

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building, Parham  
3 and Hungary Spring Roads at 7:00 p.m., on October 14, 1999, Display Notice having been  
4 published in the Richmond Times-Dispatch on Thursday, September 23, 1999, and Thursday,  
5 September 30, 1999.

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

13  
14 Members Absent: Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland

15  
16 Others Present: Randall R. Silber, Assistant Director of Planning  
17 Judy Thomas, Recording Secretary  
18 Mark Bittner, County Planner  
19 Lee Householder, County Planner  
20 Jo Ann Hunter, County Planner, AICP  
21 Eric Lawrence, County Planner, AICP  
22

23 Ms. Dwyer - The Planning Commission will come to order. We would like to  
24 welcome students from Douglas Freeman, the Government class. We'd like to welcome you.  
25 Do we have any members of the press with us here this evening? I would like to welcome Liz  
26 Via, who will be joining the Planning Staff very shortly. So, I wanted to welcome you and  
27 say, hello. Raise your hand so everyone can see who you are.

28  
29 Mr. Marlles - We also have another new employee.

30  
31 Ms. Dwyer - We have another new member.

32  
33 Mr. Marlles - We also have another new member of the Planning Staff, Jim  
34 Uzel, who is joining us for the first time. Again, raise your hand. Both Jim and Liz are with  
35 our Comprehensive Planning Section. Liz is the Principal Planner for Comprehensive  
36 Planning replacing John Merrithew. Jim is our new GIS Coordinator. We are all real excited  
37 about having both of them on the staff. G.I.S. is the initials for Geographic Initial System.  
38 It's a computerized system. It is a very long explanation to this. In fact, you probably know  
39 what a G.I.S. System is. I think Freeman may have that system somewhere in the school.  
40 But, it is a computer system that's used for analyzing maps and information that can be input  
41 in that form.

42  
43 Ms. Dwyer - We have photographs of the entire County, and we'll probably  
44 see some of those, tonight, as we go through our zoning cases. All right, Mr. Secretary, let's  
45 begin with our first item on the agenda.

46 Mr. Marlles - Okay. The first item on the agenda is requests for deferrals and  
47 withdrawals. That will be handled by Ms. Hunter.

48  
49 Ms. Dwyer - Good evening.

50  
51 Ms. Jo Ann Hunter, County Planner - Thank you, Madam Chairman, members of the  
52 Commission.

53  
54 **Deferred from the July 15, 1999 Meeting:**

55 **C-13C-99 Ralph L. Axselle for Wilton Development Corp.:** Request to conditionally rezone  
56 from A-1 Agricultural District and C-1 Conservation District to R-2C One Family Residence  
57 District (Conditional) and C-1 Conservation District, Parcel 74-A-20, containing  
58 approximately 162 acres, located at the northeast intersection of Diane Lane, Old Sellers Way  
59 and Wilkinson Road. A single family residential development is proposed. The applicant has  
60 proffered a maximum of 175 lots. The Land Use Plan recommends Suburban Residential 1,  
61 1.0 to 2.4 units net density per acre.

62  
63 Ms. Hunter - The first deferral on the agenda this evening is in the Fairfield  
64 District – C-13C-99. The applicant has requested a deferral until November 10, 1999.

65  
66 Ms. Dwyer - Is there any one in the audience in opposition to our deferring  
67 Case C-13C-99 Wilton Development Corp.? No opposition to the deferral. Do we have a  
68 motion?

69  
70 Mr. Archer - Madam Chairman, I move the deferral of C-13C-99 Wilton  
71 Development Corp. to the November 10, 1999 meeting at the applicant's request.

72  
73 Mrs. Wade seconded the motion.

74  
75 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mrs. Wade. All those  
76 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent,  
77 Mr. Donati abstained). The motion carries.

78  
79 Ms. Hunter - We have two other withdrawals on the agenda that require no  
80 action by the Commission, but I'll go ahead and review them. In the Three Chopt District on  
81 top of Page 2 of the agenda, C-36C-99 Brian Marron for Bill Tsimbos.

82  
83 **Deferred from the August 12, 1999 Meeting:**

84 **C-36C-99 Brian R. Marron for Bill Tsimbos:** Request to conditionally rezone from R-3 One  
85 Family Residence District to B-1C Business District (Conditional), Parcel 59-A-74, containing  
86 0.446 acres, located on the east side of Skipwith Road approximately 480' south of its  
87 intersection with W. Broad Street (U.S. Route 250). A beauty salon and related uses are  
88 proposed. The use will be controlled by zoning ordinance regulations and proffered  
89 conditions. The Land Use Plan recommends Office.

90 Ms. Hunter - The applicant has requested a withdrawal of that request.

91  
92 Ms. Dwyer - Thank you. And the next withdrawal.

93  
94 Ms. Hunter - The next withdrawal is at the top of Page 3, in the Varina  
95 District, Case C-46C-99.

96  
97 **Deferred from the September 9, 1999 Meeting:**

98 **C-46C-99 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural District to  
99 R-1AC One Family Residence District (Conditional), part of Parcel 177-A-40, containing  
100 approximately 51.46 acres, located at the southeast intersection of Elko Road and Old  
101 Williamsburg Road. A single-family residential subdivision is proposed. The applicant has  
102 proffered the overall density not to exceed 1 unit per acre. The Land Use Plan recommends  
103 Rural Residential, not exceeding 1.0 unit per acre.

104  
105 Ms. Hunter - That case has also been withdrawn.

106  
107 Ms. Dwyer - Thank you, Ms. Hunter. We'll also mention that we do have a  
108 quorum this evening. Every one is here except for Mr. Vanarsdall, who is out of town. All  
109 right, next case.

110  
111 Mr. Marlles - The first case is in the Brookland District. Case C-57-99.

112  
113 **BROOKLAND:**

114 **C-57-99 County of Henrico:** Request to rezone from R-2C One Family Residence District  
115 (Conditional) to R-2A and R-3 One Family Residence Districts, Parcel 30-A-36, described as  
116 follows:

117  
118 Beginning at a point on the southern line of Mountain Road 117.61' west of the western line of  
119 Courtney Road; from said point continuing along the southern line of Mountain Road; leaving  
120 the southern line of Mountain Road thence S. 15°26'36" in an southern distance of 42.63' to a  
121 point on the western line of Courtney road; thence continuing along the western line of  
122 Courtney Road S. 29°29'03" W., in a western direction for a distance of 157.86' to a point;  
123 thence leaving the western line of Courtney Road: N 61°22'38" W, 146.901' to a point;  
124 thence N 29°27'13" E, 177.06' to the point and place of beginning containing 0.61 acre.

125  
126 Mr. Marlles - Madam Chairman, members of the Commission, there has also  
127 been a request that we also consider one of the Substantial in Accords that also deals with this  
128 property at the same time. So, if it would be the pleasure of the Commission, we could  
129 consider that following the rezoning request.

130  
131 Ms. Dwyer - Did we need a representative from Recreation and Parks to  
132 participate in the presentation of the case?

133

134 Mr. Marlles - The Planning Staff is going to be making that presentation  
135 tonight.

136  
137 Ms. Dwyer - All right, thank you. That's fine with me. Any objection to that  
138 procedure by Commission members? All right, we'll hear both the Substantial In Accord and  
139 the zoning case.

140  
141 **RESOLUTION: Substantial in Accord with County's Comprehensive Plan** –Courtney  
142 Road Service Station Parks and Recreation Facility.

143  
144 Mr. Marlles - Ms. Hunter is going to be giving the staff report.

145  
146 Ms. Hunter Thank you. The proposal is to rezone a .337 acre parcel from R-  
147 2C to R-2A, which is Parcel 36 right here (referring to slide), and to rezone a 2.73 acre parcel  
148 from R-2C to R-3. These properties were rezoned to R-2C in 1993 as part of the development  
149 of the Church Glen Subdivision.

150  
151 The properties are being requested to be rezoned because the property is going to be  
152 subdivided. The 0.337 acre parcel will be used for the existing single family house on the  
153 property, and the property at the corner of Mountain and Courtney Roads would be purchased  
154 by the County to be used as a Parks and Recreation facility.

155  
156 The facility is a 1925 service station that would be used as a county facility for historic  
157 interpretation. The County is purchasing the property to ensure the preservation of this  
158 important structure. The facility will complement other Parks and Recreational facilities in the  
159 Mountain Road corridor, including Mountain Farm Park, RF&P Park, the Cultural Arts  
160 Center, and Walkerton. The rezoning of this property will allow both lots to remain  
161 conforming in terms of lot size, lot area, and lot width following the division of the property.  
162 The staff supports this proposal.

163  
164 Would you like for me to go ahead and review the Substantial In Accord, or do you want to  
165 talk about the rezoning itself?

166  
167 Ms. Dwyer - Let me ask first if there's any opposition. I don't believe I asked  
168 that earlier. Is any one in the audience in opposition to C-57-99 County of Henrico? No  
169 opposition. Why don't you go ahead and present the Substantial Accord, and then we'll  
170 present separate motions.

171  
172 Ms. Dwyer - Here's the G.I.S. (referring to slide).

173  
174 Ms. Hunter The property being considered for the Substantial In Accord is a  
175 11,892 square foot structure. As I said earlier, it's a 1925-style gas station. The building is  
176 an excellent example of a post-World War 1 Gasoline Station. The only other building of this  
177 type in Henrico County was in Short Pump and was recently moved to Goochland County.

178 The Henrico 2010 Land Use Plan recommends this site for Suburban Residential 1. Public  
179 facilities are appropriate uses in residential districts. The proposed use supports several of the  
180 historic and cultural goals and objectives and policies of the Land Use Plan.

181  
182 The site has frontage on both Mountain and Courtney Roads. Mountain Road is designed to  
183 be a Major Collector, and Courtney Road is designated a Minor Collector on the Major  
184 Thoroughfare Plan.

185  
186 Having frontage on both of these roadways will provide high visibility for the proposed park  
187 site. Currently, the site has access from Mountain Road. The proposed use does not conflict  
188 with the Major Thoroughfare Plan. The 2015 Parks and Recreation Plan states that  
189 preservation of both national and historic resources is important for the County. Preserved  
190 historic and natural sites have become attractive recreational facility and provide cultural  
191 opportunity that enhances the quality of life for County residents. The use of this property for  
192 historic interpretation is consistent with the Goals and Objectives of the Parks and Recreation  
193 Plan.

194  
195 In summary, the proposed improvements to this site would support the intent of the  
196 Comprehensive Plan and the site is recommended to be found substantially in accord with the  
197 Plan. I'd be happy to answer any questions.

198  
199 Ms. Dwyer - Thank you, Ms. Hunter. Are there any questions by Commission  
200 members about either the zoning case or the Substantially in Accord?

201  
202 Mrs. Wade - It's very good graphics.

203  
204 Mr. Archer - It is.

205  
206 Ms. Dwyer - Will the access when its developed, will it be from Mountain  
207 Road, Courtney or one of those, or do we know at this point?

208  
209 Ms. Hunter I believe, at this point, it is just going to be from Mountain Road.

210  
211 Ms. Dwyer - And it's a fairly small building. It's going to be used for  
212 interpretative programs, you said?

213  
214 Ms. Hunter Right. They're going to be able to put historic interpretation in  
215 there. There's also talk of it being a place to put Glen Allen memorabilia and that sort of  
216 information.

217  
218 Ms. Dwyer - Are they going to try to get gas pumps?

219  
220 Ms. Hunter - I understand that they are going to be trying to find appropriate  
221 1925-style pumps.

222 Ms. Dwyer - Fully restored?  
223  
224 Ms. Hunter Yes. Fully restore the building.  
225  
226 Ms. Dwyer - Any other questions by Commission members? All right, do I  
227 have a motion on the zoning case?  
228  
229 Mr. Archer - All right, Madam Chairman, I think everybody ought to have the  
230 opportunity to see what a 1925 gas station looks like. I move to recommend approval of C-57-  
231 99 County of Henrico to the Board of Supervisors.  
232  
233 Mrs. Wade seconded the motion.  
234  
235 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mrs. Wade. All those  
236 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent,  
237 Mr. Donati abstained). The motion carries. Do I have a motion on the Substantially in  
238 Accord.  
239  
240 Mr. Archer - I move to accept the Resolution for the Substantially in Accord  
241 for the Courtney Road Service Station.  
242  
243 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mrs. Wade. All those  
244 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent,  
245 Mr. Donati abstained). The motion carries. Next case.  
246  
247 **FAIRFIELD:**  
248 **C-58C-99 Robert M Atack for Atack Properties, Inc.:** Request to conditionally rezone from  
249 A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 23-A-  
250 18 through 20 & Parcel 23-A-22, containing approximately 95.01 acres, located on the north  
251 line of Woodman Road at the northern terminus of Jeb Stuart Parkway approximately 2,500  
252 feet west of Brook Road (U. S. Route 1). A single family subdivision is proposed. The R-3  
253 District requires a minimum lot size of 11,000 square feet. The Land Use Plan recommends  
254 Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
255  
256 Mr. Marlles - The staff presentation will be by Mr. Eric Lawrence.  
257  
258 Ms. Dwyer - Good evening, Mr. Lawrence.  
259  
260 Mr. Lawrence - Good evening.  
261  
262 Ms. Dwyer - Is there any one in the audience in opposition to Case C-58C-99  
263 Atack Properties? We do have opposition. We'll get to you in a moment, sir.  
264  
265 Mrs. Wade - Is the applicant here?

