

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 November 12, 1998, Display Notice having been
4 published in the Richmond Times-Dispatch on Thursday, October 22, 1998, and Thursday,
5 October 29, 1998.
6

7 Members Present: C. W. Archer, C.P.C., Chairman, Fairfield
8 Elizabeth G. Dwyer, C.P.C., Vice-Chairman, Tuckahoe
9 Ernest B. Vanarsdall, C.P.C., Brookland
10 Mary L. Wade, Three Chopt
11 David A. Zehler, C.P.C., Varina
12 James B. Donati, Jr., Board of Supervisors, Varina
13 John R. Marlles, AICP, Secretary, Director of Planning,
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 John Merrithew, AICP, Principal Planner
17 Mark Bittner, County Planner
18 Nancy Gardner, AICP, County Planner
19 Jo Ann Hunter, AICP, County Planner
20 James Strauss, County Planner
21 Judy Thomas, Recording Secretary
22

23 Mr. Archer - Good evening, everyone. We have a number of withdrawals and
24 deferrals tonight. So, maybe we won't have to keep you too long. Is there anyone here from
25 the press, tonight? Well, if you're here and didn't choose to be recognized, welcome. With
26 that, I'll turn it over to our Secretary, Mr. Marlles.
27

28 Mr. Marlles - Mr. Chairman, Mr. Merrithew will review the list for deferrals
29 and withdrawals.
30

31 Mr. John Merrithew, Principal Planner - Thank you. Mr. Chairman, before I do that, I'd like
32 to point out in the stack of the materials that was at your place before you sat down, we have a
33 revised copy of the Substantially in Accord report that was sent to you earlier this week. It is
34 not for discussion, tonight. It's just a revised version of the staff report.
35

36 Mr. Archer - Thank you, John. I saw it, but I just forgot what I did with it.
37

38 Mr. Merrithew - It has maps. Thank you for pointing that out. We left the maps
39 out the last time we sent them.
40

41 Mr. Chairman, with regard to deferrals tonight, on the first page of your agenda in the
42 Fairfield District, Case C-40C-98:

43 **Deferred from the October 15, 1998 Meeting:**

44 **C-40C-98** Robert M. Atack for Atack Properties, Inc.: Request to
45 conditionally rezone from R-3AC and R-2AC One Family Residence Districts (Conditional) to
46 RTH Residential Townhouse District (Conditional), part of Parcels 23-A-72A and 32-A-94,
47 containing 18.08 acres, located adjacent to the western terminus of proposed J.E.B. Stuart
48 Parkway and north of the terminus of Proposed Magnolia Ridge Drive. Townhomes or
49 condominiums for sale are proposed. The RTH District permits densities up to 9.0 units gross
50 density per acre. The Land Use Plan recommends Suburban Residential 1 development, 1.0 to
51 2.4 units net density per acre and Suburban Residential 2, 2.4 to 3.4 units net density per acre.

52
53 They have requested a deferral until December 10, 1998.

54
55 Mr. Archer - Thank you, Mr. Merrithew. Is there any one present who is
56 opposed to this case to 12/10/98? I move deferral of C-40C-98 to the December 10, 1998
57 meeting at the applicant's request.

58
59 Mr. Vanarsdall seconded the motion.

60
61 Mr. Archer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
62 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
63 abstained).

64
65 Mr. Merrithew - Thank you, Mr. Chairman. The second case, C-57C-98.

66
67 **Deferred from the October 15, 1998 Meeting:**

68 **C-57C-98** Agnes S. Moss: Request to conditionally rezone from A-1
69 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 147-A-77,
70 containing 1.0 acre, located at the southeast corner of the intersection of Oakleys Lane and
71 Yates Lane. A residential subdivision is proposed. The R-3A District permits densities up to
72 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2,
73 2.4 to 3.4 units net density per acre.

74
75 This case has been withdrawn. You do not need to take action on it. But this was a rezoning
76 request from A-1 to R-3AC on Oakleys Lane and Yates Lane. That case has been withdrawn.

77
78 The next request for deferral is P-37-98, also in the Fairfield District.

79
80 **Deferred from the October 15, 1998 Meeting:**

81 **P-37-98** Gloria Freye for Triton PCS, Inc.: Request for approval of a
82 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
83 County Code in order to construct, operate and maintain a communication tower up to 199' high
84 and related equipment and improvements, on part of Parcel 41-A-24, containing 2,200 sq. ft.,
85 located on the west side of Woodman Road approximately 1450' south of its intersection with
86 Mountain Road. The site is zoned A-1 Agricultural District.

87 They have requested a deferral until December 10, 1998.

88 Mr. Archer - Is there any one here who is opposed to deferment of P-37-98 to
89 the December 10th meeting? Therefore, I move the request for deferral be granted at the
90 applicant's request to December 10, 1998.

91 Mr. Vanarsdall seconded the motion.

92

93 Mr. Archer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
94 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
95 abstained).

96

97 Mr. Merrithew - In the Three Chopt District, P-23-98.

98

99 **Deferred from the October 15, 1998 Meeting:**

100 **P-23-98**

101 **Gloria Freye for Triton PCS, Inc.:** Request for approval of a
102 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
103 County Code in order to construct, operate and maintain a communication tower up to 199' high
104 and related equipment and improvements, on part of Parcel 47-A-59, containing 2,500 sq. ft.,
105 east of Interstate 64 between Cox Road and Old Cox Road (3600 Old Cox Road). The site is
106 zoned A-1 Agricultural District.

106

107 They have requested a deferral until December 10, 1998.

108

109 Mr. Archer - Is there any one here who opposes deferral of P-23-98? No
110 opposition.

111

112 Mrs. Wade - I move that Case P-23-98 be deferred to the 10th of December at
113 the applicant's request.

114

115 Mr. Vanarsdall seconded the motion.

116

117 Mr. Archer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
118 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
119 abstained).

120

121 **Deferred from the October 15, 1998 Meeting:**

122 **P-36-98**

123 **Ralph L. Axselle for Rite Aid of Virginia:** Request for approval
124 of a provisional use permit in accordance with Sections 24-122.1 and 24-58.2(a) of Chapter 24
125 of the County Code, in order to operate a retail pharmacy 24 hours a day on Parcel 100-A-21,
126 containing 1.289 acres, located on the south line of Patterson Avenue (Route 6) at its
127 intersection with Gayton Road (8935 Patterson Avenue). The site is zoned B-2 Business
128 District.

128

129 Mr. Merrithew - The next case in the Tuckahoe District: P-36-98 has been
130 withdrawn. That was the application by Ralph L. Axselle for Rite Aid of Virginia for 24-hours
131 operation at an existing drug store location on Patterson Avenue. As I said, that has been
132 withdrawn.

133 The next request for deferral is in the Varina District: P-28-98.

134
135 **Deferred from the October 15, 1998 Meeting:**
136 **P-28-98** Gloria Freye for Triton PCS, Inc.: Request for approval of a
137 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
138 County Code in order to construct, operate and maintain a communication tower up to 199' high
139 and related equipment and improvements, on part of Parcels 142-13-B-9 and 11, containing
140 2,500 sq. ft., located on the southwest line of Nine Mile Road, approximately 100' west of
141 Battery Avenue (St. Johns Catholic Church property, 813 W. Nine Mile Road). The site is
142 zoned R-2A and R-4 One-Family Residence Districts.

143
144 They have requested a deferral to December 10, 1998.

145
146 Mr. Archer - Is there any one here opposed to the deferment of P-28-98? No
147 opposition.

148
149 Mr. Zehler - Mr. Chairman, I move that Case P-28-98 be deferred to December
150 10th, per the applicant's request.

151
152 Mrs. Wade seconded the motion.

153
154 Mr. Archer - Motion made by Mr. Zehler, seconded by Mrs. Wade. All those
155 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

156
157 Mr. Zehler - I would also let the applicant know, Mr. Chairman, this will be
158 the last deferral on this case.

159
160 Mr. Archer - All right. Thank you, Mr. Zehler.

161
162 Mr. Merrithew - Mr. Chairman, the next deferral request also in the Varina
163 District, C-55C-98.

164
165 **Deferred from the October 15, 1998 Meeting:**
166 **C-55C-98** Roy B. Amason: Request to conditionally rezone from A-1
167 Agricultural District to B-3C Business District (Conditional), Parcel 260-A-36, containing 3.87
168 acres, located at the northeast corner of the intersection of New Market Road (Route 5) and
169 Long Bridge Road. A business use is proposed. The use will be controlled by proffered
170 conditions and zoning ordinance regulations. The Land Use Plan recommends Prime
171 Agriculture. The site is also in the Airport Safety Overlay District.

172
173 They have requested a deferral until December 10th.

174
175 Mr. Archer - Is there any one here in opposition to the deferment of C-55C-98?

176
177 Mr. Zehler - Mr. Chairman, I move that Case C-55C-98 be deferred to
178 December 10th per applicant's request.

179

180 Mr. Vanarsdall seconded the motion.

181

182 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
183 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
184 abstained).

185

186 Mr. Merrithew - The next case, Mr. Chairman, is C-56C-98.

187

188 **Deferred from the October 15, 1998 Meeting:**

189 **C-56C-98**

189 **Roy B. Amason:** Request to conditionally rezone from A-1
190 Agricultural District to R-1C, R-2AC and R-4AC One Family Residence Districts
191 (Conditional), R-5C and R-6C General Residence Districts (Conditional), O-2C Office District
192 (Conditional), B-3C Business District (Conditional) and C-1 Conservation District, Parcels
193 240-A-17, 250-A-48, 49, and 51A, and 251-A-4A, containing 607.68 acres, generally located
194 along the east line of Turner Road between New Market Road (Route 5) and Camp Holly
195 Drive; along the north line of New Market Road (Route 5) from Turner Road to Camp Hill
196 Road and from Kingsland Road to Long Bridge Road; along the northwest line of Long Bridge
197 Road to its intersection with Yahley Mill Road and along the west side of Yahley Mill to the
198 Virginia Power easement. A mixed use planned community is proposed. The R-1 District
199 permits densities up to 1.74 units gross density per acre. The R-2A District permits densities
200 up to 3.23 units gross density per acre. The R-4A District permits densities up to 5.62 units
201 gross density per acre. The R-5 District permits densities up 14.52 units gross density per acre.
202 The R-6 District permits densities up to 19.80 units gross density per acre. The office and
203 business uses will be controlled by proffered conditions and zoning ordinance regulations. The
204 Land Use Plan recommends Prime Agriculture and Environmental Protection Area. The site is
205 also in the Airport Safety Overlay District.

206

207 They have requested a deferral until December 10th.

208

209 Mr. Archer - Is there opposition to the deferment of C-56C-98 to the December
210 10th meeting? Mr. Zehler.

211

212 Mr. Zehler - Mr. Chairman, I move that Case C-56C-98 be deferred to
213 December 10th per applicant's request.

214

215 Mr. Vanarsdall seconded the motion.

216

217 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
218 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
219 abstained).

220

221 Mr. Merrithew - Finally, Mr. Chairman, on the 7:00 o'clock agenda, P-31-98.

222 **Deferred from the October 27, 1998 Meeting:**

223 **P-31-98**

223 **Gloria Freye for AAT Communications Corp.:** Request for
224 approval of obstruction marking and lighting of a communication tower pursuant to the
225 approved conditions of Provisional Use Permit P-31-98. This is a 199' communication tower

226 located at the southwest corner of Route 5 and I-295 at the end of Fordson Farm Lane, on part
227 of parcel 249-A-32. The tower was approved on September 9, 1998 with no obstruction
228 marking or lighting. The applicant has now requested the tower be painted and lighted per the
229 requirements of the Federal Aviation Administration. This action requires approval by the
230 Henrico County Planning Commission.

231
232 They have withdrawn that application. It does not require action. That is all the deferrals and
233 withdrawals for the 7:00 o'clock agenda, Mr. Chairman.

234
235 If you have a few more minutes, I would run through the 8:00 o'clock items, if you'd like.

236
237 Mr. Archer - We could go through those. It looks maybe we'll get to go home
238 early tonight.

239
240 Mr. Merrithew - Beginning on the 8:00 o'clock agenda, C-78C-98 Jim Theobald
241 for Laburnum Retail Center Associates. This is a request for B-2C zoning at the corner of
242 South Laburnum Avenue and Route 5.

243
244 Also, C-70C-98 James W. Theobald for Payne 13, L.C. and Redford 131, L.C. This is the
245 rezoning from A-1 to M-1C Light Industrial District, approximately 100 acres located just on
246 the east side of Memorial Drive and the south side of Technology Boulevard.

247
248 C-71C-98 James W. Theobald for Payne 13, L.C. and Redford 131, L.C. rezoning from A-1
249 to M-1C again on the north side of Technology Boulevard, just east of Memorial Drive.

250
251 C-72C-98 James W. Theobald for Bradley T. Marshall, et al. This is a request for M-1C
252 Light Industrial zoning on the south side of Technology Boulevard just east of Memorial
253 Drive.

254
255 Then C-73C-98 James W. Theobald for W. A. Robins, et al, Redford 131, L.C., Edward M.
256 Luck, and Gerald A. Crigger, rezoning from A-1 to R-5AC on the north side of Portugee
257 Road and the east side of Memorial Drive.

258
259 C-74C-98 David DuVal and Andrew M. Condlin for the Estate of Barbara Bannister. Request
260 for R-3AC on 22 acres of land on the south side of Creighton Road, right across the road from
261 Glenwood Golf Course.

262
263 Then, in the Brookland District, P-32-98 Gloria L. Freye for Food Lion. Request for a 24-hour
264 operation at the Food Lion at Merchants Walk Shopping Center. They've requested a deferral
265 until March. That would be 8:00 o'clock deferral items. Thank you, Mr. Chairman.

266
267 Mr. Archer - Thank you, Mr. Merrithew. For those of you who heard those last
268 deferrals, we can't officially defer those cases until 8:00 o'clock . But in all likelihood, they will
269 be. So you can judge accordingly as to whether or not you want to stay and hear those, but
270 more than likely they will be deferred. Okay, Mr. Secretary.

271

272 Deferred from the October 27, 1998 Meeting:

273 LANDSCAPE PLAN:

LP/POD-86-98

St. James Baptist Church

2169 New Market Road

APPROVED

Wilson Moreth Connock LTD: Request for approval of landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.8 acre site is located on the south line of New Market Road (State Route 5) approximately 700 feet east of Varina Road on parcels 226-A-10, 11, and 11A. The zoning is A-1, Agricultural District . (Varina)

274

275 Mr. Marlles -

Mr. Jim Strauss will be giving the staff presentation.

276

277 Mr. Archer -

Thank you, Mr. Marlles. Is there any one here who is opposed

278 to LP-POD-86-98? Mr. Strauss.

279

280 Mr. James Strauss, County Planner - Thank you, Mr. Chairman. This application is for
281 approval of a landscape plan that was deferred from our October 27th meeting to allow the
282 applicant time to discuss the time frame of future plantings around the existing church
283 building. The applicant, Wilson Moreth Connock has discussed the issue with the owner and
284 has proposed a planting schedule for future landscaping, as shown on the landscape master
285 plan which I passed out just a few moments ago.

286

287 I apologize for the quality of the reduction. It was originally in color, so it may be a little bit
288 hard to read, but I have highlighted the areas that will be planted. And the planting will occur
289 in the Fall of 1998, in the Spring of 1999 and the Fall of 2000.

290

291 I can answer any questions that you have about the details of the plan, but otherwise, I can
292 defer questions to the applicant. Ms. Ali Baird is here and also, I understand the building
293 committee chairman of the church, Mr. Barber, is also present tonight.

294

295 Mr. Archer -

Thank you, Mr. Strauss. Are there any questions of Mr. Strauss

296 from the Commission?

297

298 Mr. Zehler -

Mr. Strauss, the plantings from around the existing BMP that we
299 had discussed, is the applicant in agreement with moving those plantings forward to the front?

300

301 Mr. Strauss -

Yes sir. That was done at the suggestion of the Varina
302 Beautification Committee. They felt that they needed more plantings sooner than later along
303 the Route 5 frontage. And the applicant had discussed that with them and they're in agreement
304 to do that.

305

306 Ms. Dwyer -

The street trees that are directly under the power lines, they were

307 existing trees, I assume?

308

309 Mr. Strauss -

Yes. There was a plan originally filed, I believe it was in 1993
310 and some of that planting occurred some time ago.

311 Mr. Archer -

Any further questions for Mr. Strauss?

312
313 Mr. Zehler - Mr. Chairman, I don't need to hear from the applicant. This is a
314 considerable change, and I want to thank Mrs. Baird for her time and interest. We did, I
315 think, make a better project with the church. I think you'll see a considerable change in the
316 future as they continue to plant the additional plantings. So, with that, I move approval of the
317 landscaping plan LP/POD-86-98 St. James Baptist Church, subject to the annotations on the
318 plans, and the standard conditions for the landscaping plan.

319
320 Mr. Vanarsdall - Second.

321
322 Mr. Archer - Motion by Mr. Zehler, and seconded by Mr. Vanarsdall. All
323 those in favor say aye—all those opposed by saying nay. The vote is unanimous.

324
325 The Planning Commission approved the landscape plan for LP/POD-86-98 St. James Baptist
326 Church, subject to the annotations on the plans, and the standard conditions applicable to such
327 plans.

328
329 **Deferred from the October 15, 1998 Meeting:**
330 **C-61C-98 Henry A. Shield:** Request to conditionally rezone from B-2
331 Business District to R-6C General Residence District (Conditional), Parcel 115-A-6A,
332 described as follows:

333
334 Beginning on Fitzhugh Avenue going N. 45° 52' 00" E., for 289.73'; then N. 45° 52' 00" for
335 207.06'; then S. 44° 12' 30" E., for 200.17'; then S. 45° 47' 30" W., for 47.60'; then S. 44°
336 12' 30" E., for 44.81'; then N. 21° 37' 55" E., for 52.17' then S. 44° 12' 50" E., for 32.88';
337 then S. 23° 37' 58" W., for 156.27'; then S. 13° 37' 58" W., 67.49'; then S. 49° 02' 00" W.,
338 for 164.60'; then N. 38° 51' 15" W., for 22.06' then L 128.53' R 241.82' CH N 85° 36' 18"
339 W., 128.70'; then N. 72° 21' 15" W., for 210.88' to beginning point, containing 3.104 acres.

340
341 Mr. Marlles - Ms. Nancy Gardner will be giving the staff presentation.

342
343 Mr. Archer - Thank you, Mr. Secretary. Is there any one here opposed to C-
344 61C-98? Thank you. We'll get to you. Ms. Gardner.

345
346 Ms. Nancy Gardner, County Planner - Good evening. This is a request to rezone
347 approximately three acres from the B-2 District to the R-6C General Residence District. This
348 would allow construction of approximately 61 apartments on the subject property.

349
350 As Mr. Marlles said, this is on the south line of Markel Road. I'll show you an image of the
351 vicinity in just a moment. It is surrounded by Office and single family residential
352 development. It's also in very close proximity to Willow Lawn.

353
354 The two most serious issues with this case; first, that it is not consistent with the Land Use
355 Plan. As you can see, it is designated for Office use, and, of course, the adjacent property is

356 used for Office use, as you can see the subject site being right here in the dashed line (referring
357 to slide).

358
359 However, as shown on the previous map, the existing zoning is B-2, and it could be that B-2
360 would not be the most appropriate type of development for the community because of the
361 proximity of single family residential. So, it's not as though the existing zoning is entirely
362 appropriate either.

363
364 I'm showing you now an image of the area. This is an aerial photograph from our G.I.S.
365 system. And you can see in a very faint red outline this is the property right here (referring to
366 slide). You can see as the picture regenerates itself, you can see that the Markel Building,
367 which is probably very familiar to one and all is directly northeast of the site. An existing area
368 of single family residential is south and west of the property. Well, if the picture doesn't
369 come, then we'll just move on.

370
371 The second issue with the case is that the applicant is proposing rental units. And, so far as
372 that's concerned, I think everyone is aware that the Board of Supervisors has been very clear
373 that they are concerned about the declining percentage of owner/occupied homes. I'd like to
374 recite to you some of the figures that I called out in the staff report.

