, I'll ask you
4113 another question.

4114
4115 Mr. Merrithew - Go ahead.

4116
4117 Mrs. Wade - The age restriction in Proffer 7, what does the law provide?

4118
4119 Mr. Merrithew - The law provides a couple of categories for the age restriction.
4120 One is that one person in 80 percent of the households has to be 55 years of age or older. I think
4121 there's another category where the age would be 62 years. But the minimum age, I guess,
4122 would be 55 in 80 percent of the homes. So, 20 percent of the homes could have younger
4123 families in them.

4124
4125 Mrs. Wade - I don't know why they think people 55 aren't going to be driving
4126 the cars a lot. Those I know who live in these communities are doing a lot of running around.

4127
4128 Mr. Merrithew - Yes. We see them on the roads every day.

4129
4130 Mr. Merrithew - What I was suggesting is that the peak hour traffic volumes...

4131
4132 Mrs. Wade - 55 year old drivers; not 85.
4133
4134 Mr. Merrithew - I was suggesting that the peak hour volume, which is the number
4135 of people necessarily getting up at 6:00 or 8:00 in the morning or coming home at 5:00 in the
4136 evening is, perhaps, lower by this type of project, not necessarily the overall traffic is lower. I
4137 know what you're saying. They're more active and there are more of them out there.
4138
4139 Mr. Silber - Mrs. Wade, the rear yard setback would be 35 feet. I guess the
4140 way this proffer reads, Mr. Merrithew, this would be 15 feet outside of the 35 foot...?
4141
4142 Mr. Merrithew - I believe that's the intent of the proffer. Yes.
4143 Mrs. Wade - It doesn't say that.
4144
4145 Ms. Dwyer - We'll check that.
4146
4147 Mrs. Wade - I don't see that.
4148
4149 Ms. Dwyer - It doesn't appear to say that.
4150
4151 Mrs. Wade - We'll ask the applicant.
4152
4153 Mr. Merrithew - You'll have to ask the applicant if that was the intent.
4154
4155 Ms. Dwyer - Mr. Merrithew, I guess Old Springfield, which presently does not
4156 go through Staples Mill, is it possible for a road in that alignment to meet Staples Mill? I'm
4157 really asking that question as it relates to the two parcels that we're going to be looking at
4158 tonight.
4159
4160 Mr. Merrithew - Could it be extended to Staples Mill?
4161
4162 Ms. Dwyer - Staff's suggestion was that the single-family homes have access to
4163 Staples Mill through this parcel. I was wondering if there's any other way to do it, or is that the
4164 only way?
4165
4166 Mr. Merrithew - You cannot extend this road towards Staples Mill, because Staples
4167 Mill, at this point, is limited or controlled access because of the interchange.
4168
4169 Ms. Dwyer - Right. I assumed that was true...
4170
4171 Mr. Merrithew - That's my understanding that there's no way to get a break there.
4172
4173 Ms. Dwyer - So, the only way to obtain access to Staples Mill from the single-
4174 family development would be through this parcel?
4175

4176 Mr. Merrithew - Right. It would be across like this (referring to slide). And I
4177 understand the situation, and probably the residents in the age-restricted community don't want
4178 that traffic coming through there. But, from a traffic flow point of view, it certainly takes more
4179 load off of Springfield and Francistown. It's not something that I would go insisting upon,
4180 because I think the Traffic Engineer has agreed that there is an opportunity for a second access
4181 onto Springfield, and they're satisfied with that. It was a suggestion as a means of keeping
4182 traffic off of Springfield and out of the neighborhood.
4183
4184 Mr. Vanarsdall - Mr. Merrithew, can you park on both sides of the street?
4185
4186 Mr. Merrithew - It depends on how wide the street is.
4187
4188 Mr. Vanarsdall - That's what I'm asking. Is the street going to be wide enough on
4189 both sides?
4190
4191 Mr. Merrithew - I don't know what the width of that street would be. I don't think
4192 they have any intent for using it for parking. You're talking about in the age restricted
4193 community? I don't know what the width of the streets would be.
4194
4195 Ms. Dwyer - Well, there are requirements, though, that parking spaces are
4196 provided onsite?
4197
4198 Mr. Merrithew - Yes.
4199
4200 Mr. Vanarsdall - Parking spaces will be for people who live there, but it won't be
4201 for guests and visitors.
4202
4203 Mr. Merrithew - And there's also a proffered garage; either a one or two-car garage
4204 on each site, as well.
4205
4206 Ms. Dwyer - But, I believe, in past experience, teaches us that's not necessarily
4207 going to stay garage space. Sometimes, in the past, we've counted on that for housing a vehicle
4208 and then turn it into a den or bedroom or something and then that's lost.
4209
4210 Mr. Vanarsdall - What point in time could I find that answer out?
4211
4212 Mr. Merrithew - The applicant probably has more detail on the actual details of their
4213 plan and they can probably tell you that this evening.
4214
4215 Ms. Dwyer - Are the existing homes along Springfield zoned A-1, the ones that
4216 are adjacent to this parcel?
4217
4218 Mr. Merrithew - I believe there's A-1 immediately behind this. Well, there's R-3
4219 across the road. Yes. They are A-1 immediately along Springfield that back up to this site.
4220
4221 Ms. Dwyer - So, those are, presumably, one acre lots?

4222
4223 Mr. Merrithew - Yes. R-3 is the Echo Lake, Bob Atack zoned across the street.
4224
4225 Mrs. Wade - They don't have water and sewer, do they, the houses behind
4226 there?
4227
4228 Mr. Merrithew - No. The water and sewer is further down Francestown Road.
4229
4230 Ms. Dwyer - Are there any other questions for Mr. Merrithew? All right, will
4231 the applicant come forward, please? Good evening.
4232
4233 Mr. James W. Theobald - Good evening. Good morning. I'd like to reserve three minutes
4234 of my time, if I might, please. Madam Chairman, Ladies and Gentlemen, my name is Jim
4235 Theobald, and I'm here this evening on behalf of Duma and Associates. We're requesting the
4236 rezoning of 35 acres of land from A-1 and O-3C Office designation to R-5AC General
4237 Residence District, for the construction of an upscale, age-restricted community for empty-
4238 nesters. This property, recently used as a corporate retreat facility by Robins, is at the highly
4239 impacted intersection of Interstate 295 and Staples Mill Road.
4240
4241 This request would permit the development of a highly restricted, single family detached
4242 dwelling community for active seniors who are seeking a maintenance-free environment. This
4243 product is much needed in this area of Henrico County. The site plan, that you see before
4244 you, provides an internal focus for this community, the visual separation from the roads and
4245 neighboring communities that surround it.
4246
4247 The focal point of the community will be the existing Hartley House which, along with its pool
4248 and grounds, is to be dedicated to the homeowners association for both active and passive
4249 recreation. A pedestrian system has been proffered, insuring internal circulation, within the
4250 site. We do intend to provide access to the ponds. It's not shown on here (referring to plan),
4251 but when we come back with a POD, we do intend to provide access to those ponds. There
4252 has been some question raised as to whether those trails should actually go around the pond,
4253 which may bother surrounding property owners, but we do intend to access those areas. We
4254 have proffered that those homes will be a minimum of 1,500 square feet of finished floor area
4255 in size, plus a one or two car garage. We anticipate the prices for the homes are will be
4256 between \$175,000 and \$200,000.
4257
4258 We have provided some of the most detailed proffered conditions of any case of this type.
4259 While we were initially asked to pattern our conditions after the D. O. Allen case, which
4260 you've heard mentioned, which you approved just down the road at Hungary and Francistown
4261 Roads just over a year ago, we have greatly exceeded those standards.
4262
4263 We have committed to retain the beautiful Leyland Cypress along Staples Mill Road, and
4264 provide evergreen plantings of a minimum of six to eight feet in height being planted no
4265 further apart than eight feet on center, around the entire balance of the Property. Once again,
4266 the desire is to create a sense of community and exclusivity within the site, itself.
4267

4268 We have proffered that 60 percent of the exterior walls of all homes must be brick. We have
4269 also proffered that any accessory buildings must be of the same architecture and materials as
4270 that of the home.

4271
4272 While the roads will be private, we have proffered that they must be built to County specs.
4273 We have proffered street lighting that can't exceed 15 feet in height, and that light being
4274 projected from a concealed source of light.

4275
4276 Our plan does show sidewalks on both sides of the internal road system.

4277
4278 We have further restricted the use of the Hartley House to being utilized as a recreational
4279 facility for the benefit of the homeowners, as well as for a temporary sales and marketing
4280 office for the sale of homes within the development.

4281
4282 Significantly, we have provided an age restriction proffer consistent with the provisions of the
4283 Virginia Fair Housing Law.

4284
4285 We have agreed that our restrictive covenants will prohibit the storage of recreational vehicles
4286 and boats unless they are in enclosed garages.

4287
4288 Those covenants also require paved driveways. They provide for an architectural review
4289 committee to approve the design, material and colors of all homes, and require sodded, and
4290 irrigated yards along with a standard mailbox design.

4291
4292 We have also provided you with three prototype elevations, in your packages, to demonstrate
4293 the architectural theme of the homes, which elevations have been proffered along with the
4294 conceptual plan that's before you.

4295
4296 We have prohibited direct access to Springfield, Old Springfield and Staples Mill Roads. We
4297 have also provided for common fencing themes to the extent that any backyards are desired to
4298 be walled or fenced.

4299
4300 Not only have we listed the acceptable materials, but we have specifically precluded any chain-
4301 link fence, wooden stockade-type fences, or any unfinished or painted cinderblock walls in the
4302 backs of those homes.

4303
4304 I mentioned the D. O. Allen project earlier, and I want to stress the significance of that case
4305 and its parallels with this one, because, as you see when John pulls the map back a little bit at
4306 the top (referring to slide) being the subject site before you this evening, the bottom site being
4307 the D. O. Allen site, just a stone's throw away.

4308
4309 That 23 acres was zoned Agricultural, originally, not partially O-3, as ours is, and the Land
4310 Use Plan designation for the D. O. Allen parcel was the same Suburban Residential 1 as our
4311 piece.

4312

4313 The Board of Supervisors approved the D. O. Allen case in October of 1997, and that project
4314 is currently under construction.

4315
4316 Let's just take a minute. I want to show you the difference between the two cases. I've got
4317 copies of these if you'd like to read these in person, instead of on the screen.

4318
4319 The Land Use Plan designations for both were SR-1. The request is the same-R-5A. The
4320 density, by proffer of the D. O. Allen case, was 4.5 units per acre. Our plan at 120 units is a
4321 density of 3.4 units per acre.

4322
4323 Their materials are consistent, but they have no minimum percentage of brick. Ours is 60
4324 percent brick. The same sod, irrigation, paved driveways, same roof treatment, same garage
4325 treatment.

4326
4327 Minimum square footage; D. O. Allen 1,100 square feet; ours 1,500. Private roads, we have
4328 lighting the same. Recreational facilities has to be provided in each. Of course, we are using
4329 the Hartley House.

4330
4331 Age Restricted; both are the same uses proffered to be the same.

4332
4333 Minimum Lot Size: D. O. Allen case 6,000 square foot lots; our case requires 7,000 square
4334 foot lots.

4335
4336 Homeowners Association in both. Sidewalks in both. Any restriction on fence or wall
4337 materials, no, in D. O. Allen; yes, in ours. Elevations proffered, yes, in both. The site plan,
4338 D. O. Allen did not proffer a site plan, and we are. And let me just show you. You've heard
4339 some comments about the site, but let me show you what was approved in the D. O. Allen
4340 case. You'll see a remarkable similarity.

4341
4342 A loop-road type system, with cul-de-sacs and a fairly linear alignment of lots. I don't know if
4343 they were prepared by the same engineer or not, but they certainly look very similar. These
4344 are the comparison of the elevations, the colored ones being our case; the black and white ones
4345 being the D. O. Allen case.

4346
4347 And the D. O. Allen project is a quality development, and the Board of Supervisors,
4348 obviously, thought so and have approved it. And, so, I'm not taking anything away from the
4349 D. O. Allen case. But, what I'm suggesting that this request exceeds the standards set by that
4350 in a very significant fashion, very close down the street, and we're merely asking that we be
4351 treated similarly and fairly.

4352
4353 We do think there is a need for this type of housing in Henrico County. And this represents a
4354 very desirable group of residents for the County. Similar age-restricted, owner-occupied
4355 developments have experienced a residence profile where over 60 percent of the residents are
4356 retired with an additional 10 percent being semi-retired.

4357

4358 At The Villas at Virginia Center, which is an empty-nester, owner-occupied condominium
4359 project, 70 percent of the households own only one car. There's no school-age children in that
4360 community. The result, as Mr. Merrithew suggested, is fewer demands on County services,
4361 virtually no negative impact on our schools, and significantly less traffic, particularly in the
4362 peak hours.

4363
4364 Ms. Dwyer - Excuse me, Mr. Theobald. You've used 7 minutes.

4365
4366 Mr. Theobald - Give me another 30 seconds, and we'll roll the dice a little here.

4367
4368 At The Villas, nearly one-third of the units are occupied by only one person. And, again, the
4369 profile of the residents in these communities are individuals who come from surrounding
4370 neighborhoods who desire to stay in familiar surroundings, but without the maintenance
4371 obligations of a large home or lot. So, this is a group of residents that, I think, Henrico
4372 County should continue to encourage to remain in our County for those foregoing reasons.

4373
4374 I think we have responded, in significant fashion, to the questions about the quality of the
4375 development. I do think the Staff has indicated that the request does meet many of the goals
4376 and objectives of your Land Use Plan by offering the benefits of low density housing with
4377 dramatically reduced impacts on County infrastructure.

4378 For all of the foregoing reasons, I would, respectfully, request that you recommend approval
4379 of this case to the Board of Supervisors, and I'll be happy to answer any questions.

4380
4381 Ms. Dwyer - Thank you, Mr. Theobald. Any questions by Commission
4382 members?

4383
4384 Mr. Vanarsdall - Mr. Theobald, I'm surprised you compared this with the D. O.
4385 Allen case. I never heard you say that before, except in the layout and so forth. The
4386 difference in the D. O. Allen case; a very big difference is a lot of open land around this
4387 waiting to be developed, as you know, waiting to see what this is.

