

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 in the
3 Government Center at Parham and Hungary Springs Roads, Beginning at 7:00 p.m.,
4 Wednesday, October 27, 2004.

5
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson (Tuckahoe)
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairperson
8 (Brookland)
9 Mr. C. W. Archer, C.P.C. (Fairfield)
10 Mr. E. Ray Jernigan, C.P.C. (Varina)
11 Mr. John Marshall (Three Chopt)
12 Mr. James B. Donati, Jr., (Varina) Board of Supervisors
13 Representative

14
15 Others Present: Mr. Randall R. Silber, Director of Planning, Secretary
16 Mr. David D. O'Kelly, Jr., Assistant Director of Planning
17 Mr. Lee Tyson, County Planner
18 Ms. Diana B. Carver, Recording Secretary
19

20 **Mr. James B. Donati, Jr., the Board of Supervisors Representative, abstains on all**
21 **cases unless otherwise noted.**

22
23 **ORDINANCE** – To Amend and Reordain Section 24-51 of the Code of the County of
24 Henrico titled “Principal uses permitted,” Section 24-94 titled “Table of regulations,” and
25 Section 24-95 titled “Additional requirements, exceptions and modifications,” and to add
26 Section 24-53.1 titled “Exceptions to article XI,” All to Increase the Minimum Lot Size
27 in the A-1, Agricultural District and to Specify When Public water and Sewer is
28 Required.”

29
30 **ORDINANCE** – To Amend and Reordain Section 19-2 of the Code of the County of
31 Henrico titled “Definitions,” Section 19-145 titled “Water supply” and Section 19-146
32 titled “Sanitary sewers,” to Amend the Definition of the Term Subdivision and to Specify
33 When Public Water and Sewer is Required.

34
35 Mrs. Ware - Welcome to the Planning Commission meeting to address the
36 Proposed Zoning Ordinances in the A-1, Agricultural District. But before we get started
37 tonight, if there is anyone here in this auditorium for the Registrar Worker Training, that
38 has been changed to the cafeteria. It was originally scheduled for this room. I will, at
39 this time, turn the meeting over to our Secretary, Mr. Silber.

40
41 Mr. Silber - Thank you, Madam Chairman. This is the Henrico County
42 Planning Commission. They meet to review matters to deal with development in Henrico
43 County. They hear rezoning requests, plans of development, subdivisions, etc. Tonight’s
44 public hearing relates to a zoning ordinance amendment and an amendment to the
45 subdivision regulations that Henrico County is proposing. I am the Secretary to the
46 Planning Commission. I am the Director of Planning and there are five members of the

47 Planning Commission here. They are appointed by the Board of Supervisors and one
48 member sits on the Planning Commission, who is a Board of Supervisors representative,
49 and that is Mr. James Donati, to my far left. So that is what is before you tonight. The
50 Planning Commission will be hearing from staff first, speaking to the proposed ordinance
51 amendment. The Planning Commission will then hear testimony or input from the
52 public, and the Planning Commission will take this under advisement and may either
53 choose to forward this to the Board of Supervisors with some form of recommendation or
54 they may choose to defer this and hold a further public hearing on this matter. So that
55 will be up to them tonight as to what to do in regards to these ordinance amendments.
56 We do have a good crowd tonight. We do appreciate everyone coming out and voicing
57 opinions on proposed law that Henrico County is considering, and at this point, this is
58 proposed language that has been recommended by the County administration, so the
59 Planning Commission is hearing this tonight, and they make recommendations to the
60 Board of Supervisors on ordinance amendments such as this. They are a recommending
61 body and when they feel comfortable, they will send it on to the Board of Supervisors. I
62 think after we hear from the staff and presenting this ordinance amendment, I think we
63 will probably then ask how many people are interested in speaking, and then I think the
64 Planning Commission will try to set some parameters so that we allow people to speak,
65 but we also recognize the time constraints we have, so the Commission may put some
66 time limitations on those speaking, two minutes or three minutes, or whatever they think
67 is appropriate. So, why don't we at this point hear from staff. Mr. Lee Tyson is a County
68 Planner on my staff and he will be presenting a power point presentation on the proposed
69 ordinance amendments. Before we get started, are there any questions from the Planning
70 Commission?

71
72 Mr. Tyson - Good evening, Madam Chairman, Mr. Donati, and members of the
73 Commission, and Mr. Secretary. On June 17 and 18, 2004, the Board of Supervisors and
74 the Planning Commission held a retreat to study growth and future land uses in the
75 County and the relationship between residential growth and service demands. At the
76 retreat, the Board expressed concerns about the current permitted density and lot sizes in
77 the A-1, Agricultural District, and the provision of public water and sewer for
78 residentially-zoned property. On June 24, 2004, the Board of Supervisors adopted a
79 resolution directing Planning staff to prepare and the Planning Commission to review
80 amendments to the zoning ordinance to increase the lot size and the lot width
81 requirements in the A-1, Agricultural Zoning District, and require all one-family
82 dwellings in the R, Residential Zoning Districts, to have public water, and all one-family
83 dwellings on lots less than one acre in size and less than 150 feet in lot width to have both
84 public water and sewer.

85
86 In response to this request and after conducting two work sessions with you and
87 numerous meetings with the County Attorney's office, the staff has prepared an
88 amendment to the zoning ordinance that will increase the minimum lot size in the A-1,
89 Agricultural Zoning District, from one acre to 10 acres, and the minimum lot width from
90 150 feet to 300 feet. There are also proposed amendments to the zoning ordinance and
91 subdivision ordinance to acquire all one-family dwellings in the R, One-Family Zoning

92 Districts, to be served by public water, and all one-family dwellings on lots less than one
93 acre in size and less than 150 feet in width to be served by both public water and sewer.

94
95 In order to give the Commission some context in which to consider this issue, there are
96 approximately 9,000 parcels zoned A-1, Agricultural, in the County. Using the County's
97 Geographic Information System and working with appraisers from the Finance
98 Department, staff was able to determine that approximately 2,400 of these parcels are
99 vacant and roughly 1,300 of those are 10 acres in size or less. In response to direction
100 received from the Board of Supervisors and the Planning Commission, staff has prepared
101 an amendment to the County Zoning Ordinance to increase the minimum lot size in the
102 A-1 District from one acre to 10 acres, and a minimum lot width requirement from 150 to
103 300 feet. By way of comparison, the minimum lot size and lot width in similar zoning
104 districts in adjacent localities range from one acre in lot area and 200 feet of lot width,
105 which is permitted in certain zoning districts in Goochland County, to 10 acres and 450
106 feet of lot width, which is required in the A-1 District in Hanover County. The variation
107 is the result of a number of factors including the functional classification of roads, right
108 of way widths, previous divisions or subdivisions that may have occurred on the
109 property, and the availability or the requirement for public water and sewer.

110
111 The primary change proposed by amendments to the A-1, Agricultural Zoning District, is
112 the increase in the minimum lot size from one acre to 10 acres, and the minimum lot
113 width requirement from 150 to 300 feet. However, additional code sections must be
114 amended to effectuate that change. The amendment would change Section 24-51 of the
115 Code, permit one-family dwellings in the A-1 Zoning Districts subject to the new area
116 and lot width requirement. The amendment would add language to Section 24-53 of the
117 Code to permit exceptions to the new requirements for existing parcels located in an
118 already conditionally approved subdivision. These parcels are grandfathered with respect
119 to the new requirements and a one-family dwelling could be constructed on them.

120
121 The development standards for the various zoning classifications are contained in Section
122 24-94. The proposed amendments change the sections to set forth the new requirement
123 for the minimum lot size and lot width requirements for dwellings in the A-1 Zoning
124 Districts. Additionally, exception language is added that grandfathers existing acreage
125 parcels, that is, parcels that are not contained in subdivisions in an A-1 parcel. Existing
126 parcels less than 10 acres in size may continue to be developed for a one-family dwelling,
127 provided they are one acre in size, have a minimum lot width of 150 feet, and meet all of
128 the other current requirements in the zoning ordinance. The new exception standards are
129 also reflected in Section 24-95 of the Code.

130
131 In addition to the proposed changes specific to the A-1, Agricultural District, the
132 amendments would require that all lots located in an R, Residential Zoning District, be
133 served by public water and that all lots less than one acre in size and less than 150 feet in
134 width be served by both public water and sewer. By definition, this would include all R-
135 zoned lots except those that are zoned R-0, which have a minimum lot size of one acre.
136 These parcels would have to be served by public water, but they would still be served by
137 an on-site septic drainfield. The proposed amendment would also strike existing

138 language relating to exceptions to the requirements for when public water and sewer are
139 required.

140

141 One of the most common ways for land division to occur in the A-1, Agricultural Zoning
142 District, is through the immediate family transfer process. State law requires that the
143 County's permit that process which allows immediate family members to divide property
144 to convey it subject to certain restrictions. Whereas the proposed zoning ordinance
145 amendment just outlines the requirement that all new one-family dwellings in the A-1
146 District be constructed on lots of 10 acres in size, the proposed amendment to the
147 subdivision ordinance would grant an exception for parcels created through immediate
148 family transfer process. Such lots could be a minimum of one acre in size, provided that
149 the grantor retained one acre in the original tract. The first parcel would have to meet all
150 other requirements of the zoning ordinance. For example, both would still have to have
151 50 feet of frontage on a public road, 150 feet of lot width and would have to meet all the
152 normal yard and setback requirements. Additionally, siblings would now be able to
153 transfer property through the immediate family transfer process. Under the proposed
154 amendments, and as required by the A-1 District regulations that I discussed earlier,
155 public water will be required for all lots located in an R, Residential Zoning District.
156 Both public water and sewer infrastructure will be required for development of all parcels
157 smaller than one acre. I will be happy to answer any questions. That concludes the
158 presentation concerning the zoning and subdivision ordinance amendments.

159

160 Mrs. Ware - Are there any questions for Mr. Tyson from the Commission?

161

162 Mr. Archer - This is just a housekeeping matter, I think, and the 8th panel in your
163 presentation you mentioned Code Section 24-53, but I think it reads 25-53.

164

165 Mr. Tyson - It should be 24-53. Sorry, Mr. Archer, if there is a typo there.

166

167 Mr. Silber - There are plenty of seats in the auditorium, if you want to move
168 forward instead of standing in the back. The Fire Marshall will not allow us to block the
169 exits, so if you could please have a seat, there are plenty of seats to handle those that are
170 standing.

171

172 Mrs. Ware - Are there any more questions for Mr. Tyson?

173

174 Mr. Donati - Yes, I have a question. Let me give you a scenario. Let's say a
175 property owner has 100 acres and they want to subdivide it into one-acre lots. Under
176 your new proposal they would have to provide public water to those sites, not public
177 sewer. Is that what I am hearing you say?

178

179 Mr. Tyson - If they were to create one-acre parcels, one-acre parcels can be
180 served by on-site septic fields. They would not have to include drainfields on those lots.

181

182 Mr. Donati - So the only thing that would change it from the way the ordinance
183 currently reads is that if you are going to have one-acre subdivision, you have to provide
184 public water.

185
186 Mr. Tyson - The one-acre provision for public water only applies to
187 residentially-zoned property. If it remains A-1 and it is an acre above, they don't have to
188 provide public water or sewer.

189
190 Mr. Silber - Mr. Donati, let me see if I understood your question. You said if
191 there was a parcel of land zoned A-1 and this ordinance amendment goes through as
192 proposed, and they wanted to subdivide their property, then they could only subdivide it
193 to lots no smaller than 10 acres at this point in time. They would not subdivide it to an
194 acre lot.

195
196 Mr. Donati - If it was well and septic, but if it was one acre, they can provide
197 public water and still have a septic system.

198
199 Mr. Tyson - Mr. Donati, under the proposed amendment they would not be able
200 to create one acre parcels in an agricultural district. They would have to be a minimum
201 of 10 acres in size. If they rezone the property, they can create one-acre parcels, in which
202 case they would have to have public water but not necessarily public sewer.

203
204 Mr. Donati - Basically the same thing we had, I mean the ordinance would
205 change and the classifications would change, but you would have to provide public water.

206
207 Mr. Silber - Well, let's make sure everybody understands this. You would
208 have to rezone the property, Mr. Donati.

209
210 Mr. Donati - Yes. I understand that.

211
212 Mr. Silber - They would have to rezone it to R-0 or a residential classification.

213
214 Mr. Donati - But you could still have one-acre lots, but you'd have to provide
215 public water, not public sewer.

216
217 Mr. Silber - Yes, sir.

218
219 Mr. Marshall - Mr. Tyson, can you tell me the rationale behind making them run the
220 water and not the sewer?

221
222 Mr. Tyson - The rationale is that for larger lots, those are more likely to be able
223 to contain a septic drainfield, to accommodate a drainfield and a reserve drainfield, which
224 is required by the zoning and subdivision ordinance.

225
226 Mrs. Ware - Any more questions from the Commission?