375
376 As of 1996, there are 790 acres zoned for multi-family dwellings undeveloped in the County.
377 That's in addition to the existing development. That's including 64 acres in the Three Chopt
378 District alone where this is located. The Three Chopt District already contains 600 acres of
379 existing multi-family development where there are almost 8,000 units, about 28 percent of the
380 total. Of course, there is another concentration in the Varina District.

381
382 The applicant has stated the apartments would be intended primarily for older persons.
383 However, this is not committed to in the proffers. I will touch on that in just a moment.

384
385 I'm going to switch now to the document camera to show you. The applicant has submitted a
386 new site plan, and I'll show you in just a moment the architectural drawings for this. The site plan in
387 your staff report showed several buildings each with just a few units. At the urging of staff, he
388 has reduced the number of buildings to two and pulled most of the development back away
389 from Fitzhugh Avenue. The two buildings would be four stories. I'm going to switch to that
390 image.

391
392 This is the new architectural rendering for the two buildings. I think the applicant will point
393 out to you that it does provide for an elevator in the middle. This was a concern previously
394 that these apartments were supposed to be intended for elderly residents, whereas it was a
395 walk-up. So that was a little bit of a concern.

396
397 Mrs. Wade - When did you get the new site plan and the proffers?

398
399 Ms. Gardner - Two days ago. It came in on November 10th, so you do not have
400 to waive the time limit. I'll also take just a moment just to go over the proffers highlighting
401 the changes that were just submitted. I think these have been handed out.

402
403 As stated, a maximum of 61 dwelling units will be built on the property. Well, that's the same
404 number of units that would be allowed by right in that zoning district. The applicant has
405 contemplated a landscaped buffer along Fitzhugh Avenue, keeping as many of the existing
406 trees as possible.

407
408 The site plan I just showed you, the applicant will develop substantially similar to this site
409 plan.

410
411 One of the new items, No. 4, the site will be fenced on the west, north, and south sides in
412 conjunction with the landscaping.

413
414 There is going to be a swimming pool on the Fitzhugh Avenue side. And there will be an
415 ornamental iron fence with additional landscaping to screen it. You can see, that's the
416 swimming pool, which will be surrounded by the ornamental fencing.

417
418 The architectural rendering we've already seen. Exterior materials will be brick and premium
419 vinyl siding. No building shall exceed four stories in height. As I mentioned in the staff
420 report, a special exception will be required for any building over 2.5 stories. Of course, that
421 would be done at the time of Plan of Development.

422
423 Mrs. Wade - This says, "on the front side."

424
425 Ms. Gardner - That's true. I guess we need to ask the applicant. I hadn't
426 picked up on that. We'll have to ask the applicant what the height would be on the rear side.

427
428 Mr. Vanarsdall - That was before it went from two to four stories, wasn't it?

429
430 Ms. Gardner - No. This is the new proffer to accompany those four-story
431 buildings. I don't think his intention is to go any higher than four stories, but that would be a
432 good point to clarify with the applicant.

433
434 Areas for dumpsters and/or trash collection shall be fenced on four sides, except the fourth
435 side shall be enclosed by a gate.

436
437 Finally, exterior lighting shall not be more than 20 feet.

438
439 As I stated, the main concerns with this case is the R-6C zoning is not consistent with the Land
440 Use Plan designation, and the Board of Supervisors has expressed serious concern with the
441 increasing percentage of non-owner/occupied residential units in the County. With that, staff
442 recommends denial. I'd be happy to take any questions.

443
444 Mr. Vanarsdall - Ms. Gardner, didn't you meet with Mr. Shield?

445
446 Ms. Gardner - On several occasions.

447

448 Mr. Vanarsdall - Didn't you relate this to Mr. Shield that the use of this property
449 wasn't desirable there?
450
451 Ms. Gardner - Yes.
452 Mr. Vanarsdall - What was his answer?
453
454 Ms. Gardner - He said that he did not feel that condominiums would be feasible
455 in this location at this time, and that the market simply would not support condominiums.
456
457 Mr. Vanarsdall - Thank you.
458
459 Ms. Dwyer - Do you know how many apartments the Board approved on the
460 Twin Hickory case? How many rental units?
461
462 Ms. Gardner - Three hundred and seventy eight (378). That number is not
463 included. My numbers were old, 1996. So, that's in addition.
464
465 Mr. Vanarsdall - Somewhere along the line when I first heard about this, it was
466 going to be for senior citizens. Is that true?
467
468 Ms. Gardner - Yes. In fact, the applicant would state that he still intends it to be
469 primarily for senior citizens; that the market would tend to draw in senior citizens; that
470 younger people simply wouldn't want to live here. But there's no commitment towards
471 making it any kind of age restriction.
472
473 Mr. Vanarsdall - Shouldn't we have a proffer that restricts the age; have an age
474 restriction so we wouldn't get caught in discrimination?
475
476 Ms. Gardner - We discussed that with him, but he was not willing to make that
477 commitment.
478
479 Mr. Vanarsdall - Thank you.
480
481 Mr. Archer - Are there further questions for Ms. Gardner by the Commission?
482 Thank you, ma'am. Mrs. Wade, I suppose we need to hear from the applicant?
483
484 Mrs. Wade - Yes. There is opposition. Yes.
485
486 Mr. Archer - Okay. Will the applicant come forward, please? Mr. Secretary,
487 I think we need to enforce the time rules for the opposition.
488
489 Mr. Marlles - For the information of the applicant, as well as the opponents in
490 the audience, there will be a time limit of 10 minutes that will be imposed. That is a collective
491 10 minutes for both the applicant to make his remarks, as well as any rebuttal remarks and a
492 collective 10 minutes for all the opposition. You might want to consider reserving a couple
493 minutes for rebuttal. I'll let you know.

494
495 Mr. Andy Shield - I would reserve some time for rebuttal, sir.

496
497 Mr. Marlles - Okay.

498
499 Mr. Shield - My name is Andy Shield. We have presented the case. This is a
500 down zoning from what could be built there today. If we were going to build a pool hall or a
501 flea market on this site, we wouldn't even be here. We could go and just build it because the
502 zoning applies to that. We don't expect to do that. We're proposing a very upscale, luxury
503 apartment. The term "senior citizens" is not what we've said. We've always said, mature
504 older citizens. That would mean 50 and up. I mean senior citizen discounts start at the 55 age
505 group. This is not for elderly people as you might assume. We've already said, "for older
506 people." Our projection is, these would be people who are more affluent, who don't want the
507 responsibility of ownership of an apartment, and are looking for renting as a very viable
508 alternative.

509
510 We're proposing 61 units on the site. These units would be very luxurious as suggested. Mr.
511 Winks is the architect of the project. I will defer to him in just a moment to explain in more
512 detail what the project is. But these would have many aspects of a luxury home in these
513 apartments.

514
515 The situation is one where this property would be a very positive situation for the area. It is an
516 area that is in flux. Willow Lawn is a viable entity, but it has a Dollar General Store in there
517 and may or may not retain its position.

518
519 The Executive Motor Inn in the area is a Dutchman. It's a safety problem. There are other
520 problems in the neighborhood. There's the situation across Monument Avenue. There are
521 apartments there. These apartments may be not what you would like as far as the clientele,
522 what-not that are there. They're not an up scale situation.

523
524 The Jewish Community Center is leaving the area in another couple of years. So, this area is
525 in flux. It can go either way. It can go up or it can go down. This is a very major upgrade to
526 this area. It can anchor the rebirth or restrengthening of this market. And when you suggest
527 all of these apartments and the County's position regarding apartments, this, I suggest, is
528 apartments and apartments. They are apples and oranges.

529 Your Mr. Davis in the your Real Estate Department, in his presentation to the Board of
530 Supervisors this summer classifying apartments in the County as A plus, A, B, C, and D to
531 clearly delineate between types of apartments. And to suggest that these apartments are similar
532 to all the other apartments in this District or in the County of Henrico is ludicrous. There's
533 only one other apartment project like this in the County. It's the Carriage Houses at
534 Wyndham. And I have before me the copies of the slides that Mr. Davis used to present to the
535 Board of Supervisors, showing the Class A classification. And Wyndham was the only one.
536 He spoke of 9-foot ceilings, which we would have. The average size would be approximately
537 1,100 feet. Monthly rentals up to \$1,100. Our rentals would approach \$1,000. Business
538 conferences, business center fax, copy machines. Things of that sort. We'll have all of those.

539

540 And then you went to an "A" classification. And of the three examples, one of them "The
541 Meadows" was built, designed and promoted by a partner in this project. So, your own
542 County officials have been made aware there is a difference between apartments and
543 apartments.

544
545 I think it is a very important point here because these are not just another apartment situation.
546 These people are living here by choice. There's an article. This is the Wall Street Journal,
547 August 26th of this summer. The little blip right here. I'll read two sentences right quickly.
548 This is the front page of the Wall Street Journal, this article, this August. "Builders push posh
549 pads. Apartments builders report a growing upscale market for people who have opted to rent,
550 not buy, as changed from the earlier situation, when apartments were generally for young
551 people." It makes the point that new apartments cater to these upscale renters that have many
552 features of a single family residence.

553
554 This is a lead in to a large article in the paper speaking of a new market. You don't have this
555 in the County. I come back to my point. This is not a "(unintelligible) to apartment project".
556 It is very upscale, very positive.

557
558 The situation exists in the neighborhood, as I spoke of. This would be a significant positive
559 development for the County. It would require little or no school impact, no crime, no safety;
560 other problems that the County has spent money for.

561
562 If I might, I would defer to Ed Winks. He can give you his credentials and he will describe
563 the project in more detail, if I may.

564
565 Mr. Vanarsdall - Mr. Shield, I have a question for you, before you get to Mr.
566 Winks. You live in Goochland, I believe?

567
568 Mr. Shield - Yes sir.

569
570 Mr. Vanarsdall - The reason I asked you that, it doesn't matter to me where you
571 live, but Goochland, Powhatan, Hanover, everybody has a higher percentage of ownership
572 than we do in Henrico. Richmond City is on the bottom of the list. Henrico is 61 percent.
573 Then the County you live in is maybe 80, 79, 78. And Hanover is in the seventies. So, we do
574 have some concerns, and, before you filed, did you talk to Mr. Kaechele or Mrs. Wade about
575 this?

576
577 Mr. Shield - I did, sir. And I spoke to them in great detail. We've had Mrs.
578 Wade go visit some of the apartment projects that my partner has done, and see the difference
579 in what's in existence. To lump these together is just simply comparing two dissimilar items.
580 Our surveys that the people living in the block of area between Glenside and Hamilton, which
581 is right down where the beltway crosses Richmond...

582
583 Mr. Vanarsdall - I know where it is.

584

585 Mr. Shield - Grove to Broad Street was our prime market. We have 61 units.
586 There is a demand for over 200 units from people in that area right there who want to get out
587 of houses with equity over \$200,000 and financial investors, today, in the Wall Street Journal
588 and other places, telling these people that it is more advantageous to take that equity out of
589 their house and actually it is advantageous to rent from their positions. These are affluent
590 people who live in the house may be a few months. They'd be at the beach in the summertime.
591 They would be in Florida in the wintertime. These are not your typical apartment people your
592 client compares to. This is not an apartment project in suburbia. It's an infill. The City of
593 Richmond is having these upgrade apartments built downtown. They're positive strengthening
594 of a neighborhood. This would be the fanciest thing in the neighborhood.
595

596 Mr. Vanarsdall - Mr. Shield, let me interrupt you for a minute. I don't believe
597 you're talking about 30-year olds that's going to go to the beach and retire.
598

599 Mr. Shield - We didn't suggest that. We think our market area is 50.
600

601 Mr. Vanarsdall - You're talking exactly what I asked in the beginning about why
602 you couldn't put an age restriction on this. You don't want to put 61, put 55 or put 50. I
603 mean, I just wondered.
604

605 Mr. Shield - I think our restriction is the cost of the apartments. We are
606 talking affluent. We are talking about \$1,000 for an apartment, and that really restricts our
607 market more than any sort of age definition would. The only reason we went, and Mr. Winks
608 will speak to this. The only reason we went to the four-story elevator was try to alleviate some
609 of the concerns raised by the citizens in the community. We don't think it's the best use of the
610 property. We think our original project was a more candid approach. I said Mr. Winks is the
611 specialist and can speak to that more specifically.
612

613 Mr. Vanarsdall - When you met with the citizens group, and some of them are here
614 tonight, were they real excited about these apartments for rent?
615

616 Mr. Shield - Sir, I've had a number of meetings with them as a whole group
617 and as the Board of Directors of one of their groups. I've had people coming to me after the
618 meeting. They're not here tonight, because people who are for things don't come to these
619 meetings. People who are against them, come. So you have a distorted point of view. I had
620 people told me, it would be wonderful. People who live right across the street from it, told me
621 it would be wonderful.
622

623 The initial concept that we had, one of the earlier votes was, that they weren't going to oppose
624 it. They weren't going to support it. But that's fine. Be neutral. But, then they thought we
625 were trying to pull something, a fast one, because we're talking about landscaping this thing.
626 This thing glistens. Someone drives up in their Volvo, or their Mercedes, or Jaguar, and sees
627 this thing. It's got to glisten in that area. The only advantage is location. The surrounding
628 area is a detriment. We had to be very nice, very specific, very impressive from the first
629 impression. And to say we're not going to do anything other than that, we're killing
630 ourselves.

631
632 We might be absolutely foolish to do anything less than most impressive. We can't write
633 enough proffers to cover the dollars we're going to spend to make this project a success. This
634 not something we're trying to slip through to the County or anything of that sort. The project,
635 itself, and in the Plan of Development that we will develop, is absolutely to a very upscale,
636 luxury market. You don't have it anywhere in the County except for Wyndham. These people
637 are not going to leave that Miami? corridor to drive to the west end of the County. They don't
638 want to live out there.

639
640 Mr. Vanarsdall - I have one more question. I apologize for you and I phone
641 tagging for the last week and I couldn't get back to you. And these are the questions I would
642 have asked you on the phone.

643
644 Mr. Shields - No problem.

645
646 Mr. Vanarsdall - Number 3, "it would be substantially similar to Mr. Winks..."
647 What is "substantially similar..."? I'll ask that of Mr. Winks.

648
649 Mr. Shields - I'm going to answer you first. Mr. Winks is a very expensive
650 architect.

651
652 Mr. Vanarsdall - I've known Ed Winks many years.

653
654 Mr. Shield - We're not going to spend the money until we know we can get it
655 zoned, but we're presenting it to you, and I will suggest to you, that his reputation and what
656 we suggested to you, and my reputation are not going to come back and pull anything fast on
657 the County. Now, I know a proffer is a legally binding statement. But, you've got to realize
658 that the monies in this project are not something that you've seen before in this County. I'll
659 defer to Mr. Winks.

660
661 Mr. Vanarsdall - I also know this time of year, apartment investment is a very
662 good investment.

663
664 Mr. Shield - Sir, we are profit oriented. I think the County would like people
665 like that in the County.

666
667 Mr. Vanarsdall - That's the No. 1 reason you're in business, profit?

668
669 Mr. Shield - Yes sir. The Wall Street Journal, as I said, addresses this
670 marketing across the country to Henrico. Yes, Mrs. Wade.

671
672 Mrs. Wade - I, of course, got the proffers, the new ones and the drawings
673 yesterday; a little behind Ms. Gardner. I would like a few more details, perhaps, about our
674 questions about the proffers. You say a landscaped buffer will be provided along Fitzhugh.
675 How much of a landscape buffer do you have in mind?

676

677 Mr. Shield - On the plan that we have here, we've moved the buildings back.
678 That was one of the concerns that we tried to do. We tried to compact them back. To
679 compact them back, we have to go up. To answer the question that was raised about the five-
680 stories—the four stories, the topography of the land falls from left to right. The back of this
681 building is considerably lower than the front. If economics can afford and we can rent these
682 units, quite frankly, we'd have underground parking open to the air. That's open to the creek
683 and the rear of commercial buildings that front Willow Lawn Drive would be the only thing.
684 If we did, we'd have a foundation there. But we might try to incorporate some underground
685 parking there as a plus for the apartment project. But that would not be facing any residential
686 unit or the front of any commercial or office building in the area. It's to the rear of other
687 buildings.

688
689 Ms. Dwyer - Would that be just for the one building?

690
691 Mr. Shield - That's the one that lends itself to it. Yes ma'am. The other
692 building doesn't lend itself to it.

693
694 Ms. Dwyer - So, you would have underground parking and then four stories in
695 addition?

696
697 Mr. Shield - The front would be four stories. It's an economic situation. We
698 have to look at economics. Can we afford to build it and rent it and be economically feasible?
699 The topography of the lot lends itself that way. But also, it would not front to any residents or
700 any existing building front on all four sides.

701
702 Mrs. Wade - So, the rendering, the recent one, is typical of the back and the
703 front or is that the front or?

704
705 Mr. Shield - The rendering is primarily the front. It's just a matter of
706 economics, because it is the projection of the units. And we're going to spend a lot of money
707 on the front to make it most attractive. The rear of the building will be primarily vinyl. It will
708 be brick on the face of it, primarily vinyl. But there will be a lot of windows, because there
709 are sunrooms. I think that's sort of incorporated into the design of the building.

710
711 Mrs. Wade - How many bedrooms, say would most of them have?

712
713 Mr. Shield - We anticipate a few one-bedroom apartments. A majority of
714 them are two-bedroom apartments; some three-bedroom apartments. These would be rented,
715 as I say, by people who don't have children. There may be some corporate apartments. We
716 envision visiting professors from MCV, VCU, University of Richmond, here for a year or two
717 might take a unit here. Executives in town for a year or two, might not want to be a
718 permanent home. They can locate at this building. These are all very, very niche markets.
719 They have to be done very nicely to cater to those people. The proximity of Willow Lawn is a
720 plus. People can walk to Hannaford's or walk to the shops or walk to the restaurants, but we
721 don't think they're going to do that. They'll think in their renting decision is a thing they'll
722 do. But that's not something they're going to do every day. Some of them might. But it just

723 gives it a location there. It gives them a positive if they want it. It sets it aside from some
724 other people. Like people at Wyndham, they have to get in the car and drive three miles to get
725 a loaf of bread.

726
727 These people here can walk in the morning. And the traffic patterns are nothing in a project
728 like this. If we put an office there, we wouldn't even be here tonight. We could put 300
729 people in there. It would be parking on the street. We have almost two parking spaces for
730 every unit on site. So, we have nothing to impact the community. People here get up late and
731 leave, and the traffic patterns are meandering through the day. It's no office tower with traffic
732 in the morning, traffic in the evening and rush hour. We're not doing any of those things. We
733 don't impact the neighborhood. We bring value to the neighborhood; substantial value to the
734 neighborhood. If I'm passionate about this, I simply believe this is something that Richmond
735 and Henrico does not have, therefore, the market; therefore, the demand. We can service it
736 and put in your county and give it to you as a plus as a show place.

737
738 Mr. Archer - Mr. Shield, you already identified some potential occupants for
739 your apartments, I mean specifically?

740
741 Mr. Shield - Mr. and Mrs. Smith, and Mrs. Jones. I'm not going to represent
742 we have Mr. Smith wants to rent Apartment A-1 or A-2.

743
744 Mr. Archer - I didn't mean that specific, but other than just saying there's a
745 particular group that you have a potential for. Have you actually talked to some people...

746
747 Mr. Shield - We had the Waverly Research Group, which is based here in
748 Richmond, but does national work that was recommended to us by a major lending institution,
749 has one they put great value, great stock in this company's reports. Even though they're local,
750 it doesn't mean they're a local firm in their scope. They are national. And they surveyed this
751 particular market.

752
753 They came back to us. We spent many thousands of dollars surveying. We're not going to
754 spend millions to do this project on a whim or "my gut" feel. They tell us there are 200
755 people that pay over \$1,000 a month that live in this corridor, Glenside to Hamilton, Cary to
756 Broad Street. Because those people want to be three miles within their existing residence.
757 They know the area. They know the pattern. They like it. They want to stay there. That's
758 our market. Two hundred people identified by a research group, independently done,
759 submitted to us. This would be given to our lending group. And our lending group has looked
760 at this and given us encouragement about getting the project financed if we get it zoned. We
761 hope that answers your question.

762
763 Mr. Archer - Yes. Thank you. I appreciate it.

764
765 Mr. Shield - But that's an extensive arm's length independent research by
766 someone who has no interest in the project other than being a consultant. Yes ma'am. I
767 thought you had a question.