266 Mr. Eric Lawrence, County Planner - No ma'am.

267  
268 Mr. Archer - Madam Chairman, the applicant has requested that we defer this  
269 case for 60 days, but I would like to have the names and addresses of the persons who are  
270 opposed to the case.

271  
272 Ms. Dwyer - Sir, I wonder if you could come down to the podium, please.  
273 We're recording our meeting, and we can't pick up any voices unless you're at the mike.

274  
275 Mr. Mike Pence - My name is Mike Pence. I am with Virginia Real Estate and  
276 Development Corporation. I represent Mr. James M. Schermerhorn, who is one of the parcels  
277 adjacent, who had been notified in reference to this. I can't say that we're in total opposition  
278 to this, but we feel like the development of this property is extremely sensitive to the adjoining  
279 property owners because of the nature of the geography of the surroundings, and that primarily  
280 being its bordered on one side by the river. So any infrastructure to come from the north side  
281 in there would be prohibited, or have to be conducive with Hanover County, which, you  
282 know, would create some problems.

283  
284 And then the other situation is, primarily, it is serviced by Winfrey Road, which, according to  
285 your personnel at the County, is a 30-foot wide road, which would have a limitation of 50  
286 houses along it unless it was served by utilities or either it had two roads entering into it,  
287 which were a part of the regs required for land development.

288  
289 This total area, not only Mr. Schermerhorn's, I think there are some other parties here, and  
290 we also have represented United Family Service, which is another adjoining property down  
291 there likewise.

292  
293 The client that I represent, James M. Schermerhorn, has acquired the right-of-way entrance  
294 from Virginia Power there. So, we have some controls over any ingress and egress passed the  
295 present deeded ingress and egress, which would be deed of record which would not surpass  
296 30-feet, even less than that.

297  
298 Ms. Dwyer - Sir, if I may just interrupt, we're not going to go into too much  
299 detail, if that's all right, tonight, because we're probably going to defer the case.

300  
301 Mr. Pence - All right. What we would like to do would be a part, or be  
302 acknowledged, or called in so that we could see a part of this comprehensive planning and  
303 have some voice in here that this wouldn't strangle hold us as far as utilities and road usage.  
304 That's our concerns.

305  
306 Ms. Dwyer - Have you spoken to Mr. Lawrence?

307  
308 Mr. Pence - No. I have not.

309

310 Mr. Archer - How about Mr. Atack? Have you spoken to Mr. Atack?  
311  
312 Mr. Pence - I haven't in reference to this. Mr. Schermerhorn had come over  
313 and talked to Planning, himself, this week, But it seems to be rezoning issues are of the nature  
314 of rezoning only, and then you get to site plans and you get to other areas in there. I'm aware  
315 of the process. We would just like for the process to be a part of the ground floor; the  
316 awareness to be there so that we wouldn't wind up with a problem not only for my client, but  
317 other clients down that same corridor. So, if it's some way we could be incorporated into the  
318 process, or be a part of this, if that would be in order with the County, that's what we would  
319 like to see.  
320  
321 Ms. Dwyer - We encourage adjoining property owners to be a part of the  
322 process.  
323  
324 Mr. Pence - How would we do that, then? Other than the rezoning of this, is  
325 our part of the process going to be "after the fact" of rezoning? That's what we're trying to  
326 prevent, to create an awareness prior to.  
327  
328 Ms. Dwyer - I believe Mr. Archer is interested in getting your name and  
329 number, so that can be given to Mr. Atack so that you can have conversations with the  
330 applicant.  
331  
332 Mr. Pence - Okay.  
333  
334 Ms. Dwyer - Mr. Lawrence is the staff member whose handling the case. I  
335 believe you saw him as he stood at the podium earlier. I recommend that you get his phone  
336 number.  
337  
338 Mr. Archer - Could I have your number, sir, please?  
339  
340 Mr. Pence - Yes sir. I'll give that to you, and I thank you.  
341  
342 Mrs. Wade - So, the neighbors haven't been involved at all, yet, in any kind of  
343 informational meeting or anything?  
344  
345 Mr. Pence - No. They haven't. We have had meetings in our representation  
346 of marketing this, which did encompass as many as three as I was aware of at times. And I  
347 presently represent two of those parties. But, no, they have not been a part of anything that  
348 I've been aware of, other than a marketing concept.  
349  
350 Mr. Archer - Sir, I have Mr. Atack's numbers here for you, and if I may have  
351 yours.  
352  
353 Mr. Pence - All right. That'll be fine. I'll come down (goes to podium).

354 Thank you.  
355  
356 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of  
357 this case, C-58C-99 Robert M. Attack for Robert M. Attack Properties?  
358  
359 Mr. Archer - Sir, it was 798-2440? Is that correct.  
360  
361 Mr. Pence - Yes sir. That's correct. That's the office phone.  
362  
363 Ms. Dwyer - There's no opposition to the deferral of this case, Mr. Archer.  
364  
365 Mr. Archer - Madam Chairman, with that, I move deferral of C-58C-99 for 60  
366 days and I don't know what date would correspond to that?  
367  
368 Ms. Dwyer - Mr. Secretary, what day would that be? We've discussed it and  
369 decided its December 9<sup>th</sup>.  
370  
371 Mr. Archer - Well, my motion is for December 9<sup>th</sup>, unless we decide we're in  
372 error and then it will probably be the 16<sup>th</sup>, but it will be the December Zoning Meeting  
373 anyway.  
374  
375 Ms. Dwyer - We can settle on December 9<sup>th</sup>.  
376  
377 Mr. Archer - Okay. I move deferral of C-58C-99 for 60 days to the December  
378 9<sup>th</sup> meeting at the applicant's request.  
379  
380 Ms. Dwyer - Do I have a second?  
381  
382 Mrs. Quesinberry seconded the motion.  
383  
384 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mrs. Quesinberry.  
385 All those in favor of the motion to defer, say aye—all those opposed by saying nay. The vote  
386 is 4-0 (Mr. Vanarsdall absent, Mr. Donati abstained).  
387  
388 Mr. Pence, do you have all the information you need?  
389  
390 Mr. Pence - Yes ma'am. I do, and I thank you.  
391  
392 Ms. Dwyer - Thank you.  
393  
394 Mr. Archer - Mr. Pence, my number is on that card also.  
395  
396 Mr. Pence - Yes sir. I saw it. Thank you.  
397

398 **Deferred from the September 9, 1999 Meeting:**

399 **C-54C-99 Dennis Farmer for 13654 Gayton Road, L.L.C.:** Request to conditionally rezone  
400 from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel  
401 35-A-16B, described as follows:

402

403 Commencing at a stone point where the south line of Gayton Station Boulevard intersects the  
404 west line of North Gayton Road, as shown in Plat Book 93, Pg. 22, thence; S28°28'04"W,  
405 166.71 feet along the west line of North Gayton Road (as widened) to a point; thence  
406 S59°16'05"E, 5.00 feet to the POINT OF BEGINNING; thence continuing along North  
407 Gayton Road S28°28'04"W, 350.00 feet to a point; thence N59°15'10"W, 199.92 feet to a  
408 point; thence N74°48'10"W, 381.74 feet to a point; thence N15°11'50"E, 350.00 feet to a  
409 point; thence S74°48'10"E, 428.26 feet to a point; thence S59°16'05"E, 235.01 feet to the  
410 POINT OF BEGINNING and containing 5.000 acres of land.

411

412 Mr. Marlles - The staff report will be given by Mr. Lee Householder.

413

414 Ms. Dwyer - Good evening, Mr. Householder.

415

416 Mr. Lee Householder - Good evening.

417

418 Ms. Dwyer - Is there any one in the audience in opposition to Case C-54C-99  
419 Dennis Farmer for 13654 Gayton Road, L.L.C.? There is no opposition. Mr. Householder.

420

421 Mr. Householder - The subject request would rezone 5.0 acres from A-1  
422 Agricultural to R-3AC One Family Residence District (Conditional). The requested use for this  
423 is a single-family subdivision. The property is located on the west line of North Gayton Road  
424 approximately 200 feet south of its intersection with Gayton Station Boulevard. There is a  
425 residential structure on this property. It's pictured here (referring to slide). This structure, as  
426 indicated to us by the applicant, will be moved and be incorporated to be a part of the  
427 subdivision. That indication has not been proffered.

428

429 The property to the west of the subject parcel is zoned R-3C Controlled Density and was  
430 developed as the Gayton Station Subdivision in the early 1990's. To the east, across North  
431 Gayton Road, the property is zoned R-3AC, but is proffered to meet the requirements of the  
432 R-3 district with the exception of the front yard setbacks. This property has recently received  
433 subdivision approval, and its going to be called Sedgemore Oaks. To the south, we have a 2-  
434 acre parcel that is a single-family home zoned A-1 and a large common area, also, that is a  
435 part of the Foxhall Subdivision, and its zoned R-2AC.

436

437 The applicant has been working closely with the planning staff to address the concerns that I  
438 mentioned in the staff report. They have submitted, but not proffered, this conceptual layout which  
439 we handed out right here (referring to slide). Included in this layout shows a stub street to the  
440 adjacent 2-acre property to the south, being here where this red dot is (referring to slide), and  
441 they've also proffered a 15 foot landscape strip along North Gayton Road. Both have been

442 proffered.

443

444 In addition, the applicant has proffered no direct access of any lot to North Gayton Road, required  
445 that chimneys and gas vents shall have a foundation that matches the residence. They have  
446 prohibited 40-foot rights of way, and dedicated right of way for the North Gayton Road.

447

448 Additionally, staff had additional concerns about the appropriateness of the R-3A zoning in this  
449 area. We felt that R-3 would be more appropriate for this site. The applicant has addressed these  
450 concerns by proffering that lots shall be a minimum of 11,000 square feet, which is equivalent to  
451 R-3 standards. And they have also proffered a minimum lot width of 75 feet, compared to an 80  
452 foot lot width for the R-3 District.

453

454 Overall, we feel this case has been substantially improved by the new proffers submitted by the  
455 applicant, and we do recommend approval of this case.

456

457 I would like to point out that I handed out proffers that came in after the time limit. Proffer10  
458 added a sentence that says, "Fencing within the landscape strip shall be prohibited." The time limit  
459 would have to be waived in order for that to be approved.

460

461 I would be glad to take any questions that you have at this time.

462

463 Ms. Dwyer - Any questions for Mr. Householder?

464

465 Mrs. Wade - All right, so that buffer is in addition to the required side yard?

466

467 Mr. Householder - Yes. It is proffered to be in addition.

468

469 Mrs. Wade - And what is the side yard setback? I forget.

470

471 Mr. Householder - The side yard setback, I think it's a minimum of 10, and a  
472 combination of 25 feet?

473

474 Mrs. Wade - This says, "existing structure." The big one still says, "to be  
475 relocated". They show on here what, 14 lots?

476

477 Mr. Householder - Fourteen lots, which results in a net density of about 2.6 units per  
478 acre.

479

480 Mrs. Wade - So, that falls within that...

481

482 Mr. Householder - Well, within the SR-2 range.

483

484 Mrs. Wade - And they're not going to build that stub street? Just dedicate it -  
485 right of way? Whose going to build the stub street?

486 Mr. Householder - Their proffers indicate they would just dedicate it at this point. The  
487 applicant would probably be best to address whether they would be able to build it.  
488

489 Mrs. Wade - So, one of these lots may include a BMP?  
490

491 Mr. Householder - That's right. They incorporated this lot right here (referring to slide)  
492 is the proposed BMP location right there.  
493

494 Ms. Dwyer - We don't have any proffers relating to the aesthetics of this being  
495 developed?  
496

497 Mr. Householder - No. We do not.  
498

499 Mrs. Wade - When they're between two houses like that, some times, they can get  
500 to be a problem.  
501

502 Ms. Dwyer - Any other questions for Mr. Householder? I want to ask you a  
503 question, and you may not know the answer to this. Is there any reason why a dryvit home could  
504 not have a brick foundation?  
505

506 Mr. Householder - Not being a builder, I don't see any reason why not.  
507

508 Ms. Dwyer - We tend to see proffers that say, "The dryvit of this foundation is  
509 permitted if a majority of the house has EFIS finishing surface."  
510

511 Mr. Householder - Proffer 2 includes Dryvit in its...  
512

513 Mrs. Wade - It doesn't say, "It has to be", though, does it?  
514

515 Ms. Dwyer - No. It permits it, and usually that means that's what it will be.  
516 Okay. Thank you. Do these new proffers answer all the questions and concerns that you had in  
517 your original staff report?  
518

519 Mr. Householder - The only thing that they did not, was we had asked for alignment  
520 with Sedgemore Oaks, the entrances to be aligned. But, it really wasn't feasible for the applicant to  
521 line it up. Their lots would have been too short to fit a house in order for them to align with  
522 Sedgemore Oaks.  
523

524 Ms. Dwyer - And, so what are the specific differences between what's proffered  
525 here, and an R-3 case?  
526

527 Mr. Householder - The lot width, 75 feet. R-3 is 80 feet. So, that's a five-foot  
528 difference. The R-3A setbacks apply. This is R-3A, but they equal the 11,000 square foot lot size.  
529

530 Ms. Dwyer - Okay, so, the setbacks may be less, and we have the lot width is 5  
531 feet less?  
532  
533 Mr. Householder - Five feet less and the setbacks are less.  
534  
535 Ms. Dwyer - The overall lot size will be the R-3.  
536  
537 Mr. Householder - Correct. Basically, the net density created would be equal to an R-3  
538 because of the configuration here. One of the cul-de-sac lots right here (referring to slide) is a little  
539 larger than they might have normally had it because it needs to accommodate the existing structure,  
540 which is extremely wide.  
541  
542 Ms. Dwyer - That's where the existing structure will be moved?  
543  
544 Mr. Householder - That's where it will be moved. It's anticipated that it will be moved.  
545  
546 Mr. Archer - I'm sorry. I missed that. Which lot was it going to be moved to?  
547  
548 Mr. Householder - Do you see where the red dot is on the screen, right in the middle on  
549 the cul-de-sac?  
550  
551 Mr. Archer - Gotcha.  
552  
553 Ms. Dwyer - Any other questions for Mr. Householder?  
554  
555 Mrs. Wade - And you did say the R-3C next door is controlled density?  
556  
557 Mr. Householder - That is correct. So, their intention was to keep it in line with lot  
558 width and densities of the surrounding neighborhoods. We felt like the 75 foot lot width, combined  
559 with the 11,000 square feet, was substantial enough. We had really gotten into some discussion  
560 about this stub street and the buffer. And with all those things, it was substantially improved, that  
561 we would recommend approval.  
562  
563 Ms. Dwyer - Don't we normally require the stub street to be constructed?  
564  
565 Mr. Householder - Yes.  
566  
567 Mrs. Wade - I would think so. Otherwise, whose going to build it? Let's see  
568 what the applicant...  
569  
570 Mr. Householder - Okay.  
571  
572 Mrs. Quesinberry - I have a question on Number 2 proffer. It speaks to the exposed  
573 portions of the exterior of the residence foundations.