227

228 Mr. Archer - Mr. Tyson, you may or may not have mentioned this, but if you did
229 I would like for you to reiterate it. To what extent is the present zoning grandfathered for
230 cases that are already zoned?
231
232 Mr. Tyson - The zoning proposal is currently on the ground. It is platted and on
233 record. Those lots are grandfathered, up to 10 acres.
234
235 Mr. Archer - No time limit for how far into the future?
236
237 Mr. Tyson - No. That is a grandfathering provision that is built in. For
238 subdivisions that have been conditionally approved, those also are grandfathered in with
239 respect to the new regulations.
240
241 Mr. Archer - OK. Thank you.
242
243 Mr. Silber - What we have attempted to do, Mr. Archer, is really to provide
244 those previous approvals, when it comes to a subdivision, to be exempt from these
245 regulations. So, if they have conditional subdivision approval that has been granted by
246 this Planning Commission, then they are grandfathered in, and that conditional
247 subdivision has to have some form of action taken on it. You can't just have that
248 conditional approval and let it expire. You have got to spend money and begin to
249 engineer it or construct it, but my point is, if it has conditional subdivision approval, you
250 are exempt from it. If it is already a platted recorded subdivision that has vacant lots in it,
251 they are not subjected to these regulations. This really deals with properties that are raw
252 properties that someone wants to come in and subdivide, and we are looking at increasing
253 the minimum lot area from one acre to 10.
254
255 Mr. Jernigan - Is there a cut-off date? Is it now? What is the cut-off date?
256
257 Mr. Silber - When the ordinance is adopted, it would be from that point
258 forward. Anything that has subdivision approval at that time would be grandfathered.
259 And adopted by the Board of Supervisors.
260
261 Mr. Vanarsdall - Well, what if you own a lot and you don't do anything with it, you
262 just own it.
263
264 Mr. Silber - Are you talking about a lot in a subdivision and it is vacant and
265 you own it? Then, you can just leave it that way, or if you want to build a house on it,
266 you can build a house on it. You would be grandfathered in.
267
268 Mr. Donati - The parcels that are just scattered out there, just pick a number, 5,
269 6, 7 acres, under this proposed ordinance. If a property owner wanted to build a house on
270 it, he wouldn't be subject to the water and sewer requirements? Correct?
271

272 Mr. Tyson - Correct. For any existing parcel that is out there. The water and
273 sewer provisions apply only to residential properties or properties that are smaller than
274 one acre. So, anything above that is essentially outside the purview of the ordinance.
275

276 Mrs. Ware - Do we have any more questions at this time? We can always call
277 you back.
278

279 Mr. Silber - The County administration, in an effort to notify everyone who
280 would be impacted by this ordinance, sent out notification letters to everyone who owns
281 property zoned A-1. It was close to 8,000 notice letters that was based on our records
282 from the Real Estate Assessment records. Those people who receive tax bills, then
283 received these letters if you have property zoned A-1, so we did the best we could to get
284 the information out relative to this proposed ordinance amendment. Perhaps there are
285 some people that are out there that have interest in this. Feel free to share that
286 information with them. We have it also posted on Channel 37, which is the County's
287 television station. We run newspaper advertisements, but we are interested in receiving
288 input. There is nothing locked in place at this point in time. This is a proposal and we are
289 looking for input. With that being said, I think it might be interesting at this point how
290 many people intend to speak, so that we can somehow begin to receive input, and we will
291 take it from there. Could we see the hands of those that may be interested in speaking
292 tonight? Maybe 10 or 12. If you do not raise your hand now, it does not mean you
293 can't speak.
294

295 Mr. Jernigan - Just for curiosity, if you are from the Varina District, raise your
296 hand. Thank you. I pretty much knew that answer.
297

298 Mr. Silber - In the interest of time, I think we will try to time people and give
299 you approximately three minutes to speak, and I will let you know when your three
300 minutes is up and the Commission can decide whether they are going to give you more
301 time or not. We will see if we can't keep it to about three minutes. Obviously, if the
302 person in front of you just spoke on the same matter, there is no need to continue to talk
303 on the same issues, but we do want to know how you feel. So, we will leave that up to
304 you.
305

306 Mrs. Ware - That doesn't include questions, either.
307

308 Mr. Silber - Questions being asked by the Commission, that does not cut into
309 your three minutes.
310

311 Mrs. Ware - So, if you will come forward, everyone, when you come to speak,
312 give your name and address. This is a taped public hearing, but we will have minutes.
313

314 Mr. T. Porter Schermerhorn, Jr. - My name is T. Porter Schermerhorn, Jr. and I also
315 represent my mother, Lois D. Schermerhorn. I am her power of attorney. I believe these
316 changes will make my property values go down. I also believe it will aid large
317 developers and hinder small developers and make it more difficult for small land owners

318 to sell their property in my area where encroaching development has already raised taxes
319 and discounted the quality of life to some extent. I had an offer, myself, from a small
320 developer, which has probably been withdrawn due to these proposed changes, and also
321 wish I had received notification of these proposed changes a bit sooner than last Thursday
322 night, which is four business days, and two weekend days.

323

324 These changes up here will also make it more difficult for my mother to sell her land. She
325 is in a retirement home and could use the money. She bought the Social Services
326 funding. I think I might prefer a referendum on these changes. Thank you.

327

328 Mr. Silber - Mr. Schermerhorn, can you tell us what properties you own or
329 what size might those parcels be?

330

331 Mr. Schermerhorn - I own a seven-acre parcel with a house on it and I own a five-acre
332 parcel that is triangular shaped. I also am representing my mother who owns about a 12-
333 1/2 acre parcel. Like I say, these parcels were probably going to be developed. I live at
334 the end of Winfree Road across from Virginia Center Commons behind Little Five
335 Azalea Farm, and I think this is going to make it harder for people like myself to sell their
336 land.

337

338 Mr. Vanarsdall - You said you'd rather leave it like it is.

339

340 Mr. Schermerhorn - Yes, sir.

341

342 Mr. Vanarsdall - OK.

343

344 Mr. Archer - What you are saying is that there is no other number above one
345 that you would be in favor of?

346

347 Mr. Schermerhorn - Probably not. Two is better than 10. One and a half is better than
348 two.

349

350 Mr. Silber - Thank you.

351

352 Mr. Andy Edmonds -Good evening. Thank you for the opportunity to address you. My
353 name is Andy Edmonds. I live at 9510 Osborne Turnpike. I represent a community
354 group called ROOT which stands for respect Old Osborne Turnpike, and we pooled the
355 community group in an effort to have a proper voice in the decisions made that will
356 impact the nature of future residential and commercial development that will inevitably
357 occur along Henrico County's rural riverfront corridor. By forming this active alliance of
358 local citizens, we will study the issues, monitor the ordinances, expect accountability for
359 decisions that can adversely affect the unique rural character and historical significance,
360 property values and quality of life that we enjoy in this part of the Commonwealth. We
361 are not an anti-development group. We support development co-exist in a framework
362 that intelligently recognizes and strives to convey the message of development within the
363 guidelines of an intelligent master plan that will protect the rights and property values of

364 everyone affected by that plan. Currently, we are about 300 members. We intend to
365 have 1,000 members by January. There has been zero opposition to our logical and
366 important mission statement thus far. As it relates to these amendments, this is our
367 opinion. The purpose and intent for these amendments on the surface makes sense.
368 Unfortunately, the immediate result of their potential implementation has resulted in a
369 flood of subdivision proposals that are indeed allowed by the current code; however, as
370 proposed, perhaps not in the best interest of the land owners, developers or surrounding
371 residents. In tandem with these amendments there needs to be new land use options that
372 address commonly known and effective smart-growth strategies. These strategies have
373 proven to improve communities, protect land value, save developer's money, and cost
374 less for the municipalities to provide infrastructure. In other words, if I was a landowner
375 that had 75 acres of land and these ordinances were about to come forward, I would be
376 running to the courthouse to try to subdivide my land as soon as possible, and that is,
377 indeed, occurring at this time. So, if we don't have the proper, I was surprised to learn
378 that the zoning ordinances and the classifications we have for Henrico County now are
379 the same classifications that exist for Wise County, Virginia, and I don't know if that is
380 true, but I heard that is what it is and it surprises me that a forward-thinking community
381 county like Henrico has these zoning classifications. There are other counties that have
382 more forward-thinking classifications that involve cluster zoning, etc., but I think what I
383 am getting to is Henrico's riverfront corridor from Route 5 to the James River needs to
384 have its own overlay district designation in order to manage, protect and intelligently
385 develop this irreplaceable asset of the County. In other words, within this area of all of
386 this A-1, if we have a menu of other zoning options that these landowners that want to be
387 able to sell and utilize this asset they have and intelligently use these new zoning options
388 in a way that they can develop them, in a logical way. I understand the reason for the
389 County's services they can't service. So many houses would be built there without water
390 and sewer, so there needs to be more zoning options to come forward, so I provide a little
391 bit of paper work on some of the smart growth research that I would like to leave with
392 someone, if they'd like.

393
394 Mrs. Ware - Thank you.

395
396 Mr. Jernigan - Andy, let me clear this up right here. It wasn't the zoning
397 classification that was the same as Wise. What we were referring to is 900 square feet.

398
399 Mr. Edmonds - For the size of a house.

400
401 Mr. Jernigan - Exactly. That is what the Code calls for, and that is the same as
402 Wise County, but the zoning classifications, I am not sure. That is probably entirely
403 different.

404
405 Mr. Edmonds - Well, I guess my question, Ray, is in other counties that have lots
406 of A-1 property, they have moved toward a RRC clustering type zoning classification,
407 and we don't have any options for that here in Henrico County. It seems like something
408 with all the A-1 we have in eastern Henrico, something like that is something that needs
409 to be on the drawing board as an option to the developer to provide for more open space

410 and preserve the rural nature to allow the houses to be built in a clustered way, which on
411 the surface sounds bad, but it is really an economical way for the developer and it leaves
412 more open space and it is a more enjoyable atmosphere to preserve.

413
414 Mr. Jernigan - That is what we are doing on the Nelson tract.

415
416 Mr. Edmonds - What classification will determine that? Will there be a new zoning
417 classification and then other people would have to go R-5 every time you want to change
418 a lot size.

419
420 Mr. Jernigan - Well, that paper work that you gave me, you gave it to me, it's
421 been a week ago, so we really have not had time to address that yet, but what you are
422 looking for is a zoning classification that guarantees an open amount of green space that
423 has to be left in percentages.

424
425 Mr. Edmonds - Right. Perhaps they'd consider it an overlay district for this
426 important region of the County and it would address the overall nature of the river front
427 corridor and how important that specific part of the County is. That is basically my main
428 point. Through that, the whole development along Osborne, river, Route 5, all of that
429 being so unique, you know.

430
431 Mr. Jernigan - Like I said, I do have the paperwork you gave me the other night,
432 but it takes a little while.

433
434 Mr. Edmonds - I understand that. I work for government, too. Thank you.

435
436 Mr. Silber - Let me address here your interest in the cluster type of
437 development that the County is beginning an update of its Comprehensive Plan to a
438 Countywide Long Range Plan. It will probably take in the neighborhood of 14 to 16
439 months to complete, but as a part of that we will have some implementation tools that
440 will be recommended. I fully believe that we will be exploring the possibility of having a
441 cluster lot development zoning ordinance that will be recommended as coming out of that
442 Comprehensive Plan, so that is very likely to happen at the end of the Comprehensive
443 Planning process and that could be a new zoning ordinance type of district that we don't
444 now have.

445
446 Mr. Edmonds - And what is the process to create an overlay district for a certain
447 part of the County?

448
449 Mr. Jernigan - That would be an element of the Comprehensive Plan. It could be
450 a special strategy area or it can be an overlay district. An overlay district actually is a
451 zoning tool which would carry zoning requirements. We have an overlay district on a
452 portion of West Broad Street. There is an overlay district, Airport Safety Overlay
453 District, over the airport. They are the two overlay districts the County has right now.

454

455 Mr. Edmonds - I guess something that would create standards within certain rural
456 areas that would then increase the value of the property for the landowners affected, that
457 if he has a lot that he might want to cut into three houses, but it might increase his overall
458 value of that property by having certain architectural standards and certain standards that
459 everyone is used to, so everyone's value goes up, and the quality of life improves, rather
460 than rip and strip subdivision after subdivision. I want to live in Varina, not Varihole.
461 OK. Thank you.

462
463 Mrs. Ware - Good evening.

464
465 Mr. Bowman -Hi. My name is Darryl Bowman. I live at 10310 Bowman Court. I own a
466 couple of parcels out in the West End, a 3-1/2 acre parcel and interest in a 6,000 acre
467 parcel out in Varina. I don't know if you all realize this, people here, but what you are
468 trying to do is going to have a major impact on the land values to these people, the
469 development potential to these people. If you went to two-acre lots from the one-acre lot,
470 you would cut their property value, the value of that property in half. What the net value
471 of the property would be for development purposes, if you just went from one acre to
472 two-acre lots. Going to 10-acre lots, you are going to make their property worthless in a
473 lot of cases. You are going to cost these people thousands, ten thousands, 100 thousand
474 dollars, some of them in value, so their properties, by doing this 10-acre proposal. Also,
475 based on your progression of water lines out there, you are probably looking 20 to 30
476 years before some of these people's properties will be able to be developed based on your
477 guidelines, which means in their life time they will never get the potential value of their
478 property back because of this ordinance.

479
480 Mr. Silber - Thank you. Mr. Bowman, let me just say that I understand your
481 comments. I don't entirely disagree with them, but...

482
483 Mr. Bowman -It is a major economic impact on these people.

484
485 Mr. Silber - I understand. Let me say this, that will likely occur from this is the
486 encouragement of property to be rezoned to a classification that will allow you to have
487 the development rights that you now have.

488
489 Mr. Bowman -Yes, but you are saying if you go anything less than 10 acres, you've got
490 to have water in there is what I am saying. You are not going to have water lines for
491 most of Varina in the next 20 years. I am sorry. It is not a reality. You will get some
492 water lines down there, but how many of these people here have water lines to their
493 property currently? I would say probably none of them, or maybe one or two, unless it is
494 a subdivision. What you all are saying is glorious in principle, but in reality you are
495 killing these people. You all have got to think about the economic impact on these
496 people. A lot of people here are senior citizens. They are ready to retire and they are
497 waiting to sell their mini-farm or their farm, have it developed. I mean the economical
498 impact to these people is just far beyond comprehension. How you all can consider doing
499 this to these people I cannot understand and myself included.

