

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on April 11, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on March 21, 2002 and March 28, 2002.

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

14 Others Present: Randall R. Silber, Assistant Director of Planning  
15 Joe Emerson, Principal Planner  
16 Mark Bittner, County Planner  
17 Thomas M. W. Coleman, County Planner  
18 Lee Householder, County Planner  
19 Paul Gidley, County Planner  
20 Debra Ripley, Recording Secretary  
21

22 Mr. Taylor - We will proceed to begin, and I will turn the meeting over to our  
23 Director.  
24

25 Mr. Marlles - Thank you, Mr. Chairman. Good evening members of the  
26 Planning Commission. The first item on the agenda is request for withdrawals and deferrals, and  
27 those will be handled by Mr. Emerson tonight. Mr. Emerson.  
28

29 Mr. Emerson - Thank you, Mr. Secretary, and members of the Commission. Mr.  
30 Secretary and Mr. Chairman, tonight you have a request for four deferrals and one withdrawal.  
31 You only see three on your list, however, we received two later today. You also received and it is  
32 not on the list, C-62C-01, Darrell Hicks for Southside Investments, and C-58C-01, Martin J.  
33 Bannister/Luke O. Bannister, Sr.  
34

35 Mr. Vanarsdall - What page is that on, Mr. Emerson?  
36

37 Mr. Emerson - C-58C-01 is on Page 4, and C-62C-01 is on Page 2. The first  
38 deferral is C-15C-02.  
39

40 **C-15C-02 Nicholas A. Spinella & John G. Mizell, Jr. for Margaret J. and James H.**  
41 **Clifton:** Request to conditionally rezone from R-2A One Family Residence District to B-2C  
42 Business District (Conditional), Parcel 771-767-7742 (31-A-46) and part of Parcel 771-767-9566  
43 (47A), containing 5.12 acres, located at the northeast intersection of Mountain Road and Old  
44 Washington Highway (2900 and 2910 Mountain Road). A bed and breakfast facility is proposed.  
45 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land  
46 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
47 Environmental Protection Area.  
48

49 Mr. Emerson - The request for the deferral is to the May 9, 2002 meeting to  
50 enable them to hold a community meeting, if necessary.  
51

52 Mr. Taylor - Thank you, Mr. Emerson. Mr. Vanarsdall, is there a motion to  
53 defer? Is there any opposition to deferral?

54  
55 Mr. Vanarsdall - Mr. Chairman, I move that Case C-15C-02 be deferred until May  
56 9 at the applicant's request.

57  
58 Mr. Jernigan - Second.

59  
60 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to  
61 defer Case C-15C-02 to May 9, 2002. All in favor say aye. All opposed say no. The ayes have it.  
62 The motion carries.

63  
64 At the request of the applicant, the Planning Commission deferred Case C-15C-02, Nicholas A.  
65 Spinella and John G. Mizell, Jr. for Margaret J. and James H. Clifton, to its meeting on May 9,  
66 2002.

67  
68 **P-4-02 Nicholas A. Spinella & John G. Mizell, Jr. for Margaret J. and James H.**  
69 **Clifton:** Request for a provisional use permit under Sections 24-58.2 (d) and 24-122.1 of  
70 Chapter 24 of the County Code in order to use tents for outdoor dining in conjunction with  
71 weddings and receptions at a bed and breakfast facility, on Parcel 771-767-7742 (31-A-46) and  
72 part of Parcel 771-767-9566 (47A), containing 5.12 acres, located at the northeast intersection of  
73 Mountain Road and Old Washington Highway (2900 and 2910 Mountain Road). The existing  
74 zoning is R-2A. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
75 density per acre, and Environmental Protection Area.

76  
77 Mr. Emerson - The next deferral on your agenda is a sister case, a Provisional  
78 Use Permit for Margaret J. and James H. Clifton, enabling them to place tents along with their  
79 bed and breakfast and some other accessory uses. The request for deferral is also to the May 9,  
80 2002 meeting.

81  
82 Mr. Taylor - Thank you, Mr. Emerson. Is there any opposition to deferral of  
83 P-4-02 to May 9, 2002?

84  
85 Mr. Vanarsdall - I move that Case P-4-02 be deferred to May 9 at the applicant's  
86 request.

87  
88 Mr. Jernigan - Second.

89  
90 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to  
91 defer P-4-02 to May 9. All in favor say aye. All opposed say no. The motion passes.

92  
93 At the request of the applicant, the Planning Commission deferred Case P-4-02, Nicholas A.  
94 Spinella and John G. Mizell, Jr. for Margaret J. and James H. Clifton, to its meeting on May 9,  
95 2002.

96  
97 **Deferred from the January 10, 2002 Meeting:**  
98 **C-62C-01 Darrell Hicks for Southside Investments:** Request to amend proffered  
99 conditions accepted with rezoning case C-129C-88, on Parcel 809-730-0626 (129-A-59),  
100 containing 6.13 acres, located at 1301 N. Laburnum Avenue at the northeast intersection of N.  
101 Laburnum Avenue and Creighton Road. The property is zoned B-3C, Business District  
102 (Conditional) and O-2C, Office District (Conditional). The amendment is related to building  
103 materials, building design, and permitted uses. The Land Use Plan recommends Office. The site  
104 is also in the Airport Safety Overlay District.

105

106 Mr. Emerson - This is one of the deferrals that was received late. Excuse me. It  
107 is a withdrawal. The applicant has requested it to be withdrawn. The project was the  
108 amendment of proffers from the original rezoning. The location is on the corner of North  
109 Laburnum Avenue and Creighton Road, and the request is to withdraw.

110  
111 Mr. Archer - No action necessary, Mr. Chairman?

112  
113 Mr. Marlles - No action is necessary.

114  
115 The Planning Commission withdrew Case C-62C-01 from its agenda.

116  
117 **Deferred from the March 14, 2002 Meeting:**

118 **P-21-01 Sprint PCS:** Request for a provisional use permit under Sections 24-95(a) and  
119 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 135'  
120 communication tower and related equipment on part of Parcel 753-740-8228 (100-A-65) (8611  
121 Henrico Avenue), containing 851 square feet, located at the southeast intersection of Henrico  
122 Avenue and Ridge Road. The existing zoning is R-3 One Family Residence District. The Land Use  
123 Plan recommends Government.

124  
125 Mr. Emerson - This case was deferred last month and again has been  
126 requested to be deferred. The request is to defer until May 9, 2002.

127  
128 Mr. Taylor - Any opposition to the deferral of P-21-01? No opposition.

129  
130 Ms. Ware - I would like to defer Case P-21-01 to the May 9, 2002 meeting,  
131 at the applicant's request.

132  
133 Mr. Vanarsdall - Second.

134  
135 Mr. Taylor - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All  
136 in favor say aye. All opposed say no. The motion passes.

137  
138 At the request of the applicant, the Planning Commission deferred Case P-21-01, Sprint PCS, to  
139 its meeting on May 9, 2002.

140  
141 **Deferred from February 14, 2002 Meeting:**

142 **C-58C-01 Andrew M. Condlin for Martin J. Bannister/Luke O. Bannister, Sr.:**  
143 Request to amend proffered conditions accepted with rezoning case C-74C-98, on part of Parcel  
144 805-725-9880 (140-A-45), containing approximately 7.77 acres, located on the east line of  
145 Creighton Road approximately 1,600 feet northeast of Caddie Lane. The amendment is related  
146 to Proffer 9, home frontage on Creighton Road and landscape buffers. The Land Use Plan  
147 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental  
148 Protection Area. Part of the site is also in the Airport Safety Overlay District.

149  
150 Mr. Emerson - The request is to defer to the June 13, 2002 meeting.

151  
152 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
153 of Case C-58C-01 to June 13? No opposition.

154  
155 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-58C-01 to the  
156 June 13, 2002 meeting, at the request of the applicant.

157  
158 Mr. Vanarsdall - Second.

159  
160 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
161 All in favor say aye. All opposed say no. The motion passes.  
162  
163 At the applicant's request, Case C-58C-01, Andrew M. Condlin for Martin J. Bannister/Luke O.  
164 Bannister, Sr., was deferred to June 13, 2002.  
165  
166 Mr. Marlles - Mr. Chairman, the next item on the agenda are the requests on  
167 the Expedited Agenda, and for the benefit of the citizens, items or cases that are on the  
168 Expedited Agenda are cases for which there is no known opposition, no staff issues, or no issues  
169 from the Planning Commission. So, unless there is citizen opposition, they will be approved. Go  
170 ahead and proceed, Mr. Emerson.  
171  
172 Mr. Emerson - Mr. Secretary and Mr. Chairman, the first case that requested  
173 expedited is on Page 1 of your Agenda, Case C-59C-01.  
174  
175 **Deferred from the March 14, 2002 Meeting:**  
176 **C-59C-01 James W. Theobald for Michael D. Sifen, Inc.:** Request to conditionally  
177 rezone from R-3 One Family Residence District and M-1 Light Industrial District to M-1C Light  
178 Industrial District (Conditional), Parcel 770-756-2492 (61-A-68), containing 5.422 acres, located  
179 on the east line of Old Staples Mill Road approximately 450 feet north of Staples Mill Road (U. S.  
180 Route 33). A self-service storage and mini warehouse facility is proposed. The use will be  
181 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
182 recommends Light Industry.  
183  
184 Mr. Taylor - Is there anybody opposed to hearing C-59C-01 on the Expedited  
185 Agenda? Nobody opposed. Is there a motion, Mr. Vanarsdall?  
186  
187 Mr. Vanarsdall - I move that Case C-59C-01 be recommended to the Board of  
188 Supervisors for approval.  
189  
190 Mr. Jernigan - Second.  
191  
192 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan.  
193 All in favor say aye. All opposed say no. The motion passes.  
194  
195 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
196 Supervisors **grant** the request because it is appropriate industrial zoning in this area and the  
197 proffered conditions would provide for a higher quality of development than would otherwise be  
198 possible.  
199  
200 **C-18C-02 Michael E. Doczi for Roy B. Amason:** Request to conditionally rezone from R-  
201 6C General Residence District (Conditional) to R-5AC General Residence District (Conditional),  
202 Parcel 790-764-6385 (44-A-1), containing 8.416 acres, located on the north line of Virginia  
203 Center Parkway approximately 600 feet north of its eastern terminus. A zero lot line residential  
204 development is proposed. The applicant proposes a maximum of 28 units. The use will be  
205 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
206 recommends Office and Environmental Protection Area.  
207  
208 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-18C-  
209 02 on the Expedited Agenda? No opposition.  
210

211 Mr. Archer - Mr. Chairman, I move approval of recommendation of Case C-  
212 18C-02 to the Board.

213  
214 Mr. Vanarsdall - Second.  
215

216 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All  
217 in favor say aye. All opposed say no. The motion passes.

218  
219 The Planning Commission approved recommendation of approval of C-18C-02, Michael E. Doczi  
220 for Roy B. Amason, to the Board of Supervisors.

221  
222 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
223 Supervisors **grant** the request because it is reasonable and it represents a logical continuation of  
224 the one-family residential development which exists in the area. Furthermore, it would allow for  
225 the completion of the Crosspoint at Virginia Center development in a way that would not  
226 adversely affect the adjoining area if properly developed as proposed.

227  
228 Mr. Emerson - Mr. Chairman, the next item on the Expedited Agenda is on the  
229 top of Page 3.

230  
231 **C-19-02 County School Board of Henrico:** Request to conditionally rezone from R-3C  
232 One Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 749-775-  
233 5321 (11-A-5), containing approximately 6.1 acres, located along the Chickahominy River and  
234 Northwest Elementary School #7 north of Holman Ridge Road. A conservation area is proposed.  
235 The Land Use Plan recommends Environmental Protection Area.

236  
237 Mr. Taylor - Thank you, Mr. Emerson. Is there anybody in the audience who  
238 is opposed to hearing Case C-19-02 on the Expedited Agenda? No opposition. I move approval  
239 of Case C-19-02, County School Board of Henrico, on the Expedited Agenda.

240  
241 Mr. Vanarsdall - Second.  
242

243 Mr. Taylor - Motion made by Taylor and seconded by Mr. Vanarsdall. All in  
244 favor say aye. All opposed say no. The motion passes.

245  
246 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
247 Supervisors **grant** the request because it conforms to the recommendations of the Land Use Plan  
248 and fulfills the established proffered conditions governing the property.

249  
250 **P-20-01 Sprint PCS:** Request for a provisional use permit under Sections 24-95(a) and  
251 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 150 foot  
252 telecommunications tower and related equipment on part of Parcel 739-760-8865 (46-A-19A),  
253 containing 1,200 square feet, located on the east side of Pump Road behind center field in Short  
254 Pump Park. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open  
255 Space/Recreation.

256  
257 Mr. Taylor - Is there anyone who is opposed to Case P-20-01, Sprint PCS,  
258 being placed on the Expedited Agenda? No opposition. I will move approval on the Expedited  
259 Agenda of Case P-20-01, Sprint PCS.

260  
261 Mr. Vanarsdall - Second.  
262

263 Mr. Taylor - Motion made by Taylor and seconded by Mr. Vanarsdall. All in  
264 favor say aye. All opposed say no. The motion is approved.

265  
266 The Planning Commission approved recommendation for approval to the Board of Supervisors for  
267 P-20-01, Sprint PCS.

268  
269 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
270 Supervisors grant the request because the proposed tower at this location is an adequate  
271 distance from the closest residential area and will not be greatly visible from any residential  
272 areas.

273  
274 **P-6-02 VoiceStream Wireless:** Request for a provisional use permit under Sections 24-95(a)  
275 and 24-122.1 of Chapter 24 of the County Code in order to add an antenna to extend an existing  
276 telecommunications tower from 147 feet to 157 feet with related equipment, on part of Parcel  
277 736-742-4060 (88-A-34), containing approximately 300 square feet, located on the north side of  
278 Patterson Avenue approximately 350 feet west of Westbriar Drive at the rear of Merchants  
279 Square Shopping Center. The existing zoning is B-1 Business District. The Land Use Plan  
280 recommends Environmental Protection Area.

281  
282 Mr. Taylor - Is there anyone in the audience who is opposed to hearing P-6-  
283 02 on the Expedited Agenda? No opposition. Commissioner Ware.