768

769 Ms. Dwyer - What percentage of brick would you say you would be able to
770 commit to?
771

772 Mr. Shield - I'll defer to Mr. Winks. As much as we can afford. He'd be
773 happy to answer your question, and make a few statements about the building if you'd like.
774

775 Mr. Zehler - I have a couple of questions for you before Mr. Winks comes up.
776 If I'm 28 years old and I want to pay \$1,000 a month and I qualify and I have three children,
777 are you going to rent to me?
778

779 Mr. Shield - Under the Fair Housing law, we cannot turn you down. The
780 question is, we're not going to market to you. We just don't think...If a person like that wants
781 to come and live there, we just don't think, I mean that's a hypothetical situation. I don't think
782 what this market is. Your hypothetically, would you rent an apartment in Tuckahoe. You
783 could go to Tuckahoe and rent an apartment. Would you rent it at the Berkshire, or the
784 Lexington Towers.
785

786 Mr. Zehler - But it is possible though?
787

788 Mr. Shield - Certainly, it's possible.
789

790 Mr. Zehler - It is feasible there will be children there?
791

792 Mr. Shield - I'm not going to say there won't be children there. We're not
793 going to market to them. We're not catering to it in the design of the buildings...
794

795 Mr. Zehler - I understand.
796

797 Mr. Shield - ...and what not. It's not set up for it. If, for example, a 45-year
798 old divorced man or woman's, life falls apart. They are professional people. They're in town.
799 They travel for business, whatever else it is, their life falls apart and the house is sold. They
800 have to go somewhere for a year, they might come in there. I won't say they won't. But
801 that's not the market. To say there would be a person like that, and say we're going to
802 exclude them on an age basis, the only age discrimination we can get is 55 and older and no
803 children younger than 19. And that's not what we want to do. We're talking about people
804 who could be 45, 50, 55, 60, 65 years old. Mr. Winks will speak to people 60 years old and
805 walk up the three stories, just because he's done them in other cities. To say age, people today
806 at 60 years old are a lot sprier than they used to be. I mean, the point of it is, it's a situation.
807 To say a niche age is a defining situation, no, we're not, but we're not marketing to them.
808 We're not catering to them. We don't have the facilities there. This swimming pool is only
809 going to be three-feet deep at one end and five at the other; no diving boards. It's going to be
810 for a dip, a sit, and a read, and what not.
811

812 We would like to locate, perhaps, between the two buildings, if I might, and note this. If we
813 could locate here, as a preference area, but we have to have a place for a BMP. The
814 Chesapeake Bay Act impacts our site. It's a tight site. We don't want this overlooking that.

815 But we can move that back to that and that would be something that gets it further away from
816 people on Fitzhugh. We'd be happy to do that. But that pool, you know, is not for a swim
817 team.

818
819 Mr. Zehler - Your square footage?
820

821 Mr. Shield - On the units?
822

823 Mr. Zehler - You mentioned 1,100.
824

825 Mr. Shield - The two-bedrooms that we are projecting would run from about
826 on the first floor, if they have a patio, instead of an enclosed sun room, they would have
827 approximately 1,050 feet. On the second, third and fourth floors, we enclose that sun room.
828 That portion into a sun room, would be approximately 1,150 feet. And your Class A example
829 submitted to the Board of Supervisors was 1,200 feet in Wyndham, the Carriage houses.
830

831 Mr. Zehler - How about your one bedroom?
832

833 Mr. Shield - Eight hundred feet; 750 feet, 800 feet. I think it is 700 or 800
834 feet, but that's bigger than some two-bedroom apartments that we're being compared to.
835

836 Mr. Zehler - And of your 61 units, what is the percentage of your one-
837 bedrooms?
838

839 Mr. Shield - We're thinking in terms of eight or so.
840

841 Mr. Zehler - I notice you didn't proffer any square footage.

842 Mr. Shield - Sir, the building has not been designed, quite frankly. We have a
843 concept here...I'll defer to the expert.
844

845 Mr. Archer - Mr. Shield, let me just remind you and the folks who were in
846 opposition, you actually used about five minutes of your presentation time. The time that we
847 were asking questions does not count against presentation time. The same rule applies to you
848 all also. If you use additional presentation time, then whatever the time...
849

850 Mr. Shield - He'll take two minutes. I'll be three minutes for rebuttal.
851

852 Mr. Archer - I just wanted to make sure you knew.
853

854 Mr. Edward Winks - Ladies and gentlemen, my name is Edward Winks. I'm an
855 architect here in Richmond. We do work in a lot of places in the country. I'm also immediate
856 past chairman of the City of Richmond Planning Commission.
857

858 Mr. Vanarsdall - I was wondering if you were going to add that.
859

860 Mr. Winks - Mr. Vanarsdall knows that, but I see you have a few new
861 members here and I didn't know who knows what. I catch a lot of grief about that. We don't
862 have quite the percentage of home ownership that you do in the County. But I grew up in the
863 County not too far from Mr. Zehler. I understand where y'all are coming from. But you've
864 got to be realistic about this too. I've been to a lot of meetings. I was at the presentation we
865 made to this community. There are a lot of people pretty enthusiastic about this project. Then
866 all of sudden, I think somebody got the idea, even though this is a downzoning, they are doing
867 something pretty nice, we might be able to get away with nothing here. I've gotten to be a
868 pretty good judge of telling how the cards are being played.

869
870 And we went to a lot of trouble with the first presentation to do something that was absolutely
871 residential in scale. That you've heard your staff say and B-2 is probably not your best zoning
872 for this site. I think they're right. You've got the Markel Building over there which isn't the
873 best looking thing in the world. Some people love it though. You've got the condominiums at
874 5100. I think you're much better having very high end residential. We designed this as a
875 Northern Virginia prototype and I'd like to be able to answer some of those questions you've
876 had about this to tell you it's not as exact because this is something we came up with at the last
877 minute.

878
879 But if you look at the 5100, and what's happening to their values there, they're condominiums.
880 That's home ownership. I think you'd be much better off with this product, because this
881 product, you're going to have people move out of 5100 to come here because it will be a heck
882 of a lot cheaper to live here. A heck of a lot cheaper.

883
884 With the last problem they had with their boiler over there, they had to replace the mechanical
885 system. Everybody's homeowner's dues went way the heck up. They can't give those things
886 away right now, is my understanding. This project is going to prove something to Henrico
887 County, that there is a market close in for a very high end product. We rehabed Malvern
888 Manor Apartments. We went from rents that were bottom of the barrel rents to the highest
889 rents in the metropolitan area. I've been trying to get people to buy those apartments at
890 Monument and Willow Lawn; a huge block of land you guys have for apartments for years and
891 years. People paid too much money. You've got something that's deteriorating quickly. And
892 the economics do not work. They're just going to go down hill. The only way you're going to
893 save that project is to prove with a project like this that the economics absolutely work for the
894 highest end residential. You have a wonderful site on that huge project, but you can't prove it
895 unless you've got an example.

896
897 You've got somebody here that's willing to take a place. We've got the Executive Motor End,
898 which is nothing to brag about, the Markel Building. A guy calls and says, "Please don't put
899 an office building there because we can't park now. You're not going to take my parking
900 places on the street. If we don't have those, we couldn't exist." I mean we could put up
901 something like that tomorrow. This guy is trying to save a part of this County. I'd be glad to
902 answer any questions you have.

903
904 Mr. Vanarsdall - I'll be the first to say, I have no problem with the project if it is
905 home ownership; none whatever. I'd rather see that there and I think the community would. I

906 will not support anything rented there. You can't get it upscale. Some day, as years go by,
907 may be some of the people, just maybe some of the people who now occupy Executive Motor
908 Inn may come over there. It would be a lot more space and a lot nicer for them.
909

910 So, you know, Suburban Apartments started out nice years ago. And that went downhill
911 because nobody cared. If you don't own something, you're going to tear it up, or you're not
912 going to keep it up. It's as simple as that. That's the message the County's trying to get over.
913

914 Mr. Winks - To answer a part of that, that was a question. I think your own
915 County staff made a report on rental housing, and determined that the negative impacts that
916 everybody believes are the case are not, in fact, cannot not be quantified. High end residential
917 housing is not a detriment to your County. It has all the benefits. There is not one benefit it
918 doesn't have, and especially when you do a building with an elevator. People with families are
919 not going to tend to flock to this thing. These buildings are both elevator buildings as the
920 neighborhood asked us to do.
921

922 Mr. Vanarsdall - I think we will always have apartments and I think we always
923 should have apartments. I don't think that all apartment dwellers are bad people whatsoever.
924 It's just, why keep adding them, if you don't have to?
925

926 Mr. Shield - I want to answer your question about ownership. In the 5100
927 Building, there was an absolute sale there recently, because, as Mr. Winks says, the cost of
928 running that building, what not, is extreme. I'm told by people who tell me, I didn't
929 investigate it myself, that that unit was appraised for \$120,000. The man who was going to
930 put on it after the auction said, he didn't care if he got \$10,000, he's going to sell it. He's
931 getting the heck out of the project. He doesn't want to be there. With that sort of publicity in
932 that immediate market, your current market, there's no one that's going to put up a
933 condominium project three blocks away from it. You can't get that project to be financed by
934 anybody. If you want a vacant lot, you'll have a vacant lot. If you want a "jewel" in the
935 middle of a potentially declining neighborhood, give us a chance. But to say that you don't
936 want any more renters is not in, and all due respects, sir, the "real world" of what the County
937 would be well off to consider.
938

939 Mr. Vanarsdall - If you had to sit here once a month, twice a month, Mr. Shield,
940 you would know what the real world is.
941

942 Mr. Shield - I live in it every day.
943

944 Mr. Vanarsdall - I don't want to get into any combat with you, but I just said I will
945 not support your rental apartments. So, I mean you know that doesn't mean that other
946 people...
947

948 Mr. Winks - Mr. Vanarsdall, I have sat on a similar seat, and I understand the
949 pressure. But I think the alternative that we're suggesting is that 61 very high end rental
950 apartments here would be the answer to eliminating hundreds and hundreds of very
951 deteriorating apartments at the corner of Willow Lawn Drive and Monument Avenue. Those

952 could easily go to condominiums, because that is a premium residential site. Quite honestly,
953 the only way the economics will work on that site, somebody is going to end up paying, at
954 least for the raw land, over \$20,000 a unit. The only way that's going to work is for a "For
955 Sale" project. But it could happen if this is proven to be a good residential neighborhood.

956
957 So, I suggest to you that in your job trying to plan for the future of this County, you need to
958 look at the big picture, rather than that little piece that says, "rental apartments and everything
959 that's rental apartments is bad."

960
961 Mr. Vanarsdall - It's strange that this came up tonight, because you and I talked
962 about this project at a party at Christmas.

963
964 Mr. Winks - Yes sir.

965
966 Mr. Vanarsdall - And you never once mentioned the word, "rent." You told me
967 what an upscale, up town, gated, iron-fenced, wonderful, everything. You never once said
968 that it was going to be rented. I believe, and don't hold me to this. I believe you said it was
969 going to be for senior citizens.

970
971 Mr. Winks - I didn't realize that you considered something rental to be a nasty
972 word.

973
974 Mr. Vanarsdall - I don't have anything to say about it.

975
976 Ms. Dwyer - Mr. Winks, I have a couple of detail questions. I guess one
977 comment first. I think that, while the County is trying to limit its rental apartments, I think
978 that this is a unique piece of property because it is infill. It is already zoned B-2 unconditional.
979 I think that presents some potential problems for the residential neighborhood. And I think this
980 would probably be an improvement over some of the things that could be put there "by right"
981 now. I find that argument to be compelling. I also compare this to the Twin Hickory case
982 which was prime land that could have been anything, and we approved 378 apartments last
983 month or the month before. By comparison, we're not talking about that many apartments
984 here. We're also talking about an infill piece of property already zoned B-2.

985
986 Without having said that, I would be looking for some details in your proffers relating to
987 percentage of brick, because I think that really would ensure the quality element of the
988 apartments that you're trying to bring across. Also, some details about the landscaping and the
989 buffer, the type of fencing, and the quality of the dumpster screening.

990
991 Mr. Winks - All I could do, in response to that, is make recommendations to
992 my client here. We did go into great detail and an awful lot of expense on the former
993 proposal, which I still think was probably somewhat more in character with the neighborhood.
994 Well, not necessarily the neighborhood, but it was more residential in character. I think the
995 project you have before you is more in character with the immediate neighborhood, being the
996 buildings that they would back up to, buildings right along Willow Lawn Drive and Markel
997 Building across Markel Drive.

998

999 We have not gotten into that kind of detail because I, quite honestly, showed Mr. Shield a very
1000 (unintelligible). We have been hired by a number of people. We've got a client in Raleigh. I
1001 was down at Raleigh today. We're doing one project with them that's about a \$40 million
1002 project for seniors with Duke University as a partner; very high end, not all that different from
1003 this. But we developed this prototype for that same client in northern Virginia. The last train
1004 stop in Woodbridge, Virginia. Woodbridge, Virginia is no high dollar community. I mean
1005 these things are going to rent for more than you can buy most houses for in Woodbridge,
1006 Virginia. But this is a prototype we designed there because we had to. We were going in for
1007 zoning on the site. We had to know if it would fit on the site. We have not fully designed all
1008 four designs on this. We have a concept. This is a concept elevation. We know we can get
1009 very close. We have a concept plan. We know we can get very close, but there are things that
1010 are going to need to be tweaked. This is in the spirit of what we intend to do. That's why it's
1011 here tonight. It's also in the spirit of what the staff asked us to do, to leave more open space,
1012 pull it back away from Fitzhugh Avenue. We tried to do those things.

1013

1014 As far as the amount of brick versus the amount of vinyl, my recommendation, as always,
1015 brick the whole thing. Now, whether the economics will allow us to do that or not, I don't
1016 know. My gut feeling is this may well be a pretty economical building, relative to other things
1017 because we have so much under one roof.

1018

1019 I will make a commitment to you, I will work as hard as I can with the owner to get as much
1020 brick as possible. I want the back side to look just like the front side, because I think you're
1021 going to see that from Willow Lawn. I think it's just as important. And I can tell you, I don't
1022 want to put up something I'm not proud of right there. I'd rather not do the project, I'll be
1023 very honest with you. I'd just rather not do the project if it isn't going to come off right.

1024

1025 Ms. Dwyer - It's sometimes to have those commitments in the proffers,
1026 though, if...

1027

1028 Mr. Winks - I don't know how to give you that right now because it's just
1029 premature.

1030

1031 Mrs. Wade - What is the density you're proposing here?

1032

1033 Mr. Winks - It would be the density allowed under your R-5 zoning.

1034

1035 Mrs. Wade - Which is what?

1036

1037 Mr. Winks - What is the zoning...

1038

1039 Mrs. Wade - Well, this is more than that. This is 19.8.

1040

1041 Mr. Winks - This is going for R-6? I'm sorry. I thought it was R-5.

1042

1043 Mrs. Wade - It's 19.8. I don't think you'll find many...Twin Hickory that are
1044 quite that dense.

1045
1046 Mr. Winks - No. But this is an infill site and a much higher density area
1047 which is why we came in for the R-6, because that's the appropriate zoning. As you will
1048 recall, a number of years ago, your Ordinance allowed R-6 had both office buildings and I
1049 don't remember it seems like you went to the Office Districts. But it used to allow offices or
1050 apartments in R-6 zoning.

1051
1052 Mrs. Wade - Okay. Thank you, Mr. Winks.

1053
1054 Mr. Archer - Thank you, sir. I think you have approximately two minutes for
1055 rebuttal time. And at this time, we'll hear from the opposition. If there is someone here who
1056 is representative of your group, I would appreciate hearing from that one person and not that
1057 we don't want to hear from everybody, we just don't want to be repetitive in what we say.

1058
1059 Ms. Kay Sears - Good evening, Mr. Chairman, members of the Commission, Mr.
1060 Donati, I am Kay Sears. I live at 1606 Lake Avenue in Monumental Floral Gardens for a very
1061 long time. I'm here, tonight, to speak on behalf of the Monumental Floral Gardens Civic
1062 Association. We are an older neighborhood in the Three Chopt District of the County. And,
1063 for more years than I like to count, we have worked to preserve, protect, and defend the
1064 integrity of our area. We have more than 150 homes in our Association and we're pleased that
1065 in recent months, after years of negotiations with another developer, we have an additional
1066 eight new homes and five remodeled homes on Shennandoah, which has really spruced up our
1067 neighborhood.

1068
1069 Other new homes have been added to previously empty lots. And we are fortunate to have
1070 acquired some lovely young professionals who bring a tremendous amount of talent and
1071 energy, along with some adorable children. We call this "recycling."

1072
1073 We first heard about this development last February. And, I must say, that there have been
1074 several incarnations of this project. Everything about this project that has been presented to us
1075 has been last minute.

1076
1077 The proffers were pitiful, in our opinion. We have not been privy to the latest proffers, or the
1078 latest presentation.

1079
1080 On two separate occasions, one, in October, one in November, we held meetings of the civic
1081 association to discuss, and inform our members of the proposed rezoning and development.
1082 On both occasions, the members present, voted unanimously to support the recommendation of
1083 the Planning Staff to deny the applicant's request. We believe our opposition is for all the
1084 right reasons which are clearly defined in the staff report.

1085
1086 Obviously, we do not want more rental property in our area. We have just finished dealing
1087 with the entire street which had become rental property; looked horrible; and brought a most
1088 undesirable element into our neighborhood. Last summer, I was at Hannaford's parking lot at

1089 6:00 o'clock on Saturday evening in the bright sunshine. Went into the store for 15 minutes,
1090 came out, and interrupted three young men who were in the process of ripping off my car.
1091 When the police came, the first place they went to look for these young gentlemen was
1092 Keswick Garden. The second place was the Executive Motel.

1093
1094 As stated in the staff report, the request is not consistent with the Office and the Environmental
1095 Protection Area designation of the site. Also, the construction of more rental apartments is
1096 inconsistent with the residential objective of the 2010 Land Use Plan. Increase the percentage
1097 of home ownership, and owner occupied homes at all income levels.

1098
1099 The report goes on to say, and I quote, "...Owner occupancy is key to maintaining stability to
1100 any community..." Well, we completely agree. As I have said to our Supervisor, Mr.
1101 Kaechele on many occasions, I truly believe that older neighborhoods, such as ours, are the
1102 County's first line of defense against encroachment of undesirable elements, such as those who
1103 now inhabit the Executive Motel on Broad Street. And we need your help to hold that line.
1104 Thank you for your courtesy and attention. It is our sincere hope that you will deny Mr.
1105 Shield's request, and any other which proposes rental property of this magnitude.

1106
1107 Mr. Archer - Thank you, Mrs. Sears. Are there questions of Mrs. Sears from
1108 the Commission?

1109
1110 Ms. Dwyer - I have one question. What would your neighborhood association
1111 like to see on this parcel? What kind of development?

1112
1113 Mrs. Sears - It's been the neighborhood football field for years. We'd like to
1114 see it stay just like it is.

1115
1116 Ms. Dwyer - But, realistically beyond that...but beyond that?

1117
1118 Mrs. Sears - We say, we take it like it comes. We know its B-2. It's been
1119 there forever. Over the years, we have objected to many, many things that surrounded us.
1120 and we have managed to set up some sort of perimeter to protect us. And, while we are not as
1121 directly affected as some of our neighbors who are here from the North Willow Lawn Civic
1122 Association, we certainly want to take a stand somewhere along the way here to have
1123 something that we think would be more suitable than more rental property.

1124
1125 Ms. Dwyer - So, what would you like to see?

1126
1127 Mrs. Sears - We don't have a recommendation. I mean we seem to have to
1128 react more than anything else. But there are other business uses that would not be
1129 objectionable to us. We have worked within those parameters for years.

1130
1131 Ms. Dwyer - An office building or...

1132
1133 Mrs. Sears - Right.