500

501 Mr. Jernigan - Mr. Bowman, let me ask you a question. You said you have 3-1/2
502 acres in the West End?
503
504 Mr. Bowman - Yes.
505
506 Mr. Jernigan - Do you think that property is worth more as A-1 one acre lots or if
507 you could get it zoned, would it be worth more?
508
509 Mr. Bowman - It would be worth more if water and sewer were available to it, but it is not
510 going to be until somebody brings water and sewer across 64. That is west of Pouncey
511 Tract, so until water and sewer comes across 64, it is worthless other than what it is used
512 for right now.
513
514 Mr. Jernigan - Well, I am not familiar with where your property is, but just in a
515 general response, if you have 3-1/2 acres in the West End, it would normally be worth
516 more zoned.
517
518 Mr. Bowman - If it has water and sewer.
519
520 Mr. Jernigan - Exactly. If.
521
522 Mr. Bowman - That is the problem in Varina. There is no water and sewer in most of
523 Varina.
524
525 Mr. Jernigan - And the developers have to bring that.
526
527 Mr. Bowman - No developer in his right mind is going to spend millions of dollars to
528 bring water and sewer to a piece of property down on Darbytown Road or Charles City
529 Road or whatever the heck these roads are, I've gone all up and down there, and it is not
530 feasible. Until the project before it gets developed, the water and sewer is not going to
531 jump down there and the developer is not going to spend millions of dollars to bring
532 water and sewer to market a piece of property. I am sorry. That is fantasy thinking.
533
534 Mr. Jernigan - Let me say, are you familiar with Camp Hill?
535
536 Mr. Bowman - No.
537
538 Mr. Jernigan - Camp Holly, way down Route 5?
539
540 Mr. Bowman - No.
541
542 Mr. Jernigan - OK. That is all I need to know. Thank you.
543
544 Mr. Allen - Ralph Allen, 8702 Weldon Drive. I have 87 acres in Varina, on
545 Varina Road and I don't know how many other people in here would be in my position,
546 but I paid on it 30 years. I will be 65 this coming year and this is going to be my

547 retirement, so in that 30 years I have engineered and worked on a subdivision, and, of
548 course, it is zoned A-1 now. The time and money that has gone into it, the effort over the
549 period of a lifetime, which I assumed would be my retirement. At the moment I just have
550 a Social Security check. If it goes to 10 acres, 40 some building lots like I can prove it's
551 worth, 87 then, because I would have seven lots. So, you are tearing our profitability all
552 to pieces. It is not like something we just started. We worked on this a lifetime. In other
553 words, it is kind of like the fourth quarter, the last two minutes, you guys are changing all
554 the rules. That is the plain truth. Changing all the rules. This has been a life time, and all
555 of a sudden, instead of 40 some lots, you have got 7 lots, because they have to be over 10
556 acres. I mean that is what I am hearing. Is that correct?
557

558 Mr. Marshall - Well, the subdivision that you have there...

559

560 Mr. Allen - This was done by Fleet on Brook Road.

561

562 Mr. Marshall - Was it platted and recorded at the Courthouse?

563

564 Mr. Allen - No. I have been contacted even this year by Bowers and Nelms to
565 get it started, but instead of just running and doing something like evidently what is
566 happening, I don't feel like it is the way to handle it. This, I worked with a gentleman. I
567 know it perks. Some of my lots are three acres. Some of them are two acres. Some are
568 six acres, but it took a whole life time.

569

570 Mr. Marshall - Well, if you still have that engineering work, and you submit it to the
571 County...

572

573 Mr. Allen - Yes, but I understood the gentleman said unless I moved on it
574 immediately.

575

576 Mr. Marshall - You would have to file and then you would be protected from what you
577 have on that piece of paper now and these rules would not affect you.

578

579 Mr. Allen - If I file this, I am protected under the grandfather clause.

580

581 Mr. Marshall - Right. If it is filed and it comes to us and it goes through before the Board
582 of Supervisors enact these regulations, whenever that may be, we don't know when that
583 is going to be, then yes, what is on that piece of paper would be protected.

584

585 Mr. Allen - Well, probably,

586

587 Mr. Silber - Mr. Marshall, you are right to an extent. If you filed that as a
588 conditional subdivision and the Planning Commission approves that conditional
589 subdivision plat, you are grandfathered in.

590

591 Mr. Allen - So I file this with you guys?

592

593 Mr. Silber - Yes, and you'd file it as a tentative or conditional subdivision plan.
594
595 Mr. Allen - That does not mean I have to move on it right now.
596
597 Mr. Marshall - No. It does not mean you have to build it right now.
598
599 Mr. Allen - I thought you said I had to spend money on it.
600
601 Mr. Silber - What the Code does say is that you have to make progress in the
602 development of that. That doesn't mean that you have to go out and begin to construct
603 the site, but you can't just have that approved and let it expire. You have got to make
604 some progress.
605
606 Mr. Allen - Well, then, in that case you are forcing us to sell. You are forcing
607 us to develop, because that is the only way we can protect our property values.
608
609 Mr. Silber - The process of subdividing land is three phased. The first is to file
610 a conditional subdivision plan and that is approved by this body, the Planning
611 Commission. The second step is to file a final subdivision plan that is approved by the
612 Director of Planning. The third phase is to record your subdivision plat. If you begin to
613 take those steps and work through the process, then you are vested and you have that
614 approval that you would not be subjected to these requirements. If you just file that plan
615 and did nothing else with it, and years go by and you come back up for renewal, the
616 County might say you haven't really done anything with us. So, my point is, we are not
617 going to make you go out and develop your property.
618
619 Mr. Allen - Well, how about the people here that are farming and the parents,
620 grandparents have owned the land and it is coming on down through the lines, and maybe
621 they are not 64-1/2 like myself, and maybe they are not ready for another five years. So
622 that tears them all to pieces.
623
624 Mr. Silber - I understand.
625
626 Mr. Allen - Because 40 building lots is a lot different from seven. I don't care
627 how you cut it, and another thing that crosses my mind, Varina should be a sleeping bear.
628 The proximity of the City, our dependency on oil, people have to drive a lot further to not
629 develop. It should really be the new frontier. Chesterfield is overbuilt. The West End is
630 overbuilt. Hanover, go to Ashland. Take a look. It is overbuilt everywhere, so Varina is
631 really one of Henrico County's best assets to develop, to save gas, to create jobs, to bring
632 in business. So, in my humble opinion, all I see is we are stifling the growth. If economy
633 is slack, the stock market goes down. I have never seen any situation in my life by
634 slowing growth and possibility, even in Bush's plan, he stimulated the economy. So, in
635 my opinion, Varina should be stimulated. Yes, the County is going to have to put in
636 sewage and water, of course. But look at the revenue from the homes and the new
637 people. If we didn't have the young people, where would Social Security be? You
638 know, I mean, it is just common sense progress and by holding progress back, how can it

639 help society. Anybody here, really. It is not going to help anybody. I have had my three
640 minutes.

641
642 Mrs. Ware - Thank you, Mr. Allen. Good evening. Could you please give us
643 your name and address for the record?
644

645 Ms. Brauer - Gina Brauer, 4410 Honey Lane. I have a question about the
646 section about immediate family transfer. Something was said about it. My brothers have
647 a seven acre parcel, and if they wanted to subdivide that to give their children an acre
648 each and build a house on it, is that still going to be permissible?
649

650 Mr. Jernigan - Yes, that still is.
651

652 Ms. Brauer - OK, but whoever the gentleman here said it had to have 50 feet of
653 road frontage. If you don't have that now, but I was able to build a house there with no
654 road frontage. We got a variance, so the variance process would still be in place as it is
655 now?
656

657 Mr. Silber - Yes, ma'am. Those provisions are not changed. Right now you
658 would have to have an acre of land and 150 feet of lot width and road frontage. I think in
659 the past you didn't have that and you applied for a variance from the Board of Zoning
660 Appeals. That process would not change. That would remain the same. Yes, that
661 property could be split and I think you gave examples of his children. That would be
662 considered the immediate family members. They could split that off and provide that as
663 an acre lot, so there would be no change to any of that circumstance.
664

665 Ms. Brauer - Thank you.
666

667 Mrs. Ware - There are some more seats up towards the front for those of you
668 who are standing if you could come forward and find a place to sit.
669

670 Ms. Marshall -Hello. My name is Cindy Marshall. I live at 4883 Longbridge Road.
671 Let's see, we have two 2-acre lots undeveloped, one 7-acre lot undeveloped. We have
672 one 14-acre parcel on which the home place sits. This ordinance means to me that I
673 would be required at some point in time, if necessary, for me to sell my property due to
674 tax burdens, etc. I would either have to rezone and sell a subdivision or I would have to
675 carve off 10 of my 14 acres on which the home place sits in order to not have the expense
676 of putting in water and sewer and rezoning. So, I would have to keep the undesirable part
677 of the property for myself, because nobody wants transmission lines over their head or
678 Colonial Pipe Line underneath of them, both of which were forced on us as property
679 owners by the government because we are in Varina, in a rural spot, where we are not
680 sometimes well represented. So, my smaller lots also would then be worthless altogether
681 except that I could keep on paying higher taxes on them every year, so I don't really
682 understand what the 10-acre minimum would do. I think a two-acre minimum would be
683 much more reasonable, and that is really about all I have to say. Thank you.
684

685 Mr. Vanarsdall - You say you'd rather see a two-acre?
686
687 Ms. Marshall -Sure. I think that is reasonable. I don't think two-acre lots make things too
688 terribly crowded in a rural setting. Thank you.
689
690 Mr. Ray Erp - Hello. How are you doing. My name is Ray Erp. My wife and I,
691 Barbara, live at 4177 New Market Road. We have five and ¾ acres. I've got a question
692 first. I was reading in the paper that it really doesn't necessarily slow down the
693 developers and that they would just have to pay more money to develop land. Now, I
694 don't quite understand that. Does this mean that they can get less than 10 acres in an area,
695 but they have to spend more money, or how does that work?
696
697 Mr. Marshall -They have to spend money for the water and sewer. That is the money
698 they are talking about. Then they could rezone it and get whatever size lots that they got
699 approved through rezoning.
700
701 Mr. Erp - And that is in the A-1 District?
702
703 Mr. Marshall -The A-1 District would have to be rezoned to another district.
704
705 Mr. Erp - Which would involve getting water, sewage, and on and on. Well,
706 then, that being said, I think the only thing I want to say is there are a lot of people
707 worrying about their property values, which is definitely something to worry about, and
708 whether they can resell. One thing I think my wife and I are really concerned about is
709 that we have lived in Varina now for three years. We live near Curles Neck Dairy, which
710 we hear is up for sale and we moved to Varina because of what it is and because that
711 there is not much out there, and one of our biggest fears is to see what happen to Varina
712 what happened to Short Pump, and that is all good. There is money. There is value.
713 There is such and such, but there is no more Short Pump, and that is what we are worried
714 about and the value of our property is one thing, but honestly, my wife and I, we want to
715 let our son grow up there. We want him to have woods. We want him to have beauty.
716 We want him to have the river and all this. We don't want a bunch of congestion, traffic,
717 and the developers, really, we feel now are breathing down our neck. We see this
718 everywhere. We are always hearing somebody get an offer for their land. We've got 30
719 acres next door to us. They have been offered money for their land, so there is a
720 subdivision right next to us, and Route 5 isn't that big and you put subdivisions all up and
721 down that road, it is going to create a lot of congestion, a lot of problems, a lot of
722 overcrowding which, personally, and this might be a personal opinion, is exactly what I
723 have seen in Short Pump, and I couldn't see living in a situation like that. I wouldn't
724 want me, my wife or my soon to grow up in something like that.
725
726 Mr. Silber - What was your last name again?
727
728 Mr. Erp - Erp, just like Wyatt.
729

730 Mr. Jernigan - Mr. Erp, I wanted to say something to you, and you brought this up
731 about the water, and I am going to tell you all something, and probably most of you don't
732 know that after 300 feet of a developer running water, they get credits back for any
733 additional that they have to do, so there is an expense of running that water, but they
734 recoup a lot of that cost.

735
736 Mr. Erp - So, I guess that would make it easier for them.

737
738 Mr. Jernigan - Well, that is what I am trying to tell you is one reason they have
739 zoning. When you have zoning, you generally have more density, and the density creates
740 more tax credits and more water credits that they get back, so I just wanted you to know
741 that.

742
743 Mr. Erp - Thank you.

744
745 Ms. Ann Morrow Donely - Hello. Ann Morrow Donely, 5871 Darbytown Road,
746 23231, and deference to the gentleman earlier, I just turned 64. I live on property that my
747 parents purchased that is next door to property that my grandparents owned, so this a very
748 important thing and I am not quite sure where I am on it, because I don't think you've
749 given us enough time, and I think you have not given us enough information, and that is
750 very frightening, because having lived in Henrico most of my life, I have learned to fear
751 Henrico County's government. I think in deference to the comment that was made, that
752 you haven't had enough information to look at, for example, the cluster development idea
753 and that maybe in 14 months, if we are lucky, you might consider that and some other
754 things. I would say the cluster development idea has been around for at least 20 years, so
755 there are other things to that are being considered. We had a meeting, what was it, five
756 years ago, Jim, or something when we got together in New Kent County with some
757 people talking about Virginia Beach and what they were doing, how Virginia Beach
758 reached the point where it said amazingly enough, which Henrico has not said to Varina
759 or any other part of the County, that the rural area is important, that farms are important,
760 that even small farms are important, that you don't speak of undeveloped land. You do
761 not speak of vacant land, because you recognize that forests are necessary to our survival,
762 that we do not own the land. We are stewards of the land, that is what I was taught by
763 my family. Also, then in Virginia Beach, they said, "OK, who pays for all of the
764 development ultimately for the additional problems of water and sewer and police and
765 fire and landfill and schools and so on and so forth, and roads, etc." And so, Virginia
766 Beach decided it would be cheaper for them to buy the development rights, not the land,
767 but the development rights. That then gave the farmer the option of saying, "Do I want to
768 develop it on my own and see what I can do? Do I want to stay here and give it to my
769 family and so forth, and continue with the countryside and rural area, or do I want to stay
770 here, have it as my land, but have the development rights and the money to work with?"
771 That seems to me an option that should have been considered, also. It seems to me also
772 that since so many of us in the area have for a number of years, we are saying to you that
773 we, unlike some of the people here, want to slow the growth because we want to see the
774 rural area remain rural, that we do not think another Short Pump, another Midlothian
775 Turnpike, etc. That is not necessarily the aim of those of us who have moved to Varina

776 and grown up there. We who have, and groups, such as the man who spoke earlier, and
777 others, Varina Environmental Protection Group and so forth and so forth, groups that
778 have been around for a long time, people who have been around for a long time, urging
779 you to consider this, that and the other, it seems to me that you might have convened a
780 few meetings and asked us for some input, from the community, rather than saying,
781 “Hey, this is what we are going to do to you.” And we are not sure what really is behind
782 all of this. I think that if the County is really serious about looking at slowing growth or
783 whatever your purpose is here, then and you are serious about this proposal, then I think
784 first of all that you should declare a moratorium on all building all consideration of
785 zoning. Let us then look at it all. That would include Wilton Farms, Gill Dale Road,
786 Osborne Turnpike, Curles Neck Farm and around the airport, etc. That moratorium
787 should be followed by a full and free discussion between civic, environmental and other
788 groups in the area to discuss the best path to take and look at all of the other different
789 options that there are, best meeting in terms of the community, the future, the land and
790 the landowners.