284  
285 Ms. Ware - OK. With that, I recommend approval to the Board P-6-02,  
286 VoiceStream Wireless, on the Expedited Agenda.

287  
288 Mr. Vanarsdall - Second.

289  
290 Mr. Taylor - Motion by Ms. Ware and seconded by Mr. Vanarsdall. All in  
291 favor say aye. The motion passes.

292  
293 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
294 Supervisors grant the request because it would not be expected to adversely affect public  
295 safety, health, or general welfare.

296  
297 Mr. Emerson - That completes the Expedited Agenda.

298  
299 Mr. Taylor - Thank you, Mr. Emerson.

300  
301 Mr. Marlles - The first case on the regular agenda is on top of Page 2.

302  
303 **C-17C-02 Youngblood, Tyler & Associates for Jeffrey W. Soden:** Request to  
304 conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District  
305 (Conditional), part of Parcel 764-766-5496 (30-A-60), containing 3.538 acres, (the rear portion of  
306 10520 Courtney Road along the northwest line of the Dominion Virginia Power easement) located  
307 on the north side of the Glen Allen Library and the south side of property recently rezoned in  
308 Meadow Farms (C-71C-01). A single family residential subdivision is proposed. The R-2 District  
309 allows a minimum lot size of 18,000 square feet. The use will be controlled by proffered  
310 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban  
311 Residential 1, 1.0 to 2.4 units net density per acre.

312  
313 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

314

315 Mr. Taylor - Is there anyone opposed to Case C-17C-02 in the audience. No  
316 opposition. Mr. Bittner.  
317  
318 Mr. Bittner - Thank you, Mr. Taylor. This request would rezone 3.538 acres  
319 from A-1 to R-2C for the development of single-family homes in the Meadow Farms subdivision.  
320 The proposed site is along the north line of the Glen Allen Library and is also adjacent to another  
321 site recently rezoned in the Meadow Farms Subdivision (C-71C-01).  
322  
323 The requested R-2 zoning is compatible with surrounding property and is consistent with the  
324 Suburban Residential 1 designation of this site.  
325  
326 The proffers submitted with this request are consistent with the previous Meadow Farms proffers.  
327 Since the printing of the staff report, the applicant has revised the proffers to state that this  
328 property will be part of Meadow Farms and will be subject to its covenants and common area  
329 responsibilities. This same proffer is part of C-71C-01.  
330  
331 This new proffer was received yesterday, therefore the time limit would need to be waived to  
332 accept it.  
333  
334 With the addition of the new proffer, staff can recommend approval of this request. Staff also  
335 suggests that the applicant consider, at the time of subdivision review, providing a pedestrian  
336 access to the adjacent Glen Allen Library. I would be happy to answer any questions you may  
337 have.  
338  
339 Mr. Vanarsdall - I think you had mentioned that to the applicant before, hadn't  
340 you, Mark?  
341  
342 Mr. Bittner - Yes, we have.  
343  
344 Mr. Vanarsdall - And they were responsive to that?  
345  
346 Mr. Bittner - Yes, they were.  
347  
348 Mr. Vanarsdall - Thank you. I don't have any questions if anyone else does not. I  
349 don't need to talk to the applicant.  
350  
351 Mr. Jernigan - I think you pretty well worked it out.  
352  
353 Mr. Taylor - Any other comments?  
354  
355 Mr. Vanarsdall - I know that the applicant does like to come to the mic and talk,  
356 but we don't have a lot of time this evening. First of all, we have to waive the time limits, Mr.  
357 Chairman.  
358  
359 Mr. Taylor - Yes, sir.  
360  
361 Mr. Vanarsdall - I move that we waive the time limit on Case C-17C-02.  
362  
363 Mr. Jernigan - Second.  
364  
365 Mr. Taylor - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan to waive  
366 the time limit on Case C-17C-02. All in favor say aye. All opposed say no. The motion passes.  
367

368 The Planning Commission voted to waive the time limits on Case C-17C-02, Youngblood, Tyler  
369 and Associates for Jeffrey W. Soden.

370  
371 Mr. Vanarsdall - I move that Case C-17C-02 be recommended to the Board of  
372 Supervisors for approval.

373  
374 Mr. Archer - Second.

375  
376 Mr. Taylor - Motion by Mr. Vanarsdall and seconded by Mr. Archer. All in  
377 favor say aye. All opposed say no. The motion passes.

378  
379 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
380 Supervisors **grant** the request because it represents a logical continuation of the one-family  
381 residential development which exists in the area, and it conforms to the recommendations of the  
382 Land Use Plan.

383  
384 **Deferred from the March 14, 2002 Meeting:**

385 **C-8C-02 Foster & Miller for Virginia Classic Homes:** Request to conditionally rezone  
386 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 753-  
387 756-8642 (58-A-25), containing approximately 8.4 acres, located on the east line of Pemberton  
388 Road approximately 300 feet south of its intersection with Mayland Drive. Residential  
389 townhouses are proposed. The applicant proffers to develop no more than 62 units on the  
390 property. The use will be controlled by proffered conditions and zoning ordinance regulations.  
391 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

392  
393 Mr. Marlles - The staff report will be given by Mr. Bittner.

394  
395 Mr. Taylor - Is there anybody in the audience who is opposed to Case C-8C-  
396 02, Foster and Miller for Virginia Classic Homes? Lots of opposition. What we will do is go ahead  
397 and you give us the staff report, and we will go from there.

398  
399 Mr. Bittner - Thank you, Mr. Taylor.

400  
401 This property is partly wooded and fronts on the eastern side of Pemberton Road. It is also  
402 adjacent to the southern line of the future Bartley Pond Townhomes recently approved under C-  
403 49C-01.

404  
405 Some neighboring property owners have expressed their opposition to townhouse development  
406 on this property and would prefer single-family development.

407  
408 The current proffers are significantly different from the proffers originally submitted with this  
409 proposal.

410  
411 The proffers now limit the total number of units to 57, which results in a density of 6.8 units per  
412 acre. This is above the recommended Suburban Residential 2 density range but below the 7.5  
413 density approved for Bartley Pond development.

414  
415 Staff feels townhouse development could be acceptable on this property because a density lower  
416 than Bartley Pond has been established. This creates a transition between this property and  
417 single-family development to the south.

418  
419 The applicant has also submitted and proffered a revised conceptual layout plan for this property.  
420 And that is shown right here (referring to slide). There would be an entrance from Pemberton



421 Road and driveway connections are proposed to Bartley Pond. There would also be a 25-foot  
422 landscape buffer along Pemberton Road similar to Bartley Pond.

423  
424 This plan is laid out in a less linear fashion than the original plan. Staff finds this latest layout to  
425 be acceptable.

426  
427 A proffered building elevation shows a townhouse design with Colonial-style elements and that is  
428 shown here (referring to rendering). The proffers have also been revised to state that various  
429 design elements will be incorporated to provide variety amongst individual dwelling units.

430  
431 These elements could include brick accents, varying colors of brick, varying colors of siding,  
432 varying window designs, and varying doorway designs. Staff finds this latest proffer to be  
433 acceptable.

434  
435 The latest proffers also address the remaining issues raised in previous staff reports.

436  
437 Staff recommends approval of this application. I would be happy to answer any questions you  
438 may have.

439  
440 Mr. Taylor - Are there any questions from the Commission? Mr. Bittner,  
441 when you and I met with the neighborhood group at Tuckahoe Library we discussed basically  
442 with the residents adjacent five areas; the issue of whether townhouses would be an acceptable  
443 fit in that area, the density of those townhouses, the impact on schools, the impact on the road  
444 system, transportation and traffic, and drainage. Do you have any comments on those five  
445 issues that we have shown by our discussion or our research that might be relevant to tonight's  
446 discussion for the Commission?

447  
448 Mr. Bittner - I don't believe I have anything significant to add, other than I  
449 will just reiterate given the adjacent townhouse development, not only in Bartley Pond, but in  
450 other areas around here as well, given the fact that they have lowered the original density, we  
451 feel that this is an acceptable proposal. They have also come in with some new design elements,  
452 which they plan to incorporate. Again, I would just like to reiterate that staff is recommending  
453 approval of this application.

454  
455 Mr. Taylor - OK. Thank you. How about the density issue?

456  
457 Mr. Bittner - They have lowered the density from what they originally  
458 proposed to create that transition down in density from Bartley Pond in the north to the single-  
459 family neighborhoods to the south.

460  
461 Mr. Jernigan - And the density is 6.8?

462  
463 Mr. Bittner - Yes, 6.8.

464  
465 Mr. Taylor - The layout, would you please scroll back to the layout that we  
466 had? Pemberton Road was an issue with the neighbors in terms of the volume. I understand  
467 that staff has studied that traffic.

468  
469 Mr. Bittner - I have discussed the traffic situation with our Traffic Engineers.  
470 As you are aware, Mayland Drive to the north is being extended through from where it now is  
471 behind Culpeper Farms Apartments to Pemberton Road. There will also be a light and turn lanes  
472 installed at the intersection of Mayland and Pemberton. Our Traffic Engineers have told me that  
473 the planned road system can handle the traffic that is generated by this development.

474  
475 Mr. Taylor - Thank you. Another issue was the issue on the schools in the  
476 area. Do we have any conclusive study on the impact on the schools?  
477  
478 Mr. Bittner - All we have are the statements from the School Board that are in  
479 the staff report, and again, they have not raised any alarming points. They have simply given us  
480 the student generation numbers. They have said that elementary and high schools can  
481 accommodate the students from this request, and that is all I see from their comments.  
482  
483 Mr. Taylor - The last issue was drainage and I believe the drainage was  
484 reported by Mr. Herndon as a deluge some years ago, I understand, and my concern on the  
485 drainage is ameliorated somewhat. I have looked over there and I understand that was an old  
486 case and the drainage since that incident has been resolved. Is that pretty much to your  
487 understanding?  
488  
489 Mr. Bittner - Well, I don't know if I would use the term resolved, because no  
490 drainage plan has been presented to us. I have spoken with our drainage engineers about the  
491 situation. They feel that an engineering solution to any drainage problem that may be there can  
492 be found, and also I will just reiterate the process of development in Henrico is, after the zoning  
493 stage, comes the subdivision stage, which would require submission of detailed engineering plans  
494 for drainage, sewer, water, roads, etc. The law in the County is that whatever the drainage  
495 situation is on adjacent property today, that situation cannot be made any worse by  
496 development. Again, that is the law. It is enforced by the County and we can't foresee every  
497 variable that might go into a drainage situation, but if there is a problem down the road, there is  
498 a mechanism to address it. But, again, drainage cannot be made any worse on adjacent  
499 property after development takes place.  
500  
501 Mr. Taylor - Thank you. The other issue that I had there was with regard to  
502 the adjacent Bartley Pond development somewhat to the north, and on this particular drawing  
503 you have a road that is drawn in and meets with a road called the proposed Bartley Pond  
504 Townhouses adjacent to that road.  
505  
506 Mr. Bittner - Right.  
507  
508 Mr. Taylor - Would you please describe what the future of that connection is?  
509  
510 Mr. Bittner - That is still being worked out between this prospective developer  
511 and the developers of Bartley Pond. The whole meaning of it is to allow anyone who is a  
512 resident in this particular neighborhood to be able to go to Mayland Drive, if they choose, without  
513 having to get out onto Pemberton, to help with traffic dispersal, to help with flow, overall  
514 numbers on Pemberton and Mayland. We think that is critical and we are very much in favor and  
515 the applicant tonight is also in favor of that connection.  
516  
517 Mr. Taylor - At such time that we get to it and the Bartley Pond is finished,  
518 and...  
519  
520 Mr. Bittner - The details need to be worked out with Bartley Pond. They are  
521 being worked out as we speak, it is my understanding. It is possible that the connection may  
522 take a different form from what you see on here, but every effort is being made to provide that  
523 connection.  
524  
525 Mr. Taylor - Looking ahead somewhat, in terms of development along  
526 Pemberton from Mayland, what do you see along Mayland beyond this project? Can you see that

527 townhouses, other areas to the south would be amenable for townhouses based on the fact that  
528 some of those owners might want to collaborate and rezone their property?

529

530 Mr. Bittner - This is the County's Comprehensive Plan for this area. Bartley  
531 Pond is here (referring to rendering). This is the case that we are discussing tonight (referring to  
532 rendering). This is property further south. Could more town homes come into this area? It is  
533 possible, I suppose. It would depend on many factors and we would have to examine it, just like  
534 we examined the last two cases that came in. But again, this is an area that has developed with  
535 some higher density type residential development and more may not necessarily be out of  
536 character with that.

537

538 Mr. Taylor - When Andover is completed, will that add dramatically or  
539 substantially to the traffic on Meadow View Road?

540

541 Mr. Bittner - It will add traffic to Meadowview Road. There is no doubt about  
542 that. That will be at least, initially, the only way to get to Andover Hills until Mayland Drive is  
543 completed. Whether it is significant or not, that is up to someone else's opinion, I suppose, but  
544 again our traffic engineers have assured us that the traffic could be handled by the road system.

545

546 Mr. Taylor - All right. Any other questions for Mr. Bittner?

547

548 Mr. Marlles - Mr. Chairman, could I clarify one of the responses that Mr.  
549 Bittner gave on your question regarding the schools. Mr. Bittner, on Page 5 of the staff report,  
550 the paragraph following the numbers that were provided by the school administration does  
551 indicate that the elementary and high school are at capacity. It does indicate that a new high  
552 school will be coming on line soon that will certainly take care of the children that are over  
553 capacity currently in the existing high school, but I did want to clarify that for the Chairman, that  
554 there was some additional information there beyond just the numbers that were presented.

555

556 Mr. Bittner - I think I misread that when I was stating that.

557

558 Mr. Taylor - There was some concern about the capacity at Davis, I thought,  
559 too, or has that been ameliorated?

560

561 Mr. Marlles - It is slightly over capacity, Mr. Chairman. And those types of  
562 fluctuations do occur and normally I will say that the school administration does accommodate  
563 this type of number with their facilities. I would not say that it is greatly over capacity, but I  
564 wanted to make sure that you had the correct information.

565

566 Mr. Taylor - Thank you, Mr. Marlles. Are there any other questions from the  
567 Commission. Thank you, Mr. Bittner. I guess at this point we will hear from the opposition.