574 Mr. Householder - Yes.  
575  
576 Mrs. Quesinberry - But anywhere in here does it state that all the houses will be on a  
577 foundation? What happens if they're not on a foundation?  
578  
579 Mr. Householder - They could build without a foundation. That is correct. The  
580 products that I've seen, everyone of them included a brick foundation.  
581  
582 Mrs. Quesinberry - But that isn't proffered anywhere is it?  
583  
584 Mr. Householder - But it is not proffered.  
585  
586 Ms. Dwyer - Okay. Any other questions? Thank you, Mr. Householder. Would  
587 the applicant come forward, please?  
588  
589 Mrs. Wade - I didn't really see that foundation proffer a whole lot in these  
590 neighborhoods in this area.  
591  
592 Ms. Dwyer - Good evening. Would you state your name for the record, please.  
593  
594 Mr. Dennis Farmer - My name is Dennis Farmer. I'm an engineer with Balzer &  
595 Associates and I represent Mr. Simmons and 13654 Gayton Road in this case.  
596  
597 Mr. Randy Simmons - And I'm Randy Simmons representing Gayton Road.  
598  
599 Ms. Dwyer - We can review our questions if you'd like to take them one at a  
600 time?  
601  
602 Mr. Farmer - Okay. That would be fine.  
603  
604 Ms. Dwyer - Mrs. Wade, why don't you go first?  
605  
606 Mrs. Wade - Well, one question I had was about the stub street. Whose to  
607 construct it? You indicated you'd dedicate it.  
608  
609 Mr. Farmer - I would like not to construct it, but I guess if I have to, I'll do it.  
610  
611 Mrs. Wade - Well, we just have the problem, you know, whose going to build it,  
612 because the person who builds next door isn't going to want to keep...  
613  
614 Mr. Farmer - It goes to Mr. Thompson's property. I talked to him about six  
615 months ago. He has no idea what he's going to do with that property in the future. And he really  
616 doesn't care if the stub road is in or not. I was hoping we could just dedicate it without putting it  
617 in.

618 Mrs. Wade - The idea probably is the stub street would be the primary access.  
619 That one next door is only how big?  
620  
621 Mr. Farmer - It's only about an acre next door, I believe.  
622  
623 Mr. Simmons - Two acres.  
624  
625 Mrs. Wade - Two acres?  
626  
627 Mr. Simmons - Yes ma'am.  
628  
629 Mrs. Wade - And, to Gayton, you know its slated to be a major thoroughfare  
630 through there, not technically, but in actuality.  
631  
632 Mr. Simmons - We'll put it in, Mrs. Wade. We'll put that in.  
633  
634 Mrs. Wade - Do you want to add that to your...  
635  
636 Mr. Simmons - Yes ma'am. That will be fine.  
637  
638 Ms. Dwyer - Which proffer will that be in?  
639  
640 Mrs. Wade - Eleven? No. 11.  
641  
642 Mr. Simmons - We'll add a sentence to No. 11 and we'll reword No. 11 to say,  
643 "The right of way will be dedicated with the width of 44 feet, and a stub street will be  
644 constructed." Add that wording, "...to serve the adjacent property to the south."  
645  
646 Mrs. Wade - And you made a change to No. 10, which is what they just got here  
647 today? Today is the 13<sup>th</sup>; 14<sup>th</sup>?  
648  
649 Mr. Farmer - What was that, Mrs. Wade? I'm sorry.  
650  
651 Mrs. Wade - The 14<sup>th</sup>. Okay. Yes. You've changed 10, since the original one,  
652 have you now?  
653  
654 Mr. Simmons - Yes ma'am. We added a sentence at the end of No. 10 to address  
655 the issue of fencing. The fencing would not be allowed within the 15-foot buffer.  
656  
657 Ms. Dwyer - Are there any other questions by Commission members?  
658  
659 Mrs. Wade - I think that's everything.  
660  
661 Ms. Dwyer - Mrs. Quesinberry, did you have a question about...

662 Mrs. Quesinberry - Foundation?  
663  
664 Ms. Dwyer - Foundation.  
665  
666 Mrs. Quesinberry - Yes. I did. I just want some clarification on the foundations. Are  
667 you planning to build homes with foundations, and if you are...  
668  
669 Mr. Farmer - Yes ma'am. All of them will have foundations.  
670  
671 Mrs. Quesinberry - Do you intend to proffer that?  
672  
673 Mr. Farmer - We can. That's no problem. We don't build on slab.  
674  
675 Mrs. Quesinberry - You're looking at Proffer No. 12, then? Are you going to add...  
676  
677 Mr. Farmer - We can add that to it, if that's what you like, but everything will be  
678 on a brick foundation.  
679  
680 Mrs. Quesinberry - I'd be happy with an addition to No. 2.  
681  
682 Mr. Simmons - Would it be possible to add a sentence to Number 2 to say, "No  
683 homes shall be constructed on slab?"  
684  
685 Mrs. Quesinberry - That would be great.  
686  
687 Mr. Farmer - That would be fine.  
688  
689 Mrs. Quesinberry - Thank you.  
690  
691 Mr. Farmer - Yes ma'am.  
692  
693 Mrs. Quesinberry - Will the 15-foot landscape strip along North Gayton and the BMP be  
694 maintained in perpetuity by a homeowners association?  
695  
696 Mr. Simmons - We haven't gotten to that point. There probably will be one, but the  
697 question was brought up about the BMP. We're going to be building somewhere between  
698 \$180,000 and \$230,000 houses. And it's going to be a nice area. So, we're going to do  
699 whatever's necessary to keep the integrity of the subdivision up.  
700  
701 Ms. Dwyer - If you don't have a homeowner's association, who would maintain  
702 it?  
703  
704 Mr. Farmer - I'm sure we're going to have a homeowner's association with a very  
705 small fee to maintain that and the entrance as we come in. Yes ma'am.

706 Ms. Dwyer - Is that something that should be proffered, Mrs. Wade, do you  
707 think, or...  
708  
709 Mr. Farmer - We'd be glad to, but...  
710  
711 Mrs. Wade - I don't know. Do we usually have a proffer with that?  
712  
713 Ms. Dwyer - We have often had homeowners associations and statements that  
714 there will be homeowners associations.  
715  
716 Mr. Farmer - We could do that.  
717  
718 Mrs. Wade - Are you having restrictive covenants in connection with this?  
719  
720 Mr. Simmons - Yes ma'am. We'll have covenants and restrictions. We can put it in  
721 there, if you want it to be in there.  
722  
723 Mrs. Wade - I don't really recall that BMP maintenance is generally included is  
724 it? Do we generally include BMP maintenance in the zoning case? Obviously, somebody has to  
725 other than the County.  
726  
727 Mr. Householder - The zoning ordinance states that the common areas shall be  
728 maintained by the owners or whoever is put in charge. In this case you would have to have an  
729 association to maintain it. A proffer would not be required, because that's what the Code already  
730 requires.  
731  
732 Mrs. Wade - Yes.  
733  
734 Mr. Marlles - The regulations also require that there be private covenants to  
735 maintain the BMP as well.  
736  
737 Mrs. Wade - Yes. That's what I thought. We don't usually go into all of that.  
738  
739 Ms. Dwyer - I just want to make sure that people, when they purchase the lots,  
740 understand that the membership in the homeowners association is mandatory and that maintenance  
741 of these areas is going to be a part of that.  
742  
743 Mr. Farmer - Yes ma'am.  
744  
745 Ms. Dwyer - The responsibility of that.  
746  
747 Mrs. Wade - Because there won't be many homes that do this. And, also, they'll  
748 have to know about no fencing in the landscaping strip.  
749

750 Mr. Farmer - Yes ma'am.  
751  
752 Ms. Dwyer - Will that be in the restrictive covenants as well?  
753  
754 Mr. Farmer - Yes ma'am.  
755  
756 Ms. Dwyer - So, the BMP then, will look like what completed? Do we know?  
757  
758 Mr. Simmons - It will be a hole in the ground with, hopefully, shrubs to where it  
759 looks real nice.  
760  
761 Mr. Farmer - We will do it the best we can.  
762  
763 Mr. Simmons - We have gone through a preliminary design of the BMP. And what  
764 is envisioned at this time, and what the Public Works Department is reviewing is a combination of  
765 dry BMPs that are two small BMPs in series. It would function, due to the topography, one would  
766 fill up and overflow into the lower one. The slopes will be channeled. They will be four to one  
767 slopes. And we've put together a rough landscaping plan, which I'm sure we'll probably go  
768 through some revision, but it's our intent to screen that with trees and shrubs around the thing to  
769 make it..  
770  
771 Mrs. Wade - Are you going to put some kind of fence around it, also?  
772  
773 Mr. Simmons - No ma'am. We didn't have any plans for a fence. It will be dry.  
774  
775 Mrs. Wade - We don't usually get that much detail on the BMPs at zoning time.  
776 It will come up at subdivision.  
777  
778 Mr. Simmons - To answer your question about the pond depth, I believe would be  
779 around 2.5 feet. I don't remember it, exactly, but that was the range, I believe, it was in.  
780  
781 Ms. Dwyer - Do you plan for it to be mowed or...  
782  
783 Mr. Simmons - Yes ma'am.  
784  
785 Ms. Dwyer - It's going to look like a grassy area?  
786  
787 Mr. Simmons - Right. And the slopes are gentle enough to be easy to maintain.  
788  
789 Ms. Dwyer - Could it be used as a recreational area or not?  
790  
791 Mr. Farmer - It's possible. But, I don't think so. No ma'am.  
792  
793 Mr. Simmons - Kids will probably play in it anyway.

794 Ms. Dwyer - They'll play in it anyway.  
795  
796 Mrs. Wade - Yes. I don't think we have too many in between lots. The only  
797 reason I would worry about it, is there's a situation down off of Pump someplace where its between  
798 two houses and there's differences of opinion, you know, between the adjacent neighbors and the  
799 developer about how it will be treated and so forth.  
800  
801 Mr. Farmer - Hopefully, this is not going to be that large, because of the  
802 topography that we've got there.  
803  
804 Mr. Simmons - Yes. This will be small. This will not be wet marsh type, you  
805 know, where they have the wetland plants. It's intended we'll have landscaping around the  
806 perimeter, but inside the basin will be grass and it would be mowed.  
807  
808 Mrs. Wade - I don't know how much we can do about that at this stage.  
809  
810 Ms. Dwyer - It really is worthy of discussion because it is between two residential  
811 lots.  
812  
813 Mr. Farmer - We're going to try to make it look as nice as we can to make sure  
814 we can sell the lots on either side.  
815  
816 Ms. Dwyer - Have you ever considered a rain garden, or what is commonly  
817 known as a "rain garden?"  
818  
819 Mr. Farmer - No ma'am.  
820  
821 Ms. Dwyer - Are you familiar with that?  
822  
823 Mr. Farmer - It sounds expensive.  
824  
825 Mrs. Wade - Is that the same as "bio-infiltration?" I was wondering the other  
826 day...  
827  
828 Ms. Dwyer - "Bio-retention pond." It might be something worth looking into,...  
829  
830 Mrs. Wade - It absorbs the water better.  
831  
832 Ms. Dwyer - The plants do a lot of the filtration, I guess, in the filtering of the...  
833  
834 Mr. Farmer - I was hoping this BMP was not going to be that - With the little  
835 water that we've got, I don't think its going to be a large issue. That's our intention.  
836  
837 Ms. Dwyer - Well, just food for thought. We have used them. Grove Avenue

838 Baptist Church has been putting in one along Parham Road. It's going to just look like a  
839 landscaped area, and it would not appear to be a BMP at all. So, with this proximity, this concept  
840 might be something...

841  
842 Mr. Farmer - We'll look into it. Thank you.