1134

1135 Mr. Vanarsdall - Mrs. Sears, would you object to condominiums?
1136
1137 Mrs. Sears - No. We would not. I believe, as a group, I can safely say that
1138 anything that is self-owned, we could support, and we have asked for that for years.
1139
1140 Mr. Vanarsdall - So, you're not against multi...
1141
1142 Mrs. Sears - No sir. If they're owned, no.
1143
1144 Mr. Archer - Any further questions of Mrs. Sears? Thank you, ma'am. Mrs.
1145 Sears, you used about four minutes and twenty seconds. You have five minutes and 40
1146 seconds for whoever else may want to speak.
1147
1148 Mrs. Sears - I believe there are some other folks.
1149
1150 Dr. Norman Sporn - I was a former President of the Monumental Floral Gardens Civic
1151 Association for a period six years. I'm a scarred veteran of negotiations with various
1152 developers.
1153
1154 There are several points that I'd like to make about this particular project; many of which I
1155 take from the presentation of the developer. First of all, the 5100 Building was not built as
1156 condominiums to start with. That was an afterthought many years after the building was built.
1157 One of the major problems with it is, is there is no individual control of the heating and air-
1158 conditioning in the units, so that is not suitable as a condominium building. That's why people
1159 are so anxious to get rid of them now.
1160
1161 I would point out we are surrounded by Suburban Apartments, where I lived as a medical
1162 student many, many years ago. More years ago than I'd like to think about. And they have
1163 deteriorated. I wouldn't go into that neighborhood unescorted now. But I lived there for a
1164 period of years.
1165
1166 Another problem is, this project has been rather nebulous. When it was first presented, and by
1167 the way, I'd have to comment that we never heard of a project that wasn't upscale or luxury.
1168 We've never had a developer come to us and tell us he was doing a down-scale project.
1169
1170 When it was first presented, it was presented with elevators, as a building designed for people
1171 55 years of age and older, and with a fence around it. The second presentation, all of that had
1172 melted in the warm summer sun and it no longer had elevators; no longer had a fence. It now
1173 has reacquired those, at least is the stated intention. And no matter how you stack it, we really
1174 have no concrete concept of what this project is proposed to be. We oppose it because it's
1175 rental units.
1176
1177 And, finally, I make the point that we already are surrounded by development that has
1178 dumpsters that wake us up at 3:00 o'clock in the morning. The projected traffic generated by
1179 this apartment complex is said to be about 300 cars per day on a street; Fitzhugh Avenue
1180 which is already very crowded with traffic. And, finally, if I had a Mercedes, I don't believe

1181 I'd want to park it within two or three blocks of the Executive Motor Inns, unless I wanted to
1182 see it get stripped about three times a week. Thank you.
1183
1184 Mr. Archer - How much time do we have left?
1185
1186 Mr. Marlles - Three minutes.
1187
1188 Mr. Archer - We have approximately three minutes left if there is another
1189 view.
1190
1191 Ms. Flo Bryson - Since that would be located, probably exactly across from the
1192 swimming pool, I don't relish the thought of this...
1193
1194 Mr. Vanarsdall - - Ma'am, I can't hear you. Will you state your name and identify
1195 yourself.
1196
1197 Ms. Bryson - It looks from this map I would be right across from the
1198 swimming pool. I've lived in this neighborhood for 34 years. We've enjoyed the one vista
1199 left in the area, and that's the Robertshaw land. Our children play football and baseball. I sort
1200 of like the Markel Building, myself. It sort of reminds me of a spaceship. But I don't relish
1201 the thought of any kind of building on that land, simply because I'm the second house right
1202 across the street from it. I don't think it's going to add that much to the neighborhood. And
1203 might put money in people's pockets, but its not going to improve the value of my house. I'm
1204 100 percent against any kind of building across the street from where I live. I don't think its
1205 going to help my land value, my home value. So, I'd like to go on record as being 100
1206 percent against it. Did you hear me at all? Thank you.
1207
1208 Mrs. Wade - What was your name again.
1209
1210 Ms. Bryson? - (Comments unintelligible.)
1211
1212 Mr. Archer - We have two minutes left. There are two minutes left if someone
1213 else would like to speak.
1214
1215 Mr. Chuck Kaufman - I'd like for you all just to keep in mind, he wants to build upscale
1216 apartments.
1217
1218 Mr. Archer - Sir, we need for you to identify yourself.
1219
1220 Mr. Kaufman - I am Chuck Kaufman. I'm 5309 Cutshaw. Look at the plat here
1221 with the two (comments unintelligible). If you were 55 years old, driving a Mercedes, would
1222 you want to walk across that parking lot of a four-story building; have everybody looking at
1223 you, with your bathing suit on, across the parking lot to go to the pool? It's really not made
1224 for senior citizens, they claim its going to be. What he's trying to sell you is an apartment
1225 complex, and he needs your nod. We, in the civic association, don't want him to do it. We

1226 need your help. He's selling you an apartment complex. Please keep the neighborhood
1227 residential, single family, multi-family, but homes. Thank you.

1228
1229 Mrs. Wade - Which Association are you?

1230
1231 Mr. Kaufman - Monumental Floral Gardens.

1232
1233 Mrs. Wade - Monumental Floral Gardens also.

1234
1235 Mr. Archer - Thank you, Mr. Kaufman. We have a little bit of time left.

1236
1237 Mr. Marlles - One minute.

1238
1239 Mr. Archer - One minute.

1240
1241 Mr. Barry Greenbaum - I'm the Vice-President of the North Willow Lawn Civic
1242 Association. We have never been presented with this. We've attended some of the other
1243 meetings, but I would like to have an opportunity for our membership who are included on
1244 Fitzhugh Avenue to even vote on it, because we were not given a presentation. And now, I
1245 see it has been changed from the last presentation that we were aware of. So, until that was
1246 possible, I would think that our Association would be against any kind of change.

1247
1248 Mr. Vanarsdall - You'll have an opportunity 30 days from now, when the Board
1249 meets between now and Board time, to talk to anybody you want to about it.

1250
1251 Mr. Archer - Okay. I think we've used up all of the opposition time. I think
1252 you gentlemen reserved two minutes for rebuttal, so that time is available to you now. Mr.
1253 Shield.

1254
1255 Mr. Shield - That lady who spoke proved our point. Cars ripped off, they go
1256 looking at the two projects that we tell you can improve, perhaps, by giving you a model that
1257 brings a different arithmetic to those projects and the possibility that you do not have today of
1258 someone to come in and renovate them, rehab them and make them better. They are a
1259 detriment. She proved the point.

1260
1261 Mr. Winks designed the buildings on Peachtree Street that he spoke of so fondly as to what
1262 they are and what they did. He did the project right there for her. We appreciate her
1263 appreciating them. Mr. Vanarsdall, is he still here?

1264
1265 The traffic situation that was mentioned, this is nothing compared to what an office - If we put
1266 an office building there, obviously, traffic would be far greater. This is the least, perhaps,
1267 traffic generator that could go on this site.

1268
1269 The pool situation is a good point. We don't want this with a pool there either. But we're
1270 confined by the laws of the Chesapeake Bay Act, the BMP, the Best Management Practice, the
1271 drainage situation. We would locate the pool between the two buildings I spoke of earlier.

1272 We think that is the preferred place, but we are confined by the laws and regulations of
1273 development the County has and the State has. So, we would have to defer to those laws.
1274 We'd be happy to move the pool back onto the property if we could. But, subject to the laws
1275 that we must adhere to and have the wastewater management situation on the site.

1276
1277 Everybody talks about ownership or rental. And everybody is against rental. An office
1278 building, is it not rental? If you put an office building there, wouldn't they be renting?

1279
1280 Mrs. Wade - Not always, but largely, yes.

1281
1282 Mr. Vanarsdall - Mr. Shield, yes, it's rental and nobody lives in it unless the
1283 janitor goes to sleep at night from being tired.

1284
1285 Mr. Shield - The last point that I would make, I believe there's a state law that
1286 prohibits discrimination on the base of ownership in the presentation of property. I'm not
1287 trying to be in an adversarial situation, but I am, quite frankly, a bit taken back by the fact that
1288 we are trying to do something that's uniquely good. It is the state of the art in the industry. It
1289 is spoken to on a national level. We have got a regionally noted architect. We have done
1290 everything that we can do. We don't use the terms lightly that we've suggested to you. And
1291 the other point is, the expense of the land and the expense of the soil situation there dictate that
1292 we have to do it on this scale that we're talking about. Thank you. If there are any questions,
1293 I'd be happy to answer them.

1294
1295 Mr. Archer - That you, Mr. Shield. Are there further questions for Mr. Shield
1296 from the Commission?

1297
1298 Mr. Vanarsdall - Mr. Shield, we're not pointing at you, personally. Suppose
1299 tomorrow, and don't tell me you wouldn't do it, if you sold the property, and if we don't have
1300 any leverage, how are we going to keep the property from going downhill which is what you
1301 didn't want too? We go through this all the time.

1302
1303 Mr. Shield - With one last point, sir. At one of the Board of Directors
1304 meetings I attended one of the homeowners associations, the largest one, I begged them, I
1305 asked them, I said, "Give me a list of proffers that would satisfy you." I asked them for the
1306 proffers to be as specific as they wanted them to be. We would consider any proffers they
1307 would give us. And they did not give us any. Sir, in all honesty, they'd like to keep a football
1308 field. I think Mr. Winks and I have spoken to is what they would really love to see there. I
1309 understand that. But is a property that is zoned for some type of development. We're
1310 suggesting an alternative that suits the market today and could be a benefit to the County.

1311
1312 Mrs. Wade - I believe you're dealing with a neighborhood here that's
1313 sophisticated enough to realize that its not their land and its something may very well be built
1314 on it eventually and would not expect it to stay bare forever. But I was under the impression
1315 that they probably had made suggestions to you, I think probably staff has. I have asked, too,
1316 about having more specificity in your proffers, and I still don't see that's happened. It's been
1317 going on for some months now. Thank you.

1318
1319 Mr. Zehler - Mr. Shield, do you own the property now, yourself?
1320
1321 Mr. Shield - Under option, sir.
1322
1323 Mr. Zehler - Under contract?
1324
1325 Mr. Shield - Yes. It's under contract.
1326
1327 Mr. Zehler - Thank you.
1328
1329 Mr. Archer - One more thing before you take your seat. I know you and I
1330 have discussed this to some degree. I'm assuming that you do understand the position that the
1331 Board has taken with regard to the number of apartment sites that are now available in the
1332 County? Do you understand why they have taken that position?
1333
1334 Mr. Shield - Yes sir, I do.
1335
1336 Mr. Archer - I'm not asking you to agree with it.
1337
1338 Mr. Shield - Sir, if I might put it in context. I have zoning cases before this
1339 County, Hanover, Powhatan. We have the same situations with every County. Every County
1340 has their objections and their situations. And I understand the battles that you fight month in
1341 and month out. Everybody's project is different and unique; wonderful. Everything there is.
1342 But this site begs for something. It's sat there for 25 years; empty. What would you suggest?
1343 What would this Board suggest could go there and be economically viable? You can't build an
1344 office building there. There is no demand for an office building. There's no destination retail
1345 that could go there and survive. It's not big enough for single family dwellings.
1346
1347 I'm not the expert in the market. I defer to people who will lend millions of dollars. They tell
1348 me what the market in Richmond will absorb and what the market in Charlotte or Raleigh or
1349 Charlottesville or Lynchburg. They tell us, categorically, we cannot fund it. It will not work.
1350 Condominiums, you might want them. But this is not a condominium town. They don't work.
1351 There's not the absorbion rate. The people will not go in it. It sounds great. If you run your
1352 County on percentages like a PE ratio for stock as to how many units you can have, I know
1353 you are proud of the No. 2 ranking that you have in the National rankings. It is very
1354 impressive. But this is a County that is always in flux.
1355
1356 There are sections of your County that are in flux. This is not the most desirable location in
1357 the County, but we can make it that. And if the County doesn't want someone to try and do
1358 that, I would prefer to anybody, and I don't know how to do it legally, because I'm tied by the
1359 rules of zoning. But if Mr. Winks wants \$60,000 or \$70,000 to give you details of the
1360 building and we don't get it zoned, its unrealistic to think...Give me guidelines. Give me what
1361 you would be satisfied to do this apartment as I've suggested. I don't have all the answers. I
1362 have a will and desire, and we think it's a project that could succeed. I'd be happy to meet
1363 with the Board. I'd be happy to meet with the Associations. Give me what you want that

1364 defines this so we'll all have a comfort level and we go into it together? But its got to be very
1365 nice, because if you don't do it that way, you won't rent the first unit.

1366
1367 And once the money is spent to do that, yes, my crystal ball broke a few weeks ago. I don't
1368 know what's going to happen. But, if you want the Executive Motor Inn and the Keswick
1369 Apartments and thieves run to and the Police go looking for them to define your neighborhood,
1370 leave it vacant.

1371
1372 Mr. Archer - Thank you. Any further questions before he takes his seat? All
1373 right, Mrs. Wade.

1374
1375 Mrs. Wade - In terms of Keswick Gardens, I've never thought of this site and
1376 Keswick Gardens as exactly being the same neighborhood. Apparently, some do. And there
1377 have been a number of changes to the case since, well, it's evolved over some months now.
1378 We've had many meetings. But, as I said, and Mrs. Dwyer emphasized earlier, the specificity
1379 in the proffers is lacking and that's what we have to deal with now. The rental versus
1380 ownership in the County; it certainly does cause a lot of concern which is why we need to look
1381 at all of these proposals very carefully.

1382
1383 You've got three acres here and you're talking about 61 units. I'm sure you know its
1384 economics and all that. And your partner, Mr. Winks, does do a good job. I have been to the
1385 Meadows and I have been across the river and seen the Timbers and as apartment complexes
1386 go, they do look very nice. Neither one, I don't believe, is in close proximity to business, and
1387 to a roadway like Broad Street that this parcel is.

1388
1389 And I thought, too, as others have suggested, there may well be a market for some multi-
1390 family in this area. People like the convenient location. Those townhouses, I believe, across
1391 from St. Mary's; Westhampton Green, whatever the name of it is, are owner/occupied and
1392 they have, seems to me, sold very promptly, and look very nice, and stay full over there as far
1393 as I know.

1394
1395 But the main concern here with the neighborhood is the proximity of this parcel to Broad and
1396 the potential for it being influenced adversely by that proximity. There is currently a crime
1397 problem emanating from some of that business area that causes unease in the neighborhoods
1398 right now. We hope that's temporary and that will be improved in the not too distant future.
1399 Also, you have single family directly across the street. I don't really see that you've proposed
1400 much to buffer them from your multi-family development.

1401
1402 So, under the current conditions, I would suggest probably you have some kind of
1403 communication gap here with the neighbors. I have, in my notes somewhere, Mr. Winks
1404 commenting that the neighborhood groups did not oppose this project. This has been several
1405 months ago or a couple months ago. And, apparently, he found that out to be something less
1406 than accurate.

1407
1408 I would move, therefore, that under the current conditions, and, of course, the Land Use Plan
1409 also recommends Office and Environmental Protection here. Although it's B-2 now, and they,

1410 I'm sure, realize that there are unpleasant possibilities in that. But you've just said its not
1411 viable as a retail site either.

1412
1413 Actually, I'll make one more comment about the area. I know the offices along Willow Lawn
1414 Drive, there have been a lot of vacancies and they've gotten somewhat rundown but I'm
1415 hearing more and more now, they are being renovated. At least, one, I know has been
1416 renovated and entirely rented. Of course, Meals on Wheels has filled up another one. And so,
1417 hopefully, that situation will improve through there in terms of demand for the area.

1418
1419 But, under the current conditions, I can't move to recommend this case to the Board. So, I
1420 would move that Case C-61C-98 – We don't have to waive the time limit, although I said I just
1421 got mine yesterday. I move that Case C-61C-98 be recommended for denial.

1422 Mr. Vanarsdall seconded the motion.

1423
1424 Mr. Archer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
1425 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1426 abstained). The motion to recommend denial is carried.

1427
1428 Mr. Secretary, when will this be heard before the Board.

1429
1430 Mr. Merrithew - December 9th. You're the 10th , that's right.

1431
1432 Mr. Archer - December 9th is when this will come before the Board for those
1433 who are interested in the area.

1434
1435 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
1436 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors deny the
1437 request because it would have a detrimental impact on the adjoining residential neighborhood; it
1438 represents an increase in intensity which could influence future zoning and development of
1439 adjacent properties; and it does not conform to the recommendation of the Land Use Plan nor the
1440 Plan's goals, objectives and policies.

1441
1442 Mr. Archer - If you would you give the 8:00 o'clock deferrals? Is that what
1443 you were standing there for?

1444
1445 Mr. Merrithew - Yes sir, Mr. Chairman. On the 8:00 o'clock agenda, C-78C-98.

1446
1447 **C-78C-98 James W Theobald for Laburnum Retail Center Associates, LLC:**
1448 Request to conditionally rezone from A-1 Agricultural District to B-2C Business District
1449 (Conditional), Parcel 214-A-36 and part of Parcel 214-A-45A, containing 5.951 acres, located
1450 on the west side of New Market Road (State Route 5) between S. Laburnum Avenue and
1451 Burning Tree Road. A convenience retail/office development is proposed. The use will be
1452 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
1453 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and Environmental
1454 Protection Area. The site is also in the Airport Safety Overlay District.

1455

1456 Mr. Merrithew - They've requested a deferral until December 10th.
1457
1458 Mr. Archer - Is there any one here in opposition to deferment of C-78C-98?
1459 I'm sorry.
1460
1461 Person from Audience - (Comments unintelligible).
1462
1463 Mr. Archer - I'm sorry. Maybe I wasn't clear enough. Is there any one here in
1464 opposition to deferment of the case? No opposition. Do we have a motion?
1465
1466 Mr. Zehler - Mr. Chairman, I move that Case C-78C-98 be deferred to
1467 December 10th at the applicant's request.
1468
1469 Mr. Vanarsdall seconded the motion.
1470
1471 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1472 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1473 abstained). Deferment is granted.
1474
1475 Mr. Merrithew - Thank you, Mr. Chairman. Still in the Varina District, Case C-
1476 70C-98.
1477
1478 **C-70C-98 James W. Theobald for Payne 13, L.C. and Redford 131, L.C.:**
1479 Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial
1480 District (Conditional) and M-2C General Industrial District (Conditional), part of Parcels 186-
1481 A-23 and 24 and part of Parcel 197-A-22, containing 103.793 acres (M-1C, 33.882 acres; M-
1482 2C, 69.92 acres), located on the south line of Technology Boulevard approximately 0.25 miles
1483 east of its intersection with Memorial Drive. An industrial use is proposed. The use will be
1484 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
1485 recommends Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental
1486 Protection Area. The site is also in the Airport Safety Overlay District.
1487
1488 They have requested a deferment until January 14, 1999.
1489
1490 Mr. Archer - Is there any one here in opposition to the deferment of this case
1491 to the January 14th meeting, 1999?
1492
1493 Mr. Zehler - Mr. Chairman, I move that Case C-70C-98 be deferred to
1494 January 14th per applicant's request.
1495
1496 Ms. Dwyer seconded the motion.
1497
1498 Mr. Archer - Motion made by Mr. Zehler, seconded by Ms. Dwyer. All those
1499 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).
1500 Deferment is granted.
1501

1502 Mr. Merrithew - Thank you, Mr. Chairman. Still in the Varina District, still on
1503 Memorial Drive. C-71C-98.

1504
1505 **C-71C-98** James W. Theobald for Payne 13, L.C. and Redford 131, L.C.:
1506 Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
1507 (Conditional), part of Parcels 186-A-22, 23 and 24, containing 26.104 acres, located on the
1508 north line of Technology Boulevard approximately 200' east of its intersection with Memorial
1509 Drive. An industrial use is proposed. The use will be controlled by proffered conditions and
1510 zoning ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding
1511 1.0 unit net density per acre. The site is also in the Airport Safety Overlay District.

1512
1513 They have requested a deferral until January 14 1999.

1514
1515 Mr. Archer - Is there any one here in opposition to the deferment of C-71C-98
1516 to the January 14, 1999? No opposition.

1517
1518 Mrs. Wade - Has Mr. Theobald been out of town?

1519
1520 Mr. Zehler - Mr. Chairman, I move that Case C-71C-98 be deferred per
1521 applicant's request.

1522
1523 Mr. Vanarsdall seconded the motion.

1524
1525 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1526 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1527 abstained).

1528
1529 Mr. Merrithew - Thank you, Mr. Chairman. Still in the Varina District, C-72C-
1530 98.