791 I would say, also, that I would hope that Henrico would begin to do something it has not
792 done up to now, and that would be to encourage small farms. I don’t know if I said it or
793 not, I’ve got about 37 acres or so. Even three to 10 acres, two acres, whatever we are
794 farming, I know of a couple in New Kent County who have three acres. They are self-
795 supporting on that three acres. They have what is called a community-supported
796 agriculture, where you can buy shares into their little farm. We need to be encouraging
797 that kind of thing. If you take away all of the rural land, all of the farms, who is going to
798 end up feeding us all? And I am right now late to a class that I am taking right now in
799 Four Seasons Food Production, how to grow food all year around, because I am trying to
800 do that for my family. I am going to finish what I have to say. Thank you very much.
801 You didn’t give me but a week and a half to find out about this, and by gum I am going to
802 find out...

803

804 Mr. Marshall - Excuse me, ma’am. The rules apply to everybody.

805

806 Mrs. Ware - We have many people that want to speak.

807

808 Mrs. Donely - In conclusion I would say that the skepticism I bring to this is also based
809 on something Jim Donati knows about, too, and that is the Elko Tract, where there was a
810 huge amount of land that is internationally recognized by botanists and by zoologists as
811 being a unique area in the entire world and that is in Varina, for what it has there and rare
812 plants and birds and animals. You went ahead and above all objections, and without even
813 getting any community input, you plugged in Motorola and you told us. I was in this
814 room when the Planning Commission, at that time said, “We don’t care if Motorola falls.
815 We want to develop that property.” And you did. There is still a 92-acre section of that
816 property that the County owns and that Marilyn Pasque have worked, have gotten local
817 land owners to say they agree, they will give more property to make it a huge area. The
818 State has agreed to go in on it and give things to it, and environmental groups, at least 10
819 environmental groups support it. The County has refused to make this a State-owned
820 preserved area. So, because you have done that, I am not sure how much you want to
821 help us out here. Thank you.

822

823 Mr. Jernigan - Thank you. I want to say something before he starts. First of all,
824 the reason we are having this hearing is to get people to come out and express their
825 feelings. That is what it is for. That is the reason we call it a public hearing, and Ann, I
826 am glad you came, because we wanted to hear what you had to say, but as far as a
827 moratorium, a moratorium in Virginia is illegal. You cannot do it. It is against State law.

828

829 Mr. Marshall - Talk to your State legislator.

830

831 Mr. Jernigan - It is State legislature. You cannot have a moratorium in Virginia.
832 It is against the law, so I just want to say it is the law, and I just wanted you to know you
833 can't do that.

834

835 Mr. Felts - I am Everett Felts and I live at 1197 Traverse Drive in Sandston,
836 Virginia, and have been doing so for about 29 years. Also, I am a practicing attorney,
837 which I have been for about 33 years in eastern Henrico County and about 50% of my
838 practice consists of real estate transactions, and I have two full-time secretaries, one does
839 nothing but real estate. Now, I am not sure about all of the ins and outs of this proposal
840 here, but I am vehemently against it. If it ain't broke, don't fix it. Now, like I said, I
841 have lived where I live for 29 years in a subdivision, Malvern Estates, next to Hickory
842 Hills, Stephanie Trace, and next to Green Meadows, and that sort of thing, and they are
843 all one-acre lot subdivisions. And it has been a wonderful place to live, a wonderful
844 experience. We have had no problems. We all had well and septic. Some of the wells
845 have gone bad, so they drilled them a little deeper, but for the most part, it worked very
846 well. We had no traffic problems, we have had good services from the County, and to
847 make this change just creates a situation in which you are going to have to have more
848 land. You don't need more land to have as residential property. An acre is plenty of
849 land, even smaller than that I wouldn't be opposed to. The more land you have, the more
850 you have to take care of. The more grass you have to cut, the more oil products you burn
851 which pollutes the air, and this sort of thing. If this goes into effect, you are going to be
852 spreading the people out, because you are going to have 10-acre parcels unless they
853 develop it according to whatever else you are talking about there, which I am not that
854 familiar with. You are going to cause people to have to move further out, then that is
855 more gas and oil they are going to have to burn to get back and forth to their work places.
856 Now, also one thing that smacks the people right in the face, and Hanover County, where
857 they have a 10-acre provision, lots run for 10 acres from \$130,000 to \$160,000. Now,
858 can you imagine going to build a house in eastern Henrico County, and the cost of your
859 land to build a land jumped \$60 to \$70 thousand dollars for that parcel of land that the
860 person would have to pay.

861

862 Now, another interesting thing about it, and I was discussing this thing with some friends
863 of mine, and one lady said to me, "We need to stop growth. We are growing too fast.
864 We are spreading out too fast." I quickly said to her, "Ma'am, the way you stop growth
865 is control conception." We have people, they need a place to live, and we are a
866 homogenous people. We enjoy living close to people and like I said, I thorough have
867 enjoyed it, so, therefore, I think this would be unfair, and like I said, I don't all of the ins

868 and out of it, but for those reasons, I object to it, and I have here some petitions with
869 about 40 signatures on, that feel the same way as I do and I'd like to present them to Mr.
870 Tyson here for the record.

871

872 Mr. Vanarsdall - Mr. Felts, what do you think a good number of acres would be if
873 10 is not a good number?

874

875 Mr. Felts - Like I said, I have been closing real estate transactions and I will
876 back up a minute, for 33 years, and I can't recall anyone that is complaining about the
877 size of the lots being one acre and that sort of thing. And like I said, that's what I live on,
878 about an acre and a quarter and my neighborhood is surrounded by this size lots, so I just
879 don't think you ought to make this change. I don't think you ought to increase it.

880

881 Mr. Vanarsdall - You are not in favor of any number, then?

882

883 Mr. Felts - Yes, sir. One acre, A-1 Agriculture is fine. Just the way you've
884 got it. Like I said, if it ain't broke, don't fix it.

885

886 Mr. Vanarsdall - All right, thank you.

887

888 Ms. Harper - Hello, my name is Paula Harper. I live at 370 Hanover Road in the
889 Sandston area. As I have been listening, I am not 100% sure if I am opposed or for,
890 because at the woman was saying before, I don't think we have all of the information,
891 and we don't really know who is this going to affect the most. As I can see from
892 listening and thinking before I came here, I see four major groups that would be affected
893 by this. One is larger land owners, one is smaller land owners, three is larger developers
894 and four is smaller developers. Now, the gentleman who has 87 acres, I see him as a
895 larger landowner that would be very, very heavily affected, and I feel for his situation,
896 but I am not sure that is where I am.

897

898 I have three and a half-acres. I like where I live. I intend to keep it at three and a half
899 acres. I am not going to subdivide it for a child or a brother or sister. I intend to
900 probably sell it as three and a half acres in 10 to 20 years, so my first question that I
901 haven't heard yet is, are you guaranteeing that when I sell my three and a half acres intact
902 it will not automatically revert to residential, because it is less than 10 acres? Will my
903 zoning stay intact if I transfer the property intact?

904

905 Mr. Silber - Yes, ma'am. Your zoning would not change.

906

907 Ms. Harper - OK. I just hadn't heard that really stated very clearly, and that is a
908 very big concern for me, just having only three and a half acres.

909

910 Mr. Silber - You have three and a half acres and you have a home on it.

911

912 Ms. Harper - That is correct.

913

914 Mr. Silber - This is not changing the zoning classification on your property.
915 You could sell it and the zoning does not change.
916

917 Ms. Harper - I was worried about once there was a change of hands, would...
918

919 Mr. Silber - No.
920

921 Ms. Harper - The next group that I am talking about is larger developers. I see
922 this as affecting them not at all. They are still going to come in and buy 20 acres, 30
923 acres. They are going to want to rezone for .5 acre lots, put 40 houses on 20 acres. They
924 are going to jump through the hoops that they need to jump through, hook up to water
925 stubs where they need to be, and they are going to go along as they have been doing, and
926 I don't see this as affecting them. If I am misunderstanding something, I welcome your
927 input on that, but I don't see this affecting their current situation at all, as long as they
928 want to do more than one house per acre density. Is that correct?
929

930 Mr. Silber - That is probably a safe assumption. Yes.
931

932 Ms. Harper - OK, so that then leaves the small developers, who is the fourth
933 group, and I would imagine from what I have heard it probably affects them a great deal,
934 but are they here? Is this the forum where they are supposed to voice their concerns?
935 Are they in a whole separate meeting with you all talking about developer concerns and
936 they are not here for us to hear what they are concerned about, or maybe they are not
937 concerned at all, like the larger developers.
938

939 Mr. Marshall - I think David Root is here somewhere. There he is. He represents the
940 Homebuilders Association, so all developers are represented when he is here.
941

942 Mr. Jernigan - Ma'am, there is only one meeting and this is it. We are not
943 meeting with anybody else.
944

945 Mr. Vanarsdall - This is the first meeting.
946

947 Ms. Harper - In other words, they don't have other forums where developers
948 have been brought in to talk about where their concerns are. OK. Great. So, my final
949 thing that I want to say is that it seems to me this change in the regulation, the proposed
950 amendment to the regulations does not take care of the situation we have in Henrico
951 County or the Varina area right now, which is what I call is "the tail wags the dog." One
952 person dies or goes to a funeral home, they have a certain amount of property and then a
953 family wants to do something with that property, and that family has a right to do
954 something with that property. I don't have a problem with that. But that family goes to
955 one developer who says, "If I can build it and if I can make some money, let's go ahead
956 and do it." I don't see anybody saying, "Yeah, but do we need that." Then you have a
957 community that gets involved. Remember, one person has passed away or gone into some
958 sort of incapacity, so now we have a whole community involved who is concerned about
959 everything. We have to have these meetings and we decide. Then we get the change in

960 the zoning and now we have a whole County that has road problems, schools, higher
961 taxes, fire, police, all of those issues because one person passed away. I don't
962 understand. I know we have a Land Use Plan in effect, but it is very general and none of
963 it looks at what is the master plan for how many properties are we going to let get
964 developed. How many acres? What is the entire density or some of these other things
965 that people have talked about, the clusters or smart roads or whatever. I don't see any of
966 that happening.

967
968 Mrs. Ware - That would be our Comprehensive Plan and is about the updating.

969
970 Ms. Harper - OK, well, it may exist, but I live there and I don't see it. I see this
971 development going in, that development going in, and the next one going in, the traffic
972 increasing. I have been to several of these meetings. Everyone stands up and says the
973 same thing. What about the impact on the schools? What about the impact on fire,
974 police, so you may have a Comprehensive Plan, but that is not what everyone here is
975 saying. So, we just seem to keep repeating this whole process over and over and over
976 again when one person passes away.

977
978 Mr. Donati - Could I respond? Do you live on Hanover Road? There have been
979 several zoning cases that have been submitted for rezoning.

980
981 Ms. Harper - And I have been here on all of them.

982
983 Mr. Donati - And according to the Comprehensive Land Use Plan, those
984 properties did not fit with what the plan had prescribed, and what happened is, the
985 developer decided he couldn't have higher density, so he subdivided an A-1 lot and made
986 those subdivisions that you say are impacting your community, so...

987
988 Ms. Harper - I am not unhappy with the A-1 lots. I am not unhappy with that
989 whatsoever. The reason that gentleman had to change his subdivision to A-1 one-acre
990 lots is because this many people came out and all of them stood up here and they said
991 "We don't want this." And you listened, which I appreciate very much, but if we did not
992 come out and tell you that, they were approved by the Planning Commission and they had
993 gone through all the steps, crossed all the t's and dotted all the I's. It would have been
994 approved if the community had not come out.

995
996 Mr. Donati - And that is the process and it happens every day. It happens all the
997 time.

998
999 Ms. Harper - I understand that, but there are a lot of times when it doesn't
1000 happen and then you have the impact.

1001
1002 Mr. Vanarsdall - That is why we have a good process.

1003
1004 Ms. Harper - I am not sure what changing them to 10-acre lots is going to do
1005 about that phenomena. I venture to guess nothing, because developers still want less than

1006 one-acre lots and they will get variations and changes and zoning when they can, and
1007 when they put enough money into it, we will still have the same situation. Thank you.

1008
1009 Mr. Jernigan - Ms. Harper, don't leave yet.