843  
844 Mrs. Wade - Where does it go; down between two lots next door?

845  
846 Ms. Dwyer - Right.

847  
848 Mrs. Wade - That one that goes on the BMP.

849  
850 Mr. Farmer - I beg your pardon?

851  
852 Mrs. Wade - The one that leaves the BMP, its going down. Is there a drainage  
853 easement?

854  
855 Mr. Farmer - It's through an existing drainage easement on through the adjacent  
856 subdivision.

857  
858 Mrs. Wade - And that's already there? All right. Are you doing these proffers?  
859 Are you making these changes tonight, or...

860  
861 Mr. Farmer - We can. Yes ma'am.

862  
863 Mrs. Wade - There's a formality through which you have to go if you're doing it  
864 tonight, in addition to our waiving the time limit, which we normally don't like to do. I'll say, for  
865 one thing, you know, I've been out of town several days and I haven't been able to finalize some of  
866 these issues.

867  
868 Mr. Farmer - We'd like to finalize it tonight, if at all possible.

869  
870 Mrs. Wade - So, what you want something in writing now? Mr. Marlles.

871  
872 Ms. Dwyer - I believe in your motion you state what the substitutive changes are  
873 and then we'll let them sign a copy and give it to staff. Is that acceptable?

874  
875 Mr. Farmer - Make it between now and when?

876  
877 Mrs. Wade - You write them and then you sign it.

878  
879 Mr. Farmer - We can make them between now and the morning, Lee said.

880  
881 Mrs. Wade - He's got something there if that'll do.

882 Mr. Simmons - Those are the notes to myself.  
883  
884 Mrs. Wade - I understand.  
885  
886 Ms. Dwyer - I hope they were complementary to the Commission.  
887  
888 Mr. Householder - I would recommend, just to avoid any errors, if we could do it  
889 between now and the Board of Supervisors to make the changes. I can jot down the comments, and  
890 then we can look them over better.  
891  
892 Ms. Dwyer - I'm sure Mrs. Wade will make a statement as to what the  
893 substitutive changes are.  
894  
895 Mr. Householder - Yes.  
896  
897 Ms. Dwyer - ...So there won't be any questions between now and the Board.  
898 Okay.  
899  
900 Mrs. Wade - I've got the stub street on here. No slabs. I'm not really into slabs.  
901 You're going to add the slab thing to No. 2. Okay. You can go a long way out there and not see  
902 any slabs. Thank you.  
903  
904 Ms. Dwyer - Okay. Are we ready for a motion?  
905  
906 Mrs. Wade - All right. Well, still this No. 10 has been amended since the  
907 deadline. So, in order to accept the whole 1 through 11, the basic No. 11, we still need to waive  
908 the time limit, if that's all right. I move, therefore, that the time limit be waived to accept the  
909 proffers dated October 13, without the changes yet.  
910  
911 Mr. Archer seconded the motion.  
912  
913 Ms. Dwyer - Acting on a motion by Mrs. Wade, seconded by Mr. Archer to  
914 waive time limits. All those in favor say aye—all those opposed by saying nay. The vote is 4-0  
915 (Mr. Vanarsdall absent, Mr. Donati abstained). The motion carries.  
916  
917 Mrs. Wade - All right, this is an infill area here. It seems to be compatible with  
918 the surrounding area. And the proffer will assure, I think, a good quality product. It's in  
919 compliance with the Comprehensive Plan for the area. So, I move, with the indications with the  
920 proffers we accepted tonight and the two changes that they're going to make between now and the  
921 Board meeting; that is related to slabs – no slabs in No. 2, and No. 11 they are going to construct  
922 the stub street to the adjoining property, I move that Case C-54C-99 be recommended for approval.  
923  
924 Mr. Archer seconded the motion.  
925

926 Ms. Dwyer - Motion by Mrs. Wade, seconded by Mr. Archer. All those in favor  
927 of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent,  
928 Mr. Donati abstained). The motion carries.

929  
930 Mr. Farmer - Thank you very much.

931  
932 Mr. Simmons - Thank you.

933  
934 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Archer, the Planning Commission  
935 voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors **accept the**  
936 **proffered conditions and grant** the request because it conforms to the recommendations of  
937 the Land Use Plan; it continues a similar level of single family residential zoning as currently  
938 exists in the area; and the proffered conditions will assure a level of development otherwise not  
939 possible.

940  
941 **Deferred from the September 9, 1999 Meeting:**

942 **C-55-99 James W. Theobald for H. H. Hunt Corporation:** Request to rezone from R-3C  
943 One Family Residence District (Conditional), R-5C General Residence District (Conditional),  
944 and RTHC Residential Townhouse District (Conditional) to C-1 Conservation District, on part  
945 of Parcels 27-A-27A, 26-A-31, and 27-A-3A containing approximately 1.60 acres, part of  
946 Parcel 27-A-5A, containing approximately 3.29 acres; part of Parcels 27-A-5A, 27-A-11, and  
947 27-A-9A containing approximately 1.73 acres; part of Parcels 27-A-9A, and 27-A-11,  
948 described as follows:

949  
950 Parcel 2

951 R-3C to C-1

952 Beginning at a point at the centerline intersection of Old School Road and Twin Hickory Lake  
953 Drive; thence continuing along the centerline of Old School Road N 53° 10' W, 339.82' to a  
954 point; thence along a curve to the left with a radius of 750.80' and a length of 115.11' to a  
955 point; thence leaving the centerline of Old School Road N 8° 51' 19" W, 54.75' to the true  
956 point and place of beginning; thence from said true point and place of beginning and following  
957 the meandering contour elevation 244.7' (100 year flood plain) in a north and then a south  
958 direction a total length of 2,581.35' + back to the true point and place of beginning containing  
959 3.88 + acres of land.

960  
961 Parcel 4 R-5C to C-1

962 Beginning at the intersection of the centerline of Old School Road and Twin Hickory Lake  
963 Drive; thence from said point of beginning and continuing along the centerline of Twin  
964 Hickory Lake Drive in a west direction along a curve to the right with a radius of 1,864.32'  
965 and a length of 58.03' to a point; thence S 38° 37' W, 45.58' to a point; thence leaving the  
966 centerline of Twin Hickory Lake Drive N 81° 10' E, 66.54' to the true point and place of  
967 beginning; thence from said true point and place of beginning and following the meandering of  
968 the 100 year flood plain in a southeast direction 1,853.78' + to a point; thence N 68° 58' 35"  
969 E, 334.90' to a point; thence following the meandering of the 100 year flood plain in a

970 northeast direction 1,833.94' + to a point in the centerline of the eastern creek; thence  
971 following the meandering of the centerline of the eastern creek in a southeast direction 133.26'  
972 + to a point; thence S 45° 29' 30" W, 21.76' to a point in the centerline of the eastern creek;  
973 thence following the meandering of the centerline of the eastern creek in a southeast direction  
974 2,899.14' + - to a point; thence S 29° 38' 57" E, 173.26' to a point; thence S 36° 13' 30" E,  
975 254.96' to a point on the north right-of-way line of Interstate Route 295; thence continuing  
976 along the north right-of-way line of Interstate Route 295 in a west direction along a curve to  
977 the left with a radius of 11,609.16' and a length of 150.19' to a point: thence leaving the north  
978 right-of-way line of Interstate Route 295 N 18° 55' 39" W, 325.81' to a point; thence S 71°  
979 04' 21"W, 50.00' to a point; thence S 18° 55' 39" E, 344.25' to a point on the north right-of-  
980 way line of Interstate Route 295; thence continuing along the north right-of-way line of  
981 Interstate Route 295 in a west direction along a curve to the left with a radius of 11,609.16'  
982 and a length of 576.32' to a point; thence leaving the north right-of-way line of Interstate  
983 Route 295 along the meandering of the 100 year flood plain in a northwest and northeast  
984 direction 1,506.83' + - to the true point and place of beginning containing 19.28 + - acres of  
985 land.

986  
987 Mr. Marlles - The staff presentation will be given by Mr. Eric Lawrence.  
988

989 Ms. Dwyer - Good evening, Mr. Lawrence.  
990

991 Mr. Eric Lawrence, County Planner - Good evening.  
992

993 Ms. Dwyer - Is there anyone in the audience in opposition to Case C-55C-99  
994 H. H. Hunt Corporation, proposed Twin Hickory development? No opposition. Okay, Mr.  
995 Lawrence.  
996

997 Mr. Lawrence - Thank you, Madam Chairman. This property is part of the Twin  
998 Hickory planned development that was approved about a year ago by the Board of  
999 Supervisors. The purpose of this rezoning is to fulfil the obligations, as offered, with Proffer  
1000 Number 2, in the application C-48C-98, which requires that the 100-year floodplain be  
1001 rezoned to the C-1 Conservation District. Once rezoned to C-1, the land would, for all intent  
1002 and purposes, be preserved in its natural state, and protected from development.  
1003

1004 This request would rezone approximately 26.5 acres to the C-1 District. It's actually only  
1005 four parcels, instead of nine. It's just sort of odd shapes to them.  
1006

1007 This proposal implements the County's ongoing efforts to zone designated Environmental  
1008 Protection Areas to the C-1 District, and acceptance of this request would bring the property  
1009 into compliance with the 2010 Land Use Plan. Accordingly, staff feels the application is  
1010 consistent with the Comprehensive Plan and supports this applicant.  
1011

1012 Ms. Dwyer - Thank you, Mr. Lawrence. Any questions for Mr. Lawrence by  
1013 Commission members? No? Would you like to hear from the applicant, Mrs. Wade?

1014 Mrs. Wade - I don't believe that's necessary, unless someone else has  
1015 questions?

1016  
1017 Ms. Dwyer - Any questions by Commission members for the applicant? All  
1018 right, ready for a motion.

1019  
1020 Mrs. Wade - I move that Case C-55-99; it does just, basically, implement the  
1021 proffers of the Twin Hickory cases – Case C-48C-98 and is in conformance with the Land Use  
1022 Plan. I move that C-55-99 be recommended for approval.

1023  
1024 Mrs. Quesinberry seconded the motion.

1025  
1026 Ms. Dwyer - Motion by Mrs. Wade, seconded by Mrs. Quesinberry. All those in  
1027 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall  
1028 absent, Mr. Donati abstained). The motion carries.

1029  
1030 REASON: Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the Planning  
1031 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of  
1032 Supervisors **grant** the request because it conforms to the recommendations of the Land Use  
1033 Plan; and it conforms with the objectives and intent of the County's Comprehensive Plan.

1034  
1035  
1036 **TUCKAHOE:**

1037 **C-59-99 Stephen D. Hostetler for Lakewood Manor Baptist Retirement Community, Inc.:**  
1038 Request to rezone from A-1 Agricultural District to R-5 General Residence District, part of  
1039 Parcel 76-A-8F, containing 1.75 acres, described as follows:

1040  
1041 BEGINNING AT A POINT, said point being on the west line of Lauderdale Road  
1042 approximately 2,234 feet + - from the north line of Havenwood Drive extended. THENCE,  
1043 leaving said west line of Lauderdale Road, S 24°07'47'' W, 277.40 feet to a point; Thence,  
1044 along a curve to the left with a radius of 450.00 feet, a tangent length of 198.42 feet, a central  
1045 angle of 47°35'20'' the radius of which bears S 65°52'13'' E, the long chord of which bears S  
1046 00°0'07'' W for a distance of 363.11 feet; Thence along the arc of said curve for a distance of  
1047 373.76 feet to a point on the boundary line between two parcels of land, both owned by  
1048 Lakewood Manor Baptist Retirement Community, Inc.; Thence along said boundary line, S  
1049 22°8'36'' W, 128.58 feet to a point; hence leaving said boundary line, N 31°27'18'' W, 12.50  
1050 feet to a point; hence, along a curve to the right with a radius of 550.00 feet, a tangent length  
1051 of 289.89 feet, a central angle of 55°35'05'', the radius of which bears N 58°32'42'' E, the  
1052 long chord of which bears N 03° 39'45'' W for a distance of 512.90 feet; Thence along the  
1053 arc of said curve for a distance of 533.58 feet to a point; Thence, N 24°07'47'' E, 132.47 feet  
1054 to a point; Thence, N 76°35'07'' W, 23.84 feet to a point; Thence, N 08°29'56'' E, 24.57  
1055 feet to a point; Thence, S 80°08'48'' E, 31.01 feet to a point; Thence, N 24°07'47'' E,  
1056 149.57 feet to a point on the western line of Lauderdale Road; Thence along said western line

1057 of Lauderdale Road, S 48°22' 44" E, 104.85 feet to the point of beginning, containing 1.747  
1058 acres

1059  
1060 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.

1061  
1062 Ms. Dwyer - Good evening, Mr. Bittner.

1063  
1064 Mr. Mark Bittner, County Planner – Good evening.

1065  
1066 Ms. Dwyer - Is there anyone in the audience in opposition to Lakewood Manor  
1067 Baptist Retirement Community, Case C-59-99? There is no opposition. Mr. Bittner.

1068  
1069 Mr. Bittner - Thank you, Ms. Dwyer. This application would rezone 1.747  
1070 acres from A-1 Agricultural to R-5 General Residence District for the construction of an access  
1071 road to Lakewood Manor. The property is located on the southern side of Lauderdale Drive at  
1072 its intersection with John Rolfe Parkway. This rezoning is necessary because access roads  
1073 must have the same or more intense zoning than the structures they serve. Lakewood Manor is  
1074 zoned R-5, and is approximately 400 feet to the southeast of the intersection of Lauderdale  
1075 Drive and John Rolfe Parkway.