4388
4389 D. O. Allen was sandwiched in between the church and, there was no expansion space there.
4390 And this corner of Springfield and Staples Mill should be a much more special project, than D.
4391 O. Allen ever thought about being. I just thought I'd add that. I hadn't heard you say that
4392 before. Thank you.

4393
4394 Mrs. Wade - I was going to ask you if you'd been to look at the two sites? Do
4395 they look alike to you—the Hungary site and the Hartley site? No, to answer.

4396
4397 Mr. Theobald - They don't look alike, but I think that there are...

4398
4399 Mrs. Wade - They don't look alike is what my point is.

4400
4401 Mr. Theobald - They don't look alike, but, at the same time, this particular site is
4402 impacted by Staples Mill Road, and its proximity with Interstate 295, and, obviously, it has
4403 some very nice neighborhoods around it. And, this is a very nice neighborhood designed to

4404 provide that internal focus. So, I believe we have exceeded the D. O. Allen standards and
4405 we've done so for a reason, and we've done so at the requests of many individuals who've had
4406 input on this case. And, so...

4407
4408 Mrs. Wade - I didn't mean to imply there's anything wrong with the area
4409 around D. O. Allen. It's just that the topography and everything is different.

4410
4411 Did you answer the question about the setback? I mean the buffer.

4412
4413 Mr. Theobald - There's a 35-foot setback. There's a 10-foot transitional buffer
4414 required by Ordinance. And, there's 15 feet of property is a part of the lot. It is not inclusive
4415 of the rear yard setback.

4416
4417 Ms. Dwyer - How does those three logistics...

4418
4419 Mr. Theobald - Well, you'll have your lot line and you'll have a 10-foot required
4420 buffer which, we've increased to 15 feet, and then an additional 20 feet to the rear of the
4421 house. So, 35-foot setback.

4422
4423 Keep in mind that those lots that they abut, those lots, if you don't mind taking us back to the
4424 zoning map (referring to slide), those lots were part of the property at one time, owned by Mr.
4425 Wilton, and the lots that were peeled off along there I believe were for family members, and
4426 those lots are some 300 feet deep. So, those are football-sized in depth.

4427
4428 Ms. Dwyer - So, to summarize, there's a 35-foot rear yard setback...

4429
4430 Mr. Theobald - ...rear yard setback.

4431 Ms. Dwyer - And that 15-foot buffer is entirely within that 35 feet?

4432
4433 Mr. Theobald - That's correct.

4434
4435 Ms. Dwyer - So, it's not in addition to the rear?

4436
4437 Mr. Theobald - It is not.

4438
4439 Mrs. Wade - Now, are these to be condos? What is the arrangement?

4440
4441 Mr. Theobald - No ma'am. These are owner/occupied, single family detached.

4442
4443 Ms. Dwyer - Zero lot line?

4444
4445 Mr. Theobald - Zero lot line; the R-5.

4446
4447 Mrs. Wade - Was there something in here about maintenance in the overall?

4448
4449 Mr. Theobald - I believe its in the restrictive covenants...

4450
4451 Mrs. Wade - Okay.
4452
4453 Mr. Theobald - ...These are, basically, maintenance-free exteriors, maintenance
4454 free yards, etc.
4455
4456 Mrs. Wade - There's no such thing as a maintenance-free yard, Mr. Theobald.
4457 And trash, what kind of facility provision?
4458 Mr. Theobald - I don't know whether the trash pick up is included in your
4459 monthly association fees or not? I'm not sure.
4460
4461 Ms. Dwyer - No dumpsters?
4462
4463 Mr. Theobald - No. It would just be like your house and my house.
4464
4465 Mrs. Wade - Okay.
4466
4467 Ms. Dwyer - What about staff's interest, and I think this is extremely important
4468 in this location. It's proximity to Echo Lake Park. Their suggestion is that, not only this
4469 parcel, but the other single family parcels, have some sort of pedestrian connection to the park.
4470
4471 We talk a lot about making facilities accessible by means other than the automobile, and this
4472 would seem to provide a golden opportunity to provide that, but I don't see that provision
4473 being made.
4474
4475 Mr. Theobald - When you see the larger maps that we'll be dealing with, you'll
4476 see how the floodplain, basically, is over on the other side of the two parcels you'll be
4477 considering in a moment that connects down to Echo Park. And we don't have any problem
4478 providing, at the time of tentatives, for pedestrian access through there. That's no problem.
4479
4480 Ms. Dwyer - From this parcel through that parcel?
4481
4482 Mr. Theobald - Well, here, from this parcel. There are sidewalks all around.
4483 Literally, you'd have to walk over Old Springfield Road into the next subdivision to get down
4484 into that system.
4485
4486 Ms. Dwyer - I don't see a connection between this parcel and any other parcel.
4487
4488 Mr. Theobald - Well, you have Old Springfield Road that physically separate the
4489 two. That road, you know, will remain.
4490
4491 Ms. Dwyer - Right. There's no access from this parcel to actually...
4492
4493 Mr. Theobald - I mean, you could walk. You'd likely be able to walk, but what
4494 you'd have to do, literally, you'd either have to walk back down here and along Springfield to

4495 get over to this park, or you'd have to walk through the subdivision streets over here to get to
4496 the floodplain and then on down that way.

4497
4498 Ms. Dwyer - It doesn't look like you're providing for that. I guess you could
4499 walk out Staples Mill Road and all around...

4500
4501 Mr. Theobald - Well, its not adjacent. I mean, they're just physically not
4502 adjacent. I don't know how to connect them, other than how I've described.

4503 Mr. Silber - Mr. Theobald, did you say you would connect them by pedestrian
4504 access?

4505
4506 Mr. Theobald - What you'll have an opportunity to do is, you'd be able to walk
4507 in this next subdivision which you'll see...

4508
4509 Mr. Silber - So, Mrs. Dwyer, he is saying they'd be connected by way of a
4510 pedestrian trail. The plan does not show that.

4511
4512 Mr. Theobald - There's no reason in the world why you cannot connect those
4513 pedestrian access, but when you get into the other subdivision, then you'll be walking,
4514 presumably through subdivision roads over to the floodplain to get access to the trails down at
4515 Echo Lake Park.

4516
4517 Ms. Dwyer - I think, what staff is contemplating, and I would agree that, there
4518 should be some direct effort, and specific effort, to coordinate pedestrian access from this
4519 parcel through the other parcel to Echo Lake Park. If this is going to be a gated community, I
4520 would presume there might be fencing, and landscaping around the perimeter would prohibit
4521 pedestrian access out of the parcel, other than directly onto Staples Mill Road. It looks like
4522 lots line this whole portion.

4523
4524 Mr. Theobald - Lots line down here at the bottom.

4525
4526 Ms. Dwyer - You'd have to walk through someone's yard to get that access.

4527
4528 Mr. Theobald - What you would need to do is, at the time of POD is, I mean,
4529 this is a preliminary engineer's plat. You'd have to provide for pedestrian access over in one
4530 of the areas over here if you wanted to get back out over here. I don't think that's particularly
4531 difficult.

4532
4533 Ms. Dwyer - I don't think it would be difficult. I also think it needs to be
4534 memorialized in the proffers, before we get to POD.

4535
4536 Mrs. Wade - This isn't going to have a fence all the way around it? This isn't
4537 going to be fenced in?

4538
4539 Mr. Theobald - What we had talked about is, right now, there's Leland Cypress
4540 in sort of a split-rail fence along the front here. We wanted to continue the plantings and,

4541 perhaps, that split-rail fence feature. But, there's no reason why you can't, you know, put a
4542 pedestrian access way through there.

4543
4544 Mrs. Wade - That will come up again with the next case.

4545
4546 Mr. Theobald - Sure.

4547
4548 Ms. Dwyer - And, will the streets be wide enough to park on?
4549

4550 Mr. Theobald - Well, the streets are standard 24-foot Henrico County width. A
4551 car is about 6.5 feet wide. So, you can park on one side of the street, readily, and you can
4552 park on both sides, if you're really over up on the curbs, so you can get one car through. But
4553 they are standard subdivision width streets, per County standards. I don't want to mislead
4554 you. It's not desirable to park on both sides of the street. But you can get another vehicle
4555 through on a 24-foot section. These all have garages and driveways. So, there is certainly no
4556 need for the residents to park in the streets. And, I don't believe this type of community is the
4557 type that usually converts their garages to, you know, family rooms. So.
4558

4559 Mr. Archer - Mr. Theobald, I believe the Fire Department restricts a minimum
4560 width that streets have to be in order to allow fire equipment, before cars can park on both
4561 sides, but I'm not exactly sure what the minimum width is. I think it is a little bit more than
4562 24 feet, though. I think it is.
4563

4564 Mr. Theobald - I'm not sure about the Fire Department requirement.

4565
4566 Mr. Vanarsdall - Well, a residential street, its 44, isn't it?
4567

4568 Mr. Archer - I believe it is 44 for both side parking.
4569

4570 Mr. Theobald - For both sides?
4571

4572 Mr. Archer - For both sides parking. Yes. John, do you have any thoughts on
4573 it?
4574

4575 Mr. Merrithew - It's 44 feet for both sides; 40 feet down the one side.
4576

4577 Mr. Archer - Down the one side.
4578

4579 Mrs. Wade - Twenty-four (24) is pretty narrow. Is there any opposition?
4580

4581 Ms. Dwyer - Is there any opposition to this case? Yes. There was opposition.
4582 Any more questions for Mr. Theobald?
4583

4584 Mr. Archer - Mr. Theobald, I had one more question. In regard to
4585 implementing and enforcing the age restriction of 55 or older, apparently one member of 80
4586 percent of the households has to be 55 years or older.

4587
4588 Mr. Theobald - Right.
4589
4590 Mr. Archer - Of course, now, once the household is established, and that
4591 person is no longer there, you can't take the house away. So, obviously, the person simply has
4592 to be there at the time the household is established, but does the person have to be an owner of
4593 the household?
4594
4595 Mr. Theobald - Well, technically speaking, you have to have at least one person
4596 55 years of age residing in the house. And the way the communities control that is you also
4597 place the provision in the restrictive covenants, and a homeowners association, when the house
4598 is sold, the identity and the age of the buyers are run through the homeowners association.
4599
4600 When this question was raised at our neighborhood meeting, I did check with Mr. Cassalari at
4601 the Virginia Fair Housing Office, who was kind enough to put the inquiry on his Fair Housing
4602 Chat Room, and I also ran it by the Chief Federal Administrator, Judge Heifets. It was the
4603 opinion of those responding to the inquiry, that by placing such a requirement in the restrictive
4604 covenants added additional enforceability, and that was how these communities had treated,
4605 and no one was aware of where that had become a problem.
4606
4607 Mr. Archer - Okay. But does the person have to be a registered owner of the
4608 house, or simply...
4609
4610 Mr. Theobald - No. I wouldn't think so. I think the title could be in one
4611 spouse's name, and the other spouse could be the person who is the 55 years or older person.
4612 Thank you.
4613
4614 Ms. Dwyer - Would the opposition come forward, please?
4615
4616 Mr. Scott Brannon - Good morning. My name is Scott Brannon. I live at 5950
4617 Springfield Road. The property is to the rear of the Hartley House Plantation. My house is
4618 behind the pond. I have seven rear yards facing my house.
4619
4620 My wife and I built our house in 1985, and we've enjoyed having Mr. Robins as a neighbor
4621 for 14 years. My wife and I, along with Mr. Malone, Mr. Bain, and Mr. Theobald met on
4622 April 12th, along with the other neighbors, and adjoining property owners to discuss this
4623 proposal.
4624
4625 The neighbors have met twice since that time on our own, and we have not met with the
4626 applicant since. Tonight, I represent the adjoining property owners, and we ask that you deny
4627 this case.
4628
4629 We feel that 120 homes that are proposed are entirely too dense. The County Land Use Plan
4630 calls for Low Density. Also, we feel the square footage is entirely too small. Within a two to
4631 three mile radius of this property, there are homes with the average square footage of

4632 approximately 3,500 square feet of finished floor space, and as high as 6,800 square feet of
4633 finished floor space.

4634
4635 We do not feel that a community of homes with 1,500 square feet is appropriate for this
4636 property. There are many differences between this development and the D. O. Allen one.
4637 One major one, other than the one that Mr. Vanarsdall mentioned, was it's not surrounded by
4638 half acre, acre lots, with 3,500 to 6,800 square foot homes on them.

4639
4640 When we met with the applicant, we had many questions. The legal ramifications of age
4641 restrictions; how would it be enforced now and in the years to come? What research has been
4642 done to show that this product would sell in this area? If not, how would we guarantee that it
4643 would remain age restricted? There are many other communities around that are age
4644 restricted; Cedarfield, Magnolia Ridge, Glenside Drive, Wyndham that are not in this same
4645 predicament that we're in.

4646
4647 How would Hartley House, itself, be used and maintained? This house is 25 years old. The
4648 monthly maintenance fees that the residents would have to pay would be enormous to have to
4649 maintain and keep this home up.

4650
4651 Are water retention ponds required? And, if so, where would they be located? How secure
4652 are the dams that surround the pond, especially the rear one. The stress of the water coming
4653 into—the runoff water has overflowed that pond before. And we fear that with these additional
4654 homes, black topped driveways, roads, that it would create more problems in the future.
4655 What experience has the applicant had in developing a retirement community and marketing a
4656 retirement community? Who would the builder be for this project? What are the restrictive
4657 covenants? Why are there no common areas shown? There are numerous large mature trees
4658 on the property. What's going to happen to those?

4659
4660 As you can see, we have many unanswered questions and many concerns. It seems that every
4661 two or three years, a new proposal for this property comes up. Many never make it as far as the
4662 Planning Commission hearings, but we, as neighbors, have to endure the upsetting task of
4663 listening and discussing and worrying about all sorts of proposals.

4664
4665 At our last neighborhood meeting, it was brought up, "What is the best use for this property?"
4666 It was unanimous is continue its development as Hartley Plantation is. It is overwhelmingly
4667 supported by adjoining property owners, as well as property owners across the street and
4668 surrounding neighborhoods.

4669
4670 The question arose, "What should be done with Hartley House?" Should it remain as it is used
4671 now as a corporate retreat, or it could be used, as it's intent was, a single family home? Of
4672 course, we would like to see that property stay just as it is. However, we do realize that change
4673 is inevitable, and we want to insure that when that change does come, that it is for the good of
4674 the community and for the adjoining property owners.