568

569 Mr. Bittner - The applicant, I think.

570

571 Mr. Taylor - Where is the applicant?

572

573 Mr. Marlles - Mr. Chairman, while the applicant is coming down, it probably  
574 would be good for me to review the policy of the Commission when there is opposition to a case,  
575 if you'd like me to do that.

576

577 Mr. Taylor - Yes, sir. Please do.

578

579 Mr. Marlles - Ladies and gentlemen, for the benefit of the applicant, although  
580 I think he knows this policy, when there is opposition to a case before the Planning Commission,  
581 it is the policy of the Commission to allot 10 minutes for the applicant to present his case and a  
582 total of 10 minutes for the opposition to present their concerns. That 10 minutes does not  
583 include responding to questions from the Commission. The applicant is usually advised to  
584 reserve some time for rebuttal and he is permitted to do that. The opposition, to make the best  
585 use of that time, it usually is beneficial to have a spokesperson or several spokespersons speak  
586 to try to present the views of the group, although that is not required, but sir, would you like to  
587 reserve some time for rebuttal?

588  
589 Mr. Mistr - Three minutes, please.

590  
591 Mr. Taylor - While we are talking about that, for the opposition, would those  
592 people who are, how many people are going to speak? Please raise your hands. Mr. Herndon?  
593 Five? So, you recognize that there is 10 minutes total that you can share. Mr. Herndon.

594  
595 Mr. Herndon - With the amount of opposition, there is no way on this earth  
596 that we can express our concerns in 10 minutes time. It is just not possible. We request  
597 additional time to be heard.

598  
599 Mr. Marlles - Mr. Chairman, it is up to the Commission. The Commission can  
600 grant additional time, although I would suggest that perhaps we try to proceed and then see if  
601 additional time is necessary. That 10 minutes usually does stretch. In most cases, the 10  
602 minutes is sufficient, but the Commission can certainly consider granting additional time.

603  
604 Mr. Herndon - Thank you, sir.

605  
606 Mr. Taylor - Thank you, Mr. Secretary, and we are running ahead, so I think  
607 what we will do is just see how far we get and play it as we go. Is that acceptable, Mr.  
608 Herndon?

609  
610 Mr. Herndon - Yes, sir. Thank you. All right.

611  
612 Mr. Mistr - Members of the Commission, Mr. Marlles, I am Spud Mistr at  
613 Foster and Miller, representing the applicant. Since the last Planning Commission meeting when  
614 this case was deferred, the developer has met with the citizens and I believe most of the people  
615 who are here were a part of that meeting. He has met with the staff and I believe, Mr. Taylor,  
616 again, and discussed these issues. We have submitted a revised layout more in concert with  
617 what the staff had recommended by having a curvy road to avoid the straight line and  
618 appearance of a barracks-style layout. We have proffered Colonial-style architecture with 60%  
619 brick on the fronts of the buildings and brick on the sides of the buildings that face either a public  
620 road or internal private driveways. Several other features were proffered with respect to the  
621 architectural treatment of the buildings, and the appearance of the building has been proffered,  
622 also, with the plan that was submitted to the staff. The units will have a minimum of 1,400  
623 square feet. They will have sound suppression of up to 55, the sound suppression coefficient,  
624 and we will provide interior sidewalks within the project. The developer has agreed to 25-foot  
625 landscape buffers along Pemberton Road with no building closer than 75 feet to the ultimate  
626 right of way of Pemberton Road.

627  
628 With respect to the traffic, the Traffic Engineer has estimated this would generate up to 434  
629 vehicle trips a day, which is a number of vehicles, but it is not substantial compared to the traffic  
630 on the road. We fully intend when Bartley Pond is developed to have access through Bartley  
631 Pond to Mayland Drive upon completion of the tie-in of Mayland Drive to Pemberton Road, which

632 would alleviate a substantial amount of traffic from Pemberton Road, and in all likelihood result in  
633 most of the traffic from this development going to Mayland Drive rather than Pemberton Road.  
634 We did reduce the number of units to 57, a maximum of 57, which is 6.8 units per acre, and as  
635 has been stated by Mr. Bittner is less than the density of Bartley Pond. When the plan of  
636 development has been submitted and the construction plans, we will address the drainage  
637 concerns and provide 50-10 detention, which will mean the release rate from surface runoff from  
638 this development cannot exceed the 10-year pre-developed storm, which is the existing condition  
639 today.

640  
641 With that, I would respectfully request that the Commission recommend this project for approval  
642 to the Board of Supervisors. I will answer any questions if you have them.  
643

644 Mr. Taylor - Are there any questions for Mr. Mistr? Thank you. I think we  
645 can stop here and reserve what time we have left for Mr. Mistr's rebuttal. Now we will proceed  
646 with the discussion with the opposition, and I guess, Mr. Herndon, do you have any preference  
647 that you want to discuss this, sir?  
648

649 Mr. Herndon - No, sir.  
650

651 Mr. Marles - Sir, would you give your name and address for the record.  
652

653 Mr. Horace Herndon - Mr. Chairman and members of the Planning Commission, my  
654 name is Horace Herndon. I am here tonight to speak on behalf of the Homeowners of the  
655 Pemberton Road area, which includes Andover Hills subdivision, which my wife and I reside in.  
656 We have lived at this location for the past 38 years and have seen this area turn from a quiet  
657 Country-type of living to an area that is threatening to our very existence as far as noise, traffic,  
658 flooding and the value of our home. I think that the turnover at the last meeting, that you, Mr.  
659 Taylor and the builders attended show that the residents of the area do not want these  
660 townhouses because of the additional traffic on Pemberton Road and how close they will be to  
661 our private homes. Several of the homes will have the backyards of the townhouses touching  
662 their backyards, with the townhouse buildings being located only 50 feet from the backyard of  
663 the private-owned homes. I am not speaking of one townhouse building, but a row of 8 to 10  
664 townhouses across the backyard of private residents. The builder has said that he would put up  
665 a six-foot fence across the back of the property. The problem with that is these are two-story  
666 townhouses and a six-foot fence will not provide any privacy to the homeowners. The 8.4 acres  
667 that is in question is now zoned A-1, which is Agricultural, and Andover Hills Subdivision is zoned  
668 R-2, which is single-family housing, with 18,000 sq. ft. of floor space or larger. We are  
669 completely skipping over R-3, which would be single-family houses, with 11,000 sq. ft. of floor  
670 space and also skipping over R-4AC, which would be single-family homes with only 750 sq. ft. of  
671 floor space. We are trying to go all the way to RTHC, which would allow townhouses.  
672

673 Mr. Chairman, we now have single-family housing on the west side of Pemberton Road, single-  
674 family housing on the east side of our subdivision, with the Land Use Plan calling for this land to  
675 remain agricultural and single-family housing. We purchased our property with this in mind, have  
676 paid our real estate taxes all these years with the expectation that Henrico County would protect  
677 this residence and live up to the Land Use Plan. Now, we are literally having the townhouse  
678 project pushed right into our yards, with no consideration to the homeowners. Mr. Chairman,  
679 and members of the Planning Commission, to approve the rezoning of this land for townhouses is  
680 just not the right thing to do to the homeowners of this area. It would be an injustice to every  
681 homeowner in the area.  
682

683 Tonight I am not going into the additional stress on the County as to the schools, Police  
684 Department, rescue or the Fire Department. However, I will briefly address the traffic problem

685 that we already have and you can only imagine the additional traffic that this project would  
686 create along with additional flooding to our subdivision, which, by the way, has not been  
687 corrected. Pemberton Road is a narrow two-lane road with virtually no shoulders and a steady  
688 flow of traffic. The section in question is and has been for some time a serious traffic hazard, a  
689 fact evident by the alarming increase of numbers of automobile accidents. Pemberton Road is  
690 only maintained by the State of Virginia. No plans for widening Pemberton Road are anticipated  
691 for at least six years, if then. The area of Pemberton Road that bridges Interstate 64 is a  
692 bottleneck. There are no plans to widen this bridge in the foreseeable future, due to the  
693 monumental expense such an undertaking would entail. During rush hour, it is not unusual for  
694 traffic to be backed up on Pemberton from Three Chopt Road to the northern end of the bridge,  
695 and further, when accidents occur on or near the bridge, which they do frequently, blocking both  
696 lanes, traffic often is backed up past Mayland almost to Broad Street. In some instances,  
697 residents can be within yards of their home but cannot reach them because of the accidents.  
698 The intersection of Pemberton and Three Chopt is adversely effected by a high volume of traffic  
699 on Pemberton Road, as in the area of Pemberton just south of Broad Street between West Park  
700 Shopping Center and the North Carolina Furniture Company and an Exxon Station. The latter is  
701 another bottleneck site for frequent accidents that can block Pemberton Road. As determined by  
702 the Virginia Department of Highways, the maximum amount of traffic, that Pemberton Road can  
703 handle safely, it is approximately 8,000 vehicles per day. According to Henrico County Planning  
704 for the project, the Highway Department's latest estimate of average number of vehicles  
705 traveling Pemberton Road on any given day is approximately 15,000 automobiles, almost double  
706 the recommended safe number. The already began Bartley Pond project will add much  
707 additional traffic to Pemberton Road. The proposed townhouse project has no actual plans for  
708 nor guarantee of access to Mayland Drive. This being the case, and a land for the average of 4  
709 vehicles per household, per day, another 434 vehicles would enter or exit Pemberton Road,  
710 raising the total daily volume to over 16,000 vehicles or more, on a poorly equipped road that is  
711 not built for safety. To allow this to happen would be a serious disservice to residents of the  
712 area and to other drivers who frequently travel Pemberton Road. I thank you and I will be happy  
713 to answer any questions that you might have.

714  
715 Mr. Taylor - Are there any questions from the Commission?  
716

717 Mr. Jernigan - Mr. Herndon, when you were speaking of R-4AC, you realize  
718 those could be 65 ft. lots that are zero lot lines, and most of those houses would be two-story,  
719 too, as this is. When you were speaking of privacy, these are two-story townhouses.  
720

721 Mr. Herndon - Yes, sir.  
722

723 Mr. Jernigan - These are two-story townhouses and most houses that would go  
724 on there would be two-story, so you would have the same situation there.  
725

726 Mr. Herndon - I understand, but however you wouldn't have them within 50  
727 feet of the back yard of somebody else's home, I wouldn't think.  
728

729 Mr. Jernigan - Well, I heard the figure 75 feet.  
730

731 Mr. Herndon - No, sir.  
732

733 Mr. Jernigan - Mr. Bittner.  
734

735 Mr. Bittner - There is a proffered setback of 75 feet from Pemberton Road for  
736 any townhouse unit.  
737

738 Mr. Jernigan - From Pemberton Road.  
739  
740 Mr. Taylor - Is the setback from the south boundary 50?  
741  
742 Mr. Herndon - On the southbound side, yes, sir. It would be 50 feet.  
743  
744 Mr. Taylor - And then to the six-foot fence?  
745  
746 Mr. Herndon - Yes, sir. The six-foot fence, but a two-story building, a six-foot  
747 fence would not offer any privacy.  
748  
749 Mr. Taylor - Any other questions on behalf of the Commission?  
750  
751 Mr. Archer - Mr. Herndon, when you mentioned the R-3 classification, you  
752 used a figure, 11,000. Were you referring to lot size or house size?  
753  
754 Mr. Herndon - House size.  
755  
756 Mr. Jernigan - He was referring to lot size. It is lot size. It is not house size.  
757  
758 Mr. Herndon - Is it?  
759  
760 Mr. Jernigan - It is 18,000 sq. ft. for R-2 and 11,000 sq. ft. for R-3.  
761  
762 Mr. Herndon - Then I misunderstood and stand corrected. I appreciate it.  
763  
764 Mr. Archer - We knew what you meant.  
765  
766 Mr. Herndon - I appreciate it. Thank you.  
767  
768 Mr. Archer - You are talking about a huge house.  
769  
770 Mr. Jernigan - I don't have any more.  
771  
772 Mr. Taylor - Any other questions for Mr. Herndon? Thank you, Mr. Herndon.  
773  
774 Mr. Herndon - Thank you, sir.  
775  
776 Mr. Taylor - Is the next speaker available and ready? If you would, please  
777 approach the podium and give us your name and address for the record  
778  
779 Mr. Ritter - My name is John Ritter. I am a resident of Woodside  
780 Subdivision. I am also a professional engineer. I am the owner of Engineering Design and  
781 Development and I am involved in land development projects from time to time. I am here to  
782 voice my opposition to the proposed rezoning of this property. I'd like to also introduce at this  
783 time, I've got 22 signed statements of the residents from our subdivision, and my main  
784 opposition is rezoning or deviation from the Henrico County Land Use Plan, which recommends a  
785 density of 2.4 to 3.4 to taking that number and doubling it. I would also like to call attention to  
786 Pemberton Road. In its current state it is unsafe and overcrowded. The 15,000 vehicles per day  
787 count that Mr. Herndon referenced was from VDOT and is a number that was determined in  
788 2000, which I expect probably that number has increased now. The VDOT plan for road  
789 improvements on the six-year plan does not include Pemberton Road, so it is going to be a long  
790 time before Pemberton Road is widened at all. Pemberton Road is a 20-foot road. It is a VDOT

791 road. There are no shoulders. If this was a Henrico County road, it would not even be allowed  
792 to carry 250 vehicles per day if it was in a subdivision. I would strongly agree that a tie to  
793 Mayland Road is essential for this project if you are going to approve it, just to try to get traffic  
794 off of Pemberton Road, and that is basically what I would like to say. Like I say, I am just  
795 against the deviation from the County's Plan and we'd like to see Pemberton Road improved  
796 before rezoning occurs. Any questions?  
797

798 Mr. Taylor - No, thank you, sir. I don't have any questions. Are there any  
799 other questions from the Commission?  
800

801 Mr. Archer - Mr. Ritter, given that last statement you just made, would that,  
802 if Pemberton Road were in the condition that you'd like to see it, would you approve of the  
803 townhouses under that circumstance?  
804

805 Mr. Ritter - I would not be opposed to them. No.  
806

807 Mr. Archer - OK. Thank you, sir.  
808

809 Mr. Jernigan - Mr. Chairman, in the staff report, it says here that with the  
810 upcoming Mayland Drive Extension project, the adjacent roadway network could accommodate  
811 the additional traffic volume. So, it is in the works.  
812

813 Mr. Taylor - What page is that on?  
814

815 Mr. Jernigan - It is on Page 4, under Public Service and Site Considerations,  
816 Major Thoroughfare Transportation, first paragraph, last sentence.  
817

818 Mr. Taylor - I will read that into the record. The report on Page 4 says,  
819 "With the upcoming Mayland Drive Extension Project, the adjacent roadway network could  
820 accommodate the additional traffic volume." Now, basically, I understand that Mayland is being  
821 widened at this point in time, and I do understand there are provisions made to allow egress  
822 from this particular development through Bartley Pond directly onto Mayland. Let the record  
823 reflect that. There were several more people, if you would please continue the discussion, and  
824 come up to the podium and, if you would, ma'am, would you please identify yourself.  
825

826 Ms. Deana McGuire Buck - I will. My name is Deana McGuire Buck and I live on Bryson  
827 Drive in Woodside. Buck. B U C K. Would you back it up, Mark, to the one that shows the  
828 Pemberton Road picture?  
829

830 Mr. Bittner - Right there.  
831

832 Ms. Buck - Do you have the pointer? Perfect. I will be brief. I live in this  
833 neighborhood that is right here, that is on Pemberton right across from this (referring to  
834 rendering), and so one of the things. I thought this would help me and it is not helping me at all  
835 (referring to rendering). I just have several concerns, and one is those relate to the idea of  
836 having cut the access on Mayland but it sort of feels like the check is in the mail, and here we  
837 would be projecting that these folks could travel along a route that doesn't yet exist, through a  
838 neighborhood, that, to be honest, I feel like I kind of let something slide by my own  
839 neighborhood without paying better attention to what was happening with our rezoning with the  
840 Bartley Townhouses. I venture to guess, although I hate to use that as a reference for our  
841 neighborhood in terms of whatever you call that, density or whatever, because that one is not  
842 really reflective of what the rest of the development on the other side of Pemberton and south of  
843 this development is going to include.