1076  
1077 This new access road is desired so that vehicles going to and from Lakewood Manor can more  
1078 easily access John Rolfe. There are already two entrances to Lakewood Manor from  
1079 Lauderdale Drive. However, the northwestern most entrance has a median in front of it,  
1080 which prevents left turn movements to get to John Rolfe Parkway.

1081  
1082 It is possible to make a left turn onto Lauderdale Drive from the southeast entrance, but it can  
1083 sometimes be difficult. This new access road would create easier traffic flow to and from  
1084 Lakewood Manor.

1085  
1086 Staff feels that this request is a logical use of the property, in question, and that it would  
1087 improve traffic flow to and from the site. Staff recommends approval of this application. I'd  
1088 be happy to answer any questions you may have.

1089  
1090 Ms. Dwyer - Is there any questions of Mr. Bittner by Commission members?

1091  
1092 Mrs. Wade - Do you know who owns the land that surrounds this Lakewood  
1093 Manor? I didn't realize it was such an island in the middle of this...

1094  
1095 Mr. Bittner - You might be able to see it better on the zoning map. This is  
1096 Lakewood Manor right here (referring to slide), the R-5 portion. This property is zoned A-1,  
1097 and the access drive would be carved out of it, and then this is the flood plain, C-1 area,  
1098 heavily wooded.

1099  
1100 Mrs. Wade - Do they own that A-1 there?

1101 Mr. Bittner - Yes. Yes, they do. They also own the C-1.  
1102  
1103 Mrs. Wade - C-1, too, also?  
1104  
1105 Mr. Bittner - They own all this (referring to slide).  
1106  
1107 Ms. Dwyer - Mr. Bittner, to follow up on Mrs. Wade's question, I guess when  
1108 I first looked at this, I was wondering about having a strip of R-5 running through an A-1-  
1109 zoned parcel, but, as Mr. Bittner mentioned in his staff report, if Lakewood Manor does  
1110 decide to expand into the A-1 District, the entire parcel would be considered, and probably  
1111 would be a conditional case. This is not a conditional case and they're not ready to expand at  
1112 this point, as I understand it. They're not ready to rezone the entire parcel at this time.  
1113  
1114 Mr. Bittner - That's correct.  
1115  
1116 Ms. Dwyer - Any other questions for Mr. Bittner? No more questions? Thank  
1117 you, Mr. Bittner. Would the applicant come forward, please?  
1118  
1119 Mr. Steve Hostetler - My name is Steve Hostetler. I'm with Timmons, representing Virginia  
1120 Baptist Homes and Lakewood Manor.  
1121  
1122 Ms. Dwyer - Good evening, Mr. Hostetler. Do I accurately state the situation  
1123 with regard to the A-1 and the R-5?  
1124  
1125 Mr. Hostetler - Yes ma'am. That is correct. A master plan is currently in  
1126 process. But, because of the need to open this access road to facilitate the safety of the  
1127 residents, we're proceeding forward with just this corridor.  
1128  
1129 Ms. Dwyer - And I know that you all have consulted with our transportation  
1130 folks and worked out the light that will be at Lauderdale and John Rolf Parkway. This access  
1131 drive will enter Lauderdale. And, so there have been plans in the works, for quite some time,  
1132 to create this access point to give a safe point of access for the Lakewood Manor residents?  
1133  
1134 Mr. Hostetler - Yes ma'am.  
1135  
1136 Ms. Dwyer - Is the light in yet, at Lauderdale and John Rolfe?  
1137  
1138 Mr. Hostetler - Yes. It is. It isn't yet, but the standards are in. Yes. It has  
1139 been designed for a four-way intersection. Yes.  
1140  
1141 Ms. Dwyer - Right. What are your plans in terms of this A-1 property, and  
1142 the master plan? Is it in the works? Is it something you expect will be coming forward in a  
1143 couple of years, or indeterminate future?  
1144

1145 Dr. Randall Robinson, President, Virginia Baptist Homes - I'm Randall Robinson, President,  
1146 Virginia Baptist Homes. Good evening.  
1147  
1148 Ms. Dwyer - Good evening.  
1149  
1150 Mr. Robinson - Ms. Dwyer, I think the plans are right now in a staged form and  
1151 they do include expanding the A-1 to be part of a master plan that includes both apartment  
1152 dwellings and the cottage dwellings that would meet the requirements of the R-5 that would be  
1153 rezoned, or, perhaps, as noted by staff, they would be into a continuing care retirement  
1154 community designation.  
1155  
1156 Ms. Dwyer - I'm not asking for a commitment on this point.  
1157  
1158 Mr. Robinson - Sure.  
1159  
1160 Ms. Dwyer - But what do you expect the timing on this?  
1161  
1162 Mr. Robinson - Within two years. That's what we had indicated earlier. Yes.  
1163  
1164 Ms. Dwyer - And are you clearing on this property now?  
1165  
1166 Mr. Robinson - No. We're not. We have deferred any clearing or anything else.  
1167 There will be some selective timbering to take care of some of the aging trees that are on the  
1168 property that we need to do. We've hired an arborist who will be helping us into selecting  
1169 those trees.  
1170  
1171 Ms. Dwyer - But you're not clear cutting...  
1172  
1173 Mr. Robinson - No. Except for the road, obviously.  
1174  
1175 Ms. Dwyer - Right. So, you won't be doing any kind of drastic clearing, then,  
1176 until your master plan is in...  
1177  
1178 Mr. Robinson - That's correct.  
1179  
1180 Ms. Dwyer - ...and you actually begin developing?  
1181  
1182 Mr. Robinson - Right.  
1183  
1184 Ms. Dwyer - Thank you very much. Those are all of my questions. Any  
1185 questions by Commission members? Thank you, sir.  
1186  
1187 Mr. Robinson - You're welcome.  
1188

1189 Ms. Dwyer - Okay. If there are no other questions, this case is really a  
1190 housekeeping measure to connect the Lakewood Manor residences to a light at Lauderdale and  
1191 John Rolfe, so they will have an easier and safer access to the property. It needs to be R-5 in  
1192 order to be consistent with the property which the access drive serves. So, I move that the  
1193 Commission recommend for approval Case C-59-99 Stephen D. Hostetler for Lakewood  
1194 Manor Baptist Retirement Community.

1195  
1196 Mrs. Wade seconded the motion.

1197  
1198 Ms. Dwyer - Motion by Ms. Dwyer, seconded by Mrs. Wade. All those in favor  
1199 of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent,  
1200 Mr. Donati abstained). The motion carries.

1201  
1202 REASON: Acting on a motion by Ms. Dwyer, seconded by Mrs. Wade, the Planning  
1203 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of  
1204 Supervisors **grant** the request because it would not be expected to adversely affect the pattern  
1205 of zoning and land use in the area; it is not expected to have a precedent setting effect on the  
1206 zoning in the area; and it would not adversely affect the adjoining area if properly developed  
1207 as proposed.

1208  
1209

1210 **Deferred from the September 9, 1999 Meeting:**  
1211 **C-21C-99 (Revised) Walter J. Monahan for Dakota Associates:** Request to conditionally  
1212 rezone from A-1 Agricultural, RTH Residential Townhouse District, and R-5 General  
1213 Residence District to R-3C One-Family Residence District with conditions (20.017 acres) and  
1214 R-5C General Residence District with conditions (34.667 acres), Parcels 192-A-7, 19, & 20,  
1215 described as follows:

1216  
1217 PARCELS "A", "B" & "C"  
1218 BEGINNING at a point on the western right-of-way line of Midview Road 431.92' from the  
1219 north line of Trailing Ridge Road, extended, said point being the true point of beginning;  
1220 thence leaving the right-of-way line of Midview Road S 84° 48' 40" W a distance of 1503.00'  
1221 to a point; thence N 30° 26' 57" W a distance of 928.17' to a point; thence N 84° 45' 30" E a  
1222 distance of 866.73' to a point; thence N 00° 37' 37" W a distance of 600.16' to a point along  
1223 the southern line of Oakland Road; thence N 84° 57' 19' E a distance of 26.08' along the  
1224 southern line of Oakland Road; thence leaving the right-of-way line of Oakland Road S 00°  
1225 37' 37" E a distance of 600.07'; thence N 84° 45' 03' E a distance of 1,147.55' to a point  
1226 along the western line of Midview Road; thence S 03° 30' 40" W a distance of 851.35' along  
1227 the western line of Midview Road to a point; thence leaving the right-of-way line of Midview  
1228 Road S 84° 48' 40" W a distance of 12.51' to the point of beginning, containing 34.666  
1229 Acres.

1230  
1231 PARCEL D  
1232 BEGINNING at a point on the western right-of-way line of Midview Road 431.92' from the

1233 north line of Trailing Ridge Road, extended; thence leaving the right-of-way line of Midview  
1234 Road S 84° 48' 40" W a distance of 1503.00' to a point, said point being the true Point of  
1235 Beginning; thence S 05° 32' 36" E a distance of 795.00' to a point; thence S 82° 09' 41" W a  
1236 distance of 263.00' to a point; thence N 31° 27' 30" W a distance of 115.07' to a point;  
1237 thence N 42° 12' 30" W a distance of 544.50' to a point; thence N 02° 01' 54" W a distance  
1238 of 129.18' to a point; thence N 23° 01' 54" W a distance of 730' + - to a point; thence 402'  
1239 + - along the centerline of the existing creek to a point; thence N 84° 45' 03" E a distance of  
1240 208.3' + - to a point; thence S 30° 26' 57" E a distance of 928.17' to the point of beginning,  
1241 containing 20.017 acres.

1242

1243 Mr. Marlles - The Staff presentation will be by Ms. Jo Ann Hunter.

1244

1245 Ms. Dwyer - Is there any one in the audience in opposition to C-21C-99  
1246 Walter J. Monahan for Dakota Associates? We do have opposition.

1247

1248 Ms. Jo Ann Hunter - Thank you, Madam Chairman. This case was discussed  
1249 extensively at the September Planning Commission meeting. The applicant is proposing to  
1250 rezone 34 acres to R-5C for a proffered maximum density of 212 townhomes and 20 acres to  
1251 R-3C for a proffered maximum density of 50 single family lots.

1252

1253 At the September Planning Commission meeting, several outstanding concerns with the  
1254 proposal were identified. Some of the key issues that were discussed included the commitment  
1255 to townhouses for sale, density of development, buffers, recreational amenities, parking,  
1256 elevation, and road construction standards.

1257

1258 The applicant has revised the proffers and has addressed concerns regarding the percentages of  
1259 ranchers, and number of single family homes. The applicant has also addressed recreational  
1260 vehicles, but not visitor parking. The location of utilities in buffers has been addressed;  
1261 however, that language could still be improved.

1262

1263 The applicant has attempted to address staff concerns regarding recreational amenities. I'm  
1264 going to put the conceptual layout on the screen (referring to slide). The applicant has  
1265 proffered 200 square feet of recreational areas per unit. However, the applicant has not  
1266 changed his existing plan, and has shown walking and driving trails throughout the proposed  
1267 community. I'll show you what his recreational areas are. These are jogging trails that run  
1268 between the buildings, and that's what he's proposing as his recreational amenities.

1269

1270 There are some recreational spaces here, here, here, here, and here (referring to slide) that  
1271 could be substantial recreational areas, or, at least, space for tot lots. While the walking trails  
1272 are an excellent amenity to the project, the intention of the recreational amenities is to provide  
1273 some open space in the development. The addition of the jogging trails does not increase any  
1274 of the open space or change the density of the development.

1275

1276 In addition, the applicant has proffered that there would be no recreational amenities within

1277 300 feet of Varina Station. The Plan does not meet this requirement.

1278  
1279 Staff would also not recommend acceptance of Proffers 20 and 21 which require the County  
1280 to grant special exceptions.

1281  
1282 The following issues remain outstanding with this case: the commitment of the project to  
1283 townhouse units for sale; density of the multi-family; recreational amenities; elevations and  
1284 definitions of patio home. Other issues such as buffers adjacent to Midview and the northern  
1285 boundary of the property could still be improved.

1286  
1287 Because of the number of outstanding issues remaining, staff still does not support this request.  
1288 I'd be happy to answer any questions.

1289  
1290 Ms. Dwyer - Thank you, Ms. Hunter. Any questions for Ms. Hunter? Ms.  
1291 Hunter, let me just ask you one question before you sit down. Specifically, how should the  
1292 buffer proffers, or how could the buffer proffers be improved?

1293  
1294 Ms. Hunter We have standard language that we'd be happy to share with the  
1295 applicant of what we normally require in the buffer. I think the applicant has left it a little  
1296 more open than what we typically like to see.

1297  
1298 Ms. Dwyer - We're talking about Proffer No. 14.

1299  
1300 Ms. Hunter No. 14? Number 19. "Should utilities be required in any of the  
1301 buffer areas, every attempt will be made to make such utilities perpendicular to the buffers.  
1302 However, some proper engineering determine that some type of utility has to run some portion  
1303 of the length of the buffer, the utilities shall be an exception." We have some tighter language  
1304 that we typically say, that they generally must run in a perpendicular nature that we would like  
1305 to see included.

1306  
1307 Ms. Dwyer - And the density, you were suggesting for multi-family, which  
1308 proffer would you be looking at for that?