4675
4676 As you can see from the number of people who are here at 12:35 in the morning, there is quite a
4677 bit of opposition to this case. There would be others, but due to a school night, and there are

4678 some elderly people that are across on Staples Mill Road who are opposed, who just could not
4679 come out this late hour. I'd be glad to answer any of your questions.

4680
4681 Ms. Dwyer - Any questions for Mr. Brannon? Thank you, sir.

4682 Mr. Brannon - Thank you.

4683
4684 Mr. Archer - Mr. Brannon, I have one question. You mentioned houses within
4685 two or three miles being affected by smaller square footages?

4686
4687 Mr. Brannon - Yes sir.

4688
4689 Mr. Archer - Do you think that's a good statement, "within two or three miles?"

4690
4691 Mr. Brannon - My home is 6,200 square feet. My next door neighbor's home is
4692 6,800 square feet. Hartley Plantation, they have homes starting at 3,500. We have one resident
4693 who said his home was 4,000 square feet. There's homes across Staples Mill Road that are
4694 3,500 square feet. I think, when you come in and build 120 homes, 1,500 square feet, I think it
4695 would impact the value of your property.

4696
4697 Mr. Archer - Okay. Thank you.

4698
4699 Mr. Brannon - Thank you.

4700
4701 Mr. Don Rollen, 5920 Springfield Road - Good morning, Madam Chairman and members of
4702 the Planning Commission. My name is Don Rollen. I live at 5920 Springfield Road. My home
4703 faces on Springfield and the corner of Old Springfield. My property backs up to the Hartley
4704 House property.

4705
4706 I'll try to be brief and not redundant in what my neighbor, Mr. Brannon, already presented to
4707 you, which I am in total agreement. I would first like to commend the Planning Commission on
4708 its vision the last few years, and thus far, the development of this unique area of Henrico.

4709
4710 You have allowed it to grow into a family community with large lots, homes such as in Meadow
4711 Farms, Fox Springs, Chickahominy Branch, and, especially our neighbors in Hartley Plantation.
4712 I am asking the Planning Commission to strongly consider R-2 zoning of the Hartley property.

4713
4714 This would be acceptable, with certain proffers in place. This would then allow Hartley
4715 Plantation to extend and be compatible with our homes on Springfield Road.

4716
4717 Ms. Dwyer - Thank you, sir. Any questions by Commission members? Thank
4718 you very much. Any one else?

4719
4720 Mr. Harry Ziegler, Vice-President of Hartley Plantation's Homeowners Association - Madam
4721 Chairman, members of the Commission, good morning. I am Harry Ziegler and I am the Vice-
4722 President of Hartley Plantation's Homeowners Association. And I am here, it is this morning
4723 now, and should I say, "We are here this morning." And we have a great contingency. I'm very

4724 proud that we're here in large numbers, as you see, for support. We're here to present
4725 opposition as it relates to the rezoning, not only of this piece of property, but you'll see, as I go
4726 on, looking at three different parcels, our recommendation.

4727 Certainly, inasmuch as our work demonstrates what we do, our homes, our families, our
4728 communities, really define who we are. So, when we come home, after a long day, or whatever
4729 we're involved in, we're proud to come home to Hartley Plantation and we want to protect our
4730 investment, because, outside of our children's education, certainly, our homes are our greatest
4731 asset. So, that's one of the other reasons we're here this evening.

4732
4733 I want to let you know that we have taken great responsibility, and we have taken that
4734 responsibility and great care. We have met on seven different occasions in which this proposal
4735 has come forward to our attention, as well as, one occasion where we met with the builders, as
4736 well as, Mr. Theobald which we appreciate.

4737
4738 There seems to be a common thread throughout all our meetings. And that common thread was
4739 that, "Why should we settle for a product lesser than Hartley, and that, although we understand
4740 growth is important, we support that." We don't want to be that contingency that says, "We
4741 don't want to do this." We want to offer a solution. And we want a partner with the
4742 Commission, a partner with Madam Chairman, to make sure that we all can live in harmony
4743 with the product that we've come up with.

4744
4745 On Monday of this week, May 10th, Hartley Plantation homeowners met and, by an
4746 overwhelming majority, voted to ask that the integrity of the Hartley Plantation product continue
4747 throughout the parcels requested this evening and be rezoned to an R-2 product. There's a lot of
4748 support for that. When you look on the opposite side of the road, that product is an R-2 product.
4749 One of the added properties, that's currently R-3, is proposed to be rezoned at the Board meeting
4750 in June to an R-2 product. It really would create a lot of continuity for the whole stretch of road
4751 there.

4752
4753 And, also, when you look at D. O. Allen, I think there's a significant difference, and when you
4754 look at the home values surrounding the property. And that's what we're really trying to protect
4755 to make sure that the values that we currently have will not go away.

4756
4757 And, I guess one of the things I heard, too, was the concern, and this particular property would
4758 be how to get to Echo Lake? Would there be any provision or any way to get there? Living in
4759 Hartley and knowing what that flood plain was like and knowing what waters do when it does
4760 rain. It's been dry recently, but it would be pretty difficult, certainly, to get across there. And,
4761 certainly, you have to cross the road no matter what you do. And, I wouldn't like the idea of
4762 having senior citizens crossing the road. It's a very dangerous road. I won't let my son go
4763 across the road on his bike, because of the curves and all of the accidents and the traffic.

4764
4765 Really, I believe, if we look at the R-2 provision, and keeping the lot sizes larger, the homes
4766 nicer, and since Hartley sort of starts continuity and continues through that, I think not only
4767 Hartley Plantation homeowners, but also surrounding neighbors have agreed, that this is
4768 something we could support as an alternative, and partner with everyone could make sure that
4769 happens. Thank you.

4770
4771 Ms. Dwyer - Thank you, sir. Are there any questions of Mr. Ziegler?
4772 Mrs. Wade - I think he's speaking of R-2, as he knows it. Would you describe
4773 the requirements for R-2, as they are in the Ordinance; the straight R-2?
4774
4775 Mr. Ziegler - Right. And, if I'm incorrect on that.
4776
4777 Mr. Merrithew - You want me to just run through the lot size?
4778
4779 Mrs. Wade - Yes.
4780
4781 Mr. Merrithew - 18,000 square feet; 100-foot minimum lot width; 45-foot front
4782 yard depth; 15 feet, minimum side yard; 35 feet, combined side yards, and a 45-foot rear yard,
4783 with a 1,500 square foot minimum finished floor area.
4784
4785 Mrs. Wade - Thank you.
4786
4787 Ms. Dwyer - Is there any other opposition? I believe we just ran out of time,
4788 didn't we? Is there any one else, other than this speaker, who would like to speak to this case?
4789 We are out of time, but I'll give you a minute.
4790
4791 Mr. Don Rogers - Okay. I was quick last time. Thank you, ma'am.
4792
4793 Ms. Dwyer - You seem to be bringing up the rear.
4794
4795 Mr. Rogers - My name is Don Rogers, again, Hartley Plantation. And, within
4796 the last two years, we have been asked at Hartley Plantation to work with other developers.
4797 And, I think that Mrs. Wade can attest to the fact that we were able to provide a transitional
4798 type of effect with the Summerberry Subdivision moving in next to us which we collectively, as
4799 an homeowners association, came together to approve a deviation. And that was to go from R-1
4800 to an R-3, not having a transition as called for in the standards.
4801
4802 What we're asking is that we still, because we did that once, doesn't that mean that we've
4803 opened up Pandora's Box that now everything is an exception that comes before you. There was
4804 an issue of the Wetlands Act. That still is a major issue on this property here that nobody has
4805 addressed. There was a major issue that was addressed in our neighborhood, as we built. And
4806 we want the standards to be consistent from one neighborhood to the other.
4807
4808 The second to the last issue is the safety. Nobody has said anything about the number of actual
4809 driveways or the number of accesses within a quarter mile span in the most dangerous road in
4810 the County in western Henrico. That has not been addressed at all.
4811
4812 In a very short stretch, just beyond what you can see on the map up there, there's been
4813 driveways, in addition to entrances to the subdivisions that have blind spots.
4814

4815 And, one last thing, the sewage capacity hasn't been addressed here. The one offer was to put a
4816 sump pump down in the wetlands into the creek area. We just don't feel that there has been
4817 adequate consideration of some of the major factors we were asked, ourselves, to be mindful of
4818 in working with you in the past. Thank you.

4819 Ms. Dwyer - Mr. Theobald,

4821
4822 Mr. Theobald - I really don't have much to add, Madam Chairman. I would just
4823 reiterate that this is a special site, but we think we have provided a special project for a very
4824 desirable group of residents.

4825
4826 We will need to put a pump station down in the flood plain on the other side of Old Springfield
4827 in order to provide public sewer to this project, and to parcels that you'll be considering in a
4828 moment. When Hartley Plantation was originally constructed, there was not sewer available to
4829 that subdivision. So, that is correct. We will need to put a pump station down into that
4830 floodplain. But, I hope you will favorably consider the case. I think we have tried to provide a
4831 very quality product for a very quality group of residents. So, I think the County ought to be
4832 attracting. I think this project can exist in harmony with neighborhoods that are around for all
4833 the reasons stated in my prior presentation. Thank you.

4834
4835 Mrs. Wade - Mr. Theobald, there are 120 units on a single point of access. No.
4836 No. There's access out to Staples Mill and access out to Springfield on the plan.

4837
4838 Ms. Dwyer - Access to Springfield? Oh. I see. Thank you. Any other
4839 questions for Mr. Theobald? Ready for a motion?

4840
4841 Mrs. Wade - Yes, this has certainly done a lot to enhance the quality of this
4842 proposal. The details, as he points out, compare a lot with the Allen case, but the site, as we
4843 said, is quite different. There certainly is a need for this type of housing I've been saying and
4844 others have too, for years. We need more one-story kinds of housing in the County. And it's
4845 gradually beginning to come. And we believe in providing a variety of housing.

4846
4847 However, if you're going to go against the Land Use Plan in this area, you need to consider
4848 carefully not just the quality, but the design. I think, in a way here, we're doing well enough
4849 that we can afford luxury of doing something special now and then. And take advantage of the
4850 natural features that this site has. It's much admired by everybody who goes by. Everybody
4851 knows where it is, and enjoys passing it. And they're not saying they don't want anything on
4852 here. But, the natural features, the topography, and the pines and the trees, and I don't see much
4853 here in the way of preserving the trees. Because there have been more in the open area, they
4854 have been able to get to be nice big trees, not old woods trees that a lot of us have in our yards.
4855 It just has a "park-like" look.

4856
4857 Although, I would agree, that there's a need and they've done a lot to enhance the quality, it's a
4858 design and the layout that concern me, I suppose, most. And I've been in and looked at
4859 retirement-types of communities. And probably over in Stoney Point. I need to go back there.
4860 Waynesboro, Winston-Salem, even in Wyndham, Virginia Center; a lot of different kinds of

4861 units, but I don't think they're laid out in rows. There is more creativity in the way they're laid
4862 out. I just think a lot more could be done here. Maybe they could recoup their costs and, what
4863 not, with, you know, fewer and larger, because you've got a smaller unit with smaller lots over
4864 on D. O. Allen. You might want to offer a variety of type over here that would be, in some
4865 ways, more compatible with this area.

4866
4867 So, therefore, in this case of C-31C-99, I move that we recommend it for denial.

4868
4869 Mr. Vanarsdall seconded the motion.

4870
4871 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4872 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
4873 absent, Mr. Donati abstained). The motion for denial carries.

4874
4875 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
4876 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors deny the request
4877 because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals,
4878 objectives and policies, and it represents an increase in intensity which could influence future
4879 zoning and development of adjacent properties.

4880
4881 Mr. Marlles - Mr. Theobald, is it my understanding that C-32C-99 and C-33C-99
4882 will be heard together?

4883
4884 Mr. Theobald - Please.

4885
4886 **Deferred from the April 15, 1999 Meeting:**

4887 **C-32C-99** James W. Theobald for Duma & Associates, L. C.: Request to
4888 conditionally rezone from A-1 Agricultural District and R-2C One Family Residence District
4889 (Conditional) to R-2AC One Family Residence District (Conditional), Parcel 20-A-12 and part of
4890 Parcels 20-A-14 and 14NR, described as follows:

4891
4892 BEGINNING at a point of intersection on the western line of Staples Mill Road and on the
4893 southern line of Interstate Route 295; thence along and following State Route 295 N 76° 59'
4894 23" W 700.05 feet to a point; thence departing Route 295 S 39° 34' 16" E 488.36 feet to a
4895 point; thence S 86° 23' 40" W 224.80 feet to a point; thence N 12° 31' 20" W 400.10 feet to
4896 a point on State Route 295; thence along and following said Route 295 N 74° 57' 58" W
4897 687.14 feet to a point; thence S 85° 29' 47" W 300.00 +/- to a point on a 100 year flood-
4898 plain; thence along and following said flood-plain S 03° 54' 59" E 880.67 feet as it meanders
4899 to a point on the southern line of Tax Parcel 20-A-14; thence S 79° 06' 54" E 311.00 +/- feet
4900 to a point; thence S 81° 24' 50" E 326.08 feet to a point; thence S 84° 32' 45" E 268.03 feet
4901 to a point; thence S 82° 37' 14" E 376.20 feet to a point of non-tangent curve; thence along
4902 said curve to the right, having a radius of 1663.00 feet, arc length of 255.29 feet, chord
4903 bearing and chord distance of N 47° 25' 08" E 255.04 feet to a point; thence N 51° 49' 00" E
4904 40.24 feet to a point; thence N 49° 37' 12" E 132.32 feet to a point; thence N 23° 46' 25" W
4905 140.40 feet to a point; thence N 69° 44' 18" E 169.18 feet to a point on the western line of
4906 Staples Mill Road; thence along and following said Staples Mill Road N 19° 30' 27" W 109.38

4907 feet to a point; thence N 21° 38' 36" W 187.33 feet to the point of beginning, containing
4908 38.152 acres, more or less.

4909

4910 (All testimony hard under C-33C-99).