844

845 One of my great concerns, though, and the reason I have this about Pemberton Road is that I  
846 stand at that bus stop every morning with my children, who go to Jackson-Davis Elementary  
847 School, and there are probably 10 or 12 children every morning who wait there at that bus stop,  
848 and we have to keep them so far away from the road, because Pemberton is so dangerous in the  
849 morning, and in the afternoon probably 15 or 20 kids get off the elementary school bus. Up until  
850 half way through the school year, the kids going to middle school, Short Pump, had to cross  
851 Pemberton Road. They had to get off the bus on one side of the road and cross across this really  
852 busy street, and I am very much concerned about that with safety for the children. Jackson-  
853 Davis isn't that quite crowded at this point, which is our elementary school that would feed into  
854 this development. And while I know that you say that schools do get crowded and that is what  
855 happens, this development could significantly increase the number of children coming to our  
856 school because, theoretically, these townhouses would attract people who might want this  
857 instead of a single-family dwelling. We might, in fact, have more people with children coming to  
858 live in these townhouses, which would affect our schools. Also, Jackson-Davis includes that land  
859 that is on Three Chopt. When I was here last time, they deferred that to the May or June  
860 meeting, but that is another piece of land that would, theoretically, send children to Jackson-  
861 Davis, so I think you need to remember that there is another development effort afoot that could  
862 potentially lead children to our school. I guess, fundamentally, it concerns me that the staff  
863 concern seems to be more about the appearance of these townhouses and whether they have  
864 brick on the front, and whether the driveway is straight or crooked. I could care less about that.  
865 I am much more concerned that you take into consideration what Pemberton Road is like. It  
866 took me seven minutes to get out of my neighborhood to turn right to come here tonight,  
867 because that is how long it took. And that was at 6:30 p.m. That is what it is like when it is not  
868 that busy. At 5:30 in the afternoon when Mr. Herndon says it really does take that long, and  
869 sometimes traffic is all the way back. Sometimes I can't get out of Woodside, out of my  
870 neighborhood, because traffic is blocked up from Pemberton. I think, well, the County might say  
871 that this can be accommodated from a public safety point of view. From a real life point of view,  
872 I am very concerned. Thanks.

873

874 Mr. Taylor - Thank you, ma'am. I appreciate that.

875

876 Mr. Marles - Mr. Chairman, we are out of time. If you want to grant  
877 additional time, this would be the time to do so.

878

879 Mr. Taylor - Well, I think what we can do, Mr. Director, if we might, is allow  
880 five more minutes. I think we have one speaker left. Is that correct? Two? Could you each  
881 suppress, compress your statements to get it in five minutes? We will provide five minutes  
882 additional time, if we might, Mr. Secretary. If you would sir, please come up and identify  
883 yourself.

884

885 Mr. Daren Bailey - My name is Daren Bailey. My address is 9609 Meadowview  
886 Road, and I am a neighbor of Mr. Horace Herndon. And again, I just want to reiterate my  
887 opposition to this. I agree with every fact that Horace has presented to this Commission, and I  
888 want to also stress one of the elements that we talked about initially, which was the flooding  
889 plan. I am directly impacted by that. I am on the low end of Meadowview Road in the low lying  
890 area, that I have been flooded out constantly for the last 11 years that I have lived there, and I  
891 do not see any resolution by the County to upgrade or fix that problem, and this situation is only  
892 going to make it worse, not better. And another issue is the traffic. I agree wholeheartedly with  
893 the comments made by my other speakers here tonight. I have two children that are impacted  
894 by the bus situation. Again, Pemberton right now is a one-lane road because of the construction  
895 that is ongoing right now. You've got a flagger there doing one-lane traffic. You've got heavy  
896 construction going on right now. How can you do more construction when you are already in the

897 middle of a major construction project that is tying up one lane of traffic everyday that we can't  
898 get in and out of our road even. So, I think those issues have to really be thought about before  
899 you allow more development on a road that is not designed to handle it. Thank you very much.  
900

901 Mr. Marlles - Sir, I do understand the traffic issue that you raised. I do want  
902 to point out, though, that we are at the rezoning phase in this process, and drainage is  
903 something that certainly will be considered if this rezoning is approved, at what we call the Plan  
904 of Development stage, and I just wanted to make sure, for your benefit and then the residents  
905 that, that the Department of Public Works for the County does have drainage standards that do  
906 limit impacts on surrounding properties, but those types of details will certainly be looked at if  
907 this case is approved.  
908

909 Mr. Bailey - All right. Thank you very much.  
910

911 Mr. Jernigan - Mr. Chairman, in the staff report also it says that a storm sewer  
912 will be installed along the roadway.  
913

914 Mr. Marlles - And that may help the situation.  
915

916 Mr. Taylor - That is along the roadway. I think...  
917

918 Mr. Jernigan - Where is he located at?  
919

920 Mr. Taylor - As I understand it, though, that is behind, you live on  
921 Meadowview? This is really behind you, that stream?  
922

923 Mr. Bailey - Well, it is river when it rains. But yes, it is technically defined as  
924 a stream on your map there.  
925

926 Mr. Taylor - All right. Thank you. There was one other additional speaker. I  
927 guess it will be our last speaker, if you would please come forward now.  
928

929 Mr. Herndon - Mr. Chairman, I thought we had one other speaker. What we  
930 wanted to point out and to show the Commission is pictures taken from the back of the home of  
931 several of the residents in the area, showing just how close these townhouses will be to their  
932 private residence, and if I may pass those up to you, I would appreciate it.  
933

934 Mr. Archer - Can we put those up, Mark?  
935

936 Mr. Bittner - Yes, we can put them up.  
937

938 Mr. Vanarsdall - Those petitions that you have, you want to give those to the  
939 Secretary.  
940

941 Mr. Taylor - Is there a drainage area behind? This looks just like the area of  
942 the different lots that are just treed, looking toward the...  
943

944 Mr. Vanarsdall - Do you want to narrate these for us?  
945

946 Ms. Michele Renty - My name is Michele Renty and I live at 9602 Meadowview, and  
947 the proposed construction is actually by these pictures, are pointed out with a flag, the white flag  
948 that you will see. It is kind of hard to see the pictures on that screen there, but the white flags  
949 are identifying the property line that is backed up to my property, which is five feet. Now, this is

950 the back of their proposed yard from the townhouses, and if you see further out, there is another  
951 white flag, which is the actual back door of the townhouses itself. There's a couple of different  
952 angles here. If you see the first picture right here is the white flag, which is the actual back  
953 portion of this building, the building itself on the property. And if you look further out, you will  
954 see where the end of their yard would be. It is five feet from my property line. I mean, there is  
955 another picture, also, and I can't really see it that well, but my property line is lined with logs.  
956 You will see I put logs down on the property line itself, so it should identify my property. There is  
957 another angle, looking onto adjacent property next to mine. And it is 50 feet. You think it is  
958 nothing, but it is setting right in my backyard. My child's swing set is setting right there, and that  
959 is fairly close for me from what you will see. If you can tell the property line itself, it is five feet  
960 from what their property line would be. It is 50 feet of their backyard.

961  
962 Mr. Taylor - Any further questions from the Commission? Thank you, ma'am.  
963 I think that is the time, and if Mr. Mistr would come back up, you have six minutes.

964  
965 Mr. Mistr - I will try to be very brief. The developer has agreed to put six-  
966 foot fences in the backs of these units that back up to the property lines. He is prevented from  
967 putting anything over seven feet by the Zoning Ordinance in the rear yard. He will supplement  
968 this with plantings of Leyland Cyprus or some other evergreen trees, which will ultimately grow  
969 higher than the six feet. It might not screen the second floor of a building, but it will screen a  
970 substantial portion of it. The property line of townhouses, the rear line, backyard of these  
971 townhouses by Ordinance has to set 10 feet off of the property line of the subdivision, so there  
972 will be a 10-foot strip between these fences and the adjoining property lines, and the rear  
973 building setback for townhouses is 35 feet, and in all likelihood there will be more than that.  
974 They won't be right up against the setback lines. They will probably be between 50 and 60 feet  
975 for the actual buildings off of the property line of these adjoining neighbors. We talked a little bit  
976 about townhouses backing up to private residences, but I would point out that townhouse are  
977 private residences, also. They are owned by the people that live in them, and they own the land  
978 that is under them, just like a single-family R-3 neighborhood would do. So, they are slightly  
979 more dense. There would be more of them there, but they are privately owned and their  
980 children might have a swing set in the back just like the people that live along Meadowview Road  
981 have play sets for their children out there. We will work with the neighbors should this case be  
982 recommended for approval to try to address their concerns further than we have done now, and  
983 we will take into consideration the points that were brought up tonight at the meeting. Thank  
984 you.

985  
986 Mr. Taylor - Mr. Mistr, before you go, I would just like to clarify a couple of  
987 points while we have the time. One, we had heard separately from the staff about transportation  
988 and traffic and issues of drainage and schools. And reasonably, I think, they can be managed  
989 over a period of time. What we had discussed separately in terms of the layout that we have  
990 before us was an alternative of trying to preserve an option, and the option is somewhat  
991 complicated because our thought was to, one thought was that we can reduce the impact of the  
992 townhouse development by taking the back row of townhouses and converting those to R-3, and  
993 I understood that the developer was amenable to that suggestion. Is he still amenable to that  
994 alternative?

995  
996 Mr. Mistr - We worked on some layouts to do that, and we shared those  
997 with staff, and there was a way to do it, it is just not practical to do it that way. We could put  
998 three or four lots back there, but it would make, I believe, a more undesirable situation if we  
999 tried to do that. I'd be glad to show you what we had laid out. I don't have it with me tonight.

1000  
1001 Mr. Taylor - One of the concerns, though, addresses one of the issues that  
1002 the neighbors have brought up, is that first off, that would reduce the number of townhouses.

1003 The second is the capacity to preserve the residential single-family dwelling-type nature of the  
1004 existing neighborhood, and at one time that was thought by us to be a reasonably good  
1005 alternative. But in thinking about it, the thought was perhaps it is better that we recognize that  
1006 at some time in the future on that particular area, the way it is backing to Andover, the  
1007 townhouse development, over a period of years, was perhaps the best way that we would look  
1008 toward the future and it would be of some future benefit or some future use to a developer, who  
1009 might want to take the existing daily dwelling along Ceres and along Meadowview, and convert  
1010 those to townhouses. Is that a reasonable alternative in your mind?

1011  
1012 Mr. Mistr - I think that is probably correct in what I would say, because at  
1013 one point we had put a townhouse directly in front of the Ceres Road Extension and then we  
1014 moved it over to allow...you know, this townhouse should townhouses be developed further to  
1015 the south, at a later time, as maybe people wanted to sell their homes and move, and somebody  
1016 could put together all of that property. Yes, we feel like that is a viable alternative.

1017  
1018 Mr. Taylor - Because on one side we have Bartley Pond, which is  
1019 townhouses, and we are starting to come down Pemberton and then we are right up against, at  
1020 the end of Bartley Pond we were looking at a line of townhouses to there, and then we were  
1021 looking at the current plat, the Helms property. If we go ahead and do this, then it would be  
1022 townhouses through Bartley Pond down to the Helms. Now, we could continue that on down to  
1023 Meadowview, and that was one of the alternatives that has been discussed, to a degree, with all  
1024 of the residents, and we have that alternative and that is, perhaps, advantageous to the owners  
1025 because of the opportunity, perhaps, to sell their property at some future date. Or we have the  
1026 opportunity not to do that, and put a line of houses in there and forever foreclose townhouses  
1027 coming further south than the edge of the Helms property. Could you comment on Alternative A,  
1028 which is the townhouse alternative stopping, and then at some future date townhouses going on  
1029 down to Meadowview, versus townhouses going to a certain level on the Helms property with a  
1030 line of townhouses.

1031  
1032 Mr. Mistr - Well, a parcel this size, it is hard to mix townhouses and single-  
1033 family with the configuration of it, and yes, I would think the logical extension would be to  
1034 someday have townhouses all the way to the creek there behind these houses. I don't see how  
1035 any of those houses – that subdivision – Andover Hills – would be rebuilt as single-family. Really,  
1036 anytime, so in order to get a development or to change the nature of that area, it would have to  
1037 go to some type of more dense development. To put, wherever you draw a line between  
1038 townhouses and single-family, you have a transition, whether it is to an existing subdivision, or  
1039 even if you put R-3 within this subdivision, it would be a single-family residence next to a  
1040 townhouse residence. Whether this were all townhouses or all R-3, at some point in time, you  
1041 have that line, and I feel like the best way to do that is to, on the multifamily or the townhouses  
1042 to reduce the density as you go down, which we are doing.