1309  
1310 Ms. Hunter The applicant has proffered a maximum density of nine units per  
1311 acre, which would allow 312 townhomes on this property. And that is Proffer No.?

1312  
1313 Ms. Dwyer - Seven?

1314  
1315 Ms. Hunter Yes. Thank you.

1316  
1317 Ms. Dwyer - So, what would be an appropriate range for the number of units  
1318 per acre?

1319  
1320 Ms. Hunter We have looked at some multi-family projects, as part of our

1321 Residential Strategies project, and we have found there's no key number for any property. But  
1322 some of the more appropriate, or developments that we consider high quality developments,  
1323 has a range of about six units per acre.

1324  
1325 Ms. Dwyer - And then, if, for example, the six units were applied, instead of  
1326 nine, the density of the townhomes, would that automatically create open space that would be  
1327 sufficient property?

1328  
1329 Ms. Hunter If it was dropped to six, that would take it down to 204 units,  
1330 which would allow to have quite a bit more open space within the project.

1331  
1332 Ms. Dwyer - Thank you. Any other questions for Ms. Hunter? Thank you,  
1333 Ms. Hunter. We do have opposition in this case. Mr. Secretary, if you would explain to  
1334 everyone in the audience what the Commission's policies are regarding time limits?

1335  
1336 Mr. Marlles - Sure. Ladies and gentlemen, it is the policy of the Commission  
1337 that when there is opposition to a case, to give 10 minutes to the applicant to present his or her  
1338 case. The opponents are also given a total of 10 minutes to present their case. The time spent  
1339 in responding to questions from the Commission is not counted toward the 10 minutes.

1340  
1341 For the applicant, it is generally advisable to reserve some time for rebuttal. Often, for the  
1342 opponents, it's a good idea to have a spokesperson who can maximize the 10 minutes you do  
1343 have.

1344  
1345 Ms. Dwyer - And I will add, even though we have a 10-minute time limit for  
1346 each party, these cases often take an hour or longer, so everyone usually ends up having plenty  
1347 of time to express their views. Again, if the opposition does have a representative or a few  
1348 representatives, that usually helps to minimize repetition in presentations. So, you might want  
1349 to consider allowing your spokespeople to speak first. Of course, that's up to you. Would the  
1350 applicant come forward, please?

1351  
1352 Mr. Walter Monahan - Madam Chairman, members of the Commission, I'm Walter  
1353 Monahan. And I think every one is very familiar with this particular application. So, I'm not  
1354 going to rehash it and go through it again. All I'm going to really talk to is the proffers, and  
1355 the way they were changed and how that relates to this plan as it looks now from the last time  
1356 I was here. And that also involves the comments that you all made at the time, and was  
1357 relayed back to me by Mr. Silber in a letter. And what they are, simply going through those  
1358 is that No. 7, we said it would not exceed 50 lots in the single family. There was just a word  
1359 change in No. 10. In No. 14, which is the one that discusses the buffers. Actually, I think  
1360 they are very specific.

1361  
1362 What we have now is this 35-foot buffer to the south, with a berm that was also there last time  
1363 with the 3 to 1 slope and so forth. And what the question about then, was "What happened to  
1364 that buffer as it extended northwest where that border is within the property?" What I put in

1365 there was it would be undulating landscaped type buffer of the same width, but it would not be  
1366 a five-foot high one, necessarily.

1367  
1368 Then Mr. Silber came back with some wording on the others. And they are worded that way.  
1369 And we stuck with the 20-foot buffer to the north, which I think is adequate. There's really  
1370 nothing back there at this time. If someone were to develop back there, I think they could  
1371 easily put 20 feet on the other side as well to make it larger.

1372  
1373 The one along Midview Road, I said would be an average of 40, and a minimum of 30 feet.  
1374 And, I think that does something there. And, its, basically, like it would be as shown. If  
1375 anything, it would be more than that.

1376  
1377 We talked a lot last time about the recreation. The proffer in here has changed to show 200  
1378 square feet per unit. It was suggested by the Commission, and Mr. Silber, that it be 250.  
1379 That would be fine with me. We could change that to 250. And, I want to clarify what we  
1380 are talking about. What I'm talking about for recreation is this area (referring to slide) up here  
1381 where the BMP is, then these areas. And they're not that small that go within. I'm not  
1382 talking about the buffers, and I'm not talking about the little areas that go between groups of  
1383 units. I'm talking about the actual ones that are useable. That would be the 250 square feet.  
1384 And they would be connecting things going on here. We kind of got away from what the  
1385 facilities are in there. What we'd really like to do is make it a "village" kind of thing. I think  
1386 we'd have connecting activities that would run through it. And, then, in the end, with this  
1387 amount of units in here, it's going to end up with a building and all these kinds of things, and  
1388 they would be located up by the BMP.

1389  
1390 Ms. Dwyer - Mr. Monahan, if I could ask you, the 250 square feet per unit in  
1391 your recreation and open space does not include the buffer area?

1392  
1393 Mr. Monahan - Right.

1394  
1395 Ms. Dwyer - ...and would not include the BMP, itself?

1396  
1397 Mr. Monahan - No. Not the BMP, itself.

1398  
1399 Ms. Dwyer - Excluding the BMP, and excluding the buffer areas.

1400  
1401 Mr. Monahan - Now, I'm talking about really useable areas beyond those things.  
1402 Okay. The comment was made about how many ranchers, and we put that in. As far as  
1403 recreational vehicles, what I put in for a proffer is that, they wouldn't be allowed, unless we  
1404 designated an area for them. What I think it would end up is that they wouldn't be allowed,  
1405 period, because I just don't think - They don't need to be.

1406  
1407 Now, the patio homes in here would have garages, so if someone's got a jet ski or some small  
1408 boat or something, garages can be used for all kinds of things. That could be done, perhaps.

1409 But I don't see us putting an area. I see them, basically, just not being allowed, unless they're  
1410 completely hidden or within a garage; something like that.

1411  
1412 Comments were made about the vertical cross section of the road. They would conform to the  
1413 County standards; whatever would be required.

1414  
1415 The buffer: This buffer comment that just came up that Ms. Hunter mentioned. I put one in  
1416 here that they would run perpendicular within the buffers. Now, the only reason I put as a  
1417 possible exception is simply because of the berm that's to the south. We're talking about a 5-  
1418 foot high berm in here. And the land tends to slope slightly toward the south. Where Varina  
1419 Station adjoins this buffer, its going to be some water coming down. Now, that may easily be  
1420 handled on the back side by swales, and then a little bit of pipe that comes back to the road in  
1421 there, but I'm not absolutely sure that's true. And if it did have to be some small amount of  
1422 drainage pipe back there at some point, I mean, that may be the case. We just don't know,  
1423 and we won't know until its fully engineered. Nobody will know. I expect it wouldn't be  
1424 necessary. It would be by swales. It would go back, and, therefore, it would be  
1425 perpendicular.

1426  
1427 Nos. 20 and 21, those were placed in there to simply mean that, if this were approved, it, in  
1428 fact, can be developed, because this could be approved. For example, single family could be  
1429 approved and, yet, to go through the subdivision process, we could find out it's impossible to  
1430 approve it there, because of the length of that street and the fact it would be 60 something  
1431 houses beyond the last intersection to go another exit route.

1432  
1433 The reason that's put in is there's really no sense in approving it as a rezoning, if it can't, in  
1434 fact, be done. The same is true with the rest of the property. That, in fact, it could be done  
1435 with two access points off Midview Road.

1436  
1437 Ms. Dwyer - Mr. Monahan, I understand what you're saying. I'm not sure  
1438 that its appropriate or even possible for us to approve those at this point in time. It normally  
1439 happens during the POD stage...

1440  
1441 Mr. Monahan - I understand that.

1442  
1443 Ms. Dwyer - ...that we can, correct me, if I'm wrong, Mr. Secretary. I  
1444 assume that you have spoken to counsel about this, but these two provisions struck me as  
1445 unusual.

1446  
1447 Mr. Monahan - They are unusual.

1448  
1449 Ms. Dwyer - ...and possibly pre-empting subsequent decisions. I'm not sure  
1450 that we're permitted to preempt those decisions, even if we wanted to.

1451  
1452 Mr. Monahan - Okay. Like I say, the reason I put them in, because the length of

1453 this cul-de-sac. It's not a lot more than 1,350. There's only one way to do it, basically.  
1454 There's not a lot of choices. There's no place else to go. We cannot connect through to the  
1455 R-5 part. That's been all proffered and stated for a long time. That section would have to  
1456 come out Trailing Ridge Road. There is no other possibility. And, yet, by doing so, it won't  
1457 conform to one, I think, is a policy, and the other an ordinance requirement. And, we don't  
1458 want to come back through that process. We can't do anything back there because we can't  
1459 comply with those things. That's what its all about.

1460  
1461 Ms. Dwyer - Mr. Secretary, did you have a comment on those two points?  
1462

1463 Mr. Marlles - Madam Chairman, I think you're basically correct. We could not  
1464 approve it if it were in violation of the Subdivision Ordinance.  
1465

1466 Mr. Monahan - Yeah, I would look at it. It's not a variance. It doesn't fit in  
1467 that kind of category, but it is some kind of exception or whatever. That's what we're talking  
1468 about. I don't know how you'd categorize it exactly.  
1469

1470 Again, I think maybe the important thing in here of all of these is the recreation. We agree, it  
1471 should be the 250 square feet per unit. And I am talking about definitely useable recreation  
1472 space, not buffers or other things that really don't contribute. And that's all I have. I don't  
1473 want to rehash the whole thing again, because I think we've done that before.  
1474

1475 Ms. Dwyer - Thank you, Mr. Monahan. You have about two minutes left for  
1476 rebuttal, but if you could hang on, in case anybody has any questions for you at this point.  
1477

1478 Mr. Monahan - Okay.  
1479

1480 Ms. Dwyer - Any questions for Mr. Monahan by Commission members?  
1481

1482 Mrs. Quesinberry - I just wanted to ask you before you sit down, did you address the  
1483 issue of "Townhomes for Sale" versus "For Rent?"  
1484

1485 Mr. Monahan - Yes.  
1486

1487 Mrs. Quesinberry - How did you address that?  
1488

1489 Mr. Monahan - No. We did not address it here. We talked about it. We've  
1490 addressed it. And I can't proffer that for a couple of reasons. I can't do that. Our intent is  
1491 fully to do what we're saying in that way. But there's some other reasons I can't do that.  
1492

1493 Mrs. Quesinberry - And I know we've had some discussion on roads, especially  
1494 through the multi-family?  
1495

1496 Mr. Monahan - Right.

1497 Mrs. Quesinberry - Part of the project. Have you addressed; I know you addressed  
1498 that you would meet County Code for public roadways, but did you address 40 feet or 44 feet?  
1499 The reason I'm asking is, I'm trying to connect that with the parking situation. If you build a  
1500 40-foot road, you possibly could park on one side of the road, versus 44 feet, you could park  
1501 on both sides of the road. And I don't know if that's been...

1502  
1503 Mr. Monahan - We didn't get into the detail of it. But I think we would do  
1504 whatever it takes; whatever is appropriate. We did put some...It's going to far exceed parking  
1505 standards anyway. Patio homes would have garages, so they're not like a townhouse or  
1506 apartment where all your parking is out somewhere else. It's going to have just like a single  
1507 family house; its own parking. We would look, actually, to put some garages on some of the  
1508 townhouses. But, in any case, there's some parking shown. I think this layout would actually  
1509 change a little bit to emphasize the recreation a little more. Like I said, once you get rid of  
1510 the recreation vehicles—all I can say, it would definitely far exceed any ordinance  
1511 requirements for parking.

1512  
1513 Ms. Dwyer - Mr. Monahan, "patio home" is not defined in our ordinance. It's  
1514 not defined in your proffers. So, we don't know officially what that is.

1515  
1516 Mr. Monahan - I'm not sure, you know, what we could all agree is a good  
1517 definition. But, I saw some today, and they're in Henrico County, and they're in a project  
1518 called, "Raintree," which, I think is something's that's been there a long time. But it's a new  
1519 one there. It's done by Eagle. And those houses are done in pairs. But, they're, by no  
1520 means, a term; a "duplex." They're not that at all. They're two attached units. They do  
1521 have garages and they come from different directions and all. In this case, there are mostly all  
1522 three's here. Three attached units that tend to be wider than a typical townhouse. It's a totally  
1523 different look from a townhouse. I'm not sure what a proper definition to put in writing is.  
1524 But they're being done.

1525  
1526 Ms. Dwyer - Mr. Silber, would that be a "zero lot line?" "A cluster?"

1527  
1528 Mr. Monahan - No.

1529  
1530 Ms. Dwyer - I'm grasping for something in our ordinance that we have defined  
1531 so that we know what we're talking about here. We can have some agreement.

1532  
1533 Mr. Monahan - In the marketplace they're definitely differentiated from that  
1534 which is known as a "townhome, townhouse." But, by definition, that's a little hard to write,  
1535 I think.

1536  
1537 Mrs. Wade - Those in Raintree are probably "owner-occupied" rather than...

1538  
1539 Mr. Monahan - Oh yeah. Definitely.