4911

4912 Deferred from the April 15, 1999 Meeting:

4913 C-33C-99

4914 James W. Theobald for Robert P. Bain: Request to conditionally
4915 rezone from A-1 Agricultural District and C-1 Conservation District to R-2AC One Family
4916 Residence District (Conditional), Parcel 20-A-15, described as follows:

4916

4917 BEGINNING at a point on the northern right-of-way line of Springfield Road State Route 157
4918 at its intersection with Old Springfield Road, thence along the northern right-of-way line of
4919 Springfield Road State Route 157 N 80°08'48" W 267.97' to a point; thence along a curve to
4920 the left having a radius of 2257.46' for a length of 185.14' to a point; thence along a curve to
4921 the right having a radius of 2795.78' for a length of 130.51' to a point; thence N 82°10'15" W
4922 78.32' to a point; thence along a curve to the right having a radius of 1804.37' for a length of
4923 261.85' to a point; thence N 73°51'21" W 197.12' to a point; thence along a curve to the left
4924 having a radius of 1001.28' for a length of 176.92' to a point; thence N 83°58'47" W 122.81'
4925 to a point; thence along a curve to the left having a radius of 276.11' for a length of 80.22' to
4926 a point; thence along a curve to the left having a radius of 196.00' for a length of 80.54' to a
4927 point; thence leaving the northern right-of-way line of Springfield Road State Route 157 N
4928 82°58'23" W 153.72' to a rod found; thence N 16°40'11" E 778.80' to a rod found; thence S
4929 74°33'23" E 696.43' to a rod in the centerline of a creek; thence along the meandering of such
4930 creek in an easterly direction 370' ± to a point; thence S 81°24'50" E 326.08' to the
4931 centerline of a creek; thence along the meandering of such creek in an easterly direction 750'
4932 ± to a point on the western right-of-way line of Old Springfield Road; thence along the
4933 western right-of-way line of Old Springfield Road along a curve to the left having a radius of
4934 801.17' for a length of 109.6' to a point; thence S 36°32'11" W 629.62' to a point; thence
4935 along a curve to the right having a radius of 45.00' for a length of 49.73' to the point of
4936 beginning, containing 28/71 acres.

4937

4938 Mr. Merrithew - Thank you, Mr. Secretary. These two cases are close to being
4939 twins. They are both 30 acres. They are both proposing R-2AC. C-32C-99 is a case which
4940 immediately abuts Interstate I-295 at the off ramp and Staples Mill, on its east end. The site is
4941 approximately 30 acres, would yield up to between 60 and 70 lots. The site is currently zoned
4942 A-1. It is planned for Suburban Residential 1, as was the previous case.

4943

4944 The applicant, at this point, the R-2A zoning district is consistent with the recommended
4945 densities of the Plan. So, in this particular case, the proposed use and density conform to the
4946 Comprehensive Plan.

4947

4948 The proposed subdivision, we feel, is also consistent with surrounding development, in that it is
4949 single family, detached up against single-family detached. I would point out that, with Hartley
4950 Plantation here to the west, there is a substantial flood plain area separating the developable
4951 portions of this property and C-33. So, it is separated from Hartley Plantation by the flood
4952 plain.

4953
4954 The applicant's second revised proffers are dated May 6th. They were handed out this evening,
4955 provided for a minimum of 2,000 square feet of finished floor area with lot widths of 85 feet,
4956 which is five feet larger than the minimum required by Ordinance. It provides for protective
4957 covenants, brick foundations, and a 25-foot buffer along I-295. That's been increased a couple
4958 of times since the original submittal. Hartley Plantation has a 20-foot buffer proposed. In this
4959 case, they've increased that to 25 feet. And, in this case, again, it does not appear that buffer is
4960 outside the required yard. So, it is still within the yards. In this case it will be the rear yards
4961 abutting the I-295 ramp.

4962
4963 Staff, with regard to the buffer, continues to have a concern that its not substantial. I think a 20
4964 or 25-foot buffer is inconsequential, and I think we've heard this evening, does not deter any
4965 noise or reduce the noise impact from the highway. It probably, for the most part, does not
4966 reduce the visual impact as well.

4967
4968 There are a couple of issues associated with this property. A major one is this piece of property
4969 right here, that "donut hole" is not part of the application. And, at this point in time, from the
4970 concept plans that we have been provided with, has not been addressed by the design of the
4971 application. We feel that it needs to be incorporated, at least, stub roads running up to it so that,
4972 at some point in the future, it can be resubdivided and included with the rest of the subdivision.
4973 As it stands now, it would stand on its own with an easement to Old Springfield Road.

4974
4975 The second issue is one we touched on before which is the second point of access. In order to
4976 exceed 50 lots, this property will have to have a second point of access. The Planning Staff has
4977 suggested it would be good to put them out onto Staples Mill Road. However, Transportation
4978 staff has discussed with them the ability to provide a second point of access through C-33C down
4979 to Springfield Road. The Planning Staff is not going to go against Transportation Engineers.
4980 So, we're willing to go along with, although we still think our idea was better.

4981
4982 Finally, as the Chair has mentioned earlier, there is an opportunity with this project and the other
4983 two projects, to make use of either the natural drainage ways or sidewalks along the street to
4984 provide pedestrian access to Echo Lake. I believe, at one point, during the discussion of the
4985 Open Space Plan, the idea was that, within a certain distance of our parks, we should have better
4986 sidewalks or trail access to make it easier for people to get to the park, notwithstanding that we
4987 would have to overcome some issues with crossing streets and so on. So, we think that is also
4988 an opportunity that's being missed thus far with the application. Although, I think I heard the
4989 applicant state that they could, perhaps, address that.

4990
4991 If the applicant can address the issue of the donut hole in this case; if they would take the step to
4992 improve the pedestrian access to Echo Lake Park; and if they have resolved the issues of a
4993 second point of access to Springfield Road, then I believe staff can support this application,
4994 because it is in conformance with the Plan and it is consistent with the development that has
4995 occurred in the surrounding area. I'd be glad to answer any questions.

4996 Ms. Dwyer - Any questions for Mr. Merrithew? Thank you.

4997
4998 Mr. Merrithew - Thank you.

4999
5000 Ms. Dwyer - I don't believe I asked if there was any opposition to this case. I
5001 didn't. There is opposition. Why don't you speak to both cases? What do you think, Mrs.
5002 Wade? Would you like to hear Mr. Merrithew's comments on both cases, or...It might save us a
5003 little time...
5004
5005 Mr. Merrithew - They are not that dissimilar.
5006
5007 Mrs. Wade - Well, there are some differences, but...And then, we assume, the
5008 opposition will address both at the same time, too, I suppose? That's fine. We'll do both.
5009
5010 Mr. Merrithew - The second case, C-33C-99, as I said before, is another case of
5011 about 30 acres, R-2AC. Again, there's flood plain along the east end of the site separating it
5012 from Hartley Plantation. There's R-3C zoning across the street, which, I should point out, is
5013 coming forward for rezoning, to bring that down to R-2C.
5014
5015 Mrs. Wade - What is it you say now?
5016
5017 Mr. Merrithew - The Attack case across the road which is R-3, it was mentioned
5018 earlier, it would come forward in June. It is not yet submitted, so it will not be in June. But,
5019 nonetheless, there's R-2, R-2C on those sides, and R-3 and R-4 in the general vicinity of the
5020 project anyway.
5021
5022 The key difference here is that this project has a lot of frontage along Springfield Road. And the
5023 applicant has addressed that by providing for larger lots along Springfield Road; 18,000 square
5024 feet, as opposed to the 13,500 that is the minimum. They are providing a buffer along
5025 Springfield Road to screen those lots a little more.
5026
5027 Let's see if I can get to the buffer (referring to slide). Yes; a 25-foot buffer along Springfield
5028 Road.
5029
5030 Mrs. Wade - Yes. It's exclusive of the...The top of the next page.
5031
5032 Mr. Merrithew - That's right. Exclusive of the rear yard, so it is in addition to the
5033 rear yard.
5034
5035 In this particular case, the applicant has proffered a 2,200 square foot finished floor area. In the
5036 previous case, the applicant had proffered a 2,000 square foot finished floor area. And those are
5037 the major differences between the two proposals.
5038
5039 The applicant's revised proffers in Case C-33 address staff's design concerns. Again, we still
5040 have the opportunity for access to Echo Lake. If they address the Traffic Engineer's concerns,
5041 staff feels that the project is both consistent with the comprehensive plan and consistent with
5042 development in the area, and can recommend approval. I'd be glad to answer questions now on
5043 either one of those cases.
5044

5045 Ms. Dwyer - Any questions for Mr. Merrithew?
5046
5047 Mrs. Wade - Somewhere I have a note about 34 lots on this case.
5048
5049 Mr. Merrithew - I have not had a plat submitted on this case to tell me the number.
5050 The applicant, I'm sure, has done some design work and they can probably speak to that.
5051
5052 Ms. Dwyer - There's some commitment to develop these two in a coordinated
5053 fashion?
5054
5055 Mr. Merrithew - I believe there's a commitment now for shared access to
5056 Springfield Road, and they will both be using Old Springfield Road as their other point of
5057 access. But, there's no other link, as far as I'm aware, between them. There's, in fact, a creek
5058 running between them that separates them.
5059
5060 Mrs. Wade - Oh. There is?
5061
5062 Ms. Dwyer - Will the individual lot owners whose rear yards abut Springfield
5063 Road, will they be able to put fences in the buffer?
5064
5065 Mr. Merrithew - There is a berm proposed, with plantings. The proffer does not
5066 address fences specifically.
5067
5068 Ms. Dwyer - It might be a good idea to specify...
5069
5070 Mr. Merrithew - And it is outside their rear yard.
5071
5072 Mrs. Wade - Actually, I've got that note, too, on C-33C.
5073
5074 Mrs. Wade - Or if there's a fence, you know, its some feet behind the curb.
5075
5076 Mr. Merrithew - ...as being inside and being limited. I believe the applicant had a
5077 very good fence proffer on C-31, which mentioned the materials and so on. That might be
5078 applicable in this case, as well.
5079
5080 Ms. Dwyer - It is equally important to have landscaping between the road and
5081 the fence. Have the fence inside the...(comments unintelligible). Any other questions for Mr.
5082 Merrithew about either case?
5083
5084 Mrs. Wade - I have a few for Mr. Theobald.
5085
5086 Ms. Dwyer - Thank you, Mr. Merrithew. Would the applicant come forward,
5087 please. And we're doing both cases at one time.
5088
5089 Mr. James W. Theobald - May I reserve three minutes, Madam Chairman.
5090

5091 Ms. Dwyer - We're doing two cases here.
5092
5093 Mr. Theobald - That will be enough. I think three minutes will be fine. My
5094 presentation is very brief.
5095
5096 Ms. Dwyer - It's getting shorter by the minute.
5097
5098 Mr. Theobald - Madam Chairman, Ladies and Gentlemen, for the record, my
5099 name is Jim Theobald. I'm here on behalf of Duma & Associates, Inc. and Robert P. Bain,
5100 together, requesting rezoning from A-1 and R-2 to R-2AC on approximately 60 acres of land
5101 consistent with the Land Use Plan designation for Suburban Residential 1, in this area.
5102
5103 The Duma request comprises some 30 acres of land adjacent to Interstate I-295 and Old
5104 Springfield Road. The Bain request represents approximately 29 acres between Springfield Road
5105 and the Duma property.
5106
5107 The Duma plan, being the one on the top left on your screen in green, shows 67 lots on 30 acres
5108 for a density of 2.2 units per acre; well within the SR-1 limits. In that case we've proffered
5109 minimum lot widths of 85 feet, which are in excess of the 80-foot lot widths that are otherwise
5110 required in the R-2A District.
5111
5112 All other proffers are essentially identical to the Hartley Plantation proffers, that being the
5113 subdivision to the west on the other side of that significant flood plain, including a proffer
5114 requiring a minimum finished floor area for all homes of 2,000 square feet. That is the same
5115 proffer that exists on Hartley Plantation.
5116
5117 The buffer along the off-ramp to I-295 does slightly exceed that proffered with the Hartley
5118 Plantation case, thus, requiring a minimum of 25-feet of buffer, which buffer has to be
5119 supplemented with additional plantings to provide additional screening.
5120
5121 The Bain property contains significantly more flood plain than the Duma parcel, and results in
5122 some 39 lots being developed on 29 acres with a density of approximately 1.4 units per acre.
5123 Essentially, the C-1 area that would be adjacent to the Duma piece up top (referring to slide) has
5124 already been zoned C-1, courtesy of a prior case. And Mr. Bain's case includes flood plain that,
5125 has yet to be rezoned to C-1, nonetheless, still within the SR-1 designation.
5126
5127 These proffers are, basically, identical to Duma, except Mr. Bain has proffered a minimum
5128 square footage of 2,200 square feet of finished floor area, and that there'll be no direct access to
5129 Springfield Road. The access point is to come out onto Old Springfield Road.
5130
5131 And, significantly, he has proffered a 25-foot buffer area along Springfield Road. And, that
5132 buffer is exclusive of rear yard requirements in which he's committed to construct a berm that
5133 will also include additional plantings. In a prior conversation I had with Mr. Bain, he did agree
5134 that any fencing would be on the inside of the berm, as opposed to the road side of the berm. So,
5135 you'll have berm plantings, and then to the extent any rear yard would want to be fenced, only
5136 then the fence.

5137
5138 Ms. Dwyer - May I ask you a question?
5139
5140 Mr. Theobald - Yes ma'am.
5141
5142 Ms. Dwyer - Before you move that, John, (referring to plan), the non-colored
5143 version is C-33C?
5144
5145 Mr. Theobald - That's Mr. Bain's property, correct.
5146
5147 Ms. Dwyer - The roads don't seem to match up.
5148
5149 Mr. Theobald - There are different scales.
5150
5151 Mrs. Wade - One has a stub street...
5152
5153 Mr. Theobald - After we met with Public Works, we agreed we'd have to make
5154 the connection to those subdivisions. These are not proffered plan, either. They are illustrative
5155 so you can see how the layouts might look. But we would connect the two, through a stub road
5156 here in one of these cul-de-sacs, and access points back out to Old Springfield for each.
5157
5158 Ms. Dwyer - So, how many access points to Old Springfield?
5159
5160 Mr. Theobald - Two.
5161
5162 Ms. Dwyer - Two.?
5163
5164 Mrs. Wade - You, obviously, have to make some provision for what the
5165 winter...
5166
5167 Mr. Theobald - They have an easement that's depicted on here. Obviously, they'd
5168 be able to use our road network, if they choose. What we've done design-wise, is pull this cul-
5169 de-sac, bending towards here (referring to slide).
5170
5171 My understanding is, Duma has approached the property owner here to purchase that parcel, but
5172 they were not going to sell. So, we could pull this cul-de-sac back in here and re-subdivide these
5173 lots, as and when, rather than provide a stub street to there, presently, but that would be their
5174 plan. Okay?
5175
5176 As you see from the zoning map that's come up on your screen; if we can pull back, John, some
5177 how and try to get the full scope of it here. This R-2A request is not only consistent with the
5178 Land Use Plan, but also with historical development in the area. I've colored the R-4 zoning in
5179 green, which is up to the right and down a little bit below; I've indicated all the R-3 area in pink;
5180 the R-2A areas in yellow; and the flood plain in blue. And, of course, this includes the R-5A
5181 case that we just finished. And, this would be the request presently, these two parcels dividing
5182 right here.