1010
1011 Mr. Silber - One of the things I think you also need to be mindful of is that one
1012 of the challenges we have in local government is trying to balance growth with property
1013 rights. The County has a challenge also of providing infrastructure and infrastructure
1014 comes at a cost to all of us through taxes, and as development goes in, then we need to
1015 provide for schools and roads and fire stations and everything else, as Ms. Donnelly
1016 pointed out, but it is also important to recognize that an A-1 Subdivision, when those are
1017 developed without public water and sewer, they are on well and septic, and we have
1018 found many of these A-1 subdivisions, as well as septic, have been failing in the past, and
1019 then they look to the County to remedy that by bringing water and sewer to the
1020 subdivision. So, I think the County is also sensitive to a lot of A-1 subdivisions going in
1021 on well and septic that later we may have to foot the bill for collectively all of us foot the
1022 bill for it. So, I think if we can think logically and in a coordinated pattern of growth, and
1023 that is what our Comprehensive Plan is about, and extend water and sewer out in a logical
1024 fashion whereby we can better manage and have service areas where we can have police
1025 and fire protection provided in a solid, good response form, and provide schools in a
1026 coordinated fashion, you can have a better appreciation on how growth is going instead
1027 of it just hopping and growing all over through A-1 Subdivisions with acre lots and I
1028 think that is a big part of what this is about. Maybe we have missed the mark. Maybe
1029 this isn't the way to go, but I think we all have, collectively, citizens of Henrico County,
1030 collectively, we need to come up with what the plan is, how we are going to attack this.
1031 Is it cluster lot development? Is it 10-acre lots? Is it five acres or is it one-acre and leave
1032 it the way it is. But trying to provide for public services infrastructure is becoming very,
1033 very expensive and costly, and it is something we all need to be concerned with, so it is a
1034 challenge.

1035
1036 Ms. Harper - And if I can say this is truly the intent or the main intent is that we
1037 plan for water, sewer, fire, police, roads, traffic before the subdivisions go in, I would be
1038 happy to be a part of figuring out what the solution is on that, if that is truly the intent.
1039 All I hear is that the homeowners are here. They are worried, but I don't hear the
1040 builders here being worried, so I am kind of going "Hmnnnn." What does that mean?

1041
1042 Mr. Jernigan - Ms. Harper, I want to touch on two things, and the first thing you
1043 said was did we have any meetings with the builders, and no disrespect to Mr. Root, he
1044 represents all these people, but we are more interested in what you all had to say. That is
1045 the reason we had this meeting because you are the citizens and we want to hear your
1046 input.

1047
1048 The second thing, when you were talking about somebody dying, and that is when I get a
1049 lot of phone calls about it, because you know through Varina, you can go up and down
1050 any road in Varina and you will have a two or a three-acre tract with a house. It might be
1051 10 acres next door. It might be 15 or back to three or four. Well, when a person dies or

1052 maybe that person just decided they wanted to sell, I constantly get phone calls to where
1053 they are going in proliferating neighborhoods. By law you can do that with a one-acre
1054 lot. If you are in a string of homes, and your neighbor has 12 acres and he wants to sell it
1055 off and put a subdivision in, he can, and that is guaranteed by law. That is what the A-1
1056 rule is. And we want to evaluate this. This is what I get phone calls on, and I am sure
1057 Mr. Donati does, too. People say "How can they do that?" and I say that is the A-1 law.
1058 They have a right to develop their land with one-acre lots, and I can't stop it when a
1059 subdivision comes to me, as long as it meets Code, the roads are correct and the lot sizes
1060 are correct, by law I have to pass it. So, I want you to know we do have those phone calls
1061 and that is a concern of the County of people calling and being upset with subdivisions
1062 moving all up and down existing neighborhoods. If they go out into raw land it is one
1063 situation, but when you have those houses lined up down the road now and then those
1064 subdivisions start popping in, people get upset about it.

1065
1066 Ms. Harper - Well, I appreciate your listening and you always have in the past.

1067
1068 Mr. Jernigan - We appreciate your coming out. Thank you.

1069
1070 Mr. Jeter - I have a complaint against Henrico County. I heard you are
1071 recording everything we say. I am Philip Jeter, 9420 Varina Road, and Jim Donati over
1072 there knows me. In fact, everybody in Henrico County knows me, because that man right
1073 there has violated my right, damaged my home and dumped water on me by manmade
1074 means, and I am a World War II veteran and it didn't do any good to fight for people like
1075 you, because you are a crook.

1076
1077 Mr. Jernigan - Come on, Mr. Jeter.

1078
1079 Mr. Jeter - You are not a nice man. It don't make no difference who you
1080 work for. Henrico County has mistreated me for 25 years. I don't like water being
1081 dumped on me by manmade Henrico County. You are ruining my home, my property,
1082 my trees are falling down, and you ain't worth a nickel.

1083
1084 Mr. Jernigan - Mr. Jeter, if you have a drainage problem, have you called the
1085 County about it?

1086
1087 Mr. Jeter - Listen, I went to the court room with the County and they have
1088 turned crooked.

1089
1090 Mr. Jernigan - Have you called Public Works? Have you made somebody aware
1091 of the problem?

1092
1093 Mr. Jeter - There is the man right there, sitting right next to you. Ask him. I
1094 have got a letter for you.

1095
1096 Mrs. Ware - Thank you, Mr. Jeter.

1097

1098 Mr. Jeter - And you can read it. And half of the people in Henrico County
1099 have helped me, but that man right there shouldn't be on the Board of Supervisors. You
1100 are doing things to the public we don't want, and I didn't fight for this country for crooks.

1101
1102 Mr. Vanarsdall - Do you have anything to say about the 10 acres?

1103
1104 Mr. Jeter - I've got eight.

1105
1106 Mr. Vanarsdall - Good number. Thank you.

1107
1108 William Flippen - I am William Flippen and I live at 11171 Thorncroft Drive, Glen
1109 Allen, VA, and like I said, this man right here is talking about trees dying. Out there on
1110 Thorncroft Drive when I bought a lot, I knew when I bought it was in a flood plain.
1111 Well, you all have developed this piece of property all around me and threw water down
1112 through, you filled in wet lands and built houses on them. The houses have sump pumps
1113 underneath them pumping water 24 hours a day, 7 days a week, and the excess water runs
1114 down. You even lowered a culvert underneath Thorncroft Drive. They lowered the
1115 grade level on my lot, trying to force the water from this low spot up into the lot that I
1116 own. Like I said, I knew when I bought the lot it was in a flood plain, but somewhere
1117 along the line Henrico County changed it to a wetland, so I don't know how that got
1118 changed from a flood plain to a wet land. I don't know how you go through that process
1119 or nothing else, but I am with the people in Varina. You don't know how lucky you are
1120 to have a rural area. I moved in Short Pump back in 1964, 40 years ago I moved out
1121 there. I built a house on a dirt road. Now they have developed out there. Sadler Road
1122 was a poor road back in 1964. Now you can just imagine what they have done. They've
1123 got two or three subdivisions around there. When a school bus comes down, with a load
1124 of kids on it, you can't pass them on Sadler Road, especially if you get to a curve because
1125 if you do, you or the bus one got to get in the ditch. You have to stop. Tractor and
1126 trailers are running up and down Sadler Road. I don't know how many people out here
1127 are aware of what Sadler Road looks like. You all have had a study going on now for a
1128 couple of years or so where you were supposed to improve Sadler Road. I went to a
1129 meeting the other night where you are trying to build condos and stuff in Innsbrook and
1130 dump another 300 or 400 residents on that, and you've got a traffic problem out there
1131 now and you don't even know how to deal with it. So, somewhere along the line, this
1132 Planning Commission and this County needs to address the problems they have already
1133 got; don't make more problems by trying to change the zoning and stuff. I live in A-1,
1134 Agricultural. I have two acres of land out there and like I said, it doesn't bother me, this
1135 doesn't bother me as far as the acreage, but these lands that you say are one acre lots that
1136 are not being developed, it is because they can't put a septic tank on them. The lands are
1137 so wet and stuff you can't get it, and you just address the problem, "Well, if you've got a
1138 subdivision and you run water down the street, then you can put a septic tank in there."
1139 Well, if it doesn't perk, you can't put a septic tank in there. I mean I see people out here
1140 now that are building some sophisticated type of thing that I think they treat it with
1141 chemicals and stuff, but I mean, to tell people if you've got a one-acre lot, a developer
1142 comes out here, he is going to develop this piece of land, and if he brings water down
1143 there, you can sewer. These septic tanks don't work on all this property.

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Mrs. Ware - Do you have a comment based on the A-1 Ordinance?

Mr. Flippen - Well, like I said, I think the people ought to be able to do with their land what they want to do, and that includes everybody. I am sure you all like to make decisions for your land where you live, so I think every resident in Henrico County should be able to make that decision for themselves. I don't think I need you to tell me what is best for me on my land. Thank you.

Mrs. Ware - How many more people are out that want to make a comment?
Thank you.

Mr. Jernigan - I want to make a comment and Mr. Flippen was talking about the septic systems if the property doesn't perk good. It is called a Puraflo and Vantax System and it goes in on properties that literally won't perk. I don't like them either, but they are about \$15,000 a pop. But the State says and the Health Department, because I have gone around and around with them on this, the State likes it, and the State Health Department makes the call on that, so when those systems go in, it is not because we wanted to put them in, it is because the State mandated that we had to let them go.

Ms. Blackwell - I am Phyllis Sledd Blackwell and I live at 713 Beverstone Road in Highland Springs, and I am with North Airport Drive Civic Association. This is a very complex thing to my little brain, and our group has not actually had enough time and notice of this, or enough information for us to form an opinion. Maybe individually some of them have, but collectively we haven't, because I just found out about this last week, so I agree with several people who say we should have some workshop type meetings. This is a public meeting and we appreciate this, but we need somewhere that we can sit down, be very informal, and everybody will feel free to ask questions and get concise answers. This is something that is going to be with us a long time if it is approved, and going into it without the public understanding it, and also the fact that I think a lot of people, people within the boundaries of our civic association, some of them may not have even heard of it, because I didn't hear about it until last Friday. There are lots of people within our boundaries who have acreage, so this is a great concern to them, and as I said, it is going to be far reaching and it is going to be long term, maybe longer than most of us will be here, so I think it is worthwhile to take some time and have some public workshops, and, of course, precedent has been set for that, because several times I have been involved in workshops led by the County when there was a proposed amendment. I think that is necessary. We just don't have enough information. I couldn't even give you an opinion at this point because I don't have enough information as to how this works. The people who work with it certainly do. One of our members who had to leave asked that I say for him "Why rezone the A-1 to 10 acres? Why don't you just change the rules on lots to whether they must have water and sewer?" So that would be one point that we would probably bring up at a workshop, so I do hope that before this goes any further, or to the Board of Supervisors, that we can have some workshops maybe in the evening when people who work can be there. I thank you.

1190 Mr. Jernigan - Thank you, Phyllis.

1191

1192 Ms. Foster - Hello. My name is Gloria Foster and I am here with my husband,
1193 Leslie, tonight. I live at 3451 Britton Road and I have a couple of questions, or at least
1194 one, and then when I get that answer, I have some comments to make. Earlier it was
1195 indicated by another person up here that I own about 3-1/2 acres. We've owned it for 30
1196 years. What I am trying to find out, is on this 3-1/2 acres, and I think I have the answer.
1197 It is zoned A-1 today. If I go to sell it, even after this goes in, and sell it as one lot with
1198 the house on it, it goes as A-1. I don't have to rezone it. Is that my correct assumption?

1199

1200 Mr. Jernigan - You are right.

1201

1202 Ms. Foster - Now, given that information, everything about this and what I have
1203 heard is that the land owners, you can't stop a land owner from developing their land, but
1204 that does, in fact, stop me from developing the land, because it is A-1 today and I could
1205 subdivide the lot and the 3-1/2 acres and put a \$15,000 to \$20,000 septic system in there
1206 to make it work. So, I am going to have to say, because of the size of my lot and you are
1207 taking the ability of me to be able to subdivide my land away from me, I would have to
1208 say I am opposed. In saying all of that, I wanted to make just one statement. When 895
1209 came through and Mr. Donati is going to remember this, I was up here really opposed to
1210 the 895 coming through because of the water, and the water has, in fact, caused me to
1211 have to put one of those \$15,000 to \$22,000 septic systems in if I subdivide my land.
1212 Now, when Mr. Donati made the decision to back the 895, the comment that he made
1213 was I met with all the citizens and I got my marching orders then. They all wanted 895 to
1214 go through, so any opposition wasn't looked at. My comment to Mr. Donati tonight is, I
1215 think packing the house here gives you the marching orders.

1216

1217 Mr. Donati - I'd like to clarify you on something, if you'd like to see the County
1218 records. I was opposed to 895 and always have been. 895 was a State project. It wasn't
1219 a County project.

1220

1221 Ms. Foster - But it was funded by \$100,000 by County funds.

1222

1223 Mr. Donati - That was the bridge over Britton Road.

1224

1225 Ms. Foster - Correct and that is what caused my property to have the problem.
1226 The ending of the road did not cause me to have the problem. What caused me to have
1227 the problem is that 30 inch pipes were put in to pump water from 895 on to my property,
1228 and what I was told is that that is the natural flow of the land, and it did, and I have
1229 pictures, flood my property. Not only did it flood my property. There are property
1230 owners whose septic systems are now gone because there is too much water. It can't
1231 sustain the septic system, and I am not here to debate all of that issue anymore. That is
1232 all settled. I settled with the County. My concern about the whole thing, and my
1233 opposition to it is that you are now taking my ability away to subdivide a 3-1/2 acre lot
1234 into two lots, to be able to sell and put a house on that, because now we have to have
1235 water and a 10-acre lot.