1043  
1044 Mr. Taylor - How would that occur? You would start in going back to your  
1045 sketch, which is the previous slide. You have got a higher level toward Mayland, and as you go  
1046 along it gets less dense.

1047  
1048 Mr. Mistr - Well, Bartley Pond is, I believe, 7-1/2 or something like that. We  
1049 are at 6.8. Now I didn't draw a line that one side of it is more dense than the other. It might be  
1050 slightly, but probably not much. Say it moved further south. You might go to 6-1/2 or 6.2 or  
1051 something like that. It would just depend on how much property you had to work with at any  
1052 given time.

1053  
1054 Mr. Vanarsdall - Let me ask you a question. Mr. Herndon mentioned that the six-  
1055 foot fence behind the two-story building is kind of low, and I realize the Code won't allow more

1056 than six, unless you have a variance. What if you put a fence on top of a berm? What would that  
1057 do to you?  
1058  
1059 Mr. Mistr - You can't do that either, because the fence height is measured  
1060 from the natural ground.  
1061  
1062 Mr. Vanarsdall - The berm would take up too much footprint anyway, wouldn't it?  
1063  
1064 Mr. Mistr - Well, you could build a berm, but if you built a three-foot berm,  
1065 you could only put a four-foot fence on top of it.  
1066  
1067 Mr. Vanarsdall - That is what I thought.  
1068  
1069 Mr. Thornton - Mr. Mistr, I am always concerned about sensitivities, and I  
1070 noticed that in your remarks you said something about the fact that once the townhouses are  
1071 built that these are also private homes. They obviously tangentially, and a statement has been  
1072 made that persons already reside there, and I am always sensitive about people who live there  
1073 first and then we build something subsequently, so I guess I want to know about that sensitivity  
1074 as far as you are concerned as a professional. Isn't that important, too, that they were there first  
1075 and we do the best that we can to make sure about their sensitivities?  
1076  
1077 Mr. Mistr - Yes, it is. I agree with you. And I think we are certainly trying to  
1078 do that. I was just pointing out that it is both a single-family residence, and I guess if you could  
1079 only build like products adjacent to anything, everything we did would be identical. But yes, we  
1080 have concerns about the people that live there. Everybody has a right to their property, as do  
1081 the people, the Helms that own this property, have the right to develop it to the highest and best  
1082 use, and what we are proposing to you is that we feel like the highest and best use is for the  
1083 townhouses at a lesser density than townhouses would normally be.  
1084  
1085 Mr. Thornton - Of course, you are using some terminology now. You say  
1086 "highest and best use," so, obviously, that translates into something else. I was just concerned  
1087 about the sensitivity of that. To me, that is important. The Board is always concerned about  
1088 that, how neighbors feel who have been there all of the time and know. They sometimes do  
1089 have the challenge, you know, that a person does have property rights to sell and build things  
1090 there. I just thought it was rather interesting, your comment there. Thank you, though, for your  
1091 answer.  
1092  
1093 Mr. Mistr - You are welcome.  
1094  
1095 Mr. Taylor - Mr. Mistr, there is a lady behind you that has her hand raised,  
1096 and I think she has a question. If you would, ma'am, come down to the podium and give us  
1097 your name and address for the record.  
1098  
1099 Ms. Michele Simpson - My name is Michele Simpson. I live at 9606 Meadowview Road,  
1100 and that is at the corner of Meadowview Road and Ceres. I would like to refer back to the  
1101 statement regarding moving in the direction of town homes for the Meadowview-Ceres Road  
1102 area, and that would be Andover Hills. We are going to be finishing, they are developing the end  
1103 of Meadowview Road and adding a couple more streets and making those single-family homes. I  
1104 am concerned with the question that I raised in the last meeting was that would this builder or  
1105 this company be interested in buying out all of us that live basically in the cross-section of Ceres  
1106 and Meadowview and going on to Pemberton. They said this would not be economically sound  
1107 and told me that basically we would not be getting any kind of property value for our homes if  
1108 they were to go into town homes. It would not be economically feasible, because it wouldn't be

1109 raw land. So, I would just like to bring the attention to that, that it may not be an option for us  
1110 to sell at any kind of market price if we are squeezed out from both sides.

1111

1112 Mr. Taylor - I am not exactly sure how to best answer that, because it is  
1113 going to depend on exactly what the market is. One of our thoughts, however, was just exactly  
1114 that option of trying to see what the sensitivity to all of the area owners and residents was in  
1115 terms of taking that entire area and making it into townhouses, because we've got Bartley Pond,  
1116 which has gone to townhouses, this one would be the Helm property, and the other one, and it  
1117 seems to me from just walking along there and looking at what is there, it would be reasonable  
1118 to come on down to Meadowview and fill in the gap at Andover. Now this presumes that the  
1119 road capacity that we have heard from our Traffic Engineers is adequate or will be adequate is,  
1120 in fact, true. One of the disconcerting comments that we have heard tonight is if the traffic is  
1121 stained on Pemberton now, and additional units exacerbate that condition, we really must focus  
1122 on traffic as the limiting aspect of further development. And I think we need to study that  
1123 carefully before we address the other issue. I had maintained communications with Mr. Herndon  
1124 and the developer, Mr. Hood, in terms of trying to see if there was some way that we could  
1125 appeal to all of the residents that would remain in that area as to their particular desire, if they  
1126 would all agree to combine, talk amongst themselves, and offer that parcel, not simply to Mr.  
1127 Hood, but collectively offer that to another developer, maybe somebody who is brand new who  
1128 has a different approach, and would be able to go ahead and finish that development along  
1129 Pemberton, all other factors OK, the schools adequate capacity, the road's adequate capacity,  
1130 safety, drainage, and all of the things we discussed tonight. If all of the peripheral factors were  
1131 positive, then it would be reasonable to assemble that parcel as the third parcel, the first one  
1132 being Bartley Pond, the second being the Helm property, and then the next one being the  
1133 residual, and offering everybody in there a fair market price, and am not sure what that would  
1134 be, but I would presume it would be, just judging from the economics that I know, it would be a  
1135 higher price than one would get if it were just going from single-family dwelling to a replacement  
1136 single-family dwelling, but we are not sure that we can do that in the short period of time that  
1137 we had to evaluate that we were not successful, and that question still lingers. What we are  
1138 trying to do here is trying to make the best opportunity for all of you who own a single parcel,  
1139 recognizing that Bartley Pond was a large parcel, very attractive to developers, one block that  
1140 was 13 or 14 acres. Now we are at the Helms property, one block, 8.4 acres, 20 in the two  
1141 pieces, but a relatively large tract that nobody else in there can match, so you can't match; it is  
1142 not reasonable to expect you to attract a developer who can come up with a design, build the  
1143 product and make a profit. So we are limited.

1144

1145 Ms. Simpson - I think we figured that it is about 3.2 acres that we would be, if  
1146 we were to collectively sell, which that is not an option at this point, but it is a smaller parcel.  
1147 So, that is a concern of ours.

1148

1149 Mr. Taylor - But it is something I think we should look at, and I think that if  
1150 we are able to discuss this and work with the staff, perhaps we can come up with a strategy that  
1151 is beneficial to all of the occupants and allows us to do what we think we need to do, given that  
1152 the utilities will be a match for the development.

1153

1154 Ms. Simpson - Thank you.

1155

1156 Mr. Taylor- I think that is fair. Would you think, Mr. Thornton, that that  
1157 appeals to the Board of Supervisors? Thank you very much. Mr. Herndon.

1158

1159 Mr. Herndon - Yes, sir, just two comments if I may, please.

1160

1161 Mr. Taylor - We are kind of over time.

1162  
1163 Mr. Herndon - I understand and I will be very brief. The area that we speak of,  
1164 Andover Hills, is a very small area, and at the present time, Mr. Billy Johnson is developing quite  
1165 a few single-family houses, starting on Meadowview Road and wrapping around and coming out  
1166 on Mayland. The question is, "Why would any developer want to come in, when single-family  
1167 houses are going to be built on Meadowview Road, and extended all the way around to Mayland,  
1168 and buy such a small parcel of land to build townhouses on?" And the next thing is, even if  
1169 someone did come in and buy that, you'd have every single family residence between Broad  
1170 Street and Three Chopt would object to the rezoning of our property because of the traffic, so it  
1171 is just not going to work.  
1172  
1173 Mr. Taylor - Thank you, Mr. Herndon.  
1174  
1175 Mr. Herndon - Thank you.  
1176  
1177 Mr. Archer - Mr. Chairman, if I may ask, and I've been trying to write down  
1178 some of the comments that have been made tonight. It seems like the residents who have come  
1179 out tonight to speak in opposition, not opposed to Mr. Mistr's construction or the layout of the  
1180 townhouses, and certainly not of the quality of his work, which I think most of us can attest to,  
1181 but the issues seem to be, even though the school problem is one that I think could be overcome  
1182 with time, but it seems to me that traffic, density, setback and property values are the major  
1183 concerns, and the biggest one being traffic. The staff report mentioned the upcoming Mayland  
1184 Drive Extension Project, and then it refers to the adjacent roadway network, but is there  
1185 anything in the works as far as we know for the improvement of Pemberton, since that seems to  
1186 be where the traffic problem is. Does anybody on staff know?  
1187  
1188 Mr. Bittner - No. There are no improvements planned for Pemberton other  
1189 than installation of turn lanes at the intersection of Mayland and Pemberton.  
1190  
1191 Mr. Archer - Is Pemberton capable of being widened, given what is there  
1192 now?  
1193  
1194 Mr. Vanarsdall - Traffic or Public Works didn't make any comments on that.  
1195  
1196 Mr. Taylor - No, and they are not here tonight. Mr. Mistr, there are a  
1197 number of issues here tonight that I don't think we can grapple with. I think the best thing to  
1198 do is a deferral here. Would you be willing to defer this for another 30 days to talk about it? I  
1199 thought we were further along in the development and the acceptance of the community than  
1200 we apparently are.  
1201  
1202 Mr. Mistr - I don't know that another 30 days, I've met with Mr. Herndon a  
1203 couple of times and talked about a number of these issues, and...  
1204  
1205 Mr. Taylor - Mr. Hood, if you would, come up and talk at the microphone.  
1206 We'd appreciate that.  
1207  
1208 Mr. Hood - My name is Tom Hood and I am the owner of Virginia Classic  
1209 Homes, and I am the applicant. We did have a meeting with the citizens, and, of course, those  
1210 issues were raised here tonight and talked about, and I have spoken to Mr. Herndon on a couple  
1211 of occasions, and talked about the situation with him. I think we are pretty well as far along as  
1212 we are going to get, to be honest with you, so I don't know that another 30-days is going to  
1213 resolve much more than it already has. What we have said that we would do is, with regards to  
1214 Ceres Road and the traffic coming through Ceres Road, we said we would try to set the

1215 subdivision up so that if the citizens that live in the Meadowview area and the Andover area, that  
1216 if at some point down the road their properties were to be developed to townhouses, we would  
1217 be able to open up Ceres Road and continue down there, and hopefully keep some of the  
1218 development cost at a minimum, giving their property more value. We have also said that what  
1219 we would do is to go ahead, and if the citizens did not want their property to go to townhouses,  
1220 that we would go ahead and block it off. We would probably have to install a BMP and the BMP  
1221 would have a perfect location right there at the end of Ceres Road, just from looking at it  
1222 preliminarily. So, we tried to set it up as the best of both worlds for the citizens on Meadowview,  
1223 and the citizens on Ceres Road, so that whichever way it went, if it were to remain single-family  
1224 residential that it would stay that way, and if it were ever to go to townhouses, that we would be  
1225 able to continue with the development on down Ceres Road. But we would leave that strictly up  
1226 to them. We would not try to force that issue on them. So we would try to leave that as a viable  
1227 option for them.

1228  
1229 Mr. Vanarsdall - Mr. Hood, do you know anything about this Pemberton Road.  
1230 When you bought your property, had you discussed this with anybody from VDOT about what to  
1231 do with it, if anything?

1232  
1233 Mr. Hood - Not in a great deal of detail. We have made some preliminary  
1234 calls, approximately two years ago, when we actually took a look at the Bartley Pond area, also,  
1235 about two years ago, and found out, of course, that that was a State road and that they had at  
1236 that time no long-range plans to widen it, that I knew of. When we told them we were looking  
1237 at Bartley Pond, they said, "Well, we will talk with you and work with you as to what you need to  
1238 install as far as turn lanes."

1239  
1240 Mr. Vanarsdall - I was thinking tonight when these people were speaking, it is  
1241 hard for me to believe what I read here, that they deferred the case again to address the issues,  
1242 but it does not seem like we did much addressing.

1243  
1244 Mr. Hood - Once again, we have...

1245  
1246 Mr. Vanarsdall - It doesn't make any sense to me. That is why Mr. Chairman is  
1247 asking you for 30 more days, or maybe you want us to go ahead and hear it.

1248  
1249 Mr. Hood - I think at this time we should just go ahead and take a vote. We  
1250 are under some time constraints as well. Now, we don't have it in writing, but we do have some  
1251 time constraints that we are dealing with. This is actually the second deferral.

1252  
1253 Mr. Vanarsdall - These are the same individuals that came before us to begin  
1254 with, and they had problems, and now they are back here again. It doesn't seem like the  
1255 problem has been addressed. Maybe you can't solve it.

1256  
1257 Mr. Hood - I am not sure we will come to 100% meeting of the minds with  
1258 them.

1259  
1260 Mr. Vanarsdall - What do you think about this, Spud?