5183
5184 Again, these parcels are a significant distance across the flood plain from the homes of Hartley
5185 Plantation and are across the street from the R-3 case, which, now I understand, someone may
5186 pursue to become an R-2 case. Nonetheless, that R-3 case, was approved some six, seven
5187 months ago.

5188
5189 Proffered conditions, we believe, insure quality development such as exists in Hartley Plantation.
5190 And, given these to requests, conformity with the Land Use Plan, conformity with proffers
5191 submitted, and approved in other cases, and patterns of development in the area, I believe that
5192 the foregoing does comply with all the jurisdictional requirements necessary for you to
5193 recommend approval of this case to the Board of Supervisors, and I'd be happy to answer any
5194 questions.

5195
5196 Ms. Dwyer - Any questions for Mr. Theobald?

5197
5198 Mrs. Wade - We talked about trails. It seemed to me, in previous discussions,
5199 you all were going to do something about trails?

5200
5201 Mr. Theobald - I've spoken with Mr. Malone and Mr. Bain, and they do believe
5202 that, when we come in for our tentatives, there's opportunities to connect through this flood plain
5203 area over to the park.

5204
5205 Mrs. Wade - Now, where are we now with the water and sewer? One of them
5206 is proffered.

5207
5208 Mr. Theobald - I guess, in the Bain case, public utilities were proffered, although I
5209 think it would be required under this zoning category anyhow. They weren't technically
5210 proffered in the Malone case, but certainly can be, if desired. And, they can only be constructed
5211 if there's public sewer. And, it will necessitate a pump station in the flood plain area. That is
5212 not a treatment facility. That is merely a pumping facility.

5213
5214 Ms. Dwyer - Why is the 25-foot buffer in Proffer No. 8 for Case C-32C-99, not
5215 in addition to the rear yard setback? It seems to me, it needs to be, given its purpose is to
5216 protect the homeowner from noise of I-295?

5217
5218 Mr. Theobald - I think the concern was just given the flood plain up there, and a
5219 potential narrowing of the lot area up there. We just weren't sure what the impact of that would
5220 be, if we sat aside 25 to 30 feet excluding the rear yard on our ability to achieve lots up in that
5221 area. The question was asked, and the answer was, it was a part of the lot.

5222
5223 Mrs. Wade - We would much prefer to see 40 feet, or something.

5224
5225 Mr. Theobald - I thought you were a 25, a minimum?

5226

5227 Mrs. Wade - No. I wasn't happy at 25. I would still maintain, and the Hartley
5228 Plantation people who live near the interstate would agree, that more buffer, the better, I would
5229 think between - It seems to me it would enhance the value of the lots to increase the buffer.

5230
5231 Ms. Dwyer - Any other questions for Mr. Theobald? Thank you, Mr.
5232 Theobald. Would the opposition come forward?

5233
5234 Mrs. Wade - Yes. One of you could come and summarize would be helpful, but
5235 its okay...

5236
5237 Mr. Harry Siegler - Well, we may have to have two of us. Commission members,
5238 really to reiterate, but also to say that, it seems to me that we're at a juncture that its an
5239 important time to plan for something better. And, that's really, again, when we met on seven or
5240 eight occasions. We have the beautiful property beginning there, a beautiful park. We have the
5241 greatest economy we've had in who knows when. Interest rates are low. The market is doing
5242 great.

5243
5244 If we've not going to build a better product now, when? Why not look now. Let's go to some
5245 bigger lots, bigger square footages. With 100-foot lots on R-2, at least it will leave enough room
5246 for the garages to be in the back or the side, versus the front. Eighty-five (85) foot lots, a lot of
5247 times, you can't get all the garages are going to be on the front.

5248
5249 So, it just seems to us that it's a great time to step up, build a better product. There's certainly a
5250 market for it. The product across the street from us, one, a few weeks ago, sold for \$282,000.
5251 So the market for \$300,000-\$400,000 homes is right there. And it would create a lot of
5252 harmony in the community. It would give us some continuity from Hartley, all the way up to
5253 Staples Mill and Old Springfield area.

5254
5255 And, we're also concerned about having a pumping station, even in the flood plain, on the
5256 Hartley side. It could take away from the situation. So, maybe, by having the R-2 property, and
5257 the 100-foot lots, it may have sewer, and not have the pumping station. So, we see that as,
5258 perhaps, an added benefit as well.

5259
5260 I don't see any downsides for the builder, really. The builder should come back with just a better
5261 product. So, that's pretty much what we would like to see as a better product. It's not that
5262 much difference. They're not that far apart. So, it's sort of like you have a product. Then you
5263 have something else and then you have something else, and then you have something else.

5264
5265 So, if we could continue with this, it shouldn't put much burden on the builder. I feel like the
5266 builder is going to build, even if we approve this or not. I think Mr. Bain will probably build
5267 anyway some nicer homes in that area. So, that's what we're requesting to continue the R-2
5268 theme and to ask for a little better product. Thank you.

5269
5270 Ms. Dwyer - Would you repeat your name, for the record, please?

5271
5272 Mr. Siegler - It's Harry Siegler.

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Ms. Dwyer - Any questions for Mr. Siegler?

Mr. Scott Brannon - Madam Chairman, members of the Planning Commission, my name is Scott Brannon. I don't want to repeat anything that Mr. Siegler did. I echo his thoughts 100 percent. We would just like to see the theme of Hartley continued.

We fear, with having narrow lots, is like you see in so many subdivisions. Every third house looks just alike, except the front door is a different color. You ride through Hartley Plantation; there are no two homes in there alike. Every one of them is different, and that's what's so unique about Hartley, and that's what we would like to see continued right down Springfield Road. Thank you.

Ms. Dwyer - Any one else to speak in opposition? Mr. Theobald, would you like to take some rebuttal time?

Mr. Theobald - Well, there must be a lot of fear out there, because there's a lot of pink on this map that's R-3. In fact, Hartley is really the exception out there. This piece of property doesn't just relate to Hartley. It relates to its surroundings. It relates to Interstate 295. It relates to this interchange. It relates to Staples Mill Road. It relates to a ton of R-3 and R-4 down in this area. The R-2A classification, I don't know of many instances where we're transitioned down in density towards a major intersection with an interstate highway. This piece, as proffered, is consistent with your Land Use Plan, and I believe these folks are very much entitled to your recommendation of approval of this case. Thank you very much.

Ms. Dwyer - Any questions for Mr. Theobald? No questions. Mrs. Wade.

Mrs. Wade - I'm just concerned about the issue about the "pink," and the fact, we probably do know that a lot of that pink will be R-2 in the coming months. I know you keep that in mind anyway. But, when I see all that "pink," (referring to slide), a lot of that may be R-2. I still believe that it's very well all the way from Hartley out to the Staples Mill could be R-2 and no R-3 at all.

Ms. Dwyer - You mean the pink on that corner of the road?

Mrs. Wade - The Attack property, well, I know we can say, "Well, it hasn't been done." We do know, for all practical purposes, it will be R-2.

Ms. Dwyer - Mr. Theobald, did you want to respond?

Mrs. Wade - No. I don't subscribe to the fact that all that pink on there means that everything else has to be pink too. To the contrary, you'd rather have a better selection and more choice. And, I would rather see the R-2, also, but I'm not inclined to insist upon it. I'll do one case at a time here. C-32C-99, they both meet the requirements of the Land Use Plan, in terms of density. They have a lot of things to be said on their behalf.

5318 As I say, if I had my preference, actually, I'd say R-2 for both of them. But, as far as the C-
5319 32C case is concerned, I also would prefer more buffer by the interstate. So, I would move this,
5320 with, perhaps, something for the Board to think about between now and the Board hearing, those
5321 two things. And you all can come back and in the meantime talk to your Supervisor about your
5322 concerns and desires here. But, I would move that Case C-32C-99 be recommended for
5323 approval.

5324
5325 Mr. Vanarsdall seconded the motion.

5326
5327 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
5328 those in favor of the motion, say aye—all those opposed by saying nay. The vote is 5-0 (Mr.
5329 Donati absent). The motion to recommend approval carries.

5330
5331 Mrs. Wade - I think it definitely would be improved as R-2, but I just don't
5332 feel we can impose that here.

5333
5334 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
5335 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
5336 accept the proffered conditions and grant the request because it conforms to the
5337 recommendations of the Land Use Plan; and it is appropriate residential zoning at this location.

5338
5339 Mrs. Wade - The same thing for C-33C-99. It's going to have the larger lots
5340 which are closer to your Hartley Plantation situation. But it also meets a lot of the goals of the
5341 Land Use Plan. So, I move that C-33C-99 be recommended for approval also.

5342
5343 Mr. Archer seconded the motion.

5344
5345 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer. All those
5346 in favor of the motion, say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
5347 absent). The motion to recommend approval carries.

5348
5349 Mr. Theobald - Thank you.

5350
5351 Mr. Vanarsdall - I'd like to tell ya'll, this comes up before the Board on the 9th of
5352 June. So, I would be sure and be there, if I were you.

5353
5354 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
5355 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
5356 accept the proffered conditions and grant the request because it conforms to the
5357 recommendations of the Land Use Plan; and it is appropriate residential zoning at this location.

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5359
5360 C-35C-99 Richard H. Youngblood for Francis Run Associates, L. C.:
5361 Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family
5362 Residence District (Conditional), Parcels 39-A-7, 9, 11, and 26, described as follows:

PARCEL 1

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Beginning at a point on the east line of Reids Pointe Key, said point being S. 14° 44' 25" W., 152.09' from the South line extended of Reids Pointe Road; thence S 71° 15' 35" E, 284.93' to a point; thence N 18° 02' 16" E, 290.06' to a point; thence S 71° 16' 00" E, 828.33' to a point on the west line of Francistown Road; thence continuing along the west line of Francistown Road S 18° 52' 00" W, 106.46' to a point; thence leaving the west line of Francistown Road N 71° 07' 30" W, 279.79' to a point; thence S 18° 46' 00" W, 150.00' to a point; thence S 71° 07' 30" E, 279.53' to a point on the west line of Francistown Road; thence continuing along the west line of Francistown Road S 18° 52' 00" W, 431.23' to a point; thence leaving the west line of Francistown Road N 71° 15' 40" W, 282.41' to a point; thence S 18° 44' 20" W, 153.89' to a point on the north line of Thomasville Lane; thence continuing along the north line of Thomasville Lane N 71° 47' 00" W, 538.86' to a point; thence along the west line of Thomasville Lane S 16° 14' 55" W, 127.47' to a point; thence leaving the west line of Thomasville Lane N 64° 30' 15" W, 341.62' to a point; thence N 17° 39' 20" E, 343.81' to a point; thence S 71° 16' 23" E, 43.23' to a point; thence N 17° 39' 20" E, 299.82' to a point; thence S 71° 15' 35" E, 15.72' to the point and place of beginning containing 18.854 acres of Land.

Mr. Marlles - The presentation will be by Mark Bittner.

Ms. Dwyer - Good morning, Mark. Is there any opposition to C-35C-99 Francis Run Associates? No opposition.

Mr. Archer - I think Mr. Theobald is.

Mrs. Wade - One of the other people who left had some concerns about the R-3A down here.

Ms. Dwyer - Did the Hartley people get tired?

Mrs. Wade - Yes. They had concerns about the R-3A here.

Ms. Dwyer - No opposition. Mr. Bittner.

Mr. Bittner - Thank you, Ms. Dwyer. The applicant has proffered a density of 2.5 net units per acre 47 lots. However, he had submitted a conceptual plan, but not proffered it that shows 45 lots.

The requested R-3AC zoning is not consistent with the zoning of the nearby Reids Pointe and Duncroft Subdivisions, which are zoned R-3.

5405 Staff feels that R-2A zoning would be most appropriate, because it would be consistent with the
5406 Suburban Residential 1 (SR1) designation of this property. R-3 zoning could, perhaps, be
5407 acceptable if a density consistent with SR1 were proffered.
5408

5409 A major issue with this application is access. The conceptual layout plan, submitted by the
5410 applicant; again this is not a proffered plan, shows access coming from Francistown Road. It
5411 also shows a stub road extending to the northern and southern borders of the property. Stub
5412 road connections are critical to the vacant property to the north. However, the applicant has
5413 not guaranteed provision of stub roads through the proffers.
5414

5415 There is also a stub road in the adjacent Reids Point Subdivision that touches the northwestern
5416 border of the property in question. The configuration of this property would not allow a road
5417 connection to be constructed at this time. However, this subdivision should be designed so that
5418 a road connection could someday be established to Reids Point if additional property to the
5419 west were rezoned.
5420

5421 In summary, the requested use is consistent with adjacent development, but the requested
5422 zoning, and submitted proffers, should be amended to make this application more compatible
5423 with surrounding subdivisions. If the applicant could address these concerns, staff could
5424 recommend approval of this application. I'd be happy to answer any questions you may have.
5425

5426 Ms. Dwyer - So, you're not recommending this for approval because of the
5427 density?
5428

5429 Mr. Bittner - The requested zoning, the density, and also, there are a couple of
5430 items we'd like to see, perhaps, put in the proffers.
5431

5432 Mrs. Wade - Stub streets and...
5433

5434 Mr. Bittner - Yes.
5435

5436 Ms. Dwyer - Any questions for Mr. Bittner by Commission members. No
5437 questions. Would the applicant come forward, please.
5438

5439 Mr. Richard H. Youngblood - Madam Chairman, and members of the Commission, I am
5440 Richard Youngblood. I'm also a principle in Francis Run Associates. We feel that this case is
5441 consistent with the Land Use Plan, in that all the R-3 properties that surround it were
5442 developed using the controlled density provisions in the Ordinance. And, therefore, the lots in
5443 Reids Pointe, they are approximately 60 feet wide. It does have a density of 2.25 there, but all
5444 the properties have densities; the lowest one is one which I'm principal in also, which is
5445 Francis Marron that's across the street. It has a density of 2.55.
5446

5447 The conceptual plan, which we didn't proffer, shows 45 lots. And that's all we really feel that
5448 we could get on the property. And, with 45 lots, we would meet the density requirements for
5449 the SR-1 provision in the Land Use Plan which would give us 2.4 lots to the acre. We would

5450 be willing to amend our proffer, where we said we wouldn't have more than 47 lots, to 45, if
5451 you would waive the time limit.