1531
1532 **C-72C-98** James W. Theobald for Bradley T. Marshall, et al: Request to
1533 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
1534 (Conditional) part of Parcel 186-A-22, containing 19.173 acres, located on the south line of
1535 Technology Boulevard approximately 100' east of its intersection with Memorial Drive and on
1536 the east line of Memorial Drive approximately 100' south of its intersection with Technology
1537 Boulevard. An industrial use with potential retail is proposed. The use will be controlled by
1538 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Rural
1539 Residential, not exceeding 1.0 unit net density per acre.

1540
1541 They have requested a deferral until January 14 1999.

1542
1543 Mr. Archer - Is there any one here opposed to the deferment of C-72C-98?

1544
1545 Mr. Zehler - Mr. Chairman, I move that Case C-71C-98 be deferred to
1546 January 14, 1999 per applicant's request.

1547

1548 Mr. Vanarsdall seconded the motion.

1549

1550 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1551 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1552 abstained).

1553

1554 Mr. Merrithew - Thank you, Mr. Chairman. The next case still in the Varina
1555 District, C-72C-98.

1556

1557 **C-72C-98** James W. Theobald for Bradley T. Marshall, et al: Request to
1558 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
1559 (Conditional) part of Parcel 186-A-22, containing 19.173 acres, located on the south line of
1560 Technology Boulevard approximately 100' east of its intersection with Memorial Drive and on
1561 the east line of Memorial Drive approximately 100' south of its intersection with Technology
1562 Boulevard. An industrial use with potential retail is proposed. The use will be controlled by
1563 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Rural
1564 Residential, not exceeding 1.0 unit net density per acre.

1565

1566 They're requested a deferral to January 14, 1999.

1567

1568 Mr. Archer - Is there any one here opposed to the deferment of C-72C-98?

1569

1570 Mr. Zehler - Mr. Chairman, I move that Case C-72C-98 be deferred until
1571 January 14, 1999, per applicant's request.

1572

1573 Mr. Vanarsdall - Mr. Vanarsdall seconded the motion.

1574

1575 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1576 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1577 abstained).

1578

1579 Mr. Merrithew - Thank you, Mr. Chairman. The next case in the Varina District
1580 - C-73C-98.

1581

1582 **C-73C-98** James W. Theobald for W. A. Robins, et al, Redford 131, L.C.,
1583 Edward M. Luck, Gerald A. Crigger: Request to conditionally rezone from A-1 Agricultural
1584 District to R-5AC General Residence District (Conditional) Parcels 197-A-21A, 21B (part),
1585 21C and 22 (part), Parcels 197-1-1-6 (part), 7 and 7A, and Parcels 197-4-A-1, 2 and 3,
1586 containing 58.214 acres, located on the north line of Portugee Road (beginning in the Capes of
1587 Portugee subdivision) approximately 280' east of the intersection of Portugee Road and
1588 Memorial Drive and on the east line of Memorial Drive (beginning in the Gaulding and Orange
1589 subdivision) approximately 1890' north of the intersection of Portugee Road and Memorial
1590 Drive. A zero lot line single family residential subdivision is proposed. The R-5A District
1591 permits densities up to 6.0 units gross density per acre. The Land Use Plan recommends Rural
1592 Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection Area.
1593 The site is also in the Airport Safety Overlay District.

1594
1595 Mr. Merrithew - They've requested a deferment to January 14, 1999 as well.
1596
1597 Mr. Archer - Is there any one here who is opposed to the deferment of C-73C-
1598 98 to January 14, 1999?
1599 Mr. Zehler - Mr. Chairman, I move that Case C-73C-98 be deferred to
1600 January 14, 1999 per applicant's request.
1601
1602 Mr. Vanarsdall seconded the motion.
1603
1604 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1605 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1606 abstained).
1607
1608 Mr. Merrithew - Thank you, Mr. Chairman. The next case in the Varina District,
1609 C-74C-98.
1610
1611 **C-74C-98 David DuVal and Andrew M. Condlin for the Estate of Barbara**
1612 **Bannister:** Request to conditionally rezone from A-1 Agricultural District to R-3AC One
1613 Family Residence District (Conditional), Parcel 140-A-45, containing approximately 22.8
1614 acres, located on the east line of Creighton Road approximately 2950' south of its intersection
1615 with Sandy Lane. A residential subdivision is proposed. The R-3A District permits densities
1616 up to 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential
1617 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. The site is also in
1618 the Airport Safety Overlay District.
1619
1620 Mr. Merrithew - They've asked for a deferment until December 10, 1998.
1621
1622 Mr. Archer - Is there any one here who is opposed to this deferment to
1623 December 10th.
1624
1625 Mr. Merrithew - December 10th, yes sir.
1626
1627 Mr. Zehler - Mr. Chairman, I move that Case C-74C-98 be deferred until
1628 December 10th per applicant's request.
1629
1630 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
1631 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1632 abstained).
1633
1634 Mrs. Wade - Have we already deferred P-32-98?
1635
1636 Mr. Merrithew - No, we have not.
1637
1638 Mrs. Wade - Oh. Okay.
1639

1640 Mr. Merrithew -
1641 District.

That's the next and last request for deferral in the Brookland

1642
1643 **Deferred from the August 13, 1998 Meeting:**
1644 **P-32-98** Gloria L. Freye for Food Lion, Inc.: Request for a provisional use
1645 permit in accordance with Sections 24-58.2(a) and 24.122.1 of Chapter 24 of the County Code in
1646 order to permit 24 hour operation on part of Parcel 70-A-68, containing 45,000 square feet,
1647 located in Merchants Walk Shopping Center (7804 W. Broad Street). The site is zoned B-2
1648 Business District.

1649
1650 They have requested a deferral until March 11, 1999.

1651
1652 Mr. Zehler - Why so long?

1653
1654 Mr. Merrithew - I don't know. Gloria is here if you'd like to ask her.

1655
1656 Mr. Zehler - Are you hoping we're going to forget about it by then?

1657
1658 Ms. Gloria Freye - My name is Gloria Freye. I'm an attorney here on behalf of
1659 Food Lion. They've asked for the deferral because they are trying to determine economically
1660 whether they can meet some of the suggested conditions that the staff has made. They'll be in
1661 a new budget year and they'll be able to make that decision then.

1662 Mr. Zehler - Thank you.

1663
1664 Mr. Zehler - Okay. Do we have a motion?

1665
1666 Mr. Vanarsdall - Mr. Chairman, I move that P-32-98 Food Lion, Inc. be deferred
1667 until March 11, 1999 at the applicant's request.

1668
1669 Ms. Dwyer seconded the motion.

1670
1671 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Ms. Dwyer. All
1672 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1673 abstained). Deferment is granted. Is that it?

1674
1675 Mr. Merrithew - Yes sir.

1676
1677 Mr. Archer - Mr. Secretary, if you will, please call the next case.

1678
1679 Mr. Marlles - The next Case is C-46C-98. It was also deferred from the
1680 October 15, 1998 meeting.

1681
1682 **Deferred from October 15, 1998 Meeting:**
1683 **C-46C-98** Andrew M. Condlin for Alva E. Kimrey: Request to conditionally
1684 rezone from R-2A One Family Residence District to M-2C General Industrial District
1685 (Conditional), Parcel 31-A-17 and part of Parcels 31-A-14 and 15, described as follows:

1686
1687 Beginning at a point on the western line of Old Washington Highway, 1,751' +/- from the

1688 center line of Mountain Road to a point; thence N 77° 22' 51" W. 233.11' to a point, which
1689 such point is the TRUE POINT AND PLACE OF BEGINNING; thence from such true point
1690 and place of beginning, N 77° 22' 51" W., 311.85' to a 40" Willow Oak; thence N 12° 01'
1691 37" E 628.27' to a point; thence S 79° 21' 51" E 339.62' to a point; thence S 11° 45' 09" W
1692 432.31' to a point; thence N 77° 22' 51" W 32.63' to a point; thence S 11° 13' 46' W 209.21'
1693 to a point, which such point is the TRUE POINT AND PLACE OF BEGINNING, and
1694 containing 4.818 +/- acres.

1695
1696 BEGINNING at a point on the eastern line of Old Washington Highway, 1,751' +/-from the
1697 center line of Mountain Road to a point; thence N 77° 22' 51" W 233.11' to a point, which
1698 such point is the TRUE POINT AND PLACE OF BEGINNING; thence from such true point
1699 and place of beginning, N 77° 22' 51"W 311.85' to a 40" Willow Oak; thence N 12° 01' 37"
1700 E 418.42' to a point; thence S 77° 22' 51" E 340.56' to a point; thence S 11° 45' 09" W
1701 209.22' to a point; thence N 77° 22' 51" W, 32.63' to a point; thence S 11° 13' 46" W
1702 209.21' to a point, which such point is the TRUE POINT AND PLACE OF BEGINNING,
1703 and containing 3.129 acres.

1704
1705 BEGINNING at a point on the west line of Old Washington Highway, which such point is .44
1706 miles north of Mountain Road; thence from said point, leaving the west line of Old
1707 Washington Highway, N 79° 00' 00" W 526.28' to a point; thence N 10° 39' 30" E 209.85'
1708 to a point; thence S 80° 59' 00" E 466.58' to a point on the west line of Old Washington
1709 Highway; thence along such west line of Old Washington Highway along a curve to the right
1710 with a radius of 1,120.93' and a length of 234.57', to the point and place of BEGINNING and
1711 containing 2.510 acres.

1712
1713 Ms. Nancy Gardner will give the staff report.

1714
1715 Mr. Archer - Thank you, Mr. Secretary. Is there any one here who is opposed
1716 to C-46C-98? Okay. Thank you. We'll get to you. Ms. Gardner.

1717
1718 Ms. Gardner - Yes. As Mr. Marlles stated, this is a request to rezone almost five
1719 acres from the R-2A District to the M-2C General Industrial District. This property would
1720 become a part of the Oilfield Pipe and Supply site, which is right in here (referring to slide).

1721
1722 As you can see from this map, the site is designated for light industrial use. The use being
1723 requested and the zoning district being requested is not light industrial. Rather, it is M-2
1724 General Industrial because the use that they wish to use for this property; that is outside storage,
1725 would be in conjunction with Oilfield Pipe and Supply. Therefore, it has to be to the M-2
1726 District, rather than to the M-1 District.

1727
1728 You can see this rectangle only approximates the site. You need to look at your staff report for
1729 the exact boundaries, but you can see that we are right against the railroad track here. Across
1730 the railroad tracks is an existing subdivision. There is scatted residential over here. And the

1731 main Oilfield Pipe and Supply site is here to the south. You can see in this area is where they
1732 have their existing outside storage yard. They plan to extend the outside storage area to this
1733 property to the north being proposed for rezoning.
1734

1735 Oilfield Pipe and Supply, although we call it steel fabrication, it is really more into the metal
1736 refabrication or resuse field. They take used pipe, used sheet metal, used very large, very heavy
1737 pieces of metal, clean them, scrub them, reshape them and weld them into something else and
1738 then ship it back out. I understand they frequently make good use of the rail line. So, they are
1739 very particularly against the railroad track there.
1740

1741 We've handed out new proffers. You'll notice, at the top, they are dated November 12th. To
1742 accept these proffers, you would have to waive the time limit, but I would point out that, if you
1743 wish not to waive the time limits, the only thing added to these proffers, compared to a set of
1744 proffers we received earlier in the week, is "Item H" on the last page. As an alternative, you
1745 may wish not to waive the time limits and accept the previous set of proffers and direct the
1746 applicant, rather than make this change now, make it between now and the Board of Supervisors
1747 meeting.
1748

1749 I will go just briefly through the proffers. The use, of course, the applicant is intending to use
1750 the property just for outside storage, in conjunction with the existing uses south of the property.
1751 There will not be any outside security alarms, except as required.
1752

1753 Hours of operation will be limited to 7:00 a.m. to 9:00 p.m. and 9:00 a.m. to 9:00 p.m. on
1754 Sundays and certain holidays. There would be no exterior lighting on this part of the property.
1755

1756 The applicant has committed to put up a 10-foot opaque fence made of masonry. He would
1757 continue the fence that is already located here on this property. That new fence would be along
1758 the northern boundary of the property. Existing trees and foliage in the buffer area would be
1759 retained.
1760

1761 Regarding storage of pipe, storage would only be stored in an east/west direction. That is going
1762 approximately this way. This proffer is a little bit complicated. Any pipe stored in an east/west
1763 direction shall not exceed 10 feet in height on the property, within 20 feet of the fence set forth
1764 in proffer 5 above, along the eastern lines of the property. Any pipe stored in the east/west
1765 direction above 10-feet on the property shall have the ends of the pipe blocked or covered. I
1766 assume that's to keep down the noise and, perhaps, some of the visual blight.
1767

1768 Ms. Dwyer - Ms. Gardner, may I ask you a question on this?
1769

1770 Ms. Gardner - Yes.
1771

1772 Ms. Dwyer - What difference does it make which direction the pipe is stored in?
1773 Ms. Gardner - I had a discussion with the applicant about that, too. The
1774 limitation here is only on that pipe that is stored east/west. If it's stored north/south, this proffer
1775 doesn't apply. That pipe that is stored east/west, that is going in this direction, has these

1776 limitations, I think, because of the noise, because the sound reverberates through the pipe.
1777 That's my guess. I mean we can ask the applicant.

1778
1779 Mr. Vanarsdall - By being east to west, it may be facing the railroad. When the
1780 train comes down the track, the noise comes through the pipe over into the neighborhood next to
1781 it and the neighborhood behind it. So, I think that's where the thinking came.

1782
1783 Mrs. Wade - Well, do they operate 365 days a year?

1784
1785 Ms. Gardner - Yes. Apparently, they do. Yes.

1786
1787 Regarding access, since this doesn't have frontage on Old Washington, there will not be any
1788 direct access to Old Washington.

1789
1790 Moving onto the second page, "Use of the Property: The surface of the property shall be
1791 covered with No. 3 clean stone." The point there is try to keep down the dust.

1792
1793 No. 10 was something that was added during the course of review. And I would like to get into
1794 a little bit of detail here. Some of the surrounding property owners have had some concerns with
1795 the way the existing Oilfield Pipe and Supply operation has been run. Now, of course, that's not
1796 what we're judging tonight. That's not necessarily how we're going to decide on the zoning
1797 case. However, the applicant, if the zoning case is approved, when he adds this property, will
1798 have to amend the POD on this area, on the existing site. In so doing, the applicant is committed
1799 by this Proffer No. 10 to add some conditions to that plan of development which will pertain to
1800 the entire site. In this way, the applicant is trying to address some of the concerns expressed by
1801 the surrounding property owners. These are very similar to the proffers that we've seen. A
1802 limitation on outside speakers. There will be a sprinkler system for truck loading areas. There
1803 will be a stop sign placed, I assume we're talking about right here - a stop sign placed right here
1804 at the entrance to Old Washington Highway. Similar limitation on the hours of operation.
1805 Similar limitation on the height of pipe stored in the east/west direction. Similarly, a
1806 commitment to put a solid fence. "G. No vehicular railroad access and entranceways other than
1807 that which is currently existing for the existing facility." Finally, "H" which was added this
1808 morning as a result of a very recent meeting with citizens; "Existing trees and vegetation along
1809 the western boundary of the existing facility..." again that would be along here. Perhaps, the
1810 applicant can specify exactly where along that area, "...will be supplemented with the planting
1811 and continuously maintained of at least 40 Leland cypress trees." Again, that's to offer more
1812 protection to these property owners. I'd be happy to take any questions.

1813
1814 Mr. Archer - Thank you, Ms. Gardner. Are there questions for Ms. Gardner
1815 from the Commission?

1816
1817 Mr. Vanarsdall - Ms. Gardner, the new proffer, under Proffer 10, the new "H," it
1818 says, "existing trees along the western boundary..." is that on the Oilfield Pipe property?

1819
1820 Ms. Gardner - Let me go back to another map.

1821

1822 Mr. Vanarsdall - Mr. Cochrane can answer that later.
1823
1824 Ms. Gardner - Right. As you can see, Oilfield's property does not go completely
1825 up to the railroad tracks. The railroad owns some of the right-of-way. Particularly in this area,
1826 I think it's a 50-foot width that's on the eastern side of the railroad tracks that the railroad owns
1827 there. It's a much more slender buffer there. I'm just using the word, "buffer." It's a much
1828 more slender right of way that they own there.
1829
1830 Mr. Vanarsdall - "...existing trees and vegetation along the western property is not
1831 on Oilfield Pipe...?
1832
1833 Ms. Gardner - It may not be. It may not be. That would be a good point to get
1834 the applicant to clarify.
1835
1836 Mr. Archer - Okay. Any further questions for Ms. Gardner?
1837
1838 Ms. Dwyer - Well, they've only committed to preserving existing trees on their
1839 own property?
1840
1841 Ms. Gardner - Right. Certainly, they can not make a commitment about what
1842 someone else is going to do with their land.
1843
1844 Mrs. Wade - They're putting a 10-foot wall on two sides and clearing right up to
1845 that, I assume?
1846
1847 Ms. Gardner - No. The 10-foot fence is going to be along the northern property.
1848 The buffer will be on the other side, along the edge there. So, they're not going to clear.
1849 They've committed to leave it. Oh, but on the interior, yes. I imagine they will clear right up to
1850 the fence. Yes. That's correct.
1851
1852 Ms. Dwyer - Could you go back to the G.I.S. photo? Will these houses, I guess
1853 they're on the east, right there. Will they remain, or is that being sold? A part of this?
1854
1855 Ms. Gardner - Well, this house (referring to slide), in particular, I'm trying to
1856 remember which one is which. Mr. Mayer, I believe, owns both of these houses. I don't know
1857 if he plans to continue, in the long term, to continue with the residential. There is another house
1858 here. It is somewhat hidden. That is privately owned and has nothing to do with the Oilfield
1859 Pipe and Supply or Mr. Mayers.
1860
1861 Mr. Archer - Are there other questions for Ms. Gardner? Thank you, ma'am.
1862 Do you need to hear from the applicant, Mr. Vanarsdall? Well, we have opposition. I guess we
1863 have to. Mr. Condlin.
1864
1865 Mr. Andy Condlin - Mr. Chairman, members of the Commission, Mr. Marlles, my
1866 name is Andy Condlin from Williams, Mullen, Christian and Dobbins. I'm here on behalf of
1867 Mr. Kimrey and Oilfield Pipe and Supply. As Nancy pointed out, we are asking for rezoning of

1868 4.8 acres on this property within the square (referring to slide) to complement the existing M-2
1869 property that's already zoned unconditional. Oilfield Pipe and Supply currently operates out of
1870 that 16-acre site, called Glen Allen Industrial Center. It's currently zoned M-2 unconditional,
1871 and its been operated as an industrial site since at least 1945.

1872
1873 This case is, obviously, made difficult by the fact that they are surrounding this property,
1874 residential neighborhoods that have come in after, and during the continuous operation of this
1875 industrial site. Not by Oilfield. It's only been in there approximately four years.

1876
1877 We've met on at least six occasions, and numerous telephone calls, and certainly numerous
1878 mailings with many of the various neighborhoods. I do want to correct a couple things that I
1879 think were misunderstood during the previous presentation. We've tried to, to the extent
1880 possible, working with all the groups and all the different interests, I think what we have here is
1881 a better situation that's been made difficult by the M-2 property. A lot of people are really
1882 uncomfortable with, and do not like the noise that's generated from the M-2 property. What
1883 we're trying to do here is make the property more efficient by allowing storage and storage only
1884 in the area that's to be rezoned, and cut down on the noise and dust and a lot of other benefits on
1885 the existing M-2 property.

1886
1887 As Nancy pointed out, Oilfield's operations consists of bringing in the used steel beams and pipe.
1888 They're metal. Reconditioning them. Knocking off attachments. Cleaning them up and
1889 reworking them. More often than not, a specific user is not available for that particular material.
1890 And the pipe and the beam has to be stored for a number of months and, a lot of cases, a number
1891 of years. The request that we're asking for is one use and one use only; storage to be used for
1892 this facility. No other storage for any other facility, but this facility only.

1893
1894 In delivering specific materials to a client that may want a particular item that Oilfield needs to
1895 work on and deliver to them, they often have to shift around a lot of the other material that's
1896 piled up around their site in order to get to that material. It's not unusual for them to have to
1897 shift around four, five, or even more times the same material just to get to other material as
1898 they're working on it. This causes extra noise and dust for the neighbors. It also causes extra
1899 cost and time for Oilfield Pipe.