1236
1237 Mr. Jernigan - Ms. Foster, let me ask you something. You were talking about
1238 895, but you said the bridge over Britton Road is what is causing your problem, not 895.
1239
1240 Ms. Foster - Yes, it is, and we have actual, there was supposed to be some kind
1241 of retaining pond. I don't know the official word for it. It is empty. Never has had any
1242 water in it. Got a lot of growth of undergrowth stuff. There is no water ever even going
1243 in it. It is all coming to the back of my property. And it has been reported. I have
1244 reported it and reported it and it doesn't do any good. All I get from Mr. Thompson, I
1245 believe it is in Public Works, that is part of the natural flow of the land. Well, the natural
1246 flow of the land didn't mean I should have standing water on my property, and I didn't
1247 have it before and I have it now. But that is not what these people are hear to hear about.
1248
1249 Mr. Jernigan - No, but we want to get you straight. Give me your address again.
1250
1251 Ms. Foster - 3451 Britton Road, and Mr. Jernigan I'd be happy to meet with
1252 you and show you where it is and what is going on with it.
1253
1254 Mr. Jernigan - I will get your phone number later and we do want, if you are
1255 having that problem, because that bridge just opened, and that was really wanted by the
1256 residents of Varina to have that bridge over there, but if you are having problems from it,
1257 we want to make sure that they are addressed and I will look into that myself.
1258
1259 Ms. Foster - I've got pictures of all of it, Mr. Jernigan. I can show you the
1260 water and I can show you where it comes so fast it swirls through the pipe going through
1261 my property. It has actually eroded part of my property away, because it was coming
1262 through so fast, and it has got the whole back through of my property in water now.
1263
1264 Mr. Jernigan - We will look into it. I give you my word on that.
1265
1266 Mr. Root - Good evening. I appreciate you all putting in the time tonight to
1267 discuss this. My name is David Root. I represent the Richmond Homebuilding Industry,
1268 for those of you in the audience who aren't quite sure what that is, that is the interests of
1269 builders, developers as well as the ancillary people who deal with housing, construction,
1270 such as electricians, lighting, plumbing, that type of thing. I am going to offer you really
1271 two sort of positions from our perspective on this issue. Ideally we would prefer that we
1272 hold off on this measure, keeping things the way they are, but making sure that we go
1273 into the Comprehensive Plan and seriously begin to develop cluster lot development
1274 zoning, and make some determinations there that I think would be helpful, and also help
1275 bring, what I believe to be the desired effect to the County to the areas that they are
1276 looking to affect. However, if this horse is already out of the barn, we certainly would
1277 agree that the 10 acres is a bit much. We would advocate a position of something on the
1278 order of a requirement of between one and three acres. We believe that this would
1279 adequately create the desired effect that the County is looking for, while minimizing
1280 problems associated with sprawl, traffic congestion and the general need for affordable
1281 work force housing, as well as other general aesthetic issues. A lot of the discussion

1282 tonight is centered around money. How much is my land worth? Who is going to buy it?
1283 How much are they going to pay for it? A few things that I would like to try to set
1284 straight if I can. The development community does not create the pressure for people to
1285 live in housing. We have not created the pressure, the development pressures that exist in
1286 Varina. There were many people who have already been up here tonight say that they
1287 heard their neighbor with 20 acres get an offer, they heard somebody else get an offer for
1288 x number of acres. Developers are interested in purchasing that land. There is no such
1289 thing as a speculative subdivision. Developers purchase land because they realize there is
1290 a demand to be met and that demand is housing. A 10-acre minimum on this will have an
1291 impact not on the developer. It will have an impact on the land owner and the value that
1292 they derive from the sale of that land. The land for us is only worth the number of units
1293 we can get out of it. There are costs associated with developing and bringing in sewer
1294 and water lines, as you well know, and Mr. Jernigan, you are correct, as you well know,
1295 also, pointing out the rebate if you will, the credit. I would say though, that while those
1296 credits do exist, they pale in comparison to the amount of money that is required to be
1297 loaned from the bank in order to drop the water and sewer lines the required distances,
1298 especially in an area like Varina.

1299
1300 And Mr. Donati, I think if we could go back to the very beginning, and one of the
1301 questions that you asked when we got kicked off this evening – if we can rewind it and
1302 get to that – there is one important component that we are all sort of forgetting, another
1303 added cost that will be passed down to the owner of the land prior to the purchase is the
1304 fact that in less than a year from now in Henrico County, if I am required to get a piece of
1305 property rezoned in order to develop it, I will have to pay a proffer on that property. That
1306 is a per unit charge as you all well know and for the people who are here who don't know
1307 it. That is a per unit charge that will be levied, and at this point I guess we don't know
1308 what that charge will be. The initial number that was suggested was \$15,000 I believe,
1309 but again I understand that that is not a firm number and there is still a considerable
1310 amount of discussion and investigation ongoing to determine that number. So, I guess
1311 the bottom line is that if we are going to go through with this, a level of one to three
1312 acres, a magnitude of one to three acres, while it will diminish an individuals worth, or
1313 has the potential to diminish the worth of their property, it is certainly less disastrous than
1314 a 10 or even a five acre minimum, as far as the value and what we are going to be able to
1315 offer the individuals for, in many cases, their most precious asset or asset they have relied
1316 on to retire on, put their children through school, or take care of their remaining family.
1317 Having said that, I will take any questions or go sit down.

1318
1319 Mr. Jernigan - Thank you, Dave.

1320
1321 Ms. Dee Trexler - Good evening. My name is Dee Trexler and I live in the 5000
1322 block of Charles City Road, and I had less time to consider this than everybody else,
1323 because there is so much traffic on Charles City Road, I can't use my mailbox anymore.
1324 I have to have all of my mail forwarded to a paid post office box now because of the
1325 construction vehicles, which is probably just as well. I almost got hit a number of times
1326 trying to go to the mail box recently. What my concern is that taxes are ultimately what
1327 pay for water, sewer, roads and schools. Increase in construction and subdividing in an

1328 area increases all those things, which ultimately increases our taxes, and all it is going to
1329 do is deter the agricultural use in the area.

1330

1331 I agree completely with the Erps in that years ago when we decided to settle in the
1332 Eastern End of Henrico what exactly attracted us to the area were no roads, no water, no
1333 sewer, no people, and it was a very delightful area. I know when utilities are installed in
1334 a new subdivision, a sanitary district might be installed to pay for the taxes for lights or
1335 whatever facilities are brought in there, but when those facilities are brought by my door,
1336 am I guaranteed that I am not going to be paying more for that? Just in the last couple of
1337 years, gas was brought by our property, and our property value just went up \$20,000, and
1338 we are going to have to pay taxes on that now. I don't really see where anything in
1339 regards to those people who are planning on staying in the East End where this zoning
1340 ordinance is really going to help us. People looking to subdivide are very much
1341 concerned, but those of us who plan on living there, I don't see where this is going to
1342 help. We are currently being over run by non-compatible development. What this is
1343 going to do, you say that someone is going to have to rezone it, well, they are they going
1344 to rezone it. If it costs them more to bring in water, they are going to pass it on to the
1345 new homeowner and that is just going to build up everything more and cause more taxes
1346 for people. As soon as Motorola came into the area, I immediately had numbers of
1347 people trying to buy our property. I had people threaten me to condemn my property if I
1348 refused to sell it to them and then continually harass me day and night at my home and
1349 my office. I don't want to see this type of intimidation, wheeling, dealing and whatever
1350 increasing by making land more attractive to developers, and they are just going to pass
1351 on any costs that we convey to them to the new homeowners, so I'd also like to see, there
1352 was a very nice list of questions and answers why we would want to support this, but I'd
1353 like to see the cons, also, for the plans. Up front there was a list of questions and
1354 answers, and all of the answers would make us want to support it, but I'd like to see the
1355 other side of it.

1356

1357 Mr. Donati - Can I clarify something for you. You said somebody was trying to
1358 condemn your property?

1359

1360 Ms. Dee Trexler - I had someone threaten me, and if I didn't know well enough, I
1361 might have succumbed to the threat.

1362

1363 Mr. Donati - No one can condemn your property except for a government body.

1364

1365 Ms. Trexler - Oh, I know that well, but someone who didn't know that, that is
1366 what this type of development is going to encourage. People coming and trying to
1367 threaten people, get sales of their land, develop them, if water and sewer does go by, or
1368 water does go by one property to get to another, then that makes it available to the
1369 property that it goes by.

1370

1371 Mr. Donati - You mentioned water and sewer was paid for by tax dollars. It is
1372 not. The Department of Public Utilities is an enterprise department, meaning that all of
1373 its revenues are generated from the fees that it charges its customers, so your tax dollars

1374 that you pay on your home do not go to the Department of Public Utilities. That is a
1375 separate department and is run like a separate business.

1376
1377 Ms. Trexler - Doesn't pay for any bit of it?

1378
1379 Mr. Donati - No, ma'am.

1380
1381 Ms. Trexler - The plans or anything?

1382
1383 Mr. Donati - All of their revenue is generated from its fees that it charges its
1384 customers, commercial, industrial and residential.

1385
1386 Ms. Trexler - That probably makes my property more attractive and developable,
1387 so the value goes up, and the taxes go up, so I end up paying anyway. Thanks.

1388
1389 Mr. Marshall - Hello. How are you doing? I am Mark Marshall. I live out in the West
1390 End, Pouncey Tract Road, well it is actually Kain Road, but it is 12175 Kain Road. I
1391 have been out there 17 years. The situation I have, I know you are up against a lot of
1392 things. We've got areas where drainfields are problems, and I know you are trying to
1393 slow some of that down to try to prevent what we've got. I know the septic systems and I
1394 am already dealing with that situation. I held off because the County said, "Well, we
1395 can't guarantee if you put a drainfield in that property it is going to work or not." I was
1396 going to spend \$5,000 or \$6,000 for that. I was trying to provide them with some
1397 information almost 10 years ago to come up with a system, exactly what you talked
1398 about, and they didn't want to hear it, because they told me the septic would flow to the
1399 James River, and where does the septic flow anyhow when you put a drainfield in? Same
1400 place. No difference. So, in the situation that I have, I want something to guarantee that
1401 I've got six acres out there and I want a guarantee because what you are doing is you are
1402 devaluing my property in that location. I know some people want to keep property. I
1403 was that way until the development came in, so I went with the mode of things. It caused
1404 a lot of congestion with the developers, which I have no problem with. I have no
1405 problem with my property being developed, but I might be the one who wants to develop
1406 it. But I may be locked out because I may not be able to develop it with all of that. I may
1407 want to work with a developer and I be the developer, but work in the process to make it
1408 happen. When you limit this, you have devalued my property, and there is no guarantee
1409 that I am going to get that builder to buy that property, so you need to devalue my taxes.
1410 I shouldn't be paying the prices that somebody else can that can develop that piece of
1411 property. I think the County needs to work with us. The situation we have, as I called
1412 the State about Pouncey Tract Road, the bridge that goes over 64. The State blamed the
1413 County of Henrico. I called the County of Henrico and they blamed the State. It seems
1414 that both people want to blame everybody not to fix the problem, and I know that money
1415 has to be mandated for things to happen, but you've talked about road systems and
1416 everything else. I work at Dominion Virginia Power and I design facilities and know a
1417 lot what your developments are, what State Highways and things like that are in
1418 developments, because we have to design the facility to relocate for our construction
1419 departments. I know that you all are building a school at Bacova. The property is there

1420 for the County of Henrico for Bacova and Pouncey Tract. It has already been surveyed
1421 and is being looked at. You are going to cause a problem there, but you are not going to
1422 resolve the other, because you are limiting some things. I know that there are some areas
1423 you are putting, it might be that you want to slow some in some areas, but you have
1424 forced it all to that one little corridor of Kain, Pouncey Tract and down to Nuckols Road,
1425 and you are going to shut it off and you can't guarantee me that a developer is going to
1426 work with me. And that is what I think you need to listen to these people and everything
1427 they are saying. I am asking you, are you really listening to what we are trying to say? I
1428 even wonder how many of you all own property like some of us do that are in here
1429 making these decisions. You know, is it the majority of you or not? And I am not
1430 looking for answers now, but I mean these are things you all need to look at because it is
1431 all I can do to get out of Pouncey Tract, get out of Kain onto Pouncey Tract. We have
1432 had numerous accidents because of the way the lane is there. Nobody knows which way
1433 to go because you've got a double yellow line. You have got a break in between it and
1434 some people come over here and we've got loads of accidents in that area. The traffic
1435 from the school that you have got, which is the middle school, and you are going to put
1436 an elementary school less than one mile away, and to me, if you are going to limit us, you
1437 need to limit yourself, and until you all look at what you need to do, don't force us into it,
1438 because you are causing other issues with us. We have to live what you all have
1439 approved, and I have no problem with growth, but you have caused it to us, so
1440 (unintelligible) when you put that school in, it is going to be a nightmare. That is all I
1441 have got to say. If you all have got any questions for me, but I tell you. I wish you all
1442 would work something out and the people could get something from you and believe you,
1443 what you are going to do. I really think you are not going to work it, if you are going to
1444 go with this 10-acre or are you going to change it, you need to change the tax structure
1445 for anybody that cannot develop their property with less than 10 acres or less than three
1446 acres, and it has to be reasonable, because as you and I know, if I go out and buy a 20-
1447 acre tract, the first one or two acres is a certain price, the next three and four as it goes
1448 down it devalues, because you don't know what that property is going to be at, and that is
1449 how you base your price, because I asked about that, digging into it. So, the thing is,
1450 when you do that, my property has no value really in a sense unless a developer comes in
1451 and does something with it. That is all I have got to say. Thank you.

1452
1453 Mrs. Ware - Thank you very much.