5452
5453 Our other proffers speak primarily to the residences which are to be built on the property,
5454 which are minimum square footage of the finished floor, and foundations, and no cantilevered
5455 chimneys. And then our proffer dealt with access. We had requested that one access be
5456 allowed to Francistown Road.

5457 There's an existing driveway, that was constructed with the rebuilding of Francistown Road.
5458 It's right in this area (referring to slide). If we would cut a lot off of a residue off of a bush
5459 hog tract, then we would like to have access to Francistown Road there. Any questions?

5460
5461 Ms. Dwyer - You mentioned that the zoning for Reids Pointe was R-3, but the
5462 lots were smaller, because it was controlled density?

5463
5464 Mr. Youngblood - Yes ma'am.

5465
5466 Ms. Dwyer - Maybe I don't understand controlled density, but I guess I'm
5467 thinking that...

5468
5469 Mr. Youngblood - It allows you to reduce the size of the lot.

5470
5471 Ms. Dwyer - For some compensatory reason.

5472
5473 Mr. Youngblood - Right.

5474
5475 Ms. Dwyer - Compensating.

5476
5477 Mr. Youngblood - We're doing the same thing. We're providing approximately 13
5478 percent of our property as common area, because we'd like to retain the two ponds that exists
5479 on the property. And there's a greenery, if you can see on that plan, that actually goes
5480 between the two roadways, and from one of the roadways to the lower pond. But, we're not
5481 asking for credit, because we don't have 20 acres, and can't ask for it. But, we have about 13
5482 percent of the property; a little over two acres that would be common area. So, it's a similar
5483 type development. We just don't get a credit for reducing the size of the lots.

5484
5485 We actually had proposed a proffer of where we would, I think it was 75 percent of the lots
5486 would be 75 feet in width, rather than the 70-foot in the R-3A, but we were asked not to bring
5487 that proffer. And, so we took it out. But, the plan before you, shows you that 75 percent of
5488 them are 75 feet in width. Any other questions?

5489
5490 Mrs. Wade - Well, of course, we talked about the fact, that the homeowners
5491 are going to have to maintain the ponds.

5492
5493 Mr. Youngblood - Yes ma'am. But we would have an engineering study done on
5494 the dams to make sure that they're stable and wouldn't require any work, so that it would limit
5495 the liability of the homeowner's association.

5496
5497 Mrs. Wade - Have you considered some kind of planting strip along
5498 Francistown?
5499
5500 Mr. Youngblood - Yes ma'am. But we thought that would come during the
5501 subdivision approval. We had to do one across the street on Francis Manor. We have a 25-
5502 foot landscape strip. And, I would assume, the two lots that would back up to Francistown
5503 Road would also have to have a landscape strip.
5504
5505 Mrs. Wade - Well, why don't you change our lot number and add something
5506 about the planting strip maybe, and make some comment about how you're going to protect
5507 those trees and come back on the 26th of May? Okay.
5508
5509 Mr. Youngblood - All right. You want me to put a landscaped strip...
5510
5511 Mrs. Wade - And include something about the stub streets. Firm that up and
5512 then come back.
5513
5514 Mr. Youngblood - We can provide a little piece along the back here where the street
5515 comes out of Reids Pointe could connect and eventually connect to that 50-foot strip that's a
5516 private road right now. But, if you look at the flood plain, and what's to the west of here, the
5517 only thing that can be developed is that one house that's behind here. So, I'm not sure any
5518 more access out that way will do any good.
5519
5520 Mrs. Wade - But then, even then, this is just a conceptual plan. So, you've got
5521 two stubs on here. You might mention those.
5522
5523 Mr. Youngblood - Oh. Okay.
5524
5525 Mrs. Wade - And come back on the 26th of May. Is that okay?
5526
5527 Mr. Youngblood - Yes ma'am.
5528
5529 Mrs. Wade - All right.
5530 Ms. Dwyer - We need a motion for deferral.
5531
5532 Mrs. Wade - I move that Case C-35C-99 be deferred until the 26th of May for
5533 the purpose of working on the proffers.
5534
5535 Ms. Dwyer - At the applicant's request?
5536
5537 Mrs. Wade - No. I'll do this.
5538
5539 Ms. Dwyer - The Commission's request.
5540
5541 Mr. Archer seconded the motion.

5542
5543 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer to defer to
5544 May 26th. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr.
5545 Donati abstained). The motion carries.

5546
5547 Mr. Marlles - Madam Chairman, I believe the next two cases are also companion
5548 cases.

5549
5550 **C-40C-99 James W. Theobald for The H. H. Hunt Corporation:** Request to
5551 conditionally rezone from R-2AC and R-3C One Family Residence Districts (Conditional) to
5552 R-2AC One Family Residence District (Conditional), part of Parcel 27-A-3A, described as
5553 follows:

5554
5555 BEGINNING at a point on the southern right-of-way line of Proposed Twin Hickory Road
5556 approximately 0.5 mile east of its intersection with Pouncey Tract Road, said point being the
5557 True Point of Beginning; thence along the southern right-of-way line of Proposed Twin
5558 Hickory Drive along a curve to the right having a radius of 13,979.17' for a length of 151.59'
5559 to a point; thence S 89°28'30" E 149.96' to a point; thence along a curve to the right having a
5560 radius of 13,969.17' for a length of 145.09' to a point; thence N 83°53'48" E 143.35' to a
5561 point; thence along a curve to the right having a radius of 13,979.17' for a length of 197.67' to
5562 a point; thence N 89°00'00" E 120'± to a point in the centerline of a creek; thence leaving the
5563 southern right-of-way line of Proposed Twin Hickory Road and meandering along the
5564 centerline of the creek in an southerly direction 757'± to a point; thence S 65°25'00" W
5565 119.91'± to a point; thence S 80°00'00" W 287.48' to a point; thence S 14°00'00" W
5566 188.00' to a point; thence S 50°20'00" W 165.59' to a point; thence S 45°00'00" E 190.00' to
5567 a point; thence S 44°33'00" W 55.00' to a point; thence N 36°36'00" W 100.00' to a point;
5568 thence N 84°28'00" W 587.00' to a point; thence N 11°47'00" E 171.00' to a point; thence N
5569 46°41'00" E 176.00' to a point; thence N 27°37'00" W 268.00' to a point; thence N
5570 00°10'00" E 80.00' to a point; thence N 49°10'00" W 60.95' to a point; thence N 06°29'30"
5571 E 409.25' to the Point and of Beginning, containing 21.574 acres.

5572
5573 All testimony heard under P-7-99.

5574
5575 **P-7-99 James W. Theobald for The H. H. Hunt Corporation:** Request for
5576 a provisional use permit under Sections 24-95(q) and 24-122.1 of Chapter 24 of the County
5577 Code to permit controlled density development on a portion of a mixed use planned
5578 development, on part of Parcel 27-A-3A, containing 21.574 acres, located south of Twin
5579 Hickory Road Extended at its proposed intersection with Shady Grove Road. A residential
5580 subdivision of 50 lots is proposed. The site is zoned R-3C One Family Residence District
5581 (Conditional) and R-2AC One Family Residence District (Conditional).

5582 Mr. Marlles - Mr. Merrithew will be giving the staff presentation.

5583
5584 Mr. Merrithew - Thank you.

5585
5586 Ms. Dwyer - Good morning, Mr. Merrithew.

5587

5588 Mr. Merrithew - Good morning.

5589

5590 Ms. Dwyer - Is there any one in opposition to Case C-40C-99 or P-7-99 H. H.
5591 Hunt Corporation? No opposition.

5592

5593 Mr. Merrithew - I don't have a whole lot to add to the staff report. I would point
5594 out that this property; the 21 acres is purportedly a part of the larger Twin Hickory development.
5595 The proposal to rezone to R-2AC is, essentially, done to provide a change to the proffers that
5596 were approved with the original case. That change simply allows the applicant to seek a
5597 controlled density subdivision on the site.

5598

5599 So, the rezoning to R-2A, staff does not feel has any impact on the density of the project, or any
5600 significant impact at all on the project, and we can support the rezoning application.

5601

5602 Now, the purpose of that rezoning is to allow them to then come in with this Provisional Use
5603 Permit to develop a controlled density subdivision. I think the situation is, that the applicant felt
5604 if they could get 50 lots on this site when they originally were looking at it and then discovered,
5605 with the wetlands, that they could not get those 50 lots, under the conventional R-2A and R-3,
5606 zoning so they came back with a controlled density, which allows them lot sizes of 10,000
5607 square feet, and smaller width, of course. Therefore, they could fit 50 lots in and around the
5608 wetlands area of the property.

5609

5610 The proposal, that you see before you, is a conventional cul-de-sac development. However, the
5611 Zoning Ordinance, and I'm sure we emphasized this point in some of the other zoning cases, the
5612 Zoning Ordinance has some design criteria, or approval criteria, if you will, for controlled
5613 density development, including originality and ingenuity in the overall design; improved living
5614 environments; the preservation of public and private open space; the preservation of trees and
5615 appropriate landscaping; economical subdivision design and providing suitable land for public
5616 uses. And, overall, staff feels that this proposed design does not meet those objectives, and
5617 needs to be reworked.

5618

5619 One of the major issues for us was to make sure that there was a vehicular connection between
5620 this subdivision and the rest of Twin Hickory. That's to try to make it a part of the Twin
5621 Hickory development. At this point, this design does not include that connection, although, I
5622 understand, that, this evening, there's been discussion of providing that connection from this cul-
5623 de-sac northward from here (referring to slide), up into this property which is not yet part of
5624 Twin Hickory, but which, I believe, they intend to purchase. They can speak to that a little bit
5625 later on this evening.

5626

5627 They have provided a significant amount of pedestrian connections. There's pedestrian
5628 connections here (referring to slide). This, I think, required 20 percent open space area,
5629 essentially is back here. Pedestrian connections do go into other parts of Twin Hickory, and also
5630 come down the front of the property along the proposed Twin Hickory Road connection here.

5631

5632 I want to switch to the latest version of the plan, which is on the big board, and show you some
5633 changes they have provided.

5634
5635 Number 1, they have converted the tot lot into a picnic area, in their common open space area,
5636 back here. Number 2, they are providing a connection across these wetlands to the school,
5637 which is immediately to the east of the site. Number 3, they're providing, rather than a trail
5638 along the common area, they're now providing a sidewalk. I'm not sure what the significance of
5639 that difference is, but they're now classifying that as a sidewalk.

5640
5641 They've expanded the park land to provide a minimum of a half acre outside of the wetlands.
5642 They've replaced the tot lot with a picnic area. They have not yet shown the connection, but as I
5643 mentioned earlier, they are still now proposing a connection to the west, and the property they
5644 intend to purchase and to incorporate into the Twin Hickory design.

5645
5646 With those changes, and with the commitment from the applicant that they will provide the
5647 vehicular access to the rest of the property, staff could support the Provisional Use Permit for the
5648 controlled density subdivision.

5649
5650 You'll see that we included conditions with our recommendation. One, that we use the
5651 applicant's concept plan, and I'll have to revise that to show the latest version, provided that, that
5652 concept plan shows the road connection; provided that the applicant field checks and marks all
5653 trees over six inches in caliper and set those trees outside the building envelopes and driveways,
5654 and so on, and streets, for preservation during construction of the project.

5655
5656 Also, that the applicant look at providing some centrally located common open space that could
5657 serve as a focal point for the community. And that the applicant provide sidewalk connections
5658 along the internal streets, connecting the trails that they've already shown.

5659
5660 They have a trail connection here (referring to slide), and a trail connection here that's straight.
5661 Our suggestion was that the sidewalks be connected through here, perhaps, connect the internal
5662 streets so people don't have to walk in the street to get down to these trails. That was our idea
5663 behind that proposed condition.

5664 The other item that I feel is important is something that we saw in the Duma cases is that, rather
5665 than a development of cul-de-sacs, that we interconnect these streets somehow and create a
5666 interconnected street network for this, or a loop network, if you will, for this subdivision so that
5667 people can walk around the subdivision, rather than in and out of each of the cul-de-sacs. That's
5668 just a difference in design opinion from the studies that have been referred to earlier this
5669 evening.

5670
5671 The cul-de-sacs are not providing security. They're not necessary in this size of development,
5672 and we think there's a better street layout that could be had here. But, nonetheless, the project
5673 can conform to the density, and Comprehensive Plan, with the connection to the rest of the
5674 project, addresses our major issue, and we can support it with those conditions. I'd be glad to
5675 answer questions.

5676
5677 Mrs. Wade - Do they need a landscape strip along the main street; Twin
5678 Hickory there?