1900
1901 By moving the storage to this northern portion of the property, the material is more efficiently
1902 stored. It's easier to locate and remove. And we only have to move it once, maybe twice at the
1903 most. There's less noise and dust. Oilfield will have a more efficient operation and cheaper
1904 storage. And Oilfield will be able to move the material away from its existing facility to
1905 centralize the most intrusive activities; the pounding and the reconditioning of the pipe and the
1906 metal beam.

1907
1908 The bottom line is that this case will serve to help an undesirable situation for the neighbors by
1909 reducing the intrusiveness from the current operation of the property to be rezoned and the
1910 unconditional M-2 property.

1911
1912 In addition to the proffers, it was somewhat of an unusual circumstance. We have kind of fought
1913 with how to benefit and allow the County to enforce conditions on the M-2 property when we

1914 weren't rezoning it. What we came up with, again, I think is somewhat unusual, but we've
1915 talked to a number of people, and it is enforceable by the County, is that we will come in before
1916 we get a POD on the property to be rezoned. We will come in and ask you if we can amend the
1917 conditions on the existing M-2 property for a POD that we have for the existing property, which
1918 I'll describe in a little more detail.

1919
1920 The protections on this case apply to both the M-2 property and the property requested to be
1921 rezoned. As I mentioned, the use we're only requesting is for outside storage. Yes, it's for M-
1922 2, but the M-1 use, that we specifically asked for, is classified and taken out of the M-1 code for
1923 the Light Industrial classification. I would propose to you that, despite the identity or
1924 classification of the M-2, the exact use that we're making of this property, is, in fact, a light
1925 industrial-type use; the actual use, itself, as opposed to the classification.

1926
1927 As Nancy pointed out, we've limited hours on both properties from 7:00 a.m. to 9:00 p.m. and
1928 holidays and Sundays, from 9:00 a.m. to 9:00 p.m., practically, all outside activities and
1929 darkness, which, obviously, occurs earlier in the wintertime.

1930
1931 We have offered one thing I did want to point out. We have a proffer on the property to be
1932 rezoned, which I defined in the proffers as "property," "Capital P" property. I've defined in the
1933 proffers, "existing facility," meaning the M-2 unconditional property.

1934
1935 We have proffered a fence along this eastern line; a 10-foot fence and along the northern line.
1936 We did not put a fence on the western line, and I'm not going to speak, or put words into the
1937 neighbors' mouths across the railroad tracks. But the thought was, the understanding was that, if
1938 you put a fence up there, the train noise hits that fence and its just going to run right back
1939 through.

1940
1941 In addition, we kept the 10-foot existing trees because it's heavily and densely vegetated with
1942 trees and other vegetation. We measured, based on the scale that we have, closer to 75 to 100
1943 feet railroad property that's owned by CSX between the western border of our property and the
1944 railroad tracks, itself. That's again, heavily vegetated. So, that's why we thought that to use the
1945 remaining vegetation along this western border would be more beneficial than a wall, which
1946 would create, we think, more noise or, as the County usually has the policy of remaining and
1947 retaining existing vegetation as opposed to cutting it all down and putting in other landscaping,
1948 and removing it completely.

1949
1950 In addition to the 10-foot retention and the 10-foot fence surrounding this property, what I have
1951 asked for, and it was based on a meeting and a misunderstanding with the homeowners
1952 association from Deersprings. I thought they meant that they just wanted the retention area along
1953 here (referring to slide). They, in fact, wanted a supplement along the railroad tracks from the
1954 western boundary; property that we own that we're going to put, we calculated 40 Leland
1955 cypress. We came up with that number. It wasn't just something that I typed out that sounded
1956 good. There is existing, a part of the POD that's been approved already, for what's called a
1957 "plasma cutting" for the cutting of metal. I believe its in this area here (referring to slide).

1958

1959 Mr. Archer - Mr. Condlin, I just want to remind you. You do have opposition.
1960 You have approximately two minutes left.

1961
1962 Mr. Condlin - Yes sir. If you would, just let me know when there's a minute and
1963 a half left. There is already required about 35 Leland cypress in this area. And then from this
1964 area south, we would include another 40 Leland cypress. That's where we came up with about a
1965 distance of about 300 feet. A little bit less than 300 feet, at six to seven feet on center is where
1966 we came up with that number for that approximate area.

1967
1968 Nancy has gone through, and pointed out, a lot of the other benefits that we feel that apply both
1969 to the M-2 property, and, of course, the property being asked to be rezoned, including no
1970 vehicular rail access. No speakers or alarms. The stop sign right on the existing entrance.
1971 Ultimately, and I can go through in more detail if you want to of the existing proffers. But I
1972 believe we had set this case up to be a "win-win" situation for everyone involved.

1973
1974 The neighbors will be able to reduce the intrusiveness of the existing M-2 property. The existing
1975 facility by these supplementations we're doing to the property. Not only the buffering, not only
1976 the landscaping and the fencing, but, of course, the other items that I think add to the quality of
1977 life that would help out in both the property to be rezoned and the existing facility. These
1978 benefits are gained because of the rezoning, and the ability to use the storage area to make the
1979 whole area more efficient and less noisy. I'll be happy to answer any questions. At this time,
1980 I'll ask that you waive the time requirements. I'll go from there.

1981
1982 Mr. Vanarsdall - Mr. Condlin, on "No. H" that I asked Ms. Gardner...

1983
1984 Mr. Condlin - Yes sir.

1985
1986 Mr. Vanarsdall - That was something that the homeowners over in Deepsprings
1987 asked for. I think they're of the impression if this case is approved tonight, that there will be a
1988 big truck out tomorrow and unload great big huge buffers - trees from what I heard from a
1989 couple of them. But is "H" on the property? It belongs to Oilfield Pipe?

1990
1991 Mr. Condlin - Yes sir. There's nothing mentioned in these proffers; nothing
1992 mentioned in my presentation that is not on the Oilfield Pipe property. I've tried to have as
1993 much detail as possible. Along the western boundary, there are 40 Leland cypress of five feet in
1994 height. I added this language about "maximum screening, base staggering, and locating them. I
1995 can't go through it now. This just came up Monday. There is existing vegetation along this
1996 western boundary behind the facility where the building is and along here that we want to
1997 supplement. We don't want to just make it all clean and throw up a Leland cypress screen right
1998 there. We want to add to it. I think this is a sufficient amount. But it's all on the old Oldfield
1999 property. Yes sir.

2000
2001 Mr. Vanarsdall - Thank you.

2002
2003 Ms. Dwyer - This property belongs to Alva Kimrey now?

2004

2005 Mr. Condlin - Yes. Alva Kimrey is the principal or the owner of Oilfield Pipe.
2006 For tax reasons, he leases it to Oilfield Pipe and runs the facility. That's a company that he
2007 runs.

2008
2009 Mrs. Wade - But they own the land?

2010
2011 Mr. Condlin - Yes ma'am. He's from Oklahoma and this is another facility that
2012 he has.

2013
2014 Ms. Dwyer - What's going to happen to what appears to be residences adjacent
2015 to his rectangular parcel?

2016
2017 Mr. Condlin - I believe this is Mr. Verlander's house right here who is the only—
2018 This is being sold. That's owned by Mr. Kimrey, but is being sold to one of the workers. This,
2019 I believe, is Mr. Verlander who owns that property. Mr. Mayers owns most of this property in
2020 the front here. That, again, we've had some discussion as to what he's going to do with it. We
2021 don't access Old Washington Highway and he owns all the frontage in front of us, except for
2022 Mr. Verlander and then you know, we'll be north of Mr. Verlander, another property owner,
2023 that's buying this from Mr. Kimrey.

2024
2025 Mrs. Wade - Where's the historical site house that's referred to in the staff
2026 report?

2027
2028 Mr. Condlin - I believe it is just to the north. That's up here. I don't know
2029 exactly where the house is. Is that it right there? Somewhere in there.

2030
2031 Ms. Dwyer - I understand your point if the storage area is expanded, that there
2032 may be less noise because the piles are smaller and there's not as much of a need transfer
2033 materials in order to obtain what you want. But on the other hand, if this is expanded and the
2034 business also expands, then it's conceivable that the new storage area could also become as
2035 congested and crowded as the existing one is. Then you would have the same problem, just a
2036 bigger problem.

2037
2038 Mr. Condlin - I understand that. I mean I can't answer to say that, you know,
2039 put a limit on the use. We've talked about this with the neighbors. That reminds me. One
2040 thing, that pipe, north, south, east, west, I like to use perpendicular to the railroad tracks versus
2041 parallel. The plan is to put them parallel. This is a narrow area. These pipes are up to 12 feet
2042 in diameter; 60 plus feet long at times. I mean these are huge things that are taken out. The
2043 idea is to put them parallel, at times, along this area (referring to slide). They might be
2044 perpendicular to the fence as it was described. It amplifies the noise from the train just like a
2045 megaphone. If it does have to be, and the only time would be temporarily. But the only answer
2046 I can give to that is we put limitations on the hours of use of the property. They currently are
2047 using it to the extent that they feel to the maximum extent of the existing facility and the building
2048 itself. They certainly would have to come in on any more building for a POD.

2049

2050 This area is so narrow with the storage that they would have in here, to put anything in here,
2051 stuff would be blocked up here that would take weeks to move stuff out to get to that. I mean
2052 that's from a business standpoint. Otherwise, I can't come up with a proffer; I can't come up
2053 with a condition that says, "There shall be no more than "X" number of dollars or "X" number
2054 of pipe moved or weight." We considered a lot of things to try to come up with something,
2055 because it just really isn't anything at that point.

2056
2057 Ms. Dwyer - Perhaps, one limitation to the expansion of the storage would be
2058 capacity of the building and the operation could (unintelligible) in that (unintelligible)? Is that
2059 what you're suggesting?

2060
2061 Mr. Condlin - Yes. I mean, is that something that could be proffered as far as...

2062
2063 Ms. Dwyer - No. But...

2064
2065 Mr. Condlin - The capacity, at this point, since they've moved in, they've put in
2066 what's called, " wheel abrator" that does the sand blasting. It's interior. I think you guys went
2067 through there. I don't need to go through all that. The plasma cutter, as well. I mean these are
2068 the things to get things from out of doors and around the surrounding property on the edges of
2069 the property and centralize them and internalize them. That's what they've been trying to do,
2070 and its at its maximum capacity. I mean these are things not to increase the business, but to get
2071 the business away from the edges and internalize it.

2072
2073 Mrs. Wade - You mentioned that new machinery in the building. I was trying
2074 to refresh my memory on the POD. And there were conditions there. I was wondering if the
2075 POD conditions had done the job in terms of...

2076
2077 Mr. Condlin - I don't think they've gotten their CO for that yet. They haven't
2078 gotten their CO for that yet. They're still putting in their landscaping. This POD, Proffer 10
2079 would be put in there would be in addition to the existing conditions. Certainly, if you felt
2080 uncomfortable with any of these conditions we suggested to be proffered, that's up to, you know,
2081 the Planning Commission to accept or not. I mean, we've got to, in order to get the POD for the
2082 storage area, submit to you that we will accept these conditions, in addition to what's already
2083 existing, including the landscaping and all of the other conditions that are required in the current
2084 POD.

2085 Mrs. Wade - But they didn't get the equipment?

2086
2087 Mr. Condlin - They've got it. It's just not up and running yet. They're still
2088 building. By the time they put the building in and installed everything, they haven't gotten the
2089 Certificate of Occupancy to run it yet.

2090
2091 Mrs. Wade - Thank you.

2092
2093 Mr. Condlin - Which I think is very soon.

2094
2095 Mr. Archer - Any further questions for Mr. Condlin? Thank you, sir.

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2141

Mr. Condlin - Thank you.

Mr. Archer - We can hear from the opposition now. Is there one of you who can represent the views of the entire group? It's not that we're not willing to hear from everybody, but we don't want to be repetitious. We need for you to identify yourself, sir, and tell us who you represent.

Mr. Fred Dehne - I live at 10911 Old Washington Highway. I'll spell my name for you later. I do wish to speak in opposition to this rezoning. Mr. Condlin presented this that the Oilfield Company is going to invest hundreds of thousands of dollars to make life better and Old Washington Highway for the community that's there. I wish to say I don't know how anyone could buy that. They certainly plan to use the property to make more money. To do that, you're going to have movement in that entire area. That's going to extend the noise ; (unintelligible) the noise that comes from just banging the pipe around as they move it; banging the metal around. It's really a metal junk yard is what it is. All a good purpose, but that's what it is. We're going to move much of that noise in an area that's now going to affect many more homeowners. It's going to remove much of the buffering from us. And it's going to carry on over. What it's also going to do, it's going to change the whole aspect of the community. It's going to make it now be an industrial zone, and not really an area that's families. Families are in there.

If you've ever driven down the road, especially recently, as soon as you come onto Old Washington Highway, you can look right and see the beautiful new fine arts building. As you continue down the road and look left, you see a corrugated metal fence, with metal piled above it. As you continue on down, that continues there on the left, and there you start seeing residences on the right.

I know we're not here to talk about the current operation, but the current operation is what the next operation is going to be. It's not an operation friendly to the community there in Glen Allen. It's one that's going to change. The whole thing is going to lower the property values. It's going to designate it as an industrial zone.

Just to the north, there's this large tract of land that's going to be available in the next few years.
Mrs. Wade - Where do you live?

Mr. Dehne - I live right here (referring to slide). That would be a fine tract of land for houses, but not if this goes in. Nobody is going to want to build houses back here. The only thing that I can see is this is going to end up industrial, too. All that is going to drive residential property values down. Then it's going to completely change the neighborhood.

I consider the oil pipeline to be; it is an eyesore driving by. They have refused to put in proffers, even in No. 10 to raise the level of the wall that is exposed. There isn't any effective buffer. During the last rezoning the promises were to plant fully around that wall. They have not done that. It's an eyesore and ear sore and generates dust.

2142 I think, if we change that zoning, it is going to change the neighborhood, and I don't know if
2143 that's to the good of the County or not. I don't see how it can be.

2144
2145 Mr. Archer - All right, thank you sir. Are there questions?

2146
2147 Ms. Dwyer - I have one question. Did you live in the neighborhood after this
2148 was already there?

2149
2150 Mr. Dehne - No. The pipeline company was not there.

2151
2152 Ms. Dwyer - Was another company there?

2153
2154 Mr. Dehne - Yes. One who didn't make noise.

2155
2156 Mr. Archer - Was there someone else who wanted to speak?

2157
2158 Mr. Richard Roberts - I live in the Deersprings Subdivision. I cannot say that I represent
2159 everyone in the subdivision. There were individuals there with differing interests. We've been
2160 in discussion with Oilfield Pipe for several months now trying to work out a way that may enable
2161 them to expand their operations, while keeping down noise pollution in our area.

2162
2163 As we brought up in our meetings, my property, for instance, the year after Oilfield went into
2164 production dropped \$6,400. If that is an average for the entire subdivision, that's in excess of
2165 \$600,000 impact. I believe that Oilfield has been trying to accommodate some of the different
2166 residents in the neighborhood by putting up barriers to reduce the noise.

2167
2168 I personally do not feel that they have done enough to ensure that their expanded operations, if,
2169 in fact, those operations do expand, that they have done enough to eliminate the noise and to stop
2170 our properties from decreasing in value further. And I ask that, if this is approved by the Board
2171 of Supervisors through your recommendation, that you give careful consideration to try and to
2172 help us implement barriers to ensure that the noise is kept down; that our property values don't
2173 drop further.

2174
2175 Mr. Archer - All right, are there questions for Mr. Roberts?

2176
2177 Ms. Dwyer - What barriers, specifically, would be interested in having that have
2178 not been proffered?

2179
2180 Mr. Roberts - We have spoken, actually, probably in our discussions on Section
2181 H, deal with those barriers. Oilfield Pipe has indicated that they would put in 40 Leland Cypress
2182 on the existing property.

2183
2184 I live in this area (referring to slide) up in here. One of these houses is mine in here. What I'm
2185 concerned about is they are only putting in a noise barrier on the existing property. Certainly,
2186 the people down in the southern part of the subdivision could benefit from the noise barrier.
2187 We're counting on CSX to leave the trees to the west side of the proposed storage area. If CSX

2188 removes those trees for any reason, we have a clear view into their storage area, and all the
2189 noise that comes from it. I did live in this neighborhood before Oilfield started their operations.
2190 That would have certainly impacted my decision to buy in that neighborhood.

2191
2192 Mr. Archer - All right, thank you, Mr. Roberts. Are there other questions?
2193 Any one else who wishes to oppose? How much time do we have left? We have just about 2.5
2194 minutes left.

2195
2196 Mr. Gregg Jackson - I live at 2730 Peace Lane. What I would like to do is to make a
2197 statement on behalf—I have talked to a lot of the neighbors. Charles McMillian, who has been a
2198 very big advocate and, as I'm sure all of you know, very fighter against what has gone on in this
2199 industrial park. He cannot be with us today because he's been diagnosed with cancer.

2200
2201 But I would like to say is, the folks with Oilfield Pipe have met with us and have tried to make
2202 the operation better for what they're doing or for what is there. I went, at first saying, "What
2203 happens if we push to not get this zoned, are you going to leave?" They said, "no." So, what
2204 we tried to do was to get something better in the neighborhood. Try to quiet them down; to keep
2205 the dust down. They are a nuisance, but I understand business is business.

2206
2207 So, I just want to let the Board (sic) know that the reason why a lot of these proffers are being
2208 put on the existing property is because the existing property is the nuisance. And, in further
2209 debates, if they ever move out or anything else ever comes up, I'd just like the Board to know
2210 that, as far as I'm concerned, that whole thing could be wiped back out and turned into
2211 something else. That's the feeling of; I've got a petition signed by over 100 or so neighbors
2212 within a half mile radius. That is everybody's feeling. They would like to see the whole place
2213 shut down, turned into a residential area. I know that's not going to happen. I know that's not
2214 in your plan for the future. It's Light Industrial, but we've got to take into account the fact that
2215 neighborhoods have moved in here. Deersprings was put in five or ten years ago; however, long
2216 ago. That's a new neighborhood. Haley's Hollow has been put in fairly recently; a few
2217 scattered homes in there. But the residential neighborhood is growing up around this, as well as
2218 with the new Glen Allen Cultural Arts Center. I hate to see them little girls in there giving a
2219 ballet and a 40-foot piece of pipe screech across something and break a toe. Thank you.

2220 Mr. Archer - Mr. Condlin, you have a minute and a half.

2221
2222 Mr. Condlin - Thank you. I just wanted to point out a couple of things. This
2223 property was already zoned M-2. It was used since 1945 for industrial uses continuously. Based
2224 on the history that folks that we've talked to, Oilfield Pipe came in...I'm not saying that Oilfield
2225 is not a worse user. I wouldn't dare say that and get out of line by saying that. It is a nuisance
2226 to a lot of surrounding landowners and we're trying to alleviate that nuisance by this zoning case,
2227 and by protecting the new zoned property.

2228
2229 The current operation is refabrication. None of that will go on, on the new rezoned property.
2230 It's not a continuation of the existing. We're trying to centralize, internalize it with refabrication
2231 uses. It's just storage and storage only.

2232

2233 I have talked with the Deersprings Homeowners Association President who is not here tonight. I
2234 can only tell you what he told me, which was these proffers reflected what the homeowners
2235 association. I know people disagree, and I think Mr. Roberts disagrees with that. But,
2236 according to the President telling me, that's what they requested and this was our answer to what
2237 their request was. He said that met that.

2238
2239 We are trying to work with a lot of interests. There is existing vegetation out there. The bottom
2240 line is that this is in the Land Use Plan for Light Industrial. And that this use is an M-1 allowed
2241 use. The only reason we're asking for M-2 is the Zoning Conformance Officer insisted that we
2242 be M-2, since we're using it for M-2. But, I don't agree with that, personally, but that's what it
2243 is. It's a light industrial M-1 use. I took it right out of the M-1 code.

2244
2245 The bottom line is, this rezoning will benefit the existing use that's unconditional M-2, and will
2246 benefit the property that we're asking to be rezoned, by allowing for the storing and less noise
2247 and less dust overall with these proffers that are in here now. Thank you.