1261  
1262 Mr. Mistr - I don't know of any plans to widen Pemberton Road and this has  
1263 been talked about for 10 years at least, or more, and the problem with Pemberton Road is the  
1264 bridge over 64. The State has told me before they have no intention of widening that bridge,  
1265 and it is sort of fruitless to widen Pemberton Road if the bridge is going to stay two lanes. You  
1266 know, the best that traffic is going to be changed is by the construction of Mayland where people  
1267 from these developments can go out to Mayland, as well as the people on Meadowview Road,



1268 when Andover Hills, Section B, is built. There will be a connection to Mayland Drive that they will  
1269 be able to use, which means they could go there and turn east on Mayland, or they could go  
1270 west on Mayland where there will be a traffic signal, which will alleviate a lot of the problems  
1271 getting out onto Pemberton.  
1272

1273 Mr. Vanarsdall - Seems like the townhouses then may be too early then. Maybe  
1274 they are before their time, which that is not your fault.  
1275

1276 Mr. Taylor - It seems to me that we need to resolve some of these before we  
1277 can go forward. I had hoped we would be further than we are, but I can't see anything that I can  
1278 do other than, since I've used my one deferral, I will entertain a deferral by the applicant or I will  
1279 move.  
1280

1281 Mr. Mistr - Could we consider deferring it for two weeks until the daytime  
1282 meeting, to see if we could work something out then?  
1283

1284 Mr. Taylor - I don't think that is going to be enough time to answer the  
1285 questions. We did 30 days, and we haven't gotten there. I had hoped that we would. One of  
1286 the issues that we have got is the State road. There's a number of issues here that I just don't  
1287 feel comfortable in moving for approval, and absent a denial, I have no alternative but to  
1288 consider the alternative, but I will give it to you, your alternative.  
1289

1290 Mr. Mistr - It is really up to my client as to what he wants to do.  
1291

1292 Mr. Taylor - I know it is and I apologize to the client. I had hoped we would  
1293 get a good meeting and really resolve these, and we've had a month and they are not resolved.  
1294 If we can't resolve it in another month, I will deny it. Or I will deny it tonight, because they have  
1295 to be resolved before we can proceed.  
1296

1297 Mr. Vanarsdall - Mr. Chairman, I want you to do whatever you want to do,  
1298 because it is your district, but if you feel that there is nothing we can work out, then we will just  
1299 go ahead and hear it and send it on to the Board. That is up to you. Whatever you want to do,  
1300 we will do it with you.  
1301

1302 Mr. Marles - Mr. Mistr, if the Planning Commission did recommend denial, of  
1303 course, it could still go forward to the Board of Supervisors and you would, for the benefit of the  
1304 citizens, there would still be some time to work on some of these issues.  
1305

1306 Mr. Mistr - We understand that and we will certainly, regardless of what the  
1307 Commission recommends, continue to work with the citizens to try to resolve their concerns.  
1308

1309 Mr. Taylor - Yes, I think we really have to resolve the traffic concerns and  
1310 what the future is going to be, and impact on the schools, and some of these other things, and  
1311 we are not going to be able to do that. There is one more question in the back. I will entertain  
1312 that and then I will get on with the motion because the hour is progressing.  
1313

1314 Mr. Mary Herndon - Yes, sir, gentlemen. My name is Mary Herndon. I cohabit with  
1315 Horace at 9700 Meadowview Road. I just wanted to remind you that this whole meeting just  
1316 about has focused on Andover Hills, and indeed that is an issue. But please be reminded of the  
1317 other two speakers you have heard. The single-family homeowners on the other side of  
1318 Pemberton, and they number in the hundreds, Pat, do you know what the number is? Just in the  
1319 Woodside area it is over 40, and that is only one, and those are the ones that are impacted by  
1320 traffic even more than we are, because their numbers are far greater than ours. So a reminder

1321 that it is not just the Andover Hills Subdivision, although that is where our interest is focused. It  
1322 is also all of the other residents on the other side of Pemberton who are impacted by this as well.

1323  
1324 Mr. Taylor - Thank you, Mrs. Herndon. I appreciate that. We may have  
1325 gotten to a point in this particular area that the road system may not be simply adequate to  
1326 handle the extra development. Accordingly, I will move denial of Case C-8C-02 and referral to  
1327 the Board of Supervisors.

1328  
1329 Mr. Marlles - Is there a second?

1330  
1331 Mr. Taylor - I am going to move for denial of Case C-8C-02 and we will move  
1332 it on to the Supervisors.

1333  
1334 Mr. Archer - I second it, Mr. Chairman.

1335  
1336 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Archer. All in  
1337 favor say aye. All opposed say no. The ayes have it. The motion passes.

1338  
1339 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1340 Supervisors **deny** the request because it represents an increase in intensity which could have an  
1341 adverse effect on traffic along Pemberton Road, it does not conform to the recommendations of  
1342 the Land Use Plan, and it could have a detrimental impact on the adjoining residential  
1343 neighborhood.

1344  
1345 Mr. Marlles - Ladies and gentlemen, this case does come up before the Board  
1346 of Supervisors on May 14, so you might want to put that on your calendar. There will be another  
1347 public hearing.

1348  
1349 **The Commission at this time took a five-minute break.**

1350  
1351 **The Commission reconvened at this time.**

1352  
1353 **C-20C-02 James W. Theobald for HHHunt Corporation:** Request to conditionally  
1354 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional),  
1355 Parcels 744-773-3059 (18-A-11) and 744-773-6354 (18-A-12), containing 11.329 acres, located  
1356 on the south line of Old Nuckols Road approximately 300 feet east of Shady Grove Road.  
1357 Residential townhouses for sale are proposed. The RTH District allows a maximum density of 9  
1358 units per acre. The use will be controlled by proffered conditions and zoning ordinance  
1359 regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per  
1360 acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, Environmental Protection Area  
1361 and Government.

1362  
1363 Mr. Marlles - The staff report will be given by Mr. Bittner.

1364  
1365 Mr. Taylor - Is there anybody left in the audience who is opposed to this  
1366 project? There is opposition, Mr. Secretary.

1367  
1368 Mr. Bittner - Thank you, Mr. Taylor. This site is on the south line of Old  
1369 Nuckols Road approximately 300 feet east of Shady Grove Road. The site is mainly designated  
1370 urban residential in the County's Comprehensive Plan. The proffers submitted with this request  
1371 have been revised and they have been handed out to you. The conceptual layout plan is also  
1372 disbursed with those proffers. This layout was received earlier today, and is not a proffered  
1373 document. New proffer items include a maximum of 69 units to be developed on the site. This

1374 equals a density of 6.09 units per acre, which is slightly above the staff recommended density of  
1375 six units an acre. A minimum unit size of 1,500 square feet has also been established. In  
1376 addition, concealed source lighting no taller than 15 feet has been provided. However, even with  
1377 these new proffers, staff feels the quality of this case could be improved to match that of other  
1378 recent townhouse rezonings. Staff continues to have several suggestions on how to improve this  
1379 proposal. These include the following: The applicant has proffered various design elements  
1380 amongst individual units, including various colors of brick, brick accents, colors of siding, window  
1381 designs and doorway designs. However, no minimum percentage of brick has been established.  
1382 Brick is generally considered to be a high-quality building material and would also be consistent  
1383 with The Townes of Shady Grove townhouse development directly north of this site. The  
1384 Kensington single-family subdivision is proposed on adjacent property to the south and is zoned  
1385 R-3C. The applicant should consider some form of buffering or additional setback along this  
1386 border. The revised proffers state that a line of Wax Myrtles shall be placed in this area.  
1387 However, landscaping such as this is already a requirement of the zoning ordinance. The  
1388 applicant should consider a more substantial buffer or setback in this area. A vacant parcel of  
1389 land is along the eastern border of the site. It would be logical for the proposed townhouse  
1390 development to someday incorporate this property. The conceptual plan that was handed to you  
1391 tonight shows parking areas along this border that could someday be extended with a road  
1392 connection. The applicant should consider proffer language that insures this possibility. The  
1393 conceptual layout shows a boulevard-type entrance with a median. This could become a very  
1394 attractive entrance feature to this community. The applicant should also consider proffer  
1395 language that provides the type of entrance shown on the layout plan. Townhouses could be an  
1396 appropriate use on this site. The current proffers do provide some positive items. However,  
1397 there are still some outstanding quality issues that should be addressed. If the applicant were to  
1398 address these issues, staff could recommend approval of this application. Until that time, staff  
1399 recommends that this proposal be deferred. I'd be happy to answer any questions that you may  
1400 have.

1401  
1402 Mr. Vanarsdall - Do you recommend that it be deferred?

1403  
1404 Mr. Bittner - Yes, sir. Deferred.

1405  
1406 Mr. Taylor - In the deferring, Mr. Bittner, you said there are some quality  
1407 issues, and you named some design elements, brick, buffering, and I'd appreciate it if you would  
1408 review those again, if you have a list in front of you.

1409  
1410 Mr. Bittner - Yes, sir. Regarding architecture, they have not proffered any  
1411 minimum percentage of brick for the exterior of these units. Brick has been generally considered  
1412 a high-quality material. The case we just heard previously had a minimum percentage of 60%  
1413 brick. Bartley Pond is mostly brick, I believe, and also The Townes at Shady Grove, directly north  
1414 of this site, is required to have 50%, at least, brick. They have not said that these would have  
1415 any minimum percentage of brick.

1416  
1417 Mr. Taylor - Basically the construction material would be Dryvit, or have they  
1418 specified a material?

1419  
1420 Mr. Bittner - They have said varying materials, including brick or siding.  
1421 Again, they have not specified a minimum of anything, so it is conceivable that they could build  
1422 something with no brick at all.

1423  
1424 Mr. Taylor - Have they proffered anything like brick in the foundation only?

1425  
1426 Mr. Bittner - Yes. Brick foundations.

1427  
1428 Mr. Taylor - Brick foundations 100%?  
1429  
1430 Mr. Bittner - Yes. The next issue is the southern border buffer. You will see  
1431 the proposed Kensington Subdivision directly south (referring to rendering). We are  
1432 recommending a little bit more separation between the single family and the townhouse units.  
1433 They have proffered at this point a line of Wax Myrtles along the southern border, but  
1434 landscaping is required anyway by the Zoning Ordinance, so we think that they could really beef  
1435 that up, to some degree.  
1436  
1437 Mr. Taylor - Sir, could you be more specific in terms of the width of that  
1438 buffer.  
1439  
1440 Mr. Bittner - There is no buffer.  
1441  
1442 Mr. Taylor - There is none at all? Just the buffer of Wax Myrtles.  
1443  
1444 Mr. Bittner - A line of Wax Myrtles.  
1445  
1446 Mr. Taylor - So you would prefer that they establish a buffer distance, and  
1447 we have debated Wax Myrtles as a screening material, and I have heard that vastly superior to  
1448 that would be something like a denser, higher growing group, like Leyland Cyprus or something.  
1449 Is that what you are thinking of?  
1450  
1451 Mr. Bittner - Well, we actually are not getting into landscaping specifics at  
1452 this point. We were looking at a larger common area or a bigger setback for the units.  
1453  
1454 Mr. Vanarsdall - Mr. Bittner, did you share this with the applicant, that you would  
1455 rather that he defer it?  
1456  
1457 Mr. Bittner - Yes, sir.  
1458  
1459 Mr. Vanarsdall - Did Mr. Taylor know this, too?  
1460  
1461 Mr. Bittner - Yes, sir. He did.  
1462  
1463 Mr. Taylor - All I am trying to do, Mr. Vanarsdall, is chronicle the facts so  
1464 that...  
1465  
1466 Mr. Vanarsdall - That is all right. You don't have to explain it.  
1467  
1468 Mr. Taylor - Go ahead, sir.  
1469  
1470 Mr. Bittner - The next issue we brought up was that the property to the east,  
1471 let me see if I can go over here to the document camera. Can someone adjust that for a little bit  
1472 please, so that it is a little bit bigger in the center? This is a layout that was submitted today by  
1473 the applicant. Again, it is not proffered, although there are several positive elements to this  
1474 layout, we feel. In this case, east is to the bottom of this page (referring to rendering). That  
1475 large rectangle (referring to rendering) is the eastern property in question. The applicant has  
1476 pursued acquisition of this site. It just hasn't come about. However, we think, just looking at the  
1477 area, and the layout, and the fact that you really couldn't do anything relative to Avery Green  
1478 further to the east with this property, it would be logical for it to be included with this  
1479 development, and we first recommended a stub road from this site to the eastern property, and

1480 the applicant did not want to do that. We then suggested that they do what is actually shown on  
1481 this plan, which is bring a parking area or an open grassy area close to the eastern border that  
1482 could, perhaps, be extended someday as a road connection, and that is what this plan shows.  
1483 We are asking that they include a statement to that effect in the proffers, and also, you will see  
1484 the entrance which is on the right side of the drawing (referring to rendering), and you can see  
1485 where there is a present entrance right across from the Cameron at Wyndham Apartments, and  
1486 they are showing a landscape median right there, or a boulevard type of entrance, which we  
1487 think would be a good thing. Again, we'd like to see some proffer language that would ensure  
1488 that. And, as I just spoke to Mr. Vanarsdall, we have been in contact with the applicant and Mr.  
1489 Taylor about deferring this case, and the applicant did not submit a deferral request.

1490  
1491 Mr. Taylor - All right, thank you, Mr. Bittner. Are there any further questions  
1492 from the Commission? Then, Mr. Secretary, I guess we will hear from the applicant.

1493  
1494 Mr. Marlles - Mr. Chairman, would you like for me to review the rules for the  
1495 opposition? Ladies and gentlemen, did you hear my earlier explanation? OK. Thank you.

1496  
1497 Mr. Taylor - Do, would you please signify by raising your hand how many  
1498 people plan to speak? I read that as one, Mr. Dodge. Two? Is it fair that each of you can fit in  
1499 a 10 minute segment, five minutes each, or less? Two minutes? Adequate. OK. All right, then  
1500 we will proceed with two speakers for the opposition and we will ask the applicant if he would  
1501 address the Commission, and I believe the applicant is going to be represented by Mr. Theobald.

1502  
1503 Mr. Marlles - Mr. Theobald, would you like to leave some time for rebuttal?

1504  
1505 Mr. Theobald - That depends on whether we are deferring or hearing this case.  
1506 I am happy to make a presentation, Mr. Chairman, if that is your preference. It was my  
1507 understanding that you had intended to defer this case.

1508  
1509 Mr. Taylor - It is my intention to defer this case and I thought, Mr. Theobald,  
1510 what we might do is, if you'd like to make some comments before we proceed, I think I will enjoy  
1511 that, but I don't want to take any of your time because I am going to give you a very short  
1512 period to turn this around, like I would also appreciate hearing Mr. Dodge, so that for the record  
1513 we could get your thoughts on the issue, Mr. Dodge's thoughts on the issue, and I am going to  
1514 treat you to my thoughts on the issue. And you may be as brief, sir, or take as much time as  
1515 you want up to the 10 minutes.