5679

5680 Mr. Merrithew - Along Twin Hickory? Do they need a landscape strip?
5681
5682 Mrs. Wade - Yes. Well, they show it on this green one.
5683
5684 Mr. Merrithew - The original proffers, according to Jim, call for a landscape strip
5685 along the road.
5686
5687 Mrs. Wade - Oh. Okay.
5688
5689 Mr. Silber - I think there's a 25 or 30-foot landscape strip.
5690
5691 Mr. Merrithew - I'm trying to see if I have it here in the proffer.
5692
5693 Mrs. Wade - Are these cul-de-sacs big enough for a school bus to turn around?
5694 Mr. Merrithew - Th applicant will have to tell you that. I don't know what the
5695 diameter of those cul-de-sacs is. That was one issue we discussed, whether a school bus would
5696 even come into that neighborhood, or whether they would expect to pick up the kids right off of
5697 Twin Hickory.
5698
5699 Mrs. Wade - Yes. I know. The 50 foot radius, is that big enough for a school
5700 bus?
5701
5702 Mr. Silber - I don't know the answer to that. I don't know if Dwight does or
5703 not, but, Mary, if they make a connection to the west...
5704
5705 Mrs. Wade - If they make a connection...
5706
5707 Mr. Silber - ...then that wouldn't be an issue.
5708
5709 Mrs. Wade - That's true. Yes. I had that question before.
5710
5711 Ms. Dwyer - School buses don't like to back up.
5712
5713 Mrs. Wade - I know.
5714
5715 Mr. Silber - I think, typically, Mrs. Wade, they would not go into this
5716 subdivision. They would not go into a subdivision that has no outlets. It's just all cul-de-sacs
5717 like this, there's no way to loop around, they would not back out.
5718
5719 Mrs. Wade - Well, that's true.
5720
5721 Ms. Dwyer - We have that problem at Westham Village. Kids had to walk a
5722 fairly long distance. Mr. Merrithew, it seems that you still have a lot of reservations about this
5723 case, to be going from not recommending it, to recommending it?
5724

5725 Mr. Merrithew - Well, I believe there's a better way to approach the Zoning
5726 Ordinance's criteria of originality and ingenuity and design. This doesn't do that.
5727

5728 Ms. Dwyer - We just heard in the last case, the argument was made, we should
5729 increase the density, because the adjoining neighborhood, although it is R-3 is controlled density
5730 and so it has an increased density. Therefore, this should be R-3A. So, I'm concerned that, that
5731 you know, it seems to me the purpose of controlled density is to allow a deviation in the setbacks
5732 and yard requirements...
5733

5734 Mr. Merrithew - In return for a 20 percent open space.
5735

5736 Ms. Dwyer - ...in return for something unique, special, creative or ingenious, I
5737 guess.
5738

5739 Mr. Merrithew - That's right.
5740

5741 Ms. Dwyer - You're saying, this hasn't been done. It looks like a regular cul-
5742 de-sac subdivision, unrelated to the rest of Twin Hickory, and that may be partially addressed by
5743 the vehicular connection, but, otherwise, you've just kind of been given some wetlands along the
5744 perimeter in exchange for the increase in density.
5745

5746 Mr. Merrithew - I think that's the bottom line. Yes. I agree with that.
5747

5748 Mrs. Wade - I always thought that increasing the density was the whole purpose
5749 in controlled density.
5750

5751 Ms. Dwyer - That's what it appears to be. I guess it's impractical.
5752

5753 Mrs. Wade - Well, it usually is.
5754 Mr. Silber - Well, the intent of the Ordinance, with controlled density, is that
5755 you don't have greater density. What you have is the same density, but you have smaller lots,
5756 and you have open space. So, on a previous case, they really should not be using controlled
5757 density to argue an R-3A case.
5758

5759 Ms. Dwyer - But they did.
5760

5761 Mr. Silber - That was in error and I don't think that should be the reason to be
5762 considering R-3A.
5763

5764 Mr. Merrithew - Right.
5765

5766 Mr. Silber - I think, in a situation like this, I think what the applicant has
5767 reminded me of is that, although the layout may look as though its fairly traditional, the area
5768 they have designated as a park plan, open area, would be used by, not only this subdivision, but
5769 the adjoining subdivisions, with pedestrian connections so it becomes sort of a focal point for the
5770 surrounding subdivisions. Not just this one, but the surrounding subdivisions, and that would all

5771 be maintained by all the surrounding subdivisions. It would all be maintained by the Twin
5772 Hickory development, not just Autumn Woods.

5773
5774 Ms. Dwyer - But the density is, in fact, increased, as a result of this rezoning?

5775
5776 Mr. Merrithew - The proffer allows for an increase in density from 2.2 to 2.5.

5777
5778 Mr. Silber - That is true.

5779
5780 Ms. Dwyer - Increases six lots.

5781
5782 Mr. Merrithew - Six lots. And, given the wetlands, you have to believe that they're
5783 getting more lots, in reality, than what they could have gotten with the R-2A and R-3.

5784
5785 Ms. Dwyer - Because the wetlands would have limited...

5786
5787 Mr. Merrithew - Right. The lot widths are wider and so on.

5788
5789 Mrs. Wade - Yes. Looking at this reminds me of a thought I had this morning
5790 when I looked at the agenda for the Board of Zoning Appeals. Seventy-five percent of them are
5791 variances to add on, enclose, or whatever. Most of those, I think, were in Three Chopt
5792 somewhere.

5793
5794 Ms. Dwyer - Because the lots are too small to allow...

5795
5796 Mrs. Wade - There were quite a few in Wyndham, as I recall. So, you know,
5797 there's been concern about that.

5798
5799 Ms. Dwyer - Any questions for Mr. Merrithew? Thank you. Would the
5800 applicant come forward, please?

5801
5802 Mr. Merrithew - It was 2.2 units up to 2.5, not 5 to 7.

5803
5804 Mr. James W. Theobald - Madam Chairman, ladies and gentlemen, I am Jim Theobald, and
5805 I'm here on behalf of H. H. Hunt. And we are seeking amendments to the Twin Hickory
5806 rezoning in order to create the community of Autumn Wood.

5807
5808 This is a request to rezone 21.5 acres from R-2A and R-3 to R-2A. An additional request for a
5809 Provisional Use Permit for controlled density, and a proffer amendment which would
5810 accomplish, basically, in the R-2A context, would allow a density but only in the R-2A area,
5811 should the Board ultimately approve the controlled density to go from 2.2 to 2.5 units per acre.
5812 And the lot widths in R-2A, but, again, only in the context of an approved controlled density
5813 scenario to go from 85 feet to an average of 75 feet minimum being required under that district.
5814 It would normally be 70 feet.

5815

5816 All other of the Twin Hickory proffers remain, including the minimum square footage of
5817 finished floor area of 2,200 square feet on these lots. There is no overall increase in Twin
5818 Hickory density cap. So, why are we doing this? Well, you've heard illusions to wetlands.
5819 And, initially, we thought there were no wetlands on this site.

5820
5821 I think, initially, the County thought they had very few wetlands on their high school and park
5822 site. But, as we learned together, using the same consultant, and now using a different
5823 consultant, that we have literally four times the amount of wetlands than we all believed we had
5824 initially. And, yes, this is an effort to try to get back some of the lots that we thought we had
5825 initially.

5826
5827 We thought we could have achieved around 54 lots in this area, and we're now, through the
5828 controlled density provisions, trying to get back to 50, while providing for the park and open
5829 space requirements required under the Controlled Density.

5830
5831 Keep in mind, on the plan you see before you, (referring to slide), and this is a colored version
5832 of the earlier one. This does not include some of the refinements that Webb made earlier today,
5833 in terms of increasing the width of the open space area, but this one's a little easier to see the
5834 demarcations.

5835
5836 None of these cul-de-sacs has more than 12 or 13 lots within it. We've provided extra side yard
5837 widths all along this main entrance street. The Ordinance would require a minimum of 14 feet,
5838 and we've provided 20, with some street trees in here, as well. None of those houses face that
5839 main entrance road either.

5840
5841 The park area, shown in here for picnic areas (referring to slide), wetland habitats, etc., we have
5842 been engaged in some park programming internally at H. H. Hunt. We think there's
5843 opportunities here, as Mr. Silber suggested, and we'll see on a larger scale plan, in a moment,
5844 how this relates to, basically, at least two other subdivisions. So, it is really a central focus of a
5845 larger segment of the community. It can also be used by the elementary school. And we have
5846 ideas for programming in there for such things as different kinds of bird feeders to attract
5847 different types of birds, plaques to designate the types of wetland habitat or animals that might be
5848 found in that area, and lots of ideas that we are sharing with Schools.

5849
5850 We're really only at 2.13 units per acre. Again, the Land Use Plan in this area for SR-2
5851 suggests 2.4 to 3.4. Again, we are within the Twin Hickory cap. And we do think that this
5852 request meets the controlled density requirements for originality and ingenuity, and overall site
5853 design. I guess, perhaps, that's "in the eye of the beholder." And, I'm here to tell you that Mr.
5854 Tyler believes this reflects all these requirements, and does promote an improved living
5855 environment, preservation of open space to further the environmental and scenic purposes set
5856 forth in the ordinance. It does promote a more economical subdivision design. That's without
5857 apology. Protection of flood plain, protection of water quality, tree preservation, suitable land
5858 for recreational areas, it is easily accessible, and I believe does encourage a use of the wetlands
5859 in the floodplain within this common area.

5860

5861 We do meet the minimum requirements for the controlled density provisions. We also, I
5862 believe, have satisfied the jurisdictional requirements for a Provisional Use Permit in that its
5863 locations is appropriate and not in conflict with the intent of the Land Use Plan. Public health,
5864 safety, morals and general welfare will not be adversely impacted. Adequate utilities will be
5865 provided for the controlled density subdivision. And we believe it will not detract from the
5866 surrounding property values, but may, in fact, enhance them.

5867
5868 Some conditions have been set forth in your staff report. I have provided Mrs. Wade with sort
5869 of a retyped version of that. I do have some extras, if you would like.

5870
5871 Mrs. Wade - What happened to the road connection?

5872
5873 Mr. Theobald - That one came up about 10 minutes ago. What I would propose
5874 with regard to the Provisional Use Permit conditions, should you decide to recommend approval
5875 of them, is that the first one, the date would be amended from April 1st, and become April 13th.
5876 We are agreeable to a road connection. It has been suggested that Condition No. 2 be deleted,
5877 provided that we are talking about, Autumn Way Drive. A condition that would include a road
5878 connection at the end of the western terminus of Autumn Way Drive. That would be acceptable
5879 to us. Autumnwood Way. The western cul-de-sac of Autumnwood Way.

5880
5881 Ms. Dwyer - Would you show us where the cul-de-sac would be connected to
5882 the other...

5883
5884 Mr. Theobald - The controlled density subdivision is in here (referring to slide).
5885 Here's the park area and this is the cul-de-sac off of Autumnwood Way that would be extended
5886 over to property that is currently under contract negotiation, and we believe that we will be the
5887 successful contract purchaser of this piece. And, that will enable us to connect down into the
5888 existing portion of Twin Hickory. So, it's the western terminus of Autumnwood Way. And
5889 Condition #2, we'd be happy to have that provide that.

5890
5891 Proposed Condition No. 3 is one that we do not believe works in terms of trees 6 inches in
5892 caliper. What Snyder-Hunt and H. H. Hunt have done since the inception of Wellesley and
5893 Wyndham, is they have a new construction committee. It's required under the restrictive
5894 covenants. That committee must have an inspection, on site, with the builder before any
5895 construction can begin, and all the tree safe areas are marked. That determination is made on a
5896 "lot-by-lot" ad hoc basis. What you really don't have the ability to do, you don't have the
5897 ability to have "one size fits all" here with all the utility companies requiring utility connections
5898 in front yards. Your drainage areas, etc., saving every tree on the lot, outside the buildable
5899 area, 6 inches in caliper just is not practical. So, I would suggest to you, as in the other H. H.
5900 Hunt developments that we are as interested in doing that, but on an ad hoc lot-by-lot
5901 determination. I would respectfully ask that you delete Condition No. 3.

5902
5903 Existing Condition No. 4, which is No. 2 on my version. I was just trying to clarify that we'll
5904 provide centrally located recreational areas, as shown on the exhibit plan, at least half acre in
5905 size. So, that, basically, what I'm saying is our park is this park referenced here rather than one
5906 to be determined in the future in another location within this subdivision.

5907
5908 And, lastly, in regard to pedestrian connections, I have just reworded that a bit to help provide
5909 pedestrian connections to the proposed elementary school and to adjacent subdivisions. I don't
5910 know offhand, have we already committed to the sidewalks as part of some other tentative that's
5911 been approved on Twin Hickory, or do we need to add that in there, because we do intend to
5912 provide the sidewalks along Twin Hickory?
5913
5914 Mr. Webb Tyler - To my knowledge, we have not provided that in the previous
5915 proffers...
5916
5917 Mr. Theobald - Okay. So, we can add here, "The applicant shall provide
5918 pedestrian connections to the proposed elementary school and to adjacent subdivisions, and along
5919 Twin Hickory." And, with that, I'd be happy to answer any questions. We respectfully request
5920 the revisions to these conditions, that you recommend approval of this to the Board.
5921
5922 Mrs. Wade - The road connections are not included?
5923
5924 Mr. Theobald - I would be happy to have you recommend a condition that required
5925 a road connection at the western terminus of Audumnwood Way. It's, basically, the plan here
5926 that you see, Mrs. Wade.
5927
5928 Ms. Dwyer - Is there some plan proffered?
5929
5930 Mr. Theobald - Well, "yes," and "no." As you know, you had to submit the
5931 concept plan with your Provisional Use Permit application. So, the controlled density plan has
5932 been filed. What you're seeing here, absent the pink, reflects the controlled density request
5933 before you, and tentatives, I believe, have been submitted to the County already. So, you're
5934 looking at things that are already into the County.
5935
5936 Mr. Merrithew - The condition would be that we approve this subject to that plan
5937 with the changes that have been listed here.
5938
5939 Mr. Theobald - Correct.
5940
5941 Mr. Silber - Mrs. Dwyer, the subdivision plan that is before you in the form of
5942 a Provisional Use Permit, is what you're approving. So, it is a fairly detailed plan. That's the
5943 Provisional Use Permit.
5944
5945 Ms. Dwyer - And the written condition ensures the road connection?
5946
5947 Mrs. Wade - What's this No. 2? "At least a half acre in size." Don't you have
5948 to have 20 percent?
5949
5950 Mr. Theobald - Well, the half acre, is an amount that has to be out of wetland.
5951
5952 Mrs. Wade - Oh.