2248
2249 Mr. Archer - Thank you, Mr. Condlin. Any questions by the Commission
2250 before he takes his seat? Thank you, sir. All right, Mr. Vanarsdall.

2251
2252 Mr. Vanarsdall - Well, I'll start by trying to bring the Commission up to date. I've
2253 been involved with this for three or four years in one way or the other. So, have a lot of the
2254 conformance officers, people in the County. I will start out by saying, Tony, who is here,
2255 tonight, is the manager is a very nice man, and a good man and runs a good shop as much as
2256 possible.

2257
2258 It has been said many times in writing, and tonight, and other times that the Glen Allen Industrial
2259 Center has been there for 50 years. That's a true statement. Now, it maybe could be traced
2260 back to 1945. It has been there as an industrial center.

2261
2262 The Haley's Hollow Subdivision, which nobody is here tonight because they told me today, they
2263 weren't even notified of the meeting they had on Monday night. I don't know that to be true or
2264 false, but I have no reason (unintelligible). Haley's Hollow Subdivision has been there for 12
2265 years—1986. The Deersprings Subdivision, which is one the gentleman is from, started out in
2266 1989, and was completed in 1994. So, they've been there from four to nine years.

2267
2268 Some of the single family up and down Old Washington Highway have been there since the
2269 1920's. That's 70 to 75 years. The reason I'm bringing this up is because the problem started
2270 when Oilfield Pipe and Supply came insofar as the noise. There were many people there before.
2271 But the people there before them was Chesapeake Corporation who went back to Chesapeake and
2272 they were in the cement business; something of that nature. Terrible looking place, but they
2273 didn't make a lot of noise.

2274
2275 One time last year or year before, I went over at 5:00 o'clock in the morning on Old Washington
2276 Highway, sat in my car until 7:30 a.m., and watched the traffic and listened for noise. That
2277 particular morning, I didn't hear any noise, except the train, and most of the people up and down
2278 the tracks do not object to the train.

2279
2280 A few weeks after that, I went to Tony, the Manager, and asked him, could his people start
2281 working at 7:00 o'clock in the morning, instead of 5:30 a.m., that I'd been told people hear
2282 screeches and noises at 5:30. He said he didn't have any problem with that.

2283
2284 One thing Tony did tell me at that time, and I never forgot this. I'm not making fun of Tony's
2285 Oklahoma accent, but he says, "Pap" instead of "pipe." He said, "I don't understand why the
2286 people don't understand that we are in the Pap business. We can't move, and handle pap without
2287 making noise." That is a very true statement no matter how it was put.

2288
2289 So, that brings you up to where we are tonight. And, so, now they're asking for approximately
2290 five more acres; 4 acres that would be the "same old, same old" that's been there to haunt these
2291 people for years. It's true that Mr. Condlin has done an excellent job on proffering the case. I
2292 don't think, since I've sat here, I never remember a case that has so many unenforceable proffers
2293 on it. Proffers 6, 9, 10B, 10C, and 10E are just not enforceable; not practical. And it's no use
2294 to think anyone working day to day in the industrial field.

2295
2296 For example, No. 6, "The ends of the pipe are blocked or covered and stored in an east to west
2297 direction." Who in the world is going to enforce that? We would have to have a conformance
2298 officer sit over there in like a director's chair and watch it.

2299
2300 "Surface Material" No. 3, "clean stone." Anybody here know what that would look like? If it
2301 was in your yard, I wouldn't. (unintelligible), the sprinkler system. "Systems shall be done no
2302 less than every other working day." Whose going to say that has to be done? Who's going to
2303 enforce that?

2304
2305 A stop sign. A stop sign is not worth anything on private property. A police officer can give
2306 you a ticket for coming through that sign, but not running the stop sign. He can give you a
2307 ticket for careless driving. The speed bump is outlawed in the County of Henrico. You cannot
2308 get a speed bump on any street. You can put it on private property, which they are. But the
2309 County takes the position speed bumps are dangerous and shouldn't be. No. E is the same thing
2310 under the existing facility. Who is going see that pipe is laying east to west, not stacked but 10
2311 feet high, and its going to have a cover on it to keep the train noise down? It's just impractical.
2312 It's just impossible. I'm not trying to pick it apart, it's just a fact.

2313
2314 Since I've been involved in it, and I've heard from many people since, I don't know why some
2315 of them aren't here tonight. The Number 1 complaint on Oilfield Pipe and Supply for the past
2316 three years since they've been there is noise. You cannot proffer noise. There is no proffer on
2317 this case that says, "They shall not have noise."

2318
2319 The Number 2 complaint is trucks. The trucks that come in there and out of there are too large.
2320 They have been known to run up the other streets and turn around. Some of the residents
2321 wanted to limit the trucks. If you tell a trucker from Nevada, after he gets there at 2:00 o'clock
2322 in the morning and waits until you open, that you've got to come back, because we don't take
2323 trucks...2:00 o'clock on Thursday afternoon, it's no telling what he'll tell you to do. You cannot
2324 limit it. B. W. Wilson Trucking Company has tried it where they're located. It's impossible.

2325
2326 So, the main things of this case that have never been settled is noise, trucks, the dust, and the
2327 other things that just can't be. Mr. Condlin says about the M-2 zoning. That's very true. The
2328 man in charge of our Conformance, Mr. Webb, suggested that since it was already M-2 there,
2329 that they don't need to put M-1. Mr. Condlin accepted that. He accepted that, filed a case
2330 under M-2. The Land Use Plan recommends this site for Light Industrial. Outdoor storage is
2331 acceptable, and the use, but M-2 is not considered light industrial. That's what he's asking for.

2332
2333 The Goals, Objectives and Policies, the requested rezoning is inconsistent with the residential
2334 goals, protecting the residential areas from encroachment or incompatible land use. I didn't have
2335 anything to do with it 50 years ago. I have something to do with it tonight, and I can't put my
2336 name on it. I recommend C-46C-98 to the Board of Supervisors to be denied.

2337
2338 Mr. Zehler seconded the motion.

2339
2340 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
2341 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2342 abstained). The motion is to recommend denial.

2343
2344 Mrs. Wade - We didn't accept the proffers?

2345
2346 Mr. Vanarsdall - No use to accept the proffers. The Board will handle that.

2347
2348 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Zehler, the Planning
2349 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors deny the
2350 request because it would have a detrimental impact on the adjoining residential neighborhood;
2351 the applicant failed to meet his burden to show that the requested changes are in the best interests
2352 of the welfare and future of the community; and it does not conform to the recommendation of
2353 the Land Use Plan nor the Plan's goals, objectives and policies.

2354
2355 **C-65C-98** Walter L. Hooker for Rotunda Corp.: Request to conditionally
2356 rezone from R-2 One Family Residence District to R-3AC One Family Residence District
2357 (Conditional), Parcel 93-A-62, and part of Parcel 93-A-63, described as follows:

2358
2359 Commencing at point on the E. line of Bethlehem Road said point being 550.59' from the
2360 centerline of Dickens Road Extended; thence N. 52° 06' 39" E., 275.88' to a point; thence N.
2361 53° 11' 54" E., 430.26' to a point; thence S. 31° 08' 41" E., 380.77' to a point; thence S. 71°
2362 10' 16" W., 115.00' to a point; thence S. 39° 19' 13" W., 26.14' to a point; thence S. 15° 00'
2363 21" E., 86.40' to a point; thence S. 71° 10' 16" W., 523.01' to a point; thence N. 37° 43' 16"
2364 W., 263.34' to point of beginning, containing 5.54 +- acres.

2365
2366 Mr. Marlles - Mr. Bittner will be giving the staff presentation.

2367
2368 Mr. Archer - Thank you, so much, Mr. Secretary. Is there any one here who
2369 opposes C-65C-98? No opposition, Mr. Bittner.

2370

2371 Mr. Bittner - Thank you, Mr. Archer. This applicant would rezone
2372 approximately five acres from R-2 One Family Residence District to R-3AC One Family
2373 Residence District. This is a proposed expansion of the existing Dickens Glen Subdivision.
2374 And, if you look here, this is a proposed layout (referring to slide). This is Dickens Glen
2375 existing. This is Bethlehem Road. This is the property, in question, right here. This is
2376 Interstate 64.

2377
2378 There's only one outstanding issue with this case. This concerns a 25-foot landscaped buffer,
2379 which the applicant has proffered, along Bethlehem Road. He has proffered that this buffer
2380 would be within the rear setback area. Staff would prefer that it be outside the rear setback area.

2381
2382 However, only one lot would be affected, and that's because this is an existing home right here
2383 (referring to slide) with a driveway onto Bethlehem Road, which would stay as is. A lot would
2384 be carved around it. This would be a BMP. So, there would be no house on that lot there. This
2385 would be the only new lot created with a house. So, only one lot would be affected, and have
2386 that landscape buffer within the rear setback area.

2387
2388 This application, and its proffers, address the issues associated with this proposal. And with
2389 that, I'd be happy to answer any questions you may have on this application.

2390
2391 Mr. Archer - Thank you, sir. Are there questions for Mr. Bittner from the
2392 Commission?

2393
2394 Ms. Dwyer - Mr. Bittner, you mentioned that the density was below SR-2.
2395 Could they go for R-3 or, why is it...

2396
2397 Mr. Bittner - The main reason is the existing Dickens Glen, which this would be
2398 an expansion of, is already R-3A. Conceivably, I think they could do the R-3 zoning, but we
2399 felt the consistency with Dickens Glen was the most important objective here.

2400
2401 Ms. Dwyer - How would the person who bought that one lot that had its rear
2402 yard adjacent to Bethlehem Road, how would that person know that 25-foot buffer area could not
2403 be compromised with activities that one would normally associate with the back yard?

2404
2405 Mr. Bittner - It would be shown on the subdivision plat of the property, and I
2406 believe made part of the deed. I don't know the exact specifics of how they would be informed,
2407 but it would be through the legal process of buying the property.

2408
2409 Ms. Dwyer - I always have to bring that up. We've had trouble in the past when
2410 we've had buffers within rear yards.

2411
2412 Mr. Bittner - Right. And that's why staff's preference would have it outside of
2413 the rear setback to give them an adequate back yard and also maintain the vegetative area.
2414 However, in this case, you're only talking about one lot. We don't think that concern is big
2415 enough to recommend an objection.

2416

2417 Mr. Archer - Any other questions?
2418
2419 Mr. Vanarsdall - I don't have anything.
2420
2421 Mr. Archer - Would you care to hear from the applicant, Mr. Vanarsdall? Mr.
2422 Hooker.
2423
2424 Mr. Walter L. Hooker - Mr. Chairman, and members of the Commission, Walter Hooker
2425 on behalf of the applicant. Since there is no one here in opposition, perhaps, I will start off by
2426 addressing the question that you had about the buffer.
2427
2428 Generally, what we do in a situation where we have a buffer like that, we make sure that the
2429 contract, first of all, has it in there, so, that whoever is purchasing that particular lot and/or
2430 house is aware of it at the beginning. And, secondly, of course, its put in the deed that they get
2431 that they'll always have. So, that way, it clears it up. I might also mention that, on that
2432 particular lot, the property right there between this subject parcel for rezoning and the
2433 intersection of Bethlehem and Dickens, its fairly level. The houses are pretty much at grade
2434 level with the street.
2435
2436 This particular site, where that one lot is, it would back up to Bethlehem Road, is an upgrade of
2437 probably about four to five feet, and is fairly heavily treed right there naturally anyway. So, you
2438 immediately have a high buffer that sits up; that doesn't really apply further down.
2439
2440 Another one of the proffers that's been submitted also is that there would not be any access from
2441 the rear of this lot onto Bethlehem Road, and the other two sites, as Mr. Bittner pointed out.
2442 One is an existing home that already has a driveway, and the other would be a BMP.
2443
2444 This, basically, would be a mirror image of Dickens Glen that was developed about four years
2445 ago by the same developer that consisted of 17 single family lots, and access to that subdivision
2446 comes off of Dickens Road.
2447
2448 Perhaps, if any members of the Commission had a question that I could address at this point?
2449
2450 Ms. Dwyer - The 25-foot landscaped buffer means what? Does it mean the
2451 existing trees cannot be cut down?
2452
2453 Mr. Hooker - The utilities would be coming from internal from the front where
2454 the road is. My understanding, from the engineers, its not necessary to put any electrical or any
2455 storm sewer or any sanitary sewer at the rear of those lots, or the rear of that one lot.
2456
2457 Ms. Dwyer - As I read Proffer No. 9, I was just wondering one of our members
2458 one year said a buffer just means "space." It doesn't guarantee that anything, in particular, will
2459 be in that buffer. And it doesn't appear to me that this proffer does assure, for instance, that the
2460 existing landscaping will be maintained. So, just as a question of how this might play out with
2461 the 25-foot landscaped buffer, a person could go in and cut down all the trees that exist and just
2462 put up some of their own trees.

2463
2464 Mr. Hooker - Well, I guess somebody could. If you want to go and cut down all
2465 the nice big trees down and pay money to replant, I guess they could.
2466
2467 Ms. Dwyer - Okay.
2468
2469 Mrs. Wade - They might like it bare.
2470
2471 Mr. Hooker - The person this is from has been the same person since 1945, so
2472 these trees have had a chance to mature.
2473
2474 Mrs. Wade - It looks as if the cul-de-sac at the top of this picture has quite a bit
2475 of growth between the houses and the Interstate. Is that going to be the case with this new...
2476
2477 Mr. Hooker - I'm sorry. Say that one more time.
2478
2479 Mrs. Wade - The subdivision; the houses that back up to the Interstate just
2480 above here, there seems to be a wooded area between the houses and the Interstate. Is that going
2481 to be the case?
2482
2483 Mr. Hooker - I've walked that site back there, and it hasn't been touched since
2484 they put the Interstate in. The only dwelling that's ever been on the site is the one that's still
2485 existing there now.
2486
2487 Mrs. Wade - Is that Interstate property, or?
2488
2489 Mr. Hooker - What it is, the property goes right up to the Interstate. Then it
2490 drops down. The property sits up, I'm not sure how many feet - 50 feet; 60 feet.
2491
2492 Mrs. Wade - Okay.
2493
2494 Mr. Hooker - ...above the interstate.
2495
2496 Mr. Archer - Any other questions of Mr. Hooker?
2497
2498 Ms. Dwyer - The adjacent subdivision, does that have a proffer requiring a
2499 certain setback from the Interstate? Do you know?
2500
2501 Mr. Hooker - Just the rear yard setback. There wasn't any specific setback.
2502
2503 Ms. Dwyer - Because Mrs. Wade is right. It looks like an extensive rear yard
2504 there. Mrs. Wade, if you look at the plat, it looks like that may not be repeated on this
2505 particular...
2506
2507 Mrs. Wade - Yes. It does. That's why I wondered where that land came from.
2508

2509 Ms. Dwyer - Right. These houses seem to be...It's hard to tell.
2510
2511 Mr. Zehler - It's a good 50 feet.
2512
2513 Mrs. Wade - I know some of those people live out there near Skipwith get a lot
2514 of noise in their backyards.
2515
2516 Mr. Hooker - We had a homeowners meeting night before last, and some of the
2517 residents came. It was general discussion about the project. It wasn't anyone who had a specific
2518 objection. We asked if there was anyone in Dickens Glen that they had any problems, or if there
2519 had been any difficulties. No one voiced any concern.
2520
2521 Ms. Dwyer - Well, they have a nice buffer.
2522
2523 Mrs. Wade - Yes. I was just trying to decide why they have so much buffer,
2524 and apparently these aren't going to.
2525
2526 Mr. Archer - Any other questions?
2527
2528 Mrs. Wade - You're not responding to that. He's measuring that.
2529
2530 Ms. Dwyer - Mr. Bittner, do you know if the adjacent subdivision has a greater
2531 buffer set aside for the lots against the Interstate?
2532
2533 Mr. Bittner - There's no buffer required along the Interstate, although it was
2534 proffered to have a six-foot wooden fence.
2535
2536 Ms. Dwyer - I mean the existing subdivision.
2537
2538 Mr. Bittner - Dickens Glen to the north?
2539
2540 Ms. Dwyer - Yes.
2541
2542 Mr. Bittner - A six-foot wooden fence. Same as the proffer on this site.
2543
2544 Mr. Hooker - It's the same proffer. It's No. 5. Proffer No. 5, it would just be
2545 an extension of the fence from the first sections of Dickens Glen.
2546
2547 Mrs. Wade - We were trying to see where the fence is up there.
2548
2549 Mr. Hooker - See where the what was?
2550
2551 Mrs. Wade - ...where the fence is now in the other section.
2552
2553 Mr. Hooker - It's along the rear of those lots, along Interstate 64.
2554

2555 Mr. Archer - Further questions?
2556
2557 Mrs. Wade - Is that where the fence is?
2558
2559 Mr. Zehler - What's he measuring over there?
2560
2561 Mr. Archer - Did we get an answer to the one we had?
2562
2563 Ms. Dwyer - No. I don't think so.
2564
2565 Mrs. Wade - Did you understand the question?
2566
2567 Mr. Hooker - About the fence? I'm not sure...
2568
2569 Mrs. Wade - You see the houses over there, and how much space they've got
2570 between them and the interstate. Down here where your red line is, are you going to put the
2571 fence there and not cut anything outside? Is this what you're saying where the green line is
2572 (referring to slide)?
2573
2574 Mr. Hooker - We would put the fence, I would think, on the same line as the
2575 other fence. I really couldn't tell you. When I walked it back there, I haven't walked it as to
2576 where they are going to...
2577
2578 Mrs. Wade - I'm not quite sure how much of it is the Interstate property.
2579
2580 Mr. Bittner - This is the planimetric sheet here, and if this is accurate, and we
2581 hope it is, you can see that this area here is a right of way and it appears to be wooded on the
2582 G.I.S. picture. So, this would be trees along here, and this area would be developed as well.
2583
2584 Mrs. Wade - All right. Thank you.
2585
2586 Mr. Archer - Okay. Are there further questions for Mr. Hooker?
2587
2588 Mr. Vanarsdall - Y'all okay with it now? I didn't mean that sarcastically? Is there
2589 anything we can change?
2590
2591 Mr. Archer - Thank you, Mr. Hooker. Mr. Vanarsdall.
2592
2593 Mr. Vanarsdall - Mr. Chairman, I recommend C-65C-98 be recommended for
2594 approval to the Board of Supervisors.
2595
2596 Mr. Zehler seconded the motion.
2597
2598 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
2599 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2600 abstained).

2645 Under Condition 9, the applicant has also offered to add in the last sentence, and I've
2646 highlighted, "There shall be no internal audible alarm.." with the other restrictions on outdoor
2647 speaker and alarm systems. Staff is in support of that.
2648

2649 On Number 12, on the second page, under "B," the applicant rightly pointed out that the
2650 language we used here regarding video security systems was adopted from the Mulligans case
2651 that took place not too long ago. If you will recall, that was an existing building. We put some
2652 time limits as to when the plan had to be approved, and when it had to be installed. This would
2653 be a brand new building, however, and that time schedule just wouldn't be practical. So, the
2654 applicant suggested that it be tied to the Certificate of Occupancy. That would be the underlying
2655 language, and staff is recommending that.
2656

2657 There's one more suggestion the applicant made, staff is not recommending. That was on
2658 Condition 11. The second sentence states that it could open no later than 8:00 a.m. on Sunday
2659 morning. The applicant wanted to be able to open at 6:00 a.m. on Sunday.
2660

2661 Staff felt, with the proximity of residences, that they should, at the very earliest, be able to open
2662 at 8:00 o'clock on Sundays. On Sunday morning, the residents deserved a little peace and quiet
2663 as much as possible. We just thought 6:00 a.m. would be a little too early for that.

2664 Staff feels that, with the revised conditions, this application satisfies the guides and standards for
2665 provisional uses set out in the Zoning Ordinance. Staff also feels the proposed use is appropriate
2666 for this commercial site, and recommends approval of this application, subject to the revised
2667 conditions that were added tonight. I'd be happy to answer any questions you may have.