1516  
1517 Mr. Theobald - OK. Let me say this, Mr. Chairman. Rather than presenting a full  
1518 case, which I am prepared to do, let me make a few points and say in advance that it was my  
1519 understanding that we would discuss a potential deferral this evening, and we are certainly  
1520 prepared to acquiesce in that should you decide to make such a motion for two weeks to the  
1521 POD hearing. I will say, for the record, perhaps unlike the case you just heard that this request  
1522 is totally consistent with the Land Use Plan designation and does not suffer from any of the  
1523 issues regarding drainage, traffic, school capacity, etc. So, we believe that the use is absolutely  
1524 appropriate and really shouldn't be a question. We do acknowledge that we've got a little  
1525 polishing to do on the proffers. We submitted revised proffers on Tuesday. We submitted that  
1526 layout plan, not today but on Tuesday. It is not proffered but it does reflect the POD that we  
1527 intend to file. And so we do think that the points that Mr. Bittner has raised can be addressed,  
1528 can be addressed very quickly. We would like an opportunity to meet with the folks back here  
1529 who have additional questions. We have had some communications with the neighborhood  
1530 representatives, but, in fairness, this new set of proffers they have not had a chance to probably  
1531 fully review or discuss with us. So, I think with that, unless you have any questions, Mr.  
1532 Chairman up front?

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Mr. Taylor - No, sir. I have no further questions. Thank you very much. We will proceed right to Mr. Dodge. Mr. Dodge, if you would come down and identify yourself for the record we would appreciate that, and then you have up to five minutes.

Mr. Dodge - Yes, sir. My name is Rick Dodge. I live at 5108 Park Meadows Court, and I will not filibuster and I will not take 10 minutes. I do want to thank you for hearing my concerns and I speak for myself. I don't purport to speak for my neighbors, but I have been in close communication with about 102 of my neighbors, and 14 of them are here. I think we lost a couple of people from the last case, but 14 were here, and there are two little girls who I am sure are ready to go home. Normally, Lucy Zirker is here to speak to you, and I know she has come before you a few times. She is actually running for the PTA President tonight. Hopefully, she is elected and I think that is how concerned she is about her community. She is unofficial leader of the residents forum, which she has explained to you before as a group of concerned Twin Hickory residents, focused on the future development of our neighborhood, where we will live for a long, long time. And I do want to thank you, Mr. Taylor, for your ongoing communication with me and many of the neighbors. You have come to several of our meetings. I even enjoyed our phone call last night where you kind of enlightened me as to what I should expect tonight. And I also, oddly enough, would like to thank Hunt, the applicant, I should say. The trees that we have been trying to get planted between Park Meadows and Holly Glen in Twin Hickory for the last 10 months were planted about five hours ago, so I think the applicant is very interested in making sure that this case is approved and the residents do not stand in opposition. We also got our grass cut in the common areas on Tuesday, so I think Hunt is trying to respond a little bit. And I know, Mr. Taylor, that I have told you about Steve Thomas, who is building 12 homes near the Avery Green section of Twin Hickory. Mr. Thomas met with us twice to talk about proffers for those 12 homes. He was very receptive to the residents feedback and included all of our reasonable requests in his proffers, and what we are asking the Commission tonight is, if you would allow or even require Hunt to do the same as Mr. Thomas did in accepting our feedback, at least contemplating the items, and I think Mr. Bittner did a fantastic job in outlining the vast majority of the concerns that we have. Obviously, the County staff and the residents kind of look at this in the same light, in terms of how to make this a great development. And I won't go through any more specifics, because we would like to do that with Hunt and I would hope that the applicant would include Mr. Taylor in the invitation to come to that meeting to talk through our concerns, and I do hope that meeting is open to all residents of Twin Hickory. Again, I don't think a few people can speak for several hundred households. So, I believe, in my opinion, that all of the households should be invited to that meeting with the applicant, and that is why I believe we need a 30-day deferral and not a two-week deferral. That would give us time to hold that meeting, preferably at night. Obviously, it is more convenient for the residents to meet with the applicant at night than during the day. If this is a two-week deferral, then the POD hearing would be during the day and I would imagine I would be the only person that would be at that hearing, since most of my friends and neighbors work during the day. I don't, so I would be here. And I also would like to thank Mr. Thornton for his comments earlier this evening about the sensitivity of existing homeowners in the area. I had to restrain myself from coming up and giving you a hug, Mr. Thornton, when you said that.

Mr. Jernigan - Mr. Thornton thanks you.

Mr. Dodge - Yes. Yes. However, if I do see you in the parking lot, I may still come up and give you a hug. And then lastly, my last point is this, obviously, is a small, relatively small parcel of land, 11 acres. I believe it is next month the Commission will hear about 112 acre plot of land or parcel of land near the YMCA, which is fairly close to this proposed development, and we are just concerned about the direction that our neighborhood is headed with more apartments and more townhouses that we believe, according to our numbers, will out

1586 number the single-family homes in the neighborhood, which is not the division that many of us  
1587 received when we purchased our homes. I believe the 112 acres will be somewhere around 400  
1588 to 500 town homes. As a side note, I can't foresee the County needing that number of town  
1589 homes, but I am not a scholar on housing or current developments with what people are buying  
1590 out there, but that is a lot of town homes or apartments, and I realize that once the zoning is  
1591 granted that town homes and apartments fall under this same zoning category. So, they could  
1592 decide at any time to switch from apartments to town homes. Mr. Jernigan, looks like you are  
1593 going to educate me a little bit.

1594  
1595 Mr. Jernigan - We proffer what it is going to be when they come up, so it is  
1596 either going to be apartments or town houses.

1597  
1598 Mr. Dodge - So you do require that in the proffer? Great. And thank you for  
1599 mentioning that, because that is obviously our only avenue for input into this as residents is in  
1600 the proffers. So, just to very quickly sum up. If we could have a 30-day deferral of this case to  
1601 meet with the applicant and, hopefully, Mr. Taylor would be there and our input would be taken  
1602 seriously and considered seriously like Mr. Thomas did with his 12 homes. I think that would  
1603 move us leaps and bounds forward in feeling better about exactly what is happening in our  
1604 neighborhood. And I will be happy to answer any questions and, hopefully, you will have a lot of  
1605 them because it doesn't count against our 10 minutes.

1606  
1607 Mr. Jernigan - Let me clear something I just said. When is RTHC, that is town  
1608 homes, and R-5 is apartments, so when they are putting in for town homes, that is what has to  
1609 go there. It can't be switched.

1610  
1611 Mr. Dodge - OK. Thank you for teaching me that.

1612  
1613 Mr. Jernigan - Let me ask you, have you had a neighborhood meeting with the  
1614 Hunts?

1615  
1616 Mr. Dodge - We have, I believe, what are quarterly round tables. To be  
1617 honest with you, I believe that is just an opportunity for Hunt to provide information to the  
1618 residents directly. Speaking for myself, I don't feel like that is an exchange at all in terms of  
1619 ideas or resident input. I don't believe, in my opinion, that is an avenue and while Hunt is always  
1620 available, I have phone numbers and e-mails. I really feel that is in terms of the decision  
1621 making, it is all one direction, and that is Hunt decides what they want to do. Did I answer your  
1622 question, sir?

1623  
1624 Mr. Jernigan - Yes, sir.

1625  
1626 Mr. Dodge - OK. Thank you.

1627  
1628 Mr. Taylor - Mr. Dodge, just a couple of points I want to address and this will  
1629 be on my time, not your time, and I don't want to take too much of the Commission's time, and I  
1630 know that the residents are concerned, and about this particular one, this particular project, as  
1631 well as what has been done before, and I want to make sure that you understand that in the  
1632 years that I have been associated with development, which are a long time in the Coast Guard,  
1633 like 34, Hunt, I would characterize as one of the best developers that I have worked with, and I  
1634 think what Hunt has done over there reflects great credit on them as an organization, and I think  
1635 what we have seen here lately is a couple of things that perhaps were a surprise to everybody  
1636 when we saw what we thought would look great on paper actually being converted to the  
1637 development stage, and sometimes you get a good surprise and a nasty surprise when  
1638 perception, design doesn't necessarily become reality, and I was delighted that as soon as H. H.

1639 Hunt realized that and talked with us they were very quick to respond to, I think, the neighbors,  
1640 me, Mr. Kaechele, everybody and correct that. And I want to state publicly my feeling that really  
1641 H. H. Hunt is a great developer in my judgment and they have been very responsive, and I think  
1642 their products that all of you enjoy are of as high a quality as you really get in any development,  
1643 particularly, I think, the aesthetics, and I have some friends who live in places like Columbia,  
1644 Maryland and Sterling, Virginia, and I think that what we've got here in Twin Hickory is on a par  
1645 or better than the best I have seen. We are dealing with part of the country side here that is  
1646 great to start with, and I think it has not suffered at all, but at the kind hand of H. H. Hunt, and,  
1647 of course, we want that development trend to continue. I also want you to know that the county  
1648 is working very hard in developing a Comprehensive Plan being developed by Mark Bittner for  
1649 that section of Twin Hickory that is bordered by Twin Hickory Road, the Chickahominy and 295.  
1650 We have had the opportunity to see the preview of that this week and it really is outstanding. I  
1651 think everybody looks at the work that Mr. Bittner and the staff have done and will be very  
1652 pleased with the work emanating from that study. And I would hope everybody is satisfied with  
1653 Twin Hickory now and that that trend continues, and I know that the staff here, H. H. Hunt and  
1654 its staff, is working very hard to bring the best housing to bear. So it is a team effort for  
1655 everybody and I want you to realize 24 hours a day that they are very positively oriented towards  
1656 that, and I think the staff has been watching with them, and I think everybody that really looks,  
1657 and some people are saying no, but you just have to take my word for it, I guess, for the time  
1658 being, and time will prove it.

1659  
1660 Mr. Dodge - Could I respond to that, sir?

1661  
1662 Mr. Taylor - Yes.

1663  
1664 Mr. Dodge - And it will be brief. I bought in a Hunt community and planned  
1665 on staying there for 30 years, so before I purchased my home, I absolutely agree that my  
1666 impression of Hunt was top notch. However, since purchasing my home, I believe I was mislead  
1667 either intentionally or unintentionally as to what was going to happen in the neighborhood. And  
1668 we do have some significant issues, one of which we have worked through with the tree buffer  
1669 between Park Meadows and Holly Glen, and not all residents are happy with the resolution to  
1670 that issue, but Hunt has been willing to discuss that. There are other issues that I feel are not  
1671 even up for discussion because we haven't made any progress in 12 months on a couple of key  
1672 issues, and I know that Hunt is widely respected, probably by everyone on the Commission, and  
1673 many people in the County, but I believe there are significant issues that we need to work  
1674 through together to resolve, one way or the other.

1675  
1676 Mr. Taylor - Well said. Thank you very much. I think we had two speakers,  
1677 and if you would come up, ma'am, and state your name for the record. Thank you very much.

1678  
1679 Mr. Dodge - Thank you for your time.

1680  
1681 Ms. Stephanie Hunt - Hello. My name is Stephanie Hunt and I live at 11405 Scotsglen  
1682 Court, and my concern goes a little bit further than the actual property being proposed for  
1683 development tonight. My concern is Pouncy Tract Road. You have an amazing amount of  
1684 construction, new construction neighborhoods in this area, and they are all kind of feeding out  
1685 onto Pouncy Tract Road, and as it is right now, that road cannot sustain the traffic, and now we  
1686 are going to add Kensington. We are going to have Hampshire. We are going to have Millrace.  
1687 These neighborhoods will be spilling out onto Pouncy Tract and I would ask all of you gentlemen  
1688 and lady if you would please put some sort of pressure on VDOT to get that road widened, and  
1689 with the new mall coming in, I think for a long-range plan there needs to be some sort of traffic  
1690 buffering for our community. That is all I have to say. If you have any questions or...

1691



1692 Mr. Taylor - Thank you very much for coming. I think that is in the road plan  
1693 for some time in the future, so...  
1694  
1695 Ms. Hunt - Do we know if it is on the docket for VDOT, if it is even a project  
1696 that is going to be funded within the next year?  
1697  
1698 Mr. Marlles - We can find that information out.  
1699  
1700 Ms. Hunt - But can you let us residents know that you will work on that and  
1701 try to make that a priority for VDOT?  
1702  
1703 Mr. Marlles - Ma'am, I think there have been meetings with Ms. Zirker and  
1704 some of the residents with Traffic Engineering, so I think some of those questions have already  
1705 been answered, but I can certainly get the information for you.  
1706  
1707 Ms. Hunt - But also bear in mind with this, you have all of these different  
1708 parcels up for development, you know. This is an explosive area of growth. We need to have  
1709 roads to sustain that growth. That is my concern. Thank you.  
1710  
1711 Mr. Taylor - Thank you very much, Ms. Hunt. I think some of these issues  
1712 will have to be handled at another meeting. There are no further speakers. Mr. Theobald, you  
1713 are finished?  
1714  
1715 Mr. Theobald - Yes.  
1716  
1717 Mr. Taylor - Time for a motion. I recognize all of the concerns that  
1718 everybody has. We are here tonight really to look at one project that we haven't discussed, and  
1719 that is Case C-20C-02. We have discussed it a little bit. Mr. Theobald wants a deferral to look at  
1720 what we can do, and he wanted two weeks, and I think that we can achieve that pace and I am  
1721 willing to work with Mr. Theobald and work with the Twin Hickory people within that two weeks,  
1722 whatever meetings we can have with H. H. Hunt, at H. H. Hunt's headquarters, or at the County,  
1723 and Mr. Theobald assures me that two weeks is adequate, and I am going to take him at his  
1724 word, and I am going to move to grant a two week deferral of Case C-20C-02.  
1725  
1726 Mr. Jernigan - Now, you know, you are going to be gone for a week.  
1727  
1728 Mr. Vanarsdall - That would be the 24<sup>th</sup>, wouldn't it?  
1729  
1730 Mr. Taylor - Yes. That will be the 24<sup>th</sup>, and we have a light week because of  
1731 the APA Conference in Chicago next week, which I going to leave early tomorrow morning before  
1732 sunrise, and I will be gone one week, so we've got one week to work here and then one week I  
1733 will work steadily with you and we will make the two-week deadline for the POD. Correct? And  
1734 that is acceptable to everybody.  
1735  
1736 Ma'am, we can't have questions at this point. You can talk after the meeting. I will stay around  
1737 and address the issues, but what I want to do is.  
1738  
1739 Mr. Vanarsdall - Mr. Chairman, we have a motion on the floor.  
1740  
1741 Mr. Taylor - We have a motion on the floor for a two-week deferral to the  
1742 POD meeting, April 24, 2002.  
1743  
1744 Mr. Vanarsdall - If you need a second, I second it.