5953
5954 Mr. Theobald - We do have that.
5955
5956 Mrs. Wade - Because that's not very big.
5957
5958 Mr. Theobald - We have .8 acres out?
5959
5960 Mr. Silber - Mr. Theobald.
5961
5962 Mr. Theobald - Yes. Mr. Silber.
5963
5964 Mr. Silber - Address the density issue. I'm not real clear; 2.2 to 2.5?
5965
5966 Mr. Theobald - Well, the original Twin Hickory zoning case in R-2A said no more
5967 than 2.2. Okay. We're a little over that once we go to the controlled density.
5968
5969 Mr. Silber - I thought you had made a statement that you just wanted to get
5970 what you thought you had before in the number of lots?
5971
5972 Mr. Theobald - And we haven't achieved that. We're taking a small piece of R-3
5973 and rezoning it to R-2A, as part of the request, as well. I'm not sure I've answered your
5974 question.
5975
5976 Ms. Dwyer - They didn't realize that they had the wetlands that they had.
5977
5978 Mr. Silber - I realize that. But, you thought you had 54 lots. Wetlands came
5979 into play. You had something less than that. Now, you're trying to get it back up to 54?
5980
5981 Mr. Theobald - To 50.
5982
5983 Mrs. Wade - Fifty. He said 50.
5984
5985 Mr. Silber - And that density from 2.2 to 2.5, I guess, is reflective of a part of
5986 the property?
5987
5988 Mr. Theobald - Right. I'm going from the 2.2 to, basically, 2.31. Yes. I'm
5989 going slightly more dense.
5990
5991 Ms. Dwyer - Would this be allowed in Hanover? I have been reading a little bit
5992 about... I've been dying to ask that question all night. Sorry. No.
5993
5994 Mr. Theobald - It's less than 25 acres per lot.
5995
5996 Ms. Dwyer - That's the first clue.
5997
5998 Mr. Theobald - I really just don't know.

5999
6000 Mr. Silber - Mrs. Dwyer, I think it is safe to say this would not come close to
6001 working in Hanover.
6002
6003 Mrs. Wade - They don't have controlled density.
6004
6005 Ms. Dwyer - They do have controlled density.
6006
6007 Mrs. Wade - Any more questions? You all ready?
6008
6009 Mr. Theobald - Thank you.
6010
6011 Ms. Dwyer - No more questions. No opposition. Ready for a motion?
6012
6013 Mrs. Wade - Everything Mr. Merrithew said is right, actually. It does conform
6014 with the density requirements. Of course, the proffers on the regular zoning case are still the
6015 same. So, I would move Case C-40C-99 be recommended for approval.
6016
6017 Mr. Archer seconded the motion.
6018
6019 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer. All those
6020 in favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
6021 Quesinberry and Mr. Donati absent). The motion is carried.
6022
6023 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Archer, the Planning
6024 Commission voted 4-0 (two absent) to recommend that the Board of Supervisors accept the
6025 proffered conditions and grant the request because it conforms to the recommendations of the
6026 Land Use Plan; it is appropriate residential zoning at this location; and it would not adversely
6027 affect the adjoining area if properly developed as proposed.
6028
6029 Mrs. Wade - And on P-7-99, actually, they will have fewer lots, and have met
6030 all the requirements for the controlled density. And there are four conditions, including road
6031 connection at the western terminus of Autumnwood Way. Five.
6032
6033 Mr. Merrithew - Road connections and sidewalks on Twin Hickory.
6034
6035 Mrs. Wade - We added that to three, didn't we? Add, "along Twin Hickory" to
6036 the No. 3. That will be five conditions. So, I move that P-7-99 be recommended for approval.
6037
6038 Ms. Dwyer - Could you just review briefly which four we are talking about?
6039
6040 Mrs. Wade - Well, this white sheet, with three amended to add, "along Twin
6041 Hickory," and then four, "...road connections at the western terminus of Autumnwood Way..."
6042
6043 Ms. Dwyer - And is "only sidewalks" added along Twin Hickory and nowhere
6044 else?

6045
6046 Mrs. Wade - Well, pedestrian connections.
6047
6048 Mr. Theobald - Pedestrian connections...
6049
6050 Mrs. Wade - Which could be sidewalks.
6051
6052 Mr. Theobald - It's shown on the plans. If you're concerned with the
6053 interconnections.
6054
6055 Mrs. Wade - Because all those to adjacent subdivisions won't necessarily be
6056 sidewalks. Some of them will be just trails.
6057
6058 Ms. Dwyer - Is there a second?
6059
6060 Mr. Vanarsdall seconded the motion.
6061
6062 Ms. Dwyer - Were you finished, Mrs. Wade.
6063
6064 Mrs. Wade - Yes.
6065
6066 Ms. Dwyer - Motion by Mrs. Wade, seconded by Mr. Vanarsdall on Case P-7-
6067 99. All those in favor of the motion, say aye—all those opposed by saying nay. The vote is 4-
6068 0 (Mrs. Quesinberry and Mr. Donati absent). The motion is carried.
6069
6070 Mr. Theobald - Thank you. And good night.
6071
6072 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
6073 Commission voted 4-0 (two absent) to recommend that the Board of Supervisors grant the
6074 requested revocable provisional use permit, subject to the following conditions:
6075
6076 1. The project shall comply with the submitted Exhibit Plan, dated April 9, 1999 and revised
6077 May 13, 1999 by Youngblood, Tyler & Associates except for the following:
6078
6079 2. The applicant shall provide a centrally located recreation area as shown on the Tentative
6080 Plan at least one-half acre in size that will serve as a focal point for the community.
6081
6082 3. The applicant shall provide pedestrian connections to the proposed elementary school and
6083 to adjacent subdivisions including sidewalks along Twin Hickory Road.
6084
6085 4. The applicant shall extend Autumnwood Way to the north to connect with adjoining
6086 development.
6087
6088 The Planning Commission's recommendation was based on the fact that the Provisional Use
6089 Permit is reasonable and consistent with surrounding residential development. Conditions will
6090 assure high quality development.

6091
6092 C-41C-99 Mohsen Sean Pardis for Fred and Joy Mangels: Request to
6093 amend proffered conditions accepted with rezoning case C-42C-94, on Parcel 66-23-B-76,
6094 containing 0.33 acre, located in the Keswick subdivision on the east line of Hawkesbury Ct.
6095 approximately 320' north of its intersection with Nettlesome Ct (2527 Hawkesbury Ct.). The
6096 amendment is related to the proffered setback from John Rolfe Parkway. The Land Use Plan
6097 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
6098
6099 Mr. Marlles - Mr. John Merrithew will be giving the staff presentation.
6100
6101 Mr. Merrithew - The time limit will have to be waived on this proffer.
6102
6103 Ms. Dwyer - No substitutive change. It's just to clarify...Is there any one in
6104 opposition to C-41C-99? No opposition. Mr. Merrithew.
6105
6106 Mr. Merrithew - The house in this proposal exists. It was built 1.8 feet too close to
6107 John Rolfe Parkway, effectively reducing the 25-foot buffer to 23 feet, 4 inches. The mistake
6108 was made by the builder. It was shown that way on the building permit. Staff did not catch the
6109 mistake at the building permit stage. I just want you to know it's not all his fault.
6110
6111 The proffer is amended to simply acknowledge that the house is one foot, 8 inches closer to John
6112 Rolfe Parkway, and simply reduces the buffer from 25 feet to 23.4 feet for that specific lot. If
6113 there's any questions, I'd like to answer them. Staff doesn't have a problem with this. The only
6114 alternative is to have them relocate the house.
6115
6116 Mr. Archer - But, wouldn't it be simpler to relocate the parkway?
6117
6118 Mr. Merrithew - It might be a better chance of that happening. Yes.
6119
6120 Ms. Dwyer - And the proffer change was something I requested to clarify the
6121 language. It doesn't change it in substance.
6122
6123 Mrs. Wade - I'll take your word for it.
6124
6125 Ms. Dwyer - Any questions of Mr. Merrithew? All right, I move the time limits
6126 be waived for the proffers for Case C-41C-99.
6127
6128 Mr. Vanarsdall seconded the motion.
6129
6130 Ms. Dwyer - Motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All those in
6131 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
6132 Quesinberry and Mr. Donati absent). The motion is carried.
6133
6134 Ms. Dwyer - I move that we recommend to the Board Case C-41C-99 be
6135 approved. It's a matter of a one foot, 8 inch error, on both part of the builder and the County.

6136 It is not visible or noticeable. I understand the backyard will (unintelligible). So, it's a good
6137 idea.

6138
6139 Mr. Vanarsdall seconded the motion.

6140
6141 Ms. Dwyer - Motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All those in
6142 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
6143 Quesinberry and Mr. Donati absent). The motion carries.

6144
6145 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Vanarsdall, the Planning
6146 Commission voted 4-0 (two absent) to recommend that the Board of Supervisors accept the
6147 amended proffered condition and grant the request because it is reasonable; it conforms to the
6148 recommendations of the Land Use Plan; and it is not expected to have a precedent setting effect
6149 on the zoning in the area.

6150
6151
6152 RESOLUTION: Northwest Elementary School #6 Site – Substantially in Accord with the
6153 County of Henrico Comprehensive Plan.

6154
6155 Mr. Merrithew - This is a short presentation by Mr. Bittner.
6156 Mr. Bittner - I'm willing to waive my presentation.

6157
6158 Mrs. Wade - They did raise more questions about access and things than they
6159 usually do in these reports, I noticed.

6160
6161 Ms. Dwyer - Good morning, Mr. Bittner.

6162
6163 Mr. Bittner - Good morning. I'll make this short. We did find this to be
6164 substantially in accord. Although, in the report, as Mrs. Wade alluded to, we pointed out some
6165 concerns, the fact that this is so close to the interstate interchange. So, careful site design will be
6166 needed to make sure there are no problems generated with that.

6167
6168 We are also a little bit concerned about property to the east of this site between the interstate and
6169 itself. There could be pressure, perhaps, for it to go commercial, in the future, when Woodman
6170 Road is extended to the north, and eventually out to Route 1 and Virginia Center Commons
6171 Mall.

6172
6173 But, again, staff would like to reiterate, we did find this to be substantially in accord with the
6174 Comprehensive Plan. I'd be happy to answer any questions you may have.

6175
6176 Ms. Dwyer - Any questions of Mr. Bittner?

6177
6178 Mrs. Wade - Well, put the school there and that will keep it from becoming
6179 commercial.

6180
6181 Mrs. Wade - Yes.

6182
6183 Ms. Dwyer - All right, any questions for Mr. Bittner or any one else? No
6184 questions? Ready for a motion?
6185
6186 Mr. Vanarsdall - I move that we adopt the Resolution that Northwest Elementary
6187 School No. 6 site, Greenwood Road, substantially in accord with the Comprehensive Plan, today
6188 the 13th of May, 1999.
6189
6190 Mrs. Wade seconded the motion.
6191
6192 Ms. Dwyer - Motion by Mr. Vanarsdall, seconded by Mrs. Wade. All those in
6193 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
6194 Quesinberry and Mr. Donati absent). The motion carries.
6195
6196 Mr. Vanarsdall - There was a discussion on the 10th, I guess, about what time to
6197 have the hearing.
6198
6199 Ms. Dwyer - To have the public hearing on the Open Space Plan. What do you
6200 think?
6201 Mr. Archer - If it goes like it did, tonight, we could have it at 2:30 in the
6202 morning.
6203
6204 Mr. Merrithew - We have five new cases. You deferred maybe four cases to the
6205 10th. So you only have 9 cases. Ten cases.
6206
6207 Ms. Dwyer - How many did we have tonight?
6208
6209 Mr. Archer - Twenty-four, initially, I believe.
6210
6211 Ms. Dwyer - It should be a breeze.
6212
6213 Mr. Merrithew - Those cases are not controversial, that I know of.
6214
6215 Mr. Vanarsdall - If we started it at 6:00 o'clock, would that be too early?
6216
6217 Mr. Merrithew - No. We could go with 6:00 o'clock.
6218
6219 Ms. Dwyer - You think we need to start at 6:00 p.m.?
6220
6221 Mrs. Wade - What is it that we're going to talk about?
6222
6223 Mr. Merrithew - This is the public hearing for the Open Space Plan.
6224
6225 Ms. Dwyer - Have the public hearing on the Parks and Recreation Open Space
6226 Plan.
6227

6228 Mrs. Wade - Not many people came, I gather.
6229
6230 Mr. Archer - We don't have many cases. Maybe we could start at our regular
6231 time.
6232
6233 Mr. Vanarsdall - If that's all we have is ten.
6234
6235 Mr. Merrithew - I anticipate staff maybe doing a 20 minute presentation. Very
6236 brief. You've all heard it already, so we won't go through the whole thing again.
6237
6238 Mr. Silber - What do you think of starting the public hearing on the Open Space
6239 at 7:00, and zoning cases at 7:30 p.m.?
6240
6241 Mr. Vanarsdall - Yes. That would be all right.
6242
6243 Mr. Merrithew - That's fine. I don't expect a lot of public comment on the Open
6244 Space Plan.
6245
6246 Mr. Silber - We can advertise zoning starting at 7:30 p.m.
6247
6248 Ms. Dwyer - 7:00 o'clock for Open Space, and 7:30 for zoning.
6249
6250 Mr. Merrithew - You probably won't have an 8:00 o'clock agenda. We'll probably
6251 just have a 7:00 and 7:30 agenda.
6252
6253 Mr. Vanarsdall - I can't believe we don't have any more cases than that.
6254
6255 Ms. Dwyer - Well, we paid our dues tonight. We need a motion for the Open
6256 Space Plan.
6257
6258 Mr. Vanarsdall - I move we hold the public hearing on June 10, 1999 at 7:00
6259 o'clock p.m.
6260
6261 Mr. Archer seconded the motion.
6262
6263 Ms. Dwyer - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All those in
6264 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
6265 Quesinberry and Mr. Donati absent). The motion carries.
6266
6267 Acting on the motion by Mrs. Wade, seconded by Mr. Vanarsdall, the March 11, 1999 Zoning
6268 Minutes were approved as corrected.
6269
6270 Acting on the motion by Mr. Vanarsdall, seconded by Mr. Archer, the April 15, 1999 Zoning
6271 Minutes were approved as corrected.
6272

6273 There being no further business, acting on a motion by Mr. Vanarsdall, seconded by Mr.
6274 Archer, the Planning Commission adjourned its meeting at 2:22 a.m. on May 14, 1999.

6275

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6279

Elizabeth G. Dwyer, C.P.C., Chairwoman

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6283

John R. Marles, AICP, Secretary

6284