2668 Mr. Archer - Thank you, Mr. Bittner.
2669

2670 Mr. Vanarsdall - Mr. Bittner, what time does Advance Auto Parts open on Sundays?
2671

2672 Mr. Bittner - I could not tell you that. Let me check the zoning.
2673

2674 Mr. Vanarsdall - What time does the Goodwill Store next door open on Sunday?
2675

2676 Mr. Bittner - I do not know that either.
2677

2678 Mrs. Wade - Are they open on Sunday? The Goodwill Store?
2679

2680 Mr. Vanarsdall - I thought everything was open on Sunday.
2681

2682 Mr. Bittner - Actually, I do recall I had to go to Advance not too long ago on a
2683 Sunday, and it was either 9:00 or 10:00 a.m. It wasn't any earlier than 9:00.
2684

2685 Mr. Vanarsdall - ...I don't know where's the Blue Law, but we did...
2686

2687 Mrs. Wade - I'm talking about Goodwill. No. 6, about the sign. I take it then,
2688 the sign does not have to be monolithic? It could be on a pole.
2689

2690 Mr. Bittner - Well, any detached sign would have to be 10-feet or less in height.
2691 What that sentence was saying, they had to either have an attached sign on the building, or a
2692 detached sign.
2693

2694 Mrs. Wade - I understand that, but now the detached sign doesn't have to be
2695 monolithic?
2696

2697 Mr. Bittner - Yes. We would have to, perhaps, clarify that to ensure that we
2698 still want the monolithic-style sign.
2699

2700 Mr. Zehler - Mark, on 12c, does this mean it's okay to cause glare by lighting
2701 on adjacent property, just as long nobody objects to it?
2702

2703 Mr. Bittner - Would you repeat that question, please?
2704

2705 Mr. Zehler - The way this was written, "The lighting shall not cause any
2706 objectionable glare." Does that mean he can glare on somebody else's property just as long as
2707 he doesn't object the way that's written?
2708

2709 Mr. Bittner - I would say, yes. It's a little impractical to say there shall be no
2710 glare on to adjacent property.
2711

2712 Mrs. Wade - I know we've had this before.
2713 Ms. Dwyer - No. 10, does this mean that the trash receptacles can be screened
2714 with E.I.F.S.?
2715

2716 Mr. Bittner - If that is what would be in the main building. I'd have to look at
2717 the site plan which has been attached and also made a part of the conditions. I do believe that
2718 E.I.F.S. is one of the materials for the building.
2719

2720 Mrs. Wade - Mr. Theobald, is Goodwill open on Sunday?
2721

2722 Mr. Vanarsdall - You're on the Board, aren't you?
2723

2724 Mr. Archer - Okay, are there further questions for Mr. Bittner, and do we need
2725 to hear from Mr. Theobald?
2726

2727 Mr. Vanarsdall - I'd like to hear from Mr. Theobald.
2728

2729 Ms. Dwyer - What are the materials? It's hard for me to read. Under retail, it
2730 looks like there are some split block and E.I.F.S., and then under storage facilities, is it all
2731 E.I.F.S.?
2732

2733 Mr. Bittner - I believe the dark bands would be E.I.F.S., based on this. I
2734 couldn't tell you, precisely, what the main building material is. Mr. Theobald can shed some
2735 light on that. Hopefully, not anything objectionable.

2736
2737 Mr. Archer - Any further questions?
2738
2739 Mr. Vanarsdall - I'd like to hear from Mr. Theobald.
2740
2741 Mr. Archer - I believe we're going to need to. Mr. Theobald, sir.
2742
2743 Mr. Jim Theobald - Ladies, and gentlemen, my name is Jim Theobald. I'm here this
2744 evening on behalf of Mike Carter Construction, Inc. and Storage World. With me this evening
2745 from Storage World is Hugh Horn and from Mike Carter Construction, Larry Jordan and Cort
2746 Zoler. This is a request for a Provisional Use Permit for a self-service storage facility on three
2747 acres of land on W. Broad Street, which is currently zoned unrestricted B-3.
2748
2749 The former use of this site, and you can see it a little better, perhaps, in this aerial. The former
2750 use of this site was the McGeorge RV Sales facility...(Gap in tape) That's it. Thank you. And
2751 it's currently being used to store and sell various types of aggregate where you can pull up in
2752 your pick up truck and there's a bulldozer sitting on the site 24-hours a day.
2753
2754 Prior to applying for this case, we met with staff and Mr. Vanarsdall in order to discuss
2755 appropriate conditions and to introduce them to the folks at Mike Carter Construction and
2756 Storage World. We did develop these conditions, taken from other cases. We were very
2757 involved with staff in generating these conditions, with a view towards protecting the
2758 surrounding neighbors from this use, albeit a use which is much less of an impact than nearly
2759 all the other presently permitted uses. As you know, self-service storage facilities are
2760 extraordinarily low generators of traffic. They are a very positive tax base generator. They
2761 have literally no impact on County infrastructure.
2762
2763 These 12 conditions are acceptable to your applicant. We have asked for a potential
2764 modification in No. 11 in order that we might be open as early as 6:00 a.m. on Sunday. And,
2765 while we really don't have all of that many users at that particular point in time, there are
2766 occasions when people are moving over weekends and they have a need to access these units.
2767 But please keep in mind, that all of our loading area has been restricted to this area on this side
2768 of the building. This is the Goodwill Building over here. There's currently a sort of sheet
2769 metal type of buildings in this portion of the property where there's an auto detailing shop.
2770 And, of course, the closest residents are back in this area. So, what little activity there could
2771 be is all limited to this area over in here.
2772
2773 This request is consistent with your Land Use Plan, and, again, I suggest a much less impact
2774 than almost all the other uses, and probably the existing use, if you've been out there to see the
2775 piles of sand and gravel. I'd be more than happy to answer any questions that you might have,
2776 or the gentlemen who are here visiting.
2777
2778 Mr. Archer - Thank you, Mr. Theobald. Are there questions from the
2779 Commission?
2780

2781 Ms. Dwyer - As far as the materials are concerned, the elevations that we
2782 have, split face, and E.I.F.S. on the south and west elevations of the retail office. Are the
2783 other sides consistent or the same as that or the other sides of the retail E.I.F.S. only?
2784

2785 Mr. Theobald - They're all the same.
2786

2787 Mrs. Wade - The retail is not involved.
2788

2789 Mr. Theobald - The back of the retail up against the warehouse is, apparently,
2790 block construction.
2791

2792 Ms. Dwyer - "Block?"
2793

2794 Mr. Theobald - Right.
2795

2796 Ms. Dwyer - And then the materials for storage facility, itself, all E.I.F.S.?
2797

2798 Mr. Theobald - The storage facility is essentially E.I.F.S. It's a system with
2799 acrylic based, pebble textured finished coating on E.I.F.S. for a stucco-like look with various
2800 architectural features that you would see in some of these elevations; metal seam roof with an
2801 architectural treatment above the entrance with concrete ballards forming the column-like
2802 structures in the front. It is, basically, a three-color theme with sort of a sandy colored
2803 rendering at the bottom. I believe you have this. Cream colored textured. Those colors are
2804 not going to show through. I'd be happy to pass these down.
2805

2806 Ms. Dwyer - What material would the dumpster screen be made of?
2807

2808 Mr. Theobald - The dumpster screen, if consistent with the self-storage facility,
2809 would be an E.I.F.S. type structure to match the building. We could certainly do it out of a
2810 split-face block. This is a condition recommended by staff. We're happy to do it out of a
2811 split-face type block, if you find that more substantial—matching in color. That's really not an
2812 issue for us.
2813

2814 Mrs. Wade - It looks like navy blue, not royal blue.
2815

2816 Ms. Dwyer - Personally, I think split face would be preferable to the dumpster.
2817 They tend to get banged up by the trucks, and E.I.F.S. would not hold up to that very well.
2818 The block in the back of the retail building would be visible to those visiting the storage
2819 facility. Is that right? The way the buildings are configured?
2820

2821 Mr. Theobald - A portion of it, I suppose, would be from the parking area. Let's
2822 understand, the retail portion of this site is really not a part of this Provisional Use Permit.
2823

2824 Ms. Dwyer - Right.
2825

2826 Mr. Theobald - We tried to show you how we would develop the entirety of the
2827 site on a coordinated basis, so you would know how all this fits in.
2828
2829 Ms. Dwyer - But I'm just going over the commitment that you've made.
2830
2831 Mr. Theobald - I understand.
2832
2833 Ms. Dwyer - Well, it might be something to consider to wrap some of the split
2834 face around the rear of that retail building where it would be particularly visible from the
2835 parking area where customers would be entering the storage facility.
2836
2837 Mr. Theobald - Well, I also should point out, for the benefit of a couple in the
2838 back of the room whose home is over here who had questions about drainage, apparently
2839 they've experienced some drainage issues from water coming through this way. This area is
2840 designed to be our retention basin. As you know, given all of the large structures down in
2841 here, the water in this area, basically, heads on down this way. So, we'll actually be
2842 improving the drainage situation in this area, picking up all the water coming down through
2843 here and taking it into the pond and then out this way. I just wanted to make sure that I had
2844 stated that for the record for the benefit of the folks back there, because I knew they had some
2845 concerns about that. I'd be happy to answer any other questions.
2846
2847 Mr. Archer - Thank you, sir. Are there further questions? Don't hear any.
2848 Mr. Vanarsdall.
2849
2850 Mr. Vanarsdall - I recommend P-38-98 to the Board of Supervisors for approval,
2851 with the change on Condition No. 6, omit the first sentence, "There shall be either one
2852 attached sign, so forth..." Condition No. 9, add the last sentence. Condition No. 11. Mr.
2853 Bittner, let me ask you a question. What did you say the opposition was to 6:00 o'clock?
2854
2855 Mr. Bittner - We just felt that Sunday morning, that was a little too early, that
2856 there could be some noise and nuisance created and it was just early for people.
2857
2858 Mr. Vanarsdall - Leave No. 11 as it is and on No. 12(b) omit the first part that's
2859 lined out and add the last three sentences.
2860
2861 Mr. Archer - Mr. Vanarsdall, we need to waive the conditions on the proffers.
2862
2863 Mr. Bittner - These are conditions being recommended by staff.
2864
2865 Mr. Vanarsdall - That's it.
2866
2867 Mr. Archer - Disregard my last statement. All right, we have a motion. Do
2868 we have a second?
2869
2870 Mr. Zehler seconded the motion.
2871

2872 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
2873 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2874 abstained).

2875
2876 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Zehler, the Planning
2877 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
2878 requested revocable provisional use permit, subject to the following conditions:

- 2879
- 2880 1. The exterior appearance of the site and building shall be consistent with the drawings
2881 submitted as part of this provisional use permit application. These drawings are titled
2882 “Storage World – West Broad Street: Aerial Site Study (dated 9/16/98), Rendering
2883 (dated 9/16/98), Exterior Elevations (dated 9/21/98), and Preliminary Site Plan K
2884 (dated 9/29/98)”, and are prepared by Mike Carter Construction, Inc. and Design
2885 Team West, Inc.
2886
 - 2887 2. The property shall only be used for a self-service storage facility and recreational
2888 vehicle (RV) storage lot. There shall be no sales, service, repair, or rental of
2889 recreational vehicles on the property.
2890
 - 2891 3. There shall be a 35’ transitional buffer along any R-zoned property. This transitional
2892 buffer width may not be reduced.
2893
 - 2894 4. There shall be no loading doors/ramps along the northeast side of the building.
2895 Emergency exit doors may be located on this side of the building.
2896
 - 2897 5. Fencing installed on the site shall be approved at the time of Plan of Development
2898 review. Any chain link fencing shall be dark green or black vinyl coated or bronzed
2899 aluminum.
2900
 - 2901 6. Any detached sign on the site shall be monolithic-style and shall not exceed ten (10) feet
2902 in height. Outdoor advertising signs shall not be permitted.
2903
 - 2904 7. Freestanding exterior lighting standards shall be no more than twenty (20) feet in height
2905 and shall contain concealed sources of light. Wall lighting units shall also contain
2906 concealed sources of light.
2907
 - 2908 8. Heating and air conditioning equipment shall not be visible from adjoining properties.
2909
 - 2910 9. No loudspeaker, public address systems, boom boxes, outdoor audible security systems
2911 or any kind of exterior communication systems shall be built, installed or used at the
2912 facility. No internal audible alarm systems shall be installed or used at the facility.
2913
 - 2914 10. Central trash receptacles, not including convenience cans, shall be screened from view
2915 from adjoining properties. Non-vegetative screening material shall be split-face block
2916 and shall be compatible with the exterior appearance of the storage facility.

- 2917 11. The business shall close no later than 9:00 p.m. nightly. The business shall not open
 2918 before 8:00 a.m. on Sunday mornings.
 2919
 2920 12. Security for the self-service storage facility shall consist of the following:
 2921
 2922 a. The main gate shall have keypad access with individual codes for each tenant.
 2923
 2924 b. The main gate, interior elevator lobbies, and firestairs shall be monitored by
 2925 closed circuit television and video recording equipment (VCR, switching device,
 2926 and tapes to record information from all cameras) twenty-four (24) hours a day.
 2927 The tapes recording activities observed by the surveillance cameras shall be
 2928 preserved for a period of thirty (30) days. Authorized representatives of the
 2929 Henrico County Police Department or the Henrico County Planning Department
 2930 shall have access to such tapes upon request. The plan for this monitoring
 2931 system shall be submitted for approval by the Director of Planning at the time
 2932 construction documents are submitted for building permit approval. The
 2933 approved monitoring system shall be installed prior to issuance of a Certificate
 2934 of Occupancy.
 2935
 2936 c. Exterior security lighting shall be provided. This lighting shall not cause any
 2937 objectionable glare onto adjacent property.
 2938
 2939 d. There shall be a full-time manager living on site.
 2940

2941 The Planning Commission recommendation was based on its finding that the Provisional Use
 2942 Permit is consistent with surrounding uses and existing zoning on the property; and when
 2943 properly developed and regulated by the recommended special conditions, it would not be
 2944 detrimental to the public health, safety, welfare and values in the area
 2945

2946 **C-75C-98** **Ralph L. Axselle, Jr. or Andrew M. Condlin for Clear Channel**
 2947 **Radio, Inc.:** Request to conditionally rezone from R-4 One Family Residence District and O-
 2948 2C Office District (Conditional) to O-2C Office District (Conditional), part of Parcel 81-A-83,
 2949 described as follows:
 2950

2951 Beginning at a rod in the southern right of way line of Basie Road, being the northeast corner
 2952 of property owned by Clear Channel Radio, Inc. (DB. 2458, Pg.2469), being the point of
 2953 beginning; thence leaving said right of way, with property line, S. 08° 03' 25" E., 346.67 feet;
 2954 thence with property line S. 38° 36' 33" W., 97.72 feet; thence S. 82° 08' 30" W., 595.48 feet
 2955 to a point; thence N. 08° 03' 25" W., 413.98 feet to a point in the southern right of way line
 2956 of Basle Road; thence with said right of way line N. 82° 08' 30" E., 666.56' to the point of
 2957 beginning, being the area requested to be rezoned 0-2, containing 6.28 acres more or less.
 2958

2959 Mr. Marlles - Ms. Gardner will give the staff presentation.
 2960

2961 Mr. Archer - Thank you, Mr. Secretary. Is there any one here who opposes C-
2962 75C-98? No opposition, Ms. Gardner.

2963
2964 Ms. Gardner - Thank you. This is a request to rezone approximately six acres
2965 from the O-2C and R-4 Districts to the O-2C District to allow the expansion of an existing
2966 office building that houses two radio stations. The existing building is situated on the eastern
2967 portion of the property. You can see that it is surrounded by a lot of single family residential.
2968 There's a VDOT storage yard here and some apartments. That's the existing building right
2969 there (referring to slide). Although, the western portion of the property is designated for
2970 residential use, it's probably unsuitable for residential use because of this 750 foot tower. You
2971 can just barely see it. This is the base of the tower. That fall area would be approximately out
2972 there. It's a very faint line in that circle. So, we would not want to encourage any residential
2973 in that area because of the height of that tower. For that reason, we certainly have no
2974 objection to supporting any office there.

2975
2976 The applicant has made a number of proffers that are consistent with the proffers on the
2977 eastern portion of the site. They would continue to have a 50-foot natural buffer. They would
2978 continue a 100-foot setback.

2979
2980 The applicant intends to put the new two-story addition to the building back here (referring to
2981 slide). And in order to protect the apartments to the rear, the applicant has agreed that there
2982 would be no parking, loading, storage, access driveways, or dumpsters on the property within
2983 50 feet of the property line. With that, I'd be happy to take any questions.

2984
2985 Mr. Archer - Thank you, Ms. Gardner. Are there questions for Ms. Gardner?

2986
2987 Mr. Vanarsdall - I don't need to hear from the applicant if nobody else wants to
2988 hear from him.

2989
2990 Mr. Archer - He's been here a long time.

2991
2992 Mr. Axselle - That's all right.

2993
2994 Mr. Archer - Any further questions?

2995
2996 Mr. Vanarsdall - I recommend C-75C-98 to the Board of Supervisors for approval.

2997
2998 Mrs. Wade seconded the motion.

2999
3000 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mrs. Wade. All
3001 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
3002 abstained).

3003
3004 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Wade, the Planning
3005 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
3006 proffered conditions and grant the request because it permits expansion of an existing

3007 employment use; proffered conditions will minimize the potential impact on surrounding
3008 residents; and the proposed use is appropriate in light of nearby industrial uses and towers.

3009

3010 **Major Thoroughfare Plan Amendment MTP-2-98**

3011 Amend the Plan by deleting Concept Road 171-1 (Major Access Road) in its entirety between
3012 Williamsburg Road and Charles City Road.

3013

3014 Mr. Zehler - I move Major Thoroughfare Plan-2-98 Removal of Concept Road
3015 171-1 be recommended to the Board for approval.

3016

3017 Mr. Vanarsdall - Second.

3018

3019 Mrs. Wade - Is there any body to speak to this?

3020

3021 Mr. Zehler - A fellow commissioner has a question, Mr. Chairman.

3022

3023 Ms. Dwyer - Well, why are we getting rid of the road, other than the fact that it
3024 does get into Cambrai.

3025

3026 Mr. Bittner - Cambrai, yes.

3027

3028 Ms. Dwyer - Cambrai Avenue. Is there still a need for a road here, regardless
3029 of the concern that it will lead into a residential area, would be my question.

3030

3031 Mr. Bittner - I don't believe so. Public Works has no objection to this, and
3032 there are plenty of alternative accesses, which, I think, most industrial traffic would ultimately
3033 want to use to get to Interstate 64. There's going to be a development. The Boothe, Thompson
3034 Office Building will be developed on this site. They can come out onto Charles City and go
3035 right or left about a half mile distance in either direction and get to a road that would take them
3036 ultimately to I-64. So, I don't think there's a need for this road in terms of traffic. What it
3037 would end up doing is, perhaps, increasing the amount of industrial traffic through a residential
3038 area. That's why we have no objection to this removal.

3039

3040 Mr. Zehler - Just up the street, there are also two additional streets that are cut
3041 throughs that are being used. One is...

3042

3043 Mr. Bittner - Brittles Lane, I believe.

3044

3045 Mr. Zehler - Go the other way.

3046

3047 Mr. Bittner - Miller's Lane.

3048

3049 Mr. Zehler - Towards Byrd Center. It's not even on this map. Klockner.

3050

3051 Mr. Bittner - Right on the south side.

3052

3053 Ms. Dwyer - Klockner is down here.
3054
3055 Mr. Zehler - Both of those parallel streets, which most of that property is zoned
3056 industrial which the truck traffic is using now which is good.
3057
3058 Mr. Archer - Was there any one here who opposed this deletion? All right, Mr.
3059 Zehler.
3060
3061 Mr. Zehler - I move that MTP-2-98 Removal of Concept Road 171-1 be
3062 recommended to the Board for approval.
3063
3064 Mrs. Wade seconded the motion.
3065
3066 Mr. Archer - Motion made by Mr. Zehler, seconded by Mrs. Wade. All those
3067 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).
3068 Thank you, Mr. Bittner.
3069
3070 There being no further business, acting on a motion by Ms. Dwyer, seconded by Mr. Zehler,
3071 the Planning Commission adjourned its meeting at 10:30 p.m. on November 12, 1998.
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3073
3074
3075

C. W. Archer, C.P.C., Chairman
3076
3077
3078
3079

John R. Marlles, AICP, Secretary
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3081
3082
3083