1454
1455 Mr. Henry Nelson - Good evening. My name is Henry Nelson and I live at 3600 New
1456 Market Road. The family has been here in this area since 1905. We started out with 40
1457 acres and a mule. Currently I have 10 acres. I am well drained and I flush with
1458 confidence. But I am still concerned with what I am hearing tonight and what we have
1459 seen tonight is a shotgun approach to a very complex problem. I understand the County
1460 wanted to control infrastructure costs, and wanted to control the quality and the shape of
1461 this area. However, I feel that this is going about it in a way that may cause something
1462 that we don't want. I was reminded of Al Cap, one of my favorite cartoonist. He used to
1463 have a cartoon called Fearless Fostick and he was a very comprehensive crime solver and
1464 one of the methods that he uses for solving for people that ate poison beans, so he'd shoot
1465 them, and it kept them from eating the poison beans, but the solution, as you see, is much

1466 greater than the problem. And I think that might be the case in this scenario. What I am
1467 fearful of is that Varina has often been gauged most often by the unknown. Most
1468 property values, most apprehensions, most things that give public value relative to
1469 property is the unknown. In Varina we may have a one-acre tract, we might have a 10-
1470 acre tract, we may have a 2,400-acre tract, but if somebody is going to invest in it, one of
1471 the things that they look at is the fact is that it is an unknown entity as to what
1472 infrastructure costs will be, what this will be, what that will be, what will be next to it,
1473 and as a result, there is an approach avoidance situation in psychology, if you will.
1474 People would like to do it, but they are not quite sure about committing to it. It would
1475 seem to me that in looking at this complexity what we need is what we have been
1476 accustomed to, and that is comprehensive land use planning that would designate areas
1477 for growth, for development, for business and for other things, where we could look at it
1478 and all have an input into it, and then stick to it. There are such things as agricultural
1479 preservation districts for those areas where we want to preserve that could be enacted. I
1480 am fearful that what we may end up causing here is a miniature Oklahoma Land Rush by
1481 the fact that we are causing people, out of panic and fear for their future values, to do
1482 things they may not normally do relative to their property, in the short and long term of it,
1483 and I am fearful that those will bring greater problems to us than those things that we will
1484 come up with in this particular solution, which to me is short range, not a long-range
1485 situation. So, I hope that before we do anything that this will be looked at very carefully
1486 and categorically and do like Ben Franklin used to do. I know the Board had something
1487 out there, but look at the list pro and con, and try to look at what we've had suggested
1488 tonight. No one, I don't think, is in disfavor with quality growth. What we fear of the
1489 greatest is growth that is out of control, things that we can't manage, things that bring
1490 about things that cause costs without contributing to the infrastructure fragment, but there
1491 are such things that were mentioned tonight, like clustering growth. You know, when our
1492 forefathers first came here they were in a land map known as Europe and other places
1493 where land was an infinite item that they were running out of, so when they approached
1494 land planning, they would plan a green area or a structural area around green space, and
1495 things of that kind. We are favor of that kind of growth and that kind of planning,
1496 because it gives somebody an opportunity to enjoy an open space without having to own
1497 vast amounts of it. It is held in common for everybody to enjoy, and I think we need to
1498 look at that sort of thing more than we have in the past, because land in Henrico, whether
1499 we like it or not, is becoming a finite item for which we are running out of. Varina is the
1500 last bastion. We need to do the very best job in that area, learning from all of the
1501 experiences we've had in other areas. I think we can, but I am not sure this approach is
1502 the ultimate approach we should take. Please consider it very carefully before you act
1503 upon it. Thank you for your time.

1504
1505 Mrs. Ware - Thank you.

1506
1507 Bill Cleary - My name is Bill Cleary and I live at 12010 Church Road in Short
1508 Pump. There is something I haven't heard tonight. I live on an acre and it is A-1. What
1509 happens if my house burns down and the minimum now is 10 acres or 2 acres or
1510 whatever? Will the County issue me a building permit to rebuild my home?

1511

1512 Mr. Jernigan - Yes.
1513
1514
1515 Mr. Cleary - No matter what? What if I just wanted to knock my house down
1516 and put another house on it?
1517
1518 Mr. Jernigan - Yes. As long as you build it to Code.
1519
1520 Mr. Cleary - Right.
1521
1522 Mr. Vanarsdall - It wouldn't necessarily have to burn down. It could be destroyed.
1523
1524 Mr. Bradley - Good evening. I am Walter Bradley and live at 703 Manakin
1525 Road. I guess in the early 1960s my brother Charlie and I had a little development on
1526 Meadow Road and at that time I had 45 acres. I finally set 11 acres aside for the
1527 development and back then you didn't make anything like \$1500 an acre, but before that
1528 in the 1940s I gave two acres to a friend who played on the ball team with me and got
1529 married and wanted to have a place to build a home, but for all these years, I have just
1530 reserved the 32 acres that I have left. I thought I'd pass that on to those who will come
1531 after me, but I do think it is rather ridiculous to have this 10-acre clause in this proposal.
1532 I don't know whether my son or my daughters will want to do something with that land
1533 in the future, but being as though I gave a little over two acres to a fellow, it sort of split
1534 into the property and halfway divides it. So, I'd be left with a real problem with the 10-
1535 acre proposal because even with that, there is hardly anyway I could more than three lots
1536 out of it in the future. I do think you need to give some consideration to this. I am a
1537 retired minister, 86 years old, so someone else will have to worry about this later on, but I
1538 think that all of these people, the 10-acre proposal is me rather ridiculous and you are
1539 hurting little people who own just a little piece of land. Thank you for your time.
1540
1541 Mrs. Ware - Is there anyone else?
1542
1543 Ms. Sandra Nelson - Good evening. My name is Sandra Nelson and I am partner in a
1544 parcel of land at 4271 Charles City Road. I understand when Mr. Tyson was going
1545 through his presentation that there are 9,000 A-1 parcels in Henrico County and 8,000
1546 notices went out. I was one of the 1,000 people who didn't receive a notice. I didn't
1547 learn about this until yesterday. From what I have heard from other people speaking,
1548 those who did receive notices did not receive them until the latter part of last week. I
1549 think that a few days notice isn't adequate to consider something like this. Mr. Root,
1550 what he said, referred to the fact that he wondered if the horse was out of the barn, I am
1551 wondering if the horse is before the buggy. I think that before the Commission proceeds
1552 with adopting or proposed adoption of this ordinance change that perhaps they should
1553 consider the revision of the Comprehensive Plan, from what I understand is 14 months
1554 away. Another point that I would like to make is that I wonder if the most affected area
1555 of Henrico as a result of this change is in the Varina District. And I think that one reason
1556 for the proposed change is because that Henrico allowed over development of the West
1557 End, and now they are trying to punish the East End of Richmond because they don't

1558 want to have to deal with these same issues, and what the people in Eastern Henrico are
1559 doing, they are paying for all of the over-development in the West End, because they are
1560 having to pay taxes to support more schools, more road development and everything else
1561 out there. So, because the West End is over-developed, now Henrico is looking at not
1562 allowing any development in the East End. And I don't understand that. You know, my
1563 parcel is 87 acres. My husband acquired it 32 years ago. He is disabled. It was supposed
1564 to pay for our child's college education, which it will not do nor will it do anything for
1565 our retirement if this ordinance is passed, and my request is, I really think that more time
1566 needs to go into planning and consideration, and that the Comprehensive Plan needs to be
1567 developed before any changes should be made.

1568
1569 Mr. Silber - Ms. Nelson, let me clarify one point. You noted that staff pointed
1570 out there are 9,000 parcels roughly that are zoned A-1. We sent notices to every property
1571 owner that we knew of that had A-1 zoned property. Many property owners own more
1572 than one A-1 parcel.

1573
1574 Ms. Nelson - I do, and I did not receive any notices.

1575
1576 Mr. Silber - We would like to have your name and address, and give it to Mr.
1577 Tyson. We would like to have that and anybody else that did not receive a notice, we
1578 would like to know of that.

1579
1580 Mr. Jernigan - Thank you.

1581
1582 Mr. Taylor - My name is David Taylor and live at 5151 Windsor Road in
1583 Sandston, which is (unintelligible). I own a little over 18-1/2 acres and bought it a little
1584 over 18 years ago and planned on my kids having horses and cows, whatever they want
1585 to raise. The last four years my wife has had health problems. I have talked to a
1586 developer. Everyone around me is one acre. I would like to see it left one acre. If I
1587 become disabled or without a job that has good benefits, my wife can't live off of the
1588 County. The County is not going to pay my life insurance or her hospitalization
1589 insurance, so this, and the eight years that I have had it, yes, it has become my investment
1590 to protect my wife and my welfare and my children's. I'd like to see it left to one acre.

1591
1592 Mr. Jernigan - Thank you.

1593
1594 Mrs. Ware - One more. Please come forward.

1595
1596 Mr. Cannon - My name is Russell Cannon, 9381 Osborne Turnpike. Is it my
1597 understanding that, let's say, if something is rezoned to residential then if it was acres in
1598 there, then one acre could actually have four houses? Is that correct?

1599
1600 Mrs. Ware - Depending on the residential zoning it was.

1601
1602 Mr. Cannon - And we are talking about slowing population down. I think that is
1603 an issue that should be corrected where, you know, instead of putting four houses on one,

1604 just because you have ordered sewerage there, there may be limits still where only
1605 there'd be one house per acre instead of congestion. Because otherwise you end up with
1606 all of these houses and you have all of this congestion, where if you would still limit it to
1607 one house per acre, if you have water and sewerage, now you can put four houses there.
1608 Maybe that should be an issue that should be brought up.
1609

1610 Mr. Silber - Yes, sir. We have about eight or nine different single-family
1611 zoning classifications that range in density or lot sizes, and you are correct, some of those
1612 zoning classifications might allow two or three units per acre depending on what the
1613 property is zoned to and someone comes in and asks to rezone their property, that would
1614 be considered by the County based on its Land Use Plan and what is recommended for
1615 that area. There are many areas in Varina that would never support nor would the Board
1616 support four units per acre, but there are some places in the County that, obviously, have
1617 been zoned and developed at that density.
1618

1619 Mr. Cannon - Yes, I have seen that and it actually has become a problem, just in
1620 traffic only.
1621

1622 Mr. Jernigan - Russell, before you go, actually we haven't zoned anything in
1623 Varina under R-2A in the last three and a half to four years, and that density is from one
1624 to 2.4, and most of those have been 1.8 to 2.2 to 2.3. We really haven't had any four. Is
1625 that what you are saying?
1626

1627 Mr. Cannon - Right. But something actually could happen that way. Even two
1628 per acre is still doubling everything and could become a problem again.
1629

1630 Mr. Jernigan - If it stays at one acre,
1631

1632 Mr. Cannon - Right. But you were telling people you could rezone it. Yes, if
1633 you have it, now get it rezoned. If you have seven acres, get it rezoned for residential.
1634 That is 7 times 4, and you could get four on each one, however it would work out. Let's
1635 figure it as a problem.
1636

1637 Mr. Jernigan - OK, thank you, Russell.
1638

1639 Mrs. Ware - Good evening.
1640

1641 Mr. Sullivan - I am Rick Sullivan. I have been a real estate broker for 24 years
1642 and live in Varina, 5241 Hurop Road. I sell and develop and do whatever with land out
1643 there. I own a bunch, not a bunch, but I represent a whole lot, too. My first issue with
1644 what you guys are planning to do is to decrease value to the people out here that own the
1645 land, myself included. I think on any agricultural property of any size, I think this
1646 proposal would devalue it by more than 50%, and that is based on pretty good knowledge
1647 of the real estate business. I have sold thousands of acres in Hanover and Henrico. That
1648 concerns me a lot. That is based on a 10-acre change. If you do two acres or three acres,
1649 you are still devaluing this property, and then I heard you guys talking about running

1650 water and sewer. If you look at the larger parcels of land out in Varina, where is water
1651 and sewer available to these folks that want to develop the land and sell it. So, basically
1652 what you are doing or proposing to do is cut their values to a point where it is not even
1653 worth having, but now we are selling. By the way, I am with Hometown Realty, but right
1654 now we are selling property in Varina for \$10,000 an acre, so that is good developable
1655 property with road access, not a lot of road frontage, but a lot of road access and we are
1656 up to \$10,000 an acre, which is more than it has ever been or more than we ever thought
1657 it was going to be, and I think with this proposal we are probably looking at \$3,000 per
1658 acre, and you guys are in charge of that. You are allowing this to happen to some of the
1659 landowners out here, the guys that vote for you, but probably won't vote for you. The
1660 water and sewer availability, in my opinion, is poor out there, and then you say, "Some of
1661 the folks out here don't understand." A developer cannot run water and sewer to any
1662 property they want to develop. It has to be next door to make it cost effective. And then
1663 the way Varina is set up, each parcel, or a lot of the parcels in Varina, because of the, and
1664 Robbie Nelson knows a little more about this than I do, but most of the parcels out there,
1665 we require a pump station, which is over a million dollars. I was looking at a piece for
1666 some friends of mine not long ago, and the cost of water and sewer to develop this
1667 property was over three million dollars before you got started. The profit on this
1668 subdivision, if you purchased it for the price of \$10,000 an acre, the profit would have
1669 been negative \$1,800,000, so who is responsible for this but you guys. I mean you have
1670 to look at these things and take care of the issues that you are talking about changing. I
1671 just feel like, well I know I am totally opposed to this, and I feel like anybody with two
1672 acres or more should be opposed to it, and I don't think it is doing anybody any justice by
1673 saying, "Sorry, guys, your land is worth 50% less than what it was."

1674
1675 Mr. Marshall - Mr. Sullivan, would you agree that if a proposal of this nature ended up
1676 spurring or speeding up the availability and the running of water and sewer then that
1677 would then in turn greatly increase the value of the land? And I give you an example in
1678 my district, although I grew up in Varina. The land in my district now off of Kain Road
1679 in Short Pump, where a lot of people have referred to tonight, that land at one time didn't
1680 have water and sewer, was very rural in nature, and now it is bringing \$127,000 an acre,
1681 whereas it wasn't that long ago before Short Pump, because I am not that old, but I can
1682 still remember when Broad Street was still two and then four lanes out past 64 on Broad.
1683 I can remember and I lived through that. And now with the water and sewer, the land has
1684 gone that sky high, so don't you agree that something of this nature spurs or encourages
1685 developers to run water and sewer to access the land, which will allow them to do zoning
1686 and so forth, and that will, in turn, increase the land. You have to admit that that would
1687 be a by-product if it did indeed encourage water and sewer to be run.