1540

1541 Mrs. Wade - That's what I thought.  
1542  
1543 Ms. Dwyer - I guess under....  
1544  
1545 Mr. Monahan - Completely.  
1546  
1547 Ms. Dwyer - But we really do need to be using language, I think that our  
1548 Ordinance uses, or defining in some other specific way, what it is you're talking about. I  
1549 think I've raised this before that "patio home" is a mystery as far as these proffers are  
1550 concerned.  
1551  
1552 Mr. Monahan - They're definitely being done here in the County, but I'm not  
1553 even sure what the zoning is exactly.  
1554  
1555 Ms. Dwyer - Mr. Silber has suggested that the type of home that you're talking  
1556 about would be classified as a "townhouse." So, perhaps, one thing you know that could be  
1557 done is, you know, you could separately define what these homes will be. "Townhouses  
1558 which" and then define how that might differ from the other townhouses that you're going to  
1559 propose. I think that needs to be done so that we're clear. Thank you. Any other questions  
1560 for Mr. Monahan? Thank you, sir. Would the opposition come forward, please?  
1561  
1562 Ms. Judith Mays Roberts - Good evening to the Commission.  
1563  
1564 Mr. Archer - Good evening, ma'am.  
1565  
1566 Ms. Dwyer - Good evening.  
1567  
1568 Ms. Roberts - My name is Judith Mays Roberts and I live at 6305 Varina  
1569 Station Drive. I represent the residents of Foxboro Downs, Midview Woods, Old Oakland  
1570 Road, and Varina Station, in our opposition to the rezoning case, C-21C-99, and the plan for  
1571 Dakota Associates to build approximately 50 single family homes; 120 patio homes, and 143  
1572 townhomes in areas adjacent to our homes.  
1573  
1574 We oppose this rezoning case for the following reasons which are all related to the R-5 parcel.  
1575 One, density of the R-5 parcel, proffered to not exceed an aggregate of 9 units per acre. The  
1576 applicant's failure to; all of this is under Number 1; the applicant's failure to proffer  
1577 "townhomes for sale," adequate open recreational space; adequate buffers which border  
1578 Oakland Road and Midview Road. Two, the applicant's failure to proffer adequate visitor  
1579 parking.  
1580  
1581 All of the above issues are, in one way or another, interconnected, and pose a threat to the  
1582 quality of life of the residents of the proposed development, as well as adjacent communities.  
1583 For example, the lack of open space in the high density townhouse development will require  
1584 children to create such a space. Quality of life will be impacted for townhome residents as

1585 well as homeowners in adjacent communities.

1586

1587 Moreover, the 200 square feet per unit of open space proffered by the applicant for  
1588 recreational open space does not significantly increase the open space. With the exception of a  
1589 small parcel near the BMP, the proffer designates existing land. It is interesting to note that 8  
1590 of the 10 recreational spaces are located in the middle of cul-de-sacs.

1591

1592 Buffers along the northern boundary of the R-5 section are less than the buffers along Varina  
1593 Station. Buffers, which border Midview, are less than was initially proposed.

1594

1595 Residents whose property border these areas have been members of this rezoning pact. That's  
1596 what we call ourselves since the race began in February, and should not be excluded.

1597

1598 Failure to proffer "townhomes for sale" will threaten the value, and the quality of life within  
1599 the proposed development and adjacent communities.

1600

1601 Although the lack of adequate visitor parking will impact all residents of the R-5 section, the  
1602 diagrams suggest residents of the townhomes will bear more of the burden of an adequate  
1603 visitor parking. This means, residents who live in the high density townhome section, will  
1604 have less access to visitor parking. It can be inferred that overflow parking will spill into  
1605 adjacent communities. Moreover, the lack of parking is a potential safety hazard, because two  
1606 of the collector roads will not safely accommodate parked cars and passing vehicles.

1607

1608 During the past five months, residents have sacrificed leisure time, and quality family time to  
1609 negotiate a "win-win" outcome of this rezoning case. We are pleased that some issues were  
1610 resolved. We must acknowledge, however, exasperation continues to characterize the  
1611 residents subcommittees reaction to the applicant's many explanations for failing to proffer  
1612 items to which he had verbally committed at the June meeting.

1613

1614 We are unwilling to bear the potential burden, which may result from this applicant's  
1615 philosophy of waiting to see what the market will bear before committing to a specific design  
1616 or density. Example: The single-family townhome may create more burdens than even our  
1617 grandchildren want to imagine. Although the applicant has requested rezoning of parcels  
1618 adjacent to our home, it is not clear he wants to build the new development if the rezoning is  
1619 granted.

1620

1621 Reviewing five months of written communication with the applicant has helped us, the  
1622 residents, to prioritize our Number 1 non-negotiable issue related to this rezoning case. This  
1623 is different. It's density of townhomes for sale, and recreational open space.

1624

1625 The review process also provided an opportunity for us to reflect on patterns observed during  
1626 the 5-month negotiations. We have, therefore, concluded that, as a result of the lack of  
1627 evidence of good faith communication and follow-through by the applicant, denial of this  
1628 rezoning case is the most authentic option. We trust you will look favorably on our request to

1629 deny Rezoning Case C-21C-99.

1630

1631 Ms. Dwyer - Thank you, Mrs. Roberts. Any questions by Commission  
1632 members for Mrs. Roberts?

1633

1634 Mrs. Quesinberry - I don't have any questions for Mrs. Roberts. She's worked very  
1635 hard, and so has her committee. I just would like to thank her publicly. I don't think I've  
1636 seen a citizen group work so hard for so long to try to get a good outcome in their  
1637 neighborhood. And I just wanted to thank you, Mrs. Roberts. You did that and you did it  
1638 eloquently.

1639

1640 Mrs. Roberts - Thank you, ma'am.

1641

1642 Ms. Dwyer - Is there any one else to speak to this case? No one else to speak  
1643 in opposition? Thank you. Any questions by Commission members of any of our speakers?  
1644 No questions. Mr. Monahan would you like to take your rebuttal time?

1645

1646 Mr. Monahan - I think on a lot of the things Mrs. Roberts and I just disagree.  
1647 When we started back with this, it was about street ties and, basically, isolating the R-5. How  
1648 would we do that? That took some real kind of doing just to get there. That finally did get  
1649 done in a way that might work.

1650

1651 I think the buffers are fine. The big thing in buffers was a "berm-type" thing, something,  
1652 particularly along Varina Station. That's there. To me, that's not a problem. I really don't  
1653 think that should be an issue.

1654

1655 The recreation, if you wrote something in your ordinance, I know, I don't believe that you  
1656 would write an ordinance that would request or require more than 250 square feet per unit. I  
1657 think that's there. I think that can be done, and I think that's a fair amount of space. We'd  
1658 rather spread it out than put it all in one field or something like that. What I would like to  
1659 with that is make it some active areas that connect through the thing and they do work.

1660

1661 The density, some kinds of housing developments are more dense than others. You get to  
1662 apartments, they're 20 units an acre. There's all kinds of things out there.

1663

1664 Like I said, we just kind of disagree on a few of the things still. There's not much else I can  
1665 say about it. It's come a long way from what actually could be done with this situation, with  
1666 no proffers, no nothing and the way that thing has sat there for a long, long time. Thank you.

1667

1668 Mrs. Wade - What did you say about 20 units, Mr. Monahan?

1669

1670 Mr. Monahan - Pardon? There's all kinds of densities. High density is not  
1671 necessarily bad. There are many projects in this County that have quite high densities and  
1672 they're excellent. You can look at them. They're well done. Density should not be

1673 synonymous with something that's not appropriate or its not the right thing.

1674

1675 Ms. Dwyer - Did you have your questions answered, Mrs. Wade?

1676

1677 Mrs. Wade - I think so.

1678

1679 Ms. Dwyer - Any other questions by Commission members? Ready for a  
1680 motion?

1681

1682 Mrs. Quesinberry - Yes. Madam Chairman, I'm ready for a motion. I'd like to say  
1683 just a couple things about this case. It has taken several months to get to this point and I think  
1684 we all have to acknowledge that this has been a very difficult parcel to try to develop in this  
1685 nature in its present zoning. We've done a lot of discussion about the fact that this piece was  
1686 zoned almost 30 years ago unconditionally. And, since that time, very nice, very stable single  
1687 family neighborhoods have grown up all around this parcel. And, at this present time, we're  
1688 in the unfortunate position of having a piece of property, or a couple of parcels, in this area,  
1689 that have really caused a lot of struggle between the developer and the adjoining property  
1690 owners to try to come to some workable and quality use for this piece of parcel in its present  
1691 zoning condition, which, of course, led us to the particular case in front of us now. We did  
1692 try various versions to try to manipulate the zoning and move some R-5 and move some R-3,  
1693 etc., to try and make a more consistent and family-friendly kind of development. So, there's  
1694 been a lot of work to try to get it to this point.

1695

1696 I am, however, concerned over several issues. Not the least of which is foremost in my mind  
1697 in this area, which is my home, as well. I'm concerned about the citizens in this area to the  
1698 extent of waking up one day with a development of townhouses for rent that would not be an  
1699 appropriate use in this particular area. I'm not in favor of an approval, or recommending  
1700 approval when I don't feel that we have very confidently addressed the issue of townhomes for  
1701 sale or townhomes for rent. That's an important point. And I don't think we're there yet.

1702

1703 I also still have concerns with parking in this area. It is very dense. Each and every unit will  
1704 have its own driveway backing onto the public roadway, of which there could be parking on  
1705 one side or both sides of the road, as well as cars trying to pass those parked cars. And,  
1706 naturally, by the nature of the density and the units, certainly more children in the area, as  
1707 well.

1708

1709 All of those things, in my mind, have not really been answered adequately for me to have a  
1710 comfort level that this kind of development really is something that would promote the safety  
1711 and welfare for the residents that live in that community currently.

1712

1713 In addition, you know, as we have looked at multi-family housing and we've done our  
1714 discussions about, as a Commission, what we would like to see in the way of improvements  
1715 for multi-family housing in our County, recreational or open space certainly come to the top of  
1716 that list are very important to the people that live in those types of communities.

1717 Although Mr. Monahan has made some progress in that area, and has offered some open  
1718 space, this plan really has not changed substantially in the past few months. And that concerns  
1719 me somewhat as well for the number of units that would be in this particular parcel.

1720  
1721 Overall, we're looking at a parcel that is located in an area in which our own Land Use Plan  
1722 recommends Suburban Residential, which would be 1.0 to 2.4 units per acre. And I could  
1723 see increasing that with a community that was of high quality and address some of the issues  
1724 we talked about tonight, which would, again, be things along the lines of townhomes for sale  
1725 and parking, and recreational amenities. But, we don't see that.

1726  
1727 In addition, we have the other concern about the single family home section of this parcel,  
1728 which would require us, as a Commission, to make an exception to our own policy on the  
1729 number of single family homes that have access on one point. And, although we have done  
1730 that in the past on rare occasions, we've always done it because it really did add to the  
1731 community. And to not make that exception would have prevented a very valuable and quality  
1732 community from developing. So, in other words, it's always been a concern and we've  
1733 considered it, and its been a trade off. When we decided to make that exception, we were  
1734 getting something of greater value for that particular community in that case.

1735  
1736 And I'm not that all convinced that is the case here. So, for myself, I would not be willing to  
1737 ask my fellow Commissioners to waive that exception, if you will, on the merits of the case  
1738 that we're looking at right now. So, that, in itself, is a concern, as well.

1739  
1740 Having said all of that, my motion is, and I'm sure you're waiting for that. My motion is to  
1741 recommend denial of this case for the reasons that I stated. In general, it would have a  
1742 detrimental impact on the adjoining residential neighborhood. And I feel the applicant has  
1743 failed to meet his burden to show that the requested changes are in the best interests of the  
1744 welfare and future of the community. And, I think, further, it would not represent sound  
1745 zoning or logical land use practices. And, in addition, it would not be in the best interests of  
1746 the health, safety, and welfare of the residents in the vicinity. That's my motion.

1747  
1748 Ms. Dwyer - I have a motion. Is there a second?

1749  
1750 Mr. Archer seconded the motion.

1751  
1752 Ms. Dwyer - Motion by Mrs. Quesinberry, seconded by Mr. Archer. All in  
1753 favor of the motion to recommend denial to the Board of Supervisors, say aye—all those  
1754 opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent, Mr. Donati abstained). The  
1755 motion carries.

1756  
1757 Ms. Hunter You may want to remind the citizens that this recommendation is  
1758 advisory. It goes to the Board of Supervisors on November 9<sup>th</sup>.

1759  
1760 Ms. Dwyer - We have huddled and decided that on November 9<sup>th</sup> is when this

1761 case will come before the Board of Supervisors. It is the Board of Supervisors who makes the  
1762 final decision. Our's is a recommendation to the Board. Thank you.

1763  
1764 Mrs. Quesinberry - Thank you all.

1765  
1766 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer, the Planning  
1767 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of  
1768 Supervisors deny the request because it would have a detrimental impact on the adjoining  
1769 residential neighborhood; the applicant failed to meet his burden to show that the requested  
1770 changes are in the best interests of the welfare and future of the community; it would not  
1771 represent sound zoning or logical land use practices; it would not be in the best interest of the  
1772 health, safety, and welfare of residents in the vicinity; it does not conform to the  
1773 recommendation of the Land Use Plan nor the Plan's goals, objectives and policies.

1774  
1775  
1776 Ms. Dwyer - I just wanted Mrs. Via to know that we don't normally finish this  
1777 early.

1778  
1779 Mrs. Via - I'm all excited. I think this is great.

1780  
1781 Mrs. Wade - How do you pronounce your last name?

1782  
1783 Mrs. Via - It's VEA.

1784  
1785 Ms. Dwyer - Okay the next item.