1745  
1746 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall for a  
1747 two-week deferral in Case C-20C-02. All in favor of approval of Case C-20C-02 for a two-week  
1748 deferral? There is a motion on the floor. All opposed say no. The nos have it. The motion is  
1749 opposed.  
1750  
1751 Mr. Dodge - Could I make a motion, please?  
1752  
1753 Mr. Vanarsdall - Are we finished with this? We haven't finished with this, have  
1754 we?  
1755  
1756 Mr. Dodge - I thought you just killed that motion. Is that not true?  
1757  
1758 Mr. Marlles - The motion to defer for two weeks was denied. Mr. Chairman,  
1759 do you want to ask for another motion or do you want to consider making a different motion?  
1760 Thirty days?  
1761  
1762 Mr. Taylor - Well, if we can't do two weeks, I guess I will move that we defer  
1763 this for 30 days, which will bring us back to the Zoning Meeting on May 9, 2002. So I move we  
1764 defer this for 30 days to May 9, 2002.  
1765  
1766 Mr. Archer - Second.  
1767  
1768 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Archer. All in  
1769 favor say aye. All opposed say no. The ayes have it. The motion passes.  
1770  
1771 The Planning Commission deferred Case C-20C-02, James W. Theobald for HHHunt Corporation  
1772 to its meeting on May 9, 2002.  
1773  
1774 **P-5-02 Michael P. Lafayette for Thers & Kornblau II, LLC:** Request for a provisional use  
1775 permit under Sections 24-62.2(f) and 24-122.1 of Chapter 24 of the County Code in order to  
1776 locate a stage and tent outside for a concert series in the courtyard/patio area of the Innsbrook  
1777 Shoppes, on part of Parcel 747-760-9391 (48-5-B-1B), containing approximately 6,200 square  
1778 feet, located on the north side of West Broad Street (U.S. Route 250) between Cox Road and  
1779 Dominion Boulevard. The existing zoning is B-2C Business District (Conditional). The Land Use  
1780 Plan recommends Commercial Concentration.  
1781  
1782 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.  
1783  
1784 Mr. Coleman - The County issued a festival permit to Sharky's Restaurant and  
1785 the adjacent Lava Restaurant last year to operate an outdoor concert series, and as a condition of  
1786 approval, directed the applicant to obtain a PUP before conducting this year's concerts. The  
1787 applicant has applied for a festival permit for this summer, and approval is contingent, in part, on  
1788 approval of this PUP application.  
1789  
1790 The festival permit process requires the applicant to address a number of items - including:  
1791  
1792 ♦ Sanitation and sewage, garbage, and trash disposal;  
1793 ♦ Provisions for food and water;  
1794 ♦ Emergency services;  
1795 ♦ Fire protection;  
1796 ♦ Parking and traffic control;  
1797 ♦ Crowd control; and

1798 ♦ Limiting sound (65 decibels) at the property lines  
1799  
1800 Because the festival permit process addresses these items, they do not normally require additional  
1801 attention during the PUP process. However, in the past, the Division of Police has received a  
1802 number of calls for service from the surrounding hotels due to noise from this type of activity.  
1803  
1804 In addition, staff is concerned about how access to the concert area will be managed. The  
1805 courtyard/patio area is approximately 6,000 square foot in size and will include tables, chairs, a  
1806 stage and/or bandstand and a tent. Movable fencing is positioned around much of the perimeter of  
1807 the area, and there are multiple points of access to the courtyard/patio area.  
1808  
1809 For the benefit of the Planning Commission and staff, I have requested that the applicant  
1810 describe how complaints about noise would be addressed and to explain how pedestrian access  
1811 to the courtyard/patio area will be managed.  
1812  
1813 The courtyard/patio area of the Innsbrook Shoppes appears to be an appropriate location to  
1814 operate this type of activity. The festival permit includes a number of conditions the applicant  
1815 must satisfy, and with the requirement for annual renewal, provides the opportunity for a  
1816 periodic review of the activities. If the applicant can demonstrate appropriate plans to respond  
1817 to complaints about noise and to control access to the courtyard/patio area, staff could  
1818 recommend approval of this request.  
1819  
1820 Should the Board of Supervisors decide to issue a Provisional Use Permit for the proposed  
1821 outdoor concert series, it is recommended the permit be granted subject to the conditions  
1822 contained in the staff report.  
1823  
1824 I would be happy to answer any questions.  
1825  
1826 Mr. Jernigan - Mr. Coleman, how many complaints have we had?  
1827  
1828 Mr. Coleman - The Division of Police did not provide a number, and in their  
1829 response to this case, they just indicated that through the years the various concert-type  
1830 activities, particularly here and at other nearby locations, that the noise complaints are an issue.  
1831  
1832 Mr. Jernigan - From hotel residents? Hotel people just staying there?  
1833  
1834 Mr. Coleman - Yes, sir.  
1835  
1836 Mr. Jernigan - OK.  
1837  
1838 Mr. Vanarsdall - Well, nobody is here by indications.  
1839  
1840 Mr. Jernigan - Let me ask you something. Are they going to have to get this  
1841 permit every year?  
1842  
1843 Mr. Coleman - Yes. The PUP is a one-time deal. It is a one-time deal for the  
1844 PUP, but the festival permit is an annual permit.  
1845  
1846 Mr. Jernigan - All right. I have got another question. There is a Texaco Station  
1847 or it is an Exxon Station on Nuckols Road that does the same thing. Do they file for a permit?  
1848  
1849 Mr. Coleman - I can find out for you.  
1850

1851 Mr. Jernigan - Well, I haven't seen one come through here. I've been here  
1852 over a year. It is an Exxon now and it is on Nuckols Road. I think they nicknamed it "Buckets,"  
1853 but it is a place where you can go in and buy, they have beer and they have a live band there  
1854 during the summer time. So, I am trying to find out what is the procedure. Everybody that has  
1855 an outside tent and/or band has to have a PUP?  
1856  
1857 Mr. Coleman - If it is outdoors, it should require a PUP. We can find out the  
1858 details of that specific site.  
1859  
1860 Mr. Jernigan - Well, I may be getting somebody in trouble, and I didn't mean  
1861 to, but I am just wondering why. I haven't seen anything else come through.  
1862  
1863 Mr. Coleman - I do know that there was a PUP approved for the Innsbrook  
1864 Pavilion, which is north of here, so there was a PUP approved for that facility.  
1865  
1866 Mr. Taylor - There has been a PUP for this facility for a number of years. I  
1867 don't know the one over on Nuckols is at the gas station in the restaurant. That might be a  
1868 smaller scale. There is also the bandstand that was built over...  
1869  
1870 Mr. Coleman - It could be a technicality whether that is considered an indoor or  
1871 outdoor facility. We can find out the details on that and get back with you.  
1872  
1873 Mr. Vanarsdall - Getting back to this one, you say you have not had that many  
1874 complaints?  
1875  
1876 Mr. Coleman - I can say the Police Department did report that at this location  
1877 and for this type of activity, that they do receive a number of calls, and that that is not unusual,  
1878 and what I was going to ask the applicant to do is to, to the Planning Commission and to the  
1879 Planning staff, is to describe how they would address those complaints.  
1880  
1881 Mr. Vanarsdall - The music used to be the biggest complaint. They used to have  
1882 it annually for the whole evening, and it was \$10 to get in, and they gave you a tee-shirt that  
1883 said Innsbrook on it. I have six of them. And they always had a great big band and they had to  
1884 always tone that down, and...  
1885  
1886 Mr. Marlles - Mr. Vanarsdall, just for your information and maybe you are not  
1887 aware of this, originally, Innsbrook did hold its concert series toward the Broad Street side of the  
1888 development. Several years ago, actually, they came before this Commission for a PUP. They  
1889 relocated that particular operation into the new section of Innsbrook in the back, closer to 295.  
1890 So, Innsbrook still has a concert series. They have been before this case, and their case, I  
1891 believe, was a multi-year approval for the PUP.  
1892  
1893 Mr. Jernigan - I believe that is what I am talking about.  
1894  
1895 Mr. Marlles - I don't know what is going on at the gas station. We are  
1896 unaware of that from a zoning standpoint.  
1897  
1898 Mr. Coleman - I know of what Mr. Jernigan is speaking. The Innsbrook Pavilion  
1899 was P-4-01, and there was a sunset clause on that PUP that it is approved until December 31,  
1900 2003.  
1901

1902 Mr. Taylor - Mr. Coleman, do you think that we can condition this somehow,  
1903 even if a letter, to ask them to make sure that as the night progresses and the crowd becomes  
1904 more boisterous, that the decibel level of the music doesn't go up, or do you think that...  
1905  
1906 Mr. Coleman - The condition already requires that they not create a nuisance,  
1907 and I think that, the difficulty is in defining that, and I think certainly that when calls are being  
1908 generated to the Division of Police that that constitutes a nuisance, and I think what I have  
1909 asked the applicant to do is to describe in the past and in the future how they choose to handle  
1910 that. And if that is something that we can put in a condition, yes. I think it is difficult to, it is  
1911 already in general terms as it is a condition.  
1912  
1913 Mr. Taylor - OK. Any other questions from the Commission. There being  
1914 none, I move approval of PUP-5-02.  
1915  
1916 Mr. Jernigan - Second.  
1917  
1918 Mr. Taylor - Motion made by Taylor and seconded by Mr. Jernigan. All in  
1919 favor say aye. All opposed say no. The ayes have it. The motion carries.  
1920  
1921 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of  
1922 Supervisors **grant** the request because it is reasonable in light of the surrounding uses and  
1923 existing zoning on the property.  
1924  
1925 Mr. Marlles - We do have approval of minutes of the March 14 Work Session  
1926 and Planning Commission meeting.  
1927  
1928 Mr. Taylor - We have to approve the minutes of March 14, 2002.  
1929  
1930 Mr. Vanarsdall - The first one is a work session, isn't it?  
1931  
1932 Mr. Marlles - Right.  
1933  
1934 Mr. Vanarsdall - I have many corrections on the work session. You want to hear  
1935 them. No. 26, Motion that this be a closed meeting. That should be session and not meeting.  
1936 No. 28, Mr. Chairman, I move we go into a closed session, not meeting. No. 42, Do I have a  
1937 motion that we close the Executive Session? It is no longer an Executive Session. It has been  
1938 changed by law as to a Closed Session because the newspapers and the people on the sunshine  
1939 law would rather for it to be called a Closed Session.  
1940  
1941 And then go to Page 2, No. 51, should be Closed Session and not Executive. No. 57 should be a  
1942 Session and not a Meeting. No. 59 should be Closed Session. No.63 should be Closed Session.  
1943 No. 67 should be Closed Session. No. 68 Closed Session. Then No. 72 should be Closed Session,  
1944 and 79 should be Closed Session and not Executive Session, and 86 should be Closed and not  
1945 Executive, 91 should be a motion on the certificate of the Session, the Closed Session. No. 102  
1946 should be Closed Session. And that is it. I didn't read any further than that. I ran out of time.  
1947  
1948 Mr. Marlles - Mr. Vanarsdall, I am very impressed. The Assistant County  
1949 Attorney reviewed those minutes and he didn't pick up on those.  
1950  
1951 Mr. Vanarsdall - He used the wrong word himself, if you notice in there where it  
1952 says. No. He used the correct word. Wait a minute. I will show you where he said it. Line 101,  
1953 Mr. Tokarz: The ayes have it. We are out of closed session and we certify the subject matter of  
1954 the closed meeting. So, he must have had his tongue on his eye-tooth and he missed it.

1955

1956 Mr. Taylor - Any other corrections?

1957

1958 Mr. Jernigan - I have a question. On Page 43, on the Regular Minutes.

1959

1960 Mr. Vanarsdall - I make a motion that we approve the Work Session Minutes with

1961 the 14 corrections, if it was 14.

1962

1963 Mr. Jernigan - Second.

1964

1965 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan.

1966 All in favor say aye. All opposed say no. The motion passes. The Work Session Minutes are

1967 approved. The next one is another section of minutes.

1968

1969 Mr. Jernigan - Now, this probably doesn't mean anything, but because it was

1970 on this zoning case, on the vote it says "The Commission voted 5-0 with one abstention."

1971

1972 Mr. Marlles - It was Mr. Thornton who abstained.

1973

1974 Mr. Jernigan - Well, Mr. Thornton normally does not have to vote, so if he

1975 didn't vote, I don't know why we showed an abstention. Because he doesn't have to. He can if

1976 it is his prerogative.

1977

1978 Mr. Silber - We always show him abstaining, on every vote.

1979

1980 Mr. Jernigan - Well, on this case, I just wanted to find out for sure. OK.

1981 Because I knew we voted for it and Mr. Thornton did not have to vote.

1982

1983 Mr. Taylor - All right. Do we have a motion that the minutes be approved?

1984

1985 Mr. Vanarsdall - I move that they be approved.

1986

1987 Mr. Jernigan - Second.

1988

1989 Mr. Taylor - Motion made by Mr. Vanarsdall. Seconded by Mr. Jernigan. All

1990 in favor say aye. All opposed say no. The motion passes. The Minutes of the March 14, 2002

1991 Planning Commission are approved.

1992

1993 Mr. Vanarsdall - I make a motion that the Commission adjourn.

1994

1995 Mr. Jernigan - Second.

1996

1997 Mr. Taylor - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan to

1998 adjourn. All in favor say aye. All opposed say no. The motion passes.

1999 The meeting adjourned at 9:34 p.m.

2000

2001

2002

2003 

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Allen Taylor, PE, Chairman

2004

2005

2006 

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John R. Marlles, AICP, Secretary

2007