1688
1689 Mr. Sullivan - I agree with you 100%, but lets go back to the probability or
1690 profitability of running the water and sewer for the developer in Varina and understand
1691 the pump station situation, and who is going to fund it and pay for it? The County,
1692 unbeknown to most of these people, doesn't run any water and sewer to anything unless it
1693 is their project. And the possibility of getting credit is way below what it would cost the
1694 landowner in the heart of Varina to run water to his property. It is way, way understated.

1695 You could put in a central well system and maybe ask the County to approve that, I
1696 guess. I haven't heard that part yet. But I do agree with you in Short Pump.
1697
1698 Mr. Marshall - Not long ago Short Pump looked like Varina.
1699
1700 Mr. Sullivan - You can look at how the sewer is run in Varina and the topography
1701 of Varina is way different from Short Pump and your family owns land in Varina. Some
1702 of it is under water.
1703
1704 Mr. Marshall - And that answers the question somebody asked, did any of us have
1705 interests that would be affected by this, so the answer to that is yes.
1706
1707 Mr. Jernigan - When we went to the retreat earlier this year and they showed the
1708 buildout on Varina, we need 12 pump stations.
1709
1710 Mr. Sullivan - Is the County going to put them in?
1711
1712 Mr. Jernigan - No, but they shouldn't, because we made the developers in the
1713 West End put them in. That is the way it goes.
1714
1715 Mr. Sullivan - And I agree with you. It is a domino effect, but the dominos don't
1716 fall until the dominos next to it fall. And with water and sewer in Varina, the people who
1717 want to develop their land now are not going to have the ability to do it, but people who
1718 some folks say are older, wanting to retire. You guys are devaluing their property by
1719 over 50% by adopting this law.
1720
1721 Mr. Jernigan - Well, we haven't adopted it yet. That is the reason we are having
1722 the public hearing, to get input from the citizens. But let me tell you something, being in
1723 real estate. You know where Camp Hill is?
1724
1725 Mr. Sullivan - Absolutely, and I know what is going on at Camp Hill.
1726
1727 Mr. Jernigan - I am talking to a developer that is going to build a pump station,
1728 \$2.3 million dollars and furnish water and sewer there.
1729
1730 Mr. Sullivan - It has been talked about now, Camp Hill, for over 12 years.
1731
1732 Mr. Jernigan - No, it hasn't. Not this project. That has always been a subdivision
1733 case, but he wants to rezone it.
1734
1735 Mr. Sullivan - Camp Hill has been literally on the market for 12 years. Haven't
1736 been able to do a thing with it because of the non-availability of water and sewer.
1737
1738 Mr. Marshall - And that is what he is telling you.
1739

1740 Mr. Jernigan - That is what they are working on now, bringing water and sewer,
1741 and the pump station is 2.3 million dollars. They are talking about building that down
1742 there.
1743
1744 Mr. Sullivan - Great. Who do you think is going to pay for that? You think the
1745 developer is going to pay for it?
1746
1747 Mr. Jernigan - Yes.
1748
1749 Mr. Sullivan - These people out here that want to buy a house are going to have to
1750 eat that.
1751
1752 Mr. Jernigan - They get it back in the credits. You get it back in the credits.
1753
1754 Mr. Marshall - That increases your commission, Mr. Sullivan.
1755
1756 Mr. Jernigan - You know what the credits are.
1757
1758 Mr. Sullivan - And your closing fees. I know what the credits are, but they don't
1759 come close to recouping, and the people are paying for it, Ray. Not the credits.
1760
1761 Mr. Jernigan - Wait a minute. I sat down and worked it out because I was curious
1762 on this myself. They are talking of putting 650 homes in there, 511 of those homes...
1763
1764 Mr. Sullivan - I am sorry. What zoning are they applying for?
1765
1766 Mr. Jernigan - I haven't decided yet whether it is going to be clustering, which
1767 would be R-5AC or R-2. If he wants to cluster it up and put that in a smaller amount of
1768 space or whether he wants to do R-2 lots.
1769
1770 Mr. Sullivan - Be that as it may, and I understand that, if someone has got the
1771 pockets to do that, they can fund that thing up front and pay the interest on it, which is
1772 huge. It is huge. I know a lot about that. Let me give you another for instance. We
1773 came to a rezoning case on an agricultural piece of property and tried to get it approved
1774 through this County, all A-1, half-acre lots and we were putting in a water system.
1775 Everybody we talked to in the Planning Commission and Board of Supervisors were just
1776 delighted about it. We got up here and the people opposed it. They did what they should
1777 have done. They shot it down. Now, how many of these subdivisions, how many of
1778 these people out here who own 100 acres or 200 acres are going to come to Planning and
1779 Board of Supervisors and they are going to get shot down because the people around
1780 them and the people in here right now are opposed to subdivisions and rightly so, because
1781 they are trying to rezone something that has been agricultural. You guys are going to
1782 shoot it down when you meet opposition from the public, and it is going to be a no sale.
1783 It has happened to me. It has happened to everybody in the development business. It is
1784 going to happen in Varina over and over and over. We are going to shoot development in

1785 the foot in Varina. We are going to shoot these people in the feet, because they are not
1786 going to get their money out of the land.

1787

1788 Mr. Jernigan - Well, Rex, not everything gets turned down. If everything got
1789 passed, they would not need us. I mean you could just stamp it on through. That is the
1790 reason some get passed and some don't. Not all of them are the same criteria.

1791

1792 Mr. Sullivan - OK. On White Oak Road right now there is a piece of property,
1793 let's say, hypothetically a hundred acres. Do you think there is any chance that that
1794 property would be rezoned now, given everything that you know about it, residential.
1795 The neighborhood, first of all, would shoot it down legitimately. Therefore, based on you
1796 guys new laws that you are hoping to adopt, because I feel like we are way late in talking
1797 to you guys. I think you've already made your mind up. I hope you have not.

1798

1799 Mr. Jernigan - No. We haven't.

1800

1801 Mr. Marshall - I'd be at home, Mr. Sullivan, if I had made up my mind.

1802

1803 Mr. Sullivan - Well, I feel like that and I think a lot of people out here do feel like
1804 that and historically this County has made them feel like that. Historically, they are not
1805 wrong. But anyway, if you went to rezone something out there right now, it would get
1806 shot down, and, therefore, based on this proposal, they'd be subject to 10-acre lots. A lot
1807 right now in the White Oak Area should bring \$50,000 to \$60,000 for an acre to two
1808 acres. A 10-acre lot, I couldn't even tell you what it would bring, but probably \$70,000.
1809 Do the math. Thank you.

1810

1811 Mrs. Ware - Thank you.

1812

1813 Mr. Marshall - Why don't you just ask everybody to raise their hand that is against it?

1814

1815 Mr. Jernigan - I think you've got one more speaker.

1816

1817 Mrs. Ware - After this comment, we will close for Commission discussion.

1818

1819 Mr. Dean - Hello. My name is Spikey Dean. I live at 6621 Pickett Drive. I
1820 have lived in Elko all my life. It is a beautiful place to live and I'd like everybody to just
1821 ride through there one time. You have got one-acre lots and Mr. Felts said something. If
1822 it ain't broke, don't fix it. If you go to the West End, it is just overcrowded. I mean the
1823 East End of Henrico, one-acre lots will work. It has worked. It is beautiful down there.
1824 Leave it alone. A lot of people here have lived there. It is some of the nicest places you
1825 can live. The people there are friendly. The community is great and they are all one-acre
1826 lots. Why not leave it alone. That is all I've got to say.

1827

1828 Mrs. Ware - At this time we will close the floor and go to Commission
1829 discussion on how to proceed from here.

1830

1831 Mr. Jernigan - One thing I want to say, and most everybody out here is a Varina
1832 resident, because, let's face it, Varina has the bull's eye on it. That is the bottom line.
1833 Everybody is looking at Varina, and folks, it is coming. And I had 16 subdivision cases
1834 last month. I had six this morning, and there will probably be some more next month.
1835 Now, we didn't come in here to try to devalue anybody's property. We got everybody
1836 together because we want to hear your input because we have people complaining to us
1837 about what goes on in Varina, and I get phone calls, Mr. Donati gets phone calls. They
1838 don't like this. They don't like things growing too fast. Now, when these A-1
1839 subdivisions come in and they are one acre, they don't have to furnish any sewer and
1840 water. So, one thing that you need to decide, do you want to see Varina grow up on
1841 septic tank and wells, and that is one of the main questions. If that is what you want, then
1842 we can just leave things just like they are and let the chips fall. But remember now, when
1843 you don't have water, and that fire truck leaves a fire station going somewhere, he is
1844 going to have to take a water truck with him. It is safety and welfare for the citizens of
1845 Varina. But see, that doesn't help a fire. If you don't have hydrants, if you don't have
1846 water flow, then you have to take a water truck with you. We are here to see what you all
1847 want, but if you are telling me that you want Varina to grow up on all septic tank and
1848 wells and never have infrastructure, then that is what I want to hear.

1849
1850 Mr. Marshall - How long is it? Mr. Donati knows. How long is it before the pump truck
1851 runs dry?

1852
1853 Mrs. Ware - We have closed the comments.

1854
1855 Mr. Jernigan - Let's hear what he has got to say.

1856
1857 Mrs. Ware - I want to suggest, just a minute please. I want to suggest first that
1858 we consider deferring this issue so that you can receive the comments that we need to
1859 receive, but not in this type of forum, so that we can come back together with the
1860 information that you receive from the people who want to give you more information and
1861 more input on this issue, and then we'd have the information that we need to go forward
1862 with another...

1863
1864 Mr. Jernigan - Well, we weren't going to vote on this tonight anyway. And I
1865 knew that when we came in here. We wanted to get the input from the citizens.

1866
1867 Mr. Marshall - Mr. Jernigan, one thing I think you pointed out well, because when I was
1868 growing up, we watched a house in Battlefield Park burn down. The people had to watch
1869 it burn, because the pump truck ran out of water, and that is just a fact of life. How many
1870 minutes is it, Mr. Donati? Five minutes. Mr. Donati watched his church burn down the
1871 same way, but that is one issue he brings up, and another issue is that we deal with when
1872 we have one-acre subdivision lots is that we have no control over the square footage of
1873 the house. You can have a 900 sq. ft. house next door to a 5,000 sq. ft. house, or a trailer
1874 or a double-wide, and so one of the issues that you have to consider, not only as far as
1875 having water lines for public safety reasons, but also, when you have zoning and not just
1876 one-acre lots by right, a lot of things come with zoning, and one of those things is quality

1877 control. You can dictate what size the houses are, whether they are brick or not, and
1878 everything else. So that is something else for you all to consider that goes along with this
1879 issue.

1880

1881 Mr. Silber - Members of the Commission, I think at this point we've been here
1882 for nearly two and a half hours. I think we have heard a lot of good input. My
1883 recommendation is that you don't take action on this tonight. I think this needs further
1884 study. I would recommend that we cut off the public testimony at this time. You all can
1885 consider when you want to defer this to. I think we have heard from everyone and I think
1886 we've got some good input. We've got some good ideas to go back as an administration
1887 and put together some suggestions so that we can come back to the Commission with
1888 some ideas. We will hold another public hearing, send out another 8,000 notice letters
1889 and any others that want to be notified. But, I think at this point, we really have heard
1890 enough on this matter tonight.

1891

1892 Mr. Vanarsdall - We have. I agree with you, Mr. Secretary.

1893

1894 Mr. Jernigan - We appreciate everybody coming out.

1895

1896 Mr. Jeter - Will you be honest with us instead of a liar?

1897

1898 Mr. Vanarsdall - You don't have to come back if you don't want to.

1899

1900 Mrs. Ware - What are some dates that we could get, Mr. Silber?

1901

1902 Mr. Silber - Well, I think we prefer that this stay on the evening schedule
1903 instead of your daytime meeting, so...

1904

1905 Mr. Marshall - Hopefully we won't have any stem lots at the morning meeting next time.

1906

1907 Mr. Silber - Yes, sir. I don't think it would be smart to put it on to one of your
1908 rezoning, so I think maybe, I was looking at perhaps the November Planning
1909 Commission meeting is too soon. That would be the 17 of November. I think that is only
1910 three weeks away. I don't think that gives us enough time to get notices out and amend
1911 the ordinance, so then we are in to December. Your December POD meeting is on
1912 December 15. We could do a 7:00 p.m. on the 15th of December.

1913

1914 Mr. Marshall - That is fine. Mr. Vanarsdall wants to know if he gets dinner, though, since
1915 he missed it this time.

1916

1917 Mr. Jernigan - Madam Chairman, I will make a motion for that, that we have a
1918 second hearing on December 15 at 7:00 p.m. in the Board Room here.

1919

1920 Mr. Marshall - Second.

1921

1922 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All
1923 in favor say aye. All opposed say no. The motion passes.

1924
1925 Mr. Archer - Madam Chairman, may I make a comment before we close. We
1926 heard from, by my account, 25 speakers tonight, and we heard from some who had issues
1927 to raise that really didn't pertain to this, and I observed all of the comments, and I am
1928 really glad everybody came, because we really needed your input and I think this proves
1929 at least that this process works. This is the process, to have a public hearing so we can
1930 get input from you. We have heard everything from stopping conception to, some things
1931 I won't even mention, but you know, I think it is important for everybody to know that
1932 we have not made up our minds as to how to vote on this. This is why you are here. I
1933 don't have any idea how I want to vote on this at this point in time. I needed the
1934 information from you just like you needed the information from us. There was no prior
1935 in. We got a packet of information of what was going to be presented tonight, but this
1936 process does work, and I think you all ought to be commended for coming here to help
1937 make it work, so we are still going to try to work at it.

1938
1939 Mrs. Ware - Thank you all. Do we have a motion to adjourn?

1940
1941 Mr. Marshall - So move.

1942
1943 Mr. Jernigan - Second.

1944
1945 On a motion by Mr. Marshall and seconded by Mr. Jernigan, the Planning Commission
1946 adjourned its Public Hearing at 9:26 p.m.

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1950

Lisa D. Ware, C.P.C., Chairperson

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Randall R. Silber, Secretary

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