1786  
1787 RESOLUTION: Initiate Zoning Ordinance Amendment to increase multi-family development  
1788 standards.

1789  
1790 Mr. Marlles - The staff presentation will be by Ms. Hunter.

1791  
1792 Ms. Dwyer - Great, Ms. Hunter.

1793  
1794 Ms. Hunter Thank you. This resolution is a request to authorize staff to draft  
1795 an ordinance amendment to deal with Multi-family Development Standards due to the County  
1796 having a large inventory of all conditionally zoned land for multi-family development like we  
1797 saw this evening. And the County wants to provide a safe, high quality living environment for  
1798 all multi-family residential communities. Staff is proposing to bring back to the Commission  
1799 for a work session on October 27, 1999, and we request that you set that date for a work  
1800 session. And at that meeting, we'll decide whether the Ordinance is in a form that the  
1801 commission is pleased with and ready to advertise. The earliest date it could be advertised  
1802 would be November 17<sup>th</sup>. But, tonight, what we're asking you is to set the work session for  
1803 October 27<sup>th</sup>.

1804

1805 Ms. Dwyer - The 17<sup>th</sup> is our POD meeting moved earlier because of  
1806 Thanksgiving?  
1807  
1808 Ms. Hunter Right.  
1809  
1810 Ms. Dwyer - All right, any discussion on this item? I think we're all "in the  
1811 go mode" on this. Do I have a motion?  
1812  
1813 Mrs. Quesinberry - So move.  
1814  
1815 Mr. Archer seconded the motion.  
1816  
1817 Ms. Dwyer - Motion by Mrs. Quesinberry, seconded by Mr. Archer to  
1818 approve a resolution to initiate a zoning ordinance amendment to increase multi-family  
1819 development standards. All in favor of the motion, say aye—all those opposed by saying nay.  
1820 The vote is 4-0 (Mr. Vanarsdall absent, Mr. Donati abstained). The motion carries.  
1821  
1822 RESOLUTION: Initiate Zoning Ordinance Amendment to increase residential setbacks along  
1823 major roadways.  
1824  
1825 Mr. Marlles - I believe this was also discussed at a previous meeting. The staff  
1826 presentation will be by Ms. Jo Ann Hunter again.  
1827  
1828 Ms. Hunter - This is a second item that the Commission has asked us to  
1829 address as part of the Residential Strategy project, and it deals with residential setbacks along  
1830 major roads concerning our Code makes no distinction between a setback along a subdivision  
1831 street and a major road. We again would ask the Commission to set a work session to discuss  
1832 this Ordinance Amendment for October 27<sup>th</sup>.  
1833  
1834 Ms. Dwyer - Any discussion on this item? Do I have a motion?  
1835  
1836 Mrs. Wade - I move the resolution to initiate residential setbacks.  
1837  
1838 Ms. Dwyer - Do I have a second?  
1839  
1840 Ms. Dwyer - Motion by Mrs. Wade, seconded by Mr. Archer to initiate the  
1841 zoning ordinance amendment relating to residential setbacks. All in favor of the motion, say  
1842 aye—all those opposed by saying nay. The vote is 4-0 (Mr. Vanarsdall absent, Mr. Donati  
1843 abstained). The motion carries.  
1844  
1845 Ms. Hunter, when will we receive a draft of these?  
1846  
1847 Ms. Hunter We hope to get it out in your POD packet, which would go out  
1848 the Wednesday before the meeting, which is the 20<sup>th</sup>.

1849 Ms. Dwyer - Thank you.  
1850  
1851 Mr. Archer - I have a question. I have a note here that we were to have a  
1852 work session on Development Timetables on the 27<sup>th</sup>. Did I put that in the wrong date or  
1853 what? That is correct? That was already set and these other two items are added to it?  
1854  
1855 Ms. Hunter Yes. It's going to be a very long meeting day.  
1856  
1857 Ms. Dwyer - We don't have a lot of cases, I don't think, do we?  
1858  
1859 Mrs. Wade - It's more than we had this last time.  
1860  
1861 Ms. Dwyer - Is there anything controversial coming up? Are we aware of  
1862 anything that would be time consuming case-wise?  
1863  
1864 Mr. Marlles - Nothing stands out.  
1865  
1866 Ms. Hunter I believe the Time Tables Ordinance is advertised for 1:00  
1867 o'clock. Is that correct, Randy? If the POD meeting finishes up early, we could tackle it  
1868 before lunch or do it after the time tables project, depending on the time.  
1869  
1870 Mrs. Wade - The Rainbow Station POD comes up that day.  
1871  
1872 Mr. Donati - I've got a question. Jo Ann, when you bring this to a work  
1873 session for the amendments, I think it probably would be helpful if we could have the recent  
1874 bill that was passed at the General Assembly on vested rights and how these amendments  
1875 would be affected by that bill.  
1876  
1877 Ms. Hunter You're speaking of the SB-570?  
1878  
1879 Mr. Donati - Yes.  
1880  
1881 Ms. Hunter Okay.  
1882  
1883 Mr. Donati - Maybe a copy of that bill.  
1884  
1885 Ms. Hunter We can get that from the County Attorney's Office.  
1886  
1887 Ms. Dwyer - Motion by Mrs. Quesinberry, seconded by Mr. Archer to  
1888 approve a resolution to initiate a zoning ordinance amendment to increase multi-family  
1889 development standards. All in favor of the motion, say aye—all those opposed by saying nay.  
1890 The vote is 4-0 (Mr. Vanarsdall absent, Mr. Donati abstained). The motion carries. Okay.  
1891 Next item.  
1892

1893 **RESOLUTION: 50<sup>TH</sup> Anniversary of World Town Planning Day (WTPD)**

1894

1895 Mr. Marlles - Mr. Lee Householder is going to present that resolution.

1896

1897 Ms. Dwyer - Do we have any opposition to this? Okay, Mr. Householder.

1898

1899 Mr. Householder - I am honored tonight to be here to speak to you about World  
1900 Town Planning Day.

1901

1902 Mr. Archer - On behalf of the Commission let me say what a pleasure it is to  
1903 have you.

1904

1905 Mr. Householder - You're welcome. This is a proclamation, November 8<sup>th</sup> is the  
1906 50<sup>th</sup> Anniversary of World Town Planning Day. We've been approached by the Public  
1907 Relations Director of the Virginia Chapter of the American Planning Association to adopt this  
1908 proclamation, which I've just handed to Mr. Marlles, along with many other localities and 30  
1909 countries on four continents around the world.

1910

1911 Ms. Dwyer - How are we going to celebrate this?

1912

1913 Mrs. Quesinberry - We can have a party up in Planning.

1914

1915 Mr. Marlles - You get a free button. It's an official button.

1916

1917 Ms. Dwyer - We need something a little more tangible.

1918

1919 Mrs. Quesinberry - We can have a party up in Planning. Give everybody a half day  
1920 off.

1921

1922 Ms. Dwyer - Wait a minute, we're recognizing the dedication of the members  
1923 of the Planning Commission. I mean if we're really celebrating the dedication of citizen  
1924 planners and Planning Commissioners, I think we need to have some sort of tangible thing  
1925 here.

1926

1927 Mr. Householder - I mean, I agree. I don't think it's something that worthy of a  
1928 mere proclamation.

1929

1930 Ms. Dwyer - November 8<sup>th</sup>. We don't have a meeting on the 8<sup>th</sup> do we? I was  
1931 thinking jewelry.

1932

1933 Mr. Marlles - Mrs. Via is the current President of the Virginia Chapter of the  
1934 American Planning Association. Maybe she'd like to comment on World Planning Day, or  
1935 maybe not.

1936

1937 Mr. Householder - We have a celebration on the 29<sup>th</sup> of October in the Planning  
1938 Office. We could combine this with that and possibly honor, even though its before the day.  
1939  
1940 Mr. Archer - Everybody bring in their own plans for a little town.  
1941  
1942 Mr. Householder - We could have a competition; poster contest.  
1943  
1944 Mrs. Wade - Where did this come from, now?  
1945  
1946 Mr. Marlles - Would you like me to read the proclamation?  
1947  
1948 Ms. Dwyer - We have the proclamation in our packet. It's the American  
1949 Institute of Certified Planners.  
1950  
1951 Mr. Marlles - Okay. "Whereas November 8, 1999 is the 50<sup>th</sup> Anniversary of  
1952 World Town Planning Day;  
1953  
1954 And, whereas, November 8<sup>th</sup> each year has been celebrated as World Town Planning Day in  
1955 many countries since its inception in 1949, and  
1956  
1957 Whereas, the American Institute of Certified Planners acting for the 11,000 members of the  
1958 Planning profession in America, a component of the 30,000 member American Planning  
1959 Association endorses World Town Planning Day as an opportunity to highlight the contribution  
1960 sound planning makes to the quality of our settlements and environment and to celebrate  
1961 American accomplishments making collective decisions concerning our cities and regions that  
1962 bring quality and meaning to our lives;  
1963  
1964 And, whereas, the celebration of World Town Planning Day gives us the opportunity to  
1965 publicly recognize the participation and dedication of the members of the Planning  
1966 Commissions and other citizen planners who have contributed their time and expertise to the  
1967 improvement of Henrico County;  
1968  
1969 Whereas, we recognize the many valuable contributions made by professional community and  
1970 regional planners of Henrico County, Virginia, and extend our heartfelt thanks to the  
1971 continued commitment to public service.  
1972  
1973 Therefore Be It Resolved November 8, 1999 is hereby designated as "Community and  
1974 Regional Planning Day."  
1975  
1976 That would be in the County of Henrico, Virginia.  
1977  
1978 Ms. Dwyer - ...All right, do I have a motion on this resolution?  
1979  
1980 Mr. Archer - Know all Men by these presents that I hereby acknowledge the

1981 resolution and move for its approval.  
1982  
1983 Mrs. Quesinberry seconded the motion.  
1984  
1985 Ms. Dwyer - Motion by Mr. Archer, seconded by Mrs. Quesinberry. All in  
1986 favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mr.  
1987 Vanarsdall absent, Mr. Donati abstained). The motion carries.  
1988  
1989 Mr. Archer - Is this a holiday, by the way? Is the County closed on that day?  
1990  
1991 Ms. Dwyer - I think that we're going to insist that the Planning Department  
1992 take a day off on November 8<sup>th</sup>.  
1993  
1994 Mr. Marlles - Madam Chairman, there is one other item before we get to the  
1995 approval of minutes. At your last Planning Commission meeting, you did authorize staff to  
1996 initiate a Zoning Ordinance Amendment to the section of the Zoning Ordinance dealing with  
1997 Temporary uses that could be granted by the Board of Zoning Appeals. That draft ordinance  
1998 amendment has been prepared. Staff would like to request the Commission to include that as  
1999 an item on the Work Session agenda for October 27<sup>th</sup>. Excuse me, we were asking the  
2000 Commission to set a public hearing on October 27<sup>th</sup> on that Ordinance Amendment. I'm sorry;  
2001 work session.  
2002  
2003 Mrs. Wade - I saw that sheet somewhere but I didn't bring it.  
2004  
2005 Ms. Dwyer - Does that need to be moved along as quickly as...  
2006  
2007 Mr. Marlles - We are trying to move it along as quickly as possible. It  
2008 shouldn't take a great deal of time.  
2009  
2010 Ms. Dwyer - What do you think? Do you want to have a work session on  
2011 the...  
2012  
2013 Mr. Archer - The 27<sup>th</sup> again?  
2014  
2015 Ms. Dwyer - Let's set it and then, if we run into some problems with time, we  
2016 can postpone that. Put that last on the agenda.  
2017  
2018 Mr. Marlles - Put that last on the agenda.  
2019  
2020 Mr. Archer - Does that require a motion?  
2021  
2022 Ms. Dwyer - Do we need a motion for that?  
2023  
2024 Mr. Marlles - Well, yes.

2025 Mr. Archer - So move.  
2026  
2027 Ms. Dwyer - Do I have a second?  
2028  
2029 Mrs. Wade seconded the motion.  
2030  
2031 Ms. Dwyer - Motion by Mr. Archer, seconded by Mrs. Wade to set a work  
2032 session on the 27<sup>th</sup> of October for Temporary Uses hear by the Board of Zoning Appeals. All  
2033 in favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mr.  
2034 Vanarsdall absent, Mr. Donati abstained). The motion carries. Next item.  
2035  
2036 Ms. Dwyer - I apologize. I did not keep tract of my August minutes, so I'm  
2037 not prepared to vote on those. Mrs. Wade, were you in the same boat?  
2038  
2039 Mrs. Wade - Yes.  
2040  
2041 Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the September 9, 1999  
2042 Rezoning minutes were approved as corrected:  
2043  
2044 Ms. Dwyer - We will defer action on the August Minutes, taking them out of  
2045 order. All right, that's all I have on my agenda. Is that all you have on yours?  
2046  
2047 Mr. Marlles - Yes ma'am.  
2048  
2049 There being no further business, acting on a motion by Mr. Archer, seconded by Mrs.  
2050 Quesinberry, the Planning Commission adjourned its meeting at 9:18 p.m. on October 14,  
2051 1999.  
2052  
2053  
2054  
2055 \_\_\_\_\_  
2056 Elizabeth G. Dwyer, C.P.C., Chairwoman  
2057  
2058 \_\_\_\_\_  
2059 John R. Marlles, AICP, Secretary  
2060  
2061  
2062  
2063  
2064